

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

1. File Number: SC-17	2. Status Change Date: 7/14/2022	3. Change Num: C1	4. Field Office: 4	5. GMD: 1
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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: 8/27/2022 ¹
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8a. Applicant(s) New to system <input type="checkbox"/> CITY OF SCOTT CITY 221 W 5TH SCOTT CITY, KS 67871	8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>21022</u> Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> 8a	8d. WUC New to system <input type="checkbox"/> 8a
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2022** ~~N & P~~ Date to Comply: ~~3/1/2023~~

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: **IRR** To: **MUNI**

7/14/2022 Lireland	Date Prepared: 6/30/2022 By: AM Date Entered: 7/14/2022 By: LMoody	
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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: June 30, 2022

FROM: Austin McColloch

RE: Vested Right, File No. SC-017
Water Right, File No. 15831

Bradley Pendergast, City Administrator, on behalf of City of Scott City as owners of File No. SC-17, have completed an application for approval to change the use made of water from irrigation use to municipal use and to change its place of use from the current irrigation place of use to the City of Scott City. The application to change File No. SC-17, was received on August 27, 2021.

The referenced file appears to be in good standing, as per K.S.A. 82a-718 and 82a-732. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

Vested Right, File No. SC-17, authorizes one (1) well to divert 192 acre-feet (AF) at a maximum rate of 1,000 gallons per minute (gpm) (2.22 c.f.s). The well is located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, Township 18 South, Range 32 West, Scott County in the Whitewoman Creek Basin. The place of use is 96 irrigated acres in the Southwest Quarter (SW $\frac{1}{4}$) 17-18S-32W. The right has no overlaps and is not located in a special use area but is located in the Western Kansas Groundwater Management District No. 1, (GMD 1). The source of supply for this right has been determined to be the Ogallala Formation (Code 211).

The water right owner proposes to convert the entire 192 AF authorized for irrigation use under File No. SC-17 to ~~stockwatering~~ ^{Municipal (two legs instead of 4)} use pursuant to K.A.R. 5-5-9 *Approval of application for a change in the use made of water from irrigation to any other type of beneficial use of water*. Based on the calculation submitted with the application and the Scott County 81.8% consumptive use adjustment, the requested change yields 51.176 million gallons (157.056 acre-feet) available to be converted to municipal use under File No. SC-17. The application indicates the appropriate reduction in quantity.

The currently authorized municipal place of use is described as the City of Scott City and Immediate Vicinity. It will be authorized by File Nos. SC-1; SC-17; SC-21; 7854 & 15831.

The change under File No. SC-17 in combination with File Nos. SC-1; SC-21; 7854 & 15831 will result in 450.565 mgd (1,334.1AF) authorized for municipal use. The submitted justification lists a five-year projection of population of 4,385 at an average of 248.2 gallons per person per day utilizing 397.248 mgd. A limitation will be adjusted under Water Right, File No. 15831 to ensure reasonable quantity up to what is already authorized for the city. A findings and order has been drafted to go along with this approval.

Under File No. SC-17, the change in use made of water from irrigation to municipal complies with K.A.R. 5-5-3, Change in consumptive use with the stated reduction in quantity.

* LI/DWR 7/14/2022

In a letter dated May 11, 2022, a copy of the referenced application was submitted to GMD1 with a request to make a recommendation. As of this date no recommendation has been provided.

Mike Meyer, Water Commissioner, Garden City Field Office was contacted for a comment on the proposed change. He recommended approval of the proposed change per his email dated June 30, 2022.

Conditions of the approval will require the installation of a water flowmeter and check valves if anything is injected into the water through the diversion works according to K.A.R.5-3-5(c), *Check valves*. Water level measurement tubes and WWC-5 information are not applicable to the changes.

Based on the above discussion, it appears the requested changes are not unreasonable, will not result in an increase in consumptive use, impairment of existing rights unlikely, and the source of supply will remain the same, it is recommended that the referenced applications be approved.



Austin McColloch
Assistant Water Commissioner
Garden City Field Office

From: Meyer, Mike [KDA]
Sent: Thu 6/30/2022 1:48 PM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation Change File No. SC-17

I recommend approval with an updated limitation on File No. 15831

Mike

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Thursday, June 30, 2022 1:26 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation Change File No. SC-17

Mike,

Attached is my draft memo for the above file. No GMD recommendation was provided. Let me know if you have any questions.

Thanks,

Austin McColloch
Ph: (620) 276-2901

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 USE MADE OF WATER
AND
PLACE OF USE
VESTED RIGHT, FILE NO. SC 017**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Bradley Pendergast on behalf of the City of Scott City, 221 West 5th Street, Scott City, Kansas 67871, received in this office on August 27, 2021, for approval of a change in the use made of water and place of use, under the vested right order pursuant to Vested Right, File No. SC 017, for determining and establishing a vested right to continue the beneficial use of water, as modified and amended by the Order of the Chief Engineer dated December 12, 1980, correcting the location of the point of diversion and by the Order of the Chief Engineer dated April 18, 2022, approving the application to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and 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 51.176 million gallons (157.056 acre-feet) of water per calendar year shall be authorized for:

Municipal Use

and, the location of the authorized place of use shall be:

the City of Scott City, and the immediate vicinity,

located substantially as shown on the topographic map accompanying the application to change the use made of water and place of use.

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 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. SC 017, is as stated and set forth in the vested right order executed by the Chief Engineer on March 4, 1955, as modified and amended by the aforementioned orders.

Ordered this 14 day of July, 2022, 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 14 day of July, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
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

July 22, 2022

CITY OF SCOTT CITY
BRADLEY PENDERGAST
221 W 5TH
SCOTT CITY, KS 67871

RE: Vested Right, File No. SC-17 and Water Right, File No. 15,831

Dear Mr. Pendergast:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under Vested Right, File No. SC-017. Also enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which amended the limiting endorsement on the authorized quantity of water under Water Right, File No. 15,831.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approval is that a water flowmeter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. Please return the required Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed. The Notice of Completion form may be found online at www.agriculture.ks.gov, Water Appropriation Forms, there is no fee for the required completion notification.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact our staff at the Garden City Field Office, their phone number is 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

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

KAB:am:li

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 1

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 July, 2022, I hereby certify that the attached Approval of Application for Change in Use Made of Water and Place of Use under Vested Right, File No. SC 017, dated 14 July 2022 was mailed postage prepaid, first class, US mail to the following:

CITY OF SCOTT CITY
221 W 5TH
SCOTT CITY, KS 67871

With photocopies to:

Garden City Field Office
Groundwater Management District No. 1



Division of Water Resources