

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

| | | | | |
|---|--|--|--|--|
| 1. File Number: 15731 | 2. Status Change Date: 9/27/2022 | 3. Change Num: C1 | 4. Field Office: 4 | 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: 4/4/2022 |
| 8a. Applicant(s) New to system <input type="checkbox"/> IOOF LODGE NO 539 PO BOX 56 700 E 1ST AVE SAINT JOHN, KS 67576 | | Person ID 37154 Add Seq# _____ | 8c. Landowner(s) New to system <input type="checkbox"/> QUENTEL RANCHES LLC 19311 AQUATIC DRIVE 1 HUMBLE, TX 77346 NO OWNERSHIP OF WR- QUIT CLAIM | |
| 8b. Landowner(s) New to system <input type="checkbox"/> A K CORAL CAY FAMILY TRUST E J & KATHLEEN DE GROOT PO BOX 1227 SYRACUSE, KS 67878 | | Person ID 58939 Add Seq# _____ | 8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ | |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/22 <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: _____ | | | | |
| <div style="border: 1px solid red; padding: 2px; display: inline-block;">9/26/2022 LIreland</div> | | | Date Prepared: 8/18/22 | By: LI |
| | | | Date Entered: 10/3/2022 | By: LMoody |

File No. **15731** 11. County: **HM** Basin: **BEAR CREEK** Stream: **NA** Formation Code: **331** Special Use: **NA**

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | | | | |
|-------------------------|-----|-----|-----|------|--------------|-----------------|-----------|-----------|------------|-------------------|-----------|--------------------|------------|-------------|------------|-------------|------------------|
| CHK | MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files |
| CHK | | | | | 45546 | SE SE SW | 11 | 26 | 42W | 2 | 73 | 3153 | 725 | 532* | 725 | 532 | NONE |

***QUANTITY PER CERTIFICATE**

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

14. Limitation: **533** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **88** **REMOVE LIMITATION**
 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 | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files | | | | |
|------------------|--------------|-----|-----|------|-----------|-----------|------------|----------|-------------|-----------|-------------|-------------|-------------|-------------|-------------|--------------|------|------|------|------|-------|-------|------|---------------|--------------|------------|-------------|-------------|
| CHK | MOD | DEL | ENT | PUSE | S | T | R | ID | 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 | 20481 | | | | 11 | 26 | 42W | 1 | | | | | 31.5 | 31.5 | 31.5 | 40.00 | | | | | | | | | 134.5 | 8a | NO | NONE |
| MOD | 24568 | | | | 14 | 25 | 42W | 1 | 38.5 | 40 | 31.5 | 31.5 | | | | | | | | | | | | 141.5 | 8a | NO | NONE | |
| DEL | 27837 | | | | 12 | 26 | 42W | 1 | | | | | | | 18.5 | | | | | | | | | 18.5 | 8C** | YES | 88 | |
| DEL | 68535 | | | | 11 | 26 | 42W | 5 | | | | | | | 7.3 | | | | | | | | | 7.3 | 8B | NO | 88 | |
| TOTAL | | | | | | | | | | | | | | | | | | | | | | | | 276 | | | | |

Base Acres: **266** Year: _____ Minimum Reasonable Quantity: _____

Comments: **REDUCTION TO QUANTITY UNDER FILE#88 ALLOWS LIMITATION TO BE REMOVED. ** QUIT CLAIM WATER RIGHT**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 7, 2022

FROM: Leslie Ireland

RE: Water Right,
File Nos. 88 & 15,731

On April 4, 2022, applications to change the irrigated place of use located in Bear Creek Basin were submitted for the referenced files with a reduction request for File No. 88. The representatives of the A.K. Coral Cay Family Trust stated as E.J. DeGroot and Kathleen R. DeGroot as Co-Trustees along with the June 30, 2022 signature of Todd Wycoff President of the Board of Trustees of the Saint John Lodge of the Independent Order of Odd Fellows Lodge No. 539, all as owners have signed the applications. Quit claim deeds by Manfred Quentel, Manager, Quentel Ranches, LLC and Zachary T. Gale on behalf of E Z FARMS, LLC and Brenda Westeman along with Boyd and Michelle Westeman were submitted with the applications.

The reduction request lists the Johnson COOP with the reference of surface owner no water right ownership. My review couldn't find they owned a portion of any of the currently authorized place of use per the ORKA records or WRIS. A signature on behalf of the Johnson COOP was not submitted with the request, but it appears a signature or quit claim are also not needed.

