

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PU WORKSHEET & ORDER IN THE MATTER OF THE PD

1. File Number: 36856	2. Status Change Date: 3/3/2022	3. Change Num: C1	4. Field Office: 02	5. GMD: 02
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: 10/26/2020
8a. Applicant(s) New to system <input type="checkbox"/> HARRISON FARMS LIMITED JOHN & JANE HARRISON 11014 W 95TH AVE NICKERSON, KS 67561-9008		Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> HARRISON FAMILY TRUST 11014 W 95TH AVE NICKERSON, KS 67561-9008	
8b. Landowner(s) New to system <input type="checkbox"/> HARRISON FARMS LIMITED 11014 W 95TH AVE NICKERSON, KS 67561-90		Person ID 7057 Add Seq# 1	8d. WUC New to system <input type="checkbox"/> 8b	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/22 <input type="checkbox"/> N & P Date to Comply: 12/31/22				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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: 2/28/2022 By: li Date Entered: 3/3/2022 By: L Moody				

File No. **36856** 11. County: **RENO** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: **190** Special Use:

12. Points of Diversion										Rate and Quantity					
CHK										Authorized		Additional		Overlap PD Files	
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm		Quantity af
MOD			41851 NC NW	11	22	7W	3	3914	3970	GPS UPDATE	1000	141	1000	141	13322

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) **NONE 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		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					
ENT				9703	2	22	7W	1						40.0	35.5	27.5	28.5									131.5	8b	NO	13322	
MOD				38682	11	22	7W	5						40.0	37.5											77.5	8b	NO	13322	
MOD				33454	11	22	7	4								40.0									40.0	8c	Y	NO	13322	

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: Files

DATE: March 1, 2022

FROM: Leslie Ireland

RE: Water Right
File Nos. 13,322 & 36,856

John "Mike" and June Harrison on behalf of Harrison Farms Limited and Harrison Family Trust, have requested to change the point of diversion authorized for irrigation use under File No. 13,322 and place of use under both of the referenced files. The applications were received on November 4, 2020. These applications for change are in the Cow Creek Basin. The point of diversion change proposes to add an **additional well** and will be processed under K.A.R. 5-5-16. The changes are due to highway construction in the area. A Kansas Department of Transportation Contract for Conveyance of Real Estate by Grant of Permanent Easement was submitted to show they had no claim on the water right.

The referenced water rights are not considered to be abandoned as per K.S.A. 82a-718 and also appear to be in compliance with K.S.A. 82a-732. Notification of nearby well owners per K.S.A. 82a-1906 resulted in no comments. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*.

File No. 13,322 is authorized 875 gallons per minute to divert 232.5 acre-feet from the well located near the center of the Southwest Quarter (SW $\frac{1}{4}$), approximately 1,32 feet North and 3,960 feet West of the Southeast corner of Section 2, Township 22 South, Range 7 West, Reno County. The place of use is 155 acres located as same as the well. The feet distances will be updated to 1,329 feet North and 3,985 feet West for a GPS update.

File No. 36,856 is authorized 1,000 gallons per minute to divert 141 acre-feet from the well located near the center of the Northwest Quarter (NW $\frac{1}{4}$), approximately 3,910 feet North and 3,960 feet West of the Southeast corner of Section 11, Township 22 South, Range 7 West, Reno County. The place of use is 94 acres located as same as the well.

These files are not located within a special use area but are within the boundaries of the Equus Beds Groundwater Management District No. 2. Both wells are authorized at their originally permitted location and each the place of use between the two files overlapped prior to 1996.

The application for change in point of diversion proposes to add the well authorized under File No. 36,856 to File No. 13,322, as the additional well by shifting 65 gallons per minute to divert 82 acre-feet to the well under File No. 36,856. The WRIS database indicates these wells to be approximately 2,702 feet apart due to the highway construction and the restriction of water lines to be completed under the roadway. A **waiver of K.A.R. 5-22-8(a)(1)** has been requested. The authorized and proposed existing additional well have not had their source of supply determined.

The well under File No. 13,322 has a routine reported depth of approximately 40 feet and a static water level ranging from 12 to 14 feet. There was one reported depth of 50 feet and the original application stated a depth of 50 feet. No well log of this well was found in the file or on the KGS WWC-5 website. The closest well, approximately 1,300 to the Southwest, well log listed a depth of approximately 53 feet had a mixture of gravel and sands.

The proposed well under File No. 36,856, has a reported depth of approximately 50 to 52 feet and a general static water level of 10 feet. At the authorized location of File No. 36,856 in Section 11, a KGS WWC-5 database referenced a 1984 log of a well completed to a depth of 52 feet and having a static water level of 7.5 feet with a 30 inch bore diameter completed by Clark Well & Equipment Incorporated listed sands and gravels with a tan clay.

The KGS Bulletin No. 120, Reno County, indicates the source of supply in this area to be the Terrace Deposits formation of the Equus Beds (Code 190). It appears the requirements of K.A.R. 5-5-16(b) have been met and that the existing and proposed are in the same source of supply.

The applicant worked Matt Meier, ES, Stafford Field Office, for the needed rate test. The well under File No. 13,322, located near the center of the Southwest Quarter of Section 2, Township 22, Range 7 West, was utilized for the required flow rate testing per part(a)(3)(A) of K.A.R. 5-5-16. The April 28, 2021 completed flow rate test yielded an average rate of 912.18 gallons per minute (gpm) with a 1.04 percent error. The tested rate will not require the 875 gpm authorized to be reduced. The owner agreed to reassign the authorized quantity retaining 810 gallons per minute at the currently authorized and tested well and assign 65 gpm to the proposed additional well authorized under File No. 36,856, located near the center of the Northwest Quarter of Section 11, Township 22, Range 7 West. The proposed 25 gpm was not sufficient to divert the the proposed quantity which in Part 9 of the application was listed as 82 AF.

In 2014, the base acres or maximum acres in this case were determined under File No. 13,322 to be 155 acres, but this was after a reduction in acres. Upon further review it was determined by Brent Turney, Change Unit Supervisor the "maximum acres during the perfection period, in this case 255 acres, should be used for the determination of quantity per the additional well regulation. Utilizing this value for the determination of the quantity for the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i):

$$255 \text{ acres} \times 1.15 \text{ (80\%NIR for Reno Co)} \div 0.85 = 345 \text{ acre-feet.}$$

The authorized quantity of 232 acre-feet would not be required to be reduced. The quantities listed in Parts 8 & 9 of the application 127.7 and 82 AF total 209.7AF, the currently authorized quantity per the 2014 reduction. Upon further review the application map listed a quantity of 135 AF to be retained and 97.5 AF to be assigned to the additional well. Discussing this with Mike Harrison he agreed to the modification of the quantities as shown on the map. The reassigned rate of 65 gpm is sufficient to divert the 97.5 AF in one years' time.

In summary the proposed additional well located near the center of the Northwest Quarter (NC NW $\frac{1}{4}$) of Section 11, to be authorized 65 gpm to divert 97.5 AF under File No. 13,322, with this well currently authorized 141 AF by File No. 36,856, the well will divert a combined total of 232.5 AF. The currently authorized well located near the center of the Southwest Quarter (NC SW $\frac{1}{4}$) of Section 2, will be authorized 375 gpm to divert 175 AF.

As the proposed highway will dissect the place of use and points of diversion and a pipeline between the wells is not an option the quantity per place of use was reviewed. The proposed 249 acres will be split with the North well will authorize 135 AF and the South well will authorize a combined 238.5 AF, together the total 373.5 AF provides 1.5 AF per acre to the place of use. The South well appears to have approximately 159 acres (1.5 AF/A) and the North well approximately 90 acres(1.5 AF/A) and the quantity assignment per well appears to be reasonable per K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right.*

Review of the one-half ($\frac{1}{2}$) mile area around each proposed existing well found ten domestic wells and four irrigation wells, with the irrigation wells all approximately 2,640 feet from each proposed well. The notification of all well owners in the area resulted in no comments. The well to well spacing per K.A.R. 5-22-2, *Well spacing requirements*, has been met to all wells.

In a letter dated February 25, 2022, Tim Boese, Manager, Equus Beds Groundwater Management District No. 3, indicated the Board recommended approval with the requested waiver of K.A.R. 5- 22-8(a)(1).

Jeff Lanterman, Water Commissioner of the Stafford Field Office was notified of the proposed change and has reviewed the summary memo. He indicated by E-mail of March 2, 2022, that he has no objection to the approval of the proposed change in point of diversion and place of use under the referenced files.

A water flow meter will be required on each well as per K.A.R. 5-5-16(e) and a check valve is required if any chemical or foreign substance is injected through the diversion works. As per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that should direct impairment result the additional well will have the priority date of the date the application under File No. 13,322 for change was received in the office of the Chief Engineer, November 4, 2020, and contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

Based on the above discussion that the changes are reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of the proposed changes that are not the applicants, that there is no change in the source of supply, it is recommended that the applications for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Lanterman, Jeff [KDA]
Sent: Wed 3/2/2022 10:25 AM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: Review and Recommendation File Nos. 13322 & 36856

Leslie. I was present on the phone at the board meeting when this was reviewed. Plus I was kind of involved talking to Mike on the changes.

I think this is OK to approve as is. Hopefully we are getting close to the end for the hiway projects!

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, March 1, 2022 3:49 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review and Recommendation File Nos. 13322 & 36856

Good afternoon,

The short summary is PU changes to overlap the places of use comply with 5-5-11(b).

The PD change under File No. 13322 proposes an additional well that will overlap with the well under File No. 36856

The proposed additional well does not meet K.A.R. 5- 22-8(a)(1) but meets all other w2w spacing and no comments from nearbys. Waiver attached as GMD OK'd,, but think you know all of this per your involvement.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



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
AND
ORDER IN THE MATTER OF THE LOCATION OF THE POINT OF DIVERSION
WATER RIGHT
FILE NO. 36,856**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John and Jane Harrison on behalf of Harrison Farms Limited and the Harrison Family Trust, 11014 West 95th Avenue, Nickerson, Kansas 67561-9008, received in this office on October 26, 2020, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which the authorized location of the irrigation place of use shall be:

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	
2	22S	7W																	131.5
11	22S	7W					40.0	37.5		40.0									117.5

a total of 249 acres in Sections 2 and 11, in Township 22 South, Range 7 West, Reno County, Kansas, and

the location of the authorized point of diversion is better described as:

one (1) well located near the center of the Northwest Quarter (NW¼) Section 11, more particularly described as being near a point 3,914 feet North and 3,970 feet West of the Southeast corner of said section, in Township 22 South, Range 7 West, Reno County, Kansas,

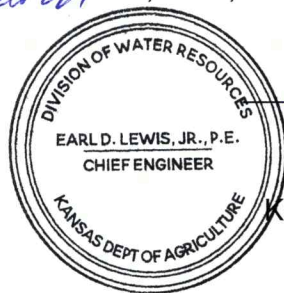
located substantially as shown on the topographic map accompanying the application to change the place of use.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 36,856, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 22, 1995.

Ordered this 3rd day of March, 2022, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 3 day of March 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, 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
- 3)

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 of , 2022, I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Location of the Point of Diversion, File No. 36,856, dated was mailed postage prepaid, first class, US mail to the following:

HARRISON FARMS LIMITED
11014 W 95TH AVE
NICKERSON, KS 67561-9008

With a Photocopy to:

Stafford Field Office
Groundwater Management District No. 2

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

March 8, 2022

HARRISON FARMS LIMITED
JOHN & JANE HARRISON
11014 W 95TH AVE
NICKERSON, KS 67561-9008

RE: Water Right, File Nos. 13,322 & 36,856

Dear Mr. and Mrs. Harrison:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced 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 acceptable water flowmeter must be installed on the diversion works authorized. *Notification of the Completion of the Diversion Works and Report of Flowmeter Installation*, prior to December 31, 2022.

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

The change approval under File No. 13,322, is adding the additional point of diversion located near the center of the Northwest Quarter (NW¹/₄) of Section 11, therefor it is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the portion of the additional well shall be considered to have the priority of the date the application was filed (November 4, 2020).

If you have any questions, please contact Jeff Lanterman, Water Commissioner, Stafford Field Office at (620) 234-5311. 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
Division of Water Resources

KAB:LI:li
Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2

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
- 3)

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 8 day of March, 2022, I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Location of the Point of Diversion, File No. 36,856, dated 3 March, 2022 was mailed postage prepaid, first class, US mail to the following:

HARRISON FARMS LIMITED
11014 W 95TH AVE
NICKERSON, KS 67561-9008

With a Photocopy to:

Stafford Field Office
Groundwater Management District No. 2


Division of Water Resources