



File No. **50,924**      13. County: **KM-Kingman** Basin: **54-South Fork Ninescah River** Stream:  
 Structures File No:      Aquifer Code: **150 - Nebraskan stage**      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
<b>MOD</b>	<b>78382</b>	<b>NW SE SE</b>	<b>34</b>	<b>28S</b>	<b>8W</b>	<b>5</b>	<b>734</b>	<b>1,282</b>	<b>GEO CENTER</b>	<b>224</b>	<b>224</b>	<b>800</b>	<b>800</b>				<b>+</b>
<b>ENT</b>	<b>90935</b>	<b>NW SE SE</b>	<b>34</b>	<b>28S</b>	<b>8W</b>		<b>850</b>	<b>976</b>	<b>Bat 1 of 4</b>								<b>+</b>
<b>ENT</b>	<b>90936</b>	<b>SW SE SE</b>	<b>34</b>	<b>28S</b>	<b>8W</b>		<b>423</b>	<b>1,161</b>	<b>Bat 1 of 4</b>								<b>#</b>
<b>ENT</b>	<b>90937</b>	<b>NE SW SE</b>	<b>34</b>	<b>28S</b>	<b>8W</b>		<b>1,045</b>	<b>1,418</b>	<b>Bat 1 of 4</b>								<b>^</b>
<b>ENT</b>	<b>90938</b>	<b>NE SW SE</b>	<b>34</b>	<b>28S</b>	<b>8W</b>		<b>726</b>	<b>1,589</b>	<b>Bat 1 of 4</b>								<b>**</b>
<b>BATT ID 2397</b>																	<b>++</b>

15. Limitations    Type:            Quantity:            Rate:            combined with file no(s):  
                           Type:            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									
<b>CHK</b>	<b>61859</b>	<b>34</b>	<b>28S</b>	<b>8W</b>	<b>4</b>												<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>160</b>	<b>5a</b>	<input type="checkbox"/>	<b>+</b>					
																							<input type="checkbox"/>	<b>+</b>					
																							<input type="checkbox"/>	<b>#</b>					
																							<input type="checkbox"/>	<b>^</b>					
																							<input type="checkbox"/>	<b>**</b>					
																							<input type="checkbox"/>	<b>++</b>					

18. Point of Diversion and Place of Use Overlaps

<p>* + # ^</p>	<p>** ++ ## ^^</p>
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# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: April 17, 2024

From: Christa Anhold, Environmental Scientist

Re: New Application File No. 50,924 – Gary J. and Tracy A. Rohlman

## Summary

Gary J. and Tracy A. Rohlman have filed the above referenced application proposing to appropriate 224 acre-feet of groundwater per year from a battery of four (4) wells, at a diversion rate of 800 gallons per minute to irrigate 160-acres in Kingman County. The applicant owns the proposed point of diversion and place of use. There are no water rights that overlap the place of use or point of diversion.

## Reasonable Rate and Quantity

The requested 224 acre-feet of groundwater applied to 160-acres is equivalent to 1.4 acre-feet per acre, which is the maximum reasonable quantity for Kingman County. The requested rate of 800 gallons per minute is reasonable for a battery of wells per K.A.R. 5-1-1(n).

## Source of Supply and Safe Yield

The point of diversion falls in designated unit area SNI 29. Available water for appropriation in SNI 29 totals 7,203 acre-feet, which is sufficient for the requested 224 acre-feet applied for. A safe yield report indicates the source of supply covers 8,042 acres. Based on potential recharge of 1.9 inches, with 75% available for appropriating safe yield was determined to be 955.04 acre-feet. Existing appropriations total 294 acre-feet, leaving 661 acre-feet available to irrigate the 160-acres with 224 acre-feet of water requested by the applicant.

The applicants test well logs show alternating layers of sand and clay from surface to roughly 70 feet, followed by cemented sand and red shale at total depth. The five well logs provided indicated static water level on average at 55 feet below ground surface. Using neighboring well logs from WWC5 and "Geology and Ground-water Resources of Kingman County, Kansas" Bulletin 144, the water source is likely Nebraskan stage, either Fullerton or Holdrege formation.

## Nearby Water Rights

According to the WWC5 database, the nearest non-domestic well is 3,000 ft away and the nearest non-domestic well is just under one mile away. The applicant did not identify any nearby domestic or non-domestic wells within one-half mile, and none were identified during application review. The proposed point of diversion meets minimum well spacing, per the requirements in K.A.R. 5-4-4.

## Recommendations

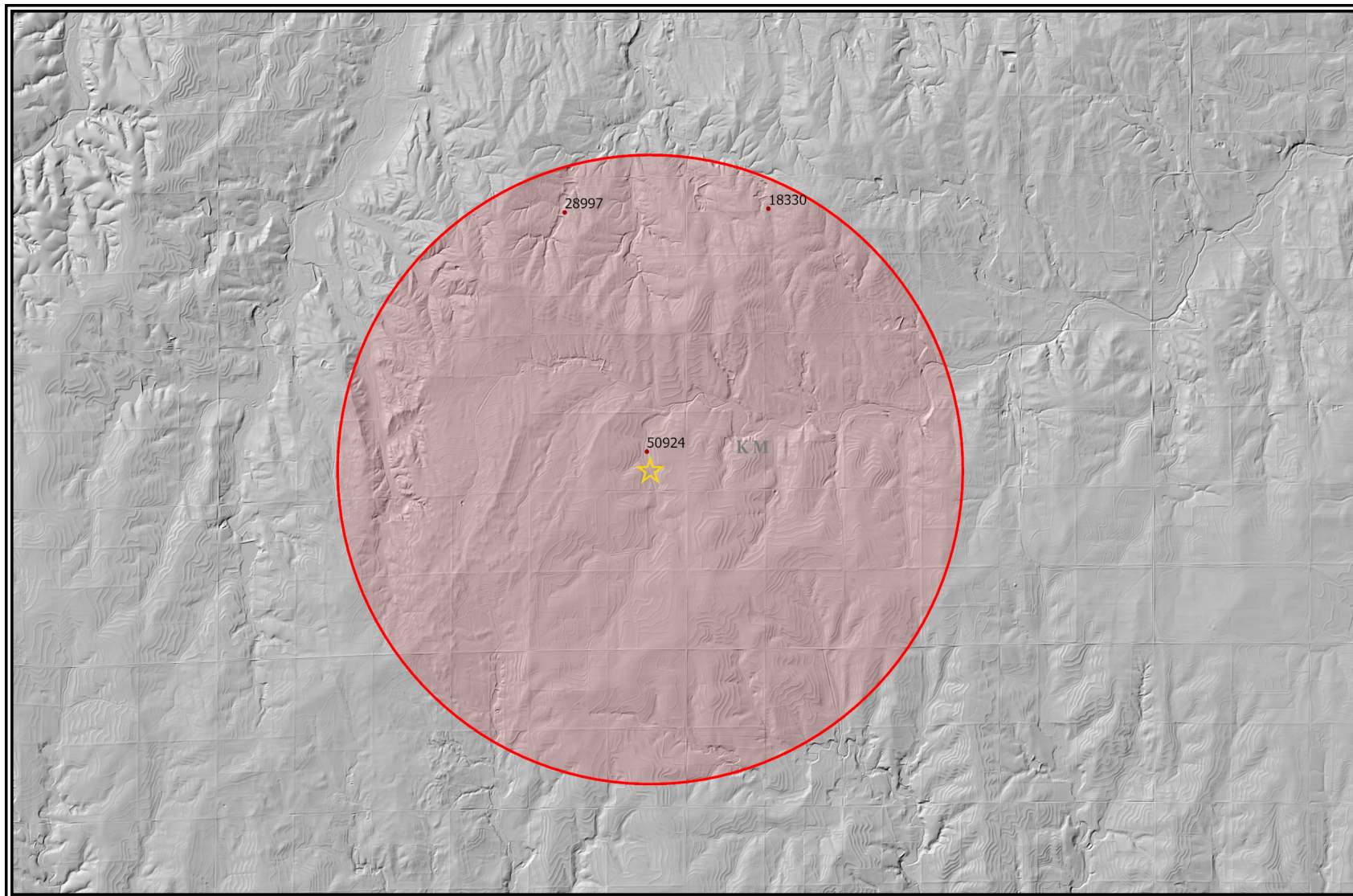
The application was sent for consideration to Cameron Conant, Assistant Water Commissioner, and Jeff Lanterman, Water Commissioner, of the Stafford Field Office on April 17, 2024, and recommended for approval in an e-mail from Jeff Lanterman dated May 13, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum spacing requirements. The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office. It does not appear that approval of the application will impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Christa Anhold  
Environmental Scientist  
Manhattan Headquarters

**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 00-00S-00**  
**Footages from SE corner- 714 feet North 1,204 feet West**



## Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 955.04 AF.

Total prior appropriations in the circle is ~~518.00 AF~~. ~~-224AF~~ = 294AF

Total quantity of water available for appropriation is ~~437.04 AF~~. ~~+224AF~~ = 661AF

## Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 1.9 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 01-MAR-2024 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 3 water rights and 3 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 18330 00	IRR	NK	G		SW	NW	NE	4184	2493	26	28	08W	5	WR	207.00	207.00	160.00	160.00
A 28997 00	IRR	NK	G		SE	NW	NW	4089	4095	27	28	08W	1	WR	87.00	87.00	72.00	72.00
A 50924 00	IRR	AY	G			NC	SE	1320	1320	34	28	08W	5	WR	224.00	224.00	-224.00	160.00

Passed DUA SNI 29 safe yield as well.

**From:** Lanterman, Jeff [KDA]  
**Sent:** Mon 5/13/2024 12:38 PM  
**To:** Anhold, Christa [KDA]; Conant, Cameron [KDA]  
**Cc:** Baum, Kristen [KDA]; Kopp, Kenneth [KDA]; Bird, Daniel [KDA]  
**Subject:** RE: 50924 recommendation request  
**Attachments:** Information sheet for limited saturated thickness.docx, 48523 Not enough sat thickness Letter.docx, Limited Saturated Thickness Procedure.docx

Christa;

From your memorandum it kind of looks like this is an area that only has 25' or less of saturated thickness with some houses in the vicinity. Asking for 224 AF @ 800 GPM. Groundwater levels look OK in the nearby KGS wizard well.

We usually require a limited saturated thickness study in situations like this but I am open to bypassing that requirement in certain situations. (recent other tests or operating well nearby that shows water is available, or excessive spacing to nearby wells of any type)

Anyway this one has a lot of safe yield available and over 3000' to the nearest domestic well that I can see on Google earth.

I think I feel comfortable recommending approval on this one although I think they will be lucky to get a well that operates anywhere near the level they are requesting.

Ken, Kristen is there anything we should be doing with LST wells to help move those things along. Do you need a WC recommendation to do the study or could the ES just request it on their own?

It would be kind of nice to have the study in hand when ES's ask me for a recommendation.

Thanks  
Jeff

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**From:** Anhold, Christa [KDA] <Christa.Anhold@ks.gov>  
**Sent:** Wednesday, April 17, 2024 8:32 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** 50924 recommendation request

Good morning,

Attached is a draft memo for 50,924 for your review and recommendation. There are no nearby water users in a half-mile to notify. Please let me know if you need anything else.

Christa Anhold  
Environmental Scientist  
Department of Water Resources  
(785)-564-6644  
[Christa.anhold@kda.ks](mailto:Christa.anhold@kda.ks)



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  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,924** of the applicant

**GARY J & TRACY A ROHLMAN  
2020 N ABBEY RD  
KINGMAN KS 67068**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is December 14, 2022.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL				
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
34 - 28S - 8W																	40	40	40	40	160

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographical center located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 34, more particularly described as being near a point 734 feet North and 1,282 feet West of the Southeast corner of said section, in Township 28 South, Range 8 West, Kingman County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **224 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2025**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 2029, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit 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.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The required water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.



17. That this permit is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, shall be limited to a total maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and shall supply water to a common distribution system.

18. That failure without cause to comply with the provisions of this permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this *16* day of *May*, 2024, in Manhattan, Riley County, Kansas.

*Lane P. Letourneau*

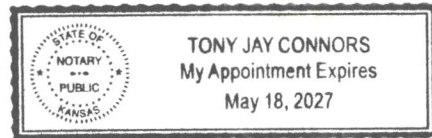
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this *16* day of *May*, 2024, by Lane P. Letourneau, P.G., Water Appropriation 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

May 22, 2024

GARY J & TRACY A ROHLMAN  
2020 N ABBEY RD  
KINGMAN KS 67068

Re: Appropriation of Water  
File No. 50,924

Dear Mr. & Mrs. Rohlman:

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.

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.

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 Application Unit Supervisor  
Water Appropriation Program

KAB:cla  
Enclosure  
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: 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 22 day of May, 2024, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,924, dated May 16, 2024, was mailed postage prepaid, first class, US mail to the following:

GARY J & TRACY A ROHLMAN  
2020 N ABBEY RD  
KINGMAN KS 67068

With photocopies to:

KDA-DWR Stafford Field Office

  
Division of Water Resources