

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

1. File Number: <b>10555</b>	2. Status Change Date: <i>3/27/2018</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>03</b>	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>02-OCT-2017</b>
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8a. Applicant(s) <span style="float: right;">Person ID <b>53673</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b>1</b></span>  <b>MICHAEL L &amp; ELLEN K LONG</b> <b>237 NORTHSIDE DR</b> <b>HEBRON NE 68370</b>	8c. Landowner(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>
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8b. Landowner(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>  <b>8A</b>	8d. WUC <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>  <b>8A</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: \_\_\_\_\_  N & P Date to Comply: \_\_\_\_\_

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: **3/26/18**    By: **RAK**  
 Date Entered: *3/28/2018*    By: *WM*

**NOTHING ON REVERSE**



STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

MICHAEL L & ELLEN K LONG  
237 NORTHSIDE DR  
HEBRON NE 68370

March 29, 2018

**FILE COPY**

RE: Water Right, File No. 10,555

Dear Mr. and Mrs. Long:

Enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the Application for Approval to Change the Point of Diversion under Water Right, File No. 10,555, received on October 2, 2017. This dismissal is a result of the failure of the proposed change to meet the requirements of the rules and regulations of the State of Kansas, specifically K.A.R. 5-4-4 Well Spacing.

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.

If you have any questions, please contact this office. 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 cursive script, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.

Change Application Unit Supervisor  
Division of Water Resources

BAT:rak  
Enclosure(s)

pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE DISMISSAL  
OF AN APPLICATION FOR APPROVAL  
TO CHANGE THE AUTHORIZED POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 10,555**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on October 2, 2017, An Application for Approval to Change the Authorized Point of Diversion, was received in the office of the Chief Engineer for Water Right, File No. 10,555.
2. That in a letter dated January 3, 2018, the water right owners were advised that the Application to Change the Authorized Point of Diversion for File No. 10,555 would be recommended for denial due to the failure of the application to meet K.A.R 5-4-4 *Well spacing* since the proposed point of diversion does not meet well spacing requirements to at least one domestic well.
3. That further action on the application was delayed until January 18, 2018 to allow the water right owner time to submit additional information to be considered by the Chief Engineer
4. Since no additional information was received by that date, and no request for a further extension of time has been received, the application for File No. 10,555 should be dismissed and its priority forfeited for failure to meet the requirements of K.A.R 5-4-4.

**ORDER**

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Point of Diversion, received on October 2, 2017, under Water Right, File No. 10,555, shall be dismissed.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. 10,555, dated September 16, 1968, remains as authorized and amended by the Orders of the Chief Engineer dated March 31, 1980 and February 3, 1981.

**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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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.

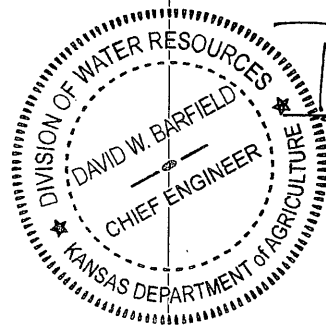
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal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

Ordered this 27<sup>th</sup> day of March, 2018, in Topeka, Shawnee County, Kansas.



David W. Barfield  
 David W. Barfield, 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 27<sup>th</sup> day of March, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter  
 Notary Public

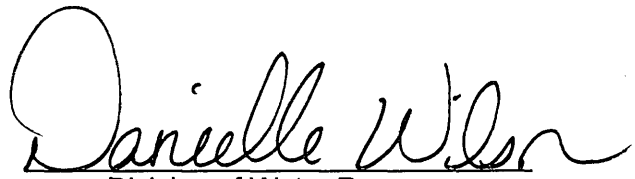
**CERTIFICATE OF SERVICE**

On this ~~27<sup>th</sup>~~ day of March, 2018, I hereby certify that the attached original Findings and Order, File No. 10,555, dated March 27<sup>th</sup>, 2018, was mailed postage prepaid, first class, US mail to the following:

MICHAEL L & ELLEN K LONG  
237 NORTHSIDE DR  
HEBRON NE 68370

With a photocopy to:

Stockton Field Office

  
Danielle Wilson  
Division of Water Resources

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

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File No. 10555

2. Name of applicant: Micheal L and Ellen K Long

Address: 237 Northside Drive

City, State and Zip: Hebron, NE 68370

Phone Number: (402)768-8615

E-mail address: michael.long@plantpioneer.com

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Same as above

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): The desired change will allow will allow us to spread the water use over two currently operating wells which more accurately reflects the current management.

