

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

WATER RESOURCES  
RECEIVED

JAN 24 2022

1:30pm

KS DEPT OF AGRICULTURE



State of Kansas

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**

*Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

Place of Use

(Check one or more)  Point of Diversion

Use Made of Water

File No. 35624

2. Name of applicant: Richard Rugan

Address: 894 NE 100 AVE

City, State and Zip: Claflin, KS 67525

Phone Number: (620)786-0934 E-mail address: rrugan@hbcomm.net

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Richard Rugan

Address: 894 NE 100 AVE

City, State and Zip: Claflin, KS 67525

Phone Number: (620) 786-0934 E-mail address: rrugan@hbcomm.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): We are proposing to change the place of use to allow the existing pivot authorized by this file to swing all the way around. We have purchased the South 40 acres in the NE 1/4. With this application we have also filed a new application per the new GMD#5 rule 5-25-22 that will allow us to move 60 AF from 18267-D3 to this existing well so we will have a "reasonable" quantity on the entire acreage.

The change(s) (will be) completed as soon as approved. There are no changes to the existing pivot, just swing all the way around.  
(Date)

For Office Use Only:															
F.O. Code	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>IRR</u>	Source	<u>G / S</u>	County	<u>SF</u>	By	<u>BMM</u>	Date	<u>1/24/22</u>
Fee \$	<u>200</u>	TR #		Receipt Date	<u>1/24/22</u>	Check #	<u>9093</u>								

1/26/2022  
L Meedy

4. The presently authorized place of use is:

Owner of Land — NAME: R & J FAMILY FARMS LP

ADDRESS: 894 NE 100 AVE, CLAFLIN, KS 67525

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	21S	14W	39	40	20	20													119

List any other water rights that cover this place of use. none

Owner of Land — NAME: --

ADDRESS: --

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

(If there are more than two landowners, attach additional sheets as necessary.)

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

Owner of Land — NAME: R & J FAMILY FARMS LP (Richard must provide new ownership info for south 40 acres of NE¼ )

ADDRESS: 894 NE 100 AVE, CLAFLIN, KS 67525

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	21S	14W	33.5	33.5	33.5	33.5													134

List any other water rights that cover this place of use. pending new application, Appropriation No.

Owner of Land — NAME: --

ADDRESS: --

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

JAN 24 2022

File No. 35624

6. The presently authorized point(s) of diversion is 1 well, 1 pump, 1 motor, ect  
(Provide description and number of points)
7. The proposed point(s) of diversion is no change  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
One in the -- Quarter of the -- Quarter of the NC NE Quarter  
of Section 27, Township 21 South, Range 14 (W),  
in Stafford County, Kansas, 3913 feet North 1362 feet West of Southeast corner of section.  
Authorized Rate 905 GPM Authorized Quantity 135 acre-feet  
(DWR use only: Computer ID No. 3 GPS -- feet North -- feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point pending No. \_\_\_\_\_

9. **Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES  
RECEIVED

JAN 24 2022 File No. 35624

12. The presently authorized use of water is for Irrigation ~~KS DEPT OF REVENUE~~ purposes.  
It is proposed that the use be changed to no change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
We are increasing the number of acres to be irrigated from 119 to 134. The 134 acres will all be under the existing pivot.  
We have purchased water previously authorized by 18267, have divided that file, and will use water under the D3 portion to increase the place of use and maintain a "reasonable" amount of water on the authorized acres. If the new application is approved as filed, we will have 195 AF on 134 acres which is reasonable for SF County.
- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (- c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- If a change in the location of the point(s) of diversion is proposed, show:
    - The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
    - If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
    - If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
  - If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.  
Not exclusive to this change, but see additional work from GMD#5 or DWR to ensure that nearby water rights and wells will not be impacted by the additional 60 AF on the pending new application. That should all be evaluated under the normal processing for the new application based on GMD#5 regulation 5-25-22.
18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.  
This app must be processed with the new application related to 18267-D3. The change in place of use can only be allowed because the pending new application is providing additional water that makes this place of use "reasonable" from an AF/acre standpoint. If the new app is denied, this application should be denied also.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

JAN 24 2022 File No. 35624

Any use of water that is not as authorized by the water right or permit to authorize water, before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Stafford, Kansas, this 21<sup>st</sup> day of January, 2022.

[Signature]  
(Owner)

Richard Rujan  
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

[Signature]  
(Spouse)

Janel Rujan  
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }  
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21<sup>st</sup> day of January, 2022



My Commission Expires \_\_\_\_\_

[Signature]  
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less . . . . . \$100
- (2) Application to change a point of diversion more than 300 feet . . . . . \$200
- (3) Application to change the place of use . . . . . \$200
- (4) Application to change the use made of the water . . . . . \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

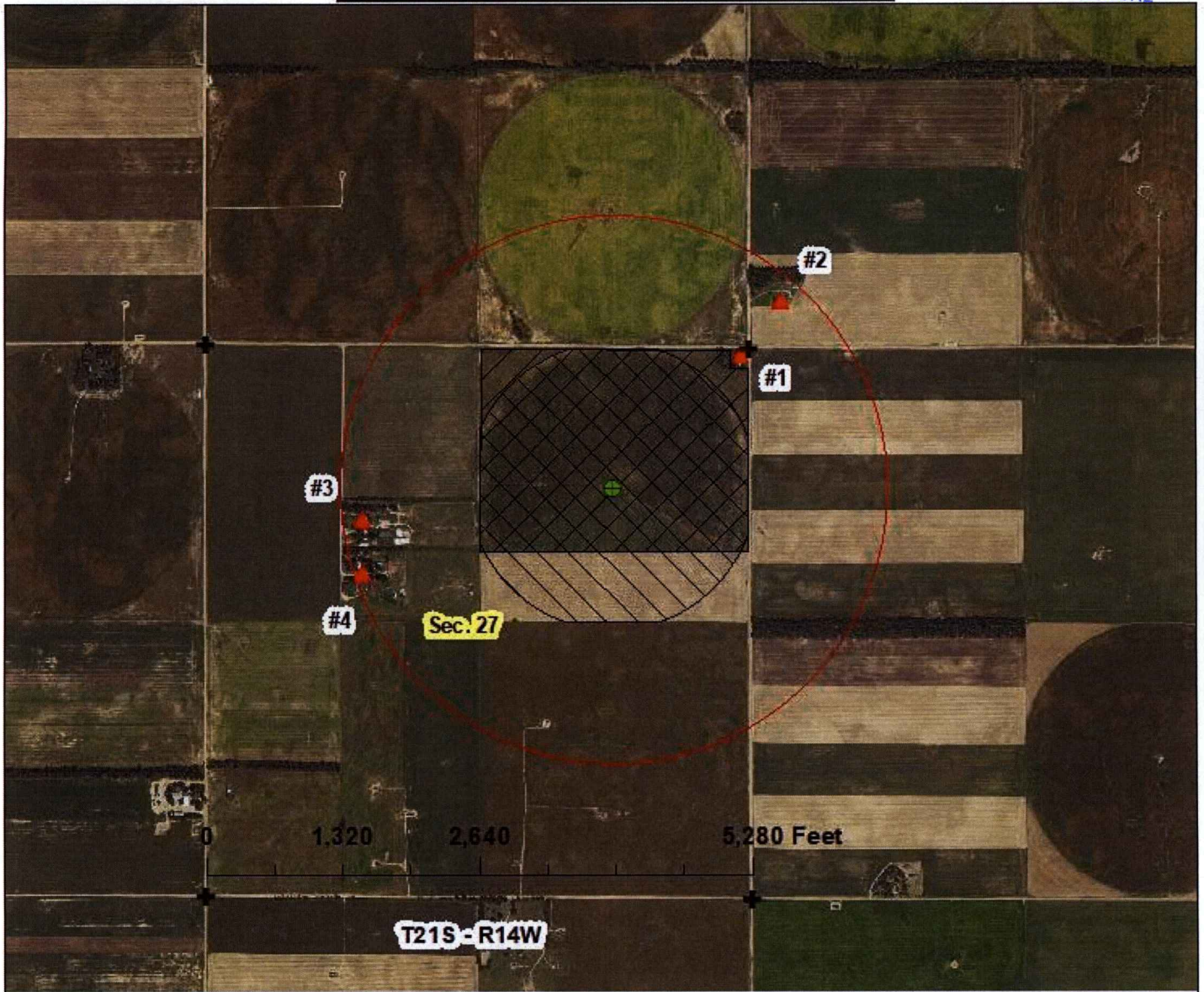
JAN 24 2022

**Application for Change in Place of Use Map**

**File No. 35624**

**Section 27-21S-14W in Stafford County**

KS DEPT OF AGRICULTURE



- point of diversion (3913'N & 1362'W) overlap in p/u with pending Appropriation No. \_\_\_\_\_
- currently authorized 119 acres (no overlaps)
- proposed p/u covering 134 acres, this is an overlap in p/u with pending Appropriation No. \_\_\_\_\_
- 1/2 mile circle around well
- nearby wells w/in 1/2 mile
- section corners

-- nearby well owners --

- #1 domestic: Sherry Fleming  
6309 E Rockcreek RD, Norman OK 73026
- #2 domestic: James & Karolyn Van Winkle REV Trust  
18264 111th Road, Winfield, KS 67156
- #3 domestic: Richard Lee Devine  
574 NW 170th ST, St. John, KS 67576
- #4 domestic: Edward A & Bettina A Devine  
576 NW 170th ST, St. John, KS 67576



*By signing below I agree that nearby well owners are shown on the map.*

signature  date 1-21-22

1 inch = 1,500 feet

map created on 1/20/22 scale 1:18,000

WATER RESOURCES  
RECEIVED

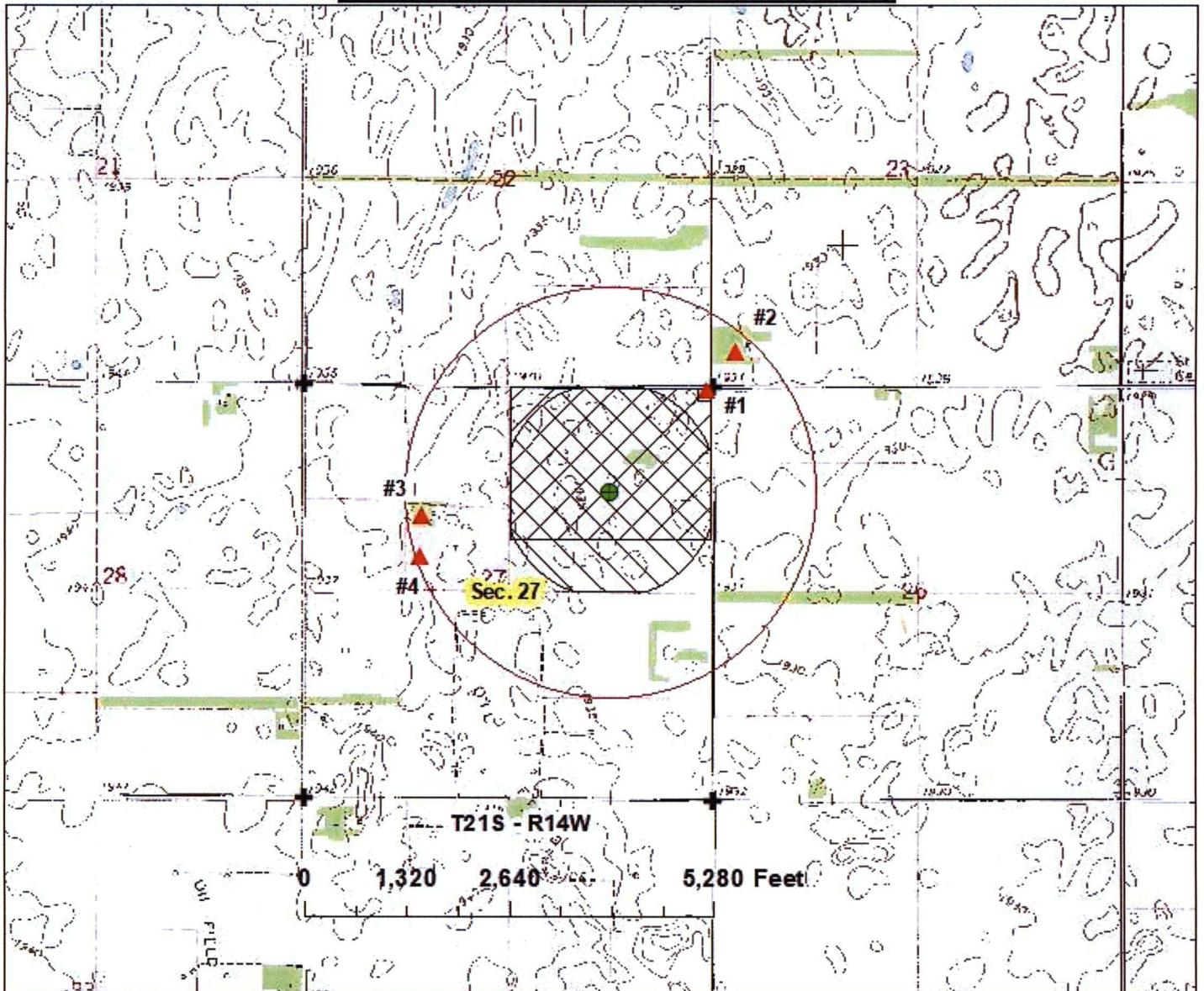
JAN 24 2022







KS DEPT OF AGRICULTURE

**Application for Change in Place of Use Map**

**File No. 35624**

**Section 27-21S-14W in Stafford County**



-  point of diversion (3913'N & 1362'W)  
overlap in p/d with pending Appropriation No. \_\_\_\_\_
-  currently authorized 119 acres (no overlaps)
-  proposed p/u covering 134 acres, this is an  
overlap in p/u with pending Appropriation No. \_\_\_\_\_
-  1/2 mile circle around well
-  nearby wells w/in 1/2 mile
-  section corners

-- nearby well owners --

#1 domestic: Sherry Fleming  
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#3 domestic: Richard Lee Devine  
574 NW 170th ST, St. John, KS 67576

#4 domestic: Edward A & Bettina A Devine  
576 NW 170th ST, St. John, KS 67576



*By signing below I agree that nearby well owners are shown on the map.*

signature  date 1-21-22

1 inch = 2,000 feet

map created on 1/20/22 scale 1:24,000



There is a new app,  
a change in p/u  
app, & a voluntary  
dismissal. This needs  
worked as a package.

2 checks included  
totaling \$500 (300 + 200).

Call Cameron if you  
have ?'s.

Kristen, I am hoping  
we can zip this  
one up to catch up  
w/ file 50613 since  
it is the same type  
of application & moving  
a lot from near  
Rattlesnake Cam

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

February 7, 2022

RICHARD RUGAN  
894 NE 100 AVE  
CLAFLIN KS 67525

RE: File No(s). **35624**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Baum".

Kristen Baum  
New Applications and Changes Supervisor  
Water Appropriation Program