



File No. **46665** 13. County: **SG** Basin: **NINNESCAH RIVER** Stream:  
 Structures File No: Aquifer Code: **NO CHANGE** Special Use Area: **NA**

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Oty Auth	Rate Auth	Storage Qty Auth	Storage Rate Auth/Add	Overlaps
<b>NO CHANGE</b>													

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s):  
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering  Metering Required  Anti-Reverse Required  Seal Required Compliance Date: 12/31/2024

17. Place of Use

PDIV	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<b>MOD</b>	<b>52265</b>	<b>30</b>	<b>29</b>	<b>1W</b>	<b>2</b>	40.0	40.0	40.0	40.0											160	<b>5b</b>	<input type="checkbox"/>	*	
																						<input type="checkbox"/>	**	
																						<input type="checkbox"/>	***	
																						<input type="checkbox"/>		
																						<input type="checkbox"/>	^	
																						<input type="checkbox"/>	^^	

18. Point of Diversion and Place of Use Overlaps

+	*	<b>46665 51921</b>
++	**	
#	***	
^	^^	

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** File

**DATE:** July 8, 2024

**FROM:** Leslie Ireland

**RE:** Water Right, File No. 46,665

Justin J. Noland on behalf of McQuillan Farms Inc., owners of the place of use authorized by the referenced file, submitted an application for approval to change the place of use on December 1, 2022. The right authorizes groundwater from a battery of 3 wells for irrigation use in Sedgwick County, Ninnescah River Basin. The application has been filed with a new permit, File No. 50,921, requesting the diversion of water to expand the place of use. The new permit has been processed by Kris Neuhauser, Environmental Scientist.

The referenced right appears not be abandoned as per K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. Notification per K.S.A. 82a-1906 was completed under the new application. No notices were sent for the referenced change application since the application creates an exact overlap in place of use with a new application. The notices did result in several replies opposing the new appropriation. It would appear these April received comments and concerns have been addressed and the proposals can move forward. The change application appears to comply with K.A.R. 5-5-2a, *Complete application*.

Water right, File No. 46,665, was certified on February 18, 2016, as a battery of three (3) wells at 620 gallons per minute (gpm) to divert 125 acre-feet (AF) providing 1.04 AF per acre to the 120 acre place of use located in the Northeast Quarter (NE¼) of Section 30, Township 29 South, Range 1 West, Sedgwick County. The maximum acres or "base acres" were listed as 120 acres.

The change to the place of use is to add the corners of the authorized section. It appears the ownership will remain the same with the addition of 40 acres. This will result in a total of 160 acres as a complete overlap under File Nos. 46,665 & 50,921. This area of the state is afforded 1.3 acre-foot per acre (AF/A) per K.A.R 5-3-24, *Reasonable quantity for irrigation use*, resulting in 208 AF that could be permitted for the proposed acres. The new permit will provide a limited 208 AF of water. The quantity will be limited to 208 AF when combined with File No. 46,665, resulting in 83 AF to be developed by the new appropriation. The increased limited 208 AF provides 1.3 AF/A complying with K.A.R 5-3-24 *Reasonable quantity for irrigation use*.

The proposed change application complies with Part 6 of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes* as the review of the new appropriation should not result in an increase in the historic net consumptive use as the new permit will provide an additional 83 acre-feet to be authorized. The new application also assures compliance with K.A.R. 5-5-3, *Change in consumptive use* and the historical consumptive use of the referenced files will not increase.

The source of supply has been determined and will remain as the Quaternary System (Code 100) as the wells will remain as authorized. This file does have an observation well that will remain a required condition.

In an e-mail dated July 8, 2024, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated he is not opposed to approval of the application with the new permit.

A water flowmeter is required by the approval pursuant to K.A.R. 5-5-11. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights has been determined to be unlikely, there will be no change in the local source of supply,, and Application, File No. 50,921 approved, 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:** Monday, July 8, 2024 10:12 AM  
**To:** Barclay, Colin [KDA]; Ireland, Leslie  
**Cc:** Conant, Cameron [KDA]  
**Subject:** FW: 50,921 review and recommendation & 46665 P/U recommendation  
**Attachments:** 50921 Memo.docx; 50921 SafeYieldReport.docx; 46665 MEMO PU\_irr\_with\_new app meter req\_2\_0.docx; 50921 map.pdf

Colin and Leslie;

I looked this over and I think the new app can be approved with the associated change application on 46665. We have a well we measure in the area and some possible observation wells we can fall back on if we get further complaints.

Lets go ahead and approve these.

Thanks  
Jeff

---

**From:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Sent:** Monday, July 8, 2024 8:35 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Subject:** FW: 50,921 review and recommendation & 46665 P/U recommendation

Jeff, this is a new application stacked on top of an existing file for additional water and acreage. The senior file No. 46665 was certified for 125 AF on 120 acres (filed in 2006 certified in 2016). The new app is requesting the entire 160 acres and a full quantity of 208 AF which is reasonable for Sedgwick County.

There is a development just east of this location with domestic wells, they aren't hooked to city water or RWD water. There were 5 letters of concern that came in, Colin summed it up in his memo so take a look at the nearby water rights section. In that section he also noted the nearby hydrograph that we have been measuring since 2010 which has been pretty stable (we are measuring a battery well of 45828 which is just south of the housing development). A quick look at the domestic logs in the western part of the housing development shows a total depth of 45, 62, 75, 61, 63. One of the guys that sent in a complaint letter, Suttles, isn't even in the half mile circle and his well is 75' deep. I understand the nearby folks concerns but the irrigation wells are drilled to about 58', have SWL of ~6' according to the logs which matches the hydrograph at 8.3' in December of 2023. Spacing is met by a wide margin and there is plenty of SY available, and the nearby hydrograph looks solid, based on everything I see, this irrigation expansion is something we can approve.

I think this new application can be recommended for approval and I think the P/U change on the senior file to make a complete overlap can be recommended for approval also. Please pass on to Colin and Leslie if you agree.

*Cameron*

---

**From:** Barclay, Colin [KDA] <Colin.Barcly@ks.gov>  
**Sent:** Monday, June 3, 2024 10:06 AM

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

**Subject:** 50,921 review and recommendation

Jeff and Cameron,

I have attached the draft memo and safe yield report for application 50,921. This application will be stacked on top of and limited to 46,665 which is an existing battery of three wells. A change application for 46,665 has been filed and will be completed as a package with 50,921.

This application received a lot of feedback from the public. I sent out nearby letters on March 26<sup>th</sup> and we received 5 written concerns for this application. They all come from a nearby neighborhood located about a quarter mile to the North of this application. All of the written comments expressed concern for their domestic wells, however they did not provide any evidence of past impairment.

This application is the other Justin Noland app and is near 50,919 which was recommended for approval a couple of weeks ago. There is a USGS WIZARD monitoring well [linked here](#) which is about 1,500 feet to the Southeast of the existing battery of wells. Senior file 46,665 has been in continuous use since 2007.

Please let me know if you have any questions.

Thank you!

Colin Barclay

Environmental Scientist

Division of Water Resources

Kansas Department of Agriculture

Phone: (785) 564-6628

[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)

# 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 WATER RIGHT FILE NO. 46,665

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Justin J. Noland on behalf of McQuillan Farms Incorporated, 12624 W 95th Street South, Clearwater, Kansas 67026, received in this office on December 1, 2022, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial 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 place of use shall be:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
30	29S	1W	40.0	40.0	40.0	40.0													160

a total of 160 acres in Section 30, Township 29 South, Range 1 West,  
Sedgwick County, Kansas,

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

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.







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 2, 2024

JUSTIN NOLAND  
12728 W 95TH ST S  
CLEARWATER KS 67026-9018

RE: Appropriation of Water  
File No. 50,921

Water Right  
File No. 46,665

Dear Mr. Noland:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit, with specific reference to Paragraph Nos. 5 and 18.

Also enclosed is an order executed by the Chief Engineer approving the application for change under the referenced water right. Since the change 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.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the enclosed approval documents.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

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](http://www.kswaterusereport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

JUSTIN NOLAND  
File No. 46,665 and 50,921  
Page 2 of 2

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/dwr). 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 Applications and Changes Supervisor  
Division of Water Resources

KAB:kak:ccb  
Enclosure(s)  
pc: Stafford Field Office  
McQuillan Farms, Inc.



## 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 2 day of August, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,921, and Approval of Application for Change in Place of Use under Water Right, File No. 46,665, dated July 25, 2024, were mailed postage prepaid, first class, US mail to the following:

JUSTIN NOLAND  
12728 W 95TH ST S  
CLEARWATER KS 67026-9018

With photocopies to:

KDA-DWR Stafford Field Office

MCQUILLAN FARMS INC  
12624 W 95 ST S  
CLEARWATER KS 67026-9017

  
Division of Water Resources