

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

1. File Number: <b>PR 002</b>	2. Status Change Date: <b>12/15/2021</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
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: <b>10/20/2020</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>CITY OF PRATT KELVIN CLAY PO BOX 807 619 S MAIN PRATT, KS 67124</b>		Person ID <u>14050</u> Add Seq# <u>1</u>		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>CITY OF PRATT Attn: CITY CLERK PO BOX 807 619 S MAIN PRATT, KS 67124</b>		Person ID <u>14050</u> Add Seq# _____		
		8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____		
		8d. WUC New to system <input type="checkbox"/>  <b>8a</b> Person ID <u>14050</u> Add Seq# <u>1</u>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/22</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/22</u>				
<input type="checkbox"/> Anti-Reverse Meter <input checked="" type="checkbox"/> Meter <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid red; padding: 5px; color: red;">12/14/2021 Lireland</div> <div style="text-align: right;">Date Prepared: <b>12/2/2021</b>    By: <b>li</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;">12/22/2021</span>    By: <span style="border: 1px solid blue; padding: 2px;">LMoody</span></div> </div>				

File No. **PR 002**      11. County: PRATT Basin: **S F NINNESCAH RIVER**      Stream: **NA**      Formation Code: **180**      Special Use: NA

12. Points of Diversion										Rate and Quantity					
CHK										Authorized		Additional		Overlap PD Files	
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity mgy	Rate gpm		Quantity mgy
ENT	<b>89176</b>		NW NE NE ^	35	27S	13W		4735	1000	#17	3050	500	3050	500	NONE
DEL	19247		SE NW SE	4	28S	13W	1	1800	1800	#8 - TENTH & MOUND STS					NONE
CHK	37906		SE NE SW ^	34	27S	13W	4	1900	2900	#7 - LOT 9 BLK 54 GRANDVIEW ADD					NONE
CHK	38788		NW SW SE ^	33	27S	13W	1	1000	2600	#6 - LOT 12, BLK 20, REED & COIGNY ADD					NONE
CHK	50321		SW NE SE ^	4	28S	13W	2	1800	600	#9 - BLK 16, NR SE CR POWER PLANT SITE, CALHOUNS ADD					NONE
CHK	63767		SW NE NW ^	35	27S	13W	2	4635	3597	#16 - LOT 3 BLK A PRAIRIE PARKWAY BUSINESS PARK					NONE
CHK	63768		SE NE NW ^	3	28S	13W	6	4500	2800	#10 - LOT 2 BLK 9 HASKELLS ADD					NONE

**BLANKET QUANTITY AND RATE**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **NO CHANGE**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

16. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
DEL	ENT	PUSE	S	T	R	ID															
<b>NO CHANGE</b>																					

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments:

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

File Number: **PR 002**

FO: **2**

GMD: **5**

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
<b>MUN</b>	<b>10/26/2020</b>	<b>42</b>	<b>GMD 5</b>	<b>Change Approval</b>	<b>Maximum Move Distance</b>
Rule Number	Date Granted	Date Denied	Justification:	The source of supply will not change, and the proposed new well is within 2600 feet of a well authorized under the same right. The Board of GMD 5 recommends approval as the change is under the same vested right with the quantity and rate remaining as authorized. It is in the public interest to maintain the points of diversion developed under the vested right.	
<b>K.A.R. 5-25-2a</b>					

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				<b>K.A.R.</b>		

Date Prepared **11/23/2021** By **LI**

Date Entered \_\_\_\_\_ By \_\_\_\_\_

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** December 6, 2021

**FROM:** Leslie Ireland

**RE:** Vested Right, File No. PR 002

Kelvin Clay on behalf of the City of Pratt, owner of the referenced vested right, is requesting approval to change one of the six authorized points of diversion located in the S F Ninnescah River Basin. The application was received on October 26, 2020.

The referenced vested right appears to be considered in good standing and not abandoned per K.S.A. 82a-718. The nearby notifications as required by K.S.A. 82a-1906 were completed without the receipt of any replies.

Vested Right, File No. PR 002 is authorized a blanket rate and quantity of 3,050 gallons per minute to divert 500 million gallons per year from six wells. The wells have no overlap in point of diversion. The City is also served by several other appropriations, File Nos. 33,290; 33,436 to 33,439. The wells do not appear to be located in a special use area but are located within the Big Bend Groundwater Management District No. 5 (GMD 5). The source of supply is indicated in the WRIS database to have been determined to be the Undifferentiated Kansan / Nebraskan (Code180).

The City proposes to plug one (1) of their six (6) wells, which is presently authorized in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of 4-28-13W; 1,800' North and 1,800' West of the SE corner of said section, identified by the City as Well # 8. They propose to construct a new well in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of 35-27-13W approximately 4,735' North and 1,000' W of the SE corner of said section. The well will be identified as City as Well No. #17. The proposed well is approximately 2,599 feet from another well authorized by PR 002, City Well # 16, however the new well is considered to be a 14,000 foot move by GMD 5, as it is the distance from the well being replaced.

The distance from the closest currently authorized point of diversion, City Well # 16 and the proposed from a lithologic standpoint and the KGS Bulletin 205, would indicate the source of supply throughout this area is the Undifferentiated Kansan / Nebraskan (Code180). It would appear the proposed point of diversion is in the same local source of supply. The applicant called out the source of supply as remaining in the Great Bend Prairie Aquifer of the undifferentiated Kansas Nebraskan age materials.

This proposal does not meet the requirement of K.A.R. 5-25-2(a), as the change in point of diversion shall be moved no more than 1,320 feet from the location that will no longer be authorized. A Waiver of Regulation request has been prepared.

There is only another municipal well (PR 002 City Well # 16) and two (2) domestic wells located within one-half mile of the proposed new well. All are more than 2,000 feet from the proposed new well.

Further review found Well #16 historically identified as Well #5 was limited to 83 million gallons (256 acre-feet) and a diversion rate not in excess of 750 gallons per minute (1.67 c.f.s.). It appears this limitation was not entered in the database but was restated in the 2003 correction order that corrected the feet distances for this point of diversion. This limitation will be removed as it is no longer needed do to the historical operation of the well.

The standard notification letter to the nearby well owners, one of which is the Pratt Community College, did not result in any replies of any kind.

The Big Bend Groundwater Management District No. 5 reviewed the application and was discussed at the October 2021 Board of Director's meeting. A letter dated November 16, 2021, from Orrin Feril, Manager of the Big Bend Groundwater Management District No. 5, summarized the support of the waiver and that the Board recommended the application be approved.

Jeff Lanterman was sent a copy of this memorandum and says he has no objection to the approval of the referenced application based on the GMD No. 5 Board of Directors recommendation as stated in his email of December 6, 2021. He further indicated the source of supply should be coded as 180, Undifferentiated Kansan / Nebraskan and the limitation removed.

A water flow meter is required according to 82a-706c and a water level measurement tube is required according to K.A.R. 5-3-5(d) on this new well. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5-3-5(c). A well log will be a condition of the approval to be submitted with the notice of completion with a December 31, 2022 deadline.

Based on the above discussion, that a waiver of regulation is supported, the change appears to be in the same source of supply, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change and filed prior to this change request that may be affected by this approval, the application has been recommended for approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Ireland, Leslie [KDA]  
**Sent:** Mon 12/6/2021 8:53 AM  
**To:** Lanterman, Jeff [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Review and Recommendation for Change in PD, File No. PR 002, City of Pratt

Will do.. it will not be listed on the document and not added in WRIS.. technically the app is correct.  
Thank you for the quick reply to keep this moving.  
Leslie

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**From:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Sent:** Monday, December 6, 2021 8:52 AM  
**To:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Review and Recommendation for Change in PD, File No. PR 002, City of Pratt

I would like that condition to go away if we can.

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**From:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Sent:** Monday, December 6, 2021 8:42 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Review and Recommendation for Change in PD, File No. PR 002, City of Pratt  
**Importance:** High

Took a look at an old document for this file. The file has a CO from 2003 correcting the 1999 PD change . The 1999 change added a limitation to the well #5/16 or #16 in WRIS which now looks to be well #16. The CO fixed the feet distances but left the limitation,, but omitted it on the worksheet so not in WRIS. The current change app has in red that the R& Q are blanket which is correct but didn't state the limitation. I need to put this limitation on the order to keep it current and get it into WRIS? or is it going away? The well in question is the well just to the west of the proposed PD.

Leslie

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**From:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Sent:** Wednesday, December 1, 2021 9:41 AM  
**To:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Review and Recommendation for Change in PD, File No. PR 002, City of Pratt

No. I have been in pretty good contact with Pratt the entire time.

I would say go ahead and approve this change and get it going. I'm sure it's good ol aquifer code 180

Thanks  
Jeff

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**From:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Sent:** Monday, November 29, 2021 9:43 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: Review and Recommendation for Change in PD, File No. PR 002, City of Pratt

Jeff,

I happened to wonder if you wanted to see a well log so I asked the City if they had.. I was referred to Vincent... the email is attached. Looks like they've done a test hole, observation well and probably test pumping.

Do you want the log now or as indicated in the summary a condition of the approval? Additionally, the summary memo for your review and recommendation is attached.

Leslie

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**From:** Ireland, Leslie [KDA]

**Sent:** Tuesday, November 23, 2021 4:59 PM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>

**Subject:** Review and Recommendation for Change in PD, File No. PR 002, City of Pratt

Jeff,

Please let me know if you would recommend this change in point of diversion with the GMD5 Board recommendation with their allowance of a waiver of K.A.R. 5- 25-2a.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

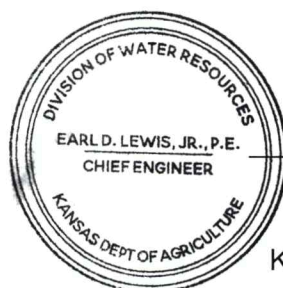
WAIVER OF REGULATION K.A.R. 5-25-2a


Date: December 15, 2021

RE: Vested Right, File No. PR 002

1. That K.A.R. 5-25-2a states in part that the location of a well requested in an application to change a point of diversion shall be no more than 2,640 feet from the point of diversion currently authorized.
2. That the application to change the point of diversion, requests to construct a new well that is 14,000 feet from a well that is going to be plugged but only 2,600 feet from a well authorized by the same vested right file. The quantity and rate authorized is allowed from any of the wells authorized and were developed under the same right, so they have the same priority and source of supply.
3. The proposed well meets the well to well spacing per K.A.R. 5-25-2, with no comments received from the notification of nearby well owners of which there are only two nonapplicant owned wells within one-half (1/2) mile of the proposed well.
4. That K.A.R. 5-25-20(d) provides that the District may submit to the Chief Engineer a written recommendation of an exemption from, or waiver of regulation.
5. That the Big Bend Groundwater Management District No. 5, Board of Directors recommend approval of the proposed change and a waiver of K.A.R. 5-25-2a.
6. The approval of the change should not result in the impairment of any existing domestic or water rights nor shall the change adversely affect the public interest.

Comments:



  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION VESTED RIGHT FILE NO. PR 002**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kelvin Clay on behalf of the City of Pratt, Kansas, PO Box 807, 619 S. Main, Pratt, Kansas 67124, received on October 26, 2020, for approval of a change in the point of diversion under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 622, Pratt County, now identified as Vested Right, File No. PR 002, as modified and amended by the Orders of the Chief Engineer dated April 15, 1980 and July 6, 1999, approving the applications to change the location of the points of diversion, the Correction Order of the Chief Engineer dated October 21, 2003 in the matter of the authorized points of diversion, the Order of the Chief Engineer dated December 23, 2004, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, 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 the authorized location of the points of diversion shall be:

one (1) well, identified by the City of Pratt as well no. 17, located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 35, more particularly described as being near a point 4,735 feet North and 1,000 feet West of the Southeast corner of said section, Township 27 South,

one (1) well: identified by the City of Pratt as well no. 6, located in Lot 12, Block 20, Reed and Coigny Addition, in the Northwest Quarter of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 33, more particularly described as being near a point 1,000 feet North and 2,600 feet West of the Southeast corner of said section, Township 27 South,

one (1) well, identified by the City of Pratt as well no. 7, located in Lot 9, Block 54, Grandview Addition, in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 34, more particularly described as being near a point 1,900 feet North and 2,900 feet West of the Southeast corner of said section, Township 27 South,

one (1) well, identified by the City of Pratt as well no. 16, located in, Lot 3, Block A, Prairie Parkway Business Park, in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 35, more particularly described as being near a point 4,635 feet North and 3,597 feet West of the Southeast corner of said section, Township 27 South,

one (1) well, identified by the City of Pratt as well no. 9, located in Block 16, near the Southeast corner of the Power Plant Site, Calhoun's Addition, in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 4, more particularly described as being near a point 1,800 feet North and 600 feet West of the Southeast corner of said section, Township 28 South,

one (1) well, identified by the City of Pratt as well no. 10, located in Lot 2, Block 9, Haskell's Addition, in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 4,500 feet North and 2,800 feet West of the Southeast corner of said section, Township 28 South,

all in Range 13 West, Pratt County, Kansas,

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

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

The water right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the new well at the location authorized herein.

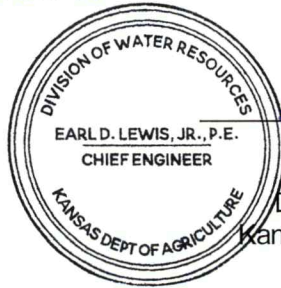
Installation of the works for diversion of water shall be completed on or before December 31, 2022, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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.

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.

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. PR 002, is as stated and set forth in the vested right order executed by the Chief Engineer on January 25, 1955, as modified and amended by the aforementioned orders.

Ordered this 15<sup>th</sup> day of December, 2021, in Manhattan, Riley County, Kansas.



*Earl D. Lewis Jr.*  
\_\_\_\_\_  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 15 day of December, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
\_\_\_\_\_  
Notary Public



**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing **must** be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

**CERTIFICATE OF SERVICE**

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

CITY OF PRATT  
KELVIN CLAY  
PO BOX 807 619 S MAIN  
PRATT, KS 67124

With a Photocopy to:

Stafford Field Office  
Groundwater Management District No. 5

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

December 23, 2021

CITY OF PRATT  
KELVIN CLAY  
PO BOX 807 619 S MAIN  
PRATT, KS 67124

RE: Vested Right, File No. PR 002

Dear Mr. Clay:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

It is a condition of the Approval that the water right owner submits to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment. The copy of the well log, currently form WWC-5, must be submitted within 30 days following the drilling of the well at the authorized location.

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

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

If you have any questions, please contact our office at (785)564-6640, or your area field office at (620) 234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

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

KAB:LI:li

pc: Stafford Field Office  
Groundwater Management District No. 5

### RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.


### CERTIFICATE OF SERVICE

On this 23 day of December 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Vested Right, File No. PR 002, dated 15 December 2021 was mailed postage prepaid, first class, US mail to the following:

CITY OF PRATT  
KELVIN CLAY  
PO BOX 807 619 S MAIN  
PRATT, KS 67124

With a Photocopy to:

Stafford Field Office  
Groundwater Management District No. 5

  
Division of Water Resources