

File No. **13078** 13. County: **SG** Basin: **ARKANSAS RIVER** Stream: **NA**
 Structures File No: Aquifer Code: **190** Special Use Area: **NA**

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Batt ID	Overlaps	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add			
DEL	13437	NW	NW	SE	30	25	2W	1		35	35	605	605					+
ENT	90810	NC	E2		30	25	2W	6	2640	1320	GEO CENTER	35	35	605	605		2389	++
ENT	90811	SE	SW	NE	30	25	2W	7	2840	1420	BATT 1 OF 4						2389	++
ENT	90812	SW	SE	NE	30	25	2W	8	2840	1120	BATT 1 OF 4						2389	++
ENT	90813	NE	NW	SE	30	25	2W	9	2440	1520	BATT 1 OF 4						2389	++
ENT	90810	NW	NE	SE	30	25	2W	10	2440	1120	BATT 1 OF 4						2389	++

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										NE¼				NW¼				SW¼				SE¼				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									
MOD	19321	30	25	2W	1			40.00	40.00					18.50	1.50			26.0	30.00	1.00	6.00	163	5a	<input type="checkbox"/>	*				
																								+	<input type="checkbox"/>	+			
																									<input type="checkbox"/>	#			
																									<input type="checkbox"/>	^			

18. Point of Diversion and Place of Use Overlaps
 * **13078 & 51199** **
 + **NONE** ++ **13078 & 51199**
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: December 3, 2024

From: Leslie Ireland, Environmental Scientist

Re: New Application, File No. 51,199– Elliott & Sons, Inc.

Change Application, File No. 13,078 – Place of Use

Summary

Robert L. Elliott filed the above referenced new application, File No. 51,199, to appropriate 211.9 acre-feet (AF) of groundwater at a rate of 800 gallons per minute (gpm) with a proposed change under the existing File No. 13,078 to authorize a change from a sole well to a battery of four(4) new wells, with the existing well located in the NW¼ NW¼ SE¼ approximately 2,388 feet North and 2,634 feet West of the Southeast corner of Section 30, in Township 25 South, Range 2 West (30-25-2W) Sedgwick County as being plugged. The new battery will have a geographic center of being near the center of the East Half (NC E ½) approximately 2,640' North and 1,320' West of the Southeast corner, (30-25-2W). The proposed place of use will be increased from 27 to 163 acres with the new permit providing the needed quantity. This project is in the Arkansas River Basin, Sedgwick County and the Equus Beds Groundwater management District No. 2.

Reasonable Rate and Quantity

File No. 13,078 certified 35 AF at a rate of 605 gpm will shift to the geographic center of the battery. The proposed irrigation of 163 acres located in the South Half of the Northeast Quarter (S½ NE¼), North Half of the Southwest Quarter (N½SW¼), and portions of the Southeast Quarter (SE¼), all in Section 30. File No. 51,199, proposed 211.9 AF will authorize 176.9 AF of new quantity, as the proposed 163 acres in Sedgwick County would be afforded 1.3 AF/acre per K.A.R. 5-3-24, *Reasonable quantity of irrigation use* for a total quantity of 211.9 AF, less the 35 AF certified under File No. 13,078. The requested total of 211.9 AF is the maximum allowed per K.A.R. 5-3-24 and appears to be reasonable. Additional rate has been requested by the new application, File No. 51,199, proposed rate of 800 gpm will provide an additional 195 gpm, with the new appropriation limited to 800 gpm with File No. 13,078. It does appear the authorized 800 gpm is sufficient to divert the total 211.9 AF in approximately 60 days.

The change in place of use to File No. 13,078, expansion to 163 acres appears to comply with part (b)(6) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, as the determination completed by the Equus Beds GMD No. 2 indicates quantity is available under the new permit for the proposed acres and consumptive use under File No. 13,078, should not increase meeting K.A.R. 5-5-3, *Change in consumptive use*. The base acres for this file have been determined to be 27 acres.

Source of Supply and Safe Yield

This area of the Arkansas River Basin, Sedgwick County, it is not located in a special use area. The proposed new appropriation was evaluated by Equus Beds GMD No. 2. Their safe yield evaluation was completed for a total 8,042 circular acres with the geographic center of the battery as the center. The full 2-mile area was considered. An allowable appropriation of 4,021.0 AF was determined with a total existing and consumptive appropriations of 2,963.06 AF indicating 1,057.94 AF is available for appropriation.

Their October 8, 2024, letter recommended approval of the new application and change per their regulations, K.A.R. 5-22-1 through 5-22-17. Their review included a comment regarding chloride values in deeper wells in the area. As the proposed is for a battery of wells, they indicated the depth may be less than a singular well.

The change in point of diversion will move the authorized diversion approximately 1,061 feet to the Northeast. A well log of the proposed was not requested as the logs of the area wells under File Nos. 46,438, to the East, File No. 45,715 to the South and File No. 50,356 to the West are all designated as Equus Beds, Code 190. It appears the source of supply will remain the Equus Beds, Code 190. Well logs will be a condition of the permit and approval.

Nearby Water Rights

Review and the applicant identified only one(1) domestic well, and three(3) irrigation wells within approximately one-half (½) mile of the proposed battery of wells. The irrigation wells were indicated by WRIS to be approximately 2,745 to 2,877 feet away, but were indicated by the change map to be closer. Notification was sent on August 27, 2024, to the domestic and irrigation well owners did not result in any comments. The domestic well is located approximately 2,100 feet to the Northeast. The proposed battery meets the well spacing requirements of K.A.R. 5-25-2(a) for the Equus Beds GMD No. 2, area.

Recommendations

Tim Boese, Manager, of the Equus Beds GMD No. 2 recommended the referenced applications be approved per his letter received October 10, 2024.

Jeff Lanterman, Water Commissioner, Stafford Field Office was sent this summary memo for a recommendation on October 15, 2024. No objection to the approval has been received.

Completion

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.

The approval documents will have a completion date of December 31, 2026, and perfection date of December 31, 2030.

Ireland, Leslie [KDA]

From: Ireland, Leslie [KDA]
Sent: Tuesday, October 15, 2024 10:28 AM
To: Lanterman, Jeff [KDA]
Cc: Conant, Cameron [KDA]
Subject: Review & Recommendation, Change in PD PU File No. 13078 & Permit File No. 51199 Elliott
Attachments: 51199 Memo Permit IRR full_ 13078 PD PU Chg 2_2.docx
Follow Up Flag: Follow up
Flag Status: Flagged

Jeff,

Please let me know if you'd recommend this project. There is some salinity in the area, but GMD thinks the battery will help keep the diversion above the chloride level. I've requested logs, but don't know if you want to require a chloride test. It doesn't appear if was done for the other recent approvals in the area. Please let me know.

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
AND
POINT OF DIVERSION
WATER RIGHT, FILE NO. 13,078**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written applications of Robert L. Elliott on behalf of Elliott and Sons Incorporated, 10250 N. 263 Road Street West, Mount Hope, Kansas 67108, received in the office of the Chief Engineer on March 11, 2024, for approval of an application to change the authorized place of use and point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, 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 irrigated 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	
30 - 25S - 2W			40.0	40.0					18.5	1.5			26.0	30.0	1.0	6.0	163.0

a total of 163.0 acres in Section 30, Township 25 South, Range 2 West, Sedgwick County, Kansas, and the authorized point of diversion shall be:

a battery of four(4) wells with a geographical center located near the center of the East Half (E½) of Section 30, more particularly described as being near a point 2,640 feet North and 1,320 feet West of the Southeast corner of said section, in Township 25 South, Range 2 West, Sedgwick County, Kansas, at a diversion rate not in excess of 605 gallons per minute (1.35 c.f.s.) and a quantity not to exceed 35 acre-feet of water per calendar year,

all located substantially as shown on the map accompanying the application to change the place of use and point of diversion.

That this permit is further limited such that the wells which comprise the battery of wells shall be located within a three hundred (300) foot radius circle and in the same local source of supply.

The water right owner shall submit to the Chief Engineer a copy of the well log for the new points of diversion authorized for irrigation use required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, following the drilling of the wells at the authorized location.

All 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.

Installation of the works for diversion of water shall be completed on or before December 31, 2026, 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 13,078, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 3, 1980.

Ordered this 17 day of December, 2024, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

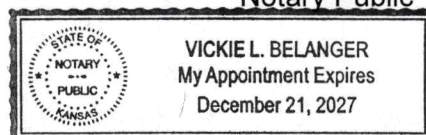
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17 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 26, 2024

ROBERT L ELLIOTT
ELLIOTT & SONS INC
10250 N 263 RD ST W
MOUNT HOPE KS 67108

RE: Water Right
File No. 13,078

Dear Mr. Elliott:

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 flowmeter meeting K.A.R. 5-1-4 through 5-1-12 must be installed on the diversion works authorized. The required notification of completion of the diversion works and installation of the required meter may be submitted with that required by the overlapping permit. Additional information and the Notice of Completion form may be found at our general website of agriculture.ks.gov/dwr.

It is a 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 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 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. 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: 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 26 day of December, 2024, I hereby certify that the attached Approval of Application for Change in Place of Use and Point of Diversion, File No. 13,078, and the Approval of Application and Permit to Proceed, File No. 51,199 dated, December 17, 2024, were mailed postage prepaid, first class, US mail to the following:

ELLIOTT & SONS INC
10250 N 263 RD ST W
MOUNT HOPE KS 67108

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2


Division of Water Resources