

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

1. File Number: SF 002	2. Status Change Date: 7/8/2020	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
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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: 30-SEP-2019
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID <u>17029</u> Add Seq# <u>1</u>
CITY OF ST JOHN CITY CLERK 115 E 4TH PO BOX 367 SAINT JOHN KS 67576-0367	

8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>	Person ID <u>17029</u> Add Seq# <u>1</u>
CITY OF ST JOHN CITY CLERK 115 E 4TH PO BOX 367 SAINT JOHN KS 67576-0367	

8d. WUC New to system <input type="checkbox"/>	Person ID <u>17029</u> Add Seq# <u>1</u>
CITY OF ST JOHN CITY CLERK 115 E 4TH PO BOX 367 SAINT JOHN KS 67576-0367 NO CHANGE	

9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/20</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/20</u>	
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" 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: _____
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Date Prepared: <u>07/01/20</u> Date Entered: <u>7/13/2020</u>	By: RAK By: <u>LMoody</u>
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DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. 05 County Stafford

File No. SF-02 ID01 Overlap P/U only File No(s). 3090, 37109 & 37110

Agency KDA/DWR Inspector EKFitch

In Compliance/ Date	
<input checked="" type="checkbox"/>	Yes <u>6/9/2020</u>
<input type="checkbox"/>	No, see comments _____
<input type="checkbox"/>	Re-investigation _____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other _____

Date of Order --- Date of N of C Ack --- Chg No. C--- Date completed --- If PD chg, old PD ID ---

Current Landowner City of St John Phone No. 620-549-3208

Address PO Box 367, St John KS 67576-0367
 Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same as owner Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for Municipal

Source: Groundwater Surface Water Basin Rattlesnake Creek

Authorized Point of Diversion: Lot 2 (NW NE) Sec. 4, T. 24S, R. 13W ID No. 01

Approximately 4,945 ft. North and 1,450 ft. West of SE corner of Sec 4.

Actual Point of Diversion: Lot 2 (NE NW NE) Sec. 4, T. 24S, R. 13W

Approximately 5,005 ft. North and 1,545 ft. West of SE corner of Sec 4.

How were distances determined? NAD 83 GPS & Leobase 5 Latitude 37.99850 Longitude -98.75240

Distance from old pd --- ft (---) and --- ft (---) Old well: plugged capped equipped other: --- ?

Location (site) map attached? NO Sketch or Map below

Comments: This is for City Well 5 on the southeast side of town.



DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. 05 County Stafford

File No. SF-02 (battery) Overlap P/U only File No(s). 3090, 37109 & 37110

Agency KDA/DWR Inspector EKFitch

In Compliance/ Date	
<input checked="" type="checkbox"/>	Yes <u>6/9/2020</u>
<input type="checkbox"/>	No, see comments _____
<input type="checkbox"/>	Re-investigation _____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other _____

Date of Order --- Date of N of C Ack --- Chg No. C--- Date completed --- If PD chg, old PD ID ---

Current Landowner City of St John Phone No. 620-549-3208

Address PO Box 367, St John KS 67576-0367
Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same as owner Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for Municipal

Source: Groundwater Surface Water Basin Rattlesnake Creek

Authorized Point of Diversion: SW NE SE--Geocenter Battery of 2 Wells Sec. 33, T. 23S, R. 13W ID No. 03

Approximately 1,780 ft. North and 1,263 ft. West of SE corner of Sec 33.

Actual Point of Diversion: SW NE SE--Geocenter Battery of 2 Wells Sec. 33, T. 23S, R. 13W

Approximately 1,796 ft. North and 1,279 ft. West of SE corner of Sec 33.

How were distances determined? Average of well NAD 83 GPS & Leobase 5 Latitude 38.004320 Longitude -98.751705

See page 5 for additional points of diversion.

Distance from old pd --- ft (---) and --- ft (---) Old well: plugged capped equipped other: --- ?

Location (site) map attached? NO Sketch or Map below

Comments: This is for City Well 7 & 8 by the treatment plant. There are meters at the well, but the meter readouts in the building are what are read for the annual water use reports.



City Well 8 (DWR ID05)



Additional Points of Diversion

Authorized Point of Diversion: SW NE SE (Well 7) Sec. 33, T. 23, R. 13W ID No. 04
Approximately 1,711 ft. North and 1,194 ft. West of SE corner of Sec. 33

Actual Point of Diversion: SE NE SE Sec. 33, T. 23, R. 13W
Approximately 1,730 ft. North and 1,199 ft. West of SE corner of Sec. 33
How were distances determined? NAD83 GPS & Leobase 5 Latitude 38.00414 Longitude -98.75143

Authorized Point of Diversion: SE NW SE (Well 8) Sec. 33, T. 23, R. 13W ID No. 05
Approximately 1,848 ft. North and 1,332 ft. West of SE corner of Sec. 33

Actual Point of Diversion: SE NW SE Sec. 33, T. 23, R. 13W
Approximately 1,861 ft. North and 1,358 ft. West of SE corner of Sec. 33
How were distances determined? NAD83 GPS & LeoBase5 Latitude 38.00450 Longitude -98.75198

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: SF 002

FO: 2

GMD: 5

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
MUN	12/18/17	123	GMD 5	Well Spacing	Well to Well Spacing Non-Domestic
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 5 recommends approval of the application.	
K.A.R. 5-25-2(a)					

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 7/01/20 By RAK

Date Entered _____ By _____

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: July 7, 2020
RE: Vested Right
File No. SF 002

Mark Bryant, on behalf of the City of St John, vested right owner, filed an application for approval to change the authorized point of diversion for File No. SF 002, authorized for municipal use in the Rattlesnake Creek Subbasin.

The referenced file number does not appear to be abandoned as per K.S.A. 82a-718.

The referenced file has no overlaps in the authorized battery of wells or the single well (Well No. 5). The place of use overlaps Water Right, File No. 3,090 and Appropriation of Water, File Nos. 37,109 and 37,110 and is described as for the City of St. John and immediate vicinity and a Kansas Department of Transportation (KDOT) safety rest area in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 24, Township 24 South, Range 13 West, Stafford County, Kansas. The water right owner proposes to add the previously authorized Well No. 2, located 3,426 feet North and 4,209 feet West of the Southeast corner of Section 4, Township 24 South, Range 13 West, Stafford County. Paragraph No. 3 of the application indicates the proposed well is now authorized for fire protection by Term Permit, File No. 20139035 and the City wishes to also use the well for bulk sales. This is not an additional well proposal since the referenced right was vested with three points of diversion authorized. A findings and order will be drafted for overlapping File No. 20139035 to better describe the point of diversion to match the description for File No. SF 002. In addition, the other authorized points of diversion under File No. SF 002 will be better described with g.p.s. feet distance obtained during a June 9, 2020 compliance investigation by Stafford Field Office staff.

No non-domestic wells were indicated within one-half mile of the proposed existing well. There are several domestic wells in the area, and due to the potentially large numbers of domestic wells within one-half mile of the proposed point of diversion, a public notice was printed in the local paper once a week for three consecutive weeks to notify interested parties of this application. A period of fifteen (15) days was allowed for comments after the final publication of this notice. In addition, notification letters were sent to the domestic well owners identified by the City within 1,000 feet of the proposed existing well, and some of the domestic well owners sent in statements indicating no objection. No responses have been received as of today's date.

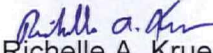
Based on the submitted information, the same local source of supply will not change, which appears to be undifferentiated Kansan/Nebraskan (180).

In a letter dated May 15, 2020, the Board of Directors of Big Bend Groundwater Management District No. 5 recommended a waiver of K.A.R. 5-25-2 *Well spacing* since it appears based on the submitted information that at least one domestic well is within 660 feet of the proposed existing well.

In an e-mail dated June 17, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the referenced application.

A water flow meter is required. A check valve is required if chemigating. A water level measurement tube is also required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if a waiver of K.A.R 5-25-2 is granted by the chief engineer, it has been recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist

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

CITY OF ST JOHN
Attn: CITY CLERK
115 E 4TH PO BOX 367
SAINT JOHN, KS 67576-0367

RE: Vested Right, File No. SF 002
Term Permit, File No. 20139035

Dear Sir or Madam:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under Vested Right, File No. SF 002 and better describing the location of the authorized point of diversion of overlapping Term Permit, File No. 20139035 authorized for fire protection.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change for File No. SF 002. A condition of this approval is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file number. 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, the approval for File No. SF 002 should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

WAIVER OF REGULATION
K.A.R 5-25-2(a) Well Spacing

Date: July 8, 2020

Re: Vested Right, File No. SF 002

1. That K.A.R. 5-25-2 (a) *Well spacing* states in part that non-domestic wells shall be 660 feet from existing domestic wells except those domestic wells owned by applicant.
2. File No. SF 002 is authorized one single well and a battery of two wells with a blanket quantity of 80 million gallons (245.5 AF) per calendar year and assigned diversion rates per well, for municipal use in the City of St. John and immediate vicinity and a Kansas Department of Transportation (KDOT) safety rest area. There are no overlaps in the authorized points of diversion but the place of use overlaps Water Right, File Nos. 3,090, and Appropriation of Water, File Nos. 37,109 and 37,110. The water right owner proposes to add the previously authorized Well No. 2, located 3,426 feet North and 4,209 feet West of the Southeast corner of Section 4, Township 24 South, Range 13 West, Stafford County.
3. The proposed existing well will not meet well spacing requirements of K.A.R. 5-25-2 (a) *Well spacing* since the well does not meet 660 feet well spacing requirements to at least one domestic well in the area.
4. That in a letter dated May 19, 2020, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5, indicated that the Board of Directors has recommended a waiver of K.A.R. 5-25-2 and approval of the application as presented.
5. That the referenced application for File No. 26,280 should be approved with a waiver of the well spacing requirement of K.A.R. 5-25-2(a).
6. That the waiver of K.A.R. 5-25-2(a) will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:



Christopher W. Beightel

Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION VESTED RIGHT FILE NO. SF 002

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Mark Bryant, on behalf of the City of Saint John, Kansas, 115 East 4th, P.O. Box 367, Saint John, Kansas 67576-0367, received in this office on September 30, 2019, for approval of a change in the location of the point of diversion under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 622, Stafford County, now identified as Vested Right, File No. SF 002, as modified and amended by the Orders of the Chief Engineer dated December 8, 1961, August 20, 1981 and July 26, 1984, approving applications to change the point of diversion, by the Order of the Chief Engineer dated May 6, 1999, approving the application to change the place of use, and by the Order of the Chief Engineer dated November 29, 2012, 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 effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized quantity shall remain 80 million gallons (245.5 acre-feet) per calendar year, and the authorized locations of the points of diversion shall be:

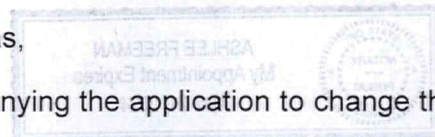
a battery of two(2) wells with a geographic center located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, more particularly described as being near a point 1,796 feet North and 1,279 feet West of the Southeast corner of said section, at a diversion rate not in excess of 400 gallons per minute (0.89 c.f.s.), in Township 23 South,

one(1) well located in Lot 2(NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 5,005 feet North and 1,545 feet West of the Southeast corner of Section 4, at a diversion rate not in excess of 500 gallons per minute (1.11 c.f.s.), in Township 24 South, and

one(1) well located 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 4, more particularly described as being near a point 3,426 feet North and 4,209 feet West of the Southeast corner of said section, at a diversion rate not in excess of 440 gallons per minute (0.98 c.f.s.), in Township 24 South,

all in Range 13 West, Stafford County, Kansas,

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



Installation of the works for diversion of water shall be completed on or before December 31, 2020, 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.

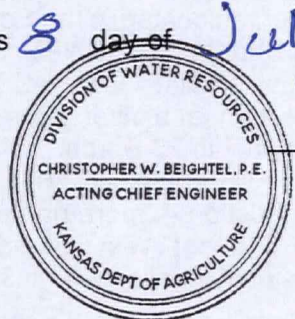
All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water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

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.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. SF 002, is as stated and set forth in the vested right order executed by the Chief Engineer on January 25, 1955, as modified and amended by the aforementioned orders.

Ordered this 8 day of July, 2020, in Manhattan, Riley County, Kansas.



Christopher W. Beightel

Christopher W. Beightel, P.E.
Acting 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 8 day of July, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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, KS 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.

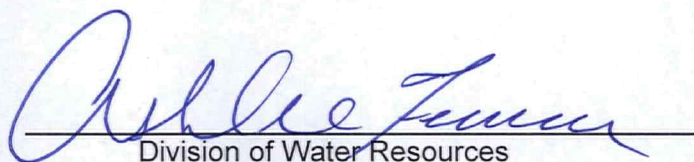
Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

On this 14 day of JULY, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Vested Right, File No. SF 002, dated 8 JULY 2020 was mailed postage prepaid, first class, US mail to the following:

CITY OF ST JOHN
Attn: CITY CLERK
115 E 4TH PO BOX 367
SAINT JOHN, KS 67576-0367
With photocopies to:

Stafford Field Office
Groundwater Management District No. 5


Division of Water Resources