

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

1. File Number: <b>29808</b>	2. Status Change Date: <i>8-9-2021</i>	3. Change Num: <b>C4</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</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>4/6/2021</b>
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8a. LANDOWNER, applicant, WUC New to system <input type="checkbox"/> Person ID <b>29893</b> Add Seq# <b>1</b>  <b>BOB &amp; KATHY HUSBAND</b> <b>11565 E PLYMELL RD</b> <b>PIERCEVILLE, KS 67868</b>	8c. Correspondent New to system <input checked="" type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s), New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2021**     N & P Date to Comply: **3/1/2022**

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: **08/09/2021**    By: **MAM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **29893**      11. County: FI      Basin: ARKANSAS RIVER      Stream:      Formation Code: 211      Special Use:

12. Points of Diversion										Rate and Quantity				
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
ENT		SWSESE	11	26	31W		202	814		900	225	900	225	

DEL 88059

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					
CHK	1926																									
CHK	3994																									

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

August 9, 2021

BOB & KATHY HUSBAND  
11565 E PLYMELL RD  
PIERCEVILLE, KS 67868

RE: Water Right, File No. 29808

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 this enclosure and to the terms, conditions, and limitations specified in the approval for change. Conditions of the approval is that acceptable water flowmeter 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 documents 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 to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM:  
enclosures

pc: GMD3

## CERTIFICATE OF SERVICE

On this 8<sup>th</sup> day of August 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 29,808 dated 8<sup>th</sup> day of April 2021 were mailed postage prepaid, first class, US mail to the following:

BOB & KATHY HUSBAND  
11565 E PLYMELL RD  
PIERCEVILLE, KS 67868

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. 29808

**RECEIVED**  
 5:00 PM  
 APR 06 2021

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: PRAIRIEWIND ASSETS LLC  
4330 N 247TH ST ANDALE, KS 67001-9653  
 Phone Number: (620) 272-7266                      Email address: dalemaker50@gmail.com  
 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: 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	

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 4-6-21 Check # 20056

5. **Presently authorized point of diversion:**  
 One in the NW Quarter of the SE Quarter of the SE Quarter of Section 11, Township 26 South, Range 31 W, in FI County, Kansas, 1252 feet North 1234 feet West of Southeast corner of section.  
 Authorized Rate --- Authorized Quantity --- Depth of well --- (feet)  
**(DWR use only: Computer ID No. 05 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 SW Quarter of the SE Quarter of the SE Quarter of Section 11, Township 26 South, Range 31 W, in FI County, Kansas, 202 feet North 814 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 ---

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_, 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 \_\_\_\_\_, 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) Well casing issues, Well formation issues that limit pumping ability

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

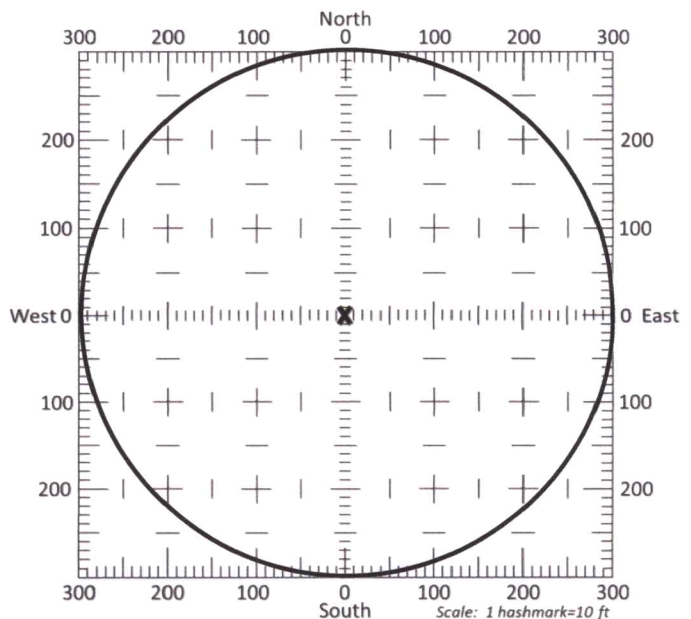
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

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? within 90 Days

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by MM/DWR

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 4-2-21 ANDALE, Kansas, this 2 day of 4, 2021.

Prairie Wind Assets LLC  
 (Owner)

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

Bob Husband  
 (Please Print)

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

Bob Husband  
 (Owner)

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

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

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

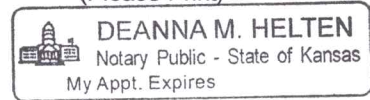
\_\_\_\_\_  
 (Owner)

\_\_\_\_\_  
 (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 2 day of April, 2021.

Deanna M Helten  
 Notary Public

My Commission Expires June 18, 2023.

**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. 29808

1. A change application was received on April 6, 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 \_\_\_\_\_ 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**

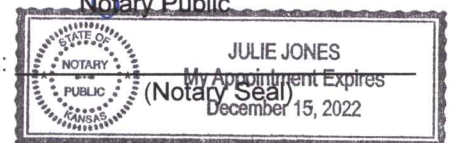
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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*

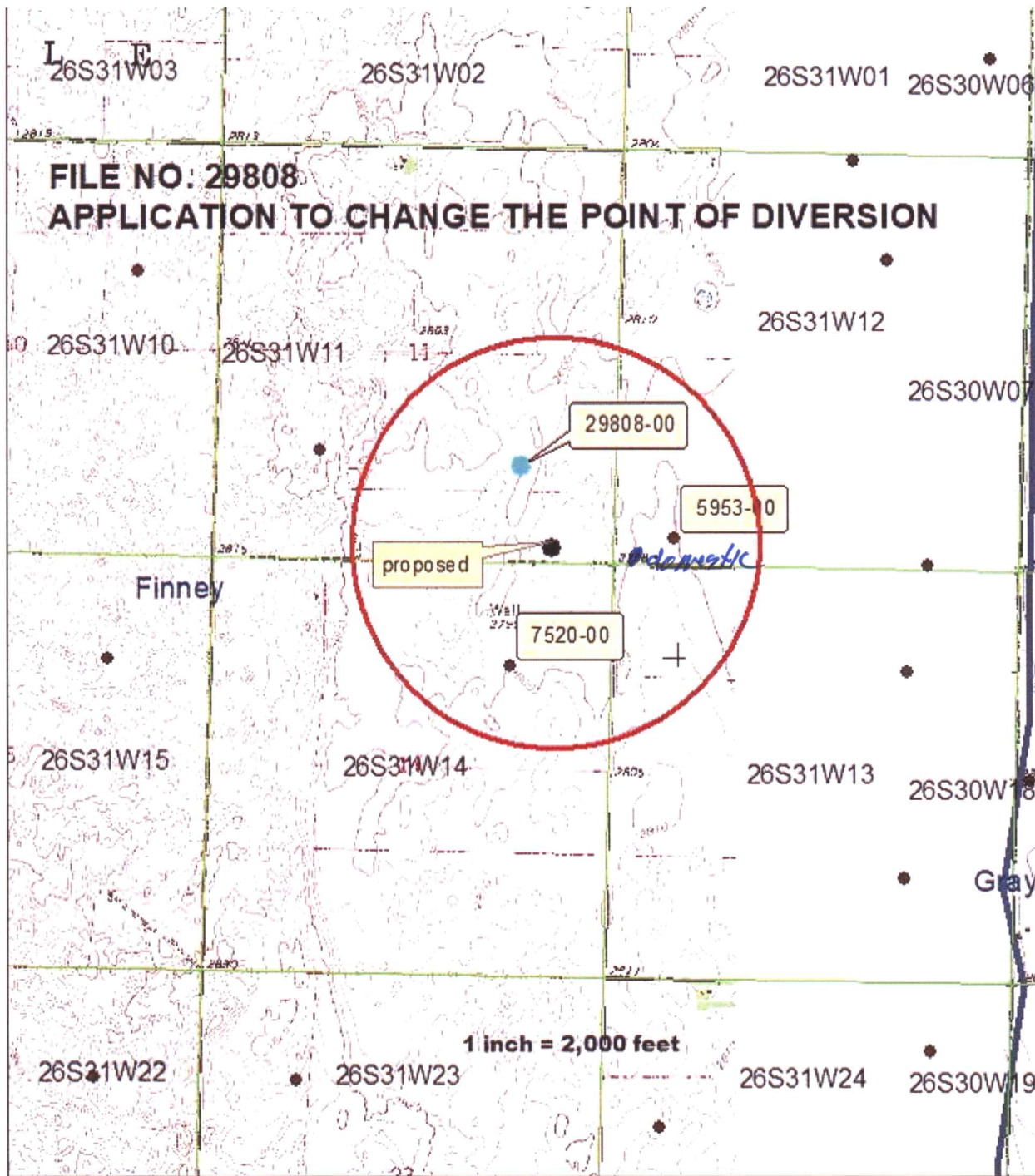
FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND SUMMARY ORDER ISSUED**

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: August 9, 2021  
State of Kansas )  
County of Ginney ) SS  
Acknowledged before me on August 9, 2021  
by Michael A. Meyer  
Signature: Julie Jones  
Notary Public

My commission expires:







**FILE NO: 29808**  
**APPLICATION TO CHANGE THE POINT OF DIVERSION**



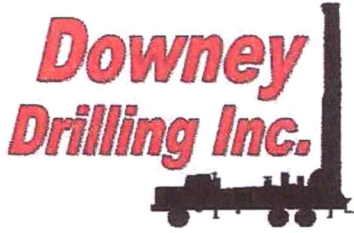
(2006 Scaled :

**X**  
**applicant signature**  
**no other wells within one half mile**

• *Jacob Klassen*  
*11095 E Road E*  
*Princetonville KS*

# WELL LOG

DATE: 3/29/2021



CUSTOMER NAME: BOB HUSBAND TH#2

LEGAL: SE 1/4 11-26S-31W

COUNTY: FINNEY CO, KS

GPS: N 37.795545

W 100.672775

LOGGER:

DRILLER: DIEGO

WO: 21-016

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	6	TOPSOIL	SOFT	DARK BROWN	FAST		SMOOTH
	6	23	FINE SAND	SOFT	DARK BROWN	FAST		VIBRATION
	23	49	FINE, MED, COARSE SAND	SOFT	TAN	FAST		FAST CHATTER
	49	78	FINE, MED, COARSE SAND W/ FINE, MED GRAVEL	SOFT	RED	FAST		CHATTER
	78	90	FINE, MED SAND	SOFT	TAN	FAST		FAST CHATTER
	90	101	FINE, MED, COARSE SAND W/ SMALL LENSE SANDY CLAY	SOFT	BROWN	FAST		CHOPPY & SMOOTH
	101	110	FINE, MED GRAVEL	SOFT	RED	FAST		CHATTER
	110	121	FINE, MED, COARSE GRAVEL	SOFT	RED	FAST		CHATTER
	121	127	SAND, SANDY CLAY	SOFT	TAN	FAST		SMOOTH VIBRATION & SMOOTH
	127	133	FINE SAND W/ SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	133	154	COARSE SAND, FINE GRAVEL	SOFT	RED	FAST		FAST CHATTER
	154	157	FINE, MED SAND W/ SANDY CLAY	FIRM SEMI	TAN	FAST		CHOPPY & SMOOTH
	157	168	COARSE SAND, FINE GRAVEL, TR.CEMENTED SAND	SOFT	TAN, RED	FAST		CHATTER
	168	173	FINE, MED, COARSE SAND W/ SANDY CLAY	FIRM & SOFT	TAN	FAST		CHATTER - IN & OUT
	173	180	COARSE SAND, TR. FINE GRAVEL	SOFT	TAN, RED	FAST		CHATTER
	180	201	SANDY CLAY, W/FEW SAND LENSES	SOFT / STIFFER	BROWN	FAST		SMOOTH
	201	219	MED SAND, TR. COARSE	SOFT	TAN	FAST		CHATTER
	219	222	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	222	246	MED - COARSE SAND, TR. FINE GRAVEL	SOFT	TAN	FAST		FAST CHATTER
	246	266	BR. ROCK W/ SANDSTONE & LIME ROCK	STIFF	BROWN	FAST		FAST CHATTER
	266	273	WEATHERED SHALE / CLAY	SOFT	YELLOW	SEMI SLOW		SMOOTH
	273	300	SHALE	SOFT	BLUE	SLOW		SMOOTH
			QUIKGEL - 7					
			WATER LOADS - 1					
			SODA ASH - 1/4					
			EZ MUD - 1/4					
			HOLEPLUG - 2					
			CS - 1					





# Century GEOPHYSICAL CORP.

BOB HUSBAND

COMPANY : DOWNEY DRILLING INC  
WELL : BOB HUSBAN  
LOCATION/FIELD : TH #2  
COUNTY : FINNEY  
LOCATION : SE 1/4  
SECTION : 11

OTHER SERVICES:

TOWNSHIP : 26S RANGE : 31W

DATE : 03/29/2  
DEPTH DRILLER : 300  
LOG BOTTOM : 298.7  
LOG TOP : 0.3

PERMANENT DATUM : GL  
LOG MEASURED FROM: GL  
DRL MEASURED FROM: GL

KB :  
DF :  
GL :

CASING DIAMETER : 10.  
CASING TYPE :  
CASING THICKNESS:

LOGGING UNIT : 1903  
FIELD OFFICE : DDI  
RECORDED BY : MASON

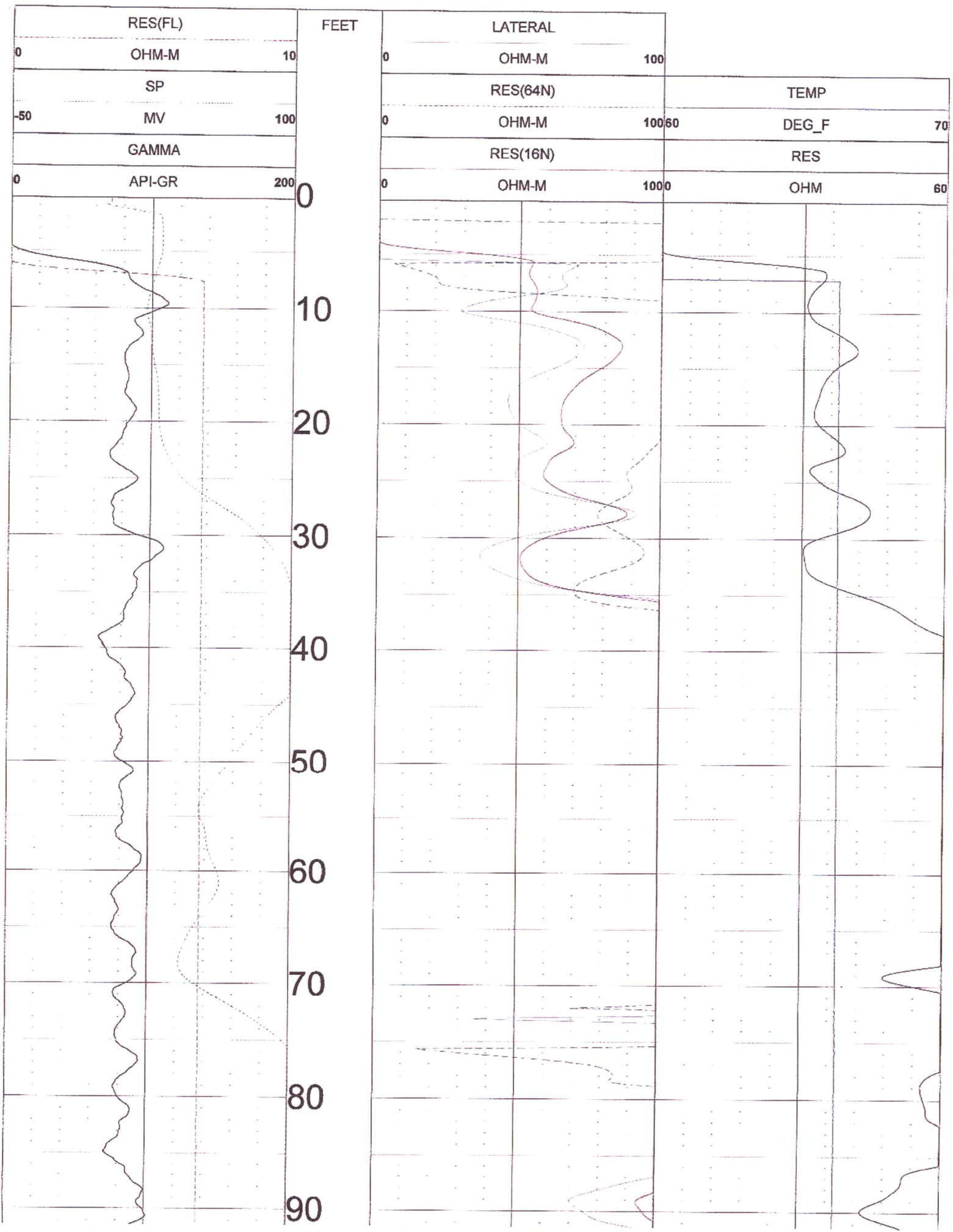
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MAGNETIC DECL. : 0  
MATRIX DENSITY : 2.71  
NEUTRON MATRIX : LIMESTON

