

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 10, 2017

FROM: Matt Meier

RE: Application File No. 49,710

Stan Lawrence has filed the above referenced application proposing to appropriate 12.5 acre-feet of groundwater for recreational use at a proposed rate of 99 gallons per minute. The proposed point of diversion is an existing well, previously covered by File No. 46,771, located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW1/4 NW1/4 SE1/4) of section 26, more particularly described as being near a point 1,699 feet North and 2,528 feet West of the Southeast corner of said section, Township 20 South, Range 11 West, Barton County, within the Arkansas River drainage basin. The entire proposed place of use is owned by D-J Lodge LLC. The application is being requested to offset evaporation and seepage losses from a small pond. The application is replacing File No. 46,771 as the well was constructed further than 300 feet away from authorized. The applicant has signed a voluntary dismissal form for File No. 46,771. The application is being reviewed using K.A.R. 5-5-6, which allows the point of diversion to be authorized at the actual location by approval of a new application. The application meets all applicable conditions for K.A.R. 5-5-6. File No. 46,771 dismissal was to be considered the offset (as required by K.A.R. 5-25-15) for the application; although K.A.R. 5-5-6 also allows the application to be approved.

The surface area of the reservoir is 0.7 acres. Evaporation use was calculated at 1.75 acre-feet per year and seepage use at 10.75 acre-feet per year for a combined 12.5 acre-feet.

The applicant identified zero domestic wells within one-half mile of the proposed well and 1 non-domestic well (which is a severed Water Right), which WRIS confirmed. Nearby well notification letters were sent out on March 21, 2017. A phone call was received from David Wirth to obtain more information about the application. As it is currently listed, File No. 18,106 is located 1,276 feet away from the proposed point of diversion; however, it is a severed Water Right and would need to be relocated (per the conditions of it being severed from the property as the owner of the water right no longer owns the land it was authorized on) prior to actual use. The nearest domestic well would be further than 2,640 feet away since the applicant listed that there were none within ½ mile. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-25-2 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

The source formation had previously been identified from the Quaternary System (undifferentiated Kansas/Nebraskan). The drillers log shows top soil from 0 to 2 feet, soft silty clay from 2 to 23 feet, sandy clay with gravel streaks from 23 to 58 feet, clay from 58 to 61 feet, and sand and gravel from 61 to 80 feet below ground. The static water level was at 13 feet which provides a saturated thickness of approximately 67 feet.

A copy of the application was submitted to Big Bend Groundwater Management District No. 5 on May 17, 2017. GMD #5 recommended denial of the application in a letter, received via email, on June 9, 2017. In the letter, they said the Board of Directors had reviewed the application and felt that due to the current status of File No. 46,711 its dismissal could not be considered an offset. They therefore recommended denial of the new application. On July 19, 2017, the application was re-submitted to GMD #5 with the request that K.A.R. 5-5-6 be used to review the application. GMD #5 recommended approval of the application in a letter, received via email, on August 1, 2017. They stated after further examination, the district believes the application meets the requirements of K.A.R. 5-5-6 (d) and the application appears to be consistent with K.A.R. 5-25-20(b) and approvable with the dismissal of File No. 46,771.

Stan Lawrence
File No. 49,710
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.

A signed dismissal form was received on September 26, 2016 stating that they would dismiss File No. 46,771 contingent on the approval of their new water right application.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on August 3, 2017. Based on the above discussion, well spacing and safe yield criteria are met, GMD#5 recommended approval, 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 and File No. 46,771 be dismissed.

Matthew J. Meier
Environmental Scientist
Permits Unit

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



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

August 28, 2017

FILE COPY

D-J LODGE LLC
219 W 6TH AVE
AUGUSTA KS 67010-1251

RE: Application, File No. 49,710

Dear Water User:

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,

A handwritten signature in black ink that reads 'Kristen A. Baum'.

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
GMD#5



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. 49,710** of the applicant

**STAN LAWRENCE
219 W 6TH AVENUE
AUGUSTA, KS 67010**

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 **September 26, 2016**.
2. That the water sought to be appropriated shall be used for recreational use on a 0.7-acre pond located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 26, Township 20 South, Range 11 West, Barton County, Kansas
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a one (1) well, which is to located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 26, more particularly described as being near a point 1,699 feet North and 2,528 feet West of the Southeast corner of said section, in Township 20 South, Range 11 West, Barton 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 **99 gallons per minute (0.221 c.f.s.)** and to a quantity not to exceed **12.5 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, which is currently \$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, which is currently \$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, which is currently \$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 on the diversion works authorized by this permit in accordance with the 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 ending 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.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

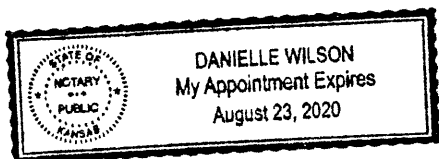
Ordered this 24th day of August, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.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 24th day of August, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this ^{28th} day of August, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,710, dated August 24, 2017 was mailed postage prepaid, first class, US mail to the following:

D-J LODGE LLC
219 W 6TH AVE
AUGUSTA KS 67010-1251

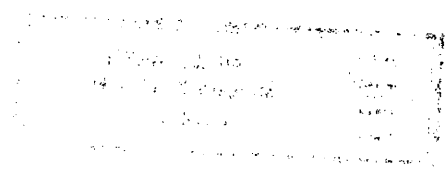
With photocopies to:

Big Bend Groundwater Management District #5

Stafford Field Office



Division of Water Resources



APPLICATION COMPLETE
9/26/16 8/31/17
Reviewer MJM/SFK

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,710
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.)

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SEP 26 2016

1:08
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): Stan Lawrence
Address: 219 W 6th Avenue
City: Augusta State KS Zip Code 67010-1251
Telephone Number: (316) 775-1212 ^{EXT 350} cell (316) 243-8952

2. The source of water is: surface water in _____ (stream)
OR groundwater in Arkansas River (drainage basin)

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

3. The maximum quantity of water desired is 12.5 acre-feet OR 4,073,138 gallons per calendar year, to be diverted at a maximum rate of 99 gallons per minute OR n/a cubic feet per second.

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

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

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

For Office Use Only:
F.O. 2 GMD 5 Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County BT By AJW Date 9/26/16
Code REG Fee \$ 200 TR # _____ Receipt Date 9/26/16 Check # 43126

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SW quarter of the NW quarter of the SE quarter of Section 26, more particularly described as being near a point 1,699 feet North and 2,528 feet West of the Southeast corner of said section, in Township 20 South, Range 11 West, Barton 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):

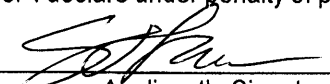
D-J Lodge LLC

 (name, address and telephone number)
219 W 6th Avenue, Augusta, KS 67010-1251

 (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 Sept. 21, 2016. 
 Applicant's Signature STAN LAWRENCE

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 one pump

 (number of wells, pumps or dams, etc.)
 and was completed on September 28, 2007

 (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 9/28/07

 (Mo/Day/Year)

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SEP 26 2016

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 not applicable in this case

- 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.

This application is to replace existing file 46,771. A voluntary dismissal has been submitted with this new application to dismiss 46,771. The dismissal will be processed contingent upon approval of this application.

The new application is a 15AF small use exemption, replacing the currently authorized small use exemption authorized by File No. 46,771

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SEP 26 2016

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	<u>9/28/07</u>	_____	_____	_____
Total depth of well	<u>80</u>	_____	_____	_____
Depth to water bearing formation	<u>23</u>	_____	_____	_____
Depth to static water level	<u>13</u>	_____	_____	_____
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

Facilities Manager/agent
(owner, tenant, agent or otherwise)

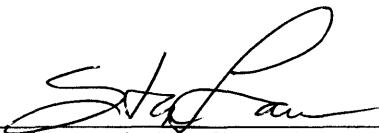
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

D-J Lodge LLC, 219 W 6th Avenue, Augusta, KS 67010-1251 (316) 775-1212
(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 AUGUSTA, Kansas, this 21st day of SEPTEMBER, 2016.
(month) (year)



(Applicant Signature) STAN LAWRENCE 7751212 EXT 350

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by CRC SFFO/Assistant Water Commissioner Date: 9/16/16
(office/title)

WATER RESOURCES
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SEP 26 2016

SCANNED

KS DEPT OF AGRICULTURE

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 49,710

Name of Applicant (Please Print): Stan Lawrence

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): Hunting and Wildlife.

2. Please summarize how the water will be used and justify the quantity of water requested: _____

The water will be used from September through January to flood an existing 0.7 acre shallow pond

for the purposes of hunting, promoting wetlands, and sustaining wildlife. This is a high quantity per

acre so further justification is supplied as follows. evap=1.75AF seepage=10.75AF

10.75AF x 12" = 129" 129" / 2928 hrs = 0.04"/hr seepage rate soil type has rate of 0.06-0.20"/hr

Based on the above calculations for seepage and evap, 12.5AF appears to be a reasonable quantity.

There are 4 additional pages of soil information attached to this supplemental sheet.

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	12.5 acre-feet
Year 2	12.5 acre-feet
Year 3	12.5 acre-feet
Year 4	12.5 acre-feet
Year 5	12.5 acre-feet

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

0.7 acre pond located in the SW NW SE of Section 26, Township 20 South, Range 11 West, Barton County.

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

WATER RESOURCES
RECEIVED

Draft
KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 3, 2017

FROM: Matt Meier

RE: Application File Nos. 49,710

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The surface area of the reservoir is 0.7 acres. Evaporation use was calculated at 1.75 acre-feet per year and seepage use at 10.75 acre-feet per year for a combined 12.5 acre-feet.

The applicant identified zero domestic wells within one-half mile of the proposed well and 1 non-domestic well (which is a severed Water Right), which WRIS confirmed. Nearby well notification letters were sent out on March 21, 2017. A phone call was received from David Wirth to obtain more information about the application. As it is currently listed, File No. 18,106 is located 1,276 feet away from the proposed point of diversion; however, it is a severed Water Right and would need to be relocated (per the conditions of it being severed from the property as the owner of the water right no longer owns the land it was authorized on) prior to actual use. The nearest domestic well would be further than 2,640 feet away since the applicant listed that there were none within ½ mile. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-25-2 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

The source formation had previously been identified from the Quaternary System (undifferentiated Kansas/Nebraskan). The drillers log shows top soil from 0 to 2 feet, soft silty clay from 2 to 23 feet, sandy clay with gravel streaks from 23 to 58 feet, clay from 58 to 61 feet, and sand and gravel from 61 to 80 feet below ground. The static water level was at 13 feet which provides a saturated thickness of approximately 67 feet.

A copy of the application was submitted to Big Bend Groundwater Management District No. 5 on May 17, 2017. GMD #5 recommended denial of the application in a letter, received via email, on June 9, 2017. In the letter, they said the Board of Directors had reviewed the application and felt that due to the current status of File No. 46,711 its dismissal could not be considered an offset. They therefore recommended denial of the new application. On July 19, 2017, the application was re-submitted to GMD #5 with the request that K.A.R. 5-5-6 be used to review the application. GMD #5 recommended approval of the application in a letter, received via email, on August 1, 2017. They stated after further examination, the district believes the application meets the requirements of K.A.R. 5-5-6 (d) and the application appears to be consistent with K.A.R. 5-25-20(b) and approvable with the dismissal of File No. 46,771.

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.

A signed dismissal form was received on September 26, 2016 stating that they would dismiss File No. 46,771 contingent on the approval of their new water right application.

Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved and File No. 46,771 be dismissed.

*8/3/17 Law w/ Recommendation
Approve it.
J.L.W.L.*

Matthew J. Meier
Environmental Scientist
Permits Unit

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

1699 ft N and 2528 ft W of the SE Corner of Section 26, T 20S, R 11W

Located at: 98.506731 West Longitude and 38.279949 North Latitude

#49,710

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 18105	00	IRR	NK	G	2576	--	--	NC	NE	3960	1300	26	20	11W	1	189.00	189.00	AF	
A__ 18106	00	IRR	NK	G	1276	--	--	NC	SE	1335	1305	26	20	11W	2	195.00	195.00	AF	
A__ 20511	00	IRR	NK	G	5342	--	--	CW	SE	1385	2605	27	20	11W	1	200.00	200.00	AF	
A__ 27763	00	IRR	NK	G	5848	--	--	NC	NE	3960	2618	27	20	11W	4	151.00	151.00	AF	
A__ 29384	00	IRR	NK	G	9751	--	--	CE	SE	1458	40	33	20	11W	12 G	2	155.00	155.00	AF
Same					9824	--	--	CE	SE	1310	30	33	20	11W	10 B	2			
Same					9679	--	--	CE	SE	1605	50	33	20	11W	13 B	2			
A__ 36574	00	IRR	NK	G	9363	--	--	NC	SE	1350	1300	28	20	11W	1	180.00	180.00	AF	
A__ 39103	00	IRR	NK	G	7072	--	W2	E2	NW	3960	3660	34	20	11W	1	201.00	201.00	AF	
A__ 46771	00	REC	KE	G	367	--	--	NC	S2	1350	2640	26	20	11W	4*	12.50	12.50	AF	
A__ 49710	00	REC	AY	G	367	--	--	NC	S2	1350	2640	26	20	11W	4	12.50	12.50	AF	
P__20170031	00	IND	GY	G	7986	--	--	NW	NW	SE	2310	2560	22	20	11W	2	1.53	1.53	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	12.50	.00
Total Permitted Amount (AF) =	14.03	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1271.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1297.53	.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:

98.506731 West Longitude and 38.279949 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 18105	00	IRR	NK G
>	RAYMOND SAND & GRAVEL INC		
>	PO BOX 872		
>	GREAT BEND KS 67530		
A__ 18106	00	IRR	NK G
>	DAVID WIRTH		
>	673 NE 150 AVE		
>	ELLINWOOD KS 67526		
A__ 20511	00	IRR	NK G
>	KURT A & SHEILA RUGAN		

>
> 618 SE 110 AVE
> ELLINWOOD KS 67526

A__ 27763 00 IRR NK G
> BRUCE L PETERS
>
> 141 N CHELMSFORD CT
> WICHITA KS 67230

A__ 29384 00 IRR NK G
> WALTER P & SHERRIE RUGAN
>
> 1258 SE 60 RD
> ELLINWOOD KS 67526

A__ 36574 00 IRR NK G
> RONALD G & SHARON A RUGAN
>
> 1119 NE 210TH ST
> ELLINWOOD KS 67526

A__ 39103 00 IRR NK G
> RONALD G & SHARON A RUGAN
>
> 1119 NE 210TH ST
> ELLINWOOD KS 67526

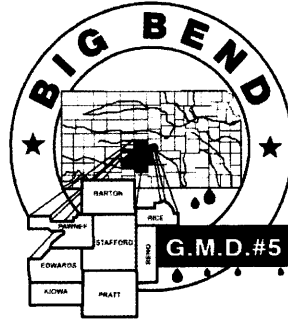
A__ 46771 00 REC KE G
> D-J LODGE LLC
>
> 219 W 6TH AVE
> AUGUSTA KS 67010

A__ 49710 00 REC AY G
> D-J LODGE LLC
>
> 219 W 6TH AVE
> AUGUSTA KS 67010

P__ 20170031 00 IND GY G
> ROSENCRANTZ-BEMIS
>
> PO BOX 713
> GREAT BEND KS 67530

=====

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



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

August 1, 2017

Matt Meier
Division of Water Resources
Kansas Department of Agriculture
300 S. Main Street
Stafford, Kansas 67578-1342

RE: Application File No. 49,710
Water Right File No. 46,771 Dismissal

Dear Mr. Meier,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 12.5 acre-feet of groundwater for recreation use in the SE $\frac{1}{4}$ of Section 26, Township 20S, Range 11W in Barton County, Kansas.

In further examination of the documents you provided, the District believes the application meets the requirements of K.A.R. 5-5-6 (d). Based upon information received in the District office, the application appears to be consistent with 5-25-20(b) and is therefore recommended for approval.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

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

Sincerely,

Orrin Feril
Manager

RECEIVED

AUG 01 2017

Stafford Field Office
Division of Water Resources

July 19, 2017

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO 5
% Orrin Feril
125 SOUTH MAIN ST
PO BOX 7
STAFFORD KS 67578

Re: Application, File No. 49,710 & Water
Right File No. 46,771 Dismissal

Dear Mr. Feril:

We are resubmitting a copy of the application referred to above for GMD 5 review. The application had previously been recommended for denial by GMD 5 for lacking an offset; however, based on further discussion it appears the application may meet the requirements for K.A.R. 5-5-6(d) (which is outlined below) and would likely not require an offset.

K.A.R. 5-5-6. Failure to construct diversion works at authorized location.

(d) The point of diversion shall be authorized at the actual location by approval of a new application to appropriate water by the chief engineer if the diversion works were not constructed at the authorized location, but the appropriator can demonstrate to the chief engineer that all of the following criteria have been met:

- (1) The original application was filed on or after January 1, 1978.
- (2) The diversion works were subsequently completed within the time authorized to complete the diversion works.
- (3) The diversion works were constructed within 1,320 feet of the authorized point of diversion.
- (4) The time authorized to complete the diversion works has expired.
- (5) There is no water available for a new appropriation to be approved at the location of the actual point of diversion.
- (6) The application would have met all the criteria for a new application that were in effect at the time the original new application was filed.

If the actual point of diversion is within a groundwater management district, the application shall be sent to the groundwater management district board for review and recommendation. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1999 Supp. 82a-708b, and K.S.A. 82a-728; effective May 1, 1980; amended Sept. 22, 2000.)

We request that GMD 5 review the application again and consider K.A.R. 5-5-6(d) during their review. 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.

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

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,



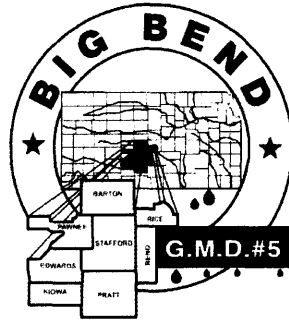
Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

03/11/08

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



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

June 9, 2017

Matt Meier
Division of Water Resources
Kansas Department of Agriculture
300 S. Main Street
Stafford, Kansas 67578-1342

RE: Application File No. 49,710
Water Right File No. 46,771 Dismissal

Dear Mr. Meier,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 12.5 acre-feet of groundwater for recreation use in the SE $\frac{1}{4}$ of Section 26, Township 20S, Range 11W in Barton County, Kansas.

Applications that meet the requirements to appropriate 15 acre-feet of water or less per year pursuant to K.A.R. 5-25-15 are exempt from meeting the requirements of K.A.R. 5-25-4 (a). The application was presented to the Board of Directors at the June regular board meeting for review. The applicant has proposed to dismiss the water appropriation under water right file number 46,771 as an offset for the new appropriation. However, due to the current status of this water right file, the District is uncertain about using this permit as an offset. Following a thorough discussion with the applicant, the Board voted to recommend denial of this application, with the added recommendation to the applicant to explore alternative sources for an offset from nearby certified water rights.

The voluntary dismissal of water right file number 46,771 was conditional on the approval of 49710. As the District recommended denial on the application file number 49,710, it is further recommended that the request to dismiss water right file number 46,771 be denied.

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

Sincerely,

Orrin Feril
Manager

May 17, 2017

BIG BEND GROUNDWATER MANAGEMENT DISTRICT NO 5
% Orrin Feril
125 SOUTH MAIN ST
PO BOX 7
STAFFORD KS 67578

Re: Application, File No. 49,710

Dear Mr. Feril:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby notification letters were sent out on March 21, 2017. A phone call was received from David Wirth to obtain more information on the application. The applicant is requesting 12.5 acre-feet of water for recreational use and is proposing offsetting the new application by dismissing Appropriation of Water File No. 46,771 (a copy of the voluntary dismissal form is included).

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.

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 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

March 21, 2017

David Wirth
673 NE 150 Avenue
Ellinwood, KS 67526

Re: Pending Application, File No. 49,710

Dear Sir:

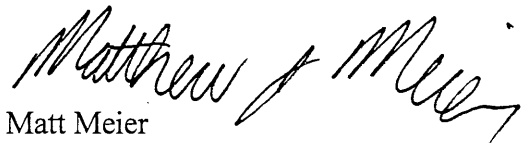
This is to advise you that Stan Lawrence has filed the application referred to above for a permit to appropriate 12.5 acre-feet of groundwater per calendar year for recreational use to be diverted at a maximum rate of 99 gallons per minute. The proposed point of diversion for 49,710 is one (1) well located as follows:

In the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 26, Township 20 South, Range 11 West, Barton 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

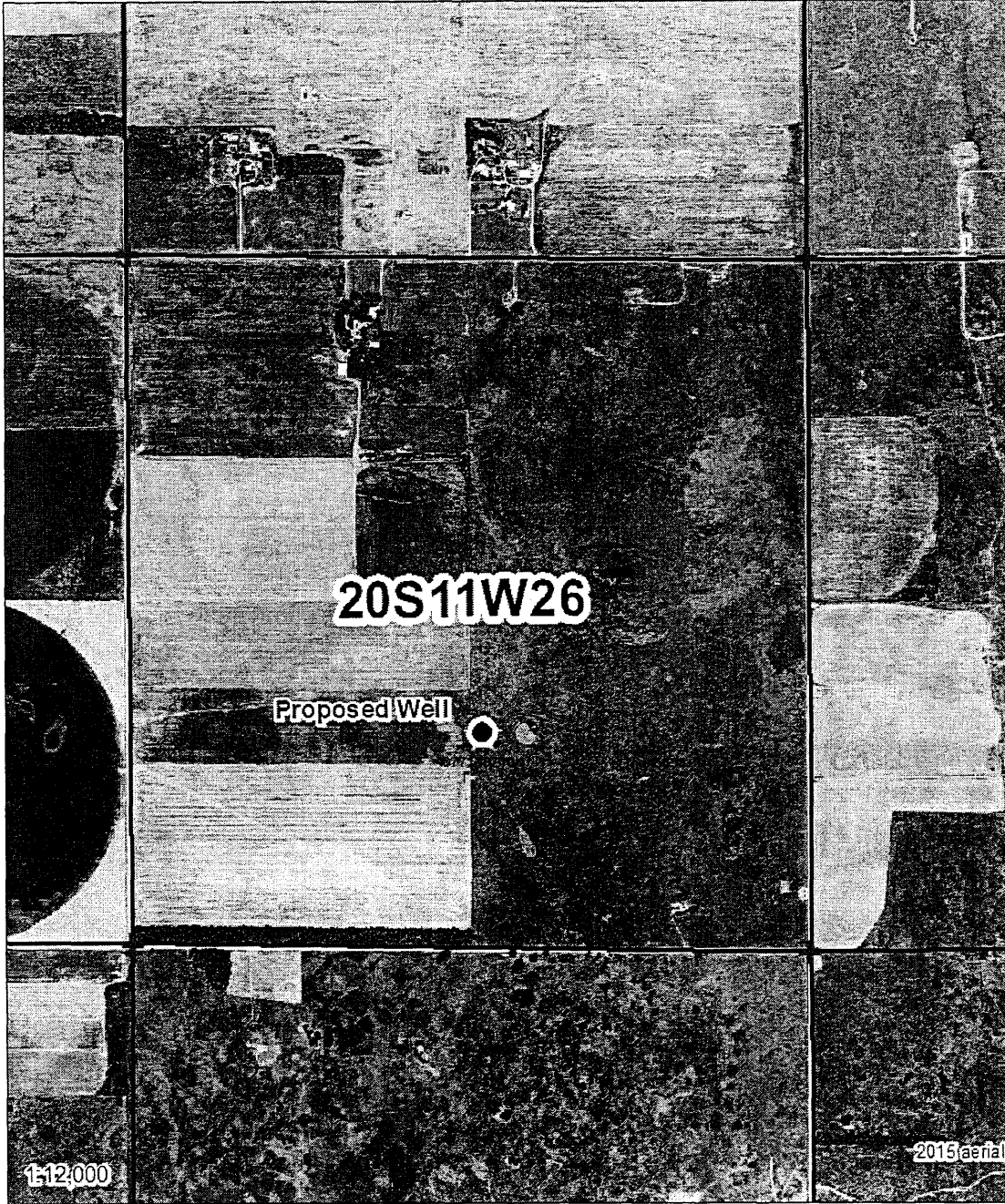
Kansas

Department of Agriculture
Division of Water Resources

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

Jackie McClaskey, Secretary
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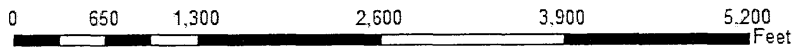


Legend

- Section Corners
- Section Lines

031

MJM-DWR 3/21/17



Proposed Water Appropriation, File No. 49,710
26-20S-11W
Barton County



Soil Map—Barton County, Kansas
(NE SW 26-20-11W, BT Co.)

MAP LEGEND

- | | | | |
|-------------------------------|------------------------|-----------------------|-----------------------|
| | Area of Interest (AOI) | | Spoil Area |
| Soils | | | Stony Spot |
| | Soil Map Unit Polygons | | Very Stony Spot |
| | Soil Map Unit Lines | | Wet Spot |
| | Soil Map Unit Points | | Other |
| Special Point Features | | | Special Line Features |
| | Blowout | Water Features | |
| | Borrow Pit | | Streams and Canals |
| | Clay Spot | Transportation | |
| | Closed Depression | | Rails |
| | Gravel Pit | | Interstate Highways |
| | Gravelly Spot | | US Routes |
| | Landfill | | Major Roads |
| | Lava Flow | | Local Roads |
| | Marsh or swamp | Background | |
| | Mine or Quarry | | Aerial Photography |
| | Miscellaneous Water | | |
| | Perennial Water | | |
| | Rock Outcrop | | |
| | Saline Spot | | |
| | Sandy Spot | | |
| | Severely Eroded Spot | | |
| | Sinkhole | | |
| | Slide or Slip | | |
| | Sodic Spot | | |

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Barton County, Kansas
Survey Area Data: Version 13, Sep 8, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 18, 2010—Aug 28, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

KS DEPT OF AGRICULTURE

SEP 26 2016

WATER RESOURCES
RECEIVED

SCANNED

491700

Map Unit Legend

Barton County, Kansas (KS009)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
5935	Pratt-Carvile complex, 0 to 5 percent slopes	1.0	7.0%
6330	Carvile fine sandy loam, 0 to 1 percent slopes	12.9	93.0%
Totals for Area of Interest		13.9	100.0%

**WATER RESOURCES
RECEIVED**

SEP 26 2016

KS DEPT OF AGRICULTURE

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SCANNED

Barton County, Kansas

6330—Carwile fine sandy loam, 0 to 1 percent slopes

Map Unit Setting

National map unit symbol: 1kbys
Elevation: 1,000 to 2,200 feet
Mean annual precipitation: 24 to 28 inches
Mean annual air temperature: 45 to 70 degrees F
Frost-free period: 145 to 210 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Carwile and similar soils: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Carwile

Setting

Landform: Depressions on paleoterraces
Down-slope shape: Concave, linear
Across-slope shape: Concave, linear
Parent material: Alluvium

Typical profile

Ap - 0 to 10 inches: fine sandy loam
Bt1 - 10 to 18 inches: sandy clay loam
Bt2 - 18 to 46 inches: clay
C - 46 to 60 inches: clay

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat poorly drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat):
 Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water storage in profile: High (about 9.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2w
Hydrologic Soil Group: CID
Ecological site: Sandy (PE 17-20) (R079XY022KS)

**WATER RESOURCES
RECEIVED**

SEP 26 2016

KS DEPT OF AGRICULTURE

September 19, 2016
(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. 49,710

Minimum Desirable Streamflow

Dear Sir:

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

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

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

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

[Signature]
Signature of Applicant

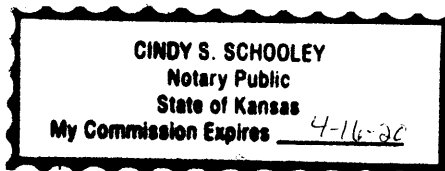
State of Kansas)
County of Butler) ss

STAN LAWRENCE
(Print Applicant's Name) 316-7751212 Ext 350
316 243 8952 - cell

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 21 day of Sept., 2016.

[Signature]
Notary Public

My Commission Expires: 4-16-20



WATER RESOURCES
RECEIVED

SEP 26 2016

KS DEPT OF AGRICULTURE

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

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

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

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

**WATER RESOURCES
RECEIVED**

SEP 26 2016

KS DEPT OF AGRICULTURE

SCANNED

WATER WELL RECORD

Form WWC-5

Division of Water Resources; App. No. _____

1 LOCATION OF WATER WELL: County: <u>Barton</u>	Fraction <u>1/4</u> <u>NC</u> <u>1/2</u> <u>S</u> <u>1/2</u> <u>W</u>	Section Number <u>26</u>	Township Number <u>T 20 S</u>	Range Number <u>R 11</u> <u>XXW</u>
---	--	-----------------------------	----------------------------------	--

Distance and direction from nearest town or city street address of well if located within city?
4 3/4 South, 3 3/4 East of Ellinwood

2 WATER WELL OWNER: Robert Potter
 .R#, St. Address, Box # : 7431 Tanglewood Lane
 City, State, ZIP Code : Wichita, Ks. 67206

Global Positioning Systems (decimal degrees, min. of 4 digits)
 Latitude: _____
 Longitude: _____
 Elevation: _____
 Datum: _____
 Data Collection Method: _____

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

N

	NW	NE	
W	SW	* SE	E

S

4 DEPTH OF COMPLETED WELL 80 ft.

Depth(s) Groundwater Encountered (1)..... ft. (2)..... ft. (3)..... ft.
 WELL'S STATIC WATER LEVEL..... 13 ft. below land surface measured on 8-30-07
 Pump test data: Well water was..... ft. after..... hours pumping..... gpm
 Est. Yield. N/A. gpm: Well water was..... ft. after..... hours pumping..... gpm

WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well Pond

Was a chemical/bacteriological sample submitted to Department? Yes No X...; If yes, mo/day/yr
 Sample was submitted..... Water well disinfected? Yes HTH. No

5 TYPE OF CASING USED:

5 Wrought Iron	8 Concrete tile	CASING JOINTS: Glued... <u>X</u> ... Clamped.....
1 Steel	3 RMP (SR)	6 Asbestos-Cement
2 PVC	4 ABS	7 Fiberglass
		9 Other (specify below)

Blank casing diameter 5 in. to 60 ft., Diameter in. to ft., Diameter in. to ft.
 Casing height above land surface..... 24 in., Weight SDR-26 lbs./ft. Wall thickness or gauge No.

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel	3 Stainless Steel	5 Fiberglass	7 <u>PVC</u>	9 ABS	11 Other (Specify)
2 Brass	4 Galvanized Steel	6 Concrete tile	8 RM (SR)	10 Asbestos-Cement	12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:

1 Continuous slot	3 Mill slot	5 Gauzed wrapped	7 Torch cut	9 Drilled holes	11 None (open hole)
2 Louvered shutter	4 Key punched	6 Wire wrapped	8 <u>Saw Cut</u>	10 Other (specify)	

SCREEN-PERFORATED INTERVALS: From..... 80 ft. to 60 ft., From ft. to ft.
 From..... ft. to ft., From ft. to ft.

GRAVEL PACK INTERVALS: From..... 80 ft. to 20 ft., From ft. to ft.
 From..... ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other hole plug

Grout Intervals: From ft. to ft., From ft. to ft., From 20 ft. to 0 ft.

What is the nearest source of possible contamination:

1 Septic tank	4 Lateral lines	7 Pit privy	10 Livestock pens	13 Insecticide Storage	16 Other (specify below)
2 Sewer lines	5 Cess pool	8 Sewage lagoon	11 Fuel storage	14 Abandoned water well	
3 Watertight sewer lines	6 Seepage pit	9 Feedyard	12 Fertilizer Storage	15 Oil well/gas well	None

Direction from well? How many feet? WV 02707

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Top soil			
2	23	Soft silty clay			
23	58	Sandy clay/ gravel streaks			
58	61	Clay			
61	80	Sand & gravel			

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KS DEPT OF AGRICULTURE

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 9-28-07 and this record is true to the best of my knowledge and belief.
 as Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/year) 10-5-07
 under the business name of Rosencrantz- Bemis by (signature) Tara Alope

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

Conant, Cameron

From: Conant, Cameron
Sent: Monday, September 19, 2016 4:29 PM
To: slawrence@djgrp.com
Subject: 46771 dismissal & new application packet
Attachments: D-J Lodge LLC New App-Supplemental.pdf; D-J Lodge LLC MDS consent form.pdf; 46771 Voluntary Dismissal.pdf

Stan, per our discussion in the Stafford Field Office on September 16, 2016, I've attached the new application documents and a voluntary dismissal. Please review the attachments carefully and make sure they are filled out in a manner that meets your future needs at this site. If everything looks good, please print all the attachments in color.

The New App-Supplemental should be signed and dated on Page 2, No. 6 and Page 4, No. 16. Also, both maps should be signed and dated, if there are additional wells that I did not show, please add them to the maps and write the owners names and addresses. Please review the supplemental sheet and the justification for the quantity of water requested.

The MDS Consent Form should be signed and notarized.

The Voluntary Dismissal of existing file 46771 should be signed and notarized. The dismissal will be processed contingent upon approval of the new application.

After everything is signed and notarized, please send all the attachments to the address at the top of the New Application with a check for \$200 made payable to the Kansas Department of Agriculture.

As discussed in the office, the application could take 6+ months to be processed and must also be reviewed by the Groundwater Management District No. 5. There is no guarantee this application will be approved as submitted. If the application is recommended for denial, you should be able to take additional steps to revise the application in a manner such that it can be approved.

There is a lot going on here, so please feel free to call me if you have any questions (note that I filled out the new application for 12.5 acre-feet @ 99gpm on the 0.7 acre existing pond which is a little different than we discussed in the office).

Cameron Conant, Assistant Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620)234-5311
www.agriculture.ks.gov

please be advised that my email address has changed to cameron.conant@ks.gov

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

September 27, 2016

STAN LAWRENCE
219 W 6TH AVE
AUGUSTA KS 67010

FILE COPY

RE: Application
File No. 49710

Dear Sir or Madam:

Your application for permit to appropriate water in 26-20S-11W in Barton 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".

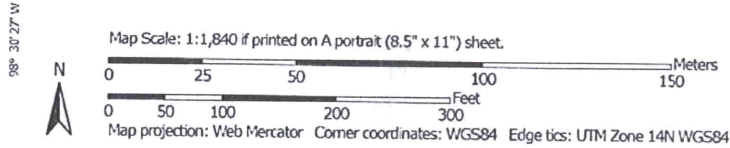
Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD 5

SCANNED

49,710

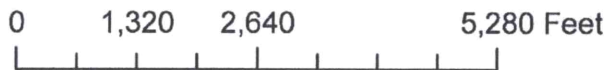
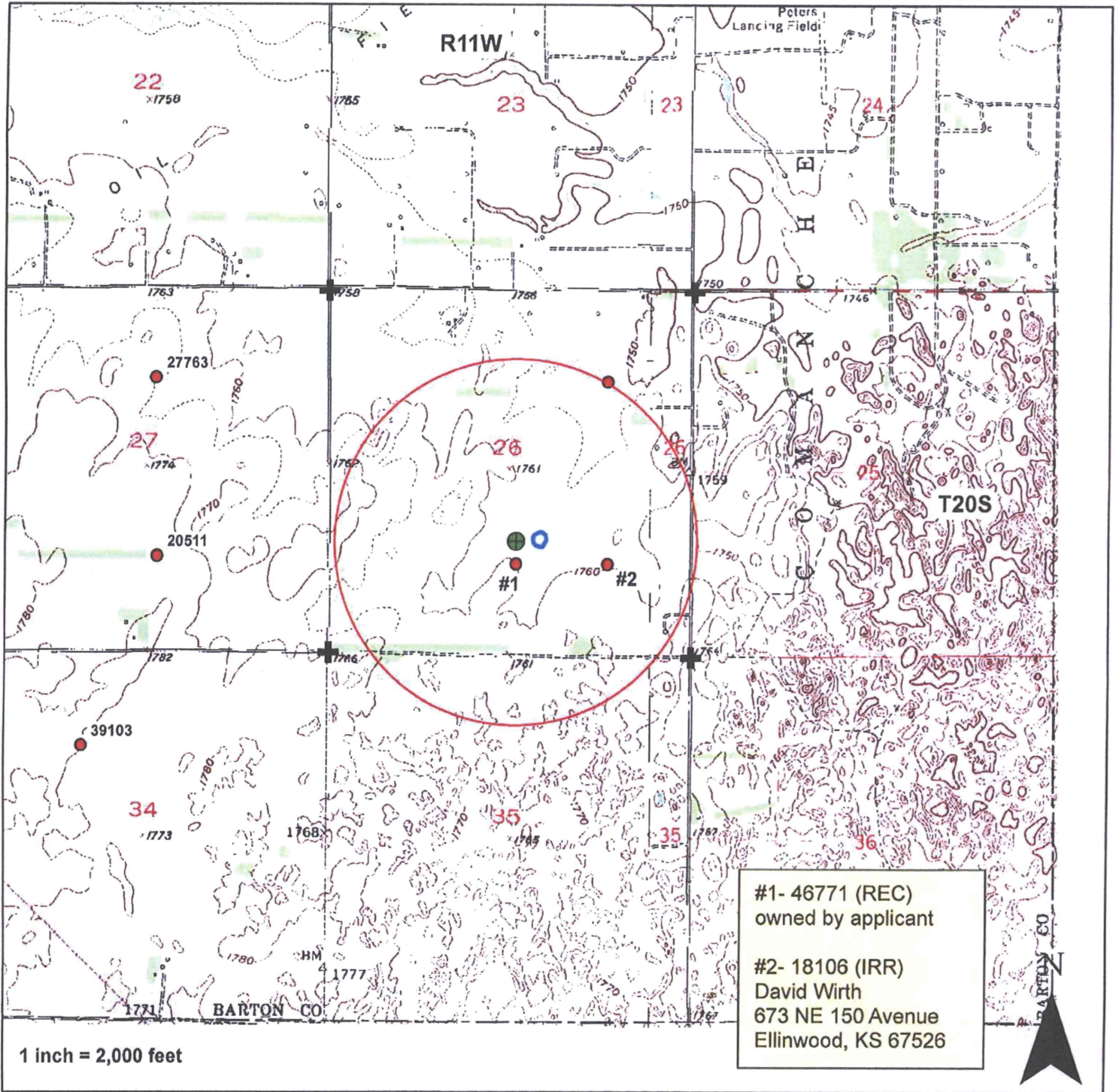
Soil Map—Barton County, Kansas
(NE SW 26-20-11W, BT Co.)



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New Application Map, File No. 49,710



- proposed p/d (1699'N & 2528'W)
- proposed p/u (~0.7 ac pond)
- ⊕ section corners
- surrounding wells
- 1/2 mile circle around proposed p/d

By signing below I agree that all wells within 1/2 mile of the point of diversion, including domestic, have been shown on the map.

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Stan Lawrence
STAN LAWRENCE
signature

9/21/2016
date

created on 9/19/16 CRC

SCANNED

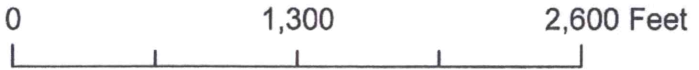
New Application Map, File No. 49,710



#1- 46771 (REC)
owned by applicant

#2- 18106 (IRR)
David Wirth
673 NE 150 Avenue
Ellinwood, KS 67526

1 inch = 833 feet



- ⊕ proposed p/d (1699'N & 2528'W)
 - proposed p/u (~0.7 ac pond)
 - + section corners
 - surrounding wells
 - 1/2 mile circle around proposed p/d
- created on 9/19/16 CRC

By signing below I agree that all wells within 1/2 mile of the point of diversion, including domestic, have been shown on the map.

WATER RESOURCES RECEIVED

SEP 26 2016

[Signature]

9/21/2016

signature

date

SCANNED