

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

1. File No.: 42421	2. Status Change Date: 4/4/2024	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.: Filing/Priority Date: 6/7/2023 Application Complete Date:			
3. Package File No(s): 24989 42421					
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 12065 Add Seq#	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 32799 Add Seq# 1				
DOUGLAS MILLS 979 ROAD 22 HUGOTON, KS 67951-5105	M DOUGLAS & RITA A MILLS TRUSTS Attn: M DOUGLAS & RITA MILLS 979 ROAD 22 HUGOTON, KS 67951-5105				
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input checked="" type="checkbox"/> Address Change Person ID 52792 Add Seq# 62224	5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 41756 Add Seq# 1				
PHILIP C GOOCH & MICHELLE LOCK-GOOCH, ETAL 1872 ROAD C HUGOTON, KS 67951-5176 NAME & ADDRESS UPDATE	ROLISA HART 421 HARVARD LIBERAL, KS 67901 delete				
6. Change No.: C1 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: 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 <p style="text-align: center;">GY C2 - CHANGE APP PLACE OF USE APPROVED - Compliance: 12/31/2024 B4 LAND ROTATION</p>					
9. Special Conditions LAND ROTATION 650 ACRES MAX					
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: 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 OWNERSHIP UPDATES	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Processed LI 3/18/2024</td> <td style="width: 50%; padding: 5px;">Entered 4/4/2024</td> </tr> <tr> <td style="padding: 5px;">Reviewed KAK 4/4/2024</td> <td style="padding: 5px;">KAnderson</td> </tr> </table>	Processed LI 3/18/2024	Entered 4/4/2024	Reviewed KAK 4/4/2024	KAnderson
Processed LI 3/18/2024	Entered 4/4/2024				
Reviewed KAK 4/4/2024	KAnderson				

File No. 42421	13. County: SV Basin: CIMARRON RIVER Stream:		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Oty	Rate	Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth/Add	Overlaps	
MOD 25757	SE SW NE	4	35	36W	2	2653	1742	GPS UPDATE	NO	CHG				#	
														++	
														#	

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

16. Metering Metering 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				
MOD 8547	4	35	36W	2		40.0	40.0	40.0	40.0	32.5	32.5	32.5	32.5	40.0	40.0	40.0	40.0					450	5b	<input type="checkbox"/>	+
MOD 14963	4	35	36W	1										40.0	40.0	33.0	35.0					148	5c	<input checked="" type="checkbox"/>	+
MOD 22777	3	35	36W	1						40.0	40.0	32.5	40.0	40.0	40.0	40.0	40.0					312.5	5b	<input type="checkbox"/>	+
DEL 21861	4	35	36W	3						40.0	40.0	40.0	40.0									160.0	5d	<input type="checkbox"/>	+
																								<input type="checkbox"/>	^
																								<input type="checkbox"/>	^^

18. Point of Diversion and Place of Use Overlaps + 24989 42421 ++ # NONE ^	* ** *** ^^
--	--

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** March 27, 2024
FROM: Leslie Ireland **RE:** Water Right
File Nos. 24,989 & 42,421

Douglas & Rita A Mills on behalf of the M Douglas and Rita A Mills Trusts along with Philip C. and Michelle Lock Gooch as owners of the referenced water rights have filed applications for approval to change the authorized irrigated place of use. The applications were received on June 7, 2023, for these files located in the Cimarron River Basin, Stevens County.

The referenced water rights are considered not to be abandoned as per K.S.A. 82a-718, and in compliance with K.S.A 82a-732. The notification as required by K.S.A. 82a-1906 have been completed. No replies were received. The ownership will be updated as it appears Rolisa Hart and LaDonna Gooch are no longer owners.

