

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET

1. File Number: RN 008	2. Status Change Date: 9/29/2020	3. Change Num: C4	4. Field Office: 05 2	5. GMD: 02 5
----------------------------------	--	-----------------------------	--	-----------------------------------

6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 2-DEC-2019
---	--

8a. Applicant(s) New to system <input type="checkbox"/> CITY OF TURON PO BOX 366 TURON, KS 67583	8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>18272</u> Add Seq# <u>1</u>
---	---

8b. Landowner(s) New to system <input type="checkbox"/> CITY OF TURON PO BOX 366 TURON, KS 67583	8d. WUC New to system <input type="checkbox"/> CITY OF TURON PO BOX 366 TURON, KS 67583 NO CHANGE
---	---

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/21 N & P Date to Comply: 12/31/21

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **09/17/20** By: **RAK**
 Date Entered: **10/5/2020** By: **L Moody**

File No. **RN 008**

11. County: **RN**

Basin: **NF NINNESCAH RIVER**

Stream:

Formation Code: **180**

Special Use:

12. Points of Diversion

CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate and Quantity				
										Authorized		Additional		
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files

DEL 86353 NW¼ NE¼ NW¼ 9 26S 10W 1 4746 3466 - - - -

ENT **88422** SW¼ SE¼ SE¼ 5 26S 10W 421 967 251.34 gpm 15 MGY 251.34 gpm 15 MGY 19683

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

14. Limitation: _____ cfs) when combined with file number(s) _____

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				

NO CHANGES

Base Acres: Year: Minimum Reasonable Quantity:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **RN008 and 19,683**

FO: **2** GMD: **5**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	12/02/19	42	GMD 5	Change Approval	Exceeds Move Distance
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 5 recommends a waiver of K.A.R. 5-25-2a and approval of the applications.	
K.A.R. 5-25-2a					

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **09/21/20** By **RAK**

Date Entered _____ By _____

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: September 21, 2020
RE: Vested Right
File No. RN 008
Water Right
File No. 19,683

Linda Brown, on behalf of the City of Turon, water rights owner, filed an application for approval to change the authorized point of diversion for File Nos. RN 008 and 19,683, authorized for municipal use in North Fork Ninnescah River Subbasin.

The referenced file numbers do not appear to be abandoned as per K.S.A. 82a-718.

File No. RN 008 is authorized one well which overlaps one of the two points of diversion authorized by File No. 19,683, and both files are authorized municipal use for the City of Turon, Kansas and immediate vicinity. On September 14, 2017, the chief engineer approved an application to change the overlapping point of diversion to the currently authorized location, described as being near a point 4,746 feet North and 3,466 feet West of the Southeast corner of Section 9, Township 26 South, Range 10 West, Reno County. The currently authorized well was never drilled so the City proposes to move the point of diversion, drilling a new well 750 feet west of the well location authorized prior to the 2017 change approvals. The proposed location is 421 feet North and 967 feet West of the Southeast corner of Section 5, Township 26 South, Range 10 West, Reno County, a distance move of approximately 2,967 feet from the currently authorized location. The well authorized solely by File No. 19,683 will be updated with g.p.s. feet distances.

There is only one non-domestic well (well authorized solely by File No. 19,683) located within one-half mile of the proposed well. The signed submitted map indicated four domestic wells within one-half mile of the proposed well. The nearby domestic well owners were notified of the proposed change; no responses were received. It appears well spacing requirements have been met to nearby wells based on the submitted map and WRIS.

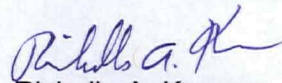
Based on the submitted information, the same local source of supply will not change, which appears to be undifferentiated Kansan/Nebraskan (180).

In a letter dated September 17, 2020, the Board of Directors of Big Bend Groundwater Management District No. 5 recommended approval of the applications and a waiver of K.A.R. 5-25-2a since the proposed change involves a distance move of over 2,640 feet.

In an e-mail dated September 17, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the referenced applications.

A water flow meter is required. A check valve is required if chemigating. A water level measurement tube is also required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if a waiver of K.A.R 5-25-2a is granted by the chief engineer, it has been recommended that the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

WAIVER OF REGULATION K.A.R 5-25-2a(a)

Date: 9.29.2020

Re: Vested Right, File No. RN 008 and Water Right, File No. 19,683

1. That K.A.R. 5-25-2a(a) *Change in point of diversion* states in part that the location of a well requested in an application to change a point of diversion shall be no more than 2,640 feet from the point of diversion currently authorized by a vested right, appropriation right, or an application to appropriate water for beneficial use.
2. File No. RN 008 is authorized one well which overlaps one of the two points of diversion authorized by File No. 19,683, both files are authorized municipal use for the City of Turon, Kansas and immediate vicinity. On September 14, 2017, the chief engineer approved an application to change the overlapping point of diversion to the currently authorized location, described as being near a point 4,746 feet North and 3,466 feet West of the Southeast corner of Section 9, Township 26 South, Range 10 West, Reno County. The currently authorized well was never drilled, so the City proposes to move the point of diversion, drilling a new well 750 feet west of the well location authorized prior to the 2017 change approval. The proposed location, located 421 feet North and 967 feet West of the Southeast corner of Section 5, Township 26 South, Range 10 West, Reno County, involves a distance move of approximately 2,967 feet from the currently authorized location.
3. In a letter dated September 17, 2020, the Board of Directors of Big Bend Groundwater Management District No. 5 recommended a waiver of K.A.R. 5-25-2a and approval of the reference applications.
4. That the referenced applications for File Nos. RN 008 and 19,683 should be approved with waivers of K.A.R. 5-25-2a(a).
5. That the waivers of K.A.R. 5-25-2a(a) will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
VESTED RIGHT
FILE NO. RN 008**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Linda Brown, Mayor, on behalf of the City of Turon, Kansas, 501 East Price, P.O. Box 366, Turon, Kansas 67583, received in this office on December 2, 2019, for approval of a change in the location of the point of diversion under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 628, Reno County, now identified as Vested Right, File No. RN 008, as modified and amended by the Order of the Chief Engineer dated December 7, 1973, approving the application to change the point of diversion, by the Findings and Order of the Chief Engineer dated August 2, 2001, modifying the point of diversion, and by the Orders of the Chief Engineer dated January 13, 2011, February 21, 2012, and September 14, 2017, approving the applications to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

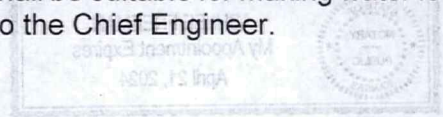
The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

a well located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 421 feet North and 967 feet West of the Southeast corner of said section, in Township 26 South, Range 10 West, Reno County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.



The water right owner shall submit to the Chief Engineer a copy of the well log(s) required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well(s) at the location authorized herein.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. RN 008, is as stated and set forth in the vested right order executed by the Chief Engineer on June 9, 1954, as modified and amended by the aforementioned orders.

Ordered this 29 day of September, 2020, in Manhattan, Riley County, Kansas.



Christopher W. Beightel

Christopher W. Beightel, P.E.
Acting Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29 day of September, 2020, by Christopher W. Beightel, P.E., Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman
Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

CITY OF TURON
501 EAST PRICE PO BOX 366
TURON, KS 67583

October 5, 2020

RE: Vested Right, File No. RN 008
Water Right, File No. 19,683

Dear Sir or Madam:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Vested Right, File No. RN 008 and Water Right, File No. 19,683.

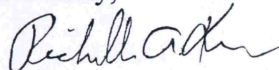
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Please be reminded any abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Since these orders modify the original document referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Sincerely,



Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5

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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

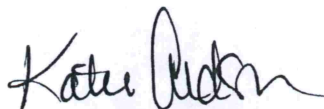
CERTIFICATE OF SERVICE

On this 5th day of October, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. RN 008, dated September 29, 2020 was mailed postage prepaid, first class, US mail to the following:

CITY OF TURON
501 EAST PRICE PO BOX 366
TURON, KS 67583

With photocopies to:

Stafford Field Office
Groundwater Management District No. 5



Division of Water Resources