



File No. **49501**      15. Formation Code: **120**      Drainage Basin: **Cow Creek**      County: **RC**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
✓	<b>84792</b>	<b>SW SE SW</b>	<b>4</b>	<b>20S</b>	<b>8W</b>	<b>4</b>	<b>80</b>	<b>3420</b>		<b>500</b>	<b>15</b>	<b>500</b>	<b>15</b>	<b>none</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by 12/31/2016-2017      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						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						
✓	<b>67502</b>	<b>4</b>	<b>20S</b>	<b>8W</b>	<b>2</b>													4.6		15.8	20.44	<b>7A</b>					
✓	<b>67503</b>	<b>4</b>	<b>20S</b>	<b>8W</b>	<b>2</b>									1.91				1.1	0.23		3.24	<b>7C</b>					

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** June 24, 2016

**FROM:** Alex Whitesell

**RE:** Application, File No. 49,501

Lyon's Recreation Commission has filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 15 acre-feet of groundwater from one (1) well, for irrigation use in Rice County. The application is a request for a 15 acre-foot exemption based on K.A.R. 5-25-15.

Based on K.A.R. 5-3-24, the requested quantity of 15 acre-feet is reasonable for irrigation of the proposed 23.68 acres (1.4 acre-feet per acre in Rice County). The applicant has an alternative source of supply from the City of Lyons. The applicant has also entered a monitoring agreement with GMD 5 to avoid over pumping.

The application is subject to well spacing, as required by K.A.R. 5-4-4. There are no other appropriated wells within 1,320 feet, nor domestic wells reported within 660 feet of the proposed point of diversion. Therefore, the application complies with well spacing requirements.

All well owners within one-half (½) mile were notified of the application through a public notice published in the Lyon's News for three (3) consecutive weeks. No comments have been received.

GMD 5 recommended approval of the application on June 1, 2016 with the stipulation that a monitoring agreement be submitted by the applicant. The monitoring agreement was submitted and accepted by the GMD.

In an email message dated June 24, 2016, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.



Alex Whitesell  
Environmental Scientist  
Division of Water Resources



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

July 20, 2016

**FILE COPY**

LYONS RECREATION COMMISSION  
1201 S SAINT JOHN  
LYONS KS 67554-3524

RE: Appropriation of Water  
File No. 49,501

Dear Sir or Madam:

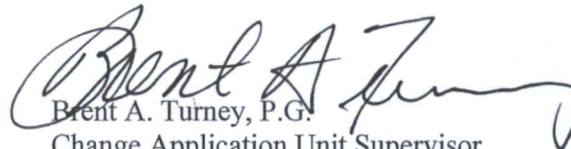
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Enclosed is a form which must be used to notify the Chief Engineer that the proposed diversion works have been completed. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the enclosed permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

If you have any questions, please contact our office. If you wish to discuss this 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  
Division of Water Resources

BAT:ajw

Enclosures

pc: Stafford Field Office  
GMD 5  
Rice County Community Commission  
City of Lyons





KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,501** of the applicant

**LYONS RECREATION COMMISSION  
1201 S SAINT JOHN  
LYONS KS 67554-3524**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **November 9, 2015**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL											
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼												
4	20S	8W																1.91								4.6	1.1	.23	15.84	23.68

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW¼ SE¼ SW¼) of Section 4, more particularly described as being near a point 80 feet North and 3,420 feet West of the Southeast corner of said section, in Township 20 South, Range 8 West, Rice County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **500 gallons per minute (1.11 c.f.s.)** and to a quantity not to exceed **15 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.



6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit 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.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.



17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the applicant shall enter into an agreement with the District for monitoring services, wherein the District shall monitor compliance with Permit conditions including, but not limited to, conservation plan requirements, the acres irrigated, the crops grown, verification of water flow meter installation, operation and meter reading, and reporting the findings of monitoring to the Chief Engineer on an annual basis. The monitoring agreement is to continue perpetually and this permit or any water right developed under the authority of this permit shall be forfeited in the event of this agreement being terminated for any reason by either party.

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. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) 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.

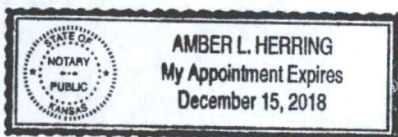
Ordered this 19<sup>th</sup> day of July, 2016, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of July, 2016, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Amber L. Herring*  
Notary Public

**CERTIFICATE OF SERVICE**

On this 20 day of July, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,501, dated July 19, 2016, was mailed postage prepaid, first class, US mail to the following:

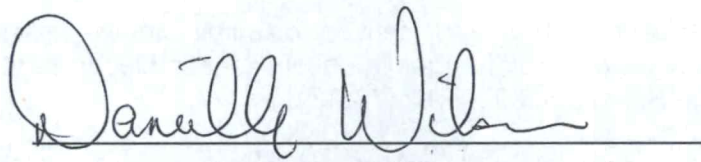
LYONS RECREATION COMMISSION  
1201 S SAINT JOHN  
LYONS KS 67554-3524

With photocopies to:

RICE COUNTY COMMUNTION FOUNDATION  
1145 HIGHWAY 56 EAST  
LYONS KS 67554

CITY OF LYONS  
101 E AVENUE NORTH  
LYONS KS 67554

Division of Water Resources Stafford Field Office  
Groundwater Management District 5



Division of Water Resources



APPLICATION COMPLETE

6/29/16

Reviewer ASW

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,501  
49,498  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

NOV 09 2015

1:00  
KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): Lyons Recreation Commission  
Address: 1201 S Saint John  
City: Lyons State KS Zip Code 67554-3524  
Telephone Number: (620) 257-5412

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Cow Creek (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 15 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 500 gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source (G)S County RC By ASW Date 11/9/15  
Code REG Fee \$ 200 TR # 10015798 Receipt Date 11/9/15 Check # 8043

SCANNED

11/13/2015 CLM



5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SW quarter of the SE quarter of the SW quarter of Section 4, more particularly described as being near a point 80 feet North and 3,420 feet West of the Southeast corner of said section, in Township 20 South, Range 8 West, Rice County, Kansas.

(B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print): 620 257-5390  
Rice County Community Foundation 1145 Hwy 56 East Lyndon, KS 67554  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 5<sup>th</sup>, 2015.

Junior Decker  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of One well & pump  
(number of wells, pumps or dams, etc.)  
and (will be) completed (by) ASAP  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP  
(Mo/Day/Year)



49.501  
~~49,498~~

File No. \_\_\_\_\_

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
  - If no, explain here why a Water Structures permit is not required N.A.
- \_\_\_\_\_
- \_\_\_\_\_

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WATER RESOURCES RECEIVED

NOV 09 2015

KS DEPT OF AGRICULTURE

SCANNED

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

*Request 60 days to submit test log.*

14. The relationship of the applicant to the proposed place where the water will be used is that of

\_\_\_\_\_ (owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

*Same*

\_\_\_\_\_ (name, address and telephone number)

\_\_\_\_\_ (name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

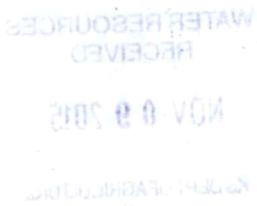
Dated at Lyons, Kansas, this 5<sup>th</sup> day of November, 2015.  
(month) (year)

*[Handwritten Signature]*  
\_\_\_\_\_  
(Applicant Signature)

By *[Handwritten Signature]*  
\_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 10/30/2015  
(office/title)



COMMITTEE



49,498  
49.501

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): Lyons Recreation Commission

67503  
PIU

1. Please supply the name and address of each landowner, the legal description of the land, and designate the actual number of acres to be irrigated in each forty acre tract or fractional part.

**Landowner of Record** NAME: Lyons Recreation Commission

ADDRESS: 1201 S. St John, Lyons, KS 67554

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
4	20S	8W													4.6				15.84	20.44

**Landowner of Record** NAME: City of Lyons

ADDRESS: ~~1555 Avenue D, Lyons~~ 100 E Avenue North Lyons, KS, 67554

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
4	20S	8W									1.91					1.1	.23		3.24	

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
Geary	100%	0.5	5
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100%		

b. Estimate the average land slope in the field(s): 2.5 %

Estimate the maximum land slope in the field(s): 6.8 %

c. Type of irrigation system you propose to use (check one):

- Center pivot       Center pivot - LEPA       "Big gun" sprinkler  
 Gravity system (furrows)       Gravity system (borders)       Sideroll sprinkler

Other, please describe: underground lines popup heads

d. System design features:

i. Describe how you will control tailwater: N/A

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 5040 psi

(2) What is the sprinkler package design rate? 12 gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 80 feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Hunter G 800 & Hunter G 75

grass

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Precipitation Rate  

$$PR = \frac{GPM \times 96.25}{\text{area covered}}$$

You may attach any additional information you believe will assist in informing the Division of the need for your request.

Irrigation runtime will be calculated from equation taken from Sports Field Manual by Jim Puhalla, Jeff Kram & Mike Gaultney.

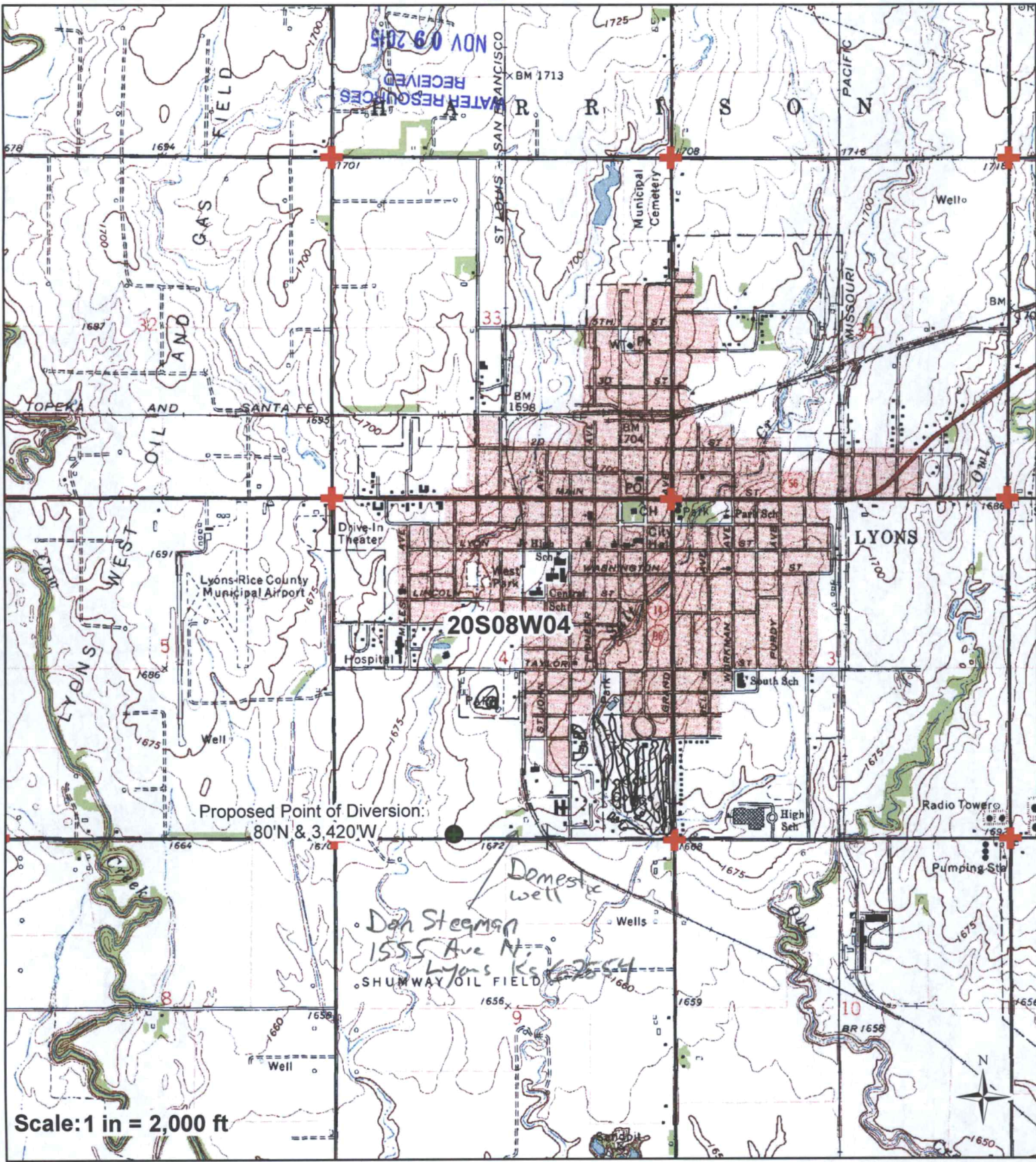


# Request Public Notice for wells within 1/2 mile

8  
125.19  
40

File No. \_\_\_\_\_

KS DEPT OF AGRICULTURE



Proposed Point of Diversion:  
80°N & 3,420'W

Scale: 1 in = 2,000 ft

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- Proposed Point of Diversion
- Water Rights
- Domestic Wells
- Proposed Place of Use
- Section Corner

*Junia Decker*  
Signature

Nov 5, 2015  
Date

SCANNED

Created By: Matt Meier  
FO 2  
Date: 8/17/15





NOV 09 2015

File No. 49,501

RECEIVED WATER COURTESY

# 20S08W04



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- Proposed Point of Diversion
- Water Rights
- Domestic Wells
- Proposed Place of Use
- Section Corner

SCANNED

Signature

Date

0 395 790 1,580 Feet

Created By: Matt Meier  
F.O. 2  
Date: 8/17/15



File No. 49,501

NOV 09 2015



Proposed Point of Diversion:  
80°N & 3,420°W

Scale: 1 in = 2,000 ft



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- Proposed Point of Diversion
- Water Rights
- Domestic Wells
- Proposed Place of Use
- Section Corner

SCANNED

Signature \_\_\_\_\_ Date \_\_\_\_\_

0 1,600 3,200 6,400 Feet

Created By: Matt Meier  
F.O. 2  
Date: 8/17/15



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

May 19, 2016

BIG BEND GMD 5  
125 S MAIN ST  
STAFFORD KS 67578

Re: Application  
File No. 49,501

Dear Mr. Feril:

We have received your May 16, 2016 request for an extension of time for the above referenced file.

We are delaying any further action for a period of 30 days, until June 16, 2016, to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

Enclosure(s)

pc: Stafford Field Office  
Lyons Recreation Commission, Applicant

SCANNED



Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Curtis Tobias - Rice (Sec.)  
Justin Gatz - Reno  
Kent Lamb - Stafford  
Phil Martin - Barton  
Bob Standish - Pawnee  
Tom Taylor - At-Large



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

May 16, 2016

Alex Whitesell  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

Re: Application File No. 49501  
Application for Permit to Appropriate

Dear Mr. Whitesell,

The Big Bend Groundwater Management District #5 requests a thirty-day extension on the above referenced application. This application has been reviewed by the District board of directors at the May board meeting. The board recommended approval of the application with the condition that they enter into a monitoring agreement with the District. This paperwork has not yet been completed by the applicant and therefore, the District is not in a position to provide final recommendation to your office at this point. Upon receipt of the paperwork from the applicant, the District will copy your office and submit final recommendation on this application.

Please contact our office if you have further questions or concerns.

Sincerely,

Orrin Feril  
Manager

WATER RESOURCES  
RECEIVED

MAY 16 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

May 2, 2016

BIG BEND GMD 5  
125 S MAIN ST  
STAFFORD KS 67578

Re: Application  
File No. 49,501

Dear Sir or Madam:

We are enclosing a copy of the application referred to above which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me a 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

Enclosure(s)  
pc: Stafford Field Office

SCANNED



### Affidavit of Publication

WATER RESOURCES  
RECEIVED

APR 05 2016

KS DEPT OF AGRICULTURE

David Settle, being first duly sworn, deposes and says: That he is the publisher of the Lyons News, a twice weekly newspaper printed in the State of Kansas, and published in and of general circulation on a twice weekly basis in Rice County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is published Tuesdays and Fridays and has been published continuously and for a period of more than five years prior to the first publication of said notice; and has been admitted at the Post Office of Lyons, Kansas, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 3 consecutive weeks, the first publication thereof being made as aforesaid on the 11<sup>th</sup> day of March, 2016, with subsequent publications being made on the following dates:

- March 18, 2016
- March 25, 2016
- \_\_\_\_\_, 20\_\_\_\_
- \_\_\_\_\_, 20\_\_\_\_
- \_\_\_\_\_, 20\_\_\_\_
- \_\_\_\_\_, 20\_\_\_\_

Signed: David Settle

Subscribed and sworn to before me this 11<sup>th</sup> day of March, 2016.

Quita Smith  
Notary Public's Signature

My commission expires: June 23, 2019

Publication Fee: \$ 59.00

Total Publication Fee: \$ 117.00

(First published in the Lyons News March 11, 2016, last published in the Lyons News March 25, 2016.)

#### PUBLIC NOTICE

Lyons Recreation Commission has filed an application with the Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, Kansas, 66502, for permit to appropriate water for beneficial use, identified as File No. 49,501, which proposes to appropriate groundwater in the drainage basin of Cow Creek, to be diverted by means of one (1) well located in the Southwest Quarter of the

Southeast Quarter of the Southwest Quarter (SW1/4 SE1/4 SW1/4) of Section 4, more particularly described as being near a point 80 feet North and 3,420 feet West of the Southeast corner of said section, in Township 20 South, Range 8 West, Rice County, Kansas, in an amount of 15 acre-feet per calendar year to be diverted at a maximum rate of 500 gallons per minute for irrigation of 23.68 acres. Any interested party is invited to submit written comments to this office on or before April 19, 2016. Persons submitting written comments should specifically indicate their interest in the application in a clear and concise manner.

SCANNED

Notary Public  
State of Kansas  
4/23/19

**Ireland, Leslie**

---

**From:** Lyons News <admin@ldn.kscoxmail.com>  
**Sent:** Tuesday, April 05, 2016 9:12 AM  
**To:** Ireland, Leslie  
**Subject:** Lyons Rec Commission  
**Attachments:** Lyons Rec Commission.tiff

Here is the affidavit you needed.  
Call if you have any questions.

Thanks,  
Anita Settle  
Lyons News  
620-257-2368

WATER RESOURCES  
RECEIVED

APR 05 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

March 2, 2016

LYONS RECREATION COMMISSION  
1201 S SAINT JOHN  
LYONS KS 67554

RE: Application  
File No. 49,501

**FILE COPY**

Dear Sir or Madam:

Enclosed is a copy of a notification of your application to appropriate water for beneficial use. This notice must be published in a local newspaper once a week for three (3) consecutive weeks at your expense. The date in the publication must allow at least 15 days for public comment following the final publication. Copies of the publication are to be submitted to this office within two (2) weeks of final publication.

In order for the application to retain its priority of filing, these actions must be completed on or before **April 20, 2016**, or within any authorized extension of time thereof.

If you have any questions, please feel free to contact our office at (785) 564-6631. Please have your file number so that we may help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

Enclosure

pc: Stafford Field Office  
GMD No. 5

**SCANNED**

## PUBLIC NOTICE

(To be published in newspaper once a week for three (3) weeks)

Lyons Recreation Commission has filed an application with the Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, Kansas, 66502, for permit to appropriate water for beneficial use, identified as File No. 49,501, which proposes to appropriate groundwater in the drainage basin of Cow Creek, to be diverted by means of one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 4, more particularly described as being near a point 80 feet North and 3,420 feet West of the Southeast corner of said section, in Township 20 South, Range 8 West, Rice County, Kansas, in an amount of 15 acre-feet per calendar year to be diverted at a maximum rate of 500 gallons per minute for irrigation of 23.68 acres. Any interested party is invited to submit written comments to this office on or before (date should be 15 days after final publication). Persons submitting written comments should specifically indicate their interest in the application in a clear and concise manner.

SCANNED



**Analysis Results**

The selected PD is in an area CLOSED to new appropriations.  
 The safe yield, based on the variables listed below is 0.00 AF.  
 Total prior appropriation in the circle is 3,613.67 AF.  
 Total quantity of water available for appropriation is 0.00 AF.

**Safe Yield Variables**

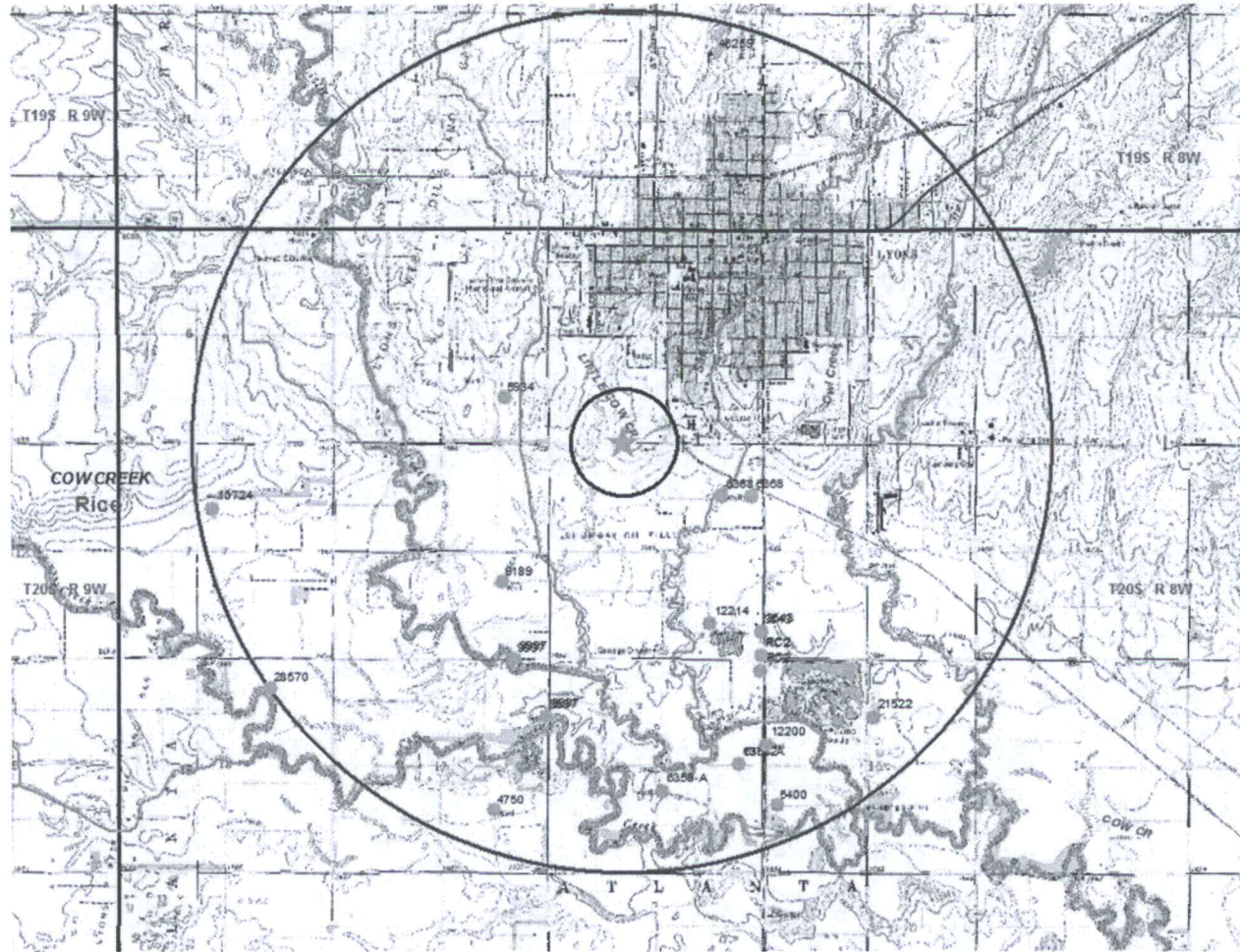
The area used for the analysis is set at 8,042 acres.  
 Potential annual recharge of the area is estimated to be 2.25 inches.  
 The percent of recharge available for appropriation is 0%.

Authorized Quantity values are as of 02-MAR-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 15 water right(s) and 18 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	3543	00	MUN	NK	G			686	66	09	20	08W	2	WRF	225.26	225.26		
A	3543	00	STK	NK	G			686	66	09	20	08W	2	WRF	21.79	21.79		
A	4750	00	IRR	NK	G			1450	1310	17	20	08W	4	WR	223.00	223.00	214.00	214.00
A	5400	00	IRR	NK	G			0	0	15	20	08W	2	WR	75.00	75.00	102.00	102.00
A	5934	00	IRR	NK	G			1125	1075	05	20	08W	1	WR	83.00	83.00	130.00	130.00
A	6358	A	IND	NK	G			2000	2500	16	20	08W	3	WR	84.39	84.39		
Same			IND	NK	G			2659	616	16	20	08W	4	WR				
A	6368	00	IND	NK	G			4000	1025	09	20	08W	4	PD	328.99	328.99		
Same			IND	NK	G			4000	300	09	20	08W	3	PD	300.01	300.01		
A	9189	00	IRR	NK	G			1975	1092	08	20	08W	2	WR	76.50	76.50	145.00	145.00
A	9997	00	MUN	NK	G			3832	71	17	20	08W	2	PD	383.61	383.61		
Same			MUN	NK	G			5247	868	17	20	08W	3	PD	383.61	383.61		
Same			STK	NK	G			3832	71	17	20	08W	2	PD	36.83	36.83		
Same			STK	NK	G			5247	868	17	20	08W	3	PD	38.67	38.67		
A	10724	00	STK	NK	G			0	0	07	20	08W	1	WR	212.00	212.00		
A	12200	00	IND	NK	G			0	0	15	20	08W	3	WR	40.50	40.50		
A	12214	00	IND	NK	G			0	0	09	20	08W	6	WR	50.40	50.40		
A	13712	00	IND	NK	G			2659	616	16	20	08W	4	WR	31.90	31.90		
A	21522	00	IND	NK	G			3840	2520	15	20	08W	4	WR	89.00	89.00		
A	28570	00	IRR	NK	G			4555	1520	18	20	08W	1	WR	162.00	162.00	108.00	108.00
V RC	2	00	MUN	AA	G			85	66	09	20	08W	1	WRF	696.64	696.64		
Same			MUN	AA	G			4955	65	16	20	08W	1	WRF				
Same			STK	AA	G			85	66	09	20	08W	1	WRF				
Same			STK	AA	G			4955	65	16	20	08W	1	WRF				

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in SESWSESW 04-20S-08W





Water Rights and Points of Diversion Within 2.00 miles of point defined as:

80 ft N and 3420 ft W of the SE Corner of Section 4, T 20S, R 8W

Located at: 98.213324 West Longitude and 38.333380 North Latitude

GROUNDWATER ONLY

```

=====
File Number  Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp  Rng  ID Batt Auth_Quan  Add_Quan Unit
A__  3543 00 MUN NK G      5753 -- NE SE SE   686   66  9  20  8W  2          225.26   225.26 AF
A__  3543 00 STK NK G      5753 -- NE SE SE   686   66  9  20  8W  2           21.79    21.79 AF
A__  4750 00 IRR NK G      9733 -- SW NE SE  1450  1310 17  20  8W  4          223.00   223.00 AF
A__  5400 00 IRR NK G      9735 -- SW NW SW  -----  ----- 15  20  8W  2           75.00    75.00 AF
A__  5934 00 IRR NK G      3147 -- NW SE SE   1125  1075  5  20  8W  1           83.00    83.00 AF
A__  6358 A  IND NK G      8685 -- CW NW SE   2000  2500 16  20  8W  3           84.39    84.39 AF
Same                                     8452 -- SE SE NE   2659   616 16  20  8W  4
A__  6368 00 IND NK G      3414 -- SE NE NE   4000   300  9  20  8W  3          300.01   300.01 AF
Same                                     2763 -- SW NE NE   4000  1025  9  20  8W  4          328.99   328.99 AF
A__  9189 00 IRR NK G      4493 -- SW NE SE   1975  1092  8  20  8W  2           76.50    76.50 AF
A__  9997 00 MUN NK G      7086 -- NE SE NE   3832    71 17  20  8W  2          383.61   383.61 AF
Same                                     6061 -- NW NE NE   5247   868 17  20  8W  3          383.61   383.61 AF
A__  9997 00 STK NK G      7086 -- NE SE NE   3832    71 17  20  8W  2           36.83    36.83 AF
Same                                     6061 -- NW NE NE   5247   868 17  20  8W  3           38.67    38.67 AF
A__  10724 00 STK NK G     10252 -- NE SE NW  -----  -----  7  20  8W  1          212.00   212.00 AF
A__  12200 00 IND NK G      8093 -- CW SW NW  -----  ----- 15  20  8W  3           40.50    40.50 AF
A__  13712 00 IND NK G      8452 -- SE SE NE   2659   616 16  20  8W  4           31.90    31.90 AF
A__  21522 00 IND NK G      9180 -- NW SW NE   3840  2520 15  20  8W  4           89.00    89.00 AF
A__  49501 00 IRR AY G         0 -- SW SE SW     80  3420  4  20  8W  4           15.00    15.00 AF
T__  969053 00 CON GY G     5677 -- NW SE NW   3325  3400 10  20  8W 10          242.00   242.00 AF
T__  969054 00 CON GY G     4606 -- NE SW NW   3850  4350 10  20  8W 11          242.00   242.00 AF
T__ 20059039 00 CON GY G     4218 -- SW NW SW   1525  4725  3  20  8W  1           48.40    48.40 AF
T__ 20059040 00 CON GY G     2980 -- SW NE SE   1500   800  4  20  8W  2           48.40    48.40 AF
T__ 20059041 00 CON GY G     3672 -- SE NE SE   1525    45  4  20  8W  3           48.40    48.40 AF
T__ 20127119 MF IRR GY G     4493 -- SW NE SE   1975  1092  8  20  8W  2          382.50     .00 AF
T__ 20127540 MF IRR GY G     9733 -- SW NE SE   1450  1310 17  20  8W  4          1103.50     .00 AF
T__ 20139004 00 CON GY G     7050 -- SW SW NE   2805  2128 10  20  8W  8          400.00   400.00 AF
VRC    2 00 MUN AA G      6251 -- SE SE SE     85   66  9  20  8W  1          696.64   696.64 AF
Same                                     6593 -- NE NE NE   4955    65 16  20  8W  1
VRC    2 00 STK AA G      6251 -- SE SE SE     85   66  9  20  8W  1           70.58    70.58 AF
Same                                     6593 -- NE NE NE   4955    65 16  20  8W  1
=====

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=====
Total Net Quantities Authorized:  Direct          Storage
Total Requested Amount (AF) =      15.00          .00
Total Permitted Amount (AF) =    1029.20          .00
Total Inspected Amount (AF) =         .00          .00
Total Pro_Cert Amount (AF) =         .00          .00
Total Certified Amount (AF) =     2634.05          .00
Total Vested Amount (AF) =        767.22          .00
TOTAL AMOUNT (AF) =      4445.48          .00
=====

```

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

98.213324 West Longitude and 38.333380 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number      Use ST SR

A\_\_      3543 00 MUN NK G

- > CITY OF LYONS
- > CITY HALL BOX 808
- > 201 WEST MAIN
- > LYONS KS 67554

-----

A\_\_      3543 00 STK NK G

- > CITY OF LYONS
- > CITY HALL BOX 808
- > 201 WEST MAIN
- > LYONS KS 67554

-----

A\_\_      4750 00 IRR NK G

- > JON B ODEN
- >
- > 1955 18TH RD
- > STERLING KS 67579

-----

A\_\_      5400 00 IRR NK G

- > COMPASS MINERALS AMERICA INC
- >
- > 1662 AVE N
- > LYONS KS 66554

-----

A\_\_      5934 00 IRR NK G

- > HARLAN EBRIGHT
- >
- > 1355 15TH RD
- > LYONS KS 67554

-----

A\_\_      6358 A IND NK G

- > KANSAS ETHANOL LLC
- >
- > 1630 AVENUE Q
- > LYONS KS 67554

-----

A\_\_      6368 00 IND NK G

- > COMPASS MINERALS AMERICA INC
- >
- > 1662 AVE N
- > LYONS KS 66554

-----

A\_\_      9189 00 IRR NK G

- > KNIGHT FEEDLOT INC
- >
- > 1768 AVENUE J
- > LYONS KS 67554



> 1000 SW JACKSON STE 410  
> TOPEKA KS 66612

-----  
T\_20059039 00 CON GY G  
> KANSAS DEPT HEALTH & ENVIRONMENT  
> LYONS CHLORIDE PROJ MGR  
> 1000 SW JACKSON STE 410  
> TOPEKA KS 66612

-----  
T\_20059040 00 CON GY G  
> KANSAS DEPT HEALTH & ENVIRONMENT  
> LYONS CHLORIDE PROJ MGR  
> 1000 SW JACKSON STE 410  
> TOPEKA KS 66612

-----  
T\_20059041 00 CON GY G  
> KANSAS DEPT HEALTH & ENVIRONMENT  
> LYONS CHLORIDE PROJ MGR  
> 1000 SW JACKSON STE 410  
> TOPEKA KS 66612

-----  
T\_20127119 MF IRR GY G  
> KNIGHT FEEDLOT INC  
>  
> 1768 AVENUE J  
> LYONS KS 67554

-----  
T\_20127540 MF IRR GY G  
> JON B ODEN  
>  
> 1955 18TH RD  
> STERLING KS 67579

-----  
T\_20139004 00 CON GY G  
> COMPASS MINERALS AMERICA INC  
>  
> 1662 AVE N  
> LYONS KS 66554

-----  
VRC 2 00 MUN AA G  
> CITY OF LYONS  
> CITY HALL BOX 808  
> 201 WEST MAIN  
> LYONS KS 67554

-----  
VRC 2 00 STK AA G  
> CITY OF LYONS  
> CITY HALL BOX 808  
> 201 WEST MAIN  
> LYONS KS 67554

=====

>-----  
A\_\_ 9997 00 MUN NK G  
> CITY OF LYONS  
> CITY HALL BOX 808  
> 201 WEST MAIN  
> LYONS KS 67554

>-----  
A\_\_ 9997 00 STK NK G  
> CITY OF LYONS  
> CITY HALL BOX 808  
> 201 WEST MAIN  
> LYONS KS 67554

>-----  
A\_\_ 10724 00 STK NK G  
> SELLERS FARMS INC  
>  
> 1420 AVENUE N  
> LYONS KS 67554

>-----  
A\_\_ 12200 00 IND NK G  
> KANSAS ETHANOL LLC  
>  
> 1630 AVENUE Q  
> LYONS KS 67554

>-----  
A\_\_ 13712 00 IND NK G  
> KANSAS ETHANOL LLC  
>  
> 1630 AVENUE Q  
> LYONS KS 67554

>-----  
A\_\_ 21522 00 IND NK G  
> COMPASS MINERALS AMERICA INC  
>  
> 1662 AVE N  
> LYONS KS 66554

>-----  
A\_\_ 49501 00 IRR AY G  
> LYONS RECREATION COMMISSION  
>  
> 1201 S SAINT JOHN  
> LYONS KS 67554

>-----  
T\_\_ 969053 00 CON GY G  
> KANSAS DEPT HEALTH & ENVIRONMENT  
> LYONS CHLORIDE PROJ MGR  
> 1000 SW JACKSON STE 410  
> TOPEKA KS 66612

>-----  
T\_\_ 969054 00 CON GY G  
> KANSAS DEPT HEALTH & ENVIRONMENT  
> LYONS CHLORIDE PROJ MGR



## Whitesell, Alex

---

**From:** Lanterman, Jeff  
**Sent:** Friday, June 24, 2016 4:51 PM  
**To:** Whitesell, Alex; Conant, Cameron  
**Subject:** RE: Recomendation File no. 49501

Alex. The recommendation requests still come to me. Cameron reviews them for me with respect to the rules.

The AF/a value is actually 0.73 AF/a which is really not reasonable for Rice County or turf grass which is why GMD would only approve that with a monitoring agreement. (normally would limit to about 11 acres) You will want to fix that in your memo. What the GMD will do is read the meter once or twice a year to make sure it is not being overpumped, since it is a short water right. They do have a backup source of supply hooked up to the city (Municipal use) which makes it more reasonable but is expensive.

Anyway I am pretty familiar with these applications worked pretty closely with GMD board member Curtis Tobias on them. Plus Matt helped fill it out. There are no groundwater level declines or spacing to wells issue nearby this application in Rice county so it is my recommendation to approve it.

Thanks  
Jeff

---

**From:** Whitesell, Alex  
**Sent:** Friday, June 24, 2016 3:37 PM  
**To:** Conant, Cameron <[Cameron.Conant@KDA.KS.GOV](mailto:Cameron.Conant@KDA.KS.GOV)>  
**Cc:** Lanterman, Jeff <[Jeff.Lanterman@KDA.KS.GOV](mailto:Jeff.Lanterman@KDA.KS.GOV)>  
**Subject:** Recomendation File no. 49501

Cameron, attached is a memo or 49501, a 15 AF exemption in Rice County. Could you please give your recommendation on this file? I have attached the GMD's recommendation and the terms of the monitoring agreement.

Please let me know if you need more information.

Thanks!

Alex Whitesell  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS  
(785) 564 - 6631

Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Curtis Tobias - Rice (Sec.)  
Justin Gatz - Reno  
Kent Lamb - Stafford  
Phil Martin - Barton  
Bob Standish - Pawnee  
Tom Taylor - At-Large



Orrin Feril, Manager  
125 South Main Street  
Stafford, Kansas 67578  
ph: (620) 234-5352  
fx: (620) 234-5718  
gmd5@gmd5.org  
www.gmd5.org

June 1, 2016

Alex Whitesell  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502

RE: Application File No. 49,501

Dear Mr. Whitesell,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 15 acre-feet of groundwater for the purpose of irrigation in the SW $\frac{1}{4}$  of Section 04, Township 20S, Range 08W in Rice County, Kansas.

Applications that meet or exceed the provisions outlined in K.A.R. 5-25-15 are exempt from meeting the requirements of K.A.R. 5-25-4 (a). The above referenced application does not meet the minimum reasonable quantity to irrigate the proposed acres. The Board of Directors for the District reviewed the application at the May board meeting. Based on the information presented in the application and provided at the meeting, the Board voted to recommend approval of the above referenced application with the added condition that the applicant enter into a monitoring agreement with the District.

The District received the signed monitoring agreement from the applicant on May 31, 2016. A copy of this agreement is enclosed with this letter for your reference.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril  
Manager

Enclosure



**BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. FIVE**  
**125 SOUTH MAIN**  
**STAFFORD KANSAS 67578**

When an application for a change in place of use for irrigation purposes is approved by the Chief Engineer, Division of Water Resources, for Water Right File No.(s) 49501 the Big Bend Groundwater Management District No. 5 (GMD) will monitor compliance with the conditions of that approval. Monitoring by the GMD will take place only when the following service agreement is signed and returned to the GMD office.

**RECEIVED**

**MAY 23 2016**

**SERVICE AGREEMENT**

1. **Customer:** Lyons Recreation Commission  
1201 S Saint John  
Lyons, KS 67554

Big Bend GMD #5

2. **Term:** This agreement shall be for a five year term, beginning January 1, 2016, and ending December 31, 2020, subject to the annual fee.

3. **Fee schedule:** Customer will be billed for services performed at a rate of \$250.00 per year plus round trip mileage to site. Mileage rate will be based on State of Kansas adopted rate.

Payment shall be received in the District office upon receipt of the annual billing for services performed for that current year.

4. **On Site Monitoring:** Monitoring service will be performed by GMD #5 staff and may include but shall not be limited to:

- a. Inspection of flow meter to ensure proper installation and satisfactory operating conditions.
- b. Compliance with conditions of required conservation plan.
- c. Irrigation of authorized acres.
- d. Compliance with water use limitations.
- e. Determination of crops grown on authorized place of use.

5. **Landowner's responsibility:** Landowner agrees to prepay annually for services. A change approved pursuant to K.A.R. 5-5-11 (b)(4) will require certification of acreage with payment.

6. **Limitations of liability:** The GMD assumes responsibility for the safety of its personnel, property and equipment. The GMD shall not be responsible for any damages caused by the public or its employees except as provided in the Kansas Tort Claims Act, K.S.A. 1980 Supp. 75-6101 et seq.

7. **Termination:** This agreement may be terminated by the GMD if payment for services is not rendered.

Landowner *Ray S. Lyons Jr.*, Dated 5-19-16  
Lyons Recreation Commission

GMD #5 *[Signature]*, Dated 5/31/16

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

November 10, 2015

LYONS RECREATION COMMISSION  
1201 S SAINT JOHN  
LYONS KS 67554

RE: Application  
File No. 49501

Dear Sir or Madam:

Your application for permit to appropriate water in 4-20S-8W in Rice County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.  
New Application Unit Supervisor  
Water Appropriation Program

KAK: DLW  
pc: STAFFORDField Office  
GMD 5

SCANNED