

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;"><b>49,574</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;"><b>7/19/2016</b></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>01</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>0</b></p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s)                      Person ID <u>31979</u> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>CITY OF EASTON</b> 300 W RILEY ST PO BOX 267 EASTON KS 66020</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>7d. Misc.                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</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><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input 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>		
10. Completion Date: <u>12/31/2017</u> 11. Perfection Date: <u>12/31/2036</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Date Required: _____    Date Approved: _____    Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Date to Comply: _____    Date WLMD Installed: _____			
<p>Date Prepared: <b>7/7/2016</b>    By: <b>AM</b> Date Entered: <u>7/20/2016</u>    By: <u>UM</u></p>			

File No. <b>49,574</b>	15. Formation Code:	Drainage Basin: Stranger Creek	County: LV	Special Use:	Stream:																	
16. Points of Diversion			17. Rate and Quantity																			
T MOD DEL ENT			Authorized			Additional																
PDIV Qualifier    S    T    R    ID    'N    'W			Rate gpm			Quantity mgy			Rate gpm			Quantity mgy			Overlap PD Files							
<b>ENT 85075    NE SE NW 19    8S    21E    2    3330    2715</b>			<b>65</b>			<b>10</b>			<b>65</b>			<b>10</b>			<b>NONE</b>							
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    To be installed by <b>12/31/2017</b> Date Acceptable Meter Installed _____																						
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
T MOD DEL ENT		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					
PUSE    S    T    R    ID																						
<b>ENT 2670    19    8S    21E    1</b>		<b>CITY OF EASTON AND IMMEDIATE VICINITY</b>																	<b>7c.</b>	<b>No</b>	<b>Yes</b>	
Comments:																						
<b>Overlap Place of Use with File Nos. 39,365 &amp; 39,366</b>																						

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** July 11, 2016

**FROM:** Austin McColloch

**RE:** Water Right File No. 39,366  
Application File No. 49,574

File No. 39,366

On March 8, 2016, a voluntary request to reduce a portion of an existing water right was received from the City of Easton. The request was for a reduction in authorized point of diversion under Water Right File No. 39,366.

It was requested that the presently authorized point of diversion be reduced from a battery of two (2) wells to a single well. The battery of two (2) wells, labeled Well #1 and Well #2, would be reduced to Well #2 as the authorized point of diversion. In a compliance investigation on November 4, 2014, Well #2 was more accurately described with GPS data which was included in this Findings and Order to update point of diversion location. This reduction will not impair any existing water rights in the area nor will it increase consumptive use. It would appear that the reduction is not unreasonable.

Based on the above discussion, it is recommended that the point of diversion be reduced to a single well, for the above referenced file.

File No. 49,574

The City of Easton has filed an application to appropriate groundwater for municipal use, requesting one (1) well, with a quantity of 10 million gallons per calendar year, and a diversion rate of 65 gallons per minute. The proposed point of diversion is a new well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 3,330 feet North and 2,715 feet West of the Southeast corner of said section, in Township 8 South, Range 21 East, Leavenworth County, within the Stranger Creek drainage basin.

The local source of supply, which has been previously determined in File Nos. 39,365 & 39,366, is to be Main Stream Alluvium (113).

There are no other water rights overlapping the point of diversion and a complete overlap in the place of use with File Nos. 39,365 & 39,366 being the City of Easton and immediate vicinity will be created. The applicant has signed the application form stating that they have legal access to the point of diversion.

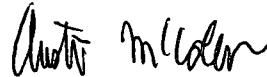
Due to the large residential housing in the area the applicant performed a public notice, the last of which was run on April 6, 2016. No responses were received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 39,365) is located over 1,928 feet away and is also owned by the applicant. After comparing the map submitted with the application against well locations obtained via the KGS website, the proposed point of diversion meets minimum well spacing requirements to all existing wells.

The point of diversion is not located within a GMD or other special use area. Per the requirements in K.A.R. 5-3-11, safe yield was determined through WIMAS. Evaluation of the area of consideration provided an area of 2,565 acres with a potential annual recharge of 5.62 inches, and 100% of recharge available for appropriation, safe yield was determined to be 1,201.28 acre-feet. Existing water rights have appropriated 58.43 acre-feet, providing 1,142.85 acre-feet available for appropriation, the application does comply with safe yield requirements.

In a July 6, 2016 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the application.

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. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced application be approved.



Austin McColloch  
Environmental Scientist

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

July 22, 2016

CITY OF EASTON  
300 W RILEY ST  
PO BOX 267  
EASTON.KS 66020

Re: Appropriation of Water  
File No. 49,574

Dear Sir or Madam:

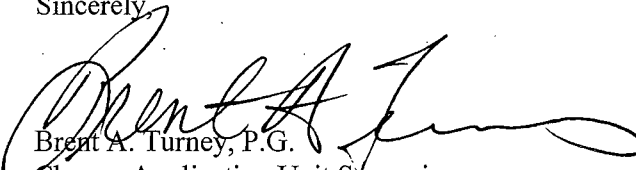
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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 re-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 must be used to provide the information required on the annual water use report.

The enclosed form must be used to notify the Chief Engineer that the proposed diversion works have been completed. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works and pay the field inspection fee within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. 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 enclosed permit. 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.

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

Sincerely,

  
Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Division of Water Resources

BAT:am

Enclosures

pc: Topeka 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. **49,574** of the applicant

**CITY OF EASTON  
300 W RILEY ST  
PO BOX 267  
EASTON KS 66020**

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 **March 8, 2016**.
2. That the water sought to be appropriated shall be used for municipal in the City of Easton and immediate vicinity, Leavenworth County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 3,330 feet North and 2,715 feet West of the Southeast corner of said section, in Township 8 South, Range 21 East, Leavenworth County, Kansas.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **65 gallons per minute (0.14 c.f.s.)** and to a total quantity not to exceed **10 million gallons per year (30.6 acre-feet)** of water per calendar year for municipal.
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, checkvalve 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 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.

## CERTIFICATE OF SERVICE

On this 20 day of July, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,574, dated July 19, 2016, 2016, was mailed postage prepaid, first class, US mail to the following:

CITY OF EASTON  
300 W RILEY ST  
PO BOX 267  
EASTON KS 66020

With photocopies to:

Topeka Field Office



Division of Water Resources



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.

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 19<sup>th</sup> day of July, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau  
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                              ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of July, 2016, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Amber L. Herring  
Notary Public



THE STATE OF KANSAS



I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Manhattan, Kansas this 11 day of July, 2016

DIVISION OF WATER RESOURCES KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

File Number 49,574 This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

MAR 08 2016

11:17 KS DEPT OF AGRICULTURE

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.)

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 Easton, Kansas Address: 300 W. Riley Street, P.O. Box 267 City: Easton State: Kansas Zip Code: 66020 Telephone Number: (913) 773-8146

2. The source of water is: [ ] surface water in (stream) OR [x] groundwater in Stranger Creek (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 \_\_\_\_\_ acre-feet OR 10,000,000 gallons per calendar year, to be diverted at a maximum rate of 65 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) [x] Municipal (g) [ ] Stockwatering (h) [ ] Sediment Control (i) [ ] Domestic (j) [ ] Dewatering (k) [ ] Hydraulic Dredging (l) [ ] Fire Protection (m) [ ] Thermal Exchange (n) [ ] Contamination Remediation

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

For Office Use Only: F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use MUN Source (G/S) County LV By ADW Date 3/8/16 Code 1216G Fee \$ 200 TR # 1473853 Receipt Date 3/8/16 Check # 3099

I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Manhattan, Kansas this 11 day of July, 2016

File No. 49,574

Justin Miller  
DIVISION OF WATER RESOURCES  
KANSAS DEPARTMENT OF AGRICULTURE

5. KANSAS DEPARTMENT OF AGRICULTURE, proposed wells, pump sites or other works for diversion of water is:

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

- (A) One in the NE quarter of the SE quarter of the NW quarter of Section 19, more particularly described as being near a point 3,330 feet North and 2,715 feet West of the Southeast corner of said section, in Township 08 South, Range 21 ~~East~~ West (circle one), Leavenworth 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):  
Danny D. & Barbara J. Brown; 23503 Mt. Olivet Rd., Easton, Kansas 66020, (913) 773-5753  
(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: Copy of Easement Attached

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 \_\_\_\_\_, 20\_\_\_\_\_  
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 Water Supply Well with 1 Pump  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) May 31, 2016  
(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 May 15, 2016  
(Mo/Day/Year)

WATER RESOURCES  
RECEIVED

MAR 08 2016

SCANNED

I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Manhattan, Kansas this 11 day of July, 2016

File No. 49,574

**DIVISION OF WATER RESOURCES**  
**KANSAS DEPARTMENT OF AGRICULTURE**

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

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

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

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

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

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.  
There are no wells within 1/2 mile.
- (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.

- Water Right for Well No. 1 & 2, 39366-00, diversion 26 gpm, 9.9 MG
- Water Right for Well No. 3, 39365-00, diversion 27 gpm, 9.183 MG

WATER RESOURCES RECEIVED

MAR 08 2016

SCANNED

KS DEPT OF AGRICULTURE

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 11 day of July, 2016

File No. 49,574

Quinn McCallin  
DIVISION OF WATER RESOURCES  
KANSAS DEPARTMENT OF AGRICULTURE

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     Well as completed     Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	9-28-15			
Total depth of well	60 ft.			
Depth to water bearing formation	49 ft.			
Depth to static water level	8 ft.			
Depth to bottom of pump intake pipe	54 ft.			

14. The relationship of the applicant to the proposed place where the water will be used is that of Mayor  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):  
\_\_\_\_\_  
(name, address and telephone number)  
\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Easton, Kansas, this 10<sup>th</sup> day of January, 2016  
(month) (year)

Phillip W. Allen  
(Applicant Signature)

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

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

Assisted by Kramer Consulting, LLC Engineer \_\_\_\_\_ Date: 1-4-2016  
(office/title)

WATER RESOURCES  
RECEIVED  
MAR 08 2016  
SCANNED  
KS DEPT OF AGRICULTURE

## McColloch, Austin

---

**From:** Tietsort, Katie  
**Sent:** Wednesday, July 06, 2016 1:33 PM  
**To:** McColloch, Austin  
**Subject:** RE: Recommendation New Appropriation File No. 49,574

Good Afternoon Austin,

I agree with your recommendation for Approval of the pending application for the City of Easton, File No. 49,574 and the accompanying reduction under File No. 39,366. The requests meet all applicable provisions of the KWAA. This will allow the City to move forward with their proposed infrastructure upgrades and "clean-up" their existing water rights.

I have the affidavit original in the mail to you.

Thanks for all your efforts on this package!  
Katie

Katie Tietsort, Water Commissioner

Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619  
(785) 296-5733  
FAX (785) 296-8298  
*Please note my new email address.*  
Katie.Tietsort@ks.gov  
<http://agriculture.ks.gov/>

---

**From:** McColloch, Austin  
**Sent:** Tuesday, July 05, 2016 1:15 PM  
**To:** Tietsort, Katie  
**Subject:** Recommendation New Appropriation File No. 49,574

Katie,

I would like your recommendation on for File No. 49,574 submitted by the City of Easton.

Thanks,

Austin J. McColloch, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
Ph: (785) 564-6643  
[Austin.McColloch@ks.gov](mailto:Austin.McColloch@ks.gov)

# KRAMER CONSULTING, LLC

ENGINEERS • PLANNERS • SURVEYORS

4336 SE 37<sup>TH</sup> STREET • TOPEKA, KANSAS 66605

(785) 234-6600 • JACK@KRAMERLLC.NET

---

March 4, 2016

CHIEF ENGINEER

Division of Water Resources

Kansas Department of Agriculture

109 SW 9<sup>th</sup> Street, Second Floor

Topeka, Kansas 66612-1283

Re: Water Supply Well  
City of Easton

Dear Mr. Kraatz:

Enclosed for your review and approval are the following documents for the City of Easton, Kansas:

1. Request to Reduce a Portion of an Existing Water Right
2. Application for Permit to Appropriate Water for Beneficial Use
3. Application Fee
4. Proposed New Well Location on Topographic Map
5. Easement for Well Location

Please let me know if you have any questions or concerns.

Sincerely,

KRAMER CONSULTING, LLC



Josh B. Kramer, E.I.T.  
Engineering Technician

pc: City of Easton

WATER RESOURCES  
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MAR 08 2016

KS DEPT OF AGRICULTURE

SCANNED

## FEE SCHEDULE

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

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

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

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

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

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

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

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

#### ATTENTION

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

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES  
RECEIVED

SCANNED MAR 08 2016

KS DEPT OF AGRICULTURE



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#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons <sup>30.68</sup>

1 million gallons equal 3.07 acre-feet

WATER RESOURCES  
RECEIVED

MAR 08 2016

SCANNED  
KS DEPT OF AGRICULTURE

*City of Easton*

300 West Riley Street

P.O. Box 267

Easton, KS 66020-0267

Phone: 913-773-8146 FAX: 913-773-8523

cityofeaston@embarqmail.com

Mayor – Phillip W. Mires

City Clerk – Becky Jones

City Treasurer – Gary Stafford

City Maintenance – Russell Collins

City Public Water Operator – Jimmy Herken III

City Water Meter Reader – Jimmy Herken III

Council – Kent Edmonds

Russell Gildner

Shannan Hadley

Shannon Mingo

Bobby O. Watkins

June 2, 2016

Katie Tietsort

Division of Water Resources

Topeka Field Office

Bldg. 282, Forbes Field, P.O. Box 19323

Topeka, Kansas 66619

Dear Ms. Tietsort,

The enclosed document is the city's affidavit of publication notifying the public that the City of Easton, Kansas has filed a permit to appropriate groundwater in the drainage basin of Stranger Creek. The public notice was published in the city's official newspaper (The Leavenworth Times) for 3 consecutive weeks.

If you have any questions, please call us at (913) 773-8146.

Sincerely,

Becky Jones

City Clerk

WATER RESOURCES  
RECEIVED

JUL 08 2016

KS DEPT OF AGRICULTURE

RECEIVED

JUN 21 2016

Topeka Field Office  
DIVISION OF WATER RESOURCES

**Affidavit of Publication**

STATE OF KANSAS }  
COUNTY OF LEAVENWORTH } SS

PUBLIC NOTICE

The City of Easton has filed an application with the Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, Kansas, 66502, for permit to appropriate water for beneficial use, identified as file No. 49,574, which proposes to appropriate groundwater in the drainage basin of Stranger Creek, to be diverted by means of one (1) well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE1/4 SE1/4 NW1/4) of Section 19, more particularly described as being near a point 3,330 feet North and 2,715 feet West of the Southeast corner of said section, in Township 8 South, Range 21 East, Leavenworth County, Kansas, in an amount of 10 million gallons per calendar year to be diverted at a maximum rate of 65 gallons per minute for municipal use. Any interested party is invited to submit written comments to this office on or before (date should be 15 days after final publication). Persons submitting written comments should specifically indicate their interest in the application in a clear and concise manner.  
First Published in the Leavenworth Times, March 23, 2016. (3t)

Tammy Lawson, being duly sworn, says:

That she is Tammy Lawson of the Leavenworth Times, a daily newspaper of general circulation, printed and published in Leavenworth, Leavenworth County, Kansas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

March 23, 2016, March 30, 2016, April 06, 2016

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Tammy Lawson  
Tammy Lawson

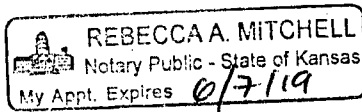
Subscribed to and sworn to me this 6th day of April 2016.

Rebecca A. Mitchell  
Rebecca A. Mitchell, , Leavenworth County, Kansas

My commission expires: June 07, 2019

00000209 00021802

City of Easton  
Po Box 267  
EASTON, KS 66020



WATER RESOURCES  
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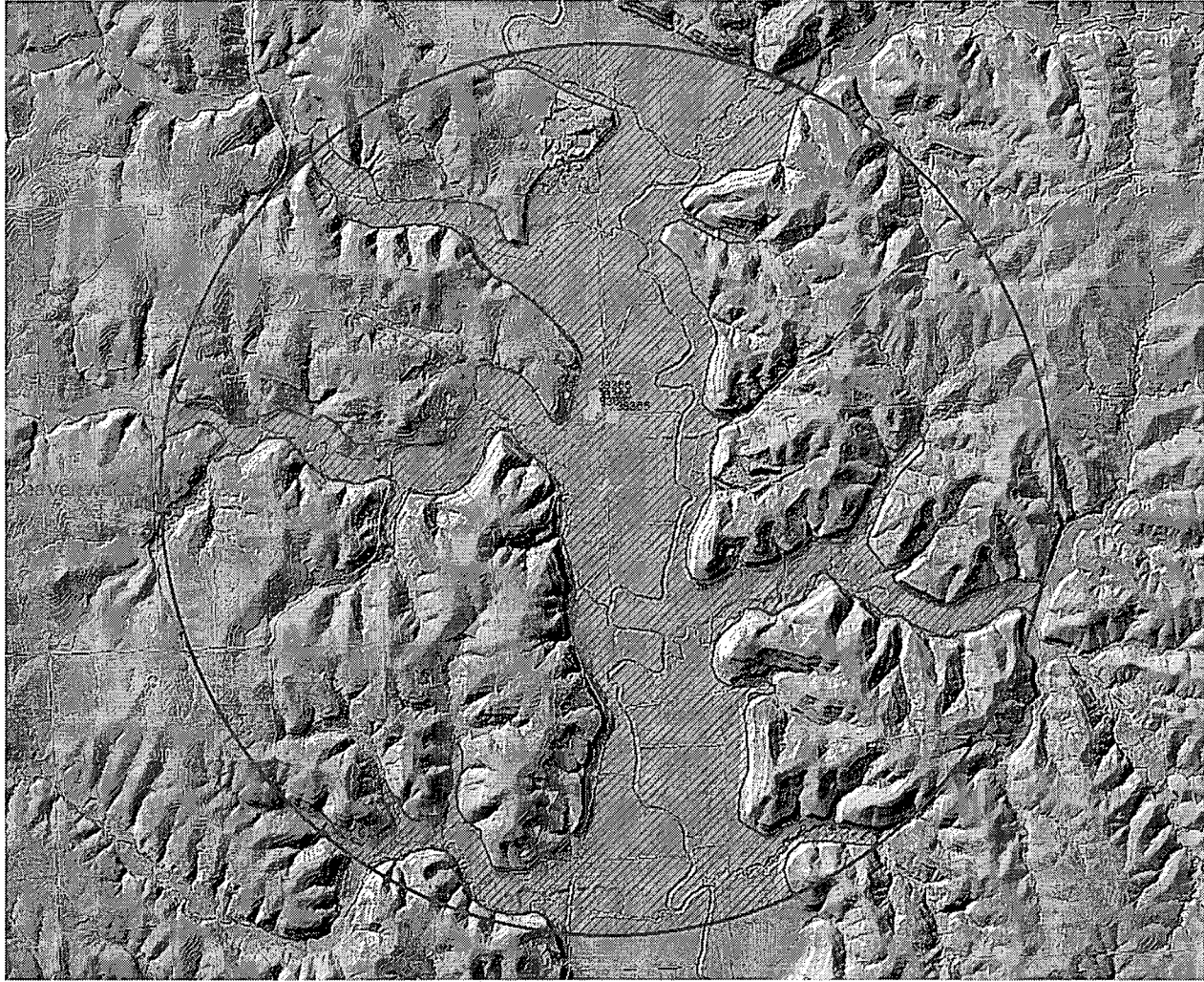
JUL 08 2016

KS DEPT OF AGRICULTURE

RECEIVED  
JUN 21 2016  
Topeka Field Office  
DIVISION OF WATER RESOURCES

A	39365	00	MUN	NK	G	NW	NW	NE	5227	2371	19	08	21E	1	WR	28.04	28.04
A	39366	00	MUN	NK	G	SE	SE	SW	400	2700	18	08	21E	3	WR	30.38	30.38
Same			MUN	NK	G	SE	SE	SW	237	2823	18	08	21E	1	WR		
Same			MUN	NK	G	SE	SE	SW	73	2946	18	08	21E	2	WR		

=====



-----

**Analysis Results**

-----  
The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 1,201.28 AF.

Total prior appropriation in the circle is 58.43 AF.

Total quantity of water available for appropriation is 1,142.85 AF.

**Safe Yield Variables**

-----  
The area used for the analysis is set at 2565 acres.

Potential annual recharge of the area is estimated to be 5.62 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 16-MAR-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 2 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  
-----

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49574 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49574 00 MUN

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

3330 Feet North and 2715 Feet West of the Southeast Corner of Section 19 T 8S R 21E

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__ 39365 00 MUN NK G 1928 -- NW NW NE 5227 2371 19 8 21E 1 28.04 28.04 AF
A__ 39366 00 MUN NK G 2172 -- SE SE SW 237 2823 18 8 21E 1 G 2 30.38 30.38 AF
Same          2016 -- SE SE SW 73 2946 18 8 21E 2 B 2
Same          2334 -- SE SE SW 400 2700 18 8 21E 3 B 2
A__ 49574 00 MUN AY G 0 -- NE SE NW 3330 2715 19 8 21E 2 30.69 30.69 AF
=====
    
```

```

Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      30.69        .00
Total Permitted Amount (AF) =         .00        .00
Total Inspected Amount (AF) =         .00        .00
Total Pro_Cert Amount (AF) =         .00        .00
Total Certified Amount (AF) =      58.43        .00
Total Vested Amount (AF) =          .00        .00
TOTAL AMOUNT (AF) =      89.11        .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:

3330 Feet North and 2715 Feet West of the Southeast Corner of Section 19 T 8S R 21E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 39365 00 MUN NK G
> CITY OF EASTON
> 300 W RILEY ST
> PO BOX 267
> EASTON KS 66020
>-----
A__ 39366 00 MUN NK G
> CITY OF EASTON
> 300 W RILEY ST
> PO BOX 267
> EASTON KS 66020
>-----
A__ 49574 00 MUN AY G
> CITY OF EASTON
> 300 W RILEY ST
> PO BOX 267
> EASTON KS 66020
>-----
=====
    
```

#####





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

March 17, 2016

CITY OF EASTON  
300 W RILEY ST  
PO BOX 267  
EASTON KS 66020

RE: Application  
File No. 49,574

Dear Sir or Madam:

Enclosed is a copy of a notification of your application to appropriate water for beneficial use. This notice must be published in a local newspaper once a week for three (3) consecutive weeks at your expense. The date in the publication must allow at least 15 days for public comment following the final publication. Copies of the publication are to be submitted to this office within two (2) weeks of final publication.

If you have any questions, please feel free to contact our office at (785) 564-6634. Please have your file number so that we may help you more efficiently.

Sincerely,

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

Enclosure  
pc: Topeka Field Office

SCANNED

## PUBLIC NOTICE

**(To be published in newspaper once a week for three (3) weeks)**

The City of Easton has filed an application with the Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, Kansas, 66502, for permit to appropriate water for beneficial use, identified as File No. 49,574, which proposes to appropriate groundwater in the drainage basin of Stranger Creek, to be diverted by means of one (1) well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 3,330 feet North and 2,715 feet West of the Southeast corner of said section, in Township 8 South, Range 21 East, Leavenworth County, Kansas, in an amount of 10 million gallons per calendar year to be diverted at a maximum rate of 65 gallons per minute for municipal use. Any interested party is invited to submit written comments to this office on or before (date should be 15 days after final publication). Persons submitting written comments should specifically indicate their interest in the application in a clear and concise manner.



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

March 8, 2016

CITY OF EASTON  
300 W RILEY ST PO BOX 267  
EASTON KS 66020

RE: Application  
File No. 49574

Dear Sir or Madam:

Your application for permit to appropriate water in 19-8S-21E in Leavenworth County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

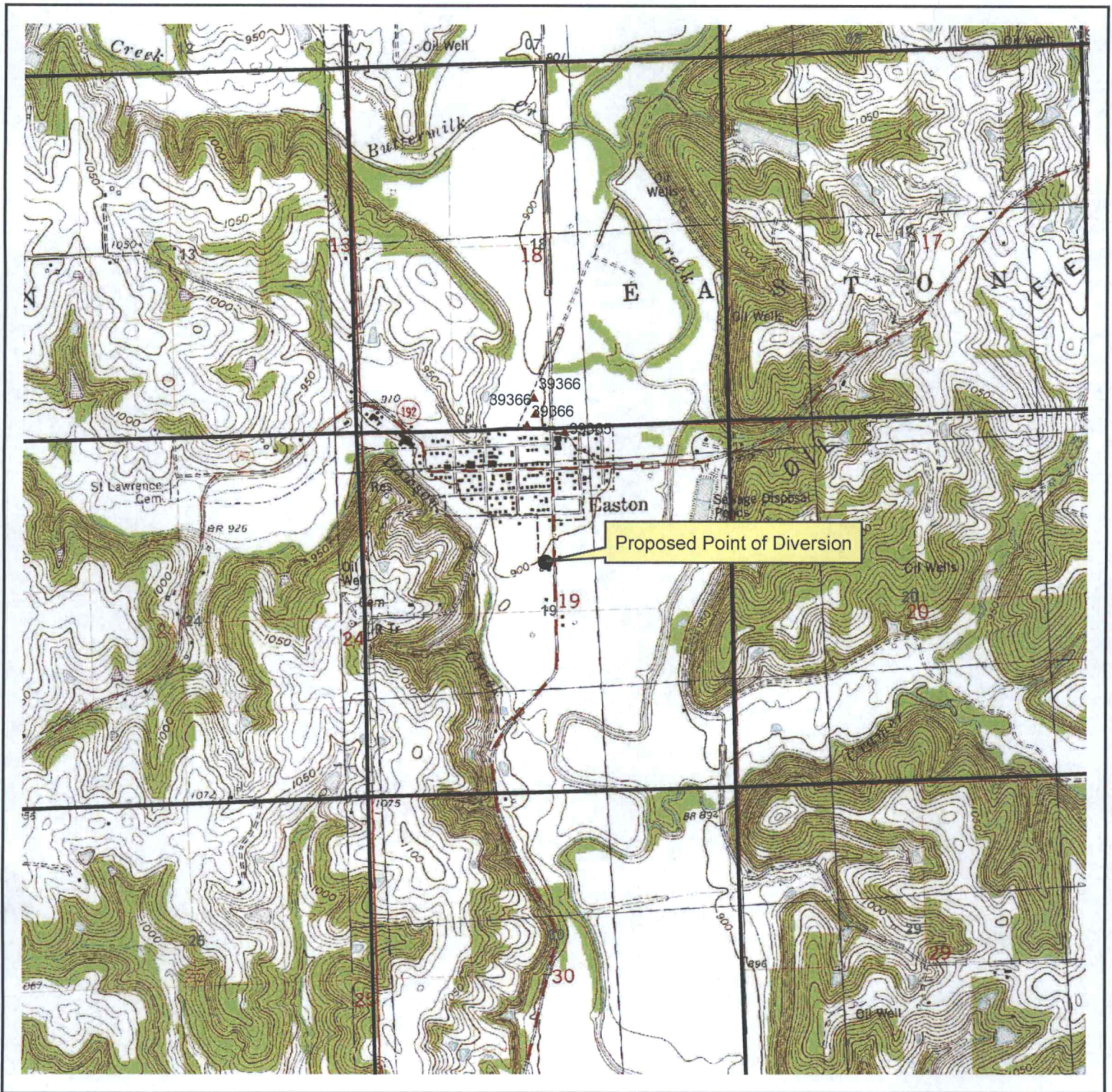
Sincerely,

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

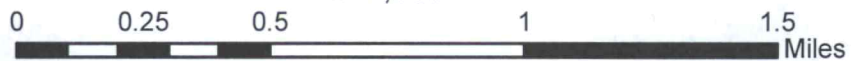
KAK: DLW  
pc: TOPEKA Field Office  
GMD

SCANNED





1:24,000



**Legend**

- Point of Diversion



# Application for Appropriation, File No. 49,574

Proposed Point of Diversion  
 Sec. 19 - Twp. 8S - Rng. 21E  
 Leavenworth County

AM/DWR  
 Date: 7/12/2016