

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;">50,386</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: purple;">9/3/2020</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
---	--	--	--

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 34075 Add Seq# _____</p> <p>RWD NO 3 POTTAWATOMIE CO 382 A ROAD VERMILLION KS 66544</p> <p>7a.</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

7c. Landowner(s)
New to system

Person ID _____
Add Seq# _____

7d. Misc.
New to system

Person ID _____
Add Seq# _____

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>Notarized WUC Form <input type="checkbox"/></p>
---	---

9. Use of Water: Changing? Yes No

Groundwater Surface Water

<input type="checkbox"/> IRR	<input type="checkbox"/> REC	<input type="checkbox"/> DEW	<input checked="" type="checkbox"/> MUN
<input type="checkbox"/> STK	<input type="checkbox"/> SED	<input type="checkbox"/> DOM	<input type="checkbox"/> CON
<input type="checkbox"/> HYD DRG	<input type="checkbox"/> WTR PWR	<input type="checkbox"/> ART RECHRG	
<input type="checkbox"/> IND	SIC: _____	<input type="checkbox"/> OTHER: _____	

10. Completion Date: **12/31/2021** 11. Perfection Date: **12/31/2040** 12. Exp Date: _____

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

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

Date Prepared: 8/27/2020 By: DWS
Date Entered: 9/11/2020 LMoody

File No. **50,386** 15. Formation Code: **140** Drainage Basin: **Vermillion Creek** County: **NM** Special Use: Stream:

16. Points of Diversion									
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	
ENT	78888	SW SE SE	5	5	11E	1	135	1210	
pd Comment: Well #4									
DEL	82575								

17. Rate and Quantity MOD ADDL QTY				
Authorized		Additional		
Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
200	20	200	0	48,910

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

19. Limitation: **173 MGY** mg/yr at _____ gpm (_____ cfs) when combined with file number(s) **40,017; 40,018; 41,838, 45,701; 45,702; 45,703; 48,910; 48,911; 50,295; 50,296; 50,297; AND 50,385 (ON THE PLACE OF USE).**

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

20. Meter Required? Yes No To be installed by **12/31/2021** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files				
MOD	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								
√	18880	23	6	10E	1		WITHIN BOUNDARIES OF POTTAWATOMIE RWD 3																					7a.	No	SEE BELOW
√	36902	21	6	12E	1		CITY OF HAVENSVILLE & IMMEDIATE VICINITY																					7a.	No	SEE BELOW
√	54302	34	6	11E	3		CITY OF ONAGA & IMMEDIATE VICINITY																					7a.	No	SEE BELOW

Comments: **PU OVERLAP WITH FILE NOS. 40,017; 40,018; 41,838; 45,701; 45,702, 45,703; 48,910; 48,911; 50,295; 50,296; 50,297; 50385; AND 50,386.**

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

TO: Files

DATE: August 27, 2020

FROM: Doug Schemm

RE: Applications, File Nos. 50,385 and 50,386

Pottawatomie County Rural Water District No. 3 (District) has filed the referenced applications to appropriate additional groundwater from two existing wells. Application, File No. 50,385 overlaps in point of diversion with Appropriation of Water, File No. 48,911 (District Well #5); and Application, File No. 50,386 overlaps in point of diversion with Appropriation of Water, File No. 48,910 (District Well #4). Both of the applications are requesting 20 million gallons (61.38 acre-feet) of groundwater, at a rate of diversion of 200 gallons per minute for municipal use. The two wells are located in Sections 5 and 9, Township 5 South, Range 11 East, in Nemaha County. The applications were both signed by a representative of the applicant stating they have access to the points of diversion. The applicant recently had three applications approved (File Nos. 50,295; 50,296; and 50,297) which overlapped the District's three other municipal supply wells. These new applications are designed to overlap the two remaining supply wells, provide additional quantity from these specific wells, and give the applicant greater flexibility in pumping these newer wells.

Please note that these applications have been held for a short time due to a senior IRR file within the same two-mile circle, File No. 50,276 (James Woolsoncroft). During processing of File No. 50,276, DWR received concerns presented by Ground Water Associates, Inc. on behalf of Nemaha County RWD #3 and Pottawatomie County RWD #3, who both have municipal supply wells in this local area. Pump test data and aquifer parameters collected when installing the RWD's wells, indicate that the aquifer may not be able to sustain irrigation well pumping without impairing these municipal supply wells. Based on these concerns, DWR Technical Services staff completed a review of Mr. Woolsoncroft's application, and determined that it could be approved with specific permit conditions. DWR Technical Services staff have also analyzed and reviewed these pending applications and concluded that if approved, they would cause only one-half foot of additional drawdown at Nemaha RWD well #5, leaving 112 feet of saturated thickness. Therefore, they will not impair existing water rights.

