

File No. 1052	13. County: HV Basin: LITTLE ARKANSAS RIVER Stream: NA		
Structures File No:	Aquifer Code: 190	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty mgd		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
DEL	18228	NC	W2	NW	25	24	2W	1	3950	4620	NC					+	
ENT	91432	NW	SW	NW	25	24	2W	14	3923	5262	NC					+	
																+	
																**	
																++	

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s): **NONE** **NO CHANGE**
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date:

17. Place of Use						NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Total	Owner(s)	Chg?	Overlaps		
PDIV	S	T	R	ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE						
NC																									+	<input type="checkbox"/>	+
																									+	<input type="checkbox"/>	+
																										<input type="checkbox"/>	#
																										<input type="checkbox"/>	^

18. Point of Diversion and Place of Use Overlaps * + NONE # ^	** ++ ## ^^
---	--

In an e-mail dated October 14, 2024, and a November reminder, Jeff Lanterman, Water Commissioner of the Stafford Field Office was requested to review and recommend the proposed change. As of today's date, no indicated objections to approval of the referenced application has been received.

A water flow meter will be required, and a letter was sent by the GMD for the required meter installation. A water level measurement tube will be required, and a check valve is required if any chemical or foreign substance is injected into the water through the diversion works. The transmittal letter will remind the owner of the requirement to complete the District's well plugging documentation and to submit the required well log.

Based on the above discussion, that the waiver of regulation is approved, 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.

A handwritten signature in blue ink that reads "Leslie Ireland". The signature is cursive and fluid.

Leslie Ireland
Environmental Scientist

Ireland, Leslie [KDA]

From: Ireland, Leslie [KDA]
Sent: Monday, October 14, 2024 9:33 AM
To: Lanterman, Jeff [KDA]
Cc: Conant, Cameron [KDA]
Subject: Review and Recommendation Change PD File No. 1052 Young
Attachments: 1052 MEMO pd new_2_2.docx; 1052 KGS Bult no 79 logs.pdf; 1052 sec 26 log.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff,

Attached is the summery memo and logs referenced.

Please let me know if you'd recommend the requested change.

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 POINT OF DIVERSION
WATER RIGHT
FILE NO. 1,052**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Marc Yung, Post Office Box 1, Andale, Kansas 67001, and Floyd and Loretta Holle, Jr., 8828 South Hertzler Road, Sedgwick, Kansas 67135, received in the office of the Chief Engineer on May 14, 2024, for approval of a change in the location of the point of diversion 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, 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 location of the point of diversion shall be:

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,923 feet North and 5,262 feet West of the Southeast corner of said section, in Township 24 South, Range 2 West, Harvey County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

The water right owner shall submit to the Chief Engineer a copy of the well log 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 well 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.

Installation of the works for diversion of water shall be completed on or before December 31, 2025, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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. 1,052, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 14, 1993.

Ordered this 13 day of December, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

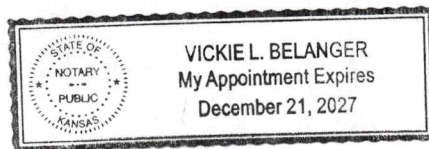
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13 day of December, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

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

December 17, 2024

MARC YUNG
PO BOX 1
ANDALE KS 67001

RE: Water Right,
File No. 1,052

Dear Mr. Yung:

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.

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 level measurement tube and a water flowmeter meeting K.A.R. 5-1-4 through 5-1-12 must be installed on the diversion works authorized. Please return the required notification of completion of the diversion works and installation of the required meter. Additional information and the Notice of Completion form may be found at our website at agriculture.ks.gov/dwr. There is no fee required for the notification.

An additional condition of the approval is that the water right owner submit to the Chief Engineer a copy of the well log, current form WWC-5. The abandoned well must 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.

Since this order modifies the Certificate of Appropriation for your above referenced water right, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, your local Stafford Field Office at 620-234-5311, or the Equus Beds GMD No. 2 at 316-835-2224. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:kak:li
Enclosure(s)

pc: Floyd & Loretta Holle, Jr.
Stafford Field Office
Equus Beds GMD No. 2

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 *17* day of *December*, 2024, I hereby certify that the attached Approval of Application for Change, Water Right, Application for Change, Water Right, File No. 1,052, dated *December 13*, 2024, was mailed postage prepaid, first class, US mail to the following:

MARC YUNG
PO BOX 1
ANDALE KS 67001

With a True & Correct copy mailed to:

FLOYD & LORETTA HOLLE JR
8828 S HERTZLER RD
SEDGWICK KS 67135

And Photocopies mailed to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Staff