

File No. 26351	11. County: KE	Basin: ARKANSAS RIVER	Stream:	Formation Code: 211	Special Use:
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12. Points of Diversion										Rate and Quantity					
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment **	Authorized		Additional		Overlap PD Files
ENT											Rate gpm	Quantity af	Rate gpm	Quantity af	
CHK *			33369 CE NW SE	14	22	38W	1 *	1976	1406						NONE
CHK *			24836 NE NW SE	14	22	38W	2 *	2574	1386						NONE
CHK *			8189 SE NW SE	14	22	38W	3 *	1499	1392						NONE
MOD *			34459 NE NE SW	14	22	38W	4 *	2582	2883						NONE
MOD *			1840 SE NE SW	14	22	38W	5 *	1901	2814						NONE
MOD *			15991 SE NE SW	14	22	38W	6 *	1518	2857						NONE
MOD *			35201 NC W2 E2 NW	23	22	38W	1 *	3317	3823						NONE
MOD *			46272 SE NW NW	23	22	38W	2 *	3987	4433						NONE
MOD *			49121 NW SE NW	23	22	38W	3 *	3885	3938						NONE
MOD *			43753 SE SE NW	23	22	38W	4 *	2851	3253						NONE
CHK *			30427 NE SW SW	23	22	38W	5 *	785	4135						NONE
MOD *			5207 NW SE SW	23	22	38W	6 *	958	3728						NONE
MOD *			30782 SW NE SE	23	22	38W	7 *	1926	1309						NONE
MOD *			48554 SE NW SE	23	22	38W	8 *	1577	1930						NONE

** ALL MODS ARE FEET DISTANCES ONLY CERTIFICATE LIMITATIONS ON PDS STILL APPLY

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 29, 2021

FROM: Leslie Ireland

RE: Water Right
File No. 26,351

Lewis and Deanna Bontrager, Jared Riedl, Darrell and Terry Bontrager, and Ray Sonderegger, on behalf of R & G Land L.L.C. and R & J Sand, L.L.C., with the place of use owned by Don H. and Lucienne R. Buell, have filed an application for approval to change the authorized place of use under the referenced file, authorized for irrigation use in the Arkansas River Basin.

As indicated in a June 6, 2011 e-mail from Michael Meyer, Water Commissioner of the Garden City Field Office, the referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number is authorized a total of 963 acre-feet to be diverted at 3,700 gallons per minute from fourteen points of diversion or in the currently authorized 790 acres authorized for irrigation use in Sections 14, 22 and 23, Township 22 South, Range 38 West, Kearny County, Kansas. In 2011 a change in place to authorize the rotation of 650 acres by adding a 130 acre pivot in the Northeast Quarter (NE $\frac{1}{4}$) of Section 22 and 130 acre pivot in the Northeast Quarter (NE $\frac{1}{4}$) of Section 23, of the aforementioned township and range to authorized a total of 790 acres pursuant to K.A.R. 5-5-11(b)(4) *Rotation of the irrigated land within the authorized place of use*. The water right owners now propose to discontinue the Memorandum of Understanding with Southwest Kansas Groundwater Management District No. 3 to eliminate the rotation and reduce the irrigated acreage to 650 acres. The proposed acres comply with part (b) of K.A.R. 5-5-11 as they are the determined base acres.

The net irrigation requirement for the 50% chance of rainfall in Kearny County is 1.24' at a 85% efficiency yields 660 acres. The authorized 963 acre-feet on the proposed 655 acres results in an irrigation ratio of 1.47 acre-feet/acre. This appears reasonable as per K.A.R. 5-3-19 and 5-3-23.

The referenced file is authorized fourteen points of diversion of which ten of the fourteen points have been inspected and actual locations are available. All appear to comply with part (b) of K.A.R. 5-5-6 and will be updated by the change approval.

The same local source of supply will not change, which has previously determined to be Ogallala Formation (211).

