

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE  OF KANSAS

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

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

File Number 49804  
This item to be completed by the Division of Water Resources.

MAR 21 2017

**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.)

8:42  
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Elmer Nisly  
Address: 3711 S. Herren Rd  
City: Hutchinson State KS Zip Code 67501  
Telephone Number: (620) 662-5536

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Arkansas River Basin - Equus Beds Aquifer (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. *\* Limited to 184.8 AF + 800 GPM when combined with # 3819/*

3. The maximum quantity of water desired is 184.8 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.

<b>For Office Use Only:</b>			
F.O. <u>2</u>	GMD <u>2</u>	Meets K.A.R. 5-3-1 (YES/NO) Use <u>IRR</u>	Source <u>G/S</u> County <u>RW</u>
Code <u>RES</u>	Fee \$ <u>300</u>	TR # _____	By <u>DW</u> Date <u>3/21/17</u>
		Receipt Date <u>3/21/17</u>	Check # <u>3861</u>

4/3/2017 *UM*

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 NC-N2 quarter of the N2 quarter of the SE quarter of Section 35, more particularly described as being near a point 2245 feet North and 1320 feet West of the Southeast corner of said section, in Township 23 South, Range 7W East/West (circle one), Reno County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

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

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

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

Elmer & Cora C. Nisly, 3711 S. Herren Rd., Hutchinson, KS 67501 (620) 662-5536

(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 March 10, 2017. Elmer Nisly  
Applicant's Signature

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

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

and (was)(will be) completed (by) 7/7/1986 under Water Permit No. 38191  
(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 June 1, 2017  
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes  No If "yes", a check valve shall be required.

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

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

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

- If yes, show the Water Structures permit number here NA
- If no, explain here why a Water Structures permit is not required NA

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

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

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

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

#38191 - Same point of diversion & place of use. This application should be limited to 184.8 AF

& 800 GPM when combined with Water Right No. 38191

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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	7/7/1986	_____	_____	_____
Total depth of well	110'	_____	_____	_____
Depth to water bearing formation	45'	_____	_____	_____
Depth to static water level	38.5'	_____	_____	_____
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):

Elmer & Cora C. Nisly, 3711 S. Herren Rd., Hutchinson, KS 67501 (620) 662-5536

(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 Hutchinson, Kansas, this 10<sup>th</sup> day of March, 2017.  
(month) (year)

\_\_\_\_\_  
(Applicant Signature)

By Elmer Nisly  
(Agent or Officer Signature)

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

Assisted by T. Boese GMD2/Manager Date: March 7, 2017  
(office/title)

49804

Wells within ½ mile

1. Domestic Well  
Phillip & Lucy Nisly  
3415 S Herren Rd  
Hutchinson, KS 67501
2. Domestic Well  
Richard Dale & Susan Kay Yoder  
7318 W Illinois Ave  
Hutchinson, KS 67501
3. Domestic Well  
Glenn E Nisly  
112 River Park Dr  
Middlebury, IN 46540
4. Domestic Well  
Nathan L & Tresa A & Tonya R Yoder  
3611 S Herren Rd  
Hutchinson, KS 67501
5. Domestic Well  
Elmer & Cora C Nisley Rev Trust  
3711 S Herren Rd  
Hutchinson, KS 67501
6. Domestic Well  
Glenn Leon & Ann Miller  
4014 S Herren Rd  
Hutchinson, KS 67501
7. Domestic Well  
Richard S & Wilma Graber  
4104 S Herren Rd  
Hutchinson, KS 67501
8. Domestic Well  
Prairie Rental Properties LLC  
4104 S. Herren Rd  
Hutchinson, KS 67501
9. Domestic Well  
Julian E & Bertha J Nisly Trusts  
4311 S Herren Rd  
Hutchinson, KS 67501

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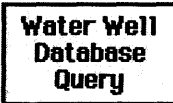
Wells within ½ mile

10. Nisly Trust  
c/o Tim Nisly  
3310 Covington Ct  
Hutchinson, KS 67502

11. Domestic Well  
John S & Sylvia Nisly  
c/o Garret Askren  
8513 W Morgan Ave  
Hutchinson, KS 67501

12. Domestic Well  
Jesse D & Pam S Nisly  
8603 W Morgan Ave  
Hutchinson, KS 67501

13. Domestic Well  
Larry & Violet Byler  
8310 W Morgan Ave  
Hutchinson, KS 67501



Scan of WWC5 Form

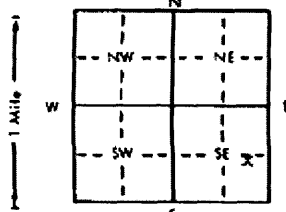
WATER WELL RECORD Form WWC-5 KSA 82a-1212

1) LOCATION OF WATER WELL: County: Reno Fraction NW 1/4 SE 1/4 Section Number 35 Township Number T 23 S Range Number R 7 EW

Distance and direction from nearest town or city street address of well if located within city: From 4th and Whiteside, 2 W 3/4 South 1/4 West

2) WATER WELL OWNER: Elmer Nisley RR#, St. Address, Box #: RFD 1 City, State, ZIP Code: Hutchinson, Ks 67501 Board of Agriculture, Division of Water Resources Application Number: 38191

3) LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: DEPTH OF COMPLETED WELL: 110' ELEVATION:



Depth(s) Groundwater Encountered: 1. ft. 2. ft. 3. ft. WELL'S STATIC WATER LEVEL: 38' ft. below land surface measured on mo/day/yr Pump test data: Well water was ft after hours pumping gpm

5) TYPE OF BLANK CASING USED: 1 Steel 2 PVC 3 RMP (SR) 4 ABS 5 Wrought iron 6 Asbestos-Cement 7 Fiberglass 8 Concrete tile 9 Other (specify below) CASING JOINTS: Gued Clamped X

Blank casing diameter: 16" in. Dia Casing height above land surface: 28" in. weight 50 lbs. ft. Wall thickness or gauge No. 7.1

TYPE OF SCREEN OR PERFORATION MATERIAL: 1 Steel 2 Brass 3 Stainless steel 4 Galvanized steel 5 Fiberglass 6 Concrete tile 7 PVC 8 RMP (SR) 9 ABS 10 Asbestos-cement 11 Other (specify) 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: 1 Continuous slot 2 Louvered shutter 3 Mill slot 4 Key punched 5 Gauzed wrapped 6 Wire wrapped 7 Torch cut 8 Saw cut 9 Drilled holes 10 Other (specify) 11 None (open hole)

SCREEN-PERFORATED INTERVALS: From 7.1 ft. to 110 ft. GRAVEL PACK INTERVALS: From 10 ft. to 110 ft.

6) GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other Grout intervals: From 0 ft. to 10 ft.

What is the nearest source of possible contamination: NA 1 Septic tank 2 Sewer lines 3 Watertight sewer lines 4 Lateral lines 5 Cess pool 6 Seepage pit 7 Pit privy 8 Sewage lagoon 9 Feedyard 10 Livestock pens 11 Fuel storage 12 Fertilizer storage 13 Insecticide storage 14 Abandoned water well 15 Oil well-Gas well 16 Other (specify below)

Table with columns: FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHOLOGIC LOG. Rows include: 0-3 Top Soil, 3-11 Brown Clay, 11-16 Brown Clay with white rock, 16-28 Tan Clay, 28-45 Tan Sandy Clay, 45-51 Fine Sand with Clay chips, 51-56 Medium Sand, 56-60 Medium sand with very little clay, 60-61 Clay Break, 61-93 Medium Sand, 93-100 Clay, 100-110 Medium Sand.

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/yr) 7-7-86 and this record is true to the best of my knowledge and belief Kansas Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/yr) 7-7-86 under the business name of Rosencrantz-Bemis by (signature) Mike Harris

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, Division of Environment, Environmental Geology Section, Topeka, KS 66620 Send one to WATER WELL OWNER and retain one for your records.

Kansas Geological Survey Comments to webadmin@kgs.ku.edu URL=http://www.kgs.ku.edu/Magellan/WaterWell/index.html Display Programs Updated July 2, 2014 Data added continuously.

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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. \_\_\_\_\_

Name of Applicant (Please Print): Elmer Nisly

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: Elmer & Cora C. Nisly

ADDRESS: 3711 S. Herren Rd., Hutchinson, KS 67501

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
35	23S	7W			23	23										39	39	4	4	132

**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		

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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Funmar-Taver loams</u>	<u>76</u>	<u>0.06-0.20</u>	<u>1</u>
<u>Saltcreek and Naron fsl</u>	<u>24</u>	<u>0.06-0.20</u>	<u>7</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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

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

Other, please describe: \_\_\_\_\_

d. System design features:

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

ii. For sprinkler systems:

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

(2) What is the sprinkler package design rate? 550 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? 50 feet

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

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

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

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

49804

DEALER - NISSAN IRRIGATION  
P O -

IRRIGATOR - ELMER NISLEY  
FIELD NO. - #1

SPAN 1 POSTLEN	SPAN 2 POSTLEN	SPAN 3 POSTLEN	SPAN 4 POSTLEN	SPAN 5 POSTLEN	SPAN 6 POSTLEN	SPAN 7 POSTLEN	GREENROOM POSTLEN
1 - 72	9 - 80	19 - 80	29 - 80	39 - 80	49 - 80	59 - 80	69 - 80
2 - 78	10 - 72	20 - 72	30 - 72	40 - 72	50 - 72	60 - 72	70 - 80
3 - 84	11 - 84	21 - 84	31 - 84	41 - 84	51 - 84	61 - 84	71 - 86
4 - 84	12 - 80	22 - 80	32 - 80	42 - 80	52 - 80	62 - 80	72 - 72
5 - 84	13 - 98	23 - 98	33 - 98	43 - 98	53 - 98	63 - 98	
6 - 78	14 - 98	24 - 98	34 - 98	44 - 98	54 - 98	64 - 98	
7 - 72	15 - 88	25 - 88	35 - 88	45 - 88	55 - 88	65 - 88	
8 - 86	16 - 84	26 - 84	36 - 84	46 - 84	56 - 84	66 - 84	
	17 - 78	27 - 78	37 - 78	47 - 78	57 - 78	67 - 78	
	18 - 86	28 - 86	38 - 86	48 - 86	58 - 86	68 - 86	

SUMMARY OF DROPS

- 7 - 80 IN DROP
  - 9 - 86 IN DROP
  - 9 - 72 IN DROP
  - 8 - 78 IN DROP
  - 15 - 84 IN DROP
  - 12 - 90 IN DROP
  - 12 - 96 IN DROP
- TOTAL OF 72 DROPS

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MARCH 10, 2017  
(Date) /

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

Re: Application  
File No. \_\_\_\_\_

Minimum Desirable Streamflow

Dear Sir:

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

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

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

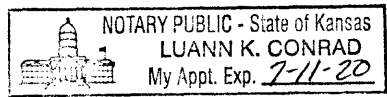
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Elmer Nisly  
Signature of Applicant

State of Kansas )  
County of RENO ) ss

Elmer Nisly  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 10<sup>th</sup> day of March, 2017.



Luann K. Conrad  
Notary Public

My Commission Expires: 7-11-2020

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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



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

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

March 21, 2017

ELMER NISLY  
3711 S HERREN RD  
HUTCHINSON KS 67501

**FILE COPY**

RE: Application  
File No. 49804

Dear Sir or Madam:

Your application for permit to appropriate water in 35-23S-07W in Reno County, was received and has been assigned the file number noted above.

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

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

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

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact 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,

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

BAT: dlw  
pc: STAFFORD Field Office  
GMD 2

49804

# New Application Proposed Place of Use Map



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.

Elmer Kedy  
Signature

March 10, 2017  
Date

- New Application
- Application No. To Change:
  - Point of Diversion
  - Place of Use
  - Use Made of Water

WATER RESOURCES RECEIVED  
MAR 21 2017  
KS DEPT OF AGRICULTURE

- Proposed Point of Diversion
- ▲ Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use



See attached list for surrounding well owners