

Kansas Department of Agriculture
Division of Water Resources

CHANGE: PU WORKSHEET & ORDER TO BETTER DESCRIBE PD

1. File Number: 39231	2. Status Change Date: 4/18/2023	3. Change Num: C1	4. Field Office: 04	5. GMD: 01
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: 11/28/2022
8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ SMITH LAND CO INC & SKR LAND LLC RAY P SMITH 695 KANSAS 27 SHARON SPRINGS, KS 67758		8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>16643</u> Add Seq# <u>1</u> SMITH LAND CO INC 695 KANSAS 27 SHARON SPRINGS, KS 67758		
8b. Landowner(s) New to system <input type="checkbox"/> Person ID <u>62813</u> Add Seq# <u>2</u> SKR LAND LLC 695 KANSAS 27 SHARON SPRINGS, KS 67758-6029		8d. WUC New to system <input type="checkbox"/> Person ID <u>62813</u> Add Seq# <u>1</u> SKR LAND LLC 695 KANSAS 27 SHARON SPRINGS, KS 67758-6029		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2023</u> <input type="checkbox"/> 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: 3/30/2023 By: LI Date Entered: _____ By: 4/25/2023 L Moody Date Reviewed: 4/17/23 By: JDK				

File No. **39231** 11. County: **GL** Basin: **LADDER CREEK** Stream: **NA** Formation Code: **211** Special Use: **NA**

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

MOD 11568 NW NE SW 7 16 41W 5 2627 3505 GPS UPDATE NO CHANGE 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) **NONE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NO CHANGE**

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT PUSE S T R ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
	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					
ENT 1216 12 16 42W 2	40	40	40	40										40	40	40	40	320	8c	NO	10771 18116 37093 37095
MOD 31648 7 16 41W 1	40	40	40	40	40	L-1 36.10	L-2 36.30	40	40	L-3 36.50	L-4 36.70	40	40	40	40	40	40	625.6	8b	NO	10771 18116 37093 37095

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **PUSE_ID 31648 L-1(NWNW)L-2(SWNW)L-3(NWSW)L-4(SWSW)**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: April 11, 2023

FROM: Leslie Ireland

RE: Water Right,
File Nos. 10,771; 18,116; 37,093; 37,095 & 39,231

Ray P. Smith on behalf of Smith Land Co. Inc. and SKR Land LLC, is requesting to change the irrigated place of use. The applications were received on November 28, 2022. The referenced files are located in the Ladder Creek Basin.

The referenced water rights appear to be in compliance with K.S.A. 82a-732 and the applications comply with K.A.R. 5-5-2a, with the updates to the ownership per the ORKA database. As the proposed changes are to make complete overlaps without any modifications to the actual configuration notice per K.S.A. 82a-1906 is not required.

The ORKA database shows the 3.6 acres in the Southeast Quarter of Section 12, Township 16 South, Range 42 West, Greeley County that were authorized by File Nos. 10,771 & 18,116 now owned by Smith Land Company, Inc. The changes are to overlap these two files, 320 acres in the East Half of Section 22 with the 625.6 acres located in Section 7, Township 16, Range 41 West, Greeley County, authorized under File Nos. 37,093; 37,095 & 39,231. The requested overlap is to afford the use of the wells under each right within the place of use.

The referenced files complete overlap of 945.6 acres will have a combined total quantity of 1,800 acre-feet, yielding 1.90 acre-foot per acre. The base acres were not determined as the proposal will not increase or modify the configuration of the authorized acres making an identical place of use from these certified rights. The proposed change for the referenced files complies with, Part(b)(1) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*.

The irrigation ratio of 1.90 acre-feet per acre exceeds Greeley County's 1.38 acre-feet per acre at the 80% chance as per K.A.R. 5-5-12, *Net irrigation requirements*. A water conservation plan will not be required. As there will be no increase in acres and the quantity is reasonable the changes comply with K.A.R. 5-5-3, *Change in consumptive use*.

The approval under File Nos. 10,771 & 18,116 will update the well locations by adding the feet distances. The feet distances under File No. 37,095 will be updated from the authorized of 2,620 feet North and 1,430 feet West to the Compliance Investigation determined actual of 2,649 Feet North and 1,469 feet West. The feet distances under File No. 39,231 will be updated from the authorized of 2,560 feet North and 3,408 feet West to the Compliance Investigation determined actual of 2,627 Feet North and 3,505 feet West. The feet distances for File Nos. 37,095 & 39,231 from the Southeast corner of Section 7, Township 16 South, Range 41 West. It appears the updated well locations comply with K.A.R. 5-5-6c, *Authorized point of diversion or place of use*.

The Western Kansas Groundwater Management District No. 1, was sent the applications for review on March 9, 2023. No recommendation or objections to the applications has been received.

Michael Meyer, Water Commissioner of the Garden City Field Office, was contacted for a recommendation on the proposed changes in place of use. He recommended approval per his email dated April 10, 2023.

Water flowmeters will be required for the change approvals. The water use correspondents remain as they have been as the land is under separate ownership and will afford the landowner a smooth transition. A check valve will be required, if chemigating. 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 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
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

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
ORDER TO BETTER DESCRIBE THE LOCATION
OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT, FILE NO. 39,231**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ray P. Smith on behalf of Smith Land Company, Incorporated and SKR Land LLC, 695 Kansas 27, Sharon Springs, Kansas 67758, received in the office of the Chief Engineer on November 28, 2022, 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, 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	
07 16S 41W	40.00	40.00	40.00	40.00	40.00	L-1 36.10	L-2 36.30	40.00	40.00	L-3 36.50	L-4 36.70	40.00	40.00	40.00	40.00	40.00	625.6
12 16S 42W	40.00	40.00	40.00	40.00									40.00	40.00	40.00	40.00	320.0

a total of 625.6 acres in Section 7, Township 16 South, Range 41 West, and 320 acres in Section 12, Township 16 South, Range 42 West, all in Greeley 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 authorized point of diversion would more accurately be defined as:

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ NE¼ SW¼) of Section 7, more particularly described as being near a point 2,627 feet North and 3,505 feet West of the Southeast corner of said section, in Township 16 South, Range 41 West, Greeley 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. 39,231, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 10, 1997.

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 26, 2023

SMITH LAND CO INC & SKR LAND LLC
RAY P SMITH
695 KANSAS 27
SHARON SPRINGS, KS 67758

RE: Water Right, File Nos. 10,771; 18,116; 37,093; 37,095 & 39,231

Dear Mr. Smith:

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. Please be reminded that the wells under File No. 18,116, is still limited to 2,770 gallons per minute and 640 acre-feet of water per calendar year when combined with Water Right, File No. 10,771.

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.

The water use correspondent remains as designated for the referenced files by the ownership of record. The annual water use report will be sent to each entity at the address listed above.

If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:LI:

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1

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 26 day of April, 2023, I hereby certify that the attached Approval of Applications for Change under Water Right, File Nos. 10,771; 18,116; 37,093; 37,095 & 39,231, all dated April 18, 2023 were mailed postage prepaid, first class, US mail to the following:

SMITH LAND CO INC & SKR LAND LLC
RAY P SMITH
695 KANSAS 27
SHARON SPRINGS, KS 67758

With photocopies to:

Garden City Field Office
Groundwater Management District No. 1



Division of Water Resources