

File No. 4159	13. County: ME Basin: CROOKED CREEK Stream: NA		
Structures File No:	Aquifer Code: 211 OGALLALA	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
MOD	29258	SW SW SW	9	32	30W	1	548	5201		585	585	980	980				+
ENT	91423	SE SE NE	8	32	30W		2995	113	ADDITIONAL WELL	375	375	600	600				+
																	#
																	^
																	**
																	++

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s): **NONE NO CHANGE**
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date:

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
CHK	27272	9	32	30W	1					31.25	31.25	39.25	31.25	31025	39.25	31.25	31.25					266	5a	<input checked="" type="checkbox"/>	+
CHK	21807	8	32	30W	1	31.25	31.25	31.25	31.25									31.25	31.25	31.25	31.25	250	5a	<input checked="" type="checkbox"/>	+
CHK	66044	4	32	30W	2									31.0	31.0	31.0	31.0					124	5a	<input checked="" type="checkbox"/>	+
																								<input type="checkbox"/>	^
																								<input type="checkbox"/>	**
																								<input type="checkbox"/>	**

18. Point of Diversion and Place of Use Overlaps * + NONE # ^	** ++ ## ^^
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files
FROM: Leslie Ireland

DATE: December 5, 2024
RE: Water Right, File No. 4,159

Michael Armin, new owner, filed an application for approval to change the point of diversion which was received in the office of the Chief Engineer on June 10, 2024. This application for change proposes to add an additional well and will be processed under K.A.R. 5-5-16, *Additional well*. This file is located just Northwest of the town of Plains, in the Crooked Creek Basin, Meade County and Groundwater Management District No. 3 (GMD 3).

The referenced water right is in compliance with K.S.A. 82a-732, with notice to nearby well owners per K.S.A. 82a-1906 completed on November 8, 2024.

The applicant proposes to add a newly constructed well to be located approximately 2,447 feet to the North of the well presently authorized. The new well is proposed to be completed in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, approximately 2,995 feet North and 113 feet West of the Southeast corner of Section 8, Township 32, Range 30 West, Meade County (further referenced as North Well). The currently authorized well has been determined to be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, approximately 548 feet North and 5,201 feet West of the Southeast corner of Section 9, Township 32, Range 30 West, Meade County. It would appear that the move would be acceptable pursuant to GMD No. 3, Part (b) of K.A.R. 5-23-3 *Minimum well spacing requirements: high plains aquifer* move of 2,640 feet.

The source of supply for this file has not been listed in the WRIS database, nor is there a KGS well log. The water use records indicated a depth of 416 to 500 feet depth. The well log for the additional well was completed by Downey Drilling Inc. This May 1, 2024, log lists the bottom of the well at the Red Beds, 508-540 feet. The drillers notes may indicate 184 feet of water bearing formations, placing the static water level at approximately 272 feet. Review of the additional well log by Michael Meyer, P.G. determined the lithology to be uniform in this area and the source of supply to be the Ogallala Formation (211) and Dakota Formation (331).

This file is currently authorized 960 acre-feet (AF) at a rate of 1,580 gallons per minute (gpm), there are no additional limitations on the rate or quantity, with no overlapping files. The place of use and maximum acres irrigated during the perfection period for the referenced file were found by the field office to be 640 acres which was utilized for the determination of the quantity for the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i):

$$640 \text{ acres} \times 1.34 \text{ (80\%NIR ME Co)} \div 0.85 = 1,008.9 \text{ acre-feet}$$

It would appear that the referenced file will not require the 630 AF authorized to be reduced. The owner requested the quantity be divided with 375 AF assigned to the additional well (North well) and 585 AF retained at the South well. It appears K.A.R. 5-5-16(a)(2)(C)(i) has been met and as there will be no reduction in quantity the place of use will remain as authorized.

The rate of diversion test as required by K.A.R. 5-5-16(a)(3)(A) was completed by the Southwest Kansas Groundwater Management District No. 3 Staff on June 5, 2024. Their test sheet indicated a produced a maximum rate of 640 gpm, but with a 5% error. Subsequent tests as indicated by Chris Law's email of June 6, 2024, and photographs indicate the test meter at 1,437 gpm and the flow meter at 1,600 gpm (3.57 c.f.s.). The well is presently authorized a rate of 1,580 gpm and will not be reduced. As required by K.A.R. 5-5-16(a)(3)(A) the owner has requested the rate be divided with 600 gpm (1.34 c.f.s.) assigned to the additional well to divert 375 AF and 980 gpm (2.18 c.f.s.) to divert 585 AF be assigned to the currently authorized well as specified in K.A.R. 5-5-16(d). The assigned quantities and rates can be pumped in 142 days from the North well and 135 days from the South well.

The applicant did not indicate any nearby wells located within one-half ($\frac{1}{2}$) mile of the proposed additional point of diversion or the currently authorized well. The WRIS database indicated File No. 27,376 authorized for irrigation use with a well depth of approximately 420 feet is located approximately 2,500 feet south of the currently authorized well. Notice to this owner did not result in any comments. Daniel Eakes a domestic well owner approximately a mile to the East was notified by GMD3, contacted Michael Meyer with minor questions regarding the proposal. He did not indicate an objection to me or our office.

The proposed change will move 375 AF of water to a new point of diversion approximately 2,447 feet away and retaining 585 AF at the presently authorized well. There are no wells of any kind located within one-half ($\frac{1}{2}$) mile of the proposed additional well. K.A.R. 5-23-3 (a), *Minimum well spacing requirements: high plains aquifer* would require the new additional well to have 1,900 feet and the existing well 2,300 feet of well to well spacing. The proposed change meets the spacing requirements of K.A.R. 5-23-3 as required by K.A.R. 5-5-16(c).

In a letter dated December 5, 2024, Jason Norquest, Assistant Manager of the Southwest Kansas Groundwater Management District No. 3 recommended the application be approved.

Michael Meyer, Water Commissioner of the Garden City Field Office, recommended the application be approved via an email dated December 5, 2024.

A water flow meter will be required on each well as per K.A.R. 5-5-16(e) and a check valve is required if any chemical or foreign substance is injected through the diversion works. A water level measurement tube will be required on the well drilled under the approval. A copy of a WWC-5 will not be required as it was submitted with the application. Per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that the administrative priority of the additional well will be the date the application was filed June 10, 2024, and the approval will contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

Based on the above discussion, that no change in the local source of supply will occur, that impairment to existing water rights is unlikely, the historical consumptive use should not be increased, that there are no pending applications within the vicinity of this proposed change which may be affected by this approval, it is recommended that the referenced application be approved.

Leslie Ireland



Environmental Scientist
Change Application Unit

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Thursday, December 5, 2024 9:12 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation for Change, File No. 4159

File No. 4159 (I assume this was the right file to reference, not sure where 4066 came from
But I recommend approval to expedite this change application for additional well

Please note that Dan Eakes did come in and visit about this proposal, his main concern was to understand the quantity per well and diversion rate per well proposed. Other than that he had no other comment

Mike

From: Jason Norquest <norquest@gmd3.org>
Sent: Thursday, December 5, 2024 7:11 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: RE: Review and Recommendation for Change, File No. 4066

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.

Good morning Leslie. Pretty cold morning over here, but they say we will warm up in next few days.

Here is this review for you. Didn't see any problems.

Have a good day.

Jason Norquest
Assistant Manager
GMD3
Cell: 620-271-1289
www.gmd3.org

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, November 26, 2024 8:49 AM
To: Jason Norquest <norquest@gmd3.org>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation for Change, File No. 4066

Caution: This email comes from outside the organization. Do not click links or open attachments unless it is an email you expected to receive.

Jason,

Got this going,,, so am sending as not to forget, again. It does look like it will be familiar to you guys there at GMD3.

I didn't receive any comments on our notification TO File No. 27376 per plotted location on app map. Didn't notify City on 35306 outside area and adl well moving away. KGS records says there is a domestic to the east on 5 Road but also greater than our 0.5 notification range. This domestic is indicated by ORKA to be owned by : DANIEL J & JAMIE J EAKES, PO BOX 487 PLAINS, KS 67869



Parcel ID : 060152090000001010
Owner Name : EAKES, DANIEL J & JAMIE J
Location : 14181 5 RD, Plains, KS 67869.
Boundary Desc : S09 , T32 , R30 , ACRES 154.8 , S
LESS R/W.

Owner Information

Owner : EAKES, DANIEL J & JAMIE J
Mailing Address : PO BOX 487 PLAINS, KS 67869

Property Details

Property Type : Farm Homesite
Property Status : Active
Taxing Unit : 021
Neighborhood Code : 414

Take care,
Leslie Ireland
Environmental Scientist
Change Application Unit
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. 4,159**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Michael L. Amerin, 23463 V Road, Plains, Kansas 67869, received in this office on June 10, 2024, 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 Order of the Chief Engineer dated April 11, 2014, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (June 10, 2024) to add the additional well.

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 points of diversion shall be:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 9, more particularly described as being near a point 548 feet North and 5,201 feet West of the Southeast corner of said section, at a diversion rate not in excess of 980 gallons per minute (2.18 c.f.s.) and a quantity not to exceed 585 acre-feet per calendar year, and

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 8, more particularly described as being near a point 2,995 feet North and 113 feet West of the Southeast corner of said section, at a diversion rate not in excess of 600 gallons per minute (1.34 c.f.s.) and a quantity not to exceed 375 acre-feet per calendar year, (additional well)

both in Township 32 South, Range 30 West, Meade County, Kansas,

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

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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

December 12, 2024

MICHAEL L AMERIN
23463 V ROAD
PLAINS, KS 67869

RE: Water Right,
File No. 4,159

Dear Mr. Amerin:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required, *Notification of the Completion* of the Diversion Works, prior to December 31, 2024, should you complete the diversion works prior to the end of the year.

The application is adding an additional point of diversion therefor are approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the portion of the additional well shall be considered to have the priority of the date the applications were filed (June 10, 2024).

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties. For your convenience the annual water use report may be filed online at www.kswaterusereport.org.

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

If you have any questions, please contact your area water commissioner, Michael Meyer, at 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,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large initial "K".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

KAB:LI:li:

Enclosure

pc: DWR - Garden City Field Office
Southwest Kansas GMD 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.

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 Division, 1320 Research Park Drive, Manhattan, Kansas 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 review 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, Kansas 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 12 day of December 2024, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, Water File No. 4,159, dated December 10, 2024 was mailed postage prepaid, first class, US mail to the following:

MICHAEL L AMERIN
23463 V ROAD
PLAINS, KS 67869

With photocopies sent to:

DWR - Garden City Field Office
Southwest Kansas GMD No. 3


Division of Water Resources