



File No. <b>15429</b>	13. County: <b>SD</b> Basin: Stream:		
Structures File No:	Aquifer Code:		Special Use Area:

14. Points of Diversion, Rates & Quantities																
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Oty Auth	Add	Rate Auth	Add	Storage Qty Auth	Add	Storage Rate Auth/Add	Overlaps
<b>MOD</b>	<b>41581</b>	<b>NW</b>	<b>NE</b>	<b>SE</b>	<b>20</b>	<b>10</b>	<b>30W</b>	<b>3</b>	<b>2717</b>	<b>923</b>	<b>MIDDLE WELL</b>	<b>NO</b>	<b>CHG</b>	<b>NO</b>	<b>CHG</b>	<b>+</b>
																<b>+</b>
																<b>#</b>
																<b>^</b>
																<b>**</b>
																<b>++</b>

15. Limitations Type: Quantity: <b>AF</b> Rate: <b>gpm</b> combined with file no(s): <b>DUAL IRR /STK USE 199.08 AF (64.87 MGY)</b>
Type: <b>Other</b> Quantity: Rate: combined with file no(s):

16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date:
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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					
<b>ENT</b>	<b>34101</b>	<b>20</b>	<b>10</b>	<b>30W</b>	<b>1</b>										<b>35.0</b>	<b>11.0</b>						<b>46</b>	<b>5A</b>	<input checked="" type="checkbox"/>	<b>* ++</b>
<b>ENT</b>	<del><b>637700</b></del>	<del><b>20</b></del>	<del><b>10</b></del>	<b>30W</b>	<b>1</b>			<b>2</b>	<b>6</b>													<b>8</b>	<b>5B</b>	<input checked="" type="checkbox"/>	<b>* ++</b>
<b>MOD</b>	<b>29890</b>	<b>20</b>	<b>10</b>	<b>30W</b>	<b>2</b>	<b>29.0</b>	<b>27.0</b>	<b>25.0</b>	<b>14.0</b>								<b>19.0</b>	<b>40.0</b>				<b>154</b>	<del><b>5A &amp; 5B</b></del>	<input checked="" type="checkbox"/>	<b>#</b>
																								<input type="checkbox"/>	<b>^</b>
<b>ENT</b>	<b>71838</b>	<b>18</b>	<b>10</b>	<b>30W</b>		<b>FEEDLOT NE/4</b>																<b>5C</b>	<input type="checkbox"/>	<b>^</b>	
																							<input type="checkbox"/>		

18. Point of Diversion and Place of Use Overlaps * <b>++ 1508 15429 30395</b> <b># 1508 15429 30395</b> <b>^ NONE</b>	<b>**</b> <b>+ NONE</b> <b>##</b> <b>^^</b>  <b>* LI/DWR 7/25/2024 per application</b>
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RE: File Nos. 1508; 15,429 & 30,395

A submitted *Stockwater Use Supplemental Sheet* indicated a five-year projection of 4,500 head herd of cattle with 12 gallons per head per day or approximately 60.5 AF (19.710 mgy) per year for drinking and 0.010 mgy for dust suppression a total of 60.52 AF (19.720 mgy). It appears sufficient water will be available, and the annual quantity complies with K.A.R 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*. As the facility is new and only one file will be authorized for stock use, no additional limitations will be added to File No. 15,429.

As just one point of diversion is being changed and the quantity and rate are assigned, the change appears to comply with K.A.R. 5-5-9, a total change, and no rate test would be needed. The authorized rate of 335 gallons per minute is enough to divert both uses. It may provide sufficient rate for the pipeline to prevent freezing.

File No. 1508 authorizes 340 gpm to divert 62 AF for irrigation use from the well located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) will be updated by the addition of the GPS feet distances of 816 feet North and 2,768 feet West of the Southeast corner of Section 20, in Township 10 South, Range 30 West, Sheridan County, Kansas.

File No. 30,395 authorizes 730 gpm to divert 65 AF for irrigation use from the well located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) approximately 4,463 feet North and 908 feet West of the Southeast corner of Section 20, will be updated to the GPS determined feet distances of 4,462 feet North and 1,013 feet West of the Southeast corner of Section 20, in Township 10 South, Range 30 West, Sheridan County, Kansas.

The update of both points of diversion comply with K.A.R. 5-5-6c, *Authorized point of diversion or place of use*.

The proposed change in irrigated place of use to make an identical overlap complies with K.A.R. 5-5-11 *Applications for change in place of use for irrigation purposes*. The quantity under File No. 1508 while operating under dual use and File Nos. 15,429 & 30,395, will provide a combined total of 326 AF if all diverted for irrigation use on the 208 acres affords an irrigation ratio of 1.56 AF/acre. It appears the proposed change in place of use complies with K.A.R 5-3-19, *Maximum reasonable annual quantity of water for irrigation use*, which affords a maximum of 2.0 acre-foot per acre in this area.

The Northwest Kansas Groundwater Management District No. 4, recommended the applications for approval per the July 22, 2024, letter of Shannon Kenyon, Manager.

Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated that he recommended approval of the applications by email dated July 22, 2024.

A condition of the approval for File No. 15,429 dual use will be the requirement of a flow meter for each use authorized and meters for the irrigation use only wells pursuant to K.S.A. 82a-706c. A check valve will be required if chemigation occurs. The water use correspondent will remain as designated.

Based on the above discussion, that the change is reasonable, consumptive use will not increase, impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application for change be approved.

  
Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

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**From:** Stewart, Kelly  
**Sent:** Monday, July 22, 2024 1:24 PM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Hageman, Nancy [KDA]  
**Subject:** RE: Review and Recommendation for Changes, File Nos. 1508 15429 30395 1 of 2

Leslie,

I recommend approval of these change applications.

In your memo, make these small changes :

The standard consumptive use factor of 87.7 percent for Sheridan County allows 199.08 AF to be changed to another use.

The quantity under File No. 1508 while operating under dual use  
Kelly Stewart, Water Commissioner of the Stockton Field Office

Please make sure the approval is written up in a way that it allows for a path back to the original irrigation quantity should the stockwatering use be eliminated.

I would suggest you ask Leonard for a standard paragraph regarding pipeline crossing.

Kelly

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Monday, July 22, 2024 11:57 AM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Subject:** FW: Review and Recommendation for Changes, File Nos. 1508 15429 30395 1 of 2

Kelly,

Attached is the GMD OK and my summary memo for your review and recommendation.

As always comments and concerns are welcome. I have one concern...

Not sure about pipeline Saline River crossing if the transmittal should have some extra structure wording bottom of page 1.

If so do you have any standard wording to add?? Found river pit stuff,, no pipeline and river crossing..

*Applicable structures permits/approvals must be obtained from the Structures Program of the Division of Water Resources if...*

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



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**From:** [jmccain@gmd4.org](mailto:jmccain@gmd4.org) <[jmccain@gmd4.org](mailto:jmccain@gmd4.org)>  
**Sent:** Monday, July 22, 2024 11:06 AM  
**To:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>; 'Shannon Kenyon' <[skenyon@gmd4.org](mailto:skenyon@gmd4.org)>  
**Cc:** 'Eryn Freeman' <[efreeman@gmd4.org](mailto:efreeman@gmd4.org)>  
**Subject:** RE: Review and Recommendation for Changes, File Nos. 1508 15429 30395 1 of 2

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Leslie,

I have attached Shannon's recommendation for the above referenced files.

Jody McCain  
Administrative Assistant  
NW KS Groundwater  
Management District No 4  
P O Box 905 – 1290 West Fourth  
Colby KS 67701  
785-462-3915  
[jmccain@gmd4.org](mailto:jmccain@gmd4.org)

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**From:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Sent:** Friday, July 19, 2024 5:19 PM  
**To:** Shannon Kenyon ([skenyon@gmd4.org](mailto:skenyon@gmd4.org)) <[skenyon@gmd4.org](mailto:skenyon@gmd4.org)>  
**Cc:** Jody McCain <[jmccain@gmd4.org](mailto:jmccain@gmd4.org)>  
**Subject:** Review and Recommendation for Changes, File Nos. 1508 15429 30395 1 of 2

Shannon,

Circling back to this project. I had to send this as two emails due to the size of attachments. (Map and stock summary)

Attached is the standard letter and application for this dual use project under File No. 15,429 then overlapping the existing irrigated acres under all the files....

