

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

1. File Number: 46699	2. Status Change Date: 8/28/2020	3. Change Num: C2	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: 16-DEC-2019
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID 58472 Add Seq# 1 ATCHISON RWD 05 CONSOLIDATED Attn: BOOKKEEPER 11068 286TH RD LANCASTER, KS 66041	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID 58472 Add Seq# 1 ATCHISON RWD 05 CONSOLIDATED Attn: BOOKKEEPER 11068 286TH RD LANCASTER, KS 66041	8d. WUC New to system <input type="checkbox"/> Person ID 58472 Add Seq# 1 ATCHISON RWD 05 CONSOLIDATED Attn: BOOKKEEPER 11068 286TH RD LANCASTER, KS 66041
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: _____

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: **08/24/20** By: **RAK**
 Date Entered: **9/1/2020** By: **LMoody**

File No **46699** 11. County: **AT** Basin **DELAWARE RIVER** Stream: Formation Code: **100** Special Use:

12. Points of Diversion										Rate and Quantity				
CHK										Authorized		Additional		
MOD										Rate	Quantity	Rate	Quantity	Overlap PD Files
DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	gpm/cfs	af/mgy	gpm/cfs	af/mgy	
ENT														
NO CHANGE														

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

14. Limitation: _____ Limitation: _____ af/yr at _____

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				
MOD 58511	27	6	17E	2	WITHIN BOUNDARIES OF ATCHISON RWD 05 CONSOLIDATED & IMMEDIATE VICINITY																8A	NO	46699, 46700 & 46701		
MOD 61807	27	6	17E	3	WITHIN BOUNDARIES OF THE CITIES OF ATCHISON, EFFINGHAM, LANCASTER, NORTONVILLE, VALLEY FALLS AND THEIR IMMEDIATE VICINITIES																8A	NO	46699, 46700 & 46701		
MOD 61808	27	6	17E	4	WITHIN BOUNDARIES OF DONIPHAN CO RWD NOS. 3 & 5 AND THEIR IMMEDIATE VICINITIES																8A	NO	46699, 46700 & 46701		

Base Acres: Year: Minimum Reasonable Quantity: Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: August 24, 2020

FROM: Richelle A. Krueger

RE: Appropriation of Water
File Nos. 46,699, 46,700 and 46,701

Rhonda S. Snyder, on behalf of Atchison Rural Water District No. 5 Consolidated, Atchison County, Kansas, has filed applications for approval to change the place of use for the referenced file numbers which are authorized groundwater in the Delaware River basin for municipal use.

The referenced final numbers do not appear abandoned as per K.S.A. 82a-718. The perfection period for the referenced file numbers expires on December 31, 2028.

The referenced file numbers have no overlaps in their authorized points of diversion and are each authorized 81.463 million gallons per calendar year (250 acre-feet) for municipal use within the boundaries of Consolidated Rural Water District No. 5, Atchison County, Kansas and immediate vicinity; within the boundaries of the City of Atchison, Kansas, the City of Lancaster, Kansas, the City of Nortonville, Kansas, the City of Valley Falls, Kansas and their immediate vicinities; and within the boundaries of Rural Water District Nos. 2 and 3, Doniphan County, Kansas and their immediate vicinities.

In a phone conversation on July 21, 2020, Rhonda Snyder indicated that they are a backup to the City of Effingham, and that Rural Water District No 2 Doniphan County has merged with Rural Water District No. 5, Doniphan County, so they propose to properly add them to their authorized place of use. The place of use will be described as:

within the boundaries of Consolidated Rural Water District No. 5, Atchison County, Kansas and immediate vicinity; within the boundaries of the City of Atchison, Kansas, the City of Effingham, Kansas, the City of Lancaster, Kansas, the City of Nortonville, Kansas, the City of Valley Falls, Kansas and their immediate vicinities; and within the boundaries of Rural Water District Nos. 3 and 5, Doniphan County, Kansas and their immediate vicinities.

The justification for the quantities of water appropriated was submitted with the original applications. It appears that the District would have sufficient quantities at this time to supply the new customers.

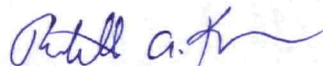
Nearby well owners within one-half mile of the authorized points of diversion were notified of the proposed change in place of use to comply with K.S.A. 82a 1906 by letters dated August 6, 2020. No responses have been received as of today's date.

The same local source of supply will not change which has been previously determined to be Quaternary System (100)

In an e-mail dated August 20, 2020, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the referenced change applications.

Water flow meters are required. Check valves will be required if chemigating.

Based on the above discussion, that the changes are reasonable, 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 be approved.



Richelle A. Krueger
Environmental Scientist

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 PLACE OF USE
APPROPRIATION OF WATER
FILE NO. 46,699**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Rhonda S. Snyder, on behalf of Consolidated Rural Water District No. 5, Atchison County, Kansas, 11068 286th Road, Lancaster, Kansas 66041, received in this office on December 16, 2019, for approval of a change in the location of the place of use under the Approval of Application, File No. 46,699, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated February 25, 2011, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, 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 place of use shall be:

within the boundaries of Consolidated Rural Water District No. 5, Atchison County, Kansas and immediate vicinity; within the boundaries of the City of Atchison, Kansas, the City of Effingham, Kansas, the City of Lancaster, Kansas, the City of Nortonville, Kansas, the City of Valley Falls, Kansas and their immediate vicinities; and within the boundaries of Rural Water District Nos. 3 and 5, Doniphan County, Kansas and their immediate vicinities,

located substantially as shown on the maps 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 Approval of Application, File No. 46,699, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated August 24, 2007, as modified and amended by the aforementioned order.

Ordered this *28* 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 *28* day of *August*, 2020, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

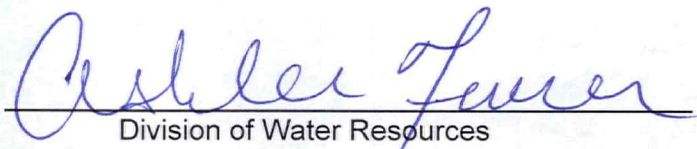
CERTIFICATE OF SERVICE

On this 1 day of September, 2020, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 46,699, dated 28 August, 2020 was mailed postage prepaid, first class, US mail to the following:

ATCHISON RWD 05 CONSOLIDATED
Attn: RHONDA S SNYDER
11068 286TH RD
LANCASTER, KS 66041

With photocopies to:

Topeka Field Office


Division of Water Resources

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

ATCHISON RWD 05 CONSOLIDATED
Attn: RHONDA S SNYDER
11068 286TH RD
LANCASTER, KS 66041

September 1, 2020

RE: Appropriation of Water, File Nos. 46,699, 46,700 and 46,701

Dear Ms. Snyder:

Enclosed are the orders executed by the 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 enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Division of Water Resources

RAK

pc: Topeka Field Office