



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE AND
USE MADE OF WATER
APPROPRIATION OF WATER
FILE NO. 45,569**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Debra Ary, City of Wichita, Public Works and Utilities, 455 North Main Street 8th Floor, Wichita, Kansas, 67202, received in this office on August 19, 2013, for approval of a change in the location of the place of use and the use made of water under the Master Order dated August 8, 2005, approving the Approval of Application, File No. 45,569, for permit to appropriate water for beneficial use, as modified and amended by Findings and Orders of the Chief Engineer dated August 1, 2006 and December 21, 2009, modifying conditions of the Master Order dated August 8, 2005, 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 changes shall be the date this order is executed by the Chief Engineer, after which that portion authorized for artificial recharge shall be authorized a maximum diversion rate not in excess of 1,000 gallons per minute (2.23 c.f.s.) and a quantity not to exceed 1,500 acre-feet (488.77 million gallons) of water for any calendar year, for artificial recharge in the basin storage area located substantially as shown in Attachment 2, submitted with the application received in the office of the Chief Engineer on July 3, 2003.

The portion changed to municipal use shall be authorized a maximum diversion rate not in excess of 1,000 gallons per minute (2.23 c.f.s.) and a quantity not to exceed 488.77 million gallons (1,500 acre-feet) of water for any calendar year, for municipal use:

within the City of Wichita and immediate vicinity; within the City of Andover and immediate vicinity; within the City of Bel Aire and immediate vicinity; within the City of Benton and immediate vicinity; within the City of Derby and immediate vicinity; within the City of Kechi and immediate vicinity; within the City of Park City and immediate vicinity; within the City of Rose Hill and immediate vicinity; within the City of Valley Center and immediate vicinity; within the City of Bentley and immediate vicinity; within the boundaries of Rural Water District No. 1, Sedgwick County; within the boundaries of Rural Water District No. 2, Sedgwick County; within the boundaries of Rural Water District No. 3, Sedgwick County; and within the boundaries of Rural Water District No. 8, Butler County; within a tract of land in Sedgwick County, Kansas, beginning at the Southeast corner of Section 25, Township 28 South, Range 2 East, then West a distance of 22 miles to the Southwest corner of Section 28, Township 28 South, Range 2 West, then North a distance of 16 miles to the Northwest corner of Section 9, Township 26 South, Range 2 West, then East a distance of 22 miles to the Northeast corner of Section 12, Township 26 South, Range 2 East, then directly South a distance of 16 miles to the point of beginning.

The diversion rate and quantity of water under File No. 45,569 are further limited to a diversion rate not to exceed 1,000 gallons per minute (2.23 c.f.s.) and a quantity not to exceed 1,500 acre-feet (488.77 million gallons) of water for artificial recharge and municipal purposes.

The municipal use made of water for Appropriation of Water, File No. 45,569 is limited to:

1. During times of limited physical recharge capacity;
2. Equipment conditioning and maintenance;
3. Transmission line maintenance; and/or
4. Water supply in lieu of withdrawing groundwater from the Equus Beds Aquifer.

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 Approval of Application, File No. 45,569, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated August 8, 2005, as modified and amended by the aforementioned orders.

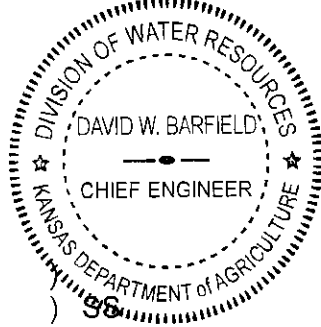
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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 20th day of August 2015, in Topeka, Shawnee County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

County of Riley

The foregoing instrument was acknowledged before me this 20th day of August 2015, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

CERTIFICATE OF SERVICE

On this 25th day of August 2015, I hereby certify that the foregoing Approval of Application for Change in Place of Use and Use Made of Water, File No. 45,569, dated August 20, 2015 was mailed postage prepaid, first class, US mail to the following:

CITY OF WICHITA
PUBLIC WORKS AND UTILITIES
ATTN MICHAEL G JACOBS PE
455 N MAIN ST 8TH FLOOR
WICHITA KS 67202

With photocopies to:

BURNS AND MCDONNELL
ATTN BRIAN MEIER AND DANIEL CLEMENT
800 E FIRST ST SUITE 400
WICHITA KS 67202-2798

Stafford Field Office
Groundwater Management No. 2

Andrew Brown

Division of Water Resources

SCANNED