



File No. **50,696** 15. Formation Code: ~~211~~ **100 & 500** Drainage Basin: ~~Medicine Lodge River~~ **Walnut River** County: ~~WV~~ **Butler** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
<b>CHK</b>	<b>51869</b>	<b>NW SE NW</b>	<b>22</b>	<b>27S</b>	<b>6E</b>	<b>+7</b>	<b>3,551</b>	<b>3,763</b>			<b>100</b>	<b>18</b>	<b>100</b>	<del>14,846</del>	<b>34,692</b>

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

19. Limitation: \_\_\_\_\_ mgyr at ~~100~~ gpm (\_\_\_\_\_ cfs) when combined with file number(s) ~~34,692~~  
 Limitation: ~~10~~ **36.2** mgy/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **BU 006 34,692 46,998**

20. Meter Required?  Yes  No To be installed by **12/31/2024** Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files		
MOD	DEL	ENT	PUSE	S	T	R	ID	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>CHK</b>	<b>30191</b>	<b>22</b>	<b>27</b>	<b>6E</b>	<b>1</b>			<b>CITY OF LEON &amp; IMMEDIATE VICINITY</b>																<b>7a</b>	<b>BU 006</b>	<b>34,692</b>	<b>46,998</b>	<b>YES</b>

Comments:

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

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

**TO:** Files

**DATE:** September 29, 2022

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,696

The City of Leon has filed the referenced application to appropriate 18 million gallons (55.24 acre-feet) of groundwater per calendar year for municipal use. The proposed place of use will be within the City of Leon and immediate vicinity. The City of Leon proposes to pump the water from one (1) well that will be located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW¼ SE¼ NW¼) of Section 22, more particularly described as being near a point 3551 feet North and 3763 feet West of the Southeast corner of said section, in Township 27 South, Range 6 East, Butler County, Kansas within the Walnut River drainage basin. The proposed diversion rate is 100 gallons per minute. The source of water supply for the well is interpreted to be Quaternary age alluvium.

The application will completely overlap the point of diversion with File No. 34,692 and completely overlaps the place of use with Vested Right BU-06, and Water Right, File Nos. 34692 and 46998. The City of Leon currently has 36.2 million gallons under their existing rights. This application will be limited to 36.2 million gallons per year when combined with senior water rights.

Other than the City of Leon's existing municipal wells, there were three possible domestic wells within a half mile of the proposed well. Nearby notification letters were mailed on August 4, 2022. No response of any kind was received.

The City of Leon's well's do not meet minimum spacing requirements to each other. K.A.R. 5-4-4 will need to be waived for the approval of this application. The proposed application will not increase quantity and therefore there should not be any impairment between the City of Leon's municipal wells.

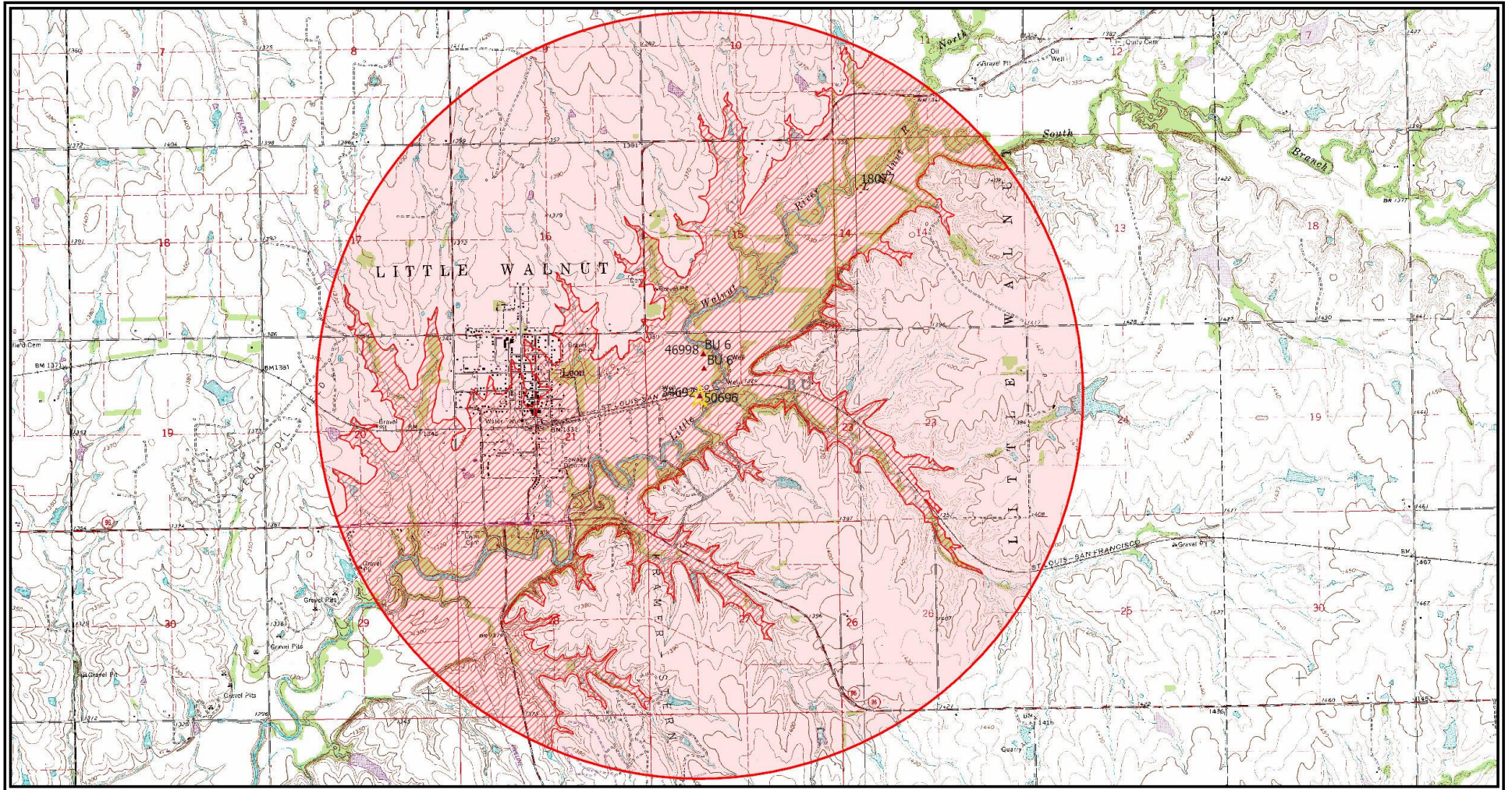
Existing water appropriations within a 2-mile radius of the proposed well accounts for 137.98 acre-feet of water per year. The safe yield was calculated to be 805.16 acre-feet per year, leaving an available quantity of 667.18 acre-feet. Based on the safe yield analysis, there appears to be adequate water available for the application.

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 requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office. Jeff Lanterman, Water Commissioner Stafford Field Office, reviewed and recommended the application for approval on .

Based on the above discussion, safe yield criteria is met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 22-27S-06E**  
**Footages from SE corner- 3,551 feet North 3,763 feet West**



**\*MEETS SAFE YIELD**

## Analysis Results

The selected PD is in an area OPEN to new appropriations.  
 The safe yield based on the variables listed below is 805.16 AF.  
 Total prior appropriations in the circle is 137.98 AF  
 Total quantity of water available for appropriation is 667.18 AF.

## Safe Yield Variables

The area used for the analysis is set at 2,684 acres.  
 The potential annual recharge at the circle center is estimated to be 3.6 inches.  
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 02-NOV-2022 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 5 water rights and 4 points 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	Tot Acres	Net Acres
A 18077 00	STK	NK	G		NE	SW	NW	3900	4499	14	27	06E	1	WR	26.88	26.88		
A 34692 00	MUN	NK	G		NW	SE	NW	3551	3763	22	27	06E	7	WR	9.82	9.82		
V BU 6 00	MUN	AA	G		SW	NE	NW	0	0	22	27	06E	2	WR	46.03	46.03		
Same	MUN	AA	G		NW	NE	NW	4717	3648	22	27	06E	10	WR				
A 46998 00	MUN	KE	G		NW	NE	NW	4717	3648	22	27	06E	10	WR	55.24	55.24		
<del>A 50696 00</del>	<del>MUN</del>	<del>AY</del>	<del>G</del>		<del>NW</del>	<del>SE</del>	<del>NW</del>	<del>3551</del>	<del>3763</del>	<del>22</del>	<del>27</del>	<del>06E</del>	<del>7</del>	<del>WR</del>	<del>55.24</del>	<del>0.00</del>		

## Engelbrecht, Jessica [KDA]

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**From:** Lanterman, Jeff [KDA]  
**Sent:** Thursday, November 3, 2022 11:02 AM  
**To:** Engelbrecht, Jessica [KDA]  
**Subject:** RE: 50696 Memo

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Awesome. I recommend approval with this update. Great work!

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**From:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>  
**Sent:** Wednesday, November 2, 2022 2:10 PM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: 50696 Memo

SY still comes out favorable. I changed the numbers of the SY in the memo.

Jessica

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**From:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Sent:** Tuesday, November 1, 2022 4:24 PM  
**To:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>  
**Subject:** RE: 50696 Memo  
**Importance:** High

I think I concur with your source of supply designation as alluvium but I don't think we should have used the entire 8042 circle for the safe yield. I don't think it's all alluvium and should probably have been trimmed to the alluvial valley there.

I am having trouble getting my Pro to work on my surface but when it was working I didn't see any alluvium in the geology coverage.

Whatcha think?

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**From:** Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>  
**Sent:** Thursday, September 29, 2022 11:19 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** 50696 Memo

Jeff,  
Attached is a memo for the City of Leon.

Thanks,  
Jessica Engelbrecht, Environmental Scientist  
KDA Division of Water Resources  
Stafford Field Office  
(620) 234-5311 Office  
(620) 234-6900 Fax  
[Jessica.engelbrecht@ks.gov](mailto:Jessica.engelbrecht@ks.gov)



# 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. 50,696** of the applicant

**City of Leon  
111 South Main Street  
P.O. Box 25  
Leon, Kansas 67075**

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 **December 27, 2021**.
2. That the water sought to be appropriated shall be used for municipal use within the City of Leon, Kansas, and immediate vicinity.
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 Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 22, more particularly described as being near a point 3,551 feet North and 3,763 feet West of the Southeast corner of said section, in Township 27 South, Range 6 East, Butler 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 **100 gallons per minute (0.223 c.f.s.)** and to a quantity not to exceed **18.0 million gallons (55.24 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, 2024**, 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 \$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 acceptable water flow meters 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. These water flow meters 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 the quantity of water approved under this permit is further limited to the quantity, which combined with Vested Right, File No. BU 006, Water Right, File No. 34,692, and Appropriation of Water, File No. 46,998, will provide a total not to exceed 36.2 million gallons of water per calendar year for municipal purposes in the City of Leon, Kansas, and immediate vicinity.

Ordered this 1<sup>st</sup> day of December, 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 1<sup>st</sup> day of December, 2022, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
Notary Public



Stafford Field Office  
300 S. Main Street  
Stafford, KS 67578-1521



Phone: 620-234-5311  
Fax: 620-234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

December 6, 2022

CITY OF LEON  
111 S MAIN ST  
PO BOX 25  
LEON KS 67074

RE: Appropriation of Water  
File No. 50,696

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit, with specific reference to Paragraph Nos. 17 and 18.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at (620) 234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

KAB:jne  
Enclosure(s)  
c: 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 6 day of December, 2022, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,696, dated December 1, 2022, was mailed postage prepaid, first class, US mail to the following:

City of Leon  
111 South Main Street  
P. O. Box 25  
Leon, Kansas 67075

With photocopies to:

DWR Stafford Field Office



Division of Water Resources