

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PD WORKSHEET

1. File Number: 13858	2. Status Change Date: 03/11/2025	3. Change Num: C6	4. Field Office: 04	5. GMD: 03
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: 14-MAR-23
8a. Applicant(s) New to system <input type="checkbox"/> SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL Attn: MAINTENANCE DIRECTOR 17222 MUSTANG RD KISMET, KS 67859-5995		8c. Landowner(s) New to system <input type="checkbox"/> SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL Attn: MAINTENANCE DIRECTOR 17222 MUSTANG RD KISMET, KS 67859-5995		
8b. Landowner(s) New to system <input type="checkbox"/> DELETE EVANS FRANCIS FARMS LLC Attn: SHANNON FRANCIS MANAGER 1501 TUCKER CT LIBERAL, KS 67901		8d. WUC New to system <input type="checkbox"/> 8c FOR ALL WELLS DELETE Sec 36 well Person ID 27875 CLAIR BENDER PO BOX 128 PLAINS, KS 67869		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/25 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/25 <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Package: 13858 & 30054		Date Prepared: 12/19/2024 By: li Date Reviewed: 3/11/2025 By: KAK Date Entered: 3/14/2025 By: <div style="text-align: center; color: blue;">KAnderson</div>		

File No. 13858		11. County: SW		Basin: Crooked Creek		Stream:		Formation Code: 211		Special Use: NA															
12. Points of Diversion CHK MOD DEL PDIV ENT										Rate and Quantity															
										Authorized		Additional													
Qualifier S T R ID 'N 'W Comment (AKA Line)										Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files											
74835																									
MOD		47835		NW NW NW		36	32	31W	4	4900	5019	943	587 AF	943	587 AF	NONE									
MOD		573		SE SE SW		25	32	31W	2	123	3242	PRIMARY IRR USE ADDITIONAL WELL	120	10 AF	0	10 AF	30054								
DEL		573		SW SE SW		25	32	31W	2	123	3242	PRIMARY MUN USE ADDITIONAL WELL	120	1.629 mgy	60	1.629 mgy	30054								
MOD		88365		SE SE SW		25	32	31 W	3	138	3094	PRIMARY IRR USE ADDITIONAL WELL	120	23 AF	0	23 AF	NONE								
ENT		88365		SE SE SW		25	32	31 W	3	138	3094	PRIMARY MUN USE ADDITIONAL WELL	120	1.629 mgy	60	1.629 mgy	NONE								
ALL PDIV GET GPS UPDATE ON FEET DISTANCES																									
PDIV 573 MOD IS REMOVING STANDBY OPERATION AND AUTHORIZING AS A PRIMARY WELL NO STANDBY OPERATION UNDER THIS FILE																									
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) 120GPM ANY WELL SEC 25																									
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						NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
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				
MOD		7990		36 32 31W 2		40.0	40.0	40.0	40.0	40.0	36.0	40.0	40.0								316	8c	YES	NONE	
CHK		29747		25 32 31W 2											4.0	23.0					27	8c	NO	30054	
CHK		16949		25 32 31W 3		SCHOOL (S2 SW)																	8c	NO	30054
Base Acres: Year: Minimum Reasonable Quantity:																									
Comments: UPDATE 26-OCT-10 SPECIAL CONDITION: 10 YR REVIEW - ADDITIONAL WELL SEC 25 ID 2 ADD 14-MAR-23 SPECIAL CONDITION: 10 YR REVIEW - ADDITIONAL WELL SEC 25 ID 3																									

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

File Number: 13858

FO: **04** GMD: **03**

WAIVER REQUEST:

UMW	Date Ext Requested	Rule ID	Applies	Rule Type	Rule Subtype
MUN	3/11/25	3	Statewide	Well Spacing	HIGH PLAINS AQUIFER
Rule Number	Date Granted	Date Denied	Justification:	PROPOSING SMALL QTY AND NEIGHBORING WELLS HAVE NOT STATED THAT THEY HAVE AN ISSUE WITH CHANGE. RECOMMENDED WAIVER AND APPROVAL FROM GMD 3 BASED ON WATER USE HISTORY WITHOUT IMPAIRMENT.	
K.A.R. 5-23-3	3/11/25				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared: _____ By _____

Date Reviewed: 3/11/2025 By KAK

Date Entered/By _____

From: [Meyer, Mike \[KDA\]](#)
To: [Ireland, Leslie \[KDA\]](#)
Subject: RE: Review & Recommendation Change PD File No. 13858 & Reduction 30054
Date: Friday, December 20, 2024 4:58:14 PM
Attachments: [image001.png](#)

Thank you for all your work and persistence to with this. hopefully this is the last change request for this file.

