

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: UMW WORKSHEET

1. File Number: 45582	2. Status Change Date: 12/4/2023	3. Change Num: C1	4. Field Office: 02	5. GMD:
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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: 1/23/23
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8a. Applicant(s) Person ID 68496 New to system <input type="checkbox"/> Add Seq# _____ HOUSING OPPORTUNITIES INC 1313 STONE ST GREAT BEND, KS 67530	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID 68496 New to system <input type="checkbox"/> Add Seq# _____ 8A	8d. WUC Person ID 40563 New to system <input type="checkbox"/> Add Seq# _____ RECREATIONAL FILE GROUNDWATER PIT ALLSTATE, MO 00000
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: _____ N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: **IND** To: **REC**

RECEIVED STIPULATION FOR DISCONTINUED PIT FORM

Date Prepared: 11/13/23	By: JDK
Date Reviewed: 11/30/2023	By: KAK
Date Entered: 12/4/2023	By:
KAnderson	

File No. 45582	11. County: BT	Basin: ARKANSAS RIVER	Stream: NA	Formation Code: 113 MAIN STEM ALLUVIUM (NO CHG)	Special Use: NA																																																									
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">12. Points of Diversion</td> <td colspan="4"></td> <td colspan="2" style="text-align: center;">Rate and Quantity</td> </tr> <tr> <td>CHK</td> <td colspan="4"></td> <td colspan="2" style="text-align: center;">Authorized</td> </tr> <tr> <td>MOD</td> <td colspan="4"></td> <td colspan="2" style="text-align: center;">Additional</td> </tr> <tr> <td>DEL</td> <td style="text-align: center;">PDIV</td> <td colspan="4"></td> <td colspan="2"></td> </tr> <tr> <td>ENT</td> <td style="text-align: center;">Qualifier</td> <td style="text-align: center;">S</td> <td style="text-align: center;">T</td> <td style="text-align: center;">R</td> <td style="text-align: center;">ID</td> <td style="text-align: center;">'N</td> <td style="text-align: center;">'W</td> <td style="text-align: center;">Comment (AKA Line)</td> <td style="text-align: center;">Rate gpm/cfs</td> <td style="text-align: center;">Quantity af/mgy</td> <td style="text-align: center;">Rate gpm/cfs</td> <td style="text-align: center;">Quantity af/mgy</td> <td style="text-align: center;">Overlap PD Files</td> </tr> <tr> <td>CHK</td> <td>69012</td> <td>SE SE NW</td> <td>32</td> <td>19S</td> <td>13W</td> <td>19</td> <td>3016</td> <td>3059</td> <td>0</td> <td>1.69 MGY</td> <td>0</td> <td>1.69 MGY</td> <td></td> </tr> </table>						12. Points of Diversion					Rate and Quantity		CHK					Authorized		MOD					Additional		DEL	PDIV							ENT	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files	CHK	69012	SE SE NW	32	19S	13W	19	3016	3059	0	1.69 MGY	0	1.69 MGY	
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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		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files																																									
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Comments:																																																														

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 13, 2023

FROM: Justin Koehn

RE: Appropriation
File No. 45,582

The above referenced change application was filed to change the use made of water from industrial to recreational, on January 23, 2023 by Callie Miller of Housing Opportunity Inc. Appropriation of Water Right File No. 45,582 is currently authorized for industrial use. This is a 2.0-acre sand and gravel pit located Section 32 Township 19 South, Range 13 West, Barton County, Kansas. The application proposes to change the authorized use made of water from industrial use to recreational use in order to reflect the current use made of water.

The referenced file number is currently authorized 1.69 million gallons of water per calendar year, at a rate of natural evaporation. The quantity of water will not change. The pit is entirely owned by Housing Opportunity Inc. A representative of Housing Opportunity Inc., Callie Miller has properly signed and notarized the change application.

The water right is in compliance with K.S.A. 82a-718, and K.S.A.82a-732. The owner reported the pit was closed and signed the *Consent Agreement for Discontinued Pit or Quarry*. The owner will longer be sent an annual water use report for the referenced file.

The change from industrial use to recreational use will not alter the surface area of the pit and evaporative loss of exposed groundwater will remain unchanged. The change complies with K.A.R. 5-5-3, *Change in consumptive use*.

The transmittal letter will remind the owner that the original condition of the permit which required the area around the groundwater pit be constructed and maintained to prohibit any untreated surface drainage from entering the aquifer through the excavated pit.

Near-by letters were sent to other water right owners within ½ mile of the referenced filed. No response was received as a result of the letters.

Big Bend GMD No. 5 Manager Orrin Feril provided a reviewed the proposed changes. His e-mail with attached recommendation letter dated November 29, 2023, recommended approval of the change.

Jeff Lanterman, Water Commissioner of the Stafford Field Office reviewed the proposed changes. His e-mail dated November 29, 2023, recommend approval.

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

Justin Koehn
Environmental Scientist
Division of Water Resources

Tom Taylor - At-Large (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Marlyn Spare - Stafford (Sec.)
Darrell Wood - Edwards
Craig Zwick - Rice
Joe Schlessiger - Barton
Kerry Froetschner - Pawnee
Gary Hornbaker - Reno



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

November 29, 2023

Mr. Justin Koehn
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive, 3rd Floor
Manhattan, KS 66502

RE: Water Right File No. 45,582
Change in the Use Made of Water

Dear Mr. Koehn,

Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the use made of water. It is the understanding of the District that this application will convert the existing pit from industrial use to recreational use. Based upon information received in the District office, the application appears to be consistent with 5-25-20(b) and is therefore recommended for approval provided that the size of the pit is not increased to expose more groundwater to evaporation.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for required flow meters. However, as the use made of water is for evaporation, this requirement is waived.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

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

November 13, 2023

Big Bend Groundwater Management District 5
Attn: Orrin Feril
125 S Main St.
Stafford, KS 67578

RE: Change Application
File No. 45,582

Dear Orrin,

Enclosed is a copy of the above referenced Use Made of Water Change Application, which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 564-6630. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Koehn". The signature is written in a cursive style.

Justin Koehn
Division of Water Resources

Enclosure

pc: Stafford Field Office

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

November 14, 2023

CHAD T EAKIN TRUST
Attn: CHAD T EAKIN TRUSTEE
PO BOX 214
LARNED, KS 67550

Re: Water Right, File Nos. 45,582
Subject: Notification of Change Application

Dear Sir or Madam:

This is to advise you that on January 23, 2023, Executive Director Callie Miller of Housing Opportunity Inc. has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water for the referenced file. K.S.A. 82a-1906 requires notification for the requested application for change.

The requested use made of water change will convert the current Industrial use made of water to Recreational use made of water. The current place of use is a 2 acre groundwater pit currently authorized by Water Right, File No. 45,582 and located in the Southeast Quarter of the Northwest Quarter (SE ¼ NW¼) of Section 32, Township 19 South, Range 13 West, Barton County, Kansas.

The application for change will be processed by K.A.R. 5-5-8 and per K.A.R. 5-5-3. Per regulation the quantity of 1.69 million gallons per year will remain as authorized to cover evaporative losses.

The application is posted on the Kansas Department of Agriculture website in the Stafford Field Office directory by the water right file number as referenced above,
www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices .

If you have any questions, please contact me for a return call (785) 564-6638, or you may contact me via email at Justin.Koehn@ks.gov. Please reference the file number so that we may help you more efficiently.
Sincerely,

Justin Koehn
Division of Water Resources

pc: Stafford Field Office
GMD #5
Housing Opportunity Inc.

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

November 14, 2023

ARK BEND AGGREGATE INC
2414 RAILROAD AVE
GREAT BEND, KS 67530-6509

Re: Water Right, File Nos. 45,582
Subject: Notification of Change Application

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This is to advise you that on January 23, 2023, Executive Director Callie Miller of Housing Opportunity Inc. has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water for the referenced file. K.S.A. 82a-1906 requires notification for the requested application for change.

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If you have any questions, please contact me for a return call (785) 564-6638, or you may contact me via email at Justin.Koehn@ks.gov. Please reference the file number so that we may help you more efficiently.
Sincerely,

Justin Koehn
Division of Water Resources

pc: Stafford Field Office
GMD #5
Housing Opportunity Inc.

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

November 14, 2023

STONE SAND CO INC
Attn: NELSON STONE - PRES
PO BOX 872
GREAT BEND, KS 67530-0872

Re: Water Right, File Nos. 45,582
Subject: Notification of Change Application

Dear Sir or Madam:

This is to advise you that on January 23, 2023, Executive Director Callie Miller of Housing Opportunity Inc. has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized use made of water for the referenced file. K.S.A. 82a-1906 requires notification for the requested application for change.

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If you have any questions, please contact me for a return call (785) 564-6638, or you may contact me via email at Justin.Koehn@ks.gov. Please reference the file number so that we may help you more efficiently.
Sincerely,

Justin Koehn
Division of Water Resources

pc: Stafford Field Office
GMD #5
Housing Opportunity Inc.

From: Lanterman, Jeff [KDA]
Sent: Wed 11/29/2023 3:18 PM
To: Koehn, Justin [KDA]; Conant, Cameron [KDA]
Cc: Fitch, Elizabeth [KDA]
Subject: RE: UMW Change Recommendation Request Base File No. 45,582

Justin this is an easy one. Must have gotten tired of paying the fees on it.

I agree with this. You might note on your approval cover letter to them that any additional dredging that would move the pond or add additional exposed surface area would require additional permitting or new applications from DWR and to contact **us first**.

Kind of funny. I measured the pit in google earth in the 20 photo and came up with 2.6 acres. FIR said it was 2.7 which was a little too big. Supposed to be 2 acres. 20 was coming off a very wet 19.

Enter the drought of 22 and I measured about 2 acres. In compliance ☺

Approve it.

Thanks
Jeff

From: Koehn, Justin [KDA] <Justin.Koehn@ks.gov>
Sent: Wednesday, November 29, 2023 8:32 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: UMW Change Recommendation Request Base File No. 45,582

Good morning Jeff,

Can you please provide a recommendation on the UMW Change for the attach application.

GMD 5 has recommended approval.

I have not received any questions or concerns from any near by letters that were sent.

Very Respectfully,

Justin Koehn
New and Change Applications 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

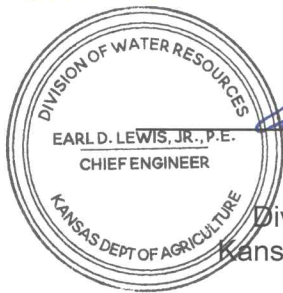
APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER
WATER RIGHT
FILE NO. 45,582

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Callie Miller, on behalf of Housing Opportunities, Incorporated, 1313 Stone Street, Great Bend, Kansas, 67530, received in this office on January 23, 2023, for approval of a change in the use made of water 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, 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 use made of water shall be Recreational Use.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,582, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated September 19, 2017.

Ordered this 4th day of December, at Manhattan, Riley County, Kansas.



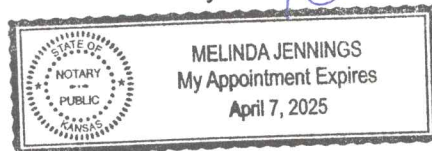
Earl D. Lewis Jr., P.E.
Chief Engineer

Division of Water Resources
Kansas Department of Agriculture

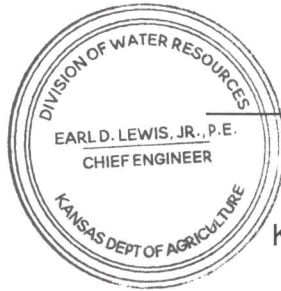
State of Kansas)
) SS
County of Riley)


The foregoing instrument was acknowledged before me this 4th day of December, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



The Division of Water Resources hereby agrees to accept the attached Stipulation for Discontinued Pit or Quarry as fully satisfying the owner's obligation to annually file a complete and accurate water use report, as required by K.S.A. 82a-732, as amended. This stipulation shall remain in effect until it is rescinded. Either party may rescind this stipulation in writing between March 1, and December 31, of any calendar year.

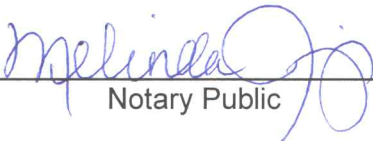




Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 4th day of December, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Notary Public





THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

STIPULATION FOR DISCONTINUED PIT OR QUARRY

This stipulation is filed to provide information regarding annual evaporative loss from the aquifer and to free the owner from having to file annual water use reports otherwise required as a condition of the approval of the permit. This stipulation is only available when the authorized pit or quarry is no longer used for industrial purposes.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000

Water Right, File No. 45582

I, Callie Miller - Exec Director Housing Opportunities, Inc., owner of a sand/gravel pit which is located in the Northwest Quarter of Section 32, Township 19 South, Range 13 E W, Barton County, Kansas, hereby stipulate as follows:

- 1. That the pit/quarry is no longer being mined, dredged or otherwise enlarged as of 2012 Date
2. That the surface area of the water in the pit/quarry is 2.0 acres.
3. That based on the average annual evaporation and precipitation in this area, the net average annual evaporation from the pit is 5.2 acre-feet per acre.
4. That the total average annual evaporation from the pit is 5.2 acre-feet.
5. That based on the above information, I agree that the annual water use from this pit or quarry will be 5.2 acre-feet per calendar year.
6. This stipulation shall remain in effect until it is rescinded.
7. Either party may rescind this stipulation in writing between March 1 and December 31 of any calendar year.

I declare that I am an owner of the water right, or that I represent such owners and am authorized to enter this agreement on their behalf and declare further that the statements contained herein are true, correct, and complete.

Callie Miller Signature 1/13/23 Date

State of Kansas)
) SS
County of)

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of January, 2023.

Notary Public - State of Kansas
TAYLER J. STEGEMAN
My Appt. Exp. 11/24
Notary Public

My Commission Expires:

WATER RESOURCES RECEIVED
JAN 23 2023

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

December 5, 2023

CALLIE MILLER
HOUSING OPPORTUNITIES INC
1313 STONE ST
GREAT BEND KS 67530

RE: Water Right
File No. 45,582

Dear Ms. Miller:

Enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change in use made of water under the above referenced file.

Since this order modifies the original certificate of appropriation for the above referenced file number, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the enclosure entitled, "Stipulation for Discontinued Pit or Quarry." This agreement has been accepted in lieu of the required annual water use report, unless rescinded by the Chief Engineer.

Please be reminded that specific conditions of the permit remain. Specifically, the area around the open groundwater exposure shall be graded or bermed so as to exclude overflow of surface water from entering the pit. Moreover, any additional dredging from the pit that would move the pond or expand the exposed surface area requires prior approval from the Chief Engineer.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

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

KAB:kak
Enclosures
pc: Stafford Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may 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 5 day of December, 2023, I hereby certify that the foregoing Order dated December 4, 2023, was mailed postage prepaid, first class, US mail to the following:

Original to:

HOUSING OPPORTUNITIES INC
1313 STONE ST
GREAT BEND, KS 67530

With photocopy to:

ADDRESS

Stafford Field Office



Division of Water Resources Staff