

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

Document Signature _____

| | | | | |
|---------------------------------|--|-----------------------------|-------------------------------|---------|
| 1. File Number: 18501 | 2. Status Change Date: 1/17/2018 | 3. Change Num: C2 | 4. Field Office: 03 | 5. GMD: |
|---------------------------------|--|-----------------------------|-------------------------------|---------|

| | |
|---|---|
| 6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | 7. Filing Date of Change: 20-MAR-2017 |
|---|---|

| | |
|--|--|
| 8a. Applicant(s) Person ID 65409 New to system <input type="checkbox"/> Add Seq# 1 JAY CARSWELL 2628 W 40TH DR ALTON KS 67623 | 8c. Landowner(s) Person ID 2603 New to system <input type="checkbox"/> Add Seq# 1 |
|--|--|

| | |
|---|--|
| 8b. Landowner(s) Person ID 2603 New to system <input type="checkbox"/> Add Seq# 1 WILDA CARSWELL 415 1ST AVE ALTON KS 67623-9307 | 8d. WUC Person ID 2603 New to system <input type="checkbox"/> Add Seq# 1 WILDA CARSWELL 415 1ST AVE ALTON KS 67623-9307 |
|---|--|

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/19** N & P Date to Comply: **12/31/2019**

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: **01/04/18** By: **RAK**
 Date Entered: **1/18/2018** By: **UM**

File No. **18501** 11. County: **OB** Basin: **SF SOLOMON RIVER** Stream: Formation Code: **115** Special Use:

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | |
|-------------------------|-------|-----------|---|---|-----|----|------|------|--------------------------------------|-------------------|--------------------|-----------------|--------------------|------------------|
| MOD DEL ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment | Authorized | | Additional | | Overlap PD Files |
| | | | | | | | | | | Rate gpm/cfs | Quantity af/mgy | Rate gpm/cfs | Quantity af/mgy | |
| ENT | 29083 | NESENW | 8 | 7 | 15W | 1 | 3630 | 2730 | | 400 g.p.m. | 87AF | 400 gpm | 87AF | NO |
| DEL | 83381 | NWSENW | 8 | 7 | 15W | 6 | 3520 | 3680 | 0' N & 50' W OF PREV PT OF DIVERSION | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. **MODIFY** Limitation: **O-LAP WEB #4-126 AF/YR COM/W #5745 & 18291** af/yr at
 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 MOD DEL ENT | PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files | | |
|---------------------------------------|-------|---|---|-----|----|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|-------|-------------------|---------------|--|--|
| | | | | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | | | | | | |
| √ | 30873 | 8 | 7 | 15W | 3 | | | | | 26 | 27 | 17 | 14 | | | | | | | | | 84 | 8b no | 18291;18501;37023 | 49803 | | |
| No change | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: January 8, 2018

FROM: Richelle A. Krueger

RE: Application, File No. 49,803
Water Right
File Nos. 18,291; 18,501; and 37,023

Jay Carswell on behalf of Wilda Carswell, and Michelle Nichols, on behalf of Osborne Rural Water District No. 1A, filed the referenced package of applications to:

- convert the use made of water of Water Right, File Nos. 18,291 and 37,023 from municipal use to irrigation use;
- “flip flop” the rate and quantity of the well authorized by File Nos. 18,291/37,023 with the well authorized by Water Right, File No. 18,501;
- obtain rate-only Application, File No. 49,803, for the existing well proposed for File Nos. 18,291/37,023.

File Nos. 18,291 and 37,023 are authorized a total of 9.94 million gallons (30.49 acre-feet) with a limited diversion rate from the same well for municipal use within the boundaries of Osborne County Rural Water District No. 1A; Rooks County Rural Water District No. 1, the Cities of Alton and Woodston and all of their immediate vicinities. File Nos. 18,291 and 37,023 presently overlap in the authorized place of use along with Water Right, File Nos. 24,749; 27,619; 37,024 and Appropriation of Water, File No. 42,558. DWR records indicate that the presently authorized well is high in nitrates so the District has not been able to use the well. The District is in the process of selling File Nos. 18,291 and 37,023 to the Carswells, who propose to convert the rights to irrigation use. The application appears to comply with K.A.R. 5-5-3 and K.A.R. 5-5-8 since irrigation use appears to be a less consumptive use of water than the 100% consumptive use of municipal water – no reduction in quantity required.

The proposed irrigation place of use for File Nos. 18,291 and 37,023, located in the Northwest Quarter of Section 8, Township 7 South, Range 15 West, Osborne County KS, in the South Fork Solomon River Basin will cover the 84-acre irrigation place of use now covered by File No. 18,501 and proposed for File No. 49,803. The place of use is also covered by Webster Irrigation District No. 4 (File No. 5,745). The quantity of water to be authorized for the irrigation place of use totals 117.50 acre-feet. File Nos. 18,291, 37,023 and 49,803 will be limited to 126 acre-feet (1.5 AF/acre) when combined with File No. 5,745 (Webster).

The exchange of rates and quantities between the well authorized by File Nos. 18,291/37,023 (30.49 acre-feet @ 30 g.p.m.) and the well authorized by File No. 18,501 (87 AF @ 400 g.p.m.) involves a distance move of 953 feet based on approved feet distances. Kelly indicated in a June 21, 2017 memo that spacing should be sufficient to prevent impairment and that K.A.R. 5-5-13 *Relocation of alluvial wells* is not applicable.

Rate-only Application File No. 49,803 proposes 30.49 acre-feet and 50 g.p.m., is exempt from a safe yield calculation, meets the criteria of K.A.R. 5-4-5(b) on an existing well proposed to be authorized by Water Right, File Nos. 18,291 and 37,023, and is located 3,440 feet North and 3,996 feet West of the Southeast corner of the aforementioned Section 8.

There are three other irrigation wells not under common ownership within one-half mile of the wells proposed for the referenced file numbers. No domestic wells were shown on the submitted maps.

Nearby well owners were notified of the proposed applications through letters dated June 27, 2017. On July 19, 2017, Darren Rubottom and on July 20, 2017, Todd Kee contacted this office and the Stockton Field Office with concerns about the impact of the proposed move of File No. 18,501 on the irrigation well authorized by Water Right, File No. 19,099 since the proposed existing well is less than 1,320 feet (approximately 1,100 ft) from the well authorized by File No. 19,099. No written comments were received in this office.

Jay Carswell
File Nos. 18,291; 18,501; 37,023 and 49,803
Page 2

Based on those referenced concerns additional information was submitted by Jay Carswell and additional study was conducted by Stockton Field Office staff, please see the memorandum to the files dated July 20, 2017 by Steven Walters, Stockton Field Office and December 21, 2017 by Mark Billinger, Assistant Water Commissioner of the Stockton Field Office. As summarized in an e-mail dated December 29, 2017 Kelly Stewart, Water Commissioner of the Stockton Field Office, indicates that the proposed well spacing is adequate to prevent impairment, the proposed well is an existing well, and that the referenced change applications should be approved.

The source of supply for the files was previously determined to be Terrace (115), no change in the same local source of supply is proposed for the referenced files.

Authorized points of diversion will be better described with g.p.s. feet distances as indicated on the applications.

In a January 3, 2018 e-mail Kelly recommended approval of all of the referenced applications.


Richelle A. Krueger
Environmental Scientist

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

January 23, 2018

FILE COPY

JAY CARSWELL
2628 W 40TH DR
ALTON KS 67623

RE: Appropriation of Water, File No. 49,803
Water Right, File Nos. 18,291; 18,501 and 37,023

Dear Mr. Carswell:

There is enclosed a permit (File No. 49,803) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit: Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Water Right, File Nos. 18,291; 18,501 and 37,023. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

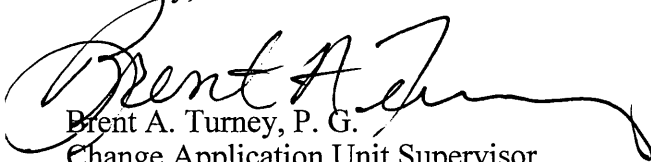
Jay Carswell
File Nos. 18,291; 18,501; 37,023 and 49,803
Page 2

Since the orders for File Nos. 18,291; 18,501 and 37,023 modify the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

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. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we 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
Wilda Carswell
Osborne Rural Water District No. 1A, c/o Michelle Nichols/Gary Nonamaker

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION AND ORDER
MODIFYING THE ADDITIONAL QUANTITY LIMITATION
WATER RIGHT
FILE NO. 18,501**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jay Carswell, 2628 West 40th Drive, Alton, Kansas 67623 and Wilda Carswell, 415 1st Avenue, Alton, Kansas, 67623, received in this office on March 20, 2017, 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 June 9, 2014, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order effectively modifies the limitation on the authorized quantity as set forth in the Certificate of Appropriation issued June 5, 1985 as follows:

This appropriation right is further limited to a quantity which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File Nos. 5,745 and 18,291 will provide a quantity not to exceed 126 acre-feet per calendar year for irrigation use on the land described herein.

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

one (1) well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,630 feet North and 2,730 feet West of the Southeast corner of said section, at a diversion rate not in excess of 400 gallons per minute (0.89 c.f.s.) and a quantity not to exceed 87 acre-feet of water per calendar year, in Township 7 South, Range 15 West, Osborne County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All 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.

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

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 18,501, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 5, 1985, as modified and amended by the aforementioned order.

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: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

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

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

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 17th day of January, 2018, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17th day of January, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

On this 23rd day of January, 2018, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 18,501, dated January 17th, 2018 was mailed postage prepaid, first class, US mail to the following:

WILDA CARSWELL
415 1ST AVE
ALTON KS 67623

With photocopies to:

JAY CARSWELL
2628 W 40TH DR
ALTON KS 67623

OSBORNE RWD 01A
MICHELLE NICHOLS
PO BOX 594
GAYLORD KS 6763818

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

**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

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

WATER RESOURCES
RECEIVED

MAR 20 2017
1:48

KS DEPT OF AGRICULTURE

File No. 18.501

2. Name of applicant: Jay Carswell

Address: 2628 W. 40th Dr

City, State and Zip: Alton, KS 67623

Phone Number: (785)984-8448

E-mail address: carswell@ruraltel.net

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

Name of water use correspondent: Wilda Carswell

Address: 415 1st Ave

City, State and Zip: Alton, KS 67623

Phone Number: (785)984-2341

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Flip-flopping water rights with file nos. 18291 & 37023. These rights will be purchased and applications are being filed to change the UMW, PU, and PD concurrently.

The change(s) (was) (will be) completed by 12/31/17

(Date)

For Office Use Only:

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES) / NO) Use FRP Source @ S County OB By Adw Date 3/20/17
Code CGT Fee \$ 200 TR # _____ Receipt Date 3/20/17 Check # 1565

APPLICATION COMPLETE

1.03.118
TR # TR1

4. The presently authorized place of use is:

Owner of Land — NAME: Wilda Carswell

ADDRESS: 415 1st St. Alton, KS 67623

| 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 | |
| 8 | 7 | 15 W | | | | | 26 | 27 | 17 | 14 | | | | | | | | | 84 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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: No change requested.

