

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

1. File Number: <b>988</b>	2. Status Change Date: <b>8/15/2022</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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6. Status: <input 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>5/17/21</b>
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID <b>2001</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
<b>BROOKOVER LAND ENTERPRISES          ATTN: BROOKOVER FARMS          50 GRANDVIEW DRIVE EAST          GARDEN CITY, KS 67846</b>			

8b. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/>	Person ID <b>2001</b> Add Seq# _____
		<b>BROOKOVER LAND ENTERPRISES          ATTN: BROOKOVER FARMS          50 GRANDVIEW DRIVE EAST          GARDEN CITY, KS 67846</b>	

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/23**  N & P Date to Comply: **12/31/23**

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: \_\_\_\_\_

Note 2023 N&P date by WC request.

**WAIVER ATTACHED**

**8/10/2022**  
L'Ireland

Date Prepared: **6/30/2022** By: **LI**  
 Date Entered: **8/16/2022** By: **L'Moody**

File No. **988**      11. County: **FI**      Basin: **ARKANSAS RIVER**      Stream: **NA**      Formation Code: **211**      Special Use: **75 IGUCA & 022 FARMERS DITCH (ARK RIVER)**

12. Points of Diversion											Rate and Quantity					
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL		11892	NW SE NE		1	24	33W	14	3700	1300	PLUG	1300	242	1300	242	NONE
ENT		32382	SW SE NE		1	24	33W	26	2687	1304	Well #26 AKA Well #3 3917& 12807	1300gpm	242af	1300gpm	242af	3917 3916 12807

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) **O-LAP-FARMERS DITCH** **NO CHG**  
 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				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files					
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
<b>NO CHANGE</b>				<b>11322 &amp; 12101</b>																								

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

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: **988 & 3916**

FO: **4**

GMD: **3**

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	5/17/2021	27		Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	The proposed existing well does not meet spacing to several wells. Notification of well owners within one-half (1/2) mile did not result in any comments. All but one well not meeting spacing is under common ownership of the applicant. Analysis by GMD3 indicates the change should not result in impairment and the GMD3 Board recommended a waiver of the well spacing.	
K.A.R. 5-23-3(a)(1)	8/15/2022				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **6/30/2022** By **LI**

Date Entered **8/16/2022** By **LMoody**

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

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

**TO:** Files

**DATE:** June 30, 2022

**FROM:** Leslie Ireland

**RE:** Water Right  
File Nos. 988 & 3916

Ty Brookover as owner of Brookover Land Enterprises, has filed applications for approval to change the points of diversion authorized by the referenced files. The applications were received on May 17, 2021. It appears the wells have been in a highway right of way or are no longer accessible to the owner.

The referenced files appear to be in good standing per K.S.A. 82a-718 and 82a-732. The applications appear to be complete per K.A.R. 5-5-2a, *Complete change application*.

The referenced files are located in the Arkansas River Basin and the Arkansas River Intensive Groundwater Use Control Area (IGUCA), the Farmers Ditch and Southwest Kansas Groundwater Management District No. 3 (GMD3). The wells have had their source of supply determined to be Ogallala Formation, Code 211.

File No. 988 is authorized irrigation use of 242 acre-feet (AF) at 1,300 gallons per minute (gpm) from the well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of 1-24-33W, Finney County to irrigate 273 acres in Sections 1 & 6. The place of use is also authorized by the Farmers Ditch.

File No. 3916 is authorized stockwater use at 75.920 million gallons (231 AF) at 300 gpm from a battery of two wells with the geographic center authorized near the center of the Northeast Quarter (NE $\frac{1}{4}$ ) of 1-24-33W, Finney County to water cattle in the feedlot located in 1-24-33W. The place of use is also served by File Nos. 3917, 12807 & 25,526.

The proposal under both referenced files is to move South to an existing point of diversion authorized stockwater use under File Nos. 3917 & 12,807, ID #26, located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) approximately 2,687 feet North and 1,304 feet West of the Southeast corner of Section 1, in Township 24 South, Range 33 West, Finney County. The moves are approximately 1,013 feet by File No. 988 and 2,433 feet move by File No. 3916, as indicated by the WRIS database. It appears that the proposed changes meet K.A.R. 5-23-3(b); *Minimum well spacing requirements: high plains aquifer*, as the distance move is less than 2,640 feet.

The proposed well has a WRIS listed its source of supply to be the Ark River IGUCA, but as it is approximately 14,240 feet from the Arkansas River. It has been determined the move under File No. 988, will not decrease the distance to the Arkansas River by more than 13,728 feet. The same distance parameters are afforded File No. 3916, as it was originally authorized at the well authorized by File No. 988. It appears the requested changes comply with the Ark River IGUCA as the moves will not decrease the distance to the river by more than ten percent.

A KGS Well Log of the proposed existing well reports a depth of 338 feet. The source of supply of the proposed well would appear to be the Ogallala Formation. As the existing wells under the referenced files have both had their source of supply determined to be the Ogallala Formation, Code 211, it appears the approvals will not alter the local source of supply.

The proposed existing well is one of six wells authorized 69.08 mgy, (212 AF) under File No. 12,807, and this quantity can be diverted by any of the wells under the file. As currently authorized, it does have a maximum allowable rate of 38 gpm which would appear to restrict the annual usage by the well, under File No. 12,807, to 19.98 mgy (61 AF). The point of diversion is also authorized to divert 75.6 mgy ( 232 AF) by File No. 3917, with a blanket quantity and rate under its six authorized wells. It appears the well could divert a total combined quantity of 249.6 mgy (766 AF) under File Nos. 3917; 12,807; 988 & 3916. The requested changes that will authorize this quantity from the proposed point of diversion requires a minimum well to well spacing to nondomestic wells of 2,300 feet per K.A.R. 5-23-3(a) *Minimum well spacing requirements: high plains aquifer*. There appears to be approximately fifteen domestic wells within one-half mile of the proposed point of diversion. They all appear to meet the required 660 feet of domestic well spacing.

WRIS indicates there are six (6) non-domestic wells not meeting the required spacing. All of the wells except an irrigation well authorized 84 AF under File No. 1628 are owned by the applicant. The owner has requested **a waiver of K.A.R. 5-23-3(a) *Minimum well spacing requirements: high plains aquifer***. The irrigation well is located approximately 2,132 feet to the East of the proposed existing well, only 168 feet short of the required spacing. The evaluation of the requested changes by GMD3 found no well with a net well-to-well effect that would result in impairment.

The notification of the nearby well owners was completed by GMD3 and DWR. My notification of the non-domestic well owners, including the owners of the irrigation well under File No. 1628, did not result in any comments to this office.

The Southwest Kansas Groundwater Management District No. 3, reviewed the application at their June 8, 2022 meeting. The Board supported the request for a waiver of well to well spacing as summarized in the June 8, 2022 letter by Jason Norquest, Assistant Manager of the District. **A waiver of spacing, K.A.R. 5-23-3(a) has been prepared for the applications.**

Mike Meyer, Water Commissioner of the Garden City Field Office indicated by E-mail on June 30, 2022, that he has no objection to the approval of the proposed changes and supports the waiver of the well to well spacing. He requested the time to complete be December 31, 2023.

Water flowmeters for each use authorized by the files will be required for the approved changes. A check valve is required if chemigating. A water level measurement tube and WWC-5 are not applicable, as the proposed well is existing. The wells that had been authorized have been indicated by the owner's agent, Mark, by email dated April 27, 2022, that they will be plugged, if not already. He was has also requested the well be identified as Well #26, and as it overlaps with wells identified as Well #3 under the senior files the database will reference both well number identifiers for the well.

Based on the above discussion, that the waiver of K.A.R. 5-23-3(a) is granted, it appears the changes are reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Ireland, Leslie [KDA]  
**Sent:** Thu 6/30/2022 1:49 PM  
**To:** Meyer, Mike [KDA]  
**Subject:** RE: Review & Recommendation Change PD, File Nos. 988 & 3916, Brookover

I don't know of a reason why not. 2023.. will make so.  
Leslie

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**From:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Sent:** Thursday, June 30, 2022 1:16 PM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Subject:** RE: Review & Recommendation Change PD, File Nos. 988 & 3916, Brookover

yep all good. so, they will never complete this pds as the wells are plugged..... can we at least try to have the completion period 2023 to save us work?

Mike

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**From:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Sent:** Thursday, June 30, 2022 11:45 AM  
**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Subject:** FW: Review & Recommendation Change PD, File Nos. 988 & 3916, Brookover

Mike,

I changed the memo and waiver to say no comments to this office....  
Also you saw they need a meter for the irr use ie two meters..... I put the N&Ps together to be sent with the approvals... the Word versions are attached if you need them.

Leslie

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**From:** Ireland, Leslie [KDA]  
**Sent:** Thursday, June 30, 2022 11:21 AM  
**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Subject:** Review & Recommendation Change PD, File Nos. 988 & 3916, Brookover

Mike,

Please let me know if you would recommend these changes. The update to the domestics and the waiver is attached.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



**From:** Ireland, Leslie [KDA]  
**Sent:** Thu 6/30/2022 4:03 PM  
**To:** mark  
**Subject:** RE: Water Right, File Nos. 988 & 3916

Mark,

OK can do.. that matches its number for being the 26<sup>th</sup> non-domestic well authorized in the section instead of the 3<sup>rd</sup> well of the 6 wells under File Nos. 3617 & 12807.. and as it will be the only well under File Nos.988 & 3916 it makes sense.

Thank you,

Have a great fourth!!

Leslie Ireland

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**From:** mark <markb@brookover.com>  
**Sent:** Thursday, June 30, 2022 3:55 PM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Subject:** RE: Water Right, File Nos. 988 & 3916

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

Please label it #26

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**From:** Ireland, Leslie [KDA] [<mailto:Leslie.Ireland@ks.gov>]  
**Sent:** Thursday, June 30, 2022 2:16 PM  
**To:** [markb@brookover.com](mailto:markb@brookover.com)  
**Subject:** Water Right, File Nos. 988 & 3916

Mark,

Wrapping up the paperwork on this project. The proposed well is authorized by File Nos. 3917 & 12,807 and has a reference in our files as "Well #3" When we see this it is usually a name given by the owner. Do you want the well identified/named in the approval documents as "Well #3" ? It is also a refenced that shows up on the annual water use reports.... The snip below is what I see in our records. Sorry to ask.. but the application didn't state and I just noticed .....

Sec / Twn / Rng	CIN	Ft N	Ft W	Quarters	Lot	County	GMD	Ovl	
1 / 24S / 33W	26	2687	1304	SW SE NE		FI	3	Y	ARK
1 / 24S / 33W	22	2320	200	NE NE SE		FI	3	Y	ARK
1 / 24S / 33W	18	3750	2840	NE SE NW		FI	3	Y	ARK
1 / 24S / 33W	19	3830	3860	CW E2 NW		FI	3	Y	ARK
1 / 24S / 33W	32	2875	595	NC E2 E2		FI	3	Y	ARK
1 / 24S / 33W	33	4326	2537		2 NW NE	FI	3	Y	ARK
1 / 24S / 33W	21	2860	590	NC E2 E2		FI	3	N	ARK

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources





Water Rights and Points of Diversion Within 2 miles of point defined as:  
 2687 Feet N and 1304 Feet W of the Southeast Corner of Section 1 Twp 24S Rng 33W  
 Located at: 100.887930 West Longitude and 37.996919 North Latitude  
 GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan		
A__ AF	988 00	IRR	NK	G*	1013	--	NW	SE	NE	3700	1300	1	24	33W	14		242.00	242.00	
A__ AF	1628 00	IRR	NK	G	2132	--	--	--	--	2390	4339	6	24	32W	2		84.00	84.00	
doesn't meet spacing																			
A__ AF	2965 00	IRR	NK	G	5025	--	--	--	SW	1300	4490	36	23	33W	11		360.00	.00	
A__ AF	3220 00	IRR	NK	G	4530	--	SE	NW	SW	1270	3973	31	23	32W	8		160.00	160.00	
A__ AF	3485 00	IRR	NK	G	7300	--	SE	NE	NW	4500	3090	2	24	33W	6		280.00	280.00	
Same					7316	--	NE	NE	NW	-----	-----	2	24	33W	5				
A__ AF	3916 00	STK	NK	G*	2433	--	--	CN	NE	5120	1325	1	24	33W	29	G2	232.99	232.99	
Same					2435	--	--	--	NW	5120	1210	1	24	33W	30	B2			
Same					2437	--	--	--	NE	5120	1440	1	24	33W	31	B2			
A__ AF	3917 00	STK	NK	G	cin 26	9	--	SW	SE	NE	2687	1304	1	24	33W	26		232.01	232.01
Same					725	--	NC	E2	E2	2875	595	1	24	33W	32				
Same					1166	--	NE	NE	SE	2320	200	1	24	33W	22				
Same					1878	--	NE	SE	NW	3750	2840	1	24	33W	18				
Same					2050	--	--	--	--	4326	2537	1	24	33W	33				
Same					2802	--	CW	E2	NW	3830	3860	1	24	33W	19				
A__ AF	5952 00	IRR	NK	G	5357	--	SW	SW	NE	2670	2360	36	23	33W	12		320.00	320.00	
A__ AF	6481 00	IRR	NK	G	4064	--	NW	SW	NE	3920	2600	6	24	32W	3		280.00	280.00	
A__ AF	7641 00	IRR	NK	G	5167	--	SW	SE	NE	2658	1296	6	24	32W	5		95.00	95.00	
A__ AF	9069 00	IRR	NK	G	5268	--	NW	SE	SE	-----	-----	2	24	33W	2		187.00	187.00	
A__ AF	10805 00	IRR	NK	G	7580	--	--	CW	NE	3950	2500	31	23	32W	3		320.00	320.00	
A__ AF	11109 00	IND	NK	G	7821	--	SW	SW	SE	245	2375	12	24	33W	13		27.01	26.30	
A__ AF	11600 00	IRR	NK	G	7651	--	NE	NE	NW	5150	3140	11	24	33W	27		144.00	32.00	
A__ AF	12807 00	STK	NK	G	9	--	SW	SE	NE	2687	1304	1	24	33W	26		212.00	212.00	
Same					725	--	NC	E2	E2	2875	595	1	24	33W	32				
Same					1166	--	NE	NE	SE	2320	200	1	24	33W	22				
Same					1878	--	NE	SE	NW	3750	2840	1	24	33W	18				
Same					2050	--	--	--	--	4326	2537	1	24	33W	33				
Same					2802	--	CW	E2	NW	3830	3860	1	24	33W	19				
A__ AF	15390 00	IRR	NK	G	7300	--	SE	NE	NW	4500	3090	2	24	33W	6		304.00	69.00	
A__ AF	17785 00	IRR	NK	G	5686	--	SW	NW	SE	1640	2550	31	23	32W	7		320.00	320.00	
A__ AF	18087 00	IRR	NK	G	4095	--	SW	NW	SW	1380	5190	1	24	33W	24		146.00	146.00	
A__ AF	21468 00	IND	NK	G	3415	--	NE	NE	NW	4931	2812	12	24	33W	16		275.86	275.86	
A__ AF	24571 00	IRR	NK	G	5869	--	--	--	--	2877	4163	31	23	32W	9		136.00	136.00	
A__ AF	24913 00	IRR	NK	G	7705	--	SW	NW	NW	4060	5200	36	23	33W	6		240.00	240.00	

A	25526	00	STK	NK	G	1029	--	SW	SW	NE	2687	2321	1	24	33W	28	189.07	28.66	
AF																			
A	25528	00	STK	NK	G	6299	--	--	--	--	4290	2112	2	24	33W	7	44.99	44.99	
AF																			
Same																			
A	25701	00	MUN	NK	G	6037	NC	E2	SW	SE	645	1680	2	24	33W	9	32.96	32.96	
AF																			
Same																			
A	37712	00	THX	NK	G	5887	--	NW	NW	SE	2140	1991	12	24	33W	20	30.69	30.69	
AF																			
A	41116	00	IND	NK	G	3802	--	NW	SE	SE	1193	834	36	23	33W	9	8.41	8.41	
AF																			
A	43528	00	MUN	LR	G	3802	--	NW	SE	SE	1193	834	36	23	33W	9	700.01	178.92	
AF																			
VFI	29	00	IRR	AA	G	6758	--	NW	SW	NW	3842	5042	5	24	32W	6	600.00	600.00	
AF																			
VFI	106	D2	IRR	AA	G	7508	--	NE	NW	SE	2630	1400	35	23	33W	8	320.00	320.00	
AF																			
VFI	108	00	IRR	AA	G	2584	--	SW	SW	SE	-----	-----	1	24	33W	4	54.00	54.00	
AF																			
VFI	109	00	IRR	AA	G	4387	--	SW	SW	SW	-----	-----	1	24	33W	5	160.00	160.00	
AF																			
VFI	144	00	IRR	AA	G	7651	--	NE	NE	NW	5150	3140	11	24	33W	27	32.00	32.00	
AF																			
VFI	147	00	IRR	AA	G	7651	--	NE	NE	NW	5150	3140	11	24	33W	27	80.00	80.00	
AF																			
VFI	150	00	IRR	AA	G	4370	--	SW	NE	NW	-----	-----	12	24	33W	1	62.00	62.00	
AF																			
VFI	160	00	IRR	AA	G	7002	--	SE	NW	SW	-----	-----	12	24	33W	9	14.00	14.00	
AF																			
VFI	161	00	IRR	AA	G	6206	--	SW	SW	NW	-----	-----	12	24	33W	10	157.00	157.00	
AF																			
VFI	227	00	IND	AA	G	7821	--	SW	SW	SE	245	2375	12	24	33W	13	.71	.71	
AF																			

meets spacing to this well

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      .00          .00
Total Permitted Amount (AF) =      .00          .00
Total Inspected Amount (AF) =    178.92         .00
Total Pro_Cert Amount (AF) =      .00          .00
Total Certified Amount (AF) =    4068.83         .00
Total Vested Amount (AF) =    1479.71         .00
TOTAL AMOUNT (AF) =    5727.45         .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 2 miles of point defined as:  
2687 Feet North and 1304 Feet West of the Southeast Corner of Section 1 Twp 24S Rng 33W  
Located at: 100.887930 West Longitude and 37.996919 North Latitude  
GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- ```

=====
File Number      Use ST SR
> BROOKOVER LAND ENTERPRISES
> BROOKOVER FARMS
> 50 GRANDVIEW DRIVE EAST
> GARDEN CITY KS 67846
>-----
> DARON G REID
>
> 3108 N US HIGHWAY 83
> GARDEN CITY KS 67846

```

>-----  
> HAROLD D & MARY L KNOLL  
>  
> 3810 N VFW RD  
> GARDEN CITY KS 67846  
>-----  
> MICHAEL S & JENNIFER STANDLEY  
>  
> 14550 N VFW RD  
> GARDEN CITY KS 67846  
>-----  
> MAI FARMS LAND LLC  
> HAROLD MAI  
> 1155 N ANDERSON RD  
> GARDEN CITY KS 67846  
>-----  
> BROOKOVER LAND ENTERPRISES  
> BROOKOVER FARMS  
> 50 GRANDVIEW DRIVE EAST  
> GARDEN CITY KS 67846  
>-----  
> BROOKOVER LAND ENTERPRISES  
> BROOKOVER FARMS  
> 50 GRANDVIEW DRIVE EAST  
> GARDEN CITY KS 67846  
>-----  
> JONATHAN KIRCHOFF  
>  
> 2924 CLIFF PLACE  
> GARDEN CITY KS 67846  
>-----  
> BROOKOVER LAND ENTERPRISES  
> BROOKOVER FARMS  
> 50 GRANDVIEW DRIVE EAST  
> GARDEN CITY KS 67846  
>-----  
> CITY OF GARDEN CITY  
>  
> PO BOX 998 301 N 8TH ST  
> GARDEN CITY KS 67846  
>-----  
> JOHN MEYER FAMILY LLC  
>  
> 774 MAYS BLVD SUITE 10-644  
> INCLINE VILLAGE NV 89451  
>-----  
> ARNOLD SCHWEER  
>  
> 6315 N VFW RD  
> GARDEN CITY KS 67846  
>-----  
> IRSIK & DOLL FEED SERVICES INC  
> JON HEIMAN  
> PO BOX 847  
> CIMARRON KS 67835  
>-----  
> MAI FARMS LAND LLC  
> HAROLD MAI  
> 1155 N ANDERSON RD  
> GARDEN CITY KS 67846  
>-----  
> BROOKOVER LAND ENTERPRISES  
> BROOKOVER FARMS  
> 50 GRANDVIEW DRIVE EAST  
> GARDEN CITY KS 67846  
>-----

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> MAI FARMS LAND LLC
> HAROLD MAI
> 1155 N ANDERSON RD
> GARDEN CITY KS 67846
>-----
> HAROLD D & MARY L KNOLL
>
> 3810 N VFW RD
> GARDEN CITY KS 67846
>-----
> E C BROOKOVER JR
>
> 50 GRANDVIEW DR
> GARDEN CITY KS 67846
>-----
> R & R PALLET SERVICE
>
> PO BOX 861
> GARDEN CITY KS 67846
>-----
> MICHAEL S & JENNIFER STANDLEY
>
> 14550 N VFW RD
> GARDEN CITY KS 67846
>-----
> JONATHAN KIRCHOFF
>
> 2924 CLIFF PLACE
> GARDEN CITY KS 67846
>-----
> BROOKOVER LAND ENTERPRISES
> BROOKOVER FARMS
> 50 GRANDVIEW DRIVE EAST
> GARDEN CITY KS 67846
>-----
> BROOKOVER FEEDYARDS LLC
> BRIAN PRICE
> 50 GRANDVIEW DR
> GARDEN CITY KS 67846
>-----
> ACOSTA HOMES INC
>
> PO BOX 209
> HOLCOMB KS 67851
>-----
> UNIFIED SCHOOL DISTRICT #457
>
> 1205 FLEMING ST
> GARDEN CITY KS 67846
>-----
> FINNEY RWD 01
>
> PO BOX 953
> GARDEN CITY KS 67846
>-----
> FINNEY RWD 01
>
> PO BOX 953
> GARDEN CITY KS 67846
>-----
> JAMES A & CHRISTINA R BECKER
>
> 1602 N VAN DITTIE DR
> GARDEN CITY KS 67846
>-----
> ARNOLD SCHWEER
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>  
> 6315 N VFW RD  
> GARDEN CITY KS 67846  
>-----  
> CHRIS L & SHERRY ANGELES  
>  
> 1601 W MARY ST  
> GARDEN CITY KS 67846  
>-----  
> E C BROOKOVER JR  
>  
> 50 GRANDVIEW DR  
> GARDEN CITY KS 67846  
>-----  
> MAI FARMS LAND LLC  
> HAROLD MAI  
> 1155 N ANDERSON RD  
> GARDEN CITY KS 67846  
>-----  
> MAI FARMS LAND LLC  
> HAROLD MAI  
> 1155 N ANDERSON RD  
> GARDEN CITY KS 67846  
>-----  
> AMERICAN WARRIOR INC  
> MICHAEL O'BRATE  
> 1325 HINEMAN DR  
> GARDEN CITY KS 67847  
>-----  
> JACK L & DIXIE K BEERY  
>  
> 2307 W JONES AVE  
> GARDEN CITY KS 67846  
>-----  
> MAI FARMS LAND LLC  
> HAROLD MAI  
> 1155 N ANDERSON RD  
> GARDEN CITY KS 67846  
>-----  
> IRSIK & DOLL FEED SERVICES INC  
> JON HEIMAN  
> PO BOX 847  
> CIMARRON KS 67835  
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# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

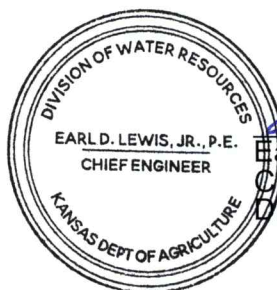
**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

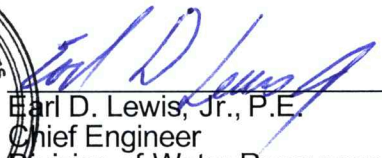
## WAIVER OF REGULATION K.A.R. 5-23-3(a)(1)

Date: August 15, 2022  
Re: File Nos. 988 & 3,916

1. That K.A.R. 5-23-3(a)(1) states in part, that the minimum well spacing requirement for non-domestic wells which propose the withdrawal of over 500 acre-feet of water from the Ogallala Formation shall be a minimum of 2,300 feet from all other non-domestic wells in the Ogallala aquifer.
2. The proposed existing well will be authorized a combined total of 766 acre-feet under three files authorized for stockwater and one file authorized for irrigation use.
3. There are domestic wells and non-domestic wells located within one-half ( $\frac{1}{2}$ ) mile of the proposed well. The domestic wells all meet the required 660 feet of spacing. The non-domestic wells not meeting the required spacing are under common ownership and serve the same place of use except one irrigation well. This irrigation well is authorized by File No. 1,628 is located approximately 2,132 feet from the proposed well.
4. Notification of well owners within one-half ( $\frac{1}{2}$ ) mile did not result in any comments to this office.
5. That analysis by GMD3 indicates the changes should not result in impairment and the GMD3 Board recommended a waiver of part (a)(1) of K.A.R. 5-23-3.
6. That the waiver will not prejudicially or unreasonably affect the public interest.

Comments:



  
Earl D. Lewis, Jr., P.E.  
Chief Engineer  
Division of Water Resources

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 988**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ty Brookover on behalf of Brookover Land Enterprises, Brookover Farms, 50 Grandview Drive East, Garden City, Kansas 67846, received in this office on May 17, 2021, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated October 14, 1969 and March 1, 1999, approving the applications to change the place of use and point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) well, identified as Well #26, located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 1, more particularly described as being near a point 2,687 feet North and 1,304 feet West of the Southeast corner of said section, in Township 24 South, Range 33 West, Finney County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

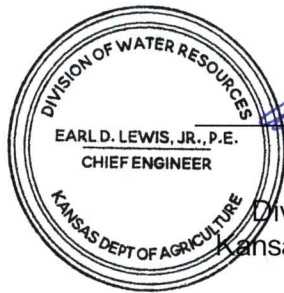
Installation of the works for diversion of water shall be completed on or before December 31, 2023, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 988, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 27, 1957, as modified and amended by the aforementioned orders.

Ordered this 15<sup>th</sup> day of August, 2022, in Manhattan, Riley County, Kansas.



*Earl D. Lewis Jr.*  
\_\_\_\_\_  
Earl D. Lewis Jr., P.E.  
Chief Engineer

Division of Water Resources  
Kansas Department of Agriculture

State of Kansas        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 15 day of August, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
\_\_\_\_\_  
Notary Public





### RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then 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. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

### CERTIFICATE OF SERVICE

On this        day       , 2022, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 988 dated,       , 2022, was mailed postage prepaid, first class, US mail to the following:

BROOKOVER LAND ENTERPRISES  
TY BROOKOVER  
50 GRANDVIEW DRIVE EAST  
GARDEN CITY, KS 67846

With photocopies to:

Garden City Field Office  
Groundwater Management District No. 3

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Division of Water Resources

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

August 17, 2022

BROOKOVER LAND ENTERPRISES  
TY BROOKOVER  
50 GRANDVIEW DRIVE EAST  
GARDEN CITY, KS 67846

RE: Water Right, File Nos. 988 & 3,916

Dear Mr. Brookover:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced files.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the enclosures and to the terms and conditions specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter for each use at the approved point of diversion must be installed on the diversion works authorized under the referenced files. Please return the required Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed. The Notice of Completion form should be enclosed, but may also be found online at [www.agriculture.ks.gov](http://www.agriculture.ks.gov), Water Appropriation Forms, there is no fee for the required completion notification.

Any abandoned water wells 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.

If you have any questions, please contact us at 785-566-6633, or our staff at the Garden City Field Office, 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI:li  
Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3

### RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then 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. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

### CERTIFICATE OF SERVICE

On this 17 day August, 2022, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 988 dated, 15 August, 2022, was mailed postage prepaid, first class, US mail to the following:

BROOKOVER LAND ENTERPRISES  
TY BROOKOVER  
50 GRANDVIEW DRIVE EAST  
GARDEN CITY, KS 67846

With photocopies to:

Garden City Field Office  
Groundwater Management District No. 3

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