

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

1. File No.: 23,277	2. Status Change Date: 1/21/2025	4. Field Office: 03 - Stockton GMD: 04 - Northwest Structures File No.: Filing/Priority Date: 12/21/23 Application Complete Date:
3. Package File No(s): 23277		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change RENNER FARMS LLC 2744 COUNTY RD J OAKLEY, KS 67748 Person ID 67509 Add Seq#	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.: C2 <input checked="" type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: IRR-Irrigation Not changing MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2025 Perfection/Expiration Date:		7. Use of Water <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: UMW: UMW:
8. Action Trail GX C1- CHANGE APP POINT OF DIVERSION APPROVED - Compliance: 12/31/2025		
9. Special Conditions ADDITIONAL WELL (REVIEW AFTER 5-10 YEARS)		
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.: Justification: Rule Type: Rule SubType:		
Comments ADDITIONAL WELL. GREATER THAN 2640 FEET BASED UPON GMD4 THEIS ANALYSIS	Processed MB	Entered
	Reviewed KAK 10/3/2024 LI 11/15/2024	1/23/2025 KAnderson

File No. 23,277	13. County: TH Basin: S F SOLOMON RIVER Stream:		
Structures File No:	Aquifer Code: 211 OGALLALA FORMATION	Special Use Area: 043 GMD4 LEMA	

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
MOD	82538	NW	NW	SE	21	9S	32W	5	2486	2371	261	261	350	350			+
ENT	47043	SW	SW	NW	21	9S	32W	1	2676	5186	ADDITIONAL WELL	50	50	40	40		*

15. Limitations Type: **QTY** Quantity: **AF** Rate: **gpm** combined with file no(s):
 Type: **Other** 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										NE $\frac{1}{4}$		NW $\frac{1}{4}$		SW $\frac{1}{4}$		SE $\frac{1}{4}$		Total	Owner(s)	Chg?	Overlaps
PDIV	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
																					<input type="checkbox"/> +
																					<input type="checkbox"/> +
																					<input type="checkbox"/> #
																					<input type="checkbox"/> ^
					NO CHG														<input type="checkbox"/> **		
					NO CHG														<input type="checkbox"/> ++		

18. Point of Diversion and Place of Use Overlaps * 29548 + NONE # ^	** 23277 & 29548 ++ ## ^^
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 28, 2024

FROM: Mark Billinger

RE: Water Right
File Nos. 23,277

Renner Farms LLC as owners of the referenced right have filed an application for approval to change the point of diversion authorized for irrigation use which was received in the office of the Chief Engineer on December 21, 2023. This application for change proposes to add an additional well and will be processed under K.A.R. 5-5-16.

The referenced file is authorized for 311 acre-feet at 705 gallons per minute for irrigation use for 634 acres. It authorizes one (1) well in the NW ¼ of the NW ¼ of the SE ¼ of section 21, Township 9 south, Range 32 west in Thomas County, KS. The authorized place of use is overlapped with file 29548. There are no additional limitations on the right. This right along with file 29548 are within the Greater GMD 4 Allocation area and share a 5-year allocation of 2,460 acre-feet on 436 acres.

File 29,548 is authorized for 181 acre-feet at 450 gallons per minute from one (1) well located in the SW ¼ of the SW ¼ of the NW ¼ of section 21, Township 9 South, Range 32 West in Thomas County, KS. Together, these two files utilize a section pivot to irrigate the authorized place of use.

The applicant proposes to transfer 50 acre feet and 40 gallons per minute to the well authorized by file 29548 by making it an additional well under file 23,277. This well is located 2,860 feet to the west. The applicant states that this is needed due to the two wells operate the section pivot and the well with the drive system runs out of allocation before the other well and both wells have to run in order to operate the pivot.

The source of supply has been determined to be the Ogallala formation. The maximum acres irrigated during the perfection period were 390 acres. The determination of the quantity for the consumptive use calculation as required by K. A. R. 5-5-16(a)(2)(C)(i):

$$(390 \text{ maximum irrigated acres} \times 1.28 \text{ (80\% NIR TH Co.)}) / 0.85 = 587.29 \text{ acre-feet}$$

It would appear that the referenced file will not require the authorized quantity of 311 acre-feet to be reduced.

As required by K.A.R. 5-5-16(a)(3)(A), a rate test was conducted by Colter Stoll of GMD #4 on 10/09/23. The test was completed at the authorized well and the maximum pumping rate was determined to be 390 gallons per minute. The rate of diversion will be reduced to 390 gallons per minute and divided proportionally between the two wells. As proposed in the application, the applicant wishes to retain 350 gallons per minute and 261 acre-feet at the authorized well and proposes 40 gallons per minute and 50 acre-feet to the additional well (also authorized by file 29548). This proposal agrees with the requirements set forth above.

The applicant identified on nearby domestic well located 3,200 feet away from the proposed additional well. Since it is greater than ½ mile, no nearby notifications or comments on the proposed additional well were requested.

The proposed change will move 40 gallons per minute and 50 acre-feet to the new point of diversion and leave 350 gallons per minute and 261 acre-feet at the presently authorized well.

Both wells do meet well spacing as required under K.A.R. 5-4-4. The currently authorized well and proposed additional well were measured to be 2,860 feet apart.

Kelly Stewart, Water Commissioner of the Stockton Field Office indicated via e-mail on September 11, 2024 that he had no objection to the proposed change.

Shannon Kenyon, Manager of the Groundwater Management District No. 4, indicated via e-mail on September 10, 2024, that she had no objection to the proposed change. Since this change is greater than $\frac{1}{2}$ mile but less than $\frac{3}{4}$ mile, GMD 4 performed a Theis analysis and determined it is in compliance with 5-24-2 (c)(1)(B). (K.A.R. 5-24-6 (2)(A) *Changes in points of diversion* LI/DWR)

Based on the above discussion, and that the change is reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change request that may be affected by this approval and that no change in the local source of supply will occur, it is recommended that referenced application be approved.

Mark Billinger
Assistant Water Commissioner
Water Appropriation Program

Ireland, Leslie [KDA]

From: Billinger, Mark [KDA]
Sent: Friday, November 15, 2024 10:22 AM
To: Ireland, Leslie [KDA]
Subject: FW: 23277 change rec

From: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Sent: Wednesday, September 11, 2024 8:49 AM
To: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Cc: Hageman, Nancy [KDA] <Nancy.Hageman@ks.gov>
Subject: RE: 23277 change rec

Mark,

Is this the one you and Shannon were working on Theis to determine if the p/d change greater than ½ mile could be approved? If so, we should mention this in the memo. If Theis does support the move per GMD 4's regulations, I would then recommend approval.

Kelly

From: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Sent: Wednesday, September 11, 2024 8:08 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Subject: 23277 change rec

Please provide your recommendation.

Mark Billinger
Assistant Water Commissioner
Division of Water Resources
Stockton Field Office
820 S Walnut
785-425-6787

START SWL=	END	NO	DESCRIPTION	K	S	FT	K X FT	SY X FT	NO	DESCRIPTION*	K	S
	130		NA	0	0	0	0	0	1	NA	0	0
150	183	15	coarse sand	90	0.24	33	2970	7.92	2	clay	5	0.03
183	190	20	sand & gravel	160	0.25	7	1120	1.75	3	silty clay	5	0.03
190	199	5	clay w/sand & gr	15	0.08	9	135	0.72	4	sandy clay	10	0.05
			NA	0	0	0	0	0	5	clay w/sand & gravel	15	0.08
			NA	0	0	0	0	0	6	clay & sandstone	10	0.05
			NA	0	0	0	0	0	7	limestone (caliche)	10	0.05
			NA	0	0	0	0	0	8	limestone & sand	30	0.1
			NA	0	0	0	0	0	9	sand	70	0.23
			NA	0	0	0	0	0	10	fine sand	50	0.21
			NA	0	0	0	0	0	11	fine-medium sand	70	0.23
			NA	0	0	0	0	0	12	fine-coarse sand	80	0.25
0			NA	0	0	0	0	0	13	medium sand	80	0.25
0			NA	0	0	0	0	0	14	medium-coarse sand	85	0.25
0			NA	0	0	0	0	0	15	coarse sand	90	0.24
0			NA	0	0	0	0	0	16	clayey sand	50	0.2
0			NA	0	0	0	0	0	17	cemented sand	30	0.1
0			NA	0	0	0	0	0	18	loose limestone	30	0.1
0			NA	0	0	0	0	0	19	silty sand	50	0.2
0			NA	0	0	0	0	0	20	sand & gravel	160	0.25
0			NA	0	0	0	0	0	21	cemented sand & gra	30	0.1
0			NA	0	0	0	0	0	22	clayey sand & gravel	100	0.17
0			NA	0	0	0	0	0	23	silty sand & gravel	100	0.17
0			NA	0	0	0	0	0	24	sandstone & sand	50	0.2
0			NA	0	0	0	0	0	25	tight sandstone	10	0.05
0			NA	0	0	0	0	0	26	silt	10	0.05
0			NA	0	0	0	0	0	27	clayey silt	5	0.03
0			NA	0	0	0	0	0	28	sandy silt	10	0.05
0			NA	0	0	0	0	0	29	silt w/gravel	15	0.08
0			NA	0	0	0	0	0	30	soil/overburden	5	0.03
0			NA	0	0	0	0	0	31	f-m snd & grvl	115	0.24 50% f-m sand/50% sand and gravel
0			NA	0	0	0	0	0	32	f-m snd w/c strks	60	0.2 85% f-m snd/15% clay WPW
0			NA	0	0	0	0	0	33	f-m snd w/some gr	84	0.23 85% f-m snd/15% sand & gravel
0			NA	0	0	0	0	0	34	c w/snd strks	15	0.06 85% clay/15% f-m sand
0			NA	0	0	0	0	0	35	cal & c w/ fs strks	14	0.07 42.5% caliche/42.5% clay/15% fine sand
0			NA	0	0	0	0	0	36	f snd w/c & cal	39	0.17 75% f snd/12.5% clay/12.5% caliche
0			NA	0	0	0	0	0	37	f-m snd w/cal strks	61	0.2 85% f-m snd/15% caliche WPW
0			NA	0	0	0	0	0				
						49	4225	10.39				

T= 31,603 SY= 0.212

* References lithology K values calculated by Gutentag & Others, 1984
SY= Specific yield

S Values by Aquifer**

ST	DWR-Ogallala	DWR-Alluvial	DWR-Dakota
49	0.00049	0.049	0.000049

** S values based upon past correspondence with John Munson dated 2004
S= storativity or storage coefficient

THEIS DISTANCE-DRAWDOWN

Optional Inputs	Q (gpm)	V (AF)	t` (days)	
	705	311	100	
Option	3			Enter: Q
V	311 AF			Appropriated quantity
t`	100 days			Pumping time
t	100 days			Time at which to comp
Q = V/t`	705 gpm			Average pumping rate
r	2860 ft			Distance from well
S	0.019404			Specific yield (Storage
T	38000 gpd/ft			Transmissivity
u	0.078105			Argument of Well Func
u`	0			Argument of Well Func
W(u)	2.049102			Theis Well Function fo
W(u`)	0			Theis Well Function fo
dd	4.356339 ft			Drawdown at time t

175 AF	(@1400 ft)				
		20,000/.15	30,000/.15	50,000/.15	75,000/.15
	GPM	DD	DD	DD	DD
	400	2.2	1.96	1.58	1.28
	600	2.3	2.2	1.89	1.58
	800	2.2	2.3	2.08	1.8
	1000	2.1	2.3	2.2	1.96
350 AF	(@2000 ft)				
		20,000/.15	30,000/.15	50,000/.15	75,000/.15
	GPM	DD	DD	DD	DD
	400	2.17	1.93	1.56	1.27
	600	2.27	2.17	1.86	1.56
	800	2.22	2.26	2.05	1.78
	1000	2.1	2.27	2.17	1.93
500 AF	(@2400 ft)				
		20,000/.15	30,000/.15	50,000/.15	75,000/.15
	GPM	DD	DD	DD	DD
	400	2.15	1.92	1.56	1.26
	600	2.25	2.15	1.85	1.56
	800	2.2	2.24	2.04	1.77
	1000	2.08	2.25	2.15	1.92



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

July 18, 2024

Mark Billinger
Stockton Field Office
820 South Walnut
Stockton, KS 67669

RE: Application # 23,277
Renner Farms LLC

Dear Mark,

The Northwest Kansas Groundwater Management District has reviewed the above referenced application(s) and based on our records and the information supplied by the applicant; we have determined that the following recommendation be made to the Chief Engineer:

Approve the change in point of diversion.

If you have any questions, please contact this office.

Sincerely,

Shannon Kenyon
Manager

SK: jem

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. 23,277**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Johnna J. Frantz, on behalf of Renner Farms, LLC, 2744 County Road J, Oakley, Kansas 67748, received in this office on December 21, 2023, 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 October 27, 2015, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (December 21, 2023) to add the additional well.

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

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 2,486 feet North and 2,371 feet West of the Southeast corner of said section, at a diversion rate not in excess of 350 gallons per minute (0.78 c.f.s.) and a quantity not to exceed 261 acre-feet of water per calendar year, and

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 21, more particularly described as being near a point 2,676 feet North and 5,186 feet West of the Southeast corner of said section, at a diversion rate not in excess of 40 gallons per minute (0.09 c.f.s.) and a quantity not to exceed 50 acre-feet of water per calendar year (additional well),

all in Township 9 South, Range 32 West, Thomas County, Kansas.

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 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 acceptable water meters 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 meters has been completed. The water right owner shall maintain the water meters 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 meters and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

The Chief Engineer specifically retains jurisdiction in the matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 23,277, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation, dated May 2, 1986, as modified and amended by the aforementioned order.

Ordered this 21st day of January, 2025, in Manhattan, Riley County, Kansas.

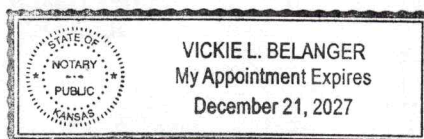
Lane P. Letourneau

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 21st day of January, 2025, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie 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 24, 2025

JOHNNA J FRANTZ
RENNER FARMS LLC
2744 COUNTY RD J
OAKLEY KS 67748

RE: Water Right
File No. 23,277

Dear Ms. Frantz:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works authorized under the referenced file. Please complete and return the enclosed form, "Notification of Completion of the Diversion Works and/or Installation of Flowmeter." There is no fee for this notification, and it may be submitted electronically by e-mail to KDA.WaterRights@ks.gov.

The change approval adds an additional point of diversion, which is subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the portion of the additional well shall be considered to have the priority of the date the application was filed (December 21, 2023) to add the additional well. The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Since this order modifies the Certificate of Appropriation under the above referenced water right, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact our Stockton Field Office at 785-425-6787. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

KAB:kak:li:mab

Enclosures

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 24 day of January, 2025, I hereby certify that the attached Approval of Application for Change in Point of Diversion, under Water Right, File No. 23,277, dated January 21, 2025, was mailed postage prepaid, first class, US mail to the following:

RENNER FARMS LLC
2744 COUNTY RD J
OAKLEY KS 67748

With photocopies to:

KDA-DWR Stockton Field Office

Northwest Kansas GMD No. 4



Division of Water Resources