



File No. **49,512**      15. Formation Code:      Drainage Basin:      County:      Special Use:      Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
DEL	84855	SW NE SE	7	11	12W	6	1769	1316		

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
				NONE

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

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

20. Meter Required?  Yes  No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼	NW¼				SW¼				SE¼				Total	Owner	Chg? no	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					
DEL	7918	7	11S	12W	1			CITY OF LURAY & IMMEDIATE VICINITY																	7a.	No	NONE	
✓	67452	7	11S	12W	2			ELLSWORTH COUNTY RWD #1 AND IMMEDIATE VICINITY																				

Comments:

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

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

**TO:** Files

**DATE:** August 13, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 49,512

The City of Luray filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 15 million gallons of groundwater for municipal use. The proposed point of diversion would be a well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7, more particularly described as being near a point 1,769 feet North and 1,316 feet West of the Southeast corner of said section, in Township 11 South, Range 12 West, Russell County, Kansas.

The source of water for the pending application is the Wolf Creek and Coon Creek alluviums. Per K.A.R. 5-4-4, based on the source of supply, the minimum well spacing is 1,320 feet from any existing non-domestic well, and 660 feet from any existing domestic well in the same source of supply. The proposed well described in this pending application is located less than this required spacing distance from nearby non-domestic wells.

The applicant was sent a letter on February 6, 2017 explaining the spacing criteria, and stating that it would be recommended to the Chief Engineer that pending application, File No. 49,512 be denied and dismissed due to the failure to meet minimum well spacing criteria per K.A.R. 5-4-4.

The original application was returned on May 8, 2018 providing the applicant 30 days to provide additional information and return the original application. No response of any kind has been received from the applicant. Therefore, it is recommended that application File No. 49,512 be denied and dismissed for failure to return prior to the deadline.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

CITY OF LURAY  
ATT: CITY CLERK  
PO BOX 158  
LURAY KS 67649-0158

September 6, 2018

Re: Appropriation of Water, File No. 49,512

**FILE COPY**

Dear Sir or Madam:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,512 for failure to return the original application and provide the requested information prior to the deadline of June 8, 2018.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Stockton Field Office  
Ellsworth RWD #1

**KANSAS DEPARTMENT OF AGRICULTURE**

Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**

David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE  
DISMISSAL OF APPLICATION  
FILE NO. 49,512**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on November 25, 2015, the Chief Engineer received an application from the City of Luray for a permit to appropriate water for beneficial use, assigned File No. 49,512, requesting the appropriation of 15 million gallons (46.05 acre-feet) of groundwater for municipal use. The application proposed a single well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7, more particularly described as being near a point 1,769 feet North and 1,316 feet West of the Southeast corner of said section, in Township 11 South, Range 12 West, Russell County, Kansas.
2. That the source of water for the pending application was determined to be the Wolf Creek and Coon Creek alluviums, based on a review of local well logs. Per K.A.R. 5-4-4, for this source of supply, the minimum spacing distance to all other non-domestic wells in this same aquifer is 1,320 feet, and the minimum spacing to all domestic wells in this same aquifer is 660 feet.
3. That the proposed well is located less than this required spacing distance from nearby non-domestic wells, one being 331 feet away and a second being 1008 feet away.
4. That on February 6, 2017, a letter was mailed to the applicant stating that the application did not comply with minimum well spacing criteria, as required by K.A.R. 5-4-4, and that the application would be submitted to the Chief Engineer with a recommendation that the pending application be denied and dismissed. The applicant was provided 15 days, until February 21, 2017 to either submit additional information to our office or request additional time, prior to final action on the application.
5. That that applicant was provided an extension of time until May 23, 2017 to provide additional information.
6. That the original application was returned to the applicant on May 8, 2018, with a cover letter requesting that additional information be submitted in order to complete the application. The applicant was provided a deadline until June 8, 2018, the time in which to provide the requested information and return the application. The applicant was informed that the application would be dismissed if it was not returned by the June 8, 2018 deadline, or within any authorized extension of time.
7. That the original application was not returned by the June 8, 2018 deadline, nor was there a request for an extension of time.
8. That the application should be dismissed, and its priority forfeited as provided by K.S.A. 82a-710, for failure to return the application.

**ORDER**

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,512, is herewith dismissed and the priority assigned to it is considered to be forfeited.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 31<sup>st</sup> day of August, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas     )  
                                  ) SS  
County of Riley     )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of August, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

### CERTIFICATE OF SERVICE

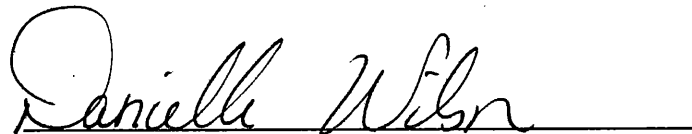
On this ~~6th~~ day of ~~September~~, 2018, I hereby certify that the foregoing Dismissal of Application, File No. 49,512, dated ~~August 31st~~, 2018 was mailed postage prepaid, first class, US mail to the following:

CITY OF LURAY  
ATT: CITY CLERK  
PO BOX 158  
LURAY KS 67649-0158

With photocopies to:

ELLSWORTH RWD 01  
A/K/A POST ROCK RWD  
103 N DOUGLAS  
ELLSWORTH KS 67439

Stockton Field Office

A handwritten signature in cursive script, reading "Danielle Wilson", is written over a horizontal line.

Division of Water Resources

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

May 8, 2018

CITY OF LURAY  
ATT: CITY CLERK  
PO BOX 158  
LURAY KS 67649-0158

Re: Pending Application, File No. 49,512

Dear Sir or Madam:

The above referenced **original** application for permit to appropriate water for beneficial use is being returned to you for additional information. As you were previously informed in our February 6, 2017 letter, this application fails to comply with minimum well spacing criteria. The application is proposing to appropriate groundwater for municipal use from a well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7, more particularly described as being near a point 1,769 feet North and 1,316 feet West of the Southeast corner of said section, in Township 11 South, Range 12 West, Russell County, Kansas.

Based on the well log you provided and other nearby wells, the source of water (aquifer) for this pending application appears to be Wolf Creek and Coon Creek alluviums. Per K.A.R. 5-4-4, based on your source of supply, the minimum well spacing is 1,320 feet from any existing non-domestic well, and 660 feet from any existing domestic well in the same source of supply. The proposed well described in your pending application is located less than this required spacing distance from several nearby non-domestic wells.

We are advising you of these requirements in order to allow you an opportunity to address this issue, as we previously requested. The required information must include an engineering report or similar type of hydrologic analysis to show that the spacing can be decreased without impairing existing water rights or prejudicially and unreasonably affecting the public interest. In order for the application to retain its priority of filing, the original application and attachments must be returned, with the requested information, to this office on or before **June 8, 2018**, or within any authorized extension of time thereof. Pursuant to K.S.A. 82a-710, failure to timely refile the **original** application and attachments as outlined above shall constitute forfeiture of your priority date and result in dismissal of the application. You may contact me at (785) 296-3495 with any questions.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure



THE STATE OF KANSAS



WATER RESOURCES RECEIVED

NOV 25 2015

7:51 am  
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,512  
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

WATER RESOURCES RECEIVED

NOV 02 2015

UNACCEPTABLE FOR PRIORITY  
11:59  
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): CITY OF LURAY  
Address: PO BOX 158  
City: LURAY State KS Zip Code 67649-0158  
Telephone Number: (785) 698-2302

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

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

3. The maximum quantity of water desired is 46.05 acre-feet OR 19,000,000 gallons per calendar year, to be diverted at a maximum rate of 300 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

For Office Use Only:  
F.O. 3 GMD LEG Meets K.A.R. 5-3-1 (YES/NO) Use MUN Source G/S County RS By ASW Date 11/30/15  
Code \_\_\_\_\_ Fee \$ 200 TR # 112017536 Receipt Date 11/25/15 Check # 9829

12/2/2015 CCM

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

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

(A) One in the SOUTHWEST quarter of the NORTHEAST quarter of the SOUTHEAST quarter of Section 07, more particularly described as being near a point 1769 feet North and 1316 feet West of the Southeast corner of said section, in Township 11 South, Range 12 West, RUSSELL County, Kansas.

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

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

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

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

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

6. The owner of the point of diversion, if other than the applicant is (please print):

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

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

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

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

Executed on November 19, 2015.

Jack J. Cochran  
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 WELL  
(number of wells, pumps or dams, etc.)

and was completed (by) 2015  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 01/01/2016  
(Mo/Day/Year)

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

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

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

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

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

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

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

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

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

Voluntary dismissals submitted for RS03 and 31,683

\* PROPOSED PLACE OF USE WILL BE THE CITY OF LURAY, ITS IMMEDIATE VICINITY, 10-MILE RADIUS FROM TOWN, AND POST ROCK RWD.

WATER RESOURCES RECEIVED

NOV 25 2015 SCANNED

WATER RESOURCES RECEIVED  
**UNACCEPTABLE FOR PRIORITY**  
NOV 02 2015

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>1-5-2009</u>			
Total depth of well	<u>55 ft</u>			
Depth to water bearing formation	<u>29 ft</u>			
Depth to static water level	<u>16 ft</u>			
Depth to bottom of pump intake pipe	<u>54 ft</u>			

14. The relationship of the applicant to the proposed place where the water will be used is that of owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):  
\_\_\_\_\_  
(name, address and telephone number)  
\_\_\_\_\_  
(name, address and telephone number)

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

Dated at Luray, Kansas, this 19<sup>th</sup> day of November, 2015.  
(month) (year)

Jack L. Cochran - City of Luray  
(Applicant Signature)

By Mayor  
(Agent or Officer Signature)

Jack L. Cochran  
(Agent or Officer - Please Print)

Assisted by Helen Krebbel City Clerk Date: Nov 19, 2015  
(office/title)



**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49512 00

Failed Spacing

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49512 00 MUN

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

1769 Feet North and 1316 Feet West of the Southeast Corner of Section 7 T 11S R 12W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit		
A__ 49494	00	MUN	HK	G	1008	--	SW	NW	SE	1650	2317	7	11	12W	4	G	4	319.90	319.90	AF
Same					1280	--	SW	NW	SE	1650	2590	7	11	12W	7	B	4			
Same					1110	--	SW	NW	SE	1650	2420	7	11	12W	8	B	4			
Same					912	--	SW	NW	SE	1650	2220	7	11	12W	9	B	4			
Same					734	--	SW	NW	SE	1650	2040	7	11	12W	10	B	4			
A__ 49503	00	MUN	HK	G	331	--	SE	NW	SE	1650	1625	7	11	12W	5	G	4	319.90	67.39	AF
Same					127	--	SE	NW	SE	1650	1360	7	11	12W	11	B	4			
Same					236	--	SE	NW	SE	1650	1520	7	11	12W	12	B	4			
Same					421	--	SE	NW	SE	1650	1720	7	11	12W	13	B	4			
Same					596	--	SE	NW	SE	1650	1900	7	11	12W	14	B	4			
A__ 49512	00	MUN	AY	G	0	--	SW	NE	SE	1769	1316	7	11	12W	6			46.03	46.03	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	46.03	.00
Total Permitted Amount (AF) =	387.29	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	433.33	.00

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

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

1769 Feet North and 1316 Feet West of the Southeast Corner of Section 7 T 11S R 12W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 49494	00	MUN	HK G
>	ELLSWORTH RWD 01		
>	A/K/A POST ROCK RWD		
>	103 N DOUGLAS		
>	ELLSWORTH KS 67439		
-----			
A__ 49503	00	MUN	HK G
>	ELLSWORTH RWD 01		
>	A/K/A POST ROCK RWD		
>	103 N DOUGLAS		
>	ELLSWORTH KS 67439		
-----			
A__ 49512	00	MUN	AY G

> CITY OF LURAY  
> ATTN: CITY CLERK  
> PO BOX 158  
> LURAY KS 67649

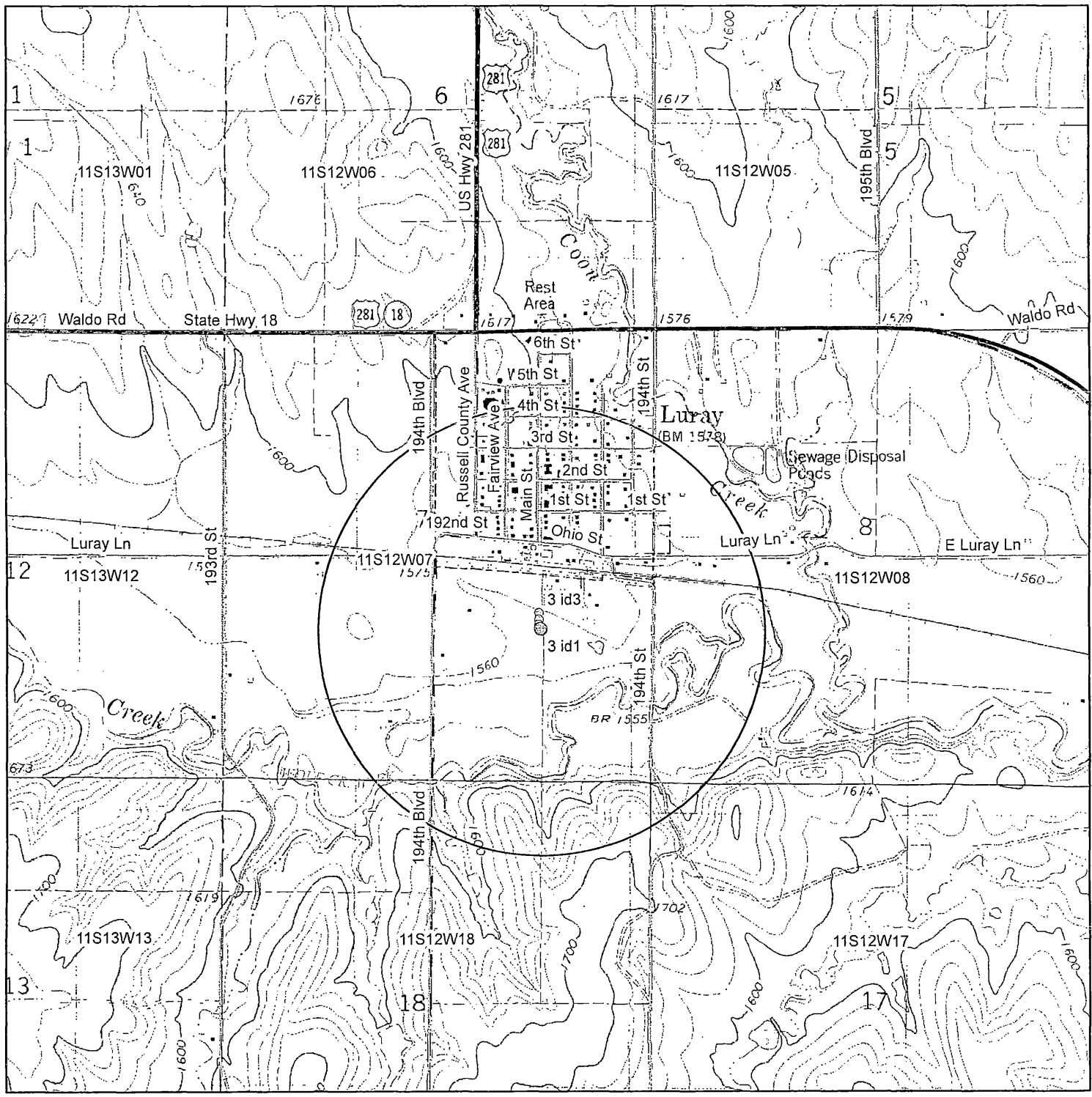
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=====

#####



# Application for Water Right



Proposed Place of Use

▲ Surface Water Point of Diversion



Proposed Point of Diversion

● Groundwater Point of Diversion

WATER RESOURCES RECEIVED

NOV 02 2015  
UNACCEPTABLE FOR PRIORITY WWC-5 Records

1:20,000

WATER RESOURCES RECEIVED

All wells within 1/2 mile of proposed well location are identified on the map.

KS DEPT OF AGRICULTURE

SCANNED

NOV 25 2015



1575

RS

RS 3  
 31683 31683  
 31683 RS 3  
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1580

1585

Applicant's Name City of Luray  
(Please Print)

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION  
SUPPLEMENTAL INFORMATION SHEET

Application File Number  
49,512  
(assigned by DWR)

SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)  
NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.

Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Below Explanation)
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER	

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

UNACCOUNTED FOR WATER

Use the following to calculate your distribution system's Unaccounted For Water:  
Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:  
Percent Unaccounted For Water =  $\frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$   
If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

SECTION 2: PAST WATER USE  
COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Above Explanation)
20 years ago							
15 years ago	7,545,000	7,545,000		121,000	6,431,000		993,000
10 years ago		6,599,000		16,000	5,273,000	280,000	536,000
5 years ago		5,595,000		7,000	5,245,000	223,000	198,000
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER	

WATER RESOURCES UNACCOUNTABLE FOR PRIORITY  
 5102 20 NOV 2015  
 KS DEPT OF AGRICULTURE

NOV 25 2015  
 WATER RESOURCES RECEIVED  
 5 20 AM '15

49,512

**SECTION 3: PROJECTED FUTURE WATER NEEDS**

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Explanation on other side)
Year 5		5,575,000		10,000	5,242,000	198,000	25,000
Year 10		5,595,000		10,000	5,259,000	240,000	66,000
Year 15		5,505,000		20,000	5,325,000	240,000	10,000
Year 20		6,000,000		25,000	5,600,000	300,000	75,000
<b>TOTAL WATER = Columns 1 + 2</b>			<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

**SECTION 4: POPULATION AND SERVICE CONNECTIONS**

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW:  
(CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	
10 years ago	
5 years ago	297
Last Year	300+

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	325
Year 10	335-330
Year 15	330
Year 20	350

Provide number of current active service connections:

141 Residential      \_\_\_\_\_ Industrial      \_\_\_\_\_ Other (specify) \_\_\_\_\_  
23 Commercial      \_\_\_\_\_ Pasture/ Stockwater/ Feedlot      164 Total

**SECTION 5: PRESENT GALLONS PER PERSON PER DAY**

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 ÷ Population ÷ 365 Days/Year = Gallons per Person per Day

$\frac{5,666,000}{300} \div 365 \text{ Days/Year} = 52$  GALLONS PER PERSON PER DAY.

Amount of water in Columns 5, 6, and 7 of Section 1      Population from Last Year of Section 4

**SECTION 6: AREA TO BE SERVED**

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District): \_\_\_\_\_

Within the City limits of the City of Luray and immediate surrounding area and an area within 10 miles of the City

Oil Companies Farmers, Rural Water District State & County Hwy Department

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

WATER WELL RECORD

Form WWC-5

Division of Water Resources; App. No.

49,512

1 LOCATION OF WATER WELL: County: Russell Fraction: 1/4 1/4 SE 1/4 Section Number: 17 Township Number: T 11 S Range Number: R 10 E/W

Distance and direction from nearest town or city street address of well if located within city? south end of Luray Global Positioning Systems (decimal degrees, min. of 4 digits) Latitude: Longitude: Elevation: Datum: Data Collection Method:

2 WATER WELL OWNER: City of Luray RR#, St. Address, Box #: City, State, ZIP Code: Luray Ia.

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: [Diagram] 4 DEPTH OF COMPLETED WELL: 17 ft. Depth(s) Groundwater Encountered (1) 29 ft. (2) 40 ft. (3) ft. WELL'S STATIC WATER LEVEL: 15 ft. below land surface measured on mo/day/yr: 1/5/2005 Pump test data: Well water was 22 ft. after 1 hours pumping 38 gpm Est. Yield: gpm: Well water was 22 ft. after 3 hours pumping 38 gpm

5 TYPE OF CASING USED: 1 Steel 3 RMP (SR) 2 PVC 4 ABS 5 Wrought Iron 6 Asbestos-Cement 7 Fiberglass 8 Concrete tile 9 Other (specify below) CASING JOINTS: Glued Clamped Welded Threaded

Blank casing diameter in. to 40 ft., Diameter in. to ft., Diameter in. to ft. Casing height above land surface in., Weight lbs./ft. Wall thickness or gauge No. 30

TYPE OF SCREEN OR PERFORATION MATERIAL: 1 Steel 3 Stainless Steel 5 Fiberglass 7 PVC 9 ABS 11 Other (Specify) 2 Brass 4 Galvanized Steel 6 Concrete tile 8 RM (SR) 10 Asbestos-Cement 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 7 Torch cut 9 Drilled holes 11 None (open hole) 2 Louvered shutter 4 Key punched 6 Wire wrapped 8 Saw Cut 10 Other (specify)

SCREEN-PERFORATED INTERVALS: From 41 ft. to 55 ft., From ft. to ft. GRAVEL PACK INTERVALS: From 35 ft. to 28 ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other Grout Intervals: From 0 ft. to 27 ft., From ft. to ft., From ft. to ft.

What is the nearest source of possible contamination: 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 13 Insecticide Storage 16 Other (specify below) 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 14 Abandoned water well 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer Storage 15 Oil well/gas well

Direction from well? How many feet?

Table with columns: FROM, TO, LITHOLOGIC LOG, FROM, TO, PLUGGING INTERVALS. Includes lithologic log entries like CLAY, FINE SAND, SAND, SILTY CLAY WITH FINE SAND, GRAVEL AND ROCK, SHALE. Includes stamps: NOV 02 2015, NOV 25 2015, WATER RESOURCES RECEIVED, UNACCEPTABLE FOR PRIORITY, KS DEPT OF AGRICULTURE.

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 12/21/2015 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. This Water Well Record was completed on (mo/day/year) by (signature)

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well. Visit us at http://www.kdhe.state.ks.us/geo/waterwells.

City of Luray  
115 S. Main St  
P.O. Box 158  
Luray, Ks 67649  
February 13, 2017

RECEIVED  
FEB 15 2017  
Topeka Field Office  
DIVISION OF WATER RESOURCES

Kansas Department of Agriculture  
Division of Water Resources  
Attn: Douglas W. Schemm  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619

Dear Kansas Department of Agriculture:

We received your update on pending application File No. 49,512. At this time, we are respectfully requesting an extension to submit additional information. We need time to discuss spacing concerns with the owners of the nearby wells. Our city council meets again on March 8<sup>th</sup>, 2017 so we are requesting a 30-day extension in order to discuss this at the next meeting. If there are any additional questions or concerns, please contact Robert Rose at (785) 346-4042.

Sincerely,



Robert Rose  
City Superintendent  
Luray, Kansas 67649





Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Department of Agriculture  
*Division of Water Resources*

Phone: (785) 296-5733

Fax: (785) 862-2460

[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Jackie McClaskey, Secretary  
David W. Bairfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Sam Brownback, Governor

February 10, 2017

CITY OF LURAY  
% JACK COCHRAN  
PO BOX 158  
LURAY KS 67649-0158

RE: Pending Application, File No. 49,512

Dear Mr. Cochran:

In response to a written request received on your behalf from Scott Ross, via e-mail on February 9, 2017, the Chief Engineer is allowing an extension of time for ninety (90) days, in which to supply further information concerning the above referenced file. In our February 6, 2017 letter to you, we had requested the additional information be submitted by February 21, 2017. With this extension of time, the revised deadline is May 23, 2017. As stated in our letter, you must include an engineering report or similar type of hydrologic analysis to show that the spacing can be decreased without impairing existing water rights or prejudicially and unreasonably affecting the public interest.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed these 90 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you do not request more time within the 90 day period, or if your request is not granted, the above referenced application will be submitted to the Chief Engineer with a recommendation it be denied for failure to comply with minimum well spacing criteria. If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pe: Scott Ross – Water Rights Investigative Service LLC

**Schemm, Doug**

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**From:** Scott Ross <water.rights.llc@gmail.com>  
**Sent:** Thursday, February 9, 2017 3:12 PM  
**To:** Schemm, Doug  
**Subject:** Application File No. 49,512

Doug,

I would like to request an extension on this application. We understand that the spacing is not adequate for approval under the current circumstances. However, we feel that with an extension of 90 days we can resolve a couple of pending issues.

Scott

**Scott E. Ross**

General Manager

Water Rights Investigative Service LLC  
209 South Ash ST. Stockton, KS. 67669

785-543-8254





**Kansas**  
Department of Agriculture  
Division of Water Resources

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

February 6, 2017

CITY OF LURAY  
ATT: CITY CLERK  
PO BOX 158  
LURAY KS 67649-0158

RE: Pending Application, File No. 49,512

Dear Sir or Madam:

We have reviewed your application referenced above, which proposes to appropriate groundwater for municipal use from a well located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7, more particularly described as being near a point 1,769 feet North and 1,316 feet West of the Southeast corner of said section, in Township 11 South, Range 12 West, Russell County, Kansas.

Based on the well log you provided and other nearby wells, the source of water (aquifer) for this pending application appears to be Wolf Creek and Coon Creek alluviums. Per K.A.R. 5-4-4, based on your source of supply, the minimum well spacing is 1,320 feet from any existing non-domestic well, and 660 feet from any existing domestic well in the same source of supply. The proposed well described in your pending application is located less than this required spacing distance from nearby non-domestic wells.

Based on the above information, it will be recommended to the Chief Engineer that the pending application be denied and dismissed due to the failure to meet minimum well spacing criteria, as required by K.A.R. 5-4-4. We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until February 21, 2017**) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. The required information must include an engineering report or similar type of hydrologic analysis to show that the spacing can be decreased without impairing existing water rights or prejudicially and unreasonably affecting the public interest.

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the application. If you have any other questions, please contact me at (785) 296-3495.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Stockton Field Office



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

November 30, 2015

CITY OF LURAY  
PO BOX 158  
LURAY KS 67649

RE: Application  
File No. 49512

Dear Sir or Madam:

Your application for permit to appropriate water in 7-11S-12W in Russell County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

KAK: DLW  
pc: STOCKTONField Office  
GMD 0

SCANNED