

Kansas Department of Agriculture
Division of Water Resources
 APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 10790	2. Status Change Date: 7/2/2024	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.: Filing/Priority Date: 06/20/2023 Application Complete Date:
3. Package File No(s): 10790 17504 21253		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 23380 Add Seq#	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 56813 Add Seq# 1	
JERRY STUCKEY 2581 ROAD 24 MOSCOW, KS 67952-5214	MICHAEL J COLANTONIO PO BOX 141 MOSCOW, KS 67952	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: C2 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: 186 Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: Perfection/Expiration Date:		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR- Irrigation UMW: UMW:
8. Action Trail GY C2 - CHANGE APP PLACE OF USE APPROVED - Compliance: 12/31/2024		
9. Special Conditions 5 YEAR ALLOCATION		
10. 5YR Allocation Type: B3 Start Year: 2024 5YR Quantity: 1346 WITH WR# 17504 Base Acres: 183 Comment:		
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:		
Comments SPLITTING 10790 & 17504 FROM 21253	Processed LI 7/25/2024 Reviewed KAK 6/27/2024	Entered 7/10/2024 KAnderson

File No. 10790	13. County: SV Basin: CIMARRON RIVER Stream: NA		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
CHK	53414	SW SW SE	8	31	35W	1	30	2620	256	256	960	960				+	

15. Limitations Type: **ALLOCATION** Quantity: **1346 AF** Rate: **gpm** combined with file no(s): **17504**
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering Meter Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2024

17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps	
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
DEL	36396	17	31	35W	3					40	40		4.0										84	5b	<input type="checkbox"/>	*
MOD	18128	8	31	35W	1									30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.0		240	5a	<input type="checkbox"/>	**
																									<input type="checkbox"/>	***
																									<input type="checkbox"/>	^
																									<input type="checkbox"/>	^^

18. Point of Diversion and Place of Use Overlaps + 10790 17504 ++ # ^	* 10790 17504 21253 ** 10790 17504 *** ^^
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 26, 2024

FROM: Leslie Ireland

RE: Water Right,
File Nos. 10,790 & 17,504

Jerry Stucky as owner applied for changes under the referenced water rights. The applications were received on October 19, 2023, are requesting a change in the irrigated place of use. They included a change in place of use for File No. 21,253 that will be processed separately as the changes will sever the overlap. The files are located in the Cimarron River Basin, Stevens County and Groundwater Management District No. 3. They are not located in a special use area.

A review of the reported water use finds the water right are in good standing as per K.S.A. 82a-718 and 82a-732. Review for nearby notifications per K.S.A 82a-1906 indicates there are no no wells within the notification area.

The referenced files and File No. 21,253 overlap in the place of use authorizing a total of 595 acre-feet (AF) assigned as 256 AF, File No. 10,790, 116 AF under File No. 17,504 and 223 AF under File No. 21,523, for the irrigation of 324 overlapping irrigated acres in Sections 8 & 17, in Township 31 South, Range 35 West, Stevens County.

After the removal of the acres under File No. 21,253, owner proposes to keep the same place of use which will be processed by to K.A.R. 5-5-11(b)(3); *Necessity to install a more efficient irrigation system; limited quantity*, to provide more irrigated acres for management of their operation.

- The Southwest Kansas Groundwater Management District No. 3 will assume monitoring responsibility, as per the memorandum of understanding between the Division of Water Resources and the GMD.
- The owner proposes to maintain his historical irrigation of 240 acres under two pivots located in the South Half (S½) of Section 8, Township 31, Range 35 West Stevens County. No new acres will be added to this place of use.
- The files were reviewed for the "base acres" of which 186 acres were determined for File Nos. 10,790 & 17,504, per the staff at our Garden City Field Office. A proposed net increase of 54 acres above the "base acres" will authorize 240 acres.
- There has been no recent pattern of water use in excess of the maximum annual quantity authorized and the reported acreage would appear to reflect the increase of acreage as proposed under this requested change.
- Limitations: The authorized quantity of water under the referenced water rights will be **limited to a five-year fixed allocation of 1,346 acre-feet under File Nos. 10,790 & 17,504** as determined by part i of the regulation.

File Nos. 10,790 & 17,504

$1.23 \text{ AF (50\% NIR for Stevens Co.)} \div 0.85 \text{ (irrigation efficiency)} \times 186 \text{ base acres} = 269.15 \text{ AF}$
 $269.15 \times 5 \text{ years} = 1,345.76 \text{ AF allocated for use during the 5 years irrigation cycle.}$

- The additional condition will be placed on the rights, that use of water in excess of the five-year allocation, shall result in a two (2) year suspension of all water use under the referenced rights and subsequent restriction of the authorized place of use to the base acreage at the location specifically set forth in the change approvals.

The owner has signed a *Statement of Review*. The total combined quantity of 1,346 acre-feet authorized under the referenced files proposes to irrigate a place of use of 240 acres. While the owners may utilize the total certified quantity under each right in a given year, 256 AF, File No. 10,790, and 116 AF under File No. 17,504, a total of 372 AF. The allocation will restrict them to an average quantity of 269.16 acre-feet per year during the five(5) year allocation. This average quantity will provide 1.12 acre-feet per acre, which is less than the 1.23 acre-feet as indicated for the 50% NIR for corn in Stevens County. The requirements of the reduced quantity under the allocation, should assure that consumptive use will not increase and that the requirement of K.A.R. 5-5-3, *Consumptive use* has been met for these irrigation rights.

Jason Norquest, Assistant Manager, Southwest Kansas Groundwater Management District No. 3, provided a recommendation to approve the allocation with them assuming the monitoring as per the memorandum of understanding between the Division of Water Resources and Groundwater Management District No. 3.

The Water Commissioner, Mike Meyer, reviewed the proposed changes and provided a recommendation for approval on June 25, 2024.

Water flowmeters will be required as per K.A.R. 5-5-11(e) and with check valves being required if chemigating. Records indicate the meter was repaired in 2022 and installed with straightening vanes and straight pipe spacing. A water level measurement tube and WWC-5 will not be conditions of the approval as no new wells have been authorized.

Based on the above discussion, that the changes are reasonable and will not increase the historical consumptive use, that impairment of existing water rights is unlikely, that no change in the local source of supply will occur, that the local groundwater management district will continue monitoring responsibilities for the allocation, it is recommended the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Tuesday, June 25, 2024 11:31 AM
To: Ireland, Leslie [KDA]
Subject: RE: Changes in Place of Use File Nos. 10,790; 17,504 & 21,253 Stucky _ Colantonio

Approve. Thank you

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, June 21, 2024 3:16 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Changes in Place of Use File Nos. 10,790; 17,504 & 21,253 Stucky _ Colantonio

Mike,

Please let me know if you would recommend these changes that will split the PUs.

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 PLACE OF USE
WATER RIGHT
FILE NO. 10,790**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jerry E. Stuckey, 2581 Road 24, Moscow, Kansas 67952, received in this office on October 19, 2023, 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, as modified and amended by the Order of the Chief Engineer, dated April 17, 2003, approving the application to change the place of 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 ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8	31S	35W																	240

a total of 240 acres in Section 8, in Township 31 South, Range 35 West, Stevens County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use.

By this order, this water right is subject to the following conditions:

1. That the quantity of water authorized under Water Right, File Nos. 10,790 and 17,504, shall not exceed 1,346 acre-feet per five (5)-year period; the first period being calendar years 2024 through 2028, ad infinitum.
2. That the quantity of water authorized under Water Right, File No. 10,790 shall not exceed 256 acre-feet per calendar year.

- 4. That if the Southwest Kansas Groundwater Management District No. 3 and/or the Division of Water Resources terminate(s) their/its Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b)(3), (4) and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in paragraph No. 3, above, starting the calendar year following the year of termination.

All 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. 10,790, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 20, 1985, as modified and amended by the aforementioned order.

Ordered this 2 day of July, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.

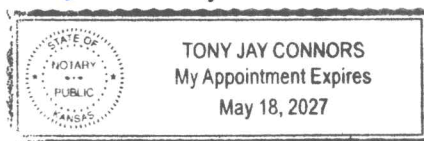
Water Appropriation Program Manager
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 2 day of July, 2024, 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

July 11, 2024

JERRY E STUCKEY
2581 ROAD 24
MOSCOW KS 67952

RE: Water Right
File Nos. 10,790 and 17,504

Dear Mr. Stucky:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application 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. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required notification of installation of the meters as soon as completed.

The approvals have been issued solely for the purpose of allowing the operation of a more efficient irrigation system on the irrigated land within the authorized place of use, limited to a fixed allocation of water specifically: **1,346 acre feet under File Nos. 10,790 & 17,504**, over a five (5) year period commencing in 2024. Non-compliance with the conditions will result in substantial penalties.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties. For your convenience the annual water use report may be filed online at www.kswaterusereport.org.

If you have any questions, please contact your local Garden City Field Office at 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: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 July 2024, I hereby certify that the attached Approvals of Application for the Change in Place of Use, File Nos. 10,790 & 17,504, dated July 2, 2024, were mailed postage prepaid, first class, US mail to the following:

JERRY E STUCKEY
2581 ROAD 24
MOSCOW KS 67952

With photocopies sent to:

Garden City Field Office

Groundwater Management District No. 3



Division of Water Resources