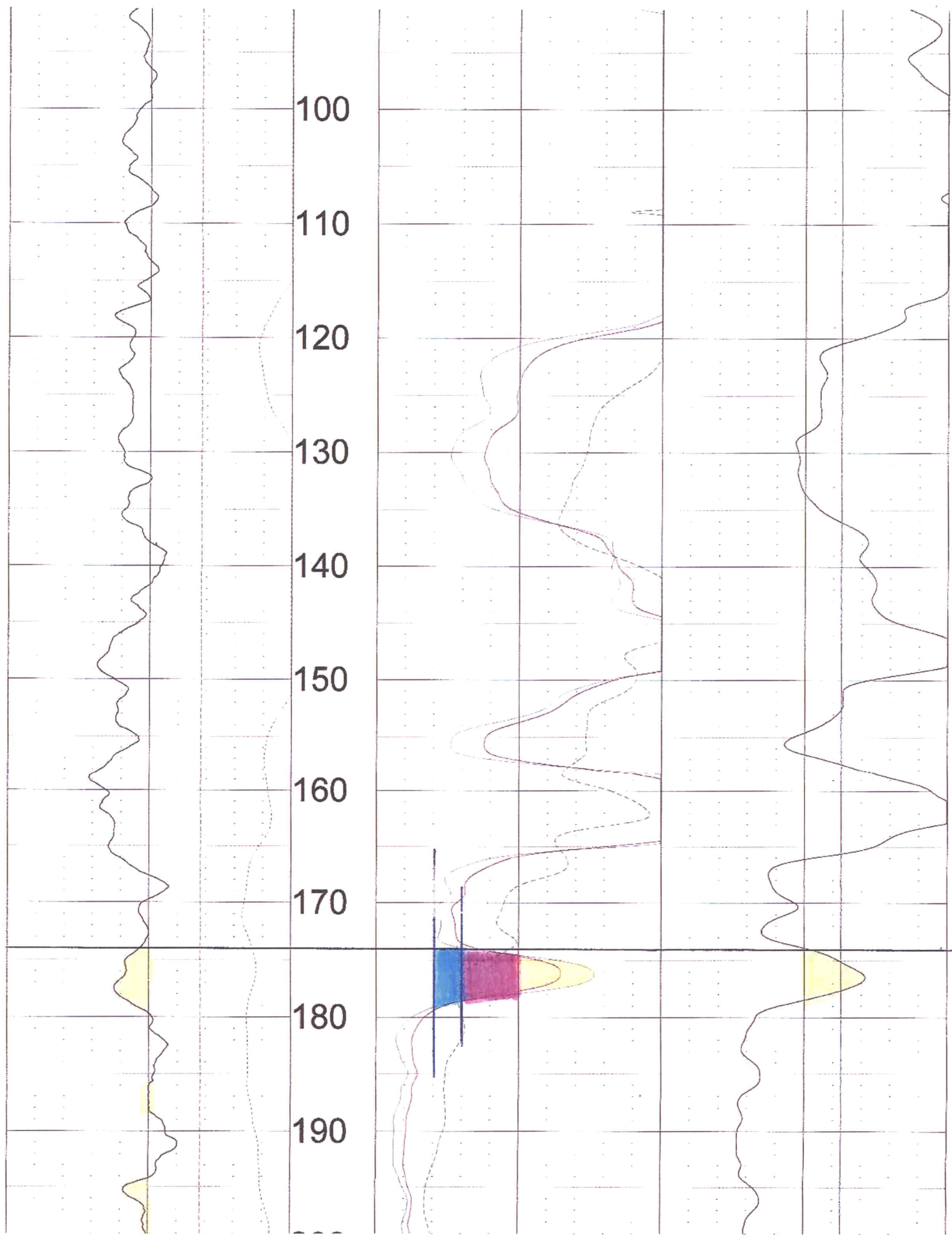
BOREHOLE FLUID : MUD  
RM :  
RM TEMPERATURE :  
MATRIX DELTA T : 49

FILE : ORIGINA  
TYPE : 8144A  
LGDATE: 03/29/21  
LGTIME : 13:10:  
THRESH: 99999

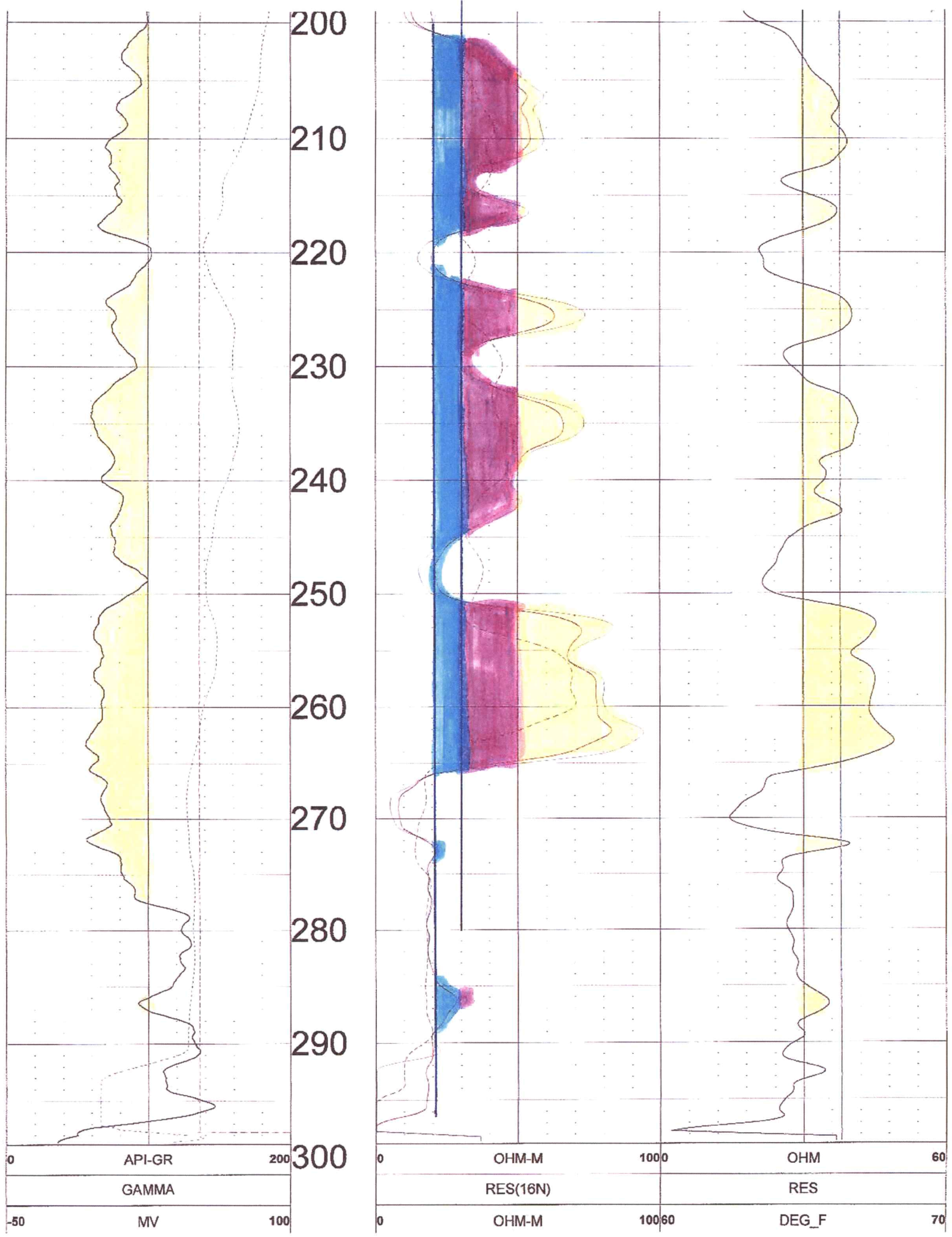
N 37.79554  
W -101.67277

ALL SERVICES PROVIDED SUBJECT TO STANDARD TERMS AND CONDITIONS









SP		FEET	RES(64N)		TEMP
0	OHM-M 10		0	OHM-M 100	
RES(FL)			LATERAL		

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 9, 2021

**FROM:** Michael A. Meyer   
Garden City Field Office

**RE:** Change in Point  
of Diversion Application,  
Water Right,  
File No. 29808

A proposed field office change in point of diversion application was received in the office April 6, 2021 that met well spacing rules after initial review. Nearby well letters were sent both by DWR and GMD3, there was no response. GMD3 conducted well evaluation effects and found "critical" wells that would exceed the net effect above their maximum allowable threshold based on the GMD3 model data. To mitigate effects and remove the "critical wells" criteria as documented by GMD3, GMD3 proposed to limit the rate of diversion and annual authorized quantity for the above referenced water right. With this concern of potential effects documented by GMD3 and their recommendation of limiting the water right for approval of the application for a favorable recommendation, DWR ran their analysis of 20% reduction of saturated thickness over the next 50 years by using their and more realistic aquifer properties and found that the water right would need to be further reduced with the concern of effects in the area noted by GMD3. This analysis and conclusions were discussed verbally with Mr. Husband, and he responded with a letter to the Chief Engineer dated May 19, 2021. The Chief responded with a letter dated May 28, 2021. The result of the options for Mr. Husband were to accept the reductions proposed by DWR, amend the application, redrill within 300' of the current point of diversion, or potential consideration of seeking consents from all nearby landowners to waive impairment in the future of their priority. Mr. Husband provided consent agreements by all landowners received in this office dated August 5, 2021.

The consent agreements were reviewed by Chief Legal Council Kenneth Titus, and result of his conversation with Attorney Mike Ramsey (attorney for Mr. Husband and author of the consent agreements), it was concluded that DWR could accept this consent agreements as they stated that the changes do not cause an unreasonable raising or lowering of the water table or impairment, and when the orders go final after appeal period, then they are final, but still do not bind the chief engineer to follow up on future impairment complaints if such would arise.

Therefore, the applications meet all rules, the application provide information by all parties that it is reasonable, made in proper form, made in good faith, and does not appear to impair existing water rights. The consent agreements will be part of the water right record, but not a condition of the approval, but should be noted in the future for reference.

Michael A. Meyer  
Water Commissioner



4-9-2021 DWR  
field

INPUTS		
	Longitude	Latitude
Point 1	-100.672820	37.795530
Point 2	-100.667300	37.796010

test hole

5953

Degrees Longitude per Foot 3.46058217E-06

Degrees Latitude per Foot 2.74618885E-06

Distance Between Points (ft) 1605

Compute Distance Between Points

#### Instructions

1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
2. Click "Compute Distance Between Points" button.

