

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

| | | | | | |
|---|--|---|--|---|--|
| 1. File No.: 9898 | | 2. Status Change Date: 3/10/2025 | | 4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.: Filing/Priority Date: 6-5-2023 Application Complete Date: | |
| 3. Package File No(s): 11617-D1, 11617-D2, 18020, 19672 | | | | | |
| 5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change IRSIK G & B FARMS INC 9605 12 RD INGALLS, KS 67853 | | Person ID: 36299 Add Seq#: 1 | | 5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change DEBORA CALHOUN PO BOX 632 CIMARRON, KS 67835-0632 | |
| 5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Name 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.: C1 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: 639 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 - C1 CHANGE APP PLACE OF USE APPROVED | | | | | |
| 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: | | | | Processed: 12/31/2024 JER Reviewed: 2/5/25 EKF | |
| | | | | Entered 3/13/2025 KAnderson | |

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|--|--------------|---|-----------|------------|------------|---------------------------|------------|--------------------|-----------------------|--------------|-------------------------|-------------------|---------------------|---|--------------------------|-----------|-----------|-----------|-----------|--------------------------|---------------|-----------|--------------------------|-----------|
| File No. 9898 | | 13. County: GY Basin: ARKANSAS RIVER Stream: N/A | | | | | | | | | | | | | | | | | | | | | | |
| Structures File No: | | Aquifer Code: 211 | | | | | | | | | | Special Use Area: | | | | | | | | | | | | |
| 14. Points of Diversion, Rates & Quantities | | | | | | | | | | | | | | | | | | | | | | | | |
| PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Qty AF Auth | Add | Rate gpm Auth | Add | Storage Qty Auth | Add | Storage Rate Auth/Add | Overlaps | | | | | | | | |
| CHK | 32543 | SE SW SE | 30 | 25 | 28W | 4 | 145 | 1605 | 254 | 254 | 350 | 350 | | | | + | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | |
| 15. Limitations | | | | | | | | | | | | | | | | | | | | | | | | |
| Type: | | Quantity: | | Rate: | | combined with file no(s): | | | | | | | | | | | | | | | | | | |
| Type: | | Quantity: | | Rate: | | combined with file no(s): | | | | | | | | | | | | | | | | | | |
| 16. Metering | | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: 12/31/2025 | | | | | | | | | | | | | | | | | | | | | | | | |
| 17. Place of Use | | | | | | | | | | | | | | | | | | | | | | | | |
| PDIV | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner(s) | Chg? | Overlaps |
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | |
| MOD | 31056 | 30 | 25 | 28W | 32 | 32 | 32 | 32 | 40 | L-1 | L-2 | 40 | 40 | L-3 | L-4 | 40 | 40 | 40 | 40 | 40 | 608.08 | 5B | <input type="checkbox"/> | ++ |
| | | | | | | | | | | 41.12 | 41.36 | | | 41.6 | 36 | | | | | | | | | |
| ENT | 18943 | 31 | 25 | 28W | | | | | 10 | L-1 | L-2 | | | | | | | | | | 79.22 | 5B | <input type="checkbox"/> | ++ |
| | | | | | | | | | | 38 | 31.22 | | | | | | | | | | | | <input type="checkbox"/> | |
| | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | | | | |
| | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | | | | |
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| | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | | | | |
| | | | | | | | | | | | | | | | | | | | | <input type="checkbox"/> | | | | |
| 18. Point of Diversion and Place of Use Overlaps | | | | | | | | | | | | | | PLEASE NOTE THAT FOR PUSE ID 31056 COMMENT, WRIS CURRENTLY LISTS LOT 1 IN THE NE NW; PLEASE CORRECT THE COMMENT TO LIST LOT 1 IN THE NW NW ** *** ^^ | | | | | | | | | | |
| + 11617-D1 | | | | | | | | | | | | | | | | | | | | | | | | |
| ++ 11617-D1 18020 19672 | | | | | | | | | | | | | | | | | | | | | | | | |
| # | | | | | | | | | | | | | | | | | | | | | | | | |
| ^ | | | | | | | | | | | | | | | | | | | | | | | | |

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: February 14, 2025

From: Jennifer Roozeboom, Environmental Scientist

Re: Change Application, Water Right, File Nos. 9,898; 11,617-D1; 11,617-D2; 18,020; and 19,672

Irsik G & B Farms INC – applicant for File Nos. 9,898; 11617-D1; 18,020; and 19,672

Irsik & Doll Feed Services INC – applicant File No 11617-D2

Debora Calhoun – Owner for all referenced files

1. Summary

Applications to Change an Existing Water Right were received in this office on June 5, 2023, for File Nos. 9,898; 11,617-D1; and 11,617-D2. Additional *Applications to Change an Existing Water Right* were received in this office on August 26, 2024, for File Nos. 18,020 and 19,672. The applicants have requested the following:

- Create a complete place of use overlap between File Nos. 9,898; 11,617-D1; 18,020; and 19,672.
- Under File No. 11,617-D1, reduce the number of wells to a single well and transfer the rate and quantity from the well being removed to the retained well.
- Under File No. 11,617-D2, convert the irrigation use to stockwatering use, and move the place of use to a feedyard in Gray County, Kansas.

2. Currently Authorized Water Right Metrics

2.1 Use Made of Water and Water Source

All the points of diversion and authorized land are located in Township 25 South, Range 28 West, Gray County, Kansas. Furthermore, all points of diversion are wells, and all files are authorized irrigation use. Please note that the groundwater source has not been identified for the points of diversion authorized under File Nos. 18,020 and 19,672; however, based on a review of local well logs and KGS data that indicate wells in the area are drilled above the Dakota Aquifer, the source is assumed to be the Ogallala Formation. The groundwater source of all other points of diversion for the referenced file numbers has previously been determined as the Ogallala Formation.

2.2 Rate and Quantity

The point of diversion authorized under File No. 9,898 is located in the Southeast Quarter of Section 30; it authorizes 254 AF of water at a rate of 350 gpm. This point of diversion overlaps with one of the two wells authorized under File No. 11,617-D1.

The points of diversion authorized under File No. 11,617-D1 are two wells that are located as follows:

- Well CIN No. 4 is located in the Southeast Quarter of Section 30; it authorizes 254 AF of water at a rate of 600 gpm. This well overlaps with File No. 9,898, and this rate and quantity is limited to 254 AF per year at a diversion rate of 600 gpm when combined with File No. 9,898.
- Well CIN No. 2 is located in the Southwest Quarter of Section 30; it authorizes 258 AF at a diversion rate of 640 gpm.

The point of diversion authorized under File No. 11,617-D2 is located in the Southwest Quarter of Section 30; it authorizes 56 AF of water at a rate of 100 gpm for irrigation use. This is the same point of diversion as CIN No. 2 under File No. 11,617-D1.

The point of diversion authorized under File No. 18,020 is located in Lot 2 of Section 31; it is authorized 524 AF of water at a rate of diversion of 1,230 gpm.

The point of diversion authorized under File No. 19,672 is located in Lot 1 of Section 31; it is authorized 348 AF of water at a rate of diversion of 820 gpm.

2.3 Reasonable Quantity

All the referenced files are authorized to irrigate 640.08 acres in Section 30. There is currently an incomplete place of use overlap wherein File Nos. 18,020 and 19,672 are authorized to irrigate an additional 82.94 acres in Section 31. The acreage for the entire place of use totals 723.02 on which 1,440 AF are currently authorized for a ratio of 1.97 AF/ac. This ratio is greater than the current Gray County reasonable quantity for irrigation of 1.8 AF/ac; however, each of the referenced water rights were certified prior to September 20, 2000, and are therefore subject to the higher maximum ratio of 2 AF/ac.

2.4 Base Acres

A base acre review was provided by Garden City Assistant Water Commissioner Austin McColloch. He determined the base acres for File No. 11,617 to be 640.08 acres prior to the division. These are assumed to be the base acres for File No. 9,898. Upon division, the base acres for 11,617-D1 were determined to be 639 acres, and the base acre for 11,617-D2 was determined to be 1 acre. The base acres for File Nos. 18,020 and 19,672 were determined to be 82.94 acres in addition to the 640.08 acres these files also developed, for a total of 723.02 acres.

3. Proposed Changes

3.1 Irrigation File Nos. 9,898; 11,617-D1; 18,020; 19,672

The applicant has requested changes in place of use for File Nos. 9,898; 11,617-D1; 18,020; and 19,672; as well as a change in point of diversion for File No. 11,617-D1. The requested change in point of diversion for File No. 11,617-D1 will transfer the rate and quantity from Well ID 2 to Well ID 4. This will result in Well ID 2 being authorized 258 AF at a diversion rate of 640 gpm under 11,617-D1, which will be in addition to the quantity and rate authorized for the same well under File No. 9,898. Therefore, the total quantity and rate authorized under Well ID 2 (for File Nos. 11,617-D1 and 9,898) will be 512 AF at a diversion rate of 990 gpm, and the limitation with File No. 9,898 will become obsolete and removed. Well ID 4 will be deleted from File No. 11,617-D1.

The place of use changes requested for File Nos. 9,898; 11,617-D1, 18,020, and 19,672 will reduce the irrigated place of use in Section 30 from 640.08 acres to 608.08 acres by removing the corners in the Northeast Quarter. Furthermore, the requested changes will add 79.22 acres in Section 31 to the place of use authorized under File Nos. 9,898 and 11,617-D1. In addition to the place of use changes in Section 30 listed above, the place of use changes requested for File Nos. 18,020 and 19,672 will modify the currently authorized land in Section 31 by removing a portion of the land in the East Half of Lots 1 and 2 of the Northwest Quarter and adding 10 acres in

the North Half of the Northwest Quarter. Collectively, these changes will result in a complete place of use overlap between File Nos. 9,898; 11,617-D1; 18,020; and 19,672 for a total of 687.3 acres distributed as follows:

| Sec. Twp. Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|-----------------|-----|-----|-----|-----|-----|-------|-------|-----|-----|-------|-------|-----|-----|-----|-----|-----|--------|
| | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | Lot 1 | Lot 2 | SE¼ | NE¼ | Lot 3 | Lot 4 | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 30 25S 28W | 32 | 32 | 32 | 32 | 40 | 41.12 | 41.36 | 40 | 40 | 41.6 | 36 | 40 | 40 | 40 | 40 | 40 | 608.08 |
| 31 25S 28W | | | | | 10 | 38 | 31.22 | | | | | | | | | | 79.22 |

The proposed changes will result in a total quantity of water of 1,384 AF for irrigation use authorized by the following files and their respective rates and quantities:

| File No | Quantity (AF) | Add Qua | Rate (gpm) | Add Rate |
|--------------|---------------|--------------|--------------|--------------|
| 9898 | 254 | 254 | 350 | 350 |
| 11617-D1 | 258 | 258 | 640 | 640 |
| 18020 | 524 | 524 | 1230 | 1230 |
| 19672 | 348 | 348 | 820 | 820 |
| TOTAL | 1,384 | 1,384 | 3,040 | 3,040 |

The result will be 1,384 AF on 687.3 acres for a ratio of 2.013, rounded to 2.0 AF/ac.

3.1.a Compliance of proposed irrigation changes

As per K.A.R. 5-5-11(b), a change application can increase an irrigated place of use by ten acres or by ten percent of the base acres, whichever is less. The total base acres under File No. 9,898 and 11,617-D1 are 639 acres. The total additional base acres for 18,020 and 19,672 are 82.94 acres, for a total of 721.94 base acres. Each group of base acres is subject to the ten acres or ten percent calculation as they were perfected separately. Therefore, File Nos. 9,898 and 11,617-D1 can increase by 10 new acres, while File Nos. 18,020 and 19,672 can increase by an additional 8.29 new acres. As such, these files can increase the base acres by 18.29 acres for a potential total of 740.23 acres. However, these changes also propose a reduction in authorized place of use from the currently authorized total of 723.02 acres down to 687.3 acres, which is 34.64 acres less than the base acres. Therefore, as only ten acres of the proposed place of use are new acres, and the total proposed place of use acreage does not exceed the total base acres, these changes are in compliance with K.A.R.5-5-11(b).