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: _____

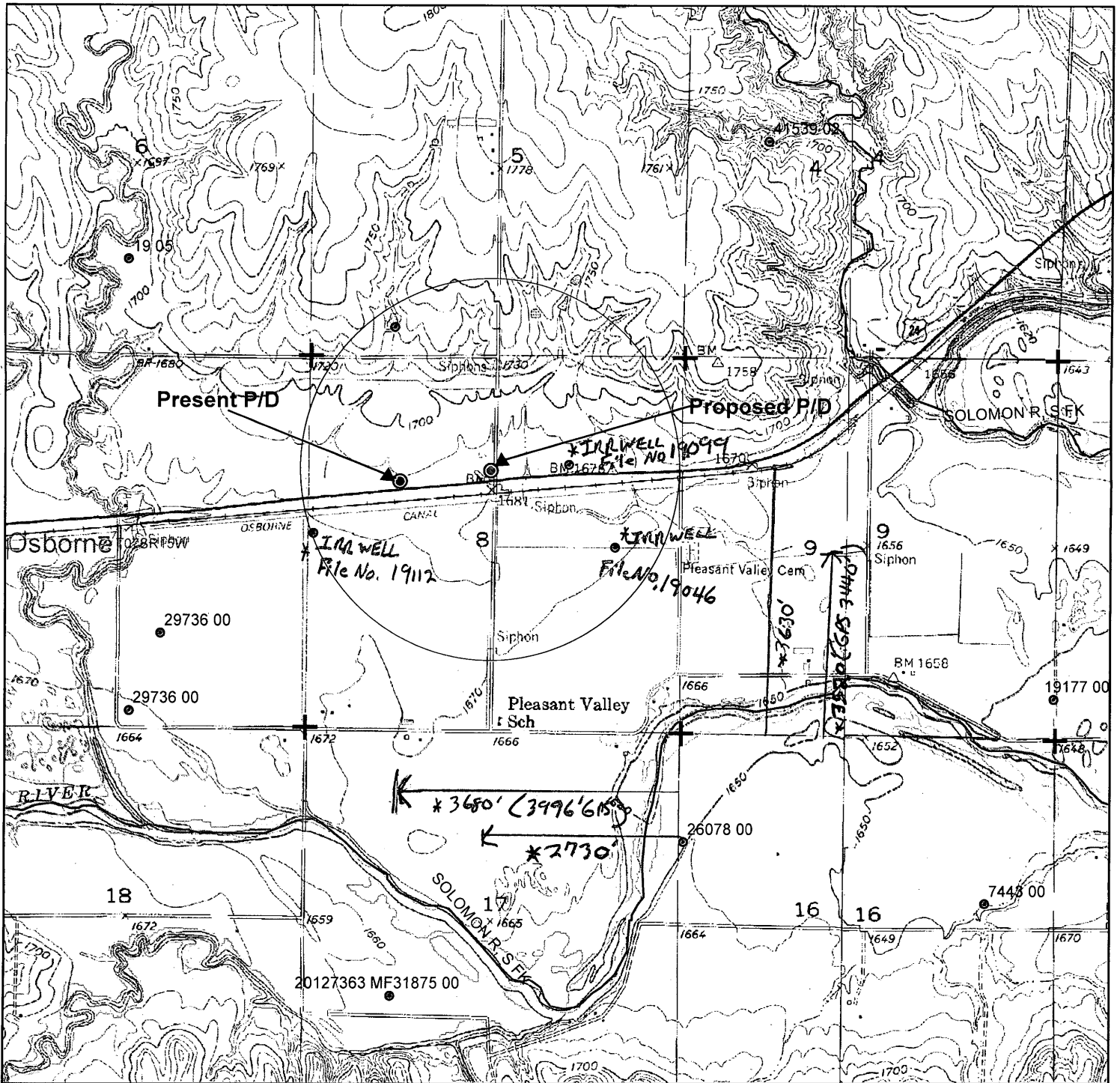
ADDRESS: _____

| 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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Application to Change the Point of Diversion, Water Right, File No. 18,501



1:24,000



1/2 mile radius
WATER RESOURCES
RECEIVED

MAR 20 2017

KS DEPT OF AGRICULTURE

All water wells of any kind within 1/2 mile of the proposed points of diversion are shown:

[Handwritten Signature]
Signature

3-9-17
Date



* Modified per Par 8
+ WRS * RPK/mm 1/4/18

SCANNED

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 8, Township 7 South, Range 15 W, in Osborne County, Kansas, 3,520 feet North 3,680 feet West of Southeast corner of section.
 Authorized Rate 400 gpm Authorized Quantity 87 AF
 (DWR use only: Computer ID No. 6 GPS 3,440 feet North 3,996 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 Northeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 8, Township 7 South, Range 15 W, in Osborne County, Kansas, 3,630 feet North 2,730 feet West of Southeast corner of section.
 Proposed Rate 400 gpm Proposed Quantity 87 AF
 This point is: Additional Well Geo Center List other water rights that will use this point none

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 _____ 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 _____

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 _____

WATER RESOURCES RECEIVED
 MAR 20 2017
 KS DEPT OF AGRICULTURE

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. File Nos. 18,291 & 37023 will be moved to the well vacated by 18,501.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No place of use or use made of water changes are proposed.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to n/a gallons per minute (na/ 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). 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.

Source of supply will not change, proposing to move to an existing well that is less than 1300ft from current location.

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.

All regs met.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

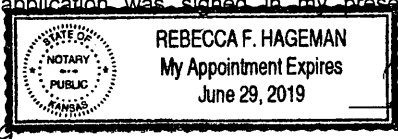
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Starkton, Kansas, this 9th day of March, 2017.

| | | |
|---|-------|----------------|
| <u>Wilda Carswell</u> (Owner) | _____ | (Spouse) |
| <u>Wilda Carswell</u> (Please Print) | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| _____ | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| _____ | _____ | (Please Print) |

State of Kansas }
County of ROOKS } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of March, 2017.



Rebecca Hageman
Notary Public

My Commission Expires 6-29-19

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.**

**WATER RESOURCES
RECEIVED**

MAR 20 2017

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Wednesday, January 3, 2018 9:05 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]; Turney, Brent [KDA]
Subject: RE: Request for Recommendation Carswell New App File No. 49803;Change App File Nos. 18,291; 18,501; and 37023

Richelle,

I recommend approval of all the applications.

Kelly

From: Krueger, Richelle [KDA]
Sent: Wednesday, January 3, 2018 8:15 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Request for Recommendation Carswell New App File No. 49803;Change App File Nos. 18,291; 18,501; and 37023

Hi Kelly,

Received your e-mail from December 29th which recommended proceeding with approval of the referenced change applications. I attached a draft memo for the referenced package in case you want to review. Do you also recommend approval of the rate only new application that goes with this package of change applications?

Thanks,
Richelle

Krueger, Richelle [KDA]

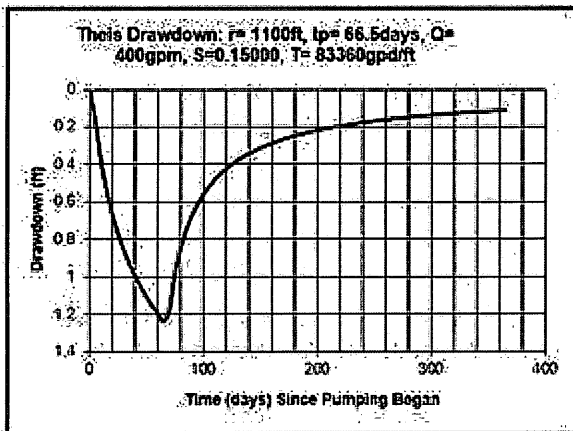
From: Stewart, Kelly [KDA]
Sent: Friday, December 29, 2017 9:03 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Turney, Brent [KDA]; Hageman, Rebecca [KDA]
Subject: RE: You may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps
Attachments: Carswell Aquifer Pumping Test Memo.doc

Richelle,

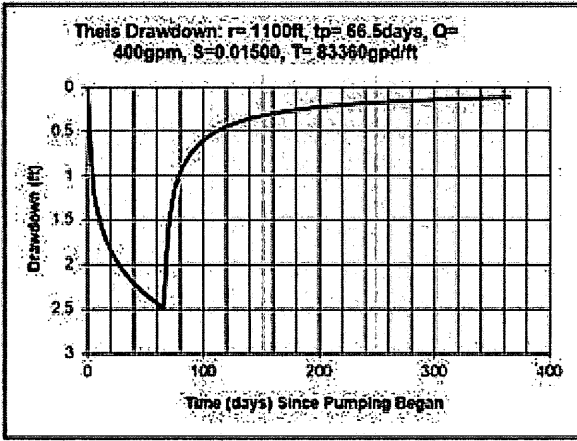
Please see Mark's attached memo. Unfortunately, the pump test conducted by Mr. Carswell didn't produce the information we had hoped for, but it did give us some insight into the pumping impacts in the area. During the 48 hour pump test, we didn't observe any appreciable drawdown in the neighboring irrigation wells (about 1,100' to 19,099 and about 1,275' to 18,501's current location). It obviously would have taken a longer pump test or a higher pumping rate to see measurable drawdown at these locations. However, we were able to glean some information from the pumping well itself during this test.

With the pump test, Mark was able to calculate a T value of 83,360. This was considerably higher than what we had originally estimated based on well log data (see Steven Walters' memo to the file dated 7/20/17). Unfortunately, we were not able to determine the S value through this test. At least it didn't produce believable results. Using known specific yield numbers from the alluvial deposits in this area, S could reasonable be estimated around .15 to .2.

Using a T of 83,360 and an S of .15, I again calculated the potential drawdown caused by the proposed applications. Under worse-case scenario, pumping all 117.5 a.f. at 400 g.p.m. (66.5 days of continuous pumping), the estimated drawdown 1,100' away is only 1.24'.



Even if I use the much smaller and conservative S of .015 that was used in our original calculations, the drawdown only increases to 2.5'. This extreme pumping scenario is highly unlikely in reality. Any other pumping scenario involving fewer days of pumping or a lower average pumping rate will only lessen the impacts.



It's my opinion that based on what we have learned, that the proposed well spacing is adequate to prevent impairment. Again, it is important to note the applicant is not proposing to drill a new well. This is an existing well currently authorized by File Nos. 18,291 & 37,023.

I would recommend that we proceed with approving the proposed changes.

