

Kansas Department of Agriculture  
 Division of Water Resources

**CHANGE: PU WORKSHEET & ORDER IN THE MATTER OF THE POINT OF DIVERSION**

|  |  |  |                               |  |
|--|--|--|-------------------------------|--|
| 1. File Number:<br><b>264</b>  | 2. Status Change Date:<br><b>9/28/2021</b> | 3. Change Num:<br><b>C1</b>              | 4. Field Office:<br><b>04</b> | 5. GMD:<br><b>03</b>                         |
| 6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request   |  |  |                               | 7. Filing Date of Change:<br><b>8/5/2020</b> |
| 8a. Applicant(s)<br>New to system <input type="checkbox"/><br><br><b>KIM &amp; MICHELE BATMAN<br/>PO BOX 669<br/>MEADE, KS 67864-0669</b>  |  | Person ID <b>31716</b><br>Add Seq# _____ |                               |  |
| 8b. Landowner(s)<br>New to system <input type="checkbox"/>   |  | Person ID _____<br>Add Seq# _____        |                               |  |
|  |  | <b>8c</b><br><br><b>No Change</b>        |                               |  |
| 8d. WUC<br>New to system <input type="checkbox"/>  |  | Person ID <b>31716</b><br>Add Seq# _____ |                               |  |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2021</u> <input type="checkbox"/> N & P Date to Comply: _____   |  |  |                               |  |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input 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: <b>7/25/2021</b> By: <b>li</b><br>Date Entered: <b>9/30/2021</b> By: <b>LMoody</b>  |  |  |                               |  |

**9/21/2021  
L'Ireland**

File No. **264**      11. County: **ME**      Basin: CROOKED CREEK      Stream:      Formation Code: **211**  
331      Special Use:

12. Points of Diversion      Rate and Quantity  
 CHK      MOD      Authorized      Additional  
 DEL      PDIV      Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)      Rate      Quantity      Rate      Quantity  
 ENT      **89075**                                                        gpm/cfs      af/mgy      gpm/cfs      af/mgy      Overlap PD Files

**ENT**      ~~22800~~      **SW SW SE**      **23**      **31**      **28W**      **15**      **37**      **2480**      **GPS UPDATE**      **NO CHANGE**      **NONE**

**DEL**      **22800**      **NWNW NE**      **26**      **31**      **28W**      **1**

**GPS UPDATE ONLY BUT DOING DEL ENT AS IT IS IN A NEW SECTION AND CIN WILL PROBABLY 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) **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<br>CHK<br>MOD<br>DEL<br>ENT | PUSE      | S         | T          | R        | ID          | NE¼         |             |             |           | NW¼       |           |           |             | SW¼         |             |             |           | SE¼       |           |           |            | Total     | Owner    | Chg?         | Overlap Files |
|--|-----------|-----------|------------|----------|-------------|-------------|-------------|-------------|-----------|-----------|-----------|-----------|-------------|-------------|-------------|-------------|-----------|-----------|-----------|-----------|------------|-----------|----------|--------------|---------------|
|  |           |           |            |          |             | NE<br>¼     | NW<br>¼     | SW<br>¼     | SE<br>¼   | NE<br>¼   | NW<br>¼   | SW<br>¼   | SE<br>¼     | NE<br>¼     | NW<br>¼     | SW<br>¼     | SE<br>¼   | NE<br>¼   | NW<br>¼   | SW<br>¼   | SE<br>¼    |           |          |              |               |
| <b>MOD 21167</b>                             | <b>23</b> | <b>31</b> | <b>28W</b> | <b>1</b> |             |             |             |             |           |           |           |           | <b>4</b>    |             |             | <b>4</b>    | <b>23</b> | <b>35</b> | <b>35</b> | <b>23</b> | <b>124</b> | <b>8C</b> | <b>N</b> | <b>18379</b> |               |
| <b>MOD 993</b>                               | <b>25</b> | <b>31</b> | <b>28W</b> | <b>1</b> |             |             |             |             | <b>31</b> | <b>31</b> | <b>31</b> | <b>31</b> | <b>28.5</b> | <b>31.5</b> | <b>31.5</b> | <b>28.5</b> |           | <b>29</b> | <b>29</b> |           | <b>302</b> | <b>8C</b> | <b>N</b> | <b>18379</b> |               |
| <b>MOD 2580</b>                              | <b>26</b> | <b>31</b> | <b>28W</b> | <b>1</b> | <b>30.5</b> | <b>30.5</b> | <b>30.5</b> | <b>30.5</b> | <b>16</b> |           |           | <b>40</b> | <b>10</b>   |             |             |             | <b>31</b> | <b>31</b> | <b>31</b> | <b>31</b> | <b>312</b> | <b>8C</b> | <b>N</b> | <b>18379</b> |               |
|  |           |           |            |          |             |             |             |             |           |           |           |           |             |             |             |             |           |           |           |           |            |           |          |              |               |

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:** File

**DATE:** July 30, 2021

**FROM:** Leslie Ireland

**RE:** Water Right, File Nos. 264 & 18,379

Kim and Michelle Batman as owners submitted applications on August 5, 2020, to change the irrigated place of use under the referenced files with applications under File Nos. 21,411 & 24,355 of which they are part owner. The field office filed changes were to increase the place of use and fix a historical incomplete overlap with the Hildebrand property under File Nos. 21,411 & 24,355. The signature of Verna Lee Hildebrand, Hildebrand Family Partnership LLP as an owner was not obtainable as she didn't want to change the place of use, so the applications under File Nos. 21,411 & 24,355 were requested to be dismissed by the Batman Family. See separate memo.

The referenced water rights do not appear abandoned as per K.S.A. 82a-718 and appear to be in good standing per K.S.A. 82a-732. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*.