The change(s) will be completed by ASAP

(Date)

**For Office Use Only:**

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use FRR Source G/S County CD By Adw Date 10/2/17  
Code CGT Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 10/2/17 Check # 1324

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: Micheal L and Ellen K Long

ADDRESS: 237 Northside Drive, Hebron, NE 68370

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					
03	05S	01W																	36	40	40	40	156

List any other water rights that cover this place of use. 24116

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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					

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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					

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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					

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List any other water rights that cover this place of use. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

**SCANNED**



6. The presently authorized point(s) of diversion is 1 well  
(Provide description and number of points)

7. The proposed point(s) of diversion are 2 wells  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the NC Quarter of the SE Quarter  
 of Section 03, Township 05 South, Range 01 W,  
 in Cloud County, Kansas, 1320 feet North 1320 feet West of Southeast corner of section.  
 Authorized Rate 800 gpm Authorized Quantity 123 AF  
 (DWR use only: Computer ID No. 01 GPS 1339 feet North 1304 feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the NC Quarter of the SE Quarter  
 of Section 03, Township 05 South, Range 01 W,  
 in Cloud County, Kansas, 1339 feet North 1304 feet West of Southeast corner of section.  
 Proposed Rate 700 gpm Proposed Quantity 100 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

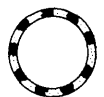
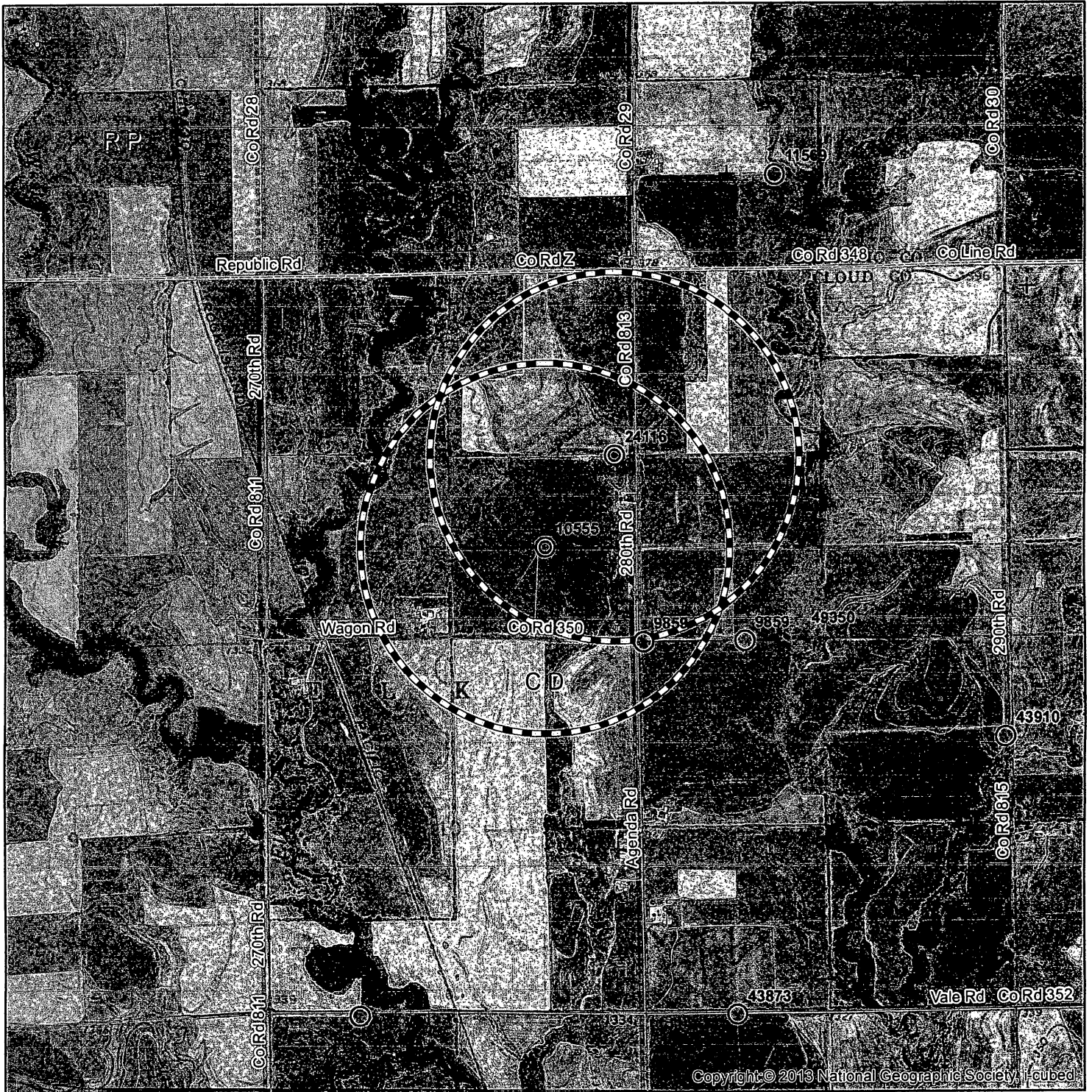
9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the NE Quarter of the SE Quarter  
 of Section 03, Township 05 South, Range 01 W,  
 in Cloud County, Kansas, 2630 feet North 280 feet West of Southeast corner of section.  
 Proposed Rate 100 gpm Proposed Quantity 23  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 24116

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

# Application to Change the Point of Diversion For Water Right File # 10555



1/2 mile buffer

- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

1:24,000

- Proposed Points of Diversion
- + WWC-5 Recods

**Signature Required**

*Michael L. Fry*

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By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well location are identified on this map.

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12. The presently authorized use of water is for Irrigation purposes.

It is proposed that the use be changed to Irrigation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

NA

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

In accordance with 5-5-16, perfected acres were determined to be 105 acres for 10555 and 42 acres for 24116. The calculation is 105 acres x 1.03 AF(CD 80% NIR) /0.85 (efficiency factor) = 130.9 AF. Therefore the proposed change will not increase consumptive use and meets the requirements required by KAR 5-5-16

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Hebron Nebraska, Kansas, this 29<sup>th</sup> day of September, 2017.

Michael L. Long  
(Owner)

Michael L Long  
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Ellen K. Long  
(Spouse)

Ellen K. Long  
(Please Print)

(Spouse)

(Please Print)

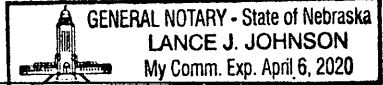
(Spouse)

(Please Print)

State of ~~Kansas~~ Nebraska }  
County of Thayer } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29<sup>th</sup> day of September, 2017.

My Commission Expires



[Signature]  
Notary Public

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water ..... \$300

Make check payable to **Kansas Department of Agriculture.**

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## **Krueger, Richelle [KDA]**

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**From:** Stewart, Kelly [KDA]  
**Sent:** Monday, March 5, 2018 7:40 AM  
**To:** Turney, Brent [KDA]; Krueger, Richelle [KDA]  
**Cc:** Billinger, Mark [KDA]  
**Subject:** RE: Change in PD File No. 10555 Michael Long

I'm good with that.

---

**From:** Turney, Brent [KDA]  
**Sent:** Monday, March 5, 2018 7:39 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** RE: Change in PD File No. 10555 Michael Long

Kelly,  
I think we should just kill the application since we didn't get any response.  
Brent

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Stewart, Kelly [KDA]  
**Sent:** Thursday, March 1, 2018 2:25 PM  
**To:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** RE: Change in PD File No. 10555 Michael Long

I don't care either way. I'll leave that up to you and Brent.

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, March 1, 2018 11:15 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** Change in PD File No. 10555 Michael Long

Hi Kelly,  
I am looking back through my stack and have heard nothing from the applicant, they had a January 18,2018 deadline to submit information. This was a pd change in what we believe to be confined Dakota and the proposal would not meet spacing to at least one domestic well. Do you want to reach out to them or should I dismiss the application?  
Thanks,

## Krueger, Richelle [KDA]

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, March 1, 2018 10:48 AM  
**To:** Stewart, Kelly [KDA]  
**Cc:** Billinger, Mark [KDA]; Turney, Brent [KDA]  
**Subject:** Change in PD File No. 10555 Michael Long

Hi Kelly,

I am looking back through my stack and have heard nothing from the applicant, they had a January 18,2018 deadline to submit information. This was a pd change in what we believe to be confined Dakota and the proposal would not meet spacing to at least one domestic well. Do you want to reach out to them or should I dismiss the application?

Thanks,  
Richelle

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

January 3, 2018

MICHAEL L & ELLEN K LONG  
237 NORTHSIDE DR  
HEBRON NE 68370

RE: Water Right, File No. 10,555

Dear Mr. and Mrs. Long,

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the referenced file number which was received in the office of the Chief Engineer on October 2, 2017. Upon review of the application, it is found that the application cannot be approved as proposed.

K.A.R. 5-4-4 is the well spacing regulation that pertains to your application. Based on available information, it appears your wells are withdrawing groundwater from the confined Dakota aquifer system which requires 2,640 feet well spacing to nearby domestic wells. It appears there is at least one domestic well located less than the required spacing to your proposed existing well. Therefore, it will be recommended to the Chief Engineer that the Application for Approval to Change the Authorized Point of Diversion under Water Right, File No. 10,555, be denied and dismissed due to the failure to meet K.A.R. 5-4-4.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information (such as hydrologic analysis) to show why our evaluation should be reconsidered. **You have a period of 15 days (until January 18, 2018) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information.** If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15-day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer with a recommendation to deny the point of diversion change for File No. 10,555, based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the application.

OVER➔

MICHAEL L & ELLEN K LONG

January 3, 2018

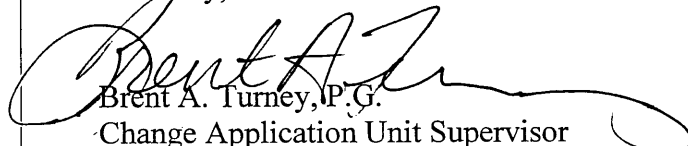
File No. 10,555

Page No. 2

If you plan to go to the Division of Water Resources Field Office in your area for assistance, please take this letter with you.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT:rak  
Enclosures

pc: Stockton Field Office



## **Krueger, Richelle [KDA]**

---

**From:** Turney, Brent [KDA]  
**Sent:** Wednesday, December 13, 2017 10:56 AM  
**To:** Stewart, Kelly [KDA]; Billinger, Mark [KDA]; Krueger, Richelle [KDA]  
**Subject:** RE: Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

Kelly, Mark,

We are going to send out a letter to the applicant / owner for 10,555, and inform them that the change does not meet the minimum well spacing requirement for the confined Dakota, and let the chips fall. Richelle is in the Christmas spirit and wants to wait until after the holidays to send the letter. Since it is such a busy time for everyone, I agree that it will make everyone's life easier.

Thanks everyone,

Brent

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Stewart, Kelly [KDA]  
**Sent:** Tuesday, December 12, 2017 8:15 AM  
**To:** Turney, Brent [KDA] <Brent.Turney@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>  
**Subject:** RE: Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

Brent/Richelle,

After looking at this closer, I feel like we should have tech services review this proposal for potential impairment of the domestic well. I don't think we can say that spacing is adequate to prevent impairment with the domestic well only 670' away. There isn't a lot of available information on this area, but it is likely confined Dakota. The nearest well log we could find is to the North of this site and it appears to be confined Dakota.

Using Theis, I calculated the drawdown under the presently authorized allowable pumping and came up with a total of 59' of drawdown at the domestic well. Under the proposed pumping scenario, I came up with 61' of drawdown. Given that there is only approximately 45' of sandstone in the area, it appears the situation may already be bad and this change would only make it worse. I would note that I feel my calculations on T & S were conservative, but again there isn't much information to work with.

I definitely don't think we can take the stance that spacing is adequate to prevent impairment. Given the proposed well spacing, it would appear to me that a waiver should be required and the applicant would need to demonstrate that impairment won't occur. If tech services agrees with my analysis, I would recommend the applicant be notified the proposed change will be denied unless they can demonstrate impairment won't occur.

Kelly

---

**From:** Turney, Brent [KDA]  
**Sent:** Thursday, December 7, 2017 4:11 PM  
**To:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Subject:** RE: Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

So, is this confined Dakota?

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
**Manhattan Kansas 66502**  
**(785) 564-6645**  
**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Billinger, Mark [KDA]  
**Sent:** Thursday, December 7, 2017 3:45 PM  
**To:** Krueger, Richelle [KDA] <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>; Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Turney, Brent [KDA] <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** RE: Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

For 24,116 there is no well log in the file only the following info:

In 1974 total depth was 181' and swl was 51'. It says depth to water bearing formation at 77'.

Mark

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, December 7, 2017 1:59 PM  
**To:** Stewart, Kelly [KDA] <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Billinger, Mark [KDA] <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Turney, Brent [KDA] <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

Hi Kelly,

Just an FYI, you may receive a call from Mark Zenger regarding the referenced pd change. He was inquiring about the proposed change and what effect it may have on his domestic well which is located about 50 feet to the west of his house. He has not had problems with his well but he has only lived in the house since 2011. He did not have any information on his well depth or static water level. Based on WIMAS it would appear the proposed irrigation well is about 603 feet from his domestic well. I explained it should not cause impairment but if he thinks he is being impaired to call the field office. Do you have logs in the file for the well under File No. 24116? WRIS shows Cretaceous System (300) for File Nos. 10555 and 24116 but not whether confined or unconfined Dakota so I don't know if spacing is sufficient to prevent direct impairment.....

Richelle

## **Krueger, Richelle [KDA]**

---

**From:** Stewart, Kelly [KDA]  
**Sent:** Friday, December 8, 2017 7:20 AM  
**To:** Turney, Brent [KDA]; Billinger, Mark [KDA]; Krueger, Richelle [KDA]  
**Subject:** RE: Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

Whether this is confined or un-confined, the proposed well doesn't meet spacing from the nearby domestic. I think we need to take a step back and evaluate the potential increase in impact to the neighbor. We'll take a look at this and if necessary, turn it over to tech services for their review/input.

We'll get back to you on this one.

Kelly

---

**From:** Turney, Brent [KDA]  
**Sent:** Thursday, December 7, 2017 4:11 PM  
**To:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Subject:** RE: Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

So, is this confined Dakota?

**Brent A. Turney, P.G.**  
**Kansas Department of Agriculture**  
**Division of Water Resources**  
**1320 Research Park Drive**  
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**[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)**  
**[www.agriculture.ks.gov](http://www.agriculture.ks.gov)**

---

**From:** Billinger, Mark [KDA]  
**Sent:** Thursday, December 7, 2017 3:45 PM  
**To:** Krueger, Richelle [KDA] <Richelle.Krueger@ks.gov>; Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Turney, Brent [KDA] <Brent.Turney@ks.gov>  
**Subject:** RE: Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

For 24,116 there is no well log in the file only the following info:

In 1974 total depth was 181' and swl was 51'. It says depth to water bearing formation at 77'.

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**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, December 7, 2017 1:59 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>

**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>

**Subject:** Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

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Richelle

## Krueger, Richelle [KDA]

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**Sent:** Thursday, December 7, 2017 1:59 PM  
**To:** Stewart, Kelly [KDA]  
**Cc:** Billinger, Mark [KDA]; Turney, Brent [KDA]  
**Subject:** Nearby well owner call from Mark Zenger re: change in pd File No. 10555 Michael Long

Hi Kelly,

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Richelle

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

HARDIN FARM PARTNERSHIP RLLP  
MURIEL A HARDIN  
3564 HAYWOOD CT  
PICKERING OH 43147

November 29, 2017

RE: Water Right  
File No. 10,555

Dear Sir or Madam:

This is to advise you that Michael L. and Ellen K. Long have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. Enclosed is a map for your reference. The application for File No. 10,555 proposes the following change in point of diversion:

from: one (1) well near the center of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 1,320 feet North and 1,320 feet West of the Southeast corner of said section, in Township 5 South, Range 1 West, Cloud County, Kansas,

to: one (1) well near the center of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 1,320 feet North and 1,320 feet West of the Southeast corner of said section, and

one (1) existing well in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 2,630 feet North and 280 feet West of the Southeast corner of said section,

both in Township 5 South, Range 1 West, Cloud County, Kansas.

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645 . If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Change Application Unit

RAK  
Enclosure

pc: Stockton Field Office  
Michael L. and Ellen K. Long



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

SEAN LAMBERT  
2249 N 280TH RD  
CLYDE KS 66938

November 29, 2017

RE: Water Right  
File No. 10,555

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Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Change Application Unit

RAK  
Enclosure

pc: Stockton Field Office  
Michael L. and Ellen K. Long

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

MARK ZENGER  
515 LINCOLN ST  
CLYDE KS 66938

November 29, 2017

RE: Water Right  
File No. 10,555

Dear Sir or Madam:

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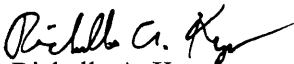
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Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Change Application Unit

