



File No. **28132**      11. County: **SW**      Basin: **CIMARRON RIVER**      Stream: **NA**      Formation Code: **200/211**      Special Use: **NA**

12. Points of Diversion											Rate and Quantity					
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	
<b>DEL</b>		<b>14619</b>		<b>SW SW NW</b>	<b>21</b>	<b>33</b>	<b>31W</b>	<b>2</b>	<b>3129</b>	<b>4644</b>	<b>PLUG</b>	<b>300</b>	<b>12.775 MGY</b>	<b>300</b>	<b>12.775 MGY</b>	<b>NONE</b>
<b>DEL</b>		<b>86354</b>		<b>SW SE NE</b>	<b>21</b>	<b>33</b>	<b>31W</b>	<b>6</b>	<b>3180</b>	<b>870</b>	<b>PLUG</b>					<b>NONE</b>
<b>ENT</b>		<b>28336</b>		<b>NW NW NE</b>	<b>21</b>	<b>33</b>	<b>31W</b>	<b>4</b>	<b>5200</b>	<b>2563</b>		<b>300</b>	<b>39.2 AF</b>	<b>300</b>	<b>39.2 AF</b>	<b>30778 &amp; 40860</b>

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) **NONE 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				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								
<b>DEL</b>		<b>13598</b>		<b>21 33 31W 2</b>				<b>2</b>	<b>(N2)</b>																	<b>8b YES</b>		<b>30778 40860</b>
<b>ENT</b>		<b>71342</b>		<b>21 33 31W</b>					<b>16</b>	<b>40</b>	<b>12</b>	<b>2</b>	<b>40</b>	<b>16</b>	<b>2</b>	<b>12</b>								<b>140</b>	<b>8b YES</b>	<b>30778 40860 44051</b>		
<b>ENT</b>		<b>53067</b>		<b>16 33 31W 2</b>					<b>31.25</b>	<b>31.25</b>	<b>31.25</b>	<b>31.25</b>					<b>31.25</b>	<b>31.25</b>	<b>31.25</b>	<b>31.25</b>			<b>250</b>	<b>8b NO</b>	<b>30778 40860 44051</b>			

Base Acres: \_\_\_\_\_      Year: \_\_\_\_\_      Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: 390 ACRES TOTAL

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

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

**TO:** Files **DATE:** April 17, 2023  
**FROM:** Leslie Ireland **RE:** Water Right, File Nos. 28,132; 30,778; 40,860 &  
44,051

Rock Ormiston on behalf of Southwest Agri-Center Inc, the owner of the above referenced water rights filed applications for approval to change the point of diversion, use made of water and place of use under File Nos. 28,132; 30,778 & 40,860 and the place of use authorized for irrigation use under File No. 44,051. The applications were received on December 2, 2022. The water rights are located in the Cimmaron River Basin, Seward County, Southwest Kansas Groundwater Management District No. 3.

The water rights do not appear to be abandoned as per K.S.A. 82a-718, *Abandonment of water rights* as minimal water appears to have been diverted. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*. The changes in point of diversion will not result in any new wells to be drilled and the applicant/owner owns all the wells within one-half mile so there appears to be no notice per K.S.A. 82a-1906.

As a new owner the use made of water changes propose to change from stockwater back to irrigation use due to the sale of the hog facility where File Nos. 28,132; 30,778 & 40,860 supplied a total of 102.125 million gallons (303.41 acre-feet) per year from three(3) wells that will be changed to authorize one(1) well. The place of use change will eliminate the livestock facility with the space to be authorized under pivot irrigation and overlap with the irrigation authorized under File No. 44,051.

The use made of water change will be processed by K.A.R. 5-5-9 *Approval of application for a change in the use made of water from irrigation to any other type of beneficial use of water*. The certified stockwater use is considered to be more consumptive than irrigation use therefor the total combined but limited under File No. 40,860 to a quantity of 303.4 AF (102.125 million gallons) will be available for the proposed irrigation use. This quantity when combined with the 462.0 AF under File No. 44,051, a total of 775 AF will be authorized for irrigation use. Per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, Seward County affords 2.0 AF per acre. The originally proposed 325 acres affords a maximum of 750 AF. The owner has modified the place of use to total 390 acres to be authorized by all of the referenced files. This equates to the 775 AF providing 1.99 AF per acre meeting K.A.R. 5-5-8, *Standards for approval of an application for a change in the place of use and a change in the use made of water* and appears reasonable per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*. The change to the place of use under File No. 44,051 would appear to comply with K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes* as it is certified and will be making an identical place of use with that proposed by File Nos. 28,132; 30,778 & 40,860.

The proposed changes in point of diversion will move File No. 28,132 that authorizes two (2) wells at 300 gallons per minute (gpm) for the diversion of 12.775 mgy (39.21 AF) to the well authorized by File Nos. 30,778 & 40,860. The points of diversion approved under File No. 28,132 are located approximately 3,770 feet apart on the East and West sides of Section 21, Township 33, Range 31 West, Seward County. The proposed existing point of diversion located approximately 5,200 feet North and 2,563 feet West in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of 21-33-31W is approximately 2,635 feet and 2,940 feet from the wells. As the stockwatering wells are under the same priority and the proposed is approximately 2,635 feet and all the furthest well could be reduced and the closest well move to the proposed location meeting the maximum distance move allowed of 2,640 feet per K.A.R. 5-23-3, *Minimum well spacing requirements: high plans aquifer*. The wells have been determined to be the Ogallala Formation (Code 211). The change in point of diversion will remain in the same local source of supply.

The well proposed by File No. 28,132 has been authorized to divert the full but limited 313 AF at 330 gpm but limited with it under the most junior right, File No. 40,860 and overlapping File No. 30778. The 313 AF requires 1,900 feet of well to well spacing for nondomestic wells per K.A.R. 5-23-3, Minimum well spacing requirements: high plans aquifer. The database indicates there are no wells less than the minimum spacing. The owner has indicated there are no domestic wells in the area that would be afforded 660 feet of well spacing.

In a letter dated April 13, 2023, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated the applications comply with the current management program. The applications were recommended for approval.

In an e-mail dated April 17, 2023, Michael Meyer, Water Commissioner, Garden City Field Office, indicated that he recommended approval of the applications.

Water flowmeters and check valves will be required by the change approvals. The change in point of diversion will require not a water level measurement tube as the well has been authorized since the 70's under File No. 30,778. The notice of completion for the point of diversion approval will be for 2023. The transmittal will state the two wells under File No. 28,132 should be plugged in accordance with KDHE requirements.

Based on the above discussion, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, compliance with K.A.R. 5-5-9 is met, the changes should not increase the historical consumptive use per KAR 5-5-3, *Change in consumptive use*. The referenced applications have been recommended to be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program



**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone  
www.gmd3.org

April 13, 2023

4/13/2023

Leslie Ireland  
Kansas Department of Ag  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

Water Resources  
Received

KS Dept Of Agriculture

Email: [Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)

RE: Applications for Change, Water Right, File Nos. 28132, 30778, 40860 & 44051

Dear Leslie:

We have completed a review of the applications for the above referenced water rights. The proposed changes meet current area rules, K.A.R. 5-5-9, K.A.R. 5-5-11 & K.A.R. 5-23-3.

All of the changes in place of use will have a complete overlap in the IRR area and will cover currently authorized acres under Water right 44051 as well as new acres.

The application for Water Right, File No. 28132 also proposes to change the use made of water and the point of diversion. As per K.A.R. 5-5-9, the water right will not be reduced since this conversion is going from STK to IRR use. The change in point of diversion will have the water right go from two authorized points of diversion to one that is stacked with Water Rights 30778 & 40860, which is allowed under K.A.R. 5-23-3. Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4.0 ft with saturated thickness is greater than 200ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

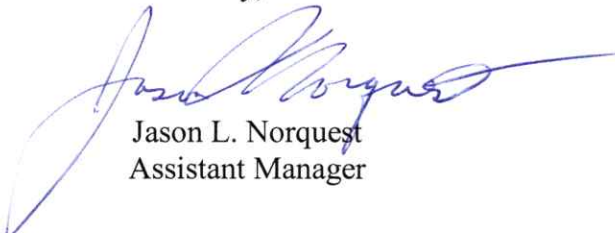
Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that none of the neighboring wells exceeded the net effect above the maximum allowable

threshold and needed no further evaluation. No critical wells were determined in the area. We did not receive any comments from neighboring well owners.

The proposed changes appear to meet current area rules and results from an analysis would show very minimal effects for the area. It is therefore recommended that the applications be approved at this time.

Thank you for the opportunity to review the application and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason L. Norquest", is written over the typed name and title.

Jason L. Norquest  
Assistant Manager

4/13/2023

Water Resources  
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## GMD3 Change Review

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File No(s): 28132, 30778, 40860, 44051.

DWR office: GC.

App filed to change: PD, PU, UMW.

Is Landowner(s) correct in WRIS: Southwest Agri-Center Inc %Rock Ormiston.

If NO, is documentation included?

4/13/2023

Is Water Use Correspondent correct in WRIS?   .

If NO, is documentation included?

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Regulation(s) Reviewed: KAR 5-23-3, KAR 5-5-9, KAR 5-5-11

Point of diversion ID No(s)    being changed.

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	ft. North	ft. West			
Authorized PD	3129	4644	Sect 21-33-31		
Proposed PD	5200	2563			
Difference	-2071	2081			
a2 + b2 = c2	4289041	4330561	2935.916		

GPS for proposed PD: Lat:    Long:   .

Is proposed PD stacking on existing WRs? 28132, 30778, 40860.

Is Proposed PU overlapping existing WRs? Expanded acres to bring in 44051 also.

Neighboring certified well(s) notified:   .

Name JDH Trust (25615, 42661, 27124, 36059) Same contact on Headrick.

Address PO Box 216.

Zip Kismet, KS 67859.

Email: [jlheadrick@swko.net](mailto:jlheadrick@swko.net) Phone: 620-563-9362.

Name Susan Fox (43624).

Address 8199 X RD.

Zip Plains, KS 67869.

Email: [susangaylemassoni@gmail.com](mailto:susangaylemassoni@gmail.com) Phone: 620-563-7739.

Domestic well(s) notified:   .

Name   .

Address   .

Zip   .

Base Acres:   .

Perfected Acres:   .

Irr. Return-Flow   %

**28132: 2 PDs with blanket authority 12.775mgly (39.205AF) @ 300gpm. STK>IRR.**

**Will drop one of the PDs and move all authority to well currently authorized by 30778 & 40860**

**30778: 89.350mgly (274.205AF) @ 330gpm. STK>IRR**

**Average reported use ( 2013-2022): 115.179AF/year**

**GMD3 Change Review**

**40860: 4.618mgd (14.172AF) @ 330gpm. STK>IRR. Current PD overlap w/30778.**

KS Dept Of Agriculture

**All three WRs on well located 5200N 2563W 21-33-31.**

**Limitation 102.125mgd combined with 28132 & 30778**

**Average combined reported use: 8.96AF/year**

**Proposed converting from STK to IRR, which would be a total allocation of 313.41AF**

**@ 630gpm**

**44051: 462AF @ 1320gpm, currently IRR**

**Authorized 250 acres in E2 16-33-31**

**Proposed acres:**

**250 acres E2 16-33-31**

**125 acres NE & NW of 21-33-31**

Is a waiver needed: No consumptive use loss converting STK to IRR. Minimum well spacing is met. Analysis shows possible effects within guidelines and no critical wells.

Recommendation: After review of all available information, it appears current area rules are met. Staff recommends approval of the applications.





4/13/2023

Report Date: Wednesday, March 29 2023

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Water Rights and Points of Diversion Within 1 mile of point defined as:

5200 Feet N and 2563 Feet W of the Southeast Corner of Section 21 Twp 33S Rng 31W  
Located at: 100.698743 West Longitude and 37.169471 North Latitude  
Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan			
A__ AF	25615	00	IRR	NK	G		4164	--	NC	SE	1200	1400	21	33	31W	1	2300	261.00	261.00	
A__ AF	27124	00	IRR	NK	G		3683	--	SW	SW	NW	2710	4990	16	33	31W	1	2300	415.00	415.00
A__ AF	28132	00	STK	NK	G*		2643	--	SW	SE	NE	3180	870	21	33	31W	6		39.21	39.21
Same							2940	--	SW	SW	NW	3129	4644	21	33	31W	2	313.42	1400	
A__ AF	30778	00	STK	NK	G*		12	--	NW	NW	NE	5200	2563	21	33	31W	4		274.21	274.21
A__ AF	36059	00	IRR	NK	G		3683	--	SW	SW	NW	2710	4990	16	33	31W	1	2300	105.00	105.00
A__ AF	40860	00	STK	NK	G*		12	--	NW	NW	NE	5200	2563	21	33	31W	4		14.17	.00
A__ AF	42661	00	IRR	NK	G		4164	--	NC	SE	1200	1400	21	33	31W	1	2300	508.00	247.00	
A__ AF	43624	00	IRR	NK	G		2984	--	SE	SE	SE	305	300	17	33	31W	2	1400	260.00	260.00
A__ AF	44051	00	IRR	NK	G		2159	--	NC	SE	1440	1000	16	33	31W	2	2100	462.00	462.00	

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2063.41	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2063.41	.00

Minimum Spacing appears to be MET'

An \* after the source of supply indicates a pending application for change under the file number.  
An \* after the ID indicates a 15 AF exemption was granted under the file number.  
A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1 mile of point defined as:

5200 Feet North and 2563 Feet West of the Southeast Corner of Section 21 Twp 33S Rng 31W  
Located at: 100.698743 West Longitude and 37.169471 North Latitude  
Both SURFACE WATER and GROUNDWATER  
WATER USE CORRESPONDENTS:

File Number Use ST SR

> JDH TRUST

> PO BOX 216

> KISMET KS 67859

25615

> JEFFERY D & ELIZABETH HEADRICK

> PO BOX 216

> KISMET KS 67859

27124

> SANDY ROAD FARMS LLC

> MELISSA LANGHOFER

> 23179 #5 ROAD

> PLAINS KS 67869

28132

Application

4/13/2023

>-----  
> SANDY ROAD FARMS LLC  
> MELISSA LANGHOFER  
> 23179 #5 ROAD  
> PLAINS KS 67869  
>-----

Water Resources  
Received  
30776 Application  
KS Dept Of Agriculture

> JEFFERY D & ELIZABETH HEADRICK  
>  
> PO BOX 216  
> KISMET KS 67859  
>-----

36059

> SANDY ROAD FARMS LLC  
> MELISSA LANGHOFER  
> 23179 #5 ROAD  
> PLAINS KS 67869  
>-----

40860 Application

> JDH TRUST  
>  
> PO BOX 216  
> KISMET KS 67859  
>-----

42661

> SUSAN FOX  
>  
> 8199 X RD  
> PLAINS KS 67869  
>-----

413624

> SOUTHWEST AGRI-CENTER INC  
> ROCK ORMISTON  
> 303 MAIN ST  
> KISMET KS 67859  
>-----

44051 Application

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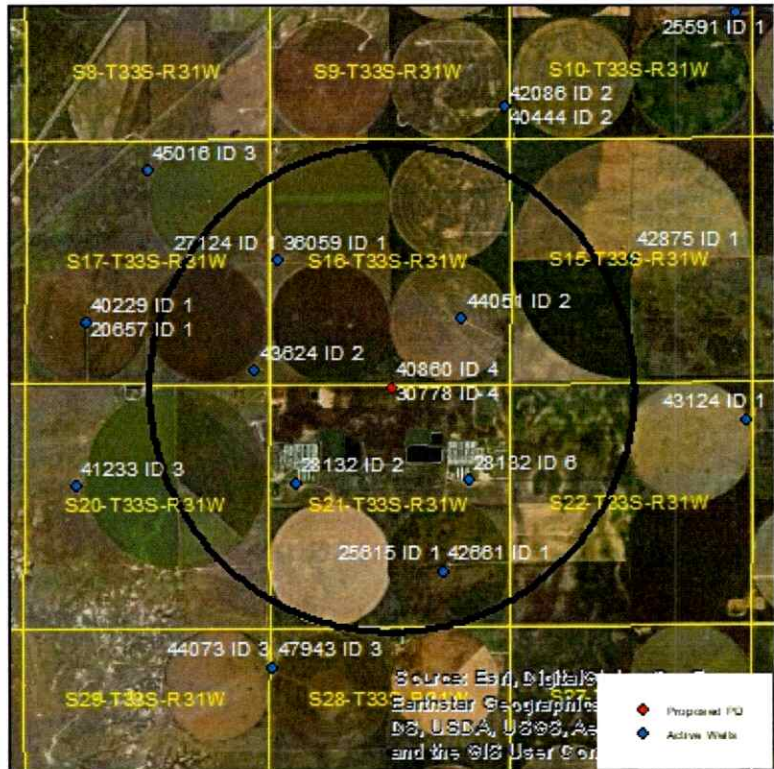
**Evaluation of proposed move for Water Right No. 28132**

Proposed: Move water right nos. 28132 ID2 and 28132 ID6 to the well currently authorized by water right nos. 30778 & 40860.

4/13/2023

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Wells within 1 mile: 43624, 27124 & 36059, 44051, and 25615 & 42661.

The saturated thickness at the proposed well location is estimated to be 295 ft, based upon the GMD3 model. For saturated thickness greater than 200 ft, the drawdown allowance is 4.0 ft.

**50 year Theis Analysis:** The following values were used to run the analysis:

$S = 0.1911, T = 8668 \text{ ft}^2/\text{day},$

28132 ID2:  $tp_{\text{current}} = 4 \text{ days}, Q_{\text{current}} = 100 \text{ gpm}, tp_{\text{proposed}} = 0 \text{ days}, Q_{\text{proposed}} = 0 \text{ gpm}$

28132 ID6:  $tp_{\text{current}} = 6 \text{ days}, Q_{\text{current}} = 100 \text{ gpm}, tp_{\text{proposed}} = 0 \text{ days}, Q_{\text{proposed}} = 0 \text{ gpm}$

30778 & 40860:  $tp_{\text{current}} = 219 \text{ days}, Q_{\text{current}} = 119 \text{ gpm}, tp_{\text{proposed}} = 113 \text{ days}, Q_{\text{proposed}} = 630 \text{ gpm}$

Theis drawdowns were calculated as follows:

- 43624:
  - Drawdown from current location = 0.76 ft
  - Drawdown from proposed location = 2.19 ft
  - Net drawdown = **1.4 ft**

4/13/2023

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27124 & 36059: Drawdown from current location = 0.68 ft  
Drawdown from proposed location = 1.91 ft  
Net drawdown = **1.2 ft**

44051: Drawdown from current location = 0.89 ft  
Drawdown from proposed location = 2.73 ft  
Net drawdown = **1.8 ft**

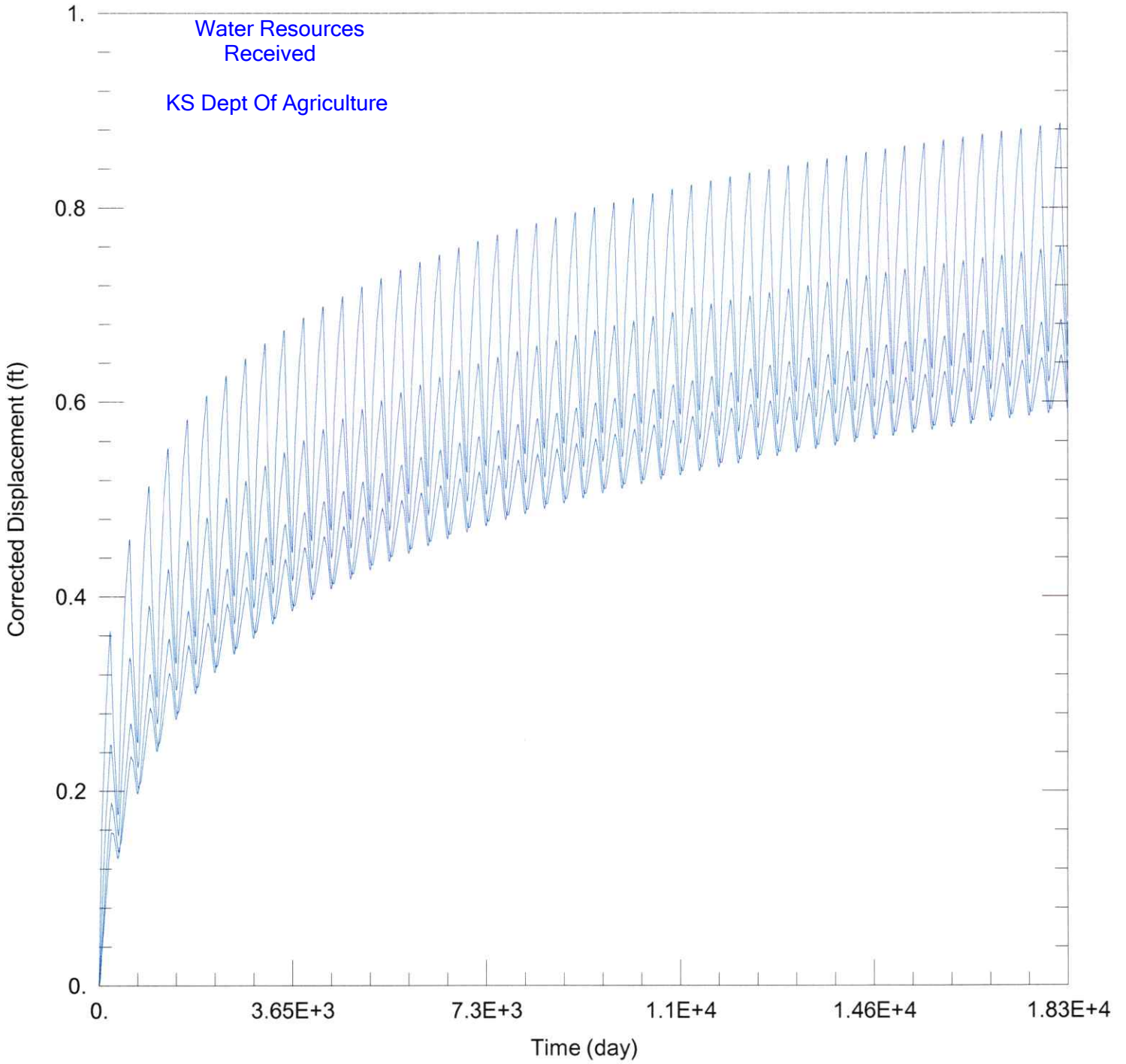
25615 & 42661: Drawdown from current location = 0.65 ft  
Drawdown from proposed location = 1.76 ft  
Net drawdown = **1.1 ft**

Net drawdown does not exceed the drawdown allowance of 4.0 ft for any well within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

**Conclusion:**

The proposed move is likely to create minimal effects on neighboring wells and appears unlikely to cause impairment. Any concerned neighbors should contact GMD3 at (620) 275-7147 or the Division of Water Resources at (620) 276-2901.

4/13/2023



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2023\_moves\28132\28132 Current.aqt

Date: 04/06/23

Time: 15:34:22

PROJECT INFORMATION

Company: GMD 3

Project: 28132

Location: Seward County

WELL DATA

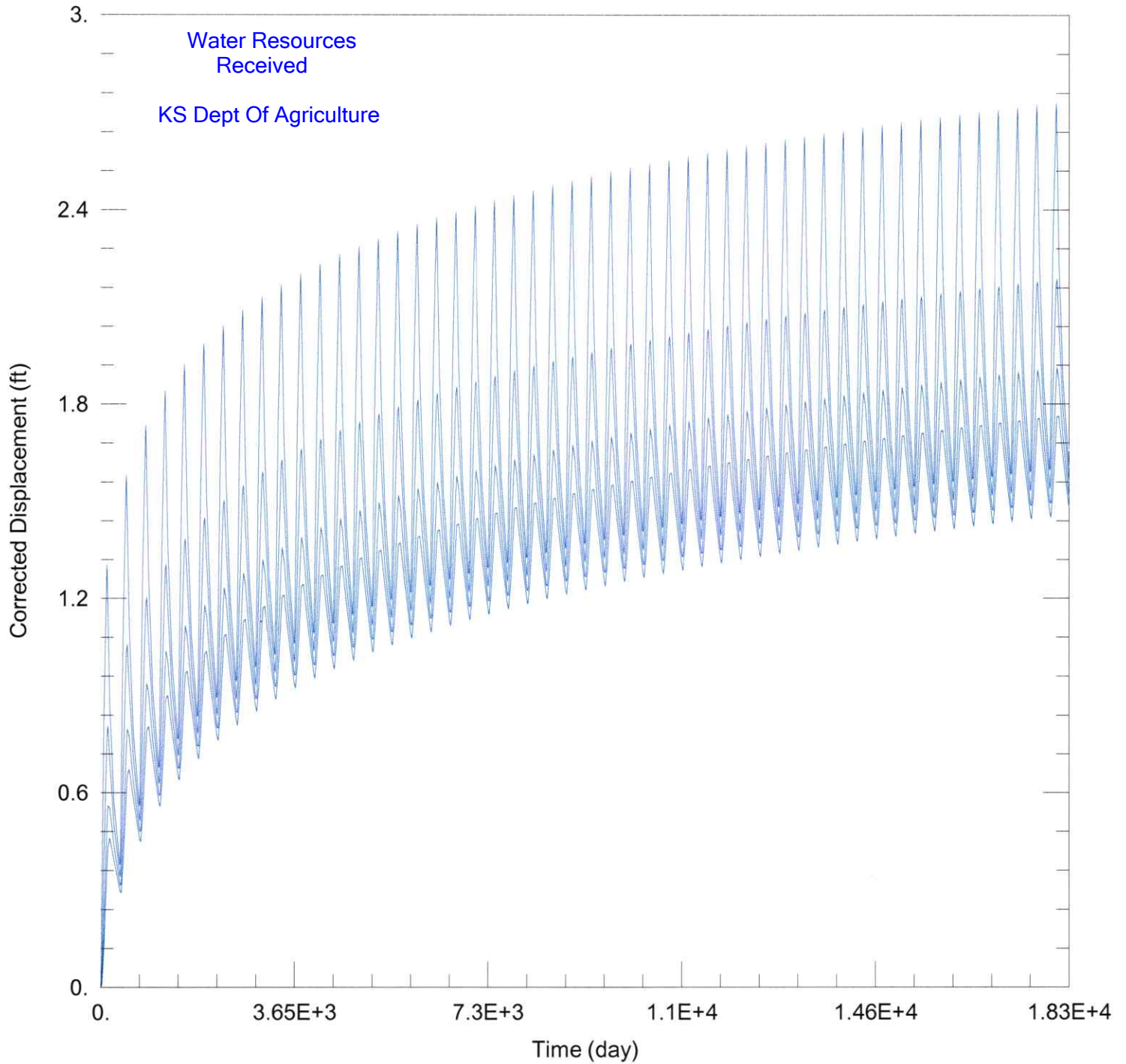
Pumping Wells

Observation Wells

Well Name	X (ft)	Y (ft)	Well Name	X (ft)	Y (ft)
30778 & 40860	29356	107228	□	29356	107228



4/13/2023



### WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2023\_moves\28132\28132 Proposed.aqt

Date: 04/06/23

Time: 15:34:16

### PROJECT INFORMATION

Company: GMD 3

Project: 28132

Location: Seward County

### WELL DATA

#### Pumping Wells

#### Observation Wells

Well Name	X (ft)	Y (ft)
30778 & 40860	29356	107228

Well Name	X (ft)	Y (ft)
□	29356	107228



## Ireland, Leslie [KDA]

---

**From:** Meyer, Mike [KDA]  
**Sent:** Monday, April 17, 2023 8:02 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review and Recommendation File Nos. 28,132; 30,778; 40,860 & 44,051 Rock O

Approve please with your edits.  
Ya, playas need water more than evap to do anything

---

**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Monday, April 17, 2023 8:01 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** RE: Review and Recommendation File Nos. 28,132; 30,778; 40,860 & 44,051 Rock O

Mike,

Good morning,

Your right on the date and tube.. my mistake thought when 40860 was approved there was a pd chg to 30778, but there wasn't so no tube on order for 28132.

Thank you,

I rewrote paragraph top of page 2 to say..

The well proposed by File No. 28,132 has been authorized to divert the full but limited 313 AF at 330 gpm but limited with it under the most junior right, File No. 40,860 and overlapping File No. 30778. The 313 AF requires 1,900 feet of well to well spacing for nondomestic wells per K.A.R. 5-23-3, *Minimum well spacing requirements: high plans aquifer*. The database indicates there are no wells less that the minimum spacing. The owner has indicated there are no domestic wells in the area that would be afforded 660 feet of well spacing.

Look better ?? it mainly to address spacing and dom.

Let me know if this pkg can go.. &&&&

Have a good day!!! PS I watched a show about playas... my husband asked if I was getting work credit.... LOL.. was interesting.

Leslie

---

**From:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>  
**Sent:** Saturday, April 15, 2023 8:33 AM  
**To:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Subject:** RE: Review and Recommendation File Nos. 28,132; 30,778; 40,860 & 44,051 Rock O

Pretty sure no wlmt due to 1977 well date  
I don't understand the need for the first paragraph on page 2?

thanks

---

**From:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>

**Sent:** Thursday, April 13, 2023 4:25 PM

**To:** Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>

**Subject:** Review and Recommendation File Nos. 28,132; 30,778; 40,860 & 44,051 Rock O

Mike,

Don't know about the PD chg... proposed PD under 30778 if a **WLMT is present**....and should be a condition for 28132 approval????

GMD LTR and review is attached.

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 POINT OF DIVERSION, PLACE OF USE  
AND  
USE MADE OF WATER  
WATER RIGHT, FILE NO. 28,132**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Rock Ormiston on behalf of Southwest Agri-Center Incorporated, 303 Main Street, Kismet, Kansas 67859, received in the office of the Chief Engineer on December 2, 2022, for approval of a change in the location of the point of diversion, place of use and use made of water 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 September 15, 2017, 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 use made of water shall be:

Irrigation Use

and the 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		
16 33S 31W	31.25	31.25	31.25	31.25										31.25	31.25	31.25	31.25	250
21 33S 31W	16.0	40.00	12.00	2.00	40.00	16.00	2.0	12.0										140

a total of 390 acres in Sections 16 and 21, Township 33 South, Range 31 West, Seward County, Kansas, and the location of the point of diversion shall be:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter ( NW¼ NW¼ NE¼) of Section 21, more particularly described as being near a point 5,200 feet North and 2,563 feet West of the Southeast corner of said section, in Township 33 South, Range 31 West, Seward County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion, place of use and use made of water.

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 applicant 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 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. 28,132, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 1, 1999, as modified and amended by the aforementioned order.

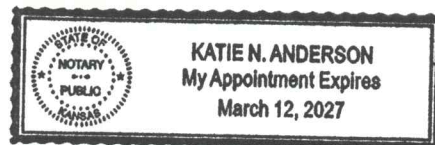
Ordered this 18 day of April, 2023, in Manhattan, Riley County, Kansas.

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 18 day of April, 2023, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Katie N. 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

April 24, 2023

SOUTHWEST AGRI-CENTER INC  
Attn: ROCK ORMISTON  
303 MAIN ST  
KISMET, KS 67859

RE: Water Right, File Nos. 28,132; 30,778; 40,860 & 44,051

Dear Mr. Ormiston:

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. Please be reminded File Nos. 28,132; 30,778 & 40,860 are limited to a maximum quantity of 313 acre-feet. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized and installed prior to the diversion of water. Please return the required *Notice of Completion* form for the approval to change File No. 28,132 to acknowledge the installation of the meter. The form and other information may be found at our web site <http://agriculture.ks.gov>.

The abandoned wells shall be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 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 blue 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

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 24 day of April, 2023, I hereby certify that the attached Approval of Applications under Water Right, File Nos. 28,132; 30,778 40,860 & 44,051 dated April 18, 2023 were mailed postage prepaid, first class, US mail to the following:

SOUTHWEST AGRI-CENTER INC  
Attn: ROCK ORMISTON  
303 MAIN ST  
KISMET, KS 67859

With a Photocopy to:

Garden City Field Office  
Groundwater Management District No. 3



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Division of Water Resources