

FINDINGS & ORDER - DISMISSAL OF CHG APP

Kansas Department of Agriculture
 Division of Water Resources
~~CHANGE. PD WORKSHEET~~
~~& SPECIAL CONDITION UPDATE~~

1. File Number: SU 002	2. Status Change Date: 2/23/2022	3. Change Num: C2	4. Field Office: 02	5. GMD: 0
----------------------------------	--	-----------------------------	-------------------------------	---------------------

6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request Signed 8/15/2018 <div style="text-align: right; font-weight: bold;">Received 8/20/2018</div>	7. Filing Date of Change: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">12/12/16</div>
---	---

8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ CITY OF MULVANE KENT L HIXSON, CITY ADMISTRATOR 211 N 2ND AVE MULVANE, KS 67110	8c. Landowner(s) New to system <input type="checkbox"/> Person ID 12492 Add Seq# 1 CITY OF MULVANE Attn: UTILITY DEPARTMENT 211 N 2ND AVE MULVANE, KS 67110
--	---

8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ <div style="text-align: center; font-weight: bold; font-size: 1.2em;">NO CHANGE</div>
--	--

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: _____ N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

NO INFO ON BACK

2/14/2022
L.Ireland

Date Prepared: **11/10/2021** By: **li**
 Date Entered: _____ By: _____

ENT: Special Conditions: Condition #1, Effective Date: 12/31/21 Description: OFFSET

ACTION TRAIL ENTRY: OFFSET

3/1/2022
L.Moody

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: August 18, 2021

FROM: Leslie Ireland

RE: Vested Right, File No. SU 002
Water Right, File No. 2,724

On December 12, 2016, Kent Hixon, City Administrator for the City of Mulvane, filed applications to change the points of diversion authorized for municipal use. The applicant was assisted by Daniel Clement, Hydrologist, Burns & McDonnell.

The applications for change were to consolidate the wells under the referenced files as the City has grown resulting in additional water needs. It appears the requested changes would move the points of diversion further than what is considered the local source of supply thus not complying the K.S.A. 82a-708b, *Application for change in place of use point of diversion and use made of; fee: review of action on application*. It was determined the City should file a new permit for the growth and proposed well location. The City filed applications in July and August of 2017 which were assigned File Nos. 49,877 & 49,883. The proposed quantity under the permits will be offset by the senior existing rights, File Nos. SU 002, 2724 & 31,869.

Based on the above discussion, it is recommended that the applications to change the points of diversion filed on December 12, 2016, for the referenced files, be dismissed.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF AN APPLICATION FOR APPROVAL TO CHANGE THE AUTHORIZED POINT OF DIVERSION UNDER VESTED RIGHT, FILE NO. SU 002

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on May 26, 1954, the Chief Engineer, in accordance with K.S.A. 82a-704a, issued an order determining and establishing a vested right, then identified as Vested Right, Code 6239, Finney County, now identified as Vested Right, File No. SU 002, to continue the beneficial use of groundwater for municipal use.
2. That on December 12, 2016, Kent L. Hixson, City Administrator, for the City of Mulvane, 211 N. 2nd Avenue, Mulvane, Kansas 67110, the owner of the Vested Right referenced in paragraph No. 1, filed an *Application for Approval to Change the Point of Diversion Under an Existing Water Right*, for the file described in paragraph No. 1 of these findings.
3. That by means of a written request dated August 15, 2018, and received in the Office of the Chief Engineer on August 20, 2018, Kent L. Hixson on behalf of City of Mulvane, requested to withdraw the *Application for Approval to Change the Point of Diversion Under an Existing Water Right*, described in paragraph No. 2 of these findings.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Point of Diversion Under an Existing Water Right, received in the Office of the Chief Engineer on December 12, 2016, under Vested Right, File No. SU 002, shall be dismissed and its priority forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to municipal use under Vested Right, File No. SU 002, dated May 26, 1954, remains as authorized

Ordered this 23 day of February 2022, in Manhattan, Riley County, Kansas.

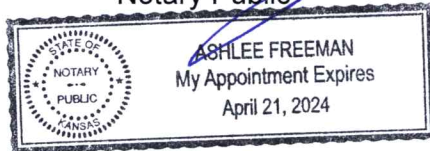
Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 23 day of February 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
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

March 2, 2022

CITY OF MULVANE
SHELLY STEADMAN AND/OR KENT HIXSON
211 N 2ND AVE
MULVANE KS 67110

RE: Dismissal Change Applications
Vested Right, File No. SU 002
Water Right, File No. 2,724

Dear Sir or Madam:

Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, regarding the Applications for Change under the referenced files.

Your request for the voluntary withdraw of the December 12, 2016, applications for change in point of diversion under the referenced files, was received in the office of the Chief Engineer on August 20, 2018, and has been processed in accordance with your request. The December 12, 2016, *Application to Change the Point of Diversion* for each of the referenced files has been dismissed and any priority held by the applications for change has been forfeited.

Please be reminded that the annual water use report must be submitted to this office. This report must provide a record indicating the amount of water used or one of the circumstances for nonuse as listed in K.A.R. 5-7-1, *Due and sufficient cause for nonuse*, must be listed on the report. It appears circumstance number 11 of this regulation which states the rights are located within an area of the state that is closed to by regulation or order of the Chief Engineer, would match your reason for due and sufficient cause for nonuse under the referenced files. Please be reminded that said information should be **furnished to the Chief Engineer by March 1** following the end of the previous calendar year.

If you have any questions, please contact me at 785-564-6640. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

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

KAB:LI:li
pc: Stafford Field Office

**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

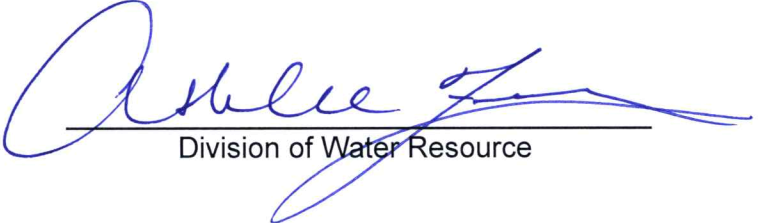
CERTIFICATE OF SERVICE

On this 2 day of March, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of an Application for Approval to Change the Authorized Point of Diversion Under an Existing Water Right, for Vested Right, File No. SU 002, was mailed postage prepaid, first class, US mail to the following:

CITY OF MULVANE
KENT L HIXSON CITY ADMINISTRATOR
211 N 2ND AVE
MULVANE KS 67110

With photocopies sent to:

Stafford Field Office



Division of Water Resource