

Kansas Department of Agriculture
Division of Water Resources
 APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 42722	2. Status Change Date:	4. Field Office: 01 - Topkea GMD: Structures File No.: Filing/Priority Date: 11/3/2023 Application Complete Date:
3. Package File No(s): 24331 & 42722 F&O 42725 (PD DESCRIPTION)		
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change JEFFERSON RWD 13 1951 WELLMAN RD LAWRENCE KS 66044 Person ID 21092 Add Seq#	5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	5d. <input type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: C1 <input checked="" type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: Not changing MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: Perfection/Expiration Date:	7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: MUN-Municipal UMW: UMW:	
8. Action Trail GX C2 - CHANGE APP POINT OF DIVERSION APPROVED - Comp Date: 12/31/2024		
9. Special Conditions NONE		
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr		
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:		
Comments CONSTRUCTION OF NEW WELL – RETAIN OLD AS STANDBY UPDATE FT DISTANCES AND WELL#	Processed LI 7/12/2024	Entered 8/12/2024 KAnderson
	Reviewed KAK 7/26/2024	

File No. **42722** 13. County: **DG** Basin: **KANSAS RIVER** Stream:
 Structures File No: Aquifer Code: **113 MAIN STEM ALLUVIUM** Special Use Area: **NA**

14. Points of Diversion, Rates & Quantities										Qty mg		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)		Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
MOD	28117	NE NW NE	17	12	20E	2	5126	1870	WELL # 2 STANDBY								++
ENT	91160	NE SE NE	17	12	20E		3310	575	NEW WELL		100.00	100.00	800	480			#
																	**
																	++

15. Limitations Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
 Type: **Other** Quantity: Rate: combined with file no(s):

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

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

18. Point of Diversion and Place of Use Overlaps	<p>*</p> <p>+</p> <p># 24331 42722</p> <p>^</p>	<p>**</p> <p>++ 24331 42722</p> <p>##</p> <p>^^</p>
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 15, 2024

FROM: Leslie Ireland

RE: Water Right, File No. 24,331
Appropriation of Water, File No. 42,722

Joe Osborn, Manager for Rural Water District No. 13, (RWD) Jefferson County, has signed the applications for approval to change the point of diversion for the construction of a new well and retain the old well to be designated as a standby well, all authorized for municipal use by the referenced files. The application was received in the office of the Chief Engineer on November 3, 2023. Lewis Funk, P.E., with Bartlett & West assisted with the applications for wells located Northeast of Lawrence in the Kansas River Basin, Douglas County.

The referenced water rights are in compliance and good standing per K.S.A. 82a-718 and 82a-732. The notice needed per KSA 82a-1906 was completed on July 12, 2024 by email. The project was discussed with this nearby well owner who indicated during a phone call they were aware of the project and had no comments or opposition to the project. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application*.

File No. 24,331 authorizes two(2) wells with a blanket quantity of 65.7 million gallons per year (mgy) and each well assigned a limited 320 gallons per minute with the requirement of the wells not exceed 320 gpm when they operate simultaneously. This file has an incomplete overlap in point of diversion with File Nos. 42,722 & 42,725. File No. 42,722 is authorized 100 mgy at a limited rate of 800 gpm with File No. 24,331. The permit states the quantity is limited to 508.5 acre-feet per year or 165.7 mgy with File No. 24,331, providing the full permitted quantity. The owner operates under a 2019 approved Kansas Water Office Conservation Plan.

The wells are located along the northwardly flow of the Kansas River and west of Mud Creek. The source of supply for the referenced files has been determined to be the Main Stem Alluvium (Code 113). The reported existing wells have depths of 80 and 76 feet.

The well identified in our WRIS Database as Well #1 and by the owner as Well #3 (1997 change in point of diversion) which authorized in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) at 5,000 feet North and 1,137 feet West of the Southeast corner of Section 17, Township 12, Range 20 East, Douglas County, will remain as authorized by File Nos. 24,331 & 42,725. The location will be updated to the 2014 Compliance Investigation actual location of 5,021 feet North and 1,105 feet West. A Findings and Order for File No. 42,725 will be completed.

The well identified in our WRIS Database as Well #2 and by the owner as Well #2 authorized in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) at 5,100 feet North and 1,837 feet West of the Southeast corner of Section 17, Township 12, Range 20 East, Douglas County, will be updated to the 2015 Compliance Investigation location of 5,126 feet North and 1,870 feet West. This updated point has been requested to be authorized as a "standby well" by both File Nos. 24,331 & 42,722.

A new well is proposed to be completed approximately 2,230 feet to the Southeast of Well #2, in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) approximately 3,310 Feet North and 575 Feet West of the Southeast Corner of Section 17. It will be authorized as a replacement well for the well identified as Well #2, under File Nos. 24,331 & 42,722, with the new well identified by the owner as Well #4.

A well log completed by Bartlett & West indicates that the test well had a static water level of 57 feet, with a depth of 78.5 feet to the bottom of the well listed as shale. A review of the submitted well log and KGS information indicates that the lithology in this area is uniform and the authorized and proposed are in the same local source of supply.

The proposed change in point of diversion appears to comply with K.A.R. 5-5-13 *Relocation of alluvial wells* as the move of the well is parallel to Mud Creek. It is at a distance from the Kansas River that the move towards it is a very small percentage.

The nearby wells were identified by the applicant on the submitted applications. Review found one(1) industrial use well within one-half ($\frac{1}{2}$) mile of the proposed well. The industrial well for aquaculture under File Nos. 26,460 & 40,000 is located approximately 2,149 feet from the proposed well. The change will move the diversion under the referenced files away from this well. The water use correspondent of the nearby well was informed of the proposed change. It appears spacing to appropriations not owned by the applicant per K.A.R. 5-4-4, *Well spacing*, is met.

Doug Haney, General Manager of The Kansas River Water Assurance District No. 1, was notified on July 10, 2024, of the referenced change to drill a new well by sending him the applications and letter requesting any comments. His same day reply acknowledged receipt and comment of "no impact to the KRWAD#1".

The proposed standby well will be required to meet K.A.R. 5-1-2 (c) *Standby wells*. The approval for the proposed standby well will contain the wording that it shall not be operated at the same time as the primary municipal wells except for maintenance, testing, fire protection or as operation for municipal use when being operated.

The applicant has indicated a completion date of 2024, a December 31, 2024, completion date will be listed. It does not appear unreasonable and complies with K.A.R. 5-8-4, *Construction of diversion works*. Water flow meters are required on the "primary wells" and "standby well", as per the requirements of K.A.R. 5-1-2 (b) *Standby wells*. Check valves will be required, if any chemical or foreign substance will be injected into the water through the diversion works. A water level measurement tube will be required for the new well drilled.

In an e-mail dated July 15, 2024, Nathan Westrup, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the referenced applications for change and updates of the location of the points of diversion.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change request that may be affected by this approval 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 Program

Ireland, Leslie [KDA]

From: Westrup, Nathan [KDA]
Sent: Monday, July 15, 2024 8:54 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation for Change in PD File Nos. 24,331 & 42,722

I have no objection to approval of the proposed changes or the order, more accurately describing the PD (42,725).

Thanks,

Nathan Westrup, Water Commissioner

Topeka Field Office
Division of Water Resources
Kansas Department of Agriculture
Phone: 785-296-7064
Mobile: 785-230-2991
Nathan.Westrup@ks.gov

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, July 12, 2024 5:20 PM
To: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>
Subject: Review and Recommendation for Change in PD File Nos. 24,331 & 42,722

Nathan,

Attached is a summary memo for the new well proposed by RWD #13, JF Co.
The updated applications and correspondence should be in Dware.

Please let me know if you would recommend the proposed changes.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
AND
ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION
APPROPRIATION OF WATER, FILE NO. 42,722**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Joe Osborn, Manager of Rural Water District No. 13, Jefferson County, 1951 Wellman Road, Lawrence Kansas 66044, received in this office on November 3, 2023, for approval of a change in the location of the point of diversion under the Approval of Application, File No. 42,722, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated September 8, 1997, approving the application to change the point of diversion, by the Correction Order of the Chief Engineer, dated December 22, 1997, to correct the date of completion of the diversion works, finds that the change is reasonable and will not impair existing rights, and that the application should be and are 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:

one (1) primary well located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 17, more particularly described as being near a point 3,310 feet North and 575 feet West of the Southeast corner of said section, and

one (1) standby well located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 17, more particularly described as being near a point 5,126 feet North and 1,870 feet West of the Southeast corner of said section, identified as Well #2,

both in Township 12 South, Range 20 East, Douglas County, Kansas,

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

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 well described herein as the standby well shall be used exclusively at such time that any well herein described as a primary well is inoperable due to mechanical, maintenance or power failure, unless the standby well is being operated for maintenance, testing, fire protection, or a similar reason. Use of the standby well shall not exceed the authorized quantity of water or rate of diversion of the primary well or wells it temporarily replaces.

All 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 acceptable water meters on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meters has been completed. The water right owner shall maintain the water meters 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 meters 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.

Installation of the works for diversion of water shall be completed on or before December 31, 2024, or within any authorized extension of time. The 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.

In all other respects, the Approval of Application, File No. 42,722, for permit to appropriate water for beneficial use, is as stated and set forth in the Approval dated May 21, 1997, as modified and amended by the aforementioned orders.

Ordered this *1st* day of *August*, 2024, at Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this *1st* day of *August*, 2024, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Vickie L. Belanger

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

August 15, 2024

JOE OSBORN
JEFFERSON COUNTY RWD 13
1951 WELLMAN RD
LAWRENCE KS 66044

RE: Water Right
File No. 24,331

Appropriation of Water
File Nos. 42,722 and 42,725

Dear Mr. Osborn:

Enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under File Nos. 24,331 and 42,722, and an order to better describe the well location under File No. 42,725.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. The new well completed under the authority of the approval of application orders shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by the Chief Engineer. A condition of the approvals is that acceptable water flowmeters must be installed on the diversion works authorized. Please return the required notification of completion of the diversion works and installation of the required meter on the newly authorized well and standby well prior to the diversion of water. There is no fee required for the notification.

Please note that the well described in the approval documents as the standby well shall be used exclusively at such time any primary well described in the approval documents for File Nos. 24331 and 42,725, becomes temporarily inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under these files to be exceeded.

Since the order under Water Right, File No. 24,331, modifies its certificate of appropriation, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Additional information and the Notice of Completion form may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:kak:li
Enclosure(s)
pc: Topeka Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 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 review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 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.

CERTIFICATE OF SERVICE

On this 15th day of August, 2024, I hereby certify that the attached Approval of Application for Change, Water Right, File No. 24,331 and Appropriation of Water, File No. 42,722, dated August 1, 2024, were mailed postage prepaid, first class, US mail to the following:

JOE OSBORN
JEFFERSON RWD 13
1951 WELLMAN RD
LAWRENCE KS 66044

With photocopies to:

KDA-DWR Topeka Field Office



Staff

**RIGHT TO PETITION FOR REVIEW
UNDER THE KANSAS JUDICIAL REVIEW ACT**

This is a final agency action as defined in K.S.A. 77-607(b). You may pursue judicial review of this Order as provided in the Kansas Judicial Review Act, K.S.A. 77-601 et seq. A petition for judicial review must be filed in a Kansas court of competent jurisdiction within 30 days after service of this Order as provided in K.S.A. 77-613. The agency officer designated to receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture is the Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Dr. Manhattan, KS 66502.

CERTIFICATE OF SERVICE

On this 15th day of August, 2024, I hereby certify that the attached Findings and Order, Appropriation of Water, File No. 42,725, dated August 1, 2024, was mailed postage prepaid, first class, US Mail to the following:

JOE OSBORN
JEFFERSON RWD 13
1951 WELLMAN RD
LAWRENCE KS 66044

With photocopies sent to:

KDA-DWR Topeka Field Office



Staff