Kelly

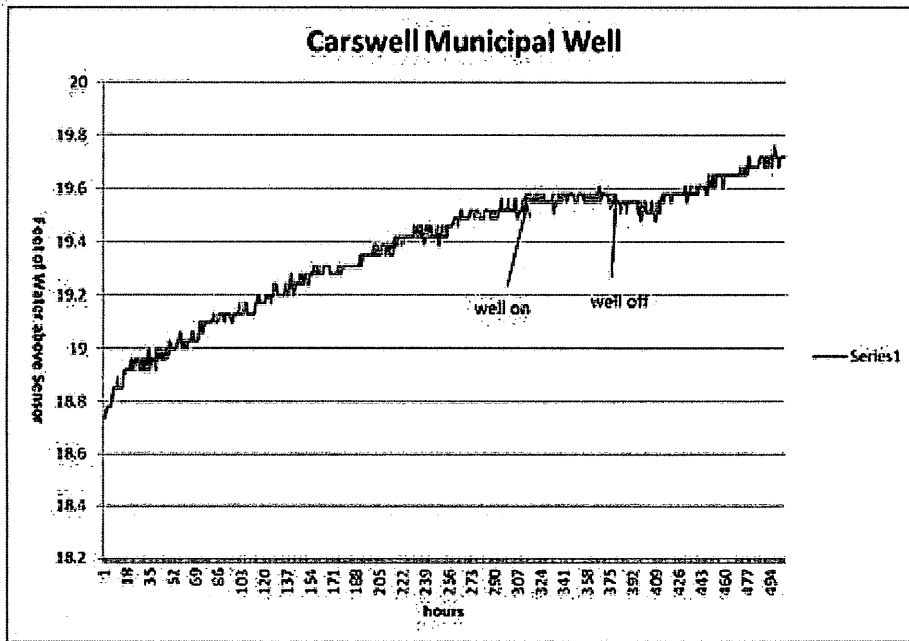
From: Krueger, Richelle
Sent: Wednesday, August 23, 2017 3:58 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: You may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps

Kelly,
 Thanks for the update, I will try to get a letter out either this week or first of next and give them 30 days with the possibility of extension as you suggest.
 Thanks again,
 Richelle

From: Stewart, Kelly
Sent: Wednesday, August 23, 2017 3:51 PM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: You may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps

Richelle,

Sorry it has taken me so long to get back to you on this. Mark was able to install a pressure transducer at the existing well previously used by the RWD. Through this, he was able to monitor the impacts of Darren Rubottom's pumping of 19,099. Unfortunately, the results of the monitoring are inconclusive. We believe the aquifer is being recharged currently by the nearby Webster Irrigation District main canal. If you look at Mark's graph below, you can see that the water table was actually rising prior to Darren turning on the well. The operation of the well appears to have temporarily halted the rise, but it again resumed when the well was shut off. See below:



Due to this "interference" from the irrigation canal, we don't have a clear picture of well to well impacts. Further pump testing is warranted, but that burden should be the applicant's and not DWR's. Since our Theis drawdown calculations are the best information available to date and those calculations would indicate the potential for impairment should the change be approved, I would recommend the application be denied unless the applicant can demonstrate that impairment will not occur.

I recently called Jay Carswell and discussed this situation with him and what my position was and what my recommendation would be based on available information. He was very understanding of the situation and needed time to discuss this with the family and figure out what to do. I would recommend writing Jay a letter stating his applications will be denied unless he can demonstrate impairment won't occur. I think a 30 day deadline would be appropriate with the possibility for an extension should he need one. Perhaps another pump test can be conducted once the irrigation canal shuts off for the season.

Kelly

From: Krueger, Richelle
Sent: Wednesday, July 19, 2017 11:11 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: You may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps

Hi Kelly,
 Just an FYI you may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps File Nos. 18291,18501,37023 and 49803. He was calling on behalf of the owners of File No. 19099, he was somewhat concerned about what impact the proposal will have on their well, I told him he would need to get concerns in writing.. I told him we didn't think it would cause a problem but no guarantees of course. Anyway just a heads up.
 I will hold up on processing the applications until I hear from you.
 Thanks,
 Richelle



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stockton Field Office

MEMORANDUM

TO: Files

DATE: 12/21/17

FROM: Mark Billinger

RE: aquifer pumping test,
File No. 18501, 18291, 37023, 49803

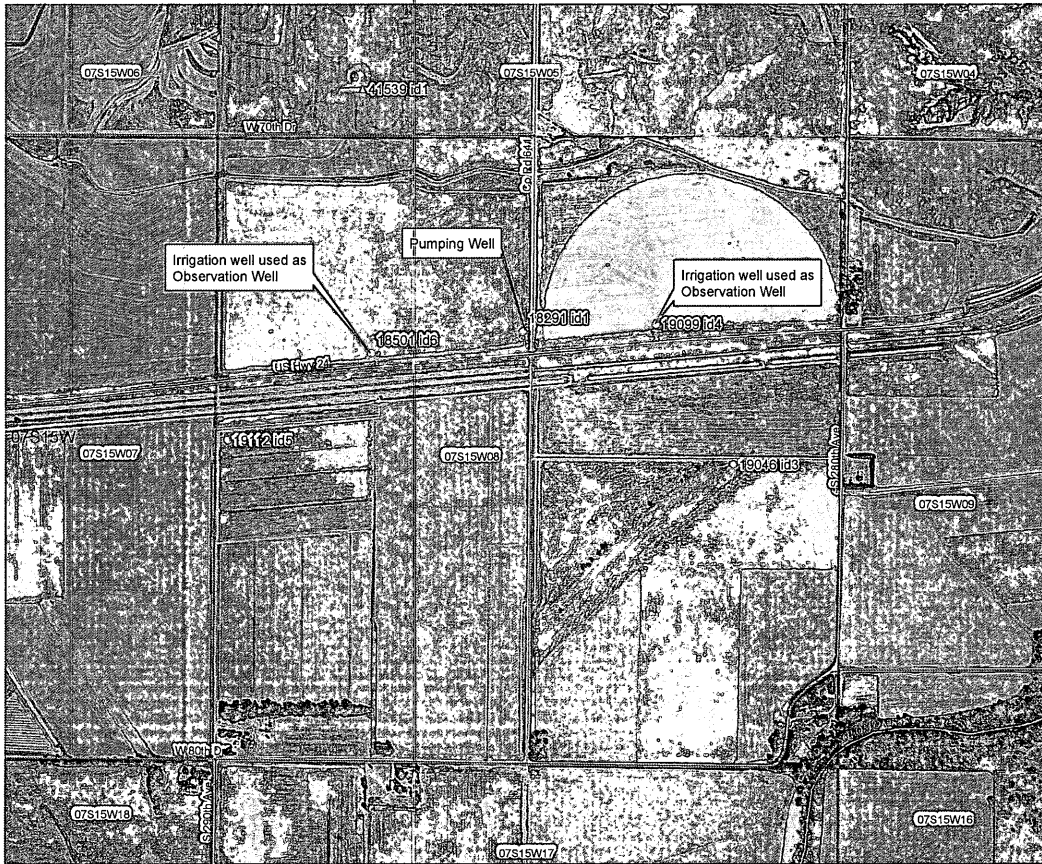
Upon receiving the change application filed by Jay Carswell to move water rights 18501 & 49803 to the same well as the files 18291 & 37023, a determination was made that this move would violate spacing to nearby irrigation water right 19099 that is owned by Darren Rubottom.

The proposed spacing would be 1100 feet which is slightly smaller than the required 1320 feet via rules and regulation. This resulted in the recommendation of denial for the change but an option was given to Jay Carswell to perform an aquifer pumping test at the proposed location to determine if it would have any negative effect on 19099.

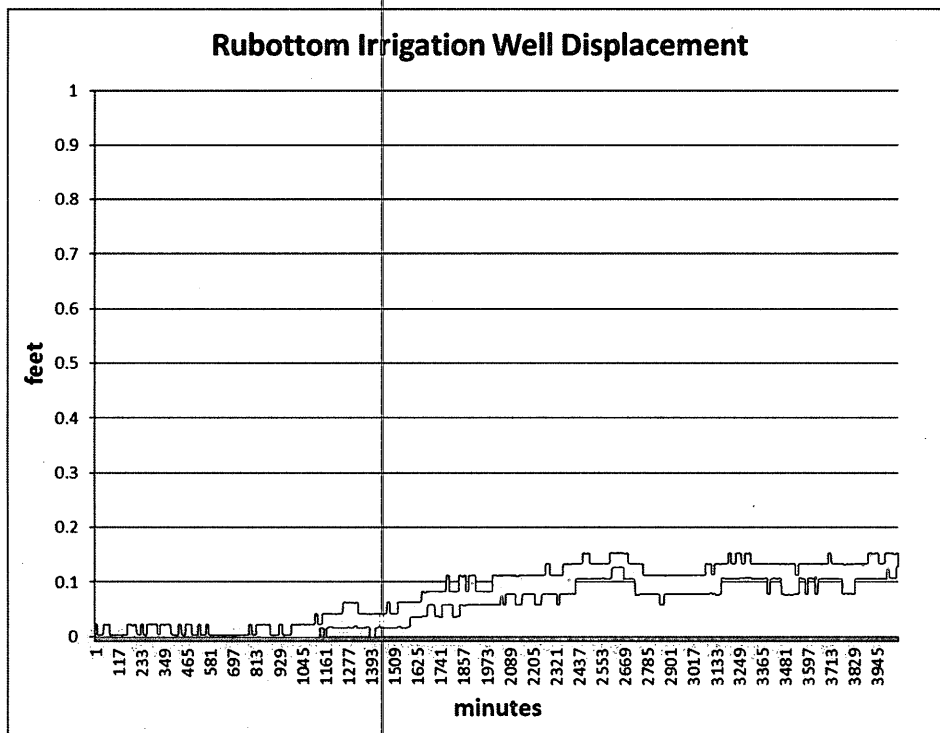
On 12-15-07 Jay Carswell had Woofter Irrigation install a pump in the proposed well and pumped it at 185 gpm for a 48 hour time frame. DWR employees David Means and Mark Billinger installed pressure transducers in all three wells to monitor the pumping test while Jay Carswell periodically measured the discharge of the pumping well.

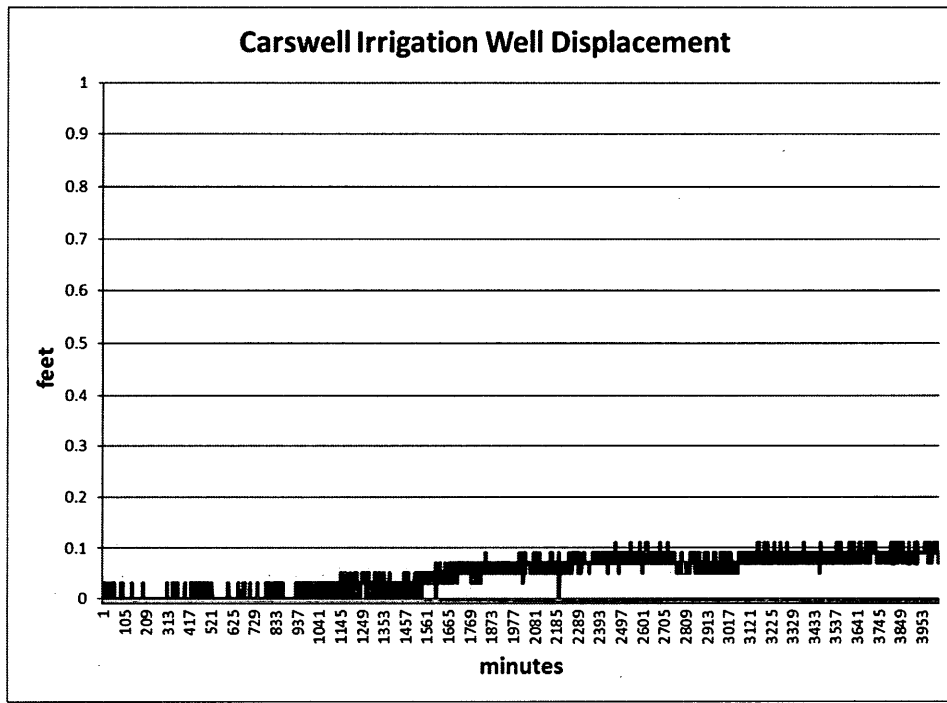
Results of the aquifer pumping test did not show any appreciable impact at Rubottom's or Carswell's neighboring irrigation wells. Further analysis of the data concluded that the results of the data collection in the neighboring wells were insignificant and could not even be used to determine T&S values.

The only analysis that could be completed was analyzing data collected in the pumping well itself. This analysis resulted in a calculated T value of 83,360 and an unusually high S value of 4.077. While the T value is consistent with what is expected in the alluvial aquifer the S value that was calculated is highly suspect. It is concluded that the values are highly influenced by the dynamics of the pumping well itself so are determined to be less than an ideal estimate of aquifer properties. However it is noted that these are the only results we could obtain from the aquifer pumping test.

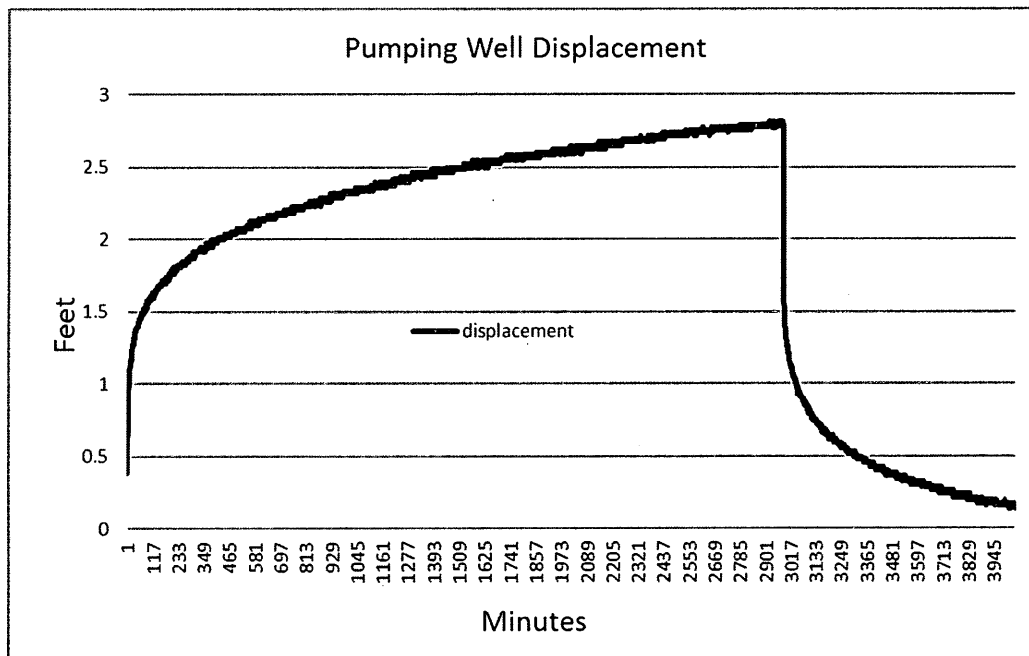


Location of Aquifer Pumping Test





Displacement observed during the aquifer pumping test on the two neighboring irrigation wells. Time of test pumping started at minute 1 and concluded at minute 2984. It should be noted that the observed displacement matches the local trend in water level changes due to continued aquifer decline after cessation of Webster Irrigation District canal deliver on Sept 1st. Neither hydrograph shows the expected drawdown and recovery created by the pumping well.

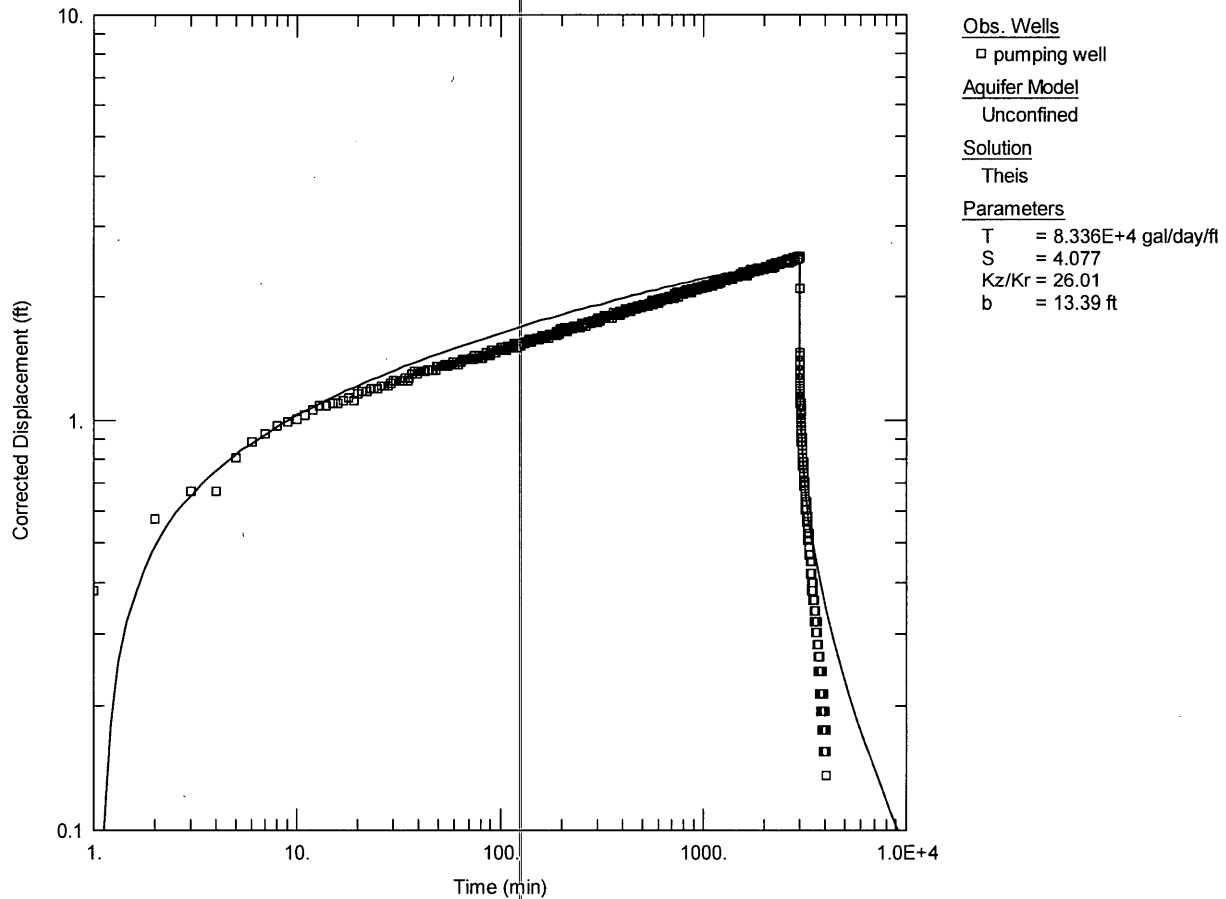


During the pumping test the maximum drawdown at the pumping well was measured at 2.8 feet. Total saturated thickness at the well was measured at 13.8 feet.

Conclusions:

From the Aquifer pumping test performed during the hydrologic conditions at the time, a pumping rate of 185 gpm for 48 hours had virtually no effect on water levels measured in the neighboring irrigation wells.

Perhaps pumping at a higher rate or for a longer duration may yield measurable results in the nearby irrigation wells but it is debatable how much pumping rate can be sustained by the limited saturated thickness at that site.



Analysis of drawdown in pumping well in AQTESOLV. Note due to well construction and effects of drawdown within the pumping well these values may be inferior to a proper aquifer pumping test under ideal conditions.

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

November 29, 2017

JAY AND PAULA CARSWELL
2628 W 40TH DR
ALTON KS 67623

FILE COPY

RE: Water Right, File Nos. 18,291; 18,501 and 37,023
Application, File No. 49,803

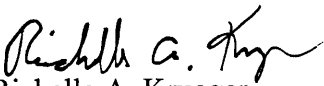
Dear Mr. and Mrs. Carswell,

In response to the request received in this office on November 28, 2017, the Chief Engineer has extended until **January 2, 2018**, the time in which to submit additional information to the Chief Engineer regarding the applications for approval of the Chief Engineer to: change the point of diversion under Water Right, File No. 18,501; the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023; and Application, File No. 49,803.

If you do not submit additional information by that date or do not request more time on or before January 2, 2018, or if your request is not granted, the applications will be dismissed and their priorities forfeited.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Wilda Carswell
Osborne County RWD No. 1A

Krueger, Richelle

From: Krueger, Richelle
Sent: Tuesday, November 28, 2017 11:35 AM
To: Stewart, Kelly; Billinger, Mark
Cc: Turney, Brent
Subject: RE: Jay Carswell just called asking for an extension of time to january 1 is that okay with you?

K I will get that extension in the mail to him, thanks!

From: Stewart, Kelly
Sent: Tuesday, November 28, 2017 10:52 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Jay Carswell just called asking for an extension of time to january 1 is that okay with you?

Yes, he has been talking to Mark and I. He plans a pump test before the end of the year.

From: Krueger, Richelle
Sent: Tuesday, November 28, 2017 10:51 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: Jay Carswell just called asking for an extension of time to january 1 is that okay with you?

Jay Carswell just called asking for an extension of time to january 1 is that okay with you?
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

October 31, 2017

FILE COPY

JAY AND PAULA CARSWELL
2628 W 40TH DR
ALTON KS 67623

RE: Water Right, File Nos. 18,291; 18,501 and 37,023
Application, File No. 49,803


Dear Mr. and Mrs. Carswell,

In response to the request received in this office on October 30, 2017, the Chief Engineer has extended until **December 1, 2017**, the time in which to submit additional information to the Chief Engineer regarding the applications for approval of the Chief Engineer to: change the point of diversion under Water Right, File No. 18,501; the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023; and Application, File No. 49,803.

If you do not submit additional information by that date or do not request more time on or before October 31, 2017, or if your request is not granted, the applications will be dismissed and their priorities forfeited.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Wilda Carswell
Osborne County RWD No. 1A

SCANNED

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

September 6, 2017

FILE COPY

JAY AND PAULA CARSWELL
2628 W 40TH DR
ALTON KS 67623

RE: Water Right, File Nos. 18,291; 18,501 and 37,023
Application, File No. 49,803

Dear Mr. and Mrs. Carswell,

In response to the request received in this office on September 1, 2017, the Chief Engineer has extended until **October 31, 2017**, the time in which to submit additional information to the Chief Engineer regarding the applications for approval of the Chief Engineer to: change the point of diversion under Water Right, File No. 18,501; the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023; and Application, File No. 49,803.

If you do not submit additional information by that date or do not request more time on or before October 31, 2017, or if your request is not granted, the applications will be dismissed and their priorities forfeited.

If you have any questions, please contact me at (785) 564-6635. 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 "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Wilda Carswell
Osborne County RWD No. 1A

SCANNED

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

August 25, 2017

FILE COPY

JAY CARSWELL
2628 W 40TH DR
ALTON KS 67623

RE: Water Right, File Nos. 18,291; 18,501 and 37,023
Application, File No. 49,803

Dear Mr. Carswell,

Reference is made to the applications for approval of the Chief Engineer to: change the point of diversion under Water Right, File No. 18,501; the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023; and Application, File No. 49,803 all received in the office of the Chief Engineer on March 30, 2017. Upon review of the applications, we find that they cannot be approved as proposed.

K.S.A. 82a-708b states in part that any owner of a water right may change the place of use, the point of diversion or the use made of water, without losing priority of right, provided such owner shall:

“ . . . demonstrate to the Chief Engineer that any proposed change is reasonable and will not impair existing rights . . . ”

Furthermore, K.S.A. 82a-711 states in part:

“ . . . (b) in ascertaining whether a proposed use will prejudicially and unreasonably affect the public interest, the chief engineer shall take into consideration : . . . (3) the priority of existing claims of all persons to use the water of the appropriate water supply; (4) the amount of each claim to use water from the appropriate water supply; and (5) all other matters pertaining to such question. . . . ” and

“ . . . (c) With regard to whether a proposed use will impair a use under an existing water right, impairment shall include the unreasonable raising or lowering of the static water level . . . ”

There is concern that the referenced package of applications will cause an unreasonable lowering of the static water level at neighboring wells based on the best information available to date. As submitted, the referenced applications do not provide information to show that the drawdown caused by pumping the proposed wells will not impair neighboring wells by the unreasonable lowering of the static water level. For the reason given above, it will be recommended to the Chief Engineer that the referenced applications be denied and dismissed due to the failure to comply with K.S.A. 82a-708b and 82a-711.

OVER→

SCANNED

JAY CARSWELL

August 25, 2017

File Nos. 18,291; 18,501; 37,023 and 49,803

Page No. 2

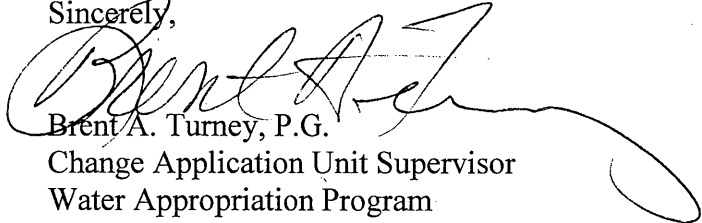
We are advising you of this recommendation in order to allow you to submit additional information to show why the evaluation should be reconsidered. You have a period of **30 days (until September 26, 2017)** to either (1) submit additional information to our office or (2) to request additional time beyond the 30 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 30 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 30 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 30 day period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

I recommend contacting Kelly Stewart, Water Commissioner of the Stockton Field Office for assistance in exploring possible options with your referenced applications. If you would like assistance, please call (785) 425-6787 to set an appointment time. We appreciate you making an appointment, as it will save your time and allows us to better serve you. If you do go to the field office for assistance, please take this letter and any attachments.

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

pc: Stockton Field Office
Wilda Carswell
Osborne County RWD No. 1A



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stockton Field Office

MEMORANDUM

TO: Files

DATE: 7/20/2017

FROM: Steven Walters

RE: Change Application,
File No. 18501

The above referenced change application is under review as such I ran a Theis analysis on the proposed change in pd on the nearby well Water Right No. 19099. The change application proposes to switch the rate and quantity of Water Right No. 18501 and 18291, effectively moving 87 AF @ 400 gpm closer to Water Right No. 19099.

The Theis analysis was ran on two scenarios including the impact of the current configuration of the three water rights and the proposed change in the configuration of the water rights.

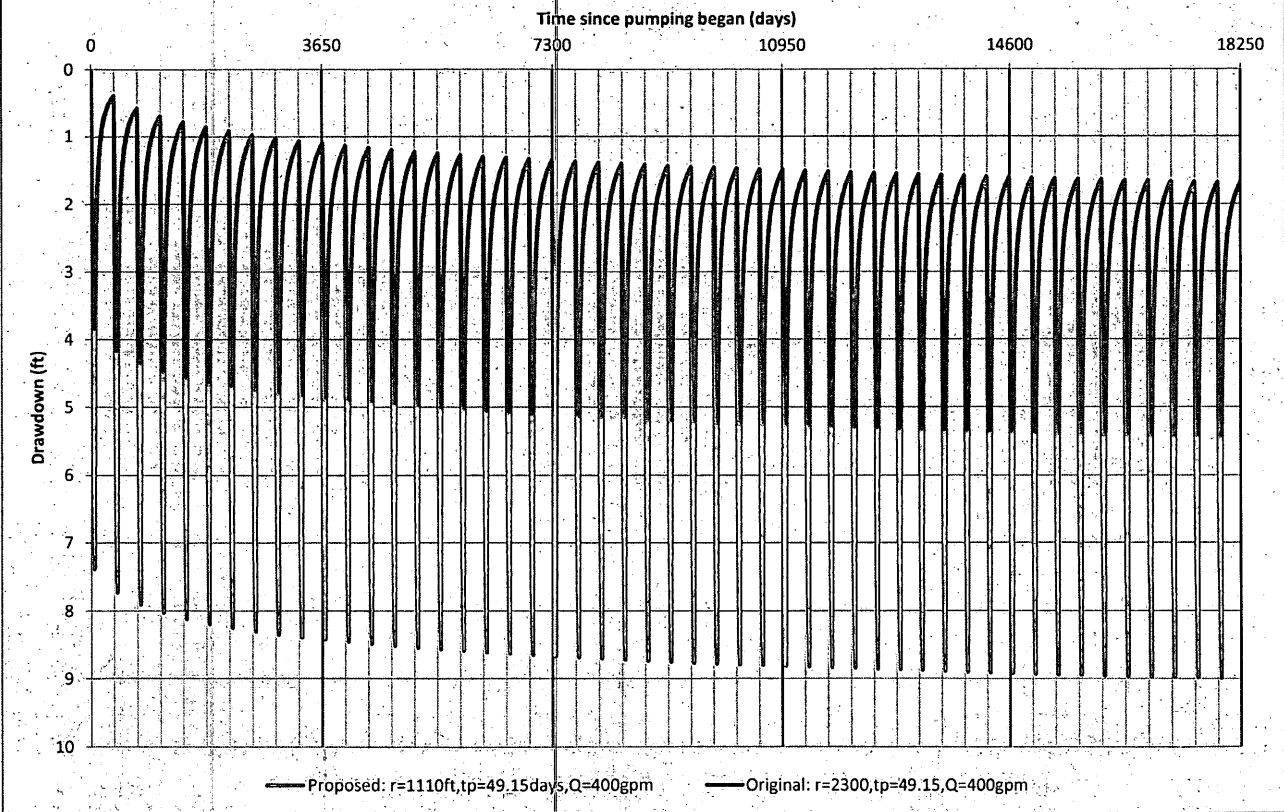
The T and S values were based on the lithology of Water Right No. 18501.
Well(s) T = -16755 S = 0.014

Under the current configuration of the quantities and rates associated with Water Right Nos. 18501 and 18291 the cumulative pumping of the wells would draw down Water Right No. 19099 approximately 5.6 ft after 50 years. Under the proposed change application the wells would draw down Water Right No. 19099 approximately 9.75 ft after 50 years for a net change in drawdown of approximately 4 ft. Graph 1 attached details the change in the impact of the drawdown on Water Right No. 19099 if the higher rate and quantity was moved closer (original vrs proposed). Graph 2 attached details the difference in drawdown on Water Right No. 19099 based on the current location (original) of Water Right No. 18501 and the proposed change in point of diversion to the current location of Water Right 18291 (proposed).

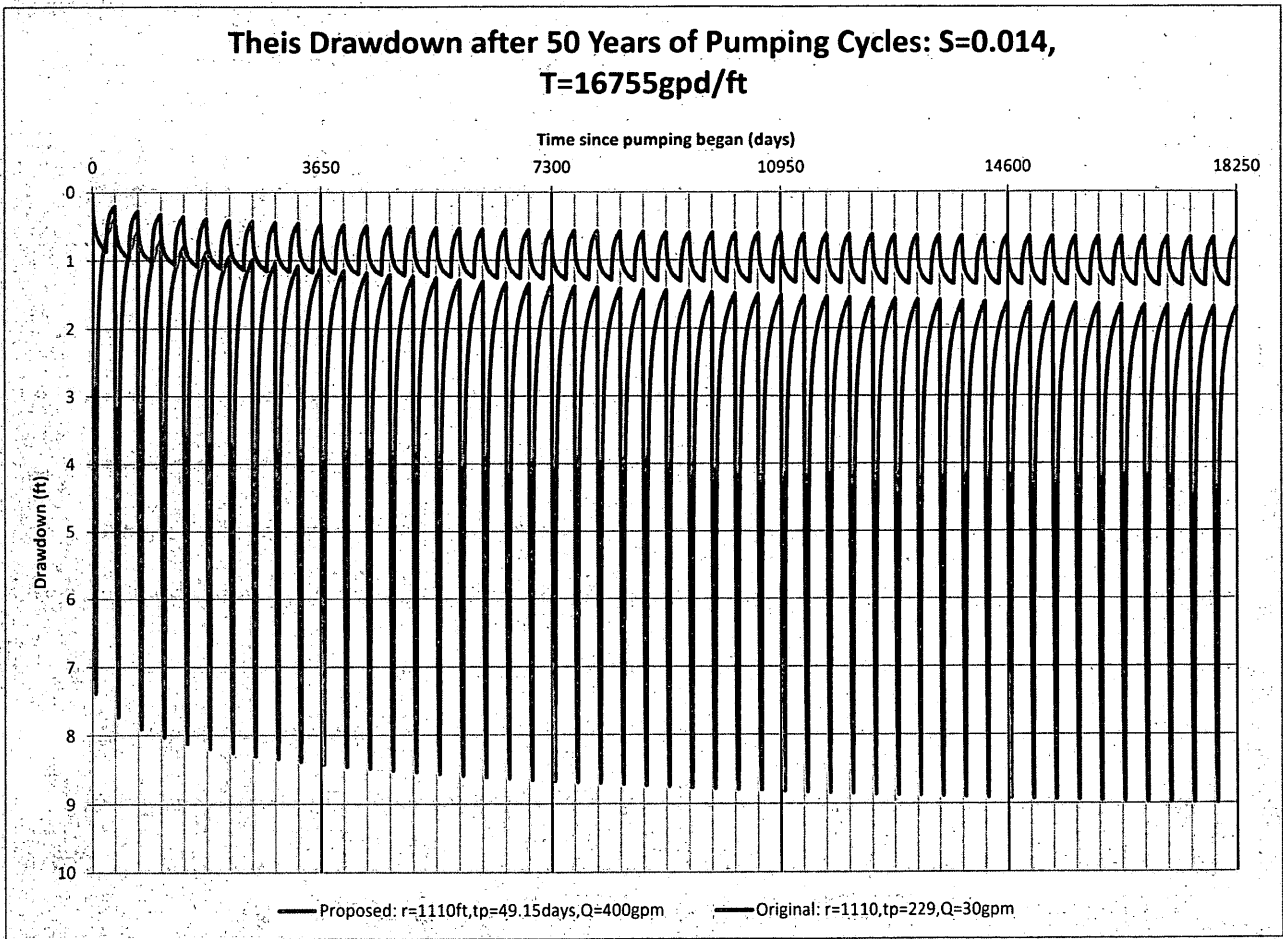
The wells are associated with the alluvium of the Southfork Solomon River and the location of the wells have a limited aquifer due to the saturated thickness (20 feet) of the alluvial aquifer. In turn this increases the well to well impacts in the area.

Graph 2

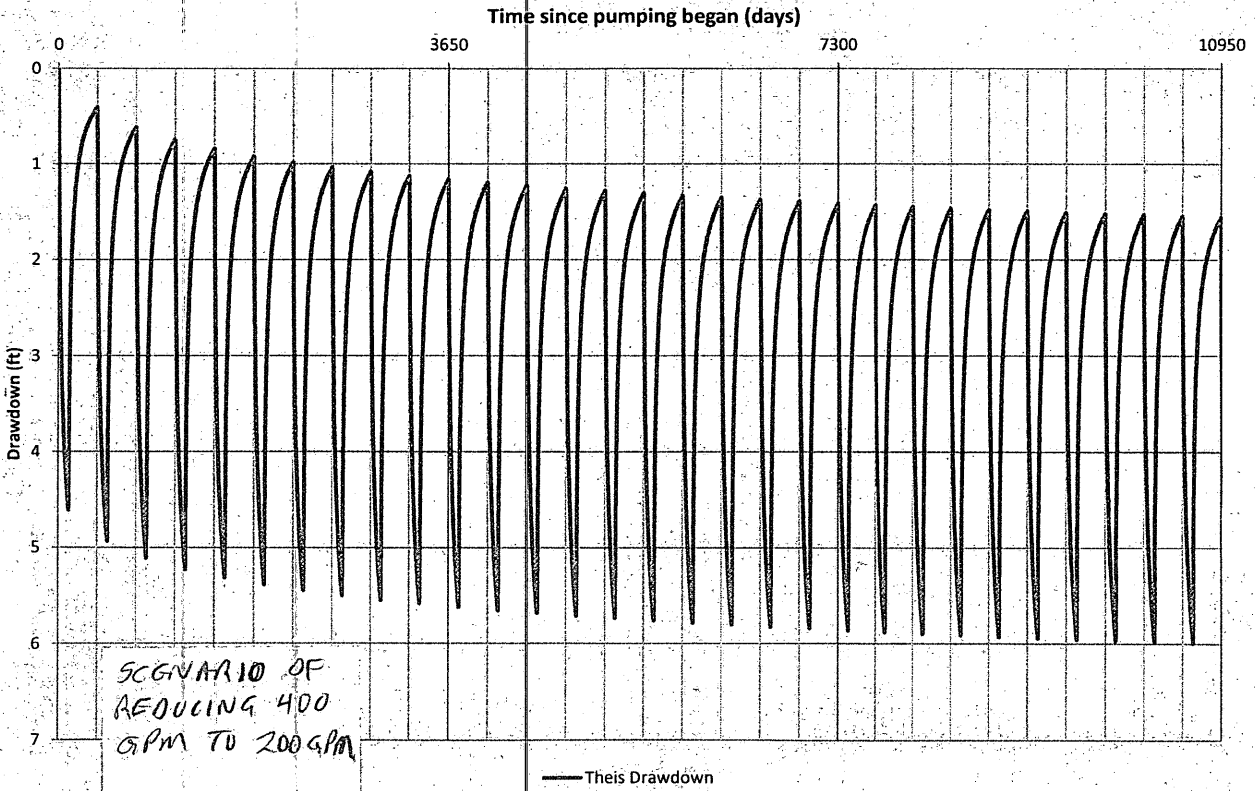
**This Drawdown after 50 Years of Pumping Cycles: $S=0.014$,
 $T=16755\text{gpd/ft}$**



Graph 1



**Theis Drawdown after 50 Years of Pumping Cycles: $r=1110\text{ft}$, $t_p=98\text{days}$,
 $Q=200\text{gpm}$, $S=0.014$, $T=16755\text{gpd/ft}$**



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

June 27, 2017

FILE COPY

DOROTHY DIBBLE
2890 W 80TH DR
ALTON KS 67623

Re: Water Right, File Nos. 18,291, 18,501 and 37,023
Application, File No. 49,803

Dear Sir or Madam:

This is to advise you that Jay Carswell, on behalf of Wilda Carswell, filed one (1) application to change the point of diversion for Water Right, File No. 18,501. The application proposes to move the authorized quantity and diversion rate from the existing well to an existing municipal well authorized by File Nos. 18,291 and 37,023. The application proposes the following change in the point of diversion.

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OVER →

SCANNED

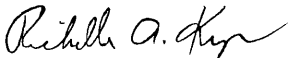
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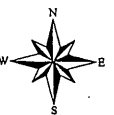
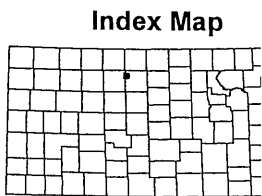
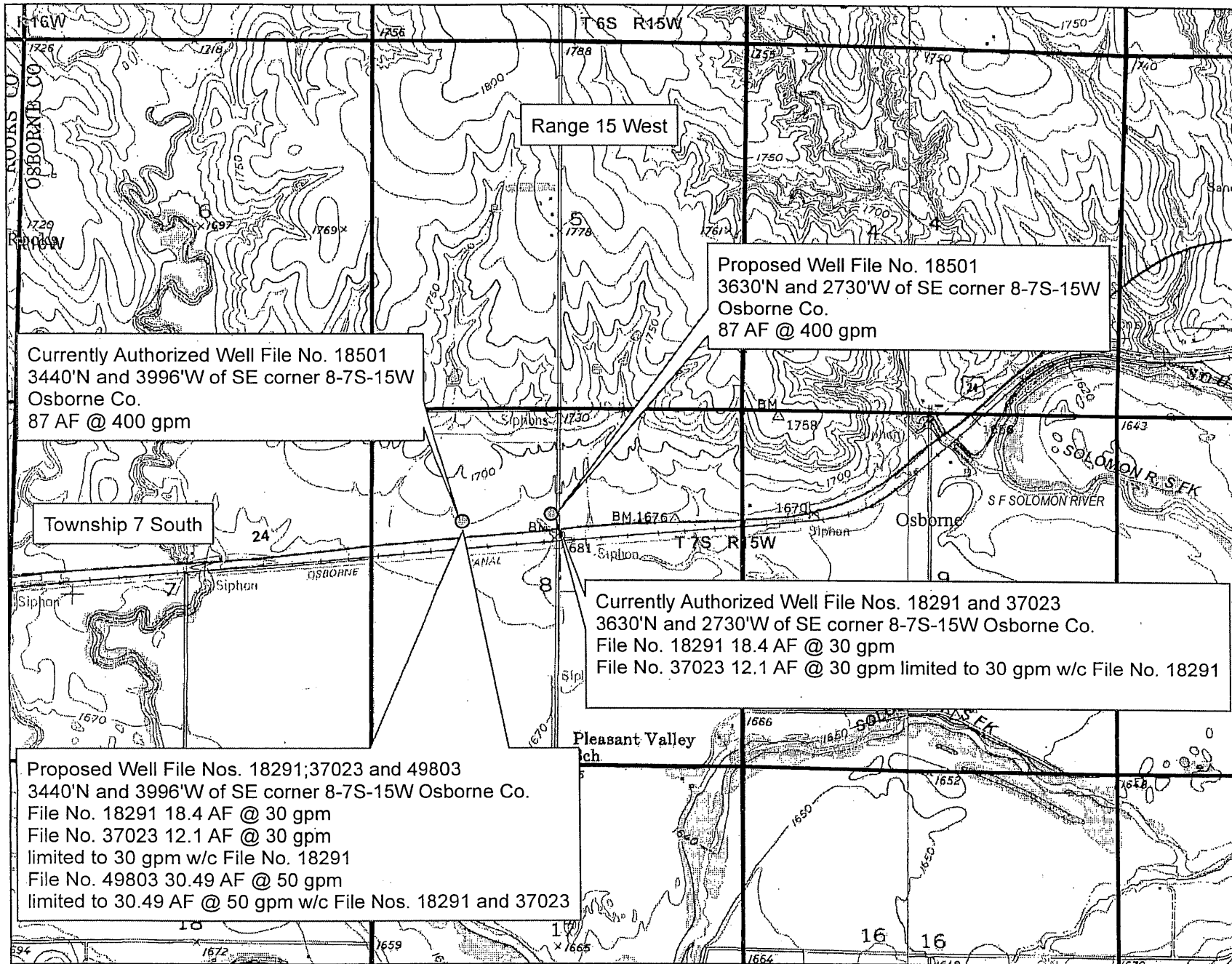

Richelle A. Krueger
Environmental Scientist

Enclosure

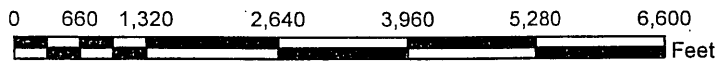
pc: Stockton Field Office
Jay Carswell
Osborne County RWD No. 1A

Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083

SCANNED



1:24,000



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

June 27, 2017

RUSSELL E MICK TR #1
1864 W 70TH DR
ALTON KS 67623

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OVER →

SCANNED

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Sincerely,



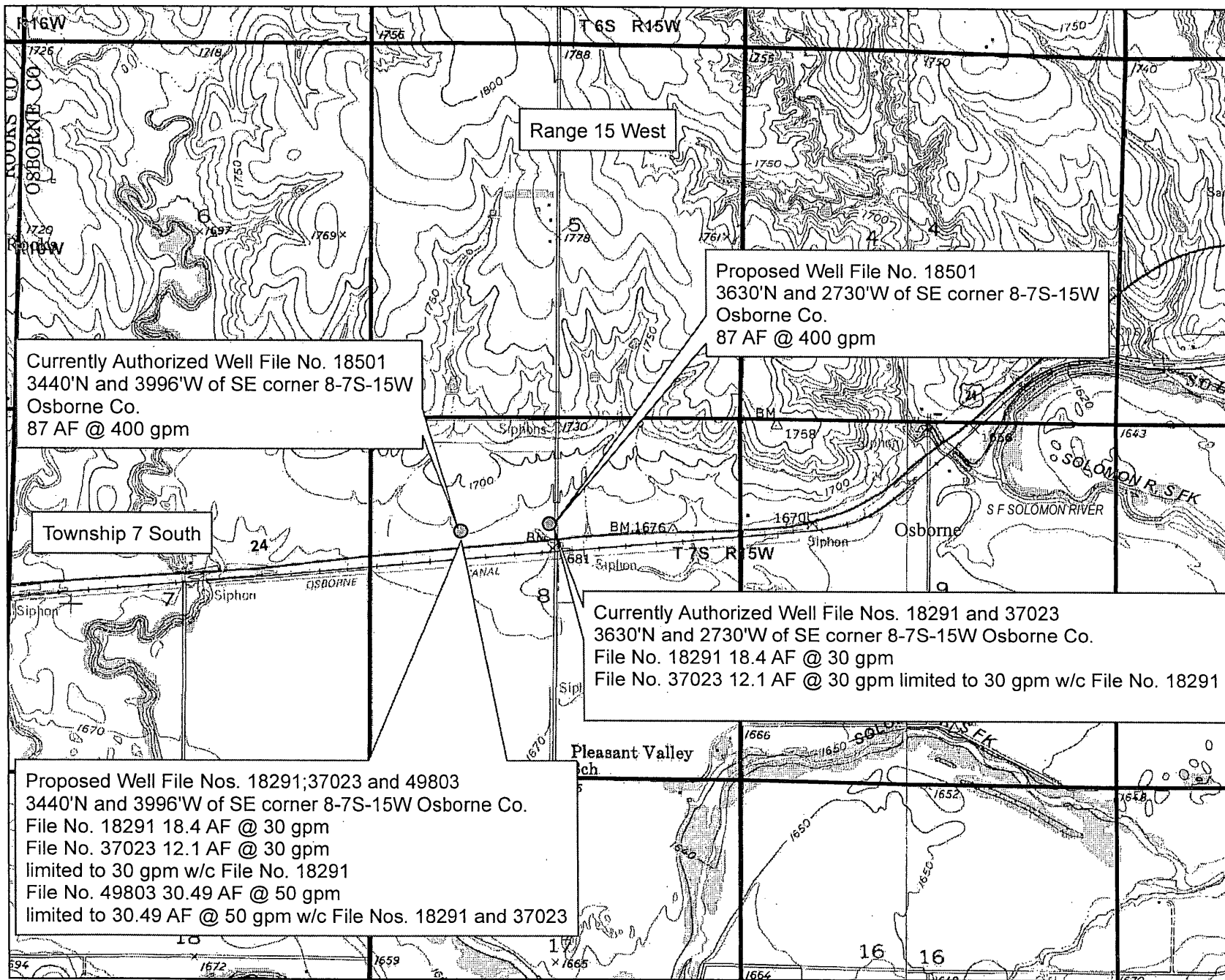
Richelle A. Krueger
Environmental Scientist

Enclosure

pc: Stockton Field Office
Jay Carswell
Osborne County RWD No. 1A

Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083

SCANNED

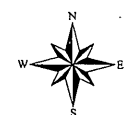
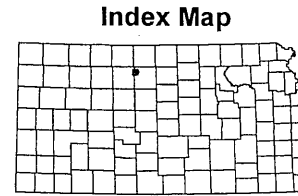


Currently Authorized Well File No. 18501
 3440'N and 3996'W of SE corner 8-7S-15W
 Osborne Co.
 87 AF @ 400 gpm

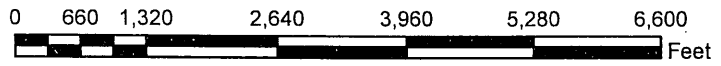
Proposed Well File No. 18501
 3630'N and 2730'W of SE corner 8-7S-15W
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Currently Authorized Well File Nos. 18291 and 37023
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 File No. 18291 18.4 AF @ 30 gpm
 File No. 37023 12.1 AF @ 30 gpm limited to 30 gpm w/c File No. 18291

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 File No. 49083 30.49 AF @ 50 gpm
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1:24,000



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Manhattan, Kansas 66502
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

June 27, 2017

PAMELA JAKOPLIC AND TODD P KEE
PO BOX 465
BURRTON KS 67020

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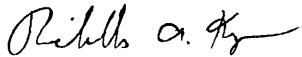
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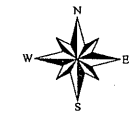
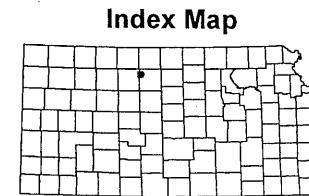
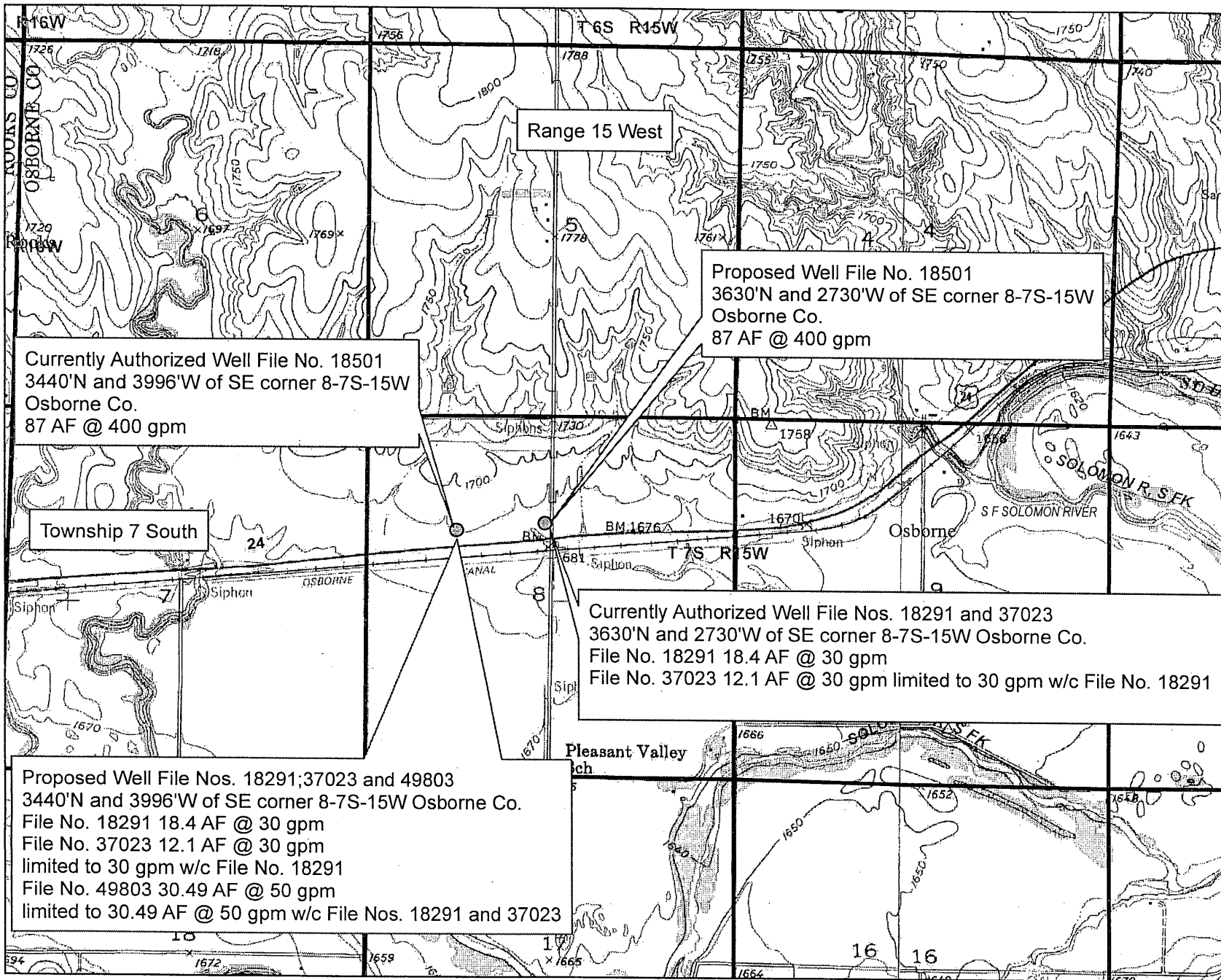
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Environmental Scientist

Enclosure

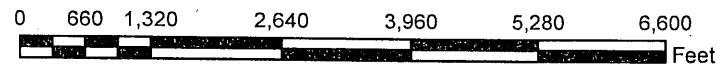
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Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083

SCANNED



1:24,000



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(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

June 27, 2017

DARREN RUBOTTOM
3075 P ROAD
WOODSTON KS 67675

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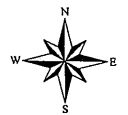
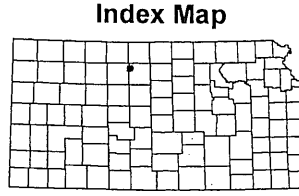
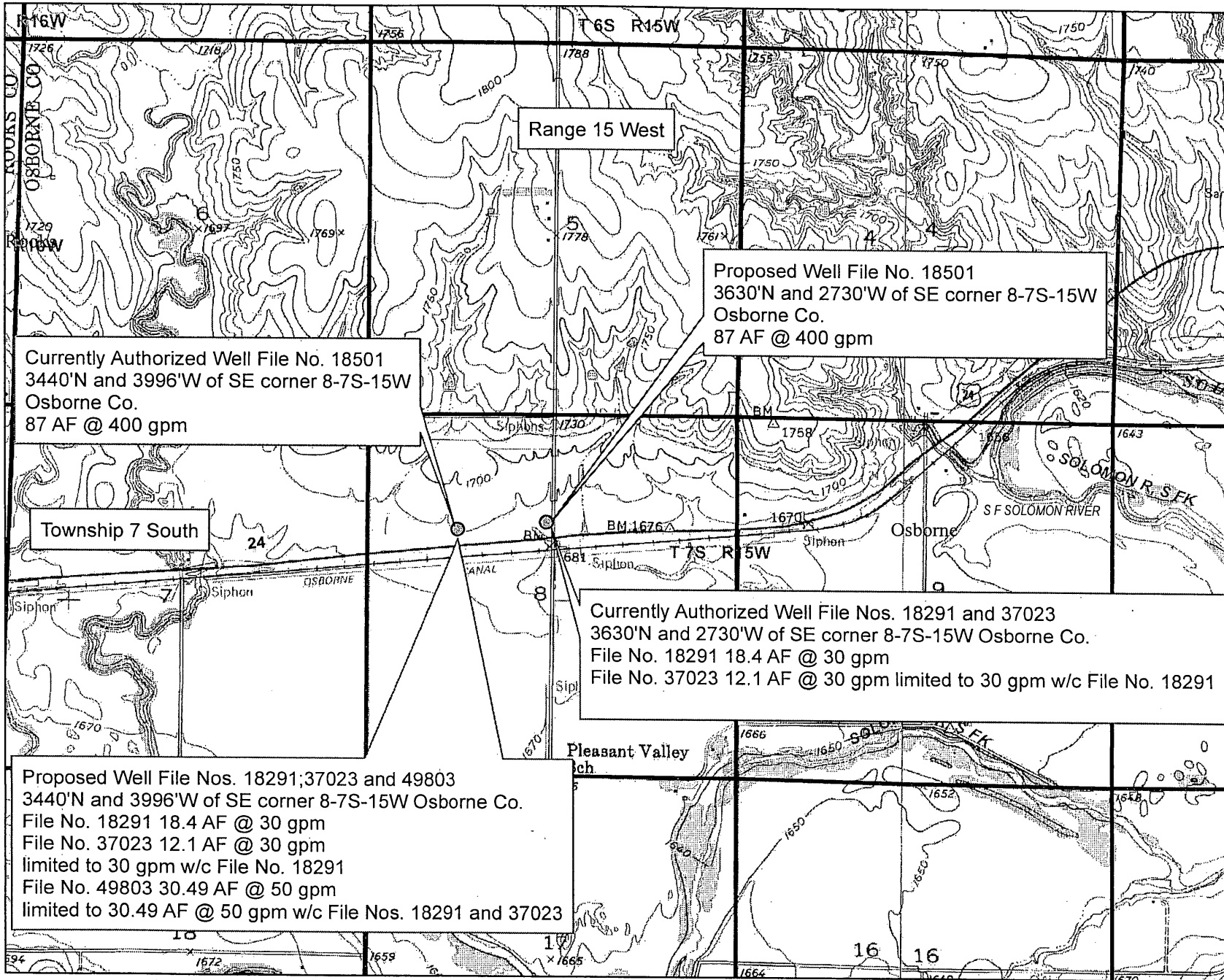
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Enclosure

