

Kansas Department of Agriculture  
Division of Water Resources  
**PD CHANGE FINDINGS & ORDER**

1. File Number: <b>21921</b>	2. Status Change Date: <b>12/21/2022</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by GMD <input checked="" type="checkbox"/> Dismiss by Failure to Return				7. Filing Date of Change: <b>10/15/2021</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>SCOTT &amp; TRUDY K REISS 22958 HIGHWAY 160 PLAINS, KS 67869-6809</b>		Person ID <b>14543</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  <b>REISS FAMILY INVESTMENT LLC Attn: WANDA MAE REISS 12738 OVERBROOK RD LEAWOOD, KS 66211-1622</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>SCOTT &amp; TRUDY K REISS 22958 HIGHWAY 160 PLAINS, KS 67869-6809</b>		Person ID <b>14543</b> Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  <b>8A</b>	
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <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: _____				
<b>NO INFORMATION ON BACK</b>			Date Prepared: <b>12/1/22</b> By: <b>LI</b>	Date Entered: _____    By: _____
			<div style="border: 1px solid red; padding: 2px; display: inline-block;">12/19/2022 JDK</div>	<div style="border: 1px solid blue; padding: 2px; display: inline-block;">12/28/2022 LMoody</div>

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files  
**DATE:** December 1, 2022

**FROM:** Leslie Ireland  
**RE:** Water Right,  
File No. 21,921

Scott & Trudy K Reiss submitted an application to change in point of diversion. The application for this irrigation right was received on March 14, 2022.

The referenced file was found to be in good standing, as per K.S.A. 82a-718 and 82a-732. The change is proposed to add an additional well per K.A.R. 5- 5-16 in the Crooked Creek Basin, Seward County and in the Southwest Kansas Groundwater Management District No. 3 ( GMD 3).

Water Right, File No. 21,921 authorizes one (1) well at a rate of 2,000 gallons per minute and a quantity of 750 acre-feet (AF) for the irrigation of 408 acres, all in Section 34, Township 31, Range 31 West. The point of diversion and place of use have no overlaps. The source of supply for the well has been determined to be the Ogallala Formation, (Code 211).

A June 8, 2022, letter by me, informed the applicant the application would need updating to bring the application into compliance with the additional well regulation, specifically the rate test completed by GMD3 may need to be redone, the quantity will need to be reduced to 628.6 AF and reassigned to the proposed wells. All owners would need to sign as it appears a Wanda Mae Reiss, Reiss Family Investment LLC is an owner and did not sign the application. The applicant was requested to contact the Garden City Field office or the GMD for assistance and return the updated application by July 19, 2022

On July 19, 2022 after discussing the application by phone with Scott Reiss, and extension was granted to August 19, 2022, to return the application for further processing. Additionally, the application was reviewed with Michael Meyer, Water Commissioner Garden City, (GCFO) to coordinate a new rate test and the needed updates to the application. After discussion of the original rate test a new test would be needed as the GMD test was not acceptable as the well was surging during the test.

On August 15, 2022. the applicant submitted via email additional deed information per a 2007 deed received on August 15, 2022. In an August 18, 2022, reply email acknowledged the receipt of the deed and he was requested to sign on behalf of the LLC, should he have the authority to do so. The email also afforded an extension to August 31, 2022 to return the application to the Manhattan office.

It appears the applicant did not contact the GCFO nor was the application returned.

