

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

1. File Number: <b>15036</b>	2. Status Change Date:	3. Change Num: <b>C4</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>3/10/2022</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>BATAVIA FARMS LLC PO BOX 61020 DENVER, CO 80206-1020</b>		Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  <b>WILDHAWK FARMS Attn: JARVIS GARETSON 695 RD XX COPELAND, KS 67837</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>8a</b>		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  <b>WILDHAWK FARMS Attn: JARVIS GARETSON 695 RD XX COPELAND, KS 67837</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2022</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>3/1/2023</b>				
<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 checked="" 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>4/11/2022</b> By: <b>AM</b> Date Entered: _____    By: _____				

File No. **15036**      11. County: **HS**      Basin: **ARKANSAS RIVER**      Stream:      Formation Code: **211/331**      Special Use:

12. Points of Diversion											Rate and Quantity								
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files		
CHK					86021	SW	NW	NW	36	27S	32W	5	4333	5075	940	197	0	197	5255; 44047
DEL					16469														
ENT						SE	NW	NE	36	27S	32W		4263	1564	1470	679	1470	669	NONE

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

14. Limitation: 1278 af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **5255 (NO CHANGE)**  
 Limitation: WELL ID 05 af/yr at 1061 gpm (\_\_\_\_\_ cfs) when combined with file number(s) **5255 (UPDATE WELL ID #)**

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				
CHK					34426																								

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

Mike Beam, Secretary

Laura Kelly, Governor

April 12, 2022

BATAVIA FARMS LLC  
PO BOX 61020  
DENVER, CO 80206-1020

RE: Filed Office Application for Change  
Water Right, File No. 15036

Dear Sir or Madam:

Enclosed is the 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 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.

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.

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

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc: Jarvis Garetson  
GROUNDWATER MANAGEMENT DISTRICT NO. 3

**CERTIFICATE OF SERVICE**

On this 12<sup>th</sup> day of April, 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 15,036 dated 12<sup>th</sup> day of April, 2022 was mailed postage prepaid, first class, US mail to the following:

BATAVIA FARMS LLC  
PO BOX 61020  
DENVER, CO 80206-1020

Pc:

WILDHAWK FARMS  
Attn: JARVIS GARETSON  
695 RD XX  
COPELAND, KS 67837

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. 15036

**RECEIVED**  
 2:00 pm  
 MAR 10 2022

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: JARVIS GARETSON  
695 RD XX COPELAND, KS. 67837

Phone Number: (620)668-0045                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: JARVIS GARETSON  
695 RD XX COPELAND, KS. 67837

Phone Number: (620)668-0045                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: BATAVIA FARMS LLC

ADDRESS: PO BOX 61020 DENVER, CO.

(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	
36	27	32W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	39	639

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: NO CHANGE

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 3-10-22 Check # 3537

5. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NE Quarter of the SW Quarter of Section 36, Township 27 South, Range 32 W, in HASKELL County, Kansas, 1885 feet North 2690 feet West of Southeast corner of section. Authorized Rate 1470 GPM Authorized Quantity 679 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 3 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 SE Quarter of the NW Quarter of the NE Quarter of Section 36, Township 27 South, Range 32 W, in HASKELL County, Kansas, 4263 feet North 1564 feet West of Southeast corner of section. Proposed Rate 1470 GPM Proposed Quantity 679 AF Proposed well depth (feet) \_\_\_\_\_  
 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 SW Quarter of the NW Quarter of the NW Quarter of Section 36, Township 27 South, Range 32 W, in HASKELL County, Kansas, 4333 feet North 5075 feet West of Southeast corner of section. Authorized Rate 940GPM Authorized Quantity 197AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 5 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) Lack of production on current location

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

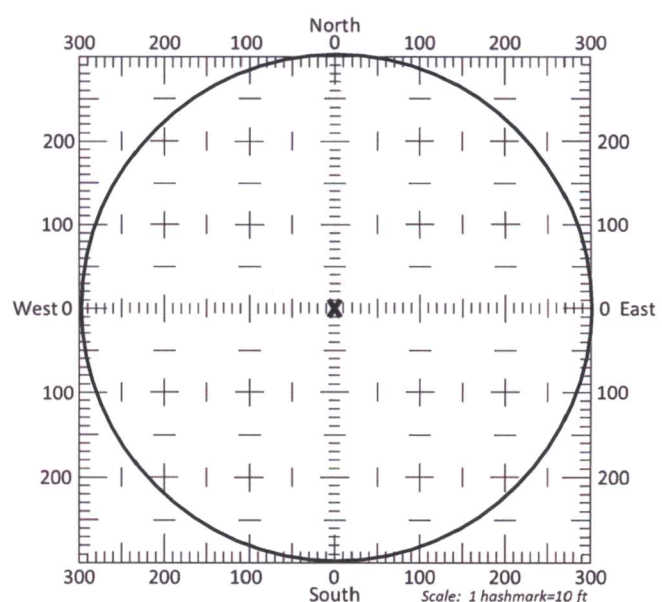
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by CAC

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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(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 Denver, Kansas, this 8th day of March, 2022.

(Owner)	(Spouse)
<u>Rachel Holland</u> (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

RECEIVED  
MAR 10 2022

Garden City Field Office  
Division of Water Resources

State of Colorado }  
 County of Denver } SS

Laura Higgins  
 Notary Public  
 State of Colorado  
 Notary ID 2000494507  
 My Commission Expires December 07, 2022

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of March, 2022.

Laura Higgins  
Notary Public

My Commission Expires 12/07/2022.

**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. 15,036.

1. A change application was received on March 16, 2022 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, 2022**, 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, 2022**, or within any authorized extension of time. By March 1, 2023 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: Austin McColloch  
Duly Authorized Designee of the Chief Engineer

(Print Name): Austin McColloch  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: April 12, 2022

State of Kansas )  
 ) SS

County of Ginney )

Acknowledged before me on April 12, 2022  
by Austin McColloch

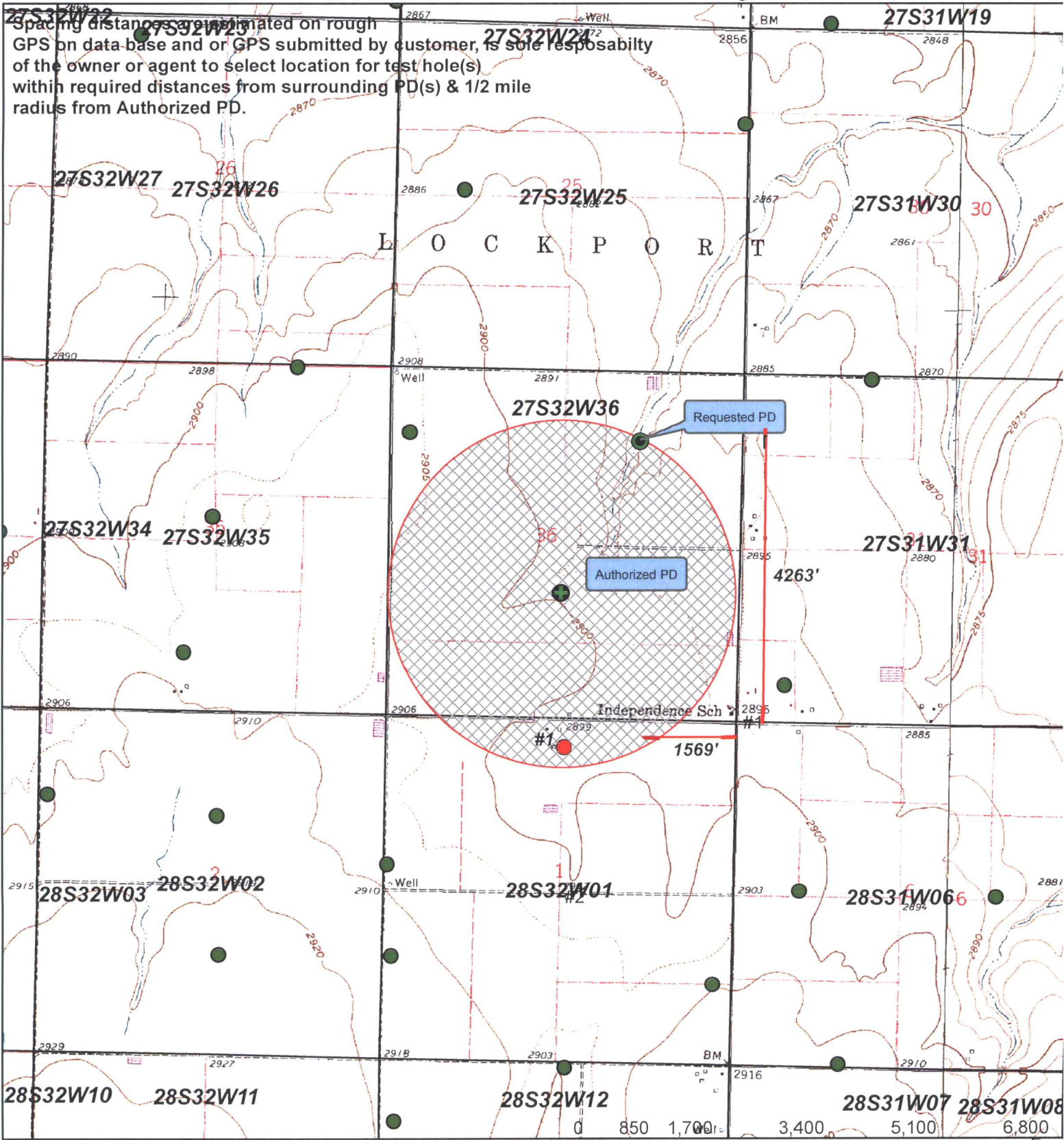
Signature: Julie Jones  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)





# Point of Diversion Change WR(s) 15036 T27 R32W Sec 36 Haskell County



- Authorized PD
- Requested PD
- Point of Diversion
- Active Water Right w/in 1/2 mile
- #1 Water Right No 22419 John Koehn
- #2 Water Right No
- #3 Water Right No
- + domestic well w/in 1/2 mile
- Authorized PU
- Requested PD

**Water Right w/in 1/2 mile & Owner(if apply)**



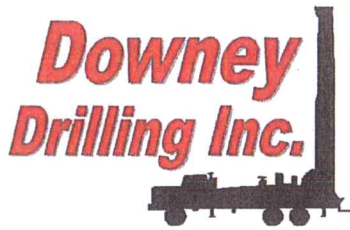
**Applicant Signature & Date**

*By signing this map the applicant is aware that no other wells (Irrigation, Domestic, Industrial etc) are within the 1/2 mile radius circle.*



# WELL LOG

DATE: 3/2/2022



CUSTOMER NAME: WILDHAWK FARMS TH#3

LEGAL: NE 36-275-32W

COUNTY: HASKELL CO., KS

GPS: 37.660977

-100.766982

LOGGER:

DRILLER: DIEGO VALLE

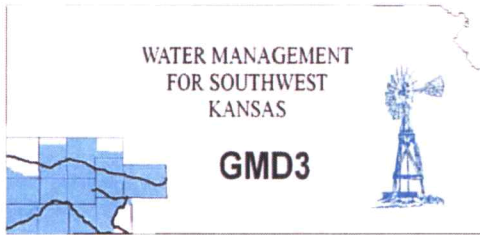
WO: 21-1738

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	3	TOPSOIL	SOFT	DARK BROWN	SLOW		SMOOTH
	3	18	BROWN SILTY CLAY	SOFT	BROWN	SLOW		SMOOTH
	18	74	FINE-MED SAND W/ SANDY CLAY LEDGES	SOFT		SLOW		CHOPPY & SMOOTH
	74	84	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	84	109	FINE-MED-COARSE SAND W/ FINE-MED GRAVEL	STIFF		FAST		CHATTER
	109	110	HARD SPOT	HARD		SLOW	X	CHATTER
	110	156	FINE-MED-COARSE SAND W/ FINE-MED GRAVEL & CEMENTED SAND	STIFF		FAST		CHATTER
	156	169	FINE-MED-LARGE GRAVEL W/ FINE-MED-COARSE SAND	STIFF		FAST		CHATTER
	169	215	FINE-MED-COARSE SAND W/ FINE-MED GRAVEL	STIFF		FAST		CHATTER
	215	230	BROWN CLAY W/ FINE-MED SAND LEDGES	FIRM	BROWN	FAST		SMOOTH & CHOPPY
	230	245	BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH
	245	309	GRAY CLAY	STICKY	GRAY LIGHT BROWN	FAST		SMOOTH
	309	315	LIGHT BROWN CLAY W/ SOME WHITE CLAY	SOFT		FAST		SMOOTH
	315	330	FINE-MED-COARSE SAND W/ FINE GRAVEL & LIMEROCK	STIFF		FAST		FAST CHATTER
	330	335	FINE-MED-COARSE SAND W/ SANDY CLAY	FIRM	TAN	FAST		CHOPPY & SMOOTH
	335	340	SANDY CLAY	SOFT		FAST		SMOOTH
	340	353	FINE-MED SAND W/ SANDY CLAY	FIRM	TAN	FAST		CHOPPY & SMOOTH
	353	364	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	364	370	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	370	385	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	385	403	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	403	410	FINE-MED SAND	SOFT		FAST		CHOPPY
	410	445	FINE-MED SAND W/ LIMEROCK & SANDY CLAY	STIFF	WHITE & TAN	FAST		CHOPPY & SMOOTH
	445	449	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	449	484	BROWN CLAY	STICKY	BROWN	FAST		SMOOTH
	484	504	FINE-MED SAND W/ SANDY CLAY	SOFT		FAST		CHOPPY & SMOOTH
	504	510	FINE-MED-COARSE SAND W/ FINE GRAVEL & BROWN ROCK	STIFF	BROWN	FAST		SLIGHT CHATTER
	510	521	BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH
	521	565	FINE SAND W/ LIMEROCK	FIRM	WHITE	FAST		CHOPPY
	565	593	BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH VIBRATION &
	593	625	SOAPSTONE W/ FINE SAND & GRAY CLAY LEDGES	FIRM	GRAY	SEMI-SLOW		SMOOTH &
	625	679	SHALE W/ A LITTLE FINE SAND	FIRM	BLUE	SEMI-SLOW		SMOOTH & VIBRATION
	679	680	IRON PYRITE	HARD		SLOW	X	CHATTER
	680	689	SHALE	SOFT	BLUE	SLOW		SMOOTH
	689	690	IRON PYRITE	HARD		SLOW		CHATTER
	690	706	SHALE	SOFT	BLUE	SLOW		SMOOTH

350' Est. SWL







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 11, 2022

Austin McColloch  
Division of Water Resources  
4532 W Jones Ave., Suite B  
Garden City, Kansas 67846

RECEIVED

APR 11 2022

Garden City Field Office  
Division of Water Resources

RE: Application for Change in Point of Diversion  
Water Right, File No. 15036

Dear Austin:

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 minimum spacing to neighboring wells and distance moved.

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 (4.0 ft with saturated thickness is greater than 200ft), 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 neighboring wells exceeded the net effect above the maximum allowable threshold and needed no further evaluation. No critical wells were determined in the area. We did not receive any comments from neighboring well owners. Therefore, GMD3 sees this move as meeting current area rules and would recommend approval. 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,

A handwritten signature in blue ink, which appears to read "Jason L. Norquest".

Jason L. Norquest  
Assistant Manager

## GMD3 Change Review

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File No(s): 15036 . DWR office: GC.

App filed to change: PD .

Is Landowner(s) correct in WRIS: Jarvis Garetson .

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS?    .

If NO, is documentation included?

Regulation(s) Reviewed: [KAR 5-23-3](#)

Point of diversion ID No(s) 03 being changed.

	ft. North	ft. West	
Authorized PD	1885	2690	Sect 36-27-32
Proposed PD	4263	1564	
Difference	-2378 n	1126 e	
a2 + b2 = c2	5654884	1267876	2631.114 foot move NE

GPS for proposed PD: Lat: 37.660977 Long: -100.766982 .

Is proposed PD stacking on existing WRs? No .

Is Proposed PU overlapping existing WRs? No Change .

Neighboring certified well(s) notified:    .

Name Kelly r & Danessa L Nightengale JT (470, domestic sect 31).

Address 642 Road SS.

Zip Sublette, KS 67877.

Email: [hercules\\_knight@hotmail.com](mailto:hercules_knight@hotmail.com) Phone: 620-668-5848.

Name Ashley W & Melanie Yost (20095, 30004, domestic sect31).

Address 414 TT Rd.

Zip Copeland, KS 67837.

Email: [ashyost@wbsnet.org](mailto:ashyost@wbsnet.org) Phone: 620-668-5880.

Name John & Valetta Koehn (22419, domestic sect 01).

Address 1849 Road 70.

Zip Sublette, KS 67877.

Email: [j-koehn@hotmail.com](mailto:j-koehn@hotmail.com) Phone: 620-287-3365.

Name Jerry & Christy Nichols ETAL (30006).

Address 1738 Road 70.

Zip Sublette, KS 67877.

Email: [jcbakn@gmail.com](mailto:jcbakn@gmail.com) Phone:    .

Domestic well(s) notified:    .

Name    .

Address    .



## GMD3 Change Review

---

Zip \_\_\_\_.

