

**Kansas Department of Agriculture
Division of Water Resources
APPROVAL OF CHANGE APPLICATION WORKSHEET**

1. File No.: 31394	2. Status Change Date: 2/21/2024	4. Field Office: 03 - Stockton GMD: Structures File No.: Filing/Priority Date: 05/09/2023 Application Complete Date:
3. Package File No(s): 31394		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID _____ Add Seq# _____ KEVIN K HOLLE 34704 ROAD N HERNDON, KS 67739-8023	5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID _____ Add Seq# _____	
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> NAME Change Person ID 68493 Add Seq# _____ HOLLE LEGACY FAMILY LIMITED PARTNERSHIP 34704 ROAD N HERNDON, KS 67739-8023 ORKA UPDATE CONFIRMED WITH OWNER	5d. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 22774 Add Seq# 1 KEVIN HOLLE TRUST Attn: KEVIN & MARY KATE HOLLE 34704 ROAD N HERNDON, KS 67739-8023	
6. Change No.: C2 <input checked="" type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: _____ Year: _____ Min Reasonable Q: _____ Previous UMW: _____ MDS Gauge: _____ Active Admin? <input type="checkbox"/> Completion/Start Date: _____ Perfection/Expiration Date: _____	7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: _____ UMW: _____ UMW: _____	
8. Action Trail GX C2 - CHANGE APP POINT OF DIVERSION APPROVED - Comp Date: 12/31/2024		
9. Special Conditions 10 YR REVIEW - ADDITIONAL WELL		
10. 5YR Allocation Type: _____ Start Year: _____ 5YR Quantity: _____ Base Acres: _____ Comment: _____		
11. Sand & Gravel Proj ID: _____ <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: _____ <input type="checkbox"/> New Date Requested: _____ Applies: _____ Rule No.: _____ Justification: _____ Rule Type: _____ Rule SubType: _____		
Comments	Processed LI 2/20/2024	Entered 3/1/2024 KAnderson
	Reviewed KAK 2/21/2024	

File No. 31394	13. County: RW Basin: SAPPA CREEK Stream:
Structures File No:	Aquifer Code: 113 MAIN STEM ALLUVIUM Special Use Area: RRC-SAPPA C 004

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	CIN	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
MOD	27303	SW NE SE	11	4	31W	2	1572	733	LES NE	26.5	26.5	170	170				NONE
MOD	67863	NE SW SE	11	4	31W	4	1015	1800	LES SW	16	16	300	300				NONE
ENT	90792	NW NE SE	11	4	31W		2346	1096	LES N NE ADDITIONAL WELL	26.5	26.5	180	180				NONE

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2024 FOR NOTICE OF COMPLETION ADDITIONAL WELL ADDITIONAL WELL SPECIAL CONDITION : **10 YR REVIEW - ADDITIONAL WELL**

17. Place of Use						NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Total	Owner(s)	Chg?	Overlaps
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
CHK	10652	11	4	31W	1													37.0	23.0	34.0	11.0	105	5c	<input checked="" type="checkbox"/>	*
																								<input type="checkbox"/>	**
																								<input type="checkbox"/>	***
																								<input type="checkbox"/>	^
																								<input type="checkbox"/>	^^

18. Point of Diversion and Place of Use Overlaps + ++ # ^	* NONE ** *** ^^
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 20, 2024

FROM: Leslie Ireland

RE: Water Right,
File No. 31,394

Kevin and Mary Holle on behalf of the Holle Legacy Family Limited Partnership owner of the referenced file has requested to change the point of diversion authorized for irrigation use. The application was received on May 9, 2023. This application for change in Sappa Creek Basin, Rawlins County, proposes to add an **additional well** and will be processed under K.A.R. 5-5-16.

The referenced water right is considered not to be abandoned as per K.S.A. 82a-718 and also appears to be in compliance with K.S.A. 82a-732. The ownership will be updated from the trust to the Legacy Family Limited Partnership. Review of nearby wells found only the two wells authorized by the referenced file within one-half mile of the proposed additional well. It appears no notification per K.S.A. 82a-1906, will be required. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*.

File No. 20,264, is certified for two (2) wells identified by the owner as Les NE and Les SE located. The wells are in Section 11, Township 4 South, Range 31 West, Rawlins County, Sappa Creek Basin, and a designated area of the Republican River Compact Area (RRCA). There is no overlap in point of diversion or place of use and no additional limitations. They are authorized to irrigate 105 acres with a combined total of 69 acre-feet (AF) and rate totaling 650 gallons per minute(gpm). Authorized with an assigned quantity and rate the change proposes to shift the quantity from one well and rate from another to authorize and construct a new well.

The source of supply of the existing well has been determined to be Main Stem Alluvium (Code 113). A well log of one of the currently authorized wells (ID 4) lists a completed well depth of approximately 32 feet deep and a static water level of 13 feet in 1977. Another well in the immediate vicinity, completed at the same time and may be the other authorized well lists similar but shale at 30 feet deep. A test well log completed in April 2023, by Woofter Pump & Well Incorporated lists similar lithology but with minor caliche lenses listed with the sand layers but is 13 feet deeper to shale and had a static water level of 20 feet. The screening will be slightly deeper on the new well but similar practice for any redrill. It appears the requirements of K.A.R. 5-5-16(b) have been met and that the existing and proposed existing well are in the same source of supply. A WWC-5 record will not be a condition of the approval.

The proposed additional well is to be located 2,485 feet North and 1,323 feet West of the Southeast corner of Section 11. The maximum acres legally irrigated were determined by the division to be 73.8 acres. The determination of the quantity for the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i) was:

$$73.8 \text{ acres} \times 1.26 \text{ (80\%NIR Rawlins Co)} / 0.85 = 109.4 \text{ acre-feet.}$$

There will be no reduction in in the 69 AF authorized and the irrigated acres will remain as authorized. The small quantity authorized below the allowed would indicate consumptive use will not increase as required by K.A.R. 5-5-3, *Consumptive use*.

The rate of diversion evaluation as required by K.A.R. 5-5-16(a)(3) appears to have been met as allowed by part (B) as the capacity of the aquifer consistently provide yields when not in extreme drought conditions as the alluvium conditions are usually consistent. The rate has been divided and assigned between the wells as specified in K.A.R. 5-5-16(d).

Proposal File No. 31,394: Well Locations Sec 11	Authorized				Proposed	
	Well CIN/ ID	Well Reference	Quantity, AF	Rate, gpm	Quantity, AF	Rate, gpm
SW NE SE 1,572' N & 733' W	2	Les NE	53.0	170	26.5	170
NE SW SE 1,015' N & 1,800' W	4	Les SW	16.0	480	16.0	300
NW NE SE ** 2,346' N & 1,096' W		Les N SE			26.5	180

** denotes additional well

The rate requested and quantity per well appear to be reasonable and could be diverted during the irrigation season.

The currently authorized wells are located North of the creek and approximately 1,068 feet apart. The proposed new additional well is also located North of the creek approximately 859 feet from ID 2 and 1,505 feet from ID 4. The additional well located between the wells has similar spacing as the existing wells. As all of the wells will serve the same place of use authorized under a sole owner, it would appear well to well spacing of this distance complies with K.A.R. 5-4-4, *Well spacing*.

A check for nearby wells located within one-half ($\frac{1}{2}$) mile of the proposed additional point of diversion listed by KGS-KDHE indicated no domestic wells in its area. The WRIS database indicates there to be only the irrigation wells under the referenced file located within one-half ($\frac{1}{2}$) mile of the proposed additional well.

Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated via email on February 20, 2024, he had no objection to the proposed change to add an additional well.

A water flow meter will be required on each well as per K.A.R. 5-5-16(e) and a check valve is required if any chemical or foreign substance is injected through the diversion works. A water level measurement tube will be required for the additional well approved. A WWC-5 will not be required as it one was submitted during the processing of the application. Per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that the administrative priority of the additional well will be May 9, 2023, and will contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

Based on the above discussion, and that the change is reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change request that may be affected by this approval and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.

Leslie Ireland
Environmental Scientist

Ireland, Leslie [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, February 20, 2024 3:32 PM
To: Ireland, Leslie [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Nancy [KDA]
Subject: RE: Review and Recommendation Change in PD, File No. 31394 Holle Additional Well

Leslie,

I recommend approval of this change application.

Question: It seems odd that the well with the smallest quantity will have the highest pumping rate. Are we sure that's accurate as proposed?

Thanks,

Kelly

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, February 20, 2024 3:23 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Review and Recommendation Change in PD, File No. 31394 Holle Additional Well

Kelly,

Please let me know if you would recommend this additional well. The application has been updated and Mary's signature obtained.

As always comments and concerns are welcome.

WoW.... 69 degrees here!!

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 POINT OF DIVERSION
WATER RIGHT
FILE NO. 31,394**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kevin K. and Mary K. Holle, on behalf of the Holle Legacy Family Limited Partnership, 34704 Road N, Herndon, Kansas 67739-8023, received in this office on May 9, 2023, 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 Order of the Chief Engineer, dated August 28, 2002, approving the application to change the authorized point of diversion, by the Order of the Chief Engineer dated November 28, 2012, approving the application to change the authorized point of diversion and place of 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 application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (May 9, 2023) to add the additional well.

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

one (1) well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 11, more particularly described as being near a point 1,572 feet North and 733 feet West of the Southeast corner of said section, at a diversion rate not in excess of 170 gallons per minute (0.38 c.f.s.) and a quantity not to exceed 26.5 acre-feet per calendar year, and

one (1) well located in the Northeast Quarter of the Southwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 1,015 feet North and 1,800 feet West of the Southeast corner of said section, at a diversion rate not in excess of 300 gallons per minute (0.67 c.f.s.) and a quantity not to exceed 16 acre-feet per calendar year, and

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 11, more particularly described as being near a point 2,346 feet North and 1,096 feet West of the Southeast corner of said section, at a diversion rate not in excess of 180 gallons per minute (0.40 c.f.s.) and a quantity not to exceed 26.5 acre-feet per calendar year (additional well),

all in Township 4 South, Range 31 West, Rawlins County, Kansas,

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

The well drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a 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.

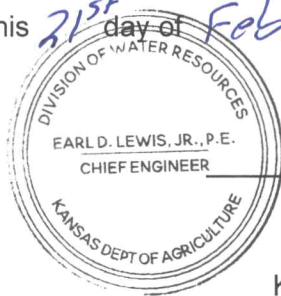
All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed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

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Installation of the works for diversion of water shall be completed on or before December 31, 2024, 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. 31,394, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated May 1, 1986, as modified and amended by the aforementioned orders.

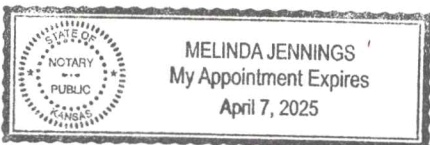
Ordered this 21st day of February, 2024, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.
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 21 day of February 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Melinda Jennings
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

March 4, 2024

HOLLE LEGACY FAMILY LIMITED PARTNERSHIP
KEVIN K. AND MARY K. HOLLE
34704 ROAD N
HERNDON KS 67739-8023

RE: Water Right
File No. 31,394

Dear Mr. and Mrs. Holle:

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 the approval for change. A condition of the approval is that acceptable water flowmeter must be installed on the diversion works authorized. Please return the required, Notification of the Completion of the Diversion Works, prior to December 31, 2024.

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

The change approval is adding the additional point of diversion located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, therefor it is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the portion of the additional well shall be considered to have the priority of the date the application was filed (May 9, 2023).

If you have any questions, please contact Kelly Stewart, Water Commissioner, Stockton Field Office at (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
Division of Water Resources

LPL:kak:li
Enclosures
pc: Stockton 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 4 day of March, 2024, I hereby certify that the attached Approval of Application for Change in Point of Diversion, File No. 31,394, dated February 21, 2024, was mailed postage prepaid, first class, US mail to the following:

Holle Legacy Family Limited Partnership
Kevin K. and Mary K. Holle
34704 Road N
Herndon, KS 67739-8023

With a Photocopy to:

KDA-DWR Stockton Field Office



Division of Water Resources