

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

1. File Number: 6938-A	2. Status Change Date: 4/9/2024	3. Change Num: C2	4. Field Office: 03	5. GMD:
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: 11/14/23
8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
ALMENA IRRIGATION DISTRICT NO 5 CRAIG INGRAM PRESIDENT PO BOX 275 ALMENA, KS 67622				
8b. Landowner(s) New to system <input type="checkbox"/> Person ID 220 Add Seq# _____		8d. WUC New to system <input type="checkbox"/> Person ID 220 Add Seq# _____		
ALMENA IRRIGATION DISTRICT NO 5 PO BOX 275 ALMENA, KS 67622		ALMENA IRRIGATION DISTRICT NO 5 PO BOX 275 ALMENA, KS 67622		
9. DocumCHKs and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/24 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/2024				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" 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: 3/22/2024 By: LI / MAB Date Reviewed: 4/9/2024 By: KAK Date Checked: 4/10/2024 By: KAnderson				

File No. 6938-A		11. County: NT		Basin: PRAIRIE DOG CREEK		Stream: PRAIRIE DOG CREEK		Formation Code:		Special Use: 005						
12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comments (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK				NC N2 SW NE	24	2S	22W	3	3146	2339	DIVERSION DAM	*	*	*	*	
CHK				NW SW SE	18	1S	19W	1	1150	2150						PL22 ID 1
CHK				NW SE SW	33	1S	20W	43	834	3511						219 3103
CHK				SW NE SE	27	2S	22W	2	1900	1200						1029 ID2
CHK				N2 NW SE	27	2S	22W	1	2550	2450						1029 ID1
MOD				NW NE NW	17	1S	19W	8	5166	3404						545, 7860
CHK				NW NE NW	8	1S	19W	16	5109	3647						9051-D2
CHK				CS NW NW	17	1S	19W	2	4023	4610						PL12 ID2
CHK				NW NW NE	19	1	19W	1	5100	2450						PL 22 ID 1
CHK				NE NW SW	17	1S	19W	1	2330	4526						PL12 ID1
CHK				NW SE SW	33	1S	20W	42	838	3609						PL16
CHK				LOT2 N2 NW	3	2S	20W	1	5022	5054						PL17-D2
CHK				NW NW SW	2	2	21W	12	2570	5155						NONE
CHK				SE NE NE	2	2S	21W	13	4500	30						NONE
CHK				SE NE NE	2	2S	21W	13	4500	10						NONE
CHK				NW NW NW	6	2S	20W	7	4780	5060						NONE
CHK				NW NW NW	6	2S	20W	8	4780	5040						NONE
CHK				SE SE SE	31	1S	20W	13	400	40						NONE
MOD				NE SE SW	32	1S	20W	9	842	3160 3224						5249 2147

CONTINUED

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

12. Points of Diversion										Rate and Quantity					
CHK										Authorized		Additional		Overlap PD Files	
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm		Quantity af
ENT	90846		NW SE NW	26	1	20W					3359	3536			NONE
ENT	90848		NE SE SE	27	1	20W					894	176			NONE
ENT	90847		NC NE	26	1	20W					3962	1295			NONE
ENT	90849		NW SW SW	18	1	19W					1256	5128			NONE
ENT	90850		SW SW NW	33	1	20W					2825	4753			NONE

13. Storage: Rate 0 NF Quantity 36,700 ac/ft Additional Rate 0 NF Additional Quantity 36,700 ac/ft
STORAGE RIGHT FOR 36,700 AF IN NORTON RESERVOIR NE 8-3-23W (STORAGE) NO CHANGE

14. Limitation: 11,280 af/yr at 44,880 gpm (100 cfs) when combined with file number(s) **ALL P/D'S WHEN COMBINED LIMITED. 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
ENT	MOD	DEL	ENT	PUSE	S	T	R	ID		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 NO**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files
FROM: Leslie Ireland

DATE: March 22, 2024
RE: Water Right,
File No. 6938-A

Craig Ingram, President, Almena Irrigation District No 5, owner of the referenced file submitted an application requesting to change the points of diversion. The application for this irrigation right was received on November 14, 2023. The change is requesting to add points of diversion under their blanket quantity and rate authorized for surface water diversion on Prairie Dog Creek, in the Republican River Compact, Phillips and Norton Counties.

The referenced file was found to be in good standing per K.S.A 82a-732. There is a pending Notice of Completion due in 2025 for the 2022 approval of the operation as a canal. The referenced water right does not appear abandoned as per K.S.A. 82a-718. Notice as require by K.S.A. 82a-1906 was completed by public notice in February 2024. No comments were received.

File No. 6938-A is authorized 11,280 acre-feet and 44,880 gallons per minute from eighteen (18) surface water diversion points located on Prairie Dog Creek. The source of supply of these pumping stations has been determined to be the natural flows of surface water from Prairie Dog Creek and accumulated storage identified as a diversion dam for subsequent release from the Keith Sebelius Reservoir to a maximum extent of 36,700 acre-feet, allowing the operation of the upper canal system along with pumpstations out of the Prairie Dog Creek as allowed by K.S.A. 42-303. The "Diversion Dam" is described as being located in the North Center of the North Half of the Southwest Quarter of the Northeast Quarter (NC N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) in Section 24, Township 2 South, Range 22 West, Norton County, Kansas. Streamflow is to the Northeast from Norton to Phillips County.

The District members have modified their footprint to remove 66.2 acres in Section 23; 8.6 acres in Section 27; 38.2 acres in Section 34, a total of 113 acres, all in Township 1, Range 20 West, Norton County and to add 56 acres in Section 26; 57 acres in Section 34, Township 1, Range 20 West, Norton County resulted in 113 acres to be added. The modification of the District's footprint results in the removal of irregular flood irrigated plots and adding pivot irrigation and will not increase the total acres irrigated. It would appear this modification complies with K.A.R. 5-5-3, *Change in consumptive use* and will not increase the historical consumptive use. It would also appear the modifications are within one-half ($\frac{1}{2}$) mile of the boundaries of the District and no formal order is needed.

The modification of the footprint is in part for the requested change in point of diversion with the proposed increase from 18 to 23 pumpsites all located on Prairie Dog Creek and the upper canal system. The proposed points are mostly located in Township 1, Range 20 West, with the exception of two proposed, one to the South to be located in Township 1, Range 21 West, and one to the Northeast in Township 1, Range 19 West, all in Phillips County, Kansas. All located along the South Side of Highway 383. The five(5) pumpsites being added have no overlap with currently authorized files. As these new pumpsites are located between pumpsites currently authorized and on the same stream that received flows from the accumulated storage it appears the added pumpsites would be considered to be in the same local source of supply.

The District's Management Plan previously approved by the Chief Engineer requires installation of a USGS real-time stream gaging station upstream of the Almena Diversion dam to monitor streamflow entering the District's reach will still be required. The District will also be required to continue to release from Norton Reservoir when the total instantaneous rate of diversion under this water right exceeds the rate of flow measured at the upstream gaging station. 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 approval will not alter the utilization of a portion of the stream as a conveyance mechanism as authorized under K.S.A. 42-303. The Management Plan should assure consumptive use is not increased by the additional pumpsites added.

The actual location of two pumpsites will be updated by the information listed in the WRIS database. File Nos. 2,147 & 5,249 were approximately 138 feet from the historically authorized point of diversion and File Nos. 545 & 7,860 were approximately 66 feet from the listed authorized. Findings and Orders for these file will be prepared and summarized by separate memos as it appears the information in these files indicates the information for the updated location complies with K.A.R. 5-5-6(c), *Authorized point of diversion or place of use*.

In an e-mail dated March 23, 2024, Kelly Stewart, Water Commissioner of the Stockton Field Office, stated that he has no objection to approval of the referenced change application.

A water flowmeter for each point of diversion of surface water will be required under the approval pursuant to K.A.R. 5-1-7. A check valve is required if the diversion will have chemigation utilized. The date for the required completion of diversion works will be December 31, 2024.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and that consumptive use will not be increased by this change, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Stewart, Kelly [KDA]
Sent: Friday, March 22, 2024 2:31 PM
To: Ireland, Leslie [KDA]; Billinger, Mark [KDA]
Cc: Hageman, Nancy [KDA]
Subject: RE: WR File No. 6938-A Review and Recommendation of Change

Leslie,

I recommend approval of this change application. Thanks for wrapping this up for us.

Kelly

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, March 22, 2024 10:15 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: WR File No. 6938-A Review and Recommendation of Change

TGIF crazy week... still not 100% with computer systems for me and super busy.. SW KS...

The memo has been updated and I've added the NP requirement with a 2024 deadline. The order worksheet and transmittal letter are also attached. I followed the formatting of the 2022 order for the listing of the points.

Could you please check the 1994 change approval for PL 012 ID 2. If it wasn't a FO change I'm guessing the order says **near the center** of the S..... and should be updated from the 2022 wording.

Then the new pd in Sec 26 if you are OK with that **near the center of the Northeast Quarter** instead of ¼ ¼ ¼??? NC NE is what applicant has listed on the application.

Mark carried the ball on this one... thank you.

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. 6,938-A**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Craig Ingraham, President, Almena Irrigation District No 5, Post Office Box 275, Almena, Kansas 67622, received in this office on November 14, 2023, for approval of a change in the location of the points 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 April 12, 2022, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

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

one (1) surface water diversion in Prairie Dog Creek located near the center of the North Half of the Southwest Quarter of the Northeast Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) 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 (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) 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 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) 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 3,130) located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) 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,

one (1) pumpsite (Water Right, File No. 1,029) located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) 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. 1,029) located in the North Half of the Northwest Quarter of the Southeast Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) 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 7,860) located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 5,166 feet North and 3,404 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. 9,051-D2) located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) 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 near the center of the South Half of the Northwest Quarter of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) 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 (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) 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 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) 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 in 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 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) 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 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) 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 (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) 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 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) 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 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) 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 (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) 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 (Water Right, File Nos. 5,249 and 2,147) located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 842 feet North and 3,224 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 Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27, more particularly described as being near a point 894 feet North and 176 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 Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, more particularly described as being near a point 3,359 feet North and 3,636 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 near the center of the Northeast Quarter (NE $\frac{1}{4}$) of Section 26, more particularly described as being near a point 3,962 feet North and 1,295 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 Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 18, more particularly described as being near a point 1,256 feet North and 5,128 feet West of the Southeast corner of said section, in Township 1 South, Range 19 West, Phillips County, Kansas,

one (1) pumpsite located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 2,825 feet North and 4,753 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.

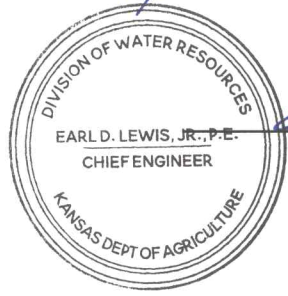
Installation of the works for diversion of water shall be completed on or before December 31, 2024, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for 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 9th day of April, 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 9 day of April, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Water Appropriation Program, 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

April 16, 2024

CRAIG INGRAM
ALMENA IRRIGATION DISTRICT NO 5
PO BOX 275
ALMENA KS 67622

RE: Water Right
File No. 6938-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 under the referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval document. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please complete and return the required enclosed form for the *Notification of the Completion of the Diversion Works and/or Report of Flowmeter Installation* prior to December 31, 2024. The form and other information may be found at our web site <http://agriculture.ks.gov>.

Since this order 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 our office at 785-564-6640, or our staff at the 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,

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

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:kak:li
Enclosure
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 Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

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

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

CERTIFICATE OF SERVICE

On this 16 day of April, 2024, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 6938-A, dated April 9, 2024, was mailed postage prepaid, first class, US mail to the following:

ALMENA IRRIGATION DISTRICT NO 5
CRAIG INGRAM PRESIDENT
PO BOX 275
ALMENA KS 67622

With photocopies to:

KDA-DWR Stockton Field Office



Division of Water Resources