

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE UMW PU WORKSHEET & REDUCTION & NAME CHANGE**

1. File Number: <b>7544</b>	2. Status Change Date: <b>2/21/2024</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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: <b>16-MAR-23</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>DAVID STAPLETON 10006 E RD PLAINS, KS 67869</b>		Person ID <b>17104</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  <b>PHINOLA SCHMIDT RT BOX 58 COPELAND, KS 67837</b>  <b>NAME IN WRIS DELETE</b>	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>DAVID J &amp; MARY ANN STAPLETON 10006 E RD PLAINS, KS 67869</b>  <b>NAME CHANGE</b>		Person ID <b>17104</b> Add Seq# <b>1</b>	8d. WUC New to system <input type="checkbox"/>  <b>STAPLETON FARMS INC Attn: RYAN STAPLETON - AGENT PO BOX 655 MEADE, KS 67864-0655</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2024</b> <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: <b>IRR &amp; STK</b> To: <b>IRR</b>				
Date Prepared: 1/26/2024    By: LI Date Reviewed: 2/21/2024    By: KAK Date Entered: <b>3/4/2024</b> By: <span style="color: blue;">KAnderson</span>				

File No. <b>7544</b>	11. County: <b>ME</b>	Basin: <b>CROOKED CREEK</b>	Stream: <b>NA</b>	Formation Code: <b>211 &amp; 331</b>	Special Use: <b>NA</b>																				
12. Points of Diversion																									
CHK					Rate and Quantity																				
MOD					Authorized		Additional																		
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												
<b>CHK</b>	<b>89695</b>	<b>NW NW SW</b>	<b>22</b>	<b>30</b>	<b>29W</b>	<b>4</b>			<b>1495 gpm</b>	<b>462 AF</b>	<b>1495 gpm</b>	<b>462 AF</b>	<b>NONE</b>												
<b>MOD</b>	<b>155</b>	<b>NE NE SW</b>	<b>22</b>	<b>30</b>	<b>29W</b>	<b>3</b>	<b>2243</b>	<b>2939</b>	<b>85 gpm</b>	<b>98 AF</b>	<b>85 gpm</b>	<b>98 AF</b>	<b>NONE</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) <b>NONE NO CHANGE</b>																									
Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																									
15. 5YR Allocation: Allocation Type <b>B2</b> Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment <b>REMOVE ALLOCATION</b>																									
16. Place of Use		<b>NE¼</b>				<b>NW¼</b>				<b>SW¼</b>				<b>SE¼</b>				<b>Total</b>	<b>Owner</b>	<b>Chg?</b>	<b>Overlap Files</b>				
CHK		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
MOD		¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼								
DEL																									
ENT	PUSE	S	T	R	ID																				
<b>DEL</b>	<b>28416</b>	<b>22</b>	<b>30</b>	<b>29W</b>	<b>3</b>	<b>SWINE CONFINEMENT FACILITY-NE SW &amp; NW SE</b>													<b>8b</b>	<b>NO</b>	<b>NONE</b>				
<b>DEL</b>	<b>15125</b>	<b>22</b>	<b>30</b>	<b>29W</b>	<b>1</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>	<b>40.0</b>					<b>320</b>	<b>8c</b>	<b>NO</b>	<b>NONE</b>				
<b>MOD</b>	<b>31730</b>	<b>22</b>	<b>30</b>	<b>29W</b>	<b>2</b>									<b>32.5</b>	<b>40</b>	<b>38.0</b>	<b>40</b>	<b>40</b>	<b>32.5</b>	<b>33.3</b>	<b>32.5</b>	<b>288.8</b>	<b>8b</b>	<b>NO</b>	<b>NONE</b>
Base Acres: <b>280</b> Year: _____ Minimum Reasonable Quantity: _____																									
Comments: <b>5 YEAR ALLOCATION REMOVED</b>																									

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

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

**TO:** Files

**DATE:** February 21, 2024

**FROM:** Leslie Ireland

**RE:** Water Right  
File No. 7,544

David J. and Mary Ann Stapleton as owners along with Saralyn Brown on behalf of Schmidt Golden Acres LLC current owners of the referenced file authorized for irrigation and stockwater use have submitted an application to change the place of use and use made of water. A request to reduce the place of use was also submitted. Both were received on March 16, 2023.

The subject water right is not abandoned per K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. The application and reduction request required extensive modification to show the correct proposal. It does appear to comply with K.A.R. 5-5-2a, *Complete change application*.

The December 22, 2023, updated reduction request removes the irrigated place of use in the North Half (N $\frac{1}{2}$ ) of the section removing the portion owned by Schmidt Golden Acres LLC. The proposed use made of water will remove the stockwatering use at the swine facility located near the center of Section 22, Township 30 South, Range 29 West, Meade County, eliminating the stockwater use. The requested change was updated January 12, 2024, proposing two(2) full pivots that comprise the place of use in the South Half (S $\frac{1}{2}$ ) of the section with the currently authorized acres reduced to remove the swine facility, farmsteads and non-irrigated acres. The use made of water will be processed per K.A.R. 5-5-8, *Standards for approval of an application for change in the place of use and a change in the use made of water*, which considers the stockwater use to be totally consumptive by the nature of the use with irrigation being less consumptive and the place of use by K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*. The updated application further requested the termination of the five year allocation per K.A.R. 5-5-11(b)(3) terminating the monitoring agreement with DWR.

The referenced file is authorized under an allocation for the irrigation use that began in 1995 the latest cycle will complete in 2024. The water usage has been conveyed annually to the correspondent since a non-compliance occurred in 2018. The information indicates the diversion of the full authorized quantity in 2024 may not exceed the 1,975 acre-feet quantity. And the elimination of the stockwater use will afford more quantity for irrigation use. It also appears the acres proposed by the change are what has been irrigated for the past several years. It appears the condition of the five (5) year allocation per K.A.R. 5-5-11(b)(3) could be removed. Additionally, water use records of the stockwater use look to have diverted maintenance level quantities for the past five years. Withdrawing from the allocation should not result in an increase in consumptive use and complies with K.A.R. 5-5-3, *Change in consumptive use*.

Water Right, File No. 7,544, is authorized 462 AF at a maximum rate of 1,495 gpm for the irrigation of 625 acres and 32.05 million gallons (98 acre-feet) at a rate of 85 gallons per minute for stockwater use. Each use has their own well and place of use all in Section 22, Township 30 South, Range 29 West, Meade County. It has no overlaps in the points of diversion or the places of use.

The Garden City Field Office indicated the "Base Acres" 280 acres as defined by K.A.R. 5-5-11. The January 25, 2024, returned updated application clarified the removal of farmsteads and the proposed irrigated place of use to 288.8 acres. This complies with part (b) of K.A.R. 5-5-11 and the 8.8 acre increase is allowed by the regulation. The approval will also comply with K.A.R. 5-5-3.

The proposed use made of water change will result in a total of 560 acre-feet to irrigate 288.8 acres resulting in an irrigation ratio of 1.94 acre-foot per acre. It would appear this irrigation ratio is reasonable for Meade County as the quantity for this area per *K.A.R. 5-3-24, Reasonable quantity for irrigation use*, is the 1.8 acre-foot per acre per acre.

There do not appear to be any wells within the required notification area as detailed in K.S.A. 82a-1906. No notices regarding the action on the referenced file will be sent.

On January 31, 2024, the Office of the Chief Engineer received a letter from the Southwest Kansas Groundwater Management District No. 3, recommended approval of the application for change. They Agree that the five year allocation limitation should be eliminated.

Michael Meyer, Water Commissioner of the Garden City Field Office, replied by E-mail on February 21, 2024, that he recommended the termination of the allocation limitation and the approval of the change in place of use and use made of water.

Water flowmeters will be required, and check valves should be installed if the owner is chemigating. A water level measurement tube and well logs are not applicable, as no new wells have been authorized to be constructed.

