

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

Document Signature LPL

1. File Number: 28234	2. Status Change Date: 9/3/2020	3. Change Num: C2	4. Field Office: 04	5. GMD: 03	
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: 3/13/20	
8a. Applicant(s) New to system <input type="checkbox"/> BEN RATZLAFF ESTATE ATTN: % LINDA FINK PO BOX 996 ELKHART, KS 67950		Person ID 50887 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> AMY K RATZLAFF ET AL PO BOX 996 ELKHART KS 67950		Person ID 41714 Add Seq# _____	8d. WUC NO CHANGE New to system <input type="checkbox"/> Person ID 50887 Add Seq# _____ BEN RATZLAFF ESTATE % LINDA FINK PO BOX 996 ELKHART KS 67950		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/20 <input type="checkbox"/> N & P Date to Comply: _____					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: _____ To: _____					
Date Prepared: 9/1/20 By: LI Date Entered: 9/15/2020 By: LMoody					

File No. **28234** 11. County: **MT** Basin: _____ Stream: _____ Formation Code: _____ Special Use: _____

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

NO CHANGE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 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
 CK
 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				
MOD 4952 25 32 42W 1	11.50	35.50	40.00	35.50	35.50	11.50	35.50	40.00	40.00	35.50	11.50	35.50	35.50	40.00	35.50	11.50	490	8B	NO	28235 28236 9075
CK 36847 26 32 42W 1					31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25					250	8B	NO	28235 28236 9075
DEL 36256 27 32 42W 2														25.0		40.0	65	8B	NO	28235 28236 9075
MOD 67624 28 32 42W 3									31.25	31.25	31.25	31.25					125	8B	NO	28235 28236 9075
CK 25505 33 32 42W 1					31.25	31.25	31.25	31.25									125	8B	NO	28235 28236 9075
MOD 38428 34 32 42W 1	10.75	35.25	40.00	35.25	35.25	10.75	35.25	40.00	40.00	35.25	10.75	35.25	35.25	40.00	35.25	10.75	485	8B	NO	28235 28236 9075

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files
DATE: September 2, 2020
FROM: Leslie Ireland
RE: Water Right,
File Nos. 9,075, 28,234; 28,235 & 28,236

The representatives of Amy K. Ratzlaff, etal, are requesting to change the irrigated place of use. The applications were received on March 13, 2020, propose to change a portion of the place of use authorized for irrigation use in the North Fork of the Cimarron River Basin.

The referenced water rights are considered in compliance with both K.S.A. 82a-718. and K.S.A. 82a-732. As required by K.S.A. 82a-1906, and that new acres are being added and existing removed, the nearby landowners were informed by letter dated August 12, 2020. One general inquire call was received.

Submitted documents indicate the ownership comprising the ETAL has been updated due to the death of Wade Ratzlaff. It appears all parties representing the ownership have signed per K.A.R. 5-5-5, *Signatures required on change applications*, and the applications comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced files authorize a complete overlap of 1,475 acres in Sections 25, 26, 28 33 and 34, all in Township 32 South, Range 42 West, Morton County. The base acres were determined in 2016, by staff of the Garden City Field Office to be 1,480 acres.

The owners propose to eliminate the irrigation of the 65 acres located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 27, removing the irrigated corners in Section 28, providing 35 acres, and adjusting the acres authorized in Section 25 from a 500 to 490 acre pivot, to add these acres to the Southwest Quarter (SW $\frac{1}{4}$) of Section 34, to complete a full section pivot. The proposed modifications result in the total authorized 1,475 acres to remain at 1,475 acres. The change in place of use for the referenced files complies with, Part (b) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, as the proposal will not exceed the 1,480 base acres.

As these overlapping rights will remain as complete overlaps and not exceed the developed base acres the changes comply with K.A.R. 5-5-3, *Change in consumptive use*.

In a letter dated August 17, 2020, Jason Norquest, on behalf of the Southwest Kansas Groundwater Management District No. 3, reviewed the applications and recommend approval.

Michael Meyer, Water Commissioner of the Garden City Field Office, was contacted for a recommendation on the proposed changes in place of use. He recommended approval of the proposed changes per his email dated August 31, 2020.

Water flow meters will be required per as the changes do not meet K.A.R. 5-5-11(e). If the rights will chemigate they will be required to install and maintain check valves. Water level measurement tubes are not applicable to these changes, as no new wells have been authorized.

Based on the above discussion, that the changes are reasonable, there will be no significant increase in the consumptive use and impairment of existing water rights is unlikely, it is recommended that the referenced applications for change in place of use be approved.



Leslie Ireland
Environmental Scientist

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 28,234

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Linda and Phillip J. Fink, Amy K. Ratzlaff and Linda Fink on behalf of Brenda Ratzlaff and the Ben Ratzlaff Estate, all on behalf of Amy K. Ratzlaff, Et Al, PO Box 996, Elkhart, Kansas 67950, received in the office of the Chief Engineer on March 13, 2020, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated June 24, 1997, approving the application to change the authorized place of use; the Findings and Order of the Chief Engineer dated October 4, 2012, in the matter of the authorized place of use; and by the Order of the Chief Engineer dated March 15, 2016, approving the application to change the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25 32S 42W	11.50	35.50	40.00	35.50	35.50	11.50	35.50	40.00	40.00	35.50	11.50	35.50	35.50	40.00	35.50	11.50	490.00
26 32S 42W					31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25					250.00
28 32S 42W									31.25	31.25	31.25	31.25					125.00
33 32S 42W					31.25	31.25	31.25	31.25									125.00
34 32S 42W	10.75	35.25	40.00	35.25	35.25	10.75	35.25	40.00	40.00	35.25	10.75	35.25	35.25	40.00	35.25	10.75	485.00

a total of 1,475 acres, in Township 32 South, Range 42 West, Morton County, Kansas,

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

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

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,234, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 23, 1997, as modified and amended by the aforementioned orders.

Ordered this 3 day of September, 2020, 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)
)
County of Riley)

SS

The foregoing instrument was acknowledged before me this 3 day of September, 2020, 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

September 15, 2020

AMY K RATZLAFF ETAL
ATTN: LINDA FINK
PO BOX 996
ELKHART, KS 67950

RE: Water Right, File Nos. 9,075; 28,234; 28,235 & 28,236

Dear Mrs. Fink:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as this action is completed.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6640. If you have any questions regarding the installation of the required flow meter, please contact Michael Meyer, with our Garden City Field Office at 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger
Change Unit Leader
Water Appropriation Program

RAK:LI:li
Enclosures
pc: Garden City Field Office
Groundwater Management District No. 3

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.

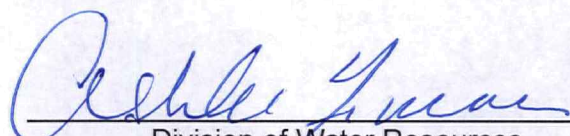
CERTIFICATE OF SERVICE

On this 15 day September, 2020, I hereby certify that the attached Approval of Application for Change in Place of Use, File No. 28,234 dated, 3 September 2020 was mailed postage prepaid, first class, US mail to the following:

AMY K RATZLAFF ET AL
ATTN: LINDA FINK
PO BOX 996
ELKHART KS 67950

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources