

MICROFILM

STATE OF KANSAS
FINNEY COUNTY SS.

574
VOL 77 PAGE 836

This instrument was filed for Record on
the 14 day of November
A.D. 1988 at 10:30 o'clock A.M.
and duly recorded in book 4206
Page 836 Fee \$ 4.00

Richard W. Pope
Register of Deeds

STATE OF KANSAS
KEARNY COUNTY } SS

INDEXED ✓
NUMERICAL ✓
DIRECT ✓
INDIRECT ✓

This instrument was filed for record on the
31 day of October A.D. 1988
at 10:30 o'clock A.M. and duly recorded in
Book 42 of misc at Page 11

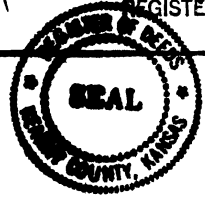
Maguire Campbell
REGISTER OF DEEDS
By _____ Deputy

INDEXED ✓
DIRECT ✓
INDIRECT ✓

THE STATE



OF KANSAS



STATE BOARD OF AGRICULTURE
Sam Brownback, Secretary

DIVISION OF WATER RESOURCES
David L. Pope, Chief Engineer

STATE OF KANSAS
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE
TOPEKA, KANSAS

BEFORE

DAVID L. POPE, CHIEF ENGINEER
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE

AMENDED ORDER

IN THE MATTER OF THE DESIGNATION OF AN
INTENSIVE GROUNDWATER USE CONTROL AREA
IN HAMILTON, KEARNY, FINNEY, GRAY AND FORD COUNTIES, KANSAS

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

FINDINGS

1. That the Chief Engineer issued an Order on September 29, 1986, designating an intensive groundwater use control area in Hamilton, Kearny, Finney, Gray and Ford Counties, Kansas (hereinafter referred to as "Order dated September 29, 1986").
2. That paragraph 2, subparagraph f of the Order dated September 29, 1986 states:

That this IGUCA shall be closed to further groundwater and surface water appropriation, except for:...

- f. any proposed appropriation at a rate not in excess of 50 gallons per minute and a quantity not to exceed 25 acre feet per calendar year if in the judgment of the Chief Engineer approval is in the public interest, good cause is shown by the applicant and the applicant can show that there is no impairment to an existing right; that this exception does not apply to a proposed appropriation for an existing well which creates a diversion with a total rate over 50 gallons per minute or a total quantity over 25 acre feet per calendar year for that well;

INDEXED

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STATE OF KANSAS, Gray County
This instrument was filed for record on
the 9th day of Nov A.D. 1988
at 9:45 A.M. and duly Recorded in Book
98 on Page 135
Barbara F. Trushak
#420 Register of Deeds

INDEXED ✓
NUMERICAL ✓
DIRECT ✓
INDIRECT ✓

STATE OF KANSAS } 1382
HAMILTON COUNTY }
This instrument was filed for record
on the 34 day of Oct
A.D. 1988 at 11:06 o'clock A.M.
and duly recorded in book 40M
Page 306 fee \$ 42.00
William Roberts
Register of Deeds

3. That the imposition of the 50 gallon per minute limitation provided for in paragraph 2, subparagraph f of the Order dated September 29, 1986 may impose a significant burden for those applicants who require a greater rate of diversion than 50 gallons per minute but who do not require more than 25 acre feet per calender year.
4. That the permitting of an appropriation for 50 gallons per minute, or such greater rate as the Chief Engineer determines is reasonable, combined with a 25 acre feet per calendar year limitation will neither prejudicially nor unreasonably affect the public interest so long as the proposed appropriation is subject to the laws, rules, regulations, and policies and procedures in effect in that area at the time the application is filed.
5. That paragraph 3 of the Order dated September 29, 1986 states :

That any application filed pursuant to the provisions of Paragraph No. 2, sub-paragraphs a through f of this Order, may be approved, modified, or rejected by the Chief Engineer and shall be subject to such terms, conditions and limitations as the Chief Engineer shall deem necessary in the public interest.
6. That the intent of paragraph 3 of the Order dated September 29, 1986 was to clarify that any application approved under the provisions of paragraph 2, is subject to the laws, rules, regulations, policies and procedures in effect in that area at the time the application is filed.
7. That paragraph 5 of the Order dated September 29, 1986 states:

That any well within the IGUCA, authorized under an approved application to change the point of diversion, shall be drilled no closer to the river channel than the original location.
8. That the intent of paragraph 5 of the Order dated September 29, 1986 was to prevent a significant increase in streamflow depletion resulting from wells being moved closer to the river or drilled in close proximity to the river under changes in the points of diversion for existing water rights.

ORDER

Now, therefore, it is the decision and order of the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture that the Order dated September 29, 1986, establishing the Intensive Groundwater Use Control Area in Hamilton, Kearny, Finney, Gray and Ford Counties, Kansas, shall be and is hereby amended to read as follows:

1. That paragraph 2, subparagraph f of the Order dated September 29, 1986 is hereby amended to read:

- f. any proposed appropriation from a new or existing well at a rate not in excess of 50 gallons per minute or such greater rate as the Chief Engineer determines is reasonable, and a quantity not to exceed 25 acre feet per calendar year, if in the judgment of the Chief Engineer approval is in the public interest, good cause is shown by the applicant and the applicant can show that there is no impairment to an existing right; that this exception does not apply to a proposed appropriation for an existing well which creates a diversion with a total quantity over 25 acre feet per calendar year for that well;

2. That paragraph 3 of the Order dated September 29, 1986 shall be amended to read:

That any application filed pursuant to the provisions of Paragraph No. 2, sub-paragraphs a through f of this Order, may be approved, modified, or rejected by the Chief Engineer; shall be subject to such terms, conditions and limitations as the Chief Engineer shall deem necessary in the public interest; and shall be processed on its own merit in accordance with the provisions of the Kansas Water Appropriation Act, the rules and regulations of the Division of Water Resources, the applicable policies of the Southwest Kansas Groundwater Management District No. 3 and any applicable administrative policies and procedures in effect in that area at the time the application was filed.

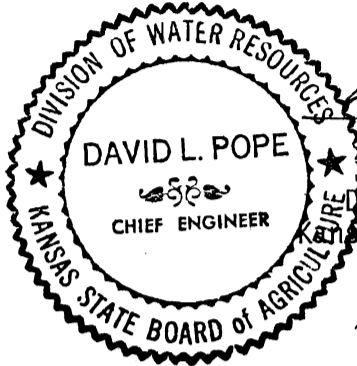
3. That paragraph 5 of the Order dated September 29, 1986 shall be amended to read:

That any approval of an application to change the point of diversion which was filed after the effective date of the Order issued September 29, 1986, shall not authorize a well location that will decrease the distance to the river channel by more than 10% of the distance between the river channel and the location of the point of diversion authorized on September 29, 1986.

4. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such changes in the boundaries of the IGUCA or the corrective control provisions which have been instituted or any other

provisions of this order, and to hold any subsequent hearings in the matter of the IGUCA or the corrective control provisions, which he or she may deem to be in the public interest.

Dated at Topeka, Kansas, this 6th day of March, 1987.



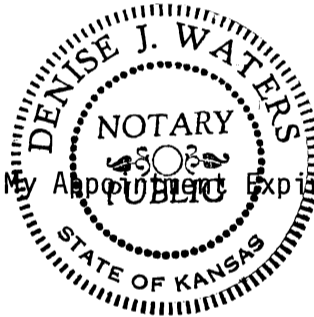
David L. Pope

David L. Pope, P.E.
Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

State of Kansas

County of Shawnee

The foregoing instrument was acknowledged before me this 6th day of March, 1987, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture.



Denise J. Waters
Notary Public

My Appointment Expires: March 1, 1990