



File No. <b>49,761</b>	15. Formation Code: 113	Drainage Basin: COTTONWOOD RIVER	County: CS	Special Use:	Stream:																																																																																																																																																						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10">16. Points of Diversion</th> <th colspan="5">17. Rate and Quantity</th> </tr> <tr> <td>T</td> <td colspan="9"></td> <td colspan="2">Authorized</td> <td colspan="3">Additional</td> </tr> <tr> <td>MOD</td> <td>PDIV</td> <td>Qualifier</td> <td>S</td> <td>T</td> <td>R</td> <td>ID</td> <td>'N</td> <td>'W</td> <td></td> <td>Rate gpm</td> <td>Quantity mgy</td> <td>Rate gpm</td> <td>Quantity mgy</td> <td>Overlap PD Files</td> </tr> <tr> <td>DEL</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>ENT</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>√</td> <td>81550</td> <td>SE SW NW</td> <td>27</td> <td>19</td> <td>7E</td> <td>5</td> <td>2712</td> <td>3966</td> <td>(Geo-Ctr)</td> <td>99</td> <td>8.0</td> <td>99</td> <td>8.0</td> <td>40,009</td> </tr> <tr> <td>√</td> <td>1699</td> <td>SE SW NW</td> <td>27</td> <td>19</td> <td>7E</td> <td>3</td> <td>2688</td> <td>3975</td> <td>(Batt 1 of 3)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>√</td> <td>18916</td> <td>SW SE NW</td> <td>27</td> <td>19</td> <td>7E</td> <td>2</td> <td>2659</td> <td>3949</td> <td>(Batt 1 of 3)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>√</td> <td>81549</td> <td>SE SW NW</td> <td>27</td> <td>19</td> <td>7E</td> <td>4</td> <td>2788</td> <td>3975</td> <td>(Batt 1 of 3)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="10" style="text-align:center;">Battery ID# 1623</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						16. Points of Diversion										17. Rate and Quantity					T										Authorized		Additional			MOD	PDIV	Qualifier	S	T	R	ID	'N	'W		Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files	DEL															ENT															√	81550	SE SW NW	27	19	7E	5	2712	3966	(Geo-Ctr)	99	8.0	99	8.0	40,009	√	1699	SE SW NW	27	19	7E	3	2688	3975	(Batt 1 of 3)						√	18916	SW SE NW	27	19	7E	2	2659	3949	(Batt 1 of 3)						√	81549	SE SW NW	27	19	7E	4	2788	3975	(Batt 1 of 3)						Battery ID# 1623														
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19. Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																																																																																																																																																											
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    To be installed by <b>12/31/2018</b> Date Acceptable Meter Installed _____																																																																																																																																																											
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**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** April 5, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,761

The City of Elmdale has filed the referenced application to appropriate 8 million gallons of groundwater per calendar year at a diversion rate not to exceed 99 gallons per minute for municipal use from an existing well battery. The proposed point of diversion and place of use overlaps Water Right, File No. 40,009. The application form was signed by Josh Simmons, Mayor, stating the City has access to the point of diversion.

Water Right, File No. 40,009 is authorized 3.6 million gallons at a diversion rate of 79 gallons per minute. Please note that file information shows that File No. 40,009 exceeded its authorized quantity in 2015 by pumping over 5.3 million gallons of water. Approval of this new application will provide the City with additional water, and prevent over-pumping issues in the future. The Kansas Municipal Water Use report indicates an average of 174 gpcd, (which is relatively high for a small public water supplier). The Kansas Water Office population projection is 90 in 2040, however in many situations these estimates tend to be on the low side. An estimated quantity of water can be determined as follows: Population of 90 x 174 gpcd x 365 days = 5.72 million gallons.

The applicant also provides water for stockwatering use and other customers (church and post office). Note that the authorized place of use includes the Camp Wood YMCA. Per information from the Camp Wood website, one of the comments is "I love the smiles and noise that comes from a dining hall filled with 200 campers and staff". These youth camps operate throughout the spring and summer months. In addition, the Camp facilities are available for rental during other times of the year for multiple uses. The U.S. EPA reports that that average person uses 100 gallons of water per day. Therefore, and estimate of water usage at Camp Wood YMCA is 200 campers x 100 gpcd x 180 days = 3.6 million gallons. With additional water attributed to livestock (horses) and other camp users, and estimated water need of 11 million gallons is certainly reasonable. The 3.6 million gallons authorized under the senior file, and the 8 million gallons requested under the new application totals 11.6 million gallons. Therefore the requested quantity of water will be all additional quantity.

The applicant did not identify any nearby wells, and based on information in the senior file for a recent change in point of diversion (May 2013), there are no wells of any kind within one-half mile of the proposed point of diversion. No nearby well owner letters are required. As noted above, this is an existing battery of wells that has been utilized for municipal use for many years. The requested quantity of water and rate of diversion are still relatively small, and there is no reason to believe that any senior water rights will be impaired. There are no other permitted groundwater rights within a two-mile radius according to the WRIS database. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be 1,320 feet to non-domestic wells and 660 feet to domestic wells, and spacing is met.

A well log submitted with the point of diversion change application for File No. 40,009 shows sand and gravel layer extending from 27 feet to 40 feet below ground surface, where shale bedrock was encountered. Static water level was 16 feet. Based on the well log and the geographical location of the well near the Cottonwood River, the source of water is the alluvial aquifer. Per K.A.R. 5-3-11, the area of consideration was based on the extent of this alluvial aquifer, which was determined to be 4,133 acres. Thus 4,133 acres x 3.9 inches of recharge x 75% recharge available / 12 provides a safe yield of 1,007.4 acre-feet. The one existing water right (File No. 40,009) has appropriated 11.05 acre-feet, leaving 13.35 acre-feet available, and this application requesting 24.55 acre-feet complies with safe yield.

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.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application in an April 4, 2017 e-mail. Based on the above discussion, the additional quantity of water will help the applicant meet future water demands, address a compliance issue (over-pumping senior file), 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 3, 2017

CITY OF ELMDALE  
% JOSH SIMMONS  
PO BOX 8  
ELMDALE KS 66850

Re: Appropriation of Water, File No. 49,761

**FILE COPY**

Dear Mr. Simmons:

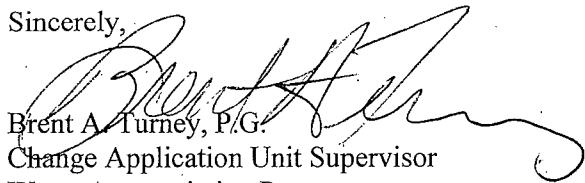
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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. 49,761** of the applicant

**CITY OF ELMDALE  
PO BOX 8  
ELMDALE KS 66850**

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 **January 19, 2017**.
2. That the water sought to be appropriated shall be used for municipal use within the City of Elmdale and immediate vicinity, and the Camp Wood YMCA located in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 3, Township 20 South, Range 7 East, Chase County, all in Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of three (3) wells with a geographic center located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 27, more particularly described as being near a point 2,712 feet North and 3,966 feet West of the Southeast corner of said section, in Township 19 South, Range 7 East, Chase 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 **99 gallons per minute** (0.22 c.f.s.) and to a quantity not to exceed **8.0 million gallons** (24.55 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 re-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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the 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).

13. 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.

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

15. 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.

16. 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.

17. That the permit holder shall submit a progress report to the office of the Chief Engineer by March 1, following the tenth full calendar year after the permit was issued. The progress report must be submitted on a form prescribed by the Chief Engineer, and shall compare annual water use projected in the original application with the actual annual water use for the prior 10 years. The progress report must document compliance with the approved conservation plan, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.

18. That this permit is limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

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. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) 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 2nd day of May, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas                    )  
  ) SS  
County of Riley                    )

The foregoing instrument was acknowledged before me this 2nd day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public



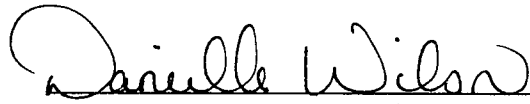
**CERTIFICATE OF SERVICE**

On this 3<sup>rd</sup> day of May, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,761, dated May 2<sup>nd</sup>, 2017 was mailed postage prepaid, first class, US mail to the following:

CITY OF ELMDALE  
PO BOX 8  
ELMDALE KS 66850

With photocopies to:

Topeka Field Office

  
\_\_\_\_\_  
Division of Water Resources

APPLICATION COMPLETE

1/19/2017

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED  
JAN 19 2017  
1:40  
KS DEPT OF AGRICULTURE

File Num 49761  
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED  
UNACCEPTABLE FOR PRIORITY  
DEC 25 2016  
10:41  
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): CITY OF ELMDALE  
Address: P.O. BOX 8  
City: ELMDALE State: KS Zip Code 66850  
Telephone Number: ( 530 ) 520-1170

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in COTTONWOOD RIVER BASIN (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 24.55 acre-feet OR 8 million gallons per calendar year, to be diverted at a maximum rate of 99 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 CS By AW Date 1/19/17  
Code REG Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 1/19/17 Check # 8979

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 SE quarter of the SW quarter of the NW quarter of Section 27, more particularly described as being near a point 2,704 feet North and 3,977 feet West of the Southeast corner of said section, in Township 19 South, Range 7 EAST, CHASE County, Kansas. GEO-CTR
- (B) One in the SE quarter of the SW quarter of the NW quarter of Section 27, more particularly described as being near a point 2,688 feet North and 3,975 feet West of the Southeast corner of said section, in Township 19 South, Range 7 EAST, CHASE County, Kansas. BATT 1 OF 3-Primary
- (C) One in the SW quarter of the SE quarter of the NW quarter of Section 27, more particularly described as being near a point 2,659 feet North and 3,949 feet West of the Southeast corner of said section, in Township 19 South, Range 7 EAST, CHASE County, Kansas. BATT 1 OF 3-Secondary
- (D) One in the SE quarter of the SW quarter of the NW quarter of Section 27, more particularly described as being near a point 2,764 feet North and 4,006 feet West of the Southeast corner of said section, in Township 19 South, Range 7 EAST, CHASE County, Kansas. BATT 1 OF 3-Camp Wood

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):

John A. Simon - P.O. Box 8 Elkhart, KS 66856 530-520-1176  
(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 01-09, 2017. John A. Simon  
Applicant's Signature

7. The proposed project for diversion of water will consist of BATTERY OF 3 WELLS  
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) EXISTING  
(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 \_\_\_\_\_  
(Mo/Day/Year)

WATER RESOURCES RECEIVED

JAN 19 2017

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

SCANNED

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 WELLS

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.

40,009 OVERLAP IN PD AND PU.

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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	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
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 Elmdale, Kansas, this 16 day of December, 2016.  
(month) (year)

City of Elmdale  
(Applicant Signature)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By Joshua A. Summers  
(Agent or Officer Signature)

8000636447  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

Joshua A. Summers  
(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 12/13/2016  
(office/title)

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49761

12-16-2016  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application  
File No. 49,761

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Joshua A Simmons  
Signature of Applicant

State of Kansas )  
County of Chase ) ss

Joshua A Simmons  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 16 day of December, 201 .

Misty Ward  
Notary Public

My Commission Expires:



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Applicant's Name City of Bluevale  
(Please Print)

## MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION SUPPLEMENTAL INFORMATION SHEET

Application File Number  
**49,761**  
(assigned by DWR)

1/21/17  
49761

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**SECTION 1: PRESENT WATER USE SUMMARY (IF NO PREVIOUS MUNICIPAL WATER USE HAS BEEN UTILIZED, PROCEED TO SECTION 3)**  
**NOTE: WORKSHEET FOR WATER PUMPED, PURCHASED, AND SOLD BY YOUR WATER DISTRIBUTION SYSTEM.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)
<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>			<b>UNACCOUNTED FOR WATER</b>	

**UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER**

- Column 1: The amount of raw water diverted from all of your points of diversion.
- Column 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- Column 3: The amount of water sold wholesale to all other public water supply systems.
- Column 4: The amount of water sold retail to all industrial, pasture, stockwater, feedlot, and bulk water service connections. Include the amount of water sold to all farmsteads using at least 200,000 gallons of water per year.
- Column 5: The amount of water sold retail to your residential and commercial customers and to industries and farmsteads using less than 200,000 gallons of water per year.
- Column 6: The amount of water used that is metered at individual service connections and supplied free, such as for public service, treatment processes, and connections receiving free water.
- Column 7: The amount of remaining water used. The gallons reported in this column are found by adding the numbers in Columns 1 and 2 and subtracting the numbers in Columns 3, 4, 5, and 6.

**UNACCOUNTED FOR WATER**

Use the following to calculate your distribution system's Unaccounted For Water:

Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

Use the following to calculate the percent Unaccounted For Water versus the Total Water of your system:

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$

If this number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**SECTION 2: PAST WATER USE**

**COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.**

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)
20 years ago							
15 years ago							
10 years ago							
5 years ago							
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>			<b>UNACCOUNTED FOR WATER</b>	

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49,761

SECTION 3: PROJECTED FUTURE WATER NEEDS

PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Explanation on other side)
Year 5							
Year 10							
Year 15							
Year 20							
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER	

SECTION 4: POPULATION AND SERVICE CONNECTIONS

ESTIMATE THE NUMBER OF PERSONS DIRECTLY SERVED BY YOUR WATER DISTRIBUTION SYSTEM

PAST POPULATION - PROVIDE INFORMATION BELOW: (CENSUS BUREAU INFORMATION)

LAST 20 YEARS	POPULATION
20 years ago	
15 years ago	
10 years ago	
5 years ago	
Last Year	

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	
Year 10	
Year 15	
Year 20	

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Provide number of current active service connections:

16 Residential                 Industrial  
           Commercial      1 Pasture/ Stockwater/ Feedlot

2 Other (specify) Rest service Church  
19 Total

200 + Campers  
Spring + summer  
DUS/DWR 4/5/17

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SECTION 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 + Population + 365 Days/Year = Gallons per Person per Day

           ÷            ÷ 365 Days/Year =            GALLONS PER PERSON PER DAY.  
Amount of water in Columns 5, 6, and 7 of Section 1      Population from Last Year of Section 4

SECTION 6: AREA TO BE SERVED

Describe the area to be served or provide the legal description of the location where the water is to be used including any other city of water supply system (i.e. Rural Water District):

City of Elmdale + Camp wood YMCA. DUS/DWR 4/5/17

You may attach additional information you believe will assist in informing the Division of the need for your request.

*[Signature]*

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#49,761  
 meets self  
 yield  
 (Alluvia) aquifer

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 1,007.42 AF.  
 Total prior appropriation in the circle is 35.60 AF.  $-24.55 = 11.05$   
 Total quantity of water available for appropriation is ~~971.82~~ AF.

996.37

**Safe Yield Variables**

The area used for the analysis is set at 4133 acres.  
 Potential annual recharge of the area is estimated to be 3.9 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 05-APR-2017 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 2 water right(s) and 4 point(s) of diversion within the circle.

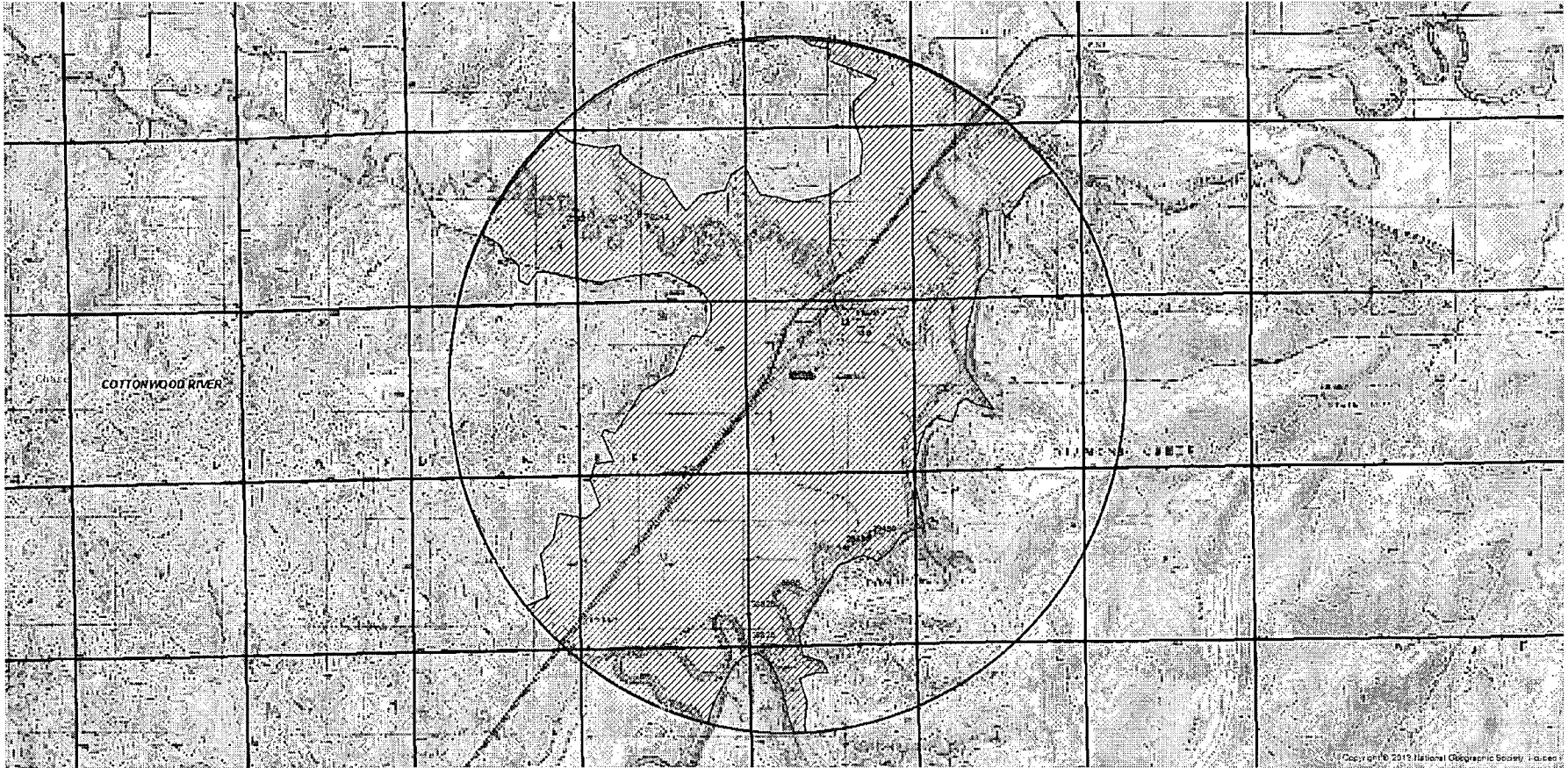
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 40009 00	MUN	NK	G		SE	SW	NW	2688	3975	27	19	07E	3	WR	11.05	11.05		
Same	MUN	NK	G		SW	SE	NW	2659	3949	27	19	07E	2	WR				
Same	MUN	NK	G		SE	SW	NW	2788	3975	27	19	07E	4	WR				
Same	MUN	NK	G		SE	SW	NW	2712	3966	27	19	07E	5	WR				
A 49761 00	MUN	AY	G		SE	SW	NW	2688	3975	27	19	07E	3	WR	24.55	24.55		
Same	MUN	AY	G		SW	SE	NW	2659	3949	27	19	07E	2	WR				
Same	MUN	AY	G		SE	SW	NW	2788	3975	27	19	07E	4	WR				
Same	MUN	AY	G		SE	SW	NW	2712	3966	27	19	07E	5	WR				

# Alluvial Aquifer Extent

Safe Yield Report Sheet  
Water Right: A4976100  
Point of Diversion in NWSWE 27-19S-7E

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

49761 00

No other water rights in 2 mile circle

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49761 00 MUN

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

2688 Feet North and 3975 Feet West of the Southeast Corner of Section 27 T 19S R 7E

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__ 40009 00	MUN	NK	G	26	--	SE	SW	NW	2712	3966	27	19	7E	5	G	3	11.05	11.05	AF
Same				39	--	SW	SE	NW	2659	3949	27	19	7E	2	B	3			
Same				0	--	SE	SW	NW	2688	3975	27	19	7E	3	B	3			
Same				100	--	SE	SW	NW	2788	3975	27	19	7E	4	B	3			
A__ 49761 00	MUN	AY	G	26	--	SE	SW	NW	2712	3966	27	19	7E	5	G	3	24.55	24.55	AF
Same				39	--	SW	SE	NW	2659	3949	27	19	7E	2	B	3			
Same				0	--	SE	SW	NW	2688	3975	27	19	7E	3	B	3			
Same				100	--	SE	SW	NW	2788	3975	27	19	7E	4	B	3			

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	24.55	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	11.05	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	35.60	.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:

2688 Feet North and 3975 Feet West of the Southeast Corner of Section 27 T 19S R 7E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

File Number      Use ST SR
A__ 40009 00 MUN NK G
> CITY OF ELMDALE
>
> PO BOX 8
> ELMDALE KS 66850
-----
A__ 49761 00 MUN AY G
> CITY OF ELMDALE
>
> PO BOX 8
> ELMDALE KS 66850
-----

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49761 00 MUN

49761

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

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**SCANNED**

49761

### 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

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JAN 19 2017

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WATER RESOURCES  
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## Schemm, Doug

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**Subject:** City of Elmdale 49,761

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**From:** Tietsort, Katie  
**Sent:** Tuesday, April 4, 2017 3:29 PM  
**To:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Subject:** RE: City of Elmdale 49,761

Doug,

Thanks for all your hard work on getting this ready for approval. We appreciate this to help get this group covered from overpumping. Please proceed!

Katie

Katie Tietsort

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

---

**From:** Schemm, Doug  
**Sent:** Tuesday, March 28, 2017 2:56 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** City of Elmdale 49,761

Meets the regulations, and solves an overpump issue.



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

January 19, 2017

**FILE COPY**

CITY OF ELMDALE  
PO BOX 8  
ELMDALE KS 0

RE: Application  
File No. 49761

Dear Sir or Madam:

Your application for permit to appropriate water in 27-19S-07E in Chase 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

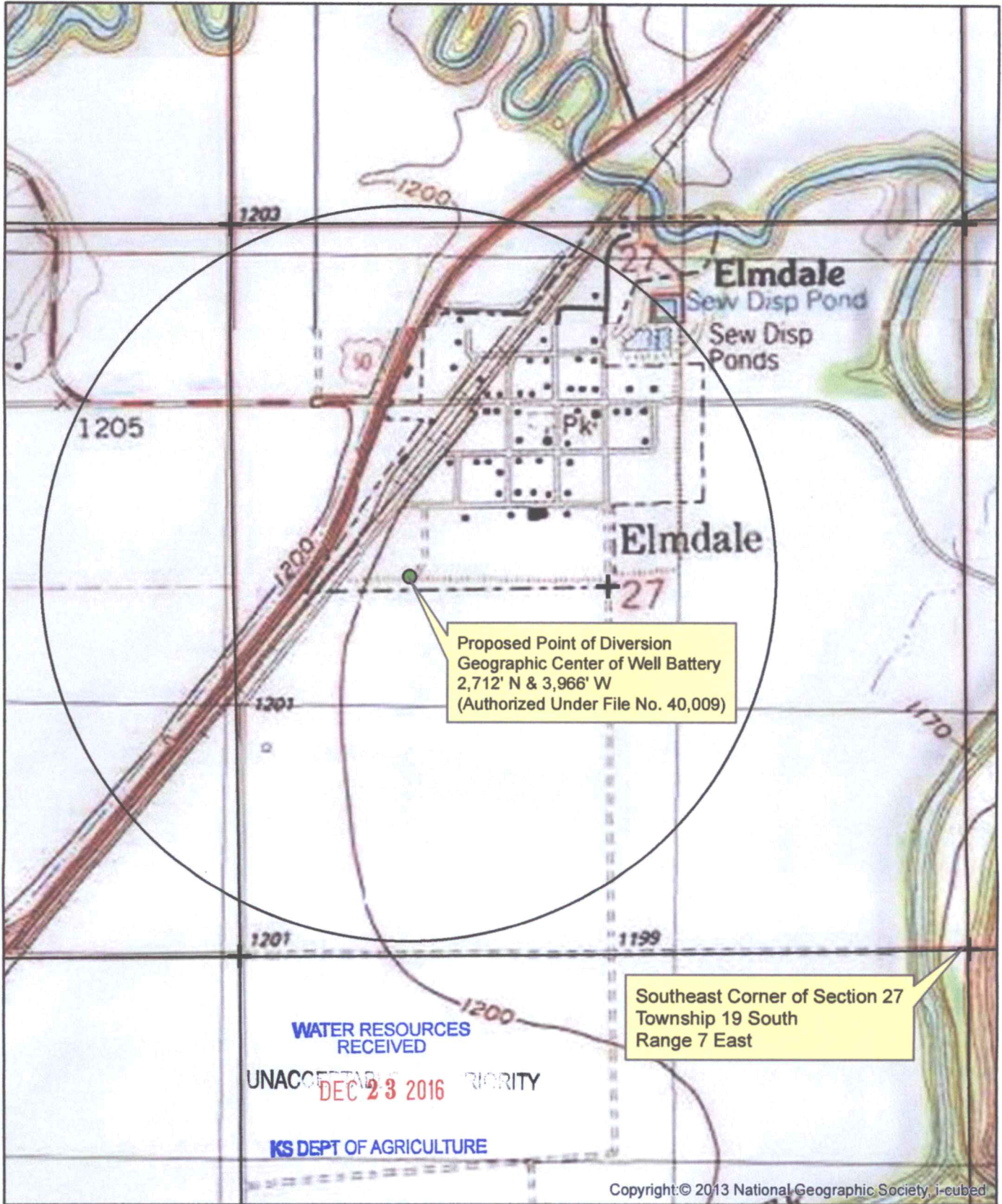
BAT: dlw  
pc: TOPEKA Field Office  
GMD 0

SCANNED



49761

CITY OF ELMDALE  
SEC. 27, T19S, R7E  
CHASE COUNTY



Proposed Point of Diversion  
 Geographic Center of Well Battery  
 2,712' N & 3,966' W  
 (Authorized Under File No. 40,009)

Southeast Corner of Section 27  
 Township 19 South  
 Range 7 East

WATER RESOURCES RECEIVED  
 UNACCEPTABLE DEC 23 2016 PRIORITY  
 KS DEPT OF AGRICULTURE

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1:12,000

● Proposed Point of Diversion  
 JAN 19 2017  
 KS DEPT OF AGRICULTURE

All known wells within one-half mile of the proposed point of diversion are shown on this map.

*John A. Smith*

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