4-29-2021 DWR  
field

INPUTS		
	Longitude	Latitude
Point 1	-100.672820	37.795530
Point 2	-100.674580	37.791340

test hole 7520

Degrees Longitude per Foot 3.46047327E-06

Degrees Latitude per Foot 2.74618995E-06

Distance Between Points (ft) 1608

Compute Distance Between Points

- Instructions**
1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
  2. Click "Compute Distance Between Points" button.

INPUTS		
	Longitude	Latitude
Point 1	-100.672820	37.795530
Point 2	-100.674230	37.798390

test hole = +/- 12'  
29808

Degrees Longitude per Foot 3.46063768E-06

Degrees Latitude per Foot 2.74618829E-06

Distance Between Points (ft) 1118

Compute Distance Between Points

**Instructions**

1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
2. Click "Compute Distance Between Points" button.

## Meyer, Mike [KDA]

---

**From:** Meyer, Mike [KDA]  
**Sent:** Wednesday, April 7, 2021 7:42 AM  
**To:** 'Norquest, Jason (Norquest@gmd3.org)'  
**Subject:** request for recommendation, File No. 29808  
**Attachments:** 20210407073050303.pdf

god morning jason

find attached the application to change the point of diversion file by bob husband. please review and provide a recommendation within 15 days.

thank you and have a great day

*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

April 7, 2021

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

Re: Water Right, File No. 29808

Dear Mr. Norquest:

This is to advise you that Prairiewind Assets LLC, 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,

A blue ink signature of Michael A. Meyer, written in a cursive style.

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures

**CONSENT TO CHANGE OF POINT OF DIVERSION  
AND WAIVER OF SPACING AND IMPAIRMENT**

**In the Matter of the Application to  
Change the Authorized Point of Diversion of  
Appropriation Water Right File No. 29,808**

Prairie Wind Assets, LLC (referred to as "Prairie Wind Assets"), is the owner the following described real estate in Finney County, Kansas, to-wit:

The Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section Twelve (12), Township Twenty-six (26) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M., except a tract described as commencing at the Southwest Corner of said Section Twelve (12) as the place of beginning, thence Northerly along the West section line a distance of Two Hundred Sixty-five feet (265'), thence Easterly on a line parallel with the South section line a distance of Eight Hundred Feet (800'), thence Southerly on a line parallel with the West section line of a distance of Two Hundred Sixty-five feet (265') to the South line of said Section Twelve (12), thence Westerly on the South section line to the point of beginning,

on which is there is located an irrigation water well that provides water for irrigation uses on the above-described tract of land and other lands. The irrigation water well is authorized under appropriation water right 5,953, with a priority date of 4 September 1956. The location of the well is 356 feet north and 4,583 feet west of the southeast corner of Section 12-T26S-31W, according to the information reported on Kansas Geological Survey's WIMAS database ("PWA's East Well").

Prairie Wind Assets also owns an irrigation well that is the authorized point of diversion for water right file no. 29,808, currently located approximately 1,252 feet north and 1,234 feet west of the southeast corner of Section 11-T26S-31W ("PWA's Existing Well"). Water right file no. 29,808 has a priority date of 6 May 1977. Water Right File No. 29,808 is authorized to pump 225 acre-feet per year for irrigation use.

Prairie Wind Assets has filed an application to change the location of PWA's Existing Well to a new location that is approximately 202 feet north and 814 feet west of the southeast corner of Section 11-T26S-31W ("PWA's Replacement Well").

**WAIVER OF SPACING BETWEEN PWA'S EAST WELL AND PWA'S WELL:**

The location of PWA's Existing Well is approximately 2,091 feet, more or less, from PWA's East Well. Spacing between wells is governed by Southwest Kansas Groundwater Management District regulation, K.A.R. 5-23-3, which requires a minimum spacing of 1,600 feet between PWA's East Well and PWA's Replacement Well. Based on the location for PWA's East Well as reported on WIMAS, the location of PWA's Replacement Well will be approximately 1,478 feet, more or less, from PWA's East Well, which less than the minimum spacing requirement by approximately 122 feet. However, based on recent field measurements, Prairie Wind has determined there is more than 1,600 feet separating PWA's East Well and PWA's



Replacement Well. Nevertheless, Prairie Wind Assets consents to an administrative waiver, pursuant to K.A.R. 5-10-4, of the spacing regulation, K.A.R. 5-23-3, in order that the application to change the authorized point of diversion under Water Right File No. 29,808 to PWA's Replacement Well may be approved.

**CONSENT TO CHANGE OF WELL LOCATION AND WAIVER OF IMPAIRMENT:**

Based on the best available information, Prairie Wind believes that it has adequately demonstrated that the proposed change is reasonable and will not cause an unreasonable raising or lowering of the static groundwater level or otherwise impair the operation of PWA's East Well as set forth in this agreement.

Pumping from of PWA's Existing Well has not caused a noticeable reduction in the pumping rate of PWA's East Well, when both PWA's Existing Well and PWA's East Well are operating at the same time.

Prairie Wind Assets does not object to the relocation of PWA's Existing Well to the proposed location of PWA's Replacement Well. Prairie Wind Assets consents to the approval of the application to change the authorized point of diversion under Water Right File No. 29,808 to the location of PWA's Replacement Well.

Prairie Wind Assets waives all future claims of direct well-to-well impairment that may result from the lawful pumping of PWA's Replacement Well.

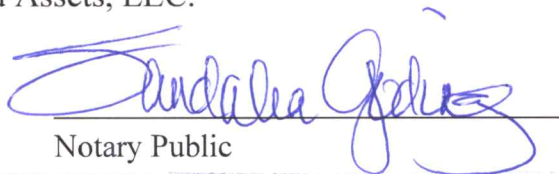
This consent and waiver by Prairie Wind Assets applies only to the location of PWA's Replacement Well. This consent and waiver is binding on Prairie Wind Assets and its successors and assigns, and it will be a covenant running with the title to Water Right File No. 5,953 and title to Water Right File No. 29,808.

Prairie Wind Assets, LLC, by:

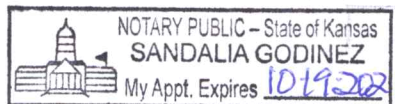
  
Bob Husband, Managing Member

STATE OF KANSAS, COUNTY OF Furness, ss:

This instrument was acknowledged before me on 5th August 2021 by Bob Husband, as Managing Member of Prairie Wind Assets, LLC.

  
Notary Public

My Appointment Expires:



**CONSENT TO CHANGE OF POINT OF DIVERSION  
AND WAIVER OF IMPAIRMENT**

**In the Matter of the Application to  
Change the Authorized Point of Diversion of  
Appropriation Water Right File No. 29,808**

Prairie Wind Assets, LLC (referred to as "Prairie Wind Assets"), is the owner the following described real estate in Finney County, Kansas, to-wit:

The Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section Eleven (11), Township Twenty-six (26) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M.,

on which is there is located an irrigation water well that provides water for irrigation uses on the above-described tract of land and other lands. The irrigation water well is authorized under appropriation water right 29,807, with a priority date of 6 May 1977 and is located approximately 1,420 feet north and 3,960 feet west of the southeast corner of Section 11-T26S-31W ("PWA's West Well").

Prairie Wind Assets also owns an irrigation well that is the authorized point of diversion for water right file no. 29,808, currently located approximately 1,252 feet north and 1,234 feet west of the southeast corner of Section 11-T26S-31W ("PWA's Existing Well"). Water right file no. 29,808 has a priority date of 6 May 1977. Water Right File No. 29,808 is authorized to pump 225 acre-feet per year for irrigation use.

Prairie Wind Assets has filed an application to change the location of PWA's Existing Well to a new location that is approximately 202 feet north and 814 feet west of the southeast corner of Section 11-T26S-31W ("PWA's Replacement Well").

**SEPARATION DISTANCE BETWEEN PWA'S WEST WELL AND PWA'S WELL:**

The location of PWA's Existing Well is approximately 2,731 feet, more or less, from PWA's West Well. Spacing between wells is governed by Southwest Kansas Groundwater Management District regulation, K.A.R. 5-23-3, which requires a minimum spacing of 1,600 feet between PWA's West Well and PWA's Replacement Well. The location of PWA's Replacement Well will be approximately 3,374 feet, more or less, from PWA's West Well, which exceeds the minimum spacing requirement by approximately 1,774 feet.

**CONSENT TO CHANGE OF WELL LOCATION AND WAIVER OF IMPAIRMENT:**

Based on the best available information, Prairie Wind believes that it has adequately demonstrated that the proposed change is reasonable and will not cause an unreasonable raising

or lowering of the static groundwater level or otherwise impair the operation of PWA's West Well as set forth in this agreement.

Pumping from of PWA's Existing Well has not caused a noticeable reduction in the pumping rate of PWA's West Well, when both PWA's Existing Well and PWA's West Well are operating at the same time.

Prairie Wind Assets does not object to the relocation of PWA's Existing Well to the proposed location of PWA's Replacement Well. Prairie Wind Assets consents to the approval of the application to change the authorized point of diversion under Water Right File No. 29,808 to the location of PWA's Replacement Well.

Prairie Wind Assets waives all future claims of direct well-to-well impairment that may result from the lawful pumping of PWA's Replacement Well.

This consent and waiver by Prairie Wind Assets applies only to the location of PWA's Replacement Well. This consent and waiver is binding on Prairie Wind Assets and its successors and assigns, and it will be a covenant running with the title to Water Right File No. 29,807 and title to Water Right File No. 29,808.

Prairie Wind Assets, LLC, by:

  
Bob Husband, Managing Member

STATE OF KANSAS, COUNTY OF Finney, ss:

This instrument was acknowledged before me on 5 August 2021 by Bob Husband, as Managing Member of Prairie Wind Assets, LLC.

  
Notary Public

My Appointment Expires: 12-9-21





CONSENT TO CHANGE OF POINT OF DIVERSION  
AND WAIVER OF IMPAIRMENT

In the Matter of the Application to  
Change the Authorized Point of Diversion of  
Appropriation Water Right File No. 29,808

We, Jacob Klassen and Maria Klassen, husband and wife, (referred to as "Klassen")  
are the owners the following described real estate in Finney County, Kansas, to-wit:

A tract of land located in the Southwest Quarter (SW¼) of Section Twelve (12),  
Township Twenty-six (26) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M.,  
described as follows:

Commencing at the Southwest Corner of said Section Twelve (12) as the place  
of beginning, thence Northerly along the West section line a distance of Two  
Hundred Sixty-five feet (265'), thence Easterly on a line parallel with the South  
section line a distance of Eight Hundred Feet (800'), thence Southerly on a line  
parallel with the West section line of a distance of Two Hundred Sixty-five feet  
(265') to the South line of said Section Twelve (12), thence Westerly on the  
South section line to the point of beginning,

on which is there is located a domestic water well that provides water for domestic  
uses on the above-described tract of land. The domestic water well was constructed in  
October 2017 and is located approximately 121 feet north and 4,859 feet west of the  
southeast corner of Section 12- T26S-31W ("Klassen's Well").

Prairie Wind Assets, LLC ("Prairie Wind Assets") is the owner of an irrigation  
well that is the authorized point of diversion for water right file no. 29,808, currently  
located approximately 1,252 feet north and 1,234 feet west of the southeast corner of  
Section 11-T26S 31W ("PWA's Existing Well"). Water right file no. 29,808 has a priority  
date of 6 May 1977. Water Right File No. 29,808 is authorized to pump 225 acre-feet  
per year for irrigation use.

Prairie Wind Assets has filed an application to change the location of PWA's  
Existing Well to a new location that is approximately 202 feet north and 814 feet  
west of the southeast corner of Section 11-T26S-31W ("PWA's Replacement Well").

SEPARATION DISTANCE BETWEEN KLASSEN'S WELL AND PWA'S WELL:

The location of PWA's Existing Well is approximately 1,970 feet, more or less, from  
Klassen's Well. Spacing between wells is governed by Southwest Kansas  
Groundwater Management District regulation, K.A.R. 5-23-3, which requires a  
minimum spacing of 660 feet between Klassen's Well and PWA's Replacement Well.

The location of PWA's Replacement  
Well will be approximately 1,196 feet, more or less, from Klassen's Well, which

exceeds the minimum spacing requirement by approximately 536 feet.

CONSENT TO CHANGE OF WELL LOCATION AND WAIVER OF IMPAIRMENT:


Based on the best available information, Klassen believes that PWA has adequately demonstrated that the proposed change is reasonable and will not cause an unreasonable raising or lowering of the static groundwater level or otherwise impair the operation of Klassen's well as set forth in this agreement.

Pumping from of PWA's Existing Well has not caused a noticeable reduction in the pumping rate of Klassen's Well, when both PWA's Existing Well and Klassen's Well are operating at the same time.

Klassen does not object to the relocation of PWA's Existing Well to the proposed location of PWA's Replacement Well. Klassen consents to the approval of Prairie Wind Asset's application to change the authorized point of diversion under Water Right File No. 29,808 to the location of PWA's Replacement Well.

Klassen waives all future claims of direct well-to-well impairment that may result from the lawful pumping of PWA's Replacement Well.

This consent and waiver by Klassen applies only to the location of PWA's Replacement Well. This consent and waiver is binding on Klassen and their successors and assigns, and it will be a covenant running with the title to Klassen's land described above and title to Water Right File No. 29,808.

  
\_\_\_\_\_  
*Maria Klassen*

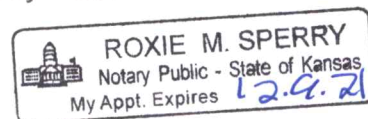
Jacob Klassen Maria Klassen

STATE OF KANSAS, COUNTY OF FINNEY, ss:

This instrument was acknowledged before me on 5 August 2021 by Jacob Klassen and Maria Klassen, husband and wife.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires: 12.9.21





**CONSENT TO CHANGE OF POINT OF DIVERSION  
AND WAIVER OF IMPAIRMENT**

**In the Matter of the Application to  
Change the Authorized Point of Diversion of  
Appropriation Water Right File No. 29,808**

Elizabeth J. Hutton, as Trustee of the Hutton Trust dated 20 October 1994 (referred to as "Hutton Trust"), is the owner the following described real estate in Finney County, Kansas, to-wit:

The East Half (E½) of Section Fourteen (14), Township Twenty-six (26) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M.,

on which is there is located an irrigation water well that provides water for irrigation uses on the above-described tract of land. The irrigation water well is authorized under appropriation water right 7,520, with a priority date of 16 July 1957 and is located approximately 3,900 feet north and 1,540 feet west of the southeast corner of Section 14-T26S-31W ("Hutton Trust's Well").

Prairie Wind Assets, LLC ("Prairie Wind Assets") is the owner of an irrigation well that is the authorized point of diversion for water right file no. 29,808, currently located approximately 1,252 feet north and 1,234 feet west of the southeast corner of Section 11-T26S-31W ("PWA's Existing Well"). Water right file no. 29,808 has a priority date of 6 May 1977. Water Right File No. 29,808 is authorized to pump 225 acre-feet per year for irrigation use.

Prairie Wind Assets has filed an application to change the location of PWA's Existing Well to a new location that is approximately 202 feet north and 814 feet west of the southeast corner of Section 11-T26S-31W ("PWA's Replacement Well").

**SEPARATION DISTANCE BETWEEN HUTTON TRUST'S WELL AND PWA'S WELL:**

The location of PWA's Existing Well is approximately 2,706 feet, more or less, from Hutton Trust's Well. Spacing between wells is governed by Southwest Kansas Groundwater Management District regulation, K.A.R. 5-23-3, which requires a minimum spacing of 1,600 feet between Hutton Trust's Well and PWA's Replacement Well. The location of PWA's Replacement Well will be approximately 1,792 feet, more or less, from Hutton Trust's Well, which exceeds the minimum spacing requirement by approximately 192 feet.

**CONSENT TO CHANGE OF WELL LOCATION AND WAIVER OF IMPAIRMENT:**

Pumping from of PWA's Existing Well has not caused a noticeable reduction in the pumping rate of Hutton Trust's Well, when both PWA's Existing Well and Hutton Trust's Well are operating at the same time.

**RECEIVED**

**JUL 21 2021**

Garden City Field Office  
Division of Water Resources



Hutton Trust does not object to the relocation of PWA's Existing Well to the proposed location of PWA's Replacement Well. Hutton Trust consents to the approval of Prairie Wind Asset's application to change the authorized point of diversion under Water Right File No. 29,808 to the location of PWA's Replacement Well.

Hutton Trust waives all future claims of direct well-to-well impairment that may result from the lawful pumping of PWA's Replacement Well.

This consent and waiver by Hutton Trust applies only to the location of PWA's Replacement Well. This consent and waiver is binding on Hutton Trust and its successors and assigns, and it will be a covenant running with the title to Water Right File No. 7,520 and title to Water Right File No. 29,808.

HUTTON TRUST DATED 20 OCTOBER 1994, by:

  
ELIZABETH J. HUTTON, TRUSTEE

STATE OF CALIFORNIA, COUNTY OF INYO, ss:

On 14 July 2021 before me, T.R. CORE, a notary public personally appeared ELIZABETH J. HUTTON, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed this instrument.

Witness my hand and official seal.

  
Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 28, 2021

Bob Husband  
11565 E. Plymell Rd  
Pierceville, KS 67868

Dear Mr. Husband,

Thank you for sharing information with me and my staff as we continue to evaluate your pending application to change your authorized point of diversion (well) under File No. 29,808.

As you noted, your pending application meets the well spacing requirements as defined by the applicable rule and regulation (K.A.R. 5-23-3) which applies to relocating a well authorized by a water right. The Kansas Water Appropriation Act in K.S.A. 82a-708b states that any owner of a water right may change the point of diversion provided such owner “demonstrate to the chief engineer that any proposed change is reasonable and will not impair existing rights.” As you are not proposing a change in the use of water or operation, the proposed change would be considered reasonable. However, the question of whether the change will impair other users must still be considered.

It is often inferred that the demonstration of impairment is taken care of within the spacing rules. While the rules provide guidance, we know the Ogallala continues to decline and those spacing rules alone may not be adequate to protect against unreasonable lowering causing impacts to existing wells by changes to water rights. Such as moving a well closer to other existing wells as appears to be proposed by your specific application.

I do agree that most of the public believe that if proposals such as this meet well spacing, the notification letters to neighbors may have the implication that they are protected from impairment. Or as you put it, they are not worried about impairment if they do not respond. However, the requirement in 82a-708b is the demonstration that other existing rights won't be impaired, not that those owners are not worried about impairment.

The Southwest Kansas Groundwater Management District No. 3 (GMD3) has implemented well to well evaluations and provided that information to applicants and owners of nearby existing wells for review regarding moving forward with the proposed change. They provide this information to us as well in the form of a recommendation for us to consider. We are not obligated to adhere to the recommendation but do review it along with other data when making a final decision.

RECEIVED

JUN 04 2021

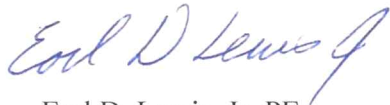
Garden City Field Office  
Division of Water Resources

This information specific to this application caused us to review similar data and analysis as we would normally do when there are concerns of well to well impacts expressed that may exceed the reasonable raising or lowering of the aquifer. With our analysis, we find that we cannot move forward with further processing of the application, as proposed, as it does not meet the intent of the statute. The information shows that there may be unreasonable aquifer lowering at nearby wells and potential future impairment. Without additional information which demonstrates that the change will not impair existing rights, we cannot move forward with the application without modifications to the proposal that would limit effects to existing wells and potential future impairment. I believe that the Garden City Field Office Water Commissioner Mike Meyer has already talked with you about the option to reduce the authorized rate to around 250 gallons per minute as a potential modification.

If the nearby existing well owners would like to support your proposal and waive any claim to future impairment that this well may cause, that could be considered. It would need to be in the form of legal agreements between you and owners of the others wells which would be binding on successive owners.

You will receive additional information from staff that indicates that unless additional information is provided, we will dismiss the application for failure to meet the statute referenced above and provide you additional time to respond if needed.

Sincerely,

A handwritten signature in blue ink that reads "Earl D. Lewis, Jr." with a stylized flourish at the end.

Earl D. Lewis, Jr. PE  
Chief Engineer



Chief Engineer:

5-19-21

With reference to my application to drill a replacement irrigation well on my land I would like to share with you some facts of present conditions on my farm and supply you with current and factual information concerning the proposed new application.

I am the owner of the farm that is applying for this permit and have owned and operated this farm with center pivot irrigation for the past 50 years. When a new favorable location for this new well was decided upon we made sure that all spacing from other wells were met. This was checked and double checked prior to drilling our test hole. With this rule being met I felt that we would have a green light to drill our replacement well.

I was not aware of a new rule that has been adopted in the past 2 years that allows GMD3 to evaluate my replacement well and based on their policies (either factual or theory) have the power to make a recommendation to the State office prior to issuing my permit to drill my replacement well. However, I want to focus on the issue of impairment because this is the subject of priority.

1. All well owners were sent letters notifying them of my intentions to redrill.

Not one owner responded with any disapproval

2. In 2016 I drilled a replacement well which is file # 8975. This was a relocation within the 300 ft. rule. This well is located within 4,300 ft. of my proposed new well at file #29,808 and also has a house well located within 500 ft. With 4 years of pumping I have had no complaint issues from neighboring well owners.

3. GMD3 points out that my new well location is close enough to a residence home well to raise concern. I would like to point out that this residence home owner drilled his well within 300 ft. of my irrigation well file #5953 and drilled it to a depth of 30 ft. above shale. Unsure about the reason for this but it demonstrates that the land owner was not worried about impairment plus he has not issued any complaints concerning impairment.

I strongly urge you to NOT consider the GMD3 recommendation and only consider the facts that I have supplied to your office within this letter because these are the facts that represent the current situation as it exists. I feel that GMD3 is discriminating against me as an individual with their recommendation and that I am not being fairly considered in this permit application by their office.

Therefore, I ask that I be issued a permit to drill my replacement well with all allocation and pumping rates be given as stated within my existing permit.

Bob Husband  
620 272-7266

RECEIVED

MAY 19 2021

Garden City Field Office  
Division of Water Resources

D. Engelhaupt  
5/11/2021

**Theis analysis of change in point of diversion, File No. 29,808**

A fifty-year Theis analysis was used to evaluate the potential impacts of a change in point of diversion, File No. 29,808. The change proposes relocating one well approximately 1,100 feet south-southeast of its current location. The average projected 2066 transmissivity (2,283 ft<sup>2</sup>/day) and average saturated thickness (45 feet) from the GMD No. 3 groundwater model for Sections 11, 12, 13, and 14, Township 26 South, Range 31 West were used. The specific storage was assumed to be 10<sup>-5</sup>, which resulted in an assumed storage coefficient of 0.00045. Maximum drawdown at File No. 7,520 under the proposed pumping scenario was compared to the average pumping over the past ten years (102 acre-feet) at the current location at the recent pumping rate of 100 gallons per minute. With these assumptions the drawdown at File No. 7,520 increases by 31.6 feet, which is 70.1% of the projected saturated thickness (Table 1). If the proposed pump rate is reduced to 237 gallons per minute the net drawdown increases by 9.0 feet, or 19.9% of the projected saturated thickness (Table 2).

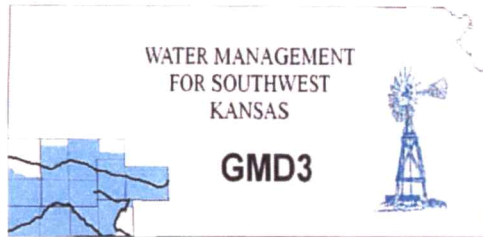
**Table 1:** Theis analysis of drawdown at File No. 7,520; T = 2,283 ft<sup>2</sup>/day; S = 0.00045

Scenario	Distance (Feet)	Quantity (Acre-Feet)	Rate (GPM)	Drawdown (Feet)	Drawdown (%ST)
Proposed	1,616	225	900	37.3	82.9%
Baseline	2,580	102	100	5.7	12.8%
			Net:	31.6	70.1%

**Table 2:** Theis analysis of drawdown at File No. 7,520; T = 2,283 ft<sup>2</sup>/day; S = 0.00045

Scenario	Distance (Feet)	Quantity (Acre-Feet)	Rate (GPM)	Drawdown (Feet)	Drawdown (%ST)
Proposed	1,616	225	237	14.7	32.7%
Baseline	2,580	102	100	5.7	12.8%
			Net:	9.0	19.9%





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

May 3, 2021

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

RE: Applications for Change in Point of Diversion  
Water Right, File No. 29808

Dear Mike:

We have completed a review of the application for the above referenced water right. The proposed change in points 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, which states 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 (2.0-2.5 ft in cases where saturated thickness is between 75-100 ft or 100-125ft respectively), 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 multiple neighboring wells exceeded the net effect above the maximum allowable threshold and required further evaluations. The main effects of the new proposed well would be to other wells owned/operated by the applicant, but the biggest effects would be to a domestic well in the SW of 12-26-31, not owned by the applicant. The analysis shows that if the proposed well was limited to an authorization of 179AF and a rate of 500gpm, it would mitigate the critical effects on the neighboring wells, specifically the domestic well. Since the biggest effects were on the domestic well, defining how to mitigate the effects to it would also benefit the irrigation wells owned by the applicant that were also affected. Our office did not receive any responses from the neighbor notices that were sent out. Discussion with the applicant did not indicate his desire to be limited and believes that his local area has actually seen a slight increase in saturated thickness. Therefore, GMD3 sees this move as reasonable and would recommend that the application be approved with the limitation of 179AF at 500gpm on the new well. 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.

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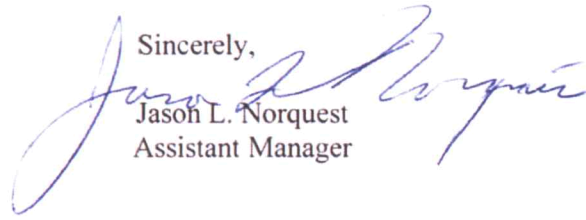
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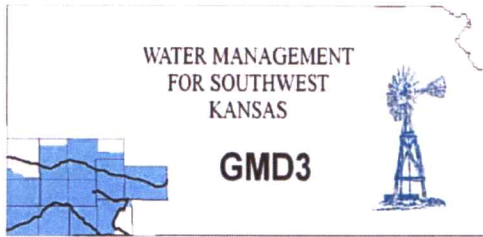
Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason L. Norquest". The signature is fluid and cursive, with a large initial "J" and "N".

Jason L. Norquest  
Assistant Manager





**Southwest Kansas**  
**Groundwater Management District No. 3**  
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May 3, 2021

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

RE: Applications for Change in Point of Diversion  
Water Right, File No. 29808

Dear Mike:

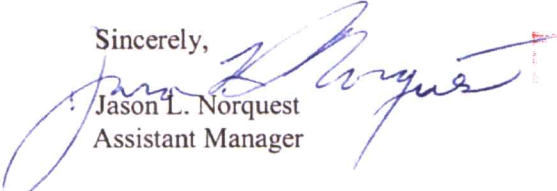
We have completed a review of the application for the above referenced water right. The proposed change in points of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

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, which states 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 (2.0-2.5 ft in cases where saturated thickness is between 75-100 ft or 100-125ft respectively), 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 multiple neighboring wells exceeded the net effect above the maximum allowable threshold and required further evaluations. The main effects of the new proposed well would be to another well owned/operated by the applicant and a domestic well in the SW of 12-26-31. The analysis shows that if that well was limited to an authorization of 179AF and a rate of 900gpm, the neighboring wells would no longer be considered critical. Our office did not receive any responses from the neighbor notices that were sent out. Discussion with the applicant did not indicate his desire to be limited. Therefore, GMD3 sees this move as reasonable and therefore recommend that the application be approved with the limitation on the new well. 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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Garden City Field Office  
Division of Water Resources

## GMD3 Change Review

---

File No(s): 29808. DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: Prairiewind Assets LLC.

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) 05 being changed.

	ft. North	ft. West	
Authorized PD	1252	1234	Sect 11-26-31
Proposed PD	202	814	
Difference	1050 s	420 e	
a2 + b2 = c2	1102500	176400	1130.885 foot move SE

GPS for proposed PD: Lat: 37.795545 Long: -100.672775.

Is proposed PD stacking on existing WRs? NO.

Is Proposed PU overlapping existing WRs? No Change.

Neighboring certified well(s) notified:   .

Name Ival Eugene Nally % Butch Nally (21259).

Address 19602 1 RD.

Zip Pierceville, KS 67868.

Email: ival@ucom.net. Phone: 620-335-5275.

Name Rundell Land & Cattle LLC.

Address PO Box 486.

Zip Garden City, KS 67846.

Email: gregrundell@hotmail.com. Phone: 620-260-6368.

Domestic well(s) notified:   .

Name Floyd & Moleta Cronin (NC N 11-26-31).

Address PO Box 394.

Zip Garden City, KS 67846.

Name Jacob M Klassen (SW SW 12-26-31).

Address 11095 E Road E.

Zip Pierceville, KS 67868.

Name Abraham & Agatha Teichroed (SW SE 12-26-31).

Address 11685 E Road E.

Zip Pierceville, KS 67868.

## GMD3 Change Review

---

Base Acres: \_\_\_.

Perfected Acres: \_\_\_.

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

**Currently authorized: 225AF @ 900gpm**

**Recent WUR (2011-2020): 101.9AF/year avg.**

**200gpm reported on 2015 WUR**

**GMD3 inspection showed 92gpm.**

**Proposed well appears to be going to a depth around 300'.**

Is a waiver needed: Move is less than half mile. Spacing may not be met to 5953, which is another well of the applicant's. DWR confirmed we are good with spacing. Call with applicant was not receptive to the limitation of 179AF @ 500gpm.

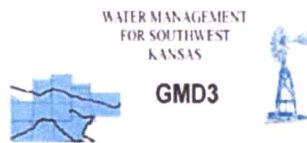
Recommendation: After review of all available information, current area rules are met. Low saturated thickness for area made effects guidelines low. Would need to limit the well to 179AF @ 500gpm. The worst effect is on a domestic well in the SW corner of section 12. Noted that domestic already has an irrigation well very close that could be effecting them too. This well would be additional effects. Staff would recommend approval with the application, limiting the new well .

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## Applicant Interview

TO: Governing Body/File 29808  
FROM: Jason Norquest  
THROUGH: Mark E. Rude, Executive Director  
DATE: April 9, 2021  
RE: MP recommendation, Proposed: Limit new well to 179AF @ 500gpm.

---

- 1) Why is this change needed? **Lose of production in the old well**
- 2) What is the current production from the well? (rate) **Less than 200gpm**
- 3) What can you tell me about current well? (depth, age, etc) **Depth of wells are similar**
- 4) Do you have a future plan for another change? (whether it be this WR or another possibly) **At this time, this would be the only change is the well will produce**
- 5) What is your plan for the current well that you are moving from? (explain options to cap/plug, could it be a monitoring well) **Explained the need to properly plug/cap the old well. Current old well is open. DWR also has told him that he needs to properly take care of the old well.**
- 6) What do you hope to get from the new well as far as production? (This will give us a chance to work with the applicant for the analysis) **Bob said he is hoping for 5-600gpm, prefers the 600gpm**
- 7) What rate do you plan to operate the new well? (what is current pivot package, will that be changed, does it run more than one pivot, does one or more wells go to same system) **Prefers 600gpm, but will run the well most he can**
- 8) Has there been any conversation with neighbors? Have there been any effects from past moves, yours or in the area? **We show big effects to one other certified well that is owned by the applicant. There is also a domestic well he is moving closer to that would see critical effects. Bod didn't think that should be an issue since he sold that person the land for the homesite.**
- 9) Explain the well to well analysis and our process, make sure to have the best contact information **we did go over our analysis. He doesn't believe it to be accurate. Stated that he has seen one of his nearby wells come up 8' in the last five years, according to measurements taken by Downey Drilling. He also stated that he believes we need to shut off the ditches upstream to help out the downstream areas like his. Our analysis shows he would have to be limited to 179AF @ 500gpm to mitigate critical wells in the area.**

10) Make sure we have best contact information if needed!!

Bob Husband: 272-7266 [balemaker50@gmail.com](mailto:balemaker50@gmail.com)

Bob also stated that our office prevented him from redrill this water right around 2008. Driller was on site when he got the letter saying he could not drill the well. Ended by saying we are 20 days into a 60 day window for him to drill and for us to proceed and see what happens.



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5953: Drawdown from current location = 1.53 ft  
Drawdown from proposed location = 4.86 ft  
Net drawdown = **3.3 ft**

8975 & 11369: Drawdown from current location = 0.94 ft  
Drawdown from proposed location = 2.24 ft  
Net drawdown = **2.2 ft**

7520: Drawdown from current location = 1.41 ft  
Drawdown from proposed location = 4.78 ft  
Net drawdown = **3.4 ft**

21259: Drawdown from current location = 0.91 ft  
Drawdown from proposed location = 2.24 ft  
Net drawdown = **1.3 ft**

Domestic 1: Drawdown from current location = 1.13 ft  
Drawdown from proposed location = 2.20ft  
Net drawdown = **1.1 ft**

Domestic 2: Drawdown from current location = 1.11 ft  
Drawdown from proposed location = 2.22 ft  
Net drawdown = **1.1 ft**

Domestic 3: Drawdown from current location = 1.61 ft  
Drawdown from proposed location = 6.18 ft  
Net drawdown = **4.6 ft**

Domestic 4: Drawdown from current location = 1.07 ft  
Drawdown from proposed location = 2.62 ft  
Net drawdown = **1.5 ft**

Net drawdown exceeds the drawdown allowance for the wells operated under water right nos. 5953 and 7520. Both wells are owned and operated by the applicant, so critical well analysis was not performed on them. The drawdown allowance of 2.5 ft (saturated thickness is 102 ft at well location) for Domestic 3 is exceeded and this well is not owned by the applicant. Critical well analysis was performed, and the results are as follows.

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**Critical Well Evaluation:**

**Domestic 3:**

Water Column = 102 ft

DP = 4.6 ft (Net drawdown from the proposal indicated above)

DE = 44.5 ft (Water level decline from 2021 through 2046 based upon GMD3 model)

DT = 49.1 ft

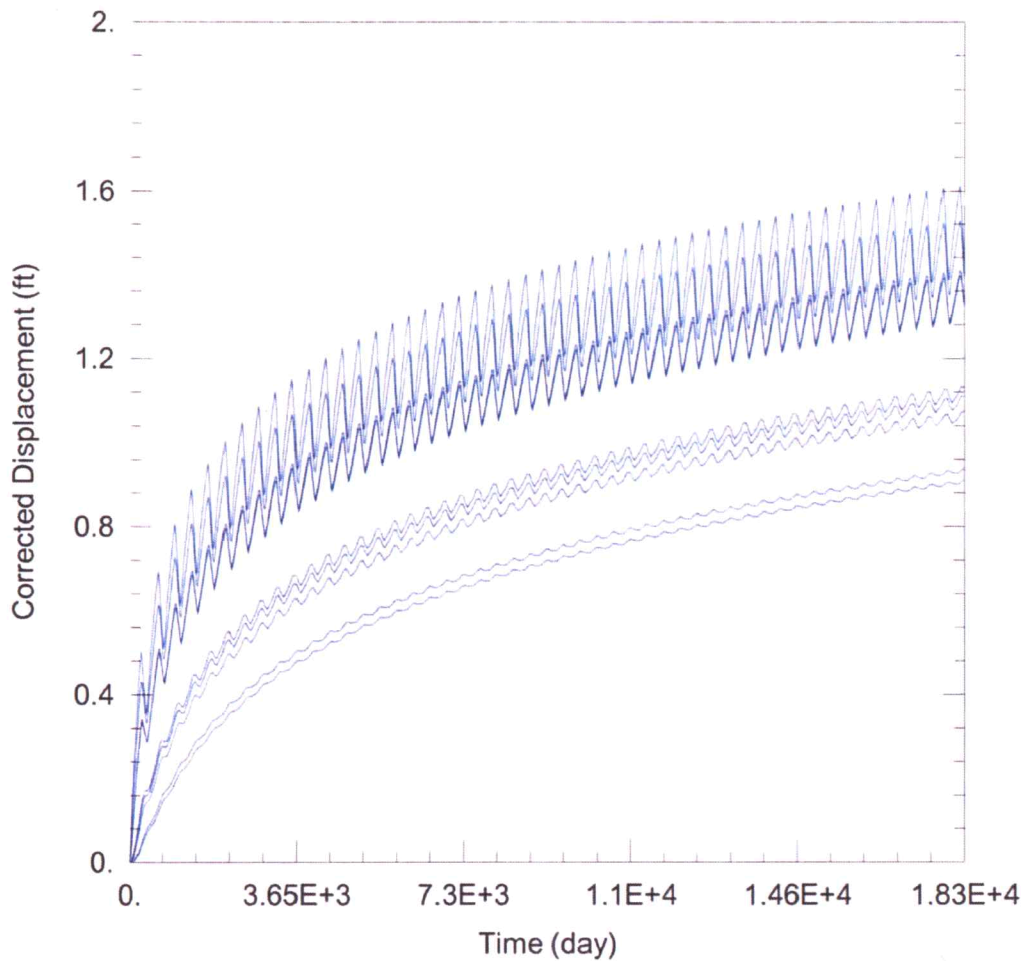
Economic Drawdown Constraint (EDC) =  $0.4 * 102 \text{ ft} = 40.8 \text{ ft}$

Physical Drawdown Constraint (PDC) =  $102 \text{ ft} - 20 \text{ ft} = 82 \text{ ft}$

Total drawdown of 49.1 ft is greater than the EDC, so this well is critical.

**Conclusion:**

The proposed move is located in an area with depleted aquifer and if the new well is operated at the proposed rate and quantity, it is likely to create noticeable effects on neighboring critical wells. GMD3 staff recommends a rate limitation of 500 gpm and a quantity limitation of 179 AF at the proposed new well location. This rate and quantity would reduce the net effect on the neighboring critical domestic well to 2.5 ft.



**WELL TEST ANALYSIS**

Data Set: C:\Users\trevora\Documents\2021\_Moves\29808\29808 Current.aqt  
 Date: 04/15/21 Time: 16:56:57

**PROJECT INFORMATION**

Company: GMD 3  
 Project: 29808  
 Location: Finney County  
 Test Well: 29808

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**WELL DATA**

**Pumping Wells**

Well Name	X (ft)	Y (ft)
29808	36180	336260

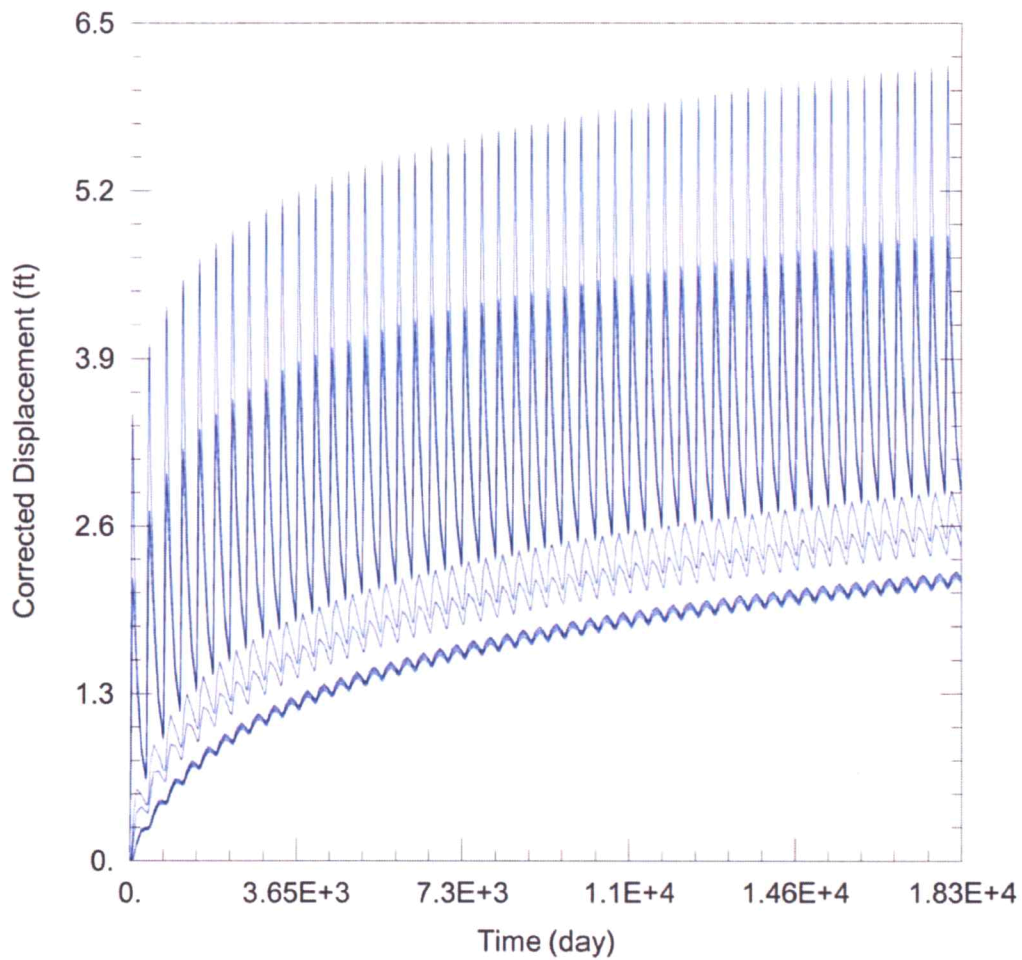
**Observation Wells**

Well Name	X (ft)	Y (ft)
□	36180	336260
□ 29807	33559	336421
□ 5953	38184	335371
□ 8975 & 11369	41450	335077
□ 7520	36077	333682
□ 21259	41221	333686
□ Domestic 1	35170	340029
□ Domestic 2	32537	338021
□ Domestic 3	37782	335132
□ Domestic 4	33802	332676

**SOLUTION**

Analysis Method: Unconfined

Solution Method: Theis



### WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2021\_Moves\29808\29808 Proposed.aqt

Date: 04/15/21

Time: 16:57:12

### PROJECT INFORMATION

Company: GMD 3

Project: 29808

Location: Finney County

Test Well: 29808

### WELL DATA

#### Pumping Wells

Well Name	X (ft)	Y (ft)
29808	36602	335211

#### Observation Wells

Well Name	X (ft)	Y (ft)
□	36602	335211
□ 29807	33559	336421
□ 5953	38184	335371
□ 8975 & 11369	41450	335077
□ 7520	36077	333682
□ 21259	41221	333686
□ Domestic 1	35170	340029
□ Domestic 2	32537	338021
□ Domestic 3	37782	335132
□ Domestic 4	33802	332676

### SOLUTION

Analysis Method: Unconfined

Solution Method: Theis



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

202 Feet N and 814 Feet W of the Southeast Corner of Section 11 Twp 26S Rng 31W  
 Located at: 100.672776 West Longitude and 37.795546 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	5953 00	IRR	NK	G	1475	--	SE	SW	SW	356	4583	12	26	31W	5		188.00	188.00	
A__ AF	7520 00	IRR	NK	G	1814	<	NE	SW	NE	3900	1540	14	26	31W	2	1600	146.00	146.00	
A__ AF	8975 00	IRR	NK	G	4849	<	SW	SE	SE	92	1203	12	26	31W	6	1900	360.00	360.00	
A__ AF	11369 00	IRR	NK	G	4849	<	SW	SE	SE	92	1203	12	26	31W	6		360.00	.00	
A__ AF	21259 00	IRR	NK	G	4960	<	--	NC	NE	3960	1320	13	26	31W	1	1900	306.00	306.00	
A__ AF	29807 00	IRR	NK	G	3383	<	--	NC	SW	1420	3960	11	26	31W	2		225.00	225.00	
A__ AF	29808 00	IRR	NK	G*	1131	<	--	NW	SE	SE	1252	1234	11	26	31W	5	1600	225.00	225.00
T__ AF	20209039 00	IRR	AY	G	4849	<	SW	SE	SE	92	1203	12	26	31W	6		360.00	.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) =	1450.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1450.00	.00

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:

202 Feet North and 814 Feet West of the Southeast Corner of Section 11 Twp 26S Rng 31W  
 Located at: 100.672776 West Longitude and 37.795546 North Latitude  
 Both SURFACE WATER and GROUNDWATER  
 WATER USE CORRESPONDENTS:

- File Number Use ST SR
- > BOB & KATHY HUSBAND
- >
- > 11565 E PLYMELL RD 5953
- > PIERCEVILLE KS 67868
- 
- > BOB HUSBAND
- >
- > 11565 E PLYMELL RD 7520
- > PIERCEVILLE KS 67868
- 
- > BOB HUSBAND
- >
- > 11565 E PLYMELL RD 8975
- > PIERCEVILLE KS 67868
- 
- > RUNDELL LAND & CATTLE LLC
- >
- > PO BOX 486 11369 6975

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 MAY 03 2021  
 Garden City Field Office  
 Division of Water Resources

> GARDEN CITY KS 67846  
-----  
> BOB HUSBAND  
>  
> 11565 E PLYMELL RD  
> PIERCEVILLE KS 67868  
-----  
> RUNDELL LAND & CATTLE LLC  
>  
> PO BOX 486  
> GARDEN CITY KS 67846  
-----  
> IVAL EUGENE NALLY  
> BUTCH NALLY  
> 19602 1 RD 21259  
> PIERCEVILLE KS 67868  
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