

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PD WORKSHEET**

|                                 |  |                             |                               |                      |
|---------------------------------|--|-----------------------------|-------------------------------|----------------------|
| 1. File Number:<br><b>38538</b> | 2. Status Change Date:<br><b>3/27/2023</b> | 3. Change Num:<br><b>C3</b> | 4. Field Office:<br><b>03</b> | 5. GMD:<br><b>04</b> |
|---------------------------------|--|-----------------------------|-------------------------------|----------------------|

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| 6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | 7. Filing Date of Change:<br><b>5/9/2022</b> |
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|  |   |
|--|---|
| 8a. Applicant(s) <span style="float: right;">Person ID _____</span><br>New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span><br><br><b>SUGAR HILLS GOLF CLUB INC</b><br><b>THOMAS TOMPKINS</b><br><b>6450 ROAD 16</b><br><b>GOODLAND KS 67735</b> | 8c. Landowner(s) <span style="float: right;">Person ID _____</span><br>New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span> |
|--|---|

|   |  |
|---|--|
| 8b. Landowner(s) <span style="float: right;">Person ID <b>17544</b></span><br>New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span><br><b>SUGAR HILLS GOLF CLUB INC</b><br><b>6450 ROAD 16</b><br><b>GOODLAND KS 37735</b> | 8d. WUC <span style="float: right;">Person ID <b>17544</b></span><br>New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span><br><br><b>8a</b> |
|---|--|

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2023**     Date to Comply: **12/31/2023**

Anti-Reverse Meter   
  Meter Seal   
  Check Valve   
  N & P Form   
  Water Tube   
  Driller Copy   
  H & E Letter

Conservation Plan   
 Date Required: \_\_\_\_\_   
 Date Approved: \_\_\_\_\_   
 Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **3/16/2023**    By: **LI**  
 Date Entered: **3/29/2023**    By: **LMoody**



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files

**DATE:** March 20, 2023

**FROM:** Leslie Ireland

**RE:** Water Right  
File Nos. 25,902 & 38,538

Thomas Tompkins on behalf of Sugar Hills Golf Club Incorporated owner of the referenced files submitted an application for approval to change the point of diversion for irrigation use. The applications received on May 9, 2022 propose to add back an old well as a standby well. These files are located in the Beaver Creek Basin and the Northwest Kansas Groundwater Management District No. 4.

The water rights appear to be in compliance per K.S.A. 82a-732, *Annual water use report...* The notification by letter to the identified nearby well owners per K.S.A. 82a-1906, *Notification and publication of certain applications and orders*, did not result in any comments. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced files overlap in place of use and point of diversion with the well authorized 244.8 acre-feet (AF) at a limited 495 gallons per minute. File No. 25,902 is authorized 68.8 AF at 435 gpm and File No. 38,538 authorizes 186 AF at the limited 495 gpm with File No. 25,902. The April 2022 authorized point of diversion is located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  with the distance from the Southeast corner of Section 21 and determined by GPS to be approximately 3,813 feet North and 907 feet West of said corner of Section 21, in Township 8 South, Range 40 West, Sherman County. The well is not located within a special use area and the source of supply has been determined to be the Ogallala Formation (Code 211). This well will become the **primary well**.

The proposed **standby well** is approximately 650 feet to the West of the existing well. A 2017 Compliance Investigation determined the actual location to be approximately 3,734 feet North and 1,552 feet West of the Southeast corner of Section 21, placing it in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 21, in Township 8 South, Range 40 West, Sherman County. Due to its history the source of supply is considered to be the Ogallala Formation (Code 211).

The standby well will be required to meet the conditions of K.A.R. 5-1-2, *Standby wells*.

Per K.A.R. 5-24-3, *Well spacing* the 244.8 acre-feet would require 2,000 feet of spacing from nondomestic wells and 800 feet from domestic wells. There are approximately 14 domestic wells within one-half ( $\frac{1}{2}$ ) mile of the proposed wells. It appears the change complies with part (b) as the proposed well is a standby well and part (b)(B) as the spacing was not met at the time of filing and meets the spacing continues to meet the historical spacing.

In a letter dated March 17, 2023, Shannon Kenyon, Manager, of the Northwest Kansas Groundwater Management District No. 4, recommended approval.

Kelly Stewart, Water Commissioner, Stafford Field Office, recommended approval of the referenced application per his e-mail dated March 20, 2023.

Water flowmeters are required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works. As no new wells will be authorized to be constructed a well log and water level measurement tube will not be conditions of the approval. A 2023 Notice of Completion will be required to assure metering.

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 has been recommended that the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

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**From:** Stewart, Kelly [KDA]  
**Sent:** Monday, March 20, 2023 7:37 AM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Billinger, Mark [KDA]; Hageman, Nancy [KDA]  
**Subject:** RE: Review and Recommendation Change Applications File Nos. 25902 & 38538

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Leslie,

I recommend approval of these change applications.

Kelly

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Friday, March 17, 2023 10:05 AM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** Review and Recommendation Change Applications File Nos. 25902 & 38538

Kelly,

Please let me know if you would recommend these changes for approval.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

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

## **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION WATER RIGHT FILE NO. 38,538**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Thomas Tompkins on behalf of Sugar Hills Golf Club Incorporated, 6450 Road 16, Goodland, Kansas 67735, received in this office on May 9, 2022, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated August 9, 2011 and December 16, 2021, approving the applications to change the point of diversion, 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 locations of the points of diversion shall be:

one (1) well located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 3,734 feet North and 1,552 feet West of the Southeast corner of said section, to be used as a standby well, and

one (1) well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 3,813 feet North and 907 feet West of the Southeast corner of said section, to be used as a primary well,

both in Township 8 South, Range 40 West, Sherman County, Kansas,

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

The well described herein as the standby well shall be used exclusively at such time the well herein described as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Installation of the works for diversion of water shall be completed on or before December 31, 2023, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 38,538, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 12, 1995, as modified and amended by the aforementioned orders.

Ordered this 27<sup>th</sup> day of March, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of March, 2023, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

March 30, 2023

SUGAR HILLS GOLF CLUB INC  
THOMAS TOMPKINS  
6450 ROAD 16  
GOODLAND, KS 67735

RE: Water Right, File Nos. 25,902 & 38,538

Dear Mr. Tompkins:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of the approvals is that acceptable water flow meters must be installed on the diversion works authorized. Please return the required notification of completion of the diversion works and installation of the required meter on the newly authorized standby well prior to the diversion of water.

Please note that the well described in the approval documents as the standby well shall be used exclusively at such time the well described in the approval document as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under these files to be exceeded.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Additional information and the Notice of Completion form may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/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 Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:LI:

Enclosure(s)

pc: Stockton Field Office  
Northwest Kansas GMD No. 4



## 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 30<sup>th</sup> day of March, 2023 I hereby certify that the foregoing Approval of Applications for Change in Point of Diversion, File Nos. 25,902 & 38,538, dated March 27, 2023 were mailed postage prepaid, first class, US mail to the following:

SUGAR HILLS GOLF CLUB INC  
THOMAS TOMPKINS  
6450 ROAD 16  
GOODLAND, KS 67735

With photocopies to:

Stockton Field Office  
Northwest Kansas GMD No. 4



Staff