

File No. 21582	13. County: GH Basin: S F SOLOMON RIVER Stream: N/A		
Structures File No:	Aquifer Code: 113*	Special Use Area:	

14. Points of Diversion, Rates & Quantities										Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps	
CHK	41656	SW SE SW	9	8S	21W	1	68	3769		206	206	665	665			+	
MOD	30329	NW NW NE	16	8S	21W	1	4985	2444		185	185	265	265			++	
ENT	91462	SW NE NE	16	8S	21W		4275	1315		184	184	265	265				
CHK	10894	NW NW NE	17	8S	21W	3	5204	2351		148	148	910	910			#	

15. Limitations Type: Quantity: **616 AF/YR** Rate: combined with file no(s): **NO CHANGE**
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2025

17. Place of Use																	Total	Owner(s)	Chg?	Overlaps					
PDIV	S	T	R	ID	NE¼				NW¼				SW¼								SE¼				
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
NC	71348	8	8S	21W	5									2	16	10.2	39.3					67.5	5A	<input type="checkbox"/>	^
NC	17419	9	8S	21W	1					13	24.5	38.5	32	0.4	13	40	7					168.4	5A	<input type="checkbox"/>	^
NC	32882	16	8S	21W	1	24	31	34.5	34.5	28	32	19	21		1.8	1.7						227.5	5A	<input type="checkbox"/>	^
NC	32497	17	8S	21W	3	33	12															45	5A	<input type="checkbox"/>	^
																								<input type="checkbox"/>	
																								<input type="checkbox"/>	
																								<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps + 20197057 ++ 20197054 # 20197053 ^ 20197053 20197054 20197057 (All expired MYFAs)	* ADD AQUIFER CODE TO ALL PDIVS ** *** ^^
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: September 27, 2024

From: Ellie Dulchinos, Environmental Associate

Re: Change Application File No. 21,582 – Laverne (Ace) Billips

Summary

An *Application to Change an Existing Water Right* was received in this office on May 3, 2023. Mr. Billips requested to add an additional well for irrigation use in Graham County, Kansas.

Currently Authorized Rate, Quantity and Use Made of Water

The currently authorized well aka donor well located in the NE Quarter of 16-8S-21W. It authorizes 369 AF at a rate of 530 GPM on 508.40 acres for irrigation use. This well is sourced in the Mainstream Alluvium formation (113).

Proposed Changes

The donor well will split and share its authorized quantity and rate of 369AF and 530 GPM with the proposed well. The donor well will pump 185 AF at 265 GPM and the proposed well will pump 184 AF at 265 GPM.

K.A.R 5-5-16(a)(2): Reasonable Quantity

A. Maximum Perfected Quantity - 369 AF

B. Maximum Authorized Quantity Before Change - 369 AF

C. Maximum Consumptive Use: $(498 * 1.23) / 0.85 = 720$ AF

- Base acres were determined by Jodie Baker of Stockton Field Office on March 15, 2022
- ✓ Shared quantity is equal to 369 AF. No consumptive use increase found.
- ✓ No quantity reduction is required.

K.A.R 5-5-16(a)(3): Total Rate of Diversion

A. DWR received and Open discharge rate test conducted by Shannon Kenyon of GMD 4. The rate test showed the donor well ran steady at 849.2 GPM

- ✓ Maximum authorized quantity is 530 GPM. Shared Quantity is equal to 530 GPM.
- ✓ No rate reduction is required.

K.A.R 5-5-16(b): Well Log and Depth Information

1-5. No additional information was provided.

- ✓ In accordance with K.A.R. 5-3-4d, a stratigraphic log of a well or test hole within 300 feet of the proposed well has not been required since there is sufficient information to understand the lithology and to determine the groundwater source formation from which the proposed additional well will be withdrawing water.
- ✓ An additional condition will be added to the approval document restricting the withdrawal of water from the alluvial aquifer.

K.A.R 5-5-16(c): Well Spacing Requirements

1. The additional well is proposed to be located approximately 1,334ft SE of the donor well. This distance is based on the most recent FIR conducted by Jodie Baker of the Stockton Field Office on October 11, 2023.

- ✓ Currently authorized wells show reasonable spacing requirements therefore proposed well meets spacing requirements to all other wells.
- ✓ No spacing modifications are required.

Nearby Water Rights and Wells

Water Right 33741 is located within a half mile of the proposed well and donor well, however this file was dismissed March 26, 1982; as such no nearby notification letters were required.

Nearest Active Non-Domestic: City of Bogue approximately 7298ft from the proposed well.

Nearest Domestic: Lawrence Homel approximately 4656ft from the proposed well.

Recommendations

Per email with Kelly Stewart of the Stockton Field Office dated 10/18/2024 there is no objection to the approval of this change application.

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. 21,582**

After due consideration of the written application from Lyle and Laverne Billips, Janet K. Billips, and Kappi J. Billips, as owners of the referenced water right, received in this office on May 3, 2023, for approval of a change in point of diversion, under the Certificate of Appropriation for Beneficial Use issued on November 6, 1986, as modified and amended by subsequent order dated April 21, 2023, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 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 points of diversion shall be:

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 9, more particularly described as being near a point 68 feet North and 3,769 feet West of the Southeast corner of said section, at a diversion rate not in excess of 665 gallons per minute (1.48 c.f.s.) and in a quantity not to exceed 206 acre-feet per calendar year

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,985 feet North and 2,444 feet West of the Southeast corner of said section, at a diversion rate not in excess of 265 gallons per minute (0.59 c.f.s.) and in a quantity not to exceed 185 acre-feet per calendar year

one (1) well located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, more particularly described as being near a point 4,275 feet North and 1,315 feet West of the Southeast corner of said section, at a diversion rate not in excess of 265 gallons per minute (0.59 c.f.s.) and in a quantity not to exceed 184 acre-feet per calendar year

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 17, more particularly described as being near a point 5,204 feet North and 2,351 feet West of the Southeast corner of said section, at a diversion rate not in excess of 910 gallons per minute (2.03 c.f.s.) and in a quantity not to exceed 148 acre-feet per calendar year

all in Township 8 South Range 21 West, Graham County, Kansas.

The water right remains further limited to a total quantity not to exceed **616 acre-feet** per calendar year for irrigation use.

The applicant shall cause the new well under this water right to be constructed so that the source of supply will be restricted to withdrawal of water from alluvium of the South Fork Solomon River.

Installation of the works for diversion of water shall be completed on or before December 31, 2025, 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.

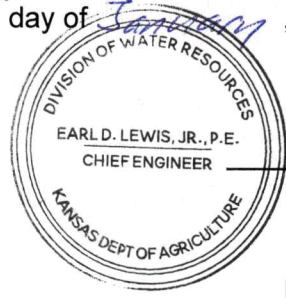
All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in accordance with specifications adopted by the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

Prior to the use of water, an acceptable water flowmeter shall be installed and maintained on the diversion works authorized by this change approval in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flowmeter 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).

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 if any type of chemical or other foreign substance will be injected into the water pumped. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the Certificate of Appropriation for Beneficial Use issued pursuant to Approval of Application, File No. 21,582, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 6, 1986, as modified and amended by the aforementioned order.

Ordered this *2nd* day of *January*, 2025, at Manhattan, Riley County, Kansas.

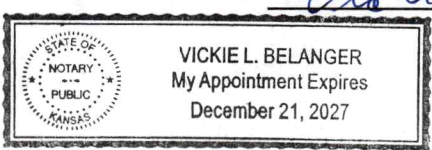


Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *2nd* day of *January*, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, 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



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

Mike Beam, Secretary

Laura Kelly, Governor

January 15, 2025

LYLE AND LAVERNE BILLIPS
3500 Y RD
HILL CITY KS 67642

RE: Approval of Application for Change
Water Right, File No. 21,582

Dear Sir or Madam,

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 <https://www.agriculture.ks.gov>

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 Stockton Field Office at 785-425-6787.

Sincerely,

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

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

KAB:kak:etd
Enclosure(s)
pc: Stockton Field Office

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 January, 2025, I hereby certify that the attached Approval of Application for Change in Point of Diversion, File No. 21,582, dated January 2, 2025, was mailed postage prepaid, first class, US mail to the following:

Original to:

LYLE & LAVERNE BILLIPS ET AL
3500 Y RD
HILL CITY KS 67642

Photocopy to:

KDA-DWR Stockton Field Office


Division of Water Resources