

Kansas Department of Agriculture
Division of Water Resources
 APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 16045	2. Status Change Date: 12/3/2024	4. Field Office: 02 - Stafford GMD: 05 - Big Bend Structures File No.: Filing/Priority Date: 03/27/2024 Application Complete Date:
3. Package File No(s): 16045		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> NAME Change Person ID Add Seq# KLM LLC KENT L MOORE, MANAGER 100232 NW 40TH AVE IUKA, KS 67066-9524	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 63470 Add Seq# 1 KLM LLC Attn: BOB MOORE 100232 NW 40TH AVE IUKA, KS 67066-9524	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 27791 Add Seq# 1 KENT L & SUZANNE M MOORE 100498 NW 50TH AVE IUKA, KS 67066	
6. Change No.: C1 <input checked="" type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: Not changing MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2025 Perfection/Expiration Date:	7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW:	
8. Action Trail <p style="text-align: center;">GX C1- CHANGE APP POINT OF DIVERSION APPROVED - Compliance: 12/31/2025 OWNERSHIP UPDATE WITH CHANGE</p>		
9. Special Conditions		
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:		
Comments New well	Processed LI 11/27/2024 Reviewed KAK 12/02/2024	Entered 12/6/2024 KAnderson

File No. **16045** 13. County: **PR** Basin: **N F NINNESCAH RIVER** Stream: **NA**
 Structures File No: Aquifer Code: **180 UNDIFFERENTIATED KANSAN / NEBRASKAN** Special Use Area:

14. Points of Diversion, Rates & Quantities										Qty AF		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	14395 SE NW SW	12	26	14W	3	1580	4200			221	221	935	935				+
ENT	91420 SE NW SW	12	26	14W		1543	4128			221	221	935	935				+
																	#
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																	**
																	++

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: 12/31/2025

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	26074	12	26	14W	1									10	35	40	40					155	5b	<input checked="" type="checkbox"/>	+
MOD	35244	12	26	14W	3														1.50	1.50		3.0	5b	<input checked="" type="checkbox"/>	+
																								<input type="checkbox"/>	#
																								<input type="checkbox"/>	^
																								<input type="checkbox"/>	**
																								<input type="checkbox"/>	**

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

Division of Water Resources, Water Appropriation Program

Date: November 27, 2024

From: Leslie Ireland, Environmental Scientist

Re: Change in Point of Diversion, File No. 16,045 – KSM LLC, Moore

Summary

Kent L. Moore, Manager KSM LLC, filed the above referenced application to redrill their well authorized to divert 221 acre-feet (AF) of groundwater at a rate of 935 gallons per minute (gpm) from a new point of diversion described as one (1) well in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE¼ NW¼ SW¼) of Section 12, more particularly described as being near a point 1,543 feet North and 4,128 feet West of the Southeast corner of said section, in Township 26 South, Range 14 West, Pratt County. The place of use will remain the 158 acres in the Southwest Quarter and 3 acres in the Southeast Quarter of Section 12. There is no overlap in point of diversion or place of use. Located approximately 15 miles Northwest of Pratt in the N F Ninnescah River Basin, it is not located in a special use area but is located in the Big Bend Groundwater Management District No. 5 boundaries. The signature and ORKA database records indicate an update our ownership records is needed.

Reasonable Rate and Quantity

These will not be modified.

Source of Supply

The currently authorized well located approximately 44 feet to the West, described as one(1) well in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE¼ NW¼ SW¼) of Section 12, more particularly described as being near a point 1,580 feet North and 4,200 feet West of the Southeast corner of said section, in Township 26 South, Range 14 West, Pratt County will be plugged. The source of supply has been determined to be the Undifferentiated Kansan / Nebraskan Formation (Code 180). A 1992 well log indicated a well dept of 150 feet and a Static Water Level (SWL) of 45 feet. Historical data lists the well as approximately 136 feet deep and SWL ranges from 15 to 29 feet (1991- 2016). The KGS database had a well log of the propose well listing a depth of 172 feet and a SWL of 35 feet. Further review found the proposed change will move the well towards the originally authorized point of diversion. It appears the source of supply will remain the Undifferentiated Kansan / Nebraskan Formation (Code 180). The chloride level on a reviewed log indicated 90 milligrams per liter.

Spacing and Nearby Water Rights

Review of WRIS and KGS records identified two (2) domestic wells, closest owned by the applicant, and three (3) irrigation wells, all owned by the applicant, located with one-half (½) mile of the proposed well. The change moves the diversion of water away from these wells that are all approximately 2,300 feet to the Northwest and West of the proposed well. K.A.R. 5-25-2a, *Change in point of diversion*, is met as the replacement well is less than 2,640 feet from the authorized and well spacing per K.A.R. 5-25-2, *Well spacing* has been met. As the proposed change will relocate the well less than 300 feet no notification per K.S.A. 92a-1906 is required and none was completed.

Recommendations

In a letter dated October 29, 2024, Orrin Ferril, Manager, Big Bend Groundwater Management District No. 5, recommended approval and instillation of a flow meter per K.A.R. 5-25-5, *Water flowmeter requirements*.

Jeff Lanterman, Water Commissioner, Stafford Field Office, was not contacted for a recommended due to the simplicity of the requested change.

Completion

The well will be required to be metered and have a water level measurement tube. It will have a completion date of December 31, 2025.

It appears the application complies with all regulations and based upon the above discussion, approval will not impair nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.

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. 16,045**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kent L. Moore, on behalf of KLM LLC, 100232 Northwest 40th Avenue, luka, Kansas 67066-9524, received in this office on March 27, 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, as modified and amended by the Order of the Chief Engineer dated November 20, 1992, approving the application to change the point of diversion and place of 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 Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, more particularly described as being near a point 1,543 feet North and 4,128 feet West of the Southeast corner of said section, in Township 26 South, Range 14 West, Pratt County, Kansas,

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

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.

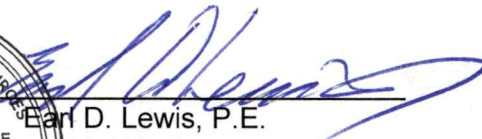
All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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. 16,045, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 6, 1983, as modified and amended by the aforementioned order.

Ordered this 3rd day of December, 2024, in Manhattan, Riley County, Kansas.




Earl D. Lewis, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

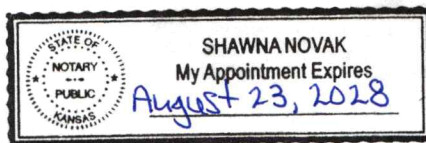


State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 3rd day of December, 2024, by Earl D. Lewis, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



 Notary Public



SHAWNA NOVAK
 My Appointment Expires
August 23, 2028

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 10, 2024

KENT L MOORE
KLM LLC
100232 NW 40TH AVE
IUKA KS 67066-9524

RE: Water Right
File No. 16,045

Dear Mr. Moore:

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 number.

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. 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 general website of agriculture.ks.gov/dwr. There is no fee required for the notification.

Any abandoned wells 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 the 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, or your local Stafford Field Office at 620-234-5311. 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: Stafford Field Office
Big Bend GMD No. 5

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 10 day of December, 2024, I hereby certify that the attached Approval of Application for Change, Water Right, Application for Change, Water Right, File No. 16,045, dated December 3, 2024, was mailed postage prepaid, first class, US mail to the following:

KLM LLC
100232 NW 40TH AVE
IUKA KS 67066-9524

With a Photocopy to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5


Staff