

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <b>49,835</b>	2. Status Change Date: <u>7/26/2018</u>	3. Field Office: <b>02</b>	4. GMD:
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5. Status:     Approved           Denied by DWR/GMD           Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

7a. Applicant(s)    Person ID **65480**  
New to system     Add Seq# \_\_\_\_\_

**PETER J & JANELLE K MOLITOR**  
**442 SEVY ST**  
**ANDALE KS 67001**

7b. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

**7A**

7c. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

7d. Misc.    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

8. WUR Correspondent    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_  
Overlap File (s) WUC    Notarized WUC Form   
Agree  Yes  No

**7a.**

9. Use of Water:    Changing?     Yes     No

Groundwater     Surface Water

IRR                       REC                       DEW                       MUN

STK                       SED                       DOM                       CON

HYD DRG     WTR PWR     ART RECHRG

IND SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

10. Completion Date: 12/31/2019      11. Perfection Date: 12/31/2023      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes     No    Date to Comply: 12/31/2019    Date WLMD Installed: \_\_\_\_\_

Date Prepared: **7/6/18**                      By: **MJM**  
Date Entered: 7/27/2018                      By: **LM**

File No. **49,835** 15. Formation Code: 100 Drainage Basin: Chikaskia River <sup>48</sup> County: SU Special Use: Stream:

MOD DEL ENT	PDIV. Qualifier	S	T	R	ID	'N	'W
MOD 86108	NENWSW	19	32S	3W	2	2428	4354 Geo-Cent
ENT <del>86945</del>	NENWSW	19	32S	3W		2578	4354 Bat 1 of 4
ENT <del>86946</del>	NENWSW	19	32S	3W		2278	4354 Bat 2 of 4
ENT <del>86947</del>	NENWSW	19	32S	3W		2428	4504 Bat 3 of 4
ENT <del>86948</del>	NENWSW	19	32S	3W		2428	4204 Bat 4 of 4
Battery 2092							

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	314.6	800	314.6	None

18. Storage: Rate \_\_\_\_\_ NF Quantity \_\_\_\_\_ ac/ft Additional Rate \_\_\_\_\_ NF Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No To be installed by **12/31/2019** Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼			SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	Lot 1	Lot 2	SE ¼	NE ¼	Lot 3	Lot 4	SE ¼	NE ¼	NW ¼	SW ¼				
√	68352	19	32S	3W	3								9.5	39.75	39.71	15					103.96	7b.		None
√	68353	30	32S	3W	1					32.5	39.54									72.04	7b.		None	
√	68354	24	32S	4W	1												18		23	41	7b.		None	
√	68355	25	32S	4W	4	25														25	7b.		None	

Comments:

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

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

**TO:** Files

**DATE:** July 6, 2018

**FROM:** Matt Meier

**RE:** Application, File No. 49,835

Peter & Janelle Molitor have filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 314.6 acre-feet, and a diversion rate of 800 gallons per minute. The proposed well battery geo-center is to be located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 2,428 feet North and 4,354 feet West of the Southeast corner of said section, Township 32 South, Range 3 West, Sumner County, in the Chikaskia River drainage basin within the boundaries of South-Central Kansas Designated Unit Area- CHK6. There are currently no overlapping water rights on the proposed place of use or point of diversion. The proposed place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion.

The applicant identified that there are one domestic well within one-half mile of the proposed well and no existing non-domestic wells (which Wris confirmed). Nearby notification letters were sent on April 24, 2018. No contact of any kind was received. Based off WRIS, there are no non-domestic water rights within 2 miles. Based on the included map, the nearest domestic well is located approximately 1,100 feet away. It should be noted that this well and location may no longer be in use. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 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.

A test hole log was submitted with the application which shows topsoil from 0 to 2 feet, clay from 1 to 10 feet, sandy clay from 10 to 20 feet, medium sand from 20 to 36 feet, medium gravel from 36 to 41 feet, aqua shale/voidy from 41 to 44 feet, red shale from 44 to 50 feet, and blue shale from 50 to 70 feet below ground. Static water level was 17 feet below ground surface which provides a saturated thickness of roughly 24 feet from the likely primary source. The well was cased to 70ft with screen-perforated interval running from 24-45 feet. A representative of the applicant, Kourtney Kelly, stated that the other wells would likely be drilled to a depth of around 44 feet where the shale begins. It was decided to waive the limited saturated thickness study, required for test holes with saturated thickness less than 25ft, due to spacing being more than met, lack of other development in area, and phone call (see email from Jeff Lanterman) from Brad Vincent of Groundwater Associates stating he didn't foresee any issues with the proposed wells impacting the area.

The point of diversion is located within South Central Kansas Designated Unit Area CHK6 which is currently open to new appropriations. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 7,445 acres. A portion of the South side of the Safe Yield was excluded as well logs in the area showed shallow shale formations with the static water level located in the shale. This would not be the primary source of water for the wells based on a phone conversation so the area was excluded. Information, ie well logs and geologic maps, were spotty so future safe yields in the area may need to have modified extents in more accurate information becomes available. With a potential annual recharge of 2.5 inches, and 50% of recharge available for appropriation, safe yield was determined to be 775.5 acre-feet. There are zero existing water rights leaving the full safe yield quantity of 775.5 acre-feet available and the application requesting 314.6 acre-feet complies with safe yield.

The requested quantity of water, 314.6 acre-feet, is reasonable to irrigate the proposed 242 acres identified in the application. This is the maximum reasonable quantity allowable of 1.3 acre-feet per acre for Sumner County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on July 6, 2018. 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 application be approved.

Matt Meier  
Environmental Scientist  
Permits Unit

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 30, 2018

PETER J & JANELLE K MOLITOR  
442 SEVY ST  
ANDALE KS 67001

**FILE COPY**

RE: Application, File No. 49,835

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 cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

Enclosures

pc: Stafford Field Office



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

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

**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. 49,835** of the applicant

**PETER J & JANELLE K MOLITOR  
442 SEVY ST  
ANDALE KS 67001**

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 **May 4, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	Lot 1	Lot 2	SE¼	NE¼	Lot 3	Lot 4	SE¼	NE¼	NW¼	SW¼	SE¼	
19 32S 3W									9.5	39.75	39.71	15					103.96
30 32S 3W					32.5	39.54											72.04
24 32S 4W													18			23	41
25 32S 4W	25																25

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is to be located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¼ NW¼ SW¼) of Section 19, more particularly described as being near a point 2,428 feet North and 4,354 feet West of the Southeast corner of said section, in Township 32 South, Range 3 West, Sumner County, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.783 c.f.s.)** and to a quantity not to exceed **314.6 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, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 of \$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, 2023** 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 of \$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 and maintained on the diversion works authorized by this permit in accordance with 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 end of the report year).
13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
14. 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.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. 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.
17. 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.

18. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

**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 20th day of July, 2018, 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 20th day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public



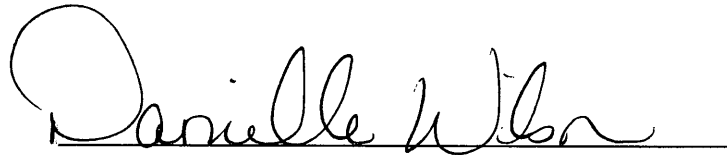
**CERTIFICATE OF SERVICE**

On this 30<sup>th</sup> day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,835, dated July 26, 2018 was mailed postage prepaid, first class, US mail to the following:

PETER J & JANELLE K MOLITOR  
442 SEVY ST  
ANDALE KS 67001

With photocopies to:

Stafford Field Office



Division of Water Resources

THE STATE OF KANSAS



7-6-18 KAB  
APPLICATION COMPLETE  
7/21/17  
Reviewer KTM/SFFO

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

WATER RESOURCES  
RECEIVED

File Number 49835  
This item to be completed by the Division of Water Resources.

JUL 21 2017

APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE

WATER RESOURCES  
RECEIVED

MAY 04 2017

KS DEPT OF AGRICULTURE

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

11:23  
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): Peter J & Janelle K Molitor  
Address: 442 Sevy St  
City: Andale State KS Zip Code 67001  
Telephone Number: (316) 444-2603

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Chikaskia River (drainage basin) CHRG

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 314.6 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. 2 GMP 2 Meets K.A.R. 5-3-1 (YES/NO) Use TRP Source G S County SU By AW Date 5/4/17  
Code 162 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 5/4/17 Check # 3255

5/4/17 Dew

\* MSTN/SFFO up dated geo-center based on map received on 6/13/18. using Place holders for other wells.

File No. \_\_\_\_\_

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.

**Request 60 days to locate.**

Geo-center

(A) One in the ~~NE~~ <sup>NE</sup> quarter of the ~~NE~~ <sup>NW</sup> quarter of the SW quarter of Section 19, more particularly described as being near a point 2475 feet North and 4455 feet West of the Southeast corner of said section, in Township 32 South, Range 3 West, Sumner County, Kansas.

Batt 1 of 4

(B) One in the NE quarter of the NW quarter of the SW quarter of Section 19, more particularly described as being near a point 2578 feet North and 4354 feet West of the Southeast corner of said section, in Township 32 South, Range 3 East/West (circle one), \_\_\_\_\_ County, Kansas.

B2 of 4

(C) One in the NE quarter of the NW quarter of the SW quarter of Section 19, more particularly described as being near a point 2270 feet North and 4354 feet West of the Southeast corner of said section, in Township 32 South, Range 3 East/West (circle one), \_\_\_\_\_ County, Kansas.

B3 of 4

(D) One in the NE quarter of the NW quarter of the SW quarter of Section 19, more particularly described as being near a point 2428 feet North and 4504 feet West of the Southeast corner of said section, in Township 32 South, Range 3 East/West (circle one), \_\_\_\_\_ County, Kansas.

B4 of 4

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):

Applicant \_\_\_\_\_  
(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 April 18, 2017. Peter J. Molitor  
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 a battery of 4 wells and diversion system  
(number of wells, pumps or dams, etc.)

and will be completed (by) Fall 2017  
(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 Fall 2017  
(Mo/Day/Year)

2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018

11/1/18

- 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

WATER RESOURCES  
RECEIVED

JUL 21 2017

MAY 04 2017

086111

File No. \_\_\_\_\_

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

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

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

14. The relationship of the applicant to the proposed place where the water will be used is that of owner  
(owner, tenant, agent or otherwise)

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

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 Park City, Kansas, this 18 day of April, 2017.  
(month) (year)

Peter J. Matter  
(Applicant Signature)

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

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

Assisted by EKF SFFO/ESII Date: 4/6/17  
(office/title)

STATIONER  
1000 N. 10TH ST.  
DENVER, CO 80202  
303.733.1111

### IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49835

Name of Applicant (Please Print): Peter J & Janelle K Molitor

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: Peter J & Janelle K Molitor

ADDRESS: 442 Sevy St, Andale KS 67001

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	Lot 1	Lot 2	SE	NE	Lot 3	Lot 4	SE	NE	NW	SW	SE	
19	32	3W									9.5	39.75	39.71	15					103.96
30	32	3W					32.5	39.54											72.04
24	32	4W													18			23	41
25	32	4W	25																25

**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	

WATER RESOURCES  
RECEIVED

WATER RESOURCES  
RECEIVED

MAY 04 2017

JUL 21 2017

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

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>See attachment</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Total:</b>	<b>100 %</b>		

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: We will manage the water application rates

ii. For sprinkler systems: Sprinkler Package not available at this time

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

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

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

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

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

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).

Crop Consultant, Soil Probes

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

Final location

Report Date Thursday, July 5 2018

Water Rights and Points of Diversion Within 2.00 miles of point defined as:  
2428 ft N and 4354 ft W of the SE Corner of Section 19, T 32S, R 3W  
Located at: 97.689000 West Longitude and 37.248550 North Latitude  
Both SURFACE WATER and GROUNDWATER

49835  
meets  
spacing

```

=====
File Number      Use ST SR Dist (mi) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng  ID Batt Auth_Quan  Add_Quan Unit
A_  49835 00 IRR AY G      .22 -- -- -- SW 1320 3960 19 32 3W 2      314.60 314.60 AF
=====

```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      314.60      .00
Total Permitted Amount (AF) =      .00      .00
Total Inspected Amount (AF) =      .00      .00
Total Pro_Cert Amount (AF) =      .00      .00
Total Certified Amount (AF) =      .00      .00
Total Vested Amount (AF) =      .00      .00
TOTAL AMOUNT (AF) =      314.60      .00
=====

```

An \* after the source of supply indicates a pending application for change for the file number.  
An \* after the ID indicates a 15 AF exemption was granted for the file number.  
A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:  
97.689000 West Longitude and 37.248550 North Latitude  
Both SURFACE WATER and GROUNDWATER  
WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
A_  49835 00 IRR AY G
> PETER J & JANELLE K MOLITOR
>
> 442 SEVY ST
> ANDALE KS 67001
>-----
=====

```



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

2475 ft N and 4455 ft W of the SE Corner of Section 19, T 32S, R 3W

Located at: 97.689347 West Longitude and 37.248679 North Latitude

GROUNDWATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 49835 00 IRR AY G      1257 -- -- -- SW 1320 3960 19 32 3W 2      314.60 314.60 AF
=====
    
```

```

Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      314.60           .00
Total Permitted Amount (AF) =           .00           .00
Total Inspected Amount (AF) =           .00           .00
Total Pro_Cert Amount (AF) =           .00           .00
Total Certified Amount (AF) =           .00           .00
Total Vested Amount (AF) =           .00           .00
TOTAL AMOUNT (AF) =      314.60           .00
    
```

An \* after the source of supply indicates a pending application for change for the file number.

An \* after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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

97.689347 West Longitude and 37.248679 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 49835 00 IRR AY G
> PETER J & JANELLE K MOLITOR
>
> 442 SEVY ST
> ANDALE KS 67001
>-----
=====
    
```

**Summary Report Sheet**  
**Total Authorized Quantity in Acre-Feet**

49835  
1-30-18  
KAB/DWR

Appropriated quantities are as of 1/30/2018 and are based on non-dismissed, active water rights and unapproved water right applications. There are 16 water rights and 21 points of diversion selected.

Authorized quantity values are in acre-feet (AF).

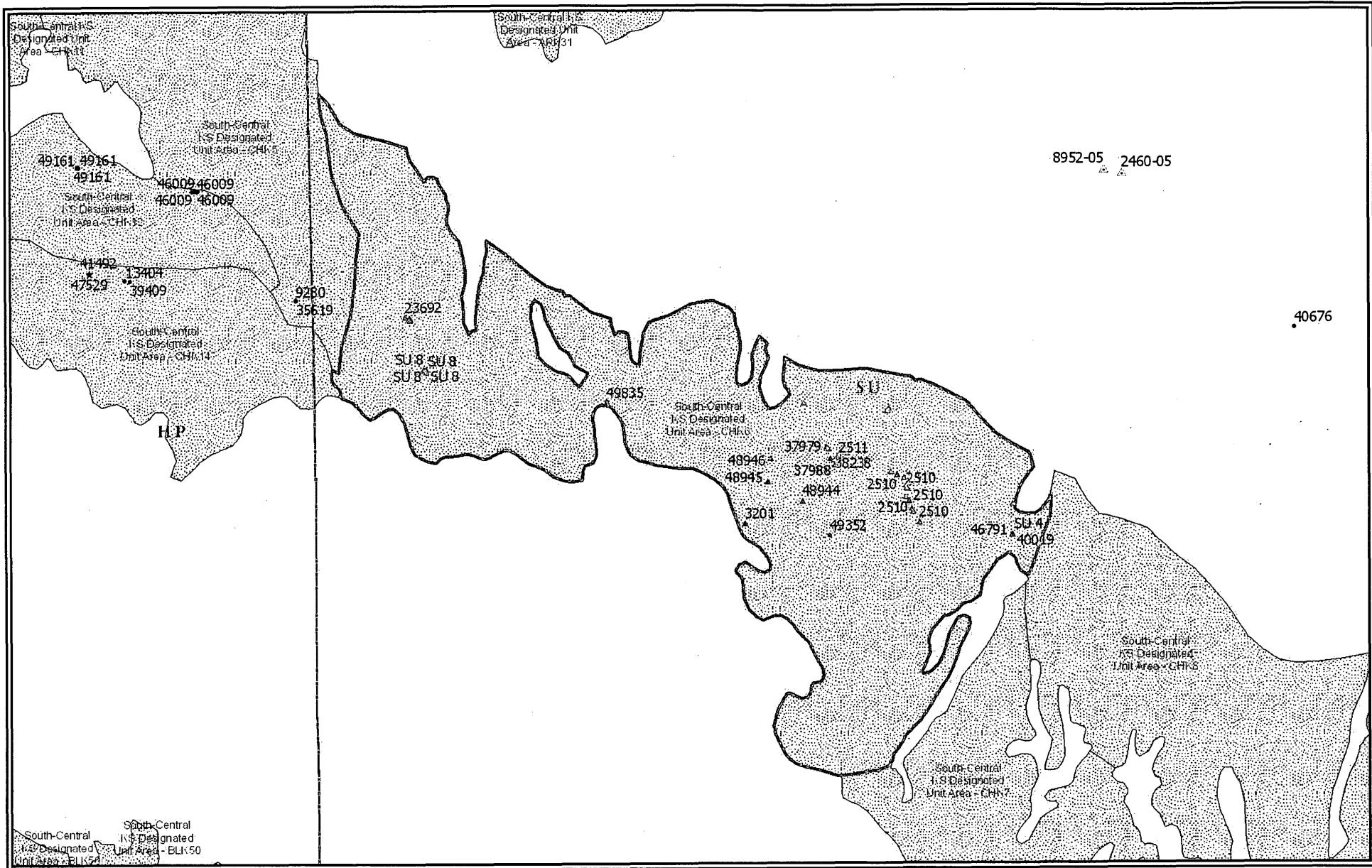
**Water Source and Use Made of Water Matrix:**

	DOM	IND	IRR	MUN	REC	STK	OTHER	TOTAL
SURFACE	0.00	0.00	0.00	3,064.41	0.00	0.00	0.00	3,064.41
GROUND	0.00	0.00	494.60	898.05	0.00	0.00	0.00	1,392.65
TOTAL	0.00	0.00	494.60	3,962.45	0.00	0.00	0.00	4,457.05

**Irrigated Acres by Source:**

Surface: 0.00      Ground: 306.00      Total: 306.00

CHK6 - 4885 AF  
allowed



WrId	Right_type	Venty_code	Wr_num	Wr_qual	Umw_Code	Wrf_Active	Wrf_Status	Source	Pdiv_Id	Fpv_Active	GMD	Sua	Qstor_Ind	Auth_quant	Add_quant	Quant_unit	Nacres_Irr
2,578	A		2,510	00	MUN	Y	NK	G	9,304	Y	0		2	48.15	48.15	AF	0.00
2,578	A		2,510	00	MUN	Y	NK	G	30,410	Y	0		2	48.00	48.00	AF	0.00
2,578	A		2,510	00	MUN	Y	NK	G	31,181	Y	0		2	54.60	54.60	AF	0.00
2,578	A		2,510	00	MUN	Y	NK	G	45,442	Y	0		2	36.09	36.09	AF	0.00
2,578	A		2,510	00	MUN	Y	NK	G	52,289	Y	0		2	76.72	76.72	AF	0.00
2,579	A		2,511	00	MUN	Y	NK	G	32,791	Y	0		1	43.27	43.27	AF	0.00
3,279	A		3,201	00	MUN	Y	NK	S	22,189	Y	0		1	1,340.44	879.67	AF	0.00
24,108	A		23,692	00	MUN	Y	NK	G	10,674	Y	0		1	76.72	33.76	AF	0.00
38,547	A		37,979	00	MUN	Y	NK	G	53,475	Y	0		1	122.76	122.76	AF	0.00
38,556	A		37,988	00	MUN	Y	NK	G	2,911	Y	0		1	122.76	122.76	AF	0.00
38,806	A		38,238	00	MUN	Y	NK	G	23,909	Y	0		1	118.92	118.92	AF	0.00
40,614	A		40,019	00	MUN	Y	NK	S	1,097	Y	0		1	571.73	0.00	AF	0.00
51,502	V	SU	4	00	MUN	Y	AA	S	1,097	Y	0		1	571.73	571.73	AF	0.00
51,506	V	SU	8	00	MUN	Y	AA	G	63,924	Y	0		1	76.72	76.72	AF	0.00
51,506	V	SU	8	00	MUN	Y	AA	G	63,925	Y	0		1	76.72	76.72	AF	0.00
51,506	V	SU	8	00	MUN	Y	AA	G	63,926	Y	0		1	76.72	76.72	AF	0.00
51,506	V	SU	8	00	MUN	Y	AA	G	63,927	Y	0		1	76.72	76.72	AF	0.00
69,747	A		46,791	00	MUN	Y	LO	S	1,097	Y	0		1	1,613.00	1,613.00	AF	0.00
80,899	A		48,944	00	MUN	Y	GY	G	82,673	Y	0		1	140.00	116.31	AF	0.00
80,900	A		48,946	00	MUN	Y	GY	G	82,675	Y	0		1	140.00	0.00	AF	0.00
80,901	A		48,945	00	MUN	Y	GY	G	82,674	Y	0		1	140.00	0.00	AF	0.00
82,777	A		49,352	00	IRR	Y	AY	G	84,195	Y	0		1	180.00	180.00	AF	64.00
84,425	A		49,835	00	IRR	Y	AY	G	86,108	Y	0		1	314.60	314.60	AF	242.00

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-0-  
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Draft

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

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

**TO:** Files

**DATE:** July 6, 2018

**FROM:** Matt Meier

**RE:** Application, File No. 49,835

Peter & Janelle Molitor have filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 314.6 acre-feet, and a diversion rate of 800 gallons per minute. The proposed well battery geo-center is to be located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 2,428 feet North and 4,354 feet West of the Southeast corner of said section, Township 32 South, Range 3 West, Sumner County, in the Chikaskia River drainage basin within the boundaries of South-Central Kansas Designated Unit Area- CHK6. There are currently no overlapping water rights on the proposed place of use or point of diversion. The proposed place of use is owned by the applicant. The applicant has signed the application form stating that he has legal access to the point of diversion.

The applicant identified that there are one domestic well within one-half mile of the proposed well and no existing non-domestic wells (which WRIS confirmed). Nearby notification letters were sent on April 24, 2018. No contact of any kind was received. Based off WRIS, there are no non-domestic water rights within 2 miles. Based on the included map, the nearest domestic well is located approximately 1,100 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 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.

A test hole log was submitted with the application which shows topsoil from 0 to 2 feet, clay from 1 to 10 feet, sandy clay from 10 to 20 feet, medium sand from 20 to 36 feet, medium gravel from 36 to 41 feet, aqua shale/voidy from 41 to 44 feet, red shale from 44 to 50 feet, and blue shale from 50 to 70 feet below ground. Static water level was 17 feet below ground surface which provides a saturated thickness of roughly 24 feet from the likely primary source. The well was cased to 70ft with screen-perforated interval running from 24-45 feet. A representative of the applicant, Kourtney Kelly, stated that the other wells would likely be drilled to a depth of around 44 feet where the shale begins.

The point of diversion is located within South Central Kansas Designated Unit Area CHK6 which is currently open to new appropriations. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 7,445 acres. A portion of the South side of the Safe Yield was excluded as well logs in the area showed shallow shale formations with the static water level located in the shale. This would not be the primary source of water for the wells based on a phone conversation so the area was excluded. Information, ie well logs and geologic maps, were spotty so future safe yields in the area may need to have modified extents in more accurate information becomes available. With a potential annual recharge of 2.5 inches, and 50% of recharge available for appropriation, safe yield was determined to be 775.5 acre-feet. There are zero existing water rights leaving the full safe yield quantity of 775.5 acre-feet available and the application requesting 314.6 acre-feet complies with safe yield.

The requested quantity of water, 314.6 acre-feet, is reasonable to irrigate the proposed 242 acres identified in the application. This is the maximum reasonable quantity allowable of 1.3 acre-feet per acre for Sumner County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

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 application be approved.

Matt Meier  
Environmental Scientist  
Permits Unit

*Concur w/ Recommendation*

*Approve it. GRWC 7/6/18*

*Include discussion in memo re: why we didn't do a sat. thickness study*

## Meier, Matt [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tuesday, June 5, 2018 8:31 AM  
**To:** Meier, Matt [KDA]; Conant, Cameron [KDA]  
**Subject:** Brad vincent on Courtney Kelley App

Said the only domestic well in the area is a domestic more than 1.4 mile away and upstream. About a zero chance of impacting it.

Have abtou 20' of saturated thickness there.

Based on what he told me I think I would lean away from doing a limited sat. Thickness study.

Also they are really only looking at irrigating an 80. Brad doesn't think they can get enough water to irrigate everything. I told him it would probably drop off when we did certification but a reduction to what they plan to irrigate may make us feel better about the limited saturated thickness.

Jeff

## Meier, Matt [KDA]

---

**From:** Meier, Matt [KDA]  
**Sent:** Monday, May 14, 2018 11:56 AM  
**To:** 'Kortney Kelley'  
**Subject:** RE: 49835

Thanks for the update

-----Original Message-----

**From:** Kortney Kelley [mailto:kortneykelley79@gmail.com]  
**Sent:** Monday, May 14, 2018 9:18 AM  
**To:** Meier, Matt [KDA] <Matt.Meier@ks.gov>  
**Subject:** 49835

Good morning Matt,

I have contacted our driller and he says he is 6-10 days out from coming and helping decide the geo center.

I just wanted you to know where we are at with this!

Thank you!

Kortney Kelley

Sent from my iPhone



STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
STAFFORD FIELD OFFICE  
300 S. MAIN STREET  
STAFFORD, KS 67578-1521



PHONE: (620) 234-5311  
FAX: (620) 234-6900  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

April 24, 2018

Christy Finney  
PO Box 31  
Andale, KS 67001-0031

Re: Pending Application, File No. 49,835

Dear Sir or Madam:

This is to advise you that Peter & Janelle Molitor have filed the application referred to above for a permit to appropriate 314.6 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a battery of four (4) wells. The proposed point of diversion for 49,835 is the well battery geo-center, which are located as follows:

Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 19, Township 32 South, Range 3 West, Sumner County, Kansas.

A map is enclosed indicating the location of the proposed well battery. 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

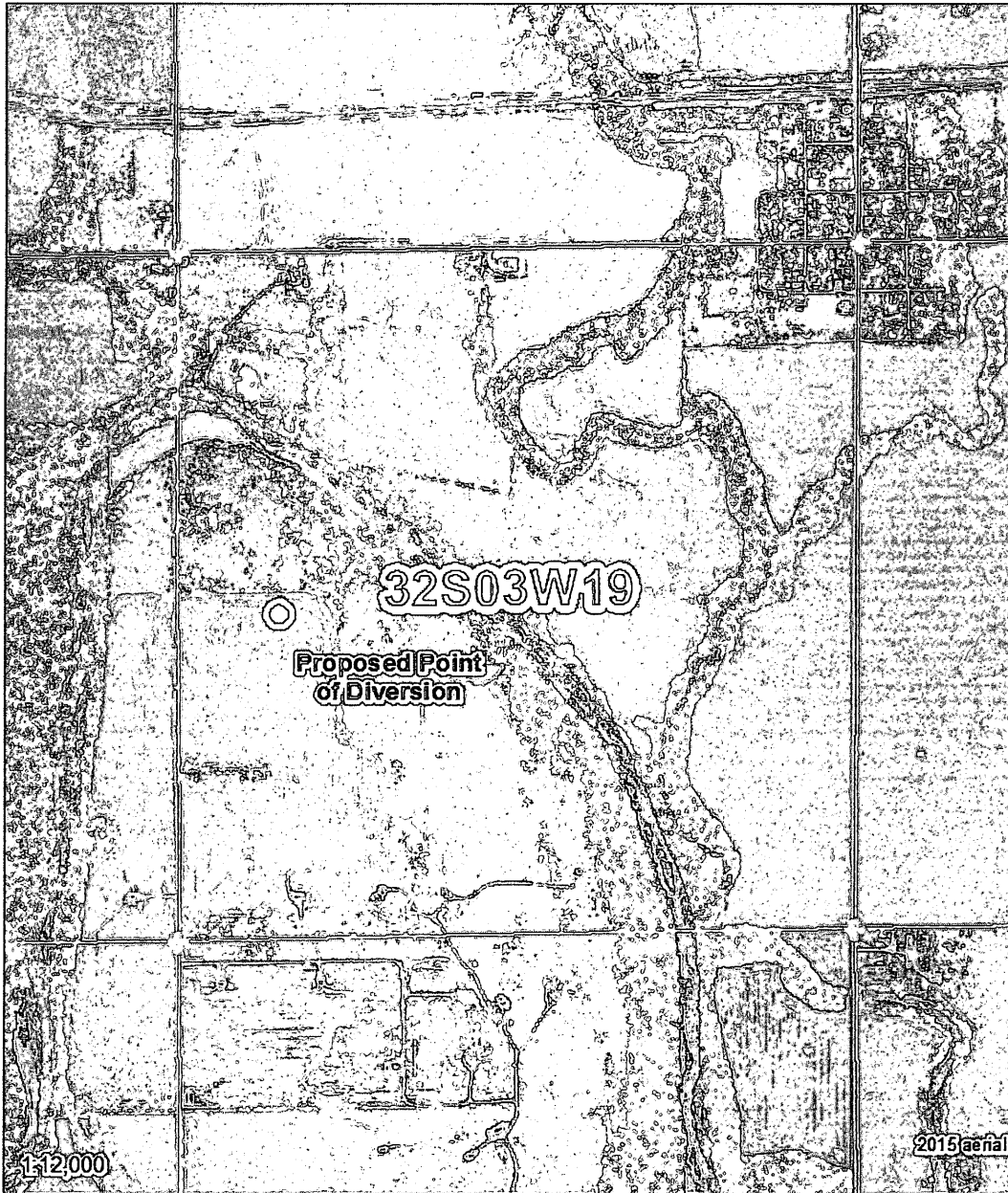
STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
STAFFORD FIELD OFFICE  
300 S. MAIN STREET  
STAFFORD, KS 67578-1521



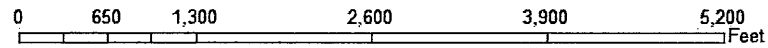
PHONE: (620) 234-5311  
FAX: (620) 234-6900  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE



**Legend**

- ⊕ Section Corners
- ▭ Section Lines



Proposed Water Appropriation, File No. 49,835  
19-32S-3W  
Sumner County



MJM-DWR 4/24/18

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 29, 2017

PETER J & JANELLE K MOLITOR  
442 SEVY ST  
ANDALE KS 67001

**FILE COPY**

Re: Pending Application,  
File No. 49,835

Dear Sir or Madam:

The Division of Water Resources returned the above referenced application to you for additional information on May 25, 2017, and the current deadline for your response is July 25, 2017. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **July 25, 2017**, or within any authorized extension of time thereof. According to law, default in refileing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **July 25, 2017**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 564-6631 or by email at [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov). If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

pc:

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

**FILE COPY**

May 25, 2017

PETER J & JANELLE K MOLITOR  
442 SEVY ST  
ANDALE KS 67001

Re: Pending Application,  
File No. 49,835

Dear Mr. and Mrs. Molitor:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on May 4, 2017, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 19, in Township 32 South, Range 3 West, Sumner County, Kansas. Due to our delay in returning the original application to you, the 60-day period of time will start as of the date of this letter.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

The locations of all other water wells of every kind within one-half mile ( $\frac{1}{2}$ ) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile ( $\frac{1}{2}$ ) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **July 25, 2017**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

enclosures



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

May 4, 2017

PETER J & JANELLE K MOLITOR  
442 SEVY ST  
ANDALE KS 67001

**FILE COPY**

RE: Application  
File No. 49835

Dear Sir or Madam:

Your application for permit to appropriate water in 19-32S-3W 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,

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STAFFORD Field Office  
GMD

**SCANNED**

### 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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**WATER WELL RECORD Form WWC-5**

Division of Water Resources App. No.

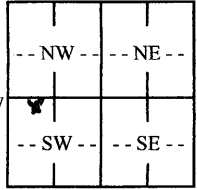
Well ID

Original Record  Correction  Change in Well Use

<b>1 LOCATION OF WATER WELL:</b> County: <b>SUMNER</b>	Fraction NW 1/4 NE 1/4 NW 1/4 SW 1/4	Section Number <b>19</b>	Township Number <b>T 32 S</b>	Range Number <b>R 3</b> <input type="checkbox"/> E <input checked="" type="checkbox"/> W
---	---	-----------------------------	----------------------------------	---

<b>2 WELL OWNER:</b> Last Name: <b>MOLITOR</b> First: <b>PETER</b> Business: Address: <b>442 N. SEVY</b> Address: City: <b>ANDALE</b> State: <b>KS</b> ZIP: <b>67001</b>	Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: <input type="checkbox"/> <b>FROM W 40TH ST S AND S BLUFF RD GO SOUTH 1.5 MILES</b>
--	--

**3 LOCATE WELL WITH "X" IN SECTION BOX:**  
N



**4 DEPTH OF COMPLETED WELL:** ..... **70** ..... ft.  
Depth(s) Groundwater Encountered: 1) ..... **17** ..... ft.  
2) ..... ft. 3) ..... ft., or 4)  Dry Well  
WELL'S STATIC WATER LEVEL: ..... **17** ..... ft.  
 below land surface, measured on (mo-day-yr) **7/12/2017**  
 above land surface, measured on (mo-day-yr) .....  
Pump test data: Well water was ..... **34** ..... ft.  
after ..... **2** ..... hours pumping ..... **150** ..... gpm  
Well water was ..... ft.  
after ..... hours pumping ..... gpm  
Estimated Yield: ..... **200** ..... gpm  
Bore Hole Diameter: ..... **9.5** ..... in. to ..... **70** ..... ft. and  
..... in. to ..... ft.

**5 Latitude:** ..... (decimal degrees)  
**Longitude:** ..... (decimal degrees)  
**Horizontal Datum:**  WGS 84  NAD 83  NAD 27  
**Source for Latitude/Longitude:**  
 GPS (unit make/model: .....)  
(WAAS enabled?  Yes  No)  
 Land Survey  Topographic Map  
 Online Mapper: .....

**6 Elevation:** ..... ft.  Ground Level  TOC  
**Source:**  Land Survey  GPS  Topographic Map  
 Other .....

**7 WELL WATER TO BE USED AS:**

1. Domestic: <input type="checkbox"/> Household <input type="checkbox"/> Lawn & Garden <input type="checkbox"/> Livestock	5. <input type="checkbox"/> Public Water Supply: well ID .....	10. <input type="checkbox"/> Oil Field Water Supply: lease .....
2. <input type="checkbox"/> Irrigation	6. <input type="checkbox"/> Dewatering: how many wells? .....	11. Test Hole: well ID .....
3. <input type="checkbox"/> Feedlot	7. <input type="checkbox"/> Aquifer Recharge: well ID .....	<input checked="" type="checkbox"/> Cased <input type="checkbox"/> Uncased <input type="checkbox"/> Geotechnical
4. <input type="checkbox"/> Industrial	8. <input type="checkbox"/> Monitoring: well ID .....	12. Geothermal: how many bores? .....
	9. Environmental Remediation: well ID .....	a) Closed Loop <input type="checkbox"/> Horizontal <input type="checkbox"/> Vertical
	<input type="checkbox"/> Air Sparge <input type="checkbox"/> Soil Vapor Extraction	b) Open Loop <input type="checkbox"/> Surface Discharge <input type="checkbox"/> Inj. of Water
	<input type="checkbox"/> Recovery <input type="checkbox"/> Injection	13. <input type="checkbox"/> Other (specify): .....

**Was a chemical/bacteriological sample submitted to KDHE?**  Yes  No If yes, date sample was submitted: .....

Water well disinfected?  Yes  No

**8 TYPE OF CASING USED:**  Steel  PVC  Other ..... CASING JOINTS:  Glued  Clamped  Welded  Threaded  
Casing diameter ..... **8** ..... in. to ..... **70** ..... ft., Diameter ..... in. to ..... ft., Diameter ..... in. to ..... ft.  
Casing height above land surface ..... **12** ..... in. Weight ..... lbs./ft. Wall thickness or gauge No. **SDR-26**

**TYPE OF SCREEN OR PERFORATION MATERIAL:**  
 Steel  Stainless Steel  Fiberglass  PVC  Other (Specify) .....  
 Brass  Galvanized Steel  Concrete tile  None used (open hole)

**SCREEN OR PERFORATION OPENINGS ARE:**  
 Continuous Slot  Mill Slot  Gauze Wrapped  Torch Cut  Drilled Holes  Other (Specify) .....  
 Louvered Shutter  Key Punched  Wire Wrapped  Saw Cut  None (Open Hole)

**SCREEN-PERFORATED INTERVALS:** From **25** ..... ft. to **45** ..... ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.  
**GRAVEL PACK INTERVALS:** From **24** ..... ft. to **70** ..... ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.

**9 GROUT MATERIAL:**  Neat cement  Cement grout  Bentonite  Other .....  
Grout Intervals: From **3** ..... ft. to **24** ..... ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.

**Nearest source of possible contamination:**  
 Septic Tank  Lateral Lines  Pit Privy  Livestock Pens  Insecticide Storage  
 Sewer Lines  Cess Pool  Sewage Lagoon  Fuel Storage  Abandoned Water Well  
 Watertight Sewer Lines  Seepage Pit  Feedyard  Fertilizer Storage  Oil Well/Gas Well  
 Other (Specify) .....

Direction from well? **NORTHWEST** Distance from well? **800+** ..... ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	1	TOP SOIL			
1	10	CLAY			
10	20	SANDY CLAY			
20	36	MEDIUM SAND			
36	41	MEDIUM GRAVEL			
41	44	AQUA SHALE/VOIDY			
44	50	RED SHALE			
50	70	BLUE SHALE			

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**11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION:** This water well was  constructed,  reconstructed, or  plugged under my jurisdiction and was completed on (mo-day-year) **7/12/2017** ..... and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **884** ..... This Water Well Record was completed on (mo-day-year) **7/13/2017** ..... under the business name of **WENINGER DRILLING LLC** Signature: \_\_\_\_\_

April 18, 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.

Peter J. Molitor  
Signature of Applicant

Peter J. Molitor  
(Print Applicant's Name)

State of Kansas )  
County of Sevier ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 19<sup>th</sup> day of April, 2017.

J. Champion  
Notary Public

My Commission Expires:



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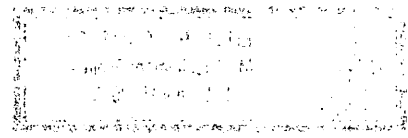
**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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

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JAN 10 1977



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JAN 10 1977

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

May 25, 2017

PETER J & JANELLE K MOLITOR  
442 SEVY ST  
ANDALE KS 67001

Re: Pending Application,  
File No. 49,835

Dear Mr. and Mrs. Molitor:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on May 4, 2017, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 19, in Township 32 South, Range 3 West, Sumner County, Kansas. Due to our delay in returning the original application to you, the 60-day period of time will start as of the date of this letter.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells.**

The locations of all other water wells of every kind within one-half mile ( $\frac{1}{2}$ ) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner.** A signed statement should be included on the map declaring that all wells within one-half mile ( $\frac{1}{2}$ ) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **July 25, 2017**, or within any authorized extension of time thereof. According to law, default in refileing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

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# Untitled Map


Write a description for your map.


## Legend

-  Curl first pvt
-  Feature 1
-  kourtney
-  Measure
-  Measure

 Untitled Placemark

 4354

 Kelley Farms

 2428

Google Earth

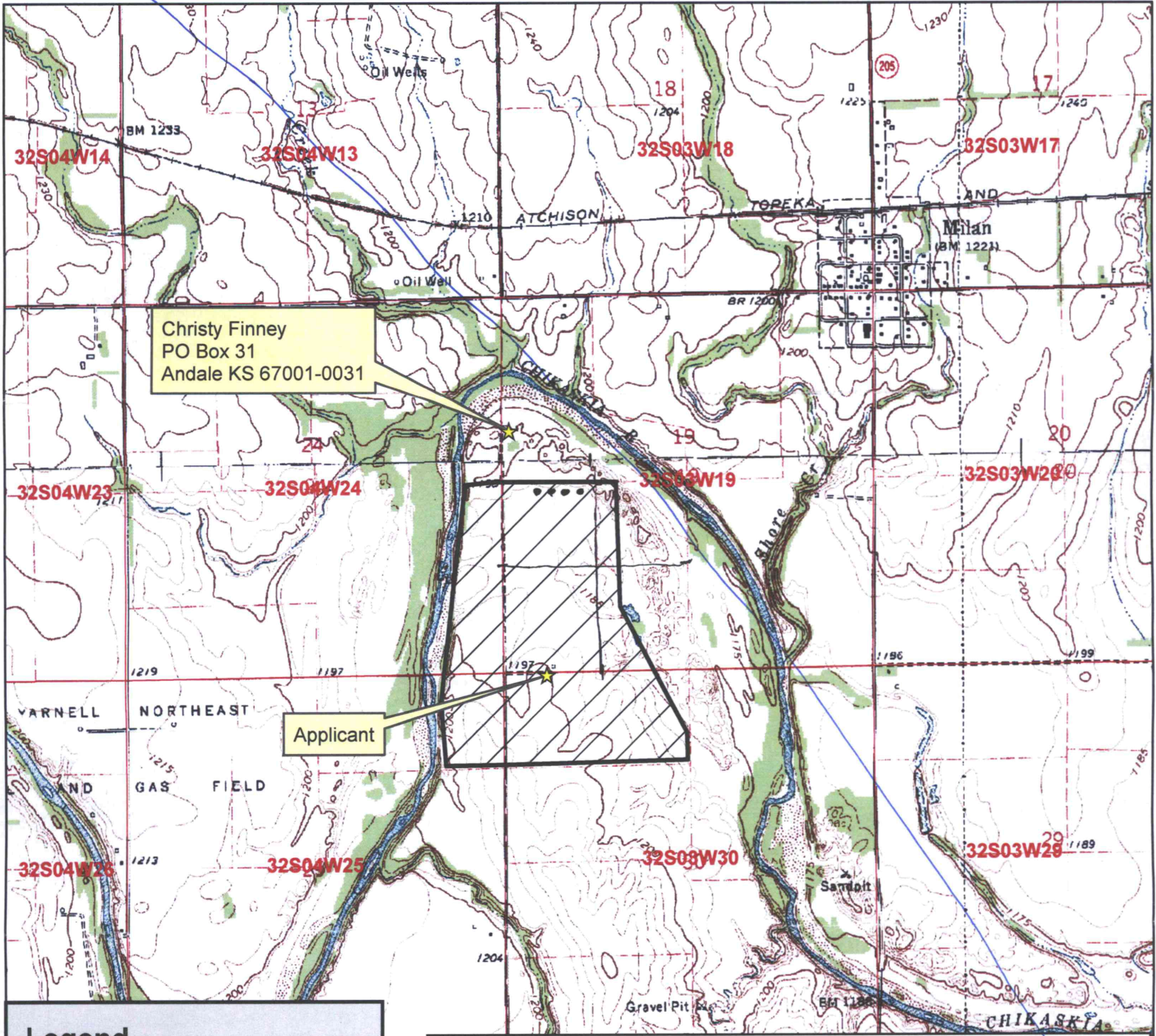
© 2018 Google

3000 ft



pu correct, modified P.D.  
see attached maps

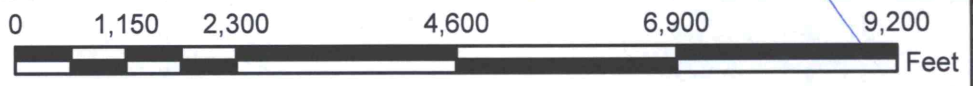
49835



Christy Finney  
PO Box 31  
Andale KS 67001-0031

Applicant

*Applicant  
and Christy  
Finney wells  
are domestic*



**Legend**

- Water Appropriations
- Proposed Point of Diversion
- Domestic Well
- Section Corner
- Half Mile Circle
- Section Line

**Place of Use**

- Proposed

### Water Appropriation, File No.

New Application Map

30-32S-3W // Sumner County

To the best of my knowledge, all wells within 1/2 mile of the proposed point of diversion have been shown.

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JUL 31 2017

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SCANNED

*Ret. J. M. ...*  
Signature

## Analysis Results

The selected PD is in an area OPEN to new appropriations.  
The safe yield based on the variables listed below is 775.50 AF.  
Total prior appropriations in the circle is 314.60 AF.  
Total quantity of water available for appropriation is 460.90 AF.

# 49835  
meets safe yield

## Safe Yield Variables

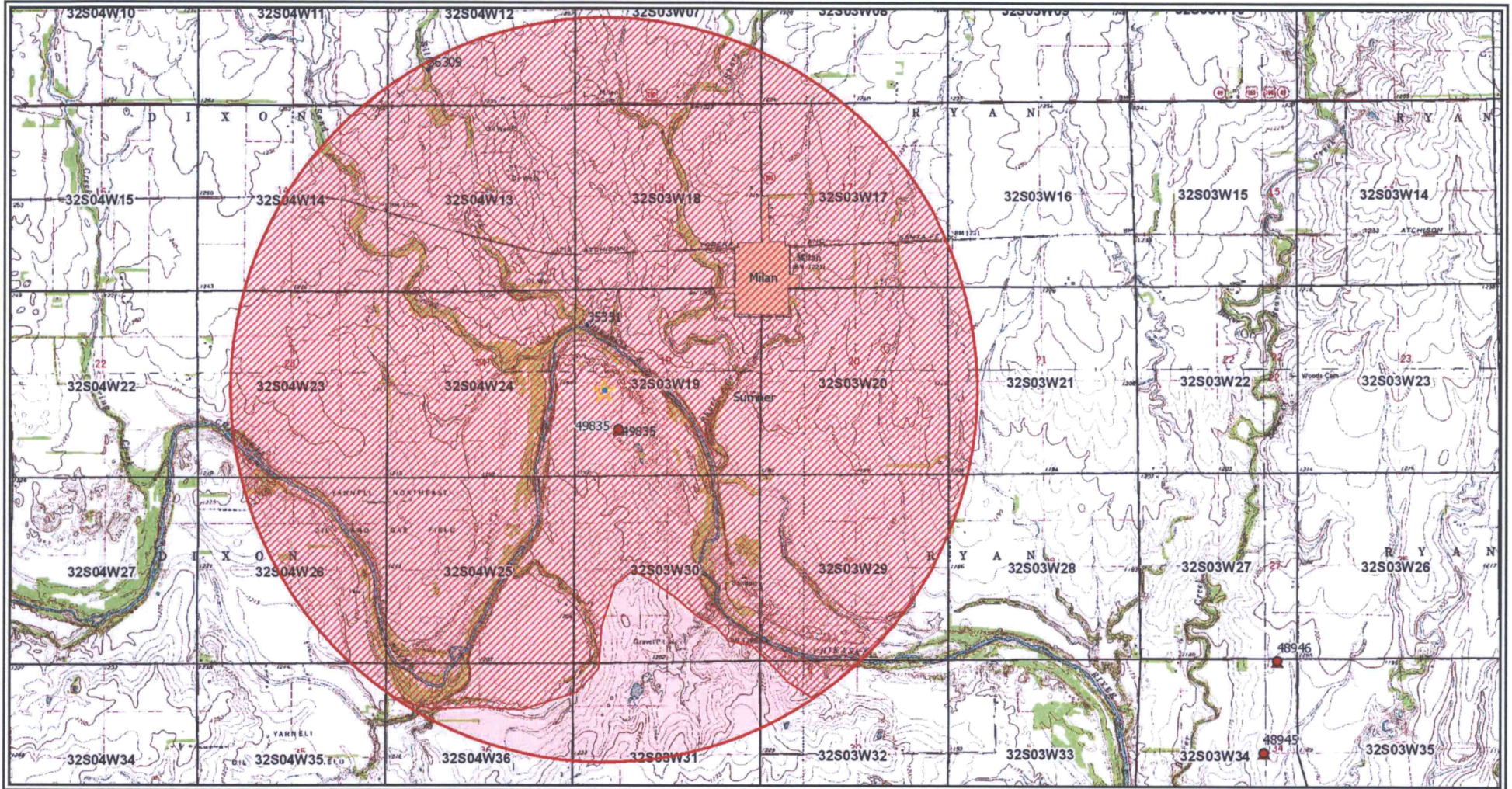
The area used for the analysis is set at 7,445 acres.  
The potential annual recharge at the circle center is estimated to be 2.5 inches.  
The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 05-JUL-2018 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There is 1 water right and 1 point of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 49835 00	IRR	AY	G				SW	1320	3960	19	32	03W	2	WR	314.60	314.60	242.00	242.00

**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 19-32S-03W**  
**Footages from SE corner- 2,428 feet North 4,354 feet West**



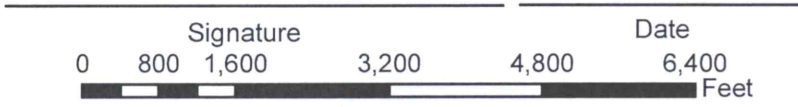
File No. L19838

Final 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.

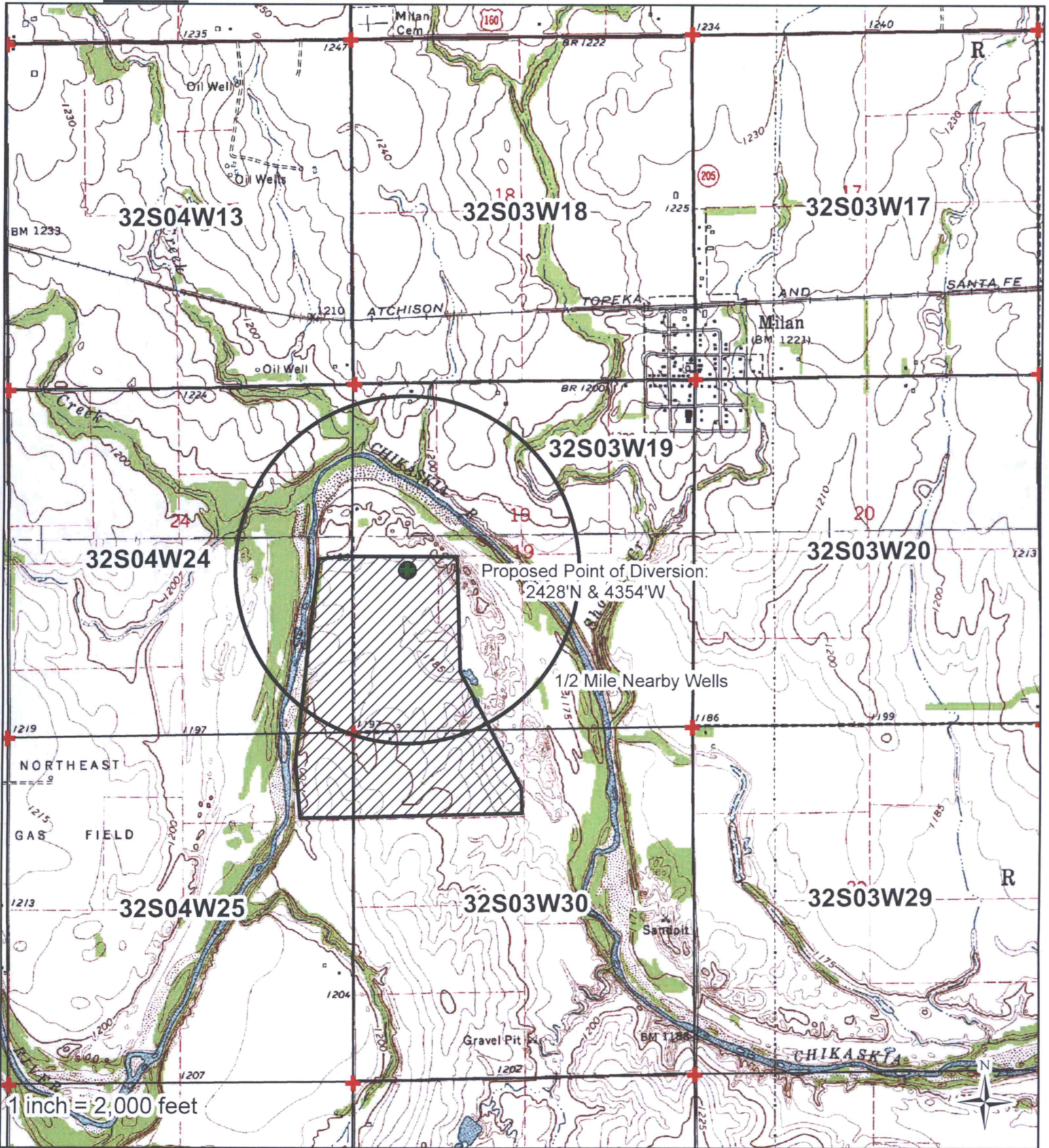
-  ProposedPD
-  ProposedPlaceOfUse
-  Domestic Wells
-  Water Rights
-  SFFOsec\_corners



Created By: Matt Meier  
F.O. 2  
Date: 7/5/2018

File No. 49835

Final 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.

- Proposed PD
- Proposed Place of Use
- Domestic Wells
- Water Rights
- SFFOsec\_corners



Signature

Date

Created By: Matt Meier  
 F.O. 2  
 Date: 7/5/2018