

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

1. File Number: <b>50,316</b>	2. Status Change Date: <b>11/3/2021</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
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5. Status:  Approved     Denied by DWR/GMD     Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <b>13022</b> Add Seq# <b>1</b></p> <p><b>CITY OF NORTONVILLE</b> <b>PO BOX 177</b> <b>NORTONVILLE, KS 66060-0177</b></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 <b>13022</b> Add Seq# <b>1</b></p> <p><b>7a.</b></p>	<p>7d. PC New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p><b>Bartlett &amp; West,</b> <b>Attn: Louis Funk</b> <b>1200 SW Executive Drive</b> <b>Topeka KS 66615</b></p> <p><b>Kansas Rural Water Association</b> <b>Attn: Doug Helmke</b> <b>6847 SE 29th Street</b> <b>Tecumseh, Kansas 66542-9571</b></p>

<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID <b>13022</b> Add Seq# <b>1</b> Notarized WUC Form <input type="checkbox"/></p> <p><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater    <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR    <input type="checkbox"/> REC    <input type="checkbox"/> DEW    <input checked="" type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK    <input type="checkbox"/> SED    <input type="checkbox"/> DOM    <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR    <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____    <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2023**    11. Perfection Date: **12/31/2042**    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: **10/22/2021** By: **LHH**  
Date Entered: **11/4/2021** By: **L Moody**

File No. <b>50,316</b>	15. Formation Code: <b>63</b>	Drainage Basin: <b>STRANGER CREEK</b>	County: <b>JF</b>	Special Use:	Stream:																				
16. Points of Diversion			17. Rate and Quantity																						
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized	Additional	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files										
√	<b>87746</b>	<b>SE SW NE</b>	<b>30</b>	<b>7S</b>	<b>19E</b>	<b>2</b>	<b>2974</b>	<b>1844</b>	<b>99</b>	<b>26 mgy</b>	<b>99</b>	<b>2.938 mgy</b>	<b>none</b>												
18. Storage: Rate _____ NF    Quantity _____ ac/ft    Additional Rate _____ NF    Additional Quantity _____ ac/ft																									
19. Limitation: <b>31.738 mgy</b> af/yr at _____ gpm ( _____ cfs) when combined with file number(s) <b>JF-02; 24203; 34492; &amp; 46153</b>																									
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>12/31/2023</b> Date Acceptable Meter Installed _____																									
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	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								
√	<b>39265</b>	<b>30</b>	<b>7S</b>	<b>19E</b>	<b>1</b>	<b>CITY OF NORTONVILLE &amp; IMMEDIATE VICINITY</b>																	<b>7a.</b>	<b>NO</b>	<b>JF-02; 24203; 34492; 46153; 50316; 50317</b>
Comments: <b>Approved with special observation well conditions.</b> <b>WAIVER INCLUDED</b>																									

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

**TO:** Files

**DATE:** October 22, 2021

**FROM:** Lloyd Hemphill

**RE:** Applications, File Nos. 50,316 and 50,317

The City of Nortonville has filed the referenced applications to appropriate groundwater for municipal use. Both new wells are located in the Northeast Quarter of Section 30, Township 7 South, Range 19 East, in Jefferson County, in the Stranger Creek drainage basin. The application forms were signed by a representative of the City, stating that they have access to the points of diversion. There are no overlapping files in points of diversion. However, the proposed place of use is the City of Nortonville and immediate vicinity, which is a place of use overlap with File Nos. JF-02; 24,203; 34,492; and 46,153. The applicant was assisted by KRWA staff.

Both applications are requesting 26 million gallons to be diverted at 99 gallons per minute. Vested Water Right, File No. JF-002 is authorized 12.15 million gallons; Water Right, File No. 24,203 is authorized 6.21 million gallons; Water Right, File No. 34,492 is authorized 12 million gallons, limited to 23.382 million gallons with senior files; and File No. 46,153 is authorized 24 million gallons limited to 28.8 million gallons with all senior files. The applicant has requested that these junior permits be limited to 31.738 million gallons when combined with the City's senior water rights, providing 2.938 million gallons of additional water.

Jefferson County RWD #12 expressed concerns to Katie Tietsort, Topeka Field Office Water Commissioner in a February 25, 2021 email and October 4, 2021 letter that the proposed City wells could impair District Well Nos. 3 & 4 (Water Right, File Nos. 38,985 & 38,986). This aquifer has had a history of previous impairment concerns. Prior to approval of the District's files in 1992, the City raised the concern that the District's well might impair City Well No. 4 (Water Right, File No. 24,203). A hydrologic study was conducted, including a pumping test and review of geologic data (refer to the files for specific information). This investigation concluded that the proposed District wells might significantly impact water levels but that Applications, File Nos. 38,985 and 38,986 could be approved if the water levels were monitored in an existing observation well where a minimum water level was established corresponding to a safe water level in City Well #4.

The City's consultant Brad Vincent, Ground Water Associates, Inc reviewed data related to the historical pumping tests and impairment investigation and analyzed recent pumping tests conducted at the locations of the two proposed City wells. A technical report documenting this analysis and the associated data was received on March 26, 2021. John Munson (DWR Water Management Services) reviewed this new information. This analysis is documented in a September 7, 2021 report titled "Technical Review of Applications 50,316 and 50,317 filed by the City of Nortonville, KS". In brief, DWR Technical Services concluded that the proposed City wells could produce significant drawdown at the District's observation well, where an impairment level has been set; and that if approved, the permits for File Nos. 50,316 and 50,317 should contain special conditions requiring water level monitoring.

A subsequent meeting was held on October 4, 2021 to discuss permit conditions. In attendance were various City representatives, including Mayor Ray Brown, Plant Operator Steve Pruett, City Clerk Barb Polson, Councilman Steve Belveal, Councilwoman Lora Weishaar; the City's consultants (Louis Funk, Bartlett & West and Brad Vincent, Ground Water Associates, Inc.); Doug Helmke (KRWA); and DWR personnel (Katie Tietsort, Kristen Baum, John Munson, and Lloyd Hemphill). It was discussed and agreed that existing City Well No. 4 would be used as the observation well in lieu of constructing a nearby observation well. The permits will be conditioned to require installation of a data logger and telemetry to

provide continuous access to water level data through the internet; and that the proposed wells may not be operated when the water level in City of Nortonville Well #4 is below a depth of 121 feet below land surface datum (12 feet above the screen in City Well No. 4). An alarm is to be set so DWR is notified by electronic mail when this value is reached.

Per information submitted by the applicant on their Municipal Supplemental Sheet, the population within the service area of the City is projected to increase from 875 people in 2025 to 977 people in 2040. Water needs increase from 21 million gallons to 31.738 million gallons. Both the population projection and water needs agree with the Kansas Water Office estimates for the City for 2040. The applications indicate that current City usage is equivalent to 85.44 gallons per capita per day (gcpd). The estimated water demand based on a 20-year population projection of 977 and the 85.44 gcpd is 30.47 million gallons (977 people X 85.44 gcpd X 365 days). Allowing for some water to STK and Bulk customers, this is certainly in-line with the requested quantity of 31.738 million gallons.

The wells are located within the City boundaries, and obviously most of the City residents are supplied water directly by the City. However, the applicant identified three domestic wells within 660 feet of the proposed well under File No. 50,316. The applicant has provided written waivers from each of the domestic well owners (Henson, Keirns and Flory) that state they are in support of the City's project and have no concerns or objections to the City locating their wells less than required spacing distance from their domestic wells. The City also published a public notice in The Oskaloosa Independent on April 23, 30 and May 7, 2020. The ending comment response date was May 28, 2020. No comments of any kind were received in direct response to this public notice. The applicant provided both a copy of the notice, and an Affidavit of Publication from the newspaper. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be 1,320 feet to non-domestic wells and 660 feet to domestic wells, and spacing is met. As noted above, the applicant has provided waivers for the nearest domestic wells, and the nearest non-domestic wells (also owned by the City) are over 2,800 feet away. Therefore, the applications comply with well spacing criteria. Note that both applications have requested only 99 gallon per minute pumping rates, minimizing potential drawdown effects.

Test hole logs show clay with occasional thin layers of sand extending to depths of approximately 120 feet to 135 feet below ground, underlain by the primary aquifer containing 20 to 34 feet of sand and gravel. Other nearby well logs also show this same deep aquifer. Static water levels were 87 feet and 112 feet below ground surface, indicating the aquifer is under confined conditions (water levels extend above the top of aquifer). The senior files indicate that the source of supply is glacial deposits.

Many of the area wells show the local aquifer is 20 feet to 30 feet in thickness, which is slightly less than the deposit thickness shown on the "Saturated Thickness and Specific Yield of Cenozoic Deposits in Kansas" map by Bayne and Ward, 1967, which shows glacial deposits of roughly 40 feet to 60 feet in this local area. The City's wells are on the south edge of a much larger, deeper glacial valley. However, saturated thicknesses of over 10 feet are still considered to be adequate to include as part of the producing aquifer. 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 circle radius of the point of diversion, which establishes the area of consideration. The area well logs show that these sand and gravel deposits extend across the entire 2-mile circle.

Application, File No. 50,316 has an Area of Consideration of 8,042 acres, a Potential Recharge of 5.4 inches, and 100% of the recharge available for appropriation, providing a safe yield of 3,619.11 acre-feet. Existing water rights have appropriated 349.24 acre-feet, providing a difference of 3,269.87 acre-feet available for appropriation, and the application requesting 79.79 acre-feet complies with safe yield.

Application, File No. 50,317 has an Area of Consideration of 8,042 acres, a Potential Recharge of 5.4 inches, and 100% of the recharge available for appropriation, providing a safe yield of 3,619.11 acre-feet. Existing water rights have appropriated 429.03 acre-feet, providing a difference of 3,190.08 acre-feet available for appropriation, and the application requesting 79.79 acre-feet complies with safe yield.

Per K.A.R 5-3-14, safe yield for a confined aquifer is processed on a case-by-case basis using the best available information. Because no specific criteria have been developed for safe yield evaluation of this particular aquifer, it appears that these pending applications can be reviewed using the safe yield criteria outlined in K.A.R. 5-3-11 for unconfined aquifers. This is consistent with other applications with a glacial aquifer source of supply. This safe yield analysis provides a maximum potential annual recharge of 5.4 inches, since a deeper confined aquifer would likely only receive a portion of the recharge that a shallow, unconfined aquifer would receive. If the procedure outlined by K.A.R. 5-3-11 indicates that a significant quantity of water remains available for appropriation, then there would be sufficient water for these applications even with a considerable reduction in the amount of recharge reaching the deeper confined aquifer (in this case about 1 inch of recharge would provide sufficient water for both prior and proposed appropriations).

The applicant has submitted a signed Minimum Desirable Streamflow form for each application, which have been properly notarized. By completing these statements, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under these permits.

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.

Katie Tietsort, Water Commissioner of the Topeka Field Office, gave a recommendation that these referenced applications be approved in an October 22, 2021 e-mail. Based on the above discussion, the area is open to new appropriations, the additional quantity of water will help the City meet future water demands, the new wells provide flexibility in source of water, 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 with the additional water level monitoring conditions.

Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

## Hemphill, Lloyd [KDA]

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**From:** Tietsort, Katie [KDA]  
**Sent:** Friday, October 22, 2021 3:50 PM  
**To:** Hemphill, Lloyd [KDA]  
**Cc:** Baum, Kristen [KDA]  
**Subject:** RE: File Nos. 50316 & 50317 (City of Nortonville): Recommendation for approval

Lloyd,

We just received confirmation from the City to proceed after their review of the latest drafts. Please proceed expeditiously.

Thanks for ALL YOUR WORK,

*Katie Tietsort*

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

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**From:** Hemphill, Lloyd [KDA] <Lloyd.Hemphill@ks.gov>  
**Sent:** Friday, October 22, 2021 11:27 AM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Cc:** Baum, Kristen [KDA] <Kristen.Baum@ks.gov>  
**Subject:** File Nos. 50316 & 50317 (City of Nortonville): Recommendation for approval

Katie,

I have not heard any additional comments from the City, et. al. following our latest revisions. Unless you have heard otherwise I will move this on to Kristen.

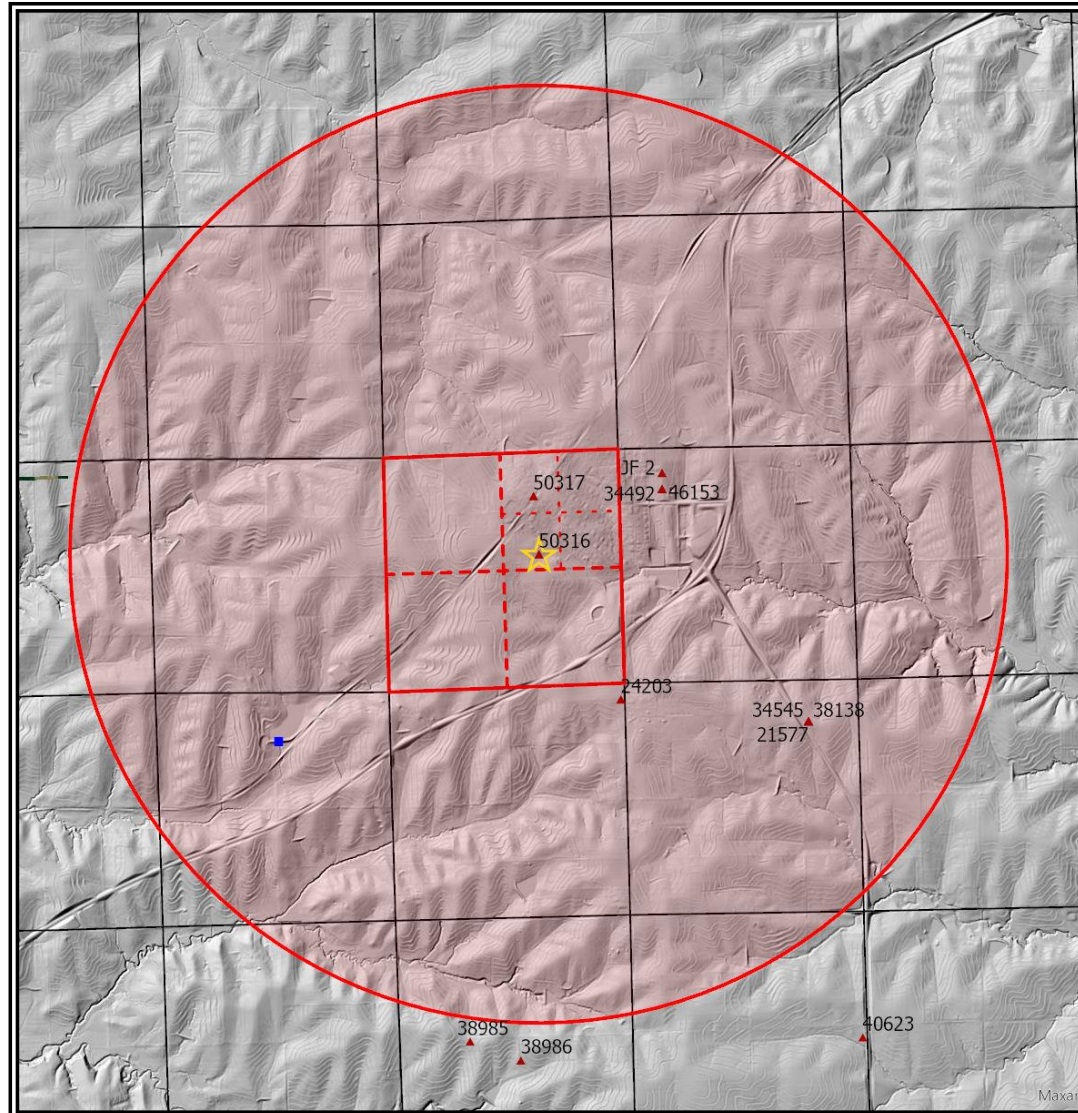
Would you like to provide a final recommendation or any other comments?

Thanks,  
Lloyd

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615  
(785) 296-5733

**NOTE NEW ADDRESS**

**Safe Yield Report Sheet**  
**Water Right- A5031600**  
**Point of Diversion in 30-07S-19E**  
**Footages from SE corner- 2,974 feet North 1,844 feet West**



## Analysis Results

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

**THE PROPOSED APPLICATION MEETS SAFE YIELD. LHH/TFO**

The safe yield based on the variables listed below is 3,619.11 AF.

Total prior appropriations in the circle is 508.82 AF.  $- 79.79 \text{ AF} - 79.79 \text{ AF} = 349.24 \text{ AF}$

Total quantity of water available for appropriation is 3,110.29 AF  $+79.79 \text{ AF} + 79.79 \text{ AF} = 3269.87 \text{ AF}$

## 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 5.4 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 20-AUG-2021 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 21577 00	MUN	NK	G		SW	NE	NE	4333	1107	32	07	19E	2	WR	138.10	138.10		
A 24203 00	MUN	NK	G		NE	NE	NE	4880	50	31	07	19E	1	WR	19.06	19.06		
A 34492 00	MUN	NK	G		SE	NW	NW	4400	4400	29	07	19E	3	WR	36.83	15.41		
A 34545 00	MUN	NK	G		SW	NE	NE	4333	1107	32	07	19E	2	WR	84.39	84.39		
A 38138 00	MUN	NK	G		SW	NE	NE	4333	1107	32	07	19E	2	WR	38.36	38.36		
V JF 2 00	MUN	AA	G		NE	NW	NW	4770	4280	29	07	19E	1	WR	37.29	37.29		
A 46153 00	MUN	LO	G		SE	NW	NW	4400	4400	29	07	19E	3	WR	73.65	16.63		
A 50316 00	MUN	AY	G		SE	SW	NE	2974	1844	30	07	19E	2	WR	79.79	79.79		
A 50317 00	MUN	AY	G		SE	NW	NE	4293	1924	30	07	19E	3	WR	79.79	79.79		

## Limitations

File Number	Seq Num	Limitations
A 34492 00	2	23.382MGY COM/W VR JF02 & 24203
A 34545 00	1	260GPM COM/W #21577
A 38138 00	3	260 GPM COM/W #21577 & 34545
A 46153 00	1	24MGY @ 99GPM COM/W #34492
Same	2	28.8MGY COM/W VR JF02; #24203 & 34492



Water Rights and Points of Diversion Within 2 miles of point defined as:

2974 Feet N and 1844 Feet W of the Southeast Corner of Section 30 Twp 7S Rng 19E  
 Located at: 95.335634 West Longitude and 39.413620 North Latitude  
 GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__ AF	21577	00	MUN	NK	G				7186	--	SW	NE	NE	4333	1107	32	7	19E	2		138.10	138.10
A__ AF	24203	00	MUN	NK	G				3776	--	NE	NE	NE	4880	50	31	7	19E	1		19.06	19.06
A__ AF	34492	00	MUN	NK	G				3040	--	SE	NW	NW	4400	4400	29	7	19E	3		36.83	15.41
A__ AF	34545	00	MUN	NK	G				7186	--	SW	NE	NE	4333	1107	32	7	19E	2		84.39	84.39
A__ AF	38138	00	MUN	NK	G				7186	--	SW	NE	NE	4333	1107	32	7	19E	2		38.36	38.36
A__ AF	46153	00	MUN	LO	G				3040	--	SE	NW	NW	4400	4400	29	7	19E	3		73.65	16.63
A__ AF	50316	00	MUN	AY	G				0	--	SE	SW	NE	2974	1844	30	7	19E	2		79.79	79.79
A__ AF	50317	00	MUN	AY	G				1321	--	SE	NW	NE	4293	1924	30	7	19E	3		79.79	79.79
VJF AF	2	00	MUN	AA	G				3325	--	NE	NW	NW	4770	4280	29	7	19E	1		37.29	37.29

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	159.58	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	16.63	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	295.33	.00
Total Vested Amount (AF) =	37.29	.00
TOTAL AMOUNT (AF) =	508.82	.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 miles of point defined as:

2974 Feet North and 1844 Feet West of the Southeast Corner of Section 30 Twp 7S Rng 19E  
 Located at: 95.335634 West Longitude and 39.413620 North Latitude  
 GROUNDWATER ONLY  
 WATER USE CORRESPONDENTS:

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File Number      Use ST SR
> JEFFERSON RWD 12
>
> 216 WINCHESTER ST
> WINCHESTER KS 66097
>-----
> CITY OF NORTONVILLE
>
> PO BOX 177
> NORTONVILLE KS 66060
>-----
> CITY OF NORTONVILLE
>
> PO BOX 177
> NORTONVILLE KS 66060
>-----
> JEFFERSON RWD 12
    
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>  
> 216 WINCHESTER ST  
> WINCHESTER KS 66097  
>-----  
> JEFFERSON RWD 12  
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> 216 WINCHESTER ST  
> WINCHESTER KS 66097  
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> CITY OF NORTONVILLE  
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> PO BOX 177  
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**AFFIDAVIT OF PUBLICATION**

STATE OF KANSAS )  
 ) ss:  
JEFFERSON COUNTY )

Clarke E. Davis and/or Marveta F. Davis and/or Corey L. Davis, being first duly sworn, deposes and says: That they are the business managers of *The Oskaloosa Independent* a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Jefferson County, Kansas, with a general paid circulation on a weekly, monthly, or yearly basis in Jefferson County, Kansas, and that said newspaper is not a trade, religious, or fraternal publication.

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for three

consecutive weeks, the first publication thereof being made as aforesaid on the 23rd day of

April, 2020, with subsequent publications being made on the following dates:

April 30, 2020,  
May 7, 2020,  
\_\_\_\_\_, 20\_\_\_\_,  
\_\_\_\_\_, 20\_\_\_\_\_.

*Clarke E Davis*

Subscribed and sworn to before me this 7th day of

May, 2020.

*Margaret A Collier*  
Notary Public

My commission expires 9-3-22.  
Printer's fee \$ 116.44.  
Proof \$ 4.00.  
Total Charge \$ 120.44.



**PUBLIC NOTICE**

(Published in The Oskaloosa Independent April 23, 30 and May 7, 2020)3t

**Public Notice**  
**File Nos. 50,316 and 50,317**

The City of Nortonville has filed new applications, File Nos. 50,316 and 50,317 for permits to appropriate water for beneficial use, with the Division of Water Resources, Kansas Department of Agriculture. Each application is requesting 26 million gallons of groundwater at a diversion rate of 99 gallons per minute. The wells are both located in the Northeast Quarter of Section 30, Township 7 South, Range 19 East, in Jefferson County, Kansas.

Anyone owning wells within one-half mile of the proposed well locations is invited to submit written comments regarding Applications, File Nos. 50,316 and 50,317. Persons submitting comments should specifically indicate their interest in the proposed appropriations of water. Comments regarding these applications will be accepted through May 28, 2020.

Written comments or questions regarding these applications may be directed to the Office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502-5000. If you wish more information concerning these applications, you may also contact Douglas Schemm, Environmental Scientist, in the Topeka Field Office of the Water Appropriation Program at (785) 296-3495.

FILE No. 50,316

May 1, 2019

City Council  
City of Nortonville  
407 Main St.  
Nortonville, KS 66060

Dear Council Members:

Please consider this letter to be my statement of waiver regarding the Kansas Department of Agriculture Division of Water Resources requirement for 660 feet separation between the City's proposed new groundwater well on the City's cemetery property and my existing shallow well. I am in support of the City's improvement project and am not concerned about the potential for a new City well impairing my well.

Sincerely,

*Joseph C Keirns*  
JOSEPH C KEIRNS

*Barbara S. Beon*  
NOTARY PUBLIC  
State of Kansas  
BARBARA S. BEON  
6/21/20

FILE No. 50,316

May 1, 2019

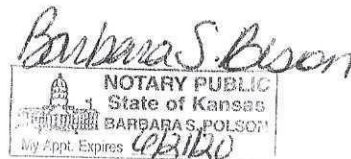
City Council  
City of Nortonville  
407 Main St.  
Nortonville, KS 66060

Dear Council Members:

Please consider this letter to be my statement of waiver regarding the Kansas Department of Agriculture Division of Water Resources requirement for 660 feet separation between the City's proposed new groundwater well on the City's cemetery property and my existing shallow well. I am in support of the City's improvement project and am not concerned about the potential for a new City well impairing my well.

Sincerely,

*Dorothy S. Flory*  
Dorothy L. Flory



FILE No. 50,316

May 1, 2019

City Council  
City of Nortonville  
407 Main St.  
Nortonville, KS 66060

Dear Council Members:

Please consider this letter to be my statement of waiver regarding the Kansas Department of Agriculture Division of Water Resources requirement for 660 feet separation between the City's proposed new groundwater well on the City's cemetery property and my existing shallow well. I am in support of the City's improvement project and am not concerned about the potential for a new City well impairing my well.

Sincerely,

*Terry Henson*  
TERRY HENSON

*Barbara S. Bosen*  
NOTARY PUBLIC  
State of Kansas  
BARBARA S. BOSEN  
693120

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: **50,316**

FO: **1**

GMD: \_\_\_\_\_

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
<b>MUN</b>	<b>11/21/19</b>	<b>6</b>	<b>Statewide</b>	<b>Authorized Place of Use Domestic</b>	<b>Confined</b>
Rule Number	Date Granted	Date Denied	Justification:	Proposed well fails spacing to 3 nearby domestic wells. Domestic well owners submitted signed statements stating that they support construction of the new well and are not concerned about the potential for impairment. This permit will be approved with special monitoring conditions to minimize the potential for impairment.	
<b>K.A.R. 5-4-4(c)(2)(C)</b>	<b>11/3/2021</b>				

**WAIVER RULE (complete only if a new rule needs to be created):**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				<b>K.A.R.</b>		

Date Prepared **10/26/21** By **LHH/TFO**

Date Entered \_\_\_\_\_ By \_\_\_\_\_

11/4/2021  
LMoody

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**WAIVER OF REGULATION**  
**K.A.R. 5-4-4(c)(2)(C) Well Spacing**

Date: \_\_\_\_\_, 2021.

Re: Applications, File No. 50,316

1. That the proposed point of diversion under the above referenced application fails to meet the minimum well spacing criteria of 660 feet to three existing domestic wells as required by K.A.R. 5-4-4(c)(2)(C). The proposed well is located approximately 390, 600, and 660 feet from domestic wells owned by Dorothy L Flory, Terrence and Nancy Henson, Joseph & Judy Keirns, respectively.
2. That the owners of the domestic wells submitted signed letters stating that they were in support of the construction of the new well and were not concerned about the potential for impairment from the proposed well.
3. That the requested rate of diversion is low (99 gallons per minute) which should help limit any possible impact of the well in any nearby domestic wells.
4. That this permit will be approved with special conditions requiring water levels to be monitored at, or near, City Well No. 4 and the authorized well cannot be operated if the water level drops below a defined value.
5. That a waiver of K.A.R. 5-4-4(c)(2)(C) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:

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Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., 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. 50,316** of the applicant

**CITY OF NORTONVILLE  
PO BOX 177  
NORTONVILLE, KS 66060-0177**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **November 21, 2019**.
2. That the water sought to be appropriated shall be used for municipal use within the City of Nortonville and immediate vicinity.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one well located in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 30, more particularly described as being near a point 2,974 feet North and 1,844 feet West of the Southeast corner of said section, in Township 7 South, Range 19 East, Jefferson 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 **99 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **26 million gallons** (79.79 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, 2023**, 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, 2042**, 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.

7. 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.

8. 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.

9. 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.

10. 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 Vested Right, JF-02; Water Right, File Nos. 24,203; 34,492; and Appropriation of Water, File No. 46,153, will provide a total not to exceed **31.738 million gallons** of water per calendar year for municipal purposes in the City of Nortonville, Kansas, and immediate vicinity.

19. That the applicant shall either maintain, in working condition, City of Nortonville Well #4 which is currently authorized by Water Right, File No. 24,203 and located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NE¼) of Section 31, more particularly described as being near a point 4,880 feet North and 50 feet West of the Southeast corner of said section in Township 7 South, Range 19 East, Jefferson County, Kansas; or install a fully-screened observation well, drilled to the same depth as City of Nortonville Well #4, to be located within 100 feet of City Well #4. The monitoring equipment described in Paragraph No. 20 shall be installed in City Well #4 or the alternate observation well described in this paragraph and shall keep a record of water levels at this location.

20. That the applicant shall install and maintain a pressure transducer, data logger, and telemetry equipment acceptable to the Chief Engineer in either City of Nortonville Well #4 or the alternate observation well described in Paragraph No. 19. The pressure transducer shall be capable of measuring the water level to a depth of at least 122 feet below land surface. This equipment should record the depth of water from a known point on an hourly basis and be delivered to the Office of the Chief Engineer by electronic mail, either monthly or every 30 days. Access to the telemetric data shall be made available to the Office of the Chief Engineer so that all data can be viewed, retrieved, and evaluated by the Chief Engineer as deemed necessary.

21. That the monitoring equipment described in Paragraph No. 20 shall be approved by the Chief Engineer before installation; and must be installed and operating at least 30 days prior to the operation of the well described in Paragraph No. 3 of this permit, so that data can be used to determine baseline conditions of the aquifer water levels.

22. That the well authorized in Paragraph No. 3 may not be operated at such times when the depth to water in City of Nortonville Well #4 or the alternate observation well described in Paragraph No. 19 exceeds 121 feet below land surface. An alarm shall be established so the Office of the Chief Engineer is notified by electronic mail when the depth to water exceeds 121 feet below land surface.

23. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the wells described in Paragraph Nos. 3 and 19, if applicable.

Ordered this 3<sup>rd</sup> day of November, 2021, in Manhattan, Riley County, Kansas.



*Earl D. Lewis Jr.*  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
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 November, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Melinda Jennings*  
Notary Public

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
Earl D. Lewis Jr., Chief Engineer

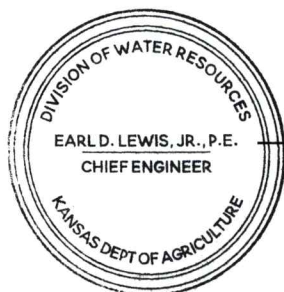
WAIVER OF REGULATION  
K.A.R. 5-4-4(c)(2)(C) Well Spacing

Date: November 3, 2021.

Re: Applications, File No. 50,316

1. That the proposed point of diversion under the above referenced application fails to meet the minimum well spacing criteria of 660 feet to three existing domestic wells as required by K.A.R. 5-4-4(c)(2)(C). The proposed well is located approximately 390, 600, and 660 feet from domestic wells owned by Dorothy L Flory, Terrence and Nancy Henson, Joseph & Judy Keirns, respectively.
2. That the owners of the domestic wells submitted signed letters stating that they were in support of the construction of the new well and were not concerned about the potential for impairment from the proposed well.
3. That the requested rate of diversion is low (99 gallons per minute) which should help limit any possible impact of the well in any nearby domestic wells.
4. That this permit will be approved with special conditions requiring water levels to be monitored at, or near, City Well No. 4 and the authorized well cannot be operated if the water level drops below a defined value.
5. That a waiver of K.A.R. 5-4-4(c)(2)(C) will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:



A handwritten signature in blue ink, appearing to read "Earl D. Lewis Jr.", written over a horizontal line.

Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

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

CITY OF NORTONVILLE  
PO BOX 177  
NORTONVILLE, KS 66060-0177

November 4, 2021

RE: Appropriation of Water, File No. 50,316 & 50,317

Dear Ladies and Gentlemen:

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 the permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits.

As you have agreed, approval of your application requires you to monitor water levels in City Well #4 or a nearby observation well. Equipment must be installed at City Well #4 or an observation well to provide for continuous monitoring. DWR Technical Services staff may initially install monitoring equipment to collect background data prior to the operation of the authorized wells. Following this period, you will be responsible for installing and maintaining the equipment at your cost. These monitoring requirements are part of your permit conditions, and these permit conditions must be in place for you to operate legally.

Notice must be filed on the enclosed form once the diversion works have been completed. 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 the permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter 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. 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 permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. To avoid this filing fee, you may submit your report online at [www.kswateruserreport.org](http://www.kswateruserreport.org).

The approval of your applications constitute a permit 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](http://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 Applications and Changes Supervisor  
Division of Water Resources

KAB:lh  
Enclosure(s)

pc: Topeka Field Office  
Doug Helmke - KRWA  
Louis Funk - Bartlett & West

**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 4 day of November, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,316, dated 3 November, 2021, was mailed postage prepaid, first class, US mail to the following:

CITY OF NORTONVILLE  
PO BOX 177  
NORTONVILLE, KS 66060-0177

With photocopies to:

Bartlett & West, Attn: Louis Funk  
Kansas Rural Water Association, Attn: Doug Helmke  
Topeka Field Office

  
\_\_\_\_\_  
Division of Water Resources