

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">49,510</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">8/26/2016</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">3</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) Person ID 4780 New to system <input type="checkbox"/> Add Seq# _____</p> <p>CITY OF ELLSWORTH PO BOX 163 ELLSWORTH KS 67439</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>SCOTT E ROSS WATER RIGHTS INVESTIGATIVE SERVICE LLC 209 SOUTH ASH ST STOCKTON KS 67669</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input checked="" type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2017 11. Perfection Date: 12/31/2036 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **8/15/2016** By: **DWS**
Date Entered: **8/29/2016** By: **UM**

File No. **49,510** 15. Formation Code: 113 Drainage Basin: **SMOKY HILL RIVER** County: **EW** Special Use: Stream:

16. Points of Diversion

MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W

Battery ID #181

MOD	84854	NE SW NW	28	15	8W	7	3836	4183 (Geo-Ctr)
ENT	85576	SE NW NW	28	15	8W		3990	4366 (Batt 1 of 4)
ENT	85577	NE SW NW	28	15	8W		3908	4210 (Batt 2 of 4)
ENT	85578	NE SW NW	28	15	8W		3780	4120 (Batt 3 of 4)
ENT	85579	NE SW NW	28	15	8W		3666	4036 (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	162.9	800	0	NONE

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

19. Limitation: **188.32 MG/yr** (577.9 AF) at _____ gpm (_____ cfs) when combined with file number(s) **EW-02; 12,885; 38,775; 38,776 & 49,424**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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					
√	20960																							7a	No	SEE BELOW*

Comments: **PU OVERLAP WITH FILE NOS. EW-02; 12,885; 38,775; 38,776; 49,424; & 49,510.**

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

TO: Files

DATE: August 15, 2016

FROM: Doug Schemm

RE: Applications, File Nos. 49,424 and 49,510

The City of Ellsworth has filed the above referenced applications proposing to appropriate groundwater for municipal use. The applications are located in Sections 28 and 29, Township 15 South, Range 8 West in Ellsworth County. For both applications, the City has provided Temporary Easement agreements with the landowners showing that they have the right to access the properties for test hole drilling. In addition, Application, File No. 49,510 was signed by a representative of the City stating that they have access to the point of diversion. There are no overlapping water rights on the points of diversion.

The place of use overlaps with the City's senior water rights, Vested Water Right, File No. EW-002; and Water Right, File Nos. 12,885; 38,775; and 38,776 for municipal use. File No. EW-002 and Water Right, File No. 12,885 are a complete overlap in point of diversion, which consists of 7 wells in a well field on the west side of the city. File No. EW-002 is authorized a blanket quantity of 60 million gallons, while Water Right, File No. 12,885 has individual quantities assigned per well, with a limitation not to exceed 160 million gallons when combined with File No. EW-002. Note that Water Right, File Nos. 38,775 and 38,776 each overlap one of the existing wells in the well field. These files were recently certified (May 23, 2016) and both are limited to 169.5 million gallons when combined with the City's senior files. Water Right, File No. 38,775 is authorized 45.6 million gallons (only 9.5 million gallons additional), and Water Right, File No. 38,776 is authorized 46.013 million gallons (0 additional).

The City has provided a spread sheet with projected water needs for the next 20 years, with an estimated quantity of 188.32 million gallons. As described above, the City's current authorized quantity under their senior files is 169.5 million gallons, so the new applications would provide 18.82 million gallons additional quantity (188.32 – 169.5). In addition, the new applications will provide flexibility in pumping. Based on safe yield analysis (see below), Application, File No. 49,424 requested quantity was reduced to 104.79 million gallons. Application, File No. 49,510 will be approved for the requested 162.9 million gallons, however, as noted above, these junior files will be limited to the total justified quantity of water of 188.32 million gallons when combined. The Kansas Water Office (KWO) projection shows a very similar value with an estimate of 186 million gallons by 2040.

The applicant identified two potential domestic wells within one-half (½) mile of the proposed wells, based on data in the KGS WWC-5 records, but none within 1,000 feet. As shown on the map, these applications are located adjacent to the City of Ellsworth. 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 Ellsworth County Independent/Reporter on June 30, July 7, and July 14, 2016, with a comment period ending on July 29, 2016. No responses of any kind were received to the public notice. However, a letter and subsequent telephone call, was received from a nearby domestic well owner (Marvin Bush). Because both Mr. Bush and Robert Blackburn were identified as having domestic wells nearby, notification letters were sent directly to both of them on August 1, 2016. Mr. Bush was concerned of possible impact to his domestic well, which he said was 55 feet in total depth and 25 feet to the water table. The well is used for watering the garden and trees, with the house being supplied by the city water system. A response letter was sent to Mr. Bush on August 9, 2016.

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 the Smoky Hill River alluvium. The well logs indicate that they penetrated the top of the unconfined Dakota aquifer system. However, Scott Ross (City's consultant) stated that the wells would be completed in the alluvium only. 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 domestic well is located over 1,000 feet away, while the nearest non-domestic well is the applicant's pending applications spacing to each other, which is over 1,600 feet apart. Therefore, the points of diversion under these files comply with minimum well spacing criteria in K.A.R. 5-4-4.

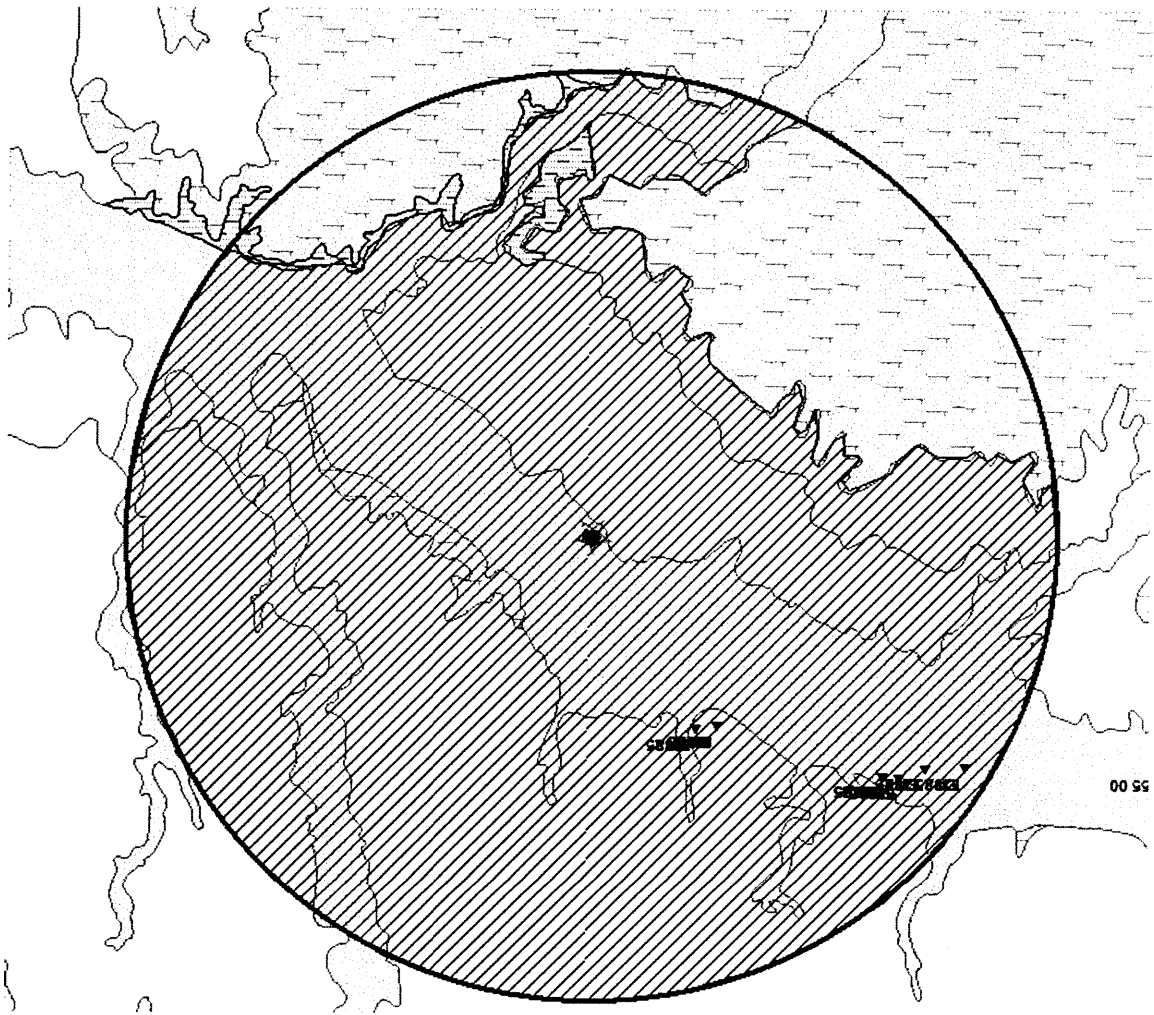
Area well logs and historical geologic data, indicates that the alluvial aquifer does not extend into the southwestern and southern portions of the two mile area for each application. Therefore, per K.A.R. 5-3-11, which applies to safe yield evaluations for all unconfined aquifers, the area of consideration is the extent of the alluvial aquifer. For File No. 49,424, the aquifer extent was determined to be 6,576 acres. With a recharge of 1.9 inches and 75% available, safe yield was determined to be 780.9 acre-feet. Prior appropriations total 459.28 acre-feet, leaving 321.6 acre-feet available. The requested quantity on File No. 49,424 was reduced to comply with safe yield. For File No. 49,510, the aquifer extent was determined to be 6,707 acres. With a recharge of 1.9 inches and 75% available, safe yield was determined to be 796.5 acre-feet. Prior appropriations total 147.05 acre-feet, leaving 649.41 acre-feet available, and this pending application meets safe yield. The only water rights within a two-mile radius circle, are the City's other senior municipal files.

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 July 26, 2016, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated he had no objection to the approval of the referenced applications, File Nos. 49,424 and 49,510. Please note that the applicant has signed and submitted MDS forms, however both of these files are sourcing the alluvium downstream of the gage at Ellsworth.

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 flexibility in pumping points for the City of Ellsworth, 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

August 31, 2016

CITY OF ELLSWORTH
% CAREY HIPPI CITY ATTORNEY
PO BOX 163
ELLSWORTH KS 67439

FILE COPY

Re: Appropriation of Water, File Nos. 49,424 and 49,510

Dear Mr. Hipp:

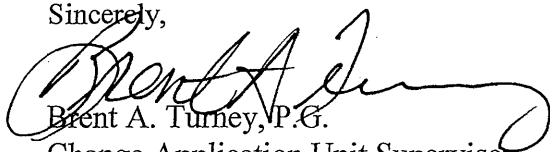
There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the sources and at the locations 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 **FILE COPY**
and
PERMIT TO PROCEED
(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,510** of the applicant

CITY OF ELLSWORTH
% CAREY HIPPI CITY ATTORNEY
PO BOX 163
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 23, 2015**.
2. That the water sought to be appropriated shall be used for municipal use within the City of Ellsworth, Kansas and immediate vicinity.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 28, more particularly described as being near a point 3,836 feet North and 4,183 feet West of the Southeast corner of said section, in Township 15 South, Range 8 West, Ellsworth 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 **162.9 million gallons** (500 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 Vested Water Right, File No. EW-002, Water Right, File Nos. 12,885; 38,775; and 38,776, and Appropriation of Water, File No. 49,424, will provide a **total not to exceed 188.32 million gallons** (577.9 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 26 day of August, 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 26 day of August, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

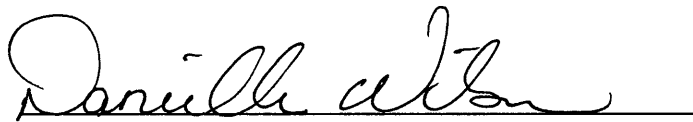
On this *31* day of *August*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,510, dated *August 26, 2016* was mailed postage prepaid, first class, US mail to the following:

CITY OF ELLSWORTH
PO BOX 163
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
8/19/2016
Reviewer DWS

THE STATE



OF KANSAS

WATER RESOURCES RECEIVED

NOV 23 2015

1:20
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,510
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

WATER RESOURCES RECEIVED

NOV 9 2015

1:51
KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY

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): City of Ellsworth C/O Carey Hipp, City Attorney
Address: PO Box 163
City: Ellsworth State KS Zip Code 67439
Telephone Number: (785-) 472-5566

2. The source of water is: surface water in _____ (stream)
OR groundwater in Smoky Hill River Basin (drainage basin)

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

3. The maximum quantity of water desired is 500 acre-feet OR 162.9 mgd gallons per calendar year, to be diverted at a maximum rate of 800 GPM gallons per minute OR 1.78 cfs 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 GYS County EW By AWJ Date 11/23/15
Code 2E3 Fee \$ 310 TR # 16017163 Receipt Date 11/23/15 Check # 140337

* 4 of 4 NE SW NW 3666' N + 4036' W, Sec 28, 15S, 8 W, Ellsworth Co.

* See 6/27/16 email from Scott Ross. DWS/DWR 6/27/16

FILE NO. 49,510

* 5. The location of the proposed wells, pump sites or other works for diversion of water is: **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. **Battery of (4) wells**

Geo-Center (A) One in the NE quarter of the SW quarter of the NW quarter of Section 28 more particularly described as being near a point 3836 feet North and 4183 feet West of the Southeast corner of said section, in Township 15 South, Range 8 West, in Ellsworth (GEO CENTER) County, Kansas. SM

1 of 4 (B) One in the SE quarter of the NW quarter of the NW quarter of Section 28, more particularly described as being near a point 3990 feet North and 4366 feet West of the Southeast corner of said section, in Township 15 South, Range 8 East/West (circle one), EW County, Kansas.

2 of 4 (C) One in the NE quarter of the SW quarter of the NW quarter of Section 28, more particularly described as being near a point 3908 feet North and 4210 feet West of the Southeast corner of said section, in Township 15 South, Range 8 East/West (circle one), EW County, Kansas.

3 of 4 (D) One in the NE quarter of the SW quarter of the NW quarter of Section 28, more particularly described as being near a point 3780 feet North and 4120 feet West of the Southeast corner of said section, in Township 15 South, Range 8 East/West (circle one), EW 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 attached drilling agreement
(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 18, 2015. Scott Ross
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 a battery of 4 wells and distribution system ✓
(number of wells, pumps or dams, etc.)

and will be completed (by) September 2015
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be Dec. 2015
(Mo/Day/Year)

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 None applicable
- If no, explain here why a Water Structures permit is not required no water will be impounded

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

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

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

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

Vested Right EW 002; Water Right File No. 12,885; Water Right File No. 38,775 ; Water Right File No. 38,776 and Application File No. ~~48,407; 48,409; and 49,424.~~

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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	<u>7/9/2015</u>	_____	_____	_____
Total depth of well	<u>60</u>	_____	_____	_____
Depth to water bearing formation	<u>10</u>	_____	_____	_____
Depth to static water level	<u>18</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>NA</u>	_____	_____	_____

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

City Attorney
(owner, tenant, agent or otherwise)

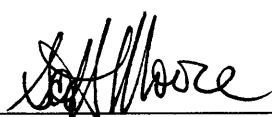
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

City of Ellsworth
(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 Ellsworth County, Kansas, this 18 day of November, 2015.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Scott E. Ross Consultant Date: July 31, 2015
(office/title)

Schemm, Doug

From: Stewart, Kelly
Sent: Tuesday, July 26, 2016 10:10 AM
To: Schemm, Doug
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: City of Ellsworth 49,424 and 49,510

Doug,

Yes, the City was interested in finding more water that was not subject to MDS.

I have no objection to the approval of these applications.

Kelly

From: Schemm, Doug
Sent: Tuesday, July 26, 2016 10:04 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: City of Ellsworth 49,424 and 49,510

Good Morning,

So is the purpose of these applications to be allowed to pump water that is not subject to MDS because they are below the gage? Anyway, these are ready. No response to public notice. They are only getting 18.82 million additional when combined with senior files.

Thanks, Doug

Known well owners within ½ mile of the proposed point of diversion

These two domestic wells are located in the Northwest of the Northwest of the Northwest of Section 28, Township 15 South, Range 8 West in Ellsworth County, KS.

1) Marvin Bush
202 Blaine St. Ellsworth, KS 67439

2) Robert Blackburn
701 E. 1st ST
Ellsworth, KS. 67439

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November 6, 2015

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 49,510

Minimum Desirable Streamflow


Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

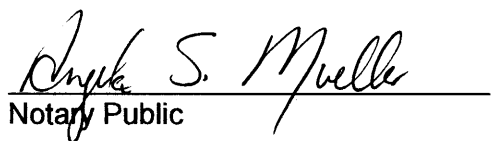
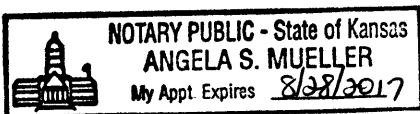


Signature of Applicant

State of Kansas)
County of Ellsworth) ss

Scott Moore
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6th day of November, 20 15.


Notary Public

My Commission Expires: 8/28/2017

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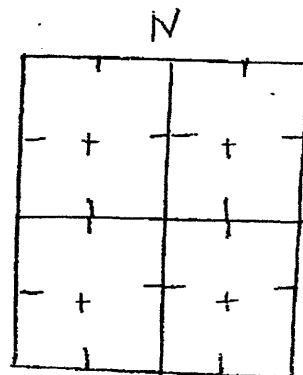
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KARST WATER WELL DRILLING & SERVICE

2240 E. 8TH ST
HAYS, KS 67601

TEST LOG

JOB NUMBER Test Hole #18
OF _____ NO: _____
FOR City of Ellsworth
DATE DRILLED 7-9-15
LOCATION 1/4 1/4 SECTION NO. _____
T _____ S, R _____ W/E _____ COUNTY _____ STATE _____
FSL _____ FEL _____



38.722055 -98.222022

DEPTH	FORMATION THICKNESS	FORMATION	REMARKS
0-1		Top Soil	
1-10		Silty Clay	
10-15		Medium Sand	
15-20		Medium Sand	
20-30		Course Sand	
30-45		Course Sand	
45-50		Course Sand	
50-60		Dakota Sand / Grey Clay	

Running static - 20' 6" at 110 gpm
at 18 hours of pumping

STATIC WATER LEVEL 19' cased

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

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City of Ellsworth projected water needs for the next 20 years at an average of 130 GPCD and 137 GPCD

Current Senior Water Rights Total: 160,058,011 gallons
 Current Junior Water Rights Total 30,212,904 gallons

Year	Population	Water Needs at 130 GPCD	Water Needs at 137 GPCD
1	3120	148044000	156015600
2	3151	149514950	157565755
3	3182	150985900	159115910
4	3214	152504300	160716070
5	3246	154022700	162316230
6	3278	155541100	163916390
7	3314	157249300	165716570
8	3344	158672800	167216720
9	3377	160238650	168866885
10	3411	161851950	170567055
11	3445	163465250	172267225
12	3479	165078550	173967395
13	3514	166739300	175717570
14	3549	168400050	177467745
15	3584	170060800	179217920
16	3620	171769000	181018100
17	3656	173477200	182818280
18	3692	175185400	184618460
19	3729	176941050	186468645
20	3766	178696700	188318830

GPCD Gallons Per Capita Per Day

Total Authorized Quantity w/ both Junior and Senior Rights 190,270,915 Gallons

Junior and Senior to Minimum Desirable Streamflow

Exceeds Rights Senior to MDS

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TEMPORARY MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this 8th day of October 2015, by and between Ronnie L. Svaty and Patricia A. Svaty, husband and wife, hereinafter referred to as "Grantor," and The City of Ellsworth, Kansas, hereinafter referred to as "City."

WITNESSETH:

IN CONSIDERATION of the covenants made each to the other, as herein set forth, the parties make certain agreements regarding the following property owned by Grantor in Ellsworth County, Kansas:

All our interest in and to all that part of the West Half of the Southeast Quarter (W/2 SE/4) of Section Twenty-eight (28), Township Fifteen (15) South, Range Eight (8) West and the Southwest Quarter (SW/4) of Section Twenty-eight (26), Township Fifteen (15) South, Range Eight (8) West, being South of the Union Pacific Railroad Company right of way and North of the center line of the Smoky Hill River. ALSO that portion of the Northwest Quarter (NW/4) of Section Twenty-eight (28), Township Fifteen (15) South, Range Eight (8) West of the 6th P.M. North of the center line of the Smoky Hill River in Ellsworth County, Kansas. EXCEPT a tract of land in the Northwest Quarter of Section 28, Township 15 South, Range 8 West of the 6th P.M. described as follows: COMMENCING at the Southwest corner of said Quarter Section; thence on an assumed bearing of North 00 degrees 42 minutes 12 seconds East, 594.399 meters (1950.12 feet) along the West line of said Quarter Section to the Southerly right of way line of the Union Pacific Railroad; thence South 51 degrees 15 minutes 10 seconds East, 281.748 meters (924.37 feet) along said right of way line to the West line of a parcel of land as described in a document filed for record in Book 72, Page 589, Ellsworth County Register of Deeds and the POINT OF BEGINNING; FIRST COURSE, thence South 51 degrees 10 minutes 33 seconds East, 34.496 meters (1113.17 feet) along said right of way line; SECOND COURSE, thence South 28 degrees 23 minutes 13 seconds West, 51.221 meters (168.05 feet) to said West line of said Parcel of land; SECOND COURSE thence North 02 degrees 10 minutes 00 seconds West, 66.736 meters (218.95 feet) along said West line to the South line of said Railroad right of way and the point of beginning. The above described tract contains 0.087 hectare (0.22 acre), which includes 0.048 hectare (0.12 acre) of existing right of way, resulting in an acquisition of 0.039 hectare (0.10 acre), more or less.

1. City shall have unlimited access over and across the above real estate for the purpose of exploring for water on the above described real estate. Both parties acknowledge that the City has already begun exploring for water. The City will pay

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Grantor the sum of Five Hundred Dollars (\$500.00) for this access. This right to access shall continue until the 31st day of December, 2016.

2. In addition to access to the land, City shall also have the right to drill test holes or test wells for the purpose of exploring for water on the above described real estate. Grantor shall be compensated at the rate of Five Hundred Dollars (\$500.00) for each test hole or test well that is drilled. City's right to drill shall expire on the 31st day of December, 2016.

3. City will reimburse Grantor for damages to growing crops, if any, caused by City while exploring for water or drilling for test holes or test wells. City will pay Grantor an amount equal to the area damaged in acres, multiplied by the Farm Service Agency actual yield per acre for the crop on the damaged location multiplied by the closing commodity price posted by the Ellsworth COOP elevator, at the close of business on the harvest date.

4. All test holes, wells and other borings shall be properly plugged.

5. All agreements herein contained shall run with the land. The terms and provisions hereof shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

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GRANTORS

CITY
City of Ellsworth

Ronnie L. Svaty
Ronnie L. Svaty

John J. Whitmer
John J. Whitmer, Mayor

Patricia A. Svaty
Patricia A. Svaty

Attested:

Patti Boohar
Patti Boohar, City Clerk

STATE OF KANSAS)
) SS:
COUNTY OF ELLSWORTH)

BE IT REMEMBERED, that on this 14th day of October, 2015, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **Ronnie L. Svaty and Patricia A. Svaty** who are personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

Ronnie L. Svaty
Notary Public
Club of District Court

My Appointment Expires:

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To comply with Battery requirements
Application File No. 49,424 (Revised individual well locations)

(1) well 5011' North X 475' West (4,952'N & 398'W)

(1) well 4898' North X 278' West (4,898'N & 290'W)

(1) well 4581' North X 45' West (4,618'N & 56'W)

(1) well 4494' North X 6' West (4,516'N & 60'W)

Geo Center 4746' North X 201' West ✓

All in Section 29, Township 15 South, Range 8 West in Ellsworth County, KS.

To comply with Battery requirements
Application File No. 49,510 (Revised individual well locations)

(1) well 4001' North X 4510' West (3,990'N & 4,366'W)

(1) well 3889' North X 4148' West (3,908'N & 4,210'W)

(1) well 3753' North X 4108' West (3,780'N & 4,120'W)

(1) well 3701' North X 3966' West (3,666'N & 4,036'W)

Geo Center 3836' North X 4183' West ✓

All in Section 28, Township 15 South, Range 8 West in Ellsworth County, KS.

These should be the approximate well locations for each battery of (4) wells.

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

May 25, 2016

RE: Application File Nos. 49,424

and 49,510

Division of Water Resources

Doug Schemm

1320 Research Park DR

Manhattan, KS. 66502

RECEIVED
JUL 25 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

Dear Mr. Schemm

Enclosed with this correspondence is the Public Notice, along with the verification of publication regarding Application File Nos. 49,424 and 49,510. The City of Ellsworth submits this notice of publication pursuant to your instructions for the notification of nearby well owners.

If you have other questions or need additional information, please feel free to contact us.

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Sincerely;



Scott E. Ross

General Manager

Water Rights Investigative Services

Enclosure:

SCANNED

ELLSWORTH COUNTY
INDEPENDENT/REPORTER

AFFIDAVIT OF PUBLICATION

State of Kansas, County of Ellsworth, ss:

I, Linda J. Denning, being first duly sworn, depose and say: That I am publisher of the Ellsworth County Independent/Reporter, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Ellsworth County, Kansas, with a general paid subscription on a yearly basis in Ellsworth County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice; and has been admitted at the post office of Ellsworth in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 3 consecutive weeks, the first publication thereof being made as aforesaid on the 30th day of June, 2016 with subsequent publications being made on the following dates:

Second Publication 7/7, 2016

Third Publication 7/14, 2016

Fourth Publication _____, 2016

Fifth Publication _____, 2016

Linda J. Denning
Subscribed and sworn to before me this 14th day of July, 2016.

Juanita Kepka
NOTARY PUBLIC

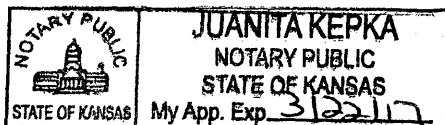
My commission expires March 22, 2017.

Examined and approved by me this _____ day of _____, 2016.

Clerk of District Court, Ellsworth County, Kansas
Probate Judge, Ellsworth County, Kansas

Printers' Fee: \$163.80

Additional Copies: \$ _____



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JUL 25 2016

COPY OF NOTICE

DIVISION OF WATER RESOURCES

City of Ellsworth Water Applications

(First Published in the Ellsworth County Independent/Reporter June 30, 2016)

PUBLIC NOTICE

File Nos. 49,424 and 49,510

The City of Ellsworth has filed Applications, File Nos. 49,424 and 49,510, for permit to appropriate water for beneficial use, with the Division of Water Resources, Kansas Department of Agriculture. Application File No. 49,424 is requesting 104.79 million gallons of groundwater, and Application File Nos. 49,510 is requesting 162.9 million gallons of groundwater, for municipal use. Both Files are requesting a diversion rate of 800 gallons per minute from a battery of four wells. The geographic centers of the well batteries are located in the Northeast Quarter (NE 1/4) of Section 29 and the Northwest Quarter (NW 1/4) of Section 28, respectively, in Township 15 South, Range 8 West in Ellsworth County, Kansas.

Anyone with existing wells in the immediate vicinity of these proposed points of diversion is invited to submit written comments regarding Applications, File Nos. 49,424 and 49,510. Persons submitting comments should specifically indicate their interest in the proposed appropriations of water. Comments regarding these applications will be accepted through July 29, 2016.

Written comments or questions regarding the applications may be directed to the Office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502. If you wish more information concerning these applications, you may also contact Douglas Schemm, Environmental Scientist, in the Water Appropriation Program at 785-296-3495.

317/14

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49,510
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 796.46 AF.
Total prior appropriation in the circle is 1,220.39 AF. - 499.92 = 720.47 - 131.5 = 588.97 - 441.92 = 147.05 AF ✓
Total quantity of water available for appropriation is 0.00 AF.

649.41 AF

Safe Yield Variables

The area used for the analysis is set at 6707 acres.
Potential annual recharge of the area is estimated to be 1.9 inches.
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 22-JUN-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 4 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 12885	00	MUN	NK	G				3000	4100	20	15	08W	1	PD	30.80	16.62		
Same		MUN	NK	G				3000	3720	20	15	08W	2	PD	36.68	19.79		
A 38776	00	MUN	NK	G				3000	4100	20	15	08W	1	WR	141.21	0.00		
A 49424	00	MUN	AY	G			NE	3960	1320	29	15	08W	1	WR	499.92	58.0		
A 49510	00	MUN	AY	G			NE SW NW	3836	4183	28	15	08W	7	WR	499.92	499.92		
V EW 2	00	MUN	AA	G				3000	4100	20	15	08W	1	WR	184.13	184.13		
Same		MUN	AA	G				3000	3720	20	15	08W	2	WR				

321.6 499.92
58.0 499.92 - senior App*
499.92 - pending
← only 2 of 7 wells in circle

* Senior Application File 49,424 to be approved with 321.6 AF Authorized 58.0 AF Additional
499.92 - 58.0 = 441.92

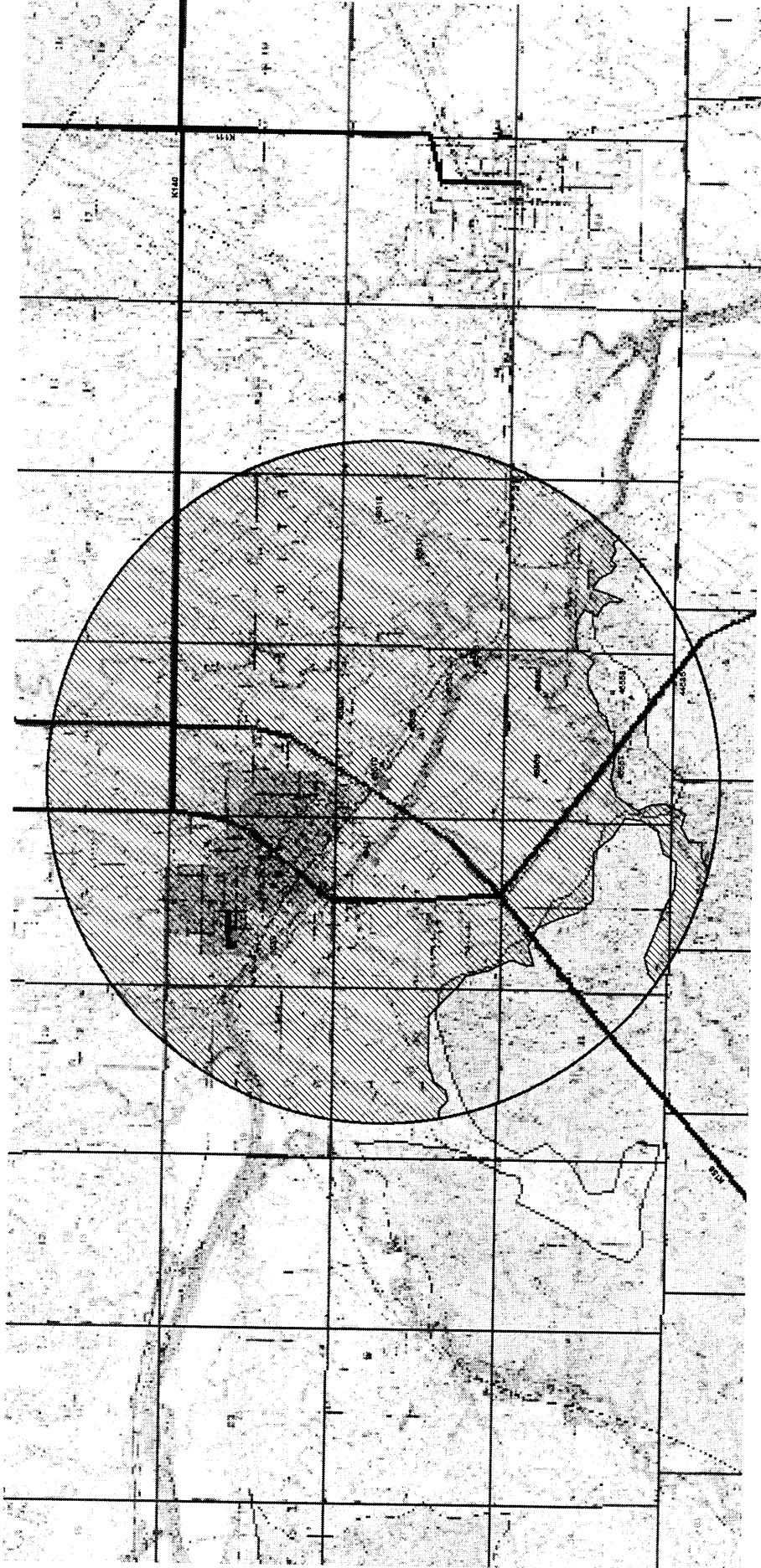
EW-2 is authorized 7 wells with a Blanket Quantity of 184.13, which equally distributed is 26.3 AF/well. 5 of these wells are located outside of 2 mile circle.
(5 x 26.3 AF = 131.5 AF). 2 x 26.3 = 52.6

16.62
+ 19.79
+ 58.0
+ 52.6

147.01 AF (Authorized Prior Approp.) ✓

#49510

Safe Yield Report Sheet
Water Right- A4951000
Point of Diversion in NWSWNE 28-15S-8W 7 (84854)



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49510 00

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49510 00 MUN

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

*meets spacing
all > 1,320'*

3836 Feet North and 4183 Feet West of the Southeast Corner of Section 28 T 15S R 8W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 12885 00	MUN	NK	G	6849	--	--	--	--	3000	4100	20	15	8W	1		30.80	16.62	AF
Same				6569	--	--	--	--	3000	3720	20	15	8W	2		36.68	19.79	AF
A__ 38776 00	MUN	NK	G	6849	--	--	--	--	3000	4100	20	15	8W	1		141.21	.00	AF
A__ 49424 00	MUN	AY	G	2435	--	--	--	NE	3960	1320	29	15	8W	1		499.92	499.92	AF
A__ 49510 00	MUN	AY	G	0	--	NE	SW	NW	3836	4183	28	15	8W	7		499.92	499.92	AF
T_20099080 00	CON	GY	G	5572	--	SW	SW	NE	3150	2000	20	15	8W	5		16.00	16.00	AF
VEW 2 00	MUN	AA	G	6849	--	--	--	--	3000	4100	20	15	8W	1		184.13	184.13	AF
Same				6569	--	--	--	--	3000	3720	20	15	8W	2				

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	999.84	.00
Total Permitted Amount (AF) =	16.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	36.41	.00
Total Vested Amount (AF) =	184.13	.00
TOTAL AMOUNT (AF) =	1236.39	.00

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

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

3836 Feet North and 4183 Feet West of the Southeast Corner of Section 28 T 15S R 8W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 12885 00 MUN NK G
- > CITY OF ELLSWORTH
- >
- > PO BOX 163
- > ELLSWORTH KS 67439
-
- A__ 38776 00 MUN NK G
- > CITY OF ELLSWORTH
- >
- > PO BOX 163
- > ELLSWORTH KS 67439
-
- A__ 49424 00 MUN AY G
- > CITY OF ELLSWORTH
- >
- > PO BOX 163

> ELLSWORTH KS 67439

>-----

A__ 49510 00 MUN AY G

> CITY OF ELLSWORTH

>

> PO BOX 163

> ELLSWORTH KS 67439

>-----

T_20099080 00 CON GY G

> CASHCO INC

>

> 607 W 15TH ST

> ELLSWORTH KS 67439

>-----

VEW 2 00 MUN AA G

> CITY OF ELLSWORTH

>

> PO BOX 163

> ELLSWORTH KS 67439

>-----

=====

#####

County ID	Name of Public Water Supplier	Year				
		2000	2010	2020	2030	2040
FI	East Side Trailer Park	2,289	2,289	2,289	2,289	2,289
LV	Easton	16,556	16,556	16,556	16,556	16,556
JO	Edgerton	35,631	38,719	41,807	44,895	47,983
LB	Edna	11,715	11,591	11,467	11,343	11,219
AT	Effingham	21,363	21,988	22,652	23,277	23,902
BU	El Dorado	2,206,814	2,410,998	2,615,342	2,819,526	3,023,711
BU	Elbing	6,159	7,008	7,857	8,705	9,554
CQ	Elgin	7,196	6,517	5,839	5,228	4,752
MG	Elk City	14,512	14,063	13,654	13,204	12,755
EK	Elk RWD #01	25,800	32,635	39,388	46,182	53,015
MT	Elkhart	224,203	228,801	233,399	237,996	242,594
BT	Ellinwood	106,180	106,859	107,538	108,262	108,941
EL	Ellis	81,106	79,884	78,662	77,440	76,218
EL	Ellis RWD #01	6,095	6,095	6,095	6,095	6,095
EL	Ellis RWD #02	1,395	1,395	1,395	1,395	1,395
EL	Ellis RWD #03	6,224	6,224	6,224	6,224	6,224
EL	Ellis RWD #05	1,202	1,104	975	877	747
EL	Ellis RWD #06	11,695	12,877	14,060	15,242	16,425
EL	Ellis RWD #07	9,301	9,601	9,901	10,251	10,551
EW	Ellsworth	143,849	154,393	164,936	175,480	185,971
EW	Ellsworth RWD #01 (Post Rock)	109,331	118,094	126,818	135,580	144,393
CS	Elmdale	2,300	2,300	2,300	2,300	2,300
DP	Elwood	57,761	55,942	54,178	52,414	50,596
PT	Emmett	10,701	13,451	16,202	18,952	21,702
LY	Emporia	2,337,477	2,381,288	2,425,012	2,468,824	2,512,635
CA	Englewood	15,669	14,799	13,928	13,058	12,187
GY	Ensign	21,865	21,751	21,637	21,523	21,409
DK	Enterprise	39,987	43,566	47,144	50,723	54,343
NO	Erie	42,363	41,515	40,666	39,817	38,969
JW	Esbon	5,920	5,726	5,533	5,339	5,146
WB	Eskridge	21,643	22,837	24,030	25,224	26,417
DG	Eudora	140,798	176,073	211,347	246,621	281,862
GW	Eureka	125,875	115,527	105,179	94,831	84,484
BR	Everest	16,195	15,246	14,240	13,291	12,286
GW	Fall River	3,980	4,014	4,083	4,117	4,152
FI	Finney RWD #01	96,159	111,135	126,071	141,047	155,983
MN	Florence	41,576	43,735	45,832	47,929	50,088
MI	Fontana	5,649	6,349	7,049	7,749	8,448
FO	Ford	40,256	43,997	47,738	51,480	55,221
JW	Formoso	4,550	4,550	4,550	4,550	4,550
LV	Fort Leavenworth	210,722	210,722	210,722	210,722	210,722
RL	Fort Riley	714,876	714,876	714,876	714,876	714,876
BB	Fort Scott	559,202	574,687	590,171	605,721	621,205
ME	Fowler	68,913	76,731	84,438	92,144	99,963
MS	Frankfort	39,969	39,969	39,969	39,969	39,969
FR	Franklin RWD #01	46,679	62,336	77,993	93,609	109,266
FR	Franklin RWD #02	11,957	13,133	14,308	15,483	16,659



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

August 9, 2016

MARVIN BUSH
202 BLAINE ST
ELLSWORTH KS 67439

Re: Pending Applications, File Nos. 49,424 and 49,510

Dear Mr. Bush:

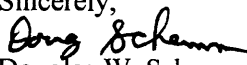
This will acknowledge receipt of your letter received in our office on July 25, 2016, and our subsequent telephone discussion on August 8, 2016, regarding your concerns with the proposed appropriations of groundwater for municipal use by the City of Ellsworth, under the above referenced applications. We are in the process of thoroughly reviewing these applications to ensure that they comply with the Kansas Water Appropriations Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriations unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest per K.S.A. 82a-711.

The applicable rules and regulations (K.A.R. 5-4-4) require that 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 is the Smoky Hill River alluvium based on the geographical location of the proposed wells, and nearby well logs. This aquifer requires a minimum well spacing of 660 feet from any existing domestic well in the same source of supply. Our review indicates that the proposed well locations comply with minimum well spacing criteria to your domestic well.

Your comments will be considered, and approval of the applications if granted, will authorize diversion of water only when it does not impair existing rights. Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if these permit applications are approved by the Chief Engineer and you believe the diversion of water is impairing your existing water right, you should notify Kelly Stewart, Water Commissioner, Stockton Field Office, as follows, so that an investigation can be made.

Division of Water Resources
Stockton Field Office
820 S Walnut St
Stockton, KS 67669
Telephone: (785) 425-6787

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Office of the Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture
1320 Research Park Drive
Manhattan, Ks. 66502

July 19, 2016

RECEIVED

AUG 01 2016

Topeka Field Office
DIVISION OF WATER RESOURCES

Re: Applications, File No. 49,424 & 49,510

To Whom It May Concern:

We live in the southeast edge of Ellsworth, in Block 6, Rice's First Addition to the City of Ellsworth. We have a water well and are concerned what would happen to our water supply if the city drills water wells in our area.

Thank you for considering our concern in this matter.

Sincerely,

Marvin & Bernita Bush
202 Blaine St.
Ellsworth, Ks. 67439
Ph. 785-472-4274
e-mail – mbbush@eaglecom.net

WATER RESOURCES
RECEIVED

JUL 25 2016

KS DEPT OF AGRICULTURE

SCANNED



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

August 1, 2016

MARVIN BUSH
202 BLAINE ST
ELLSWORTH KS 67439

Re: Pending Applications, File Nos. 49,424 and 49,510

Dear Sir or Madam:

This is to advise you that the City of Ellsworth has filed the applications referred to above for permits to appropriate groundwater for municipal use. Application, File No. 49,424 is requesting 104.79 million gallons to be diverted at a maximum rate of 800 gallons per minute. Application, File No. 49,510 is requesting 162.9 million gallons to be diverted at a maximum rate of 800 gallons per minute.

For File No. 49,424, the geographic center of the well battery is located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 29, in Township 15 South, Range 8 West, Ellsworth County, Kansas.

For File No. 49,510, the geographic center of the well battery is located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 28, in Township 15 South, Range 8 West, Ellsworth County, Kansas.

A map is enclosed indicating the locations of the proposed points of diversion. Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: City of Ellsworth
Scott Ross



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

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

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

Sam Brownback, Governor

August 1, 2016

ROBERT BLACKBURN
701 E 1ST STREET
ELLSWORTH KS 67439

Re: Pending Applications, File Nos. 49,424 and 49,510

Dear Sir or Madam:

This is to advise you that the City of Ellsworth has filed the applications referred to above for permits to appropriate groundwater for municipal use. Application, File No. 49,424 is requesting 104.79 million gallons to be diverted at a maximum rate of 800 gallons per minute. Application, File No. 49,510 is requesting 162.9 million gallons to be diverted at a maximum rate of 800 gallons per minute.

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For File No. 49,510, the geographic center of the well battery is located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 28, in Township 15 South, Range 8 West, Ellsworth County, Kansas.

A map is enclosed indicating the locations of the proposed points of diversion. Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: City of Ellsworth
Scott Ross

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.

Filing Fee \$340

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

WATER RESOURCES RECEIVED
 NOV 23 2015
 SCANNED
 KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED
 UNACCEPTABLE FOR PRIORITY
 NOV 09 2015
 KS DEPT OF AGRICULTURE

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 23, 2015

CITY OF ELLSWORTH
PO BOX 163
ELLSWORTH KS 67439

RE: Application
File No. 49510

Dear Sir or Madam:

Your application for permit to appropriate water in 28-15S-8W in Ellsworth 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,

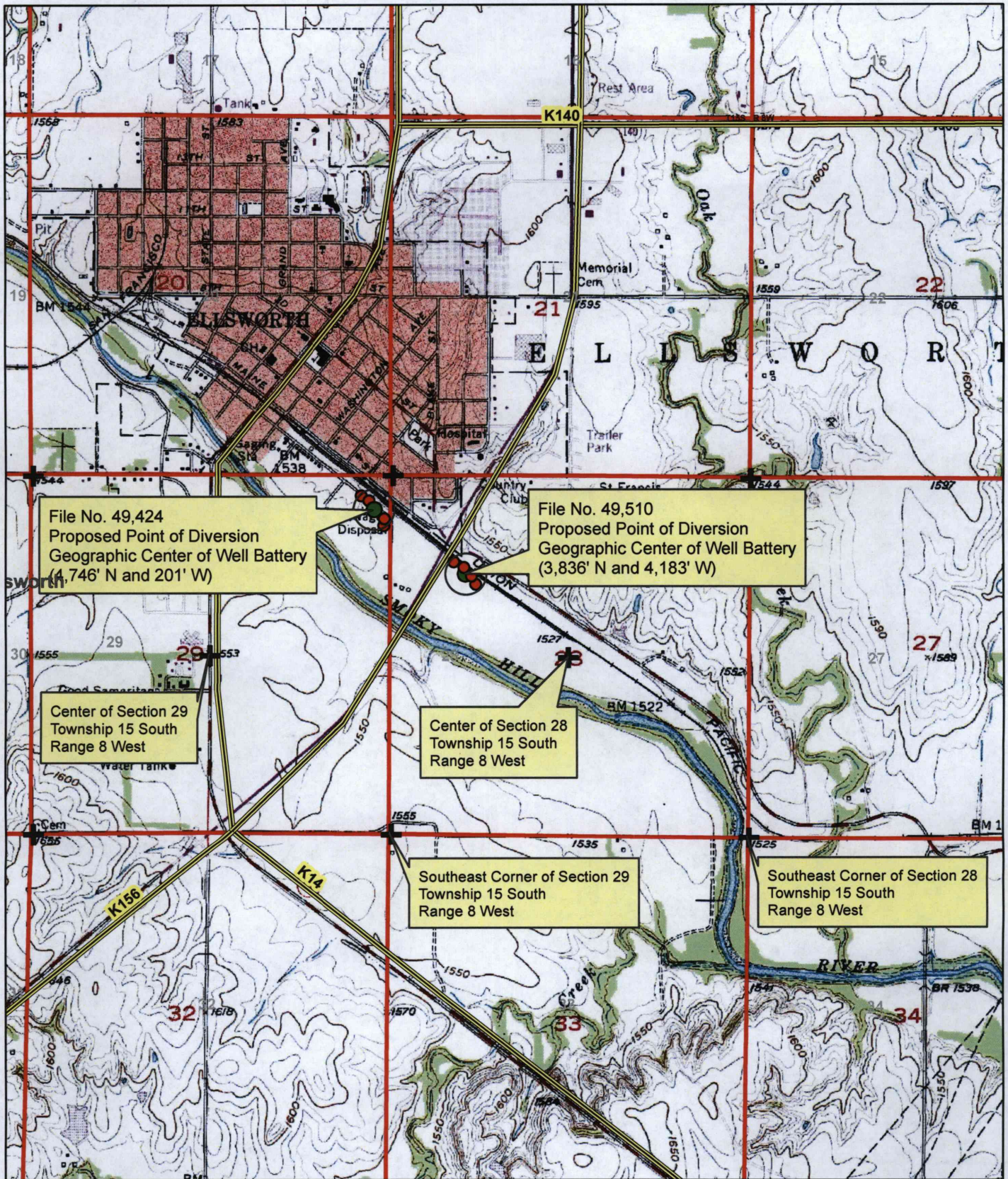
A handwritten signature in black ink, appearing to read "Kenneth A. Kopp".

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

KAK: DLW
pc: STOCKTONField Office
GMD 0

SCANNED

CITY OF ELLSWORTH - FILE NOS. 49,424 & 49,510
 Sections 28 and 29, Township 15 South, Range 8 West
 Ellsworth County



File No. 49,424
 Proposed Point of Diversion
 Geographic Center of Well Battery
 (4,746' N and 201' W)

File No. 49,510
 Proposed Point of Diversion
 Geographic Center of Well Battery
 (3,836' N and 4,183' W)

Center of Section 29
 Township 15 South
 Range 8 West

Center of Section 28
 Township 15 South
 Range 8 West

Southeast Corner of Section 29
 Township 15 South
 Range 8 West

Southeast Corner of Section 28
 Township 15 South
 Range 8 West

● Proposed Point of Diversion

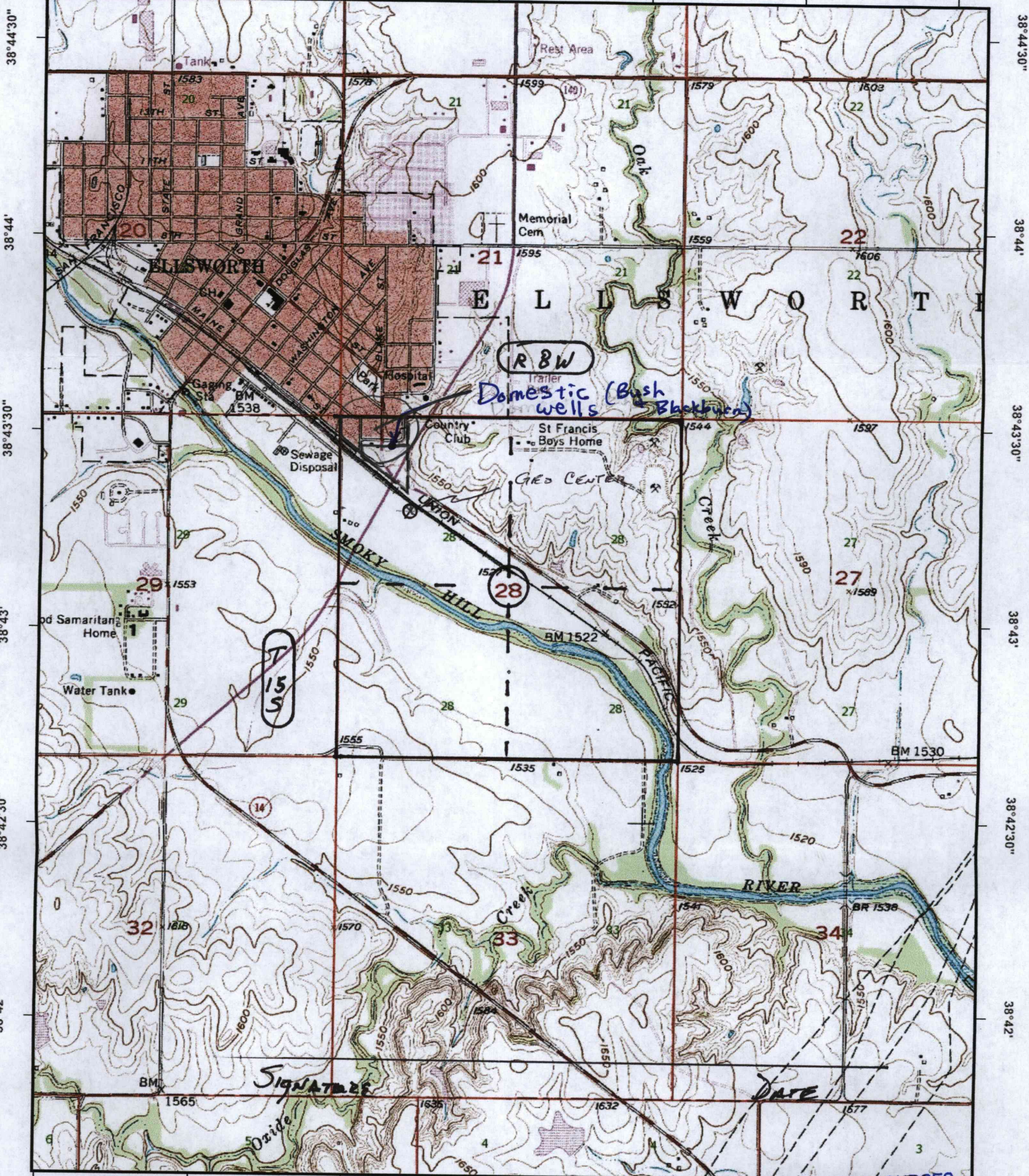
Proposed Place of Use is
 City of Ellsworth & Immediate Vicinity

1:24,000

Public Notice Used to Notify Potential Area Well Owners

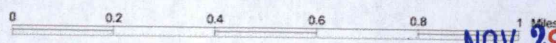
49,570

98°14' 98°13'30" 98°13' 98°12'30" 98°12' 98°11'30"



98°14'30" 98°14' 98°13'30" 98°13' 98°12'30" 98°12' 98°11'30"

Universal Transverse Mercator (UTM) Projection Zone 14
North American Datum of 1983



WATER IN ACCEPTABLE FOR PRIORITIES RECEIVED
NOV 23 2015

NOV 09 2015

NOV 23 2015

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE