

BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, KANSAS

WEDNESDAY, OCTOBER 9, 2013

4:00 p.m.

-Proclamation declaring October 13-19, 2013 as "LiveWell Week." - Chris Tilden

-Consider approval of the minutes for September 4, 2013

CONSENT AGENDA

- (1) (a) Consider approval of Commission Orders;
- (b) Consider acceptance of dedication and vacation of rights-of-way and easements associated with **MS-13-00367**, Prospect Farm, a Minor Subdivision Replat of part of Lots 1-12, Block 39, Lots 1-3, 7-12, Block 40, and Lots 11-12, Block 41, Clinton City, Douglas County, Kansas. Submitted by Bartlett and West. for Janet S Mills, Executor for the Estate Of Jesse Herman Hess, deceased, property owner of record. (Mary Miller);
- (c) Authorize the County Administrator to execute a license agreement with the City of Lawrence to install a pole-mounted siren within the East Hills Drive right-of-way for the purposes of providing emergency services and protecting the health, safety, and welfare of residents of the County.(Scott McCullough);
- (d) Consider acquisition of easement for Project 2013-9, Drainage Structure No. 8.32N-8.00E (Michael Kelly)

REGULAR AGENDA

- (2) **CUP-13-00281**: Conditional Use Permit for a water treatment plant to produce water for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd. Submitted by Public Wholesale Water Supply District No. 25, property owner of record. (PC Item 3; approved 10-0 on 9/23/13) Mary Miller will present the item.
- (3) (a) Consider approval of Accounts Payable (if necessary)
- (b) Appointments
- (c) Public Comment
- (d) Miscellaneous
- (4) Adjourn

RECESS

RECONVENE

6:35 p.m.

Consideration of Agritourism Assembly at KC Pumpkin Patch in Douglas County, 157 E 2300 Rd, Wellsville, KS as deferred from the September 11, 2013 meeting. (Linda Finger)

WEDNESDAY, OCTOBER 16, 2013

WEDNESDAY, OCTOBER 23, 2013

WEDNESDAY, OCTOBER 30, 2013

WEDNESDAY, NOVEMBER 6, 2013

-Discussion of various planning related items (Linda Finger)

Note: The Douglas County Commission meets regularly on Wednesdays at 4:00 P.M. for administrative items and 6:35 P.M. for public items at the Douglas County Courthouse. Specific regular meeting dates that are not listed above have not been cancelled unless specifically noted on this schedule.



Office of the County Commission
PROCLAMATION
For "Stamp Out Hunger Food Drive Day"
in Douglas County

- WHEREAS:** Every year on the second Saturday in May, letter carriers across the country collect non-perishable food as part of the nation's largest one-day food drive, distributing the donations to local food banks; and
- WHEREAS:** The Stamp Out Hunger Food Drive is just one example of how letter carriers work to make a difference in the lives of those they serve. Since the pilot drive was held in 1991, more than a billion pounds of food have been collected; and
- WHEREAS:** We would like to recognize all letter carriers for their hard work and their commitment to their communities. All of the food collected in Douglas County stays in Douglas County and we support carriers' efforts to help those in need in our community.
- WHEREAS:** The National Association of Letter Carriers Branch #104 in Lawrence has collected more than 300,000 pounds of non perishable food since 1991.

NOW, THEREFORE, the County Commission of the County of Douglas County, Kansas, do hereby proclaim Saturday, May 11, 2013 as

"STAMP OUT HUNGER FOOD DRIVE DAY"

in the County of Douglas County, Kansas, and encourage the citizens of our community to support the food drive by placing non-perishable food items in or near your mailbox on food drive day. Your letter carrier will pick it up while delivering the mail—and together, we can all help to feed Douglas County's hungry

ADOPTED this 8th day of May, 2013.

BOARD OF COUNTY COMMISSIONERS
OF DOUGLAS COUNTY, KANSAS

Mike Gaughan, Chairman

Nancy Thellman, Vice-Chair

Jim Flory, Member

September 4, 2013

Gaughan called the regular meeting to order at 4:00 p.m. on Wednesday, September 4, 2013, with all members present.

PROCLAMATIONS 09-04-13

Karen Wycoff, Altrusa International, Inc., presented a proclamation to the Board requesting the Board declare September 8, 2013 as "International Literacy Day." Gaughan moved to approve the proclamation. Motion was seconded by Thellman and carried 3-0.

Jillian Rodriguez, Emergency Communications, discussed upcoming Emergency Preparedness events in Douglas County and asked the Board to proclaim the month of September 2013 as "National Preparedness Month." Gaughan moved to approved the proclamation. Motion was seconded by Thellman and carried 3-0.

MINUTES 09-04-13

Gaughan moved to approve the minutes for August 7 and August 21, 2013. Motion was seconded by Thellman and carried 3-0.

ADMINISTRATIVE SERVICES 09-04-13

The Board considered an amendment to the Professional Services Agreement with clark-hueseman for Architectural Services for the Public Works Facility. Sarah Plinsky, Assistant County Administrator, presented the item.

Plinsky stated when the Phase I design work was approved, co-locating of the Public Works and Zoning and Codes operations were discussed but with no true programming for space placement. With a better understanding of the project, we have a better understanding of the completion costs. Initially, the estimate for the second phase of design work was \$309,542. After approval of the schematic design in July, staff and the design team have developed the proposal for Phase II fees at \$554,474, for a total design cost of \$773,500. This is not an increase from the approved amount in the 13.9 million 2013 budget.

Gaughan opened the item for public comment. No comment was received.

Gaughan moved to approve the amendment for professional services agreement for architectural services for the new Public Works Facility in the revised amount of \$773,500. Motion was seconded by Thellman and carried 3-0.

ACCOUNTS PAYABLE 09-04-13

Gaughan moved to approve accounts payable in the amounts of \$333,229.73 to be paid on 09/05/13; and a wire transfer in the amount of \$348,420.25 paid on 08/30/13. Motion was seconded by Thellman and carried 3-0.

Flory moved to adjourn the meeting; Flory seconded and the motion carried 3-0.

Mike Gaughan, Chair

Nancy Thellman, Vice-Chair

ATTEST:

Jamie Shew, County Clerk

Jim Flory, Member

Memorandum

City of Lawrence – Douglas County Planning & Development Services

TO: Board of County Commissioners

CC: Craig Weinaug, County Administrator

FROM: Mary Miller, City/County Planner

Date: For October 9, 2013 meeting

RE: Dedication and vacation of rights-of-way and easements associated with MS-13-00367, Prospect Farm, a Minor Subdivision Replat of part of Lots 1-12, Block 39, Lots 1-3, 7-12, Block 40, and Lots 11-12, Block 41, Clinton City, Douglas County, Kansas.

ATTACHMENTS:

- A Administrative Determination Report
- B Prospect Farm Minor Subdivision

A Minor Subdivision for Prospect Farm, a one lot subdivision of approximately 46 acres has been administratively approved by the Planning Director. Per Section 11-108(c)(2) of the Subdivision Regulations, the dedication and vacation of easements and rights-of-way requires placement of the Minor Subdivision on the Governing Body's agenda for approval of the subject vacation or acceptance of additional dedications after mailed notice to surrounding property owners.

This Minor Subdivision is combining several lots and portions of lots that have been combined into one parcel for tax purposes for a number of years. The attached Minor Subdivision and Administrative Determination Report provide background information on the Minor Subdivision. As Minor Subdivisions are processed administratively, this information is being provided for context only.

DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY

A 10 ft wide utility easement is being added along the western portion of the property's frontage on N 1190 Road as requested by Rural Water District No. 5. An additional 10 ft of right-of-way is also being dedicated in this location to meet the Design Standards in the Subdivision Regulations for a Major Collector Road (80 ft of right-of-way is required and 60 ft is currently provided in this location). The bounding road to the east, E 596 Road is classified as a Local Road and has 60 ft of right-of-way; 70 ft is required. The subject property is responsible for one-half of the right-of-way so 5 ft of additional right-of-way is being dedicated with this plat. The bounding road to the south, N 1180 Road, has adequate right-of-way.

VACATION OF EASEMENTS AND RIGHTS-OF-WAY

Rights-of-way for streets and alleys with adjacent easements were dedicated with the original townsite plat for Clinton. The rights-of-way within the Clinton Townsite plat were vacated in 1988 with Resolution 88-12 but the easements were retained. As this plat will combine several lots into one to match the existing parcel boundary, the interior easements are not required. Staff contacted Kaw Valley Electric, Rural Water District No 5, and AT&T to see if any of the interior easements were necessary. There were no objections to vacating the easements.

The minor subdivision shows the vacation of one street right-of-way, 'J Street'. The County Surveyor noted that this should have been vacated with Resolution 88-12 and indicated he had no concerns with it being vacated on this plat.

ACTION REQUESTED:

Accept the vacation of easements and rights-of-way and the dedication of additional easements and right-of-way as shown on the Prospect Farm Minor Subdivision, MS-13-00367.



Figure 1. Subject property.



ADMINISTRATIVE DETERMINATION MINOR SUBDIVISION

October 2, 2013

MS-13-00367: Prospect Farm, a Minor Subdivision Replat of part of Lots 1-12, Block 39, Lots 1-3, 7-12, Block 40, and Lots 11-12, Block 41, Clinton City, Douglas County, Kansas. Submitted by Tom Gleason for Janet S Mills, Executor for the Estate Of Jesse Herman Hess, deceased, property owner of record.

ADMINISTRATIVE DETERMINATION: The Planning Director approves the Minor Subdivision for Prospect Farm.

KEY POINTS

- Per Section 20-808(c)(5) of the Subdivision Regulations, only one lot combination or division may be approved through the Minor Subdivision process. Several lots and portions of lots are being combined with this Minor Subdivision; therefore, any future lot divisions will require processing as a Major Subdivision.
- Right-of-way is being dedicated and easements are being vacated with this plat; therefore, it will be placed on the Board of County Commissioners agenda for acceptance of dedications.
- Property was platted as part of the original Townsite plat of Clinton. A previously platted street, easements and alleys which will be interior to the new lot are being vacated with this Minor Subdivision.

SUBDIVISION CITATIONS TO CONSIDER

- This application is being reviewed under the Subdivision Regulations for Lawrence and Unincorporated Douglas County.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Variance from existing building encroachment into required setbacks from the BZA. The variance is scheduled for consideration by the BZA on October 21, 2013.
- Acceptance of dedication of easements and rights-of-way and vacation of easements by the Board of County Commissioners.
- Submittal of one paper copy of the revised Minor Subdivision and one mylar copy signed by the County Surveyor, the surveyor, the property owner, notarized, and recording fees.
- Certification that all taxes that are due and payable have been paid prior to the recording of the plat.

GENERAL INFORMATION

Current Zoning and Land Use: A (Agricultural) District; Single Family Residence and accessory structures.

Surrounding Zoning and Land Use: A (Agricultural) District in all directions; Agricultural uses to the west and south, residences which are a part of the unincorporated town of Clinton to the north and east.

B-3 (Limited Business) District; to the northeast; Clinton Convenience Store with Gas Sales, two undeveloped lots and a residence; all a part of the unincorporated town of Clinton.

(Figure 1)

SITE SUMMARY

Area 169,280.21 sq ft (3.89 Acres)
 Number of Existing Lots: 23 lots and partial lots
 Number of Proposed Lots: 1



Figure 1a. Zoning of area

Figure 1b. Land use in area

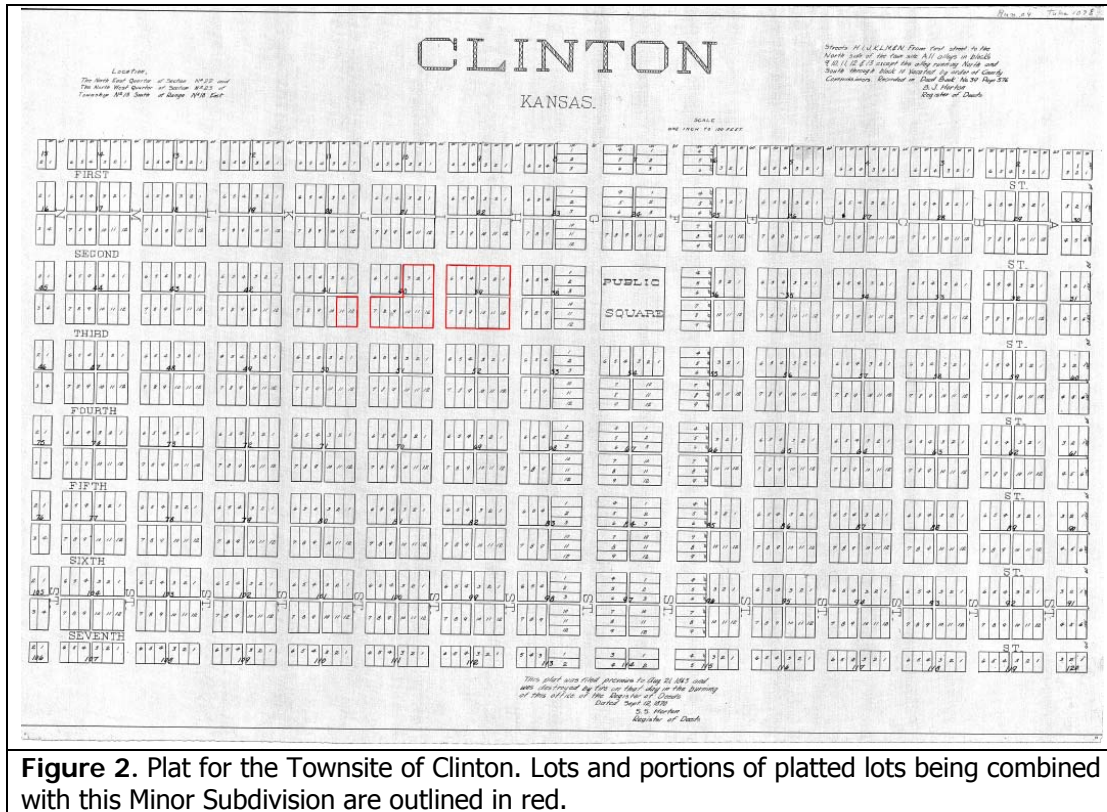
STAFF REVIEW

The property included within this subdivision consists of 23 lots and portions of lots that were platted prior to 1863 as the original Townsite of Clinton. (Figure 2) These lots have been combined into one parcel for tax purposes and are addressed as 1187 E 596 Road. As the Minor Subdivision is combining several lots into one lot, any future division of the lot will require processing as a Major Subdivision. This is noted on the Minor Subdivision / Replat.

UTILITIES/EASEMENTS

No new utilities are being proposed. Staff contacted Kaw Valley Electric, AT&T, and Rural Water District No. 3 regarding the vacation of the easements shown on the plat. They have no concern with the easements being vacated; however, RWD No 3 noted they had a line along N 1190 Road. With the dedication of the additional 10 ft of right-of-way it is likely that the line is now within the right-of-way; however, the property owner is also dedicating 10 ft of easement along

the west side of the property. A utility easement is not being dedicated on the east side of the property due to the proximity of the existing house and porch.



RIGHT-OF-WAY

The property has road frontage on three sides. The north side has frontage on N 1190 Road, the south side has frontage on N 1180 Road, and the east side has frontage on E 596 Road. N 1190 Road is classified as a Major Collector on the Douglas County Major Thoroughfares Map and requires 80 ft of right-of-way. Variable right-of-way is provided for N 1190 Road with 80 ft on the east portion of the property and 60 ft of right-of-way on the west side of the property. One-half of the additional right-of-way required, 10 ft, along the west portion of the north property line that currently has 60 ft of right-of-way is being dedicated for N 1190 Road with this Minor Subdivision. The south side of the property has frontage on N 1180 Road, which is classified as a Local Road in the Major Thoroughfares Map. A Local Road requires 70 ft of right-of-way and 80 ft of right-of-way is provided. Adequate right-of-way is provided for N 1180 Road. E 596 Road is also classified as a Local Road and has 60 ft of right-of-way; 70 ft is required. One-half of the additional required right-of-way, 5 ft, is being dedicated for E 196 Road with this Minor Subdivision.

The right-of-way for 'J' Street is being vacated with this Minor Subdivision. The County Surveyor indicated that most rights-of-way were vacated in 1988 with Resolution No 88-12 but that if the

applicant felt the right-of-way for J Street had not been vacated it could be vacated with this Minor Subdivision.

ACCESS

As noted earlier, the lot has frontage on N 1190, N 1180 and E 596 Roads. Access for the existing residence is from E 596th Road and this access will remain in this location.

EXISTING STRUCTURES

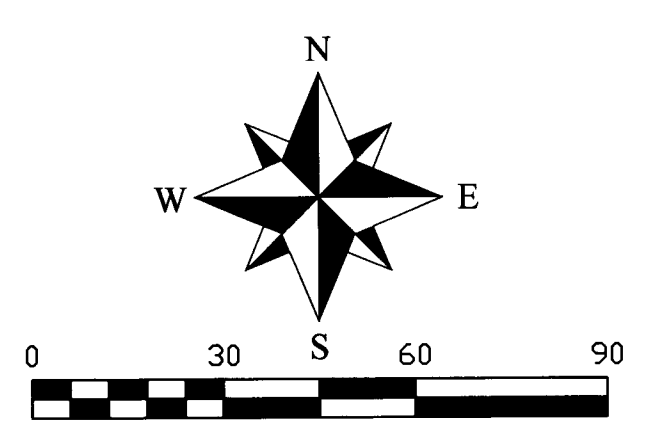
The existing structures are located within the required side yard setback along N 1190 Road and the required front yard setback along E 596 Road. Variances have been requested from these setbacks.

Existing accessory structures, a garage and shed, encroach into the E 596 right-of-way. The County Public Works Director indicated that these structures may remain until right-of-way, as determined by the County Engineer, is needed for road maintenance or improvements, and if not previously removed the accessory structures shall then be removed from the right-of-way by the landowner at the landowner's expense. This is noted on the plat.

Conclusion: The Minor Subdivision conforms to the approval criteria in Section 20-808(d) of the Subdivision Regulations.

Minor Subdivision PROSPECT FARM

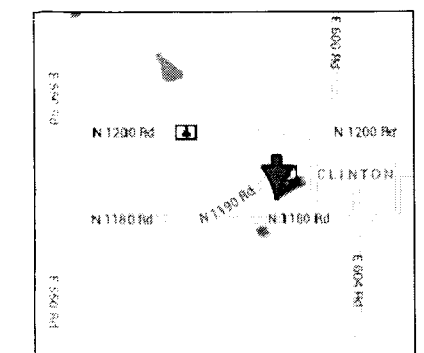
A Replat of that part of
Lots 1-12, Block 39, Lots 1-3, 7-12, Block 40
& Lots 11-12, Block 41
Clinton, Douglas County, Kansas



Basis of Bearings
Bearings shown hereon are based upon the Kansas State Plane Coordinate System, 1983, (Kansas North Zone)

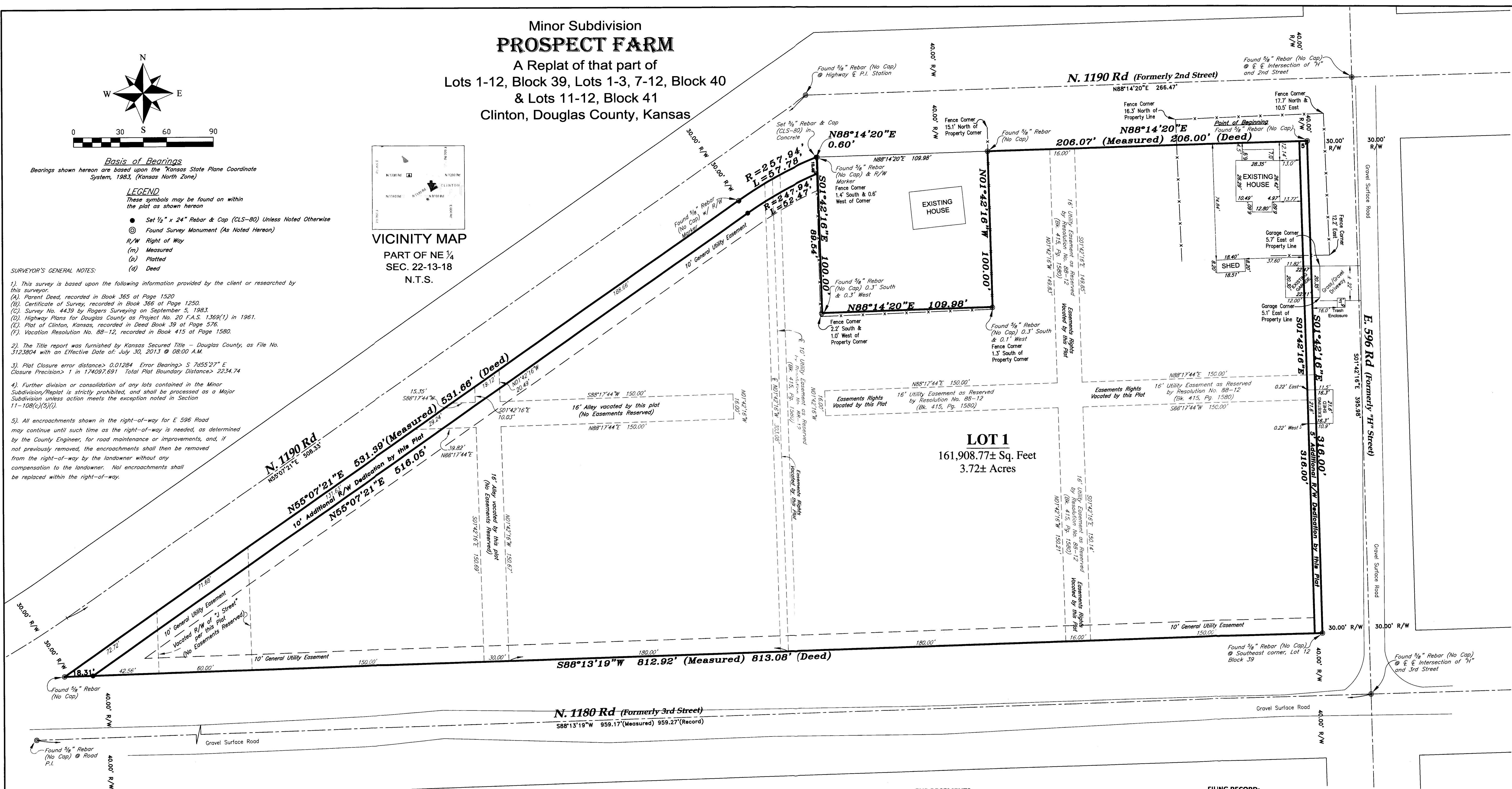
LEGEND
These symbols may be found on within the plat as shown hereon

- Set 1/2" x 24" Rebar & Cap (CLS-80) Unless Noted Otherwise
- ⊙ Found Survey Monument (As Noted Hereon)
- R/W Right of Way
- (m) Measured
- (p) Platted
- (d) Deed



VICINITY MAP
PART OF NE 1/4
SEC. 22-13-18
N.T.S.

- SURVEYOR'S GENERAL NOTES:**
- This survey is based upon the following information provided by the client or researched by this surveyor:
 - Parent Deed, recorded in Book 365 at Page 1530
 - Certificate of Survey, recorded in Book 368 at Page 1250
 - Survey No. 4439 by Rogers Surveying on September 5, 1983
 - Highway Plans for Douglas County as Project No. 20 F.A.S. 1369(1) in 1961
 - Plat of Clinton, Kansas, recorded in Deed Book 39 at Page 576
 - Vacation Resolution No. 88-12, recorded in Book 415 at Page 1580
 - The Title report was furnished by Kansas Secured Title - Douglas County, as File No. 3123804 with an Effective Date of July 30, 2013 @ 08:00 A.M.
 - Plot Closure error distance > 0.01284 Error Bearing > S 7d55'27" E Closure Precision > 1 in 174097.691 Total Plot Boundary Distance > 2234.74
 - Further division or consolidation of any lots contained in the Minor Subdivision/Replat is strictly prohibited, and shall be processed as a Major Subdivision unless action meets the exception noted in Section 11-108(c)(2)(i).
 - All encroachments shown in the right-of-way for E 596 Road may continue until such time as the right-of-way is needed, as determined by the County Engineer, for road maintenance or improvements, and, if not previously removed, the encroachments shall then be removed from the right-of-way by the landowner without any compensation to the landowner. No encroachments shall be replaced within the right-of-way.



PLAT BOUNDARY DESCRIPTION
That part of Lots 1-12, Block 39, that part of Lots 1-3, 7-12, Block 40 and that part of Lots 11-12, Block 41, CLINTON KANSAS, according to the recorded plat thereof being more particularly described as follows:
Beginning at the intersection of the South right of way line of N. 1190 Road (Formerly 2nd Street) and the West right of way of E. 596 Road (Formerly "H" Street, as platted); thence South 01°42'16" East (Bearings written hereon are based upon the Kansas State Plane Coordinate System, 1983, Kansas North Zone) along the West right of way line of E. 596 Road, a distance of 316.00 feet to the intersection of said West right of way line and the North right of way line of N. 1180 Road (formerly 3rd Street); thence South 88°13'19" West along said North right of way line, a distance of 812.92 feet (measured) 813.08 feet (deed) to a point on the Southerly right of way line of said N. 1190 Road; thence North 55°07'21" East along said Southerly right of way line, a distance of 531.39 feet (measured) 531.66 feet (deed) to the beginning of a curve to the right and tangent to the last described course; thence along said curve and said Southerly right of way line, having a radius of 257.94 feet for an arc length of 57.78 feet; thence North 88°14'20" East along said Southerly right of way line, a distance of 0.60 feet; thence South 01°42'16" East, a distance of 100.00 feet; thence North 88°14'20" East, parallel with said North right of way line, a distance of 109.98 feet; thence North 01°42'16" West, a distance of 100.00 feet to a point on said North right of way line; thence North 88°14'20" East along said North right of way line, a distance of 206.07 feet (measured) 206.00 feet (deed) to the Point of Beginning. The above described tract of land contains 3.89 acres more or less, and is subject to all easements, restrictions, reservations, covenants, conditions and right of ways.

CERTIFICATION
I hereby certify on this _____ day of _____, 2013 this survey was made by me or under my direct supervision and that said survey meets or exceeds the current Kansas Minimum Standards for Boundary Surveys pursuant to K.S.A. 74-2037.

Kirk R. Baldwin, Ks Ls 1365
Cook, Platt & Strobel, Corp LS 80

DEDICATION:
Be it known to all men that I (we), the undersigned proprietor(s) of the above described tract of land, have had cause for the same to be surveyed and platted under the name of
"PROSPECT FARM"

All streets, roads, etc shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

Easements as shown hereon are hereby dedicated to Douglas County, Kansas or their authorized public utility companies to enter upon construct and maintain utilities upon, over, under those areas outlined on this plat as "General Utility Easements" or "U/E"

Easements shown hereon as being vacated by this plat are hereby so vacated pursuant to K.S.A. 58-2613.

OWNER: Janet I. Mills, Executor of the Estate of Jesse Herman Hess, deceased
Date: _____

Janet I. Mills - Executor

ACKNOWLEDGEMENT:
State of _____
County of _____

Be it remembered that on this _____ day of _____, 2013, before me, the undersigned, a Notary Public, in and for said County and State, came Janet I. Mills, as Executor of the Estate of Jesse Herman Hess, deceased, of the hereon described property, who is/are personally known to be the person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my official seal on the day and year last above written

My Commission Expires: _____
Notary Public

ENDORSEMENTS:
Approved by the Board of County Commissioners of Douglas County, Kansas on this _____ day of _____, 2013.

Attest:
Mike Gaughan, Chairman of County Commissioners
Jamie Shew, Douglas County Clerk

Dedication and vacation of easements and rights-of-way accepted by the Board of County Commissioners on this _____ day of _____, 2013

Attest:
Mike Gaughan, Chairman of County Commissioners
Jamie Shew, Douglas County Clerk

ENDORSEMENTS:
Approved as a Minor Subdivision under the Subdivision Regulations of the City of Lawrence and the Unincorporated Area of Douglas County

Planning Director
Date: _____

FILING RECORD:
STATE OF KANSAS
COUNTY OF DOUGLAS

This is to certify that this instrument was filed for record in the Office of the Douglas County Register of Deeds on this _____ day of _____, 2013 and is duly recorded at _____; Plat Book _____, Page _____

Date: _____
Douglas County Register of Deeds

REVIEWED FOR COMPLIANCE WITH K.S.A. 58-2005
Date: _____
Michael D. Kelly, Ks Ls 869- Douglas County Surveyor

REVISIONS

DATE	DESCRIPTION

PROSPECT FARM
A Replat of that part of
Lots 1-12, Block 39, Lots 1-3, 7-12, Block 40
& Lots 11-12, Block 41
Clinton, Douglas County, Kansas

MINOR SUBDIVISION

SHEET	SECTION	TOWNSHIP	RANGE	COUNTY	JOB NO.	DATE OF PREPARATION
1 OF 1	22	13 NORTH	18 EAST	DOUGLAS, KS	13-5186	AUGUST 12, 2013

SCALE: 1"=30'

DRAWN BY: K. BALDWIN, KCLS

PROFESSIONAL SEAL

CFS ENGINEERS
cfs.com
9229 Ward Pkwy, Ste 110, KCMO 64114
o 816-333-4477 f 816-333-9888

Memorandum

City of Lawrence / Douglas County Planning and Development Services

TO: Craig Weinaug, County Administrator

FROM: Scott McCullough, Director

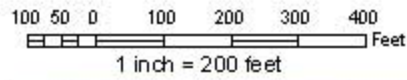
Date: September 25, 2013

RE: Emergency Siren License Agreement

Douglas County Emergency Management has identified the need to install a siren in the east portion of the city for the purposes of providing emergency services and protecting the health, safety, and welfare of residents of the County. The siren will be mounted on a pole within the East Hills Drive right-of-way. A license agreement between the city and county is necessary to establish certain parameters for locating in the right-of-way. That agreement is attached for the Commission's consideration.

Action Requested

Authorize the County Administrator to execute a license agreement with the City of Lawrence to install a pole-mounted siren within the East Hills Drive right-of-way for the purposes of providing emergency services and protecting the health, safety, and welfare of residents of the County.



DISCLAIMER: This map is provided as a reference only and does not constitute a warranty. The user assumes all responsibility for the use of this map. The user is advised that the user is not a professional and should consult a professional for any specific information. The user is advised that the user is not a professional and should consult a professional for any specific information. The user is advised that the user is not a professional and should consult a professional for any specific information.

Date: 9/23/2013



LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made this ____ day of _____, 2013, by and between the City of Lawrence, Kansas, a municipal corporation, and Douglas County, Kansas, a Kansas county.

RECITALS

- A. The City of Lawrence, Douglas County, Kansas ("City"), is the holder of that Right of Way on which East Hills Drive ("City's Right of Way") is located in the City of Lawrence, Douglas County, Kansas;
- B. Douglas County, Kansas ("County"), is a Kansas county and, among other things, provides certain emergency services for the health, safety, and welfare of its residents.
- C. To better provide emergency services to residents of Douglas County, Kansas, the County proposes to place a pole-mounted emergency siren in the City's Right of Way (a copy of the plans showing the proposed use of the City's Right of Way is affixed hereto as Exhibit A);
- D. The City has approved the County's proposed use of the City's Right of Way, including the proposed location of the pole-mounted emergency siren, contingent, among other things, upon the execution of this License Agreement and compliance with its terms.

AGREEMENT

NOW, THEREFORE, in light of the mutual promises and obligations contained herein, and in exchange for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

- 1. **Grant of License.** In exchange for the sum of one dollar and no cents (\$1.00) and for other good and valuable consideration, the City hereby grants to the County the non-exclusive license, right, privilege, and permission ("the License") to use, in common with others, that portion of the City's Right of Way on which the pole-mounted emergency siren will be located for the purposes of providing emergency services and protecting for the health, safety, and welfare of residents of the County.
- 2. **County's Covenants.** In exchange for this License, in addition to giving good and valuable consideration, the County hereby covenants and warrants as follows:

- (a) To maintain the pole-mounted emergency siren at the County's sole cost and expense.
 - (b) To move, at the County's sole cost and expense, the pole-mounted emergency siren, located in the licensed area, in the event that the City needs to install, repair, or maintain any utilities that may be located or are to be located in the City's Right of Way. The County may replace the pole-mounted emergency siren in its former location once said installations, repairs, or maintenance are completed, except as may otherwise be provided in paragraph 6 of this License Agreement.
 - (c) To refrain from causing any waste, damage, or injury to the City's Right of Way.
 - (d) The County shall not enlarge, intensify, or increase the proposed scope of its use or occupancy of the City's Right of Way as described in this License Agreement without the prior written consent of the City.
3. **The City Makes No Representations.** The County agrees that the City has made no representations to it with respect to the City's Right of Way or its condition, and that it is not relying on any representations of the City or its agents with respect to the City's Right of Way or its condition. This License Agreement grants the County the License to use the City's Right of Way in its present condition, "as is," without any warranties, representations, or assurances from the City.
4. **Accommodation.** The permission granted to the County under the License Agreement is given for good and valuable consideration. However, the permission granted is also given as an accommodation to the County and shall be made without requiring the payment of rent from the County. The County hereby acknowledges the City's right to the City's Right of Way and agrees never to assail, resist, or deny such right by virtue of the County's use or occupancy of the City's Right of Way under this License Agreement.
5. **Indemnification.** During the time that this License Agreement is in effect, the County agrees to indemnify, defend, save, and hold harmless the City, its officers, commissioners, agents, employees, grantees, and assigns, from and against all claims, actions, liabilities, damages, costs, expenses, and judgments, including attorneys' fees, which relate to, arise out of, or are in any way related to the County's use or occupancy of the City's Right of Way or any portion thereof for the location of the pole-mounted emergency siren, on account of any injury to persons or damage to property. This indemnification clause shall not apply to any injury or damage caused by the City's own negligence. Nothing in this indemnity clause waives or has any effect on the County's statutory rights,

including maximum liability for claims, under the Kansas Tort Claims Act of 1979, K.S.A. 75-6101 *et seq.*

6. **Termination**. The City reserves the right to terminate the permission granted by this License Agreement at any time and for any reason, by giving the County at least 90 days written notice of such termination, except that the City may, at the City's election, terminate the permission immediately without such notice:
 - (a) If the County fails to comply with or abide by each and all of the provisions, including the County's Covenants, of this License Agreement;
or
 - (b) If the continued use or occupancy of the City's Right of Way presents a health or safety hazard.
7. **Binding Effect**. This License Agreement shall, at all times, be binding upon the City and the County and all parties claiming by, through, or under them; provided, however, that the rights, duties, and obligations of each owner of the pole-mounted emergency siren, as set forth herein, shall cease with the termination of ownership of that property, except for those duties and obligations arising during the period of said ownership.
8. **Severability**. If any section, sentence, clause, or phrase of this License Agreement is found to be invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining provision of this License Agreement.
9. **Governing Law**. This License Agreement shall be construed and enforced in accordance with and shall be governed by the laws of the State of Kansas.
10. **Recitals**. The above-stated recitals are by reference incorporated herein and shall be as effective as if set forth herein *verbatim*.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the undersigned have caused this License Agreement to be executed as of the date noted above.

**CITY: CITY OF LAWRENCE,
KANSAS, a municipal corporation**

DAVID L. CORLISS
City Manager

ACKNOWLEDGMENT

THE STATE OF KANSAS)
)
THE COUNTY OF DOUGLAS) ss:

BE IT REMEMBERED, that on this ____ day of _____, 2013, before me the undersigned, a notary public in and for the County and State aforesaid, came David L. Corliss, as City Manager of the City of Lawrence, Kansas, who is personally known to me to be the same person who executed this instrument in writing, and said person fully acknowledged this instrument to be the act and deed of the aforementioned entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last written above.

Notary Public

My Appointment Expires:

COUNTY: Douglas County, Kansas,
a Kansas county

Title

ACKNOWLEDGMENT

THE STATE OF KANSAS)
)
THE COUNTY OF DOUGLAS) ss:

BE IT REMEMBERED, that on this ____ day of _____, 2013, before me the undersigned, a notary public in and for the County and State aforesaid, came _____, _____ of Douglas County, Kansas, who is personally known to me to be the same person who executed this instrument in writing, and said person fully acknowledged this instrument to be the act and deed of the aforementioned entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last written above.

Notary Public

My Appointment Expires:



DOUGLAS COUNTY PUBLIC WORKS

1242 Massachusetts Street
Lawrence, KS 66044-3350
(785) 832-5293 Fax (785) 841-0943
dgcopubw@douglas-county.com
www.douglas-county.com

Keith A. Browning, P.E.
Director of Public Works/County Engineer

MEMORANDUM

TO : Board of County Commissioners

FROM : Keith A. Browning, P.E., Director of Public Works
Michael D. Kelly, P.S., County Surveyor

DATE : October 4, 2013

RE : Drainage Structure Replacement; Structure No. 8.32N – 8.00E
Project No. 2013-9; Acquisition of Easement; Consent agenda

A project was designed to replace several deficient drainage structures located along a portion of County Route 1039 (E800 Road) within 2 miles south of the Lone Star community. Plans were developed in-house and the project has been constructed.

During construction activities it was determined that some additional permanent easement would be needed to properly complete the project. We obtained verbal permission to proceed with construction and subsequent negotiations with the pertinent landowners for permanent easement have been completed.

The permanent easement does contain a portion of their parcel lying outside of the immediate construction area but was determined to be an uneconomic remnant that would be useful to the county during future road improvements.

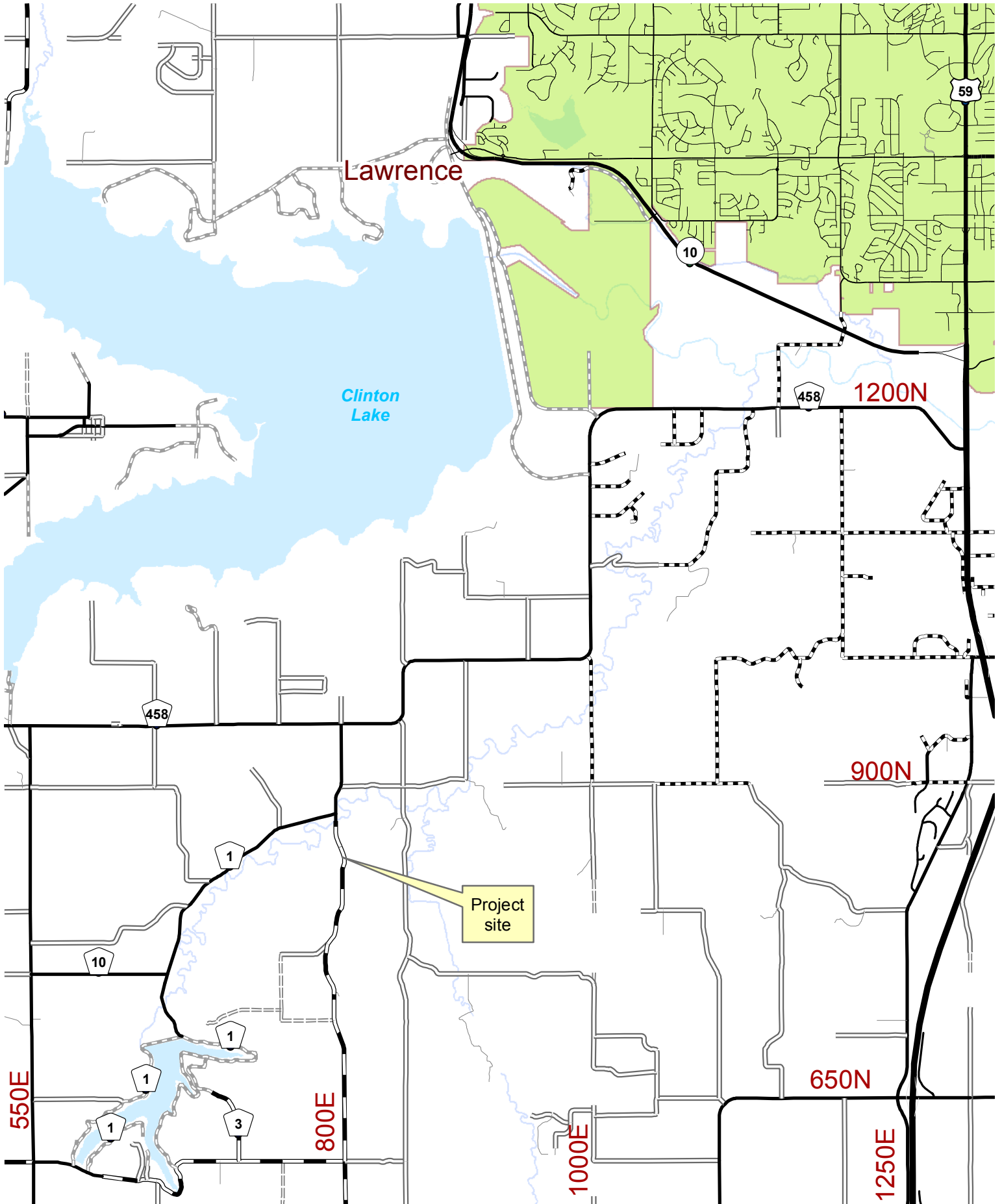
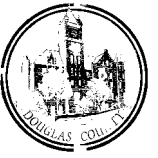
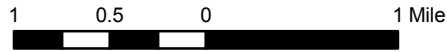
Approval is recommended for the attached CONTRACT FOR HIGHWAY PURPOSES.

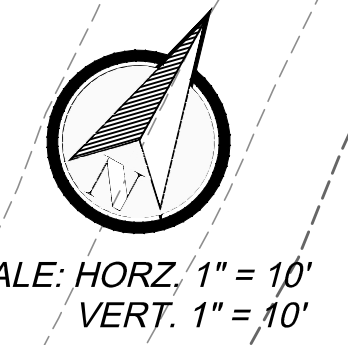
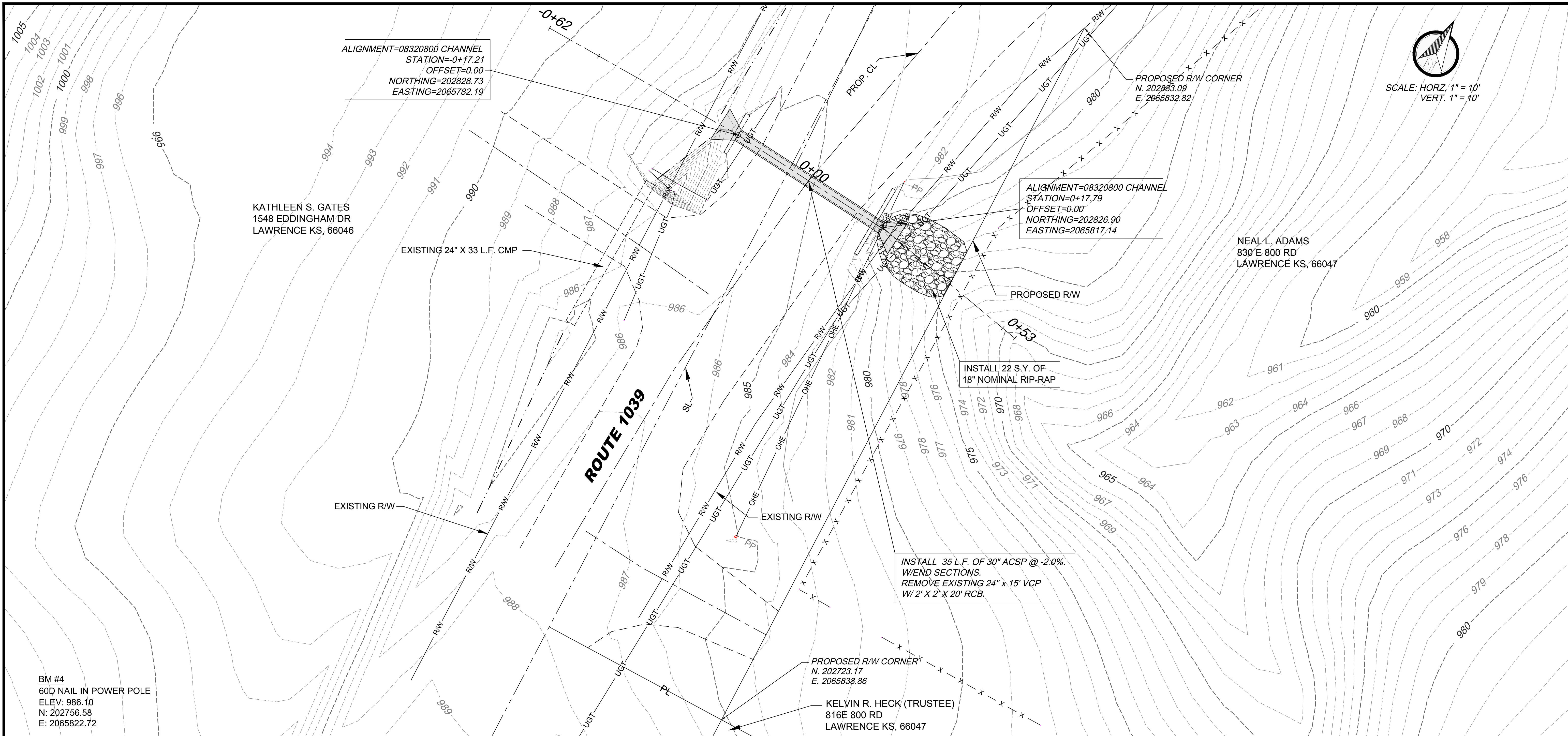
ACTION REQUIRED: Consent agenda approval of the CONTRACT FOR HIGHWAY PURPOSES for Drainage Structure No. 8.32N – 8.00E.

Structure No. 8.32N - 8.00E

General Location Map

1 inch = 1 mile





Douglas County Public Works
1242 Massachusetts
Lawrence, Kansas 66044

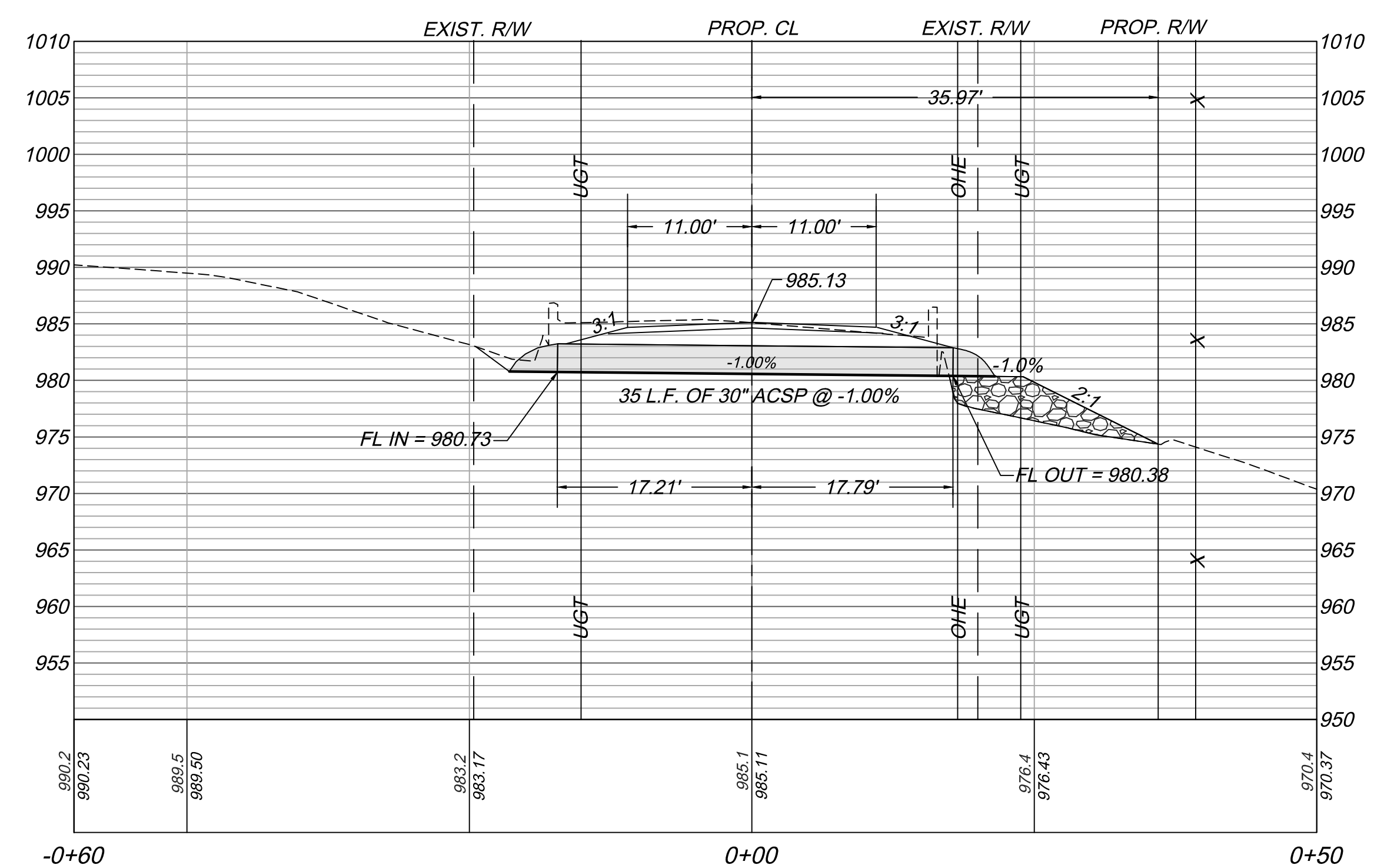
Project: CULVERT REPLACEMENTS FOR ROUTE 1039
Project No.: 2015-9
Designed By: A.S.
Checked By: T.G.
Drawn By: L.H.
Date: 4/2015

STRUCTURE NO. 08.32N 08.00E
CHANNEL PLAN & PROFILE
SHEET 6 OF 8

CULVERT REPLACEMENTS
FOR ROUTE 1039

BM #4
60D NAIL IN POWER POLE
ELEV: 986.10
N: 202756.58
E: 2065822.72

SECTION CORNER INFORMATION					
SECTION CORNER	RCODE	SECTION CORNER COORDINATE		ELEVATION	CORNER STATUS
W 1/4 CORNER SEC. 6-T14-R19	S01C	N: 203706.072	E: 2065761.682	917.71	RECORD
SW CORNER SEC. 6-T14-R19	S01E	N: 201065.037	E: 2065861.284	1012.71	RECORD
CTR CORNER SEC. 6-T14-R19	S03C	N: 203768.129	E: 2068409.609	909.52	RECORD
S 1/4 CORNER SEC. 6-T14-R19	901.79	N: 201130.665	E: 2068527.199	901.79	RECORD



STRUCTURE NO. 08.32N 08.00E	
DA =	10.8 AC.
Q25 =	25.3 CFS
HW (25 YR) =	982.93 FT.
T/ROAD =	985.13 FT.

PLANNING COMMISSION REPORT
Regular Agenda

PC Staff Report
9/23/13

ITEM NO. 3: CONDITIONAL USE PERMIT; WATER TREATMENT PLANT; ¼ MILE E OF E 1750 RD & N 1500 RD (MKM)

CUP-13-00281: Conditional Use Permit for a water treatment plant to produce water for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd. Submitted by Public Wholesale Water Supply District No. 25, property owner of record. *Joint meeting with Eudora Planning Commission.*

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit for the water treatment plant for Public Wholesale Water Supply District No. 25 and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

- 1) The CUP shall comply with the terms, conditions, and limitations specified in the Division of Water Resources permit.
- 2) The property shall be platted prior to release of the Conditional Use Permit plan to Zoning and Codes.
- 3) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. Delineation of a wooded area near the east side of Tract 2 that is 20 ft wide and extends 240 ft north of the south property line, and the addition of the following note: *"The trees and other vegetation in this area will be retained to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."*
 - a. Note the revision date on the plan.
 - b. Show one ADA accessible parking space on the plan. This space shall also be marked and signed on site.

Reason for Request: *"This 28 acres will be developed into a water treatment plant site to produce water for Public Wholesale Water Supply District No. 25 which will then wholesale water to currently 2 rural water districts in Douglas and Osage Counties."*

KEY POINT

- The CUP contains 2 tracts; however, one tract is a portion of a larger parcel. The notification area includes both parcels in their entirety and extends slightly into Leavenworth County. Property owner lists have been obtained from both Douglas and Leavenworth Counties.

ATTACHMENTS

- A – CUP Plan
- B – Kansas Department of Agriculture, Division of Water Resource permits
- C – Ground Water Analysis provided by Ground Water Associates, Inc.
- D – Maps showing boundary of Rural Water Districts and proposed Public Wholesale Water Supply District No. 25 water mains.

DESCRIPTION OF USE

The applicant is requesting a Conditional Use Permit to construct a water treatment plant on the property. Wells will be located to the northwest near the Kansas River and easements will be obtained for the lines to the water treatment plant and for the future mains used to distribute the water in Douglas and Osage Counties. Public Wholesale Water Supply District No. 25 (PWWSD No. 25) has been authorized by the Kansas Department of Agriculture, Division of Water Resources to provide water for municipal use within the boundaries of PWWSD No. 25 and immediate vicinity, Rural Water District No. 2 and Rural Water District No. 5 in Douglas County and Rural Water District No 5 in Osage County. A map showing the proposed water mains and the boundaries of the Rural Water Districts is included as Attachment D.

ASSOCIATED CASES/OTHER ACTION REQUIRED

- Approval of Conditional Use by the Board of County Commissioners.
- Issuance of permit for the Conditional Use by the Zoning and Codes Office following application and determination that all conditions have been met.
- Submittal of application and building plans to the Zoning and Codes Office for a building permit prior to construction.
- Floodplain Development Permit may be needed from the Zoning and Codes Office for development on property that contains regulatory floodplain or floodway.

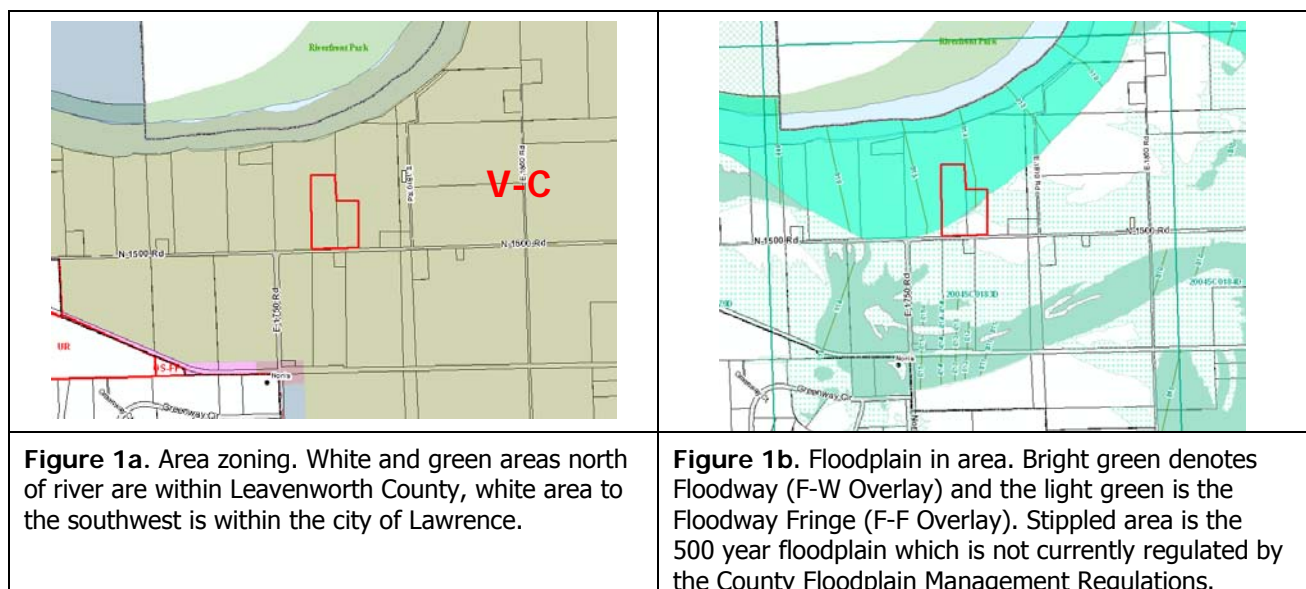
PUBLIC COMMENT RECEIVED PRIOR TO PRINTING

- No public comment has been received.

GENERAL INFORMATION

Current Zoning and Land Use: V-C (Valley Channel) District and F-W (Floodway Overlay) District; Agriculture.

Surrounding Zoning and Land Use: V-C (Valley Channel) District and F-W (Floodway Overlay) District; Agriculture, rural residential, and mining/excavation to the northeast—Penny Sand Dredging on the KS River, a CUP has been approved for an off-river sand pit to the south of the river dredging location.
(Figure 1, a-c)



PROJECT SUMMARY

The proposed project includes the use of wells near the Kansas River to supply water for a Public Wholesale Water Supply District which will supply treated water to various Rural Water Districts and other customers. The subject of this CUP is the water treatment facility which will be installed northeast of the intersection of E 1750 Road and N 1500 Road. Studies have been conducted to evaluate impact of the wells on the groundwater and the Division of Water Resources has approved the location of the wells, with certain restrictions and conditions. The groundwater studies and the Division of Water Resources Approval of Application and Permit to Proceed are attached.



Figure 1c. Land use in area.

The facility will take access from N 1500 Road and will be manned by one employee during normal operation hours (7 am to 6 pm). The applicant indicated that there may be board meetings of approximately 8 to 9 people once a month. As the public may come to these meetings, it is necessary to provide ADA parking per the requirements in Section 12-316-1.01 of the Zoning Regulations. One ADA space must be shown on the plan and the space must also be striped and signed on site.

Truck traffic is expected to consist of one treatment chemical delivery each week. Access to the site will come off of K-10 Highway, north on Noria road and east on N 1500 Road to this site. N 1500 Road is classified as a Minor Collector in the Douglas County Major Thoroughfares Map. A Minor Collector requires 80 ft of right-of-way. The CUP plan notes that 40 ft of right-of-way is available north of the centerline of N 1500 Road.

The front setback for property in the A District that fronts on a county or township road is 50 ft in addition to a base setback of 40 ft from the road centerline for a total setback of 90 ft from the centerline of the road. A minimum side setback of 15 ft and a rear setback of 50 ft are required. The proposed building, water holding tank, and security fence all comply with these setbacks.

The subject property was divided from a larger parcel after the adoption of the 2006 Subdivision Regulations. Per Section 20-801(c)(1), unless expressly addressed as an exemption no lot, tract, or parcel of land shall be divided into 2 or more parts for the purpose of sale, transfer or development whether immediate or future except through the procedures of the Subdivision Regulations. This land division does not meet any of the exceptions provided in Section 20-801(d); therefore, it will be necessary to plat this property prior to final approval of this CUP.

The facility will be fenced with 6' chain link fence with 3 strands of barbed wire for security. The fencing will be located outside of the required setback.

FACTORS TO CONSIDER

I. ZONING AND USES OF PROPERTY NEARBY

The surrounding area is zoned V-C (Valley Channel) District which is a district established to provide protection for flood-prone areas. The area is also located within the F-W (Floodway Overlay) District as identified by FEMA. Principal land uses in the area include agriculture, rural residential, and mining/excavation. A sand dredging operation is located on the Kansas River to the northeast of the subject property and a CUP has recently been approved for an off-river sand pit operation to the south of the river operation.

Staff Finding – Nearby properties are zoned V-C (Valley Channel) and F-W (Floodway Overlay) Districts. Agriculture, rural residences, and mining/excavation are the principal land uses in the area.

II. CHARACTER OF THE AREA

The subject property is located on N 1500 Road, approximately one-half mile east of the Lawrence City Limits and northeast of the East Hills Business Park. This is a rural area with agriculture, rural residences, and mining/excavation being the primary land uses. Natural features in the area include the Kansas River and associated floodplain. The area contains a large area of high quality soils with Class 1 and Class 2 soils being located over the entire subject property. (Figure 2) With the CUP, the majority of the property will remain in agricultural production with the facility being located in the southeast corner of the site.

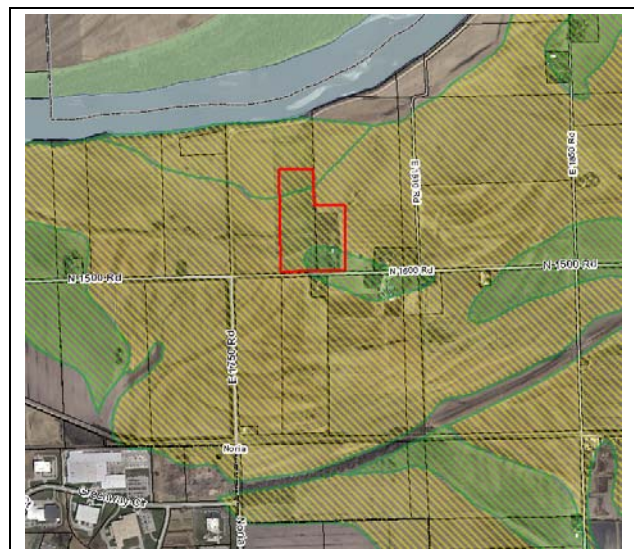


Figure 2. High-quality soils in area. Yellow hatching denotes area with Class 2 Soils and green hatching denotes area with Class 1 Soils.

The subject property takes access from N 1500 Road, a minor collector road, and is located just to the east of the intersection with E 1750 Road, a minor arterial. The area has good access to the transportation network.

Staff Finding – The area is rural in character with primarily agricultural and residential land uses. Sand dredging is located on the Kansas River to the northeast and a CUP has recently been approved for an off-river sand pit to the east of the subject property. A water treatment facility would be compatible with the character of the area with proper site plan and design.

III. SUITABILITY OF SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED

Applicant's response:

"The subject property consists of 20 acres of crop ground and 8 acres of brush and timber. The existing 20 acres is suitable for Ag use, the 8 acres is not."

The property is zoned V-C (Valley Channel) and F-W (Floodway Overlay) District. The V-C District is intended to prevent, in those areas subject to periodic or potential flooding, such

development as would result in a hazard to health or safety. To this end the V-C District permits a limited range of uses which include: Farm, truck garden, orchard, plant nurseries, grazing, hunting and fishing, public or private commercial recreational facilities and structures, and preserves, reservations and other similar open uses. *Public Utilities* are allowed in the V-C District with approval of a Conditional Use Permit. The subject property is suited to the uses to which it has been restricted with the V-C Zoning. The proposed request will not revise the underlying zoning district.

The F-W District does not restrict uses, but requires compliance with the Floodplain Management Regulations in Section 12-328 of the Zoning Regulations. These regulations are intended to protect individuals and property from flood hazards or flooding by providing for the orderly and safe development of the floodplain for the most advantageous uses which are consistent with the health, safety, and welfare of the general public. A Floodplain Development Permit will be required for the development to insure compliance with the floodplain regulations.

Given the small area needed for the water treatment plant, the subject property is suited for the proposed use. The plant will be located in the southeast corner, out of the regulatory floodway.

Staff Finding –The property is well suited for uses which are permitted within the V-C District.

IV. LENGTH OF TIME SUBJECT PROPERTY HAS REMAINED VACANT AS ZONED

Staff Finding – The property consists of two tracts. The larger tract will house the treatment facility and this tract is in agricultural production. The tract to the east has a vacant residence and agricultural structure but the residence is not occupied and is in poor condition.

V. EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY

Applicant's Response:

"Removal of these restrictions will not detrimentally affect nearby property. The proposed water treatment plan won't create noise issues, traffic issues, or visual issues to this area."

Section 12-319-1.01 of the County Zoning Regulations explains that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district. Certain conditional uses may be permitted when found to be in the interest of the public health, safety, morals, and general welfare of the community.

The proposed use 'water treatment and supply' would fit into the use group "Public Utilities" which is listed as a use which can be approved with a Conditional Use Permit in Section 12-319-4.10.

The water treatment plant will be about 125 ft x 125 ft or 15,625 sq ft and will be approximately 20 ft in height. A 100 ft diameter water storage tank about 25 ft in height will also be located on the property. (Figure 3) There will be a concrete parking area of

approximately 120' x 150'. The facility will be larger than most other structures in the area but should not have a negative impact on nearby properties.

The applicant proposes landscaping of native conifer trees set on 30 ft centers along the west and south sides of the property to screen it from the west and from N 1500 Road. The tract to the east, Tract 2, may be used for future expansion of the facility so no landscaping is proposed along the east side of the building site. Tract 2 is fairly wooded and the existing vegetation should serve to screen the facility from the east. A note should be added to the CUP plan stating that the vegetation on the east side of Tract 2 will be retained to screen the facility from the east.

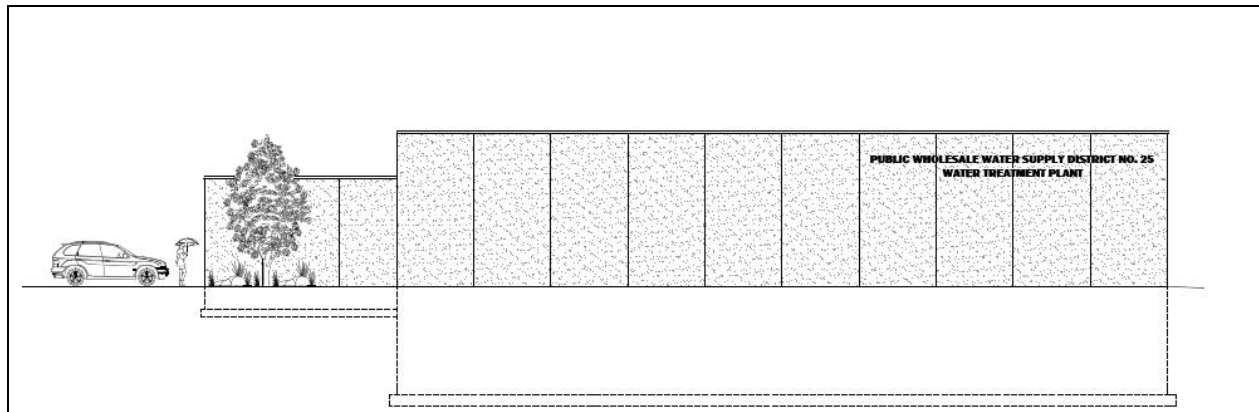


Figure 3. Drawing of proposed facility as viewed from N 1500 Road.

