

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

1. File Number: <b>4365</b>	2. Status Change Date: <i>4-16-2021</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
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>3/19/2021</b>
8a. Landonwer, New to system <input checked="" type="checkbox"/>  <b>CHEATHAM-KILGORE FARMS LLC 1225 COUNTRYSIDE DR MCPHERSON KS 67460</b>		8c. Landonwer(s) New to system <input type="checkbox"/>  Person ID <u>?</u> Add Seq# _____		
8b. Landonwer(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____		8d. WUC New to system <input type="checkbox"/>  <b>BRYCE A &amp; RHONDA F WILKERSON PO BOX 568 JOHNSON, KS 67855-0568</b>  Person ID <u>25302</u> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2021</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>3/1/2022</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>4/16/2021</b> By: <b>MAM</b> Date Entered: _____    By: _____				

File No. **4365**      11. County: **GT**      Basin: **NF CIMARRON RIVER**      Stream:      Formation Code: **331**      Special Use:

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

**DEL 49215**  
**ENT      NWNWSE      7      29S      38W      2508      2384      885      476      885      476      NONE**

**\*NOTE RATE REDUCTION**

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
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
<b>CHK 10937</b>																		<b>8A</b>	<b>Y</b>	<b>18227</b>
<b>CHK</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

April 16, 2021

CHEATHAM-KILGORE FARMS LLC  
1225 COUNTRYSIDE DR  
MCPHERSON KS 67460

RE: Water Right, File No. 4365

Dear Madam and Sir:

Enclosed is an 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 the approval for change. Conditions of this approval are that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed. Please also note the additional conditions attached to the order.

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

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment

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

Sincerely,



Michael A. Meyer  
Water Commissioner

MAM  
enclosures  
pc: BRYCE WILKERSON  
GMD3

**CERTIFICATE OF SERVICE**

On this 16<sup>th</sup> day of April 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 4,365 dated 16<sup>th</sup> day of April 2021 was mailed postage prepaid, first class, US mail to the following:

CHEATHAM-KILGORE FARMS LLC  
1225 COUNTRYSIDE DR  
MCPHERSON KS 67460

Pc:

BRYCE A & RHONDA F WILKERSON  
PO BOX 568  
JOHNSON, KS 67855-0568

GROUNDWATER MANAGEMENT DISTRICT NO. 3

  
\_\_\_\_\_  
Division of Water Resources Staff

CHEATHAM - KILGORE

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.

RECEIVED  
9:20 Am  
MAR 19 2021

File No. 4365

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

Garden City Field Office  
Division of Water Resources

2. Name and address of Applicant: ~~BRYCE A & RHONDA F WILKERSON~~ TONY & LADONNA CHEATHAM  
~~PO BOX 568, JOHNSON, KS 67855-0568~~ 1225 COUNTRY SIDE DR, McPHERSON, KS 67460

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

Name and address of Water Use Correspondent: ~~BRYCE A & RHONDA F WILKERSON~~ TONY & LADONNA CHEATHAM  
~~PO BOX 568 JOHNSON KS 67855 - 0568~~ 1225 COUNTRY SIDE DR. McPHERSON, KS 67460

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

3. The presently authorized place of use is:

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			

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 3-19-21 Check # 1022

X Agree to 885 GPM: OWNERS: Kerry Cheatham 4/15/2021

**ntly authorized point of diversion:**

*signature + date*

the CN Quarter of the NE Quarter of the SE Quarter  
of Section 7, Township 29 South, Range 38 W,  
in Grant County, Kansas, 2600 feet North 650 feet West of Southeast corner of section.  
Authorized Rate 1518 GPM Authorized Quantity 476 AF Depth of well 515 (feet)  
(DWR use only: Computer ID No. 01 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 NW Quarter of the NW Quarter of the SE Quarter  
of Section 7, Township 29 South, Range 38 W,  
in Grant X County, Kansas, 2508 feet North 2384 feet West of Southeast corner of section.  
Proposed Rate 885 GPM Proposed Quantity 476 AF Proposed well depth (feet) 602  
This point is:  Additional Well  Geo Center List other water rights that will use this point         

6. **Presently authorized point of diversion:**

One in the          Quarter of the          Quarter of the          Quarter  
of Section         , Township          South, Range          W,  
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          (E/W),  
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)         

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

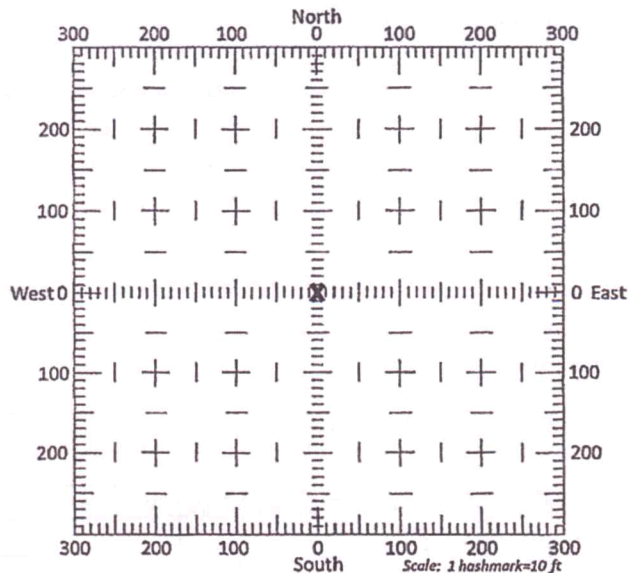
9. The change(s) (was)(will be) completed by?  
        

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by HH / GCFO         

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.)

**RECEIVED**

APR 15 2021

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 legal 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 GARDEN CITY, Kansas, this 19<sup>th</sup> day of MARCH, 2021

<u>Tony Cheatham</u> (Owner)	_____	(Spouse)
<u>Tony Cheatham</u> (Please Print)	_____	(Please Print)
<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>LaDonna Cheatham</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }  
 County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of March, 2021.

Tammy Flowers  
 Notary Public

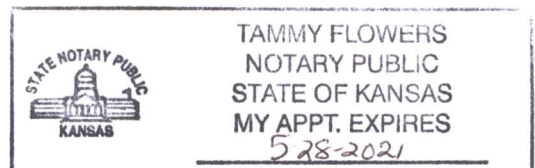
My Commission Expires 5-28-21

**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. 4365

1. A change application was received on March 19, 2021 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 300 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, 2021**, 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, 2021**, or within any authorized extension of time. By March 1, 2022 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: April 16, 2021

State of Kansas )

) SS

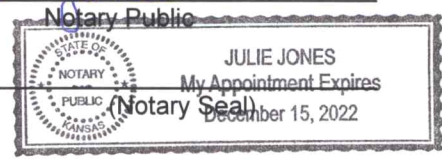
County of Atterney )

Acknowledged before me on April 16, 2021

by Michael A. Meyer

Signature: Julie Jones

My commission expires: \_\_\_\_\_





ADDITIONAL CONDITIONS TO  
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE  
AND IMPOSING CONDITIONS,  
Water Right, File Nos. 4,365

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following condition is included as a condition of the approval of this application for change in point of diversion.

This order effectively reduces the authorized maximum rate of diversion to a rate not to exceed 885 gallons per minute (1.97 c.f.s.) from the authorized point of diversion described herein.

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

(Print Name): Michael A. Meyer  
Division of Water Resources Kansas Department of Agriculture

Dated of Issuance: April 16, 2021

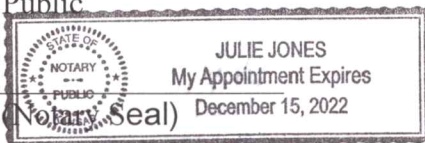
State of Kansas                    )  
  ) SS  
County of Finney                )

Acknowledged before me on the 16<sup>th</sup> day of April 2021

By Michael A. Meyer

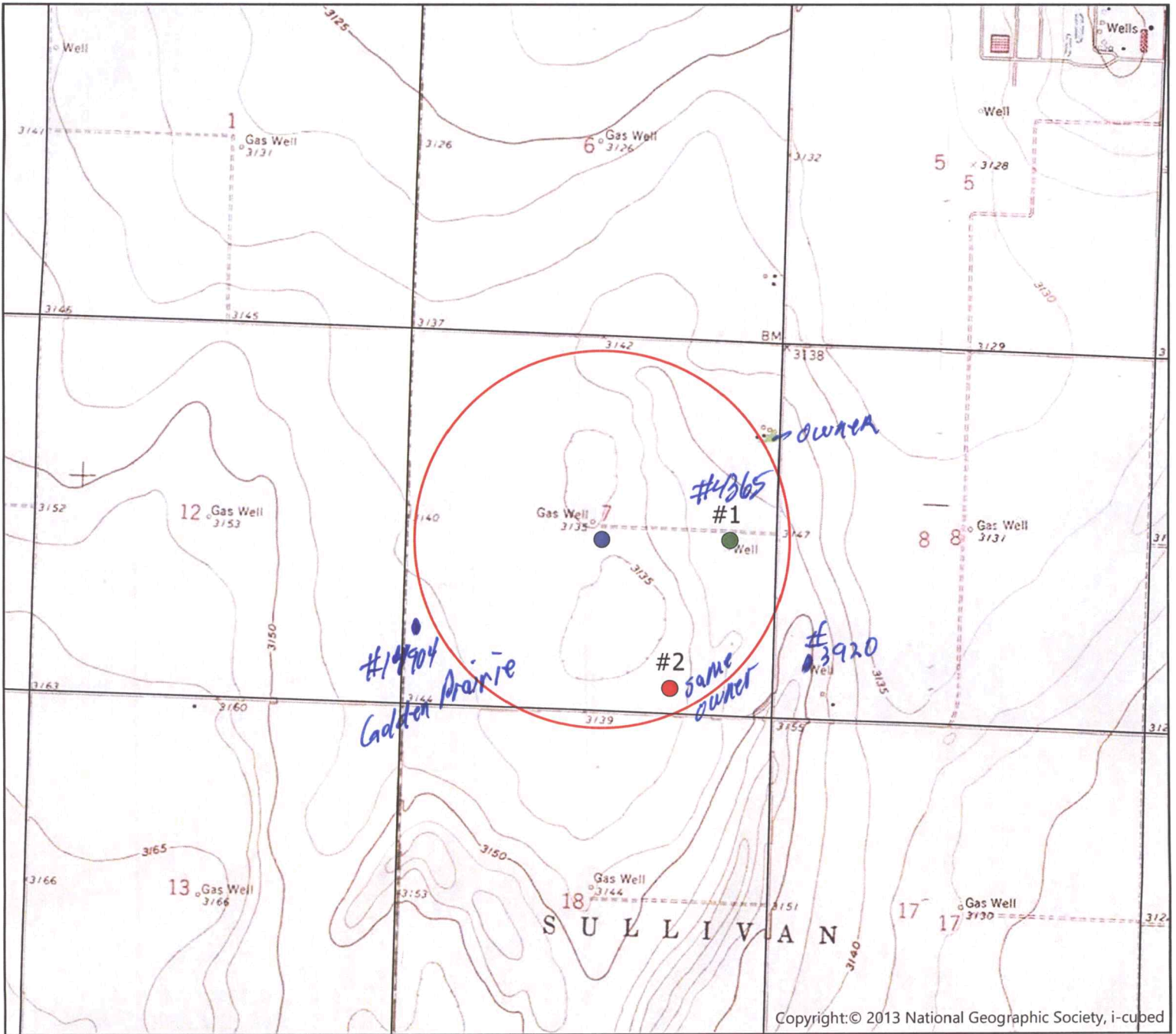
Signature Julie Jones  
Notary Public

My Commission expires: \_\_\_\_\_



# CHANGE IN POINT OF DIVERSION WATER RIGHT, FILE NO. 4365

Section 7 Township 29 South Range 38 West Grant County



Copyright:© 2013 National Geographic Society, i-cubed

- Authorized Point of Diversion
- Proposed Point of Diversion
- Permitted Wells within 1/2 mile
- ★ Domestic Wells within 1/2 mile
- 1/2 Mile Buffer

List of owner name and addresses within 1/2 mile:

- #1 File No. 4365  
OWNER
- #2 File No. 18227  
OWNER



All wells of any kind within 1/2 mile of the proposed point of diversion have been plotted.

(Signature) \_\_\_\_\_ Date \_\_\_\_\_

Date: 3/12/2021 HH/GCFO  
Scale: 1:24,000

3795 W. Jones Ave.  
 Garden City, KS 67846  
 PH: 620-277-2389



PO Box 639  
 Garden City, KS 67846  
 Fax: 620-277-0224

Customer Name: Cheatham - Kilgore Farm, LLC WO#: 21235 Date: 3-11-21  
 Street Address: 1225 COUNTRY SIDE DRIVE Test #: 3 E LOG: Yes  
 City, State: McPHERSON, KS 67460 Driller: Dale Guinn  
 County: Grant Quarter: SE Section: 7 Township: 29 Range: 38  
 Location: GPS: N 37.54011 W 101.51639  
 Rig #: 10003 Elevation: 3146' Static WL: Approx. 360' Estimated?  
 Proposed Well Depth 602

WELL LOCATION 20' Sump

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		27	Brown Sandy Clay
	27		41	Brown Clay
	41		69	Brown Sandy Clay w/some Calich Mixed
	69		74	Blue Clay
	74		174	Brown Clay
	174		178	Fine Med Course Sand w/ Clay
	178		220	Brown Clay
	220		235	Brown Clay w/Some Fine Sand Layers
	235		275	Brown Clay
	275		324	Fine Med Sand w/some clay layers
	324		340	Brown Clay w/Few Sand Layers
	340		358	Brown Clay
5	358	22	382	Fine Some Med Sand w/ clay layers
	382		398	Brown Clay
10	398	17	415	Fine Sand w/Some clay layers
15	415	11	426	Fine Sand
35	426	39	465	Fine Med Course Sand w/Brown & Tan Rock
20	465	9	474	Fine Med Course Sand w/Brown & Tan Rock & Some Clay Layers
10	474	26	500	Sandstone & Some Soapstone
	500		510	Soapstone w/Few Sandstone Strips
15	510	50	560	Sandstone
5	560	8	568	Soapstone & Sandstone
15	568	14	582	Sandstone
	582		596	Soapstone w/Few Sandstone Strips & Iron Pyrite Strips
	596		600	Red Bed
				Super Gel X -4
				Platinum Pac -1/2 Bag
				Grout -2
				Hole Plug -4
				Perm Plug -1

101.53333° W

101.51667° W

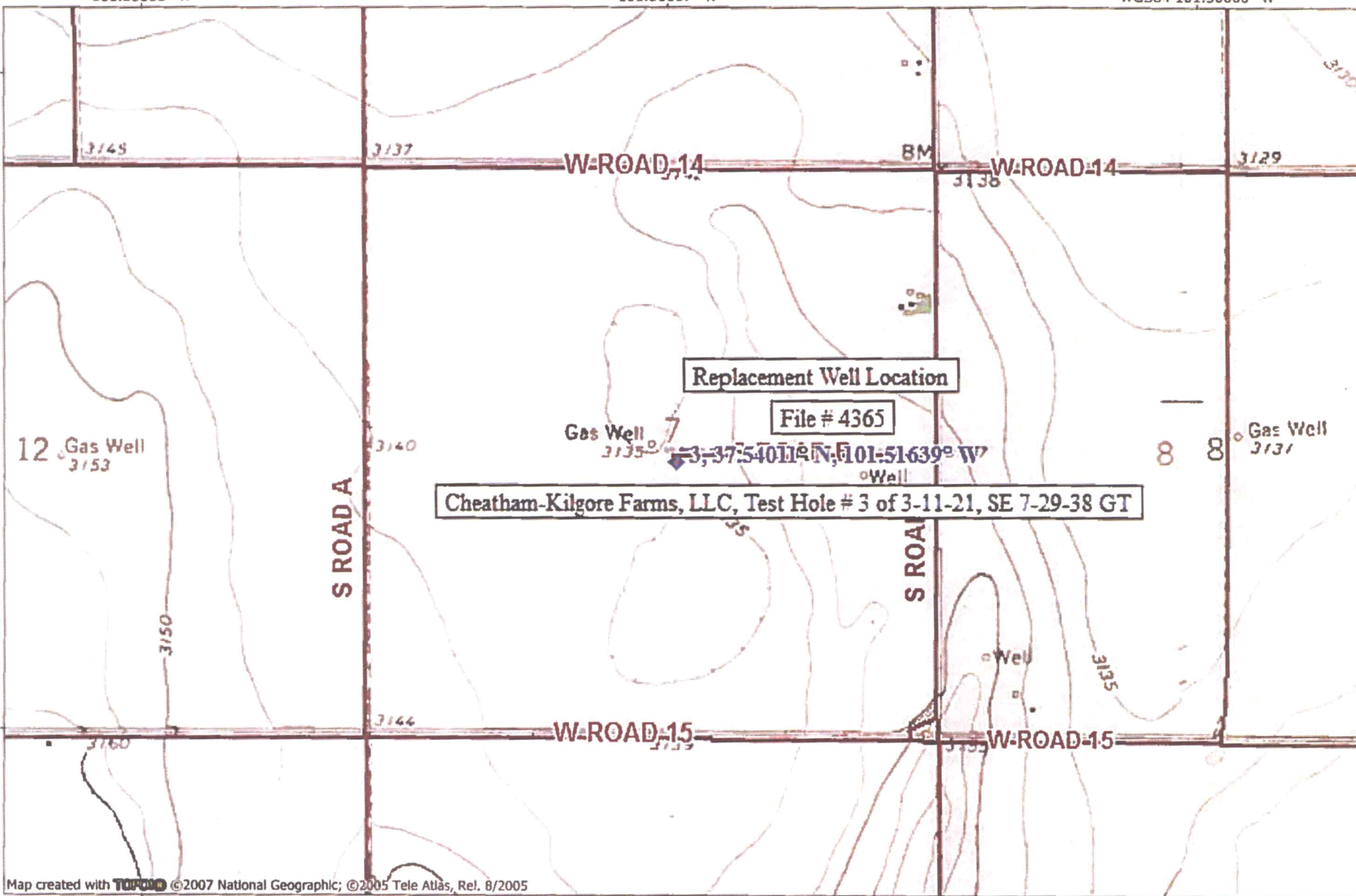
WGS84 101.50000° W

37.55000° N

37.55000° N

37.53333° N

37.53333° N

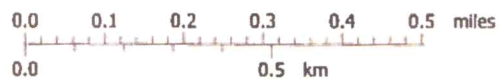


Map created with **TOPO!** ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005

101.53333° W

101.51667° W

WGS84 101.50000° W



TN MN  
5 1/2"

03/12/21

D. Engelhaupt  
4/8/2021

**This analysis of change in point of diversion, File No. 4,365**

A Theis analysis was used to evaluate the potential impacts of a change in point of diversion. The application proposes moving the point of diversion authorized by File No. 4,365 approximately 1,700 feet west. The 2068 projected saturated thickness (120 feet) and transmissivity (1,785 ft<sup>2</sup>/day) from the GMD No. 3 groundwater model were used. The specific storage was assumed to be 10<sup>-5</sup>, which results in a storage coefficient of 0.0012. Pumping the proposed rate and quantity at the new location was compared to pumping the ten-year average use (256 acre-feet) at the last tested (362 gallons per minute). Drawdowns were evaluated at the point of diversion authorized by File No. 14,904. With these assumptions, the drawdown at File No. 14,904 increases by 38.1 feet, or 31.7% of the projected future saturated thickness (Table 1). If the proposed rate is limited to 883 gallons per minute, the increase in drawdown is reduced to 24.0 feet, or 20.0% of the projected future saturated thickness (Table 2).

**Table 1:** Theis analysis of drawdown at File No. 14,904; T = 1785 ft<sup>2</sup>/day; S = 0.0011

Scenario	Distance (Feet)	Quantity (Acre-Feet)	Rate (GPM)	Drawdown (Feet)	Drawdown (%ST)
Proposed	2976	476	1518	53.9	44.9%
Current	4567	256	362	15.8	13.2%
			Net:	38.1	31.7%

**Table 2:** Theis analysis of drawdown at File No. 14,904; T = 1785 ft<sup>2</sup>/day; S = 0.0011

Scenario	Distance (Feet)	Quantity (Acre-Feet)	Rate (GPM)	Drawdown (Feet)	Drawdown (%ST)
Alternative	2976	476	883	39.8	33.2%
Current	4567	256	362	15.8	13.2%
			Net:	24.0	20.0%

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APR 09 2021

Garden City Field Office  
Division of Water Resources

## Meyer, Mike [KDA]

---

**From:** Cheatham- Kilgore Farms, LLC <cheathamkilgorefarms@gmail.com>  
**Sent:** Thursday, April 15, 2021 12:08 PM  
**To:** Meyer, Mike [KDA]  
**Subject:** Re: application for redrill well section 7  
**Attachments:** Cheatham-Kilgore well application.pdf

**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.

Mike,

Attached please find the signed application for Approval to Change the Point of Diversion for the well on section SE7-29-38. We understand that the proposed rate has been changed to 885 GPM.

Tony & LaDonna Cheatham  
Cheatham-Kilgore Farms, LLC

On Thu, Apr 15, 2021 at 10:00 AM Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)> wrote:

hello, as we discussed to help limit risk for the future of hopefully not impairing a nearby well as the law requires, we need to hold firm to our limits and limits of potential drawdown to neighboring wells if this well is approved.

if you would like to retain 1000 gallons per minute, we would need to reduce the quantity to 407 acre feet. current proposal is 885 gallons per minute and 476 acre feet

recall your current legal authority is 1518 gallons per minute and 476 acre feet

drawdown is a function of days pump (quantity) and pumping rate (gallons per minute).

let me know if you have questions

*Mike*

---

**From:** Cheatham- Kilgore Farms, LLC <[cheathamkilgorefarms@gmail.com](mailto:cheathamkilgorefarms@gmail.com)>

**Sent:** Wednesday, April 14, 2021 2:56 PM

**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>

**Subject:** Re: application for redrill well section 7

**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.

Mike,

Thank you for your time the other day in explaining to me what is going on.

I have a question/request for you. Can we propose that we reduce the legal authority of the water right to 1000 gallons per minute and still not hold up this application from expediting? It seems like that would be a reasonable compromise from the existing rights of 1500-1800.

Thank you

LaDonna Cheatham

On Tue, Apr 13, 2021 at 3:43 PM Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)> wrote:

good afternoon

as I visited with LaDonna today as well as Bryce, we are reviewing the application to change the location of the irrigation well in Section 7 in Grant County Kansas. with review of the application, we have laws and regulations to ensure the proposal is reasonable and will not impair nearby existing wells. well drawdown evaluations to nearby wells were conducted with the proposed location of the new well assuming that the new well could produce its full authorized authority. these standard scientific calculations evaluate current drawdowns to existing wells based on current pumping of the old well and any additional drawdowns with the new well at the full authorized amounts. With the proposal it appears that there could unreasonable additional drawdowns to nearby wells at the authorized maximum pumping rate and authorized annual quantity of the existing water right if this new well was approved. therefore, we can calculate was is allowable additional drawdowns to the nearby wells if we allow this well to be approved. therefore, we calculated that if the new well could be reduced and limited to a maximum of 885 Gallons per minute then that would allow reasonable drawdowns in the neighborhood that may limit impairment complaints in the future. if you agree with this, please see the attached amended application to consider for approval of this new well location. we would ask if you agree to please sign and date the application to agree to reducing the legal authority of the water right to 885 gallons per minute to allow approval. you can return a scan copy to me to get this processed with a statement in your email to me that you agree to reduce the gallons per minute.

please if you have any questions, or need clarification or more information, please don't hesitate to email me or call.

thank you very much for your time

Michael A. Meyer, PG



Kansas Department of Agriculture

Division of Water Resources

Garden City Field Office

4532 W Jones Ave, Suite B

Garden City KS 67846

Lat 37.98820, Lon -100.944470

(620)-276-2901

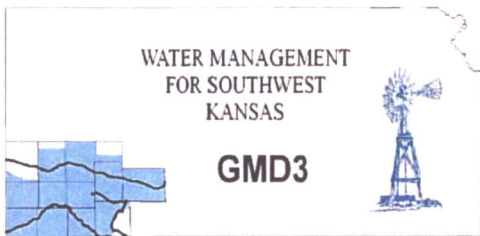
[mike.meyer@ks.gov](mailto:mike.meyer@ks.gov)

--

Tony & LaDonna Cheatham

--

Tony & LaDonna Cheatham



**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

April 8, 2021

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. 4365

Dear Mike:

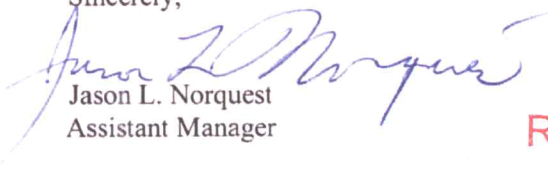
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted again 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 (4.0 ft in cases where saturated thickness is greater than 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 one of the neighboring wells exceeded the net effect above the maximum allowable threshold and required further evaluations. The analysis shows that if the water right was limited to a rate of 1250gpm, the neighboring well would no longer be considered critical. No responses to our notice was received by our office. Therefore, GMD3 sees this move as reasonable and therefore recommend that the application be approved with a limitation on rate only to 1250gpm. If aquifer conditions change or there is a change to the water right in the future, we would be happy to evaluate the effects at that time.

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

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## GMD3 Change Review

---

File No(s): 4365.

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: Tony & LaDonna Cheatham (new owners).

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS?   .

If NO, is documentation included?

Regulation(s) Reviewed: KAR5-23-3

Point of diversion ID No(s) 01 being changed.

	ft. North	ft. West	
Authorized PD	2600	650	Sect 7-29-38
Proposed PD	2508	2384	
Difference	92 s	-1734 w	
a2 + b2 = c2	8464	3006756	1736.439 foot move SW

GPS for proposed PD: Lat: 37.54011 Long: -101.51639.

Is proposed PD stacking on existing WRs? No.

Is Proposed PU overlapping existing WRs? No Change.

Neighboring certified well(s) notified:   .

Name Klepper Farms LLC %Robert Bales (3920 & domestic well).

Address PO Box 780126.

Zip Wichita, KS 67278.

Email: b22iti@sbcglobal.net Phone: 316-304-9952.

Name Golden Prairie LLC (14904).

Address 3538 S Road C.

Zip Ulysses, KS 67880.

Email: goldenpr@pld.com Phone: 620-353-8770.

Name Seth & Jodi Nelson (15351).

Address PO Box 590, 303 E Grant.

Zip Johnson, KS 67855.

Email: nelson.seth1@hotmail.com Phone: 620-492-3710.

Name Theodore H & Elvera A Goertzen Trusts (23744).

Address 6622 252<sup>nd</sup> RD.

Zip Arkansas City, KS 67005.

Email: tedgoer@yahoo.com Phone: 620-353-7245.

Domestic well(s) notified:   .

Name   .

Address   .

## GMD3 Change Review

---

Zip \_\_\_\_.

Base Acres: \_\_\_\_.

Perfected Acres: \_\_\_\_.

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

**4365 authorized 476AF @ 1518gpm**

**10 year average reported use: 259.2AF**

**2018 GMD3 inspection showed 362gpm.**

**Proposed well to 600+.**

Is a waiver needed: Move appears less than half mile and minimum spacing is met.

Analysis shows that there could be critical wells in area, but mitigated by limiting the rate only to 1250gpm.

Recommendation: After review of all available information, it appears current area rules are met. Staff recommends approving the application with a rate limitation of 1250gpm.



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Garden City Field Office  
Division of Water Resources



3920: Drawdown from current location = 4.10 ft  
Drawdown from proposed location = 6.09 ft  
Net drawdown = **2.0 ft**

23744: Drawdown from current location = 2.38 ft  
Drawdown from proposed location = 4.48 ft  
Net drawdown = **2.1 ft**

15351: Drawdown from current location = 2.04 ft  
Drawdown from proposed location = 4.50 ft  
Net drawdown = **2.5 ft**

Domestic 1-29-39 Drawdown from current location = 2.25 ft  
Drawdown from proposed location = 4.89 ft  
Net drawdown = **2.6 ft**

Net drawdown exceeds the drawdown allowance of 4.0 ft for water right no. 18227. Critical well analysis is necessary for that well.

**Critical Well Evaluation:**

**18227:**

Water Column = 233 ft

DP = 4.1 ft (Net drawdown from the proposal indicated above)

DE = 57.2 ft (Water level decline from 2021 through 2046 based upon GMD3 model)

DD = 40.3 ft (S = 0.1007, T = 33,745 gpd/ft, Q = 501 gpm, tp = 155 days, efficiency = 70%)

DT = 101.6 ft

Economic Drawdown Constraint (EDC) =  $0.4 * 233 \text{ ft} = 93.2 \text{ ft}$

Physical Drawdown Constraint (PDC) =  $233 \text{ ft} - 60 \text{ ft} = 173 \text{ ft}$

Total drawdown of 101.6 ft is greater than the EDC, so this well is **critical**.

