



File No. **49877**      15. Formation Code: **113**      Drainage Basin: **33**      County: **SG**      Special Use: **N/A**      Stream: **N/A**

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
<b>CHK</b>	<b>5855</b>	<b>SW</b>	<b>SW</b>	<b>SW</b>	<b>36</b>	<b>29</b>	<b>1E</b>	<b>3</b>	<b>110</b>	<b>4660</b>	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity MG	Rate gpm	Quantity MG	Overlap PD Files
<b>500</b>	<b>205.430</b>	<b>500</b>	<b>0</b>	<b>31869 ID3</b>

**and further identified as Well #4, East Well**

**PD IS EXISTING FILE NO. 31869 WILL BE IN OFFSET STATUS**

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

19. Limitation: **205.430** MGY at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **SU 002; 2,724 & 31,869**

Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ gpm)

20. Meter Required?  Yes     No      To be installed by **12/31/2023**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO 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>NO CHANGE</b>																										
<b>33544</b>																							<b>SU 002, 2724, 31869, 49883</b>			

Comments: **Term Permit File No. 20179049 will be dismissed as requested.**

**50**

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

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

**TO:** Files

**DATE:** December 21, 2021

**FROM:** Leslie Ireland

**RE:** Vested Right, File No. SU 002  
 Water Right, File Nos. 2,724 & 31,869  
 Application File Nos. 49,877 & 49,883

The City of Mulvane has filed the above referenced applications for new permits proposing to each appropriate a limited 205.430 million gallons (630.44 acre-feet) of groundwater per calendar year at a diversion rate not to exceed 500 gallons per minute for municipal use from separate wells. The initial filing of the applications was July 21, 2017 for File No. 49,877 and File No. 49,883 on August 3, 2017. The applications for change in point of diversion under File Nos. SU 002 & 2,724 were received in 2016, have been requested to be dismissed. The water rights for the City are on the East and West Side of the Arkansas River in the Arkansas River Basin.

The currently authorized files do not appear to be abandoned as per K.S.A. 82a-718. The rights appear to comply with K.S.A. 82a-732. This proposed project is to allow the quantity of File Nos. SU 002; 2,724 & 31,869, to provide yield for the new appropriations with the three files designated as **offset status**.

In summary the City of Mulvane authorizes five (5) with File No. 31,869 limited to 205.430 million gallons per year (mgy) with File Nos. SU 002 & 2,724. The rates of diversion has no additional limitations.

File No.	Location Section, ID	City Name Reference	Quantity, mgy Authorized	Quantity, mgy Additional	Rate, GPM Auth is Adl	AF
SU 002	SE SW NE SEC 6, 3	Well No. 3	55.0	55.0	552	
2,724	NW NE SW SEC 6, 1	Well No. 1	96.387	96.387	500	
2,724	NW NE SW SEC 6, 2	Well No. 2	54.042	54.042	250	
31,869	SW SW SW SEC 36, 3	Well No. 4	29.095	00.001	500	630.43 LTM
31,869	SW SW SW SEC 36, 4	Well No. 5	29.635	0	500	630.43 LTM
49,877	SW SW SW SEC 36, 3	Well No. 4	205.430	0	500	630.43 LTM
49,883	SW SW SW SEC 36, 4	Well No. 5	205.430	0	500	630.43 LTM
Total				205.430		

The existing wells located East of the City and the Arkansas River, City Well Nos 1, 2 & 3 have been reported by the City as needing extensive rehabilitation or replacement. Additionally, the water produced from these three (3) well require advanced treatment to meet potable water standards. It appears the area West of the City is closed to new appropriations.

After review of options to redevelop and clean the water for Wells No. 1, 2 & 3 under File Nos. SU 002 & 2,724, it was proposed for Well Nos. 4 and 5 currently to be utilized to withdrawal the full 205.430 mgy of permitted water. Pump tests completed on February 3, 2015, by Burns & McDonnell, was to determine aquifer parameters and drawdown at Well Nos. 4 & 5, under File No. 31, 869.

The source of supply for the proposed existing wells under File No. 31,869 appears to be Main Stem Alluvium, (Code 113). This is further substituted by logs and the nearby sand and gravel operations.

The pumping test of City Well No. 5 at 500 gpm for 25 hours and recover for 26 hours exhibited a drawdown value of only five (5) feet with a specific capacity of 100 gpm/ft, reaching stabilization within the first 12 hours of operation. Exhibiting an unconfined aquifer response to pumping. This well recovered to pre-pump test water levels at the end of the recovery period at a depth to water of 15.60 feet.

The pumping test of City Well No. 4 which is located approximately 500 feet East of Well No. 5 was not pumped during the test to serve as an observation well. This well exhibited a maximum drawdown of 0.2 feet and recovered to pre-pump test water levels to a depth to water of 16.0 feet.

Burns and McDonnell pump test data and water well completion logs in the area were utilized to provide an enhanced estimate of aquifer parameters. They stated the aquifer exhibits an approximate saturated thickness of 40 feet (depth to water of 15 feet below ground surface, and 55 feet below ground surface to underlying shale bedrock. The hydraulic conductivity (K) of the aquifer is 1,000 to 1,500 feet per day. The calculated transmissivity (T) of the aquifer is between 40,000 to 60,000 2/day. The specific yield of the aquifer (Sy) is 0.14 to 0.20 consistent with the driller's logs of medium to sands and gravels. They submitted a graph detailing these two wells *Depth to Water vs The River Flow and Precipitation*. Over 285 days of operation at a constant rate 500 gpm and utilizing the lowest estimated aquifer parameters (K=1,000 ft/day and Sy=0.14) drawdown be projected at various distances utilizing a the proposed applications quantity of 205.430 mgy exhibited the depth to water increase from 16 feet to approximately 13.5 feet, but this appears to be due to some rains of 1.5 to 2.5 inches that occurred during the testing. Prior to the rains the wells held a constant static water level of 16.0 feet and with the determined 40 feet of saturated thickness. The pumping data would indicate the new appropriations requesting 500 gallons per minute operation at the proposed existing wells should not result in impairment.

The permits under File Nos. 49,877 & 49,883, will be limited to 205.430 MGY will all senior files. The maximum quantity, 205.430 MGY, can be diverted from either Well No. 4 or Well No. 5, however combined pumping from Wells 4 and 5 will not exceed 205.430 MGY as detailed in the additional limitation. The water requested will be offset by not utilizing existing City Wells 1 through 3, File Nos. SU 002 & 2,724 and with quantity under File No. 31,869, will remain active water rights and in good standing with DWR. A consent agreement for the offset of File Nos. SU 002; 2,724 & 31,869 was completed by the City on December 3, 2021. It affirms the wells will not be used except for emergency purposes then only with the approval of the Chief Engineer. As File No. 31,869 will be in offset status the rate per file will not be limited.

The new appropriations will be allowed the 20 year perfection timeline as detailed in K.A.R. 5-8-6. During this timeframe the senior files will be required to submit their annual water use reports to demonstrate no water has been diverted. The WRIS database will maintain these files "Offset Status" to remind reviewers File Nos. SU 002; 2,724 & 31,869 are providing the quantity for File Nos. 49,877 & 49,833. The new permits will have the additional condition to maintain the senior existing files in active status, but with no further diversion of water allowed.

Minimum spacing criteria is based on K.A.R. 5-4-4, which lists a minimum spacing distance from all non-domestic wells of 1,320 feet and minimum spacing to domestic wells of 660 feet, or that well to well spacing is sufficient to prevent impairment. The WRIS database indicates the irrigation well in Section 1 under File No. 2,699, is located approximately 1,067 feet from the East well under File No. 49,877. The owner of File No. 2,699 was informed by letter dated April 5, 2018, of the proposed appropriations. It appears no comments were received. The study completed by Burns and McDonnell would indicate the spacing in this alluvium of less than 1,320 feet is sufficient. The domestic wells in the area are located more than 1,000 feet to the North. No comments were received from the notifications.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter per K.A.R. 5-1-4 and K.A.R 5-1-12 will be required.

In an e-mail message, dated December 21, 2021, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated he had no objection to the approval of the referenced applications with the senior files serving as offset for the proposed quantity and limited with the senior files.

Based on the above discussion that quantity is available for the new appropriations via the offset of water and the approvals will not impair any senior water rights, the applications for changes to File Nos. SU 002 & 2,724 will be dismissed as requested, consumptive use will not be significantly increased, it has been recommended that the applications under File Nos. 49,877 & 49,883 be approved with the designation of File Nos. SU 002; 2,724 & 31,869 as offset.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tue 12/21/2021 10:59 AM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Review & Recommendation for City of Mulvane File Nos. SU 002; 2,724; 31,869; 49,877 & 49,883

Thanks Leslie.

Just wanted to make sure that was all tied together somehow so when we try to certify the Juniors there's no question there. I always think about this stuff with Traster in mind lol.

Anyway I have been involved with these things since the beginning and trust the work Burns and Mac did there to justify this.

I recommend approval with a limitation on the new applications to of 250.430 MGY when combined with SU 002, 2724 and 31869

-  
We chatted this over here and believe the limitation to the senior files is necessary and wont change anything.

Thanks  
Jeff

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**From:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Sent:** Tuesday, December 21, 2021 10:09 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: Review & Recommendation for City of Mulvane File Nos. SU 002; 2,724; 31,869; 49,877 & 49,883

Jeff,  
  
The new apps will have limitations added quantity limitations and the a special limitation of each permit is issued in conjunction with the Consent agreement for offset status for the three files and date signed by the city. It will tie all of it together.

Leslie

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**From:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Sent:** Tuesday, December 21, 2021 10:05 AM  
**To:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Review & Recommendation for City of Mulvane File Nos. SU 002; 2,724; 31,869; 49,877 & 49,883

Did we decide not to add a limitation on the new apps to the offset files. Or is the consent agreement enough you think?

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**From:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Sent:** Tuesday, December 21, 2021 9:53 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** FW: Review & Recommendation for City of Mulvane File Nos. SU 002; 2,724; 31,869; 49,877 & 49,883

Jeff,

So.. A little more work on the offset with Andy. The offset status will be shown on the senior files, but will not be added as a separate WUC. The City will received the annual report and should report "0" . Andy didn't think it would be an issue if they receive a non-use letter for those files. It would be an alternate source for the senior municipal files

Please let me know if you recommend the new applications and dismissals.

As always comments and concerns are always welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



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**From:** Ireland, Leslie [KDA]  
**Sent:** Thursday, December 9, 2021 10:12 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** Review & Recommendation for City of Mulvane File Nos. SU 002; 2,724; 31,869; 49,877 & 49,883

Jeff,

The new app memo is attached. The changes for SU 002 & 2,724 will be dismissed by request. The Term Permits File Nos. 20179049 & 20179050 will also be dismissed as requested by the City as it appears they have been getting their water from the City of Augusta. The consent agreement for the offset of SU 002 & 2724 has been signed by the City. We did a little work with Laura about how to keep the City getting the WU reports... but when they report 0 for the next 20 years how to keep them from getting a computer generated non-use letter. At this time we have only come up with showing two WUC the one for the City as currently listed with File Nos. SU 002; 2,724 & 31869 showing the PD comment of "Offset Status" and then adding a second WU correspondent for the statewide offset. Then when they run the list for the non-use letters the second WU correspondent should drop them from the list and hence getting a letter. The plan at least the way I see it working. WUC would show as a new one in WRIS Person ID 58298-2

OFFSET STATUS  
KSA 82A-706A  
ALLSTATE MO 00000

On another note....It doesn't appear they ever installed the meters as required by the 2014 order. Do you want me to email them the forms for the meter install and have them completed?

As always comments and concerns on the recommendation of the new applications and the dismissal of the Changes & Terms is always 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

**CONSENT AGREEMENT FOR OFFSET STATUS**

**PER APPROVAL OF APPROPRIATION OF WATER, FILE NOS. 49,877 & 49,883**

**RE: Vested Right, File No. SU - 02 and Water Right, File Nos. 2,724 & 31,869**

On behalf of the City of Mulvane, owner of Vested Right, File No. SU - 02 and Water Right, File Nos. 2,724 & 31,869, determined to be in good standing and not abandoned, as owner or authorized agent do hereby confer the water rights to the Division of Water Resources, State of Kansas, for offset status per the approval of Appropriation of Water, File Nos. 49,877 & 49,883, effective upon the date of approval of said appropriations.

I hereby certify that these water rights:

- 1) are vested or certified,
- 2) are authorized municipal use as:

**Vested Right, File No. SU- 02** as:

one (1) well, identified by the City as Well No. 3, located in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 6, at a diversion rate not in excess of 552 gallons per minute (1.23 c.f.s.) and a quantity not to exceed 55.0 million gallons per calendar year, in Township 30 South, Range 2 East, Sumner County, Kansas.

**Water Right, File No. 2,724** as:

one (1) well identified by the City as Well No. 2, located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 6, at a diversion rate not in excess of 250 gallons per minute (0.56 c.f.s.) and a quantity not to exceed 54.042 million gallons per calendar year, in Township 30 South, Range 2 East, Sumner County, Kansas, and

one (1) well, identified by the City as Well No. 1, located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 36, at a diversion rate not in excess of 500 gallons per minute (1.11 c.f.s.) and a quantity not to exceed 96.387 million gallons per calendar year, in Township 30 South, Range 2 East, Sumner County, Kansas

**Water Right, File No. 31,869** as:

one (1) well identified by the City as Well No. 4, located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 36, more particularly described as being near a point 110 feet North and 4,660 feet West of the Southeast corner of said section, at a diversion rate not in excess of 500 gallons per minute (1.11 c.f.s.) and a quantity not to exceed 29.095 million gallons per calendar year, in Township 30 South, Range 1 East, Sumner County, Kansas and



CONSENT AGREEMENT FOR OFFSET STATUS

Page 2 of 3

RE: Vested Right, File No. SU - 02 and Water Right, File Nos. 2,724 & 31,869

one (1) well identified by the City as Well No. 5, located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼ SW¼), more particularly described as being near a point 110 feet North and 4,916 feet West of the Southeast corner of said section, at a diversion rate not in excess of 500 gallons per minute (1.11 c.f.s.) and a quantity not to exceed 29.635 million gallons per calendar year, in Township 30 South, Range 1 East, Sumner County, Kansas,

- 3) will no longer be exercised, except for emergency use with approval of the Chief Engineer, after the issuance of the *Approval of Application and Permit to Proceed* for File Nos. 49,877 & 49,883, and
- 4) the currently authorized points of diversion listed above under Vested Right, File No. SU - 02 and Water Right, File Nos. 2,724 & 31,869, shall be maintained with a meter in an operating condition satisfactory to the Chief Engineer.

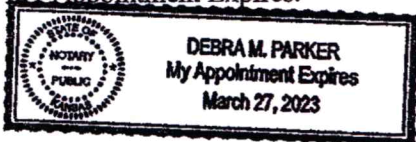
(Signature of Water Right Owner and Date)

State of Kansas )  
 ) SS  
County of Sedgwick )

The foregoing instrument was acknowledged before me this 6 day of December, 2021 by Shelly Steadman (Water Right Owner OR Authorized Agent).

Debra M. Parker  
Notary Public

My Appointment Expires:



CONSENT AGREEMENT FOR OFFSET STATUS

Page 3 of 3

RE: Vested Right, File No. SU - 02 and Water Right, File Nos. 2,724 & 31,869

The Division of Water Resources hereby agrees to accept the information on the Consent Agreement for Offset Status as fully satisfying the water right owner's obligation to not divert quantity under **Vested Right, File No. SU - 02 and Water Right, File Nos. 2,724 & 31,869**, except for emergency use with approval of the Chief Engineer, to obtain the new appropriations for municipal use of water under Appropriation of Water, File Nos. 49,877 & 49,883. This agreement is binding on the owner of the water right, his or her heirs, successors and assigns until at such time it is rescinded by both parties.

*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 23 day of February, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Ashlee Freeman*  
\_\_\_\_\_  
Notary Public



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  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,877** of the applicant

**CITY OF MULVANE  
211 N 2ND AVE  
MULVANE, KS 67110**

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 **July 21, 2017**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of the City of Mulvane, Kansas and its immediate vicinity.
3. That the authorized source from which the appropriation shall be made is groundwater in the drainage basin of the Arkansas River to be withdrawn by means of one (1) well with located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 36, more particularly described as being near a point 110 feet North and 4,660 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East, Sedgwick County, Kansas, located substantially as shown on the map accompanying the application and further identified as Well #4, East Well.
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 **205.430 million gallons** (630.44 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, 2023** 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, 2043** 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 that is currently \$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 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).

13. 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.

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

15. 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.

16. 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.

17. That the permit holder shall submit a progress report to the office of the Chief Engineer by March 1, following the tenth full calendar year after the permit was issued. The progress report must be submitted on a form prescribed by the Chief Engineer and shall compare annual water use projected in the original application with the actual annual water use for the prior 10 years. The progress report must document compliance with the approved conservation plan, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.

18. 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.

19. That the quantity of water approved under this file number is further limited to the quantity which combined with Vested Right, File No. SU 002; Water Right, File Nos. 2,724 & 31,869 will provide a total not to exceed **205.430 million gallons** (630.44 acre-feet) of water for any calendar year.

20. That this permit is issued in conjunction with the *Consent Agreement For Offset Status* signed on December 22, 2021, for Vested Right, File No. SU 002; Water Right, File Nos. 2,724 & 31,869. That while this appropriation right and Appropriation of Water, File No. 49,883, are active, no water, except emergency use with the permission of the Chief Engineer, can be used under Vested Right, File No. SU 002 and Water Right, File Nos. 2,724 and 31,869.

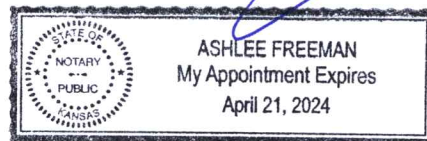
Ordered this 23 day of February, 2022, in Manhattan, Riley County, Kansas.

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 23 day of February, 2022, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman  
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 2, 2022

CITY OF MULVANE  
SHELLY STEADMAN AND/OR KENT HIXSON  
211 N 2ND AVE  
MULVANE, KS 67110

RE: Appropriation of Water, File Nos. 49,877 & 49,883

Dear Sir or Madam:

There are enclosed permits 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 sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures (Consent Agreement) and to the terms, conditions, and limitations specified in these permits. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports.

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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

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,

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

KAB:LI:li  
Enclosures  
pc: Stafford 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.

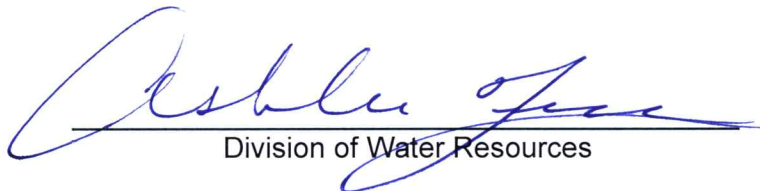
## CERTIFICATE OF SERVICE

On this 2 day of March, 2022 I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,877, dated 23 February, 2022, was mailed postage prepaid, first class, US mail to the following:

CITY OF MULVANE  
SHELLY STEADMAN AND/OR KENT HIXSON  
211 N 2ND AVE  
MULVANE, KS 67110

With photocopies to:

Stafford Field Office

  
Division of Water Resources