

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

1. File Number: 17990	2. Status Change Date: 12/4/2023	3. Change Num: C1	4. Field Office: 03	5. GMD: 04
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: July 6, 2023
8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ CITY OF QUINTER JEREMY BLACKWILL, MAYOR PO BOX 555 QUINTER, KS 67752		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Mailing address is the PO BOX (KAK/DWR)		
8b. Landowner(s) New to system <input type="checkbox"/> Person ID <u>14220</u> Add Seq# <u>1</u> CITY OF QUINTER PO BOX 555 QUINTER, KS 67752		8d. WUC New to system <input type="checkbox"/> Person ID <u>14220</u> Add Seq# <u>1</u> CITY OF QUINTER PO BOX 555 QUINTER, KS 67752		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/24</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/24</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 11/28/23 By: LI Date Reviewed: 12/01/2023 By: KAK Date Entered: 12/6/2023 By: LMoody				

File No. **17990** 11. County: **GO** Basin: **BIG CREEK** Stream: Formation Code: **211** Special Use:

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

DEL 32395 NW NW SW 6 - 12S - 26W 1 **175 gpm 119 af** **175 gpm 119 af** **NONE**

ENT 90681 Lot 5 (SW NW) 6 - 12S - 26W 2761'N & 5147'W Well #13 **175 gpm 33.619 mgy** **175 gpm 33.619 mgy** **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) **NONE/NO CHANGE**
 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								
ENT 11365	29 11 26W 1					CITY OF QUINTER & IMMEDIATE VICINITY																					8b	NO	GO 001, 1571, 22935 & 37118
DEL 7152	6 12 26W 1																												

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 28, 2023

FROM: Leslie Ireland

RE: Water Right,
File No. 17,990

Jeremy Blackwill and Sue Machen on behalf of the City of Quinter owner of the referenced water right authorized for irrigation use, filed an application on July 6, 2023, for approval to change the use made of water, point of diversion and place of use. The file is located in the Big Creek Basin, Gove County, and the Northwest Groundwater Management District No. 4 (GMD 4) Douglas S. Helmke, Kansas Rural Water Association, assisted with the application for the City.

The referenced water right appears to be not to be abandoned as per KSA 82a-718. The right appears to be in compliance with KSA 82a-732. As required by KSA 82a-1906, notice was completed to nearby well owner on November 21, 2023.

The City proposes to change from irrigation to municipal use to provide an alternate source of water from a new well.

Water Right, File No. 17,990, is authorized 119 acre-feet (AF) at 175 gallons per minute (GPM) for irrigation use on 84 acres in the Southwest Quarter of Section 6, in Township 12, Range 26 West, Gove County (6-12-26W) from a well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$. This irrigation right has no overlap in point of diversion or place of use. It has no additional limitations. The applicant has indicated this well will be plugged.

The source of supply in the WRIS database is listed as the Ogallala Formation (Code 211). No well log for the existing well could be obtained. A submitted well log completed by Terrane Resources Company in October of 2022 lists strata to a depth of shale at 82 feet with a projected completed depth of 76 feet. The short distance of the move along with the strata listings of cemented sandstone with clays and gravel pockets would indicate the diversion will remain in the same local source of supply.

The new well is proposed to be approximately 245 feet to the Northeast of the currently authorized point of diversion with a pipeline to the City. The new well location will move away from the Big Creek, and slightly towards a domestic well which is the only other well within one-half mile. The required spacing of 800 feet to the domestic well, determined to be approximately 2,240 feet away and the required 1,400 feet of well to well spacing to non-domestic wells based on the proposed quantity, as required by K.A.R. 5-24-3, *Well spacing* will be met. K.A.R. 5-24-6, *Changes in point of diversion*, maximum move of 2,640 feet allowed has been met with the new well to be completed in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, more particularly described as being near a point 2,761 feet North and 5,147 feet West of the Southeast corner of said section, in Township 12 South, Range 26 West, Gove County.

The change in use made of water to municipal use will be by K.A.R. 5-5-9, *Criteria for the approval of an application for change in use made of water from irrigation to any other type of beneficial use of water*. The consumptive use factor for Gove (GO) County is 86.7%.

$$119 \text{ AF} \times 86.7\% = 103.17 \text{ AF or } 33.619 \text{ million gallons per year (mgy)}$$

The change complies with K.A.R. 5-3-5, *Change in consumptive use*.

Currently, the City is authorized by File Nos. GO 001; 1,571; 11,689; 22,935 & 37,118 with a limited total of 105 mgy, with File No. 37,118 limited to 105 million gallons per year (322 acre-feet) with GO 001; 1,571; 11,689 & 22,935. The change would provide 33.619 million gallons (103.173 acre-feet). The submitted justification indicates a projected 20 year growth to 130 million gallons (400 acre-feet) per year. Due to the area having a new park and located along I-70, approximately 287 miles from Denver Colorado, would indicate possible unforeseen growth in population and industry. The proposed change will be providing an alternate well and when added to the limited authorized a total quantity yields 138.619 million gallons (427 acre-feet). It would appear the quantity could be utilized for the growth of the City, the quantity requested could be reasonable without any additional limitations added.

The change in place of use will eliminate the 84 irrigated acres in Section 6 and authorize the City and its immediate vicinity to make a complete overlap with File Nos. GO 001; 1,571; 11,689; 22,935 & 37,118. The change complies with K.A.R. 5-3-5n, *Authorized place of use*.

The notification letter sent November 21, 2023, to the domestic well owner did not result in any comments. It would appear this domestic well is locate approximately 2,240 feet to the Northwest of the proposed well.

A letter dated November 27, 2023, Shannon Kenyon, Manager, of GMD 4, recommended the approval of the proposed change as it complies with their regulations.

Kelly Stewart, Water commissioner of the Stockton Field Office was contacted for comment on the proposed changes. He indicated in an email dated November 28, 2023, that he recommended approval of the proposed changes to the referenced file.

The new well will be required to have a water level measurement tube, a flowmeter and check valve (if any chemical or foreign substance will be injected into the water through the diversion works). A December 2024 notice of completion will be requested. The transmittal will also request the old well to be plugged. Douglas S. Helmke, Kansas Rural Water Association and the City were contacted to see if the well would have an identification. It appears the well would be further identified as Well #13.

Based on the above discussion, that the changes are reasonable, that consumptive use will not increase, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended the change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

Ireland, Leslie [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, November 28, 2023 3:25 PM
To: Ireland, Leslie [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Nancy [KDA]
Subject: RE: Review and Recommendation for Change PDP UMW, File No. 17,990, Quinter

Leslie,

I recommend approval of this change application.

Kelly

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, November 28, 2023 3:01 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Review and Recommendation for Change PDP UMW, File No. 17,990, Quinter

Kelly,

Please let me know if you would recommend the changes to this file.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 1, 2023

FROM: Ashlee Buss

RE: Application, File No. 20227584-MF

Justin Gatz had filed the above referenced application for Term Permit to establish a Multi-Year Flex Account on January 3, 2023, to appropriate groundwater for irrigation use in Pratt County.

Per an email dated October 19, from Justin Gatz and the Stafford Field Office, by going with a MYFA, they won't have much water left for the next 3 years. Justin stated that he will take the penalty for over pumping. A change in place of use application is being filed and approved per the Stafford Field Office.

On November 13, 2023, a Voluntary Dismissal form was received for the referenced application, signed by the water right owner. The owner requests to withdraw the permit and understands withdrawal will dismiss the file and whatever priority it may have forfeited.

The included Findings and Order will be issued for this voluntary dismissal.

Ashlee Buss
Environmental Associate
Water Appropriations

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
PLACE OF USE
AND USE MADE OF WATER
WATER RIGHT
FILE NO. 17,990**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jeremy Blackwill, Mayor, and Sue Machen, City Council President, for the City of Quinter, Post Office Box 555, Quinter, Kansas 67752, received in this office on July 6, 2023, for approval of a change in the location of the point of diversion, place of use and use made of water, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, 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.

This order effectively reduces the authorized quantity to 33.619 million gallons of water (103.17 acre-feet) per calendar year at a maximum rate of diversion not in excess of 175 gallons per minute (0.39 c.f.s.) in accordance with the Application for Approval to Change the Point of Diversion, Place of Use and Use Made of Water received in this office on July 6, 2023.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Municipal Use,

at the authorized place of use described as:

within the City of Quinter and immediate vicinity,

and the point of diversion shall be:

one (1) well located in the Southwest Quarter of Lot 5 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 6, more particularly described as being near a point 2,761 feet North and 5,147 feet West of the Southeast corner of said section, in Township 12 South, Range 26 West, Gove County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use, point of diversion and use made of water.

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 applicant 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.

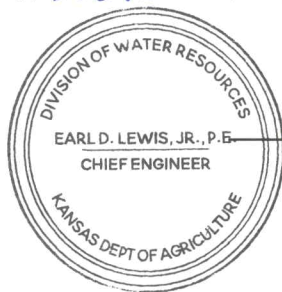
The water right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

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 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 Certificate of Appropriation issued pursuant to Approval of Application, File No. 17,990, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 27, 1981.

Ordered this 4th day of December, 2023, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.

Earl D. Lewis Jr., P.E.
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 4th day of December, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Melinda Jennings

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

December 13, 2023

CITY OF QUINTER
JEREMEY BLACKWILL MAYOR
PO BOX 555
QUINTER KS 67752-0555

RE: Water Right
File No. 17,990

Honorable Mayor Blackwill:

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 acceptable water flowmeter must be installed on the diversion works authorized. Please return the required form entitled, "Notification of the Completion of the Diversion Works," by December 31, 2024, should you complete the diversion works prior to the end of the year.

The well abandoned by this approval 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 this order modifies the original certificate of appropriation for the above referenced file number, 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 785-564-6640, or the Stockton Field Office at 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 Application Unit Supervisor

KAB:kak:li
Enclosures

pc: Stockton Field Office
Northwest Kansas GMD No. 4
Kansas Rural Water Association (Douglas S. Helmke, P.G.)

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 13 day of December, 2023, I hereby certify that the attached Approval of Application for Change, Water Right, File No. 17,990, dated December 4, 2023, was mailed postage prepaid, first class, US mail to the following:

CITY OF QUINTER
PO BOX 555
QUINTER KS 67752-0555

With a Photocopy to:

DOUGLAS S HELMKE
KANSAS RURAL WATER ASSOCIATION
6847 SE 29TH ST
TECUMSEH KS 66542-9571

KDA-DWR Stockton Field Office

Northwest Kansas GMD No. 4


Division of Water Resources