

File No. **50,286** 15. Formation Code: **180** Drainage Basin: **Vermillion Creek** County: **PT** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity						
T	MOD		PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
DEL											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files	
ENT																
	MOD	87671		NW SE SW	27	9S	9E	3	900	3320	(Geo-Ctr)	300	60	300	60	NONE
	ENT	88451		NE SE SW	27	9S	9E		900	3120	(Batt 1 of 2)					
	ENT	88452		NW SE SW	27	9S	9E		900	3520	(Batt 1 of 2)					

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

19. Limitation: _____ mg/yr at _____ gpm (_____ cfs) when combined with file number(s)_
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2021** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files												
T	MOD		PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼													
DEL								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										
ENT																																	
	√	2805	29	9	9E	2	WITHIN BOUNDARIES RWD #2 POTTAWATOMIE CO																										7a. No 21,099; 24,224; 43,757; 42,758; 46,442; 46,443; 49,020; 49,030; 49,417; 49,420; and 49,421.
	√	35341	29	9	9E	1	WITHIN BOUNDARIES RWD #1 POTTAWATOMIE CO																										7a. No 21,099; 24,224; 43,757; 42,758; 46,442; 46,443; 49,020; 49,030; 49,417; 49,420; and 49,421.

Comments: 10/13/2020
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: September 23, 2020

FROM: Doug Schemm

RE: Application, File No. 50,286

Rural Water District No. 1, Pottawatomie County has filed the referenced new application to appropriate 60 million gallons of groundwater per calendar year at a diversion rate not to exceed 300 gallons per minute from a proposed new two-well battery. The battery of wells is in the Southwest Quarter of Section 27, Township 9 South, Range 9 East, in Pottawatomie County, in the Vermillion Creek drainage basin. The application form was signed by the manager of the District, stating that they have access to the point of diversion. There are no overlaps in the point of diversion. However, the proposed place of use overlaps with File Nos. 21,099; 24,224; 43,757; 42,758; 46,442; 46,443; 49,020; 49,030; 49,417; 49,420; and 49,421. The applicant was assisted by Brad Vincent. The following table provides a summary of these files.

File No.	Well No.	PDIV ID	Authorized Quantity (MGY)	Additional Quantity (MGY)	Total Cumulative Quantity (MGY)	Authorized Rate (GPM)	Additional Rate (GPM)	Limitation
21,099	#1	44571	60	60	60	285	285	None
24,224	#3	9944	15.4	15.4	75.4	280	280	None
43,757	#4	63529	43.99	43.99	119.39	250	250	None
43,758	#5	63530	52.14	52.14	171.53	300	300	None
46,442	#6	72544	60	60	231.53	250	250	None
46,443	#7	72545	60	60	291.53	350	350	None
49,020	#4	63529	43.58	43.58	335.11	250	0	Limited to 250 gpm w/ 43,757
49,030	#5	63530	35.431	35.431	370.541	300	0	Limited to 300 gpm w/ 43,758
49,417	#2	31204	89.28	89.28	459.821	310	310	None
49,420	#1	44571	22.8	22.8	482.621	285	285	None
49,421	#3	9944	65.24	65.24	547.861	280	280	None
50,286	New Well Battery	87671 (geo-ctr)	60	60	607.861	300	300	None

The proposed place of use is within the boundaries of Rural Water District No. 1, Pottawatomie County and immediate vicinity and within the boundaries of Rural Water District No. 2, Pottawatomie County and immediate vicinity.

Based on the MUN use supplemental sheet, the population within the service areas of the Districts is projected to increase from 7,874 people currently to 15,200 people in 2040 (an increase of 7,326 people). The application indicates that current District usage is equivalent to 95 gallons per capita per day (GPCD). The Kansas Municipal Water Use publication indicates that Pottawatomie County RWD No. 1 and Pottawatomie County RWD No. 2 used 118 and 131 GPCD, while the regional average for medium sized public water suppliers in Region 7 was 99 GPCD. The estimated water demand based on a 20-year population projection and 118 GPCD is 654.7 million gallons (15,200 people X 118 GPCD X 365 days = 654.7 million gallons.) Even decreasing the gpcd to 109 (closer to the regional average), the estimated water demand is 604.7 million gallons.

As indicated above, current water rights total 547.861 million gallons, and with the addition of the pending application of 60 million gallons, the total authorized quantity would be 607.861 million gallons. This total does not exceed the demand based on the above population projection, therefore the additional quantity is reasonable. The proposed additional quantity will cover the increased demand due to population growth as well as industrial growth in the area. There will be no limitation on the approved quantity for this new application (all additional).

The source of supply is glacial drift deposits based on geologic maps and area well logs. A test hole log submitted with the application shows the primary aquifer extends from 150 feet to 181 feet below ground surface, where shale bedrock was encountered. This is very typical for this geologic region of the state, where the primary aquifer is 20 feet to 30 feet in thickness and is encountered immediately above the bedrock surface. Static water level was 93.7 feet below ground surface. This is also typical of these types of deposits where the static water level extends above the top of the aquifer indicating the aquifer is confined. The extent of the glacial deposits is more extensive in this local area, then as shown on the "Saturated Thickness and Specific Yield of Cenozoic Deposits in Kansas" map by Bayne and Ward, 1967. Their map shows a narrow valley in this area, whereas nearby well logs show this valley to extend across the local area.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer (glacial drift), within a two-mile circle radius of the point of diversion, which establishes the area of consideration. DWR staff reviewed domestic well logs and test hole log data submitted by the applicant, and based on nearby senior water rights, the glacial aquifer extends across the entire circle. Therefore, the area of consideration is 8,042 acres. With a potential annual recharge of 3.6 inches, and 100% of recharge available for appropriation, safe yield was determined to be 2,412.74 acre-feet. Existing water rights have appropriated 1,771.62 acre-feet, so there are 641.12 acre-feet available for appropriation, and the application requesting 184.13 acre-feet meets safe yield.

Notification letters were sent to nearby well owners on September 4, 2020. No responses of any kind were received. According to the WRIS database, there is only one non-domestic well within ½ mile, and it is located over 2,300 feet away (also owned by the applicant). The nearest domestic well is over 700 feet away, and it is an abandoned stock well. The applicant complies with the minimum well spacing of 1,320 feet to non-domestic wells and 660 feet to all domestic wells per K.A.R. 5-4-4.

Memorandum
File No. 50,286
Page 3 of 3

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Katie Tietsort, Water Commissioner of the Topeka Field Office, gave a recommendation that the referenced application be approved in a September 17, 2020 e-mail. Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, the additional quantity of water will help the District meet future water demands, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Thursday, September 17, 2020 12:56 PM
To: Schemm, Doug [KDA]
Subject: RE: 50286 Pott RWD #1

Hi Doug,

The TFO has no objections to approval of the referenced application.

Thanks, Katie

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

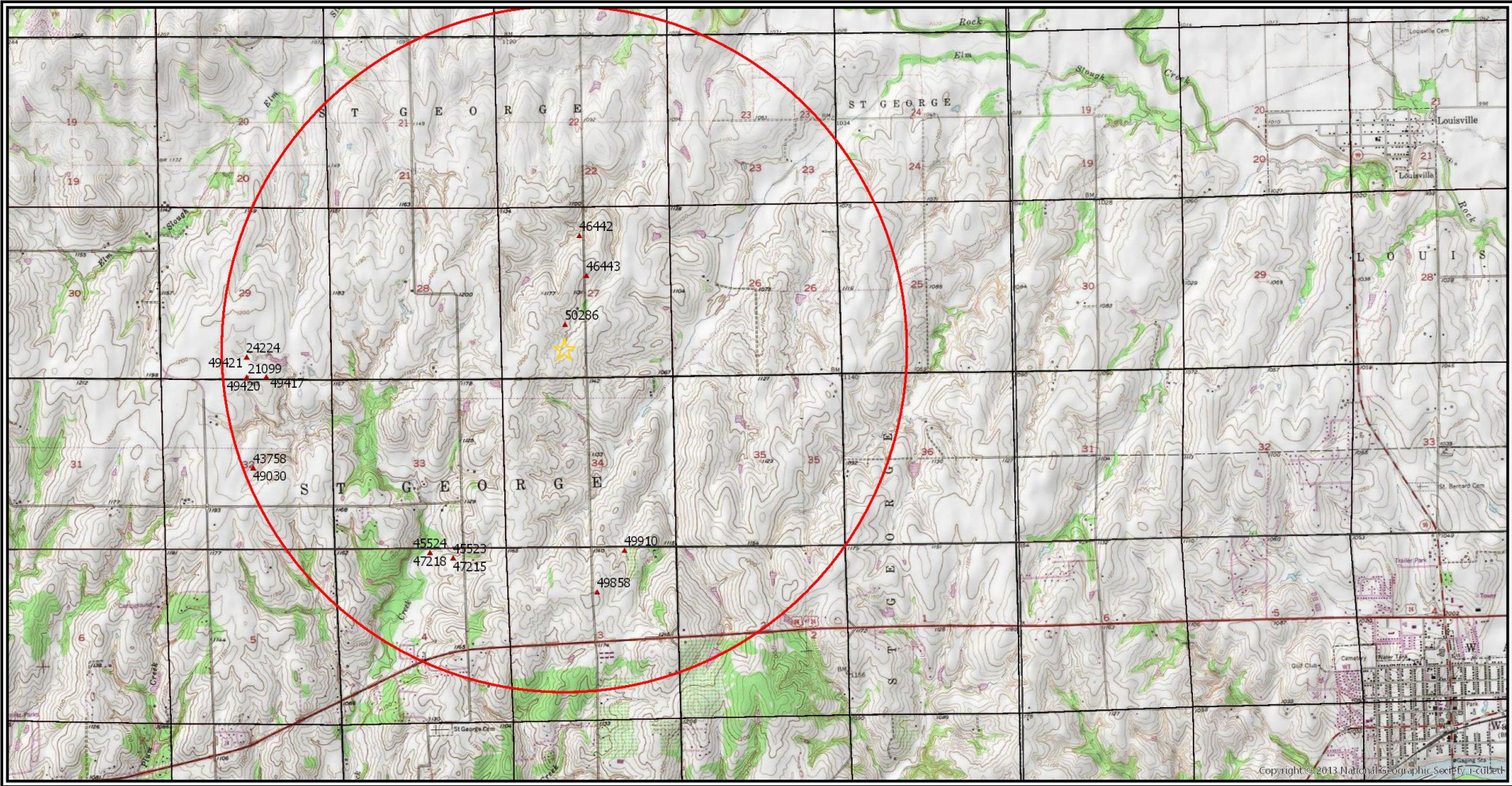
785-296-5733

PLEASE NOTE OUR NEW ADDRESS:
Kansas Department of Agriculture
Topeka Field Office
1131 SW Winding Rd, Suite 400
Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Tuesday, September 15, 2020 2:09 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50286 Pott RWD #1

No issues with this one. Meets spacing and safe yield. No responses from nearby well owners.
Please review.

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 27-09S-09E
Footages from SE corner- 900 feet North 3,320 feet West



Analysis Results

Application File No. 50,286 - Requesting 184.13 AF
Meets Safe Yield dws/dwr 9/15/20

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,412.74 AF.

Total prior appropriations in the circle is 1,889.35 AF. - 184.13 AF = 1705.22 AF + 30.56 AF + 35.84 AF = 1,771.62 AF

Total quantity of water available for appropriation is ~~523.39~~ AF.

641.12 AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 3.6 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 15-SEP-2020 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 16 water rights and 11 points 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	Tot Acres	Net Acres
A 21099 00	MUN	NK	G		SW	SW	SE	130	2611	29	09	09E	1	WR	184.13	184.13		
A 24224 00	MUN	NK	G		NW	SW	SE	764	2603	29	09	09E	3	WR	47.26	47.26		
A 43758 00	MUN	LO	G		NW	NW	SE	2568	2470	32	09	09E	9	WR	160.01	160.01		
A 45523 00	MUN	LO	G		NE	NW	NE	5122	1671	04	10	09E	2	WR	33.60	33.60		
A 45524 00	MUN	LO	G		NW	NW	NE	5278	2360	04	10	09E	3	WR	33.60	3.04		+ 30.56 AF
A 46442 00	MUN	LO	G		SE	NE	NW	4394	2950	27	09	09E	1	WR	184.13	184.13		
A 46443 00	MUN	LO	G		SW	SW	NE	3100	2575	27	09	09E	2	WR	184.13	184.13		
A 47215 00	MUN	LO	G		NE	NW	NE	5122	1671	04	10	09E	2	WR	100.00	41.14		+ 35.84 AF
A 47218 00	MUN	LO	G		NW	NW	NE	5278	2360	04	10	09E	3	WR	100.00	0.00		✓
A 49030 00	MUN	LO	G		NW	NW	SE	2568	2470	32	09	09E	9	WR	108.73	108.73		
A 49417 00	MUN	LO	G		SW	SW	SE	126	1997	29	09	09E	2	WR	273.99	273.99		
A 49420 00	MUN	LO	G		SW	SW	SE	130	2611	29	09	09E	1	WR	69.97	69.97		
A 49421 00	MUN	LO	G		NW	SW	SE	764	2603	29	09	09E	3	WR	200.21	200.21		
A 49858 00	MUN	HK	G		NW	SW	NE	3955	2525	03	10	09E	2	WR	100.00	100.00		
A 49910 00	MUN	HK	G		NE	NW	NE	5230	1645	03	10	09E	3	WR	200.00	114.85		
A 50286 00	MUN	AY	G		SE	NE	SW	1664	3279	27	09	09E	3	WR	184.13	184.13		

Limitations

File Number	Seq Num	Limitations
A 45524 00	109.3 AF 1	35.622MGY COM/W #9,157; 36,782; 38,090; 38,383 & 45,523 (Only 1 in circle, add in all quantity of 30.56 AF)
A 47215 00	141.14 AF 1	45.990MGY COM/W #38090, 45523 & 45524 33.6 AF + 30.56 AF + 41.14 AF = 105.3 AF 141.14 AF - 105.3 AF = 35.84 AF
Same	2	75GPM COM/W #45523
A 47218 00	141.14 AF 1	45.990MGY COM/W #38090, 45523, 45524 & 47215 33.6 AF + 30.56 AF + 76.98 AF = 141.14 AF ✓
Same	2	75GPM COM/W #45524

File Number	Seq Num	Limitations
A 49030 00	1	300 GPM COM/W #43758
A 49420 00	1	285 GPM COM/W #21099
A 49421 00	1	280 GPM COM/W #24224
A 49910 00	1	116 MGY COM/W #38090, #45523, #45524, #47215, #47218 & #49858

Report Date: Tuesday, September 15 2020

Water Rights and Points of Diversion Within 2 miles of point defined as:
 900 Feet N and 3320 Feet W of the Southeast Corner of Section 27 Twp 9S Rng 9E
 Located at: 96.401067 West Longitude and 39.234386 North Latitude
 GROUNDWATER 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__ 21099 00 MUN NK G      9879 -- SW SW SE   130 2611 29  9 9E 1      184.13 184.13
  AF
A__ 24224 00 MUN NK G      9848 -- NW SW SE   764 2603 29  9 9E 3       47.26 47.26
  AF
A__ 43758 00 MUN LO G     10316 -- NW NW SE  2568 2470 32  9 9E 9      160.01 160.01
  AF
A__ 45523 00 MUN LO G      7258 -- NE NW NE   5122 1671  4 10 9E 2       33.60 33.60
  AF
A__ 45524 00 MUN LO G      7487 -- NW NW NE   5278 2360  4 10 9E 3       33.60  3.04
  AF
A__ 46442 00 MUN LO G      3514 -- SE NE NW   4394 2950 27  9 9E 1      184.13 184.13
  AF
A__ 46443 00 MUN LO G      2324 -- SW SW NE   3100 2575 27  9 9E 2      184.13 184.13
  AF
A__ 47215 00 MUN LO G      7258 -- NE NW NE   5122 1671  4 10 9E 2      100.00  41.14
  AF
A__ 47218 00 MUN LO G      7487 -- NW NW NE   5278 2360  4 10 9E 3      100.00   .00
  AF
A__ 49030 00 MUN LO G     10316 -- NW NW SE  2568 2470 32  9 9E 9      108.73 108.73
  AF
A__ 49417 00 MUN LO G      9266 -- SW SW SE   126 1997 29  9 9E 2      273.99 273.99
  AF
A__ 49420 00 MUN LO G      9879 -- SW SW SE   130 2611 29  9 9E 1       69.97 69.97
  AF
A__ 49421 00 MUN LO G      9848 -- NW SW SE   764 2603 29  9 9E 3      200.21 200.21
  AF
A__ 49858 00 MUN HK G      7572 -- NW SW NE   3955 2525  3 10 9E 2      100.00 100.00
  AF
A__ 49910 00 MUN HK G      6482 -- NE NW NE   5230 1645  3 10 9E 3      200.00 114.85
  AF
A__ 50286 00 MUN AY G       765 -- SE NE SW   1664 3279 27  9 9E 3      184.13 184.13
  AF
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Total Net Quantities Authorized:      Direct      Storage
Total Requested Amount (AF) =         184.13         .00
Total Permitted Amount (AF) =         214.85         .00
Total Inspected Amount (AF) =         1258.97         .00
Total Pro_Cert Amount (AF) =           .00         .00
Total Certified Amount (AF) =          231.39         .00
Total Vested Amount (AF) =             .00         .00
TOTAL AMOUNT (AF) =          1889.35         .00
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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 miles of point defined as:
 900 Feet North and 3320 Feet West of the Southeast Corner of Section 27 Twp 9S Rng 9E
 Located at: 96.401067 West Longitude and 39.234386 North Latitude
 GROUNDWATER ONLY
 WATER USE CORRESPONDENTS:

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File Number      Use ST SR
> POTTAWATOMIE RWD 01
> ANNETTE HARRIS
    
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> PO BOX 228
> WAMEGO KS 66547
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> POTTAWATOMIE RWD 01
> ANNETTE HARRIS
> PO BOX 228
> WAMEGO KS 66547
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> POTTAWATOMIE RWD 01
> ANNETTE HARRIS
> PO BOX 228
> WAMEGO KS 66547
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> CITY OF SAINT GEORGE
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> PO BOX 33
> SAINT GEORGE KS 66535
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> CITY OF SAINT GEORGE
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> PO BOX 33
> SAINT GEORGE KS 66535
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> POTTAWATOMIE RWD 01
> ANNETTE HARRIS
> PO BOX 228
> WAMEGO KS 66547
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> POTTAWATOMIE RWD 01
> ANNETTE HARRIS
> PO BOX 228
> WAMEGO KS 66547
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> CITY OF SAINT GEORGE
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> PO BOX 33
> SAINT GEORGE KS 66535
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> CITY OF SAINT GEORGE
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> POTTAWATOMIE RWD 01
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> CITY OF SAINT GEORGE
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> PO BOX 33
> SAINT GEORGE KS 66535

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> POTTAWATOMIE RWD 01
> ANNETTE HARRIS
> PO BOX 228
> WAMEGO KS 66547
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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 SW quarter of Section 27, more particularly described as being near a point 900 feet North and 3320 feet West of the Southeast corner of said section, in Township 9 South, Range 9 East/West (circle one), Pottawatomie 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):

JON E. PACHTA, 4615 SCOTCH PINE CR., WAMEGO 66547
(name, address and telephone number)

RENEE M. PACHTA, 4615 SCOTCH PINE CR., WAMEGO 66547
(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 _____, 20____. _____
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 BATTERY OF TWO WELLS B-CV
~~ONE WELL OR BATTERY~~
(number of wells, pumps or dams, etc.)
 and (was) will be completed (by) Dec 31, 2020
(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 Dec 2020
(Mo/Day/Year)

**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.**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	
Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Below Explanation)	
210,826	92,071	2,089	28,403	213,215	684	58,506	
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER	

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

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

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

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	
20 years ago	Raw Water Diverted Under Your Rights	Water Purchased From All Sources	Water Sold to Other Public Water Suppliers	Water Sold to Your Industrial, Stock, and Bulk Customers	Water Sold to Your Residential and Commercial Customers	Other Metered Water	Remaining Water Used (See Above Explanation)	
15 years ago	131,105	0	19,324	10,731	87,670	252	13,127	
10 years ago	202,697	0	6,135	19,956	170,595	1,603	4,408	
5 years ago	292,809	0	4,900	33,365	199,069	708	54,767	
	244,078	0	3,993	31,251	172,404	826	34,784	
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER	

SECTION 3: PROJECTED FUTURE WATER NEEDS
PLEASE COMPLETE THE FOLLOWING TABLE SHOWING YOUR FUTURE WATER REQUIREMENTS FOR THE NEXT 20 YEARS:

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Explanation on other side)	
Year 5	250,500	115,000	4,000	32,000	265,000	700	65,000	
Year 10	275,000	120,000	6,000	35,000	281,000	700	66,000	
Year 15	300,000	140,200	8,000	38,000	314,000	700	70,000	
Year 20	350,500	160,000	10,000	40,000	361,500	700	72,000	
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	998
15 years ago	1773
10 years ago	2114
5 years ago	2031
Last Year	7874

PROJECTED FUTURE POPULATION
 ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	9074
Year 10	11200
Year 15	13100
Year 20	15200

Provide number of current active service connections:

2588 Residential 0 Industrial Other (specify) _____
 90 Commercial 28 Pasture/ Stockwater/ Feedlot _____
 _____ Total 2706

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

272,405 ÷ 7874 ÷ 365 Days/Year = 94.78 GALLONS PER PERSON PER DAY.
 Amount of water in Columns 5, 6, and 7 of Section 1 Population from Last Year of Section 4

SECTION 6: AREA TO BE SERVED

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

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

THE STATE

OF



KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

071

File Number 50286
This item to be completed by the Division of Water Resources.

8/24/2020

Water Resources
Received

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): POTTAWATOMIE RWD 01
Address: PO BOX 228 228
City: WAMEGO State: KS Zip Code 66547-0233
Telephone Number: (785) 456-4610 pottrwd1@gmail.com

2. The source of water is: surface water in _____ (stream)
OR groundwater in VERMILLION CREEK 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 104.34 acre-feet OR 34 MILLION gallons per calendar year,
to be diverted at a maximum rate of 800 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO

For Office Use Only:

F.O. _____ GMD _____ Meets K.A.R. 5-3-1 (YES / NO) Use _____ Source G / S County _____ By _____ Date _____
Code _____ REG _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

KS Dept Of Agriculture

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

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

- (A) One in the **SE** quarter of the **NW** quarter of the **SE** quarter of Section 32, more particularly described as being near a point **1,401** feet North and **1,877** feet West of the Southeast corner of said section, in Township 9 South, Range 9 EAST, POTTAWATOMIE 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 _____, 2018 . _____

Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WELL OR BATTERY _____
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) SUMMER 2018 _____
(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 2018 _____
(Mo/Day/Year)

Water Resources
Received

File No. _____

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.

KS Dept Of Agriculture

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

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

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

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

GROUNDWATER WELL

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

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

MULTIPLE OVERLAPPING MUN FILES IN PLACE OF USE

KS Dept Of Agriculture

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

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

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

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

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

(name, address and telephone number)

(name, address and telephone number)

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

Dated at _____, Kansas, this _____ day of _____, 2018.
(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)

Assisted by DWS _____ TOPEKA FO _____ Date: 7/16/2018
(office/title)

8/24/2020

Water Resources
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FEE SCHEDULE

KS Dept Of Agriculture

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

8/24/2020

Water Resources
Received

KS Dept Of Agriculture



30 May 2020

Pottawatomie County RWD #1

TW 3-20 878' N & 411' W of SE the SW ¼ of Section 27, T9S, R9E
GPS N 39° 14.058' W 96° 23.993' (datum: NAD27)

Elev 1174'

SWL 93.70'

0 - 2'	Top soil
2 - 10	Clay br, sandy
10 - 35	Sand br, vf silty
35 - 133	Clay gy, silty, sand br vf
133 - 139	Sand br, vf
139 - 150	Clay gy, silty, so. vf sand
150 - 160	Sand vf, so. clay silty
160 - 165	Gravel br f - c, sand f - c
165 - 181	Gravel br f - c, sand f - c, boulders (LS cherty)
181 - 184	Shale gy
184 - 185	Limestone, white

Set 5" screen (0.035" slot) 160' - 180'

Gravel Pack to 40'

Hole plug 40' to 0'

Logged by Brad Vincent, Ground Water Associates

8/24/2020

Water Resources
Received

KS Dept Of Agriculture

File No. _____

- 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	30 May 2020			
Total depth of well	180'			
Depth to water bearing formation	133'			
Depth to static water level	93.70'			
Depth to bottom of pump intake pipe	180'			

- 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 _____, _____
(month) (year)

(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by BRAD VINCENT GROUND WATER ASSO. Date: 9 AUG 2019
(office/title)

8/24/2020

Water Resources
Received

KS Dept Of Agriculture

File No. _____

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 SW quarter of Section 27, more particularly described as being near a point 900 feet North and 3320 feet West of the Southeast corner of said section, in Township 9 South, Range 9 East West (circle one), POTTAWATOMIE 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):

JON E. PACHTA, 4615 SCOTCH PINE CR., WAMEGO 66547
(name, address and telephone number)

RENEE M. PACHTA, 4615 SCOTCH PINE CR., WAMEGO 66547
(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 _____, 20____. _____
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 ONE WELL OR BATTERY
and (was) (will be) completed (by) Dec 31, 2020
(number of wells, pumps or dams, etc.)
(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 Dec 2020
(Mo/Day/Year)

Pottawatomie Co. RWD #1

Write a description for your map.


Legend

 TH 2-20

8/24/2020

Water Resources
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KS Dept Of Agriculture

TH 2-20 

STEAK WELL

Elm-Sloug

Vineyard Rd

Curtis Cir

Google Earth

© 2020 Google



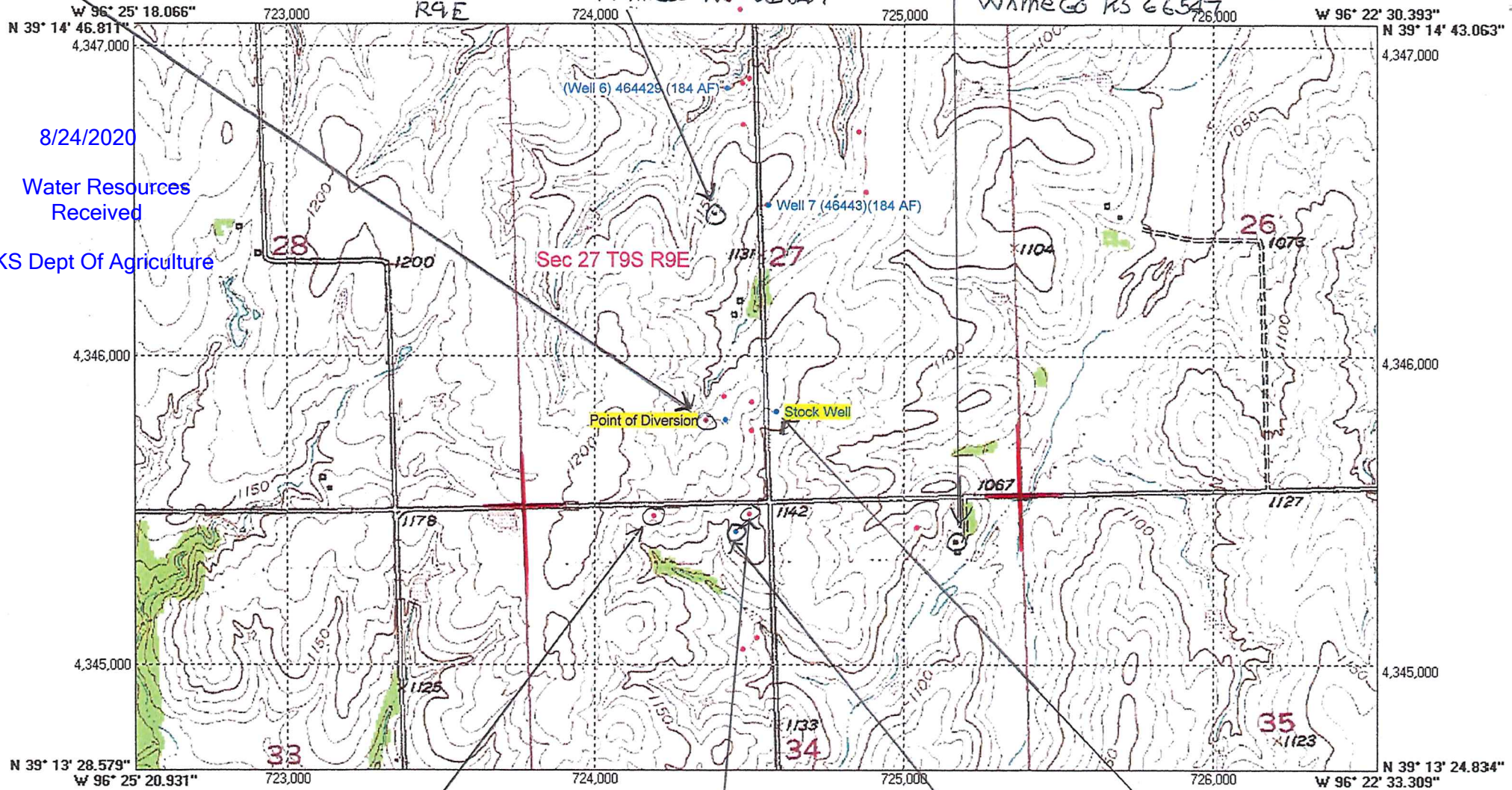
2000 ft

POINT OF DIVERSION
3200'E + 900'N OF SE COR OF Sec 27
T9S
R9E

DOMESTIC WELL
KIRK PICKETT
6120 VINEYARD RD
WAMEGO KS 66547

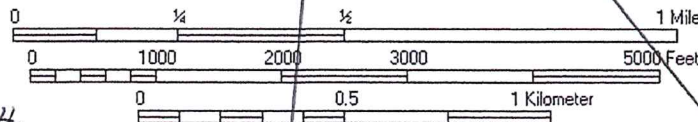
DOMESTIC WELL
DIANE HAFFNER
13860 ELM SLOUGH RD
WAMEGO KS 66547

Pott#12020



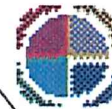
8/24/2020
Water Resources
Received
KS Dept Of Agriculture

1927 North American Datum; 1,000-meter UTM grid zone 14
Generated by BigTopo (www.igage.com)
Map compiled from USGS Quads: Saint George; KS



DOMESTIC WELL
ARMAN MILLER
9198 LONGHORN LN
MANHATTAN KS 66503

DOMESTIC WELL
MARK CUSIMANO
5550 VINEYARD RD
WAMEGO KS 66547



STOCK WELL (ABANDONED)
MICHAEL STICH
4750 HW 99
WAMEGO K
66547

Pott. Co. RWD #1

DOMESTIC WELL
MICHEL KERWOOD
13419 ANTHONY DR
WAMEGO, KS 66547

RWD #1 [redacted]
P.O. Box 22
Wamego, KS 66547



8/24/2020

Water Resources
Received

KS Dept Of Agriculture

Division of Water Resources
Topeka Field Office
1131 Southwest Winding Road Suite 400
Topeka, KS 66615

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting 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. 50,286** of the applicant

**POTTAWATOMIE RWD 01
ANNETTE HARRIS
PO BOX 228
WAMEGO KS 66547**

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 **August 14, 2019**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Rural Water District No. 1, Pottawatomie County, and immediate vicinity; and within the boundaries of Rural Water District No. 2, Pottawatomie County, and immediate vicinity.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of (2) wells with a geographic center located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 27, more particularly described as being near a point 900 feet North and 3,320 feet West of the Southeast corner of said section, in Township 9 South, Range 9 East, Pottawatomie 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 **300 gallons per minute (0.67 c.f.s.)** and to a quantity not to exceed **60 million gallons (184.13 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, 2021** 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, 2040** 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 the permit holder shall submit a progress report to the office of the Chief Engineer by March 1, following the tenth full calendar year after the permit was issued. The progress report must be submitted on a form prescribed by the Chief Engineer, and shall compare annual water use projected in the original application with the actual annual water use for the prior 10 years. The progress report must document compliance with the approved conservation plan, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.

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

19. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the wells at the location authorized herein.

Ordered this 22 day of October, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 22 day of October, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
Notary Public

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

October 29, 2020

POTTAWATOMIE RWD 01
ANNETTE HARRIS
PO BOX 228
WAMEGO KS 66547-0233

RE: Appropriation of Water, File No. 50,286

Dear Ms. Harris:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office

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.

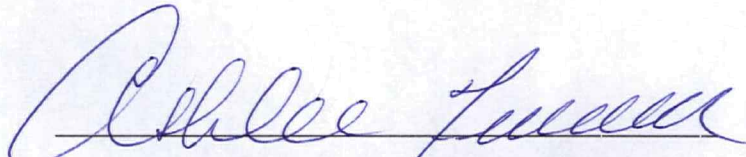
CERTIFICATE OF SERVICE

On this 29 day of October, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,286, dated 29 October, 2020, was mailed postage prepaid, first class, US mail to the following:

POTTAWATOMIE RWD 01
ANNETTE HARRIS
PO BOX 228
WAMEGO KS 66547

With photocopies to:

Topeka Field Office


Division of Water Resources