

File No. **49,871** 15. Formation Code: 113 Drainage Basin: **Solomon River** County: **OT** Special Use: Stream:

16. Points of Diversion										
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	
	MOD				77792	NW SE SE	1	12S	3W	10

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
90	15.0	90	15.0	49,147*

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

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

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?: NO	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID		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				
√	34345				1	12S	3W	2										0.25		1.5	3.25	5.0	7a	NO	49,147*				

Comments:
***FILE NO. 49,147 TO BE VOLUNTARILY DISMISSED UPON APPROVAL OF 49,871.**

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

TO: Files

DATE: October 5, 2017

FROM: Doug Schemm

RE: Application, File No. 49,871; and
Appropriation of Water, File No. 49,147

Twin Valley Unified School District has filed the referenced application (File No. 49,871) requesting to appropriate 15 acre-feet of groundwater at a diversion rate of 90 gallons per minute to irrigate 5.0 acres (athletic fields). The point of diversion is an existing well currently authorized under Appropriation of Water, File No. 49,147, and is located in the Southeast Quarter of Section 1, Township 12 South, Range 3 West, Ottawa County, Kansas. The proposed appropriation is located within the Solomon River Basin. The place of use and point of diversion are both owned by the applicant, and a representative has signed the application form affirming legal access to the point of diversion.

Appropriation of Water, File No. 49,147 overlaps in both point of diversion and place of use. However, this file will be voluntarily dismissed in conjunction with the approval of this pending application. Note that the 2016 Water Use Report shows that the applicant pumped 9.49 acre-feet, which exceeded the authorized quantity of water under File No. 49,147. Therefore, approval of this new application will address future over-pumping issues.

A well log shows fine sand extending from 13 feet to 44 feet below ground surface, where shale bedrock was encountered. Static water level and depth water encountered were both at 15 feet below ground surface. Based on the well log and the geographical location of the well near the Solomon River, the source of water is the alluvial aquifer. Per K.A.R. 5-3-11, the area of consideration was based on the extent of this alluvial aquifer, which was determined to be 5,937 acres. Thus 5,937 acres x 2.9 inches of recharge x 75% recharge available / 12 provides a safe yield of 1,076.08 acre-feet. Existing water rights have appropriated 247.71 acre-feet, leaving 828.37 acre-feet available, and the application complies with safe yield.

The applicant identified one nondomestic well within one-half mile of the proposed point of diversion, which is a municipal well owned by the City of Bennington. Since this application is simply replacing another recently approved file, no physical changes to the well will occur, and the well has been operating for many years, it was deemed not necessary to notify the City. Obviously, they are aware of the applicant's point of diversion and use of water, and any concerns would have already been manifested.

No domestic wells were identified by the applicant within one-half mile of the point of diversion. One municipal well is located within 1,320 feet of the point of diversion, being 836 feet away. K.A.R. 5-4-4 provides that the spacing guidelines are not applicable if the required minimum well spacing criteria are not necessary to prevent direct impairment. In this situation, the low rate of diversion and quantity of water requested is unlikely to create any significant drawdown. Additionally, the point of diversion has been in place since 2007 and has been operated without any known impact to the nearby wells. Therefore, per K.A.R. 5-4-4, the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest.

The requested quantity of 15 acre-feet applied to 5 acres will provide 3 acre-feet per acre, which exceeds the maximum allowable quantity for irrigation use in Ottawa County of 1.3 acre-feet per acre, per K.A.R. 5-3-24. However, similar irrigation projects for athletic fields have shown that this additional water is necessary based on the type of turf grass (tall fescue) and anticipated water needs according to the Kansas State University Extension Service ("Managing Fescue Football Fields"). The additional water is necessary for proper turf management, both to get any new grass established and to prevent the existing grass from being damaged during the high traffic playing season. Other turf grass projects have been approved for additional water based on similar supporting documentation including information from the Turf Grass Sod organization indicating that tall fescue requires up to 4 AF/acre. Therefore, the requested quantity of water appears to be reasonable for the intended use per K.A.R. 5-3-20, is not wasteful, and will not otherwise prejudicially and unreasonably affect the public interest.

Memorandum
File Nos. 49,871 and 49,147
Page 2

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the diversion works for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is not required because this is an existing well that will not exceed 100 gpm.

Kelly Stewart, Water Commissioner for the Stockton Field Office, recommended approval of the referenced application in an October 5, 2017 e-mail.

Approval of the application will address an over-pumping issue, safe yield and well spacing criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Based on the above discussion, it is recommended that the referenced application be approved, in conjunction with the voluntary dismissal of Appropriation of Water, File No. 49,147.

Douglas W. 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

TWIN VALLEY UNIFIED SCHOOL DIST #240
SUPT
PO BOX 38
BENNINGTON KS 67422-0038

November 27, 2017

FILE COPY

Re: Appropriation of Water, File Nos. 49,871 and 49,147

Dear Sir or Madam:

There is enclosed a permit to appropriate water (File No. 49,871) authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

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

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File No. 49,147 as the owner requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in our office on July 13, 2017. Appropriation of Water, File No. 49,871 essentially replaces this current appropriation. 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,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Stockton Field Office



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)

This is to certify that I have examined Application, **File No. 49,871** of the applicant

**TWIN VALLEY UNIFIED SCHOOL DIST #240
SUPT
PO BOX 38
BENNINGTON KS 67422-0038**

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 **July 13, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL		
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			
1 12S 3W															0.25		1.5	3.25	5.0

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 1, more particularly described as being near a point 897 feet North and 1,144 feet West of the Southeast corner of said section, in Township 12 South, Range 3 West, Ottawa 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 **90 gallons per minute (0.20 c.f.s.)** and to a quantity not to exceed **15.0 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, 2018** 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, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 16th day of November, 2017, 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 16th day of November, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

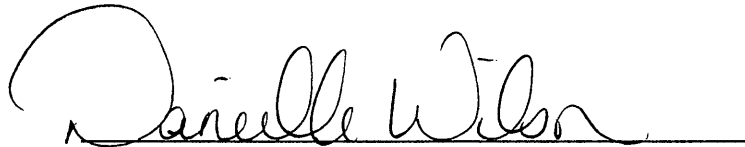
CERTIFICATE OF SERVICE

On this 27th day of November, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,871, dated November 16, 2017 was mailed postage prepaid, first class, US mail to the following:

TWIN VALLEY UNIFIED SCHOOL DIST #240
SUPT
PO BOX 38
BENNINGTON KS 67422-0038

With photocopies to:

Stockton Field Office



Division of Water Resources

APPLICATION COMPLETE

7/13/17

Reviewer DWS

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,871
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

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

JUL 13 2017

11:07

KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Twin Valley Unified School District
Address: PO Box 38
City: Bennington State KS Zip Code 67422-0038
Telephone Number: (785) 488-3325

2. The source of water is: surface water in _____ (stream)
OR groundwater in Solomon 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 15 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 90 gallons per minute OR _____ cubic feet per second.

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

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

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO 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 IRR Source GS County OT By ABW Date 7/13/17
Code REG Fee \$ 200 TR # _____ Receipt Date 7/15/17 Check # 57951

7/19/2017 ULM

*Per 7/14/16 FIR - Revised
feet distances. DW/DWR 10/5/17

File No. 49871

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

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

* (A) One in the NW quarter of the SE quarter of the SE quarter of Section 01, more particularly described as being near a point 901⁸⁹⁷ feet North and 1164¹¹⁴⁴ feet West of the Southeast corner of said section, in Township 12 South, Range 03 West, Ottawa County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

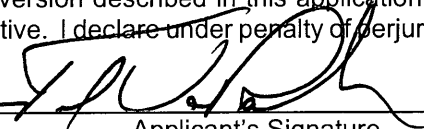
Same as applicant

(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 July 11, 2017. 
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 1 Well
(number of wells, pumps or dams, etc.)
and was completed (by) 2010
(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 immediately

JUL 13 2017

- 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 NA
- If no, explain here why a Water Structures permit is not required NA

- 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.

File No. 49,147 - same p/d, but file is to be dismissed upon approval of this application. File No. 46,763 - same p/d, but file was previously dismissed, File No. 19,206 - same p/u, but file was previously dismissed.

Note: It is believed well spacing from the City's well is sufficient to prevent impairment based on previous determinations when processing #46,763 & #49147. The quantity requested is based on water needs for turf grass at 3 FT/AC.

WATER RESOURCES
RECEIVED

JUL 13 2017

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>06/17/10</u>	_____	_____	_____
Total depth of well	<u>44</u>	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	<u>15</u>	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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

Owner
(owner, tenant, agent or otherwise)


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

Same
(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 Bennington, Kansas, this 11 day of July, 2017.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Steven Walters STKFO Date: 06/23/2017
(office/title)

WATER RESOURCES RECEIVED

JUL 13 2017

**IRRIGATION USE
SUPPLEMENTAL SHEET**

JUL 13 2017

File No. 49,871

KS DEPT OF AGRICULTURE

Name of Applicant (Please Print): Twin Valley USD 240

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Twin Valley USD 24

ADDRESS: PO Box 38, Bennington, KS 67422-0038

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
01	12S	03W														0.25		1.5	3.25	5.0

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

49,871

Schemm, Doug

Subject: Twin Valley School 49871

From: Stewart, Kelly

Sent: Thursday, October 5, 2017 1:58 PM

To: Schemm, Doug <Doug.Schemm@ks.gov>

Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Hageman, Rebecca <Rebecca.Hageman@ks.gov>

Subject: RE: Twin Valley School 49871

Doug,

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

Kelly

From: Schemm, Doug

Sent: Thursday, October 5, 2017 10:38 AM

To: Stewart, Kelly <Kelly.Stewart@ks.gov>

Cc: Billinger, Mark <Mark.Billinger@ks.gov>

Subject: Twin Valley School 49871

Hello Stockton,

They are dismissing their current file and replacing it to get a bit more water.

Meets spacing and safe yield.

Please review.

Thanks, Doug

WATER WELL RECORD

Form WWC-5

Division of Water Resources; App. No.

1 LOCATION OF WATER WELL: County: <u>OTTAWA</u>	Fraction <u>SW 1/4 NE 1/4 SE 1/4</u>	Section Number <u>1</u>	Township Number <u>T 12 S</u>	Range Number <u>R 3W E/W</u>
---	---	----------------------------	----------------------------------	---------------------------------

Distance and direction from nearest town or city street address of well if located within city?
301 N. PUTMAN

2 WATER WELL OWNER: USD 240
RR#, St. Address, Box # : 105 N. NELSON
City, State, ZIP Code : BENNINGTON, KS

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

N	
W	E
--NW--	--NE--
--SW--	--SE-- X
S	

4 DEPTH OF COMPLETED WELL 44 ft.

Depth(s) Groundwater Encountered (1).....15 ft. (2)..... ft. (3)..... ft.

WELL'S STATIC WATER LEVEL.....15 ft. below land surface measured on mo/day/yr 06-17-10

Pump test data: Well water was.....38 ft. after.....2 hours pumping.....75 gpm

Est. Yield.....75 gpm: Well water was..... ft. after..... hours pumping..... gpm

WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well

1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)

2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well

Was a chemical/bacteriological sample submitted to Department? Yes No **X**.....; If yes, mo/day/yr
Sample was submitted..... Water well disinfected? Yes **X** No

5 TYPE OF CASING USED:

1 Steel	3 RMP (SR)	6 Asbestos-Cement	9 Other (specify below)	CASING JOINTS: Glued X Clamped.....
<u>2 PVC</u>	4 ABS	7 Fiberglass		Welded.....
				Threaded.....

Blank casing diameter 6 in. to 3.4 ft., Diameter..... in. to ft., Diameter..... in. to ft.

Casing height above land surface..... 16 in., Weight 200 lbs./ft. Wall thickness or guage No. SDD 26

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel	3 Stainless Steel	5 Fiberglass	<u>7 PVC</u>	9 ABS	11 Other (Specify).....
2 Brass	4 Galvanized Steel	6 Concrete tile	8 RM (SR)	10 Asbestos-Cement	12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:

1 Continuous slot	<u>3 Mill slot</u>	<u>5 Gauzed wrapped</u>	7 Torch cut	9 Drilled holes	11 None (open hole)
2 Louvered shutter	4 Key punched	6 Wire wrapped	8 Saw cut	10 Other (specify).....	

SCREEN-PERFORATED INTERVALS: From.....3.4 ft. to44 ft., From..... ft. to ft.

GRAVEL PACK INTERVALS: From.....29 ft. to44 ft., From..... ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other

Grout Intervals: From.....2 ft. to22 ft., From..... ft. to ft., From..... ft. to ft.

What is the nearest source of possible contamination:

1 Septic tank	4 Lateral lines	7 Pit privy	10 Livestock pens	13 Insecticide storage	16 Other (specify below)
2 Sewer lines	5 Cess pool	8 Sewage lagoon	11 Fuel storage	14 Abandoned water well	
3 Watertight sewer lines	6 Seepage pit	9 Feedyard	12 Fertilizer storage	15 Oil well/gas well	<u>NONE APPLICABLE</u>

Direction from well? How many feet?

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
<u>0</u>	<u>2</u>	<u>FILL DIRT</u>			
<u>2</u>	<u>13</u>	<u>CLAY TAW SILTY</u>			
<u>13</u>	<u>44</u>	<u>SAND FINE TAW</u>			<u>DRILLED 12" HOLE</u>
<u>44</u>		<u>SHALE GRAY HARD</u>			<u>GRAVEL PACKED</u>
					<u>WITH 8-12 SANDS</u>

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 06-17-10 and this record is true to the best of my knowledge and belief.

Kansas Water Well Contractor's License No. 300 This Water Well Record was completed on (mo/day/year) 06-19-10 under the business name of PESTIDGED PUMP SER. by (signature) Paul Pestigo

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
FIELD INSPECTION REPORT

Field Office No. 3
 G.M.D. No. —

- Full
 Partial
 Compliance Investigation
 (In Compliance) Not In Compliance

Test 1 of 1 diversion points. County OT

File No. 49,147 Inspection Date 7-14-16 Inspector Means

Current Landowner Twin Valley Unified School District #240 Phone No. (785) 488-3325

Address Supt. PO Box 38 Bennington, KS 67422-0038
 Additional landowners and addresses identified in remarks section.

- Water Use Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Classification: Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Source: Groundwater Surface Water Basin Stream Soleman River

Authorized Point of Diversion: NW SE SE Sec. 1, T. 12, R. 3 ID No. 10
 Approximately 901 ft. North and 1164 ft. West of SE corner of Sec. 1

Actual Point of Diversion: NW SE SE Sec. 1, T. 12, R. 3
 Approximately 897 ft. North and 1144 ft. West of SE corner of Sec. 1

How were distances determined? GPS/LEO Latitude 39.03298° Longitude -97.59726°

"Approved" Quantity 5.2 AF "Approved" Diversion Rate 90 g.p.m. (0.2 c.f.s.)

"Approved" Storage Quantity N/A AF "Approved" Storage Rate N/A

Limitation(s): None.

Priority Date 8-25-14 Approval Date 5-7-15 Perfection Date 12-31-20

Other applications covering land and/or point of diversion None.
 (include discussion of overlapping files in remarks section)

LAND TO BE INCLUDED ON CERTIFICATE:

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

LAND IRRIGATED – YEAR OF RECORD

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				

TESTED DIVERSION RATES

Maximum G.P.M. 60.3 (c.f.s. 0.13) Normal G.P.M. 60.3 (c.f.s. 0.13)

FOR D.W.R. USE ONLY

Year of Record _____

AF Applied = _____ hrs. x _____ g.p.m. x $\frac{4.419}{24 \times 1000}$ = _____ AF

"Approved" land irrigated _____ acres, with _____ AF = _____ AF/acre

Perfected Rate _____ g.p.m. (_____ c.f.s.) Perfected Quantity _____ AF

49,871
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 1,076.08 AF.
 Total prior appropriation in the circle is 267.91 AF. $-15 - 5.2 = 247.71$
 Total quantity of water available for appropriation is ~~808.17~~ AF.

828.37

Safe Yield Variables

The area used for the analysis is set at 5937 acres.
 Potential annual recharge of the area is estimated to be 2.9 inches.
 The percent of recharge available for appropriation is 75%.

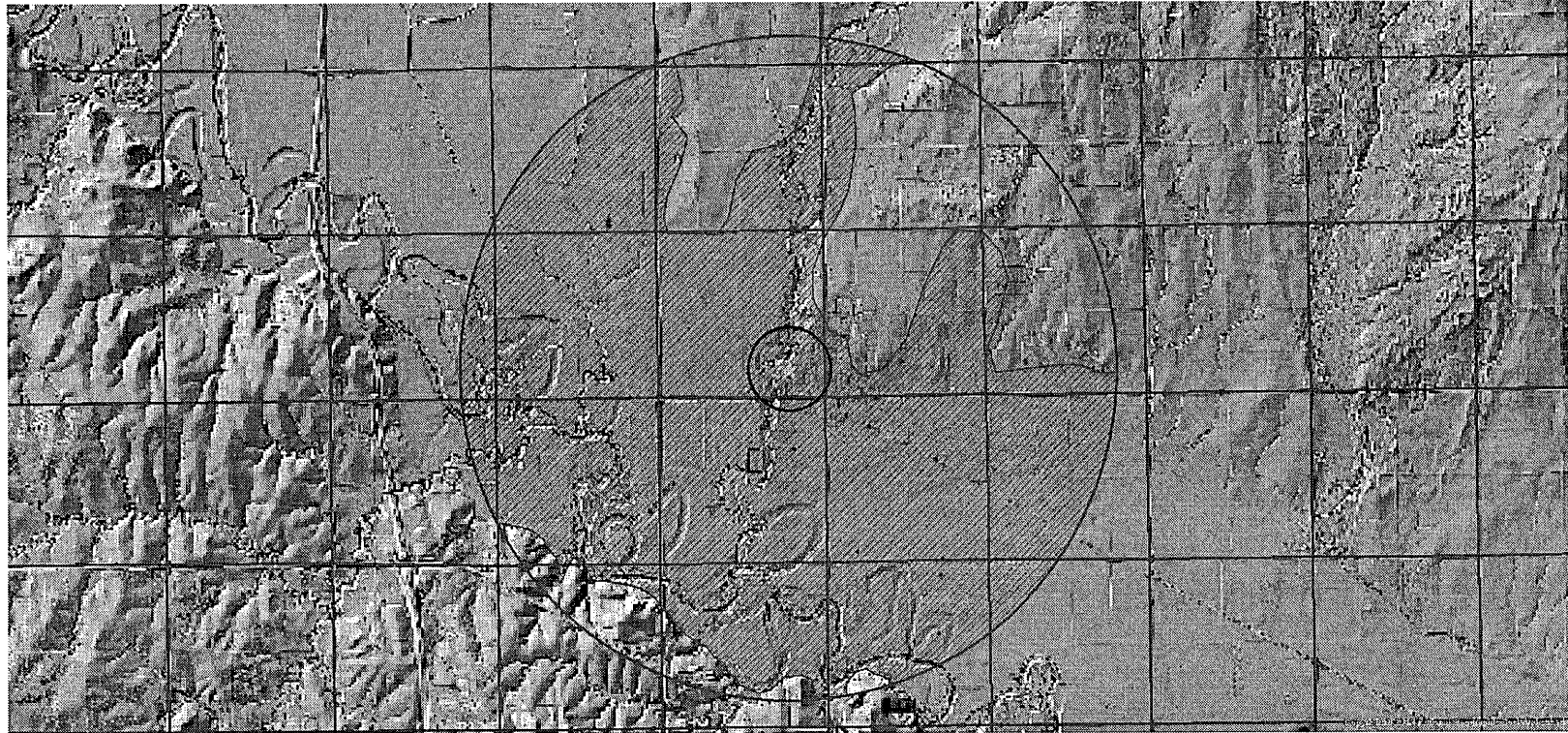
Authorized Quantity values are as of 05-OCT-2017 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 7 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 9940	00 MUN NK G				SE	NW	SE	1705	1385	01	12	03W	5	WR	62.00	62.00		
Same	MUN NK G				NW	SE	NE	3960	1055	01	12	03W	6	WR				
A 30265	00 IRR NK G				NE	NW	NE	4830	1580	18	12	02W	1	WR	55.00	55.00	237.00	237.00
A 33488	00 MUN NK G				SW	NE	NW	4280	3840	07	12	02W	1	WR	50.02	50.02		
A 39437	00 IRR NK G				SE	SW	SE	30	1500	07	12	02W	3	WR	50.00	50.00	237.00	0.00
A 49147	00 IRR LO G				NW	SE	SE	901	1164	01	12	03W	10	WR	5.20	5.20	4.00	4.00
A 49871	00 IRR AY G				NW	SE	SE	901	1164	01	12	03W	10	WR	15.00	15.00	5.00	5.00
V OT 1	00 MUN AA G				SE	NW	SE	1705	1385	01	12	03W	5	WR	30.69	30.69		
Same	MUN AA G				NW	SE	NE	3960	1055	01	12	03W	6	WR				

To be dismissed

Safe Yield Report Sheet
Water Right- A4987100
Point of Diversion in SESENW 1-12S-3W 10 (77792)



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49871 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49871 00 IRR

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

901 Feet North and 1164 Feet West of the Southeast Corner of Section 1 T 12S R 3W

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__ 9940 00	MUN	NK	G	836	--	SE	NW	SE	1705	1385	1	12	3W	5		62.00	62.00	AF
Same				3067	--	NW	SE	NE	3960	1055	1	12	3W	6				
A__ 30265 00	IRR	NK	G	8187	--	NE	NW	NE	4830	1580	18	12	2W	1		55.00	55.00	AF
A__ 33488 00	MUN	NK	G	3159	--	SW	NE	NW	4280	3840	7	12	2W	1		50.02	50.02	AF
A__ 39437 00	IRR	NK	G	7820	--	SE	SW	SE	30	1500	7	12	2W	3		50.00	50.00	AF
A__ 39947 00	STK	NK	G	10061	--	SE	NW	NE	4400	1450	31	11	2W	1		5.73	5.73	AF
A__ 49147 00	IRR	LO	G	0	--	NW	SE	SE	901	1164	1	12	3W	10		5.20	5.20	AF
A__ 49871 00	IRR	AY	G	0	--	NW	SE	SE	901	1164	1	12	3W	10		15.00	15.00	AF
VOT 1 00	MUN	AA	G	836	--	SE	NW	SE	1705	1385	1	12	3W	5		30.69	30.69	AF
Same				3067	--	NW	SE	NE	3960	1055	1	12	3W	6				

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	15.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	5.20	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	222.75	.00
Total Vested Amount (AF) =	30.69	.00
TOTAL AMOUNT (AF) =	273.64	.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:

901 Feet North and 1164 Feet West of the Southeast Corner of Section 1 T 12S R 3W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 9940 00	MUN	NK	G
>	CITY OF BENNINGTON		
>	CITY OPERATION WORKER		
>	121 N NELSON - BOX 415		
>	BENNINGTON KS 67422		

A__ 30265 00	IRR	NK	G
>	GRAVES FARMS LP		
>	ADVANTAGE TRUST		
>	235 S SANTA FE AVE		
>	SALINA KS 67401		

A__ 33488 00	MUN	NK	G
>	CITY OF BENNINGTON		

> CITY OPERATION WORKER
> 121 N NELSON - BOX 415
> BENNINGTON KS 67422

>-----
A__ 39437 00 IRR NK G
> GRAVES FARMS LP
> ADVANTAGE TRUST
> 235 S SANTA FE AVE
> SALINA KS 67401

>-----
A__ 39947 00 STK NK G
> GREGORY M WOLF TRUST
>
> 695 N 180TH RD
> BENNINGTON KS 67422

>-----
A__ 49147 00 IRR LO G
> TWIN VALLEY UNIFIED SCHOOL DIST #240
> SUPT
> PO BOX 38
> BENNINGTON KS 67422

>-----
A__ 49871 00 IRR AY G
> TWIN VALLEY UNIFIED SCHOOL DIST #240
> SUPT
> PO BOX 38
> BENNINGTON KS 67422

>-----
VOT 1 00 MUN AA G
> CITY OF BENNINGTON
> CITY OPERATION WORKER
> 121 N NELSON - BOX 415
> BENNINGTON KS 67422

>-----
=====

#####

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____%

Estimate the maximum land slope in the field(s): _____%

c. Type of irrigation system you propose to use (check one):

- Center pivot
 Center pivot - LEPA
 "Big gun" sprinkler
 Gravity system (furrows)
 Gravity system (borders)
 Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

WATER RESOURCES RECEIVED

JUL 13 2017



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

July 14, 2017

TWIN VALLEY UNIFIED SCHOOL DISTRICT
PO BOX 38
BENNINGTON KS 67422

FILE COPY

RE: Application
File No. 49871

Dear Sir or Madam:

Your application for permit to appropriate water in 1-12S-3W in Ottawa 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

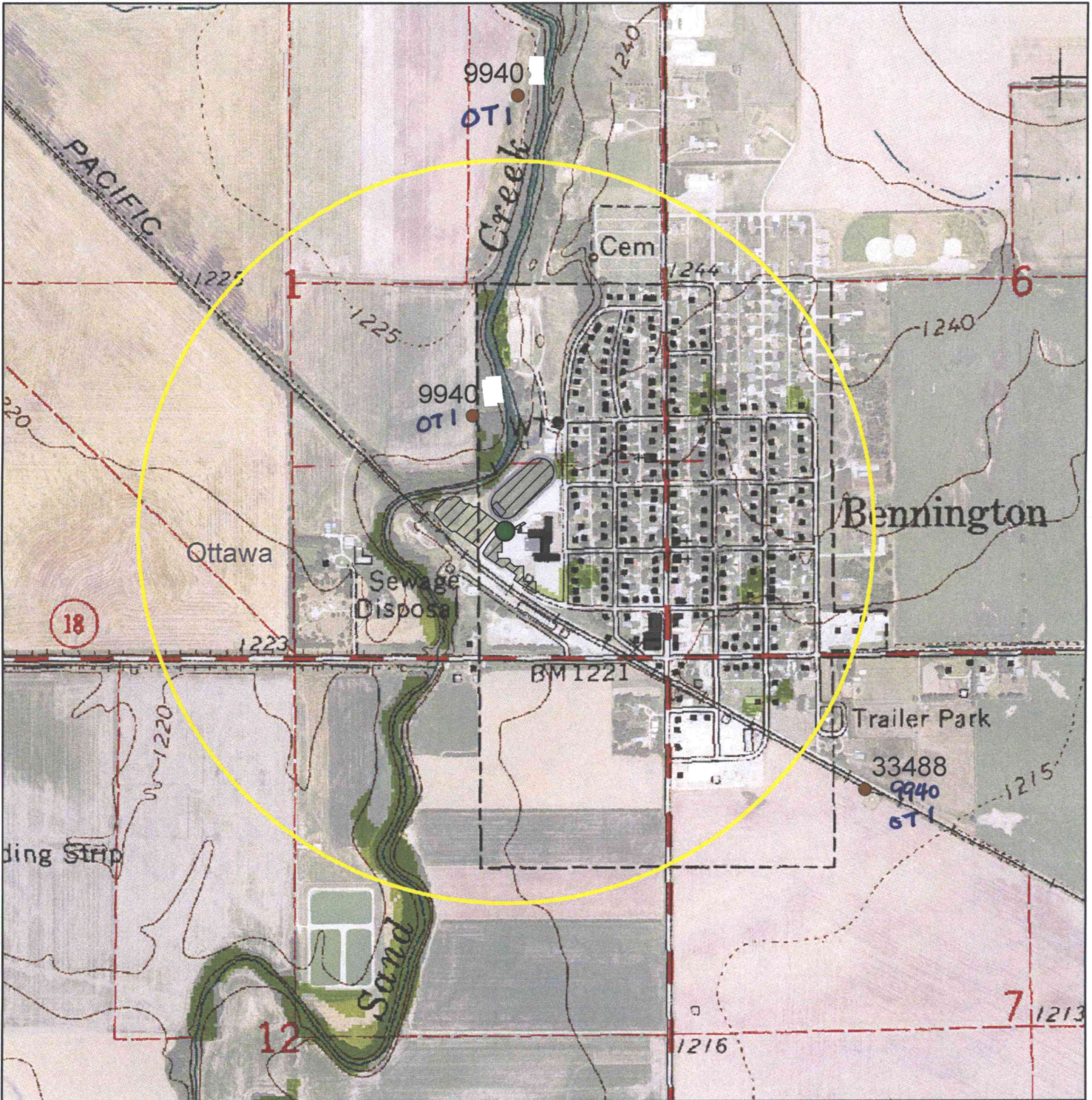
Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD

SCANNED

New Application - Groundwater
 Assisted by Division of Water Resources
 Stockton Field Office

49,871



Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

1:12,000



1/2 mile radius

Signature Required

[Handwritten Signature]

By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well location are identified on this map.



JUL 13 2017

SCANNED