

File No. **49,868 B** 15. Formation Code: **113** Drainage Basin: **DELAWARE RIVER** County: **JF** Special Use: Stream:

16. Points of Diversion

MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD	47135	SW	SW	NW	20	9	18E	1	3089	5223 (EAST WELL)

17. Rate and Quantity **MOD ADDL QTY**

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
400	15.0	400	0	40,255

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

19. Limitation: **22.5** MG/yr at _____ gpm (_____ cfs) when combined with file number(s) **40,255; 40,256; AND 49,868 A**
 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

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						
MOD	5740	20	9	18E	1	WITHIN BOUNDARIES OF RWD 10, JF CO. & IMMEDIATE VICINITY																					7a.	No	40,255; 40,256; And 49,868 A
✓	5345	31	9	18E	1	WITHIN THE BOUNDARIES OF OLD TOWN CAMPGROUND																					7a.	No	40,255; 40,256; And 49,868 A

Comments:

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

TO: Files

DATE: September 6, 2017

FROM: Doug Schemm

RE: Application, File Nos. 49,868 A,
and 49,868 B

Jefferson County RWD 10 has filed the referenced applications, each proposing to appropriate 15 million gallons of groundwater per calendar year at a diversion rate not to exceed 400 gallons per minute for municipal use from existing wells. The application forms were signed by a representative of the applicant, stating the District has access to the points of diversion. The wells are located within the Delaware River Basin.

Application, File No. 49,868 B will overlap in point of diversion with Water Right, File No. 40,255 (EAST WELL), which is authorized 6.51 million gallons at a diversion rate of 60 gallons per minute. The applicant did not identify any wells of any kind within one-half mile of the proposed point of diversion (other than his other nearby MUN supply well). No nearby well owner letters are required. This is an existing well 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 with approval of this application. There are three other permitted groundwater rights within a two-mile radius according to the WRIS database, with the nearest of these being over 8,500 feet away. 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.

Application, File No. 49,868 A will overlap in point of diversion with Water Right, File No. 40,256 (WEST WELL), which is authorized 6.51 million gallons at a diversion rate of 60 gallons per minute. The applicant did not identify any wells of any kind within one-half mile of the proposed point of diversion (other than his other nearby MUN supply well). No nearby well owner letters are required. This is an existing well 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 with approval of this application. There are three other permitted groundwater rights within a two-mile radius according to the WRIS database, with the nearest of these being over 8,100 feet away. 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.

The pending applications do not meet spacing of 1,320 feet to each other, being located approximately 979 feet apart. However, K.A.R. 5-4-4 provides that the spacing guidelines are not applicable if the required minimum well spacing criteria are not necessary to prevent direct impairment. There are several unique circumstances that should be considered in this specific instance regarding minimum well spacing.

- The wells for the municipal supply are operated as a system supplying water to the same water treatment facility, and are not likely to be separated or divided in any way in the future.
- The wells have been in place for many years with no known concerns. The wells are not typically pumped at the same time, and they are pumped based on water supply demands at the treatment facility, not on a continuous basis. This operational flexibility in pumping sources will provide for more efficient management of the source of supply.
- The wells are producing from a shallow alluvial aquifer, located adjacent to Perry Reservoir, and are likely to receive significant recharge from the Delaware River and Perry Reservoir during flood stage. Pumping tests conducted during processing of the senior files showed minimal drawdowns (3 to 4 feet), indicating little interference between the wells.

Therefore, per K.A.R. 5-4-4, the required minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest. The wells comply with minimum well spacing criteria to all other wells.

Well logs from the KGS database for the senior files, show sand and gravel layer extending from 34 feet to 43 feet in one well log (static water level of 15 feet); and sand and gravel from 43 feet to 48 feet in the second well log, (static water level of 19 feet); with both ending on shale bedrock. Based on the well logs and the geographical location of the wells near the Delaware 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 for File No. 49,868 A was determined to be 3,147 acres. Thus 3,147 acres x 5.4 inches of recharge x 100% recharge available / 12 provides a safe yield of 1,416.15 acre-feet. Prior appropriations total 131.66 acre-feet, leaving over 1,284 acre-feet available. For File No. 49,868 B area of consideration was determined to be 3,027 acres. Thus 3,027 acres x 5.4 inches of recharge x 100% recharge available / 12 provides a safe yield of 1,362.15 acre-feet. Prior appropriations total 177.69 acre-feet, leaving over 1,184 acre-feet available. Both applications comply with safe yield. Also note that these wells are located within the flood pool of Perry Reservoir and would likely gain additional recharge from the lake when at flood stage.

