

**Kansas Department of Agriculture**  
**Division of Water Resources**  
APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: <b>51,284</b>	2. Status Change Date: <b>3/4/2025</b>	4. Field Office: <b>02 - Stafford</b> GMD: <b>05 - Big Bend</b> Structures File No.: Filing/Priority Date: <b>8/5/2024</b>
3. Associated File No(s): <b>Approve 51281, 51282, 51283, 51343 &amp; dismiss 19937, 27419, 32028, 35675, 35676, 35677</b>		
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change  <b>ILS FARMS</b> <b>551 SW 30 ROAD</b> <b>GREAT BEND, KS 67530</b>	5b. <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change  <b>ILS LAND LLC</b> <b>PO BOX 1506</b> <b>GREAT BEND, KS 67550</b>	Person ID <b>61230-7</b> Add Seq#  Person ID <b>59931-8</b> Add Seq#
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	Person ID Add Seq#
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres:      Year:      Min Reasonable Q: Previous UMW: MDS Gauge:      Active Admin? <input type="checkbox"/> Completion/Start Date: <b>12/31/2026</b> Perfection/Expiration Date: <b>12/31/2030</b>		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>IRR-Irrigation</b> UMW: UMW:
8. Action Trail		
9. Special Conditions		
10. 5YR Allocation      Type:      Start Year:      5YR Quantity:      Base Acres: Comment:		
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 <b>PD qualifier better defined</b>		Processed <b>CLA 5/25/25</b>  Reviewed  Entered <b>3/6/2025</b> <b>KAnderson</b>

File No. <b>51,284</b>		13. County: <b>PN - Pawnee</b> Basin: <b>33 - Arkansas River</b> Stream:																			
Structures File No:		Aquifer Code: <b>180 undifferentiated Kansan/Nebraskan</b>										Special Use Area:									
14. Points of Diversion, Rates & Quantities																					
PDIV		Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty <b>AF</b>		Storage Rate					
										Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps				
<b>MOD 91183</b>		<b>NC SE</b>	<b>15</b>	<b>23S</b>	<b>16W</b>	<b>1</b>	<b>1320</b>	<b>1320</b>		<b>195</b>	<b>195</b>	<b>800</b>	<b>800</b>								
15. Limitations <b>NEW</b> Type: Quantity: <b>AF</b> Rate: <b>gpm</b> combined with file no(s):																					
<b>NEW</b> Type: Quantity: <b>AF</b> Rate: <b>gpm</b> combined with file no(s):																					
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: <b>12/31/2026</b>																					
17. Place of Use																		Total	Owner(s)	Chg?	Overlaps
PUSE S T R ID		NE¼				NW¼				SW¼				SE¼							
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<b>CHK 71869 15 23S 16W 1</b>														32.5	32.5	32.5	32.5	130.00	<b>5b</b>	<input type="checkbox"/>	
																		0.00		<input type="checkbox"/>	
																		0.00		<input type="checkbox"/>	
																		0.00		<input type="checkbox"/>	
																				<input type="checkbox"/>	
																				<input type="checkbox"/>	
18. Point of Diversion and Place of Use Overlaps																					
*  +  #  ^										**  ++  ##  ^^											

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: February 25, 2025  
From: Christa Anhold , Environmental Scientist  
Re: New Application File Nos. 51,281, 51,282, 51,283, 51,284 & 51,343 and  
Voluntary Dismissal of WR File Nos. 19,937, 27,419, 32,028, 35,675, 35,676 & 35,677 – ILS Farms

## Summary

ILS Farms filed the above referenced five (5) new applications proposing to offset water from the six (6) above referenced water right files for dismissal to reallocate water out of the Rattlesnake Creek Basin in accordance with Big Bend GMD No. 5 regulation K.A.R. 5-25-22. Voluntary dismissal of water right for the six (6) offset files were received signed and notarized on August 5, 2024. The voluntary dismissals are contingent upon the approval of the proposed new applications. All new applications are signed stating the applicant has legal access to all proposed points of diversion and all places of use.

File No. 51,281 proposes to appropriate 114 AF of groundwater per year from one (1) well at a rate of 770 GPM to irrigate 160-acres in Barton County. This application has no overlapping files.

File No. 51,282 proposes to appropriate 109 AF of groundwater per year from one (1) well at a rate of 750 GPM to irrigate 160-acres in Barton County. This application has no overlapping files.

File No. 51,283 proposed to appropriate 136 AF of groundwater per year from one (1) well at a rate of 750 GPM to irrigate 261-acres in Barton County. This application will overlap the place of use with WR File No. 37,458 and will be limited to a quantity of 365.4AF.

File No. 51,284 proposes to appropriate 195 AF of groundwater per year from one (1) well at a rate of 800 GPM to irrigate 130-acres in Pawnee County. This application has no overlapping files.

File No. 51,343 proposes to appropriate 107 AF of groundwater per year from a battery of four (4) wells at a rate of 720 GPM to irrigate 261-acres in Barton County. This application will overlap the place of use and point of diversion with WR File No 37,458.

## K.A.R 5-25-22

**WR File Nos. 19,937, 27,419 and 32,028 points of diversion are in Zone C and will need a waiver of K.A.R. 5-25-22(a)(1) for approval.** The remaining three WR Files Nos. 35,675, 35,676 and 35,677 have PDs in Zone D and are compliant with K.A.R. 5-25-22(a)(1). The combined quantity and rate being offset is from the six (6) senior files is 661 AF and 3,070 GPM. The authorized quantities and rates being reallocated are detailed in the table below. The new proposed applications comply with K.A.R. 5-25-22(a)(2).

Offset Files			Proposed allocations to replace combined offset files			
WR File No	Quantity	Rate	File No	Limitation	Quantity	Rate
19,937	195	800	51,281	-----	114	770
27,419	188	820	51,282	-----	109	750
32,028	121	550	51,283	PU 37,458 comb quant 365.4AF	136	750
35,675	53	300	51,284	----	195	800
35,676	52	300	51,343	37,458 & 51,283 comb quant 365.4AF PD 37,458 rate 725 GPM	107	725 no add
35,677	52	300				
<b>Total</b>	<b>661</b>	<b>3,070</b>	<b>Total</b>		<b>661</b>	<b>3,070</b>

All senior WR files proposed as offsets comply with K.A.R. 5-25-22(a)(3). All new proposed applications comply with K.A.R. 5-25-22(a)(4). According to a report provided by GMD at their February board meeting, all new proposed applications comply with K.A.R 5-25-22(a)(5) for saturated thickness and K.A.R. 5-25-22(a)(6) for groundwater level change. File Nos. 51,821,

51,283 and 51,284 all meet the 1-mile requirement of K.A.R. 5-25-22(a)(8). **File No. 51,282 and 51,343 will require a waiver of K.A.R. 5-25-22(a)(8) because they will be within one mile of File Nos. 51,281 and 51,823.**

## Reasonable Rate and Quantity

File 51,281 requests 114 AF of groundwater to apply to 160 acres, which is less than the 1.4 acre-feet per acre maximum reasonable quantity for Barton County.

File 51,282 requests 109 AF of groundwater to apply to 160 acres, which is less than the 1.4 acre-feet per acre maximum reasonable quantity for Barton County.

File 51,284 requests 195 AF of groundwater to apply to 130 acres, which is equivalent to the 1.5 acre-feet per acre maximum reasonable quantity for Pawnee County.

File No. 51,283 proposes 136 AF and File No. 51,343 proposes 107 AF to irrigate the same 261 acres. These two (2) files overlap the place of use with WR File No 37,458, and when combined the new files will be limited to the maximum reasonable quantity of 365.4 AF for the proposed 261-acres in Barton County. File No. 51,343 will overlap the point of diversions with WR File No. 37,458 and the rate will be limited to 725 GPM, which is less than the maximum rate allowable for a battery of wells and is the currently authorized rate under the senior file.

## Source of Supply and Safe Yield

Based on nearby well logs and Kanas Geological Survey Bulletin 88 for Barton and Stafford Counties, File No. 51,281, 51,282, and 51,283 likely supply the main stem aquifer.

Per GMD No 5 K.A.R. 5-25-22(a)(7) safe yield analysis of new files filed to offset rattlesnake creek basin water should be run assuming 2.25inches of recharge with 75% available for appropriation. The following safe yield analysis were run assuming such.

A safe yield report for File No. 51,281 indicates the area to cover 8,042 acres. Safe yield was determined to be 1,130.91 AF. Existing appropriations total 2,491 AF, thus exceeding the safe yield by 1,361.07 AF.

A safe yield report for File No. 51,282 indicates the area to cover 8,042 acres. Safe yield was determined to be 1,130.91 AF. Assuming the above application is approved, the existing appropriations total 2,514.92 AF, thus exceeding the safe yield by 1,384.01 AF.

A safe yield report for File No. 51,283 indicates the area to cover 8,042 acres. Safe yield was determined to be 1,130.91 AF. Assuming the above applications are approved, the existing appropriations total 2,132.92 AF, thus exceeding the safe yield by 1,002.01 AF.

File No. 51,343 overlaps the PD of WR File No. 37,458, the source of supply for these wells is the main stem alluvium. A safe yield report indicates the area to cover 8,042 acres. Safe yield was determined to be 1,130.91 AF. Assuming the above applications are approved, existing appropriations total 3,278.92 AF, thus exceeding the safe yield by 2,148.01 AF.

A safe yield report for File No. 51,284 indicates the area to cover 8,042 acres. Safe yield was determined to be 1,130.91 AF. Existing appropriations total 2,077 AF, thus exceeding the safe yield by 946.09 AF. Based on Geology and Ground-water Resources of Pawnee and Edwards Counties, Kansas, Kansas Geological Bulletin 80, nearby well logs found on WWC5 and nearby water rights the proposed PD under this file will likely source undifferentiated Kansan/Nebraskan.

## Nearby Water Rights

From File No. 51,281 the closest nondomestic well (WR 16,878-02) is 3,270 feet away. Domestic well ~2,770 feet away. The applicant did not supply information on nearby well users, two (2) were identified during the review process. Nearby notifications were mailed on December 6, 2024. No responses have been received to date.



From File No. 51,282 the closest nondomestic well (WR 18,686-05) is 2,990 ft away and the closest domestic well is 3,880 ft away. The applicant did not supply information on nearby well users, and none were identified during the review process.

From File No. 51,283 the closest nondomestic well (WR 16,878-02) is 4,100 feet away and the closest domestic well is 2,000 feet away. The applicant did not supply information on nearby well users, eight (8) were identified during the review process. Nearby notifications were mailed on December 6, 2024. One phone call was received where they nearby specified the location of their well and the resident to the west well. These two wells are 1,918 ft and 1,982 ft from the proposed PD, respectively. The neighbors domestic well is used for household purposes and as well as for drinking water for his personal chickens, goats and dogs. No written comments have been received to date.

From File No. 51,284 the closest nondomestic well (WR 21,898) is 2,650 ft away and the closest domestic well is 4,420 ft away. The applicant did not supply information on nearby well users, one (1) potential well owner was identified during the review process. Nearby notifications were mailed on December 6, 2024. No responses have been received to date.

From the geographic center of File No. 51,343, the closest nondomestic well (WR 16,878-02) is 2,500 feet away and the closest domestic well is 2,740 feet. The applicant identified two (2) wells within a half mile, both of which are owned by him. No other well users were identified therefor no nearby letters were mailed.

## Modeling Analysis

Technical services was performed on the above referenced five (5) applications. The report indicates that around 51,281, 51,282, 51,283 and 51,343 the groundwater would be lowered by 0.88ft and around 51,284 by 0.55ft over a fifty (50) year period. To the nearby water right File No. 37,458 the groundwater would be lowered 0.88ft while the new applications are pumping. Dismissal of the six (6) senior water right files would have a 104.5AF (0.79%) increase in average annual streamflow to Rattlesnake Creek at the USGS gage at Zenith, Kansas. The new applications would decrease streamflow in the Arkansas River at the USGS gage at Larnard, Kansas by 14.99AF (0.02%) of average annual flow. These modeling results are sufficient to satisfy safe yield regulations for Rattlesnake Creek Basin per K.A.R. 5-25-22(a)(7).

The cumulative effect on streams from applications authorized using K.A.R. 5-25-22 is less than a quarter of a percent (< 0.25%) of annual streamflow. Which is below the two percent (2%) threshold agreed upon by headquarters and GMD No. 5.

## Recommendations

In a letter dated February 25, 2025, Big Bend GMD No. 5 Manager, Orrin Feril, recommended approval of the proposed applications with a waiver of K.A.R. 5-25-22.

The applications were sent for consideration to Cameron Conant, Assistant Water Commissioner, and Jeff Lanterman, Water Commissioner, of the Stafford Field Office on February 25, 2025, and recommended for approval on February 25, 2025.

Approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced applications be approved.

Christa Anhold  
Environmental Scientist  
Manhattan Headquarters

## APPLICATION FILE NOS. 51281, 51282, 51283, 51284 & 51343

Application File Nos. 51281, 51282, 51283, 51284, and 51343 proposes new applications for a total of 661 acre-feet per year. File Nos. 19937, 27419, 32028, 35675, 35676, and 35677 will be dismissed to offset the quantity of the new applications.

Model work shows that the proposed application would lower the groundwater level in the area of 51281, 51282, 51283, and 51343 by 0.88 feet, and in the area of 51284 by 0.55 feet over a fifty-year period. While the proposed new applications are pumping, groundwater levels would be lowered 0.88 feet at nearby File No 37458.

The net effect of the application would be a 104.50 acre-foot increase in average annual streamflow in Rattlesnake Creek at the Zenith gage (0.79% of annual flow). The application would decrease the average streamflow in the Arkansas River at the Larned gage by 14.99 acre-feet (0.02% of annual flow).

The proposed application would provide a benefit to streamflow in Rattlesnake Creek. The application is unlikely to impair existing water rights.

### Application File No. 51281

Beneficial Use:..... Irrigation  
Point of Diversion: ..... 21-20-11W  
Stream Response:.....0.0%  
Authorized Quantity: ..... 114 AF  
Authorized Rate: ..... 770 GPM  
Authorized Acres:..... 160.0  
Analysis Acres: ..... 130.0

### Application File No. 51282

Beneficial Use:..... Irrigation  
Point of Diversion: ..... 21-20-11W  
Stream Response:.....0.0%  
Authorized Quantity: ..... 109 AF  
Authorized Rate: ..... 750 GPM  
Authorized Acres:..... 160.0  
Analysis Acres: ..... 130.0

### Application File No. 51283

Beneficial Use:..... Irrigation  
Point of Diversion: ..... 17-20-11W  
Stream Response:.....0.0%  
Authorized Quantity: ..... 136 AF  
Authorized Rate: ..... 750 GPM  
Authorized Acres:..... 261.0

### Application File No. 51284

Beneficial Use:..... Irrigation  
Point of Diversion: ..... 15-23-16W  
Stream Response:.....5.0%  
Authorized Quantity: ..... 195 AF  
Authorized Rate: ..... 800 GPM  
Authorized Acres:..... 261.0  
Analysis Acres: ..... 130.0

### Application File No. 51343

Beneficial Use:..... Irrigation  
Point of Diversion: ..... 17-20-11W  
Stream Response:.....0.0%  
Authorized Quantity: ..... 107 AF  
Authorized Rate: ..... 725 GPM  
Authorized Acres:..... 261.0

## Offset Water Rights

File No: ..... 19937  
Beneficial Use: ..... Irrigation  
Point of Diversion: ..... 20-23-14W  
Stream Response: ..... 33.3%  
Authorized Quantity: ..... 195 AF  
Authorized Rate: ..... 800 GPM  
Authorized Acres: ..... 152.0

File No: ..... 27419  
Beneficial Use: ..... Irrigation  
Point of Diversion: ..... 20-23-14W  
Stream Response: ..... 33.3%  
Authorized Quantity: ..... 188 AF  
Authorized Rate: ..... 820 GPM  
Authorized Acres: ..... 152.0

File No: ..... 32028  
Beneficial Use: ..... Irrigation  
Point of Diversion: ..... 36-23-15W  
Stream Response: ..... 34.4%  
Authorized Quantity: ..... 121 AF  
Authorized Rate: ..... 550 GPM  
Authorized Acres: ..... 121.0

File No: ..... 35675  
Beneficial Use: ..... Irrigation  
Point of Diversion: ..... 32-23-14W  
Stream Response: ..... 44.0%  
Authorized Quantity: ..... 53 AF  
Authorized Rate: ..... 300 GPM  
Authorized Acres: ..... 160.0

File No: ..... 35676  
Beneficial Use: ..... Irrigation  
Point of Diversion: ..... 32-23-14W  
Stream Response: ..... 44.0%  
Authorized Quantity: ..... 52 AF  
Authorized Rate: ..... 300 GPM  
Authorized Acres: ..... 160.0

File No: ..... 35677  
Beneficial Use:..... Irrigation  
Point of Diversion: ..... 32-23-15W  
Stream Response:..... 44.0%  
Authorized Quantity: ..... 52 AF  
Authorized Rate: ..... 300 GPM  
Authorized Acres:..... 160.0

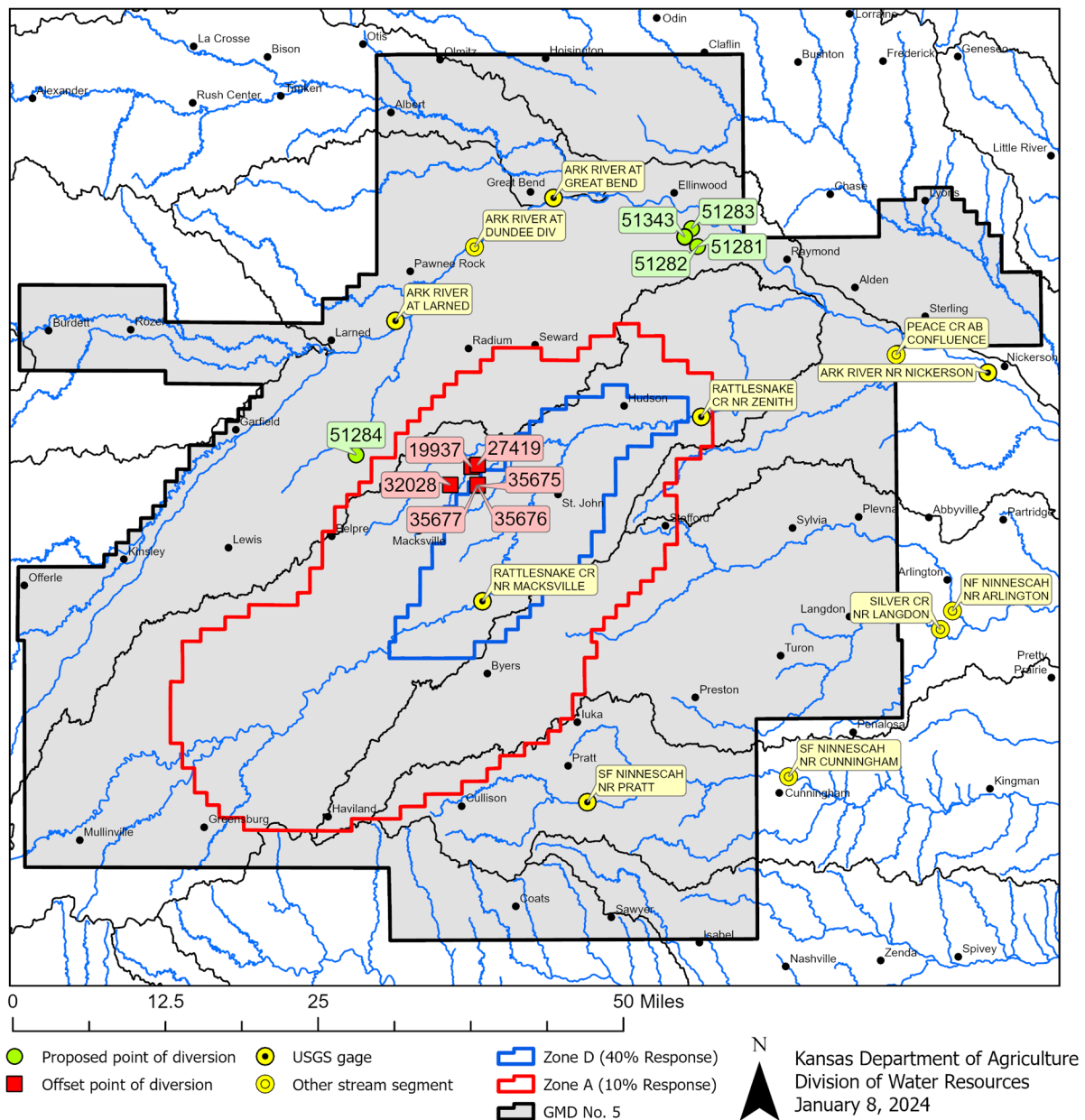
Offset Total

Authorized Quantity: ..... 661 AF  
Authorized Acres:..... 585.0

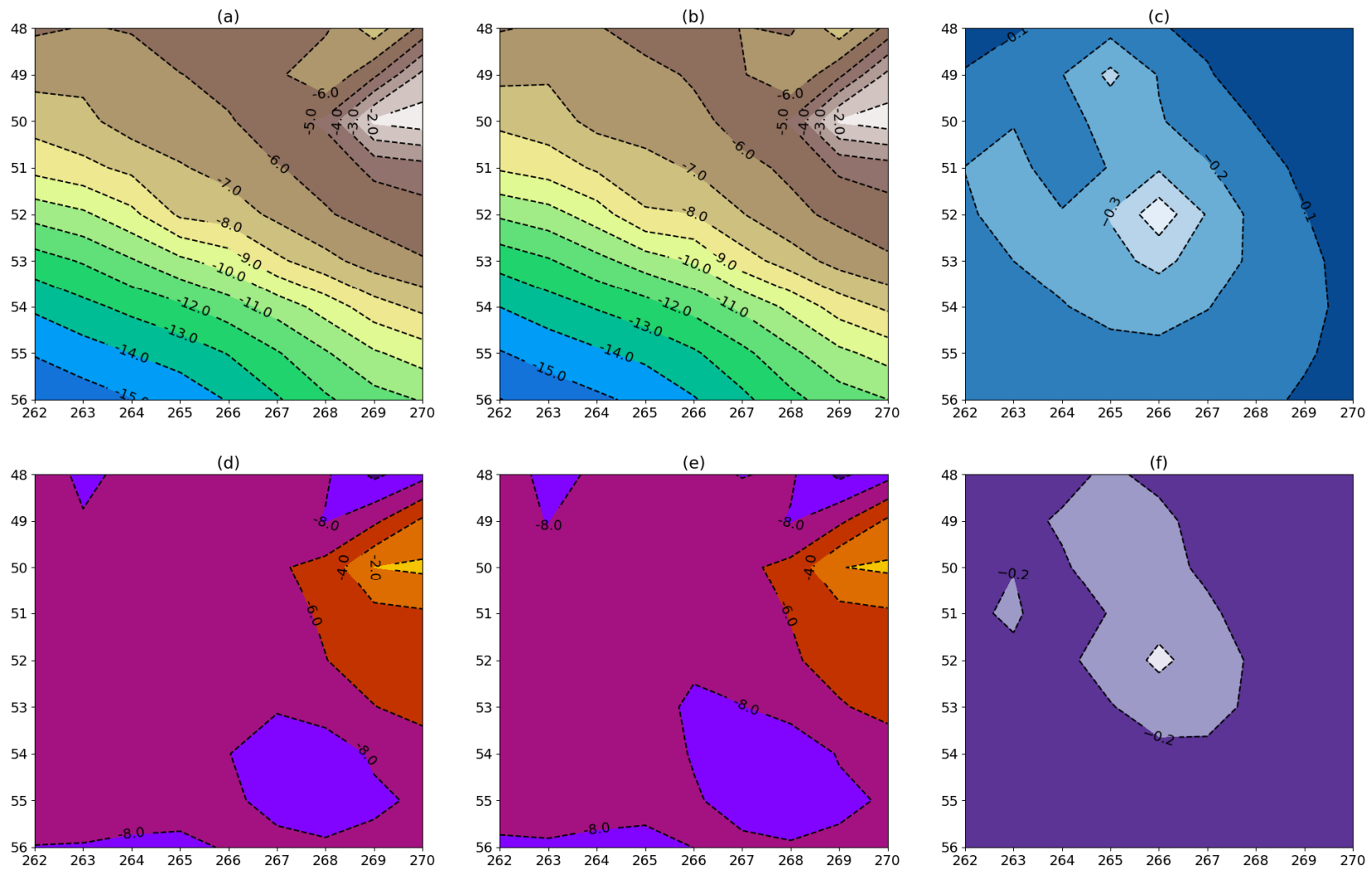
## Results Summary

Decrease in groundwater level, 50-year..... 0.55 feet  
Pumping Drawdown, at 37458 ..... 0.88 feet  
Pumping Drawdown, at 21898 ..... 0.69 feet  
Stream Impact, Volume  
    Rattlesnake Creek, Zenith ..... 104.50 AF  
    Arkansas River, Larned ..... -14.99 AF  
Stream Impact, % Mean Discharge  
    Rattlesnake Creek, Zenith ..... 0.79%  
    Arkansas River, Larned ..... -0.02%

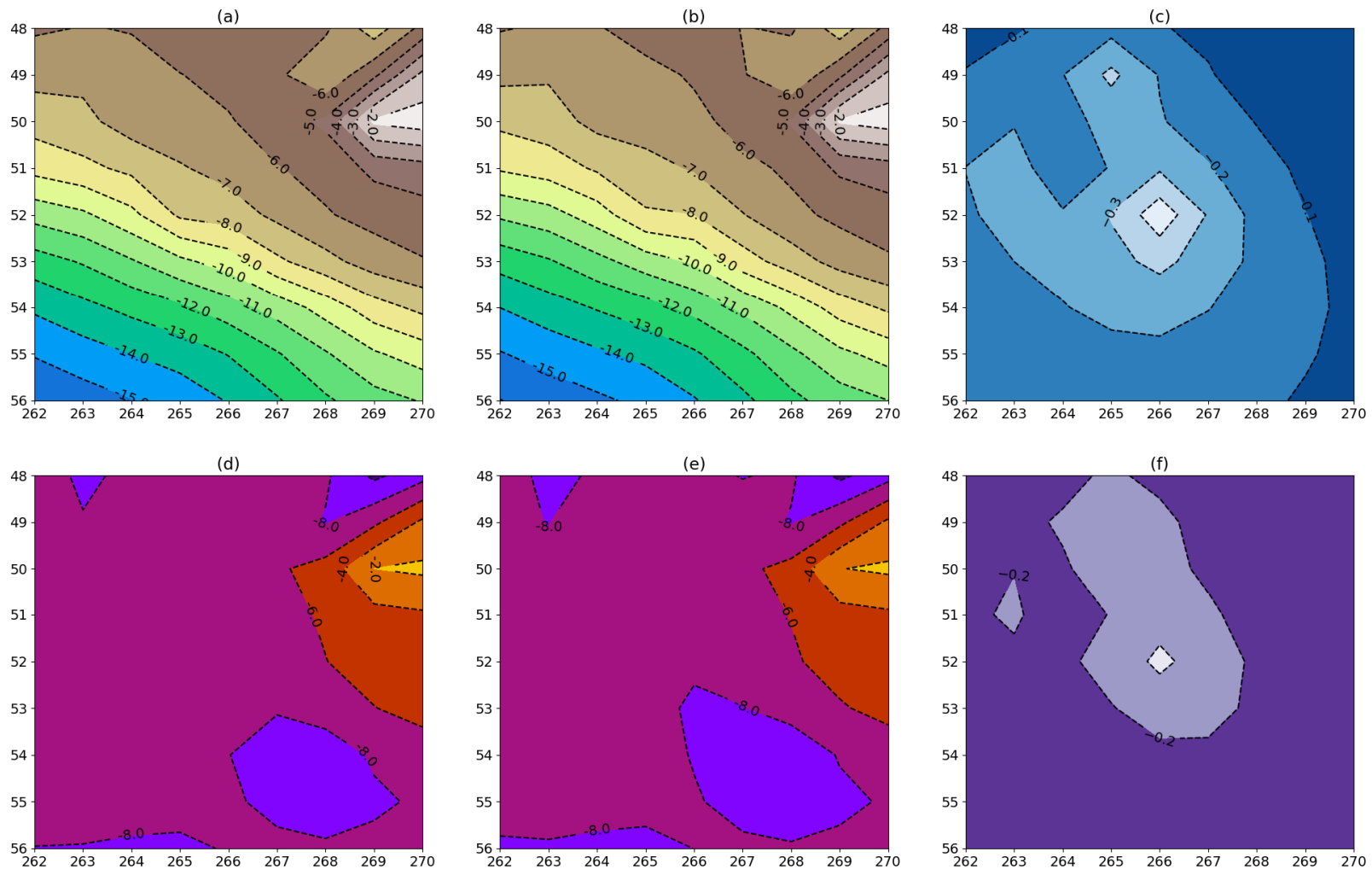
# APPLICATION FILE NOS. 51281, 51282, 51283, 51284, & 51383



**Figure 1:** Map of stream observation locations, proposed application, and offset water right

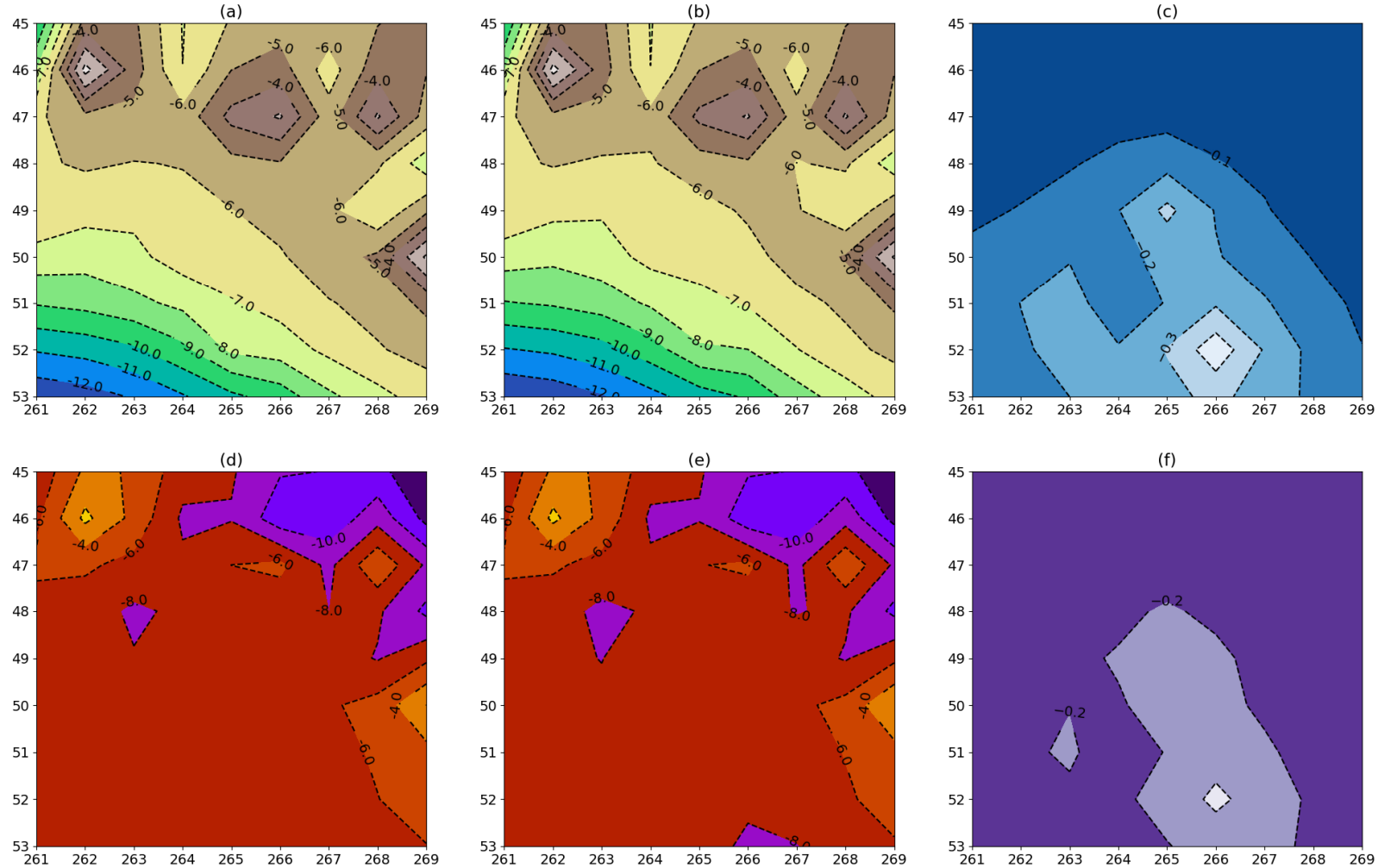


**Figure 2:** Groundwater contours after fifty years of pumping. Figures centered on File No. 51281. X and Y axes are half-mile model cell indexes (a) Baseline change in water level (feet); (b) Change in water level with proposed new application (feet); (c) Difference in water level between proposed new application and baseline without change (feet); (d) Baseline change in water level as percentage of saturated thickness; (e) Change in water level with proposed new application as percentage of saturated thickness; (f) Difference in water level between proposed new application and baseline without change as percentage of saturated thickness.

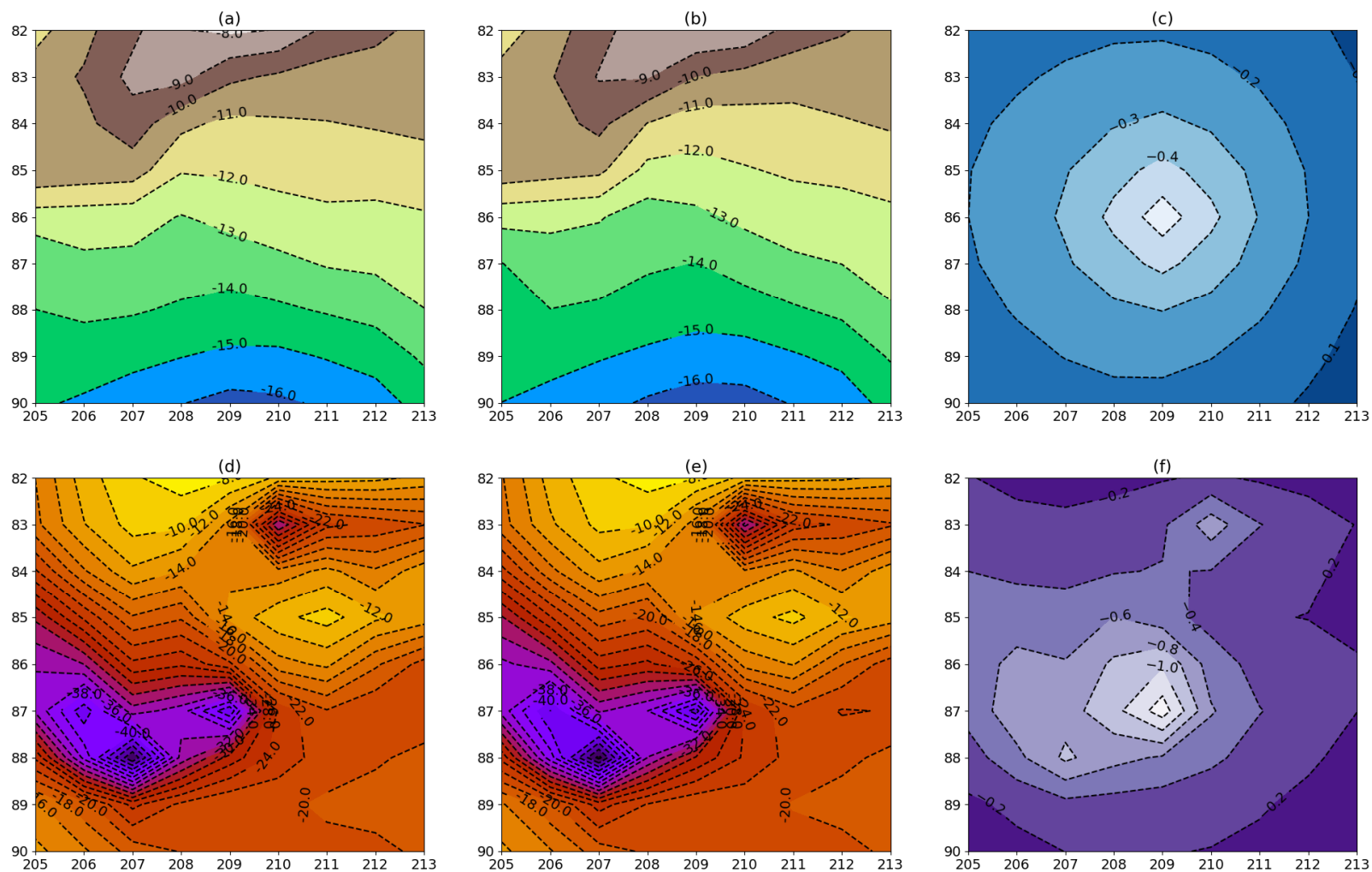


**Figure 3:** Groundwater contours after fifty years of pumping. Figures centered on File No. 51282. X and Y axes are half-mile model cell indexes (a) Baseline change in water level (feet); (b) Change in water level with proposed new application (feet); (c) Difference in water level between proposed new application and baseline without change (feet); (d) Baseline change in water level as percentage of saturated thickness; (e) Change in water level with proposed new application as percentage of saturated thickness; (f) Difference in water level between proposed new application and baseline without change as percentage of saturated thickness.

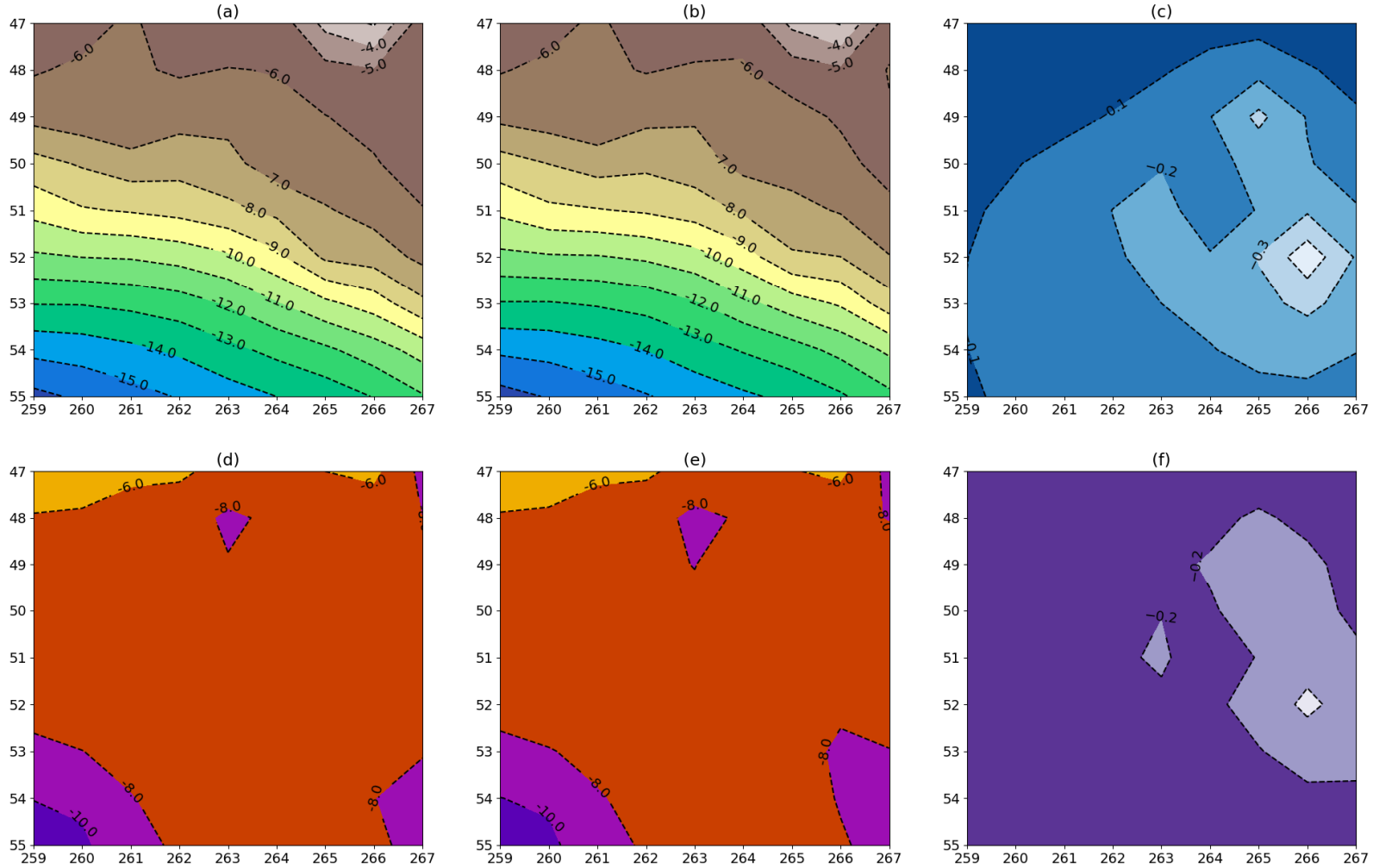




**Figure 4:** Groundwater contours after fifty years of pumping. Figures centered on File No. 51283. X and Y axes are half-mile model cell indexes (a) Baseline change in water level (feet); (b) Change in water level with proposed new application (feet); (c) Difference in water level between proposed new application and baseline without change (feet); (d) Baseline change in water level as percentage of saturated thickness; (e) Change in water level with proposed new application as percentage of saturated thickness; (f) Difference in water level between proposed new application and baseline without change as percentage of saturated thickness



**Figure 5:** Groundwater contours after fifty years of pumping. Figures centered on File No. 51284. X and Y axes are half-mile model cell indexes (a) Baseline change in water level (feet); (b) Change in water level with proposed new application (feet); (c) Difference in water level between proposed new application and baseline without change (feet); (d) Baseline change in water level as percentage of saturated thickness; (e) Change in water level with proposed new application as percentage of saturated thickness; (f) Difference in water level between proposed new application and baseline without change as percentage of saturated thickness



**Figure 6:** Groundwater contours after fifty years of pumping. Figures centered on File No. 51343. X and Y axes are half-mile model cell indexes (a) Baseline change in water level (feet); (b) Change in water level with proposed new application (feet); (c) Difference in water level between proposed new application and baseline without change (feet); (d) Baseline change in water level as percentage of saturated thickness; (e) Change in water level with proposed new application as percentage of saturated thickness; (f) Difference in water level between proposed new application and baseline without change as percentage of saturated thickness.

	Segment	Average Flow, AF/yr	Stream Impact, AF/yr	Stream Impact, % Avg Flow
ARK RIVER AT LARNED	2627	90,061.20	-14.99	-0.02
ARK RIVER AT GREAT BEND	5168	106,139.89	-12.47	-0.01
ARK RIVER NR NICKERSON	5289	211,552.49	-20.99	-0.01
RATTLESNAKE CR NR MACKSVILLE	1780	1,803.41	7.31	0.41
RATTLESNAKE CR NR ZENITH	1992	13,242.60	104.50	0.79
PEACE CR AB CONFLUENCE	2260	1,480.69	1.19	0.08
NF NINNESCAH NR ARLINGTON	2940	53,505.59	0.72	0.00
SILVER CR NR LANGDON	2875	12,174.20	0.00	0.00
SF NINNESCAH NR PRATT	2986	10,523.48	-1.39	-0.01
SF NINNESCAH NR CUNNINGHAM	3033	70,136.54	-1.42	-0.00

**Figure 7:** Summary of stream impacts

Safe Yield Report Sheet  
Proposed Point of Diversion  
Point of Diversion in 15-23S-16W  
Footages from SE corner: 1320 feet North 1320 feet West



0 0.5 1 2 Miles



\* Fails safe yield\*

#### ANALYSIS RESULTS

The selected PD is in an area CLOSED to New appropriations

The safe yield based on the variables listed below is 1130.91 AF.

Total prior appropriations in the circle is 2272.0 AF.  $-195.0 = 2077\text{AF}$

Total quantity of water available for appropriation is -1141.09 AF.  $1130.91 - 2077 = -946.09\text{ AF}$

QUANTITY APPROPRIATED EXCEEDS SAFE YIELD.

#### SAFE YIELD VARIABLES

The area used for the analysis is calculated as 8042 acres. The radius is set at 2.0 miles.

The potential annual recharge at the circle center is estimated to be 2.25 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 2024-12-11 and are based on Appropriated and Vested ground water rights.

Domestic, Term and Temporary water rights, and GMD #2 Stream Nodes have been excluded.

There are 15 water rights and 18 points of diversion within the circle.

File Number	Use	ST	SR	DIST	Q4	Q3	Q2	Q1	FtN	FtW	S	TP	RN	ID	Aquifers	QBy	Auth_Qnt	Add_Qnt
A	12143	IRR	NK	G	7674	SE	SE	NE	2680	38	23	23	16W	5	180	WR	183.00	183.00
A	18119	IRR	NK	G	4588	SE	SW	SW	50	4550	11	23	16W	8	180	PD	82.00	82.00
A	18119	IRR	NK	G	4897	SW	SE	SW	50	3820	11	23	16W	9	180	PD	82.00	82.00
A	16844	IRR	NK	G	9555		NC	SW	1340	3950	24	23	16W	1		WR	198.00	198.00
A	21898	IRR	NK	G	2635		NC	NE	3960	1300	22	23	16W	1		PD	192.00	192.00
A	21898	IRR	NK	G	5272		NC	SE	1320	1350	22	23	16W	3	180	PD	195.00	195.00
A	20568	IRR	NK	G	10510	SW	SE	NE	2695	1150	17	23	16W	1		WR	53.00	53.00
A	22489	IRR	NK	G	8000		NC	SW	1290	3960	13	23	16W	4	180	WR	195.00	195.00
A	24705	IRR	NK	G	9982	NC	W2	SW	1323	4525	09	23	16W	4	180	WR	180.00	180.00
A	31623	IRR	NK	G	8231	NC	W2	NW	3960	4325	11	23	16W	3		PD	24.00	24.00
A	31623	IRR	NK	G	8335		NC	NW	3950	3960	11	23	16W	4		PD	39.00	39.00
A	31428	IRR	NK	G	6813	NE	SE	SW	1029	2725	23	23	16W	6	180	WR	198.00	198.00
A	31429	IRR	NK	G	7497		NC	SE	1340	1300	23	23	16W	3		WR	198.00	198.00
A	31430	IRR	NK	G	3787		NC	NW	3960	3935	23	23	16W	4		WR	198.00	198.00
A	34065	IRR	NK	G	8457	NW	SE	NW	3950	3610	11	23	16W	5		WR	24.00	24.00
A	34073	IRR	NK	G	8889	SW	NE	NW	4420	3635	11	23	16W	6		WR	18.00	18.00
A	34074	IRR	NK	G	8645	SW	NE	NW	4150	3610	11	23	16W	7		WR	18.00	18.00
A	51284	IRR	AY	G	0			SE	1320	1320	15	23	16W	1		WR	195.00	195.00 -195

File Number	Seq	Limitations
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Tom Taylor - At-Large (Pres.)  
 Fred Grunder - Pratt (V Pres.)  
 John Janssen - Kiowa (Treas.)  
 Marlyn Spare - Stafford (Sec.)  
 Darrell Wood - Edwards  
 Craig Zwick - Rice  
 Joe Schlessiger - Barton  
 Kerry Froetschner - Pawnee  
 Gary Hornbaker - Reno



Orrin Feril, Manager  
 125 South Main Street  
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 ph: (620) 234-5352  
 fx: (620) 234-5718  
 gmd5@gmd5.org  
 www.gmd5.org

## NOTIFICATION OF MONTHLY BOARD MEETING

February 13, 2025

President Tom Taylor has scheduled the monthly board meeting of the Big Bend Groundwater Management District #5. The meeting will be held on **Thursday February 20, 2025**, at the Stafford County Annex in St John. The meeting is scheduled to begin at **3:30 p.m.**

### Join the Meeting

Video Call	Audio Call	Meeting ID	Passcode
<b><a href="https://bit.ly/Feb2025-Board">https://bit.ly/Feb2025-Board</a></b>	<b>(312) 626-6799</b>	<b>856 8966 4273</b>	<b>053520</b>

The meeting agenda is as follows:

1. Additions to Agenda
2. Approval of January Minutes
3. Approval of Treasurer's Report
4. Audit Presentation – AdamsBrown LLC
5. Resolution 2025-1 (Cash Basis Accounting)
6. Application Nos 51281, 51282, 51283, 51284, & 51343
7. Application Nos 51241, 51242
8. Application No 51277
9. Application No 51310
10. Application No 51254
11. KDA–DOC Irrigation Technology Initiative (GMD5 Agreement)
12. 2026 Budget Discussion
13. Legislative Update
14. Manager's Report
15. Agency Reports (USFWS, KDA–DWR, KWA, RAC, CKWBA, etc.)
16. Other Business
17. Board Round Table & Agenda items for next meeting (March 13, 2025, at 9:00 a.m.)

Underline denotes action items

MINUTES – JANUARY 09, 2025  
BIG BEND GROUNDWATER MANAGEMENT DISTRICT #5  
MEETING OF THE BOARD OF DIRECTORS

The monthly board meeting of the Big Bend Groundwater Management District #5 was held at the District Office in Stafford, Kansas on Thursday January 09, 2025. The board members present were Tom Taylor, John Janssen, Marlyn Spare, Darrell Wood, Gary Hornbaker, Kerry Froetschner, Joe Schlessiger, and Craig Zwick. The board member Fred Grunder was not present. The District staffs present were Orrin Feril and Vanessa Marks. The guests present via Zoom were Jason Norquest, Jeff Crispin, Jeff Lanterman, Chris Smith, and Toby Dougherty.

The January regular board meeting was called to order at 9:00 a.m. by Tom Taylor.

John Janssen moved, and Kerry Froetschner seconded to approve the December minutes as presented. Motion carried 8-0.

Orrin Feril provided the board and public with the January treasurer's report and highlighted the unique items for further board review. Craig Zwick moved, and John Janssen seconded to accept the January treasurer's report as presented. Motion carried 8-0.

Throughout the month of December, the District sent out a request for proposals to farm lands owned by the District. The District received several bids, and an anonymized summary was presented to the board for consideration. Following a review, Joe Schlessiger moved, and John Janssen seconded to accept the bid from Bidder 1 for parcels RSC02, RSC04, RSC05, and RSC06 and Bidder 5 for parcel RSC03. Motion carried 8-0.

In accordance with K.S.A. 82a-1043, the District staff has completed the annual report for review by the board. Following discussion and review by the board, Craig Zwick moved, and Kerry Froetschner seconded to approve the 2024 annual report and authorizing the manager to make any pertinent grammatical revisions prior to submission to the legislature. Motion carried 8-0.

Orrin Feril presented an initial draft budget for FY2026 for board input. This draft budget will be presented at the February board meeting for further board input in preparation for public input at the annual meeting. The proposed FY2026 budget will be presented at the budget hearing that is held in July.

The annual meeting is coming up and the speakers are being lined up for the meeting. The annual meeting will be held on February 20 in St John at the Stafford County Annex building. The board discussed the location for the District board meeting prior to the annual meeting. The incumbent board members were confirmed for the ballot at the annual meeting.

Orrin Feril discussed staff activities for the past few weeks and upcoming months. The board was reminded to get their water use reports submitted to KDA–DWR as soon as possible and to submit a copy of those reports to the CKWBA. District staff have been completing the annual water level measurements and will be compiling the annual maps for presentation at the annual meeting. The board was provided with a brief update on the Watershed Plan-EIS. The management program was sent back to the District with suggested revisions. Balleau GW and legal counsel were brought in to provide insight into these suggested revisions.

Jeff Lanterman, KDA–DWR, provided an update on KDA's pilot augmentation project on Rattlesnake Creek, noting the direct response seen at the Zenith gage following initiation of the



project. Questions were addressed by Jeff Lanterman regarding the monitoring of water quality in the project. A brief discussion was had between the board and Jeff Lanterman regarding the status of the offset application process. Vanessa Marks, CKWBA, provided an update on the CAMP project. At this point, the MOA between CKWBA, KDA and Kansas Corn has been signed by CKWBA. The CAMP contracts are updated and need review at a forthcoming board meeting.

In other business, Craig Zwick moved, and Darrell Wood seconded to hold the next board meeting at the Stafford County Annex building prior to the annual meeting with discretion to the manager in the final scheduling. Motion carried 8-0. The board appreciation dinner is coming soon and other restaurants in the District were considered.

The next District board meeting is tentatively set for February 20, 2025, at 3:30 p.m. at the Stafford County Annex.

With no further items to discuss the board adjourned at 10:15 a.m.

Attest by: \_\_\_\_\_ Dated: \_\_\_\_\_

**BIG BEND GMD #5**  
**Treasurer's Report**  
As of February 20, 2025

Date	Num	Name	Memo	Paid Amount	Balance
<b>Checking</b>					29,923.95
01/14/2025		QuickBooks Payroll Service	Created by Payroll Service on 01/09/2025	-10,609.37	19,314.58
01/15/2025	DD1535	Feril, Orrin R	Direct Deposit	0.00	19,314.58
01/15/2025	DD1536	Hildebrand, John J	Direct Deposit	0.00	19,314.58
01/15/2025	DD1537	Marks, Vanessa A	Direct Deposit	0.00	19,314.58
01/15/2025	DD1538	Reed, Fay N	Direct Deposit	0.00	19,314.58
01/15/2025	EFTPS	United States Treasury	Jan 15, 2025 Payroll	-4,672.00	14,642.58
01/15/2025	EFTPS	Kansas Withholding Tax	January 15th 2025 Payroll	-599.00	14,043.58
01/17/2025	2587	USPS	Newsletters	-336.34	13,707.24
01/23/2025	EFTPS	Kansas Department of Revenue.	KW3 Annual Withholding Tax Return	-69.00	13,638.24
01/23/2025		First National Bank Omaha	4418 2292 6021 1985	-3,152.49	10,485.75
01/24/2025	2588	Ark Valley Electric	December 2024	-60.00	10,425.75
01/24/2025	2589	AT&T Phone Co.	December 2024	-371.80	10,053.95
01/24/2025	2590	Brightspeed	December 2024	-216.52	9,837.43
01/24/2025	2591	Column Software, PBC	Public Notice Annual Meeting: Great Ben...	-49.82	9,787.61
01/24/2025	2592	Cultivating Conservation	December 2024	-5,417.00	4,370.61
01/24/2025	2593	Kansas Gas Service	December 2024	-185.99	4,184.62
01/24/2025	2594	Kanza Coop	December 2024	-180.80	4,003.82
01/24/2025	2595	Loopup LLC	December 2024	-35.31	3,968.51
01/24/2025	2596	Main Street Media	Public Notice Roundtable/Annual Meeting	-327.55	3,640.96
01/24/2025	2597	S & S Tire Inc	December 2024 New Tires Blue Truck	-1,601.00	2,039.96
01/24/2025	2598	USABlueBook	December 2024 Lab Supplies	-68.64	1,971.32
01/24/2025	2599	USPS	USPS Marketing Mail Permit Fee	-350.00	1,621.32
01/28/2025			Funds Transfer	10,000.00	11,621.32
01/30/2025		QuickBooks Payroll Service	Created by Payroll Service on 01/28/2025	-8,467.88	3,153.44
01/30/2025			Closing Equity CDARS 7606 (IN QB *7165)	3,284,819.72	3,287,973.16
01/30/2025			Open New CDARS *5533 - Closed CD 7...	-3,000,000.00	287,973.16
01/30/2025		Deluxe	Reorder Checks	-450.16	287,523.00
01/31/2025	DD1541	Marks, Vanessa A	Direct Deposit	0.00	287,523.00
01/31/2025	DD1542	Reed, Fay N	Direct Deposit	0.00	287,523.00
01/31/2025	DD1539	Feril, Orrin R	Direct Deposit	0.00	287,523.00
01/31/2025	DD1540	Hildebrand, John J	Direct Deposit	0.00	287,523.00
01/31/2025			Interest	70.59	287,593.59
02/03/2025			Funds Transfer	10,000.00	297,593.59
02/03/2025	EFTPS	United States Treasury	Jan 31 2025	-3,466.76	294,126.83
02/03/2025	EFTPS	Kansas Withholding Tax	Jan 31 2025	-419.00	293,707.83
02/03/2025	EFT	SEHP	Februrary 2025	-5,015.85	288,691.98
02/11/2025	2600	Capital Guardian Trust Co.	January 2025	-494.00	288,197.98
02/11/2025	2601	Ark Valley Electric	January 2025	-60.00	288,137.98
02/11/2025	2602	Bandura Plus, LLC	January 2025	-350.00	287,787.98
02/11/2025	2603	City of Stafford	January 2025	-164.01	287,623.97
02/11/2025	2604	Column Software, PBC	Public Notice	-41.25	287,582.72
02/11/2025	2605	Fisher Service Center	Gray Truck Oil Change	-128.09	287,454.63
02/11/2025	2606	Golden Belt Telephone	January 2025	-374.70	287,079.93
02/11/2025	2607	Haviland Telephone Co.	January 2025	-26.44	287,053.49
02/11/2025	2608	Kansas Gas Service	January 2025	-236.28	286,817.21
02/11/2025	2609	Kanza Coop	January 2025	-655.54	286,161.67
02/11/2025	2610	KARA	January 2025	-2,350.00	283,811.67
02/11/2025	2611	Loopup LLC	January 2025	-23.81	283,787.86
02/11/2025	2612	SDK Laboratories Inc	January 2025	-179.84	283,608.02
02/11/2025	2613	The Bulletin	Invoices 65550 & 65574	-69.82	283,538.20
02/11/2025	2614	Travelers	Liability Insurance 2025	-2,215.00	281,323.20
02/13/2025		QuickBooks Payroll Service	Created by Payroll Service on 02/11/2025	-10,778.39	270,544.81
02/13/2025			Funds Transfer	-200,000.00	70,544.81
02/14/2025	DD1543	Feril, Orrin R	Direct Deposit	0.00	70,544.81
02/14/2025	DD1544	Hildebrand, John J	Direct Deposit	0.00	70,544.81
02/14/2025	DD1545	Marks, Vanessa A	Direct Deposit	0.00	70,544.81
02/14/2025	DD1546	Reed, Fay N	Direct Deposit	0.00	70,544.81
02/18/2025			Funds Transfer	20,000.00	90,544.81
02/19/2025	EFTPS	United States Treasury	January 31 2025	-4,778.26	85,766.55
02/19/2025	EFTPS	Kansas Withholding Tax	January 31 2025	-614.00	85,152.55
02/19/2025	2615	AT&T Phone Co.	January 2025	-383.30	84,769.25
02/19/2025	2616	Balleau Groundwater Inc	January 2025	-3,705.00	81,064.25
02/19/2025	2617	Brightspeed	January 2025	-220.04	80,844.21
02/19/2025	2618	Edwards County Sentinel	Public Notices	-67.00	80,777.21
02/19/2025	2619	First National Bank Omaha	4418 2292 6021 1985	-3,230.90	77,546.31
02/19/2025	2620	HP Inc	Printer Toner	-2,461.17	75,085.14
02/19/2025	2621	Main Street Market & Deli	January 2025	-27.03	75,058.11
02/19/2025	2622	Olsson	January 2025	-36,970.42	38,087.69

**BIG BEND GMD #5**  
**Treasurer's Report**  
As of February 20, 2025

Date	Num	Name	Memo	Paid Amount	Balance
02/19/2025	2623	Quivira Insurance	Insurance 2025	-12,491.00	25,596.69
02/19/2025	2624	Stinson LLP	December 2024	-23,547.50	2,049.19
02/19/2025			Funds Transfer	10,000.00	12,049.19
02/19/2025	2625	Cultivating Conservation	January 2025	-5,417.00	6,632.19
02/20/2025	2626	Balleau Groundwater Inc	January 2025	-3,412.50	3,219.69
Total Checking				-26,704.26	3,219.69
<b>Petty Cash</b>					50.00
Total Petty Cash					50.00
<b>Public DDA</b>					10,000.00
01/17/2025			Deposit	395,424.68	405,424.68
01/17/2025			Funds Transfer	-109,471.16	295,953.52
01/17/2025			Funds Transfer	-285,953.52	10,000.00
01/21/2025			Deposit	630,893.40	640,893.40
01/21/2025			Deposit	35.25	640,928.65
01/27/2025			Funds Transfer	-630,928.65	10,000.00
01/28/2025			Funds Transfer	10,000.00	20,000.00
01/28/2025			Funds Transfer	-10,000.00	10,000.00
01/31/2025			Interest	25.48	10,025.48
02/01/2025			Deposit	180,605.08	190,630.56
02/03/2025			Funds Transfer	10,000.00	200,630.56
02/03/2025			Funds Transfer	-10,000.00	190,630.56
02/13/2025			Funds Transfer	200,000.00	390,630.56
02/13/2025			Funds Transfer	-200,000.00	190,630.56
02/18/2025			Funds Transfer	20,000.00	210,630.56
02/18/2025			Funds Transfer	-20,000.00	190,630.56
02/19/2025			Funds Transfer	10,000.00	200,630.56
02/19/2025			Funds Transfer	-10,000.00	190,630.56
Total Public DDA				180,630.56	190,630.56
<b>Public ICS</b>					1,144,842.90
01/17/2025			Funds Transfer	109,471.16	1,254,314.06
01/17/2025			Funds Transfer	285,953.52	1,540,267.58
01/27/2025			Funds Transfer	630,928.65	2,171,196.23
01/28/2025			Funds Transfer	-10,000.00	2,161,196.23
01/31/2025			Interest	3,554.55	2,164,750.78
02/03/2025			Funds Transfer	-10,000.00	2,154,750.78
02/13/2025			Funds Transfer	200,000.00	2,354,750.78
02/18/2025			Funds Transfer	-20,000.00	2,334,750.78
02/19/2025			Funds Transfer	-10,000.00	2,324,750.78
Total Public ICS				1,179,907.88	2,324,750.78
<b>CDARS *5533</b>					0.00
01/30/2025			Open New CDARS *5533 - Closed CD 7...	3,000,000.00	3,000,000.00
Total CDARS *5533				3,000,000.00	3,000,000.00
<b>CDARS *7165</b>					3,139,253.28
01/30/2025			Interest	145,566.44	3,284,819.72
01/30/2025			Closing Equity CDARS 7606 (IN QB *7165)	-3,284,819.72	0.00
Total CDARS *7165				-3,139,253.28	0.00
<b>CDARS*8658</b>					1,090,820.52
Total CDARS*8658					1,090,820.52
<b>TOTAL</b>				<b>1,194,580.90</b>	<b>6,609,471.55</b>

# BIG BEND GMD #5 Spent and Remaining

Cash Basis

January through December 2025

	Jan - Dec 25	Budget	% of Budget
<b>Income</b>			
Assessment Revenue	1,194,946.46	1,583,152.22	75.5%
Grants	0.00	400,000.00	0.0%
Interest Income	149,217.06	180,000.00	82.9%
Miscellaneous Income	32,211.05	25,000.00	128.8%
<b>Total Income</b>	<b>1,376,374.57</b>	<b>2,188,152.22</b>	<b>62.9%</b>
<b>Expense</b>			
Misc. Cons. Programs	0.00	400,000.00	0.0%
Building Expense	1,863.99	10,000.00	18.6%
Business Dinners	35.14	1,500.00	2.3%
Central Kansas Water B...	-3,982.64		
Dues and Memberships	0.00	750.00	0.0%
Field Equipment	2,028.30	10,000.00	20.3%
Insurance	14,706.00	16,000.00	91.9%
Office Equipment	-13.80	5,000.00	-0.3%
Office Supplies	5,239.88	5,000.00	104.8%
Other Expenses	0.00	2,000.00	0.0%
Payroll Expenses	48,565.68	364,000.00	13.3%
Postage	1,020.59	2,000.00	51.0%
Printing and Publication	556.57	20,000.00	2.8%
Professional Fees	29,867.08	500,000.00	6.0%
Travel & Conference	0.00	18,000.00	0.0%
Utilities	1,444.47	15,000.00	9.6%
Water Management	21,507.25	1,000,000.00	2.2%
Watershed Plan	36,970.42		
Weather Stations	1,620.68	19,000.00	8.5%
<b>Total Expense</b>	<b>161,429.61</b>	<b>2,388,250.00</b>	<b>6.8%</b>
<b>Net Income</b>	<b>1,214,944.96</b>	<b>-200,097.78</b>	<b>-607.2%</b>

## RESOLUTION NO. 2025-1

WHEREAS the Big Bend Groundwater Management District No. 5, Stafford, Kansas, has determined that the financial statements and financial reports for the year ended 2025 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) (as amended) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of Directors or the members of the general public of the Big Bend Groundwater Management District No. 5 and

WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) (as amended) for the year ended 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of Big Bend Groundwater Management District No. 5, Stafford, Kansas, in the regular meeting duly assembled this 20th day of February 2024 that the Board of Directors waives the requirements of K.S.A. 75-1120a(a) (as amended) as they apply to the Big Bend Groundwater Management District No. 5 for the year ended 2025.

BE IT FURTHER RESOLVED THAT THE Board of Directors shall cause the financial statements and financial reports of the Big Bend Groundwater Management District No. 5 to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.



# Big Bend Groundwater Management District #5

## Board Review Worksheet

Application File # 51281 Applicant: ILS Farms

Legal Description: NC SW Section: 21 Township: 20S Range: 11W

County: Barton Location from nearest town/city: 4.0 miles south of Ellinwood

Sustainable Yield: (Two-Mile Area) 2734 AF Depth to Water: +/- 10 ft Historical Water Level Change: +/- 3 ft

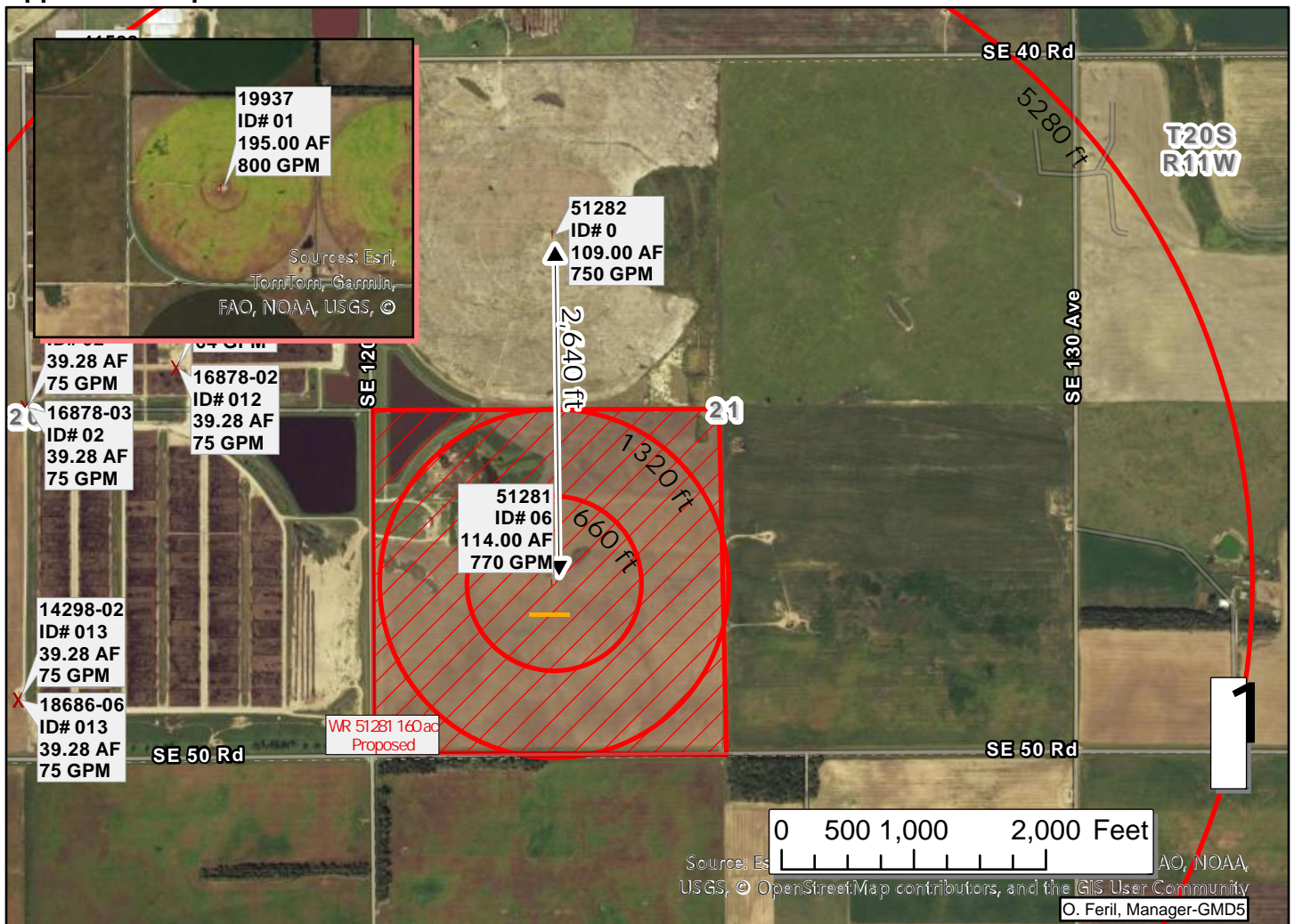
Authorized Acre-Feet: WR 19937 27419 32028 35675 35676 35677 Offset: 661 AF Authorized Gallons/Min: WR 19937 27419 32028 35675 35676 35677 Offset: 3070 GPM Authorized Point of Div: Various in 33-44% Response Zones

Proposed Acre-Feet: 661 AF total 51281 - 114 AF Proposed Gallons/Min: 3070 GPM total 51281 - 770 GPM Proposed Point of Div: 1320'N, 3960'W

Requested Waiver of Rule and Regulation: KAR 5-25-22 - Movement of WR affecting streamflow at RSC

**Staff Background:** This application is one of five proposing to retire six water rights in the 33-44% response zones. The cumulative impact for all five new water rights as expressed in percent of average streamflow is a positive 0.79% for Rattlesnake Creek at Zenith and a negative 0.02% for Arkansas River at Larned. Based on coordination with KDA-DWR technical staff and Balleau Groundwater staff, these impacts are reasonable and not anticipated to cause impairment of existing water rights. This application is requesting to install and irrigate 160 ac in the SW 1/4 of section 21. The District's initial K.A.R. 5-25-22 evaluation is attached. The application does not meet subsections (a)(1), (a)(7), (a)(8) of K.A.R. 5-25-22.

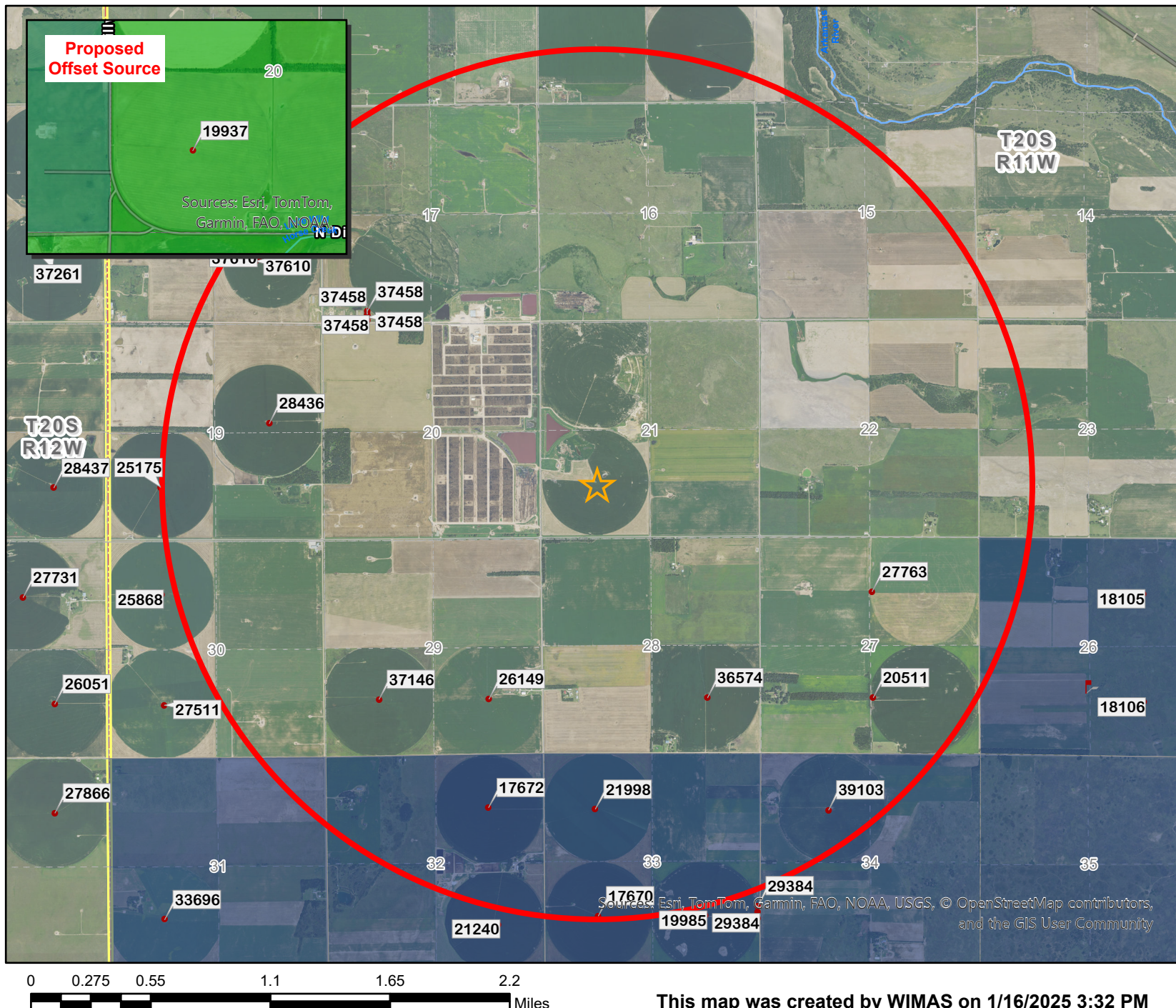
**Staff Recommendation:** **Recommend waiver of K.A.R. 5-25-22 and recommend approval of the application as presented.**





# K.A.R. 5-25-22 Evaluation

## Proposed Location: NC SW 21-20S-11W @ 1320'N, 3960'W from SE corner



### Legend

#### Point of Diversion

- ★ G\_IND
- G\_IRR
- ▲ G\_MUN
- ▢ G\_REC

#### Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

### K.A.R. 5-25-22 Criteria

#### Response Difference

**33.33% - <1 % = 33.33%**

#### Saturated Thickness

109.3 ft

#### Water Level Change

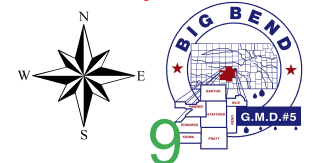
3 ft = 0.18 %

#### Authorized Quantity

**2734.51 AF**

#### Compliance Check

**Does not meet requirements**





# Big Bend Groundwater Management District #5

## Board Review Worksheet

Application File # 51282 Applicant: ILS Farms

Legal Description: NC NW Section: 21 Township: 20S Range: 11W

County: Barton Location from nearest town/city: 4.0 miles south of Ellinwood

Sustainable Yield: (Two-Mile Area) 2299 AF Depth to Water: +/- 10 ft Historical Water Level Change: +/- 2 ft

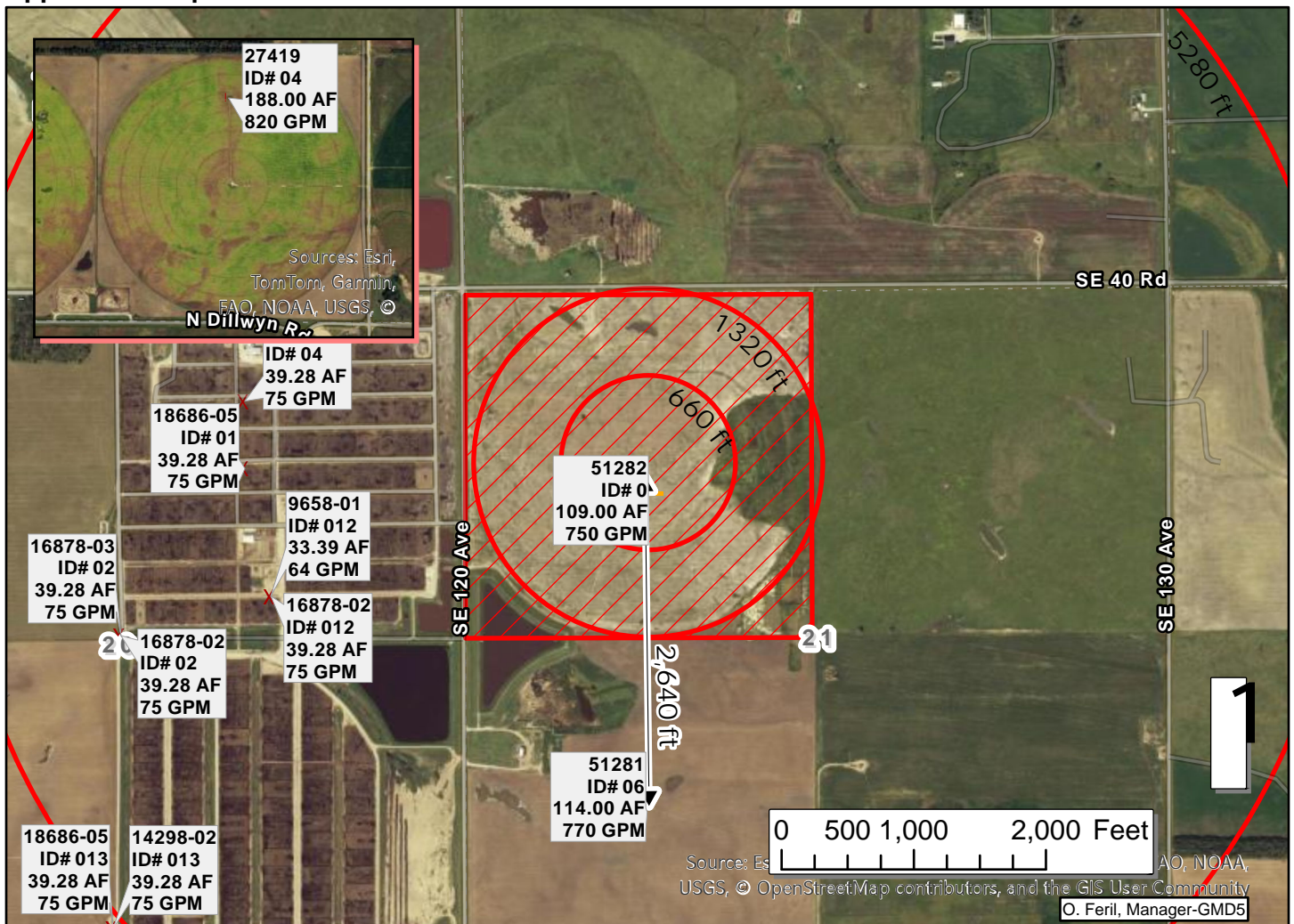
Authorized Acre-Feet: WR 19937 27419 32028 35675 35676 35677 Offset: 661 AF Authorized Gallons/Min: WR 19937 27419 32028 35675 35676 35677 Offset: 3070 GPM Authorized Point of Div: Various in 33-44% Response Zones

Proposed Acre-Feet: 661 AF total 51282 - 109 AF Proposed Gallons/Min: 3070 GPM total 51282 - 750 GPM Proposed Point of Div: 3960'N, 3960'W

Requested Waiver of Rule and Regulation: KAR 5-25-22 - Movement of WR affecting streamflow at RSC

**Staff Background:** This application is one of five proposing to retire six water rights in the 33-44% response zones. The cumulative impact for all five new water rights as expressed in percent of average streamflow is a positive 0.79% for Rattlesnake Creek at Zenith and a negative 0.02% for Arkansas River at Larned. Based on coordination with KDA-DWR technical staff and Balleau Groundwater staff, these impacts are reasonable and not anticipated to cause impairment of existing water rights. This application is requesting to install and irrigate 160 ac in the NW 1/4 of section 21. The District's initial K.A.R. 5-25-22 evaluation is attached. The application does not meet subsections (a)(1), (a)(7), (a)(8) of K.A.R. 5-25-22.

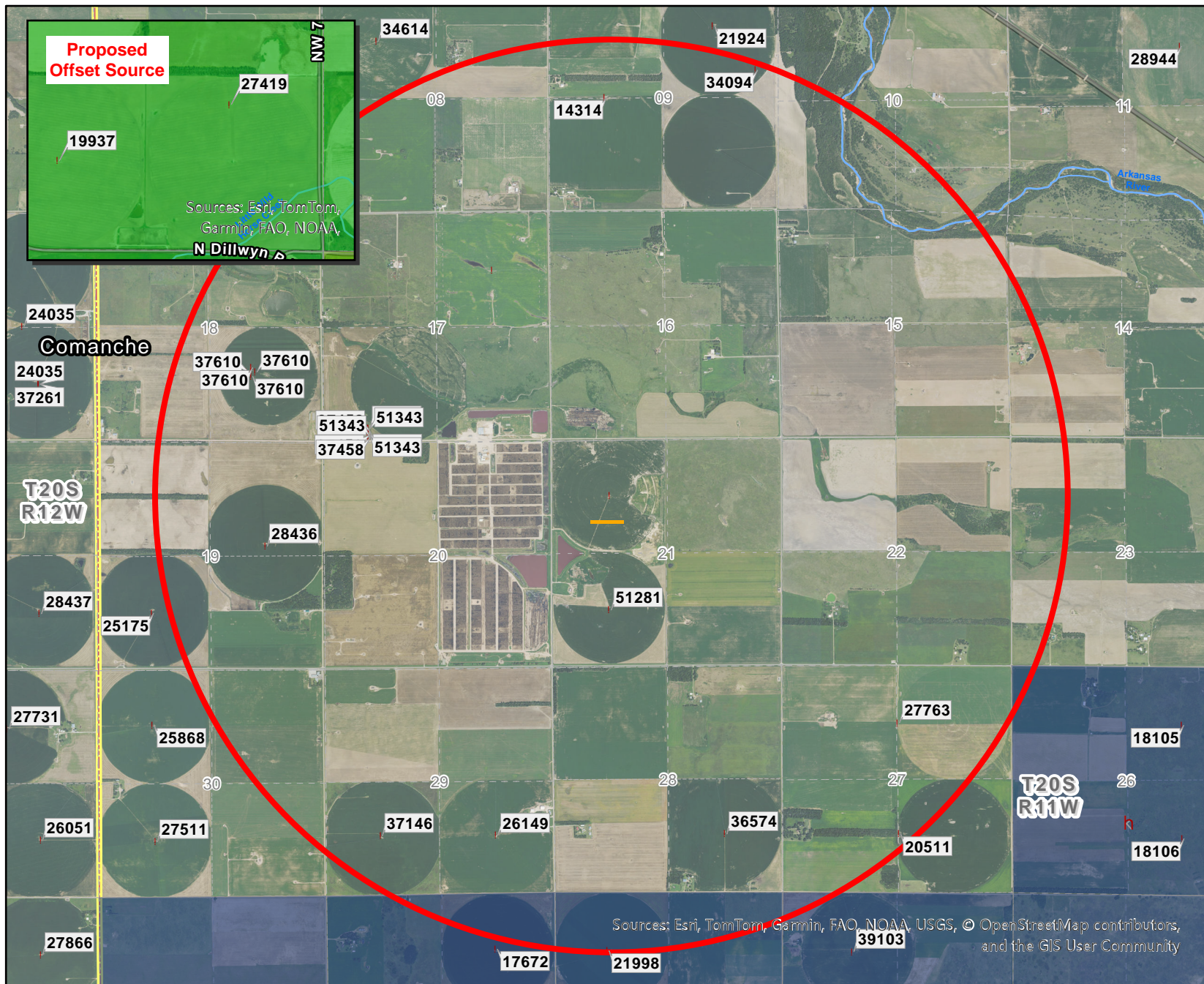
**Staff Recommendation:** **Recommend waiver of K.A.R. 5-25-22 and recommend approval of the application as presented.**





# K.A.R. 5-25-22 Evaluation

## Proposed Location: NC NW 21-20S-11W @ 3960'N, 3960'W from SE corner



### Legend

#### Point of Diversion

- ^ G\_IND
- | G\_IRR
- # G\_MUN
- h G\_REC

#### Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

### K.A.R. 5-25-22 Criteria

#### Response Difference

33.33% - <1 % = 33.33%

#### Saturated Thickness

99 ft

#### Water Level Change

2 ft = 0.12 %

#### Authorized Quantity

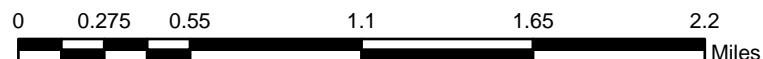
2299.49 AF

#### Compliance Check

**Does not meet requirements**



11



This map was created by WIMAS on 1/21/2025 2:46 PM



# Big Bend Groundwater Management District #5

## Board Review Worksheet

Application File # 51283 Applicant: ILS Farms

Legal Description: NC NE Section: 17 Township: 20S Range: 11W

County: Barton Location from nearest town/city: 3.0 miles south of Ellinwood

Sustainable Yield: (Two-Mile Area) 1693 AF Depth to Water: +/- 10 ft Historical Water Level Change: +/- 1 ft

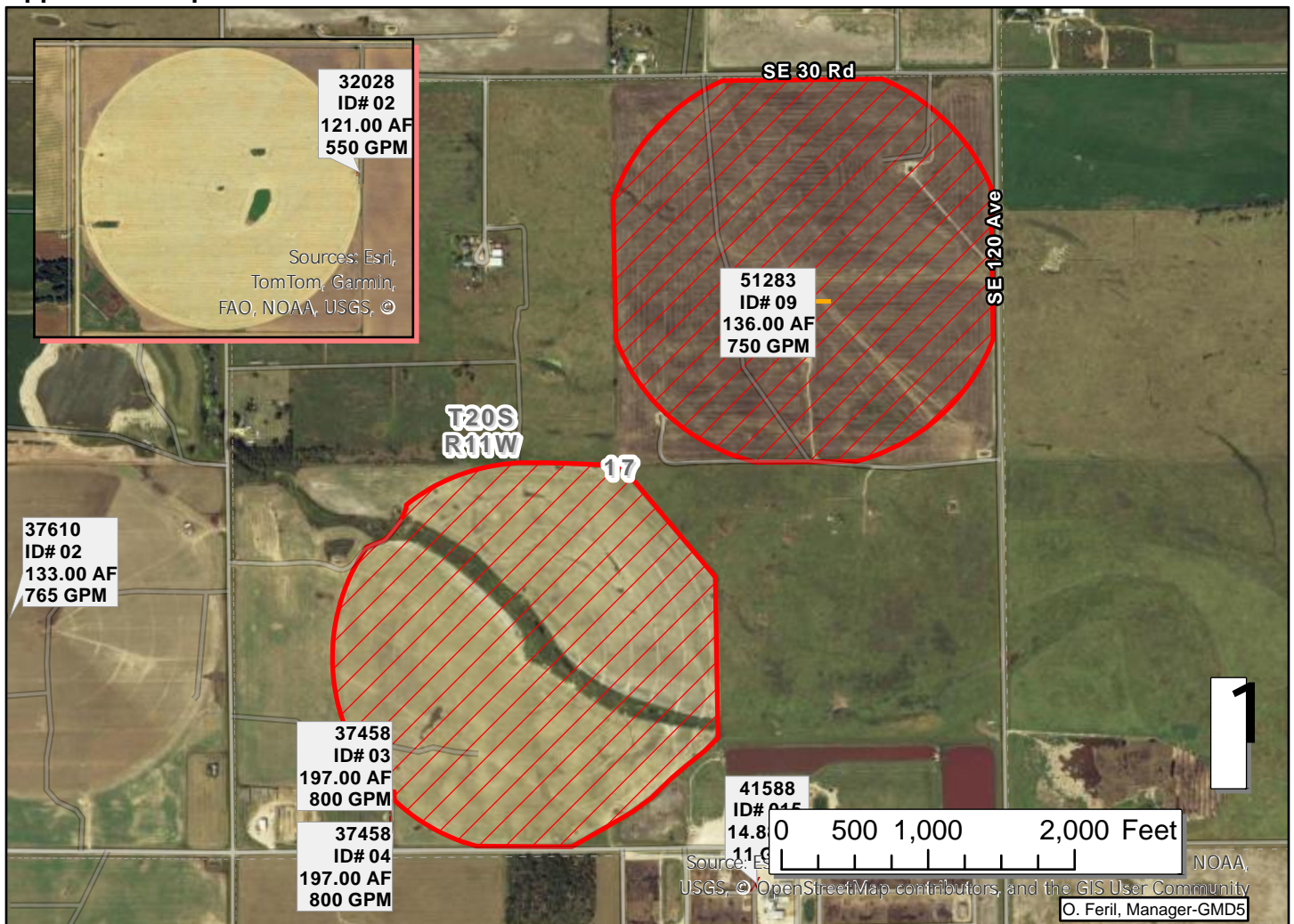
Authorized Acre-Feet: WR 19937 27419 32028 35675 35676 35677 Offset: 661 AF Authorized Gallons/Min: WR 19937 27419 32028 35675 35676 35677 Offset: 3070 GPM Authorized Point of Div: Various in 33-44% Response Zones

Proposed Acre-Feet: 661 AF total 51283 - 136 AF Proposed Gallons/Min: 3070 GPM total 51283 - 750 GPM Proposed Point of Div: 3960'N, 1320'W

Requested Waiver of Rule and Regulation: KAR 5-25-22 - Movement of WR affecting streamflow at RSC

**Staff Background:** This application is one of five proposing to retire six water rights in the 33-44% response zones. The cumulative impact for all five new water rights as expressed in percent of average streamflow is a positive 0.79% for Rattlesnake Creek at Zenith and a negative 0.02% for Arkansas River at Larned. Based on coordination with KDA-DWR technical staff and Balleau Groundwater staff, these impacts are reasonable and not anticipated to cause impairment of existing water rights. This application is requesting to install and irrigate 261 ac in the NE 1/4 and SW 1/4 of section 17. The District's initial K.A.R. 5-25-22 evaluation is attached. The application does not meet subsections (a)(1) and (a)(7) of K.A.R. 5-25-22.

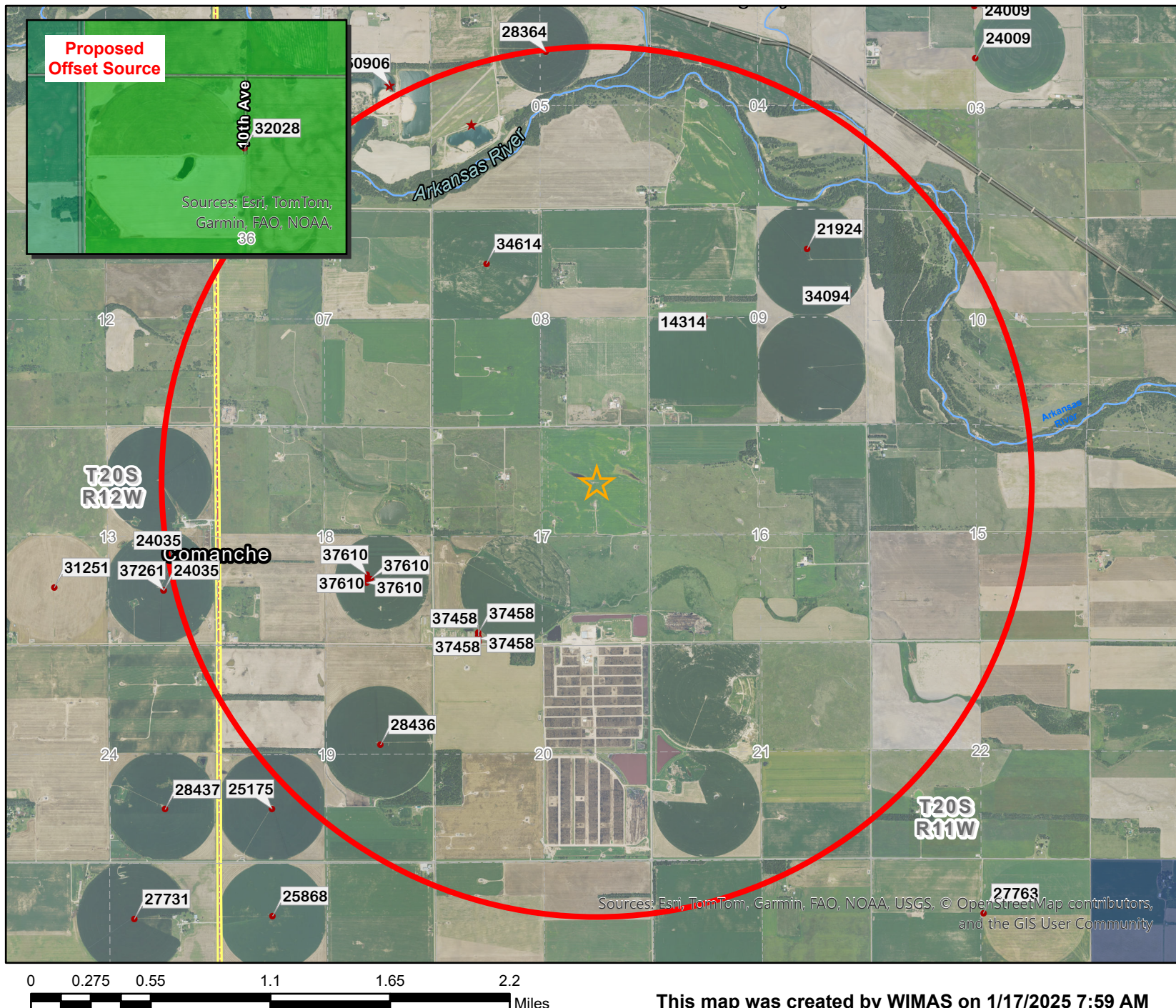
**Staff Recommendation:** **Recommend waiver of K.A.R. 5-25-22 and recommend approval of the application as presented.**





# K.A.R. 5-25-22 Evaluation

Proposed Location: NC NE 17-20S-11W @ 3960'N, 1320'W from SE corner



## Legend

### Point of Diversion

- ★ G\_IND
- G\_IRR
- ▲ G\_MUN
- ▢ G\_REC

### Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

## K.A.R. 5-25-22 Criteria

### Response Difference

34.4% - <1 % = **34.4%**

### Saturated Thickness

87.5 ft

### Water Level Change

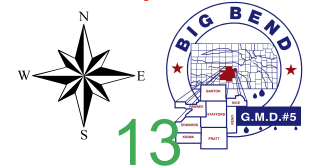
1 ft = 0.09 %

### Authorized Quantity

**1693.45 AF**

### Compliance Check

**Does not meet requirements**



This map was created by WIMAS on 1/17/2025 7:59 AM

13



# Big Bend Groundwater Management District #5

## Board Review Worksheet

Application File # 51284 Applicant: ILS Farms

Legal Description: NC SE Section: 15 Township: 23S Range: 16W

County: Pawnee Location from nearest town/city: 6.75 miles north of Belpre

Sustainable Yield: (Two-Mile Area) 2269 AF Depth to Water: +/- 30 ft Historical Water Level Change: +/- 15 ft

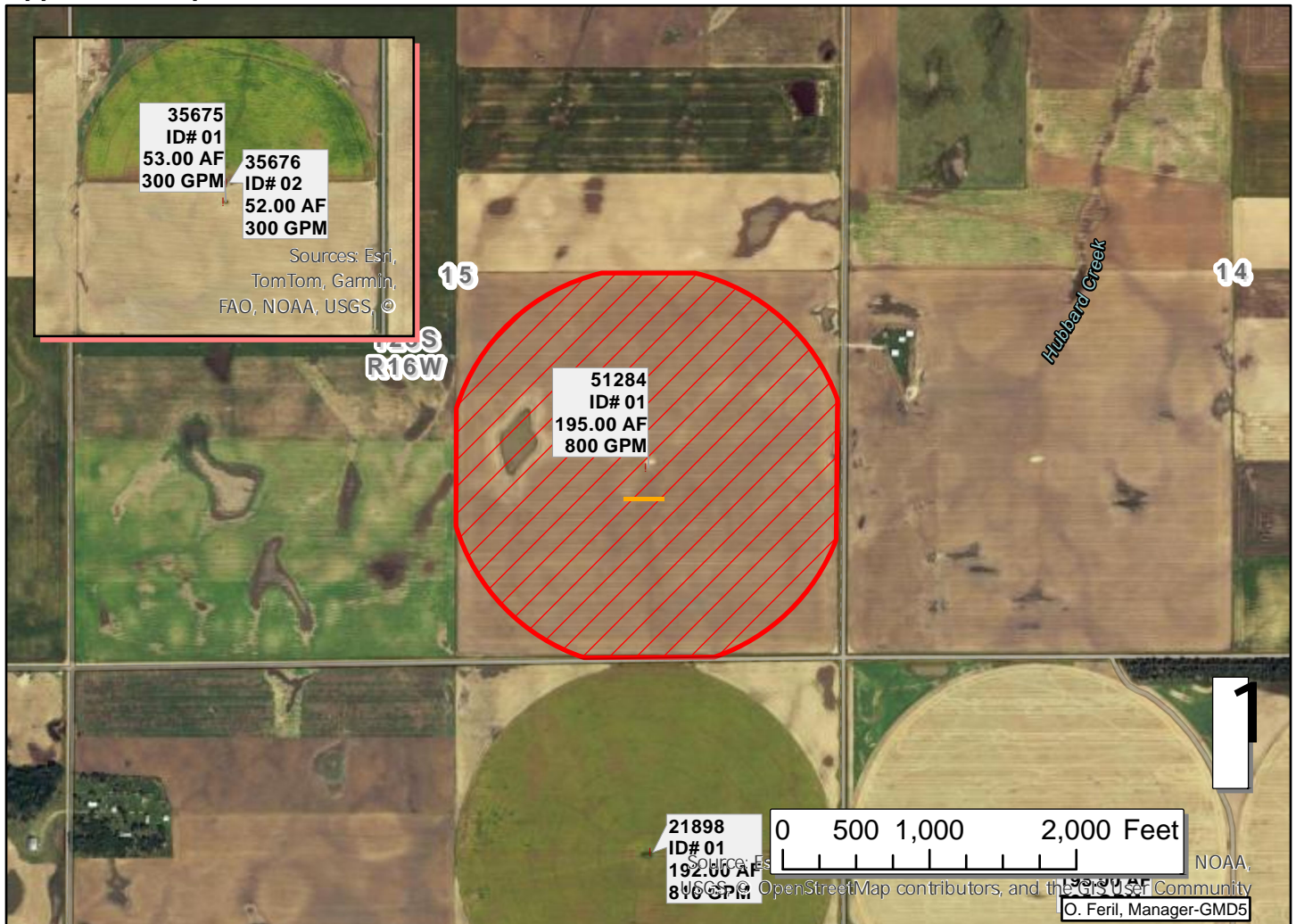
Authorized Acre-Feet: WR 19937 27419 32028 35675 35676 35677 Offset: 661 AF Authorized Gallons/Min: WR 19937 27419 32028 35675 35676 35677 Offset: 3070 GPM Authorized Point of Div: Various in 33-44% Response Zones

Proposed Acre-Feet: 661 AF total 51284 - 195 AF Proposed Gallons/Min: 3070 GPM total 51284 - 800 GPM Proposed Point of Div: 1320'N, 1320'W

Requested Waiver of Rule and Regulation: KAR 5-25-22 - Movement of WR affecting streamflow at RSC

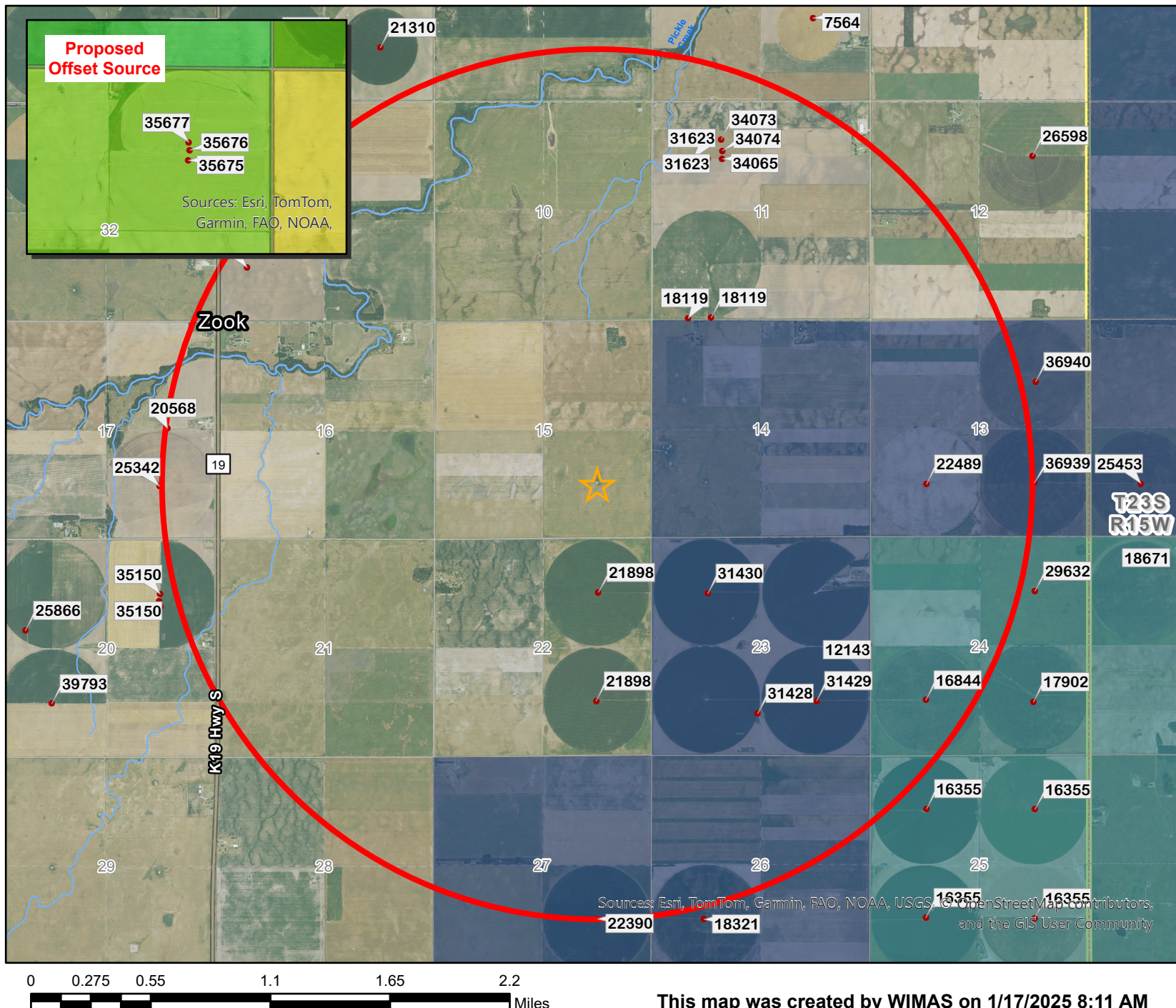
**Staff Background:** This application is one of five proposing to retire six water rights in the 33-44% response zones. The cumulative impact for all five new water rights as expressed in percent of average streamflow is a positive 0.79% for Rattlesnake Creek at Zenith and a negative 0.02% for Arkansas River at Larned. Based on coordination with KDA-DWR technical staff and Balleau Groundwater staff, these impacts are reasonable and not anticipated to cause impairment of existing water rights. This application is requesting to install and irrigate 130 ac in the SE 1/4 of section 15. The District's initial K.A.R. 5-25-22 evaluation is attached. The application does not meet subsection (a)(7) of K.A.R. 5-25-22.

