

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">49,827</p>	2. Status Change Date: <p style="text-align: center;">8/9/2017</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
---	--	--	--

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) Person ID 55013 New to system <input type="checkbox"/> Add Seq# _____</p> <p>CHEROKEE RWD 09 MANAGER 6977 SE BLUEBIRD LN RIVERTON KS 66770</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input checked="" type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
--	--

10. Completion Date: **12/31/2018** 11. Perfection Date: **12/31/2037** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **7/26/2017** By: **DWS**
Date Entered: **8/10/2017** By: **UM**

File No. **49,827** 15. Formation Code: **890** Drainage Basin: **SPRING RIVER** County: **CK** Special Use: Stream:

16. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W

17. Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm mgy gpm mgy Overlap PD Files

√ **53680 NW NE NW** **20** **34** **25E** **2** **5014** **3577**

800 **53.0** **800** **53.0** **39,454 & 39,455**

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

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

21. Place of Use 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				
√	14263	20	34	25E	1	WITHIN THE BOUNDARIES OF CHEROKEE RWD 9 & IMMEDIATE VICINITY																	7a.	No	CK-8, 23,155, and 39,454 <i>39,455</i>

Comments:

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

TO: Files

DATE: July 26, 2017

FROM: Doug Schemm

RE: Application, File No. 49,827

Cherokee County Rural Water District #9 has filed the referenced application to appropriate 53 million gallons of groundwater per calendar year at a diversion rate not to exceed 800 gallons per minute for municipal use from an existing well. The proposed point of diversion and place of use overlaps with Water Right, File No. 39,454 and Appropriation of Water, File No. 39,455. Vested Water Right, File No. CK-008; and Water Right, File No. 23,155 also overlap in place of use, which is within boundaries RWD #9 Cherokee Co, KS & Immediate Vicinity. The Empire District Electric Plant is within the authorized place of use for the District. The application form was signed by a representative of the District, stating they have access to the point of diversion. Please NOTE: The point of diversion is owned by Empire District Electric and leased to the District per September 4, 1991 lease agreement.

Water Right, File No. 39,454 was recently certified and is authorized 19 million gallons at a diversion rate of 185 gallons per minute. Approval of this new application will provide the District with additional water, prevent possible over-pumping issues in the future, and address potential growth. Although municipal use has declined in recent years, past water use has exceeded 52 million gallons. A review of the senior files indicates that the requested quantity of water was previously justified and reasonable for municipal use with 72 million gallons authorized. Therefore, the difference between the original authorized total of 72 million gallons minus the certified quantity under File No. 39,454 of 19 million gallons equals the requested 53 million gallons.

The applicant identified only one well within one-half mile of the proposed well on the application map, and a notification letter was sent out on July 11, 2017. No response of any kind was received. A review of the WRIS database shows there are several wells in the area that are likely in the same source of supply, the Ozark Plateau aquifer system, with the closest of these located over 2,400 feet away, therefore, the application complies with minimum well spacing criteria per K.A.R. 5-4-4 of 1,320 feet for all other aquifers.

No well log was submitted with the application. However, a review of other permitted wells in the area, indicates that the only viable source groundwater in this area will be the Ozark Plateaus aquifer system (890). Wells sourcing this formation can go to depths of 1,000 feet below ground surface or more. 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, safe yield is 5,562.4 acre-feet, and existing water rights within the two-mile circle have appropriated 756.02 acre-feet, leaving 4,806.4 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** (8.3 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.

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 less than 1.4 inches of recharge (just 17% 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 a July 25, 2017 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, 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

August 11, 2017

CHEROKEE RWD 09
MANAGER
6977 SE BLUEBIRD LN
RIVERTON KS 66770

FILE COPY

Re: Appropriation of Water, File No. 49,827

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,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: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. 49,827** of the applicant

**CHEROKEE RWD 09
MANAGER
6977 SE BLUEBIRD LN
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 **April 21, 2017**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Rural Water District No. 9, Cherokee County, Kansas and the immediate vicinity.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) 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, 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 **800 gallons per minute** (1.78 c.f.s.) and to a quantity not to exceed **53.0 million gallons** (162.65 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.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 9th day of August, 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 9th day of August, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

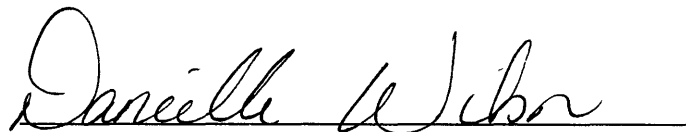
CERTIFICATE OF SERVICE

On this 11th day of August, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,827, dated August 9, 2017 was mailed postage prepaid, first class, US mail to the following:

CHEROKEE RWD 09
MANAGER
6977 SE BLUEBIRD LN
RIVERTON KS 66770

With photocopies to:

Topeka Field Office

A handwritten signature in cursive script, reading "Danielle Wilson", written over a horizontal line.

