

Stockton Field Office
820 S. Walnut
Stockton, KS 67669-0192



Phone: 785-425-6787
Fax: 785-425-6842
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

March 8, 2021

CITY OF VICTORIA
PO BOX 87
1005 4TH ST
VICTORIA, KS 67671-0087

Re: Water Right, File Nos. 14,173 & 34,811

Dear Sir or Madam:

Enclosed are two (2) orders executed by Earl Lewis, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by **December 31, 2021**. Please complete and return the enclosed Notice(s) of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters is found in K.A.R. 5-1-4 through K.A.R. 5-1-12, along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address: <http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The 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 (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

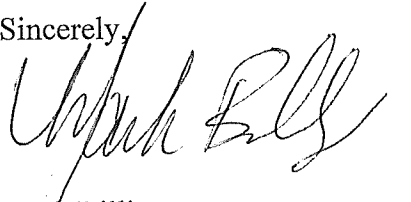
Since these orders modify the original certificates, they should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

These documents are summary orders by this agency regarding this matter. These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosures

CERTIFICATE OF SERVICE

On this 8th day of March, 2020, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in POINT OF DIVERSION** for water rights, File Nos. 14,173 & 34,811, dated on the 8th day of March, 2020, were mailed postage prepaid, first class, U.S. mail, to the following:

CITY OF VICTORIA
PO BOX 87
1005 4TH ST
VICTORIA, KS 67671-0087


Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

WATER METER REQUIRED

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

APPLICATION COMPLETE
3 / 8 / 21
 Reviewer MB

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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Stockton Field Office
 Division of Water Resources

File No. 14,173

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: CITY OF VICTORIA

1005 4TH ST PO BOX 87 VICTORIA, KS 67671

Phone Number: (620)735-2259 Email address: victoria@ruraltel.net

Name and address of Water Use Correspondent: SAME

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: CITY OF VICTORIA & VICINITY

ADDRESS: 1005 4TH ST PO BOX 87 VICTORIA, KS 67671

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
1	15S	17W																	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: NO CHANGE

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the NE Quarter of the SE Quarter of the SW Quarter of Section 36, Township 14 South, Range 17 W, in ELLIS County, Kansas, 795 feet North 2700 feet West of Southeast corner of section. Authorized Rate 200 GPM Authorized Quantity 28.44 MGY Depth of well _____ (feet)
(DWR use only: Computer ID No. 1 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NE Quarter of the SE Quarter of the SW Quarter of Section 36, Township 14 South, Range 17 W, in ELLIS County, Kansas, 833 feet North 2750 feet West of Southeast corner of section. Proposed Rate 200 GPM Proposed Quantity 28.44 MGY Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **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 _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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7. The changes herein are desired for the following reasons?
 (please be specific) _____

8. If a well, is the test hole log attached? Yes No

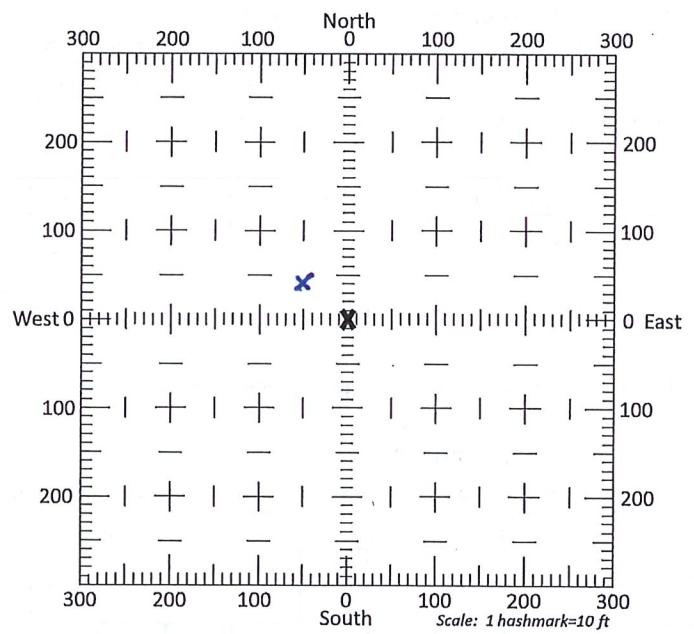
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PLUG
 (b) When will this be done? UPON COMPLETION

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by M BILLINGER/EBH ENGINEERING

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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Division of Water Resources

File No. 14173

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.

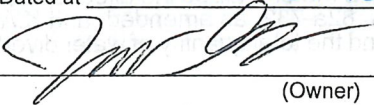
The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

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 Victoria, Kansas, this 4th day of March, 20 21.



(Owner)

(Spouse)

John Schulte, City of Victoria Mayor

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

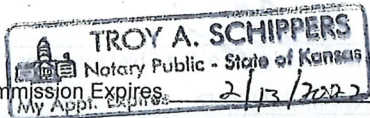
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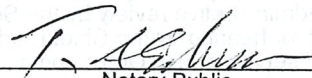
(Please Print)

State of Kansas

County of Ellis } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of March, 20 21.





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.

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

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 MAR 18 2021
 Stockton Field Office
 Division of Water Resources

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.*, and other applicable provisions of the *Kansas Water Appropriation Law*, K.S.A. 82a-701 *et. seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 14,173.

1. A change application was received on 3/8/2021 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2021**, or within any authorized extension of time. By March 1, 2022 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, 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. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
 SUMMARY ORDER ISSUED**

By: Mark Billinger
 Duly Authorized Designee of the Chief Engineer

(Print Name): MARK BILLINGER
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 3/8/2021

State of Kansas)

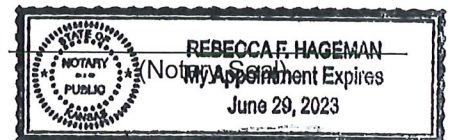
County of ROOKS) SS

Acknowledged before me on 3-8-21

by Mark Billinger

Signature: Rebecca F. Hageman
 Notary Public

My commission expires: 6-29-19



Description	Bidding Documents

Date	03/01/2021
Project #	#R3453.1
Copyright	©COPYRIGHT Bain-Berry-Hughes & Associates, P.A., 2021.
Title	WATER WELL #15 SITE PLAN
Sheet	C-101



A
C-508
INSTALL 670 LF BARB WIRE FENCE ALONG NORTH, WEST, AND SOUTH EASEMENT BOUNDARY. INSTALL FENCING PRIOR TO COMMENCING WELL WORK.

CONSTRUCT WELL PAD
FINISH ELEV 1907.50
SLOPE 4:1.

WELLFIELD EASEMENT
250.00' x 210.00'
BOOK 947, PAGE 191

REPLACEMENT PWS WELL #15
833 FT NORTH & 2750 FT WEST
OF SE COR SEC36-T14S-R17W

INSTALL 6" C900 TO
EXISTING WELL HOUSE
(46 LF)

B
C-502
EXISTING OBSERVATION WELL
OB-2-17
DRILLED 4/11/2017

EXISTING WELLHOUSE IMPROVEMENTS
PULL EXISTING PUMP AND DROP
PIPE AND PLUG AT END OF
PROJECT IN ACCORDANCE WITH
KDHE REGULATIONS.
INSTALL METER PIPING.

WELL PAD CONSTRUCTION NOTES

- A. EXCEPT AS SPECIFIED HEREIN, EARTHWORK SHALL BE IN ACCORDANCE WITH "SECTION 31 05 00 EARTHWORK", AND CONCRETE WORK SHALL BE IN ACCORDANCE WITH "DIVISION 3-CONCRETE" OF THE SPECIFICATIONS.
- B. CLEAR ALL SITE PAD OF ORGANIC MATTER AND DEBRIS. STRIP SITE PAD TO A DEPTH OF 6 INCHES AND STOCKPILE TOPSOIL ON SITE. AFTER THE COMPLETION OF THE SITE PAD, SCATTER THE TOPSOIL ACROSS ALL AREAS OTHER THAN UNDER THE SLAB.
- C. CONSTRUCT SITE PAD USING SOIL FURNISHED BY OWNER, AT CITY SHOP. CONTRACTOR SHALL HAUL, OWNER WILL LOAD. CONSTRUCT THE SITE PAD TO THE LINES AND CONTOURS SHOWN ON THE DRAWINGS IN ACCORDANCE WITH THE SITE PAD REQUIREMENTS GIVEN BELOW. ALL INSTALLED DIRT SHALL BE INSTALLED IN A MAXIMUM OF 6" LIFTS AND COMPACTED USING A MOTOR GRADER AND SHEEP FOOT. COMPACT TO 95% MAXIMUM DRY DENSITY. COMPACTED LIFTS SHALL BE PROOF ROLLED. AREAS THAT PUMP OR RUT SHALL BE REPLACED AND RE-COMPACTED.
- D. UPPER 6" OF FILL MATERIAL BELOW THE WELL SLAB SHALL BE AB-3 LOW VOLUME CHANGE MATERIAL OR ENGINEER APPROVED MATERIAL. COMPACT TO 98% MAXIMUM DRY DENSITY.

CONNECT TO EXISTING NORTH/SOUTH FENCE LINE.

INSTALL DROP GATE (20').

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Division of Water Resources