**Staff Recommendation:** **Recommend waiver of K.A.R. 5-25-22 and recommend approval of the application as presented.**





**Proposed Location: NC SE 15-23S-16W @ 1320'N, 1320'W from SE corner**












## Legend

### Point of Diversion

- ★ G\_IND
- G\_IRR
- ▲ G\_MUN
- 📄 G\_REC

### Response Zone

-  < 10.00 %  
 10.01 - 20.00 %  
 20.01 - 30.00 %  
 30.01 - 40.00 %  
 40.01 - 50.00 %  
 50.01 - 60.00 %  
 60.01 - 70.00 %  
 70.01 - 80.00 %  
 > 80.01 %

### K.A.R. 5-25-22 Criteria

### Response Difference

$$44.0\% - 5\% = 39.0\%$$

### Saturated Thickness

61 ft

### Water Level Change

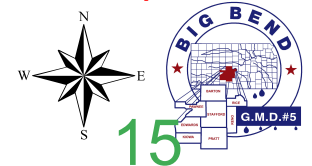
19 ft = 0.96 %

Authorized Quantity

2269 AF

### Compliance Check

**Does not  
meet requirements**





# Big Bend Groundwater Management District #5

## Board Review Worksheet

Application File # 51343 Applicant: ILS Farms

Legal Description: SW SW SW Section: 17 Township: 20S Range: 11W

County: Barton Location from nearest town/city: 3.5 miles south of Ellinwood

Sustainable Yield: (Two-Mile Area) 2543 AF Depth to Water: +/- 10 ft Historical Water Level Change: +/- 2 ft

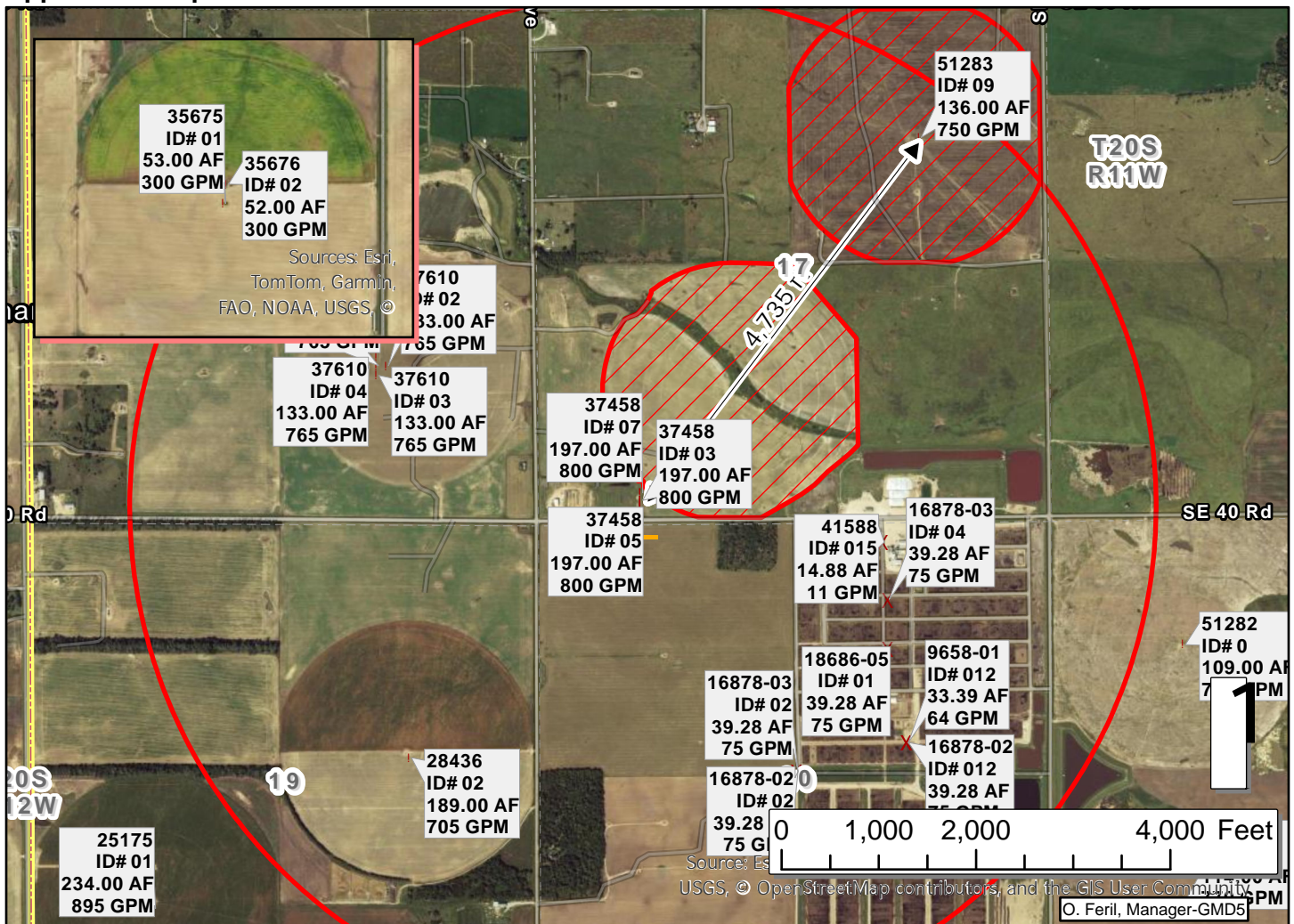
Authorized Acre-Feet: WR 19937 27419 32028 35675 35676 35677 Offset: 661 AF Authorized Gallons/Min: WR 19937 27419 32028 35675 35676 35677 Offset: 3070 GPM Authorized Point of Div: Various in 33-44% Response Zones

Proposed Acre-Feet: 661 AF total 51343 - 107 AF Proposed Gallons/Min: 3070 GPM total 51343 - 725 GPM Proposed Point of Div: 252'N, 4238'W

Requested Waiver of Rule and Regulation: KAR 5-25-22 - Movement of WR affecting streamflow at RSC

**Staff Background:** This application is one of five proposing to retire six water rights in the 33-44% response zones. The cumulative impact for all five new water rights as expressed in percent of average streamflow is a positive 0.79% for Rattlesnake Creek at Zenith and a negative 0.02% for Arkansas River at Larned. Based on coordination with KDA-DWR technical staff and Balleau Groundwater staff, these impacts are reasonable and not anticipated to cause impairment of existing water rights. This application is requesting to overlap the point of diversion and place of use for water right file number 37458 in section 17. The District's initial K.A.R. 5-25-22 evaluation is attached. The application does not meet subsections (a)(7) and (a)(8) of K.A.R. 5-25-22.

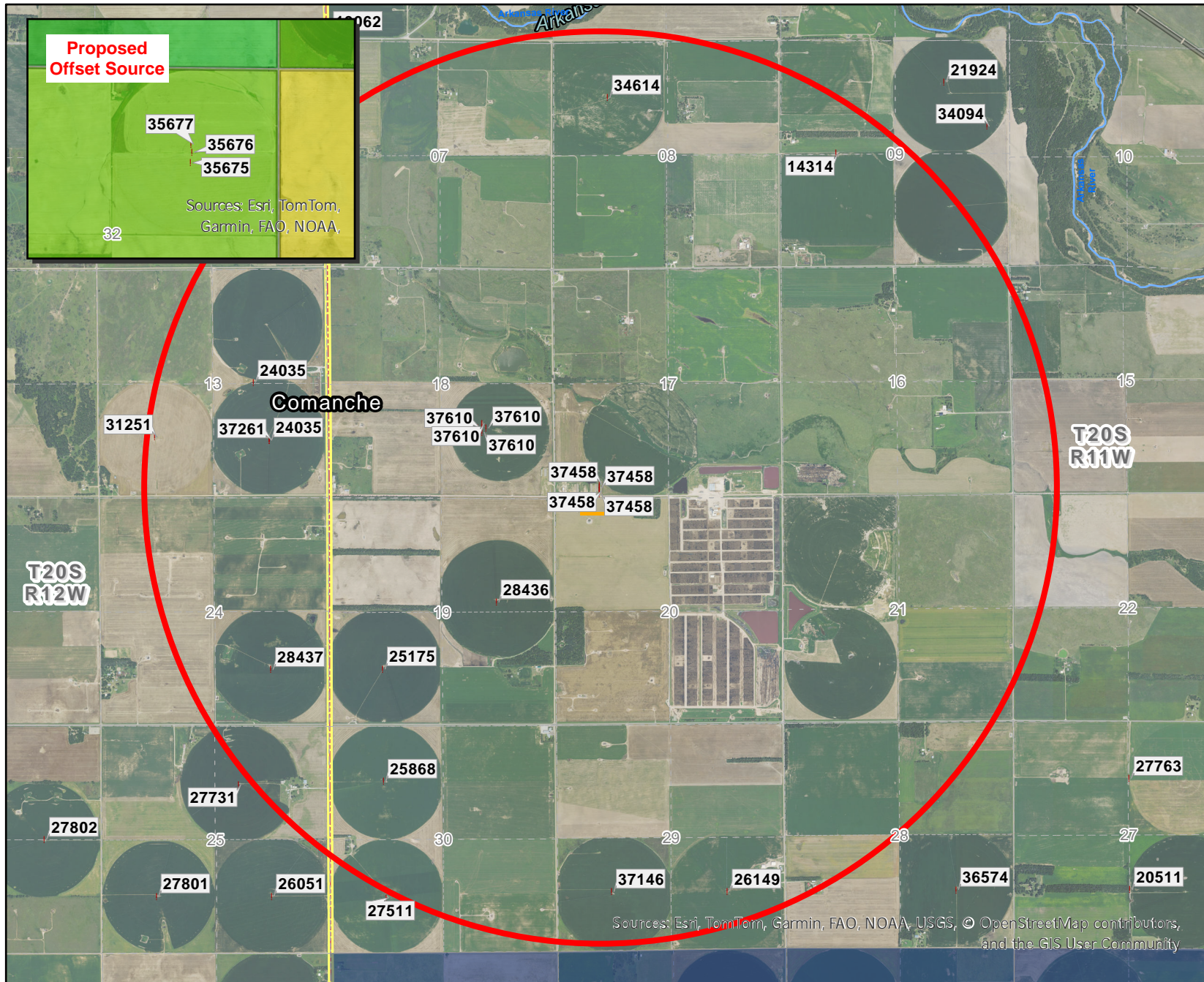
**Staff Recommendation:** **Recommend waiver of K.A.R. 5-25-22 and recommend approval of the application as presented.**





# K.A.R. 5-25-22 Evaluation

Proposed Location: SW SW SW 17-20S-11W @ 252'N, 4238'W from SE corner



## Legend

### Point of Diversion

- ^ G\_IND
- | G\_IRR
- # G\_MUN
- h G\_REC

### Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

## K.A.R. 5-25-22 Criteria

### Response Difference

44.0% - <1 % = 44.0%

### Saturated Thickness

105 ft

### Water Level Change

2 ft = 0.12 %

### Authorized Quantity

**2543.45 AF**

### Compliance Check

**Does not meet requirements**



17

0 0.275 0.55 1.1 1.65 2.2 Miles

This map was created by WIMAS on 1/17/2025 8:19 AM



# Big Bend Groundwater Management District #5

## Board Review Worksheet

Application File # 51241 Applicant: Lawrence Debes

Legal Description: NC NE Section: 10 Township: 25S Range: 12W

County: Stafford Location from nearest town/city: 5 miles south of Stafford

Sustainable Yield: (Two-Mile Area) 2264 AF Depth to Water: +/- 20 ft Historical Water Level Change: +/- 1 ft

Authorized Acre-Feet: WR 35140 Offset: 198 AF Authorized Gallons/Min: WR 35140 Offset: 915 GPM Authorized Point of Div: 3950'N, 1300'W 25-22S-13W 50.85 % Response

Proposed Acre-Feet: 64.8 AF Proposed Gallons/Min: 748 GPM Proposed Point of Div: 3960'N, 1346'W 10-25S-12W 9.51 % Response

Requested Waiver of Rule and Regulation: KAR 5-25-22 - Movement of WR affecting streamflow at RSC

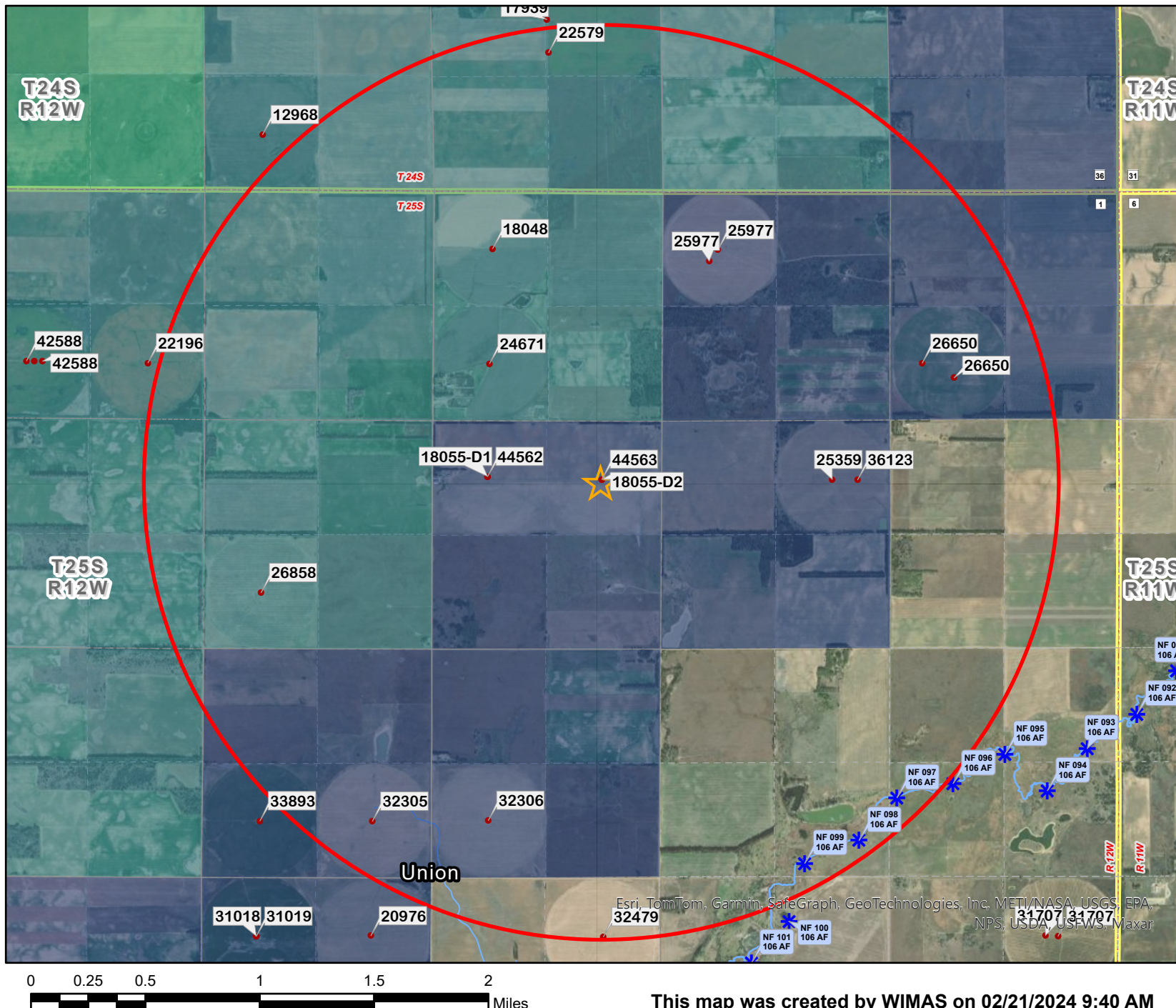
**Staff Background:** This application is one of two proposing to retire one water right with 50.85 % response. The cumulative impact for both new water rights as expressed in percent of average streamflow is a positive 0.15% for Rattlesnake Creek at Macksville and a negative 0.21% for NF Ninnescah River at Arlington. Based on coordination with KDA-DWR staff and Balleau GW staff, these impacts are reasonable and not anticipated to cause impairment of existing water rights. This application is requesting to overlap the point of diversion and place of use for WR numbers 18055-D2 and 44563 in section 10. The District's initial K.A.R. 5-25-22 evaluation is attached. The application does not meet subsections (a)(7) and (a)(8) of K.A.R. 5-25-22.

**Staff Recommendation:** **Recommend waiver of K.A.R. 5-25-22 and recommend approval of the application as presented.**





**Proposed Location: NC NE 10-25S-12W @ 3960'N, 1346'W from SE corner**



## Legend

### Point of Diversion

- ★ G\_IND
- G\_IRR
- ▲ G\_MUN
- 📄 G\_REC
- ✳️ Streamflow Node

### Response Zone

- 
- Legend for the percentage of respondents by age group:
- < 10.00 %
  - 10.01 - 20.00 %
  - 20.01 - 30.00 %
  - 30.01 - 40.00 %
  - 40.01 - 50.00 %
  - 50.01 - 60.00 %
  - 60.01 - 70.00 %
  - 70.01 - 80.00 %
  - > 80.01 %

### K.A.R. 5-25-22 Criteria

Response Difference

$$50.85 \% - 9.51 \% = 41.34\%$$

### Saturated Thickness

102 ft

### Water Level Change

---

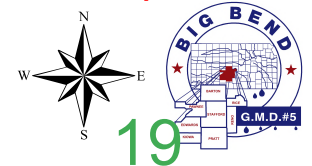
0.4 ft = <1 %

Authorized Quantity

**2,264 AF**

### Compliance Check

**Does not  
meet requirements**



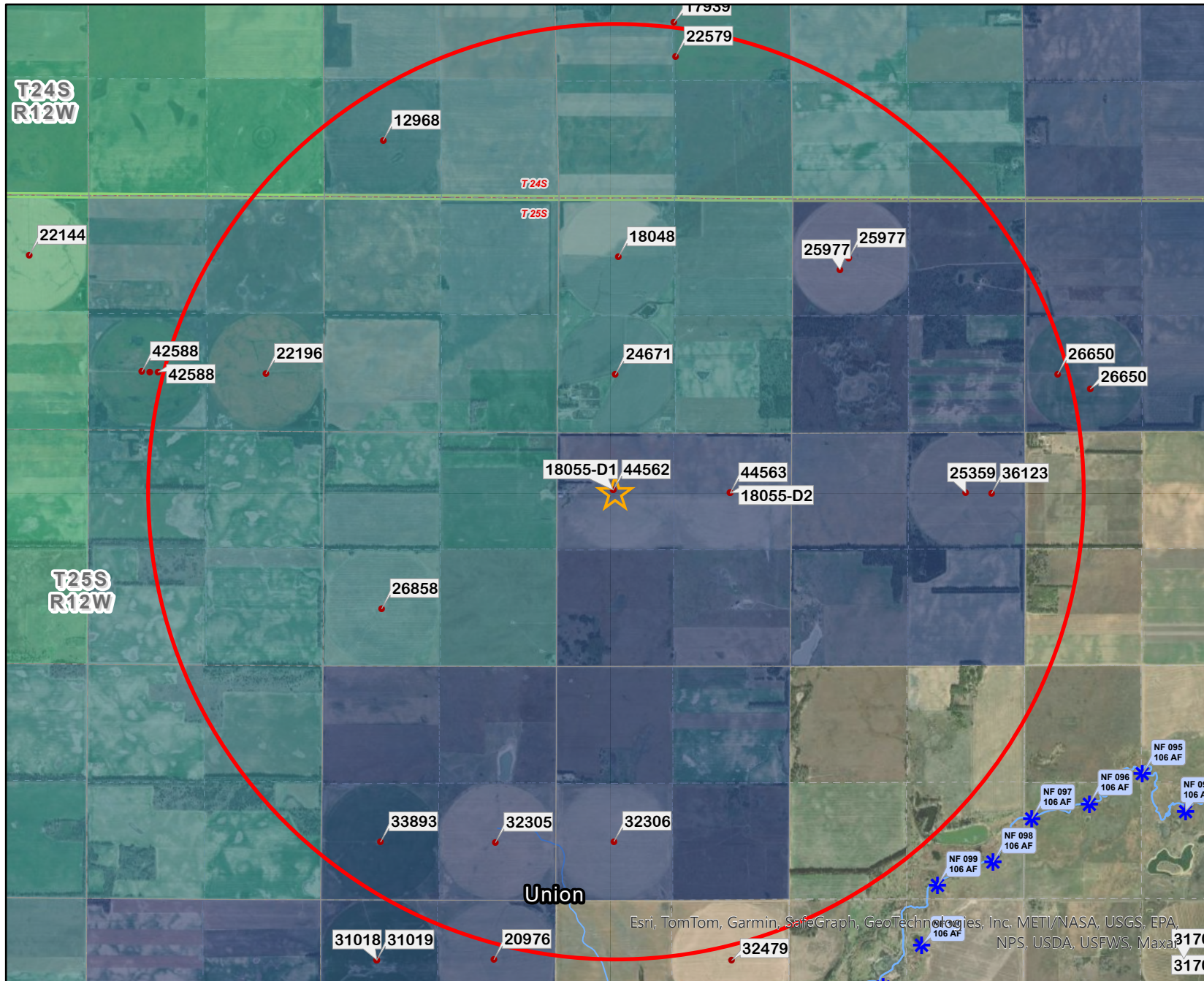






# K.A.R. 5-25-22 Evaluation

Proposed Location: NC NW 10-25S-12W @ 4010'N, 3985'W from SE corner



## Legend

### Point of Diversion

- ★ G\_IND
- G\_IRR
- ▲ G\_MUN
- ▢ G\_REC
- \* Streamflow Node

### Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

## K.A.R. 5-25-22 Criteria

### Response Difference

50.85 % - 9.51 % = 41.34 %

### Saturated Thickness

108 ft

### Water Level Change

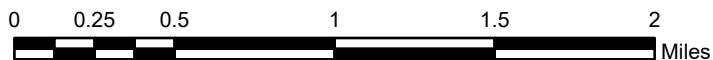
0.4 ft = < 1 %

### Authorized Quantity

**2,174 AF**

### Compliance Check

**Does not meet requirements**



This map was created by WIMAS on 02/21/2024 9:40 AM





**From:** "Itzel Garcia" <itzelgarcias@yahoo.com>  
**Sent:** Thu 12/19/2024 2:19 PM  
**To:** "Anhold, Christa [KDA]" <Christa.Anhold@ks.gov>  
**Subject:** File No. 51,277 - 1286 280th Ave Belpre, Ks

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Christa,

Just following up with information that was needed after our phone call today regarding Darrell Wood's water well application. As I mentioned in the phone call, we would like the department of agriculture to consider the negative impact it would have on our farm. On our farm, the farmhouse is occupied by my family full time, therefore we do use our water well pretty regularly. We also have several farm animals that we raise and utilize the water well for. Below is a list of the number and type of animals we have.

Horses: 5  
Cattle: 15  
Chickens: 40  
Dogs: 3  
Cats: 4

We are worried the water well Mr. Wood is applying for his field will contaminate the water we use on our farm affecting our daily life. We are also concerned that it would affect the pressure of our water or significantly lower our supply of water.

We hope the department of agriculture will take our concerns into consideration. Please contact me at 620-233-0056 if you need additional information.

Thank you,  
Itzel Garcia



# K.A.R. 5-25-22 Evaluation

Proposed Location: NC SE 33-24S-16W @ 1320'N, 1320'W from SE corner



## Legend

### Point of Diversion

- ^ G\_IND
- | G\_IRR
- # G\_MUN
- h G\_REC
- k Streamflow Node

### Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

## K.A.R. 5-25-22 Criteria

Response Difference  
43.62 - 14.07 % = **29.55 %**

Saturated Thickness  
142.9 ft

Water Level Change  
23 ft = 1.12 %

Authorized Quantity  
**3,544 AF**

Compliance Check  
**Does not meet requirements**



This map was created by WIMAS on 7/17/2024 11:58 AM

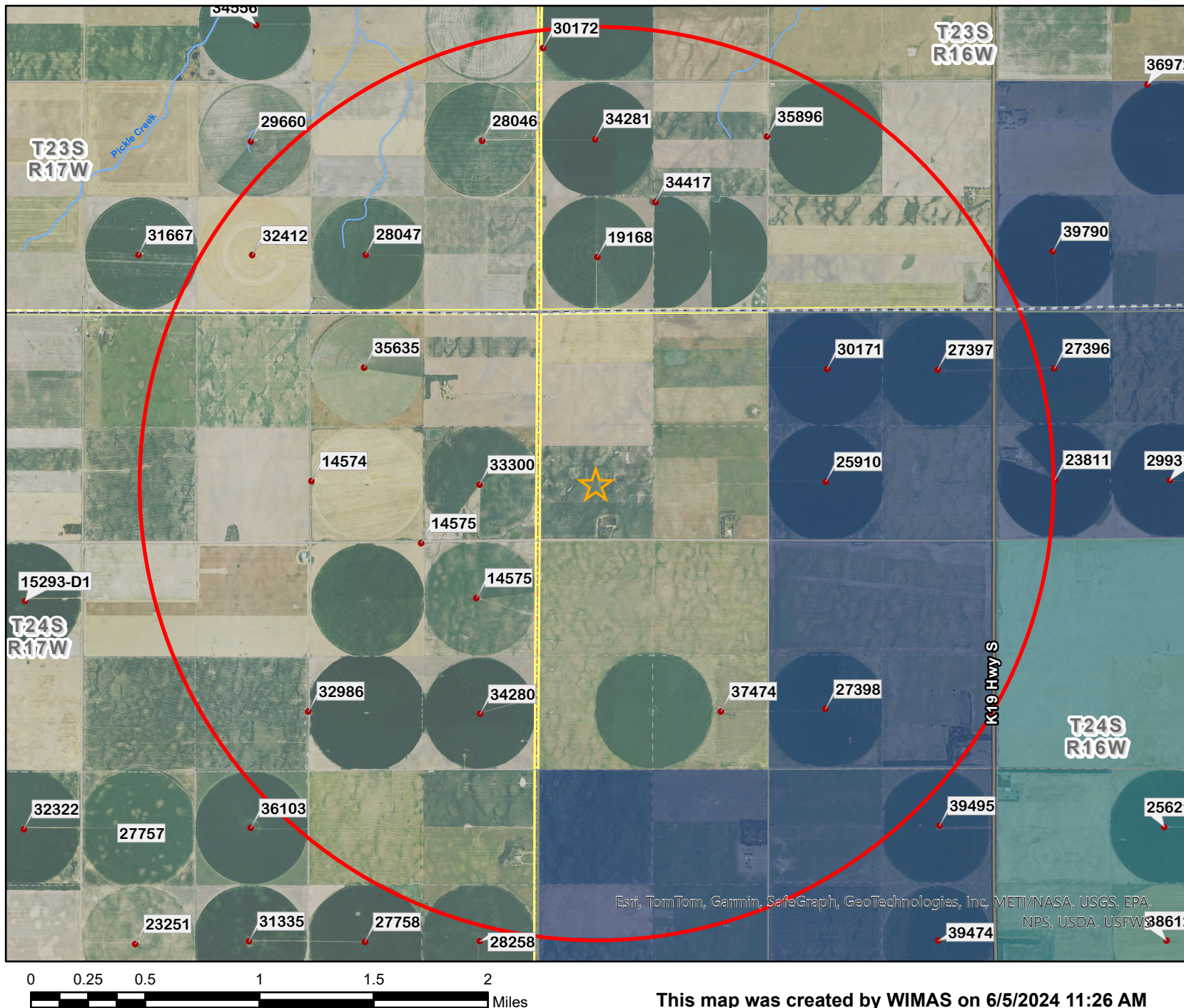






# K.A.R. 5-25-22 Evaluation

## Proposed Location: NC SW 06-24S-16W @ 1320'N, 3960'W from SE corner



### Legend

#### Point of Diversion

- ★ G\_IND
- G\_IRR
- ▲ G\_MUN
- ▢ G\_REC
- ✱ Streamflow Node

#### Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

### K.A.R. 5-25-22 Criteria

Response Difference  
38.87 - 0.00 % = 38.87 %

Saturated Thickness  
88.9 ft

Water Level Change  
15 ft = 1.14 %

Authorized Quantity  
**3,908 AF**

Compliance Check  
**Does not meet requirements**





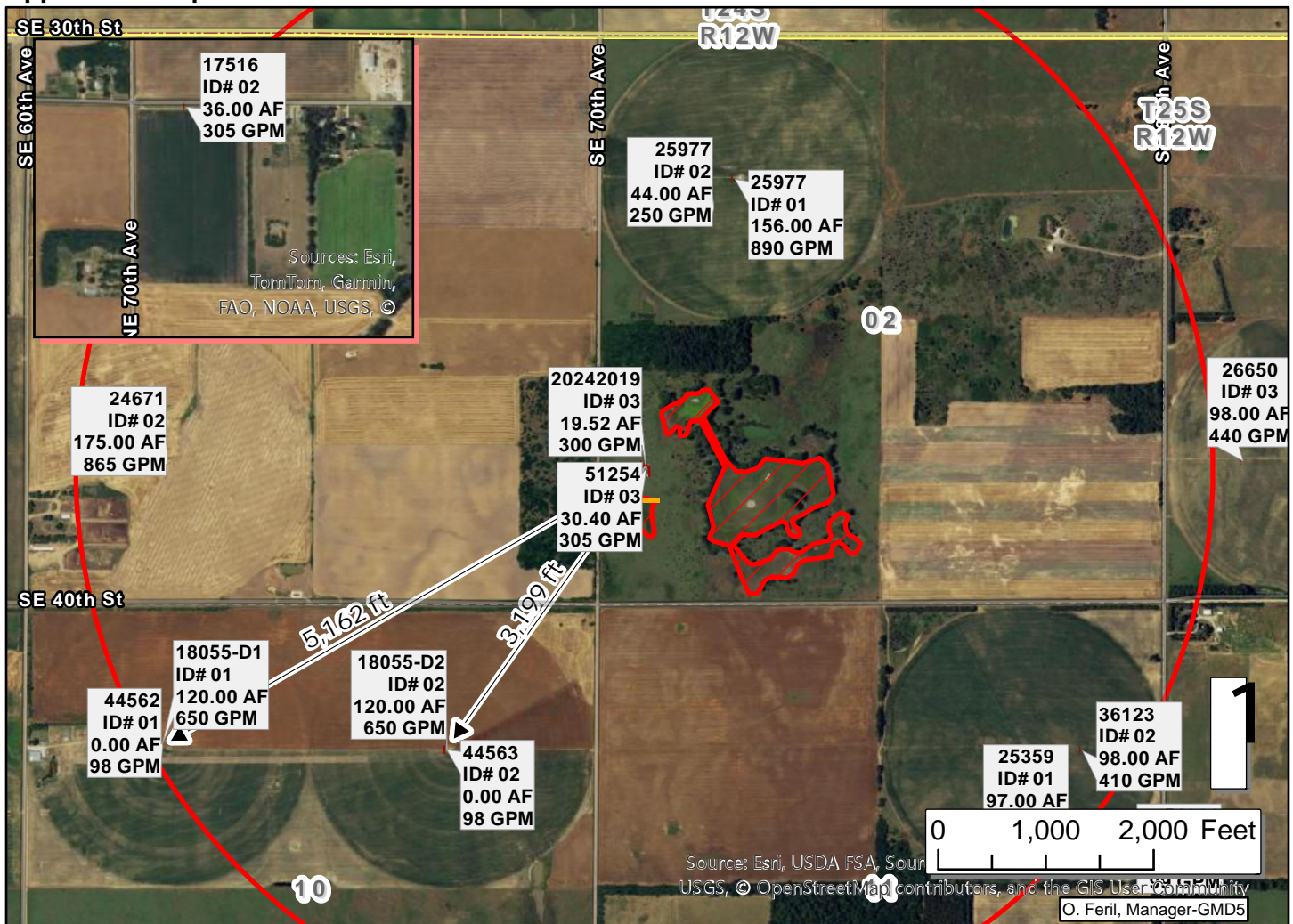
# Big Bend Groundwater Management District #5

## Board Review Worksheet

Application File # 51254 Applicant: FBFJ LLC, Attn: Victor SladeLegal Description: NW SW SW Section: 02 Township: 25S Range: 12WCounty: Stafford Location from nearest town/city: 4 miles south of StaffordSustainable Yield:  
(Two-Mile Area) 1566 AF Depth to Water: +/- 20 ft Historical Water Level Change: +/- 1 ftAuthorized WR 17516 Authorized WR 17516 Authorized 2600'N, 4830'W 14-24S-12W  
Acre-Feet: Offset: 36 AF Gallons/Min: Offset: 305 GPM Point of Div: 15.04 % ResponseProposed Acre-Feet: 30.4 AF Proposed Gallons/Min: 305 GPM Proposed 1280'N, 4795'W 02-25S-12W  
Point of Div: 7.83 % ResponseRequested Waiver of Rule and Regulation: KAR 5-25-22 - Movement of WR affecting streamflow at RSC

**Staff Background:** This application is proposing to retire one water right with 15.04 % response. The cumulative impact for the new water right as expressed in percent of average streamflow is a positive 0.22 % for Rattlesnake Creek at Macksville and a negative 0.02% for NF Ninnescah River at Arlington. Based on coordination with KDA-DWR staff and Balleau GW staff, these impacts are reasonable and not anticipated to cause impairment of existing water rights. This application is requested for recreation use for a 28 ac pond in Section 2. The District's initial K.A.R. 5-25-22 evaluation is attached. The application does not meet subsections (a)(1), (a)(4), (a)(7), and (a)(8) of K.A.R. 5-25-22.

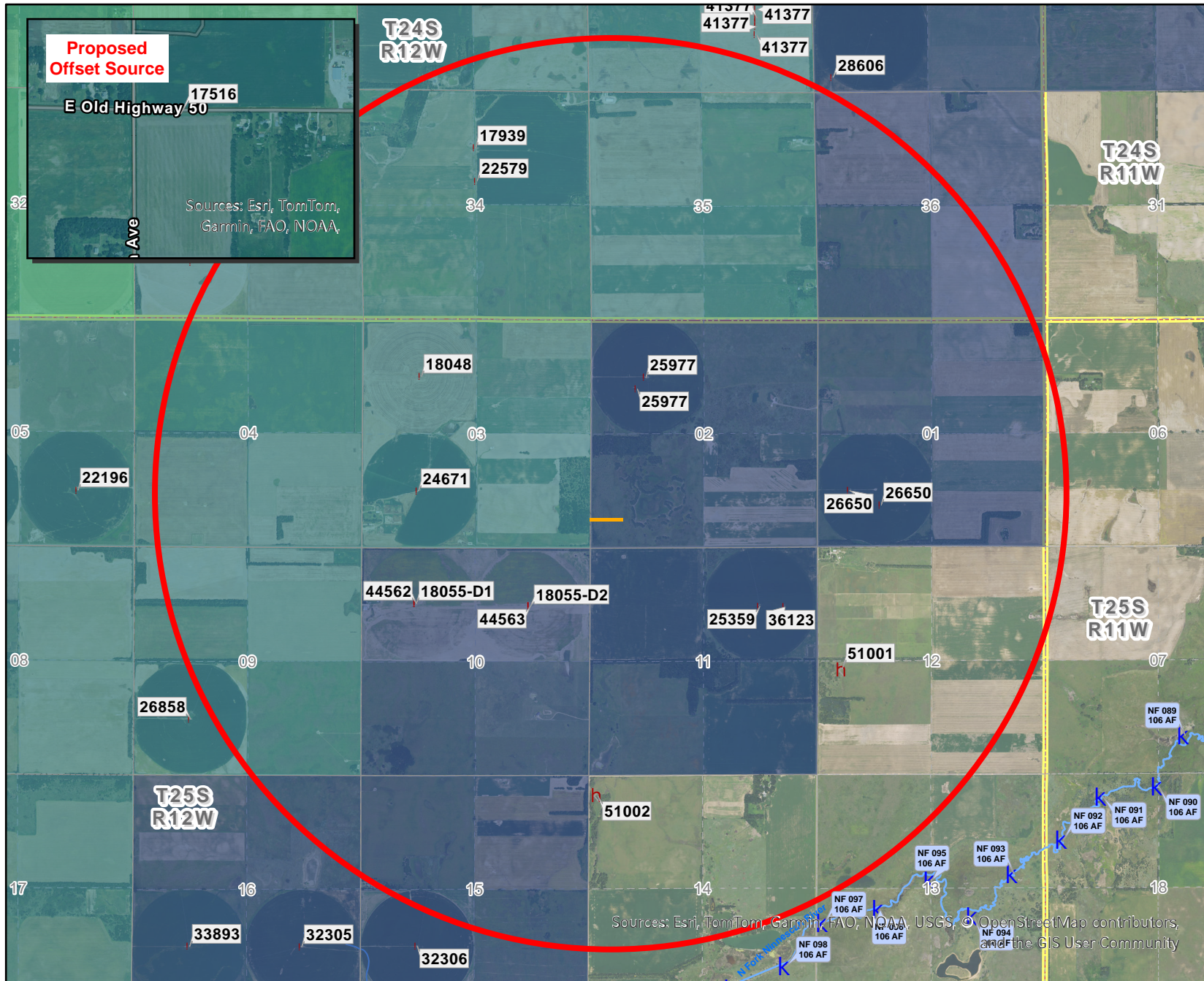
**Staff Recommendation:** **Recommend waiver of K.A.R. 5-25-22 and recommend approval of the application as presented.**





# K.A.R. 5-25-22 Evaluation

Proposed Location: NW SW SW 02-25S-12W @ 1280'N, 4795'W from SE corner



## Legend

### Point of Diversion

- ^ G\_IND
- | G\_IRR
- # G\_MUN
- h G\_REC
- k Streamflow Node

### Response Zone

- < 10.00 %
- 10.01 - 20.00 %
- 20.01 - 30.00 %
- 30.01 - 40.00 %
- 40.01 - 50.00 %
- 50.01 - 60.00 %
- 60.01 - 70.00 %
- 70.01 - 80.00 %
- > 80.01 %

## K.A.R. 5-25-22 Criteria

### Response Difference

15.04 % - 7.83 % = 7.21 %

### Saturated Thickness

104 ft

### Water Level Change

0.4 ft = < 1 %

### Authorized Quantity

1566 AF

### Compliance Check

**Does not meet requirements**



28

This map was created by WIMAS on 2/13/2025 12:04 PM

**FY 2025 Irrigation Technology Initiative – GMD #5**

This agreement is made between the Division of Conservation, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502 (KDA/DOC) and Big Bend Groundwater Management District #5, 125 S. Main Street, Stafford, KS 67578 (GMD 5), collectively the “Parties”.

**WHEREAS**, the purpose of this agreement is to promote and enhance the use of irrigation system assessments and crop uniformity evaluation packets as a management and decision making tools that support the water conservation efforts of the state of Kansas; and

**WHEREAS**, GMD 5 is working with KDA/DOC, conservation districts, and other state agencies to promote the education and implementation of water saving practices in Kansas; and

**WHEREAS**, KDA/DOC has budgeted funds to provide assessments and crop uniformity evaluation packet incentive payments for eligible landowners/operators with irrigated land located within the boundaries of GMD 5; then

**THEREFORE**, the Parties hereto agree as follows:

**1. RESPONSIBILITIES OF GMD 5**

GMD 5 will take applications, determine eligibility, and approve irrigation system assessments and crop uniformity evaluation packet incentive payments based upon ranking criteria which can include:

- Land located within the boundaries of GMD 5
- Land Located in an active IGUCA (Intensive Groundwater Use Control Area)
- Land Located in a NRCS Source Water Protection Priority Area
- Land Located in an active LEMA (Local Enhanced Management Area)
- Land Located in an active WCA (Water Conservation Area)
- Other ranking criteria deemed necessary by the GMD 5 Board

GMD 5 will provide irrigation system assessments and/or crop uniformity evaluation packet incentive payments to eligible applicants based on established ranking criteria and available funding by utilizing GMD 5 employees or a KDA/DOC approved contractor. All data from the irrigation system evaluations will be kept in a file at the GMD 5 office to be used in consultation with landowners/operators wishing to participate in additional cost-share programs including but not limited to the High Plains Aquifer RCPP Project.

GMD 5 will provide invoices that include an attached list of all completed irrigation system assessments and crop uniformity evaluation packet incentive payments for each month to the KDA/DOC. The attached lists should include the landowner/operator name, legal description of the irrigation system, date of assessment, the entity that performed the evaluation, and date of completion for the crop uniformity evaluation packet. The final invoice for state fiscal year 2025 must be sent to the KDA/DOC by May 16, 2025.



GMD 5 may enter into agreements with conservation districts within the boundaries of GMD 5 as determined necessary by GMD 5 and the applicable conservation districts. Conservation districts may be utilized to accept and forward irrigation system assessments and/or crop uniformity evaluation packet information to GMD 5.

**3. RESPONSIBILITIES OF DOC**

KDA/DOC staff will be responsible for delivering project guidance, necessary forms, and any necessary administrative training for the initiative to GMD 5.

**4. PAYMENT**

KDA/DOC agrees to pay a total up to \$150,000.00 to GMD 5 under this agreement. KDA/DOC agrees to pay \$2,500.00 to GMD 5 for each approved completed irrigation system assessment. KDA/DOC agrees to pay \$500.00 to GMD 5 for each approved completed crop uniformity evaluation packet. KDA/DOC agrees to pay up to \$15,000.00 for administrative costs associated with this agreement to GMD 5.

Payments made to GMD 5 are limited to a total of \$150,000.00. Itemized invoices for work completed under the terms of this agreement should be sent to:

**Attention: Assistant Director  
Kansas Department of Agriculture  
Division of Conservation  
1320 Research Park Drive  
Manhattan, Kansas 66502**

Payments will be due and payable sixty (60) calendar days following KDA/DOC's approval of the invoice from GMD 5. No payment will be remitted unless and until the appropriate completed component of work has been received and approved by KDA/DOC.

Notwithstanding any modification/termination/suspension of contract under Paragraph 6 hereof, KDA/DOC will pay GMD 5 all invoices approved within the time limit listed in this Paragraph 4. KDA/DOC will pay all invoices submitted following such modification/termination/suspension which have not yet been approved but which meet all criteria to justify approval by KDA/DOC.

**5. EFFECTIVE DATES**

This agreement shall be in force from 03/10/2025 until 12/31/2025.

**6. MODIFICATION / TERMINATION / SUSPENSION OF CONTRACT**

A. Modifications to this agreement may be adopted by written consent of the parties.

B. KDA/DOC may terminate this agreement in whole or in part if it determines that GMD 5 has failed to comply with any of the conditions of the agreement. KDA/DOC shall promptly notify GMD 5 in writing of the determination and reasons for the termination, together with the effective date. Payments made by, or recoveries made by, KDA/DOC under this termination provision shall be in accord with the legal rights and liabilities of the KDA/DOC and GMD 5.

C. This agreement may be temporarily suspended by KDA/DOC if it determines that corrective action by GMD 5 is needed to meet its conditions. Further, KDA/DOC may suspend this agreement when it is evident that a termination is pending.

D. KDA/DOC may terminate this agreement in the event that program funding is rescinded, lapsed, or reduced by actions of the agency, the Governor, or the Kansas Legislature. KDA/DOC will notify GMD 5 30 days prior to termination of the existing agreement.

## **7. CONTACT PERSONS**

The Parties shall designate a contact person to facilitate communication for purposes of administering this agreement. The designated contact person may be changed by either party at any time by sending notice of such change, via first class mail, to the appropriate party at the address first given above.

Contact persons for the purpose of this agreement will be:

### **Division of Conservation**

Name: David Jones

Address: 1320 Research Park Drive, Manhattan, KS 66502-5000

Phone: (785) 564-6623

E-mail: [david.jones@ks.gov](mailto:david.jones@ks.gov)

### **Big Bend Groundwater Management District #5**

Name: Orrin Feril

Address: 125 S. Main Street, Stafford, KS 67578

Phone: (620) 234-5352

E-mail: [oferil@gmd5.org](mailto:oferil@gmd5.org)

## **8. OWNERSHIP OF MATERIALS, DOCUMENTS, ETC.**

All reports, information, data, photos, documents, procedures, descriptions and work flows accumulated, developed or acquired by GMD 5 under the terms of this agreement shall be jointly owned by the parties.

## **9. ACKNOWLEDGMENTS**

Each article, newsletter and/or report written for, about or resulting from this agreement shall acknowledge the following: "This project is funded "in-part" by the State of Kansas Water Plan Fund."

**10. ASSIGNMENT**

Neither KDA/DOC nor GMD 5 may assign or transfer any rights, duties or obligations under this Agreement, in whole or in part, without the prior written consent of the other party. This Agreement shall inure to the benefit of, and be binding upon, the Parties hereto and their respective successors and permitted assigns. There are no intentional or unintentional third-party beneficiaries.

**11. MERGER CLAUSE**

This Agreement, together with all attachments, appendices, and exhibits referred to herein, encompasses the entire agreement of the parties, and supersedes any and all previous agreements between the parties, whether oral or written, with respect to the operations referred to in this Agreement. Any modifications to the provisions of this Agreement must be in writing and signed by the Parties' authorized representatives.

**12. SAVINGS CLAUSE**

Should any provision(s) of this Agreement be deemed invalid, ineffective, or unenforceable under present or future laws, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**13. LIABILITY**

No party shall be responsible for any expenses, damages, or liability arising directly or indirectly from the negligent or wrongful acts of any other party, its officers, employees, agents, and/or other representatives regarding the subject matter of this Agreement. Claims against KDA/DOC are subject to and may be pursued in accordance with the provisions of the Kansas Tort Claims Act as applicable.

**14. INDEPENDENT PARTIES**

For purposes of this Agreement, the Parties are independent contractors. No party may be considered an agent or employee of any other party. No party shall be deemed to have been engaged in a joint venture, partnership, or like relationship with any other party or any agency of the State of Kansas or the United States referenced herein as a result of this Agreement.

**15. WAIVER**

Failure of either party to insist upon strict compliance with any of the terms, covenants, or conditions of this Agreement shall not be deemed a waiver or relinquishment of such terms, covenants, or conditions, or of any similar right or power hereunder at any subsequent time.



**16. CHOICE OF LAW**

This Agreement shall be governed, interpreted, and construed in accordance with the laws of the State of Kansas, and the forum for any proceeding or suit, in law or equity, arising from this Agreement shall be in the Riley County (Kansas) District Court.

**17. ADDITIONAL PROVISIONS**

- A. KANSAS CONTRACT PROVISIONS ATTACHMENT. The provisions found in Contractual Provisions Attachment A (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.
- B. HEADINGS. Headings used in this agreement are informational and not to be considered persuasive or determinative of any clause or matter in dispute.

**18. SIGNATURES**

All parties signing this agreement hereby attest to authorization as a signatory for the respective entities involved. This agreement is effective upon signatures by a duly authorized representative of each of the aforementioned parties.

\_\_\_\_\_ **Date** \_\_\_\_\_

**Orrin Feril, District Manager**  
**Big Bend Groundwater Management District #5**

\_\_\_\_\_ **Date** \_\_\_\_\_

**Steven K. Frost, Director**  
**Division of Conservation**  
**Kansas Department of Agriculture**

Big Bend Groundwater Management District No. 5  
Proposed FY2026 Financial Statement

	2022 Actual	2023 Actual	2024 Actual	2025 Adopted	2026 Proposed **
<b>Cash January 1</b>	2,943,917.13	3,839,550.00	4,209,449.33	3,423,194.47	3,223,096.68
<b>Assessment Revenue</b>	1,494,558.02	1,627,753.04	1,575,986.22	1,583,152.22	1,583,152.22
<b>Interest</b>	11,160.26	31,857.00	235,100.00	180,000.00	90,000.00
<b>Reimbursements</b>	314,866.03	452,245.46	353,828.76	400,000.00	500,000.00
<b>Other</b>	96,347.25	104,595.35	95,060.00	25,000.00	90,000.00
<b>Total Revenue</b>	4,860,848.69	6,056,000.85	6,469,424.31	5,611,346.68	5,486,248.90
<i>Salaries</i>	204,718.45	202,316.77	283,036.46	280,000.00	310,000.00
<i>Employee Benefits</i>	41,650.20	42,739.02	55,165.31	56,000.00	62,000.00
<i>Payroll Tax</i>	15,975.96	15,405.21	21,431.70	28,000.00	31,000.00
<b>Personnel Services</b>	262,344.61	260,461.00	332,489.00	364,000.00	403,000.00
<i>Travel &amp; Conference</i>	9,474.93	16,154.00	12,805.00	18,000.00	20,000.00
<i>Printing &amp; Publishing</i>	6,413.26	6,253.00	6,537.00	20,000.00	15,000.00
<i>Utilities</i>	7,966.15	7,058.00	6,448.00	15,000.00	15,000.00
<i>Field Equipment</i>	1,071.71	10,733.00	2,589.00	10,000.00	10,000.00
<i>Building Expense</i>	942.37	8,673.09	2,296.00	10,000.00	15,000.00
<i>Office Equipment</i>	9,492.88	4,559.18	5,161.00	5,000.00	10,000.00
<i>Office Supplies</i>	1,737.55	2,550.00	6,595.00	5,000.00	5,000.00
<b>Administration</b>	37,098.85	55,980.27	42,431.00	83,000.00	90,000.00
<i>Water Management</i>	115,686.64	697,859.00	161,414.00	1,000,000.00	1,000,000.00
<i>Professional Fees</i>	94,442.09	348,902.00	345,418.00	500,000.00	500,000.00
<i>Weather Stations</i>	13,578.68	17,615.00	11,417.00	19,000.00	22,000.00
<i>Insurance</i>	13,171.00	14,903.00	15,074.00	16,000.00	18,000.00
<i>Postage</i>	994.18	977.00	1,350.00	2,000.00	2,000.00
<i>Business Dinners</i>	1,181.67	1,330.00	1,754.00	1,500.00	2,000.00
<i>Other</i>	704.15	222.25	86.00	2,000.00	2,000.00
<i>Dues &amp; Membership</i>	600.00	1,250.00	775.00	750.00	750.00
<b>Other Expenses</b>	240,358.41	1,083,058.25	537,288.00	1,541,250.00	1,546,750.00
<i>Watershed Planning</i>	481,496.84	447,052.00	195,496.00		500,000.00
<i>Misc. Cons. Programs</i>	-	-		400,000.00	400,000.00
<i>Water Bank</i>	-	-	-		
<b>Projects / Grants</b>	481,496.84	447,052.00	195,496.00	400,000.00	900,000.00
<b>Contingency Reserve</b>	-			3,223,096.68	2,546,498.90
<b>Total Expenditures</b>	1,021,298.71	1,846,551.52	1,107,704.00	5,611,346.68	5,486,248.90
<b>ASSESSMENT BASE</b>					
Land (ac)	2,265,219.20	2,265,764.31		2,265,764.31	2,265,764.31
Water (AF)	740,519.00	734,932.00		734,932.00	734,932.00
<b>ASSESSMENT RATE</b>					
Land (per ac)	0.05	0.05		0.05	0.05
Water (per AF)	2.00	2.00		2.00	2.00
Cash On Hand (Dec. 31)	3,900,444.02	4,209,449.33	5,361,720.31	3,223,096.68	2,546,498.90
** DRAFT					

**BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. 5****ADOPTED 2025  
BUDGET**

## EXPENDITURES

## PERSONNEL SERVICES

SALARIES	\$	280,000.00
EMPLOYEE BENEFITS	\$	56,000.00
PAYROLL TAXES	\$	28,000.00

## ADMINISTRATION

PRINTING & PUBLICATIONS	\$	20,000.00
TRAVEL & CONFERENCE	\$	18,000.00
UTILITIES	\$	15,000.00
FIELD EQUIPMENT	\$	10,000.00
BUILDING EXPENSE	\$	10,000.00
OFFICE SUPPLIES	\$	5,000.00
OFFICE EQUIPMENT	\$	5,000.00

## OTHER EXPENSES

WATER MANAGEMENT	\$	1,000,000.00
PROFESSIONAL FEES	\$	500,000.00
WEATHER STATION EXPENSE	\$	19,000.00
INSURANCE	\$	16,000.00
POSTAGE	\$	2,000.00
OTHER	\$	2,000.00
BUSINESS DINNERS	\$	1,500.00
DUES & MEMBERSHIPS	\$	750.00

TOTAL BUDGET \$ 1,988,250.00

## ASSESSMENT RATES

PER ACRE	\$	0.05
PER ACRE-FOOT	\$	2.00

**BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. 5****PROPOSED 2026  
BUDGET**

## EXPENDITURES

## PERSONNEL SERVICES

SALARIES	\$	310,000.00
EMPLOYEE BENEFITS	\$	62,000.00
PAYROLL TAXES	\$	31,000.00

## ADMINISTRATION

PRINTING & PUBLICATIONS	\$	15,000.00
TRAVEL & CONFERENCE	\$	20,000.00
UTILITIES	\$	15,000.00
FIELD EQUIPMENT	\$	10,000.00
BUILDING EXPENSE	\$	15,000.00
OFFICE SUPPLIES	\$	5,000.00
OFFICE EQUIPMENT	\$	10,000.00

## OTHER EXPENSES

WATER MANAGEMENT	\$	1,000,000.00
PROFESSIONAL FEES	\$	500,000.00
WEATHER STATION EXPENSE	\$	22,000.00
INSURANCE	\$	18,000.00
POSTAGE	\$	2,000.00
OTHER	\$	2,000.00
BUSINESS DINNERS	\$	2,000.00
DUES & MEMBERSHIPS	\$	750.00

TOTAL BUDGET \$ 2,039,750.00

## ASSESSMENT RATES

PER ACRE	\$	0.05
PER ACRE-FOOT	\$	2.00

Tom Taylor - At-Large (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Marlyn Spare - Stafford (Sec.)  
Darrell Wood - Edwards  
Craig Zwick - Rice  
Joe Schlessiger - Barton  
Kerry Froetschner - Pawnee  
Gary Hornbaker - Reno



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

## Legislative Update

February 20, 2025

### HB 2064 – Removing the current solid waste permit exception for the disposal of solid waste generated by drilling oil and gas wells through the practice of land-spreading.

- Hearing held February 4, 2025
- Committee passed favorably

**Status:** HB 2064 – Awaiting action by House Committee of the Whole

### HB 2111 – Increasing the CREP acreage cap to 60,000 acres, clarifying eligibility and criteria, allowing exceptions for specific conditions and modifying reporting requirements to cover the last five years.

- Hearing held February 5, 2025
- Committee amended and favorably passed

**Status:** HB 2111 – Awaiting action by House Committee of the Whole

### HB 2172 – Establishing the water program task force to evaluate the state's water program and funding for such program and requiring a report thereon to the legislature and the governor.

- Hearing February 10, 2025
- Committee amended and favorably passed

- **Status:** HB 2172 – Awaiting action by House Committee of the Whole

### SB 58 – Modifying the requirements and allocations for multi-year flex accounts.

- Hearing January 30, 2025 (neutral testimony provided)
- Committee amended and favorably passed
- Senate passed 40-0

**Status:** SB 58 – Awaiting assignment to House Committee

**From:** "Lanterman, Jeff [KDA]"  
**Sent:** Tue 2/25/2025 1:11 PM  
**To:** "Anhold, Christa [KDA]" <Christa.Anhold@ks.gov>; "Conant, Cameron [KDA]" <Cameron.Conant@ks.gov>  
**Subject:** RE: 51281, 51282, 51283, 51284 and 51343 recommendation request

Christa, I recommend approval of these applications.

I think that Orrin noted some waivers that needed to be done but I think the modeling made me comfy with approval of these applications.

Thanks for what you are doing with regard to surrounding well levels. That is really helpful. Do you provide that kind of stuff to Orrin when you ask him for his rec?

Jeff

---

**From:** Anhold, Christa [KDA] <Christa.Anhold@ks.gov>  
**Sent:** Tuesday, February 25, 2025 9:45 AM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** 51281, 51282, 51283, 51284 and 51343 recommendation request

Good morning,

Attached is my draft memo for new applications 51281, 51282, 51283, 51284 and 51343 for your review and recommendation. Nearby notifications were mailed to 51281, 51283 and 51284 on December 6, 2024. One phone call was received regarding 51283, no written comments of any kind have been received to date. File Nos. 51282 and 51343 did not have any nearby well owners to notify.

I have attached a word document with the WIZARD wells and distances from the proposed points of diversion.

Let me know if you need anything else or have any questions.

Christa Anhold  
Environmental Scientist  
Department of Water Resources  
(785)-370-1574  
[Christa.anhold@ks.gov](mailto:Christa.anhold@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

## **WAIVER OF REGULATIONS K.A.R. 5-25-22(a)(1) and K.A.R. 5-25-22(a)(8) Rattlesnake Creek Offsets**

Date: February 25, 2025

RE: Application, File No. 51,281, 51,282, 51,283, & 51,343

1. K.A.R. 5-25-22 provides an opportunity to improve streamflow at the USGS gage at Zenith, Kansas on Rattlesnake Creek, in Groundwater Management District No. 5 by allowing exiting water rights to be used as an offset for a new appropriation elsewhere in the District if certain criteria are met.
2. K.A.R. 5-25-22(a)(1) states: The source of water supply for the current authorized well is located within Zone D of the response map.
3. K.A.R. 5-25-22(a)(8) states: No other well has previously been authorized by the Chief Engineer to be relocated within a one-mile radius of the proposed well location under this regulation, or the applicant demonstrates that the proposed well will not impair existing water rights.
4. The application requested consideration of Water Right, File Nos. 19,937, 27,419 and 32,028 as potential offsets, however, since Water Right, File No. 19,937, 27,419 and 32,028 are located in Zone C they have a stream response of only 33.3 percent and 34.4 percent so the new location will not reduce the impact at the zenith gage by 30 percent.
5. The hydrologic analysis conducted on behalf of the Board of Directors for GMD 5 showed minimal cumulative aquifer impact at the proposed locations of File Nos. 51,281, 51,282 and 51,283 (-0.88 ft) and at File No. 51,343 (-0.55). It also indicated that the cumulative impact to the Arkansas River is a depletion of 14.99 acre-feet per year versus a benefit of 104.5 acre-feet per year.
6. Based on analysis and the fact the applicant is willing to retire senior Water Right, File Nos. 19,937, 27,419, 32,028, 35,675, 35,676 and 35,677, to be used as offsets, the Board recommended waivers of K.A.R. 5-25-22(a)(1) and K.A.R. 5-25-22(a)(8), along with the approval of File Nos. 51,281, 51,282, 51,283 and 51,343.
7. Application, File No. 51,281 should be approved with a waiver of K.A.R. 5-25-22(a)(1).
8. Application, File No. 51,282 should be approved with a waiver of K.A.R. 5-25-22(a)(1) and K.A.R. 5-25-22(a)(8).
9. Application, File No. 51,283 should be approved with a waiver of K.A.R. 5-25-22(a)(1).

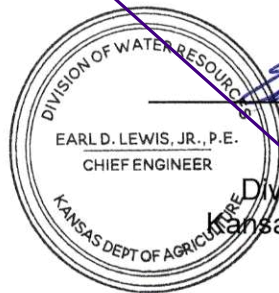
Waiver of K.A.R. 5-25-22(a)(1) and K.A.R. 5-25-22(a)(8)

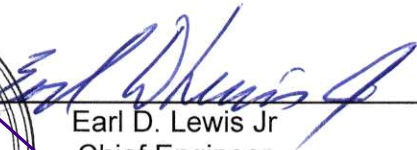
File Nos. 51,281, 51,282, 51,283, and 51,343

Page 2 of 2

10. Application, File No. 51,343 should be approved with a waiver of K.A.R. 5-25-22(a)(8).
11. A waiver of K.A.R. 5-22-25(a)(1) and K.A.R. 5-25-22(a)(8) will not prejudicially or unreasonably affect public interest and will not impair any existing water rights.

Additional Comments:



  
\_\_\_\_\_  
Earl D. Lewis Jr  
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 and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 51,284** of the applicant

**ILS FARMS**  
**551 SW 30 ROAD**  
**GREAT BEND, KS 67530**

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 **August 5, 2024**.
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	
15 – 23S – 16W													32.5	32.5	32.5	32.5	130.0

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located near the center of the Southeast Quarter (SE¼) of Section 15, more particularly described as being near a point 1,320 feet North and 1,320 feet West of the Southeast corner of said section, in Township 23 South, Range 16 West, Pawnee 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 **195 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, 2026**, 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, 2030**, 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).

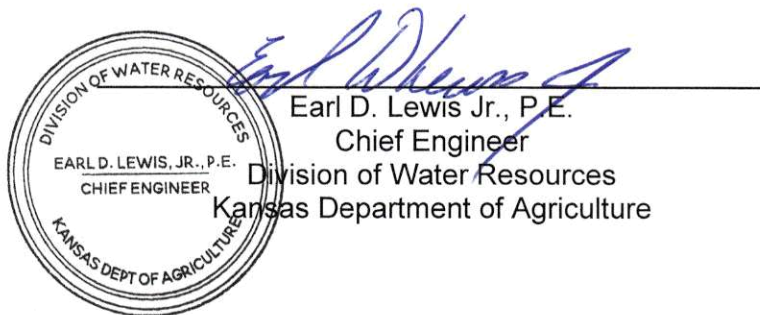
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure 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 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 4<sup>th</sup> day of March, 2025, in Manhattan, Riley County, Kansas.



State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> 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](http://www.agriculture.ks.gov)



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

Mike Beam, Secretary

Laura Kelly, Governor

March 19, 2025

ILS FARMS  
551 SW 30 ROAD  
GREAT BEND KS 67530

RE: Appropriation of Water  
File Nos. 51,281, 51,282, 51,283 and 51,343

Dismissal of Water Right  
File Nos. 19,937, 27,419, 32,028, 35,675, 35,676 and 35,677

Dear Sir or Madam:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits, with specific reference to Paragraph Nos. 17 and 18 in the Approval of Application and Permit to Proceed for File No. 51,343.

Also enclosed are Orders by the Chief Engineer, dismissing Appropriation of Water, File Nos. 19,937, 27,419, 32,028, 35,675, 35,676 and 35,677, as requested in the voluntary dismissal forms received on August 5, 2024. Since these orders modify the Certificates of Appropriation under the above referenced water rights, they should be recorded with the Register of Deeds as other instruments affecting real estate.

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).



ILS FARMS

File Nos. 19,937, 27,419, 32,028, 35,675, 35,676, 35,677, 51,281, 51,282, 51,283, 51,284 and 51,343

Page 2 of 2

The approval of your applications constitutes a permit to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do 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 with your approval documents 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:cla

Enclosure(s)

pc: Stafford Field Office  
Barton County Feeders Inc  
ILS Land LLC  
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 19<sup>th</sup> day of March, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File Nos. 51,281, 51,282, 51,283, 51,284 and 51,343, and Dismissal of Water Right, File Nos. 19,937, 27,419, 32,028, 35,675, 35,676 and 35,677 dated March 4, 2025, was mailed postage prepaid, first class, US mail to the following:

ILS FARMS  
551 SW 30 ROAD  
GREAT BEND, KS 67530

With photocopies to:

BARTON COUNTY FEEDERS INC  
1164 SE 40 RD  
ELLINWOOD KS 67526-9276

ILS LAND LLC  
PO BOX 1506  
GREAT BEND KS 67550

KDA-DWR Stafford Field Office

Big Bend GMD No. 5

  
Division of Water Resources