

**IN THE MATTER OF THE DESIGNATION OF AN  
INTENSIVE GROUNDWATER USE CONTROL AREA IN  
MCPHERSON COUNTY, KANSAS**

**AMENDED ORDER**

COMES NOW, David W. Barfield, Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture (“Chief Engineer”), and hereby makes the following findings and order pursuant to K.S.A. 82a-1038 and K.A.R. 5-20-2.

**FINDINGS**

1. That on March 28, 1980, the Chief Engineer established by Order, an Intensive Groundwater Use Control Area (“IGUCA”) in McPherson County, Kansas pursuant to K.S.A. 82a-1038 (“IGUCA Order”). The IGUCA Order was modified by a Summary Amended Order issued on October 14, 2013.
2. That on October 4, 2016, the Chief Engineer conducted a formal review of the IGUCA pursuant to K.A.R. 5-20-2 and issued his findings and conclusions on February 26, 2020, including that:
  - a. The boundaries of the McPherson IGUCA are described in the IGUCA Order as follows:

The north line of Township 19 South, Range 3 West, and Township 19 South, Range 4 West, and extending to a line two miles south of the south line of Township 19 South, Range 3 West, and Township 19 South, Range 4 West, as enclosed by the boundaries of the Equus Beds Groundwater Management District No. 2.
  - b. That due to the expansion of the Equus Beds Groundwater Management District No. 2 (“GMD2”), the boundaries of the IGUCA are more accurately described as follows:

An area of approximately 56 square miles in McPherson County, Kansas, generally located in the vicinity of McPherson, Kansas, which include the following described tracts of land: Sections 4 through 9, 15 through 22, and 27 through 34, Township 19 South, Range 3 West; Sections 3 through 10, Township 20 South, Range 3 West; Sections 1 through 4, 9 through 15, 22 through 27, and 34 through 36, Township 19 South, Range 4 West; and Sections 1 through 3 and 10 through 12, Township 20 South, Range 4 West.
  - c. That due to K.S.A. 82a-732, the requirement that annual water use reports be submitted to the Chief Engineer by February 1 each year is no longer required.
  - d. That an annual report from GMD2 on the IGUCA is no longer required.

## ORDER

**NOW THEREFORE**, it is the decision and order of the Chief Engineer that the order dated March 28, 1980, establishing an Intensive Groundwater Use Control Area in McPherson County, Kansas, including all amendments and supplemental orders thereto, shall be and is hereby amended to read as follows:

1. Paragraph 1 of the Order dated March 28, 1980, as amended October 14, 2013, is hereby amended to read:

That the boundaries of the Area shall be: an area of approximately 56 square miles in McPherson County, Kansas, generally located in the vicinity of McPherson, Kansas, which include the following described tracts of land: Sections 4 through 9, 15 through 22, and 27 through 34, Township 19 South, Range 3 West; Sections 3 through 10, Township 20 South, Range 3 West; Sections 1 through 4, 9 through 15, 22 through 27, and 34 through 36, Township 19 South, Range 4 West; and Sections 1 through 3 and 10 through 12, Township 20 South, Range 4 West.

2. Paragraph 4 of the Order dated March 28, 1980, as amended October 14, 2013, is hereby amended to read:

That by June 1, 1980, flow meters shall be installed on all water wells now existing in the intensive groundwater use control area except on those wells used solely for domestic purposes and those wells authorized by temporary permits; that these meters shall meet or exceed the specifications for flow meters adopted by the Chief Engineer on March 27, 1980, unless a written waiver is obtained from the Chief Engineer prior to the use of the well; that flow meters shall be installed on all water wells, except those to be used solely for domestic purposes and those authorized by temporary permits, drilled after the date of this Order; and those flow meters shall meet or exceed the specifications required by the Chief Engineer at the time the well is drilled unless a written waiver is obtained from the Chief Engineer prior to use of the well; that each water right holder in the intensive groundwater use control area shall file water use reports no later than March 1 of the year following the usage, pursuant to K.S.A. 82a-732; that in addition to reporting the information normally required in the water use reports, each water right holder shall also report: (a) the depth to static water level in each well in the intensive groundwater use control area determined in a manner acceptable to the Chief Engineer, (b) the serial number of the water meter, and (c) the meter reading at the beginning and end of the calendar year.

3. Paragraph 7 of the Order dated March 28, 1980, as amended October 14, 2013, is hereby amended to read:

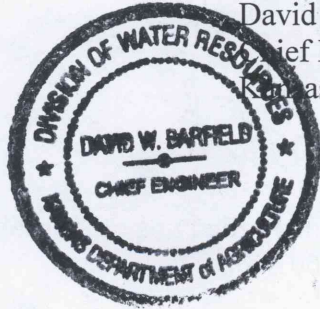
That annually the Equus Beds Groundwater Management District No. 2 may, no later than April 1, request a rehearing before the Chief Engineer on the matter of the boundaries of the intensive groundwater use control area, the reconsideration of

corrective control provisions or any other matters relative to the establishment of this intensive groundwater use control area.

IT IS SO ORDERED, ENTERED THIS 26<sup>th</sup> DAY OF FEBRUARY 2020 IN MANHATTAN, RILEY COUNTY, KANSAS.

*David W. Barfield*

David W. Barfield  
Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture



PREPARED BY:

*KBT*

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**RIGHT TO ADMINISTRATIVE REVIEW**

As provided in K.S.A. 82a-1038 and K.S.A. 82a-1901 as amended, you may petition for administrative review of this order by the Secretary of Agriculture. The petition for review shall be in writing and state the basis for requesting administrative review pursuant to K.S.A. 77-527. A petition for review must be filed within 15 days after service of this order as provided in K.S.A. 77-531 and filed with:

Secretary of Agriculture  
Attn: Legal Section  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
Fax: (785) 564-6777  
Email: [ronda.hutton@ks.gov](mailto:ronda.hutton@ks.gov)

If a petition for administrative review is not timely filed this order shall be effective, and become a final agency action as defined in K.S.A. 77-607(b).