

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

Document Signature LPL

| | | | | |
|--|---|--|---|---|
| 1. File Number: 8,087 | 2. Status Change Date: 5/4/2017 | 3. Change Num: C1 | 4. Field Office: 01 | 5. GMD: - |
| 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: 09-MAY-2016 |
| 8a. Applicant(s) New to system <input type="checkbox"/> CITY OF ABILENE PO BOX 519 ABILENE KS 67410 | | Person ID 16 Add Seq# 1 | 8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ | |
| 8b. Landowner(s) New to system <input type="checkbox"/> 8a. | | Person ID _____ Add Seq# _____ | 8d. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ | |
| 8e. WUC New to system <input type="checkbox"/> No change | | Person ID _____ Add Seq# _____ | 8e. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ | |
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/17 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/17 | | | | |
| <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____ | | | | |
| 10. Use Made of Water From: _____ To: _____ | | | | |
| Date Prepared: 4/28/2017 By: AM Date Entered: 5/8/2017 By: LLM | | | | |

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 28, 2017

FROM: Austin McColloch

RE: Water Right,
File No. 8,087

On May 6, 2016, City of Abilene, owner of the referenced water right, filed an application for approval to change the authorized point of diversion under File No. 8,087, 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. 8,087 currently authorizes two points of diversion (Well No. 6 & 8). The authorized groundwater wells operate with individual rates and quantities and are as follows:

Well No. 6 is located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,460 feet North and 1,270 feet West of the Southeast corner of said Section, at a diversion rate not in excess of 369 gallons per minute (0.82 c.f.s) and a quantity not to exceed 40.0 million gallons of water per calendar year, in Township 13 South, Range 1 East, Dickinson County, Kansas.

Well No. 8 is located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 1,900 feet North and 3,000 feet West of the Southeast corner of said Section, at a diversion rate not in excess of 490 gallons per minute (1.09 c.f.s) and a quantity not to exceed 1.0 million gallons of water per calendar year, in Township 13 South, Range 2 East, Dickinson County, Kansas.

The submitted change application proposes to move the authorized quantity and rate of Well No. 8 onto the authorized point of diversion for Well No. 6. The authorized wells are 1.67 miles apart, however because they are authorized under the same Water Right and were developed together, it has been determined there is no change in the local source of supply. Well No. 6 also currently authorizes Appropriation of Water, File No. 47,327 that essentially is for additional rate only that will not be affected because of the reasoning below.

It was determined in the office of the Chief Engineer that the rate of 490 gallons per minute authorized under Well No. 8 was not reasonable for the authorized quantity of 1.0 million gallons that would transfer to Well No. 6. Thus, approval of the application will be subject to the condition that the rate of 490 gallons per minute will be limited to 369 gallons per minute authorized for Well No. 6 under Water Right, File No. 8,087. The proposed point of diversion authorized under Water Right, File No. 8,087 will be described as follows:

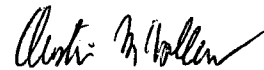
one well (1) located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,460 feet North and 1,270 feet West of the Southeast corner of said Section, at a diversion rate not in excess of 369 gallons per minute (0.82 c.f.s) and a quantity not to exceed 41.0 million gallons of water per calendar year, in Township 13 South, Range 1 East, Dickinson County, Kansas.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

The applicant identified multiple nearby domestic wells within one-half mile and nearby notification letters of the proposed change in point of diversion were sent on October 27, 2016. Three domestic well owners responded with concern to lowering of the water level in the area with the change. The owners who submitted written comments have domestic wells ranging from approximately 1,700 feet to 2,300 feet away from Well No. 6. Current minimum well spacing for the source of supply is 660 feet. Due to the fact that this is an existing well that has been in place since the 1960's and the quantity of 1.0 million gallons is a relatively minimal amount, impairment is unlikely with the approval of this change. 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. There are no other water rights within one-half mile of the proposed point of diversion.

In an email dated April 27, 2016, with Katie Tietsort, Water Commissioner, Topeka Field Office, indicated she is not opposed to approval of the change.

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. 8,087 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

CITY OF ABILENE
PO BOX 519
ABILENE KS 67410

May 9, 2017

RE: Water Right
File No. 8,087

FILE COPY

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.

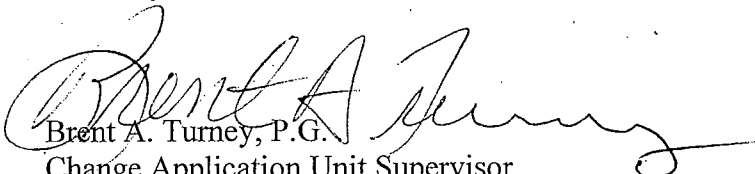
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required and enclosed form, Notification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

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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. 8,087**

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 May 9, 2016, 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 June 9, 1989, approving the application to change the authorized place of use, and by the Order of the Chief Engineer dated June 12, 1989, reducing the quantity of water authorized, and by the order of the Chief Engineer dated April 8, 1997, approving the application to change the authorized place of use, 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 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 Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,460 feet North and 1,270 feet West of the Southeast corner of said section, at a diversion rate not in excess of 369 gallons per minute (0.82 c.f.s) and a quantity not to exceed 41 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.

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. 8,087, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 13, 1987, 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 4th day of May, 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 4th day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

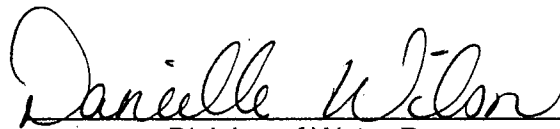
CERTIFICATE OF SERVICE

On this *9th* day of *May*, 2017, I hereby certify that the attached Approval of Application for the Change in Point of Diversion, File No. 8,087, dated *May 4, 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

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

APPLICATION COMPLETE

4/27/17
Reviewer AM

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.

WATER RESOURCES
RECEIVED

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

RECEIVED
10:18am
OCT 17 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

MAY 09 2016
1:01
KS DEPT OF AGRICULTURE

File No. 8.087

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: 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):

Closing out well #8 moving rate and quantity over onto Well #6

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

(Date)

For Office Use Only:

F.O. 1 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use MUN Source G/S County DL By ASW Date 5/9/16
Code cat Fee \$ 200 TR # 16044992 Receipt Date 5/9/16 Check # 021755

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
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: Well #8**
 One in the SE Quarter of the NE Quarter of the SW Quarter of Section 17, Township 13 South, Range 2 E (E/W), in Dickinson County, Kansas, 1900 feet North 1300 feet West of Southeast corner of section.
 Authorized Rate 490 gpm Authorized Quantity 1 mgd
 (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) Well #6
 One in the SW Quarter of the NE Quarter of the SW SE Quarter of Section 13, Township 13 South, Range 1 E (E/W), in Dickinson County, Kansas, 1460 feet North 1270 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 File No. 47,327

9. **Presently authorized point of diversion: Well #6**
 One in the SW Quarter of the NE Quarter of the SE Quarter of Section 13, Township 13 South, Range 1 E (E/W), in Dickinson County, Kansas, 1460 feet North 1270 feet West of Southeast corner of section.
 Authorized Rate 369 gpm Authorized Quantity 40 mgd
 (DWR use only: Computer ID No. 36962 GPS 1421 feet North 1238 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 File No. 47,327

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. _____
Plugged per plugging requirements of KDHE.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

OCT 17 2016

SCANNED

MAY 09 2016

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.