Note that Draft Certificates of Appropriation have been prepared for both senior files with a September 25, 2017 response date. If the certificates are issued as proposed, File No. 40,256 will be limited to 12.461 million gallons when combined with File No. 40,255.

The applicant has exceeded their authorized quantity in the past, and approval of these new applications will provide the District with additional water and prevent over-pumping issues in the future. The applicant has estimated population to grow to 585 within the next 20 years. Using an average of 100 gpcd, (which is an average value for small public water suppliers), provides an estimated quantity of water as follows: Population of 585 x 100 gpcd x 365 days = 21.4 million gallons.

Note that the authorized place of use includes the Old Town Campground. Per information from the their website, this campground has 63 camping sites, which typically operate throughout the spring and summer months, although obviously not at full capacity at all times. Assuming 2 people per campsite, 50% full, and the U.S. EPA report that the average person uses 100 gallons of water per day. Therefore, an estimate of water usage at the campground is 63 campers x 100 gpcd x 180 days = 1.1 million gallons. This provides an estimated total projected need of 22.5 million gallons (21.4 mgd + 1.1 mgd). As noted above, the senior files combined total is 12.461 million gallons. Therefore, these new approvals will be limited to 22.5 million gallons when combined with the senior files, providing 10.039 million gallons additional water.

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 these permits, a check valve will also need to be installed.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced applications in a September 6, 2017 discussion. Based on the above discussion, the additional quantity of water will help the applicant meet future water demands, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new applications 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

October 6, 2017

JEFFERSON RWD 10
% PATRICK A BARNES
9383 DELAWARE DR
OZAWKIE KS 66070

FILE COPY

Re: Appropriation of Water, File Nos. 49,868 A and 49,868 B

Dear Mr. Barnes:

There are enclosed permits 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 sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. 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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

If you have any questions, please contact our office. If you wish to discuss a 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. 49,868 B** of the applicant

**JEFFERSON RWD 10
9383 DELAWARE DR
OZAWKIE KS 66070**

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 **July 12, 2017**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Rural Water District No. 10, Jefferson County, Kansas and the immediate vicinity, and within the boundaries of Old Town Campground, Jefferson County, Kansas.
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 Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,089 feet North and 5,223 feet West of the Southeast corner of said section, in Township 9 South, Range 18 East, Jefferson 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 **400 gallons per minute** (0.89 c.f.s.) and to a quantity not to exceed **15 million gallons** (46.03 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.

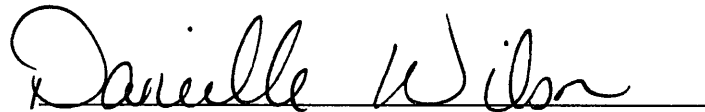
CERTIFICATE OF SERVICE

On this 6th day of October, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,868 B, dated October 4, 2017 was mailed postage prepaid, first class, US mail to the following:

JEFFERSON RWD 10
9383 DELAWARE DR
OZAWKIE KS 66070

With photocopies to:

Topeka Field Office

A handwritten signature in black ink that reads "Danielle Wilson". The signature is written in a cursive style and is positioned above a horizontal line.

Division of Water Resources

Overlap with
File # 40,255 well

APPLICATION COMPLETE
7/12/17
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 49868 B
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED
JUL 12 2017
10:32
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): JEFFERSON COUNTY RWD 10
Address: 9383 DELAWARE DR
City: OZAWKIE State: KS Zip Code 66070
Telephone Number: (620) 848-9840

2. The source of water is: surface water in _____ (stream)
OR groundwater in DELAWARE 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 46.03 acre-feet OR 15 Million gallons per calendar year, to be diverted at a maximum rate of 400 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 Meets K.A.R. 5-3-1 (YES / NO) Use MUN Source S County JF By AW Date 7/12/17
Code _____ REG _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

SCANNED
7/19/2017 UCM

* Modified pd as per Draft Certificate.

DNS/DNR 8/30/17

File No. 49,868-B

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.

EAST well

- * (A) One in the SW quarter of the SW quarter of the NW quarter of Section 20, more particularly described as being near a point 3,072³⁰⁸⁹ feet North, and 5,226⁵²²³ feet West of the Southeast corner of said section, in Township 9 South, Range 18 EAST, JEFFERSON County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

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

Executed on _____, 2016.

Pete Abner
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WELL
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) EXISTING WELL (1991)
(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)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

GROUNDWATER WELL

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

File No. 40,255 OVERLAPS IN PD AND PU. File No. 40,256 OL in PU only.

WATER RESOURCES
RECEIVED

JUL 12 2017

KS DEPT OF AGRICULTURE

SCANNED

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	1990			
Total depth of well	51.5			
Depth to water bearing formation	43			
Depth to static water level	18			
Depth to bottom of pump intake pipe	44			

14. The relationship of the applicant to the proposed place where the water will be used is that of OWNER
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

_____ (name, address and telephone number)

_____ (name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this _____ day of _____, 2016
(month) (year)



(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

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

_____ (Agent or Officer - Please Print)

49,868-B

SECTION 3: PROJECTED FUTURE WATER NEEDS

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

	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 Explanation on other side)
Year 5		0	0	0	9,000,000	14,000,000	
Year 10		0	0	0	13,000,000	16,000,000	
Year 15		0	0	0	15,000,000	18,000,000	
Year 20		0	0	0	18,000,000	20,000,000	
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	150
15 years ago	287
10 years ago	300
5 years ago	380
Last Year	416

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	490
Year 10	525
Year 15	560
Year 20	585

Provide number of current active service connections:

107 Residential 0 Industrial _____ Other (specify) _____
4 Commercial 0 Pasture/ Stockwater/ Feedlot _____ Total _____

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

* 585 x 100 gpcd (small minn avg.) x 365 = 21.4 mgy

DWS/DWR
8/30/17

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): _____

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

49,868-B
meets safe yield

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 1,362.15 AF.
 Total prior appropriation in the circle is 223.72 AF. $-46.03 = 177.69$
 Total quantity of water available for appropriation is ~~1,138.43~~ AF.

1,184.5 AF

Safe Yield Variables

The area used for the analysis is set at 3027 acres.
 Potential annual recharge of the area is estimated to be 5.4 inches.
 The percent of recharge available for appropriation is 100%.