RAK  
Enclosure

pc: Stockton Field Office  
Michael L. and Ellen K. Long





1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

LAWRENCE AND LORETTA KOCH TRUST  
2244 N 290<sup>th</sup> RD  
CLYDE KS 66938

November 29, 2017

RE: Water Right  
File No. 10,555

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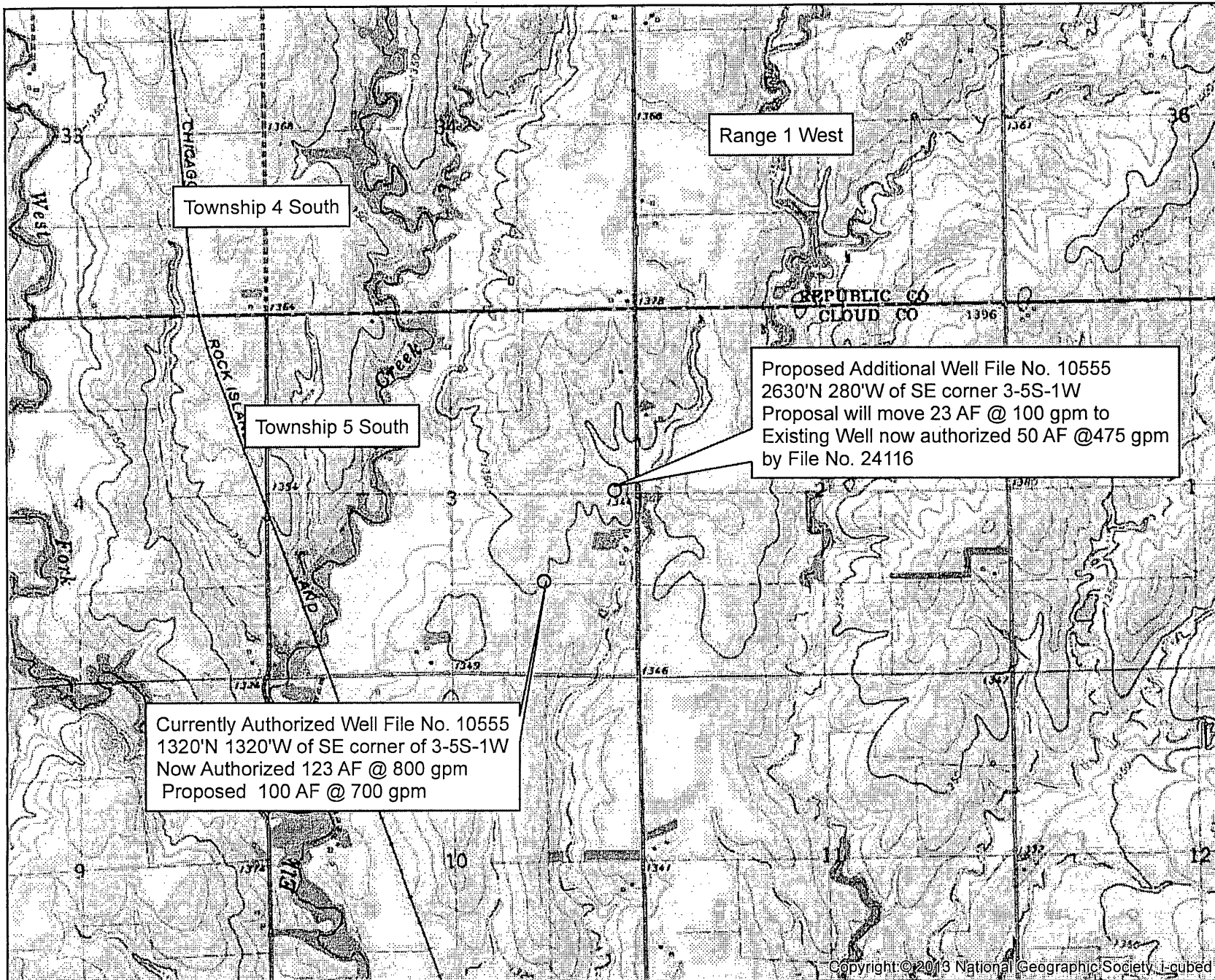
  
Richelle A. Krueger  
Environmental Scientist  
Change Application Unit

RAK  
Enclosure

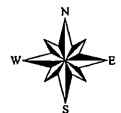
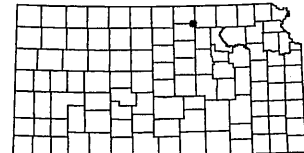
pc: Stockton Field Office  
Michael L. and Ellen K. Long

# Application to Change the Point of Diversion File No. 10555

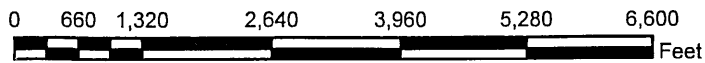
SCANNED



Index Map



1:24,000



Copyright © 2013 National Geographic Society, I-cubed

This map was created by WIMAS on 11/28/2017 4:32:57 PM

## Krueger, Richelle

---

**From:** Stewart, Kelly  
**Sent:** Tuesday, November 28, 2017 9:01 AM  
**To:** Krueger, Richelle  
**Cc:** Billinger, Mark  
**Subject:** RE: Additional Well Change in PD File No. 10555 Michael Long

Richelle,

If the domestic well that is located very near 24,116 belongs to the applicant, I don't see a problem with this proposal. We seem to be taking some water from a higher concentration of wells and moving it to an area of lesser concentration. In addition to that, we're not talking a large amount of water being moved. The change should be negligible to the area.

Kelly

---

**From:** Krueger, Richelle  
**Sent:** Tuesday, November 28, 2017 8:38 AM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Subject:** RE: Additional Well Change in PD File No. 10555 Michael Long

Hi Kelly,

It is scanned under the date 2002...here it is. They want to add 23 acre-feet and 100 g.p.m. to existing well authorized by File No. 24116 which is presently authorized 50 AF @ 475 g.p.m. I cannot see the domestic wells on the map (it is black and white and aerial photo) but there are names listed as possible domestics. On google maps it appears there may be a domestic about 187 feet south of the proposed existing well, it may belong to the applicant though.... the nearest well to the proposed additional well would be a well authorized by File No. 9859 approx 2678 feet away based on approved feet distances....the proposed wells for File No. 1055 based on approved feet distances are approx. 1669 feet apart

---

**From:** Stewart, Kelly  
**Sent:** Tuesday, November 28, 2017 8:16 AM  
**To:** Krueger, Richelle [Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)  
**Subject:** RE: Additional Well Change in PD File No. 10555 Michael Long

Richelle,

I see that 10,555 has 800 gpm and 123 af and 24,116 has 475 gpm and 50 af. How much rate and quantity is he proposing to move to 24,116?

I had Doug Schemm review this area. It is a mixed bag with both confined and unconfined in the area. How close is the nearest domestic or irrigation well? I can't find the change on docuware.

---

**From:** Krueger, Richelle  
**Sent:** Monday, November 27, 2017 4:41 PM  
**To:** Stewart, Kelly <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Billinger, Mark <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>; Walters, Steven <[Steven.Walters@ks.gov](mailto:Steven.Walters@ks.gov)>; Turney, Brent <[Brent.Turney@ks.gov](mailto:Brent.Turney@ks.gov)>  
**Subject:** Additional Well Change in PD File No. 10555 Michael Long

Hi Kelly,

I am reviewing the referenced additional well pd change which proposes to add an existing well authorized by File No. 24116 as an authorized pd for File No. 10555 (common place of use). The source of supply for File Nos. 10555 and 24116 is shown as Cretaceous System (300). I am assuming this is unconfined Dakota but I am not sure, if so would require 2640 feet spacing to non-domestics and 1320 feet spacing to domestics. What spacing should be used in this area and do you think spacing is sufficient to nearby wells and so meets K.A.R. 5-4-4(a)?

I did not see a rate test for the currently authorized well submitted with the change app or in scanned documents, do you think one is needed to show the current capacity of the aquifer to yield water at the currently authorized pd?

Thanks,

Richelle

## Krueger, Richelle

---

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Manhattan, Kansas 66502  
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900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

MICHEAL L & ELLEN K LONG  
237 NORTHSIDE DRIVE  
HEBRON, NE 68370

10082017  
**FILE COPY**

RE: File No 10555

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

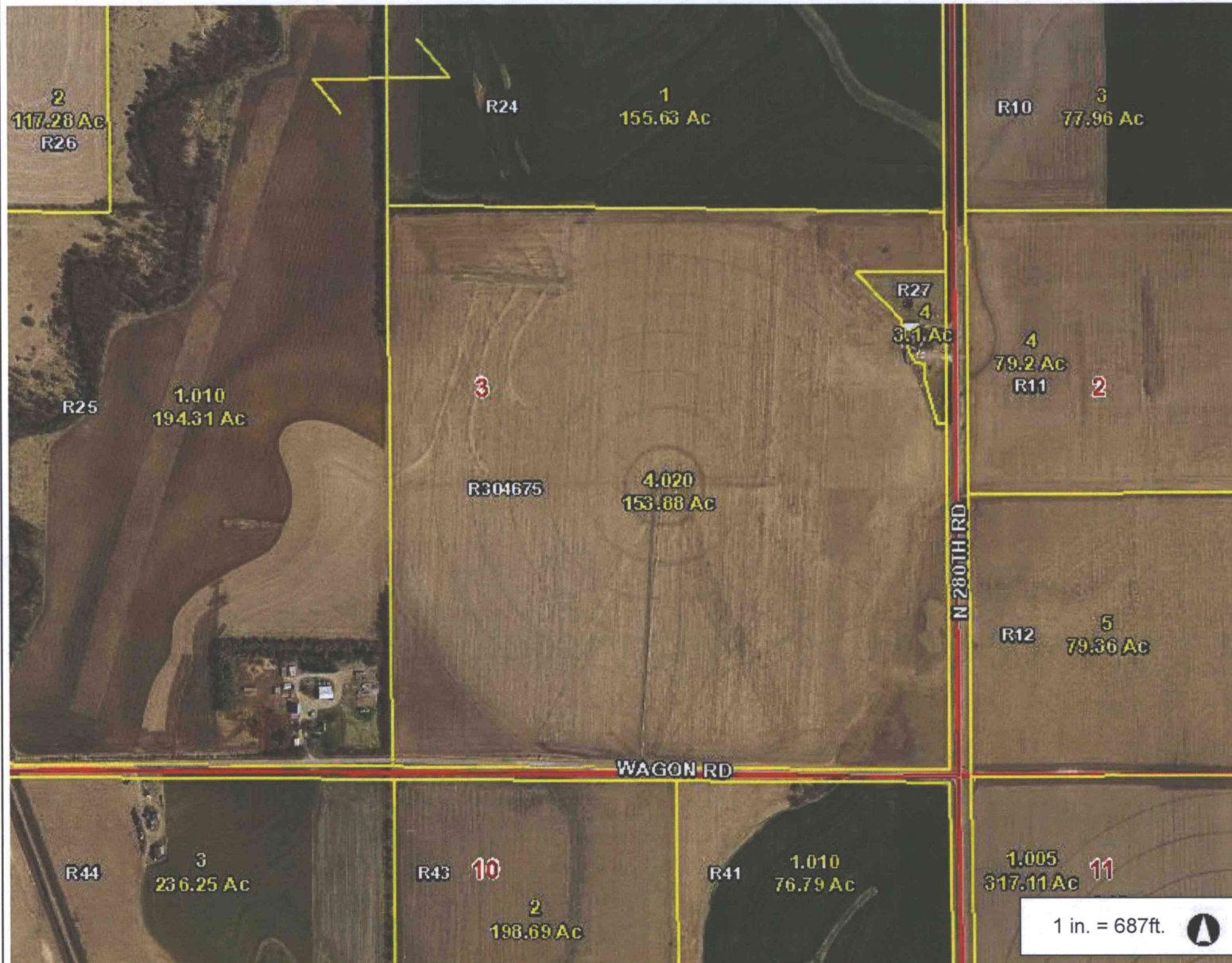
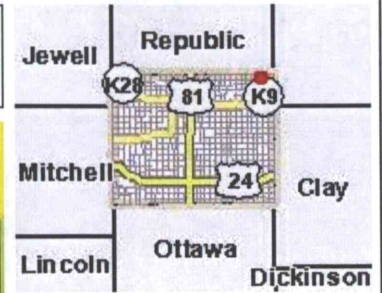
Sincerely,

A handwritten signature in cursive script that reads "Brent A. Tourney".

Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: STOCKTON Field Office GMD

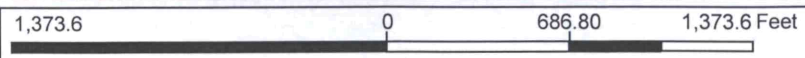
# Cloud County, KS



### Legend

- E911 Roads
  - <all other values>
  - US Highway
  - State Highway
- Parcel
  - Parcel Number/Acres
  - Quick Ref ID
- Corporate Limit
  - Corporate Limit
- Land Hook
  - Land Hook
  - S LandHook
  - Leader
- Section
  - Section
- County Boundary
  - County Boundary

1 in. = 687ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

Water Right # 9859

HARDIN FARM PARTNERSHIP RLLP  
MURIEL A HARDIN  
3564 HAYWOOD CT  
PICKERING OH 43147

Possible Domestics  
Mark Zenger  
515 Lincoln St  
Clyde, KS 66938

Lawrence & Loretta Koch Trust  
2244 N 290<sup>th</sup> Rd  
Clyde, KS 66938

WATER RESOURCES  
RECEIVED

OCT 02 2017

KS DEPT OF AGRICULTURE  
SCANNED