Division of Water Resources

APPLICATION COMPLETE

7/26/2017

Reviewer DWS



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

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

WATER RESOURCES
RECEIVED

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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES NO) Use MUN Source C/S County CK By MW Date 4/21/17
Code REG RES Fee \$ 350 TR # _____ Receipt Date 4/21/17 Check # 60398

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): per 9/14/17 lease Agreement - KAT
Riverton Rural Water District #9 7120 SE 66th terrace 2
(name, address and telephone number) Riverton, Ks. 66710

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, 2017 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 PUBLIC State of Kansas
ROYCE DONALDSON
My Appt. Expires 4/24/17

WATER RESOURCES RECEIVED

APR 21 2017

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 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 ½ 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 ½ mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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

WATER RESOURCES
RECEIVED

APR 21 2017

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 7120SE 66th
(name, address and telephone number) Terrace, Riverton, KS. 66710

Place of use

"Rural Water District No. 9, Cherokee County, Kansas and the immediate Vicinity"
(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. Smallwood
(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)

* Empire District Electric Plant is within authorized place of use (see KRWA map)
DWS/DWR 7/25/17

WATER RESOURCES RECEIVED

APR 21 2017

[REDACTED]

Schemm, Doug

Subject: FW: 49827 CK RWD 9
Attachments: EMPIRE DISTRICT ELECTRIC.docx

From: Tietsort, Katie
Sent: Tuesday, July 25, 2017 3:46 PM
To: Schemm, Doug <Doug.Schemm@ks.gov>
Cc: Philip, Charlotte <Charlotte.Philip@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: 49827 CK RWD 9

Doug,

Thanks for working up this application for Rural Water District No. 9, Cherokee County, Kansas. Approval of the Application will allow us to continue forward on straightening out the problem with the files owned by Empire District Electric Company. Charlotte- can you generate the changes under all the previously existing files necessary to reflect Empire as the owners and correspondents? That way we can separate this all out for 2017- thanks!

We agree with approval and the file meets all requirements. The quantity should not be limited so as to not encumber the other files that will be changed as agreed. Once the approval has been issued, we need to contact Empire for the consumptive use numbers and then the change applications Brent has been holding can be processed.

Katie Tietsort

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

From: Schemm, Doug
Sent: Tuesday, July 25, 2017 12:55 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: RE: 49827 CK RWD 9

I revised the quantity justification paragraph.

Water Right, File No. 39,454 was recently certified and is authorized 19 million gallons at a diversion rate of 185 gallons per minute. Approval of this new application will provide the District with additional water, prevent possible over-pumping issues in the future, and address potential growth. Although municipal use has declined in recent years, past water use has exceeded 52 million gallons. A review of the senior files indicates that the requested quantity of water was previously justified and reasonable for municipal use with 72 million gallons authorized. Therefore, the difference between the original authorized total of 72 million gallons minus the certified quantity under File No. 39,454 of 19 million gallons equals the requested 53 million gallons.

From: Schemm, Doug
Sent: Tuesday, July 25, 2017 12:42 PM


Kansas
Department of Agriculture
Division of Water Resources

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

July 11, 2017

UNIFIED SCHOOL DISTRICT #404
SUPERINTENDENT - RIVERTON SCHOOLS
PO BOX 290
RIVERTON KS 66770

Re: Pending New Application, File No. 49,827

Dear Sir or Madam:

This is to advise you that Cherokee RWD #9 has filed the application referred to above for a permit to appropriate 53 million gallons (162.65 acre-feet) of groundwater per calendar year for municipal use to be diverted at a maximum rate of 800 gallons per minute. Please note: the proposed point of diversion is an existing well that has been in place for many years (authorized under File Nos. 39,454 and 39,455), and is located as follows:

In the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 20, in Township 34 South, Range 25 East, Cherokee County, Kansas.

Enclosed is a site map for your review. Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Cherokee RWD #9

Analysis Results

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 5,562.38 AF.

Total prior appropriation in the circle is 755.94 AF.

Total quantity of water available for appropriation is 4,806.44 AF.

$$-162.65 = 593.29 + 104.42 + 58.31 = 756.02$$

$$4806.4 \text{ AF}$$

Safe Yield Variables

The area used for the analysis is set at 8042 acres.

Potential annual recharge of the area is estimated to be 8.3 inches.

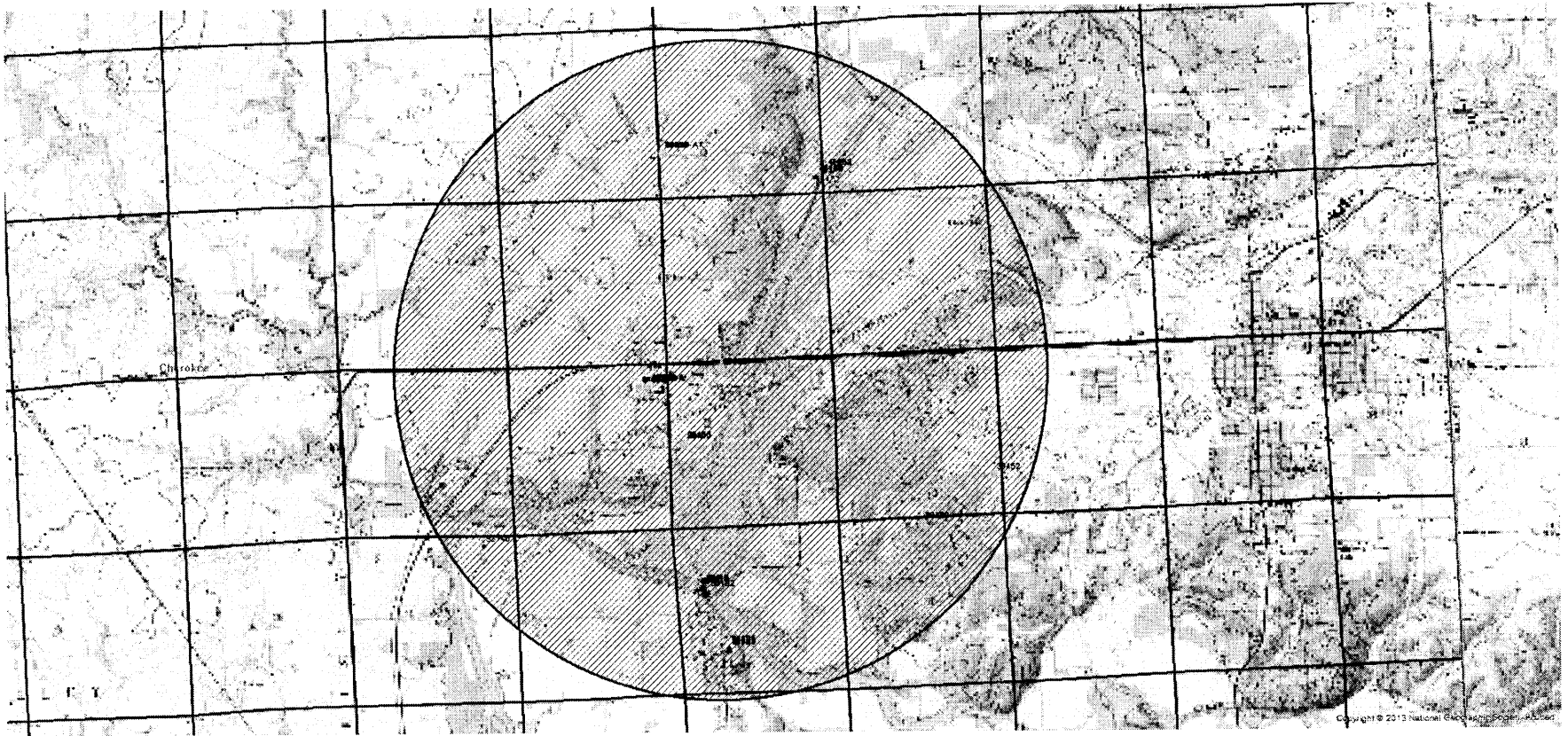
The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 12-JUL-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 17 water right(s) and 7 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 11152	00 MUN NK	G			SW NW SW			1453	5150	08	34	25E	1	WR	19.94	19.94 ✓		
A 23155	00 MUN NK	G			SW SW NW			2660	4950	20	34	25E	1	WR	98.41	98.41		
A 23199	00 MUN NK	G			SW NW SW			1453	5150	08	34	25E	1	WR	57.75	57.75 ✓		
A 33539	00 MUN NK	G			SW NW SW			1453	5150	08	34	25E	1	WR	27.86	27.86 ✓		
A 34458	00 IRR NK	G			SW NE NE			4564	851	19	34	25E	1	WR	1.70	1.70	11.70	11.70
A 39452	00 MUN NK	G			NE SE SE			1225	265	21	34	25E	1	WR	91.27	91.27		
A 39453	00 MUN NK	G			NE NE NW			5210	2723	28	34	25E	2	WR	104.42	13.14 ✓	104.42	
A 39454	00 MUN NK	G			NW NE NW			5014	3577	20	34	25E	2	WR	58.31	7.73 ✓	58.31	
A 39455	00 MUN LR	G			NW NE NW			5014	3577	20	34	25E	2	WR	162.65	2.87		
A 40245	00 MUN NK	G			SE NE NE			4590	550	19	34	25E	2	WR	37.78	37.78		
A 46257	00 MUN LO	G			SW NW SW			1453	5150	08	34	25E	1	WR	105.55	0.00 ✓		
A 46626	A MUN LO	G			SW NW SW			1453	5150	08	34	25E	1	WR	190.00	84.45 ✓		
A 47524	A MUN KE	G			SE NE NE			4590	550	19	34	25E	2	WR	16.57	16.57		
A 48035	00 IRR KE	G			SW NE NE			4564	851	19	34	25E	1	WR	23.40	23.40	11.70	0.00
A 49720	00 MUN KE	G			NE NE NW			5210	2723	28	34	25E	2	WR	153.44	49.03 ✓		
A 49827	00 MUN AY	G			NW NE NW			5014	3577	20	34	25E	2	WR	162.65	162.65		
V CK 8	00 MUN AA	G			SW SW NW			2660	4950	20	34	25E	1	WR	61.40	61.40		

Safe Yield Report Sheet
Water Right- A4982700
Point of Diversion in NWNENW 20-34S-25E 2 (53680)



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49827 00

#####

I well just less than 1/2 mile

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49827 00 MUN

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

5014 Feet North and 3577 Feet West of the Southeast Corner of Section 20 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__ 11152 00	MUN	NK	G	7189	--	SW	NW	SW	1453	5150	8	34	25E	1		19.94	19.94	AF
A__ 23155 00	MUN	NK	G*	2725	--	SW	SW	NW	2660	4950	20	34	25E	1		98.41	98.41	AF
A__ 23199 00	MUN	NK	G	7189	--	SW	NW	SW	1453	5150	8	34	25E	1		57.75	57.75	AF
A__ 33539 00	MUN	NK	G	7189	--	SW	NW	SW	1453	5150	8	34	25E	1		27.86	27.86	AF
A__ 34458 00	IRR	NK	G	2709	--	SW	NE	NE	4564	851	19	34	25E	1		1.70	1.70	AF
A__ 39452 00	MUN	NK	G	9482	--	NE	SE	SE	1225	265	21	34	25E	1		91.27	91.27	AF
A__ 39453 00	MUN	NK	G	8179	--	NE	NE	NW	5210	2723	28	34	25E	2		104.42	13.14	AF
A__ 39454 00	MUN	NK	G	0	--	NW	NE	NW	5014	3577	20	34	25E	2		58.31	7.73	AF
A__ 39455 00	MUN	LR	G*	0	--	NW	NE	NW	5014	3577	20	34	25E	2		162.65	2.87	AF
A__ 40245 00	MUN	NK	G	<u>2408</u>	--	SE	NE	NE	4590	550	19	34	25E	2		37.78	37.78	AF
A__ 46257 00	MUN	LO	G	7189	--	SW	NW	SW	1453	5150	8	34	25E	1		105.55	.00	AF
A__ 46626 A	MUN	LO	G	7189	--	SW	NW	SW	1453	5150	8	34	25E	1		190.00	84.45	AF
A__ 47524 A	MUN	KE	G	<u>2408</u>	--	SE	NE	NE	4590	550	19	34	25E	2		16.57	16.57	AF
A__ 48035 00	IRR	KE	G	2709	--	SW	NE	NE	4564	851	19	34	25E	1		23.40	23.40	AF
A__ 49720 00	MUN	KE	G	8179	--	NE	NE	NW	5210	2723	28	34	25E	2		153.44	49.03	AF
A__ 49827 00	MUN	AY	G	0	--	NW	NE	NW	5014	3577	20	34	25E	2		162.65	162.65	AF
VCK 8 00	MUN	AA	G*	2725	--	SW	SW	NW	2660	4950	20	34	25E	1		61.40	61.40	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	162.65	.00
Total Permitted Amount (AF) =	89.00	.00
Total Inspected Amount (AF) =	87.31	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	355.57	.00
Total Vested Amount (AF) =	61.40	.00
TOTAL AMOUNT (AF) =	755.94	.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:

5014 Feet North and 3577 Feet West of the Southeast Corner of Section 20 T 34S R 25E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 11152 00	MUN	NK	G
>	CHEROKEE	RWD	02
>			
>	PO BOX		253
>	RIVERTON	KS	66770
>	-----		
A__ 23155 00	MUN	NK	G

> EMPIRE DIST ELECTRIC CO
> SUP-ENVIRONMENTAL ENGR
> PO BOX 127
> JOPLIN MO 64802

A__ 23199 00 MUN NK G
> CHEROKEE RWD 02
>
> PO BOX 253
> RIVERTON KS 66770

A__ 33539 00 MUN NK G
> CHEROKEE RWD 02
>
> PO BOX 253
> 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 NK G
> CHEROKEE RWD 08
> DISTRICT MANAGER
> PO BOX 222
> RIVERTON KS 66770

A__ 39453 00 MUN NK G
> CHEROKEE RWD 08
> DISTRICT MANAGER
> PO BOX 222
> RIVERTON KS 66770

A__ 39454 00 MUN NK 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__ 46257 00 MUN LO G
> CHEROKEE RWD 02
>
> PO BOX 253
> RIVERTON KS 66770

>-----
A__ 46626 A MUN LO G
> CHEROKEE RWD 02
>
> PO BOX 253
> 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

>-----
A__ 49720 00 MUN KE G
> CHEROKEE RWD 08
> DISTRICT MANAGER
> PO BOX 222
> RIVERTON KS 66770

>-----
A__ 49827 00 MUN AY G
> CHEROKEE RWD 09
> MANAGER
> 6977 SE BLUEBIRD LN
> RIVERTON KS 66770

>-----
VCK 8 00 MUN AA G
> EMPIRE DIST ELECTRIC CO
> SUP-ENVIRONMENTAL ENGR
> PO BOX 127
> JOPLIN MO 64802

>-----
=====

#####

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
		0

WATER RESOURCES RECEIVED

APR 21 2017

KS DEPT OF AGRICULTURE

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

49827

ropriation file 23155 and 39454 to provide a total not to exceed 72mg (220.9AF)

WATER RESOURCES
RECEIVED

APR 21 2017

KS DEPT OF AGRICULTURE

SCANNED

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

CK8 & 23155 (South well)

Year	Beginning Water Meter Reading	Ending Water Meter Reading	Total	Metered Quantity Of Water	Beginning Water Meter Reading	Ending Water Meter Reading	Total
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

WATER RESOURCES
RECEIVED

APR 21 2017

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

KS DEPT OF AGRICULTURE

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

39455 Rate 400gpm (0.89cfs)

53mgd (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 32.066mgd (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

**WATER RESOURCES
RECEIVED**

APR 21 2017

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

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

SCANNED

Schemm, Doug

From: Tietsort, Katie
Sent: Thursday, August 26, 2010 5:12 PM
To: Turney, Brent; Bush, Doug
Subject: RE: Files CK-08,23155,39454,39455

CK-08 & 23155 give the MUN RWD 52.066 mg/y.

39454- I have proposed 19 mg/y under 39,454, no additional. Limited to 52.066 mg/y with CK-08 and 23155. So you are correct, they have no add quantity, but they do have something, the flexibility to lawfully pump this well up to 19 mg/y.

39455- Because of the limitation under 39,455 to 72 mg/y w/ CK-08, 23155 & 39,454, they would only get a potential maximum of 19.934 mg/y additional quantity. The face value is 53.0 mg/y.

To certify 39,455, which is also supposed to be municipal use from the same well as 39,454, but we were never reported quantities, will be a real problem to certify.

Under 39,454, I have taken the use reported from the well (which was from Empire) but they did submit the municipal report with Part B. I took the values from Part B and determined that to be the municipal use only from the two wells. The year of record overall, a total of 32,738,600 was pumped for municipal use, so though I did not have enough information to determine how much was pumped from the senior files on the senior well or from this junior well with junior files. Since the total highest year pumped was significantly less than what was authorized under the senior files, I granted them the 19 mg/y like it was actually pumped from this well, and the overall limitation was the already perfected value under the senior files. We can not know whether the 19 mg/y was pumped from this well or not.

SO... when we look at 39,455, I do not have the data to indicate which well was pumped. I would have to assume the senior rights were pumped first, including the 39,454. Since that assumption must be made whether or not they dismiss 39,454, they have not developed anything under File No. 39,455 lawfully to this date. So at this point, 39,455 would be a failure to perfect. (See below).

Ok- so it 39,455 is a Dec 1989 approval of MUN with 25 years to perfect on the books. Currently out to December 31, 2014.

Brent and Doug-

If you change UMW and nothing has been developed, what is the consumptive use that you can convert?

Will you allow IND to have the additional time to perfect?

Is the change approvable?

	Water Use for Proposed Certificate		
	File No. 39,454		
	Cherokee RWD 09		

	CK-08 & 23,155	39,454		39,455
Year	CK-08 is 20.0 mgp @ 80 gpm 23155 is 32.066 mgp @ 150 gpm Total is 52.066 mgp @ 150 gpm	19.0 mgp @ 400 gpm Limited to 72.0 mgp w/ CK-08 & 23155	Quantity Reported under Part B Column 3 of WUR's as Sold to Public Water Supplier	
1989		Well not yet in service		
1990		Well not yet in service		
1991		Well not yet in service		
1992		Well not yet in service	21,868,000	
1993		Not identified as used on WUR	22,721,200	
1994			31,441,400	
1995			30,349,900	
1996			32,738,600	
1997			24,493,200	
1998			29,178,500	
1999			23,080,900	
2000			25,156,500	
2001			24,628,331	
2002			25,425,420	
2003			24,032,584	
2004			22,100,400	
2005			23,426,000	
2006			25,539,000	
2007			18,225,400	
2008			25,962,400	
2009				

Katherine A. Tietsort
Water Commissioner
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
PO Box 19323 (mail)
Building 282, Forbes Field (office)
Topeka, Kansas 66619-0323
Telephone: 785-862-6300
Fax: 785-862-9110
katie.tietsort@kda.ks.gov

From: Turney, Brent
Sent: Wednesday, August 25, 2010 3:00 PM
To: Tietsort, Katie; Bush, Doug
Subject: FW: Files CK-08,23155,39454,39455

Katie and Doug,

Here is an email between Empire and myself in which I explain why file No. 39,454 is no longer needed and should be dismissed.

Brent A. Turney
Change Application Unit Supervisor
Kansas Department Of Agriculture
Division of Water Resources
(785) 296-4617
Brent.Turney@kda.ks.gov
www.ksda.gov/dwr

From: Kavan Stull [mailto:KStull@empiredistrict.com]
Sent: Wednesday, February 25, 2009 2:16 PM
To: Turney, Brent
Subject: RE: Files CK-08,23155,39454,39455

Thanks for the review. Based upon your helpful comments I have reworked each justification page to be a little clearer. These are still in draft because we do need to further discuss the final breakout with the leadership of RWD to make sure their municipal use needs are fully covered. I would suspect that as an unincorporated city the future Riverton growth rate would be minimal but we need to cover the standard practice of forecasting their needs. Not sure how to do that.

-----Original Message-----

From: Turney, Brent [mailto:Brent.Turney@KDA.KS.GOV]
Sent: Tuesday, February 24, 2009 10:22 AM
To: Kavan Stull
Cc: Tietsort, Katie
Subject: RE: Files CK-08,23155,39454,39455

Kavan,

I have reviewed the applications for change that you faxed to me on February 19th. Fundamentally the changes have been accurately completed and appear to be in form acceptable for filing. However, I do find that the justification for the quantity of water required for both the proposed industrial use and the water to remain for municipal use is insufficient. The Kansas Water Appropriation Act requires that the quantity of water for a proposed use be reasonable and justified. The justification for municipal use should be based upon current population served and the projected population to be served. Because these water rights were originally permitted for 72,000 million gallons per calendar year for municipal purposes from two wells, we must have assurance that there will be sufficient water remaining to supply the needs of the rural water district and any expansion that it may have for approximately the next 20 years. Similar justification will be required for the proposed industrial use. Such as how this water will be pumped in combination with Empire district Electric's other industrial water rights. Such justification should show why the power plant will need additional water above that quantity already authorized by Water Right, File Nos. CK 13, 657 and 881.

Riverton uses the water provided from the Spring River under File CK 13, 657, and 881 for pass through cooling water for the turbines, for water to provide ash transporting to the retention pond and for dust suppression in the normal operation of the plant.

The subject files above are for deep well water that is used for other internal uses to operate the water treatment Reverse Osmosis System and to provide water for the fire pumps.

Empire is also a customer of the RWD for the basic normal domestic water use in the plant.

Please note that File Nos. CK 8 and 23,155 are authorized a total of 52,066 million gallons per year, while File Nos. 39,454 and 39,455 provide 19,000 million gallons and 53,000 million gallons per year

respectively. However, because File No. 39,455 is limited to 72.000 million gallons when combined with File Nos. CK 8, 23,155 and 39,454, File Nos. 39,454 and 39,455 only provide an additional 19.934 million gallons of water above the 52.066 million gallons authorized by File Nos. CK 8 and 23,155. Records in this office indicate that the rural water district has used as much as 25.539 million gallons in one calendar year. It is noted in your justification accompanying the applications for change, you state that the well authorized by File No. CK 8 and 23,155 will use 52,066,000 gallons for industrial use. If this is correct, there will only be 19.934 million gallons remaining for municipal purposes. We suggest that the quantity of water for industrial purposes be adjusted downward to accommodate the municipal use of water.

For discussion purposes 40.000 out of 72.000 would be adequate to meet our immediate needs. The reminder can clearly be designated for Municipal use.

Furthermore, because the place of use served from both of these wells will no longer be common we feel that the quantity of water authorized from both wells should be reduced to match the needs for the proposed place of use and the limitation File No. 39,455 be removed. Additionally, because File No. 39,454 does not provide sufficient water for the municipal use and has been limited to a total quantity when combined with File No. 39,455, we suggest that File No. 39,454 be dismissed. The recommendations above will leave File Nos. CK 8 and 23,155 on one well with a quantity only reasonable for the proposed industrial use, and File No. 39,455 on one well with a quantity reasonable for the proposed municipal use without a limiting clause to File Nos. CK 8 and 23,155.

The facilities are still common because Empire owns both wells and needs the flexibility to access the water from a secondary source if a pump fails or other emergency situation arises. No extra water use is proposed.

If you have any questions please do not hesitate to contact me.

Brent

Brent A. Turney
Change Application Unit Supervisor
Kansas Department Of Agriculture
Division of Water Resources
(785) 296-4617
Brent.Turney@kda.ks.gov
www.ksda.gov/dwr

From: Kavan Stull [mailto:KStull@empiredistrict.com]
Sent: Thursday, February 19, 2009 2:16 PM
To: Turney, Brent
Subject: Files CK-08,23155,39454,39455

I have sent you a new FAX of the DRAFT applications for the required Change Applications. I have included the recommendations you suggested to finalize these. This is a little complicated.

Let me know if any additional changes or if other details are needed to be included in the request. We need one more brief meeting with the RWD to familiarize them with the applications and to finalize the water use split between municipal and industrial use to ensure that both our future needs are meet within the allowances given.

Let me know if I have the application fees calculated right. Do I need to send in a separate check for each file or can they all be combined. ?

CK-08 \$ 300.00
23,155 \$ 300.00

39454 \$ 500.00
39455 \$ 500.00

Thanks for all your help and patience in working with us through this important Water Rights issue.

Kavan Stull
Environmental Coordinator (417-625-6510)

--

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

--

This e-mail and any files transmitted with it are the property of THE EMPIRE DISTRICT ELECTRIC COMPANY, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please delete this message immediately from your computer and contact the sender by telephone at (417)-625-5100. Any other use, retention, dissemination, forwarding, printing or copying of this email is strictly prohibited.

--

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

--

This e-mail and any files transmitted with it are the property of THE EMPIRE DISTRICT ELECTRIC COMPANY, are confidential, and are intended solely for the use of the individual or entity to whom this email is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please delete this message immediately from your computer and contact the sender by telephone at (417)-625-5100. Any other use, retention, dissemination, forwarding, printing or copying of this email is strictly prohibited.

O/L file

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. **39,454**

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 Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) 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, at a diversion rate not in excess of **185 gallons per minute (0.41 c.f.s.)** and a quantity not to exceed **19.0 million gallons (58.31 acre-feet)** of water per calendar year for **municipal use** within the boundaries of Rural Water District No. 9, Cherokee County, Kansas and the immediate vicinity.

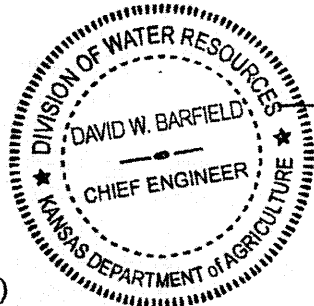
This appropriation right is further limited to a quantity of water which when combined with the water right set forth in the order of the Chief Engineer, dated February 1, 1955 (identified as Vested Right, File No. CK-008), and the water right set forth in the Certificate of Appropriation issued pursuant to File No. 23,155, will provide a total quantity not to exceed **54.584 million gallons** of water per calendar year for municipal use at the location described herein.

(over)

All terms, conditions and limitations applicable to the Appropriation of Water not expressly changed or removed by the issuance of the Certificate of Appropriation remain in full force and effect. Failure to comply with those terms, conditions and limitations, and those added or amended by this Certificate, will result in the suspension of this appropriation right or revocation and dismissal of this appropriation right.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

ORDERED this 24th day of March, 2017, Topeka, Shawnee County, Kansas.



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

State of Kansas)
County of Riley)

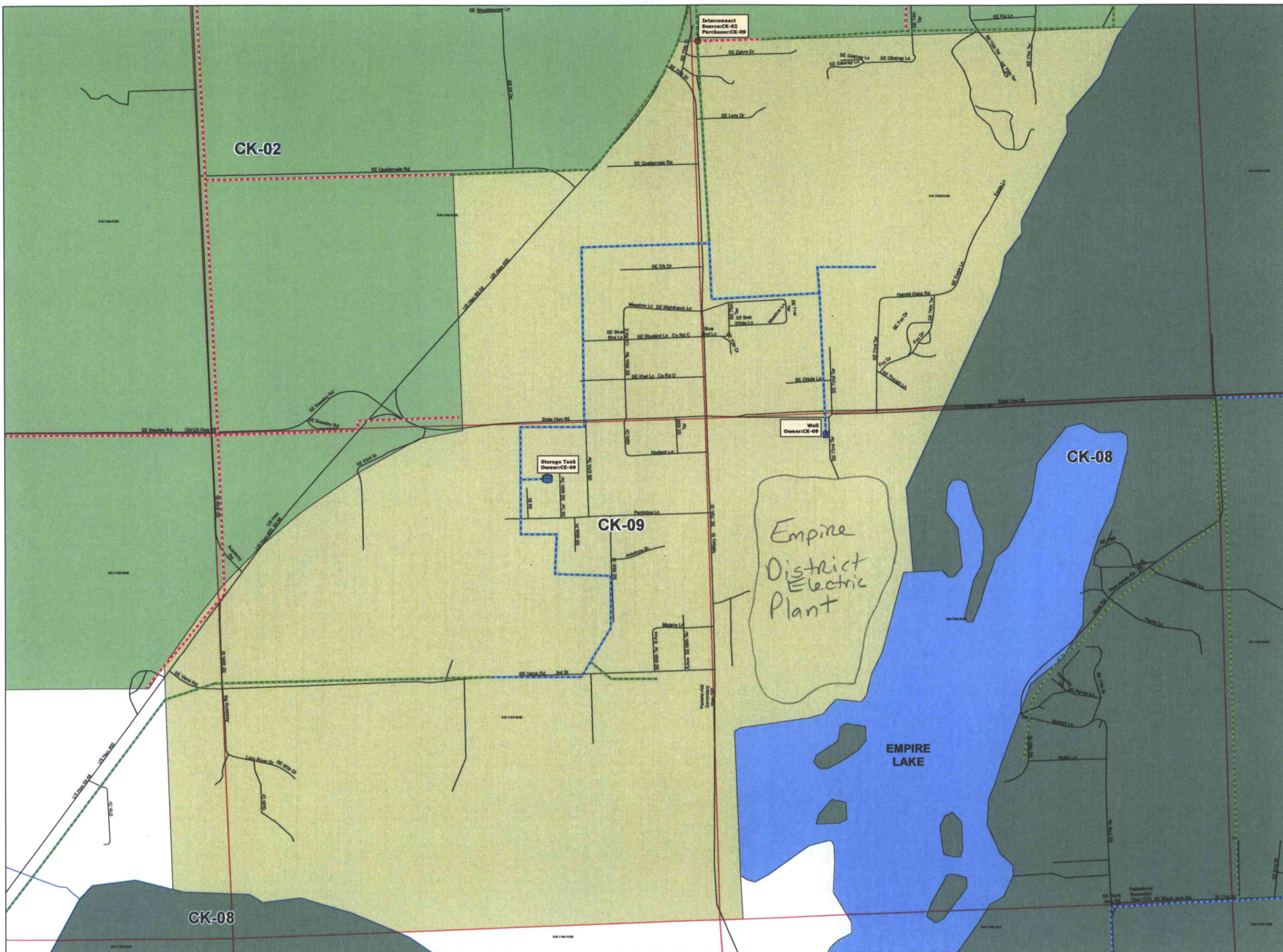
SS

The foregoing instrument was acknowledged before me this 24th day of March, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

Cherokee County RWD No. 09



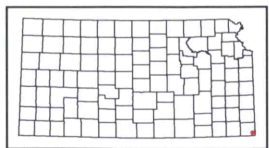
Legend

- Interconnect
- Pump
- Storage Tank
- Surface Intake
- Treatment Facility
- Well

Water Mains

- Less than 4 inch
- 4 to 6 inch
- greater than 6 inch
- Roads
- Streams
- PLSS
- County Boundary
- City Boundary
- Lakes

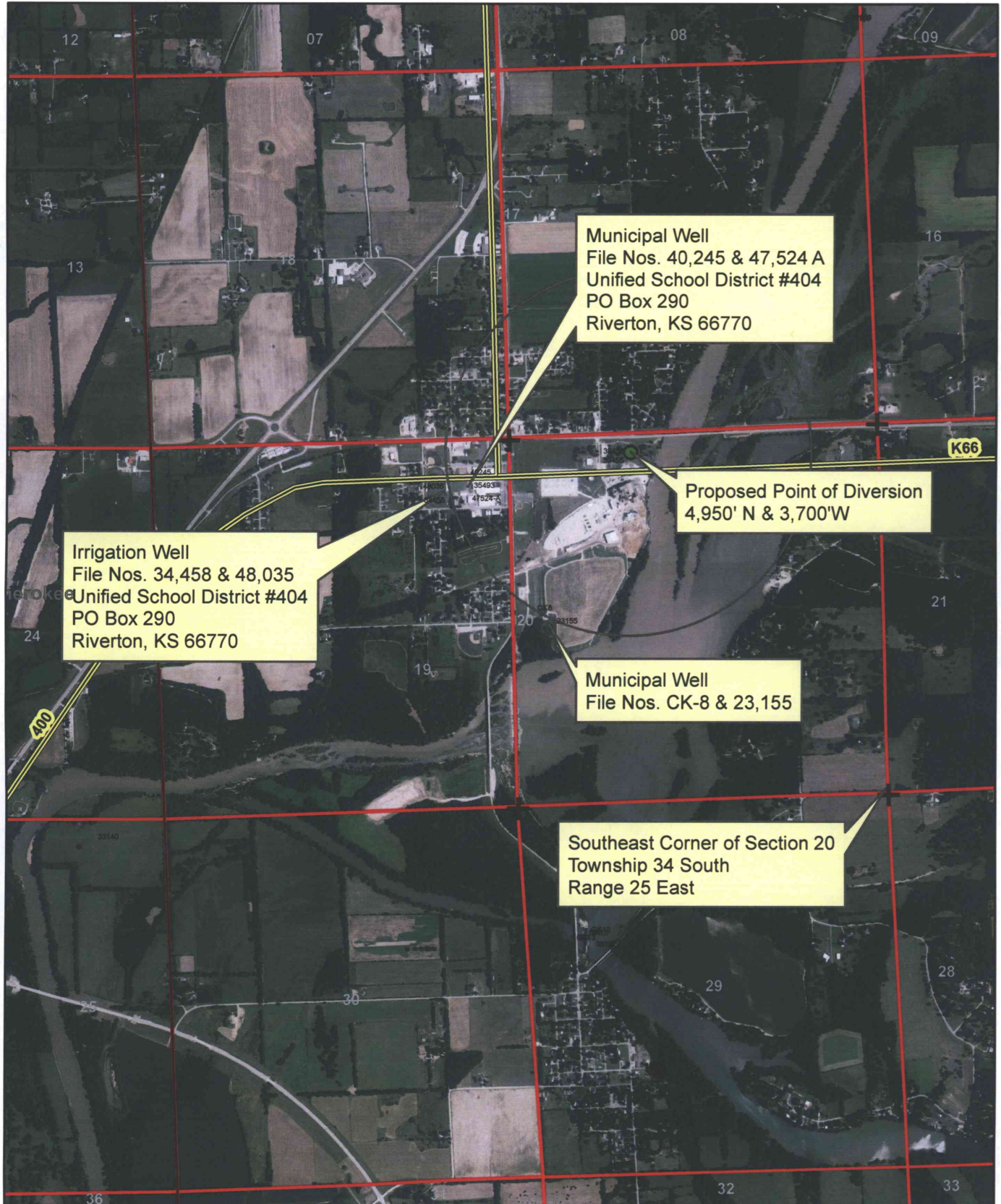
Locator Map: Study Area



Produced by Kansas Rural Water Association with the cooperation of the Kansas Water Office and the Data Access and Support Center October 2016

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

49827



WATER RESOURCES
RECEIVED

● Proposed Point of Diversion

APR 21 2017

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

1:24,000

