

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

1. File Number: 18379	2. Status Change Date: 9/28/2021	3. Change Num: C3	4. Field Office: 04	5. GMD: 03
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request				7. Filing Date of Change: 8/5/2020
8a. Applicant(s) New to system <input type="checkbox"/> KIM & MICHELE BATMAN PO BOX 669 MEADE, KS 67864-0669		Person ID 31716 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
		8c. Landowner(s) New to system <input type="checkbox"/> KIM & MICHELE BATMAN PO BOX 669 MEADE, KS 67864-0669		
		Person ID 31716 Add Seq# _____		
		8d. WUC New to system <input type="checkbox"/> 8c No Change		
		Person ID 31716 Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2021</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 7/25/2021 By: li Date Entered: 9/30/2021 By: LMoody				

9/21/2021
Lireland

File No. **18379** 11. County: **ME** Basin: **CROOKED CREEK** Stream: Formation Code: Special Use:

12. Points of Diversion Rate and Quantity
 CHK Authorized Additional
 MOD Rate Quantity Rate Quantity
 DEL PDIV gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files
 ENT Qualifier S T R ID 'N 'W Comment (AKA Line)

NO CHANGE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	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								
MOD 21167	23	31	28	W	1									4				4				23	35	35	23	124	8C	N	264
MOD 993	25	31	28	W	1					31	31	31	31	28.5	31.5	31.5	28.5	0	29	29	0	302	8C	N	264				
MOD 2580	26	31	28	W	1	30.5	30.5	30.5	30.5	16			40	10				31	31	31	31	312	8C	N	264				

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: July 30, 2021

FROM: Leslie Ireland

RE: Water Right, File Nos. 264 & 18,379

Kim and Michelle Batman as owners submitted applications on August 5, 2020, to change the irrigated place of use under the referenced files with applications under File Nos. 21,411 & 24,355 of which they are part owner. The field office filed changes were to increase the place of use and fix a historical incomplete overlap with the Hildebrand property under File Nos. 21,411 & 24,355. The signature of Verna Lee Hildebrand, Hildebrand Family Partnership LLP as an owner was not obtainable as she didn't want to change the place of use, so the applications under File Nos. 21,411 & 24,355 were requested to be dismissed by the Batman Family. See separate memo.

The referenced water rights do not appear abandoned as per K.S.A. 82a-718 and appear to be in good standing per K.S.A. 82a-732. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*.

File No. 264 is authorized 550 AF to irrigate 730 acres in a complete overlap with File No. 18,379 that is authorized 564 AF with no additional limitations. Information from the Garden City Field Office indicates these two files developed 730 base acres. The files are not located in a special use area. The files have not been modified since 1986. The point of diversion under File No. 264 will be updated to the information from a Field Compliance Investigation that determined the well location to actually be just over the line in Section 23 to the feet distances of 37 feet North and 2,480 feet West in the SW SW SE instead of the NW NW NE of Section 26. Both portions of these sections are under the same ownership and have the place of use in each section authorized by the same files. It appears the update complies with part b of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

The applications under File Nos. 264 & 18,379 were modified to remove acres in the West Half of Section 26 and add acres in the Northwest Quarter of Section 25, all in Township 31, Range 28 West, Meade County. The 730 acres that were authorized will be increased by 8 acres to 738 acres.

It appears the requested changes to add acres meets K.A.R. 5-5-11(b)(1), as the increase in acres is less than ten acres or ten percent whichever is less as allowed being only 8 acres above the 730 base acres. The changes will comply with of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, with no increase in the consumptive should occur thus complying with K.A.R. 5-5-3, *Change in consumptive use*.

In a letter dated and received on March 31, 2021, Jason Norquest, Assistant Manager for the Southwest Kansas Groundwater Management District provided a recommendation that the applications be approved as they meet all of the adopted policies, rules and regulations

Michael Meyer, Water Commissioner of the Garden City Field Office area reviewed the proposed applications. In an email dated July 30, 2021, he recommended approval of the change applications.

Water flowmeters will be required for the change approvals. A check valve will be required, if chemigating. The water use correspondent will unchanged for the referenced files. As no new wells will be drilled a water level measurement tube and WWC-5 will not be a condition of the approvals.

Based on the above discussion, that the change to the place of use authorized by all of the referenced files will make a complete overlap and not substantially increase the acres above what is currently authorized and with no increase in the historical consumptive use, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Meyer, Mike [KDA]
Sent: Fri 7/30/2021 9:33 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review & Recommendation for File Nos. 264 & 18379 Dismissals Under 21,411 & 24,355

this is good to get cleaned up as Hildebrand may have proposal coming.

yes please approve.

thanks

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, July 30, 2021 8:37 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review & Recommendation for File Nos. 264 & 18379 Dismissals Under 21,411 & 24,355

Mike,

Got this package summarized for your review and recommendation.

The point of diversion under File No. 264 will be updated to add feet distances of 37 feet North and 2480 feet West as stated in WRIS.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT FILE NO. 18,379

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kim and Michele Batman, PO Box 669, Meade, Kansas 67864, received in an office of the Chief Engineer on August 5, 2020, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer, dated April 11, 2013, 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.

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 place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
23 31 28W									4.00			4.00	23.00	35.00	35.00	23.00	124.0
25 31 28W					31.00	31.00	31.00	31.00	28.50	31.50	31.50	28.50		29.00	29.00		302.0
26 31 28W	30.50	30.50	30.50	30.50	16.00			40.00	10.00				31.00	31.00	31.00	31.00	312.0

a total of 738 acres in Township 31 South, Range 28 West, Meade County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

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. 18,379, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 12, 1983, as modified and amended by the aforementioned order.

Ordered this 28 day of September, 2021, in Manhattan, Riley County, Kansas.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 28 day of September, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



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.

CERTIFICATE OF SERVICE

On this day , 2021, I hereby certify that the attached Approval of Application for Change in Place of Use , Water Right, File No. 18,379 dated, was mailed postage prepaid, first class, US mail to the following:

**KIM & MICHELE BATMAN
PO BOX 669
MEADE KS 67864**

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3

Division of Water Resources

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 30, 2021

KIM & MICHELE BATMAN
PO BOX 669
MEADE KS 67864

RE: Water Right, File Nos. 264 & 18,379

Dear Mr. & Mrs. Batman:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the reference files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions regarding the enclosed documents, please contact our office at (785) 564-6640. Inquiries about the metering please contact our staff at the Garden City Field Office, (620) 276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

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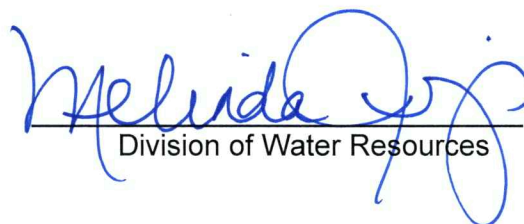
CERTIFICATE OF SERVICE

On this 30 day September, 2021, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 18,379 dated, 28 September 2021 was mailed postage prepaid, first class, US mail to the following:

KIM & MICHELE BATMAN
PO BOX 669
MEADE KS 67864

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources