

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU WORKSHEET & WUC UPDATE

1. File Number: 48223	2. Status Change Date: 4/13/2021	3. Change Num: C1 C2	4. Field Office: 03	5. GMD: 04
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: 9/28/2020
8a. Applicant(s) New to system <input type="checkbox"/> DAN HAFFNER RT 2 BOX 49 HOXIE, KS 67740		Person ID <u>57305</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> DAN HAFFNER RT 2 BOX 49 HOXIE, KS 67740		Person ID <u>57305</u> Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> 8b		Person ID <u>51074</u> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/21</u> <input type="checkbox"/> N & P Date to Comply: <u>12/31/21</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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: 3/24/2021 By: li Date Entered: 4/12/2021 LMoody				

File No. **48223** 11. County: **SH** Basin: **S F SOLOMON RIVER** Stream: **NA** Formation Code: **211** Special Use: **NA**

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line)
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy 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) **NONE NO CHANGE**
 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				
DEL	62383	18	9	27W	2																	67	8B	NO	NONE
MOD	62382	17	9	27W	2	9.0	9.0	36.0	37.0			15.0	15.0	35.0	36.0	7.0	7.0	12.0	12.0			230	8B	NO	NONE

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: CHANGE FOLLOWS PU REDUCTION TO FILE NO. 44316

4/7/2021
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: March 24, 2021

FROM: Leslie Ireland

RE: Water Right, File No. 44,316
Appropriation of Water, File No. 48,223

Daniel L. "Dan" Haffner and Pat J. Haffner submitted a signed request to reduce the place of use under File No. 44,316 to separate ownership under File No. 44,316 & 48,223. An application to change the irrigated place of use under File No. 48,223 was received on January 11, 2021.

The referenced rights appear to be in compliance with K.S.A. 82a-732 and not abandoned per K.S.A. 82a-731. The required notice of well owners to comply with K.S.A. 82a-1906 does not appear to be needed as the applicants are the owners of all the wells within the notification area as an October 2020 quit claim deed from Joyce P. Haffner conveyed the property in Section 17, Township 9 South Range 27 West, Sheridan County to Daniel L. Haffner. It appears the application for change complies with K.A.R. 5-5-1a and the requested reduction with K.A.R. 5-7-5 as they have indicated there are no spouses and applicants are the sole owners.

Currently File Nos. 44,316 & 48,223 authorize a complete overlap of 277 acres pivot irrigation comprised of 120 acres in the Northeast Quarter (NE $\frac{1}{4}$) of Section 20 owned by Pat and 90 acres in the Southwest Quarter (SW $\frac{1}{4}$) and Southeast Quarter (SE $\frac{1}{4}$) of Section 17, and 67 acres in the Northeast Quarter (NE $\frac{1}{4}$) and Southeast Quarter (SE $\frac{1}{4}$) of Section 18, owned by Dan, all in Township 9 South, Range 27 West, Sheridan County, with a combined total of 415 acre-feet, equating to 1.83 acre-foot per acre (AF/A). The quantities are assigned per right with no additional limitations. The maximum acres listed by the 2010 certificated for File No. 44,316 are 120 acres. The base acres of the referenced files were determined by the area field office staff to be a combined total of 277 acres. The referenced files are located in the South Fork of the Solomon River Basin.

The requested reduction will return File No. 44,316 to the certified 120 acres in the Northeast Quarter (NE $\frac{1}{4}$) of Section 20 with the 80 AF developed equates to an irrigation ratio of 0.66 AF per acre. KAR 5-5-12, *Net irrigation requirement* for Sheridan County is 1.08 AF/A at the 50% chance of rainfall. As this will return File No. 44,316 to its original certified operational parameters. The requested reduction was not conditioned with approval of the requested change under File No. 48,223. The separation will result in File No. 48,223 authorized 157 acres with 335 AF resulting in an irrigation ratio of 2.13 AF/A. It would appear the irrigation ratio would not comply 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*, as File No. 48,223, has a priority date of August 2012, would be afforded 2.00 AF, as detailed in K.A.R. 5-3-19(a), *Maximum reasonable annual quantity of water for irrigation use*.

Instead of a quantity reduction to File No. 48,223, the owner has proposed to increase the irrigated acres to authorized 230 acres as detailed in the application to change stating the proposed change complies with Part b(6) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*. Base acres are defined by Part (a)(3) as the number of acres authorized by the permit. A review of pivot, soil and cropping information submitted with the original new application appears to meet the requirements of expanding the irrigated acres above base acres by more than ten acres or ten percent of the base acres. The authorized 335 AF on the proposed 230 acres results in an irrigation ratio of 1.45 AF/A which is less than the 1.5 AF/A per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, but is reasonable per the 80% chance value of 1.25 AF/A per K.A.R. 5-5-12.

The proposed increase in irrigated acres should not result in a significant increase in the historical consumptive use as no irrigation has occurred on the original permitted acres. It appears the proposed change complies with K.A.R. 5-5-3, *Change in consumptive use*.

The proposed 230 acres is two small full pivots located mostly in the Southwest Quarter (SW¹/₄), with partial acres in the Northeast, Northwest and Southeast Quarters (NE¹/₄ NW¹/₄ SE¹/₄) of Section 17, Township 9 South, Range 27 West, Sheridan County, that will be under the sole ownership of Dan Haffner.

The location of the well under File No. 44,316, will be updated to the actual location. The data was reviewed with the Mark Billinger, Assistant Water Commissioner who determined the actual location to be 4,472 feet North and 8 feet West of the Southeast corner of Section 20, approximately 8 feet from the authorized of 4,474 feet North and 1 foot West of the Southeast corner of Section 20, all in Township 9 South Range 27 West, Sheridan County. The update complies with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

In a letter dated March 22, 2021, Shannon Kenyon, Manager, Northwest Kansas Groundwater Management District No. 4, recommend approval of the application for change under File No. 48,223 with the reduction in place of use under File No. 44,316.

Kelly Stewart, Water Commissioner of the Stockton City Field Office area reviewed the proposed reduction and application for change. In an email dated March 24, 2021, he recommended approval of the package.

Water flowmeters will be required for the reduced right and the change approval pursuant to K.A.R. 5-5-11(e)(2). Check valves will be required, if chemigating. As no new wells will be drilled a water level measurement tube and WWC-5 will not be a condition of the approval for change. Each landowner will be designated as the water use correspondent as requested in the applications.

Based on the above discussion, that the change will create a reasonable place of use, the historical consumptive use will not be increased, that impairment to existing water rights are unlikely, and that no change in the local source of supply will occur, it is been recommended that the referenced request for reduction and application for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Stewart, Kelly [KDA]
Sent: Tue 3/23/2021 9:48 AM
To: Ireland, Leslie [KDA]
Cc: Hageman, Rebecca [KDA]
Subject: RE: Review and Recommendation , File Nos. 44316 & 48,223 Haffner

Leslie,

I would recommend approval of the reduction of 44,316 and the approval of the change in p/u of 48,223.

Kelly

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, March 23, 2021 8:52 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: Review and Recommendation , File Nos. 44316 & 48,223 Haffner

Kelly,

Please let me know if you could recommend these 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
APPROPRIATION OF WATER
FILE NO. 48,223**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Daniel L., "Dan" Haffner, Route 2 Box 49, Hoxie, Kansas, 67740, received in this office on September 28, 2020, for approval of a change in the location of the place of use under the Approval of Application, File No. 48,223, for 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 location of the 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	
17 9S 27W	9.0	9.0	36.0	37.0			15.0	15.0	35.0	36.0	7.0	7.0	12.0	12.0			230.0

a total of 230 acres in Section 17, Township 9 South, Range 27 West, Sheridan County, Kansas,

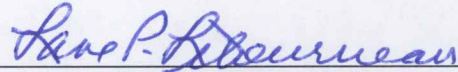
located substantially as shown on the map accompanying the application to change the place of use.

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 Approval of Application, File No. 48,223, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated August 13, 2012.

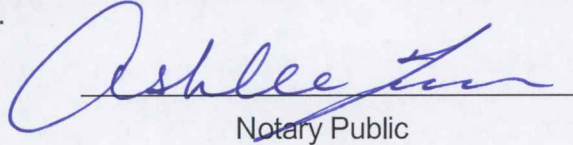
Ordered this 13 day of April, 2021, in Manhattan, Riley County, Kansas.



Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13 day of April, 2021, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



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

April 13, 2021

DAN HAFFNER
RT 2 BOX 49
HOXIE, KS 67740

RE: Appropriation of Water, File No. 48,223

Dear Mr. Haffner:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number.

The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. If it is desired that someone other than you, at the address listed above, submit the report for the referenced file, you should complete the form DWR 1-207.2 to designate a different Water Use Correspondent. This form may be found at the agency web site <http://agriculture.ks.gov>. Return the completed form to this office should you choose to designate a different recipient of the required report. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

If you have any questions regarding the enclosed document, please our office at (785) 564-6640. Inquiries about the metering please contact our staff at the Stockton Field Office, (785) 425-6787.

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. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li
Enclosures

pc: Stockton Field Office
Groundwater Management District No. 4

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 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.

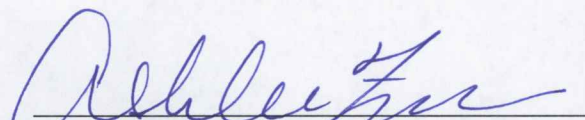
CERTIFICATE OF SERVICE

On this 13 day of April, 2021, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 48,223, dated 13 April, 2021, was mailed postage prepaid, first class, US mail to the following:

DAN HAFFNER
RT 2 BOX 49
HOXIE, KS 67740

With photocopies to:

Stockton Field Office
Groundwater Management District No. 4



Division of Water Resources