The applicant currently serves the City of Onaga and the City of Havensville in addition to their own customers within the District. Supplemental information provided by the applicant indicates that the applicant's 20-year projection for water needs (year 2040) is 107.5 million gallons with a population served of 2,060. However, it appears that the applicant did not include the City populations, which would bring the number served to 3,162. Based on the 2017 Kansas Municipal Water Use publication, the applicant had an average usage of 88 gpcd, slightly less than the regional average for medium public water suppliers in Region 7 of 92 gpcd. The MUN use supplemental sheet shows 111 gpcd. A water need estimate can be based on $3,162 \times 111 \text{ gpcd} \times 365 \text{ days} = 128 \text{ million gallons}$. The applicant has also projected 12 million gallons in bulk sales and other uses of 5 million gallons, for a total of 145 million gallons. The Kansas Water Office (KWO) has projected a significantly larger water demand of 190.4 million gallons for RWD 3; Onaga; and the City of Havensville combined by 2040. The applicant's unaccounted for water percentage is a bit elevated with a current average of 17%. The applicant has prepared and submitted a Municipal Water Conservation Plan that was originally approved by DWR on June 1, 1991. In addition, updated conservation plans were approved for the District on April 2, 2013, and for the City of Havensville on July 13, 2017.

The proposed place of use overlaps with File Nos. 40,017; 40,018; and 41,838, and Appropriation of Water, File Nos. 45,701; 45,702; 45,703; 48,910; 48,911; 50,295; 50,296; and 50,297. The applicant was assisted by the consulting firm of Bartlett & West.

The following table provides a summary of these files.

File No.	Well No.	Authorized Quantity (MGY)	Additional Quantity (MGY)	Total Cumulative Quantity (MGY)	Authorized Rate (GPM)	Additional Rate (GPM)	Limitation
40,017	#1	14.4	14.4	14.4	105	105	None
40,018	#2	14.402	14.402	28.802	110	110	None
41,838	#3	14.3	6.98	35.78	105	105	Limited to 35.78 mgy with senior files
45,701	#2	6.622	6.622	42.402	110	0	Limited to 110 gpm w/ 40,018
45,702	#1	6.622	6.622	49.024	105	0	Limited to 105 gpm w/ 40,017
45,703	#3	6.74	6.74	55.764	105	0	Limited to 105 gpm w/ 41,838
48,910	#4	104.27	57.236	113	450	450	Limited to 113 mgy with senior files
48,911	#5	104.27	0	113	450	450	Limited to 113 mgy with senior files
50,295	#1	20	20	133	175	175	None
50,296	#2	20	20	153	175	175	None
50,297	#3	20	20	173	175	175	None
PENDING APPLICATIONS							
50,385	#5	20	0	173	200	200	Limited to 173 mgy with senior files
50,386	#4	20	0	173	200	200	Limited to 173 mgy with senior files

As noted above, the multiple water rights overlapping the place of use, Water Right, File Nos. 40,017; 40,018; and 41,838, and Appropriation of Water, File Nos. 45,701; 45,702; 45,703; 48,910; 48,911; 50,295; 50,296; and 50,297, authorize a total quantity of 173 million gallons of water per year. Based on the City's current water right quantity of 173 million gallons, and their estimate of 145 million gallons, it appears that no additional water is justified for these pending applications. Therefore, both of the pending applications would be limited to 173 million gallons with the senior files, providing 0 additional gallons of water per calendar year. Although not providing any additional quantity overall, these approvals will provide flexibility in pumping, and address the potential for over-pumping District Well #4.

Based on the geographical location of the wells, and the test hole lithology from the senior files, it appears that the source of supply is groundwater from glacial drift deposits. This is also consistent with the source of water for other area wells. Well logs from adjacent water rights, and test wells drilled by the applicant for the senior files, show the primary aquifer consists of a coarse sand and gravel zone approximately 15 to 20 feet in thickness, extending from 275 feet to 291 feet below ground surface, where shale bedrock was encountered. This agrees with the "Saturated Thickness and Specific Yield of Cenozoic Deposits in Kansas" map by Bayne and Ward, 1967, which shows glacial deposits over 300 feet thick in this local area. This buried valley also appears to be fairly extensive in this region.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer (glacial drift), within a two-mile radius circle of each point of diversion, which establishes the area of consideration. DWR staff reviewed area well logs, and based on the senior water rights, the glacial aquifer extends across the entire circle. Therefore, the area of consideration is 8,042 acres for each file. With a potential annual recharge of 4.4 inches, and 100% of recharge available for appropriation, safe yield for both files was determined to be 2,948.73 acre-feet. For File No. 50,385, existing water rights have appropriated 1,931.36 acre-feet, so there are 1,019.05 acre-feet available for appropriation, and for File No. 50,386, existing water rights have appropriated 1,993.24 acre-feet, so there are 955.67 acre-feet available for appropriation and both applications meet safe yield. As noted above, there will be 0 additional quantity under these two files when combined with senior water rights.

No other wells were identified within one-half mile of these existing wells, and no nearby well owner letters are required. The existing wells meet minimum well spacing requirement of 1,320 feet to all other non-domestic wells for the source of supply, except to each other. The two existing wells are 1,298 feet apart. K.A.R. 5-4-4 provides that spacing guidelines are not applicable if the required minimum well spacing criteria are not necessary to prevent direct impairment. The wells in a municipal well field are operated as a system, and are not likely to be separated or divided in any way in the future; the wells are pumped based on water supply demands for the District, not on a continuous basis, allowing the aquifer to recover between pumping events; and these wells have historically been operated without evidence of impairing each other. Therefore, per K.A.R. 5-4-4, the required minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest. As noted above, the applications comply with well spacing criteria to all other wells.

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 these permits, check valves will also need to be installed.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced applications in an August 27, 2020 e-mail. Based on the above discussion, the area is open to new appropriations, the applications meet safe yield and reduced well spacing criteria, the additional quantity of water on these two wells will give the District greater flexibility in pumping, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Thursday, August 27, 2020 10:48 AM
To: Schemm, Doug [KDA]
Cc: Baum, Kristen [KDA]; Munson, John [KDA]; Letourneau, Lane [KDA]
Subject: RE: Pott RWD #3 File Nos. 50,385 and 50,386
Attachments: Attachement 1.pdf; 20200206142559334.pdf; Pott RWD #3 Area Map.pdf

Doug,

It looks like based on the information submitted and the information provided by John, attached, that this application meets the requirements to move forward. Please include Johns information to file and you'll have to get with Kristen about moving the Woolsoncroft senior file ahead as it doesn't appear to have been signed. I think John will be meeting him and his hydrologist out there to conduct the required work.

Thanks, Katie

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Sent: Wednesday, August 26, 2020 12:59 PM

To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>

Subject: Pott RWD #3 File Nos. 50,385 and 50,386

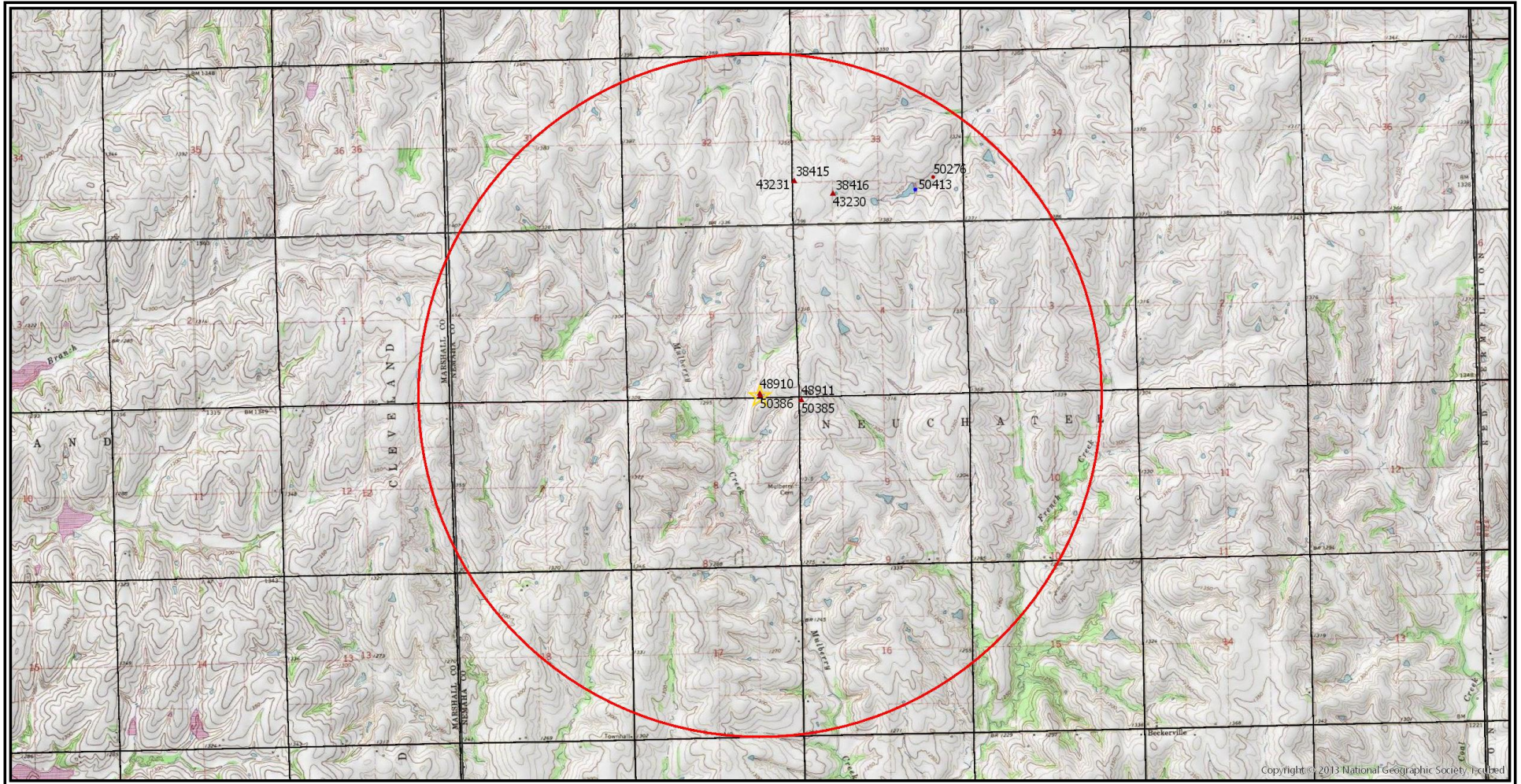
There are no wells within ½ mile of either of these 2 pending applications for Pott #3.

As you can see on the area map, they are well over a mile from the James Woolsoncroft File No. 50,276, which we recently approved with the observation well requirements.

It appears that we are more concerned with the Nemaha #3 files which are much closer to James's file.

I have attached what Brad submitted to us regarding Mr. Woolsoncroft's app.

Safe Yield Report Sheet
Water Right- A5038600
Point of Diversion in 05-05S-11E
Footages from SE corner- 75 feet North 1,210 feet West



Analysis Results

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

The safe yield based on the variables listed below is 2,948.91 AF.

Total prior appropriations in the circle is 633.26 AF. + 249.64 AF + 81.59 AF + 11.36 AF + 154.98 AF + 280.09 AF + 319.99 AF = 2,013.24 AF

Total quantity of water available for appropriation is ~~2,315.65~~ AF. - 20 AF = 1,993.24 AF

955.67 AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 4.4 inches.

The percent of recharge available for appropriation is 100%.

Application File No. 50,386 - Requesting 61.38 AF
Meets Safe Yield dws/dwr 8/27/20

Authorized Quantity values are as of 27-AUG-2020 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 9 water rights and 6 points 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	Tot Acres	Net Acres
A 38415 00	MUN	NK	G		SW	NW	SW	1400	5225	33	04	11E	2	WR	257.79	8.15 + 249.64 AF	✓	
A 38416 00	MUN	NK	G		NE	SW	SW	1006	4026	33	04	11E	1	WR	257.79	176.20 + 81.59 AF	✓	
A 43230 00	MUN	LR	G		NE	SW	SW	1006	4026	33	04	11E	1	WR	154.98	143.62 + 11.36 AF	✓	
A 43231 00	MUN	LR	G		SW	NW	SW	1400	5225	33	04	11E	2	WR	154.98	0.00 + 154.98 AF	✓	
A 48910 00	MUN	LO	G		SW	SE	SE	135	1210	05	05	11E	1	WR	319.99	39.90 + 280.09 AF	✓	
A 48911 00	MUN	LO	G		NW	NW	NW	5180	5180	09	05	11E	1	WR	319.99	0.00 + 319.99 AF	✓	
A 50276 00	IRR	AY	G			NW	SW	1388	915	33	04	11E	4	WR	184.00	184.00		168.00
A 50385 00	MUN	AY	G		NW	NW	NW	5180	5180	09	05	11E	1	WR	61.38	61.38		
A 50386 00	MUN	AY	G		SW	SE	SE	75	1210	05	05	11E	2	WR	20.00	-20.00		

Limitations

File Number	Seq Num	Limitations
A 38415 00	525.93 AF 2	171.375MGY COM/W 19420, 29961, 35359, & 35360 * Not in Circle - Add in All Additional under File # 38,415 ✓
A 38416 00	702.13 AF 2	228.791MGY COM/W 19420, 29961, 35359, 35360, 38415 * Not in Circle - Add in All Additional under File # 38,416 ✓
A 43230 00	916.98 AF 1	298.8MGY COM/W 19,420; 29,961; 35,359; 35,360; 38,415; 38,416 257.79 AF + 257.79 AF = 515.58 AF ✓
Same	2	500GPM COM/W 38,416
A 43231 00	916.98 AF 1	298.8MGY COM/W 19,420; 29,961; 35,359; 35,360; 38,415; 38,416; 43,230 257.79 AF + 257.79 AF + 154.98 AF = 670.56 AF ✓
Same	2	500GPM COM/W 38,415
A 48910 00	346.78 AF 1	113 MG/YR COM/W#40017 #40018 #41838 #45701 #45702 #45703 #47885 #47900 *
A 48911 00	1	SEE IMAGE FOR FILE #S

*NONE OF THESE FILES ARE IN THE AREA OF CONSIDERATION
MUST ADD ALL ADDITIONAL QUANTITY TO PRIOR APPROPRIATIONS
FOR FILE NOS. 48,910 AND 48,911.

Report Date: Thursday, August 27 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50386 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50386 00 MUN

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

75 Feet North and 1210 Feet West of the Southeast Corner of Section 5 Twp 5S Rng 11E

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__ 38415 00 MUN NK G      6767 -- SW NW SW 1400 5225 33 4 11E 2      257.79      8.15
  AF
A__ 38416 00 MUN NK G      6715 -- NE SW SW 1006 4026 33 4 11E 1      257.79     176.20
  AF
A__ 43230 00 MUN LR G      6715 -- NE SW SW 1006 4026 33 4 11E 1      154.98     143.62
  AF
A__ 43231 00 MUN LR G      6767 -- SW NW SW 1400 5225 33 4 11E 2      154.98        .00
  AF
A__ 48910 00 MUN LO G         58 -- SW SE SE   135 1210  5 5 11E 1      319.99     39.90
  AF
A__ 48911 00 MUN LO G     1289 -- NW NW NW 5180 5180  9 5 11E 1      319.99        .00
  AF
A__ 50276 00 IRR AY G     8648 -- -- NW SW 1388   915 33 4 11E 4      184.00     184.00
  AF
A__ 50385 00 MUN AY G     1289 -- NW NW NW 5180 5180  9 5 11E 1       61.38     61.38
  AF
A__ 50386 00 MUN AY G         0 -- SW SE SE    75 1210  5 5 11E 2       20.00     20.00
  AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      265.38         .00
Total Permitted Amount (AF) =         .00         .00
Total Inspected Amount (AF) =      183.52         .00
Total Pro_Cert Amount (AF) =         .00         .00
Total Certified Amount (AF) =      184.36         .00
Total Vested Amount (AF) =          .00         .00
TOTAL AMOUNT (AF) =          633.25         .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 Right and Points of Diversion Within 2.00 of a point defined as:

75 Feet North and 1210 Feet West of the Southeast Corner of Section 5 Twp 5S Rng 11E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
> NEMAHA RWD 03
> MANAGER
> 905 US HWY 36
> SENECA KS 66538
>-----
> NEMAHA RWD 03
> MANAGER
> 905 US HWY 36
> SENECA KS 66538
>-----
> NEMAHA RWD 03
> MANAGER
> 905 US HWY 36
> SENECA KS 66538
>-----
    
```

```
> NEMAHA RWD 03
> MANAGER
> 905 US HWY 36
> SENECA KS 66538
>-----
> POTTAWATOMIE RWD 03
>
> 382 A RD
> VERMILLION KS 66544
>-----
> POTTAWATOMIE RWD 03
>
> 382 A RD
> VERMILLION KS 66544
>-----
> JAMES WOOLSONCROFT
>
> PO BOX 205
> FRANKFORT KS 66427
>-----
> POTTAWATOMIE RWD 03
>
> 382 A RD
> VERMILLION KS 66544
>-----
> POTTAWATOMIE RWD 03
>
> 382 A RD
> VERMILLION KS 66544
>-----
```

```
=====
#####
```

Schemm, Doug [KDA]

From: Munson, John [KDA]
Sent: Monday, August 24, 2020 11:50 AM
To: Tietsort, Katie [KDA]; Schemm, Doug [KDA]
Cc: Baum, Kristen [KDA]; Letourneau, Lane [KDA]; Terhune, Andrew [KDA]
Subject: RE: Woolsoncroft / Pott #3 more water

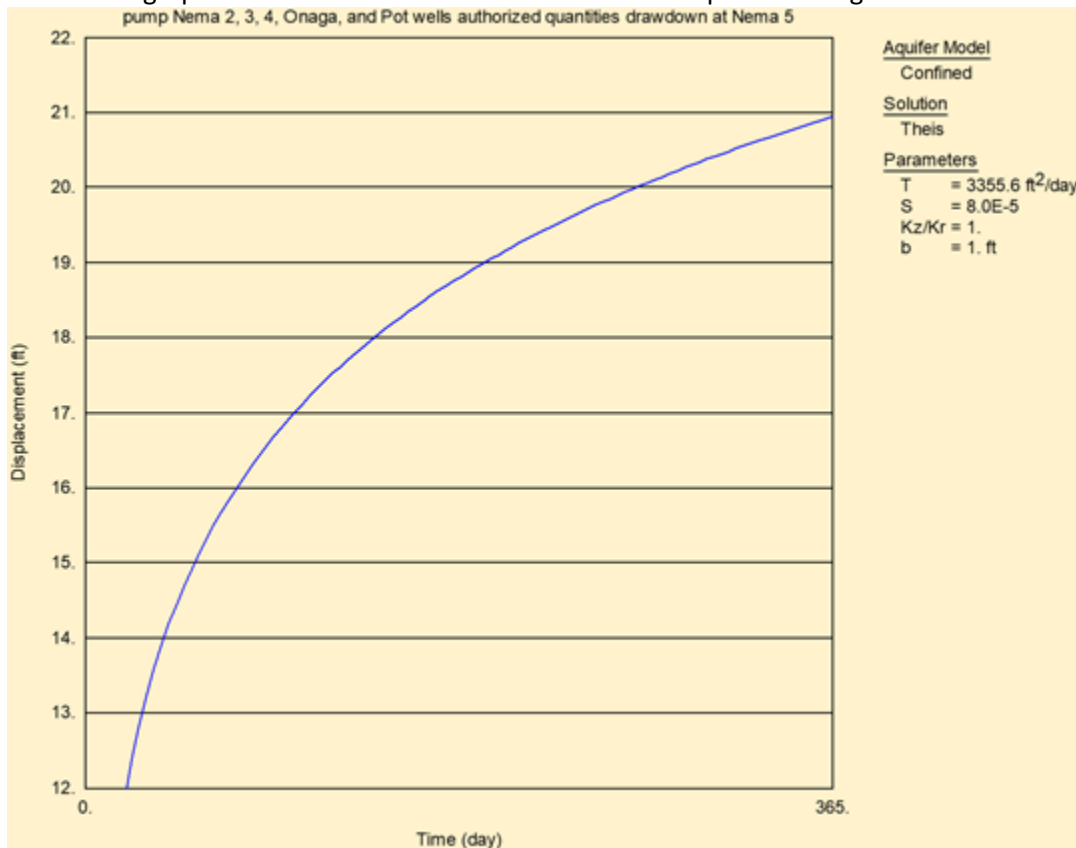
Hi Katie,

I would be glad to do any analysis you like.

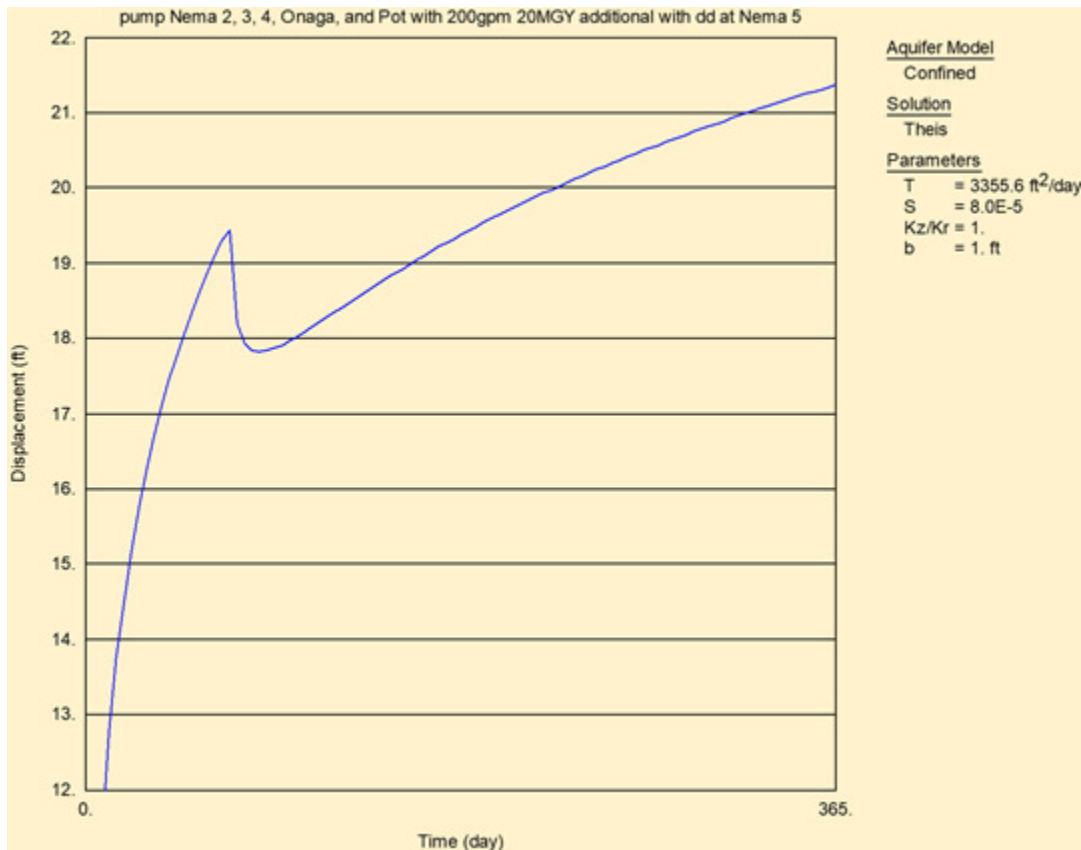
1. It would be interesting to know the amount of water Pot Co #3 has pumped from well 4 and also well 5 this year.
2. It would also be interesting to know the gallons per minute or gallons per day they have been pumping during this stressful time in August.
3. It would also be good to know if they can measure the pumping levels of their wells (the depth to water while pumping).

From previous analysis of the Woolsoncroft application Figure 15 of that report shows estimated drawdown at Nemaha Co RWD well 5 to be about 21 feet at the end of a year pumping the authorized quantities from Pot wells, the Onaga wells and Nemaha well 4. This was to see if there was still available drawdown at Nema well 5 for that well and the Woolsoncroft irrigation well to pump.

Here is the graph from Attached 15 of the Woolsoncroft report showing 21 feet of drawdown.



If pumping 200 gpm is simulated for 69 days for 20 million gallons as proposed in the new application and then continue on with 49 gpm for the remainder of the year for 296 days for 21 million gallons, drawdown spikes a foot or two at 69 days but by the end of 365 days total drawdown is only about a half-foot greater or 21.4 feet.



In the previous analysis the Woolsoncroft well caused a simulated drawdown of 31 feet at Nema well 5, the other Wooloscroft well simulated caused 18 feet drawdown but that is proposed to be dismissed. So with the Nema well 5 pumping, and all other municipal wells pumping, simulated drawdown would still leave about 112 ft of available drawdown at Nema well 5 even with the proposed additional pumping from Pot well 4.

John

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: Friday, August 21, 2020 4:44 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Munson, John [KDA] <John.Munson@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>; Terhune, Andrew [KDA] <Andrew.Terhune@ks.gov>
Subject: RE: Woolsoncroft / Pott #3 more water

OK. Ann Mays from the District has contacted me in a panic this week. They realized they have overpumped the original file on well #4 already. 50386 was filed to cover more water. Also, Nicole and I determined that when Louis Funk files these apps, he used different feet distances than the original wells approvals that we have on file so they aren't showing as overlapping the original files.

Doug- can you try to straighten out the apps so the overlaps show properly?

Lane- what do we do about the 1 MG+ change overpump so far?

John- I expect it will be hard to evaluate this request when Woolsoncroft doesn't even have his well pumping yet?

This has been a week already. Maybe we need to schedule a call?

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>

Sent: Wednesday, June 24, 2020 8:21 AM

To: Munson, John [KDA] <John.Munson@ks.gov>

Cc: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: Woolsoncroft / Pott #3 more water

Good Morning,

I'm moving ahead with approval of Woolsoncroft File No. 50,276, with of course all of the monitoring conditions. But I also wanted to bring to everyone's attention that Pott RWD #3 has filed for additional water (File Nos. 50,385 & 50,386) from their wells #4 & #5 located about 1.5 miles southwest of Woolsoncroft. Brad's report notes that they stayed over a mile away from Nemaha #3 wells while installing the Pott #3 wells to prevent interference. I don't how all this will play out, but I figure we will have to ask Pott #3 to also install observation wells, or prove they won't impair both Nemaha 3 and Woolsoncroft.

Have a great day,

Doug

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting 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. 50,386** of the applicant

**Rural Water District No. 3 Pottawatomie County
382 A Road
Vermillion Kansas 66544**

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 **April 20, 2020**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Rural Water District No. 3, Pottawatomie County, Kansas; the City of Onaga, Kansas, and immediate vicinity; and the City of Havensville, Kansas, and immediate vicinity.
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 Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 5, more particularly described as being near a point 135 feet North and 1,210 feet West of the Southeast corner of said section, in Township 5 South, Range 11 East, Nemaha 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 **200 gallons per minute (0.45 c.f.s.)** and to a quantity not to exceed **20 million gallons (61.38 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, 2021** 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, 2040** 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 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.

17. That the permit holder shall submit a progress report to the office of the Chief Engineer by March 1, following the tenth full calendar year after the permit was issued. The progress report must be submitted on a form prescribed by the Chief Engineer, and shall compare annual water use projected in the original application with the actual annual water use for the prior 10 years. The progress report must document compliance with the approved conservation plan, contain sufficient details to determine the extent of perfection of the water right during the previous ten years, and demonstrate how the water right, in association with other water rights, meets the municipal use need.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 40,017; 40,018; and 41,838; and Appropriation of Water, File Nos. 45,701; 45,702; 45,703; 48,910; 48,911; 50,295; 50,296; 50,297; and 50,385, will provide a **total not to exceed 173.0 million gallons** of water per calendar year for municipal use within the place of use described herein.

Ordered this 3 day of September, 2020, in Manhattan, Riley 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 3 day of September, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman
 Notary Public

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

POTTAWATOMIE RWD 03
382 A RD
VERMILLION KS 66544

September 14, 2020

RE: Appropriation of Water, File Nos. 50,385 and 50,386

Dear Sir or Madam:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in these permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits.

Notice must be filed on the enclosed forms once the diversion works have been completed for each file. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of these permits. If you need an extension of time, you must request it before the deadline for completion set forth in these permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

Acceptable water flowmeters must be installed on the diversion works authorized by these permits prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year for each file number. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permits or rights may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your reports online at www.kswaterusereport.org.

The approval of your applications constitutes permits to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain Certificates of Appropriation which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office

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.

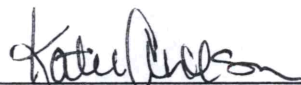
CERTIFICATE OF SERVICE

On this *14th* day of *September*, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,386, dated *September 3, 2020* was mailed postage prepaid, first class, US mail to the following:

RWD NO 3 POTTAWATOMIE CO
382 A ROAD
VERMILLION KS 66544

With photocopies to:

Topeka Field Office



Division of Water Resources