File No. 88 authorizes the irrigation of 890 acres with 1,780 acre-feet (AF) at a maximum rate of 3,815 gallons per minute. The reduction request proposes to reduce the irrigated acres to 623.5 acres and the quantity to 1,247 acre-feet. This will remove the place of use overlap with File No. 15,731 and affording the removal of the quantity limitation of 533 AF with File No. 88, on the junior file. The requested reduction appears to comply with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The reduction will result in the A.K. Coral Cay Family Trust owning 401.5 acres and the S. John Lodge of the Independent Order of Odd Fellows Lodge No. 539 owning 222 acres, a total of 623.5 acres, all in Sections 10, 11,12 & 14, Township 26 South, Range 42 West, Hamilton County.

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, with the changes proposing new acres added the identified nearby well owner was informed by letter dated August 1, 2022. No comment was received.

File No. 88 developed 890 "base acres" per K.A.R. 5- 5-11, the requested reduction to 623.5 acres will reduce the base acres to 623.5 acres per the standard practice and is representative of the requested reduction in quantity to 1,247 acre-feet. The change proposes to retain acres in Sections 10, 11 & 14 with acres added in the North Half of Section 2, all totaling 623.5 acres.

The change application evaluated according to part (b)(1) of K.A.R. 5-5-11(b) *Applications for change in places of use for irrigation purposes*, found there will be no net increase in authorized acres above the reduced base acres. The change appears to comply with K.A.R. 5-5-3, Change in consumptive use. The 1,247 AF will provide 2 AF per acre which complies with K.A.R. 5- 3-19, *Maximum reasonable annual quantity of water for irrigation use*.

The land between the noncontiguous acres and the points of diversion are owned by Cay Trust, so it appears no easements would be needed. The reduced 1,247 AF at a rate of 3,815 gallons per minute can be diverted from two wells located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ or the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10. The well locations will have the feet distances updated to 824 feet North

and 2,570 feet West (ID5) and 1,665 feet North and 2,586 feet West. Both updates are less than 300 feet and appear to comply with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*.

File No. 15,731 authorizes the irrigation of 266.5 acres with 532 acre-feet (AF) with the additional limitation with File No. 88. The reduction in quantity to File No. 88 will afford the additional limitation on the quantity to be removed. The base acres were determined to be 266.5 acres with irrigation occurring in Sections 11, 12 and 14. The proposal is to remove the irrigation of the acres in Section 12. The applicant requests two(2) pivots to be authorized. One in the Southwest Quarter (SW $\frac{1}{4}$) of Section 11 and one in the Northeast Quarter (NE $\frac{1}{4}$) of Section 14, all in Township 26 South, Range 42 West, totaling 276 acres all on land currently owned by the 100F Lodge No. 539.

The change application evaluated according to part (b)(1) of K.A.R. 5-5-11(b) *Applications for change in places of use for irrigation purposes*, found the 9.5 acre increase in authorized acres above the base acres complies with the regulation. The change appears to comply with K.A.R. 5-5-3, *Change in consumptive use*. The 532AF will provide 1.92 AF per acre complying with K.A.R. 5- 3-19, *Maximum reasonable annual quantity of water for irrigation use* and appears to be reasonable.

In a letter dated August 15, 2022, 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, recommended approval of the changes per his email dated September 6, 2022.

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

From: Meyer, Mike [KDA]
Sent: Tue 9/6/2022 11:49 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review & Recommendation, Reduction & Change in PU, File Nos. 88 & 15731

I recommend approval

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, September 6, 2022 11:38 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: FW: Review & Recommendation, Reduction & Change in PU, File Nos. 88 & 15731

Mike,

This might be buried in your emails.....

Leslie

From: Ireland, Leslie [KDA]
Sent: Friday, August 19, 2022 10:10 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: FW: Review & Recommendation, Reduction & Change in PU, File Nos. 88 & 15731

Forgot to attach the memo... FRY-DAY>>><<<<

This too.



Parcel Summary (For [Full Report click here](#))

Add to Multi-Parcel Report

| | |
|--------------------------|--|
| Parcel ID : | 038271110000001020 |
| Owner Name : | SYRACUSE COOPERATIVE EXCHG |
| Location : | 03331 SW CR I, Syracuse, KS 67878. |
| Boundary Desc : | S11, T26, R42W, ACRES 7, 7.3 AC TR IN SW/COR OF SW/4 DE SC AS BEG AT SW/C THEN N 800'; SOUTHEASTERLY TO A POINT 800' E OF SW/C; W 800' TO POB. |
| Owner Information | |
| Owner : | SYRACUSE COOPERATIVE EXCHG |
| Mailing Address : | PO BOX 280 JOHNSON, KS 67855-0280 |

Property Details

From: Ireland, Leslie [KDA]

Sent: Friday, August 19, 2022 9:57 AM

To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>

Subject: Review & Recommendation, Reduction & Change in PU, File Nos. 88 & 15731

Mike,

The changes are straight forward after the reduction to 88... I couldn't find where the Johnson COOP had an interest at all.. Did find Syracuse Cooperative Exchange.. but that SW SW 7 acres was not an authorized PU.. only 32.7 A in that area of Sec 11.. so was going to remove the Johnson COOP.. addressed that in memo... but wonder if it should be updated the SCE and then removed...??