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

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

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

**15036 has 2 PDs under this water right. ID 03 is the one proposing to be redrilled.**

**ID03 authorized: 679AF @ 1470gpm. 2300' minimum spacing. Haskell Co.**

**Average reported use (2012-2021): 214.5AF/year No reported gpm.**

**2016 GMD3 inspection showed 322gpm, not running at most recent visit.**

**Current wells drilled to 605'.**

**Proposed well log goes to 805'**

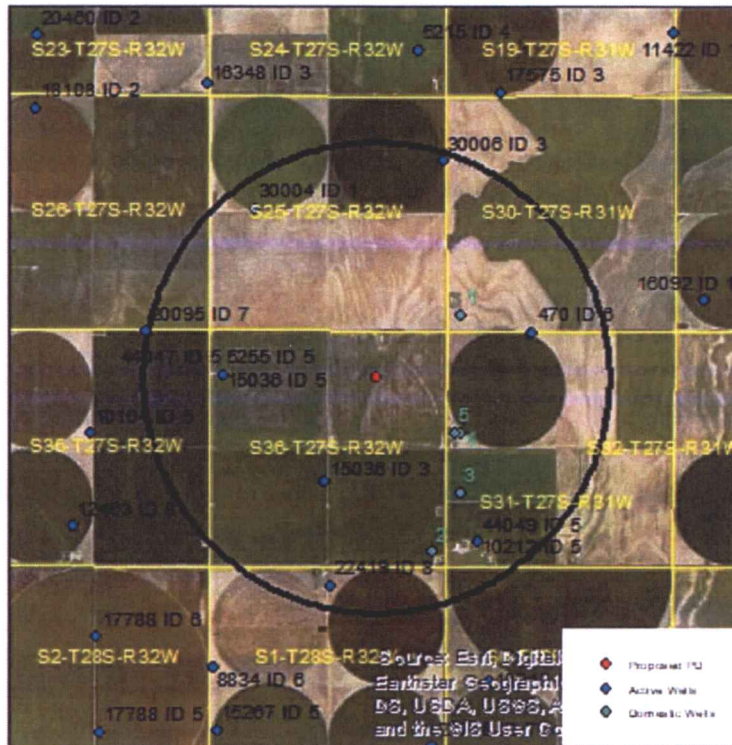
Is a waiver needed: Move is just under half mile. Minimum spacing to neighboring wells appears met. Analysis did not show any critical wells in the area and no response from neighbor notices.

Recommendation: After review of all available information, it appears to meet current area rules. Staff therefore recommends approval of the application.



## Evaluation of proposed move for Water Right No. 15036

Proposed: Move water right no. 15036 ID3 a distance of 2,606 ft to the northeast.



Wells within 1 mile: 5255 & 15036 & 44047, 30004, 30006, 470, 10212 & 44049, 22419, and five domestic wells, numbered on the above map.

The saturated thickness at the proposed well location is estimated to be 279 ft, based upon the driller's log and an observation well in section 36-27-32. For saturated thickness greater than 200 ft, the drawdown allowance is 4.0 ft.

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

$$S = 0.1173, T = 14,804 \text{ ft}^2/\text{day},$$

$t_{p_{\text{current}}} = 151$  days (based on average use and observed rate),  $Q_{\text{current}} = 322$  gpm (based on 2016 field inspection),  $t_{p_{\text{proposed}}} = 104.5$  days,  $Q_{\text{proposed}} = 1470$  gpm

Theis drawdowns were calculated as follows:

5255 & 15036 & 44047: Drawdown from current location = 1.06 ft  
Drawdown from proposed location = 3.53 ft  
Net drawdown = 2.5 ft

30004: Drawdown from current location = 0.74 ft  
Drawdown from proposed location = 2.93 ft  
Net drawdown = **2.2 ft**

30006: Drawdown from current location = 0.66 ft  
Drawdown from proposed location = 2.75 ft  
Net drawdown = **2.1 ft**

470: Drawdown from current location = 0.78 ft  
Drawdown from proposed location = 3.43 ft  
Net drawdown = **2.7 ft**

10212 & 44049: Drawdown from current location = 1.00 ft  
Drawdown from proposed location = 3.08 ft  
Net drawdown = **2.1 ft**

22419: Drawdown from current location = 1.28 ft  
Drawdown from proposed location = 2.86 ft  
Net drawdown = **1.6 ft**

Domestic 1: Drawdown from current location = 0.87 ft  
Drawdown from proposed location = 4.54 ft  
Net drawdown = **3.7 ft**

Domestic 2: Drawdown from current location = 1.15 ft  
Drawdown from proposed location = 3.19 ft  
Net drawdown = **2.0 ft**

Domestic 3: Drawdown from current location = 1.11 ft  
Drawdown from proposed location = 3.71 ft  
Net drawdown = **2.6 ft**

Domestic 4: Drawdown from current location = 1.08 ft  
Drawdown from proposed location = 4.63 ft  
Net drawdown = **3.5 ft**

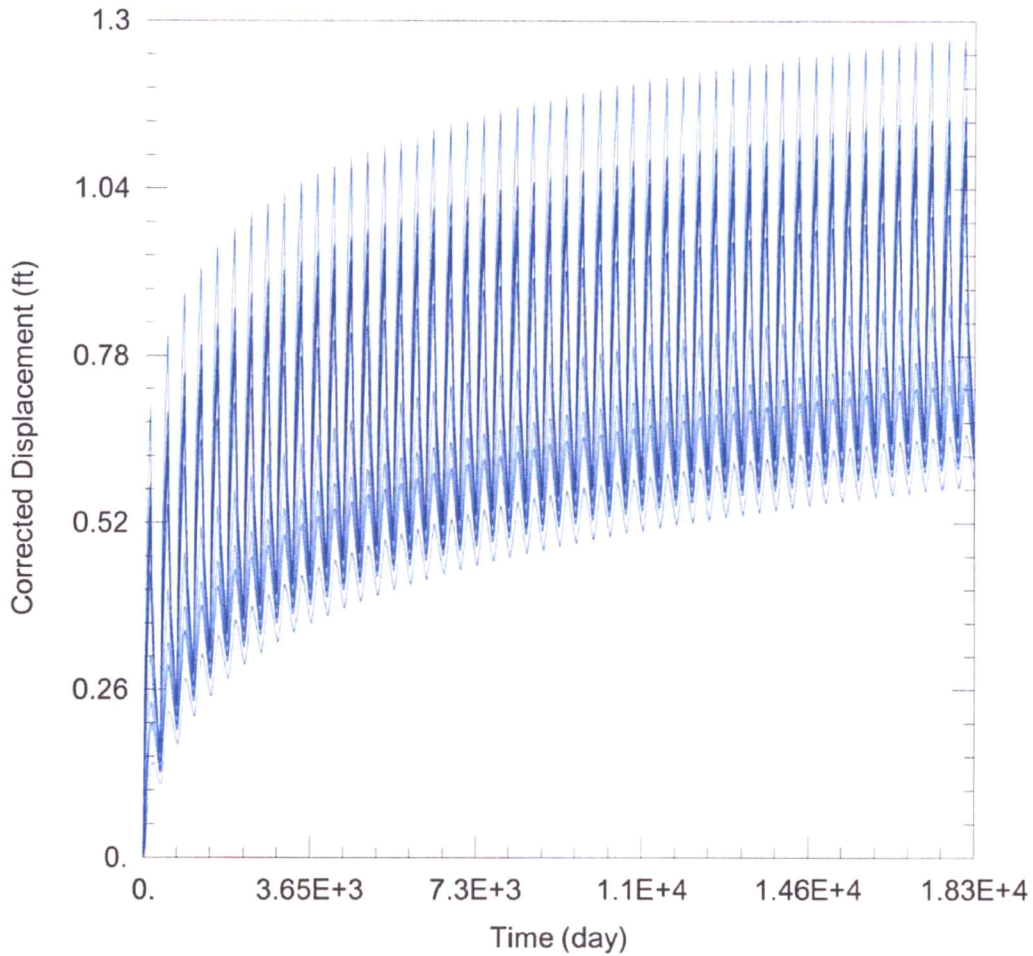


Domestic 5:                    Drawdown from current location = 1.11 ft  
                                     Drawdown from proposed location = 4.79 ft  
                                     **Net drawdown = 3.7 ft**

Net drawdown does not exceed the drawdown allowance of 4.0 ft for any well within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

**Conclusion:**

The proposed move is likely to create minimal effects on neighboring wells and is unlikely to cause impairment. GMD3 staff recommends approval of this proposal.



**WELL TEST ANALYSIS**

Data Set: C:\Users\trevora\Documents\2022\_moves\15036\15036 Current.aqt  
 Date: 04/01/22 Time: 15:29:19

