

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: PD PU WORKSHEET & ORDER IN MATTER OF RATE**

1. File Number: <b>42041</b>	2. Status Change Date: <b>3/3/2022</b>	3. Change Num: <b>C1 &amp; C2</b>	4. Field Office: <b>02</b>	5. GMD: <b>02</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>10/26/2020 PU</b> <b>12/21/2020 PD</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>HARRISON FARMS LIMITED JOHN &amp; JANE HARRISON 11014 W 95TH AVE NICKERSON, KS 67561-9008</b>		Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>HARRISON FARMS LIMITED 11014 W 95TH AVE NICKERSON, KS 67561-90</b>		Person ID <b>7057</b> Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>  <b>HARRISON FAMILY TRUST 11014 W 95TH AVE NICKERSON, KS 67561-9008</b>		Person ID <b>67834</b> Add Seq# _____		
8d. WUC New to system <input type="checkbox"/>  <b>8b</b>		Person ID <b>7057</b> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/22</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>12/31/22</b>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>1/20/2022</b> By: <b>li</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>3/4/2022</b></span> <span style="border: 1px solid blue; padding: 2px;"><b>LMoody</b></span>				

File No. **42041**      11. County: **RENO**    Basin: **ARKANSAS RIVER**      Stream: **NA**      Formation Code: **190**      Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af	Rate gpm	Quantity af	
<b>DEL</b>	<b>29294</b>	<b>NC NE</b>			<b>11</b>	<b>22</b>	<b>7W</b>	<b>4</b>	<b>3989</b>	<b>1380</b>	<b>PLUG</b>	<b>97.5</b>	<b>1000</b>	<b>97.5</b>	<b>44779</b>	
<b>ENT</b>	<b>89310</b>	<b>NC NE</b>			<b>11</b>	<b>22</b>	<b>7W</b>	<b>4</b>	<b>4113</b>	<b>1178</b>		<b>600</b>	<b>97.5</b>	<b>600</b>	<b>97.5</b>	<b>44779</b>

**RATE REDUCED DO TO FILE NO. 44779 ADDITIONAL WELL NEEDING RATE**

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

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **NONE 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								NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	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</b>	<b>18113</b>	<b>11</b>	<b>22</b>	<b>7W</b>				<b>1</b>	<b>33.0</b>	<b>29.0</b>															<b>62</b>	<b>8b</b>	<b>NO</b>	<b>44779</b>
<b>ENT</b>	<b>54760</b>	<b>11</b>	<b>22</b>	<b>7W</b>				<b>9</b>			<b>40.0</b>	<b>28.0</b>													<b>68</b>	<b>8c</b>	<b>NO</b>	<b>44779</b>

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 2, 2022

**FROM:** Leslie Ireland  
**RE:** Water Right  
File Nos. 42,041 and 44,779

John "Mike" and Jane Harrison on behalf of Harrison Farms Limited filed applications for approval to change the authorized place of use and point of diversion for Water Right, File No. 42,041 by two separate application received October 26, 2020 and December 21, 2020, and a change in place of use and point of diversion for Water Right, File No. 44,779, submitted October 26, 2020. The files are located in the Arkansas River basin. The changes are the result of construction of state highway across the place of use and pipelines are not allowed under the highway. The property obtained by the state was withheld from the water rights by the Permanent Easement completed in April 2017.

The referenced files, authorized groundwater for irrigation use, do not appear abandoned as per K.S.A. 82a-718. They appear to be in compliance with K.S.A. 82a-732. Notification of nearby well owners per K.S.A. 82a-1906 resulted in no comments. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*. The ownership of the South Half of Section 11

The requested changes are to create a place of use overlap of each files 65 authorized acres to authorize 130 acres and construct a new well under File No. 44,779, as an additional well increasing the number of wells under this file to two(2) wells. The overlap in point of diversion between File No. 42,041 and File No. 44,779, will be maintained, but moving to a new well.

The referenced files overlap in the point of diversion authorized as near the center of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 11, approximately 3,989 feet North and 1,380 feet West of the Southeast corner of said section in Township 22 South, Range 7 West, Reno County.

File No. 42,041 is authorized 1,000 gallons per minute (gpm) to divert 97.5 acre-feet (AF) from one (1) well for the irrigation of 65 acres and developed 65 base acres. File No. 44,779 is authorized a limited 1,000 gpm from the same well as File No. 42,041. It certified 91 AF on 65 acres, developing 65 base acres. These files do not overlap in the place of use.

The proposed place of use changes will overlap the irrigated acres and will not increase each files' base acres. The modifications in the place of use for the highway will authorize 130 acres complying with Part b(1) of K.A.R. 5-5-11 *Applications for change in place of use for irrigation purposes*. The place of use will remain in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 11, but split by the highway.

A new well is proposed to replace the existing well authorized by both of the referenced files.

The proposed well under File Nos. 42,041 & 44,779 is to be near the center of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 11, approximately 4,113 feet North and 1,178 feet West of the Southeast corner of said section in Township 22 South, Range 7 West, Reno County being within 300 feet of the currently authorized well located 3,989 feet North and 1,390 feet West.

A second new well is proposed by File No. 44,779, requiring the change in point of diversion to be reviewed per K.A.R. 5-5-16, *Additional well*. The proposed additional well is to be located

at an updated location of 5,235 feet North and 350 feet West of the Southeast corner of Section 11. The maximum acres legally irrigated of 65 acres was used for the determination of the quantity for the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i):

$$65 \text{ acres} \times 1.15 \text{ (80\%NIR RN Co)} / 0.85 = 87.9 \text{ acre-feet.}$$

The application for change detailed the reduction in quantity from 91 to 87.9 AF for this file. The reduced quantity will be split with 56 AF at 400 gpm assigned to the additional well and 31.9 AF at a limited 600 gpm diverted from the well authorized by File Nos 42,041 & 44,779. The 97.5 AF under File No. 42,041 and 87.9 AF under 44,779, totals 185.4 AF providing approximately 1.42 acre-foot per acre which is more than the 80% chance net irrigation requirement (NIR). The reduction should assure that consumptive use will not increase as required by K.A.R. 5-5-3, *Consumptive use*.

The rate of diversion test as required by K.A.R. 5-5-16(a)(3)(A) was completed by Matt Meier, Stafford Field Office Staff on April 28, 2021, yielding an averaged 1,163.2 gpm, affording the 1,000 gpm authorized by File Nos. 42,041 & 44,779 to be retained. The limited rate of diversion will have to be addressed under File No. 44,779. The allocated rate for the additional well was requested to be 400 gpm (0.89 c.f.s.) to divert the 56 AF which could be accomplished in 32 days of continuous pumping appearing to be reasonable. The currently authorized well retains 600 gpm under File No. 42,041 and a limited 600 gpm under File No. 44,779, to pump the combined 129.4 AF could be completed in 49 days of continuous pumping. The rate has been divided and assigned between the wells as specified in K.A.R. 5-5-16(d).

The well log for the well currently authorized by File Nos. 42,041 & 44,779, stated a depth of 52 feet and approximately 7.5 feet to the static water level in 1984. The proposed additional well under File No. 44,779 is to be in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), approximately 5,235 feet North and 370 feet West of the Southeast corner of Section 11, Township 22 South, Range 7 West, Reno County, approximately 1,342 feet from the primary well. A 1996 well log at a location stated as near the center of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ), as approximately 66 feet deep and had a static water level of 11 feet. The well logs would indicate the source of supply will remain the Equus Beds ( Code 190).

According to the application maps and WRIS the non-domestic wells within one-half ( $\frac{1}{2}$ ) mile of the proposed additional well are three (3) domestic wells and one irrigation well authorized by Water Right, File No. 36,715. The notification of these nearby well owners by letter dated May 5, 2021, did not result in any comments.

In a letter dated October 7, 2021, Tim Boese, Manager of Equus Beds Groundwater Management District No. 2, indicated that the applications meet the District's Well Spacing Regulation K.A.R. 5-22-2(a)(1) & (2) of 660 feet to domestic wells and 1,320 feet to non-domestic wells. The transmittal letter will remind the owner of the requirement to complete the well plugging documentation.

In an e-mail dated March 2, 2022, Jeff Lanterman, Water Commissioner of the Stafford Field Office indicated no objections to approval of the referenced applications.

Water flowmeters are required and a letter was sent by the GMD for the installation of the required meters. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

As per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval for File No. 44,779 that should direct impairment result the additional well will have the priority date of the date the application for change was received in the office of the Chief Engineer, October 26, 2020, and contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

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



Leslie Ireland

Environmental Scientist

**From:** Lanterman, Jeff [KDA]  
**Sent:** Wed 3/2/2022 10:47 AM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Review and Recommendation of Change Applications, File Nos. 42,041 & 44,779

Leslie. These look good to go as well. I recommend approval.

Thanks for your work on these. What a mess that hiway construction is. Do we have any other pending apps in that area?

Thanks  
Jeff

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Tuesday, March 1, 2022 3:53 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** FW: Review and Recommendation of Change Applications, File Nos. 42,041 & 44,779

Good afternoon,

Thought I'd resend this as maybe you were waiting on the other package 13322 & 36856, which I sent this afternoon.

The short summary is PU changes comply with 5-5-11(b). The PD change under 42041 maintains a partial overlap with 44,779 as 44,779 proposes an additional well.

Meets spacing and no comments from nearbys. GMD OK'd

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



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**From:** Ireland, Leslie [KDA]  
**Sent:** Friday, January 21, 2022 3:02 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** Review and Recommendation of Change Applications, File Nos. 42,041 & 44,779

Good afternoon,

The short summary is PU change complies with 5-5-11(b). The PD change under 42041 maintains a partial overlap with 44,779 as 44,779 proposes an additional well.

Meets spacing and no comments from nearbys. GMD OK'd

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources





THE STATE  OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE POINT OF DIVERSION  
AND  
ORDER IN THE MATTER OF THE AUTHORIZED RATE OF DIVERSION  
WATER RIGHT  
FILE NO. 42,041**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John and Jane Harrison on behalf of Harrison Farms Limited, 11014 West 95<sup>th</sup> Avenue, Nickerson, Kansas 67561-9008, received in this office on October 26, 2020, for approval of a change in the location of the place of use, and on December 21, 2020, for approval of a change in point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the changes are reasonable and will not impair existing rights, that the changes relate to the same local source of supply and that the applications should be and are hereby approved.

This order effectively reduces the maximum rate of diversion to 600 gallons per minute (1.34 c.f.s)

The effective date of the changes shall be the date this order is executed by the Chief Engineer, after which the authorized location of the irrigation 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	
11	22S	7W	33.0	29.0	40.0	28.0													130.0

a total of 130 acres in Section 11, Township 22 South, Range 7 West, Reno County, Kansas, and

the location of the authorized point of diversion shall be:

one (1) well located near the center of the Northeast Quarter (NE¼) Section 11, more particularly described as being near a point 4,113 feet North and 1,178 feet West of the Southeast corner of said section, at a diversion rate not in excess of 600 gallons per minute (1.34 c.f.s.) and a quantity not to exceed 97.5 acre-feet per calendar year, in Township 22 South, Range 7 West, Reno County, Kansas,

located substantially as shown on the topographic maps accompanying the applications to change the place of use and point of diversion.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

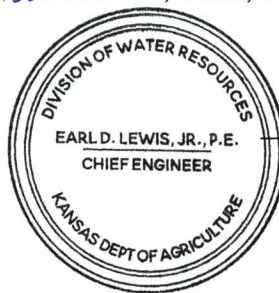
The water right owner shall submit to the Chief Engineer a copy of the well logs required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 42,041, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 8, 2001.

Ordered this 3<sup>rd</sup> day of March, 2022, in Manhattan, Riley County, Kansas.

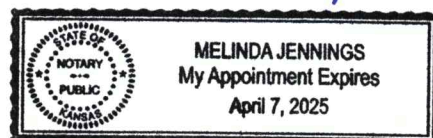


*Earl D. Lewis Jr.*  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 3 day of March 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
Notary Public



### 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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture
- 3)

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, KS 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, I hereby certify that the attached Approval of the Applications for Change in Place of Use, Point of Diversion and Order in the Matter of the Rate of Diversion, File No. 42,041, dated \_\_\_\_\_ was mailed postage prepaid, first class, US mail to the following:

HARRISON FARMS LIMITED  
11014 W 95TH AVE  
NICKERSON, KS 67561-9008

With a Photocopy to:

Stafford Field Office  
Groundwater Management District No. 2

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Division of Water Resources

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 8, 2022

HARRISON FARMS LIMITED  
JOHN & JANE HARRISON  
11014 W 95TH AVE  
NICKERSON, KS 67561-9008

RE: Water Right, File Nos. 42,041 & 44,779

Dear Mr. and Mrs. Harrison:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that acceptable water flowmeter must be installed on the diversion works authorized. Please return the required, *Notification of the Completion of the Diversion Works and Report of Flowmeter Installation*, prior to December 31, 2022.

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

The change approval under File No. 44,779, is adding the additional point of diversion located in the Northeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 11, therefor it is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the portion of the additional well shall be considered to have the priority of the date the application was filed (October 26, 2020).

Any abandoned wells should be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment

If you have any questions, please contact Jeff Lanterman, Water Commissioner, 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,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Division of Water Resources

KAB:LI:li  
Enclosures

pc: Stafford Field Office  
Groundwater Management District No. 2

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**CERTIFICATE OF SERVICE**

On this 8 day of March, 2022, I hereby certify that the attached Approval of the Applications for Change in Place of Use, Point of Diversion and Order in the Matter of the Rate of Diversion, File No. 42,041, dated 3 March 2022 was mailed postage prepaid, first class, US mail to the following:

HARRISON FARMS LIMITED  
11014 W 95TH AVE  
NICKERSON, KS 67561-9008

With a Photocopy to:

Stafford Field Office  
Groundwater Management District No. 2

  
Division of Water Resources