

File No. **49,217** 15. Formation Code: **190** Drainage Basin: **Arkansas River** County: **SG** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
√				81134	LOT 2	15	25S	3W	5	2848	1221	2000	221	0	116	6809A

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

19. Limitation: **221** af/yr at **2000** gpm (_____ cfs) when combined with file number(s) **6809A**
 Limitation: _____ - _____ af/yr at _____ - _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	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						
√			30076	14	25S	3W	1							24	5			35	7					71	7b.		6809A		
√			40540	14	25S	3W	1			32										33			34	99	7b.		6809A		
				15																									

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: February 16, 2017

FROM: Matt Meier

RE: Application, File No. 49,217

Bardshar Brothers have filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 221 acre-feet, and a diversion rate of 2,000 gallons per minute. The proposed well is to be located in Lot 2 of Section 15, more particularly described as being near a point 2848 feet North and 1221 feet West of the Southeast corner of said section, in Township 25 South, Range 3 West, Sedgwick County, within the Arkansas River drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. Water Right, File No. 6809A overlaps the proposed point of diversion and place of use. The proposed place of use is owned by the Bardshar Brothers. The applicant signed the application form stating that he has legal access to the point of diversion. The application is to be limited to 221 acre-feet at a rate of diversion of 2,000 gallons per minute when combined with Water Right, File No. 6809A.

Processing of application File No. 49,217 was suspended for 2016 because the overlapping Senior Water Right (File No. 6,809A) was suspended for 2016. File No. 6,809A was suspended during 2016 for falsification of the 2013 water use report. The original suspension for File No. 6,809A was to be during 2015 but was moved to 2016 at the owner's request. Due to the 2016 suspension on the senior water right it was decided to hold application File No. 49,217 until the suspension was completed and all legal issues with the senior water right were resolved. As the 2016 suspension has been served and legal issues with the senior water have been resolved, processing of application File No. 49,217 has been resumed.

The applicant identified 4 domestic wells within one-half mile of the proposed well and zero non-domestic wells, which WRIS confirmed. Nearby well notification letters were sent out on May 28, 2015. No response of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 31,269) is located 2,852 feet away. Based on the site map the nearest domestic well is approximately 2,100 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2(a) for a single well located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A well log submitted with the application which shows topsoil from 0 to 3 feet, clay from 3 to 45 feet, medium sand and gravel from 45 to 85 feet, fine sand/clay from 85 to 90 feet, and medium sand and gravel from 90 to 155 feet below ground. Static water level was listed at 25 feet which provides a saturated thickness of 130 feet.

The requested quantity of water, 221 acre-feet, is to irrigate the proposed 170 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Sedgwick County, Kansas. The application will be limited to 221 acre-feet when combined with Water Right, File No. 6809A. 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.

A copy of the application was submitted to Equus Beds Groundwater management District No. 2 on June 17, 2015. GMD #2 recommended approval of the application in a letter received on July 27, 2015. In the letter they said the application complies with all GMD #2s rules and Regulations, K.A.R. 5-22-1 through 5-22-17, and recommended approval of the application subject to the quantity of water and maximum rate of diversion being limited to 221 acre-feet and 2000 gallons per minute when combined with Water Right #6809A.

Bardshar Brothers
Application, File No. 49,217
Page 2

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.

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 March 25, 2015. Based on the above discussion, recommendation from GMD #2, 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

Bardshar Brothers
Jim Bardshar
25132 W 101st St N
Mount hope, KS 67108-9740

February 20, 2017

FILE COPY

RE: Application, File No. 49,217

Dear Mr. Bardshar:

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.

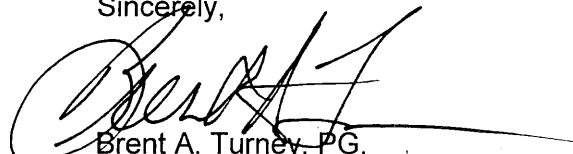
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide 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
GMD No. 2



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. 49,217** of the applicant

**BARDSHAR BROTHERS
JIM BARDSHAR
25132 W 101ST ST N
MOUNT HOPE KS 67108-9740**

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 **November 14, 2014**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
14 25S 3W							24	5			35	7					71	
15 25S 3W				32										33			34	99
Total																		170

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well, which is to be located in Lot 2 of Section 15, more particularly described as being near a point 2848 feet North and 1221 feet West of the Southeast corner of said section, in Township 25 South, Range 3 West, Sedgwick 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 **2,000 gallons per minute (4.456 c.f.s.)** and to a quantity not to exceed **221 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, 2018** 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, 2022** 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 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.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. 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.
16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
17. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 6,809A, will provide a total **not to exceed 221 acre-feet** of water per calendar year, for irrigation use on the land described herein.
18. That the rate of diversion of water approved under this permit is further limited to the rate which combined with Water Right, File No. 6,809A, will provide a total **not to exceed 2,000 gallons per minute (4.456 c.f.s.)** from the authorized point of diversion.

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

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

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

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

Ordered this 17th day of February, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 17th day of February, 2017, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

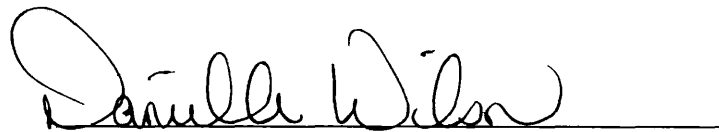
CERTIFICATE OF SERVICE

On this 20th day of February, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,217, dated February 17, 2017 was mailed postage prepaid, first class, US mail to the following:

Bardshar Brothers
Jim Bardshar
25132 W 101st St N
Mount hope, KS 67108-9740

With photocopies to:

Equus Beds Groundwater Management District #2
Stafford Field Office



Division of Water Resources

APPLICATION COMPLETE

Reviewer BJ

THE STATE



OF KANSAS

APPLICATION COMPLETE

Reviewer MJM

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49217

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

WATER RESOURCES
RECEIVED

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

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

NOV 14 2014

1:42
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Bardshar Brothers, c/o Jim Bardshar
Address: 25132 W. 101st Street North
City: Mount Hope State KS Zip Code 67108
Telephone Number: (316) 667-2379

2. The source of water is: surface water in _____ (stream)
OR groundwater in Arkansas River Drainage Basin - Equus Beds (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. Limited to 221 AF + 2000 GPM when combined with # 6809A

3. The maximum quantity of water desired is [#]221 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of [#]2000 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 2 Meets K.A.R. 5-3-1 (YES/NO) Use 122 Source G S County SG By BJ Date 11-17-14
Code REG Fee \$ 300 TR # 1614453 Receipt Date 11/14/14 Check # 592

300
591
11/24/14
DIV
SCANNED

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 _____ quarter of the _____ quarter of the Lot 2 quarter of Section 15, more particularly described as being near a point 2848 feet North and 1221 feet West of the Southeast corner of said section, in Township 25 South, Range 3 East West (circle one), Sedgwick 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):

Bardshar Brothers 25132 W. 101st Street North Mount Hope, KS 67108 316-667-2379

(name, address and telephone number)

(name, address and telephone number)

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

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

Executed on November 10, 2014.

Jim Bardshar
Applicant's Signature

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

7. The proposed project for diversion of water will consist of one well

and (was) will be) completed (by) _____ (number of wells, pumps or dams, etc.)

_____ (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 6/1/2015
(Mo/Day/Year)

SCANNED

- 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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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 #6809-A same point of diversion and same place of use.

WATER RESOURCES
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 NOV 14 2014
 KS DEPT OF AGRICULTURE
 SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	5/3/2013	_____	_____	_____
Total depth of well	155'	_____	_____	_____
Depth to water bearing formation	45'	_____	_____	_____
Depth to static water level	25'	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of **Owner**
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print): **Bardshar Brothers 25132 W. 101st Street North Mount Hope, KS 67108 316-667-2379**
(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 Ats Holstead, Kansas, this 10th day of November, 2014.
(month) (year)

Jim Bardshar
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by T. Boese GMDJ Date: 11-10-14
(office/title)

SCANNED

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

SCANNED

WATER RESOURCES
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NOV 14 2014

KS DEPT OF AGRICULTURE

Wells Within 1/2 Mile

1. Domestic Well
John M. Kountz Revocable Trust
10400 N. 247th Street West
Mount Hope, KS 67108
2. Domestic Well
Mt. Hope Trucking Inc.
3945 N. 247th Street West
Andale, KS 67001
3. Domestic Well
Applicant
4. Domestic Well
Wayne & Haylie Reese
25901 W. Highway K-96
Mount Hope, KS 67108

SCANNED

WATER RESOURCES
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NOV 14 2014

KS DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Bardshar Brothers

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: Bardshar Brothers

ADDRESS: 25132 W. 101st Street North, Mount Hope, KS 67108

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	25S	3W							24	5			35	7					71
15	25S	3W				32										33			34
																			99
																			170

Landowner of Record NAME: _____

ADDRESS: _____

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

Landowner of Record NAME: _____

ADDRESS: _____

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

WATER RESOURCES
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NOV 14 2014

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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
<u>Imano clay loam.</u>	<u>1</u>	<u>.2-.6</u>	<u> </u>
<u>Waldeck sandy loam</u>	<u>6</u>	<u>2-6</u>	<u>9</u>
<u>Avans loam</u>	<u>75</u>	<u>.6-2</u>	<u>7</u>
<u>Vanoss silt loam</u>	<u>16</u>	<u>.6-2</u>	<u>5</u>
<u>Aquolls</u>	<u>2</u>	<u>0-2</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total:	100 %		

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

Estimate the maximum land slope in the field(s): 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
for pivot, & Tailwater pit for flood

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: ~24 psi
(2) What is the sprinkler package design rate? 750 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? ~20 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, Wheat, Milo

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). Will contract with crop consultant

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

SCANNED

WATER WELL RECORD

Form WWC-5

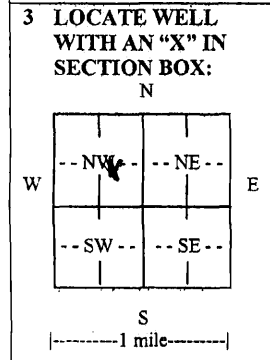
Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Sedgwick Fraction 1/4 1/4 1/4 NW 1/4 Section Number 15 Township No. T 25 S Range Number R 3 [] E [X] W

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here [X]. 247th St. W. and Hwy 96

Global Positioning System (GPS) information: Latitude: Longitude: Elevation: Datum: [] WGS 84, [] NAD 83, [] NAD 27 Collection Method: [] GPS unit, [] Digital Map/Photo, [] Topographic Map, [] Land Survey Est. Accuracy: [] <3 m, [] 3-5 m, [] 5-15 m, [] >15 m

2 WATER WELL OWNER: Jim Bardshar RR#, Street Address, Box #: 25132 W. 101st St. N. City, State, ZIP Code : Mt Hope, KS 67108



4 DEPTH OF COMPLETED WELL 155 ft. Depth(s) Groundwater Encountered (1) 25 ft. (2) ft. (3) ft. WELL'S STATIC WATER LEVEL 25 ft. below land surface measured on mo/day/yr. Pump test data: Well water was ft. after hours pumping gpm EST. YIELD 2500 gpm. Well water was ft. after hours pumping gpm Bore Hole Diameter 30 in. to 155 ft., and in. to ft. WELL WATER TO BE USED AS: [] Public water supply [] Geothermal [] Injection well [] Domestic [] Feedlot [] Oil field water supply [] Dewatering [] Other (Specify below) [X] Irrigation [] Industrial [] Domestic-lawn & garden [] Monitoring well Was a chemical/bacteriological sample submitted to Department? [] Yes [X] No If yes, mo/day/yr sample was submitted Water well disinfected? [X] Yes [] No

5 TYPE OF CASING USED: [] Steel [X] PVC [] Other CASING JOINTS: [X] Glued [] Clamped [] Welded [] Threaded Casing diameter .16 in. to .155 ft., Diameter in. to ft., Diameter in. to ft. Casing height above land surface 12/17/12 in., Weight 160 lbs./ft., Wall thickness or gauge No. SCH40 TYPE OF SCREEN OR PERFORATION MATERIAL: [] Steel [] Stainless Steel [X] PVC [] Other (Specify) [] Brass [] Galvanized Steel [] None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: [] Continuous slot [] Mill slot [] Gauze wrapped [] Torch cut [] Drilled holes [] None (open hole) [] Louvered shutter [] Key punched [] Wire wrapped [X] Saw cut [] Other (specify) SCREEN-PERFORATED INTERVALS: From 95 ft. to 155 ft., From ft. to ft. GRAVEL PACK INTERVALS: From 20 ft. to 155 ft., From ft. to ft.

6 GROUT MATERIAL: [] Neat cement [] Cement grout [X] Bentonite [] Other Grout Intervals: From 3 ft. to 20 ft., From ft. to ft., From ft. to ft. What is the nearest source of possible contamination: [] Septic tank [] Lateral lines [] Pit privy [] Livestock pens [] Insecticide storage [] Other (specify below) [] Sewer lines [] Cesspool [] Sewage lagoon [] Fuel storage [X] Abandoned water well [] Watertight sewer lines [] Seepage pit [] Feedyard [] Fertilizer storage [] Oil well/gas well Direction from well North Distance from well 50

Table with columns: FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows: 0' to 3' Topsoil, 3' to 45' Clay, 45' to 85' Medium sand to medium gravel, 85' to 90' Fine sand/clay, 90' to 155' Medium sand to medium gravel. Includes text: WATER RESOURCES RECEIVED NOV 14 2014 KS DEPT OF AGRICULTURE

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was [X] constructed, [] reconstructed, or [] plugged under my jurisdiction and was completed on (mo/day/year) 05/03/2013 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 238 This Water Well Record was completed on (mo/day/year) 05/22/2013 under the business name of Premier Pump & Well Service Inc. by (signature)

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5524. Send one copy to WATER WELL OWNER and retain one for your records. I include fee of \$5.00 for each constructed well. Visit us at http://www.kdheks.gov/waterwell/index.html

11-11-14

(Date)

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

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

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

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

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

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

Jim Bardshar
Signature of Applicant

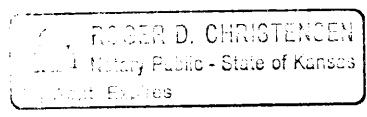
State of Kansas)
County of Sedgwick) ss

Jim Bardshar
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 11 day of Nov, 2014.

Roger D Christensen
Notary Public

My Commission Expires:
29th of Feb 2016



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WATER RESOURCES
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NOV 14 2014

**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

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

2848 ft N and 1221 ft W of the SE Corner of Section 15, T 25S, R 3W

Located at: 97.632541 West Longitude and 37.876550 North Latitude

49217

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__	4025	00	IRR	NK	G	8247	--	--	NC	NE	3950	1310	11	25	3W	4	73.00	73.00	AF	
A__	5220	00	IRR	NK	G	9495	--	NC	E2	NE	-----	-----	27	25	3W	1	283.00	88.00	AF	
A__	6809	A	IRR	NK	G	0	--	--	--	--	2848	1221	15	25	3W	5	105.00	105.00	AF	
A__	11785	00	IRR	NK	G	10341	--	--	CW	NW	-----	-----	27	25	3W	2	52.00	52.00	AF	
A__	17305	00	IRR	NK	G	8307	--	CN	NE	NW	5200	3300	11	25	3W	2	77.00	77.00	AF	
A__	17306	00	IRR	NK	G	7751	--	NE	NW	NW	-----	-----	11	25	3W	3	80.00	80.00	AF	
A__	17307	00	IRR	NK	G	9091	--	--	NC	SE	1320	1325	3	25	3W	6	165.00	165.00	AF	
A__	17952	00	IRR	NK	G	6816	--	SW	SW	NW	2660	5250	22	25	3W	4	171.00	171.00	AF	
A__	22788	00	IRR	NK	G	8247	--	--	NC	NE	3950	1310	11	25	3W	4	98.00	98.00	AF	
A__	25862	00	IRR	NK	G	4024	--	SW	NW	SW	1950	5150	15	25	3W	3	80.00	80.00	AF	
A__	29445	00	IRR	NK	G	6072	--	NE	SW	SE	727	1605	16	25	3W	6	173.00	173.00	AF	
A__	30789	00	IRR	NK	G	4069	--	NC	SW	SW	600	4630	15	25	3W	4	109.00	109.00	AF	
A__	31269	00	IRR	NK	G	2852	--	--	NC	SW	1400	3960	14	25	3W	1	68.00	68.00	AF	
A__	32496	00	IRR	NK	G	6072	--	NE	SW	SE	727	1605	16	25	3W	6	50.00	.00	AF	
A__	32731	00	IRR	NK	G	8787	--	NW	SW	SW	960	5220	2	25	3W	3	120.00	120.00	AF	
A__	32878	00	IRR	NK	G	10264	--	SW	NW	SW	1663	5233	3	25	3W	5	137.00	137.00	AF	
A__	32881	00	IRR	NK	G	10449	--	--	NC	SE	1340	1300	2	25	3W	5	173.00	173.00	AF	
A__	32938	00	MUN	NK	G	9452	--	SW	SW	SW	525	5080	16	25	3W	3	80.50	80.50	AF	
Same						9666	--	SW	NW	NW	4105	4700	21	25	3W	5	80.50	.00	AF	
A__	34693	00	IRR	NK	G	7653	--	NC	SW	SW	660	4620	23	25	3W	8	85.00	85.00	AF	
A__	35562	00	IND	NK	G	10482	--	SW	SW	NW	2800	4930	21	25	3W	3	1.53	1.53	AF	
A__	35737	00	REC	NK	G	7388	--	NW	SE	SW	1174	3867	23	25	3W	1	7.20	7.20	AF	
A__	36068	00	IRR	NK	G	9503	--	SE	SE	SE	590	640	23	25	3W	10	49.00	49.00	AF	
A__	36145	00	IRR	NK	G	7349	--	--	NC	SW	1320	3920	22	25	3W	5	114.00	114.00	AF	
A__	40038	00	IRR	NK	G	7670	--	SW	NW	SW	1540	5250	12	25	3W	5	138.00	138.00	AF	
A__	40357	00	IRR	NK	G	8697	--	--	NC	2630	2630	21	25	3W	4	182.00	182.00	AF		
A__	40637	00	REC	NK	G	6489	--	SW	NW	SW	1780	4939	23	25	3W	9	62.00	62.00	AF	
A__	41646	00	IRR	NK	G	8174	--	NW	NE	NW	5232	3940	10	25	3W	3	98.00	98.00	AF	
A__	42547	00	IRR	NK	G	9842	--	NW	NW	NE	5189	2113	9	25	3W	1	190.00	190.00	AF	
A__	43879	5	DOM	NK	G	2828	--	--	--	--	3950	3850	14	25	3W	4	10.99	10.99	AF	
A__	45849	00	IRR	LR	G	7349	--	--	NC	SW	1320	3920	22	25	3W	5	91.40	91.40	AF	
A__	47099	00	REC	LR	G	9528	--	SE	NE	SE	1825	100	17	25	3W	9	6.23	6.23	AF	
A__	47579	00	IRR	LO	G	5058	--	NE	SW	SE	1300	1615	14	25	3W	7	G 2	208.00	208.00	AF
Same						5340	--	--	NC	SE	1300	1320	14	25	3W	5	B 2			
Same						4777	--	NE	SW	SE	1300	1910	14	25	3W	6	B 2			
A__	48199	00	IRR	KE	G	4192	NC	E2	E2	SW	1320	3015	10	25	3W	4	115.70	115.70	AF	
A__	49215	00	IRR	AY	G	9503	--	SE	SE	SE	590	640	23	25	3W	10	71.50	.00	AF	
A__	49217	00	IRR	AY	G	0	--	--	--	--	2848	1221	15	25	3W	5	221.00	221.00	AF	
T__	20127624	MF	IRR	GY	G	8697	--	--	NC	2630	2630	21	25	3W	4		641.25	.00	AF	
VSG	91	00	REC	AA	G	10193	--	NW	SE	NW	-----	-----	26	25	3W	2	5.00	5.00	AF	

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	221.00	.00
Total Permitted Amount (AF) =	115.70	.00
Total Inspected Amount (AF) =	305.63	.00
Total Pro_Cert Amount (AF) =	.00	.00

Total Certified Amount (AF) =	2787.22	.00
Total Vested Amount (AF) =	5.00	.00
TOTAL AMOUNT (AF) =	3434.55	.00

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

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

97.632541 West Longitude and 37.876550 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 4025 00 IRR NK G

> DON BRANDENBERGER

>

> PO BOX 104

> MOUNT HOPE KS 67108

>-----

A__ 5220 00 IRR NK G

> NICHOLAS F & BARBARA L MARTIN TRUST

>

> 8700 N 247 W

> MOUNT HOPE KS 67108

>-----

A__ 6809 A IRR NK G

> BARDSHAR BROTHERS LLC

> JIM BARDSHAR

> 25132 W 101ST ST N

> MOUNT HOPE KS 67108

>-----

A__ 11785 00 IRR NK G

> NICHOLAS J MARTIN

>

> 8700 N 247TH ST W

> MOUNT HOPE KS 67108

>-----

A__ 17305 00 IRR NK G

> WARREN F & ELAINE K MILLER

>

> 14800 E FOUNTAIN RD

> MOUNT HOPE KS 67108

>-----

A__ 17306 00 IRR NK G

> WARREN F & ELAINE K MILLER

>

> 14800 E FOUNTAIN RD

> MOUNT HOPE KS 67108

>-----

A__ 17307 00 IRR NK G

> WARREN F & ELAINE K MILLER

#49,217

>
> 14800 E FOUNTAIN RD
> MOUNT HOPE KS 67108

A__ 17952 00 IRR NK G
> ROBERT L ELLIOTT ET AL
>
> 26104 W 101ST ST N
> MOUNT HOPE KS 67108

A__ 22788 00 IRR NK G
> DON BRANDENBERGER
>
> PO BOX 104
> MOUNT HOPE KS 67108

A__ 25862 00 IRR NK G
> ROBERT L ELLIOTT ET AL
>
> 26104 W 101ST ST N
> MOUNT HOPE KS 67108

A__ 29445 00 IRR NK G
> BRUCE SEILER
>
> 13940 W 93RD ST N
> SEDGWICK KS 67135

A__ 30789 00 IRR NK G
> ROBERT L ELLIOTT ET AL
>
> 26104 W 101ST ST N
> MOUNT HOPE KS 67108

A__ 31269 00 IRR NK G
> LOUIS M & ROBERTA J STRUNK
>
> 9200 N 199TH ST W
> COLWICH KS 67030

A__ 32496 00 IRR NK G
> BRUCE SEILER
>
> 13940 W 93RD ST N
> SEDGWICK KS 67135

A__ 32731 00 IRR NK G
> MCCURRY BROTHERS
> CECIL MCCURRY
> PO BOX 398
> MOUNT HOPE KS 67108

A__ 32878 00 IRR NK G

> JOHN A YOUNG
>
> 12220 N 263RD ST W
> BURRTON KS 67020

A__ 32881 00 IRR NK G

> JOHN A YOUNG
>
> 12220 N 263RD ST W
> BURRTON KS 67020

A__ 32938 00 MUN NK G

> CITY OF MOUNT HOPE
> 112 W MAIN
> PO BOX 10
> MOUNT HOPE KS 67108

A__ 34693 00 IRR NK G

> MICHAEL S & MONIQUE M ARNDT
>
> 24400 W 93RD N
> MOUNT HOPE KS 67108

A__ 35562 00 IND NK G

> FARMERS COOP ELEVATOR CO
>
> 302 WEST 1ST
> HALSTEAD KS 67056

A__ 35737 00 REC NK G

> JAMIE B COULTER
>
> PO BOX 12248
> WICHITA KS 67277

A__ 36068 00 IRR NK G

> BARDSHAR BROTHERS
> JIM BARDSHAR
> 25132 W 101ST ST N
> MOUNT HOPE KS 67108

A__ 36145 00 IRR NK G

> ORAN K & DEBRA K WINTER
>
> 25930 W 77TH ST N
> MOUNT HOPE KS 67108

A__ 40038 00 IRR NK G

> RANDY L & DEBRA K ONEAL
>
> 12625 SW 96TH ST

#49,217

> SEDGWICK KS 67135

A__ 40357 00 IRR NK G
> CALVIN E KISSICK REVOCABLE TRUST
>
> 2541 N LAKE RIDGE CIR
> WICHITA KS 67205

A__ 40637 00 REC NK G
> JAMIE B COULTER
>
> PO BOX 12248
> WICHITA KS 67277

A__ 41646 00 IRR NK G
> CECIL MCCURRY
>
> PO BOX 398
> MOUNT HOPE KS 67108

A__ 42547 00 IRR NK G
> WARREN F & ELAINE K MILLER
>
> 14800 E FOUNTAIN RD
> MOUNT HOPE KS 67108

A__ 43879 5 DOM NK G
> RECREATIONAL FILE
>
> GROUNDWATER PIT
> ALLSTATE MO 00000

A__ 45849 00 IRR LR G
> ORAN K & DEBRA K WINTER
>
> 25930 W 77TH ST N
> MOUNT HOPE KS 67108

A__ 47099 00 REC LR G
> CITY OF MOUNT HOPE
> 112 W MAIN
> PO BOX 10
> MOUNT HOPE KS 67108

A__ 47579 00 IRR LO G
> GLAVES FAMILY FARMS LLC
>
> 155 N MARKET ST STE 1050
> WICHITA KS 67202

A__ 48199 00 IRR KE G
> MCCURRY BROTHERS PARTNERSHIP

>
> 1811 N 215 ST WEST
> SEDGWICK KS 67135

>-----

A__ 49215 00 IRR AY G
> BARDSHAR BROTHERS
> JIM BARDSHAR
> 25132 W 101ST ST N
> MOUNT HOPE KS 67108

>-----

A__ 49217 00 IRR AY G
> BARDSHAR BROTHERS
> JIM BARDSHAR
> 25132 W 101ST ST N
> MOUNT HOPE KS 67108

>-----

T_20127624 MF IRR GY G
> CALVIN E KISSICK REVOCABLE TRUST
>
> 2541 N LAKE RIDGE CIR
> WICHITA KS 67205

>-----

VSG 91 00 REC AA G
> N F MARTIN
> 8700 N 247 ST WEST
> RR 1 BOX 36
> MOUNT HOPE KS 67108

>-----

=====

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

May 28, 2015

John M. Kountz Revocable Trust
10400 N. 247th Street West
Mount Hope, KD 67108

Re: Pending Application, File No. 49,217

Dear Sir or Madam:

This is to advise you that the Bardshar Brothers have filed the application referred to above for a permit to appropriate 221 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 2000 gallons per minute. The proposed point of diversion for 49,217 is an existing well located as follows:

In Lot 2 of Section 23, Township 25 South, Range 3 West, Sedgwick 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 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

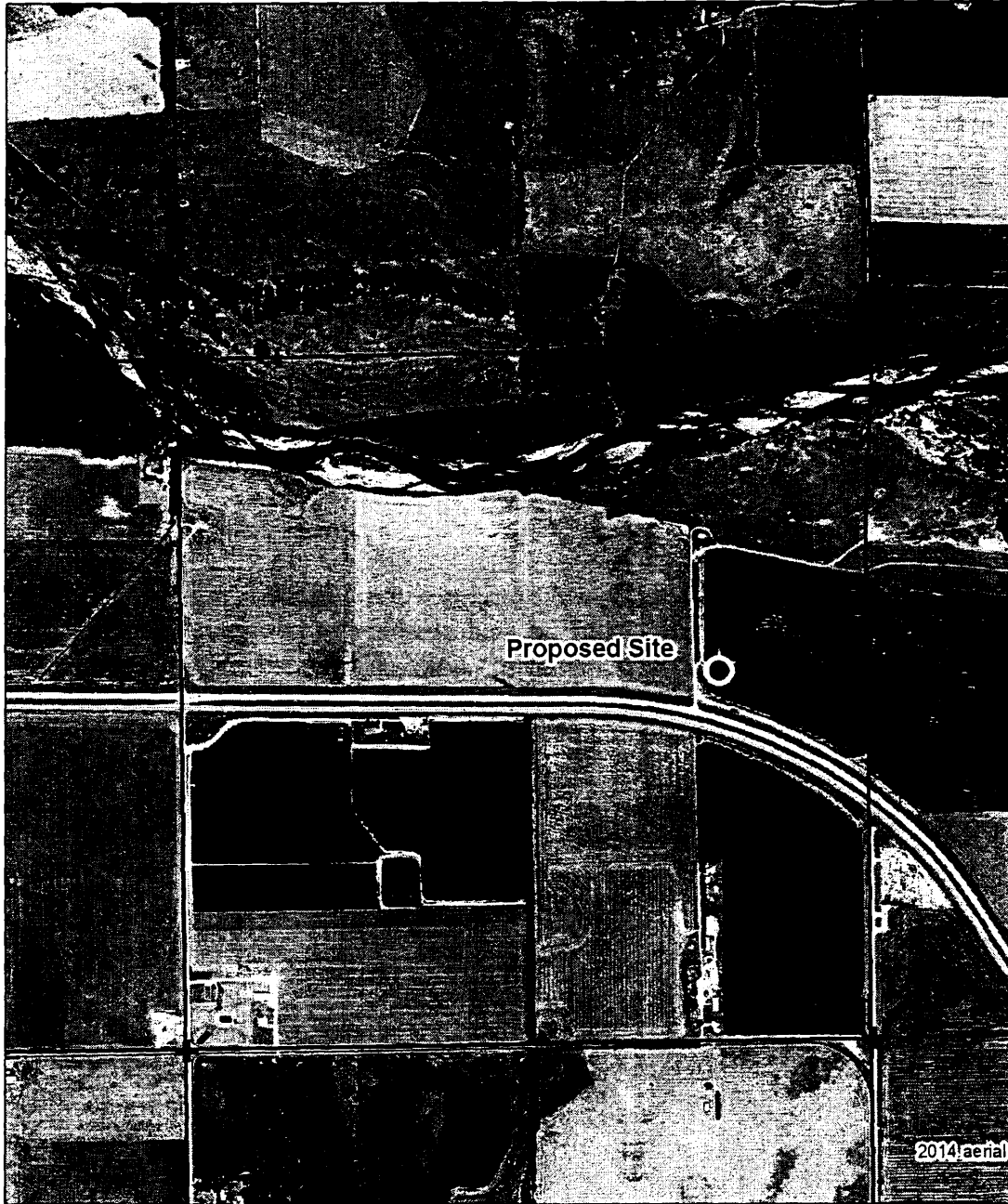
Kansas

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

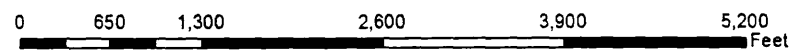
Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor



Legend

+ Section Corners
□ Section Lines

MJM-DWR 5/28/15
1:12,000



Proposed Water Appropriation, File No. 49,217
15-25S-3W
Sedgwick 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

May 28, 2015

Mount Hope Trucking Inc.
3945 N. 247th Street West
Andale, KS 67001

Re: Pending Application, File No. 49,217.

Dear Sir or Madam:

This is to advise you that the Bardshar Brothers have filed the application referred to above for a permit to appropriate 221 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 2000 gallons per minute. The proposed point of diversion for 49,217 is an existing well located as follows:

In Lot 2 of Section 23, Township 25 South, Range 3 West, Sedgwick 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 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

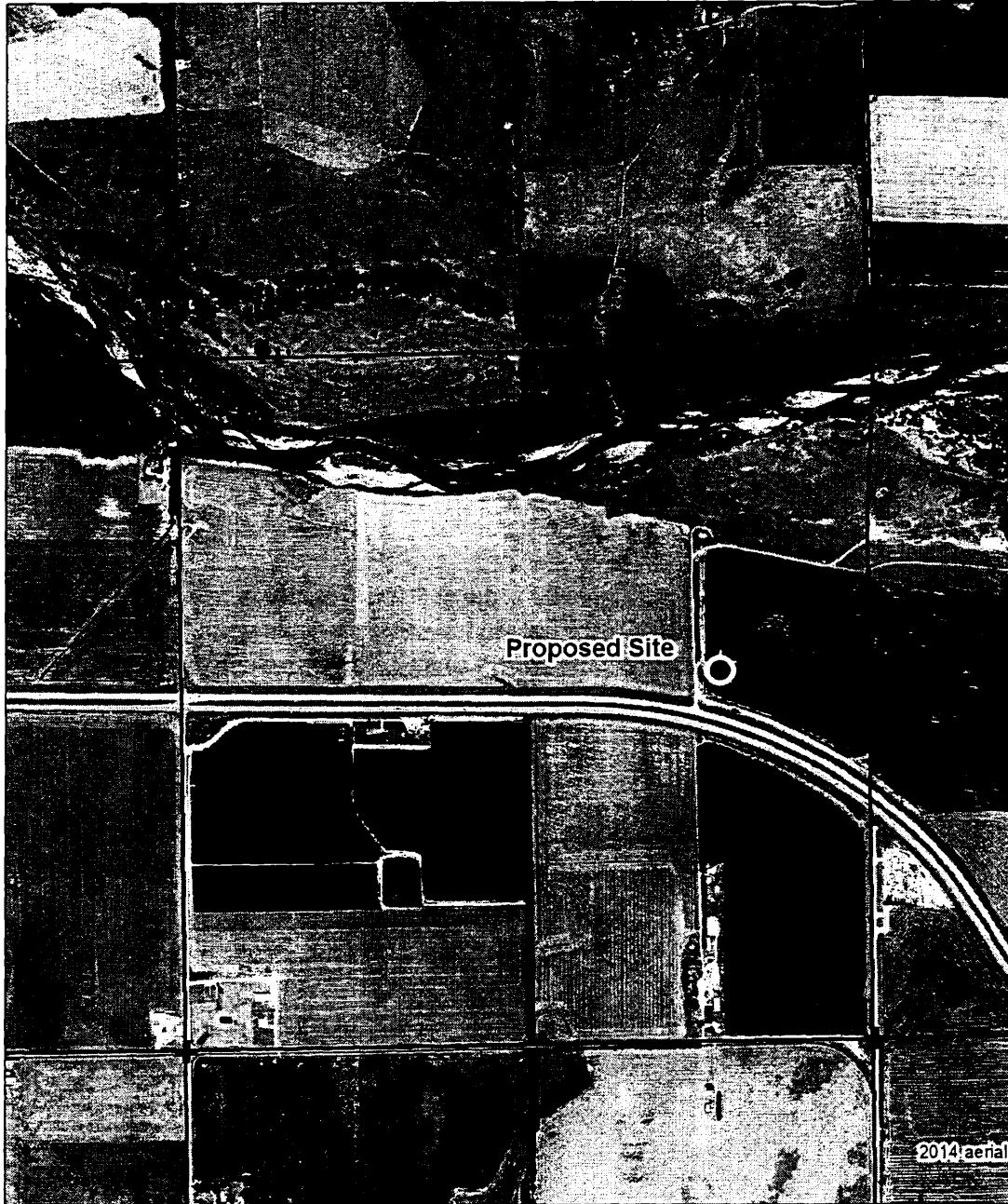
Kansas

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

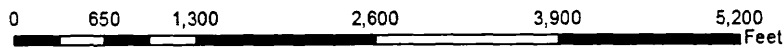
Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor



Legend

- Section Corners
- Section Lines

MJM-DWR 5/28/15
1:12,000



Proposed Water Appropriation, File No. 49,217
15-25S-3W
Sedgwick 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
Sam Brownback, Governor

May 28, 2015

Wayne & Haylie Reese
25901 W. Highway K-96
Mount Hope, KS 67108

Re: Pending Application, File No. 49,217

Dear Sir or Madam:

This is to advise you that the Bardshar Brothers have filed the application referred to above for a permit to appropriate 221 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 2000 gallons per minute. The proposed point of diversion for 49,217 is an existing well located as follows:

In Lot 2 of Section 23, Township 25 South, Range 3 West, Sedgwick 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 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.

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

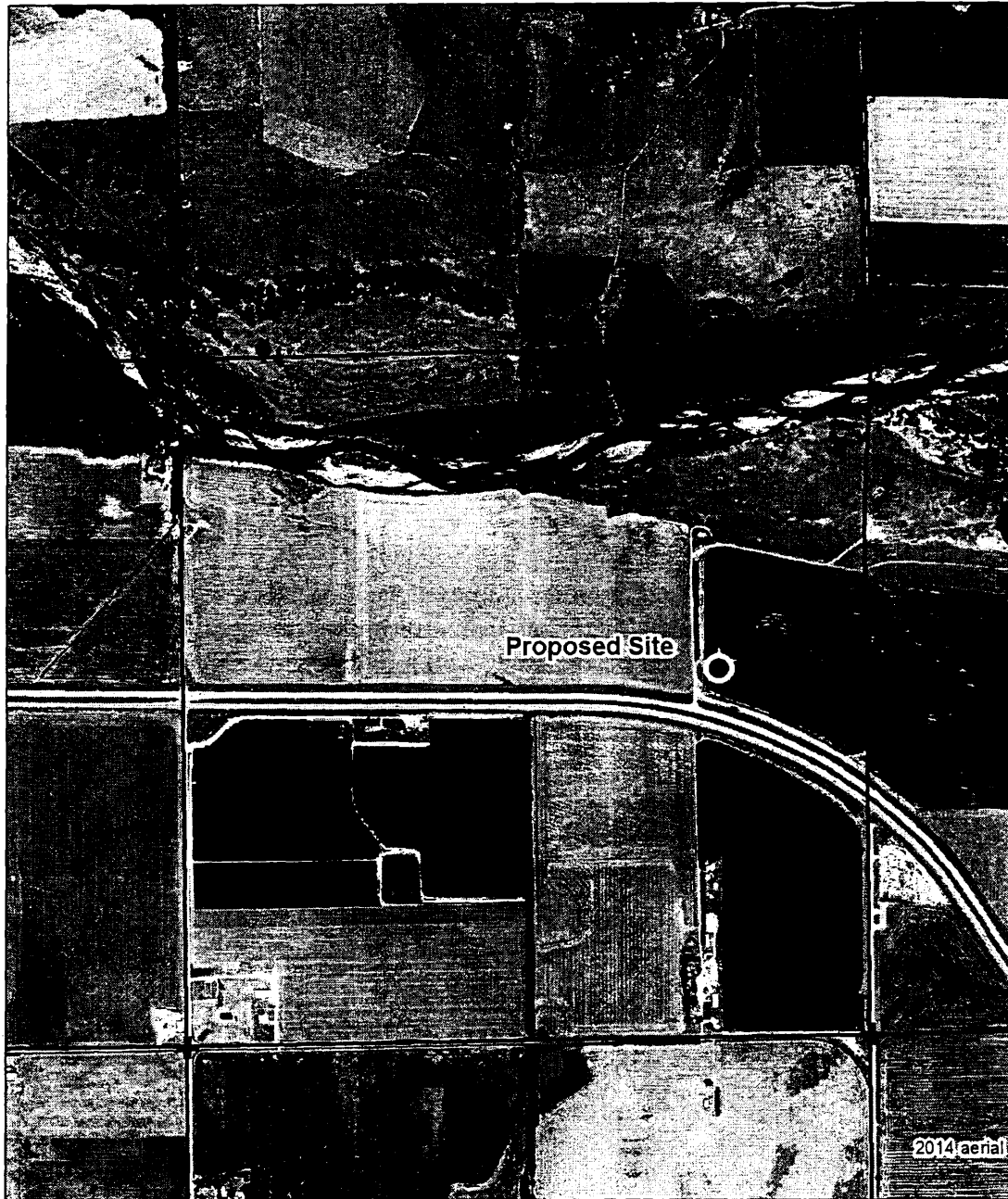
Kansas

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Stafford, Kansas 67578-1521

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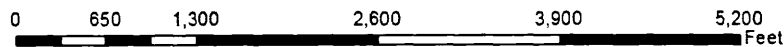
Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor



Legend

- + Section Corners
- Section Lines

MJM-DWR 5/28/15
1:12,000



Proposed Water Appropriation, File No. 49,217
15-25S-3W
Sedgwick County



Kansas

Department of Agriculture
Division of Water Resources

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www.agriculture.ks.gov
Sam Brownback, Governor

June 17, 2015

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

Re: Pending Application, File No. 49,217

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 May 28, 2015. No response of any kind was 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:

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

July 24, 2015

Chief Engineer, Division of Water Resources
Attn: Matt Meier
300 S. Main Street
Stafford, Kansas 67578

Re: Application 49217 – Bardshar Brothers

Dear Mr. Meier:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced application on July 24, 2015, 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 application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

Based upon the review, the application is recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to the quantity of water and maximum rate of diversion being limited to 221 acre-feet per year and 2000 gallons per minute when combined with Water Right #6809A.

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.

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: Bardshar Brothers, c/o Jim Bardshar, Applicant and Landowner



RECEIVED

JUL 27 2015

:\MSOFFICE\LETTERS\APP\NewApp\Recommendation\Approve\#49217_Bardshar.docx

Stafford Field Office
Division of Water Resources



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



DIRECTORS:
DAVID BOGNER
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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

July 24, 2015

Bardshar Brothers
c/o Jim Bardshar
25132 W. 101st Street North
Mount Hope, KS 67108

Re: Appropriation Application No. 49217

Dear Mr. Bardshar:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that Appropriation Application No. 49217 be approved. Pursuant to K.A.R. 5-22-4a, the well described in the application must be equipped with a District approved water flowmeter:

The well is located in Lot 2 of Section 15, Township 25 South, Range 3 West, Sedgwick County.

The well must be properly equipped with an approved meter within 30 days after the approved well is operational and prior to operation of the well. If more time is needed to install the meter or modify an existing meter installation, you may request an extension of time. The request must be made to the District before the end of the 30-day period.

Enclosed is a Flow Meter Installation form to be completed and returned to this office after completion of the meter installation or modifications. A copy of the Division of Water Resources' meter installation notification form (Notice and Proof of Completion of Works) may be substituted for the District form. Upon receiving the completed form, the District will inspect the installation.

Also enclosed is a copy of water meter and installation specifications. Water meters must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/STF

Enclosures

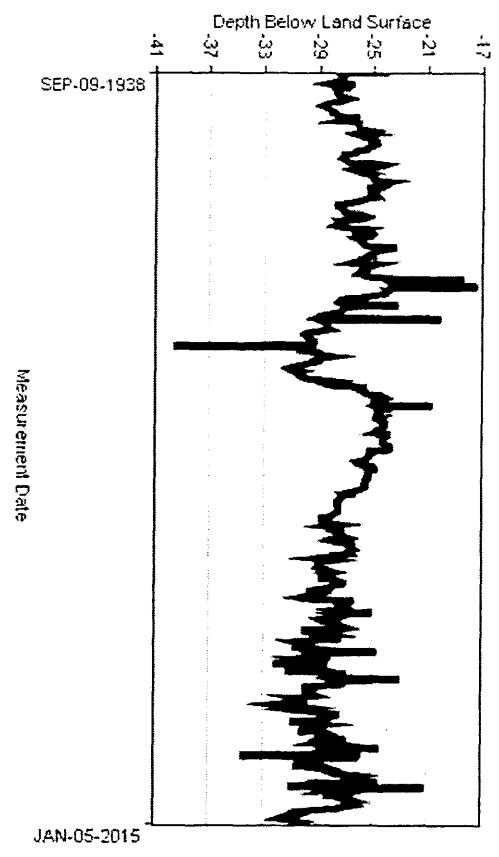
pc: Jeff Lanterman, Division of Water Resources, Stafford

RECEIVED

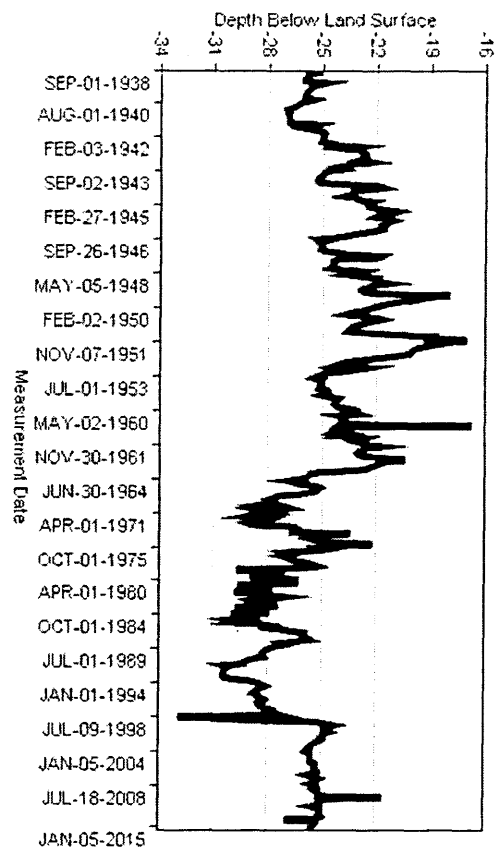
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Stafford Field Office
Division of Water Resources

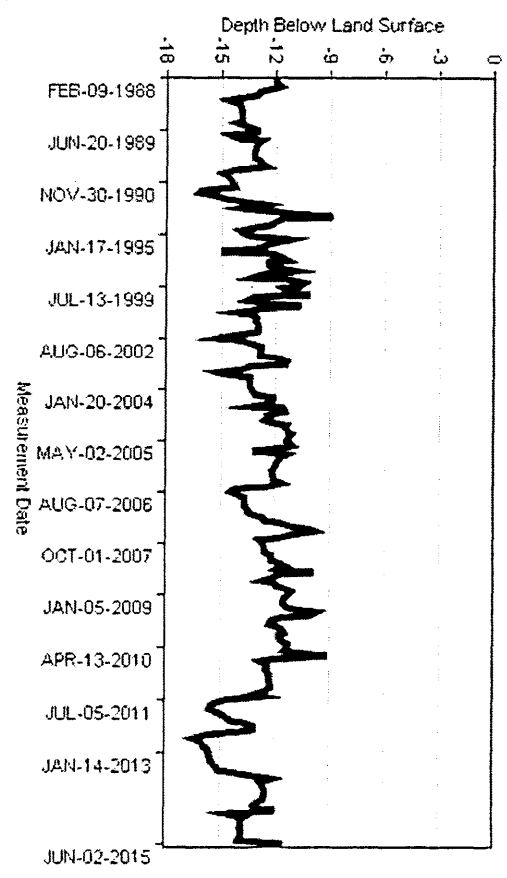
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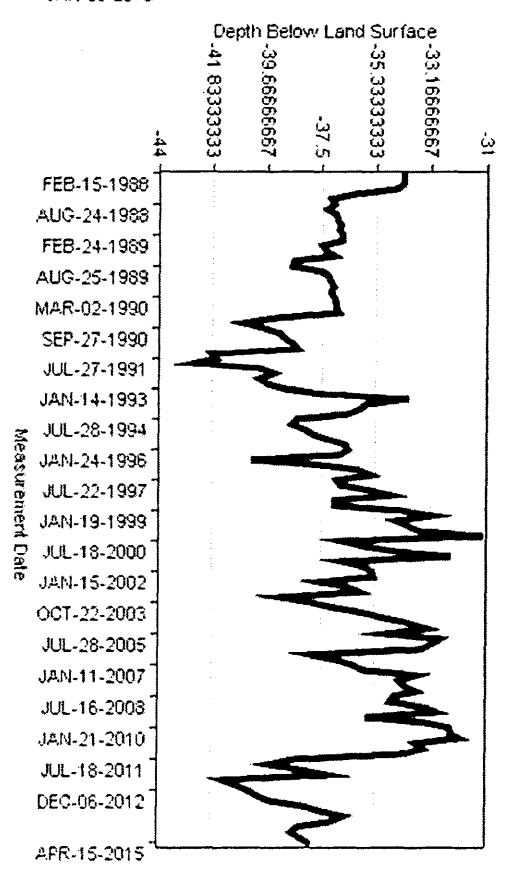
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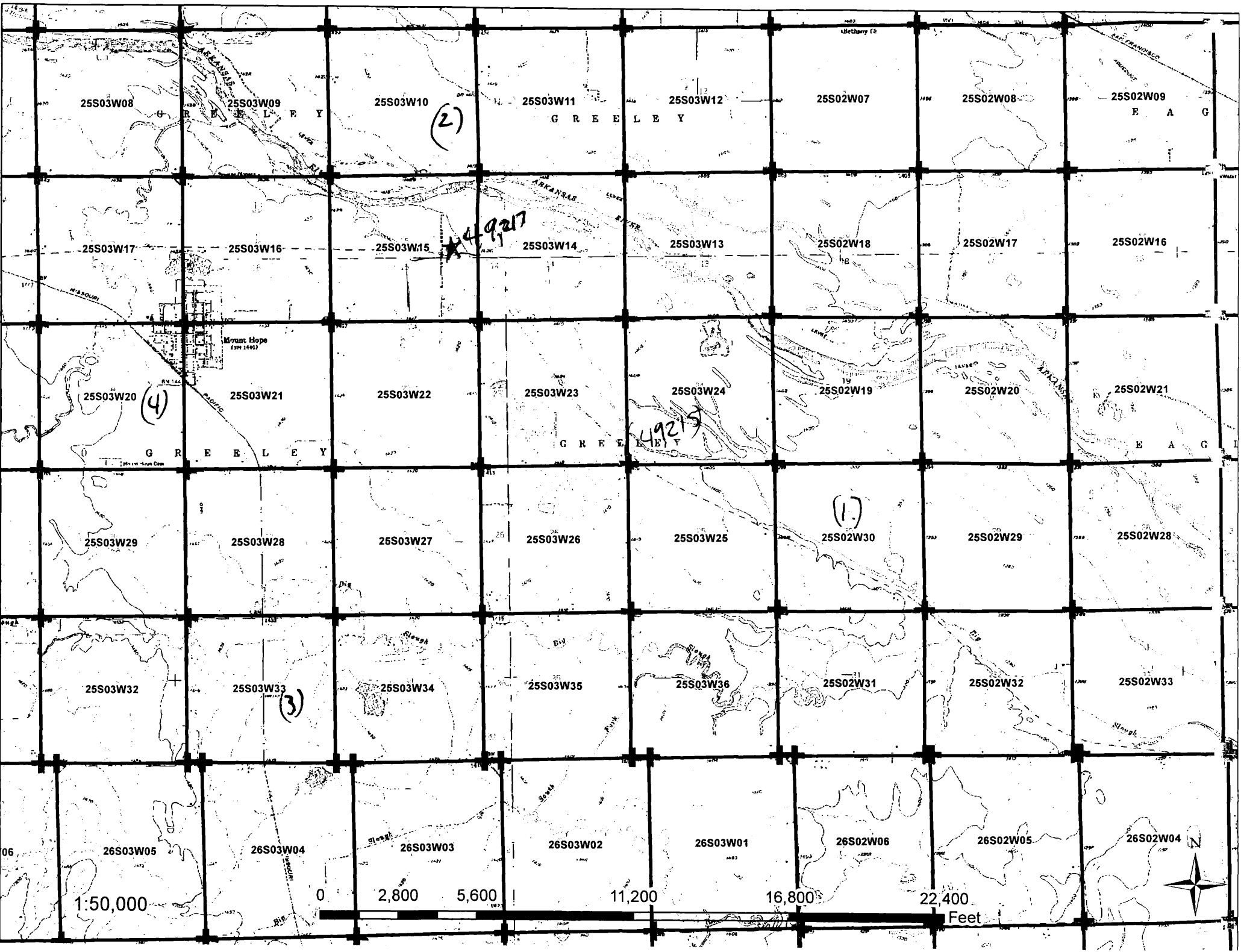


(2) 25S2W30^{3W}



(4) 25S3W20





25S03W08

25S03W09

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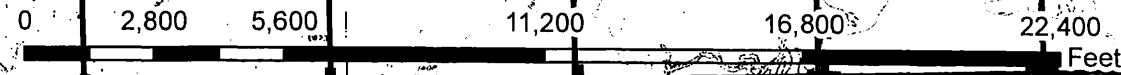
26S03W01

26S02W06

26S02W05

26S02W04

1:50,000



Lanterman, Jeff

From: Kopp, Kenneth
Sent: Tuesday, July 28, 2015 2:46 PM
To: Lanterman, Jeff; Grady, Wendee; Letourneau, Lane; Meier, Matt
Cc: Large, Robert
Subject: RE: 49217 (6809A) 2016 suspension

Seems like we could add a condition to the permit indicating that all non-domestic water use remains suspended until the end of the 2016 calendar year.

Ken

From: Lanterman, Jeff
Sent: Tuesday, July 28, 2015 2:42 PM
To: Grady, Wendee; Letourneau, Lane; Kopp, Kenneth; Meier, Matt
Cc: Large, Robert
Subject: RE: 49217 (6809A) 2016 suspension

Tim did the safe yield for them. It is in GMD 2. If it meets the other rules it probably can be approved.

I have never included a suspension in a new permit approval. But I have never had one quite like this.

From: Grady, Wendee
Sent: Tuesday, July 28, 2015 2:36 PM
To: Lanterman, Jeff; Letourneau, Lane; Kopp, Kenneth; Meier, Matt
Cc: Large, Robert
Subject: RE: 49217 (6809A) 2016 suspension

Jeff,

That sounds like a pretty large quantity. Do you think it is approvable?

Can you recall if DWR has ever conditioned a water right like this – by approving it but imposing a suspension in the first year? (or can you recall a time when another water right owner has tried something similar?) Robert and I have talked about it, and specifically about 45,601, where I think we have said that if they want to apply for new water, they can – we wouldn't try to impose a 10-year suspension.

Wendee D. Grady, Staff Attorney

Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502*
tel.: (785) 564-6717 (direct) | fax: (785) 564-6777**
wendee.grady@kda.ks.gov

www.agriculture.ks.gov

*New address as of June 16, 2014.

**New phone and fax numbers as of June 16, 2014.

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From: Lanterman, Jeff
Sent: Tuesday, July 28, 2015 2:06 PM
To: Letourneau, Lane; Grady, Wendee; Kopp, Kenneth; Meier, Matt
Subject: 49217 (6809A) 2016 suspension

I don't know if you remember this one. They overpumped and then falsified WUR on 6809A. We did a settlement conference and moved the suspend out to 2016.

We have a new app on this point of diversion for the full quantity plus additional water(Tim helped them with it). I would like to maintain a little bit of a penalty here with the suspension in 2016. Is there anything we can do? I would think if we approve it they could just pump under the JR water right. Correct?

Jeff

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

Draft

M E M O R A N D U M

TO: Files

DATE: July 28, 2015

FROM: Matt Meier

RE: Application, File No. 49,217

Bardshar Brothers have filed the referenced application to appropriate groundwater for irrigation use, requesting one (1) well, a quantity of 221 acre-feet, and a diversion rate of 2,000 gallons per minute. The proposed well is to be located in Lot 2 of Section 15, more particularly described as being near a point 2848 feet North and 1221 feet West of the Southeast corner of said section, in Township 25 South, Range 3 West, Sedgwick County, within the Arkansas River drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. Water Right, File No. 6809 overlaps the proposed point of diversion and place of use. The proposed place of use is owned by the Bardshar Brothers. The applicant signed the application form stating that he has legal access to the point of diversion. The application is to be limited to 221 acre-feet at a rate of diversion of 2,000 gallons per minute when combined with Water Right, File No. 6809.

The applicant identified 4 domestic wells within one-half mile of the proposed well and zero non-domestic wells, which WRIS confirmed. Nearby well notification letters were sent out on May 28, 2015. No response of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 31,269) is located 2,852 feet away. Based on the site map the nearest domestic well is approximately 2,100 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2(a) for a single well located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells.

A well log submitted with the application which shows topsoil from 0 to 3 feet, clay from 3 to 45 feet, medium sand and gravel from 45 to 85 feet, fine sand/clay from 85 to 90 feet, and medium sand and gravel from 90 to 155 feet below ground. Static water level was listed at 25 feet which provides a saturated thickness of 130 feet.

The requested quantity of water, 221 acre-feet, is to irrigate the proposed 170 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Sedgwick County, Kansas. The application will be limited to 221 acre-feet when combined with Water Right, File No. 6809. 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.

A copy of the application was submitted to Equus Beds Groundwater management District No. 2 on June 17, 2015. GMD #2 recommended approval of the application in a letter received on July 27, 2015. In the letter they said the application complies with all GMD #2s rules and Regulations, K.A.R. 5-22-1 through 5-22-17, and recommended approval of the application subject to the quantity of water and maximum rate of diversion being limited to 221 acre-feet and 2000 gallons per minute when combined with Water Right #6809.

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.

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, recommendation from GMD #2, 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

7/30/15

Concur w/ Recommendation w/ 2016 Suspension
to be consistent w/ falsification penalty on 6809A
Jff [unclear] [unclear]

new permit, but condition it in a way so that any suspension or reduction of the senior water right could not benefit them. (Somehow state that even if the senior water right is not being used, or is not used to the full extent, because of a penalty imposed for a violation KWAA, then the first 105 AF pumped from that PD is still deemed pumped from the senior file for purposes of determining the authorized quantity and year of record for the junior file.)

What are your thoughts on that approach?

Wendee D. Grady, Staff Attorney

Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502*
tel.: (785) 564-6717 (direct) | fax: (785) 564-6777**
wendee.grady@kda.ks.gov
www.agriculture.ks.gov

*New address as of June 16, 2014.

**New phone and fax numbers as of June 16, 2014.

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From: Kopp, Kenneth
Sent: Tuesday, September 29, 2015 2:09 PM
To: Grady, Wendee <Wendee.Grady@KDA.KS.GOV>
Subject: RE: 49217 (6809A) 2016 suspension

Hi Wendee,

We are still trying to come up with a solution to this problem. The goal is to make sure the penalty remains intact and that Bardshar can't pump water in 2016. Can we place a future effective date of January 1, 2017 as a condition to the new permit? It is somewhat unusual that a new application can be approved to fix the overpumping issues, so we don't have a precedent for this.

Thanks,
Ken

From: Grady, Wendee
Sent: Tuesday, July 28, 2015 2:55 PM
To: Lanterman, Jeff; Kopp, Kenneth; Letourneau, Lane; Meier, Matt
Cc: Large, Robert
Subject: RE: 49217 (6809A) 2016 suspension

That's probably possible, but maybe not advisable. Do we have any precedent for do that (or not doing that) for files in a similar predicament?

Wendee D. Grady, Staff Attorney

Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502*
tel.: (785) 564-6717 (direct) | fax: (785) 564-6777**
wendee.grady@kda.ks.gov
www.agriculture.ks.gov

*New address as of June 16, 2014.

**New phone and fax numbers as of June 16, 2014.

Kopp, Kenneth

From: Kopp, Kenneth
Sent: Friday, December 18, 2015 2:43 PM
To: Grady, Wendee
Cc: Large, Robert; Letourneau, Lane; Lanterman, Jeff
Subject: FW: 49217 (6809A) 2016 suspension

Wendee,

When can you visit with Lane and I about this file? This is not equivalent to a reduction of 1x the water right, because the application asks for everything they are currently authorized, plus additional rate and quantity. So effectively, there is no penalty if we approve the application now and allow Bardshar pump in 2016 under the authority of a new permit. We all feel that the 2016 suspension should stand.

Can we set aside some time to discuss this?

Thanks,
Ken

From: Lanterman, Jeff
Sent: Tuesday, September 29, 2015 4:50 PM
To: Grady, Wendee; Kopp, Kenneth; Letourneau, Lane; Meier, Matt
Cc: Large, Robert
Subject: RE: 49217 (6809A) 2016 suspension

The thing I am concerned about is that they falsified their water use report. Which should be pretty serious.

Without the suspension essentially drying up that $\frac{1}{4}$ in 2016 we are letting them get by without a real penalty at all.

Willing to talk about it though.

From: Grady, Wendee
Sent: Tuesday, September 29, 2015 4:35 PM
To: Kopp, Kenneth; Lanterman, Jeff; Letourneau, Lane; Meier, Matt
Cc: Large, Robert
Subject: RE: 49217 (6809A) 2016 suspension

Ken,

It really feels like we are penalizing them a second time if we don't allow them to get new water for which they qualify. Because of that, we don't think it's appropriate to hold up approval of their new application, or to make it effective only after the 2016 suspension of their current water right. While the effect of the suspension is lessened if they get the new application approved, it still has the effect of a reduction of quantity equal to 1x the water right. I looked back at my emails and notes on this file, and I think we anticipated an application for more water, and also viewed that as a mitigating factor because it will help prevent future overpumping. If we wanted them to not be able to pump new water during the suspension year, we should have proposed that as part of the settlement and put that arrangement in the Consent Agreement. I don't recall that as part of our settlement discussions.

However, it is probably appropriate to prevent them from experiencing a windfall in the amount of water they perfect under the new junior water right while the senior right is suspended. Perhaps the appropriate thing here is to grant the

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From: Lanterman, Jeff
Sent: Tuesday, July 28, 2015 2:52 PM
To: Kopp, Kenneth; Grady, Wendee; Letourneau, Lane; Meier, Matt
Cc: Large, Robert
Subject: RE: 49217 (6809A) 2016 suspension

That sounds like a plan on it.

From: Kopp, Kenneth
Sent: Tuesday, July 28, 2015 2:46 PM
To: Lanterman, Jeff; Grady, Wendee; Letourneau, Lane; Meier, Matt
Cc: Large, Robert
Subject: RE: 49217 (6809A) 2016 suspension

Seems like we could add a condition to the permit indicating that all non-domestic water use remains suspended until the end of the 2016 calendar year.

Ken

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Sent: Tuesday, July 28, 2015 2:06 PM

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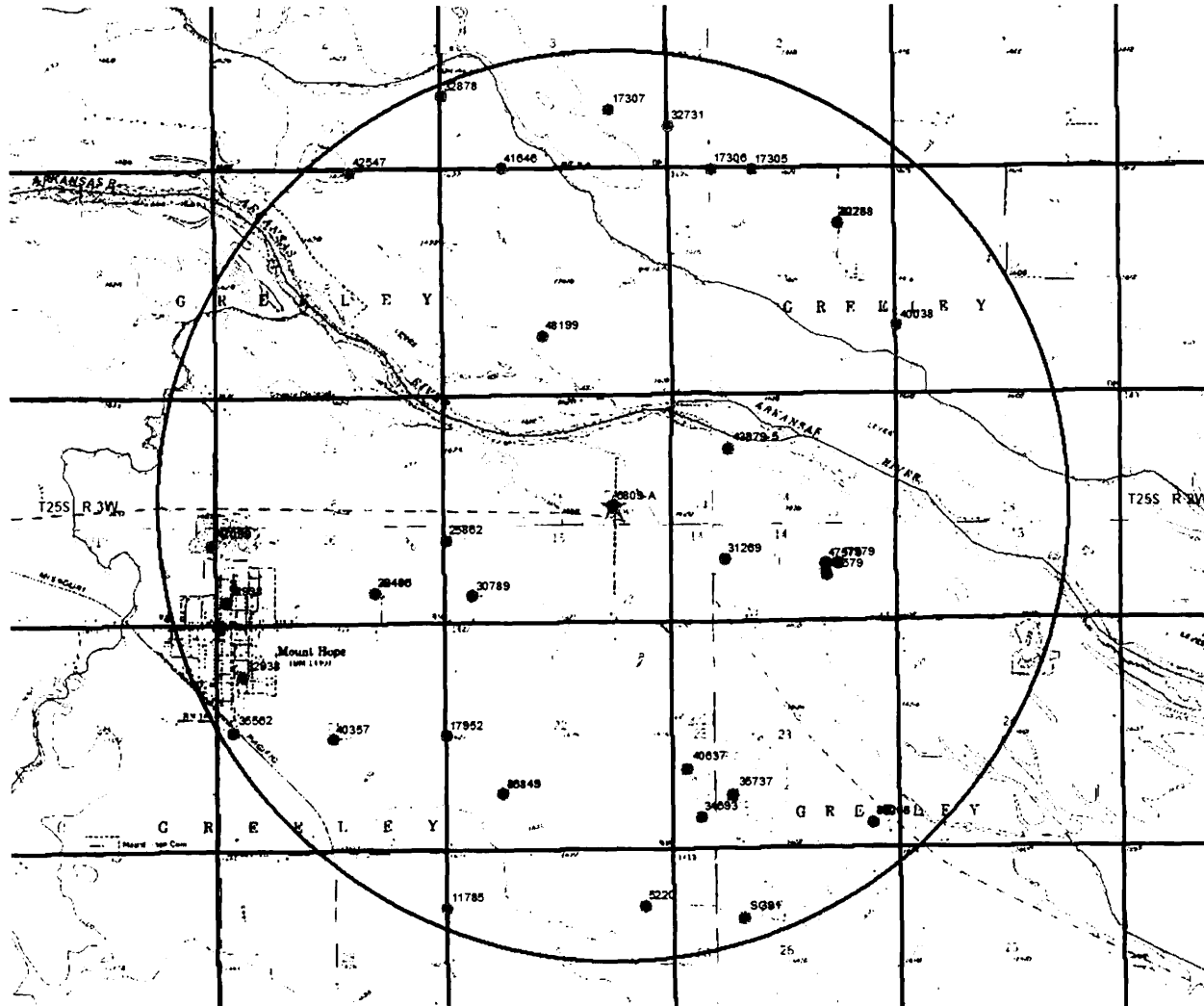
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Jeff

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SESESWNE 15-25S-03W



=====
 Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 4,021.00 AF.
 Total prior appropriation in the circle is 3,063.05 AF.
 Total quantity of water available for appropriation is 957.95 AF.

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 6 inches.
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 18-DEC-2015 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 34 water right(s) and 33 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	4025 00	IRR	NK	G		NC	NE	3950	1310	11	25	03W	4	WR	73.00	73.00	134.00	134.00		
A	5220 00	IRR	NK	G		NC	E2	NE	0	0	27	25	03W	1	WR	283.00	88.00	326.00	0.00	
A	6809 A	IRR	NK	G				2848	1221	15	25	03W	5	WR	105.00	105.00	170.00	170.00		
A	11785 00	IRR	NK	G			CW	NW	0	0	27	25	03W	2	WR	52.00	52.00	79.00	79.00	
A	17305 00	IRR	NK	G		CN	NE	NW	5200	3300	11	25	03W	2	WR	77.00	77.00	113.00	113.00	
A	17306 00	IRR	NK	G			NE	NW	NW	0	0	11	25	03W	3	WR	80.00	80.00	113.00	0.00
A	17307 00	IRR	NK	G			NC	SE	1320	1325	03	25	03W	6	WR	165.00	165.00	130.00	130.00	
A	17952 00	IRR	NK	G			SW	SW	NW	2660	5250	22	25	03W	4	WR	171.00	171.00	129.00	129.00
A	22788 00	IRR	NK	G			NC	NE	3950	1310	11	25	03W	4	WR	98.00	98.00	134.00	0.00	
A	25862 00	IRR	NK	G			SW	NW	SW	1950	5150	15	25	03W	3	WR	80.00	80.00	145.00	145.00
A	29445 00	IRR	NK	G			NE	SW	SE	727	1605	16	25	03W	6	WR	173.00	173.00	157.00	157.00
A	30789 00	IRR	NK	G			NC	SW	SW	600	4630	15	25	03W	4	WR	109.00	109.00	145.00	0.00
A	31269 00	IRR	NK	G			NC	SW	1400	3960	14	25	03W	1	WR	68.00	68.00	75.00	75.00	
A	32496 00	IRR	NK	G			NE	SW	SE	727	1605	16	25	03W	6	WR	50.00	0.00	157.00	0.00
A	32731 00	IRR	NK	G			NW	SW	SW	960	5220	02	25	03W	3	PD	120.00	120.00	240.00	240.00
A	32878 00	IRR	NK	G			SW	NW	SW	1663	5233	03	25	03W	5	WR	137.00	137.00	95.00	95.00
A	32938 00	MUN	NK	G			SW	SW	SW	525	5080	16	25	03W	3	PD	80.50	80.50		
Same		MUN	NK	G			SW	NW	NW	4105	4700	21	25	03W	5	PD	80.50	0.00		

A	34693	00	IRR	NK	G	NC	SW	SW	660	4620	23	25	03W	8	WR	85.00	85.00	64.00	64.00	
A	35562	00	IND	NK	G	SW	SW	NW	2800	4930	21	25	03W	3	WR	1.53	1.53			
A	35737	00	REC	NK	G	NW	SE	SW	1174	3867	23	25	03W	1	WR	7.20	7.20			
A	36068	00	IRR	NK	G	SE	SE	SE	590	640	23	25	03W	10	WR	49.00	49.00	55.00	55.00	
A	36145	00	IRR	NK	G		NC	SW	1320	3920	22	25	03W	5	WR	114.00	114.00	158.00	158.00	
A	40038	00	IRR	NK	G	SW	NW	SW	1540	5250	12	25	03W	5	WR	138.00	138.00	125.00	125.00	
A	40357	00	IRR	NK	G			NC	2630	2630	21	25	03W	4	WR	182.00	182.00	150.00	150.00	
A	40637	00	REC	NK	G	SW	NW	SW	1780	4939	23	25	03W	9	WR	62.00	62.00			
A	41646	00	IRR	NK	G	NW	NE	NW	5232	3940	10	25	03W	3	WR	98.00	98.00	66.00	66.00	
A	42547	00	IRR	NK	G	NW	NW	NE	5189	2113	09	25	03W	1	WR	190.00	190.00	150.00	150.00	
A	43879	5	DOM	NK	G				3950	3850	14	25	03W	4	WR	10.99	10.99			
A	45849	00	IRR	LR	G		NC	SW	1320	3920	22	25	03W	5	WR	91.40	91.40	158.00	0.00	
A	47099	00	REC	LR	G	SE	NE	SE	1825	100	17	25	03W	9	WR	6.23	6.23			
A	47579	00	IRR	LO	G		NC	SE	1300	1320	14	25	03W	5	WR	208.00	208.00	160.00	160.00	
Same			IRR	LO	G		NE	SW	1300	1910	14	25	03W	6	WR					
Same			IRR	LO	G		NE	SW	1300	1615	14	25	03W	7	WR					
A	48199	00	IRR	KE	G	NC	E2	E2	SW	1320	3015	10	25	03W	4	WR	115.70	115.70	97.90	97.90
A	49215	00	IRR	GY	G	SE	SE	SE	590	640	23	25	03W	10	WR	71.50	22.50	55.00	0.00	
V SG	91	00	REC	AA	G	NW	SE	NW	0	0	26	25	03W	2	WR	5.00	5.00			

=====



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

MEMORANDUM

TO: C&E Group.

DATE: 7/30/14

FROM: Jeff Lanterman

RE: File No. 6809A

This files authorized quantity is 105 AF at 2000 GPM on 170 acres. Short water right.

1. This file was brought to my attention by GMD #2 because it has a meter but does not report metered readings.
2. It has a meter but it does not look like a meter was required until a PD change was approved in 2013.
3. The PD change permit condition #6 on the summary order required a meter meeting current regulations be installed and that meter readings and a metered quantity be reported on the water use report.
4. A meter was reported installed 4/15/2013 with an initial reading of zero(0)
5. He reported metered quantities in 2013 does not match is reported flow rate x hours.
6. He reported 50.23AF in 2013.
7. GMD #2 found a meter reading of 182.078AF in a 6/17/14 meter check.
8. I sent a NONC because it appeared he overpumped his permit this year if he used 50 af in 2013. (182.078-50.23 in 2013 = 131.848 used in 14)
9. Jeff Bardshar(son of owner and operator) called and said that they have not used that much water in 2014 and want to continue pumping. I told him that he would have to produce records regarding what he actually pumped in 2013.
10. Jeff Bardshar provided records regarding use so far in 2014. And a fax letter stating that he thought they used 150.23 af in 2013 which is overpumped and possible motive for falsifying the 2013 water use report.
 - a. The system is diesel with the pivot connected to electricity. This place of use is irrigated with flood and pivot. Therefore electric records are only good for the hours that the pivot ran. Not for what the diesel engine ran on the flood ground.
 - b. Records were not good enough to show exactly what was pumped so far in 2014.
11. I discussed this information with Lane Letourneau program manager and the Water Commissioners we came up with an option for him. The option would be to allow him to pump until 210 AF on his meter which would be his full water right for 2013 and 2014. We would then enforce on his falsified 2013 water use report.
12. I relayed this information to Jeff Bardshar and gave him verbal permission to pump his meter to 210 af. I also stated that I would recommend enforcement for the apparently falsified 2013 WUR and he may be suspended next year. Jeff stated they already were planning to plant wheat next year.

**KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
Enforcement Matrix Form**

Date 7/30/2014

File No. 6809A

Subject: Civil penalty recommendation.

Violation: WUR falsification and overpumping

CATEGORY 1

- Threat to divert water without a permit
- Unauthorized Place of Use < 10 acres
- Excessive rate < 115%
- Failure to maintain meter/wm device
- Failure to file a monthly water use report

CATEGORY 2

- Unauthorized Point of Diversion
- Unauthorized Place of Use < 10 acres
- Water Conservation Plan failure
- Waste of Water
- Excessive rate of diversion > 115%
- Failure to install meter
- Failure to make required special reports
- Exceeding authorized annual quantity
- Unauthorized Use Made of Water
- Other: Overpumping and WUR permit conditions

CATEGORY 3

- Meter tampering
- Failure to timely install meter/wm device
- Falsifying water use/other data
- Denying access to DWR personnel
- Violating Cease & Desist Order
- Impediment to securing water
- Violating an IGUCA Order
- Violating an MDS Order

Base Penalty	Adjustment to Base Penalty
\$100.00	
\$100.00	
\$100.00	
\$100.00	
\$100.00	
\$500.00	
\$500.00	
\$500.00	
\$500.00	
\$500.00	
\$500.00	
\$500.00	
\$500.00	
\$500.00	
\$500.00	
\$500.00	
\$1,000.00	
\$1,000.00	
\$1,000.00	
\$1,000.00	
\$1,000.00	
\$1,000.00	
\$1,000.00	

ADDITIONAL INFORMATION

- Quantity Over-pumped: _____ Gal / AF / AI (_____)
- Reduce authorized quantity to 0 Gal / AF / AI for the 2015 season.

SUSPENSION

MODIFY WATER RIGHT (Require AR Gears as well as the meter sealed to the pipe by DWR)

JUSTIFICATION / COMMENTS: See attached memo and water use history.

Penalty: \$1,000

Signed: _____

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 1, 2014

Bardshar Brothers LLC
25132 W 101st ST N
Mount Hope, KS. 67108

RE: Water Right, File No. 6809-A

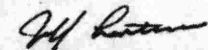
Dear Water Right Owner,

This letter is a follow up to my telephone conversation with Jeff Bardshar on July 22, 2014. In the telephone conversation we discussed the pumping information submitted to me by fax was insufficient to determine the amount that has been pumped so far in 2014. During the phone call I gave verbal permission to pump to 210 acre feet on your flowmeter which would be equal to 105 acre feet for 2013 and 105 acre feet for 2014. A meter reading taken on July 15, 2014 indicated a reading of 200.733 acre feet so you would have 9.267 acre feet left to pump in 2014.

You indicated that you believe that 150.23 acre feet had been applied in 2013 which is in excess of your authorized quantity. Since the metered quantity on your 2013 water use report appears to have been falsified this office is recommending further enforcement to the Chief Engineer.

If you have any questions regarding this matter, please contact me at 620.234.5311.

Sincerely,



Jeff Lanterman
Water Commissioner

pc: Compliance and Enforcement
GMD# 2

Water Use History for File No. 6809-A

Approved Quantity: 105 AF
 Approved Rate: 2,000 g.p.m.

YEAR	Beginning Meter	Ending Meter	Metered Quantity (gal)	Metered Quantity (AF)	Hours	Rate	Calculated Quantity	Field Visit Date	Meter Reading
2010	0	20,760,000	20,760,000	63.71	346	1,000	63.7		
2011	<i>not reported</i>		---	---	436	1,000	80.3		
2012	<i>not reported</i>		26,400,000	81.02	440	1,000	81.0		
2013	<i>not reported</i>		16,368,000	50.23	233	1,000	42.9		
2014								06/17/14	182.078 AF

Action Trail

- 1/24/13 P/D Change Approved
- 5/3/13 P/U Change Approved
- 12/19/13 N&P received--Meter installed 4/15/13 and started at 0.
- 6/17/14 GMD2 Field Visit

Commentary

If 50 AF were diverted in 2013, then 132 have been diverted in 2014 as of 6/17/14, which is in excess of the authorized quantity. Also, meter reads in AF, but the metered quantity was reported as gallons.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

49217

COMPLIANCE & ENFORCEMENT WORKSHEET

1. File No(s) 6809 A	1a. Vested Right Water Right Appropriation of Water	2. FO 02	3. GMD 02
--------------------------------	---	--------------------	---------------------

4. Name and Address PID 64142	4a. PC Name and Address PID
----------------------------------	--------------------------------

5. Type and Purpose of Enforcement Action: <input type="checkbox"/> BRO Violation Over-Pumping	<input type="checkbox"/> Meter Manipulation <input checked="" type="checkbox"/> 2013 False WUR OTHER
--	--

6. Legal Action Trail: Temp Reduced Quant = Y Legal Indicator = N Issue Num = 3

Date	Action Code	Type	Amount Assessed	Amount Paid	Comment
12/08/14	OF	WR VIOLATION	\$ 1,000.00		Falsification of the 2013 WUR
12/08/14	QR	" "			Suspending 2015 authorized qty;
01/12/15	GN	" "			
02/10/15	OF	" "			CAFO CHANGED SUSPENSION TO 2016; \$1000.00 FINE
02/10/15	PX	" "		\$1,000.00	
02/10/15	ZA	WR VIOLATION			

7. Meter Action Trail			
Date	Action Code	Compliance Date	Long Name
12/08/2014	AT		Meter Seal required by DWR Order
12/08/2014	AS		Anti-reverse Totalizer Required by DWR Order

8. Other Information Check No. 600 Check Date: 2/2/2015 Fiscal Code: P-2 <input type="checkbox"/> Name: Bardshar Brothers James J or Don L Bardshar <input type="checkbox"/> Civil Penalty Issued Amount: \$ 1,000.00 <input type="checkbox"/> Civil Penalty Paid Amount: \$ 1,000.00	9. Use of Water Groundwater for Irrigation
---	--

Date Prepared 02/12/2015 By AAT
Date Entered 2/12/2015 By UM

(REVERSE IS BLANK)

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

November 25, 2014

BARDSHAR BROTHERS
JIM BARDSHAR
25132 W 101ST ST, N
MOUNT HOPE KS 67108

RE: Application
File No. 49217

Dear Sir or Madam:

Your application for permit to appropriate water in 15-25S-3W IN Sedwick 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) 564-6643. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richard Rockel
New Application Unit Supervisor
Water Appropriation Program

DWS: al
pc: Stafford Field Office
GMD 2

SCANNED

Application Map - 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.

Jim Bardsley
Signature

11-10-14
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 wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) See Attached
- 2)
- 3)

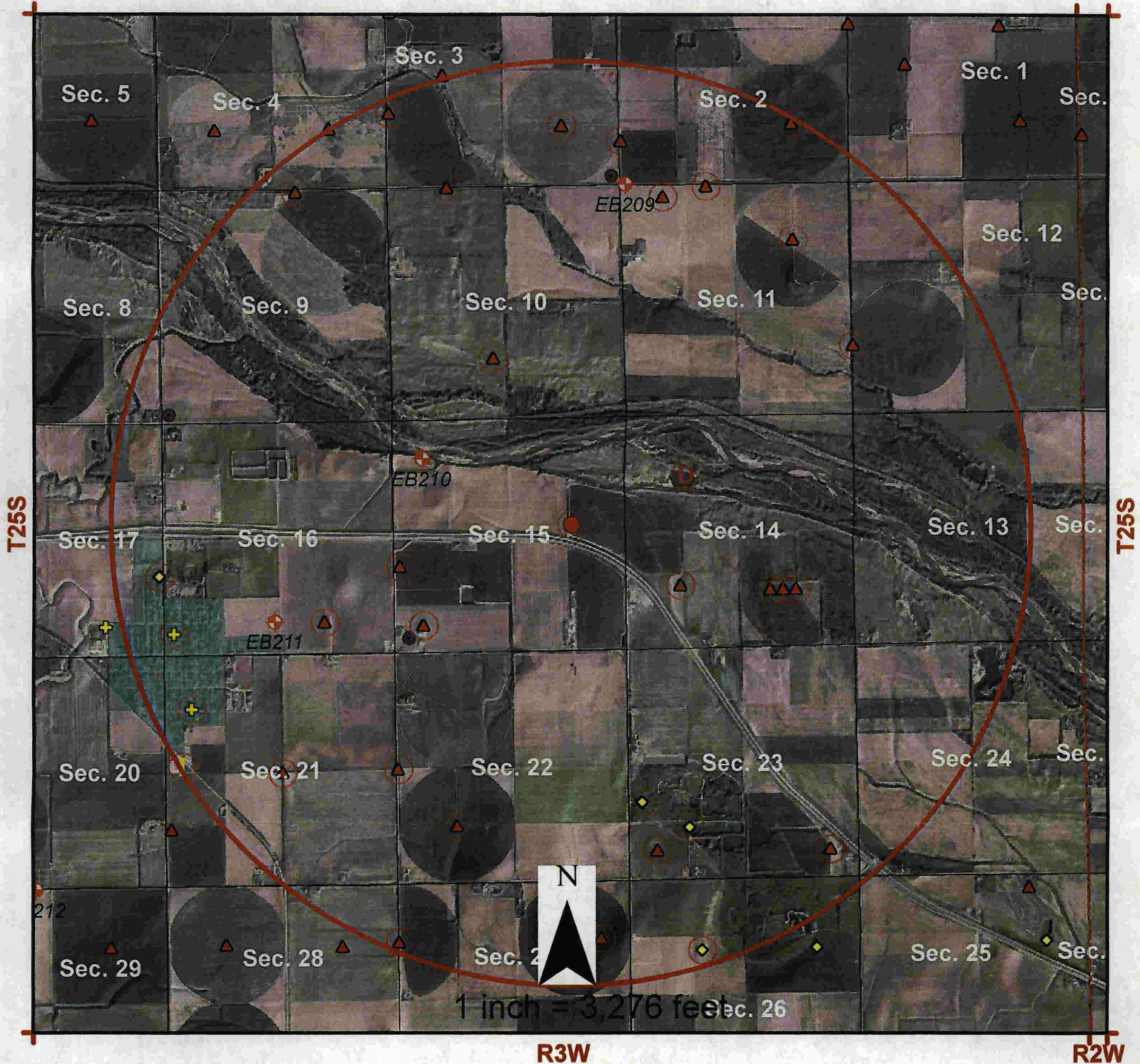
WATER RESOURCES RECEIVED
NOV 14 2014
 KS DEPT OF AGRICULTURE
SCANNED

Equus Beds Groundwater Management District No. 2

Safe Yield Evaluation #49217 - Jim Bardshar

Lot 2 (2848'N & 1221'W) 15-25S-03W, Sedgwick County

Prepared By: S. Flaherty Date: 7/17/2015



Map Legend

Monitoring Wells

- P_Wells
- AN_Wells
- EB_Wells
- IW_Wells

- Proposed Point of Diversion
- District Boundary
- Points of Diversion

Burrton IGUCA
 Hollow Nikkel SWQUA
 McPherson IGUCA
 Enhanced Well Spacing Area

RECEIVED
 JUL 27 2015
 State Field Office
 Division of Water Resources

Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67856
 316-835-2224, equusbeds@equusbeds.org

SAFEYIELD EVALUATION #49217 for Bardshar Brothers
LOCATION: Lot 2 (2848'N & 1221'W) 15-25S-03W, Sedgwick County
SPECIAL USE AREA: None
EVALUATION DATE:- 7/23/2015

Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00402500	1091	25S	03W	11	39501310	IRR	73
A00522000	260	25S	03W	27	NCE2NE	IRR	44
A006809A	1710	25S	03W	15	28481221	IRR	105
A01178500	1623	25S	03W	27	CWNW	IRR	52
A01730500	126	25S	03W	11	52003300	IRR	77
A01730600	397	25S	03W	11	NENWNW	IRR	80
A01730700	1566	25S	03W	3	13201290	IRR	165
A01795200	424	25S	03W	22	26605250	IRR	171
A02278800	768	25S	03W	11	39501310	IRR	98
A02586200	1782	25S	03W	15	19505150	IRR	80
A02944500	546	25S	03W	16	7271605	IRR	173
A03078900	1577	25S	03W	15	6004630	IRR	109
A03126900	761	25S	03W	14	14003960	IRR	68
A03249600	1437	25S	03W	16	7271605	IRR	50
A03273100	430	25S	03W	2	9605220	IRR	120
A03287800	707	25S	03W	3	16635233	IRR	137
A03288100	1755	25S	03W	2	13401300	IRR	173
A03293800	312	25S	03W	16	5255080	MUN	80.497
A03293800	314	25S	03W	21	41054700	MUN	0
A03469300	134	25S	03W	23	6604620	IRR	85
A03556200	532	25S	03W	21	28004930	IND	1.53
A03573700	387	25S	03W	23	11743867	REC	7.2
A03606800	799	25S	03W	23	5900640	IRR	49
A03614500	1317	25S	03W	22	13203920	IRR	114
A04003800	1363	25S	03W	12	15405250	IRR	138
A04035700	688	25S	03W	21	26302630	IRR	182
A04063700	1252	25S	03W	23	17804939	REC	62
A04164600	2158	25S	03W	10	52323940	IRR	98
A04254700	2410	25S	03W	9	51892113	IRR	190
A043879.5	2714	25S	03W	14	39503850	DOM	11
A04584900	3166	25S	03W	22	13203920	IRR	91.4
A04709900	3518	25S	03W	17	18250100	REC	6.23
A04757900	3693	25S	03W	14	13001615	IRR	208
A04757900	3694	25S	03W	14	13001320	IRR	0
A04757900	3695	25S	03W	14	13001910	IRR	0
A04819900	4081	25S	03W	10	13203015	IRR	115.7
A04921500	4838	25S	03W	23	5900640	IRR	22.5
A04921700	4387	25S	03W	15	28481221	IRR	116
VSG009100	1151	25S	03W	26	NWSEW	REC	2.5

Allowable Appropriations	4,021.00	Total Existing Appropriation	1,500.06
Small User Quantity	6.23	Non Consumptive Appropriations	0
Remaining SUQ	38.77	Consumptive Appropriations	1,500.06
Note- Values are in acre-feet		Available Appropriations	2,520.94

Equus Beds Groundwater Management District No. 2

Spacing Evaluation #49217 - Jim Bardshar

Lot 2 (2848'N & 1221'W) 15-25S-03W, Sedgwick County

Prepared By: S. Flaherty Date: 7/17/2015



Map Legend

Monitoring Wells

- P_Wells
- AN_Wells
- ◆ EB_Wells
- ◆ IW_Wells

● Proposed Point of Diversion

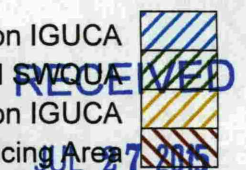
□ District Boundary

▲ Points of Diversion

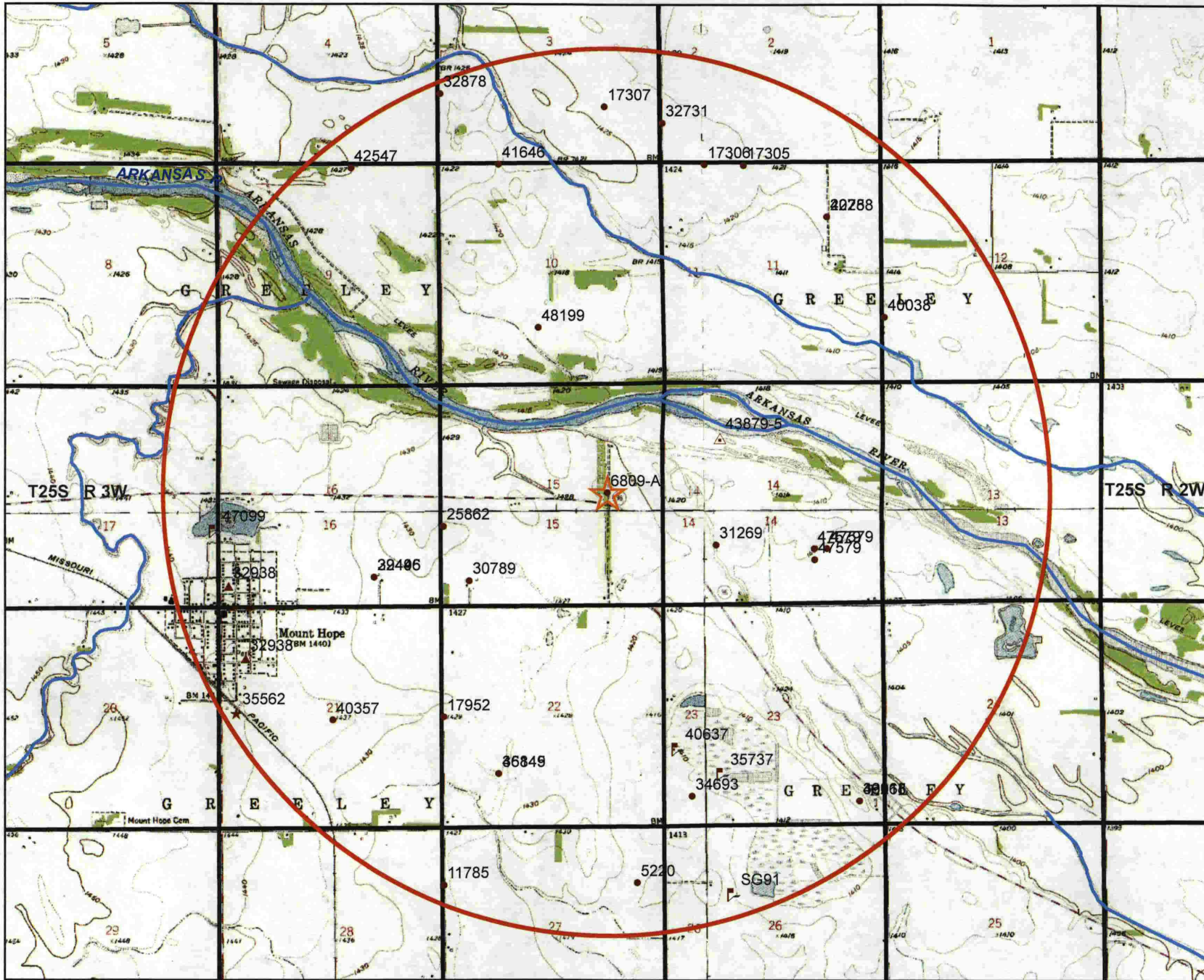
Burrton IGUCA
Hollow Nickel SVUCA
McPherson IGUCA
Enhanced Well Spacing Area

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

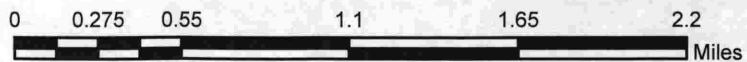
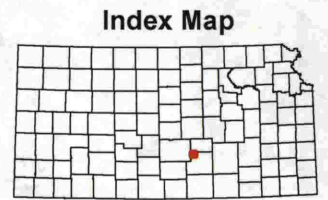
State Field Office
Division of Water Resources



File No. 49,217 - Safe Yield



- ### Legend
- WIMAS_PD**
- S_UMW**
- △ G_DOM
 - ★ G_IND
 - G_IRR
 - ▲ G_MUN
 - ▢ G_REC



This map was created by KAK/DWR on 12/18/2015