

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,720
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

OCT 24 2016

1:02

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): CHEROKEE RWD #8 - DISTRICT MANAGER
Address: PO BOX 222
City: RIVERTON State: KS Zip Code 66770
Telephone Number: (620) 783-1351

2. The source of water is: [] surface water in (stream)
OR [x] groundwater in SPRING 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. 0 ADDITIONAL QUANTITY - RATE ONLY APP.

3. The maximum quantity of water desired is 153.44 acre-feet OR 50 MILLION gallons per calendar year, to be diverted at a maximum rate of 600 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) [x] 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. [] GMD [x] Meets K.A.R. 5-3-1 (YES/NO) Use MUN Source [x] S County CK By Adw Date 10/24/16
Code REG REF Fee \$ 300 TR # Receipt Date 10/24/16 Check # 6996

10/26/2016 LCM

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 **NE** quarter of the **NE** quarter of the **NW** quarter of Section 28, more particularly described as being near a point **5,210** feet North and **2,723** feet West of the Southeast corner of said section, in Township 34 South, Range 25 EAST, CHEROKEE 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)

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 October 20th, 2016. Charles Tillman
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WELL
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) EXISTING WELL
(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 SPRING 2017
(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 _____

GROUNDWATER WELL

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.

File No. 39,453 overlaps in pd and pu. File No. 39,452 overlaps in pu.

Applicant recently installed a new pump, which pumps at 600 gpm, exceeding the authorized rate of diversion under the senior file. This rate only application will address this issue and bring the applicant into compliance.

**WATER RESOURCES
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OCT 24 2016

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>11/21/90</u>	_____	_____	_____
Total depth of well	<u>1080</u>	_____	_____	_____
Depth to water bearing formation	<u>160</u>	_____	_____	_____
Depth to static water level	<u>122</u>	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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 _____, Kansas, this ____ day of _____, 2016.
(month) (year)

Charles Tillman
(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
<u>101-320</u>	<u>\$300.00</u>
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL: Fraction NE 1/4 NE 1/4 NW 1/4 Section Number 28 Township Number T 34 S Range Number R 25 E/W

Distance and direction from nearest town or city street address of well if located within city? FROM JCT HWYS 66 & 26 IN GALENA, KS, 1.5 MI WEST, THENCE 1.0 MI SOUTH, THENCE 0.5 MI WEST

2 WATER WELL OWNER: CHEROKEE COUNTY RWD NO. 8 (WELL NO. 2) RR#, St. Address, Box # : Board of Agriculture, Division of Water Resource City, State, ZIP Code : GALENA, KS Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: [Diagram showing a 36-acre section with an 'X' in the NW corner] 4 DEPTH OF COMPLETED WELL... 1080 ft. ELEVATION: 909.5 ft. WELL'S STATIC WATER LEVEL... 122 ft. below land surface measured on mo/day/yr 8-1-90

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

Blank casing diameter... 20 in. to 26 in. Dia... 12 in. to 501 in. Dia... Casing height above land surface... 48 in. weight... 49.56 lbs./ft. Wall thickness or gauge No. 0.375

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other Grout Intervals: From 0 ft. to 510 ft. What is the nearest source of possible contamination: 1 Septic tank 2 Sewer lines 3 Watertight sewer lines 4 Lateral lines 5 Cess pool 6 Seepage pit 7 Pit privy 8 Sewage lagoon 9 Feedyard 10 Livestock pens 11 Fuel storage 12 Fertilizer storage 13 Insecticide storage 14 Abandoned water well 15 Oil well/Gas well 16 Other (specify below)

Direction from well? NORTH & WEST! How many feet? +200 FT. Table with columns: FROM, TO, LITHOLOGIC LOG, FROM, TO, PLUGGING INTERVALS. Rows include UNCONSOLIDATED FORMATION, UNDIFFERENTIATED MISSISSIPPIAN, COOPER DOLOMITE, JEFFERSON CITY DOLOMITE, ROUBIDOUX FORMATION, GASCONADE DOLOMITE, EMINENCE DOLOMITE, POTOMI DOLOMITE, DERBY-DOERUN DOLOMITE.

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) NOVEMBER 21, 1990 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 504 This Water Well Record was completed on (mo/day/yr) DEC. 7, 1990 under the business name of LARSON WELL & PUMP COMPANY by (signature) [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 three copies to Kansas Department of Health and Environment, Bureau of Water Protection, Topeka, Kansas 66620-7320. Telephone: 913-296-5514. Send one to WATER WELL OWNER and retain one for your records.

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Cherokee County RWD #8
Section 28, Township 34 South, Range 25 East
Cherokee County

49,720



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● Proposed Point of Diversion

OCT 24 2016

All known wells within one-half mile of the proposed point of diversion have been shown.

Charles Fillmer

1:12,000

KS DEPT OF AGRICULTURE

49,720

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 39453 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 39453 00 MUN

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

Permitted
All wells >
1/2 mile.

5210 Feet North and 2723 Feet West of the Southeast Corner of Section 28 T 34S R 25E

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 23155 00	MUN	NK	G*	8185	--	SW	SW	NW	2660	4950	20	34	25E	1		98.41	98.41	AF
A__ 34458 00	IRR	NK	G	10152	--	SW	NE	NE	4564	851	19	34	25E	1		1.70	1.70	AF
A__ 39452 00	MUN	LR	G	2822	--	NE	SE	SE	1225	265	21	34	25E	1		153.44	153.44	AF
A__ 39453 00	MUN	LR	G	0	--	NE	NE	NW	5210	2723	28	34	25E	2		153.44	153.44	AF
A__ 39454 00	MUN	MM	G	8222	--	NW	NE	NW	4950	3700	20	34	25E	2		58.31	58.31	AF
A__ 39455 00	MUN	LR	G*	8222	--	NW	NE	NW	4950	3700	20	34	25E	2		162.65	2.87	AF
A__ 40245 00	MUN	NK	G	9900	--	SE	NE	NE	4590	550	19	34	25E	2		37.78	37.78	AF
A__ 47524 A	MUN	KE	G	9900	--	SE	NE	NE	4590	550	19	34	25E	2		16.57	16.57	AF
A__ 48035 00	IRR	KE	G	10152	--	SW	NE	NE	4564	851	19	34	25E	1		23.40	23.40	AF
VCK 8 00	MUN	AA	G*	8185	--	SW	SW	NW	2660	4950	20	34	25E	1		61.40	61.40	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	39.97	.00
Total Inspected Amount (AF) =	309.75	.00
Total Pro_Cert Amount (AF) =	58.31	.00
Total Certified Amount (AF) =	137.89	.00
Total Vested Amount (AF) =	61.40	.00
TOTAL AMOUNT (AF) =	607.32	.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:

5210 Feet North and 2723 Feet West of the Southeast Corner of Section 28 T 34S R 25E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 23155 00 MUN NK G
- > CHEROKEE RWD 09
- > MANAGER
- > 6977 SE BLUEBIRD LN
- > RIVERTON KS 66770
-
- A__ 34458 00 IRR NK G
- > UNIFIED SCHOOL DISTRICT #404
- > SUPERINTENDENT - RIVERTON SCHOOLS
- > PO BOX 290
- > RIVERTON KS 66770
-
- A__ 39452 00 MUN LR G
- > CHEROKEE RWD 08

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OCT 24 2016

> DISTRICT MANAGER
> PO BOX 222
> RIVERTON KS 66770

A__ 39453 00 MUN LR G
> CHEROKEE RWD 08
> DISTRICT MANAGER
> PO BOX 222
> RIVERTON KS 66770

A__ 39454 00 MUN MM G
> CHEROKEE RWD 09
> MANAGER
> 6977 SE BLUEBIRD LN
> RIVERTON KS 66770

A__ 39455 00 MUN LR G
> CHEROKEE RWD 09
> MANAGER
> 6977 SE BLUEBIRD LN
> RIVERTON KS 66770

A__ 40245 00 MUN NK G
> UNIFIED SCHOOL DISTRICT #404
> SUPERINTENDENT - RIVERTON SCHOOLS
> PO BOX 290
> RIVERTON KS 66770

A__ 47524 A MUN KE G
> UNIFIED SCHOOL DISTRICT #404
> SUPERINTENDENT - RIVERTON SCHOOLS
> PO BOX 290
> RIVERTON KS 66770

A__ 48035 00 IRR KE G
> UNIFIED SCHOOL DISTRICT #404
> SUPERINTENDENT - RIVERTON SCHOOLS
> PO BOX 290
> RIVERTON KS 66770

VCK 8 00 MUN AA G
> CHEROKEE RWD 09
> MANAGER
> 6977 SE BLUEBIRD LN
> RIVERTON KS 66770

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49,720



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
Sam Brownback, Governor

October 18, 2016

CHEROKEE RWD 08
% CHARLES TILLMAN
PO BOX 222
RIVERTON KS 66770

RE: New Application for Appropriation of Water

Dear Mr. Tillman:

Enclosed is an application form related to completing a new application for permit to appropriate water for beneficial use. The application is requesting additional rate of diversion only (600 gpm) from your current well authorized under Water Right, File No. 39,453. Please review the "Application For Permit To Appropriate Water For Beneficial Use" form, and make any modifications you wish.

The application must be **signed at both Paragraph Nos. 6 and 16**. For the requested quantity of 50 million gallons (153.44 acre-feet) the filing fee would be **\$300**. In addition, please sign the site map where indicated, and identify all known wells (owner names and addresses) within one-half mile of your well.

Please submit the application, site map, and filing fee to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502**.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,

Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

WATER RESOURCES
RECEIVED
OCT 24 2016
KS DEPT OF AGRICULTURE

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

October 25, 2016

CHEROKEE RWD 8
PO BOX 222
RIVERTON KS 66770

FILE COPY

RE: Application
File No. 49720

Dear Sir or Madam:

Your application for permit to appropriate water in 28-34S-25E in Cherokee 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) 564-6645. 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 cursive script that reads "Brent A. Turney".

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD