

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>49,520</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">7/19/2016</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>4</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>3</b></p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s)     Person ID <u>6394</u> New to system <input type="checkbox"/>     Add Seq# <u>1</u></p> <p><b>GRANT COUNTY CEMETERY DISTRICT</b> <b>108 S GLENN</b> <b>ULYSSES KS 67880</b></p>	<p>7c. Landowner(s)     Person ID _____ New to system <input type="checkbox"/>     Add Seq# _____</p>		
<p>7b. Landowner(s)     Person ID _____ New to system <input type="checkbox"/>     Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc.     Person ID _____ New to system <input type="checkbox"/>     Add Seq# _____</p>		
<p>8. WUR Correspondent     Person ID _____ New to system <input type="checkbox"/>     Add Seq# _____ Overlap File (s) WUC     Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater    <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR    <input type="checkbox"/> REC    <input type="checkbox"/> DEW    <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK    <input type="checkbox"/> SED    <input type="checkbox"/> DOM    <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR    <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND    SIC: _____    <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2017</u> 11. Perfection Date: <u>12/31/2021</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Date Required: _____    Date Approved: _____    Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Date to Comply: _____    Date WLMD Installed: _____			
<p>Date Prepared: <b>7/1/2016</b>    By: <b>AM</b> Date Entered: <u>7/20/2016</u>    By: <u>UM</u></p>			

File No. <b>49,520</b>	15. Formation Code: 211	Drainage Basin: NF CIMARRON RIVER	County: GRANT	Special Use:	Stream:																	
16. Points of Diversion T MOD DEL      PDIV ENT                      Qualifier      S      T      R      ID      'N      'W			17. Rate and Quantity <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">           Authorized            Rate gpm         </div> <div style="text-align: center;">           Quantity mgy         </div> <div style="text-align: center;">           Additional            Rate gpm         </div> <div style="text-align: center;">           Quantity mgy         </div> <div style="text-align: center;">           Overlap PD Files         </div> </div>																			
<b>CHK 84876    NW NE NE    1    29S    37W    3    5173    742</b>			<b>100            15            100            15            NONE</b>																			
18. Storage: Rate _____ NF      Quantity _____ ac/ft      Additional Rate _____ NF      Additional Quantity _____ ac/ft																						
19. Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																						
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                      To be installed by <b>12/31/2017</b> Date Acceptable Meter Installed _____																						
21. Place of Use T MOD DEL ENT      PUSE      S      T      R      ID		<b>NE¼</b>				<b>NW¼</b>				<b>SW¼</b>				<b>SE¼</b>				<b>Total</b>	<b>Owner</b>	<b>Chg? NO</b>	<b>Overlap Files</b>	
		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>CHK 4732    36    28S    37W    1</b>																		20.0	20.0	7a.	No	None
<b>CHK 66527    1    28S    37W    2</b>		18.9																18.9	7a.	No	None	
Comments: <b>ADD 15 AF EXCEPTION TO ACTION TRAIL &amp; SPECIAL CONDITIONS</b>																						

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files

**DATE:** July 1, 2016

**FROM:** Austin McColloch

**RE:** Application, File No. 49,520

Grant County Cemetery has filed the above referenced application proposing to appropriate water at a maximum rate of 100 gallons per minute, and at 15 acre-feet per calendar year for irrigation use. The applicant is requesting a 15 acre-feet exemption based on K.A.R. 5-23-4. The application was received in the Office of the Chief Engineer on December 4, 2015. The proposed application is in the drainage basin of the North Fork of the Cimarron River. The source of supply appears to be the Ogallala formation (211).

On June 6, 2016 in a letter addressed to the Office of the Chief Engineer, the owner, Grant County Cemetery, of Water Appropriation File No. 49,196 filed a request for a voluntary dismissal. This dismissal will open the area to exceptional appropriation (15 acre-feet or less of water in a 2 mile radius) for Application for Permit to Appropriate Water for Beneficial Use, File No. 49,520, held by Grant County Cemetery.

The point of diversion is located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 1 more particularly described as being near a point 5,173 feet North and 742 feet West of the Southeast Quarter of said section, in Township 29 South, Range 37 West, Grant County, Kansas.

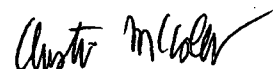
Three (3) wells within  $\frac{1}{2}$  mile of the point of diversion were identified. All wells identified meet well spacing requirements as per K.A.R. 5-23-3. There are no other Ogallala formation wells within 660 feet. There does not appear to be any domestic well within 660 feet. Nearby letters were sent out on May 26, 2016 notifying of the diversion works proposed. No response of any kind was received.

The point of diversion is located within the boundary of Groundwater Management District No. 3. A letter was sent to GMD No. 3 for a recommendation on the application on June 13, 2016. GMD No. 3 provided a recommendation for approval on June 30, 2016.

The application has been reviewed by Mike Meyer, Water Commissioner at the Garden City Field Office. In an email dated July 1, 2016, Mr. Meyer recommended the approval of the application.

In accordance with K.S.A. 82a-706(c), the Chief Engineer retains full authority to require any water user to install meters, gauges, or other measuring devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 thru K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A proposed rate of 100 gallons per minute requires a water level measuring tube.

Based on the above discussion, well spacing regulations are met, the application is not subject to safe yield criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



Austin McColloch  
Environmental Scientist

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

GRANT COUNTY CEMETERY DISTRICT  
108 S GLENN  
ULYSSES KS 67880

July 21, 2016

**FILE COPY**

RE: Appropriation of Water, File No. 49,520

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you 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), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter 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 this permit. Enclosed is a form 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 set forth in the permit to complete diversion works or to perfect an appropriation.

For any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which establish the extent of your water right.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

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

BAT:am  
Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, 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. 49,520 of the applicant

**GRANT COUNTY CEMETERY DISTRICT  
108 S GLENN  
ULYSSES KS 67880**

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 **December 4, 2015**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
36	28S	37W																20.0	20.0
1	28S	37W	18.9																18.9

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW¼ NE¼ NE¼), of Section 1, more particularly described as being near a point 5,173 feet North and 742 feet West of the Southeast corner of said section, in Township 29 South, Range 37 West, Grant 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 **100 gallons per minute (0.22 c.f.s.)** and to a quantity not to exceed **15 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, 2017** 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, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

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 the 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.

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, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 19<sup>th</sup> day of July, 2016, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

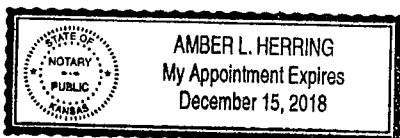
Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                              ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of July, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Amber L. Herring*

Notary Public



### CERTIFICATE OF SERVICE

On this 21 day of July, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,520, dated July 19, was mailed postage prepaid, first class, US mail to the following:

GRANT COUNTY CEMETERY DISTRICT  
108 S GLENN  
ULYSSES KS 67880

With photocopies to:

Garden City Field Office

Groundwater Management District No. 3



Division of Water Resources



APPLICATION COMPLETE

7/1/16

Reviewer DM

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,520

This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

DEC 04 2015

1:28

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Grant County Cemetery District  
Address: 108 S. Glenn  
City: Ulysses State KS Zip Code 67880  
Telephone Number: (620) 356-1145

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in N F Cimarron River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 15 acre-feet OR \_\_\_\_\_ gallons per calendar year,  
to be diverted at a maximum rate of 100 gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:

F.O. 34-GMD 3 Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G/S County GT By KAB Date 12/7/15  
Code REG Fee \$ 200 TR # 409358 Receipt Date 11/30/15 Check # 7087

RECEIVED

NOV 30 2015

SCANNED

12/10/2015 LCM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NW quarter of the NE quarter of the NE quarter of Section 1, more particularly described as being near a point 573 feet North and 742 feet West of the Southeast corner of said section, in Township 29 South, Range 37 East (circle one), Grant County, Kansas.

(B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 25, 2015. Daniel W. Fogius  
Applicant's Signature Chairman

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 well, pump & discharge  
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) As soon as approved  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be \_\_\_\_\_  
(Mo/Day/Year)

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

*Appropriation File No 49196 will be dismissed upon approval of this application*

RECEIVED  
 NOV 30 2015  
 Garden City Field Office  
 DIVISION OF WATER RESOURCES

WATER RESOURCES  
 RECEIVED  
 DEC 04 2015  
 DEPT OF AGRICULTURE  
 SCANNED

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Grant County Cemetery  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Ulysses, Kansas, this 25<sup>th</sup> day of November, 2015.  
(month) (year)

x Daniel W. Figgins  
(Applicant Signature) Chairman

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

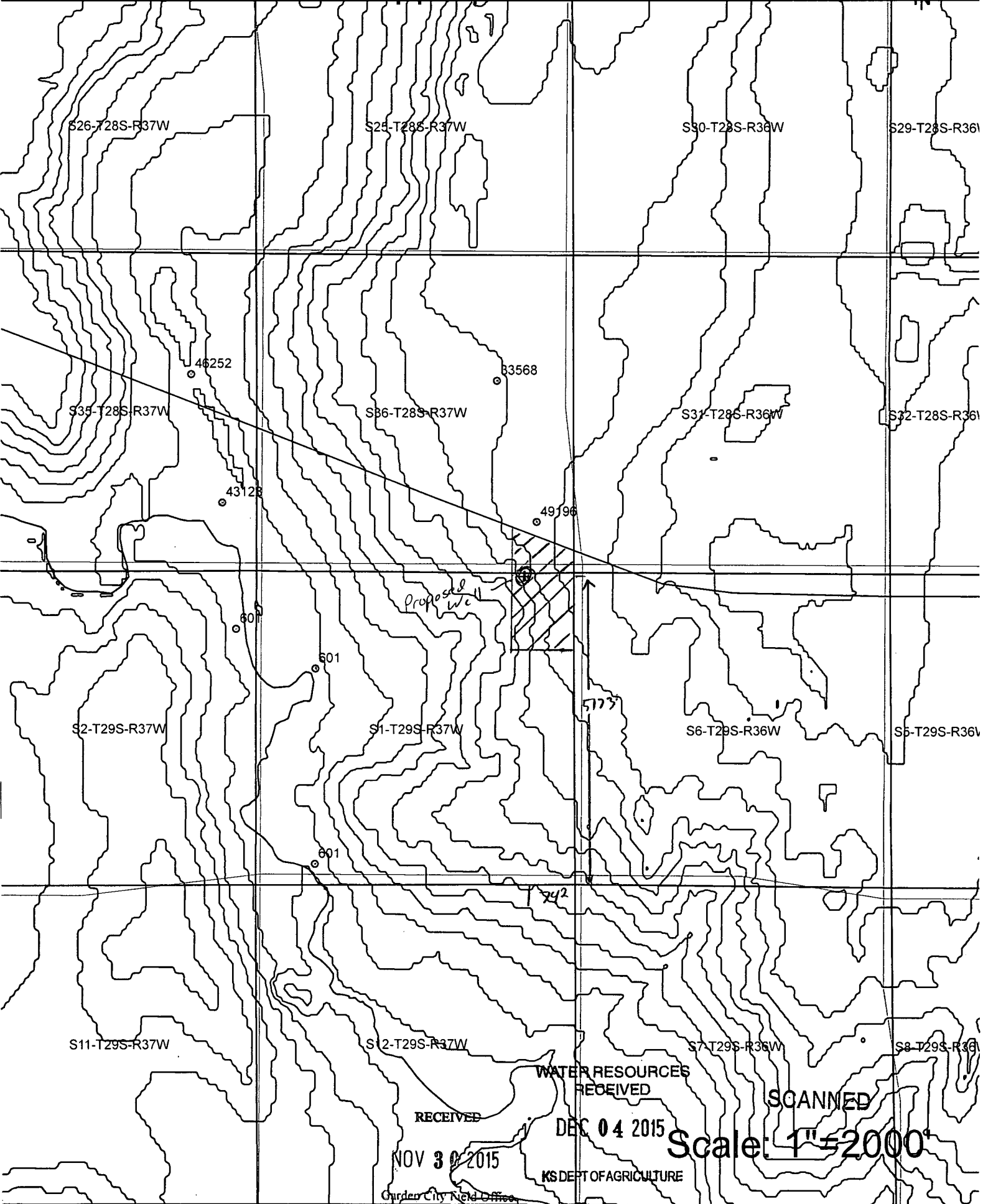
Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

RECEIVED  
GENERAL

NOV 25 2015

NOV 25 2015

# New Appropriation



RECEIVED

NOV 30 2015

WATER RESOURCES  
RECEIVED

DEC 04 2015

KS DEPT OF AGRICULTURE

SCANNED

Scale: 1"=2000'

Garden City Field Office  
DIVISION OF WATER RESOURCES

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. ~~49196~~ 49520

Name of Applicant (Please Print): Grant County Cemetery

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Grant County Cemetery  
 ADDRESS: 108 S. Glenn Ulysses KS 67880

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
<u>36</u>	<u>28</u>	<u>37</u>																	<u>20</u>	<u>20</u>

Landowner of Record NAME: Grant County Cemetery  
 ADDRESS: 108 S. Glenn Ulysses KS 67880

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
<u>1</u>	<u>29</u>	<u>37</u>	<u>18.9</u>																<u>18.9</u>	

Landowner of Record NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

WATER RESOURCES  
RECEIVED

DEC 01 2014

**SCANNED**

## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

RECEIVED

NOV 30 2015

Garden City Field Office  
DIVISION OF WATER RESOURCES

WATER RESOURCES  
RECEIVED

SCANNED  
DEC 04 2015

KS DEPT OF AGRICULTURE

## McColloch, Austin

---

**From:** Meyer, Mike  
**Sent:** Friday, July 01, 2016 3:00 PM  
**To:** McColloch, Austin  
**Subject:** RE: Recommendation File No. 49,520

I recommend approval  
Many want to note that the current rule is 15 AF in 2 mile (not half mile)  
All meets the rule

thanks

---

**From:** McColloch, Austin  
**Sent:** Friday, July 1, 2016 11:33 AM  
**To:** Meyer, Mike <Mike.Meyer@ks.gov>  
**Cc:** Makens, Thom <Thom.Makens@ks.gov>  
**Subject:** Recommendation File No. 49,520

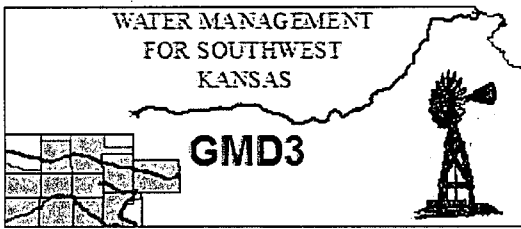
Mike,

I would like your recommendation on the attached memo for New Application File No. 49,520 filed by Grant County Cemetery.

Thanks,

Austin McColloch  
Environmental Scientist  
(785) 546-6643





Southwest Kansas  
Groundwater Management District No. 3  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

June 27, 2016

Brent A. Turney  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

WATER RESOURCES  
RECEIVED

JUN 30 2016

KS DEPT OF AGRICULTURE

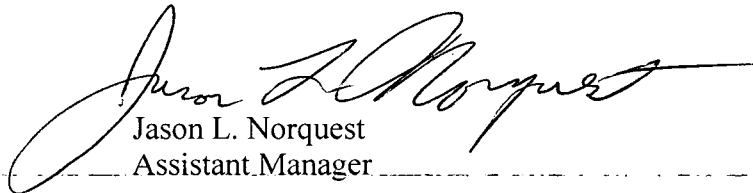
RE: Application, File No. 49,520

Dear Brent:

We have completed a review for the above referenced new appropriation. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposal seeks to authorize water for irrigation from a well for the cemetery in Grant County. The application seems to meet the rules for the area, more specifically KAR 5-23-3 and KAR 5-23-4(b)(4). It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

5173 ft N and 742 ft W of the SE Corner of Section 1, T 29S, R 37W

Located at: 101.310619 West Longitude and 37.561662 North Latitude

GROUNDWATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 33568 A IND NK G      3298 -- SW SE NE 3170 1285 36 28 37W 2      .11      .11 AF
A__ 49196 00 IRR GY G      908 -- -- -- -- 825 610 36 28 37W 1*      15.00    15.00 AF
A__ 49520 00 IRR AY G      0 -- NW NE NE 5173 742 1 29 37W 3      15.00    15.00 AF
=====

```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      15.00      .00
Total Permitted Amount (AF) =      15.00      .00
Total Inspected Amount (AF) =        .00      .00
Total Pro_Cert Amount (AF) =        .00      .00
Total Certified Amount (AF) =        .11      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =          30.11      .00
=====

```

An \* after the source of supply indicates a pending application for change for the file number.

An \* after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

101.310619 West Longitude and 37.561662 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 33568 A IND NK G
> DCP MIDSTREAM LP
> TOM POSTON COMPLIANCE COORDINATOR
> RT 1 BOX 13AA
> FARGO OK 73840
> -----
A__ 49196 00 IRR GY G
> GRANT COUNTY CEMETERY DISTRICT
>
> 108 S GLENN
> ULYSSES KS 67880
> -----
A__ 49520 00 IRR AY G
> GRANT COUNTY CEMETERY DISTRICT
>
> 108 S GLENN
> ULYSSES KS 67880
> -----
=====

```

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 22, 2016

**FILE COPY**

GROUNDWATER MANAGEMENT DISTRICT #3  
2009 E SPRUCE ST  
GARDEN CITY KANSAS 67846

Re: Appropriation of Water,  
File No. 49,520

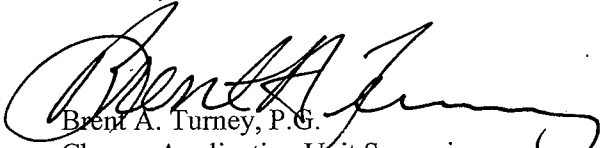
Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Grant County Cemetery District and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

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

Enclosure  
pc: Garden City Field Office

SCANNED



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 26, 2016

RICHARD RUDZIK  
PO BOX 340  
ULYSSES KS 67880

**FILE COPY**

RE: Application, File No. 49,520

Dear Mr. Rudzik:

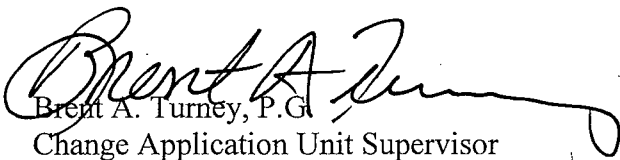
This is to advise you that Grant County Cemetery has filed the application referred to above for permit to appropriate 15 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 100 gallons per minute from a well located as follows:

One (1) well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$ ) of Section 1, more particularly described as being near a point 5,173 feet North and 742 feet West of the Southeast corner of said section, in Township 29 South, Range 37 West, Grant County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposal locations of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact myself or the Water Commissioner at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

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

BAT:am

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3

SCANNED

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 26, 2016

STEPHEN D. DIEKER  
PO BOX 859  
ULYSSES KS 67880

**FILE COPY**

RE: Application, File No. 49,520

Dear Mr. Dieker:

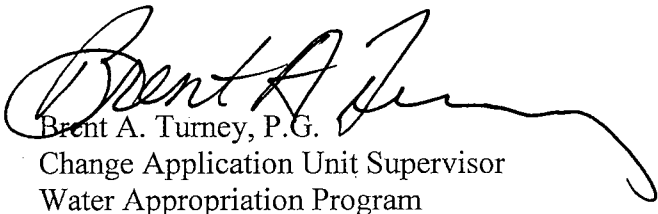
This is to advise you that Grant County Cemetery has filed the application referred to above for permit to appropriate 15 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 100 gallons per minute from a well located as follows:

One (1) well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$ ) of Section 1, more particularly described as being near a point 5,173 feet North and 742 feet West of the Southeast corner of said section, in Township 29 South, Range 37 West, Grant County, Kansas.

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Sincerely,

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

BAT:am

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3

**SCANNED**

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 26, 2016

LEO ROMERO  
113 S MCCALL  
ULYSSES KS 67880

RE: Application, File No. 49,520

**FILE COPY**

Dear Mr. Romero:

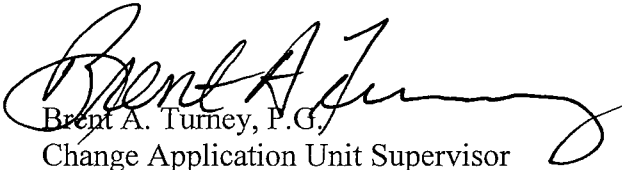
This is to advise you that Grant County Cemetery has filed the application referred to above for permit to appropriate 15 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 100 gallons per minute from a well located as follows:

One (1) well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$ ) of Section 1, more particularly described as being near a point 5,173 feet North and 742 feet West of the Southeast corner of said section, in Township 29 South, Range 37 West, Grant County, Kansas.

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If you have any questions, please contact myself or the Water Commissioner at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

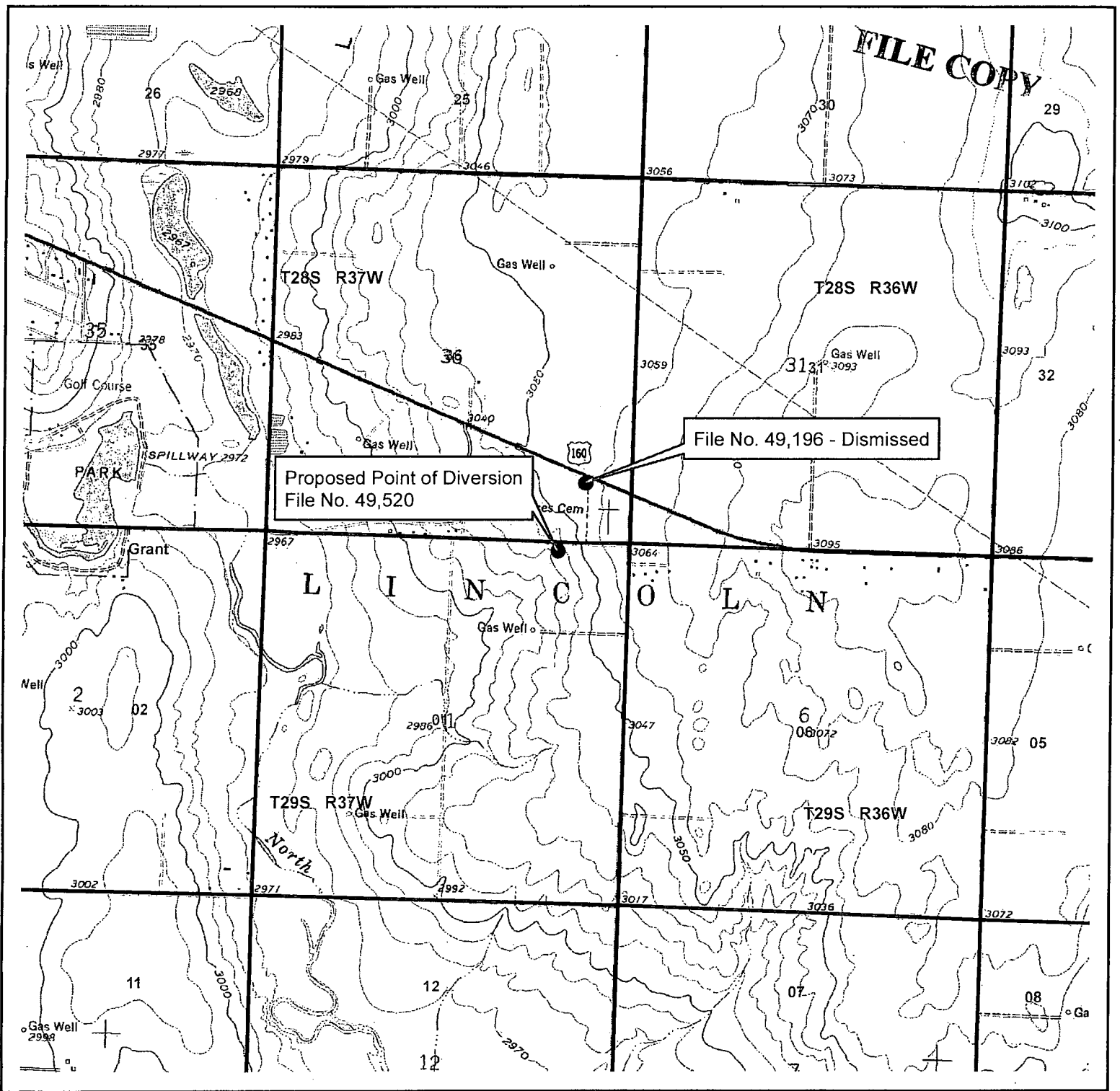
  
Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT:am

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3

**SCANNED**

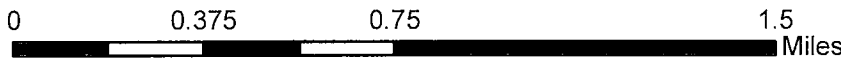


**FILE COPY**

Proposed Point of Diversion  
File No. 49,520

File No. 49,196 - Dismissed

1:24,000



**Application for Permit to Appropriate  
Water for Beneficial Use,  
File No. 49,520**

Section 1 - Township 29 South - Range 37 West  
Grant County, Kansas

**Legend**

- Point of Diversion

**SCANNED**

AM/DWR  
Date: 5/25/2016



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

December 7, 2015

GRANT COUNTY CEMETERY DISTRICT  
108 S GLENN  
ULYSSES KS 67880

RE: Application  
File No. 49520

Dear Sir or Madam:

Your application for permit to appropriate water in 1-29S-37W in Grant County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.  
New Application Unit Supervisor  
Water Appropriation Program

KAK: DLW  
pc: GARDEN CITY Field Office  
GMD 0

SCANNED