

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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.

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1:04

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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

File No. 02724
Sumner County Vested Right No. 002

2. Name of applicant: City of Mulvane - Attn Kent Hixson

Address: 211 N. 2nd Avenue

City, State and Zip: Mulvane, Kansas 67110

Phone Number: () _____ E-mail address: khixson@mulvanekansas.org

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

Name of water use correspondent: City of Mulvane

Address: 211 N. 2nd Avenue

City, State and Zip: Mulvane, KS 67110

Phone Number: () _____ E-mail address: khixson@mulvanekansas.org

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

Existing City Wells 1 and 2 have been inactive for an extended period of time, and significant rehabilitation or re-drilling would be required to bring these wells back into service.

The City is experiencing increasing demand from normal growth and the recently built casino. Rather than re-drill three well sites at extended cost and in proximity to existing contamination sources, the City would like

to consolidate Sumner County Vested Right No. 2 and Water Right No. 02724 to a central well location.

The change(s) (was) (will be) completed by _____ December 31, 2017
 (Date)

For Office Use Only:					
F.O. <u>2</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 <u>(YES)</u> / NO	Use <u>MUN</u>	Source <u>(G) S</u> County <u>SU</u>	By <u>ASW</u> Date <u>12/13/16</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>12/13/16</u>	Check # <u>43396</u>	

12/14/2016 CCM

4. The presently authorized place of use is:

Owner of Land — NAME: No Changes
 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. _____

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: No Changes
 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. _____

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES DIVISION

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6. The presently authorized point(s) of diversion (is) (are) Two Wells (Mulvane City Wells 1 and 2)
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) One Well
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 6, Township 30 South, Range 2E (E/W), in Sumner County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 250 GPM Authorized Quantity 54 MGY or 165.849AF
 (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 Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 1, Township 30 South, Range 1E (E/W), in Sumner County, Kansas, 4035 feet North 1585 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 This point is: Additional Well Geo Center List other water rights that will use this point SU002 Pending Change App

9. **Presently authorized point of diversion:**
 One in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 6, Township 30 South, Range 2E (E/W), in Sumner County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate 500 GPM Authorized Quantity 96.387 MGY 295.801AF
 (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 Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 1, Township 30 South, Range 1E (E/W), in Sumner County, Kansas, 4035 feet North 1585 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 This point is: Additional Well Geo Center List other water rights that will use this point SU002 Pending Change App

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. Existing Wells 1 & 2 will be plugged and abandoned or placed into inactive status in compliance with KDHE and DWR regulations

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 Changes purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
No changes to place of use or use made of water, consumptive use will not increase.

(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). 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.

Please see attached documentation regarding same source of supply, aquifer testing, and groundwater to surface water interaction. The City remains committed to investing in sustainable and reliable water resources to meet a growing demand without impairing existing water resources. The City has attached a cover letter and will be supplying additional documentation in support of the applications.

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.

Please see attached documentation regarding same source of supply, aquifer testing, and groundwater to surface water interaction.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS WELL AS WATER RESOURCES RECEIVED

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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 12-6-16 Mulvans Kansas, this 6 day of December, 2016.

<u>Kent L. Hixson</u> (Owner)	_____	(Spouse)
<u>Kent L. Hixson</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Sedgewick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6 day of December, 2016.



Debra M. Parker
Notary Public

My Commission Expires 3-27-19

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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Water Well Owners within ½ Mile of Proposed Point of Diversion

1. Butts, Bradley C, 205 S Central AVE, Mulvane, KS 67110
2. Street, Medlody A, 1486 N Estfan Road, Mulvane, KS 67110
3. Street, Meloday A, 1478 N Estfan Road, Mulvane, KS 67110
4. Rooker, Ronald Lee, 1466 N Estfan Road, Mulvane, KS 67110
5. McDonald, Larry, 1456 N Estfan Road, Mulvane, KS 67110
6. McDonald, Larry, 1456 N Estfan Road, Mulvane, KS 67110
7. McDonald, Jonathan & Abbie, 1438 N Estfan Road, Mulvane, KS 67110
8. Humbolt, Larry, 1435 N Deacon RD, Mulvane, KS 67110
9. McDonald, Larry, 1247 E 144rth Ave N, Mulvane, KS 67110
10. Moore, 1269 E 144th Ave N, Mulvane, KS 67110
11. Humbolt, Bonie 1273 E 144th Ave N, Mulvane, KS 67110
12. Parker, Ian & Meliessa, 1456 N Estfan RD, Mulvane, KS 67110
13. Hamm, Larry & Linda, 1299 E 119th St, Mulvane, KS 67110
14. BIGGS PROPERTIES LLC, 13889 SW 214TH ST, DOUGLASS, KS 67039
15. LENTZ MELVIN & BERNITA LIVING TRUST, 1325 WOODLAND ST, EMPORIA, KS 66801

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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

December 13, 2016

CITY OF MULVANE KENT HIXSON
1020 S KANSAS AVE FL 2
211 N 2ND AVE
MULVANE , KS

FILE COPY

RE: File No. 2724

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary





Governor Sam Brownback

BAT: dlw
pc: STAFFORD Field Office GMD



Proposed Well Location
 Sec 1, T30S, R1E
 4035' N & 1585' W

Legend

-  Proposed_Well_Site
-  Mulvane City Wells
-  NHD FLOWLINES
-  Public Land Survey System

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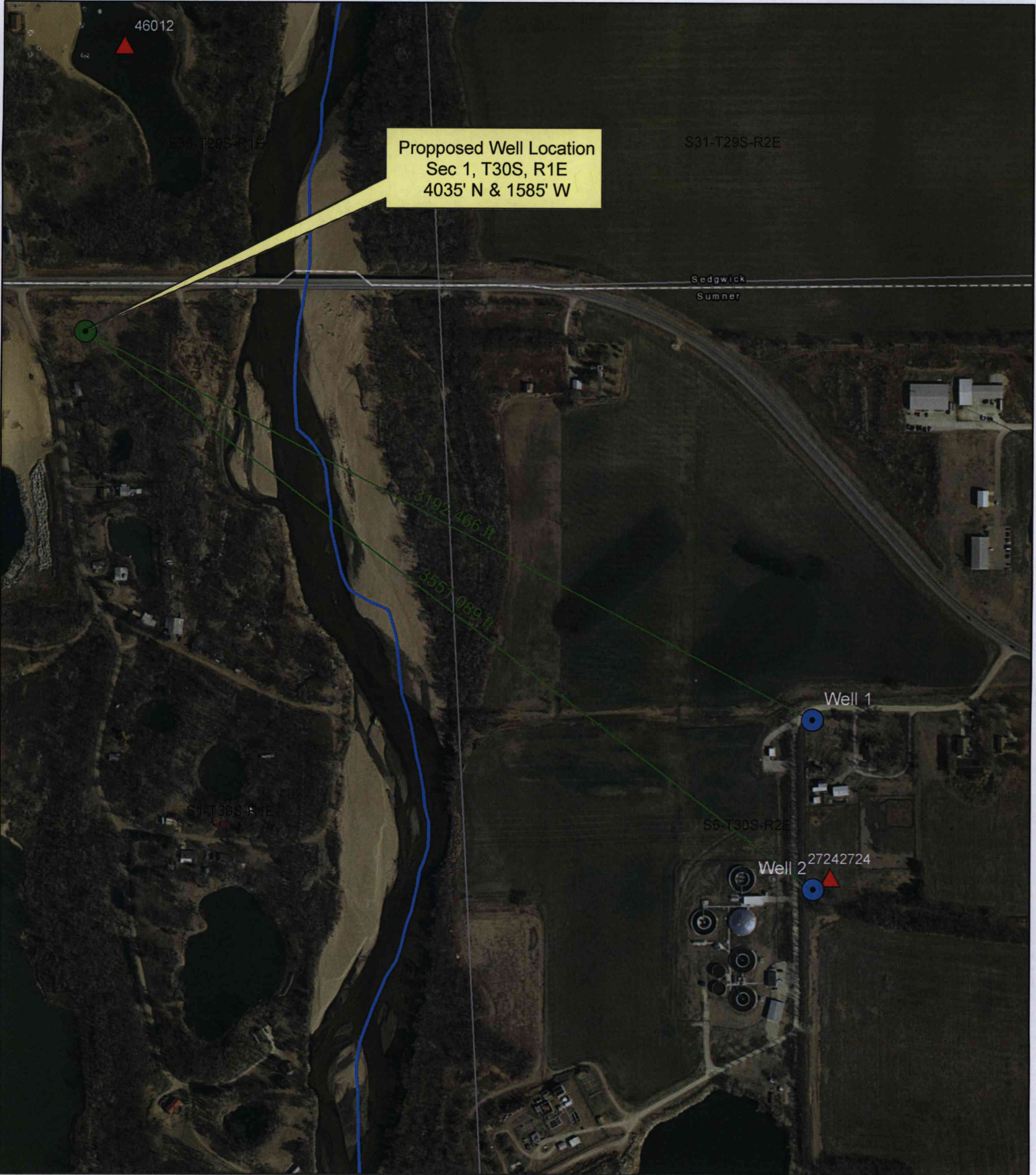


1:6,000

**BURNS
 McDONNELL**



City of Mulvane
 Change Application Map
 Water Right No. 02724
 Distance to River Centerline



Legend

- Proposed_Well_Site
- Area Water Rights (Priority Number)
- Mulvane City Wells
- TMDL_RIVERS
- Public Land Survey System

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1:6,000

0 250 500 1,000

Feet

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BURNS & MCDONNELL



City of Mulvane
 Change Application Map
 Water Right No. 02724
 Well Relocation Distances



Proposed Well Location
 Sec 1, T30S, R1E
 4035' N & 1585' W

<p>Legend</p> <ul style="list-style-type: none"> ▲ Area Water Rights (Priority Number) ● Mulvane City Wells Public Land Survey System Mulvane ROWTP 	<p style="text-align: center;">N</p> <p style="text-align: center; font-size: 24px;">1:24,000</p> <p style="text-align: center;">0 750 1,500 3,000</p> <p style="text-align: center;">Feet</p> <p style="text-align: center; color: red; font-weight: bold;">DEC 12 2016</p> <p style="text-align: center; font-weight: bold;">BURNS MCDONNELL</p>	<p style="text-align: center;">City of Mulvane Change Application Map Water Right No. 02724</p>
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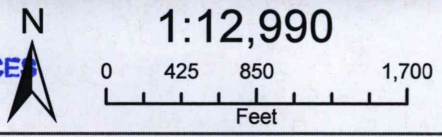




Legend

-  Proposed_Well_Site
-  Mulvane City Wells
-  NHD FLOWLINES
-  Public Land Survey System

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 KS DEPT OF AGRICULTURE



1:12,990

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City of Mulvane
 Change Application Map
 Water Right Nos.
 02724 & SU002
 Well Owners 1/2 Mile