

Kansas Department of Agriculture
Division of Water Resources
APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 36770	2. Status Change Date: 3/10/2025	4. Field Office: 01 - Topkea GMD: Structures File No.: Filing/Priority Date: 23-MAY-24 Application Complete Date:	
3. Package File No(s): 6536 29577 36770			
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC Person ID 8627 <input type="checkbox"/> Address Change Add Seq# JEFFERSON RWD 01 PO BOX 266 MERIDEN, KS 66512-0266		5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#		5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC Person ID <input type="checkbox"/> Address Change Add Seq#	
6. Change No.: C3 <input checked="" type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: Not changing MDS Gauge: Active Admin? <input type="checkbox"/> Completion/Start Date: 12/31/2025 Perfection/Expiration Date:		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: MUN-Municipal UMW: UMW:	
8. Action Trail <div style="text-align: center;">GX C1- CHANGE APP POINT OF DIVERSION APPROVED - Compliance: 12/31/2025</div>			
9. Special Conditions			
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr			
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Justification: Rule Type: Rule SubType:			
Comments A NEW WELL ADDED TO EXISTING WELL TO CREATE A BATTERY OF TWO WELLS		Processed LI 3/4/2025 Reviewed KAK 3/6/2025	Entered 3/12/2025 KAnderson

File No. 36770		13. County: JF Basin: KANSAS RIVER Stream: NA																					
Structures File No:		Aquifer Code: 113 MAIN STEM ALLUVIUM												Special Use Area: NA									
14. Points of Diversion, Rates & Quantities																							
PDIV		Qualifier		S	T	R	ID	'N	'W	Comment (AKA Line)		Qty mg Auth Add		Rate gpm Auth Add		BATTERY ID Auth Add		Storage Rate Auth/Add		Overlaps			
MOD	21474	SW SW SW		18	11	17E	2	531	4942	BATT 1 OF 2										+			
ENT	91588	SW SW SW		18	11	17E	2	540	5130	BATT 1 OF 2										+			
ENT	91589	SW SW SW		18	11	17E	2	536	5036	GEO CENTER		26.0	26.0	400	0					+			
BATT ID 2438																		^					
																		**					
																		++					
15. Limitations Type: Rate Quantity: mg Rate: 400 gpm combined with file no(s): COM/W # 6536 & 29577 NO CHANGE																							
Type: Other Quantity: Rate: combined with file no(s):																							
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required Compliance Date: 12/31/2025																							
17. Place of Use																		Total	Owner(s)	Chg?	Overlaps		
PDIV	S	T	R	ID	NE¼				NW¼				SW¼				SE¼						
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
NO	CHG																				5a	<input type="checkbox"/> +	
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18. Point of Diversion and Place of Use Overlaps																							
* + 6536 29577 36770 # ^										** ++ ## ^^													

MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: March 4, 2025

From: Leslie Ireland, Environmental Scientist

Re: Change in Point of Diversion, File Nos. 6536; 29,577 & 36,770— Rural Water District No. 1, Jefferson County

Summary

The District, owner of record, filed the above referenced files proposes to drill a new well that will create a battery of two (2) wells under the overlapping files. The files have a history of two(2) wells per the 1981 order describing two(2) points. There was a collapse and redrill but was historically authorized as two(2) wells with an order reducing the authorized points of diversion to one(1) well in 2003. The authorized existing well is located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼ SW¼) of Section 18, more particularly described as being near a point 531 feet North and 4,942 feet West of the Southeast corner of said section, in Township 11 South, Range 17 East, Jefferson County, Kansas. The well is authorized a total combined but limited quantity of 83.320 million gallons per year (255.7 AF) with the rate limited to 400 gallons per minute under all of the files. The Certificate for File No. 36,770 was issued February 27, 2025.

The new well is proposed to be drilled 188 feet to the North-Northwest of the currently authorized well. It is proposed to be approximately 540 feet North and 5,130 feet West from the Southeast corner of Section 18, with the same qualifiers as the authorized. This will create a geographical center described as the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼ SW¼) of Section 18, more particularly described as being near a point 536 feet North and 5,036 feet West of the Southeast corner of said section, in Township 11 South, Range 17 East, Jefferson County, Kansas. The proposed wells meet the physical description of a battery per K.A.R. 5-5-1 (n) *Definitions*.

K.A.R. 5-2-3, *Battery of wells*, requires that, if a permit didn't authorize a battery of wells and the time to complete the diversion works has expired, the proposed geographical center meet the safe yield, allowable appropriation, or similar type of regulation for a well that would be filed at that location at the time of filing the application for change. The two(2) wells that were originally permitted and further defined by a 1991 order of the Chief Engineer would have met the physical definition of a battery and had a blanket quantity and rate. They could have been defined as a battery of wells, and may have operated as such. It appears the definition of K.A.R. 5-2-3 has been met due to the history of the referenced files.

Reasonable Rate and Quantity

These will not be modified. The authorized rate is below the 800 gpm per the battery definition.

Source of Supply & Safe Yield

The source has been determined to be in the Kansas River Alluvium located North of the Kansas River. It is not a special use area. There is glacial drift formation located in the area further to the North. The applications were not submitted with a well log. Information from the records indicate the authorized well to be approximately 80 feet deep with a depth to water of approximately 30 feet. The KGS records and proximity of the proposed well would indicate the source of supply will remain the Main Stem Alluvium, (Code 113). The KGS database for these does contain logs of the area confirming the alluvium designation. If the wells had not been authorized with what could have been defined as a battery, K.A.R. 5-2-3 does afford a battery if the area is open and safe yield could be met. A review found the area open and would appear to have 130 AF available from a general evaluation area of 6,300 acres with a potential annual recharge of 8.52 inches and 75% of the recharge available for appropriation.

Spacing and Nearby Water Rights

K.A.R. 5-5-13, *Relocation of alluvial wells*, is not applicable to the changes due to the area being open and proposed location of the new well.

The applicant identified two(2) domestic and four(4) non-domestic wells within one-half (½) mile of the proposed geographical center. Two(2) of the non-domestic wells are owned by the applicant. Notification was completed by letter on November 8, 2024. No comments were received.

K.A.R. 5-4-4, *Well spacing*, states in part an application to change the point of diversion shall meet the spacing requirements K.A.R. 5-4-4(c)(1) and (c)(2), in this case 1,320 feet to non-domestic wells and 660 feet to domestic wells or not decrease the distance to other wells by more than 300 feet, and that well spacing shall be sufficient to prevent direct impairment. When applied to a battery of wells this measurement shall be from the geographic center of the battery.

The proposal will complete a new well less than the 300-foot maximum allowed distance (approximately 188 feet). The applicant indicated the domestic wells are less than 660 feet from the proposed geographic center. No well logs of these wells were located. The wells are approximately 360 and 480 feet to the North. The proposal places the geographic center approximately 794 feet from the non-domestic well authorized for irrigation use, File No. 29,352. Historically these wells have operated without impairment. While the regulatory well to well spacing is not met the distance of the move, history of the wells, it appears K.A.R. 5-4-4, is met and the change should not result in impairment.

Recommendations

As the wells are located in the Kansas River basin, Doug Haney, General Manager of The Kansas River Water Assurance District No. 1, was notified of the referenced change applications in a letter dated November 8, 2024, sent via email. His reply email received on November 8, 2024, indicated he had no comment.

Nathan Westrup, Water Commissioner, Topeka Field Office, was involved with the Certificate for File No. 36,770 and reviewed the proposed changes and indicated his support and recommended approval per his email of November 25, 2024.

Completion

A well log of the new well will be a condition of the approvals. Battery wording will be included in the approvals. The wells will be required to be metered. There will be the requirement of a water level measurement tube as it appears the existing well has a tube and would be required for the new well being drilled. If any chemigation occurs check valves will be required. They will have a completion date of December 31, 2025.

It appears the applications comply with all regulations and based upon the above discussion, approval will not impair nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced applications be approved.

Ireland, Leslie [KDA]

From: Westrup, Nathan [KDA]
Sent: Monday, November 25, 2024 1:41 PM
To: Ireland, Leslie [KDA]
Cc: Johnson, Shaun [KDA]
Subject: RE: Review and Recommendation of Change in PD, File Nos. 6536 29577 & 36770 RWD 1 JF CO

Leslie,

I have no objection to approval of the changes, once the cert for 36770 is ready to go.

Thanks,

Nathan Westrup, Water Commissioner

Topeka Field Office
Division of Water Resources
Kansas Department of Agriculture
Phone: 785-296-7064
Mobile: 785-230-2991
Nathan.Westrup@ks.gov

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, November 22, 2024 8:29 AM
To: Westrup, Nathan [KDA] <Nathan.Westrup@ks.gov>
Cc: Johnson, Shaun [KDA] <Shaun.Johnson@ks.gov>
Subject: Review and Recommendation of Change in PD, File Nos. 6536 29577 & 36770 RWD 1 JF CO

Nathan,

Please let me know if you'd recommend.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION WATER RIGHT FILE NO. 36,770

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Rod Bigham, on behalf of Rural Water District No. 1, Jefferson County, Kansas, Post Office Box 266, Meriden, Kansas, 66512-0266, received in this office on May 23, 2024, for approval of a change in the authorized point of diversion under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, 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 authorized shall be:

a battery of two (2) wells with a geographic center in Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 18, more particularly described as being near a point 536 feet North and 5,036 feet West of the Southeast corner of said section, in Township 11 South, Range 17 East, Jefferson County, Kansas,

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

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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

The battery of wells authorized herein shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

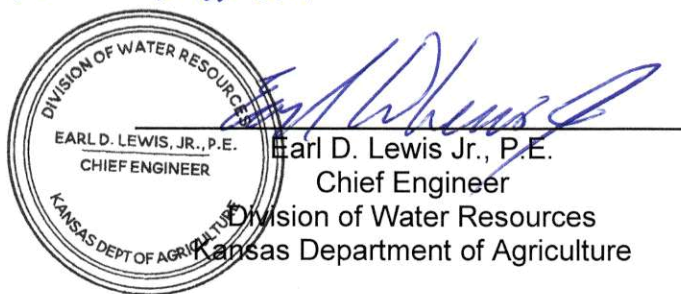
The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify 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.

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.

Installation of the works for diversion of water shall be completed on or before December 31, 2025, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when the required meter has been installed and the diversion works are completed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 36,770, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 27, 2025.

Ordered this 10th day of March, 2025, in Manhattan, Riley County, Kansas.



State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 10th day of March, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 13, 2025

JEFFERSON RWD 01
PO BOX 266
MERIDEN, KS 66512-0266

RE: Water Right,
File Nos. 6,536; 29,577 & 36,770

Dear Sir or Madam:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is the requirement that acceptable water flowmeter(s) be installed from the diversion works prior to the diversion of water. Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter* prior to December 31, 2025. The Notice of Completion form may be found online at <http://agriculture.ks.gov>, Water Appropriation Forms, there is no fee for the required completion notification.

It is a condition of the approvals, that a copy of the well log required by the Kansas Department of Health and Environment, be submitted to the Chief Engineer. The copy of the well log, currently form WWC-5, may be submitted with the Notice of Completion.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions regarding the enclosed documents, please our office at 785-564-6640. Inquiries about the metering please contact our staff at the Topeka Field Office, 785-296-5733. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

KAB:li:
Enclosure
pc: DWR - Topeka Field Office

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX 785-564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 13th day of March, 2025, I hereby certify that the attached Approval of Application for the Change in Point of Diversion authorized under Water Right, File Nos. 6,356; 29,577 & 36,770, dated March 10, 2025, were mailed postage prepaid, first class, US mail to the following:

JEFFERSON RWD 01
PO BOX 266
MERIDEN, KS 66512-0266

With a photocopy sent to:

DWR - Topeka Field Office



Staff