

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET

Document Signature LPL

1. File Number: 19,793	2. Status Change Date: <i>6/19/2017</i>	3. Change Num: C2	4. Field Office: 01	5. GMD:
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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: 05-JUN-2015
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8a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID 16 Add Seq# 1 CITY OF ABILENE PO BOX 519 ABILENE KS 67410	8c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 8d. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ 8a.	8e. WUC <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ No change
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/17** N & P Date to Comply: **12/31/17**

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: **6/16/2017** By: **AM**
 Date Entered: *6/20/2017* By: *UM*

File No. **19,793** 11. County: **DK** Basin: **SMOKY HILL RIVER** Stream: Formation Code: 540 Special Use:

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W Comment Rate Quantity Rate Quantity Overlap PD Files
 gpm mgy gpm mgy

DEL 34927

DEL 44748

ENT 84352 SE SW NW 23 13S 1E 13 3141 4132 Well #22 210 63.9 210 63.9 2123

(196 AF) (196 AF)

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

14. Limitation: _____ 1347 _____ gpm (_____ 3 _____ cfs) when combined with file number(s) **2123**

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 T 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 CHANGE																				NO CHANGE

Comments: REMOVE LIMITATION 210 GPM WHEN WELLS OPERATE TOGETHER; MONITORING WELL REQUIRED (TO BE MAINTAINED)

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 19, 2017

FROM: Austin McColloch

RE: Water Right,
File No. 19,793

On June 5, 2015, City of Abilene, owner of the referenced water right, filed an application for approval to change the authorized point of diversion under File No. 19,793, authorized for municipal use in the Smoky Hill River Basin.

The above referenced water rights do not appear to be abandoned as per K.S.A. 82a-718.

Water Right, File No. 19,793 currently authorizes two points of diversion (Well Nos. 1 & 3) that overlap with Water right, File No. 2,123. The authorized groundwater wells operate with individual rates and quantities with limitations set to Water right, File No. 2,123 and are as follows:

Well No. 1 is located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said Section, at a diversion rate not in excess of 210 gallons per minute (0.47 c.f.s) and a quantity not to exceed 31.95 million gallons of water per calendar year, in Township 13 South, Range 1 East, Dickinson County, Kansas.

Well No. 3 is located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,819 feet North and 2,281 feet West of the Southeast corner of said Section, at a diversion rate not in excess of 210 gallons per minute (0.47 c.f.s) and a quantity not to exceed 31.95 million gallons of water per calendar year, in Township 13 South, Range 1 East, Dickinson County, Kansas.

the wells are limited to 1,347 gpm when combined with Water Right, File No. 2,123 and limited to 210 gpm when wells operate simultaneously with each other.

The submitted change application proposes to move the authorized quantity and rate of both Well Nos. 1 & 3 onto one of the authorized point of diversion for Water Right, File No. 2,123 designated Well No. 22. The authorized and proposed wells are less than half a mile apart, it has been determined there is no change in the local source of supply.

The proposed point of diversion authorized under Water Right, File No. 2,123 (Well No. 22) is described as follows:

one well (1) located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,141 feet North and 4,132 feet West of the Southeast corner of said Section, in Township 13 South, Range 1 East, Dickinson County, Kansas.

Because the change will consolidate the two separate wells authorized under Water Right, File No. 19,793, into one well, the authorized rate of diversion will be reduced to 210 gallons per minute and the limitation of 210 gpm when wells operate together will be removed. However, the limitation of 1,347 gpm when combined with Water Right, File No. 2,123 will remain.

The applicant identified multiple nearby domestic wells within one-half mile of the existing proposed well. Nearby notification letters of the proposed change in point of diversion were sent on November 16, 2016. On January 5, 2017, John Peck, on behalf of John Clemence, owner of Water Right, File No. 17,708.02, submitted information regarding concerns over drought susceptibility and the increase of pumping from Well No. 22. The information submitted was the same information provided by Ground Water Associates, Inc. that was submitted for the Change in point of diversion under Water Right, File No. 2,123 approved on May 18, 2015. All written comments received were responded to by letter with instructions to contact the Topeka Filed Office for further information regarding concerns for the City's change application.

On May 18, 2015, an application for change in point of diversion was approved under Water Right, File No. 2,123. This change authorized the City of Abilene to drill Well No. 22. A condition of that approval required the installation of a groundwater monitoring well to be located between well No. 22 and the well authorized under Water Right, File No. 17,708.02, owned by John Clemence. The observation well would be used to monitor groundwater levels between the two wells and to aid in the determination of cause in the event that Water Right File No. 17,708.02 claimed impairment.

In an email dated June 15, 2017, with Katie Tietsort, Water Commissioner, Topeka Field Office, indicated she is not opposed to approval of the change and that data from the observation well shows that pumping Well No. 22 will not impair the well authorized under Water Right, File No. 17,708.02.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely. It is recommended that the change application for File No. 19,793 is approved.



Austin McColloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback
FILE COPY

CITY OF ABILENE
PO BOX 519
ABILENE KS 67410

June 21, 2017

RE: Water Right
File No. 19,793

Dear Sir or Madam:

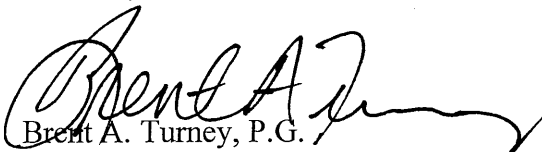
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required and enclosed form, Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter, as soon as these actions are completed.

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 me at 785-464-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Division of Water Resources

BAT:am

Enclosure(s)

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
WATER RIGHT
FILE NO. 19,793**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application by the City of Abilene, PO Box 519, Abilene, Kansas 67410, received in this office on June 5, 2015, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated December 23, 2004, approving the application to change location of the point of diversion, and by the order of the Chief Engineer dated May 15, 2008, reducing the authorized place of 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.

The application, therefore, is approved subject to the condition that the water right shall be reduced to a total maximum diversion rate not in excess of 210 gallons per minute (0.47 c.f.s).

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) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,141 feet North and 4,132 feet West of the Southeast corner of said section, at a diversion rate not in excess of 210 gallons per minute (0.46 c.f.s) and a quantity not to exceed 63.9 million gallons of water per calendar year, in Township 13 South, Range 1 East, Dickinson County, Kansas.

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

That the water right owner shall maintain the groundwater monitoring well at the location specified and approved by the Chief Engineer. Such observation well shall be equipped to allow monitoring of water levels. Maintenance of the groundwater monitoring well and the associated equipment shall be at the expense of the water right owner.

That the groundwater monitoring well shall be located at a distance of 100 feet of the following point:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,175 feet North and 5,180 feet West of the Southeast corner of said section, in Township 13 South, Range 1 East, Dickinson County, Kansas.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, 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 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 Certificate of Appropriation issued pursuant to Approval of Application, File No. 19,793, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 2, 1998, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

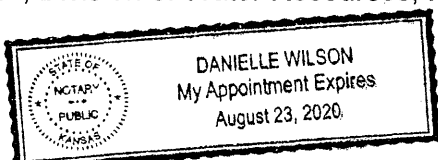
Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 19th day of June, 2017, in Topeka, Shawnee 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 19th day of June, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

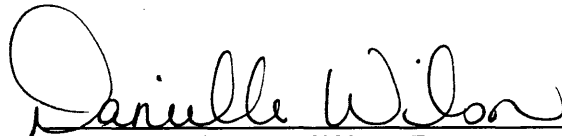
CERTIFICATE OF SERVICE

On this 21st day of June, 2017, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, File No. 19,793, dated June 19, 2017 was mailed postage prepaid, first class, US mail to the following:

CITY OF ABILENE
PO BOX 519
ABILENE KS 67410

With photocopies to:

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE

6/15/17
Reviewer AM

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the (Check one or more)	<input type="checkbox"/> Place of Use	WATER RESOURCES RECEIVED	WATER RESOURCES RECEIVED
	<input checked="" type="checkbox"/> Point of Diversion	NOV 09 2016	JUN 05 2015
	<input type="checkbox"/> Use Made of Water	KS DEPT OF AGRICULTURE	12:46 KS DEPT OF AGRICULTURE

File No. 19,793

2. Name of applicant: City of Abilene

Address: PO Box 519

City, State and Zip: Abilene, KS 67410

Phone Number: () _____ E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: same as owner

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____
Moving File No. 19793 all onto new well #22 (covered under File No. 2123) to eliminate the purchase and installation of additional meters.

The change(s) (was) (will be) completed by upon approval _____ (Date)

For Office Use Only:							
F.O. <u>1</u>	GMD <u>-0-</u>	Meets K.A.R. 5-5-1 <u>(YES)</u> / NO	Use <u>MUN</u>	Source <u>G/S</u>	County <u>DK</u>	By <u>KAB</u>	Date <u>6/5/15</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # <u>15050240</u>	Receipt Date <u>6-8-15</u>	Check # <u>019760</u>			

4. The presently authorized place of use is:

Owner of Land — NAME: NO CHANGE
 ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____
 ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: _____
 ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____
 ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

NOV 09 2016

JUN 05 2015

SCANNED

KS DEPT OF AGRICULTURE

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- 6. The presently authorized point(s) of diversion (is) (are) 2 wells
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) 1 well

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: Well # 1**
 One in the SW Quarter of the SW Quarter of the NE Quarter of Section 23, Township 13 South, Range 1 East (E/W), in Dickinson County, Kansas, 3021 feet North 1999 feet West of Southeast corner of section.
 Authorized Rate 210 gpm Authorized Quantity 31.95 mgy Limited to 210 gpm with Well #3 under 19793 and 1347 gpm w 2123
 (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:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the NW Quarter of Section 23, Township 13 South, Range 1 East (E/W), in Dickinson County, Kansas, 3141 feet North 4132 feet West of Southeast corner of section.
 Proposed Rate ALL Proposed Quantity All
 This point is: Additional Well Geo Center List other water rights that will use this point 2123

9. **Presently authorized point of diversion: Well# 3**
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 23, Township 13 South, Range 1 East (E/W), in Dickinson County, Kansas, 3819 feet North 2281 feet West of Southeast corner of section.
 Authorized Rate 205 gpm Authorized Quantity 31.95 mgy Limited to 210 gpm with Well #1 under 19793 and 1347 gpm w 2123
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the NW Quarter of Section 23, Township 13 South, Range 1 East (E/W), in Dickinson County, Kansas, 3141 feet North 4132 feet West of Southeast corner of section.
 Proposed Rate ALL Proposed Quantity ALL
 This point is: Additional Well Geo Center List other water rights that will use this point 2123

10. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

NOV 09 2016

JUN 05 2015

SCANNED KS DEPT OF AGRICULTURE

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12. The presently authorized use of water is for NO CHANGE purposes.

It is proposed that the use be changed to _____ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

N/A

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No reduction (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No reduction gallons per minute (210 c.f.s.).

* Per email 6-15-17

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

All three wells are clearly bedrock cavity wells. No change in source of supply. See info on file.

Wells are all within 1/2 mile local source of supply.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers requested.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

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JUN 05 2015

SCANNED KS DEPT OF AGRICULTURE

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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 Abilene, Kansas, this 28th day of May, 20 15.

City of Abilene
(Owner)
by [Signature]
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Dickinson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28th day of May, 20 15.

NOTARY PUBLIC - State of Kansas
SHAYLA L. MOHR
My Appt. Exp. 12-18-14
[Signature]
Notary Public

My Commission Expires 12-18-2018

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.

WATER RESOURCES
RECEIVED
NOV 09 2016
KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED
JUN 05 2015
KS DEPT OF AGRICULTURE

SCANNED

McColloch, Austin

From: Tietsort, Katie
Sent: Thursday, June 15, 2017 4:32 PM
To: McColloch, Austin
Cc: Bunger, Brett
Subject: RE: Recommendation Change App File No. 19,793

Austin,

I agree with the recommendation for approval of this application. I am comfortable that the information submitted by Ground Water Associates shows no impairment will occur. Will the change be conditioned as the permit for Well #22 was?

Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: McColloch, Austin
Sent: Thursday, June 15, 2017 10:54 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: Recommendation Change App File No. 19,793

Katie,

Attached is my draft memo for the change in PD application submitted by the city of Abilene. Let me know if there is any more information you need.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

McColloch, Austin

From: Tietsort, Katie
Sent: Thursday, June 15, 2017 9:56 AM
To: Turney, Brent; McColloch, Austin
Subject: FW: Issue related to change under File No. 19,793

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Jay Leusman [mailto:waterplant@abilenecityhall.com]
Sent: Thursday, June 15, 2017 9:02 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Re: Issue related to change under File No. 19,793

I have read and approve this! Please proceed forward!
Thank you from the City of Abilene

Jay Leusman

On Tue, Jun 13, 2017 at 12:28 PM, Tietsort, Katie <Katie.Tietsort@ks.gov> wrote:

Jay,

So below are the parameters of 19793 as it currently is authorized. One well has 205 gpm and the other is 210 gpm but the limitation in effect is that 210 gpm when the wells operate simultaneously, which means effectively that the file is only 210 gpm to operate at one time. The change will authorize just the 210 gpm, so effectively there is no change but on paper the rate goes from 205 and 210 limited to 210 at any time to just 210 gpm. So someone needs to sign off on that. Please let me know what questions you have, or send a reply confirming this is ok.

Katie

Wrrq1 qa: Window 0

WATER RIGHT

WR Number Right Type Priority Date

WR Qualifier

Vested County Code Current Complete-by Date Current Perfect-By Date WR ID Temp Reduced Quan

QUANTITIES IF STORED BY ENTIRE RIGHT

Authorized Additional Unit

RATES IF STORED BY ENTIRE RIGHT

Authorized Additional Unit

RATES AND QUANTITIES IF STORED BY USE MADE OF WATER

Umw Code	Auth Quant	Add Quant	Quant Unit	Auth Rate	Add Rate	Rate Unit	LIMITATION
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

RATES AND QUANTITIES IF STORED BY POINT OF DIVERSION

Umw Code	Pd Iv Id	Sec	Twp	Twp	Dir	Rng	Rng	Dir	Id	Auth Quant	Add Quant	Quant Unit	Auth Rate	Add Rate	Rate Unit
MUN	44748	23	13	S	1	E	3			31.95	31.95	mgy	205	205	gpm
MUN	34927	23	13	S	1	E	1			31.95	31.95	mgy	210	5	gpm

STORAGE QUANTITIES IF STORED BY ENTIRE RIGHT

Authorized Additional Unit

STORAGE RATES IF STORED BY ENTIRE RIGHT

Authorized Additional Unit

STORAGE RATES AND QUANTITIES BY USE MADE OF WATER

Umw Code	Auth Quant	Add Quant	Quant Unit	Auth Rate	Add Rate	Rate Unit
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Wrrq1 qa 1: Window 0

In	Effect ?	Effective Date	Limitation	Limitation Type	Date Cr
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23-DEC-2004	1347GPM COM/WV #2123	Combined Rate	29-DEC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	02-NOV-1998	210GPM WHEN WELLS OPERATE SIMULTANEOUSLY	Combined Rate	03-NOV

Katie Tietsort

Kansas Department of Agriculture

6531 SE Forbes Ave Ste B

Topeka, KS 66619

katie.tietsort@ks.gov

McColloch, Austin

From: Turney, Brent
Sent: Tuesday, June 6, 2017 1:14 PM
To: Tietsort, Katie
Cc: Letourneau, Lane; McColloch, Austin
Subject: RE: 39287 Suburban chg pd & Abilene change pd 19793

Ok,
If you are willing to make the "CALL" that this won't impair, we will get it out right away.
I am concerned what will happen here if we get into a drought.
We will respond to John Peck and get the approval to Lane soon.
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Tietsort, Katie
Sent: Tuesday, June 6, 2017 12:56 PM
To: Turney, Brent <Brent.Turney@ks.gov>
Cc: Letourneau, Lane <Lane.Letourneau@ks.gov>
Subject: RE: 39287 Suburban chg pd & Abilene change pd 19793

I am worried about Suburban. I don't have anything about John and Jim's review of Martha's work. This change came in first and is very similar. This change has to move before Suburban either way. I am worried about Suburban impairing the LV RWD 07 by destroying the formation.

Abilene is just a disgruntled neighbor who hasn't pumped much in 20 years complaining because he didn't get paid 1.5 million dollars for 30 mgy. Abilene pumped 353.42 AF (115,160,000 gallons) out of this well in 2016 and 221.61 AF (73,842,000 gallons) out of it in 2014 with no water level declines whatsoever. They are allowed to pump 887 AF (289mgy) out of it already and are asking to lump the 19793's quantity of 64 mgy ADD onto this well because they physically cannot individually meter wells 1 + 3 and that is why they are asking for the change. Bob Vincent and Brad Vincents work and their face-to-face clearly indicated no anticipated impairment due to this well. We already have the full actual pump test and all the data showing that.

The observation well is in place and is showing that heavy pumping of this well **is not** impacting Mr. Clemence. What more can they possibly provide?

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B

Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Turney, Brent
Sent: Tuesday, June 6, 2017 7:26 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: RE: 39287 Suburban chg pd

I am going to have John look at Abilene, I am worried about that change when a drought hits.

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Tietsort, Katie
Sent: Thursday, June 1, 2017 8:03 AM
To: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: 39287 Suburban chg pd

I should get to this tomorrow or Friday. Is Abilene ready also?

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Turney, Brent
Sent: Tuesday, May 30, 2017 2:19 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: 39287 Suburban chg pd

Katie,
After reading Johns work are you ready to move forward on this?
Thanks,
Brent

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 6, 2017

JON MARK CLEMENCE
P O BOX 696
ABILENE KS 67410

FILE COPY

Re: Pending Change Application
File No. 19,793

Dear Mr. Clemence:

This will acknowledge receipt of your letter dated January 5, 2017, in which you expressed comments concerning the proposed change application in point of diversion by The City of Abilene under the above referenced file.

Your comments have been considered, and approval of the application, if granted, will authorize a change in point of diversion only when it does not impair existing rights. Should the change in point of diversion under this application substantially impair your earlier rights, you should notify the field office in your area. The field office in your area is:

Kansas Department of Agriculture
Division of Water Resources - Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

If an applicant without cause fails to comply with the provisions of the order and its terms, conditions and limitations, it could result in the forfeiture of the priority date and revocation of the order.

If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.

Change Application Unit Supervisor
Water Appropriation Program

BAT:am

Pc: Topeka Field Office

SCANNED

Ground Water Associates, Inc.

109 W. 1st Ave., P.O. Box 792, Goddard, Ks 67052 • 316-262-3322

January 5, 2017

Brent Turney, Change Applications Supervisor
Division of water Resources
1320 Research Park Drive
Manhattan,, Kansas 66502-5000

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Subject: Change Application File No. 19,793

Dear Brent:

This letter is written concerning the change in the point of diversion for File No. 19,793, which is owned by the City of Abilene with respect to File No. 17708-02 which is owned by Jon Mark Clemence.

We understand that the city wishes to move water right 19,793 to their new well, located in the NW ¼ of Section 23, T13S, R1E or approximately 2,200 feet west of the current location. The Clemence well (File No. 17708-02) is located in the NE ¼ of Section 22, T13S, R1E will be affected by this move.

In the Ground Water Associates report of May 31, 2013 written to Jon & Cecilia Clemence, we discussed the aquifer located in this area. A copy of this report was sent to Lloyd Hemphill concerning the change application for File No. 2,123. Unconsolidated Terrace deposits lay directly on an older limestone bed. Due to water flowing through this limestone formation, secondary solution cavities have formed. As a result, most of the water produced from wells completed in this limestone comes from these cavities. The bulk of the recharge is stored in these fine and silty sands (log included with this report) and feeds these cavities. This makes this aquifer susceptible to drought conditions due to the limited saturated thickness and low storativity of the fine to silty sand.

Evidence of this drought susceptibility is summarized in Table 3 of the Ground Water Associates report and is the reason we feel that moving the Abilene water right 19,793 closer to the Clemence water right 17708-02 is not in the best interest of the more senior water right. As an example, Abilene PWS-1 had 15.26 feet of saturated thickness on October 26, 1995 and 4.92 feet September 9, 2002 and PWS-3 was similar with 15.40 feet October 26, 1995 and 3.40 feet saturated thickness on September 9, 2002.

Further evidence from this report shows that on December 11, 2012 the Wilson Well had 7.83 feet saturated thickness and the Clemence Well had 22.00 feet, this is why the Clemence Well could be pumped at 835 gpm and the Wilson Well only 340 gpm.

The city has drilled an observation well which is located between the City's new well and the Clemence well, located in the southeast corner of the northwest



quarter of Section 23, T13S, R1E. We have acquired the City of Abilene's monthly water level readings from the city water treatment plant on this monitor well. Water level readings are taken using a Solinst Model 102 Well Level Meter and the static water level has been as high as 48.07 on December 16, 2016 and as low as 52.08 feet on May 15, 2015. We have included these readings along with a topographic map of this location. This period has had abundant precipitation and we would expect a much greater fluctuation during a period of extended drought.

Moving the point of diversion on File No. 19,793 (98.051 acre feet) approximately 2,200 feet closer to the Clemence's File No. 17,708-02 well, will cause additional drawdown at the Clemence's well. However, during extended drought the risk of impairment will be greatly increased.

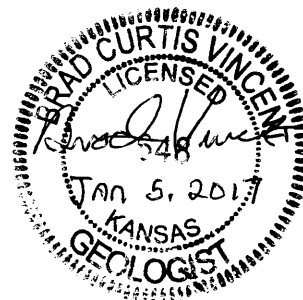
Best regards,



Brad Vincent, P.G
Ground Water Associates, Inc.

Pc: John C. Peck, Attorney
Foulston Siefkin, LLP
32 Corporate Woods
9225 Indian Creek Pkwy, #600
Overland park, Kansas 66210

Jon & Cecilia Clemence
2903 17th Avenue
Lindsborg, Kansas 67456



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Turney, Brent

From: Peck, John C. <jpeck@ku.edu>
Sent: Thursday, January 5, 2017 5:58 PM
To: Turney, Brent; Turney, Brent
Cc: jclem@dsoelectricwb.com; vincentbrad@hotmail.com
Subject: Re: Water Right File No. 19,793 (Abilene) and No. 17,708-02
Attachments: Clemenceltr5Jan2017ReAbileneChangeApp.doc

Sorry, Brent, but the date I had on my letter was 2016. I've corrected it to 2017 and attach a corrected copy.

From: Peck, John C.
Sent: Thursday, January 5, 2017 5:34 PM
To: Turney, Brent; Brent.Turney@ks.gov
Cc: jclem@dsoelectricwb.com; vincentbrad@hotmail.com
Subject: Re: Water Right File No. 19,793 (Abilene) and No. 17,708-02

Brent:

Thank you for giving us more time to respond to your November 16, 2016 letter regarding Abilene's change application.

I am attaching a letter from me that states our position in objecting to this application. In addition, Brad Vincent will send you his report.

Thank you for your consideration.

John

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January 5, 2017

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Memorandum:

To: Brent A. Turney, P.G., Change Application Unit Supervisor, DWR
From: John C. Peck
Subject: Change Application for Water Right, File No. 19,793

KS DEPT OF AGRICULTURE

Dear Mr. Turney:

I represent Jon and Cecilia Clemence, who own Water Appropriation Right File No. 17,708-02. This letter responds to your letter of November 16, 2016 in which you seek comments on a change application filed by the City of Abilene to change a POD for its File No. 19,793. This proposed change would move the well closer to the Clemence's well.

I refer you to my letter to Lloyd Hemphill of DWR dated June 2, 2014, on the subject of Abilene's application for a well under File No. 2,123 to change the POD to the same location proposed in the new change application for File No. 19,793. In that letter, I suggested that while that change application was for a water right senior to the Clemence's water right, still when the new well would be pumped in combination with several wells in the vicinity that were junior to the Clemence's water right, impairment might occur. I referenced a report done by Bob and Brad Vincent of Groundwater Associates. We feel that the information in that report is still relevant and that it deserves due consideration in your review of Abilene's pending change application. In addition, Brad Vincent has also sent you a letter concerning Abilene's pending change application. As he correctly points out, the data provided by Abilene from its observation well was taken during a very wet period. He predicts more drawdown at the Clemence well site during drought periods.

In addition to the concerns expressed by Mr. Vincent, I would add that the change DWR approved in 2014 for File No. 2,123 to this location involved a water right that was senior to the Clemence's water right File no. 17,708-02. This time, the proposed change is for a water right that is junior to the Clemence's water right. There is thus even more reason to deny this application than there was when the change was sought for the senior right two years ago, because senior rights like the Clemence's right must be protected. K.S.A. 82a-711, to which the change application statute K.S.A. 82a-

SCANNED

Page 2

708b refers, states that an application should not be approved if it would impair “a use under an existing water right.” That possibility would be even more likely to occur if DWR approves Abilene’s new change application with even more water being pumped from the new well.

For these reasons, we encourage you to deny the pending change application. Approving it now will increase the likelihood that the Clemences will be forced to file an impairment claim against Abilene. That burden should not be placed in the Clemences, who are holders of a water right senior to Abilene’s File No. 19,793.

Thank you for your consideration.

Sincerely,

John C. Peck, Special Counsel

Turney, Brent

From: Peck, John C. <jpeck@ku.edu>
Sent: Thursday, January 5, 2017 5:34 PM
To: Turney, Brent; Turney, Brent
Cc: jcclem@dsoelectricwb.com; vincentbrad@hotmail.com
Subject: Re: Water Right File No. 19,793 (Abilene) and No. 17,708-02
Attachments: ClemenceLtr5Jan2017ReAbileneChangeApp.doc

Brent:

Thank you for giving us more time to respond to your November 16, 2016 letter regarding Abilene's change application.

I am attaching a letter from me that states our position in objecting to this application. In addition, Brad Vincent will send you his report.

Thank you for your consideration.

John

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Pumping Test Run On the Clemence Well

with

Water Level Measurements

taken in

Abilene's PWS Well 15

and

In the Wilson Well

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4 NAME Clarence / #15 Wilson off

DATE 12-12-17

OBSERVED WELL _____ PUMPING WELL _____

DISTANCE AND DIRECTION FROM PUMPING WELL _____

MEASURING POINT: _____ FEET ABOVE GROUND LEV _____

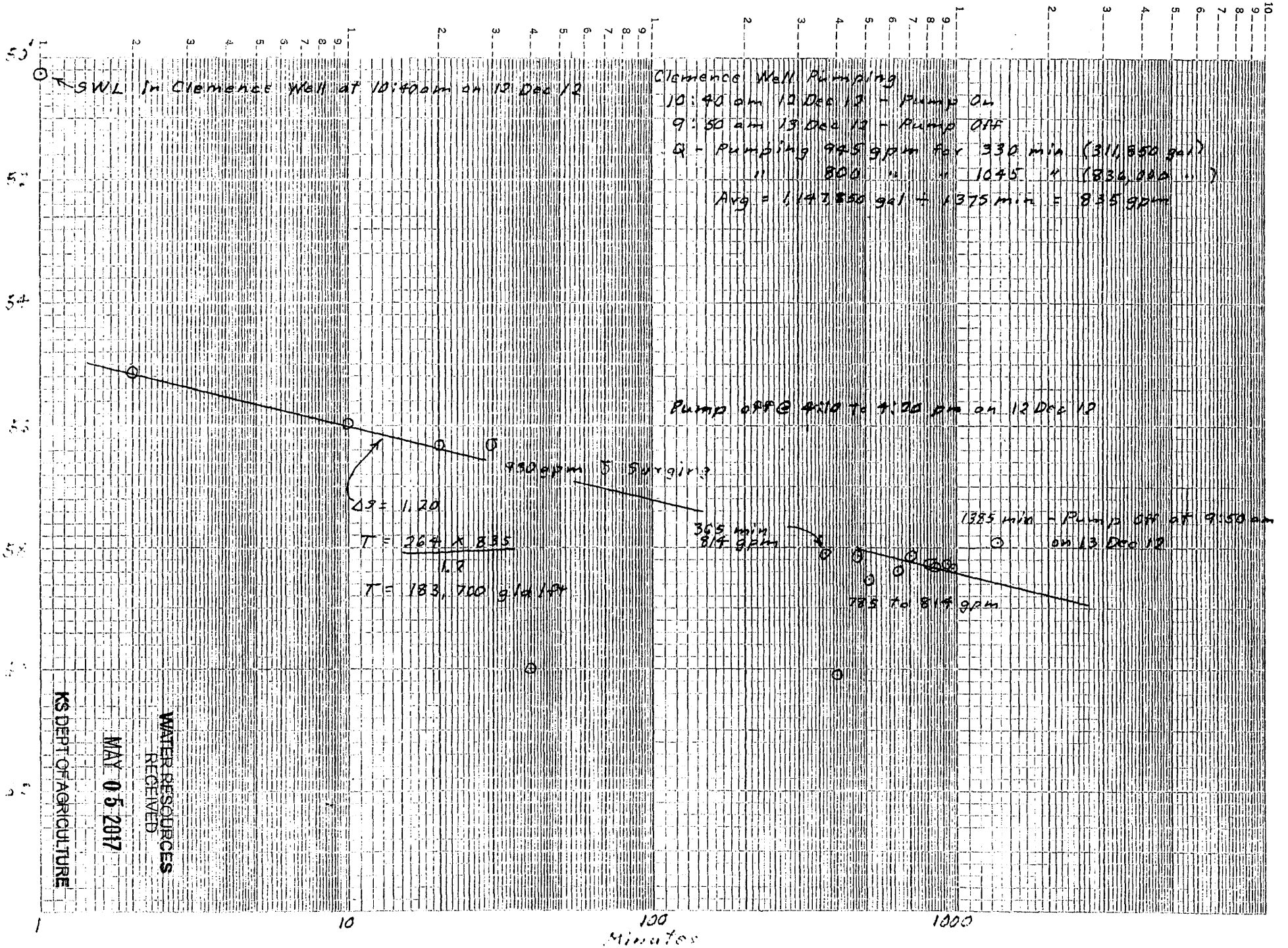
DATE	TIME OF DAY	ELAPSED TIME IN MINUTES	TAPE READING	WATER LEVEL BELOW MEASURING POINT	DRAWDOWN IN FEET	PUMPING RATE OF TEST WELL
12 Dec	10:40 a.m.	SWL		50' 3"		1000
	10:42	2 0		55' 2"		960
	10:50	10 1		56'		
	11:00	20 2		56' 8"		
	11:10	30 3		56' 8"		
	11:20	40 4	60' Top of Pump		Some Air	
	11:30	50 5				
	Thru	7				
	4:00	9		Surging		930
		11				
	4:10-4:20	15	Shut Down	Fast. VFD		
		20				
	4:45	36.5 25		58' 3"		814
	5:20	400 30		60' Plus		
	6:40	486 35		58' 3"		806
	7:15	515 40		58' 9"		805
	8:20	640 45		58' 8"		785
	10:30	710 50		58' 4"		
	12:15	815 60		58' 6"		
	12:40	840 70		58' 8"		805
	2:00	920 80		58' 5 1/2"		
	2:30	950 90		58' 8"		
	3:40	1020 100		58' 8"		
	9:45 Am	1385 120	1385 min	57' 11"	8.47' DD	
		150				
		180				
13 Dec	7:50 Am	210	Shut Down			
	10:00	240		54' 10"		0
	10:10	270		52' 10"		
	10:20	300		51' 9"		
	10:30	330		51' 5"		
	10:40	360		51' 3"		
	11:00	420		51' 1"		
	11:20	480		51'		
		540				
		600				
		660				
		720				
		780				
		840				
		900				
		960				
		1020				
		1080				
		1140				
		1200				
		1260				
		1320				
		1380				
		1440				

TEST PERFORMED BY _____ JOB NO. _____

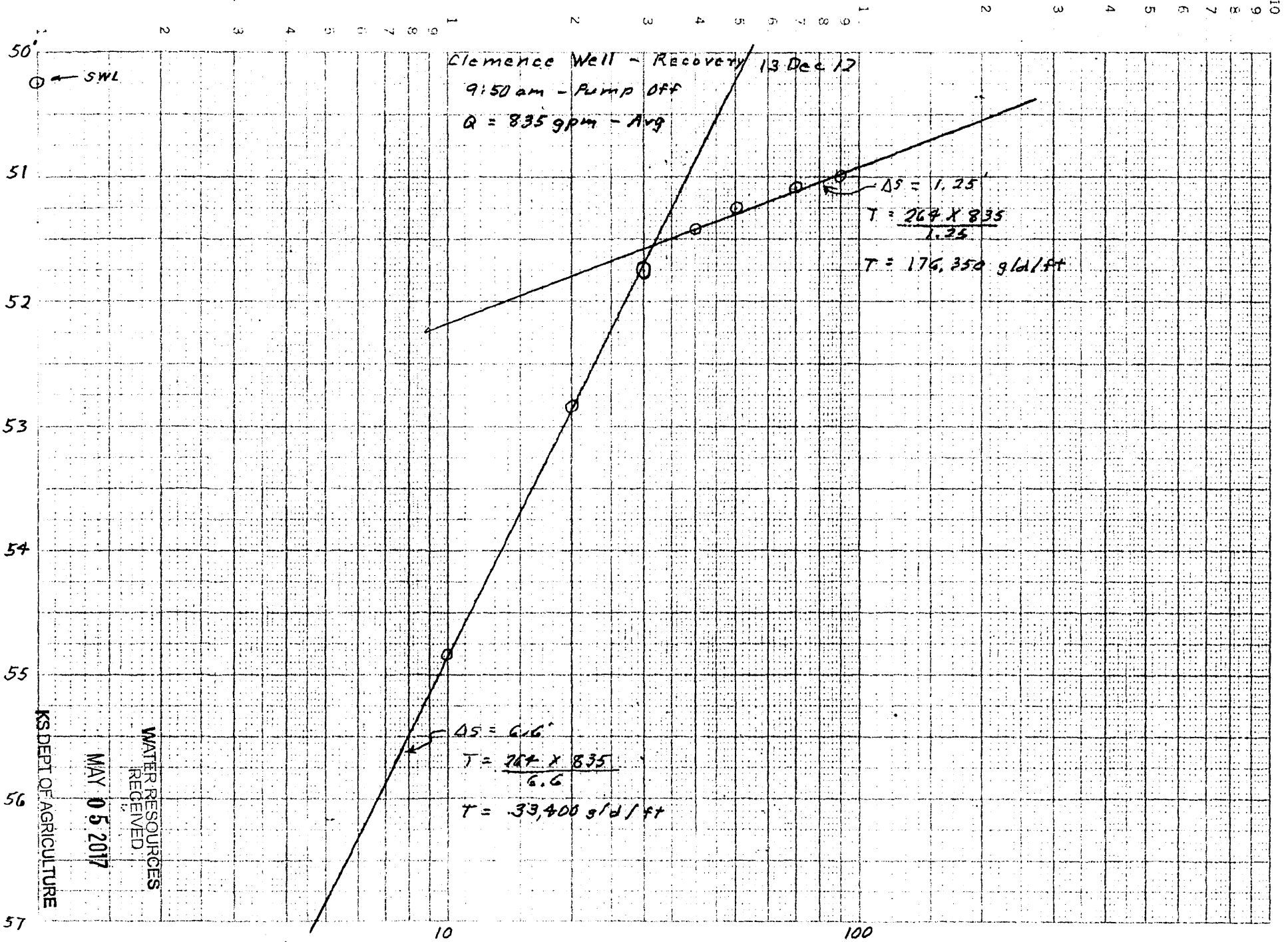
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 MAY 05 2017



3

NAME #15 w/ Clemence Running / Wilson off DATE 12-12-17

OBSERVED WELL _____ PUMPING WELL _____

DISTANCE AND DIRECTION FROM PUMPING WELL _____

MEASURING POINT: _____ FEET ABOVE GROUND LEVEL _____

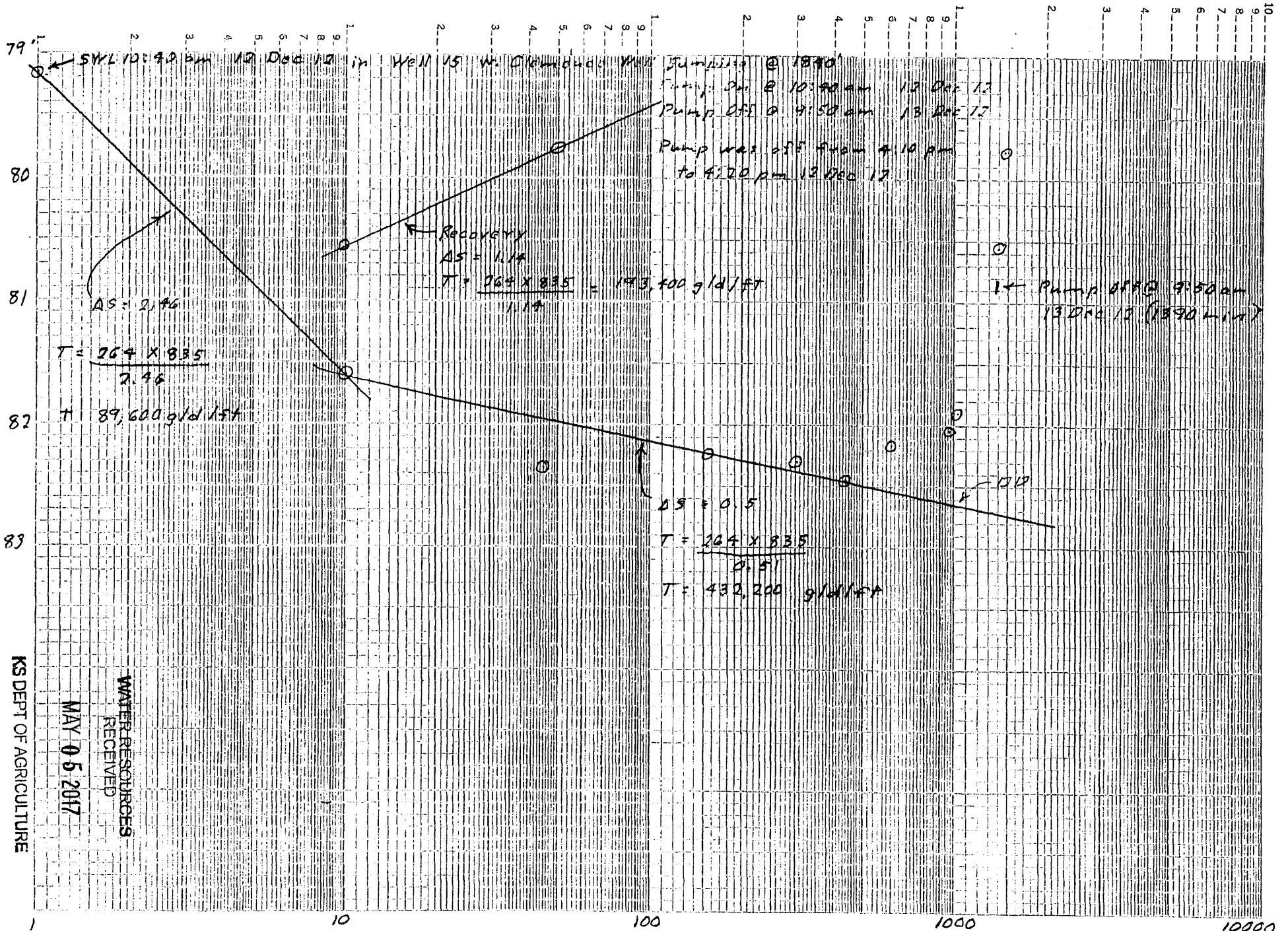
DATE	TIME OF DAY	ELAPSED TIME IN MINUTES	TAPE READING	WATER LEVEL BELOW MEASURING POINT	DRAWDOWN IN FEET	PUMPING RATE OF TEST WELL
	10:50	10 SWL		81.6 2.60		
	11:25	45 0		82.33 3.33		
	1:25	165 1		82.23 3.23	Clemence	Surging
	3:40	300 2		82.3 3.30	Clemence	Surging
	6:05	445 4	Clemence	Shut Down 7:10 - 4:20		
	9:00	620 5		82.4 3.40		
	2:50	970 7		82.14 3.14		
	3:40	1020 9		82.04 3.04		
	10:40	10:11		81.90 2.90		
	10:40	50 15		80.55 1.55	Pump Off @ 9:50 am (1390 min)	
		20		79.76 .76		
		25				
		30				
		35				
		40				
		45				
		50				
		60				
		70				
		80				
		90				
		100				
		120				
		150				
		180				
		210				
		240				
		270				
		300				
		330				
		360				
		420				
		480				
		540				
		600				
		660				
		720				
		780				
		840				
		900				
		960				
		1020				
		1080				
		1140				
		1200				
		1260				
		1320				
		1380				
		1440				

TEST PERFORMED BY _____ JOB NO. _____

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6

NAME Wilson well w/ Clemence on / #15 OFF DATE 12-12-12

OBSERVED WELL _____ PUMPING WELL _____

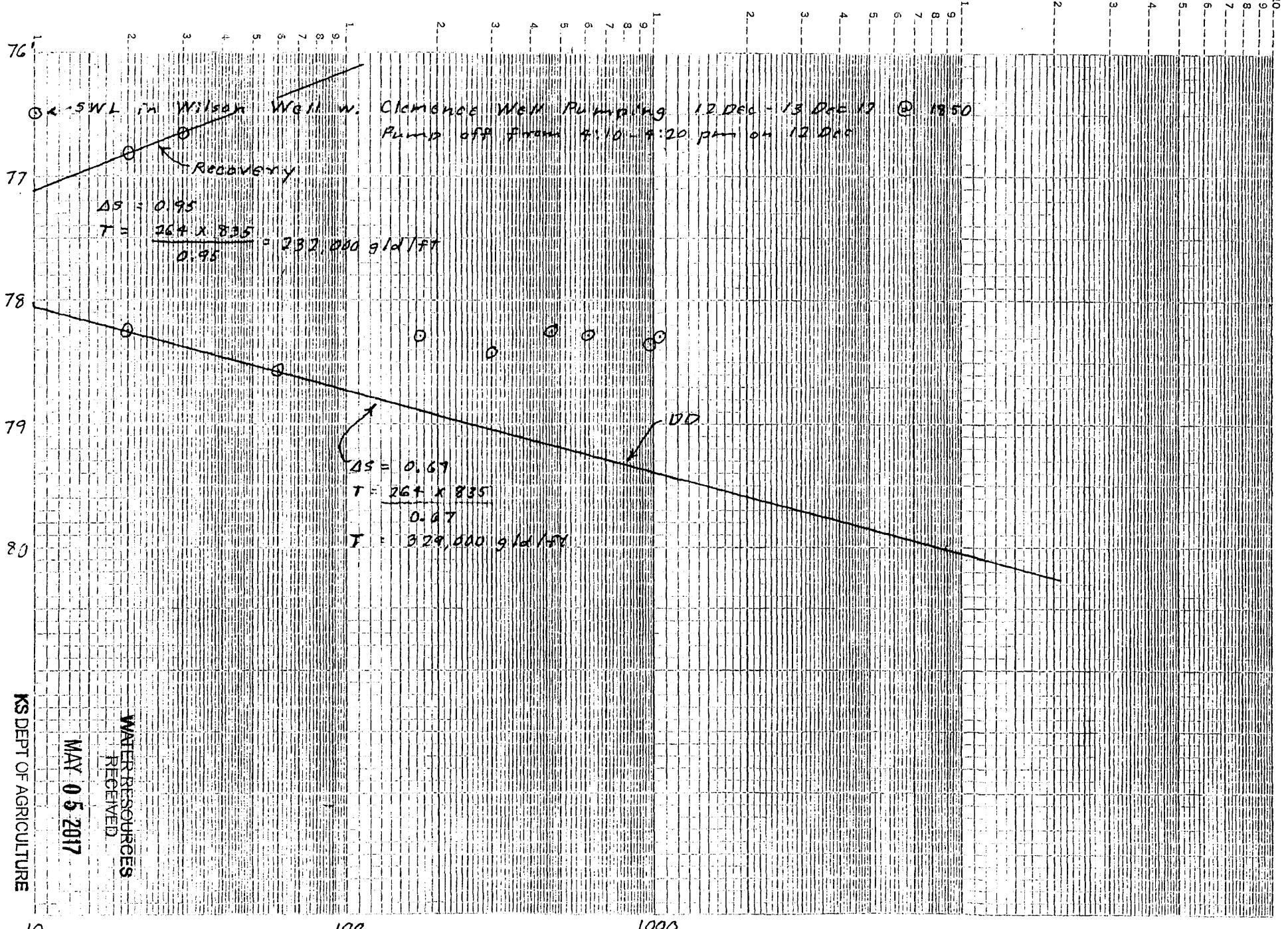
DISTANCE AND DIRECTION FROM PUMPING WELL _____

MEASURING POINT: _____ FEET ABOVE GROUND LEVEL _____

DATE	TIME OF DAY	ELAPSED TIME IN MINUTES	TAPE READING	WATER LEVEL BELOW MEASURING POINT	DRAWDOWN IN FEET	PUMPING RATE OF TEST WELL
	10140	SWL		76' 5" 76' 42"		
		0				
	11100	20	1	78' 3" .25		
	11140	60	2	78' 7" .58		
	1135	175	3	78' 3 1/2" .29		
	3140	300	4	78' 5" .42		
		5				
	6:25	465	7	Clemence Shut Down 4:10 - 4:20 78' 3" .25		
	8:50	610	9	78' 3 1/2" .29		
	3:00 Am	980	11	78' 4" .33	6.83' DP	
13 Dec	3:50	1030	15	78' 3 1/2" .29		
	10110	20	20	76' 10" .83	Clemence off @ 9:50	
	10:20	30	25	76' 8" .67		
		30				
		35				
		40				
		45				
		50				
		60				
		70				
		80				
		90				
		100				
		120				
		150				
		180				
		210				
		240				
		270				
		300				
		330				
		360				
		420				
		480				
		540				
		600				
		660				
		720				
		780				
		840				
		900				
		960				
		1020				
		1080				
		1140				
		1200				
		1260				
		1320				
		1380				
		1440				

TEST PERFORMED BY _____ JOB NO. _____ WATER RESOURCES RECEIVED

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MAY 05 2017

WATER RESOURCES
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Pumping Test Run On The Wilson Well

with

Water Level Measurements

taken in

Abilene's PWS Well 15

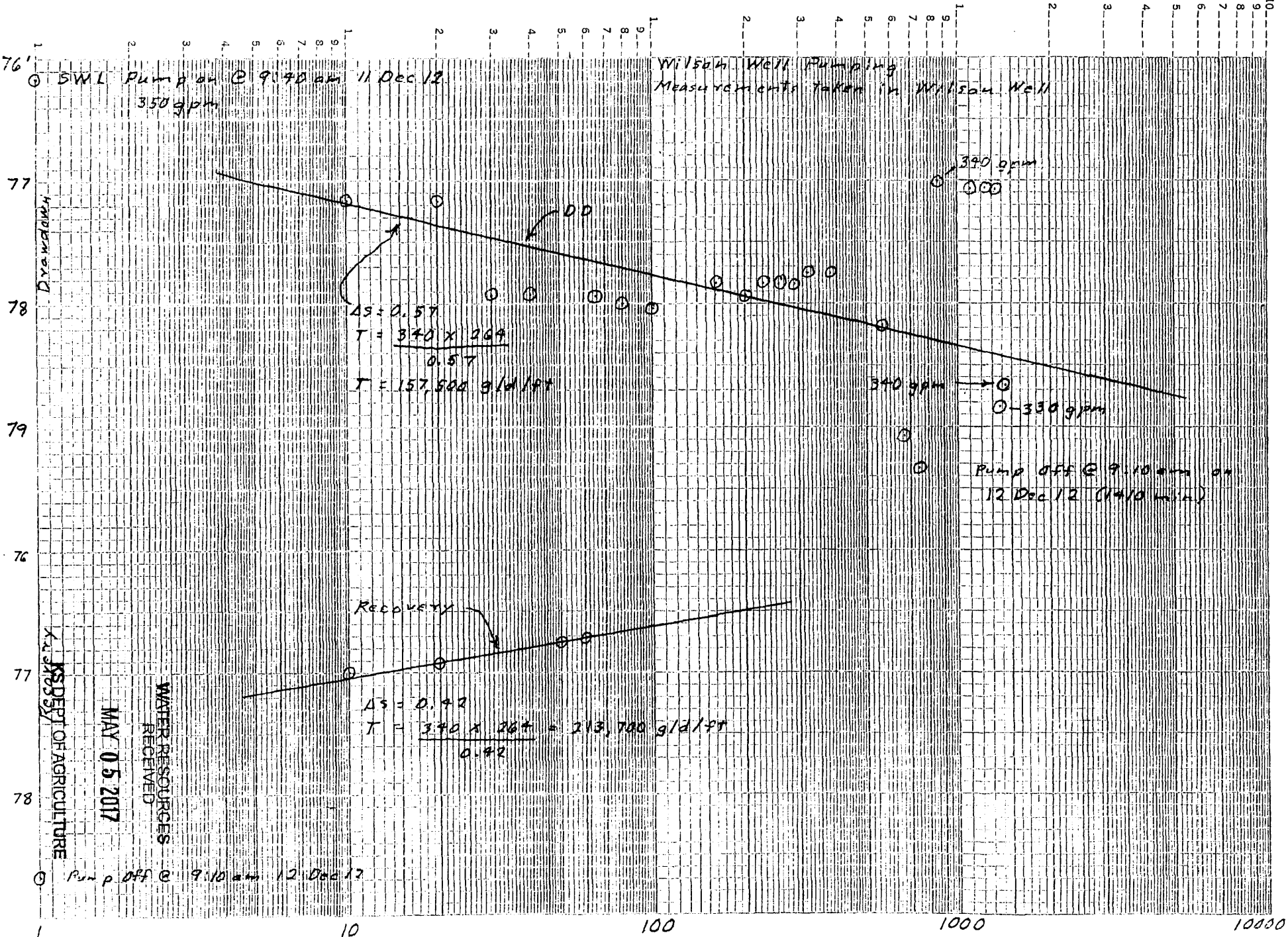
and in the

Clemence Well

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 WATER RESOURCES
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 MAY 05 2017

3

NAME #15 With Wilson Running

DATE 12-11-12

OBSERVED WELL

PUMPING WELL

DISTANCE AND DIRECTION FROM PUMPING WELL

MEASURING POINT:

FEET ABOVE GROUND LEVEL

DATE	TIME OF DAY	ELAPSED TIME IN MINUTES	TAPE READING	WATER LEVEL BELOW MEASURING POINT	DRAWDOWN IN FEET	PUMPING RATE OF TEST WELL
	9:40	SWL		79.15	0.00	
		0				
	11:00	80		80.15	1.00	
		2				
	12:00	140		79.63	0.48	
	1:00	200		79.57	0.42	
	4:00	320		79.53	0.38	
	5:30	410		80.60	1.05	
	7:30	530	Jay Ran well			
	8:30	590		80.14	0.99	
	10:20	70		79.66	Wilson well off	9:10 am 12 Nov 12
		20			0.51	
		25				
		30				
		35				
		40				
		45				
		50				
		60				
		70				
		80				
		90				
		100				
		120				
		150				
		180				
		210				
		240				
		270				
		300				
		330				
		360				
		420				
		480				
		540				
		600				
		660				
		720				
		780				
		840				
		900				
		960				
		1020				
		1080				
		1140				
		1200				
		1260				
		1320				
		1380				
		1440				

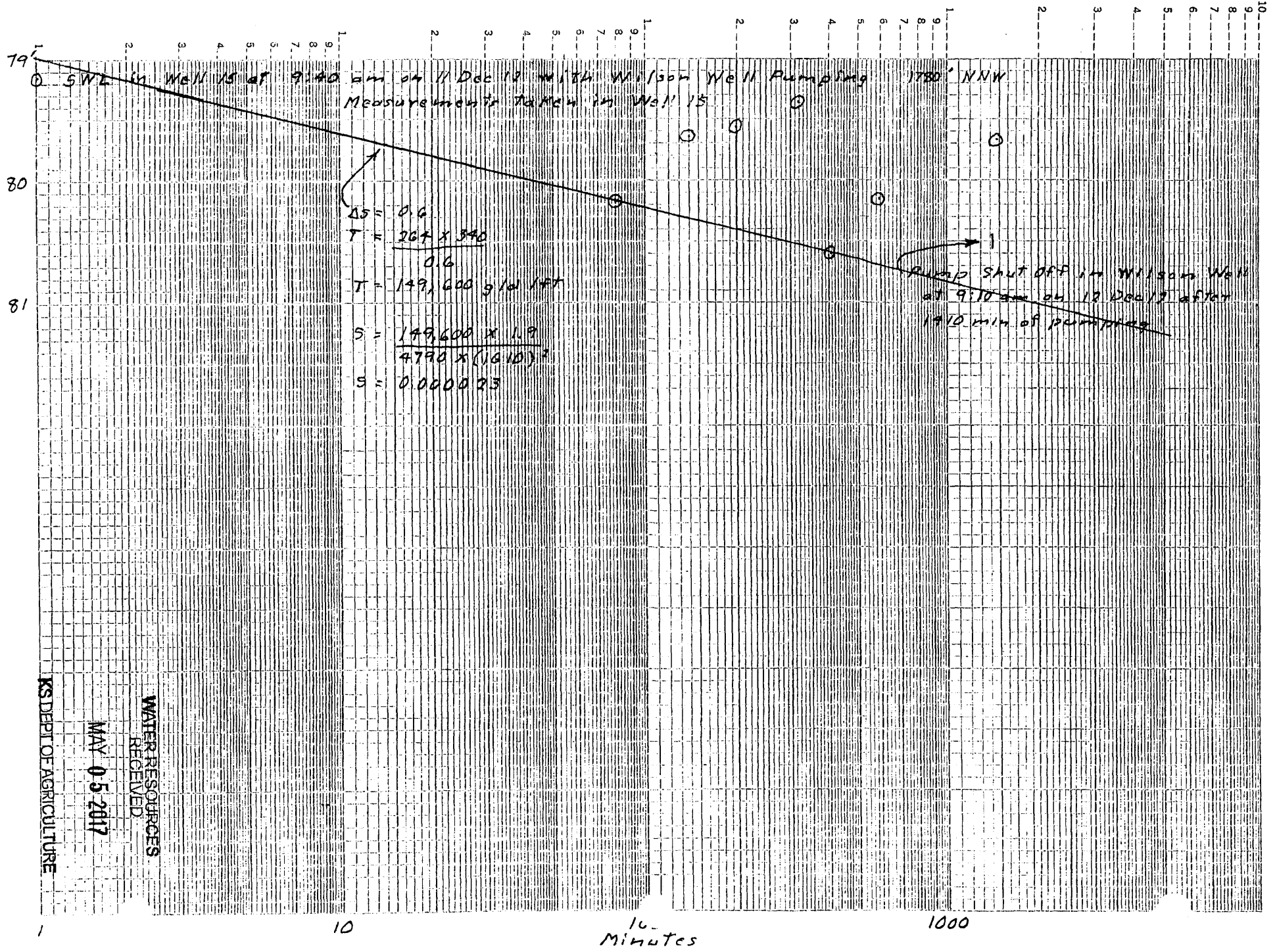
TEST PERFORMED BY

JOB NO.

WATER RESOURCES RECEIVED

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2

NAME Clemence well / Wilson Running DATE 12-11-12

OBSERVED WELL _____ PUMPING WELL _____

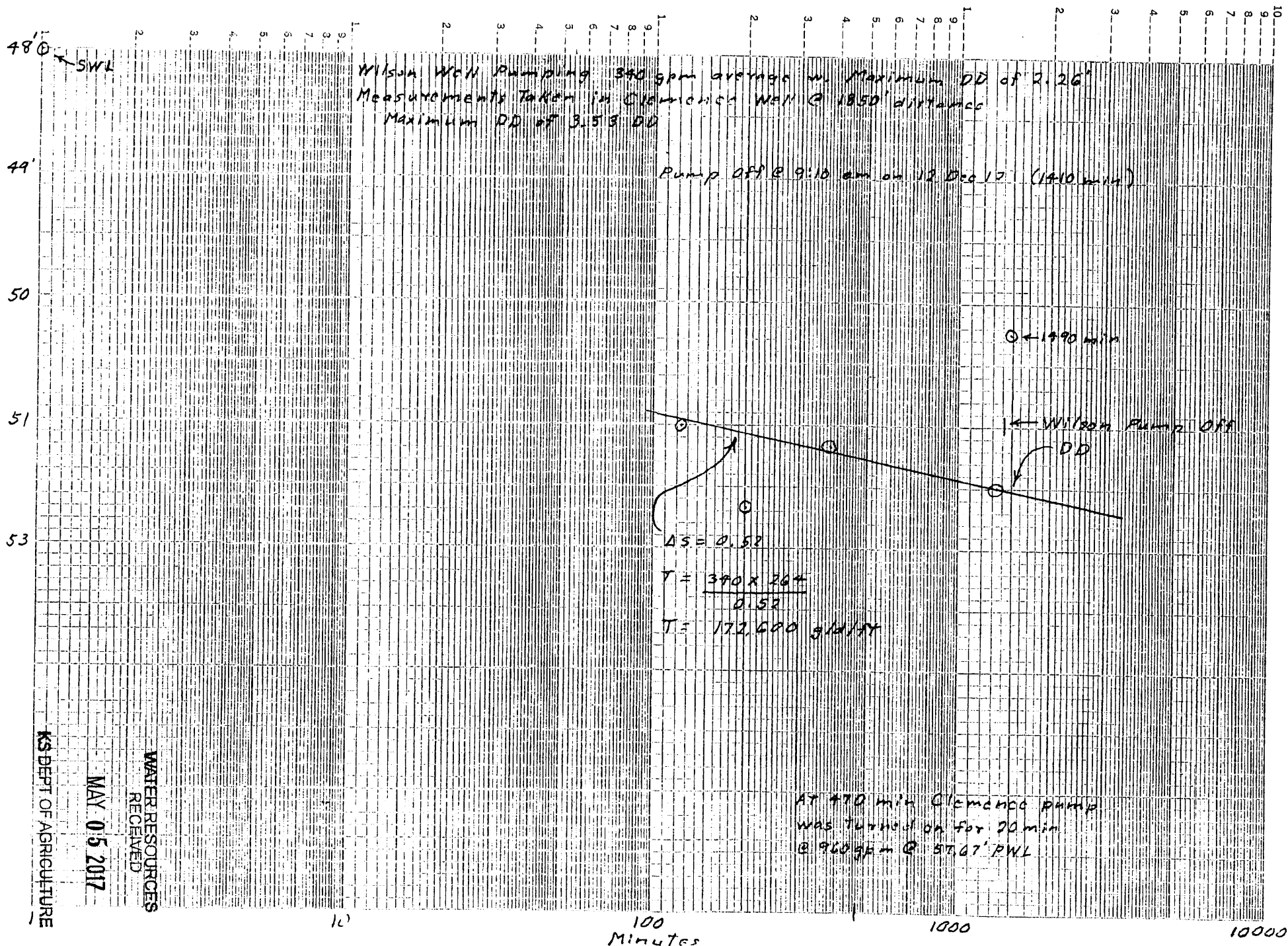
DISTANCE AND DIRECTION FROM PUMPING WELL _____

MEASURING POINT: _____ FEET ABOVE GROUND LEVEL _____

DATE	TIME OF DAY	ELAPSED TIME IN MINUTES	TAPE READING	WATER LEVEL BELOW MEASURING POINT	DRAWDOWN IN FEET	PUMPING RATE OF TEST WELL
	9:40	SWL		4.8'		
		0				
	11:45	125		51'		
	1:00	200		51' 8"		
	4:00	380		51' 2"		
	5:30	470		57' 8"	Pump 20 min @ 960 GPM	
		5				
	8:15 AM	1340		51' 6"		
		9				
12 Dec 17	9:10	1410	Wilson Off			
		15				
	10:30	80		50' 3"		
		25				
		30				
		35				
		40				
		45				
		50				
		60				
		70				
		80				
		90				
		100				
		120				
		150				
		180				
		210				
		240				
		270				
		300				
		330				
		360				
		420				
		480				
		540				
		600				
		660				
		720				
		780				
		840				
		900				
		960				
		1020				
		1080				
		1140				
		1200				
		1260				
		1320				
		1380				
		1440				

TEST PERFORMED BY _____ JOB NO. _____ WATER RESOURCES RECEIVED

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MAY 05 2017

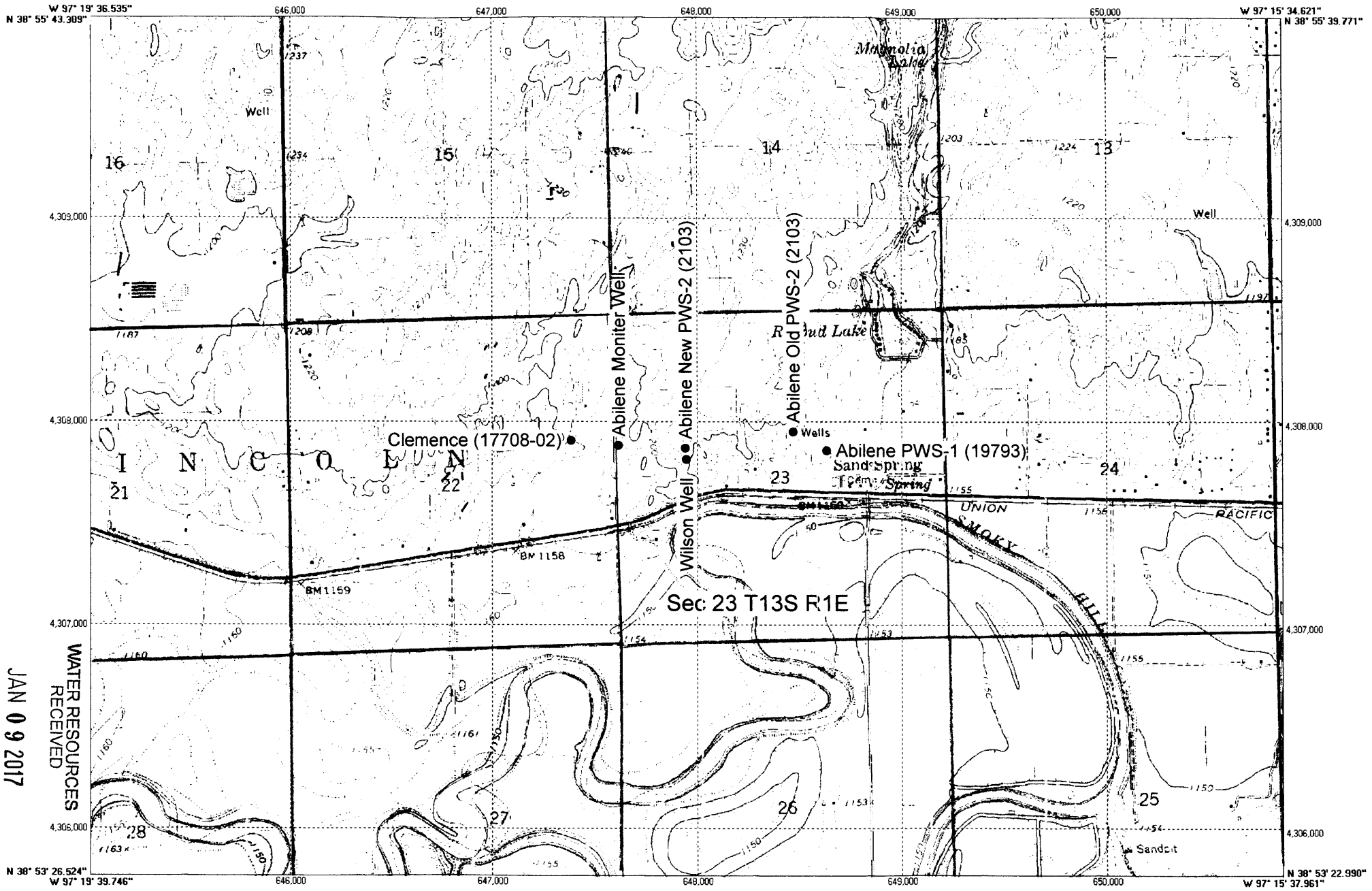
WATER RESOURCES
 RECEIVED

10'

100
 Minutes

1000

10000



W 97° 19' 36.535"
N 38° 55' 43.309"

646,000

647,000

648,000

649,000

650,000

W 97° 15' 34.621"
N 38° 55' 39.771"

4,309,000

4,309,000

4,308,000

4,308,000

4,307,000

4,307,000

4,306,000

4,306,000

N 38° 53' 26.524"
W 97° 19' 39.746"

646,000

647,000

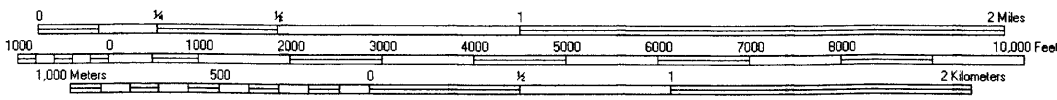
648,000

649,000

650,000

W 97° 15' 37.961"
N 38° 53' 22.990"

1927 North American Datum; 1,000-meter UTM grid zone 14
Generated by BigTopo (www.bigtopo.com)
Map compiled from USGS Quads: Solomon; KS



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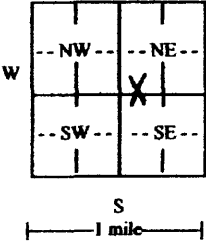
SCANNED

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Dickinson	Fraction SE ¼ SW ¼ SW ¼ NE ¼	Section Number 22	Township No. T 13 S	Range Number R 1 <input checked="" type="checkbox"/> E <input type="checkbox"/> W
Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> 3-1/2 miles East & 1/2 mile South of Solomon, Ks		Global Positioning System (GPS) information: Latitude: 38.908291 (in decimal degrees) Longitude: 97.306022 (in decimal degrees) Elevation: 1178 Datum: <input type="checkbox"/> WGS 84. <input checked="" type="checkbox"/> NAD 83, <input type="checkbox"/> NAD 27 Collection Method: <input type="checkbox"/> GPS unit (Make/Model:) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m		
2 WATER WELL OWNER: Jon Clemence RR#, Street Address, Box #: 2903 17th City, State, ZIP Code : Lindsborg, Kansas 67456				

3 LOCATE WELL WITH AN "X" IN SECTION BOX: N  W E S 1 mile	4 DEPTH OF COMPLETED WELL 53 ft. Depth(s) Groundwater Encountered (1)..... ft. (2)..... ft. (3)..... ft. WELL'S STATIC WATER LEVEL..... 35 ft. below land surface measured on mo/day/yr. 7/29/2015..... Pump test data: Well water was..... ft. after..... hours pumping..... gpm EST. YIELD: 7-12 gpm. Well water was..... ft. after..... hours pumping..... gpm Bore Hole Diameter .9 in. to .53 ft., and in. to ft. WELL WATER TO BE USED AS: <input type="checkbox"/> Public water supply <input type="checkbox"/> Geothermal <input type="checkbox"/> Injection well <input type="checkbox"/> Domestic <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input checked="" type="checkbox"/> Other (Specify below) Stock <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic-lawn & garden <input type="checkbox"/> Monitoring well Was a chemical/bacteriological sample submitted to Department? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, mo/day/yr sample was submitted..... Water well disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	--

5 TYPE OF CASING USED: Steel PVC Other

CASING JOINTS: Glued Clamped Welded Threaded

Casing diameter 5 in. to 43 ft., Diameter in. to ft., Diameter in. to ft.
 Casing height above land surface..... 12 in., Weight 2.37 lbs./ft., Wall thickness or gauge No. 0.214

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify)
 Brass Galvanized Steel None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify)

SCREEN-PERFORATED INTERVALS: From 43 ft. to 53 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

GRAVEL PACK INTERVALS: From 2.0 ft. to 53 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other

Grout Intervals: From 0 ft. to 20 ft., From ft. to ft., From ft. to ft.

What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Sepage pit Feedyard Fertilizer storage Oil well/gas well

Direction from well ... East Distance from well ... 1/8 mile

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	3	Topsoil			
3	24	Sand, fine			
24	52	Sand, fine w/some medium			
52	53	Limestone			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 7/29/2015 and this record is true to the best of my knowledge and belief.
 Kansas Water Well Contractor's License No. ... 897 This Water Well Record was completed on (mo/day/year) 8/4/2015
 under the business name of Peterson McNett Drilling, Inc. by (signature) *Jon McNett*

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send one copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5524. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>

CITY MONITOR Well

WATER WELL RECORD

Form WWC-5

 Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Dickinson	Fraction NW ¼ SW ¼ SW ¼ NW ¼	Section Number 23	Township No. T 13 S	Range Number R 1 <input checked="" type="checkbox"/> E <input type="checkbox"/> W
Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> 3 miles West of Abilene, Kansas		Global Positioning System (GPS) information: Latitude: 38.90827365 (in decimal degrees) Longitude: 97.29770007 (in decimal degrees) Elevation: 1194 Datum: <input type="checkbox"/> WGS 84, <input checked="" type="checkbox"/> NAD 83, <input type="checkbox"/> NAD 27 Collection Method: <input type="checkbox"/> GPS unit (Make/Model:) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m		
2 WATER WELL OWNER: City of Abilene c/o Jay Leusman RR#, Street Address, Box #: PO Box 519 City, State, ZIP Code : Abilene, Kansas 67410				

3 LOCATE WELL WITH AN "X" IN SECTION BOX: <div style="text-align: center;"> </div>	4 DEPTH OF COMPLETED WELL 84 ft. Depth(s) Groundwater Encountered (1)..... ft. (2)..... ft. (3)..... ft. WELL'S STATIC WATER LEVEL 50 ft. below land surface measured on mo/day/yr. 5/13/2015..... Pump test data: Well water was..... ft. after..... hours pumping..... gpm EST. YIELD 30 gpm. Well water was..... ft. after..... hours pumping..... gpm Bore Hole Diameter .5 in. to .84 ft., and..... in. to..... ft. WELL WATER TO BE USED AS: <input type="checkbox"/> Public water supply <input type="checkbox"/> Geothermal <input type="checkbox"/> Injection well <input type="checkbox"/> Domestic <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Other (Specify below) <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic-lawn & garden <input checked="" type="checkbox"/> Monitoring well Was a chemical/bacteriological sample submitted to Department? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, mo/day/yr sample was submitted..... Water well disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	--

5 TYPE OF CASING USED: Steel PVC Other

CASING JOINTS: Glued Clamped Welded Threaded
 Casing diameter .2 in. to .64 ft., Diameter..... in. to..... ft., Diameter..... in. to..... ft.
 Casing height above land surface 12 in., Weight .703 lbs./ft., Wall thickness or gauge No. 0.154

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify)

Brass Galvanized Steel None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify)

SCREEN-PERFORATED INTERVALS: From .64 ft. to .84 ft., From..... ft. to..... ft.
 From..... ft. to..... ft., From..... ft. to..... ft.
GRAVEL PACK INTERVALS: From .25 ft. to .84 ft., From..... ft. to..... ft.
 From..... ft. to..... ft., From..... ft. to..... ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other

Grout Intervals: From 0 ft. to 25 ft., From..... ft. to..... ft., From..... ft. to..... ft.

What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well

Direction from well Nonw within 1/4 mile..... Distance from well.....

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	3	Topsoil	79	84	Shale, dark gray
3	19	Sand, fine			
19	21	Clay			
21	24	Sand, fine			
24	43	Sand, silty			
43	67	Shale			
67	67.5	Limestone			
67.5	-	Fracture- small			
67.5	79	Shale			
79	-	Fracture below limestone			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 5/13/2015..... and this record is true to the best of my knowledge and belief.
 Kansas Water Well Contractor's License No. 897..... This Water Well Record was completed on (mo/day/year) 5/26/15.....
 under the business name of Peterson McNett Drilling, Inc..... by (signature) [Signature]

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send one copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5524. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

<p>1 LOCATION OF WATER WELL: County: Dickinson</p>	<p>Fraction NE ¼ SE ¼ SW ¼ NW ¼</p>	<p>Section Number 23</p>	<p>Township No. T 13 S</p>	<p>Range Number R 1 <input checked="" type="checkbox"/> E <input type="checkbox"/> W</p>	
<p>Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/>. 3/4 mile West of Sand Springs- KS</p>		<p>Global Positioning System (GPS) information: Latitude: 38.90919 (in decimal degrees) Longitude: 97.29401 (in decimal degrees) Elevation: 1195 Datum: <input type="checkbox"/> WGS 84, <input checked="" type="checkbox"/> NAD 83, <input type="checkbox"/> NAD 27 Collection Method: <input type="checkbox"/> GPS unit (Make/Model:) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m</p>			
<p>2 WATER WELL OWNER: City of Abilene RR#, Street Address, Box #: 2nd & Walnut City, State, ZIP Code : Abilene, Ks. 67410</p>					
<p>3 LOCATE WELL WITH AN "X" IN SECTION BOX:</p> <div style="text-align: center;"> </div>	<p>4 DEPTH OF COMPLETED WELL 96 ft. Depth(s) Groundwater Encountered (1)..... 89 ft. (2)..... ft. (3)..... ft. WELL'S STATIC WATER LEVEL..... 72 ft. below land surface measured on mo/day/yr. 2/14/2014..... Pump test data: Well water was..... ft. after..... hours pumping..... gpm EST. YIELD... 800... gpm. Well water was..... ft. after..... hours pumping..... gpm Bore Hole Diameter .. 20 in. to .. 96 ft., and in. to ft. WELL WATER TO BE USED AS: <input checked="" type="checkbox"/> Public water supply <input type="checkbox"/> Geothermal <input type="checkbox"/> Injection well <input type="checkbox"/> Domestic <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Other (Specify below) <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic-lawn & garden <input type="checkbox"/> Monitoring well Was a chemical/bacteriological sample submitted to Department? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, mo/day/yr sample was submitted..... Water well disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>				
<p>5 TYPE OF CASING USED: <input type="checkbox"/> Steel <input checked="" type="checkbox"/> PVC <input type="checkbox"/> Other CASING JOINTS: <input checked="" type="checkbox"/> Glued <input type="checkbox"/> Clamped <input type="checkbox"/> Welded <input type="checkbox"/> Threaded Casing diameter 12 in. to 81 ft., Diameter in. to ft., Diameter in. to ft. Casing height above land surface..... 12 in., Weight 12.52 lbs./ft., Wall thickness or gauge No. 0.490..... TYPE OF SCREEN OR PERFORATION MATERIAL: <input type="checkbox"/> Steel <input type="checkbox"/> Stainless Steel <input type="checkbox"/> PVC <input type="checkbox"/> Other (Specify) <input type="checkbox"/> Brass <input type="checkbox"/> Galvanized Steel <input checked="" type="checkbox"/> None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: <input type="checkbox"/> Continuous slot <input type="checkbox"/> Mill slot <input type="checkbox"/> Gauze wrapped <input type="checkbox"/> Torch cut <input type="checkbox"/> Drilled holes <input checked="" type="checkbox"/> None (open hole) <input type="checkbox"/> Louvered shutter <input type="checkbox"/> Key punched <input type="checkbox"/> Wire wrapped <input type="checkbox"/> Saw cut <input type="checkbox"/> Other (specify) SCREEN-PERFORATED INTERVALS: From..... ft. to ft., From ft. to ft. From..... ft. to ft., From ft. to ft. GRAVEL PACK INTERVALS: From..... ft. to ft., From ft. to ft. From..... ft. to ft., From ft. to ft.</p>					
<p>6 GROUT MATERIAL: <input type="checkbox"/> Neat cement <input checked="" type="checkbox"/> Cement grout <input type="checkbox"/> Bentonite <input type="checkbox"/> Other Grout Intervals: From .. 5 ft. to 80 ft., From ft. to ft., From ft. to ft. What is the nearest source of possible contamination: <input type="checkbox"/> Septic tank <input type="checkbox"/> Lateral lines <input type="checkbox"/> Pit privy <input type="checkbox"/> Livestock pens <input type="checkbox"/> Insecticide storage <input type="checkbox"/> Other (specify below) <input type="checkbox"/> Sewer lines <input type="checkbox"/> Cesspool <input type="checkbox"/> Sewage lagoon <input type="checkbox"/> Fuel storage <input type="checkbox"/> Abandoned water well <input type="checkbox"/> Watertight sewer lines <input type="checkbox"/> Seepage pit <input type="checkbox"/> Feedyard <input type="checkbox"/> Fertilizer storage <input type="checkbox"/> Oil well/gas well Direction from well None within 1/4 mile Distance from well</p>					
FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	10	Sand, fine			
10	18	Clay, gray/sandy			
18	68	Sand, fine w/clay streaks			
68	72	Shale, red & green			
72	81	Shale, red			
81	87	Shale, gray			
87	89	Limestone			
89	90	Cavity			
90	96	Shale, gray			
<p>7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was <input checked="" type="checkbox"/> constructed, <input type="checkbox"/> reconstructed, or <input type="checkbox"/> plugged under my jurisdiction and was completed on (mo/day/year) 02/14/2014.... and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 138..... This Water Well Record was completed on (mo/day/year) 02/26/2014..... under the business name of Peterson Irrigation, Inc. by (signature) Mike Peterson.....</p>					
<p>INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send one copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5524. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at http://www.kdheks.gov/waterwell/index.html</p>					



Water Treatment Plant
2100 N.W. 8th
Abilene, Ks 67410
Phone: (785)263-7478
Email: waterplant@abilenecityhall.com

21 December, 2016

John C. Peck

Foulston Siefkin, LLP

32 Corporate Woods, Suite 600

9225 Indian Creek Parkway

Overland Park, KS 66210

Mr. Peck,

The following information is provided as per your request dated 20 December 2016. Depth readings are taken using a Solinst Model 102 Well Level Meter. All well depths are measured with the pumps off for a minimum of one hour prior to reading. Readings are in feet.

Date	Depth	Date	Depth	Date	Depth
5/15/2015	52.08	11/13/2015	51.02	6/3/2016	49.09
5/22/2015	50.07	11/20/2015	50.1	6/24/2016	51.03
5/28/2015	50.01	12/4/2015	51.05	7/1/2016	51.03
6/5/2015	50.07	12/11/2015	51.03	7/8/2016	51.04
6/11/2015	50.01	12/17/2015	51.03	7/15/2016	51.02
6/19/2015	50.04	12/23/2015	51.03	7/29/2016	51.02
6/26/2015	50.03	12/31/2015	51.02	8/5/2016	51
7/2/2015	51.02	1/8/2016	50.11	8/12/2016	49.11
7/10/2015	50.09	1/15/2016	50.11	8/19/2016	49.11
7/17/2015	50.11	1/22/2016	51.03	8/26/2016	50.04
7/24/2015	51	1/29/2016	50.11	9/2/2016	49.07
7/31/2015	50.09	2/5/2016	51.02	9/9/2016	49.04

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8/7/2015	50.11	2/12/2016	51.02	9/15/2016	49.03
8/14/2015	50.11	2/19/2016	51.01	9/23/2016	49.05
8/21/2015	50.09	2/26/2016	51.01	9/30/2016	49.03
8/28/2015	50.08	3/4/2016	51	10/7/2016	49.09
9/4/2015	51	3/11/2016	51.02	10/14/2016	49.02
9/11/2015	51.01	3/18/2016	51.04	10/21/2016	49.05
9/18/2015	51	3/25/2016	51.01	10/28/2016	49.03
9/25/2015	51.01	4/1/2016	51.04	11/10/2016	49.04
10/2/2015	51.01	4/8/2016	51.04	11/18/2016	49.07
10/9/2015	51.03	4/15/2016	51.05	11/23/2016	49.04
10/16/2015	51.05	4/21/2016	51.06	12/2/2016	49.05
10/23/2015	51.05	5/5/2016	51.01	12/9/2016	49.02
10/30/2015	51.01	5/20/2016	50.09	12/16/2016	48.07
11/6/2015	51.01	5/27/2016	50.01		

Question or comments concerning the above information may be directed to the Abilene Water Treatment plant, contact information is provided in the letterhead.

Respectfully,

Chad M. Lokken

Water Operator

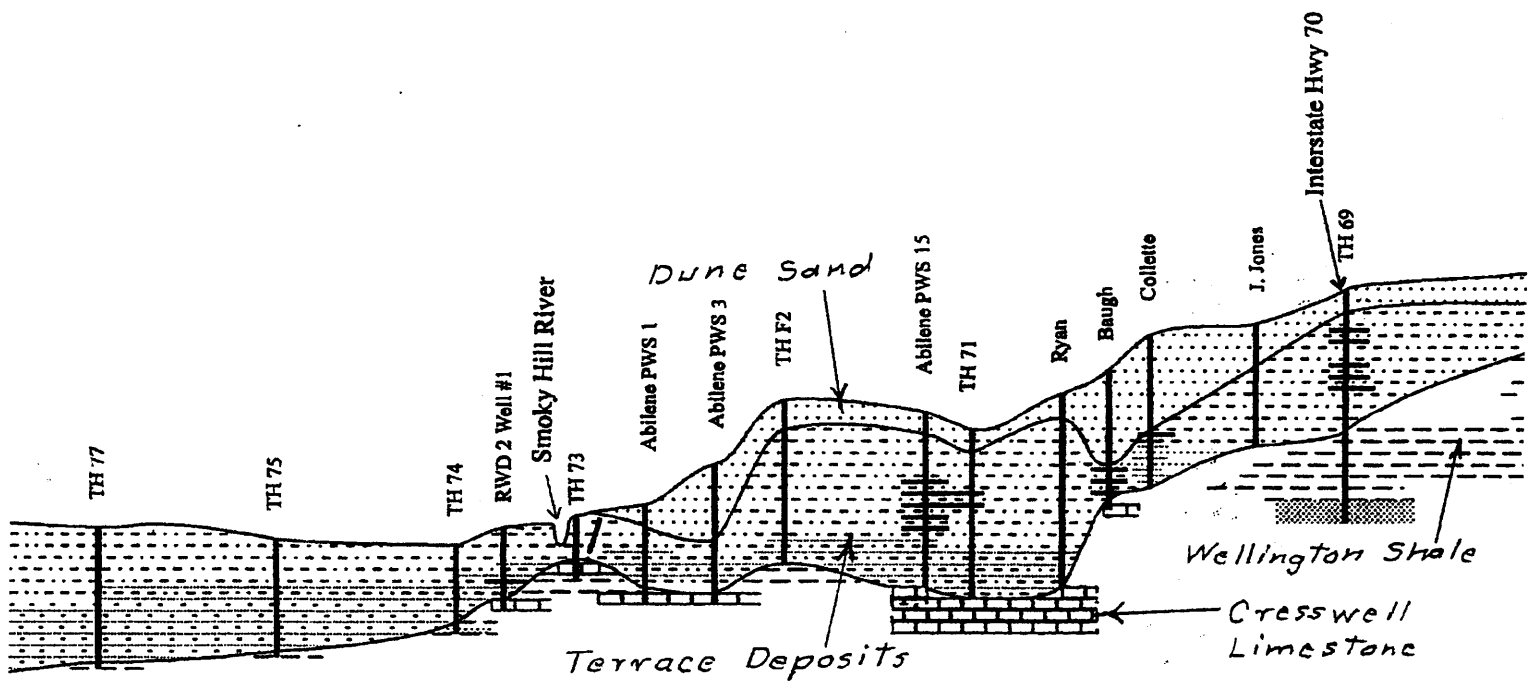
WATER RESOURCES
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


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Weeks	Date	On	Off	Depth
1	1/6/2017		49.01	92
2	1/13/2017		49.01	92
3	1/20/2017		48.02	92
4	1/27/2017		48.04	92
5	2/3/2017		48.08	92
6	2/10/2017		48.04	92
7	2/17/2017		48.04	92
8	2/24/2017		48.07	92
9	3/3/2017		48.04	92
10	3/10/2017		48.06	92
11	3/17/2017		48.07	92
12	3/24/2017		48.08	92
13	3/31/2017		47.09	92
14	4/7/2017		47.08	92
15	4/14/2017		48.01	92
16	4/21/2017		48.01	92
17	4/28/2017		48.01	92
18	5/5/2017		48.01	92

Monitoring Well for File No. 2,124



Legend

-  Limestone
-  Clay
-  Silt /sand /sandy clay
-  Coarse sand /gravel

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MAY 05 2017

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Figure 10:
South - North Geologic Cross
through the Sand Springs Pl



Vertical exaggeration = 33x

Figure 2

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MAY 03 2017

Ground Water Associates, Inc.

1999 N. AMIDON STREET, STE. 218 • WICHITA, KS 67203 • 316-262-3322
P.O. BOX 3834 • WICHITA, KS 67201

Topeka Field Office
DIVISION OF WATER RESOURCES

July 11, 2014

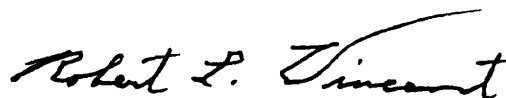
Lloyd Hemphill, Environmental scientist
Division of water Resources
6531 SE Forbes Ave., Suite B
Topeka,, Kansas 66619

Subject: Change Application File No. 2,123

Dear Hemphill:

This letter is written to provide you additional information concerning the geology and hydrology in the area of the above subject application, and that basically concerns File No. 17708, which is a well owned by Jon and Cecilia Clemence. The enclosure is a copy of our report of May 31, 2013 written to the Clemences concerning their well along with a copy of our letter of May 1, 2014 to the Clemences regarding data collection at their well site.

Very truly yours,



Robert L. Vincent, C.P.G., P. Hg.
Ground Water Associates, Inc.

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JUL 14 2014

TOPEKA FIELD OFFICE
DIVISION OF WATER RESOURCES

Pc: John C. Peck Attorney
1535 W. 15th Street
Lawrence, Kansas 66045-7608

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Ground Water Associates, Inc.

1999 N. AMIDON STREET, STE. 218 • WICHITA, KS 67203 • 316-262-3322
P.O. BOX 3834 • WICHITA, KS 67201

May 1, 2014

Jon & Cecilia Clemence
2903 17th Avenue
Lindsborg, Kansas 67456

Subject: Water level measurements

Dear Jon.

This letter is written to confirm our telephone conversation of April 29, 2014 regarding needed water level measurements due to the City of Abilene's request to move their Well No. 2 to the site of what is called the Wilson Well in my report dated May 31, 2013. Their application to the Division of Water Resources states that the city plans to pump 300 to 400 gpm from a new well to be drilled (and to be identified as Well No. 22), all based on their existing file No. 2123. The city also states that they plan on pumping an additional 65,000,000 million gallons per year from this new well.

The purpose of measuring the water level in your well located approximately 3400' N and 600' W of the SE corner of Section 22, T23S R1E, Dickinson County and covered by DWR File No. 17708 is to determine if your right and capability to pump water from your well is impaired in any manner. We will also gain information concerning the aquifer in the area. And you will remember that all of the wells shown on Figure 1 of my May 31, 2013 report takes their water from secondary solution cavities developed in limestone beds directly below the Wellington Shale, which lies below the unconsolidated Dune Sand, and this is where the bulk of the water is stored in this area (See Figure 2.)

You may use about six to eight inches of 1/2" to 5/8" dowel pin tied to a piece of carpenter's string to measure the water level in your well. Lower the dowel pin in the well between the well casing and the column pipe on the pump, and when the dowel pin gets to the water level, the wooden pin will float and you will lose the weight of the pin. Then measure the length of the string, and you will have the depth to water, which will be the static water level if your pump is not running or the pumping water level if your pump is pumping water.

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Items to record on all measurements:

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1. Date and Time of day.
2. Is your pump on or off, and if it is running, what time was it started and how many gpm is it pumping.
3. If you can hear any of Abilene's pumps running, try to identify which one is running. (See figure 1.)

Jon & Cecilia Clemence

Page 2

May 1, 2014

4. And record when any pump is shut off or started.
5. If any pump is making a strange noise – record the date and time.
6. Please keep these records in a separate notebook.
7. Please give us a call if you have comments or questions.

Very truly yours,



Robert L. Vincent, C.P.G., P.Hg.
Ground Water Associates, Inc.

pc: John C. Peck, Attorney
1535 W. 15th Street
Lawrence, KS 66045-7608

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Ground Water Associates, Inc.

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P.O. BOX 3834 • WICHITA, KS 67201

May 31, 2013

Jon & Cecilia Clemence
2903 17th Avenue
Lindsborg, Kansas 67456

Subject: Your Clemence Well
DWR File No. 17708

Dear Mr. & Mrs. Clemence:

This letter is written to provide our appraisal of the pumping tests ran on Abilene's Wilson well and your Clemence well to determine their capability and area of influence. The tests were conducted by A-1 Water Well Service of Lindsborg, Kansas, and they basically involved running two approximate 24 hour pump-tests and measuring the water levels in three wells. All of the field water level measurements and our plots of the data are included with this report, along with drilling logs and various figures and tables we have prepared to better understand the aquifer in the area of interest. We have also attached a list of the other reference we have used in analyzing this situation.

Prior to discussing the pumping tests, we need to provide information concerning the aquifer in this area. On the north side of the Smoky Hill River Valley between Abilene and Soloman there is a triangular shaped area of about 20 square miles that is covered by sand-dunes that lay on Quaternary age Terrace deposits composed of sand, silt and clay, which in turn lay on the much older Permian age bedrock. The upper portion of the bedrock is the Wellington Shale that is made up mostly of shale with thin limestone and gypsum beds, but in the lower surface elevation areas, the Wellington is missing and the unconsolidated Terrace deposits lay directly on an older limestone bed which is very probably the Cresswell Limestone in the area of interest. In this formation secondary solution cavities have formed due to the presence of the water in the over-lying unconsolidated deposits, and as a result most of the water that is produced from wells completed into the limestone comes from these cavities. But the bulk of the recharge water is stored in the sands above the solution cavities.

The attached Figure 1 (a map drawn to scale of the area of interest) and Figure 2 (a portion of the north-south cross section prepared by the KDHE [see reference 3]) show the above situation. Note that the cross section goes through Abilene's wells PWS-1, PWS-3 and PWS-15, and how they all bottom in the same limestone. Table 1 provides the horizontal distance between the wells shown on the map. The solution cavities have the same effect as a pipeline, and they are shown on the drilling logs of the Clemence and PWS-15 wells (see green drilling log section).

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The Pumping Tests

A-1 Water Well Service ran two pumping tests each approximately 24 hours long on Abilene's Wilson well, and then on your well identified as the Clemence well on the map. They measured the water levels in the pumped wells and in Abilene's PWS-15 well. A-1 advised me that someone from Abilene was measuring the water levels in Abilene's wells PWS-1 and PWS-3, but we have none of these data. Both of the pumped wells are in a line west of Abilene's two wells with the Wilson well being 2060' west of PWS-3, and the Clemence well is 3750' west of PWS-3.

The Wilson well was pumped for 1410 minutes at an average pumping rate of 340 gpm and water level readings were taken consistently in the pumped well, but only six and five readings were taken in PWS-15 and the Clemence well. All of the raw data and our plots of the data are included with this report under the green label of Wilson well. The plots are made to determine the aquifer characteristics that include the transmissivity (T) and the storage coefficient (S). Simplified, the T value is a measure of how readily water will move through the aquifer, and the S value is defined as the volume of water the aquifer releases or takes into storage from a change in the head. Unfortunately the S value needs a fairly close observation well to accurately determine it, and in neither of these two tests do we have that information.

The test pumping of the Clemence well was started 90 minutes after the Wilson well was shut off, and the Clemence well was pumped for 1390 minutes at an average rate of 835 gpm. Here again the pumping water levels were consistently taken in the pumped well, but only eight readings were taken in PWS-15 and the Wilson well. All of the raw data and our plots of the data are included with this report under the green label of Clemence well.

Then three hours and ten minutes after the Clemence well was shut off, the Wilson well and the Clemence well were both started and they pumped together for 145 minutes with the Wilson well yielding 345 gpm and the Clemence well pumping 740 gpm. Both wells were shut off at 2:30 p.m. on December 13, 2012, and the A-1 Water Well Service man stated that Abilene's man reported that the pumping was interfering with the pumping from Abilene's PWS-1 and PWS-3. And this would be expected in the manner in which the Wilson and Clemence wells were pumped where the cones of depression would overlap and extend out further.

Our Analysis of the Pumping and the Aquifer

Tables 2, 3 and 4 are summaries of the water pumped, of the wells' data, and the aquifer characteristics, respectively. Table 2 shows that the two wells pumped 1,799,100 gallons in a little over two days' time, and this can be compared to Abilene's average daily use of 1,336,789 gallons in 2012. They reported 487,928,000 gallons used for the year. This same table shows that the Clemence well has an existing water right (DWR-17708) for 103.11 AF or 33,598,497 gallons. More on this later.

Table 3 is a summary of Abilene's PWS wells in the area of interest, along with the Wilson well and Clemence well. These are not all the wells in the general area, and this can be seen most noticeably in the variable water levels recorded for the PWS-15 well while the Clemence

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well and the Wilson well were being pumped. Water levels above the trend line indicate a well has been shut off in the area.

Table 3 has much pertinent information regarding the well depth, cavity depth, static water levels (SWL) and elevations, the date that the SWL was measured, and the saturated thickness of the aquifer. Abilene's PWS-15 provides the most information because we have four readings on the water level. When it was drilled in May of 1992 the SWL was at a depth of 78' and the saturated thickness was 13.50' (This is the distance between the SWL and the bottom of the cavity.) In 1995 on 6 July the SWL was 69.13' and the saturated thickness was 22.32' and on 26 October of 1995 the SWL was 71.66' and the saturated thickness was 19.84' (this would have been a wetter period). Then on December 11, 2012 the SWL was 79.15', and the saturated thickness was only 12.35' (a dry period like 1992). Note that the saturated thickness in 1995 was 15.26' in PWS-1 and 15.40' in PWS-3, but on September 9, 2002 I was advised by the City of Abilene that these two wells had a saturated thickness of only 4.92' and 3.40', respectively.

The Wilson well had a saturated thickness of 7.83' on December 11, 2012, but on that same date the Clemence well had 22.00' of saturated thickness because the water table elevation there is 11.17' higher, and that is why it could be pumped at 835 gpm whereas the Wilson Well was limited to 340 gpm.

Table 4 is a summary of our time-drawdown analyses to determine the T value of the aquifer at the pumped well sites. This is difficult to do because ground water flow in a fractured medium (like cavities in limestone) are very complex, and pumping test solutions that require porous flow conditions (like sand beds) are not always applicable. However, in this case the recharge water for the cavities is coming out of the sand. In any event, we ran the test through our computer program for fractured rock and it gave us a T value of 231,000 gal/d/ft, and the average T value we found on our analyses of the pumping tests ran on the Clemence and Wilson wells was 213,500 gal/d/ft, so the figures are fairly close and they confirm each other. However, due to the lack of a close in observation well, we could not determine the S value accurately. In any event, the T value is very high and it shows why such a large volume of water can be pumped from an aquifer of limited saturated thickness.

Figure 3 is our plot of the distance – drawdown made on the Clemence well while it was pumping 835 gpm, and the drawdown that occurred in the Wilson well after 1000 minutes of pumping. (We had to use this pumping time because the last reading taken in the Wilson well was at 1030 minutes.) This shows a T value of 219,300 gal/d/ft, and it shows a drawdown of 1.8' at the site of the Wilson Well (1850' distance) and a drawdown of 1.2' at the site of PWS-3 (3750' distance).

We are aware that the city of Abilene has stated that they don't believe that they could gain any water from using the Clemence well, but based on the limited testing completed in these tests, that is not a correct conclusion. It is true that they cannot pump 740 gpm from the Clemence well and 345 gpm from the Wilson well like they did on the final pumping test on December 13, 2012 because that would cause too much drawdown at the sites of PWS-1 and PWS-3. But this situation will not occur if the pumping rate is limited in the Clemence well and

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Jon & Cecilia Clemence
Page 4
May 31, 2013

no pumping occurs from the Wilson well.

On November 23, 2009 we checked with the DWR for the city of Abilene concerning the water availability in the area that includes all of the wells shown on our Figure 1, and we learned that the safe yield was exceeded at that time. (Total appropriations were 2570.06 AF and the safe yield is 2,017.32 AF.) Within the last month, we have communicated with the DWR, and learned that these figures are still basically correct.

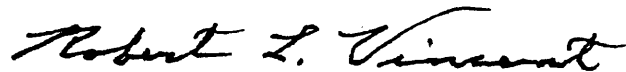
We also learned that the DWR has no record of any well at the site of the Wilson well, so it is doubtful that any water could be pumped from that site.

Refer again to our Figure 3, and you will see that we have made two projections of what the cone of depression should look like if the Clemence well was pumped at only 300 or 400 gpm. These show only 0.3' of drawdown while pumping 400 gpm and only 0.2' of drawdown while pumping 300 gpm would occur at the site of PWS-3 while pumping the Clemence well. And, 300 gpm is the maximum rate we would recommend pumping ~~at this~~ at this site while other wells in this area are pumped.

At 300 gpm the Clemence well would yield 18,000 gal per hour, and to pump the appropriated 103.11 AF (33,598,496 gallons) would require 1866.58 hours or an average of 5.11 hours per day that would yield a total of 92,051 gallons per day. And this is doable because there is still 22' of saturated thickness at this site, and at 300 gpm only about 3' of drawdown would occur at the well. (The DWR has confirmed that File No. 17708 is a valid water right.) The city could confirm the statements made in this letter by running a proper pumping test on the Clemence Well.

We are aware that the city of Abilene needs some additional water, and it seems reasonable to us that by using a well at the site of the Clemence well, they could gain some of what they need. Please contact us if you have comments or questions concerning this letter-report.

Very truly yours,



Robert L. Vincent, C.P.G., P.Hg.
Ground Water Associates, Inc.

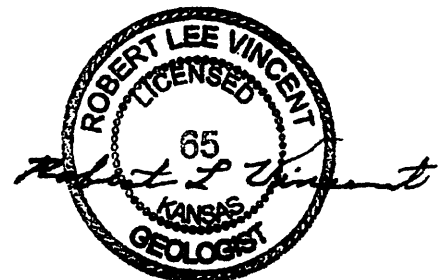
pc: John C. Peck, Attorney
6220 Martway, Unit 210
Mission, Kansas 66202

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Abilene
PWS-21
(Formerly 13)

DWR File No. 39200 → ⊙

SW Cor Sec 14, T13S, R1E

NW Cor Sec 23, T1S, R1E

Abilene PWS-15
DWR File 38952

Abilene PWS-3 → ⊙
DWR File No. 2103
819783

Abilene PWS-2 → ⊙
DWR File No. 2103

Abilene PWS-1 → ⊙
DWR File No. 2103
† 19783

Clemence
Well
DWR File
No. 17708

Wilson Well

↑
North
1" = 500'

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1000' N. of
SE Cor Sec 22,

1000' N of
SW Cor Sec 23, T13S, R1E, Dickinson Co.

Figure 1



Ground Water Associates, Inc.

Subject Clemence Well - Distance to Wells Date 26 Apr 13

Clemence Well to Abilene PWS Well No. 1	4100'	E-SE
" " " " " " " 2	3575'	E
" " " " " " " 3	3750'	ENE
" " " " " " " 21 (formerly 13)	4300'	NE
" " " " " " " 15	1840'	N-NE
" " " Wilson Well (Abilene)	1850'	E
Wilson Well to Abilene PWS Well No. 1	2265'	E-SE
" " " " " " " 2	1760'	E
" " " " " " " 3	2050'	E-NE
" " " " " " " 21 (formerly 13)	3000'	NE
" " " " " " " 15	1780'	N-NW
Abilene Well 21 (13) to Abilene PWS Well No. 1	2500'	S
" " " " " " " " 2	2105'	S
" " " " " " " " 3	1650'	S
" " " " " " " " 15	2700'	W-SW
Abilene Well 15 to Abilene PWS Well No. 1	3455'	E-SE
" " " " " " " " 2	2820'	SE
" " " " " " " " 3	2750'	SE

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Table 1



Ground Water Associates, Inc.

Subject Abilene Clemence Pumping Totals Date 17 May 13

Wilson Well

Pump On at 9:40 am on 11 Dec 12	Total Gal
" Off at 9:10 " " 12 Dec 12 - 1410 min @ 340 gpm	479,400

Clemence Well

Pump On at 10:40 am on 12 Dec 12	
" Off " 9:50 " " 13 Dec 12 - 1390 min @ 835 gpm	1,160,650

Wilson Well

Pump On at 12:00 pm on 13 Dec 12	
" Off " 2:30 " " " " " - 150 min @ 345 gpm	51,750

Clemence Well

Pump On at 12:05 pm on 13 Dec 12	
" Off " 2:30 " " " " " - 145 min @ 740 gpm	<u>107,300</u>

Total 1,799,100

Total Time between start & stopping of Pumping

2 days, four hours & 50 min or 3170 min at 567.54 gpm (avg)

Abilene reported 487,928,000 gal. pumped in 2012

$487,928,000 \text{ gal} \div 365 \text{ days} = 1,336,789 \text{ gal/day}$

Clemence Well pumped 1,267,950 gal over a time period of 3170 min (2 days 4 hours & 50 min)

Clemence Well has the rt. to pump 103.11 AF/yr or 33,598,497 gal.
 $33,598,497 \text{ gal} \div 365 \text{ day} = 92,051 \text{ gal/day}$

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Ground Water Associates, Inc.

Subject Summary of Wells in Area of Interest Date 24 May 13

Well Site & Elev	Depth of Well & Elev	Depth to Bedrock & Elev	Solution Cavity & Elev	SWL & Elev	Date of SWL	Saturated Thickness
Abilene: PWS-1 1166'	45'	39.5'		29.74	26 Oct 95	15.26'
	1121'	1126.5'		1136.26	9 Sep 02	4.92
Abilene PWS-2 1189.7	67.5 1122.2	58 1131.7				
Abilene PWS-3 1184.1	61.5	55.6		46.10	26 Oct 95	15.40
	1122.6	1128.5		1138.00	9 Sep 02	3.40
Abilene PWS-21 (13) 1194.14	72.0	62.0		45.33	6 Jul 95	26.71
	1122.1	1132.1		1148.81		
				47.03	26 Oct 95	25.01
				1147.11		
Abilene PWS-15 1207.3	93.0	87.0	90.0-91.5	78.0	5 May 92	13.50
	1114.3	1120.03	1117.3-1115.8	1129.3	Date Drilled	
				69.13	6 Jul 95	22.32
				1138.12		
				71.66	26 Oct 95	19.84
				1135.64		
				79.15	11 Dec 12	12.35
				1128.15		
Abilene Wilson Well 1207.0	85.0 1122.5	80.0 1127.00	82-84 1125-1123	76.17 1130.83	11 Dec 12	7.83
Clemence Well 1190.0	70.0 1120.0	59.0 1131.0	68-70 1122-1120	48.00 1142.00	11 Dec 12	22.00

All wells are in Sec 23, T13S, R1E except PWS Well 21 (13) in Sec 14 and the Clemence Well in Sec 22.

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Table 3



Ground Water Associates, Inc.

Subject Summary of Well Pumping Tests Date 16 May 13
on Wilson & Clemence Wells

Wilson Well Pumping 370 gpm for 1410 Min (9:40am 11 Dec to 9:10am 12 Dec 12)

Well	SWL	DD	Sp. Cap	T-DD	T-Rec	Avg T	Distance from Pumped Well
Wilson Well	76.17'	@ 1410 min 2.26'	156.7	g/d/ft 157,500	g/d/ft 213,700	185,600	
Well 15	79.15	@ 590 min 0.99		149,600			@ 1780'
Clemence Well	48'	@ 1340 min 3.50		172,600			@ 1850'
Wilson Well				103.29 13 Dec 12			

Clemence Well Pumping 835 gpm for 1390 Min (10:40am 12 Dec to 9:50am 13 Dec 12)

Well	SWL	DD	Sp. Cap	T-DD	T-Rec	Avg T	Distance from Pumped Well
Clemence Well	50.25	@ 1020 min	99.17	g/d/ft 183,700	g/d/ft 176,350	180,000	
Well 15	79.15	@ 1020 min 2.90		432,200	193,400	312,800	@ 1840'
Wilson Well	76.5	@ 1030 min 1.81		329,000	232,000	280,500	@ 1850'
Clemence Well				128.7 gpm 13 Dec 12			

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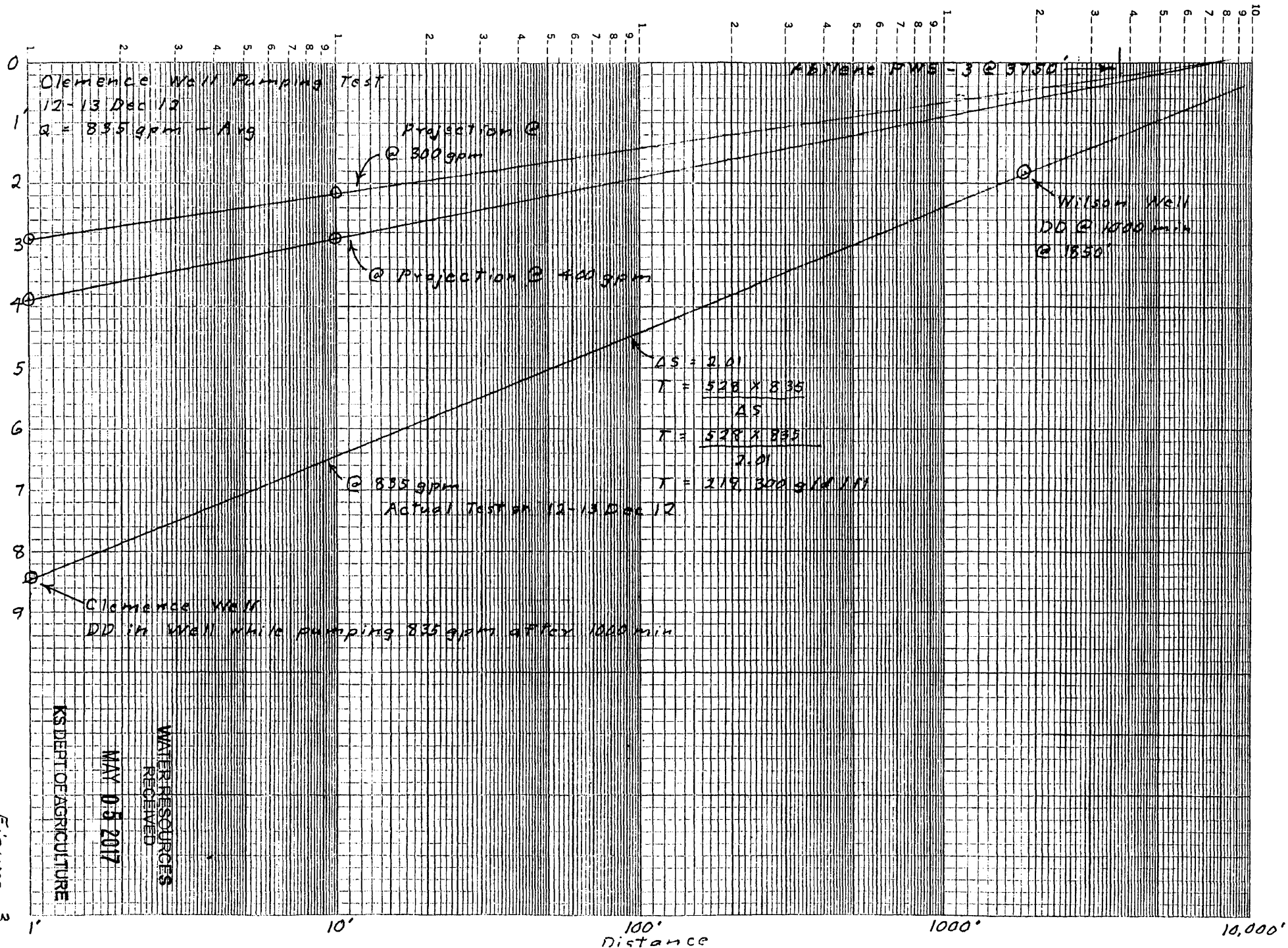


Figure 3

7 NAME Wilson 12 Hr w. Clemence Well Pumping DATE 13 Dec 12
 OBSERVED WELL _____ PUMPING WELL Wilson

DISTANCE AND DIRECTION FROM PUMPING WELL _____

MEASURING POINT: _____ FEET ABOVE GROUND LEVEL _____

DATE	TIME OF DAY	ELAPSED TIME IN MINUTES	76' 8" TAPE READING	10:30 WATER LEVEL BELOW MEASURING POINT	DRAWDOWN IN FEET	PUMPING RATE OF TEST WELL
No 2 ⁿ	13 Dec 12	SWL				
12 00		0	76 1.08	0		
12 10		1	78 8.67	2.59		345
12 20		2	79 16.10	3.02		
12 30		3	79 4.33	3.25		
12 45		4	79 16.57	3.46		
2 00		5	79 5.72	3.34		
		7				
		9				
2 30 pm	13 Dec 12	11	Shut Down all wells - sucking air			Dry
		15			11 3	ABT Lewis
		20				
		25				
		30				
		35				
		40				
		45				
		50		150 min @ 345 gpm = 51750 gal		
		60		345 ÷ 3.34' DD = 103.29 gpm Sp. Cap		
		70				
		80				
		90				
		100	85' Deep	8" Casing		
		120				
		150				
		180				
		210				
		240				
		270				
		300				
		330				
		360				
		420				
		480				
		540				
		600				
		660				
		720				
		780				
		840				
		900				
		960				
		1020				
		1080				
		1140				
		1200				
		1260				
		1320				
		1380				
		1440				

TEST PERFORMED BY _____ JOB NO. _____

3141' N & 4132' W of SE Sec 23, T13, R1E
 Cavity 82'-84'
 80'-82' Ls
 Wilson Well

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8 NAME Clemence 12 Hr w. Wilson Well Pumping DATE 13 Dec 12

OBSERVED WELL _____ PUMPING WELL Clemence

DISTANCE AND DIRECTION FROM PUMPING WELL _____

MEASURING POINT: _____ FEET ABOVE GROUND LEVEL _____

DATE	TIME OF DAY Noon	ELAPSED TIME IN MINUTES	TAPE READING	WATER LEVEL BELOW MEASURING POINT	DRAWDOWN IN FEET	PUMPING RATE OF TEST WELL
13 Dec	12:05	SWL		51'		740
	12:15	0		53' 1"		
	12:25	1		53' 15"		
	12:35	2		55' 5"		
	12:45	3		56' 10"		
	12:55	4		57		
	1:30	5		56' 9"	5.75' DD	
		7				
		9				
		11				
13 Dec 12	2:30 pm	15	Shut Down all wells			
		20				
		25				
		30				
		35				
		40				
		45				
		50				
		60				
		70				
		80				
		90				
		100				
		120				
		150				
		180				
		210				
		240				
		270				
		300				
		330				
		360				
		390				
		420				
		450				
		510				
		600				
		660				
		720				
		780				
		840				
		900				
		960				
		1020				
		1080				
		1140				
		1200				
		1260				
		1320				
		1380				
		1440				

145 min @ 740 gpm = 107,300 gal

740 gpm ÷ 5.75 = 128.7 gpm - Sp. Cap

TEST PERFORMED BY _____ JOB NO. _____

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Ground Water Associates, Inc.

Subject

References

Date

26 Apr 13

- 1 Topographic Maps, 7 $\frac{1}{2}$ minute of the area in and around Abilene.
- 2 Well Test Pumping Data conducted by A-1 Water-Well Service between December 11 and December 13, 2012 on the Wilson Well and Clemence Well.
- 3 The Evaluation of Nitrate Contamination in the Sand Springs Study Area prepared by the Kansas Dept. of Health and Environment in 1995 and 1996.
- 4 Ground Water Associates' files on the water situation in and around Abilene.
- 5 Ground-Water Conditions in the Smoky Hill Valley in Salina, Dickinson, and Geary Counties, Kansas by Bruce F. Latta, State Geological Survey of Kansas, Bulletin 84.

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INSPECTED & BACKLOG

IRRIGATION SUPPLIES

PETERSON IRRIGATION, INC. #15[#]

124 HARRISON

P.O. BOX 330

PHONE 913.833.4120

LINDSBORG, KANSAS 67436

WATER WELL RECORD

DRILLERS LOG OF WELL

0-1	0-1	Surface Top Soil
1-10	1-10	Fine Sand
10-19	10-19	Brown Clay
20-27	20-27	Fine Sand
27-52	27-52	Brown Clay
52-82	52-82	Fine Sand
82-88	82-88	Conglomerate - Very Hard
88-93	88-93	Limestone
88-93	88-93	30" Diameter to 88ft
88-93	88-93	Limestone
93-93.5	93-93.5	Cavity - Water Bearing
93.5-93.5	93.5-93.5	Limestone
		11" Hole from 88 to 93ft
		4.755' N & 4.860' W of SE
		COY. SEC 23, T135, R1E
		WATER RESOURCES RECEIVED
		MAY 05 2017
		KS DEPT OF AGRICULTURE

Well Owner: City of Abilene
 Address: 40 Cliff Gars 2nd & Walnut
 Drilling Contractor: Abilene Jack & Dale Drillers
 Date Drilled: 5-5-92
 Method of Drilling: Reverse Rotary
 Casing Schedule: 16" PVC CASING
160 PSI From 0 to 88ft

Screen Data (if any): No SCREEN - OPEN
Hole
(Length, Diameter, Bar Size, Spacing)

Measured depth to water on completed well (Static Level) is 78 ft below LAND SURFACE
(Land Surface, Top of Casing, etc.)
 Estimated Yield: 400 gal/min
(GPM, Flow)
 as determined by _____
(Method, Test Frequency, etc.)
 Drawdown: _____ ft after _____ hrs.
 Pumping at _____ gal per minute.

Reason: Public Water Supply
Radwell - 300 ft Southwest of Well #12
Permit # 38,952
4 mi East of Solomon KS
nearest contam. - septic tank
600ft North

Location of Well: _____ Township: _____
 (Show location to Section Post) _____
 Date: May 23
13
 County: Dickinson

DRILLER'S TEST LOG

WELL NO 4

Customer Lawrence Clemence

Date April 21, 1967

Address Abilene, Kansas

Test No. 1, 2 & 3

County Dickinson Quarter _____ Section _____ Township _____ Range _____

FOOTAGE		DESCRIPTION OF STRATA	FOOTAGE		DESCRIPTION OF STRATA
From	To		From	To	
# 1					
0	24	Clay	0	25	Clay
24	42	Sand & gravel, with clay streaks	25	70	Shale
42	47	Clay	70	76	Lime rock
47	53	Shale			
# 2					
0	25	Clay	0	40	Clay
25	42	Sand & gravel, with clay streaks	40	59	Broken sand rock
42	50	Clay	59	64	Shale
50	55	Shale	64	68	Lime stone
			68	70	cavity
# 3					
0	24	Clay			
24	38	Sand & Gravel	0	20	Clay
38	43	Clay	20	25	Sand and gravel
43	46	Shale	25	27	Clay
			27	58	Sand and gravel
			58	59	Shale
# 4					
0	7	Sand			
7	60	Clay			
60	67	Broken sand rock			
67	90	Shale			

Drilling Log for Clemence well provided from the records of the DWR File No. 17708

MICROFILMED

KELLY'S WATER WELL SERVICE, INC.
Great Bend, Kansas

SW 3-7691

Water Wells For All Uses

RECEIVED

SW 3-8587

WATER RESOURCES RECEIVED

JUL 31 2007

WATER RESOURCES RECEIVED

JUL 24 2007

WATER RESOURCES

DEPT OF AGRICULTURE

MAY 05 2017

SCANNED

FOULSTON SIEFKIN LLP

ATTORNEYS AT LAW

32 Corporate Woods, Suite 600
9225 Indian Creek Parkway
Overland Park, Kansas 66210
913.498.2100

John C. Peck
Special Counsel
913.593.6849 (c)
866.347.1474 Fax
jpeck@foulston.com

January 5, 2017

Memorandum:

To: Brent A. Turney, P.G., Change Application Unit Supervisor, DWR
From: John C. Peck
Subject: Change Application for Water Right, File No. 19,793

WATER RESOURCES
RECEIVED
JAN 05 2017
KS DEPT OF AGRICULTURE

Dear Mr. Turney:

I represent Jon and Cecilia Clemence, who own Water Appropriation Right File No. 17,708-02. This letter responds to your letter of November 16, 2016 in which you seek comments on a change application filed by the City of Abilene to change a POD for its File No. 19,793. This proposed change would move the well closer to the Clemence's well.

I refer you to my letter to Lloyd Hemphill of DWR dated June 2, 2014, on the subject of Abilene's application for a well under File No. 2,123 to change the POD to the same location proposed in the new change application for File No. 19,793. In that letter, I suggested that while that change application was for a water right senior to the Clemence's water right, still when the new well would be pumped in combination with several wells in the vicinity that were junior to the Clemence's water right, impairment might occur. I referenced a report done by Bob and Brad Vincent of Groundwater Associates. We feel that the information in that report is still relevant and that it deserves due consideration in your review of Abilene's pending change application. In addition, Brad Vincent has also sent you a letter concerning Abilene's pending change application. As he correctly points out, the data provided by Abilene from its observation well was taken during a very wet period. He predicts more drawdown at the Clemence well site during drought periods.

In addition to the concerns expressed by Mr. Vincent, I would add that the change DWR approved in 2014 for File No. 2,123 to this location involved a water right that was senior to the Clemence's water right File no. 17,708-02. This time, the proposed change is for a water right that is junior to the Clemence's water right. There is thus even more reason to deny this application than there was when the change was sought for the senior right two years ago, because senior rights like the Clemence's right must be protected. K.S.A. 82a-711, to which the change application statute K.S.A. 82a-

SCANNED

Page 2

708b refers, states that an application should not be approved if it would impair “a use under an existing water right.” That possibility would be even more likely to occur if DWR approves Abilene’s new change application with even more water being pumped from the new well.

For these reasons, we encourage you to deny the pending change application. Approving it now will increase the likelihood that the Clemences will be forced to file an impairment claim against Abilene. That burden should not be placed in the Clemences, who are holders of a water right senior to Abilene’s File No. 19,793.

Thank you for your consideration.

Sincerely,

John C. Peck, Special Counsel

Turney, Brent

To: Peck, John
Cc: jcclem@dsoelectricwb.com; Bunger, Brett; McColloch, Austin
Subject: RE: File No. 19,793 and File No. 2,123 (City of Emporia),a nd File no. 17,708 (Clemence)

John,

As long as Jon and Cecilia Clemence show that they are going to provide information we can be flexible on the time needed to form a response. We just need assurance that they will provide information and that we are not needlessly slowing down our processing. Please let me know if you have any other questions.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

-----Original Message-----

From: Peck, John [mailto:jpeck@foulston.com]
Sent: Tuesday, November 29, 2016 9:29 AM
To: Turney, Brent <Brent.Turney@ks.gov>
Cc: jcclem@dsoelectricwb.com; Bunger, Brett <Brett.Bunger@ks.gov>; McColloch, Austin <Austin.McColloch@ks.gov>
Subject: RE: File No. 19,793 and File No. 2,123 (City of Emporia),a nd File no. 17,708 (Clemence)

Brent,

I should have been clearer in response just sent. Are you saying that you will accept any information we send on this matter up to January 2, 2017, and might even consider an extension of time then? The original letter gave us only until December 1. Please let me know as soon as possible. Thank you.

From: Turney, Brent [Brent.Turney@ks.gov]
Sent: Tuesday, November 29, 2016 7:27 AM
To: Peck, John
Cc: jcclem@dsoelectricwb.com; Bunger, Brett; McColloch, Austin
Subject: RE: File No. 19,793 and File No. 2,123 (City of Emporia),a nd File no. 17,708 (Clemence)

John,

We will not take any further action on the application to change to point of diversion until January 2, 2017. If additional extensions of time are needed we can address them as needed.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources

1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

-----Original Message-----

From: Peck, John [mailto:jpeck@foulston.com]
Sent: Wednesday, November 23, 2016 11:23 AM
To: Turney, Brent <Brent.Turney@ks.gov>
Cc: jclem@dsoelectricwb.com; Bunger, Brett <Brett.Bunger@ks.gov>
Subject: RE: File No. 19,793 and File No. 2,123 (City of Emporia),a nd File no. 17,708 (Clemence)

Brent:

1. I represent Jon and Cecilia Clemence, who own File No. 17,708. They received a letter from you dated November 16, 2016, in which you informed them that the City of Abilene has filed a change app to move the point of diversion for File No. 19,793. The letter gives them 15 days from the date of the letter to respond to you, which I calculate would be December 1, 2016. We will need more time to review this app and to consult with Groundwater Associates. Thanksgiving is this week, and I'm tied up with other matters at both KU and with the law firm for the next couple of weeks. Will this email suffice for a request for an additional 30 days to respond to your letter, or do I need to send you a letter request?

2. I sent the following email to Brett Bunger this morning, but don't know if he's in the office today, just prior to Thanksgiving:

Brett:

My clients, the Clemences, have received a letter from Brent Turney about a change in point of diversion application filed by the city of Abilene, for File No. 19,793.

I am reviewing that with my client now.

However, my file indicates that the city filed an application to change the point of diversion for File No. 2,123 in March of 2014. I checked WIMAS this morning, and unless I'm reading the information incorrectly, there is no indication that either the app was actually filed or that it was approved.

Would you please check on the status of that change app for File No. 2,123.

Thank you, Brent, for your response to these two questions.

John

-----Original Message-----

From: Turney, Brent [mailto:Brent.Turney@KDA.KS.GOV]
Sent: Monday, March 09, 2015 10:15 AM
To: Peck, John; Tietsort, Katie
Cc: vincentbrad@hotmail.com; rvincent@gwaks.com
Subject: RE: File no. 17,708, and others; Clemence and City of Abilene File No. 2,123

John,

Sorry that I have not had a chance to respond earlier, I have been a little under the weather. The change application is now in headquarters. I have been waiting to go over a few things with Lane before I can proceed. If there is something else you would like to add to the file or would like to discuss please let me know.

In regards to your WIMAS questions, I don't believe that WIMAS covers the full action trail that is available. So, it would not show that there is a change application pending. Please let me know if you have any other questions.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@kda.ks.gov
www.agriculture.ks.gov

-----Original Message-----

From: Peck, John [mailto:jpeck@foulston.com]
Sent: Tuesday, March 03, 2015 1:31 PM
To: Tietsort, Katie; Turney, Brent
Cc: vincentbrad@hotmail.com; rvincent@gwaks.com
Subject: RE: File no. 17,708, and others; Clemence and City of Abilene File No. 2,123

Thank you, Katie. I'll check with the Vincents on whether they have a copy of the change order. And I'll hope to hear from Brent about my WIMAS question.

From: Tietsort, Katie [Katie.Tietsort@KDA.KS.GOV]
Sent: Tuesday, March 03, 2015 1:22 PM
To: Peck, John; Turney, Brent
Cc: vincentbrad@hotmail.com; rvincent@gwaks.com
Subject: RE: File no. 17,708, and others; Clemence and City of Abilene File No. 2,123

John,

No problem. Incidentally I wanted to mention that a telephonic discussion did take place with the Vincents. That wasn't clear in my earlier email.

I will leave Brent to answer your questions as the file is no longer in this office but is in Manhattan and I do not have access to it.

Thanks Katie

Katie Tietsort, Water Commissioner

Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
FAX (785) 862-2460

Katie.Tietsort@kda.ks.gov
<http://agriculture.ks.gov/>

-----Original Message-----

From: Peck, John [mailto:jpeck@foulston.com]
Sent: Tuesday, March 03, 2015 1:20 PM
To: Tietsort, Katie
Cc: vincentbrad@hotmail.com; rvincent@gwaks.com; Turney, Brent
Subject: RE: File no. 17,708, and others; Clemence and City of Abilene File No. 2,123

Katie, I apologize for the confusion. And, I'm sorry to bother you, Brent.

When I wrote I wasn't at my regular computer. I searched your name in the Foulston Siefking email and couldn't find an email from you after March 19, 2014. Apparently the note you sent on March 31, 2014 was sent to my other email account. Then I tried to find the documents you said were being sent (the change app, etc.), and couldn't find them under your name, but then finally found that they had been sent by Ken Kopp. And, yes, I found my letter to Lloyd. Emailing is great, but sometimes finding correspondence is difficult.

A couple of questions, however: Did I not read the information on WIMAS correctly about the absence of change app and change order under this water right? Have we requested a copy of the change order and have you sent that, to me, the Vincents, or the Clemences? If not, I'll request a copy via Open Records.

Thank you.

John

From: Tietsort, Katie [Katie.Tietsort@KDA.KS.GOV]
Sent: Tuesday, March 03, 2015 11:51 AM
To: Peck, John
Cc: vincentbrad@hotmail.com; rvincent@gwaks.com; Turney, Brent
Subject: RE: File no. 17,708, and others; Clemence and City of Abilene File No. 2,123

Good Morning John,

I notified you that the application for change was filed under File No. 2,123 on March 31, 2014. It was being worked by Lloyd Hemphill in the Topeka Field Office. On behalf of your client Mr. Clemence, DWR received a letter from you addressed to Lloyd Hemphill dated June 2, 2014 in which you discuss concern you have with the proposal for change even though you agree it meets the regulatory requirement and you reference information that the Vincents may have (Groundwater Associates) regarding this case and the specific geology. You requested a meeting, which we agree to, but it was never held, so this office moved forward on recommending approval of the change. Since we did agree to have



Water Treatment Plant
2100 N.W. 8th
Abilene, Ks 67410
Phone: (785)263-7478
Email: waterplant@abilenecityhall.com

26 October 2016

Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

**WATER RESOURCES
RECEIVED**

OCT 31 2016

KS DEPT OF AGRICULTURE

RE: Water Right, File No. 19,793

Dear Sir or Madam:

The list provided identifies all other water wells of every kind within one-half mile of Well 22.
The list is divided by type of well.

Municipal Use

City of Abilene, P.O. Box 519, Abilene, KS 67410-0519

Stock Water

Clemence, Jon M., 2903 17th Ave., Lindsborg, KS 67456-6016

Domestic Use

Chebultz, Chadwick L., 1100 N. Buckeye Ave., Abilene, KS 67410

Clemence, Charles R., 575 Old 40, Abilene, KS 67410-6981

Clemence, Judy C., 314 W. 5th Street, Solomon, KS 67480-9750

SCANNED

Phelps, Joshua J. & Laura A., 2141 Deer Rd., Abilene, KS 67410

Phelps, Larry W. & Connie J., 504 Old 40, Abilene, KS 67410-3428

Sheaffer, John S., 516 2225 Lane, Abilene, KS 67410

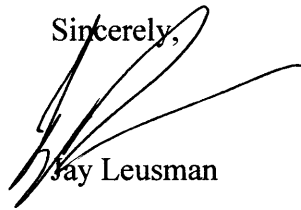
Sholtz, Bradley J. & Paula J., 2224 Deer Road, Abilene, KS 67410

Wilson, Bob A., 2268 Eden Road, Abilene, KS 67410-6955

Wilson, Lucas B. & Sharon K., 541 Old 40, Abilene, KS 67410-6981

If you have any questions, please contact me at (785) 263-7478.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Leusman". The signature is stylized with a large, sweeping flourish that extends to the right.

Jay Leusman

Lead Operator

Abilene Water Treatment Plant

CML

Enclosures

SCANNED



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

JON M. CLEMENCE
2903 17TH AVE.
LINDSBORG KS 67456-6016

FILE COPY

RE: Water Right, File No. 19,793

Dear Mr. Clemence:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,819 feet North and 2,281 feet West of the Southeast corner of said section, in Township 13 South, Range 1 East, Dickinson County, Kansas.

to: one (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,141 feet North and 4,132 feet West of the Southeast corner of said section, in Township 13 South, Range 1 East, Dickinson County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposal locations of the applicant's point of diversion. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

SCANNED

Enclosures

pc: Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

FILE COPY

CHADWICK L. CHEBULTZ
1100 N. BUCKEYE AVE.
ABILENE KS 67410

RE: Water Right, File No. 19,793

Dear Mr. Chebultz:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

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Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Topeka Field Office

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1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

CHARLES R. CLEMENCE
575 OLD 40
ABILENE KS 67410-6981

FILE COPY

RE: Water Right, File No. 19,793

Dear Mr. Clemence:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

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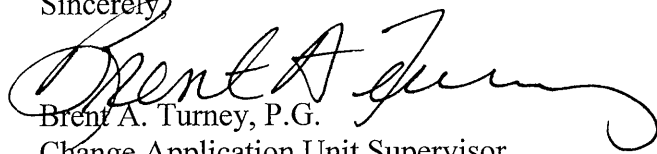
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Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Topeka Field Office

SCANNED



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(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

FILE COPY

JUDY C. CLEMENCE
314 W. 5TH STREET
SOLOMON KS 67480-9750

RE: Water Right, File No. 19,793

Dear Ms. Clemence:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

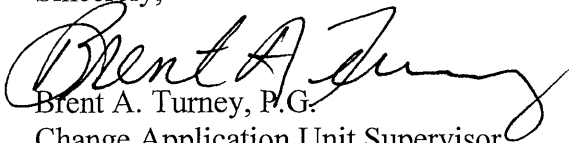
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Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Topeka Field Office

SCANNED



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900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

JOSHUA & LAURA PHELPS
2141 DEER ROAD
ABILENE KS 67410

FILE COPY

RE: Water Right, File No. 19,793

Dear Mr. or Mrs. Phelps:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

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Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

SCANNED

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Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

LARRY & CONNIE PHELPS
504 OLD 40
ABILENE KS 67410-3428

FILE COPY

RE: Water Right, File No. 19,793

Dear Mr. or Mrs. Phelps:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,819 feet North and 2,281 feet West of the Southeast corner of said section, in Township 13 South, Range 1 East, Dickinson County, Kansas.

to: one (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,141 feet North and 4,132 feet West of the Southeast corner of said section, in Township 13 South, Range 1 East, Dickinson County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposal locations of the applicant's point of diversion. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

SCANNED

Enclosures

pc: Topeka Field Office



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

FILE COPY

JOHN S. SHEAFFER
516 2225 LANE
ABILENE KS 67410

RE: Water Right, File No. 19,793

Dear Mr. Sheaffer:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

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to: one (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,141 feet North and 4,132 feet West of the Southeast corner of said section, in Township 13 South, Range 1 East, Dickinson County, Kansas.

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If you have any questions, please contact me at 785-564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Topeka Field Office

SCANNED



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

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Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

FILE COPY

BRADLEY & PAULA SHOLTZ
2224 DEER ROAD
ABILENE KS 67410

RE: Water Right, File No. 19,793

Dear Mr. or Mrs. Sholtz:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

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If you have any questions, please contact me at 785-564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Topeka Field Office

SCANNED



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

BOB A. WILSON
2268 EDEN ROAD
ABILENE KS 67410-6955

FILE COPY

RE: Water Right, File No. 19,793

Dear Mr. Wilson:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

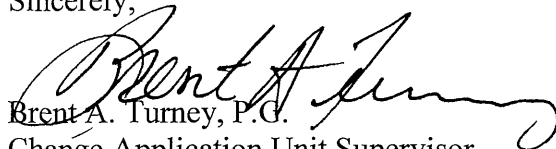
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Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Topeka Field Office

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 16, 2016

LUCAS & SHARON WILSON
541 OLD 40
ABILENE KS 67410-6981

FILE COPY

RE: Water Right, File No. 19,793

Dear Mr. or Mrs. Wilson:

This is to advise you that The City of Abilene has filed with the Division of Water Resources, Kansas Department of Agriculture, an application to change the point of diversion pursuant to Water Right, File No. 19,793. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 23, more particularly described as being near a point 3,021 feet North and 1,999 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

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If you have any questions, please contact me at 785-564-6645. If you call, please reference the file number so we can help you more efficiently.

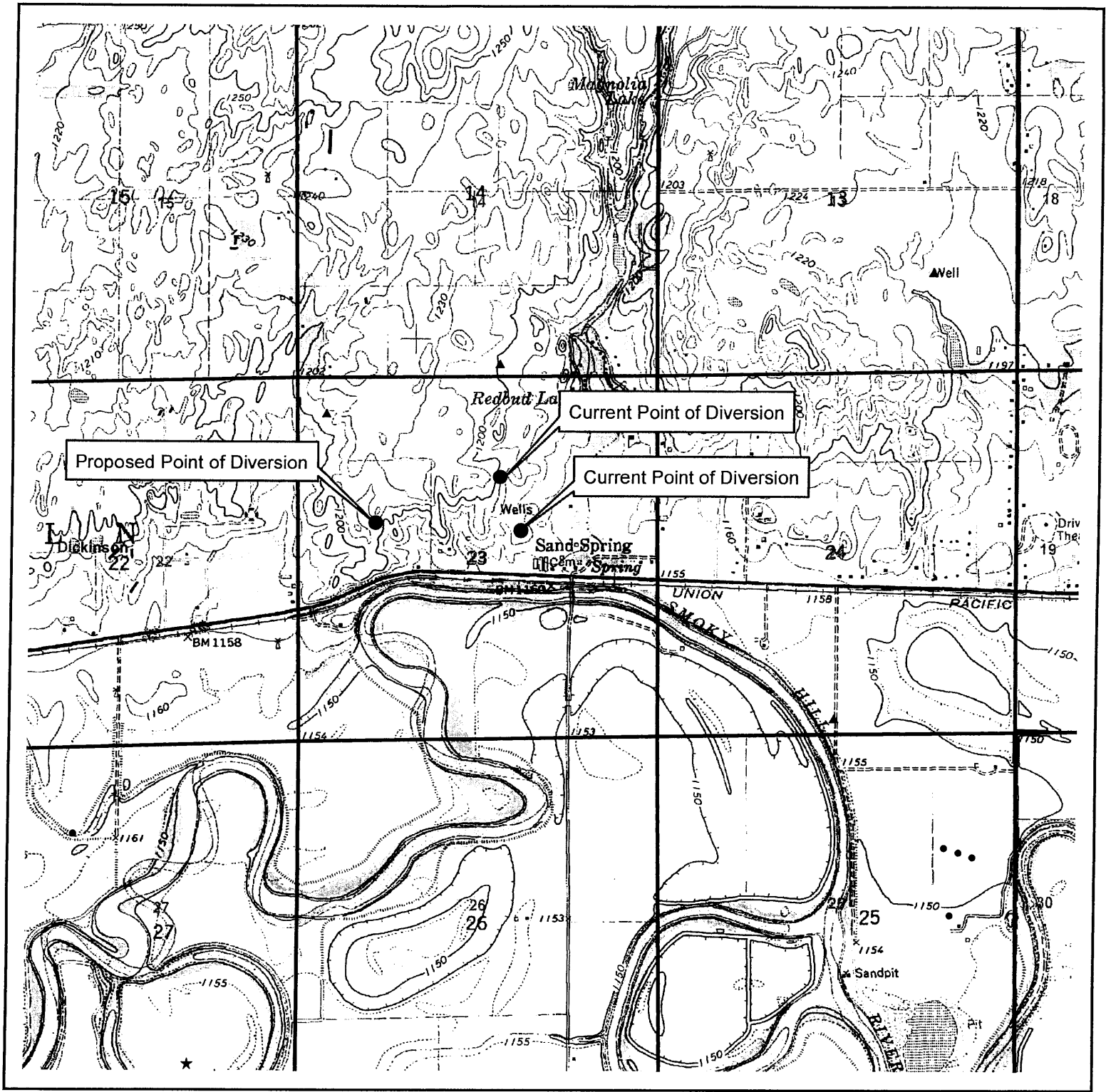
Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

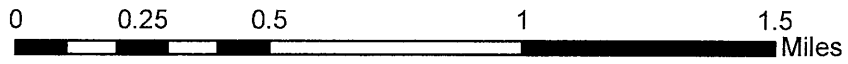
Enclosures

pc: Topeka Field Office

SCANNED



1:24,000



Legend

■ Point of Diversion

Change Application, File No. 19,793

Proposed Point of Diversion
 Section 23 - Township 13 South - Range 1 East
 Dickinson County, Kansas

SCANNED

AM/DWR
 Date: 11/10/2016

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 3, 2016

CITY OF ABILENE
ATTN JAY LEUSMAN
PO BOX 519
ABILENE KS 67410

FILE COPY

RE: Water Right, File Nos. 8,087 & 19,793

Dear Mr. Leusman:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under File No. 8,087, which was received in the office of the Chief Engineer on May 9, 2016, and the application for approval of the Chief Engineer to change the point of diversion under File No. 19,793, which was received in the office of the Chief Engineer on June 5, 2015.

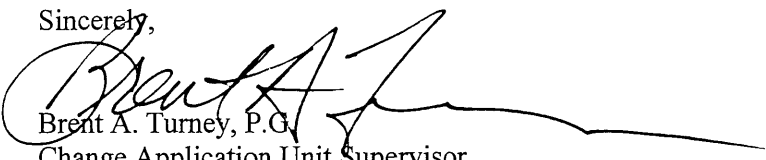
Reference is made to the application for approval of the Chief Engineer to change the point of diversion under File No. 19,793, which was received in the office of the Chief Engineer on June 5, 2015. Please be advised that this application was returned for additional information on September 22, 2015. You were given until October 23, 2015, to return the application. In my letter dated August 17, 2016, you were reminded that the application was to have been returned to this office by October 23, 2015. We extended that date until September 1, 2016.

Additionally, the application for approval of the Chief Engineer to change the point of diversion under File No. 8,087, which was received in the office of the Chief Engineer on May 9, 2016, was also returned to you requesting additional information on August 17, 2015. You were given until September 1, 2016, to return the application.

Please be advised that as of today's date, we have not these applications nor have we received the additional information requested. In order for the applications to change the point of diversion under Water Right, File No. 8,087 and 19,793, to retain their priority of filing they must be completed and returned to this office on or before October 15, 2016. According to law, default in refileing of the completed applications and attachments as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change under the above referenced file numbers.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:am
Enclosures

SCANNED

pc: Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 31, 2016

CITY OF ABILENE
ATTN JAY LEUSMAN
PO BOX 519
ABILENE KS 67410

FILE COPY

RE: Water Right, File Nos. 19,793

Dear Mr. Leusman:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under File No. 19,793, which was received in the office of the Chief Engineer on June 5, 2015. This application was returned for additional information on September 22, 2015. You were given until October 23, 2015, to return the application along with the additional information. That date was extended until October 15, 2016.

The additional information we requested was submitted to this office on October 31, 2016, however, the original application has yet to be returned. In order for the application to retain its priority of filing, the original application must be returned to this office on or before **November 15, 2016**. According to law, default in refiling of the completed application as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

If you have lost the original application, the Division of Water Resources upon your request, will create a true and correct copy to replace the original application. Please submit a request for a true and correct copy in writing if this is the case.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:am
Enclosures

pc: Topeka Field Office

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 17, 2016

CITY OF ABILENE
ATTN JAY LEUSMAN
PO BOX 519
ABILENE KS 67410

FILE COPY

RE: Water Right, File Nos. 8,087 & 19,793

Dear Mr. Leusman:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under File No. 8,087, which was received in the office of the Chief Engineer on May 9, 2016. Upon review of the application, we find that additional information is needed.

K.A.R. 5-5-2a *Complete change application* requires in part:

“(i) Each application shall be accompanied by an aerial photograph or a detailed plat with a scale of one inch equals 1,320 feet, or a U.S. geological survey topographic map with a scale of 1:24,000. The following information shall be plotted on the plat, photograph, or topographic map:

- (1) The section corners;
- (2) the center of the section, identified by the section number, township, and range;
- (3) the actual location of the currently authorized point of diversion and the location of the proposed point of diversion indicated by appropriate symbols;
- (4) the location of the place of use identified by crosshatching or by some other appropriate method;
- (5) the location of all other water wells of every kind within one-half mile of the well or wells to be authorized by the proposed appropriation, each of which shall be identified by its use and the name and mailing address of the owner, if the proposed appropriation is for use of groundwater;
- (6) the name and mailing address of the owner or owners of each tract of land adjacent to the stream for a distance of one-half mile upstream and one-half mile downstream from the property lines of the land owned or controlled by the applicant, if the proposed appropriation is for the use of surface water;
- (7) the location of proposed or existing dams, dikes, reservoirs, canals, pipelines, power-houses, and other structures for the purpose of storing, conveying, or using water; and
- (8) a north arrow and scale.

All information shown on the photograph, plat, or map shall be legible. Black line prints may be submitted in lieu of the original drawing if a plat is submitted.

(j) The applicant shall certify on the application that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the plat, photograph, or map attached to the application.”

(over)

SCANNED

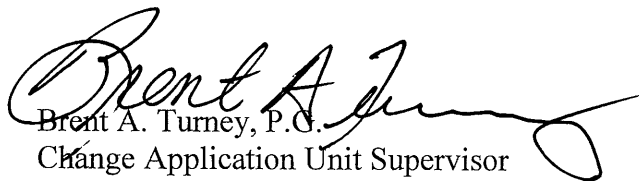
The original application is being returned to you so that the requested information may be furnished. In order for the application to retain its priority of filing it must be completed and returned to this office on or before September 1, 2016. According to law, default in refiling of the completed application and attachments as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under File No. 19,793, which was received in the office of the Chief Engineer on June 5, 2015. Please be advised that this application was returned for additional information on September 22, 2015. You were given until October 23, 2015, to return the application. As of today's date, we have not this application nor have we received the additional information requested. In order for the application to change the point of diversion under Water Right, File No. 19,793, to retain its priority of filing it must be completed and returned to this office on or before September 1, 2016. According to law, default in refiling of the completed application and attachments as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

If you plan to go to the Division of Water Resources Field Office in your area for assistance, please take this letter, your applications and attachments with you.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:am
Enclosures

pc: Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 22, 2016

CITY OF ABILENE
ATTN JAY LEUSMAN
PO BOX 519
ABILENE KS 67410

RE: Water Right, File No. 19,793

Dear Mr. Leusman,

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the referenced file number which was received in the office of the Chief Engineer on June 5, 2015. Upon review of the application, we find that the application cannot be approved as proposed.

K.A.R. 5-5-2a *Complete change application* requires in part:

“(i) Each application shall be accompanied by an aerial photograph or a detailed plat with a scale of one inch equals 1,320 feet, or a U.S. geological survey topographic map with a scale of 1:24,000. The following information shall be plotted on the plat, photograph, or topographic map:

- (1) The section corners;
- (2) the center of the section, identified by the section number, township, and range;
- (3) the actual location of the currently authorized point of diversion and the location of the proposed point of diversion indicated by appropriate symbols;
- (4) the location of the place of use identified by crosshatching or by some other appropriate method;
- (5) the location of all other water wells of every kind within one-half mile of the well or wells to be authorized by the proposed appropriation, each of which shall be identified by its use and the name and mailing address of the owner, if the proposed appropriation is for use of groundwater;
- (6) the name and mailing address of the owner or owners of each tract of land adjacent to the stream for a distance of one-half mile upstream and one-half mile downstream from the property lines of the land owned or controlled by the applicant, if the proposed appropriation is for the use of surface water;
- (7) the location of proposed or existing dams, dikes, reservoirs, canals, pipelines, power-houses, and other structures for the purpose of storing, conveying, or using water; and
- (8) a north arrow and scale.

All information shown on the photograph, plat, or map shall be legible. Black line prints may be submitted in lieu of the original drawing if a plat is submitted.

(j) The applicant shall certify on the application that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the plat, photograph, or map attached to the application.”

OVER→

SCANNED

CITY OF ABILENE
September 22, 2016
File No. 19,793
Page No. 2

The application is being returned to you so that the requested information may be furnished. **In order for the application to retain its priority of filing it must be completed and returned to this office on or before October 23, 2015. According to law, default in the refiling of the completed application and attachments as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.**

If you plan to go to the Division of Water Resources Field Office in your area for assistance, please take this letter, your application and attachments with you.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.

Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures

pc: Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

CITY OF ABILENE
PO BOX 519
ABILENE KS 67410

June 9, 2015

RE: File No. 19793

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

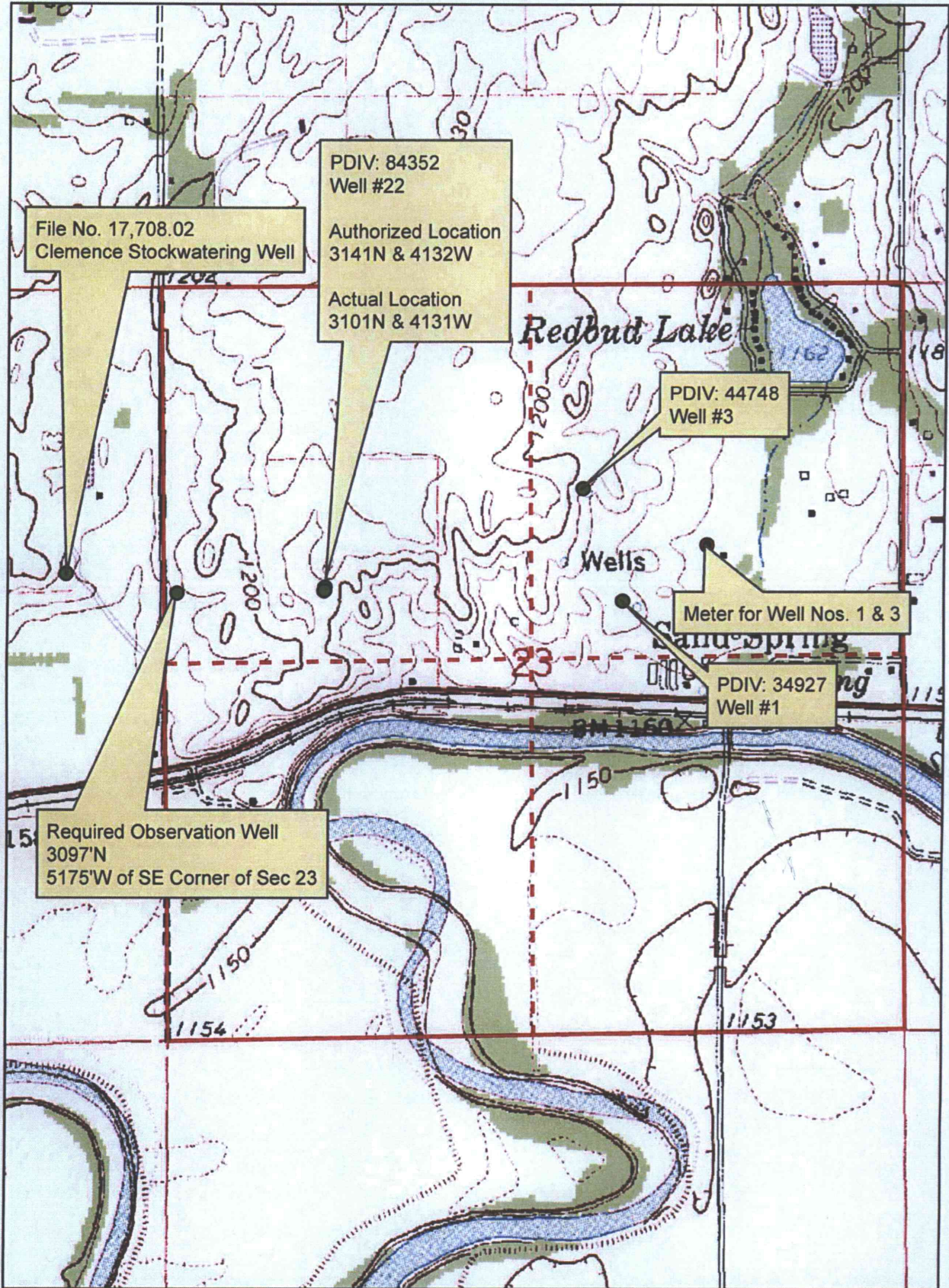
Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
0

Water Right, File No. 2,123



Meters installed on 10-13-16 N

1:12,000

Map Prepared by LHH/TFO 4-15-2016



WELL 22 - HALF MILE BUFFER



Reference Map
Printed: 10/21/2016



This map is for informational purposes only and should not be used to determine precise boundaries, roadways, property boundary lines or legal descriptions. It shall not be construed to be an official survey of any data depicted.
-Dickinson County GIS-

WATER RESOURCES RECEIVED
OCT 31 2016