

# 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

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

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10:24  
KS DEPT OF AGRICULTURE

File No. 34907

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 7 meters 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>5</u>	Meets K.A.R. 5-5-1	<u>(YES/NO)</u>	Use	<u>MUN</u>	Source	<u>G/S</u>	County	<u>JF</u>	By	<u>ASW</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>				

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 NE Quarter of the NE Quarter of the SW Quarter of Section 23, Township 11 South, Range 13 (E/W), in Jefferson County, Kansas, 2088 feet North 2784 feet West of Southeast corner of section. Authorized Rate 200 Authorized Quantity 22.174 Limit 474,491 mgd @ 200 gpm  
(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)** GEOCENTER

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 34906

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. RECEIVED

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**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](http://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.

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

No waivers needed as safe yield can be met at geo center.

**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 reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at Perry, Kansas, this 4<sup>th</sup> day of January, 2017.

_____ (Owner)	_____ (Spouse)
<u>Eugene E Dick</u> (Please Print)	_____ (Please Print)
<u>Eugene E Dick</u> (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 and sworn to before me this 4<sup>th</sup> day of January, 2017.

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.**

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**KS DEPT OF AGRICULTURE**



**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**



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. 34907

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,

Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office GMD 0

# City of Perry



1:12,000

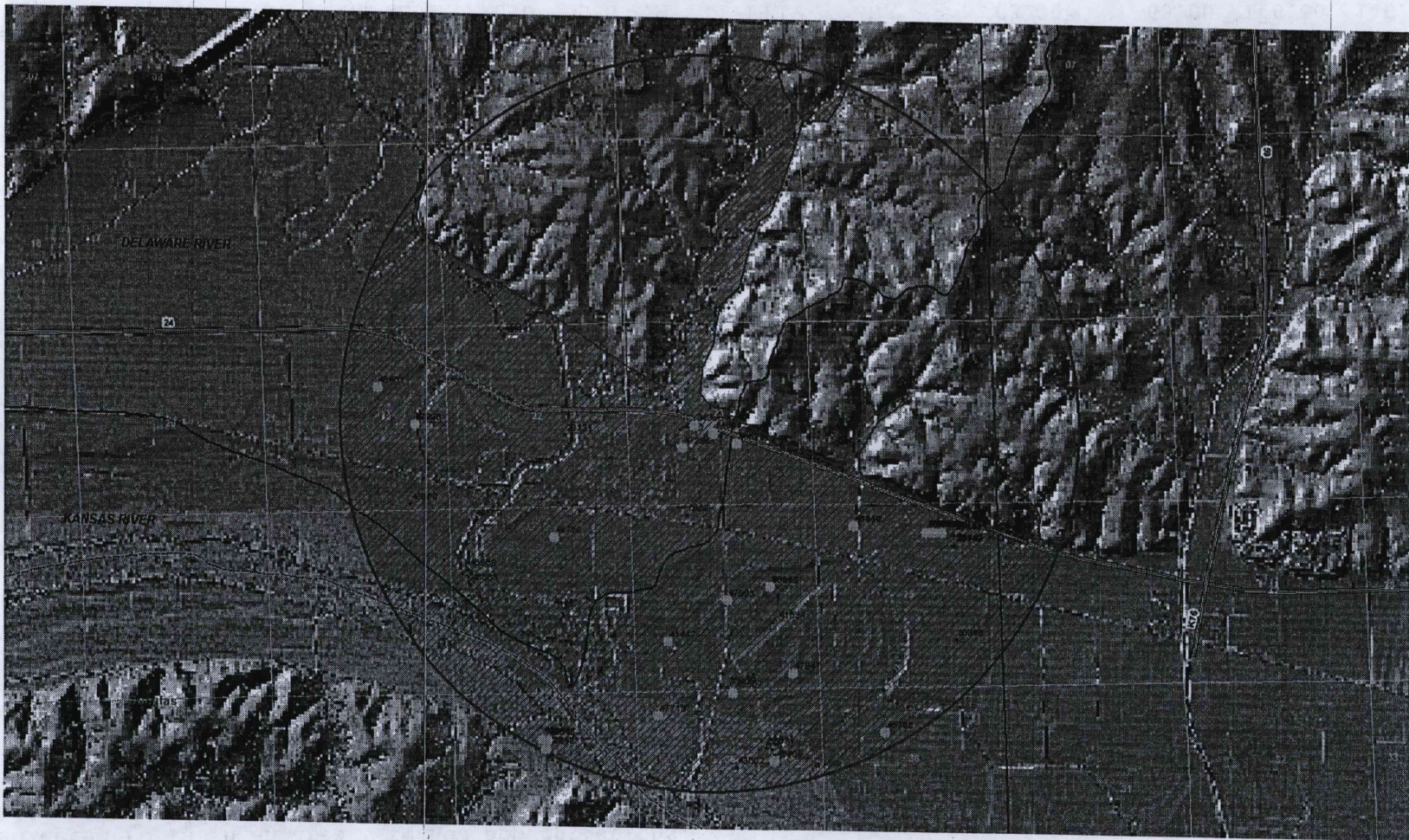
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Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in NENENESW 23-11S-18E  
(2201'N & 3068'W)



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**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	Twp	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

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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		

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