

File No. **48,622** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
			81522												None
			81523												None
			81524												None
			81525												None
			81526												None

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? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼										
			64578																							7b.	No	49689					

Comments: **Application fails Safe Yield, Applicant changed PD location several times before submitting New Application with battery located in different section.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 23, 2016

FROM: Matt Meier

RE: Application, File No. 48,622

The Robert D Hay Trust has filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 170 acre-feet of groundwater for irrigation use. The proposed geo-center was to be located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 3, more particularly described as being near a point 4,830 feet North and 5,250 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, Kansas within the Ninnescah River basin. The applicant moved the location of the proposed well battery after failing to meet safe yield at the original location.

The source of water for the pending application appears to be Quaternary System, likely alluvium deposits based on geologic maps and nearby well logs. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (8,042 acres for this file). Calculated recharge is 5.4 inches, and for hydrologic units within the Ninnescah River Basin, 75 percent of the calculated recharge can be considered to be available for appropriation.

The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: 8,042 acres x 5.4 inches x 75% = 32,570.1 acre-inches / 12 = 2,714.18 acre-feet. Prior appropriations within the same area of consideration total 3,046.78 acre-feet, which exceeds this calculated safe yield quantity. Therefore, safe yield determination resulted in no water available for appropriation within this area of consideration. A separate safe yield ran at the original requested location also showed that the appropriated quantity exceeded the calculated safe yield quantity.

The applicant was sent a letter (and the original application) on April 29, 2016 explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 48,622 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11. The applicant was provided 15 days (until May 14, 2016) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. A letter requesting an extension was received on May 11, 2016. The extension was granted moving the new deadline to June 13, 2016. The application was received on June 15, 2016 which moved the proposed geo-center location (to one outlined in Memo). A review of the new location determined that safe yield was still not met and that the application also failed spacing (as required by K.A.R. 5-4-4) to another existing water right. The application was returned to the applicant on June 30, 2016 stating that it failed spacing and safe yield and listing the new denial/return deadline as July 15, 2016. On July 18, 2016 the application was once again received from the applicant. However, the applicant requested that the application be moved to Section 4, T 29S, R 1W. On July 29, 2016 the application was returned again to the applicant explaining that the proposed geo-center could not be moved to a different section and that the proposed location was limited to the $\frac{1}{4}$ section outlined in Part 5 of the original application. Therefore, the most recent geo-center location would still be to proposed location and denial based on spacing and safe yield would stand. It was also stated that a new application could be submitted to apply for a water right in Section 4. A phone call was received from the applicant to discuss the letter and the applicant stated they would submit a new application in Section 4. No further requests for extensions were submitted and the original application was not returned by the August 13, 2016 deadline.

Therefore, based on the existing information, it is recommended that application File No. 48,622 be denied and dismissed for failure to meet minimum spacing and safe yield criteria.

Matt Meier
Environmental Scientist
Permits Unit

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

September 21, 2016

FILE COPY

Robert D Hay Trust
9171 S. West ST
Haysville, KS 67060

RE: Application, File No. 48,622

Dear Mr. Hay:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 48,622, for failure to comply with the safe yield requirements of K.A.R. 5-3-10 and K.A.R. 5-3-11 and the minimum spacing requirements of K.A.R. 5-4-4.

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

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, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 48,622**

FILE COPY

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on April 29, 2013, the Chief Engineer received an application from the Robert D Hay Trust for a permit to appropriate water for beneficial use, assigned File No. 48,622, proposing the appropriation of 170 acre-feet of groundwater for irrigation use. The final proposed well battery geo-center location was to be located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 3, more particularly described as being near a point 4,830 feet North and 5,250 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, Kansas. The proposed geo-center location was moved multiple times by the applicant and the description listed in this paragraph represents the final location.
2. That the source of water for the pending application is the Quaternary System deposits (likely alluvium). The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11.
3. That based on the area of consideration (extent of the unconfined aquifer), the calculated recharge, and the percent of the calculated recharge that can be considered to be available for appropriation, safe yield was determined to be 2,714.18acre-feet. Prior water rights within this same area of consideration have appropriated 3,046.78 acre-feet, leaving no additional water available for appropriation.
4. That on April 29, 2016, a letter and the original application were mailed to the applicant stating that the application did not comply with the safe yield requirements of K.A.R. 5-3-10 and K.A.R. 5-3-11 at the initial geo-center location, and that the application would be submitted to the Chief Engineer with a recommendation that the pending application be denied and dismissed, for failure to meet safe yield criteria. A letter requesting an extension of time was received on May 11, 2016.
5. That on June 15, 2016 the applicant re-submitted the application with a new proposed geo-center location (Listed in paragraph 1). Another safe yield was run which determined that no additional water was available for appropriation at the new location and the application now failed to meet spacing to an existing non-domestic well (as required by K.A.R. 5-4-4). The application and another denial letter were sent back to the applicant with return/denial deadline of July 15, 2016.

6. That on July 18, 2016 the application was once again returned by the applicant; however, the applicant was now requesting that the proposed geo-center location be moved from Section 3 to Section 4, Township 29 South, Range 1 West.
7. That on July 29, 2016 the application was returned again to the applicant with a letter stating that such a move would not be acceptable and that the proposed geo-center location was limited to the Northwest Quarter of Section 3, Township 29 South, Range 1 West as was requested in the initial application. As such, the most recent proposed geo-center location would be used (described in paragraph 1) and that the denial recommendation would still be in effect. The applicant was given until August 13, 2016 to resubmit the application. A phone call was received from the applicant to discuss the letter and the applicant stated they would be submitting a new application in Section 4. No further requests for extensions were submitted and the original application was not returned by the August 13, 2016 deadline.
8. That the applicant, has not submitted additional information for consideration, nor requested an extension of time, for Application, File No. 48,622, thus the application should be denied and dismissed and its priority forfeited for failure to comply with K.A.R. 5-3-10, K.A.R. 5-3-11 and K.A.R. 5-4-4.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 48,622, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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.

* MMS/SEU
Original returned to applicant. one after waiting via FAX

WATER RESOURCES RECEIVED

APR 29 2013

8:58 AM

KS DEPT OF AGRICULTURE

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number

48622

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

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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.)

JUN 14 2016

State Division

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Robert D Hay Trust
Address: 9171 S West St.
City: Haysville State KS Zip Code 67060
Telephone Number: (316) 522-1670

2. The source of water is: surface water in _____ (stream)
OR groundwater in Minnescah 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 170 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 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. 2 GMD ME Meets K.A.R. 5-3-1 (YES/NO) YES Use IR Source G/S County SG By PAR Date 4-29-13
Code _____ Fee \$ 300 TR # _____ Receipt Date 4-29-13 Check # 15143
CANNED

513-13
BTD

JUN 14 2016

Robert O Hay 6-13-16

File No. _____

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 SW quarter of the NW quarter of Section 3, more particularly described as being near a point 3620 feet North and 5220 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East (West) (circle one), Sedgwick County, Kansas.

(B) One in the NW quarter of the SW quarter of the NW quarter of Section 3, more particularly described as being near a point 3820 feet North and 5220 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East (West) (circle one), Sedgwick County, Kansas.

(C) One in the NW quarter of the SW quarter of the NW quarter of Section 3, more particularly described as being near a point 3420 feet North and 5220 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East (West) (circle one), Sedgwick County, Kansas.

(D) One in the NW quarter of the SW quarter of the NW quarter of Section 3, more particularly described as being near a point 3220 feet North and 5220 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East (West) (circle one), Sedgwick County, Kansas.

Geo-Center
520' N
230' W
4830' N
250' W

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 200 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold structure 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):

Robert O Hay 9171 S West St Haysville KS 67060 (316) 522-1670 or (316) 734-8277

(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 April-24, 2013 Robert O Hay Applicant's Signature

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 Battery of 4 wells (number of wells, pumps or dams, etc.) and (was)(will be) completed (by) Spring 2014 (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 2014 (Mo/Day/Year)

SCANNED

JUN 14 2016

File No. _____
State Office
Division of Water Resources

- 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.

None

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KS DEPT OF AGRICULTURE

SCANNED

JUN 14 2016

File No. State Field Office
Division of Water Resources

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):

(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 Haysville, Kansas, this 29th day of April, 2013.
(month) (year)

Robert O Hay
(Applicant Signature)

512-52-8233
APPLICANT(S) SOCIAL SECURITY
IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Robert D Hay Trust

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: Robert D Hay Trust
ADDRESS: 9171 S West St, Haysville, KS 67060

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3	295	1W					35	40	40	40									155

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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JUN 14 2016

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<i>Blanket silt loam</i>	<i>85%</i>	<i>.6</i>	<i>3</i>
<i>Tablet silty clay loam</i>	<i>15%</i>	<i>.2</i>	<i>1</i>
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100%	_____	_____

b. Estimate the average land slope in the field(s): *.75* %
 Estimate the maximum land slope in the field(s): *2* %

c. Type of irrigation system you propose to use (check one):

- Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

Application rate will equal soil intake rate

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: *35* psi
 (2) What is the sprinkler package design rate? *800* gpm
 (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
 (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Corn, Wheat, Soybeans

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Crop Consultant

You may attach any additional information you believe will assist in informing the Division of the need for your request.

WATER RESOURCES
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 APR 29 2013 SCANNED
 KS DEPT OF AGRICULTURE

Analysis Results

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 2,714.18 AF.

Total prior appropriation in the circle is 3,393.57 AF.

Total quantity of water available for appropriation is 0.00 AF.

- 3046.78 = -332.6 AF over

*48,622
Fails S.V.*

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

Potential annual recharge of the area is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 23-JUN-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 18 water right(s) and 43 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 8936 00	IND	NK	G		SE	SE	SW	150	2800	27	28	01W	5	PD	103.12	103.12		
Same	IND	NK	G		NW	NW	SW	2550	5100	27	28	01W	2	PD	104.96	104.96		
Same	IND	NK	G		SW	SW	SW	375	5100	27	28	01W	9	PD	120.91	120.91		
Same	IND	NK	G		SE	SW	SW	50	4080	27	28	01W	7	PD	80.71	80.71		
Same	IND	NK	G		SW	SW	SW	25	4850	27	28	01W	8	PD	101.58	101.58		
Same	IND	NK	G		SW	SE	SW	100	3350	27	28	01W	4	PD	101.58	101.58		
Same	IND	NK	G		NW	NW	NE	5148	2522	33	28	01W	6	PD	331.44	331.44		
A 26762 00	IRR	NK	G		NC	SW	SW	1280	3960	02	29	01W	1	WR	156.00	156.00	140.00	140.00
A 34384 00	IND	NK	G		SW	SW	NE	2648	2505	33	28	01W	3	WR	80.71	80.71		
A 36719 00	IRR	NK	G		NC	NE	NE	4780	510	04	29	01W	1	WR	203.00	203.00	161.30	161.30
A 37765 00	IRR	NK	G		NW	SE	NW	3919	3648	02	29	01W	11	WR	120.00	120.00	120.60	120.60
A 37766 00	IRR	NK	G		NC	SE	SE	1330	1300	35	28	01W	1	WR	202.00	202.00	160.00	160.00
A 37939 00	IRR	NK	G		SE	SW	NW	2660	4070	28	28	01W	3	WR	120.00	120.00	317.00	0.00
A 38491 00	IND	NK	G		SW	SW	NE	2648	2505	33	28	01W	3	WR	183.21	176.33		
A 39797 00	IND	LR	G		SW	SW	SW	70	4808	28	28	01W	6	WR	363.66	114.61		
A 41410 00	IRR	NK	G		NE	NW	NE	5028	1885	09	29	01W	2	WR	132.00	132.00	128.00	128.00
A 41458 00	IRR	NK	G		NC	SW	SW	1268	3952	04	29	01W	2	WR	197.00	197.00	131.00	131.00
Same	IRR	NK	G	NC	E2	W2	SW	1269	4251	04	29	01W	3	WR				
Same	IRR	NK	G		NC	SW	SW	1269	4085	04	29	01W	4	WR				
Same	IRR	NK	G	NC	W2	E2	SW	1288	3653	04	29	01W	6	WR				
Same	IRR	NK	G		NC	SW	SW	1248	3926	04	29	01W	5	WR				
A 41472 00	IRR	NK	G		NC	NW	SW	3875	3838	09	29	01W	3	WR	51.00	0.00	128.00	0.00
A 46158 00	IRR	NK	G		SE	SE	NE	2762	326	02	29	01W	9	WR	166.40	166.40	128.00	128.00
A 46593 00	IRR	KE	G		SE	SW	NE	2665	1745	10	29	01W	2	WR	169.00	169.00	130.00	130.00
Same	IRR	KE	G		SE	SW	NE	2645	1745	10	29	01W	4	WR				
Same	IRR	KE	G		SE	SW	NE	2685	1745	10	29	01W	5	WR				
Same	IRR	KE	G		SE	SW	NE	2665	1725	10	29	01W	6	WR				
Same	IRR	KE	G		SE	SW	NE	2665	1765	10	29	01W	7	WR				
A 47235 00	IRR	KE	G		SW	NE	SE	1500	750	02	29	01W	10	WR	205.40	205.40	158.00	158.00
Same	IRR	KE	G		SW	NE	SE	1700	750	02	29	01W	12	WR				
Same	IRR	KE	G		NW	SE	SE	1300	750	02	29	01W	13	WR				
Same	IRR	KE	G		SW	NE	SE	1500	550	02	29	01W	14	WR				
Same	IRR	KE	G		SW	NE	SE	1500	950	02	29	01W	15	WR				
A 47513 00	IRR	GY	G		SW	NE	NW	4100	3840	10	29	01W	3	WR	60.03	60.03	57.17	57.17
A 47554 00	IRR	AY	G					1870	30	35	28	01W	3	WR	176.80	176.80	136.00	136.00
Same	IRR	AY	G		NE	NE	SE	2095	30	35	28	01W	4	WR				
Same	IRR	AY	G		NE	NE	SE	1945	30	35	28	01W	5	WR				
Same	IRR	AY	G		SE	NE	SE	1795	30	35	28	01W	6	WR				
Same	IRR	AY	G		SE	NE	SE	1645	30	35	28	01W	7	WR				
A 48622 00	IRR	AY	G					3520	5230	03	29	01W	1	WR	170.00	170.00	155.00	155.00
Same	IRR	AY	G		NW	SW	NW	3620	5230	03	29	01W	2	WR				
Same	IRR	AY	G		NW	SW	NW	3820	5230	03	29	01W	3	WR				
Same	IRR	AY	G		NW	SW	NW	3420	5230	03	29	01W	4	WR				
Same	IRR	AY	G		NW	SW	NW	3220	5230	03	29	01W	5	WR				

3046.78

346.8 pending

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

'3520 ft N and 5230 ft W of the SE Corner of Section 3, T 29S, R 1W

Located at: 97.424505 West Longitude and 37.559029 North Latitude

#48622

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 8936	00	IND	NK	G	9657	--	NW	NW	SW	2550	5100	27	28	1W	2		104.96	104.96	AF
Same					7432	--	SW	SE	SW	100	3350	27	28	1W	4		101.58	101.58	AF
Same					7629	--	SE	SE	SW	150	2800	27	28	1W	5		103.12	103.12	AF
Same					7243	--	SE	SW	SW	50	4080	27	28	1W	7		80.71	80.71	AF
Same					7146	--	SW	SW	SW	25	4850	27	28	1W	8		101.58	101.58	AF
Same					7488	--	SW	SW	SW	375	5100	27	28	1W	9		120.91	120.91	AF
Same					7369	--	NW	NW	NE	5148	2522	33	28	1W	6		331.44	331.44	AF
A__ 26762	00	IRR	NK	G	6889	--	--	NC	SW	1280	3960	2	29	1W	1		156.00	156.00	AF
A__ 31895	00	MUN	NK	G	10490	--	SE	SE	SE	100	560	2	29	1W	3		552.40	552.40	AF
A__ 34384	00	IND	NK	G	5108	--	SW	SW	NE	2648	2505	33	28	1W	3		80.71	80.71	AF
A__ 36719	00	IRR	NK	G	1320	--	--	NC	NE	4780	510	4	29	1W	1		203.00	203.00	AF
A__ 37765	00	IRR	NK	G	6871	--	NW	SE	NW	3919	3648	2	29	1W	11		120.00	120.00	AF
A__ 37766	00	IRR	NK	G	9686	--	--	NC	SE	1330	1300	35	28	1W	1		202.00	202.00	AF
A__ 38491	00	IND	NK	G	5108	--	SW	SW	NE	2648	2505	33	28	1W	3		183.21	176.33	AF
A__ 38761	00	MUN	KK	G	10003	--	--	NC		2640	2640	11	29	1W	1		314.01	37.81	AF
A__ 39797	00	IND	LR	G	8750	--	SW	SW	SW	70	4808	28	28	1W	6		363.66	114.61	AF
A__ 41410	00	IRR	NK	G	4264	--	NE	NW	NE	5028	1885	9	29	1W	2		132.00	132.00	AF
A__ 41458	00	IRR	NK	G	4633	--	--	NC	SW	1268	3952	4	29	1W	2	G 4	197.00	197.00	AF
Same					4894	NC	E2	W2	SW	1269	4251	4	29	1W	3	B 4			
Same					4748	--	--	NC	SW	1269	4085	4	29	1W	4	B 4			
Same					4621	--	--	NC	SW	1248	3926	4	29	1W	5	B 4			
Same					4366	NC	W2	E2	SW	1288	3653	4	29	1W	6	B 4			
A__ 41472	00	IRR	NK	G	6276	--	--	NC	NW	3875	3838	9	29	1W	3		51.00	.00	AF
A__ 46158	00	IRR	NK	G	10199	--	SE	SE	NE	2762	326	2	29	1W	9		166.40	166.40	AF
A__ 46593	00	IRR	KE	G	7097	--	SE	SW	NE	2665	1745	10	29	1W	2	G 4	169.00	169.00	AF
Same					7114	--	SE	SW	NE	2645	1745	10	29	1W	4	B 4			
Same					7080	--	SE	SW	NE	2685	1745	10	29	1W	5	B 4			
Same					7107	--	SE	SW	NE	2665	1725	10	29	1W	6	B 4			
Same					7087	--	SE	SW	NE	2665	1765	10	29	1W	7	B 4			
A__ 47235	00	IRR	KE	G	9944	--	SW	NE	SE	1500	750	2	29	1W	10	G 4	205.40	205.40	AF
Same					9907	--	SW	NE	SE	1700	750	2	29	1W	12	B 4			
Same					9985	--	NW	SE	SE	1300	750	2	29	1W	13	B 4			
Same					10141	--	SW	NE	SE	1500	550	2	29	1W	14	B 4			
Same					9748	--	SW	NE	SE	1500	950	2	29	1W	15	B 4			
A__ 47513	00	IRR	GY	G	4927	--	SW	NE	NW	4100	3840	10	29	1W	3		60.03	60.03	AF
A__ 48622	00	IRR	GY	G	0	--	--	--	--	3520	5230	3	29	1W	1	G 4	170.00	170.00	AF
Same					100	--	NW	SW	NW	3620	5230	3	29	1W	2	B 4			
Same					300	--	NW	SW	NW	3820	5230	3	29	1W	3	B 4			
Same					100	--	NW	SW	NW	3420	5230	3	29	1W	4	B 4			
Same					300	--	NW	SW	NW	3220	5230	3	29	1W	5	B 4			
T__ 949088	00	CON	KE	G	7516	--	SW	SW	SW	403	5171	27	28	1W	1		241.98	241.98	AF
T__ 949112	00	CON	KE	G	7166	--	SW	SW	SW	50	4966	27	28	1W	11	G 2	257.97	257.97	AF
Same					7165	--	SW	SW	SW	50	5016	27	28	1W	13	B 2			
Same					7168	--	SW	SW	SW	50	4916	27	28	1W	14	B 2			
T__ 20039023	00	CON	GY	G	8538	--	NE	SE	SW	1084	2731	27	28	1W	16		242.00	242.00	AF
T__ 20109118	00	CON	GY	G	7587	--	SE	SE	SW	180	3029	27	28	1W	18		97.00	97.00	AF

T_20109127	00 CON GY G	7054	-- SW NE NE	4093	1316	34	28	1W	2	193.50	193.50	AF
T_20109128	00 CON GY G	5987	-- SW SE NE	2693	1234	34	28	1W	3	193.50	193.50	AF
T_20119841	00 CON GY G	7234	-- SE SE SW	52	4131	27	28	1W	19	161.00	161.00	AF
T_20129457	00 CON GY G	8822	-- SE SE SE	112	55	27	28	1W	15	242.00	242.00	AF
T_20139042	00 CON GY G	6605	-- SE SE NE	2692	347	34	28	1W	4	322.00	322.00	AF
T_20139043	00 CON GY G	9282	-- NW NE NW	4627	3809	35	28	1W	8	322.00	322.00	AF

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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      170.00           .00
Total Permitted Amount (AF) =     2745.19           .00
Total Inspected Amount (AF) =       114.61           .00
Total Pro_Cert Amount (AF) =          .00           .00
Total Certified Amount (AF) =     2930.14           .00
Total Vested Amount (AF) =          .00           .00
TOTAL AMOUNT (AF) =     5959.93           .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:
 97.424505 West Longitude and 37.559029 North Latitude

GROUNDWATER ONLY
 WATER USE CORRESPONDENTS:

- ```

=====
File Number Use ST SR
A__ 8936 00 IND NK G
> OCCIDENTAL CHEMICAL CORPORATION
> MIKE E GANNAWAY
> PO BOX 12283
> WICHITA KS 67277
>-----
A__ 26762 00 IRR NK G
> DAVID DEJMAL
>
> 6220 W 47TH SOUTH
> WICHITA KS 67215
>-----
A__ 31895 00 MUN NK G
> CITY OF HAYSVILLE
> UTILITIES SUPT
> PO BOX 404
> HAYSVILLE KS 67060
>-----
A__ 34384 00 IND NK G
> AIR PRODUCTS MANUFACTURING CORP
> ROSS M HUFFORD III
> PO BOX 12291
> WICHITA KS 67277
>-----
A__ 36719 00 IRR NK G
> ROBERT D HAY TRUST

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#49,622

>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060  
>-----

A\_\_ 37765 00 IRR NK G  
> ROBERT D HAY TRUST  
>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060  
>-----

A\_\_ 37766 00 IRR NK G  
> ROBERT D HAY TRUST  
>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060  
>-----

A\_\_ 38491 00 IND NK G  
> AIR PRODUCTS MANUFACTURING CORP  
> ROSS M HUFFORD III  
> PO BOX 12291  
> WICHITA KS 67277  
>-----

A\_\_ 38761 00 MUN KK G  
> CITY OF HAYSVILLE  
> UTILITIES SUPT  
> PO BOX 404  
> HAYSVILLE KS 67060  
>-----

A\_\_ 39797 00 IND LR G  
> AIR PRODUCTS MANUFACTURING CORP  
> ROSS M HUFFORD III  
> PO BOX 12291  
> WICHITA KS 67277  
>-----

A\_\_ 41410 00 IRR NK G  
> CARL T JAAX REVOCABLE TRUST  
>  
> 10735 W HARVEST CT  
> WICHITA KS 67212  
>-----

A\_\_ 41458 00 IRR NK G  
> JOHN E DUGAN FAMILY PARTNERSHIP LP  
>  
> 15810 W 47TH ST SOUTH  
> CLEARWATER KS 67026  
>-----

A\_\_ 41472 00 IRR NK G  
> CARL T JAAX REVOCABLE TRUST  
>  
> 10735 W HARVEST CT  
> WICHITA KS 67212  
>-----

A\_\_ 46158 00 IRR NK G  
> ROBERT D HAY TRUST  
>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060

-----  
A\_\_ 46593 00 IRR KE G  
> ROBERT D HAY TRUST  
>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060

-----  
A\_\_ 47235 00 IRR KE G  
> GERALD E BLOOD  
>  
> 6346 S BROADWAY  
> WICHITA KS 67216

-----  
A\_\_ 47513 00 IRR GY G  
> ROBERT D HAY TRUST  
>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060

-----  
A\_\_ 48622 00 IRR AY G  
> ROBERT D HAY TRUST  
>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060

-----  
T\_\_ 949088 00 CON KE G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

-----  
T\_\_ 949112 00 CON KE G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_ 20039023 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

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T\_\_ 20109118 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283

#48,622

> WICHITA KS 67277  
>-----  
T\_\_20109127 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277  
>-----  
T\_\_20109128 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277  
>-----  
T\_\_20119841 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277  
>-----  
T\_\_20129457 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277  
>-----  
T\_\_20139042 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277  
>-----  
T\_\_20139043 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277  
>-----  
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**Analysis Results**

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 2,714.18 AF.  $- 3436.48 = - 922.9$  AF

Total prior appropriation in the circle is 3,806.98 AF.  $- 170 = 3636.98$

Total quantity of water available for appropriation is 0.00 AF.

*Fails S.P.  
# 48622*

**Safe Yield Variables**

The area used for the analysis is set at 8,042 acres.

Potential annual recharge of the area is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 28-APR-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 19 water right(s) and 40 point(s) of diversion within the circle.

| File Number        | Use           | ST             | SR            | Q4           | Q3            | Q2            | Q1            | FeetN           | FeetW           | Sec           | Twp           | Rng            | ID           | Qind          | Auth_Quant       | Add_Quant        | Tacres           | Nacres           |  |
|--------------------|---------------|----------------|---------------|--------------|---------------|---------------|---------------|-----------------|-----------------|---------------|---------------|----------------|--------------|---------------|------------------|------------------|------------------|------------------|--|
| A 8936             | 00            | IND            | NK            | G            | SE            | SE            | SW            | 150             | 2800            | 27            | 28            | 01W            | 5            | PD            | 103.12           | 103.12           |                  |                  |  |
| Same               |               | IND            | NK            | G            | NW            | NW            | SW            | 2550            | 5100            | 27            | 28            | 01W            | 2            | PD            | 104.96           | 104.96           |                  |                  |  |
| Same               |               | IND            | NK            | G            | SW            | SW            | SW            | 375             | 5100            | 27            | 28            | 01W            | 9            | PD            | 120.91           | 120.91           |                  |                  |  |
| Same               |               | IND            | NK            | G            | SE            | SW            | SW            | 50              | 4080            | 27            | 28            | 01W            | 7            | PD            | 80.71            | 80.71            |                  |                  |  |
| Same               |               | IND            | NK            | G            | SW            | SW            | SW            | 25              | 4850            | 27            | 28            | 01W            | 8            | PD            | 101.58           | 101.58           |                  |                  |  |
| Same               |               | IND            | NK            | G            | SW            | SE            | SW            | 100             | 3350            | 27            | 28            | 01W            | 4            | PD            | 101.58           | 101.58           |                  |                  |  |
| Same               |               | IND            | NK            | G            | NW            | NW            | NE            | 5148            | 2522            | 33            | 28            | 01W            | 6            | PD            | 331.44           | 331.44           |                  |                  |  |
| A 26762            | 00            | IRR            | NK            | G            | NC            | SW            | SW            | 1280            | 3960            | 02            | 29            | 01W            | 1            | WR            | 156.00           | 156.00           | 140.00           | 140.00           |  |
| A 31895            | 00            | MUN            | NK            | G            | SE            | SE            | SE            | 100             | 560             | 02            | 29            | 01W            | 3            | WR            | 552.40           | 552.40           |                  |                  |  |
| A 34384            | 00            | IND            | NK            | G            | SW            | SW            | NE            | 2648            | 2505            | 33            | 28            | 01W            | 3            | WR            | 80.71            | 80.71            |                  |                  |  |
| A 36719            | 00            | IRR            | NK            | G            | NC            | NE            | NE            | 4780            | 510             | 04            | 29            | 01W            | 1            | WR            | 203.00           | 203.00           | 161.30           | 161.30           |  |
| A 37765            | 00            | IRR            | NK            | G            | NW            | SE            | NW            | 3919            | 3648            | 02            | 29            | 01W            | 11           | WR            | 120.00           | 120.00           | 120.60           | 120.60           |  |
| A 37766            | 00            | IRR            | NK            | G            | NC            | SE            | SE            | 1330            | 1300            | 35            | 28            | 01W            | 1            | WR            | 202.00           | 202.00           | 160.00           | 160.00           |  |
| A 37939            | 00            | IRR            | NK            | G            | SE            | SW            | NW            | 2660            | 4070            | 28            | 28            | 01W            | 3            | WR            | 120.00           | 120.00           | 317.00           | 0.00             |  |
| A 38491            | 00            | IND            | NK            | G            | SW            | SW            | NE            | 2648            | 2505            | 33            | 28            | 01W            | 3            | WR            | 183.21           | 176.33           |                  |                  |  |
| A 38761            | 00            | MUN            | KK            | G            | NC            | SW            | SW            | 2640            | 2640            | 11            | 29            | 01W            | 1            | WR            | 314.01           | 37.81            |                  |                  |  |
| A 39797            | 00            | IND            | LR            | G            | SW            | SW            | SW            | 70              | 4808            | 28            | 28            | 01W            | 6            | WR            | 363.66           | 114.61           |                  |                  |  |
| A 41410            | 00            | IRR            | NK            | G            | NE            | NW            | NE            | 5028            | 1885            | 09            | 29            | 01W            | 2            | WR            | 132.00           | 132.00           | 128.00           | 128.00           |  |
| A 41458            | 00            | IRR            | NK            | G            | NC            | SW            | SW            | 1268            | 3952            | 04            | 29            | 01W            | 2            | WR            | 197.00           | 197.00           | 131.00           | 131.00           |  |
| Same               |               | IRR            | NK            | G            | NC            | E2            | W2            | SW              | 1269            | 4251          | 04            | 29             | 01W          | 3             | WR               |                  |                  |                  |  |
| Same               |               | IRR            | NK            | G            | NC            | SW            | SW            | SW              | 1269            | 4085          | 04            | 29             | 01W          | 4             | WR               |                  |                  |                  |  |
| Same               |               | IRR            | NK            | G            | NC            | W2            | E2            | SW              | 1288            | 3653          | 04            | 29             | 01W          | 6             | WR               |                  |                  |                  |  |
| Same               |               | IRR            | NK            | G            | NC            | SW            | SW            | SW              | 1248            | 3926          | 04            | 29             | 01W          | 5             | WR               |                  |                  |                  |  |
| A 41472            | 00            | IRR            | NK            | G            | NC            | NW            | NW            | 3875            | 3838            | 09            | 29            | 01W            | 3            | WR            | 51.00            | 0.00             | 128.00           | 0.00             |  |
| A 46158            | 00            | IRR            | NK            | G            | SE            | SE            | NE            | 2762            | 326             | 02            | 29            | 01W            | 9            | WR            | 166.40           | 166.40           | 128.00           | 128.00           |  |
| A 46593            | 00            | IRR            | KE            | G            | SE            | SW            | NE            | 2665            | 1745            | 10            | 29            | 01W            | 2            | WR            | 169.00           | 169.00           | 130.00           | 130.00           |  |
| Same               |               | IRR            | KE            | G            | SE            | SW            | NE            | 2645            | 1745            | 10            | 29            | 01W            | 4            | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | KE            | G            | SE            | SW            | NE            | 2685            | 1745            | 10            | 29            | 01W            | 5            | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | KE            | G            | SE            | SW            | NE            | 2665            | 1725            | 10            | 29            | 01W            | 6            | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | KE            | G            | SE            | SW            | NE            | 2665            | 1765            | 10            | 29            | 01W            | 7            | WR            |                  |                  |                  |                  |  |
| A 47235            | 00            | IRR            | KE            | G            | SW            | NE            | SE            | 1500            | 750             | 02            | 29            | 01W            | 10           | WR            | 205.40           | 205.40           | 158.00           | 158.00           |  |
| Same               |               | IRR            | KE            | G            | SW            | NE            | SE            | 1700            | 750             | 02            | 29            | 01W            | 12           | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | KE            | G            | NW            | SE            | SE            | 1300            | 750             | 02            | 29            | 01W            | 13           | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | KE            | G            | SW            | NE            | SE            | 1500            | 550             | 02            | 29            | 01W            | 14           | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | KE            | G            | SW            | NE            | SE            | 1500            | 950             | 02            | 29            | 01W            | 15           | WR            |                  |                  |                  |                  |  |
| <del>A 47513</del> | <del>00</del> | <del>IRR</del> | <del>GY</del> | <del>G</del> | <del>SW</del> | <del>NE</del> | <del>NW</del> | <del>4100</del> | <del>3840</del> | <del>10</del> | <del>29</del> | <del>01W</del> | <del>3</del> | <del>WR</del> | <del>60.03</del> | <del>60.03</del> | <del>57.17</del> | <del>57.17</del> |  |
| A 48622            | 00            | IRR            | AY            | G            |               |               |               | 3520            | 5230            | 03            | 29            | 01W            | 1            | WR            | 170.00           | 170.00           | 155.00           | 155.00           |  |
| Same               |               | IRR            | AY            | G            | NW            | SW            | NW            | 3620            | 5230            | 03            | 29            | 01W            | 2            | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | AY            | G            | NW            | SW            | NW            | 3820            | 5230            | 03            | 29            | 01W            | 3            | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | AY            | G            | NW            | SW            | NW            | 3420            | 5230            | 03            | 29            | 01W            | 4            | WR            |                  |                  |                  |                  |  |
| Same               |               | IRR            | AY            | G            | NW            | SW            | NW            | 3220            | 5230            | 03            | 29            | 01W            | 5            | WR            |                  |                  |                  |                  |  |

*3636.99*

*170 pending*

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

*Falls Spacing*

4830 ft N and 5250 ft W of the SE Corner of Section 3, T 29S, R 1W

Located at: 97.424574 West Longitude and 37.562627 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__ 8936     | 00  | IND | NK | G    | 8347  | -- | NW | NW | SW | 2550  | 5100  | 27  | 28  | 1W  | 2    |      | 104.96    | 104.96   | AF   |
| Same         |     |     |    |      | 6174  | -- | SW | SE | SW | 100   | 3350  | 27  | 28  | 1W  | 4    |      | 101.58    | 101.58   | AF   |
| Same         |     |     |    |      | 6402  | -- | SE | SE | SW | 150   | 2800  | 27  | 28  | 1W  | 5    |      | 103.12    | 103.12   | AF   |
| Same         |     |     |    |      | 5954  | -- | SE | SW | SW | 50    | 4080  | 27  | 28  | 1W  | 7    |      | 80.71     | 80.71    | AF   |
| Same         |     |     |    |      | 5838  | -- | SW | SW | SW | 25    | 4850  | 27  | 28  | 1W  | 8    |      | 101.58    | 101.58   | AF   |
| Same         |     |     |    |      | 6179  | -- | SW | SW | SW | 375   | 5100  | 27  | 28  | 1W  | 9    |      | 120.91    | 120.91   | AF   |
| Same         |     |     |    |      | 6157  | -- | NW | NW | NE | 5148  | 2522  | 33  | 28  | 1W  | 6    |      | 331.44    | 331.44   | AF   |
| A__ 26762    | 00  | IRR | NK | G    | 7423  | -- | -- | NC | SW | 1280  | 3960  | 2   | 29  | 1W  | 1    |      | 156.00    | 156.00   | AF   |
| A__ 34384    | 00  | IND | NK | G    | 4031  | -- | SW | SW | NE | 2648  | 2505  | 33  | 28  | 1W  | 3    |      | 80.71     | 80.71    | AF   |
| A__ 36719    | 00  | IRR | NK | G    | 559   | -- | -- | NC | NE | 4780  | 510   | 4   | 29  | 1W  | 1    |      | 203.00    | 203.00   | AF   |
| A__ 37765    | 00  | IRR | NK | G    | 6925  | -- | NW | SE | NW | 3919  | 3648  | 2   | 29  | 1W  | 11   |      | 120.00    | 120.00   | AF   |
| A__ 37766    | 00  | IRR | NK | G    | 9356  | -- | -- | NC | SE | 1330  | 1300  | 35  | 28  | 1W  | 1    |      | 202.00    | 202.00   | AF   |
| A__ 37939    | 00  | IRR | NK | G    | 9462  | -- | SE | SW | NW | 2660  | 4070  | 28  | 28  | 1W  | 3    |      | 120.00    | 120.00   | AF   |
| A__ 38491    | 00  | IND | NK | G    | 4031  | -- | SW | SW | NE | 2648  | 2505  | 33  | 28  | 1W  | 3    |      | 183.21    | 176.33   | AF   |
| A__ 39797    | 00  | IND | LR | G    | 7703  | -- | SW | SW | SW | 70    | 4808  | 28  | 28  | 1W  | 6    |      | 363.66    | 114.61   | AF   |
| A__ 41410    | 00  | IRR | NK | G    | 5465  | -- | NE | NW | NE | 5028  | 1885  | 9   | 29  | 1W  | 2    |      | 132.00    | 132.00   | AF   |
| A__ 41458    | 00  | IRR | NK | G    | 5395  | -- | -- | NC | SW | 1268  | 3952  | 4   | 29  | 1W  | 2 G  | 4    | 197.00    | 197.00   | AF   |
| Same         |     |     |    |      | 5619  | NC | E2 | W2 | SW | 1269  | 4251  | 4   | 29  | 1W  | 3 B  | 4    |           |          |      |
| Same         |     |     |    |      | 5494  | -- | -- | NC | SW | 1269  | 4085  | 4   | 29  | 1W  | 4 B  | 4    |           |          |      |
| Same         |     |     |    |      | 5390  | -- | -- | NC | SW | 1248  | 3926  | 4   | 29  | 1W  | 5 B  | 4    |           |          |      |
| Same         |     |     |    |      | 5164  | NC | W2 | E2 | SW | 1288  | 3653  | 4   | 29  | 1W  | 6 B  | 4    |           |          |      |
| A__ 41472    | 00  | IRR | NK | G    | 7349  | -- | -- | NC | NW | 3875  | 3838  | 9   | 29  | 1W  | 3    |      | 51.00     | .00      | AF   |
| A__ 46158    | 00  | IRR | NK | G    | 10389 | -- | SE | SE | NE | 2762  | 326   | 2   | 29  | 1W  | 9    |      | 166.40    | 166.40   | AF   |
| A__ 46593    | 00  | IRR | KE | G    | 8265  | -- | SE | SW | NE | 2665  | 1745  | 10  | 29  | 1W  | 2 G  | 4    | 169.00    | 169.00   | AF   |
| Same         |     |     |    |      | 8283  | -- | SE | SW | NE | 2645  | 1745  | 10  | 29  | 1W  | 4 B  | 4    |           |          |      |
| Same         |     |     |    |      | 8247  | -- | SE | SW | NE | 2685  | 1745  | 10  | 29  | 1W  | 5 B  | 4    |           |          |      |
| Same         |     |     |    |      | 8274  | -- | SE | SW | NE | 2665  | 1725  | 10  | 29  | 1W  | 6 B  | 4    |           |          |      |
| Same         |     |     |    |      | 8256  | -- | SE | SW | NE | 2665  | 1765  | 10  | 29  | 1W  | 7 B  | 4    |           |          |      |
| A__ 47235    | 00  | IRR | KE | G    | 10300 | -- | SW | NE | SE | 1500  | 750   | 2   | 29  | 1W  | 10 G | 4    | 205.40    | 205.40   | AF   |
| Same         |     |     |    |      | 10238 | -- | SW | NE | SE | 1700  | 750   | 2   | 29  | 1W  | 12 B | 4    |           |          |      |
| Same         |     |     |    |      | 10365 | -- | NW | SE | SE | 1300  | 750   | 2   | 29  | 1W  | 13 B | 4    |           |          |      |
| Same         |     |     |    |      | 10490 | -- | SW | NE | SE | 1500  | 550   | 2   | 29  | 1W  | 14 B | 4    |           |          |      |
| Same         |     |     |    |      | 10110 | -- | SW | NE | SE | 1500  | 950   | 2   | 29  | 1W  | 15 B | 4    |           |          |      |
| A__ 47513    | 00  | IRR | GY | G    | 6195  | -- | SW | NE | NW | 4100  | 3840  | 10  | 29  | 1W  | 3    |      | 60.03     | 60.03    | AF   |
| A__ 48622    | 00  | IRR | AY | G    | 1310  | -- | -- | -- | -- | 3520  | 5230  | 3   | 29  | 1W  | 1 G  | 4    | 170.00    | 170.00   | AF   |
| Same         |     |     |    |      | 1210  | -- | NW | SW | NW | 3620  | 5230  | 3   | 29  | 1W  | 2 B  | 4    |           |          |      |
| Same         |     |     |    |      | 1010  | -- | NW | SW | NW | 3820  | 5230  | 3   | 29  | 1W  | 3 B  | 4    |           |          |      |
| Same         |     |     |    |      | 1410  | -- | NW | SW | NW | 3420  | 5230  | 3   | 29  | 1W  | 4 B  | 4    |           |          |      |
| Same         |     |     |    |      | 1610  | -- | NW | SW | NW | 3220  | 5230  | 3   | 29  | 1W  | 5 B  | 4    |           |          |      |
| T__ 949088   | 00  | CON | KE | G    | 6206  | -- | SW | SW | SW | 403   | 5171  | 27  | 28  | 1W  | 1    |      | 241.98    | 241.98   | AF   |
| T__ 949112   | 00  | CON | KE | G    | 5858  | -- | SW | SW | SW | 50    | 4966  | 27  | 28  | 1W  | 11 G | 2    | 257.97    | 257.97   | AF   |
| Same         |     |     |    |      | 5856  | -- | SW | SW | SW | 50    | 5016  | 27  | 28  | 1W  | 13 B | 2    |           |          |      |
| Same         |     |     |    |      | 5860  | -- | SW | SW | SW | 50    | 4916  | 27  | 28  | 1W  | 14 B | 2    |           |          |      |
| T__ 20039023 | 00  | CON | GY | G    | 7296  | -- | NE | SE | SW | 1084  | 2731  | 27  | 28  | 1W  | 16   |      | 242.00    | 242.00   | AF   |
| T__ 20109118 | 00  | CON | GY | G    | 6344  | -- | SE | SE | SW | 180   | 3029  | 27  | 28  | 1W  | 18   |      | 97.00     | 97.00    | AF   |
| T__ 20109127 | 00  | CON | GY | G    | 6014  | -- | SW | NE | NE | 4093  | 1316  | 34  | 28  | 1W  | 2    |      | 193.50    | 193.50   | AF   |

|            |    |     |    |   |      |    |    |    |    |      |      |    |    |    |    |        |        |    |
|------------|----|-----|----|---|------|----|----|----|----|------|------|----|----|----|----|--------|--------|----|
| T_20109128 | 00 | CON | GY | G | 5091 | -- | SW | SE | NE | 2693 | 1234 | 34 | 28 | 1W | 3  | 193.50 | 193.50 | AF |
| T_20119841 | 00 | CON | GY | G | 5942 | -- | SE | SE | SW | 52   | 4131 | 27 | 28 | 1W | 19 | 161.00 | 161.00 | AF |
| T_20129457 | 00 | CON | GY | G | 7798 | -- | SE | SE | SE | 112  | 55   | 27 | 28 | 1W | 15 | 242.00 | 242.00 | AF |
| T_20139042 | 00 | CON | GY | G | 5808 | -- | SE | SE | NE | 2692 | 347  | 34 | 28 | 1W | 4  | 322.00 | 322.00 | AF |
| T_20139043 | 00 | CON | GY | G | 8433 | -- | NW | NE | NW | 4627 | 3809 | 35 | 28 | 1W | 8  | 322.00 | 322.00 | AF |

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Total Net Quantities Authorized: Direct Storage
Total Requested Amount (AF) = 170.00 .00
Total Permitted Amount (AF) = 2707.38 .00
Total Inspected Amount (AF) = 114.61 .00
Total Pro_Cert Amount (AF) = .00 .00
Total Certified Amount (AF) = 2497.74 .00
Total Vested Amount (AF) = .00 .00
TOTAL AMOUNT (AF) = 5489.72 .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:

97.424574 West Longitude and 37.562627 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number Use ST SR
A__ 8936 00 IND NK G
> OCCIDENTAL CHEMICAL CORPORATION
> MIKE E GANNAWAY
> PO BOX 12283
> WICHITA KS 67277
>-----

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A__ 26762 00 IRR NK G
> DAVID DEJMAL
>
> 6220 W 47TH SOUTH
> WICHITA KS 67215
>-----

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A__ 34384 00 IND NK G
> AIR PRODUCTS MANUFACTURING CORP
> ROSS M HUFFORD III
> PO BOX 12291
> WICHITA KS 67277
>-----

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A__ 36719 00 IRR NK G
> ROBERT D HAY TRUST
>
> 9171 S WEST ST
> HAYSVILLE KS 67060
>-----

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A__ 37765 00 IRR NK G
> ROBERT D HAY TRUST
>

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> 9171 S WEST ST  
> HAYSVILLE KS 67060

>-----  
A\_\_ 37766 00 IRR NK G  
> ROBERT D HAY TRUST

>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060

>-----  
A\_\_ 37939 00 IRR NK G  
> THOMAS G & FLORENCE A BERGKAMP

>  
> 8231 W 55TH ST S  
> CLEARWATER KS 67026

>-----  
A\_\_ 38491 00 IND NK G  
> AIR PRODUCTS MANUFACTURING CORP  
> ROSS M HUFFORD III  
> PO BOX 12291  
> WICHITA KS 67277

>-----  
A\_\_ 39797 00 IND LR G  
> AIR PRODUCTS MANUFACTURING CORP  
> ROSS M HUFFORD III  
> PO BOX 12291  
> WICHITA KS 67277

>-----  
A\_\_ 41410 00 IRR NK G  
> CARL T JAAX REVOCABLE TRUST  
>  
> 10735 W HARVEST CT  
> WICHITA KS 67212

>-----  
A\_\_ 41458 00 IRR NK G  
> JOHN E DUGAN FAMILY PARTNERSHIP LP  
>  
> 15810 W 47TH ST SOUTH  
> CLEARWATER KS 67026

>-----  
A\_\_ 41472 00 IRR NK G  
> CARL T JAAX REVOCABLE TRUST  
>  
> 10735 W HARVEST CT  
> WICHITA KS 67212

>-----  
A\_\_ 46158 00 IRR NK G  
> ROBERT D HAY TRUST  
>  
> 9171 S WEST ST  
> HAYSVILLE KS 67060

>-----  
A\_\_ 46593 00 IRR KE G

> ROBERT D HAY TRUST

>

> 9171 S WEST ST

> HAYSVILLE KS 67060

>-----

A\_\_ 47235 00 IRR KE G

> GERALD E BLOOD

>

> 6346 S BROADWAY

> WICHITA KS 67216

>-----

A\_\_ 47513 00 IRR GY G

> ROBERT D HAY TRUST

>

> 9171 S WEST ST

> HAYSVILLE KS 67060

>-----

A\_\_ 48622 00 IRR AY G

> ROBERT D HAY TRUST

>

> 9171 S WEST ST

> HAYSVILLE KS 67060

>-----

T\_\_ 949088 00 CON KE G

> OCCIDENTAL CHEMICAL CORPORATION

> MIKE E GANNAWAY

> PO BOX 12283

> WICHITA KS 67277

>-----

T\_\_ 949112 00 CON KE G

> OCCIDENTAL CHEMICAL CORPORATION

> MIKE E GANNAWAY

> PO BOX 12283

> WICHITA KS 67277

>-----

T\_\_ 20039023 00 CON GY G

> OCCIDENTAL CHEMICAL CORPORATION

> MIKE E GANNAWAY

> PO BOX 12283

> WICHITA KS 67277

>-----

T\_\_ 20109118 00 CON GY G

> OCCIDENTAL CHEMICAL CORPORATION

> MIKE E GANNAWAY

> PO BOX 12283

> WICHITA KS 67277

>-----

T\_\_ 20109127 00 CON GY G

> OCCIDENTAL CHEMICAL CORPORATION

> MIKE E GANNAWAY

> PO BOX 12283

> WICHITA KS 67277



>-----  
T\_\_20109128 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

>-----  
T\_\_20119841 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

>-----  
T\_\_20129457 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

>-----  
T\_\_20139042 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

>-----  
T\_\_20139043 00 CON GY G  
> OCCIDENTAL CHEMICAL CORPORATION  
> MIKE E GANNAWAY  
> PO BOX 12283  
> WICHITA KS 67277

>-----  
=====

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov

Sam Brownback, Governor

April 29, 2016

Robert Hay Trust  
9171 S West St  
Haysville, KS 67060

RE: Pending Application, File No. 48,622

Dear Mr. Hay:

We have conducted further review of your application referenced above. Based on this information, the proposed well would be located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW¼ SW¼ NW¼) of Section 3, more particularly described as being near a point 3,520 feet North and 5,230 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, Kansas. The application is requesting to appropriate 170 acre-feet of groundwater for irrigation use.

The source of water for the pending application appears to be Quaternary System deposits based on nearby well logs and geologic maps. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (8,042 acres for this file). Calculated recharge is 5.4 inches, and for hydrologic units within the Ninnescah River Basin, 75 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination is summarized below.

Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available

8,042 acres x 5.4 inches x 75% = 32,570.1 acre-inches / 12 = 2,714.18 acre-feet

Prior Appropriations within the area of consideration = 3,636.98 acre-feet

Total quantity of water available = 0 acre-feet

Therefore, it will be recommended to the Chief Engineer that pending application, File No. 48,622 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until May 14, 2016**) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so **in writing**, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the application. If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier

New Application Unit

Water Appropriation Program

pc:

SCANNED

Robert D Hay  
9171 S West St.  
Haysville, KS 67060

May 9, 2016

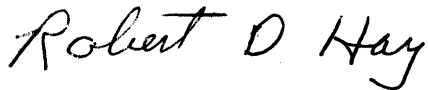
Kansas Department of Agriculture  
Division of Water Resources, Stafford Field Office  
300 S Main Street  
Stafford, Kansas 67578-1521

RE: Pending Application, File No. 48622

Dear Mr. Meier:

I am writing in response to your letter dated April 29, 2016. I am requesting additional time to gather information pertaining to the hydrology in the area relative to the pending application. I have submitted a records request to obtain the safe yield report for this area and plan to consult with a hydrologist. I am asking for an extension of at least 90 days to obtain this information and conduct my research. Thank you for your consideration.

Respectfully,



Robert D Hay

RECEIVED

SCANNED  
MAY 11 2016

Stafford Field Office  
Division of Water Resources



Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

May 12, 2016

Robert D. Hay  
9171 S. West St  
Haysville, KS 67060

Re: Pending Application, File No. 48,622

Dear Mr. Hay:

This will acknowledge receipt of your letter, received in this office on May 11, 2016 in which you requested a 90 day extension to an initial denial deadline of May 14, 2016. As this is the first request for an extension and you have requested additional information regarding the denial recommendation, a 30 day extension can be granted at this time for you to submit additional information to show why our evaluation should be reconsidered. The new deadline will be **June 13, 2016**. Additionally, your original application is being returned to you.

If the additional information and original application are not received by the **June 13, 2016** deadline, it will be recommended to the Chief Engineer that pending application, File No. 48,622 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11.

If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Matt Meier  
New Application Unit  
Water Appropriation Program

pc:

**SCANNED**

Robert D Hay  
9171 S West St.  
Haysville, KS 67060

June 13, 2016

Kansas Department of Agriculture  
Division of Water Resources  
300 S Main Street  
Stafford, KS 67578-1521

Re: Pending Application, File No. 48622

Dear Mr. Meier

I am writing in response to your letter dated May 12, 2016. I have reviewed the information I requested from your office and have made modifications to the enclosed application based on this information. I am hopeful that the new locations that I have selected will meet safe yield criteria. Please advise me of your findings once you have completed your review. If the criteria are not met I would ask that I be provided with the Safe Yield Report that supports these findings and have the opportunity to make further modifications to the application. Thank you for your consideration.

Sincerely,



Robert D Hay

RECEIVED

JUN 15 2016

Stafford Field Office  
Division of Water Resources

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor

June 30, 2016

Robert Hay Trust  
9171 S West St  
Haysville, KS 67060

RE: Pending Application, File No. 48,622

Dear Mr. Hay:

We have conducted further review of your application referenced above. Based on the new information, the proposed well would be located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) of Section 3, more particularly described as being near a point 4,830 feet North and 5,250 feet West of the Southeast corner of said section, in Township 29 South, Range 1 West, Sedgwick County, Kansas. The application is requesting to appropriate 170 acre-feet of groundwater for irrigation use.

The source of water for the pending application appears to be Quaternary System deposits based on nearby well logs and geologic maps. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (8,042 acres for this file). Calculated recharge is 5.4 inches, and for hydrologic units within the Ninnescah River Basin, 75 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination is summarized below.

Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available

8,042 acres x 5.4 inches x 75% = 32,570.1 acre-inches / 12 = 2,714.18 acre-feet

Prior Appropriations within the area of consideration = 3,046.78 acre-feet

Total quantity of water available = 0 acre-feet

Additionally, the new location does not comply with minimum well spacing distance from existing non-domestic well. The required spacing to all non-domestic wells in this aquifer is 1,320 feet per K.A.R. 5-4-4.

Therefore, it will be recommended to the Chief Engineer that pending application, File No. 48,622 be denied and dismissed due to the failure to meet safe yield criteria and minimum well spacing, as required by K.A.R. 5-3-10, K.A.R. 5-3-11, and K.A.R. 5-4-4.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until July 15, 2016**) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so **in writing**, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the application. If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier  
New Application Unit  
Water Appropriation Program

**SCANNED**

pc:

Robert D Hay  
9171 S West St.  
Haysville, KS 67060

July 14, 2016

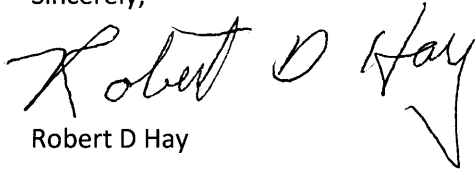
Kansas Dept. of Agriculture  
Div. of Water Resources  
300 S Main Street  
Stafford, KS 67578-1521

RE: Pending Application, File No. 48622

Dear Mr. Meier:

I am writing in response to your letter of June 30, 2016. I have reviewed the information you provided and have made changes to my application that I believe will fit the criteria for safe yield and well spacing. Thank you for your consideration and assistance in this matter.

Sincerely,

  
Robert D Hay

RECEIVED

JUL 18 2016

Stafford Field Office  
Division of Water Resources

# Kansas

Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 29, 2016

Robert Hay Trust  
9171 S West St  
Haysville, KS 67060

RE: Pending Application, File No. 48,622

Dear Mr. Hay:

Application 48,622 is being returned to you as it is not acceptable. On July 18, 2016, the application was received by this office with the modifications requesting to move proposed geo-center from the Northwest Quarter of Section 3, Township 29 South, Range 1 West to the Northeast Quarter of Section 4 Township 29 South, Range 1 West. Per the requirements outlined in part 5 of the application and K.A.R. 5-3-1, the proposed geo-center is limited to being located in the Northwest Quarter of Section 3, Township 29 South, Range 1 West as that is what was originally requested in the initial application.

Because the most recently proposed geo-center location is unacceptable, the previous geo-center location will be used and the recommendation of denial still stands. It will be recommended to the Chief Engineer that pending application, File No. 48,622 be denied and dismissed due to the failure to meet safe yield criteria and minimum well spacing, as required by K.A.R. 5-3-10, K.A.R. 5-3-11, and K.A.R. 5-4-4.

You will need to submit a separate new application for a permit to proceed if you wish to have a well battery located in the Northeast Quarter of Section 4, Township 29S, Range 1 West.

You have a period of **exactly 15 days (August 13, 2016)** to submit additional information to our office or the current application will be denied and dismissed for the reasons listed above.

If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier  
New Application Unit  
Water Appropriation Program

pc:

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

**WATER RESOURCES  
RECEIVED**

APR 29 2013

**KS DEPT OF AGRICULTURE**

**SCANNED**

  
**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 30, 2013

ROBERT D HAY TRUST  
9171 S WEST ST  
HAYSVILLE KS 67060

RE: Application  
File No. 48622

Dear Sir or Madam:

Your application for permit to appropriate water in 3-29S-1W, in Sedgwick 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.

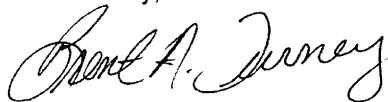
**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate 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 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,



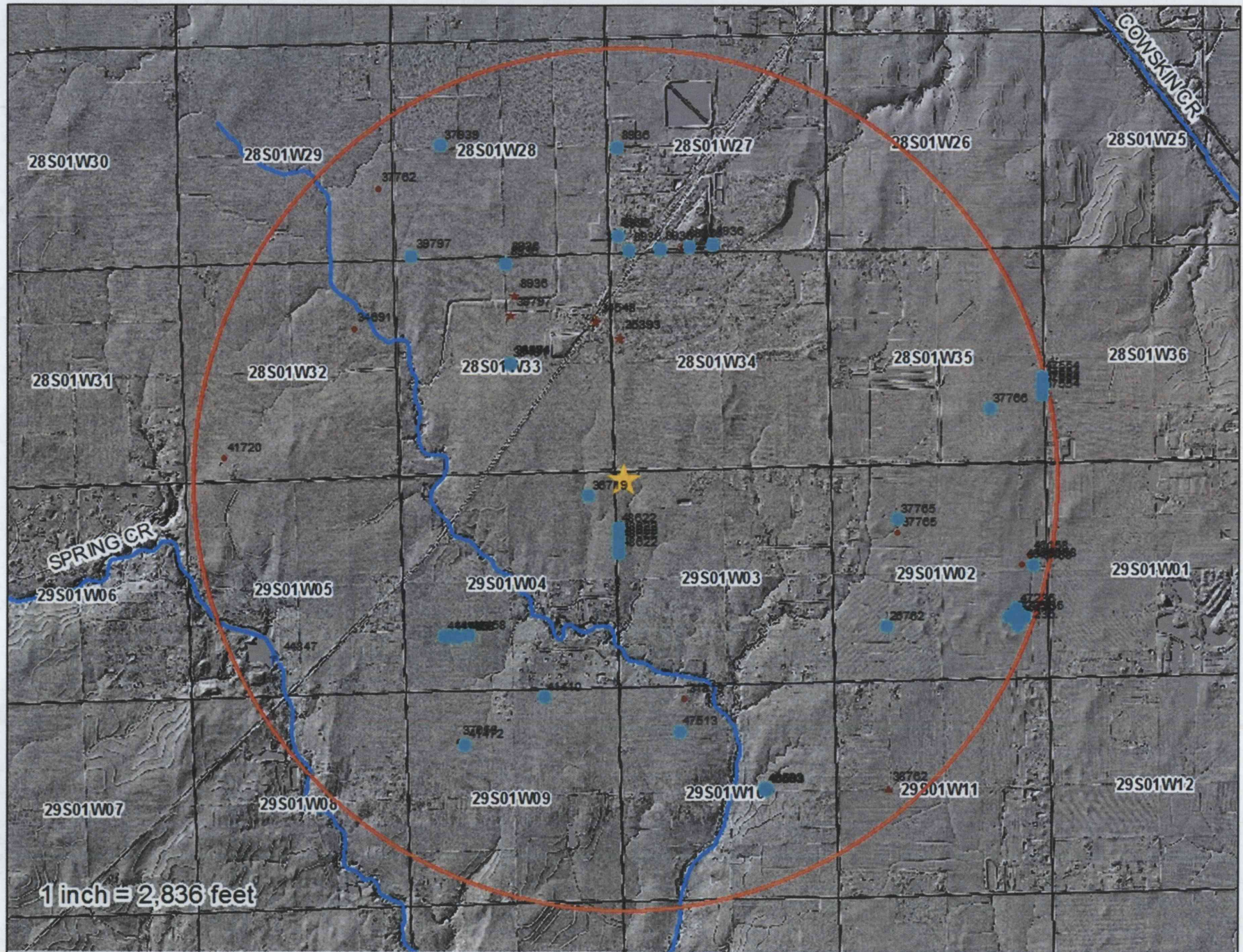
Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT:arh  
pc: STAFFORD Field Office

SCANNED



Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in NWNWNWNW 03-29S-01W



Heiss



Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in NWNWSWNW 03-29S-01W

150 100903

