

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

1. File Number: <b>39709</b>	2. Status Change Date: <b>7-16-19</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>7/3/2019</b>
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8a. Applicant(s)  New to system     Person ID **14543**  
 Add Seq# \_\_\_\_\_

**SCOTT & TRUDY K REISS**  
**22958 HIGHWAY 160**  
**PLAINS KS 67869-6809**

8c. Landowner(s)  New to system     Person ID \_\_\_\_\_  
 Add Seq# \_\_\_\_\_

8b. Landowner(s)  New to system     Person ID **65065**  
 Add Seq# \_\_\_\_\_

**REISS FAMILY INVESTMENT LLC**  
**WANDA MAE REISS**  
**12738 OVERBROOK RD**  
**LEAWOOD KS 66211-1622**

8d. WUC  New to system     Person ID \_\_\_\_\_  
 Add Seq# \_\_\_\_\_

**8a**

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/19**     N & P Date to Comply: **12/31/20**

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **7/15/2019**    By: **AM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_



File No. **39709**      11. County: **SW**      Basin: **CIMARRON RIVER**      Stream: \_\_\_\_\_      Formation Code: **211** / **331** Special Use: \_\_\_\_\_

12. Points of Diversion CHK MOD DEL ENT	PDIV	Qualifier	S T R ID 'N 'W						Comment (AKA Line)	Rate and Quantity		Additional		Overlap PD Files
			Rate gpm	Quantity af	Rate gpm	Quantity af								

<b>DEL</b>	<b>36408</b>														
<b>ENT</b>	<b>SE SE SE</b>	<b>14</b>	<b>32S</b>	<b>31W</b>	<b>24</b>	<b>5263</b>	<b>865</b>	<b>291</b>	<b>865</b>	<b>291</b>	<b>NONE</b>				

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>CHK</b>	<b>311</b>																									

Base Acres: \_\_\_\_\_ Year: \_\_\_\_\_ Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: \_\_\_\_\_

Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

July 16, 2019

SCOTT & TRUDY K REISS  
22958 HIGHWAY 160  
PLAINS KS 67869-6809

RE: Water Right, File No. 39709

Dear Sir and Madam:

Enclosed is an order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flowmeter must be installed on the diversion works authorized under the referenced file number and meet current specifications.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM:  
enclosures  
pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



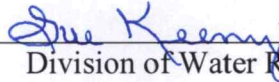
**CERTIFICATE OF SERVICE**

On this 16<sup>th</sup> day of July, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 39,709, dated 16<sup>th</sup> day of July, 2019 was mailed postage prepaid, first class, US mail to the following:

SCOTT & TRUDY K REISS  
22958 HIGHWAY 160  
PLAINS KS 67869-6809

With photocopies to:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



---

Division of Water Resources Staff



Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

## DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



**STATE OF KANSAS**

**Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.**  
 Fee Schedule is on the third page of this application form.

**Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions.** If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 39709

**RECEIVED**  
 10:30 AM  
**JUL 03 2019**  
 Garden City Field Office  
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: SCOTT & TRUDY K REISS

22958 HIGHWAY 160, PLAINS KS 67869-6809

Phone Number: (    )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: NO CHANGE

Phone Number: (    )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Reiss Family Two LLC

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 7-3-19 Check # 1731



5. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 14, Township 32 South, Range 31 W, in SW County, Kansas, 2610 feet North 4700 feet West of Southeast corner of section. Authorized Rate --- Authorized Quantity --- Depth of well 380 (feet)  
**(DWR use only: Computer ID No. 02 GPS 37.26421 feet North -100.66914 feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the SE Quarter of the SE Quarter of the SE Quarter of Section 14, Township 32 South, Range 31 W, in SW County, Kansas, 24 feet North 5269 feet West of Southeast corner of section. Proposed Rate --- Proposed Quantity --- Proposed well depth (feet) 490+.  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

4 GPS - 37.25733 -100.67103

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_.  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. The changes herein are desired for the following reasons?  
 (please be specific) old well needs to be replaced

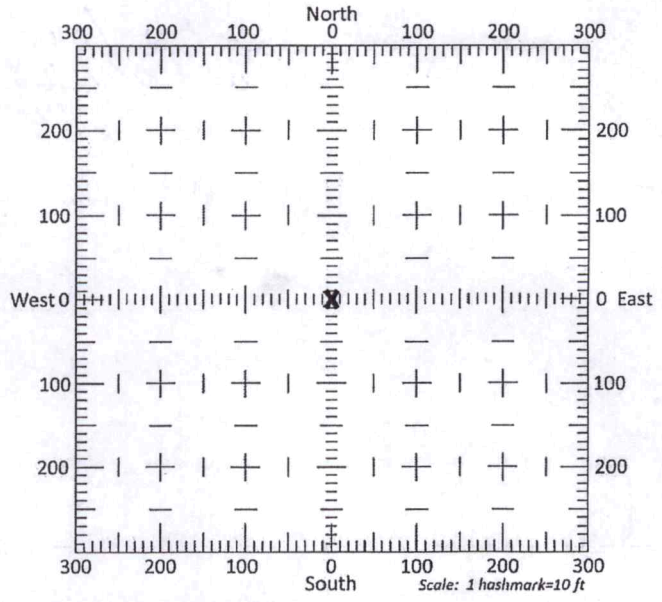
8. If a well, is the test hole log attached?  Yes  No

