

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

1. File Number: 18317	2. Status Change Date: 6/13/2023	3. Change Num: C2	4. Field Office: 4	5. GMD: 3
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: 12/2/2022
8a. Applicant(s) New to system <input type="checkbox"/> ROSS E & SHERRY R KOEHN 7505 BB RD MONTEZUMA, KS 67867-9012		Person ID 30989 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> PATRICIA KOEHN TRUST PO BOX 13 MONTEZUMA, KS 67867-0013	
8b. Landowner(s) New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8a & 8c (NO CHANGE)	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2023 <input checked="" type="checkbox"/> N & P Date to Comply: 3/1/2024				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" 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: 6/5/2023 By: AM Date Reviewed: 6/9/2023 By: KAK Date Entered: 6/14/2023 LMoody	

File No. **18317** 11. County: **GY** Basin: **ARKANSAS RIVER** Stream: Formation Code: **211** Special Use:

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					34000 (No change.)					24	27S	30W		1320'	3960'	925	272	925	272	NONE
MOD					32793 NC SE	24	27S	30W	3	1320	1320		930	244	930	244	NONE			
MOD					75720 NW NW SE	24	27S	30W	4	2311	2630		945	300	945	300	NONE			

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) _____
 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						
CHK																														
CHK																														

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **MOVING 28 AF FROM ID 3 TO ID 4**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 8, 2023

FROM: Austin McColloch

RE: Water Right,
File No. 18,317

On December 2, 2022, Ross & Sherry Koehn, owners of the referenced water right, filed an application for approval to change the authorized point of diversion under the above referenced file, authorized for irrigation use in the Arkansas River Basin. The application originally requested to move the entire rate and quantity from one well to another under the referenced water right, however during the GMD 3 review and possible recommendation for denial of waiver of well spacing, the application has been amended to only transfer 28 acre-feet of water to meet well spacing requirements.

The above referenced water rights do not appear to be abandoned as per K.S.A. 82a-718.

The referenced Water Right is currently authorized under three (3) wells located as follows:

one (1) well located near the center of the Southeast Quarter (NC SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,320 feet North and 1,320 feet West of the Southeast corner of said section, at a diversion rate not in excess of 930 gallons per minute and a quantity not to exceed 272 acre-feet of water per calendar year.

one (1) well located near the center of the Southwest Quarter (NC SW $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,320 feet North and 3,960 feet West of the Southeast corner of said section, at a diversion rate not in excess of 925 gallons per minute and a quantity not to exceed 272 acre-feet of water per calendar year.

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 2,311 feet North and 2,630 feet West of the Southeast corner of said section, at a diversion rate not in excess of 945 gallons per minute and a quantity not to exceed 272 acre-feet of water per calendar year.

all in Township 27 South, Range 30 West, Gray County, Kansas.

The application proposes to move 28 acre-feet of one of the well located near the center of the Southeast Quarter onto the well located in the Northwest Quarter of the Southeast Quarter. The proposed authorized rates and quantities are as follows:

one (1) well located near the center of the Southeast Quarter (NC SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,320 feet North and 1,320 feet West of the Southeast corner of said section, at a diversion rate not in excess of 930 gallons per minute and a quantity not to exceed 244 acre-feet of water per calendar year.

one (1) well located near the center of the Southwest Quarter (NC SW $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,320 feet North and 3,960 feet West of the Southeast corner of said section, at a diversion rate not in excess of 925 gallons per minute and a quantity not to exceed 272 acre-feet of water per calendar year.

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 2,311 feet North and 2,630 feet West of the Southeast corner of said section, at a diversion rate not in excess of 945 gallons per minute and a quantity not to exceed 300 acre-feet of water per calendar year.

all in Township 27 South, Range 30 West, Gray County, Kansas.

The two wells involved in the change are located 1,630 feet apart and currently authorized under the same water right, therefore the same local source of supply.

Spacing requirements have been met under K.A.R. 5-23-3 requiring 1,600 feet between wells. The nearest well is located 1,630 feet away and under the same water right.

The point of diversion is located within the boundary of Groundwater Management District No. 3. A letter was sent to GMD No. 3 for a recommendation on the application on March 30, 2023. GMD No. 3 provided a recommendation for approval on May 11, 2023.

In an email dated June 8, 2023, with Mike Meyer, Water Commissioner, Garden City Field Office, indicated he is not opposed to approval of the request and agrees with the waiver of the spacing regulation.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely. It is recommended that the change in point of diversion application for File No. 18317 be approved.



Austin McColloch
Assistant Water Commissioner
Garden City Field Office

From: Meyer, Mike [KDA]
Sent: Thu 6/8/2023 3:46 PM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation Change File No. 18317

Good work
approve

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Thursday, June 8, 2023 3:41 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation Change File No. 18317

Mike,

Attached is my draft memo for the above referenced change application. The applicants requested amend the application to only move 28AF as to meet the well spacing requirements. Let me know if you have any questions.

Thanks,

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

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 POINT OF DIVERSION WATER RIGHT FILE NO. 18,317

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ross and Sherry Koehn, 7505 BB Road, Montezuma, Kansas 67867-9012, received in this office on December 2, 2022, for approval of a change in the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated June 26, 2008, approving the application to change the point of diversion, 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 locations of the points of diversion for irrigation use shall be:

one (1) well located well located near the center of the Southwest Quarter (SW $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,320 feet North and 3,960 feet West of the Southeast corner of said section, at a rate of diversion not in excess of 925 gallons per minute (2.06 c.f.s.) and a quantity not to exceed 272 acre-feet of water per calendar year,

one (1) well located well located near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,320 feet North and 1,320 feet West of the Southeast corner of said section, at a rate of diversion not in excess of 930 gallons per minute (2.07 c.f.s.) and a quantity not to exceed 244 acre-feet of water per calendar year,

one (1) well located well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 2,311 feet North and 2,630 feet West of the Southeast corner of said section, at a rate of diversion not in excess of 945 gallons per minute (2.10 c.f.s.) and a quantity not to exceed 300 acre-feet of water per calendar year,

all in Township 27 South, Range 30 West, Gray County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2023, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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 meters has been completed. The water right owner shall maintain the water meters 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 meters 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. 18,317, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 7, 1982, as modified and amended by the aforementioned order.

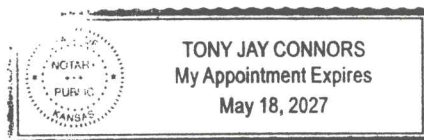
Ordered this 13 day of June, 2023, in Manhattan, Riley County, Kansas.

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 13 day of June, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors
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

June 16, 2023

ROSS E & SHERRY R KOEHN
7505 BB RD
MONTEZUMA KS 67867-9012

RE: Approval of Application for Change
Water Right
File No. 18,317

Dear Mr. & Mrs. Koehn:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flowmeter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter*, as soon as these actions are completed. The Notice of Completion form may be found online at www.agriculture.ks.gov, Water Appropriation Forms, there is no fee for the required completion notification. Please be reminded the well log, WWC-5, should be submitted with the Notice of Completion.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact our staff at the Garden City Field Office, their phone number is 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,

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:kak:am

Enclosure

pc: Patricia Koehn Trust
Garden City Field Office
Southwest Kansas GMD 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 16 day of June, 2023, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 18,317, dated June 13, 2023, was mailed postage prepaid, first class, US mail to the following:

ROSS E & SHERRY R KOEHN
7505 BB RD
MONTEZUMA KS 67867-9012

With photocopies to:

Southwest Kansas GMD No. 3

KDA-DWR Garden City Field Office



Division of Water Resources