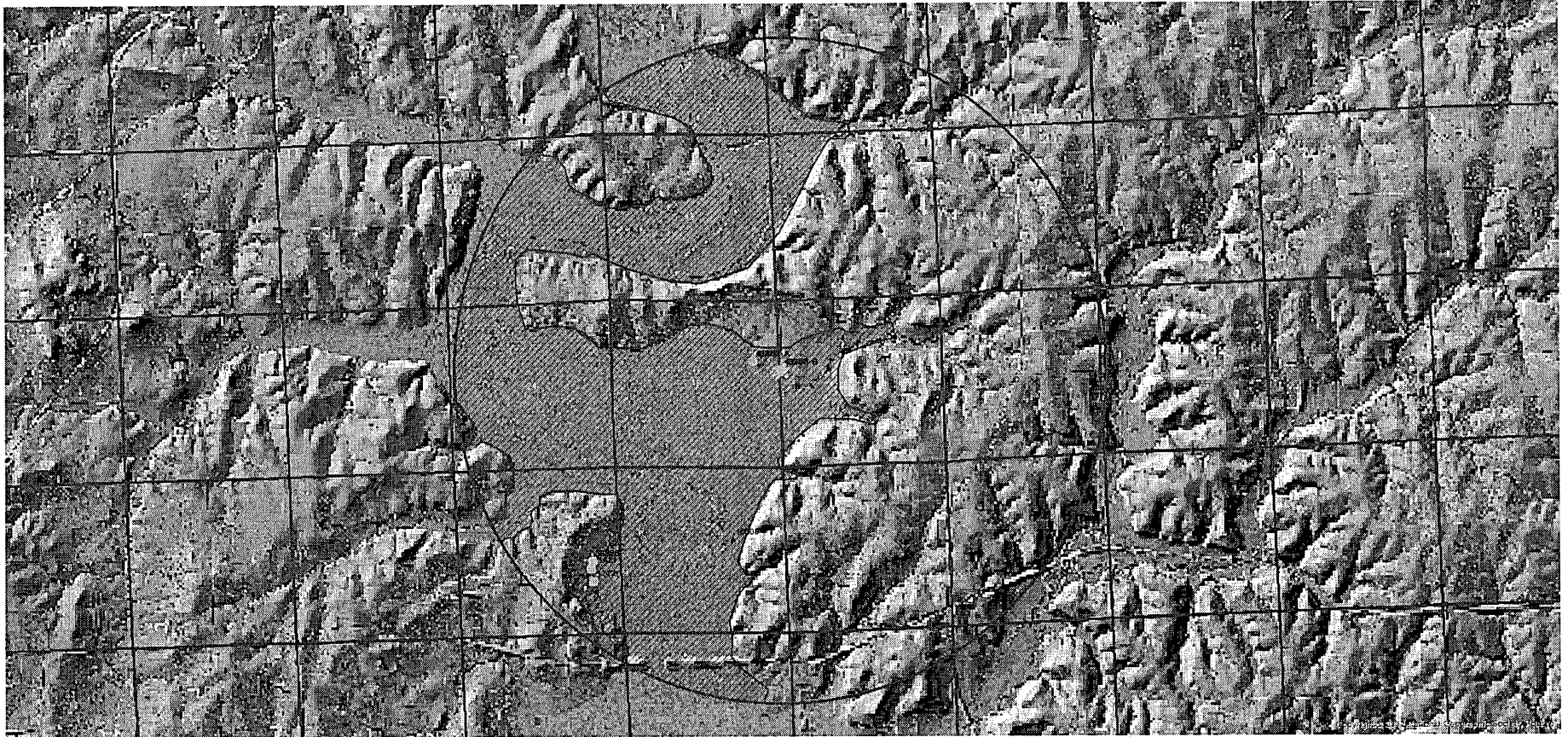
Authorized Quantity values are as of 30-AUG-2017 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 7 water right(s) and 5 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 11421	00 MUN NK G				SW NE SE			0	0	25	09	17E	1	WR	50.54	50.54		
Same	MUN NK G				SW NE SE			0	0	25	09	17E	2	WR				
A 33255	00 MUN NK G				NW NE SE			2335	881	25	09	17E	3	WR	18.11	3.41		
A 38926	00 MUN NK G				NW NE SE			2335	881	25	09	17E	3	WR	55.85	37.75		
A 40255	00 MUN MM G				SW SW NW			3072	5223	20	09	18E	1	WR	19.98	19.98		
A 40256	00 MUN MM G				NW SE NE			3369	851	19	09	18E	1	WR	19.98	19.98		
A 49868	A MUN AY G				NW SE NE			3369	851	19	09	18E	1	WR	46.03	46.03		
A 49868	B MUN AY G				SW SW NW			3072	5223	20	09	18E	1	WR	46.03	46.03		

Limitations are valid

Safe Yield Report Sheet
Water Right- A49868B
Point of Diversion in NWSWSW 20-98-18E 1 (47135)



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49868 B

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49868 B MUN

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

3072 Feet North and 5223 Feet West of the Southeast Corner of Section 20 T 9S R 18E

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__ 11421	00	MUN	NK	G	9146	--	SW	NE	SE	-----	-----	25	9	17E	1	50.54	50.54	AF
Same					9146	--	SW	NE	SE	-----	-----	25	9	17E	2			
A__ 33255	00	MUN	NK	G	8585	--	NW	NE	SE	2335	881	25	9	17E	3	18.11	3.41	AF
A__ 38926	00	MUN	NK	G	8585	--	NW	NE	SE	2335	881	25	9	17E	3	55.85	37.75	AF
A__ 40255	00	MUN	MM	G	0	--	SW	SW	NW	3072	5223	20	9	18E	1	19.98	19.98	AF
A__ 40256	00	MUN	MM	G	979	--	NW	SE	NE	3369	851	19	9	18E	1	19.98	19.98	AF
A__ 49868	A	MUN	AY	G	979	--	NW	SE	NE	3369	851	19	9	18E	1	46.03	46.03	AF
A__ 49868	B	MUN	AY	G	0	--	SW	SW	NW	3072	5223	20	9	18E	1	46.03	46.03	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	92.07	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	39.96	.00
Total Certified Amount (AF) =	91.69	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	223.72	.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:

3072 Feet North and 5223 Feet West of the Southeast Corner of Section 20 T 9S R 18E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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File Number Use ST SR

A__ 11421 00 MUN NK G
 > CITY OF OZAWKIE
 > CITY CLERK
 > PO BOX 120 515 KIOWA
 > OZAWKIE KS 66070

A__ 33255 00 MUN NK G
 > CITY OF OZAWKIE
 > CITY CLERK
 > PO BOX 120 515 KIOWA
 > OZAWKIE KS 66070

A__ 38926 00 MUN NK G
 > CITY OF OZAWKIE
 > CITY CLERK
 > PO BOX 120 515 KIOWA

> OZAWKIE KS 66070

>-----

A__ 40255 00 MUN MM G

> JEFFERSON RWD 10

>

> 9383 DELAWARE DR

> OZAWKIE KS 66070

>-----

A__ 40256 00 MUN MM G

> JEFFERSON RWD 10

>

> 9383 DELAWARE DR

> OZAWKIE KS 66070

>-----

A__ 49868 A MUN AY G

> JEFFERSON RWD 10

>

> 9383 DELAWARE DR

> OZAWKIE KS 66070

>-----

A__ 49868 B MUN AY G

> JEFFERSON RWD 10

>

> 9383 DELAWARE DR

> OZAWKIE KS 66070

>-----

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49,868-B
pd/pu overlap

THE STATE



OF KANSAS

DRAFT

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. 40,255

PRIORITY DATE March 15, 1991

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 (a.k.a. East Well) located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,089 feet North and 5,223 feet West of the Southeast corner of said section, in Township 9 South, Range 18 East, Jefferson County, Kansas, at a diversion rate not in excess of **60 gallons per minute (0.13 c.f.s.)** and a quantity not to exceed **6.51 million gallons (20 acre-feet)** of water per calendar year for **municipal use** within the boundaries of Rural Water District No. 10, Jefferson County, Kansas and the immediate vicinity, and within the boundaries of Old Town Campground, Jefferson County, Kansas.

(over)

49868B

(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. 49,868 B

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.

Pat A Barnes
Signature of Applicant

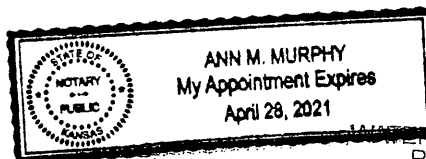
State of Kansas)
County of Shawnee) ss

Patrick A Barnes
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 15 day of June, 2017

Ann M. Murphy
Notary Public

My Commission Expires: 4/28/21



WATER RESOURCES
RECEIVED

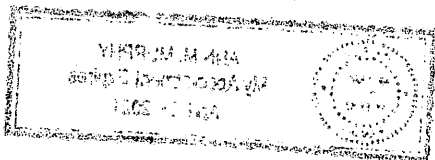
JUL 12 2017

**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



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

July 14, 2017

JEFFERSON COUNTY RWD 10
9383 DELAWARE DR
OZAWKIE KS 66070

FILE COPY

RE: Application
File No. 49868 B

Dear Sir or Madam:

Your application for permit to appropriate water in 20-9S-18E in Jefferson County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

Jefferson County RWD #10
 Section 20, Township 9 South, Range 18 East
 Jefferson County

49808B



MUN Well - File No. 40,256
 Owned by Applicant

Proposed Point of Diversion
 3,072' N & 5,223' W
 (Existing MUN Well - File No. 40,255)

Center of Section 20
 Township 9 South
 Range 18 East

Southeast Corner of Section 20
 Township 9 South
 Range 18 East

- Existing Well
- Proposed Point of Diversion

WATER RESOURCES RECEIVED

JUL 12 2017

*No wells with 1/2 mile
 All known well owners within one-half mile of the
 proposed point of diversion are shown on this map.

Pat A. Ba

SCANNED

1:24,000