

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

1. File No.: PN 007	2. Status Change Date: 4/10/2025	4. Field Office: 02 - Stafford GMD: 05 - Big Bend Structures File No.: Filing Date: 01/30/2023	
3. Package File No(s):			
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID 67065 Add Seq# 1 BERT & WETTA LARNED INC PO BOX 130 LARNED KS 67550 0130		5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#		5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: 2 <input type="checkbox"/> PD <input checked="" type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: --- Year: --- Min Reasonable Q: 1.25 Previous UMW: Not changing MDS Gauge: --- Active Admin? <input type="checkbox"/> Completion Date: ---			7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: IRR-Irrigation UMW: UMW:
8. Action Trail ---			
9. Special Conditions ---			
10. 5YR Allocation Type: B3 Start Year: 2025 5YR Quantity: 93.529 AF Base Acres: 15 Comment: GMD 5 MONITORING CONTRACT			
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 Needs New File Comment for B3 Allocation.		<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> NO COMMENT IT IS ON THE LIMITATION PAGE. </div> <div style="width: 30%;"> Processed 04/07/25 JNE </div> <div style="width: 10%;"> Entered 4/14/2025 KAnderson </div> </div> <div style="margin-top: 10px;"> Reviewed KAK 4/7/2025 </div>	

File No. PN 007		13. County: PN Basin: 33 - ARKANSAS RIVER Stream:																						
Structures File No:		Aquifer Code: 113 - MAIN STEM ALLUVIUM												Special Use Area: --- ---										
14. Points of Diversion, Rates & Quantities																								
	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF		Rate gpm		Storage Qty		Storage Rate								
										Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps							
NO CHG	87731	NW SE NE	33	21	16W	13	3427	1245		22	22	600	600											
15. Limitations																								
Type:	Quantity:		AF		Rate:		gpm combined with file no(s):																	
Type:	Quantity:				Rate:		combined with file no(s):																	
16. Metering																								
x Metering Required <input checked="" type="checkbox"/> Anti-Reverse Required <input checked="" type="checkbox"/> Seal Required Compliance Date: 12/31/2025																								
17. Place of Use																								
			NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps		
PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
MOD	69669	33	21	16W	6	24	23	13	10												70	5a	<input type="checkbox"/>	
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18. Point of Diversion and Place of Use Overlaps																								
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: March 10, 2025

From: Jessica Engelbrecht, Environmental Scientist

Re: Change Application, Vested Right, File No. PN 007 – Place of Use

1. Summary

An *Application to Change an Existing Water Right* was received in this office on January 30, 2023. Carlton Bert submitted a change in place of use, on behalf of Bert and Wetta Larned Inc., for the referenced file number.

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

The place of use is located in the Northeast Quarter of Section 33, Township 21 South, Range 16 West in Pawnee County, Kansas.

2. Source of Supply

As the well is not moving the local source of supply will remain the same. The source of supply has been listed in the WRIS database as Main Stem Alluvium (Code 113) of the Arkansas River Basin. A test log was submitted with a prior change on March 01, 2019, and shows a depth of approximately 78 feet. The file is located in the Big Bend Groundwater Management District No. 5 (GMD 5) and is enrolled in a GMD 5 Place of Use Monitoring Agreement.

3. Change Application, File No. PN-07

3.1 Currently Authorized Rate, Quantity and Use Made of Water

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

- One well is located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 33, Township 21 South, Range 16 West.
- The well authorizes 22 acre-feet at a rate of 600 gallons per minute on 70 acres.
- The maximum reasonable quantity for irrigation in Pawnee County is 1.5 acre-feet per acre.

3.2 Proposed Changes

The applicants have requested to irrigate 70 acres under the GMD 5 Place of Use Monitoring Agreement. There will be no change in quantity or rate.

3.3.a Compliance of proposed changes

- **See GMD 5 Monitoring Agreement**
 - GMD 5 will assume monitoring responsibility.
 - The authorized quantity of water under File No. PN-07 will remain limited to a five-year fixed allocation of 93.529 acre-feet.

- Use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under the referenced rights and subsequent restriction of the authorized place of use to the base acres at the location specifically set forth in the change approvals.

3.4 Nearby Water Rights and Landowners

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

4. Recommendations

In a letter dated December 24, 2024, Orrin Feril, Manager of the Big Bend Kansas Groundwater Management District No. 5, recommended the application be approved. Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated in an e-mail dated March 19, 2025, that he recommended approval of the application. Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the proposed change be approved for File No. PN 007.

From: [Lanterman, Jeff \[KDA\]](#)
To: [Engelbrecht, Jessica \[KDA\]](#)
Subject: FW: PN-07 Change in Place of Use - GMD 5 Monitoring Agreement
Date: Wednesday, March 19, 2025 2:32:45 PM
Attachments: [PN007 2024-12-24 Rec.pdf](#)
[PN07 PU Application.pdf](#)
[PN-07 PU Change Memo.docx](#)
Importance: High

Jessica; Ya go ahead and approve this change application with all the normal permit conditions. I think we are also adding the sealed to the pipe requirements.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, March 19, 2025 10:07 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: PN-07 Change in Place of Use - GMD 5 Monitoring Agreement

Jeff.

Cameron

From: Conant, Cameron [KDA]
Sent: Wednesday, March 12, 2025 11:53 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: PN-07 Change in Place of Use - GMD 5 Monitoring Agreement

If you haven't already, can you fire this on to Jessica? It's fixing an unauthorized p/u and GMD will continue monitoring, I can't see any issues with it.

Cameron

From: Conant, Cameron [KDA]
Sent: Monday, March 10, 2025 12:48 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: PN-07 Change in Place of Use - GMD 5 Monitoring Agreement

Jeff, this is an HQ change b/c it is a change requiring a continued GMD#5 monitoring agreement. This file has been in a P/U monitoring agreement since 2019. I completed a compliance check on the p/d & p/u change in 2022 and found an unauthorized place of use. The owner confirmed the new pivot was outside the authorized land. Taylor filled out a change and we are now processing it.

Everything looks good to me, GMD will continue monitoring, the 5 year allocation does not change, the reversion acres are clear, and the actual place of use will now be authorized, we should be good to go.

I think we can recommend approval and Jessica can finish this up for HQ signatures with all

the “normal” additional conditions related to a monitoring agreement.

Cameron

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Monday, March 10, 2025 11:46 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: PN-07 Change in Place of Use - GMD 5 Monitoring Agreement

Jeff and Cameron –

Attached is a Change in Place of Use for Vested Right PN-07, GMD Approval Recommendation, and a change memo. The file is in a GMD Monitoring agreement. The base acres are 15 acres. The applicants have proposed a net increase of 55 acres.

Jessica

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE UNDER VESTED RIGHT FILE NO. PN 007

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Carlton R. Bert, on behalf of Bert and Wetta Sales, Inc., Post Office Box 130, Larned, Kansas 67550-0130, received in this office on January 30, 2023, for approval of a change in the location of the place of use under the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. PN 007, as modified and amended by the Orders dated June 12, 2000, and November 14, 2019, approving applications to change the place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized place of use shall be:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
33 - 21S - 16W	24	23	13	10													70

a total of 70 acres in Pawnee County, Kansas,

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

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

1. The quantity of water authorized under Vested Right, File No. PN 007 shall not exceed 93.529 acre-feet per five (5) year period; the first period being calendar years 2025 through 2029, ad infinitum.
2. The quantity of water authorized under Vested Right, File No. PN 007 shall not exceed 22 acre-feet per calendar year, provided that 93.529 acre-feet per five (5) year period is not exceeded.
3. The use of water in excess of 93.529 acre-feet per five (5) year period shall result in a two (2) year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
33 - 21S - 16W		0.5	11.0	3.5													15.0

a total of 15.0 acres in Township 21 South, Range 16 West, Pawnee County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

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

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable anti-reverse totalizing water flowmeter on each of the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12, adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water flowmeter has been completed. The water right owner shall maintain the water flowmeter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined.

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

The water right owner shall also report the reading of said water flowmeter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. PN 007, is as stated and set forth in the vested right order executed by the Chief Engineer on February 15, 1956, as modified and amended by the aforementioned order.

ORDERED this 10th day of April, 2025, Manhattan, Riley County, Kansas.

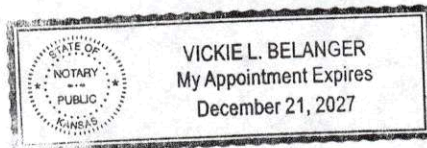
Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 10th day of April, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger
Notary Public



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



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

Mike Beam, Secretary

Laura Kelly, Governor

April 15, 2025

CARLTON R BERT
BERT AND WETTA SALES INC
PO BOX 130
LARNED KS 67550 0130

RE: Vested Right
File No. PN 007

Dear Mr. Bert,

Enclosed is the order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the referenced application for change. Since the enclosed order modifies the Certificate of Appropriation for the above referenced water right, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the terms, conditions, and limitations specified in this approval. A water flowmeter that meets current specifications must be installed on the diversion works. If your meter needs to be repaired or replaced, please complete the form titled *Notice of Completion of Diversion Works*, which can be found on our website at agriculture.ks.gov/dwr.

If you have any questions regarding the enclosed document, please contact our office at 785-564-6640. For all other inquiries, including meter questions, please contact your local Stafford Field Office at 785-296-5733 .

Sincerely,

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

KAB:kak:jne
Enclosure(s)
pc: Stafford Field Office
Groundwater Management District No. 5

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

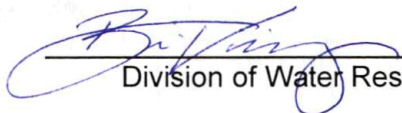
On this 15 day of April, 2025, I hereby certify that the attached Approval of Application for Change in Place of Use, under Vested Right, File No. PN 007, dated April 10, 2025, was mailed postage prepaid, first class, US mail to the following:

BERT AND WETTA SALES INC
PO BOX 130
LARNED KS 67550 0130

Photocopy to:

KDA-DWR Stafford Field Office

Big Bend GMD No. 5


Division of Water Resources