

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

| | | | | |
|---|--|---|-------------------------------|---|
| 1. File Number: 7254 | 2. Status Change Date: 5/18/2023 | 3. Change Num: C2 | 4. Field Office: 04 | 5. GMD: 03 |
| 6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | | | | 7. Filing Date of Change: 11/10/2022 |
| 8a. Applicant(s) New to system <input type="checkbox"/> | | Person ID _____ Add Seq# _____ | | 8c. Landowner IRR & WUC STK New to system <input type="checkbox"/> |
| TRIANGLE H GRAIN & CATTLE CO SAMUEL L HANDS 1955 W PLYMELL RD GARDEN CITY, KS 67846 | | SGC LAND COMPANY 9520 S HANDS RD GARDEN CITY KS 67846 | | Person ID 36708 Add Seq# _____ |
| 8b. Landowner(s) New to system <input type="checkbox"/> | | Person ID _____ Add Seq# _____ | | 8d. WUC IRR USE New to system <input type="checkbox"/> |
| | | TRIANGLE H GRAIN & CATTLE CO 1955 W PLYMELL RD GARDEN CITY, KS 67846 | | Person ID 35412 36412 Add Seq# _____ |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/23 <input type="checkbox"/> N & P Date to Comply: 12/31/23 | | | | |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" 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: 5/10/2023 By: li Date Entered: _____ By: _____ Date Reviewed: 5/11/23 By: JDK | | | | |

5/22/2023
LMoody

File No. **7254** 11. County: **FI** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: 211 Special Use:

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | | | | |
|-------------------------|-------|-------|-----|------|-----------|---|----|-----|----|-------------------|------|---------------------------|----------|-----------------|----------|-----------------|------------------------|
| CHK | MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Rate gpm | Quantity af/mgy | Rate gpm | Quantity af/mgy | Overlap PD Files |
| MOD | 33295 | LOT 2 | | | | 5 | 26 | 32W | 2 | 5979 | 1498 | IRR USE GPS UPDATE | 800 | 200 | 800 | 200 | STK STANDBY USE |
| MOD | 6975 | LOT 2 | | | | 5 | 26 | 32W | 5 | 6650 | 2220 | STK USE PRIMARY | 10 | 2.610 mgy | 10 | 2.610 mgy | NONE |
| ENT | 33295 | LOT 2 | | | | 5 | 26 | 32W | 2 | 5979 | 1498 | STK USE STANDBY | 10 | 2.610 mgy | 800 | 2.610 mgy | IRR USE |

SPECIAL CONDITIONS: ID 5 STK PRIMARY WELL ADDITIONAL WELL AUTHORIZED JAN 2, 2014

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) _____
 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 | | | | | | | | | | | | | | | | | | Total | Owner | Chg? | Overlap Files | | | | | | | | | | | | | |
|------------------|-----|-----|-----|------|---|---|---|----|--|------|------|------|------|------|------|------|------|-------|-------|------|---------------|------|------|------|------|--|--|--|--|--|--|--|--|--|
| CHK | MOD | DEL | ENT | PUSE | S | T | R | ID | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | | | | | | | | | |
| | | | | | | | | | | 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 | | | | | | | | | |
| NO CHANGE | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

From: [Meyer, Mike \[KDA\]](#)
To: [Ireland, Leslie \[KDA\]](#)
Subject: RE: Review & Recommendation File No. 7254 Hands
Date: Wednesday, May 10, 2023 4:49:06 PM
Attachments: [image001.png](#)

Approve
thanks

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, May 10, 2023 10:47 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review & Recommendation File No. 7254 Hands

Mike,

Please let me know if you'd recommend the chg. The IRR (proposed standby) well will be updated to the ft dist of 2013. Meters per use required....Do you want the order to require 2023 N&P?

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: May 10, 2023

FROM: Leslie Ireland

RE: Water Right, File No. 7,254

Samuel L. Hands, on behalf of SGC Land Company and Triangle H Inc., has filed an application for approval to change the point of diversion. The application was received on November 10, 2022. The referenced file authorizes groundwater for irrigation and stockwater uses from two separate wells located in the Arkansas River basin, Finney County.

The water right appears to be in compliance with K.S.A. 82a-732, *Annual water use report...* The notification by letter to the identified nearby well owners per K.S.A. 82a-1906, *Notification and publication of certain applications and orders*, did not result in any comments. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*.