Not changing place of use nor use made of water.

(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 IN-RATE OR QUANTITY gallons per minute (_____ c.f.s.)

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.

The water right currently authorizes two wells and assigns rate and quantity by well. The change application is to simply close well #8 and place the rate and quantity associated on it on the other well covered under the same water right, well #6.

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.

All regulations are met.

WATER RESOURCES RECEIVED

MAY 09 2016

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS DEPT OF AGRICULTURE

OCT 17 2016

Truckee Field Office
DIVISION OF WATER RESOURCES

SCANNED

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 6 day of May, 2016.

Jay Leusman (Owner)

Jay Leusman (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 6th day of May, 2016.

Karla J. Efurd (Notary Public)

My Commission Expires October 20, 2016.

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.

RECEIVED OCT 17 2016 Topeka Field Office DIVISION OF WATER RESOURCES

WATER RESOURCES RECEIVED MAY 09 2016 KS DEPT OF AGRICULTURE

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

RECEIVED

WATER RESOURCES

OCT 17 2016

MAY 09 2016

Topeka Field Office
REGION OF WATER RESOURCES

SCANNED

KS DEPT OF AGRICULTURE

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 6 day of may, 2016.

Jay Leusman
(Owner)
Jay Leusman
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

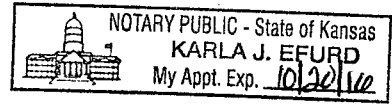
(Owner)

(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 6th day of May, 2016.

Karla J. Efurd
Notary Public

My Commission Expires October 20, 2016.

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

MAY 09 2016

KS DEPT OF AGRICULTURE

SCANNED

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

MAY 09 2016

SCANNED

KS DEPT OF AGRICULTURE



STATE BOARD OF AGRICULTURE
Sam Brownback, *Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 8,087

PRIORITY DATE April 13, 1959

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer, of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater in the drainage basin of the Smoky Hill River to be withdrawn by means of two (2) wells: one (1) well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Township 13 South, Range 1 East, (more particularly described as being near a point 1,460 feet North and 1,270 feet West of the Southeast corner of said section) at a diversion rate not in excess of 369 gallons per minute (0.82 c.f.s.) and in a quantity not to exceed 40,000,000 gallons (122.76 acre-feet) per calendar year; and one (1) well located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, Township 13 South, Range 2 East, (more particularly described as being near a point 1,900 feet North and 3,000 feet West of the Southeast corner of said section) at a diversion rate not in excess of 490 gallons per minute (1.09 c.f.s.) and in a quantity not to exceed 2,000,000 gallons (6.14 acre-feet) per calendar year, all in Dickinson County, Kansas, for municipal use in the City of Abilene, Kansas, and immediate vicinity.

McColloch, Austin

From: Tietsort, Katie
Sent: Thursday, April 27, 2017 12:49 PM
To: McColloch, Austin
Cc: Bunger, Brett
Subject: RE: Recommendation, File No. 8087

Hello Austin,

Thanks so much for working up this change application. TFO agrees with your recommendation for approval. The change requests meets all applicable rules and regulations. We appreciate you working this up so our Tuesday inspection can count for this change too.

Thanks and have a nice weekend, 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: Tuesday, April 25, 2017 2:43 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: Recommendation, File No. 8087

Katie,

Attached is my draft memo for the change in point of diversion for File No. 8087 submitted by the City of Abilene.

Thanks,

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



Water Treatment Plant
2100 N.W. 8th

Abilene, Ks 67410

Phone: (785)263-7478

Email: waterplant@abilenecityhall.com

7 November 2016

WATER RESOURCES
RECEIVED

NOV 09 2016

KS DEPT OF AGRICULTURE

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, KS 66502

RE: Water Right, File No. 8087

Dear Sir or Madam:

Please use the copy on file with KDA to move forward with file number 8087

To transfer of 1 mgy water rights from well #8 to well #6

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

Sincerely,

Jay Leusman

Lead Operator

Abilene Water Treatment Plant

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

RECEIVED

OCT 17 2016

Topeka Field Office
DIVISION OF WATER RESOURCES

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)

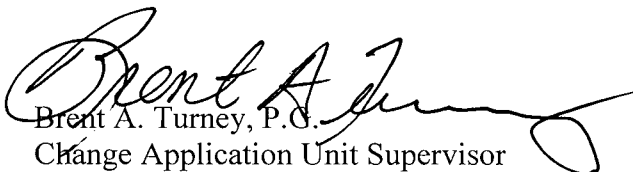
The original application is being returned to you so that the requested information may be furnished. In order for the application to retain its priority of filing it must be completed and returned to this office on or before September 1, 2016. According to law, default in refiling of the completed application 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.C.
Change Application Unit Supervisor
Water Appropriation Program

BAT:am
Enclosures

pc: Topeka Field Office

November 4, 2016

Austin McColloch
Environmental Scientist
Water Appropriation Program
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES
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NOV 07 2016

KS DEPT OF AGRICULTURE

RE: Water Right, File No. 8,087, filed by the City of Abilene

Dear Mr. McColloch:

Per our phone conversation, I would like to submit this letter for consideration regarding the above application filed by the City of Abilene. Please note, I am writing this letter in protest of the proposed change to the authorized point of diversion, as requested by the City of Abilene.

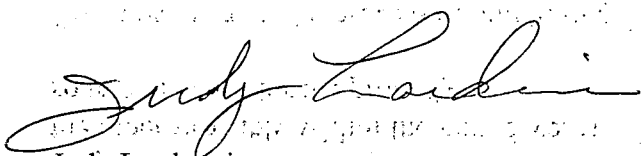
My husband, David, and I are the property owners of 2271 Fair Road, Abilene, KS (S13, T13, R01, ACRES 7, BEG NE COR SE4 NE4, TH S 465', W 660', N 465', E 660' TO POB LESS R/W). We have 3 active wells (and 1 inactive) on our property that feed our home, the trailer house, yard, gardens, animals and all our other water needs. We don't have access to city or rural water. Our concern is that the extra water requested by the City might affect our wells. These wells are the **only** water source to our property. Wells 1 - 3 were put in when the house was built, in 1996, and the other probably within the next 5 years. The last well was finally deep enough to be a good source of water for the property.

When we were in the process of purchasing this property, we had to get approval from Dickinson County to replace the trailer house located on the property. Their main issue was the fact that they were worried about putting any additional use on the aquifer. If that is the case, why would it even be considered to let the City pull additional water?

Also, during a recent dry summer, the neighbors to our south lost their well. We are very concerned that the extra water, requested by the City of Abilene, will stress our water source to the point of us losing our well.

If you need any other information, you may contact me at 785-263-3506, or on my cell at 785-820-1698 or at jdvlong@eaglecom.net.

Sincerely,



Judy Lardenois
2271 Fair Rd
Abilene, KS 67410

SCANNED

Sirs: Water Right File # 8,087

In response to your letter on Abilene using well just west of our property, we called your # and was told to submit a written response. 3 years ago they nearly ran us out of water as our well's normal water level run around 22 ft of water in it.

When they went to using this well a lot our water level went down to 2 ft of water in well, if it did not start raining they would of ran us out. This is our only supply of water, they have caused a number of the neighborhood to either drill deeper or run out, we can't afford to drill deeper, they have wells all over south of river that would not affect anybody, they better not do us like they did before as we always had excellent well here, if they don't deplete it with this well

Thanks

Matt Esslinger
2238 Fair Rd.
Abilene, Ks
67410

WATER RESOURCES
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NOV 07 2016
KS DEPT OF AGRICULTURE

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 21, 2016

DONALD & KAREY KNAUSS
2250 FAIR RD.
ABILENE KS 67410

FILE COPY

Re: Pending Change Application
File No. 8,087

Dear Mr. or Mrs. Knauss:

This will acknowledge receipt of your letter dated November 14, 2016, 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,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Pc: Topeka Field Office

SCANNED

WATER RESOURCES
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NOV 21 2016

Donald and Karey Knauss
2250 Fair Rd.
Abilene, KS 67410
11/14/16

Dear Mr. McColloch,

KS DEPT OF AGRICULTURE

We are writing in response to the letter you sent out regarding the Water Right, File No. 8,087. We do have two wells on our property. We had to drill a new well 2013 due to the water table being low. We were able to save our old well only by being extremely frugal with the water in it. This was a very inconvenient winter.

We have wonderful water, yet the sandy soil we live in is very hard to drill and we had a hard time finding someone willing to risk the drilling. Our only other option if our well runs dry is to hook up to rural water. We live a considerable distance off of Fair Road and this would be an incredible expense for our family. Our concern is that too much water would be used out of this aquifer leaving us with two dry wells and with an enormous expenditure on our hands.

Needless to say, we are gravely concerned about the use of this well. We also don't want to see this aquifer contaminated in any way. Please consider our request not to use the well in our vicinity.

Sincerely,

Donald + Karey Knauss

Donald and Karey Knauss

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 17, 2016

MATT ESSLINGER
2238 FAIR RD.
ABILENE KS 67410

FILE COPY
SCANNED

Re: Pending Change Application
File No. 8,087

Dear Mr. Esslinger:

This will acknowledge receipt of your letter dated November 4, 2016, 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
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6531 SE Forbes Ave., Suite B
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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,

Austin McColloch
Environmental Scientist
Water Appropriation Program

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 17, 2016

MATT ESSLINGER
2238 FAIR RD.
ABILENE KS 67410

FILE COPY

Re: Pending Change Application
File No. 8,087

Dear Mr. Esslinger:

This will acknowledge receipt of your letter dated November 4, 2016, 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:

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Division of Water Resources - Topeka Field Office
6531 SE Forbes Ave., Suite B
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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,

Austin McColloch
Environmental Scientist
Water Appropriation Program

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.”

SCANNED

(over)

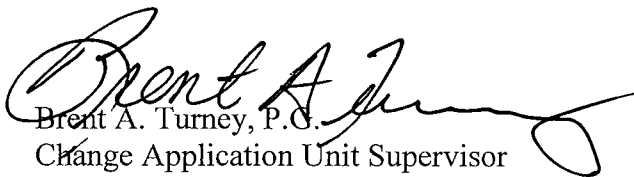
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Reference is made to the application for approval of the Chief Engineer to change the point of diversion under File No. 19,793, which was received in the office of the Chief Engineer on June 5, 2015. Please be advised that this application was returned 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.C.

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

October 27, 2016

FILE COPY

ERIC ALTWEGG
2469 GULF RD
ABILENE KS 67410

RE: Water Right, File No. 8,087

Dear Sir or Madam:

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. 8,087. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 1,900 feet North and 3,000 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 Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,460 feet North and 1,270 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 Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, more particularly described as being near a point 1,460 feet North and 1,270 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 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
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

October 27, 2016

RODNEY D COLE
2255 FAIR RD
ABILENE KS 67410

RE: Water Right, File No. 8,087

Dear Sir or Madam:

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

MATT ESSLINGER
2238 FAIR RD
ABILENE KS 67410

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

FRANK & AGNES GARTEN, INC
2207 FAIR RD
ABILENE KS 67410

RE: Water Right, File No. 8,087

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

AGNES GARTEN
2207 FAIR RD
ABILENE KS 67410

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October 27, 2016

SCOTT GARTEN
2454 HIGHWAY 15
ABILENE KS 67410

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Governor Sam Brownback

October 27, 2016

DENNIS GARVER
2253 FAIR RD
ABILENE KS 67410

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TAMI & PAUL GASTON
2254 FAIR RD
ABILENE KS 67410

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October 27, 2016

CLIFFORD & JANET GIBBS
2252 FAIR RD
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KATHLEEN HASTINGS
2212 W 1ST ST
ABILENE KS 67410

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Governor Sam Brownback

October 27, 2016

BERNARD & ANNETTE HERNANDEZ
2208 W 1ST ST
ABILENE KS 67410

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

JEFF HERTZ
2228 FAIR RD
ABILENE KS 67410

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

DONALD & KAREY KNAUSS
2250 FAIR RD
ABILENE KS 67410

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October 27, 2016

NATHAN & MARY MONTGOMERY
2214 FAIR RD
ABILENE KS 67410

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Sincerely,

Austin McColloch
Environmental Scientist
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

October 27, 2016

JAMES PATRICK MURPHY
1923 INDIANA LN
MANHATTAN KS 66502

RE: Water Right, File No. 8,087

Dear Sir or Madam:

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. 8,087. The applicant proposes to change the authorized point of diversion

from: one (1) well located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, more particularly described as being near a point 1,900 feet North and 3,000 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 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Topeka Field Office

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

JAMES O'DELL
2242 FAIR RD
ABILENE KS 67410

RE: Water Right, File No. 8,087

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Water Appropriation Program

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

JOSHUA PETERSON
2191 FAIR RD
ABILENE KS 67410

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

BRADLEY & JOYCE STEFFEN
2155 EMERY LN
ABILENE KS 67410

RE: Water Right, File No. 8,087

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pc: Topeka Field Office

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

IRA ALLEN SWEARINGEN
2251 FAIR RD
ABILENE KS 67410

RE: Water Right, File No. 8,087

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Environmental Scientist
Water Appropriation Program

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

JANE & STAN VEAL REV. TRUST
2220 W 1ST ST
ABILENE KS 67410

RE: Water Right, File No. 8,087

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Environmental Scientist
Water Appropriation Program

Enclosures

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

JANE VINDUSKA
2253 FAIR RD
ABILENE KS 67410

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

BARRY & META WEST
2219 W 1ST ST
ABILENE KS 67410

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

CRAIG & DENISE ZAWACKI
2185 ELK LN
ABILENE KS 67410

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

DAVIS & JUDY LARDENOIS
2271 FAIR RD
ABILENE KS 67410

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Environmental Scientist
Water Appropriation Program

Enclosures

pc: Topeka Field Office

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

RONALD EVERETT TRUST
2256 FAIR RD
ABILENE KS 67410

RE: Water Right, File No. 8,087

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Environmental Scientist
Water Appropriation Program

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Jackie McClaskey, Secretary

Governor Sam Brownback

October 27, 2016

MIKE HERRERA
2264 FAIR RD
ABILENE KS 67410

RE: Water Right, File No. 8,087

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Environmental Scientist
Water Appropriation Program

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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.

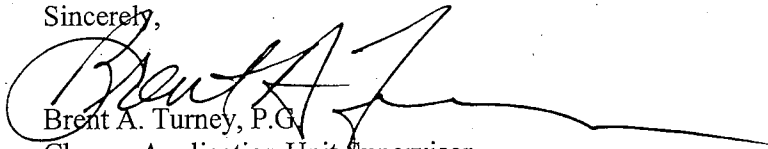
Reference is made to the application for approval of the Chief Engineer to change the point of diversion under File No. 19,793, which was received in the office of the Chief Engineer on June 5, 2015. Please be advised that this application was returned for additional information on September 22, 2015. 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 refile 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

File No. 8087 2 PD.

Current

Well #8 1 mgd 490 gpm + well #6
moving to L490 moving to well 6
all cont lim to 47327

Well #6 40 mgd 369 gpm ↓
lim 490 to 369

Proposed

all on 1 PD

Based on not reasonable for longy
subject to condition rate
dropped to 369

Well #6 41 mgd 369 gpm

3 nearby concerns - all domestics

Overlaps w/ 47327 additional rate only
41 mgd 500 gpm

Domestics

Minimum Spacing

Esslinger ~ 1,700 ft.

660'

Knaus ~ 2,300' ft.

Lardenois ~ 2,300 ft.

↳ late, missed 15 day deadline but sent acceptance notice



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

May 11, 2016

RE: File No. 8087

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,

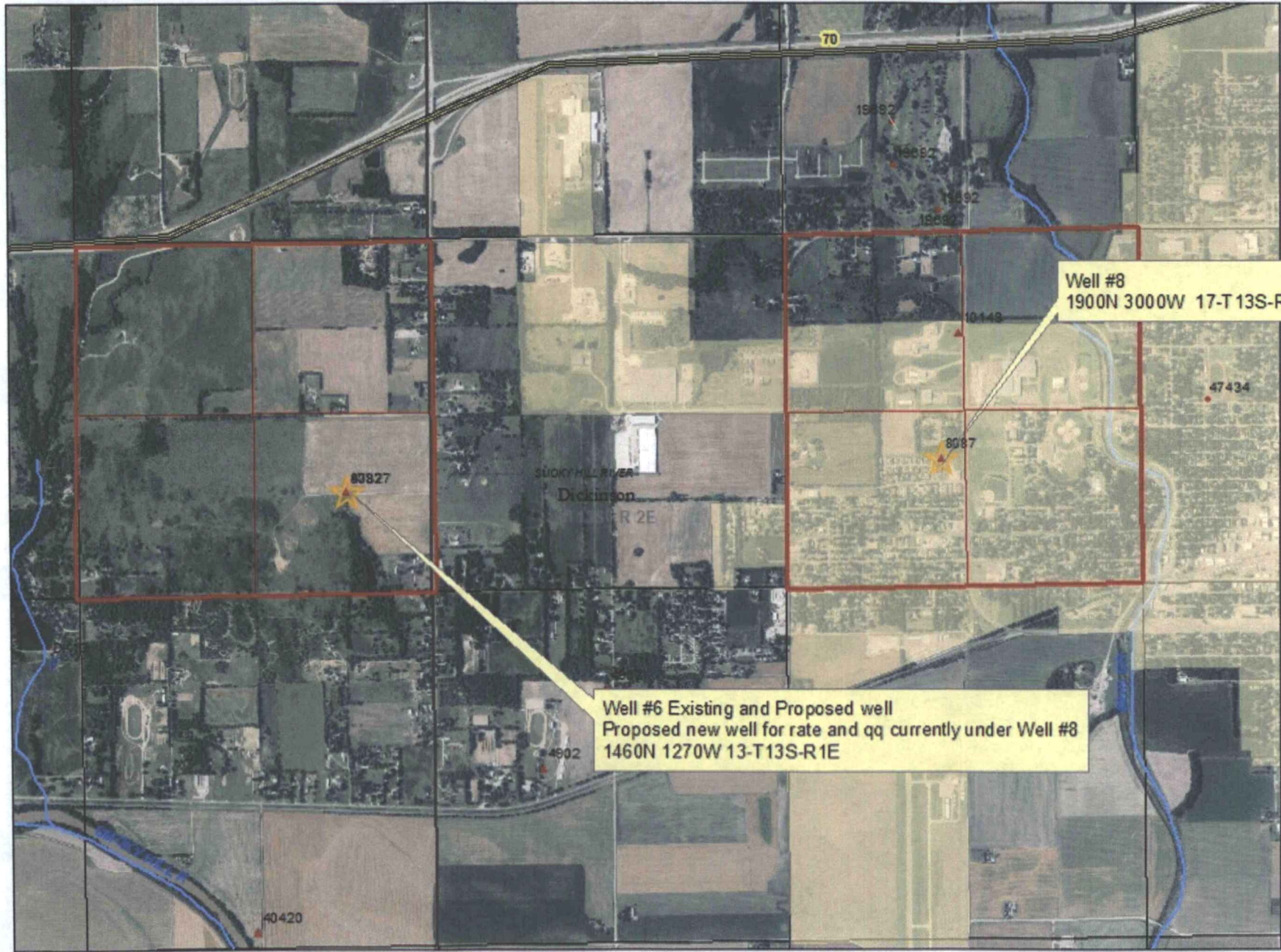
Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

SCANNED

SCANNED

Existing and Proposed PD City of Abilene, File No. 8,087



Well #8
1900N 3000W 17-T13S-R2E

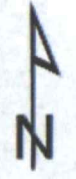
Well #6 Existing and Proposed well
Proposed new well for rate and qq currently under Well #8
1460N 1270W 13-T13S-R1E

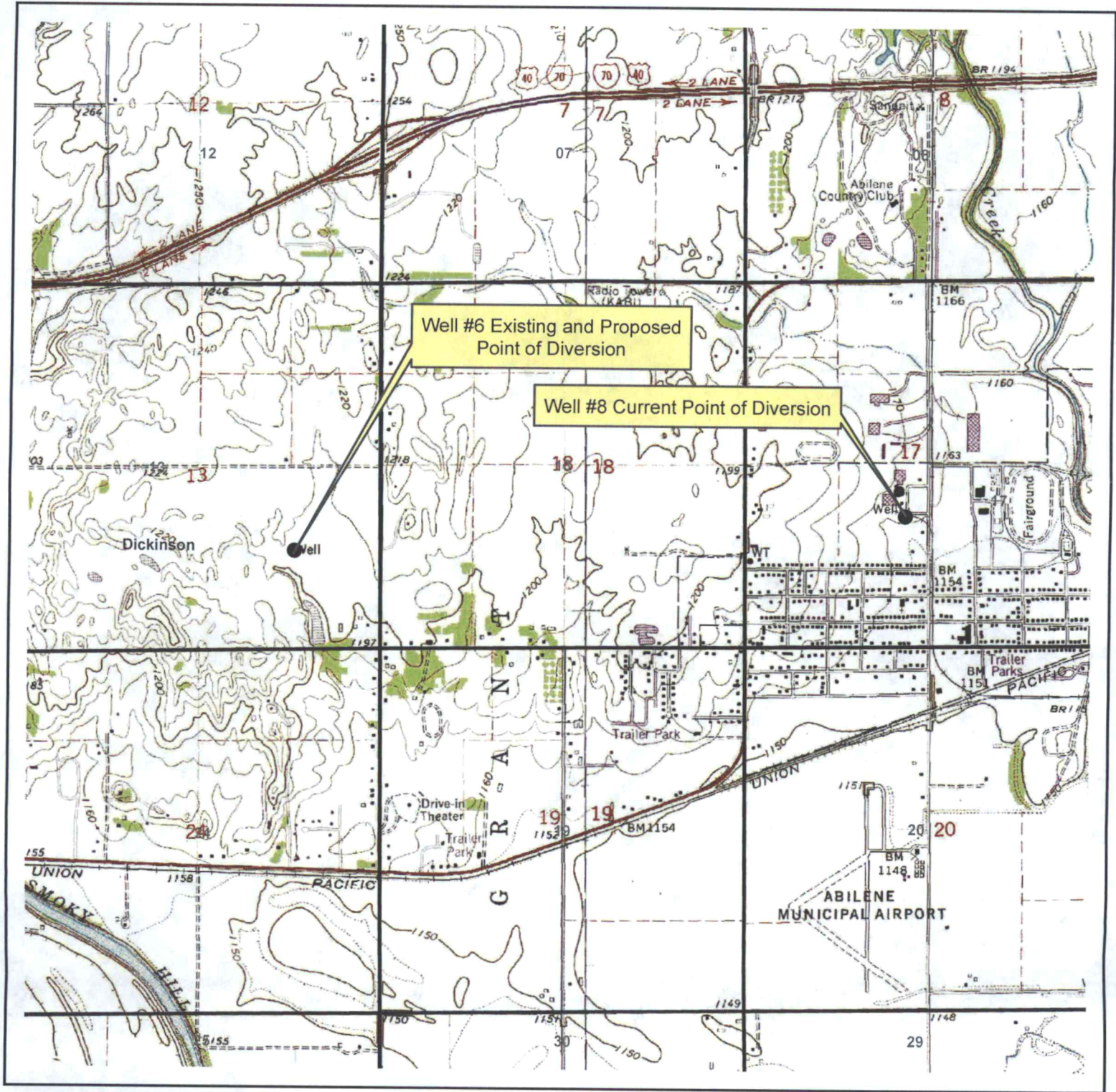
WATER RESOURCES
RECEIVED
MAY 09 2016
KS DEPT OF AGRICULTURE

RECEIVED
OCT 17 2016
Tombah Field Office
WATER RESOURCES

SCANNED

1:24,000





Legend

- Point of Diversion



**Application for
Change in Point of Diversion, File No. 8,087**
Section 13 - Township 13 south - Range 1 East
Dickinson County, Kansas

All water wells of any kind within 1/2 mile of the proposed point of diversion are shown:

RECEIVED

OCT 17 2016

Topeka Field Office
DIVISION OF WATER RESOURCES

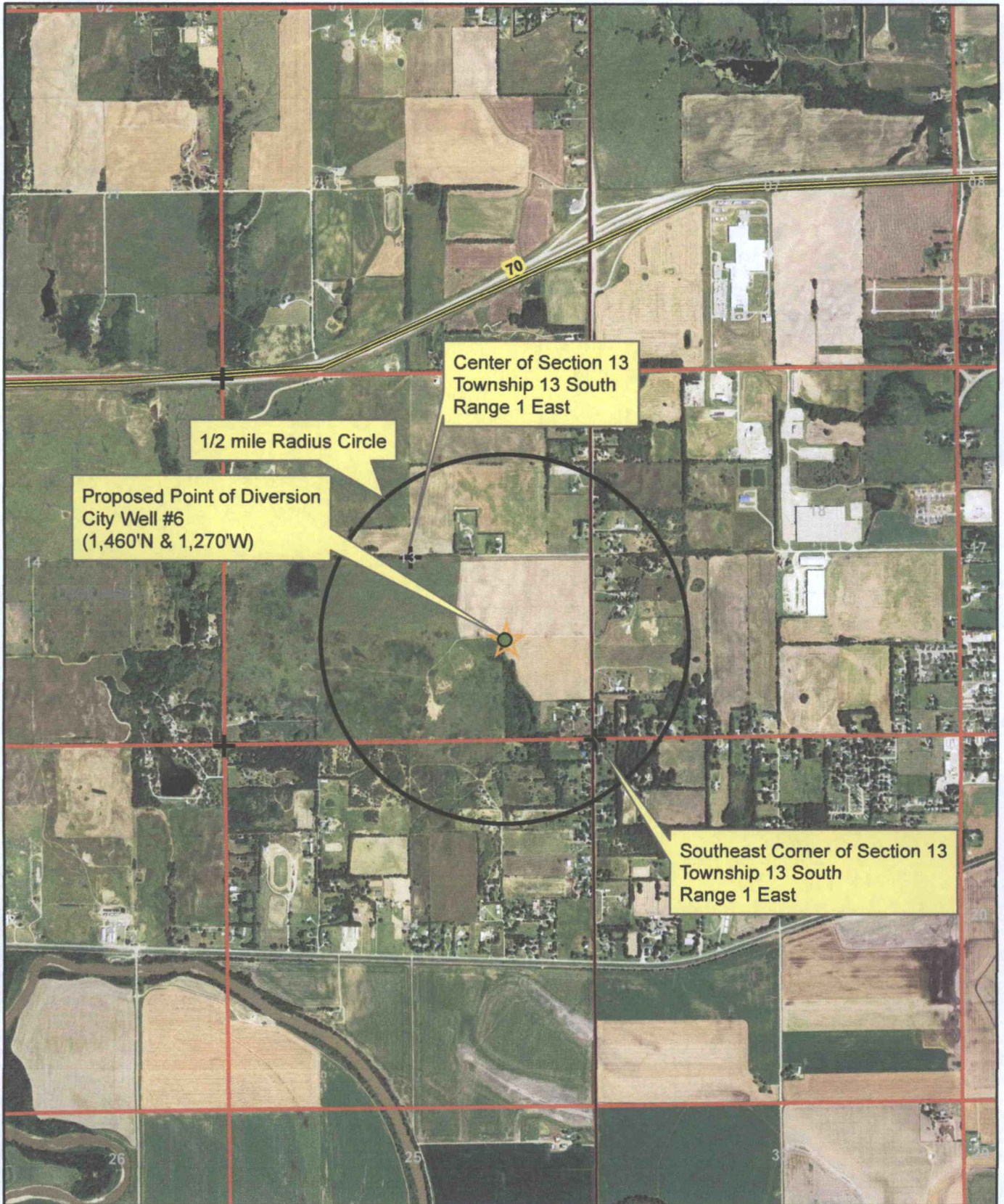
AM/DWR

Date: 8/17/2016

Sign

Date

CITY OF ABILENE -File No. 8,087 - Nearby Well Owners for City Well #6
Section 13, Township 13 South, Range 1 East
Dickinson County

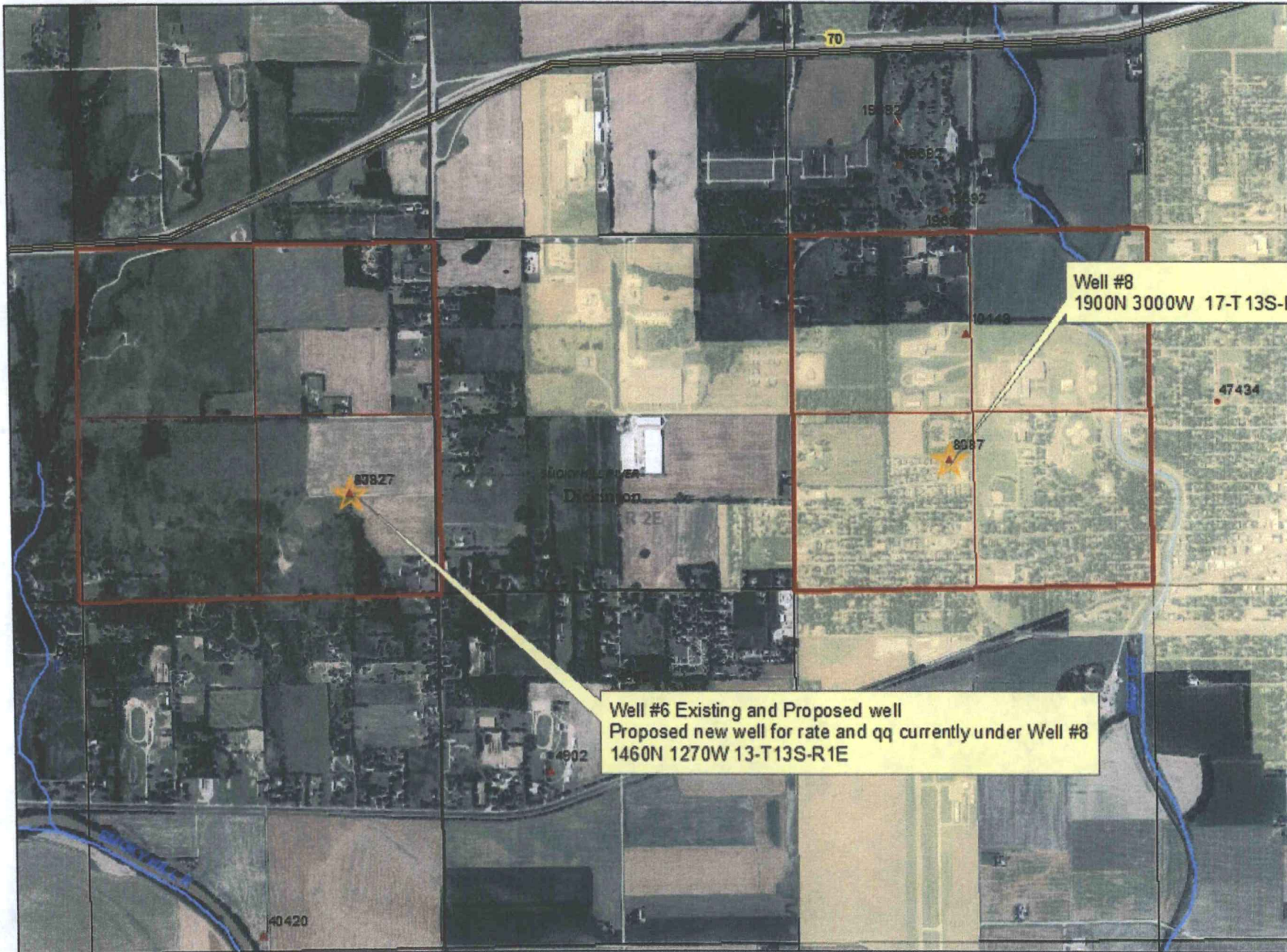


1:24,000

● Proposed Point of Diversion

All known wells within one-half mile of the proposed point of diversion are shown on this map.

Existing and Proposed PD City of Abilene, File No. 8,087



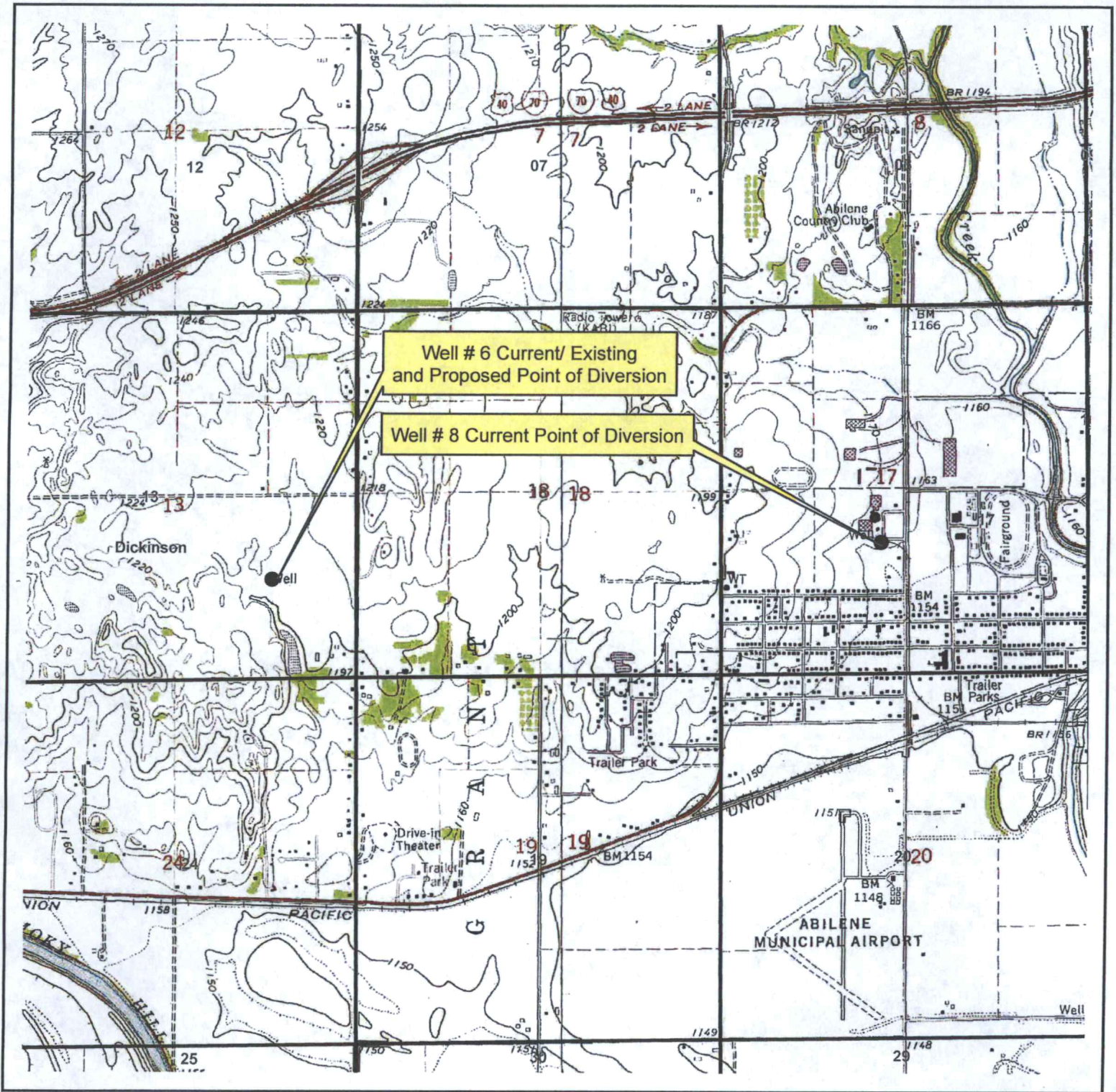
WATER RESOURCES RECEIVED

MAY 09 2016

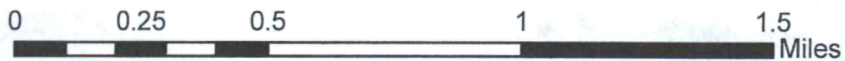
SCANNED KS DEPT OF AGRICULTURE

1:24,000





1:24,000



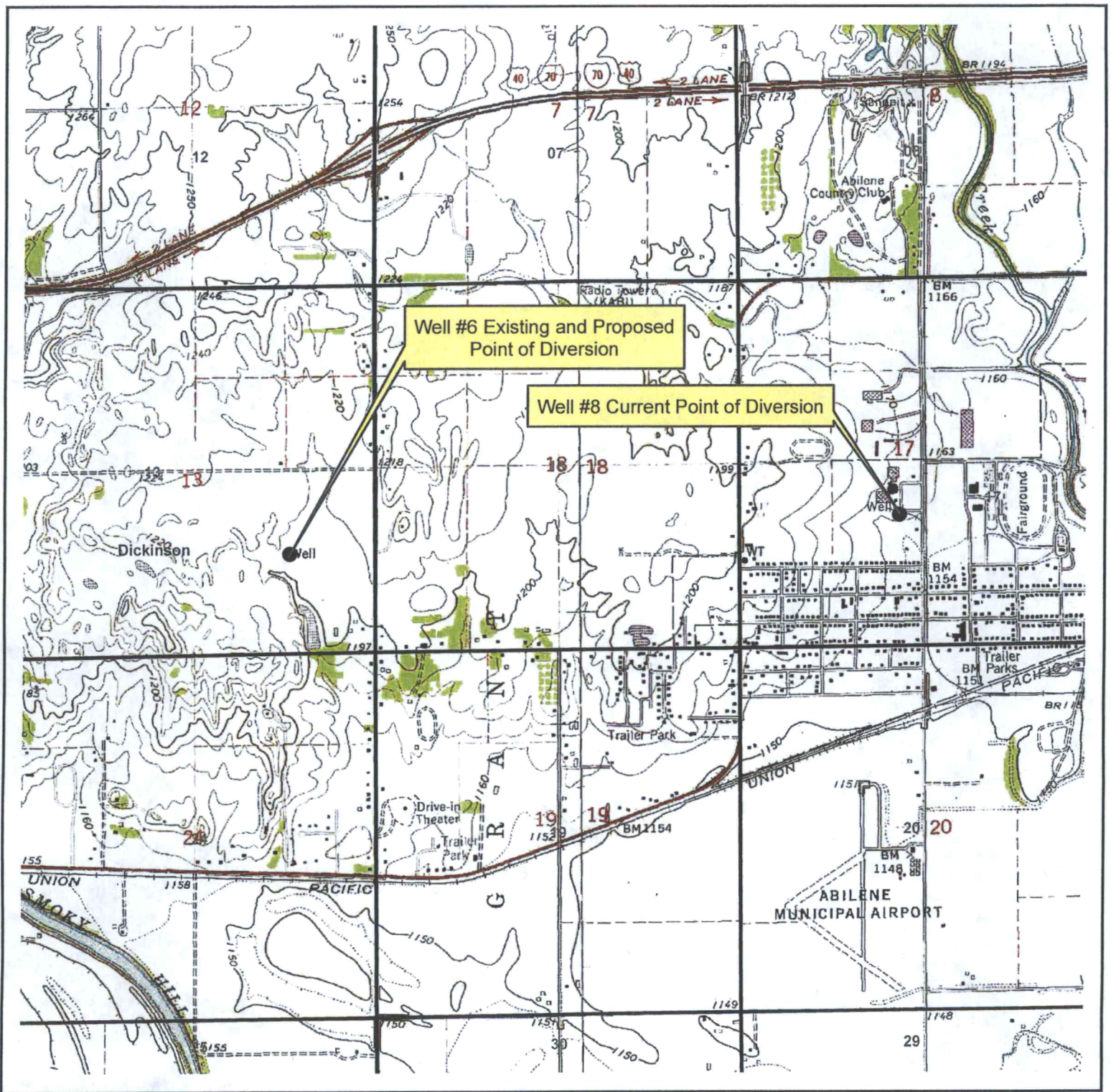
Legend

- Point of Diversion

**Application for
Change in Point of Diversion, File No. 8,087**
Section 13 - Township 13 South - Range 1 East
Dickinson County, Kansas

(Moving from Well # 8 to Well # 6)

SCANNED
AM/DWR
Date: 10/26/2016



Legend

- Point of Diversion



Application for Change in Point of Diversion, File No. 8,087

Section 13 - Township 13 south - Range 1 East
Dickinson County, Kansas

All water wells of any kind within 1/2 mile
of the proposed point of diversion are shown:

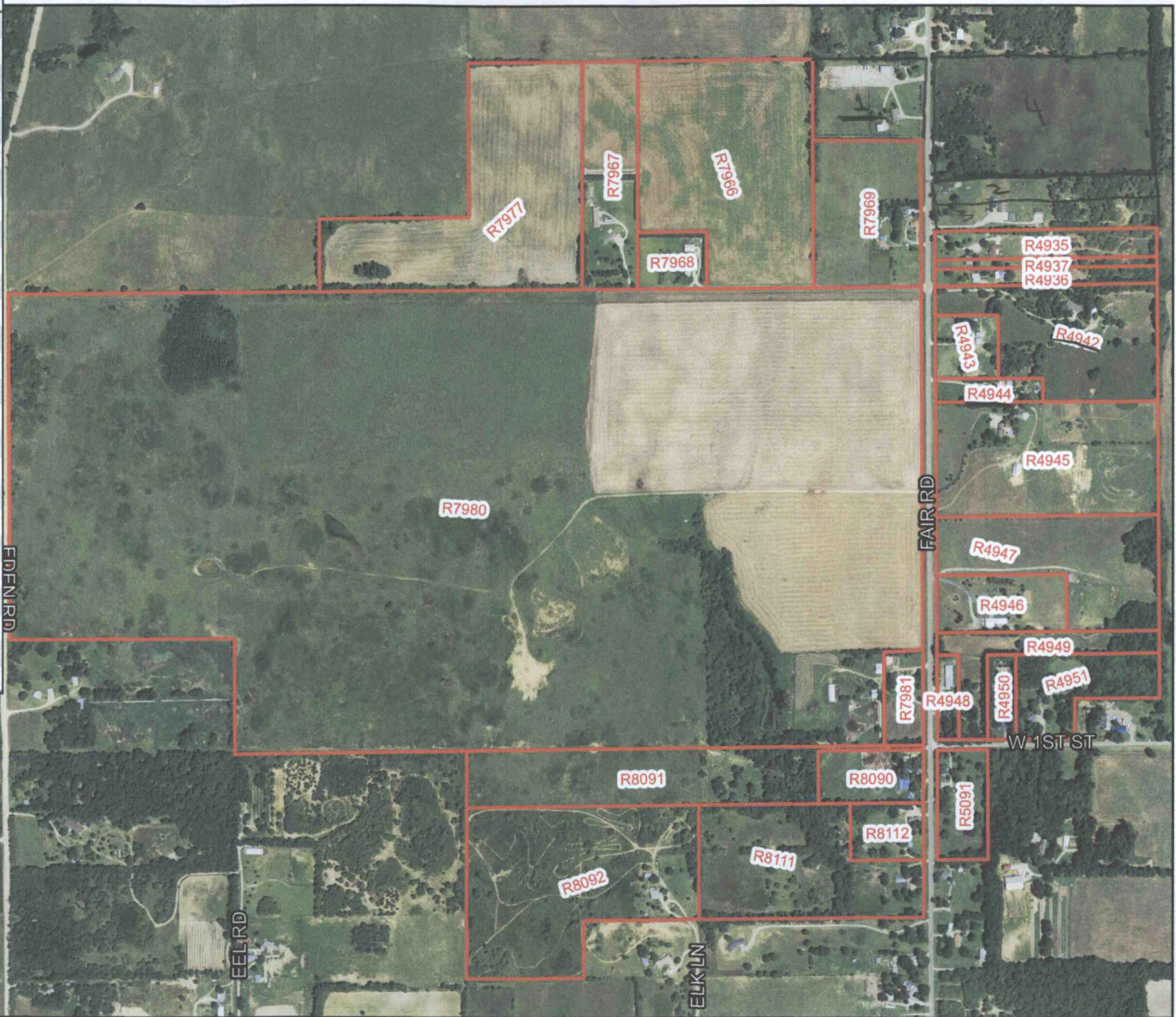
Sign

Date

AM/DWR

Date: 8/17/2016

| Property ID | Owner | Mailing Address |
|-------------|---|--|
| R8111 | Altwegg, Eric | 2469 Gulf RD Abilene, KS 67410 |
| R7969 | COLE, RODNEY D | 2255 FAIR RD ABILENE, KS 67410 |
| R4944 | ESSUNGER, MATT | 2238 FAIR RD ABILENE, KS 67410 |
| R8091 | FRANK & AGNES GARTEN, INC | 2207 FAIR RD ABILENE, KS 67410 |
| R7980 | FRANK & AGNES GARTEN, INC | 2207 FAIR RD ABILENE, KS 67410 |
| R7981 | GARTEN, AGNES H | 2207 FAIR RD ABILENE, KS 67410 |
| R8090 | GARTEN, SCOTT R | 2454 HIGHWAY 15 ABILENE, KS 67410 |
| R7966 | GARVER, DENNIS E | 2253 FAIR RD ABILENE, KS 67410 |
| R4935 | GASTON, TAMI D & PAUL D | 2254 FAIR RD ABILENE, KS 67410 |
| R4937 | GIBBS, CLIFFORD L & JANET | 2252 FAIR RD ABILENE, KS 67410 |
| R4950 | HASTINGS, KATHLEEN L | 2212 W 1ST ST ABILENE, KS 67410 |
| R4951 | HERNANDEZ, BERNARD E & HERNANDEZ, ANNETTE L | 2208 W 1ST ST ABILENE, KS 67410 |
| R4945 | HERTZ, JEFF L | 2228 FAIR RD ABILENE, KS 67410 |
| R4942 | KNAUSS, DONALD W & KAREY A | 2250 FAIR RD ABILENE, KS 67410 |
| R4946 | MONTGOMERY, NATHAN J & MONTGOMERY, MARY | 2214 FAIR RD ABILENE, KS 67410 |
| R7977 | Murphy, James Patrick | 1923 Indiana LN Manhattan, KS 66502 |
| R4943 | O'DELL, JAMES R | 2242 FAIR RD ABILENE, KS 67410 |
| R8112 | PETERSON, JOSHUA MICHAEL | 2191 FAIR RD ABILENE, KS 67410 |
| R4947 | STEFFEN, BRADLEY D & JOYCE A | 2155 EMERY LN ABILENE, KS 67410 |
| R7968 | SWEARINGEN, IRA ALLEN | 2251 FAIR RD ABILENE, KS 67410 |
| R4936 | SWEARINGEN, JANET & GIBBS, CLIFFORD L | 2252 FAIR RD ABILENE, KS 67410 |
| R4948 | VEAL, JANE F & STAN R REV TR | 2220 W 1ST ST ABILENE, KS 67410 |
| R4949 | VEAL, JANE F & STAN R REV TR | 2220 W 1ST ST ABILENE, KS 67410 |
| R7967 | VINDUSKA, JANE A | 2253 FAIR RD ABILENE, KS 67410 |
| R5091 | WEST, BARRY L & META K | 2219 W 1ST ST ABILENE, KS 67410 |
| R8092 | ZAWACKI, CRAIG S & ZAWACKI, DENISE R | 2185 ELK LN ABILENE, KS 67410 |



Reference Map

Printed: 9/9/2016



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-