

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

1. File Number: 37985	2. Status Change Date: 12/21/2022	3. Change Num: C2	4. Field Office: 02	5. GMD:
---------------------------------	---	-----------------------------	-------------------------------	---------

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: 4/7/2022
--	--

8a. Applicant(s) & LANDOWNER Person ID <u>1489</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> JOHN E BOCK TRUST 1010 S PETERS ST KINGMAN, KS 67068	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
--	--

8b. Landowner(s) Person ID <u>25349</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> BOCK LAKESIDE FARMS INC 845 W 8TH AVE KINGMAN, KS 67068-8610	8d. WUC Person ID <u>25439</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> BOCK LAKESIDE FARMS INC 845 W 8TH AVE KINGMAN, KS 67068-8610
---	--

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2023** Date to Comply: **12/31/2023**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter
 Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

WAIVER INCLUDED	12/20/2022 LIreland	Date Prepared: 11/23/22 By: LI Date Entered: 1/10/2023 By: LMoody
------------------------	------------------------	---

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 37985

FO: 2

GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	4/7/22	50	Statewide	Battery of Wells	Conversion to a Battery
Rule Number	Date Granted	Date Denied	Justification:	The wells under File No. 37,985 & 37,986 meet the definition of a battery. The time to complete has expired, but the two rights that will create the battery were the last two rights approved, but the area is fully appropriated and a new application could not be approved. The wells are not physically moving and are only approximately 290 feet apart.	
K.A.R. 5-2-3	12/21/22				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 11/29/22 By LI

Date Entered 1/10/2023 By LMoody

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** November 29, 2022
FROM: Leslie Ireland **RE:** Water Right
File Nos. 37,985 & 37,986

John E. Bock as Trustee and on behalf of Bock Lakeside Farms Inc., owner of the referenced rights filed applications for approval to change the point of diversion authorized for irrigation use. The applications were received in the office of the Chief Engineer on April 7, 2022. The applications are proposing to convert the single well authorized by each file to battery of wells.

File No. 37,986 has a history of non-use that is summarized in the October 26, 2021, Memo by Cameron Conant, Assistant Water Commissioner, Stafford Field Office. It appears the small quantity authorized by this file has not been needed and could be readily put into operation. It would appear the file is in compliance with K.S.A. 82a-718. The applications for change appear to comply with K.A.R. 5-5-2a, *Complete change application*. K.S.A. 82a-1906 notification does not appear to be needed as the distance of the move is less than 300 feet, additionally there does not appear to be any wells within one-half mile of the wells.

The referenced files are certified with File No. 37,986 limited to 203 acre-feet with File No. 37,985, both irrigating the same 135 acres in the Southeast Quarter (SE $\frac{1}{4}$) of Section 28, Township 27, Range 8 West, (28-27-8W) Kingman County.

File No. 37,985, is authorized 160 acre-feet (AF) at 800 gallons per minute (gpm) from the well authorized as being near the center of the Southeast Quarter (NC SE $\frac{1}{4}$) approximately 1,329 feet North and 1,328 feet West (GPS corrected to 1,318 feet North and 1,339 feet West) of the Southeast corner of (28-27-8W).

File No. 37,986, is authorized 80 acre-feet (AF) at 400 gallons per minute (gpm) from the well authorized as being in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) approximately 1,315 feet North and 1,070 feet West (GPS corrected to 1,322 feet North and 1,079 feet West (NC SE $\frac{1}{4}$)) of the Southeast corner of (28-27-8W).

The proposed geographic center of the battery of two(2) wells is paper only to create a geocenter point located near the center of the Southeast Quarter (NC SE $\frac{1}{4}$) approximately 1,320 feet North and 1,328 feet West of the Southeast corner of (28-27-8W), a distance of approximately 260 feet from the wells. The local source of supply will remain as authorized by each well.

There are only the wells authorized by the referenced files in the area and the requested change to operate as a battery would appear to comply with K.A.R. 5-5-4, *Well Spacing*.

The location and the operational rate of 800 gallons per minute under File No. 37,985 and by adding a rate limitation of not to exceed 800 gallons per minute under File No. 37,986, the wells meet the definition of a battery K.A.R. 5-1-1. *Definitions*. However, it appears this area is closed to new appropriations per the filing of the applications for change by DWR staff. A **waiver of K.A.R. 5-2-3, *Battery of wells*** has requested by the owner. The justification for the waiver would seem the wells have operated as a battery and predate K.A.R. 5-2-3. Additionally at the time of filing for the original permit the rate under the junior file may have been thought to be needed but appears the system can operate at 800 gpm.

Jeff Lanterman, Water Commissioner, Stafford Field Office recommended approval of the referenced applications in his e-mail dated November 29, 2022. He requested the requirement of a single meter be addressed in the transmittal to facilitate the correct metering.

A condition of the approvals will be the requirement of a flowmeter pursuant to K.S.A. 82a-706c. A check valve will be required if chemigation occurs. A water level measurement tubes will not be a condition of the approvals. Well logs will not be a condition of the approvals.

