

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

1. File Number: 50245	2. Status Change Date: 3/20/2023	3. Change Num: C1	4. Field Office: 01	5. GMD:
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: 8/19/2021
8a. Applicant(s) New to system <input type="checkbox"/> CHAD BURKDOLL 4146 HAMILTON RD RANTOUL, KS 66079		Person ID 66709 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> LLOYD TRENT BURKDOLL TRUST #1 4191 JOHN BROWN RD RANTOUL, KS 66079	
8b. Landowner(s) New to system <input type="checkbox"/> KB CATTLE CO LLC 4255 HAMILTON ROAD RANTOUL, KS 66079		Person ID 67898 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8a	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2023 <input type="checkbox"/> Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input checked="" 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: _____				
N&P FIS paid 1/9/2023				
			Date Prepared: 3/10/2023 By: LI Date Reviewed: 3/16/2023 By: KAK Date Entered: 3/22/2023 By: LMoody	

File No. **50245** 11. County: **FR** Basin: **POTTAWATOMIE CREEK** Stream: **WEST BRANCH MOSQUITO CREEK TRIB 1 (POTT)** Formation Code: **NA** Special Use: **NA**

12. Points of Diversion										Rate and Quantity					
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files	
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy		
DEL	87486	SW NE SE	7	18	21E	2	1960	2012	POND #4 GPS UPDATE > 330 FT					NONE	
ENT	90187	NW NW SE	7	18	21E		2466	2188	POND #4					NONE	
MOD	87483	NE NW SE	6	18	21E	2	1989	1885	POND #2 (GPS UPDATE)					NONE	
CHK	87484	NE SW NW	7	18	21E	1	3487	4197	POND #5					NONE	
CHK	87485	NW SW NE	7	18	21E	2	3579	2028	POND #1					NONE	

BLANKET Q & R FOR IRRIGATION USE PER PERMIT 1138.5AF & 2000 GPM (NO CHANGE)

13. Storage: Rate 0.00 NF Quantity 1138.5 ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **KEEP SPECIAL COND: MULTI-POND PROJECT**

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							
NO CHANGE																												

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: March 15, 2023

FROM: Leslie Ireland

RE: Appropriation of Water
File No. 50,245

Chad Burkdoll along with the other owners of the referenced file were required to submit an application for approval to change the point of diversion for irrigation use. The change is to correct the location of a reservoir located on the West Branch Mosquito Creek Tributary 1, Pottawatomie Creek Basin, just west of Osawatomie, Kansas. The application was received on August 19, 2021.

The appropriation appears to be in compliance with K.S.A. 82a-732, *Annual water use report...* The notification per K.S.A. 82a-1906 did not result in any written comments. One call was received to discuss the change in general. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*, with the signatures received on February 6, 2023.

The file is authorized as a multi-pond project of four(4) reservoirs permitted to store 1,138.5 acre-feet (AF) and to divert at a maximum rate of 2,000 gallons per minute. The reservoirs are referenced as Pond #1, 2, 4 & 5. The owner has submitted the Notice of Completion and FIS fee in January 2023.

The June 2021 Compliance Investigation found the cross sectional point of diversion for Pond #4 to be approximately 536 feet North of the authorized point of diversion for the reservoir. The approval will correct the point of diversion per **K.A.R. 5-5-6, *Failure to construct diversion works at authorized location.***

The actual location of Pond #4 was determined to be near a point 2,466 feet North and 2,188 feet West of the Southeast corner, as opposed to the authorized point located 1,960 feet North and 2,012 feet West of the Southeast corner. The actual point would correct the qualifiers to 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 7, in Township 18 South, Range 21 East, Franklin County, Kansas.

It appears the actual feet distances for Ponds #1 & 5 are as authorized, but the qualifiers of Pond #5 will be corrected to the (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) per the feet distances of 3,487 feet North and 4,197 feet West of the Southeast corner. The determination for Pond #2 found it to be 37 feet from authorized and will be updated from the authorized of 1,983 feet North and 1,921 feet West to the actual of 1,989 feet North and 1,885 feet West with the qualifiers updated to the (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6 Township 18 South, Range 21 East, Franklin County, Kansas. A 2019 review by DWR Structures determined the reservoirs to be not within their parameters for permitting.

As the change is to correct to the actual point of diversion the local source remain as authorized.

Brett Bunger, Assistant Water Commissioner, Topeka Field Office assisted with the needed signatures and he also indicated there would not be a need to Notice and Proof again.

Water flowmeters are required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

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]

From: Bunger, Brett [KDA]
Sent: Wednesday, March 15, 2023 1:57 PM
To: Ireland, Leslie [KDA]
Subject: RE: Change File No. 50245 Burkdoll

I am good with no N&P

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, March 15, 2023 1:53 PM
To: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: Change File No. 50245 Burkdoll

Brett,

Good afternoon,,,

Just want to check if you want an additional N&P requirement for this change??? He paid the FIS and stated all were complete in January.

Approval will have meter install & chemigation requirements.

N&P?

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 APPROPRIATION OF WATER, FILE NO. 50,245

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chad Burkdoll, 4146 Hamilton Road, Rantoul, Kansas 66079, Lloyd Trent Burkdoll on behalf of the Lloyd Trent Burkdoll Trust #1, 4191 John Brown Road, Rantoul, Kansas 66079, and Chad Burkdoll on behalf of KB Cattle Company LLC, 4255 Hamilton Road, Rantoul, Kansas 66079, received in this office on August 19, 2021, for approval of a change in the location of the point of diversion under the Approval of Application, File No. 50,245, for permit to appropriate water for beneficial 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 location of the points of diversion shall be:

one (1) dam in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6, more particularly described as being near a point 1,989 feet North and 1,885 feet West of the Southeast corner of said section, further identified as Pond 2;

one (1) dam in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 7, more particularly described as being near a point 3,487 feet North and 4,197 feet West of the Southeast corner of said section, further identified as Pond 5;

one (1) dam in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 3,579 feet North and 2,028 feet West of the Southeast corner of said section, further identified as Pond 1;

one (1) dam 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 7, more particularly described as being near a point 2,466 feet North and 2,188 feet West of the Southeast corner of said section, further identified as Pond 4,

all in Township 18 South, Range 21 East, Franklin County, Kansas,

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

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 Approval of Application, File No. 50,245, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated February 8, 2021.

Ordered this 20 day of March, 2023, 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 20 day of March, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, 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 22, 2023

CHAD BURKDOLL
4146 HAMILTON RD
RANTOUL KS 66079

RE: Appropriation of Water
File No. 50,245

Dear Mr. Burkdoll:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change and better describing the authorized points of diversion 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 an acceptable water flowmeter must be installed on the diversion works authorized under the referenced file. Our records indicate the flowmeters are installed. If a meter has been replaced or repaired, you must contact the Topeka Field Office at 785-296-5733.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

If you have any questions regarding the enclosed document, please contact our office at 785-564-6640. 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:LI
Enclosures

pc: Topeka 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 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 22 day of March, 2023, I hereby certify that the foregoing Approval of Application for Change under Appropriation of Water, File No. 50,245, dated March 20, 2023, was mailed postage prepaid, first class, US mail to the following:

CHAD BURKDOLL
4146 HAMILTON RD
RANTOUL KS 66079

With photocopies to:

KDA-DWR Topeka Field Office



Division of Water Resources