

File No. **49,583** 15. Formation Code: 100 Drainage Basin: **Ninnescah River** County: **SU** Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
											Battery ID #1992
	MOD 85101			NENENW	15 31S 1E 7 5050 3141						Geo-Cent
	ENT 85700			NENENW	15 31S 1E 5255 3330						Bat 1 of 4
	ENT 85701			NENENW	15 31S 1E 5250 2940						Bat 2 of 4
	ENT 85702			NENENW	15 31S 1E 4840 2940						Bat 3 of 4
	ENT 85703			NENENW	15 31S 1E 4900 3294						Bat 4 of 4

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	200	800	200	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 **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg? NO	Overlap Files								
T	MOD	DEL	ENT	PUSE	S	T	R	ID			NE¼				NW¼				SW¼				SE¼						
										NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
	MOD 67627			15 31S 1E 2										40	14	36	36									126	7b. & 7c	None	
	ENT 68089			16 31S 1E																		34	7			41	7b. & 7c	None	
																										167	Total Acres		

Comments: **PU modified during processing of application at applicants request.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 12, 2016

FROM: Matt Meier

RE: Application, File No. 49,583

Mark Lawless has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 200 acre-feet, and a diversion rate of 800 gallons per minute. The Geo-Center is to be located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 15, more particularly described as being near a point 5,050 feet North and 3,141 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County, within the Ninnescah River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by Mark Lawless & David Lawless. The applicant has signed the application form stating that he has legal access to the point of diversion. The proposed place of use was modified multiple times during the processing of the application at the applicant's request.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 3,536 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,193.4 acre-feet. Existing water rights have appropriated 549.1 acre-feet, providing a difference of 644.3 acre-feet available for appropriation, and the application requesting 200 acre-feet complies with safe yield.

A test hole log was submitted with the pending application, one which shows top soil from 0 to 1 feet, clay from 1 to 36 feet, fine sand with clay (70/30) from 36 to 40 feet, medium sand and gravel with clay (70/30) from 40 to 50 feet, medium sand and gravel with clay (85/15) from 50 to 64 feet, sand and gravel with floating shale (90/10) from 64 to 68 feet, and shale from 68 to 73 feet. The static water level was listed at between 20 and 30 feet which provides a saturated thickness of between 48 and 38 feet.

The requested quantity of water, 200 acre-feet, is to irrigate the proposed 167 acres identified in the application. This is approximately 1.2 acre-feet per acre which is less than the maximum allowable of 1.3 acre-feet per acre for Sumner County, Kansas but more than the minimum reasonable quantity of 1.01 acre-feet per acre. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

The applicant identified 4 domestic wells and no non-domestic wells within one-half mile of the proposed well, which WRIS confirmed. Nearby notification letters were sent out on August 23, 2016 and a second set on September 6, 2016 (after received call saying that ownership of one of the properties had changed). Phone calls were received from Rachael Esterly (to discuss application), Janette S O'Hair (to discuss app and state concerned about water levels in area), & Janice Yoder (to state against approval). According to the WRIS database, the nearest non-domestic point of diversion (File No. 48,323) is located 4,250 feet away. The nearest domestic well is approximately 2,000 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on October 12, 2016. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier
Environmental Scientist
Water Appropriations 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

Mark Lawless
P.O. Box 515
Belle Plaine, KS 67013

November 1, 2016

FILE COPY

RE: Application, File No. 49,583

Dear Mr. Lawless:

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 this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. 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, PG.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
David Lawless



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. 49,583** of the applicant

**Mark Lawless
PO Box 515
Belle Plaine, KS 67013**

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

1. That the priority date assigned to such application is **March 21, 2016**.
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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15 31S 1E					40	14	36	36									126
16 31S 1E													34	7			41

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is to be located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 15, more particularly described as being near a point 5,050 feet North and 3,141 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.783 c.f.s.)** and to a quantity not to exceed **200 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 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).
13. 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.
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.

CERTIFICATE OF SERVICE

On this 1st day of November, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,583, dated November 1, 2016 was mailed postage prepaid, first class, US mail to the following:

Mark Lawless
P.O. Box 515
Belle Plaine, KS 67013

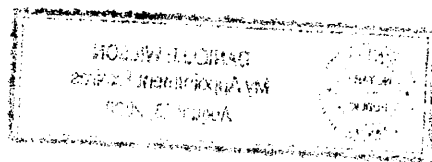
With photocopies to:

David Lawless
532 North Oliver Rd
Belle Plaine, KS 67013

Stafford Field Office



Division of Water Resources



APPLICATION COMPLETE
4 20 16
Reviewer MJA



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APR 20 2016

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,583
This item to be completed by the Division of Water Resources.

WATER RESOURCES
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MAR 21 2016
12:26 P
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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.)

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): MARK LAWLESS
Address: 514 N SUMNER P.O. Box 515
City: BELLE PLAINE State KS Zip Code 67013
Telephone Number: (316) 617-3126

2. The source of water is: surface water in _____ (stream)
OR groundwater in Ninnescah 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 200 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 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County SU By ASW Date 3/21/16
Code 2E2 Fee \$ 200 TR # _____ Receipt Date 3/21/16 Check # 7719

ASW / DW12
3/22/2016 LLM

SCANNED

Geo. Center (from map) NE PENN. 5050'N 4314'W

File No. 49,583

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 N/E quarter of the N/E quarter of the NW quarter of Section 15, more particularly described as being near a point 5255 feet North and 3330 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East West (circle one), Sumner County, Kansas. *
- (B) One in the N/E quarter of the N/E quarter of the N/W quarter of Section 15, more particularly described as being near a point 5250 feet North and 2940 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East West (circle one), Sumner County, Kansas.
- (C) One in the N/E quarter of the N/E quarter of the N/W quarter of Section 15, more particularly described as being near a point 4840 feet North and 2940 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East West (circle one), Sumner County, Kansas.
- (D) One in the N/E quarter of the N/E quarter of the N/W quarter of Section 15, more particularly described as being near a point 4900 feet North and 3294 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East West (circle one), Sumner County, Kansas.

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

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

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

(name, address and telephone number)

(name, address and telephone number)

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

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

Executed on 3/16, 2016. [Signature]
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 4 wells (number of wells, pumps or dams, etc.) and (was)(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 8-24-16 (Mo/Day/Year)

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SEP 15 2016

APR 20 2016

MAR 21 2016

Stafford Field Office
Division of Water Resources

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AJW/DWR

Well 1
Well 2
PLEASE
ALLOW
60 DAYS
TO LOCATE!

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.