In a letter dated April 15, 2021, Jason L. Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3 recommended that the application be approved at this time. GMD No. 3 believes the change to allow the division is best interest for all parties involved. A discrepancy in the place of use was updated with Mr. Norquest's confirmation the SW $\frac{1}{4}$ of Section 14 was remaining as authorized.

In an e-mail dated April 28, 2021, Michael Meyer, Water Commissioner, Garden City Field Office, indicated that he has no objection to the approval of the referenced application.

Water flow meters are required. Check valves are required if chemigating.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist

From: Meyer, Mike [KDA]
Sent: Wed 4/28/2021 10:43 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation for Change in PU & PD update File No. 26351 Bontranger

approve
thank you

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, April 28, 2021 10:00 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation for Change in PU & PD update File No. 26351 Bontranger

Mike,

Please let me know if you could recommend this change to stop the rotation add 10 acres to the base and update the PD locations per the compliance investments.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



File No. 26351 ownership 3/30/2021

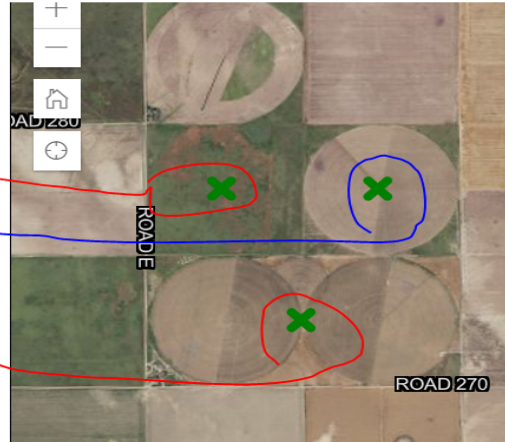
23-22-38W

List

Parcels matching undefined

Results

0470562300000002000 00000 COUNTY ROAD, LAKIN, KS 67860	BUELL, DON H & LUCIENNE
0470562300000001000 00000 COUNTY ROAD, LAKIN, KS 67860	R & G LAND LLC
0470562300000003000 00000 COUNTY ROAD, LAKIN, KS 67860	R & J SAND LLC

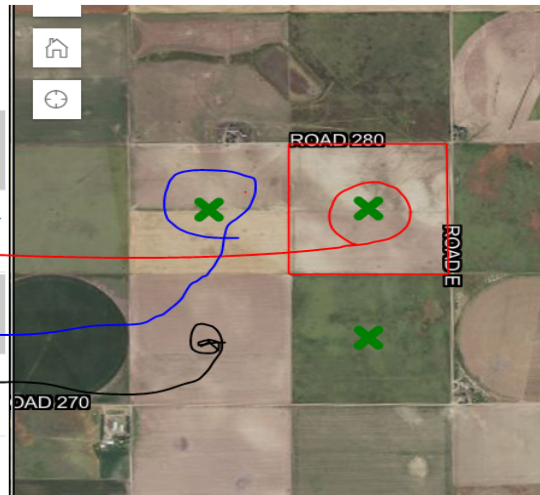


22-22-38W

Parcels matching undefined

Results

0470552200000003000 00000 COUNTY ROAD, LAKIN, KS 67860	BARNHARDT, ROGER G & STACEY R
0470552200000001000 00000 COUNTY ROAD, LAKIN, KS 67860	BONTRAGER, DARRELL WAYNE & TERRY LYNN
0470552200000002000 00000 COUNTY ROAD, LAKIN, KS 67860	BUELL, LUCIENNE RAE & DON HUBERT
0470552200000004000 00000 COUNTY ROAD, LAKIN, KS 67860	SHANKLE, ANNETTE MARIE

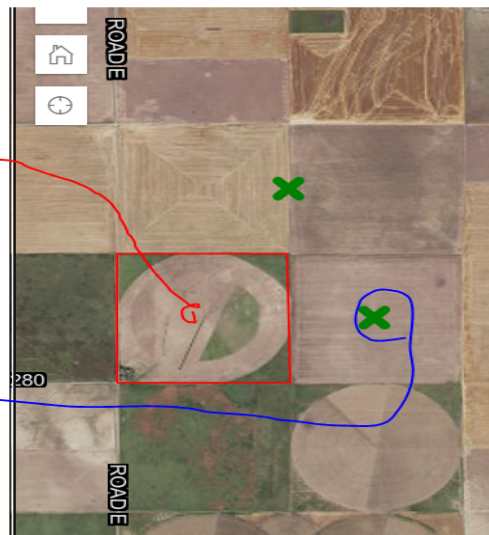


14-22-38W

Parcels matching undefined

Results

0470561400000002000 00000 COUNTY ROAD, LAKIN, KS 67860	BONTRAGER, DEANNA & LEWIS
047PPM043 611 N HWY 25 #18, Lakin, KS 67860	DAY, JOHN W & WILMA TRST
0470561400000001000 00000 COUNTY ROAD, LAKIN, KS 67860	FOTOPOULOS FAMILY TRUST
0470561400000003000 00000 COUNTY ROAD, LAKIN, KS 67860	RIEDL, JARED



From: Jason Norquest
Sent: Thu 4/29/2021 7:21 AM
To: Ireland, Leslie [KDA]
Subject: RE: File No. 26351 PU Question

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I think you are correct. Looking back at my material, I think that part came from the reversion acres listed in the approval for the MOU back in 2011. Which is a little different that WRIS shows the higher acres at 130 but the reversion acres are lower at 125. I didn't think they did anything with that quarter when the MOU was first implemented.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289

Office: 620-275-7147

www.gmd3.org

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, April 28, 2021 6:05 PM
To: Jason Norquest <norquest@gmd3.org>
Subject: File No. 26351 PU Question

Jason,

Emailing you this question as I think your in contact with the Bontragers...??

Looking at the change it looks like the PU in the SW of 14 is wrong on the change.. WRIS has 130 acres and division has 130 acres.. so think the change app lists the acreage wrong.. just want to double check they are not switching out a pivot that maybe newer but is smaller?.. and maybe the division is wrong???

I updated the change as it was two sources of 130 to the 125.... but have attached the division & WRIS snippet just in case it is really changing to 125 acres.

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

Owner of Land — NAME: Jared Riedl

ADDRESS: 1552 Road M, Lakin, KS 67860

Sec.	Twp.	Range	NE¼				NW¼				SW¼				NE¼	NW¼	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			
14	22s	38w														31.25	31.25

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

Owner of Land — NAME: Lewis & Deanna Bontrager

ADDRESS: 2804 RD E, Kendall, KS 67857

Sec.	Twp.	Range	NE¼				NW¼				SW¼				NE¼	NW¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
14	22s	38w														31.25	31.25	31.25	31.25
																32.25	32.25	32.25	32.25

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

to match the existing pivot as authorized agreement 4/28/2021 LI/DWR


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
AND
ORDER BETTER DESCRIBING THE AUTHORIZED POINTS OF DIVERSION
WATER RIGHT
FILE NO. 26,351**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Lewis and Deanna Bontrager, 2804 Road E, Kendall, Kansas, 67857, Jared Riedl, PO Box 1277, Lakin, Kansas, 67860-1277, Darrell and Terry Bontrager, 719 Union, Emporia, Kansas, 66801, and Ray Sonderegger, on behalf of R and G Land L.L.C., and R and J Sand L.L.C., 1682 South Highway 25, Leoti, Kansas, 67861, and Don H. and Lucienne Buell, 11900 NE 64th Street, Elkhart, Iowa 50073 received in this office on January 4, 2021, 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 June 23, 2011, approving the application to change the place of use, 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 removes the additional limitation which established the rotation on the authorized acres as set forth by the Approval of the Change in Place of Use dated June 23, 2011.

