

File No. **47956** 15. Formation Code: **190 EQUUS BEDS** Drainage Basin: **LITTLE ARKANSAS** County: **HARVEY** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
ENT											Rate gpm	Quantity mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
	MOD 79140			NC S2 S2	32	22	3W	6	660	2,640	2000	871.325	2000	0	NONE
											1750		1750		

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

19. Limitation: **1,721.471 mgy** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **MP5, 1,311, 23,310, 28,151, 28,735, 47955**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by 12/31/2022 Date Acceptable Meter Installed _____

21. Place of Use					NE¼	NW¼	SW¼	SE¼	Total	Owner	Chg?	Overlap Files	
T	MOD	DEL	PDIV	Qualifier									
	MOD 14673			29 19 3W 1	CITY OF MCPHERSON & IMMEDIATE VICINITY					8C	NO	MP05	1311 23310
										28151 28735	47955	47956 47957	
	MOD 22615			29 19 3W 2	CITY OF WINDOM & IMMEDIATE VICINITY					8C	NO	MP05	1311 23310
										28151 28735	47955	47956 47957	
	MOD 58004			29 19 3W 4	INCLUDING CUSTOMERS ALONG PIPELINE SERVING CITY OF WINDOM					8C	NO	MP05	1311 23310
										28151 28735	47955	47956 47957	
	MOD 11028			29 19 3W 3	WITHIN RWD #2, 3 & 4 MP CO					8C	NO	MP05	1311 23310
										28151 28735	47955	47956 47957	
	ENT 68596			29 19 3W	SOUTH WELL FIELD S/2 SW/4 & SE/4					8C	NO	MP05	1311 23310
										28151 28735	47955	47956 47957	
	ENT 68597			29 19 3W	INCLUDING CUSTOMERS ALONG PIPELINE SOUTH WELL FIELD TO CITY					8C	NO	MP05	1311 23310
										28161 28735	47955	47956 47957	
	ENT 68598			29 19 3W	AREA WITHIN SECTIONS 13-16, 22-26, 32-35					8C	NO	MP05	1311 23310
										28151 28735	47955	47956 47957	
	ENT 68599			29 19 3W	AREA WITHIN SECTIONS 4 & 5					8C	NO	MP05	1311 23310
										28151 28735	47955	47956 47957	

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: October 26, 2017

FROM: Brent A. Turney

RE: New Application
File Nos. 47,955, 47956
& 47,957

The City of McPherson has filed the referenced applications to establish three new wells for the City's municipal water system. The wells are located in Section 32, Township 22 South, Range 3 West, Harvey County, in the Little Arkansas River drainage basin. The water pumped from the South well field 20 miles South of the City of McPherson. A limited total of 2,909 acre-feet (947.9.4 million gallons) per year is requested from all three files. The total is divided up among the three files as follows:

Application, File No. 47,955 requests 2,574 acre-feet, at 1,750 gpm,
Application, File No. 47,956 requests 2,674 acre-feet, at 2,000 gpm, limited to 2,674 acre-feet when combined with File No. 47,955, and
Application, File No. requests 2,909 acre-feet, at 2,000 gpm, limited to 2,909 acre-feet, when combined with File Nos. 47,955 and 47,956.

All three of the proposed well locations will appropriate water from the Equus Beds Aquifer and all meet the safe yield criteria of GMD-2.

The city has provided data projecting population growth and future water needs in the form of a report from Burns and McDonnell Engineers. The data provided projected water needs of 5,283 acre-feet through the year 2035. The limitation on the total quantity of water is designed to increase at ten year intervals until the year 2061, the year the appropriation rights will be perfected. The initial proposed quantities will be reasonable and comply with the water use standards used by GMD-2.

Letters were sent to five potential domestic well owners, all located within one half mile of the well proposed by Application, File No. 47,957. No responses were received, from to the letters dated December 10, 2012.

The three new applications were submitted to GMD-2 on February 13, 2013, for review and recommendations. The GMD has responded with a recommendation that all three applications be approved. The recommendation required numerous conditions and limitations.

MEMORANDUM

File Nos. 47,955; 47,956 and 47,957

Page 2

All three applications have been reviewed and recommended for approval by Jeff Lanterman, Water Commissioner, Stafford Field Office. He has no objection to approval of the applications.

Based on the above information, I recommend approval of the applications.

A handwritten signature in black ink, appearing to read "Brent A. Turney", with a long horizontal flourish extending to the right.

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Rights Section

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

November 7, 2017

CITY OF MCPHERSON
BOARD OF PUBLIC UTILITIES
ATTN TIM MAIER
PO BOX 768
MCPHERSON KS 67460

FILE COPY

RE: Appropriation of Water
File Nos. 47,955, 47,956 and 47,957

Dear Mr. Maier:

There is enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the locations specified in the permits, 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 permits. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports.

All wells with a diversion rate of 100 gallons per minute or more shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. If a water level measurement tube has not been properly installed on the diversion works, then a separate observation well within 25 feet of the production well must be installed.

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.

CITY OF MCPHERSON
BOARD OF PUBLIC UTILITIES
Page No. 2

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,



Brent A. Turney, P.G.
Change Application Unit Supervisor

Enclosures

pc: Stafford Field Office
Equus Beds GMD No. 2

THE STATE



OF KANSAS

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)

FILE COPY
FILE COPY

This is to certify that I have examined Application, **File No. 47,956** of the applicant

CITY OF MCPHERSON
BOARD OF PUBLIC UTILITIES
PO BOX 768
MCPHERSON, KANSAS 67460

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 October 5, 2011.
2. That the water sought to be appropriated shall be used for municipal purposes on the following described property:

the City of McPherson and immediate vicinity; the City of Windom and immediate vicinity; the immediate vicinity of the pipeline serving the City of Windom; within the boundaries of the area served by McPherson County Rural Water District Nos. 2, 3 & 4, and the South Well Field located in the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Section 32, in Township 22 South, Range 3 West, Harvey County, and the immediate vicinity of the pipeline from the South Well Field to the City of McPherson; and within Sections 13-16, 22-26, 32-35, in Township 19 South, Range 3 West, McPherson County; within Sections 4 & 5, in Township 20 South, Range 3 West, McPherson County, Kansas.

3. That the authorized source from which the appropriation shall be made is groundwater from the Little Arkansas Equus Beds aquifer, to be withdrawn by means of one(1) well (Well 2) located near the center of the South Half of the South Half (S $\frac{1}{2}$ S $\frac{1}{2}$) of Section 32, more particularly described as being near a point 660 feet North and 2,640 feet West of the Southeast corner of said section, in Township 22 South, Range 3 West, Harvey 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 **1,750 gallons per minute (3.90 c.f.s.)** and to a quantity not to exceed **871.325 million gallons (2,674 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, 2022**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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, which is currently \$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, 2061**, or any authorized extension thereof to a maximum of 40 years after the date to complete the diversion works has expired. 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 which is currently \$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 to 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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. 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.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. 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.

17. 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.

18. 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 well at the location authorized herein.

19. That the permit holder must submit a progress report to the office of the Chief Engineer by March 1, after the tenth year from the date of the approval of this application and permit to proceed. The progress report is to contain sufficient details to explain the extent of development (perfection) of the water right during the previous ten (10) years, the extent of population being served by the water right and how the water right, in association with any other water right(s) meets the demonstrated municipal use need.

20. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

21. The applicant will develop a groundwater monitoring plan, with input from Equus Beds Equus Beds GMD No. 2, and approval by the Chief Engineer, including water-level and water quality monitoring, at the applicant's expense.

22. The existing monitoring well network of the seven existing monitoring wells previously installed by McPherson BPU will be maintained and incorporated into the groundwater monitoring plan.

23. The constructed well will be equipped with a sample port or ports for water sample collection.

24. Water samples shall be collected from the point of diversion prior to initial operation, and analyzed by a State accredited water quality laboratory to include inorganic analysis comprised of metals and minerals and including chloride, sodium, and specific conductance and drinking water suitability interpretation.

25. The applicant will perform a pumping test simulating the maximum authorized pumping rate for the well in order to demonstrate actual observed and projected drawdowns at monitoring site EB33A, B, and C. The details of the pumping test are to be determined in consultation with Equus Beds Equus Beds GMD No. 2 staff, and will consist of a minimum pumping stress duration of 24 hours, and shall continue until water levels have stabilized, not to exceed a total pumping stress duration of 72 hours.

26. The permits shall be subject to Equus Beds Equus Beds GMD No. 2 Board review if the groundwater monitoring plan indicates, as determined by Equus Beds Equus Beds GMD No. 2 District staff, that the operation of the authorized wells are materially impacting the Hollow Nikkel chloride plume leading to a material deterioration of the fresh and usable quality of the area's groundwater supply.

27. The approved application is further limited to an initial aggregate quantity of 1,721.471 million gallons (5,283 acre-feet) per year when combined with Vested Right, File No. MP 005, Water Right, File Nos. 1,311, 23,310, 28,151 and 28,735, and Appropriation of Water, File Nos. 47,955 and 47,957, through the year 2061, or 40 years after the date to complete the diversion works has expired.

28. That 10 years after the diversion works are completed, and every 10 years following until the perfection period expires, the applicant shall submit to Equus Beds Equus Beds GMD No. 2 and the Chief Engineer data on water utilization that includes served population, projected population growth, water use per capita data, industrial water use data, and water treatment losses.

29. Following the second 10-year report after the diversion works are completed, and each 10 year period thereafter, the Chief Engineer, after opportunity for review by Equus Beds Equus Beds GMD No. 2, will modify the aggregate quantity limitation by findings and order to meet the applicant indicated projected water use for another 10 years. The new water use projection shall be based on the current and projected population, industry water use, and treatment needs consistent with the methods used with the original application (memo of March 14, 2016), through the year 2061, or 40 years after the date to complete the diversion works has expired. The limitation may be increased to a maximum total quantity of 2,350.363 million gallons (7,213 acre-feet) from Appropriation of Water, File Nos. 47955, 47956 and 47957.

30. Upon demonstration by the applicant at any time within the perfection period, satisfactory to the Chief Engineer, and after review by Equus Beds Equus Beds GMD No. 2, that actual or projected water demand exceeds the rate of growth projected by the most recent 10 year report, the Chief Engineer will modify the aggregate quantity limitation to meet the increased projected water use.

31. That the quantity of water authorized under this permit is further limited to a total quantity when combined with Appropriation of Water, File Nos. 47,955 and 47,957, shall not exceed **947.901 million gallons (2,909 acre-feet)** of water for any calendar year.

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.

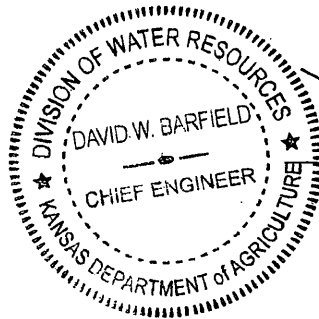
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal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

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

Ordered this 31st day of October, 2017, 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)
)
County of Riley) SS

The foregoing instrument was acknowledged before me this 31st day of October, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

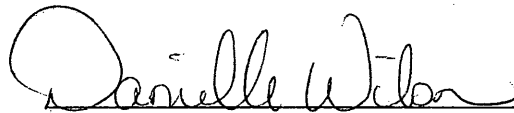
CERTIFICATE OF SERVICE

On this 7th of November, 2017, I hereby certify that the attached Approval of Application and Permit to Proceed for File No. 47,956, dated October 31st, 2017, was mailed postage prepaid, first class, US mail to the following:

City of McPherson Board of Public Utilities
Timothy S. Maier
PO Box 768
McPherson, KS 67460

With photocopies to:

Stafford Field Office
Equus Beds Groundwater Management District No. 2



Division of Water Resources

THE STATE



WATER RESOURCES OF KANSAS RECEIVED

OCT 06 2011 10:01 AM K6 DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

File Number 47956 This item to be completed by the Division of Water Resources.

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.)

APPLICATION COMPLETE 10 25 11

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Board of Public Utilities Address: 401 West Kansas Avenue City: McPherson State KS Zip Code 67460 Telephone Number: (620) 245-2525

2. The source of water is: [] surface water in (stream) OR [X] groundwater in Little Arkansas Equus Beds Aquifer (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. when combined with previously filed application

3. The maximum quantity of water desired is 2674 871.325 mgd acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 1750 gallons per minute OR 390 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) [X] Municipal (g) [] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only: F.O. 2 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use MUN Source G/S County HV By RAR Date 10-5-11 Code BEG PNE3 Fee \$ 740 TR # Receipt Date 10-5-11 Check # 13352

DWR 1-100 (Revised 02/16/2011) 10-12-11 BLC * LE/over 4/26/17 #2

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 32, more particularly described as being near a point 660 feet North and 2640 feet West of the Southeast corner of said section, in Township 22 South, Range 3 East West (circle one), Harvey County, Kansas.
NEAR THE CENTER OF THE SOUTH HALF OF THE SOUTH HALF (SE 1/2)
- (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):

Jeff & Dana Foster Trust, PO Box 423, McPherson, KS 67460 620-245-9557
(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 10/4, 2011. *Trinity A. Mann*
Applicant's Signature

7. The proposed project for diversion of water will consist of One well, buried pipes
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) 1/1/2022
(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 12/29/53
(Mo/Day/Year)

SCANNED

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

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

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

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

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

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.
None
- (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.

MP-05, Appropriations 1311, 23,310, 24,664, 28,151, 28,735. Appropriation
28,735 has been placed in the Water Rights Conservation Plan.

SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	9/26/07			
Total depth of well	258			
Depth to water bearing formation				
Depth to static water level	35.70			
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 Otherwise
(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):
See attachment for place of use
(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 McPherson, Kansas, this 4 day of October, 2011
(month) (year)

(Applicant Signature)

By Timothy S. Maier
(Agent or Officer Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

48-6019780
and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

Timothy S. Maier
(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

SCANNED

PRELIMINARY SAFEYIELD EVALUATION - Tim Maier, McPherson BPU
LOCATION - NC-S2-S2 (660' N & 2640' W) Section 32, T22S, R3W, Harvey Co.
SPECIAL USE AREA - Hollow Nikkel SWQUA
EVALUATION DATE - 9/29/2011

Total Area: 8041.89 acres ; Area in 3 inch discharge zone: 0 acres ; Area in 6 inch discharge zone: 8041.89 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A02930900	1239	22S	03W	29	40532836	IRR	60
AM058	1962	22S	03W	29	51751650		50
A04759200	3610	22S	03W	32	24742497	MUN	2650
AM056	1960	22S	03W	29	25751750		50
AM057	1961	22S	03W	29	39001600		50
A03005000	1892	22S	03W	30	28000050	IRR	190
A01736300	1368	22S	03W	29	40532836	IRR	92
A03653500	1126	22S	03W	30	29403817	IRR	224
AM050	1954	22S	03W	31	40003250		50
AM051	1955	22S	03W	31	45002000		50
AM052	1956	22S	03W	31	51250850		50
AM053	1957	22S	03W	30	9000175		50
AM054	1958	22S	03W	29	14504225		50
AM055	1959	22S	03W	29	20753000		50
A03653600	1896	22S	03W	30	29403817	IRR	11
AM048	1952	22S	04W	36	35000200		50
AM049	1953	22S	03W	31	29004050		50
A04213200	2261	22S	03W	29	40532836	IRR	140
A03709000	423	22S	03W	29	40532836	IRR	30
AM047	1951	22S	04W	36	40501400		50
Small User Quantity		0.00			Total Existing Appropriations		3997.00
Remaining SUQ		45.00			Non Consumptive Appropriations		0.00
					Consumptive Appropriations		3997.00
Note - Values in acre-feet					Allowable Appropriations		4021.00

SCANNED

JUN 11 2011



26 Sept 2007

Jeff Foster
Test Hole 4-07

887' N & 100' W of SE cor. of SW ¼ Section 32, T22S, R3W
GPS N 38° 5.346' W 97° 40.500'

Elev. 1449'

SWL 35.70'

0 - 13'	Sand br, vf-f
13 - 25	Clay rd br , sandy
25 - 27	Clay rd br & gy, sandy
27 - 40	Clay rd br, sandy
40 - 45	Clay rd br & gy
45 - 50	Clay gy, sandy
50 - 68	Sand br, vf-f, so. clay gy, silty, thin streaks
68 - 80	Sand br, f-c
80 - 95	Sand br, f-m
95 - 100	Sand br, f-c, so. clay gy & rd-br, streaks
100 - 108	Sand br, f-c
108 - 109	Clay lt gy
109 - 115	Sand br, vf-f, so. clay lt gy , streaks
115 - 120	Clay gy-gn & br, sandy
120 - 130	Clay gy-gn, silty
130 - 134	Clay gy & tan
134 - 137	Clay gy & tan, so. caliche
137 - 148	Clay gy & tan, san br, vf-f streaks
148 - 156	Sand br, vf-f, clay gy, silty
156 - 166	Clay rd br & gy, sandy
166 - 195	Sand br, f-c, so. clay gy
195 - 203	Sand br-gy, f-c, so. gravel arkosic & calc. gy, f, clay gy, silty
203 - 205	Clay gy & rd-br, caliche
205 - 217	Sand gy, f-c, so. clay gy & rd-br, so. gravel f
217 - 228	Clay rd br & gy, sandy, caliche pebbles
228 - 228.5	Sand cemented
228.5 - 258	Sand br, f-c, gravel br, f, so. clay gy & rd-br streaks
258 - 262	Shale rd, so. shale gn pieces
262 - 265	Shale dk gy, hard

Set 2" PVC . screen 228' - 258'.

78 - 108

Logged by Brad Vincent, P. G., Ground Water Associates
Hand held GPS. Conus 1927 datum

SCANNED

Water Right Application

Proposed Place of Use

For municipal use for the City of McPherson and immediate vicinity, City of Windom and immediate vicinity and within the areas served by Rural Water District nos. 2, 3, 4, McPherson County, Kansas including customers along the pipeline which serves the City of Windom.

SCANNED

From: Jeff Foster [mailto:JFoster@Stewart.com]
Sent: Thursday, September 29, 2011 11:23 AM
To: Jeff Houston
Cc: 'Peck, John'
Subject: McPherson BPU

Jeff,

The purpose of this letter is to grant legal right of access to the points of diversion situated upon the following described real estate, located in Harvey County, Kansas, to-wit:

The South three-fourths (3/4) of the South Half (S/2) of the Southwest Quarter (SW/4) of Section Thirty-two (32), Township Twenty-two (22) South, Range Three (3) West of the 6th P.M.:

And

The Southeast Quarter (SE/4) of Section Thirty-two (32), Township Twenty-two (22) South, Range Three (3) West of the Sixth P.M.;

Said access being granted from the owner of the above described real property to the applicant, City of McPherson, Kansas, Board of Public Utilities.

Sincerely,

The Jeff W. Foster and Dayna S. Foster Family Trust dated Sept. 20, 2004

Jeff W. Foster, Trustee

Jeff W. Foster
President
McPherson County Abstract & Title Co., Inc.
(620) 241-1317 ph
(620) 241-3637 fx
jfoster@stewart.com

SCANNED

Turney, Brent

From: Tim Boese <tboese@gmd2.org>
Sent: Monday, October 16, 2017 10:04 AM
To: Turney, Brent; Barfield, David; bmeier@burnsmcd.com
Cc: Letourneau, Lane; Baum, Kristen
Subject: RE: Approval File No. 47,957

Brent and others – I have reviewed the draft and find the modifications acceptable.

Thanks.

Tim Boese, Manager
Equus Beds GMD2
313 Spruce, Halstead, Kansas 67056
316-835-2224
Fax: 316-835-2225
tboese@gmd2.org
www.gmd2.org

From: Turney, Brent [mailto:Brent.Turney@ks.gov]
Sent: Thursday, October 05, 2017 9:45 AM
To: Barfield, David; Tim Boese; bmeier@burnsmcd.com
Cc: Letourneau, Lane; Baum, Kristen
Subject: Approval File No. 47,957

David, Tim and Brian,

You will find attached a final draft for the Approval of Application and Permit to Proceed for Application, File No. 47,957. We have made modifications to paragraph Nos. 24, 25 and 27. Please review the document with specific reference to these paragraphs. If these modifications are acceptable I would like to proceed with the three new applications and four change applications as soon as possible.

Thanks,
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 29, 2015

TIM BOESE
GROUNDWATER MANAGEMENT DISTRICT NO 2
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Application
File Nos. 47,955, 47,956 and 47,957

Dear Mr. Boese:

In response to your written request dated September 18, 2015, the Chief Engineer is allowing additional time to submit recommendations regarding the above referenced applications. With this extension of time the revised deadline is **March 18, 2016**. Please submit your recommendations within the allotted time or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 574-6640. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Kopp".

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

pc: Stafford Field Office

FRED SEILER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
JEFF WINTER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
DAVID BOGNER
ALAN BURGHART
JOE PAJOR
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

September 18, 2015

Chief Engineer, Division of Water Resources
c/o Kenneth A. Kopp
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES
RECEIVED

SEP 28 2015

KS DEPT OF AGRICULTURE

Re: Application Nos. 47955, 47956, 47957 – McPherson BPU

Dear Mr. Kopp:

The Equus Beds Groundwater Management District No. 2 requests an extension of time to review and make recommendations on the referenced applications.

The applications are located in the Equus Beds Special Water Quality Use Area (SWQUA), which was established by order of the Chief Engineer on September 17, 1986.

The District requests that the time be extended for an additional period of 180 days. The extension will allow the applicant and the applicant's consultant to provide additional information, including computer modeling to determine any impacts the applications could have on the Hollow-Nikkel or Burrton chloride plumes and existing senior water rights in the area. The applicant's consultant has provided the District with a scope of services for the modeling effort and has started work on the modeling project. Once the information is provided to the District, the applications will be scheduled to be reviewed by the District Board of Directors at the next available Board meeting.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

pc: Timothy S. Maier, McPherson Board of Public Utilities
Brian Meier, Burns & McDonnell

Kopp, Kenneth

From: Schemm, Doug
Sent: Tuesday, September 29, 2015 7:54 AM
To: Kopp, Kenneth
Subject: RE: File Nos. 47955. 47956. 47957 - McPherson BPU

Hello Ken,
Sure no problem. This is a long term MUN search for water, and Tim is assisting, so OK by me.
Thanks, Doug

From: Kopp, Kenneth
Sent: Tuesday, September 29, 2015 7:51 AM
To: Schemm, Doug
Subject: File Nos. 47955. 47956. 47957 - McPherson BPU

Hi Doug,

Tim is requesting more time on the McPherson BPU files, which I think are still assigned to you. His request is scanned into DocuWare. It is dated Sep. 18, but wasn't received until Sep. 28. I just wanted to make sure you are OK with another extension before I proceed. I can mail the letter from here.

Thanks,
Ken



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Sam Brownback, Governor

March 24, 2014

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Applications, File Nos. 47,955;
47,956; and 47,957

Dear Mr. Boese:

In response to your written request received by electronic mail in our office on March 18, 2014, the Chief Engineer is allowing an additional extension of time for 180 days. Your previous date to respond was March 18, 2014. With this extension of time the revised response date is **September 18, 2014**. This extension of time appears reasonable based on the uniqueness and complexity of this significant project.

We are delaying any further action to allow you time to submit recommendations concerning these files. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

pc: Stafford Field Office



Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

September 25, 2013

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Applications, File Nos. 47,955;
47,956; and 47,957

Dear Mr. Boese:

In response to your written request received in our office on September 20, 2013, the Chief Engineer is allowing an extension of time for 180 days. Your previous date to respond was September 18, 2013. With this extension of time the revised response date is **March 18, 2014**. This extension of time appears reasonable based on the uniqueness and complexity of this significant project.

We are delaying any further action to allow you time to submit recommendations concerning these files. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

pc: Stafford Field Office


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

March 25, 2013

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Applications, File Nos. 47,955;
47,956; and 47,957

Dear Mr. Boese:

In response to your written request received in our office on March 18, 2013, the Chief Engineer has allowed an extension of time for 180 days, until **September 18, 2013**, the time in which to review and provide recommendations concerning the above referenced files. This appears reasonable based on the uniqueness and complexity of this significant project.

We are delaying any further action to allow you time to submit recommendations concerning these files. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

pc: Stafford Field Office

FILE COPY

SCANNED



Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

February 13, 2013

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Applications, File Nos. 47,955;
47,956; and 47,957

Dear Mr. Boese:

We are enclosing a copy of the applications referred to above which appear to be in proper form. Nearby well owner notification letters were sent out on December 10, 2012. The Division of Water Resources received a telephone call from one of the nearby domestic well owners, but no written response of any kind was received.

We are delaying any further action for a period of **30 days** from the date of this letter to allow you time to submit your recommendations concerning this application. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

Enclosure

pc: Stafford Field Office

FILE COPY
SCANNED


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

October 6, 2011

BOARD OF PUBLIC UTILITIES
401 W KANSAS AVE
MCPHERSON KS 67460

RE: Application
File No. 47956

Dear Sir or Madam:

Your application for permit to appropriate water in 32-22S-3W, in Harvey County, was received and has been assigned the file number noted above.

In order to be fair to all concerned, it is our policy to process applications in the order they are received. 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 our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

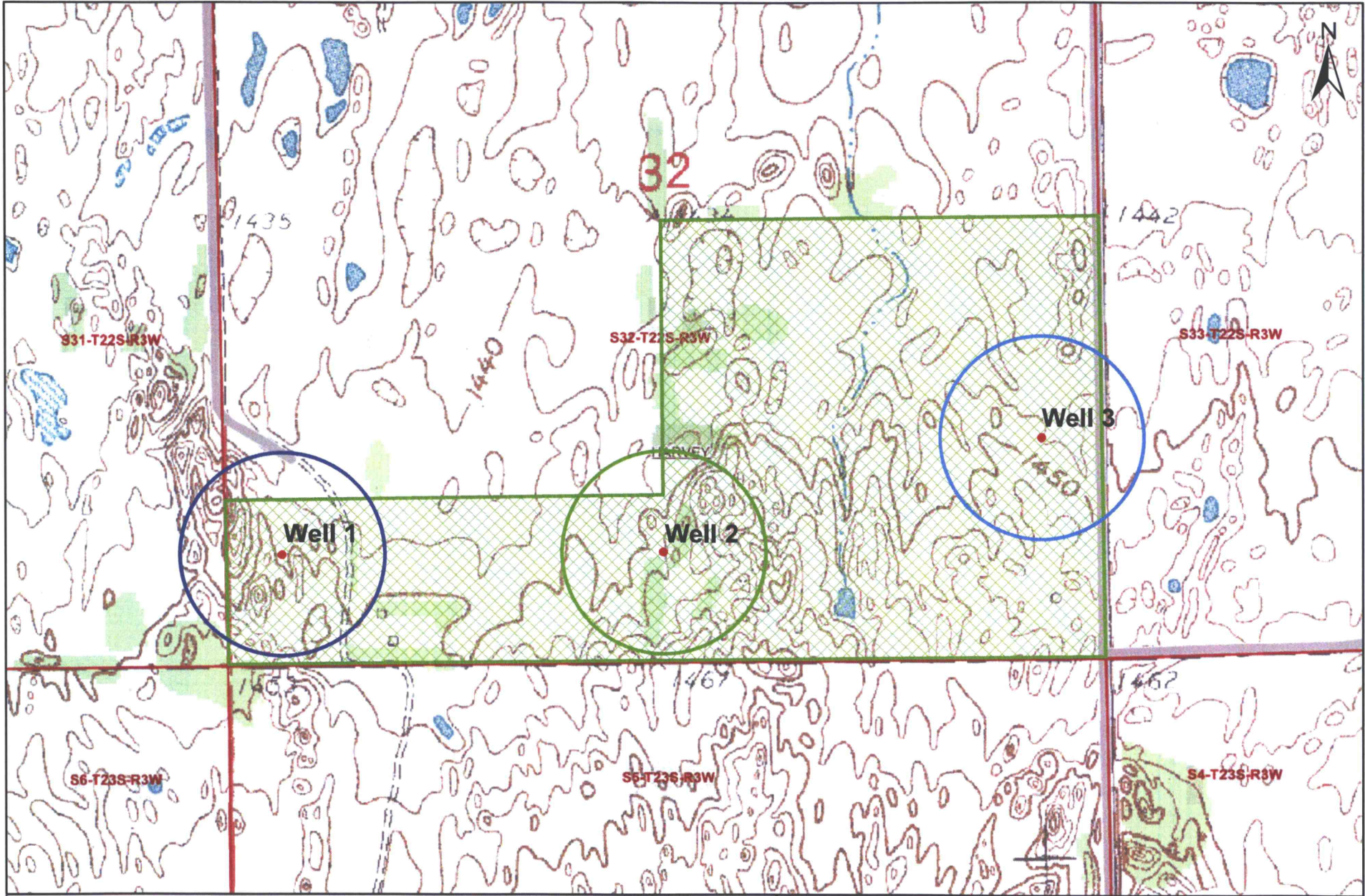
Sincerely,



Brent A. Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT:arh
pc: STAFFORD Field Office
Groundwater Management District No. 2

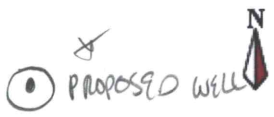
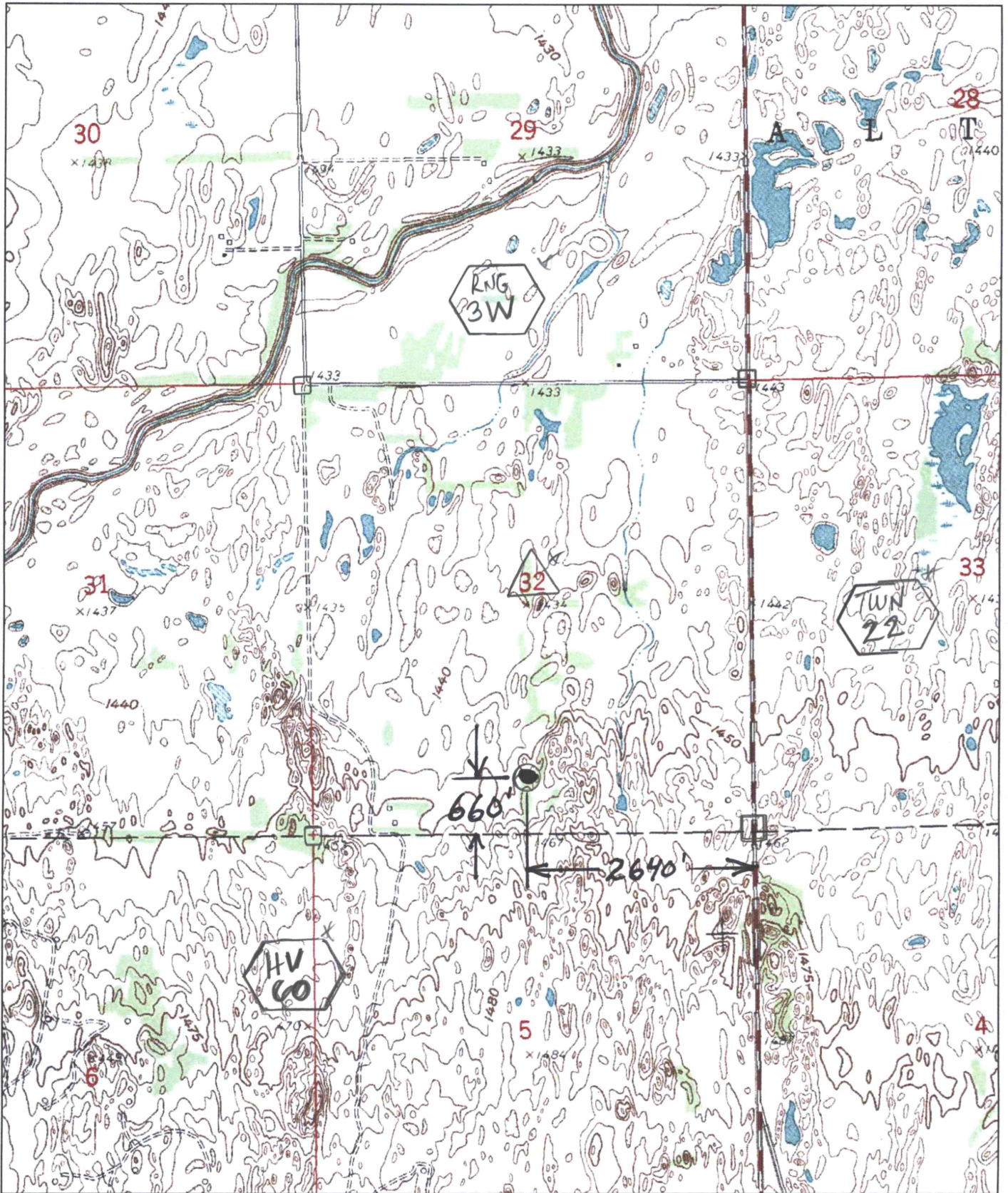
SCANNED



SCANNED



Figure 4
Jeff Foster Property
660 Foot Radius
Water Rights Search



Map provided by MyTopo.com

SCANNED

T 22 S, R 3 W, Harvey Co.

2

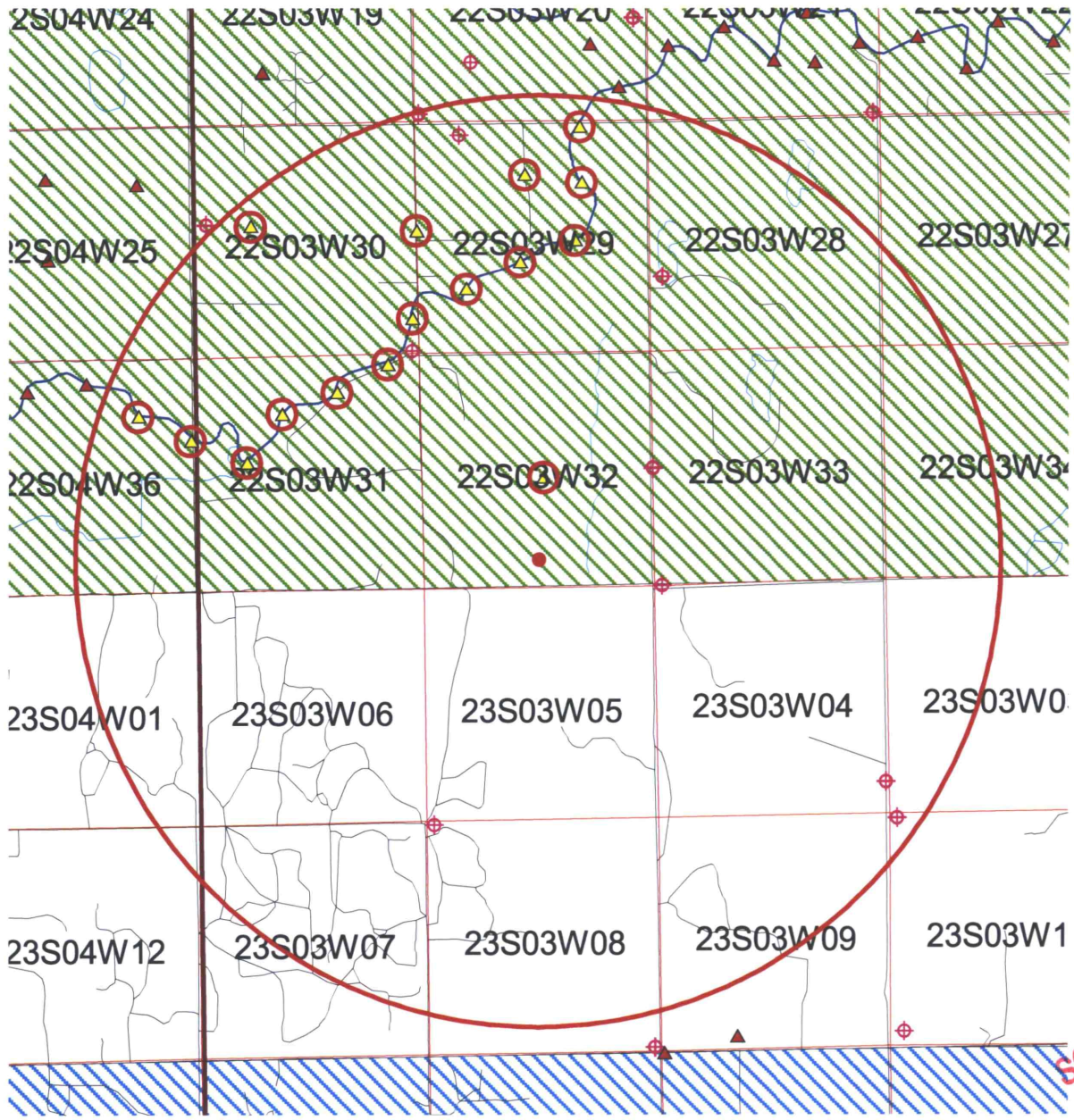
47,956

Equus Beds Groundwater Management District
Preliminary Safe Yield Evaluation - Tim Maier, McPherson BPU
NC-S2-S2 (660' N & 2640' W) Section 32, T22S, R3W, Harvey Co.

Prepared By: D. Clement

Date: 9/29/2011

2



	Proposed Point of Diversion	Map Legend			Permian Bedrock Outcrop
	Points of Diversion				Cities
	Monitoring Wells	Roads		Streams	
	District Boundary		Major Highway		Other Water Feature
	Sections		Other Roadway		
	Area of Consideration Boundary				

0.5 0 0.5 Miles

SCANNED