

File No. **49,503** 15. Formation Code: 112 Drainage Basin: **SALINE RIVER** County: **RS*** Special Use: Stream:

16. Points of Diversion ***WRONG COUNTY IN WRIS**

T
MOD
DEL
ENT PDIV

Battery ID#1994

Qualifier	S	T	R	ID	N	W
MOD 84807 SE NW SE	7	11	12W	5	1650	1625 (Geo-Ctr)
ENT 85708 SE NW SE	7	11	12W	4	1650	1360 (Batt 1 of 4)
ENT 85709 SE NW SE	7	11	12W	4	1650	1520 (Batt 2 of 4)
ENT 85710 SE NW SE	7	11	12W	4	1650	1720 (Batt 3 of 4)
ENT 85711 SE NW SE	7	11	12W	4	1650	1900 (Batt 4 of 4)

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

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
800	104.24	800	21.96	NONE

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

19. Limitation: **126.2 mgy** at _____ gpm (_____ cfs) when combined with file number(s) **49,494**

20. Meter Required? Yes No To be installed by **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use

MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files			
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
MOD 67452	7	11S	12W	2		WITHIN BOUNDARIES OF RWD NO. 1, ELLSWORTH CTY KS AND IMMEDIATE VICINITY																				7a	No	49,494
ENT 68095	7	11S	12W			CITY OF BROOKVILLE & IMMEDIATE VICINITY																				7a	No	49,494
ENT 68096	7	11S	12W			CITY OF DORRANCE & IMMEDIATE VICINITY																				7a	No	49,494
ENT 68097	7	11S	12W			CITY OF ELLSWORTH & IMMEDIATE VICINITY																				7a	No	49,494
ENT 68098	7	11S	12W			CITY OF GORHAM & IMMEDIATE VICINITY																				7a	No	49,494
ENT 68099	7	11S	12W			CITY OF LURAY & IMMEDIATE VICINITY																				7a	No	49,494
ENT 68100	7	11S	12W			CITY OF PARADISE & IMMEDIATE VICINITY																				7a	No	49,494
ENT 68101	7	11S	12W			CITY OF WALDO & IMMEDIATE VICINITY																				7a	No	49,494
ENT 68102	7	11S	12W			WITHIN BOUNDARIES OF RWD NO. 2, OSBORN CTY KS AND IMMEDIATE VICINITY																				7a	No	49,494
ENT 68103	7	11S	12W			WITHIN BOUNDARIES OF RWD NO. 7, SALINE CTY KS AND IMMEDIATE VICINITY																				7a	No	49,494
ENT 68104	26	13S	14W			INDUSTRIAL FACILITY (N2 NE)																				7a	No	49,494

Comments:

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

TO: Files

DATE: October 20, 2016

FROM: Doug Schemm

RE: Applications, File Nos. 49,494 and 49,503

Ellsworth County Rural Water District No. 1 has filed the above referenced applications proposing to appropriate groundwater for municipal use. The points of diversion are both located in the Southeast Quarter of Section 7, Township 11 South, Range 12 West in Russell County. For both applications, a representative of the District signed the forms stating that they have access to the points of diversion. There are no overlapping water rights on the points of diversion or place of use.

The applicant is currently obtaining their water from Kanopolis Reservoir through a water purchase contract with the Kansas Water Office. The current contract has a maximum allowable withdrawal of 400 million gallons. The purpose of these applications is to provide the District with an alternative source of water, and also assist them in meeting future demands. The District has provided supporting information that indicates they used 305 million gallons in 2014, and have estimated that water needs could increase to 560 million gallons by 2035. Based on safe yield analysis (see below), Application, File No. 49,494 requested quantity of 104.24 million gallons is all available. For Application, File No. 49,503 only an additional 21.96 million gallons is available, this provides a total quantity of water of 126.2 million gallons when the files are combined. This quantity is significantly less than the District is already using, so justification of this quantity is certainly met. Approval of these applications will simply allow them to purchase less water under their contract.

The applicant identified one nearby domestic well (Dwight Cornwell) and three nearby municipal supply wells (City of Luray) located within 1,000 feet. An initial review of the applications indicated that File No. 49,494 failed to meet spacing to the domestic well, and both applications failed to meet spacing to the City of Luray municipal wells (authorized under RS-003 and 31,683). The applicant was sent a letter on July 5, 2016 detailing failure to comply with required well spacing. The applicant (with the assistance of their consultant, Scott Ross) met with the City of Luray and the domestic well owner to discuss these well spacing issues. Subsequent to these discussions, DWR has received a "Domestic Well Spacing Consent Form" signed by Mr. Dwight Cornwell giving the District permission to install their well under File No. 49,494. In addition, DWR received "Voluntary Waiver of Hearing and Dismissal of Water Right" forms for both Vested Water Right, File No. RS-003, and Water Right, File No. 31,683. These dismissals will be processed in conjunction with the approval of these new applications.

Due to the unknown number and locations of domestic wells within one-half mile, and in keeping with standard protocol, the applicant chose to use a public notice to inform nearby well owners. The public notice was published in the *Russel County News* on September 22, September 29, and October 6, 2016, with a comment period ending on October 21, 2016. No responses of any kind were received related to the public notice.

Per K.A.R. 5-4-4, new non-domestic wells must meet specific spacing guidelines based on the source of water supply in order to minimize the potential that existing water wells of any kind would be impaired. The source of water (aquifer) for these pending applications appears to be Wolf Creek and Coon Creek alluvium. Since the source is the alluvium, the minimum well spacing is 1,320 feet from any existing non-domestic well, and 660 feet from any existing domestic well in the same source of supply. The nearest potential domestic well, other than Mr. Cornwell's domestic well discussed above, is located over 1,200 feet away, and with the dismissal of the City of Luray wells there are no other non-domestic wells within the two mile radius circle.

The proposed points of diversion under the pending applications do not meet minimum well spacing criteria to each other per the requirements in K.A.R. 5-4-4, which suggest 1,320 feet well spacing for "all other aquifers". The points of diversion (geographic centers of the well batteries) are 692 feet apart. However, K.A.R. 5-4-4 also provides that the spacing guidelines are not applicable if the required minimum well spacing criteria are not necessary to prevent direct impairment. There are several unique circumstances that should be considered in this specific instance.

- The wells in a municipal well field are operated as a system, and are not likely to be separated or divided in any way in the future.
- Municipal wells are not generally operated at the same time, but instead alternate pumping, lessening potential impact to each other, and allowing recovery of groundwater at the other wells.
- The wells are producing from a shallow, unconfined aquifer and their individual pumping rates and length of operation will be limited to what is physically available from the source of supply, which will address typical drawdown concerns (i.e. cone of depression) to each other.

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

LIDAR and topographic map review provide a detailed extent of the alluvial aquifer based on contour data. Per K.A.R. 5-3-11, which applies to safe yield evaluations for all unconfined aquifers, the area of consideration is the extent of the alluvial aquifer. For File No. 49,494, the aquifer extent was determined to be 3,593 acres. With a recharge of 1.7 inches and 75% available, safe yield was determined to be 381.76 acre-feet. With the dismissal of the City of Luray files, there are no prior appropriations, leaving 381.76 acre-feet available, and the application requesting 319.9 acre-feet complies with safe yield. For File No. 49,503, the aquifer extent was determined to be 3,561 acres. With a recharge of 1.74 inches and 75% available, safe yield was determined to be 387.3 acre-feet. With the applicant's prior appropriation, this leaves only 67.4 acre-feet available. In order to allow flexibility in pumping, determine the most efficient operating scenario, and in keeping with similar applications, this pending application will be approved for the requested 104.24 million gallons, but limited in quantity of water to 126.2 million gallons (387.3 acre-feet) when combined with senior File No. 49,494. This complies with safe yield, which is based on additional quantity of water values only.

Based on additional information provided by the applicant, and a review of the extent of the area contained within the District's boundary, the following place of use was determined:

within the boundaries of Rural Water District No. 1, Ellsworth County, Kansas and immediate vicinity; the City of Brookville, Kansas and immediate vicinity; the City of Dorrance, Kansas and immediate vicinity; the City of Ellsworth, Kansas and immediate vicinity; the City of Gorham, Kansas and immediate vicinity; the City of Luray, Kansas and immediate vicinity; the City of Paradise, Kansas and immediate vicinity; the City of Waldo, Kansas and immediate vicinity; within the boundaries of Rural Water District No. 2, Osborne County, Kansas and immediate vicinity; within the boundaries of Rural Water District No. 7, Saline County, Kansas and immediate vicinity; and at an industrial facility located in the North Half of the Northeast Quarter of Section 26, Township 13 South, Range 14 West, Russell County, Kansas.

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.

In an e-mail message, dated October 17, 2016, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated he had no objection to the approval of the referenced applications. Based on the above discussion, the area is open to new appropriations, the applications meet safe yield and well spacing criteria, and they will provide an alternative source of water for the District, it is recommended that the referenced applications be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

November 4, 2016

ELLSWORTH COUNTY RWD NO 1
% KELI HABIGER
103 NORTH DOUGLAS AVE
ELLSWORTH KS 67439

FILE COPY

Re: Appropriation of Water, File Nos. 49,494 and 49,503

Dear Sir or Madam:

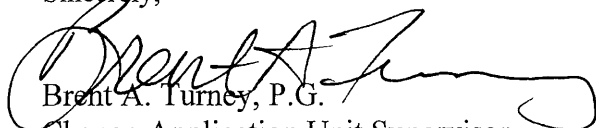
There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

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

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in these permits to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:dws

Enclosures

pc: Stockton Field Office
Scott Ross



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

This is to certify that I have examined Application, **File No. 49,503** of the applicant

**ELLSWORTH COUNTY RWD NO 1
103 NORTH DOUGLAS AVE
ELLSWORTH KS 67439**

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 **November 16, 2015**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Rural Water District No. 1, Ellsworth County, Kansas and immediate vicinity; the City of Brookville, Kansas and immediate vicinity; the City of Dorrance, Kansas and immediate vicinity; the City of Ellsworth, Kansas and immediate vicinity; the City of Gorham, Kansas and immediate vicinity; the City of Luray, Kansas and immediate vicinity; the City of Paradise, Kansas and immediate vicinity; the City of Waldo, Kansas and immediate vicinity; within the boundaries of Rural Water District No. 2, Osborne County, Kansas and immediate vicinity; within the boundaries of Rural Water District No. 7, Saline County, Kansas and immediate vicinity; and at an industrial facility located in the North Half of the Northeast Quarter of Section 26, Township 13 South, Range 14 West, Russell County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 1,650 feet North and 1,625 feet West of the Southeast corner of said section, in Township 11 South, Range 12 West, Russell 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **104.24 million gallons** (319.9 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, 2017** 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, 2036** 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 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 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 re-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 this permit is further 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 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.

20. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 49,494, will provide a **total not to exceed 126.2 million gallons** (387.3 acre-feet) of water per calendar year for municipal use as described herein.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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 1st day of November, 2016, in Topeka, Shawnee 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 1st day of November, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE


On this 4th day of November, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,503, dated November 1, 2016 was mailed postage prepaid, first class, US mail to the following:

ELLSWORTH COUNTY RWD NO 1
103 NORTH DOUGLAS AVE
ELLSWORTH KS 67439

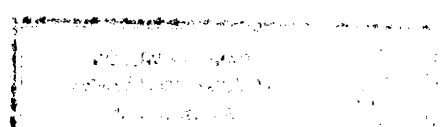
With photocopies to:

SCOTT E ROSS
WATER RIGHTS INVESTIGATIVE SERVICE LLC
209 SOUTH ASH ST
STOCKTON KS 67669

Stockton Field Office



Division of Water Resources



APPLICATION COMPLETE
10/21/2016
Reviewer DWS

THE STATE OF KANSAS



WATER RESOURCES RECEIVED
JAN 14 2016
12:03
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,503

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

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

FEB 22 2016

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

NOV 16 2015

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule attached to this application form.)

1:04

KS DEPT OF AGRICULTURE

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): Ellsworth County Rural Water District No. 1
Address: 103 North Douglas Ave.

City: Ellsworth State KS Zip Code 67439

Telephone Number: (785) 472-4486

2. The source of water is: surface water in _____ (stream)
OR groundwater in Saline River (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 319.9 acre-feet OR 104,239 mgy gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR 1.78 cubic feet per second.

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

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

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

For Office Use Only:

F.O. 3 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use MUN Source G/S County RS By AJW Date 11/16/15
Code FE2 Fee \$ 300 TR # 16016230 Receipt Date 11/16/15 Check # 031467

* See September 19, 2016 e-mail from

Scott Ross for geo-center location. DWS/DWR
and individual well locations. 9/19/16

FILE NO. 49,503

Batt 4 of 4 (E) SE NW SE 1650' N & 1,900' W, Sec. 7, 11S 12W Russell Co.
The location of the proposed wells, pump sites or other works for diversion of water request 60 days to locate

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. **60 days to locate a battery of wells**

Geo-center*

- (A) One in the SE quarter of the NW quarter of the SE quarter of Section 7, more particularly described as being near a point 1650 feet North and 1625 feet West of the Southeast corner of said section, in Township 11 South, Range 12 East West (circle one), Russell County, Kansas.
- 1 of 4 (B) One in the SE quarter of the NW quarter of the SE quarter of Section 7, more particularly described as being near a point 1650 feet North and 1360 feet West of the Southeast corner of said section, in Township 11 South, Range 12 East West (circle one), RS County, Kansas.
- 2 of 4 (C) One in the SE quarter of the NW quarter of the SE quarter of Section 7, more particularly described as being near a point 1650 feet North and 1520 feet West of the Southeast corner of said section, in Township 11 South, Range 12 East West (circle one), RS County, Kansas.
- 3 of 4 (D) One in the SE quarter of the NW quarter of the SE quarter of Section 7, more particularly described as being near a point 1650 feet North and 1720 feet West of the Southeast corner of said section, in Township 11 South, Range 12 East West (circle one), RS 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):

See the attached access agreement
(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 November 14, 2015. Kelittabegin
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.
8. The proposed project for diversion of water will consist of a battery of wells and systems for municipal use
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) June 2016
(Month/Day/Year - each was or will be completed)

9. The first actual application of water for the proposed beneficial use was or is estimated to be June 2016
(Mo/Day/Year)

10. 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.

11. 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 no surface water is requested

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

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

13. 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.

Only other source of water for the Ellsworth County RWD No. 1 is a water supply contract with the Kansas Water Office.

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14. 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	_____	_____	_____	_____

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

AGENT
(owner, tenant, agent or otherwise)

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

Patrons of the Ellsworth County RWD No. 1
(name, address and telephone number)

103 N. Douglas Ave, Ellsworth, KS. 67439
(name, address and telephone number)

17. 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 Nov. 14, Kansas, this 14 day of November, 2015.
(month) (year)

Kelitt Habiger
(Applicant Signature)

By Rural Water District No. 1 Ellsworth Co., KS.
(Agent or Officer Signature)

Keli Habiger Sup. of Finance + Admin.
(Agent or Officer - Please Print)

Assisted by Scott E. Ross of WRIS General Manager Date: _____
(office/title)

49,503

licant's Name Ellsworth Co. RWD No. 1
(Please Print)

MUNICIPAL (PUBLIC WATER SUPPLY) APPLICATION SUPPLEMENTAL INFORMATION SHEET

Application File Number
49,503
(assigned by DWR)

ON 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 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Below Explanation)
-0-	305527 X 1000	44,840,000	na	202,305,000	9,588,000	48,794,000
TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

UNACCOUNTED FOR WATER = TOTAL WATER - ACCOUNTED FOR WATER

- n 1: The amount of raw water diverted from all of your points of diversion.
- n 2: The amount of water purchased wholesale from all other public water supply systems or the Kansas Water Office.
- n 3: The amount of water sold wholesale to all other public water supply systems.
- n 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.
- n 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.
- n 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.
- n 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.

COUNTED FOR WATER

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.

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.

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

	Column 1 Raw Water Diverted Under Your Rights	Column 2 Water Purchased From All Sources	Column 3 Water Sold to Other Public Water Suppliers	Column 4 Water Sold to Your Industrial, Stock, and Bulk Customers	Column 5 Water Sold to Your Residential and Commercial Customers	Column 6 Other Metered Water	Column 7 Remaining Water Used (See Above Explanation)
3 yrs ago	166,149,000	-0-	55,890,000	na	63,898,000	-0-	46,361,000
2 yrs ago	167,283,000	-0-	44,858,000	na	76,912,000	-0-	43,013,000
1 yrs ago	193,381,000	-0-	51,106,000	na	94,815,000	16,463,000	30,997,000
0 yrs ago	-0-	273,334,000	451,331,000	na	146,632,000	11,271,000	70,100,000
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6				UNACCOUNTED FOR WATER

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ON 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)
5	360,466,050	-0-	194,334,000	120,280,300	81,455,150	18,917,087	54,520,487
10	426,674,100	-0-	230,028,000	142,372,600	96,416,300	22,391,654	64,534,454
15	492,882,150	-0-	265,722,000	164,464,900	111,377,450	25,866,221	74,548,421
20	559,090,200	-0-	301,416,000	186,557,200	127,338,600	29,340,788	84,562,388
	TOTAL WATER = Columns 1 + 2		ACCOUNTED FOR WATER = Columns 3 + 4 + 5 + 6			UNACCOUNTED FOR WATER	

ON 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	2174
15 years ago	2514
10 years ago	2831
5 years ago	3851
Last Year	4176

PROJECTED FUTURE POPULATION

ESTIMATE FUTURE POPULATION AND SUBSTANTIATE NUMBERS ON SEPARATE ATTACHMENTS

NEXT 20 YEARS	POPULATION
Year 5	4600
Year 10	5100
Year 15	6200
Year 20	6300

be number of current active service connections:

1160	Residential	-0-	Industrial	9	wholesale	Other (specify) _____
40	Commercial	241	Pasture/ Stockwater/ Feedlot	1450	Total	

ON 5: PRESENT GALLONS PER PERSON PER DAY

CALCULATE YOUR GALLONS PER PERSON PER DAY

Water in Columns 5, 6, and 7 + Population + 365 Days/Year = Gallons per Person per Day

$$\frac{260,687,000}{\text{Amount of water in Columns 5, 6, and 7 of Section 1}} \div \frac{4176}{\text{Population from Last Year of Section 4}} \div 365 \text{ Days/Year} = 171 \text{ GALLONS PER PERSON PER DAY.}$$

ON 6: AREA TO BE SERVED

be the area to be served or provide the legal description of the location where the water is to be used including any other city or water supply system (i.e. Rural Water District):
RO. Co. RWD #2; portions of RO. Co. RWD #3; city of Victoria; White Energy in Russell; city of Russell; Mitchell Co. RWD #1 see map.

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

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

AGREEMENT FOR TEMPORARY LICENSE AND OPTION TO PURCHASE

THIS AGREEMENT FOR TEMPORARY LICENSE AND OPTION TO PURCHASE (hereinafter Agreement) is entered into this 9 day of November, 2015, by and between **Rural Water District No. 1, Ellsworth County, Kansas**, (hereinafter the District), a quasi-municipal Kansas corporation, and Richard Letsch Revocable Trust (hereinafter Landowner).

WHEREAS, the District owns a public water supply system which supplies water to the District's customers; and

WHEREAS, the District wishes to explore additional sources of water to supply to its customers; and

WHEREAS, the District wishes to purchase from Landowner and Landowner wishes to sell to the District, a temporary license for the drilling of test holes and test water wells on certain land (hereinafter "the Land") the legal description of which is set forth below; and

WHEREAS, the District wishes to purchase from Landowner and Landowner wishes to sell to the District, an option to purchase certain tracts of land (hereinafter "Well Sites"), more fully described below, which are a part of the Land and which would be used for the primary purpose of drilling permanent water wells; and

WHEREAS, the District wishes to purchase from the Landowner and Landowner wishes to sell to the District, an option to obtain permanent easements for use of utilities and access; and

WHEREAS, the legal description of the Land is as follows:

SEE ATTACHMENT "A"

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein, the parties hereto agree as follows:

Temporary License

1. Landowner agrees to grant the District a temporary license, allowing the District to drill one or more test holes on the Land; to drill and pump one or more test wells on the Land; and ingress and egress over the Land for the purposes thereof. Such temporary license shall extend to the District, its employees, officers, contractors and consultants. This Temporary License shall be in effect for a period of twenty-four (24) months following the execution of this Agreement, at which time it shall automatically expire unless extended by written agreement of the Landowner and the District. The District will, prior to the termination of this license: a) plug all Wells and ensure that the plugged Wells are in compliance with all applicable government statutes and regulations; and b) repair all damage to the Land caused by the District, including re-seeding any areas where grass has been damaged. In addition, the District will pay Landowner for any damage caused by the District which is not repaired pursuant to the provisions of this Temporary

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License. In pumping of test wells as authorized by this Temporary License, the District will pump to a pond located on the Land, if there is a pond nearby suitable for that purpose. As consideration for the receipt of such Temporary Easement, the District will pay Landowner the sum of five hundred dollars (\$500.00) for each test hole and each test water well it drills on the Land.

Option to Purchase Well Sites

2. In consideration of the District's payment of five hundred dollars (\$500.00) to Landowner, which is made at the time of the signing of this Agreement, Landowner hereby gives and grants the District and its assigns, the exclusive option to purchase, exercisable as herein provided, the following:

a) Permanent Well Sites – Permanent Well Sites that are one forty three thousand, five hundred sixty (43,560) square feet each, in size, that would be used for permanent water wells. The District shall have the right to purchase as many Well Sites as it reasonably determines will be of benefit to the District, not to exceed twelve (12). If the District exercises its option to purchase one or more Well Sites, it shall state that fact in its notice to exercise its option, (discussed below). The purchase price for each Well Site purchased shall be three thousand four hundred eighty dollars (\$3,480.00). The District's notice shall also state the specific number of Well Sites the District elects to purchase. The exact locations of the Well Sites will be surveyed following the signing of this Agreement and prior to closing of a purchase of the Well Sites, with such surveys to be performed by the District's consultants, at the expense of the District.

b) Utility, Pipeline, Access and Chlorination Building Easement – A permanent right-of-way easement 20 feet wide (hereinafter "Utility Easement") over and across the Land for the purposes of: 1) constructing, using, repairing and replacing connections to any supporting utilities on or adjacent to the Land; 2) constructing, using, repairing and replacing a water pipeline or pipelines reasonably necessary to connect and operate Wells located on the Well Sites and to transport water from the Well Sites across Sites and Utility Easements by vehicle on the Land to additional facilities owned by the District or to which the District has access; and 3) access to the Well Sites and Utility Easements by vehicle or otherwise. If the District exercises its option to purchase the Utility Easement, it shall state that fact in its notice to exercise its option, (discussed below), and the purchase price for each such Easement shall be two thousand dollars (\$2,000.00) per acre or \$.0460 per square foot for any portion of an acre based on 43,560 square feet per acre.

General Conditions

The option set forth herein is given on the terms and conditions set forth below.

3. The purchase prices for the Well Sites and Utility Easement shall be as set forth above, and shall be paid by the District upon closing of such purchase.

4. The District's option may be exercised by giving notice of exercise to Landowner at the address named in paragraph 9, below, at any time during the period beginning on the date of this instrument and ending twenty four (24) months thereafter. The District's option may be extended beyond such 24-month period for an additional twelve (12) months by providing written notice to Landowner prior to the end of such 24-month period.
5. If and when the District exercises its option under the terms of this Agreement, the parties will use all due diligence to satisfy all preconditions set forth herein so that the Well Sites and easement purchase(s) may be closed within ninety (90) days after the District exercises its option. At closing, the Landowner shall deliver marketable title to the Well Sites and easements being purchased by the District pursuant to this Agreement. Closing shall be at a mutually agreeable time and place.
6. Landowner will not grant rights to anyone other than the District that would allow the diversion of water from the Land. The District shall have the exclusive right to drill and operate water wells on the Land and shall have the exclusive right to apply to the Kansas Department of Agriculture, Division of Water Resources, for a permit to appropriate water from the Land during the term of this Agreement. The Landowner agrees to execute such documents as the District may reasonably request related to obtaining such water rights.
7. The Landowner agrees to maintain confidentiality of this Agreement throughout the time the District's option to purchase remains in effect.
8. The District agrees to indemnify and to hold Landowner harmless from and against any and all liability for personal injury or property damage when such injury or damage shall result from, arise out of, or be attributable to any use of any Landowner's Land by the District, to the extent that such injury or damage was caused by the District or its directors, officers, employees, contractors or consultants.
9. Following exercise of its option as provided herein and closing of the purchase of the Well Sites and Utility, Pipeline, Access and Chlorination Building Easement, Landowners shall be entitled to use Landowners' surrounding land for purposes as they see fit, including but not limited to, production of hay, crops and hunting.
10. Any notice under this option shall be given in writing to the party for whom it is intended in person or by registered mail to the following address, or such future address as may be designated in writing, to Landowner, at: PO Box 83 Luray KS 67649; to the District at: Rural Water District No. 1, Ellsworth County, 103 N. Douglas, Ellsworth, KS 67439; and to any successor or assignee of either party, at the address stated in any notice of succession or assignment.
11. The option contained in this Agreement and the contract resulting from its exercise shall bind and inure to the benefit of the heirs, administrators, executors, successors, and assigns of the respective parties.

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12. This Agreement constitutes the entire contract between the parties with regard to the subject matter contained herein, and there are no representations, warranties, conditions, or agreements other than those expressly set forth herein. No other agreement, statement, promise, warranty or representation made by any party to this Agreement, or by any employee, officer or agent of any party, that is not in writing and signed by all parties to this Agreement shall be binding.

13. Each party hereto upon the request of the other party hereto, whether before or after the date of closing, shall do, execute, acknowledge and deliver or cause to be done, executed, acknowledged or delivered all such further acts, deeds, documents, assignments, transfers, conveyances, powers of attorney and assurances as may be reasonably necessary or desirable to effect complete consummation of the transactions contemplated by this Agreement.

14. If any provision of this Agreement is declared to be invalid for any reason or is declared to have ceased to be binding on the parties hereto, such provision shall be severed, and all other provisions herein shall continue to be effective and binding.

IN WITNESS WHEREOF, the parties have executed this instrument this 9th day November, 2015.

“Landowner”

By: Richard Letsch Rev TRUST

Printed Name: Richard Letsch Rev. TRUST

By: Ronald R. Letsch TRUSTEE

Printed Name: Ronald R. Letsch

“District”

**Rural Water District No. 1,
Ellsworth County, Kansas**

By: Daniel R. Venader

Printed Name: Daniel R. Venader

Title: Chairman (RWD)

Exhibit A
LAND DESCRIPTION

A 20.3 acre tract of land located in Section 07, Township 11, Range 12 West in Russell County, Kansas. E870' NE ¼, SE ¼ S of RR Less any Right-of-Way.

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WATER RIGHTS INVESTIGATIVE SERVICE
209 SOUTH ASH ST. STOCKTON, KANSAS 67669-1921 (785) 543-8254

September 19, 2016

Kansas Department of Agriculture
Division of Water Resources - Topeka Field Office
C/O Douglas Schemm
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

RE: New Applications for
Ellsworth Co. RWD No. 1
49,494 & 49,503

Dear Mr. Schemm:

The following are the anticipated locations of wells under Application File No. 49,494 and 49,503.

Application File No. 49,494

Geo Center 1650' North X 2317' West

- (1) Well 1650' N X 2590' W
- (1) Well 1650' N X 2420' W
- (1) Well 1650' N X 2220' W
- (1) Well 1650' N X 2040' W

Application File No. 49,503

Geo Center 1650' North X 1625' W

- (1) Well 1650' N X 1360' W
- (1) Well 1650' N X 1520' W
- (1) Well 1650' N X 1720' W
- (1) Well 1650' N X 1950' W

** - per ind. well locations*

*1900' W * to be within 300' of geo-center DWS/DWR 9/19/2016*

All in Section 7, Township 11 South, Range 12 West in Russell County, KS.

We expect to complete these wells along the north boundary line of the Vanan Mulander property in an east/west orientation.

If you have any questions, please don't hesitate to contact me at the address and telephone number on this correspondence.

Sincerely;

Scott E. Ross
General Manager
Water Rights Investigative Services

#49,503

This file will be limited to 387.3 AF when combined with senior file #49,494 providing 67.4 AF additional water. Meets safe yield.

Analysis Results

The selected PD is in an area to new appropriations. The safe yield, based on the variables listed below is 387.26 AF. Total prior appropriation in the circle is 746.91 AF. 319.9 AF Total quantity of water available for appropriation is 0.00 AF. 67.4 AF

Safe Yield Variables

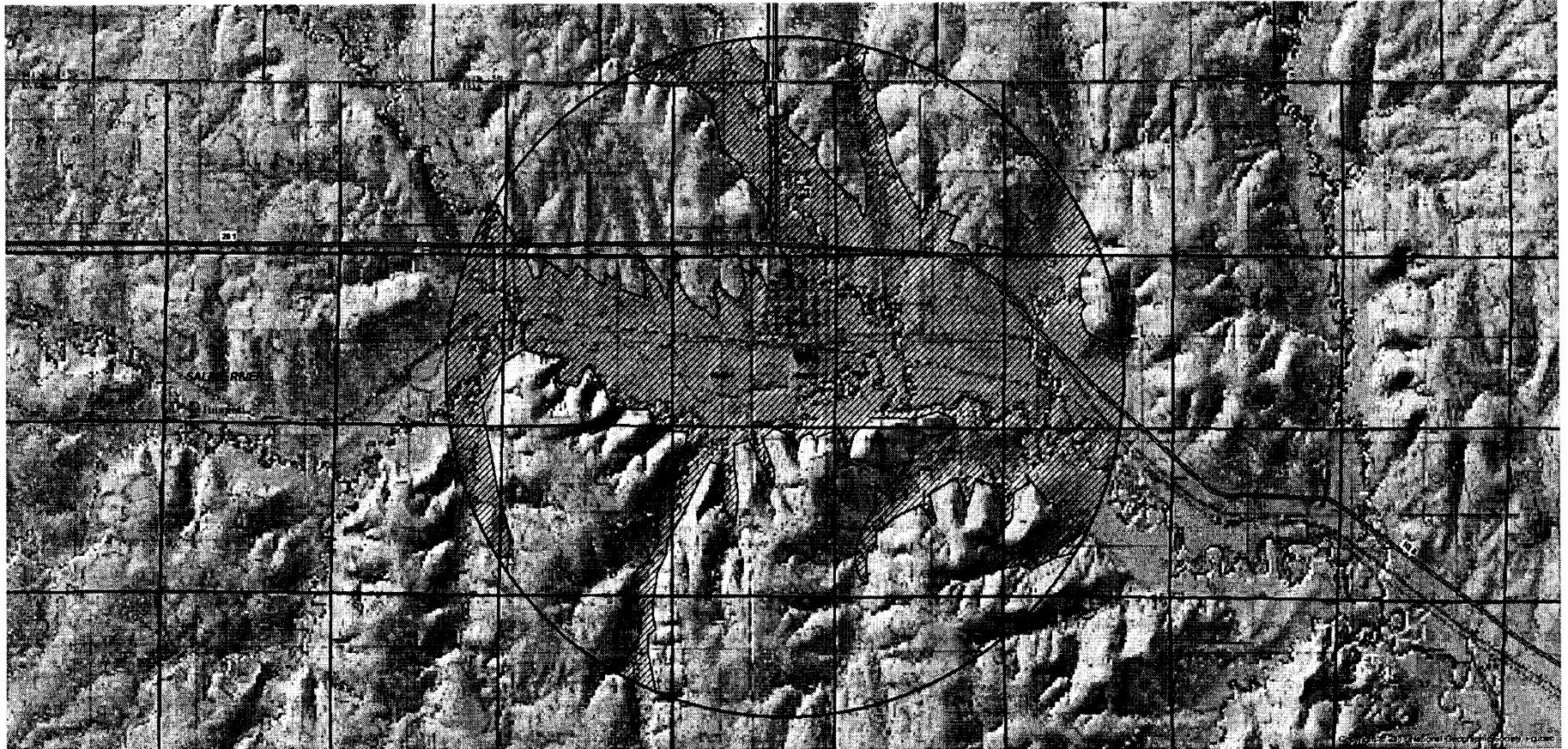
The area used for the analysis is set at 3561 acres. Potential annual recharge of the area is estimated to be 1.74 inches. The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 13-SEP-2016 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 5 water right(s) and 6 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 31683	00	MUN	NK	G		CE	NW	SE	1900	1340	07	11	12W	2	WR	24.25	24.25	- Voluntary Dismissal
Same		MUN	NK	G		CE	NW	SE	1980	1340	07	11	12W	3	WR			
Same		MUN	NK	G		CE	NW	SE	1840	1340	07	11	12W	1	WR			
A 49494	00	MUN	AY	G				SE	1320	3960	07	11	12W	4	WR	319.90	319.90	
A 49503	00	MUN	AY	G				SE	1320	1320	07	11	12W	5	WR	319.90	319.90	
A 49512	00	MUN	AY	G		SW	NE	SE	1769	1316	07	11	12W	6	WR	46.03	46.03	
V RS 3	00	MUN	AA	G		CE	NW	SE	1900	1340	07	11	12W	2	WR	36.83	36.83	- Voluntary Dismissal
Same		MUN	AA	G		CE	NW	SE	1980	1340	07	11	12W	3	WR			
Same		MUN	AA	G		CE	NW	SE	1840	1340	07	11	12W	1	WR			

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SWSEWSE 07-11S-12W
FILE NO. 49,503 (1605'N & 1557'W)



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

1605 ft N and 1557 ft W of the SE Corner of Section 7, T 11S, R 12W
Located at: 98.692377 West Longitude and 39.108045 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__ 31683 00 MUN NK G      327 -- CE NW SE 1840 1340 7 11 12W 1      24.25      24.25 AF
Same
Same
A__ 49494 00 MUN AY G     2420 -- -- -- SE 1320 3960 7 11 12W 4      319.90     319.90 AF
A__ 49503 00 MUN AY G      371 -- -- -- SE 1320 1320 7 11 12W 5      319.90     319.90 AF
A__ 49512 00 MUN AY G      292 -- SW NE SE 1769 1316 7 11 12W 6       46.03      46.03 AF
VRS      3 00 MUN AA G      327 -- CE NW SE 1840 1340 7 11 12W 1       36.83      36.83 AF
Same
Same
=====

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=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      685.83           .00
Total Permitted Amount (AF) =           .00           .00
Total Inspected Amount (AF) =           .00           .00
Total Pro_Cert Amount (AF) =           .00           .00
Total Certified Amount (AF) =         24.25           .00
Total Vested Amount (AF) =           36.83           .00
TOTAL AMOUNT (AF) =          746.91           .00
=====

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An * after the source of supply indicates a pending application for change for the file number.
An * after the ID indicates a 15 AF exemption was granted for the file number.
A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
The number in the Batt column is the number of wells in the battery.

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

98.692377 West Longitude and 39.108045 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 31683 00 MUN NK G
> CITY OF LURAY
> ATT: CITY CLERK
> PO BOX 158
> LURAY KS 67649
-----
A__ 49494 00 MUN AY G
> ELLSWORTH RWD 01
> A/K/A POST ROCK RWD
> PO BOX 25 304 N DOUGLAS
> ELLSWORTH KS 67439
-----
A__ 49503 00 MUN AY G
> ELLSWORTH RWD 01
> A/K/A POST ROCK RWD
> PO BOX 25 304 N DOUGLAS
> ELLSWORTH KS 67439
=====

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>-----

A__ 49512 00 MUN AY G

- > CITY OF LURAY
- > ATT: CITY CLERK
- > PO BOX 158
- > LURAY KS 67649

>-----

VRS 3 00 MUN AA G

- > CITY OF LURAY
- > ATT: CITY CLERK
- > PO BOX 158
- > LURAY KS 67649

>-----

=====

Schemm, Doug

Subject: FW: Publication from Russell Co. newspaper on File Nos. 49,494 and 49,503

From: Stewart, Kelly
Sent: Monday, October 17, 2016 2:01 PM
To: Schemm, Doug
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Publication from Russell Co. newspaper on File Nos. 49,494 and 49,503

Doug,

I have no objection to the approval of the referenced applications.

Kelly

From: Schemm, Doug
Sent: Monday, October 17, 2016 12:34 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: FW: Publication from Russell Co. newspaper on File Nos. 49,494 and 49,503

We now have everything needed to complete these 2 files. I'm proposing limiting the junior file to what's available per safe yield quantity.

Please review,

Thanks, Doug

From: Scott Ross [<mailto:water.rights.llc@gmail.com>]
Sent: Monday, October 17, 2016 9:13 AM
To: Schemm, Doug
Subject: Publication from Russell Co. newspaper on File Nos. 49,494 and 49,503

Doug,

I have attached the copy of publication affidavit from the Main Street Media Inc., publishers of the Russell County news paper.

I'll send you the original via snail mail.

Scott

Kopp, Kenneth

From: Stewart, Kelly
Sent: Friday, January 22, 2016 1:57 PM
To: Kopp, Kenneth
Cc: Hageman, Rebecca
Subject: RE: Locations of Geo Centers for File Nos. 49,494 and 49,503

Ken,

As a follow-up to our telephone conversation on this date, I feel that 82a-710 does apply and these applications should be dismissed for failure to return. Additionally, I feel that DWR made a good faith effort to remind the applicants of the deadline by sending the Dec. 1 & Dec. 21 letters. Finally, there is a junior pending application in close proximity to these two applications and could be adversely impacted if we fail to dismiss these applications according to statute.

Kelly

From: Kopp, Kenneth
Sent: Wednesday, January 20, 2016 1:36 PM
To: Stewart, Kelly
Subject: FW: Locations of Geo Centers for File Nos. 49,494 and 49,503

I need your input on this set of applications from Ellsworth RWD 1. We returned the applications for 60 days to locate the points of diversion. They have given us points by email (below) but the applications have not been returned to us. We did send reminder letters. (Dec. 1 and Dec. 21.) The deadlines for both have now passed. Can we dismiss because they did not return the applications or should we call and tell them to return the applications with the rest of the information we asked for? We do not have test hole logs or the MDS acknowledgement form.

I think K.S.A. 82a-710 would allow us to dismiss.

Ken

From: Scott Ross [<mailto:water.rights.llc@gmail.com>]
Sent: Saturday, December 19, 2015 12:50 PM
To: Kopp, Kenneth; Keli Habiger; JP Metzler
Subject: Locations of Geo Centers for File Nos. 49,494 and 49,503

Ken,

Pursuant to your request for locations on the points of diversion under the above referenced file numbers. Attached is a map with the locations of those wells and those of the only two know wells within one half mile. Other wells may be located within the City of Luray and we'll likely do the pubic notice as these applications progress.

Geo Center of the East Battery under 49,503 is 1605' North X 1557' West of the Southeast Corner of Sec. 7, T11S, R12W in Russell Co. KS.

Geo Center of the West Battery under 49,494 is 1605' North X 2263' West of the Southeast Corner of Sec. 7, T11S, R12 W in Russell Co. KS.

Finally, I will list with this e-mail the owners of the two know nearby wells.

Dennis Cornwell Luray, KS. 67649

City of Luray 115 South Main St. Luray, KS. 67649

Scott

Scott E. Ross

General Manager

Water Rights Investigative Service LLC

209 South Ash ST. Stockton, KS. 67669

785-543-8254

49,503

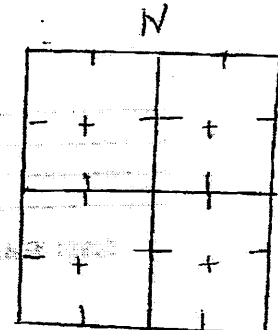
KARST WATER WELL DRILLING & SERVICE

2240 E. 8TH ST

HAYS, KS 67601

TEST LOG

JOB NUMBER Test Hole #11 Cased
 OF _____ NO: _____
 FOR Pos Rock Luray KS
 DATE DRILLED 11-5-95
 LOCATION 1/4 1/4 SECTION NO. _____
 T. S. R. W/E COUNTY STATE KS
 FSL FEL



DEPTH	FORMATION THICKNESS	FORMATION	REMARKS
0-4		Top Soil	
4-13		Gumbo Clay	
13-14		Britty Clay	
14-15		Sand	
15-17		Clay & Rock	
17-29		Loose Rock & Sand	
29-30		Clay	
30-38		River Mud & Sand	
38-45		Gravel & Fine Sand	
45-50		Gravel & River Mud	
50-70		Rock & Sandrock	
70-75		Grey Clay	

@ 105 gpm static dropped to 30'

Started test pumping at 5:40 P.M. at 105 gpm

STATIC WATER LEVEL 15 1/2' from ground level

WATER SAMPLES	PPM CHLORIDE	OTHER TESTS
TO _____	_____	_____
TO _____	_____	_____
TO _____	_____	_____
TO _____	_____	_____

ENCLOSURE WITH DRILLING RECORD

Schemm, Doug

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Wednesday, September 14, 2016 2:03 PM
To: Schemm, Doug
Subject: Re: Ellsworth RWD No. 1 49,494 and 49,503
Attachments: DWR test hole logs at Geo Centers of each app..pdf

Doug,

Here are the two logs closest to the geo centers of the apps. The formation gets deeper as we move west. Thus, the shallower test hole should be #49,503 assigned to the east application and the deeper on to the farthest west application. After a some discussion we are in agreement that the source will not include any of the Dakota. The "rock and sandrock" at the bottom of the east hole is reworked sandstone consisting of some sandstone cobbles in a clay matrix. The west well has "sand and hard rock" at the bottom of the hole is I believe the top of the Lincoln sandstone element of the Dakota it is well cemented and acts as an aquitard in this area. The only leakage I found in drilling this area is from the occasional fracture of this substrate. We do not intend to produce any water from below this boundary.

I'll get you the locations of the wells in the battery in a couple of days.

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

On Wed, Sep 14, 2016 at 1:48 PM, Schemm, Doug <Doug.Schemm@ks.gov> wrote:

Great. Thanks.

From: Scott Ross [<mailto:water.rights.llc@gmail.com>]
Sent: Wednesday, September 14, 2016 1:42 PM

Keli Habiger

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Saturday, December 19, 2015 12:50 PM
To: Ken Kopp; Keli Habiger, JP Metzler
Subject: Locations of Geo Centers for File Nos. 49,494 and 49,503
Attachments: Post Rock well location maps for DWR.jpg

Ken,

Pursuant to your request for locations on the points of diversion under the above referenced file numbers. Attached is a map with the locations of those wells and those of the only two know wells within one half mile. Other wells may be located within the City of Luray and we'll likely do the pubic notice as these applications progress.

Geo Center of the East Battery under 49,503 is 1605' North X 1557' West of the Southeast Corner of Sec. 7, T11S, R12W in Russell Co. KS.

Geo Center of the West Battery under 49,494 is 1605' North X 2263' West of the Southeast Corner of Sec. 7, T11S, R12 W in Russell Co. KS.

Finally, I will list with this e-mail the owners of the two know nearby wells.

Dennis Cornwell Luray, KS. 67649
City of Luray 115 South Main St. Luray, KS. 67649

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

WATER RESOURCES
RECEIVED

FEB 22 2016

KS DEPT OF AGRICULTURE

Schemm, Doug

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Thursday, July 14, 2016 8:44 AM
To: Schemm, Doug; Dan@postrockrwd.com
Subject: Application File Nos. 49,494 and 49,503

Doug,

As per our conversation this morning regarding these two pending applications, I would like to request an extension of 60 days to complete our negotiations with both the City of Luray and Dwight Cornwell. Mr. Mount is the new manager at Ellsworth RWD No. 1 and is just getting settled in to a new job. We will work as diligently as possible to complete these tasks and resolve the spacing issues as soon as possible.

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

The logo features the word "Kansas" in a large, serif font. Above the letters "a", "s", and "s" is a decorative arch containing a series of small stars. Below "Kansas" are the words "Department of Agriculture" and "Division of Water Resources" in a smaller, sans-serif font.

Kansas
Department of Agriculture
Division of Water Resources

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

July 14, 2016

ELLSWORTH COUNTY RWD NO 1
103 N DOUGLAS AVE
ELLSWORTH KS 67439

RE: Pending Applications, File Nos. 49,494 and 49,503

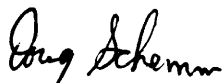
Dear Sir or Madam:

In response to a written request from Scott Ross, received in our office via electronic mail on July 14, 2016, the Chief Engineer is allowing an additional extension of time for sixty (60) days, in which to supply further information concerning the above referenced files. With this extension of time, the revised deadline is **September 20, 2016**. As you were informed in our July 5, 2016 letter, these pending applications do not comply with minimum well spacing criteria, as required by K.A.R. 5-4-4. I am enclosing a "Domestic Well Spacing Consent Form", which may be used to address the failure to meet spacing to the domestic well under File No. 49,494.

Extension requests are evaluated on a case by case basis, and you are being allowed these 60 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Doug Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Scott Ross – Water Rights Investigative Service LLC



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

July 5, 2016

ELLSWORTH COUNTY RWD NO 1
103 N DOUGLAS AVE
ELLSWORTH KS 67439

RE: Pending Applications, File Nos. 49,494 and 49,503

Dear Sir or Madam:

We have reviewed your applications referenced above, which propose to appropriate groundwater for municipal use. The proposed point of diversion for Application, File No. 49,494 (geographic center of well battery) is located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 1,605 feet North and 2,263 feet West of the Southeast corner of said section, and the proposed point of diversion for Application, File No. 49,503 (geographic center of well battery) is located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 1,605 feet North and 1,557 feet West of the Southeast corner of said section, all in Township 11 South, Range 12 West, Russell County, Kansas.

Based on a review of local well logs, and the physical location of the wells, the source of supply for these pending applications would be alluvial deposits. Per K.A.R. 5-4-4, based on your source of supply, the minimum spacing distance from your well to all other non-domestic wells in this same aquifer is 1,320 feet, and spacing to all domestic wells in this same aquifer is 660 feet. The proposed points of diversion described in your pending applications are both located less than this required spacing distance from nearby municipal wells (owned by the City of Luray). In addition, the proposed points of diversion do not meet spacing to each other.

Finally, per K.A.R. 5-4-4, based on your source of supply, the minimum spacing distance from your well to all domestic wells in this same aquifer is 660 feet. It appears that Application, File No. 49,494 is located less than this required spacing distance from the well identified on your application map.

Based on the above information, it will be recommended to the Chief Engineer that both of these pending applications be denied and dismissed due to the failure to meet minimum well spacing criteria, as required by K.A.R. 5-4-4. We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until July 20, 2016**) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. The required information must include an engineering report or similar type of hydrologic analysis to show that the spacing can be decreased without impairing existing water rights or prejudicially and unreasonably affecting the public interest.

Ellsworth County Rural Water District No. 1
File Nos. 49,494 and 49,503
Page 2

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the applications. If you have any other questions, please contact me at (785) 296-3495.

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Scott Ross – Water Rights Investigative Service LLC

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

January 28, 2016

KELI HABIGER
ELLSWORTH COUNTY RWD NO 1
103 NORTH DOUGLAS AVE
ELLSWORTH KS 67439

Re: Pending New Applications
File Nos. 49,494 and 49,503

Dear Ms Habiger:

Upon review of your above referenced applications returned to our office on January 14, 2016, it was noted that you did not provide all of the required information. Please review our letters dated November 6, 2015, and November 23, 2015, and provide the following information to complete the applications.

Paragraph No. 5 of your applications must describe **the locations for each of the individual wells comprising the proposed batteries of wells**. This information must also be plotted on your topographical maps.

The locations of all other water wells of every kind within one-half mile (½) of the points of diversion must be plotted on the topographical maps. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement must be included on the maps declaring that all wells within one-half mile (½) of the points of diversion have been plotted, or it should declare that none exist.

Paragraph No. 13 of the applications request well information so the source of supply of the proposed wells may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of wells or test holes within 300 feet of the proposed points of diversion. Please supply the indicated information and test hole logs or driller's logs with the returned applications.

The public water supply (municipal use) supplemental sheet must be completed to show projected future water needs and projected future population served, in order to fully understand your application and to determine whether the proposed quantity is reasonable. Please complete sections 3, 4, 5 and 6.

The original applications are being returned so that you may comply with the above instructions. In order to retain their priority of filing, the original applications and attachments must be returned to this office with the requested information on or before **February 29, 2016**. According to law, default in refileing of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

(over)

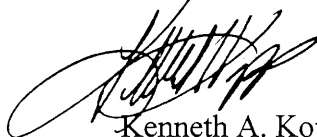
ELLSWORTH COUNTY RWD 1

File Nos. 49,494 and 49,503

Page 2 of 2

If you have any questions, please contact me at (785) 564-6640. 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 'Kenneth A. Kopp', written in a cursive style.

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

Enclosures

pc: Stockton Field Office

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

Kansas
Department of Agriculture
agriculture.ks.gov

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

Jackie McClaskey, Secretary

Governor Sam Brownback

December 21, 2015

ELLSWORTH RWD 01
103 N DOUGLAS AVE
ELLSWORTH KS 67439

Re: Pending Application,
File No. 49,503

Dear Sir or Madam:

The Division of Water Resources returned the above referenced application to you for additional information on November 23, 2015, and the current deadline for your response is January 16, 2016. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **January 16, 2016**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **January 16, 2016**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office

SCANNED



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

November 23, 2016

ELLSWORTH COUNTY RWD NO 1
103 NORTH DOUGLAS AVE
ELLSWORTH KS 67439

Re: Pending Application,
File No. 49,503

FILE COPY

Dear Sir or Madam:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on November 16, 2015, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, in Township 11 South, Range 12 West, Russell County, Kansas.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

The locations of all other water wells of every kind within one-half mile ($\frac{1}{2}$) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile ($\frac{1}{2}$) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application. Also, the enclosed "Minimum Desirable Streamflow" form must be signed and notarized, and should be returned with your application as well.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **January 16, 2016**, or within any authorized extension of time thereof. According to law, default in refileing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

(over)

SCANNED

ELLSWORTH COUNTY RWD NO 1

11/23/15

Page 2 of 2

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. 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 cursive script that reads "Kristen A. Baum".

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosures



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 16, 2015

ELLSWORTH COUNTY RURAL WATER DISTRICT NO. 1
103 N DOUGLAS AVE
ELLSWORTH KS 67439

RE: Application
File No. 49503

Dear Sir or Madam:

Your application for permit to appropriate water in 7-11S-12W in Russell County, was received and has been assigned the file number noted above.

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

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

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

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

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

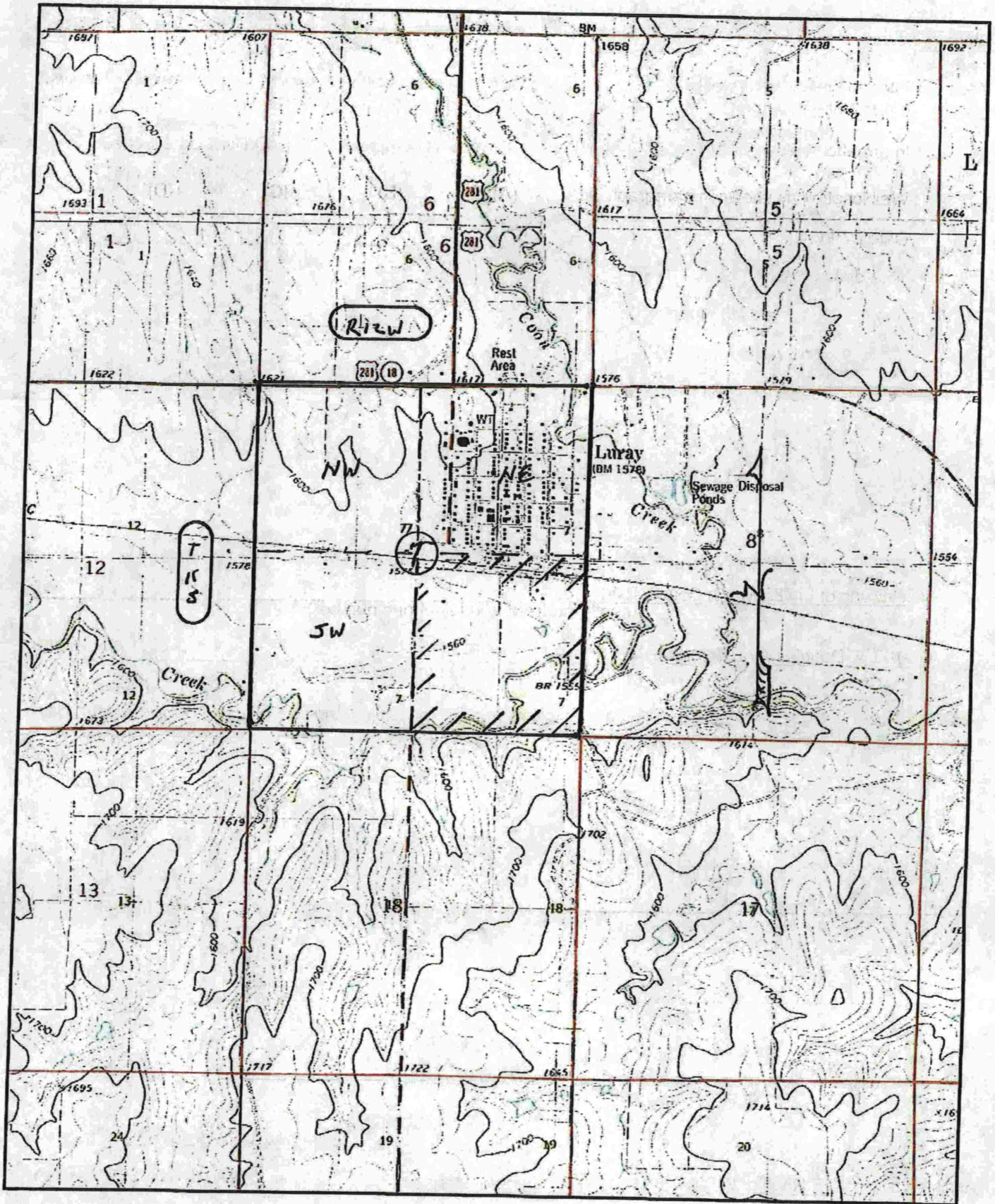
If you have any questions, please contact me at (785) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

KAK: DLW
pc: STOCKTON Field Office
GMD 0

SCANNED



Universal Transverse Mercator (UTM) Projection Zone 18
 North American Datum of 1983

1:24000 scale

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED



WATER RESOURCES RECEIVED

FEB 22 2016

KS DEPT OF AGRICULTURE

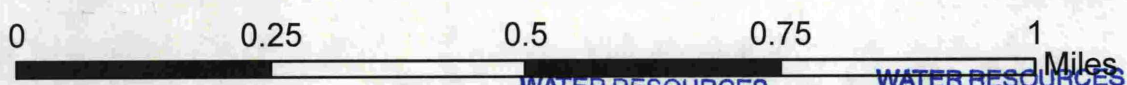
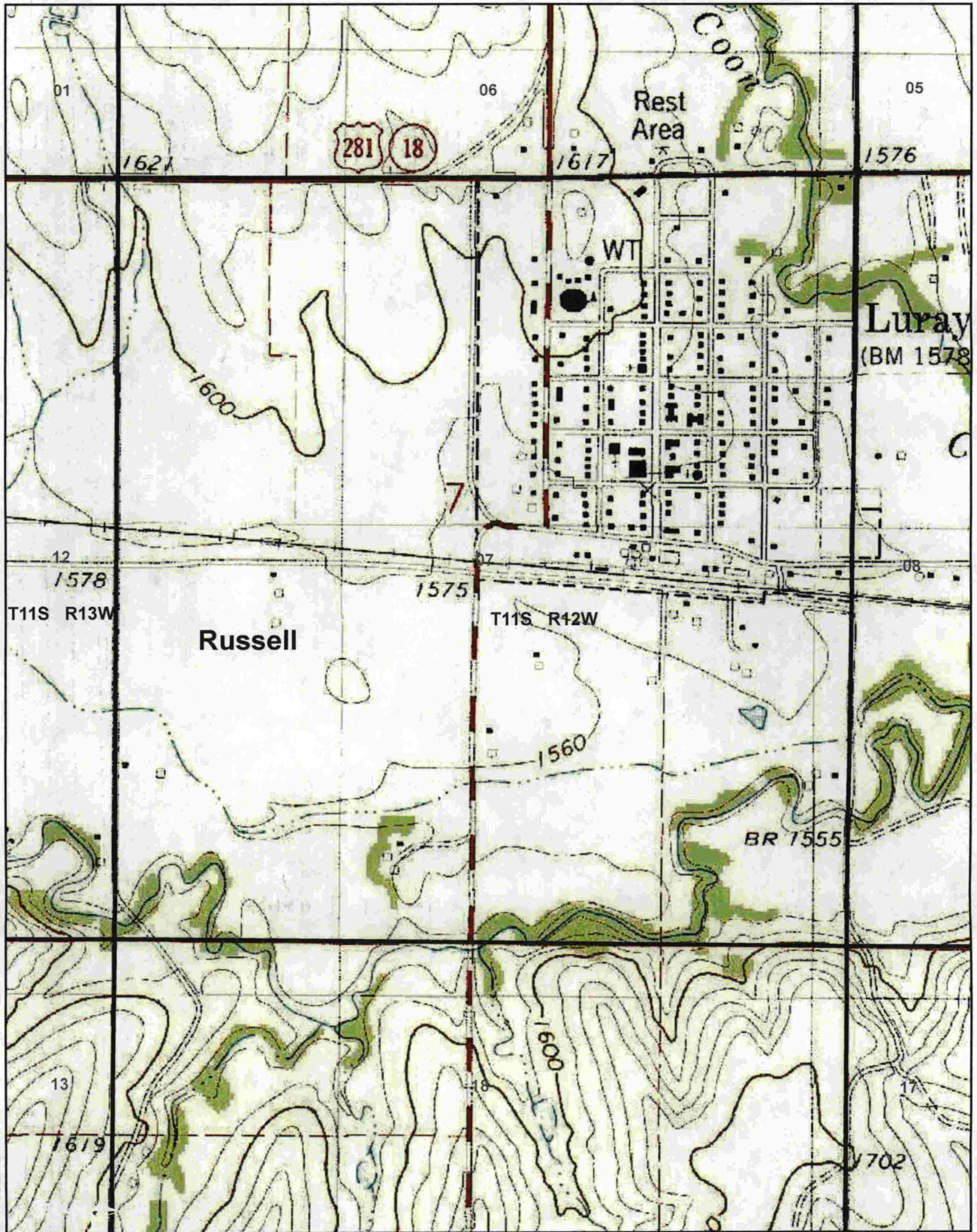
JAN 14 2016

SCANNED
 KS DEPT OF AGRICULTURE

NOV 16 2015

KS DEPT OF AGRICULTURE

Magnetic declination of 4E at center of map on March 17, 2011



I declare that all water wells or diversion sites within 1/2 mile of the proposed point of diversion have been plotted on this map.

FEB 22 2016

JAN 14 2016

Signature: _____

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

AJWDWR

Date: 11/23/2015

SCANNED

ELLSWORTH COUNTY RWD NO. 1
 FILE NOS. 49,494 AND 49,503
 Sec. 7, T11S, R12W
 Russell County

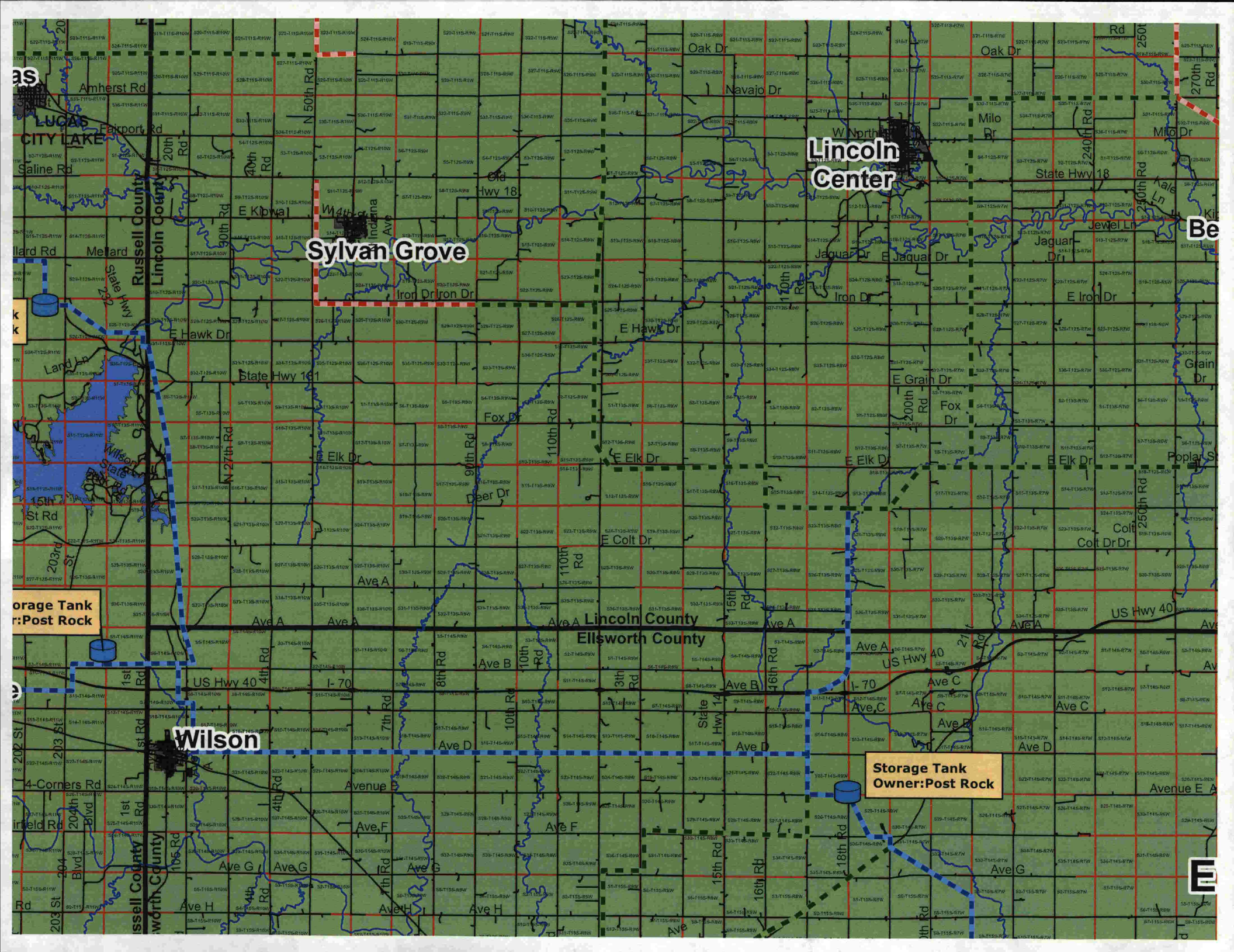


1:12,000

- Domestic Well
- Proposed Point of Diversion

All known wells within one-half mile of the proposed point of diversion are shown on this map.





Sylvan Grove

Lincoln Center

Wilson

**Storage Tank
Owner: Post Rock**

**Storage Tank
Owner: Post Rock**

LUCAS CITY LAKE

Wilson State Park

