

**Kansas Department of Agriculture  
Division of Water Resources**

CHANGE: PU WORKSHEET

1. File Number: <b>35624</b>	2. Status Change Date: <b>3/15/2023</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
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:
8a. Applicant(s) New to system <input type="checkbox"/>  <b>RICHARD D &amp; JANEL A RUGAN ATTN: RUGAN 3 FARMS INC 894 NE 100 AVE CLAFLIN, KS 67525</b>		Person ID <b>57724</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/>  <del><b>OBRATE REALTY LLC ATTN: MIKE OBRATE 1325 HINEMAN DR GARDEN CITY, KS 67846</b></del>  <b>R &amp; J FAMILY FARMS LP 894 NE 100 AVE CLAFIN, KS 67525</b>		Person ID <b>59970</b> Add Seq# <b>64461</b>	8d. WUC New to system <input type="checkbox"/>  <b>8A</b>  Person ID _____ Add Seq# _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <del>12/31/22</del> <b>23</b> <input type="checkbox"/> N & P Date to Comply: <del>12/31/22</del> <b>23</b>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>6/20/22</b> By: <b>JNE</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>3/17/2023</b></span> By: <b>LMoody</b>				

File No. **35624**      11. County: **SF**      Basin: **ARKANSAS RIVER**      Stream:      Formation Code:      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>CHK</b>	<b>68861</b>			<b>NC NE</b>	<b>27</b>	<b>21S</b>	<b>14W</b>	<b>3</b>	<b>3913</b>	<b>1362</b>		<b>905</b>	<b>135</b>	<b>905</b>	<b>135</b>	<b>50,708</b>

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

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 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>1155</b>				<b>27</b>	<b>21S</b>	<b>14W</b>	<b>3</b>	<del>39.0</del>	<del>40.0</del>	<del>20.0</del>	<del>20.0</del>													<del>119.0</del>	<b>8b</b>		<b>NO</b>		<b>50708</b>		
									<b>33.5</b>	<b>33.5</b>	<b>33.5</b>	<b>33.5</b>													<b>134.0</b>							

Base Acres: **119**      Year: **1986**      Minimum Reasonable Quantity:  
 Comments: **CERTIFIED FOR 119 ACRES BUT QTY CALCULATED USING 90 ACRES - SEE MEMO**

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

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

**TO:** Files

**DATE:** May 20, 2022

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,708  
File Nos. 35,624 & 18267-D3

Richard Rugan has filed Application File No. 50,708 to appropriate groundwater for irrigation use on 134 acres, requesting one (1) well, a quantity of 195 (60 additional) acre-feet, and a diversion rate of 930 (25 additional) gallons per minute. The proposed well is an existing well located Near Center of the Northeast Quarter (NC NE¼) of Section 27, more particularly described as being near a point 3,913 feet North and 1,362 feet West of the Southeast corner of said section in Township 21 South, Range 14 West, in Stafford County, within the Arkansas River drainage Basin. The proposed application has a point of diversion overlap Water Right, File No. 35,624.

The proposed place of use is owned by Richard Rugan and the applicant has signed the application form stating that they have legal access during the point of diversion. The place of use is 134 acres in the Northeast Quarter of Section 27, Township 21 South, Range 13 West. The application is being filed pursuant to K.A.R. 5-25-22, proposing to move water diversion away from the Rattlesnake Creek. 14W

The additional rate and additional quantity being sought after would be partly offset by voluntary dismissal of Water Right, File No. 18267-D3 if approved. Water Right, File No. 18,267-D3 is authorized 60 acre-feet at a diversion rate of 25 gallons per minute which covers the additional quantity and rate requested by Application, File No. 50,708. A Change in Place of Use has been filed for File No. 35,624 which the application overlaps in both place of use and point of diversion. The reason for the change is to modify the place of use from 119 acres to 134 acres and create an exact place of use overlap with Application, File NO. 50,708 by adding 15 acres.

The applicant identified four nearby domestic wells within one-half mile of the proposed well and one non-domestic wells which are both owned by the applicant. Nearby notification letters were sent out on January 11, 2022. No contact of any kind was received. According to WRIS, the nearest non-domestic water right not owned by the applicant (File No. 29,947) is 2,698 feet away. Based on the site map and GPS from well logs, the nearest domestic well is approximately 2,237 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-25-2 for wells located within Big Bend Groundwater Management District No. 5, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

The existing point of diversion for the application is located within the boundaries of Big Bend Groundwater Management No. 5 (GMD 5). A well log downloaded from KGS showed layers of clay, sand and gravel and a depth of 132 feet, indicating the source was likely the Mead Formation. The static water level was 23 feet, and the saturated thickness is 73 feet.

Application File No. 50,708 along with Dismissal of 18,267-D3 and Change in Place of Use 35,624 were submitted to Big Bend Groundwater Management No. 5 on March 2, 2022, for recommendation. GMD 5 conducted a hydrologic analysis which indicated minimal cumulative aquifer change. A recommendation was received on May 16, 2022, recommending approval of the application, subject to a waiver of K.A.R. 5-25-22(A)(3).

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on May 25, 2022. Based on the above discussion, well spacing, and reduction of quantity to meet safe yield, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

## Engelbrecht, Jessica [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Wednesday, May 25, 2022 9:30 AM  
**To:** Engelbrecht, Jessica [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Rugan Memos

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jessica. I know the guy who filled all this stuff out. And I sat through 2 GMD meetings on it.

I recommend they be approved with the waiver of 5-25-22A3.

It's a good project.

Jeff

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**From:** Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>  
**Sent:** Tuesday, May 24, 2022 11:30 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** Rugan Memos  
**Importance:** High

Attached are the memos and supporting documentation for the Rugan packet.

Jessica Engelbrecht, Environmental Scientist  
KDA Division of Water Resources  
Stafford Field Office  
(620) 234-5311 Office  
(620) 234-6900 Fax  
[Jessica.engelbrecht@ks.gov](mailto:Jessica.engelbrecht@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Tom Taylor - At-Large (Sec.)  
Craig Zwick - Rice  
Marlyn Spare - Stafford  
Phil Martin - Barton  
Kerry Froetschner - Pawnee  
Gary Hornbaker - Reno



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

March 21, 2022

Jessica Engelbrecht  
Division of Water Resources  
Kansas Department of Agriculture  
300 S. Main Street  
Stafford, Kansas 67578-1342

Re: Application File Nos. 50,613 & 50,708  
Water Right, File Nos. 18,267-D2, 18,267-D3, 21,139,  
21,140 & 35,624

Dear Ms. Engelbrecht,

The Big Bend Groundwater Management District #5 requests a thirty-day extension on the above referenced application. The application is needing additional hydrologic review and will hopefully be ready for review by the board at the April board meeting. Please let me know if you have any questions or concerns.

Sincerely,

Orrin Feril  
Manager

# 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 APPROPRIATION OF WATER FILE NO. 35,624

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Richard Rukan, 894 Northeast 100 Avenue, Claflin, Kansas, 67525, received in this office on January 24, 2022, 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 change in place of use dated July 13, 1983, and as modified and amended by the change in point of diversion dated May 16, 2003, 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 irrigation 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	
27 - 21S - 14W	33.5	33.5	33.5	33.5													134.0

a total of 134 acres in Township 21 South, Range 14 West, Stafford County, Kansas,

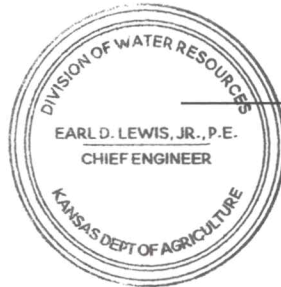
located substantially as shown on the topographic map accompanying the application to change the place of use.

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. 35,624, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated September 9, 1992, as modified and amended by the aforementioned orders.

Ordered this 15<sup>th</sup> day of March, 2023, in Manhattan, Riley County, Kansas.



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

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 15 day of March, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
\_\_\_\_\_  
Notary Public





1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 20, 2023

RICHARD RUGAN  
894 NE 100 AVE  
CLAFLIN KS 67525

RE: Applications to Appropriate Water  
Appropriation of Water, File Nos. 50,613 and 50,708

Application to Change the Place of Use  
Water Right, File No. 35,624

Requests to Reduce the Authorized Place of Use  
Water Right, File Nos. 21,139 and 21,140

Voluntary Dismissal Requests  
Water Right, File Nos. 18,267-D2 and 18,267-D3

Dear Mr. Rugan:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works, if applicable, and to appropriate water for beneficial use as set forth in the permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the new permits. An informational sheet is included that sets forth the procedure to obtain a Certificate of Appropriation, which will establish the extent of the new perfected water rights.

Also enclosed are orders approving your applications for change in place of use, under the referenced files. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the change approval orders. Since these change approval orders and the associated voluntary water right dismissal orders modify the existing water rights referred to above, they should be recorded with the Register of Deeds, as other instruments affecting real estate.

As required by the enclosed orders, currently acceptable water flowmeters must be installed on the diversion works. Notice must be filed on the enclosed forms once the diversion works have been completed, including installation of the required water flowmeters. Failure to do so within the time allowed, or within any authorized extension of time thereof, will result in dismissal of permits. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00, per file number.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The enclosed approval documents do not grant authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do not grant authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

RICHARD RUGAN

File Nos. 18267-D2, 18267-D3, 21,139, 21,140, 35,624, 50,613 and 50,708

Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/dwr). If you have any questions or need further assistance with any of the above requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large initial 'K'.

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB:jne  
Enclosures

pc: Stafford Field Office  
Big Bend GMD 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 20 day of March, 2023, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 35,624, dated, March 15, 2023, was mailed postage prepaid, first class, US mail to the following:

RICHARD D & JANEL A RUGAN  
894 NE 100 AVE  
CLAFLIN KS 67525

With photocopies to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5



Division of Water Resources