

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET

Document Signature _____

1. File Number: 34907	2. Status Change Date: 2/17/2017	3. Change Num: C1	4. Field Office: 01	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 11-JAN-2017
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8a. Applicant(s) Person ID 20928 New to system <input type="checkbox"/> Add Seq# 1 CITY OF PERRY CITY HALL 115 ELM PO BOX 724 PERRY KS 66073	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ <hr/> 8d. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID 20928 New to system <input type="checkbox"/> Add Seq# 1 CITY OF PERRY CITY HALL 115 ELM PO BOX 724 PERRY KS 66073	8e. WUC Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ <p style="text-align: center;">No change</p>
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/17** N & P Date to Comply: **12/31/17**

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

Conservation Plan
 Date Required: _____
 Date Approved: _____
 Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **02/07/17** By: **RAK**
 Date Entered: **2/20/2017** By: **LLM**

File No. **34907** 11. County: JF Basin: DELAWARE RIVER (PLEASE CHANGE) Stream: Formation Code: **(113) and (115) no change** Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
ENT				85902 NE¼ NE¼ SW¼	23	11S	18E		2201	3068	GEO CTR	200 gpm	22.174 mgy	0 gpm	21.74 mgy	34906
ENT				40689 NW¼ NE¼ SW¼	23	11S	18E	2	2314	3351	BATT 1 OF 2 WELLS WELL #3					34906
MOD				29843 NE¼ NE¼ SW¼	23	11S	18E	1	2088	2784	BATT 1 OF 2 WELLS WELL #4					34906

Battery ID# 2009

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. **KEEP** Limitation: **44.491MGY @200GPM COM/W #34906**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	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	NE ¼	NW ¼	SW ¼	SE ¼						

Comments:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 34906 and 34907

FO: 1

GMD: NO

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
Mun	0/11/17	50	Statewide	Battery of Wells	Conversion to Battery
Rule Number	Date Granted	Date Denied	Justification:	The wells are already in existence and appear to meet the regulation except g.p.s. measurements indicate the wells in question are 610 feet apart, just over the 600 feet diameter limit. The 10 feet overage could well be within the margin of error of the g.p.s. equipment.	
K.A.R. 5-2-3	2/17/17				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 02/07/17 By RAK

Date Entered 2/20/2017 By LLM



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION
K.A.R. 5-2-3
Battery of Wells**

Date: 2/17/17

Re: Water Right, File Nos. 34,906 and 34,907

1. That K.A.R. 5-2-3 *Battery of wells* states in part that if the time to construct the diversion works has expired, an application for change to add one or more wells to the authorized well to create a battery of wells shall not be approved unless a new application to appropriate water filed at the geocenter of the proposed battery of wells would meet the safe yield, allowable appropriation, or similar type of regulation, for a well filed at that location, and that the proposed battery of wells must meet the definition of a battery of wells in K.A.R. 5-1-1. That the time to construct the diversion works for Water Right, File Nos. 34,906 and 34,907 has expired.
2. That the referenced file numbers are each authorized one well with no overlaps but share a common municipal place of use. That the applications to change the point of diversion for Water Right, File Nos. 34,906 and 34,907 propose to create a battery of two (2) wells from the two existing wells with a geographic center located 2,201 feet North and 3,068 feet West of the Southeast corner of Section 23, Township 11 South, Range 18 East, Jefferson County. File Nos. 34,906 and 34,907 are presently authorized a total limited quantity and diversion rate of 44.491 million gallons per calendar year and 200 gallons per minute.
3. That the proposed geocenter would meet safe yield, allowable appropriation, or similar type of regulation, for a well filed at that location. The proposed geocenter would meet the definition of a battery of wells in K.A.R. 5-1-1 based on approved feet distances, however g.p.s. data obtained by Topeka Field Office staff during a December 9, 2015 compliance investigation indicate the wells in question are 610 feet apart. The wells in question are possibly within 600 feet of each other since the g.p.s. data are only accurate to within 15 feet of each well.
4. A waiver of K.A.R. 5-2-3 should be granted since the wells in question are existing, have always operated as a battery and no changes in how the wells operate is being proposed.
5. That the referenced applications for File Nos. 34,906 and 34,907 should be approved with a waiver of K.A.R. 5-2-3.
6. That the waiver of K.A.R. 5-2-3 will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: February 7, 2017

FROM: Richelle A. Krueger

RE: Water Right
File Nos. 34,906 and 34,907

Eugene E. Dick, on behalf of the City of Perry, Kansas, filed applications for approval to change the authorized points of diversion for Water Right, File Nos. 34,906 and 34,907, both located in the Delaware River basin. Katherine Tietsort, Water Commissioner of the Topeka Field Office, assisted the applicant in completing the applications.

The referenced water rights do not appear abandoned.

File Nos. 34,906 and 34,907 are each authorized one well with no overlap and are both authorized for municipal use in the City of Perry and immediate vicinity. The wells are authorized a limited total of 44.491 million gallons and a maximum diversion rate of 200 gallons per minute. DWR records indicate the wells in question have operated as a battery over the years and based on the approved feet distances are located approximately 574 feet apart. Since the wells are plumbed with one meter and presently operate as a battery, the City proposes to change the points of diversion by converting the two single wells to one(1) two-well battery with a geographic center located 2,201 feet North and 3,068 feet West of the Southeast corner of Section 23, Township 11 South, Range 18 East, Jefferson County. According to certified feet distances the proposed changes involve moves of less than 300 feet. However, it should be noted that the proposed geocenter is based on g.p.s. feet distances obtained during a December 19, 2015 compliance investigation which indicate the wells in question are 610 feet apart. Paragraph No. 18 of the applications state that the g.p.s. feet distances have a margin of error of 15 feet for each well so the wells are essentially within a 300 feet radius of the proposed geocenter, therefore the wells will essentially be moved less than 300 feet. In addition, a safe yield calculation submitted with the application indicates that sufficient water is available at the proposed geocenter and a new application could be potentially approved at the location. It appears the application complies with well battery regulations and definitions except the 300 feet radius requirement. After discussion with Brent Turney, Change Application Unit Supervisor, it was decided to waive K.A.R. 5-2-3 *Battery of Wells* since the margin of error of the g.p.s. equipment could also mean the wells are even further apart.

The proposed geocenter is located approximately 1,008 feet from an irrigation well authorized by File Nos. 39,521 and 45,815 and approximately 835 feet from an irrigation well authorized by File No. 47,286. The proposed geocenter will meet the requirements of K.A.R. 5-4-4(d)(2) *Well spacing* since the location of the proposed geocenter will not decrease the distance to other wells or authorized well locations by more than 300 feet based on currently approved feet distances. In addition, the wells are not being moved and are not changing how they operate, so the spacing should be sufficient to prevent direct impairment of nearby wells.

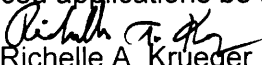
Nearby well owners within one-half mile of the proposed geocenter were not notified of the proposed changes pursuant to Senate Bill 337 effective July 1, 2016

The two (2) wells to be authorized under the battery will be in the same local source of supply, which has been previously determined to be Main Stem Alluvium (113) and Terrace (115) deposits.

In an e-mail dated January 31, 2017, Katie indicated no objection to approval of the referenced applications.

A water flow meter and check valve will be required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer waives K.A.R 5-2-3 it has been recommended that the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

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

February 20, 2017

CITY OF PERRY
CITY HALL
ATTN EUGENE E DICK
115 ELM PO BOX 724
PERRY KS 66073

FILE COPY

RE: Water Right, File Nos. 34,906 and 34,907

Dear Mr. Dick:

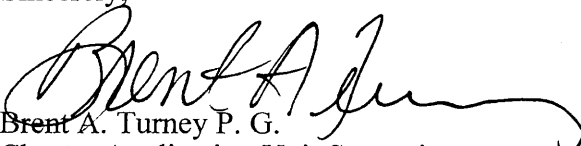
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since these orders modify the original documents referred to they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney P. G.
Change Application Unit Supervisor

BAT:rak

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 34,907**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Eugene E. Dick, on behalf of the City of Perry, Kansas, City Hall, 115 Elm, P.O. Box 724, Perry, Kansas, 66073, received in this office on January 11, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) battery of two (2) wells with a geographic center located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 2,201 feet North and 3,068 feet West of the Southeast corner of said section, in Township 11 South, Range 18 East, Jefferson County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 34,907, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 6, 1999.

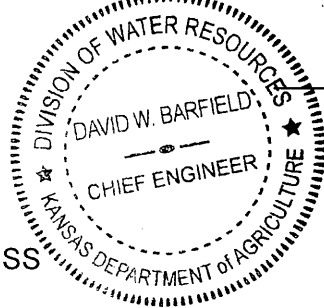
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 17th day of February, 2017, in Topeka, Shawnee County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)

County of Riley)

SS

The foregoing instrument was acknowledged before me this 17th day of February, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

CERTIFICATE OF SERVICE

On this 20th day of February, 2017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 34,907, dated February 17, 2017 was mailed postage prepaid, first class, US mail to the following:

CITY OF PERRY
CITY HALL
115 ELM PO BOX 724
PERRY KS 66073

With photocopies to:

Topeka Field Office

Danielle Wilson

Division of Water Resources

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)

**WATER RESOURCES
RECEIVED**

JAN 11 2017

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 4 meters to be used.

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

For Office Use Only:															
F.O.	1	GMD	3	Meets K.A.R. 5-5-1	(YES/NO)	Use	MUN	Source	(G/S)	County	JF	By	ASW	Date	1/11/17
Code		CLT		Fee \$	100	TR #		Receipt Date	1/11/17	Check #	21576				

2 7 17
BAK

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 18 * 18 (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 47.491 mg/l @ 200 gpm
(DWR use only: Computer ID No. _____ * GPS 2088 feet North 2784 feet West)

This point will not be changed This point will be changed as follows: Geo Center * per 12/9/15 TFO Compliance 2/17/17

Proposed point of diversion: (Complete only if change is requested)

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

JAN 11 2017

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 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.

SCANNEL

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 4th day of January, 20 17.

(Owner)

Eugene E. Dick
(Please Print)

Eugene E. Dick
(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(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 4th day of January, 20 17.

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
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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

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		

SCANNED

Krueger, Richelle

From: Turney, Brent
Sent: Wednesday, February 1, 2017 3:39 PM
To: Tietsort, Katie
Cc: Krueger, Richelle
Subject: FW: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry
Attachments: 34906,34907pdsinglewellstobattofwellsmemgpsmarginoferror.docx

Katie,

After reviewing the proposed changes in point of diversion to go from 2 existing wells to a battery of 2 wells, I don't feel there will be any problems with approval, as we routinely approve similar applications, especially in the case where they are existing wells. I have asked Richelle to go ahead and draft the approval documents, however, since these 2 wells were located 610 feet apart we are going to request that David waive the KAR 5-2-3. I understand the argument of the accuracy of GPS and they could easily be located within a 300 foot radius, but, they could just as easily be up to 640 feet apart. I would rather be safe than sorry.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Krueger, Richelle
Sent: Wednesday, February 1, 2017 2:56 PM
To: Turney, Brent <Brent.Turney@ks.gov>
Subject: FW: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

From: Krueger, Richelle
Sent: Thursday, January 26, 2017 11:14 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

Hi Katie,

Attached is a draft memo for the referenced changes, do you recommend approval?

Also, a question – WRIS shows the wells as located in the Kansas River Basin when WIMAS shows they are in the Delaware Basin. Do we leave WRIS “as is” because I am guessing the wells are Kansas River Alluvium in the Delaware Basin or does WRIS need to show them as Delaware Basin?

Krueger, Richelle

From: Bagley, Jim
Sent: Tuesday, January 31, 2017 1:46 PM
To: Tietsort, Katie; Krueger, Richelle
Cc: Bunger, Brett; Pugh, Ginger; Letourneau, Lane; Schemm, Doug
Subject: RE: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

I'm having trouble picturing that.

James Bagley, P.E.
Section Head, Technical Services
Water Management Services
Kansas Department of Agriculture
Jim.Bagley@ks.gov 785-564-6671

From: Tietsort, Katie
Sent: Tuesday, January 31, 2017 1:44 PM
To: Bagley, Jim <Jim.Bagley@ks.gov>; Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>; Pugh, Ginger <Ginger.Pugh@ks.gov>; Letourneau, Lane <Lane.Letourneau@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

This is a different question.

One file has a pd physically geographically located within the Delaware Basin, but the source is Kansas River.

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Bagley, Jim
Sent: Tuesday, January 31, 2017 1:41 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>; Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>; Pugh, Ginger <Ginger.Pugh@ks.gov>; Letourneau, Lane <Lane.Letourneau@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

I thought they were both in the Delaware basin.

James Bagley, P.E.
Section Head, Technical Services
Water Management Services
Kansas Department of Agriculture
Jim.Bagley@ks.gov 785-564-6671

From: Tietsort, Katie
Sent: Tuesday, January 31, 2017 1:28 PM
To: Bagley, Jim <Jim.Bagley@ks.gov>; Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>; Pugh, Ginger <Ginger.Pugh@ks.gov>; Letourneau, Lane <Lane.Letourneau@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

OK so the Kansas backwater one on the Delaware should show as the Delaware Basin and the river of withdrawal should show the Kansas River?

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Bagley, Jim
Sent: Tuesday, January 31, 2017 12:54 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>; Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>; Pugh, Ginger <Ginger.Pugh@ks.gov>; Letourneau, Lane <Lane.Letourneau@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

The basin in WRIS should show the surface water basin the PD is in. The aquifer code can be used to show it is in the main stem and terrace deposits.

James Bagley, P.E.
Section Head, Technical Services
Water Management Services
Kansas Department of Agriculture
Jim.Bagley@ks.gov 785-564-6671

From: Tietsort, Katie
Sent: Tuesday, January 31, 2017 12:38 PM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>; Bagley, Jim <Jim.Bagley@ks.gov>; Pugh, Ginger <Ginger.Pugh@ks.gov>; Letourneau, Lane <Lane.Letourneau@ks.gov>; Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

Hi Richelle,

I agree that the two Perry wells should be a battery, which will resolve the compliance problem with the current metering and that the request meets all applicable rules and regulations of the KWAA.

Actually, I don't know how to answer the question you pose and this has come up a number of times just recently with some work Ginger, Mitch French, and Laura Moody have been working on. The geographic point of diversion, the geocenter of the well battery and the two wellsubject of this email are geographically located within the Delaware River Basin. So if WRIS is merely indicating the geographical location of the PD, then the Delaware should be identified (based the attached map). However, hydrogeologically, there is no distinct boundary between the Delaware and the Kansas River Basins at the City of Perry. The City's well source of supply have been determined and confirmed by Doug

to be main stem deposits and terrace deposits of the Kansas River. So what is the correct answer? It depends on what the purpose of the WRIS Basin identifier and what it is used for. Perhaps Bagley, Ginger or someone else knows the answer to this, I don't.

Thanks for working these PD changes, have a great day!
Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Krueger, Richelle
Sent: Thursday, January 26, 2017 11:14 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett <Brett.Bunger@ks.gov>
Subject: Request for Recommendation Change in PD File Nos. 34906 and 34907 City of Perry

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Thanks for your help!

Richelle

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,

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



1:12,000

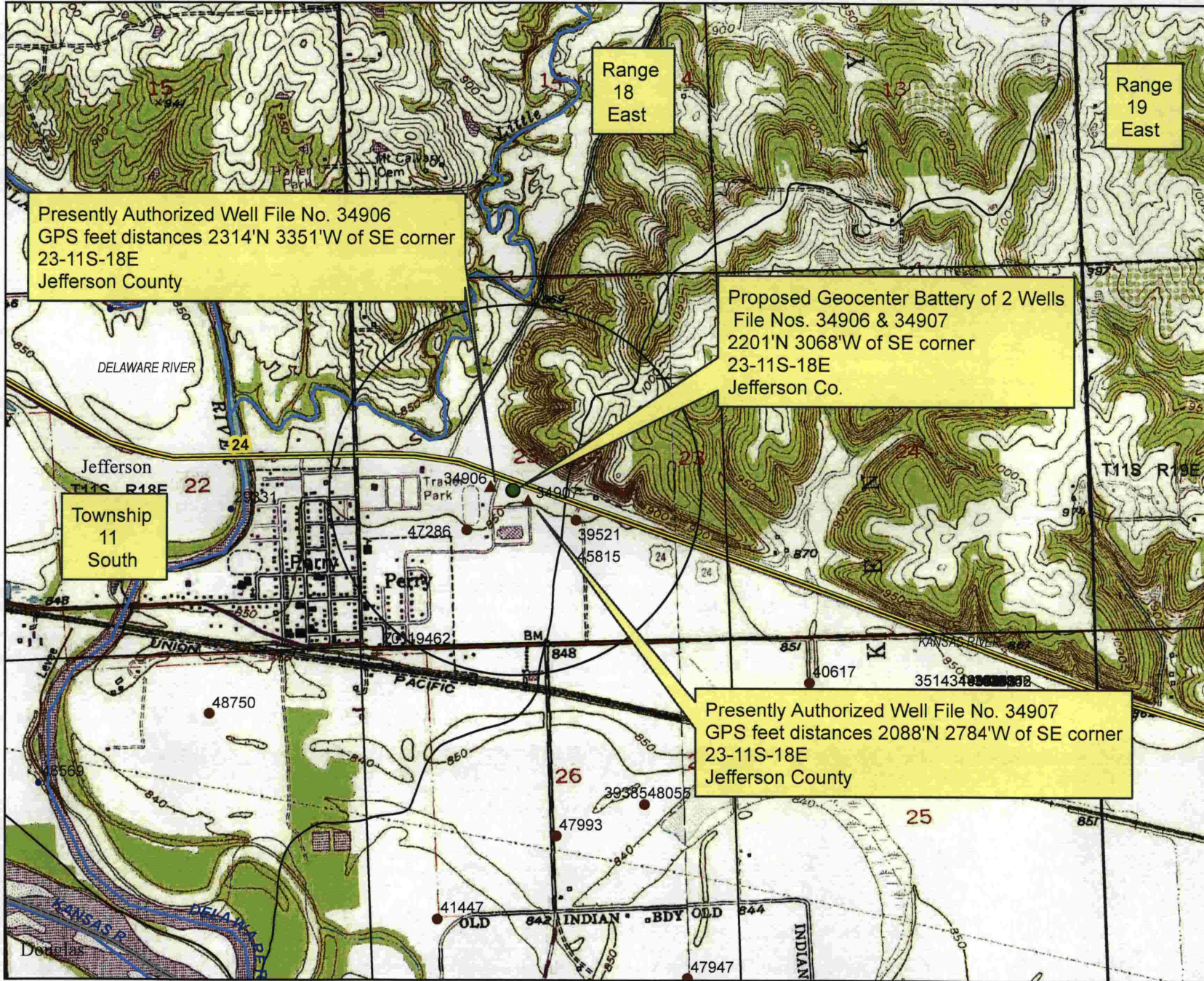
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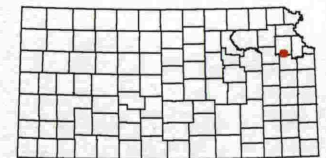
JAN 11 2013 SCANNED

KS DEPT OF AGRICULTURE

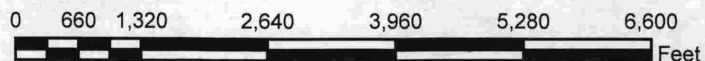
Proposed Change in PD File Nos. 34906 and 34907



Index Map



1:24,000



This map was created by WIMAS on 2/7/2017 9:43:59 AM