I recommend approval.

Good job

mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, December 20, 2024 1:48 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: FW: Review & Recommendation Change PD File No. 13858 & Reduction 30054

Additional stuff..

From: Ireland, Leslie [KDA]
Sent: Friday, December 20, 2024 11:47 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review & Recommendation Change PD File No. 13858 & Reduction 30054

Mike,

Please let me know if you'd recommend this project shifting quanttiy between these existing wells.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 26, 2024

FROM: Leslie Ireland

RE: Water Right, File Nos. 13,858 & 30,054

Stan Reiss, President of USD #483, owner of File No. 30,054, and Shannon Francis for Evans Francis Farms LLC, owner of File No. 13,858, have filed an application to change the point of diversion located on the school property under File No. 13,858 and a reduction request under File No. 30,054. The application for change received on March 14, 2023, requests an existing standby well be authorized as an additional well per K.A.R. 5-5-16, *Additional well*, to be operated under the currently authorized uses are located in the Crooked Creek Basin, Seward County. The ownership of File No. 13,858 will be updated as the school district is now the sole owner.

It would appear the referenced files are not abandoned as per K.S.A. 82a -718 and appear to meet the requirements of K.S.A. 82a -732. There are no other wells located within one-half mile of the wells proposed to be changed. No notice per K.S.A. 82a -1906 will be needed.

The requested change to File No. 13,858 eliminates the standby use and moves quantity and rate between existing wells. The change further modifies the currently authorized one (1) primary well, one (1) additional well and one(1) standby well to be one (1) primary well and two (2) additional wells. As the approval in October 2010 authorized the additional well to be operated as irrigation and municipal uses at the school it appears the consumptive use evaluation and modification of the quantity for the proposed change has occurred for an additional well or wells per K.A.R. 5-5-16, *Additional well in 2010*. A review of this previous change work determined the NIR value for the calculation utilized the 50% NIR (1.21 acre-feet (AF) instead of the 80% NIR (1.37 AF). The correction to the 80% NIR afforded 2 AF more to be retained to authorize 606AF instead of the 604AF. Review of the reported use does not find the 2 AF resulted in any issues for the diverted quantity.

The elimination of the standby designation and reassignment of quantity and correction of the rate will result in municipal and irrigation use at the school from the two(2) wells in Section 25

Water Right, File No. 13,858 is authorized for three(3) points of diversion. The original primary irrigation well is located in Section 36, in the (NW¼ NW¼ NW¼) determined by 2022 GPS to be approximately 4,900 feet North and 5,019 feet West of the Southeast corner of Section 36, Township 32 South, Range 31 West, Seward County, authorized the updated 606 acre-feet (AF) at 943 gallons per minute (GPM) for the irrigation of 316 acres. This well has no overlaps or additional limitations. The two(2) other wells authorize irrigation and municipal uses from the wells as an additional well (10/10/2010) as a primary well and a standby well (8/20/2020). The additional primary well, **West Well**, is located in the (SW¼ SE¼ SW¼) GPS'd to be 123 feet North and 3,242 feet West of the Southeast corner of Section 25, and the standby well, **East Well**, is located in the (SE¼ SE¼ SW¼) approximately 148 feet North and 3,094 feet West of the Southeast corner of Section 25, Township 32 South, Range 31 West, Seward County. The West Well in Section 25 is authorized 10 acre-feet (AF) at 120 gallons per minute (GPM) for the irrigation of 27 acres of playing fields and 5 AF (1.629 mgy) for municipal use at 120 GPM with the rate limited 120 GPM for either use as a primary well. The two(2) school wells in Section 25 overlap with File No. 30,054 as primary and standby wells.

Water Right, File No. 13,858

The change in point of diversion will shift quantity per K.A.R. 5-5-16, *Additional well*. As this is a second proposed additional well (first approved in 2010) with this change utilizing existing wells all of the well requirements were met on the first approval, however a new rate test was completed by Division staff. It indicated the rate of diversion in this area was unchanged. This proposed change requests to authorize the **East Well** as an additional well under File No. 13,858. This file authorizes three(3) wells, as one(1) primary well irrigation use only (Section 36) and two(2) additional wells (Section 25) authorized for irrigation and municipal uses. The new additional well (old standby well) will be assigned an additional 10 acre-feet of irrigation water requested to be moved from the original primary well in Section 36. The proposed quantity being moved and the historical rate moved in 2010 is sufficient to pump the new total quantity of 23 AF for irrigation use.

The **West Well** located approximately 123 feet North, and 3,242 feet West will continue to be authorized irrigation use by File No. 13,858 & 30,054, and municipal use under File No. 30,054. The **East Well** will receive the moved quantity from the original well in Section 36, with the rate and municipal quantity moved from the **West Well** to the **East Well** both in Section 25. The **West Well** will remain authorized 23 AF for irrigation and 1.17 mgd (3.59 AF). This will result in the well located approximately 148 feet North and 3,094 feet West to authorize 23 AF for irrigation use and 1.629 mgd (5.0 AF) for municipal use allowing these two wells to be almost balanced in use. The places of use will remain as authorized.

K.A.R. 5-5-16 *Additional well*, consumptive use determination

1.37' NIR at 80%, Seward Co x 316 max acres irrigated = 382.36 AF
 $382.36 \text{ AF} \div 0.85 = 509.317$
 $33 / 509.317 = 0.0658926$
 $1 - 0.0658926 = 0.9341074$
 $0.9341074 \times 628 \text{ AF authorized} = 586.6 \text{ AF}$
 587 AF will remain for irrigation use in Section 36, Township 32, Range 31 West.

The historical consumptive use as required by K.A.R. 5-5-3, *Change in consumptive use*, for File No. 13,858, will be reduced for the use made of water change and as specified in the portion of the additional well regulation, K.A.R. 5-5-16(a)(2)(ii). The 587 AF will provide 1.71 acre-foot per acre of cropland. This irrigation ratio complies with K.A.R. 5-23-3, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and request to reduce a water right*.

Water Right File No. 30,054 is authorized two (2) wells: one(1) primary and one(1) standby well in Section 25 with both uses authorized from each well. The primary well, West Well, is authorized 13 AF for irrigation use and 1.17 million gallons (3.6 AF) for municipal use. The rate is limited 120 GPM when combined with File No. 13,858, but this appears to have been due to the additional well and well spacing but the rate should have been limited by either use. This limitation will be corrected.

The requested reduction will **remove the standby well, East Well**, from this file resulting in one(1) well in the (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 123 feet North and 3,242 feet West of the Southeast corner of Section 25, Township 32 South, Range 31 West, Seward County, authorized 13 AF for irrigation use and 1.17 million gallons (3.6 AF) per year for municipal use with this file's rate corrected in WRIS to 120 GPM that is limited per any use. This request appears to meet K.A.R. 5-3-23 *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*, due to the well being removed was standby use.

Under the referenced files the wells in Section 25, will authorize a combined total of 46 acre-feet for irrigation use and 2.8 million gallons (8.6 acre-feet) for municipal use.

As the requested change in point of diversion in Section 25 is less than 300 feet between the wells, no notification per K.S.A. 82a-1906 would be needed. The shift in quantity from the well in Section 36 is a move of approximately 1,738 feet. Superintendent, Dan Frisby, stated with his review and signature of the map for the requested change, there are no other wells except the primary well within one-half ($\frac{1}{2}$) mile of the wells.

The application was submitted to the Southwest Kansas Groundwater Management District No. 3 for a recommendation. The Board **recommended a waiver to K.A.R 5-23-3** and approval of the application as the wells are not moving and all the wells in the immediate area are owned by the school district. The letter of Jason Norquest, Assistant Manager, dated October 13, 2023, recommended of approval of the change and requested reduction.

Mike Meyer, Water Commissioner of the Garden City Field Office, recommend the reduction and application, per his email of December 20, 2024.

The water use correspondents will be updated to the school as it is now the sole owner. Water flowmeters and check valves will be required will be required if any chemical or foreign substance is injected through the diversion works. Water level measurement tubes would be required for the wells in Section 25, as they are authorized to operate at a rate greater than 100 gallons per minute and are newer than the well in Section 36.

Based on the above discussion, that a waiver of spacing is approved, there will be no change in the local source of supply, no increase in the consumptive use, that impairment to existing water rights is unlikely, and that the changes are reasonable, it is recommended that the requested reduction and application for change be approved



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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 Minimum Well Spacing

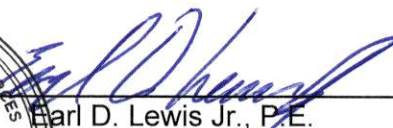
Date: March 11, 2025

Re: File No. 13,858

1. K.A.R. 5-23-3(a)(1), states that any well with an authorized quantity between 16 and 200 acre-feet per calendar year shall be spaced a minimum distance of 1,300 feet and any well authorized 301 to 400 acre-feet per calendar year shall be spaced a minimum distance of 1,900 feet from any non-temporary non-domestic well.
2. The proposed well will operate for primary municipal and irrigation uses, designated as the East Well, with 23 acre-feet for irrigation use and 1.629 mgy (5.0 acre-feet) for municipal, a total of 28 acre-feet. The West Well authorized by File Nos. 13,858 and 30,054, will authorize 23 acre-feet for irrigation and 1.17 mgy (3.59 acre-feet) for municipal use, for a total of 26.59 acre-feet. These wells are approximately 149 feet apart.
3. The proposed existing well is located approximately 1,738 feet from the irrigation well in Section 36, that will remain with 587 acre-feet under File No. 13,858, resulting in the spacing between the two wells being short by 162 feet.
4. No new wells are proposed. All wells in questing are existing wells, mostly under the same priority, or junior priority as additional wells, all are under the same ownership.
5. There are no other non-temporary non-domestic wells located within approximately one (1) mile of either of the wells in Section 25.
6. That the Board of Directors for Southwest Kansas Groundwater Management District No. 3, has recommended a waiver of K.A.R. 5-23-3, due to previously waiving the spacing for a change in point of diversion of File No. 13,858 and based on the small quantity that will be diverted and ownership.
7. A waiver of spacing will not prejudicially or unreasonably affect the public interest and will not impair any existing water right.

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. 13,858

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Shannon Francis, Manager, Evans Francis Farms LLC, 1501 Tucker Court, Liberal, Kansas 67901, and Stan Reiss, President of Southwestern Heights Consolidated School, USD # 483, 17222 Mustang Road, Kismet, Kansas 67859-5995, received in this office on March 14, 2023, 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 January 13, 2003, June 17, 2003, December 31, 2007, and August 20, 2020, approving the applications to change the point of diversion, and the Order of the Chief Engineer dated October 26, 2010, approving the application to change the use made of water, point of diversion and 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 wells shall be considered to have the priority of the date the applications were filed (March 11, 2010, and March 14, 2023) to add the additional wells.

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 for irrigation use shall be:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 36, more particularly described as being near a point 4,900 feet North and 5,019 feet West of the Southeast corner of said section at a diversion rate not in excess of 943 gallons per minute (2.10 c.f.s.) and in a quantity not to exceed 587 acre-feet per calendar year,

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 25, more particularly described as being near a point 123 feet North and 3,242 feet West of the Southeast corner of said section at a diversion rate not in excess of 120 gallons per minute (0.27 c.f.s.) and in a quantity not to exceed 10 acre-feet per calendar year, (additional well, March 11, 2010),

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 25, more particularly described as being near a point 138 feet North and 3,094 feet West of the Southeast corner of said section, at a diversion rate not in excess of 120 gallons per minute (0.27 c.f.s.) and in a quantity not to exceed 23 acre-feet per calendar year, (additional well, March 14, 2023), and

for municipal use shall be:

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 25, more particularly described as being near a point 138 feet North and 3,094 feet West of the Southeast corner of said section, at a diversion rate not in excess of 120 gallons per minute (0.27 c.f.s.) and in a quantity not to exceed 1.629 million gallons per calendar year (5.0 acre-feet), (additional well, March 14, 2023),

all in Township 32 South, Range 31 West, Seward County, Kansas,

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

The rate of diversion for any use from the wells authorized in Section 25, Township 32 South, Range 31 West, Seward County, Kansas, under this file number is further limited to a maximum diversion rate not in excess of 120 gallons per minute (0.27 c.f.s.).

Installation of the works for diversion of water shall be completed on or before December 31, 2025, or within any authorized extension of time. The applicant 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.

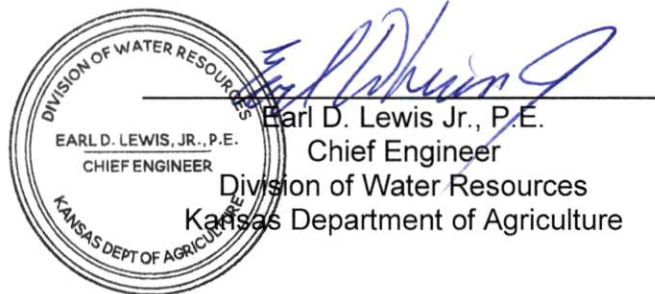
All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water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

The water right owner shall properly install an acceptable water meter on the diversion works for each use 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 for each authorized use may be determined. The water right owner shall also report the reading of said water meters 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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains, authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 13,858, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 30, 1984, as modified and amended by the aforementioned orders.

Ordered this 11th day of March, 2025, in Manhattan, Riley County, Kansas.

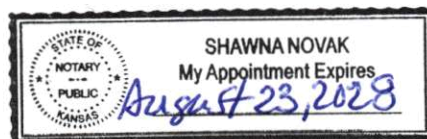


State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 11th day of March, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



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

March 18, 2025

DAN FRISBY
SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL
17222 MUSTANG RD
KISMET KS 67859-5995

RE: Water Right
File Nos. 13,858 and 30,054

Dear Mr. Frisby:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change, under the File No. 13,858, owned by the school and Evan Francis Farms LLC, along with a Findings and Order, under File No. 30,054, owned solely by the school.

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 acceptable water flowmeter must be installed on the diversion works authorized for each authorized use. Please return the required form Notification of the Completion of the Diversion Works and Report of Flowmeter Installation to acknowledge receipt of the approval and confirmation of the required meters as soon as these actions are completed for the newly authorized additional well.

The change approval authorizes an existing point of diversion as an additional well, which are 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 application was filed (March 14, 2023) to add the East well in Section 25 as a second additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional wells at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since these orders modify the Certificates of Appropriation for the above referenced water rights, they should be recorded with the Register of Deeds, as other instruments affecting real estate.

SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL

File Nos. 13,858 and 30,054

Page 2 of 2

If you have any questions, please contact us at 785-564-6640 or the Garden City Field Office 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,



Kristen A. Baum
New Application and Change Unit Supervisor
Division of Water Resources

KAB:kak:li

Enclosures

pc: Garden City Field Office
Southwest Kansas GMD No. 3

RIGHT TO PETITION FOR REVIEW UNDER THE KANSAS JUDICIAL REVIEW ACT

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

CERTIFICATE OF SERVICE

On this 18th day of March, 2025, I hereby certify that the attached Findings and Order in the Matter of Water Right, File No. 30,054, and dated March 11, 2025, was mailed postage prepaid, first class, US mail to the following:

SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL
17222 MUSTANG RD
KISMET KS 67859-5995

With a Photocopy to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3



Staff

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

On this 18th day of March, 2025, I hereby certify that the attached Approval of Application for Change, Water Right, File No. 13,858, and dated March 11, 2025, was mailed postage prepaid, first class, US mail to the following:

SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL
17222 MUSTANG RD
KISMET KS 67859-5995

With a Photocopy to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3


Staff