File No. 24,989 is authorized 769 acre-feet (AF) and File No. 42,421 is authorized 520 AF with the quantity limited to 1,168 AF with File No. 24,989 to irrigate 778 acres in Stevens County. The authorized 1,168 AF provides 1.50 acre-foot per acre. There are no overlaps in point of diversion and these files are not in a special use area. The base acres were determined to be 650 acres. The proposal is to expand into add a 130 acre pivot rotation of the pivots in the North Half and Southwest Quarter of Section 4. This expands the authorized acres to 910.5 acres but to propose to annually irrigate a maximum of 650 acres within the 910.5 acres proposed to be authorized. The acres are located in Sections 3 & 4, Township 35 South, Range 36 West. The increase in acres is requested according to K.A.R. 5-5-11(b)(4); **Rotation of the irrigated land within the authorized place of use.**

1. As stated in their letter of March 20, 2024, the Southwest Kansas Groundwater Management District No. 3 will assume monitoring responsibility as per the MOU with the Division.
2. It appears there has been no recent water use in excess of the authorized quantity. The maximum recently diverted was 1,054 AF.
3. The referenced change application requests the rotation of 650 acres within a total of 910.5 authorized acres. The application indicates that the place of use will expand to allow a pivot in the Northwest Quarter (NW $\frac{1}{4}$) to be added to the pivots in the South Half (S $\frac{1}{2}$) of Sections 3 & 4 and Northeast Quarter (NE $\frac{1}{4}$) of Section 4 currently authorized to be irrigated. The irrigated acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 3 will be updated from 30 to 32.5 acres to reflect the actual pivot irrigation. The owner has indicated the rotation will be completed by adding or removing a pivot in the North and Southwest Quarters of Section 4.
4. Limitations: The owner has signed the Statement of Review designating the net acres physically irrigated in any one calendar year after this change approval shall not exceed the **base acreage of 650 acres**, which were the actual acres legally irrigated in any one calendar year during the perfection period. Use of water on more than the maximum number of acres authorized to be irrigated in any one calendar year shall result in a two-year suspension of all water use under the referenced rights and subsequent restriction of the authorized place of use to the base acreage or reversion acres.

5. The reversion acres were summarized as a table and mapped by field office staff for the owner's review. The owner acknowledgement of the designated the 650 reversion acres was received by email on March 26, 2024. The acres are to be the South Half (S $\frac{1}{2}$) (269 acres) of Section 3 and the South Half (S $\frac{1}{2}$) and Northeast Quarter (NE $\frac{1}{4}$) (381 acres) in Section 4 for a total of 650 acres.

There has been no water use in excess of the authorized quantity, a conservation plan will not be required or a condition of the approval. The total quantity of water available for the "base acres" will facilitate an irrigation ratio of 1.80 AF/acre. The established quantity for irrigation per K.A.R. 5- 3-24, *Reasonable quantity for irrigation use* for Stevens County is 2.0 AF/acre.

The location of the well under File No. 42,421 will be updated by the approval. DWR Field Office Compliance Investigation completed in 2019 determined the location to be approximately 89 feet from authorized, placing the well approximately 2,653 feet North and 1,742 feet West of the Southeast corner of Section 4. The currently authorized location of 2,670 feet North and 1,830 feet West of the Southeast corner allows the listed qualifiers to remain as historically authorized Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$). It appears the updating the location complies with K.A.R. 5-5-6c, *Authorized point of diversion or place of use*.

The point of diversion under File No. 24,989 will remain as authorized.

The Southwest Kansas Groundwater Management District No. 3 in a March 20, 2024 letter received by email, Jason Norquest, Assistant Manager of GMD No. 3, stated that a monitoring agreement will be coordinated with their office. It would appear that GMD No. 3, will assume inspection responsibilities necessary to ensure compliance with the conditions of approval of the referenced changes in place of use applications filed pursuant to K.A.R. 5-5-11 (b)(4). The actual rotation will begin in 2024.

Mike Meyer, Water Commissioner of the Garden City Field Office email dated March 27, 2024, recommend approval of the applications.

Water flow meters will be required under the approvals pursuant to K.A.R. 5-5-11(e). A check valve is required if chemigating. A water level measurement tube is not applicable, as no new wells have been authorized.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, March 27, 2024 8:38 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation Change in PU File Nos. 24989 42421 mills

Yes please approve with monitoring of rotation of acres

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, March 27, 2024 8:36 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation Change in PU File Nos. 24989 42421 mills

Mike,

Mr. Mills sent the OK email on the reversion acres yesterday. Thank you for putting that together.

Please let me know if you'd recommend this package for the rotation. GMD 3 has said they will monitor.

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
ORDER TO BETTER DESCRIBE THE LOCATION
OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 42,421**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of M. Douglas and Rita A. Mills, on behalf of the M. Douglas and Rita A. Mills Trusts, 979 Road 22, Hugoton, Kansas 67951-5105, along with Philip C. Gooch and Michelle Lock-Gooch, on behalf of the Philip C. Gooch and Michelle Lock-Gooch ETAL, 1872 Road C, Hugoton, Kansas 67951-5176, received on June 7, 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, 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	
3 - 35S - 36W									40.0	40.0	32.5	40.0	40.0	40.0	40.0	40.0	312.5
4 - 35S - 36W	40.0	40.0	40.0	40.0	32.5	32.5	32.5	32.5	40.0	40.0	40.0	40.0	40.0	40.0	33.0	35.0	598.0

a total of 910.5 acres in Sections 3 and 4, Township 35 South, Range 36 West, Stevens County, Kansas,

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

By this approval, the water right becomes subject to the following conditions:

1. That the maximum area authorized to be irrigated per calendar year shall be 650 acres.

- That the use of water on more than 650 acres in any one calendar year shall result in a two-year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent reduction of the authorized place of use to the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3 - 35S - 36W									32.5	32.5	34.0	40.0	32.5	32.5	32.5	32.5	269.0
4 - 35S - 36W	32.5	32.5	32.5	32.5					32.5	32.5	32.5	32.5	32.5	32.5	25.0	31.0	381.0

a total of 650 acres in Sections 3 and 4, Township 35 South, Range 36 West, Stevens County, Kansas,

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

- That if the Southwest Kansas Groundwater Management District No. 3 and/or the Division of Water Resources terminate their 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 number 2, above, starting the calendar year following the year of termination.

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 Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE¼ SW¼ NE¼) of Section 4, more particularly described as being near a point 2,653 feet North and 1,742 feet West of the Southeast corner of said section, in Township 35 South, Range 36 West, Stevens County, Kansas.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 42,421, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 5, 2003.

Ordered this 4 day of April, 2024, in Manhattan, Riley County, Kansas.



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 4 day of April, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.


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 9, 2024

DOUGLAS MILLS
M DOUGLAS & RITA A MILLS TRUSTS
979 ROAD 22
HUGOTON KS 67951-5105

RE: Water Right
File Nos. 24,989 and 42,421

Dear Mr. Mills:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced files.

Your attention is directed to the enclosures and the terms, conditions, and limitations specified in the approvals. A condition of each approval is that an acceptable water flow meter must be installed on the diversion works authorized.

Please be advised that K.S.A. 82a-728 of the Kansas Water Appropriation Act States in pertinent part:

.... it shall be unlawful for any person to violate any condition of a vested right, appropriation right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

Approval of the applications does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion under the above referenced file numbers, even though the authorized place of use has been increased. Your attention should be directed to the fact that the approvals have been issued solely for the purpose of allowing rotation of the irrigated land within the authorized place of use, with no more than the base acreage, 650 acres for the referenced files under irrigation in any one calendar year. Non-compliance with the terms of this approval will result in substantial penalties.

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.

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.

M DOUGLAS & RITA A MILLS TRUSTS

File Nos. 24,989 & 42,421

Page 2 of 2

If you have any questions, please contact our office at 785-564-6640, or our staff at the Garden City Field Office at 620-296-2901. If you wish 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 with a large initial 'K'.

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
Philip C. Gooch

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 9 day of April, 2024, I hereby certify that the attached Approval of Applications for Change in Place of Use, Water Right, File Nos. 24,989 & 42,421 dated April 4, 2024, were mailed postage prepaid, first class, US mail to the following:

M DOUGLAS & RITA A MILLS TRUSTS
979 ROAD 22
HUGOTON, KS 67951

With true and correct copies sent to:

PHILIP C GOOCH & MICHELLE LOCK-GOOCH, ETAL
1872 ROAD C
HUGOTON, KS 67951-5176

With photocopies sent to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3



Division of Water Resources