

Stockton Field Office
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Stockton, KS 67669-0192



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Mike Beam, Secretary

Laura Kelly, Governor

August 20, 2021

CITY OF ELLSWORTH
PO BOX 163
ELLSWORTH, KS 67439

Re: Water Right, File Nos. 12,885 & EW-002

To Whom It May Concern:

Enclosed are two (2) orders executed by Earl Lewis, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by **December 31, 2021**. Please complete and return the enclosed Notice(s) of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters is found in K.A.R. 5-1-4 through K.A.R. 5-1-12, along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address: <http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water 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 (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

Since these orders modify the original certificates, they should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

These documents are summary orders by this agency regarding this matter. These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



Mark Billinger
Assistant Water Commissioner

MB:ndh
Enclosures

CERTIFICATE OF SERVICE

On this 20th day of August 2021, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE FOR POINTS OF DIVERSION** for water rights, File Nos. 12,885 & EW-002, dated on the 20th day of August, 2021, were mailed postage prepaid, first class, U.S. mail, to the following:

CITY OF ELLSWORTH
PO BOX 163
ELLSWORTH, KS 67439

Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

**DWR FIELD OFFICE
 APPLICATION FOR APPROVAL
 TO CHANGE THE PLACE OF
 USE AND/OR THE
 POINT OF DIVERSION**



STATE OF KANSAS

WATER METER REQUIRED

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

APPLICATION COMPLETE
 8/20/21
 Reviewer MB

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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Stockton Field Office
 Division of Water Resources

File No. 12,885

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: CITY OF ELLSWORTH

PO BOX 163 ELLSWORTH, KS 67439

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: CITY OF ELLSWORTH

PO BOX 163 ELLSWORTH, KS 67439

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: CITY OF ELLSWORTH

ADDRESS: PO BOX 163 ELLSWORTH, KS 67439

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
20	15S	8W																	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: NO CHG

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion: AKA WELL #7**

One in the SE Quarter of the NE Quarter of the NE Quarter of Section 24, Township 15 South, Range 9 W, in ELLSWORTH County, Kansas, 4040 feet North 380 feet West of Southeast corner of section. Authorized Rate 116 GPM Authorized Quantity 116 MGY Depth of well _____ (feet)

(DWR use only: Computer ID No. 1 (PDIV 2290) GPS 4053 feet North 365 feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SE Quarter of the NE Quarter of the NE Quarter of Section 24, Township 15 South, Range 9 W, in EW County, Kansas, 4053 feet North 365 feet West of Southeast corner of section. Proposed Rate 116 GPM Proposed Quantity 116 MGY Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point 12885

6. **Presently authorized point of diversion: AKA WELL #6 UNION PACIFIC WELL BLK IN MINNICKS 1ST ADDITION**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section 20, Township 15 South, Range 8 W, in EW County, Kansas, 3000 feet North 4100 feet West of Southeast corner of section. Authorized Rate 200 GPM Authorized Quantity 10.037 MGY Depth of well _____ (feet)

(DWR use only: Computer ID No. 1 PDIV 14235 GPS 3003 feet North 4217 feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SE Quarter of the SW Quarter of the NW Quarter of Section 20, Township 15 South, Range 8 W, in EW County, Kansas, 3003 feet North 4217 feet West of Southeast corner of section. Proposed Rate 200 GPM Proposed Quantity 10.037 MGY Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
(please be specific) REDRILL WELL AKA #9

8. If a well, is the test hole log attached? Yes No

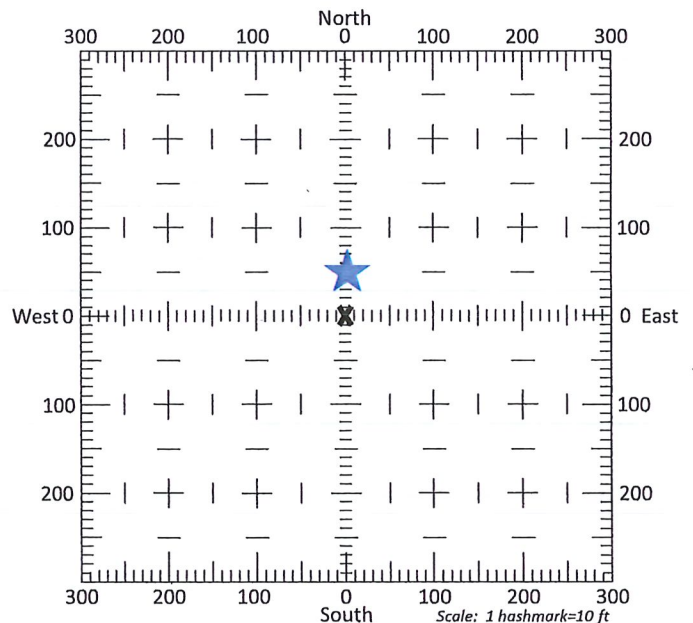
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

10. If the point of diversion is a well:
(a) What are you going to do with the old well?
PLUG OR CAP
(b) When will this be done? UPON COMPLETION

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by M BILLINGER

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

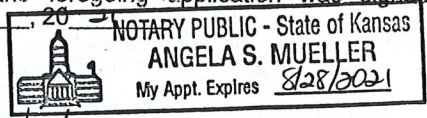
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Ellsworth, Kansas, this 13 day of August, 2021.

<u>R. W. Varnado</u> (Owner)	_____	(Spouse)
<u>Russell Varnado</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Ellsworth } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of August



Angela S. Mueller
Notary Public

My Commission Expires 8/28/2021

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

- Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**
- (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

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APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 12,885

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Stockton Field Office
Division of Water Resources

Presently authorized point of diversion: AKA WELL #2

One in the SE Quarter of the NE Quarter of the NW Quarter
of Section 19, Township 15 South, Range 8 W,
in EW County, Kansas, 4140 feet North 3120 feet West of Southeast corner of section.

Authorized Rate 215 GPM Authorized Quantity 41.99 MGY Depth of well _____ (feet)

(DWR use only: Computer ID No. 2 PDIV 23180 GPS 4135 feet North 3067 feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SE Quarter of the NE Quarter of the NW Quarter
of Section 19, Township 15 South, Range 8 W,
in EW County, Kansas, 4135 feet North 3067 feet West of Southeast corner of section.

Proposed Rate 215 GPM Proposed Quantity 41.99 MGY Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point 12885

Presently authorized point of diversion: AKA WELL #4 FRISCO WELL, BLK 13 IN MINNICKS 1ST ADDITION

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section 20, Township 15 South, Range 8 W,
in EW County, Kansas, 3000 feet North 3720 feet West of Southeast corner of section.

Authorized Rate 160 GPM Authorized Quantity 11.953 MGY Depth of well _____ (feet)

(DWR use only: Computer ID No. 2 PDIV 37136 GPS 3072 feet North 3721 feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SW Quarter of the SE Quarter of the NW Quarter
of Section 20, Township 15 South, Range 8 W,
in EW County, Kansas, 3072 feet North 3721 feet West of Southeast corner of section.

Proposed Rate 160 GPM Proposed Quantity 11.953 MGY Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point 12885

Presently authorized point of diversion: AKA WELL #5

One in the CN Quarter of the SW Quarter of the NW Quarter
of Section 19, Township 15 South, Range 8 W,
in EW County, Kansas, 3880 feet North 4530 feet West of Southeast corner of section.

Authorized Rate 233 GPM Authorized Quantity 50.236 MGY Depth of well _____ (feet)

(DWR use only: Computer ID No. 3 PDIV 37366 GPS 3909 feet North 4556 feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the CN Quarter of the SW Quarter of the NW Quarter
of Section 19, Township 15 South, Range 8 W,
in EW County, Kansas, 3909 feet North 4556 feet West of Southeast corner of section.

Proposed Rate 233 GPM Proposed Quantity 50.236 MGY Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point 12885

Presently authorized point of diversion: AKA WELL #9, (CHANGE TO WELL #10)

One in the NW Quarter of the SE Quarter of the NW Quarter
of Section 19, Township 15 South, Range 8 W,
in EW County, Kansas, 3930 feet North 3620 feet West of Southeast corner of section.

Authorized Rate 196 GPM Authorized Quantity 42.458 MGY Depth of well _____ (feet)

(DWR use only: Computer ID No. 4 PDIV 47763 GPS 3938 feet North 3649 feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SW Quarter of the NE Quarter of the NW Quarter
of Section 19, Township 15 South, Range 8 W,
in EW County, Kansas, 3988 feet North 3649 feet West of Southeast corner of section.

Proposed Rate 196 GPM Proposed Quantity 42.458 MGY Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point 12885