

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET

1. File Number: 33092	2. Status Change Date: 8/14/2020	3. Change Num: C1	4. Field Office: 01	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 18-MAY-2020
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8a. Applicant(s) Person ID <u>5729</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> CITY OF FRONTENAC Attn: 313 E MCKAY PO BOX 1012 FRONTENAC, KS 66762	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID <u>5729</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> CITY OF FRONTENAC Attn: 313 E MCKAY PO BOX 1012 FRONTENAC, KS 66762	8d. WUC Person ID <u>5729</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> CITY OF FRONTENAC Attn: 313 E MCKAY PO BOX 1012 FRONTENAC, KS 66762 NO CHANGE
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/20 N & P Date to Comply: 12/31/20

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: _____

Date Prepared: **07/26/20** By: **RAK**
 Date Entered: **8/18/2020** By: **LMoody**

File No. **33092** 11. County: **CR** Basin: **SPRING RIVER** Stream: _____ Formation Code: **830** Special Use: _____

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

BATT ID **NW¼ fix qtr qtr description**
735 MOD 11707 NE¼NW¼NW¼ 9 30 25E 5 5157 4662 BATT 1 OF 2 WELLS CR 007

BATT ID
735 DEL 30170 NW¼NW¼NW¼ 9 30 25E 3 5223 4662 BATT 1 OF 2 WELLS CR 007

BATT ID
735 DEL 66169 NW¼NW¼NW¼ 9 30 25E 6 5190 4662 GEO CENTER CR 007

ENT **88351** NW¼ NW¼NW¼ 9 30 25E 5195 4639 GEO CENTER 700gpm 44.2mgy 700gpm 44.2 mgy CR 007

ENT **88352** NE¼NW¼NW¼ 9 30 25E 5232 4615 BATT 1 OF 2 WELLS CR 007

BATTERY ID: 2190

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ cfs) when combined with file number(s) _____
KEEP Limitation: _____ af/yr at **711** gpm (_____ cfs) when combined with file number(s) **CR 007**

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				
NO CHANGES																				

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 4, 2020

FROM: Richelle A. Krueger

RE: Vested Right
File No. CR 007
Water Right, 33,092

John Zafuta, on behalf of the City of Frontenac, Kansas, filed applications for approval to change the authorized points of diversion for Vested Right, File No. CR 007 and Water Right, File No. 33,092, both located in the Spring River basin.

The referenced water rights do not appear abandoned.

File Nos. CR 007 and 33,092 overlap the authorized place of use of Water Right, File Nos. 39,515, 40,365 and Appropriation of Water, File No. 44,554, which is described as for municipal use in the City of Frontenac and immediate vicinity and within the boundaries of Rural Water District No. 1 Crawford County. File Nos. CR 007 and 3,092 are authorized 84.2 million gallons per calendar year and a limited maximum diversion rate of 711 gallons per minute from the same battery of two wells with a geographic center located 5,190 feet North and 4,662 feet West of the Southeast corner of Section 9, Township 30 South, Range 25 East, Crawford County. The water right owner proposes redrill the north well of the battery approximately 48 feet to the northeast, relocating the well from 5,223 feet North and 4,662 feet West of the Southeast corner of Section 9 to a point located 5,232 feet North and 4,615 feet West of the Southeast corner of Section 9. The proposed geocenter will be located 5,195 feet North and 4,639 feet West of the Southeast corner of Section 9, a distance move of approximately 24 feet to the northeast.

The proposed geocenter is located approximately 590 feet from their municipal well authorized by File Nos. 39,515, 40,365 and 44,554. The proposed geocenter will meet the requirements of K.A.R. 5-4-4(d)(2) *Well spacing* since the location of the proposed geocenter will not decrease the distance to other wells or authorized well locations by more than 300 feet based on currently approved feet distances.

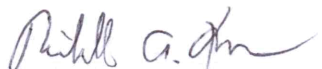
Nearby well owners within one-half mile of the proposed geocenter were not notified of the proposed change in point of diversion because the proposed move is less than 300 feet.

The two (2) wells to be authorized under the battery will be in the same local source of supply, which has been previously determined to be Arbuckle Group (830).

In an e-mail dated July 23, 2020, Katie Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the referenced applications.

A water flow meter, water level measurement tube and check valve will be required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, it has been recommended that the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

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**



State of Kansas

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

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

Water Resources
Received
MAY 18 2020
11:37
KS Dept Of Agriculture

File No. 33,092

2. Name of applicant: CITY OF FRONTENAC

Address: 313 E MCKAY, PO BOX 1012

City, State and Zip: FRONTENAC, KS 66762

Phone Number: (620) 231-9210 E-mail address: _____

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

Name of water use correspondent: SAME AS ABOVE

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

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

REDRILL OF 1 WELL IN THE BATTERY (NORTH WELL).

The change(s) (was) (will be) completed by FALL 2019

(Date)

For Office Use Only:

F.O. 1 GMD _____ Meets K.A.R. 5-5-1 (YES / NO) Use mun Source G/S County CP By BMM Date 5/20/2020
Code CLT Fee \$ 1000 TR # _____ Receipt Date 5/18/2020 Check # 4651

APPLICATION COMPLETE
7/14/20
Reviewer RAIL

- 6. The presently authorized point(s) of diversion (is) (are) BATTERY OF 2 WELLS
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) BATTERY OF 2 WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: WELL 1 – BATT 1 OF 2**

One in the NE Quarter of the NW Quarter of the NW Quarter of Section 9, Township 30 South, Range 25 EAST, in CRAWFORD County, Kansas, 5157 feet North 4662 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) BETTER DESCRIBED
 One in the * NE NW Quarter of the NW Quarter of the NW Quarter of Section 9, Township 30 South, Range 25 EAST, in CRAWFORD County, Kansas, 5157 feet North 4662 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 CR-7 AND NEW APP

* per feet distance

9. **Presently authorized point of diversion: WELL 2 – BATT 1 OF 2**

One in the NW Quarter of the NW Quarter of the NW Quarter of Section 9, Township 30 South, Range 25 EAST, in CRAWFORD County, Kansas, 5223 feet North 4662 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 NE Quarter of the NW Quarter of the NW Quarter of Section 9, Township 30 South, Range 25 EAST, in _____ County, Kansas, 5232 feet North 4615 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 CR-7 AND NEW APP

10. **Presently authorized point of diversion: GEO-CENTER**

One in the NW Quarter of the NW Quarter of the NW Quarter of Section 9, Township 30 South, Range 25 EAST, in CRAWFORD County, Kansas, 5190 feet North 4662 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 NW Quarter of the NW Quarter of the NW Quarter of Section 9, Township 30 South, Range 25 EAST, in CRAWFORD County, Kansas, 5195 feet North 4639 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 CR-7 AND NEW APP

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* Mic/own 8/1/20

SCANNED

12. The presently authorized use of water is for MUN purposes.
It is proposed that the use be changed to NO CHANGE purposes.

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

Water Resources
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MAY 18 2020

(Please show any calculations here.)

KS Dept Of Agriculture

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.

REDRILL OF WELL IN OZARK AQUIFER. NO CHANGE IN LOCAL SOURCE OF SUPPLY.
NEW WELL IS ONLY 50 FEET FROM 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.

N/A

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.

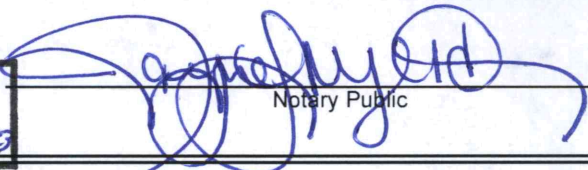
Dated at Frontenac, Kansas, this 26 day of March, 2020.

 _____ (Owner)	_____ (Spouse)
<u>John Zafuta</u> _____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas)
County of Crawford) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of March, 2020.

My Commission Expires 10/29/2023

Jayne L. Mjelde NOTARY PUBLIC State of Kansas My Appt. Exp. <u>10/29/2023</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
Received
MAY 18 2020
KS Dept Of Agriculture

SCANNED

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 33,092**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John Zafuta, on behalf of the City of Frontenac, Kansas, 313 East McKay, P.O. Box 1012, Frontenac, Kansas 66762, received in this office on May 18, 2020, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 7, 1993, approving the application to change the point of diversion, and by the Order of the Chief Engineer dated June 5, 2001, approving the application to change the place of use and 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 point of diversion shall be:

a battery of two (2) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 9, more particularly described as being near a point 5,195 feet North and 4,639 feet West of the Southeast corner of said section, in Township 30 South, Range 25 East, Crawford County, Kansas,

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

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. The water right owner 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.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

The water right owner shall submit to the Chief Engineer a copy of the well log(s) required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well(s) at the location authorized herein.

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.

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 33,092 for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 31, 1989, as modified and amended by the aforementioned orders.

Ordered this 14th day of August, 2020, in Manhattan, Riley County, Kansas.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 14th day of August, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Katie N. Anderson
Notary Public

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 1320 Research Park Drive, Manhattan, KS 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 hearing 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

CERTIFICATE OF SERVICE

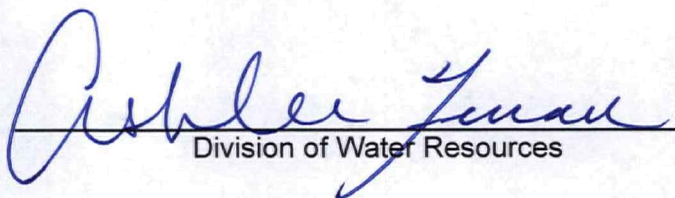
On this 18 day of August, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 33,092, dated 14 August 2020 was mailed postage prepaid, first class, US mail to the following:

CITY OF FRONTENAC
ATTN JOHN ZAFUTA
313 E MCKAY PO BOX 1012
FRONTENAC, KS 66762

With photocopies to:

KRAMER CONSULTING, LLC
2335 SE TECUMSEH RD.
TECUMSEH, KANSAS 66542

Topeka Field Office


Division of Water Resources