

File No. **14196** 11. County: **HG** Basin: **BUCKNER CREEK** Stream: **NA** Formation Code: Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL	5355	SE SW SE		SE SW SE	3	24	23W	3	220	1700	DOM OR PLUG	310	68			NONE
MOD	2411	SW SW SW		SW SW SW	3	24	23W	1	360	5219	GPS UPDATE	486	122	486	122	NONE
MOD	37317	SE SW SW		SE SW SW	3	24	23W	2	87	4487	GPS UPDATE	499	122	499	122	NONE
SE SW SW																

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						
NO CHANGE																															

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:** May 24, 2023
FROM: Leslie Ireland **RE:** Water Right, File No. 14,196

Darrell Schneider completed an application on behalf of the owners Peggy & Jesse Pitts, who are requesting to change the points of diversion authorized for irrigation use in the Buckner Creek Basin, Hodgeman County. The change received on October 5, 2022, is to reassign quantity and rate between existing wells.

The referenced file appears to be in good standing, as per K.S.A. 82a-718 and 82a-732. The application complies with K.A.R. 5-5-2a. Complete application.

The change is to consolidate the three(3) wells to two(2) wells redistributing the 244 acre-feet (AF) and 985 gallons per minute (gpm). There are no overlaps in point of diversion or place of use. The right is not located in a special use area or Groundwater Management District.

Historically, the file authorized four(4) wells with the quantity and rate assigned per well. A change in 1984 redistributed quantity and rate among three(3) Wells. It is now proposed to no longer authorize the far Eastern well described as:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, approximately 220 feet North and 1,700 feet West of the Southeast corner with its quantity of 68 AF at 310 gpm

It is requested to authorize the two(2) existing wells at their actual GPS determined locations of:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, approximately 360 feet North and 5,219 feet West of the Southeast corner at 122 AF at 486 gpm, (WRIS CIN# 1)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, approximately 87 feet North and 4,487 feet West of the Southeast corner at 122 AF and 499 gpm,(WRIS CIN# 2)

all in Township 24 South, Range 23 West, Hodgeman County, Kansas.

The application was updated to show the rate being moved along with the quantity and the approval will detail the rates and quantities as shown above.

The Eastern well no longer being authorized is approximately 2,792 feet to the East. As all of the wells were certified and authorized under the same file, they are considered to be in the same local source of supply. The proposed existing wells are approximately 781 feet apart. The reassigned quantity and rate moving greater than 2,640 feet is considered to be in the same local source of supply as the wells were all developed as one appropriation. The distance between the proposed wells is less than the standard 1,320 feet for any application to other senior non-domestic wells as detailed in K.A.R. 5-4-4, *Well spacing*, but as the wells are under the same priority and serve the same place of use, it appears the spacing between the wells would be considered to be sufficient per part (a) of the regulation.

There is only one(1) domestic well located within one-half ($\frac{1}{2}$) mile of the proposed wells. The required 660 feet of well spacing for domestic wells per K.A.R. 5-4-4 appears to be met.

To comply with K.S.A. 82a-1906, *Notification..*, the owner the domestic well located approximately 1,100 feet from the most Northern well was notified by letter of the proposed change. The notification did result in a comment letter received on March 20, 2023, that expressed concerns about the proposed change. Review of the file by Jeff Lanterman, Water Commissioner, Stafford Field Office on March 24, 2023, found the history of these files to meet spacing to the domestic well and their static water level is consistent over time. Additionally, sufficient water was available during the 2021 drought per actual static water level measurements.

Jeff Lanterman, Water Commissioner, Stafford Field Office was contacted for a comment on the proposed change. He recommended approval of the proposed change per his email dated May 24, 2023.

Conditions of the approval will require the installation of a water flowmeters and check valves if chemigating. The requirement of a WWC-5 is not applicable, as wells are existing. Water level measurement tubes appear to be present but as there are no wells being drilled, they will not be a specific requirement. The owner has indicated the old Eastern well may be operated as domestic use. The transmittal letter will inform them that if plugged it should be in accordance with KDHE requirements. It appears the wells are checked regularly and meters installed a notice of completion will not be required by the approval.

Based on the above discussion, that all wells are authorized under the same priority, thus located within the same local source of supply, it appears the requested change is not unreasonable, impairment of existing rights is unlikely, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, May 24, 2023 11:52 AM
To: Conant, Cameron [KDA]; Arrowood, Taylor [KDA]; Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation for Change in Point of Diversion, File No. 14196 Schnider/Pitts

Leslie. I recommend approval of this change in PD application.

Cameron I am good taking this off the OP list with this change approval.

