

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

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10:43
KS DEPT OF AGRICULTURE

File No. KM 004

2. Name of applicant: City of Cunningham

Address: PO Box 188

City, State and Zip: Cunningham, KS 67035

Phone Number: (620)298-3077

E-mail address: clerk@67035

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: City of Cunningham

Address: PO Box 188

City, State and Zip: Cunningham, KS 67035

Phone Number: (620) 298-3077

E-mail address: clerk@67035

3. The change(s) proposed herein are desired for the following reasons (please be specific): This change will make a battery of three (3) wells, created from the two (2) currently authorized wells and the addition of one (1) well. The creation of a battery and addition of a third well will ensure redundancy and will aid in blending efforts for the system. The currently authorized wells meet the definition of a battery and have been operated as such. There is no proposed increase to rate or quantity.
The change(s) will be completed by as soon as feasible after approval of change application.
(Date)

For Office Use Only:

F.O. 2 GMD Meets K.A.R. 5-5-1 (YES/NO) Use MUN Source GS County KM By AW Date 5/12/17
Code CGT Fee \$ 200 TR # _____ Receipt Date 5/12/17 Check # 27940

5/15/17 DW

4. The presently authorized place of use is:

Owner of Land — NAME: City of Cunningham

ADDRESS: PO Box 188, Cunningham KS 67035

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	
32	27S	10W	CITY OF CUNNINGHAM & VICINITY																

List any other water rights that cover this place of use. 15907

Owner of Land — NAME: ---

ADDRESS: ---

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	

List any other water rights that cover this place of use. ---

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: No Change

ADDRESS: ---

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	

List any other water rights that cover this place of use. ---

Owner of Land — NAME: ---

ADDRESS: ---

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	

List any other water rights that cover this place of use. ---

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion are two (2) wells with diversion works
(Provide description and number of points)
7. The proposed point(s) of diversion is a battery of three (3) wells with diversion works
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SE (Lot 8) Quarter of Section 32, Township 27 South, Range 10 W, in Kingman County, Kansas, 842 feet North 2607 feet West of Southeast corner of section.
 Authorized Rate Blanket 240 GPM Authorized Quantity Blanket 18 MGY
 (DWR use only: Computer ID No. 1 GPS 834 feet North 2590 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) West Well of Battery
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate see geocenter Proposed Quantity see geocenter
 This point is: Additional Well Geo Center List other water rights that will use this point 15907

9. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SE (Lot 8) Quarter of Section 32, Township 27 South, Range 10 W, in Kingman County, Kansas, 838 feet North 2497 feet West of Southeast corner of section.
 Authorized Rate Blanket 240 GPM Authorized Quantity Blanket 18 MGY
 (DWR use only: Computer ID No. 2 GPS 845 feet North 2480 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) East Well of Battery
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate see geocenter Proposed Quantity see geocenter
 This point is: Additional Well Geo Center List other water rights that will use this point 15907

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) Proposed New South Well of Battery
 One in the NW Quarter of the SW Quarter of the SE (Lot 8) Quarter of Section 32, Township 27 South, Range 10 W, in Kingman County, Kansas, 671 feet North 2320 feet West of Southeast corner of section.
 Proposed Rate see geocenter Proposed Quantity see geocenter
 This point is: Additional Well Geo Center List other water rights that will use this point 15907

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Not applicable

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12. The presently authorized use of water is for Municipal purposes.
It is proposed that the use be changed to No Change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No proposed change to the place of use or use made of water.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

All wells will be placed in the same local source of supply which is undifferentiated Kansan Nebraskan age materials. Test hole logs are attached. Since the rate and quantity are not being increased and the current system has been in place for decades impairment will not occur.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Request a waiver of K.A.R 5-2-3 Battery of Wells. Current wells meet the definition of a battery and have always been operated as such. Need the additional flexibility of a battery of wells and the addition of a third well for redundancy and public health and safety if one well should go down. In asking for a third well to the battery, rate and quantity shall not be increased. Additionally, third well will be needed to assist with mixing due to increasing nitrates in the upper aquifer that the current wells are placed in. Well will be completed in the same local source of supply and aquifer. Current wells are approximately 80 years old.

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APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. KM 004

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 redrill, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested) Geocenter of Battery of 3 Wells

One in the NW Quarter of the SW Quarter of the SE (Lot 8) Quarter
of Section 32, Township 27 South, Range 10 W,
in Kingman County, Kansas, 784 feet North 2475 feet West of Southeast corner of section.

Proposed Rate 240 GPM Proposed Quantity 18 MGY Proposed well depth (feet) —

This point is: Additional Well Geo Center List other water rights that will use this point 15907

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 redrill, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested)

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 _____

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 redrill, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested)

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 _____

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 redrill, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the WATER RESOURCES Quarter
of Section _____, Township _____ South, Range RECEIVED (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 _____

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Cunningham, Kansas, this 8th day of May, 2017.

[Signature]
(Owner)

(Spouse)

Aaron Murphy Mayor
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

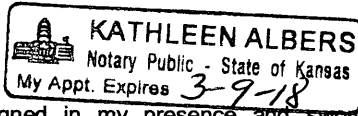
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Kingman } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of May, 2017.

Kathleen Albers
Notary Public

My Commission Expires 3-9-18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

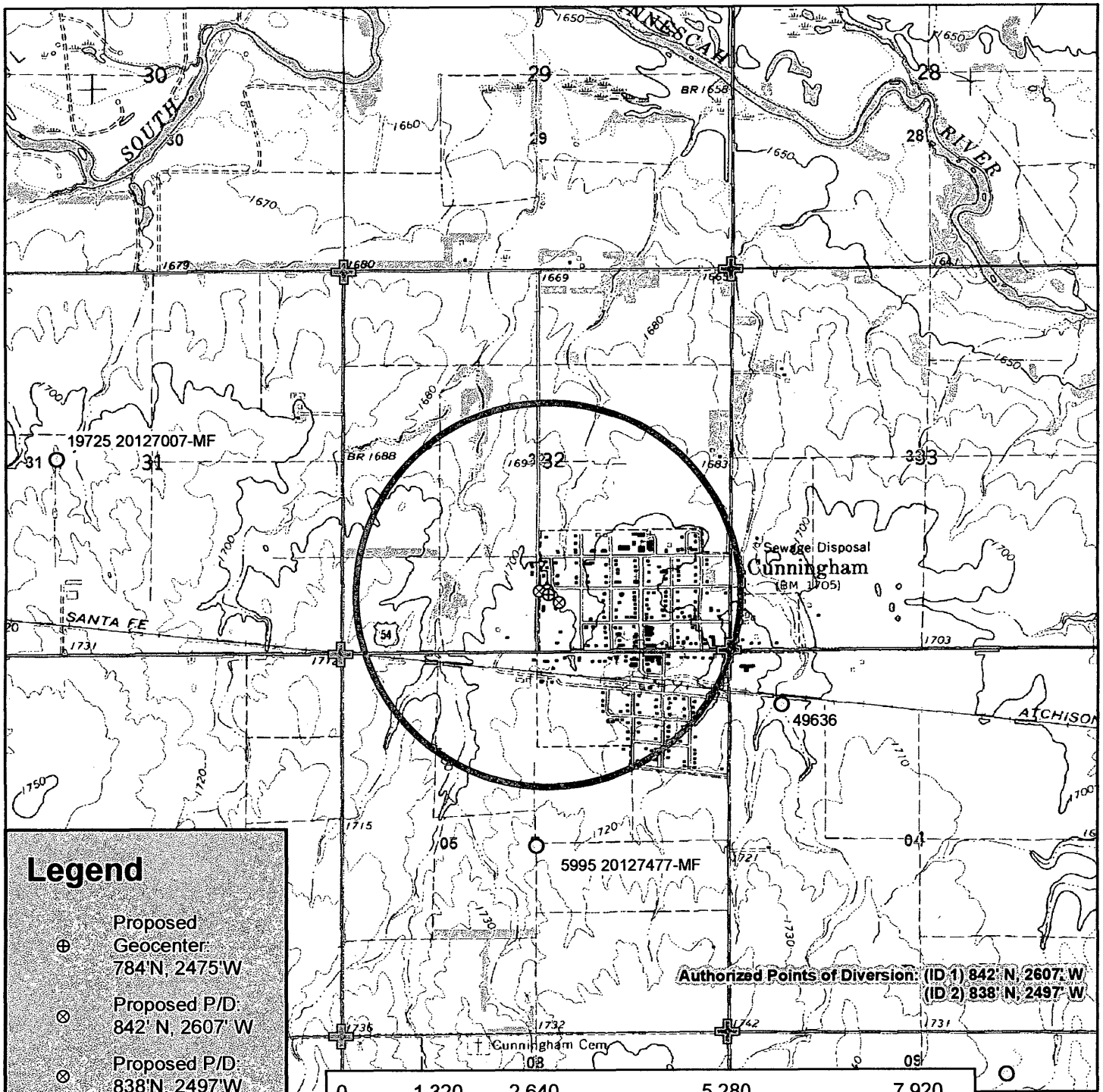
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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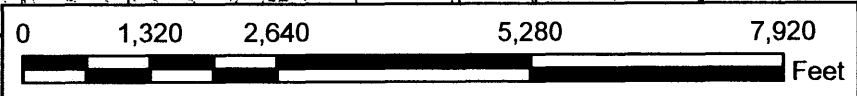
MAY 12 2017

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Legend

- ⊕ Proposed Geocenter
784' N, 2475' W
- ⊗ Proposed P/D
842' N, 2607' W
- ⊗ Proposed P/D
838' N, 2497' W
- ⊗ Proposed P/D
671' N, 2320' W
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ☆ Domestic Well
- ⊠ 1/2 Mile Buffer



Authorized Points of Diversion: (ID 1) 842' N, 2607' W
(ID 2) 838' N, 2497' W

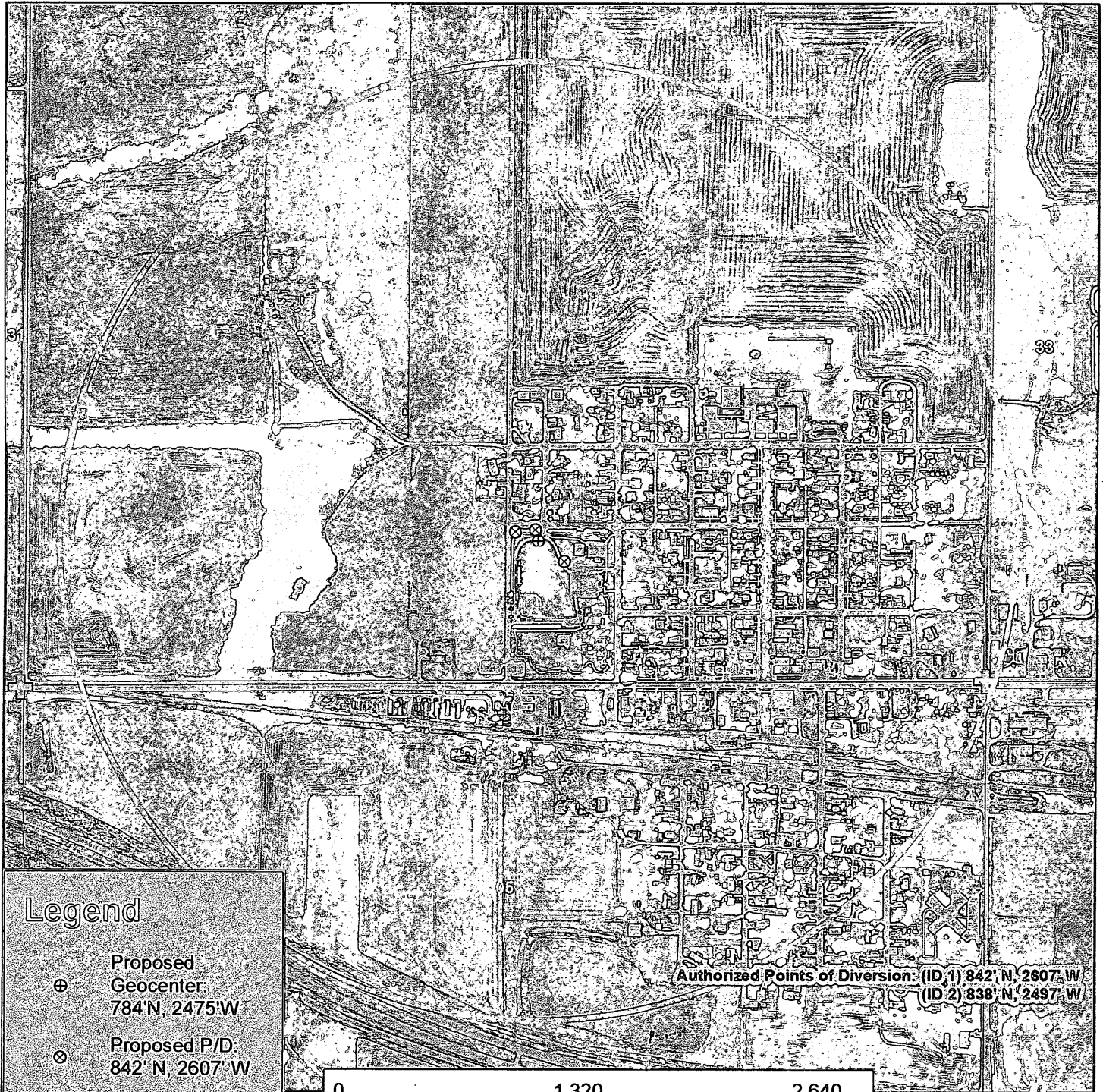
Water Right, File No. KM 004
 Change in Point of Diversion, Application Map
 32-27S-10W // Kingman County



Due to the large number of wells within 1/2 mile of the proposed geocenter, the applicant requests that a public notice be published in the area newspaper to notify nearby well owners.

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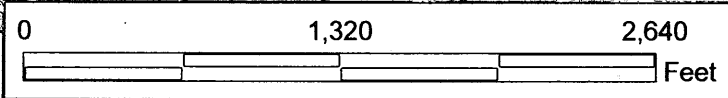
Signature



Authorized Points of Diversion: (ID 1) 842' N, 2607' W
 (ID 2) 838' N, 2497' W

Legend

- ⊕ Proposed Geocenter: 784' N, 2475' W
- ⊗ Proposed P/D: 842' N, 2607' W
- ⊗ Proposed P/D: 838' N, 2497' W
- ⊗ Proposed P/D: 671' N, 2320' W
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ▭ 1/2 Mile Buffer



Water Right, File No. KM 004
Change in Point of Diversion, Aerial Map
32-27S-10W // Kingman County



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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

CITY OF CUNNINGHAM
PO BOX 188
CUNNINGHAM, KS 67035

May 12, 2017

FILE COPY

RE: File No. KM 4

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. 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 cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD