

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 43,487	2. Status Change Date: 5/18/2023	3. Change Num: C1	4. Field Office: 01	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: January 17, 2022
8a. Applicant(s) New to system <input type="checkbox"/> LEAVENWORTH RWD 09 BOX 295 TONGANOXIE, KS 66086		Person ID 15276 _____ Add Seq# _____	8e. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# 1 _____	
8b. Landowner(s) New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# 1 _____	8f. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# 1 _____	
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# 1 _____	8g. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8d. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# 1 _____	8h. WUC New to system <input type="checkbox"/> 8a Person ID _____ Add Seq# 1 _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2024</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/24</u> <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 1/26/23 By: BMM Date Entered: _____ By: _____				
5/22/2023 LMoody				

File No. 43,487 11. County: LV Basin: Stranger Creek Stream: Formation Code: 632 Special Use:

12. Points of Diversion **BATTERY #2352** Rate and Quantity
 CHK MOD Authorized Additional
 DEL PDIV Comment (AKA Line) Rate Quantity Rate Quantity
 ENT Qualifier S T R ID 'N 'W gpm af gpm af Overlap PD Files

DEL 39614 **20.12 MGY**

ENT ~~89080~~ SE NE SE 3 11S 21E 7 1540' 200' GEO CENTER 54 ~~6.749~~ 54 6.749 50659

ENT 90353 SE NE SE 3 11S 21E 1840' 150' Batt 1 of 2

ENT 90354 NE SE SE 3 11S 21E 1240' 250' Batt 1 of 2

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

14. Limitation: **42.749 MGY** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **19460**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s)

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				

CHK 30512 3 / 11S / 21E 1 **Municipal Use within the boundaries of RWD 9 Leavenworth Co.** **8B** **No** ~~30,677~~

																						SEE BELOW			

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: To be processed with Approval of Application and Permit to Proceed File No. 50659 and Dismissal of Application File No. 50660. (Sign same day.)
 PU overlap with File Nos. 19460, 43,487, 43488, 43489 and 50659.

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

TO: Files **DATE:** April 12, 2023
FROM: Brandon Milner **RE:** Water Right
File No. 43,487

Rural Water District No. 9, Leavenworth County, has filed an application for approval to change the authorized point of diversion under Water Right, File No. 43,487 authorized groundwater in the Stranger Creek Basin. The referenced change application was filed along with new Application, File No. 50,659.

Water Right No. 43,487 is currently authorized as one well located in the Southeast Quarter of Section 3, Township 11 South, Range 21 East. However, new application no. 50,659 was filed to add an additional two wells to Leavenworth RWD No. 9 as production from the well authorized by 43,487 has diminished over time. This change application was filed to move the point of diversion to overlap with a new battery of two wells under application no. 50,659.

The total limited quantity under File Nos. 19,460, 43,487, 43488, 43489 and 50,659 is 55.617 million gallons per year. There will be no additional volume with new application 50,659.

Nearby well owners were notified of the referenced change application on February 14, 2023 with multiple responses but only three responses were in writing. Both concerns described the low water pressure in the area along with the overall effect of the aquifer so that there was no decline in the future.

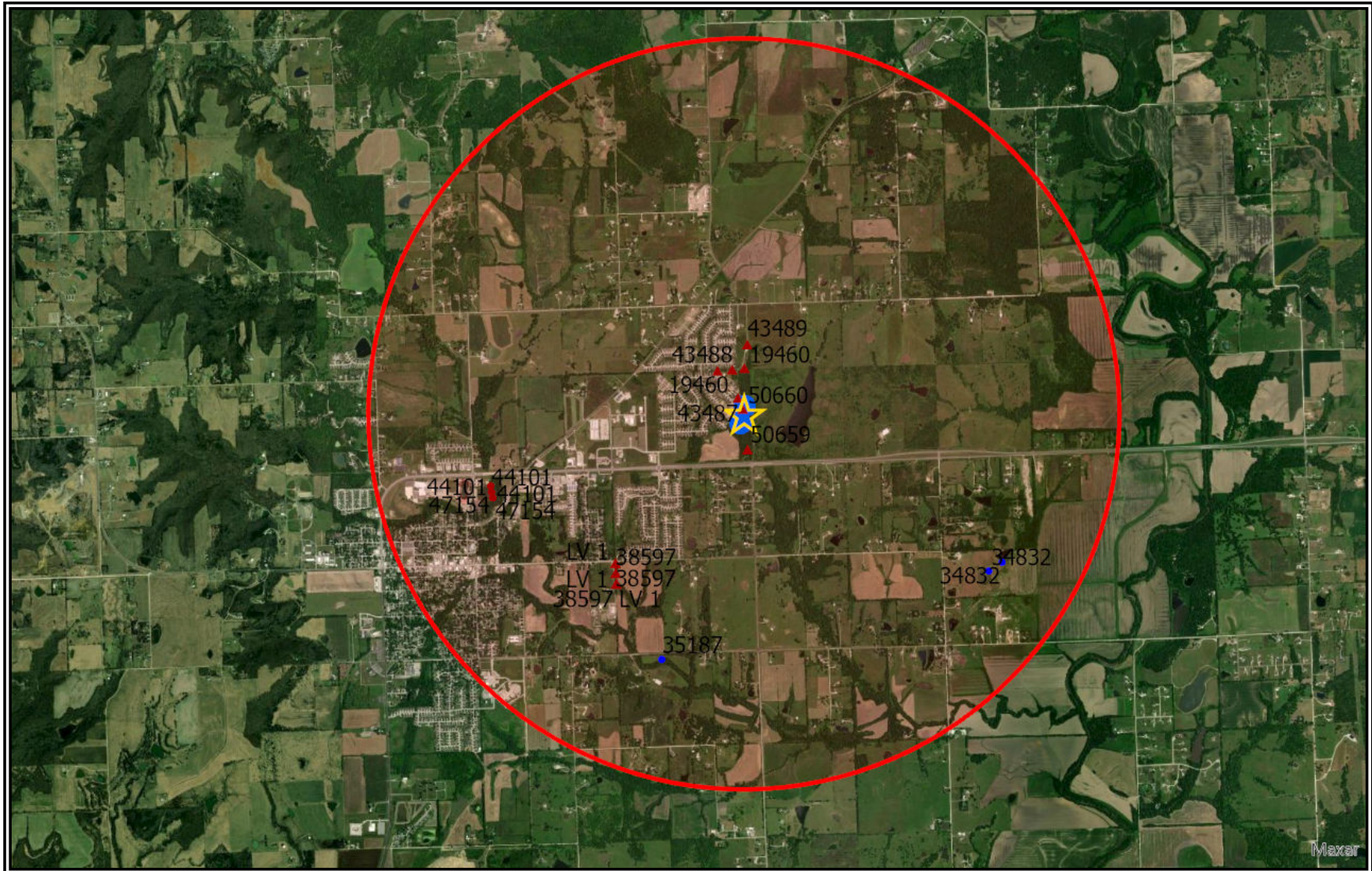
In e-mail dated April 13, 2021, Brett Bungler of the Topeka Field Office, indicated no objections to approval of the referenced change application.

A water flow meter is required. A check valve is required if chemigating.

Based on the above discussion that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.

Brandon Milner
Environmental Scientist

Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 03-11S-21E
Footages from SE corner- 1,400 feet North 165 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 3,954.22 AF

Total prior appropriations in the circle is 800.96 AF. 153.44-153.44=494.08 AF

Total quantity of water available for appropriation is 3,153.26 AF **3,460.14 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 5.9 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 11-APR-2023 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 10 water rights and 13 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 19460 00	MUN	NK	G		SE	SE	NE	2740	150	03	11	21E	3	WR	110.48	110.48		
Same	MUN	NK	G		SE	SE	NE	2680	460	03	11	21E	4	WR				
A 38597 00	MUN	NK	G		NW	NE	SW	2305	3945	10	11	21E	1	WR	166.63	166.63		
Same	MUN	NK	G		NW	NE	SW	2600	3945	10	11	21E	3	WR				
Same	MUN	NK	G		NW	NE	SW	2005	3945	10	11	21E	2	WR				
V LV 1 00	MUN	AA	G		NW	NE	SW	2305	3945	10	11	21E	1	WR	154.00	154.00		
Same	MUN	AA	G		NW	NE	SW	2600	3945	10	11	21E	3	WR				
Same	MUN	AA	G		NW	NE	SW	2005	3945	10	11	21E	2	WR				
A 43487 00	MUN	NK	G		SE	NE	SE	1856	319	03	11	21E	5	WR	61.75	20.71		
A 43488 00	MUN	NK	G		SW	SE	NE	2652	873	03	11	21E	2	WR	31.77	25.37		
A 43489 00	MUN	NK	G		NE	SE	NE	3359	2	03	11	21E	6	WR	28.36	14.58		
A 44101 00	IRR	NK	G		NW	NW	NE	4708	2093	09	11	21E	1	WR	2.00	2.00	5.50	5.50
Same	IRR	NK	G		SW	NW	NE	4544	2070	09	11	21E	2	WR				
Same	IRR	NK	G		NW	NW	NE	4872	2115	09	11	21E	3	WR				
A 47154 00	IRR	NK	G		NW	NW	NE	4708	2093	09	11	21E	1	WR	2.30	0.30	5.50	0.00
Same	IRR	NK	G		SW	NW	NE	4544	2070	09	11	21E	2	WR				
Same	IRR	NK	G		NW	NW	NE	4872	2115	09	11	21E	3	WR				
A 50659 00	MUN	AY	G		SE	SE	SE	380	100	03	11	21E	7	WR	153.44	153.44		
A 50660 00	MUN	AY	G		SE	NE	SE	1540	200	03	11	21E	8	WR	153.44	153.44		

Limitations

File Number	Seq Num	Limitations
A 38597 00	1	550GPM COM/W #LV 001
A 43487 00	1	42.749 MGY COM/W #19460

File Number	Seq Num	Limitations
A 43488 00	1	51.016 MGY COM/W #19460 & #43487
A 43489 00	1	55.767 MGY COM/W #19460, #43487 & #43488
A 47154 00	1	2.3 AF/YR @ 11 GPM COM/W #44101

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
FOR
CHANGE IN POINT OF DIVERSION
WATER RIGHT
FILE NO. 43,487**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Rural Water District No. 9, Leavenworth County, Post Office Box 295, Tonganoxie, Kansas, 66086, received in this office on January 17, 2023, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the authorized point of diversion shall be described as:

a battery of two (2) wells, with a geographical center located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 3, more particularly described as being near a point 1,540 feet North and 200 feet West of the Southeast corner of said section, in Township 11 South, Range 21 East, Leavenworth County, Kansas, located substantially as shown on the topographic map accompanying the application.

All diversion works 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.

Both wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to File No. 43,487, for permit to appropriate for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 31, 2019.

It is so ordered this 18 day of May, 2023, in Manhattan, Riley 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 15 day of May, 2023, by Lane P. Letourneau, P.G. Water Appropriation Program Manager, 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

May 24, 2023

CRAIG LOHMAN
LEAVENWORTH RWD 9
PO BOX 295
TONGANOXIE KS 66086

RE: Appropriation of Water
File No. 50,659

Dismissal of Application
File No. 50,660

Water Right Change Approval
File No. 43,487

Dear Mr. Lohman:

Enclosed is a permit authorizing Leavenworth RWD 9 to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. The new application has been processed in conjunction with your application to change the authorized point of diversion, under Water Right File No. 43,487, the approval of which is also enclosed. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the approved permit and the change approval order. Also enclosed are the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 50,660, as requested in the District's form letter dated October 31, 2022.

For the approved permit and change approval, a 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 this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. 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 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. In order to avoid this filing fee, you may submit your report online at www.kswateruserreport.org.

The approval of your new application constitutes 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.

LEAVENWORTH RWD 9
File Nos. 50,659 50,660 and 43,487
Page 2 of 2

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/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 and Change Applications Unit Supervisor
Division of Water Resources

KAB:bmm

Enclosure(s)

pc: Topeka Field Office
Bartlett & West (Louis P. Funk, P.E.)

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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 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 review 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 24 day of May, 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File No. 43,487, dated May 18, 2023, was mailed postage prepaid, first class, US mail to the following:

LEAVENWORTH RWD 9
BOX 295
TONGANOXIE KS 66086

With a photocopy to:

BARTLETT & WEST
1200 SW EXECUTIVE DR
TOPEKA KS 66615

KDA-DWR Topeka Field Office



Division of Water Resources Staff