

CERTIFICATE

State of Kansas
Special District
2010

To the Clerk of Lyon County, State of Kansas
We, the undersigned, officers of
Allen Creek Watershed District No. 89

certify that: (1) the hearing mentioned in the attached publication was held;
(2) after the Budget Hearing this budget was duly approved and adopted
maximum expenditures for the various funds for the year 2010; and (3) the
Amount(s) of 2009 Ad Valorem Tax are within statutory limitations for the 2010 Budget.

Table of Contents:		Page No.	2010 Adopted Budget		
			Expenditure	Amount of 2009 Ad Valorem Tax	County Clerk's Use Only
Computation to Determine Limit for 2010		2			
Allocation MVT, RVT, 16/20M Veh & Slider		3			
Schedule of Transfers		4			
Statement of Indebt. & Lease/Purchase		5			
Fund	K.S.A.				
General	12-101a	6	216,990	50,499	4,981
Debt Service	10-113				
Totals	xxxxxxxxxx		216,990	50,499	4,981
Budget Summary		4			
Neighborhood Revitalization Rebate Resolution			Is a Resolution required?	No	

Assisted by: Pool & Wright, Chartered

Address: 505 Commercial St.
Emporia, KS 66801

County Clerk's Use Only

10,137,360

November 1st Total
Assessed Valuation

State Use Only
Received _____
Reviewed by _____
Follow-up: Yes _____ No _____

Attest: Nov 2 2009
Emmy V. [Signature]
County Clerk

FOR THE BOARD OR DIRECTORS
AT AUGUST 3, 2009:

✓ Roger Wells
ROGER WELLS, PRESIDENT

✓ John Marcotte
JOHN MARCOTTE, TREASURER

Governing Body

Computation to Determine Limit for 2010

1. Total Tax Levy Amount in 2009 Budget
2. Debt Service Levy in 2009 Budget
3. Tax Levy Excluding Debt Service

Amount of Levy	
+	\$ 52,231
-	\$ 0
\$	<u>52,231</u>

2009 Valuation Information for Valuation Adjustments:

4. New Improvements for 2009:	+	<u>99,808</u>	
5. Increase in Personal Property for 2009:			
5a. Personal Property 2009	+	<u>0</u>	
5b. Personal Property 2008	-	<u>0</u>	
5c. Increase in Personal Property (5a minus 5b)	+	<u>0</u>	
			(Use Only if > 0)
6. Valuation of Property that has Changed in Use during 2009:		<u>0</u>	
7. Total Valuation Adjustment (Sum of 4, 5c, 6)		<u>99,808</u>	
8. Total Estimated Valuation July, 1, 2009		<u>10,099,828</u>	
9. Total Valuation less Valuation Adjustment (8 minus 7)		<u>10,000,020</u>	
10. Factor for Increase (7 divided by 9)		<u>0.00998</u>	
11. Amount of Increase (10 times 3)	+	\$ <u>521</u>	
12. Maximum Tax Levy, excluding debt service, without Resolution (3 plus 11)	\$	<u>52,752</u>	
13. Debt Service Levy in this 2010 Budget		<u>0</u>	
14. Maximum levy, including debt service, without a Resolution (12 plus 13)		<u>52,752</u>	

If the 2010 budget includes tax levies exceeding the total on line 14, you must adopt a resolution to exceed this limit and attach a copy to this budget.

NOTICE OF BUDGET HEARING

State of Kansas
Special District
2010

The governing body of
Allen Creek Watershed District No. 89
Lyon County

will meet on the 29th day of July, 2009, at 8:00 p.m. at USD 251 Board of Education Office, 616 Main Street, Americus, KS 66835
for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount
of tax to be levied.

Detailed budget information is available at the office of Pool & Wright, Chartered, 505 Commercial, Emporia, KS 66801
and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2010 Expenditures and Amount of 2009 Ad Valorem Tax establish the maximum limits
of the 2010 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual 2008		Current Year Estimate for 2009		Proposed Budget Year for 2010		
	Expenditures	Actual Tax Rate*	Expenditures	Actual Tax Rate*	Expenditures	Amount of 2009 Ad Valorem Tax	Actual Tax Rate*
General	79,665	4.936	230,000	4.970	216,990	50,499	5.000
Debt Service							
Totals	79,665	4.936	230,000	4.970	216,990	50,499	5.000
Less: Transfers	0		0		0		
Net Expenditures	79,665		230,000		216,990		
Total Tax Levied	52,360		52,231		xxxxxxxxxxxxxxxx		
Assessed Valuation	10,607,954		10,508,788		10,099,828		

Outstanding Indebtedness,

Jan 1,	2007	2008	2009
G.O. Bonds	0	0	0
Revenue Bonds	0	0	0
No-Fund Warrant	0	0	0
Lease Pur. Princ.	0	0	0
Total	0	0	0

*Tax rates are expressed in mills.

John Marcotte

Treasurer

Page No.

4

Adopted Budget General	Prior Year Actual 2008	Current Year Estimate 2009	Proposed Budget Year 2010
Unencumbered Cash Balance Jan 1	55,185	71,070	6,893
Receipts:			
Ad Valorem Tax			
Delinquent Tax	51,779	52,231	xxxxxxxxxxxxxxxxxxxx
Motor Vehicle Tax			
Recreational Vehicle Tax	7,214	7,505	8,320
16/20M Vehicle Tax	208		213
LAVTR	1,005	1,087	1,065
Slider			0
In Lieu of Taxes			0
State Grant			
Landowner Contribution	35,200	100,000	100,000
		5,000	50,000
Interest on Idle Funds			
Miscellaneous	144		
Does miscellaneous exceed 10% of Total Receipts			
Total Receipts	95,550	165,823	159,598
Resources Available:			
Expenditures:	150,735	236,893	166,491
Construction Costs			
Administrative Costs	65,099	215,000	200,990
	14,566	15,000	16,000
Neighborhood Revitalization Rebate			
Miscellaneous			
Does miscellaneous exceed 10% of Total Expenditures			
Total Expenditures	79,665	230,000	216,990
Unencumbered Cash Balance Dec 31	71,070	6,893	xxxxxxxxxxxxxxxxxxxx
2008/2009 Budget Authority Amount:	232,975	231,795	Non-Appr Bal
Violation of Budget Law for 2008/2009:	<u>No</u>	<u>No</u>	Tot Exp/Non-Appr Bal
Possible Cash Violation for 2008:	<u>No</u>		Tax Required
			Del Comp Rate: 0.000%
			Amount of 2009 Ad Valorem Tax

AFFIDAVIT OF PUBLICATION

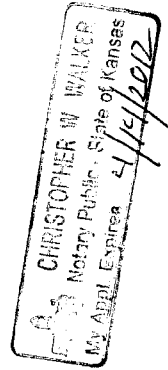
STATE OF KANSAS, LYON COUNTY, ss:

Regina Murphy, being first duly sworn, deposes and says: That she is an employee of The Emporia Gazette, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Lyon County, Kansas, with a general paid circulation on a daily basis in Lyon County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

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

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ONE DAY ONLY, the first publication thereof being made as aforesaid on the 22nd day of July, 2009, with no subsequent publications being made.

Subscribed and sworn to me this 22nd day of July, 2009.



[Signature]
Notary Public

Printer's Fee: 82.72

Date Paid: _____

EXHIBIT A

NOTICE OF BUDGET HEARING

The governing body of
Allen Creek Watershed District No. 82
Lyon County

will meet on the 29th day of July, 2009, at 8:00 p.m. at USD 251 Board of Education Office, 616 Main Street, Emporia, KS 66835 for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of tax to be levied.
Detailed budget information is available at the office of Pool & Wright, Chartered, 505 Commercial, Emporia, KS 66801 and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2010 Expenditures and Amount of 2009 Ad Valorem Tax establish the maximum limits of the 2010 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual 2008	Actual Tax Rate*	Expenditures	Amount of 2009 Ad Valorem Tax	Proposed Budget Year for 2010	Actual Tax Rate*	Expenditures	Amount of 2009 Ad Valorem Tax
General	79,665	4.936	230,000	4.970	216,990	50,499	5,000	5,000
Debt Service								
Totals	79,665	4.936	230,000	4.970	216,990	50,499	5,000	5,000
Less: Transfers	0		0		0			
Net Expenditures	79,665		230,000		216,990			
Total Tax Levied	52,360		52,331		52,331			
Assessed Valuation	10,607,954		10,508,788		10,999,828			

Outstanding Indebtedness

2007	2008	2009
Jan 1,	0	0
G.O. Bonds	0	0
Revenue Bonds	0	0
No-Fund Warrant	0	0
Lease Pur. Princ.	0	0
Total	0	0

*Tax rates are expressed in mills.

John Marcotte
Treasurer

Law Offices of
Keith A. Greiner, Chartered
517 Bank of America Building
P. O. Box 708, Emporia KS 66801-0708
620-342-1157 (telephone/facsimile)
(Washington, DC 202-686-2158 (telephone/facsimile)
202-256-6124 (cell phone)/800-593-6176 pin=02 (rings in DC)
greinerk@att.net (email)

August 4, 2009

County Clerk of Lyon County, Kansas
Lyon County Courthouse
430 Commercial Street
Emporia, Kansas 66801-1226

Re: 2010 Budget for Allen Creek Watershed District No. 89, Lyon
County, Kansas

Enclosed in accordance with K.S.A. 79-2930 are:

1. Two certified copies of the 2010 budget adopted July 29, 2009, by the above Watershed District; and
2. Two copies of the proof of publication.

Also enclosed are two certified copies of a budget resolution for the Watershed District in accordance with K.S.A. 79-2925b approved at the meeting of the Board of Directors on July 29, 2009, in the event that property taxes will be levied for the annual budget in excess of the property taxes levied for the prior succeeding annual budget.

Sincerely,



Keith A. Greiner, Chartered
Attorneys for the Watershed
District

Enclosures

cc w/o encl.: Roger Wells, President
Mickey Karr, Vice-President
William F. Duncan, Secretary
John Marcotte, Treasurer

2076.045

CERTIFICATE OF RESOLUTION
ALLEN CREEK WATERSHED DISTRICT NO.89, LYON COUNTY, KANSAS

The undersigned officers of the above Watershed District do hereby certify that the following resolution is a full, true, and correct copy of a resolution of the Board of Directors of said Watershed District that was duly and regularly adopted by said Board on the 29th day of July, 2009, when the budget for 2010 was approved:

"Resolution for 2010 Budget

This resolution is to express the property taxation policy of the Board of Directors with respect to financing the 2010 annual budget of the Watershed District.

Whereas, K.S.A. 79-2925b, provides that a resolution be adopted in accordance with that statute if property taxes are to levied for an annual budget in excess of the property taxes levied for the prior succeeding annual budget except for certain exceptions specified in the statute;

And whereas, the Watershed District proposes to finance its 2010 annual budget with property taxes that may exceed the amount levied to finance its 2009 annual budget, except with regard to revenue produced and attributable to those exceptions listed in K.S.A. 79-2925b and to grant money received for construction costs;

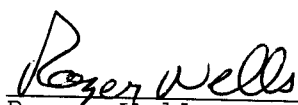
And whereas, budgeting, taxing, and service level decisions for all services of the Watershed District are the responsibility of the Board of Directors of the Watershed District;

And whereas, the Watershed District provides essential services in accordance with the Kansas Watershed District Act (K.S.A. 24-1201 et seq.) to protect the safety and well being of the citizens within its boundaries;

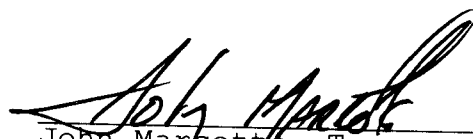
And whereas, the cost of provision of these services continues to increase, in some cases dramatically.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of Allen Creek Watershed District No. 89, Lyon County, Kansas, that the public be notified in accordance with law of the possibility of increased property taxes to finance the 2010 budget of the Watershed District."

Certified July 29, 2009.



Roger Wells, President



John Marcotte, Treasurer

2076.045

CERTIFICATE OF RESOLUTION
ALLEN CREEK WATERSHED DISTRICT NO.89, LYON COUNTY, KANSAS

The undersigned officers of the above Watershed District do hereby certify that the following resolution is a full, true, and correct copy of a resolution of the Board of Directors of said Watershed District that was duly and regularly adopted by said Board on the 29th day of July, 2009, when the budget for 2010 was approved:

"Resolution for 2010 Budget

This resolution is to express the property taxation policy of the Board of Directors with respect to financing the 2010 annual budget of the Watershed District.

Whereas, K.S.A. 79-2925b, provides that a resolution be adopted in accordance with that statute if property taxes are to levied for an annual budget in excess of the property taxes levied for the prior succeeding annual budget except for certain exceptions specified in the statute;

And whereas, the Watershed District proposes to finance its 2010 annual budget with property taxes that may exceed the amount levied to finance its 2009 annual budget, except with regard to revenue produced and attributable to those exceptions listed in K.S.A. 79-2925b and to grant money received for construction costs;

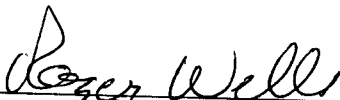
And whereas, budgeting, taxing, and service level decisions for all services of the Watershed District are the responsibility of the Board of Directors of the Watershed District;

And whereas, the Watershed District provides essential services in accordance with the Kansas Watershed District Act (K.S.A. 24-1201 et seq.) to protect the safety and well being of the citizens within its boundaries;


And whereas, the cost of provision of these services continues to increase, in some cases dramatically.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of Allen Creek Watershed District No. 89, Lyon County, Kansas, that the public be notified in accordance with law of the possibility of increased property taxes to finance the 2010 budget of the Watershed District."

Certified July 29, 2009.



Roger Wells, President



John Marcotte, Treasurer

2076.045

Tammy Vopat

From: "Keith A. Greiner" <greinerk@att.net>
To: "Tammy Vopat" <lyclerk@lyoncounty.org>
Cc: "Roger Wells (ACWD)" <rnwells@bluestemtelco.com>
Sent: Thursday, August 13, 2009 10:00 PM
Subject: [SPAM] Re: Allen Creek Watershed

Dear Ms. Vopat: The certified budget that you received for the Watershed District is dated August 3, 2009, which is the date that the budget hearing was completed and which is more than ten days after the publication of the notice of budget hearing on July 22. The budget hearing began on July 29 but it was not completed until August 3. The Gazette was asked on July 10 to publish the notice of budget hearing on July 18, but they failed to do so until July 22. Yes, I certainly will call you about this.
cc: Roger Wells, President of ACWD

Keith A. Greiner
greinerk@att.net

----- Original Message -----

From: Tammy Vopat
To: greinerk@att.net
Sent: Thursday, August 13, 2009 3:55 PM
Subject: Allen Creek Watershed

Mr Greiner,

I have received the budget for Allen Creek Watershed. The reason for this email is to let you know that the budget will need to be republished and another hearing date set.

Statute (K.S.A. 79-2929) requires a 10 day time span between the publication and the actual hearing date. Please call with questions, 620-341-3245.

Thank you,
Tammy Vopat, Lyon County Clerk

Hearing recessed from
July 29th and
reconvened August 3rd.

10 day notice hearing
published July 22nd -
hearing ended Aug. 3rd

Per K. Greiner

8/14/2009