Thanks

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, May 24, 2023 11:50 AM
To: Arrowood, Taylor [KDA] <Taylor.Arrowood@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Review and Recommendation for Change in Point of Diversion, File No. 14196 Schnider/Pitts

Jeff, this file is on the OP list as one well pumped about 93 AF and the other pumped about 98 AF and the east well was not used in 2022. We were aware of the overage last September 2022 and our solution was to move the rate and quantity from the well they do not use, to the two that are used. This change was filed in September of 2022 to deal with this very problem of the OP in 2022.

As Taylor noted, the most recent change from Leslie was due to us not getting the rate moved along with the quantity when we originally filled out the change. It is good to go now. If approved, the proposed change allows 122 AF on each of the wells that pumped 98 and 93 this year. I think you can recommend approval for this and I'll get it noted as not over pumped and off the list if you are good with that.

Cameron

From: Arrowood, Taylor [KDA] <Taylor.Arrowood@ks.gov>
Sent: Monday, May 22, 2023 9:55 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Review and Recommendation for Change in Point of Diversion, File No. 14196 Schnider/Pitts

Jeff,

Just fyi, the rates on the change app had originally been messed up. This is a PD change to move quantity between existing wells of the same file #. There are 3 wells on the file and only 2 will be active after this point. On the original app we split up the quantity to distribute amongst the wells, but forgot to distribute the rate with it too. So in essence it looked like we were just dropping the rate off the file from the soon-to-be inactive well and reducing the file but we wanted to keep the rate and distribute it like we are the quantity. We told Leslie this and she has modified everything so that there is no reduction in rate, and it should be good to go for approval.

Thanks!

Taylor M. Arrowood

Environmental Scientist
Stafford Field Office

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Sent: Friday, May 19, 2023 11:05 AM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Cc: Arrowood, Taylor [KDA] <Taylor.Arrowood@ks.gov>

Subject: Review and Recommendation for Change in Point of Diversion, File No. 14196 Schnider/Pitts

Jeff,

Attached please find the summary memo for this in PD change between existing wells. One difference since you last looked at it is the reassignment of the rate to match the quantity, thus a modification since we were working on the nearby comment. Thus both wells will have more quantity and rate. I wouldn't imagine they will operate at the higher rate, but does preserve it should they need to go back to as originally authorized. That being said,, if you feel a limitation on the rate is warranted please let me know.

If it looks ok without a rate limitation, please let me know if you'd recommend this change as summarized.

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. 14,196**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Peggy and Jesse Pitts, PO Box 483, Jetmore, Kansas 67854, received in this office on October 5, 2022, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated July 23, 1984, approving the application to change the points of diversion 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 points of diversion shall be:

one(1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, more particularly described as being near a point 360 feet North and 5,219 feet West of the Southeast corner of said section, at a quantity not to exceed 122 acre-feet per calendar year and at a diversion rate not in excess of 486 gallons per minute (1.08 c.f.s.), and

one(1) well located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 3, more particularly described as being near a point 87 feet North and 4,487 feet West of the Southeast corner of said section, at a quantity not to exceed 122 acre-feet per calendar year and at a diversion rate not in excess of 499 gallons per minute (1.11 c.f.s.)

both in Township 24 South, Range 23 West, Hodgeman County, Kansas,

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

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. 14,196, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 4, 1982, as modified and amended by the aforementioned order.

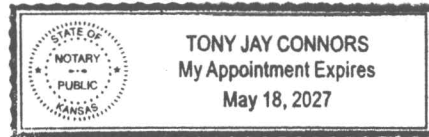
Ordered this 6 day of June, 2023, in Manhattan, Riley County, Kansas.

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 6 day of June, 2023, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors
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

June 8, 2023

DARRELL SCHNEIDER
PO BOX 483
JETMORE KS 67854

RE: Water Right, File No. 14,196

Dear Mr. Schneider:

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 owned by Peggy and Jesse Pitts.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized. It does appear that meters are installed, however if they have been changed or updated, please complete the required form to notify us. The form to report a water flowmeter has been repaired or replacement may be found at <https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should the well no longer authorized not be utilized for domestic use and is abandoned, this 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.

If you have any questions regarding the metering, please contact the 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,

A handwritten signature in blue ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI

pc: Stafford Field Office

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

On this 8 day of June, 2023, I hereby certify that the attached original Approval of Application for Change under, Water Right, File No. 14,196 dated June 6, was mailed postage prepaid, first class, US mail to the following:

DARRELL SCHNEIDER
PO BOX 483
JETMORE KS 67854

With photocopies to:

Stafford Field Office


Staff