

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD PU UMW WORKSHEET - ADDITIONAL WELL

1. File Number: 35196	2. Status Change Date: 12/11/2023	3. Change Num: C4	4. Field Office: 02	5. GMD: 05
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 3/7/2023
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/>
PEACE CREEK RANCH LLC Attn: FRANK DELOACH III 2901 FREDERICA RD SAINT SIMONS ISLAND, GA 31522				
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 65862 Add Seq# 1		8d. WUC New to system <input type="checkbox"/>
PEACE CREEK RANCH LLC Attn: FRANK DELOACH III 2901 FREDERICA RD SAINT SIMONS ISLAND, GA 31522				8b
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/24 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/24				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: IRR To: IRR & REC				
Date Prepared: 12/5/2023 By: li Date Reviewed: 12/11/2023 By: KAK Date Entered: 12/12/2023 By: KAnderson				

File No. **35196** 11. County: **BT** Basin: **ARKANSAS RIVER** Stream: Formation Code: **180** Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files/ USE
ENT											Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy		
MOD	89384			SW SE SW	26	20	13W	8	47	3571		750	181 AF	750	181 AF	NONE IRR USE
ENT	90699			SE NW SW	26	20	13W	9	1407	4038	ADDITIONAL WELL	30	5.58 MGY	30	5.58 MGY	NONE REC USE

SPECIAL CONDITION: ADDITIONAL WELL (REVIEW AFTER 5-10 YEARS)

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							
MOD	2156				26	20	13W	2						37.2	26.8	40	40									144	8b	NO	NONE			
ENT	71622				26	20	13W	7	NE¼ SW¼ 2.8 ACRE PONDS																					8b	NO	NONE

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: December 7, 2023

FROM: Leslie Ireland

RE: Water Right, File No. 35,196

Frank DeLoach III, Peace Creek Ranch LLC, has file an application on March 7, 2023, requesting approval to change the use made of water to authorize irrigation and recreational use, the place of use and add an additional well for the recreational use in the Arkansas River Basin, Barton County and Big Bend Groundwater Management District No. 5.

This file appears to be in good standing KSA 82a-732. The notice to nearby well owners per KSA 82a-1906, was completed on November 3, 2023. No comments were received.

The referenced file is authorized irrigation use for 201 acre-feet (AF) to be diverted at a maximum rate of 805 gallons per minute (GPM) for the irrigation of 160 acres. It has been determined the file developed 134 base acres as defined by K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*.

The application will be processed for the additional well per K.A.R. 5-5-16, *Additional wells* and the use made of water by K.A.R. 5-5-10, *Partial changes in the use made of water from irrigation to any other type of beneficial use of water*.

K.A.R. 5-5-16

The currently authorized irrigation well is located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW¹/₄ SE¹/₄ SW¹/₄) of Section 26, approximately 47 feet North and 3,571 feet West of the Southeast corner of said section, was rate tested. The test completed by M. Meier, Division of Water Resources on November 8, 2023, determined 780 gallons per minute would be available to be split and assigned to the wells. On November 22, 2023, the owner acknowledged the required reduction and requested 750 gpm be retained on the irrigation well. This affords 30 gpm to be assigned to the recreational use well that is proposed to be located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE¹/₄ NW¹/₄ SW¹/₄) of Section 26, approximately 1,407 feet North and 4,038 feet West of the Southeast corner of said section. Both wells are located in Section 26, Township 20 South, Range 13 West, Barton County, Kansas, (26-20-13W). The additional well for recreational use will have the priority date of March 7, 2023, for any regional impairment and will be subject to review at 5 to 10 year intervals.

The well logs were obtained from KGS records. The currently authorized irrigation well is approximately 139 feet deep and had a static water level of 24 feet in 1981. The source of supply of this well has been determined to be undifferentiated Kansan / Nebraskan (Code 180). The proposed additional well approximately 1438 feet to the North appears to have been completed in 2022 to a depth of 145 feet with a static water level of 120 feet. Though slightly deeper it would appear the additional well is not significantly larger. The lithology of both logs appears to be similar, and the source of supply will not change.

A consumptive use of determination for the additional well yielded a required reduction if only doing the additional well.

$$134 \text{ maximum acres irrigated} \times 1.20' \text{ NIR at } 80\% \text{ Barton Co.} = 160.8 \div 0.85 = 189.18$$

K.A.R. 5-5-10

The partial change in use made of water is requested by the owner to change a total of 17.12 AF for recreational use to fill a pond depression approximately 2 feet deep with 2.8 surface acres located in the Northeast Quarter of the Southwest Quarter (NE¼ SW¼) of 26-20-13W. K.A.R. 5-5-10 allows:

85.6 % Consumptive Use Barton Co x 201 AF = 172.056 AF if all changed

17.12 AF ÷ 172.056 = 0.0995025

1 - 0.0995025 = 0.9004975

201 AF x 0.9004975 = 181 AF retained for irrigation use.

The proposed 2.8 acres of surface water evaporation per K.A.R. 5-6-3, *Potential net evaporation* at 32 inches (2.37 AF) for this area of the state a total of 7.47 AF would evaporative in a year. The application states the pond is approximately 2 feet deep or 5.6 AF to fill. Together approximately 13.07 AF is needed to fill and maintain the pond. No seepage was requested however it could occur in this area and the additional 4.05 AF does not appear to be unreasonable.

The 181 AF that may be retained for irrigation use will require the authorized 160 irrigated acres to be reduced. The proposal will remove the farmstead owned by the water right owner and the area of the pond reducing the irrigated acres to 144 acres located in the Southwest Quarter of 26-20-13W.

In summary the irrigation use will afford the diversion of 181 AF at a maximum rate of 750 gallons per minute from an existing well (South well) for the irrigation of 144 acres and the recreational use will be authorized from the additional well (North well) to divert 17.12 AF at a maximum of 30 gallons per minute to fill and maintain a pond of approximately 2.8 surface acres.

As the total rate, quantity and acreage will be reduced there should not be any increase consumptive use, thus comply with K.A.R 5-5-3, *Change in consumptive use*.

Orrin Feril, Manager of Big Bend Groundwater Management District No. 5, in a letter dated November 29, 2023, indicated that the District recommended approval of the application per K.A.R. 5- 25-20(b), *Recommendations by the Board*. He was concerned the pond may be larger at times as indicated in past years. The District requirement of the installation of flow meters and check valves as required by K.A.R. 5-25-5, *Water flowmeter requirements* should assure the authorized quantities are not exceeded and the groundwater is protected.

Jeff Lanterman, Water Commissioner, Stafford Field Office recommended approval of the referenced application in his e-mail dated December 6, 2023.

A water flowmeter will be required and check valve if any chemical modification is made to the diverted water. The recreational well will not require a tube. It does appear a well log in the area of the proposed well was obtained from the KGS web site. A notice of completion for the new recreational well with a December 31, 2024, deadline will be required, but meters appear to be installed and the wells operational.

Based on the above discussion, that the change is reasonable, impairment to nearby water rights is unlikely, and will not adversely affect the public interest, it is recommended that the application for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, December 6, 2023 4:07 PM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: RE: Review & Recommendation of Change PD PU UMW for File No. 35196 DeLoach

Leslie,

I am have been involved with this change application and worked with Frank in the initial discussions on it.

I agree with your memorandum and the calculations for additional well and recommend approval.

Now lets go hunt some ducks!

Jeff

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, December 6, 2023 10:50 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review & Recommendation of Change PD PU UMW for File No. 35196 DeLoach

Jeff,

Attached is the summary memo for this recreational use change with an additional well.

Please let me know if you would recommend approval.

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 POINT OF DIVERSION AND USE MADE OF WATER AND ORDER REDUCING THE AUTHORIZED QUANTITY AND DIVERSION RATE WATER RIGHT FILE NO. 35,196

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Frank DeLoach III on behalf of Peace Creek Ranch LLC, 2901 Frederica Road, Saint Simons Island, Georgia 31522, received in this office on March 7, 2023, for approval of a change in the authorized place of use, point of diversion and use made of water under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated June 6, 2012; November 8, 2016 and March 24, 2022, approving the applications to change the point of diversion, 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.

This order effectively reduces the authorized quantity to 198.12 acre-feet (64.56 million gallons) of water per calendar year and the authorized diversion rate to 780 gallons per minute (1.74 c.f.s.) in accordance with the Application for Approval to Change the Place of Use, Point of Diversion and Use Made of Water received in this office on March 7, 2023.

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (March 7, 2023) to add the additional well.

The effective date of the changes 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 181 acre-feet (58.98 million gallons) per calendar year, at a diversion rate not in excess of 750 gallons per minute (1.67 c.f.s.) from the following point of diversion:

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 26, more particularly described as being near a point 47 feet North and 3,571 feet West of the Southeast corner of said section, in Township 20 South, Range 13 West, Barton County, Kansas, and

the authorized place of use for irrigation use shall be:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
26	20S	13W									37.2	26.8	40.0	40.0					144.0

a total of 144 acres in Township 20 South, Range 13 West, Barton County, Kansas,

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

The portion changed to recreational use shall be authorized a maximum quantity not to exceed 5.58 million gallons (17.12 acre-feet) of groundwater per calendar year at a diversion rate not in excess of 30 gallons per minute (0.07 c.f.s.) from the following point of diversion further identified as the additional well:

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 $\frac{1}{4}$) Section 26, more particularly described as being near a point 1,407 feet North and 4,038 feet West of the Southeast corner of said section, in Township 20 South, Range 13 West, Barton County, Kansas, and

the authorized place of use for recreational use shall be:

ponds with an aerial extent of approximately 2.8 acres located in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, in Township 20 South, Range 13 West, Barton County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2024, 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.

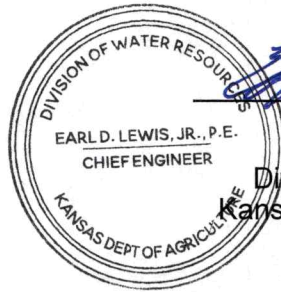
The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify 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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains, authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 35,196, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated December 16, 1985, as modified and amended by the aforementioned orders.

Ordered this 11th day of December, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

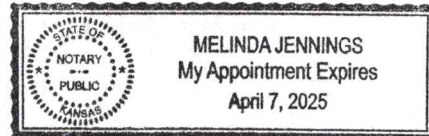
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 11th day of December 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

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 14, 2023

FRANK DELOACH III
PEACE CREEK RANCH LLC
2901 FREDERICA RD
SAINT SIMONS ISLAND GA 31522

RE: Water Right
File No. 35,196

Dear Mr. DeLoach:

Enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. All diversions of water require a water flowmeter meeting 5-1-4 through 5-1-12 be installed on the diversion works. Please return the required notification of completion of the diversion works and installation of the required meter on the additional well as soon as these actions are completed.

Please note that the approval for change in point of diversion is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (March 7, 2023) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

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

PEACE CREEK RANCH LLC

File No. 35,196

Page 2 of 2

If you have any questions, regarding the enclosed approval document please contact us at 785-564-6640. Should you have questions regarding the meter requirement or additional requirements please contact our staff at 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,



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

KAB:kak:li

Enclosures

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 14 day of December, 2023, I hereby certify that the foregoing Approval of Applications for Change under File No. 35,196, dated December 11, 2023, was mailed postage prepaid, first class, US mail to the following:

PEACE CREEK RANCH LLC
Attn: FRANK DELOACH III
2901 FREDERICA RD
SAINT SIMONS ISLAND GA 31522

With photocopies to:

Stafford Field Office

Big Bend GMD No. 5



Division of Water Resources