

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.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

WATER RESOURCES
RECEIVED
JAN 11 2017
10:25
KS DEPT OF AGRICULTURE

File No. 34906

2. Name of applicant: City of Perry

Address: City Hall 115 Elm PO Box 724

City, State and Zip: Perry KS 66073

Phone Number: () _____ E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

To combine the two individual well permits to a battery and allow for just 1 meter to be used.

The change(s) (was) (will be) completed by Upon Approval. (Date)

For Office Use Only:	
F.O. <u>1</u> GMD <u>0</u> Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u> Use <u>MUN</u> Source <u>G/S</u> County <u>JF</u> By <u>AKW</u> Date <u>1/11/17</u>	
Code <u>CLT</u> Fee \$ <u>100</u> TR # _____ Receipt Date <u>1/11/17</u> Check # <u>21576</u>	

1/12/2017
UM

Assisted by: KAT/TEO

4. The presently authorized place of use is: NO CHANGE.

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES					
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						

List any other water rights that cover this place of use. _____

6. The presently authorized point(s) of diversion (is) (are) 1 well
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) 1 battery of 2 wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

One in the NW Quarter of the NE Quarter of the SW Quarter of Section 23, Township 11 South, Range 18 (E/W), in Jefferson County, Kansas, 2314 feet North 3351 feet West of Southeast corner of section. Authorized Rate 200 gpm Authorized Quantity 22.751 mgd
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested) GEO CENTER

One in the NE Quarter of the NE Quarter of the SW Quarter of Section 23, Township 11 South, Range 18 (E/W), in Jefferson County, Kansas, 2201 feet North 3068 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point 34907

9. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used _____

WATER RESOURCES RECEIVED

JAN 11 2017

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for NO CHANGE purposes.
It is proposed that the use be changed to _____ purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to REDUCTION/CHANGE gallons per minute (_____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- ✓ 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No impairment will occur. No change will occur in how wells are pumped.

**WATER RESOURCES
RECEIVED**

JAN 11 2017

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

Wells are located 600' apart by GPS, but GPS is only accurate to within 15' of each well so each well will be moved < 300ft and will be 600' apart.

No waivers needed as safe yield can be met at geocontrol.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently change the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Perry, Kansas, this 11 day of January, 2017.

Eugene E. Dick (Owner) _____ (Spouse)
Eugene E. Dick (Please Print) _____ (Please Print)

(Owner) _____ (Spouse)
(Please Print) _____ (Please Print)

(Owner) _____ (Spouse)
(Please Print) _____ (Please Print)

(Owner) _____ (Spouse)
(Please Print) _____ (Please Print)

(Owner) _____ (Spouse)
(Please Print) _____ (Please Print)

State of Kansas }
County of Jefferson } SS

I hereby certify that the foregoing application was signed in my presence on January, 2017 at 4th day of _____

Vicki Walbridge
Notary Public
State of Kansas

Vicki Walbridge
Notary Public

My Commission Expires 10/16/19 My Appt. Exp. 10/16/19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES RECEIVED

JAN 11 2017

KS DEPT OF AGRICULTURE

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

A	43059	00	MUN	LO	G	SE NW NE	4420	1888	25	11	18E	5	WR	171.24	113.86		
Same			MUN	LO	G	SE NW NE	4413	1664	25	11	18E	6	WR				
Same			MUN	LO	G	SW NW NE	4427	2113	25	11	18E	7	WR				
A	44848	00	MUN	LO	G	NW SW NE	3958	2615	34	11	18E	2	WR	143.38	81.30		
Same			MUN	LO	G	SE NE NW	4010	2815	34	11	18E	3	WR				
Same			MUN	LO	G	SE NE NW	3984	2715	34	11	18E	4	WR				
A	45708	00	IRR	NK	G		3906	3437	36	11	18E	3	WR	55.00	55.00	55.00	55.00
A	45815	00	IRR	MM	G	SW NW SE	1772	2156	23	11	18E	3	WR	112.00	69.00	112.00	0.00
A	46406	00	IRR	LR	G	SE SW NE	2980	1445	35	11	18E	4	WR	199.00	199.00	199.00	199.00
A	47286	00	IRR	KK	G	SW NE SW	1677	3718	23	11	18E	4	WR	28.90	28.90	10.50	10.50
A	47719	00	IRR	LO	G	SW NW NW	4470	4635	35	11	18E	5	WR	147.00	147.00	147.00	147.00
A	47947	00	IRR	LO	G	SW SE SE	535	765	26	11	18E	7	WR	70.00	70.00	67.00	67.00
A	47993	00	IRR	LO	G	SW SW NE	2680	2625	26	11	18E	8	WR	44.00	44.00	44.00	44.00
A	48055	00	IRR	KE	G	S2 S2 NE	2900	1320	26	11	18E	3	WR	87.00	36.00	58.00	0.00
A	48461	00	IRR	KE	G	NW SW NE	3530	2010	21	11	18E	4	WR	150.00	150.00	150.00	150.00
A	48750	00	IRR	KE	G	SW NW NE	4580	2170	27	11	18E	5	WR	113.00	113.00	113.00	113.00
A	48775	00	IRR	KE	G	NW NE SE	2550	960	21	11	18E	1	WR	146.30	83.30	146.30	0.00
A	49507	00	IND	AY	G	NW NW NE	5110	2500	35	11	18E	8	WR	6.14	6.14		

WATER RESOURCES
RECEIVED

JAN 11 2017

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 12, 2017

CITY OF PERRY
115 ELM PO BOX 724
PERRY, KS

FILE COPY

RE: File No. 34906

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office GMD 0

City of Perry



West Well File No. 34906
2314N 3351W
Well #3

Proposed Battery Geo Center
2201N 3068W

East Well File No. 34907
2088N 2784W
Well #4

1:12,000

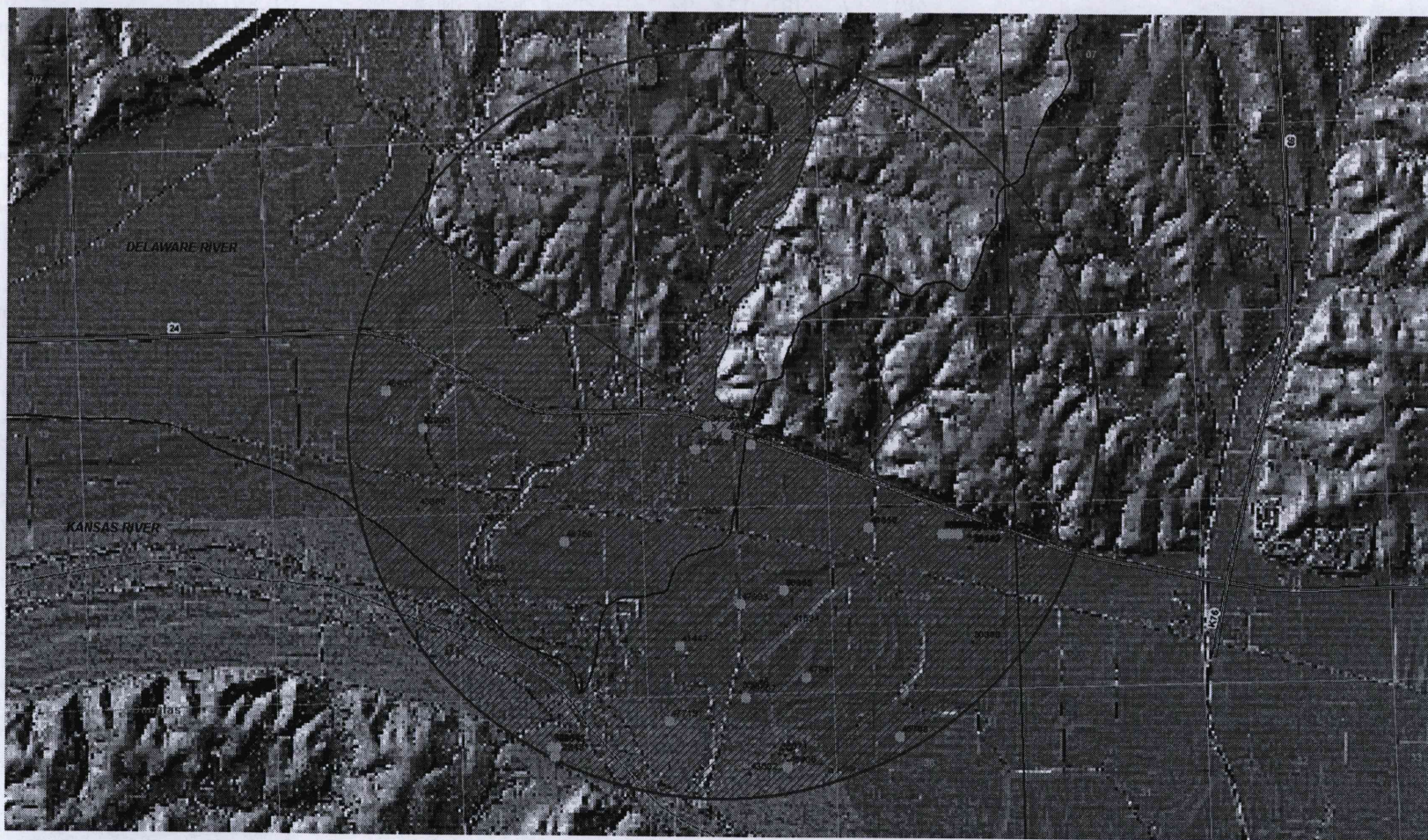
WATER RESOURCES
RECEIVED

JAN 11 2017

KS DEPT OF AGRICULTURE



Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NENENESW 23-11S-18E
(2201'N & 3068'W)



WATER RESOURCES
RECEIVED

JAN 11 2017

KS DEPT OF AGRICULTURE

Analysis Results

 The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 2,698.48 AF.
 Total prior appropriation in the circle is 1,654.48 AF.
 Total quantity of water available for appropriation is 1,044.00 AF.

Safe Yield Variables

 The area used for the analysis is set at 4693 acres.
 Potential annual recharge of the area is estimated to be 9.2 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 21-DEC-2015 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 25 water right(s) and 22 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres	
A 14806	00	MUN	NK	G		SE	NW	NE	4420	1888	25	11	18E	5	WR	8.13	8.13		
Same		MUN	NK	G		SE	NW	NE	4413	1664	25	11	18E	6	WR				
Same		MUN	NK	G		SW	NW	NE	4427	2113	25	11	18E	7	WR				
A 19352	00	MUN	NK	G		SE	NW	NE	4420	1888	25	11	18E	5	WR	39.90	31.92		
Same		MUN	NK	G		SE	NW	NE	4413	1664	25	11	18E	6	WR				
Same		MUN	NK	G		SW	NW	NE	4427	2113	25	11	18E	7	WR				
A 32618	00	MUN	NK	G		NW	SW	NE	3958	2615	34	11	18E	2	WR	62.08	62.08		
Same		MUN	NK	G		SE	NE	NW	4010	2815	34	11	18E	3	WR				
Same		MUN	NK	G		SE	NE	NW	3984	2715	34	11	18E	4	WR				
A 34906	00	MUN	NK	G		NW	NE	SW	2300	3360	23	11	18E	2	WR	69.82	69.82		
A 34907	00	MUN	NK	G		NE	NE	SW	2080	2830	23	11	18E	1	WR	68.05	66.72		
A 35143	00	MUN	NK	G		SE	NW	NE	4420	1888	25	11	18E	5	WR	17.32	17.32		
Same		MUN	NK	G		SE	NW	NE	4413	1664	25	11	18E	6	WR				
Same		MUN	NK	G		SW	NW	NE	4427	2113	25	11	18E	7	WR				
A 37006	00	IRR	NK	G		NW	NE	SE	2550	960	21	11	18E	1	WR	63.00	63.00	146.30	146.30
A 39385	00	IRR	NK	G		S2	S2	NE	2900	1320	26	11	18E	3	WR	51.00	51.00	58.00	58.00
A 39521	00	IRR	NK	G		SW	NW	SE	1772	2156	23	11	18E	3	WR	43.00	43.00	112.00	112.00
A 40617	00	IRR	NK	G		NE	NW	NW	4638	4174	25	11	18E	4	WR	25.00	25.00	36.00	36.00
A 41447	00	IRR	NK	G		SE	NW	SW	1376	4304	26	11	18E	4	WR	20.00	20.00	51.00	51.00

RECEIVED
 WATER RIGHTS DIVISION
 JAN 11 2015
 KS DEPT. OF AGRICULTURE