Kansas Department of Agriculture Division of Water Resources

APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 1052	2. Status Change Date:12	2/13/2024	4. Field Office: 02 - Stafford GMD: 05 - Big Bend Structures File No.:									
3. Package File No(s): 1052		Filing/Priority Date: 14-MAY-24 Application Complete Date:										
5a. ⊠ Applicant ⊠ Owner ⊠ WU	C Person ID 67696 Add Seq# 1	5b. ⊠ Owner ☐ Address			Person ID 62057 Add Seq# 1							
MARC YUNG PO BOX 1 ANDALE, KS 67001		FLOYD JR & LORETTA HOLLE 8828 S HERTZLER RD SEDGWICK, KS 67135										
5c. Owner WUC Address Change	Person ID Add Seq#	5d. Owner Address	□ WUC cChange		rson ID d Seq#							
6. Change No.: C1 PD PU Base Acres: Year: Min F Previous UMW: Not changing MDS Gauge: Active Admin? Completion/Start Date: 12/31/2025 Perfe	7	7. Use of Water Groundwater Surface WaterUMW: IRR- IrrigationUMW:UMW:										
8. Action Trail GX C1- CHANGE APP POINT OF DIVERSION APPROVED - Compliance: 12/31/2025												
9. Special Conditions												
11. Sand & Gravel Proj ID:	☐ Active ☐ Dredge	☐ IND Evap ☐	Jr Evap ☐	Other Diversion	☐ Rpt on Sr							
12. Waiver Rule ID: New Date Requested: Applies: Rule No.: Rule Type: Rule SubType:												
Comments Simple redrill of existing PD. Old PD p	lugged.			Processed LI 12/3/2024 Reviewed KAK 12/11/2024	Entered 12/13/2024 KAnderson							

	No. 1052 uctures File		13. County: HV Basin: LITTLE ARKANSAS RIVER Stream: NA Aquifer Code: 190 Special Use Area:																				
14. Points of Diversion, Rates & Quantities									Oty mgy Rate g					gpm Storage Qty Stora				Storage R	Rate				
	PDIV	Qualifier	S	Т	R	ID	'N	'W	Cor	nment (AKA Li	ne)	Aut		dd	Auth	Add		uth	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.	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 F	Require	d 🗌 /	Anti-Re	everse	Require	ed [] Sea	al Requ	iired	Comp	liance	Date:									
17.	17. Place of Use			NE¼				NW1⁄4				SW1/4					SE¼			tal	Owner(s) Chg?		Overlaps
	PDIV S	T R ID	NE NE	■ NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE	NE	NW	sw	SE					
NC																					+		+
																					+		+
																							#
																							^
18. Point of Diversion and Place of Use Overlaps										**	**												
+ NONE										++													
#											##												
^											^^												

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

<u>MEMORANDUM</u>

TO: Files Date: December 3, 2024

FROM: Leslie Ireland RE: Water Right

File No. 1052

Marc Yung along with Floyd & Loretta Holle, Jr., as owners, filed an application for approval to change the authorized point of diversion to complete a replacement well. The referenced file is located in the Little Arkansas River drainage basin, Harvey County, and the Equus Beds Groundwater Management District No. 2.

The referenced file, authorized groundwater for irrigation use, does not appear abandoned as per K.S.A. 82a-718. Notice as required by K.S.A. 82a-1906, was completed by letter. No negative comments were received.

The referenced file is authorized 525 gallons per minute to divert 36 acre-feet. It has no overlaps in the authorized point of diversion or place of use, located in the Northwest Quarter (NW½) of Section 25, Township 24 South, Range 2 West, Harvey County. The existing well is located 3,950 feet North and 4,620 feet West of the Southeast corner will be plugged. A new well is proposed to be constructed approximately 650 feet to the West to be located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW½ SW½ NW½) near a point approximately 3,923 feet North and 5,262 feet West of the Southeast Corner of Section 25, Township 24 South, Range 2 West, Harvey County. The quantity and rate of diversion will remain unchanged.

No well log was submitted with the application, and one was not requested as there was no log available of the existing well. Review of KGS information found a log for a domestic well in Section 25, to the south listing sands and clays. KGS Bulletin No.79, for Harvey County, had two logs of Section 25. The source of supply listed for the Northwest Quarter of Section 25, Township 24 South, Range 2 West, was recorded as Quaternary Pleistocene, McPherson formation, Equus Beds (Code190). The log for the Southeast Quarter of this section listed the same but as Recent and with an Alluvium designation. Both logs list sands and gravels with the log indicating an alluvium listing, having more fine-coarse sands and gravel. As no log of the existing well is available and is moving to the West it would indicate a move away from the Alluvium. Additionally, well logs were reviewed for Section 26. A log of an irrigation well and the domestic owned by the Holle family similar. It appears the lithology of the area indicates the source of supply is the Equus Beds (Code 190). The change in point of diversion does not appear to alter the local source of supply. A well log will be a condition of the approval.

According to the application map, KGS and WRIS sources the non-domestic wells within one-half (½) mile of the proposed existing well there are three (3) irrigation use wells all greater than 1,320 feet from the proposed well. The applicant identified six (6) domestic wells all appear to meet the required 660 feet of spacing. The closest to the South is on property owned by Floyd & Loretta Holle, Jr. who signed the application. Five notification letters mailed September 1, 2024, resulted in no negative comments.

In a letter dated October 9, 2024, Tim Boese, Manager of Equus Beds Groundwater Management District No. 2, indicated that the application meets the District's Well Regulations K.A.R. 5-22-1 through 5-22-17, and recommended approval on behalf of the District.

File No. 1052 Page 2

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.

Leslie Ireland

Environmental Scientist

Restie Ireland

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



KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESEarl 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 (NW¼ SW¼ NW¼) 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, 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.

Motary Public

VICKIE L. BELANGER
My Appointment Expires
December 21, 2027

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 <u>agriculture.ks.gov/dwr</u>. 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

Victir Blay