

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

1. File Number: 33149	2. Status Change Date: 9/21/2023	3. Change Num: C1	4. Field Office: 02	5. GMD: 02
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: November 22, 2022
8a. Applicant(s) New to system <input type="checkbox"/> JUDY YOUNG 28817 W 125TH ST N BURRTON, KS 67020-9262		Person ID 20101 _____ Add Seq# _____		8e. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# 1
8b. Landowner(s) New to system <input type="checkbox"/> JUDY YOUNG et al 28817 W 125TH ST N BURRTON, KS 67020-9262 (MOD: RONNIE DECEASED)		Person ID 20101 _____ Add Seq# 1		8f. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# 1
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# 1		8g. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
8d. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# 1		8h. WUC New to system <input type="checkbox"/> 8a Person ID _____ Add Seq# 1
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/24 <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 9/18/2023 By: BMM Date Reviewed: 9/20/2023 By: KAK Date Entered: 9/25/2023 By: LMoody				

File No. 33,149 11. County: HV Basin: Arkansas River Stream: Formation Code: 120 Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity af Additional Rate gpm Quantity af Overlap PD Files

No change.

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 _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
						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								
MOD	1288	18	24S	3W	2	17	27	32	31											32.5	32.5	32.5	25.5	230	8b	Y	50,142	49049	
MOD	65857	19	24S	3W	2	32.5	32.5	32.5	32.5															130	8b	Y	49,049	50142	

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:** August 9, 2023
FROM: Brandon Milner **RE:** Change Application Nos 33,149
& 49,049 & New Application
50,142

Ronnie Young has filed an application for approval to change the authorized place of use under Water Right, File Nos. 33,149 and 49,049. The applicant has requested to add additional acreage with a full overlap in the place of use with new application no. 50,142 which overlaps in the point of diversion with Senior Water Right No. 49,049. The referenced water rights do not appear abandoned as per K.S.A. 82a-718.

New application no. 50,142 was filed on October 5th, 2018 requesting 369 acre feet of water to irrigate 360 acres in sections 18-19, Township 24 South, Range 3 West in Harvey County. However, it was discovered that there were incomplete overlaps in the place of use under senior Water Right Nos. 33,149 and 49,049. A letter was sent to the applicant on September 22, 2022 explaining that change applications would need to be submitted to form a complete place of use overlap between the three files before processing of application no. 50,142 could continue. Change applications on Senior Water Right Nos. 33,149 and 49,049 were submitted on November 22, 2022. With the change applications submitted on Senior Files No. 33,149 and 49,049, there is a complete overlap in the place of use with new application no 50,142 with a total of 360 acres being irrigated.

The aquifer for this application is the Equus Beds as based on well logs and being within Groundwater Management District No. 2. Tim Boese of the GMD 2 district ran safeyield on new application no. 50,142. The area of recharge was determined to be 8,042 acres with a safeyield calculation of 4,021-acre feet. Existing appropriations totaled 3,810.2 acre-feet, leaving 210.8 acre-feet available for appropriation which is less than the requested volume of 369 acre feet but will be reasonable when combined with Senior Water Right nos 31,149 and 49,049 equaling 429 acre feet when combined.

Senior Water Right No 33,149 is authorized a total of 18 acre feet at 360 gallons per minute between two points of diversion and Senior Water Right No. 49,049 is authorized 200.2 acre feet at 800 gallons per minute. Application no. 50,142 is requesting 369.2 acre feet at 800 gallons per minute. a complete point of diversion overlap. Application no. 50,142 will be limited to 429 acre feet when combined with Water Right Nos. 33,149 and 49,049 and limited to a rate of 800 gallons per minute when combined with Water Right No. 49,049. 429 AF on 360 acres is 1.19 AF/acre which is considered reasonable to irrigate in Harvey County where the maximum allowed is 1.3 AF/ acre.

There are no wells non domestic wells within 1320' of Water Right Nos 33,149 & 49,049 and application no. 50,142. There are no domestic wells within 660' of any of the two senior water rights and new application. Spacing has been met as according to K.A.R. 5-22-2 via the regulations of GMD # 2 office.

An approved flowmeter will need to installed on all points of diversion with the Senior Rights/New application. A check valve is required if chemigating.

The applications were sent to GMD # 2 for recommendation on December 13, 2022 and were recommended for approval on August 3, 2023. In an e-mail on August 31, 2023, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated no objections to approval of the referenced change and new applications.

Based on the above discussion that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved along with new application no. 50,142.

