

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

File Number 49810
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

MAR 30 2017

1:50
KS DEPT OF AGRICULTURE

**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.)

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

1. Name of Applicant (Please Print): Kevin White
Address: P.O. Box 966
City: Oxford State KS Zip Code 67119
Telephone Number: (620) 440-0024

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 195 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR _____ cubic feet per second.

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

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

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

| | | | |
|----------------------|-------------------|------------------------------------|--------------------------------------|
| For Office Use Only: | | | |
| F.O. <u>2</u> | GMD <u>0</u> | Meets K.A.R. 5-3-1 <u>(YES/NO)</u> | Use <u>IRR</u> |
| Code <u>RE2</u> | Fee \$ <u>300</u> | TR # _____ | Source <u>(G) S</u> County <u>SU</u> |
| | | By <u>ADW</u> | Date <u>3/31/17</u> |
| | | Receipt Date <u>3/30/17</u> | Check # <u>2200</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 _____ quarter of the _____ quarter of the NE quarter of Section 15, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township 33 South, Range 2 East, Sumner 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 _____ of said section, in Township _____ South, Range _____ Kansas.

(C) One in the _____ quarter of the _____ quarter described as being near a point _____ feet North and _____ feet West of _____ of said section, in Township _____ South, Range _____ Kansas. 3960 N
1320 W

(D) One in the _____ quarter of the _____ quarter described as being near a point _____ feet North and _____ feet West of _____ of said section, in Township _____ South, Range _____ Kansas.

If the source of supply is groundwater, a separate application must be filed for each battery of wells, except that a single application may include up to four wells in the same local source of supply which do not exceed a total maximum diversion rate of 800 gpm per well.

A battery of wells is defined as two or more wells connected to a common distribution system. A well is defined as a hole or shaft bored into the earth for the purpose of obtaining water, and which is equipped with a pump or other device for raising the water to the surface.

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

Broadhurst Foundation 918-294-9789
(name, address and telephone number)
1636 South Boston Ave Tulsa, Oklahoma 74119
(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 12, 2017. Kevin White
Applicant's Signature

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

7. The proposed project for diversion of water will consist of Battery of 4 wells
(number of wells, pumps or dams, etc.)

and Will be completed (by) ASAP
(Month/Day/Year - each was or will be completed)

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

MAR 30 2017

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

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

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

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

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

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

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

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

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

None

WATER RESOURCES
RECEIVED

MAR 30 2017

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

MAR 30 2017

KS DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Kevin White

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: Broadhurst Foundation
ADDRESS: 1630 South Boston Ave Tulsa, OK 74119

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|----|-----|----|------|----|----|------|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 15 | 33S | 2E | 37.5 | 37 | 38 | 37.5 | | | | | | | | | | | | | 150 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Landowner of Record NAME: _____
ADDRESS: _____

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

Landowner of Record NAME: _____
ADDRESS: _____

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

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

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

| Soil Name | Percent of field (%) | Intake Rate (in/hr) | Irrigation Design Group |
|-------------------|----------------------|---------------------|-------------------------|
| Vanoss Silt Loam | 79.8 | | |
| Waurika Silt Loam | 19.3 | | |
| Milan Loam | .9 | | |
| | | | |
| | | | |
| Total: | 100 % | | |

b. Estimate the average land slope in the field(s): ~~0.5~~ 1 %
 Estimate the maximum land slope in the field(s): 3-6 %

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: *Minimize tailwater by irrigating responsible and making sure all soil & water conservation is done and maintained.*
- ii. For sprinkler systems:
 - (1) Estimate the operating pressure at the distribution system: 15-25 psi
 - (2) What is the sprinkler package design rate? 800 gpm
 - (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
 - (4) Please include a copy of the sprinkler package design information.

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

Soybeans, Corn, Cotton, Wheat, Alfalfa

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).

Our certified agronomist has a soil moisture probe which will allow us to determine when crop needs irrigated. Also crop stress and weather forecast will help determine how much to apply.

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

WATER RESOURCES RECEIVED

MAR 30 2017

(Date)

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

Re: Application
File No. _____

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.

Kevin White
Signature of Applicant

State of Kansas)
County of Sumner) ss

Kevin White
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 14th day of March, 2017.

Patricia Ledesma
Notary Public

My Commission Expires: 8/20/2017



WATER RESOURCES
RECEIVED

MAR 30 2017

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

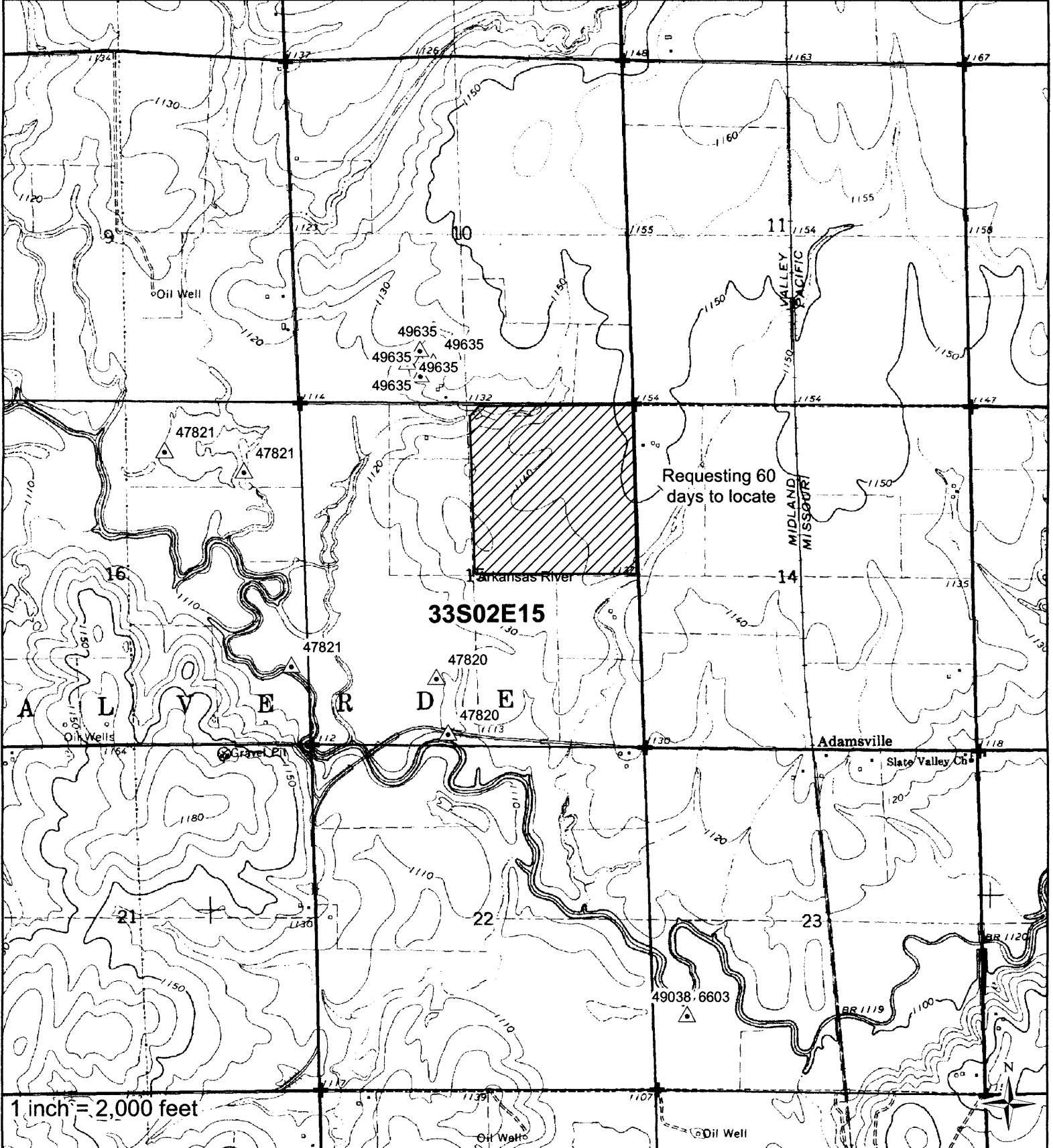
The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for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