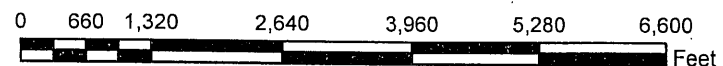
pc: Stockton Field Office
Jay Carswell
Osborne County RWD No. 1A

Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083

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1:24,000



This map was created by WIMAS on 6/22/2017 3:48:59 PM

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

June 27, 2017

LORINE WEBB ET AL
316 S ASH ST
STOCKTON KS 67669

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to: one (1) existing well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,630 feet North and 2,730 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas, at a diversion rate not in excess of 400 gallons per minute and in a quantity not to exceed 87 acre-feet of water per calendar year.

Osborne County Rural Water District No. 1A filed two (2) applications to change the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023. The water right owner proposes to convert the use made of water from municipal use to irrigation use and the following change in point of diversion:

from: one (1) well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,630 feet North and 2,730 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas, at a diversion rate not in excess of 30 gallons per minute and in a quantity not to exceed 18.4 acre-feet of water per calendar year under File No. 18,291, and at a diversion rate not in excess of 30 gallons per minute and in a quantity not to exceed 12.1 acre-feet of water per calendar year under File No. 37,023,

to: one (1) existing well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,440 feet North and 3,996 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas, at a diversion rate not in excess of 30 gallons per minute and in a quantity not to exceed 18.4 acre-feet of water per calendar year under File No. 18,291, and at a diversion rate not in excess of 30 gallons per minute and in a quantity not to exceed 12.1 acre-feet of water per calendar year under File No. 37,023.

OVER →

SCANNED

Jay Carswell, on behalf of Wilda Carswell, has also filed one (1) application for permit to appropriate water for beneficial use, identified as File No. 49,803 for a permit to appropriate 30.49 acre-feet of ground water per calendar year for irrigation use to be diverted at a diversion rate of 50 gallons per minute, from one (1) existing well located as follows:

one(1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of Section 8, more particularly described as being near a point 3,440 feet North and 3,996 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas.

Please note the Application, File No. 49,803 is not requesting additional quantity from the well but is requesting additional rate.

A map indicating the well locations is included for your information. Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter. If you have any questions about the referenced application, please contact me at 1-785-564-6635.

Sincerely,



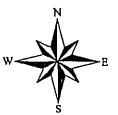
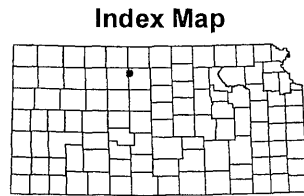
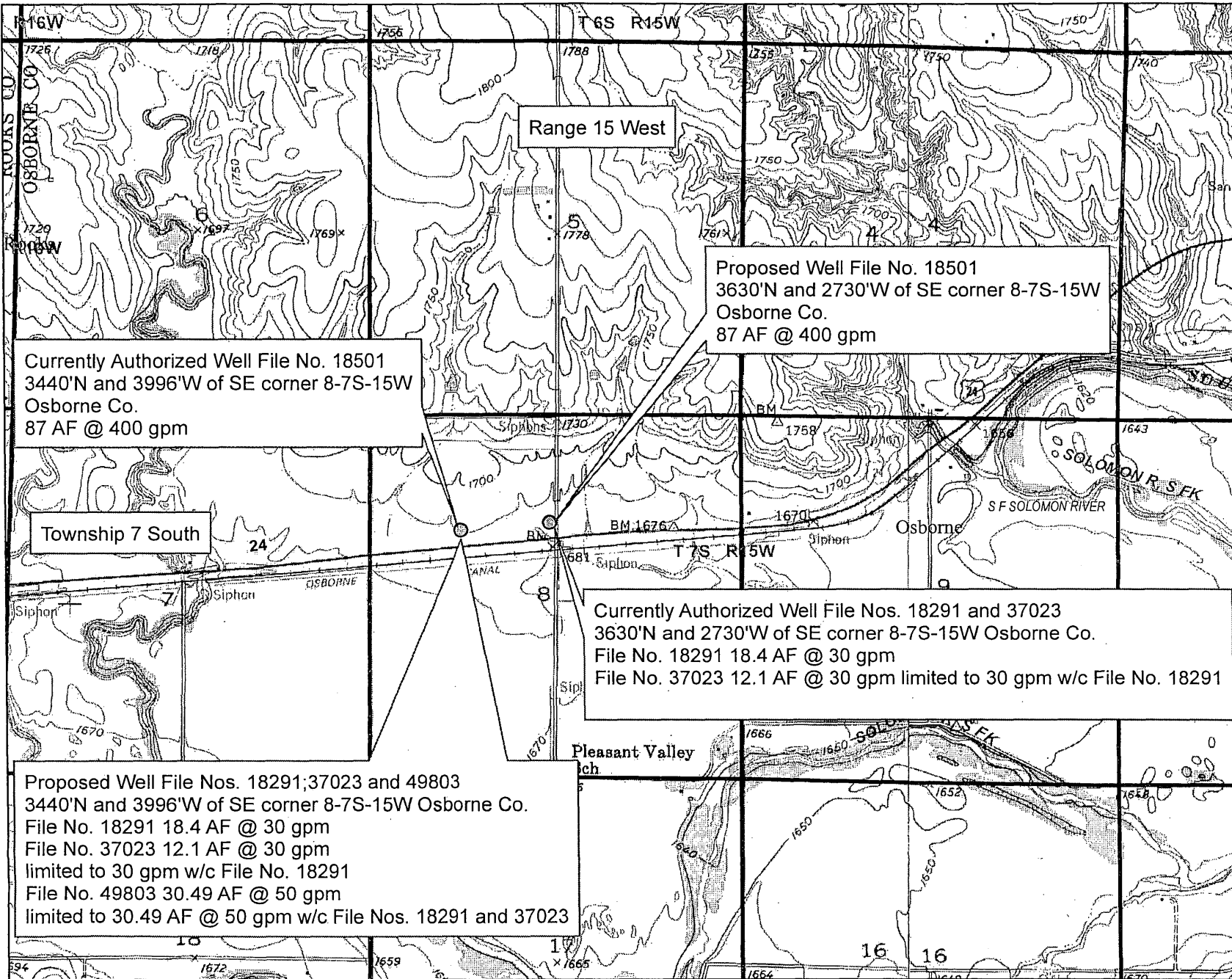
Richelle A. Krueger
Environmental Scientist

Enclosure

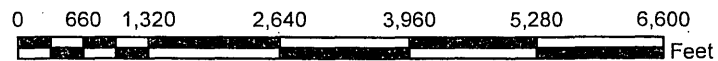
pc: Stockton Field Office
Jay Carswell
Osborne County RWD No. 1A

Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083

SCANNED



1:24,000



Krueger, Richelle

From: Stewart, Kelly
Sent: Wednesday, June 21, 2017 8:21 AM
To: Krueger, Richelle
Cc: Billinger, Mark; Turney, Brent; Baum, Kristen
Subject: RE: Carswell/Osborne RWD No. 1A applications Change in PD PU UMW FILE Nos.18291and 37023; Change in PD File No. 18501 and New App Rate Only File No. 49803

Richelle,

Answers below.....

From: Krueger, Richelle
Sent: Tuesday, June 20, 2017 4:00 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>
Subject: Carswell/Osborne RWD No. 1A applications Change in PD PU UMW FILE Nos.18291and 37023; Change in PD File No. 18501 and New App Rate Only File No. 49803

Hi Kelly,

I have begun reviewing the referenced package of applications, you guessed it, I have questions, I know you will have the answers! Applicants propose to convert the umw of File Nos. 18291 and 37023 from muni use to irrigation use, flip flop the well authorized by File No. 18501 with the well authorized by File Nos. 18291/37023 and then add a rate only app(49803) to the well to be authorized by File Nos. 18291/37023.

- WRIS shows File No. 18501 as Terrace (115), I assume the well authorized by File Nos. 18291 and 37023 is also. Do you think K.A.R. 5-5-13 *relocation of alluvial wells* applies to terrace deposits in this area? If so do you think it meets the reg? I don't think 5-5-13 applies to terrace deposits. If it did, it should say so or it should at least say something along the lines of "alluvium or any other hydraulically connected aquifers". Obviously the intent of the regulation was to protect streamflow from further depletion, but I don't think this regulation was written well enough to cover this situation. As attorneys frequently say, I'd hate to fight that one in court.
- The existing wells proposed for File Nos. 18501 and 18291/37023/49803 do not meet 1320 feet well spacing regulations to each other, it appears they are about 956'-1283' apart. Do you think spacing is sufficient to prevent impairment? Since these are existing wells and there are no physical changes in the location of either and there have been no problems in the past even with different landowners and use made of water involved, I believe spacing will be sufficient especially given that both wells will now be under common ownership.
- New app File No. 49803 is a rate only application for greater than 15%, do you think this application meets K.A.R. 5-4-5? Yes. I do not think it will impair existing water rights given spacing and relatively small quantity. I do not think it will affect the public interest and I do not think it will increase consumptive use since the water rights it is be stacked on were originally municipal use (100% consumptive) and now will be irrigation.
- Do you know why Osborne RWD No. 1A would sell their water rights and are their rights File Nos. 18291 and 37023 in good standing? Osborne 1A quit using this well due to water quality (nitrates). They are in good standing due to being located in a closed area.

- Looks like the perfection period for Osborne RWD No. 1A pu overlapping File No. 42558 expires Dec. 31, 2017, it has a limitation that mentions File Nos. 18291 and 37023, hopefully those can be removed at the time of certification. Agreed.

Any info you have on these apps will be appreciated, as always!

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

March 21, 2017

JAY CARSWELL
2628 W 40TH DR
ALTON, KS 67623

RE: File No. MP 18501

FILE COPY

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. Turney".

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

BAT: dlw
pc: STOCKTON Field Office GMD