Take care,  
Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources





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# 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, USE MADE OF WATER AND ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION WATER RIGHT, FILE NO. 15,429

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of David and Moriah Ottley, 14075 W Road 120 S, Grinnell, Kansas 67738, along with Levi and Shearston Huncovsky, 717 Roach Street, Salina, Kansas 67401, received in the office of the Chief Engineer on April 13, 2023, for approval of a change in the location of the place of use and use made of water, under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated August 7, 1990, in the matter of the authorized place of use, by the Findings and Order of the Chief Engineer dated July 7, 1998, in the matter of the authorized place of use and quantity of water, by the Order of the Chief Engineer dated March 24, 2016, approving the application to change the place of use, by the Order of the Chief Engineer dated February 2, 2018, approving the application to change the point 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 authorized quantity of water under this right will remain 227 acre-feet (90.26 million gallons). This order effectively limits the authorized quantity of water to 199.08 acre-feet (64.84 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the portion retained for irrigation use shall be authorized a maximum quantity not to exceed 199.08 acre-feet (64.84 million gallons) of groundwater per calendar year, for irrigation use on the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
20 - 10S - 30W	29	27	25	14							35	11	19	40			200
29 - 10S - 30W					2	6											8

a total of 208 acres in Sections 20 and 29, in Township 10 South, Range 30 West,  
Sheridan County, Kansas,

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



The portion changed to stockwatering use shall be authorized a quantity not to exceed 199.08 acre-feet (64.84 million gallons) of groundwater per calendar year for use at the location described as being:

a feedlot located in the Northeast Quarter (NE¼) of Section 18, Township 10 South, Range 30 West, Sheridan County, Kansas,

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

That information in the office of the Chief Engineer finds that the point of diversion authorized would more accurately be defined as:

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW¼ NE¼ SE¼) of Section 20, more particularly described as being near a point 2,717 feet North and 923 feet West of the Southeast corner of said section, in Township 10 South, Range 30 West, Sheridan County, Kansas.

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 acceptable water meters for each use made of water 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 meters has been completed. The water right owner shall maintain the water meters 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 meters 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. 15,429, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 4, 1985, as modified and amended by the aforementioned orders.

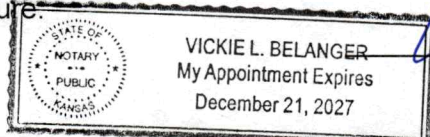
Ordered this 25<sup>th</sup> day of July, 2024, in Manhattan, Riley County, Kansas.

*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 25<sup>th</sup> day of July, 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

August 9, 2024

DAVID & MORIAH OTTLEY  
14075 W RD 120 S  
GRINNELL, KS 67738

RE: Water Right,  
File Nos. 1,508, 15,429 and 30,395

Dear Sir or Madam:

Enclosed are the approvals of the applications for change executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture for the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change and the approval under File No. 15,429, authorizing the operation under dual use. A condition of this approval is the requirement that the well authorized for dual use, shall have **acceptable water flow meters installed so both irrigation and stockwatering uses can be metered independent of each other.** Additionally, water flowmeters meeting the specifications of the Chief Engineer must be installed on the diversion works authorized. Please return the required, *Notification of Completion of the Diversion Works and Report of Flowmeter Installation* of the required metering for the new stockwater use, as soon as this action is complete. A listing of water flowmeters and the required completion form may be found at [www.agriculture.ks.gov](http://www.agriculture.ks.gov). The completion form requires no fee and may be submitted electronically. As requested, the water use correspondent will remain as David & Moriah Otley for the referenced files.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions please contact our staff at your local area office in Stockton, Kansas at 785-425-6787. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

KAB:kak:li

Enclosures

pc: Stockton Field Office  
Levi & Shearston Huncovsky



## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by an 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.

## CERTIFICATE OF SERVICE

On this *9th* day of *August* 2024, I hereby certify that the attached Approval of Applications for Change under Water Right, File Nos. 1,508, 15,429 and 30,395 dated *July 25*, 2024, were mailed postage prepaid, first class, US mail to the following:

DAVID & MORIAH OTTLEY  
14075 W RD 120 S  
GRINNELL KS 67738

With a True and Correct copy sent to:

LEVI & SHEARSTON HUNCOVSKY  
717 ROACH ST  
SALINA KS 67401

With photocopies sent to:

KDA-DWR Stockton Field Office

Groundwater Management District No. 3



Division of Water Resources