



DAVID L. POPE, CHIEF ENGINEER-DIRECTOR
DIVISION OF WATER RESOURCES
KANSAS STATE BOARD OF AGRICULTURE

STATE OF KANSAS }
ELLIS COUNTY }
This instrument was filed for record

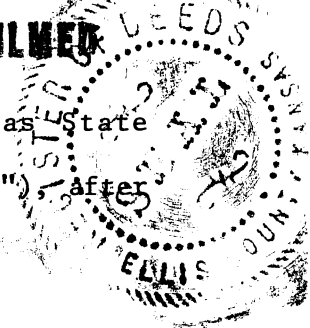
AMENDED ORDER

IN THE MATTER OF THE DESIGNATION OF AN
INTENSIVE GROUNDWATER USE CONTROL AREA IN
HAYS, KANSAS, AND THE IMMEDIATE AREA

SEP 16 1985

8:09 a'clock A M recorded in
354 of 096 page 251
Rose Ann Krupp
Fees 150 Register of Deeds

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The Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture, (hereinafter referred to as the "Chief Engineer"), after due consideration makes the following findings and order.

FINDINGS

1. That on July 3, 1985, the Chief Engineer issued an order designating an intensive groundwater use control area in Hays, Kansas, and the immediate area.
2. That on July 30, 1985, an action was filed in the District Court of Ellis County, Kansas, alleging that the Order of the Chief Engineer dated July 3, 1985, was unlawful or failed to follow prescribed procedures in that the Order purported to grant powers to the City of Hays, Kansas, to control activities in a geographical area that extends beyond its corporate limits and jurisdiction.
3. That the Chief Engineer did not intend to grant powers to the City of Hays, Kansas, to control any activities in a geographical area that extends beyond its corporate limits and jurisdiction.
4. That paragraph 3 of the Order of the Chief Engineer dated July 3, 1985 stated:
 3. That the use of registered water wells shall not be subject to the mandatory provisions of any water conservation plan adopted by the City of Hays, except as provided in paragraph 4 below. That the use of water wells which have not been registered as set forth in paragraph 2 above shall be subject to the mandatory provisions of any water conservation plan properly adopted by the City of Hays, and approved by the Chief Engineer-Director, until such time as they are registered.
5. That paragraph 4 of the Order of the Chief Engineer dated July 3, 1985 stated:
 4. That the Chief Engineer-Director reserves the right to ban, or allow the City of Hays to ban, the use of wells to water lawns, gardens, trees, shrubs and other similar outdoor vegetation during the hours of 12:00 noon through 7:00 p.m. daily from June 1 through September 30 inclusive each year, should information show that well users are not voluntarily avoiding the watering of such vegetation during times of high temperature, strong winds and high solar radiation which results in the occurrence of preventable waste of water.

6. That paragraph 5 of the Order of Chief Engineer dated July 3, 1985 stated:
 5. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make changes within the boundaries of the intensive groundwater use control area or the corrective control provisions which have been instituted or any of the provisions of this Order, and to hold any subsequent hearings in the matter of the control area or the corrective control provisions, which he or she may deem to be in the public interest.

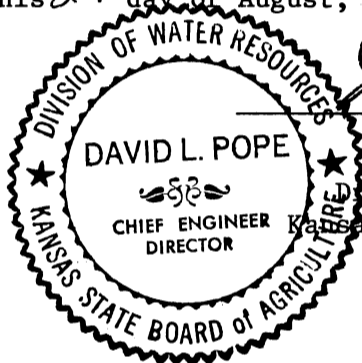
ORDER

NOW THEREFORE, it is the decision and order of the Chief Engineer that paragraphs 3, 4 and 5 of the Order of the Chief Engineer dated July 3, 1985, should be stricken and the following numbered paragraphs substituted therefore:

3. That the use of registered water wells, within the City of Hays, shall not be subject to the mandatory provisions of any water conservation plan adopted by the City of Hays.
4. That the use of water wells, within the City of Hays which have not been registered as set forth in paragraph 2 above, shall be subject to the mandatory provisions of any water conservation plan properly adopted by the City of Hays, and approved by the Chief Engineer, until such time as they are registered.
5. That the use of water wells, which are outside the City of Hays but within the boundaries of the intensive groundwater use control area and which have not been registered as set forth in paragraph 2 above, shall be subject to provisions indetical to any mandatory provisions of any water conservation plan properly adopted by the City of Hays, and approved by the Chief Engineer, until such time as the wells are registered.
6. That the Chief Engineer reserves the right to ban the use of any water well, within the boundaries of the intensive groundwater use control area, to water lawns, gardens, trees, shrubs and other similar outdoor vegetation during the hours of 12:00 noon through 7:00 p.m. daily from June 1 through September 30 inclusive each year, should information show that well users are not voluntarily avoiding the watering of such vegetation during times of high temperature, strong winds and solar radiation which results in the occurrence of preventable waste of water.

7. That this order neither authorizes nor recognizes any water conservation plan, presently or subsequently, adopted by the City of Hays, until the plan is approved by the Chief Engineer.
8. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make changes within the boundaries of the intensive groundwater use control area or the corrective control provisions which have been instituted or any of the provisions of this Order, and to hold any subsequent hearings in the matter of the control area or the corrective control provisions, which he or she may deem to be in the public interest.
9. That the remainder of the Order of the Chief Engineer dated July 3, 1985, not in conflict with paragraphs 3 through 8 above, shall remain in effect.

Dated at Topeka, Kansas this ^{29th} day of August, 1985.

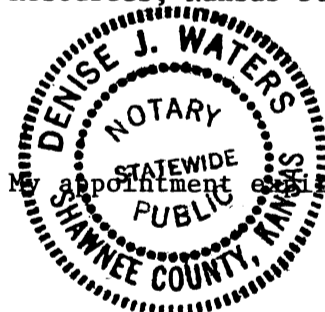


David L. Pope

 David L. Pope, P.E.
 Chief Engineer-Director
 Division of Water Resources
 Kansas State Board of Agriculture

State of Kansas)
)
 County of Shawnee)

The foregoing instrument was acknowledged before me this ^{29th} day of August, 1985, by David L. Pope, P.E., Chief Engineer-Director, Division of Water Resources, Kansas State Board of Agriculture.



Denise J. Waters

 Notary Public

My appointment expires: *March 1, 1986*