NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

WATER RESOURCES RECEIVED

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



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 (Check one or more) Point of Diversion Use Made of Water
	File No. <u>11405</u>
2.	Name of applicant: City of Bushton
	Address: PO Box 194 217 S Main
	City, State and Zip: Bushton, KS 67427 620-562-3407 bushtoncity@hbcomm.net
	Phone Number: (020)562-0797 E-mail address: bushtonsuper@yahoo.com
	What is your relationship to the water right; ⊠ owner □ tenant □ agent □ other? If other, please explain
	Name of water use correspondent: City of Bushton
	Address: PO Box 194 217 S Main
	City, State and Zip: Bushton, KS 67427
	Phone Number: (620) 562-0797 E-mail address: bushtonsuper@yahoo.com
3.	The change(s) proposed herein are desired for the following reasons (please be specific): We are proposing to relocate
	two wells of our municipal wells due to poor water quality at the current well locations. We will be moving Well #5 and Well
	#6, our two northern-most municipal wells. We believe we have located an adequate site for the new wells that are ~4500'
	and ~5000' from the current wells and located to the southwest in adjacent section 3 where the city has access to the land.
	The change(s) will be completed by <u>as soon as possible.</u> (Date)
F.C	or Office Use Only: O. 2 GMD Meets K.A.R. 5-5-1 (YES / NO) Use MUN Source G S County RC BMM By Date Date CGT Fee \$ 200 TR # Receipt Date 4.21.7 Check # 1.5815

4/22/2021 LMoody

WATER RESOURCES RECEIVED

APR 2 1 2021

File No. <u>11405</u>

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APR 2 1 2021

File No. 11405

6. The presently authorized point(s) of diversion are 4 wells, 4 pumps, and 4 motors AGRICULTURE (Provide description and number of points) 7. The proposed point(s) of diversion are 4 wells, 4 pumps, and 4 motors (Provide description and number of points) List all presently authorized point(s) of diversion: Presently authorized point of diversion: (PDIV ID 49983) One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section ______2 ____, Township ______18 _____South, Range _____10 ____(W), in Rice County, Kansas, 3587 feet North 1925 feet West of Southeast corner of section. Authorized Rate 304 (comb & limited) Authorized Quantity 27.5 MGY (comb & limited) (DWR use only: Computer ID No. 5 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) One in the _____ NE ___ Quarter of the ____ SE ___ Quarter of the ____ SE ___ Quarter of Section ______3 ____, Township ______18 ____South, Range _____10 ____(W), in Rice County, Kansas, 900 feet North 200 feet West of Southeast corner of section. Proposed Rate <u>no change</u> Proposed Quantity <u>no change</u> This point is: Additional Well Geo Center List other water rights that will use this point RC-05 Presently authorized point of diversion: (PDIV ID 78683) One in the _____ Quarter of the ____ Quarter of the ____ Quarter of Section ______2 ___, Township _____18 ____South, Range _____10 ____(W), in Rice _____ County, Kansas, <u>3636</u> feet North <u>1949</u> feet West of Southeast corner of section. Authorized Rate <u>see above</u> Authorized Quantity <u>see above</u> (DWR use only: Computer ID No. 6 GPS 3590 feet North 1940 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) One in the _____ SE ____ Quarter of the ____ SE ____ Quarter of the ____ SE of Section ______3 ____, Township ______18 ____South, Range _____10 ____(W), in Rice _____ County, Kansas, <u>550</u> feet North <u>600</u> feet West of Southeast corner of section. Proposed Rate <u>no change</u> Proposed Quantity <u>no change</u> This point is: Additional Well Geo Center List other water rights that will use this point RC-05 10. Presently authorized point of diversion: (PDIV ID 12032) One in the _____ SW ___ Quarter of the ____ NW ___ Quarter of the ____ SE ___ Quarter of Section ______2 ____, Township ______18 ____South, Range ______10 ____(W), in Rice _____ County, Kansas, ___1450 ___ feet North ___2560 ___ feet West of Southeast corner of section. Authorized Rate <u>see above</u> Authorized Quantity <u>see above</u> (DWR use only: Computer ID No. 3 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) One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range ____ (E/W), in _____ feet North ____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity ___ This point is: Additional Well Geo Center List other water rights that will use this point RC-05 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. The two old

wells will be properly plugged as soon as it has been determined the new wells meet the needs of the city.

WATER RESOURCES RECEIVED

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>11405</u>

KS DEFT OF AGRICULTURE

WATER RESOURCES RECEIVED

APR 2 1 2021

File No. <u>11405</u>

			į	KS DEPT OF AGRICULTURE					
12.	The	e pre	sently authorized use of water is for <u>municipal</u>	purpos	es.				
	It is	pro	posed that the use be changed to <u>no change</u>		purposes.				
13.		_	ing the place of use and/or use made of water,	describe how the consumptive use v	vill not be increased.				
	_								
	(Ple	ease s	how any calculations here.)	NICOLOGO AND					
			uested that the maximum annual quantity of wa						
15.	It is	req	uested that the maximum rate of diversion of wa	ater be reduced to	gallons per minute (c.f.s.).				
16.	1:2 Kar Dis	4,00 nsas tanc ould	olication must include either a topographic map 0, is available through the Kansas Geologica 66047-3726 (<u>www.usgs.gov</u>). The map shoul es North and West of the Southeast corner of also be shown. Identify the center of the sectio township, and range numbers on the map. In	I Survey, 1930 Constant Avenue, I d show the location of the presently the section must be shown. The p n, the section lines and the section of	Jniversity of Kansas, Lawrence, authorized point(s) of diversion. resently authorized place of use orners and show the appropriate				
	a.	If a	change in the location of the point(s) of diversion	on is proposed, show:					
		1)	The location of the proposed point(s) of divers must be shown. Please be certain that the i Paragraph Nos. 9, 10 and 11 of the application	nformation shown on the map agree					
		2)	If the source of supply is groundwater, pleadomestic wells, within ½ mile of the proposed mailing address of the property owner or owner.	well or wells. Identify each well as	to its use and furnish name and				
		3)	If the source of supply is surface water, the n and $\mbox{\em 1}\!$		andowner(s) ½ mile downstream				
	b.		change in the place of use is desired, show tain that the information shown on the map agre						
17.	loc	al so Il log	documentation to show the change(s) propose urce of supply as to which the water right relat s, test hole logs, and other information as necessity.	es. This information may include sta	atements, plats, geology reports,				
	Carl Nuzman will submit nearby well logs to show the same source will be maintained and will include water quality								
	info	orma	tion as well as a KDHE requirements in an effor	t to aid processing of this proposed of	change application.				
18.	ide req	ntify uest	oposed change(s) does not meet all applicable the rules and regulations for which you reque should be granted. Attach documentation sho prejudicially and unreasonably affect the public	st a waiver. State the reason why wing that granting the request will no	a waiver is needed and why the				
	HQ	app	is needed as the proposed wells are located m	ore than ½ mile from the current loca	ation. Carl Nuzman is				
	sub	omitt	ng additional information to explain why the city	needs to move more than ½ mile from	om the current location.				
	Av	vaive	er of 5-4-4 may also be needed depending on	where nearby same source wells a	are located-Carl will update map				
	acc	cordi	ngly. I believe the current source to be unconfir	ned Dakota (1/2 mile to permitted righ	nts and 1320' to domestic).				

File No.	11405	
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Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

as specified in sections 14 and 15 of this application.					
Dated at BushToN	, Kansas, this	13 TH	_ day of _	APRIL	, 20
Hen Poll				(Chausa)	
(Owner)				(Spouse)	
GENOVEVO BENAVIDEZ, MAYON (Please Print)	R			(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
State of Kansas County of Rice					
I hereby certify that the foregoing application was signal of the second	gned in my	presence ar	nd sworn	to before me this	13 day of
My Commission Expires 08/16/2024/.			Eri A.	Notary Public TERI L. ZINK	<i>h</i>
	FEE SCHED	ULE	My A	Notary Public - State of Kansas ppt. Expires の多/ルし/20爻	4
Each application to change the place of use, the point of diver application fee set forth in the schedule below:	sion or the us	e made of the	e water ur	nder this section shall be ac	companied by the

(1)	Application to change a point of diversion 300 feet or less. Application to change a point of diversion more than 300 feet Application to change the place of use	\$10	0
(2)	Application to change a point of diversion more than 300 feet	.\$20	0
(3)	Application to change the place of use	.\$20	0
(4)	Application to change the use made of the water	.\$30	0

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED Change in Point of Diversion Map
Water Right, File Nos. 11405 & RC-05
Section 2 & 3-18S-10W in Rice County



- p/d for 11405 & RC-05 ID#5 (3587'N & 1925'W)
- proposed replacement for ID#5 (900'N & 200'W)
- ▲ p/d for 11405 & RC-05 ID#6 (3636'N & 1949'W)
- A proposed replacement for ID#6 (550'N & 600'W)
- permitted water rights
- section corners

1/4 mile circle around the wells

1/2 mile circle around wells

Please mark all wells on the map located inside the ½ mile circle and attach a separate sheet of paper showing the owners name and address:

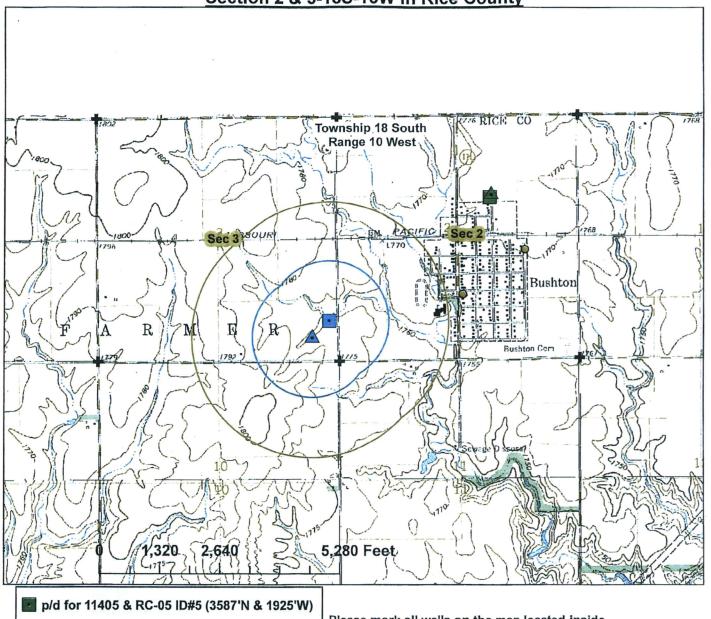


APR 2 1 2021

KS DEPT OF AGRICULTURE

By signing below I agree that all wells, inlcuding domestic, and owners names and addresses within ½ mile of the points of diversion have been shown on the map.

Change in Point of Diversion Map Water Right, File Nos. 11405 & RC-05 Section 2 & 3-18S-10W in Rice County



- proposed replacement for ID#5 (900'N & 200'W)
- ▲ p/d for 11405 & RC-05 ID#6 (3636'N & 1949'W)
- ▲ proposed replacement for ID#6 (550'N & 600'W)
- o permitted water rights
- section corners

1/4 mile circle around the wells

1/2 mile circle around wells

Please mark all wells on the map located inside the $\frac{1}{2}$ mile circle and attach a separate sheet of paper showing the owners name and address:



APR 2 1 2021

By signing below I agree that all wells, inlcuding domestic, and owners names and addresses within ½ mile of the points of diversion have been shown on the map.

Support Documentation

For

WATER RESOURCES RECEIVED

City of Bushton, Kansas

APR 2 1 2021

Change in Points of Diversion

KS DEPT OF AGRICULTURE

For

Water Rights RC-05 and File No. 11,405

By

Carl E. Nuzman, P.E., P.Hg.
Consulting Engineer/Hydrogeologist
3314 NW Huxman Road
Silver Lake, KS 66539

cenuzman@gmail.com

iPhone/text 785 224 9929

Support Documentation for City of Bushton, KS Change in Points of Diversion for RC-05 and File No. 11,405

Introduction:

The City of Bushton has had a radium problem in their public water supply for many years. This is shown in the attached email from Douglas A. Goetz of Wilson and Company, dated April 4, 2021. This email document lists Radium Test Results dating back to May 14, 1996. The combined radium 226 and radium 228 was 6.9 picocuries per Liter (pCi/L). The Environmental Protection Agency, maximum contaminant level (MCL) for combined Radium 226 and 228 is 5 pCi/L.

City Wells:

The City of Bushton has had a public water supply from wells since the late 1930's as evidenced by their vested water right RC-05. The City of Bushton is in the northwest corner of Rice County. The City also has water right file No. 11,405 from wells for additional water supply from wells for the City. These well develop water from the Dakota sandstone aquifer that sub-crops in this area.

Attached is an aerial photo map of the City showing the actual location of each city well. Well No. 3 has been abandoned and the WWC-5 plugging report is attached. This well was reported to be 93 feet total depth at the time it was plugged in March 1991.

City well No. 4, locate in the northeast corner of town is used for bulk water sales and is not connected to the public water supply distribution system. It apparently was constructed prior to the required reporting of well logs on the KDHE form WWC-5. This well is to remain in service for the specific purpose of bulk sales. The water quality is satisfactory for that use.

City well No. 5 was drilled in February 1994 as a replacement well for the original vested right well. The drillers log for this well shows 9 feet of sandstone from 54 feet to 63 feet below land surface, but the principal formation of the Dakota sandstone exists from 70 feet to 125 feet depth. This well was completed with PVC casing and PVC mill slot screen from 93 feet to 123 feet total depth.

City well No. 6, located 55 feet north of well No. 5 was drilled in May 2012. The sandstone formation exists in this well site from 53 feet to 123 feet depth, but was drilled deeper into Sand, yellow clay to 135 feet depth then into Dakota clay, yellow to 138 feet total depth. This well was completed with wire-wrapped, stainless steel well screen set from 105 feet to 135 feet total depth and attached to PVC casing. The static water level was reported to be 35 feet depth below land surface on May 22, 2012.

No pumping rate test nor drawdown information on the formation yield characteristics was reported for any of the city wells. A review of the radium test data does not list well No. 6 specifically, but since this well is so close to well No. 5, the water quality is assumed to be the same as that of well No. 5.

WATER RESOURCES RECEIVED

Consent Order and Amendment Agreement:

The consent order and amendment agreement are included in this report to demonstrate the urgency of acting on these two applications to change the points of diversion for the water rights listed. With the City not having sufficient funds to do extensive test hole drilling and water sampling, a plan was devised to evaluate all existing data and information in this vicinity, to locate the best possible site for two wells that will meet the water quality standards for public water supply.

Water Sampling Program:

A water sampling program of existing wells in the area was initiated. Four well were selected; one to the north, a domestic well listed as JoEllen Schroeder just across the road to the north in Ellsworth County, City well No. 4 to the east, Carl Hoelscher domestic well to the south, and the Duane Gish well to the west in Section 3, T-18S. R-10W. The results of this sampling program are given in the table, Bushton, Ks Domestic Water Well Sampling Results. In the table, values that exceed the secondary or primary water quality standards are highlighted.

All wells sampled met the water quality requirement for radium 226 and 228 when combined were less than 5 pCi/L. The Schroeder well exceeded the standard for TDS and nitrates. The Hoelscher well exceeded the primary standard for nitrates. City well No. 4 exceeded secondary standards for TDS and iron. The Gish well slightly exceeded the secondary standard for iron which can be easily sequestered with a poly-phosphate feed.

The Schroeder well exceeded the primary standard for nitrates and the secondary standard for total dissolved solids. This well is 88 feet total depth and had saw cut slots in PVC casing from 28 feet total depth. Static water level was reported to be 38 feet depth on 16 Jul 2012.

The Hoelscher exceeds the primary standard for nitrates. This well reported sand rock from 100 feet to 155 feet with saw cut slots in the casing from 135 feet to 155 feet depth. The static water level was reported to be 60 feet depth from land surface 2 Aug 1985

City well No. 4 exceeds the secondary standards for total dissolved solids and iron. Well construction is unknown. A domestic well to the south of well No. 4 reported sandstone formation from 40 to 103 feet depth.

The Gish well had 0.397 mg/L of iron with the secondary standard of 0.3 mg/L. The Gish well had the best overall water quality. The WWC-5 well log reported soft brown sandstone from 128 to 162 feet depth. This well had mill slots cut into the PVC pipe from 122 to 162 feet total depth. The static water level was reported to be 67 feet below land surface 24 Sep 1985.

Test Well Site:

A potential site for future wells for the City of Bushton lies in the SE ¼ of the SE ¼ od Section 3, twp. 18S, range 10 W to the southwest of the City. This site years ago was a 9-hole golf course with sand greens and natural grass fairways years ago. This parcel of land is in natural grass pasture and not cultivated. Nitrates are expected to be low and other agriculture chemicals are

WATER RESOURCES

expected to be low to absent in this area. Radium 226 and 228 are expected to be at background levels that are below the maximum contaminant levels established.

Two specific well sites have been identified based on fracture trace technology. These fracture zones tend to provide better formation permeability thus improved water yield from wells.

The first location selected is to be located about 900 feet North and 200 feet west of the SE corner of S3-18S-10W. The exact spot is to be determined in the field to adjust for field conditions. The second well location is to be on a secondary fracture zone 600 feet from the primary well about 550 feet north and 600 feet west of the SE corner of S3-18S-10W. This spacing will limit mutual interference between wells in this formation.

Test Well Construction:

The small diameter pilot test hole drilled at the site of the first location will provide a lithologic log of the formation. The total depth of the well is expected to be about 162 feet similar to the Gish domestic well log. The pilot hole is then to be logged with geophysical instruments to determine the specific potential and electrical conductivity of the formation followed by a natural gamma log of the hole. There will be an engineer and/or hydrogeologist on site familiar with geophysical logging at the time of logging the test hole to make any field adjustment to the placement of the well screen in the test well.

Upon completion of the test well, the well shall be pumped for 24 hours continuously to determine the sustained yield of the well and water quality samples shall be taken at the 8th hour for general analysis for TDS and nitrates. The 24th hour of pumping, water samples to be analyzed in accordance with KDHE's requirements for a new public water supply.

Summary:

The City of Bushton present water supply is from two closely spaced wells on the north side of the town from the Dakota sandstone formation that do not meet current drinking water quality standards. The primary water quality issue in the water is the combination of Radium 226 and 228 that exceed the primary maximum contaminant of 5 pCi/L. The cause of this radium in the City wells at this location is unknown.

A site of land has been made available to the City to the southwest for two future wells. Every effort has been made to determine the suitability of this area to ensure the future water supply will meet the needs of the City. Every effort will be made in the construction of the test well to screen only the best quality of water in the formation as best that can be determined by the geophysical logs.

The change in points of diversion for the two water rights involved is a long move. There are no irrigation wells in the area because well yields are limited. There are few other water rights in the area. I strongly urge the Chief Engineer of the Division of Water Resources; Kansas Department of Agriculture approve the two applications for changes in the points of diversion for water rights RC-05 and File No. 11,405 as soon as possible for the City of Bushton to comply with the Consent Order. Approval is required for the City to obtain grant money and financing for the project.

WATER RESOURCES RECEIVED Respectively submitted.

Carl E. Nuzman, P.E., P.Hg.

Consulting Engineer/Hydrogeologist

WATER RESOURCES RECEIVED

Goetz, Douglas A. <Douglas.Goetz@wilsonco.com>

Sun, Apr 4, 2021 at 7:20 PM

To: "Redding, Rusty" <Rusty.Redding@gcinc.com>, Carl Nuzman <cenuzman@gmail.com>

Cc: "Stockebrand, Craig M." < Craig. Stockebrand@wilsonco.com>, "Allen, Jacob T." < jacob.allen@wilsonco.com>



Yes we would like to try and keep Well #4. I believe somewhere along the way they (KDHE) might have classified Well #4 as "Emergency" use. As we discussed last week, the City is wanting us to make sure and explore the ability to keep Well #4.

Attached is a City well map for reference/use as needed.

Regarding existing City wells, we have gathered radium testing which was downloaded from KDHE's website (attached). Below is a summary that we created previously to help illustrate past City radium testing:

Radium Test Results										
Date	Radium 226	Radium 228	Combined Radium	Location						
	(pci/L)	(pci/L)	(pci/L)							
5/14/1996	1.6	5.3	-	217 City						
9/30/1996	1.5	-	-	Well						
9/30/1996	0.9	-	-	Well						
9/30/1996	2.1	-	-	Well						
9/30/1996	1.6	-	-	Well						
5/4/1999	0.6	4.0	-	217 City						
8/7/2000	1.7	1.6	-							
9/21/2004	1.4	3.6	5.0	Well						
9/21/2004	-	5.3	5.3	Well						
4/21/2010	1.7	3.3	5.0	Well 5						
4/21/2010	2.2	7.2	9.4	Well 3						
7/8/2010	1.9	5.8	7.7	Well 3						
10/13/2010	2.7	9.7	12.0	Well 3						
1/18/2011	2	3.7	5.7	Well 3						
1/14/2013	1.7	2.6	4.3	Well 5						

2021		Gm	ail - Bushton Wa	ater Supply S
1/6/2016	2.1	3.2	5.3	Well 5
5/18/2016	2.5	4.9	7.4	Well 5
9/13/2016	2.3	5.3	7.6	Well 5
11/7/2016	2.7	4.9	7.6	Well 5
2/13/2017	2.2	3.6	5.8	Well 5
5/8/2017	2.2	3.0	5.2	Well 5
8/9/2017	2.2	6.2	8.4	Well 5
11/6/2017	1.9	3.9	5.8	Well 5
2/13/2018	1.6	3.3	4.9	Well 5
5/8/2018	1.1	4.5	5.6	Well 5
8/13/2018	1.6	3.4	5.0	Well 5
11/5/2018	1.4	4.3	5.7	Well 5
1/7/2019	2.2	5.3	7.5	Well 5
2/11/2019	1.9	4.1	6.0	Well 5
5/6/2019	1	3.4	4.4	Well 5
8/6/2019	1.5	3.4	4.9	Well 5
Average	1.8	4.4	6.3	
Minimum	0.6	1.6	4.3	
Maximum	2.7	9.7	12.0	
	1/6/2016 5/18/2016 9/13/2016 11/7/2016 2/13/2017 5/8/2017 11/6/2017 2/13/2018 5/8/2018 11/5/2018 11/5/2018 11/5/2019 5/6/2019 8/6/2019 Average Minimum	1/6/2016 2.1 5/18/2016 2.5 9/13/2016 2.3 11/7/2016 2.7 2/13/2017 2.2 8/9/2017 2.2 11/6/2017 1.9 2/13/2018 1.6 5/8/2018 1.1 8/13/2018 1.6 11/5/2018 1.4 1/7/2019 2.2 2/11/2019 1.9 5/6/2019 1 8/6/2019 1.5 Average 1.8 Minimum 0.6	1/6/2016 2.1 3.2 5/18/2016 2.5 4.9 9/13/2016 2.3 5.3 11/7/2016 2.7 4.9 2/13/2017 2.2 3.6 5/8/2017 2.2 3.0 8/9/2017 2.2 6.2 11/6/2017 1.9 3.9 2/13/2018 1.6 3.3 5/8/2018 1.1 4.5 8/13/2018 1.6 3.4 11/5/2018 1.4 4.3 1/7/2019 2.2 5.3 2/11/2019 1.9 4.1 5/6/2019 1 3.4 8/6/2019 1.5 3.4 Average 1.8 4.4 Minimum 0.6 1.6	1/6/2016 2.1 3.2 5.3 5/18/2016 2.5 4.9 7.4 9/13/2016 2.3 5.3 7.6 11/7/2016 2.7 4.9 7.6 2/13/2017 2.2 3.6 5.8 5/8/2017 2.2 3.0 5.2 8/9/2017 2.2 6.2 8.4 11/6/2017 1.9 3.9 5.8 2/13/2018 1.6 3.3 4.9 5/8/2018 1.1 4.5 5.6 8/13/2018 1.6 3.4 5.0 11/5/2018 1.4 4.3 5.7 1/7/2019 2.2 5.3 7.5 2/11/2019 1.9 4.1 6.0 5/6/2019 1 3.4 4.4 8/6/2019 1.5 3.4 4.9 Average 1.8 4.4 6.3 Minimum 0.6 1.6 4.3

Douglas A. Goetz

Operations Manager | Wilson & Company, Inc., Engineers & Architects | 785 820 2617 (direct) | 785 452 2066 (cell)

WATER RESOURCES RECEIVED

APR 2 1 2021

KS DEPT OF AGRICULTURE

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2 attachments





NATER RESCURCE RECEIVED

Distance and discion from nearest lown or oily street address of well if located within city? 20 N MATEN WATER WELL OWNER: AN STATE WELL OWNER: Board of Agriculture, Division of Water Resource Application Number: 1 405 PURP CORE SUSHTON Board of Agriculture, Division of Water Resource Application Number: 1 405 PURP CORE WELL'S STATIC WATER LEVEL Purples data Well water was 1 after hours pumping gor Boar Hole Dameter: 1 Domestic STATIC WATER LEVEL Purples data Well water was 1 after hours pumping gor Boar Hole Dameter: 1 Domestic State 1 Domestic State Water STATIC WATER LEVEL Purples data Well water was 1 after hours pumping gor Boar Hole Dameter: 1 Domestic State 1 D					Form WWC-5	KSA 82a-		the state of the s		
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Direction from well? FROM TO LITHOLOGIC LOG FROM TO PLUGGING INTERVALS WATER RESOURCES RECEIVED APR 2 1 2021 KS DEPT OF ASSOCIATION: This water well was (1) constructed, (2) reconstructed, or (5) plugged under my jurisdiction and we completed on (mo/day/year) 2 3 5 9 and this record is true to the best of my knowledge and belief. Kansa Water Well Contractor's License No. This Water Well Record was completed on (mo/day/yr) under the business name of by (signature)	6 GROUT MATERIAL: Grout Intervals: From What is the nearest sou 1 Septic tank	Neat cem ft. rce of possible cor 4 Lateral li	From From 2 Ce to 3	ft. to ft. ft. from ft.	3 Bentoni ft. to	ft., Fror ft., Fror ite 4 0	other	ft. t ft. t 14 A 15 C	o	ft.
FROM TO LITHOLOGIC LOG FROM TO PLUGGING INTERVALS WATER RESOURCES RECEIVED APR 2 1 2021 **CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and we completed on (mo/day/year) 2 / 25 / 9 / and this record is true to the best of my knowledge and belief. Kansa Water Well Contractor's License No. This Water Well Record was completed on (mo/day/yr) 3. 4 9 / yunder the business name of by (signature)	GROUT MATERIAL: Grout Intervals: From What is the nearest sou 1 Septic tank 2 Sewer lines	Neat cem Neat cem Lateral li Cess po	From From 2 Ce to 3	ft. to	3 Bentoni ft. to	ft., Fror ft., F	other	14 A 15 C 16 C	o	ft. ft. ft. well
WATER RESOURCES RECEIVED APR 2 1 2021 KS DEPT OF ASSISTATURE 7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and we completed on (mo/day/year) 2 / 3.5 / 9 and this record is true to the best of my knowledge, and belief. Kansa Water Well Contractor's License No. This Water Well Record was completed on (mo/day/yr) 3 / 4 / 9 under the business name of by (signature)	GROUT MATERIAL: Grout Intervals: From What is the nearest sou 1 Septic tank 2 Sewer lines 3 Watertight sewe	Neat cem Neat cem Lateral li Cess po	From From 2 Ce to 3	ft. to	3 Bentoni ft. to	ft., Fror ft., F	other	ft. t ft. t ft. t 14 A 15 C	o	ft. ft. ft. ft. well low)
APR 2 1 2021 **S DEPT OF AGRICULTURE* **To Contractor's Or Landowner's Certification: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and we completed on (mo/day/year) 2 / 3.5 / 9 / and this record is true to the best of my knowledge and belief. Kansa Water Well Contractor's License No. This Water Well Record was completed on (mo/day/yr) 3 / 9 / 9 / 9 / 9 / 9 / 9 / 9 / 9 / 9 /	GROUT MATERIAL: Grout Intervals: From What is the nearest sou 1 Septic tank 2 Sewer lines 3 Watertight sewe Direction from well?	Neat cem Tree of possible cor 4 Lateral ii 5 Cess por r lines 6 Seepage	From 2 Ce to 3 ntamination: ines tole pit	ft. to	3 Bentoni ft. to	ft., Fror ft., F	Other	14 A 15 C 16 C F3RST	o	ft. ft. ft. ft. well low)
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under the business name of by (signature)	GROUT MATERIAL: Grout Intervals: From What is the nearest sou 1 Septic tank 2 Sewer lines 3 Watertight sewe Direction from well? FROM TO	Neat cem Neat cem Lateral li Cess por lines 6 Seepage	From From Tent To 3 T	t. to ft. to ft. to ft. to ft. to ft. to ft. fo ft. ft. fo ft. fo ft. fo ft. ft. ft ft ft. ft	3 Bentoning ft. to	ft., Fror ft., Fror ft., Fror ft., Fror ite 4 10 Lives: 11 Fuel 12 Fertili 13 Insec How man TO 3	Other	H. t. ft. f	tt to bandoned water fil well/Gas well ther (specify bell water 5) NTERVALS RESOURCES 2 1 2021 AGRISULTURI	ft. ft. ft. well low) ABLE GCOND
	GROUT MATERIAL: Grout Intervals: From What is the nearest sou 1 Septic tank 2 Sewer lines 3 Watertight sewe Direction from well? FROM TO	Neat cem Neat cem Lateral if Cess por lines 6 Seepage	From From Tent To 3 T	t. to ft. to ft. to ft. to ft. to ft. to ft. fo ft. ft. fo ft. fo ft. fo ft. ft. ft ft ft. ft	3 Bentoning ft. to	ft., Fror ft., Fror ft., Fror ft., Fror ite 4 10 Lives: 11 Fuel 12 Fertili 13 Insec How man TO 3	Other	H. t. ft. f	tt. to	ft. ft. ft. well low) ABLE GCOND
	GROUT MATERIAL: Grout Intervals: From What is the nearest sou 1 Septic tank 2 Sewer lines 3 Watertight sewe Direction from well? FROM TO	Neat cem Neat cem Lateral ii Cess por lines 6 Seepage	From From Pent 3 Ce to 3 Intamination: Intes DOI	t. to ft. ft. to ft. ft. to ft. ft. to ft. ft. fo ft. from 7 Pit privy 8 Sewage lagg 9 Feedyard This water well w	3 Bentoni ft. to	ft., Fror ft., Fror ft., Fror ite 4 10 Lives: 11 Fuel 12 Fertili 13 Insec How man TO 3	onstructed, or (a) ord is true to the b	H. t. ft. f	tt. to	ft. ft. ft. well low) ABLE GCOND
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1258 Well #5	WATER WELL RECO	RD Form WWC-5	KSA 82a-12	112	
1 LOCATION OF WATER WELL:	Fraction		tion Number	Township Number	Range Number
County: Rice	NE 1/4 SW 1/4	NE 1/4	2	т 18 s	R 10 W
Distance and direction from nearest town				and the second s	
Approximately 140' north	h of the dead end o	f N. 2nd Str	eet. Busht	on, KS	
			,		
RR#, St. Address, Box #	Bushton, City of City Hall			Board of Assistations	Division of Water Resource
TITITY, St. Mudress, DUX # .	Box 194			Anationation Mumban	Division of Water Resource
	Bushton, KS 67427			Application Number	
AN "X" IN SECTION BOX:					
N D	epth(s) Groundwater Encounter				
T I W	ELL'S STATIC WATER LEVEL	39.45. ft. b	elow land surfac	e measured on mo/day/y	r1-27-94
	Pump test data: We	ell water was not.	ch!d. ft. after	hours r	oumping gpm
NW NE Es	st. Yield .unknowngpm: We				
1' 1 ! ! ' [-	ore Hole Diameter 20				
W International Property of the Park of th	ELL WATER TO BE USED AS			Air conditioning 1	
-	1 Domestic 3 Feedlo				2 Other (Specify below)
SW SE					
	2 Irrigation 4 Industr				
The same of the sa	/as a chemical/bacteriological sa	imple submitted to D			
	itted			Well Disinfected? Yes	X No
5 TYPE OF BLANK CASING USED:	5 Wrought iron				edx Clamped
1 Steel 3 RMP (SR)		ement 9 Other	(specify below)		lded
2 PVC 4 ABS	7 Fiberglass				eaded
Blank casing diameter 8 in.					
Casing height above land surface	24 in., weight	6.86	lbs./ft.	Wall thickness or gauge	No 411
TYPE OF SCREEN OR PERFORATION I	MATERIAL:	7 PV	C	10 Asbestos-cer	nent
1 Steel 3 Stainless si	teel 5 Fiberglass	8 RA	IP (SR)	11 Other (specif	y)
2 Brass 4 Galvanized				12 None used (open hole)
SCREEN OR PERFORATION OPENINGS		Gauzed wrapped		3 Saw cut	11 None (open hole)
1 Continuous slot 3 Mill		Wire wrapped		9 Drilled holes	/ Herre (eper Here)
***************************************	DESCRIPTION OF THE PROPERTY OF	Torch cut			
	From 93				
SCREEN-PERFORATED INTERVALS:					
	From	τ. το	π., From	π	. το
	00 .	122			
GRAVEL PACK INTERVALS:	From 88				
	From	t. to	ft., From	ft	to ft.
	From	t. to	ft., From	ft	to ft.
	From	t. to	ft., From	ft	to ft.
	From ment 2 Cement ground from the control of the contro	t. to	ft., From	her Bento Holeplug 83	to ft.
6 GROUT MATERIAL: 1 Neat cer Grout Intervals: From0ft.	rent 2 Cement grou to	t. to t. 75% Sand and 2 25 ft.	ft., From Onite 4 Of 5% Bentonite to83	her Bento Holeplug 83 ft From 83 kk pens 14	nite Holeplug
6 GROUT MATERIAL: 1 Neat cer Grout Intervals: From0	From 1 ment 2 Cement grou to	t. to t. 75% Sand and 2 25 ft.	ft., From onite 4 Of 5% Bentonite to 83	her Bento Holeplug 83 ft, From 83 kk pens 14 krage 15 r storage 16	to ft. Dnite Holeplug ft. t to 88 ft. Abandoned water well Oil well/Gas well Other (specify below)
6 GROUT MATERIAL: 1 Neat cer Grout Intervals: From	From 1 ment 2 Cement grou to	t. to t. 75% Sand 3 Bent 75% Sand 3 Bent 2.5	ft., From onite 4 Of 5% Bentonite to 83 10 Livestoo 11 Fuel sto 12 Fertilize	her Bento Holeplug 83 ft. From 83 ck pens 14 grage 15 r storage 16	to ft. Dnite Holeplug ft. t to 88 ft. Abandoned water well Oil well/Gas well Other (specify below)
6 GROUT MATERIAL: 1 Neat cer Grout Intervals: From0ft. What is the nearest source of possible co 1 Septic tank 4 Lateral 2 Sewer lines 5 Cess po	From 1 ment 2 Cement grou to	t. to t. 75% Sand 3 Bent 75% Sand 3 Bent 2.5	ft., From onite 4 Of 5% Bentonite to 83 10 Livestox 11 Fuel sto 12 Fertilize 13 Insectio	ther Bento 83 th From 83 th From 14 trage 15 r storage 16 the storage 16	to ft. Dnite Holeplug ft. to88 ft. Abandoned water well Oil well/Gas well
GROUT MATERIAL: 1 Neat cer Grout Intervals: From	From 1 ment 2 Cement grou to	t. to t. 75% Sand 3 Bent 75% Sand 3 Bent 2.5	ft., From onite 4 Of 5% Bentonite to 83 10 Livestoo 11 Fuel sto 12 Fertilize	her Bento Bento Holeplug 83 ck pens 14 crage 15 r storage 16 de storage feet?	to ft. Dnite Holeplug ft. t to 88 ft. Abandoned water well Oil well/Gas well Other (specify below)
GROUT MATERIAL: 1 Neat cer Grout Intervals: From	From 1 1 2 Cement grou to	t. to t. 75% Sand 3 Bent 75% Sand 3 Bent 2.5 ft. ivy ige lagoon yard	ft., From onite 4 Of 5% Bentonite to 83 10 Livestor 11 Fuel sto 12 Fertilize 13 Insectic How many	her Bento Bento Holeplug 83 ck pens 14 crage 15 r storage 16 de storage feet?	to ft. Dnite Holeplug ft. to .88 ft. Abandoned water well Oil well/Gas well Other (specify below) None. known
GROUT MATERIAL: 1 Neat cer Grout Intervals: From 0ft. What is the nearest source of possible co 1 Septic tank 4 Lateral 2 Sewer lines 5 Cess po 3 Watertight sewer lines 6 Seepag Direction from well? FROM TO 0 4 Topsoil	From 19 19 19 19 19 19 19 19 19 19 19 19 19	t. to t. 75% Sand 3 Bent 75% Sand 3 Bent 2.5 ft. ivy ige lagoon yard	ft., From onite 4 Of 5% Bentonite to 83 10 Livestor 11 Fuel sto 12 Fertilize 13 Insectic How many	her Bento Bento Holeplug 83 ck pens 14 crage 15 r storage 16 de storage feet?	to ft. Dnite Holeplug ft. to .88 ft. Abandoned water well Oil well/Gas well Other (specify below) None. known
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,		10683 2 WET	L RECORD	Form	WWC-5	Division	n of Water	Resources App. 1	J. L		RC-5
٢			OF WATER WELL:	Fraction	11 11 6-5			Township No.		ange Ni	ımber
	Count		Rice		SW 1/4 NE 1/4		unioci	T 18 S			□E 🛛 W
t			Address of Well Location;			Global Pos	sitioning S		form	ation:	Japan
1	from	nearest t	town or intersection: If at	owner's address, ch	eck here	Latitude:		38.517103		(in deci	mal degrees)
			Bushton, south ~.4 mile		Longitude	:	-98.394666		(in deci	mal degrees)	
			north ~50'.			Elevation:		unknown			
ŀ				unhton		Comparison Global Positioning System (GPS) information: Comparison Comparis					
1			LL OWNER: City of B Address, Box #: P.O. Box			Collection	Method:	Model: WAAS	3		,
			IP Code : Bushton			Digita	uiiit (Make	oto, Topograpi	ic M	lan 🗖 I	and Survey
	City,	State, Z	ar code . Businon	, NO 01421		Est. Accura	acy: $\square <$	3 m, 🛛 3-5 m, [5-1	5 m,	>15 m
t	3 LOCA	TE WE	LL					noncopulpus Mittellius insepies anniesi despieli		ray and reconstruction of the second	In the second se
	WITH	AN "X"	IN 4 DEPTH OF C	COMPLETED W	ELL	137.80	ft.				
	SECTI	ION BO	Depth(s) Groun	dwater Encounter C WATER LEVE	red (1)	ft.	(2)	ft.	(3)_	^ ^ ĀĒ	(177)117 ft.
	-	N	WELL'S STATI	C WATER LEVE	ft.	below land	surface n	neasured on mo/	day/	yr	122112
			Pump	test data: Well w	ater was Not Circ	it. afte	er	hours pur	npini	g	gpm
	-N	W- -	NE- EST. YIELD	gpm. Well we eter 20 in. t	ater was	II. aite	in :	to	upin ft.	g	gpm
	W		Bore Hole Diam	TO DE HEED AS	Public wat	er sunniv	☐ Geo	thermal [Inie		-11
			Domestic	TO BE USED AS:	Oil field water	er supply	De De	watering	Oth	er (Spec	ify below)
	-SV	W- -:	SE- Domestic Irrigation	Industrial	Domestic-lay	vn & garden	☐ Mo	nitoring well			
	L		Was a chemical/	bacteriological san	nple submitted to	Department	t?	Yes 🛛 No			
1		S	If yes, mo/	day/yr sample was	submitted						
	[- 1 mile	Water well disin	fected? X Yes	No						
ŀ	5 TVPE	OF CA	SING USED: Steel	N PVC	Other						produced by the box or constructive had
1	0400016	~ *****	o Man Da	and D Walded	Threader	1					
1	Casing	g diamet	er 8 in. to 10	5 ft., Diameter	r in.	to	ft., Dia	ameter	in	. to	ft.
	Casing	g height	er 8 in. to 10 above land surface	in., Wei	ght 5.59	lbs./ft., W	Vall thick	ness or gauge ?	lo.		332
1	TYPE C	F SCRE	EEN OR PERFORATION	MATERIAL:							
		Steel	Stainless Steel	PVC		Other (Speci	іту)				
	CCDEE	M OD DI	Galvanized Steel ERFORATION OPENING	C ADE.							
		Continuo	bus slot Mill slot shutter Key punched FORATED INTERVALS:	Gauze wrapped	☐ Torch cut	Drilled h	holes	None (open ho	le)		
		Louvered	shutter Key punched	Wire wrapped	Saw cut	Other (sp	pecify)				
1	SCREE	N-PERF	ORATED INTERVALS:	From 105	ft. to	35 ft.,	, From	fl	. to _		m
-			EL PACK INTERVALS:	From Q5	ft. to1	38 11.,	, From		. to		ΠΠ
		GRAV	EL PACK INTERVALS:	From	tt. to1	ΙΙ.,	, From	ΠΠ	. 10		
1	6 CDOI	TT MAT	TERIAL: Neat ceme	From Coment or	ft. to		•	ft			
			s: From 0 ft. to	22 ft., Fi	rom 22	ft. to 30) ft	From	ft	. to	ft.
1	What is t	the neare	est source of possible conta	mination:			,				
		Septic ta	nk Lateral lir	es Pit privy	Livestock p	ens 🔲 li	nsecticide	storage 🔀 O	ther (specify 1	below)
		Sewer lin	ies Cesspool	Sewage lagoo	n Lifuel storag	e A		water well	No	one Kn	own
1			ht sewer lines	oit Feedyard	Fertilizer st	from well	Dil well/ga	s well			
1	FROM	tion from	LITHOLOG	IC LOG	FROM		THO I	OG (cont.) or PL	LICE	anic p	JTEDVAL
1	PROM 0	2	Topsoil	IC LOU	TROW	I LI	1110. LC	A (COIII.) OI PL	000	JII UPILL	TILKTAL
	2	43	Clay, brown & white,	some caliche				e de l'annum au plateur au d'annum d'argen victal que de major d'apacamiétraje a sècula	1.1.	thirty syrryingshires.A	Haling discourage of the Control of
1	43	46	Dakota clay, red, yelk						17.11	ERRE	Paris-
1	46	53	Dakota clay, yellow, g					············		MECE	NED CE
1	53	61	Sandstone	in a complete part of the contract of the cont					ΛΓ	20 -	
	61	65	Sandstone, gray, clay	streaks					H	K 2 1	2021
	65	123	Sandstone					- Lother -			-021
	123	130	Sand, fine, some drift	gravel				F.S.DE	PTC	75,40	
ſ	130	135	Sand, yellow clay				-			7017	CULTURE
	135	138	Dakota clay, yellow					1 proof		, ,	٠
	7 CONT	RACT	OR'S OR LANDOWNER	'S CERTIFICAT	10N: This water	r well was	constru	o the best of my	ruct	ed, or	I plugged
	G******	Janes	ction and was completed of ell Contractor's License N		is Water Well R						24/12
				e Well & Equipm		by (signat		on (majuay/yea	.) ~ .		
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	(white, blu	ue, pink) t	 Kansas Department of Health 	and Environment, But	reau of Water, Geol	logy Section, 1	1000 SW Ja	ickson St., Suite 42). Tor	ocka, Kar	ısas 66612-136
	http://www	v.kdheks.o	-5522. Send one copy to WAT ov/waterwell/index.html.	ER WELL OWNER an	a retain one for yo	our records. In	nctude tee	OI \$5.00 IOF Cach	const	i uciea w	CII, VISITUS
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STATE OF KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

In the Matter of:)	
City of Bushton)	
Genovevo Benavidez, Mayor) Case No. 18-E-09 BO	WC
217 S Main)	
PO Box 194)	
Bushton, KS 67427)	
Federal Water Supply ID No.: KS2015905)	
Proceeding Under K.S.A. 65-163, et seq.	í	
Concerning Compliance with	í	
K.A.R. 28-15a-66)	

CONSENT ORDER

Now on this // day of farmary, 20/1, the Kansas Department of Health and Environment ("KDHE") and the City of Bushton ("PWS") (collectively, the "Parties"), having agreed that settlement of this matter is in the best interests of the Parties and conducive to protection of public health and the environment, hereby represent and state as follows:

The Parties acknowledge that this Consent Order ("CO"), upon execution by the Secretary of KDHE ("Secretary"), shall be a final agency order. The PWS shall not contest the authority of the Secretary to issue this CO or any action by KDHE to enforce this CO. The PWS voluntarily and knowingly waives the right to an appeal or review of matters leading up to the execution of the CO and execution of the CO under the Kansas Administrative Procedure Act, K.S.A. 77-501, et seq. ("KAPA"), and the Kansas Judicial Review Act. K.S.A. 77-601, et seq. KAPA authorizes KDHE to enter into an informal settlement of this matter without the necessity of proceeding to a formal hearing. K.S.A. 77-505.

The Secretary and the PWS deems that the Findings of Fact and Conclusions of Law in this CO are true and correct.

Findings of Fact

 The PWS operates a community public water supply system located in Rice County. The PWS serves a population of 271 individuals and has 138 service connections.

> WATER RESCURCES RECEIVED

> > APR 2 1 2021

In the Matter of: City of Bushton Consent Order CASE NO. 18-E-09 BOW

- 2. The PWS utilizes water from Well 05 (Site ID# 00051749) and Well 06 (Site ID# 00209272 as the source of water for the public water supply system. The point of entry to the distribution system is identified as TP002, Site ID# 00195267.
- 3. Table 1, attached hereto and incorporated by reference, summarizes the quarterly combined radium results and running annual average ("RAA") results from 1st Quarter 2016 to 1st Quarter 2018.

Conclusions of Law

- 4. The KDHE is a duly authorized agency of the state of Kansas, created by an act of the legislature. KDHE has general jurisdiction over matters involving public water supply and protection of public health under the authority of K.S.A. 65-163 *et seq*.
- 5. The PWS operates a public water supply system as defined by K.S.A. 65-162a. A public water supply system is defined as "a system for the provision to the public of piped water for human consumption, which has at least ten (10) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes any source, treatment, storage or distribution facilities under control of the operator of the system and used primarily in connection with the system, and any source, treatment, storage or distribution facilities not under such control but which are used in connection with such system."
- 6. K.S.A. 65-163 states in part:

"(b)(2) Whenever an investigation of any public water supply system is undertaken by the Secretary, it shall be the duty of the supplier of water under investigation to furnish to the Secretary information to determine the sanitary quality of the water supplied to the public and to determine compliance with applicable state laws and rules and regulations. The Secretary may issue an order requiring changes in the source or sources of the public water supply system or in the manner of storage, purification or treatment utilized by the public water supply system before delivery to consumers, or distribution facilities, collectively or individually, as may in the Secretary's judgment be necessary to safeguard the sanitary quality of the water and bring about compliance with applicable state law and rules and regulations. The supplier of water shall comply with the order of the Secretary."

7. K.S.A. 65-171m states in part:

"The Secretary of Health and Environment shall adopt rules and regulations for the implementation of this act. In addition to procedural rules and regulations, the Secretary may adopt rules and regulations providing for but not limited to: (a) primary drinking water standards applicable to all public water supply systems in the state. The primary drinking water standards may (1) identify contaminants which may have an adverse

In the Matter of: City of Bushton Consent Order CASE NO. 18-E-09 BOW WATER RESC FROES

effect on the health of persons; (2) specify for each contaminant either a maximum contaminant level that is acceptable in water for human consumption...; (b) establish the requirements for adequate monitoring, maintenance of records and submission of reports, sampling and analysis of water..."

- 8. The maximum contaminant level ("MCL") for combined radium -226 and -228 ("combined radium") is 5 pCi/L. 40 CFR 141.66, adopted by reference by K.A.R. 28-15a-66.
- 9. K.S.A. 65-171r prohibits the following acts:
 - "(e) the failure of a supplier of water to comply with a primary drinking water standard established under K.S.A. 65-171m, and amendments thereto, and rules and regulations adopted pursuant thereto unless a variance or exception has been granted:"
- 10. K.S.A. 65-171s states in part:
 - "(a) Any person who violates any provision of K.S.A. 65-171r... shall incur, in addition to any other penalty provided by law, a civil penalty in an amount not more than \$5,000 per day for each day in which such violation occurs or failure to comply continues."
- 11. The PWS is in violation of K.S.A. 65-171r by violating the provisions of K.A.R. 28-15a-66 for providing drinking water to the public that exceeds the running annual average MCL for combined radium.

ORDER

- 12. Based upon the above-referenced Findings of Fact and Conclusions of Law and pursuant to the authority granted under K.S.A. 65-163, the Secretary hereby orders and the PWS consents to comply with the following Compliance Schedule.
- 13. The following required actions are necessary to protect public health during periods of non-compliance and shall be fulfilled as outlined below until full compliance is achieved.
- 14. The PWS shall continue to monitor the combined radium concentrations at TP002, Site ID# 00195267, at least once every three months (quarterly). The PWS shall increase the sampling frequency to either monthly or weekly if instructed to do so in writing by KDHE. The PWS may use the KDHE laboratory or a private KDHE-certified laboratory for analysis. If a private laboratory is used, results for the previous month shall be submitted to the KDHE, Bureau of Water by the 10th day of the following month.
- 15. When the monitoring results indicate the combined radium exceed the established MCLs, and/or treatment requirements for are not met, the PWS shall distribute notice of the violation(s) to the public as required by K.A.R. 28-15a-201. Copies of the notice shall be

furnished to all customers; area health care providers including medical doctors, clinics and hospitals; the county health department; and the KDHE. Notice of the violation(s) shall also be included in the annual Consumer Confidence Report ("CCR") as required by K.A.R. 28-15a-153.

- 16. In order to rectify the violations referenced in this CO, the PWS shall comply with the following compliance schedule:
 - A. Within sixty (60) days of the effective date of this CO, the PWS shall engage the services of a professional engineer licensed in the State of Kansas to assist the PWS in fulfilling the terms of this CO.
 - B. Within thirty (30) days of the completion of 16.A, the PWS shall contact KDHE to schedule a consultation regarding deliverables required pursuant to this CO. Please contact:

Amelia Springer (785) 296-5523 amelia.springer@ks.gov

- C. Within ninety (90) days of the completion of 16.B, the PWS shall submit to the KDHE for review and approval documentation for the waste stream summary review and disposal method consensus process.
- D. Within one hundred twenty (120) days of KDHE approval of 16.C, the PWS shall submit to the KDHE an engineering report for review and approval. The engineering report shall include the KDHE-approved consensus outcome of the waste stream review summary and disposal method consensus process.
- E. Within ninety (90) days of the KDHE approval of 16.D, the PWS shall submit to the KDHE a funding plan that includes implementation dates.
- F. Within one hundred twenty (120) days of completion of 16.E, the PWS shall submit to the KDHE project plans, specifications, public water supply permit application, and other information as may be requested for review and approval.
- G. Within thirty (30) days of the KDHE approval of 16.F, the PWS shall advertise for bids to complete improvements to the water system treatment facilities.
- H. Within one hundred twenty (120) days of completion of Paragraph 16.G, the PWS shall accept and award the contract for improvements to the water system treatment facilities.

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- I. Within one (1) year of completion of Paragraph 16.H, upgrades and improvements of water system treatment facilities shall be substantially completed.
- J. By December 31, 2021, the PWS shall produce water that will achieve compliance with the combined uranium MCL established for public drinking water.
- 17. The PWS shall submit semi-annual status reports to the KDHE by January 1st and July 1st of every year while the PWS is in non-compliance for combined radium. The status reports shall summarize the PWS progress toward achieving compliance and shall include but not be limited to:
 - A. Progress on any projects or improvements being made to the water system;
 - B. A summary of efforts being made to develop an annual budget, capital improvement plan, and an operation and maintenance plan;
 - C. Efforts made to comply with this CO; and
 - D. Any changes to the deadline for which the PWS anticipates to achieve full compliance.
- 18. All documentation required pursuant to this CO shall reference the case number (Case No. 18-E-09 BOW) and be mailed to:

Kansas Department of Health and Environment Public Water Supply Section Attn: Amelia Springer 1000 SW Jackson, Suite 420 Topeka, KS 66612-1367

Terms of Settlement

- 19. All actions required to be undertaken pursuant to this CO shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations.
- 20. This CO shall apply to and be binding upon the KDHE and the PWS, its agents, successors and assigns. No change in the ownership or corporate status of the PWS shall alter its responsibilities under this CO.
- 21. The PWS shall provide a copy of this CO to any subsequent owners or successors before ownership rights are transferred. The PWS shall provide a copy of this CO to all contractors, sub-contractors and consultants who are retained to conduct any work performed under this CO, within fourteen (14) days after the effective date of this CO or

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the date of retaining their services. Notwithstanding the terms of any contract, the PWS is responsible for compliance with, and for insuring that its contractors and agents comply with this CO.

- 22. The activities conducted under this CO are subject to approval by the KDHE, and the PWS shall provide all necessary information consistent with this CO requested by the KDHE.
- 23. The PWS agrees to meet every term and condition of this CO. Failure to meet the terms of the Compliance Schedule or any term or condition of, or scheduled date of performance in this CO or any report, work plan or other writing prepared pursuant to and incorporated into this CO, shall constitute a violation of this CO and may subject the PWS to further enforcement action including, but not limited to, the assessment of civil penalties not to exceed \$5,000 per day for each day in which such violation occurs or failure to comply continues. KDHE reserves the right to unilaterally withdraw this CO for substantial non-compliance.
- 24. This CO shall be terminated upon the PWS's receipt of written notice from KDHE that the PWS has demonstrated the terms of this CO to have been satisfactorily completed, including any additional tasks the KDHE has deemed necessary.
- 25. The PWS shall perform the requirements under this CO within the time limits set forth herein unless the performance is prevented or delayed solely by events which constitute a force majeure.
 - A. For purposes of this CO a force majeure is defined as any event beyond the control of the PWS which could not be overcome by due diligence and which delays or prevents performance by a date required by this CO. Such events do not include increased costs of performance or changed economic circumstances. Any delay caused in whole or in part by action or inaction by federal or state authorities shall be considered a force majeure and shall not be deemed a violation of any obligations required by this CO.
 - B. The PWS shall have the burden of proving all claims of force majeure. Failure to comply by reason of force majeure shall not be construed as a violation of this CO.
 - C. The PWS shall notify the KDHE in writing within seven (7) days after becoming aware of an event which the PWS knew, or should have known, constituted force majeure. Such notice shall estimate the anticipated length of delay, its cause, measures to be taken to minimize the delay, and an estimated timetable for implementation of these measures. Failure to comply with the notice provision of this section shall constitute a waiver of the PWS's right to assert a force majeure claim and shall be grounds for the KDHE to deny the PWS an extension of time for performance.

In the Matter of: City of Bushton Consent Order CASE NO. 18-E-09 BOW

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- D. Within seven (7) days of the receipt of written notice from the PWS of a force majeure event, the KDHE shall notify the PWS of the extent to which modifications to this CO are necessary. In the event the KDHE and the PWS cannot agree that a force majeure event has occurred, or if there is no agreement on the length of the extension, the dispute shall be resolved by the Director of the Division of Environment, KDHE, under the Dispute Resolution Procedure provided herein.
- E. Any modifications to any provision of this CO shall not alter the Schedule of Actions or completion of other tasks required by this CO unless specifically agreed to by the parties in writing and incorporated into this CO.
- 26. This CO may be amended by mutual agreement of the KDHE and the PWS. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this CO.
- 27. Dispute Resolution Procedure:
 - A. The parties recognize that a dispute may arise between them regarding implementation of the action to be taken as herein set forth or other terms or provisions of this CO. If such dispute arises, the parties will endeavor to settle it by informal negotiations between themselves. If the parties cannot resolve the issue informally within a reasonable period of time, either of the parties may notify the other in writing stating specifically:
 - i. that informal negotiations have failed.
 - ii. that formal dispute resolution under this paragraph has commenced, and
 - iii. the position with regard to the dispute and the reason therefore.
 - B. A party receiving such a notice of dispute will respond in writing within ten (10) working days stating its position. The parties shall have an additional ten (10) working day period to prepare written arguments and evidence for submission to the other party. Any settlement shall be reduced to writing, signed by representatives of each party and incorporated into this CO. If the parties are unable to reach an agreement following this procedure, the matter shall be referred to the Director of the Division of Environment, KDHE, who shall decide the matter and provide a written statement of his decision which shall be incorporated into this CO.
 - C. This dispute resolution procedure shall not preclude any party from having direct recourse to court if otherwise available by applicable law.
- 28. The requirements of this CO represent the best professional judgment of the KDHE at this time based on the available information. If circumstances change significantly so

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that data indicates an immediate threat of danger to the public health or safety, or the environment, or a significantly different threat other than the alleged deficiencies addressed herein, then the KDHE reserves the right to modify dates or requirements herein as is deemed reasonably necessary and the PWS reserves the right to appeal any such modifications or additional requirements.

- 29. Nothing contained in this CO shall affect any right, claim, interest, defense or cause of action of any party hereto with respect to any person or entity not a party to this CO. This CO does not constitute a waiver, suspension or modification of the requirements of applicable statutes or regulations which remain in full force and effect.
- 30. The parties hereto have affixed their signatures on the dates inserted below to acknowledge their agreement to this CO. The signatories to this CO certify that they are authorized to execute and legally bind the parties they represent to this CO.

IT IS SO ORDERED AND AGREED.

-	
Jeff An	dersen
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Secretary

Kansas Department of Health & Environment

Genovevo Benavidez, Mayor

City of Bushton

Date: 01-11-2019

Date: 12-15-18

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STATE OF KANSAS BEFORE THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

IN THE MATTER OF:

Case No. 18-E-09 BOW

City of Bushton 217 S. Main St. PO Box 194 Bushton, KS 67427

Federal Water Supply ID No. KS2015905

AMENDMENT OF CONSENT AGREEMENT AND FINAL ORDER

PRELIMINARY STATEMENT

The Kansas Department of Health and Environment ("KDHE") and the City of Bushton ("SOW"; collectively, the "Parties") entered into Consent Order 18-E-09 BOW on January 11, 2019 ("Order"), pursuant to KDHE's general jurisdiction over matters involving public water supply systems and protection of public health under the authority of K.S.A. 65-163 *et seq*.

Therefore, it is agreed by the Parties, pursuant to Paragraph 26 of the Order, the Order is hereby amended (the "Amendment"). The Amendment includes the deletion and replacement of Paragraph 16.F through 16.J in their entirety and the addition of Paragraph 17.

- 16.F. By May 01, 2022, the SOW shall submit to the KDHE project plans, specifications, public water supply permit application, and other information as may be requested for review and approval.
- 16.G. By September 01, 2022, the SOW shall advertise for bids to complete improvements to the water system treatment facilities.
- 16.H. By October 01, 2022, the SOW shall accept and award the contract for improvements to the water system treatment facilities.
- 16.I. By May 01, 2023, upgrades and improvements of water system treatment facilities shall be substantially completed.
- 16.J. By June 01, 2023, the PWS shall produce water that will achieve compliance with the combined radium MCL established for public drinking water.
- 17. If the SOW falls out of compliance with this timeline for an amount time of greater than thirty (30) days, the SOW shall provide free of charge, an alternate source of drinking water to customers an alternate source of drinking water that complies with Safe Drinking Water Act regulations until the completion of paragraph 16.J. If bottled water is chosen to meet this requirement, the SOW shall

obtain a certification from the bottled water supplier that the water meets Safe Drinking Water Act regulations and the appropriate requirements of the Food and Drug Administration. The SOW shall provide notice of water delivery to KDHE no later than the last day of each month that it is being provided to customers.

The Parties have full knowledge of and have consented to this Amendment and represent and warrant that each person who executes this Amendment on its behalf is duly authorized to legally bind the respective Party to the Amendment.

This Amendment is fully incorporated into the CO, and all terms of the CO remain in effect and apply to the PWS and to the Amendment to CO. Except as explicitly provided in the Amendment, all other provisions of the CO shall remain in full force and effect, shall be incorporated herein, and shall be made applicable to all matters contemplated by this Amendment. In the event of a conflict between the CO and the Amendment, the Amendment shall control only as to matters explicitly addressed by the Amendment. Matters addressed by the CO shall continue to be governed by the CO.

This Amendment shall become effective on the date signed by the Secretary of KDHE.

IT IS SO ORDERED AND AGREED.

Lee A. Norman, M.D., Secretary	Genovevo Benavidez, Mayor
Kansas Department of Health & Environment	City of Bushton
Date:	Date:

Bu	shton, KS D	omestic W	ater Well	Sampling R	esults		
	Schroeder	Hoelscher	Well #4	Gish		FDA Limite	
Sample ID	60343425_frc	60343426_frc	60343427_frc	60344532_frc		EPA Limits	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
Specific Conductance	1190	701	1150	549	umhos/cm		umhos/cm
Total Dissolved Solids	649	408	781	319	mg/L	500	mg/L
Total Coliforms	Present	Present	Present	Absent			
Escherichia coli (E. coli)	Absent	Absent	Present	Absent			
Chloride	177	60.8	123	24.7	mg/L	250	mg/L
Fluoride	0.38	0.53	0.28	0.82	mg/L	2.0	mg/L
Sulfate	57.8	25.3	90.3	17.4	mg/L	250	mg/L
pH @ 25C	7.4	7.4	7.4	7.5		6.5-8.5	-11
Calcium	129000	92100	170000	62600	ug/L		ug/L
Hardness, Magnesium (SM 2340B)	39000	46500	61100	53200	ug/L		ug/L
Iron	ND	ND	1040	397	ug/L	0.3	mg/L
Magnesium	9470	11300	14800	12900	ug/L		ug/L
Manganese	ND	ND	15.4	31.2	ug/L	0.05	mg/L
Sodium	120000	44000	60200	30400	ug/L		ug/L
Sample ID	60343489 frc	60343483 frc	60345107 frc	60345103 frc			
Radium-226	1.63+/660	.983+/359	1.22+/798	.482+/548	pCi/L	F ()	61/1
Radium-228	1.14+/470	1.96+/488	.957+/518	.866+/508	pCi/L	5 (combined)	pCi/L
Total Uranium	6.12+/180	3.10+/067	4.26+/132	3.73+/124	pCi/L	30	ug/L
Radon	477+/-53.7	728+/-61.4	138+/-104	406+/-135	pCi/L		pCi/L
Sample ID	60348970_frc	60348970_frc	60348970_frc	60348970_frc	ann ann an an Aireann		
Nitrate as N	10.6	12.6	1.5	ND	mg/L	10	mg/L

FEEE TOTACHOULTURE

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-			Bushton, K	.S					
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AN "X"	IN SECTIO	N BOX:							
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2 Br		4 Galvaniz		6 Concrete tile	9 AB			ne used (op	
SCREEN	OR PERFO	RATION OPENIN			d wrapped				11 None (open hole)
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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

April 21, 2021

CITY OF BUSHTON PO BOX 194 217 S MAIN BUSTON KS 67427

RE: File No(s). 11405

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at <u>agriculture.ks.gov/divisions-programs/dwr</u>. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum

New Applications and Changes Supervisor

Water Appropriation Program

Krister a Baum