

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PD WORKSHEET & ORDER IN MATTER OF PU & RATE LTM

1. File Number: 36456	2. Status Change Date: 6/15/2023	3. Change Num: C3	4. Field Office: 02	5. GMD: 05
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: 9/1/2022
8a. Applicant(s) New to system <input type="checkbox"/> DALE O ZOOK 519 MARTIN AVE LARNED, KS 67550		Person ID <u>20241</u> Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> DALE O ZOOK 519 MARTIN AVE LARNED, KS 67550		Person ID <u>20241</u> Add Seq# <u>1</u>		8d. WUC New to system <input type="checkbox"/> DALE & BETH ZOOK 519 MARTIN AVE LARNED, KS 67550
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2023</u> <input checked="" type="checkbox"/> N& P Date to Comply: <u>12/31/2023</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" 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: 6/12/2023 By: LI Date Reviewed: 6/14/2023 By: KAK Date Entered: 6/19/2023 By: LMoody				

File No. **36456** 11. County: **PW** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: **114** Special Use: **NA**

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

ENT	72642	LOT 3 (NW SW)	7	23	16W	6	1823	5157	BATT 1 OF 2 WELLS	gps update								24213-D2
MOD	9373	LOT 3 (NW SW)	7	23	16W	6	2049	5146	BATT 1 OF 2 WELLS	gps update								24213-D2
ENT	90399	LOT 3 (NW SW)	7	23	16W	6	1936	5152	GEO CTR 2 WELLS	250 GPM	75AF	0 GPM	75AF					24213-D2

BATTERY ID#2357

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at **498** gpm (**1.11** cfs) when combined with file number(s) **WITH 24213-D2 WHILE OPERATED AS BATT**
 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	71431	7	23	16W	3									40	Lot 3 37.4	Lot 4 37.54	40.0					154.94	8b	NO	24213-D2
	DEL 13290																								

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

ENT

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 14, 2023

FROM: Leslie Ireland

RE: Water Right
File Nos. 24,213-D2 & 36,456

Dale and Beth Zook, owners of the referenced rights filed applications for approval to change the points of diversion authorized for irrigation use in the Arkansas River Basin, Pawnee County. The applications were received in the office of the Chief Engineer on September 1, 2022, and will be processed after the division to File No. 24,123, as Day 2 change approvals. The owner has also requested to reduce the place of use under File No. 36.456. The applications for change are proposing a battery of wells from each well authorized by these files.

The applications for change appear to comply with K.A.R. 5-5-2a, *Complete change application*, and in compliance with K.S.A. 82a-732. The notification per K.S.A. 82a-1906 was completed by letters dated February 14, 2023. No replies have been received.

The division will result in 24,213-D2 to authorize 154.94 acres in the Southwest Quarter (SW¹/₄) of Section 7, Township 23 South, Range 16 West, (7-23-16W) with 92 acre-feet (AF) at a rate of 330 gallons per minute (gpm), from one(1) well. The requested reduction to File No. 36,456, will authorize the same 154.94 acres with 75 AF at a rate of 250 gpm from one(1) well. This reduction in place of use would result in an irrigation ratio of 0.48 AF per acre and no quantity reduction is needed. The referenced files have a combined total is 167 AF resulting in an irrigation ratio of 1.07 AF per acre. Slightly more than 1.06 AF which is the 50% chance irrigation value per K.A.R. 5-5-12, Net irrigation requirements for Pawnee County. Together it appears the reduction complies with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right: exceptions*. The place of use reduction for File No. 36,456 will be incorporated into the documents for the change in point of diversion.

The changes in point of diversion proposes each well to overlap by the creation of a battery of two(2) wells that are 225 feet apart per their actual locations. The source of supply for each well has been determined to be the Undifferentiated Kansan / Nebraskan (Code 180). The source of supply will remain as determined. The proposed battery of two(2) wells are paper only changes to authorize a geographic center in Lot 3 of (7-23-16W) approximately 1,936 feet North and 5,152 feet West of the Southeast corner of said section. The proposed point meets the requirement of K.A.R. 5-25-2a, *Change in point of diversion*.

Located in Groundwater Management District No. 5 (GMD 5) the proposed changes will be subject to K.A.R. 5-25-14, *Battery of wells*. Due to the GMD 5 battery regulation, it appears the changes comply with per Part (c), K.A.R. 5-2-3, *Battery of wells*. The GMD 5 battery regulation requires the rate of diversion to be that as reported three years prior under normal operation conditions of by tests 6 months before or 6 months after the filling of the change. The rate testing was completed by GMD5 on April 12, 2023. File No. 24,213-D2 yielded 328 gpm and File No. 36,456 yielded 170 gpm, resulting in a combined rate of 498 gpm. The geographic center of wells under File No. 36,456, will be limited to this value when operated as a battery to divert a combined total of 167AF. Mr. Zook acknowledged the rate test and limitation on the rate while operated as a battery by his acknowledgement of the update on May 5, 2023. Due to the GMD regulation the change appears to comply with part (c) of K.A.R. 5-2-3 and a waiver is not required.

There are four (4) irrigation wells located within one-half (½) mile of the proposed geographic center. The nearest well is 1,321 feet away indicating the proposed appears to comply with K.A.R. 5-25-2, *Well Spacing*. As the wells are proposed to operate as they have been it would appear the well to well spacing is sufficient to prevent impairment.

The Big Bend Groundwater Management District 5 reviewed the applications. In a letter dated May 11, 2023, the District summarized the approvals for change. They cited the applications appear to be consistent with K.A.R. 5-25-20(b), *Recommendations by the board*, therefore are in the public interest and recommended for approval. It was further required K.A.R. 5-25-5, *Water flowmeter requirements*, would be applicable.

Jeff Lanterman, Water Commissioner, Stafford Field Office recommended approval of the referenced applications in his e-mail dated June xx, 2023.

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

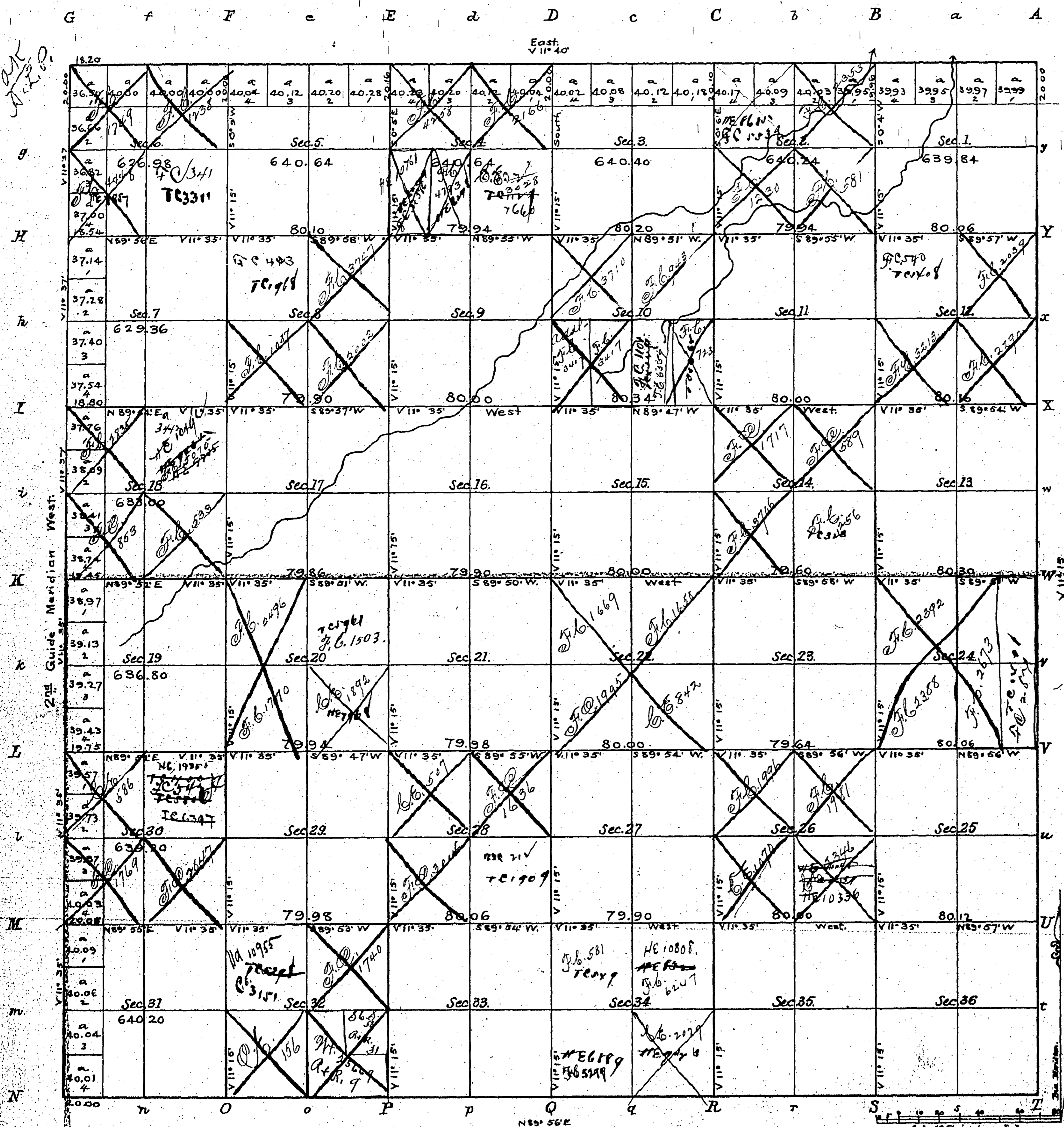
Based on the above discussion, that the waiver of the rule to create a battery for the requested conversion is approved, the changes appear reasonable, impairment of existing water rights unlikely, that no change in the local source of supply will occur, it is recommended that the referenced applications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



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Rec'd with S.G. letter of Dec. 20. 1871.

TOWNSHIP N^o 23 SOUTH RANGE N^o XVI WEST OF 6th PRINCIPAL MERIDIAN KANSAS



Total number of Acres. 23 007.30

Survey Designated	By Whom Surveyed	Date of Contract	Amount of Survey	When Surveyed
Township lines	Armstrong & Urten	June 6 th 1871	Ac. 64 121	August 1871
Subdivisions	Armstrong & Urten	June 6 th 1871	59-76-79	Sept 18-11 1871
2 ^d Guide Meridian W.	Reit, Armstrong re-survey	he. G.L.A. July 18 th 1871		August 1871

The above Map of Township N^o 23 South of Range N^o 16 West of 6th Principal Meridian Kansas is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office,
Lawrence, Kan. Dec. 20th 1871

C. W. Barber et al.
Surv. Genl.

Department of the Interior,
General Land Office,
August 25th 1871.

I hereby certify that the above is a true
photolithographic copy of the official plat
on file in this office.

Wm. H. ...


THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION FOR
CHANGE IN POINT OF DIVERSION AND
REDUCTION IN THE AUTHORIZED PLACE OF USE
WATER RIGHT
FILE NO. 36,456**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Dale and Beth Zook, 519 Martin Avenue, Larned, Kansas 67550, received in this office on September 1, 2022, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 1, 2001, and November 26, 2001, approving applications to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

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

a battery of two (2) wells with a geographic center located in the Southwest Quarter of Lot 3 (NW¼ SW¼) of Section 7, more particularly described as being near a point 1,936 feet North and 5,152 feet West of the Southeast corner of said section, in Township 23 South, Range 16 West, Pawnee County, Kansas, at a diversion rate not in excess of 250 gallons per minute (0.56 c.f.s.) and a quantity of water not to exceed 75 acre-feet per calendar year, located substantially as shown on the map accompanying the application to change the point of diversion.

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

This order effectively adds an additional limitation on the maximum rate of diversion as follows:

The rate of diversion approved under this water right is further limited to a rate which combined with Water Right, File No. 24,213-D2, will provide a maximum diversion rate not in excess of 498 gallons per minute (0.11 c.f.s.) from the battery of wells described herein.

This order effectively reduces the place of use authorized for irrigation use to:

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		
7	23S	16W																		154.94

a total of 154.94 acres in Section 7, Township 23 South, Range 16 West, Pawnee County, Kansas.

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.

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.

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 36,456, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 27, 1993, as modified and amended by the aforementioned orders.

Ordered this 15 day of June, 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 15 day of June 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Deidre Romine
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

June 22, 2023

DALE O ZOOK
519 MARTIN AVE
LARNED KS 67550

RE: Water Right
File Nos. 24,213-D2 & 36,456

Dear Mr. Zook:

Enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change, under File Nos. 24,213-D2 and 36,456, and a request for a reduction in place of use, under File No. 36,456, filed to facilitate a complete overlap in the irrigated acres under the referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. Meters should be installed prior to the diversion of water. Please return the required *Notice of Completion* form for the installation of the meters as soon as this action is completed. The form and other information may be found at our web site <http://agriculture.ks.gov>.

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 documents, please contact our office at 785- 564-6640. Inquiries about the metering should be directed to our staff at the Stafford Field Office, 620-234-5311. If you contact us to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application and 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 an Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 22 day of June, 2023, I hereby certify that the attached Approvals of Application for Change under, File Nos. 24,213-D2 & 36,456 dated June 15, 2023, were mailed postage prepaid, first class, US mail to the following:

DALE O ZOOK
519 MARTIN AVE
LARNED KS 67550

With a Photocopy to:

KDA-DWR Stafford Field Office

Big Bend GMD District No. 5



Division of Water Resources