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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 22S 38W									32.5	32.5	32.5	32.5	31.25	31.25	31.25	31.25	255
23 22S 38W					31.25	31.25	31.25	31.25	40.0	32.5	32.5	32.5	32.5	40.0	32.5	32.5	400

a total of 655 acres in Township 22 South, Range 38 West, Kearny County, Kansas, and the location of the authorized points of diversion are more accurately described as being:

one (1) well located near the center of the East side of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 14, more particularly described as being near a point 1,976 feet North and 1,406 feet West of the Southeast corner of said section,

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 14, more particularly described as being near a point 2,574 feet North and 1,386 feet West of the Southeast corner of said section,

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 14, more particularly described as being near a point 1,499 feet North and 1,392 feet West of the Southeast corner of said section,

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 14, more particularly described as being near a point 2,582 feet North and 2,883 feet West of the Southeast corner of said section,

one (1) well located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 14, more particularly described as being near a point 1,901 feet North and 2,814 feet West of the Southeast corner of said section,

one (1) well located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 14, more particularly described as being near a point 1,518 feet North and 2,857 feet West of the Southeast corner of said section,

one (1) well located near the center of the West Half of the East Half of the Northwest Quarter (W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,317 feet North and 3,823 feet West of the Southeast corner of said section,

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,987 feet North and 4,433 feet West of the Southeast corner of said section,

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as, being near a point 3,885 feet North and 3,938 feet West of the Southeast corner said section,

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described being near a point 2,851 feet North and 3,253 feet West of the Southeast corner of said section,

one (1) well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 785 feet North and 4,135 feet West of the Southeast corner of said section,

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 958 feet North and 3,728 feet West of the Southeast corner of said section,

one (1) well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 1,926 feet North and 1,309 feet West of the Southeast corner of said section,

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 1,577 feet North and 1,930 feet West of the Southeast corner of said section,

all in Township 22 South, Range 38 West, Kearny 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. 26,351, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 15, 2000, as modified and amended by the aforementioned order.

Ordered this 12 day of May, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation 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 12 day of May, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



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

LEWIS & DEANNA BONTRAGER
2804 RD E
KENDALL, KS 67857

May 14, 2021

RE: Water Right, File No. 26,351

Dear Mr. & Mrs. Bontrager:

Enclosed is the Order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval for is that an acceptable water flowmeter must be installed on the diversion works.

Also enclosed is an Order which divides Water Right, File No. 26,351 into four (4) portions. The portion of the water right retained by Jared Riedl will henceforth be identified as "Water Right, File No. 26,351-D1"; the portion of the water right retained by Lewis & Deanna Bontrager will henceforth be identified as "Water Right, File No. 26,351-D2." ; the portion of the water right retained by Don H. & Lucienne R. Buell will henceforth be identified as "Water Right, File No. 26,351-D3."; and the portion of the water right retained by R&J Sand, LLC will henceforth be identified as "Water Right, File No. 26,351-D4." As a matter of information, the owner of the right, or his or her legally designated agent, is held responsible for submitting annual water use reports. Future water use reports will be sent to the respective owner(s) for each portion as described above.

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

If you have any questions, please contact our office at (785) 564-6640, or 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,

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

KAB:li

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3
Darrell & Terry Bontrager
Jared Riedl
Don H. & Lucienne Buell
Ray Sonderegger, R & G Land, LLC & R&J Sand, LLC

**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action. If you choose to appeal this decision or any finding part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

CERTIFICATE OF SERVICE

On this 14 day of May, 2021, I hereby certify that the attached Order, dated 12 May, 2021, was mailed postage prepaid, first class, U.S. mail to the following:

Original to:
R & J SAND LLC
1682 S HWY 25
LEOTI, KS 67861-6230

Photocopy to:
Garden City Field Office

Groundwater Management District No. 3

JARED RIEDL
1552 ROAD M
LAKIN, KS 67860

LEWIS & DEANNA BONTRAGER
2804 RD E
KENDALL, KS 67857

DON H & LUCIENNE BUELL
11900 NE 64TH ST
ELKHART, IA 50073



Staff