It appears the March 14, 2022, application to change the point of diversion for File No. 21,921, should be dismissed and its priority forfeited for failure to return the application with the requested information.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## **FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF APPLICATION FOR APPROVAL TO CHANGE THE AUTHORIZED POINT OF DIVERSION UNDER WATER RIGHT, FILE NO. 21,921**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

### FINDINGS

1. That on July 18, 1988, the Chief Engineer in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 21,921, for permit to appropriate water for irrigation use.
2. That on March 14, 2022, an Application for Approval to Change the Authorized Point of Diversion Under an Existing Water Right, (Application) was received by the Division of Water Resources, (DWR), Office of the Chief Engineer under the water right described in paragraph No. 1 of these findings.
3. That in a letter dated June 8, 2022, DWR returned the Application and informed the applicant, the Application as proposed, would need to be updated to comply with K.A.R. 5- 5-16, *Additional well* and to supply additional information, modify and return the application or request additional time in which to provide information prior to the Application being submitted to the Chief Engineer for final action.
4. That on August 18, 2022, further action on the Application was delayed until August 31, 2022, to allow the applicant to return the application and supply additional information to render the Application complete per K.A.R. 5- 5-2a, *Complete change application*.
5. That no additional information or written correspondence regarding the Application has been submitted to DWR, nor has the applicant requested additional time to supply information to DWR prior to the extended deadline of August 31, 2022.

- 6. The Application for File No. 21,921 should be dismissed, and its priority forfeited in accordance with the requirements of K.S.A. 82a-708b(a) and K.A.R. 5-3-4c of the Kansas Water Appropriation Act.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, the Application for Approval to Change the Point of Diversion Under an Existing Water Right, File No. 21,921, received on March 14, 2022, is herewith dismissed and the priority assigned to it is considered to be forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. 21,921, dated July 18, 1988, remains as authorized, as modified and amended by the order of the Chief Engineer dated January 29, 2018.

Ordered this 21 day of December, 2022, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

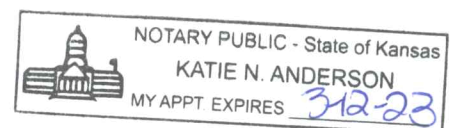
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          )       SS  
County of Riley )

The foregoing instrument was acknowledged before me this 21 day of December, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Katie N. Anderson*

Notary Public



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

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2. That on March 14, 2022, an Application for Approval to Change the Authorized Point of Diversion Under an Existing Water Right, (Application) was received by the Division of Water Resources, (DWR), Office of the Chief Engineer under the water right described in paragraph No. 1 of these findings.
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5. That no additional information or written correspondence regarding the Application has been submitted to DWR, nor has the applicant requested additional time to supply information to DWR prior to the extended deadline of August 31, 2022.

- 6. The Application for File No. 21,921 should be dismissed, and its priority forfeited in accordance with the requirements of K.S.A. 82a-708b(a) and K.A.R. 5-3-4c of the Kansas Water Appropriation Act.

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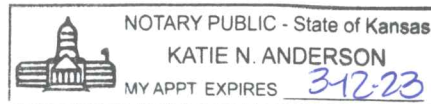
Ordered this 21 day of December, 2022, in Manhattan, Riley County, Kansas.

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

State of Kansas        )  
                                   )  
 County of Riley        )        SS

The foregoing instrument was acknowledged before me this 21 day of December, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie Anderson  
 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

January 3, 2023

SCOTT & TRUDY K REISS  
22958 HIGHWAY 160  
PLAINS, KS 67869-6809

RE: Water Right, File No. 21,921

Dear Mr. and Mrs. Reiss:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the Application for Approval to Change the Point of Diversion under Water Right, File No. 21,921, received on March 14, 2022. This dismissal is a result of the failure to return the application and/or provided additional information.

Please be reminded that reports of water usage must be submitted to this office annually. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

Should you have any questions please contact this office at 785-564-6640, or the Garden City Field Office at 620-276-2901. If you call, please reference a file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

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

**RIGHT TO PETITION FOR REVIEW  
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

**CERTIFICATE OF SERVICE**

On this 3 day of January, 2023 I hereby certify that the attached order for Water Right, File No. 21,921, dated December 21, 2022, was mailed postage prepaid, first class, US Mail to the following:

SCOTT & TRUDY K REISS  
22958 HIGHWAY 160  
PLAINS, KS 67869-6809

With a photocopy sent to:

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

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New Application and Change Unit Supervisor  
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Staff