

File No. **FI 001** 13. County: **FI** Basin: **ARKANSAS RIVER** Stream: **NA**
 Structures File No: Aquifer Code: **211 OGALLALA** Special Use Area: **ARK RIVER IGUCA 016**

14. Points of Diversion, Rates & Quantities										Qty 480 mgy		Rate 1736 GPM		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
DEL	31347	17	24	32W	24	1710	2175	PLUGGING WELL #16 - LOT 4 - EAST VILLAGE - CHESTNUT									+
ENT	90972	SE NW SE	17	24	32W		1734	1779									+
CHK	26873	NC NW SE	18	24	32W	20	1950	1960	WELL #18 L-4 BLK 2 - LIBRARY								+
CHK	30504	SW SW SE	18	24	32W	19	170	2035	WELL #17 - BLK 77 - PARK								+
CHK	35721	NW NE SW	17	24	32W	22	2515	3330	WELL #13 - L 19 BLK 1 PINE & CENTER								+
CHK	68226	LOT 2 SW NW	18	24	32W	22	2950	5000	WELL #9 L-17, BLK 7 OF JONES CITY, KS - AYALA PARK								+
CHK	69663	NW NE NE	13	24	33W	65	4980	1296	WELL #1 L-11 BLK A BANCROFT & KELLO								+
CHK	85900	NW NE SE	13	24	33W	67	2382	1047	BLK #7 @ FULTON & SPENCER								+

15. Limitations Type: Quantity: Rate: **gpm** combined with file no(s): **NONE BLANKET Q & R**
 Type: **Other** Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2024

17. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PDIV	S T R ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
NO	CHG																			<input type="checkbox"/>	*
																				<input type="checkbox"/>	^^

18. Point of Diversion and Place of Use Overlaps
+ FI 001 519 1230 4665 *
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: April 17, 2024

FROM: Leslie Ireland

RE: Vested Right, File No. FI 001
Water Right, File Nos. 519; 1,230 & 4,665

Fred Jones, Water Resource Manager for the City of Garden City owner of the referenced files authorized for municipal use filed applications for approval to change the points of diversion. The applications for municipal use were received on March 27, 2023. The files authorizing several wells are located in the Arkansas River Basin and Arkansas River Intensive Groundwater Use Control Area (IGUCA), Finney County, and Groundwater Management District No. 3 and are on the Southeast part of the City.

The water rights do not appear to be abandoned per K.S.A. 82a-718 and are in compliance with K.S.A. 82a-732. Notice per K.S.A. 82a-1906 was completed by published notice and letters dated February 20, 2024. No comments were received. The applications appear to comply with K.A.R. 5-5-2a.

The referenced rights are four of the thirteen appropriations serving the City. The four (4) referenced files authorize seven wells to divert at a limited 5,555 gallons per minute supplying 1,027.695 million gallons (3,153.88 acre-feet) of groundwater from the Ogallala Formation, just North of the Arkansas River under File Nos. FI 001; 519; 1,230 & 4,665.

The proposed change is to construct a new well due to loss of production and mechanical failure. The well located in Section 17, approximately 1,710 ft North and 2,175 ft West of the Southeast corner of Section 17, in Township 24 South, Range 32 West, Finney County will be plugged. The average annual diversion of this well has been 155 acre-feet. This well had been further identified in the WRIS database as L-4, EAST VILLAGE REPLAT TO G C, KS.

The new well is proposed to be constructed approximately 396 feet to the East of the well being plugged. The new point of diversion will authorize a well described as being located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, approximately 1,734 ft North and 1,779 ft West of the Southeast corner of Section 17, in Township 24 South, Range 32 West, Finney County. This well has been referenced as Chestnut Site. The applicant indicates a move within 300 feet is not an option due to land utilization and ownership constraints.

The move will parallel the Arkansas River and due to the Southward meandering of the river may increase the distance to the River. The location appears to comply with the Ark River IGUCA. The distance move of 395 feet complies with Part(d) K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, as the move is less than 2,640 feet.

The log of the proposed well completed by Downey Drilling Inc., in December of 2022, indicated a static water level of 93 feet and a completed depth of 250 feet. The lithology of this area and the proximity of the new well indicate the diversion of water is in the same local source of supply, Ogallala Formation (Code 211). The well will be required to be constructed to preclude alluvium sourced water. The submitted information indicates this has been considered in the design of the well. The approval will contain the wording restricting the withdraw of the water from the Ogallala Formation. The applicant also submitted an electric log and laboratory analysis, indicating chloride levels are not an issue at this time.

The total combined quantity, of File No. FI 001, 519; 1,230 & 4,665 of 1,027.695 million gallons (3,153.88 acre-feet) requires a well to well spacing of 2,300 feet per part a of K.A.R. 5-23-3a. The City requested **a waiver of Part (a)(1) of K.A.R. 5-23-3** for the City well to be authorized under the referenced files as there are two(2) irrigation wells and a thermal exchange well approximately 1,900 feet away. There are also domestic wells allowed within this area.

The applications were submitted to the Southwest Kansas Groundwater Management District. In a letter dated April 12, 2024, Jason Norquest, Assistant Manager of GMD 3 stated the Board recommended the **applications be approved with the requested waiver of well to well spacing**. The recommendation included some drawdown modeling completed by GMD3. Their review included a Theis utilizing inputs from their model. This determined the proposed change is unlike to impair and considered the proposed change to be reasonable.

The needed **waiver of Part (a)(1) of K.A.R. 5-23-3** has been prepared.

Mike Meyer, Water Commissioner of the Garden City Field Office reviewed the summary memo and application. In his email of April 17, 2024, he indicated that he had no objection to the applications.

Conditions of the approvals will require the installation of water flowmeters and check valves if chemigating. The well log WWC-5 has been supplied and will not be a condition of the approvals. A water level measurement tube will be applicable and the wording for constructing the well to preclude alluvium sourced water. The transmittal letter will remind the City that all nonpermitted wells should be plugged or capped, but all wells currently authorized will remain permitted. The initial completion date will be December 31, 2024.

Based on the above discussion, that the requested waiver is approved, that no change in the local source of supply will occur, the changes appear to be reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of the proposed changes that may be affected by the approvals. It has been recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, April 17, 2024 2:41 PM
To: Ireland, Leslie [KDA]
Subject: RE: File Nos. FI 001 519 1230 4665 Review and Recommendation of Change in Point of Diversion

Approve
thanks

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, April 17, 2024 2:26 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: FW: File Nos. FI 001 519 1230 4665 Review and Recommendation of Change in Point of Diversion

Mike,

Here is the waiver and this time the memo too....

Leslie Ireland

From: Ireland, Leslie [KDA]
Sent: Wednesday, April 17, 2024 11:24 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: File Nos. FI 001 519 1230 4665 Review and Recommendation of Change in Point of Diversion

The summary memo and waiver is attached.

Please let me know if you'd recommend approval.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
VESTED RIGHT
FILE NO. FI 001**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Fred T. Jones, on behalf of the City of Garden City, Post Office Box 998, 301 North Eight Street, Garden City, Kansas 67846-0998, received in this office on March 27, 2023, for approval of a change in the point of diversion under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 62001, Finney County, now identified as Vested Right, File No. FI 001, as modified and amended by the Orders of the Chief Engineer, dated April 19, 1984, January 13, 2003, November 10, 2003, and January 31, 2017, approving applications to change the point of diversion, 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 points of diversion shall be:

one (1) well in Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, more particularly described as being near a point 1,734 feet North and 1,779 feet West of the Southeast corner of said section,

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 2,515 feet North and 3,330 feet West of the Southeast corner of said section,

one (1) well located near the center of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 18, more particularly described as being near a point 1,950 feet North and 1,960 feet West of the Southeast corner of said section,

one (1) well located in the Northwest Quarter of Lot 2 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, more particularly described as being near a point 2,950 feet North and 5,000 feet West of the Southeast corner of said section,

one (1) well located in Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 18, more particularly described as being near a point 170 feet North and 2,035 feet West of the Southeast corner of said section,

in Township 24 South, Range 32 West, and

one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 4,980 feet North and 1,296 feet West of the Southeast corner of said section,

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 2,382 feet North and 1,047 feet West of the Southeast corner of said section,

in Township 24 South, Range 33 West,

all in Finney County, Kansas,

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

That the applicant shall cause the new well under this water right to be constructed so that the source of supply will be restricted to withdrawal of water from the Ogallala aquifer, thereby precluding withdrawal of water from any overlying alluvial aquifer and assure that an adequate seal be placed as described on the well log accompanying the application, so as to minimize leakage of water between the alluvial and Ogallala aquifer.

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.

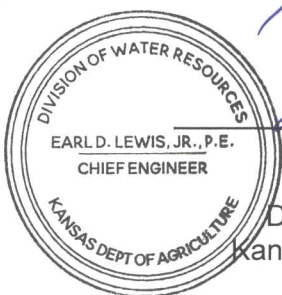
Installation of the works for diversion of water shall be completed on or before December 31, 2024, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

The water right owner shall properly install acceptable water meters 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 meters 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 readings of said water meters and the total quantities 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.

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.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. FI 001, is as stated and set forth in the vested right order, executed by the Chief Engineer on January 27, 1955, as modified and amended by the aforementioned orders.

Ordered this *22nd* day of *May*, 2024, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *22nd* day of *May*, 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public



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

May 29, 2024

FRED JONES
CITY OF GARDEN CITY
PO BOX 998
GARDEN CITY KS 67846-0998

RE: Vested Right
File No. FI 001

Water Right
File Nos. 519, 1,230 and 4,665

Dear Mr. Jones:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. The additional existing limitations on the referenced files remain as detailed in the certificate and previous orders. A condition of the approvals is that acceptable water flowmeters must be installed on the diversion works authorized. Please return the required *Notice of Completion* form for the installation of the meter as soon as this action is completed. The form and other information may be found at our web site <http://agriculture.ks.gov/dwr>.

Abandoned wells 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.

Since these orders modify the Order establishing the Vested Right and the Certificates of Appropriation for the above referenced water rights, they should be recorded with the Register of Deeds as other instruments affecting real estate.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your reports online at www.kswaterusereport.org.

CITY OF GARDEN CITY

File Nos. FI 001, 519, 1,230 and 4,665

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If you have any questions, please contact us at 785-564-6640, or our staff at the Garden City Field Office at 620-279-2901. 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 Application and Change Unit Supervisor
Water Appropriation Program

KAB:kak:li

Enclosures

pc: Garden City Field Office
Southwest Kansas GMD No. 3

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 request an evidentiary hearing before the Chief Engineer or 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.

CERTIFICATE OF SERVICE

On this 29 day of May, 2024, I hereby certify that the attached Approvals of Application for Change in Point of Diversion, under Vested Right, File No. FI 001, and Water Right, File Nos. 519, 1,230 and 4,665, dated May 22, 2024, were mailed postage prepaid, first class, US mail to the following:

FRED JONES
CITY OF GARDEN CITY
PO BOX 998
GARDEN CITY KS 67846-0998

With a Photocopy to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3



Division of Water Resources