





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

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

**TO:** Files

**DATE:** May 5, 2017

**FROM:** Matt Meier

**RE:** Application, File No. 49,683

David Wedman has filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 98 acre-feet of groundwater for irrigation use. The well was to be located near the center of the Southeast Quarter (NC SE¼) of Section 36, more particularly described as being near a point 1,300 feet North and 1,320 feet West of the Southeast corner of said section, in Township 31 South, Range 6 West, Harper County, Kansas within the Chikaskia River basin and South Central Kansas Designated Unit Area CHK12 (which is currently open to appropriations).

The source of water for the pending application appears to be Quaternary System, based on nearby wells logs and geologic maps. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (7,482 acres for this file). Calculated recharge is 2 inches, and for hydrologic units within the Chikaskia River Basin, 50 percent of the calculated recharge can be considered to be available for appropriation.

The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: 7482 acres x 2 inches x 50% = 7482 acre-inches / 12 = 623.5 acre-feet. Prior appropriations within the same area of consideration total 886.67 acre-feet, which exceeds this calculated safe yield quantity. Therefore, safe yield determination resulted in no water available for appropriation within this area of consideration. The application also fails safe yield with full 2 mile circle.

The applicant was sent a letter on March 28, 2017 explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 49,683 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11. The applicant was provided 15 days (until April 12, 2017) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. A phone call was received from the applicant to discuss the denial recommendation and safe yield. No further contact of any kind was received from the applicant.

Therefore, based on the existing information, it is recommended that application File No. 49,683 be denied and dismissed for failure to meet safe yield criteria.

Matt Meier  
Environmental Scientist  
Permits Unit

1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



**FILE COPY**

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

May 31, 2017

DAVID R WEDMAN  
1134 NE 90TH AVE  
DANVILLE KS 67036

RE: Application, File No. 49,683

Dear Mr. Wedman:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,683, for failure to comply with the safe yield requirements of K.A.R. 5-3-10 and K.A.R. 5-3-11.

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

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

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

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

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

Sincerely,

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

Enclosures

pc: Stafford Field Office



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE  
DISMISSAL OF APPLICATION  
FILE NO. 49,683**

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

**FINDINGS**

1. That on August 8, 2016, the Chief Engineer received an application from David Wedman for a permit to appropriate water for beneficial use, assigned File No. 49,683, proposing the appropriation of 98 acre-feet of groundwater for irrigation use. The proposed well was to be located near the center of the Southeast Quarter (NC SE $\frac{1}{4}$ ) of Section 36, more particularly described as being near a point 1,300 feet North and 1,320 feet West of the Southeast corner of said section, in Township 31 South, Range 6 West, Harper County, Kansas.
2. That the source of water for the pending application is the Quaternary System deposits based on the nearby wells logs and general geologic maps. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11.
3. That based on the area of consideration (extent of the unconfined aquifer), the calculated recharge, and the percent of the calculated recharge that can be considered available for appropriation, safe yield was determined to be 623.5 acre-feet. Prior water rights within this same area of consideration have appropriated 886.67 acre-feet, leaving no additional water available for appropriation.
4. That on March 28, 2017, a letter was mailed to the applicant stating that the application did not comply with the safe yield requirements of K.A.R. 5-3-10 and K.A.R. 5-3-11 and that the application would be submitted to the Chief Engineer with a recommendation that the pending application be denied and dismissed, for failure to meet safe yield criteria. The applicant was provided 15 days, until April 12, 2017 to either submit additional information to our office or request additional time, prior to final action on the application.
5. That on April 4, 2017 a phone call was received from the applicant to discuss the denial recommendation. The applicant has not submitted additional information for consideration, nor requested an extension of time, for Application, File No. 49,683.
6. That the application should be denied and dismissed and its priority forfeited for failure to comply with K.A.R. 5-3-10 and K.A.R. 5-3-11.

**ORDER**

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,683, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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

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

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

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.

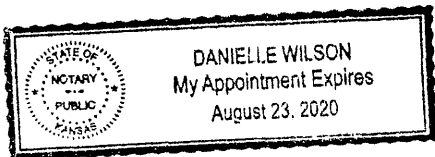
Ordered this 20<sup>th</sup> day of May, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas                    )  
  ) SS  
County of Riley                    )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of May, 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 *31<sup>st</sup>* day of *May*, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,683, dated *May 26, 2017* was mailed postage prepaid, first class, US mail to the following:

DAVID R & CARLA J WEDMAN  
1134 NE 90TH AVE  
DANVILLE KS 67036

With photocopies to:

Stafford Field Office



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 491683  
This item to be completed by the Division of Water Resources.

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**  
Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

WATER RESOURCES  
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AUG 08 2016  
12:30  
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): David R Wedman  
Address: 1134 NE 90 Ave  
City: Danville State KS Zip Code 67036  
Telephone Number: (620) 243-3275

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Chikaskia River (S-C KS DUA - CHK12) (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 98 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):

- (a)  Artificial Recharge
- (b)  Irrigation
- (c)  Recreational
- (d)  Water Power
- (e)  Industrial
- (f)  Municipal
- (g)  Stockwatering
- (h)  Sediment Control
- (i)  Domestic
- (j)  Dewatering
- (k)  Hydraulic Dredging
- (l)  Fire Protection
- (m)  Thermal Exchange
- (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:							
F.O. <u>2</u>	GMD <input type="checkbox"/>	Meets K.A.R. 5-3-1 (YES/NO) <u>YES</u>	Use <u>IRR</u>	Source <u>G/S</u>	County <u>HP</u>	By <u>AW</u>	Date <u>8/6/16</u>
Code <u>REG</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>8/9/16</u>	Check # <u>3744</u>			

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8/10/2016 CCM



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.

- Geo-Center
- (A) One in the \_\_\_\_ quarter of the \_\_\_\_ quarter of the NC SE quarter of Section 36, more particularly described as being near a point 1300 feet North and 1320 feet West of the Southeast corner of said section, in Township 31 South, Range 6 West, Harper 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):

Same as applicant  
(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 July 28, 2016 David R. Weidman  
Applicant's Signature

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

7. The proposed project for diversion of water will consist of battery of 2 wells and pumps  
(number of wells, pumps or dams, etc.)  
and will be completed (by) ASAP  
(Month/Day/Year - each was or will be completed)

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

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- 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 N.A.

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

Owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Same as Applicant  
(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 Dayville, Kansas, this 28<sup>th</sup> day of July, 2016.  
(month) (year)

David R. Wedman  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 7/18/2016  
(office/title)

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**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

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## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,683

Name of Applicant (Please Print): David R Wedman

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: David R Wedman

ADDRESS: 1134 NE 90 Ave Danville, KS 67036

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36	31S	6W															39	31	70

**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	

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>Farnum</u>	<u>98</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 0.5 %

Estimate the maximum land slope in the field(s): 1 %

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: Drip system

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

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

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

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

Corn - Soybeans - Canola - wheat

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

Use soil moisture probes. Recommendations from certified agronomist.

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

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\_\_\_\_\_  
(Date)

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

Re: Application File No. 44,623

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.

David R. Wedman  
Signature of Applicant

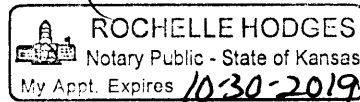
State of Kansas )  
County of Harper ) ss

David R. Wedman  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 2 day of August, 2016.

Rochelle Hodges  
Notary Public

My Commission Expires:  
10-30-2019



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**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

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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

August 9, 2016

DAVID R WEDMAN  
1134 NE 90 AVE  
DANVILLE KS 67036

**COPY**

RE: Application  
File No. 49683

Dear Sir or Madam:

Your application for permit to appropriate water in 36-31S-6W in Harper 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: ALH  
pc: STAFFORD Field Office  
GMD

**SCANNED**

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

1300 ft N and 1320 ft W of the SE Corner of Section 36, T 31S, R 6W

Located at: 97.917044 West Longitude and 37.301849 North Latitude

GROUNDWATER ONLY

#49683 meets spacing

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 35654	00	IRR	NK	G	6161	--	SW	SE	SE	430	1200	1	32	6W	1	85.00	85.00	AF
A__ 35911	00	IRR	NK	G	6036	--	SE	SE	SE	600	600	1	32	6W	2	93.00	93.00	AF
A__ 39232	00	IRR	NK	G	9001	--	NC	SW	NW	3410	4500	2	32	6W	1	65.00	65.00	AF
A__ 39233	00	IRR	NK	G	8520	--	NE	SW	NW	3800	4130	2	32	6W	2	65.00	65.00	AF
A__ 39234	00	IRR	NK	G	9749	--	SW	SW	NW	2775	5050	2	32	6W	3	63.00	59.00	AF
A__ 41492	00	IND	NK	G	9697	--	NW	SE	SW	1000	3900	5	32	5W	1	1.00	1.00	AF
A__ 43668	00	IRR	NK	G	2917	--	--	--	--	3286	4460	31	31	5W	5 G 2	131.00	131.00	AF
Same					3027	--	--	--	--	3528	4556	31	31	5W	6 B 2			
Same					2826	--	--	--	--	3044	4364	31	31	5W	7 B 2			
A__ 47529	00	IND	LR	G	9697	--	NW	SE	SW	1000	3900	5	32	5W	1	3.68	2.67	AF
A__ 48845	00	IRR	KE	G	4730	--	SE	SE	SE	650	350	25	31	6W	2 G 2	195.00	195.00	AF
Same					4774	--	SE	SE	SE	650	150	25	31	6W	3 B 2			
Same					4694	--	SE	SE	SE	650	550	25	31	6W	4 B 2			
A__ 49161	00	IRR	GY	G	9563	--	SW	SW	NW	2650	5048	29	31	5W	1 G 4	190.00	190.00	AF
Same					9484	--	SW	SW	NW	2650	5160	29	31	5W	2 B 4			
Same					9537	--	SW	SW	NW	2650	5085	29	31	5W	3 B 4			
Same					9590	--	SW	SW	NW	2650	5010	29	31	5W	4 B 4			
Same					9643	--	SW	SW	NW	2650	4935	29	31	5W	5 B 4			
A__ 49683	00	IRR	AY	G	0	--	NC	SE		1300	1320	36	31	6W	1	98.00	98.00	AF
A__ 49684	00	IRR	AY	G	2630	--	NC	NE		3960	1320	1	32	6W	5	203.00	203.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	301.00	.00
Total Permitted Amount (AF) =	385.00	.00
Total Inspected Amount (AF) =	2.67	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	499.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1187.67	.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:

97.917044 West Longitude and 37.301849 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

File Number      Use ST SR
A__ 35654 00 IRR NK G
> RANDAL L & DEBRA L BLANCHAT
>
> 847 NE 90TH AVE
> DANVILLE KS 67036
>-----

```

A\_\_ 35911 00 IRR NK G  
> RANDAL L & DEBRA L BLANCHAT  
>  
> 847 NE 90TH AVE  
> DANVILLE KS 67036

-----  
A\_\_ 39232 00 IRR NK G  
> RANDAL L & DEBRA L BLANCHAT  
>  
> 847 NE 90TH AVE  
> DANVILLE KS 67036

-----  
A\_\_ 39233 00 IRR NK G  
> RANDAL L & DEBRA L BLANCHAT  
>  
> 847 NE 90TH AVE  
> DANVILLE KS 67036

-----  
A\_\_ 39234 00 IRR NK G  
> RANDAL L & DEBRA L BLANCHAT  
>  
> 847 NE 90TH AVE  
> DANVILLE KS 67036

-----  
A\_\_ 41492 00 IND NK G  
> DANVILLE COOPERATIVE ASSOCIATION  
>  
> PO BOX 67  
> DANVILLE KS 67036

-----  
A\_\_ 43668 00 IRR NK G  
> DAVID R & CARLA J WEDMAN  
>  
> 1134 NE 90TH AVE  
> DANVILLE KS 67036

-----  
A\_\_ 47529 00 IND LR G  
> DANVILLE COOPERATIVE ASSOCIATION  
>  
> PO BOX 67  
> DANVILLE KS 67036

-----  
A\_\_ 48845 00 IRR KE G  
> W C & J C LONG  
>  
> 201 W HARVEY  
> WELLINGTON KS 67152

-----  
A\_\_ 49161 00 IRR GY G  
> LEONARD S WEDMAN  
>  
> 846 NE 40TH AVE

> HARPER KS 67058

>-----

A\_\_ 49683 00 IRR AY G

> DAVID R & CARLA J WEDMAN

>

> 1134 NE 90TH AVE

> DANVILLE KS 67036

>-----

A\_\_ 49684 00 IRR AY G

> DAVID R & CARLA J WEDMAN

>

> 1134 NE 90TH AVE

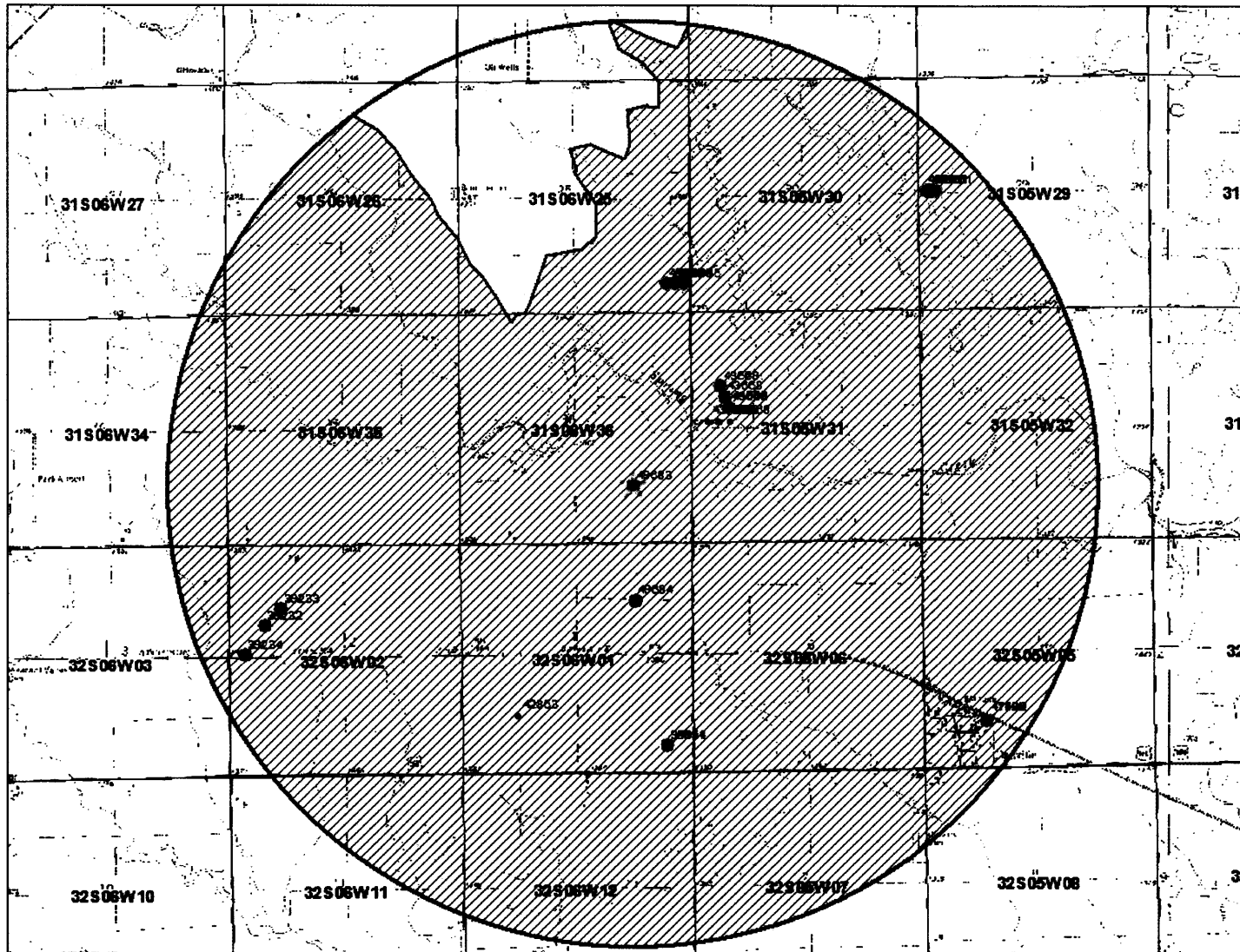
> DANVILLE KS 67036

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=====

#49683

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in SWSWNESE 36-31S-06W



Fails Safe 49683  
Yield

**Analysis Results**

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 623.50 AF.

Total prior appropriation in the circle is 1,187.67 AF.

Total quantity of water available for appropriation is 0.00 AF.

- 886.67 = -263.17  
301 = 886.67  
over

Also fails @  
full 2m/121

**Safe Yield Variables**

The area used for the analysis is set at 7482 acres.

Potential annual recharge of the area is estimated to be 2 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 28-MAR-2017 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 12 water right(s) and 19 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 35654	00	IRR	NK	G		SW	SE	SE	430	1200	01	32	06W	1	WR	85.00	85.00	130.00	130.00
A 35911	00	IRR	NK	G		SE	SE	SE	600	600	01	32	06W	2	WR	93.00	93.00	130.00	0.00
A 39232	00	IRR	NK	G		NC	SW	NW	3410	4500	02	32	06W	1	WR	65.00	65.00	126.00	126.00
A 39233	00	IRR	NK	G		NE	SW	NW	3800	4130	02	32	06W	2	WR	65.00	65.00	126.00	0.00
A 39234	00	IRR	NK	G		SW	SW	NW	2775	5050	02	32	06W	3	WR	63.00	59.00	126.00	0.00
A 41492	00	IND	NK	G		NW	SE	SW	1000	3900	05	32	05W	1	WR	1.00	1.00		
A 43668	00	IRR	NK	G					3286	4460	31	31	05W	5	WR	131.00	131.00	92.00	92.00
Same		IRR	NK	G					3528	4556	31	31	05W	6	WR				
Same		IRR	NK	G					3044	4364	31	31	05W	7	WR				
A 47529	00	IND	LR	G		NW	SE	SW	1000	3900	05	32	05W	1	WR	3.68	2.67		
A 48845	00	IRR	KE	G		SE	SE	SE	650	350	25	31	06W	2	WR	195.00	195.00	160.00	160.00
Same		IRR	KE	G		SE	SE	SE	650	150	25	31	06W	3	WR				
Same		IRR	KE	G		SE	SE	SE	650	550	25	31	06W	4	WR				
A 49161	00	IRR	GY	G		SW	SW	NW	2650	5048	29	31	05W	1	WR	190.00	190.00	160.00	160.00
Same		IRR	GY	G		SW	SW	NW	2650	5160	29	31	05W	2	WR				
Same		IRR	GY	G		SW	SW	NW	2650	5085	29	31	05W	3	WR				
Same		IRR	GY	G		SW	SW	NW	2650	5010	29	31	05W	4	WR				
Same		IRR	GY	G		SW	SW	NW	2650	4935	29	31	05W	5	WR				
A 49683	00	IRR	AY	G		NC	SE		1300	1320	36	31	06W	1	WR	98.00	98.00	70.00	70.00
A 49684	00	IRR	AY	G		NC	NE		3960	1320	01	32	06W	5	WR	203.00	203.00	145.00	145.00

886.67  
appropriation

301 pending

# 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

March 28, 2017

DAVID WEDMAN  
1134 NE 90TH AVE  
DANVILLE KS 67036

RE: Pending Application, File No. 49,683

Dear Mr. Wedman:

We have conducted further review of your application referenced above. Based on this information, the proposed well would be located Near the Center of the Southeast Quarter (NC SE¼) of Section 36, more particularly described as being near a point 1,300 feet North and 1,320 feet West of the Southeast corner of said section, in Township 31 South, Range 6 West, Harper County, Kansas. The application is requesting to appropriate 98 acre-feet of groundwater for irrigation use.

The source of water for the pending application appears to be Quaternary System deposits, based on nearby well logs and general geology maps. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (7482 acres for this file). Calculated recharge is 2 inches, and for hydrologic units within the Chikaskia River Basin, 50 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination is summarized below.

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

7482 acres x 2 inches x 50% = 7482 acre-inches / 12 = 623.5 acre-feet

Prior Appropriations within the area of consideration = 886.67 acre-feet

Total quantity of water available = 0 acre-feet

Therefore, it will be recommended to the Chief Engineer that pending application, File No. 49,683 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until April 12, 2017**) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so **in writing**, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the application. If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

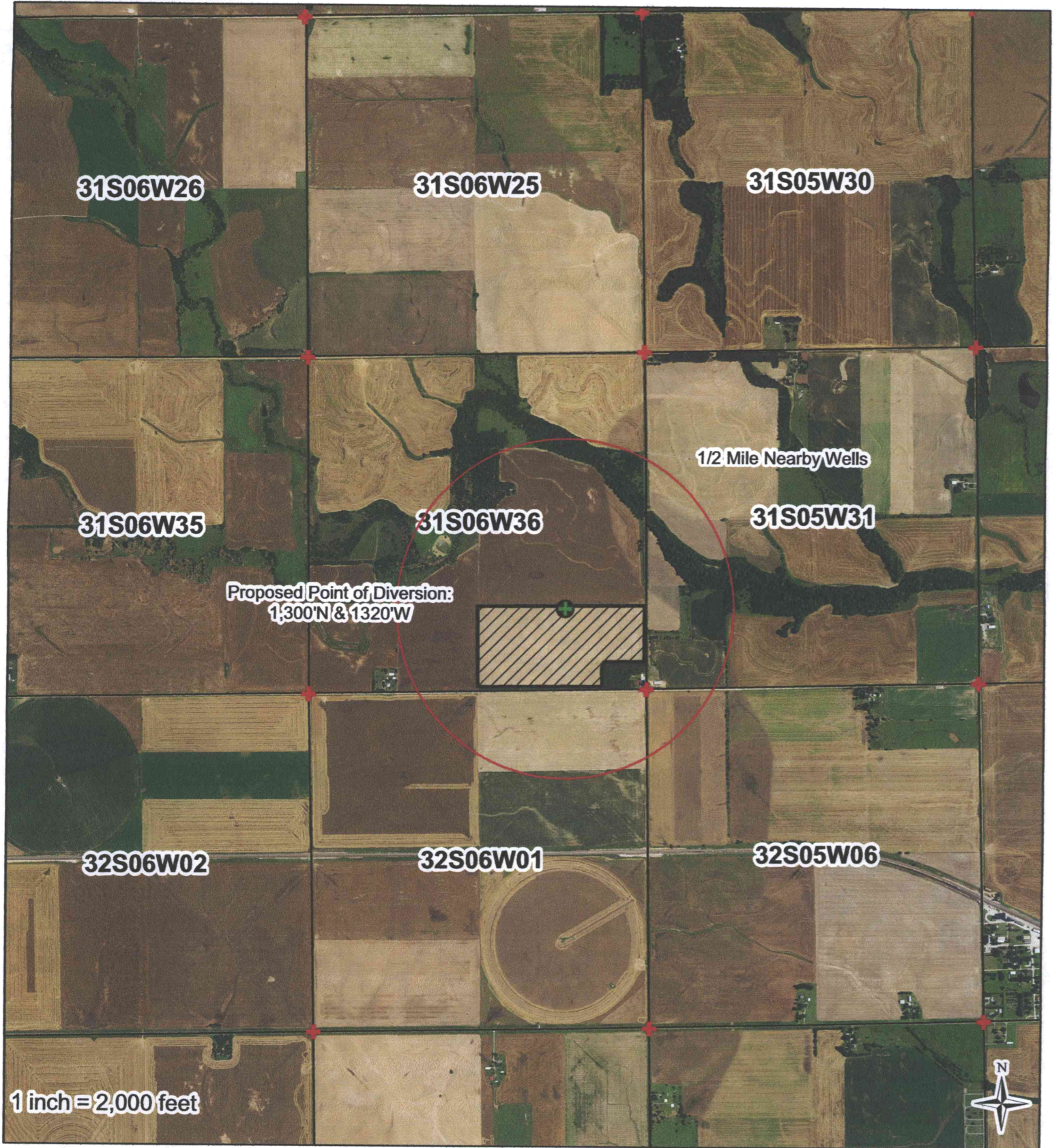
Sincerely,



Matt Meier  
New Application Unit  
Water Appropriation Program

pc:

SCANNED



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

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

Signature \_\_\_\_\_ Date \_\_\_\_\_

0 800 1,600 3,200 4,800 6,400 Feet

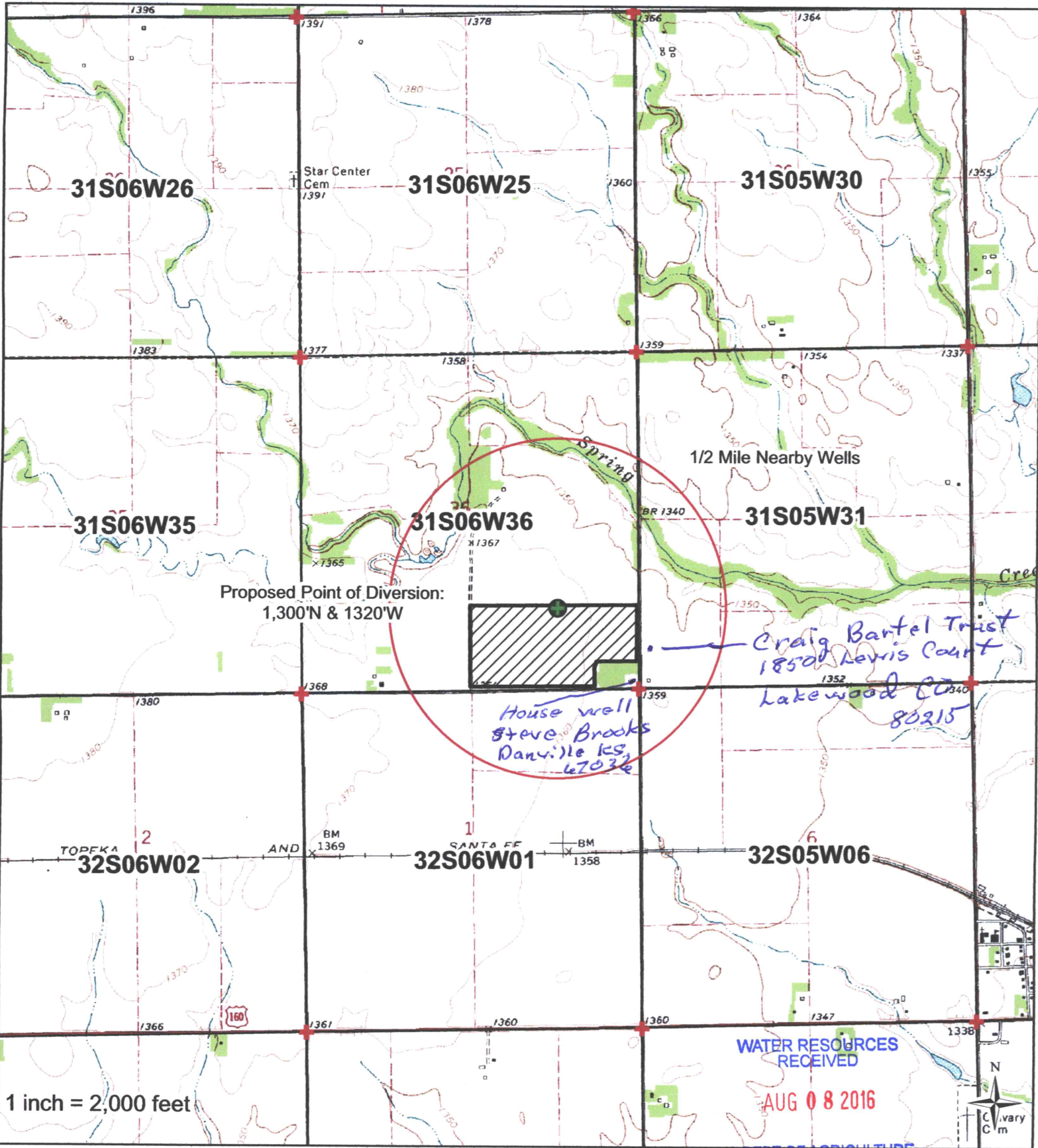
WATER RESOURCES RECEIVED

AUG 08 2016

Created By: Matt Meier  
F.O. 2  
Date: 7/18/2016

AGRICULTURE SCANNED





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

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

David R. Wedman      7/28/2016  
 Signature      Date



Created By: Matt Meier  
 F.O. 2  
 Date: 7/18/2016

**SCANNED**