9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
plug  
 (b) When will this be done? 2019

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by MJM



13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines

13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)



14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

[Signature]  
\_\_\_\_\_  
(Owner)

[Signature]  
\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Kansas } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3<sup>rd</sup> day of July, 2019.

[Signature]  
\_\_\_\_\_  
Notary Public

My Commission Expires 1-25-20.

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less . . . . . \$100
- (2) Application to change a point of diversion more than 300 feet . . . . . \$200
- (3) Application to change the place of use . . . . . \$200



**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 39709.

1. A change application was received on July 3, 2019 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 2640 feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2019**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2019**, or within any authorized extension of time. By March 1, 2020 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11. Additional Conditions are attached.  Yes  No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND SUMMARY ORDER ISSUED**

By: Michael A. Meyer  
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: July 16, 2019

State of Kansas )

) SS

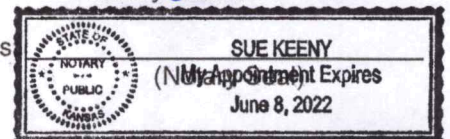
County of Finney )

Acknowledged before me on July 16, 2019

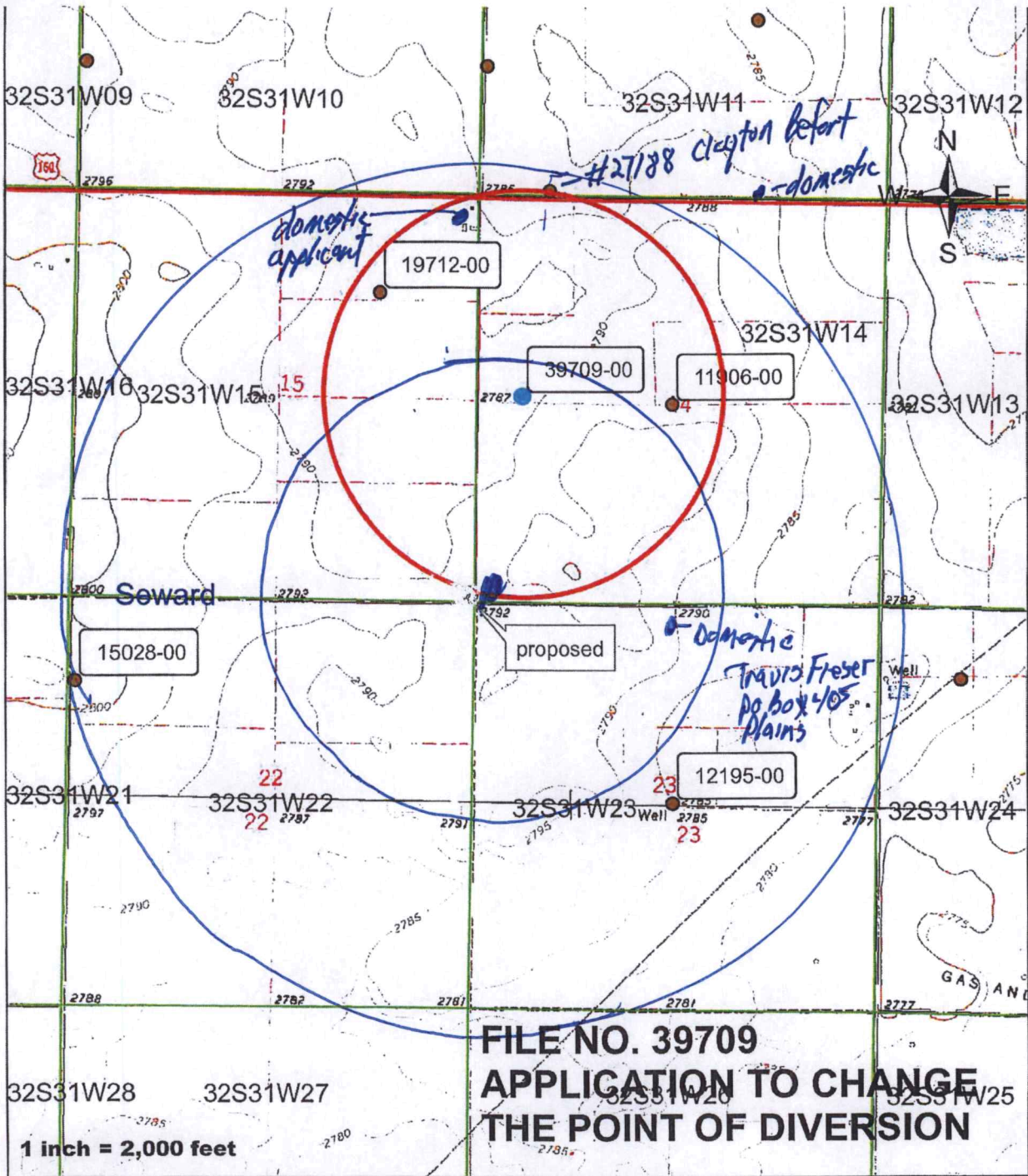
by Michael A. Meyer

Signature: Sue Keeny  
Notary Public

My commission expires





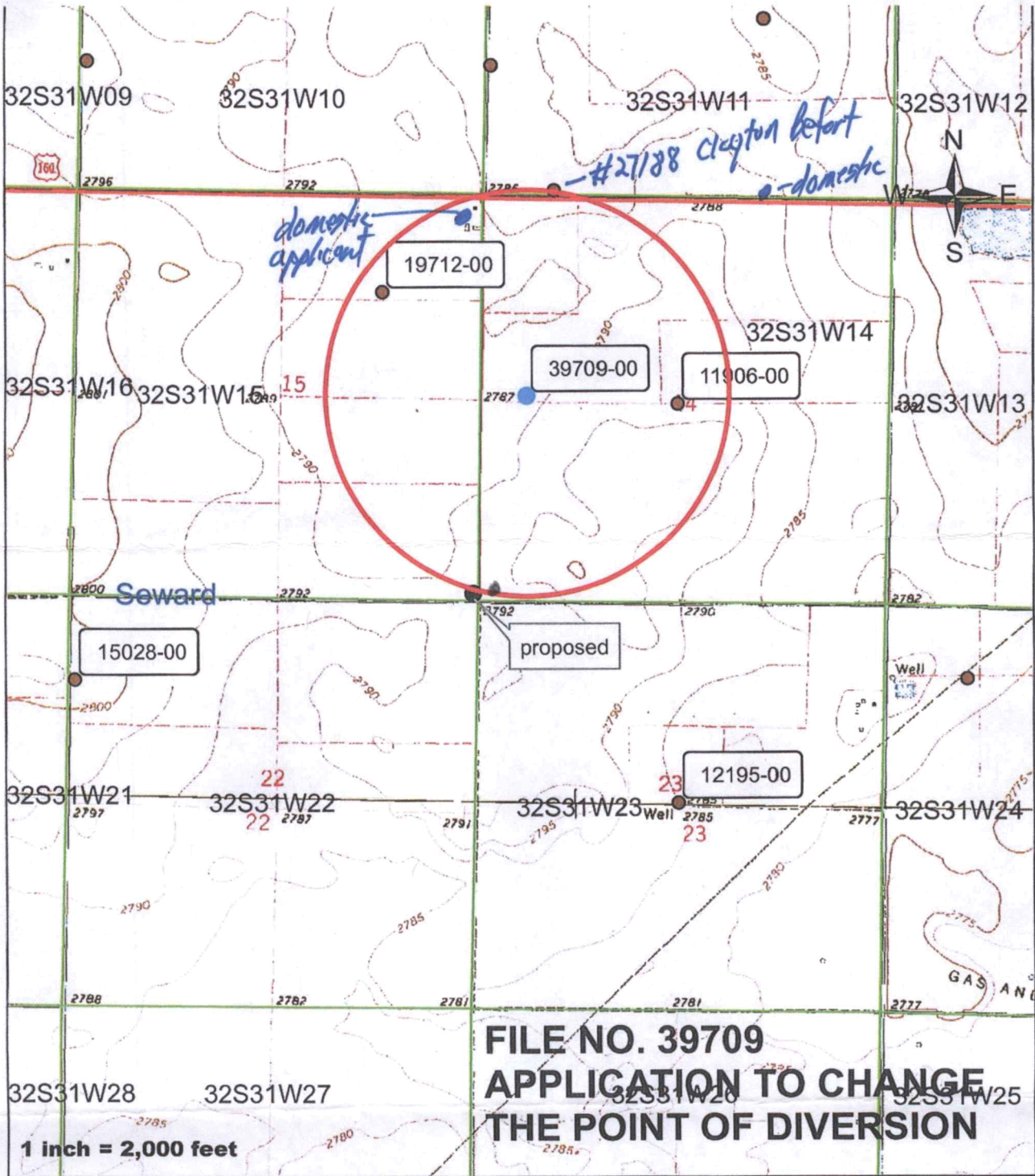


**FILE NO. 39709  
APPLICATION TO CHANGE  
THE POINT OF DIVERSION**

**X**

**APPLICANT SIGNATURE**

**ALL WELLS WITHIN ONE HALF MILE HAS BEEN PLOTTED**



**FILE NO. 39709  
APPLICATION TO CHANGE  
THE POINT OF DIVERSION**

X Scott Ross  
**APPLICANT SIGNATURE**

**ALL WELLS WITHIN ONE HALF MILE HAS BEEN PLOTTED**



#39709

#39709

original - 37.26921  
-100.66914  
mm/pwd

Customer Scott Poise #1 Date 4.9.19  
Test hole #        E-Log NO Driller MR  
Total Depth        Total Pay         
County Seward Quarter SW, SW, SW Section 15 Township 32S Range 71W  
GPS Location 37.2573, -100.6714

FOOTAGE		Description of Strata
From	To	
0	5	top soil
5	16	Fine sand
16	92	Fine sand clay mix
92	110	course sand small gravel
110	175	course sand clay strips (very small strips)
175	262	course sand small gravel strips
262	345	course sand
345	372	medium sand clay strips
372	438	course sand
438	450	medium sand clay strips (tight clay)
450	465	tight clay
465	475	medium sand clay mix
475	490	cleaner sand stone mix
490	500	Red Bed

500 TD

Garden City Field Office  
4532 W. Jones, Suite A  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

July 3, 2019

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO. 3  
409 CAMPUS DRIVE, SUITE 106  
GARDEN CITY KS 67846

Re: Water Right File No. 39709

Dear Mr. Norquest:

This is to advise you that Scott Riess has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for the above referenced file. We have sent one nearby letter to a domestic well owner within one half mile of the proposed location at this same time. Should any responses be received, they will be forwarded to you during this review period.

We are delaying action on the change application to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

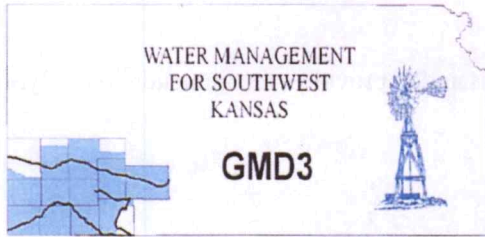
Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures





**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

July 15, 2019

Michael A. Meyer  
Division of Water Resources  
4532 W Jones Ave., Suite B  
Garden City, Kansas 67846

RE: Application for Change in Point of Diversion  
Water Right, File No. 39709

Dear Mike:

We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft in cases where saturated thickness is between 150-200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that none of the wells exceeded the 3.5 ft maximum allowable threshold. The results were based on the proposed well pumping at full authority. Phone conversations with neighbors resulted in no concerns raised.

The Board discussed this application at the July 10, 2019 meeting. Even though current area rules are met, the main discussion was on the process that was gone through on this well. The proposed well did meet the spacing rules, however it had been drilled and pumped prior to an application being officially submitted, which would make it an illegal well. The Board believes that we cannot be authorizing applications automatically if the proper application process was not followed. It would be setting a very unfavorable presentence for the area and District. It was determined that both the applicant and the well driller were at fault in this case and both should share the blame. DWR has the authority to fine the applicant for an illegal diversion, in accordance with K.A.R. 5-14-10. The well driller is held to standards determined by Kansas Department of Health and Environment, Bureau of Water. After discusses, the board sees this move as reasonable and unlikely to impair neighboring wells. It is therefore recommended that the application be approved, and request DWR and KDHE to enforce a penalty to the applicant and well driller respectively.

RECEIVED

JUL 16 2019

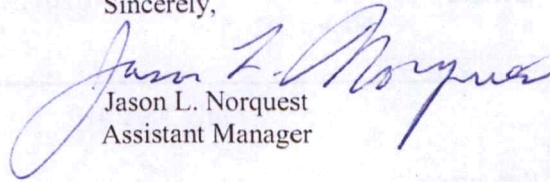
Working Water Conservation Every Day Since 1976

Garden City Field Office  
Division of Water Resources



Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager

RECEIVED

JUL 18 2019



## GMD3 Change Review

---

File No(s): 39709. DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: Reiss Family.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Scott Reiss.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 02 being changed.

	ft. North	ft. West	
Authorized PD	2610	4700	Sect 14-32-31
Proposed PD	24	5269	
Difference	2586 s	-569 w	
$a^2 + b^2 = c^2$	6687396	323761	2647.859 foot SW

GPS for proposed PD: Lat: 37.25733 Long: -100.67103.

Is proposed PD stacking on existing WRs? NO.

Is Proposed PU overlapping existing WRs? \_\_\_.

Land Owner(s) notified: \_\_\_.

Name \_\_\_. Name \_\_\_.

Address \_\_\_. Address \_\_\_.

Zip \_\_\_. Zip \_\_\_.

Neighboring certified well(s) notified: \_\_\_.

Name \_\_\_. Name \_\_\_.

Address \_\_\_. Address \_\_\_.

Zip \_\_\_. Zip \_\_\_.

Domestic well(s) notified: \_\_\_.

Name \_\_\_. Name \_\_\_.

Address \_\_\_. Address \_\_\_.

Zip \_\_\_. Zip \_\_\_.

Base Acres: \_\_\_.

Perfected Acres: \_\_\_.

Irr. Return-Flow \_\_\_%

**WELL HAS BEEN DRILLED ALREADY.**

**DWR staff called the domestic well that is within half mile. They got more information on the well since it was not in WWC5 and talked to the owner. Owner was surprised the well was not permitted yet, but had no concerns about the move and would not object to the move.**

**Maximum allowable effect for this area according to our guidelines is 3.5ft (150-200' saturated thickness. None of the wells within a mile of the proposed well exceeded that amount, with the highest effect being 1.6ft. The wells being moved away from showed a benefit.**

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JUL 16 2019

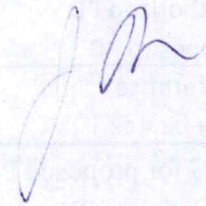
Garden City Field Office  
Division of Water Resources



## GMD3 Change Review

---

Is a waiver needed: All current area rules are met as far as spacing to other wells.  
Recommendation: reviewed with Board at July 10<sup>th</sup> meeting. The change meets all the rules, has good hydraulic test for the area and no objections from the neighbors. The Board recommends approval of the application, but wants DWR to inforce KAR 5-14-10 and also notify and have KDHE, Bureau of Water notified to justly deal with the well driller that constructed the site prior to approval.

A handwritten signature in blue ink, appearing to be 'J.M.', is written on the right side of the page.

RECEIVED

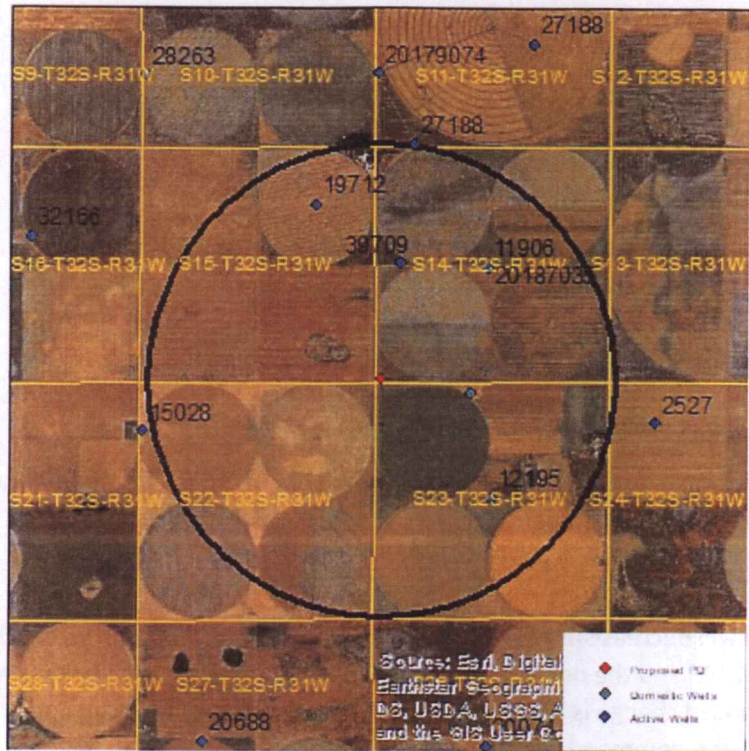
JUL 16 2018

Division of Water Resources  
Water Resources Office



**Evaluation of proposed reallocation for Water Right No 39709**

Proposed: Move water right no. 39709 a distance of 2631 ft to the southwest.



Wells within 1 mile: 11906, 27188, 19712, 12195, and a domestic well in section 23-32-31.

The saturated thickness at the proposed well location is estimated to be 199 ft, based on an observation well in section 26-32-31 and local drillers' logs. For saturated thicknesses between 150 and 200 ft, the drawdown allowance is 3.5 ft.

**50 year Theis Analysis:** The following values were used to run the analysis:

S = 0.1457, T = 4570 ft<sup>2</sup>/day, tp<sub>current</sub> = 105 days (based upon observed rate and reported quantity),  
 Q<sub>current</sub> = 865 gpm (based upon observation during 2017 field inspection), tp<sub>proposed</sub> = 76 days,  
 Q<sub>proposed</sub> = 865 gpm.

Theis drawdowns were calculated as follows:

- 11906:                      Drawdown from current location = 4.23 ft  
                                  Drawdown from proposed location = 3.11 ft  
                                  Net drawdown = **-1.1 ft**
  
- 27188:                      Drawdown from current location = 3.40 ft  
                                  Drawdown from proposed location = 2.39 ft  
                                  Net drawdown = **-1.0 ft**

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 Garden City Field Office  
 Division of Water Resources



19712: Drawdown from current location = 3.79 ft  
Drawdown from proposed location = 2.77 ft  
Net drawdown = **-1.0 ft**

12195: Drawdown from current location = 2.15 ft  
Drawdown from proposed location = 3.01 ft  
Net drawdown = **0.9 ft**

Domestic 23-32-31: Drawdown from current location = 2.99 ft  
Drawdown from proposed location = 4.60 ft  
Net drawdown = **1.6 ft**

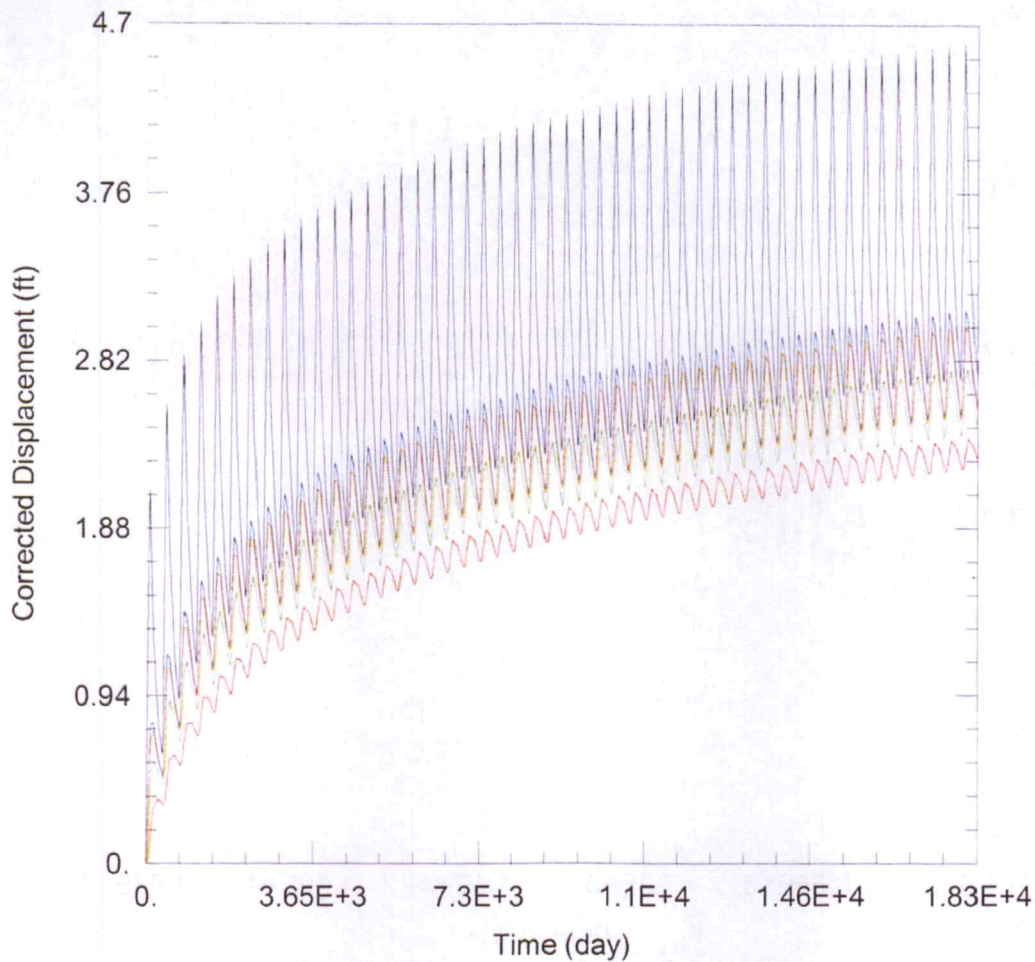
None of the net well effects exceed the drawdown allowance of 3.5 ft, therefore none of the neighboring wells are likely to be impaired.

**Conclusion:**

The proposed move will decrease drawdown effect to 3 of the 5 neighboring wells. The increased effect on water right no. 12195 and the domestic well in section 23-32-31 are well within the 3.5 ft drawdown allowance. The proposed change is not likely to unreasonably contribute to an impairment situation. Therefore, GMD3 staff recommends approval of the application.

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Division of Field Office  
District Manager's Office





**WELL TEST ANALYSIS**

Data Set: C:\Users\trevora\Documents\2019\_moves\39709\39709 Proposed.aqt

Date: 07/03/19

Time: 14:43:35

**PROJECT INFORMATION**

Company: GMD 3

Project: 39709

Location: Seward County

Test Well: 39079

**WELL DATA**

**Pumping Wells**

Well Name	X (ft)	Y (ft)
39709	37375	139228

**Observation Wells**

Well Name	X (ft)	Y (ft)
□	37375	139228
□ 11906	39786	141755
□ 27188	38123	144488
□ 19712	35901	143131
□ 12195	39881	136589
□ Domestic 23-32-31	39404	138917

**SOLUTION**

Aquifer Model: Unconfined

T = 4570. ft<sup>2</sup>/day

Kz/Kr = 1.

Solution Method: Theis

S = 0.1457

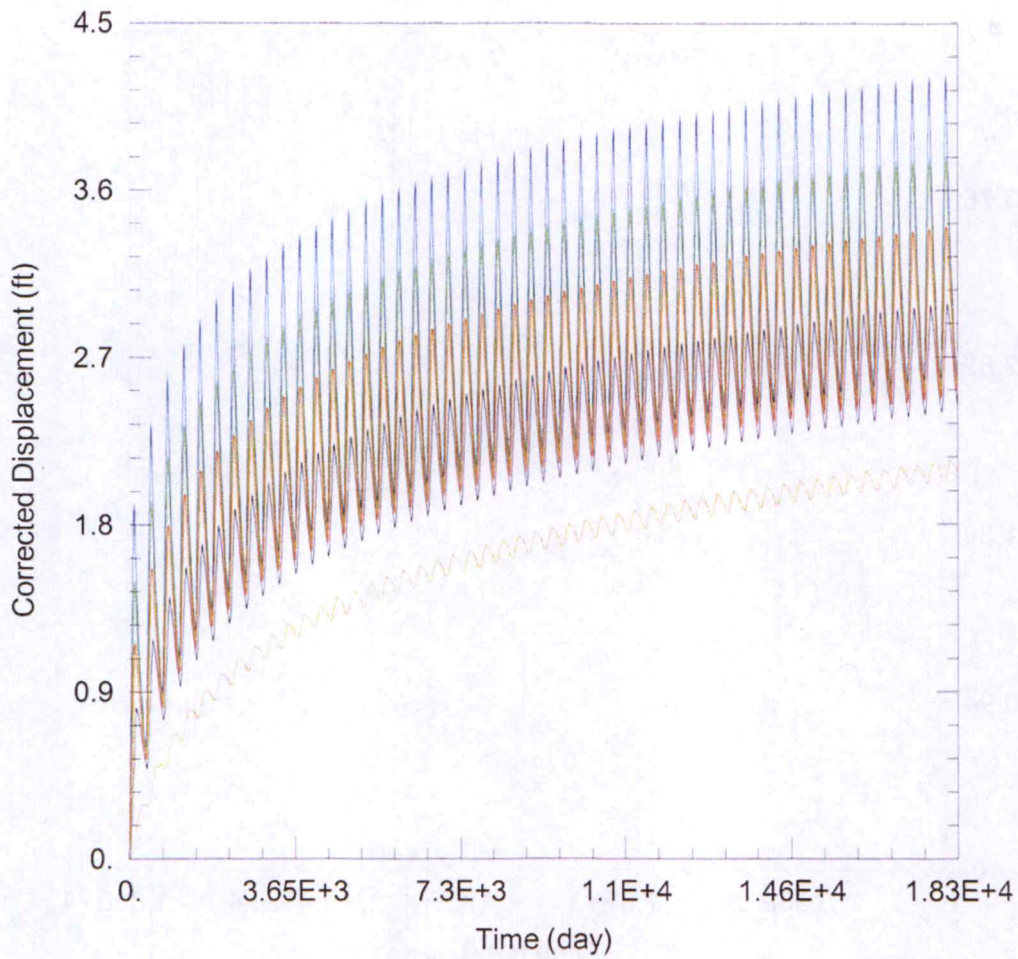
b = 199. ft

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**JUL 16 2019**

Garden City Field Office  
Division of Water Resources





WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019\_moves\39709\39709 Current.aqt  
 Date: 07/03/19 Time: 14:43:42

PROJECT INFORMATION

Company: GMD 3  
 Project: 39709  
 Location: Seward County  
 Test Well: 39079

WELL DATA

Pumping Wells			Observation Wells		
Well Name	X (ft)	Y (ft)	Well Name	X (ft)	Y (ft)
39709	37815	141822	□	37815	141822
			□ 11906	39786	141755
			□ 27188	38123	144488
			□ 19712	35901	143131
			□ 12195	39881	136589
			□ Domestic 23-32-31	39404	138917

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis

T = 4570 ft<sup>2</sup>/day

S = 0.1457

Kz/Kr = 1

b = 199 ft

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

24 ft N and 5269 ft W of the SE Corner of Section 14, T 32S, R 31W

Located at: 100.671029 West Longitude and 37.257329 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A_ 11906	00	IRR	NK	G	3568	--	NE	NE	SW	2536	2735	14	32	31W	3	1600	291.00	291.00	AF
A_ 12195	00	IRR	NK	G	3732	--	SW	SW	NE	2735	2580	23	32	31W	1	2300	1021.00	1021.00	AF
A_ 19712	00	IRR	NK	G	4122	--	--	NC	NE	3960	1320	15	32	31W	1	1600	169.00	169.00	AF
A_ 39709	00	IRR	NK	G	2648	--	NW	NW	SW	2610	4700	14	32	31W	2		291.00	291.00	AF
T_20187035	MF	IRR	GY	G	3568	--	NE	NE	SW	2536	2735	14	32	31W	3		1455.00	.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1772.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1772.00	.00

An \* after the source of supply indicates a pending application for change for the file number.

An \* after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

100.671029 West Longitude and 37.257329 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A\_ 11906 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

-----

A\_ 12195 00 IRR NK G

> DEAN FIESER

>

> PO BOX 363

> PLAINS KS 67869

-----

A\_ 19712 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

-----

A\_ 39709 00 IRR NK G

> SCOTT & TRUDY K REISS

>

620-626-9410  
563-9533

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Garden City Field Office  
Division of Water Resources

GPS show < 1/2 mile more  
@ 2565 ft.



> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

T\_20187035 MF IRR GY G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

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JUL 1 8 51 AM

Division of Water Resources  
Kansas State University

Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

July 3, 2019

TRAVIS FIESER  
PO BOX 405  
PLAINS KS 67896-0405

RE: Water Right, File No. 39709

Dear Sir:

This is to advise you that Scott Reiss has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to point of diversion under the above referenced application. An irrigation well is proposed to be relocated to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14-32-31 West, Seward County.

You can find the complete application posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices)

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in black ink that reads "Michael A. Meyer". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michael A. Meyer  
Water Commissioner

MAM

Pc:

Groundwater Management District No. 3

A yellow rectangular sticky note with handwritten text in black ink. The text reads: "I called mm", "travis 7-3-18", "NO concens", and "except illegal well". The note is slightly tilted and has some shadows, suggesting it is attached to the document.

I called mm  
travis 7-3-18  
NO concens  
except illegal well

SCANNED



## Meyer, Mike [KDA]

---

**From:** Mark Rude <mrude@gmd3.org>  
**Sent:** Tuesday, July 2, 2019 11:25 AM  
**To:** Meyer, Mike [KDA]  
**Cc:** Bret Rooney (bret.rooney@yahoo.com); Jason Norquest; Mike O'Brate; Mike McNiece ; Fred Jones; 'dbfoxfarms@gmail.com'  
**Subject:** RE: scott reiss illegal well

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thanks for the heads-up, Mike.

The lead example on the Befort case is not helping this. There is very little will in the governing body to accommodate this unlawful well activity, especially now in that area and where we don't have the information the law requires for such a proposal. The demonstration requirement is the same for a term permit as for other proposals and we need to evaluate that information. There is a lot of wells to evaluate, potentially including the old Befort well. The proper approach here is probably for issuing a cease and desist order on the unlawful well and consider sanctions, assisting the applicant with needed applications and avoid a term permit accommodation if there is supply available from the authorized well. This avoids any rewarding of the unlawful activity and keeps priority of review where it should be in the submittal of the change application. We need to chase the well drilling community on this also and I will communicate with the KGWA. My thoughts off hand.

Mark

Mark E. Rude, Executive Director

Southwest Kansas Groundwater Management District No. 3

2009 E. Spruce Street

Garden City, KS 67846

O (620) 275-7147

C (620) 272-3001

---

**From:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>

**Sent:** Tuesday, July 2, 2019 9:42 AM

**To:** Mark Rude <mrude@gmd3.org>

**Cc:** Jason Norquest <norquest@gmd3.org>

**Subject:** scott riess illegal well

Mark, before I send scott his change application to cover his pumping illegal well, he asked for a term permit to keep pumping. I need to know timeline or board thoughts on this issue so I know how to respond to scott on time frame or authority. He said he can move the equipment back to the old well if needed, he needs to pump water. I am open to get him authority (change approval or term) if all review is good, as our goal is to gain compliance, but I know the boards thoughts on illegal wells, and I need to know your time frame on a change review or a term permit review?

*Mike*