Reduction reduces base under 88..... and PDs under 88 will be updated with the chg..
Otherwise 5-5-11 met with only 9.5 A increase under 15731,,, so all good.

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 WATER RIGHT FILE NO. 15,731

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Todd Wycoff, President, of the Saint John Lodge of the Independent Order of Odd Fellows, PO Box 56, 700 East 1st Avenue, Saint John, Kansas 67576, along with E. J. DeGroot and Kathleen R. DeGroot, as Co-trustees of the A. K. Coral Cay Family Trust, PO Box 1227, Syracuse, Kansas 67878-1227, received in this office on April, 4, 2022, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as amended and modified by the Order of the Chief Engineer dated May 13, 1997, approving the application to change the place of use finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively removes the additional limitation on the quantity when combined with Water Right, File No. 88, as set forth by the Certificate of Appropriation.

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 ACRES |
|------|------|-------|-------|-------|-------|-------|-----|-----|-----|-----|-------|-------|-------|-------|-----|-----|-----|-----|----------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 11 | 26S | 42W | | | | | | | | | 31.50 | 31.50 | 31.50 | 40.00 | | | | | 134.5 |
| 14 | 26S | 42W | 38.50 | 40.00 | 31.50 | 31.50 | | | | | | | | | | | | | 141.5 |

a total of 276.0 acres in Sections 11 and 14, Township 26 South, Range 42 West,
Hamilton 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.

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

October 11, 2022

A K CORAL CAY FAMILY TRUST
E J DE GROOT, CO-TRUSTEE
KATHLEEN DE GROOT, CO-TRUSTEE
PO BOX 1227
SYRACUSE, KS 67878-1227

RE: Water Right, File Nos. 88 & 15,731

Dear Mr. & Ms. De Groot:

Enclosed is the original order under File No. 88, executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change and a copy of the approval for File No. 15,731, now owned by the Saint John Lodge of the Independent Order of Odd Fellows.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in your approval for change. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized. As requested by the application for File No. 88, the annual water use report will continue to be sent to Zachary Gale.

Since the order under File No. 88, modifies the original document it 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. Information is also available on our web site at <http://agriculture.ks.gov>.

If you contact us 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".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

KAB: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 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: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 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 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 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 11 day of October, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use Water Right under Water Right, File No. 15,731 dated 27 September, 2022, was mailed postage prepaid, first class, US mail to the following:

IOOF LODGE NO 539
TODD WYCOFF, PRES
PO BOX 56
SAINT JOHN, KS 67576

With a photocopy to:

A K CORAL CAY FAMILY TRUST
E J DE GROOT, CO-TRUSTEE
KATHLEEN DE GROOT, CO-TRUSTEE
PO BOX 1227
SYRACUSE, KS 67878-1227

Garden City Field Office
Groundwater Management District No. 3



Staff

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

IOOF LODGE NO 539
TODD WYCOFF, PRES
PO BOX 56
SAINT JOHN, KS 67576

RE: Water Right, File Nos. 88 & 15,731

Dear Mr. Wycoff:

Enclosed is the original order under File No. 15,731, executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change and a copy of the approval for File No. 88, now owned by the A K Coral Cay Family Trust.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in your approval for change. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized. As requested by the application for File No. 15,731, the annual water use report will continue to be sent to Eddie & Barbara Westeman.

Since the order under File No. 15,731, modifies the original document it 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. Information is also available on our web site at <http://agriculture.ks.gov>.

If you contact us 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 Applications Unit Supervisor
Water Appropriation Program

KAB: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 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: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 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 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 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 14 day of September, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use Water Right under Water Right, File No. 15,731 dated 27 September, 2022, was mailed postage prepaid, first class, US mail to the following:

IOOF LODGE NO 539
TODD WYCOFF, PRES
PO BOX 56
SAINT JOHN, KS 67576

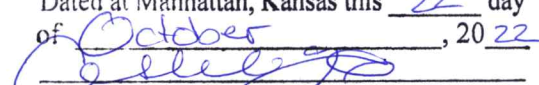
With a photocopy to:

A K CORAL CAY FAMILY TRUST
E J DE GROOT, CO-TRUSTEE
KATHLEEN DE GROOT, CO-TRUSTEE
PO BOX 1227
SYRACUSE, KS 67878-1227

Garden City Field Office
Groundwater Management District No. 3

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 22 day of October, 2022


DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE


Staff