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

cument Signature LPL		1	1	
1. File Number: 28235	2. Status Change Date: 9/3/2020	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
6. Status: 🛛 Approved 🛛 🗌	Denied by DWR/GMD	Dismiss by Requ	uest/Failure to Return	7. Filing Date of Change 3/13/20
 8a. Applicant(s) New to system BEN RATZLAFF EST ATTN: % LINDA FIN PO BOX 996 ELKHART, KS 67950 	K	8c. Landown		Person ID Add Seq#
8b. Landowner(s) New to system □ AMY K RATZLAFF E PO BOX 996 ELKHART KS 67950		New to sy BEN R % LINE PO BO	ATZLAFF ESTA DA FINK	Person ID Add Seq#
9. Documents and Enclosure(s):	Meter Seal 🛛 🖾 Check Valve	e □N&PForm	U Water Tube] Driller Copy 🛛 H & E
10. Use Made of Water From:		T	0:	
				/20 By: LI 15/2020 By: Moody

File No	o. 2823	85		11. Co	ounty	: MT	Basin							Strea	m:							Forma	ation Code:	S	pecial Use:	
12. Po T	pints of Di	versio	'n														Rate	and C	luantit	y						
MOD																		Author	rized			Addit	ional			
DEL ENT	PDIV	Q	ualifie	er		S T	R	10	D	'N	٬۷	V	Comr	nent			Rat gpm/		Quar af/m			Rate pm/cfs	Quantity af/mgy	Over	lap PD Files	
NO CH	IANGE																									
13. Sto	orage: Ra	te				NF	C	Quantity	/				ac/ft	Add	itional I	Rate				I	NF .	Addition	al Quantity			ac/ft
14. Lin	nitation:		-			af/yr at _	_			gpm	(c	fs) whe	n comb	ined w	rith file r	numbe	r(s)							
Lin	nitation:		-			af/yr at _				gpm	(C	fs) whe	n comb	ined w	ith file r	numbe	r(s)							
														Amour	nt Unit		Base	e Acres			Comm	ient				
40 DI																										
16. PI CK	ace of Us	e					NE	1/4			N	N ¼			SV	V ¼			S	E¼		Total	Owner	Chg?	Overlap Files	;
MOD DEL ENT	PUSE	S	т	R	ID	NE 1⁄4	NW ¼	SW ¼	SE ¼	NE ¼	NW 1⁄4	SW ¼	SE ¼	NE ¼	NW 1⁄4	SW ¼	SE 1⁄4	NE ¼	NW ¼	SW ¼	SE 1⁄4					
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	28234 282 9075	36
ск	36847	26	32	42W	1					31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25					250	8B	NO	28234 282 9075	36
DEL	36256	27	32	42W	2													25.0			40.0	65	8B	NO	28234 282 9075	36
MOD	67624	28	32	42W	3									31.25	31.25	31.25	31.25					125	8B	NO	28234 282 9075	36
СК	25505	33	32	42W	1					31.25	31.25	31.25	31.25									125	8B	NO	28234 282 9075	36
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	510.75	485	8B	NO	28234 282 9075	36
Comm	ents:																									

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

$\underline{\mathsf{M}} \underline{\mathsf{E}} \underline{\mathsf{M}} \underline{\mathsf{O}} \underline{\mathsf{R}} \underline{\mathsf{A}} \underline{\mathsf{N}} \underline{\mathsf{D}} \underline{\mathsf{U}} \underline{\mathsf{M}}$

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 (SE¹/₄) 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 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.

Rulie Irela

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. 28,235

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; and by the Order 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. F	Range	111	NE	Ξ¼	17. 3		N	N1/4	a faire	11 A 14	SV	V1/4						
		lange	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE ¹ ⁄ ₄	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL
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		and a			31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	5				250.00
28	32S	42W		1			657	21			31.25	31.25	31.25	31.25			and any star	en an en en	125.00
33	32S	42W				N	31.25	31.25	31.25	31.25					E E RECEN		Sur St	VIUGOR VIUGOR	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. 28,235, 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, P.G.

Lane P. Letourneau, P.G. Program Manager Water Appropriation Program Division of Water Resources Kansas Department of Agriculture

State of Kansas

County of Riley

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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.



her funen Notary Public

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

Mike Beam, Secretary



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

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

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. 28,235 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