

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: UMW & PU WORKSHEET

1. File Number: 17702	2. Status Change Date: 7/11/2022	3. Change Num: C1	4. Field Office: 02	5. GMD: 05
---------------------------------	--	-----------------------------	-------------------------------	----------------------

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: 9/2/21
---	--

8a. Applicant(s) New to system <input type="checkbox"/> Person ID 22874 Add Seq# _____ HOWARD D & IRIS J ECK 18450 43RD AVE HAVILAND KS 67059	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
--	--

8b. Landowner(s) New to system <input type="checkbox"/> Person ID 22874 Add Seq# _____ HOWARD D & IRIS J ECK 18450 43RD AVE HAVILAND KS 67059	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 8B
--	--

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/22** 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: **IND 0273 animal aquaculture Delete** To: **IRR**

Date Prepared: **6/30/22** By: **LI**
 Date Entered: **7/12/2022** By: **LMoody**

7/7/2022
LIreland

File No. **17702** 11. County: **KW** Basin: **RATTLESNAKE CREEK** Stream: **NA** Formation Code: Special Use: **NA**

12. Points of Diversion										Rate and Quantity								
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files		
ENT	MOD	DEL		32677	SE	NW	NW	34	27	17W	1	4140	4093	925	51	0	51	KW 003 & 831

MODIFICATION IS mgy TO af FOR IND TO IRR USE CHANGE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at **1500** gpm (**3.34** cfs) when combined with file number(s) **COM/W KW 003 & 831 NO CHANGE**

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 _____

16. Place of Use																		Total	Owner	Chg?	Overlap Files								
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
									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					
DEL	MOD	DEL	ENT	33816	34	27	17W	3	TWO FISH PONDS COVERING 6.5 AC IN N2 NW																	8b	NO	NONE	
ENT	MOD	DEL	ENT	22075	34	27	17W	1					40	32	40	40										152	8b	NO	KW 003 & 831

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

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

TO: Files

DATE: March 25, 2022

FROM: Leslie Ireland

RE: Water Right, File No. 17,702

Howard D. and Iris J. Eck as owners of the referenced water right authorized for industrial use have filed an application to change the use made of water and place of use which was received on September 2, 2021. Use made of water is from industrial use to irrigation use.

The referenced water right is considered in compliance with both K.S.A. 82a-718 and K.S.A. 82a-732. As required by K.S.A. 82a-1906, the nearby owner of a domestic well was informed by letter dated March 17, 2022, no comment was received.

The file was certified for industrial use of groundwater in the drainage basin of Rattlesnake Creek Basin to be withdrawn by means of a well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 4,140 feet North and 4,093 feet West of the Southeast corner of said section, in Township 27 South, Range 17 West, Kiowa County, Kansas, at a diversion rate not in excess of 925 gallons per minute (gpm) (2.06 c.f.s.) and a quantity not to exceed 16.620 million gallons (51 acre-feet) of water per calendar year for industrial use in two fish ponds covering 6.5 acres located in the North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 34. This appropriation right is further limited to a diversion rate of 1,500 gpm, (3.34 c.f.s) with File Nos. KW 003 & 831 as they share the same point of diversion and have an incomplete overlap in the place of use.

The change will be processed by 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*. The filling and maintaining of the ponds do not appear to have occurred for several years and are located with the irrigated place of use for File Nos. KW 003 & 831. This type of industrial use would have minimal consumptive use as the industrial reservoir was probably seasonally sused, was not lined, so seepage would have occurred and evaporation from the reservoir when filled would be minimal as it is within the irrigated place of use. Taking this into account it appears the full quantity of 16.620 million gallons as 51 acre-feet, (AF) can be changed to irrigation use without a substantial increase in consumptive use, thus meeting K.A.R. 5-5-3, *Change in consumptive use*.

The proposed place of use is the existing 152 irrigated acres located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 34, Township 27, Range 17 West, currently irrigated with a total of 92 acre-feet by File Nos. KW 003 & 831. The change will increase the total quantity on the place of use that will be authorized by File Nos. KW 003, 831 & 1,7702 to 142 AF. A review of the 2021 aerial found a pivot with a packman configuration. The 152 acres will have an irrigation ratio of 0.93 AF of per acre. This quantity appears to be slightly less than K.A.R. 5-5-12, *Net irrigation requirements, 50% net irrigation requirement of 1.10 AF per acre in Kiowa County*.

The rate of diversion will remain unchanged and limited to 1,500 gallons per minute from the authorized point of diversion with File Nos. KW 003 & 831.

The Big Bend Groundwater Management District No. 5, reviewed the proposed change. In a letter dated March 25, 2022, Orrin Feril, Manager, recommend approval of the application, with the conditions of K.A.R. 5-25-5, *Water flowmeter requirements*, applied to the change.

Stafford Field Office, Water Commissioner, Jeff Lanterman, was contacted for comment on the proposed change. On June 30, 2022, he recommended the application be approved.

Based on the above discussion the application should be approved as requested.



Leslie Ireland
Environmental Scientist

From: Lanterman, Jeff [KDA]
Sent: Thu 6/30/2022 1:38 PM
To: Ireland, Leslie [KDA];Conant, Cameron [KDA]
Cc: Fitch, Elizabeth [KDA]
Subject: FW: Review & Recommendation for File No. 17702, Eck
Attachments: 17702 umw pu ind2irr_2_5.docx, 17702 change.pdf

Leslie, I looked this over and checked the cert. I think this can be approved as you presented. No change to the rate limit, looks like it was certified that way.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, June 27, 2022 8:59 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Review & Recommendation for File No. 17702, Eck

Jeff, Mrs. Eck contacted me last year in August of 2021 and I filled this application out for her and they filed it like 3 days later. The change and maps are attached if you need them. They ended up over pumping the irrigation rights on this quarter and filed applications to fix it immediately when they were aware of the overage. This is a good example if it comes up at GMD#2. We are holding the penalty on this file right now to see if this change is approved and if so the penalty won't be sent because the overage was effectively covered by this change even though it wasn't approved until this year and the overage occurred in 2021.

They don't utilize the industrial portion of this, the ponds were in the middle of authorized irrigation place of use. They want more water authorized to be used for irrigation so have proposed to change the 51 AF to irrigation to be used on the existing place of use covered by KW03 & 831. They are actually in process of removing the industrial ponds so there should not be issues with still wanting to fill the ponds after this or down the road. They simply want all the irrigation water they can get on the authorized acres currently and historically irrigated.

If approved they will be allowed a total of 143 AF @ 925 GPM to be used on 152 acres. This is less than minimum reasonable but much better than it was when only 92 AF were authorized by KW-03 and 831. This is a single well, just changing this file P/U and UMW to irrigate more effectively and remove the industrial portion since the ponds are being removed. I think we can pass on to Leslie for approval but let me know if you have any questions. Once you pass on, also copy Elizabeth so she can update the over pumping information and remove it from the list.
Thanks,

Cameron

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, June 22, 2022 8:15 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Cc: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: FW: Review & Recommendation for File No. 17702, Eck

Jeff,

Please let me know if you would recommend this UMW change from industrial to irrigation use and PU to bring the reservoirs back into irrigation use.

As always comments and concerns are welcome.

Leslie

From: Ireland, Leslie [KDA]
Sent: Friday, March 25, 2022 3:44 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Fitch, Elizabeth [KDA] <Elizabeth.Fitch@ks.gov>
Subject: Review & Recommendation for File No. 17702, Eck

Jeff,

Please let me know if you would recommend this UMW change from industrial to irrigation use and PU to bring the reservoirs back into irrigation use.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN USE MADE OF WATER AND PLACE OF USE WATER RIGHT, FILE NO. 17,702

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Howard D. and Iris J. Eck, 18450 43rd Avenue, Haviland, Kansas 67059-7838, received in this office on September 2, 2021, for approval of a change in the use made of water and place of use, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and 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 use made of water shall be irrigation use which shall be authorized a maximum quantity not to exceed 51 acre-feet of water per calendar year at a maximum rate of diversion not in excess of 925 gallons per minute (2.06 c.f.s.) further limited to a diversion rate which when combined with Vested Right, File No. KW 003 and Water Right File No. 831, will provide a diversion rate not in excess of 1,500 gallons per minute (3.34 c.f.s.) and the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
34 27S 17W					40.0	32.0	40.0	40.0									152

a total of 152 acres in Section 34, Township 27 South, Range 17 West, Kiowa County, Kansas,

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

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. 17,702, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 2, 1998.

Ordered this 11 day of July, 2022, in Manhattan, Riley County, Kansas.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 11 day of July, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
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

July 22, 2022

HOWARD D & IRIS J ECK
18450 43RD AVE
HAVILAND, KS 67059-7838

RE: Water Right, File Nos. 17,702

Dear Mr. & Mrs. Eck:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized. Records in this office indicate that a meter is installed for the referenced file, however if the meter does not meet the requirements of the Chief Engineer or has been changed please contact your local field office.

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, 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 Stafford Field Office at 620-234-5311. 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 black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

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

KAB:LI:li

Enclosure

pc: Stafford Field Office
Groundwater Management District No. 5

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.

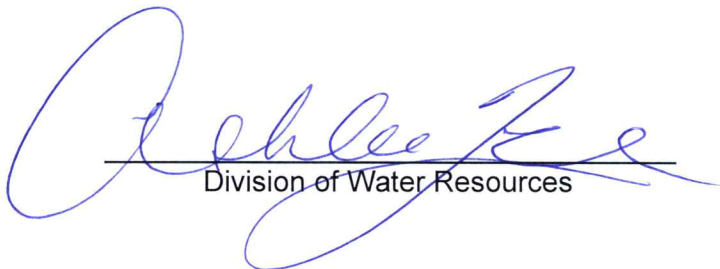
CERTIFICATE OF SERVICE

On this 22 day of July, 2022, I hereby certify that the attached Approval of Application for Change in Use Made of Water and Place of Use under Water Right, File No. 17,702, dated 11 July 2022 was mailed postage prepaid, first class, US mail to the following:

HOWARD D & IRIS J ECK
18450 43RD AVE
HAVILAND, KS 67059-7838

With photocopies to:

Stafford Field Office
Groundwater Management District No. 5


Division of Water Resources