File No. 264 is authorized 550 AF to irrigate 730 acres in a complete overlap with File No. 18,379 that is authorized 564 AF with no additional limitations. Information from the Garden City Field Office indicates these two files developed 730 base acres. The files are not located in a special use area. The files have not been modified since 1986. The point of diversion under File No. 264 will be updated to the information from a Field Compliance Investigation that determined the well location to actually be just over the line in Section 23 to the feet distances of 37 feet North and 2,480 feet West in the SW SW SE instead of the NW NW NE of Section 26. Both portions of these sections are under the same ownership and have the place of use in each section authorized by the same files. It appears the update complies with part b of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

The applications under File Nos. 264 & 18,379 were modified to remove acres in the West Half of Section 26 and add acres in the Northwest Quarter of Section 25, all in Township 31, Range 28 West, Meade County. The 730 acres that were authorized will be increased by 8 acres to 738 acres.

It appears the requested changes to add acres meets K.A.R. 5-5-11(b)(1), as the increase in acres is less than ten acres or ten percent whichever is less as allowed being only 8 acres above the 730 base acres. The changes will comply with of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, with no increase in the consumptive should occur thus complying with K.A.R. 5-5-3, *Change in consumptive use*.

In a letter dated and received on March 31, 2021, Jason Norquest, Assistant Manager for the Southwest Kansas Groundwater Management District provided a recommendation that the applications be approved as they meet all of the adopted policies, rules and regulations

Michael Meyer, Water Commissioner of the Garden City Field Office area reviewed the proposed applications. In an email dated July 30, 2021, he recommended approval of the change applications.

Water flowmeters will be required for the change approvals. A check valve will be required, if chemigating. The water use correspondent will unchanged for the referenced files. As no new wells will be drilled a water level measurement tube and WWC-5 will not be a condition of the approvals.

Based on the above discussion, that the change to the place of use authorized by all of the referenced files will make a complete overlap and not substantially increase the acres above what is currently authorized and with no increase in the historical consumptive use, it is recommended that the referenced applications be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Meyer, Mike [KDA]  
**Sent:** Fri 7/30/2021 9:33 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review & Recommendation for File Nos. 264 & 18379 Dismissals Under 21,411 & 24,355

this is good to get cleaned up as Hildebrand may have proposal coming.

yes please approve.

thanks

Mike

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Friday, July 30, 2021 8:37 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Review & Recommendation for File Nos. 264 & 18379 Dismissals Under 21,411 & 24,355

Mike,

Got this package summarized for your review and recommendation.

The point of diversion under File No. 264 will be updated to add feet distances of 37 feet North and 2480 feet West as stated in WRIS.

As always comments and concerns are welcome.

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 PLACE OF USE AND ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION WATER RIGHT, FILE NO. 264

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kim and Michele Batman, PO Box 669, Meade, Kansas 67864, received in an office of the Chief Engineer on August 5, 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 Findings and Order of the Chief Engineer, dated January 4, 1980, in the matter of the authorized point of diversion, and the Order of the Chief Engineer, dated July 21, 1986, approving the application to change the 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   |       |
| 23 31 28W       |       |       |       |       |       |       |       |       | 4.00  |       |       | 4.00  | 23.00 | 35.00 | 35.00 | 23.00 | 124.0 |
| 25 31 28W       |       |       |       |       | 31.00 | 31.00 | 31.00 | 31.00 | 28.50 | 31.50 | 31.50 | 28.50 |       | 29.00 | 29.00 |       | 302.0 |
| 26 31 28W       | 30.50 | 30.50 | 30.50 | 30.50 | 16.00 |       |       | 40.00 | 10.00 |       |       |       | 31.00 | 31.00 | 31.00 | 31.00 | 312.0 |

a total of 738 acres in Township 31 South, Range 28 West, Meade County, Kansas,

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

That information in the office of the Chief Engineer finds that the point of diversion would more accurately be defined as:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼ SW¼ SE¼) of Section 23, more particularly described as being near a point 37 feet North and 2,480 feet West of the Southeast corner of said section, in Township 31 South, Range 28 West, Meade County, Kansas.



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. 264, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 22, 1948, as modified and amended by the aforementioned orders.

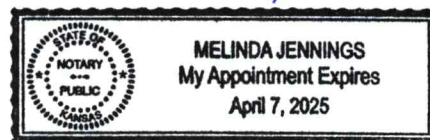
Ordered this 28 day of September, 2021, in Manhattan, Riley County, Kansas.

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

State of Kansas    )  
                          ) SS  
County of Riley    )

The foregoing instrument was acknowledged before me this 28 day of September, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings  
Notary Public



**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.

**CERTIFICATE OF SERVICE**

On this        day        , 2021, I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Authorized Point of Diversion, Water Right, File No. 264 dated,        was mailed postage prepaid, first class, US mail to the following:

**KIM & MICHELE BATMAN  
PO BOX 669  
MEADE KS 67864**

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 3

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Division of Water Resources

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 30, 2021

KIM & MICHELE BATMAN  
PO BOX 669  
MEADE KS 67864

RE: Water Right, File Nos. 264 & 18,379

Dear Mr. & Mrs. Batman:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the reference 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 flowmeter must be installed on the diversion works authorized under the referenced files.

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 regarding the enclosed documents, please contact our office at (785) 564-6640. Inquiries about the metering please contact our staff at the Garden City Field Office, (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,

A handwritten signature in black 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:li  
Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3



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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 30 day September, 2021, I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Authorized Point of Diversion, Water Right, File No. 264 dated, 28 September 2021 was mailed postage prepaid, first class, US mail to the following:

KIM & MICHELE BATMAN  
PO BOX 669  
MEADE KS 67864

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 3

  
Division of Water Resources