

File No. **29997** 11. County: ~~GR~~ **GE** Basin: ~~KANSAS RIVER~~ **SMOKY HILL** Stream: **NA** Formation Code: **113** Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT												gpm/cfs	af/mgy	gpm/cfs	af/mgy	
DEL			86928	NW SE SE	24	12	4E	5	896	1050		NO CHANGE		NONE		
ENT			74008	NW SE SE	24	12	4E	5	746	875		NO CHANGE		NONE		

MOVING BACK TO OLD WELL DUE TO FAILURE TO COMPLETE 2018 APPROVAL

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				
NO CHANGE																									

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 26, 2023

FROM: Leslie Ireland

RE: Water Right, File No. 29,997

An application to change the authorized point of diversion received on July 28, 2022, proposes to authorize the previous authorized well due to failure to complete the 2018 change. The referenced file is located in the Smoky Hill River Basin, Geary County.

The referenced file appears to be in compliance with K.S.A.82a-718, *Abandonment of water rights* and K.S.A. 82a-732, *Annual water use report* . Records indicate Sally G. Mayes, applicant, is still the owner of the authorized place of use.

As the approval will return to its previous authorized well the source of supply will remain the main stem alluvium of the Kansas River. The Kansas River Authority was not contacted regarding the change.

The proposed change in point of diversion is a move of approximately 230 feet returning to the point of diversion described as being in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ approximately 746 feet North and 875 feet West of the Southeast corner of Section 24, Township 12 South Range 4 East, Geary County to divert 120 acre-feet at 770 gallons per minute for irrigation use.

No map was submitted with the application, one was completed utilizing the KGS mapping system. The KGS database indicates there are no wells located within one-half ($\frac{1}{2}$) mile of the proposed existing point of diversion indicating well spacing per K.A.R. 5-4-4, *Well spacing* is met. Notice per K.S.A.82a-1906 does not appear to be needed, also due to the distance of the change. The map appears to complete the application per K.A.R. 5-5-2a, *Complete application for change*.

Additionally, because the proposed change is moving less than 300 feet and returning to its authorized point of diversion, no recommendation requested from the water commissioner.

A water flow meter will be required on the point of diversion. A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works. Review of the file found a water level measurement tube was installed at this proposed existing well. It will continue to be a condition of the approval. A 2023 notice of completion will be required to assure a meter is installed.

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, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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. 29,997

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application Sally G. and William A. Mayes of PO Box 580, Junction City, Kansas 66441-0580, received in this office on July 28, 2022, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated April 23, 2007 and July 23, 2018, approving the applications to change the authorized point of diversion, and the Findings and Order of the Chief Engineer dated September 10, 2007, in the matter of the authorized point of diversion, and the Findings and Order of the Chief Engineer dated May 7, 2015, in the matter of the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and are hereby approved.

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 point of diversion shall be:

one(1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 746 feet North and 875 feet West of the Southeast corner of said section, in Township 12 South, Range 4 East, Geary County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2023, 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 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.

All wells with a diversion rate of 100 gallons per minute or more 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 29,997, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 8, 1988, as modified and amended by the aforementioned orders.

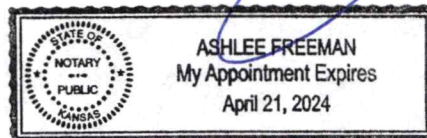
Ordered this 2 day of May, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau
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 2 day of May, 2023, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
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

May 11, 2023

SALLY G MAYES
PO BOX 580
JUNCTION CITY, KS 66441-0580

RE: Water Right, File No. 29,997

Dear Mrs. Mayes:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture approval of 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 a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized under the referenced files. Please return the required notification of completion of the diversion works and installation of the required meter prior to the diversion of water.

Any abandoned water wells must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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.

Additional information and the Notice of Completion form may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our staff at the Topeka Field Office, their phone number is 785-296-5733. 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 style.

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

KAB:li

Enclosures
pc: Topeka 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 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.

CERTIFICATE OF SERVICE

On this 11 day of May, 2023, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, Water Right, File No. 29,997, dated May 2, 2023, was mailed postage prepaid, first class, US mail to the following:

SALLY G MAYES
PO BOX 580
JUNCTION CITY, KS 66441-0580

With photocopies sent to:

Topeka Field Office


Division of Water Resources