

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

1. File Number: <p style="text-align: center;">49,489</p>	2. Status Change Date: <u>8/11/2016</u>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD: <p style="text-align: center;">05</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 64789 Add Seq# <u>1</u></p> <p>ABE & AMBER PETERS 70429 SE 90TH STREET SAWYER KS 67134</p>	<p>7c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>	<p>7d. Misc. <input type="checkbox"/> New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent <input type="checkbox"/> New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Form <input type="checkbox"/></p> <p>Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center; font-size: 2em;">7A</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC _____</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><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"/> INDSIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2016 2017 11. Perfection Date: 12/31/2021 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____

Date Prepared: **8/3/16** By: **AJW**
Date Entered: 8/15/2016 By: LLM

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 9, 2016

FROM: Alex Whitesell

RE: Application, File No. 49,489

Abe and Amber Peters have filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 15 acre-feet of groundwater from one (1) well, for irrigation use in Pratt County.

The quantity of water requested is reasonable under a 15 acre-foot exemption with a monitoring agreement with GMD 5.

The source of water for the pending application was determined to be the Quaternary System, based on area wells logs.

The application is subject to well spacing, as required by K.A.R. 5-4-4. There are no other appropriated wells within 1,320 feet, nor domestic wells reported within 660 feet of the proposed geographic center of the battery of wells. Therefore, the application complies with well spacing requirements.

All well owners within one-half ($\frac{1}{2}$) mile of the proposed point of diversion were notified of the application, by letter dated January 21, 2016, and provided 15 days to submit any comments or concerns related to the proposed appropriation. No comments have been received.

GMD 5 recommended approval of the application on June 1, 2016 with the stipulation that a monitoring agreement be submitted by the applicant. The monitoring agreement was submitted and accepted by the GMD.

In an email message on August 9, 2016, Jeff Lanterman Water Commissioner of the Stafford Field Office recommended approval of the application with the condition of an anti-reverse gear and seal be installed on the water flowmeter.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.



Alex Whitesell
Environmental Scientist
Division of Water Resources

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

August 15, 2016

FILE COPY

ABE AND AMBER PETERS
70429 SE 90TH STREET
SAWYER KS 67134

RE: Appropriation of Water
File No. 49,489

Dear Mr. Peters:

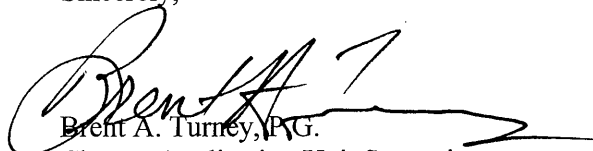
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in 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 these approval documents. A water meter is required on the proposed diversion works 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.

Enclosed is a form which must be used to notify the Chief Engineer that the proposed diversion works have been completed. 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. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the enclosed permit. Any request for an 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 will establish the extent of your water right.

If you have any questions, please contact our office. If you wish to discuss this 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
Division of Water Resources

BAT:ajw
Enclosures
pc: Stafford Field Office
GMD No. 5



FILE COPY

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. 49,489** of the applicant

**ABE AND AMBER PETERS
70429 SE 90TH STREET
SAWYER KS 67134**

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

1. That the priority date assigned to such application is **October 21, 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	
23	29S	12W	15																15

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 23, more particularly described as being near a point 5,000 feet North and 900 feet West of the Southeast corner of said section, in Township 29 South, Range 12 West, Pratt 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 **300 gallons per minute (0.668 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 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.

The foregoing instrument was acknowledged before me this 11th day of August, 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 15th day of August, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,489, dated August 11, 2016 was mailed postage prepaid, first class, US mail to the following:

ABE AND AMBER PETERS
70429 SE 90TH STREET
SAWYER KS 67134

With photocopies to:

Stafford Field Office
GMD NO 5

Danielle Wilson
Division of Water Resources

I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Manhattan, Kansas this 11th day of February, 2016



APPLICATION COMPLETE
08/169/2016
Reviewer Alex Whitehall

Jackie McClaskey
THE STATE
DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49489
This item to be completed by the Division of Water Resources.

**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.)

WATER RESOURCES
RECEIVED
OCT 21 2015
12:10
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): Abe and Amber Peters
Address: 70429 SE 90th Street
City: Sawyer State KS Zip Code 67134
Telephone Number: (419) 236-6705

2. The source of water is: surface water in _____ (stream)
OR groundwater in Chikaskia 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 300 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 5 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County PR By AW Date 10/21/15
Code REG Fee \$ 200.00 TR # W01132A Receipt Date 10/21/15 Check # 447

I hereby certify that this instrument is a true and correct copy of the original as purported.
Dated at Manhattan, Kansas this 11 day of February, 2016

File No. _____

**DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE**

The location of the proposed wells, pump sites or other works for diversion of water is: **Please allow 60 days to**

Locate

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 E/2 quarter of the NE quarter of Section 23, more particularly described as * being near a point 5000 feet North and 900 feet West of the Southeast corner of said section, in Township 29 South, Range 12 West (circle one), PRATT 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)

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 _____, 20____. _____
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 One (1) Well & Distribution System
(number of wells, pumps or dams, etc.)
and (will be) completed (by) ASAP
(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)

**KAK/DWK
per telephone conversation on Jan 7, 2016.*

**WATER RESOURCES
RECEIVED**

OCT 21 2015

SCANNED

I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Manhattan, Kansas this 11 day of February, 2014

File No. _____

My Witness
DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

Will any 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

WATER RESOURCES
RECEIVED

OCT 21 2015

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 11 day of February, 2016

File No. _____

Deb Goyen

DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE
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	Attached			
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 Pratt, Kansas, this OCT 19 day of 2015
(month) (year)

[Signature]
(Applicant Signature)

By [Signature]
(Agent or Officer Signature)

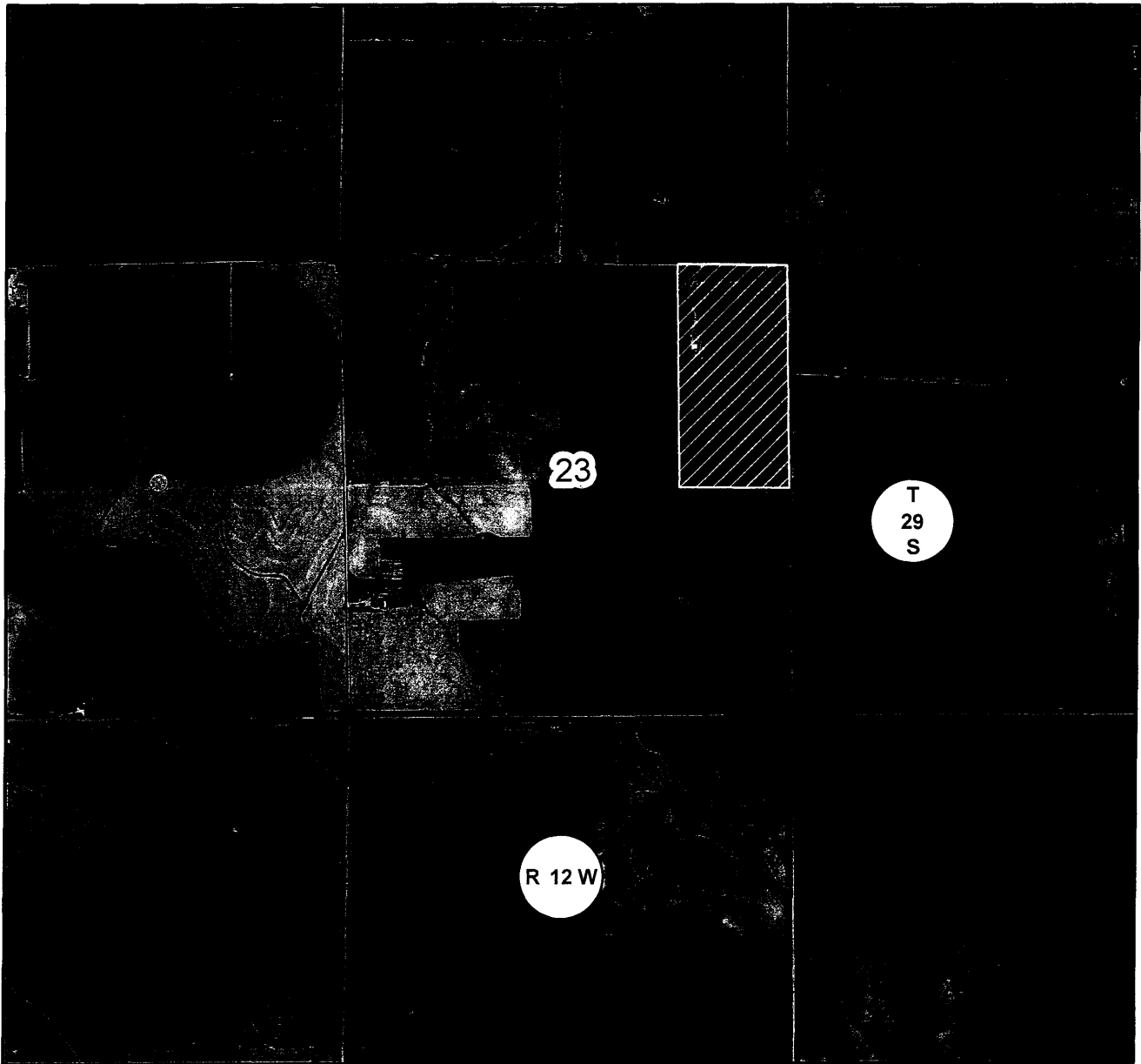
THE PEOPLES BANK
PRATT, KS 67124








Deb Goyen, Deposit Officer
(Agent or Officer - Please Print)

Assisted by Jan Stryker SFO Date: 1/6/15
(office/title)

WATER RESOURCES RECEIVED
OCT 21 2015
SCANNED
KS DEPT OF AGRICULTURE

NOTES:



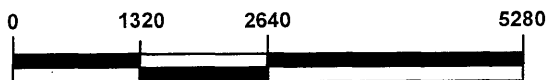
-  Authorized Place of Use
-  Proposed Place of Use
-  Authorized Point of Diversion
-  Proposed point of Diversion
-  Section Corner
-  Permitted Appropriation
-  Domestic Well

I hereby certify that this instrument is a true and correct copy of the original as purported.


Dated at Manhattan, Kansas this 11 day of Feb, 20 14

Max Nicks
 DIVISION OF WATER RESOURCES
 KANSAS DEPARTMENT OF AGRICULTURE

WATER RESOURCES RECEIVED
 OCT 21 2015
 SCANNED
 KS DEPT OF AGRICULTURE



Scale: 1 Inch = 2000 Feet

	Application Map
Drawn By:	Jan Stryker - Stafford Field Office
Date:	January 6, 2015
Revised:	

I hereby certify that this instrument is a true and correct copy of the original as purported. Dated at Manhattan, Kansas this 11 day of Feb, 2016

[Signature]

DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

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

OCT 21 2015
SCANNED

KS DEPT OF AGRICULTURE

I hereby certify that this instrument is a true and correct copy of the original as prepared.
Dated at Manhattan, Kansas this 11 day of Feb, 2016

DK Miller
DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

10-19-15
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that Division of Water Resources proceed with processing and approval, if possible, of the referenced application.

[Signature]
Signature of Applicant

State of Kansas)
County of Pratt) ss

Abram Peters
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 19 day of OCT 2015, 2015.

DEB GOYEN
Notary Public - State of Kansas
My Appt. Expires 5-15-16

[Signature]
Notary Public

My Commission Expires:

WATER RESOURCES
RECEIVED

OCT 21 2015
SCANNED

KS DEPT OF AGRICULTURE

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 11 day

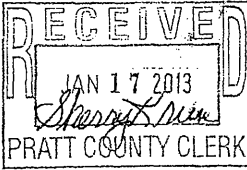
of Feb 16

DEED - GENERAL WARRANTY - PHOTOSTATIC P-1-2TW COPY CENTER OF TOPEKA, INC. TOPEKA, KS

402

DIVISION OF WATER RESOURCES KANSAS DEPARTMENT OF AGRICULTURE

Register of Deeds Pratt County, Kansas Sherry L. Henrich Book: 416 Page: 402 Receipt #: 19355 Total Fees: \$8.00 Pages Recorded: 1 Date Recorded: 1/17/2013 4:30:59 PM



By _____ FEES. Register of Deeds, for recording, \$ _____ County Clerk, for transfer, \$ _____ Total, \$ _____

THIS DEED, Made this 10th day of January 2013, between Vernon J Hirt and Donna M Hirt Trustees of the Vernon J Hirt Trust Dated December 5, 1991 of Pratt County, in the State of Kansas of the first part, and Abram D. Peters and Amber L. Peters of Pratt County, in the State of Kansas

of the second part, WITNESSETH, That party of the first part, in consideration of the sum of Ten or more and 00/100 Dollars, the receipt of which is hereby acknowledged, do by these presents convey and warrant unto party of the second part, heirs and assigns, all the following-described real estate situated in the County of Pratt and State of Kansas, to-wit:

The East Half of The Northeast Quarter (E/2 NE 4) of Section Twenty-three (23) Township (29) Range (11) Twelve Seller reserves minerals for thirty (30) years In case Buyer Sells Property before (10) Ten years Seller has right of refusing at selling price To buy, Limited to 30 days after written notice. There is a (2) two year CSP contract that must be maintained with United State Department of Agriculture

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever. And party of the first part, heirs, executors and administrators, do hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents lawfully seized in own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except;

and that Seller will warrant and forever defend the same unto party of second part, heirs and assigns, against party of the first part, All His heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same. IN WITNESS WHEREOF, party of the first part has hereunto subscribed his name, the day and year first above written.

Vernon J Hirt Trustee Donna M Hirt Trustee

STATE OF KANSAS, Pratt COUNTY, ss. BE IT REMEMBERED, That on this 10th day of January, 2013 before me, in and for the County and State aforesaid, came Vernon Hirt, Trustee and Donna M Hirt, Trustee who are personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same. IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

My appointment expires 1/16/2013

Laverne D. Taylor Notary Public - State of Kansas My Appt. Expires 1/16/2013

WATER RESOURCES RECEIVED Notary Public.

OCT 21 2015 SCANNED

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 11 day

of Feb Division of Water Resources App. No. _____, 2016

Division of Water Resources App. No. _____

Well ID _____

WATER WELL RECORD Form WWC-5

Original Record Correction Change in Well Use

1. LOCATION OF WATER WELL: County: PRATT Fraction: 1/4 NE 1/4 NE 1/4 Section Number: 215 Range Number: R 12 Township: T 29 N

2. WELL OWNER: Last Name: Peters First: Abel Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here:
 Business: _____ Address: 511 Pedigo From Sawyer, KS 90 5 mile EAST on
 Address: _____ City: PRATT State: KS ZIP: 67124 42 Hwy Then North 3/4 mile well on WEST

3 LOCATE WELL WITH "X" IN SECTION BOX:

N

--NW--			--NE--
W			E
--SW--			--SE--

S

1 mile

4 DEPTH OF COMPLETED WELL: 125 ft.
 Depth(s) Groundwater Encountered: 1) _____ ft.
 2) _____ ft. 3) _____ ft., or 4) Dry Well
 WELL'S STATIC WATER LEVEL: 80 ft.
 below land surface, measured on (mo-day-yr) _____
 above land surface, measured on (mo-day-yr) _____
 Pump test data: Well water was _____ ft.
 after _____ hours pumping _____ gpm
 Well water was _____ ft.
 after _____ hours pumping _____ gpm
 Estimated Yield: _____ gpm
 Bore Hole Diameter: 9.9/8 in. to 125 ft. and _____ in. to _____ ft.

5 Latitude: Side of Rd. (decimal degrees)
 Longitude: _____ (decimal degrees)
 Datum: WGS 84 NAD 83 NAD 27
 Source for Latitude/Longitude:
 GPS (unit make/model: _____)
 (WAAS enabled? Yes No)
 Land Survey Topographic Map
 Online Mapper: _____
 6 Elevation: _____ ft. Ground Level TOC
 Source: Land Survey GPS Topographic Map
 Other _____

7 WELL WATER TO BE USED AS:

1. Domestic: Household Lawn & Garden Livestock Irrigation Feedlot Industrial

2. Public Water Supply: well ID _____

3. Dewatering: how many wells? _____

4. Aquifer Recharge: well ID _____

5. Monitoring: well ID _____

6. Environmental Remediation: well ID _____

7. Air Sparge Soil Vapor Extraction Recovery Injection

8. Oil Field Water Supply: lease _____

9. Test Hole: well ID _____

10. Cased Uncased Geotechnical

11. Geothermal: how many bores? _____

a) Closed Loop Horizontal Vertical

b) Open Loop Surface Discharge Inj. of Water

12. Other (specify): _____

Was a chemical/bacteriological sample submitted to KDHE? Yes No If yes, date sample was submitted: _____

Water well disinfected? Yes No

8 TYPE OF CASING USED: Steel PVC Other _____ CASING JOINTS: Glued Clamped Welded Threaded

Casing diameter 4 in. to 105 ft., Diameter _____ in. to _____ ft., Diameter _____ in. to _____ ft.

Casing height above land surface 24 in. Weight 160 lbs./ft. Wall thickness or gauge No. _____

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel Fiberglass PVC Other (Specify) _____
 Brass Galvanized Steel Concrete tile None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous Slot Mill Slot Gauze Wrapped Torch Cut Drilled Holes Other (Specify) _____
 Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole)

SCREEN-PERFORATED INTERVALS: From 105 ft. to 125 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.

GRAVEL PACK INTERVALS: From 125 ft. to 20 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other _____

Grout intervals: From 20 ft. to 0 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.

Nearest source of possible contamination:
 Septic Tank Lateral Lines Pit Privy Livestock Pens Insecticide Storage
 Sewer Lines Cess Pool Sewage Lagoon Fuel Storage Abandoned Water Well
 Watertight Sewer Lines Seepage Pit Feedyard Fertilizer Storage Oil Well/Gas Well
 Other (Specify) _____

Direction from well? 999 Distance from well? 999 ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	8	Sandy Top Soil			
8	40	Red clay			
40	60	Tan clay			
60	80	Fine Sand			
80	110	Small Sand			
110	120	Coarse Sand			
120	125	Large gravel			

Notes: _____

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KS DEPT OF AGRICULTURE

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) 7-26-13, and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 672 This Water Well Record was completed on (mo-day-year) 8-29-13 under the business name of Ground's Water Well Serv.

INSTRUCTIONS: Send one copy to WATER WELL OWNER and retain one copy for your records. Submit fee of \$5.00 for each constructed well (plus _____ minute) copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone (785) 296-3565.

IRRIGATION USE SUPPLEMENTAL SHEET

A.P./AR

File No. 49489

Name of Applicant (Please Print): Abe and Amber Peters

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: Abe and Amber Peters

ADDRESS: 70429 SE 90th Street – Sawyer, Kansas 67134

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28	28	12W	40			40													80
23	29	12W	15																15

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		

WATER RESOURCES
RECEIVED

APR 06 2016

WATER RESOURCES
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KS DEPT OF AGRICULTURE

**OCT 21 2015
SCANNED
KS DEPT OF AGRICULTURE**

SCANNED

To Whom this may concern
We are proposing 15 Acres so we
can try the orchard on 4 and
still have 11 Acre system.



WATER RESOURCES
RECEIVED

APR 06 2016

KS DEPT OF AGRICULTURE

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 11 day of February, 2016

Abe Peters
 DIVISION OF WATER RESOURCES
 KANSAS DEPARTMENT OF AGRICULTURE

**IRRIGATION USE
 SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Abe and Amber Peters

- 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: Abe and Amber Peters

ADDRESS: 70429 SE 90th Street – Sawyer, Kansas 67134

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23	29	T2W	40			40												80	

*VOID
 see
 updated
 supplemental
 sheet
 4/6/16*

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	

WATER RESOURCES
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OCT 21 2015
 SCANNED

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
<u>Sandy loam</u>	<u>100%</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 1 %

Estimate the maximum land slope in the field(s): 5 %

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: Possible pivot, would like to pot drip for

d. System design features:

orchard trees

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ 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:

would like to try drip for orchard Walnuts,
or pivot for alfalfa, or truck patch garden
Have four small boys, and cant purchase a irrigated circle

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).

The wisdom of an older farmer.

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

> PRATT KS 67124

>-----

A__ 28601 00 IRR NK G

> MONTE B THOM TRUST

>

> 11383 NE HARVEST RD

> ISABEL KS 67065

>-----

A__ 34072 00 IRR NK G

> DONALD & ARTHENA BRUBAKER

>

> 110107 SE 50TH AVE

> SAWYER KS 67134

>-----

A__ 38931 00 IRR NK G

> KENT E BRUBAKER

>

> 80225 SE 50TH AVE

> SAWYER KS 67134

>-----

A__ 42944 00 IRR NK G

> BERRY K & CARLA G BORTZ

>

> 30142 NE 100TH AVE

> PRESTON KS 67583

>-----

A__ 49489 00 IRR AY G

> ABE & AMBER PETERS

>

> 70429 SE 90TH STREET

> SAWYER KS 57134

>-----

T__20127185 MF IRR GY G

> KENT E BRUBAKER

>

> 80225 SE 50TH AVE

> SAWYER KS 67134

>-----

T__20127488 MF IRR GY G

> MONTE B THOM TRUST

>

> 11383 NE HARVEST RD

> ISABEL KS 67065

>-----

=====

Whitesell, Alex

From: Lanterman, Jeff
Sent: Tuesday, August 09, 2016 2:08 PM
To: Whitesell, Alex
Cc: Conant, Cameron
Subject: FW: 49489
Attachments: 49489 Memo.docx; 5-12-16 board packet.pdf

Hey Alex go ahead and approve this one.

See Camerons notes on the flow meter. Since this right is a bit short on water we would like the flowmeter to have ar gears and be sealed to the pipe by either DWR or GMD#5 so we can ensure the water use record.

From: Conant, Cameron
Sent: Tuesday, August 9, 2016 1:43 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: 49489

Sorry, I meant to add in the GMD board packet that shows review of this application. It is now attached.

Cameron

From: Conant, Cameron
Sent: Tuesday, August 09, 2016 1:32 PM
To: Lanterman, Jeff
Subject: FW: 49489

Jeff, this application was reviewed at the GMD#5 meeting in May, which I attended. The notes from that meeting are below.

- a. **49,489:** This application was a 15AF small use exemption requesting a place of use covering 15 acres and a rate of diversion of 300gpm. Abe Peters was present as owner of this application. Abe said he originally requested 80 acres and was denied. He then worked with Orrin to modify the application down to 15 acres. He plans to install a small 11 acre pivot and grow non-standard crops on it. The 4 acres around the edges he plans to have an orchard and perhaps grow walnut trees. Abe said this was the only acreage he owned and just wanted to experiment with different types of crops and trees.

Staff recommended approval of this application with a GMD#5 monitoring agreement. Orrin felt that the variety of crops and trees intending to be grown was exactly what the small use exemption was for. The 4 acres around the pivot would not be fully irrigated all the time once the trees were established, so this was more like 1.4AF/acre on the 11 acre mini pivot. The board motioned to approve the application with a GMD#5 monitoring agreement, the vote was 3 yes and Fred abstained.

I said if the FO recommended approval of this, it would be conditioned to have AR gears and the meter sealed to pipe as we have been doing with GMD monitoring agreements.

We have a 5 year monitoring service agreement on hand from 2017-2021. As with any 5 year monitoring agreement with GMD#5, the field office requests the additional conditions for the meter to be an anti-reverse meter and may be sealed to the pipe.

The application has subsequent information from the applicant requesting the place of use be reduced from 80 acres down to 15 acres (11 acre pivot and 4 acres of surrounding corners). As far as I can tell, this is exactly what was depicted at the GMD#5 meeting.

Spacing to surrounding wells is ok, well log is good, this application appears to meet all applicable rules (with the GMD monitoring agreement).

I think this can be recommended for approval with the additional conditions of AR gears and seal to pipe. Please pass on to Alex if you agree.

Cameron

From: Whitesell, Alex
Sent: Wednesday, August 03, 2016 10:00 AM
To: Lanterman, Jeff; Conant, Cameron
Subject: 49489

Jeff,

Could you please provide your recommendation on this file?

Thanks,

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631

My email has changed alex.whitesell@ks.gov

Whitesell, Alex

From: Orrin Feril <oferil@gmd5.org>
Sent: Wednesday, June 01, 2016 10:43 AM
To: Whitesell, Alex
Subject: Application for Permit, File No. 49489
Attachments: 49489 2016-06-01 Rec.pdf; 49489 2016-05-31 POU.pdf

Alex,

I'm attaching the recommendation requested by your office in a letter dated May 10, 2016. Please let me know if you have any questions.

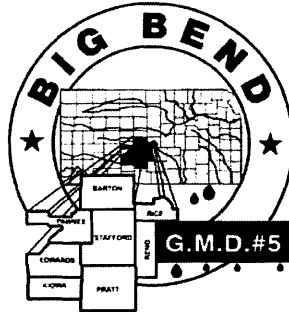
Thank you for your consideration in this matter,

Orrin

--

Orrin Feril
Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

June 1, 2016

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: Application File No. 49,489

Dear Mr. Whitesell,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 15 acre-feet of groundwater for the purpose of irrigation in the NE $\frac{1}{4}$ of Section 23, Township 29S, Range 12W in Pratt County, Kansas.

Applications that meet or exceed the provisions outlined in K.A.R. 5-25-15 are exempt from meeting the requirements of K.A.R. 5-25-4 (a). The above referenced application does not meet the minimum reasonable quantity to irrigate the proposed acres. The Board of Directors for the District reviewed the application at the May board meeting. Based on the information presented in the application and provided at the meeting, the Board voted to recommend approval of the above referenced application with the added condition that the applicant enter into a monitoring agreement with the District. This recommendation replaces the recommendation provided by the District on February 22, 2016.

The District received the signed monitoring agreement from the applicant on May 31, 2016. A copy of this agreement is enclosed with this letter for your reference.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

Enclosure

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO. FIVE
125 SOUTH MAIN
STAFFORD KANSAS 67578

When an application for a change in place of use for irrigation purposes is approved by the Chief Engineer, Division of Water Resources, for Water Right File No.(s) 49489 the Big Bend Groundwater Management District No. 5 (GMD) will monitor compliance with the conditions of that approval. Monitoring by the GMD will take place only when the following service agreement is signed and returned to the GMD office.

RECEIVED

MAY 31 2016

SERVICE AGREEMENT

1. **Customer:** Abe Peters Big Bend GMD #5
70429 SE 90th St
Sawyer, KS 67134

2. **Term:** This agreement shall be for a five year term, beginning January 1, 2017, and ending December 31, 2021, subject to the annual fee.

3. **Fee schedule:** Customer will be billed for services performed at a rate of \$250.00 per year plus round trip mileage to site. Mileage rate will be based on State of Kansas adopted rate.

Payment shall be received in the District office upon receipt of the annual billing for services performed for that current year.

4. **On Site Monitoring:** Monitoring service will be performed by GMD #5 staff and may include but shall not be limited to:


- a. Inspection of flow meter to ensure proper installation and satisfactory operating conditions.
- b. Compliance with conditions of required conservation plan.
- c. Irrigation of authorized acres.
- d. Compliance with water use limitations.
- e. Determination of crops grown on authorized place of use.

5. **Landowner's responsibility:** Landowner agrees to prepay annually for services. A change approved pursuant to K.A.R. 5-5-11 (b)(4) will require certification of acreage with payment.

6. **Limitations of liability:** The GMD assumes responsibility for the safety of its personnel, property and equipment. The GMD shall not be responsible for any damages caused by the public or its employees except as provided in the Kansas Tort Claims Act, K.S.A. 1980 Supp. 75-6101 et seq.

7. **Termination:** This agreement may be terminated by the GMD if payment for services is not rendered.

Landowner , Dated 5-15-16

GMD #5 , Dated 5/31/16

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 19, 2016

BIG BEND GMD 5
125 S MAIN ST
STAFFORD KS 67578

Re: Application
File No. 49,489

Dear Mr. Feril:

We have received your May 16, 2016 request for an extension of time for the above referenced file.

We are delaying any further action for a period of 30 days, until June 16, 2016, to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stafford Field Office
Abe and Amber Peters, Applicant

SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

May 16, 2016

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Re: Application File No. 49489
Application for Permit to Appropriate

Dear Mr. Whitesell,

The Big Bend Groundwater Management District #5 requests a thirty-day extension on the above referenced application. This application has been reviewed by the District board of directors at the May board meeting. The board recommended approval of the application with the condition that they enter into a monitoring agreement with the District. This paperwork has not yet been completed by the applicant and therefore, the District is not in a position to provide final recommendation to your office at this point. Upon receipt of the paperwork from the applicant, the District will copy your office and submit final recommendation on this application.

Please contact our office if you have further questions or concerns.

Sincerely,

Orrin Feril
Manager

WATER RESOURCES
RECEIVED
MAY 16 2016
KS DEPT OF AGRICULTURE

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 10, 2016

BIG BEND GMD 5
125 S MAIN ST
STAFFORD KS 67578

Re: Application
File No. 49,489

Dear Sir or Madam:

We are enclosing a copy of the application referred to above which appears to be in proper form.

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 this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at 785-564-6634. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stafford

SCANNED

Whitesell, Alex

From: Kopp, Kenneth
Sent: Wednesday, March 23, 2016 1:05 PM
To: Whitesell, Alex
Subject: File No. 49489 - Abe Peters

I talked to Abe Peters by telephone on today's date. He will be getting in touch with GMD 5 to revise the map and the application to only irrigate 11 acres, in order that the application can be reconsidered for approval.

Ken

Kenneth A. Kopp, P.G.
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502-5000
Web: <http://agriculture.ks.gov/dwr>
Phone: (785) 564-6634

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

March 2, 2016

ABE AND AMBER PETERS
70429 SE 90TH STREET
SAWYER KS 67134

RE: Application
File No. 49,489

Dear Sir or Madam:

We have received a recommendation from the Western Kansas Groundwater Management District No. 5 that the referenced Application for Permit to Appropriate Water for Beneficial Use be denied. This recommendation has been based upon the groundwater management program adopted by the District and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

We are advising you of this recommendation in order to allow you an opportunity to consult with the District regarding their recommendation if you have not already done so. If you have already contacted the District regarding this recommendation, then we are allowing you this opportunity to submit to this office any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced application until **April 4, 2016**, at which time the application will be submitted to the Chief Engineer for a final decision.

If you have any questions, please contact me at (785) 564 - 6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office
Groundwater Management District No. 5

SCANNED

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

March 1, 2016

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

RE: Application File No. 49,489

Dear Mr. Kopp,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to utilize 15.00 acre-feet (AF) for irrigation use on 80 acres in the NE $\frac{1}{4}$ of Section 23, Township 29S, Range 12W in Pratt County, Kansas.

Per K.A.R. 5-25-4, the District has been determined to be appropriated to the sustainable yield level and therefore the entire District is closed to new groundwater appropriations. K.A.R. 5-25-4 (b)(5) allows for exceptions to the District closure for appropriations of 15 AF of water or less per K.A.R. 5-25-15. In May 2011, the District updated the policy to recommend irrigation use permits for 15 AF of water to 10 acres or less.

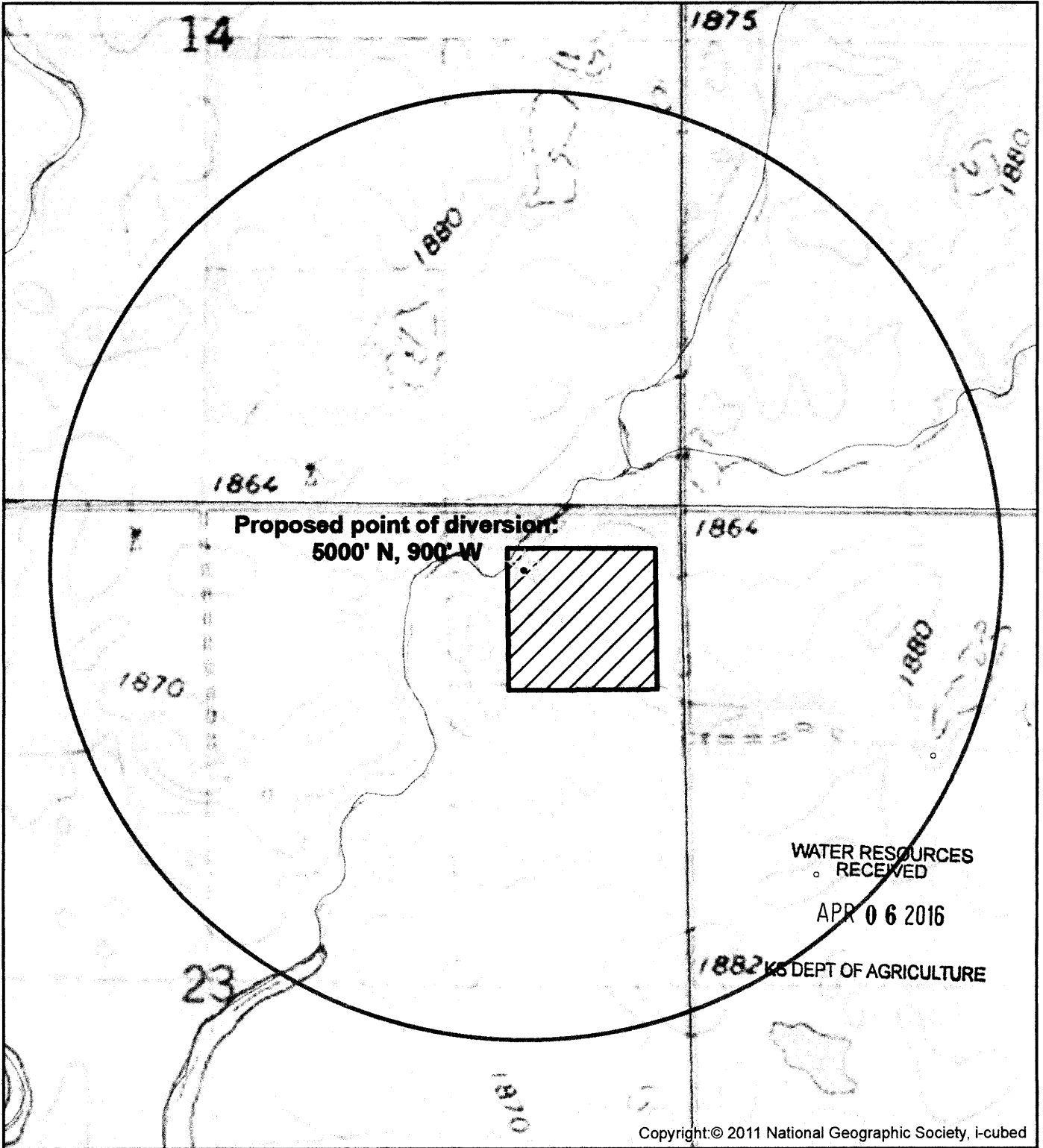
Therefore, it is the recommendation of the District to deny the application on the basis that this application does not meet the minimum reasonable quantity to irrigate the proposed acres.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

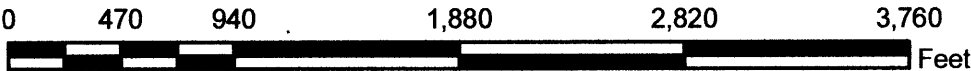
SCANNED



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Legend

- Water Appropriations
- Section Lines
- ▨ Proposed Place of Use



Application for Permit, File No. 49489

Application Map
23-29S-12W Pratt County

A.P. / AP

OF/GMD5 03/31/16



Whitesell, Alex

From: Kopp, Kenneth
Sent: Tuesday, March 01, 2016 10:44 AM
To: Whitesell, Alex
Subject: FW: Application for Permit, File No. 49489
Attachments: 49489 2016-03-01 Rec.pdf

Here's the recommendation on the Abe Peters file...

From: Orrin Feril [<mailto:oferil@gmd5.org>]
Sent: Tuesday, March 01, 2016 10:26 AM
To: Kopp, Kenneth
Subject: Application for Permit, File No. 49489

Ken,
I'm attaching the recommendation requested by your office in a letter dated February 11, 2016. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

Orrin Feril

Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

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

February 11, 2016

BIG BEND GMD 5
125 S MAIN ST
STAFFORD KS 67578

Re: Application
File No. 49,489

Dear Sir or Madam:

We are enclosing a copy of the application referred to above which appears to be in proper form.

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 this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me a 785-564-6634. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Kopp".

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

KAK: AJW
Enclosure(s)
pc: Stafford

Kopp, Kenneth

From: Kopp, Kenneth
Sent: Thursday, January 07, 2016 4:00 PM
To: 'abe Peters'
Subject: File No. 49,489
Attachments: 49489.AerialPhoto.pdf

Abe,

Attached is an aerial photograph, which depicts our understanding of where you would like to drill your well. Please use this aerial photo to plot nearby domestic wells. All wells within the red circle should be plotted and you will need to provide names and addresses for those well owners.

Please feel free to contact me, should you have any questions.

Ken

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

From: abe Peters [<mailto:abeheavymetal@gmail.com>]
Sent: Thursday, January 07, 2016 3:38 PM
To: Kopp, Kenneth
Subject: Abe peters test log

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

January 21, 2016

CHRISTIAN MULLER
70463 SE 80TH AVE
SAWYER KS 67134

Re: Application
File No. 49,489

Dear Mr. Muller:

This is to advise you that Abe & Amber Peters have 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 300 gallons per minute from a well or wells 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 23, more particularly described as being near a point 5000 feet North and 900 feet West of the Southeast corner of said section, in Township 29 South, Range 12 West, Pratt County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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 proposed location(s) of the applicant's point(s) 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 me at (785) 564-6634. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Kopp", is written over a faint circular stamp.

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

KAK:ajw
Enclosure(s)
pc: Stafford Field Office
Groundwater Management District No. 5

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

January 21, 2016

KENT BRUBAKER
80225 SE 50 AVE
SAWYER KS 67134

Re: Application
File No. 49,489

Dear Mr. Brubaker:

This is to advise you that Abe & Amber Peters have 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 300 gallons per minute from a well or wells 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 23, more particularly described as being near a point 5000 feet North and 900 feet West of the Southeast corner of said section, in Township 29 South, Range 12 West, Pratt County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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 proposed location(s) of the applicant's point(s) 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 me at (785) 564-6634. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAK:ajw
Enclosure(s)
pc: Stafford Field Office
Groundwater Management District No. 5

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

January 21, 2016

VERNON HIRT
12640 TURKEY LN RD
SAWYER KS 67134

Re: Application
File No. 49,489

Dear Mr. Hirt:

This is to advise you that Abe & Amber Peters have 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 300 gallons per minute from a well or wells 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 23, more particularly described as being near a point 5000 feet North and 900 feet West of the Southeast corner of said section, in Township 29 South, Range 12 West, Pratt County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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 proposed location(s) of the applicant's point(s) 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 me at (785) 564-6634. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAK:ajw

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 5



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

November 23, 2015

ABE & AMBER PETERS
70429 SE 90TH STREET
SAWYER KS 57134

FILE COPY

Re: Pending Application,
File No. 49,489

Dear Mr. and Mrs. Peters:

The Division of Water Resources returned the above referenced application to you for additional information on October 30, 2015, and the current deadline for your response is December 21, 2015. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **December 21, 2015**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **December 21, 2015**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

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

October 30, 2015

ABE AND AMBER PETERS
70429 SE 90TH STREET
SAWYER KS 67134

Re: Pending Application,
File No. 49,489

Dear Sir or Madam:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on October 21, 2015, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified tract of land described as the East half of the Northeast Quarter (NE $\frac{1}{4}$) of Section 23, in Township 29 South, Range 12 West, Pratt County, Kansas.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included.

The locations of all other water wells of every kind within one-half mile ($\frac{1}{2}$) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile ($\frac{1}{2}$) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **December 21, 2015**, or within any authorized extension of time thereof. According to law, default in refileing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

(over)

ABE & AMBER PETERS

10/30/2015

Page 2 of 2

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large, prominent "K" and "B".

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosures

pc: Stafford Field Office
GMD 5



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

October 22, 2015

ABE & AMBER PETERS
70429 SE 90TH STREET
SAWYER KS 67134

RE: Application
File No. 49489

Dear Sir or Madam:

Your application for permit to appropriate water in 23-29S-12W in Pratt 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,

A handwritten signature in black ink, appearing to read "Kenneth A. Kopp".

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

KAK: DLW
pc: STAFFORDField Office
GMD 5

WATER RESOURCES
RECEIVED

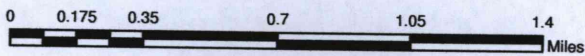
JAN 19 2016

KS DEPT OF AGRICULTURE

File No. 49489 - Proposed Point of Diversion

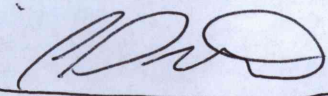


Legend



This map was created by KAK/DWR

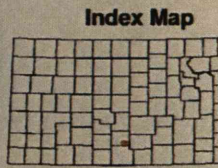
- A. Kent Brubaker 80225 SE 50 AVE, Sawyer, Ks 67134 (620) 594-2243
- B. Christian Muller 70463 SE 80th AVE, Sawyer, Ks 67134 (620) 594-2451
- C. Vernon Hirt 12640 Turkey Ln Rd Sawyer, Ks 67134 (620) 594-2253
- D. Abe Peters 70429 SE 90th Sawyer, Ks 67134 (419) 236-6705
- E. Proposed well

X  - 1-14-16

SCANNED

File No. 49489 - Proposed Point of Diversion

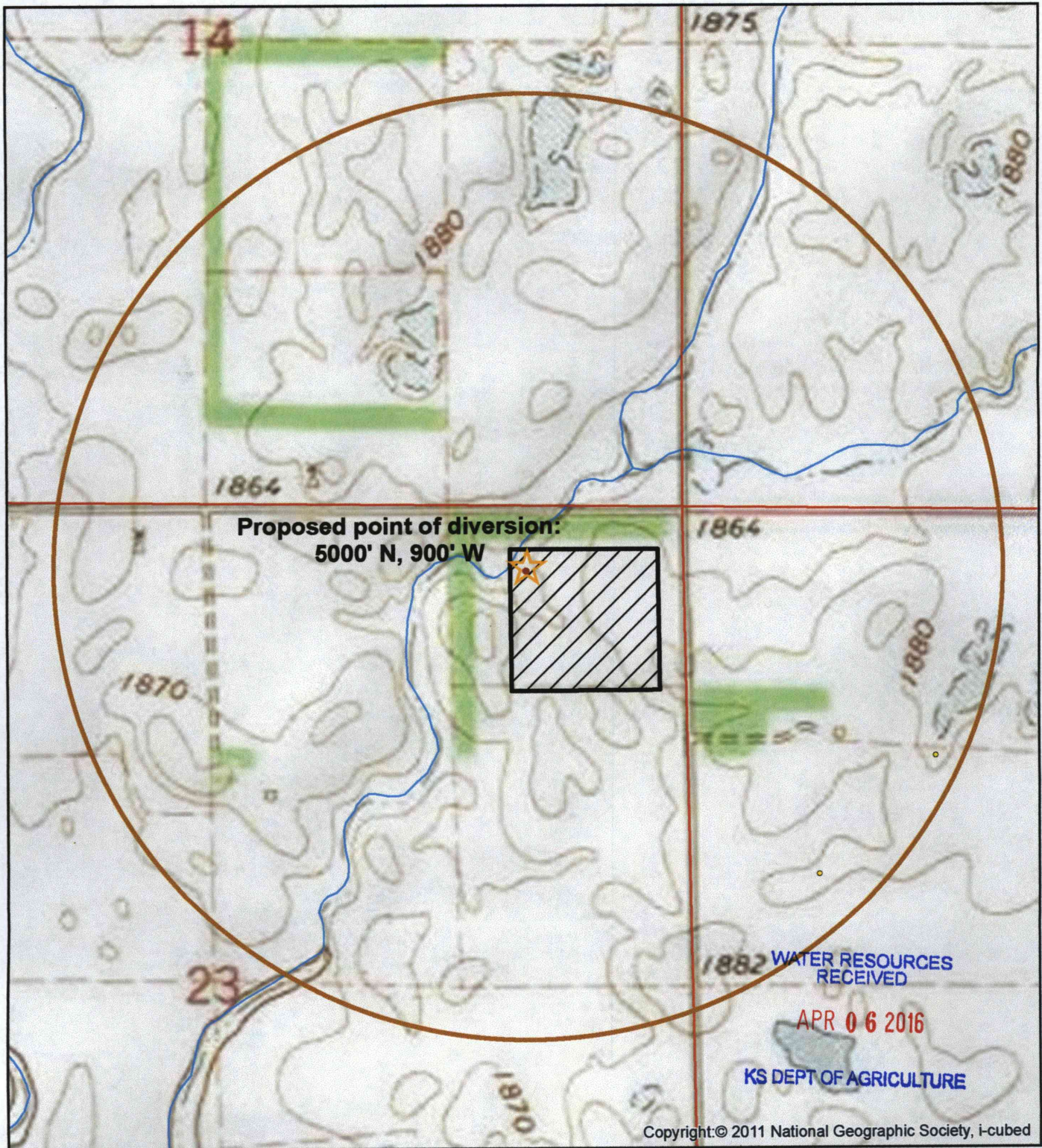
Legend



0.175 0.35 0.7 1.05 1.4 Miles

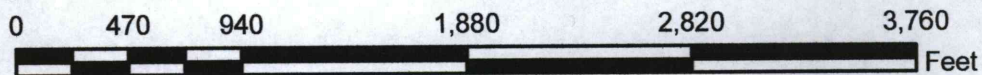
This map was created by KAK/DWR

- | | | |
|---------------------|---|----------------|
| A. Kent Brubaker | 80225 SE 50 AVE, Sawyer, Ks 67134 | (620) 594-2243 |
| B. Christian Muller | 70463 SE 80 th AVE, Sawyer, Ks 67134 | (620) 594-2451 |
| C. Vernon Hirt | 12640 Turkey Ln Rd Sawyer, Ks 67134 | (620) 594-2253 |
| D. Abe Peters | 70429 SE 90 th Sawyer, Ks 67134 | (419) 236-6705 |



Legend

- Water Appropriations
- Section Lines
- ▨ Proposed Place of Use



Application for Permit, File No. 49489

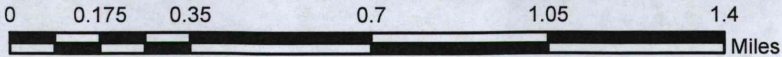
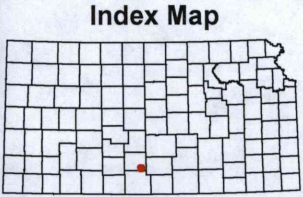
Application Map
23-29S-12W Pratt County
 OF/GMD5 03/31/16

A.P./AP



File No. 49489 - Proposed Point of Diversion

Legend



This map was created by KAK/DWR