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



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

---

**From:** Meyer, Mike [KDA]  
**Sent:** Wednesday, February 21, 2024 11:21 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review and Recommendation Change/Reduction File No. 7544 Stapleton  
**Attachments:** 7544\_PU\_alloc removed\_4\_3\_MAM.docx

See comments  
And yes I recommend approval.

Mike

---

**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Wednesday, February 21, 2024 10:27 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Review and Recommendation Change/Reduction File No. 7544 Stapleton

Mike,

Got this updated ( paragraph 4-6), however, comments and concerns are welcome.

Please let me know if you'd recommend the change.

Thank you,  
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 USE MADE OF WATER  
WATER RIGHT, FILE NO. 7,544**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written request to reduce the authorized place of use and application for change by David J. and Mary Ann Stapleton, 10006 E Road, Plains, Kansas 67869, along with Saralyn Brown, on behalf of Schmidt Golden Acres LLC, 18032 Lemon Drive Suite C PMB #112, Yorba Linda, California 92886, received in the office of the Chief Engineer on March 16, 2023, for a change in the location of the place of use and use made of water, and a reduction in 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 November 19, 1982, approving the application to change the place of use, by the order of the Chief Engineer, dated April 8, 1994, approving the application to change the place of use, point of diversion and use made of water, by the order of the Chief Engineer, dated July 13, 2022, approving the application to change the point of diversion, finds that the change and requested reduction are reasonable and will not impair existing rights, and that the application for change should be and is hereby approved.

This order effectively removes the additional limitation which established a five-year allocation on the quantity as set forth by the Approval of the Change in Place of Use, Point of Diversion and Use Made of Water under Water Right, File No. 7,544, dated April 8, 1994, with an effective date of January 1, 1995.

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	
22 - 30S - 29W									32.50	40.00	38.00	40.00	40.00	32.50	33.30	32.50	288.8

a total of 288.8 acres in Section 22, in Township 30 South, Range 29 West, Meade County, Kansas,

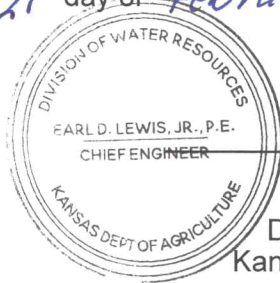
located substantially as shown on the topographic map accompanying the application to change the place of use and use made of water.

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. 7,544, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated January 19, 1979, as modified and amended by the aforementioned orders.

Ordered this 21<sup>st</sup> day of February, 2024, in Manhattan, Riley County, Kansas.



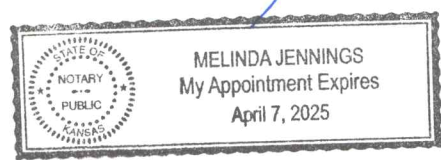
*Earl D. Lewis Jr.*

Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 21 day of February 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
\_\_\_\_\_  
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

March 5, 2024

DAVID STAPLETON  
10006 E RD  
PLAINS KS 67869

RE: Water Right  
File No. 7,544

Dear Mr. Stapleton:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, reducing the place of use and approving the application for change under the above referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. All diversions of water require a water flowmeter meeting 5-1-4 through 5-1-12 be installed on the diversion works. The water use correspondent will remain as Ryan Stapleton, Stapleton Farms Incorporated.

Since this order modifies the certificate of appropriation for the above referenced water right, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, regarding the enclosed approval document please contact us at 785-564-6640. Should you have questions regarding the meter requirement or additional requirements please contact our staff at the Garden City Field Office at 620-276-2901. 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  
Saralyn Brown, Schmidt Golden Acres LLC



## 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 5 day March, 2024, I hereby certify that the attached Approval of Application for Change in Place of Use and Use Made of Water under Water Right, File No. 7,544 dated, February 21, 2024, was mailed postage prepaid, first class, US mail to the following:

DAVID STAPLETON  
10006 E RD  
PLAINS KS 67869

With photocopies to:

SCHMIDT GOLDEN ACRES LLC  
SARALYN BROWN  
18032 LEMON DRIVE SUITE C PMB #112  
YORBA LINDA CA 92886

KDA-DWR Garden City Field Office

Groundwater Management District No. 3

  
Division of Water Resources