

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

1. File Number: 42558 42588	2. Status Change Date: 9/21/2022	3. Change Num: C3	4. Field Office: 03	5. GMD:
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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: 1/9/2019
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8a. Applicant(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ OSBORNE RWD #01A ALAN POORE 2417 WEST 20TH DRIVE GAYLORD, KS 67638	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID 15249 New to system <input type="checkbox"/> Add Seq# 1 OSBORNE RWD #01A Attn: MICHELLE NICHOLS PO BOX 594 GAYLORD, KS 67638	8d. WUC Person ID 15249 New to system <input type="checkbox"/> Add Seq# 1 OSBORNE RWD #01A Attn: MICHELLE NICHOLS PO BOX 594 GAYLORD, KS 67638
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: ~~12/31/22~~²³ N & P Date to Comply: ~~12/31/22~~²³

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: _____

N&P date updated to 2023 due to applicant filing extension to perfect and WC suggestion. li/DWR

9/20/2022
Llreland
Date Prepared: **8/30/2022** By: **LI**
9/26/2022
LMoody
Date Entered: By:

File No. **42558** 11. County: **OB** Basin: **S F SOLOMON RIVER** Stream: **NA** Formation Code: **115** Special Use: **NA**

12. Points of Diversion											Rate and Quantity					
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
DEL				SW SW SW	2	7	14W	6			GEO CTR	70	33.24	35	22.758	NONE
DEL				SW SW NW	2	7	14W	4			BATT 1 OF 2					NONE
DEL				NE SW NW	2	7	14W	5			BATT 1 OF 2					NONE
ENT				SE NW SW	2	7	14W		1421	4504		70	33.24	70	22.758	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) **55.998MGY COM/W OB5, 8063, 18291, 19173-D2, 24749, 27619, 31647, 35644, 37023 & 37024**

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																			Total	Owner	Chg?	Overlap Files																		
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼																			
									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																
CHK				20789	8	7	15W	1	WITHIN BOUNDARIES OF OSBORNE RWD 1A																													8b	NO	24749 27619 & 37024
CHK				58735	2	6	18W	3	WITHIN BOUNDARIES OF ROOKS RWD 01																													8b	NO	24749 27619 & 37024
CHK				58737	11	7	15W	3	CITY OF ALTON & IMMEDIATE VICINITY																													8b	NO	24749 27619 & 37024
CHK				58736	10	7	16W	5	CITY OF WOODSTON & IMMEDIATE VICINITY																													8b	NO	24749 27619 & 37024

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____

Comments: **PLEASE UPDATE LIMITATION** **APPLICATION STATED OLD WELLS WILL BE PLUGGED**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 1, 2022

FROM: Leslie Ireland

RE: Appropriation, File No. 42,558

Alan Poore, Secretary for the Rural Water District No. 1A, Osborne County, filed an application for approval to change the point of diversion to drill a new well in the S F Solomon River. The application was received on January 9, 2019 and delayed due to well issues with the proposed location.

The referenced Appropriation appears to be in compliance with K.S.A. 82a-732, and the application appears to be in compliance with K.A.R. 5-5-1, *Filing an application for change*.

The referenced file authorizes a battery of two (2) wells with no overlaps in the points of diversion. The requested change is due to the loss of production at the wells. The original permit lists the authorized 33.240 million gallons per year(mgy) (102 AF) with the quantity further limited to 35.24 million gallons (108.15 AF) with File Nos. OB-5; 18,291; 24,749; 27619 & 37,204. The WRIS database references the quantity limitation at 55.998 million gallons an additional limitation on the rate to 70 gallons per minute (gpm), but no apparent reason for the rate limitation and no rate limitation on the original permit. The rate limitation in WRIS will be removed showing 70 gpm to be authorized and additional. The quantity limitation per WRIS appears to be representative of the total quantity per the 2007 changes in place of use and will be updated to 55.998 mgy w/# OB5, 8063; 18,291; 19,173-D2; 24,749; 27,619; 31,647 35,644; 37,023 & 37,024. The place of use overlaps with Water Right, File Nos. 24,749; 27,619 & 37,024, providing water to Rooks RWD 01, Cities of Alton and Woodston, all in Kansas.

The authorized geographic center is located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, and determined to be 3,150 feet North and 4,814 feet West of the Southeast corner of said section, in Township 7 South, Range 14 West, Osborne County. The application indicates these wells will be plugged. The proposal is to complete one (1) new well that will be located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, approximately 1,421 feet North and 4,504 feet West of the Southeast corner of Section 2. These feet distances were determined from the well log supplied by Ned Marks, Consulting Geologist, Terrane Resources Company. The updated well location was confirmed with the applicant with an updated application. The new location was indicated by WRIS to be approximately 1,757 feet to the South of the authorized geographic center.

The source of supply has not been recorded in WRIS. The application referenced the wells as the Yoxall Well Field, further indicating the source of supply to be the terrace deposits and a well log attached. My review could not find the log with the application, but the KGS site listed well logs for this file. They ranged in a completed depth of 54 to 59 feet to Black Shale. All had sands and gravels directly above the shale with clay or chalk above those layers. The existing logs completed around 2003 listed the static water levels at approximately 40 feet.

The August 2021 submitted drillers log completed by Clark Well & Equipment in October of 2021, listed a total well depth of 38 feet to Black Shale with sand and gravel at 20 to 35 feet depth and clay above. The new log listed a static water level at 23 feet with a completed depth of 37 feet. Comparison to the existing KGS logs found the proposed to have similar strata only slightly deeper. It appears the source of supply will remain in the Permian System (Code 500).

K.A.R. 5-5-13, *Relocation of alluvial wells* is does not appear applicable to the change.

The owner has indicated that within one-half ($\frac{1}{2}$) mile of the proposed well, there are no domestic wells. The only non-domestic wells in the area is the applicants municipal well under File No. 37,024, located approximately 2,384 feet to the North. As there are no nearby wells other than the applicants well, no written comments were solicited by the Division.

It appears the proposed point of diversion meets the required spacing per K.A.R. 5-4-4, *Well spacing*.

Kelly Stewart, Water Commissioner of the Stafford Field Office has reviewed the proposed change. He recommended approval per his e-mail dated September 1, 2022.

The new well will be required to have a flowmeter installed. The low rate will not require the well to have a water level measuring tube. A check valve will be required on if the system will be chemigating. The owner will be informed by the transmittal letter that the old well is to be plugged in accordance with KDHE regulations.

The proposed change appears to be reasonable, the source of supply will remain unchanged, and it is unlikely that the change will cause impairment to any existing water rights.



Leslie Ireland
Environmental Scientist

From: Stewart, Kelly [KDA]
Sent: Thu 9/1/2022 2:12 PM
To: Ireland, Leslie [KDA];Billinger, Mark [KDA]
Cc: Hageman, Nancy [KDA]
Subject: RE: Review and Recommendation Change in Point of Diversion, File No. 42558 RWD

Leslie,

I agree with your memo and recommend approval of the change application. Thanks for getting on this quickly.

Kelly

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Thursday, September 1, 2022 12:41 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Review and Recommendation Change in Point of Diversion, File No. 42558 RWD

Kelly,

The summary memo is attached also the logs I am not 100% sure about the source designation went with what was listed for their nearby well File No. 37024, code 500.

The worksheet is also attached so you can see the modifications to WRIS.

The updated application pages are in Dware too...

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 APPROPRIATION OF WATER FILE NO. 42,558

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Alan Poore, on behalf of the Osborne County Rural Water District No. 01A, 2417 West 20th Drive, Gaylord, Kansas 67638, received in this office on January 9, 2019, for approval of a change in the location of the point of diversion under the Approval of Application, File No. 42,558, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated October 20, 2003, approving the application to change the authorized point of diversion, the Order of the Chief Engineer dated May 7, 2007, approving the application to change the authorized place of use, 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 changes 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) well located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 1,421 feet North and 4,504 feet West of the Southeast corner of said section, in Township 7 South, Range 14 West, Osborne 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, 2023, 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 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 Approval of Application, File No. 42,558, for permit to appropriate water for beneficial use, is as stated and set forth in the Approval dated July 18, 1997, as modified and amended by the aforementioned orders.

Ordered this 21 day of September, 2022, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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 21 day of September, 2022, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, 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

September 28, 2022

OSBORNE RWD #01A
ALAN POORE
2417 WEST 20TH DRIVE
GAYLORD KS 67638

RE: Appropriation of Water, File No. 42,558
Subject: Approval of Change

Dear Mr. Poore:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flowmeter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter*, as soon as these actions are completed. The Notice of Completion form may be found online at www.agriculture.ks.gov, Water Appropriation Forms, there is no fee for the required completion notification.

Any abandoned well(s) should 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, if not utilized as defined for domestic use.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact our office at 620-234-5311, or our staff at the Stockton Field Office, 785-425-6787. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application and Change Unit Supervisor
Water Appropriation Program

KAB:LI:li
Enclosure
pc: Stockton 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.

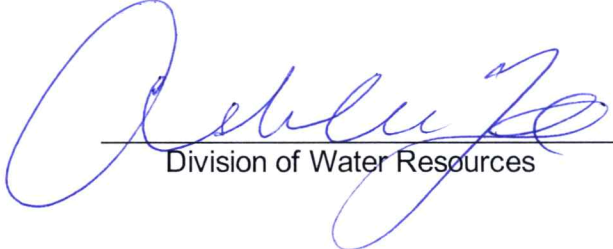
CERTIFICATE OF SERVICE

On this 28 day of September, 2022, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, Appropriation of Water, File No. 42,558, dated 21 September 2022 was mailed postage prepaid, first class, US mail to the following:

OSBORNE RWD #01A
ALAN POORE
2417 WEST 20TH DRIVE
GAYLORD, KS 67638

With photocopies sent to:

Stockton Field Office


Division of Water Resources