

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 24, 2017

FROM: Matt Meier

RE: Application, File No. 48,654

Kevin Graber filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 172 acre-feet of groundwater for irrigation use. The proposed well was to be located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 15, more particularly described as being near a point 50 feet North and 5150 feet West of the Southeast corner of said section, in Township 26 South, Range 6 West, Reno County, Kansas within the boundaries of Equus Beds Groundwater Management District No. 2. Water Right File No. 3,880 overlapped the proposed place of use.

On August 16, 2016 a copy of the application was submitted to Equus Beds Groundwater Management District No. 2 for review. On October 21, 2016 a reply letter was received from Equus Beds Groundwater Management District No. 2 recommending denial of the application for failure to comply with Safe Yield Rule and Regulation K.A.R. 5-22-7. The applicant was sent a letter explaining the denial recommendation on October 21, 2016 and given a 30-day deadline (November 18, 2016) to consult with GMD#2 on the recommendation. No request for extension or notification of contact with GMD#2 was received from the applicant.

Therefore, based on the existing information, it is recommended that application File No. 48,654 be denied and dismissed for failure to meet safe yield criteria.

Matt Meier
Environmental Scientist
Permits Unit

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



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

March 7, 2017

KEVIN R GRABER
2006 W PRETTY PRAIRIE RD
PRETTY PRAIRIE KS 67570

FILE COPY

RE: Application, File No. 48,654

Dear Mr. Graber:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 48,654, for failure to comply with the safe yield requirements of K.A.R. 5-22-7.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

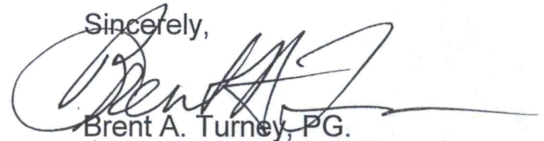
Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



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

Enclosures

pc: Stafford Field Office
GMD No.2
DORIS J GRABER REV TRUST

**KANSAS DEPARTMENT OF AGRICULTURE**

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

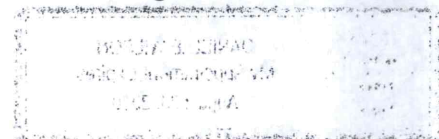
**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 48,654**

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

FINDINGS

1. That on May 30, 2013, the Chief Engineer received an application from Kevin Graber for a permit to appropriate water for beneficial use, assigned File No. 48,654, proposing the appropriation of 172 acre-feet of groundwater for irrigation use. The proposed well was to be located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 15, more particularly described as being near a point 50 feet North and 5,150 feet West of the Southeast corner of said section, in Township 26 South, Range 6 West, Reno County, Kansas.
2. That on August 16, 2016, a copy of the application was submitted to Equus Beds Groundwater Management District No. 2. GMD #2 recommended denial of the application in a letter received on October 21, 2016. They recommended denying the application because their review determined that the application did not comply with the District's Safe Yield regulation K.A.R. 5-22-7, as existing and proposed consumptive appropriations exceeded the maximum allowable.
3. A letter was sent to the applicant stating the decision of GMD#2 and that the applicant had 30 days (until November 18, 2016) to appeal the decision.
4. That the applicant, has not submitted additional information for consideration, nor requested an extension of time, for Application, File No. 48,654, thus the application should be denied and dismissed and its priority forfeited for failure to comply with Safe Yield regulation K.A.R. 5-22-7.

ORDER



NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 48,654, is herewith dismissed and the priority assigned to it is considered to be forfeited.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

CERTIFICATE OF SERVICE

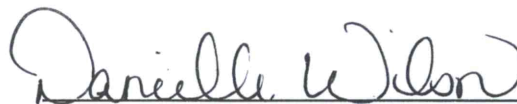
On this 7th day of March, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 48,654, dated March 6, 2017 was mailed postage prepaid, first class, US mail to the following:

KEVIN R GRABER
2006 W PRETTY PRAIRIE RD
PRETTY PRAIRIE KS 67570

With photocopies to:

DORIS J GRABER REV TRUST
PO BOX 145
PRETTY PRAIRIE KS 67570-8622

Stafford Field Office
Equus Beds Groundwater Management District No. 2



Division of Water Resources

THE STATE OF KANSAS



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

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 48654
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

MAY 30 2013

1:09 PM
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Kevin R. Graber
Address: 2006 W. Pretty Prairie Road
City: Pretty Prairie State KS Zip Code 67570
Telephone Number: (620) 459-6530

2. The source of water is: surface water in _____ (stream)
OR groundwater in North Fork Ninnescah Basin - Equus Beds Aquifer (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 172 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 400 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

SCANNED

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 2 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County RIV By AKR Date 5-31-13
Code REG Fee \$ 300 TR # 13054348 Receipt Date 5-30-13 Check # 3194

6-4-13
BDD

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 SW quarter of the SW quarter of the SW quarter of Section 15, more particularly described as being near a point 50 feet North and 5150 feet West of the Southeast corner of said section, in Township 26 South, Range 6 West, Reno 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):

Doris J. Graber Revocable Trust, PO Box 145, Pretty Prairie, KS 67570. 620-459-6220
(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 May 24, 2013. [Signature]
Applicant's Signature

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

and will completed (by) 5/1/2014
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 6/1/2014
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

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

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

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

• If yes, show the Water Structures permit number here NA

• If no, explain here why a Water Structures permit is not required NA

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.

Water Right No. 3880 covers the same place of use, different point of diversion.

WATER RESOURCES
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MAY 30 2013

47084

File No. _____

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.

*Not available at this time

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

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

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

Owner / Tenant
(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):

Doris J. Graber Revocable Trust, PO Box 145, Pretty Prairie, KS 67570. 620-459-6220
(name, address and telephone number)

Kevin R. Graber, 2006 W. Pretty Prairie Road, Pretty Prairie, KS 67570. 620-459-6530
(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 Pretty Prairie, Kansas, this 24 day of May, 2013.
(month) (year)

[Signature]
(Applicant Signature)

510.76.8913
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

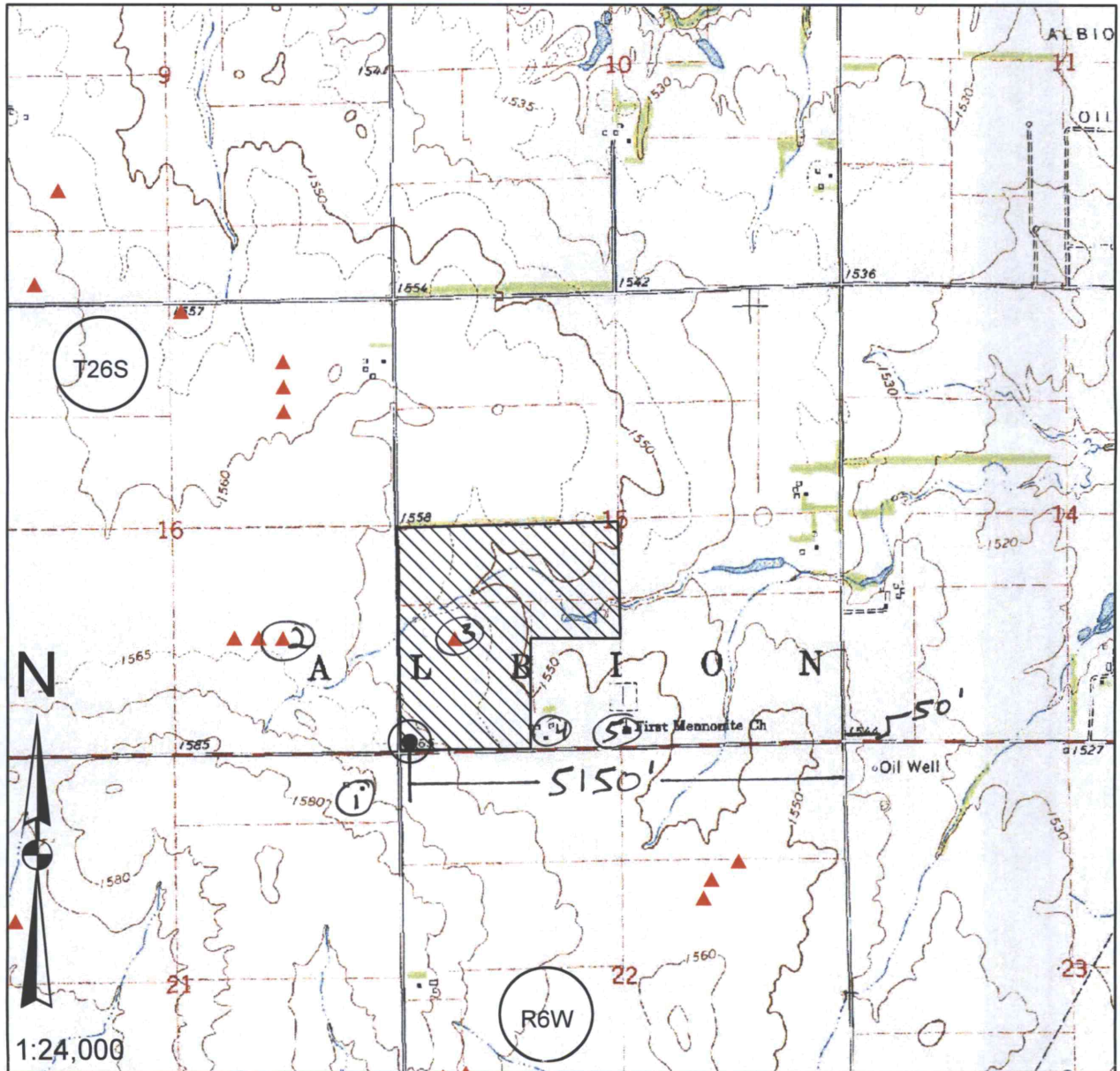
By _____
(Agent or Officer Signature)

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

(Agent or Officer - Please Print)

Assisted by T. Boese GMD2 / Manager Date: May 22, 2013
(office/title)

Application Map - File No. 48054



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.

[Signature]
Signature

5/24/13
Date

- New Application
- Application No. _____ To Change:
- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

WATER RESOURCES RECEIVED
MAY 30 2013
KS DEPT OF AGRICULTURE

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) See attached
- 2)
- 3)

SCANNED

48654

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 48654

Name of Applicant (Please Print): Kevin R. Graber

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: Doris J. Graber Revocable Trust

ADDRESS: PO Box 145, Pretty Prairie, KS 67570.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
15	26S	6W										32*	40	40	8					127 120*

Landowner of Record NAME: Kevin R. Graber

ADDRESS: 2006 W. Pretty Prairie Road, Pretty Prairie, KS 67570

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
45	26S	6W										8*								78*
15	26S	6W										7**								7**

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		

DWR 1-100.23 (7/7/2000) *OK*
 *modified acreage to match place of use to senior file #3,880 KHH/DWR 8/29/13
 WATER RESOURCES RECEIVED Page 1 of 2
 MAY 30 2013
 ** Per GMD 2 Review, Applicant owns 7 acres in the NESW of 15-26-6W. DWS/DWR 10/9/13.
 KS DEPT OF AGRICULTURE

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
Nalim Loam	2.5	0.20-0.57	3
Shellabarger-Sandy-Loam	97.5	0.60-2.00	11
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

Estimate the maximum land slope in the field(s): 2-3 %

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater: Will schedule and apply irrigation to eliminate run-off

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 40 psi

(2) What is the sprinkler package design rate? 700 gpm Desired

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 50 feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn, soybeans, milo, wheat

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). Contract with professional crop consultant.

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

Wells Within ½ Mile

1. Domestic Well
Victor Stade Revocable Trust
9 Southland Drive
Haven, KS 67543

2. Irrigation Wells – No. 40162
Charles P. & Michelle L. Froese
24960 W. 73rd
Shawnee Mission, KS 66227
&
Kenneth Lyle Froese
3301 Gillespie Road
McKinney, TX 75070

3. Irrigation Well – No. 3880
Doris J. Graber Revocable Trust
PO Box 145
Pretty Prairie, KS 67570

4. Domestic Well
Kevin R. Graber
2006 W. Pretty Prairie Road
Pretty Prairie, KS 67570

5. Domestic Well
First Mennonite Church of Pretty Prairie
PO Box 127
Pretty Prairie, KS 67570

WATER RESOURCES
RECEIVED

MAY 30 2013

KS DEPT OF AGRICULTURE
SCANNED

May 24 2013
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application File No. 48054

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.

[Handwritten Signature]
Signature of Applicant

KEVIN R. GRABETZ
(Print Applicant's Name)

State of Kansas)
County of Reno) ss)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 24 day of May, 2013.

[Handwritten Signature]
Notary Public

SIDNEY J. GRABER
Notary Public - State of Kansas
My Appt. Expires 1-9-2014

My Commission Expires:

WATER RESOURCES RECEIVED
MAY 30 2013
KS DEPT OF AGRICULTURE

SCANNED

**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

48054

Report Date Monday, October 7 2013

Water Rights and Points of Diversion Within 1.00 miles of point defined as:
50 ft N and 5150 ft W of the SE Corner of Section 15, T 26S, R 6W
Located at: 97.972394 West Longitude and 37.777694 North Latitude
GROUNDWATER ONLY

All wells meet spacing

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 3880	00	IRR	NK	G	1376	--	NC	W2	SW	1320	4620	15	26	6W	1	172.00	172.00	AF	
A__ 15859	00	IRR	NK	G	5104	--	NE	SW	NW	3414	4591	21	26	6W	2	201.00	201.00	AF	
A__ 40162	00	IRR	NK	G	2169	--	SE	NW	SE	1383	1661	16	26	6W	6 G	2	198.00	198.00	AF
Same					1939	--	SE	NW	SE	1379	1375	16	26	6W	1 B	2			
Same					2410	--	SE	NW	SE	1386	1947	16	26	6W	7 B	2			
A__ 43193	00	IRR	NK	G	3937	--	NE	SW	NE	3759	1627	22	26	6W	2 G	2	195.00	195.00	AF
Same					4049	--	--	NC	NE	3973	1417	22	26	6W	4 B	2			
Same					3846	--	NE	SW	SE	3544	1837	22	26	6W	5 B	2			
A__ 43535	00	IRR	NK	G	3897	--	SW	NW	SW	1514	4853	22	26	6W	7 G	2	180.00	180.00	AF
Same					3924	--	SW	NW	SW	1472	5129	22	26	6W	3 B	2			
Same					3891	--	SW	NW	SW	1556	4577	22	26	6W	6 B	2			
A__ 47804	00	IRR	GY	G	4435	NC	S2	N2	NE	4335	1320	16	26	6W	14 G	3	196.00	196.00	AF
Same					4157	--	--	NC	NE	4040	1320	16	26	6W	11 B	3			
Same					4435	NC	S2	N2	NE	4335	1320	16	26	6W	12 B	3			
Same					4715	--	NC	N2	NE	4630	1320	16	26	6W	13 B	3			
A__ 48654	00	IRR	AY	G	0	--	SW	SW	SW	50	5150	15	26	6W	6	172.00	172.00	AF	

>1320'

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	172.00	.00
Total Permitted Amount (AF) =	196.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	946.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1314.00	.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 1.00 miles of point defined as:
97.972394 West Longitude and 37.777694 North Latitude
GROUNDWATER ONLY
WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 3880	00	IRR	NK G
> DORIS J GRABER REV TRUST			
>			
> PO BOX 145			
> PRETTY PRAIRIE KS 67570			
>-----			
A__ 15859	00	IRR	NK G
> DONALD BERGKAMP II			
>			
> 1012 W SMOOTS CREEK RD			



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

September 12, 2013

FIRST MENNONITE CHURCH OF PRETTY PRAIRIE
PO BOX 127
PRETTY PRAIRIE, KS 67570

Re: Pending Application, File No. 48,654

Dear Sir or Madam:

This is to advise you that Kevin R Graber has filed the application referred to above for a permit to appropriate 172 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 400 gallons per minute. The proposed point of diversion is one well located as follows:

in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$)
of Section 15, Township 26 South, Range 6 West, Reno County, Kansas.

A map is enclosed indicating the location of the proposed well. 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 proposed 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 (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2
Kevin R Graber



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Department of Agriculture
Division of Water Resources

phone: (785) 296-3717
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Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

September 12, 2013

KENNETH LYLE FROESE
3301 GILLESPIE RD
MCKINNEY, TX 75070

Re: Pending Application, File No. 48,654

Dear Mr. Froese:

This is to advise you that Kevin R Graber has filed the application referred to above for a permit to appropriate 172 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 400 gallons per minute. The proposed point of diversion is one well located as follows:

in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 15, Township 26 South, Range 6 West, Reno County, Kansas.

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Sincerely,

Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2
Kevin R Graber



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Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

September 12, 2013

CHARLES P & MICHELLE L FROESE
24960 W. 73RD
SHAWNEE MISSION, KS 66227

Re: Pending Application, File No. 48,654

Dear Mr. & Mrs. Froese:

This is to advise you that Kevin R Graber has filed the application referred to above for a permit to appropriate 172 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 400 gallons per minute. The proposed point of diversion is one well located as follows:

in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$)
of Section 15, Township 26 South, Range 6 West, Reno County, Kansas.

A map is enclosed indicating the location of the proposed well. 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 proposed 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 (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2
Kevin R Graber



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Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

September 12, 2013

VICTOR STADE REVOCABLE TRUST
9 SOUTHLAND DRIVE
HAVEN, KS 67543

Re: Pending Application, File No. 48,654

Dear Sir or Madam:

This is to advise you that Kevin R Graber has filed the application referred to above for a permit to appropriate 172 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 400 gallons per minute. The proposed point of diversion is one well located as follows:

in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$)
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If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2
Kevin R Graber



Department of Agriculture
Division of Water Resources

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

October 15, 2013

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Application, File No. 48,654

Dear Mr. Boese:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby well owner notification letters were sent out on September 12, 2013. No responses of any kind were received. Please note that per your review of the file, the place of use was modified to show 7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 26 South, Range 6 West.

We are delaying any further action for a period of **30 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) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Douglas Schemm
New Application Unit Supervisor
Water Appropriation Program

Enclosure

pc: Stafford Field Office

NO ASTRA PER ASPERA
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 16, 2016

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Application, File No. 48,654

Dear Mr. Boese:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby well owner notification letters were sent out on September 12, 2013. No responses of any kind were received.

We are delaying any further action for a period of **30 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 (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
Environmental Scientist
Water Appropriation Program

Enclosure

pc:

SCANNED

FRED SEILER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
JEFF WINTER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
DAVID BOGNER
ALAN BURGHART
JOE PAJOR
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

October 19, 2016

Chief Engineer, Division of Water Resources
Attn: Matt Meier
Stafford Field Office
300 S. Main St.
Stafford, KS 67578-1521

Re: Appropriation Application No. 48654 – Kevin R. Graber

Dear Mr. Graber:

The Equus Beds Groundwater Management District reviewed the referenced application on October 19, 2016, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The District's review found that the application does not comply with the District's Safe Yield Regulation K.A.R. 5-22-7, as existing and proposed consumptive appropriations exceed the maximum allowable.

Based upon the review findings, the application is recommended for denial by the Equus Beds Groundwater Management District.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12. An appeal petition must state the basis for the appeal and must include information/documentation supporting the appeal.

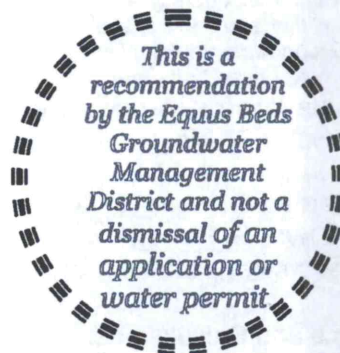
Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese,
Manager
TDB/STF

Enclosures

pc: Kevin R. Graber, Applicant and Landowner
Doris J. Graber Rev. Tr., Landowner



RECEIVED

OCT 21 2016

Stafford Field Office
Division of Water Resources

H:\MSOFFICE\LETTERS\APP\NewApp\Recommendation\Deny



EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 48654 Date filed: May 30, 2013
 2) Proposed maximum quantity: 172 acre-feet/year Rate: 400 GPM
 3) Proposed Use: Irrigation
 4) P/D location: SWSWSW 15-26S-6W Geo Center: North 50 ft, West 5150 ft
 5) Number and type of points of diversion listed on the application 1 Well

6) Is the well location on the app the same on the evaluation sheet? Yes No
 7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why
 8) Meets change app requirements K.A.R. 5-22-8? Yes No N/A

9) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A
 9(a) Safe yield analysis total existing appropriations: 1988.00 af/yr
 9(b) Safe yield total allowable appropriations: 3737.64 af/yr
 9(c) Total appropriations for small user exemptions: 0.00 af/yr
 9(d) Total appropriations for non-consumptive use: 0.00 af/yr
 9(e) Total appropriations for consumptive use: 3737.64 af/yr
 (total existing appropriations) - (non-consumptive appropriations)
 9(f) exempt from regulation? Yes No,
 Cite exemption:

10) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A
 10(a) POD in enhanced well spacing area? Yes No
 10(b) Domestic well spacing interval: >660 ft
 10(c) Non-Domestic well spacing interval: >1320 ft

11) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A
 11(a) Irrigation max quantity: 1.4 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 11(b) Stockwater max quantity: GPD unit
 11(c) Industry max quantity: Acre
 Industry standard:
 11(d) Municipal max quantity: GCD
 Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
 X - Average of last three years usage in Gallons per Capita per Day (GCD)
 Y - water usage for industries that use over 200,000 gal/yr (GCD)
 Z - Projected population in 20 years
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)
 11(e) Pond max quantity is
 (Net evap + seepage)/12 x pond area + any initial fill
 11(f) Groundwater pit max Q:
 Net evap * pit area/12

12) Reasonable rate for intended use? Yes No N/A
 13) Depth to water: 38 bls at observation well: EB517C

14) Date reviewed: October 19, 2016
 15) Reviewed by: S. Flaherty Title: Hydrogeologist *Reviewed 10-19-2016*
 16) District recommendation: Approve Deny Other, see comment

17) Comments and Calculations:

Review completed for a new application submitted by Kevin Graber for Irrigation use in Reno County.
 Application is in enhanced well spacing area
 application proposes under 401 gpm and is therefore subject to 1320 ft spacing.
 surrounding well owners were notified and no responses were received
 No point of diversion overlap. Identical place of use overlap with No. 3880. No. 3880 authorizes 172 AF on 128 acres. Max
 allowable on 128 acres = $128 \times 1.4 = 179.2$ AF. Application No. 48654 proposes 172 AF
 Application would be limited to 179.2 acre feet per acre when used on same place of use as 3880. Net quantity = 7.2 AF
 Recommend denial, does not comply with safe yield K.A.R. 5-22-7.

Equus Beds Groundwater Management District No. 2

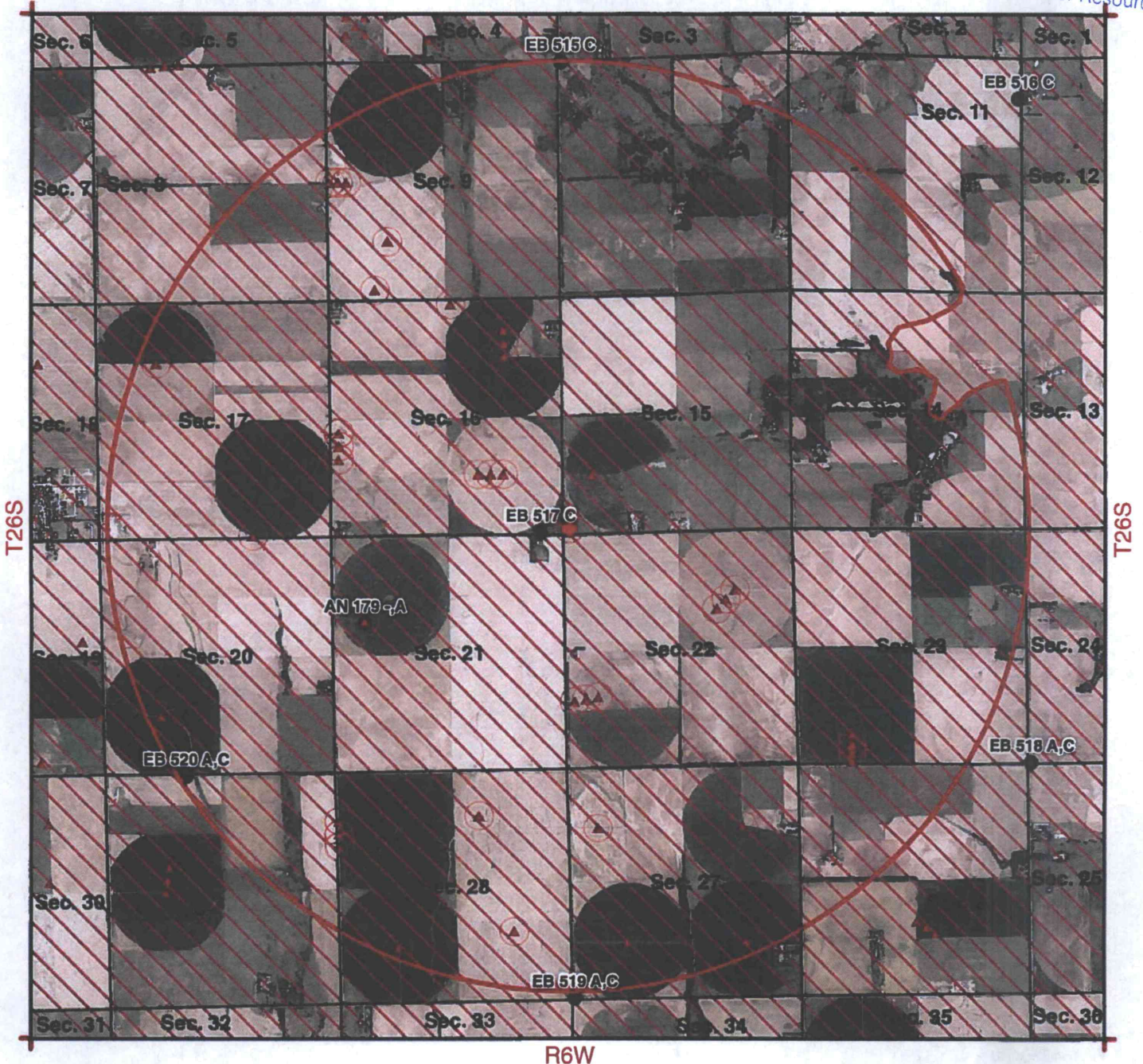
SAFE YIELD EVALUATION No. 48654
 SWSWSW (50'N & 5150'W) 15-26S-06W, Reno County

RECEIVED

OCT 21 2016

Prepared By: Stephen Flaherty Date: 10/13/2016







Stafford Field Office
 Division of Water Resources



R6W

0 1,150,300 4,600 Feet

Map Legend

- | | | | |
|---|--------------------------------|----------------------------|---|
| ● Observation Well | ● Proposed Point of Diversion | Burrton IGUCA |  |
| ■ Bedrock | ▲ Existing Points of Diversion | Hollow Nikkel SWQUA |  |
|  Authorized Place of Use | | McPherson IGUCA |  |
|  Proposed Place of Use | | Enhanced Well Spacing Area |  |

 Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67056
 316-835-2224, equusbeds@gmd2.org

SAFEYIELD EVALUATION No. 48654

LOCATION: SWSWSW (50'N & 5150'W) 15-26S-06W, Reno County

SPECIAL USE AREA: ENHANCED WELL SPACING AREA

EVALUATION DATE:- 10/13/2016

Total Areas: 7,952 acres; Area in 3 inch discharge zone: 7,952 acres; Area in 6 inch discharge zone: 0 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00388000	69	26S	06W	15	NCW2SW	IRR	172
A01585900	275	26S	06W	21	34144591	IRR	201
A03221000	819	26S	06W	27	13203980	IRR	178
A04016200	2680	26S	06W	16	13791375	IRR	0
A04016200	2681	26S	06W	16	13861947	IRR	0
A04016200	220	26S	06W	16	13831661	IRR	198
A04020500	1039	26S	06W	28	12913945	IRR	139
A04068500	551	26S	06W	27	39514616	IRR	96
A04116300	1061	26S	06W	17	39683981	IRR	167
A04131500	112	26S	06W	27	39511302	IRR	143
A04168400	2177	26S	06W	20	13383963	IRR	210
A04244100	2302	26S	06W	9	26874881	IRR	0
A04244100	2300	26S	06W	9	26875258	IRR	0
A04244100	2299	26S	06W	9	26875070	IRR	180
A04319300	2716	26S	06W	22	39731417	IRR	0
A04319300	2717	26S	06W	22	35441837	IRR	0
A04319300	2542	26S	06W	22	37591627	IRR	195
A04353500	2771	26S	06W	22	15714577	IRR	0
A04353500	2770	26S	06W	22	14725129	IRR	0
A04353500	2621	26S	06W	22	15224853	IRR	180
A04354000	2628	26S	06W	9	13083951	IRR	97.5
A04376100	2683	26S	06W	27	12921250	IRR	165
A04394300	2731	26S	06W	16	20445136	IRR	99
A04394300	2800	26S	06W	16	17475140	IRR	0
A04394300	2801	26S	06W	16	23405132	IRR	0
A04418500	2767	26S	06W	9	2164246	IRR	97.5
A04493900	2918	26S	06W	28	42742086	IRR	189
A04501700	2933	26S	06W	28	12913945	IRR	45.8
A04512000	2954	26S	06W	28	16041314	IRR	184.8
A04634500	3309	26S	06W	17	501805	IRR	148.84
A04728900	3592	26S	06W	23	6754080	IRR	0
A04728900	3589	26S	06W	23	754080	IRR	0
A04728900	3590	26S	06W	23	2754080	IRR	0
A04728900	3588	26S	06W	23	3754080	IRR	224
A04728900	3591	26S	06W	23	4754080	IRR	0
A04754100	3764	26S	06W	28	42065250	IRR	0
A04754100	3763	26S	06W	28	39085250	IRR	224
A04754100	3666	26S	06W	28	36105250	IRR	0
A04780400	3789	26S	06W	16	40401320	IRR	0
A04780400	3790	26S	06W	16	43351320	IRR	196
A04780400	3791	26S	06W	16	46301320	IRR	0
A04781400	3792	26S	06W	16	52302520	IRR	0
A04865400P	4115	26S	06W	15	505150	IRR	7.2
Allowable Appropriations		1,988.00			Total Existing Appropriation		3,737.64
Small User Quantity		0			Non Consumptive Appropriations		0
Remaining SUQ		45			Consumptive Appropriations		3,737.64
Note- Values are in acre-feet					Available Appropriations		0

Equus Beds Groundwater Management District No. 2

SPACING EVALUATION No. 48654

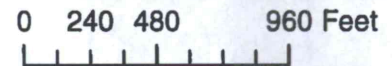
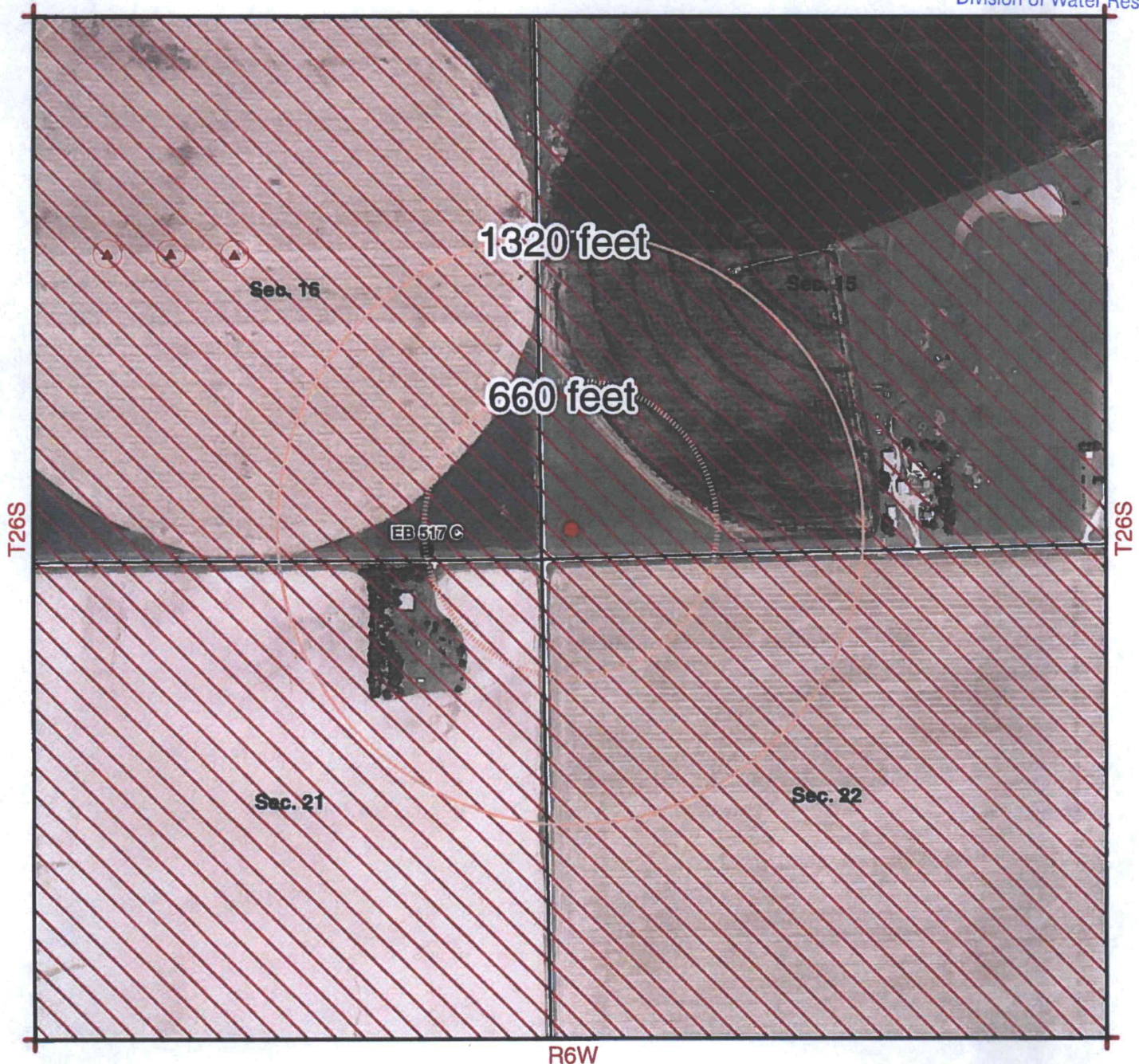
SWSWSW (50'N & 5150'W) 15-26S-06W, Reno County

Prepared By: Stephen Flaherty Date: 10/13/2016

RECEIVED

OCT 21 2016

Stafford Field Office
Division of Water Resources



Map Legend

● Observation Well	● Proposed Point of Diversion	Burton IGUCA	
■ Bedrock	▲ Existing Points of Diversion	Hollow Nikkel SWQUA	
Authorized Place of Use		McPherson IGUCA	
Proposed Place of Use		Enhanced Well Spacing Area	

Equus Beds Groundwater Management District No. 2
313 Spruce Street, Halstead, KS 67056
316-835-2224, equusbeds@gmd2.org

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner


Kansas
Department of Agriculture
Division of Water Resources

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

October 26, 2016

KEVIN R GRABER
2006 W PRETTY PRAIRIE RD
PRETTY PRAIRIE KS 67570

RE: Pending Application, File No. 48,654

Dear Mr. Graber:

On October 21, 2016, we received a recommendation from the Equus Beds Groundwater Management District No. 2 that the referenced Application for Permit to Appropriate Water for Beneficial Use be denied. This recommendation was based upon the groundwater management program adopted by the District and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The application does not comply with and Safe Yield Rule and Regulation K.A.R. 5-22-7.

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 any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced application until **November 18, 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 (620) 234-5311, and please have the specific file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier
New Application Unit
Water Appropriation Program

pc: Groundwater Management District No. 2
Doris Graber Rev. Tr.

SCANNED

Schemm, Doug

From: Tim Boese <tboese@gmd2.org>
Sent: Tuesday, October 01, 2013 2:46 PM
To: Schemm, Doug
Subject: No. 48654 - Kevin Graber

Doug – Just working through my stack of files and finally had a chance to review the place of use/ownership on No. 48654. There is an apparent discrepancy between the overlapping file No. 3880 and No. 48654 concerning how many acres Kevin Graber owns in the NE-SW. Whereas No. 3880 indicates he owns 8 acres, the new application indicates he owns just 7 acres. After reviewing the place of use and Reno County records, I am quite confident that Kevin Graber owns approximately 7 acres in the NE-SW, not 8 acres.

Hope this helps.

Thanks.

Tim Boese, Manager
Equus Beds GMD2
313 Spruce, Halstead, Kansas 67056
316-835-2224
Fax: 316-835-2225
tboese@gmd2.org
www.gmd2.org


Kansas
Department of Agriculture
Division of Water Resources

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Topeka, Kansas 66612-1283

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fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

June 4, 2013

KEVIN R GRABER
2006 W PRETTY PRAIRIE RD
PRETTY PRAIRIE KS 67570

RE: Application
File No. 48,654

Dear Sir or Madam:

Your application for permit to appropriate water in 15-26S-6W, in Reno County, was received and has been assigned the file number noted above.

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

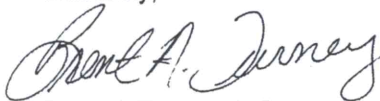
In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of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

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

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . . A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



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

BAT:cd
pc: Stafford Field Office
— GMD 2

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

June 4, 2013

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2006 W PRETTY PRAIRIE RD
PRETTY PRAIRIE KS 67570

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File No. 48,654

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Your application for permit to appropriate water in 15-26S-6W, in Reno County, was received and has been assigned the file number noted above.

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

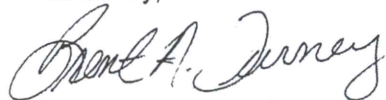
In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of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

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

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . . A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



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

BAT:cd
pc: Stafford Field Office
GMD 2

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

MAY 30 2013

KS DEPT OF AGRICULTURE
SCANNED

**Kansas Department of Agriculture
Division of Water Resources**

FINDINGS AND ORDER WORKSHEET

1a. File No.: 3,880		1b. Document Date:	1c. Field Office: 2	1d. GMD: 2
2a. Name & Address KEVIN R GRABER 2006 W PRETTY PRAIRIE RD PRETTY PRAIRIE KS 67570 Person ID 62158		2b. Name & Address DORIS J GRABER REV TRUST PO BOX 145 PRETTY PRAIRIE KS 67570-8622 Person ID 62157		
2c. Name & Address Person ID _____		2d. PC Person ID _____		
2e. WUR Correspondent 2a. Person ID 62158		3. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____		
4a. PD <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4b. PU <input checked="" type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4c. LIMITATIONS <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4d. RATE <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____	4e. QUANTITY <input type="checkbox"/> Correct _____ <input type="checkbox"/> Delete _____ <input type="checkbox"/> Add _____ <input type="checkbox"/> Reduce _____
5. Old Information to be Changed (New Information to be written in 7, 8 & 11) Corrected Place of Use description based on overlapping junior permit to appropriate water.				
6. Previous Modifications and Amendments Document Type _____ _____				
7. Point of Diversion Groundwater to be withdrawn by means of (_____ well(s) (_____ pit(s)) (_____ pit(s)) Surface water in the _____ to be diverted (at a point) (at _____ points) (_____ pit(s)) (_____ dam(s))				
			Date Prepared 10/16/13	By KAH
			Date Entered	By

File No. **3,880** Priority Date: **9/26/1958** County: **RN** Basin: **North Fork Ninescah River** Stream: _____ Formation Code: _____

8. Points of Diversion Rate and Quantity
 G S
 MOD PDIV Authorized Additional
 DEL Qualifier S T R ID 'N 'W Comment Rate Quantity Rate Quantity
 ENT gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

17798

9. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

10. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

11. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
MOD	DEL	ENT	PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW					SW	SE
√			5487	15	26S	6W	1					33	40	40	8					121	2b	NO	3,880
√			62508	15	26S	6W	3					7								7	2a	NO	3,880
MOD			5487	15	26S	6W	1					32	40	40	8					120	2b	YES	48,654
MOD			62508	15	26S	6W	3					8								8	2a	YES	48,654

12. Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 16, 2013

FROM: Katie Hermes

RE: Water Right, File No. 3,880

An Application For Permit to Appropriate Water For Beneficial Use was received in the office of the Chief Engineer and given File No. 48,654. This permit to appropriate water and Water Right, File No. 3,880, form a complete overlap in authorized Place of Use. A subsequent review, by the manager of Groundwater Management District No. 2, of the description of the authorized place of use for permit to appropriate water, File No. 48,654, shows that this permit to appropriate water and senior Water Right, File No. 3,880 have identical place of use descriptions, which include land owned by Doris J. Graber Rev Trust described as 33 acres in Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), and land owned by Kevin R. Graber described as 7 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), all in Section 15 Township 26 South, Range 6 West in Reno County.

However, the Certificate for Water Right, File No. 3,880 describes this same acreage as land owned by Doris J. Graber Rev Trust described as 32 acres in Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), and land owned by Kevin R. Graber described as 8 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$). Therefore, since the junior permit to appropriate water more accurately describes the authorized place of use, a Findings and Order will be prepared to correct the place of use under Water Right, File No. 3,880.

Katie Hermes
Environmental Scientist
Permits Unit



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Phone: (785) 296-3717
Fax: (785) 296-1176
<http://agriculture.ks.gov/dwr>

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

KEVIN R GRABER
2006 W PRETTY PRAIRIE RD
PRETTY PRAIRIE KS 67570

RE: Water Right, File No. 3,880

Dear Mr. Graber:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which better describes the authorized place of use under Water Right, File No. 3,880. This will ensure that the authorized place of use is described exactly the same as the authorized place of use under your overlapping junior permit to appropriate water, File No. 48,654.

The Water Appropriation Act requires that the Certificate of Appropriation shall be recorded with the Register of Deeds in the county or counties wherein the point of diversion is located as other instruments affecting real estate. Since the enclosed Findings and Order by the Chief Engineer modifies said Certificate of Appropriation, it should also be recorded with the Register of Deeds.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Douglas W. Schemm
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 2
Doris J. Graber Rev Trust



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

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
AUTHORIZED PLACE OF USE
UNDER WATER RIGHT, FILE NO. 3,880**

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

FINDINGS

1. That on September 26, 1958, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 3,880 for permit to appropriate water for irrigation use, authorizing the use of groundwater to be diverted from a well located near the center of the West Half of the Southwest Quarter (NW $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 15, more particularly described as being near a point 1,320 feet North and 4,620 feet West of the Southeast corner of said section, in Township 26 South, Range 6 West, Reno County, Kansas, for irrigation use on land owned by Doris J. Graber Rev Trust described as follows:

32.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
40.00 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
40.00 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
8.00 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

and for irrigation use on land owned by Kevin R. Graber described as follows:

8.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 128 acres in Section 15, Township 26 South, Range 6 West, Reno County, Kansas.

2. That on May 30, 2013, an Application For Permit to Appropriate Water For Beneficial Use was received in the office of the Chief Engineer and given File No. 48,774. This permit to appropriate water and Water Right, File No. 3,880 form a complete overlap in the authorized Place of Use.
3. That a subsequent review, by the manager of Groundwater Management District No. 2, of the authorized place of use for permit to appropriate water, File No. 48,654, shows land owned by Doris J. Graber Rev Trust described as follows

33.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
40.00 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
40.00 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
8.00 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

and for irrigation use on land owned by Kevin R. Graber described as follows:

7.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 128 acres in Section 15, Township 26 South, Range 6 West, Reno County, Kansas.

4. That such dissonance exists between Paragraph No. 1 and Paragraph No. 3 of these Findings, which constitutes a discrepancy in the legal description of the place of use.
5. That in this instance, the authorized place of use for permit to appropriate water, File No. 48,654 represents a more accurate description of the place of use.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the authorized place of use under Water Right, File No. 3,880, shall be for irrigation use on land owned by Doris J. Graber Rev Trust described as follows:

33.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),
40.00 acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$),
40.00 acres in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$),
8.00 acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),

and for irrigation use on land owned by Kevin R. Graber described as follows:

7.00 acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$),

a total of 128 acres in Section 15, Township 26 South, Range 6 West, Reno County, Kansas.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. 3,880, dated September 26, 1958 remains as authorized.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Dated at Topeka, Kansas, this _____ day of _____, 2013.

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

State of Kansas)
) SS
County of Shawnee)

The foregoing instrument was acknowledged before me this _____ day of _____, 2013, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Notary Public

CERTIFICATE OF SERVICE

On this _____ day of _____, 2013, I hereby certify that the foregoing original Findings and Order, Water Right, File No. 3,880, dated _____, was mailed postage prepaid, first class, US mail to the following:

KEVIN R GRABER
2006 W PRETTY PRAIRIE RD
PRETTY PRAIRIE KS 67570

With photocopies to:

DORIS J GRABER REV TRUST
PO BOX 145
PRETTY PRAIRIE KS 67570-8622

Stafford Field Office
Groundwater Management District No. 2



Reno County Property Data - 0783151500000000000



Reno County Property Data - 078315150000003010

Reno County Property Data

General Information

2/24/2017 2:41:03 PM

Subject Property

[Print](#)

Parcel ID :0783151500000003010

[Click here to locate on Map](#)

Owner Name :GRABER, KEVIN R

[Click here for the photo](#)

Location :2006 W PRETTY PRAIRIE RD, Pretty Prairie, KS 67570.

[Click here for the PRC](#)

Legal Desc :S966.12' M/L W137' M/L S314' W63' S440' TO POB EXC RD R/W & EX TR BEG 1720FT N OF SE COR SW1/4 TH W 1006.5 FT TH S 276.3 FT TH NE TO POB.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :
GRABER, KEVIN R

Mailing Address :
2006 W PRETTY PRAIRIE RD PRETTY PRAIRIE, KS 67570

Property Details

Property Type : Farm Homesite	Property Status : Active	Taxing Unit : 312	Neighborhood Code : 802	Tract / Tax ID : See Tax History
----------------------------------	-----------------------------	----------------------	----------------------------	-------------------------------------

Market Land Details

Actual Width :	Eff Width :	Eff Depth :	Acres : .62	Square Feet :
----------------	-------------	-------------	----------------	---------------

No Property Outbuildings or Improvements found.

No Permit Details found.

Value Details

	Year : 2016
Current Final Value (Agricultural) :	Land : \$1,920
	Building : \$9,030
	Total :\$10,950

	Year : 2016
Current Final Value (Farm Homesite) :	Land : \$2,420
	Building :\$78,680
	Total :\$81,100

Deed Book/Page Historical

Book / Page List and Misc Legal Description Info :
Book/Page 484/ 116

No Deed Information Available

No Sale Details found. (Please log in to view this data.)

Reno County Property Data

General Information

2/24/2017 2:41:25 PM

Subject Property

[Print](#)

Parcel ID : 0783151500000003000

[Click here to locate on Map](#)

Owner Name : GRABER, KEVIN R

[Click here for the photo](#)

Location : 00000 W PRETTY PRAIRIE RD, Pretty Prairie, KS 67570.

[Click here for the PRC](#)

Legal Desc : ALBION TOWNSHIP, S15, T26, R06W, ACRES 121.26, SW/4 EXC TR BEG AT SE/4 TH W 1089FT TH N 437.2 FT TH E 82.5 FT TH N 1006.57 FT TH NE TO A PT THAT IS 1720 FT N OF SE COR SW/4 TH S 1720 FT M/L TO POB LESS RD R/W.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :
GRABER, KEVIN R

Mailing Address :
2006 W PRETTY PRAIRIE RD PRETTY PRAIRIE, KS 67570

Property Details

Property Type :
Agricultural Use

Property Status :
Active

Taxing Unit :
312

Neighborhood Code :
802

Tract / Tax ID :
[See Tax History](#)

Market Land Details

Actual Width :

Eff Width :

Eff Depth :

Acres :

Square Feet :

No Property Outbuildings or Improvements found.

No Permit Details found.

Value Details

Year : 2016

Current Final Value (Agricultural) :

Land : \$52,800

Building : \$0

Total : \$52,800

Deed Book/Page Historical

Book / Page List and Misc Legal Description Info :
Book/Page 484/ 116 379/ 26 547/ 515 582/ 340 582/ 341

Deed Book/Page Current Listing

Date :
9/20/2010
5/29/2015

Book :
613
645

Page :
442
35

Case :

No Sale Details found. (Please log in to view this data.)

Schemm, Doug

From: Tim Boese <tboese@gmd2.org>
Sent: Tuesday, October 01, 2013 2:46 PM
To: Schemm, Doug
Subject: No. 48654 - Kevin Graber

Doug – Just working through my stack of files and finally had a chance to review the place of use/ownership on No. 48654. There is an apparent discrepancy between the overlapping file No. 3880 and No. 48654 concerning how many acres Kevin Graber owns in the NE-SW. Whereas No. 3880 indicates he owns 8 acres, the new application indicates he owns just 7 acres. After reviewing the place of use and Reno County records, I am quite confident that Kevin Graber owns approximately 7 acres in the NE-SW, not 8 acres.

Hope this helps.

Thanks.

Tim Boese, Manager
Equus Beds GMD2
313 Spruce, Halstead, Kansas 67056
316-835-2224
Fax: 316-835-2225
tboese@gmd2.org
www.gmd2.org