

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature \_\_\_\_\_

1. File Number: <b>16599</b>	2. Status Change Date: <u>1/17/2017</u>	3. Change Num: <b>C2</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
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6. Status: <input 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>05-DEC-2016</b>
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8a. Applicant(s) <span style="float: right;">Person ID <u>59836</u></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <u>1</u></span>  <b>ELLINWOOD LAND &amp; CATTLE INC</b> <b>618 SE 110 AVE</b> <b>ELLINWOOD KS 67526-9211</b>	8c. Landowner(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span>
8b. Landowner(s) <span style="float: right;">Person ID <u>65366</u></span> New to system <input checked="" type="checkbox"/> <span style="float: right;">Add Seq# _____</span>  <b>HEATHER R RUGAN</b> <b>618 SE 110 AVE</b> <b>ELLINWOOD KS 67526-9211</b>	8d. Landowner(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <u>1</u></span>

8e. WUC <span style="float: right;">Person ID <u>59836</u></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <u>1</u></span>  <b>ELLINWOOD LAND &amp; CATTLE INC</b> <b>618 SE 110 AVE</b> <b>ELLINWOOD KS 67526-9211</b> <b>No Change</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: 12/31/17  N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **01/05/17**    By: **RAK**  
 Date Entered: 1/17/2017    By: UM

File No. **16599**

11. County: **BT**

Basin **ARKANSAS RIVER**

Stream:

Formation Code: **180**

Special Use:

12. Points of Diversion

MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate and Quantity				
										Authorized		Additional		
										Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>MOD 75841</b>	<b>SE¼ NW¼ SE¼</b>	<b>24 20 14W</b>	<b>10</b>	<b>1347</b>	<b>1365</b>	<b>5YR ALLOCATION</b>	<b>1000</b>	<b>102</b>	<b>1000</b>	<b>102</b>	<b>NO</b>			

13. Storage: Rate \_\_\_\_\_ NF Quantity \_\_\_\_\_ ac/ft Additional Rate \_\_\_\_\_ NF Additional Quantity \_\_\_\_\_ ac/ft

14. **KEEP** Limitation: **5YR ALLOCATION** gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

MOD DEL ENT	Place of Use	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files			
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
						<b>MOD 59853</b>	<b>24 20 14W</b>	<b>9</b>																				

Comments: **DATA ENTRY NO CHANGES TO CURRENT 5 YR ALLOCATION OTHER THAN PU CHANGES AND BETTER DESCRIBE PD SPECIAL CONDITIONS YES 5 YR ALLOCATION**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** January 5, 2017

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File No. 16,599

Kurt Rugan on behalf of Ellinwood Land and Cattle Inc., and Heather R. Rugan, water right owner, filed an application for approval to change the authorized place of use for the referenced file number, authorized groundwater for irrigation use in the Arkansas River Basin.

The referenced file does not appear abandoned as per K.S.A. 82a-718.

The referenced file number, presently enrolled in a five-year allocation, is authorized 102 acre-feet of groundwater for irrigation of 115 acres in Section 24, Township 20 South, Range 14 West, Barton County, Kansas. There are no overlaps in the authorized point of diversion or place of use. It was discovered during a September 21, 2015 compliance investigation by Big Bend Groundwater Management District No. 5 staff that the referenced file number is irrigating unauthorized acres, so the water right owner submitted the referenced application proposing to drop and add acres but remaining at 115 acres total located in the same section. The location of the reversion acres has also been modified but remains at 74 acres. No other changes are proposed to the five-year allocation.

Since the referenced change in place of use does not propose adding more acres than what is currently authorized, water well owners within one-half mile of the authorized point of diversion were **not** notified of the proposed change in place of use in order to comply with Senate Bill No. 337 enacted by the Legislature of the State of Kansas, effective July 1, 2016.

The authorized point of diversion will be better described with g.p.s. feet distances as described on the application from a December 16, 2009 compliance investigation:

one(1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 24, more particularly described as being near a point 1,347 feet North and 1,365 feet West of the Southeast corner of said section, in Township 20 South, Range 14 West, Barton County, Kansas.

The same local source of supply will not change, previously determined to be undifferentiated Kansan/Nebraskan (180).

In a letter dated December 16, 2016 Orrin Feril, Manager of Big Bend Groundwater Management District No. 5, recommended approval of the application.

In an e-mail dated January 4, 2017, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the referenced change application contingent upon the requirement of an anti-reverse totalizing water flowmeter and the requirement of a seal on the water flowmeter to the pipe. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

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



Richelle Krueger  
Environmental Scientist

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 17, 2017

HEATHER R RUGAN  
ELLINWOOD LAND & CATTLE INC ATTN KURT RUGAN  
618 SE 110 AVE  
ELLINWOOD KS 67526-9211

**FILE COPY**

RE: Water Right, File No. 16,599

Dear Sir or Madam:

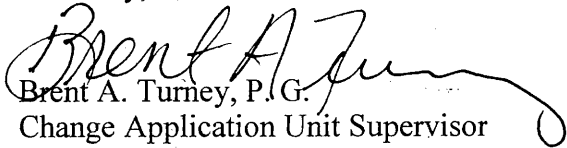
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Prior to the diversion of water for irrigation purposes, you must install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer. In addition, a seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file numbers so we can help you more efficiently.

Sincerely,

  
Brent A. Turney, P.G.  
Change Application Unit Supervisor  
BAT:rak

pc: Stafford Field Office  
Groundwater Management District No. 5

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE AND  
ORDER BETTER DESCRIBING THE LOCATION OF THE  
AUTHORIZED POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 16,599**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Heather R. Rugan and Kurt Rugan, on behalf of Ellinwood Land and Cattle Incorporated, 618 Southeast 110 Avenue, Ellinwood, Kansas, 67526-9211, received in this office on December 5, 2016, 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 November 28, 1989, approving the application to change the place of use, and by the Order of the Chief Engineer dated August 1, 2008, approving the application to change the point of diversion and place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
24	20S	14W																	29.50	30.50	28.00	27.00	115.00

a total of 115.00 acres in Township 20 South, Range 14 West, Barton County, Kansas,

the authorized location of the reversion acres 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					
24	20S	14W																	16.00	3.00	28.00	27.00	74.00

a total of 74.00 acres in Township 20 South, Range 14 West, Barton 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 is better described as:

one(1) well located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE¼ NW¼ SE¼) of Section 24, more particularly described as being near a point 1,347 feet North and 1,365 feet West of the Southeast corner of said section, in Township 20 South, Range 14 West, Barton 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.

The owner of the Water Right(s) identified in this order shall install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the chief engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 16,599, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 27, 1989, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 17<sup>th</sup> day of January, 2017, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

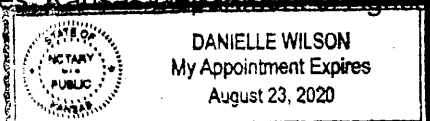
Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of January, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

*Danielle Wilson*

Notary Public



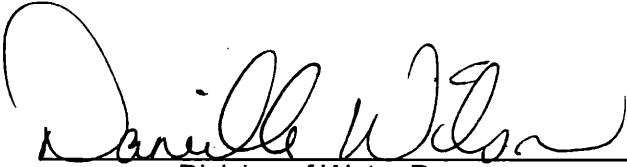
**CERTIFICATE OF SERVICE**

On this 17<sup>th</sup> day of January, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 16,599, dated January 17, 2017 was mailed postage prepaid, first class, US mail to the following:

HEATHER R RUGAN  
ELLINWOOD LAND AND CATTLE INC ATTN KURT RUGAN  
618 SE 110 AVE  
ELLINWOOD KS 67526-9211

with photocopies to:

Stafford Field Office  
Groundwater Management No. 5

  
\_\_\_\_\_  
Division of Water Resources

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

**WATER RESOURCES  
RECEIVED**

DEC 05 2016

12:50

**KS DEPT OF AGRICULTURE**

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

File No. 16,599

2. Name of applicant: Ellinwood Land and Cattle Inc. Kurt Rugan

Address: 618 SE 110 Ave.

City, State and Zip: Ellinwood, KS. 67526-9211

Phone Number: 620, 564-3271 E-mail address: kurtarugan@hotmail.com

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: Same as Applicant

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

Will allow us to more efficiently irrigate the authorized place of use and run a full circle.

The change(s) will be completed by as soon as approved

(Date)

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES) NO) Use IRR Source S County BT By ASW Date 12/5/16  
Code CPV Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 12/5/16 Check # 9234

12 19 16  
RAK

Assisted by: JK

12/5/2016 ULM SCANNED



4. The presently authorized place of use is:

Owner of Land — NAME: Heather Rugan

ADDRESS: 618 SE 110 Ave. Ellinwood, KS. 67526

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	
24	20S	14W													25	30	30	30	115

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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	

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Heather Rugan

ADDRESS: 618 SE 110 Ave. Ellinwood, KS. 67526

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	
24	20S	14W													29.5	30.5	28	27	115

List any other water rights that cover this place of use. NONE

Owner of Land — NAME: Heather Rugan

\*\*\*\*\* (Reversion Acres) \*\*\*\*\*

ADDRESS: 618 SE 110 Ave. Ellinwood, KS. 67526

\*\*\*\*\* Reversion Acres \*\*\*\*\* See Map

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	
24	20S	14W													16	3	28	27	74

List any other water rights that cover this place of use. \_\_\_\_\_

**WATER RESOURCES RECEIVED**

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

DEC 05 2016

6. The presently authorized point(s) of diversion is One Well  
(Provide description and number of points)

7. The proposed point(s) of diversion is No change to point of Diversion  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. Presently authorized point of diversion:

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC SE Quarter of Section 24, Township 20 South, Range 14 (W), in Barton County, Kansas, 1320 feet North 1320 feet West of Southeast corner of section.

Authorized Rate 1000 Authorized Quantity 102

(DWR use only: Computer ID No. 10 GPS 1347 feet North 1365 feet West)

This point will not be changed  This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. Presently authorized point of diversion:

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_

(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. Presently authorized point of diversion:

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_

(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DEC 05 2016

SCANNED KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for Irrigation purposes.  
It is proposed that the use be changed to No change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Place of Use monitoring agreement with GMD #5 and 5 year allocation per 5-5-11(b)  
No net increase in acres than is currently authorized.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
  - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

To the best of our knowledge the proposed changes will not impair existing water rights.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Great Bend, Kansas, this 13<sup>th</sup> day of December, 2016.

Heather R. Ragan  
(Owner)

NA  
(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)


(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13<sup>th</sup> day of December, 2016.

 **State of Kansas - Notary Public**  
**Michell Keil**  
My Commission Expires 5-11-2019 Michell Keil  
Notary Public

My Commission Expires 5-11-2019

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200
- (4) Application to change the use made of the water ..... \$300

Make check payable to **Kansas Department of Agriculture.**

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**STATEMENT OF REVIEW**  
**under K.A.R. 5-5-11(b)(3), (4) and (5)**  
**for a Point of Diversion located within GMD No. 5**

The items listed below were reviewed by the undersigned person(s) at Great Bend, Kansas, on this 13<sup>th</sup> day of December, 2016. This review was related to the proposed *Change in Place of Use Under Water Right* for File No. 16599.

- (1) Water flow meters will be required on all wells authorized by the above-referenced file number. These flow meter(s) shall be properly installed and maintained on each well to the satisfaction of the Chief Engineer. The metered quantity of water diverted during the past year by each well shall be reported on the annual water use report required by law to be provided to the Division of Water Resources (Division).
- (2) Big Bend Groundwater Management District No. 5 (GMD No. 5) will make at least one visit per calendar year to this farm. The purpose of this visit is to monitor the compliance with conditions under which this change will be approved, if granted. Reports of verification of compliance and status reports will be completed by GMD No. 5 and furnished to the Division.
- (3) The amount of water required to irrigate the acreage proposed under this change application has been reviewed. The five-year allocation, if required, has been reviewed and is understood to be 435 acre-feet. The five-year allocation is the quantity of water that will be authorized for diversion under this water right for each five-year period.
- (4) The approval of this application will be conditioned so that any use of water in excess of the five-year allocation will result in a two-year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to a place of use equivalent to the base acres at a location specifically set forth on the change application approval.
- (5) For an application that proposes an increase in authorized acres solely for the purpose of rotation of the irrigated land within the authorized place of use, the base acres are NA acres. The acres irrigated in any one calendar year shall not exceed NA base acres each calendar year. The land to be irrigated will be certified to GMD No. 5 in writing before applying any water in that calendar year.
- (6) The approval of this application will be conditioned so that the use of water on more than the base acres certified to GMD No. 5 in any calendar year will result in a two-year suspension of all water use under this water right and a subsequent restriction of the authorized place of use equivalent to the base acres at a location specifically set forth on the change application approval.

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- (7) Changes in the Memorandum of Understanding between GMD No. 5 and the Division may affect the above-referenced files. If the Memorandum of Understanding related to K.A.R. 5-5-11 between the GMD No. 5 and the Division is rescinded because of the fault of GMD No. 5, the authorized place of use will revert to the equivalent of the base acres at a location specifically set forth in the change approval.

By signing below, I am indicating that I have reviewed and understand the items set forth above and agree that I am willing to abide by those conditions if my application for change in place of use is approved.

Arthur R. Ruzan  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature


\_\_\_\_\_  
Signature

State of Kansas )  
County of Barton )

I hereby certify that the foregoing document was signed in my presence and sworn before me this 1<sup>st</sup> day of December, 2016.

Michelle Keil  
Notary Public

My commission expires 5-11-2019.

 State of Kansas - Notary Public  
**Michelle Keil**  
My Commission Expires 5-11-2019

\_\_\_\_\_  
Signature, Division of Water Resources' Staff  
Person Assisting in the Review

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**Subject Property: 0052462400000001020**

QuickRef ID : R302237

[Click here to locate on Map](#)

Owner Name : RUGAN, HEATHER

No property photo available

Location : 000 SW 20 AVE, Great Bend, KS 67530.

Legal Desc : S24, T20, R14W, SE/4 LESS R/W.

*The legal description displayed above is not adequate for use in legal documents*

**Owner Information**

Owner :

Mailing Address :

RUGAN, HEATHER

618 SE 110 AVE ELLINWOOD, KS 67526

**Property Details**

Property Type :

Property Status :

Taxing Unit :

Neighborhood Code :

Agricultural Use

Active

285-LIBERTY TWP

050.0

**Market Land Details**

Actual Width :

Eff Width :

Eff Depth :

Acres :

Square Feet :

**Permit Details**

Number :

Date :

Amount :

Purpose :

16599

\$0

**Value Details**

Current Final Value (Agricultural) :

Year :

2016

Land :

\$43,320

Building :

\$0

Total :

\$43,320

**Deed Book/Page**

Book / Page List and Misc Legal Description Info :

Book :

Page :

615xxx

6812

617xxx

9177

**No Sale Details found. (Please log in to view this data.)**

## Krueger, Richelle

---

**From:** Krueger, Richelle  
**Sent:** Wednesday, January 4, 2017 2:36 PM  
**To:** Lanterman, Jeff; Conant, Cameron  
**Subject:** RE: Request for Recommendation Change in PU File No. 16599 Ellinwood Land and Cattle/Kurt Rugan/Heather Rugan

Ok thanks guys I will include both of the below paragraphs, thanks!

---

**From:** Lanterman, Jeff  
**Sent:** Wednesday, January 4, 2017 2:21 PM  
**To:** Conant, Cameron <Cameron.Conant@ks.gov>; Krueger, Richelle <Richelle.Krueger@ks.gov>  
**Subject:** RE: Request for Recommendation Change in PU File No. 16599 Ellinwood Land and Cattle/Kurt Rugan/Heather Rugan

Yes. I believe so.

---

**From:** Conant, Cameron  
**Sent:** Wednesday, January 4, 2017 1:37 PM  
**To:** Krueger, Richelle <Richelle.Krueger@ks.gov>; Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Subject:** RE: Request for Recommendation Change in PU File No. 16599 Ellinwood Land and Cattle/Kurt Rugan/Heather Rugan

To my recollection, on all recent monitoring agreements we have been requiring both AR gears and seal to pipe.

I assume you want to continue that Jeff?

This is a little bit different b/c it is already sealed to the pipe by GMD#5...but I think consistency is good here and we continue to require AR gears and seal to pipe for all monitoring agreements. If you agree, the below wording from Richelle is good.

Cameron

---

**From:** Krueger, Richelle  
**Sent:** Wednesday, January 04, 2017 8:31 AM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron <Cameron.Conant@ks.gov>  
**Subject:** RE: Request for Recommendation Change in PU File No. 16599 Ellinwood Land and Cattle/Kurt Rugan/Heather Rugan

Hi Jeff,  
Do you want the anti-reversing meter requirement too? Is this what you want:

“The owner of the Water Right(s) identified in this order shall install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of



diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the chief engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.”

Or do you just want seal wording only?

Thanks,  
Richelle

---

**From:** Lanterman, Jeff  
**Sent:** Friday, December 30, 2016 4:26 PM  
**To:** Krueger, Richelle <[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov)>  
**Cc:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Request for Recommendation Change in PU File No. 16599 Ellinwood Land and Cattle/Kurt Rugan/Heather Rugan

Richelle. Sorry this one took so long, its an easy one. Go ahead and approve the PU change.

I would like to recommend that like all monitoring changes that the meter be allowed to be sealed to the pipe by either the GMD or the DWR. I think you have a permit condition wording on that. (It is already sealed by GMD but no permit condition to do so)

Thanks.

Jeff

---

**From:** Krueger, Richelle  
**Sent:** Wednesday, December 21, 2016 5:02 PM  
**To:** Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** Request for Recommendation Change in PU File No. 16599 Ellinwood Land and Cattle/Kurt Rugan/Heather Rugan

Hi Jeff,  
Attached is a draft memorandum for the referenced change in PU, do you recommend approval?  
Thanks,  
Richelle

## Krueger, Richelle

---

**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Monday, December 19, 2016 10:36 AM  
**To:** Krueger, Richelle  
**Subject:** Application for Change, Water Right, File No. 16599  
**Attachments:** 16599 2016-12-16 Rec.pdf

Richelle,  
I'm attaching the recommendation requested by your office in a letter dated December 12, 2016. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

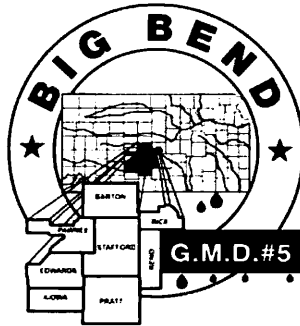
--  
Orrin Feril  
Manager  
Big Bend GMD#5  
Email: oferil@gmd5.org  
Phone: (620) 234-5352  
Mobile: (620) 388-0172  
Fax: (620) 234-5718  
www.gmd5.org

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Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Curtis Tobias - Rice (Sec.)  
Justin Gatz - Reno  
Kent Lamb - Stafford  
Phil Martin - Barton  
Bob Standish - Pawnee  
Tom Taylor - At-Large



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

December 16, 2016

Richelle Krueger  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

RE: Water Right File No. 16,599  
Change in the Place of Use

Dear Ms. Krueger,

Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the place of use. It is the understanding of the District that this change is intended to provide more efficient irrigation of the authorized acres while not increasing the net irrigated acres. Therefore, the application appears to be consistent with 5-25-20(b) and is recommended for approval.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager

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KS DEPT OF AGRICULTURE

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

December 9, 2016

BIG BEND GROUNDWATER  
MANAGEMENT DISTRICT NO 5  
ATTN ORRIN FERIL  
125 S MAIN  
STAFFORD KANSAS 67578

**FILE COPY**

Re: Water Right, File No. 16,599

Dear Orrin:

We are enclosing a copy of the application to change the place of use for File No. 16,599.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Stafford Field Office

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

December 5, 2016

ELLINWOOD LAND AND CATTLE INC  
618 SE 110 AVE  
ELLINWOOD, KS

RE: File No. 16599

**FILE COPY**

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use            PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. 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 cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



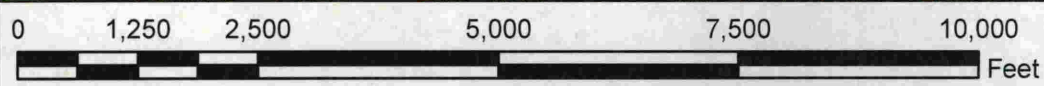
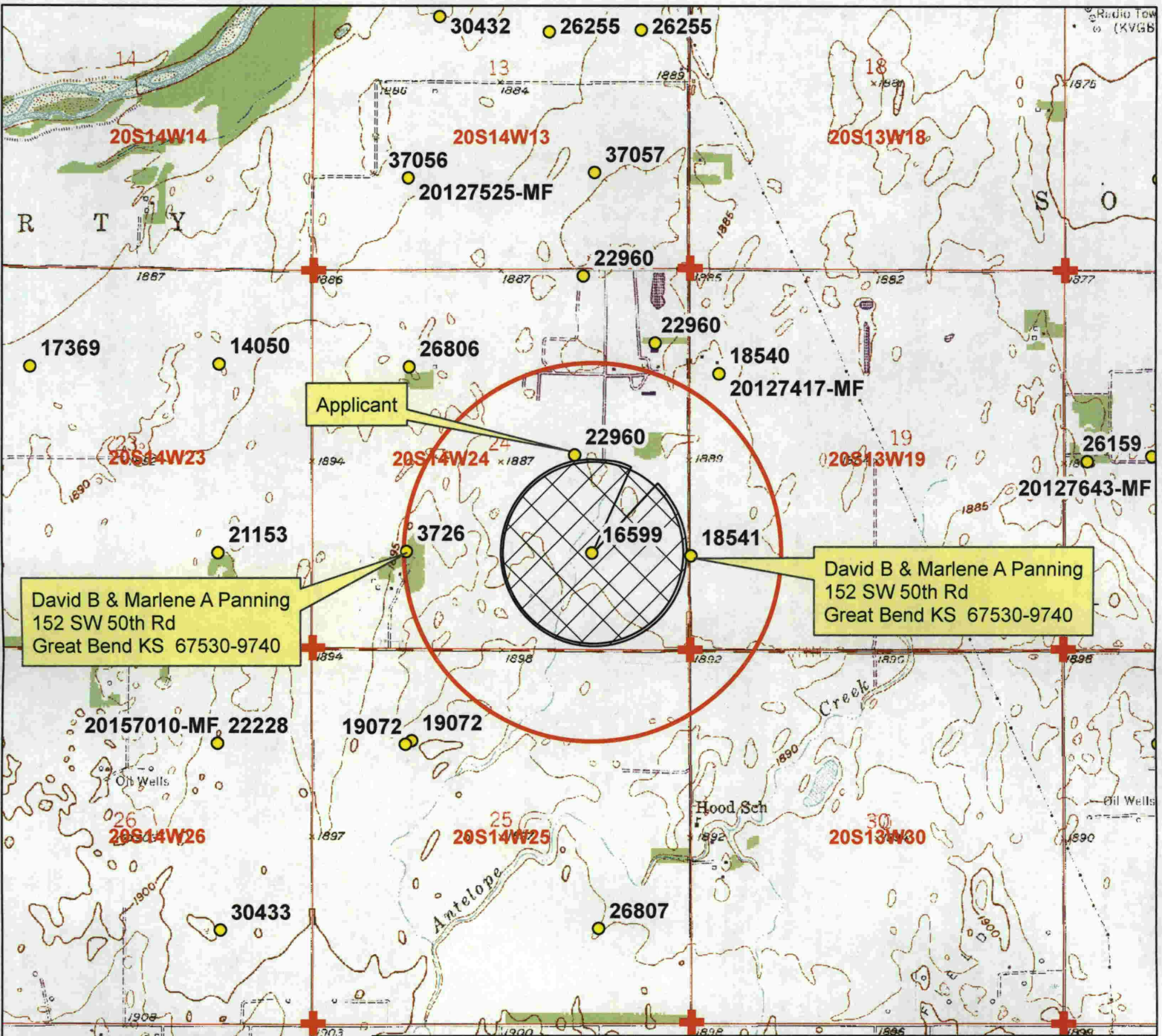
900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

---

Jackie McClaskey, Secretary

Governor Sam Brownback

pc: STAFFORD Field Office GMD 5



**Legend**

- Water Appropriations
- + Section Corner
- Half Mile Circle
- Section Line

**Place of Use**

- Authorized
- Proposed

**Water Right, File No. 16599**  
 Change in Place of Use Application Map  
 24-20-14W

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**Barton County**

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To the best of my knowledge, all of the domestic wells within 1/2 mile of the proposed point of diversion have been shown.

