

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

1. File No.: 5966-D1	2. Status Change Date: 4/22/2024	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.: Filing/Priority Date: 5/22/2023 Application Complete Date:
3. Package File No(s): 5966-D1 5966-D2 12114		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq# RANDY MORRIS PO BOX 462 JOHNSON, KS 67855	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 5214 Add Seq# 1 ROBERT & MARY LOU FIGGINS Attn: RANDY MORRIS PO BOX 462 JOHNSON, KS 67855	
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 31480 Add Seq# KELLUM FAMILY TRUST PO BOX 402 CHANDLER, OK 74834	5d. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 53098 Add Seq# 1 RANDY & ANGELA MORRIS LIVING TRUST PO BOX 462 JOHNSON, KS 67855	
6. Change No.: C2 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: Not changing 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 ORDER PD LOCATION		
9. Special Conditions		
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 PU COMPLETE OVER LAP OF 5966-D1 5966-D2 12114, WITH EACH PD UPDATED	Processed LI 4/10/2024	Entered 4/24/2024 KAnderson
	Reviewed KAK 4/17/2024	

File No. **5966-D1** 13. County: **STANTON ST** Basin: **BEAR CREEK** Stream: **NA**
 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	1281	SW	NW	NE	21	28	42W	1	4167	2577	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				
ENT	23953	21	28	42W	1	40.0	40.0	40.0	40.0								40.0	40.0	40.0	40.0	320	5b	<input type="checkbox"/>	*
ENT	13328	22	28	42W	1						20.0		40.0	40.0	40.0	40.0					180	5b	<input type="checkbox"/>	*
ENT	29124	27	28	42W	1					40.0	40.0	40.0	40.0								160	5b	<input type="checkbox"/>	*
MOD	55660	21	28	42W	2					30.0	30.0	30.0	30.0	30.0	30.0	30.0					240	5c	<input type="checkbox"/>	*
																							<input type="checkbox"/>	^

18. Point of Diversion and Place of Use Overlaps
+ NONE
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* **5966-D2 12114**
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The change applications comply with Part (b)(1) of K.A.R. 5-5-11(b) *Applications for change in places of use for irrigation purposes*, as there will be no increase in authorized acres above the base acres. The changes should not increase the consumptive use and appear to comply with K.A.R. 5-5-3, *Change in consumptive use*.

The referenced file authorize a combined total of 1,800 AF will provide 2 AF per acre which complies with K.A.R. 5- 3-19, *Maximum reasonable annual quantity of water for irrigation use*.

In a letter dated April 16, 2024, Jason Norquest, on behalf of the Southwest Kansas Groundwater Management District No. 3, reviewed the applications and recommend approval.

Michael Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the changes per his email dated April 16, 2024.

Water flowmeters will be required per the groundwater management regulation, but it does appear the changes meet K.A.R. 5-5-11(e). If the rights will chemigate they will be required to install and maintain check valves. Water level measurement tubes are not applicable to these changes, as no new wells have been authorized.

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

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Tuesday, April 16, 2024 4:03 PM
To: Ireland, Leslie [KDA]
Subject: RE: File Nos. 5966-D1; 5966- D2 & 12114 Review & Recommendation Change PU Morris

Approve
thanks

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, April 16, 2024 3:59 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: File Nos. 5966-D1; 5966- D2 & 12114 Review & Recommendation Change PU Morris

Mike,

Attached is the GMD recommendation and the summary memo.

Please let me know if you'd recommend approval.

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 AND ORDER BETTER DESCRIBING THE AUTHORIZED POINT OF DIVERSION WATER RIGHT FILE NO. 5,966-D1

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Mae L. Kellum, on behalf of the Kellum Family Trust, Post Office Box 402, Chandler, Oklahoma 74834, along with Mary Lou Figgins, as owner and on behalf of Robert Figgins, Post Office Box 462, Johnson, Kansas 67855, received in this office on May 25, 2023, for approval of a change in the location of the place of use, 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 September 12, 2003, approving the application to change the place of use, and the Findings and Order of the Chief Engineer, dated April 9, 2015, determining the interest of Water Right, File No. 5,966, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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	
21 - 28S - 42W	40	40	40	40	30	30	30	30	30	30	30	30	40	40	40	40	560
22 - 28S - 42W							20		40	40	40	40					180
27- 28S - 42W					40	40	40	40									160

a total of 900 acres in Sections 21, 22 and 27, Township 28 South, Range 42 West, Stanton County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion shall be better described as:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW¼ NW¼ NE¼) of Section 21, more particularly described as being near a point 4,167 feet North and 2,577 feet West of the Southeast corner of said section, in Township 28 South, Range 42 West, Stanton 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. 5,966-D1, for permit to appropriate for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 18, 1971, as modified and amended by the aforementioned orders.

Ordered this 22nd day of April, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

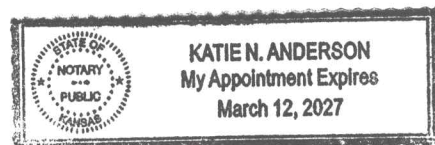
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 22nd day of April, 2024, by Lane P. Letourneau, P.G., Water Appropriation 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 25, 2024

RANDY MORRIS
PO BOX 462
JOHNSON KS 67855

RE: Water Right
File Nos. 5,966-D1; 5,966-D2 & 12,114

Dear Mr. Morris:

Enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture approval of the applications for change under the referenced water right file numbers.

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 a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized under the referenced files. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Please be reminded that Water Right, File No. 12,114, remains limited to an annual quantity of 1,320 acre-feet per year when combined with Water Right, File No. 5,966-D2.

Since these orders modify the original certificates of appropriation for the above referenced file numbers, 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 us at 785-564-6640. 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
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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 25 day of April, 2024, I hereby certify that the attached Approval of Applications for Change under Water Right, File Nos 5,966-D1, 5,966-D2 and 12,114, dated April 22, 2024, were mailed postage prepaid, first class, US mail to the following:

RANDY MORRIS
PO BOX 462
JOHNSON KS 67855

With photocopies to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3



Division of Water Resources