

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

| | | | | |
|----------------------------------|--|-----------------------------|-------------------------------|----------------------|
| 1. File Number: LE 001 | 2. Status Change Date: 1-24-2020 | 3. Change Num: C1 | 4. Field Office: 04 | 5. GMD: 01 |
|----------------------------------|--|-----------------------------|-------------------------------|----------------------|

| | |
|--|---|
| 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: 1/16/20 |
|--|---|

| | |
|---|--|
| 8a. Applicant(s) Landowner, WUC, applicant Person ID 4108 New to system <input type="checkbox"/> Add Seq# 1 CITY OF DIGHTON ATTN: CITY CLERKS OFFICE PO BOX 848 DIGHTON, KS 67839-0848 | 8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ |
|---|--|

| | |
|--|---|
| 8b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ | 8d. WUC Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ |
|--|---|

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/20** N & P Date to Comply: **3/1/21**

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: **1/23/20** By: **MAM**
 Date Entered: _____ By: _____

File No. **LE 001** 11. County: **LE** Basin: **WALNUT CREEK** Stream: _____ Formation Code: **211** Special Use: _____

12. Points of Diversion
CHK Rate and Quantity
MOD Authorized
DEL Rate Quantity Rate Quantity
ENT gpm mg/y gpm mg/y Overlap PD Files

Qualifier S T R ID 'N 'W **Comment (AKA Line)**

ENT **NESESE** **13** **18** **29 W** **902'** **70'** **225** **10** **225** **10** **NONE**

DEL 47778

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
CHK **MOD** **DEL** **ENT** PUSE S T R ID NE 1/4 SE 1/4 SW 1/4 NW 1/4 NE 1/4 SE 1/4 SW 1/4 NW 1/4 NE 1/4 SE 1/4 SW 1/4 NW 1/4 NE 1/4 SE 1/4 SW 1/4 NW 1/4 Total Owner Chg? Overlap Files

NC **SEE 8a**

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

Comments: _____

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

January 24, 2020

CITY OF DIGHTON
Attn: CITY CLERKS OFFICE
PO BOX 848
DIGHTON, KS 67839-0848

RE: Vested Right, File No. LE 001

Dear Sir or Madame:

Enclosed is an order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to this enclosure and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flowmeter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

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

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM:
enclosures
pc: GMD1

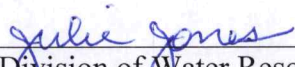
CERTIFICATE OF SERVICE

On this 24th day of January 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Vested Right, File No. LE 001, dated 24th day of January 2020 was mailed postage prepaid, first class, US mail to the following:

CITY OF DIGHTON
Attn: CITY CLERKS OFFICE
PO BOX 848
DIGHTON, KS 67839-0848

With photocopies to:

GROUNDWATER MANAGEMENT DISTRICT NO. 1



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. LE-001

RECEIVED
 1:30 AM
 JAN 16 2020

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

Garden City Field Office
 DIVISION OF WATER RESOURCES

2. Name and address of Applicant: City of Dighton c/o Craig Collins
PO Box 848 Dighton, KS. 67839

Phone Number: (620)397-5541 Email address: _____

Name and address of Water Use Correspondent: Same

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: City of Dighton,

ADDRESS: PO Box 848 Dighton, KS 67839

(If there is more than one landowner, attach supplemental sheets as necessary.)

| 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 | |
| | | | Within | the | City | Limits | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: Same

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

| 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 | |
| | | | No | Chg | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 1-16-20 Check # 035231

*OR 10 mg/L

5. Presently authorized point of diversion:

One in the NE Quarter of the SE Quarter of the SE Quarter of Section 13, Township 18 South, Range 29 W, in Lane County, Kansas, 990 feet North 330 feet West of Southeast corner of section. Authorized Rate 225 GPM Authorized Quantity 30.689 AF Depth of well 100 (feet) (DWR use only: Computer ID No. G1 GPS feet North feet West)

This point will not be changed [X] This point will be changed as follows: [] No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the NE Quarter of the SE Quarter of the SE Quarter of Section 13, Township 18 South, Range 29 W, in Lane County, Kansas, 902 feet North 70 feet West of Southeast corner of section. Proposed Rate 225 GPM Proposed Quantity 30.689 AF Proposed well depth (feet) 105 This point is: [] Additional Well [] Geo Center List other water rights that will use this point NA

* M/M/DWR

6. Presently authorized point of diversion:

One in the Quarter of the Quarter of the Quarter of Section Township South, Range (E/W), in County, Kansas, feet North feet West of Southeast corner of section. Authorized Rate Authorized Quantity Depth of well (feet) (DWR use only: Computer ID No. GPS feet North feet West)

This point will not be changed [] This point will be changed as follows: [] No change, point better described with GPS as follows:

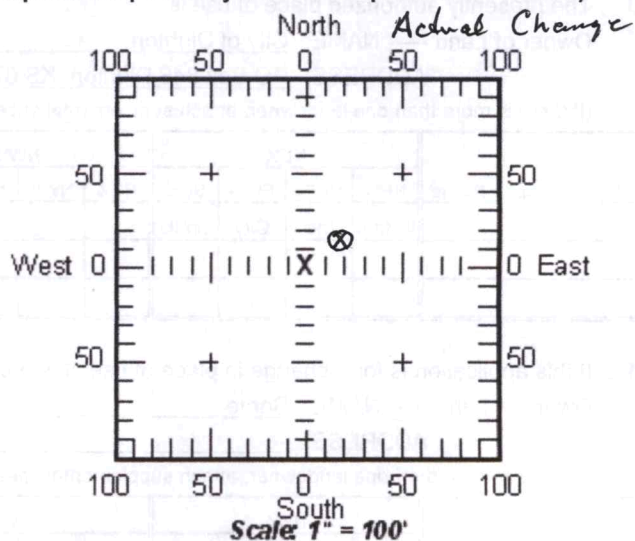
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the Quarter of the Quarter of the Quarter of Section Township South, Range (E/W), in County, Kansas, feet North feet West of Southeast corner of section. Proposed Rate Proposed Quantity Proposed well depth (feet) This point is: [] Additional Well [] Geo Center List other water rights that will use this point

7. The changes herein are desired for the following reasons?

(please be specific) Replace collapsed well

(PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



8. If a well, is the test hole log attached? [X] Yes [] No

9. The change(s) (was)(will be) completed by? June 2020

10. If the point of diversion is a well: (a) What are you going to do with the old well? Plug it (b) When will this be done? As soon as new well complet

11. Groundwater Management District recommendation attached? [] Yes [X] No

12. Assisted by Scott Ross

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion.

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

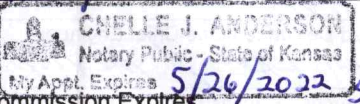
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at 13 - JAN - 20, Kansas, this _____ day of _____, 20_____.

| | | |
|--------------------------------------|-------|----------------|
| <u>Doyle Capra</u> (Owner) | _____ | (Spouse) |
| <u>DOYLE CAPRA</u> (Please Print) | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| _____ | _____ | (Please Print) |
| _____ | _____ | (Spouse) |
| _____ | _____ | (Please Print) |

State of Kansas }
County of Osage } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of January, 2020.



 My Commission Expires 5/26/2022

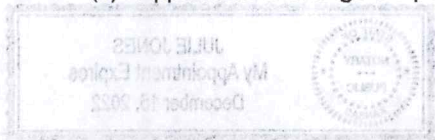
Chelle J. Anderson
Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

| | |
|---|--------------|
| (1) Application to change a point of diversion 300 feet or less | <u>\$100</u> |
| (2) Application to change a point of diversion more than 300 feet | \$200 |
| (3) Application to change the place of use | \$200 |



SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. LE 001.

1. A change application was received on January 16, 2020 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.
 Applicable Not Applicable
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2020**, or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.
 Applicable Not Applicable
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
10. Additional Conditions are attached. Yes No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

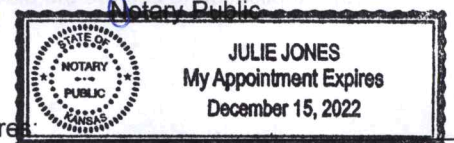
Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, 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. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Michael A. Meyer
Duly Authorized Designee of the Chief Engineer
(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: January 24, 2020
State of Kansas)
County of Linney) SS
Acknowledged before me on January 24, 2020
by Michael A. Meyer
Signature: Julie Jones
Notary Public



My commission expires

(Notary Seal)

File No. _____



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

January 23, 2020

Michael A. Meyer
Water Commissioner
Division of Water Resources
Garden City Field Office
4532 W. Jones Ave. Suite B
Garden City, KS. 67846

RE: Water Right File No. LE-001

Dear Mr. Meyer,

After reviewing the change application for the above referenced water right, the Western Kansas Groundwater Management District #1 recommends approval.

If you have any questions or concerns please contact me anytime.

Sincerely,

Kyle Spencer
District Manager

RECEIVED

JAN 23 2020

Garden City Field Office
Division of Water Resources

Meyer, Mike [KDA]

From: Meyer, Mike [KDA]
Sent: Thursday, January 23, 2020 10:28 AM
To: WKGMD
Subject: request for recommendation, File No. LE 001 (change application)
Attachments: 20200123101714135.pdf

Kyle

Good morning

Attached is an application to change the point of diversion for the above referenced vested right.

There is a lot of information here to make sure the proposal and history is clear. Please if you have any questions, let me know.

It appears after our review, the application meets all regulations, therefore, no waivers are being requested.

- The current footage location is in error. It appears the actual current well location is approximately under 900 feet north and 50 feet west from the southeast corner of section
- The footage on record (WRIS) was a scaled or computer generated location and is not correct.

With this correction etc. the following is information on the original location when moved and approved May 21, 1981

- The original vested right authorized 3 wells
- In the 1977 change application filed, the request was to reduce to one well (sold the other two wells), and the one remaining well was redrilled to the current location
- The original location for this replaced well in 1981 was approximately 548 feet North and 822 feet West from section 13
- Therefore, in 1981 the well moved 342 feet north and 720 feet east to the current actual location.
- Therefore the current proposed move is more than 300' ,again from the authorized location, but less than 1320' from the original location.
- Measuring nearby wells from the original location versus the new proposed location, the proposal is not decreasing the distance by more than 300 feet.

Therefore, meets all rules, therefore, just needs your review and recommendation

Please provide a recommendation within the next 15 days.

Thank you

Michael A. Meyer, PG
Kansas Department of Agriculture

Meyer, Mike [KDA]

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Wednesday, January 22, 2020 3:55 PM
To: Meyer, Mike [KDA]
Subject: Re: city of dighton
Attachments: City of Dighton test log (3).docx

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mike,

I'm not sure what happened in the translation, but here is the well log and I put the GPS coordinates of the proposed new well on it. The existing well is located about 10 feet south and 20 feet west of the new well. It is in the building just north of the existing water tower. You, easily find it on any aerial photo a couple of blocks south of the railroad tracks on the west side of HWY 23. Let me know if you need anything else.

Scott

Scott E. Ross

General Manager
Water Rights Investigative Service LLC
508 South Third ST. Atwood, KS. 67730-2118
785-543-8254

On Wed, Jan 22, 2020 at 9:05 AM Meyer, Mike [KDA] <Mike.Meyer@ks.gov> wrote:
Scott

Good morning hope all is well.

We got the city of Dighton application in. the well log is not legible. No depth of starta etc. I think when it was printed, it had a malfunction. Can you get me a good copy of the test hole log.

Also, if I recall our discussion, the current well is not described properly? Is that correct? Do you have lat lons to help nail down location, or is your proposed

footage from that?
Just need to straighten out the application the map on the application shows moving NE, application footage shows moving SE,
Thanks for any clarification
Mike

KARST WATER WELL DRILLING &
SERVICE

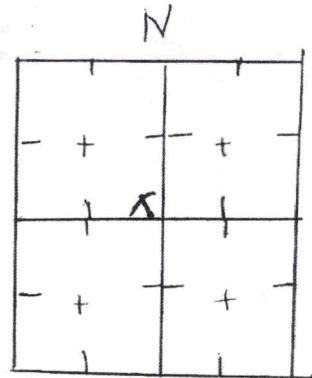
2240 E. 8TH ST
HAYS, KS 67601 TEST LOG

JOB NUMBER _____

City of Dighton, KS

OFNO: /
FOR
DATE DRILLED

11-29-18



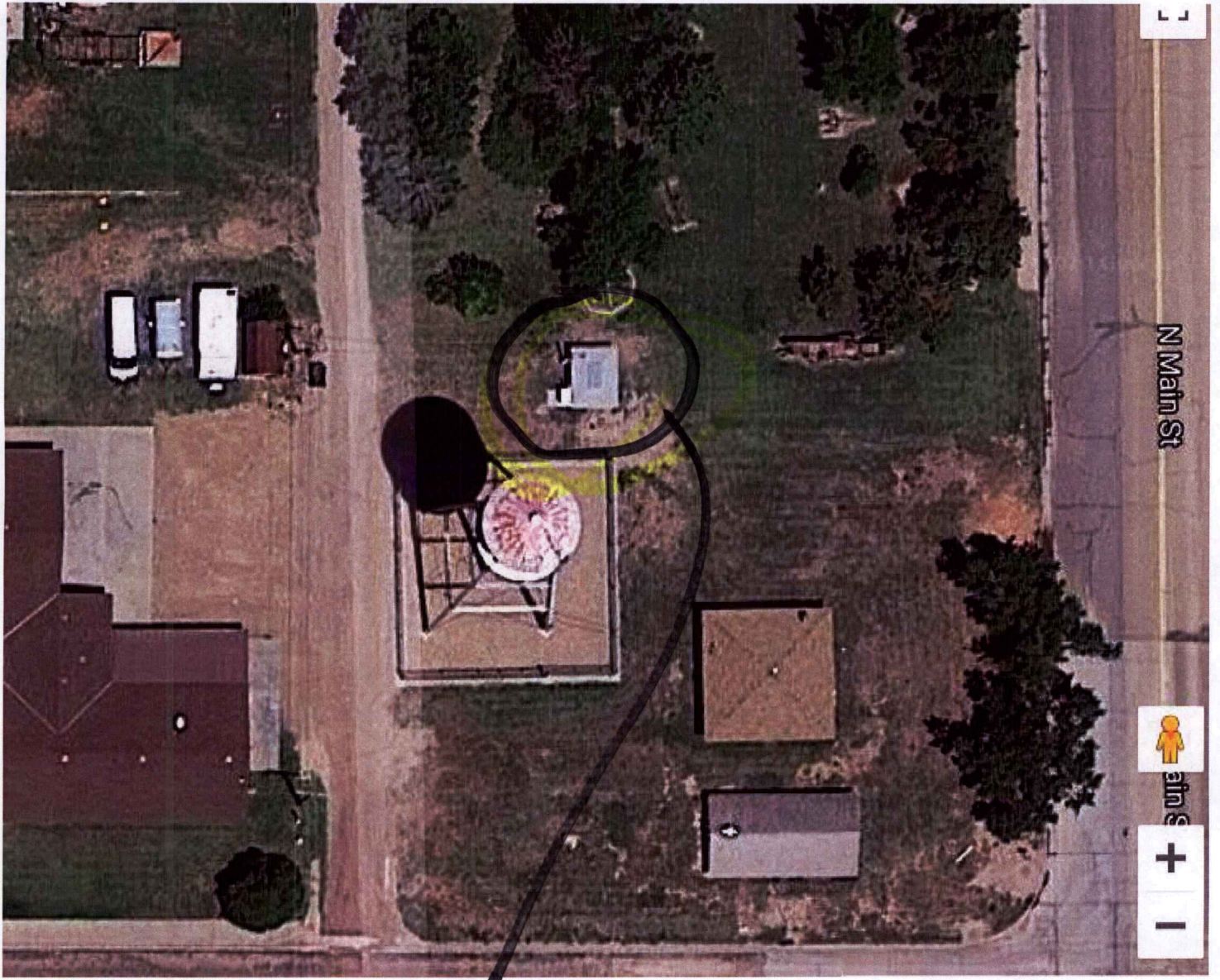
T _____ S, R _____ W/E _____ COUNTY Lane STATE KS LOCATION 1/4

GPS Location: 38.48457 N X -100.46727W NAD 83

| DEPTH | FORMATION THICKNESS | FORMATION | REMARKS |
|--------|---------------------|-------------------------|---------|
| 0-2 | | Soil | |
| 2-15 | | Light brown clay | |
| 15-33 | | Caliche w/ gravel | |
| | | Grades to fine sand | |
| 33-37 | | Caliche | |
| 37-40 | | FS w/ caliche | |
| 40-48 | | FS w/ clay | |
| 48-51 | | Med Sand | |
| 51-54 | | FS w/ Gravel | |
| 54-60 | | Clay w/ FS | |
| 60-68 | | MS w/ clay | |
| 68-71 | | MS w/ gravel | |
| 71-84 | | Fine Sand | |
| 84-93 | | MS w/ gravel trace clay | |
| 93-98 | | FS w/ trace clay | |
| 98-101 | | Shale Niobrara | |

STATIC WATER LEVEL 61' (80' pumping static @ 40 gpm - 2 hours)

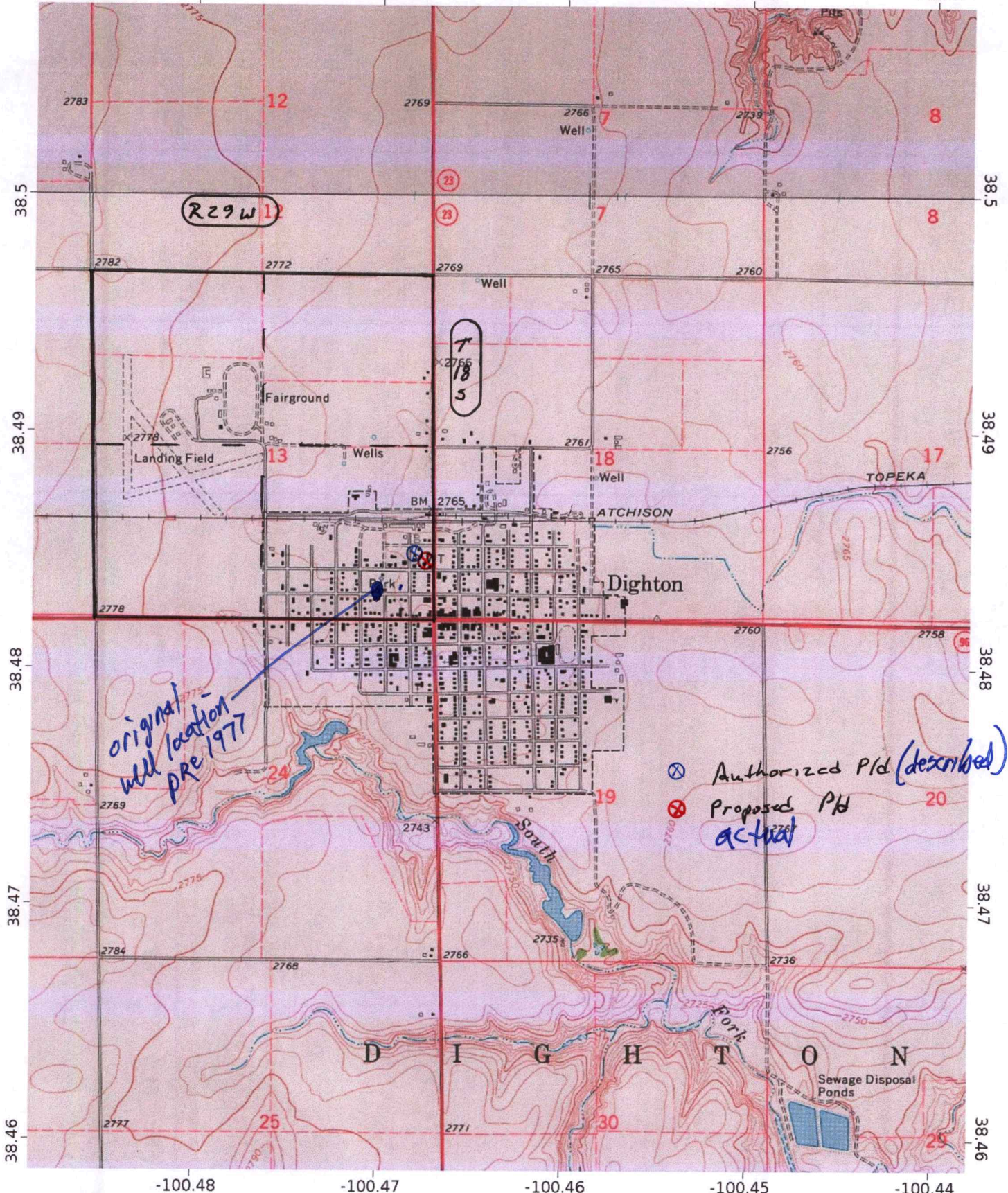
WATER SAMPLES PPM CHLORIDE OTHER TESTS TO
TO TO TO



well

Application to Change Vested Right File No. LE 001

-100.48 -100.47 -100.46 -100.45 -100.44



City of Dighton
WGS84
USNG Zone 14SLH
CalTopo

