

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.

SEP 30 2019
1:09

KS DEPT OF AGRICULTURE



State of Kansas

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**

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the
- Place of Use
 - (Check one or more) Point of Diversion
 - Use Made of Water

File No. SF-02

2. Name of applicant: City of St John

Address: 115 E 4th, PO Box 367

City, State and Zip: Saint John KS 67576-0367

Phone Number: () _____ E-mail address: sjnp@gbta.net

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

Name of water use correspondent: City of St John

Address: 115 E 4th, PO Box 367

City, State and Zip: Saint John KS 67576-0367

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The change proposes to take the file from two (2) points of diversion back to three (3) points of diversion. The file was vested for three points of diversion. The proposed well was originally authorized by this file and is now only authorized by a fire protection term permit. The city wishes to put this well back into use for bulk water sales.

The change(s) will be completed by _____ 12/31/19 _____
(Date)

For Office Use Only:														
F.O.	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	<u>MVN</u>	Source	<u>G/S</u>	County	<u>SF</u>	By	<u>KJN</u>	Date	<u>9/30/19</u>
Code	<u>CGT</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>9/30/19</u>	Check #	<u>200084</u>					

4. The presently authorized place of use is:

Owner of Land — NAME: City of St John

ADDRESS: 115 E 4th, PO Box 367, Saint John KS 67576-0367

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	
4	24	13W	City of St John & Immediate Vicinity																
24	24	13W	KDOT Safety Rest Area-(NW NW)																

List any other water rights that cover this place of use. 3090, 37109 & 37110

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.)

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It is proposed that the place of use be changed to:

Owner of Land — NAME: No Changes

ADDRESS: _____

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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

6. The presently authorized point(s) of diversion are one well and a battery of two wells
(Provide description and number of points)
- The proposed point(s) of diversion are two wells and a battery of two wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: Battery of 2 Wells**

One in the SW Quarter of the NE Quarter of the SE Quarter of Section 33, Township 23 South, Range 13 W, in Stafford County, Kansas, 1,780 feet North 1,263 feet West of Southeast corner of section.
 Authorized Rate 400 gpm Authorized Quantity 80 mgy (blanket)
 (DWR use only: Computer ID No. 3 GPS N/A feet North N/A 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 Lot 2 (NW NE) Quarter of Section 4, Township 24 South, Range 13 W, in Stafford County, Kansas, 4,945 feet North 1,450 feet West of Southeast corner of section.
 Authorized Rate 940 gpm Authorized Quantity 80 mgy (blanket)
 (DWR use only: Computer ID No. 1 GPS N/A feet North N/A 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 Lot 2 (NW NE) Quarter of Section 4, Township 24 South, Range 13 W, in Stafford County, Kansas, no change feet North no change feet West of Southeast corner of section.
 Proposed Rate 500 gpm Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point none

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 SE Quarter of the SW Quarter of the NW Quarter of Section 4, Township 24 South, Range 13 W, in Stafford County, Kansas, 3,426 feet North 4,209 feet West of Southeast corner of section.
 Proposed Rate 440 Proposed Quantity 80 mgy (blanket)
 This point is: Additional Well Geo Center List other water rights that will use this point 20139035

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

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12. The presently authorized use of water is for Municipal purposes.

It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

N/A

(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.

The proposed well was previously authorized by SF-02. A change application approval in 2012 moved SF-02 off this well and a fire protection term permit (20139035) was authorized on the well. The footages used above are from an ArcMap based GPS.

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.

The proposed well was previously authorized by File No. SF-02, it can be considered the same source of supply even though the it is more than 1/2 mile from the other two currently authorized wells. File No. SF-02 was originally vested for three wells. This change is proposing to go back to that. There are some domestic wells within 660 feet of the proposed point of diversion, which will require a waiver of K.A.R. 5-4-4.

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 Stafford County, Kansas, this 24th day of September, 2019.

Mark Bryant

(Owner)
Mark Bryant

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

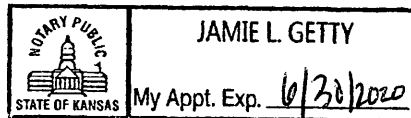
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Stafford } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24th day of September, 2019.

My Commission Expires 6/30/2020

Jamie Getty

Notary Public

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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City of St. John
Council Meeting Minutes

August 20, 2019

I. Call to order

Mayor Bryant called to order the regular meeting of the St. John City Council at 7:00 PM on August 20, 2019 at City Hall. The following persons were present: Mark Bryant, Mayor, Ryan Christie, Marshal Sanders, President, Jim Doran, and Ross Fisher.

II. Additions to the Agenda

- a) Before Department Heads – Unruh Brothers Waste LLC
- b) New business – Engine for power plant
- c) Landbank – 10 minute executive session to discuss property acquisition
- d) Executive session - 10 minute executive session to discuss possible hire
- e) Executive session - 10 minute executive session to discuss employee performance

Sanders moves to approve the additions to the agenda. Christie seconded. No discussion. Motion carries 4-0

III. Citizen Comments

- f) Citizen comments were heard at this time.

IV. Consent Agenda

- a) Regular Council Meeting Minutes- August 6, 2019

Sanders moves to approve the regular council meeting minutes with the proposed changes from August 6, 2019. Christie seconded. No Discussion. Motion carries. 4-0.

- b) Appropriation Ordinance #8-20-19 -\$67,605.61

Christie moves to approve the appropriation ordinance #8-20-19. Doran seconded. Motion carries. 3-1. Sanders abstains.

V. Unruh Brothers Waste LLC

- c) Discussion about the dumpster by the power plant and the franchise agreement.

VI. Committee & Department Head Reports-

- a) Grant Administrator- No Report
- b) Police Chief – No Report
- c) Fire Chief- No Report
- d) City Clerk- Communication about Sun Life Financial contract and the League Delegates and Alternate , Update council on schedule

Christie nominates Marshal Sanders and Esai Macias. Fisher seconded. No discussion. Motion carries. 3-1 Sanders abstains.

- e) City Superintendent- Updated Council on the downspout on the water tower. Started milling on West Street. Updated Council on the City Bus. Communication about road repairs. Jamie and Jeff will look into contacting Stafford about their milling machine.

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- f) City Attorney- Communication about 406 E. 1st and the process that will begin.

VII. Old Business

- a) West Street- Updated Council
- b) Fountain – Updated Council on progress
- c) Truck parking – Jeff had East line surveyed at the Industrial Park so the boundaries are available as well as a plan for lights and a fence. Request for prices to get everything in. Jamie will contact current tenants about contract.
- d) Street signs – Waiting for a corrected approval letter so the signs can be shipped. Mayor requested a sign be put over at the school for when people are coming out of the parking lot that they understand it is a one way street.
- e) Water rights – Jeff informed council of what his intent is with the water rights. ~~Consensus of Council for the Mayor to sign the contract and get started on the process to transfer the rights.~~
- f) Carpet – Discussion about carpet quotes.

Mayor recesses meeting and will reconvene at 8:05pm at the Witt Center. Discussion about repairs. Mayor recesses meeting at Witt Center and will reconvene at 8:17pm in Council chambers. Council directs Jamie to look into a contractor to fix the damages and get a quote on the carpet for the entire building – look into different options for the countertop.

- g) WSU strategic plan – Updated Council on progress and different options. Will update when a formal estimate has been made.
- h) Fireworks ordinance – Communication between

Christie moves to approve Ordinance #1064-19. Discussion between Council members and City Attorney. Motion dies with a lack of second. More discussion.

Doran moves to approve Ordinance #1064-19. Christie seconded. No discussion. Motion carries. 4-0

- i) Rec meters at ball fields – Updated Council that the meters have been installed.

VIII. New Business

- a) Demolition permit –

Sanders moves to give city personnel authority to waive the fees for the demolition permit for blight housing in St. John. Doran seconded. No discussion. Motion carries. 4-0

- b) Engine for power plant – Discussion about the options for the updated engine for the power plant. Jeff will look into the final cost for the entire project and then Jamie will look into obtaining a GO Bond or other options for funding.

Mayor recesses regular meeting to go into the landbank meeting at 9:00pm

IX. Landbank -

- a) Christie moves for a 10 minute executive session to discuss property acquisition to include Mayor, City Council, City Attorney, and City Administrator. Bryant seconded. No discussion. Motion carries 5-0. Meeting will reconvene at 9:11pm.

Adjourn landbank meeting at 9:11pm. Mayor reconvened regular council meeting.

Fisher moves to allow city staff to make an offer on the discussed property under the terms discussed. Bryant seconded. No discussion. Motion carries 4-0

Bryant moves to amend the agenda to discuss the sale of acquired property. Doran seconded. No discussion. Motion carries 4-0.

j) Discuss sale of acquired property from the tax sale.

X. Executive session

- a) Sanders moves for 15 minutes for the City Council to recess into executive session to discuss 2 possible hires and personnel performance pursuant to non-elected personnel matter exception to include City Superintendent Mayor, City Council, City Administrator, and City Attorney. Macias seconded. No discussion. Motion carries. 4-0. Meeting will reconvene at 9:40pm.

Mayor reconvened regular meeting at 9:40pm.

Sanders moves to hire Erik Crowley full time at \$14.00. Doran seconded. No discussion. Motion carries 4-0.

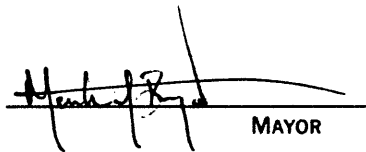
Sanders moves to hire Kason Ziegler part time at \$14.00. Doran seconded. No discussion. Motion carries 4-0.

Sanders moves to move Davin Graves from \$13.00 to \$14.75. Doran seconded. No discussion. Motion carries 4-0.

XI. Adjournment

- a) Next Regular Council meeting will be held Tuesday, September 3, 2019 at 7:00pm at City Hall.

Doran moves to adjourn meeting. Christie seconded. No discussion. Motion carries. 4-0

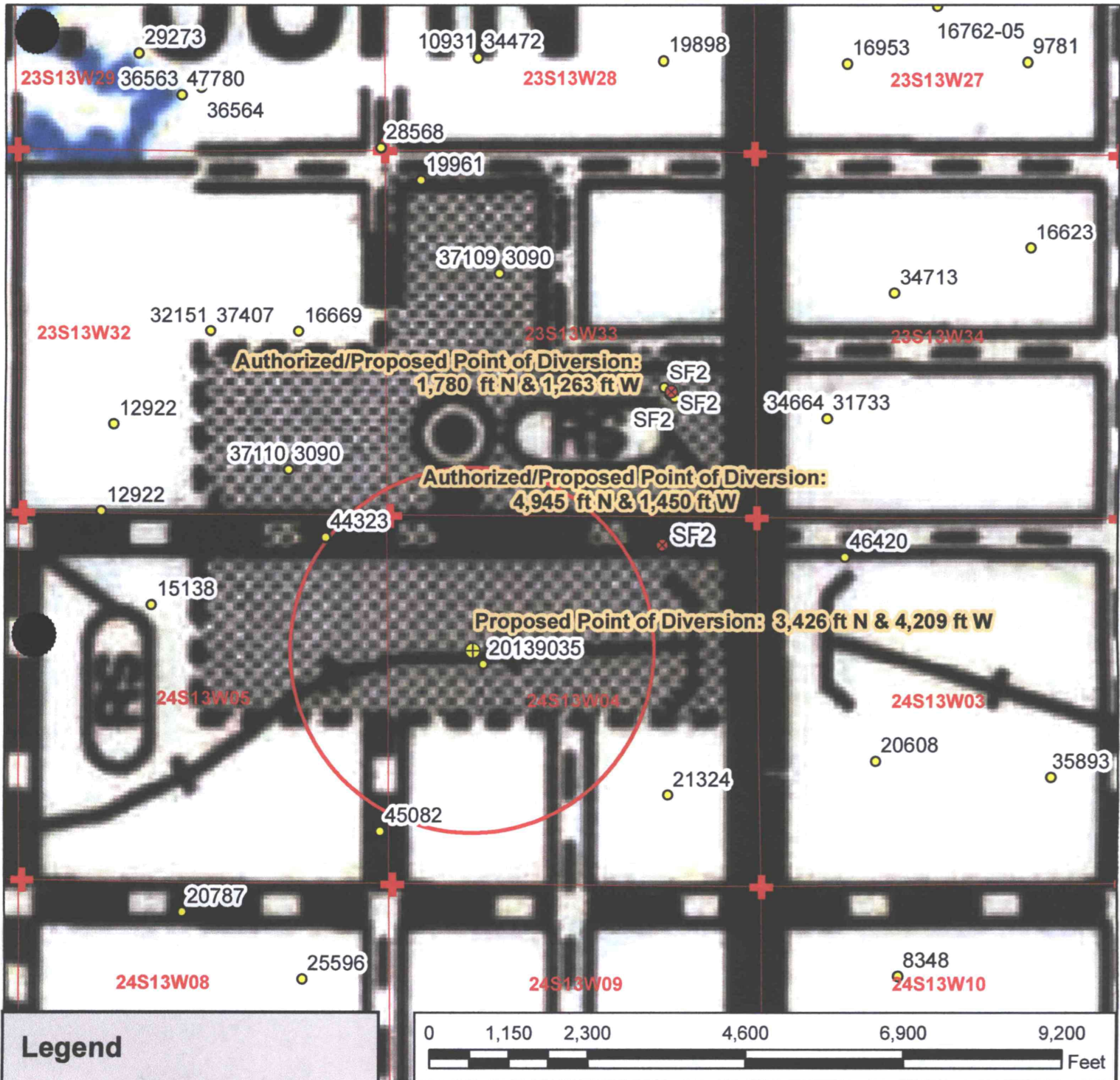

MAYOR


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Legend

- Water Appropriations
- ⊗ Authorized Point of Diversion
- ⊕ Proposed Point of Diversion
- ★ Domestic Well
- Section Corner
- Section Line
- Half Mile Circle

Vested Right, File No. SF-02

Change in Point of Diversion Application Map
 4-24S-13W & 33-23S-13W // Stafford County

Assistance with a public notice is requested due to the large number of domestic wells within 1/2 mile of the proposed point of diversion.



Signature: *[Handwritten Signature]* SEP 30 2019