- | | |
|---------------------------------|----------------------------|
| Arkansas River | Ninnescah River |
| Big Blue River | North Fork Ninnescah River |
| Chapman Creek | Rattlesnake Creek |
| Chikaskia River | Republican River |
| Cottonwood River | Saline River |
| Delaware River | Smoky Hill River |
| Little Arkansas River | Solomon River |
| Little Blue River | South Fork Ninnescah |
| Marais des Cygnes River | Spring River |
| Medicine Lodge River | Walnut River |
| Mill Creek (Wabaunsee Co. area) | Whitewater River |
| Neosho River | |

**WATER RESOURCES
RECEIVED**

MAR 30 2017

File No. _____



Requesting 60 days to locate

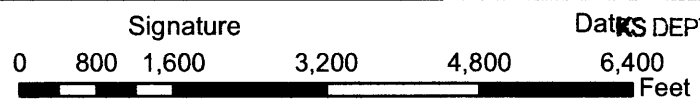
33S02E15

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

WATER RESOURCES RECEIVED

MAR 30 2017

- ★ Domestic Wells
- Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec_corners
- ▨ Proposed Place of Use



DATE DEPT OF AGRICULTURE

Created By: Matt Meier
Date: 3/2/2017

Water Easement

This water easement is between Broadhurst Foundation who is the landowner of the NE ¼ of 15-33-2E and Kevin White. Broadhurst Foundation is hereby granting Kevin White the rights to use any water found on the NE ¼ of 15-33-2E. This water easement is for the purpose of irrigating crops that are raised on the same field described above.

Kevin White:

Kevin White

Date:

3/15/17

Broadhurst Foundation:

*Matthew Conely
Broadhurst Fdn.*

Date:

3/15/17

WATER RESOURCES
RECEIVED

MAR 30 2017

KS DEPT OF AGRICULTURE

49820

Dear Matt,

I have filled out the rest of water application to the best of my knowledge please let me know if you need any other information. This is my first time applying for water permit so I may have left something out. I have attached the driller's logs for the four proposed wells. Only thing that I did not have was a copy of the sprinkler package system for the irrigation page. I am still waiting to hear back from Valley on the design. I can just email that to you, if you end up needing it.

The only water permits within a half mile of the proposed wells are Permit#47820 which, I believe is owned by the Department of Wildlife and Parks. The only address I could find was 1020 S. Kansas, Rm 200, Topeka, Kansas 66612-1327.

If you could just shoot me a short email confirming you got this information that would be great. Also our banker was wondering how short the application permit process is. He was just wondering if we were going to be able to have a system up and going for this year's summer crops.

Thanks for your time and help,

Kevin White

620-440-0024

whiteagservices@gmail.com

**WATER RESOURCES
RECEIVED**

MAR 30 2017

KS DEPT OF AGRICULTURE

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 31, 2017

KEVIN WHITE
PO BOX 966
OXFORD KS 67119

RE: Application
File No. 49810

Dear Sir or Madam:

Your application for permit to appropriate water in 15-33S-02E in Sumner 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,

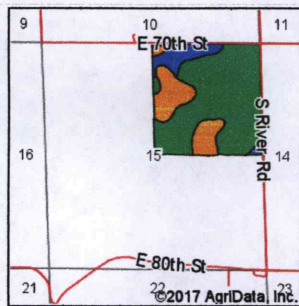
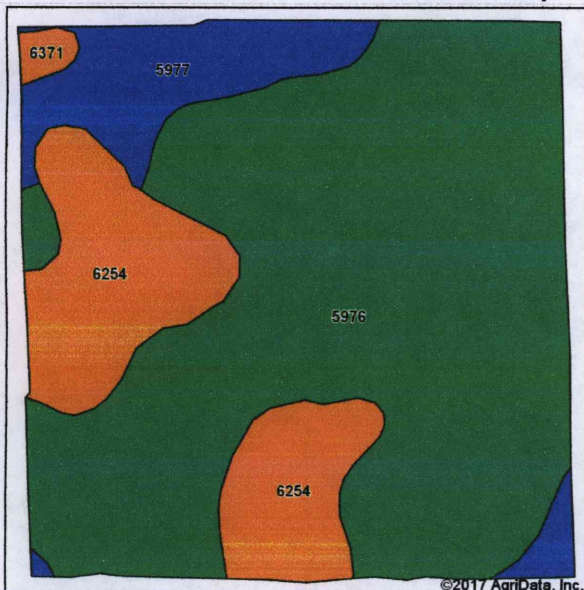
A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw
pc: STAFFORD Field Office
GMD

49810

Soils Map



State: **Kansas**
 County: **Sumner**
 Location: **15-33S-2E**
 Township: **Valverde**
 Acres: **152.21**
 Date: **3/12/2017**



Soils data provided by USDA and NRCS.

Area Symbol: KS191, Soil Area Version: 13

| Code | Soil Description | Acres | Percent of field | Non-Irr Class Legend | Non-Irr Class *c | Irr Class *c | Alfalfa hay | Cotton lint | Grain sorghum | Improved bermudagrass | Peanuts | Weeping lovegrass | Wheat | Introduced bluestem | Caucasian bluestem | Cantaloupe | Oats | Sorghum hay | Wheat grazeout | Barley | Smooth bromegrass | Winter wheat | |
|-------------------------|---|--------|------------------|----------------------|------------------|--------------|-------------|--------------|---------------|-----------------------|---------------|-------------------|-------------|---------------------|--------------------|------------|-------------|-------------|----------------|------------|-------------------|--------------|----|
| 5976 | Vanoss silt loam, 0 to 1 percent slopes | 105.01 | 69.0% | | le | le | 4 | 424 | 54 | 6 | 1530 | 5 | 35 | 1 | 1 | 9 | | | | | | | |
| 6254 | Waurika silt loam, 0 to 1 percent slopes, occasionally ponded | 29.40 | 19.3% | | llw | | | 330 | 41 | 5 | 34 | | 26 | | | | 37 | | | 1 | | | |
| 5977 | Vanoss silt loam, 1 to 3 percent slopes | 16.51 | 10.8% | | lle | | | 39 | 42 | 5 | 85 | | 39 | 6 | 1 | 9 | 42 | 6 | 4 | | | | |
| 6371 | Milan loam, 3 to 6 percent slopes, eroded | 1.29 | 0.8% | | llle | | | | 40 | | | | | | | | | | | | | 5 | 28 |
| Weighted Average | | | | | | | 2.8 | 360.5 | 50.1 | 5.6 | 1071.3 | 3.4 | 33.4 | 1.3 | 0.8 | 7.2 | 11.7 | 0.7 | 0.4 | 0.2 | - | 0.2 | |

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.

WATER RESOURCES RECEIVED

MAR 30 2017

KS DEPT OF AGRICULTURE


49810

File No. _____



I declare that all water wells or diversion sites using the same source of supply and within 1/4 mile of the proposed point of diversion have been plotted on the application map.

- ★ Domestic Wells
- ⊕ Proposed PD
- ▲ Water Rights
- ⊕ SFFOsec_corners

 Proposed Place of Use

Signature _____ Date _____

0 400 800 1,600 2,400 3,200 Feet

MAR 30 2017

Created By: Matt Meier
FO 2
Date: 3/2/2017

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED