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

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
6938-A	**4/12/2022**	**C1**	**03**	

6. Status: ☒ Approved ☐ Denied by DWR/GMD ☐ Dismiss by Request/Failure to Return

7. Filing Date of Change: **12/16/19**

8a. Applicant(s) Person ID **220**
New to system ☐ Add Seq# _____

ALMENA IRRIGATION DISTRICT NO 5
PO BOX 275
ALMENA, KS 67622

8c. Landowner(s) Person ID _____
New to system ☐ Add Seq# _____

8b. Landowner(s) Person ID **220**
New to system ☐ Add Seq# _____

ALMENA IRRIGATION DISTRICT NO 5
PO BOX 275
ALMENA, KS 67622

8d. WUC Person ID **220**
New to system ☐ Add Seq# _____

ALMENA IRRIGATION DISTRICT NO 5
PO BOX 275
ALMENA, KS 67622

9. Documents and Enclosure(s): ☒ DWR Meter(s) Date to Comply: **12/31/23** ☒ 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: _____ To: _____

Date Prepared: **2/3/21** By: **MAB**

Date Entered: 4/20/2022 LMoody By:

File No. **6938-A** | 11. County: **NT** | Basin: **PRAIRIE DOG CREEK** | Stream: **PRAIRIE DOG CREEK** | Formation Code: | Special Use: **005**

PL

12. Points of Diversion

	CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate and Quantity Authorized Rate gpm	Authorized Quantity af	Additional Rate gpm	Additional Quantity af	Overlap PD Files
*	MOD	23751	NC N2 SW NE	24	2S	22W	3	3146	2339	DIVERSION DAM	*	*	*	*	
*	ENT	23660	NW SW SE	18	1S	19W	1	1150	2150						PL22,
*	ENT	85778	NW SE SW	33	1S	20W	43	834	3511						219, 3130
*	ENT	17834	SW NE SE	27	2S	22W	2	1900	1200						1029 ID2
*	ENT	23070	N2 NW SE	27	2S	22W	1	2550	2450						1029 ID1
*	ENT	86791	NW NE NW	17	1S	19W	8	5122	3354						545, 7860
*	ENT	87019	NW NE NW	8	1S	19W	16	5109	3647						9051-D2
*	ENT	18609	CS NW NW	17	1S	19W	2	4023	4610						PL12 ID2
*	ENT	39205	NE NW SW	17	1S	19W	1	2330	4526						PL12 ID1
*	ENT	85777	NW SE SW	33	1S	20W	42	838	3609						PL16
*	ENT	87061	LOT2 N2 NW	3	2S	20W	1	5022	5054						PL17-D2
*	ENT	NEW	NW NW SW	2	2S	21W	NEW	2570	5155	NT 89424					
*	ENT	NEW	SE NE NE	2	2S	21W	NEW	4500	30	NT 89425					
*	ENT	NEW	SE NE NE	2	2S	21W	NEW	4500	10	NT 89426					
*	ENT	NEW	NW NW NW	6	2S	20W	NEW	4780	5060	PL 89427					
*	ENT	NEW	NW NW NW	6	2S	20W	NEW	4780	5040	PL 89428					
*	ENT	NEW	SE SE SE	31	1S	20W	NEW	400	40	PL 89429					
*	ENT	6217	NE SE SW	32	1S	20W	9	720	3160						5249, 2147
*	ENT	64980	NW NW NE	19	1S	19W	1	5100	2450						PL 22

13. Storage: Rate 0 NF Quantity 36,700 ac/ft Additional Rate 0 NF Additional Quantity 36,700 ac/ft

14. Limitation: 11,280 af/yr at 44,880 gpm (100 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		
NO CHG																		

Base Acres: Year: Minimum Reasonable Quantity:

Comments: * **ALL PDS WHEN COMBINED LIMITED TO 11,280 AF, 44,880 GPM**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files **DATE:** February 4, 2021

FROM: Mark Billinger **RE:** Water Right
File No. 6938-A

Almena Irrigation District No 5, water right owners, have filed an application for approval to change the authorized point of diversion, authorized for irrigation use.

The referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number is authorized 11,280 acre-feet and 44,880 gallons per minute from one (1) surface water diversion located on Prairie Dog Creek in the North Center of the North Half of the Southwest Quarter of the Northeast Quarter (NC N2 SW¼ NE¼) in Section 24, Township 2 South, Range 22 West, Norton County, Kansas, in the Prairie Dog Creek basin. There is additionally a Storage Right for 36,700 acre-feet that is stored within the Keith Sebelius Reservoir. There are no overlaps in the authorized point of diversion. The Authorized Place of Use is defined as all areas within the boundaries of the Almena Irrigation District, located within Norton and Phillips Counties, Kansas. The water right owner has requested to retain this point of diversion and add 18 additional surface water points of diversion downstream. Many of these proposed points of diversion will overlap with existing surface water rights. The proposal would allow them to redirect their District Water using the stream as a conveyance system and subsequently abandon a portion of their canal and lateral system.

The current proposal will allow the Almena Irrigation District No 5 to convert approximately ten miles of the south canal (serving 1.520 acres) to underground pipe and retire the lower canal system and have remaining acres served by 18 proposed pumping stations from the Prairie Dog Creek. The proposal entails the retirement of the canal and lateral system and bypass of diverted water at the diversion dam into the river as a conveyance system. The water will then be picked up at the diversion dam and the 18 proposed points of diversion out of the river to underground pipe to service these acres previously served by the canal system.

Due consideration to K.S.A. 82a-708b (3) has been given to this application. This states that the owner shall demonstrate to the Chief Engineer that any proposed change relates to the same local source of supply as that to which the water right was certified upon. As certified, water right 6938-A authorizes the diversion of natural flows of surface water from Prairie Dog Creek at a point near the center of the N1/2 of the SW1/4 of the NE ¼ of 24-2S-22W (hereby known as the diversion dam) and in excess of that needed for direct diversion, may accumulate storage for subsequent release in Keith Sebelius Reservoir to a maximum extent of 36,700 AF per calendar year. Since this authorizes the irrigation district to natural flow at the diversion dam and subsequent storage and release from the Reservoir, it must be demonstrated that by adding additional pumping stations downstream of the diversion dam that the change is in not in violation of K.S.A. 82a-708b due to changing the local source and supply. In order for this to be demonstrated, it will be stated as a limitation of the change that proper accounting of flow available to be diverted at the diversion dam through natural flows and subsequent release from the reservoir to satisfy District needs be taken into account as to only use the stream as a conveyance mechanism (as authorized under K.S.A. 42-303). This will be tracked by proper accounting as per natural flow and storage release available at the diversion dam to not be diverted in excess by the combination of all diversions. The District will be required to have a management plan that is approved by the Chief Engineer. Within this plan they will be required to install an USGS real-time stream gaging station upstream of the Almena Diversion dam in order to monitor streamflow entering the District's reach. The District will then be required to cause a release from Norton Reservoir at any time that the total instantaneous rate of diversion under this water right exceeds the rate of flow measured at the upstream gaging station.

Based on the submitted map, there are multiple landowners, located within one-half mile upstream and downstream of the property boundaries of the proposed point of diversions. Due to the large number of nearby landowners, DWR has required a public notice to be ran in the local newspapers for 3 consecutive weeks to allow for any public comment.

In an e-mail dated March 30,2022, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated he has no objection to approval of the referenced change application.

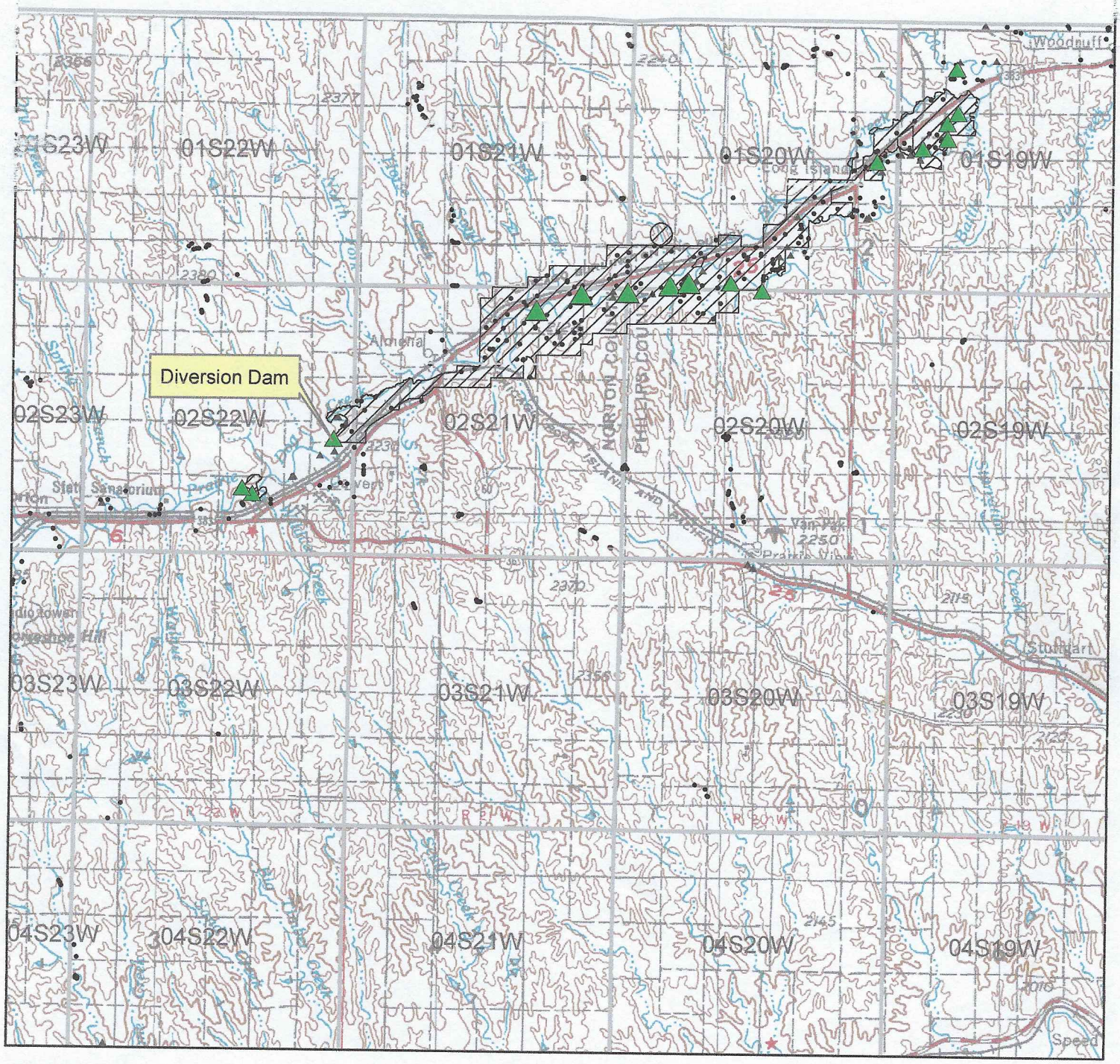
A water flow meter(s) and water level measurement tube(s) are required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

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

Mark Billinger
Assistant Water Commissioner

Updated Memo: JDK 3/30/2022

Application to Change the Point of Diversion
For Water Right File # 6938-A



Authorized Place of Use

Surface Water Point of Diversion

Groundwater Point of Diversion

1:200,000

Proposed Points of Diversion

Signature Required

A.I.D. President

By signing this I am stating that to the best of my knowledge that all landowners 1/2 mile upstream and downstream of the proposed points of diversion are identified on the enclosed attachment.

ALMENA IRRIGATION DISTRICT #5, PILOT PROGRAM FOR EARLY SPRING WATER DELIVERY

CRITERIA FOR SPRING DELIVERY THROUGH PRAIRIE DOG CREEK

1. Water supply at Norton Reservoir as of February 1 of current year capable of a water delivery to entire District. With letter sent to District land operators stating amount to be delivered per acre.
2. Prairie Dog Creek has to have water flowing from Norton to Nebraska state line.
3. Working meters must be installed at pump stations and district ditch rider recording meter reading prior to release and after shut down.
4. Land operator has to designate whole farm allotment with total amount of acres for that farm.
5. Operator sends signed letter to district with tract specifications, and total acres operator wants to enroll in spring water delivery program.
6. Operators that take spring delivery water will not be allowed to take summer water on designated tracts and acres, unless a second water delivery is approved by the Board of Directors.
7. Currently the canal system has to run at maximum capacity, and is unable to get everyone on at same time, typically the district has to release 3 gallons to get one gallon delivered.
8. The purpose of this pilot program is to see if we can be more efficient in water deliveries and save water. If the release is made early enough while the trees are dormant and the creek banks are frozen a 1 for 1 release might be realized. An additional benefit will be not running the distribution works at maximum capacity.
9. District estimates nearly 1/3 of the acres could be enrolled in this project. Which could amount to a substantial water savings at The Norton Reservoir.
10. District water has to be applied to district acres.
11. District water may be stored in a pond, lagoon, or land applied at time of delivery.

Almena Irrigation District #5

Post Office Box 275

Almena, Kansas 67622

February 24, 2022

District Operating Plan for Water Deliveries Via Prairie Dog Creek

1. **Water supply at Norton reservoir capable of a water delivery to District.**
2. **Water delivery allocation for the year stated at annual meeting.**
3. **District water has to be applied to District acres.**
4. **When the District needs more than the natural flow measured at the upstream gage station the District shall cause a release from Norton Reservoir to meet the demand needed.**
5. **Accounting will be kept when diverting District water at all pump stations, and make available to DWR see attached documents.**
6. **This Operating Plan may be modified at the District's discretion.**
7. **The District agrees to comply with the DWR State of Kansas regulations for water right 6938-A**
8. **District has a water supply contract with the United States of America and will comply with the terms of the contract.**
9. **District will work with DWR to resolve any and all issues.**

Almena Irrigation Board of Directors

_____ 3-19-22

_____ 3-17-22

ALMENA IRRIGATION DISTRICT # 5 ACCOUNTING PROCEDURE

PRAIRIE DOG CREEK

District pump stations can pump equivalent stream flows as measured at the upstream USGS gage station located above the District's diversion dam.

Properly installed District pump stations operator may request water delivery form District personal. (Ditch Rider or Board of Directors).

District will record the daily average cfs at the upstream USGS gage station.

District will determine if natural flow is available for delivery, if District is capable of allowing a District water diversion, the pump station ID will be recorded along with the meter reading also the daily spread sheet will indicate A for District water delivery or S for surface water delivery.

If District is working with only natural stream flows and does not believe it is beneficial to make a release from Norton Dam the District will implement a rotational plan with the pumping stations of five days operating then off and rotate to the next user for five days.

Spreadsheets will be kept for each individual pump station.

Almena Irrigation Board of Directors

Bradley Cox 3-17-22

[signature] 3-17-22

Example

	A	B	C	D	E	F	G	H
1	**2022 ALMENA IIRIATION DISTRICT #5 PRAIRIE DOG CREEK PUMP STATION ACCOUNTING**							
2	DAY	USGS Reading	District = A	Surface = S	Meter Reading	CFS = A	CFS =S	Notes March Station ID 9051D2 & Surface
3	1							
4	2							
5	3							
6	4							
7	5							
8	6							
9	7							
10	8							
11	9							
12	10	8	District = A		028.00AF	1		
13	11	8	District = A			1		
14	12	8	District = A			1		
15	13	8	District = A			1		
16	14	7	District = A			1		
17	15	8	District = A		040.000AF	1		
18	16	7		Surface = S			1	
19	17	7		Surface = S			1	
20	18	8		Surface = S	046.000AF		1	
21	19							
22	20							
23	21							
24	22							
25	23							
26	24							
27	25							
28	26							
29	27							
30	28							
31	29							
32	30							
33	31							
34	Totals	69				6	3	

Bradley Cox 3-17-22

Corey Dow 3-17-22

From: Stewart, Kelly [KDA]
Sent: Mon 3/22/2021 2:04 PM
To: Lewis, Earl [KDA];Beightel, Chris [KDA];Letourneau, Lane [KDA];Baum, Kristen [KDA];Billinger, Mark [KDA]
Subject: Almena Irrigation District (AID)

Everyone,

I just got off the phone with Craig Ingram. He is very familiar with Ms. Hillebrand. According to Craig, she owns 7 acres along the South canal and hardly ever takes any water. Craig says that every District member has previously been mailed information regarding the proposal. They have tried hard to communicate their plans to everyone. To the best of his knowledge, she has never reached out to any of the board of directors directly. If she had, they would certainly follow up on it. This mailing even laid out some options for the District members that would lower their taxes.

Ms. Hillebrand does not have her own pumpsite on the creek with her own water right. Her land is proposed to be serviced by a District pump site that will deliver water via a pipeline to three different landowners.

In regards to the District owned pump sites, they have obtained one voluntary easement already from the landowner. If they cannot obtain voluntary easements to the rest of them, they will use imminent domain. They don't want to go this route if they can avoid it, but are willing to do so. They will soon be doing a legal survey for the pump site locations and pipelines to ensure they work with the proper landowners on access.

There has not been nor will there be a District member vote on this proposal. The board believes they have the authority to make these decisions on behalf of the District.

Craig intends to write an article for the local newspapers to run. He wants to make sure the facts are out there, what kind success they have had the last two years, and also speak of the grant monies being awarded by the USBR.

I'm confident the board has made a good faith effort to get the word out and would respond to anyone that asked. Ms. Hillebrand did not attend the annual meeting at the first part of March where she could have received additional information on the project.

If you can think of anything else you want to know, Craig said for me to call him anytime.

Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
(785)425-6787
kelly.stewart@ks.gov

http://www.agriculture.ks.gov/

From: Stewart, Kelly [KDA]
Sent: Mon 3/21/2022 9:59 AM
To: Baum, Kristen [KDA];Lewis, Earl [KDA];Letourneau, Lane [KDA];Beightel, Chris [KDA]
Cc: Billinger, Mark [KDA];Koehn, Justin [KDA]
Subject: RE: Almena Irrigation District PD change 6938-A
Attachments: AID spreadsheet.jpg, AID operating plan.jpg, AID procedure.jpg

Here is AID's updated operating plan and accounting procedures.

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Tuesday, March 8, 2022 4:52 PM
To: Lewis, Earl [KDA] <Earl.Lewis@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Beightel, Chris [KDA] <Chris.Beightel@ks.gov>
Cc: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Koehn, Justin [KDA] <Justin.Koehn@ks.gov>
Subject: Almena Irrigation District PD change 6938-A

We have an approval document and transmittal drafted for the Almena Irr Dist PD change. This change adds a bunch of Prairie Dog Creek pumpsites as PDs to the IRR district water right. As I understand it, this allows them to eliminate the ditches they currently use for distribution and instead use some existing and new pumpsites along the creek.

I've highlighted the special permit conditions we've added to the approval and some additional language we've added to the transmittal. I think we've streamlined this some after meeting the last time so we want to make sure this works for everyone. One think we wondered is if we want the operational plan to be a condition of the permit if the other conditions could stand alone (i.e. As long as they meet their permit conditions do we care how they do it?). The operational plan they submitted is also attached to this email.

If it would be helpful to schedule a short call to discuss, I'd be happy to get that arranged. Let me know what you all think.

Thanks,

Kristen A. Baum
Division of Water Resources – Water Appropriations
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
(785) 564-6627

Example

	A	B	C	D	E	F	G	H
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9	7							
10	8							
11	9							
12	10	8	District = A		028.00AF	1		
13	11	8	District = A			1		
14	12	8	District = A			1		
15	13	8	District = A			1		
16	14	7	District = A			1		
17	15	8	District = A		040.000AF	1		
18	16	7		Surface = S			1	
19	17	7		Surface = S			1	
20	18	8		Surface = S	046.000AF		1	
21	19							
22	20							
23	21							
24	22							
25	23							
26	24							
27	25							
28	26							
29	27							
30	28							
31	29							
32	30							
33	31							
34	Totals	69				6	3	

Bradley Cox 3-17-22

3-17-22

Almena Irrigation District #5

Post Office Box 275

Almena, Kansas 67622

February 24, 2022

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Almena Irrigation Board of Directors

3-19-22

Bradley Cox 3-17-22

ALMENA IRRIGATION DISTRICT # 5 ACCOUNTING PROCEDURE

PRAIRIE DOG CREEK

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Spreadsheets will be kept for each individual pump station.

Almena Irrigation Board of Directors

Bradley Cox 3-17-22

[illegible] 3-17-22

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 WATER RIGHT FILE NO. 6,938-A

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of the Almena Irrigation District No 5, PO Box 275 Almena, Kansas 67622, received in this office on Dec 16, 2019, 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, 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 locations of the points of diversion shall be:

one surface water diversion in Prairie Dog Creek located in the north center of the North Half of the Southwest Quarter of the Northeast Quarter (N1/2 SW¼ NE¼) of Section 24, more particularly described as being near a point 3,146 feet North and 2,339 feet West of the Southeast corner of said section, in Township 2 South, Range 22 West, Norton County, Kansas,

one (1) pumpsite (Vested Right File No. PL 022) located in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) of Section 18, more particularly described as being near a point 1,150 feet North and 2,150 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas,

one (1) pumpsite (Vested Right File No. PL 022) located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼ NW¼ NE¼) of Section 19, more particularly described as being near a point 5,100 feet North and 2,450 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas,

one (1) pumpsite (Water Right File Nos. 219 and 3130) located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW¼ SE¼ SW¼) of Section 33, more particularly described as being near a point 834 feet North and 3,511 feet West of the Southeast corner of said section, in Township 1 South, Range 20 West, Phillips County, Kansas,

(over)

one (1) pumpsite (Water Right File No. 1029) located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW¼ NE¼ SE¼) of Section 27, more particularly described as being near a point 1,900 feet North and 1,200 feet West of the Southeast corner of said section, in Township 2 South, Range 22 West, Norton County, Kansas,

one (1) pumpsite (Water Right File No. 1029) located in the North Half of the Northwest Quarter of the Southeast Quarter (N½ NW¼ SE¼) of Section 27, more particularly described as being near a point 2,550 feet North and 2,450 feet West of the Southeast corner of said section, in Township 2 South, Range 22 West, Norton County, Kansas,

one (1) pumpsite (Water Right File Nos. 545 and 7860) located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW¼ NE¼ NW¼) of Section 17, more particularly described as being near a point 5,122 feet North and 3,354 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas,

one (1) pumpsite (Water Right File No. 9051-D2) located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW¼ NE¼ NW¼) of Section 8, more particularly described as being near a point 5,109 feet North and 3,647 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas,

one (1) pumpsite (Vested Right File No. PL 012) located in the center of the South Half of the Northwest Quarter of the Northwest Quarter (S½ NW¼ NW¼) of Section 17, more particularly described as being near a point 4,023 feet North and 4,610 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas,

one (1) pumpsite (Vested Right File No. PL 012) located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¼ NW¼ SW¼) of Section 17, more particularly described as being near a point 2,330 feet North and 4,526 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas,

one (1) pumpsite (Vested Right File No. PL 016) located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW¼ SE¼ SW¼) of Section 33, more particularly described as being near a point 838 feet North and 3,609 feet West of the Southeast corner of said section, in Township 1 South, Range 20 West, Phillips County, Kansas,

one (1) pumpsite (Vested Right File No. PL 017-D2) located the Lot 2 of Section 3, more particularly described as being near a point 5,022 feet North and 5,054 feet West of the Southeast corner of said section, in Township 2 South, Range 20 West, Phillips County, Kansas,

one (1) pumpsite located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW¼ NW¼ SW¼) of Section 2, more particularly described as being near a point 2,570 feet North and 5,155 feet West of the Southeast corner of said section, in Township 2 South, Range 21 West, Norton County, Kansas,

one (1) pumpsite located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE¼ NE¼ NE¼) of Section 2, more particularly described as being near a point 4,500 feet North and 30 feet West of the Southeast corner of said section, in Township 2 South, Range 21 West, Norton County, Kansas,

one (1) pumpsite located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE¼ NE¼ NE¼) of Section 2, more particularly described as being near a point 4,500 feet North and 10 feet West of the Southeast corner of said section, in Township 2 South, Range 21 West, Norton County, Kansas,

one (1) pumpsite located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼) of Section 6, more particularly described as being near a point 4,780 feet North and 5,060 feet West of the Southeast corner of said section, in Township 2 South, Range 20 West, Phillips County, Kansas,

one (1) pumpsite located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼) of Section 6, more particularly described as being near a point 4,780 feet North and 5,040 feet West of the Southeast corner of said section, in Township 2 South, Range 20 West, Phillips County, Kansas,

one (1) pumpsite located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼ SE¼) of Section 31, more particularly described as being near a point 400 feet North and 40 feet West of the Southeast corner of said section, in Township 1 South, Range 20 West, Phillips County, Kansas,

one (1) pumpsite located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE¼ SE¼ SW¼) of Section 32, more particularly described as being near a point 720 feet North and 3,160 feet West of the Southeast corner of said section, in Township 1 South, Range 20 West, Phillips County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

The water right owner shall ensure that a United States Geological Survey (USGS) gage station or equivalent is installed and maintained immediately upstream of the Almena Diversion dam to monitor streamflow entering into the District's reach. When the water right owner is diverting natural flow from Prairie Dog Creek, the total instantaneous rate of diversion shall not exceed the rate of flow measured at this upstream gaging station and streamflow cannot be stopped at the first riffle below the last operating point of diversion. At any time that these conditions cannot be met, the District shall cause a release from Norton Reservoir sufficient enough to meet those criteria.

The water right owner shall adhere to an operating plan that has been submitted to and approved by the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture.

Installation of the works for diversion of water shall be completed on or before December 31, 2022, or within any authorized extension of time. The water right owner 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.

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. 6938-A for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 25, 1982 as modified and amended by the aforementioned order.

Ordered this 12th day of April, 2022, in Manhattan, Riley County, Kansas.

DIVISION OF WATER RESOURCES
EARL D. LEWIS, JR., P.E.
CHIEF ENGINEER
KANSAS DEPT OF AGRICULTURE

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 12th day of April, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda
Notary Public

STATE OF KANSAS NOTARY PUBLIC
MELINDA JENNINGS
My Appointment Expires
April 7, 2025

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: 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 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 14 day of April, 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 6938-A, dated 12 April, 2022, was mailed postage prepaid, first class, US mail to the following:

ALMENA IRRIGATION DISTRICT NO 5
PO BOX 275
ALMENA, KS 67622

With photocopies to:

Stockton Field Office

Melinda Jay
Division of Water Resources

Almena Irrigation District #5

Post Office Box 275

Almena, Kansas 67622

February 24, 2022

District Operating Plan for Water Deliveries Via Prairie Dog Creek

1. **Water supply at Norton reservoir capable of a water delivery to District.**
2. **Water delivery allocation for the year stated at annual meeting.**
3. **District water has to be applied to District acres.**
4. **When the District needs more than the natural flow measured at the upstream gage station the District shall cause a release from Norton Reservoir to meet the demand needed.**
5. **Accounting will be kept when diverting District water at all pump stations, and make available to DWR see attached documents.**
6. **This Operating Plan may be modified at the District's discretion.**
7. **The District agrees to comply with the DWR State of Kansas regulations for water right 6938-A**
8. **District has a water supply contract with the United States of America and will comply with the terms of the contract.**
9. **District will work with DWR to resolve any and all issues.**

Almena Irrigation Board of Directors

3-19-22

3-17-22

ALMENA IRRIGATION DISTRICT # 5 ACCOUNTING PROCEDURE

PRAIRIE DOG CREEK

District pump stations can pump equivalent stream flows as measured at the upstream USGS gage station located above the District's diversion dam.

Properly installed District pump stations operator may request water delivery form District personal. (Ditch Rider or Board of Directors).

District will record the daily average cfs at the upstream USGS gage station.

District will determine if natural flow is available for delivery, if District is capable of allowing a District water diversion, the pump station ID will be recorded along with the meter reading also the daily spread sheet will indicate A for District water delivery or S for surface water delivery.

If District is working with only natural stream flows and does not believe it is beneficial to make a release from Norton Dam the District will implement a rotational plan with the pumping stations of five days operating then off and rotate to the next user for five days.

Spreadsheets will be kept for each individual pump station.

Almena Irrigation Board of Directors

Bradley Cox 3-17-22

3-17-22

3/21/2022

Water Resources
Received

KS Dept Of Agriculture

Example

	A	B	C	D	E	F	G	H
1	2022 ALMENA IIRIATION DISTRICT #5 PRAIRIE DOG CREEK PUMP STATION ACCOUNTING							
2	DAY	USGS Reading	District = A	Surface = S	Meter Reading	CFS = A	CFS =S	Notes March Station ID 9051D2 & Surface
3	1							
4	2							
5	3							
6	4							
7	5							
8	6							
9	7							
10	8							
11	9							
12	10	8	District = A		028.00AF	1		
13	11	8	District = A			1		
14	12	8	District = A			1		
15	13	8	District = A			1		
16	14	7	District = A			1		
17	15	8	District = A		040.000AF	1		
18	16	7		Surface = S			1	
19	17	7		Surface = S			1	
20	18	8		Surface = S	046.000AF		1	
21	19							
22	20							
23	21							
24	22							
25	23							
26	24							
27	25							
28	26							
29	27							
30	28							
31	29							
32	30							
33	31							
34	Totals	69				6	3	

Bradley Cox 3-17-22

3-17-22

3/21/2022

Water Resources
Received

KS Dept Of Agriculture

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov

Kansas
Department of Agriculture

900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 14, 2022

ALMENA IRRIGATION DISTRICT NO 5
PO BOX 275
ALMENA, KS 67622

RE: Water Right, File No. 6,938-A

Dear Mr. Ingram:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. Please note that the Chief Engineer has reviewed and approved the District Operating Plan for Water Deliveries Via Prairie Dog Creek. Your permit will require that you adhere to this operating plan as a condition of your permit. Your permit will also require the installation of a USGS gage station upstream of the Almena Diversion dam in order to monitor streamflow entering the District's reach. The District will then be required to cause a release from Norton Reservoir at any time that the total instantaneous rate of diversion under this water right exceeds the rate of flow measured at the upstream gaging station.

A condition of this approval is that acceptable water flowmeters must be installed on the diversion works authorized under the referenced file number. Please return the required notification of installation of the required meters as soon as these actions are completed. Please contact the Stockton Field Office at (785) 425-6787 with any questions regarding the meter installations.

Since the order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office at 785-564-6640 or your local Stockton Field Office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A Baum

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

KAB: jdk
Enclosures
pc: Stockton Field Office