# Kansas Department of Agriculture Division of Water Resources

### CHANGE: P/U WORKSHEET

Document Signature LPL

1. File Number: <b>28236</b>	2. Status Change Date: 9/3/2020	3. Change Num:	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
6. Status: ⊠ Approved □ D	enied by DWR/GMD	☐ Dismiss by Requ	est/Failure to Return	7. Filing Date of Change: 3/13/20
8a. Applicant(s)  New to system □	Person ID 50887 Add Seq#	8c. Landown	• •	Person IDAdd Seq#
BEN RATZLAFF ESTA ATTN: % LINDA FINK PO BOX 996 ELKHART, KS 67950	TE			
8b. Landowner(s)  New to system □	Person ID 41714 Add Seq#	8d. WUC N	IO CHANGE	Person ID 50887 Add Seq#
AMY K RATZLAFF ET PO BOX 996 ELKHART KS 67950	AL	% LIND PO BO	ATZLAFF ESTAT DA FINK X 996 ART KS 67950	ΓE
9. Documents and Enclosure(s):	DWR Meter(s) Date to Cor	mply: <u>12/31/2</u>	<b>0</b> □ N & P Date	to Comply:
☐ Anti-Reverse Meter ☐ Met Letter	er Seal 🛮 🖾 Check Valve	□ N & P Form	☐ Water Tube ☐	Driller Copy
☐ Conservation Plan Date Req	uired:	Date Approved:	Date	to Comply:
10. Use Made of Water From:		To	o:	
			Date Prepared: <b>9/1/</b> Date Entered:	<b>20</b> By: <b>LI</b> 9/15/20 <b>28</b> y: LMoody

File No. <b>28236</b>	11. County:	: <b>M</b> T	Basin:							Strea	m:							Forma	ation Code:	S	pecial Use:	
12. Points of Diversion T MOD	Rat								Rate and Quantity  Authorized  A					ional								
DEL PDIV ENT Qualifie	r !	S T	ΓR	IC	)	'N	ʻW	1	Comm	nent			Rat gpm/		Quan		ç	Rate gpm/cfs	Quantity af/mgy		lap PD Files	
NO CHANGE																						
13. Storage: Rate	age: RateNF Quantity						ac/ft Additional RateNF									۱F	Addition		_ ac/ft			
14. Limitation:																						
Limitation:	a	f/yr at _	_			_ gpm (	<u>=</u>		cf	fs) whe	n comb	ined wi	ith file r	number	(s)							
15. 5YR Allocation: Allocation	ation Type _		Start \	∕ear _		5 YR	Amou	ınt		Amour	t Unit		Base	Acres	_		Comm	nent				
16. Place of Use CK			NE	:1/4			NW	NW1/4 SW1/4				V¹/₄			SE	Ε1/4		Total	Owner	Chg?	Overlap Files	i
MOD DEL ENT PUSE S T	R ID	NE 1⁄4	NW 1⁄4	<b>SW</b> ½	<b>SE</b> ½	<b>NE</b> 1⁄4	<b>NW</b> ½	SW 1/4	<b>SE</b> ½	<b>NE</b> ½	<b>NW</b> 1⁄4	<b>SW</b> ½	<b>SE</b> ½	NE 1⁄4	NW 1⁄4	<b>SW</b> ½	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	<b>490</b>	8B	NO	28234 2823 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	28234 2823 9075	35
DEL 36256 27 32	42W 2													25.0			40.0	65	8B	NO	28234 2823 9075	
MOD 67624 28 32	42W 3			<u> </u>						31.25	31.25	31.25	31.25					125	8B	NO	28234 2823 9075	
CK 25505 33 32	42W 1					31.25	31.25	31.25	31.25									125	8B	NO	28234 2823 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	<sup>5</sup> 485	8B	NO	28234 2823 9075	35
Comments:																						

## KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

### <u>MEMORANDUM</u>

**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 (SE½) 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 ½) 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

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## 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. 28,236

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. R	Panne		NE	=1/4			N\	N1/4			SV	V1/4		* 1	1						
000.	TWP. I	wp. range		wp. rvarige		NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL
25	325	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				Visi		LIHRA	38	VIIATOR 1	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. 28,236, 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.
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 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
My Appointment Expires
April 21, 2024

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

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. 28,236 dated, 3 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