

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

50708

File Number _____
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Richard Rugan
Address: 894 NE 100 AVE
City: Claflin State KS Zip Code 67525
Telephone Number: (620) 786-0934 rrugan@hbcomm.net

2. The source of water is: surface water in -- (stream)
OR groundwater in Arkansas River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 195 (60 additional) acre-feet OR -- gallons per calendar year, to be diverted at a maximum rate of 930 (25 additional) gallons per minute OR -- cubic feet per second.
Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 2 GMD 5 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G S County SF By BMM Date 1/24/22
Code RE2 Fee \$ 300 TR # _____ Receipt Date 1/24/22 Check # 9092

1/26/2022
LMoody

JAN 24 2022

File No. _____

KS DEPT OF AGRICULTURE

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the quarter of the quarter of the NC NE quarter of Section 27, more particularly described as being near a point 3913 feet North and 1362 feet West of the Southeast corner of said section, in Township 21 South, Range 14 West, Stafford County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

R & J FAMILY FARMS LP, 894 NE 100 AVE, CLAFLIN, KS 67525

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on Jan 21, 2022.

Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 well, pump, motor, and pivot (all existing)

(number of wells, pumps or dams, etc.)

and was completed in 1982(see File No. 35624 which is being changed to a complete p/u and p/d overlap with this app).

(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP

(Mo/Day/Year)

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JAN 24 2022 File No. _____

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here -- _____

• If no, explain here why a Water Structures permit is not required -- _____

--

--

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

This new application is a complete p/u and p/d overlap with existing File No. 35624. File No. 35624 has a p/u change pending to make the complete overlap. This new app is being filed pursuant to GMD#5's new regulation K.A.R. 5-25-22. The additional rate (25 GPM) and additional quantity (60 AF) being applied for w/ this application is offset by dismissal of 18267-D3 if this is approved. There will be multiple waivers associated with this application as it does not meet several parts of 5-25-22, no guarantee of approval.

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JAN 24 2022

File No. _____

KS DEPT OF AGRICULTURE

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available. (utilizing the existing well for File No. 35624, it was established in 1982 and re-drilled in 2004)

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph

No.	(A)	(B)	(C)	(D)
Date Drilled	<u>4/14/04</u>	_____	_____	_____
Total depth of well	<u>96'</u>	_____	_____	_____
Depth to water bearing formation	<u>25'</u>	_____	_____	_____
Depth to static water level	<u>23'</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>unknown</u>	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

R & J FAMILY FARMS LP, 894 NE 100 AVE, CLAFLIN, KS 67525
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Stafford, Kansas, this 21st day of January, 2022
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)


(Agent or Officer - Please Print)

Assisted by CRC _____ SFFO/Assistant Water Commissioner Date: 1/20/22
(office/title)

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FEE SCHEDULE

KS DEPT OF AGRICULTURE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

JAN 24 2022

**IRRIGATION USE
SUPPLEMENTAL SHEET**

KS DEPT OF AGRICULTURE

File No. _____

Name of Applicant (Please Print): Richard Rujan

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: R & J FAMILY FARMS LP

ADDRESS: 894 NE 100 AVE, CLAFLIN, KS 67525

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
27	21S	14W	33.5	33.5	33.5	33.5													134

Landowner of Record NAME: --

ADDRESS: --

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: --

ADDRESS: --

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

JAN 24 2022

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

- Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler
 Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 40 psi

(2) What is the sprinkler package design rate? 850 gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Corn, Soybeans, Milo, Wheat