3.2 Stockwatering File No. 11,617-D2

The applicant has requested a change in the use made of water and place of use for File No. 11,617-D2. These changes will result in the file authorizing stockwatering use at a feed lot located in the West Half of the East Half, and in the East Half of the West Half of Section 31, creating a place of use overlap with File No. 19677

3.2.a Compliance of proposed stockwatering changes

As per K.A.R. 5-5-9(a)(1), the quantity authorized under File No. 11,617-D2 will be converted using the Gray County consumptive use factor of 89.3%, as follows:

$$(56 \text{ AF})(0.893) = 50.008 \text{ AF} = 16,295,157 \text{ gallons, converted and rounded to 16.296 million gallons}$$

Furthermore, as per K.A.R 5-5-9(a), the proposed changes will not result in greater net consumptive use from the local source of supply than the original irrigation use consumed, verified as follows:

| | Irrigation | | *consumptive use (AF) | Stockwatering | | | **consumptive use (AF) | Total Consumptive use (AF) |
|----------------------------------|------------|------------------|--------------------------|---------------|------------|---------|---------------------------|-------------------------------|
| | file nos | quantity (AF) | | file nos | mg | AF | | |
| before UMW change | 9898 | 254 | | 19677 | 30.54 | 93.724 | | |
| | 11617-D1 | 258 | | | | | | |
| | 11617-D2 | 56 | | | | | | |
| | 18020 | 524 | | | | | | |
| | 19672 | 348 | | | | | | |
| sum | | 1440 | 1285.920 | | | 93.724 | 93.724 | 1379.644 |
| after UWM change | 9898 | 254 | | 19677 | 30.54 | 93.724 | | |
| | 11617-D1 | 258 | | 11617-D2 | 16,295,157 | 50.008 | | |
| | 18020 | 524 | | | | | | |
| | 19672 | 348 | | | | | | |
| sum | | 1384 | 1235.912 | | | 143.732 | 143.732 | 1379.644 |

*consumptive use calculated by multiplying the total irrigation quantity by 0.893, as per 5-5-6(a)(1)

**consumptive use assumed to be 100%

As per K.A.R. 5-3-22, the maximum reasonable quantity of water for beef cattle is 15 gallons per head per day (g/h/d). The proposed changes under File No. 11,617-D2 will add 16.296 million gallons of water to the place of use feedlot for a total authorized quantity of 46.836 million gallons with File No. 19,677, which is currently authorized 30.54 million gallons. According to KDHE, the feedlot has a capacity of 6,500 head of cattle. As calculated below, the proposed changes will result ~20 g/h/d, which exceeds the allowable maximum. To justify this excess water use, a Stockwater Use Supplemental Sheet was received on February 11, 2025, which describes the projected stockyard growth and the related increase in water needs. Thus, this change is in compliance with K.A.R. 5-3-22.

$$46,836,000 \text{ gallons} / 6,500 \text{ head of cattle} / 365 \text{ days} = 19.74 \text{ g/h/d}$$

4. Nearby Water Rights and Wells

Water Right File Nos. 17,227 and 19,677 are located within one-half mile of the authorized points of diversions; as such, owners of these files were notified of the proposed changes by letters dated November 25, 2024. In a letter addressed to the Southwest Kansas GMD No. 3 (GMD 3) dated January 6, 2025, Debra Doll expressed on behalf of Egbert Farms INC, owners of File No. 17,227, that Egbert Farms INC supports a waiver of K.A.R. 5-23-3 as it applies to spacing from the well authorized under File No. 17,227 to the proposed well under File No. 11,617-D1.

There appears to be a domestic well owned by Kevin and Brenda Redger Trust located within 2,640 feet of the points of diversion authorized under File Nos. 18,020 and 19,672. This domestic well is over 2,640 feet from the other referenced points of diversion. Kevin and Brenda Redger were notified of the proposed changes by a letter dated December 24, 2024. No response from Kevin and Brenda Redger has been received.