As both wells are authorized by the same file the source of supply is considered to be the same and has been determined to be the Ogallala Formation (Code 211).

The stockwater well is located in Lot 2, approximately 6,650 feet North and 2,220 feet West of the Southeast corner of Section 5, Township 26 South, Range 32 West, Finney County. This well is authorized 10 gallons per minute to divert 2.61 million gallons (mgy) (8.01 acre-feet (AF)) per year will be identified as the **primary stockwater well**. This well was authorized as an additional well stockwater well in 2014 and will remain as permitted. The prosed **standby stockwater well** is the irrigation well authorized to divert 438.78 acre-feet AF at a maximum rate of 1,239 gallons per minute from the well located near the center of the North Side of the Northeast Quarter in "Lot 2", approximately 5,941 feet North and 1,485 feet West (2013 GPS determination to be 5,979 feet North and 1,498 feet West) of the Southeast corner of Section 5, Township 26 South, Range 32 West, Finney County. This irrigation well will operate as a **standby stockwater well** to authorize 8.01 AF more to be diverted for a total of 446.79 AF possible. The well location will be updated to the 2013 determined feet distances approximately 40 feet from the authorized point.

Well spacing per K.A.R. 5-23-3, continues to be met as the increase results in a total less than 500 AF.

In a letter dated April 27, 2023, Jason Norquest, Assistant Manager, of the Southwest Kansas Groundwater Management District No. 3, recommended for approval on behalf of the District.

Michael Meyer, Water Commissioner, of the Garden City Field Office, recommended approval of the referenced application per his e-mail dated May 10, 2023.

The standby well will be required to meet the conditions of K.A.R. 5-1-2, *Standby wells*. It will be required to have a meter for each use. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works. A well log and water level measurement tube will not be conditions of the approval.

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



Leslie Ireland

Environmental Scientist
Water Appropriation Program

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 POINT OF DIVERSION WATER RIGHT FILE NO. 7,254

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Samuel L. Hands on behalf of SGC Land Company and Triangle H Grain & Cattle Company 1955 W Plymell Road, Garden City, Kansas 67846, received in this office on November 10, 2022, for approval of a change in 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 May 28, 1985, approving the application to change the place of use, the Order of the Chief Engineer dated August 19, 1985, approving the application to change the point of diversion, the Findings and Order of the Chief Engineer dated August 4, 1995, in the matter of the authorized quantity and place of use, and by the Order of the Chief Engineer dated January 2, 2014, approving the application to change the use made of water, point of diversion and 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.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized locations of the points of diversion for stockwatering use shall be:

one (1) well located well in Lot 2 of Section 5, more particularly described as being near a point 5,979 feet North and 1,498 feet West of the Southeast corner of said section, to be used as a standby well, and

one (1) well located in Lot 2 of Section 5, more particularly described as being near a point 6,650 feet North and 2,220 feet West of the Southeast corner of said section, to be used as a primary well,

both in Township 26 South, Range 32 West, Finney County, Kansas,

and the location of the authorized point of diversion for irrigation use shall be:

one (1) well located in Lot 2 of Section 5, more particularly described as being near a point 5,979 feet North and 1,498 feet West of the Southeast corner of said section, in Township 26 South, Range 32 West, Finney County, Kansas,

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

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

May 24, 2023

TRIANGLE H GRAIN & CATTLE CO
SAMUEL L HANDS
1955 W PLYMELL RD
GARDEN CITY, KS 67846

RE: Water Right, File No. 7,254

Dear Mr. Hands:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter for each use authorized must be installed on the diversion works authorized.

The well described in the approval document as the standby stockwatering well shall be used exclusively for stockwater use when the well described in the approval document as the primary stockwatering well is inoperable due to mechanical, maintenance or power failure. Use of the standby stockwater well under these limiting conditions does not allow the authorized quantity of water or rate of diversion authorized for stockwatering use under this file to be exceeded.

Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Meter(s)*, as soon as this action is completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions regarding the metering, please contact the Garden City Field Office at (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

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

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 request an evidentiary hearing before the Chief Engineer or 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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

CERTIFICATE OF SERVICE

On this 24 day of May, 2023, I hereby certify that the attached original Approval of Application for Change under, Water Right, File No. 7,254 dated May 18, 2023, was mailed postage prepaid, first class, US mail to the following:

TRIANGLE H GRAIN & CATTLE CO
SAMUEL L HANDS
1955 W PLYMELL RD
GARDEN CITY, KS 67846

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3


Staff