

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature LPL

1. File Number: <b>38599</b>	2. Status Change Date: <b>2/25/2020</b>	3. Change Num: <b>C2</b>	4. Field Office: <b>01</b>	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: <b>11/8/2019</b>
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8a. Applicant(s) New to system <input type="checkbox"/>  <b>CITY OF ARMA                  701 E WASHINGTON                  PO BOX 829                  ARMA KS 66712</b>	8c. Landowner(s) New to system <input type="checkbox"/>  
Person ID <b>417</b> Add Seq# _____	Person ID _____ Add Seq# _____

8b. Landowner(s) New to system <input type="checkbox"/>  	8d. WUC New to system <input type="checkbox"/>  <b>8A</b>
Person ID _____ Add Seq# _____	Person ID <b>417</b> Add Seq# _____

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/20**     N & P Date to Comply: \_\_\_\_\_

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: **2/19/20**    By: **LI**  
 Date Entered: **2/26/2020**    By: **LMoody**

File No. **38599**      11. County: **CR**      Basin: **SPRING RIVER**      Stream: **NA**      Formation Code: **830**      Special Use: **NA**

12. Points of Diversion											Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files	
										Rate gpm	Quantity mgly	Rate gpm	Quantity mgly		

**NO CHANGE**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **32.983MGY @400GPM COM/W CR06 & 3702**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:    Allocation Type \_\_\_\_\_    Start Year \_\_\_\_\_    5 YR Amount \_\_\_\_\_    Amount Unit \_\_\_\_\_    Base Acres \_\_\_\_\_    Comment \_\_\_\_\_

16. Place of Use T 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				
CK	17448	5	29	25E	1	WITHIN THE CITY OF ARMA & IMMEDIATE VICINITY																	7a 38598	NO	CR 007, 3702 &
CK	21434	5	29	25E	2	WITHIN THE CITY OF NORTH ARMA & IMMEDIATE VICINITY																	7a 38598	NO	CR 007, 3702 &
CK	4855	5	29	25E	3	WITHIN THE CITY OF FRANKLIN & IMMEDIATE VICINITY																	7a 38598	NO	CR 007, 3702 &
ENT	69870	5	29	25E		WITHIN BOUNDARIES OF RWD #2, CRAWFORD CO, KS																	7a 38598	NO	CR 007, 3702 &
DEL	63185	5	29	25E	4	WITHIN BOUNDARIES OF RWD #7, CRAWFORD CO, KS																	7a 38598	NO	CR 007, 3702 &

Comments:



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** February 24, 2020

**FROM:** Leslie Ireland

**RE:** Vested Right, File No. CR 006  
Water Right, File Nos. 3,702; 38,598  
& 38,599

John Gorentz, Utilities Supervisor, City of Arma, has filed applications for approval to change the place of use for the reference file numbers which are authorized the diversion of groundwater for municipal use. The applications were received on November 8, 2019.

The referenced rights appear not be abandoned as per K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. A 2013 compliance check by the Topeka Field Office did not indicate any major problems. The actual points of diversion were updated by the 2013 changes. It appears the applications comply with K.A.R. 5-5-2a, *Complete change application*. As the applications propose to change the place of use without any additional increase in the place of use, no notification of nearby well owners will be necessary per K.S.A. 82a-1906.

The proposed change to the place of use appears to be due to the reorganization of Crawford Rural Water District No. 7 being absorbed by Crawford Rural Water District No. 2.

The referenced files overlap in the place of use which is currently described as:

The City of Arma and immediate vicinity; the City of North Arma and immediate vicinity, and the City of Franklin and immediate vicinity and within the boundaries of Crawford Rural Water District No. 7 and immediate vicinity.

The authorized place of use will be updated to list the RWD as No. 2 and will also include the county and state designation that is now the practice.

The City of Arma and immediate vicinity; the City of North Arma and immediate vicinity; the City of Franklin and immediate vicinity; and within the boundaries of Crawford Rural Water District No. 2 and immediate vicinity, all in Crawford County, Kansas.

The approvals should not result in pumping in excess of the authorized quantity due to the historical purchasing of water. The change in place of use appears to comply with K.A.R. 5-5-3, *Historical consumptive use*.

Water flow meters meeting the specifications of the Chief Engineer will continued to be required. A check valve on each well will be required if any chemical or foreign substance is injected into the water through either of the diversion works.

Katie Tietsort, Water Commissioner of the Topeka Field Office has recommended approval of the proposed changes per her email dated February 19, 2020.

Based on the above discussion, that the change to the place of use is reasonable, will not result in an increase in consumptive use, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications for change be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation of Water Program

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  
 Point of Diversion  
 Use Made of Water

(Check one or more)

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1152

KS DEPT OF AGRICULTURE

File No. 38599

2. Name of applicant: City of Arma (John Gorentz - Utilities Supervisor)

Address: Attn: 701 E Washington, PO Box 829

City, State and Zip: Arma, KS 66712

Phone Number: (620)347-4125 E-mail address: arma\_shop@ckt.net

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

Name of water use correspondent: Applicant

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): \_\_\_\_\_

In 2015, CR RWD 7 was absorbed by CR RWD 2. RWD 7 was on the authorized place of use for the city's water rights.

However, the reorganization resulted in the City of Arma providing water to RWD 2, which has a larger physical footprint.

This application adds CR RWD 2 to the authorized place of use for the city's water rights.

The change(s) (was) (will be) completed by Upon approval

(Date)

**For Office Use Only:**

F.O. 1 GMD 9 Meets K.A.R. 5-5-1 (YES/NO) Use MUN Source G/S County CR By DAW Date 11/8/19  
Code CPV Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 11/8/19 Check # 446636

APPLICATION COMPLETE  
2/19/20  
Reviewer LI



4. The presently authorized place of use is:

Owner of Land — NAME: City of Arma

ADDRESS: Attn: 701 E Washington, PO Box 829, Arma, KS 66712

Twp.	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
Sec.	the City of Arma and immediate vicinity; the City of North Arma and immediate vicinity, and the City of Franklin and immediate vicinity and within the boundaries of Crawford Rural Water District No. 7 and immediate vicinity.																

List any other water rights that cover this place of use. CR06, 3702, & 38598

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: City of Arma

ADDRESS: Attn: 701 E Washington, PO Box 829, Arma, KS 66712

Twp.	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
Sec.	the City of Arma and immediate vicinity; the City of North Arma and immediate vicinity, and the City of Franklin and immediate vicinity and within the boundaries of Crawford Rural Water District No. 2 and immediate vicinity. <i>*all in Crawford county, Kansas,*</i>																

List any other water rights that cover this place of use. CR06, 3702, & 38598

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. \_\_\_\_\_

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

NOV 08 2019

\* LI/DWA  
2/19/20

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- 6. The presently authorized point(s) of diversion is one well  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) (no change)  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SE Quarter of the SW Quarter of Section 5, Township 29 South, Range 25 EAST, in Crawford County, Kansas, 566 feet North 2935 feet West of Southeast corner of section. Authorized Rate 220 gpm Authorized Quantity 32.983 mgd Limited to 32.983 mgd @ 400 gpm com/w CR06 & 3702 (DWR use only: Computer ID No. 2 GPS 566 feet North 2935 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 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 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 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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter 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 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 \_\_\_\_\_

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

**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 (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.  
No operational changes occurring. The file that pertains to this application is authorized for adequate annual quantity  
to continue to operate in compliance.
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(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to (no change) (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to (no change) 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](http://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.

Impairment is not an issue as this is a change in place of use only.

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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

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**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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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 CITY HALL / ARMA, Kansas, this 25<sup>TH</sup> day of OCTOBER, 20 19.

JOHN GORBENTZ [Signature]  
(Owner) (Spouse)

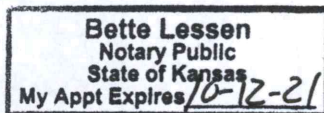
(Please Print) (Please Print)

(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 25<sup>th</sup> day of October, 20 19.

[Signature]  
Notary Public

My Commission Expires OCT. 12, 2021

**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.**

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KS DEPT OF AGRICULTURE SCANNED







## Ireland, Leslie [KDA]

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**From:** Tietsort, Katie [KDA]  
**Sent:** Wednesday, February 19, 2020 2:52 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Recommended Change in Place of use, City of Arma File Nos. Cr 006\_3702xx

38,599

Hi Leslie,

These changes looks ready to move forward. Thanks for all your work on them.

Have a great day!

Katie

Katie Tietsort  
Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)  
785-296-5733

Kansas Department of Agriculture  
Division of Water Resources  
Topeka Field Office  
6531 S.E. Forbes Ave, Suite B  
Topeka, KS 66619

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Wednesday, February 19, 2020 12:45 PM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Subject:** Recommended Change in Place of use, City of Arma File Nos. Cr 006\_3702xx

Katie,

Standard stuff... did update the PU description to include Crawford County , Kansas as these are all within this co & state.

Please let me know if you could recommend these changes and as always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources - Change Unit  
(785) 564-6633  
[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



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

CITY OF ARMA  
JOHN GORENTZ, UTILITIES SUPERVISOR  
701 E WASHINGTON  
PO BOX 829  
ARMA KS 66712

February 28, 2020

**FILE COPY**

RE: Vested Right, File No. CR 006  
Water Right, File Nos. 3,705; 38,598 & 38,599

Dear Mr. Gorentz:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the reference files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

KAB:LI:li:  
Enclosures  
pc: Topeka Field Office

THE STATE  OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT  
FILE NO. 38,599**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of John Gorentz, Utilities Supervisor, for the City of Arma, 701 E. Washington, PO Box 829, Arma, Kansas 66712, received in this office on November 8, 2019, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated May 9, 2012, approving the application to change the place of use and to more accurately describe the location of the authorized 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 place of use shall be:

the City of Arma and immediate vicinity; the City of North Arma and immediate vicinity; the City of Franklin and immediate vicinity; and within the boundaries of Crawford Rural Water District No. 2 and immediate vicinity, all in Crawford County, Kansas,

located substantially as shown on the plat accompanying the application to change the place of use.

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. 38,599, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 13, 2001, as modified and amended by the aforementioned order.

Ordered this 25<sup>th</sup> day of February, 2020, 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 25<sup>th</sup> day of February, 2020, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, 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 28<sup>th</sup> day of February, 2020, I hereby certify that the attached Approval of Application for the Change in Place of Use for Water Right, File No. 38,599, dated: February 25, 2020 was mailed postage prepaid, first class, US mail to the following:

City of Arma  
Troy Graham, City Administrator  
701 E Washington  
PO Box 829  
Arma, KS 66712

With photocopies to:  
Topeka Field Office



Division of Water Resources