5. Recommendations

Per an email from Jason Norquest of GMD 3 dated January 9, 2025, the GMD 3 Board voted to recommend that the changes be approved with a waiver of K.A.R. 5-23-3, minimum spacing to neighboring wells. In recommending approval of the changes with the GMD No. 3 waiver of K.A.R 5-23-3, Garden City Field Office Water Commissioner Mike Meyer also included the following commentary: "I would note that the GMD discussion, they provided a waiver as the intent of the change in point of diversion was to separate ownership

issue on the well, that is proposed as D2 and will be solely stockwater, the Irrigation portion or D1 is a different owner. The GMD allowed the waiver based on this discussion and that the well could not physically pump the entire proposed quantity either, along with the nearby letter referenced here.” As such, there is no objection to the approval of these change applications, and it is recommended that the proposed changes for the references file numbers be approved with a waiver of K.A.R. 5-23-3.

End of memo.

Roozeboom, Jennifer [KDA]

From: McColloch, Austin [KDA]
Sent: Tuesday, November 19, 2024 8:37 AM
To: Roozeboom, Jennifer [KDA]
Subject: RE: questions about change apps 11617-D1 and reductions 18020 and 19672

Follow Up Flag: Follow up
Flag Status: Flagged

Morning,

John Heiman is asking about this again. WR 11617, 18020 & 19672 were developed partially together. For the division we determined the base acres for 11617 was 640.08 acres. WR 18020 and 19672 added on an additional 82.94 acres. Therefore,

Base acres are as follows
WR 11617 – 640.08 acres
WR 18020/19672 – 82.94
Total Base: 723.02

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

From: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Sent: Wednesday, October 9, 2024 2:52 PM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: questions about change apps 11617-D1 and reductions 18020 and 19672

Thanks Austin!

I think all we need now is what you determine for the base acres (#1). I have an email from you on 9/11 saying you were about to do it, but I can't find where you sent them to me. I'm sorry if I lost that. Would you please let me know what you found with regard to number 1 below?

Almost there – thanks

Jennifer Roozeboom
HQ Division of Water Resources

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Monday, October 7, 2024 1:28 PM
To: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Subject: RE: questions about change apps 11617-D1 and reductions 18020 and 19672

Jennifer,

See the attached email showing Irsik agreeing with the amendments on acres. I think with this we are good to move forward. Sorry for the delay in all this.

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

From: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Sent: Wednesday, September 25, 2024 12:48 PM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: FW: questions about change apps 11617-D1 and reductions 18020 and 19672

Hi Austin,

I've added the Irsik signatures - thanks for those, and so we resolved numbers 3 and 4 below. Did you have any luck with the acres? And what are your thoughts with regard to number 2 below?

Just trying to move these along before the first wave of perfect extension requests are returned. Thanks!

Jennifer Roozeboom
HQ Division of Water Resources

From: Roozeboom, Jennifer [KDA]
Sent: Wednesday, September 11, 2024 11:40 AM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: FW: questions about change apps 11617-D1 and reductions 18020 and 19672

Hi Austin,

I've reviewed these questions, and I think we still have some things to address. Please take a look and let me know what you think. Thanks!

- 1) *I think we need to be sure we can do the changes. Do you have a base acre review for 18020 or 19672? I didn't see one in DW, but I didn't scour the history. Since we are only adding 10 acres, as long as they irrigated at least 100 acres in one calendar year before December 31, 1994, then I think we can safely say by 10 acres is less than 10% of their base acres (and allowable under 5-5-11(a)). Do you agree? According to their water use reports, they irrigated more than 100 acres several times in one year before 1995 on each file. Can you please confirm that both files have a base acreage that is at least 100 acres? [addressed](#)*
- 2) *I think there is an issue with the AF/ac. The 607.08 acres in Section 30 with the new acres you measured (which I agree with) of 77.8 acres in Section 31 is a total of 684.88 ac. With 1384 AF on that land, the ratio of AF/ac is 2.02 AF/ac. I think a solution would be to just keep the corners in Section 30 to make 717.88 ac (640.08 ac + 77.8 ac); with 1384 AF, the ratio would be 1.928 AF/ac. Thoughts? [So I think we might still need to address something here. On the applications in DW submitted under 18080 and 19672, the proposed acres under Lot 1 of Section 31 \(NW NW\) include the entire lot as the place of use. I think there are a few acres of the SW NW NW that we need to leave out of the description, so I don't think we can have the full](#)*

41.72 acres of Lot 1 (Section 31). It looks like you caught this on the draft applications you sent me, as you measured and listed 38 acres for Lot 1 of Section 31. If we use the 38 acres you suggested, the total acres would be $(38 + 31.22 + 10 + 607.08)$ 686.3 acres; with the 1384 AF the new ratio would be 2.016 AF/ac. You'll have to decide if this is fine, but after looking at the rounding policy we use for certificates, this should round out to 2.0.

- 3) *I think the map looks great, but if we decide to keep the corners, we would need to reflect this on the map of course. I don't think we will need to keep the corners.*
- 4) *With regard to signatures, I think we will need both Deborah Calhoun and an authorized rep for Irsik and Doll Feed Services INC to sign. Since we are removing a portion of the place of use currently owned by Irsik and Doll Feed Services INC (this is not reflected in WRIS), I think we still need them to sign.*

Jennifer Roozeboom
HQ Division of Water Resources

From: Roozeboom, Jennifer [KDA]
Sent: Wednesday, September 4, 2024 7:33 AM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: FW: questions about change apps 11617-D1 and reductions 18020 and 19672

Hi Austin,

Just bringing this back to the top!

Jennifer Roozeboom
HQ Division of Water Resources

From: Roozeboom, Jennifer [KDA]
Sent: Friday, August 16, 2024 8:02 AM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: questions about change apps 11617-D1 and reductions 18020 and 19672

Hi Austin,

Thanks for doing these, and I'm sorry for the delay. It's been a crazy week.

- 1) I think we need to be sure we can do the changes. Do you have a base acre review for 18020 or 19672? I didn't see one in DW, but I didn't scour the history. Since we are only adding 10 acres, as long as they irrigated at least 100 acres in one calendar year before December 31, 1994, then I think we can safely say by 10 acres is less than 10% of their base acres (and allowable under 5-5-11(a)). Do you agree? According to their water use reports, they irrigated more than 100 acres several times in one year before 1995 on each file. Can you please confirm that both files have a base acreage that is at least 100 acres?
- 2) I think there is an issue with the AF/ac. The 607.08 acres in Section 30 with the new acres you measured (which I agree with) of 77.8 acres in Section 31 is a total of 684.88 ac. With 1384 AF on that land, the ratio of AF/ac is 2.02 AF/ac. I think a solution would be to just keep the corners in Section 30 to make 717.88 ac $(640.08 \text{ ac} + 77.8 \text{ ac})$; with 1384 AF, the ratio would be 1.928 AF/ac. Thoughts?
- 3) I think the map looks great, but if we decide to keep the corners, we would need to reflect this on the map of course.

- 4) With regard to signatures, I think we will need both Deborah Calhoun and an authorized rep for Irsik and Doll Feed Services INC to sign.

Jennifer Roozeboom
HQ Division of Water Resources

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Thursday, August 1, 2024 3:04 PM
To: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Subject: RE: questions about change apps 11617-D1 and reductions 18020 and 19672

Can you check over these drafts to see if I got everything. Note: I don't seem to have my old notes and didn't do the math on the CU hit if we are removing about another 5 acres.....might need to check on that for me. And if we do need to take a hit I assume it will come off of 11617D1? Either way. Let me know if this works or not.

And yup! Baby gurl is happy and chonky eating and sleeping the nights away hahaha

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

From: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Sent: Wednesday, July 31, 2024 4:13 PM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: questions about change apps 11617-D1 and reductions 18020 and 19672

Hi Austin,

I hope you had a nice time away (rumor is you had another kid? Congrats if so!)

I've worked up another map, but in doing so I saw that it appears your map is right. It looks like they are irrigating that wedge of land in the NW NE NW, and that most of the E1/2 SW NW is used for the stock yard. I honestly think they need to file changes for 19672 and 18020 to cover the illegal irrigated acres. I've included a screen shot of the map I'm making. What do you think? Feel free to call when you get to this if that seems easier.

Jennifer Roozeboom
HQ Division of Water Resources

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Tuesday, July 30, 2024 1:41 PM
To: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>; Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: RE: questions about change apps 11617-D1 and reductions 18020 and 19672

From vague memories back on October 11 of last year when this issue was brought up, I thought I talked with John Heiman (Irsik & Doll) and he was good with doing the path that's easiest. That would be where the written description is correct. Can we get the corrections needed and sent to him or sent to me and I can pass them on to him for signatures.

Thanks,

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

From: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Sent: Thursday, July 18, 2024 12:19 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: questions about change apps 11617-D1 and reductions 18020 and 19672

Hi Austin and Mike,

Mike, I am including you here in case you can field this question while Austin is out. Thanks either way.

I am working on the change applications for file nos. 9898 and 11617-D1, and the related PU reductions for file nos. 18020 and 19672. The change applications for 9898 and 11617-D1 remove a portion of the land in the NE ¼ or in 30-25-28W and add a portion of land in section 31. The reductions for file nos. 18020 and 19672 are removing the same portion of land in the NE ¼ of 30-25-28W. One goal of all the applications and requests is to create complete place of use overlaps between file nos. 9898, 11617-D1, 18020, and 19672.

There is a discrepancy with regard to the land in section 31 (T 25 R 28W) between the written description on the requests/applications and the map provided with the requests/applications.

The written description includes lots 1 and 2 as the W1/2 of the NW ¼ of section 31, as they are drawn on the survey maps. This description matches the land in section 31 that was certified under files 18020 and 19672, which is also the current authorized place of use for 18020 and 19672. If this written description is correct, then we will need to modify the map, and we will need Irsik and Doll Feed Services INC to sign the change applications filed for 9898 and 11617-D1, since Irsik and Doll Feed Services INC own an eastern portion of Lot 2 (according to ORKA).

The map description depicts all of lot 1, a little more than the western half of lot 2, and a triangular bit of the NE1/4 of the NW1/4 (all in section 31). This description follows the parcel owned by Debora Calhoun in Section 31. If this map depiction is correct, then we need to modify the written descriptions on the change applications and reduction requests, and we will need two additional change applications for file nos. 18020 and 19672.

How do you want to proceed?

Jennifer Roozeboom
785-564-6642
Environmental Scientist
Division of Water Resources
Kansas Department of Agriculture

Roozeboom, Jennifer [KDA]

From: Roozeboom, Jennifer [KDA]
Sent: Monday, January 13, 2025 9:35 AM
To: Meyer, Mike [KDA]
Subject: RE: File Nos. 9898, 11617-D1, 11617-D1, 18020, and 19672: Recommendation request for proposed changes

Thanks Mike. I will include your comments in my memo. I'll send these along for signature!

Jennifer Roozeboom
HQ Division of Water Resources

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Monday, January 13, 2025 9:21 AM
To: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Subject: RE: File Nos. 9898, 11617-D1, 11617-D1, 18020, and 19672: Recommendation request for proposed changes

Yep that is the one. Thank you.

I would note that the GMD discussion, they provided a waiver as the intent of the change in point of diversion was to separate ownership issue on the well, that is proposed as D2 and will be solely stockwater, the Irrigation portion or D1 is a different owner. The GMD allowed the waiver based on this discussion and that the well could not physically pump the entire proposed quantity either, along with the nearby letter referenced here.

I support the waiver based on these facts

And recommend approval

Thank you

Mike

From: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Sent: Monday, January 13, 2025 7:35 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: RE: File Nos. 9898, 11617-D1, 11617-D1, 18020, and 19672: Recommendation request for proposed changes

If you mean the letter from Debra Doll on behalf of Egbert Farms, INC, then yes—it is page 15 (second clipped doc) of the GMD Recommendation in DW dated 1/9/25. I don't have knowledge of any other nearby letters for these files.

Jennifer Roozeboom
HQ Division of Water Resources

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Friday, January 10, 2025 3:29 PM
To: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>
Subject: RE: File Nos. 9898, 11617-D1, 11617-D1, 18020, and 19672: Recommendation request for proposed changes

Thanks

Did you get a copy of Jason's nearby letter for the file?

