

**Kansas Department of Agriculture**  
**Division of Water Resources**  
APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: <b>50283</b>	2. Status Change Date: <b>3/27/2025</b>	4. Field Office: <b>02 - Stafford</b> GMD: <b>02 - Equus Beds</b> Structures File No.: Filing/Priority Date: <b>08/12/2019</b>	
3. Associated File No(s):			
5a. <input checked="" type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC      Person ID <input type="checkbox"/> Address Change      Add Seq#  <b>CITY OF GALVA</b> <b>ATTN: CITY SUPERINTENDANT</b> <b>PO BOX 223</b> <b>GALVA, KS 67443</b>		5b. <input type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <input type="checkbox"/> Address Change      Add Seq#	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <input type="checkbox"/> Address Change      Add Seq#		5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC      Person ID <input type="checkbox"/> Address Change      Add Seq#	
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres:      Year:      Min Reasonable Q: Previous UMW: MDS Gauge:      Active Admin? <input type="checkbox"/> Completion Date: <b>12/31/2026</b> Perfection Date: <b>12/31/2046</b>		7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>MUN-Municipal</b> UMW: UMW:	
8. Action Trail			
9. Special Conditions			
10. 5YR Allocation      Type:      Start Year:      5YR Quantity:      Base Acres: Comment:			
11. Sand & Gravel      Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr			
12. Waiver      Rule ID: <input checked="" type="checkbox"/> New      Date Requested: <b>03/25/2025</b> Applies: <b>GMD 2</b> Rule No.: <b>K.A.R. 5-22-2(2) and K.A.R. 5-22-12</b> Rule Type: <b>WELL SPACING and APPLICATION PROCESSING REQUIREMENTS AND PROCEDURES</b> Rule SubType: <b>DOMESTIC WELL SPACING and DISTRICT APPLICATION PROCESSING</b>		Justification: <b>Well spacing: OVERLAPS EXISTING VESTED WR, NO ADDITIONAL RATE REQUESTED, NO CONCERNS FROM PUBLIC</b> <b>District processing: NO RECOMMENDATION RECEIVED FROM DISTRICT WITHIN 15 DAYS</b>	
Comments <b>RULE ID: 81; 182; 183</b> <b>JUSTIFICATION 182</b> <b>Application forms a complete overlap two (2) existing vested right wells under one file. No new wells are proposed or would be authorized with approval of the new application.</b>		Processed <b>CCB</b> <b>03/25/2025</b>  Reviewed	Entered  <b>4/1/2025</b> <b>KAnderson</b>

File No. <b>50283</b>		13. County: <b>MP - MCPHERSON</b> Basin: <b>LITTLE ARKANSAS RIVER</b> Stream:																							
Structures File No:		Aquifer Code: <b>190 EQUUS BEDS</b>												Special Use Area:											
14. Points of Diversion, Rates & Quantities																									
PDIV		Qualifier		S	T	R	ID	'N	'W	Comment (AKA Line)		Qty <b>mgd</b> Auth Add		Rate <b>gpm</b> Auth Add		Storage Qty <b>AF</b> Auth Add		Storage Rate Auth/Add		Overlaps					
<del>MOD 87654</del>		<del>NW SW SW</del>		<del>22</del>	<del>19S</del>	<del>2W</del>	<del>5</del>	<del>1040</del>	<del>4555</del>	<del>GEO CTR</del>		<del>44.455</del> 1		<del>32.585</del> 1		250 0				*					
CHK 8685		NW SW SW		22	19S	2W	2	1040	4580	<del>BATT 1 OF 2 WELLS</del>		32.5851		auth		0 add									
CHK 48912		NW SW SW		22	19S	2W	1	1040	4530	<del>BATT 1 OF 2 WELLS</del>		3/31/2025		KAB											
15. Limitations <b>NEW</b> Type: <b>Combined Quantity</b> Quantity: <b>55 mgd</b> Rate: <b>gpm</b> combined with file no(s): <b>MP-002, 21,401, 48,459, and 48,460</b>																									
<b>NEW</b> Type: <b>Combined Rate</b> Quantity: <b>AF</b> Rate: <b>250 gpm</b> combined with file no(s): <b>MP-002</b>																									
16. Metering <input checked="" type="checkbox"/> Metering Required <input checked="" type="checkbox"/> Anti-Reverse Required <input checked="" type="checkbox"/> Seal Required Compliance Date: <b>12/31/2026</b>																									
17. Place of Use						NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE S T R ID		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
																			0.00			<input type="checkbox"/>			
																			0.00			<input type="checkbox"/>			
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CHK 38589 22 19S 2W 1		CITY OF GALVA & IMMEDIATE VICINITY																	5a		<input type="checkbox"/>	+			
																					<input type="checkbox"/>				
18. Point of Diversion and Place of Use Overlaps																									
* <b>MP-002</b>												**													
+ <b>MP-002, 21,401, 48,459, 48,460</b>												++													
#												##													
^												^^													

# MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

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Date: March 26, 2025

From: Colin Barclay, Environmental Scientist

Re: New Application File No. 50,283 – City of Galva

## Summary

The City of Galva has filed the above referenced application to appropriate 32,585,100 acre-feet of groundwater at a rate of 100 gallons per minute for municipal use within the City of Galva in McPherson County, Kansas. An existing battery of two wells authorized under Vested Right MP-002 will be used with a complete point of diversion and place of use overlap. The above referenced application is attempting to move the entirety of the city's municipal water supplies to the battery of wells authorized under the Vested Water Right. This is due to a contamination plume from nearby historical industrial sites that is threatening the city wells authorized under File Nos. 21,401, 46,459, and 46,460. No additional water is being requested. A change application will not be needed for the vested water right as the point of diversion and place of use are not changing. In addition, the above referenced application overlaps in place of use with File Nos. 21,401 46,459, and 46,460. The point of diversion is located within the 2016 expansion area of the Equus Beds Groundwater Management District No. 2 and within the Little Arkansas River Basin. In addition, two points of diversion are currently authorized under Vested Water Right MP 002. **A waiver of K.A.R. 5-3-4(d) is recommended** to allow for a complete overlap of the above referenced application.

## Reasonable Rate and Quantity

The proposed place of use (the City of Galva and immediate vicinity) overlaps multiple other files as follows: Vested Water Right, File No. MP-002, Water Right, File No. 21,401, Appropriation of Water, File No. 48,459 and 48,460. The authorized rates and quantities of the current appropriations are summarized in the following table.

**EXISTING AND PROPOSED PERMITS FOR MUNICIPAL USE**

File Number	Authorized Quantity (Million gallons)	Additional Quantity (Million gallons)	Authorized Rate of Diversion (gpm)	Comments
MP-002	12	12	250	No limitations
21,401	23.58	23.58	110 & 115	35.58 MGY when combined with MP-002
48,459	25	19.42	200 (90 additional)	55 MGY when combined with MP-002 & 21,401
48,460	11	0	200 (85 additional)	55 MGY when combined with MP-002, 21,401, and 48,459
<b>Current Total</b>		<b>55.00</b>	<b>650</b>	

50,283	32.5851		250 (0 additional)	55 MGY when combined with MP-002, 21,401, 48,459, & 48,460
<b>Proposed Total</b>	<b>98.5851</b>	<b>0</b>	<b>900</b>	<b>Limiting new apps to 55 MGY when combined with MP-002, 21,401, 48,459, &amp; 48,460</b>

Maximum reasonable quantity was found to be 55 million gallons based on prior limitations for the senior water rights. Present water use was reported as 40,255,200 gallons for a population of 834 persons. Future population based on the applicants supplied population projections indicate a future population of 1,220 persons. However, based on historic population growth for the City of Galva, the city saw an average population growth of 14.1% over 50 years with an average of 20% population growth over the last 20 years or approximately 1% per year.

Taking the most recent (2020) census population of 834 people and multiplying that by 1% population growth per year for the last 4 years indicates the current population is approximately 868 people in 2024. Looking at the potential 20-year population growth indicates the city could see a total population of 1,059 by 2044.

Present water use under the senior files for the year of 2020 (which saw the most recent census data) shows that the water used was 40,255,200 gallons.

$(40,255,200 \text{ gallons} / 834 \text{ people}) / 365 \text{ days} = 132.24 \text{ gallons per person per day.}$

$132.24 \text{ gpcd} \times 1,059 \text{ people} \times 365 \text{ days} = 51,115,388.4 \text{ gallons rounded to 51.116 MGY}$

As the applicants' previous water rights (48,459 & 48,460) were limited to 55 MGY when combined with all senior and vested water rights. The water requested will be limited to 55 MGY when combined with all senior and vested water rights. Currently the wells authorized under 21,401, 48,459 and 48,460 are in an area that is at risk of contamination by a groundwater plume from nearby industrial areas. This new application will provide no additional water; however, it will give the applicant the flexibility they require to pump water from their various wells as they see fit.

## Source of Supply and Safe Yield

The source of supply appears to be the Equus Beds (Quaternary System) and was previously identified as such on the senior water rights (21,401, 48,459 & 48,460). Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 5,976 acres. With a potential annual recharge of 1.0 inches, and 100% of recharge available for appropriation, safe yield was determined to be 498.03 acre-feet. Existing water rights have appropriated 243.79 acre-feet, providing a difference of 254.24 acre-feet available for appropriation, and the application requesting no additional quantity complies with safe yield. To date, recharge values have not yet been established within the 2016 GMD 2 expansion area. Safe yield was performed several different ways and even in the most restrictive scenario, which is outlined in this memorandum, safe yield was still met.

## Nearby Water Rights

One (1) appropriated well (File Nos. 48,460 & 21,401) was found to be within a half mile of the proposed point of diversion, however it is owned by the applicant. As the proposed point of diversion is located within the City of Galva. The applicant was required to submit a public notice within the local newspaper of record. An affidavit of publication was returned by the applicant for the McPherson Sentinel after three consecutive weeks of publication. No comments of any kind were received during the public notice period open to comments and concerns. It should be noted that there are several residential buildings near the city's existing well, many of which may have domestic wells that do not meet standard well spacing. Taking into consideration the fact that these are existing vested right wells that have been in continuous operation since at least 2019, no comments of any kind were received, no additional rate is being requested, and DWR has no records of any complaints, existing well spacing appears to be adequate and **a waiver of well spacing regulation K.A.R. 5-22-2 is recommended.**

## Recommendations

On December 9, 2024, the application was sent to Groundwater Management District #2 for a recommendation allowing for 30 days to provide a recommendation or to request an extension of time. On January 9, 2025, an extension was requested. The GMD was allowed another 30 days to provide a recommendation or to request an extension of time. As of March 26, 2025, no correspondence of any kind has been received from the district. **Therefore, a waiver of regulation K.A.R. 5-22-12 has been proposed.** This regulation outlines the procedure for getting a recommendation from GMD 2.

The application has been recommended for approval by Jeff Lanterman, Water Commissioner of the Stafford Field Office in an email dated October 21, 2020, and in an email dated April 24, 2024.

The application complies with all regulations concerning reasonable quantity, safe yield, and minimum well spacing requirements. The proposed applications are subject to minimum desirable streamflow requirements. Approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Colin Barclay  
Environmental Scientist  
Water Appropriation Program

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**FW: City of Galva - File No. 50,283**

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**From** Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

**Date** Mon 2/17/2025 10:52 AM

**To** Barclay, Colin [KDA] <Colin.Barclay@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>

 3 attachments (1 MB)

Galva GMD2 only 1 inch 100percent.docx; Galva 1 inch recharge 100percent full 2 mile circle.docx; Galva full 2 mile 2.7 inches 75 percent.docx;

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**Kristen Baum, Environmental Scientist**  
DWR – Water Appropriations

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**From:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

**Sent:** Wednesday, April 24, 2024 4:45 PM

**To:** Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Kopp, Kenneth [KDA] <Kenneth.Kopp@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>

**Cc:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>

**Subject:** FW: City of Galva - File No. 50,283

Bringing Kristen and Ken back in the loop on these.

Doug Helmke working for Galva called and the City is wanting to exercise their Water Conservation plan water warnings to reduce yard watering. So I had to search. This app is still pending.

I still think it could be approved. It got held in the moratorium which is over now. I think I had some back and forth with Tim who doesn't like it much. Well it's a city.

Can we get this moving again?

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**From:** Lanterman, Jeff [KDA]

**Sent:** Wednesday, October 21, 2020 12:48 PM

**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Cc:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>

**Subject:** RE: City of Galva - File No. 50,283

I ran it 3 ways. Faster for me to do it in the office. I didn't trim anything based on previous safe yields by Matt for Galva in the area on recent files. I didn't do any research to see if any circle should be trimmed. I did do one how I think Tim would do it under the proposed recharge rate and cut it to only within GMD 2. That was the most restrictive.

Looks like no matter how you sliced it it meets SY.

I recommend approval 😊

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**From:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Sent:** Wednesday, October 21, 2020 9:22 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)>; Engelbrecht, Jessica [KDA] <[Jessica.Engelbrecht@ks.gov](mailto:Jessica.Engelbrecht@ks.gov)>  
**Subject:** RE: City of Galva - File No. 50,283

Barring any decision made at the next board meeting, would you guys be willing to take a look at some safe yield scenarios for this one? I also wonder if we should just send it for a recommendation.

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

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**From:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Sent:** Tuesday, October 20, 2020 1:31 PM  
**To:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** RE: City of Galva - File No. 50,283

I wonder if I need to pop that to the top for in next weeks board meeting. I really don't want to give them the option to process these under 6" because that is the option they will take im sure.

It is not an agenda item for next week. So I wonder if they realize they have that question out there.

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**From:** Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>  
**Sent:** Tuesday, October 20, 2020 1:10 PM  
**To:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: City of Galva - File No. 50,283

Thanks for reminding me what we did. I will ask a different question. 😊

Can Galva's application be approved with either SY number?

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**From:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>  
**Sent:** Tuesday, October 20, 2020 1:09 PM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: City of Galva - File No. 50,283

We did not grant another extension, rather we asked the board to recommend how we should process any pending applications; with GMD 2's new safe yield numbers or the old ones. We have not received a recommendation from the board.

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**From:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Sent:** Tuesday, October 20, 2020 1:03 PM  
**To:** Beightel, Chris [KDA] <[Chris.Beightel@ks.gov](mailto:Chris.Beightel@ks.gov)>; Letourneau, Lane [KDA] <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: City of Galva - File No. 50,283

I have some email traffic from back in August where we were debating whether to grant another extension of time for the GMD2 suspension. Did we ever arrive at a decision?

City of Galva's app is one of them being held hostage. I think the temporary permits will continue to work for them, just not ideal.

Kristen A Baum  
New Application Unit Supervisor  
DWR Appropriations

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**From:** Kenneth Kopp <[ken@krwa.net](mailto:ken@krwa.net)>  
**Sent:** Monday, October 19, 2020 9:52 AM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** Re: City of Galva - File No. 50,283

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Kristen,

Just a quick note to check and see whether anything has changed with Galva's pending new application.

One of their other nearby wells (File No. 21401) had been rehabilitated last spring, but then started pumping hydrocarbons over summer and they've had to shut it back down. So they are kind of in a pickle with only 2 of their 4 wells in operation. I imagine they will be looking for new locations to the west.

I have a new Temporary Application prepared for Galva to file in case the regular new application (File No. 50283) is still on hold. (Similar application as last year.)

Thanks for the help and I hope all is well at DWR.

Feel free to contact me by telephone at (785) 260-5381 if you have any questions.

-Ken

On 7/20/2020 11:25 AM, Baum, Kristen [KDA] wrote:

Hi Ken,

All is well with me. I've been working from home since March – it has it's pros and cons.

You are correct in that there hasn't been much of a change. The moratorium has been extended, and the current deadline is now August 31, 2020. I'm not sure about Chris's thinking in how much longer to extend.

I'm sure we would entertain another temporary for them if it becomes necessary.

Regards,  
Kristen



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**From:** Kenneth Kopp <[ken@krwa.net](mailto:ken@krwa.net)>  
**Sent:** Monday, July 20, 2020 10:03 AM  
**To:** Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** City of Galva - File No. 50,283

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Kristen,

Hope all is well. Galva contacted me to check up on the status of their pending application. I probably know the answer, but thought I would check. My guess is there hasn't been much change in the GMD 2 safe yield calculation. I wasn't sure if the moratorium got extended before David B. left or not.

Thanks!

Ken

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Kenneth A. Kopp, P.G.  
Kansas Rural Water Association  
(785) 260-5381  
<http://krwa.net>

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Kenneth A. Kopp, P.G.  
Kansas Rural Water Association  
(785) 260-5381  
<http://krwa.net>

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**RE: 50283 review and recommendation request**

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**From** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

**Date** Tue 3/25/2025 9:49 AM

**To** Barclay, Colin [KDA] <Colin.Barcly@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

**Cc** Kopp, Kenneth <Kenneth.Kopp@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Sure thing, I'll send it your way. I'm sorry, I probably I wasn't super clear in my original email. The FO recommends approval of this application based on Jeff's past review.

*Cameron*

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**From:** Barclay, Colin [KDA] <Colin.Barcly@ks.gov>

**Sent:** Tuesday, March 25, 2025 9:48 AM

**To:** Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

**Cc:** Kopp, Kenneth <Kenneth.Kopp@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

**Subject:** Re: 50283 review and recommendation request

Cameron,

I have the 2020 email but not the 2024 one. Could you forward that one to me?

Thanks!

Colin

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**From:** Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>

**Sent:** Tuesday, March 25, 2025 9:39 AM

**To:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>

**Cc:** Kopp, Kenneth <[Kenneth.Kopp@ks.gov](mailto:Kenneth.Kopp@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Subject:** RE: 50283 review and recommendation request

Jeff said to approve this in 2020 and again in 2024 so I don't think there is any reason to review the application further from our standpoint. Colin, if you don't have the emails, let me know and I'll get them forwarded on to you.

*Cameron*

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**From:** Barclay, Colin [KDA] <[Colin.Barcly@ks.gov](mailto:Colin.Barcly@ks.gov)>

**Sent:** Tuesday, March 25, 2025 9:11 AM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>

**Cc:** Kopp, Kenneth <[Kenneth.Kopp@ks.gov](mailto:Kenneth.Kopp@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>

**Subject:** 50283 review and recommendation request

Good morning Jeff and Cameron,

I have attached my draft memo and a safe yield report for 50,283 for your review and recommendation. This file is for the City of Galva and is located in within the 2016 GMD 2 expansion area. I have not received a recommendation from the GMD. However, we are wanting to move forward on this one because it is holding up other files in the area and GMD 2 has not been following up with us. I sent the GMD a recommendation request in early December and my last correspondence with them on this file was in early January. I have tried to document everything in my memo.

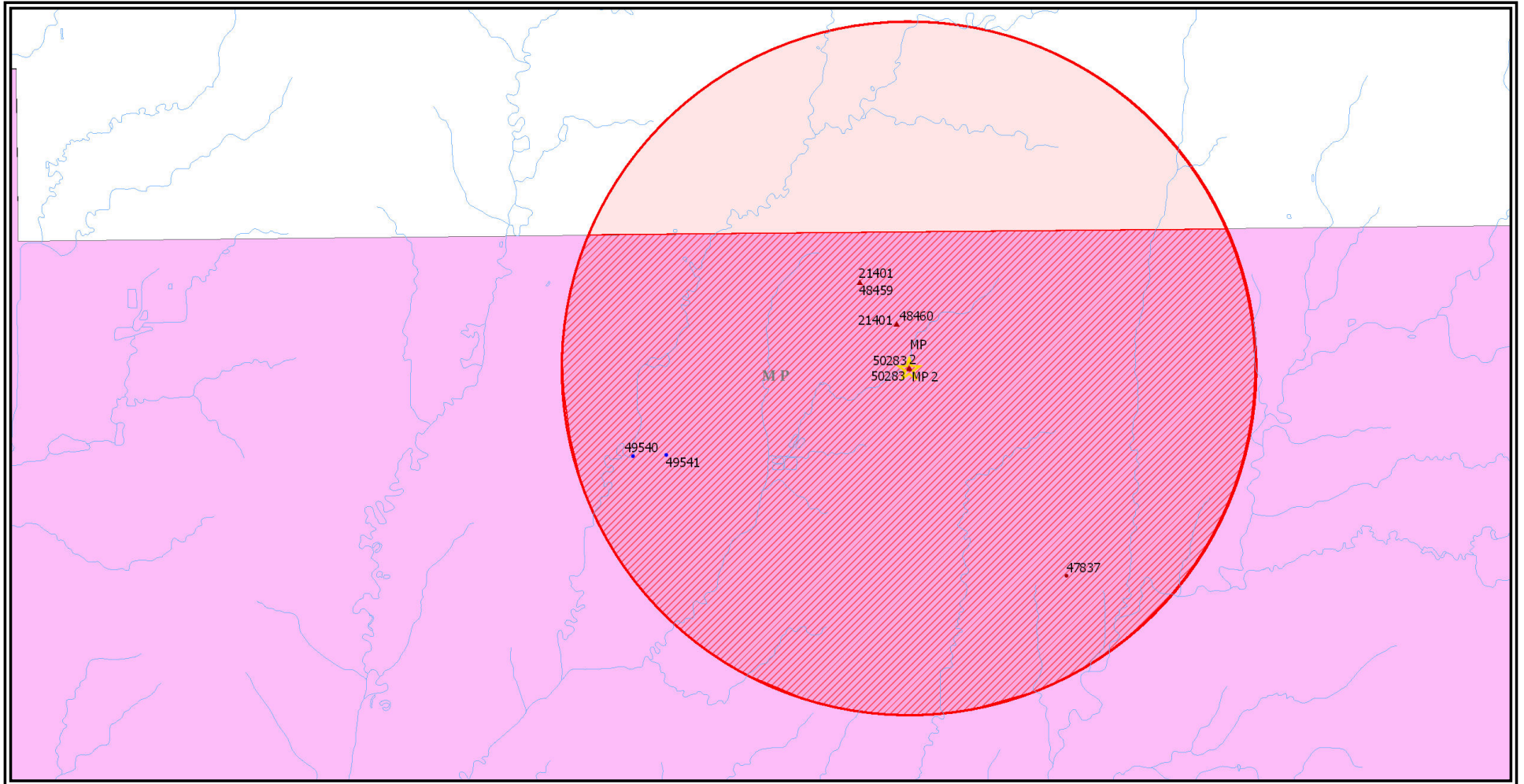
I sent the applicant a public notice and have not received any comments or concerns of any kind.

Please let me know if you have any questions.

Thanks!

Colin Barclay  
Environmental Scientist  
Division of Water Resources  
Kansas Department of Agriculture  
Phone: (785) 370-1931  
[Colin.Barclay@ks.gov](mailto:Colin.Barclay@ks.gov)

**Safe Yield Report Sheet**  
**Water Right- A5028300**  
**Point of Diversion in 22-19S-02W**  
**Footages from SE corner- 1,040 feet North 4,580 feet West**



## Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 498.03 AF.

Total prior appropriations in the circle is 343.79 AF. (-100 50283 = 243.79) Safe Yield is Met.

Total quantity of water available for appropriation is 154.24 AF.

## Safe Yield Variables

The area used for the analysis is set at 5,976 acres. (Area adjusted to only within GMD #2)

The potential annual recharge at the circle center is estimated to be 1.0 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 21-OCT-2020 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 6 water rights and 6 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 21401 00	MUN	NK	G					2400	4925	22	19	02W	3	WR	72.36	72.36		
Same	MUN	NK	G		NW	SE	NE	3746	751	21	19	02W	4	WR				
V MP 2 00	MUN	AA	G		NW	SW	SW	1040	4580	22	19	02W	2	WR	36.83	36.83		
Same	MUN	AA	G		NW	SW	SW	1040	4530	22	19	02W	1	WR				
A 47837 00	IRR	LR	G		SE	SW	SE	100	1900	29	19	01W	14	WR	75.00	75.00	63.00	63.00
A 48459 00	MUN	KE	G		NW	SE	NE	3746	751	21	19	02W	4	WR	76.72	59.60		
A 48460 00	MUN	KE	G					2400	4925	22	19	02W	3	WR	33.76	0.00		
A 50283 00	MUN	AY	G		NW	SW	SW	1040	4580	22	19	02W	2	WR	100.00	100.00		
Same	MUN	AY	G		NW	SW	SW	1040	4530	22	19	02W	1	WR				
Same	MUN	AY	G		NW	SW	SW	1040	4555	22	19	02W	5	WR				

## Limitations

File Number	Seq Num	Limitations
A 21401 00	2	35.58MGY COM/W VR MP2
A 48459 00	1	55 MGY COM/W #MP-2, #21401 & #48460
Same	2	200 GPM COM/W #21401 (id 4)
A 48460 00	1	55 MGY COM/W #MP2, #21401 & #48459
Same	2	200 GPM COM/W #21401 (id#3)



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

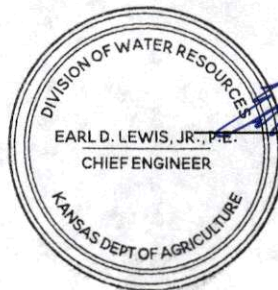
## **WAIVER OF REGULATION K.A.R. 5-22-12 Application processing requirements and procedures**

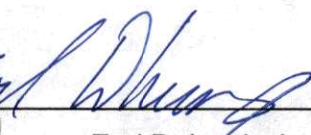
Date: March 27, 2025.

Re: Application, File No. 50,283

1. That K.A.R. 5-22-12(b)(2) states in part that "The district staff shall conduct a review of the proposed application."
2. In addition, K.A.R. 5-22-12(b)(3) states in part that "Within 15 working days after the date the chief engineer submits the application to the district for review, or any extension of time approved by the chief engineer, the district staff shall submit to the chief engineer its findings and recommendation for approval, denial, or modification of the application and shall specify the basis for the recommendation."
3. That on December 9, 2024, the above referenced application was sent to the district allowing for 30 days to provide a recommendation or to request an extension of time.
4. That on January 9, 2025, an extension was requested from the district. The district was allowed another 30 days to provide a recommendation or to request an extension of time.
5. That as of March 26, 2025, no correspondence of any kind has been received from the district regarding the above referenced file.
6. That a waiver of K.A.R. 5-22-12 will not prejudicially or unreasonably affect the public interest, and no senior rights will be impaired by the proposed use.

Comments:



  
\_\_\_\_\_  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

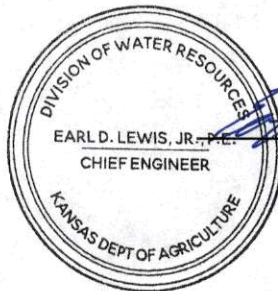
## **WAIVER OF REGULATION K.A.R. 5-3-4(d) Application**


Date: March 27, 2025

Re: Application, File No. 50,283

1. That K.A.R. 5-3-4(d) states in part that "If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells".
2. That the above referenced application proposes a complete overlap with Vested Right, MP 002, in points of diversion and place of use.
3. That two wells are currently authorized as separate points of diversion for Vested Right, MP 002.
4. That no new wells are proposed or would be authorized with approval of the new application.
5. That a waiver of K.A.R. 5-3-4(d) will not prejudicially or unreasonably affect the public interest, and no senior rights will be impaired by the proposed use.

Comments:



  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

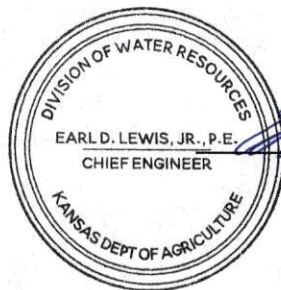
## **WAIVER OF REGULATION** **K.A.R. 5-22-2(a)(2) Domestic Well Spacing**


Date: March 27, 2025.

Re: Application, File No. 50,283 (City of Galva)

1. That K.A.R. 5-22-2(a)(2) requires a minimum well spacing of 660 feet from a well or wells proposed by an application to all other domestic wells.
2. That the wells which are the subject of the above referenced application may not meet minimum well spacing criteria as required by K.A.R. 5-22-2(a)(2), because there are several in-town residences within 660 feet, which may have domestic wells for watering lawns and gardens.
3. That the wells which are the subject of the above referenced application are authorized under Vested Right, MP 002, have existed at this location since the 1930s, and have been in continuous operation in the proposed manner since at least 2019, due to oilfield contamination at the City's other authorized wells.
4. That no new wells or additional rate are being proposed.
5. That no comments of any kind were received during the public notification period, DWR has no records of complaints of impairment in the area, and the well spacing guidelines therefore do not appear to be necessary to prevent direct impairment.
6. That a waiver of K.A.R. 5-22-2(a)(2) will not prejudicially or unreasonably affect the public interest, and no senior rights will be impaired by the proposed use.

Comments:



  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



# 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. 50,283** of the applicant

**CITY OF GALVA  
P.O. BOX 223  
GALVA KS 67443**

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 **August 12, 2019**.
2. That the water sought to be appropriated shall be used for municipal use in the City of Galva and immediate vicinity.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn at the following points:
  - one (1) well located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW¼ SW¼ SW¼) of Section 22, more particularly described as being near a point 1,040 feet North and 4,530 feet West of the Southeast corner of said section, and
  - one (1) well located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW¼ SW¼ SW¼) of Section 22, more particularly described as being near a point 1,040 feet North and 4,580 feet West of the Southeast corner of said section,
  - both in Township 19 South, Range 2 West, McPherson 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 **250 gallons per minute (0.56 c.f.s.)** and to a quantity not to exceed **32,585,100 gallons of water (100 acre-feet)** for any calendar year.



5. That the quantity of water approved under this permit is further limited to the quantity which combined with Vested Right, File No. MP 002, Water Right, File No. 21,401, and Appropriation of Water, File Nos. 48,459 and 48,460, will provide a total not to exceed **55 million gallons of water (76.72 acre-feet)** per calendar year, for municipal use within the City of Galva and immediate vicinity.

6. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Vested Right, File No. MP 002, will provide a maximum diversion rate not in excess of **250 gallons per minute (0.56 c.f.s.)** from the wells at the locations described herein.

7. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, 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.

8. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2046**, 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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).



15. 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.

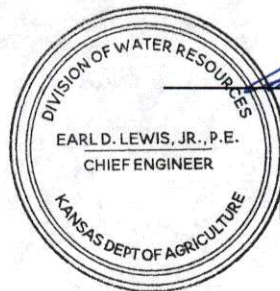
16. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

17. That the applicant must submit a progress report to the office of the Chief Engineer by March 1 after the tenth year from the date of the approval of this application and permit to proceed. The progress report is to contain sufficient details to explain the extent of development (perfection) of the water right during the previous ten (10) years, the extent of population being served by the water right and how the water right, in association with any other water right(s) meets the demonstrated municipal use need.

18. 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.

19. That failure without cause to comply with the provisions of this 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.

Ordered this 27<sup>th</sup> day of March, 2025, in Manhattan, Riley County, Kansas.

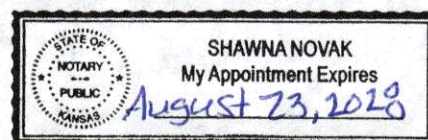


Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas    )  
                              ) SS  
County of Riley    )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of March, 2025, by Earl D. Lewis Jr., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[Signature]  
Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 2, 2025

CITY OF GALVA  
PO BOX 223  
GALVA KS 67443-0223

RE: Appropriation of Water  
File No. 50,283

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.

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).

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.

Also included 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,

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

KAB:kak:ccb

Enclosure(s)

pc: Stafford Field Office  
Equus Beds GMD No. 2



## 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

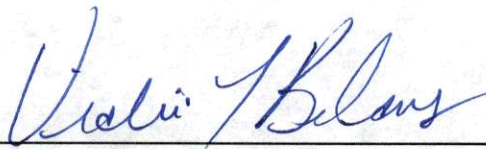
On this 2nd day of April, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,283, dated March 27, 2025, was mailed postage prepaid, first class, US mail to the following:

CITY OF GALVA  
PO BOX 223  
GALVA KS 67443-0223

With photocopies to:

KDA-DWR Stafford Field Office

Equus Beds GMD No. 2



Division of Water Resources