

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.



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,947
This item to be completed by the Division of Water Resources.

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

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

WATER RESOURCES
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NOV 30 2017
11:14
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): UNITED GOLF OF WICHITA INC (GENE VITARELLI)
Address: 13420 E PAWNEE

City: WICHITA State KS Zip Code 67230

Telephone Number: (316) 807-6330

2. The source of water is: surface water in _____ (stream)
OR groundwater in Walnut 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 124 (0 add) acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 65 (0 add) gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. 2 GMD - Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County SG By AM Date 11-30-17
Code REG 2 Fee \$ 1001.300 TR # _____ Receipt Date 11-30-17 Check # 4962

12/6/2017 UCM

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 NE quarter of the SW quarter of Section 35, more particularly described as being near a point 1406 feet North and 3743 feet West of the Southeast corner of said section, in Township 27 South, Range 2 East, Sedgwick County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

Sam as applicant

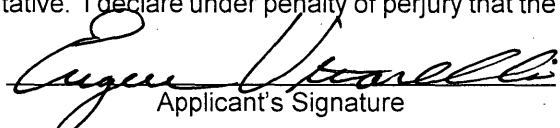
(name, address and telephone number)

(name, address and telephone number)

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

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

Executed on September 19, 2017.


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 1 well and pump

(number of wells, pumps or dams, etc.)

and was completed (by) 9/24/2002

(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP

(Mo/Day/Year)

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

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

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

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

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

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

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

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

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

Overlaps PD with File No. 44,707 & PU with Files No. 44704, 44705, 44706, 44707, 46362, & 46363

Application is to be limited to 124 acre-feet on PU when combined with 44704, 44705, 44706,

44707, 46362, & 46363.

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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	2002			
Total depth of well	Approximate depth 80'			
Depth to water bearing formation	NA			
Depth to static water level	20' - 2 1/2'			
Depth to bottom of pump intake pipe	NA			

14. The relationship of the applicant to the proposed place where the water will be used is that of Same as Applicant
United Golf of Wichita, Inc
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
Same as Applicant
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at 13420 E. Pawnee St. Wichita, Kansas, this 19th day of September, 2017.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ ESII _____ Date: 8/15/2017
(office/title)

- b. The authorized-quantity reduction for the 2019 calendar year regarding the Water Right, which reduction was imposed by the Order, is **withdrawn**.
 - c. The civil penalty of \$1,000 shall still be assessed, however, \$200 of that civil penalty shall be applied to the cost to Respondent for filing a new water right application. *paid \$200 but still need check for \$100 as filing fee for requested quantity is \$300*
 - d. Any and all other provisions and sanctions provided in the Order and not modified herein or inconsistent with this Agreement are incorporated herein and **shall remain in full force and effect**. Respondent already has paid in full the fine assessed by the Order.
8. Respondent agrees that for any future violations by Respondent regarding the Water Right, the violations alleged and admitted to in the Order shall be considered prior violations for the purpose of imposing any future sanctions against Respondent for any future violations concerning the Water Right.
 9. Respondent represents that it understands the terms of this Agreement and that it has had the opportunity to discuss this Agreement with a lawyer before signing it.

E. DUTIES OF RESPONDENT

1. Respondent shall **fully execute and return this Agreement, along with payment of \$1,000 within 14 days** from the day that this Agreement is mailed or otherwise transmitted to Respondent by DWR.
2. Respondent shall comply with all of the terms and conditions of this Agreement and with all provisions of the Order not modified herein or otherwise made inconsistent by this Agreement.

F. BREACH OF THIS AGREEMENT

Respondent understands that the failure to comply fully with all of the terms and conditions of this Agreement constitutes a breach of this Agreement, and may subject Respondent to further enforcement action, including enforcement of the original sanctions set forth in the Order, and other sanctions as allowed under the KWAA and other applicable law. In any future enforcement action, Respondent waives its rights to appeal the findings of fact, legal authorities, and legal conclusions stipulated and admitted to in this Agreement and shall have the opportunity for a hearing only on the issue of whether Respondent breached the terms of this Agreement.

FINAL ORDER

COMES NOW, the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, by and through Lane Letourneau, his duly appointed representative, and finds that:

1. Settlement negotiations held on July 13, 2017, between DWR and Respondent's agent resulted in the terms and conditions contained in the Agreement and set out above, which

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,947

Name of Applicant (Please Print): UNITED GOLF OF WICHITA INC (GENE VITARELLI)

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: UNITED GOLF OF WICHITA INC (GENE VITARELLI)

ADDRESS: 13420 E PAWNEE WICHITA, KS 67230

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	27S	2E										14.5		8.5	37					60

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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Landowner of Record NAME: _____

ADDRESS: _____

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

KS DEPT OF AGRICULTURE

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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:

ii. For sprinkler systems:

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

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

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

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

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

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).

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

9/19/2017
(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. 49,947

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.

Eugene Vitarelli
Signature of Applicant

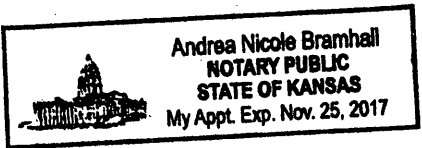
State of Kansas)
County of Sedwick) ss

Eugene Vitarelli
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 19th day of September, 20 17.

Andrea Nicole Bramhall
Notary Public

My Commission Expires:



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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

49,947



Department of Agriculture
Division of Water Resources

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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov

Sam Brownback, Governor

August 15, 2017

United Golf of Wichita Inc
Gene Vitarelli
1320 E Pawnee
Wichita, KS 67230

Re: Assistance with New Application

Hello Gene:

I have included all the forms you will need to finishing filling out for a new application. The application was filled out using information from your existing Water Right, File No. 44,707. I highlighted the areas which will need to be signed or additional information will need to be submitted. This primarily would be the location and mailing addresses for nearby domestic well owners located within 1/2 mile of your proposed well site. If there are a large number of nearby wells, performing a public notice would be another option.

Additionally, based on the requested quantity of water a check for \$100 will need to be submitted with the application. The filing fee would typically be \$300, but since \$200 was already paid as part of the consent agreement you will only need to pay \$100.

If you have any questions or want to set up an in person meeting to get additional help filling your application out, please feel free to contact me at (620) 234-5311 or via my email at matt.meier@ks.gov.

Sincerely,

Matt Meier
Environmental Scientist
Water Appropriations Program

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

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

December 4, 2017

UNITED GOLF OF WICHITA
GENE VITARELLI
13420 E PAWNEE
WICHITA KS 67230

FILE COPY

RE: Application
File No. 49947

Dear Sir or Madam:

Your application for permit to appropriate water in 35-27S-2Evin Sedgwick 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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD



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.

- Proposed PD
- Proposed Place of Use
- Domestic Wells
- Water Rights
- SFFOsec_corners

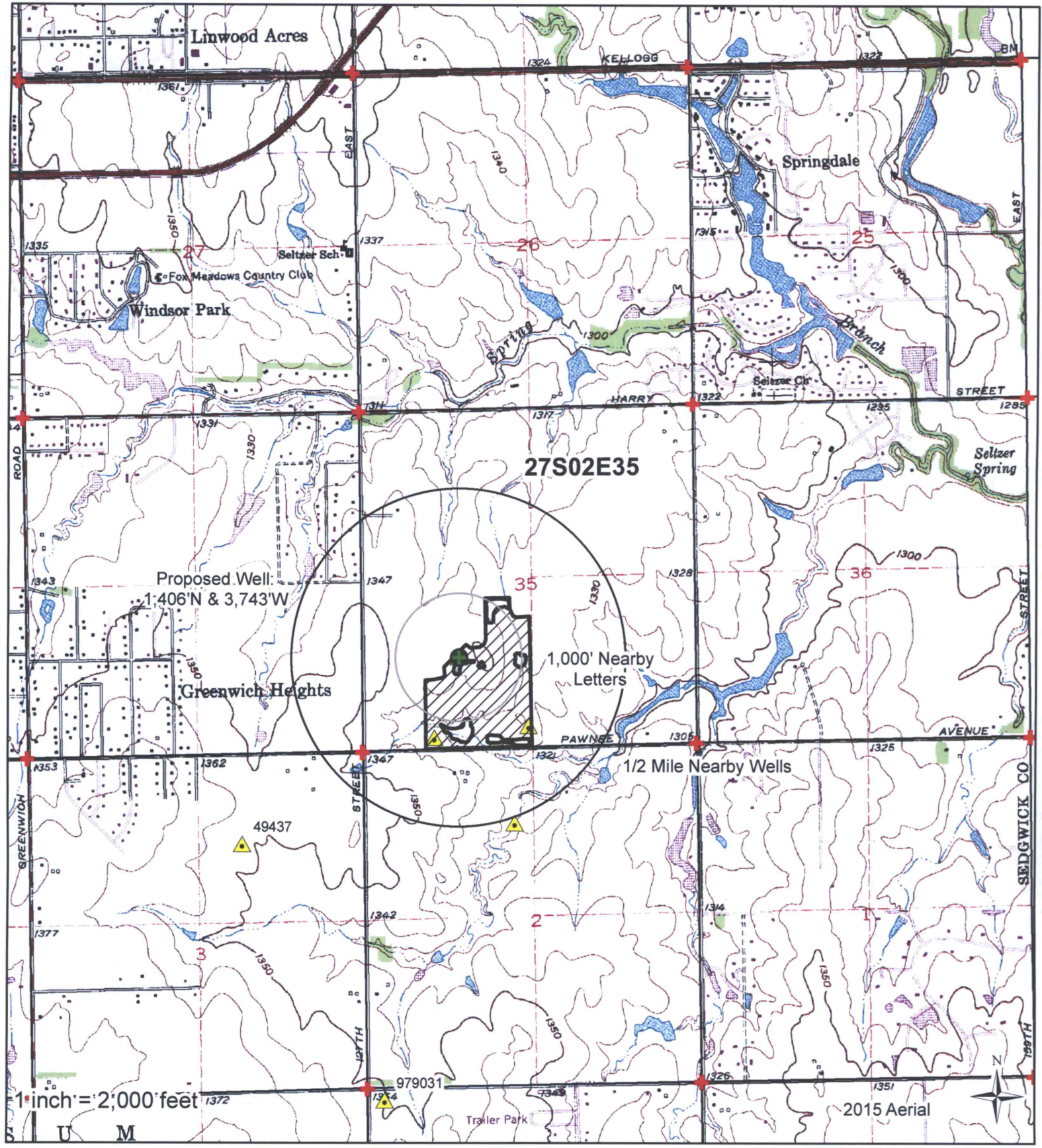
Cyrus Howard 9/19/2017
 Signature Date



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 Created By: Matt Meier
 F.O. 2
 Date: 8/15/2017
 KS DEPT OF AGRICULTURE

49,947

File No. _____



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

- Proposed PD
- Proposed Place Of Use
- Domestic Wells
- Water Rights
- SFFOsec_corners

Signature _____ Date _____

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

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 Created By: Matt Meier
 F.O. 2
 Date: 8/15/2017
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