

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.

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
- (Check one or more) Place of Use
 Point of Diversion
 Use Made of Water

Water Resources
Received

JAN 09 2019
11:26
KS Dept Of Agriculture

File No. 42558

2. Name of applicant: Osborne Co. Rural Water District 1A

Address: 2417 West 20th Drive

City, State and Zip: Alton, Kansas 67623

Phone Number: (785) 476-7590 E-mail address: alpo@ruraltel.net

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Osborne Co. Rural Water District 1A

Address: 2417 West 20th Drive

City, State and Zip: Alton, Kansas 67623

Phone Number: (785) 476-7590 E-mail address: alpo@ruraltel.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): See Attached Description

The change(s) (was) (will be) completed by June 2019
(Date)

For Office Use Only:										
F.O.	<u>3</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1	(<u>YES</u> /NO) Use	<u>MUN</u> Source	<u>OS</u> County	By	<u>KSN</u> Date	<u>1/9/19</u>
Code	<u>CGT</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>1/9/19</u>	Check #	<u>2769</u>	

1/15/2019 CW

4. The presently authorized place of use is:

Owner of Land — NAME: Osborne Co. Rural Water District

ADDRESS: See attached map

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

List any other water rights that cover this place of use. 37024 & 24749

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES					
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						

List any other water rights that cover this place of use. _____

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion (is) (are) Water wells, battery of two wells
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) Water well, 1 new well to be drilled
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ 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 the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ 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 _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ 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 the _____
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ 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 _____

10. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NW Quarter of the _____
 of Section 2, Township 7 South, Range 14W (E/W),
 in Osborne County, Kansas, 3150 feet North 4814 feet West of Southeast corner of section.
 Authorized Rate 70 gpm Authorized Quantity 33.24 MGY
 (DWR use only: Computer ID No. 06 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 SW Quarter of the SW Quarter of the SW Quarter of the _____
 of Section 2, Township 7 South, Range 14W (E/W),
 in Osborne County, Kansas, 50 +/- feet North 5200 +/- 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 42558

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Water Resources
 Existing points of diversion have very limited yields and are planned to be plugged. Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for municipal purposes.

It is proposed that the use be changed to _____ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Attached maps show the proposed well location has the required spacing and will not impact other water rights.

The existing and proposed wells are located in terrace deposits. Attached is a well log of the existing well,

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Any use of water that is not as authorized by the water right or permit to authorize water **before** 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.

Dated at Osborne, Kansas, this 4 day of Jan., 2019.

<u>RWD No 1A Osborne, Co.</u> (Owner)	_____	(Spouse)
<u>Alan Poore Sec.</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Osborne } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of January, 2019.

My Commission Expires <u>5-5-19</u>		<u>Connie S. Moore</u> Notary Public
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FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Water Resources
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KS Dept Of Agriculture

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

3. Reasons for the proposed changes.

The District's existing water supply wells, known as the Yoxell wells, are drying up due to extended drought conditions. The water levels in the two remaining wells have declined between 7 to 12 feet and currently produce 16 and 19 gpm respectively which is down from 26 and 40 gpm that the wells produced at the time of installation (see attached). The reduction in pumping rates are an attempt on the district's part to lessen the impact on the water levels in the area to help maintain a consistent flow rate from the well. However, at times, the water levels have dropped at or below the top of the pumps causing the pumps to draw air. On several occasions, the district has had to replace the pumps because the pumps would try to operate under dry conditions and cause damage to the pumps. Without these wells the district would struggle to meet the demands of the system, especially during peak usage.

The existing wells are located along the edge of the aquifer and relocating a new well to the south would provide a more reliable water source. The proposed well location is approximately 3,100 feet south of the existing wells but, the landowner has given permission to locate a new well on the proposed property as opposed to other property owners in the area. The new well would not have a detrimental effect on any other water right in the area.

The new well will be installed in the area shown on the supporting documents and per current regulatory requirements. The well will be connected to the existing meter/disinfection building through a new water main installed along 200th Ave (approximately 3,600 feet).

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S&L PUMP, LLC
Water Well Sales & Service
2759 US Highway 24
Hill City, KS 67642
785-421-5648
Nick Budig – Owner

April 27, 2016

Osborne Rural Water District: Yoxell well field history.

Well #4: 1984 original well depth 66 ft., static level 45 ft., 5 HP pumped 40 GPM

1985: Static 50 ft. 6"

1992: Static 53 ft. Well producing sand. Lifted pump to 60 ft. level. Installed a 3 HP 20 GPM pump.

1997: Installed sand separator.

2016: Static level 57 ft. Test pumped at 21 GPM.

Well #5: South well 2001 – depth 55 ft. and static 34 ft. 3 HP pumping 26 GPM.

2003: Static level 41 ft. pumping 20 GPM.

2006: Pump stuck in sand. Static level 34 ft.

2016: Static level 36 ft. pumping 18 GPM.

Well #6: East well 2001 depth 54 ft. Static level 38 ft.

2003: Static level 43 ft. pumping 13 GPM.

New wells drilled by Woofter Well of Hoxie, KS.

2003: North well depth 56 ft. Static level 41 ft. 4 – 5 GPM. Plugged this well and #6. #7

South #7: Depth 55 ft. Static level 41 ft. Pumping 20 GPM

July 2003: Repaired well casing after tractor ran over well. Bailed mud and sand.

Beland Tremblay
Water Resources
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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, Interim Secretary

Laura Kelly, Governor

OSBORNE CO RURAL WATER DIST 1A
2417 W 20TH DR
ALTON, KS 67623

January 15, 2019

RE: File No **42558**

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

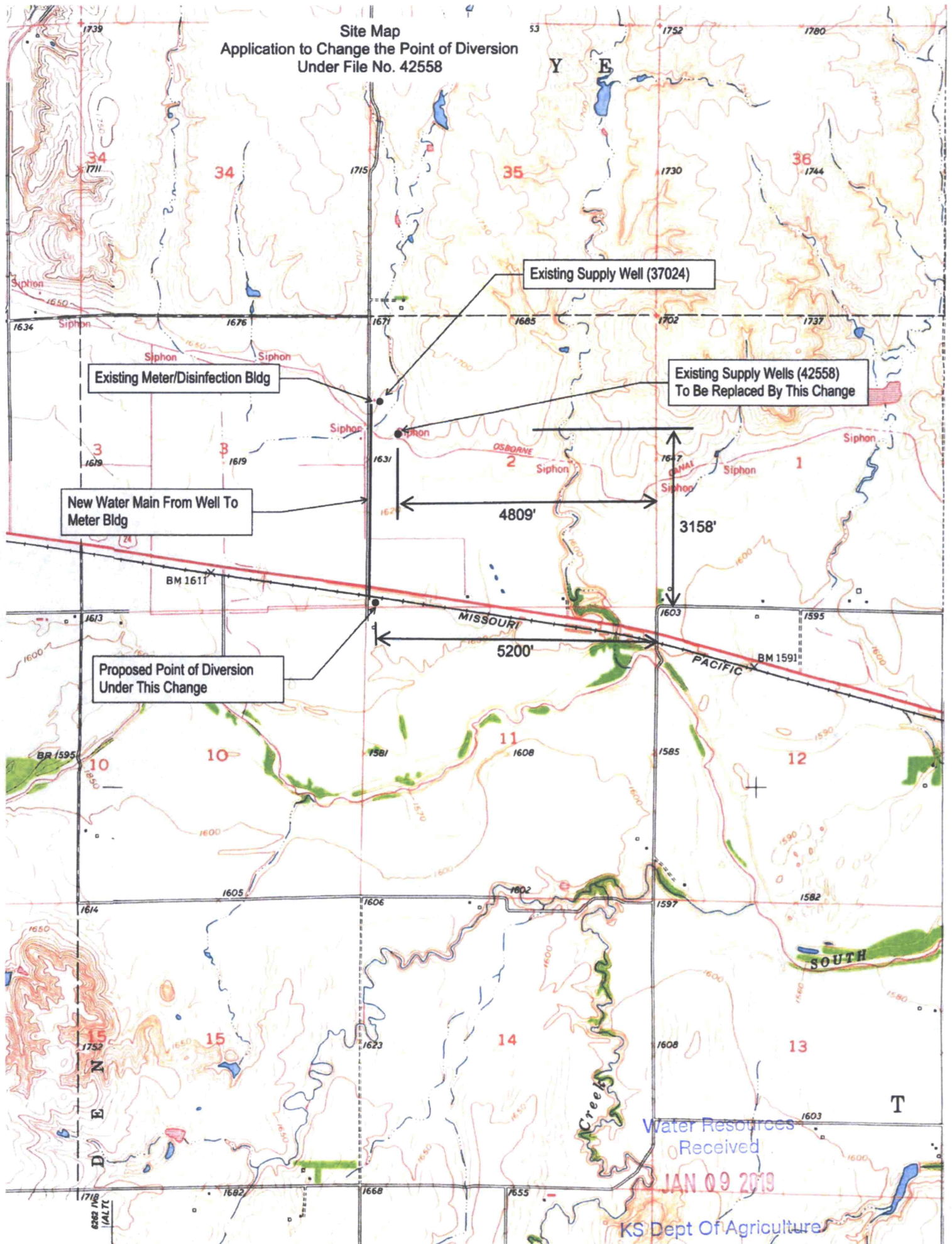
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

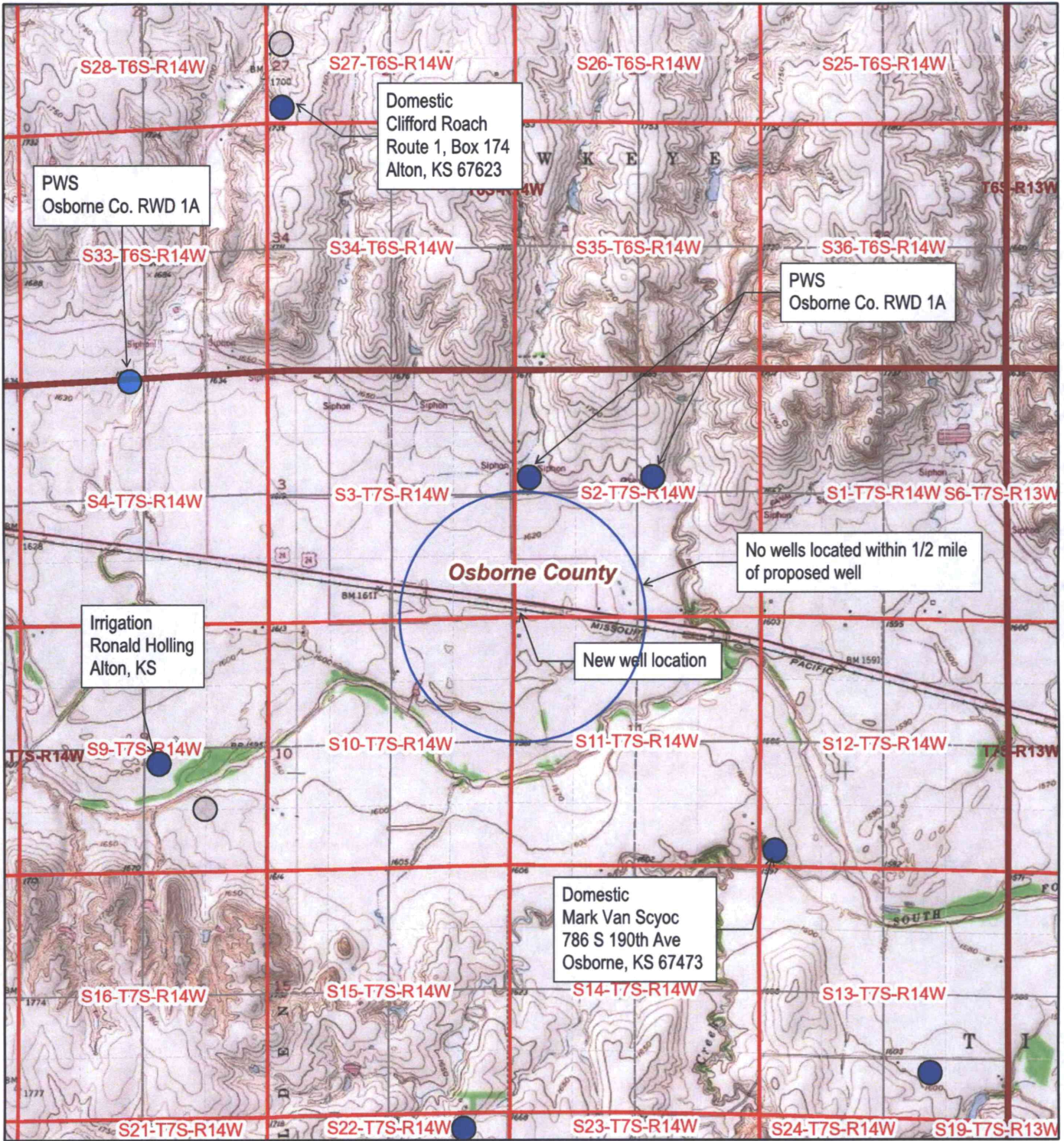
BAT: DLW

Site Map
Application to Change the Point of Diversion
Under File No. 42558



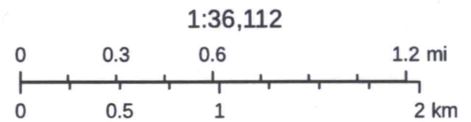
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Osborne Co. RWD 1A



- Constructed
- Reconstructed
- Plugged

Existing Wells in Area

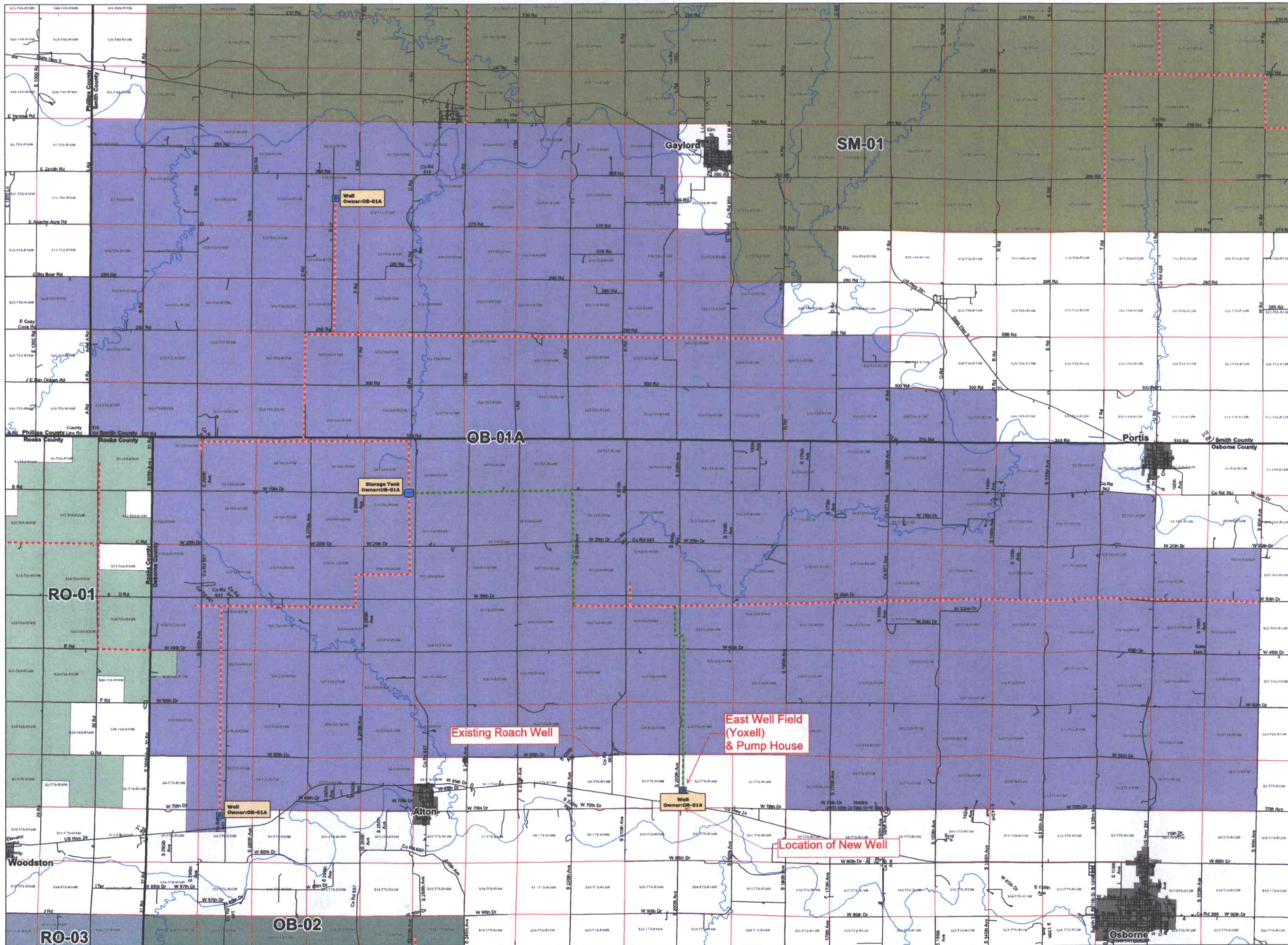


Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community
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Kansas Geological Survey - <https://maps.kgs.ku.edu/wwc5>

Osborne County RWD No. 01A



N

Water Resources
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Legend

- Interconnect Pump
- Storage Tank
- Surface Intake
- Treatment Facility
- Well

Water Mains

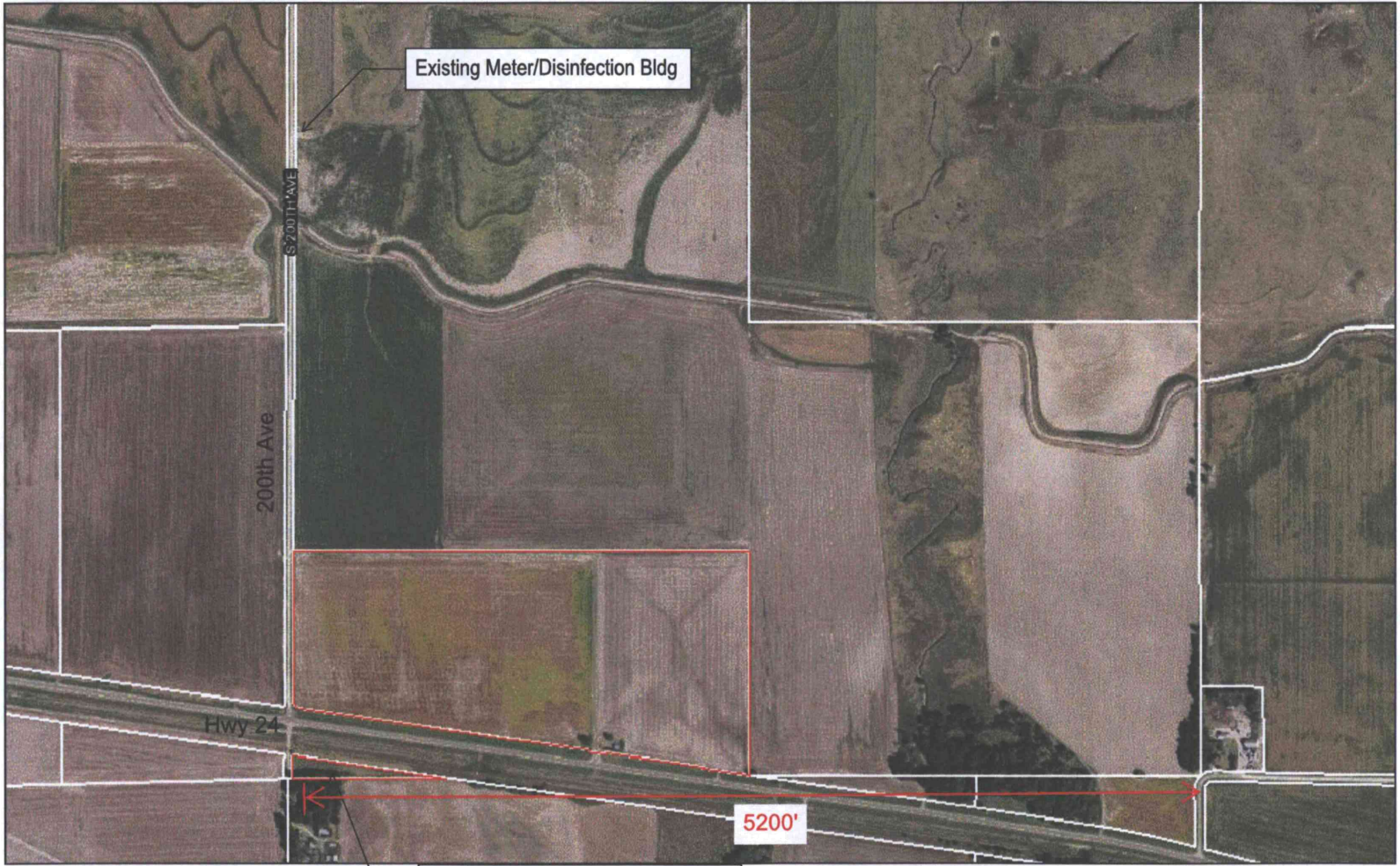
- Less than 4 inch
- 4 to 6 inch
- greater than 6 inch
- Roads
- Streams
- PLSS
- County Boundary
- City Boundary
- Lakes



District Boundary

Produced by Kansas Rural Water Association
with the cooperation of the Kansas Water Office
and the Data Access and Support Center
October 2015

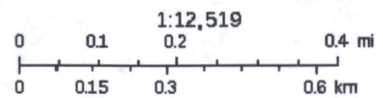
Property Record



New well to be located in this tract

November 3, 18
polygonLayer

- Override 1
- Parcels
- Parcels 18057
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Kansas counties: KDOR
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCA

Property Description: Sec 02, T 7 S, R 14 W, 68.71 ac, S1/2 - SW1/4, less R/W