

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

1. File No.: 13010		2. Status Change Date: 03/17/2025		4. Field Office: 02 - Stafford GMD: 05 - Big Bend Structures File No.: Filing/Priority Date 04-MAR-24 Application Complete Date:	
3. Package File No(s): 13010					
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> NAME Change MARK J JR LAMON 1223 W 8TH FRONTAGE RD LARNED, KS 67550-3322			5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change MARK J JR & ASHLEY F LAMON 1223 W 8TH FRONTAGE RD LARNED, KS 67550-3322		
5c. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change SUSAN J LATIMORE LIVING REV TR 1379 220TH AVE LARNED, KS 67550			5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 86106 Add Seq# 1		
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: WELL COMPLETE 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 <div style="text-align: center;">GX C1- CHANGE APP POINT OF DIVERSION APPROVED</div>					
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: 42 <input type="checkbox"/> New Date Requested: 04-MAR-24 Applies: GMD 5 Rule No.: K.A.R. 5-25-2a(a) Rule Type: CHANGE APPROVAL Rule SubType: MAXIMUM MOVE DISTANCE				Justification: The proposed existing well is a distance move of more than 2,640 feet, by approximately 137 feet. Well logs of the authorized and proposed wells indicate the same source of supply. The Board of the Big Bend Groundwater Management District recommended approval with a waiver.	
Comments Move to existing well, File No. 19990 which had a 2024 Compliance Investigation showing the well to be completed with an anti-reverse meter and seal, both of which will be a condition of this approval. Due to the propose well being complete a N&P will not be a condition of the approval and should be shown as completed in WRIS.				Processed LI 12/2/2024 Reviewed KAK 3/17/2025	
				Entered 3/24/2025 KAnderson	

File No. 13010

Structures File No:

13. County: PN Basin: PAWNEE RIVER Stream: NA

Aquifer Code: 431 341 DAKOTA FORMATION

Special Use Area: 020

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF		Rate gpm		Storage Qty		Storage Rate		Overlaps
									Auth	Add	Auth	Add	Auth	Add	Auth/Add		
DEL	27524	NW SW NE	33	21	18W	11	3410	2290	103	92	295	0					+
ENT	89567	SW NWSE	33	21	18W	17	655	2620	103	92	295	0					++
																	#
																	^
																	**
																	++

15. Limitations

Type: Quantity: AF Rate: gpm combined with file no(s): 392AF/YR @2583GPM COM/W #PN17 & 4935 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

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				
NO	CHG																					<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

*
+ NONE

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++ 19990

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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: December 16, 2024

From: Leslie Ireland, Environmental Scientist

Re: Change in Point of Diversion, File No. 13,010 – Mark & Ashley Lamon

Summary

The owners filed the above referenced application to move to an existing point of diversion. It has no overlap in the point of diversion described as one(1) well in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW¼ SW¼ SE¼) of Section 33, more particularly described as being near a point 3,410 feet North and 2,290 feet West of the Southeast corner of said section, in Township 21 South, Range 18 West, Pawnee County. The place of use will remain the 269 acres on the East Half of Section 33, that is also authorized by File Nos. PN 017; 4935 & 19,990. This well is located close to the South side of the Pawnee River, approximately 13 miles West of Larned in the Pawnee River Basin, and the Pawnee Intensive Groundwater Use Control Area and within the Big Bend Groundwater Management District No. 5 boundaries.

Reasonable Rate and Quantity

The 103 acre-feet (AF) of groundwater at a rate of 295 gallons per minute (gpm) that is limited to 392 AF at 2,583 gpm with file Nos. PN 017 and 4935, will remain as authorized.

Source of Supply

The owners want to utilize their existing well authorized under File No. 19,990, at a quantity greater than authorized so are proposing to also authorize it also by File No. 13,010. The proposed well is located approximately 2,777 feet to the South, authorized as one(1) well in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼ SW¼ SE¼) of Section 33, more particularly described as being near a point 655 feet North and 2,620 feet West of the Southeast corner of said section, in Township 21 South, Range 18 West, Pawnee County. A 2024 Compliance Investigation determined the location of the well to be approximately 670 feet North and 2,618 feet West of the Southeast corner. As the investigation data shifts the proposed existing well to the North, it results in a change in qualifiers to the (NW¼ SW¼ SE¼) based on the measured feet distances. As this information could vary on the next GPS determination the feet distances will remain as currently authorized. The source of supply of this proposed well has been determined to be the Dakota Formation (Code 341) with its depth listed as 175 feet deep. A 1989 well log of the currently authorized well listed a depth of 70 feet and the source of supply in the WRIS database was listed as the Ogallala formation (Code 211). The well logs were summarized by Cameron Conant, Assistant Water Commissioner, as both wells having the sands of the Dakota, but the currently authorized well was not completed as deep. It appears the listed lithology of the currently authorized and proposed would be the same if both completed to the same depth. It appears the source of supply should be listed as the Ogallala formation (Code 211) and Dakota Formation (confined) (Code 341) could be designated for both wells if the currently authorized well was completed to the same depth and the change will not alter the source of supply. The owner has indicated the old well, which was constructed of steel, will be retained for domestic use.

Spacing and Nearby Water Rights

Review of WRIS and KGS records identified one(1) domestic well and one(1) irrigation well, located with one-half (½) mile of the proposed existing well, with the irrigation well owned by the applicants. The change moves the diversion of water closer to these wells but meets the well to well spacing as both nearby wells are approximately 2,500 feet away, meeting K.A.R. 5-25-2, *Well spacing*. However, K.A.R. 5-25-2a, *Change in point of diversion*, is not met as the distance of the change from the authorize to the proposed well is more than 2,640 feet. The owner has requested a **waiver of K.A.R. 5-25-2a**, as the distance move as the proposed well is approximately 130 feet more or a distance of approximately 2,770 feet. Notification per K.S.A. 92a-1906, completed by letter to the domestic well owner did not result in any comments.

Recommendations

In a letter dated November 21, 2024, Orrin Ferril, Manager, Big Bend Groundwater Management District No. 5, conveyed the recommended approval and waiver of K.A.R. 5-25-2a, on behalf of the Board of the District. His letter indicated the change will move the diversion of water away from the Pawnee River and the wells authorize the same place of use. He indicated the instillation of a flow meter per K.A.R. 5-25-5, *Water flowmeter requirements* would be required.

Jeff Lanterman, Water Commissioner, Stafford Field Office, provided an email recommendation and indicated his support of the requested waiver on February 14, 2025.

Completion

The well will be required to be metered. The 2024 Compliance Investigation indicates an anti-reverse meter is installed and a meter seal is also installed and was photographed at that time. The wording for an anti-reverse meter and seal will be listed in the approval. A water level measurement tube is listed as being present at the proposed existing well and was a condition of a past approval to File No. 19,990. It will be a condition of the approval for File No. 13,010. A completion date of December 31, 2025, will be listed but it appears the well is complete, and the transmittal letter and database will show it as such if the waiver is granted and the change approved.

Ireland, Leslie [KDA]

From: Lanterman, Jeff [KDA]
Sent: Friday, February 14, 2025 4:01 PM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Review and Recommendation for Change in PD , File No. 13010 Lamon
Attachments: 13010 Memo PD EXISTING Waiver_ revised NS 2_5.docx; 13010 ORDER Waiver 5-25-2a_2_5.docx; 13010 APP2GMD.pdf; 13010 memo on approval CAM.pdf

Leslie,

Cameron and I discussed this today a bit. Sorry this took so long.

It looks like SOS is not changing and it can be approved with a waiver of 5-25-2a 2640'.

Probably a good move in practice, moving away from the stream.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, February 13, 2025 3:35 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Review and Recommendation for Change in PD , File No. 13010 Lamon

Jeff, are you able to work on this change request from Leslie? I filled the change out, GMD recommended approval.

Joey Lamon called about it today.

Cameron

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, December 18, 2024 8:26 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Review and Recommendation for Change in PD , File No. 13010 Lamon

Jeff,

Got the waiver written and as always writing on a memo can always be improved.

Please let me know if you'd support the proposal.

Take care,
Leslie

From: Ireland, Leslie [KDA]
Sent: Monday, December 2, 2024 4:47 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Review and Recommendation for Change in PD , File No. 13010 Lamon

Jeff,

Please let me know if you'd recommend this change requiring a waiver of distance move.

The last paragraph of the memo summerizes the approval conditions to match 19990 2018 approval conditions if you recommend 13010 as a go...

I can't see requiring a notice of completion for this project, but cololing outside the lines on that, but am requesting no N&P on this one.

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

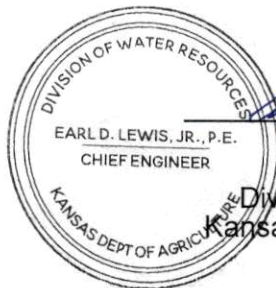
WAIVER OF REGULATION K.A.R. 5-25-2a

Date: March 17, 2025


RE: Water Right, File No. 13,010

1. That K.A.R. 5-25-2a states in part that the location of a well requested in an application to change a point of diversion shall be no more than 2,640 feet from the point of diversion currently authorized.
2. That the application requests to move away from a stream to an existing well authorized under File No. 19,990, located 2,777 feet from the authorized point of diversion, exceeding the maximum distance by 130 feet.
3. Review of the source of supply indicates the authorized and proposed well would be considered to having the ability to withdraw water from the Ogallala (211) and Dakota (341) formations.
4. The sole nearby well owner within one-half (1/2) mile was notified of the proposed change in point of diversion; no responses have been received.
5. That K.A.R. 5-25-20(d) provides that the District may submit to the Chief Engineer a written recommendation of an exemption from, or waiver of regulation.
6. The Big Bend Groundwater Management District No. 5, Board of Directors recommend approval of the proposed change and a waiver of K.A.R. 5-25-2a.
7. The approval of the change should not result in the impairment of any existing domestic or water rights nor shall the change adversely affect the public interest.

Comments:



EARL D. LEWIS, JR., P.E.
CHIEF ENGINEER


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

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. 13,010

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application Mark J. and Ashley F. Lamon, Jr., 1223 West 8th Frontage Road, Larned, Kansas 67550, and Susan J. Latimore, on behalf of the Susan J. Latimore Living Revocable Trust, 1379 220th Avenue, Larned, Kansas 67550, received in the office of the Chief Engineer on March 4, 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 June 1, 1995, approving the application to change the 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 Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, more particularly described as being near a point 655 feet North and 2,620 feet West of the Southeast corner of said section, in Township 21 South, Range 18 West, Pawnee County, Kansas,

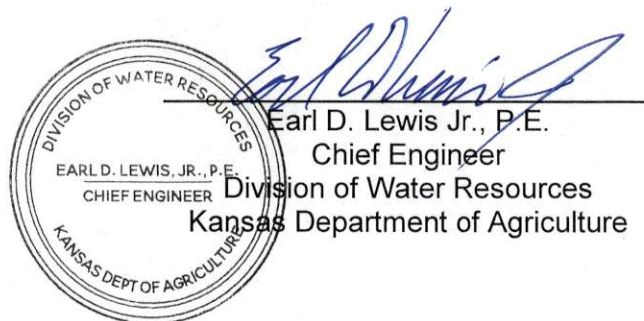
located substantially as shown on the topographic map accompanying the application to change the point of diversion.

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. 13,010, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 23, 1994, as modified and amended by the aforementioned order.

Ordered this 17th day of March, 2025, in Manhattan, Riley County, Kansas.



State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17th day of March 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

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

March 26, 2025

MARK J LAMON JR
1223 W 8TH FRONTAGE RD
LARNED KS 67550

RE: Water Right
File No. 13,010

Dear Mr. Lamon:

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. Records in this office indicate a meter is installed, however if a meter has been replaced or repaired, please follow the instructions at our web site, <http://agriculture.ks.gov/dwr> or contact your area field office.

Please be reminded that the quantity and rate of diversion authorized by the referenced file are still limited to not exceed 392 acre-feet of water per calendar year at a maximum rate of 2,583 gallons per minute with Vested Right, File No. PN 017 and Water Right, File No. 4,935.

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 original document referred to above, 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, or Big Bend GMD No. 5 at 620-234-5352. 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: Susan J. Latimore Living REV TR
KDA- DWR 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 26 day of March, 2025, I hereby certify that the attached Approval of Application for Change, Water Right, Application for Change, Water Right, File No. 13,010, dated March 17, 2025, was mailed postage prepaid, first class, US mail to the following:

MARK J & ASHLEY F LAMON JR
1223 W 8TH FRONTAGE RD
LARNED KS 67550

With a True & Correct copy sent to:

SUSAN J LATIMORE LIVING REV TR
1379 220TH AVE
LARNED KS 67550

With Photocopies sent to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5


Staff