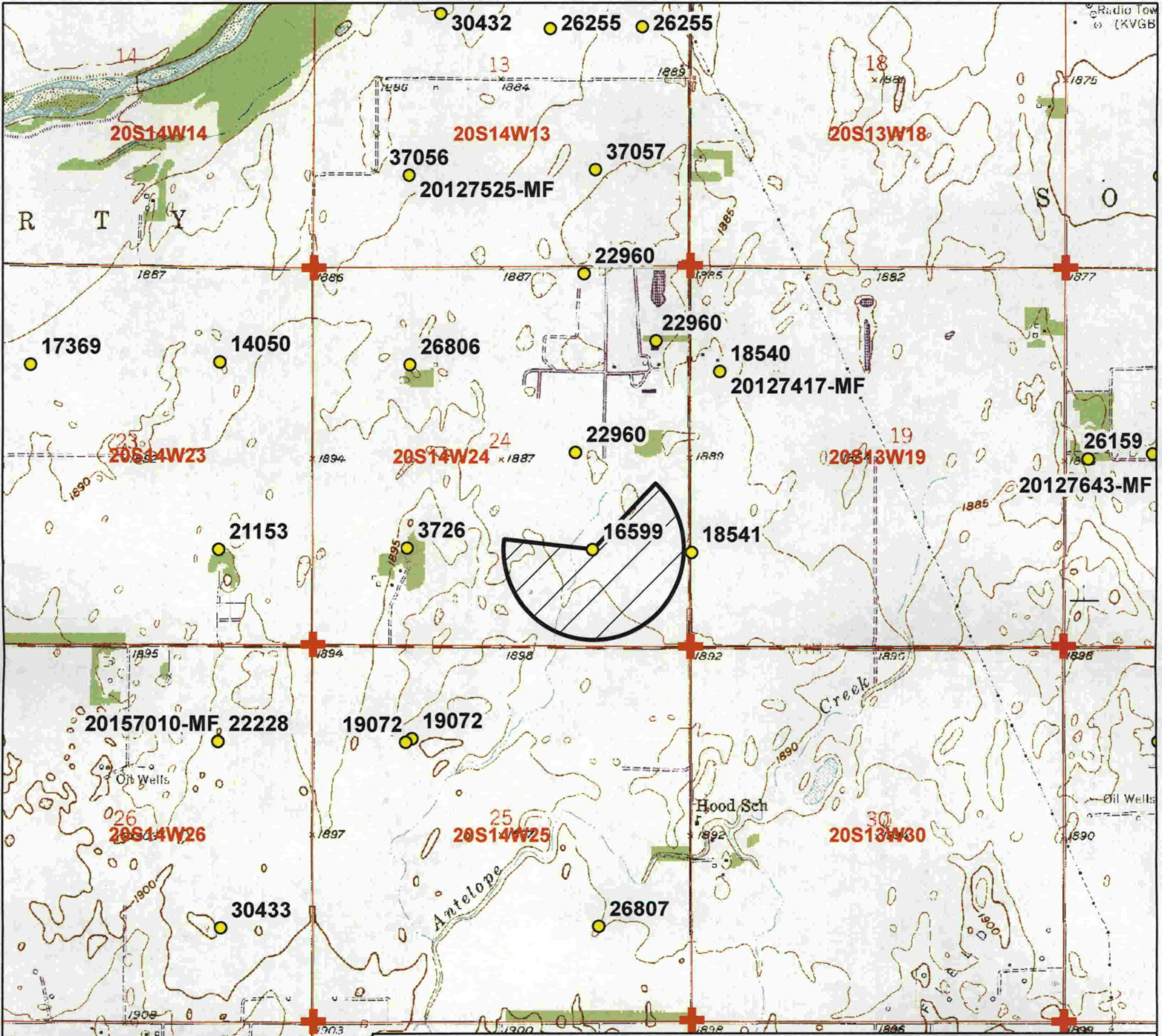
Signature

*\* Paulson 12/5/16*

**SCANNED**

8/30/16 EKF-SFFO





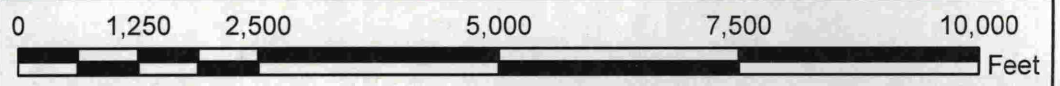
**Legend**

- Water Appropriations
- + Section Corner
- Half Mile Circle
- Section Line

**Place of Use**

pu

- / Reversion



**Water Right, File No. 16599**  
 Change in Place of Use Application  
 Reversion Acre Map  
 24-20-14W  
 Barton County

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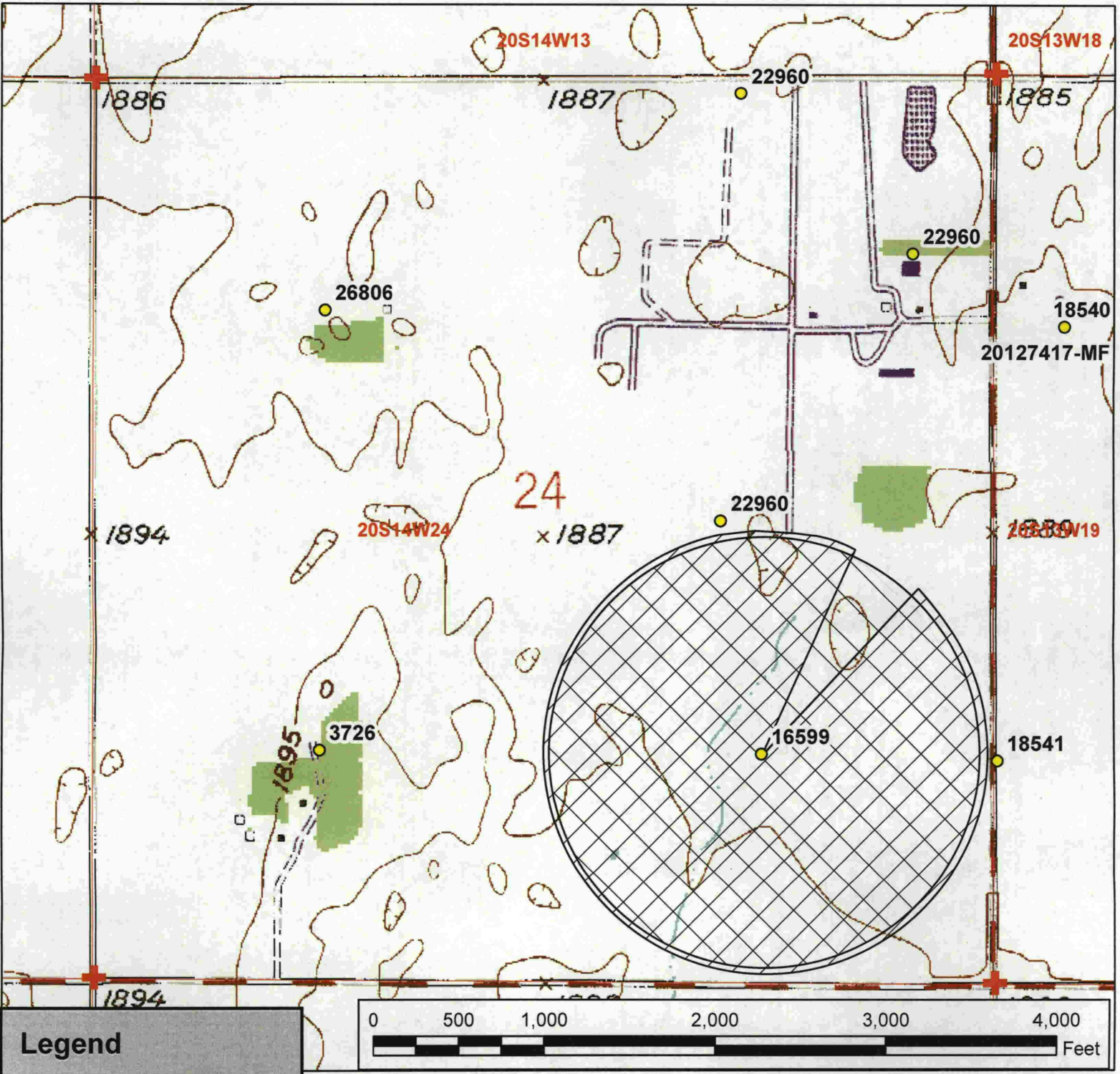
DEC 05 2016

KS DEPT OF AGRICULTURE

SCANNED 8/30/16 EKF-SFFO





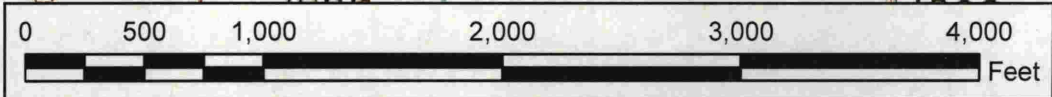


**Legend**

- Water Appropriations
- + Section Corner
- Half Mile Circle
- Section Line

**Place of Use**

- Authorized
- Proposed



**Water Right, File No. 16599**  
 Change in Place of Use Application  
 Up Close Map  
 24-20-14W  
 Barton County

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