**PROJECT INFORMATION**

Company: GMD 3  
 Project: 15036  
 Location: Haskell County

**WELL DATA**

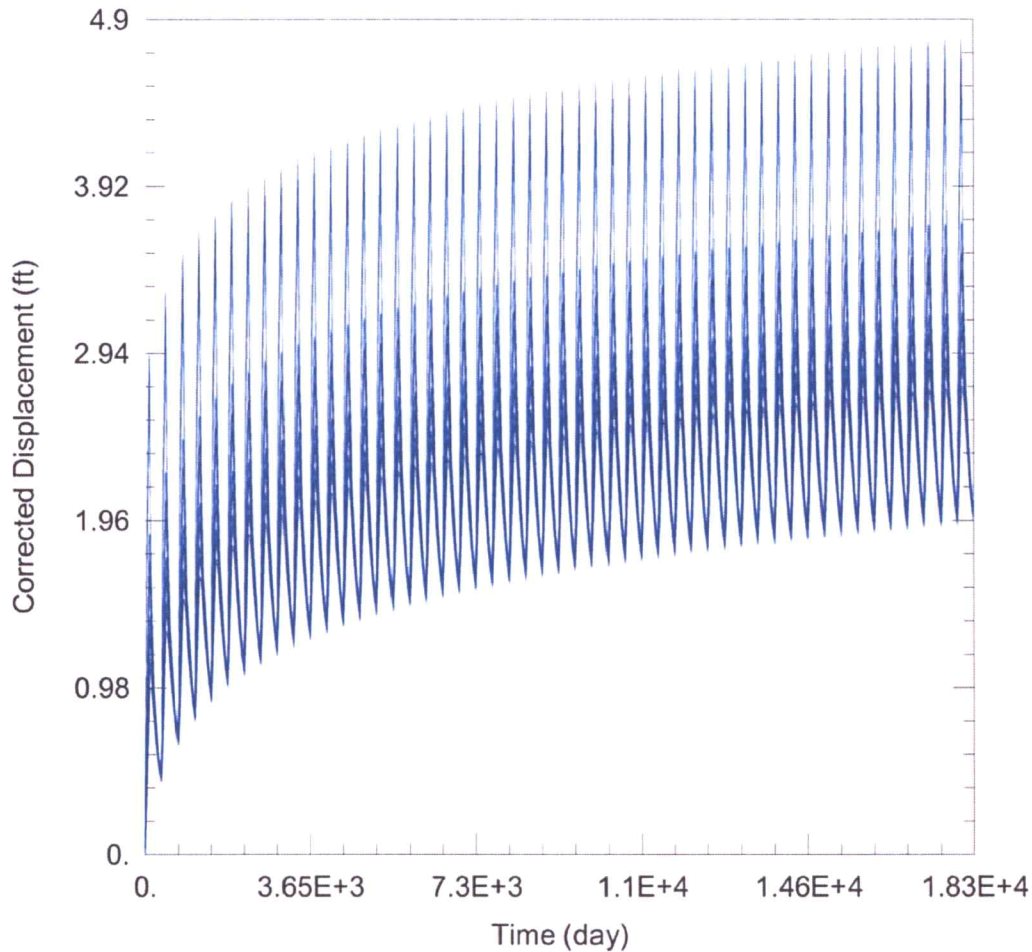
**Pumping Wells**

Well Name	X (ft)	Y (ft)
15036 ID3	8244	283848

**Observation Wells**

Well Name	X (ft)	Y (ft)
□	8244	283848
□ 5255 & 15036 & 44047	5910	286247
□ 30004	6670	289954
□ 30006	10924	291029
□ 470	12923	287178
□ 10212 & 44049	11692	282498
□ 22419	8351	281495
□ Domestic 1	11309	287578
□ Domestic 2	10648	282258
□ Domestic 3	11300	283587
□ Domestic 4	11304	284919
□ Domestic 5	11156	284933

**SOLUTION**



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2022\_moves\15036\15036 Proposed.aqt  
 Date: 04/01/22 Time: 15:29:10

PROJECT INFORMATION

Company: GMD 3  
 Project: 15036  
 Location: Haskell County

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
15036 ID3	9397	286185

Observation Wells

Well Name	X (ft)	Y (ft)
□	9397	286185
□ 5255 & 15036 & 44047	5910	286247
□ 30004	6670	289954
□ 30006	10924	291029
□ 470	12923	287178
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□ Domestic 3	11300	283587
□ Domestic 4	11304	284919
□ Domestic 5	11156	284933

SOLUTION

Water Rights and Points of Diversion Within 1 mile of point defined as:

4263 Feet N and 1564 Feet W of the Southeast Corner of Section 36 Twp 27S Rng 32W  
 Located at: 100.766933 West Longitude and 37.660978 North Latitude  
 Both SURFACE WATER and GROUNDWATER

*2300' on a //*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan
A__ AF	470 00	IRR	NK	G	3650	--	NE	NE	NW	5248	3149	31	27	31W	6	360.00	360.00
A__ AF	5255 00	IRR	NK	G	3523	--	SW	NW	NW	4333	5075	36	27	32W	5	412.00	412.00
A__ AF	10212 D2	IRR	NK	G	4249	--	SE	SW	SW	577	4540	31	27	31W	5	272.00	272.00
A__ AF	15036 00	IRR	NK	G*	↔ 2627	--	SE	NE	SW	1885	2690	36	27	32W	3	679.00	669.00
Same AF					3523	--	SW	NW	NW	4333	5075	36	27	32W	5	197.00	197.00
A__ AF	20095 00	IRR	NK	G	5214	--	NE	NW	NE	5240	1415	35	27	32W	7	640.00	640.00
A__ AF	22419 00	IRR	NK	G	4808	--	--	--	--	4841	2600	1	28	32W	8	572.00	320.00
A__ AF	30004 00	IRR	NK	G	4661	--	SE	SW	NW	2700	4330	25	27	32W	1	320.00	320.00
A__ AF	30006 00	IRR	NK	G	5075	--	NE	SE	NE	3780	50	25	27	32W	3	320.00	320.00
A__ AF	44047 00	IRR	NK	G	3523	--	SW	NW	NW	4333	5075	36	27	32W	5	609.00	.00
A__ AF	44049 00	IRR	NK	G	4249	--	SE	SW	SW	577	4540	31	27	31W	5	272.00	.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) =	3510.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3510.00	.00

*Spacing Appears  
M & T.*

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:

4263 Feet North and 1564 Feet West of the Southeast Corner of Section 36 Twp 27S Rng 32W  
 Located at: 100.766933 West Longitude and 37.660978 North Latitude  
 Both SURFACE WATER and GROUNDWATER  
 WATER USE CORRESPONDENTS:

File Number Use ST SR  
 > KELLY R & DANESSA L NIGHTENGALE JT

> 642 ROAD SS  
 > SUBLETTE KS 67877

*L170*

> WILDHAWK FARMS  
 > JARVIS GARETSON  
 > 695 RD XX  
 > COPELAND KS 67837

*0255*

*Applicant*

> WILDHAWK FARMS

*10212 D2*

*1*



> JARVIS GARETSON  
> 695 RD XX  
> COPELAND KS 67837

-----  
> WILDHAWK FARMS  
> JARVIS GARETSON  
> 695 RD XX  
> COPELAND KS 67837

15036

Application

-----  
> ASHLEY W & MELANIE YOST

> 414 TT RD  
> COPELAND KS 67837

20095

-----  
> JOHN & VALETTA KOEHN

> 1849 ROAD 70  
> SUBLETTE KS 67877

22419

-----  
> ASHLEY W & MELANIE YOST

> 414 TT RD  
> COPELAND KS 67837

20004

-----  
> JERRY & CHRISTY NICHOLS ETAL

> 1738 ROAD 70  
> SUBLETTE KS 67877

30006

-----  
> WILDHAWK FARMS  
> JARVIS GARETSON  
> 695 RD XX  
> COPELAND KS 67837

44047

Application

-----  
> WILDHAWK FARMS  
> JARVIS GARETSON  
> 695 RD XX  
> COPELAND KS 67837

44049

↓

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 31, 2022

GROUNDWATER MANAGEMENT DISTRICT #3  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Re: Request for Recommendation,  
File No. 15036

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Jarvis Garetson on behalf of Batavia Farms LLC and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Austin McColloch".

Austin McColloch  
Assistant Water Commissioner

Enclosure  
pc:



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



Phone: 620-276-2901  
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Mike Beam, Secretary

Laura Kelly, Governor

March 16, 2022

KELLY R & DANESSA L NIGHTENGALE JT  
642 ROAD SS  
SUBLETTE, KS 67877

RE: Application for Change  
Water Right, File No. 15036

Dear Sir or Madam:

This is to advise you that Jarvis Garetson has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced applications. An irrigation well is proposed to be relocated to the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, Township 27 South, Range 32 West, Haskell County.

You can find the complete applications posted by water right file number as referenced above at: [www.Agriculture.ks.gov/DWRNotices](http://www.Agriculture.ks.gov/DWRNotices)

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you 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 contact this office. If you would prefer, you could arrange an appointment 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, appearing to read "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc:  
GROUNDWATER MANAGEMENT DISTRICT NO. 3

SCANNED

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 16, 2022

MELINDA HODGSON  
1180 28TH ROAD  
LITTLE RIVER, KS 67457

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Water Right, File No. 15036

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Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc:  
GROUNDWATER MANAGEMENT DISTRICT NO. 3

SCANNED