

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,057</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;"><b>7/12/2018</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>01</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>0</b></p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s)                      Person ID <u>10277</u> New to system <input type="checkbox"/>                      Add Seq# <u>1</u></p> <p style="text-align: center; font-weight: bold; margin-top: 20px;">CITY OF LEAVENWORTH WATERWORKS DEPT 601 CHEROKEE ST LEAVENWORTH KS 66048-2627</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 style="font-weight: bold; margin-top: 10px;">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 style="font-weight: bold; margin-top: 10px;">7a.</p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="margin-left: 40px;"><input type="checkbox"/> Groundwater    <input checked="" 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: <u>12/31/2019</u> 11. Perfection Date: <u>12/31/2038</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: <b>6/26/18</b>                      By: <b>DWS</b> Date Entered: <u>7/10/2018</u>                      By: <u>LLM</u></p>			

File No. **50,057**      15. Formation Code:      Drainage Basin: **Missouri River**      County: LV      Special Use:      Stream: **Missouri River**

16. Points of Diversion										17. Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files	
√				<b>24209</b>	<b>NE SE NW</b>	<b>25</b>	<b>8</b>	<b>22E</b>	<b>1</b>	<b>3330</b>	<b>2780</b>	<b>3470</b>	<b>575.127</b>	<b>3470</b>	<b>0</b>	<b>LV-2 &amp; 3,578</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **3,200 MG** /yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **LV-2; 3,578; 27,613; 49,912 & 49,913**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes     No      To be installed by **12/31/2019**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files				
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√			<b>25656</b>	<b>25</b>	<b>8</b>	<b>22E</b>	<b>1</b>	<b>CITY OF LEAVENWORTH &amp; IMMEDIATE VICINITY</b>															<b>7a.</b>	<b>No</b>	<b>See Below*</b>
√			<b>32744</b>	<b>25</b>	<b>8</b>	<b>22E</b>	<b>2</b>	<b>LAN-DEL WATER DISTRICT, LEAVENWORTH CO, KS &amp; IMMEDIATE VICINITY</b>															<b>7a.</b>	<b>No</b>	<b>See Below*</b>
√			<b>20023</b>	<b>25</b>	<b>8</b>	<b>22E</b>	<b>3</b>	<b>RWD NOS 1, 2, 5 &amp; 8 LEAVENWORTH CO, KS &amp; IMMEDIATE VICINITIES</b>															<b>7a.</b>	<b>No</b>	<b>See Below*</b>
√			<b>27367</b>	<b>25</b>	<b>8</b>	<b>22E</b>	<b>4</b>	<b>CONSOLIDATED RWD NO 1, LV &amp; WY COUNTIES, KS &amp; IMMEDIATE VICINITY</b>															<b>7a.</b>	<b>No</b>	<b>See Below*</b>
√			<b>24726</b>	<b>25</b>	<b>8</b>	<b>22E</b>	<b>6</b>	<b>RWD NO 12, JEFFERSON CO, KS &amp; IMMEDIATE VICINITY</b>															<b>7a.</b>	<b>No</b>	<b>See Below*</b>
√			<b>14099</b>	<b>25</b>	<b>8</b>	<b>22E</b>	<b>7</b>	<b>FORT LEAVENWORTH, KS (EMERGENCY USE ONLY)</b>															<b>7a.</b>	<b>No</b>	<b>See Below*</b>
√			<b>24072</b>	<b>25</b>	<b>8</b>	<b>22E</b>	<b>8</b>	<b>LANSING CORRECTIONAL FACILITY (EMERGENCY USE ONLY)</b>															<b>7a.</b>	<b>No</b>	<b>See Below*</b>

Comments:  
**\*File Nos. LV-2; 3,578; 27,613; 49,912; AND 49,913 All Overlap in Place of Use.**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** June 26, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 50,057

The City of Leavenworth has filed the above referenced new application to appropriate an additional 575.127 million gallons (1765 AF) of surface water for municipal use at a diversion rate of 3,470 gallons per minute from their existing surface water intake structure located on the Missouri River. The application overlaps in point of diversion and place of use with Vested Water Right, File No. LV-2 and Water Right, File No. 3,578. In addition, it overlaps in place of use with Water Right, File No. 27,613 (City's well field), and pending applications for their collector well, File Nos. 49,912 and 49,913. The City's surface water intake structure is located in Section 25, Township 8 South, Range 22 East, in Leavenworth County. The applicant has signed the application stating that they have legal access to the point of diversion. Note that the City has informed DWR staff that they anticipate exceeding their authorized quantity of surface water and this application was filed to address this potential over-pumping of their senior water rights.

Vested Water Right, File LV-02 is authorized 706 million gallons at a diversion rate of 3,470 gallons per minute, Water Right, File No. 3,578 is authorized 300 million gallons at a diversion rate of 3,320 gallons per minute (limited to 3,470 gpm with LV-2), and Water Right, File No. 27,613 is authorized 1,786.292 million gallons. File No. 27,613 is limited to 1,874.558 million gallons with the senior files. File No. 49,912 is authorized 207.6 million gallons (all additional), while File No. 49,913 is authorized 2,387.383 million gallons, limited to all senior files not to exceed 3,200 million gallons.

The applicant has provided a "Municipal Supplemental Sheet" projecting water needs of 2,709.451 million gallons by 2038. The municipal use supplemental sheet indicates a significant annual population growth within the City of Leavenworth and local service area, which would increase population from approximately 46,858 currently to 50,813 by 2038 (20-year projection). The applicant has indicated that their current water rights were nearly exceeded in 2012, and as noted above, the City is anticipating exceeding their authorized quantity of water in 2018, from their surface water intake. It is proposed that Application, File No. 50,057 be limited to all senior files not to exceed 3,200 million gallons (0 additional water). As noted this is the same quantity limitation as File No. 49,913, and is the most that can be justified.

The application does not propose the transportation of water in a quantity of 2,000 acre-feet or more for beneficial use at a point of use outside a 35-mile radius from the point of diversion. Therefore, the proposed appropriation of water would not be regulated under the Water Transfer Act of 2001.

The place of use overlaps multiple other senior water rights, and is described as:

"Within the City of Leavenworth, Kansas and its immediate vicinity, within the boundaries of Lan-Del Water District, Leavenworth County, Kansas and its immediate vicinity, within the boundaries of Consolidated Rural Water District No. 1, Leavenworth and Wyandotte County, Kansas and its immediate vicinity, within the boundaries of Rural Water District Nos. 1, 2, 5, and 8 Leavenworth County, Kansas and their immediate vicinity, within the boundaries of Rural Water District No. 12 Jefferson County, Kansas and its immediate vicinity, and within the boundaries of Fort Leavenworth, Kansas and the Lansing Correctional Facility in Lansing, Kansas and their immediate vicinity".

The applicant provided a list of upstream and downstream landowners within one-half mile of the existing surface water intake, which complies with K.A.R. 5-3-4. The list includes only the City itself and the USA Coast Guard. This is simply additional water from an existing intake structure, no physical changes in the intake will occur, and no senior water rights will be affected in any way, it was deemed not necessary to notify the only other landowner. Obviously, they are aware of the City's point of diversion and use of water, and any concerns would have already been manifested. In addition, there are no other permitted surface water rights located within a two-mile radius of the proposed point of diversion.

Per K.A.R. 5-3-15, Availability of water for appropriation - safe yield; surface water. (a) Each application filed to directly divert the natural flow of the Kansas river, the Missouri river, the Big Blue river, the Spring river, or their tributaries, shall:

- (1) be processed in accordance with K.A.R. 5-3-9; and
  - (2) meet all other requirements for the approval of a new application.
- (b) The water right owner shall be required by the chief engineer to meet minimum desirable streamflows (MDS), assurance district target flows (assurance target flows) and division of water resources (DWR) target flows where applicable.

The application meets these safe yield criteria. The permit will also contain the condition that streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place.

In accordance with K.S.A. 82a-706c, the permit will state that an approved flow meter will be required on the diversion works. 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 June 26, 2018 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application.

Based on the above discussion, that approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, the application complies with rules and regulations, approval will allow the applicant more flexibility and efficiency in their water supply, and provide an additional quantity from their surface water intake, it is recommended that the referenced application be approved, in conjunction with File Nos. 49,912 and 49,913, and related structures permit.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 16, 2018

**FILE COPY**

CITY OF LEAVENWORTH  
WATERWORKS DEPT  
601 CHEROKEE ST  
LEAVENWORTH KS 66048-2627

Re: Appropriation of Water, File No. 50,057

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. 50,057** the applicant

**CITY OF LEAVENWORTH  
WATERWORKS DEPT  
601 CHEROKEE ST  
LEAVENWORTH KS 66048-2627**

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 **May 21, 2018**.
2. That the water sought to be appropriated shall be used for municipal purposes within the City of Leavenworth, Kansas and its immediate vicinity, within the boundaries of Lan-Del Water District, Leavenworth County, Kansas and its immediate vicinity, within the boundaries of Consolidated Rural Water District No. 1, Leavenworth and Wyandotte County, Kansas and its immediate vicinity, within the boundaries of Rural Water District Nos. 1, 2, 5, and 8 Leavenworth County, Kansas and their immediate vicinity, within the boundaries of Rural Water District No. 12 Jefferson County, Kansas and its immediate vicinity, and within the boundaries of Fort Leavenworth, Kansas and the Lansing Correctional Facility in Lansing, Kansas and their immediate vicinity.
3. That the authorized source from which the appropriation shall be made is surface water from the Missouri River, to be withdrawn by means of a surface water intake structure located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 25, more particularly described as being near a point 3,330 feet North and 2,780 feet West of the Southeast corner of said section, in Township 8 South, Range 22 East, Leavenworth 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 **3,470 gallons per minute (7.73 c.f.s.)** and to a quantity not to exceed **575.127 million gallons** (1,765 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, 2019** 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, 2038** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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

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

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

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

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with 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 each municipal entity must have approved conservation plans and must submit progress reports to the office of the Chief Engineer by March 1, following the tenth full calendar year after this permit was issued. The progress reports 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 reports must document compliance with the approved conservation plans, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.

18. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Vested Water Right, File No. LV-002, Water Right File Nos. 3,578 and 27,613, and Appropriation of Water, File Nos. 49,912 and 49,913 will provide a **total not to exceed 3,200 million gallons** (9,820.439 acre-feet) of water per calendar year for municipal use.

**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:

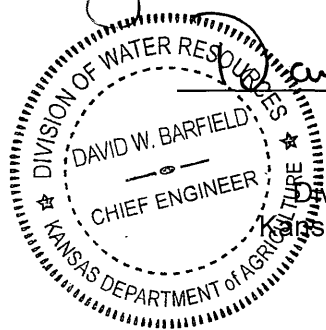
- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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 12<sup>th</sup> day of July, 2018, in 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        )  
                                   ) SS  
 County of Riley        )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of July, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter  
 Notary Public



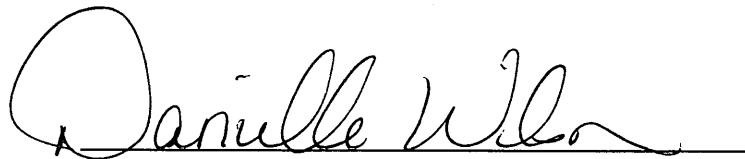
### CERTIFICATE OF SERVICE

On this 16<sup>th</sup> day of July, 2018, I hereby certify that the foregoing Approval of Application, File No. 50,057, dated July 12, 2018 was mailed postage prepaid, first class, US mail to the following:

CITY OF LEAVENWORTH  
WATERWORKS DEPT  
601 CHEROKEE ST  
LEAVENWORTH KS 66048-2627

With photocopies to:

Topeka Field Office

A handwritten signature in black ink, appearing to read "Danielle Wilson", written over a horizontal line.

Division of Water Resources

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

File Number 50057  
This item to be completed by the Division of Water Resources.

Water Resources  
Received

APPLICATION COMPLETE  
6/26/18  
Reviewer KAB for  
DWS

**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.)

**MAY 21 2018**  
**12:50**  
KS Dept Of Agriculture

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): LEAVENWORTH WATERWORKS  
Address: 601 CHEROKEE  
City: LEAVENWORTH State KS Zip Code 66048  
Telephone Number: (913) 682-1513
2. The source of water is:  surface water in MISSOURI RIVER  
(stream)  
OR  groundwater in \_\_\_\_\_  
(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 4,765 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 3,470 gallons per minute OR 7.73 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) <input type="checkbox"/> Artificial Recharge | (b) <input type="checkbox"/> Irrigation                | (c) <input type="checkbox"/> Recreational       | (d) <input type="checkbox"/> Water Power      |
| (e) <input type="checkbox"/> Industrial          | (f) <input checked="" type="checkbox"/> Municipal      | (g) <input type="checkbox"/> Stockwatering      | (h) <input type="checkbox"/> Sediment Control |
| (i) <input type="checkbox"/> Domestic            | (j) <input type="checkbox"/> Dewatering                | (k) <input type="checkbox"/> Hydraulic Dredging | (l) <input type="checkbox"/> Fire Protection  |
| (m) <input type="checkbox"/> Thermal Exchange    | (n) <input type="checkbox"/> 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. Code	<u>L GMD 0</u>	Meets K.A.R. 5-3-1 (YES/NO)	<u>(YES)</u>	Use	<u>MUN</u>	Source	<u>G (S)</u>
	<u>LE3</u>	Fee \$	<u>0.00</u>	TR #		County	<u>W</u>
		By	<u>AW</u>	Date	<u>5/21/18</u>	Receipt Date	<u>5/21/18</u>
		Check #	<u>55151</u>				

SCANNED  
5/22/18 DAW

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NE quarter of the SE quarter of the NW quarter of Section 25, more particularly described as being near a point 3330 feet North and 2780 feet West of the Southeast corner of said section, in Township 8 South, Range 22 East West (circle one) LEAVENWORTH 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 (¼) 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)

\_\_\_\_\_  
(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 MAY 17, 2018 [Signature]  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of THE EXISTING INTAKE  
(number of wells, pumps or dams, etc.)  
and (was) (will be) completed (by) 1938  
(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 8/11/2018  
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

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

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

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

• If yes, show the Water Structures permit number here \_\_\_\_\_

• If no, explain here why a Water Structures permit is not required EXISTING INTAKE  
STRUCTURE

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.

VR LV-002 AR 3,578 AR 27,613  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:     Test holes     Well as completed     Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

MUNICIPAL/RURAL PROVIDER  
(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 LEAVENWORTH, Kansas, this 17<sup>th</sup> day of MAY, 2018.  
(month) (year)

\_\_\_\_\_  
(Applicant Signature)

By   
(Agent or Officer Signature)

JOEL MAHNIKEN  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

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### FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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Applicant's Name Leavenworth Water WORKS  
(Please Print)

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

**Application File Number**  
  
(assigned by DWR)

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

in 1000 gallons

Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Below Explanation)
1,800,508	0	425,558	35,239	1,051,258	99,025	189,428
<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

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

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

**UNACCOUNTED FOR WATER**

Use the following to calculate your distribution system's Unaccounted For Water:  
Start with the amount in Column 1 and add the amount in Column 2, then subtract the amounts in Columns 3, 4, 5, and 6 leaving an amount of water representing your unaccounted for water to enter in Column 7.

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

$$\text{Percent Unaccounted For Water} = \frac{\text{Unaccounted For Water}}{\text{Total Water (Columns 1,2)}} \times 100$$
 If the number exceeds 20%, please explain the large amount of unaccounted for water and describe any steps being taken to reduce it.

**SECTION 2: PAST WATER USE**  
**COMPLETE THE FOLLOWING TABLE FROM YOUR PAST WATER USE RECORDS.** in 1000 gallons

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Above Explanation)
20 years ago	1,778,636	0	422,471	39,389	1,212,094	2,815	101,867
15 years ago	1,805,886	0	374,665	21,558	1,268,380	5,467	135,816
10 years ago	1,669,958	0	401,452	34,974	1,049,734	1,972	181,826
5 years ago	1,860,109	0	478,698	31,361	1,084,239	2,553	263,258
	<b>TOTAL WATER = Columns 1 + 2</b>		<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>				<b>UNACCOUNTED FOR WATER</b>

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**SECTION 3: PROJECTED FUTURE WATER NEEDS**

Acre-feet/year

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	7897	0	1352	111	4000	202	404
Year 10	8034	0	1400	114	4087	207	414
Year 15	8173	0	1450	117	4176	212	425
Year 20	8315	0	1502	119	4261	218	436
<b>TOTAL WATER = Columns 1 + 2</b>			<b>ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6</b>			<b>UNACCOUNTED FOR WATER</b>	

**SECTION 4: POPULATION AND SERVICE CONNECTIONS**

City/Rural (estim.)

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	35,448 / 10,772
15 years ago	35,251 / 10,712
10 years ago	35,526 / 10,796
5 years ago	35,800 / 10,879
Last Year	35,937 / 10,921

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	36,534 / 11,326
Year 10	37,095 / 11,730
Year 15	37,660 / 12,149
Year 20	38,232 / 12,581

Provide number of current active service connections:

\_\_\_\_\_ Residential                      \_\_\_\_\_ Industrial                      \_\_\_\_\_ Other (specify) \_\_\_\_\_  
 \_\_\_\_\_ Commercial                      \_\_\_\_\_ 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

$$\frac{1.339711 \times 10^9}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{46,858}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 78.33 \text{ GALLONS PER PERSON PER DAY.}$$

**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): \_\_\_\_\_

See attached page

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

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**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):**

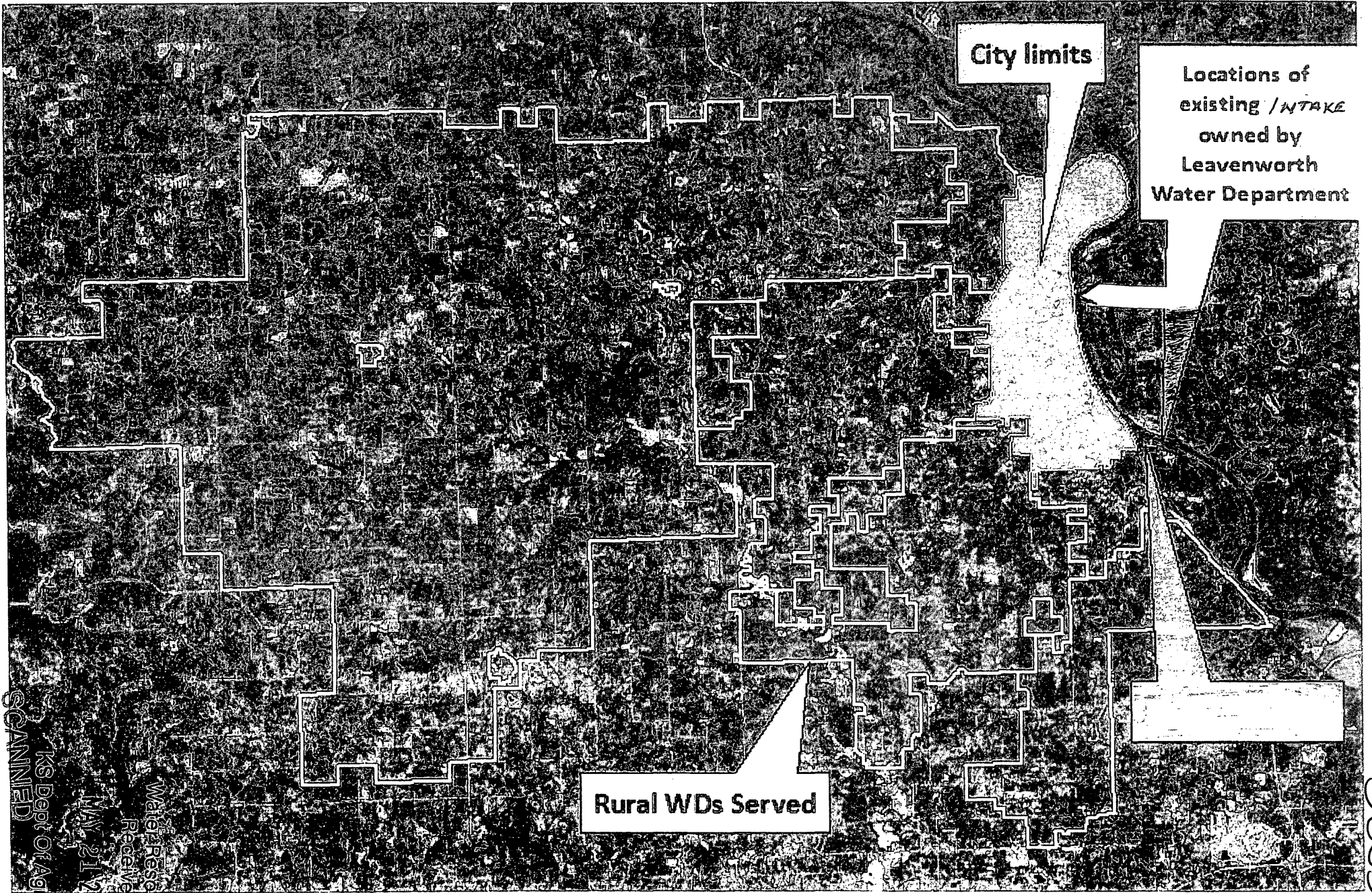
For municipal use in the City of Leavenworth, Kansas and its immediate vicinity; within the boundaries of Lan-Del Water District, Leavenworth County, Kansas and its immediate vicinity; within the boundaries of Consolidated Rural Water District No. 1, Leavenworth and Wyandotte County, Kansas and its immediate vicinity; within the boundaries of Rural Water District Nos. 1, 2, 5, and 8 Leavenworth County, Kansas and their immediate vicinity; within the boundaries of Rural Water District No. 12 Jefferson County, Kansas and its immediate vicinity; and within the boundaries of Fort Leavenworth, Kansas and the Lansing Correctional Facility in Lansing, Kansas and their immediate vicinity.

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City limits

Locations of  
existing INTAKE  
owned by  
Leavenworth  
Water Department

Rural WDs Served

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May 21, 2018

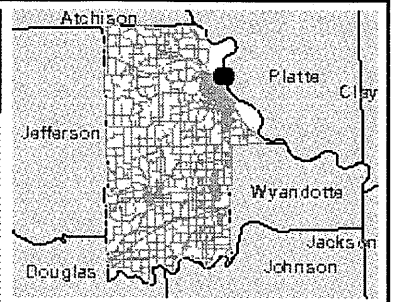
50057

# Location of Existing Intake



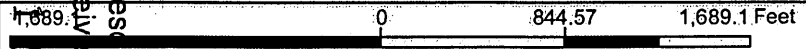
INTAKE  
 3,330' NORTH &  
 2,780' WEST OF  
 THE SE CORNER  
 OF SEC. 25, T8S,  
 R22E, LEAVENWORTH  
 COUNTY, KANSAS.

Platte



- Legend**
- Parcel
  - City Limit Line
  - Major Road
  - <all other values>
  - 70
  - Road
  - Railroad
  - Section
  - Section Boundaries
  - County Boundary

1 in. = 845ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

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50057

## 11(c) Owners of property ½ mile upstream and downstream

<u>LV CO Parcel #</u>	<u>Property Owner</u>
R1868	City of Leavenworth Kansas 100 N. 5 <sup>th</sup> St., Leavenworth KS 66048
R1886	USA Coast Guard 1430 Olive Street, St Louis MO 63103
R1887	USA Coast Guard 1430 Olive Street, St Louis MO 63103
R2118	City of Leavenworth Kansas 100 N. 5 <sup>th</sup> St., Leavenworth KS 66048
R2516	City of Leavenworth Kansas 100 N. 5 <sup>th</sup> St., Leavenworth KS 66048

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**MAY 21 2018**

# 50,057

Report Date Tuesday, June 5 2018

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50057 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50057 00 MUN

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

3330 Feet North and 2780 Feet West of the Southeast Corner of Section 25 T 8S R 22E

SURFACE WATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 3578 00 MUN NK S          0 -- NE SE NW 3330 2780 25 8 22E 1          920.67 920.67 AF
A__ 50057 00 MUN AY S        0 -- NE SE NW 3330 2780 25 8 22E 1          1765.00 1765.00 AF
VLV 2 00 MUN AA S          0 -- NE SE NW 3330 2780 25 8 22E 1          2166.63 2166.63 AF
=====

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=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      1765.00           .00
Total Permitted Amount (AF) =           .00           .00
Total Inspected Amount (AF) =           .00           .00
Total Pro_Cert Amount (AF) =           .00           .00
Total Certified Amount (AF) =          920.67           .00
Total Vested Amount (AF) =          2166.63           .00
TOTAL AMOUNT (AF) =          4852.30           .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:

3330 Feet North and 2780 Feet West of the Southeast Corner of Section 25 T 8S R 22E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 3578 00 MUN NK S
> CITY OF LEAVENWORTH
> WATERWORKS DEPT
> 601 CHEROKEE ST
> LEAVENWORTH KS 66048
>-----
A__ 50057 00 MUN AY S
> CITY OF LEAVENWORTH
> WATERWORKS DEPT
> 601 CHEROKEE ST
> LEAVENWORTH KS 66048
>-----
VLV 2 00 MUN AA S
> CITY OF LEAVENWORTH
> WATERWORKS DEPT
> 601 CHEROKEE ST
> LEAVENWORTH KS 66048
>-----
=====

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# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

May 22, 2018

LEAVENWORTH WATERWORKS  
601 CHEROKEE  
LEAVENWORTH KS 66048

RE: Application  
File No. 50057

Dear Sir or Madam:

Your application for permit to appropriate water in 25-8S-22E in Leavenworth 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) 564-6637. 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 black ink that reads "Kristen A. Baum".

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

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