Brandon Milner
Environmental Scientist

DALE SCHMIDT, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
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EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

August 2, 2023

8/3/23

Chief Engineer, Division of Water Resources
Attn: Brandon Milner
1320 Research Park Drive
Manhattan, Kansas 66502

Water Resources
Received

KS Dept Of Agriculture

Re: Place of Use Change Applications, File Nos. 33149, and 49049 – Judith M. Young ETAL

Dear Mr. Milner:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced change in place of use applications on August 2, 2023, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The change applications propose to increase the place of use to 360 acres and create an identical place of use overlap with pending new application No. 50142. The proposed place of use results in a combined water to land ratio of approximately 0.61 acre-feet per acre (1.19 acre-feet per acre when combined with No. 50142).

The District's review found that the change applications comply with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Based upon the review, the applications are recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to pending Application No. 50142 being approved.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/BLB



pc: Judith M. Young ETAL, Owner
Jeff Lanterman, Division of Water Resources, Stafford

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

- 1) Application No. 33149 Date filed: November 22, 2022
 2) Applicant: Judith M. Young County: Harvey
 3) Proposed maximum quantity: 18(both wells) acre-feet/year Rate: 500 LTD GPM
 4) Proposed Use: Irrigation
 5) P/D location: NE SE SE 18-24S-3W Geo Center: North 900 ft, West 265 ft
 6) Number and type of points of diversion listed on the application 2 Wells

- 7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____
 8) Meets change app requirements K.A.R. 5-22-8? Yes No N/A
 9) Overlapping PU File No. 49049, Pending 50142
 10) Overlapping PD File No. None
 11) Authorized Acres 79 Acres
 12) Base Acres 79 Acres
 13) Proposed Acres 360 combined see comments below Acres

- 14) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A
 (a) Irrigation max quantity: 0.05; 1.19 combined acre-feet / acre
 (b) Stockwater max quantity: _____ GPD _____ unit
 (c) Industry max quantity: _____ Acre _____
 Industry standard: _____
 15) Reasonable rate for intended use? Yes No N/A
 16) Depth to water: 10.3 ft on 7/31/2023 bls at observation well: P 35AA

- 17) Date reviewed: 8/2/2023
 18) Reviewed by: B. Barton & T. Boese Title: Hydrogeologist / Manger
 19) District recommendation: Approve Deny Other, see comment

20) Comments and Calculations:

Change in place of use application submitted by Judith M. Young to change the place of use from 79 acres to 360 acres in Reno County. Change in PU app also submitted on No. 49049 to create identical PU overlap and Pending New App # 50142 was modified to also create identical PU overlap. The app. map shows the areas to be changed.

Water Permit No. 33149 has been perfected, base acres are 79 and total acres between the three water permits will be 360 acres.

Application requests a change in place of use of the currently authorized acres of 79 to 360, an increase of 281 acres to create identical PU overlap with Nos. 49049 and 50142. No. 33149 authorizes 18 AF. No. 49049 authorizes 200.2 AF. No. 50142 proposes 369.2 AF, which will be limited to 429 AF with Nos. 33149 & 49049 to comply with safe yield.

Item 14: 18 AF / 360 acres = 0.05 AF/A. Total of 3 water rights: 429 AF / 360 acres = 1.19 AF/A. Max for Harvey Co. is 1.3 AF/A

Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17.

From: Lanterman, Jeff [KDA]
Sent: Thu 8/31/2023 4:00 PM
To: Milner, Brandon [KDA]; Baum, Kristen [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: 33,149 49049 and 50142 Memo
Attachments: 33149 49049 50142 Memo.doc, 50142 GMD 2 review packet.pdf, 33149 GMD 2 review packet.pdf

Brandon. I took a look at these applications. If I read Tim's safe yield correctly there was only 210.8 AF additional available at the well location that will be authorized by 50142/49049. Please check me on that.

There are a couple things we could do differently than Tim's overall quantity limitation he is recommending. **What I would do is just approve 50142 for 210.8 AF. Which would be all additional, no quantity limitation.**

That does essentially the same thing as what he proposes. 50142 = 210.8AF, 49049= 200.2 AF and 33149 = 18 AF for a grand total of 429 AF on the PU no quantity limitations needed.

This eliminates the ability to pump the 18 AF currently authorized under 33149 from that north well which is closer to the IGUCA and the Burrton plume at a higher rate. (Tim snuck that one in) I would agree that 50142 and 49049 should be limited to 800 GPM

With this simple change I recommend approval of the changes and new application as this meets minimum reasonable quantity and safe yield as proposed with the complete overlap of the senior water rights. I checked the nearby water levels and they were steady.

