

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 46316	2. Status Change Date: 4/7/2022	3. Change Num: C1	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:
--	---------------------------

8a. Applicant(s) Person ID <u>65911</u> New to system <input type="checkbox"/> Add Seq# _____ CHRIS BOYD 12001 NW SPRING CREEK RD MEDICINE LODGE KS 67104	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
---	---

8b. Landowner(s) Person ID <u>65912</u> New to system <input type="checkbox"/> Add Seq# _____ CALVIN E & CARLA J BOYD REV TRUST 12001 NW SPRING CREEK RD MEDICINE LODGE KS 67104	8d. WUC Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ <p style="text-align: center; color: red;">8b</p>
--	--

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/22** N & P Date to Comply: **12/31/22**

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: --- _____

Date Prepared: 1/20/22	By: JNE
Date Entered: 4/11/2022	By: LMoody

File No. **46316** 11. County: **BA** Basin: **Medicine Lodge River** Stream: Formation Code: **100** Special Use:

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

CHK	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
CHK	75052	NW NW NE	13	30S	12W	2	5077	2601		800	182	800	182	50516
	72052									805		805		

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 _____

CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
CHK	57403	13	30	12W	2	32.5	32.5	32.5	32.5											130	8b	NO	50516		
CHK	72052	13	30	12W	2									30.0						60	8a 8b	NO	50516		
ENT	70258	12																							

Base Acres: **130** Year: **2018** Minimum Reasonable Quantity: **1.24"**

Comments: 1/21/2022
KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 23, 2021

FROM: Jessica Engelbrecht

RE: Application File No. 50,516
Water Right, File No. 46,316

55.39

Chris Boyd has filed the referenced application File No. 50,516 to appropriate groundwater for irrigation use, requesting one (1) well a quantity of ~~91~~ acre-feet, and a diversion rate of 800 gallons per minute. The proposed well is to be located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 13, more particularly described as a point near 5,077 feet North and 2,601 feet West of the Southeast Quarter of said section, in township 30 South, Range 12 West, Barber County, within the Medicine Lodge River drainage basin. Application File No. 50,516 will be a PD overlap with Water Right, File No. 46,316. The applicant submitted an application to change the Place of Use for Water Right, File No. 46,316. This will create an exact PU overlap of Application File No. 50,516 and Water Right, File No. 46,316.

File No. 46,316 appears to not be abandoned as per K.S.A. 82a-718 and in compliance with K.S.A. 82a-732. As required by K.S.A. 82a-1906, a public notice was published, and letters were sent to nearby well owners. No written comments were received.

Water Right, File No. 46,316, is authorized 805 gallons per minute to divert 182 acre-feet for the irrigation of 130 acres one (1) well in the Medicine Lodge River Basin. The well is described as being located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 13, approximately 5,077 feet North and 2,601 feet West of the Southeast corner of Section 13, Township 30, Range 12 West, Barber County, Kansas.

The new application, File No. 50,516 requested quantity of 91 acre-feet to be diverted at a rate of 800, identified in the application and overlapping with that proposed under File No. 46,316. This is more than the maximum allowable of 1.4 acre-feet per acre for Barber County, Kansas. The safe yield showed only 55.39 acre-feet left for appropriation. The applicant gave permission to change the amount requested on the application from 91 acre-feet to 55.39 acre-feet. The new application's request for 55.39 acre-feet and File No. 46,316 authorized quantity of 182 acre-feet, for a total of ~~237.5~~³⁹ acre-feet or 1.25 acre-feet/acre which is more than the minimum reasonable quantity in Barber County. The application will be limited to 805 gpm when combined with Water Right, File No. 46,316. The new permit complies with K.A.R. 5-3-24, Reasonable quantity for irrigation use in Barber County.

The proposed point of point of diversion for File No. 50,516 was drilled under File No. 46,316 on June 2, 2006. The total well depth is 168 feet. The well's static water level was 70 feet below land surface. Saturated thickness according to the well log is 103 feet. The source of supply is Quaternary sand and gravel beds. The well is located in DUA Unit 21. Regulations for this unit designate 3,135 acre-feet of water per year is available in this area. Upon approval of application File No. 50,516, there will be ~~1,095~~ acre-feet available for appropriation. **in DUA 21.**

1,130.61

The request to add additional acres of new irrigated land appears to comply with Part (b)(6) of K.A.R. 5-5-11, Applications for change in place of use for irrigation purposes, with the determination that new quantity will be available and permitted. The change in the irrigated place of use will also update the irrigated acres to overlap with the permit.

Nearby notification letters were mailed on June 23, 2021. No contact of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (Water Right, File No. 50,145) is located 3745 feet away with common ownership to File Nos. 46,316 and 50,516. The nearest possible domestic well is approximately 5,175 feet away. The proposed point of diversion for the new application meets minimum well spacing to all existing wells. The new application will comply well spacing as per K.A.R. 5-4-4.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced applications on 1/6/2022.

Based on the above discussion, that the permit will be issued, the change should not significantly increase consumptive use, and impairment to existing water rights is unlikely, it is recommended that the new permit be issued and the application for change be approved.

1/21/2022
KJN

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Thursday, January 6, 2022 2:45 PM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 50516/46316

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica

Great job on this one. I thought I was going to get you on MRQ but you reduced the quantity and acres so that blew that theory. Dang it lol.

I would have almost cut the circle based on terrace deposits and the alluvial map. But in order to stay consistent with the past safe yield and how we have worked with him reducing the quantity and place of use I think we go ahead and approve this new application and the changes to 46316. Also the well log depth to water and lithology I would say that they are hydraulically connected with the alluvial valley to the west.

Approve it.
Thanks
Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, December 23, 2021 1:05 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 50516/46316
Importance: High

Jeff,
I've attached the memo and corresponding documents for New Application 50516 with a P/U Change on the senior file 46,316.
This is my first new app/change so I'm sure there's something in there I need to correct lol

Jessica Engelbrecht, Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
(620) 234-6900 Fax
Jessica.engelbrecht@ks.gov
www.agriculture.ks.gov



Base Acre Review

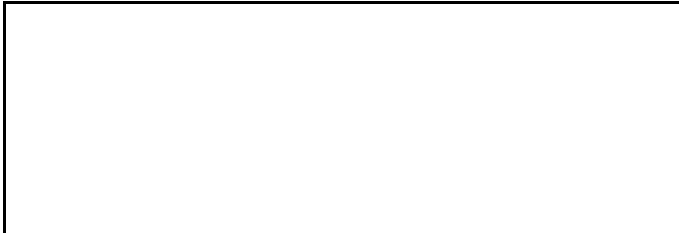
File No. 46,316 13-30S-12W
Barber Co.

Permit Approval Date: 12/6/2005
Permit Acres Authorized: 130

YEAR	ACRES REPORTED
2005	0
2006	126
2007	126
2008	126
2009	126
2010	126
2011	126
2012	126
2013	126
2014	126
2015	126
2016	126
2017	126
2018	130
2019	130
2020	130

Base Acres = 130
Year = 2018

Reviewer: JNE Date: 12/23/2021



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. 46,316

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chris Boyd, 12001 NW Spring Creek Road, Medicine Lodge, Kansas 67104, received in this office on September 30, 2021, 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, 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	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13 30S 12W	32.5	32.5	32.5	32.5													130
12 30S 12W									30			30					60

a total of 190 acres in Township 30 South, Range 12 West, Barber County, Kansas,

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

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 46,316, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 6, 2020.

Ordered this 7 day of April, 2022, in Manhattan, Riley County, Kansas.

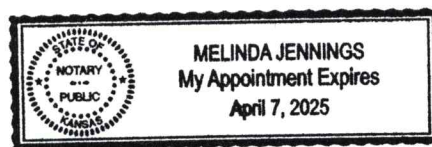
Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 7 day of April, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, 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.

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.

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 day of , 2022, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 46,316, dated 2022, was mailed postage prepaid, first class, US mail to the following:

CALVIN & CARLA BOYD
12001 NW SPRING CREEK RD
MEDICINE LODGE, KS 67104

with photocopies to:

Stafford Field Office

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

April 13, 2022

CHRIS BOYD
12001 NW SPRING CREEK RD
MEDICINE LODGE KS 67104

RE: Water Right, File No. 46,316

Dear Sir:

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 an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

Since this 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, please contact this 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,

Kristen A. Baum
New Applications and Changes Supervisor
Water Appropriation Program

KAB:JE
Enclosure(s)
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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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, 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.

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.

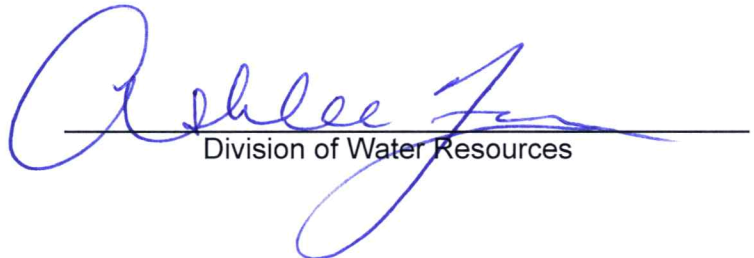
CERTIFICATE OF SERVICE

On this 13 day of April, 2022, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 46,316, dated 13 April 2022, was mailed postage prepaid, first class, US mail to the following:

CALVIN & CARLA BOYD
12001 NW SPRING CREEK RD
MEDICINE LODGE, KS 67104

with photocopies to:

Stafford Field Office


Division of Water Resources