

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PU WORKSHEET ALLOCATION & OWNERSHIP UPDATE

1. File Number: 15020	2. Status Change Date: 10/18/2021	3. Change Num: C3	4. Field Office: 02	5. GMD: 05
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: 1/21/2021
8a. Applicant(s) New to system <input type="checkbox"/> DILLON M THOMPSON 4626 NW 48 RD HALSTEAD, KS 67056 NAME UPDATE		Person ID 66616 Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> WILLIAM R & ROBIN D NIDEREE ET AL 156 SE 20TH AVE GREAT BEND, KS 67530 DEL
8b. Landowner(s) New to system <input type="checkbox"/> JOHN E THOMPSON REV TRUST ROBIN NIDEREE TRUSTEE 156 NE 20TH AVE GREAT BEND KS 67530 ADDRESS & NAME CHANGE		Person ID 17934 Add Seq# _____		8d. WUC New to system <input type="checkbox"/> DAN THOMPSON 31624 NE 231 RD HANSTON, KS 67849
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/21 <input type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Anti-Reverse Meter <input checked="" 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: _____				
Action Codes for meter & seal continue from 2015 * AT AS			Date Prepared: 9/27/2021 By: li * Date Entered: 10/19/2021 By: LMoody	

Application Compete: 10/14/2021
Reviewer: Llreland

File No. **15020** 11. County: **PN** Basin: Stream: Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af	Rate gpm	Quantity af		
CHK 79461				NC SW	16	21	20W	6	1346	3852		1225	120	1225	120	NONE	

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) **5-Year Allocation 498.8 AF/5 YEAR PERIOD (NO CHANGE)**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type **B3** Start Year **2020** 5 YR Amount **498.8** Amount Unit **AF** Base Acres **80** Comment _____

16. Place of Use				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	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 7010				16	21	20W	3					31.0	31.0							62	8b	NO	NONE
MOD 38885				16	21	20W	4							31.0	31.0					62	8a	YES	NONE

Base Acres: **80** Year: Minimum Reasonable Quantity:

Comments: **ALLOCATION REMAINS WITH THE CURRENT ALLOCATION IN PROGRESS BUT WILL AUTHORIZE ADDING 3 ACRES**

IF STILL STD TO ENTER ALLOCATIONS IN ACTION TRAIL PLEASE UPDATE 4/20/2015 APPROVAL ENTRY TO SHOW ALLOCATION B3 1519 LTM Q 498.8

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 27, 2021

FROM: Leslie Ireland

RE: Water Right, File No. 15,020

Dillon M. Thompson and Robin Niederee, Trustee of the John E. Thompson Revocable Trust have filed an application for approval to change the authorized place of use under the referenced file authorized for irrigation use. The referenced file is currently in year two (2) of a five (5) year allocation. The requested change is due to the removal of a powerline. The applicant was assigned with the application by DWR staff.

The file does not appear to be abandoned as per K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. A 2020 Compliance Investigation found the meter to be installed but prompted the filing of the referenced change to update the place of use. The well owners located within one-half (½) mile of the existing point of diversion were notified by letter of the proposed change to comply with K.S.A. 82a-1906. A review of ownership record found the applicant, Dillon M. Thompson is now an owner of the South Half of the authorized place of use. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced file number has no overlaps in place of use or point of diversion located in Section 16, Township 21 South, Range 21 West, Pawnee County, in the Pawnee River Basin. The reference file developed 80 acres as the "base acres" per K.A.R. 5-5-11(b). The current five (5) year total allocation of 498.8 acre-feet (AF) has appeared to utilize 27% of the authorized quantity. The annual diversion has been less than half of the certified 120 acre-feet on the currently authorized 121 acres. The point of diversion is located in the within the Big Bend Groundwater Management District No. 5 (GMD 5).

The application for change in place of use proposes to continue the five-year allocation of water pursuant to K.A.R. 5-5-11(b)(3), **Necessity to install a more efficient irrigation system; limited quantity**. The place of use will be increased by adding three acres to allow the existing pivot to complete a full circle pivot at the currently authorized place of use, for a total of 124 acres to be irrigated pursuant to K.A.R. 5-5-11(b)(3). It was stated in the application and confirmed the monitoring agreement will be continued to allow the additional acres to be irrigated as a full pivot circle.

- A total of 80 "base acres" were listed on the application and previous allocation records.
- The recent water use is below the maximum annual quantity authorized. The GMD confirmed less than 10% was used and the allocation will continue in the 2020-2024 timeframe.
- The limitation for the allocation restricts the authorized quantity of water to a limited to a **five-year fixed allocation of 498.8 acre-feet**. Determining an allocation quantity has not change in the past five years and yielded the same value: $1.06'(50\% \text{ N.I.R. Pawnee County}) / .85 \times 80 \text{ base acres} \times 5 \text{ years} = 498.8 \text{ acre-feet}$. It was determined that as the owner's agreement with GMD5 was for 498.8 acre-feet that would be the value of the agreed allocation. Per K.A.R. 5-5-11. The annual quantity of 120 AF can not be exceeded in any one year.
- Use of water in excess of the five-year allocation of 498.8 acre-feet shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the 80 base acres at the location designated to be in the West Half and a portion of the Southwest Quarter of the Southwest Quarter of 16-21- 21W.
- The required Description of Operation for Irrigation Projects was previously submitted and the minor 3 acre addition allows for a complete pivot circle to operate under the allocation.
- Big Bend Groundwater Management District No. 5 will assume monitoring responsibility.

In a letter dated September 21, 2021, Orrin Ferril, Manager of the Big Bend Groundwater Management District No. 5, recommended the application be approved and indicated they would monitor the allocation that will continue with its 2020-2027 timeline.

In an e-mail dated September 27, 2021, Cameron Conant Assistant Water Commissioner on behalf of Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated that he had no objection to the approval of the referenced application.

The water flowmeter will continue to require the installed anti-reverse gears and a seal as previously required in 2015. The transmittal letter will state the additional conditions. The well will also be required to have a check valve if chemigating. A water level measurement tube and VVWC-5 will not be a condition of the approval as no new wells have been authorized to be drilled.

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 is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist

From: Conant, Cameron [KDA]
Sent: Mon 9/27/2021 10:32 AM
To: Ireland, Leslie [KDA];Lanterman, Jeff [KDA]
Subject: RE: Water Right File No. 15,020 Change in PU Recommendation (second round)

Hello Leslie, Jeff is out today but I wanted to keep this one moving before it got covered up! He is good with this application and recommended approval on the "first round" of the request only asking that we make sure to add the normal additional conditions to require a meter with Anti Reverse gears and a requirement for DWR or GMD #5 to seal the meter to the pipe. We have been doing these additional conditions on all GMD monitoring files, so nothing out of the ordinary with that.

So, feel free to keep this one moving, his recommendation of approval stands and he is good with using the current 2020-2024 allocation timeline. Thanks for getting that hashed out!

Cameron

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, September 24, 2021 11:47 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Water Right File No. 15,020 Change in PU Recommendation (second round)

Jeff,

Please let me know if you could recommend this change in PU for the allocation. It was confirmed with Orrin at GMD 5 that the current 2020-2024 allocation timeline will continue.

As always comments and concerns are welcome.

Thank you for yours and Cameron's review and comments.

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. 15,020

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Dillon M. Thompson, 4626 NW 48 Road, Halstead, Kansas 67056, received in this office on January 21, 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 November 17, 2011, approving the application to change the point of diversion, and the Order of the Chief Engineer dated April 20, 2015, approving the application to change the place of use, and the Order in the matter of the authorized 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	
16 21S 20W									31.0	31.0	31.0	31.0					124

a total of 124 acres in Section 16, Township 21 South, Range 20 West, Pawnee County, Kansas, located substantially as shown on the topographic map accompanying the application to change the place of use.

By this approval, the water right becomes subject to the following conditions:

1. That the quantity of water authorized for under Water Right, File No. 15,020 shall not exceed 498.8 acre-feet per five (5) year period; the first period being calendar years 2020 through 2024, the second period being calendar years 2025 through 2029, ad infinitum.
2. That the quantity of water authorized under Water Right, File No. 15,020 shall not exceed 120 acre-feet per calendar year, provided that 498.8 acre-feet per five (5)-year period is not exceeded.
3. That the use of water in excess of 498.8 acre-feet per five (5) year period shall result in a two (2) year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent reduction of the authorized place of use to the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16 21S 20W									40.0	40.0							80.0

a total of 80.0 acres in Section 16, Township 21 South, Range 20 West, Pawnee County, Kansas, located substantially as shown on the topographic map accompanying the application to change the place of use.

- 4. That if the Big Bend Groundwater Management District No. 5 and/or the Division of Water Resources terminate their Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b), (3), (4), and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in number 3, above, starting the calendar year following the year of termination.

The owners of the authorized place of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer and said meter shall be installed 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.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.

All 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 15,020, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 27, 1984, as modified and amended by the aforementioned orders of the Chief Engineer.

Ordered this 18 day of October, 2021, at Manhattan, Riley County, Kansas.

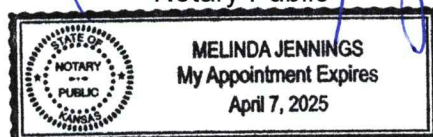
Lane P. Letourneau

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

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 18 day of October, 2021, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, 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 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: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 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 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 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 of , 2021, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 15,020 dated, was mailed postage prepaid, first class, US mail to the following:

DILLON M. THOMPSON
4626 NW 48 RD
HALSTEAD, KS 67056

With photocopies sent to:

JOHN E THOMPSON REV TRUST
ROBIN NIEDEREE TRUSTEE
156 NE 20TH AVE
GREAT BEND, KS 67530

Stafford Field Office
Groundwater Management District No. 5

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

October 27, 2021

DILLON M. THOMPSON
4626 NW 48 RD
HALSTEAD, KS 67056

RE: Water Right, File No. 15,020

Dear Mr. Thompson:

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 number.

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 anti-reverse totalizing water flow meter and seal remain installed on the diversion works authorized under the referenced file number. You should contact the Stafford Field Office at 620-234-5311 to coordinate any issues involving the currently installed meter and seal.

Approval of the application for File No. 15,020, does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion. Your attention should be drawn to the fact that the authorized quantity of water under File No. 15,020, is limited to a fixed allocation, 498.8 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 120 acre-feet in any given year, provided that the five (5)-year fixed allocation is not exceeded.

Non-compliance with the terms of this approval will result in substantial penalties.

Since the order for the referenced file number 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, please contact this office at 785-564-6640 or our Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li
Enclosures

Pc: Stafford Field Office
Groundwater Management District No. 5
Robin Niederee Trustee, John E. Thompson Rev Trust

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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CERTIFICATE OF SERVICE

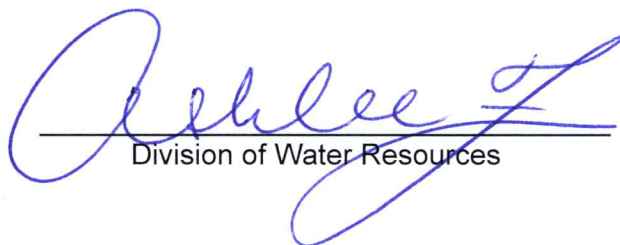
On this 27 day of October, 2021, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 15,020 dated, 18 October 2021 was mailed postage prepaid, first class, US mail to the following:

DILLON M. THOMPSON
4626 NW 48 RD
HALSTEAD, KS 67056

With photocopies sent to:

JOHN E THOMPSON REV TRUST
ROBIN NIEDEREE TRUSTEE
156 NE 20TH AVE
GREAT BEND, KS 67530

Stafford Field Office
Groundwater Management District No. 5


Division of Water Resources