PLEASE Allow 60 Days to LOCAN WPLS

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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 Co OWNER with Brother DAVID LAWLESS (532 N. Oliver RD Belle Plaine, KS 67013)
(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 Belle Plaine, Kansas, this 16 day of March, 2016.
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

DAVID LAWLESS Co Owner 316-706-6488
(Agent or Officer - Please Print)

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Assisted by _____ Date: _____
(office/title)

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SEP 15 2016

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,503

Name of Applicant (Please Print): MARK LAWLESS

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: MARK LAWLESS
ADDRESS: P.O. Box 515, B3118 PLANE, KS 67013

S	T	R	NE 1/4				NW 1/4 *				SW 1/4				SE 1/4 *				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	3 1/2	1 E					40	40	40	40									160 AC
							40	14	36	36									126 AC
16	3 1/2	1 E																347	413 AC
																		Total	167

*
MWM/SFPFO
9/6/16
modified P.U.
to remove
acres not
being irrigated
* MWM/SFPFO
10/11/16
applicant modified
P.U. during application
return. verified
P.U. & larger
acres with
applicant via
phone on
10/11/16

Landowner of Record NAME: _____
ADDRESS: _____

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

Landowner of Record NAME: _____
ADDRESS: _____

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

DWR 1-100.23 (7-7-00)

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SEP 15 2016

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Page 1 of 2
MAR 21 2016

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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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %	_____	_____

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

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

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

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? 65' 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:

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).

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

WATER RESOURCES RECEIVED

RECEIVED

WATER RESOURCES RECEIVED

MAR 21 2016

SEP 15 2016

APR 20 2016

SCANNED

KS DEPT OF AGRICULTURE

(Date)

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

Re: Application 49,583
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 the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.



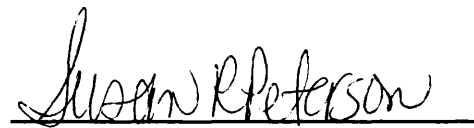
Signature of Applicant

MARK LAWLESS

(Print Applicant's Name)

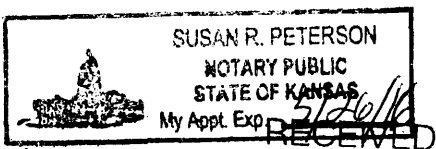
State of Kansas)
County of Sumner) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 17th day of March, 2016.



Notary Public

My Commission Expires:



WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

MAR 21 2016

APR 20 2016

SCANNED

KS DEPT OF AGRICULTURE

DWR 1-100.171 (Revised 03/27/2008) SEP 15 2016

Stafford Field Office
Division of Water Resources

KS DEPT OF AGRICULTURE

IRRIGATION TEST WELL

Driller & Assistant:

Tom Hall / Ficker

Date:

~~3/18/16~~ 3/18/16

CUSTOMER: Mark Lawless P.O. Box 515 Belle Plaine, KS 67013

LOCATION:

- Screen 2-1/2"
- Casing 2-1/2"
- Couplings, 2-1/2"
- End Caps, 2-1/2"
- Gravel Pack
- Holeplug
- Quarters
- Water
- Lime
- Drilling Mud
- Gas & Oil - W.T.
- 3/4" Polyethylene
- 2-1/2" PVC Tee
- 5" & 6" Bits
- Packing
- 6" or 5" Liner if needed
- Solvent & Glue
- Water Sample Bottle
- Inspection Sheet

Depth:	Formation:	Well Information:
0-1	T.S.	Static Water Level: 20-30'
1-36	Clay	Est. production: 500-800 gpm
36-40	Sand f w/clay 70/30	Casing size/depth:
40-50	Sand & g m w/clay 70/30	Screen size/depth:
50-64	Sand & g m w/clay 85/15	Slot size:
64-68	Sand & g w/ floating shale 90/10	Grouting depth:
68-73	Shale	Number of bags: 1/2 bag
		Nearest Contamination: none 1/4 mile
		Maintenance & Safety:
		Notes: static
		Water needs to be high

Directions:

to make good water

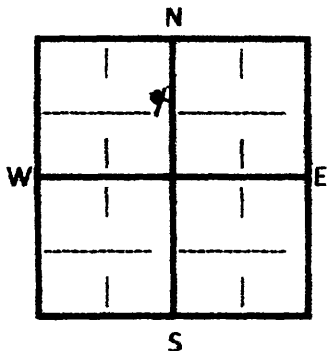
Latitude: 37.359627 N decimal degrees (ex. 38.881796)

Longitude -97.304528 W decimal degrees (ex. 95.373889)

Datum: NAD27 NAD83 WGS84

Elevation: 1248 ft.

SE 1/4	SE 1/4	NE 1/4	NW 1/4
Sec. 15	T 31	R 1	E 1/4
County SUMNER			



\$ 8 ⁰⁰ x 73'	/ft. Well
\$ 50 ⁰⁰	/Grout
\$ N/A	/Test Pumping
\$ N/A	/Water Sample
\$ 187 ⁵⁰	/Mobilization/Travel
\$ 37 ⁵⁰	/Discount

Contract Received:

Invoice #: 1317

Date Mailed:

WATER RESOURCES RECEIVED

Well Data:

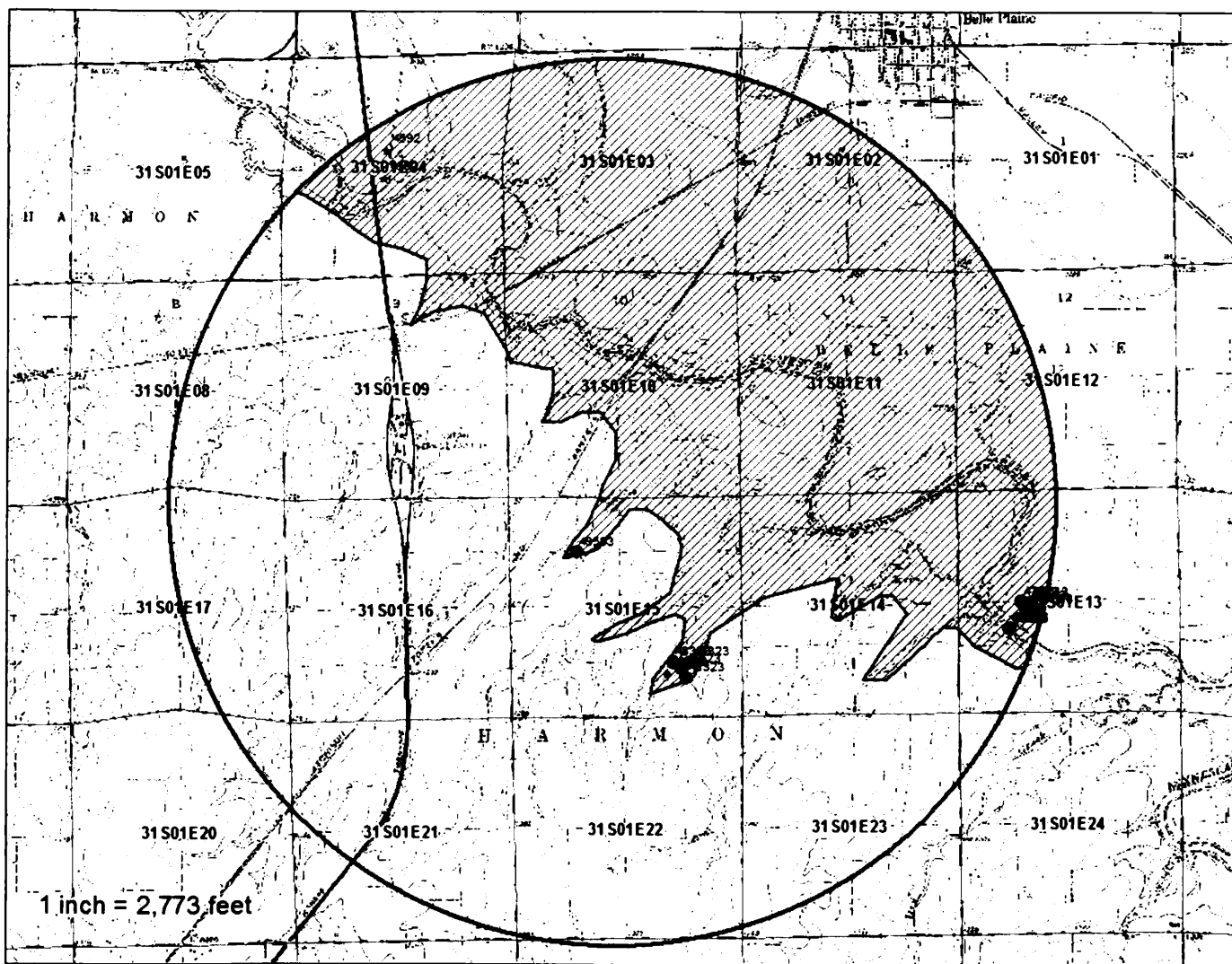
Access:

Materials:

Incent:

APR 20 2016

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NENENENW 15-31S-01E



#49,583
meets
Safe Yield

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 1,193.40 AF. - 549.1 AF = 644.3 AF remaining
Total prior appropriation in the circle is 749.10 AF.
Total quantity of water available for appropriation is 444.30 AF.

Safe Yield Variables

The area used for the analysis is set at 3536 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-AUG-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 4 water right(s) and 11 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 46205 00	IRR	NK	G		NE	NW	SW	2010	4094	13	31	01E	8	WR	174.50	174.50	366.00	366.00
A 47613 00	IRR	LO	G		NW	NE	SW	2548	3637	13	31	01E	10	PD	270.60	270.60	366.00	0.00
Same	IRR	LO	G		NW	NE	SW	2629	3576	13	31	01E	11					
Same	IRR	LO	G		NW	NE	SW	2476	3695	13	31	01E	12					
Same	IRR	LO	G		NW	NE	SW	2447	3469	13	31	01E	13					
Same	IRR	LO	G		NW	NE	SW	2640	3809	13	31	01E	14					
A 48323 00	IRR	LO	G		SE	NW	SE	1313	1651	15	31	01E	2	WR	104.00	104.00	80.00	80.00
Same	IRR	LO	G		NE	SW	SE	942	1343	15	31	01E	3	WR				
Same	IRR	LO	G		NW	SE	SE	1317	1241	15	31	01E	5	WR				
Same	IRR	LO	G		NE	SW	SE	1152	1447	15	31	01E	6	WR				
A 49583 00	IRR	AY	G				NW	3960	3960	15	31	01E	7	WR	200.00	200.00	160.00	160.00

549.1 AF
appropriated

Water Rights and Points of Diversion Within 1.80 miles of point defined as:

5050 ft N and 3141 ft W of the SE Corner of Section 15, T 31S, R 1E

Located at: 97.304797 West Longitude and 37.362273 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__ 48323 00 IRR LO G      4250 -- NE SW SE 1152 1447 15 31 1E 6 G 4 104.00 104.00 AF
Same
      4023 -- SE NW SE 1313 1651 15 31 1E 2 B 4
Same
      4484 -- NE SW SE 942 1343 15 31 1E 3 B 4
Same
      4317 -- NE SW SE 1036 1552 15 31 1E 4 B 4
Same
      4189 -- NW SE SE 1317 1241 15 31 1E 5 B 4
A__ 49583 00 IRR AY G      1363 -- -- -- NW 3960 3960 15 31 1E 7 200.00 200.00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      200.00      .00
Total Permitted Amount (AF) =        .00      .00
Total Inspected Amount (AF) =      104.00      .00
Total Pro_Cert Amount (AF) =        .00      .00
Total Certified Amount (AF) =        .00      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =      304.00      .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 1.80 miles of point defined as:

97.304797 West Longitude and 37.362273 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 48323 00 IRR LO G
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----
A__ 49583 00 IRR AY G
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----
=====
    
```

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

5050 ft N and 3141 ft W of the SE Corner of Section 15, T 31S, R 1E

Located at: 97.304797 West Longitude and 37.362273 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__ 46205	00 IRR	NK	G	10024	--	NE	NW	SW	2010	4094	13	31	1E	8		174.50	174.50	AF
A__ 47613	00 IRR	LO	G	10320	--	NW	NE	SW	2548	3637	13	31	1E	10	G 4	270.60	270.60	AF

***** ERROR *****

No active quantity associated with Water Right A__ 47613 00 IRR

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49583 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49583 00 IRR

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

3960 Feet North and 3960 Feet West of the Southeast Corner of Section 15 T 31S R 1E

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__ 46205 00 IRR NK G      10559 -- NE NW SW 2010 4094 13 31 1E 8      174.50 174.50 AF
A__ 48323 00 IRR LO G      3768 -- NE SW SE 1152 1447 15 31 1E 6 G 4      104.00 104.00 AF
Same              3513 -- SE NW SE 1313 1651 15 31 1E 2 B 4
Same              3995 -- NE SW SE 942 1343 15 31 1E 3 B 4
Same              3788 -- NE SW SE 1036 1552 15 31 1E 4 B 4
Same              3792 -- NW SE SE 1317 1241 15 31 1E 5 B 4
A__ 49583 00 IRR AY G      0 -- -- -- -- NW 3960 3960 15 31 1E 7      200.00 200.00 AF
=====

```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      200.00      .00
Total Permitted Amount (AF) =          .00      .00
Total Inspected Amount (AF) =      104.00      .00
Total Pro_Cert Amount (AF) =          .00      .00
Total Certified Amount (AF) =      174.50      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =      478.50      .00
=====

```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under 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:

3960 Feet North and 3960 Feet West of the Southeast Corner of Section 15 T 31S R 1E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

- ```

File Number Use ST SR
A__ 46205 00 IRR NK G
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----
A__ 48323 00 IRR LO G
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----
A__ 49583 00 IRR AY G
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013

```

>-----

=====

#####

# 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

August 23, 2016

John Peck  
1035 E. 30<sup>th</sup> St. S  
Wellington, KS 67152

Re: Pending Application, File No. 49,583

Dear Sir or Madam:

This is to advise you that Mark Lawless has filed the application referred to above for a permit to appropriate 200 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute. The proposed point of diversion for 49,583 is four (4) wells located as follows:

Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 15, Township 31 South, Range 1 East, Sumner County, Kansas.

A map is enclosed indicating the location of the proposed wells. 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 of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED



# Kansas

Department of Agriculture  
Division of Water Resources

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

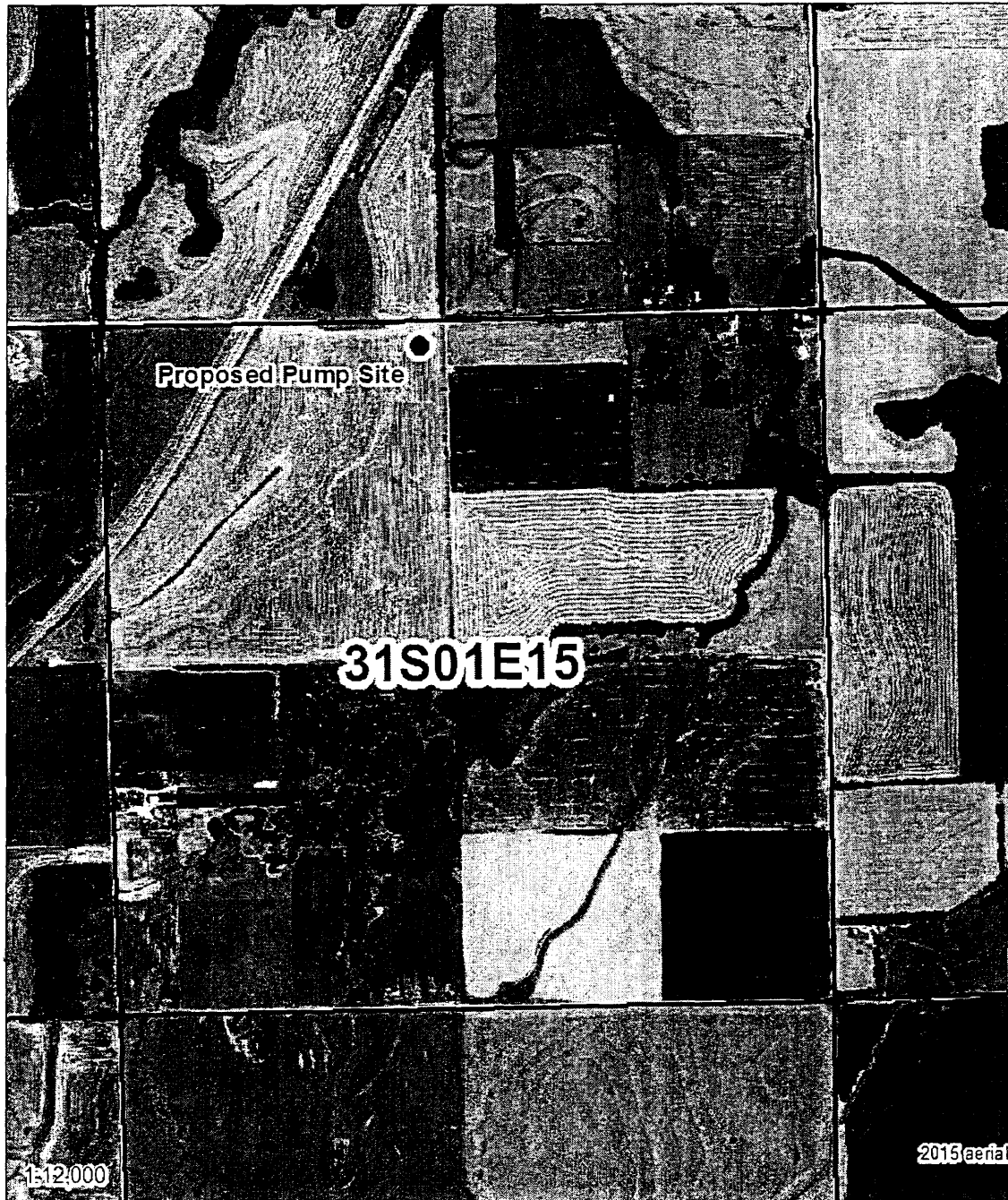
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311

Fax: (620) 234-6900

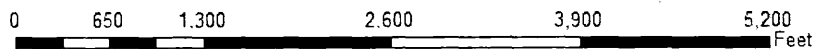
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor



1:12,000

2015 aerial



**Legend**

- Section Corners
- Section Lines

MJM-DWR 8/23/16

Proposed Water Appropriation, File No. 49,583  
15-31S-1E  
Sumner County



# Kansas

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

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

Department of Agriculture  
*Division of Water Resources*

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

August 23, 2016

John Scott  
10087 E. 70<sup>th</sup> Ave N  
Belle Plaine, KS 67013

Re: Pending Application, File No. 49,583

Dear Sir or Madam:

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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED

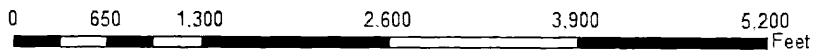
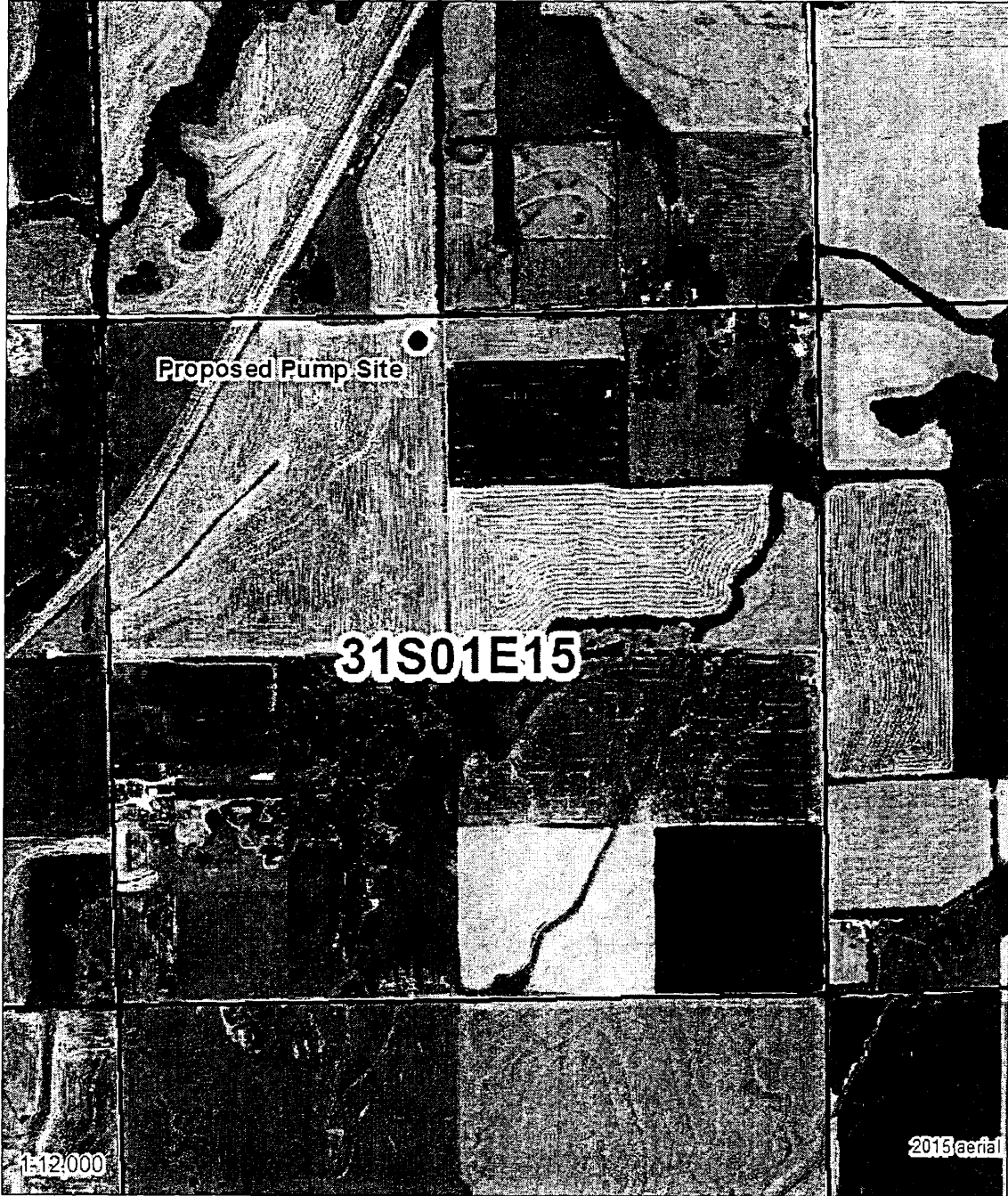
# Kansas

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

Department of Agriculture  
*Division of Water Resources*

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
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Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor



| Legend |                 |
|--------|-----------------|
|        | Section Corners |
|        | Section Lines   |

MJM-DWR 8/23/16

Proposed Water Appropriation, File No. 49,583  
15-31S-1E  
Sumner County



# 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

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

August 23, 2016

James Esterly  
P.O. Box 443  
Belle Plaine, KS 67013

Re: Pending Application, File No. 49,583

Dear Sir or Madam:

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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

SCANNED

# Kansas

Department of Agriculture  
Division of Water Resources

Phone: (620) 234-5311

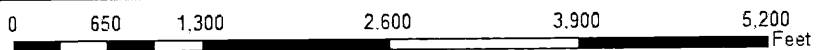
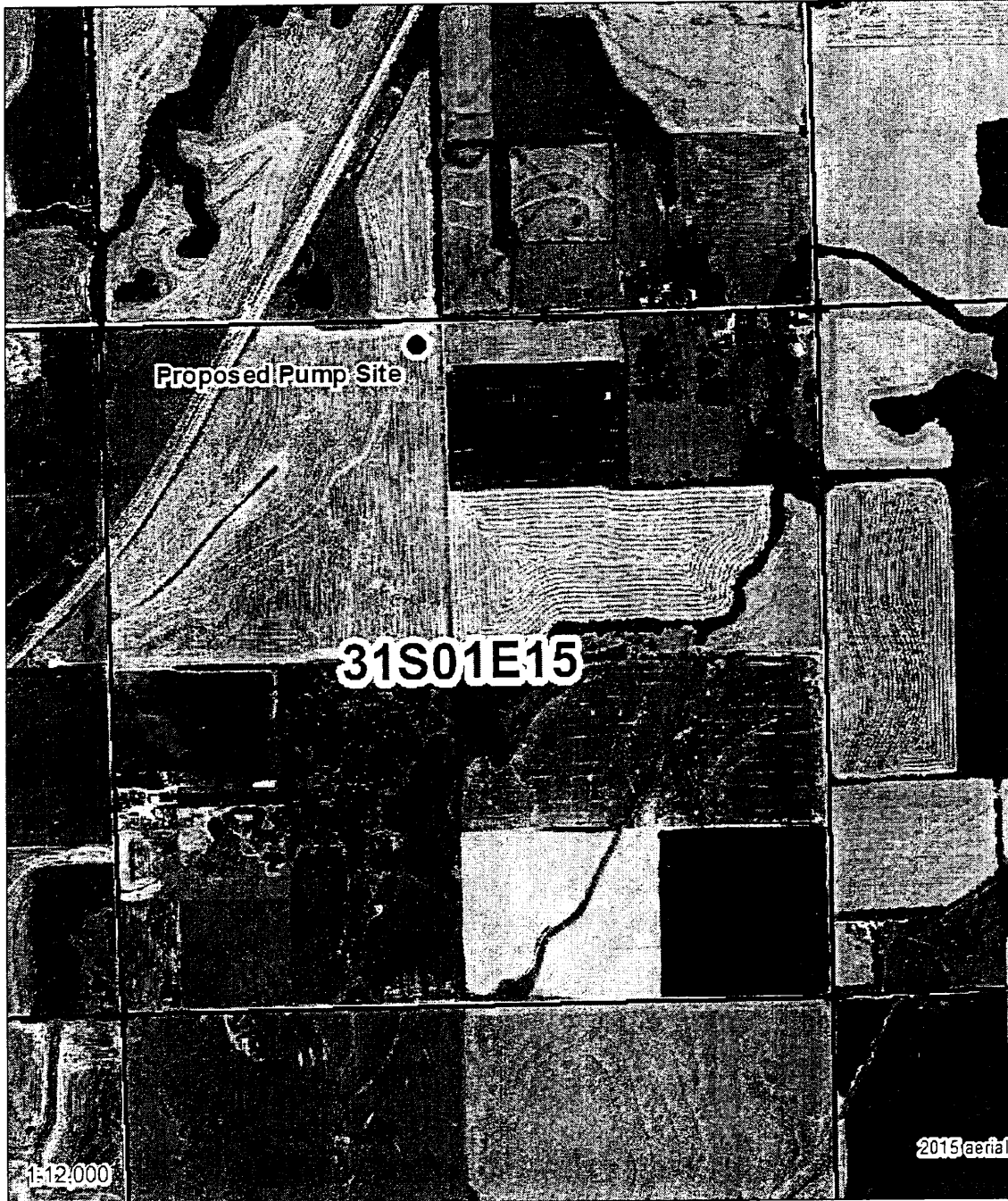
Fax: (620) 234-6900

[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

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

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



| Legend |                 |
|--------|-----------------|
| +      | Section Corners |
| □      | Section Lines   |

MJM-DWR 8/23/16

Proposed Water Appropriation, File No. 49,583  
15-31S-1E  
Sumner County



# 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

September 6, 2016

Edith C. Peck Trust  
1082 E. 70<sup>th</sup> Ave N.  
Belle Plaine, KS 67013

Re: Pending Application, File No. 49,583

Dear Sir or Madam:

This is to advise you that Mark Lawless has filed the application referred to above for a permit to appropriate 200 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute. The proposed point of diversion for 49,583 is four (4) wells located as follows:

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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

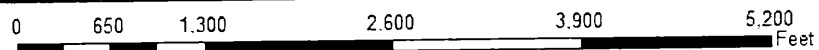
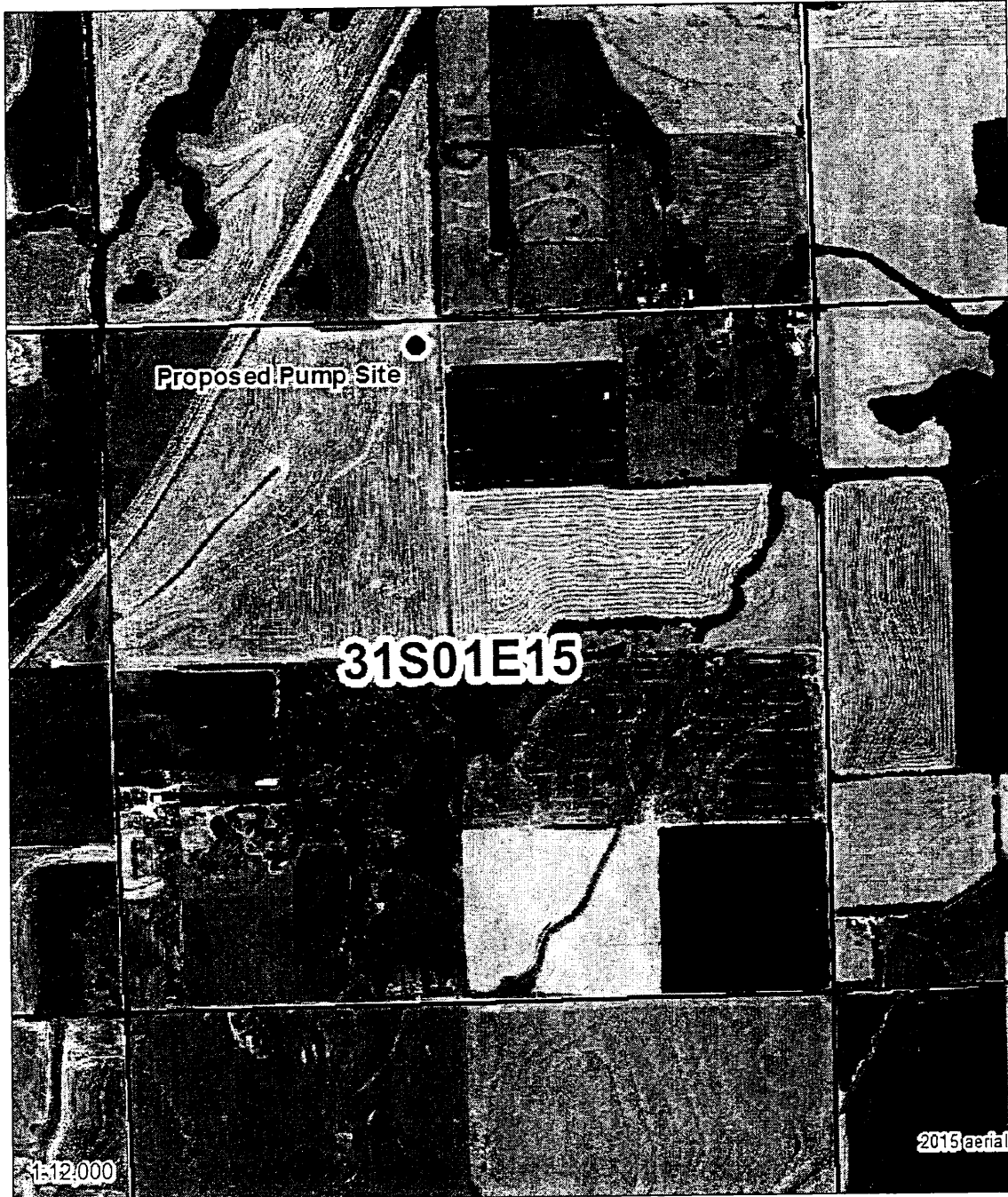
SCANNED

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
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Sam Brownback, Governor



**Legend**

- + Section Corners
- ▭ Section Lines

MJM-DWR 8/23/16

Proposed Water Appropriation, File No. 49,583  
15-31S-1E  
Sumner County



# 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

September 7, 2016

MARK E & KARLA LAWLESS  
PO BOX 515  
BELLE PLAINE KS 67013

RE: Pending Application, File No. 49,583

Dear Mr. Lawless:

After further review of the above referenced application for permit to appropriate water for beneficial use, it is being returned to you for additional information. A review of the File No. 49,583 determined that the application map was missing a place of use. Based on our phone conversation I have created a new set of maps showing the estimated place of use. Please review the maps to verify that the proposed place of use is correct. Additionally, since the place of use was reduced the maximum quantity that can be requested must be reduced to 169 Acre-Feet (to meet the maximum reasonable quantity of 1.3 Acre-Feet per Acre for Sumner County). Please initial and date next to the reduced quantity to verify that you are aware of the reduction and wish to continue processing of the application.

In order for the application to retain its priority of filing, the original application and attachments must be returned, with the requested information, to this office on or before **October 7, 2016**, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, **shall constitute forfeiture of your priority date and dismissal of 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

Enclosure  
pc:

SCANNED



Draft

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** October 12, 2016

**FROM:** Matt Meier

**RE:** Application, File No. 49,583

Mark Lawless has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 200 acre-feet, and a diversion rate of 800 gallons per minute. The Geo-Center is to be located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 5,050 feet North and 3,141 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County, within the Ninnescah River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by Mark Lawless & David Lawless. The applicant has signed the application form stating that he has legal access to the point of diversion. The proposed place of use was modified multiple times during the processing of the application at the applicant's request.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 3,536 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,193.4 acre-feet. Existing water rights have appropriated 549.1 acre-feet, providing a difference of 644.3 acre-feet available for appropriation, and the application requesting 200 acre-feet complies with safe yield.

A test hole log was submitted with the pending application, one which shows top soil from 0 to 1 feet, clay from 1 to 36 feet, fine sand with clay (70/30) from 36 to 40 feet, medium sand and gravel with clay (70/30) from 40 to 50 feet, medium sand and gravel with clay (85/15) from 50 to 64 feet, sand and gravel with floating shale (90/10) from 64 to 68 feet, and shale from 68 to 73 feet. The static water level was listed at between 20 and 30 feet which provides a saturated thickness of between 48 and 38 feet.

The requested quantity of water, 200 acre-feet, is to irrigate the proposed 167 acres identified in the application. This is approximately 1.2 acre-feet per acre which is less than the maximum allowable of 1.3 acre-feet per acre for Sumner County, Kansas but more than the minimum reasonable quantity of 1.01 acre-feet per acre. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

The applicant identified 4 domestic wells and no non-domestic wells within one-half mile of the proposed well, which WRIS confirmed. Nearby notification letters were sent out on August 23, 2016 and a second set on September 6, 2016 (after received call saying that ownership of one of the properties had changed). Phone calls were received from Rachael Esterly (to discuss application), Janette S O'Hair (to discuss app and state concerned about water levels in area), & Janice Yoder (to state against approval). According to the WRIS database, the nearest non-domestic point of diversion (File No. 48,323) is located 4,250 feet away. The nearest domestic well is approximately 2,000 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

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

Matthew J. Meier  
Environmental Scientist  
Water Appropriations Unit

10/12/16

Concur w Recommendation

Approve it

Jeff Latham W.C.



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 24, 2016

MARK LAWLESS  
514 N SUMNER PO BOX 515  
BELLE PLAINE KS 67013

Re: Pending Application,  
File No. 49,583

Dear Mr. Lawless:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on March 21, 2016, 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 quarter section tract of land described as the Northwest Quarter (NW¼) of Section 15, in Township 31 South, Range 1 East, Sumner 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. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

The locations of all other water wells of every kind within one-half mile (½) 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 (½) 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 **May 23, 2016**, 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)

SCANNED

Mark Lawless  
March 24, 2016  
Page 2 of 2

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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, appearing to read "Alex Whitesell", with a long horizontal flourish extending to the right.

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

enclosures  
pc: Stafford Field Office

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

March 21, 2016

MARK LAWLESS  
514 N SUMNER PO BOX 515  
BELLE PLAINE KS 67013

RE: Application  
File No. 49583

Dear Sir or Madam:

Your application for permit to appropriate water in 15-31S-1E in Sumner 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 "K. Kopp", written over a white background.

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

KAK: DLW  
pc: STAFFORDField Office  
GMD

SCANNED

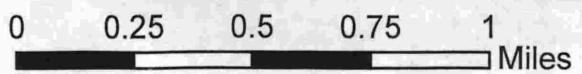
JAMES ESTERLY - DOMESTIC WELL  
P.O. Box 443  
Belle Plaine, KS 67013  
File No. 49,583

JOHN PELK - DOMESTIC WELL  
1035 E. 30th ST S  
Wellington, KS 67152



KS DEPT OF AGRICULTURE

Stafford Field Office  
Division of Water Resources



I declare that the names and addresses of the landowners of all wells of any kind with 1/2 mile of the proposed point of diversion are shown.

Signature: *Paul Pulley*

AJW/DWR  
Date: 3/24/2016



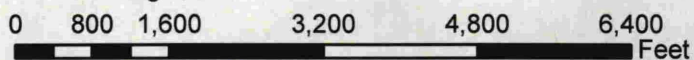
File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- ★ Domestic Wells
- ⊕ Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec\_corners
- ▨ Proposed Place Of Use

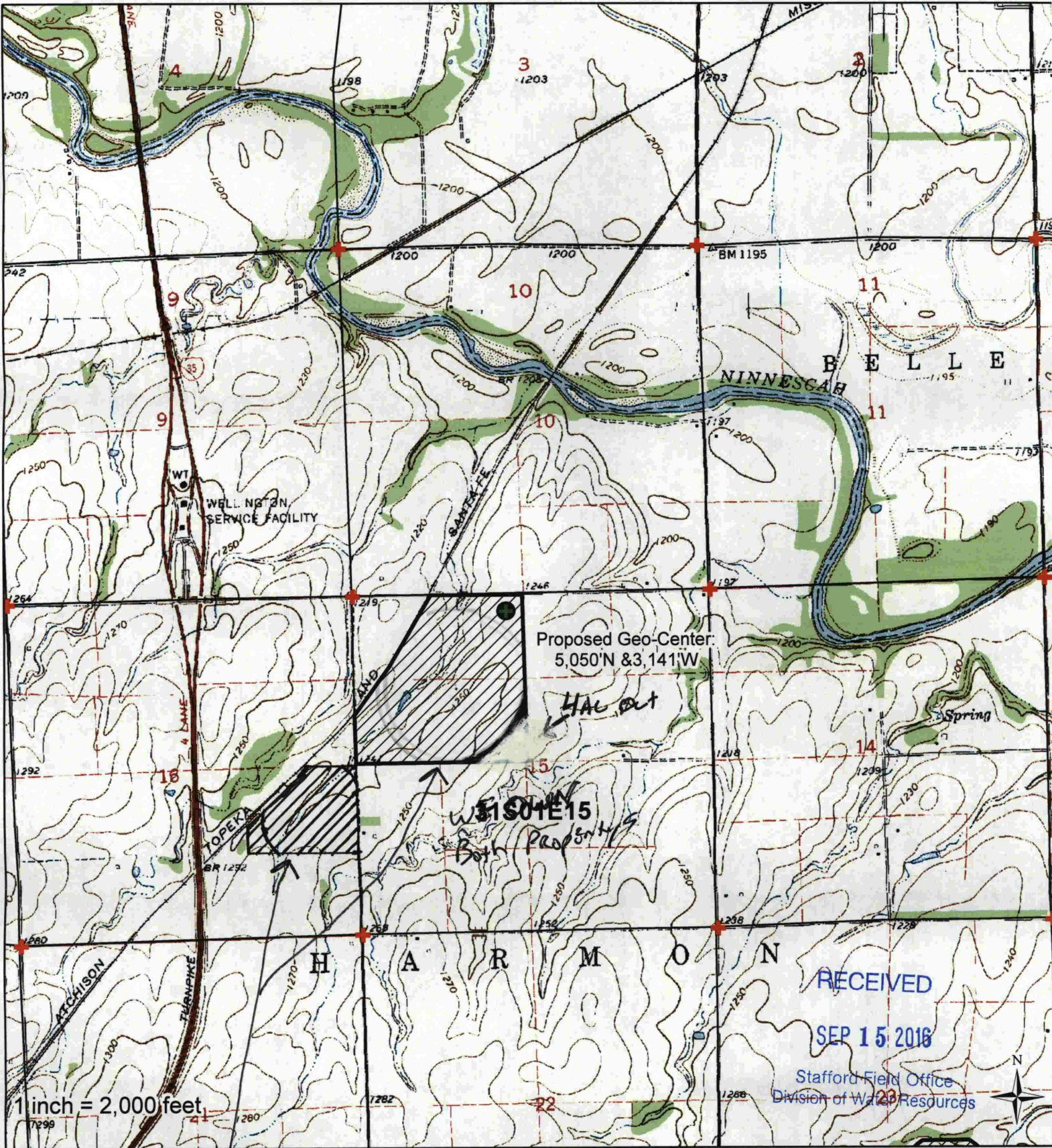
*[Handwritten Signature]* \_\_\_\_\_ 9-11-16  
 Signature Date



Created By: Matt Meier  
 F.O. 2  
 Date: 9/7/2016



File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

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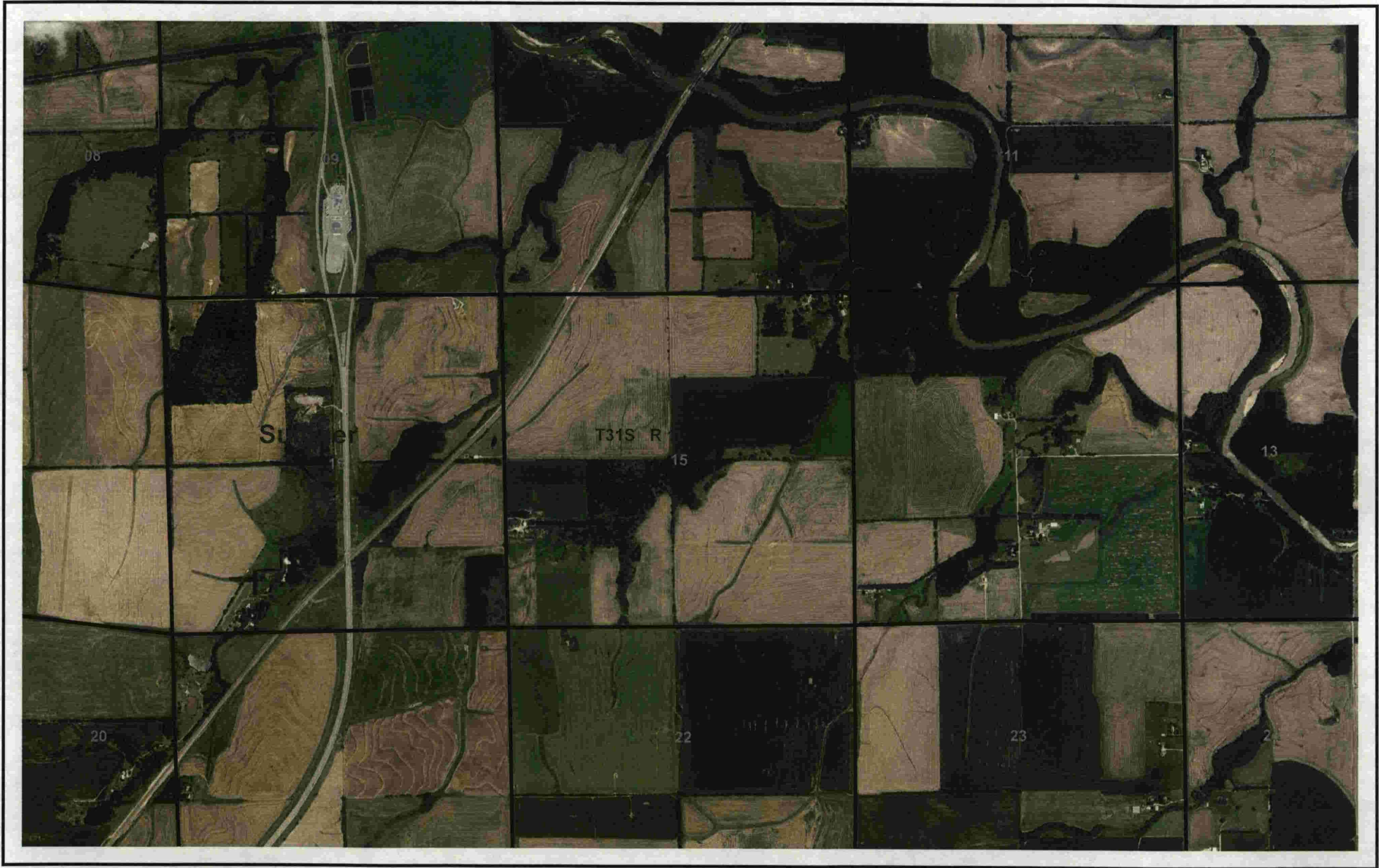
*David Jones* \_\_\_\_\_ 9-11-16  
 Signature Date



Created By: Matt Meier  
 F.O. 2  
 Date: 9/7/2016



# File No. 49,583



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Miles

I declare that the names and addresses of the landowners of all wells of any kind with 1/2 mile of the proposed point of diversion are shown.

Signature: \_\_\_\_\_

AJW/DWR  
Date: 3/24/2016

