Stockton Field Office 820 S. Walnut Stockton, KS 67669-0192



Phone: 785-425-6787 Fax: 785-425-6842 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

June 15, 2021

CITY OF CAWKER CITY 804 LOCUST ST PO BOX 2 CAWKER CITY, KS 67430

Re: Water Rights, File Nos. 35,812; 35,813; MC-004

Dear Dr Mr Gullion:

Enclosed are three (3) 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.

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:rfh
Enclosures

pc: G.M.D. No. 4

CERTIFICATE OF SERVICE

On this 15th day of June, 2021, I hereby certify that the attached <u>SUMMARY ORDERS</u> <u>APPROVING APPLICATIONS FOR CHANGE in POINT OF DIVERSION</u> for Water Right, File Nos.35,812; 35,813; MC-004 dated on the 15th day of June, 2021, were mailed postage prepaid, first class, U.S. mail, to the following:

Maney Hazeman

CITY OF CAWKER CITY 804 LOCUST ST PO BOX 2 CAWKER CITY, KS 67430

Copies of these Change Approvals were sent to the following:

Groundwater Management District No. 4 P.O. Box 905 Colby, KS 67701

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

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

APPLICATION COMPLETE 6/15/21 Parience 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. RECEIVED

Fee Schedule is on the third page of this application form.

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						F	ile No	. <u>35,81</u>	3	·							,	JUN 1	1 2021
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	Application is hereby made for approval of the Chief Engineer to change the (check one or both): □ Place of Use □ Point of Diversion												Division of Water Resour						
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2. N	Name and address of Applicant: CITY OF CAWKER CITY																		
	04 LOC																		
Р	hone N	umber:	()					Email	addres	ss:								
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3. T	he pres	ently au	ıthoriz	ed plad	ce of u	se is:													
С	wner of																		
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5.	Presently authorized point of diversion:	
	One in the Quarter of the Quarter of the Quarter	er
	of Section, Township South, Range V	Ν, Ι
	in County, Kansas, feet North feet West of Southeast corner of section.	
	Authorized Rate Authorized Quantity Depth of well (feet)	ļ
	(DWR use only: Computer ID No GPS feet North 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 NE Quarter of the SW Quarter of the NW Quarter	er
	of Section34, Township6South, Range10V	Ν,
	in MC County, Kansas, 3360 feet North 4460 feet West of Southeast corner of section.	
	Proposed Rate Proposed Quantity Proposed well depth (feet)	
	This point is: Additional Well Geo Center List other water rights that will use this point MC-004, 35812, 35813	<u></u> _
6.	Presently authorized point of diversion:	
0.	One in the SE Quarter of the SW Quarter of the NW Quarter	er
	of Section 34 , Township 6 South, Range 10 V	N.
	in MC County, Kansas, 2960 feet North 4380 feet West of Southeast corner of section.	
	Authorized Rate 360 GPM Authorized Quantity 23.25 MGY Depth of well (feet)	
	(DWR use only: Computer ID No GPS feet North 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 34 , Township 6 South, Range 10 V	
	in MC County, Kansas, 2960 feet North 4380 feet West of Southeast corner of section.	.
	Proposed Rate Proposed Quantity Proposed well depth (feet)	
	This point is: Additional Well Geo Center List other water rights that will use this point MC-004, 35812, 35813	
7.	The changes herein are desired for the following reasons? (please be specific) TO CONVERT 2 WELLS INTO A BATTERY OF 2 WELLS THAT WILL BE OLAP BY PD & PU FOR MC-004, 35812 & 35813	
8.	If a well, is the test hole log attached? Yes No	
9.	The change(s) (was)(will be) completed by?	
	UPON APPROVAL 100	
10.	. If the point of diversion is a well:	
	(a) What are you going to do with the old well? West 0 中间	
	N/A	
	N/A (b) When will this be done? N/A Croundwater Management District recommendation attached? 100 + + + = + + = 100 10	
11.	☐ Yes ☐ No	
12.	. Assisted by M BILLINGER 300 200 100 0 100 200 300	
13a	sa.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 will be relocated within 300 f of the existing point of diversion, indicate its location on diagram shown above in relation to the existing point diversion. (PLEASE NOTE: The "X" in center of diagram shown above represents the presently authorized point diversion.)	the t of ram

14. If the proposed groundwater point of diversion is 300 or fewer feet from	om the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently author ☐ Yes ☐ No (If no, all owners must sign this applic	orized place(s) of use identified in this application? cation.)
(b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this appl	rized place(s) of use identified in this application be adverse
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this applic	ostantial damage to property, public health or safety? cation.)
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 fo s of the currently authorized place of use, or their duly authoriz
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	rized agent of the owner(s) to make this application
Dated at Cawkar CiTX , Kansas, this	11 day of June 2021
Charles R. Gulli'un (Please Print)	(Spouse)
Charles R. G-Ulli un (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of MITCHELL SS	
I hereby certify that the foregoing application was signed in of, 20_Z1	my presence and sworn to before me this $\frac{1111}{1111}$ d
My Commission Expires	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, al accurate information; maps, if necessary, must be included; signatures of all the atthe appropriate fee must be paid.	Il of the applicable portions of the application form must be completed appropriate owners' must be affixed to the application and notarized;
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	der this section shall be accompanied by the application fee soment of Agriculture \$100 et\$200
	RECEIVED JUN 1 1 2021
	OUIV & & COCI

File No. ____

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 35,813 change application was received on $\frac{6-1/-2}{\text{diversion authorized under the above-referenced file number be changed as described in the application.}$ A change application was received on requesting that the place of use and / or point of On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.

Applicable Not Applicable 2. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. ☒ Applicable ☐ Not Applicable 3. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. ☐ Applicable ☒ Not Applicable The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before **December 31, 2021**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20_____, or within any authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable The completed well log shall be submitted with the required notice. ☐ Applicable Not Applicable 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.

Applicable

Not Applicable 11. Additional Conditions are attached. ☐ Yes ⊠ No 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY APPLICATION APPROVED AND If you are aggrieved by this order, 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. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly Authorized Designer of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative MARK BILLINGER (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Division of Water Resources - Kansas Department of Agriculture Date of Issuance: 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas KELLY C. STEWART My Appointment Expires For Use by Register of Deeds September 27, 2021 County of Acknowledged before me on Signature: Notary Public My commission expires: (Notary Seal)

DWR 1-121 (Revised 04/5/2018)

Page 4

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File No. _____

RECEIVED

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>35,813</u>

JUN 11 2021

			O. <u>35,813</u>		Stockton Field (Office
Presently authoriz	zed point of diver	sion:		ſ	Division of Water R	esources
One in the	i	Quarter of the		Quarter of the		Quarter
of Section		, Township		South, Range		W,
in	County, I	Kansas,	feet North _	feet West of S	Southeast corner of	f section.
Authorized Rate	A	uthorized Quantity	<i></i>	Depth of well	(feet)	
(DWR use only: C	Computer ID No.	G	PS	feet North	feet West)	ı
This point will not	be changed SThi	s point will be chan	ged as follows:	 ☑ No change, point better d	escribed with GPS as	s follows:
				ed or if existing point is		
One in the	SE	Quarter of the	SW	Quarter of the	NW	Quarter
of Section	34	, Township	6	South, Range	10	W,
in MC	County.	Kansas, 3160	feet North	4420 feet West of S	Southeast corner of	f section.
Proposed Rate	360 GPM P	roposed Quantity	23.25 MGY	Proposed well depth	(feet)	,
				nts that will use this point		
			<u> </u>			
Presently authorize						
One in the		Quarter of the		Quarter of the		Quarter
of Section		, Township		South, Range		W,
in	County,	Kansas,	feet North _	feet West of S	Southeast corner o	f section.
Authorized Rate	,. A	uthorized Quantity	1	Depth of well	(feet)	
(DWR use only: C	Computer ID No.	Ğ	PS	feet North	feet West)	•
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Presently authorize						
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One in the of Section		Quarter of the _, Township		South, Range		(E/W),
One in the of Section in	County,	Quarter of the _, Township Kansas,	feet North _	South, Range feet West of S	Southeast corner o	(E/W),
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