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May 8, 2009

Wesley Howe
City of Saint George
P.O. Box 33
Saint George, Kansas 66535-0033

RE: Water Rights

Dear Wesley:

Thank you for allowing me the opportunity to assist you and the City of Saint George. I enjoyed the drive to the wells yesterday and the discussion about the City's pending decisions.

Previous letters from Kansas Rural Water Association staff in March and April of this year mentioned that the fate of Well No. 3 was being considered. While in theory there is some value to holding water rights which have senior priority in relation to other water rights, Well No. 3's permit (File No. 38,090) has a priority date of January 28, 1986. Primarily because of its location, the source of water for Well No. 3 appears to be different than the wells in the floodplain of the Kansas River and therefore would not be considered to be in the same aquifer. It is doubtful to me that any water right administration that would occur in the future along the Kansas River would affect Well Nos. 3, 5 or 6. The only other issue to consider would then be the relative priority of Well Nos. 5 & 6. The records from the Division of Water Resources (DWR) show other non-domestic wells in the area but all are over 1 mile away. Those to the west are also likely in a separate aquifer. Those to the north are junior (newer) in priority. So, from a water rights perspective, the decision to abandon Well No. 3 and dismiss File No. 38,090 is inconsequential, especially after approval of the pending applications. (See next paragraph.) Please let me know if I can assist the City with the proper form to dismiss the water right permit if the City decides to plug Well No. 3.

The other information I want to share is that the Division of Water Resources has assisted the City in filing new applications to raise the total authorized quantity on Well Nos. 5 & 6. The person responsible for reviewing the applications at DWR told me that a form that justifies the quantity of water requested under File Nos. 47,215 & 47,218 is missing. Expect a letter from DWR in the near future asking for this form now that they have been reminded of the present shortcomings of the applications. I will meet with you soon to review this form after I have completed it. After the form is received, the applications will likely be approved.

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Thank you again for meeting with me. If you have any questions, you can reach me at my home office by telephone at 785/379-0385, by e-mail at dhelmke@krwa.net or by writing to 6847 SE 29th Street, Tecumseh, Kansas 66542-9571.

Sincerely,

Douglas S. Helmke, L.G.
Water Rights / Source Water Specialist
Kansas Rural Water Association

DSH

c: KRWA
Hans Tessmann, Mayor