



File No. **BA 001**      11. County: **Barber**      Basin: **SANDY CREEK**      Stream: **NA**      Formation Code: **100**      Special Use: ~~**0.6**~~

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

**ENT    39112    NC SE NW    21 / 32S / 10W    5    3300    3314    PRIMARY    NR BENTON AVE & 2ND ST - WELL #3    3637 & 36141**

**PRIMARY WELL**

**MOD    11813    SE NE NW    21 32F / 10W    2    4058    3568    STANDBY    NR GRAND & FIRST STREETS    3637 (Standby)**

**STANDBY WELL**

**GPS UPDATE OF STANDBY WELL**

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 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				
<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: **BA 01 & 3637**

FO: **2**

GMD:

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	3/18/2021	3	Statewide	Well Spacing Change Apps	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	The owner of a domestic well utilized for lawn and garden use located approximately 450 feet from the proposed existing well was notified by letter and public notice was completed with no comments received. Operation for several years of the well at increased quantities near that proposed has not resulted in any impairment complaints or comments. Alluvium source in this area may avail a reduced well spacing.	
K.A.R. 5-4-4(c)(2)(C)	7/7/2022				

**WAIVER RULE (complete only if a new rule needs to be created):**

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

Date Prepared **6/9/2022** By **LI**

Date Entered **7/12/2022** By **LMoody**

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

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

**TO:** Files

**DATE:** June 9, 2022

**FROM:** Leslie Ireland

**RE:** Vested Right, File No. BA 001  
Water Right, File No. 3,637 & 36,141

Lance Vandever, Mayor, for the City of Sharon, owner of the referenced files authorized for municipal use filed applications on March 18, 2021, requesting approval to change the point of diversion authorized by the referenced files located in the Sandy Creek Basin. The City is needing to move water to an existing well and have requested to retain the well they authorize as a standby well. The change will help with pumping in excess of the authorized quantity.

The subject water rights do not appear to be abandoned and are in compliance with K.S.A. 82a-732. The applications comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced files overlap in place of use and point of diversion with the well authorized 5.00 million gallons (mgy) (15.34 acre-feet (AF)) at 200 gallons per minute (0.45 c.f.s) under File No. BA 001 and 11.0 mgy (33.77 AF) at 100 gpm under File No. 3,637, without any additional limitations to the quantity or rate. The point of diversion is located near the intersection of Grand and First Streets and appear to be located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  with the distance from the Southeast corner of Section 21, and determined by GPS to be approximately 4,058 feet North and 3,568 feet West of said corner of Section 21, in Township 32 South, Range 10 West, Barber County. The 1982 completed well has a reported depth of approximately 44 feet with a static water level ranging from 8 to 17 feet. The well is not located within a special use area and the source of supply has not been determined.

The proposal is to move both files to another City municipal well authorized by File No. 36,141. It is authorized to divert 10 mgy (30.69 AF) at 120 gpm. This proposed well is located near the intersection of Benton Avenue and Second Street described as near the center of the Southeast Quarter of the Northwest Quarter (NC SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) approximately 3,350 feet North and 3,240 from the Southeast corner of Section 21, Township 32, Range 10 West, Barber County. The actual location has been determined to be 3,300 feet North and 3,314 feet West of the Southeast corner of Section 21. A Findings and Order will update the well location under this file. This well is approximately 800 feet South of the well authorized by the referenced files by the WRIS database but appears to be approximately 1,320 feet South.

The source of supply of the proposed well has been determined to be the Quaternary System (Code 100). A review of the KGS Bulletin #64-3 for Barber County found the lithology of this area to be uniform. The wells appear to be an equal distance West of the East Branch of the Little Sandy Creek that runs along the East side of the City. The change will move the diversion of water approximately 800 feet to the South should not change the source of supply.

The proposed existing well that will be authorized under File Nos. BA 001, 3,647 and 36,141 will be authorized a total of 26 mgy (79.8 AF) the well is currently authorized to operate at 120 gpm, with the proposed overlapping File No. 3,637 authorized 100 gpm, it would be recommended the well operate at the 100 gpm rate. It will be designated as the primary well for File Nos. BA 001 & 3,647 with the well location updated by F&O for File No. 36,141 to authorize:

one (1) existing well currently authorized by Water Right, File No. 36,141, located near the center of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 3,300 feet North and 3,314 feet West of the Southeast corner of said section, further described as being near the intersection of Benton Avenue and Second Street, in Township 32 South, Range 10 West, Barber County, Kansas. ((Primary Well)  
(File Nos. BA001 & 3,637).

The retained standby well under File Nos. BA 001 & 3,637 will be required to meet the conditions of K.A.R. 5-1-2, *Standby wells*. The authorized location will be updated per the GPS information to authorize:

one (1) well located 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 21, at the intersection of Grand and First Streets, more particularly described as being near a point 4,058 feet North and 3,568 feet West of the Southeast corner of said section, in Township 32 South, Range 10 West, Barber County, Kansas, (Standby Well).

The KGS WWC-5 records do not indicate there are any domestic wells located with 660 feet of the proposed existing well. A review of the Google aerial would indicate that there may be one domestic well approximately 450 feet to the Northwest of the proposed well. The City updated the application map on June 28, 2021 identifying one domestic well within 660 feet. Notification was sent by letter on July 16, 2021 as required by K.A.R. 82a-1906 for comments on the proposed changes. No comment was received. The City completed a public notice per the standard protocol. No comments were received from the public notice.

The City has requested a **waiver of K.A.R. 5-4-4, Well spacing** for the proposed well as it appears there is less than 660 feet of spacing to a domestic well. It appears to be approximately 450 feet to the Northwest of the proposed well. The depth of the domestic well is unknown as WWC-5 information is not available. There appears to be no domestic wells located in the area of the standby well. There is no known historical reported impairment complaints from domestic well owners. The proposed existing standby well is the only non-domestic well within 1,320 feet of the proposed existing well. They have operated and will continue to be operated under the same ownership. A waiver of spacing has been completed.

Jeff Lanterman, Water Commissioner was sent a copy of this memorandum for comments and a recommendation on the proposed changes. He indicated in an e-mail dated June 8, 2022, that he recommends approval of the changes with the waiver of spacing.

Water flowmeters will be required according to KSA 82a-706c. A check valve will be required if chemigating. Water level measurement tubes and WWC-5 logs will be conditions of the approvals. The owner will be required to submit notice of completion for the changes.

Based on the above discussion, the changes appear to be reasonable as impairment to existing water rights is unlikely, and there will be no change in the local source of supply, the waiver granted, the applications for the City of Sharon should be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Lanterman, Jeff [KDA]  
**Sent:** Wed 6/8/2022 8:33 AM  
**To:** Ireland, Leslie [KDA];Conant, Cameron [KDA]  
**Subject:** RE: Review and Recommendation for PD Changes, File Nos. BA 001 \_ 3637. City of Sharon

Leslie Sorry I missed those. . . Twice yikes.

I have no objection to approval of these PD changes with the waiver of spacing.

Thanks for your work on these.  
Jeff

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Tuesday, June 7, 2022 2:46 PM  
**To:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>  
**Subject:** FW: Review and Recommendation for PD Changes, File Nos. BA 001 \_ 3637. City of Sharon

**From:** Ireland, Leslie [KDA]  
**Sent:** Tuesday, December 7, 2021 10:32 AM  
**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:** FW: Review and Recommendation for PD Changes, File Nos. BA 001 \_ 3637. City of Sharon

Please let me know if you need additional information.  
Thank you,  
Leslie

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**From:** Ireland, Leslie [KDA]  
**Sent:** Friday, October 29, 2021 4:11 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 PD Changes, File Nos. BA 001 \_ 3637. City of Sharon

Jeff,

Please let me know if you would recommend these changes to move the two files to another City well that has a history of use in excess of authorized.

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. 5-4-4

Date: July 7, 2022

Re: File Nos. BA 001 & 3,637

1. That K.A.R. 5-4-4 states in part that the spacing between wells shall be sufficient to prevent direct impairment between wells that are located in a common source of supply with a recommended 660 feet for domestic wells to non-domestic wells who have a common source of supply that is any other aquifer and 1,320 feet for any non-domestic wells.
2. That the change in point of diversion under File Nos. BA 001 & 3,637, proposes an existing well be authorized for municipal use located approximately 450 feet away from an existing domestic well and 800 feet the currently authorized well that will remain authorized as a standby well under BA 001 & 3,637, as municipal use.
3. That the proposed point of diversion meets the required spacing to all other wells.
4. The City has historically diverted an increased quantity from the proposed existing well for several years.
5. That the owner of the domestic well, which appears to be for lawn and garden use, was allowed to supply comments on the proposed change. None was received. The Division of Water Resources has no know reports of impairment from the City of Sharon. The non-domestic well remaining as a standby well is owned by the City.
6. That approval of the referenced applications with the City's requested waiver appears to be in the public interest as the well being utilized is newer and will increase energy efficiency for the City and reduce costs.
7. That the application should be approved with a waiver of the well spacing requirement of K.A.R. 5-4-4 (c)(2)(B) &(C).

Comments:



Earl D. Lewis, Jr., P.E.  
Chief Engineer  
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

## **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION UNDER VESTED RIGHT, FILE NO. BA 001**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Lance Vandever on behalf of the City of Sharon, PO Box 76, 103 E Laclede, Sharon, Kansas 67138, received in this office on March 18, 2021, 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 beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 621, Barber County, now identified as Vested Right, File No. BA 001, as modified and amended by the Order of the Chief Engineer dated September 13, 1982, approving the application to change the location of the point of diversion, 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, near the intersection of Benton Avenue and Second Street in the City of Sharon, located near the center of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 21, more particularly described as being near a point 3,300 feet North and 3,314 feet West of the Southeast corner of said section, to be used as a primary well, and

one (1) well, at the intersection of Grand and First Streets in the City of Sharon, located 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 21, more particularly described as being near a point 4,058 feet North and 3,568 feet West of the Southeast corner of said section, to be used as a standby well,

both in Township 32 South, Range 10 West, Barber County, Kansas,

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

The well described herein as the standby well shall be used exclusively at such time the well herein described as the primary well is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.



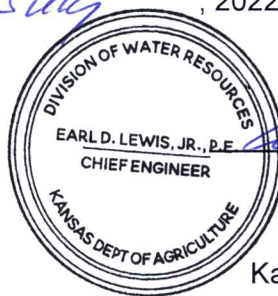
Installation of the works for diversion of water shall be completed on or before December 31, 2022, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion 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. BA 001, is as stated and set forth in the vested right order executed by the Chief Engineer on January 10, 1955, as modified and amended by the aforementioned order.

Ordered this 7<sup>th</sup> day of July, 2022, 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 7 day of July, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings  
Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 14, 2022

CITY OF SHARON  
ATTN LANCE VANDEVEER  
PO BOX 76  
103 E LACLEDE  
SHARON, KS 67138

RE: Vested Right, File No. BA 001  
Water Right, File Nos. 3,637 & 36,141

Dear Mr. Vandever:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Vested Right, File No. BA 001 and Water Right, File No. 3,637 and order in the matter to better describe the point of diversion under File No. 36,141.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of the approvals is that a water flowmeter meeting the specifications of the Chief Engineer must be installed on the diversion works authorized. Please return the required and enclosed form, *Notification of Completion of the Diversion Works and Report of Flowmeter Installation* of the required meter as soon as these actions are complete. A listing of water flowmeters may be found at [www.agriculture.ks.gov](http://www.agriculture.ks.gov).

The well described in the approval documents as the standby well shall be used exclusively at such time the well described in the approval documents as the primary wells is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under the files authorizing the standby well to be exceeded. Please be reminded File No. 3,637 remains limited to a diversion rate not in excess of 202 gallons per minute (0.45 c.f.s.) with Vested Right, File No. BA 001.

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

If you have any questions, please contact this office at 785-564-6640 or the Stafford 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". The signature is written in a cursive style.

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

KAB:LI:li  
Enclosures  
pc: Stafford Field Office



### RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

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

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

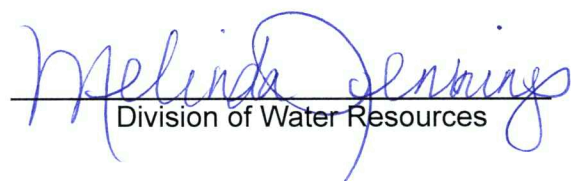
### CERTIFICATE OF SERVICE

On this 14 day of July, 2022, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Vested Right, File No. BA 001, dated 7 July, 2022 was mailed postage prepaid, first class, US mail to the following:

CITY OF SHARON  
LANCE VANDEVEER  
PO BOX 76  
103 E LACLEDE  
SHARON, KS 67138

With a Photocopy to:

Stafford Field Office

  
Division of Water Resources