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

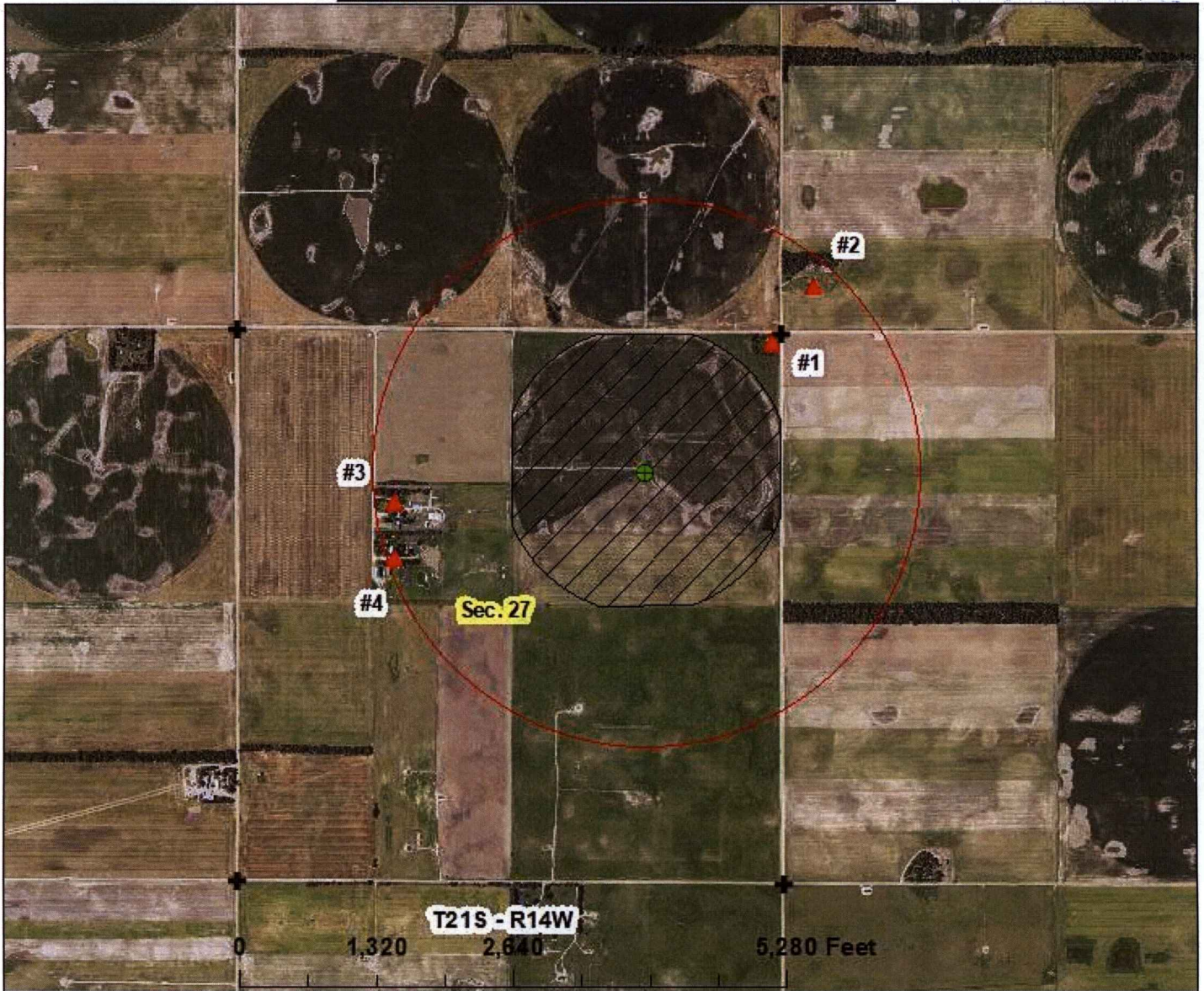
Crop consultant rec.

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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JAN 9 4 2022

New Application Map
Appropriation No.
Section 27-21S-14W in Stafford County



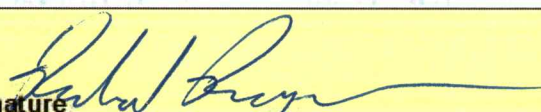
- point of diversion (3913'N & 1362'W)
this is an overlap in p/d with 35624
- proposed p/u covering 134 acres
this is an overlap in p/u with 35624
- 1/2 mile circle around well
- nearby wells w/in 1/2 mile
- section corners

-- 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  1-21-22 date

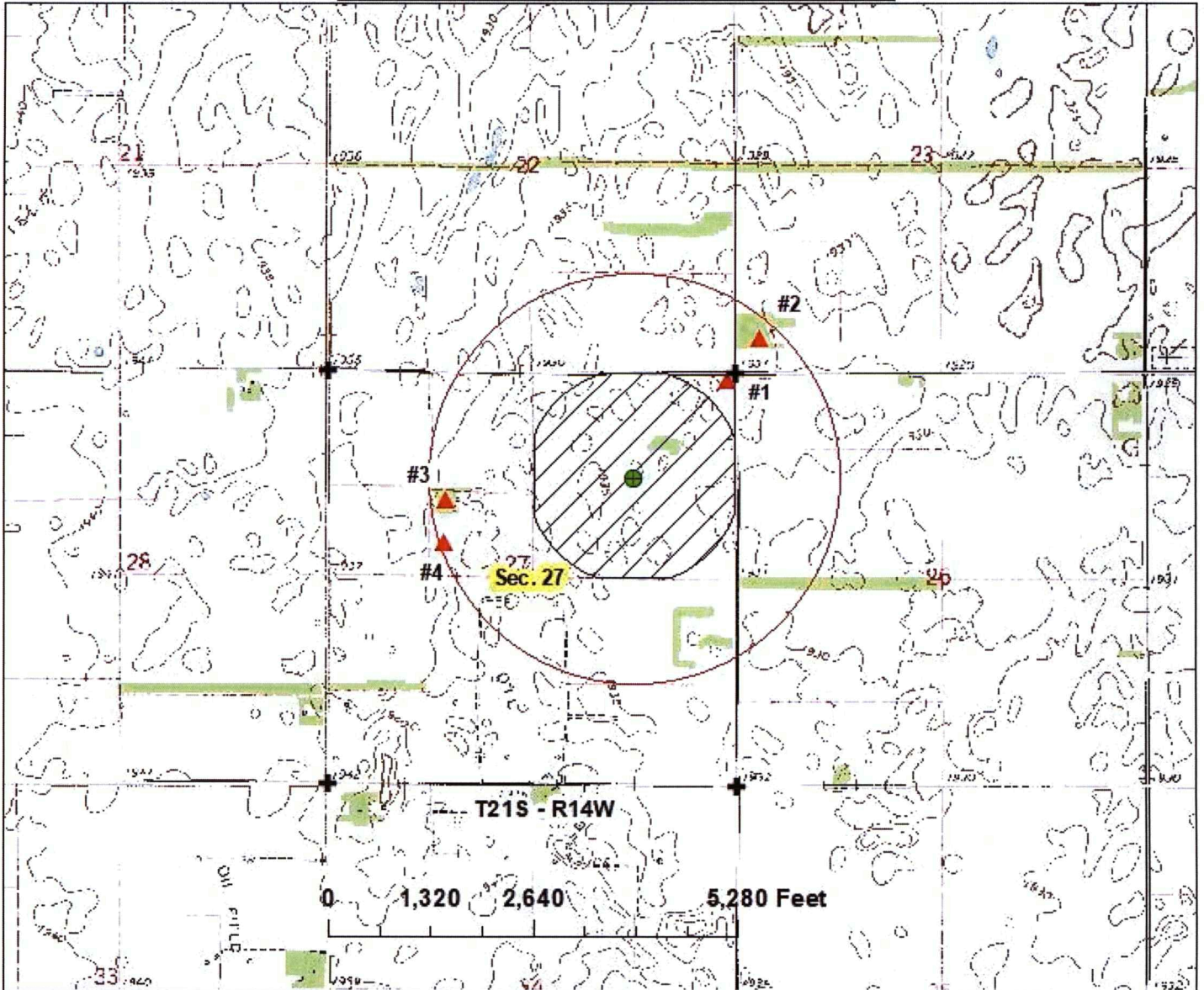
1 inch = 1,500 feet






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

JAN 9 4 2022

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New Application Map
Appropriation No.
Section 27-21S-14W in Stafford County

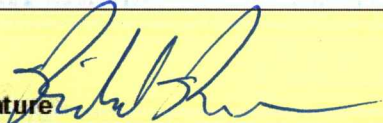


-  point of diversion (3913'N & 1362'W)
this is an overlap in p/d with 35624
-  proposed p/u covering 134 acres
this is an overlap in p/u with 35624
-  1/2 mile circle around well
-  nearby wells w/in 1/2 mile
-  section corners

- 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

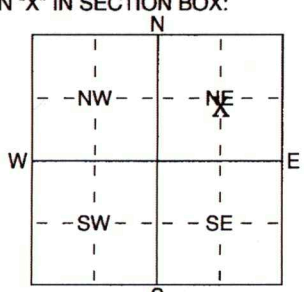
JAN 24 2008
Range Number 14 EW

1 LOCATION OF WATER WELL: Fraction 1/4 N/C 1/4 NE 1/4 Section Number 27 Township Number T 21 S R Range Number 14 EW
County: Stafford

Distance and direction from nearest town or city street address of well if located within city?
1 3/4 North, 2 1/2 West of Seward, Ks.

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2 WATER WELL OWNER: Turner Farms
RR#, St. Address, Box # : P.O. Box 640 Board of Agriculture, Division of Water Resources
City, State, ZIP Code : Great Bend, Ks. 67530 Application Number: 35,624

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:


4 DEPTH OF COMPLETED WELL 96 ft. ELEVATION: _____
 Depth(s) Groundwater Encountered 1 ft. 2 _____ ft. 3 4-14-04 ft.
 WELL'S STATIC WATER LEVEL 23 ft. below land surface measured on mo/day/yr 4-14-04
 Pump test data: Well water was 42 ft. after 2 hours pumping 500 gpm
 Est. Yield 1200 gpm: Well water was 51 ft. after 5 hours pumping 930 gpm
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well _____
 Was a chemical/bacteriological sample submitted to Department? Yes _____ No X; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes HTH No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped _____
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded _____
 7 Fiberglass Threaded _____
 Blank casing diameter 16 in. to 66 ft., Dia _____ in. to _____ ft.
 Casing height above land surface 12 in., weight sch 40 lbs./ft. Wall thickness or gauge No. _____
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless Steel 5 Fiberglass 8 PVC 10 Asbestos-Cement
 2 Brass 4 Galvanized Steel 6 Concrete tile 9 RMP (SR) 11 Other (Specify) _____
 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify) _____ ft.
 SCREEN-PERFORATED INTERVALS: From 96 ft. to 66 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From 96 ft. to 20 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other hole plug
 Grout Intervals: From 20 ft. to 0 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 _____ 13 Insecticide storage None
 Direction from well? _____ How many feet? _____

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	3	Sandy top soil			
3	9	Sandy tan clay			
9	22	Small sand, clay streaks			
22	25	Brown clay			
25	35	Sand & gravel			
35	40	Sand & clay			
40	45 1/2	Sand & gravel			
45 1/2	47	Yellow brown clay			
47	61	Sand & gravel med, loose			
61	62	Brown clay			
62	73 1/2	Sand & gravel med, loose			
73 1/2	75 XXX	Dark green clay			
75	96	Sand & gravel med, loose			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 4-14-04 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's Licence No 134 This Water Well Record was completed on (mo/day/yr) 4-16-04 under the business name of Rosencrantz-Bemis by (signature) [Signature]

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JAN 24 2022

January 21, 2022
(Date)

KS DEPT OF AGRICULTURE

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.


Signature of Applicant

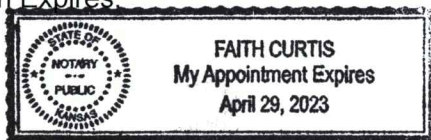
State of Kansas)
County of Stafford) ss

Richard Rusan
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 21st day of January, 2022.


Notary Public

My Commission Expires:



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JAN 24 2022

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

KS DEPT OF AG

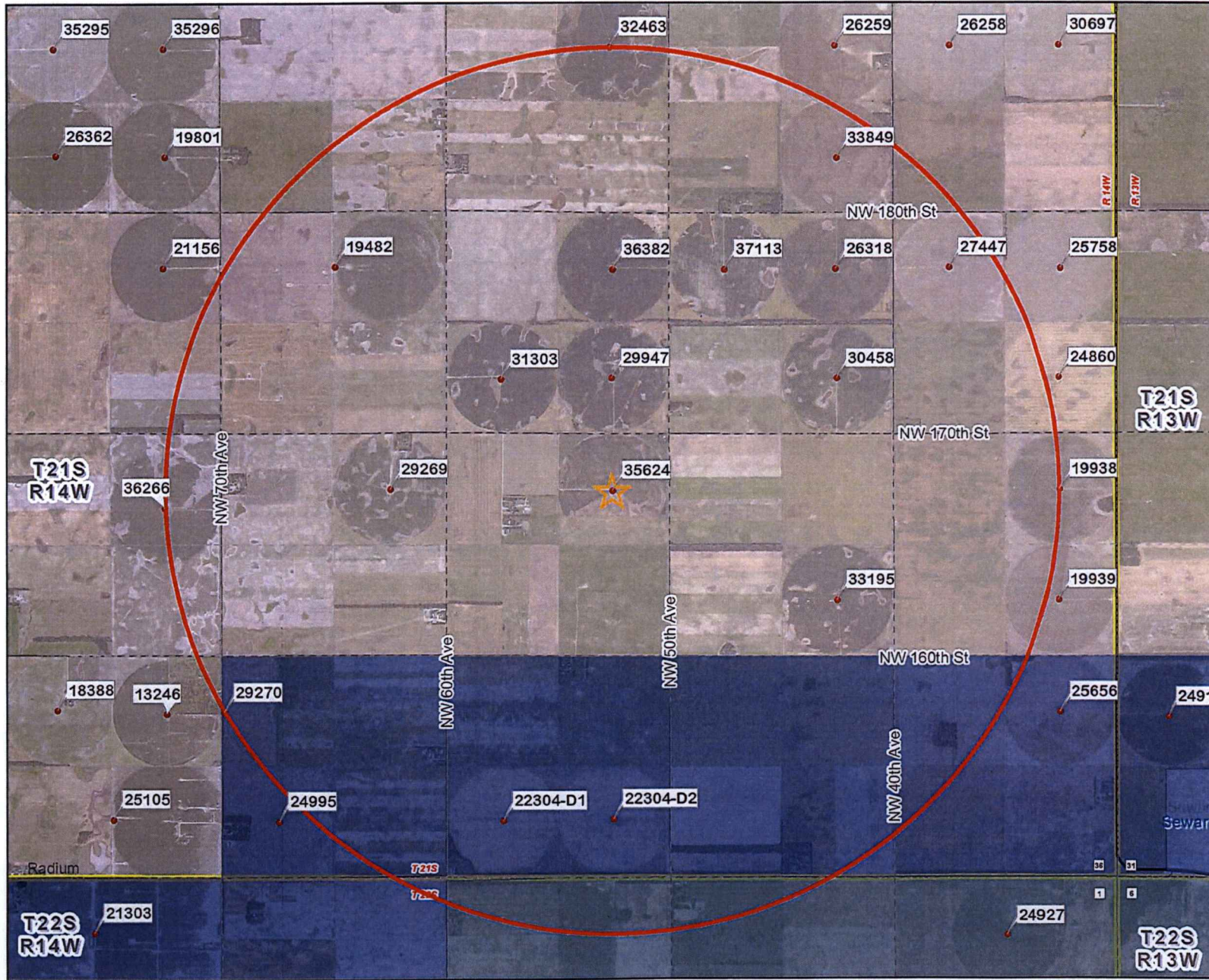
The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

K.A.R. 5-25-22 Evaluation
Proposed Location: NC NE 27-21S-14W @ 3913'N, 1362'W from SE corner

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 JAN 24 2022
 KS DEPT OF AGRICULTURE



Legend

Point of Diversion

- ★ G_IND
- G_IRR
- ▲ G_MUN
- ▣ G_REC

Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

K.A.R. 5-25-22 Criteria

Response Difference

88.97 - <1 = 88 %

Saturated Thickness

160 ft

Water Level Change

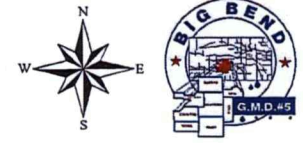
7 ft = <1 %

Authorized Quantity

2912 AF

Compliance Check

Does not meet requirements



This map was created by WIMAS on 4/20/2021 3:30 PM
 GMD#5 provided to SFFO on 6/1/21 - CRC

WATER RESOURCES
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JAN 24 2022

KS DEPT OF

Preliminary DRAFT Evaluation of K.A.R. 5-25-22. Movement of water rights affecting streamflow at Rattlesnake Creek. (review completed by CRC in SFFO with 2 additional documents provided by GMD#5)

RE: File No. 18267 movement of 90 AF out of RSC area using 5-25-22

Richard Rugan came by the Stafford Field Office for assistance in filing applications to utilize GMD#5 regulation 5-25-22 to move water that he purchased under File No. 18267 away from the Rattlesnake to different locations already authorized by File No. 35624 & 21140.

I asked Richard if he had talked with GMD#5 about this since the applications would be utilizing the Districts regulations. Richard said he had tried to, but GMD#5 directed him to the SFFO for help filling out the applications.

I felt like it would be a good idea to look over each "requirement" listed in the GMD#5 regulations and make an informal, preliminary evaluation of whether or not the proposed changes will meet the regulation. That way I can make it clear to the applicant what issues will still remain to be addressed if they choose to file the applications.

- (1) This part of the reg appears to be met.
File No. 18267 is located in the NE $\frac{1}{4}$ of Section 6-T24S-13W, about $\frac{1}{2}$ mile from the Rattlesnake Creek so the currently authorized well is squarely in Zone D.
- (2) This part of the reg appears to be met.
Mr. Rugan has purchased 90 AF of water from File No. 18267. He is proposing to add 60 AF to File No. 35624 with the hope of changing the place of use and irrigating additional land (letting the pivot swing into the south 40 acres not currently authorized, so he will need additional water to cover this possible future proposal). He is also proposing to add 30 AF to File No. 21140 which is currently a "short" right. Adding 30 AF would allow the property a total of 197 AF which could be justified as reasonable.
- (3) **This part of the reg appears to not be met and a waiver seems necessary with a "pumping demonstration" from the applicant. Applicant can work with GMD#5 on this when appropriate.**
The water right is authorized 188 AF and needs to have pumped $\frac{1}{2}$ of that, or 94 AF in at least 2 years from 2003-2012. Per WRIS the water use (in AF) starting in 2003 and ending in 2012 is as follows: 62, 4, 65, 72, 47, 49, 52, 62, 68, 99. Only once did they exceed the 94AF threshold outlined in this regulation. Of note is the fact that they only report 60-70 acres of irrigated land each year, they are operating a wipe pivot so use is probably reasonable given the limited acres being irrigated but that is up to GMD#5.
- (4) This part of the reg appears to be met.
They are proposing to move this water to File No. 35624 and File No. 21140 both of which are outside the response area map, so they are moving from a location with 89% stream impact to a location that is not in the impacted area.
- (5) Orrin said he reviewed this with Richard and this portion of the reg is met (see attached print out from GMD#5 staff dated 4/20/21 given to SFFO on 6/1/21).

WATER RESOURCES
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(6) Orrin said he reviewed this with Richard and this portion of the reg is met (see attached print out from GMD#5 staff dated 4/20/21 given to SFFO on 6/1/21).

(7) **This part of the reg appears to not be met and a waiver or additional model study from GMD#5 or the applicant seems necessary. Applicant can work with GMD#5 on this when appropriate.** Analysis from the FO shows both files exceed the listed recharge of 2.25" @ 75% available. File No. 21140 has 3227 AF of prior appropriations in the 2-mile circle and the SY allows for 1131 AF, so this area is over by 2096 AF. File No. 35624 has 2743 AF of prior appropriations in the 2-mile circle and the SY allows for 1131 AF, so this area is over by 1612 AF.

(8) This part of the reg appears to be met.
Only 1 previous application has been approved under this regulation and it is not within a 1-mile radius of either of these applications.

(9) To be determined.

Conclusion: The applications discussed and filled out for Richard Rugan will not meet multiple parts of K.A.R. 5-25-22 and waivers will be required before they can be approved. The GMD#5 board will have to review anything that requires waivers. The applicant can discuss these potential issues with GMD#5 staff if they want before filing any applications. If the applicant chooses to proceed with these applications as discussed in the SFFO, there will be waivers needed on multiple parts of the regulation and there is no guarantee they can be approved.

CRC
6/2/21

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

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50708

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>57724</u>	<u>68861</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>64461</u>	
<u>59970</u>	
<u>24782</u>	

WATER USE CORRESPONDENT
PERSON ID & SEQ #
57724

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: Application, File No(s). **50708**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned 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 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. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. *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 black ink that reads "Kris Neuhauser". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Kris Neuhauser
New Applications Lead
Water Appropriation Program