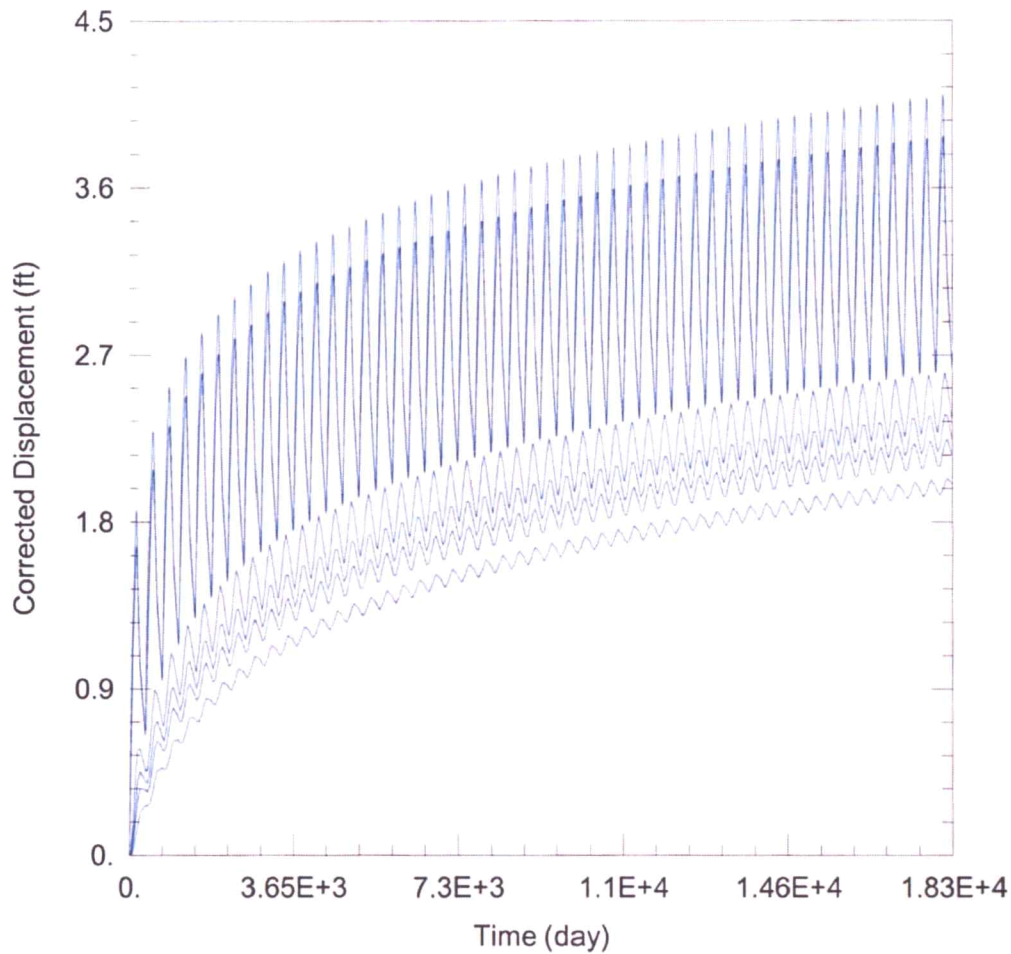
**Conclusion:**

The proposed move is located in an area with a lot of saturated thickness, but the geologic formation appears to have somewhat low storage coefficient (S) and transmissivity (T). This creates a condition where wells create a deeper cone of depression when operating and are less productive than in areas with higher S and T in local aquifer formation. GMD3 staff recommends a rate limitation of 1250 gpm at the proposed new well location. This rate limitation would reduce the net effect on neighboring water right number 18227 to 3.9 ft.

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Garden City Field Office  
Division of Water Resources



### WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2021\_Moves\4365\4365 Current.aqt  
 Date: 03/29/21 Time: 16:45:51

### PROJECT INFORMATION

Company: GMD 3  
 Project: 4365  
 Location: Grant County  
 Test Well: 4365

### WELL DATA

#### Pumping Wells

Well Name	X (ft)	Y (ft)
4365	-206140	242918

#### Observation Wells

Well Name	X (ft)	Y (ft)
□	-206140	242918
□ 18227	-206939	240812
□ 14904	-210500	241561
□ 3920	-205080	241192
□ 23744	-207281	237752
□ 15351	-213066	243358
□ Domestic 1-29-39	-211065	246130

### SOLUTION

Aquifer Model: Unconfined

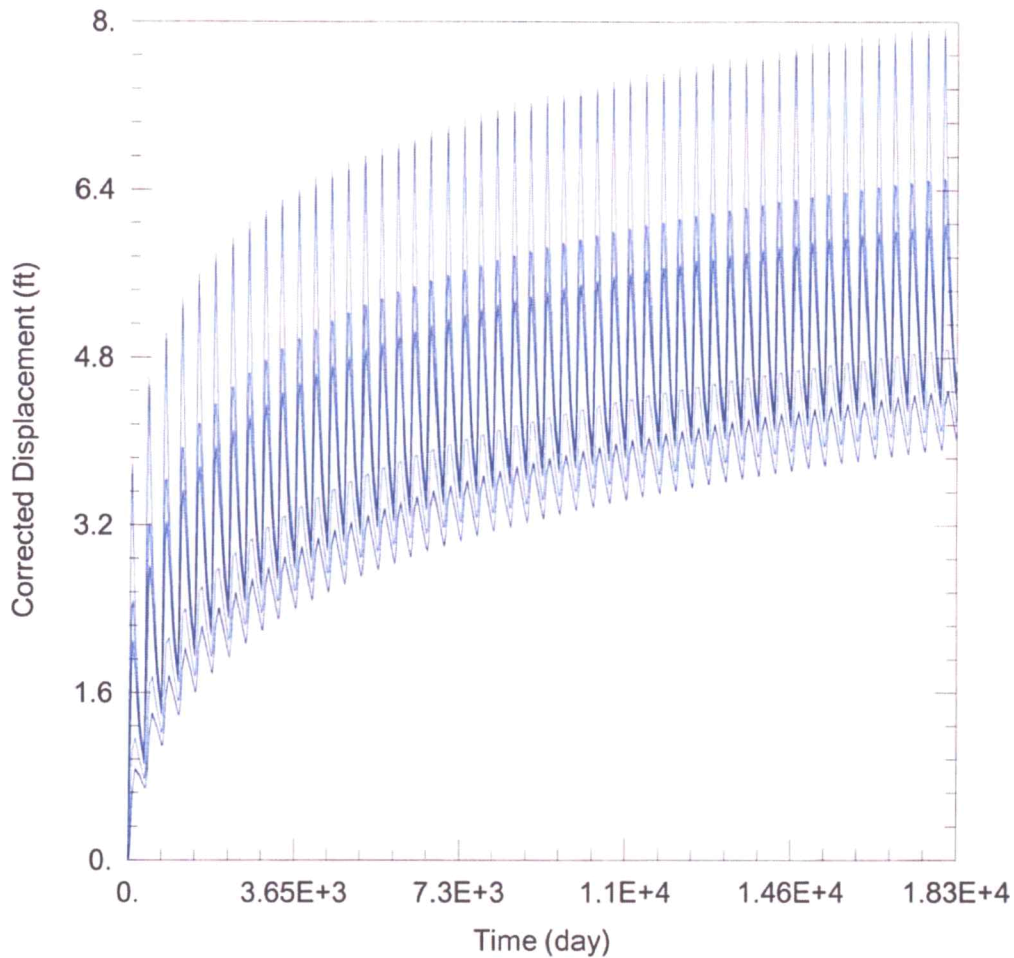
Solution Method: Theis

T = 4511.4 ft<sup>2</sup>/day

S = 0.1007

Kz/Kr = 1.

b = 233. ft



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2021\_Moves\4365\4365 Proposed.aqt  
 Date: 03/29/21 Time: 16:46:17

PROJECT INFORMATION

Company: GMD 3  
 Project: 4365  
 Location: Grant County  
 Test Well: 4365

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
4365	-207876	242964

Observation Wells

Well Name	X (ft)	Y (ft)
□	-207876	242964
□ 18227	-206939	240812
□ 14904	-210500	241561
□ 3920	-205080	241192
□ 23744	-207281	237752
□ 15351	-213066	243358
□ Domestic 1-29-39	-211065	246130

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis

T = 4511.4 ft<sup>2</sup>/day

S = 0.1007

Kz/Kr = 1.

b = 233. ft

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**APR 09 2021**

Garden City Field Office  
 Division of Water Resources



Water Rights and Points of Diversion Within 1 mile of point defined as:  
 2508 Feet N and 2384 Feet W of the Southeast Corner of Section 7 Twp 29S Rng 38W  
 Located at: 101.516389 West Longitude and 37.540111 North Latitude  
 Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	3920 00	IRR	NK	G	3374	✓	NC	SW	SW	771	4829	8	29	38W	3	2300	849.00	849.00
A__ AF	4365 00	IRR	NK	G*	1739	↔	CN	NE	SE	2600	650	7	29	38W	1	2100	476.00	476.00
A__ AF	14904 00	IRR	NK	G	2977	✓	NW	SW	SW	1080	5005	7	29	38W	4		320.00	320.00
A__ AF	15351 00	IRR	NK	G	5059	✓	SW	SW	NE	2793	2197	12	29	39W	2		320.00	320.00
A__ AF	18227 00	IRR	NK	G	2293	✓	SE	SW	SE	-----	-----	7	29	38W	3		476.00	476.00
A__ AF	23744 00	IRR	NK	G	5246	✓	NE	NW	SE	2580	1800	18	29	38W	1	2200	591.00	591.00

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) =	3032.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3032.00	.00

*Spacing Appears MET*

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under 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 mile of point defined as:  
 2508 Feet North and 2384 Feet West of the Southeast Corner of Section 7 Twp 29S Rng 38W  
 Located at: 101.516389 West Longitude and 37.540111 North Latitude  
 Both SURFACE WATER and GROUNDWATER  
 WATER USE CORRESPONDENTS:

- > KLEPPER FARMS LLC
- > ROBERT BALES
- > PO BOX 780126
- > WICHITA KS 67278
- > BRYCE A & RHONDA F WILKERSON
- > PO BOX 568
- > JOHNSON KS 67855
- > GOLDEN PRAIRIE LLC
- > 3538 S ROAD C
- > ULYSSES KS 67880
- > SETH & JODI NELSON
- > PO BOX 590 303 E GRANT
- > JOHNSON KS 67855
- > BRYCE A & RHONDA F WILKERSON

*3920 ✓*

*4365 → Application*

*14904 -*

*15351 ✓*

*18227*

3/23/2021

Point Amount Statistics

> PO BOX 568  
> JOHNSON KS 67855  
>-----  
> THEODORE H & ELVERA A GOERTZEN TRUSTS  
> THEODORE & ELVERA TTEES  
> 6622 252ND RD  
> ARKANSAS CITY KS 67005  
>-----

23744

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Garden City Field Office  
Division of Water Resources

**Meyer, Mike [KDA]**

---

**From:** Meyer, Mike [KDA]  
**Sent:** Tuesday, March 23, 2021 9:09 AM  
**To:** 'Norquest, Jason (Norquest@gmd3.org)'  
**Subject:** request for recommendation, File No. 4365  
**Attachments:** 20210323083933508.pdf

good morning

attached is a change in point of diversion request filed by tony cheatum (I am asking for a deed form them). it appears all wells within one half mile are their own. meets all rules. please review and provide a recommendation within 15 days.

thank you

*Mike*

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

March 23, 2021

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO. 3  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Re: Water Right, File No. 4365

Dear Mr. Norquest:

This is to advise you that Tony and LaDonna Cheatham, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion.

We are delaying action on the change applications 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,

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures