

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

1. File Number: MP003	2. Status Change Date: 7/23/2021	3. Change Num: C1	4. Field Office: 02	5. GMD: 02
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: 15-JAN-2020
8a. Applicant(s) New to system <input type="checkbox"/> CITY OF MOUNDRIDGE BOX 636 MOUNDRIDGE KS 67107		8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>12431</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> 8a		8d. WUC New to system <input type="checkbox"/> 8a		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/21</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/21</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid red; padding: 5px; text-align: center;"> ** 7/13/2021 Lireland </div> <div style="text-align: right;"> Date Prepared: 02/16/2021 By: JNE Date Entered: 7/27/2021 By: LMoody </div> </div>				

File No. **MP003** 11. County: **MP** Basin: **LITTLE ARKANSAS RIVER** Stream: Formation Code: **190** Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files

MOD 11509 NE/NW/NW 29 21S 2W 2 5264 4085 WELL #8 498gpm 30mgly 498gpm 30mgly ~~MP03~~ 30413

~~MOD 24804 NW/NE/NW 29 21S 2W 1~~

ENT 88970 CE NW 29 21 2W 4060 2740 ** WELL #14 NONE

no assignment of Q or R **

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. : _____ combined with file number(s) _____
 _____ 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 CHK MOD DEL ENT PUSE S T R ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	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				
NO CHANGES																				

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **WAIVER INCLUDED**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File

DATE: February 18, 2021

FROM: Jessica Engelbrecht

RE: Vested Right, File No. MP 003

Randy Frazer on behalf of the City of Moundridge, Kansas, filed applications for approval to change the authorized point of diversion.

The referenced file numbers are authorized for municipal use within the City of Moundridge, Kansas and immediate vicinity and are in the Little Arkansas River drainage basin. The referenced file number has a place of use overlap with, File No. 30,413. Vested Right, File No MP003 is authorized two (2) wells with ~~assigned rates and quantities~~ – Well No. 8 (5,264' North, 4,085' West 29-21-2W) and well ID No. 1 (29-21-2W). File No. 30,413 overlaps well No. 8. The change application for File No. MP003 proposes to move well ID No. 1 approximately 1,800 feet Southeast.

blanket

*

There are four non-domestic wells and potentially six domestic wells not owned by the municipality within one-half mile of the proposed points of diversion. On June 30, 2020 notification letters were sent to nearby landowners. A correspondence was received on July 6, 2020 from a nearby water right owner. A technical review of the Change Application was prepared by John Munson, with KDA Technical Services. The conclusion of the review found "That since peak water use in the area in 2011 there has not been a trend of water level decline nearby. There does not appear to be any technical reason to not approve the applications at the proposed locations."

A copy of the technical review was provided to Groundwater Management District No. 2 on October 20, 2020. On November 25, 2020, GMD 2 provided a recommendation for denial of the above referenced change application citing that the application does not comply with Well Spacing K.A.R. 5-22-2(a)(1) and Standby Well Definition K.A.R. 5-22-1(gg)(4). On December 16, 2020, the City of Moundridge appealed GMD2's recommendation and requested exemptions for K.A.R. 5-22-2(a)(1) and K.A.R. 5-22-1(gg)(4). On February 4, 2021, GMD 2 submitted a review and recommended approval of the application.

It would be reasonable to grant waivers to the application for K.A.R. 5-22-1(gg)(4) and for K.A.R. 5-22-2(a)(1) based on the findings of the GMD 2 review and their recommendation for approval of the above referenced application.

In an email dated March 21, 2021 Jeff Lanterman, Water Commissioner of the Stockton Field Office, indicated no objections to approval of the applications.

Water flow meters are required. Check valves will be required if chemigation.

Based on the above discussion, that the change is reasonable, that to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended the referenced applications be approved.

* LI/DWR 7/16

From: Engelbrecht, Jessica [KDA]
Sent: Fri 7/16/2021 8:41 AM
To: Ireland, Leslie [KDA]
Subject: FW: Change Application File Nos. MP003 and 30,413

From: Lanterman, Jeff [KDA]
Sent: Monday, February 22, 2021 10:01 AM
To: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Change Application File Nos. MP003 and 30,413

I agree Jessica. I have been pretty involved with these things and trying to help them through the GMD. I recommend approval.

Jeff

From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Thursday, February 18, 2021 12:35 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Change Application File Nos. MP003 and 30,413

Jeff,
I've attached the memos for change applications File Nos. MP003 and 30,413 which are ready for your review. All supporting documentation is saved in Docuware.

Cameron,
Since this is my first change, would you mind having a look at my memos also? I'm sure they will need some adjustments.

Thanks,

Jessica Engelbrecht, Environmental Scientist
KDA Division of Water Resources
Stafford Field Office
(620) 234-5311 Office
(620) 234-6900 Fax
Jessica.engelbrecht@ks.gov
agriculture.ks.gov

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my2020census.gov

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. MP 003

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Randy Frazer, on behalf of the City of Moundridge, P.O. Box 636, Moundridge, Kansas 67107, received in this office on January 15, 2020, for approval of a change in the location of the point of diversion under the vested right order, determining and establishing a vested right to continue the of beneficial use of water, 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 point of diversion shall be:

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 29 (Well No. 8), more particularly described as being near a point 5,264 feet North and 4,085 feet West of the Southeast corner of said section;

one (1) well located near the Center of the East Side of the Northwest Quarter (CE NW $\frac{1}{4}$) of Section 29 (Well No. 14), more particularly described as being near a point 4,060 feet North and 2,740 feet West of the Southeast corner of said section,

both in Township 21 South, Range 2 West, McPherson County, Kansas,

located substantially as shown on the 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(s) 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 well(s) at the location authorized herein.

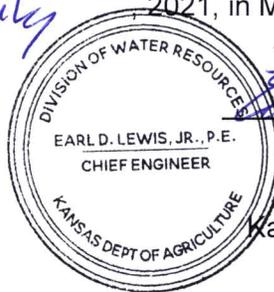
Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. MP 003, is as stated and set forth in the vested right order executed by the Chief Engineer on December 29, 1953.

Ordered this 23rd day of July, 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 23rd day of July, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

Notary Public
Ashlee Freeman



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

MP-003 & 30,413 Well #8

File Number: ~~30,413 (Well #9)~~

FO: 2

GMD: 2

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
MUN	7/15/21	80 & 81-20	GMD 2	Well Spacing Well Spacing Well Spacing Domestic	Well to well spacing Non-domestic wells, gw pits and baseflow nodes Domestic wells
Rule Number	Date Granted	Date Denied	Justification:	GMD 2 board of directors have previously reviewed similar change applications and recommended exceptions. In this case, physical conditions, including overhead power lines and farming operations in the area limit the City's options for locating the proposed new well(s) in an area of acceptable water quantity.	
K.A.R. 5-22-2(a)(1) & (2)	7/23/2021 8/12/2021				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 07/15/2021 By JNE

Date Entered _____ By _____

8/16/2021
LMoody

8/12/2021
KAB

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

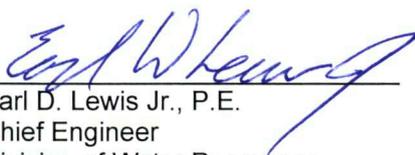
WAIVER OF REGULATION
K.A.R. 5-22-2

Date: August 12, 2021

Re: Vested Right, File No. MP-003 and Water Right, File No. 30,413

1. That K.A.R. 5-22-2(a)(1) & (2) states that "The minimum spacing of all nondomestic and nontemporary wells described in an application for permit to appropriate water for beneficial use, an application for a term permit, or application to change the point of diversion shall be the following: (1) 1,320 feet from all nondomestic wells, groundwater pits, and baseflow nodes; and (2) 660 feet from all domestic wells."
2. That the proposed point of diversion is located less than the required spacing distance of 1,320 feet from an existing nondomestic well, at approximately 1,122 feet away.
3. That the nondomestic well is under common ownership with the proposed application and a written request for a waiver of spacing from the applicant has been provided.
4. That the applicant is limited in options for locating a new well location because of physical conditions in the area including power lines and farming operations.
5. That Equus Beds Groundwater Management District #2 has recommended approval of the application with a waiver of That K.A.R. 5-22-2(a)(1) & (2).
6. That a waiver of That K.A.R. 5-22-2 will not prejudicially or unreasonably affect public interest and will not impair any existing water rights.

Comments:


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

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

August 16, 2021

CITY OF MOUNDRIDGE
MURRAY MCGEE, CITY ADMINISTRATOR
BOX 636
MOUNDRIDGE KS 67107

RE: Vested Right, File No. MP-003
Water Right, File No. 30,413

Dear Mr. McGee,

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approval is that a water flow meter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter*, as soon as these actions are completed. The Notice of Completion form may be found online at www.agriculture.ks.gov, Water Appropriation Forms, there is no fee for the required completion notification. Additionally, please be reminded that the additional limitations on the quantity and rate under File No. 30,413 are still in effect.

It is a condition of the Approvals that the water right owner submit 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. Any abandoned wells 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.

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

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

RE: Vested Right, File No. MP-003
Water Right, File No. 30,413

If you have any questions or need assistance with any of these requirements, 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 A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:JE:li

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 2

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

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

CERTIFICATE OF SERVICE

On this 16 day of August, 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 30,413, dated 23 July, 2021 was mailed postage prepaid, first class, US mail to the following:

CITY OF MOUNDRIDGE
BOX 636
MOUNDRIDGE, KS 67107

With photocopies to:

Stafford Field Office
Groundwater Management District No. 2



Division of Water Resources