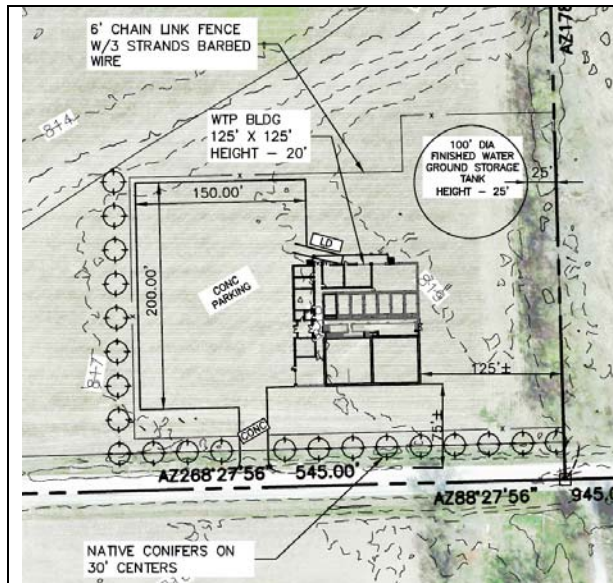


Figure 4a. Landscaping proposed to screen the facility from N 1500 Road.



Figure 4b. Tract 2 extends slightly beyond the wooded area. Approximate east border in red.

With the proposed screening, the facility should not have a negative impact on the visual nature of the area.

Possible detrimental effects of a water treatment plan could be the impact on the ground water in the area. The applicant indicated that the wells are regulated by the Kansas Division of Water Resources and provided the following information:

"We have had test wells drilled at these locations with water quality and pumping tests performed to determine associated draw down, zone of influence, and water qualities associated with pumping these wells at a designated flowrate. Once this testing was completed and associated land owner notifications made, applications were submitted to the Division of Water Resources (DWR) which have since been approved. As far as water quality, a series of monitoring wells in the vicinity of this well field can be used to review water quality. The State of Kansas also has a well head protection program that regulates potential contamination activities. These regulations will be in effect for the region surrounding these well fields that could potentially impact water quality." The quality and quantity tests performed by a hydro-geologist and the approved well applications from DWR are included as an attachment with this report.

The County Engineer reviewed the Water Appropriation permits provided by the Kansas Division of Water Resources and noted that he had been informed by DWR Water Appropriations that they consider well spacing when reviewing water appropriation permits in order to limit drawdown effects on neighboring wells. The DWR required well spacing is ¼-mile to non-domestic wells and 660 feet to domestic wells. The proposed PWWSD No. 25 wells exceed those standards (closest non-domestic well is 4700'). The County Engineer indicated that a condition restricting usage is not necessary, as the Kansas Dept. of Ag., Div. of Water Resources, restricts usage as a condition of their permit. The restrictions are listed on pages 1-3 of the attached DWR permit. Condition No. 4 places the following restriction on the amount of water that can be pumped:

"That the appropriation sought shall be limited to a maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.) and to a quantity not to exceed 420.28 million gallons (1,290.41 acre-feet) of water for any calendar year."

The applicant indicated that the State of Kansas well head protection regulations would be adequate to protect the quality and quantity of water in the supply wells so they will not be instituting a well-head protection zone for their facility.

Staff Finding – The facility should not detrimentally affect nearby properties as it will be landscaped to minimize its visual impact. The studies that the applicant completed and provided to the Division of Water Resources indicate the wells will not have a negative impact on the groundwater in the area. The Division of Water Resources approved the project and issued a permit to proceed. No negative impacts are anticipated from this facility.

VI. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE VALUE OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

Applicant's Response:

"The relative gain to public health, safety, and welfare will be in the ability to produce a high quality potable water supply that will serve the needs of residential customers in both Douglas and Osage Counties. The hardship imposed to individual landowners will be minimal if any."

Evaluation of the relative gain weighs the benefits to the community-at-large vs. the benefit of the owners of the subject property.

Denial of the request for a Conditional Use Permit would prohibit the construction of the facility. The applicant provided the following information which indicates that there is a growing demand for water in the unincorporated portion of the county:

"Member entities of Public Wholesale Water Supply District (PWWSA) No. 25 currently serve about 3,100 customers. They have been growing at a rate of 2%-4% during the last 15 years and are projected to grow at a rate of near 1.5% over the next 40 years. This growth has begun to tax member entities' supply systems during peak usage times. This report projects by year 2031, that number will exceed 4,500 customers, and by year 2051, nearly 5,300 customers will be served. All of the member entities currently receive the majority of their water supplies from treatment plants on Clinton Lake. In recent years siltation issues on this reservoir have caused reductions in available water from this reservoir due to 2% yield studies. These reductions in available raw water have caused these member entities to begin seriously reviewing their ability to supply adequate quantities of high quality water to their patrons not only now but for the future. This supply is not only being sought to serve current member entities but also has the potential to provide water for some unserved areas of Douglas County along with other water supply entities that may decide that this supply will be needed in the future."

Approval of the request will allow the District to provide additional water for customers.

As the hydrologic information indicates that the supply wells will have no detrimental effect on ground water levels in the area with the limits established by the Division of Water Resources, the approval of the proposed use would provide no hardship to area landowners or the community as a whole.

Staff Finding – Approval of the request could benefit the community as a whole by providing an additional source of potable water for the growing rural population. As studies have been provided which indicate there will be no negative impacts with water appropriations within the limits established by the Division of Water Resources, there would be no gain to the public health, safety, or welfare from the denial of this request.

VII. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Applicant's Response:

"The property falls within the current UGA with portions of the property falling within the floodplain. However, the building location on this proposed location is outside of the 500 year floodplain. This proposed project falls to the east of Lawrence in an Ag area but is within visual distance of industrial sites."

An evaluation of the conformance of a Conditional Use Permit request with the comprehensive plan is based on the strategies, goals, policies and recommendations contained within *Horizon 2020*. The comprehensive plan does not directly address Conditional Use Permits; however, the following recommendations apply to this specific project:

Chapter 10, Community Facilities, Strategies for Public Utilities: *"The visual appearance of utility improvements will be addressed to ensure compatibility with existing and planned land use areas.* (page 10-11)

Chapter 10, Community Facilities, Douglas County Water Supply and Distribution Facilities: *"Douglas County will continue to be served by private wells and rural water districts. This includes Douglas County RWD's 1,2,3,4,5, & 6; Jefferson County RWD's 5 & 13; and Osage County RWD 5. Because most of these districts rely on raw water resources through contracts with Lawrence, the districts will also be concerned with the continued provision of raw water resources in the future. The rural water districts and Lawrence should collaborate in efforts to maintain adequate accessibility to this important resource."* (Page 10-15)

The proposed project is in compliance with these recommendations as the facility will increase the raw water resources available to the Rural Water Districts and the facility will be landscaped to provide a compatible appearance with existing and planned land use in the area.

Staff Finding – *Horizon 2020* does not directly address the issuance of CUPs but the project is in compliance with recommendations in Chapter 10, Community Facilities, for public utilities in the unincorporated portions of Douglas County.

Conclusion

Approval of a Conditional Use can be tailored to address specific issues such as intensity or frequency of use. The Division of Water Resource permit provides an adequate limit on the intensity of use as it limits the number of wells and the amount of water that can be appropriated. The CUP, as conditioned, is compliant with the recommendations in the Comprehensive Plan and should result in a facility that is compatible with the area and provides a utility service to the unincorporated portions of Douglas County.

Last edit on: 03/16/2010 Drawing Name: W:\Proj\14000\14366\14366\14366\100\autoexecd\concept\14366.100.cup.dwg Layout Name: 100scale Plotted By: ALB00077 Plotted on: 8/7/2013 12:58:25 PM



DESCRIPTION:

TRACT 1
A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED NORTH AZIMUTH OF 88 DEGREES 27 MINUTES 56 SECONDS, 783.12 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE 358 DEGREES 15 MINUTES 38 SECONDS, 1600.00 FEET; THENCE 88 DEGREES 27 MINUTES 56 SECONDS, 545.00 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER; THENCE 178 DEGREES 15 MINUTES 38 SECONDS, 1600.00 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE 268 DEGREES 27 MINUTES 56 SECONDS, 545.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 20.02 ACRES, MORE OR LESS.

TRACT 2
A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 20 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN DOUGLAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ON AN ASSUMED NORTH AZIMUTH OF 88 DEGREES 27 MINUTES 56 SECONDS, 1328.12 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE POINT OF BEGINNING; THENCE 358 DEGREES 15 MINUTES 38 SECONDS, 870.00 FEET; THENCE 88 DEGREES 27 MINUTES 56 SECONDS, 400.00 FEET; THENCE 178 DEGREES 15 MINUTES 38 SECONDS, 870.00 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE 268 DEGREES 27 MINUTES 56 SECONDS, 400.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 7.99 ACRES, MORE OR LESS.

SURVEY NOTES:

1. THIS SURVEY DOES NOT CERTIFY OWNERSHIP.
2. ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
3. THERE ARE NO GAPS OVERLAPS OR KNOWN DISCREPANCIES BETWEEN OWNERSHIP OR POSSESSION, UNLESS SHOWN.
4. THE CLIENT DID NOT PROVIDE A TITLE INSURANCE POLICY. THERE MAY BE EASEMENTS OF RECORD OTHER THAN THOSE SHOWN HEREON.

NOTES:

1. CONCRETE ENTRANCE SURFACING SHOULD BEGIN AT LEAST 2' NORTH OF CHIP SEALED N1500 RD TRAVELWAY. THE AREA BETWEEN N1500 RD TRAVELWAY AND THE CONCRETE ENTRANCE SHOULD BE ASPHALT.
2. GRADING SHALL BE SUCH THAT SURFACE WATER DRAINAGE IS TO THE NORTH/NORTHWEST AWAY FROM N1500 RD.

BARTLETT & WEST

1200 NW EXECUTIVE DR. - TOPEKA, KS 66615
PHONE 781.237.7599
WWW.BARTWEST.COM

CONDITIONAL USE PLAN

PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO. 25
WATER SYSTEM IMPROVEMENTS
DOUGLAS COUNTY, KS

DESIGNED BY:	JAS
DRAWN BY:	DOJ
APPROVED BY:	JAR
DESIGN PROJ:	14366.100
CONST PROJ:	---
SCALE:	AS LISTED
DATE:	JUNE 2013
DRAWING NO:	1
SHEET NO:	1 of 1

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14366.100
Item 3,
Attachment B

Mark Parkinson, Governor
Joshua Svaty, Secretary

www.ksda.gov/dwr

May 10, 2010

PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO 25
946 E 650 RD
LAWRENCE KS 66047

Re: Appropriation of Water, File Nos. 47,414;
47,488; and 47,489

Dear Sir or Madam:

There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in these permits, and to use it for the purpose and at the location described in the permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the permits. Please note that the Chief Engineer has determined that the above referenced appropriations will benefit from assurance water releases and are eligible water rights for inclusion in the Kansas River Water Assurance District. In addition, please note the quantity of water limitation described in Paragraph No. 20 specified in the permit approvals for both Appropriation of Water, File Nos. 47,488 and 47,489.

Water meters are required, and you must install them on the diversion works prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use report.

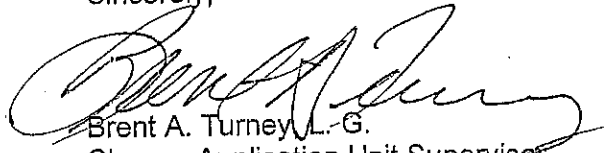
Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permits to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 for each file.

Public Wholesale Water Supply District No. 25
File Nos. 47,414; 47,488; and 47,489
Page 2 of 2

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water rights. If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, L.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:dws
Enclosures

pc: Topeka Field Office
Kansas River Water Assurance District No. 1
Jeff Shamburg, EI - Bartlett & West Engineers



KANSAS DEPARTMENT OF AGRICULTURE

Joshua Svaty, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. 47,488 of the applicant

**Public Wholesale Water Supply District No. 25
946 E 650 Road
Lawrence, Kansas 66047**

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

1. That the priority date assigned to such application is **March 3, 2010**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Public Wholesale Water Supply District No. 25 and immediate vicinity; within the boundaries of Rural Water District No. 2 and No. 5, Douglas County, Kansas; and within the boundaries of Rural Water District No. 5, Osage County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from main stem alluvium, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 1,590 feet North and 1,640 feet West of the Southeast corner of said section, in Township 12 South, Range 20 East in Douglas 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **420.48 million gallons (1,290.41 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, 2011** 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, 2030** 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.

COPY

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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. 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.

19. That this permit is further limited such that 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.

20. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 47,414, will provide a total **not to exceed 676 million gallons (2,074 acre-feet)** of water per calendar year, for municipal use as described herein.

21. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

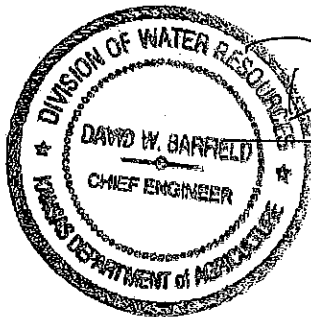
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

Dated at Topeka, Kansas, this 3rd day of May, 2010.

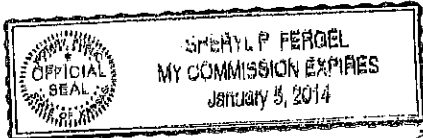


David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this 3rd day of May, 2010, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Sheryl P Fergel
Notary Public

WATER METER REQUIRED

COPY

CERTIFICATE OF SERVICE

On this 10th day of May, 2010, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 47,488, dated May 3, 2010 was mailed postage prepaid, first class, US mail to the following:

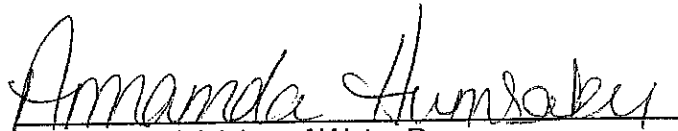
PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO 25
946 E 650 RD
LAWRENCE KS 66047

With photocopies to:

KANSAS RIVER WATER ASSURANCE DISTRICT NO 1
% GALEN BIERY
212 SW 7TH STREET
TOPEKA KS 66603-3717

BARTLETT & WEST ENGINEERS
% JEFF SHAMBURG EI
1200 SW EXECUTIVE DRIVE
TOPEKA KS 66615-3850

Topeka Field Office


Division of Water Resources

CENTRAL WATER BOARD



KANSAS DEPARTMENT OF AGRICULTURE
Joshua Svaty, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. **47,414** of the applicant

**Public Wholesale Water Supply District No. 25
946 E 650 Road
Lawrence, Kansas 66047**

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 **October 13, 2009**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Public Wholesale Water Supply District No. 25 and immediate vicinity; within the boundaries of Rural Water District No. 2 and No. 5, Douglas County, Kansas; and within the boundaries of Rural Water District No. 5, Osage County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from main stem alluvium, to be withdrawn by means of a battery of two (2) wells with a geographic center located in Lot 2, in Section 33, more particularly described as being near a point 1,846 feet North and 2,360 feet West of the Southeast corner of said section, in Township 12 South, Range 20 East in Douglas 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **420.48 million gallons (1,290.41 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, 2011** 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, 2030** 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.

COPY

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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year maybe readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. 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.

19. That this permit is further limited such that 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.

20. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

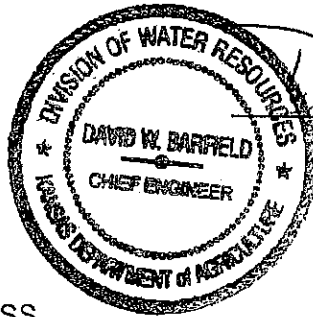
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

Dated at Topeka, Kansas, this *3rd* day of *May*, 2010.

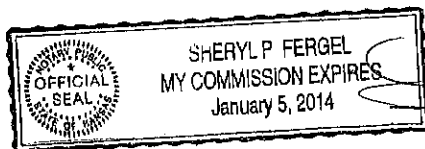


David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this *3rd* day of *May*, 2010, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Sheryl P. Fergel

Notary Public

WATER METER REQUIRED COPY

CERTIFICATE OF SERVICE

On this *10th* day of *May*, 2010, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 47,414, dated *May 3, 2010* was mailed postage prepaid, first class, US mail to the following:

PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO 25
946 E 650 RD
LAWRENCE KS 66047

With photocopies to:

KANSAS RIVER WATER ASSURANCE DISTRICT NO 1
% GALEN BIERY
212 SW 7TH STREET
TOPEKA KS 66603-3717

BARTLETT & WEST ENGINEERS
% JEFF SHAMBURG EI
1200 SW EXECUTIVE DRIVE
TOPEKA KS 66615-3850

Topeka Field Office

Amanda Hunsaker
Division of Water Resources

WATER METER RETURN



KANSAS DEPARTMENT OF AGRICULTURE
Joshua Svaty, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. 47,489 of the applicant

**Public Wholesale Water Supply District No. 25
946 E 650 Road
Lawrence, Kansas 66047**

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

1. That the priority date assigned to such application is **March 3, 2010**.
2. That the water sought to be appropriated shall be used for municipal use within the boundaries of Public Wholesale Water Supply District No. 25, within the boundaries of Rural Water District No. 2 and No. 5, Douglas County, Kansas; and within the boundaries of Rural Water District No. 5, Osage County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from main stem alluvium, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 1,953 feet North and 3,046 feet West of the Southeast corner of said section, in Township 12 South, Range 20 East in Douglas 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **420.48 million gallons (1,290.41 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, 2011** 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, 2030** 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.

COPY

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 all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

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15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. 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.

19. That this permit is further limited such that 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.

20. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File Nos. 47,414 and 47,488, will provide a total **not to exceed 676 million gallons (2,074 acre-feet)** of water per calendar year, for municipal use as described herein.

21. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

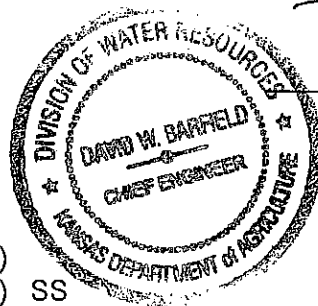
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

Dated at Topeka, Kansas, this 3rd day of May, 2010.



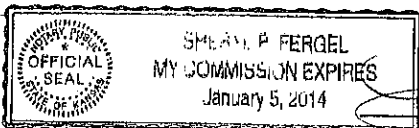
David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Shawnee)

SS

The foregoing instrument was acknowledged before me this 3rd day of May, 2010, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Sheryl P. Fergel
Notary Public

WATER METER REQUIRED COPY

CERTIFICATE OF SERVICE

On this 10th day of May, 2010, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 47,489, dated May 3, 2010 was mailed postage prepaid, first class, US mail to the following:

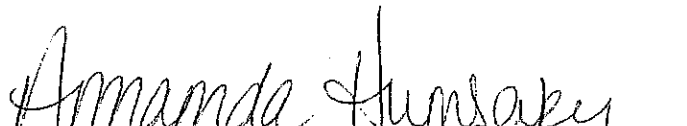
PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO 25
946 E 650 RD
LAWRENCE KS 66047

With photocopies to:

KANSAS RIVER WATER ASSURANCE DISTRICT NO 1
% GALEN BIERY
212 SW 7TH STREET
TOPEKA KS 66603-3717

BARTLETT & WEST ENGINEERS
% JEFF SHAMBURG EI
1200 SW EXECUTIVE DRIVE
TOPEKA KS 66615-3850

Topeka Field Office



Division of Water Resources

WATER METER REQUIRED

14366.100

Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

April 8, 2013

PUBLIC WHOLESALE WATER SUPPLY DIST #25
946 E 650TH RD
LAWRENCE KS 66047-9538

RE: Appropriation of Water
File Nos. 47,414, 47,488 and 47,489

Dear Sir or Madam:

In response to your written request(s), received in this office on December 31, 2012, the Chief Engineer has extended until **December 31, 2013**, the time in which to complete the diversion works under the above referenced file numbers.

The Kansas Water Appropriation Act and associated regulations require the Chief Engineer to limit the amount of time to complete the diversion works and perfect a water right. Any future request(s) should demonstrate that progress has been made toward completing the diversion works and elaborate how circumstances beyond your control prevented completion of the authorized project. While we will consider any information you submit, there is no guarantee that future request(s) can be granted.

The law requires that the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, be notified in writing, when construction of the diversion works has been completed. According to the law, failure to complete construction of the diversion works, within the time allowed, shall result in the dismissal of the above referenced permits.

If you have any questions, please contact our office.

Sincerely,



Kenneth A. Kopp, L.G.
Water Appropriation Program

pc: Topeka Field Office
Jeffrey Shamburg - Bartlett and West

Ground Water Associates, Inc.

610 N. MAIN, P.O. BOX 3834 • WICHITA, KANSAS 67201 • 316-262-3322

December 17, 2009

Larry Wray, Chairman
PWWSD # 25
946 E. 650 Rd
Lawrence, Kansas 66047

Subject: Ground Water Investigation

Dear Mr. Wray,

This letter is written to serve as a report concerning the investigation made to locate and evaluate well sites just south of the Kansas River in the SE ¼ and SW ¼ Section 34, T12S, R20E Douglas County. We have attached a map showing the drilling sites, drill logs and summary of the partial water analysis.

The Investigation

Two test holes were drilled September 23, 2009 in the SE ¼ of Section 34 (east site). From these two test holes we selected the best site and completed a 5" test well.

Test hole 4-09 was drilled in the SE ¼ Sec 34 on the northeast corner of the property. Sand and gravel were present from 13' to 54' and one foot of cemented sand was just above the shale at 55'. Two inch PVC was set at this location with screen from 35' to 55'. A sample was air lifted and due to the very fine sand present was filtered before being sent to Servi-Tech. Water quality indicated a 380 ppm (parts per million) hardness and a high reading of 0.47 ppm of manganese. Nitrate, chloride and iron were acceptable at this site. Static water level was 24.09' and 29.91' of saturated thickness is available at this site.

Test hole 5-09 was drilled in the SE ¼ Sec 34 on the northwest corner of the property with sand and gravel from 16' to 53'. A cemented sand layer was present from 53 to 54 feet, then shale at 55'. Two Inch PVC was set with screen from 33' to 53'. The water sample was air lifted and filtered. Water analysis indicated total hardness of 320 ppm, manganese of 0.50 ppm, and nitrate, iron and chloride all in an acceptable range. The aquifer has 28.30' of saturated thickness at this site with a static water level of 24.70'.

Test well 9-09 (east site) was completed 20' from test hole 4-09. Five inch PVC pipe was set with screen located from 54' to 34'. A 4 hour pumping test was run at 94.3 gpm on October 8, 2009.



On the SW ¼ of Section 34, T12S, R20E two test holes were completed with 2" PVC and a water sample was airlifted and filtered.

Test hole 6-09 was drilled on the southwest corner of the property to 25'. Water circulation was lost at this depth due to a fracture or a tree root and we moved 40' south to complete Test Hole 6-09A. Test hole 6-09A was completed to a depth of 56' into shale. Sand and gravel with small streaks of gray clay were present from 16' to 54'. Cemented sand ran from 54' to 55.5'. Twenty foot of screen was set from 54' to 34'. Static water level was 27.64' and 26.36' of saturated thickness is present at this site. Water quality showed a high manganese reading of 0.47 ppm and total hardness of 380. The rest of the water analyses was acceptable and is shown on the water quality summary sheet.

Test Hole 7-09 was drilled on September 25, 2009. Sand and gravel with wood pieces and clay streaks ran from 18' to 52'. This site had the dirtiest producing formation of the 4 test holes and the least amount of saturated thickness at 24.22' of water. Also the water quality was not as good as the other sites with a total hardness of 410 ppm, iron of 0.13 ppm with 0.45 ppm of manganese.

Test Well 8-09 (East Site) was drilled at the Test Hole 6-09A site and completed with 20' of screen from 54' to 34'. On October 7, 2009 a 3.5 hour pumping test was completed at this site and KDHE and Servi-Tech samples were collected.

Analysis of Data

The computer analysis (Aquifer Test 3.5) of the three and one-half hour pumping test on test well 8-09 indicates an average transmissivity of 66,655 gallons per foot per day (g/ft/d). Transmissivity is the measure of how much water can move through a unit width of the aquifer. Readings were taken with pressure data loggers as well as manually. Drawdown of 5.34 feet at 94.7 gpm was recorded giving us a specific capacity of 17.73 gallons per foot of drawdown. Static water level was 27.79' which indicates 26.21' of saturated thickness. This is the weakest of the three test well sites. Given the limited saturated thickness and high iron and manganese levels a well located here would produce in the 400 gpm range. We have not received the KDHE radiochemistry results at this site.

The water samples on test well 8-09 were pumped not airlifted as the test holes. Also they were not filtered as the test hole samples. The water hardness was 410 ppm and nitrates increased to 1.60 ppm from test hole 6-09A. The nitrate is still within the 10 ppm KDHE maximum. Manganese remained elevated at 0.46 ppm but the iron increased to 5.4 ppm from less than 0.05 ppm.

Test Well 9-09 was pumped for four hours with a maximum drawdown was 2.63' giving us a specific capacity of 35.85 gallons per foot of drawdown. Static water level was 21.11' with 29.89' of saturated thickness at this site. The hydrology of this site indicates the strongest aquifer of our test wells with average transmissivity of 151,000 g/d/ft. As with the other sites the high iron and manganese will require a well chlorination schedule to maintain this well site.

Larry Wray, Chairman
Page 3
December 17, 2009

The water quality at this site also indicated a large increase in the iron content from 0.07 ppm to 7.6 ppm. We question this. Water hardness was 410 ppm and no nitrates were detected. KDHE radiochemistry analysis is all within the acceptable range.

Conclusion

TW 8-09 (west site) given the limited saturated thickness and high iron and manganese levels a well located here would produce in the 400 gpm range.

The TW 9-09 (east site) is a much stronger aquifer and would support a well producing 500 to 600 gpm

At both sites the iron amount increased to an excessive amount, 5.4 ppm at TW 8-09 and 7.6 ppm at TW 9-09 when the water samples were pumped verses the test hole air lifted. Also the test hole airlifted samples were filtered before they were sent to Servi-Tech and the test well pumped samples were not. Fine sand in the pumped water samples can cause elevated iron content. The engineer may want the test wells resampled to determine the iron content of the sites.

Please advise us if you have comments or questions concerning this letter report.

Best Regards,



Brad Vincent, P.G.
Ground Water Associates, Inc.

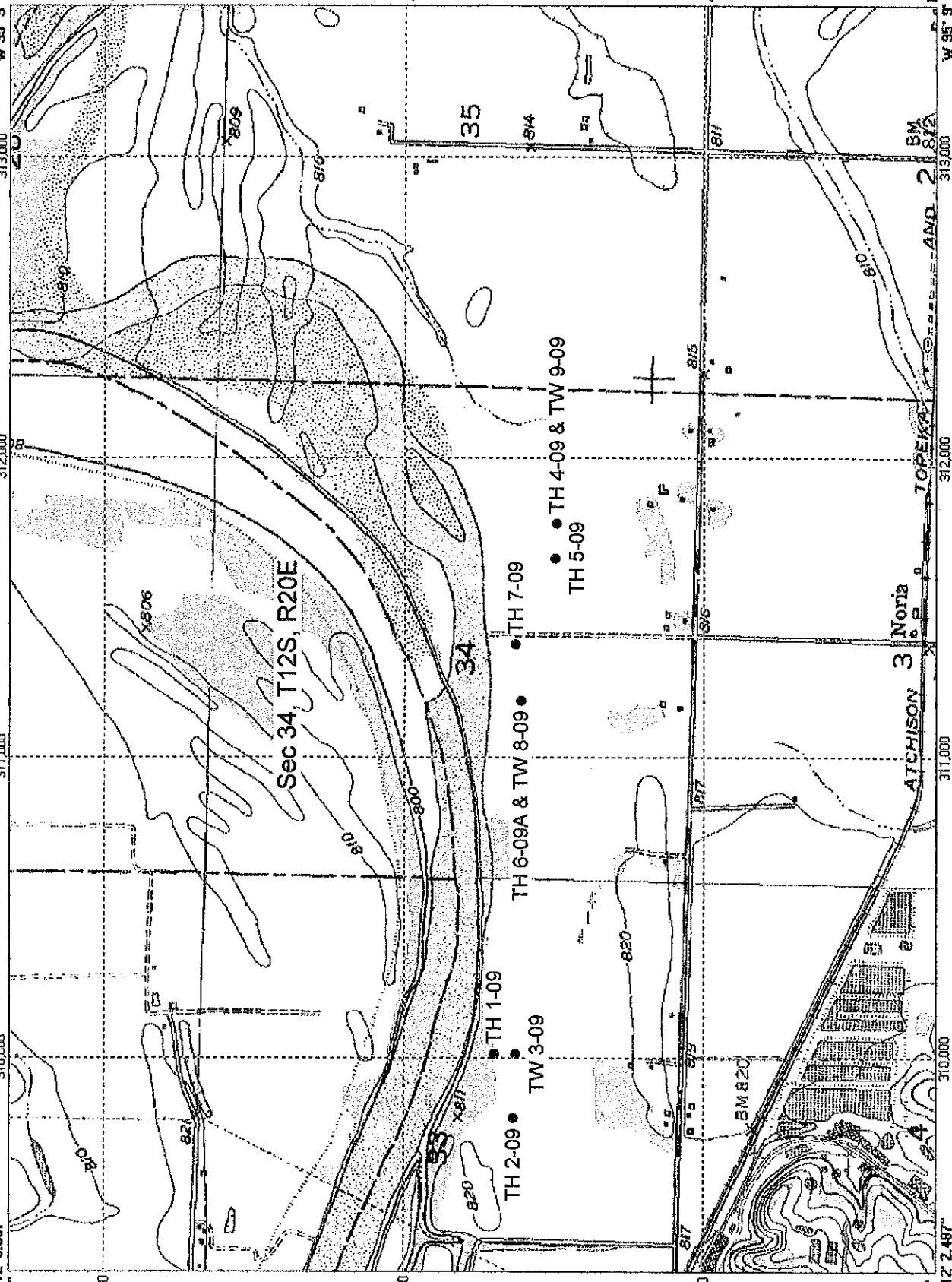
pc: Jeff Shamburg, Project Engineer
Bartlett and West Engineers, Inc. ✓



N 38° 58' 37.055" W 95° 12' 5.587" 310,000 311,000 312,000 313,000 W 95° 9' 10.477" N 38° 58' 40.304"

4,316,000 4,315,000 4,314,000

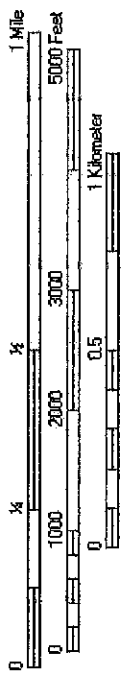
Sec 34, T12S, R20E



TH 2-09
TW 3-09
TH 1-09
TH 6-09A & TW 8-09
TH 7-09
TH 4-09 & TW 9-09
TH 5-09

N 38° 56' 56.865" W 95° 12' 2.487" 310,000 311,000 312,000 313,000 W 95° 9' 7.444" N 38° 57' 0.132"

1927 North American Datum; 1,000-meter UTM grid zone 15
Generated by BigTopo (www.bigtopo.com)
Map compiled from USGS Quads; Lawrence East, KS



16 Dec 2009

PWWSD #25
Test Holes & Test Wells

Test Hole # /Test Well #	Surface Elevation	Depth to Bedrock	Bedrock Elevation	Static Water Level	Sand Thickness below SWL	Saturated Thickness
TH 1-09	820'	52'	768'	25.95'	25.5'	26.05'
TH 2-09	820	52	768	25.45	25.5	26.55
TW 3-09	820	52	768	25.45	26	26.55
TH 4-09 TW 9-09	813	54	759	24.09	29.9	29.91
TH 5-09	813	53	760	24.70	28.3	28.30
TH 6-09A TW 8-09	813	54	759	27.64	26.4	26.36
TH 7-09	813	52	758.5	27.78	24.2	24.22

2 Dec 2009

PWWSD #25 Water Quality

Test Hole or Well	Date	Total Hardness	Nitrate (NO3-N)	Chloride (Cl)	Iron (Fe)	Manganese (Mn)
TH 1-09 (Air Lift)	20 Jan 09	480	<1	21	<0.05	0.50
TH 2-09 (Air Lift)	21 Jan 09	550	<1	58	<0.05	0.82
TW 3-09 (Air Lift)	21 Jan 09	450	<1	22	0.11	0.38
(Pumped)	29 Jan 09	490	2.2	18	3.5	0.30
(Pumped)	29 Jan 09	510	1.6	12	3.9	0.33
TH 4-09 (Air Lift)	24 Sep 09	380	<0.1	14	0.07	0.47
TH 5-09 (Air Lift)	23 Sep 09	320	0.16	32	0.06	0.50
TH 6-09A (Air Lift)	24 Sep 09	380	0.12	19	<0.05	0.47
TH 7-09 (Air Lift)	25 Sep 09	410	<0.1	15	0.13	0.45
TW 8-09 (TH 6-09A site) (Pumped)	7 Oct 09	410	1.60	16	5.4	0.46
(Pumped)	7 Oct 09	400	1.50	14	6.8	0.47
TW 9-09 (TH 4-09 site) (Pumped)	8 Oct 09	410	ND	12	7.6	0.42
(Pumped)	8 Oct 09	410	0.24	10	8.4	0.44
KDHE Standards		<400	<10	<250	<0.30	<0.05

All results in mg/L
 Servi-Tech Lab
KDHE Lab



23 Sep 2009

PWWSD #25

TH 4-09 1560' N & 1460' E of SE cor. Section 34, T12S, R20E
N 38 57.665' W 95 10.333'

Elevation 813'

SWL 24.09' @GL

0 - 3'	TS
3 - 14	Clay, lt br
14 - 20	Sand br f-m, clay lt br, soft
20 - 33	Sand br f-m, streaks gy clay @ 24', using water
33 - 51	Sand br/gy f-c, so. gravel f, so. clay gy, using water
51 - 54	Gravel f-c br, sand br f-c, so pebbles br/ gy
54 - 55	Cemented sand br/gy
55 - 57	Shale gy, v. hard
57	Limestone wh

Set 2" pvc, screen 55'-35'.

Gravel Pack to 20' and holeplug 20' to 0.

Logged by Brad Vincent, Ground Water Associates
GPS - Garmin hand held using 1927 North American datum



23 Sep 2009

PWWSD #25

TH 5-09 1560' N & 1840' E of SE cor. Section 34, T12S, R20E
N 38 57.666' W 95 10.413'

Elevation 813'

SWL 24.70' @GL

0 - 3'	TS
3 - 16	Clay, lt br, soft
16 - 41	Sand br f-m, using water
41 - 53	Sand br/gy f-m, streaks gravel f-c @ 41', using water
53 - 54	Cemented sand, v. hard
54 - 56	Shale gy, v. hard
55 - 57	Shale gy, v. hard

Set 2" pvc, screen 53'-33'.

Gravel Pack to 20' and holeplug 20' to 0.

Logged by Brad Vincent, Ground Water Associates
GPS - Garmin hand held using 1927 North American datum



24 Sep 2009

PWWSD #25

TH 6-09A 1900' N & 730' W of SE cor. Section 34, T12S, R20E Elevation 813'
N 38 57.721' W 95 10.744'

SWL 27.64' @GL

0 - 4'	TS
4 - 16	Clay, lt br
16 - 31	Sand br f-m
31 - 35.5	Sand br/gy f-c, so. gravel f, clay gy streaks @31', using water
35.5 - 37	Sand br/gy f-c, so. gravel f-c, so. pebbles, using water
37 - 54	Sand br/gy f-c, so. gravel f-c, so. very thin gy clay streaks, using water
54 - 55.5	Cemented sand, v. hard
55.5-56	Shale gy, v. hard

Set 2" pvc, screen 54'-34'.

Gravel Pack to 20' and holeplug 20' to 0.

Logged by Brad Vincent, Ground Water Associates
GPS - Garmin hand held using 1927 North American datum



25 Sep 2009

PWWSD #25

TH 7-09 1958' N & 100' W of SE cor. Section 34, T12S, R20E
N 38 57.733' W 95 10.614'

Elevation 813'

SWL 27.78' @GL

0 - 3'	TS
3 - 18	Clay, lt br, silty
18 -25	Sand br f-c
25 - 30	Sand br/gy f-c, so. gravel f-m, using water
30 - 34	Sand br/gy f-c, gravel f, shale or wood pieces bl
34 - 40	Sand br/gy f-c, gravel f, clay gy streaks
40 - 52	Sand br/gy f-c, wood pieces
52-54.5	Sand br/gy f-c, so. cemented, wood pieces
54.5 - 55	Limestone gy, v. hard

Set 2" pvc, screen 54'-34'.

Gravel Pack to 20' and holeplug 20' to 0.

Logged by Brad Vincent, Ground Water Associates
GPS - Garmin hand held using 1927 North American datum

LARKE WELL & EQUIPMENT, INC.
WELL RECORD

FORMATION TEST ONLY
PLUGGED

289

JOB NUMBER 9883

WELL OWNER PWWS D #25

WELL NO. TW8-09

WELL USE Test Well

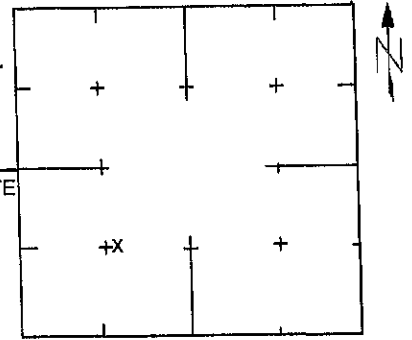
APPR. NO. _____

LEGAL SW 1/4 NE 1/4 SW 1/4 Sect 34 Twp 12 S Rng 20 E Douglas KS
COUNTY STATE

FSL, FEL

GPS - 311194 E 4314616 N Zone 15 NAD 27

West Drill Site _____



Formation Log SIZE HOLE 9 " DIA. Electric Log SWL 27.60' SECTION 34

FROM	TO	FEET	FORMATION / COMMENTS	SAMPLES TAKEN
0	3		Topsoil	
3	16		Clay, light brown, soft, silty	
16	36		Sand, fine to coarse, with gravel, fine and clay streaks, black	
36	37		Clay, light gray, soft	
37	54		Sand, coarse to fine, with gravel, fine to medium, with clay streaks, black, soft	
54	55.6		Cemented sand, soft	
55.6	57		Shale, gray, hard	

290

CLARKE WELL & EQUIPMENT, INC. WELL RECORD

FORMATION TEST ONLY

PLUGGED

JOB NUMBER 9883

WELL OWNER PWWSD #25

WELL NO. TW9-09

WELL USE Test Well

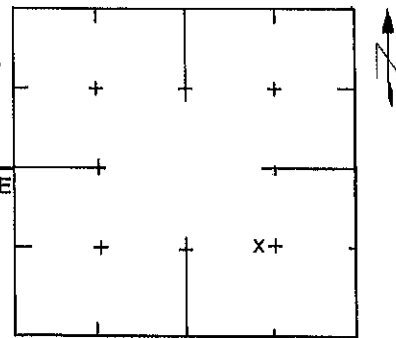
APPR. NO. _____

LEGAL SE 1/4 NW 1/4 SE 1/4 Sect 34 Twp 12 S Rng 20 E Douglas COUNTY KS STATE

FSL, _____ FEL

GPS - 311777 E 4314486 N Zone 15 NAD 27

East Drill Site _____



Formation Log

SIZE HOLE 9 " DIA.

Electric Log

SWL 24.33'

SECTION 34

FROM	TO	FEET	FORMATION / COMMENTS	SAMPLES TAKEN
0	3		Topsoil	
3	14		Clay, light brown, soft, silty	
14	31		Sand, fine to coarse	
31	38		Sand, fine to coarse, with gravel, fine, with clay streaks, black	
38	41		Clay, light gray, hard	
41	52		Sand, fine to coarse, with gravel, fine to medium, gray color, dirty	
52	54		Sand, fine to coarse, with gravel, fine to medium, and large rock streaks	
54	55		Cemented sand, hard	
55	57		Shale, gray, hard	

Ground Water Associates, Inc.

610 N. MAIN, P.O. BOX 3834 • WICHITA, KANSAS 67201 • 316-262-3322

March 2, 2009

Larry Wray, Chairman
PWWSD # 25
946 E. 650 Rd
Lawrence, Kansas 66047

Subject: Ground Water Investigation

Dear Mr. Wray,

This letter is written to serve as a report concerning the investigation made to locate and evaluate well sites just south of the Kansas River in the SE ¼ Section 33, T12S, R20E Douglas County. We have attached a map showing the drilling sites, drill logs, summary of the partial water analyses, and a multiple well pumping projection.

The Investigation

Two test holes and one test well were drilled January 19, 20, 2009 in the SE ¼ of Section 33 with the bottom sand and gravel formation at 52' on all three holes.

Test hole 1-09 was drilled on the northeast corner of the property. Sand and gravel was present from 13' to 52' with half a foot of clay from 27' to 27.5'. Two inch PVC was set at this location with screen from 32' to 52'. The fifty percent size of the samples collected ran from 0.66 mm (45' to 52') to 1.38 mm (25' to 27'). A water sample was air lifted showing a water quality of 480 ppm (parts per million) hardness and a moderately high reading of 0.50 ppm of manganese. Nitrate, chloride and iron were acceptable at this site. A static water level of 25.95' leaves 26.05' of water at the NE corner of the area of investigation.

Test hole 2-09 was drilled on the southwest corner of the property (705.3' west of TW 3-09) with sand and gravel from 18' to 52'. A layer of clay was located from 41 to 42 feet. Two inch PVC was set with screen from 32' to 52'. These sand and gravel samples range from a fifty percent size of 0.225 mm (42' to 47') to 1.4 mm (50.5' to 52'). The water sample was air lifted January 21, 2009 at this site and hardness was 550 ppm, manganese 0.82 ppm, and nitrate, iron and chloride all in acceptable range. The aquifer has 26.55' of water at this site with a static water level of 25.45'.

Test Well 3-09 was completed on the southeast corner of the property, 238.5' south of TH 1-09. Five inch PVC pipe was set with screen from 52' to 32'. Sand and gravel ran from 13' to 52' with a clay layer from 36' to 36.5'. The sieve analyses ran on the samples indicate a 50 percent size of 0.47 mm (21' to 36') for the finest and 1.25 mm (36.5' to 41')



Larry Wray, Chairman
Page 2
March 2, 2009

as the coarsest. Static water level was 26.48' leaving 25.52' of water at this location. Upon completion of the test well a water sample was lifted with air on 21 January 2009. Total hardness was 450 ppm, manganese 0.38 ppm, iron 0.11 ppm with nitrates less than 1 ppm, and chlorides of 58 ppm. Once again the hardness and manganese were high but the others three were well within acceptable levels.

On January 29 2009 a four hour pumping test was completed on test well 3-09 and readings were taken at all three sites. The test was run at 134.7 gpm with the final four hour reading at the test well indicated a drawdown of 2.49' or a specific capacity of 54.1 gallons per foot of drawdown. Upon completion of this four hour test, one hour recovery of readings were taken at test hole 1-09 and the pumped well (TW 3-09). Test hole 2-09 which is 705.3' west recorded no drawdown on the four hour test so no recovery readings were taken.

Three and one half hours into the pumping test water samples were collected for KDHE (Kansas Department of Health and Environment) and Servi-Tech Laboratories. We use the Servi-Tech analysis as a cross check for the KDHE sample. A summary sheet of the five most problematic items is included with this report. This pumped water sample (from TW 3-09) indicates a water hardness of 490- 510 ppm and nitrates of 1.6 - 2.2 ppm which are slightly higher, while the chlorides and manganese have a small decrease from the air lifted samples taken January 21, 2009. The iron content greatly increased to 3.5 - 3.9 ppm from the January 21 sample of 0.11 ppm, and the pumped sample will be the most nearly correct.

Analysis of Data

The computer analysis (Aquifer Test 4.0) of the four hour pumping test on test well 3-09 indicates an average transmissivity of 80,300 g/ft/d with a storativity value of 0.212. Transmissivity is the measure of how much water can move through a unit width of the aquifer. Storativity or specific yield measures how much water drains from the pore spaces of the unconfined aquifer. This analysis indicates a relatively strong aquifer. Our sieve analyses of the sand and gravel at the three sites indicate a moderate to very fine grain size.

Using the Aquifer Test 4.0 multiple pumping wells program we ran our projection with two wells 700' apart pumping at 775 gpm for 365 days. The 775 gpm per well was arrived at by dividing the application requested amount of 2,500 acre feet of water by 365 days and 1440 minutes. We used the transmissivity and storativity from our averaged analysis of the TW 3-09 pumping test. The results show a greater than 26' of drawdown in the well field from these two wells pumping continuously for one year at 775 gpm. However our program doesn't take in to account any recharge from precipitation or from the surface water due to the close proximity to the Kansas River (TH 1-09 is 270' south of the river), and this amount will be significant. We also ran a projection where only the east well is pumping at 775 gpm for 365 days and then both wells pumping at 387 gpm for 365 days.

Larry Wray, Chairman
Page 3
March 2, 2009

Conclusion

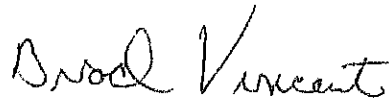
Pumping two production wells within 700 feet at 775 gpm would create excessive drawdown at this site due to the depth of water (twenty-six feet) and the moderate to fine sand formations located in portions of this aquifer. Even though our Aquifer Test 4.0 projection of multiple pumping wells (see attached) does not include recharge from precipitation or the Kansas River we feel this aquifer with a transmissivity of 80,300 g/ft/d would require either greater spacing or reduced pumping rates of the production wells. The basic problem here is the limited saturated thickness of the aquifer.

Using the same aquifer data and pumping the east production well at 775 gpm the projection shows drawdown of 18.48' (71 percent drawdown) at the well site. However if the east and west site are pumped at 387 gpm the drawdown at the wells is just 10.45' or 40 percent. Pumping one well at the east and one well at the west site at a reduced rate (1250 acre feet) would be good alternative at this location. Of course, recharge from the river will not allow the projected drawdowns shown to cross the river.

The quality of water at this site is hard, and the iron and manganese is excessive but we understand that a treatment plant would be used to correct this problem. The wells would have to be regularly chlorinated to prevent plugging of the screens. At the time of this letter we have not received the radiological analysis from KDHE but no problems would be expected in this type of aquifer.

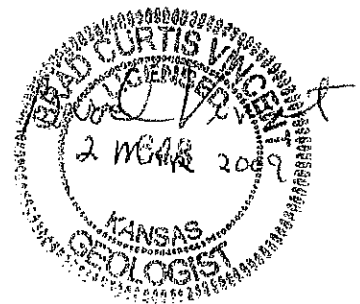
Please advise us if you have comments or questions concerning this letter report.

Best Regards,



Brad Vincent, P.G.
Ground Water Associates, Inc.

pc: Jeff Shamburg, Project Engineer
Bartlett and West Engineers, Inc.



316

LARKE WELL & EQUIPMENT, INC.
WELL RECORD

FORMATION TEST ONLY
PLUGGED

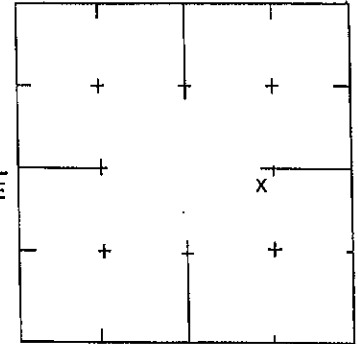
JOB NUMBER 9630

WELL OWNER PWUSD #25 WELL NO. TH1-09

WELL USE Formation APPR. NO. _____

LEGAL NE 1/4 NW 1/4 SE 1/4 Sect 33 Twp 12 S Rng 20 E Douglas KS
COUNTY STATE
FSL, FEL

GPS - 310019 E 4314701 N Zone 15 NAD 27



Formation Log SIZE HOLE 5 " DIA. Electric Log SWL 25.95' SECTION 33

FROM	TO	FEET	FORMATION / COMMENTS	SAMPLES TAKEN
0	2		Topsoil	
2	13		Clay, brown, silty	
13	27		Sand and gravel, fine to medium	
27	28		Clay, gray	
28	45		Sand and gravel, fine to medium, with clay, gray	
45	52		Sand and gravel, fine to coarse	
52	58		Cemented Sand	
58	59		Limestone	

ARKE WELL & EQUIPMENT, INC
WELL RECORD

FORMATION TEST ONLY
PLUGGED

317

JOB NUMBER 9630

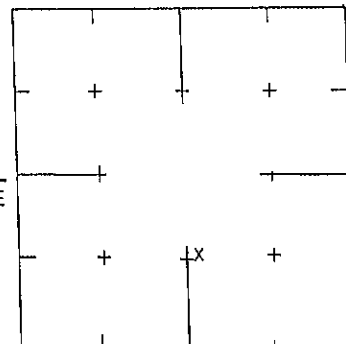
WELL OWNER PWWS D #25 WELL NO. TH2-09

WELL USE Formation APPR. NO. _____

LEGAL SW 1/4 NW 1/4 SE 1/4 Sect 33 Twp 12 S Rng 20 E Douglas KS
COUNTY STATE

FSL, _____ FEL _____

GPS - 309804 E 4314635 N Zone 15 NAD 27



Formation Log

SIZE HOLE 5 " DIA. Electric Log SWL 25.45' SECTION 33

FROM	TO	FEET	FORMATION / COMMENTS	SAMPLES TAKEN
0	2		Topsoil	
2	18		Clay, silty, brown	
18	25		Sand, fine to medium	
25	35		Sand and gravel, fine to medium	
35	41		Sand and gravel, fine	
41	42		Clay, gray	
42	47		Sand, fine to coarse	
47	50		Sand and gravel, fine to medium	
50	52		Sand and gravel, fine to coarse	
52	56		Limestone	

253

LARKE WELL & EQUIPMENT, INC WELL RECORD

FORMATION TEST ONLY

PLUGGED

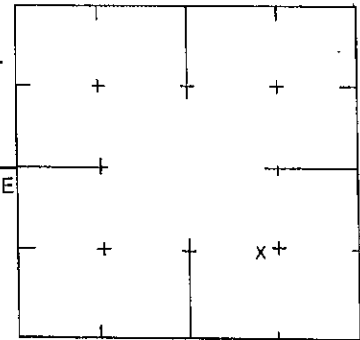
JOB NUMBER 9630

WELL OWNER PWWSO #25 WELL NO. TW3-09
~~EW1-09~~

WELL USE Test Well APPR. NO. _____

LEGAL SE 1/4 NW 1/4 SE 1/4 Sect 33 Twp 12 S Rng 20 E Douglas KS
 FSL, _____ FEL COUNTY STATE

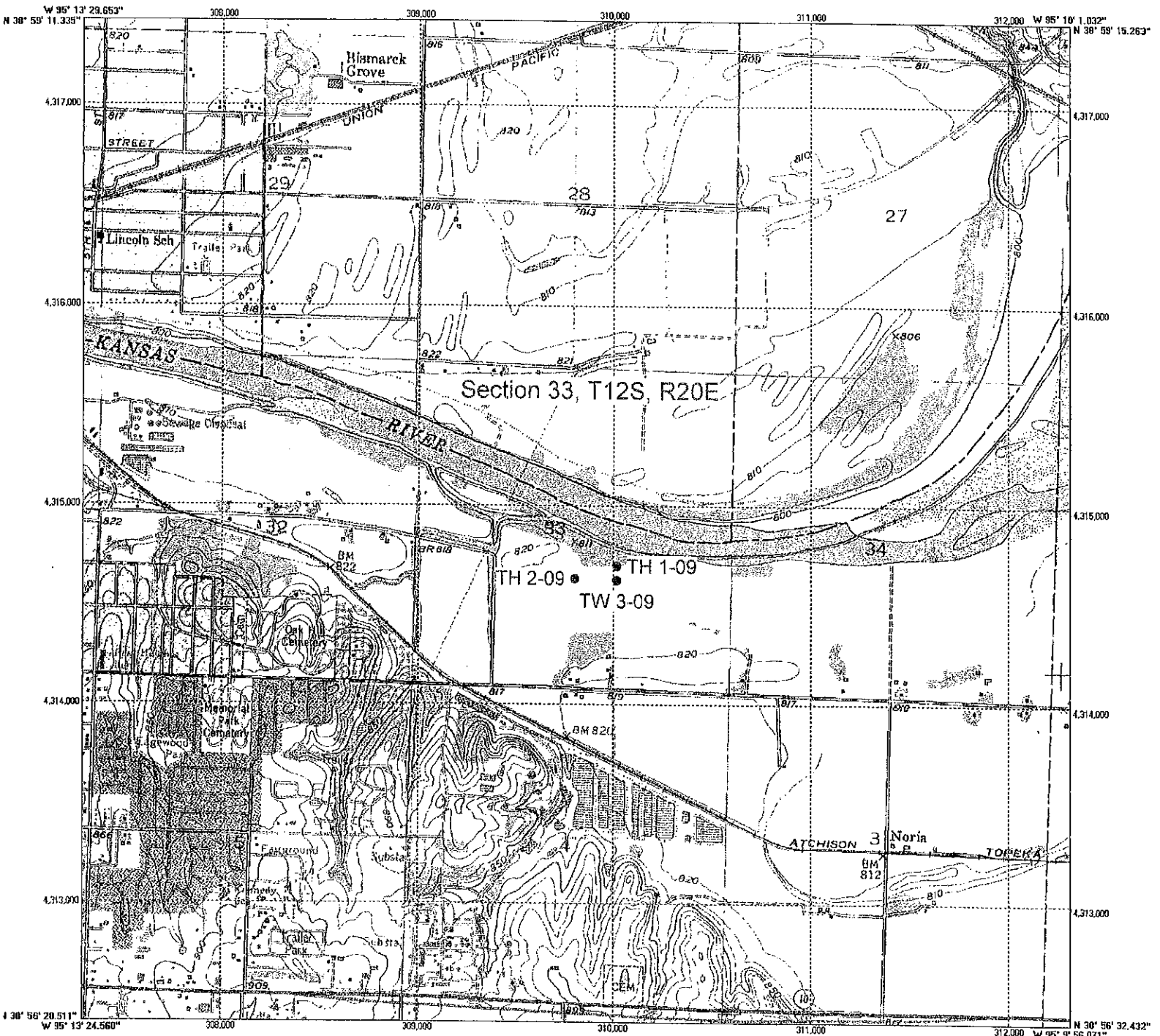
GPS - 310020 E 4314630 N Zone 15 NAD 27



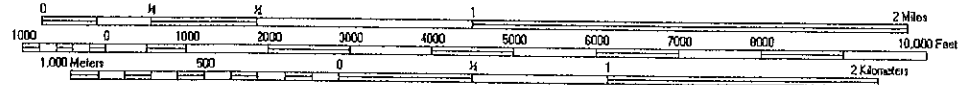
Formation Log

SIZE HOLE 9 " DIA. Electric Log SWL 25.45' SECTION 33

FROM	TO	FEET	FORMATION / COMMENTS	SAMPLES TAKEN
0	2		Topsoil	
2	13		Clay, brown, silty	
13	21		Sand, fine to medium	
21	36		Sand and gravel, fine to medium	
36	37		Clay, gray	
37	41		Sand and gravel, fine to medium, some clay, gray	
41	44		Sand, fine to medium	
44	52		Sand and gravel, fine to medium, some boulders in last 2'	
52	57		Cemented sand, with limestone, white	



1927 North American Datum; 1,000-meter UTM grid zone 15
 Generated by BigT Tool (www.kgeps.com)
 Map compiled from USGS Quads: Lawrence East; KS



20 Feb 2009

PWWSD #25 Water Quality

Test Hole or Well	Date	Total Hardness	Nitrate (NO3-N)	Chloride (Cl)	Iron (Fe)	Manganese (Mn)
TH 1-09 (Air Lift)	20 Jan 09	480	<1	21	<0.05	0.50
TH 2-09 (Air Lift)	21 Jan 09	550	<1	58	<0.05	0.82
TW 3-09 (Air Lift)	21 Jan 09	450	<1	22	0.11	0.38
(Pumped)	29 Jan 09	490	2.2	18	3.5	0.30
(Pumped)	29 Jan 09	510	1.6	12	3.9	0.33
KDHE Standards		<400	<10	<250	<0.30	<0.05

All results in mg/L
Servi-Tech Lab
KDHE Lab



Ground Water Associates
1999 N. Amidon, STE. 218
Wichita, Ks 67203

Pumping Test - Water Level Data

Project: PWWSD #25

Number:

Client:

Location: SE 1/4, Sec 33, T12S, R20E

Pumping Test: Four Hour Pumping Test

Pumping well: TW 3-09

Test conducted by: Clarke Drilling

Test date: 1/29/2009

Discharge: variable, average rate 134.7 [U.S. gal/min]

Observation well: TW 3-09

Static water level [ft]: 26.48

Radial distance to PW [ft]: -

	Time [min]	Water Level [ft]	Drawdown [ft]
1	1	28.24	1.76
2	2	28.60	2.12
3	3	28.65	2.17
4	4	28.67	2.19
5	5	28.67	2.19
6	7	28.69	2.21
7	9	28.69	2.21
8	11	28.70	2.22
9	15	28.71	2.23
10	20	28.71	2.23
11	25	28.75	2.27
12	30	28.77	2.29
13	35	28.79	2.31
14	40	28.79	2.31
15	45	28.81	2.33
16	50	28.82	2.34
17	60	28.84	2.36
18	70	28.86	2.38
19	80	28.87	2.39
20	90	28.88	2.40
21	100	28.88	2.40
22	120	28.89	2.41
23	150	28.94	2.46
24	180	28.95	2.47
25	210	28.96	2.48
26	240	28.97	2.49
27	241	26.84	0.36
28	242	26.82	0.34
29	243	26.78	0.30
30	244	26.82	0.34
31	245	26.73	0.25
32	247	26.75	0.27
33	249	26.71	0.23
34	251	26.70	0.22
35	255	26.63	0.15
36	260	26.63	0.15
37	265	26.61	0.13
38	270	26.61	0.13
39	275	26.59	0.11
40	280	26.59	0.11
41	285	26.58	0.10
42	290	26.57	0.09
43	300	26.56	0.08



Ground Water Associates
1999 N. Amidon, STE. 218
Wichita, Ks 67203

Pumping Test - Water Level Data

Project: PWWSD #25

Number:

Client:

Location: SE 1/4, Sec 33, T12S, R20E

Pumping Test: Four Hour Pumping Test

Pumping well: TW 3-09

Test conducted by: Clarke Drilling

Test date: 1/29/2009

Discharge: variable, average rate 134.7 [U.S. gal/min]

Observation well: TH 1-09

Static water level [ft]: 27.53

Radial distance to PW [ft]: 238.5

	Time [min]	Water Level [ft]	Drawdown [ft]
1	1	27.54	0.01
2	2	27.54	0.01
3	3	27.54	0.01
4	4	27.54	0.01
5	5	27.54	0.01
6	7	27.54	0.01
7	9	27.55	0.02
8	11	27.55	0.02
9	15	27.55	0.02
10	20	27.55	0.02
11	25	27.55	0.02
12	30	27.55	0.02
13	35	27.55	0.02
14	40	27.55	0.02
15	45	27.55	0.02
16	50	27.56	0.03
17	60	27.56	0.03
18	70	27.56	0.03
19	80	27.57	0.04
20	90	27.57	0.04
21	100	27.57	0.04
22	120	27.57	0.04
23	150	27.58	0.05
24	180	27.59	0.06
25	210	27.59	0.06
28	240	27.60	0.07
27	241	27.59	0.06
28	242	27.59	0.06
29	243	27.59	0.06
30	244	27.59	0.06
31	245	27.59	0.06
32	247	27.59	0.06
33	249	27.58	0.05
34	251	27.58	0.05
35	255	27.57	0.04
36	260	27.57	0.04
37	265	27.57	0.04
38	270	27.57	0.04
39	275	27.57	0.04
40	280	27.57	0.04
41	285	27.57	0.04
42	290	27.56	0.03
43	300	27.55	0.02



Ground Water Associates
 1999 N. Amidon, STE. 218
 Wichita, Ks 67203

Pumping Test Analysis Report

Project: PWWSD #25

Number:

Client:

Location: SE 1/4, Sec 33, T12S, R20E

Pumping Test: Four Hour Pumping Test

Pumping well: TW 3-09

Test conducted by: Clarke Drilling

Test date: 1/29/2009

Aquifer Thickness: 25.52 ft

Discharge: variable, average rate 134.7 [U.S. gal/min]

	Analysis Name	Analysis performed by	Date	Method name	Well	T [U.S. gal/d]	FK [U.S. gal/d-ft]	S
1	Recovery	Brad Vincent	1/30/2009	AGARWAL + Theis	TW 3-09	6.70×10^4	2.63×10^3	5.00×10^{-1}
2	Recovery	Brad Vincent	1/30/2009	AGARWAL + Theis	TH 1-09	9.71×10^4	3.80×10^3	2.39×10^{-2}
3	Theis w Jacob	Brad Vincent	2/4/2009	Theis with Jacob Corr	TW 3-09	7.67×10^4	3.00×10^3	1.12×10^{-1}
4	Theis w Jacob	Brad Vincent	2/26/2009	Theis with Jacob Corr	TH 1-09	1.54×10^5	6.03×10^3	8.29×10^{-2} ← EXCLUDED
Average						9.87×10^4	3.87×10^3	1.80×10^{-1}

$$\begin{array}{r}
 T = 67000 \\
 97100 \\
 76700 \\
 \hline
 \text{Average} \rightarrow 240800/3 = 80267
 \end{array}
 \qquad
 \begin{array}{r}
 S = 0.5 \\
 0.0239 \\
 0.112 \\
 \hline
 0.6359/3 = 0.212
 \end{array}$$



Ground Water Associates
 1999 N. Amidon, STE. 218
 Wichita, Ks 67203

Site Plan

Project: PWWSD # 25 (2,500 AF)

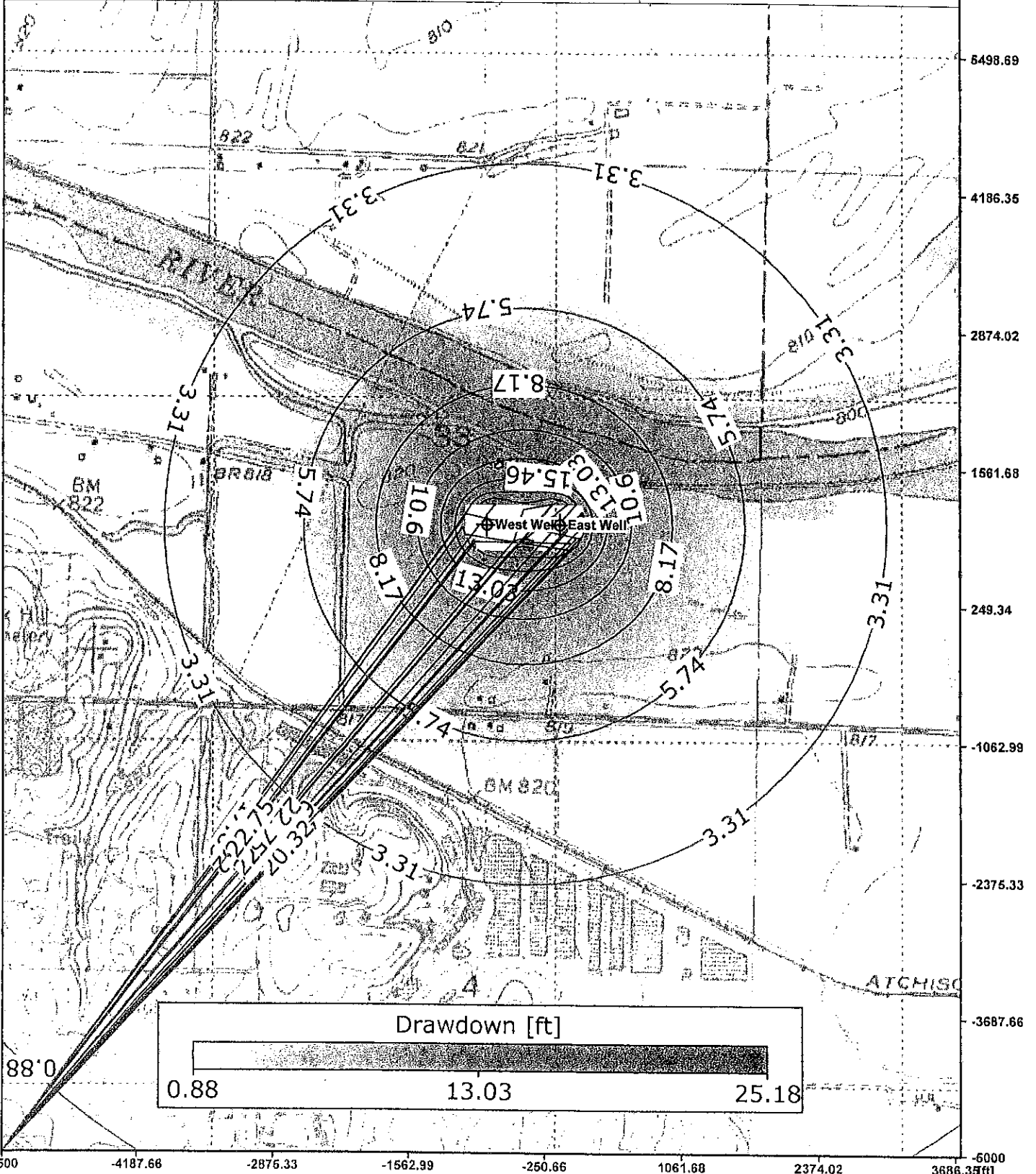
Number: Wells Pumping @ 775 gpm for 365 days (2 wells)

Client: T= 80300 g/ft/d S= 0.212

Location:

Scale 1:18000

Map Origin [ft] X: -5500 Y: -5000





Ground Water Associates
1999 N. Amidon, STE. 218
Wichita, Ks 67203

Site Plan

Project: PWWSD # 25 (2,500 AF)

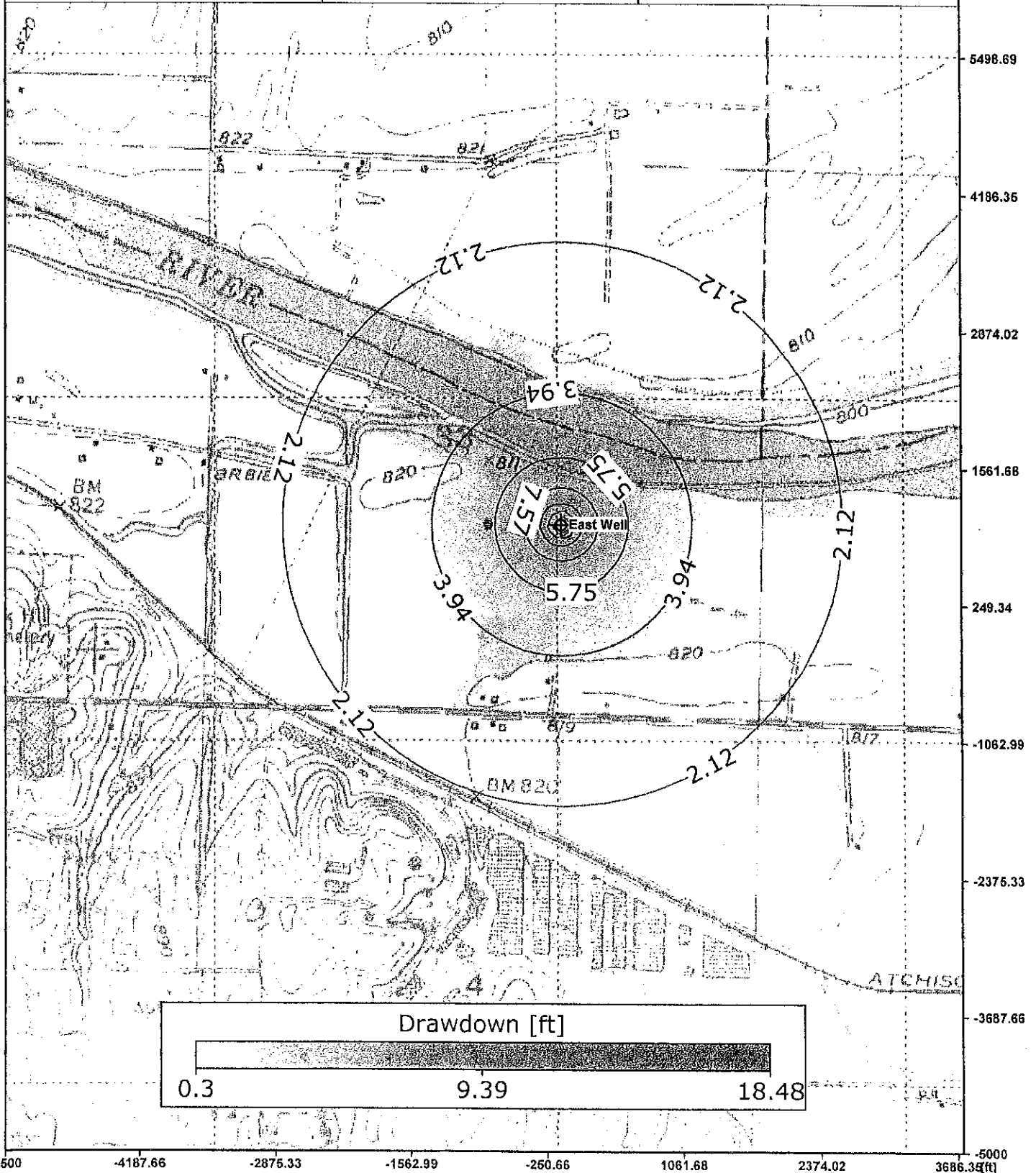
Number: E. Well Pumping @ 775 gpm for 365 days

Client: T= 80300 g/ft/d S= 0.212

Location:

Scale 1:16000

Map Origin [ft] X: -5500 Y: -5000



-5500

-4187.66

-2875.33

-1562.99

-250.66

1081.68

2374.02

3686.34 [ft]

5498.69

4186.36

2874.02

1561.68

249.34

-1062.99

-2375.33

-3687.66

-5000



Ground Water Associates
1999 N. Amidon, STE. 218
Wichita, Ks 67203

Site Plan

Project: PWUSD # 25 (2,500 AF)

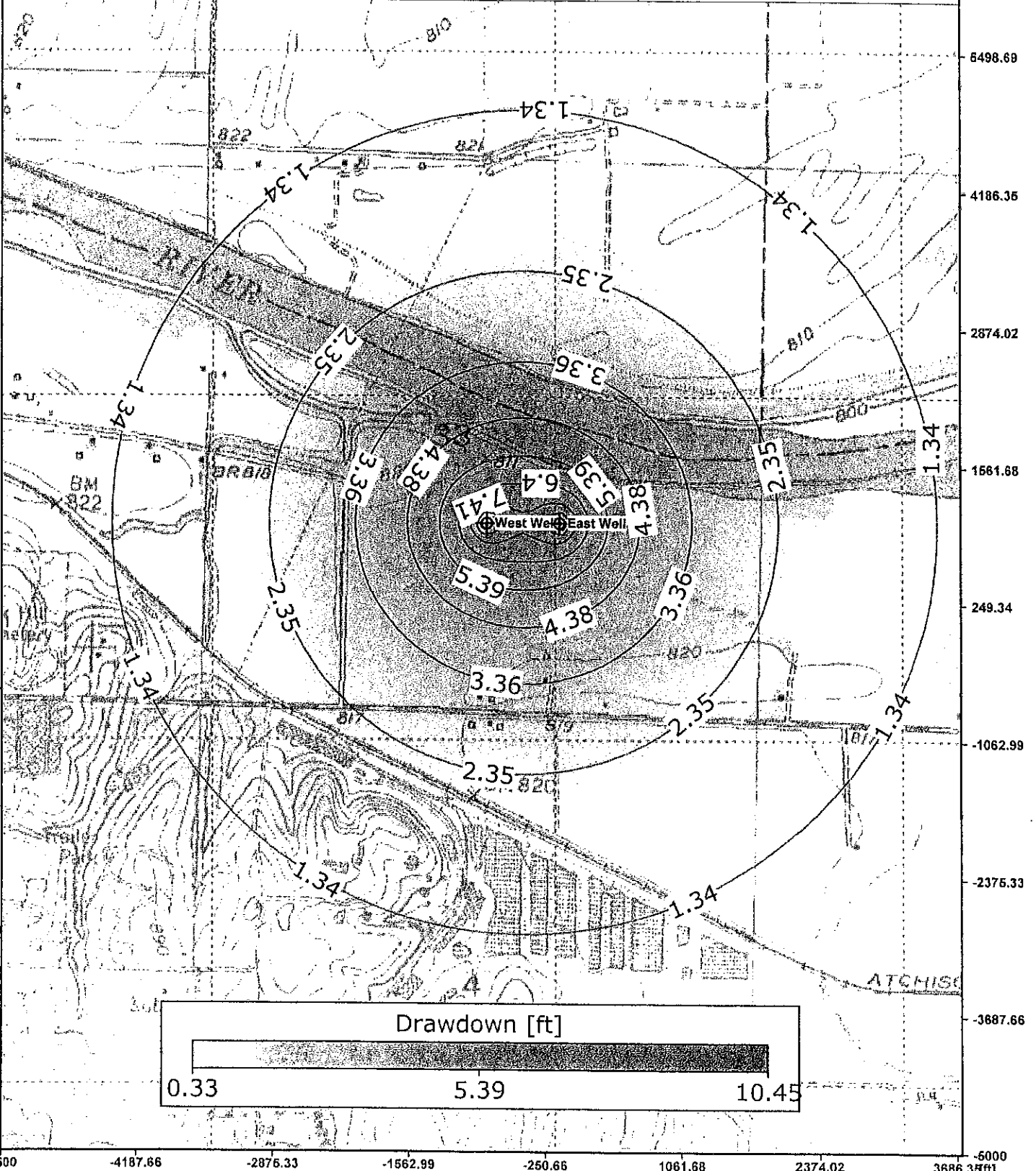
Number: Wells Pumping @ 387 gpm for 365 days

Client: T= 80300 g/f/d S= 0.212

Location:

Scale 1:16000

Map Origin [ft] X: -5500 Y: -5000



Drawdown [ft]

0.33

5.39

10.45

-5500

-4187.66

-2876.33

-1562.99

-250.66

1061.68

2374.02

3686.35 [ft]

6498.69

4186.35

2874.02

1561.68

249.34

-1062.99

-2376.33

-3687.66

-6000

Project: COLLECTOR WELL #69 FOR WATER PURIFICATION PLANT

Location: WATER PURIFICATION PLANT

A/E Firm: HOWARD R. GREEN COMPANY

Address: 6010 S. MINNESOTA AVENUE, SUITE 102
 City/State/Zip: SIOUX FALLS, SD 57108
 Phone No.: 605.334.4499

Bid Estimate: \$ 1,884,024.00

Budget: \$ 1,233,069.00
 Letting Date: 08/14/08
 Time: 2:15 p.m.

LOWEST RESPONSIVE BIDDER

John Reynolds & Sons, Inc.
 Bidder: Inc.
 4520 North State Road
 Address: 37
 City/State/Zip: Orleans, IN 47452
 Phone No.: 812.865.3232

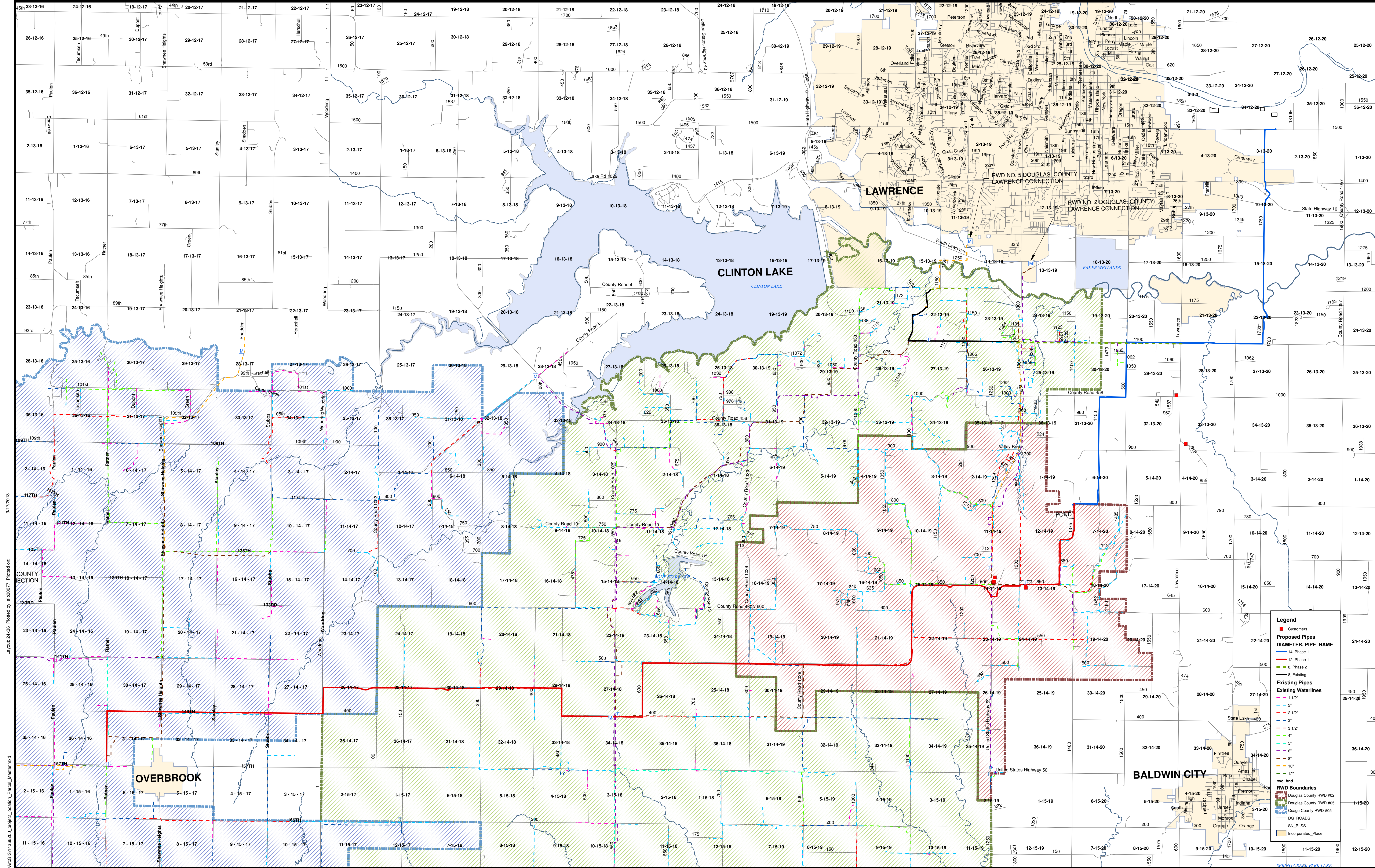
Robinson Mechanical Contractors, Inc.
 Bidder: Inc.
 Address: 2411 Walters Lane
 City/State/Zip: Perryville, MO 63775
 Phone No.: 573.547.8397

Item No.	Std. Bid Item No.	Description	Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price
1	9.0010	MOBILIZATION (10%)	LS	1	\$ 190,000.00	\$ 190,000.00	\$ 330,000.00	\$ 330,000.00
2		SPECIAL COLLECTOR WELL SUBMITTAL	LS	1	\$ 55,000.00	\$ 55,000.00	\$ 16,500.00	\$ 16,500.00
3		SPECIAL CAISSON DESIGN AND CONSTRUCTION	LF	48	\$ 9,000.00	\$ 432,000.00	\$ 11,045.00	\$ 530,160.00
4		SPECIAL PORT INSTALLATION	EA	5	\$ 10,000.00	\$ 50,000.00	\$ 5,500.00	\$ 27,500.00
5		SPECIAL INSTALL PROJECTION PIPE	LF	600	\$ 200.00	\$ 120,000.00	\$ 477.00	\$ 286,200.00
6		SPECIAL FURNISH AND INSTALL LATERALS	LF	600	\$ 300.00	\$ 180,000.00	\$ 587.00	\$ 352,200.00
7		SPECIAL REMOVE PROJECTION PIPE	LF	600	\$ 100.00	\$ 60,000.00	\$ 110.00	\$ 66,000.00
8		SPECIAL DEVELOP LATERALS	LF	600	\$ 70.00	\$ 42,000.00	\$ 55.00	\$ 33,000.00
9		SPECIAL STEP TESTING	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 11,000.00	\$ 11,000.00
10		SPECIAL CONSTANT RATE TESTING	LS	1	\$ 30,000.00	\$ 30,000.00	\$ 2,200.00	\$ 2,200.00
11		SPECIAL PLUG 1" OBSERVATION WELL	LF	50	\$ 50.00	\$ 2,500.00	\$ 22.00	\$ 1,100.00
12		SPECIAL DISINFECTION	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 3,850.00	\$ 3,850.00
13	100.0100	CLEARING	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 4,950.00	\$ 4,950.00
14	120.0010	UNCLASSIFIED EXCAVATION	CY	5348	\$ 14.25	\$ 76,209.00	\$ 13.15	\$ 70,326.20
15		SPECIAL STRUCTURAL FILL	CY	50	\$ 16.50	\$ 825.00	\$ 16.00	\$ 800.00
16	260.1010	AGGREGATE BASE COURSE	TN	1150	\$ 16.75	\$ 19,262.50	\$ 15.70	\$ 18,055.00
17	734.0601	SILT FENCE	LF	1000	\$ 5.50	\$ 5,500.00	\$ 5.50	\$ 5,500.00
18	230.0100	STRIP SALVAGE AND REPLACE TOPSOIL	CY	563	\$ 7.00	\$ 3,941.00	\$ 7.50	\$ 4,222.50
19		SPECIAL SEEDING FERTILIZING AND MULCHING	LS	1	\$ 2,500.00	\$ 2,500.00	\$ 2,200.00	\$ 2,200.00
20		SPECIAL YARD PIPING FITTING AND VALVES	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 13,000.00	\$ 13,000.00
21		SPECIAL CONCRETE DIVISION 3	LS	1	\$ 85,000.00	\$ 85,000.00	\$ 198,600.00	\$ 198,600.00
22		SPECIAL METALS DIVISION 5	LS	1	\$ 70,000.00	\$ 70,000.00	\$ 65,950.00	\$ 65,950.00
23		SPECIAL THERMAL AND MOISTURE PROTECTION DIVISION 7	LS	1	\$ 12,500.00	\$ 12,500.00	\$ 9,950.00	\$ 9,950.00
24		SPECIAL DOORS AND WINDOWS DIVISION 8	LS	1	\$ 18,000.00	\$ 18,000.00	\$ 31,870.00	\$ 31,870.00
25		SPECIAL PAINTING 09900	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 5,500.00	\$ 5,500.00
26		SPECIAL VERTICAL TURBINE PUMP 11210	EA	1	\$ 60,000.00	\$ 60,000.00	\$ 70,400.00	\$ 70,400.00
27		SPECIAL INSTRUMENTATION AND CONTROLS 13420 THROUGH 13480	LS	1	\$ 47,000.00	\$ 47,000.00	\$ 46,450.00	\$ 46,450.00
28		SPECIAL VALVES AND OPERATORS 15110 THRU 15120	LS	1	\$ 56,000.00	\$ 56,000.00	\$ 23,425.00	\$ 23,425.00
29		SPECIAL PROCESS PIPING ACCESSORIES AND RELATED ITEMS	LS	1	\$ 27,500.00	\$ 27,500.00	\$ 25,350.00	\$ 25,350.00
30		SPECIAL HVAC	LS	1	\$ 9,000.00	\$ 9,000.00	\$ 8,000.00	\$ 8,000.00
31		SPECIAL ELECTRICAL	LS	1	\$ 101,000.00	\$ 101,000.00	\$ 95,125.00	\$ 95,125.00
32		SPECIAL COMPLETION OF WELL #69	LS	1	\$ 190,982.50	\$ 190,982.50	\$ 5,500.00	\$ 5,500.00

TOTAL GROSS BASE BID

Total Bid	\$ 1,999,720.00	Total Bid	\$ 2,364,883.70
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29		SPECIAL ALTERNATE 1: ADD CAISSON HEIGHT	LF	1	\$ 9,000.00	\$ 9,000.00	\$ 1,000.00	\$ 1,000.00
30		SPECIAL ALTERNATE 2: DEDUCT CAISSON HEIGHT	LF	1	\$ (2,500.00)	\$ (2,500.00)	\$ (1,000.00)	\$ (1,000.00)
31	680.2502	ALTERNATE 3: CRUSHED QUARTZITE	TON	50	\$ 22.50	\$ 1,125.00	\$ 20.00	\$ 1,000.00
32		SPECIAL ALTERNATE 4: ADD/DEDUCT ASPHALT MILLINGS	TON	1	\$ 7.50	\$ 7.50	\$ 7.00	\$ 7.00



W:\Proj\1436614366\300\ACGIS\14366200_project_locationParcel_Master.mxd
 9/17/2013
 Layout: 24x36 Plotted by: ab00077 Plotted on:

■	Customers
—	Proposed Pipes
—	14, Phase 1
—	12, Phase 1
—	8, Phase 2
—	8, Existing
—	Existing Pipes
—	Existing Waterlines
—	1 1/2"
—	2"
—	2 1/2"
—	3"
—	3 1/2"
—	4"
—	5"
—	6"
—	8"
—	10"
—	12"
—	rwd_bnd
—	Douglas County RWD #02
—	Douglas County RWD #05
—	Chage County RWD #05
—	DQ_ROADS
—	SN_PLSS
—	Incorporated Place

#	DATE	DESCRIPTION	BY

DESIGNED: ALB
 DRAWN BY: ALB
 CHECKED BY: JAR
 PROJECT ENGR: JAR

BARTLETT & WEST
 1200 EXECUTIVE DRIVE • TOPEKA, KANSAS 66615.3850
 PHONE 785.272.2252 • FAX 785.272.7349
 WWW.BARTWEST.COM

**PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO. 25
 DOUGLAS COUNTY, KANSAS**

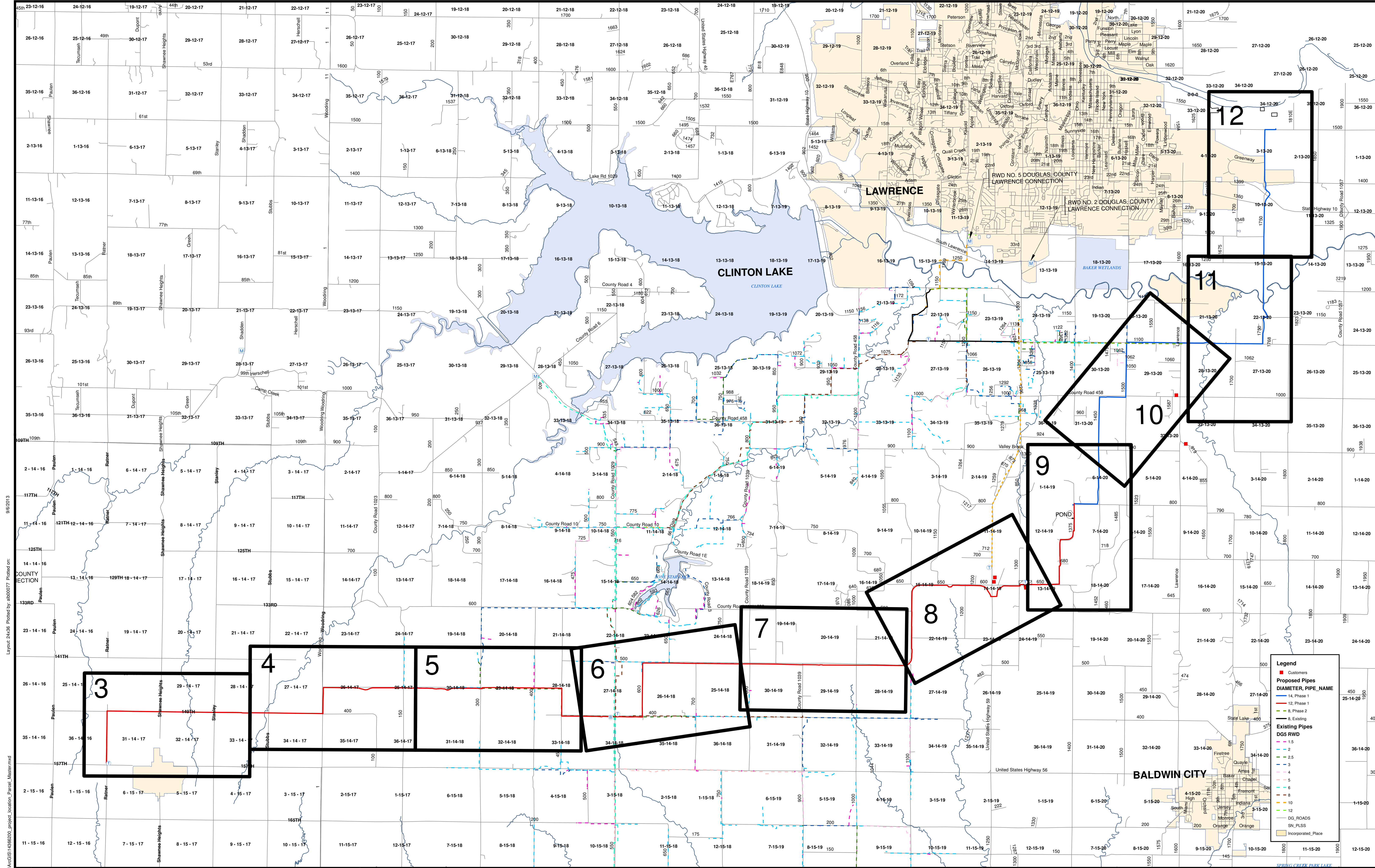
MASTER LAYOUT

SHEET GRID INDEX

PROJ NO: 14366.200
 CONST: -----
 SCALE: 1" = 4000'
 DATE: MAY 2013

DRAWING NO: 2
 SHEET NO: 2 of 12

ALL RIGHTS RESERVED. ALL BARTLETT & WEST ENGINEERS PLANS, SPECIFICATIONS AND DRAWINGS ARE PROTECTED UNDER COPYRIGHT LAW, AND NO PART MAY BE COPIED, REPRODUCED, DISPLAYED PUBLICLY, USED TO CREATE DERIVATIVES, DISTRIBUTED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY ANY MEANS WITHOUT PRIOR WRITTEN PERMISSION OF BARTLETT & WEST ENGINEERS.



9/16/2013
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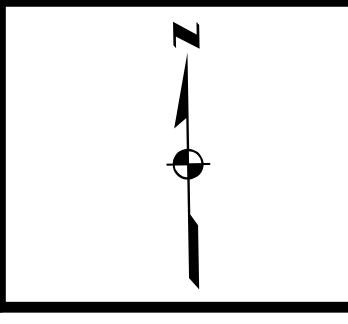
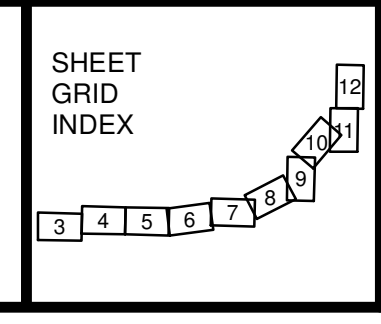
#	DATE	DESCRIPTION	BY

DESIGNED: ALB
 DRAWN BY: ALB
 CHECKED BY: JAR
 PROJECT ENGR: JAR

BARTLETT & WEST
 1200 EXECUTIVE DRIVE • TOPEKA, KANSAS 66615.3850
 PHONE 785.272.2252 • FAX 785.272.7349
 WWW.BARTWEST.COM

PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO. 25
DOUGLAS COUNTY, KANSAS

PARCEL MAP
MASTER LAYOUT



PROJ NO:	14366.200	DRAWING NO:	2
CONST	-----	SHEET NO:	2 of 12
SCALE	1" = 4000'		
DATE:	MAY 2013		

Legend

- Customers
- Proposed Pipes
- 14, Phase 1
- 12, Phase 1
- 8, Phase 1
- 8, Phase 2
- Existing Pipes
- 8, Existing
- DGS RWD
- 1.5
- 2
- 2.5
- 3
- 4
- 5
- 6
- 8
- 10
- 12
- DG_ROADS
- SN_PLSS
- Incorporated Place

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VOGEL IRENE S TRUSTEE
PO BOX 429
LAWRENCE KS 66044

VOGEL IRENE S TRUSTEE
PO BOX 429
LAWRENCE KS 66044

CITY OF LAWRENCE
PO BOX 708
LAWRENCE KS 66044

SCHAAKE LARRY C
643 TENNESSEE ST
LAWRENCE, KS 66044

PENNY DAVID M
643 TENNESSEE ST
LAWRENCE KS 66044

SIMPSON LAWRENCE
1602 N 1550 RD
LAWRENCE KS 66046

30' DRAINAGE EASEMENT

6 ACRES

Tract No. 2

POTENTIAL PRODUCTION WELLS

POTENTIAL PRODUCTION WELL

POTENTIAL PRODUCTION WELL

PUBLIC WHOLESALE WATER SUPPLY DIST NO 21
945 E 650 RD
LAWRENCE KS 66047

250' +/-

700' +/-

POTENTIAL PRODUCTION WELL

PROPOSED WELL SITE

POTENTIAL PRODUCTION WELL

POTENTIAL PRODUCTION WELL

POTENTIAL PRODUCTION WELL

SCHAAKE DOROTHY J TRUSTEE
1527 N 1550 RD
LAWRENCE KS 66046

COYOTE FARMS LLC
4553 TURNBERRY DR
LAWRENCE KS 66047

ULRICH PHYLLIS A TRUSTEE
2354 235TH ST
HAMILTON KS 66853

SCHAAKE LARRY C TRUSTEE
1791 N 1500 RD
LAWRENCE KS 66046

SCHAAKE LARRY C TRUSTEE
1791 N 1500 RD
LAWRENCE KS 66046

SCHAAKE LARRY C TRUSTEE
1791 N 1500 RD
LAWRENCE KS 66046

VAN LLC
3712 QUAIL CREEK CT
LAWRENCE KS 66047

VAN LLC
3712 QUAIL CREEK CT
LAWRENCE KS 66047

VAN LLC
3712 QUAIL CREEK CT
LAWRENCE KS 66047

PROPOSED 26 ACRE PLANT SITE

KEHRLI SILVY L
323 ILLINOIS ST
LAWRENCE KS 66044

PERKINS CAROL A TRUSTEE
5000 W 14TH ST
PLAINE MOORE KS 66089

SCHWARTZ NANCY
PO BOX 361
LAWRENCE KS 66044

N1500 RD

545' +/-

E1750 RD

SCHAAKE DOROTHY J TRUSTEE
1527 N 1550 RD
LAWRENCE KS 66046

KITSMILLER RALPH D TRUSTEE
1341 E 1700 RD
LAWRENCE KS 66046

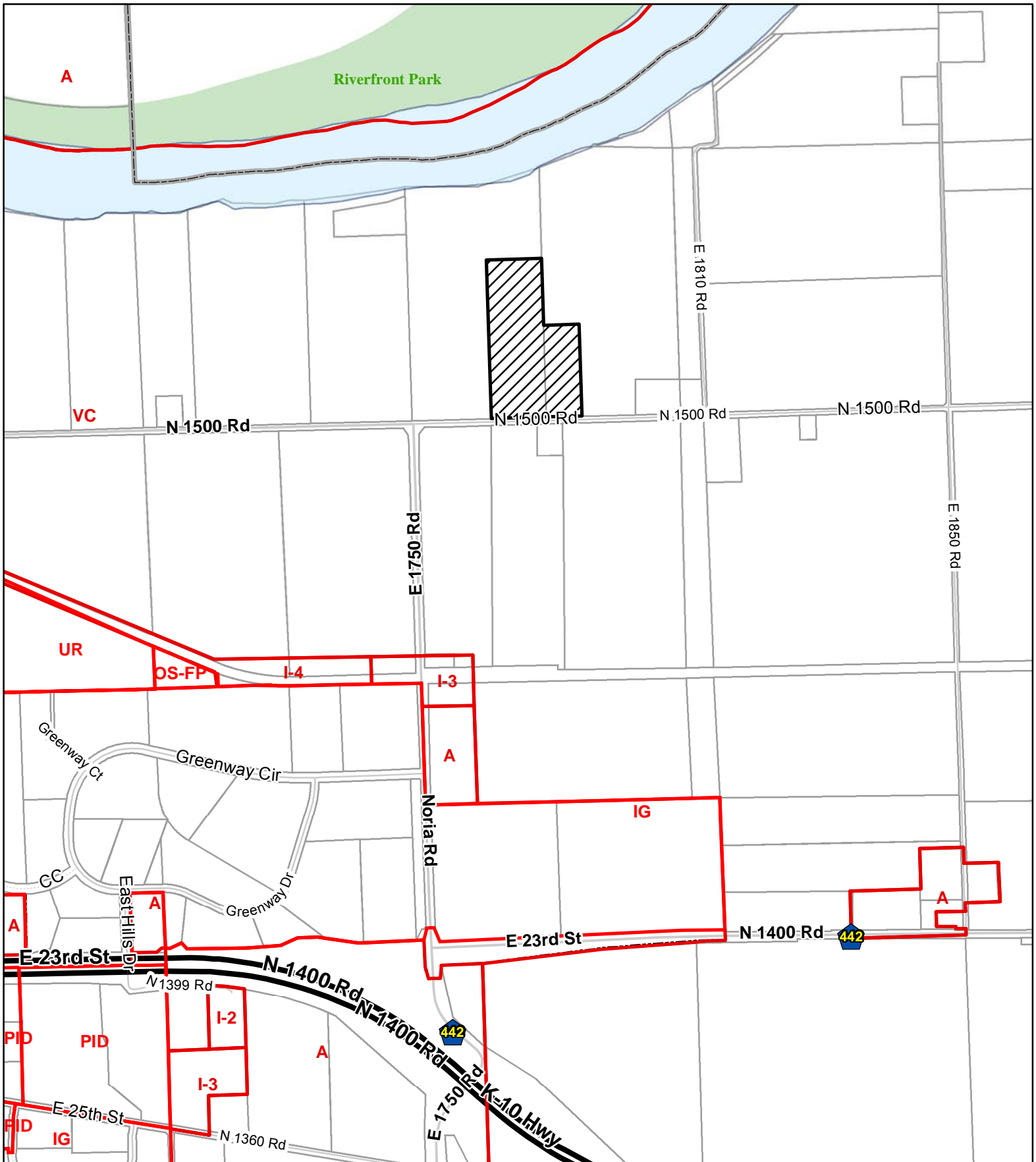
KITSMILLER RALPH D TRUSTEE
1341 E 1700 RD
LAWRENCE KS 66046

BRUNE DANIEL C
242 E CAIRO DR
TEMPE AZ 85282

KNABE LINDA J & RICHARD L TRUSTEES
38460 W 143RD ST
EUDOORA KS 66025

SCHAAKE LARRY C TRUSTEE
1791 N 1500 RD
LAWRENCE KS 66046

CITY OF LAWRENCE
PO BOX 708
LAWRENCE KS 66044



CUP-13-00281: Conditional Use Permit for a water treatment plant site to produce water for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd





LEAGUE OF WOMEN VOTERS®
OF LAWRENCE/DOUGLAS COUNTY

RECEIVED

SEP 23 2013

City County Planning Office
Lawrence, Kansas

September 22, 2013

To Mr. Bryan Culver, Chairman and Planning Commissioners
Lawrence-Douglas County Metropolitan Planning Commission

RE: ITEM NO. 3: CONDITIONAL USE PERMIT; WATER TREATMENT
PLANT; ¼ MILE E OF E 1750 RD & N 1500 RD (MKM)

Dear Chairman Culver and Planning Commissioners:

The Lawrence League has many concerns about the development of the proposed water treatment plant and is asking that you study this issue in depth before you recommend approval for a CUP.

Listed below are some of these concerns:

1. The location of the proposed plant is very close to, and in fact, could be within the boundaries of, the Lawrence Urban Growth Area. The water main, or mains, connecting to it would have to pass through what appear to be Lawrence City boundaries. Would there be problems of jurisdiction and maintenance, among other difficulties that its proximity could create?

2. Although the location technically is outside of the 100-year floodplain, it is in a very small area between the floodway and floodplain and appears to be within the Valley Channel District of the County. The likelihood of its flooding seems to us a real possibility in view of the expected increase in frequency and intensity of storms recently attributed by many to climate change.

3. Some predictions, in contrast, are that Lawrence is included in an area that will be facing increasing incidents of drought. Because of the dependence of our local water tables on rain and river flow, we have some questions about the wisdom of encouraging increased use of our groundwater for residential use, even though to some it may seem limitless when its source is located adjacent to the Kansas River. Rather than being beneficial, a major increase in rural water supply could have an adverse effect.

a. The expectation of prospective county residential builders that rural water is limitless will encourage county non-farm residential growth, increasing future water shortages that some predict.

b. This expectation of increased rural water supply could also increase its wasteful use by existing county residents, in contrast to the predicted future need for water conservation.

We ask that you carefully study this request for a CUP by the Wholesale Water Supply District No. 25 and even consider recommending a denial of this permit.

Sincerely yours,

Cille King
Cille King
Co-President

Alan Black
Alan Black, Chairman
Land Use Committee

Recess LDCMPC

Convene Joint Meeting with Eudora Planning Commission

ITEM NO. 3 CONDITIONAL USE PERMIT; WATER TREATMENT PLANT; ¼ MILE E OF E 1750 RD & N 1500 RD (MKM)

CUP-13-00281: Conditional Use Permit for a water treatment plant to produce water for Public Wholesale Water Supply District No. 25, located ¼ mile east of the intersection of E 1750 Rd and N 1500 Rd. Submitted by Public Wholesale Water Supply District No. 25, property owner of record. *Joint meeting with Eudora Planning Commission.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

Eudora Planning Commissioner Kurt von Achen said the Eudora Planning Commission did not have quorum.

Mr. McCullough said that they could allow a few weeks for Eudora Planning Commission to meet and then send the Lawrence Planning Commission and Eudora Planning Commission minutes to the County Commission.

APPLICANT PRESENTATION

Mr. John Ruckman, Bartlett & West, was present for questioning. He said he agreed with the staff recommendation.

PUBLIC HEARING

Ms. Cille King, League of Women Voters (LOWV), said they were concerned about the location being close to the river, the ground water level, and possible drought issues that would determine how effective this would be. She said in addition to the letter the LOWV's sent they wanted to emphasize that the LOWV has long been concerned with maintaining agricultural lands and sprawl in the county. She said the LOWV did a study in 1999 that looked at the environmental impact from loss of prime agricultural land and the true cost of urban sprawl. She asked the Planning Commission to reconsider approving more water for urban sprawl development.

APPLICANT CLOSING COMMENT

Mr. Ruckman responded to some of the concerns outlined in the League of Women Voter's letter. He said any of the water lines within the UGA would be reviewed and would follow guidelines. He said all of the physical structures would be outside of the 500 year floodplain. He said regarding drought, by taking water out of the eluvium of the river they would become a member of the Kansas River Assurance District, which meant they would comply with the vision of Water Resources. He said any water taken from the eluvium was backed by water stored in reservoirs along the Kansas River.

COMMISSION DISCUSSION

Eudora Planning Commissioner Kurt von Achen said the Eudora Planning Commission had no comments at this time.

Commissioner von Achen asked if the easements obtained for future mains would be obtained upfront or down the road.

Mr. Ruckman said they would be obtained before construction occurred. He said the water line routing would be determined for the water lines and then easements would go out to private land owners prior to any bidding or construction.

Commissioner Denney asked if there was a water shortage in these areas or reason for doing this.

Mr. Ruckman said Osage #5 to the south draws water out of Clinton Lake and have had issues with the water treatment plant they currently utilize so this would be a supply to take care of that in the future. He said there was also growth in these areas with a 2% growth rate of meter sales, which would drive the additional water need.

Commissioner von Achen inquired about the Valley Channel zoning with the Conditional Use Permit and if there would be mitigation for potential flooding.

Mr. Ruckman said the facility would be above the 500 year floodplain. He said they could not do any moving of earth inside the floodway itself, which was the majority of the property.

Commissioner von Achen asked what would happen when wells flood.

Mr. Ruckman said wells were built in such a way for that. He said most water treatment plants that take ground water lay in the floodway, which was where the water was at. He said they would be using pit-less units which were sealed and could be flooded. He said any electrical going to the well would be brought in through junction boxes located above the 500 year floodplain and the power would be dropped down into the well itself. He said those could run in an inundated situation for a period of time.

Commissioner Kelley appreciated the public comments about this. He said he wanted to preserve as much agricultural land as possible but also understood the need for water. He said the growth of the area would be somewhat controlled by Planning Commission. He said he was in favor of this and would vote for it.

Commissioner Liese said it was not zoned for this and a Conditional Use Permit would be required. He was not sure that it was necessary. He appreciated the letter by the League of Women Voters. He asked if the water mains connecting this would potentially pass through Lawrence City boundaries.

Mr. McCullough said that was correct.

Commissioner Liese he said the League of Women Voters questions about that were valid. He asked staff to respond.

Mr. McCullough said running the main lines was a separate matter from the Conditional Use Permit before them tonight. He said the route could change or be altered. He said at the time of the request to the City or property owners the City would have some ability to look at the request to go through the City right-of-way and negotiate whatever issues there may be.

Commissioner Liese asked what Planning Commission should be mostly concerned about if the line wasn't what they should be concerned about.

Mr. McCullough said the blue line on the map was provided as general information about the request to see where the District intends to expand service. He said the Conditional Use Permit would not be applied to the routing of the main line, it would be applied to the treatment plant itself and well sites in terms of a land use compatibility issue. He said the project would need to go through the floodplain development permit process in the County and meet the requirements.

Commissioner Liese asked if it would be considered and addressed in the future.

Mr. McCullough said water was controlled by the State, not the County or City.

Commissioner von Achen asked Mr. Ruckman what percentage of water would go to Osage County and Douglas County.

Mr. Ruckman said it was split almost 50/50% between Osage #5 and Douglas # 5 with both entering as equal partners.

Commissioner Denney expressed concern about doing away with agricultural farmland. He asked if the Conditional Use Permit would allow water from any part of the property.

Mr. McCullough said the Conditional Use Permit was married to a site plan that would go to the County Commission for approval. He said any modifications to the site plan in the future would be administratively reviewed or reapproved by County Commission, depending on the scope of change.

Commissioner Denney asked for clarification that this was only include a small part of the property where the character of the land would change.

Mr. McCullough said that was correct.

Commissioner Rasmussen inquired about staff recommendation 2 where it states the property shall be platted to Zoning and Codes. He asked if that meant County Zoning and Codes.

Ms. Miller said she could clarify the language to say Douglas County Zoning and Codes.

Commissioner Rasmussen commented about the first condition and asked why the applicant would need to be told to obey the law and comply with their permit. He wondered what would happen if the applicant got into a dispute or some sort of issue with their permit and if the City or County would be pulled into the dispute since it was included as a condition of the permit. He wondered why that was included as a condition.

Ms. Miller said it was not so much for the applicant because the applicant knows they need to comply with the permit. She said it was more of a notice for the Zoning and Codes office.

Commissioner Rasmussen asked if the Zoning and Codes office would enforce the State water permit.

Ms. Miller said if the applicant was not in compliance the Conditional Use Permit could be rescinded. She said they needed to comply with the State and the Conditional Use Permit was based on compliance.

Commissioner Rasmussen asked if the Conditional Use Permit was tied to compliance with the State permit.

Ms. Miller said that was correct.

ACTION TAKEN

Motioned by Commissioner Rasmussen, seconded by Commissioner Kelly, to approve the Conditional Use Permit for the water treatment plant for Public Wholesale Water Supply District No. 25 and forwarding it to the Board of County Commissioners with a recommendation for approval based on the findings of fact found in the body of the staff report subject to the following conditions:

- 1) The CUP shall comply with the terms, conditions, and limitations specified in the Division of Water Resources permit.
- 2) The property shall be platted prior to release of the Conditional Use Permit plan to Zoning and Codes.
- 3) The provision of a revised Conditional Use Site Plan with the following changes:
 - a. Delineation of a wooded area near the east side of Tract 2 that is 20 ft wide and extends 240 ft north of the south property line, and the addition of the following note: *"The trees and other vegetation in this area will be retained to screen the facility from the east. In the event the trees are removed, native conifers will be planted on 30 ft centers to provide screening."*
 - a. Note the revision date on the plan.
 - b. Show one ADA accessible parking space on the plan. This space shall also be marked and signed on site.

Commissioner Liese said he would have voted against the motion because of concerns raised by the League of Women Voters but staff convinced him those should not be part of their decision making process.

Commissioner Culver agreed with Commissioner Liese regarding looking at the Conditional Use Permit as it pertains to land use. He said the concerns and questions he had were brought up and addressed. He appreciated the input from the League of Women Voters. He said he was confident some of those concerns would be discussed and worked out by the County Commission. He said he would support the motion for approval.

Commissioner von Achen said she was not comfortable sending 50% of the water in Douglas County out of the county. She agreed with the League of Women Voters comments about how this would encourage county sprawl but staff has indicated it was not within Planning Commission purview. She said she would support the motion but had reservations.

Commissioner Rasmussen said Kansas was an arid state and it was not Douglas County water it was State water. He said Kansas was a prior appropriation state which meant water could be moved great distances within the state. He said all of the citizens of Kansas share the water.

Ms. Suzannah Vasquez-Bridgens was confused about Commissioner Rasmussen's comment about this being the State's water. She said she was under the impression that the entire state was a water table and had access to the water table. She did not understand why there would be a need to move it from one area to another if the entire state had a water table available to it. She asked if the State was requesting this.

Commissioner Rasmussen said the State was issuing a permit to the applicant to take water from the Kansas River eluvium and that Planning Commission had to decide whether the building could be built there.

Commissioner Denney said he would support this even though it does change some of the characters of the land use. He said a significant portion of Douglas County was served by Osage Water District #5 so it was not like all the water was going outside of Douglas County.

Commissioner Struckhoff said he would support the Conditional Use Permit but shared the League of Women Voters concerns about agricultural land and water tables.

Commissioner Josserand agreed with Commissioner von Achen's comments.

Unanimously approved 10-0.

**Adjourn Joint Meeting
Reconvene LDCMPC**