

**Kansas Department of Agriculture
Division of Water Resources**

1. File No.: 45,520		2. Status Change Date: 2/25/2025		4. Field Office: 02 - Stafford GMD: 05 - Big Bend Structures File No.: Filing Date: January 27, 2023		
3. Package File No(s):						
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change GERALD L & SANDRA L HIRT PO BOX 77 SAWYER, KS 67134-0077			5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change GERALD L HIRT ETAL PO BOX 77 SAWYER KS 67134-0077			
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change			5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change			
6. Change No.: 1 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: 15 Year: 2003 Min Reasonable Q: 1.24 Previous UMW: Not changing MDS Gauge: --- Active Admin? <input type="checkbox"/> Completion Date: ---				7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW:		
8. Action Trail ---						
9. Special Conditions ---						
10. 5YR Allocation Type: K.A.R. 5-5-11(b)(3) Start Year: 2025 5YR Quantity: 745 AF Base Acres: 126 Comment: GMD 5 MOU						
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.: --- Rule Type: --- Justification: --- Rule SubType: ---						
Comments				Processed 02/20/25 JNE		Entered 3/4/2025 KAnderson
				Reviewed KAK 2/21/2025		

File No. **45,520**

Structures File No:

13. County: **Pratt** Basin: **47 - MEDICINE LODGE RIVER** Stream:

Aquifer Code: **100 - QUATERNARY SYSTEM**

Special Use Area: --- ---

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		
NO CHG	68777	NE NW SW	29	29S	13W	2	2617	4308	149	149	835	835					

15. Limitations

Type: Quantity: **AF** Rate: **gpm** 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

PUSE	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				
MOD	52161	29	29	13W	1							40	40	40	40	40					240	5a	<input type="checkbox"/>	
ENT	72141	29	29	13W					40	40										80	5b	<input type="checkbox"/>		
																							<input type="checkbox"/>	
																							<input type="checkbox"/>	
																							<input type="checkbox"/>	
																							<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps

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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: January 23, 2025

From: Jessica Engelbrecht, Environmental Scientist

Re: Change Application, Water Right, File No. 45,520 – Place of Use

1. Summary

An *Application to Change an Existing Water Right* was received in this office on January 27, 2023. Gerald Hirt submitted a change in place of use for the referenced file number.

This file does not appear to be abandoned as per K.S.A. 82a-718. The notification for the proposed change per K.S.A. 82a-1906 does not appear to be needed as the point of diversion is not moving and the quantity and rate of diversion will not be modified.

The place of use is located in Section 29, Township 29 South, Range 13 West in Pratt County, Kansas.

2. Source of Supply

As the well is not moving the local source of supply will remain the same. The source of supply has been listed in the WRIS database as Quaternary System (Code 100) of the Medicine Lodge River. A test log submitted with the application for appropriation shows a depth of approximately 173 feet with a static water level of 103 feet. The file is located in the Big Bend Groundwater Management District No. 5 (GMD 5) and is enrolled in a GMD 5 Place of Use Monitoring Agreement.

3. Change Application, File No. 45,520

3.1 Currently Authorized Rate, Quantity and Use Made of Water

The currently authorized point of diversion is a well for irrigation use, located as follows:

- One well located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¼ NW¼ SW¼) of Section 29, Township 29 South, Range 13 West.
- The well authorizes 149 acre-feet at a rate of 835 gallons per minute on 126 acres.
- The maximum reasonable quantity for irrigation in Pratt County is 1.4 acre-feet per acre. The referenced water appropriation is 1.18 acre-foot per acre.

3.2 Proposed Changes

The applicants have requested to modify the place of use to the to add 194 acres to the place of use for a total of 320 acres. If approved, this change will be enrolled in a GMD#5 monitoring agreement with a 5-year allocated quantity of 745 acre-feet. The point of diversion will also be modified to reflect more accurate location using GPS obtained by DWR staff during the compliance investigation.

3.3.a Compliance of proposed changes

- **See GMD 5 Monitoring Agreement**
 - GMD 5 will assume monitoring responsibility.

- The authorized quantity of water under File No. 45,520 will remain limited to a five-year fixed allocation of 745 acre-feet.
- Use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under the referenced rights and subsequent restriction of the authorized place of use to the base acres at the location specifically set forth in the change approvals.

3.4 Nearby Water Rights and Landowners

There are no other appropriation wells within 1,320 feet, or domestic wells within reported 660 feet of the authorized point of diversion. No nearby well owners were notified since a new well is not being drilled and source and quantity will not be changed.

4. Recommendations

In a letter dated December 18, 2024, Orrin Feril, Manager of the Big Bend Kansas Groundwater Management District No. 5, recommended the application be approved. **Water Commissioner recommendation place holder.** Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the proposed change be approved for File No. 45,520.

From: [Lanterman, Jeff \[KDA\]](#)
To: [Engelbrecht, Jessica \[KDA\]](#)
Cc: [Conant, Cameron](#)
Subject: FW: File No. 45,520 HQ PU Change
Date: Thursday, January 23, 2025 3:22:30 PM
Attachments: [45520 PU Change Application.pdf](#)
[45520 2024-12-18 Rec.pdf](#)
[45520 PU Change Memo.docx](#)
Importance: High

Ya I agree on this one. Lets go ahead and approve it. With all the standard wording and reversion acres.

Also add a meter seal and Anti Reverse gears on it for good measure.

I wonder if we will ever be stuck with these things if gmd gives up on them.

Approve it
Jeff

From: Conant, Cameron <Cameron.Conant@ks.gov>
Sent: Thursday, January 23, 2025 3:12 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: File No. 45,520 HQ PU Change

Jeff, this is for Gerald Hirt to enter a 5 year p/u monitoring agreement with GMD#5 agreeing to take on the monitoring responsibilities. This is a new agreement and as such, Orrin took it to the board for review and they recommended approval to enter the monitoring.

Taylor and I filled this application out (been a while, it was filed in January 2023) so I have some familiarity with it. Basically the change requests to allow irrigation on the entire west half of the section. In reality it will be 2 pivots but we went ahead and covered the west half hoping to head off any future potential p/u issues on it. I'm interested to see how he crops and farms this because there isn't enough water to run both pivots. He is authorized 149 AF at 835 GPM and he ended up with 149 AF x 5 for a total of 745 AF in the 5 year allocation. The 5 year allocation calculation is as follows: $50\%NIR/0.85 \times \text{base acres} \times 5 = 5 \text{ year quantity}$, $1.05'' / 0.85 = 1.23529 \times 126 = 155.647 \times 5 = 778.2 \text{ AF}$ which is reduced to 5x authorized of 745 AF for 5 years. This will be stretched pretty thin across 2 pivots, but they are planning on wheat/milo/cotton so they may be able to manage it just fine long as they keep close track on it!

On the new 5 year monitoring agreement applications we have been adding a seal to pipe and AR gear requirement. I think it is appropriate to add that additional condition on this application as well. I hope our cover letter can clearly state his annual quantity as well as his 5 year quantity. I could see them treating this like a MYFA and over pumping the annual quantity right off the bat!

I think the FO can recommend approval with the additional condition for AR and seal to pipe, with the understanding that GMD will be monitoring it.

Cameron

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, January 23, 2025 2:10 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron <Cameron.Conant@ks.gov>
Subject: File No. 45,520 HQ PU Change

Jeff/Cameron,

I've attached a HQ Change in Place of Use application, GMD 5 Recommendation and memo for review. If approved, the file will be enrolled in a GMD 5 monitoring agreement.

The application is proposing to irrigate 194 additional acres for a total of 320 acres.

Jessica

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 UNDER APPROPRIATION OF WATER FILE NO. 45,520

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gerald and Sandra Hirt, and Aaron and Rachel Hirt, Post Office Box 77, Sawyer, Kansas, 67134-0077, received in this office on January 27, 2023, for approval of a change place of use under the Certificate of Appropriation issued pursuant to Water Right, File No. 45,520, 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 place of use shall be:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	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 $\frac{1}{4}$	
29 - 29S - 13W					40	40	40	40	40	40	40	40					320

a total of 320 acres in Section 29, Township 29 South, Range 13 West,
Pratt County, Kansas,

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

By this order, this water right is further subject to the following conditions:

1. That use of water under File No. 45,520, in excess of 149 acre-feet during any calendar year, shall result in a two (2) year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	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 $\frac{1}{4}$	
29 - 29S - 13W									31.5	31.5	31.5	31.5					126.0

a total of 126.0 acres in Section 29, Township 29 South, Range 13 West,
Pratt County, Kansas.

2. That if the Big Bend Groundwater Management District (GMD) No. 5 and/or the Division of Water Resources terminate(s) their/its Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b)(3), (4) and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU, shall revert to the property described in Paragraph No. 3, above, starting the calendar year following the year of termination.

The water right owner shall properly install an acceptable water meter on each of 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.

The owner of the Water Right shall install an anti-reverse totalizing water flowmeter which meets or exceeds the specifications adopted by the Chief Engineer.

A seal shall be placed on the water flowmeter by Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the Chief Engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the Chief Engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,520, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 19, 2010.

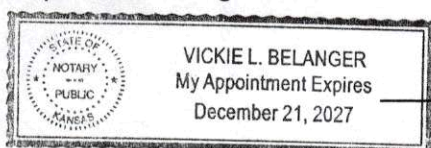
ORDERED this 25 day of February, 2025, Manhattan, Riley County, Kansas.

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 25 day of February, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Vickie L. Belanger
Notary Public

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
[www. agriculture.ks.gov](http://www.agriculture.ks.gov)



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 6, 2025

GERALD L AND SANDRA L HIRT
AARON AND RACHEL HIRT
PO BOX 77
SAWYER, KS 67134-0077

RE: Water Right
File No. 45,520

Dear Mr. and Mrs. Hirt,

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

Your attention is directed to the terms, conditions, and limitations specified in this approval, including enforcement actions that will be taken should the annual quantity of water be exceeded. You must enter and maintain a monitoring agreement with Big Bend Groundwater Management District No. 5. A water flowmeter that meets current specifications must be maintained on the diversion works. A seal will be maintained on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, it shall constitute a violation of this order. If your meter needs to be repaired or replaced, please complete the form titled, "Flowmeter Repair or Replacement Report," which can be found on our website at agriculture.ks.gov/dwr.

Since the enclosed 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 regarding the enclosed document, please contact our office at 785-564-6640. For all other inquires, including meter questions, please contact your local Stafford Field Office at 620-234-5311.

Sincerely,

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

KAB:kak:jne
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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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 14th day of March, 2025, I hereby certify that the attached Approval of Application for Change in Place of Use, File No. 45,520, dated February 25, 2025, was mailed postage prepaid, first class, US mail to the following:

GERALD L AND SANDRA L HIRT
AARON AND RACHEL HIRT
PO BOX 77
SAWYER KS 67134-0077

Photocopy to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5



Division of Water Resources