From: Roozeboom, Jennifer [KDA] <Jennifer.Roozeboom@ks.gov>

Sent: Friday, January 10, 2025 3:11 PM

To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>

Cc: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>

Subject: File Nos. 9898, 11617-D1, 11617-D1, 18020, and 19672: Recommendation request for proposed changes

Hi Mike,

I am pleased to say that attached is the draft memo detailing the proposed changes for Water Right, File Nos. 9898, 11617-D1, 11617-D2, 18020, and 19672. Please provide your recommendation for or against their approval. Many thanks,

Jennifer Roozeboom

785-564-6642

Environmental Scientist

Division of Water Resources

Kansas Department of Agriculture

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. 9,898

After due consideration of the written application received on June 5, 2023, from Irsik and Doll Feed Services INC on behalf of Debora Calhoun, owner of the referenced water right, submitted for approval of a change in place of use, under the Certificate of Appropriation for Beneficial Use issued on May 4, 1981, as modified and amended by subsequent orders dated March 1, 1988 and November 28, 1988, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 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 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 | |
| 30 25S 28W | 32 | 32 | 32 | 32 | 40 | Lot 1 41.12 | Lot 2 41.36 | 40 | 40 | Lot 3 41.6 | Lot 4 36 | 40 | 40 | 40 | 40 | 40 | 608.08 |
| 31 25S 28W | | | | | 10 | Lot 1 38 | Lot 2 31.22 | | | | | | | | | | 79.22 |

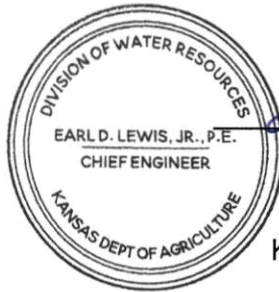
a total of 687.3 acres in Township 25 South, Range 28 West, Gray County, Kansas, located substantially as shown on the topographic map accompanying the application to change the place of use.

Prior to the use of water, an acceptable water flowmeter shall be installed and maintained on the diversion works authorized by this water right in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flowmeter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

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 if any type of chemical or other foreign substance will be injected into the water pumped. 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 for Beneficial Use issued pursuant to Approval of Application, File No. 9,898, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 4, 1981, as modified and amended by the aforementioned orders.

Ordered this 10th day of March, 2025, at 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 10th day of March, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Shawna Novak
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 19, 2025

DEBORA CALHOUN
PO BOX 632
CIMARRON, KS 67835-0632

RE: Approval of Application to Change an Existing
Water Right, File Nos. 9,898; 11617-D1; 18,020; 19,672

Dear Water Right Owner,

Enclosed are the orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the referenced applications for change. Since the enclosed orders modify the Certificate of Appropriation for the above referenced water rights, it should be recorded with the Register of Deeds as other instruments affecting real estate. Please note, with the approval of the referenced change applications, the Requests to Reduce a Portion of a Water Right received on June 5, 2023, for File Nos. 18,020 and 19,672, are dismissed in accordance with the law.

Your attention is directed to the terms, conditions, and limitations specified in these approvals. Water flowmeters that meet current specifications must be installed on the diversion works. If your meters need to be repaired or replaced, please complete the form titled *Flowmeter Repair or Replacement Report*, which can be found on our website at <https://www.agriculture.ks.gov>.

If you have any questions regarding the enclosed documents, please contact our office at 785-564-6640. For all other inquiries, including meter questions, please contact your local Garden City Field Office at 620-276-2901.

Sincerely,

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:ekf:jer

Enclosure(s)

pc: Garden City Field Office
Groundwater Management District No. 3
Irsik G & B Farms INC

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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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 19th day of March, 2025, I hereby certify that the attached Approvals of Application for Change in Place of Use, File Nos. 9,898; 18,020; and 19,672; and the Approval of Change in Place of Use and Point of Diversion, File No. 11,617-D1, dated March 10, 2025, were mailed postage prepaid, first class, US mail to the following:

Original to:

DEBORA CALHOUN
PO BOX 632
CIMARRON, KS 67835-0632

Photocopy to:

Garden City Field Office

IRSIK G & B FARMS INC
9605 12 RD
INGALLS, KS 67853

Groundwater Management District No. 3


Division of Water Resources