If you do not agree with the above changes let me know and we can chat it over. Copied Ken and Kristen as my review deviates a small bit from Tim's recommendation.

Thank You

Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, August 30, 2023 3:07 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 33,149 49049 and 50142 Memo

Can you please hit this packet of reviews, couple p/u changes on existing rights to overlap with a new file for additional water. GMD had this for a long, long time but I guess they got the apps squared away and in a place that could be processed.

Cameron

From: Conant, Cameron [KDA]
Sent: Monday, August 14, 2023 10:32 AM
To: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: 33,149 49049 and 50142 Memo

Thanks Brandon, hope we can get to it soon for a review. That is correct, when a new application is involved and increasing the acres on existing files, as long as there is real additional quantity with the new app we can increase the acres on the senior files to maintain a complete overlap by more than 10 ac/10 %.

Cameron

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Monday, August 14, 2023 10:25 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: 33,149 49049 and 50142 Memo

Good morning guys,

I've attached a memo for change application nos. 33,149 and 49,049 along with new application no. 50,142. This file has been around since 2018 but I think we may have it all figured out.

One question I did have: With change applications that refer to an increase of base acres, does the rule of a max of 10% increase only apply when there is a complete overlap with a new application with additional volume?

Otherwise, could you provide a recommendation on this project? Thanks!!

Brandon Milner
Environmental Scientist
Water Appropriation Program


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. 33,149**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Judith Young, Mark and Tracy Young, Jamie and Keith Schmidt, Darren Young, Terry Young, and Ronald Kris and Cherielle Young, on behalf of Judith Young et al., 28817 West 125th Street North, Burrton, Kansas, 67020, received in this office on November 22, 2022, for approval of a change in the authorized place of use, under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the 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	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
18 - 24S - 3W	17.0	27.0	32.0	31.0									32.5	32.5	32.5	25.5	230.0
19 - 24S - 3W	32.5	32.5	32.5	32.5													130.0

a total of 360 acres in Township 24 South, Range 3 West, Harvey County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

The water right owner shall properly install an acceptable water meter on each of the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the Certificate of Appropriation, issued pursuant to Approval of Application, File No. 33,149, for permit to appropriate for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 27, 1987.

It is so ordered this 21 day of September, 2023, in Manhattan, Riley County, Kansas.

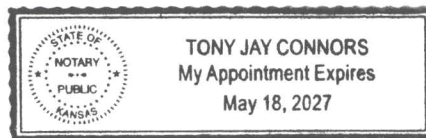
Lane P. Letourneau

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 21 day of September, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors
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

September 27, 2023

JUDY YOUNG
28817 W 125TH ST N
BURRTON KS 67020-9262

RE: Water Right
File No. 33,149

Appropriation of Water
File Nos. 49,049 and 50,142

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. The new application has been processed in conjunction with your Applications to Change the Authorized Place of Use, under Water Right, File No. 33,149, and Appropriation of Water, File No. 49,049, the approvals of which are also enclosed. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the approved permit and the change orders.

For the approved permit, a notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

Acceptable water flowmeters must be installed on all diversion works prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed, and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your new application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

RONNIE & JUDY YOUNG

File Nos. 33,149, 49,049 and 50,142

Page 2 of 2

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of the water right perfected under the new permit. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our 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 and Change Applications Unit Supervisor
Division of Water Resources

KAB:kak:bmm

Enclosure(s)

pc: Stafford Field Office
Equus Beds GMD No. 2

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may 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 Division, 1320 Research Park Drive, Manhattan, Kansas 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 review 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

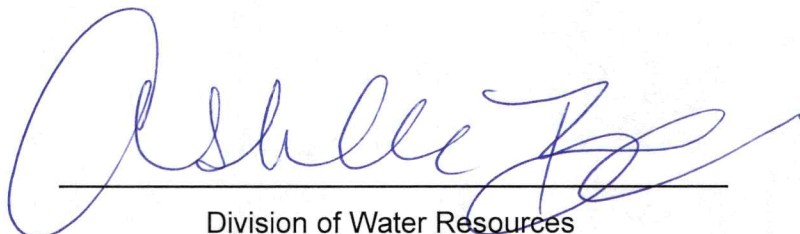
On this 27 day of September, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50142, dated 21 September, 2023, was mailed postage prepaid, first class, US mail to the following:

JUDY YOUNG
28817 W 125TH ST N
BURRTON KS 67020-9262

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources