

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49827
This item to be completed by the Division of Water Resources.

WATER RESOURCES
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**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.)

APR 21 2017
8:04
KS DEPT OF AGRICULTURE

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 09 - MANAGER
Address: 6977 SE BLUEBIRD LN
City: RIVERTON State: KS Zip Code 66770
Telephone Number: (620) 848-9840

2. The source of water is: surface water in _____ (stream)
OR groundwater in SPRING 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 162.65 acre-feet OR **53 million** gallons per calendar year, to be diverted at a maximum rate of 800 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.	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Use	<u>MUN</u>
Code	<u>REG</u>	<u>REG</u>	Fee \$	<u>350</u>	TR #	<u>47030858</u>	Receipt Date
							<u>4/21/17</u>
							By <u>MW</u> Date <u>4/21/17</u>
							Check # <u>10398</u>

4/24/2017 cm

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 NW quarter of the NE quarter of the NW quarter of Section 20, more particularly described as being near a point 5,014 feet North and 3,577 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):

Riverton Rural Water District #9 7120 SE 66th Terrace
(name, address and telephone number) Riverton, Ks. 66770

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:

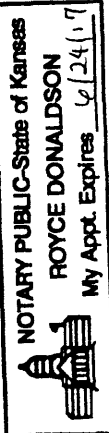
I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 18, 2011 Jack F. Smallwood
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
(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 SUMMER 2017.
(Mo/Day/Year)

Royce Donaldson Notary



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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.

39,454 AND 39,455 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):
Riverton Rural Water District # 9 7120 SE 66th Terrace, Riverton, KS. 66770
(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 Riverton, Kansas, this 18th day of April, 2017.
(month) (year)

Jack P. Smalwood
(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

BY [Signature]
(Agent or Officer Signature)

490-76-6682
and/or APPLICANT(S) TAXPAYER I.D. NO.(S)

Scotty L. West, Secretary
(Agent or Officer - Please Print)

Royce Donaldson, Notary
NOTARY PUBLIC - State of Kansas
ROYCE DONALDSON
My Appt. Expires 6/24/17

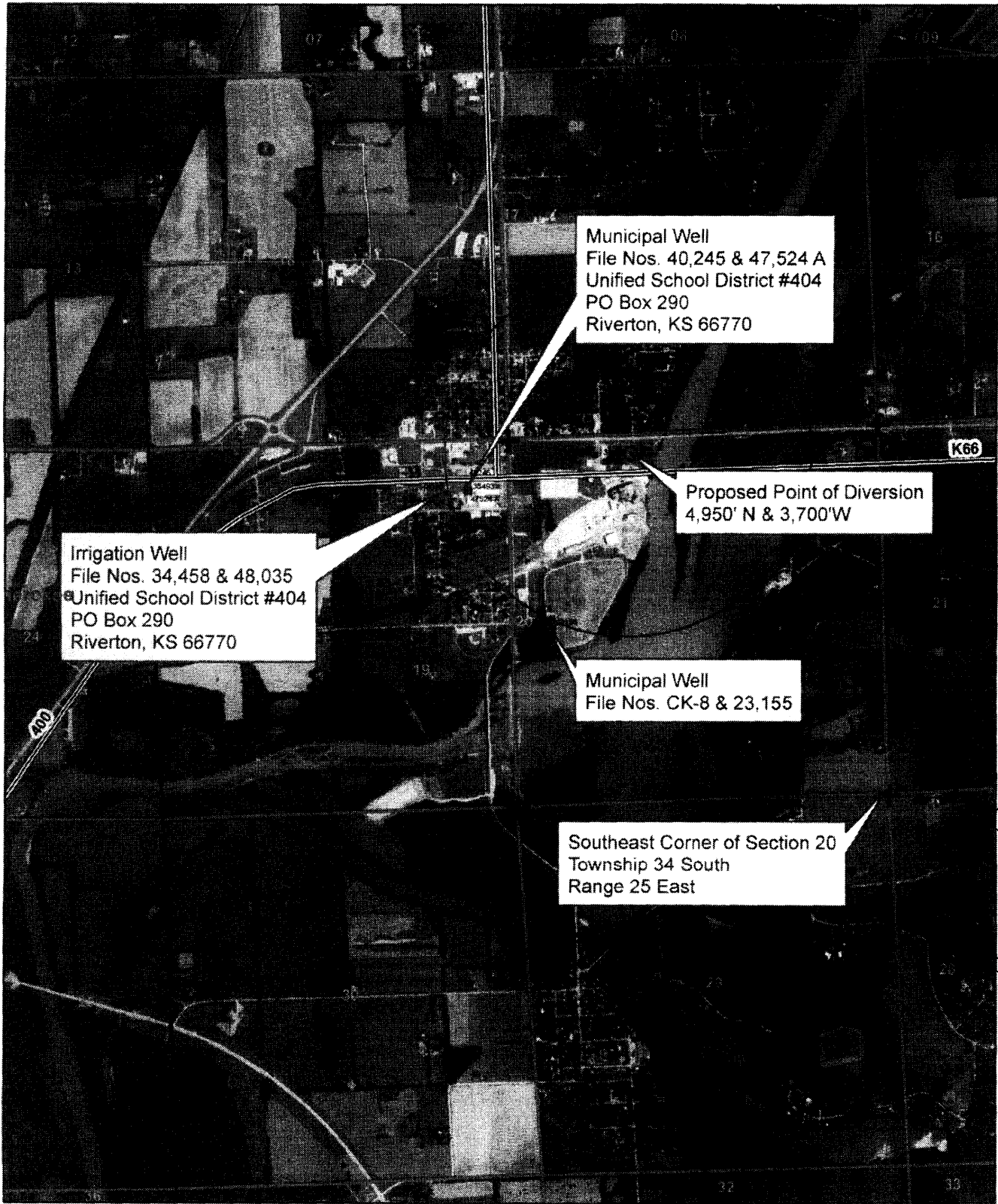
Assisted by DWS TOPEKA FO Date: 11/30/2016
(office/title)

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49827

CHEROKEE RWD 9
Section 20, Township 34 South, Range 25 East
Cherokee County



Royce Donaldson, Notary

NOTARY PUBLIC-State of Kansas
 ROYCE DONALDSON
 My Appt. Expires 12/24/17




1:24,000

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Proposed Diversion

APR 21 2017

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

Jack J. Smallwood 418117

Empire District Electric
 Water Use Summary
 wells
 10/25/2016

Year	CK8 & 23155 (South well)			Metered Quantity Of Water	Beginning	Ending	Total
	Beginning Water Meter Reading	Ending Water Meter Reading	Total		Water Meter Reading	Water Meter Reading	
1989				41,237,840			
1990				45,771,870			
1991				47,686,700			
1992				46,146,860			
1993				52,065,800			
1994				21,458,230			
1995				23,843,470			
1996				21,844,855			
1997				20,696,885			
1998				17,991,440			
1999				13,903,030			
2000				11,100,500			
2001				14,764,860			
2002				13,932,890			
2003				12,980,200			
2004				13,922,050			
2005				16,493,000			
2006				18,327,000			
2007				18674620			
2008	141568000	155208000	13640000	13,640,000	50336500	76298900	25962400
2009			0		76298900	99858900	23560000
2010			0		99858900	122655600	22796700
2011			0		122655600	145349000	22693400
2012			0		145349000	167433000	22084000
2013			0		167433000	187829400	20396400
2014			0		187829400	206908700	19079300
2015			0		206908700	225337400	18428700
2016			0		225337400		-2.3E+08

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39454 Rate 400gpm (0.89cfs)
 19mgly (58.3AF)

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Quantity is further limited to the quantity which combined with the vested right....CK8 and a1

39455 Rate 400gpm (0.89cfs)

53mg (162.65AF)

Quantity is further limited to the quantity which combined with the vested right CK8 and app

Rate is further limited to 400gpm when combined with 39454.

23155 Quantity not to exceed 32.066mg (98.41AF)

Rate 150gpm

PU within boundaries of Rural water district No. 9 and immediate vicinity.

Limited to a rate combined with CK8 maximum diversion not in excess of 150gpm (0.34cfs)

CK8

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39454 & 39455 (North well)

Beginning Water Meter Reading	Ending Water Meter Reading	Grand Total
Not drilled		
Not in Service		
Not in Service		
Not in Service		
Only one value		
31441400		52,899,630
30349900		54,193,370
32738600		54,583,455
24493200		45,190,085
29178500		47,169,940
23080900		36,983,930
25156500		36,257,000
24628331		39,393,191
25425420		39,358,310
24032584		37,012,784
22100400		36,022,450
23426000		39,919,000
25539000		43,866,000
18225400		36,900,020
25962400		39,602,400
		0
		0
		0
		0
		0
		0
		0
		0
		0

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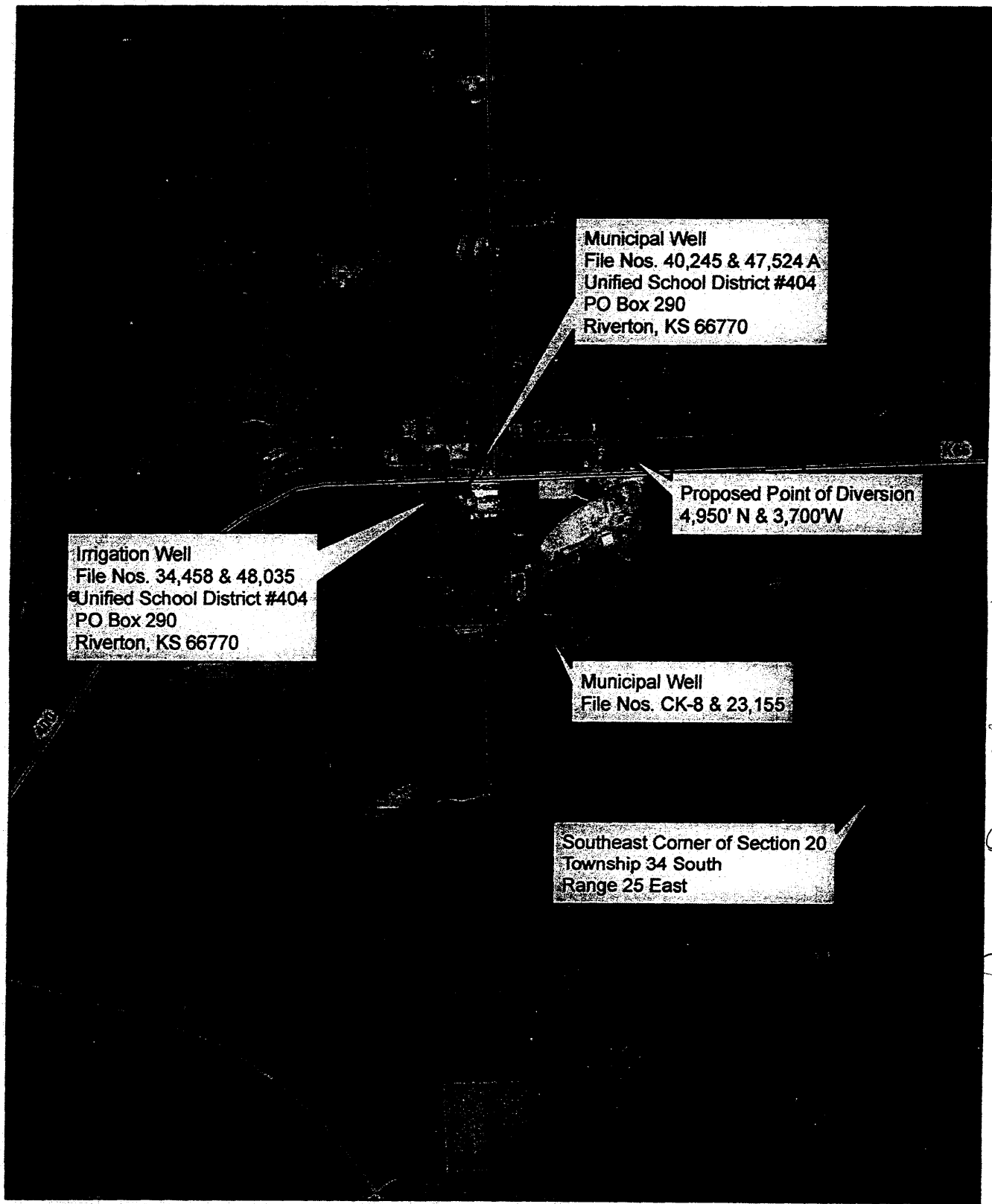
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appropriation of water file no. 23,155 will provide a total not to exceed 72mg (220.9AF)

49827

CHEROKEE RWD 9
Section 20, Township 34 South, Range 25 East
Cherokee County



Royce Donaldson Notary

NOTARY PUBLIC-State of Kansas
ROYCE DONALDSON
My Appt. Expires 6/24/17



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Proposed Point of Diversion

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

Jack L. Smallwood

1:24,000

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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

April 21, 2017

CHEROKEE RWD 09
MANAGER
6977 SE BLUEBIRD LN
RIVERTON KS 66770

FILE COPY

RE: Application
File No. 49827

Dear Sir or Madam:

Your application for permit to appropriate water in 20-34S-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.

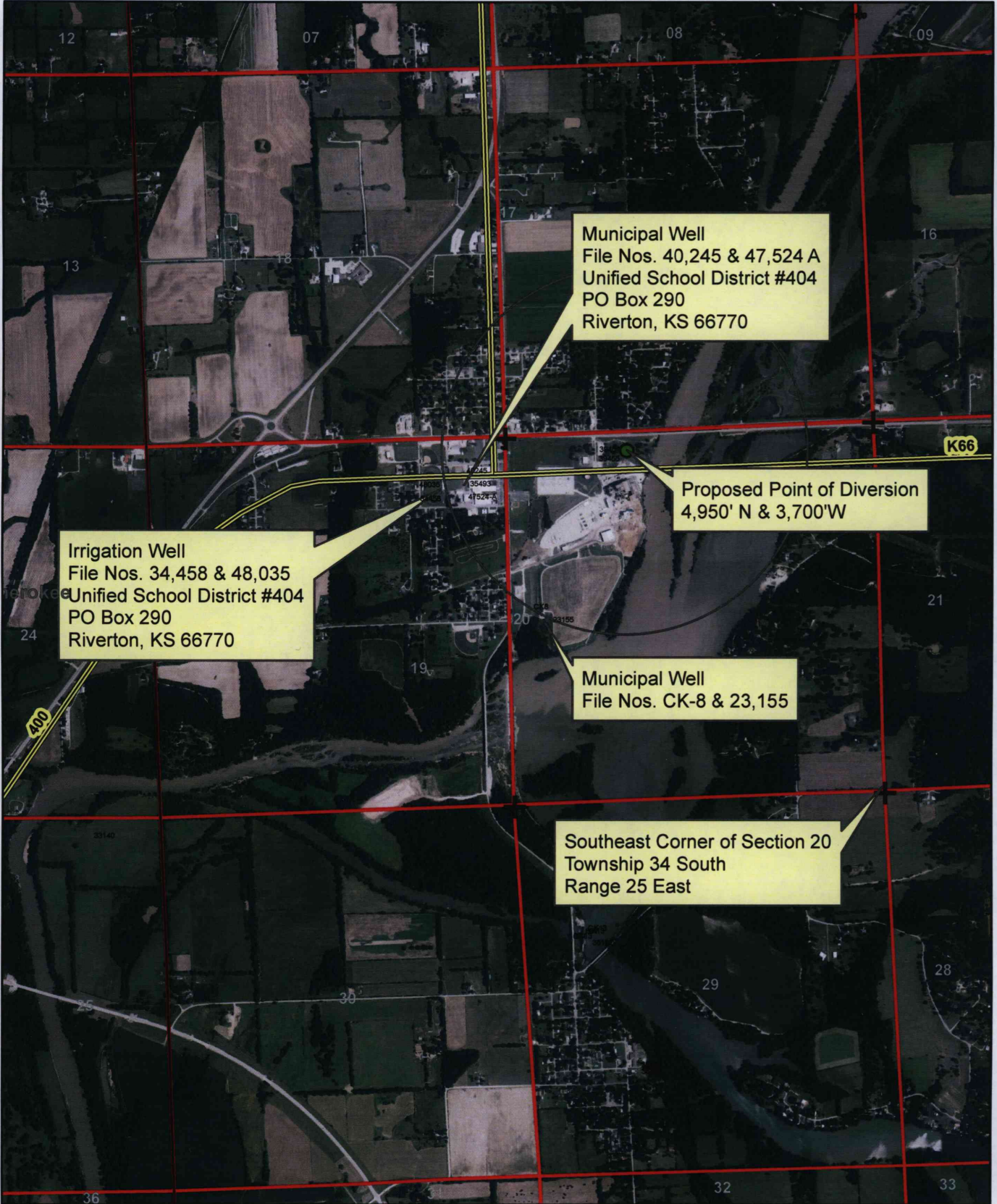
Sincerely,

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

BAT: dlw
pc: TOPEKA Field Office
GMD

4827

CHEROKEE RWD 9
Section 20, Township 34 South, Range 25 East
Cherokee County



Irrigation Well
File Nos. 34,458 & 48,035
Unified School District #404
PO Box 290
Riverton, KS 66770

Municipal Well
File Nos. 40,245 & 47,524 A
Unified School District #404
PO Box 290
Riverton, KS 66770

Proposed Point of Diversion
4,950' N & 3,700'W

Municipal Well
File Nos. CK-8 & 23,155

Southeast Corner of Section 20
Township 34 South
Range 25 East



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● Proposed Point of Diversion

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

1:24,000

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