

Kansas Department of Agriculture
Division of Water Resources

CHANGE: PU WORKSHEET & ORDER IN THE MATTER OF POINTS OF DIVERSION

1. File Number: 35810	2. Status Change Date: 4/27/2018	3. Change Num: C1	4. Field Office: 02	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 11/9/2017
8a. Applicant(s) New to system <input type="checkbox"/> CITY OF KIOWA LOU LEONE CITY ADMINISTRATOR PO BOX 228 KIOWA KS 67070-0228		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> CITY OF KIOWA PO BOX 228 KIOWA KS 67070-0228		8d. WUC New to system <input type="checkbox"/> 8b Person ID 9423 Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2018 <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 3/12/2018 By: LI Date Entered: 5/1/2018 By: UM				

File No. **35810** 11. County: BA Basin: SANDY CREEK Stream: Formation Code: 112 Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Additional Rate gpm	Additional Quantity af	Overlap PD Files
MOD	11288	NW	NW	NW		28	32	10W	5	5148	4799	GPS UPDATE					NONE

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) **350GPM COM/W #35809 AS LISTED IN CHG NO CHANGE**
 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 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							
CK	31462	2	35	11W	1	CITY OF KIOWA & IMMEDIATE VICINITY																				8b	NO	35809 BA 004
DEL	33209	16	34	10W	1	CITY OF HAZELTON & IMMEDIATE VICINITY																					YES	17507
ENT	68869	2	35	11W		WITHIN RWD #2 BARBER CO																				8b	NO	35809 BA 004
ENT	68870	2	35	11W		½ MILE OF PIPELINE 27-32S-10W TO HAZELTON & KIOWA																				8b	NO	35809 BA 004
ENT	688682	35	11W	1		CITY OF HAZELTON & IMMEDIATE VICINITY																				8b	NO	35809 BA 004
DEL	5122																											

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **The City of Hazelton had its right shown as a place of use. It should be independent of the right for the City of Kiowa.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 25, 2018

FROM: Leslie Ireland

RE: Vested Right, File No. BA 004
Appropriation of Water, File Nos. 35,809 & 35,810;

Lou Leone, City Administrator, for the City of Kiowa as owner of the referenced municipal rights filed applications on November 9, 2017, for approval to change the place of use to add the Barber County Rural Water District No. 2, (Barber RWD 02). The project is to update the existing practice of an emergency connection to the District and the place of use authorized under the vested right.

The referenced rights appear not be abandoned as per K.S.A. 82a-718, and in compliance with K.S.A. 82a-732. The appropriations will not perfect until the 2022. The nearby wells were several and the area within the City has monitoring wells so a notice was published in the *Kiowa News* the week of March 7, 2018. Letters were also sent to KGS identified well owners within one-half mile of the authorized points of diversion. Several calls were received from the letters and one from the public notice, but no objections to the proposed change in place of use was received.

The referenced files currently served the City of Kiowa, the City of Hazelton and the transmission pipeline between these cities and the two wells under the appropriations located in Section 28, Township 32, Range 10 West, Barber County. Due to historical carbon-tetrachloride contamination the Vested Right only has the City of Kiowa listed as a place of use, but the definition of a municipal right is its common distribution system and the two wells under the vested right appear to be part of the common distribution system.

The approvals will not impact the need or permitted total quantity of 140.0 **million gallons per year (429.8 AF)** under the referenced files as the supply is for emergency use, and the other places of use have been previously authorized. The City of Hazelton is served by its own right, File No. 17,507 and Barber RWD 02 is authorized under File Nos. 24,844 & 32,612. All of the place of use that will be authorized by the referenced files is located within the boundaries of the rural water district.

As the City of Kiowa has water available for perfection, the changes should not significantly increase the historical consumptive use and comply with K.A.R. 5-5-3, *Change in consumptive use*. Additionally, the historical quantity pumped and the projected use would indicate that the 2017 submitted conservation plan is current.

As the use is municipal use the incomplete overlap between the two cities and pipeline is allowed by K.A.R. 5-3-5n, *Authorized place of use*. It appears that the proposed changes that will serve the place of use currently authorized by the City of Hazelton, who has their own right, under File No. 17,507. The WRIS database currently shows File Nos. 35,809 & 35,810, under the authorized place of use for the City of Hazelton, but the rights are the City of Kiowa, so this will be updated, to show only the City of Hazelton as owner of File No.17,507.

Will not violate K.S.A. 82a-735 as the changes are in accordance with the Kansas Water Appropriation Act as required by the statute.

A review of File No. BA 004 found the standby designation for the authorized wells. It appears to have been done to maintain the points of diversion from abandonment due to the contamination. The order will remove the standby designation. This order also placed the feet distances of the remaining wells in WRIS, but not on the 2001 order.

The location of the wells under the referenced files have been determined by GPS. One of the two wells authorized by the vest right will move from Section 36 to 35, but the feet distances indicate this well may have always been in Section 35. All of the updated locations are less than 300 feet from the authorized locations with the exception of the old vested right showing the well in Section 11 to be 306 feet from authorized. The updates all appear to comply with K.A.R.5-5-6, *Failure to construct diversion works at authorized location*. No physical movement of the wells will occur.

Jeff Lanterman, Water Commissioner of the Stafford Field Office has recommended approval of the proposed changes as indicated in his email dated April 25, 2018.

Water flowmeters meeting the specifications of the Chief Engineer will continued to be required under each of the referenced files. Check valves will also be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, will not result in an increase in use beyond what has historically been justified, 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.



Leslie Ireland
Environmental Scientist
Water Appropriation of Water Program

WATER RIGHT INFORMATION REPORT FOR : 35810 00

RIGHT TYPE: Appropriation

SOURCE: Groundwater USE: MUN

CURRENT STATUS: Inspected Pending Perfection - Extended Time To Perfect

PRIORITY DATE: 11-DEC-81

CURRENT COMPLETE BY DATE: 31-DEC-83

COMPLETION ACKNOWLEDGED DATE: 27-DEC-83

CURRENT PERFECT BY DATE: 31-DEC-22

YEAR PERFECTED:

CERTIFICATE ISSUED DATE:

.....

APPLICANT(S):

> CITY OF KIOWA PO BOX 228 KIOWA KS 67070

> PERSON ID (Old Address Code): 9423

> CORRESPONDENT SEQUENCE NUMBER: 1

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WATER USE CORRESPONDENT(S):

> CITY OF KIOWA PO BOX 228 KIOWA KS 67070

> PERSON ID (Old Address Code): 9423

> CORRESPONDENT SEQUENCE NUMBER: 1

>-----

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ACTION TRAIL:

11-DEC-81 Pending Initial Review

23-APR-82 Approved Pending Completion N+P BY 31-DEC-83 PERF BY 31-DEC-87

01-DEC-83 Sc

27-DEC-83 Completed Pending Inspection

04-DEC-87 Completed - Extended Time To Perfect PERF BY 31-DEC-92

06-MAY-88 Change Application For Place Of Use

27-JUL-88 Change Approved

16-AUG-91 Inspected Pending Perfection

08-JAN-93 Inspected Pending Perfection - Extended Time To Perfect PERF BY 31-DEC-97

09-DEC-93 Inspected Pending Perfection - Extended Time To Perfect PERF BY 31-DEC-02

29-APR-97 Change Application For Place Of Use

27-OCT-97 Change Approved

11-DEC-02 Inspected Pending Perfection - Extended Time To Perfect PERF BY 31-DEC-07

21-NOV-07 Inspected Pending Perfection - Extended Time To Perfect PERF BY 31-DEC-12

16-JUL-08 Compliance Check/In Comp

12-JAN-09 Conservation Plan Scanned Under # Ba 4

28-DEC-12 Inspected Pending Perfection - Extended Time To Perfect PERF BY 31-DEC-17

09-NOV-17 C1 Change App Pu Filed

29-NOV-17 Inspected Pending Perfection - Extended Time To Perfect PERF BY 31-DEC-22

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CONSERVATION CONTRACT ACTION TRAIL:

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CONSERVATION PLAN ACTION TRAIL:

01-MAY-98 Volunteer Plan

12-JAN-09 Approved Conservation Plan

12-JAN-09 Plan Required By Kansas Water Office

31-JUL-98 Approved Conservation Plan

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SPECIAL CONDITIONS:

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QUANTITIES:

>AUTHORIZED 153.400 AF ADDITIONAL 153.400 AF

.....

RATES:

>AUTHORIZED 350.000 gpm ADDITIONAL .000 gpm

.....

LIMITATIONS:

> 350GPM COM/W #35809 AS LISTED IN CHG

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STORAGE QUANTITIES: No active storage quantities associated with MUN use under this water right

STORAGE RATES: No active storage rates associated with MUN use under this water right

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AUTHORIZED POINTS(S) OF DIVERSION

Section 28, T 32, R 10W, ID 5 (Internal PDIV_ID = 11288)

QUALIFIERS: NW NW NW

DIST. FROM SE CORNER: 5180 ft North 4780 ft West

NUMBER OF WELLS: 1

COMMENT: WELL #1

OLD LONGITUDE: 98.420475 OLD LATITUDE: 37.239199

NEW LONGITUDE: 98.420087 NEW LATITUDE: 37.238621

GPS LONGITUDE: 98.420140 GPS LATITUDE: 37.238610

GPS FEET NORTH: 5148 GPS FEET WEST: 4799

COUNTY: BARBER

FIELD OFFICE: STAFFORD FIELD OFFICE

GMD :

BASIN: SANDY CREEK

STREAM:

SPECIAL_USE_AREA(S) :

AQUIFER(S) :

> TRIBUTARY ALLUVIUM

TEST INFORMATION:

> 05-JUN-91 284 gpm Field Inspection Test

METER ACTION TRAIL:

METER INFORMATION:

Date Installed : Currently Installed? Y

> Manufacturer: NEPTUNE Model: T-10

> Type: Positive Displacement Serial No.: 1129

> Meter Unit: Gallons Meter Size: 10 Inch Multiplier: 00

> Portable Pump Installation? Multiple PDs? Straightening Vanes? Y

> Measuring Chamber? Y Meter Comment: JOCKEY PUMP METER

METER INFORMATION:

Date Installed : Currently Installed? Y

> Manufacturer: NEPTUNE Model: T-10

> Type: Positive Displacement Serial No.: 1128

> Meter Unit: Gallons Meter Size: 1 Inch Multiplier: 00

> Portable Pump Installation? Multiple PDs? Straightening Vanes? Y

> Measuring Chamber? Y Meter Comment:

OVERLAPS:

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AUTHORIZED PLACE(S) OF USE

Section 2, T 35, R 11W, ID 1 (Internal PUSE_ID = 31462)

OWNER: CITY OF KIOWA

Address:

** PO BOX 228
 ** KIOWA KS 67070

COMMENT: CITY OF KIOWA & IMMEDIATE VICINITY

OVERLAPS:

> A 35809 00 MUN
 > V BA 4 00 MUN

Section 16, T 34, R 10W, ID 1 (Internal PUSE_ID = 33209)

OWNER: CITY OF HAZELTON

Address:

** 408 E MAIN
 ** HAZELTON KS 67061

COMMENT: CITY OF HAZELTON & IMMEDIATE VICINITY

OVERLAPS:

> A 17507 00 MUN
 > A 35809 00 MUN

Section 33, T 33, R 10W, ID 1 (Internal PUSE_ID = 51222)

OWNER: CITY OF KIOWA

Address:

** PO BOX 228
 ** KIOWA KS 67070

COMMENT: WITHIN IMMEDIATE VICINITY TRANSMISSION PIPELINE

OVERLAPS:

::::::::::::::::::

WATER USE INFORMATION:

Year	Qualifiers	SC	ID	Date Rcvd	Hours	GPM	Acre-feet	Code	Ac_Irr	Date Msrd	Wtr_Dp	Well_Dp	Reel	Blip
2017	5180N	4780W	28	5		N/A			N/A	N/A				
2016	5180N	4780W	28	5 22-FEB-17		92.6	M N/A			N/A	N/A	98	1835	
2015	5180N	4780W	28	5 22-FEB-16		310	90.2	M	N/A			14	79	94 2192
2014	5180N	4780W	28	5 02-FEB-15		310	113.3	M	N/A			N/A	N/A	90 1604
2013	5180N	4780W	28	5 26-FEB-14		310	87.2	M	N/A			N/A	N/A	86 2015
2012	5180N	4780W	28	5 04-MAR-13		310	97.1	M	N/A			14	79	81 3073
2011	5180N	4780W	28	5 29-FEB-12		310	91.9	M	N/A			14	79	76 2474
2010	5180N	4780W	28	5 25-FEB-11		310	126.4	M	N/A	01-DEC-10		14	79	70 2059
2009	5180N	4780W	28	5 25-FEB-10		310	102.5	M	N/A	01-DEC-10		14	79	64 2746
2008	5180N	4780W	28	5 27-FEB-09		310	122.5	M	N/A	01-DEC-08		14	79	58 2230
2007	5180N	4780W	28	5 08-FEB-08		310	113.4	M	N/A	01-DEC-07		14	79	52 1000
2006	5180N	4780W	28	5 24-JAN-07		310	150.1	M	N/A	01-DEC-06		14	79	46 820
2005	5180N	4780W	28	5 20-JAN-06	1190	310	82.3	M	N/A	01-DEC-05		14	79	40 2201
2004	5180N	4780W	28	5 09-FEB-05	1663	310	117.6	M	N/A	01-DEC-04		14	79	34 1111
2003	5180N	4780W	28	5 01-MAR-04	969	393	87.7	M	N/A	01-DEC-03		14	79	28 1803
2002	5180N	4780W	28	5 14-FEB-03	1174	313	84.1	M	N/A	01-DEC-03		14	79	22 1096
2001	5180N	4780W	28	5 17-JAN-02		132.9	M N/A		01-OCT-01	14		79	16	1202
2000	5180N	4780W	28	5 01-MAR-01	1667	275	98.5	M	N/A	01-JAN-01		14	79	10 1322
1999	5180N	4780W	28	5 17-FEB-00	1815	316	122.0	M	N/A			13	79	99 1580
1998	5180N	4780W	28	5 19-FEB-99	908	306	65.4	M	N/A	01-AUG-98		12	79	97 1459

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

May 2, 2018

FILE COPY

CITY OF KIOWA
LOU LEONE CITY ADMINISTRATOR
PO BOX 228
KIOWA KS 67070-0228

RE: Vested Right, File No. BA 004
Appropriation of Water, File Nos. 35,809 & 35,810

Dear Mr. Leone:

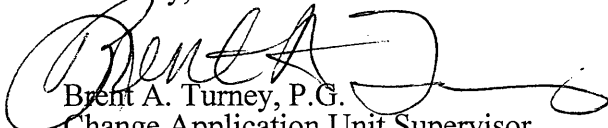
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files. Records in this office indicate that meters are installed on the authorized points of diversion. If a meter has been replaced you must contact the Stafford Field Office at (620) 234-5311.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contract 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,


Brent A. Turney, P.G.
Change Application Unit Supervisor

BAT:LI:li

Enclosure(s)

pc: Stafford Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
AND
ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NO. 35,810**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Lou Leone, City Administrator for the City of Kiowa, PO Box 228, Kiowa, Kansas 67070-0228, received in the office of the Chief Engineer on November 9, 2017, for approval of a change in the location of the authorized place of use under the Approval of Application, File No. 35,810, for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated July 27, 1988, and October 27, 1997, approving the applications 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 place of use shall be:

the City of Kiowa & immediate vicinity; the City of Hazelton & immediate vicinity; within the boundaries of the area served by Barber County Rural Water District Number 2, and the immediate vicinity of the transmission pipeline located in Sections 27, 28, 33 & 34 of Township 32 South, Range 10 West, and in Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33 & 34, of Township 33 South, Range 10 West, and in Sections 3, 4, 9, 10, 17, 20, 21, 29, 30 & 31, of Township 34 South, Range 10 West, and in Section 36, of Township 34 South, Range 11 West, and in Sections 1 & 2, of Township 35 South, Range 11 West, all in Barber County, Kansas,

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

That information in the office of the Chief Engineer finds that the point of diversion would more accurately be defined as:

one(1) well 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 28 more particularly described as being near a point 5,148 feet North and 4,799 feet West of the Southeast corner of said section, in Township 32 South, Range 10 West, Barber County, Kansas.

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 each of 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. 35,810, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated April 23, 1982, remains as authorized, as modified and amended by the aforementioned orders.

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.

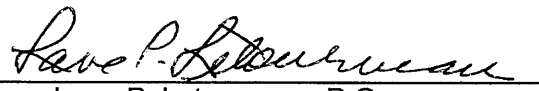
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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.

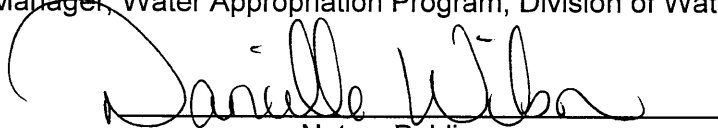
Ordered this 27th day of April, 2018, at Topeka, Shawnee County, Kansas.


 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 27th day of April, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.




 Notary Public

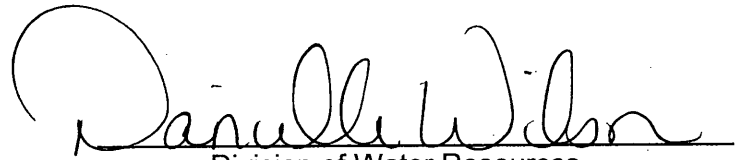
CERTIFICATE OF SERVICE

On this 2nd day of May, 2018 I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Authorized Point of Diversion, Appropriation of Water, File No. 35,810, dated April 27th, 2018 was mailed postage prepaid, first class, US mail to the following:

City of Kiowa
Lou Leone, City Administrator
PO Box 228
Kiowa, KS 67070-0228

With photocopies sent to:

Stafford Field Office


Division of Water Resources

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.

WATER RESOURCES
RECEIVED

NOV 09 2017
11:25

KS DEPT OF AGRICULTURE

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)

File No. 35810

2. Name of applicant: City of Kiowa

Address: PO Box 228

City, State and Zip: Kiowa KS 67070-0228

Phone Number: (620)825-4127 E-mail address: STEVE LEBNICKI
CITY ADMIN@KIOWA.KS.OAG

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

Name of water use correspondent: City of Kiowa

Address: PO Box 228

City, State and Zip: Kiowa KS 67070-0228

Phone Number: (620) 825-4127 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): There is an emergency connection between the City of Kiowa's pipeline and Barber County Rural Water District No. 2. The rural water district is not currently on the place of use for the City's water rights.

The change(s) was completed by _____ (Date)

For Office Use Only:			
F.O. <u>2</u>	GMD <u>2</u>	Meets K.A.R. 5-5-1 (YES/NO) Use <u>MUN</u>	Source <u>G/S</u> County <u>SA</u>
Code <u>CPO</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>11/13/17</u>
		By <u>ADW</u>	Date <u>11/13/17</u>
		Check # <u>30558</u>	

APPLICATION COMPLETE
3/9/18
Reviewer LF

Assisted by: EKF/SFFO
SCANNED

11/15/17 DW

4. The presently authorized place of use is:

Owner of Land — NAME: City of Kiowa

ADDRESS: PO Box 228, Kiowa KS 67070-022

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	
			within the immediate vicinity of the transmission pipeline located in Sections 27, 28, 33 & 34 of 32S-10W and Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33 & 34 of 33S-10W and Sections 3, 4, 9, 10, 17, 20, 21, 29, 30 & 31 of 34S-10W and Section 36 of 34S-11W and Section 1 of 35S-11W, Barber County																
2	35	11W	within the City of Kiowa and immediate vicinity																

List any other water rights that cover this place of use. BA-04 (incomplete overlap) & 35809

Owner of Land — NAME: City of Hazelton (no ownership of WR)

ADDRESS: 408 E Main, Hazelton KS 67061

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	
*16	34	10W	within the City of Hazelton and immediate vicinity																

List any other water rights that cover this place of use. 17507 (Hazelton's water right)

(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 Kiowa

ADDRESS: PO Box 228, Kiowa KS 67070-022

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	
			within the immediate vicinity of the transmission pipeline located in Sections 27, 28, 33 & 34 of 32S-10W and Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33 & 34 of 33S-10W and Sections 3, 4, 9, 10, 17, 20, 21, 29, 30 & 31 of 34S-10W and Section 36 of 34S-11W and Section 1 of 35S-11W, Barber County																
2	35	11W	within the City of Kiowa and immediate vicinity																

List any other water rights that cover this place of use. BA-04 & 35809

Owner of Land — NAME: *City of Hazelton // **Barber RWD 02 (no ownership of WR)

ADDRESS: 408 E Main, Hazelton KS 67061 // PO Box 294, Kiowa KS 67070

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	
*16	34	10W	within the City of Hazelton and immediate vicinity																
**35	33	9W	within the boundaries of Barber Co. Rural Water District No. 2																

List any other water rights that cover this place of use. *17507 (Hazelton's water right) // **24844 & 32612 (BA Co. RWD 02)

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* *LI/own 2/23/18*
From application map.

NOV 09 2017

WATER RESOURCES
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SCANNED
KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for municipal purposes.
It is proposed that the use be changed to --- purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The place of use change is to add BA Co. RWD 02. The connection is an emergency connection only and has been in
existence for years. In addition, File No. 35809 and 35810 are both still in their perfection periods.

(Please show any calculations here.)

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.

Impairment is not expected.

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.

No waivers are anticipated.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES

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6. The presently authorized point(s) of diversion is one well and diversion works
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) ---
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 28, Township 32 South, Range 10 W, in Barber County, Kansas, 5,180 feet North 4,780 feet West of Southeast corner of section.
 Authorized Rate 350 gpm (limited) Authorized Quantity 50 million gallons
 (DWR use only: Computer ID No. 5 GPS 5,148 feet North 4,799 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 none

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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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 Kiowa, Kansas, this 7th day of November, 20 17.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Lou Leone, City Administrator</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Barber } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of November, 20 17.

[Signature]
Notary Public

My Commission Expires July 20, 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:

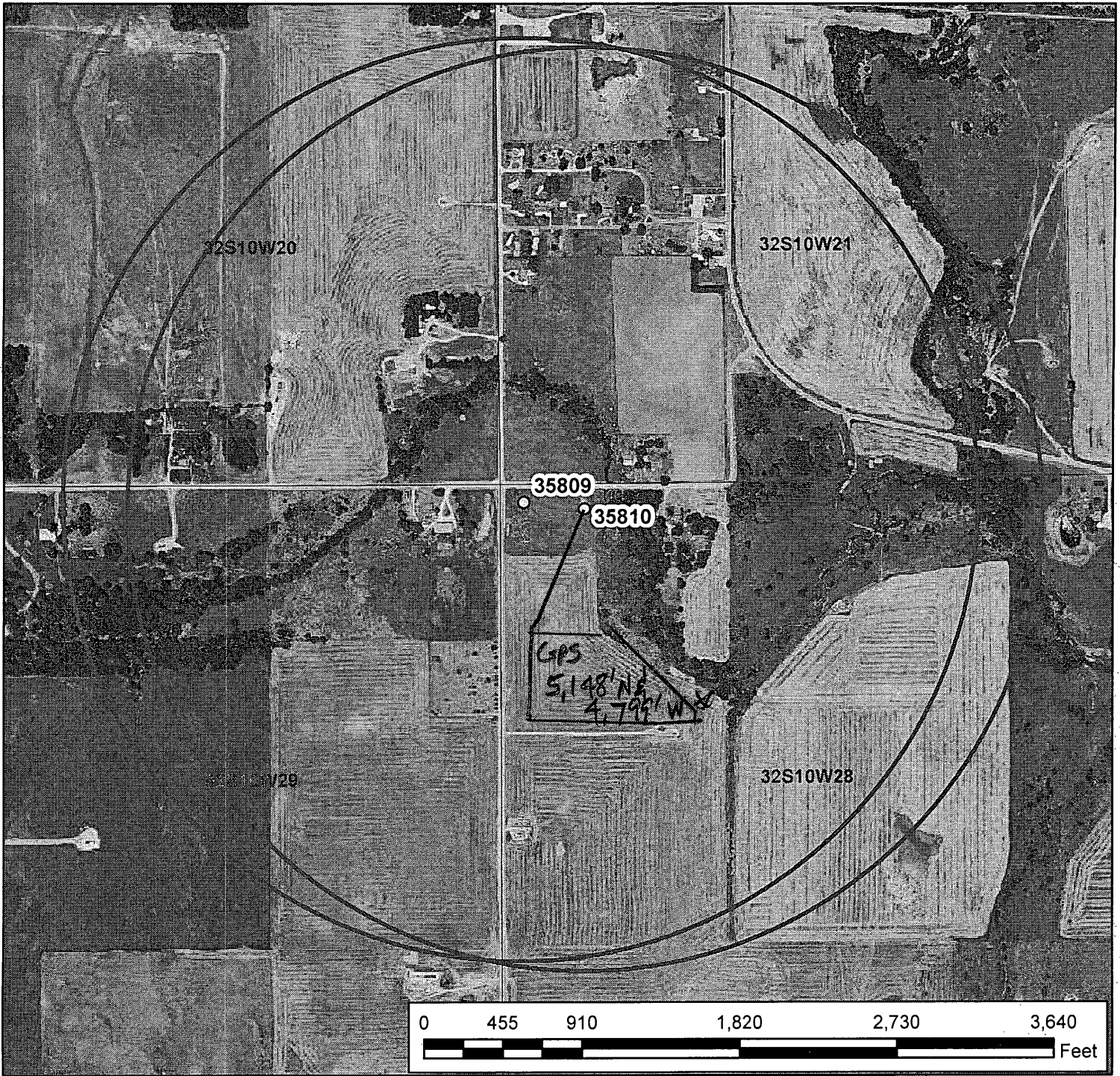
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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KS DEPT OF AGRICULTURE
SCANNED



Legend

- Water Appropriations
- ☆ Domestic Well
- Half Mile Circle
- ▭ Section Line

Water Appropriation, File No. 35809 & 35810

Change in Place of Use Application Map 1 of 3 ** L/DOWN*
 City of Kiowa // Barber County *3/8/18*

To the best of my knowledge, all wells within 1/2 mile of the proposed point of diversion have been shown. **WATER RESOURCES RECEIVED**

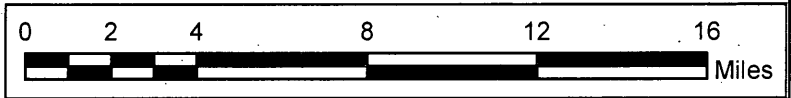
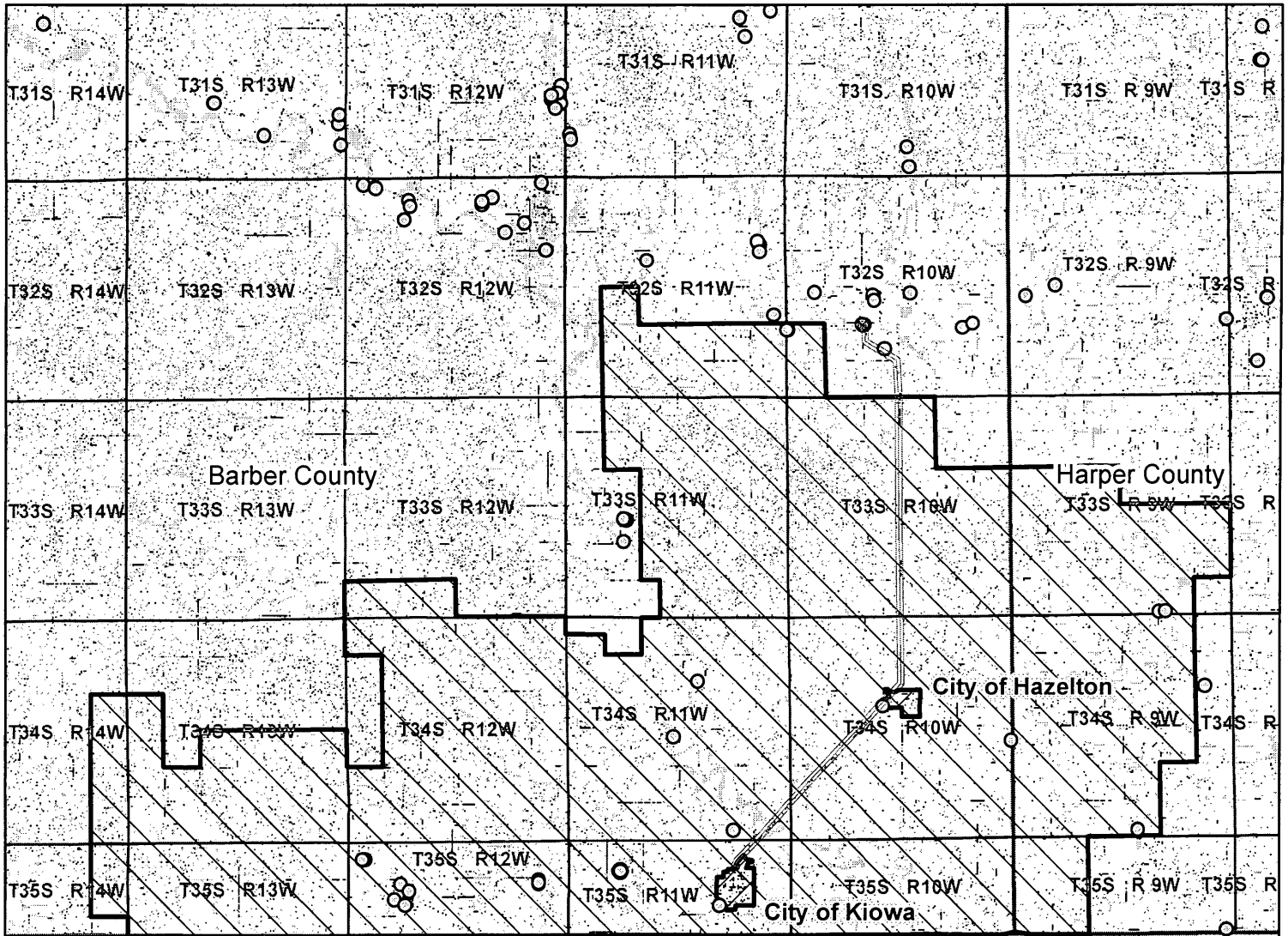


NOV 09 2017

Signature

11/2/17 EKF-SFFO 1:9,500 scale
 KS DEPT OF AGRICULTURE

SCANNED



Legend

- Water Appropriations
- ⊙ Authorized P/Ds
- Transmission Line
- ▨ City Boundary
- ▩ Barber RWD #02
- ▭ Township Line
- ▭ County Line

Water Appropriation, File No. 35809 & 35810

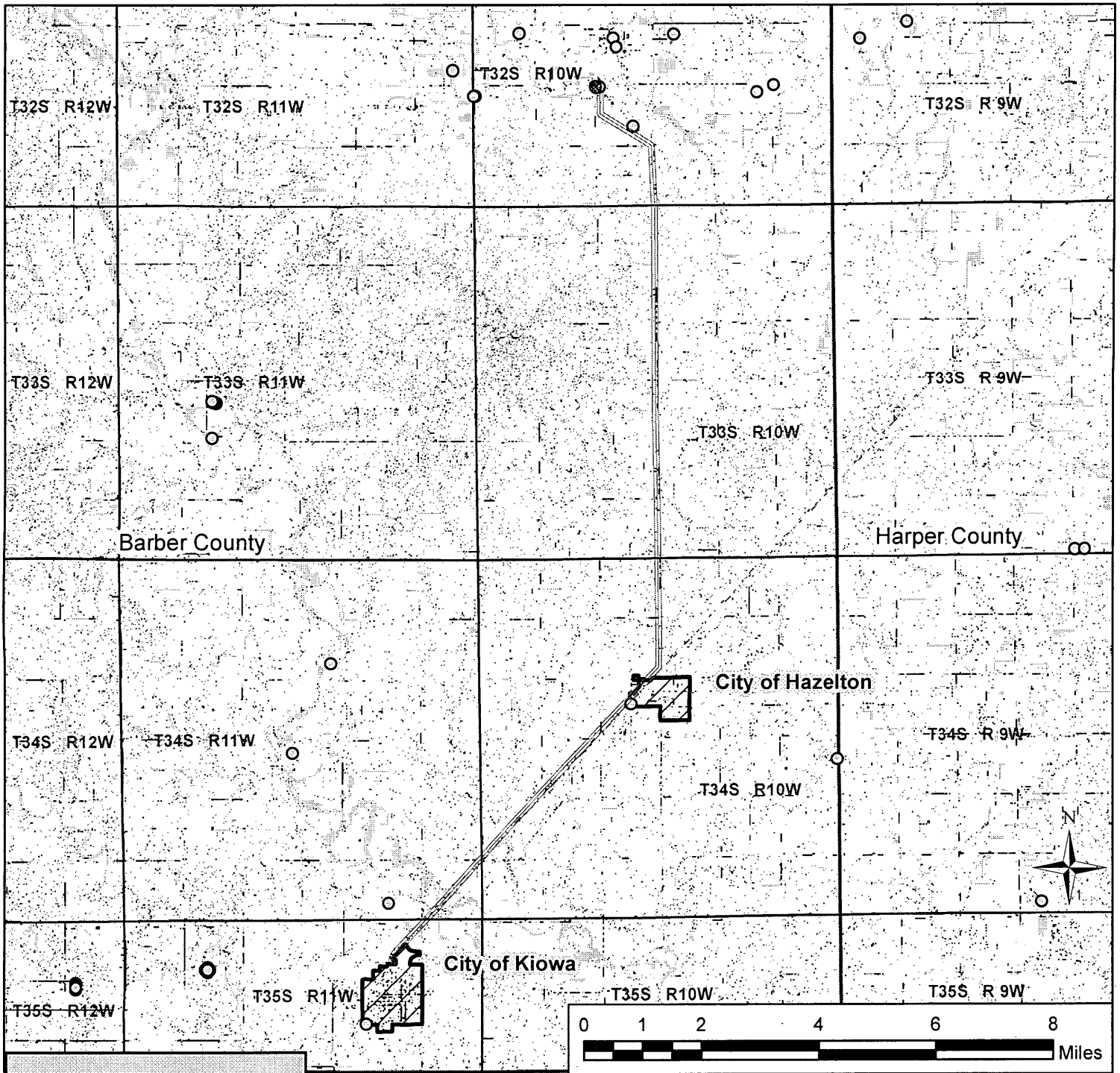
Change in Place of Use Application Map 3 of 3 City of Kiowa // Barber & Harper County

This map shows the Proposed Place of Use, which includes:
 the City of Kiowa and immediate vicinity,
 the City of Hazelton and immediate vicinity,
 the Transmission Pipeline and immediate vicinity and
 Barber County Rural Water District No. 2 and immediate vicinity.

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11/2/17 EKF-SFFO 1:273,000 scale

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 KS DEPT OF AGRICULTURE



Legend

- Water Appropriations
- Authorized P/Ds
- Transmission Line
- ▨ City Boundary
- ▭ Township Line
- ▭ County Line

Water Appropriation, File No. 35809 & 35810

**Change in Place of Use Application Map 2 of 3
City of Kiowa // Barber County**

This map shows the Authorized Place of Use, which includes:
 the City of Kiowa and immediate vicinity,
 the City of Hazelton and immediate vicinity, and
 the Transmission Pipeline and immediate vicinity.

WATER RESOURCES
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NOV 09 2017

From: Ireland, Leslie [KDA]
Sent: Monday, March 26, 2018 11:29 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: City of Kiowa Water Right Change Applications BA004 & 35809-10

Jeff,

I'll add this email and phone call to the comment section of the summary memo for the City of Kiowa memo I sent for your review.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

From: Ireland, Leslie [KDA]
Sent: Monday, March 26, 2018 11:25 AM
To: 'agoering@gs-law.net' <agoering@gs-law.net>
Subject: City of Kiowa Water Right Change Applications BA004 & 35809-10

Alan,

The information about water wells is on the KGS site at <http://www.kgs.ku.edu/Magellan/WaterWell/index.html>

I went ahead and found the information I believe to be the Fenton well. It appears the 2002 well was drilled to 45 feet with a static water level encountered at 16.8 feet. The well was constructed to capture water in the 35-45 foot range. It isn't a deep well, but does have approximately 28 feet of water in the hole.

KSA 82a-711a which limits the source of supply, quantity and rate which does allow for a reasonable raising or lowering of the static water level.

While the applications for change in place of use would indicate the Fentons would not have a problem with their well, if they experience problems with their well and believe it is due to nearby wells, they should notify our field office located in Stafford. Jeff Lanterman is your area water commissioner.

Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521
(620) 234-5311

The two wells under Vested Right, File No. BA 004, are located north of the Fenton well. The City would be considered to still have a right to divert water due in part to the conditions as allowed in KAR 5-7-1, Due & sufficient cause for nonuse. The City's wells are about the same depth.

Should they or you have any additional question please don't hesitate to give me a call.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

Ireland, Leslie [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, April 25, 2018 11:25 AM
To: Ireland, Leslie [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: City of Kiowa Water Right Change Applications BA004 & 35809-10
Attachments: 20180326224241224.pdf; BA004xx_mun_PU_pipelineto dif town_memo __2_0.docx

Leslie.

We suggested these changes and had a meeting with Lou to discuss these issues.

Approve these Leslie.

Jeff

From: Conant, Cameron [KDA]
Sent: Wednesday, April 25, 2018 10:33 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: City of Kiowa Water Right Change Applications BA004 & 35809-10

Jeff, far as I can tell the 3 p/u changes (BA-04, 35809, 35810) have been filed to take care of an existing overlap that is not currently covered. From what I can tell, this was an existing emergency connection that allowed the City of Kiowa wells to also service the Barber Co Rural Water District area. The RWD place of use is not currently covered by the cities place of use. These change applications propose to also cover the RWD area as well as correctly/more accurately describing the points of diversion associated with the City of Kiowa's water rights.

I see no issues here and the FO can recommend approval of these 3 place of use changes. Please pass on to Leslie if you agree.

Cameron

From: Ireland, Leslie [KDA]
Sent: Monday, April 9, 2018 8:57 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: City of Kiowa Water Right Change Applications BA004 & 35809-10

Jeff,

Please let me know if you could recommend the changes for the City of Kiowa.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

1. Enter a Section, Township, Range, Range Direction, Target Longitude and Target Latitude
2. Click on the "Load New Section Data" Button

Valid Entry? Yes Tells you if this is a valid section.
 Current Record? Yes Tells you if the currently loaded section matches the target section.

Load New Section Data

File No. 35810

Corner Coordinates from LEOBASE

Corner	Corner Latitudes	Corner Longitudes	
SW	37.224548	98.421814	Corner defined
NW	37.239014	98.421753	Corner defined
NE	37.239136	98.403564	Corner defined
SE	37.224472	98.403656	Corner defined

Corner	Distances from Corners Feet North(+)/South(-)	Feet East(-)/West(+)	Point In Section? Yes
SW	5120	-487	5120 ft N and 487 ft E of SW corner
NW	-147	-470	147 ft S and 470 ft E of NW corner
NE	-192	4826	192 ft S and 4826 ft W of NE corner
SE	5148	4799	5148 ft N and 4799 ft W of SE corner

NW NW NW

MS DEPT OF AGRICULTURE
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DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. _____ County Barber
File No. 35,810 Overlap PU File No(s). BA004 & 35,809
Agency KDA/DWR Inspector Mies

In Compliance/ Date	
<input checked="" type="checkbox"/> Yes	<u>7-16-08</u>
<input type="checkbox"/> No, see comments	_____
<input type="checkbox"/> Re-investigation	_____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other SCKMO

Date of Order 1/19/07 Date of N of C Ack _____ Chg No. C _____ Date completed _____ If PD chg, old PD ID _____

Current Landowner City of Kiowa Phone No. 620-825-4127

Address PO Box 228 - Kiowa KS 67070
Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same as owner Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation

Water currently being used for Municipal

Source: Groundwater Surface Water Basin/Stream Medicine Lodge River

Authorized Point of Diversion: NW NW NW Sec. 28, T. 32S, R. 10W ID No. 5

Approximately 5180 ft. North and 4780 ft. West of SE corner of Sec 28.

Actual Point of Diversion: NW NW NW Sec. 28, T. 32S, R. 10W

Approximately 5148 ft. North and 4799 ft. West of SE corner of Sec 28.

How were distances determined? GPS and Leobase EST Accuracy _____ Meas Cnt. _____ Latitude 37.23861 Longitude 98.42014

Distance from old pd _____ ft (N / S) and _____ ft (E / W) Old well: plugged capped equipped other: _____?

Location (site) map attached? NO Sketch or Map below

Does the place of use appear as authorized? YES If no explain below.

WELL INFORMATION:

Date Drilled Dec 1983 Original Depth 80 ft. Static Water Level When Drilled 13.6 ft.

Water level measurement tube required? YES Water level measurement tube present? YES

Static Water Level NO Air Line Depth to water _____ ft. below LSD Location of M.P. _____

Comments: These meters have been installed since before FIR in 1991. Meters OK.

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AUG 01 2008

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

March 1, 2018

ADDRESS LIST

RE: Vested Right, File No. BA 004
Water Right, File Nos. 35,809 & 35,810

Dear Sir or Madam:

This letter is to provide notice for the water rights listed above as required by K.S.A. 82a-1906, which became effective on July 1, 2016.

The City of Kiowa, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The applications propose to change the place of use authorized for municipal use under Vested Right, File No. BA 004, and the Appropriation of Water, File Nos. 35,809 & 35,810, to update the place of use as it exists. The proposed existing place of use is described as being, the City of Kiowa & immediate vicinity; the City of Hazelton & immediate vicinity; within the boundaries of the area served by Barber County Rural Water District Number 2, and the immediate vicinity of the transmission pipeline located in Sections 27, 28, 33 & 34 of Township 32 South, Range 10 West, and in Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33 & 34, of Township 33 South, Range 10 West, and in Sections 3, 4, 9, 10, 17, 20, 21, 29, 30 & 31, of Township 34 South, Range 10 West, and in Section 36, of Township 34 South, Range 11 West, and in Sections 1 & 2, of Township 35 South, Range 11 West, all in Barber County, Kansas.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
pc: Stafford Field Office

FILE COPY
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City of Kiowa, File Nos. BA 004; 35,809 & 35,810
Change in Place of Use Applications

Nearby Notice Letter List

Water Right, BA 004

Well A monitoring well
ROGER LEE JR & CHANTAE RENEE SIMPSON
619 S FIFTH ST
Kiowa, KS 67070

Well B MONITORING WELL
LANDOWNER
802 S FOURTH ST
KIOWA KS 67070

Well BB
DEAN & CHARLENE BRINTNALL
809 S FIFTH ST
KIOWA KS 67070

Well C MONITORING WELL
KIOWA DISTRICT HOSPITAL
1002 S FOURTH ST
KIOWA KS 67070

Well CC MONITORING WELL
JOE J & MILDRED FRIEDEN
G 819 S SEVENTH ST
KIOWA KS 67070

Well D MONIORING WELL
DAN & FAY BINDER FAMILY TRUST
138 ARROWHEAD RD
INMAN KS 67546

Well E MONIOTORING WELL
RONALD GENE & MARY ELAINE REV. HILL TRUST
611 HOLMES ST
KIOWA KS 67070

Well F MONIORING WELL
STEVEN T & JOAN FENTON
6255 SE STATE HWY K8,
KIOWA KS 67070

FILE COPY

SCANNED

Well G Monitoring well
CLYDA K. ROARK TRUST NO. 1
4745 SE STATE HWY K2
KIOWA KS 67070

35810

Well H Monitoring well
MEDICINE RIVER RANCH & OIL CO LLC
301 MAIN ST
KIOWA KS 67070

Well I DOMESTIC
TONY R & PAMELA R HESS
418 S SIXTH ST
KIOWA KS 67070

Well J DOMESTIC
JOSHUA J & KAY LEIGH MYERS
718 ROBINSON ST
KIOWA KS 67070

FILE NO. 35809
DOMESTIC WELL STOCKWATERING
CRAIG A & SHELON S SCHMIDT
3701 SE TRI-CITY RD
SHARON KS 67138

RAYMOND C BROUGHTON
10221 SE CARDINAL
SHARON KS 67138

DOUG E & BETTY L SCHMIDT
3769 SE TRI-CITY RD
SHARON KS 67138

Domestic E ½ 29-32-10W
MARY TRAFFAS
9915 SE PLEASANT HILL
SHARON KS 67138

CEMETERY SHARON ASSOC
SHARON, KS 67138

FILE COPY

SCANNED

35 810

Well B

BRADLEY WAYNE & MICHA MICHELLE WERNER
12113 SE PLEASANT HILL
SHARON KS 67138

Well BB

DORIS STONE & JERRY LEE THOMPSON REV TR
% DORIS S THOMPSON
JO EATON REVOCABLE TRUST
1304 STRATHMORE DR
COLUMBIA MO 65203

Well C

M & J FARMS LLC
9682 SE PLEASANT HILL
SHARON KS 67138

Well D

JERRY L & SHIRLEY R LECLAIR
3851 SE BLUESTEM ROAD
SHARON KS 67138

WARREN BENNETT
PO BOX 61
SHARON KS 67138

NW 29-32-10W
MARY TRAFFAS
9915 SE PLEASANT HILL
SHARON, KS 67138

S29, T32, R10, ACRES 199, W2NE4 & E2NW4 & NE4SW4 LESS RD RW
HERBERT F & VONDA S LANDWEHR LIV. TRST
10502 SE WALSTEAD
SHARON KS 67138

FILE COPY

SCANNED



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

CITY OF KIOWA 11/15/17
PO BOX 228
KIOWA, KS 67070

FILE COPY

RE: File No 35810

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 PU
- 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,

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

BAT: DLW
pc: STAFFORD Field Office GMD