

File No. **49,720** 15. Formation Code:890 Drainage Basin: Neosho River County: CK Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity mgy	Additional Rate gpm	Quantity mgy	Overlap PD Files
√	53036	NE NE NW	28	34	25E	2	5210	2723		600	50.0	600	15.976	39,453

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

19. Limitation: **50** mgy at _____ gpm (_____ cfs) when combined with file number(s) **39,452 & 39,453**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						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				
√	30211	21	34	25E	1	WITHIN THE BOUNDARIES OF RWD#8 CK COUNTY, CITY OF GALENA & VICINITIES																	7a	NO	39,452 & 39,453

Comments:

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

TO: Files

DATE: April 13, 2017

FROM: Doug Schemm

RE: Application, File No. 49,720

Cherokee RWD #8 has filed the referenced application to appropriate groundwater from the Ozark Aquifer for municipal use. The application is requesting 50 million gallons (153.44 acre-feet) of groundwater, from a single, existing well, and a rate of diversion of 600 gallons per minute. This well is currently authorized under Water Right, File No. 39,453, and is located in the Northwest Quarter of Section 28, Township 34 South, Range 25 East, Cherokee County. The well is located on property owned by the applicant, and RWD #8 representative has signed the application form stating they have access to the point of diversion. The applicant was assisted by DWR staff.

In addition to the senior file overlapping the point of diversion and place of use, Water Right, File No. 39,452 also overlaps in Place of Use. With recent issuance of the Certificates of Appropriation for these files, Water Right, File No. 39,452 is authorized 29.741 million gallons, and Water Right, File No. 39,453 is authorized 34.024 million gallons, limited to 34.024 million gallons with the senior file. The primary purpose of the new application when filed was to address over-pumping of the authorized rate under Water Right, File No. 39,453 (550 gpm). At time of filing the new application, (prior to certification of the senior files), Water Right, File No. 39,453 was authorized 50 million gallons. Therefore, the new application requested 50 million gallons, with no additional quantity. However, since the requested quantity of water was previously justified under the senior files, the pending application will be limited to 50 million gallons when combined with the senior files, providing 15.976 million gallons additional quantity.

The applicant did not identify any wells of any kind within one-half mile of the proposed point of diversion on the signed, application map. A query of the WRIS database shows that then the applicant's other well, the nearest permitted well is over 8,000 feet away. Therefore, no nearby well owner letters are required and the application complies with minimum well spacing criteria per K.A.R. 5-4-4 of 1,320 feet for all other aquifers for permitted wells.

The well log submitted with the application clearly shows that the source of groundwater will be the Ozark Plateaus aquifer system (890). Wells sourcing this formation typically extend to depths of 1,000 feet below ground surface or more. The applicant's well extends to 1,080 feet. Per K.A.R. 5-3-29 a study was completed in order to determine the safe yield of the Ozark Plateaus aquifer system. The U.S. Geological Survey (USGS) in cooperation with the Kansas Water Office (KWO) completed a Groundwater Flow model of the Ozark Plateau aquifer system in 2009.

Using MODFLOW software, the model was able to better assess the effects that increased water use is having on the long-term availability of groundwater within the Tri-State area. The Kansas Department of Agriculture, Division of Water Resources performed supplemental model runs utilizing the USGS model to determine the additional amount available to meet the safe yield of the Ozark aquifer. Safe yield for this area has been defined as no more than a 25 percent aquifer depletion rate over the next 100 years. Based on the modeling scenarios, the Ozark Plateaus aquifer system safe yield has been determined to be at least 36,000 acre-feet, or approximately three times the currently authorized amount.

A review of the two-mile circle area of consideration can ensure that safe yield of the aquifer is not being exceeded by a localized concentration of groundwater wells. For this pending application, existing water rights have appropriated 556.74 acre-feet within the two-mile circle, leaving over 5,000 acre-feet available. Although not directly applicable to the Ozark Plateaus aquifer system, safe yield quantity per K.A.R. 5-3-11 provides the **maximum allowable recharge** (8.4 inches) for the area of consideration, since a deeper confined aquifer would receive only a portion of the recharge that a shallow, unconfined aquifer would receive.

Memorandum – File No. 49,720
Cherokee RWD #8
Page 2

If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the confined aquifer there would still be sufficient water available. For this application the maximum recharge could be reduced to only an inch of recharge (just 12% of the maximum) and there would still be sufficient water available.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an April 11, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, the area is open to new appropriations, the application meets safe yield and well spacing criteria, approval will provide the applicant with additional water and flexibility in rate of diversion, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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

May 4, 2017

FILE COPY

CHEROKEE RWD #8
DISTRICT MANAGER
PO BOX 222
RIVERTON KS 66770

Re: Appropriation of Water, File No. 49,720

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:dws
Enclosures

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
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,720** of the applicant

**CHEROKEE RWD 08
DISTRICT MANAGER
PO BOX 222
RIVERTON KS 66770**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **October 24, 2016**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Rural Water District No. 8, Cherokee County, Kansas and immediate vicinity, and within the City of Galena, Kansas and immediate vicinity.
3. That the authorized source from which the appropriation shall be made is groundwater from the Ozark Aquifer, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), 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, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **600 gallons per minute (1.34 c.f.s.)** and to a quantity not to exceed **50.0 million gallons** (153.44 acre-feet) of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2037** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

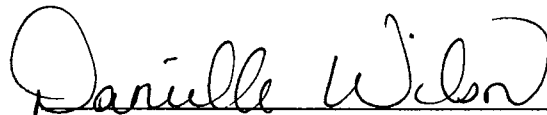
CERTIFICATE OF SERVICE

On this 4th day of May, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,720, dated May 2, 2017 was mailed postage prepaid, first class, US mail to the following:

CHEROKEE RWD 08
DISTRICT MANAGER
PO BOX 222
RIVERTON KS 66770

With photocopies to:

Topeka Field Office



Division of Water Resources

I hereby certify that this instrument is a true and correct copy of the original as purported.
Dated at Topeka, Kansas this 8th day of MARCH, 2017



THE STATE OF KANSAS

APPLICATION COMPLETE

10/24/16

Reviewer DWS

DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

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

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.

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) 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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use MUN Source G/S County CK By ADW Date 10/24/16
Code REG 122 Fee \$ 200 TR # 17010052 Receipt Date 10/24/16 Check # 6996

I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Topeka, Kansas this 8th day of MARCH, 2017

Doug Schenck

File No. 49,720

DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

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)

I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Topeka, Kansas this 8th day of MARCH, 2017

File No. 49,720

Doug Schlemm

DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

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) [REDACTED]

(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 application will address this issue and bring the applicant into compliance.

WATER RESOURCES
RECEIVED

OCT 24 2016

I hereby certify that this instrument is a true and correct copy of the original as purposed. Dated at Topeka, Kansas this 8th day of MARCH, 2017

File No. 49,720

Dave Schuman
DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

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)

Assisted by DWS TOPEKA FO Date: 10/17/2016
(office/title)

49,720

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

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

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 # :
 City, State, ZIP Code : **GALENA, KS** Board of Agriculture, Division of Water Resource
 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

4 DEPTH OF COMPLETED WELL: **1080** ft. ELEVATION: **909.5** ft.
 Depth(s) Groundwater Encountered: **1. 160 FT. TO TOTAL DEPTH** ft. 3. ft.
 WELL'S STATIC WATER LEVEL: **122** ft. below land surface measured on mo/day/yr **8-1-90**
 Pump test data: Well water was **.252** ft. after **72** hours pumping **400** gpm
 Est. Yield: gpm: Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter: **.18** in. to **.530** ft., and **.10** in. to ~~XXXX~~ **1350** ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No _____; If yes, mo/day/yr sample was submitted **AUG 1, 1990** Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued _____ Clamped _____
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded _____
 Blank casing diameter: **20** in. to **26** ft., Dia **12** in. to **501** ft., Dia _____ in. to _____ ft.
 Casing height above land surface: **48** in., weight **49.56** lbs./ft. Wall thickness or gauge No. **0.375**
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 11 Other (specify) _____
 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify) _____
 SCREEN-PERFORATED INTERVALS: From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other _____
 Grout intervals: From **0** ft. to **510** ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage
 Direction from well? **NORTH & WEST** How many feet? **+200 FT.**

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	26	UNCONSOLIDATED FORMATION			
26	350	UNDIFFERENTIATED MISSISSIPPIAN			
350	524	COTTER DOLOMITE			
524	726	JEFFERSON CITY DOLOMITE			
726	894	ROUBIDOUX FORMATION			
894	1172	GASCONADE DOLOMITE	1080	1350	CEMENT GROUTED
1172	1250	EMINENCE DOLOMITE			
1250	1275	POTOSI DOLOMITE			
1275	1350	DERBY-DOERON DOLOMITE			

WATER RESOURCES RECEIVED
 OCT 24 2016
 KS DEPT OF AGRICULTURE

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) **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) *Carl Larson*

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water Protection, Topeka, Kansas 66620-7320. Telephone: 913-296-5514. Send one to WATER WELL OWNER and retain one for your records.

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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES) / (NO) Use MUN Source (C) / S County CK By ADW Date 10/24/16
Code REG 12E2 Fee \$ 200 TR # Receipt Date 10/24/16 Check # 6996

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.

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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	11/21/90	_____	_____	_____
Total depth of well	1080	_____	_____	_____
Depth to water bearing formation	160	_____	_____	_____
Depth to static water level	122	_____	_____	_____
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)

Assisted by DWS TOPEKA FO Date: 10/17/2016
(office/title)

RECEIVED
11/17/2016

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
101-320	\$300.00
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

**WATER RESOURCES
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49,720

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

1 LOCATION OF WATER WELL: County: CHEROKEE 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-section grid with 'X' in the NW section and '28' in the center. Includes a 1-mile scale bar.] 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), 10 Asbestos-cement, 11 Other (specify), 12 None used (open hole). 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 geological layers like UNCONSOLIDATED FORMATION, MISSISSIPPIAN, COOPER DOLOMITE, JEFFERSON CITY DOLOMITE, ROUBIDOUX FORMATION, GASCONADE DOLOMITE, EMINENCE DOLOMITE, POTTS DOLOMITE, DERBY-DOERUN DOLOMITE. Includes 'CEMENT GROUTED' at 1080-1350 ft depth and 'WATER RESOURCES RECEIVED' stamp dated OCT 24 2016.

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 top 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.

SCANNED

49,720

Report Date Monday, October 17 2016

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 39453 00

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

Permitted
All wells >
1/2 mile.

Water Right 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

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

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> 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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OCT 17 2016

DEPT OF AGRICULTURE

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

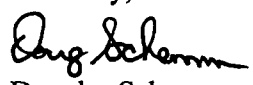
Dear Mr. Tillman:

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

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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,

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

BAT: dlw
pc: TOPEKA Field Office
GMD

I hereby certify that this instrument is a true and correct copy of the original as purported.
Dated at Topeka, Kansas this 8th day of MARCH, 2017

49,720

Day Johnson
DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

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):

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0-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

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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

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THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 39,453

PRIORITY DATE May 26, 1989

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID W. BARFIELD, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater to be withdrawn by means of a well located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) 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, at a diversion rate not in excess of **550 gallons per minute (1.23 c.f.s.)** and a quantity not to exceed **34.024 million gallons (104.42 acre-feet)** of water per calendar year for **municipal use** within the boundaries of Rural Water District No. 8, Cherokee County, Kansas and the City of Galena, Kansas and immediate vicinity.

This appropriation right is further limited to a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 39,452, will provide a total quantity not to exceed **34.024 million gallons (104.42 acre-feet)** of water per calendar year for municipal use at the location described herein.

(over)

CERTIFICATE OF SERVICE

On this day of , 2017, I hereby certify that the attached Certificate of Appropriation for Beneficial Use of Water, File No. 39,453, dated , 2017, was mailed postage prepaid, first class, US mail to the following:

Original to:
Cherokee RWD 08
District Manager
P.O. Box 222
Riverton, KS 66770

Photocopies to:
Topeka Field Office

Staff

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

SCANNED

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

SCANNED

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Topeka, Kansas this 8th day of March, 2017

Don Dehenn

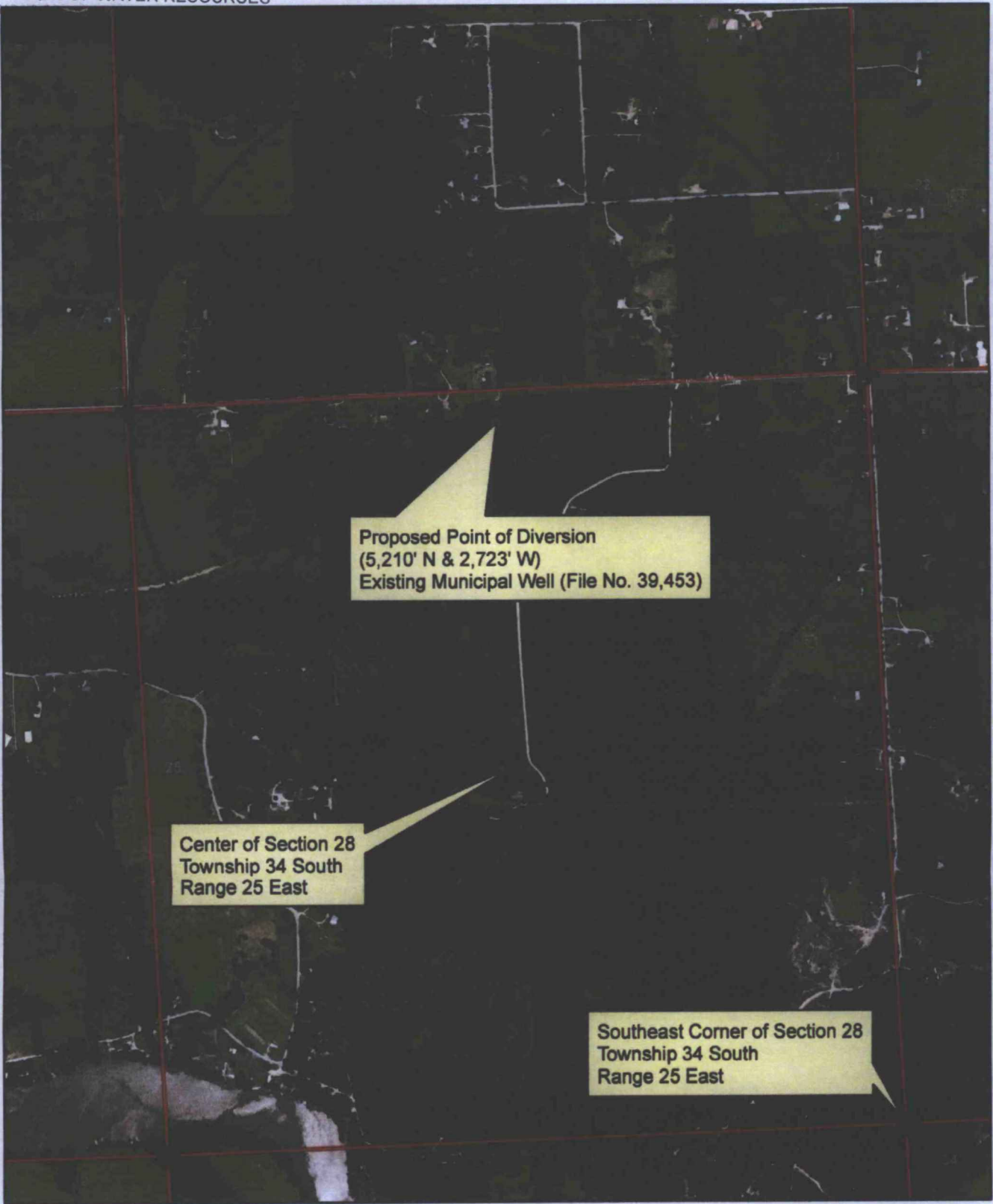
DIVISION OF WATER RESOURCES

Cherokee County RWD #8

Section 28, Township 34 South, Range 25 East

Cherokee County

49,720



WATER RESOURCES RECEIVED

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

● Proposed Point of Diversion

OCT 24 2016

Charles Fillmore

1:12,000

KS DEPT OF AGRICULTURE

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

49,720



WATER RESOURCES
RECEIVED

● Proposed Point of Diversion

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

OCT 24 2016

Charles Fillmer

1:12,000

KS DEPT OF AGRICULTURE

SCANNED

