



File No. **13281**      11. County: **ED**      Basin: **RATTLESNAKE CREEK**      Stream:      Formation Code: **113**      Special Use: **045**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files/ USE
<b>MOD</b>	<b>42238</b>				<b>2</b>	<b>26</b>	<b>16W</b>	<b>2</b>	<b>5413</b>	<b>3956</b>	<b>(L-3, L-4) WELL #9</b>	<b>600</b>	<b>97.5 AF</b>	<b>00</b>	<b>97.5 AF</b>	<b>13280 IRR USE</b>

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at **600** gpm (**1.34** cfs) when combined with file number(s) **600 GPM WHEN COM/W #13280 FOR IRR ON LAND DESCRIBED IN CERT**  
 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				
<b>ENT</b>	<b>6981</b>				<b>2</b>	<b>26</b>	<b>16W</b>	<b>1</b>		<b>Lot 1 47</b>	<b>Lot 2 47</b>	<b>Lot 2 47</b>	<b>Lot 1 47</b>	<b>Lot 3 30</b>	<b>Lot 4 52</b>	<b>Lot 4 40</b>	<b>Lot 3 40</b>									<b>350</b>	<b>8b</b>	<b>YES</b>	<b>13280</b>
<b>DEL</b>	<b>20335</b>				<b>2</b>	<b>26</b>	<b>16W</b>	<b>2</b>						<b>Lot 3 40</b>	<b>Lot 4 40</b>											<b>80</b>	<b>8b</b>	<b>NO</b>	<b>NONE</b>

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:** December 28, 2023

**FROM:** Leslie Ireland

**RE:** Water Right, File Nos. 13,280 & 13,281

Bill as Jacob W. Roenbaugh along with his wife Shirley A. Roenbaugh owners of the above referenced files authorized for irrigation use, submitted applications for change on March 24, 2023, requesting under File No. 13,820, a change in point of diversion to authorize an additional well per K.A.R. 5- 5-16, *Additional well*, with industrial use at a potato processing place of use and use made of water, per K.A.R. 5-5-10, *Partial changes in the use made of water from irrigation to another type of beneficial use*. File No. 13,281, requests a change in the irrigated place of use to overlap the referenced files. They are located in Groundwater Management District No. 5 (GMD 5), the Rattlesnake Creek Basin, Zone A, Edwards County, and the Quivira Administration Area.

The referenced water rights do not appear to be abandoned as per K.S.A. 82a-718 and appear to comply K.S.A. 82a-732. Notice required by K.S.A. 82a-1906, was determined to not be needed as there are no wells within one-half (½) mile not owned by the Roenbaughs. These files have a partial overlap in point of diversion, but do not overlap in the place of use.

File No. 13,280 authorizes of two (2) wells with an assigned quantity and rate. The additional point of diversion will add an existing well for the industrial use for post-harvest potato processing, referenced by Google as Kansas Potatoes LTD. The combined 292.5 acre-feet (AF) is authorized to irrigated 290 acres in the North Half (N½) of Section 2, Township 26 South, Range 16 West, Edwards County (2-26-16W). It appears the file developed 290 base or maximum irrigated acres during the perfection period.

Pursuant to K.A.R. 5-5-10, if a total of 20.84 acre-feet has been requested and justified to be changed to industrial use. A partial change in use from irrigation use utilizes a consumptive use percentage of 83.4% for Edwards County.

**Step 1:** 292.5 acre-feet x 83.4% if all change to a new use would allow 243.945 acre-feet for a new use.

**Step 2:** 20.84 acre-feet (quantity to be changed to industrial use) ÷ 243.945 acre-feet (total quantity requested to be change) = 0.0854291 the portion changed to the new use. Portion retained 1.00 - 0854291= 0.9145709 the portion allowed to be retained.

**Step 3:** 0.9145709 x 292.5 AF (currently authorized quantity) = 267.5 AF  
267.5 acre-feet can be retained for irrigation use.

Proportionally the place of use per part (b) of K.A.R. 5-5-10 would be reduced to from 290 to 265.91 acres for the 267.5 AF retained for irrigation use. K.A.R. 5-5-11(b) affords the irrigated place of use to be increased by 10 acres affording 275.91 irrigated acres to be authorized. The owners are modifying the place of use to authorize a 188 acre pivot in the Northeast Quarter (NE ¼) 2-26-16W and overlapping the irrigated acres with File No. 13,281. The industrial facility and farmstead remove 20 acres in Lot 3 of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) irrigated acres. The submitted justification for the proposed industrial use appears to be reasonable. The industrial use would appear to be best described by SIC Code 0723, *Crop prep services for market, not cotton gin*.

File No. 13,281 authorizes the West irrigation well under File No. 13,280 with the rate a limited to 900 gpm providing no additional rate, but an additional 97.5 gpm for irrigation of its own 80 acres. The irrigated acres are proposed to overlap with File No. 13,280. The change in place of use per File No. 13,281 per part(b) of K.A.R. 5-5-11 allows the irrigated place of use to be increased by 8 acres or to authorize 88 acres. Together File Nos. 13,280 & 13,281 could authorize a total combined 353 irrigated acres. The owners are requesting 350 irrigated acres to be authorized.

The proposed industrial well is an existing well historically authorized by Temporary Permit, File No. 20230091, located in the Northwest Quarter of Lot 3 (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), approximately 6,691 feet North and 3,057 feet West of the Southeast corner of 2-26-16W, Edwards County. This well will be added per K.A.R. 5-5-16, *Additional well* for File No. 13,280. This areas 80% chance net irrigated acres per K.A.R. 5- 5-12 is 1.26 AF and the maximum irrigated acres of 290 affords 429 AF to be retained. The full quantity could be retained by part(i) of the additional well regulation.

A well log for what appears to be the proposed additional well completed in 2011 by Clark Well & Equipment Inc., June 2011, listed as being in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter, (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of 2-26-16W. The information appears to comply with K.A.R. 5-3-4d, *Stratigraphic log requirements*. The test log listed a depth to gray clay starting at 131 feet with the final screening at 116 feet and a static water level of 21.8 feet. The log listed tan & gray sands with several gravel layers between clays. The KGS Bulletin for Edwards county list the source of supply is the alluvium of the Rattlesnake River (Code 113), for wells in this area. Review of the logs for the wells indicate the same local source of supply.

A rate test was completed by GMD 5 on December 8, 2022, which indicated the authorized rate of 900 gallons per minute (gpm) could easily be produced at the West well by the tested value of 1,164 gpm per the ultrasonic meter. The owner has requested a of diversion rate of 300 gpm (0.67 c.f.s.) by the industrial portion at the proposed additional well and retaining 600 gpm (1.34 c.f.s.) at the irrigation well File No. 13,280-IRR. As this point of diversion is also authorized by File No. 13,281, the owners have requested its rate of diversion be reduced from the authorized 900 gpm to 600 gpm. File No. 13,281 rate limitation will be modified to 600 gpm from its authorized point of diversion with File No. 13,280. The combined irrigation quantity of 170 AF under File Nos. 13,280 & 13,281 can be diverted in 65 days from the West irrigation well. The industrial well can divert its quantity in 16 days and will have the priority date of March 24, 2023, for any regional impairment.

Wells 2- 26- 16W Edwards Co.	CIN#	Authorized		Actual		Quantity AF	Rate gpm
		Feet North	Feet West	Feet North	Feet West		
Lot 3 NE NW Industrial Use Additional Well	6			6691	3057	20.85	300
Lot 1- Lot 2 NE NE Well #6	1	5346	1320	5340	1361	195	1015
Lot 3 - Lot 4 NW NW Well #9	2	5346	3960	5413	3956	170	600

The proposed additional well complies with K.A.R. 5-5-13, *Relocation of alluvium wells*, as it is further away from the Rattlesnake River, then the currently authorized wells. It is also a distance of approximately 1,563 feet from the primary well CIN#2 and more than this from all nondomestic wells within one-half ( $\frac{1}{2}$ ) mile. It does not appear to be the required spacing to the domestic well that appears to be less than 600 feet. The owners of the industrial use well and domestic well at their farmstead have operated for several years indicating impairment is not an issue. It appears the proposed additional well meets the required well spacing of 1,320 feet for non-domestic use and afforded reduced spacing of their domestic well per K.A.R. 5-25-2, *Well spacing* and the move of the point of diversion doesn't exceed 2,640 feet per K.A.R. 5-25-2a, *Change in point of diversion*.

In a letters dated December 13, 2023, Orrin Feril, Manager of GMD No. 5, indicated the District recommends approval of the applications. He stated the applications appear to be consistent with KAR 5-25-20(b) and recommended approval with the instillation of well equipment per K.A.R. 5-25-5.

In an e-mail dated December 28, 2023, Jeff Lanterman recommended approval of the applications.

Water flowmeters will be required. A check valve is required if chemigating. The order will state that any wells drilled with a rate greater than 100 gpm will require a water level measurement tube.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and no change in the local source of supply will occur, it is recommended that the referenced applications be approved.

  
Leslie Ireland  
Environmental Scientist

## Ireland, Leslie [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Thursday, December 28, 2023 9:54 AM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Review and Recommendation File Nos. 13280 PD PU UMW & 13,281 PU

Leslie I am very aware of this change application and agree with your Memorandum.

I recommend approval.

Thanks  
Jeff

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Wednesday, December 27, 2023 9:31 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** Review and Recommendation File Nos. 13280 PD PU UMW & 13,281 PU

Please let me know if you'd recommend the requested changes.

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

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION  
AND  
REDUCTION IN THE AUTHORIZED RATE OF DIVERSION  
WATER RIGHT, FILE NO. 13,281**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application Jacob W. and Shirley A. Roenbaugh, 2949 S Road, Haviland, Kansas 67059 received in this office on March 24, 2023, for approval of a change in the place of use and request to reduce the authorized rate of diversion 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 change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively reduces the authorized maximum rate of diversion to not exceed 600 gallons per minute (1.34 c.f.s.) in accordance with the Application for Approval to Change the Place of Use received in this office on March 24, 2023.

This order effectively modifies the additional limitation on the rate of diversion as set forth by the Certificate of Appropriation, File No. 13,281, dated July 21, 1986, to read as follows:

This appropriation right is further limited to a diversion rate which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 13,280, will provide a diversion rate not in excess of 600 gallons per minute (1.34 c.f.s.) for irrigation use from the diversion point described herein.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the location of the authorized point of diversion shall be better described as:

one (1) well located near a point on a boundary line common to Lot 3 and Lot 4 of Section 2, more particularly described as being near a point 5,413 feet North and 3,956 feet West of the Southeast corner of said section, in Township 26 South, Range 16 West, Edwards County, Kansas, at a diversion rate not in excess of 300 gallons per minute (0.67 c.f.s.) and in a quantity not to exceed 97.5 acre-feet per calendar year, and

the authorized 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	26S	16W	Lot 1 47	Lot 2 47	Lot 2 47	Lot 1 47	Lot 3 30	Lot 4 52	Lot 4 40	Lot 3 40									350

a total of 350 acres in Section 2, Township 26 South, Range 16 West, Edwards County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

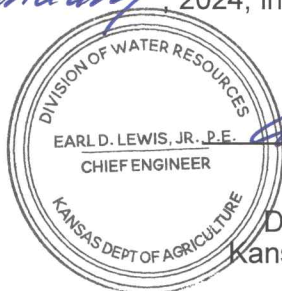


All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed 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. 13,281, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 21, 1986.

Ordered this 10<sup>th</sup> day of January, 2024, 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     )  
                              ) SS  
County of Riley     )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of January, 2024, 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 17, 2024

JACOB W & SHIRLEY A ROENBAUGH  
2949 S RD  
HAVILAND KS 67059

RE: Water Right  
File Nos. 13,280 & 13,281

Dear Mr. and Mrs. Roenbaugh:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application 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 an acceptable water flowmeter must be installed on the diversion works authorized. Please return the *Notification of the Completion of the Diversion Works*, prior to December 31, 2024, for the additional well that has been authorized under File No. 13,280.

Please note that the application to change the point of diversion for File No. 13,280, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (March 24, 2023) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since these orders modify the original documents referred 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 approval documents please contact us at 785-564-6640. Should you have any questions regarding the water flowmeter requirement or other requirements, please contact our staff at the 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,

Kristen A. Balm  
New Applications & Change Unit Supervisor  
Water Appropriation Program

KAB:kak:li  
Enclosures

pc: Stafford Field Office  
Big Bend GMD No. 5



## 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, 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 a 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 17 day of January, 2024, I hereby certify that the attached Approvals of Application for Change, Water Right, File Nos. 13,280 and 13,281, dated January 10, 2024, were mailed postage prepaid, first class, US mail to the following:

JACOB W & SHIRLEY A ROENBAUGH  
2949 S RD  
HAVILAND KS 67059

With photocopies to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5

  
\_\_\_\_\_  
Division of Water Resources