Based on the above discussion, that the waiver of the rule to create a battery for the requested conversion is approved, the changes appear reasonable, impairment of existing water rights unlikely, that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Lanterman, Jeff [KDA]
Sent: Tue 11/29/2022 4:40 PM
To: Ireland, Leslie [KDA];Conant, Cameron [KDA]
Subject: RE: Review and Recommendation Change in PD, File Nos. 37985 & 37986 Bock

Leslie.

I recommend approval with the rate limitation on 37986 to 800 GPM combined as well as a waiver of 5-2-3.

I think this will make things easier on everyone involved. Be sure and note that a new meter requirement is in play and that only a single meter is required for the battery.

Hopefully he calls the field office with regard to the meter requirement and we can tell him only one meter is required. Or maybe something in the approval transmitter letter. Just makes things easier for all involved if they just report one meter.

Thanks
Jeff

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, November 29, 2022 11:18 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review and Recommendation Change in PD, File Nos. 37985 & 37986 Bock

Please let me know if you would recommend these changes to create a battery of wells from the sole well under each file.

A waiver of 5-2-3 has been requested by the owner.

As always comments and concerns are welcome.

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

WAIVER OF REGULATION K.A.R. 5-2-3

Date: December 21, 2022

RE: Water Right, File Nos. 37,985 & 37,986

1. That K.A.R. 5-2-3 (b) (2) states that once the time to complete the diversion works has expired, a change in point of diversion to create a battery of wells must meet the criteria for a new application to appropriate water, such as safe yield, allowable appropriation for a new well at that location or specific regulation adopted by a groundwater management district.
2. That the applications to change the point of diversion, received April 7, 2022, for the referenced files request that the two (2) existing wells be authorized to operate as a single battery comprised of two (2) wells as they meet the definition of a battery, serve the same place of use through a common irrigation system, and were the last two rights approved in the area that is now closed.
3. That the existing wells are located 290 feet apart and approval will allow the instillation of a meter and improved efficiency in the operation of the wells. The junior file will remain limited in quantity and will have a limitation on the rate not to exceed 800 gallons per minute with the senior file.
4. Approval will afford improved operation, a sole meter and better record keeping.
5. The area Water Commissioner has reviewed the applications and recommends their approval.
6. That because no new wells will be drilled, the change to a battery of two (2) existing wells under each of the files will remain in the same local source of supply, it should not impair any existing water rights, nor shall the changes adversely affect the public interest.

Comments:



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

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. 37,985

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ken L. Bock on behalf of John E. Bock Trust 1010 S. Peters Street, Kingman, Kansas 67068 and Bock Lakeside Farms Inc., 845 W. 8th Avenue, Kingman, Kansas 67068-8610, received in this office on April 7, 2022, for approval of a change in the location of 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 December 12, 2012, approving the application to change the authorized point of diversion, 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 change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion authorized shall be:

a battery of two (2) wells with a geographic center located near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 1,320 feet North and 1,209 feet West of the Southeast corner of said section, in Township 27 South, Range 8 West, Kingman County, Kansas, at a diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.) and a quantity of water not to exceed 160 acre-feet per calendar year,

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

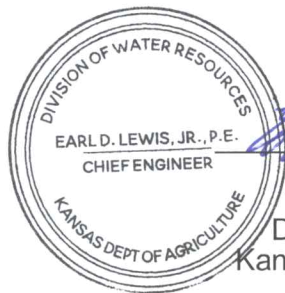
The battery of wells authorized herein shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

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.

Installation of the works for diversion of water shall be completed on or before December 31, 2023, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when the required meter has been installed and the diversion works are completed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 37,985, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 15, 1996, as modified and amended by the aforementioned order.

Ordered this 21st day of December, 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 21st day of December 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
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

January 11, 2023

JOHN E BOCK TRUST & BOCK LAKESIDE FARMS INC
KEN L BOCK
845 W. 8TH AVE
KINGMAN, KS 67068-8610

RE: Water Right, File Nos. 37,985 & 37,986

Dear Mr. Bock:

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. Please be reminded the authorized quantity of water remains limited to 164 acre-feet per calendar year at a maximum rate of 800 gallons per minute.

A condition of the approvals is that a water flow meter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. It appears only a single meter is required for the battery. Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter*, as soon as this action is completed. The Notice of Completion form may be found online at www.agriculture.ks.gov, Water Appropriation Forms, there is no fee for the notification of completion.

Please contact Jeff Lanterman, Water Commissioner at the Stafford Field Office, 620-234-5311 to assure proper metering.

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

If you have any questions regarding the enclosed documents, please our office at 785-564-6640, please have a 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:li
Enclosures
pc: Stafford Field Office

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 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, 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 11 day of January, 2023 I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, for File Nos. 37,985 & 37,986, dated December 21 2022, were mailed postage prepaid, first class, US mail to the following:

JOHN E BOCK TRUST & BOCK LAKESIDE FARMS INC
KEN L BOCK
845 W. 8TH AVE
KINGMAN, KS 67068-8610

With photocopies to:

Stafford Field Office



Staff