

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 6011	2. Status Change Date: 8/10/2021	3. Change Num: C2	4. Field Office: 01	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 2020 October 27, 2021
8a. Applicant(s) New to system <input type="checkbox"/> VANCE L CARSON TRUST 4722 CASTLE RD LACANADA FLINTRIDGE, CA 91011-1443		Person ID <u>38613</u> Add Seq# _____	8e. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# <u>1</u>	
8b. Landowner(s) New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# <u>1</u>	8f. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# <u>1</u>	
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# <u>1</u>	8g. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8d. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# <u>1</u>	8h. WUC New to system <input type="checkbox"/> 8a STEVEN V & JANICE PETERSON 1931 4TH ST CLAY CENTER, KS 67432-1742 Person ID 20608 Add Seq# <u>1</u>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2021 <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 4/7/21 By: BMM Date Entered: 8/11/2021 By: _____				

File No. 6011 11. County: CY Basin: Republican River Stream: Formation Code: 190-115 Special Use: 005

12. Points of Diversion											Rate and Quantity					
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
ENT				88471	NW NW NE	36	6S	1E	2	4915	2289	1200	217			6011, 50469
surface water not with this groundwater right																
ENT				88474	NW SE SE	25	6S	1E	8	792	1118					6011, 50469
ENT				88472	SW SW SE	25	6S	1E	6	98	2124					6011, 50469
MOD				6884	SW NW SE	25	6S	1E	1	1372	2658 2568	GPS UPDATE			None	6011

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use											NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
MOD				30207	25	6S	1E	1									35	38	38	23	134	8a	Y	6011, 50469,						
ENT				70169	36	6S	1E	1		9			38												47	8a	Y	6011, 50,469		
DEL				58747	26	6S	1E	5									20	20	30	30	100									
DEL				31883	25	6	1E	4						30	13	27	30								100					

Base Acres: Year: Minimum Reasonable Quantity:

Comments: Change Application for complete overlap between File Nos. 6011 & 50,469

COMMENT: RESERVED WATER RIGHT REJOINED TO LAND

8/10/2021
KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
DATE: April 7, 2021
FROM: Brandon Milner
RE: Water Right
File No. 6011

The Carson Trust (Vance Carson) has filed an application for approval to change the authorized place of use under Water Right, File No. 6,011 authorized groundwater in the Republican River Basin. The referenced change application was filed along with Application, File No. 50,469 being processed by Brandon Milner, Environmental Scientist, New Apps Unit which is for the use of surface water from Mulberry Creek.

The referenced water rights do not appear abandoned as per K.S.A. 82a-718.

Water Right No. 6011 is currently authorized a total of 55 acre-feet combined with Water Right No. 23881 which is authorized 180 acre-feet was used for irrigation of 249 acres in Section 25 & 26 in Township 6 South, Range 1 East, Clay County. However, a reduction was filed on Water Right File No. 23,881 to remove irrigated acreage off Water Right No. 6011. Water Right No. 6011 is authorized one well, being at 1,364 feet North and 2,562 feet West from the Southeast corner of section 25, township 6 South, Range 1 East. The referenced change application proposes to create a complete overlap in the place of use with Application, File No. 50,469, for a total of 181 acres in the Southeast Quarter of Section 25.

The total limited quantity under File Nos. 50,469 & 6011, 217 acre-feet, can irrigate the proposed 181 acres with 1.2 acre-feet per acre, which appears reasonable since the maximum acre-feet per acre allowed in Clay County is 1.2 acre-feet per acre. The additional quantity acquired by File No. 50,469 should be sufficient to cover any increase in consumptive use.

Nearby well owners were notified of the referenced change application on March 15, 2021 with no responses to date.

In e-mail dated April 13, 2021, Katie Tietsort Water Commissioner of the Topeka Field Office, indicated no objections to approval of the referenced change application.

A water flow meter is required. A check valve is required if chemigating.

Based on the above discussion that the changes are 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 referenced applications be approved.

Brandon Milner
Environmental Scientist

From: Tietsort, Katie [KDA]
Sent: Tue 4/13/2021 8:02 AM
To: Milner, Brandon [KDA]
Subject: RE: Applications 50469, 23381 & 6011

Good Morning Brandon,

Looks like you have the Carson package ready to move forward for approval. Thanks for working this up it looks great! I do agree with your recommendation for approval as the KWAA rules and regulations pertinent are met.

Have a great day,

Katie

Katie Tietsort

Water Commissioner

Katie.Tietsort@ks.gov

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Sent: Monday, April 12, 2021 12:35 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Applications 50469, 23381 & 6011

Good afternoon Katie,

Attached are three memos for a package deal for an irrigation project in Clay County. Ty worked on the reduction and I have worked on the change and new app for this. First of all, a reduction was filed for Water Right No. 23381 as two owners are splitting up irrigated acres. A change application was filed for Water Right No. 6011 to list a complete lap in the place of use with application no. 50,469. Finally, application 50,469 is requesting 217 Acre-feet to irrigate 181 acres to be pumped from three pumpsites along Mulberry Creek which is part of the Republican River drainage basin. Could you please provide a recommendation or let me know of any changes that are needed? Thanks!

Brandon Milner
Environmental Scientist
Water Appropriation Program

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 AND ORDER BETTER DESCRIBING THE AUTHORIZED POINT OF DIVERSION WATER RIGHT, FILE NO. 6011

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Trevor Carson on behalf of the Carson Trust, 4722 Castle Rd Lacanada, Flintridge, CA 91011-1443, received in this office on October 27, 2020, for approval of a change in the location of the place of use 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 January 12, 1994, correcting the description of the place of use, and by the Order of the Chief Engineer dated April 29, 2008, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights 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 location of the place of use shall be:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25	6S	1E													35	38	38	23	134
36	6S	1E		9			38												47

a total of 181 acres in Township 6 South, Range 1 East, Clay County, Kansas

located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion shall be better described as:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW¼ NW¼ SE¼) of Section 25, more particularly described as being near a point 1,372 feet North and 2,568 feet West of the Southeast corner of said section, in Township 6 South, Range 1 East, Clay County, Kansas.

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.

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 _____ day of _____, 2021, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Order Better Describing the Authorized Point of Diversion under Water Right, File No. 6,011 dated _____, 2021, was mailed postage prepaid, first class, US mail to the following:

Original to:

CARSON TRUST
4722 CASTLE RD LACANADA
FLINTRIDGE, CA 91011-1443

Photocopy to:

FEATHER FIELD FARMS LLC
Attn: GREG NELSON PRES
PO BOX 1285
MANHATTAN, KS 66505-1285

STEVEN V & JANICE PETERSON
1931 4TH ST
CLAY CENTER, KS 67432-1742

Topeka Field Office

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

August 13, 2021

CARSON TRUST
4722 CASTLE RD LACANADA
FLINTRIDGE, CA 91011-1443

RE: Water Right, File No. 6,011

Dear Sir or Madam:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above 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 acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers.

Since this order for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. 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, flowing style.

Kristen A. Baum
New Applications and Changes Supervisor
Water Appropriation Program

KAB:kab

Enclosure(s)

pc: Topeka Field Office
Feather Field Farms LLC
Steven & Janice Peterson

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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.

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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 13 day of August, 2021, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Order Better Describing the Authorized Point of Diversion under Water Right, File No. 6,011 dated 10 August, 2021, was mailed postage prepaid, first class, US mail to the following:

Original to:

CARSON TRUST
4722 CASTLE RD LACANADA
FLINTRIDGE, CA 91011-1443

Photocopy to:

FEATHER FIELD FARMS LLC
Attn: GREG NELSON PRES
PO BOX 1285
MANHATTAN, KS 66505-1285

STEVEN V & JANICE PETERSON
1931 4TH ST
CLAY CENTER, KS 67432-1742

Topeka Field Office



Division of Water Resources Staff