

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

1. File Number: 47,414	2. Status Change Date: 9/6/2019	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: 8/6/19
8a. Applicant New to system <input type="checkbox"/>		Person ID 59270 Add Seq# 1		8c. Landowner(s) New to system <input type="checkbox"/>
PUBLIC WHOLESALE WATER SUPPLY DIST #25 946 E 650 RD LAWRENCE, KS 66047		Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 59270 Add Seq# 1		8d. WUC New to system <input type="checkbox"/>
8A.		Person ID 59270 Add Seq# 1		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/19 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/19				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input 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: 9/6/19 By: LHH/TFO Date Entered: By:				

File No. **47,414** 11. County: **DOUGLAS** Basin: **Kansas River** Stream: Formation Code: **113** Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
DEL		76118		Lot 2		33	12S	20E	4	1846	2480	BATT 1 OF 2 WELLS					None
DEL		76964		Lot 2		33	12S	20E	6	1846	2240	BATT 1 OF 2 WELLS					None
DEL		77313		Lot 2		33	12S	20E	7	1846	2360	GEO CTR					None
ENT				Lot 2		33	12S	20E		1923	1903		no change to rate or quantity				None

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK		29207																											
CHK		31042																											
CHK		34112																											
CHK		61024																											
CHK		61025																											

Base Acres: Year: Minimum Reasonable Quantity: Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 6, 2019

FROM: Lloyd Hemphill

RE: Field Office Change Application;
File No. 47,414

On August 6, 2019, Public Wholesale Water Supply District #25 filed a DWR Field Office Application for Approval to Change the Point of Diversion for the file referenced above. The applicant supplied the name and address for one nearby well owner (Eric Bloom) and the standard notification letter was sent. Mr. Bloom contacted the Topeka Field Office by phone and letter to express concerns related to this application. Mr. Bloom did not provide any relevant information to suggest that impairment of his well was likely and the proposed change actually slightly increases the distance to his well. A review of WWC5 records found that the only documented well on this property is a closed loop geothermal well. Mr. Bloom stated in our phone conversation that he does own a well that is used for domestic household and livestock purposes. A response letter was sent to Mr. Bloom. Mr. Bloom also expressed concern that another neighbor (Mark Wertin) within ½ mile of the proposed well was not notified. It was not confirmed that Mr. Wertin owns a well, but a notification letter was subsequently sent. No further response was received.

Since impairment does not appear likely and all rules and regulations have been met, it is recommended that this application be approved.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 9, 2019

PUBLIC WHOLESALE WATER SUPPLY DIST #25
946 E 650 RD
LAWRENCE, KS 66047

Re: Appropriation of Water,
File No. 47,414

Dear Sir or Madam:

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

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. A condition of this order requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

<http://agriculture.ks.gov/meters>

This order also requires that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2019. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

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

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in blue ink that reads "Katherine A. Tietsort".

Katherine A. Tietsort
Water Commissioner

KAT:Ihh
Enclosures

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

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



STATE OF KANSAS

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

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

 File No. 47,414

RECEIVED
AUG 06 2019 *2125*
 Topeka Field Office
 DIVISION OF WATER RESOURCES

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

Place of Use Point of Diversion

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

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: PUBLIC WHOLESAL WATER SUPPLY DIST #25
946 E 650 RD LAWRENCE KS 66047
 Phone Number: () Email address: _____
 Name and address of Water Use Correspondent: same as applicant

Phone Number: () Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: As above
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33	12S	20E	WITHIN BOUNDARIES OF PUBLIC WATER SUPPLY DIST #25 & IMMEDIATE VICINITY																61024
33	12S	20E	WITHIN BOUNDARIES OF DOUGLAS RWD 05																61025
1	12S	17E	WITHIN BOUNDARIES OF OSAGE RWD 05																31042
12	15S	17E	WITHIN BOUNDARIES OF OSAGE RWD 05																34112
2	15S	19E	WITHIN BOUNDARIES OF DOUGLAS RWD 02																29207

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land ---- NAME: NOT THE SUBJECT OF THIS APPLICATION (NO CHANGE)
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code LTO **Fee \$** 200.00 **TR #** _____ **Receipt Date** 8-6-19 **Check #** 2304

5. **Presently authorized point of diversion:** BATT 1 OF 2 WELLS

One in Lot 2 Quarter of the _____ Quarter of the _____ Quarter of the _____
of Section 33, Township 12 South, Range 20 EAST,
in Douglas County, Kansas, 1846 feet North 2240 feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 6 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
One in Lot 2 Quarter of the _____ Quarter of the _____ Quarter of the _____
of Section 33, Township 12 South, Range 20 EAST,
in Douglas County, Kansas, 1923 feet North 1903 feet West of Southeast corner of section.
Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point None

6. **Presently authorized point of diversion:** (GEOCENTER)

One in Lot 2 Quarter of the _____ Quarter of the _____ Quarter of the _____
of Section 33, Township 12 South, Range 20 EAST,
in Douglas County, Kansas, 1846 feet North 2360 feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 7 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be deleted No change, point better described with GPS as follows:
Presently authorized point of diversion: BATT 1 OF 2 WELLS
One in Lot 2 Quarter of the _____ Quarter of the _____ Quarter of the _____
of Section 33, Township 12 South, Range 20 EAST,
in Douglas County, Kansas, 1846 feet North 2480 feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be deleted No change, point better described with GPS as follows:

7. The changes herein are desired for the following reasons?
(please be specific) _____
To move the authorized PD to the actual location.
Only one well of the battery was completed.

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

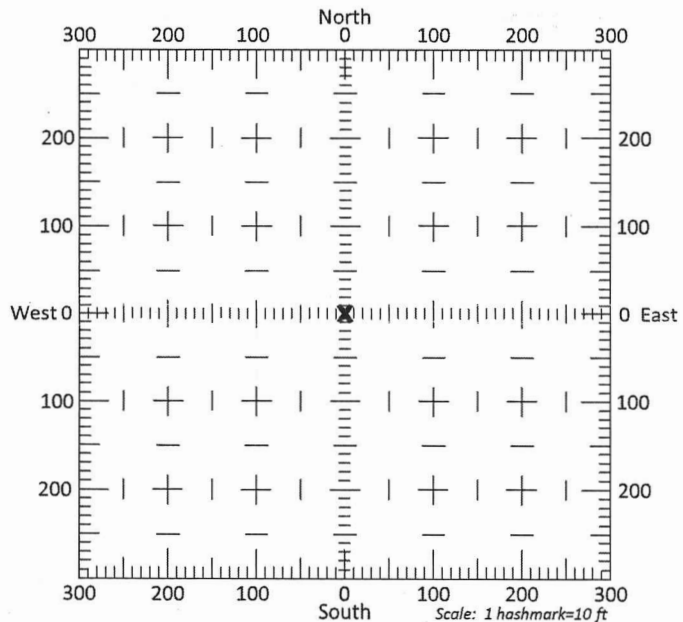
9. The change(s) (was)(will be) completed by?
Already complete

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by Lloyd Hemphill

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



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

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

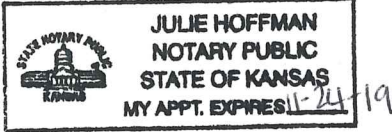
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Lawrence, Ks., Kansas, this 2 day of August, 2019.

<u>Larry Wray</u> (Owner)	(Spouse)
<u>Larry Wray</u> (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Douglas } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2 day of August, 2019.

Julie Hoffman
Notary Public

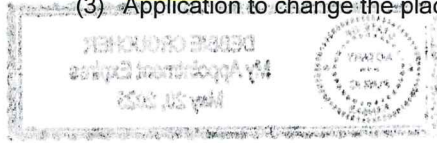
My Commission Expires 11-24-19

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

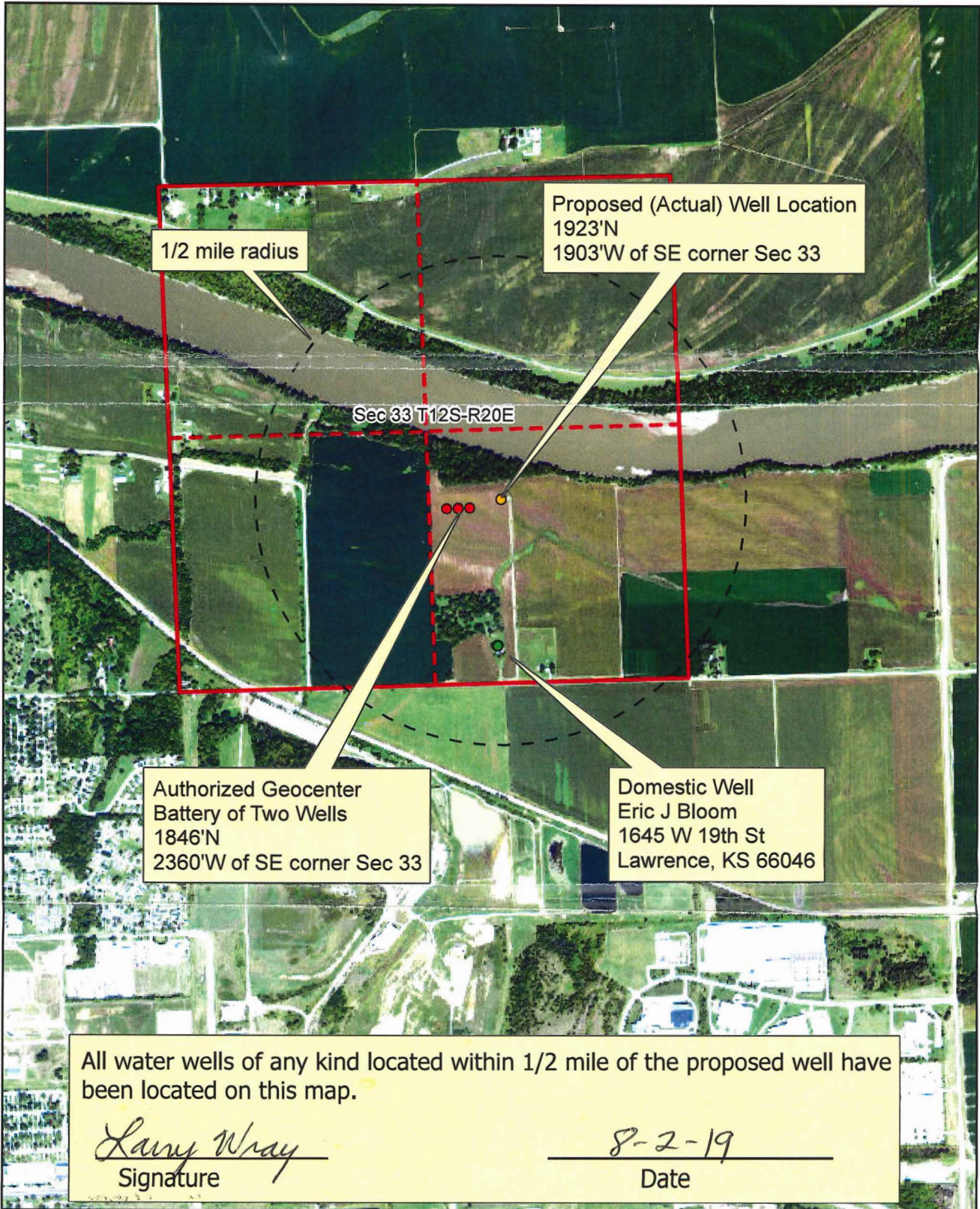
FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

(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



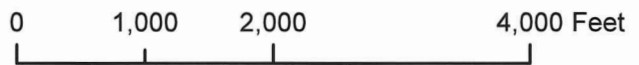
POINT OF DIVERSION CHANGE FILE NO. 47,414



Map prepared by LHH/TFO 6-26-2019




Scale: 1:18,000



CERTIFICATE OF SERVICE

On this 9th day of September, 2019, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Appropriation of Water, File No. 47,414, dated September 6, 2019 was mailed postage prepaid, first class, US mail to the following:

PUBLIC WHOLESALE WATER SUPPLY DIST #25
946 E 650 RD
LAWRENCE, KS 66047


Staff

8/15/2019

Lloyd Hemphill
Environmental Scientist
Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

RECEIVED

AUG 20 2019

Topeka Field Office
DIVISION OF WATER RESOURCES

Re: Appropriation of Water
File No. 47,414
Larry Wray
Public Wholesale Water Supply District #25

Greetings, I have received a letter that states a water Point of Diversion was applied on Aug 6, 2019. Because I am the owner with a well located nearest, I feel I do want to exercise my opportunity to speak as to how I have experienced the Water District #25 has operated since I took ownership of this farm since the passing of my father.

My father signed to sell the following to the Water District #25:

A tract of land in Section 33 of Township 12 South, Range 20 East of the 6th P.M. in Douglas County, Kansas described as follows: Commencing at the Southwest corner of the Southeast fractional Quarter of Section 33, Township 12 South, Range 20 East of the 6th P.M. (variation 8 Deg. 45 Min. East) thence East 869.2 feet; thence North 1832 feet to the point of beginning; thence North 250 feet; thence West 522 feet; thence South 250 feet; thence East 522 feet to the point of beginning, in Douglas County, Kansas. (Well Site Tract No.3)

My time caring for the farm has seen an access road to the well be improved from path to rock. The power lines added and pulled underground. The entire well be constructed for at least a year. Only by reading this document was I aware that original sites were several hundred feet west. This doesn't change much in the matter of how my well will be affected, but it does show pattern that holds to my experience at how the Water District #25 has operated.

Dean Banks was contracted to do much of the work for the Water District #25. He also left his road grader on the front of my property for approximately 15 months. Never asked, never apologized, and only about the 7th contact to Larry Wray's office was any action actually taken to get the equipment off of my property.

Likewise, the road that was constructed from Gravel made my crops fail. The Water District #25 sent a Crop Damage Payment Form which I will try to send along with this that completely inadequately states the damage done, any specification to which part of the Parcel ID 023-117-25-0-00-01-003.00-0 was damaged. I will emphatically state that it was a gross underestimation of my crops ruined. Furthermore the road constructed now blocked water from the ditch along 1500 Road. It effectively dammed the end

of my field on top of moving my plantable area back several feet. The crops have regularly suffered at this location. Attempts to get this alleviated met with no response.

Mr Wray contacted Mr Neis who is my tenant farmer for my parcel of land. He tried to get the portion of his land described above that wasn't being used as well planted and essentially tenant farmed. By my farmer's description, planting one acre and separating that out for the Water District #25 would be a entirely cumbersome waste of effort. But we were also instructed to not spray any chemical near that land. Now my farmland suffers to satisfy the Water District who has only served to satisfy their own needs without any real consideration for the neighboring land owners.

It takes a good amount to make me lose faith. I am entirely sour on Water District #25 who wouldn't even consider installing a line to sell me water at 1662 N. 1500 Rd despite pumping it from right by my back steps. The company has been run in a fairly unorganized matter to my inspection. Feeling free to come and go on my easement but providing me no real value. While I didn't expect to benefit from this pump being located as it is, it troubles me to know that it was to be further west and that I could have owned 460 feet of farmland that they are now not going to use for wells. I am fairly sure the neighbor farmer to my east and west named Shaake would rather not have a pump pulling water. My opinion now mirrors that. Being able to draw water at the volume they intend comes with a good deal of responsibility. This is not a trait I have witnessed in my dealing with Water District #25.

It would be my recommendation that you cap the draw that this well is allowed. It would even be fine by me if they weren't approved for draw; simply because they have been negligent in their treatment of the neighbors with regularity. It isn't acceptable for this to be rewarded with a carte-blanche allowance to draw water that is volumes above what the nearby wells draw. If I was even allowed to know the draw amount, and compare it to my own I would feel at least somewhat informed. But just like the completely ambiguous Crop Damage payment Form, they will operate this pump without disclosure to the farms who may be affected nearby.

I only offer this information because my history has been regularly one of negative experiences. While I do feel Larry Wray is a kind gentleman, I do not think the Water District #25 has earned the privilege of water draw without any consequence. I do feel this well stands to affect my crops, my tenant farmer's income, and quite possibly dry my well out for my property at 1662 N 1500 Rd, Lawrence, KS 66047. In the event this comes true, I wouldn't expect the Water District #25 to offer any apology or help, as they have only benefitted from use of my easement, my laid-back nature, and generosity.



Eric Bloom
1662 N 1500 Rd
Lawrence, KS 66047
Home Address (corrected)
4505 Turnberry Dr
Lawrence, KS 66047
cell 785-331-3001

RECEIVED

AUG 20 2019

Topeka Field Office
DIVISION OF WATER RESOURCES

Public Wholesale Water Supply District No. 25

Crop Damage Payment Form

Name: Eric Bloom
Address: 4505 Turnberry Dr.
Lawrence, KS 66047

Parcel ID: 023-117-25-0-00-01-003.00-0

Corn Damage: 0.552 Acres X 201 Bu/Acre X \$3.40/Bu = \$377.54

Total Damage Payment = \$377.54

RECEIVED

AUG 20 2019

Topeka Field Office
DIVISION OF WATER RESOURCES
Topeka Field Office
DIVISION OF WATER RESOURCES