

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

50884

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

WATER RESOURCES RECEIVED

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

OCT 10 2022 10:54
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Rick Lanzrath, City of Andover, Director of Public Works and Utilities
Address: Andover City Hall, 1609 E. Central Ave.
City: Andover State KS Zip Code 67002
Telephone Number: (316) 733-1303

2. The source of water is: [X] surface water in Unnamed tributary to Spring Creek (stream)
OR [ ] groundwater in (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 11.3455 acre-feet OR 3,696,952 gallons per calendar year, to be diverted at a maximum rate of natural flow gallons per minute OR natural flow 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) [X] Recreational (d) [ ] Water Power
(e) [ ] Industrial (f) [ ] Municipal (g) [ ] Stockwatering (h) [ ] Sediment Control
(i) [ ] Domestic (j) [ ] Dewatering (k) [ ] Hydraulic Dredging (l) [ ] Fire Protection
(m) [ ] Thermal Exchange (n) [ ] Contamination Remediation

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

For Office Use Only:
F.O. Code 2 GMD REG Meets K.A.R. 5-3-1 (YES/NO) Use REC Fee \$ 200 TR # Source G/S County BU Receipt Date 10/14/22 By ALB Date 10/14/22 Check # 44256

10/17/2022
LMoody

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 SW quarter of the SE quarter of the SW quarter of Section 20, more particularly described as being near a point 522 feet North and 3,703 feet West of the Southeast corner of said section, in Township 27 South, Range 3 East/West (circle one), Butler 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)

\_\_\_\_\_  
 (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 10/6, 2022. Riehn  
 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 3 detention pond outlet structures  
 (number of wells, pumps or dams, etc.)  
 and (was)(will be) completed (by) 3/31/2023  
 (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 3/31/2023  
 (Mo/Day/Year)

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

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

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

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

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

Drainage area is less that 640 acres.

- 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.

Two groundwater wells will also be used to keep the three ponds full.

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

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

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

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

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 Andover, Kansas, Kansas, this 6 day of October, 2022.  
(month) (year)

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

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by Adam Koster \_\_\_\_\_ MKEC Engineering Inc. Civil Engineer Date \_\_\_\_\_  
(office/title)

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## FEE SCHEDULE

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

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

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

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

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

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

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

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

#### ATTENTION

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

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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## RECREATIONAL USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): Rick Lanzrath, City of Andover, Director of Public Works & Utilities.

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): \_\_\_\_\_  
The detention ponds will be used for landscape aesthetics. Some fishing may occur.

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_  
The water will be used to fill the ponds and replace water lose due to evaporation. The (3) ponds have a combined volume of 23,600 CY below normal pool and a combined surface area of 2.67 acres. 23,600 CY = 4,766,575 gallons. The water loss due to evaporation is 2.67 acres x 17 inches x (1 ft)/(12 inches) x 325,851 gal/acre-ft x 3 years = 3,697,594 gallons. The first year will have an initial fill plus evaporation loss. Therefore year 1 will be 4,766,575 + 3,697,594 = 8,464,169 gallons.

3. Please complete the following table showing estimated future water requirements:

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	8,464,169
Year 2	3,697,594
Year 3	3,697,594
Year 4	3,697,594
Year 5	3,697,594

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

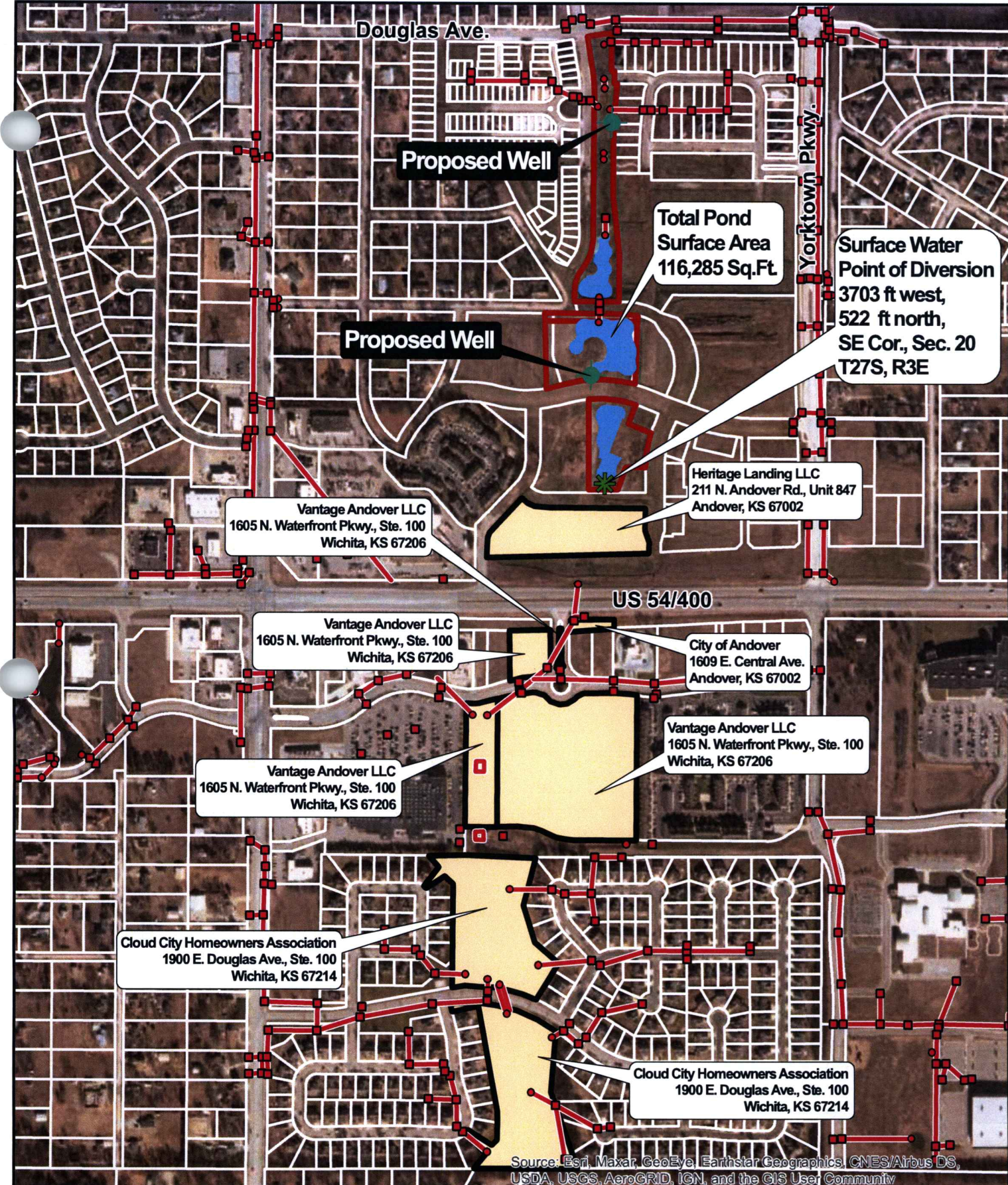
4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

SW 1/4, SE 1/4, SW 1/4, Section 20, T27S, R3E

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

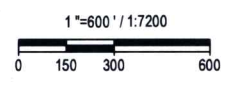
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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SEC: 20  
TWP: T27S  
RNG: R3E



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**MKEC**  
Wichita, KS · 316.684.9600

**WATER RIGHTS EXHIBIT  
THE HERITAGE DEVELOPMENT  
ANDOVER, BUTLER COUNTY, KANSAS**

PROJECT NO. 1801010348	DATE: 9/19/2022	SHEET NO.
DRAWN BY: JGD	DESIGNED BY: JGD	APPROVED BY: AJK
		1 OF 1

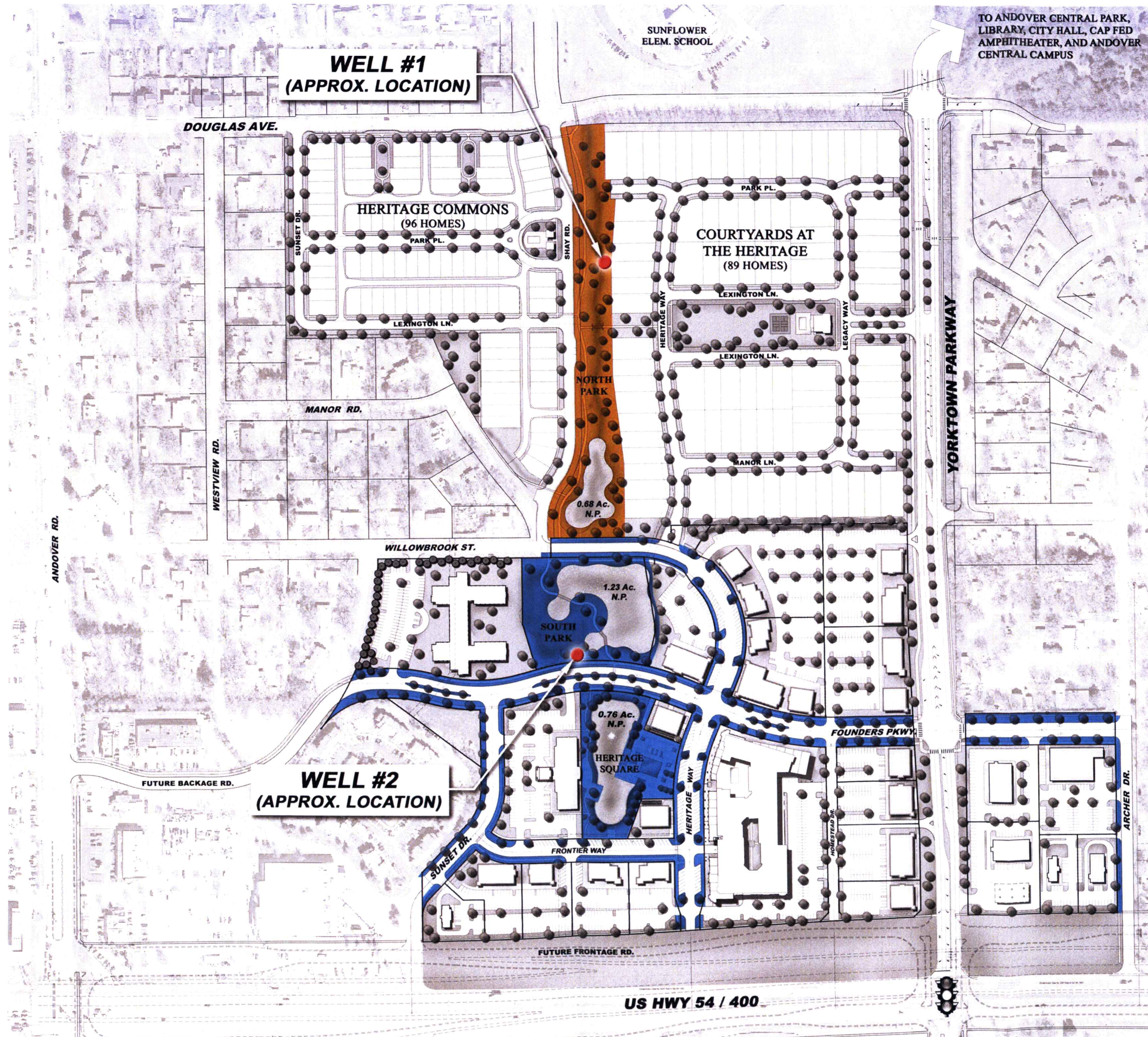
Path: J:\Projects\2018\1801010348\_Perfection\_The Heritage\05 Civil\GIS\Wells\Water Rights Exhibit.mxd - Date: 9/19/2022



**SERVICE AREA LEGEND:**

- AREA TO BE SERVED BY WELL #1
- AREA TO BE SERVED BY WELL #2

NOTE: PARKING STALLS, ACCESS DRIVES, SIDEWALKS, HARDSCAPE, AND POND SURFACES REMOVED FOR SERVICE AREA CALCULATIONS.



**WELL #1  
(APPROX. LOCATION)**

**WELL #2  
(APPROX. LOCATION)**

TO ANDOVER CENTRAL PARK, LIBRARY, CITY HALL, CAP FED AMPHITHEATER, AND ANDOVER CENTRAL CAMPUS

**WELL #1 AREA SUMMARY**

NORTH PARK.....2.52 AC.  
**2.52 TOTAL ACRES WELL #1**

**WELL #2 AREA SUMMARY**

SOUTH PARK.....2.41 AC.  
 HERITAGE SQUARE.....0.81 AC.  
 FOUNDERS PKWY (EAST)...0.91 AC.  
 FOUNDERS PKWY (WEST)...0.33 AC.  
 ARCHER DRIVE.....0.11 AC.  
 HERITAGE WAY.....0.78 AC.  
 FRONTIER WAY.....0.30 AC.  
 SUNSET DRIVE.....0.31 AC.  
**5.96 TOTAL ACRES WELL #2**



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**MKEC**

**ENGINEERING SUCCESS**

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LETTER OF TRANSMITTAL

DATE: October 7, 2022

PROJECT: The Heritage Addition

SUBJECT: 1801010348

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

We are sending you the items below:  
(Check Boxes)

- Attached
- Under Separate Cover
- Via FedEx

MEMO:

ITEMS TRANSMITTED:

Date	Code	Doc #	Qty.	Description of Items	Dwgs	Specs	CD	Petition	Legal Desc.	Prints	Corresp.	Submittals	Other
10/7/22	1		5	DWR 1-100 w/accompany documents	✓					✓			✓
10/7/22	1		5	Permit fee \$200						✓			✓

ACTION CODES:

- 1. For Your Approval
- 2. For Your Use
- 3. Approved As Noted
- 4. As Requested
- 5. For Your Files
- 6. For Review
- 7. No Action Required
- 8. See Remarks

*Should you have any questions or additional comments, please contact the undersigned.*

COPY TO:

RECEIVED WATER RESOURCES

OCT 10 2022

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Adam Koster, P.E.



**DATA ENTRY SYSTEM ID NUMBER SHEET**

FILE NUMBER 50884

APPLICANT	PDIV ID	BATTERY ID
PERSON ID & SEQ # <u>29120</u> <u>2</u>	<u>89834</u>	

LANDOWNER	PUSE ID
PERSON ID & SEQ # <u>29120</u> <u>2</u>	<u>71046</u>

WATER USE CORRESPONDENT
PERSON ID & SEQ # <u>29120</u> <u>2</u>