

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

1. File Number: <p style="text-align: center;">49857</p>	2. Status Change Date: <p style="text-align: center;">8/31/2018</p>	3. Field Office: <p style="text-align: center;">02</p>	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 35719
 New to system Add Seq# 01520

SCOTT ADELHARDT
12084 SW 77 AVE
ZENDA KS 67159-9013

7b. Landowner(s) Person ID 35719
 New to system Add Seq# _____

WILDCAT OIL & GAS LLC
PO BOX 40
SPIVEY KS 67142-0040

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
 Agree Yes No Notarized WUC Form

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: 12/31/2024 ²³ 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: _____ Date WLMD Installed: _____

Date Prepared: **4/27/18** By: **AJW**
 Date Entered: **9/6/2018** By: **UM**

File No. **49857** 15. Formation Code: 150 Drainage Basin: **CHIKASKIA 48** County: **KM** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			80180	NE-NE-SW	22	30S	9W	2	2304	2551
ENT			87040	NW-NW-SE	22	30S	9W		2604	2551
ENT			87041	NW-NW-SE	22	30S	9W		2454	2551
ENT			87042	NW-NW-SE	22	30S	9W		2154	2551
ENT			87043	NW-NW-SE	22	30S	9W		2004	2551
Battery ID # 2104										

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	117.6	800	117.6	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 _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
✓			68420	22	30S	9W	2																						

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 25, 2018

FROM: Alex Whitesell

RE: Application, File No. 49,857

Scott Adelhardt has filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 117.2 acre-feet of groundwater from a battery of four (4) wells, for irrigation use in Kingman County.

Based on K.A.R. 5-3-24, the requested quantity of 117.6 acre-feet appears reasonable for irrigation of the proposed 84 acres (1.4 acre-feet per acre in Kingman County).

The source of water for the pending application was determined to be Quaternary, either Fullerton or Holdrege formation based on area wells logs and Kansas Geological Survey Bulletin 144.

The area of the proposed point of diversion is open to new appropriations, subject to safe yield. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. The safe yield area of consideration is the entire two-mile circle, 8,042 acres, calculated using 1.8 inches of potential annual recharge and 50% recharge available for appropriation according to the South Central KS Designated Unit Area CHK4. The safe yield was calculated to be 603.19 acre-feet with total prior appropriation of 32.19 acre-feet leaving 571 acre-feet available for appropriation. Therefore, the application meets safe yield.

The proposed point of diversion is located within South-Central KS Designated unit area – CHCK4 boundary which is open to new appropriations and has water available for appropriation.

The application is subject to well spacing, as required by K.A.R. 5-4-4. There are no other appropriated wells within 1,320 feet, no domestic well reported within 660 feet of the proposed geographic center of the battery of wells. Therefore, the application complies with well spacing requirements.

All well owners within one-half (½) mile of the proposed point of diversion were notified of the application, by letter dated March 23, 2018, and provided 15 days to submit any comments or concerns related to the proposed appropriation. Comments have been received from Kenton Swingle and Roger Vanlandingham. According to WWC5 records the wells owned by the concerned domestic owners are approximately 2,000 feet away and 3,500 feet away respectively.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the diversion works for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will need to be installed. Water level measurement tubes will also be required because this is a new well exceeding 100 gpm.

In an email message dated August 21, 2018, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.



Alex Whitesell
Environmental Scientist
Division of Water Resources

Feet distances modified to
Keep PD on the right parcel.

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

FILE COPY

SCOTT ADELHARDT
12084 SW 77 AVE
ZENDA KS 67159-9013

September 7, 2018

RE: Appropriation of Water
File No. 49,857

Dear Sir or Madam:

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 these approval documents. A water meter is required on the proposed diversion works 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.

Enclosed is a form which must be used to notify the Chief Engineer that the proposed diversion works have been completed. 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. 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 enclosed permit. 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,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:ajw
Enclosures

pc: Stafford Field Office
Wildcat Oil & Gas LLC

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. 49,857** of the applicant

**SCOTT ADELHARDT
15511 SW 90 AVE
ZENDA KS 67159**

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 **June 14, 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	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22	30S	9W													11	18	16	39	84

3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of a battery of (4) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW¼ NW¼ SE¼) of Section 22, more particularly described as being near a point 2,304 feet North and 2,551 feet West of the Southeast corner of said section, in Township 30 South, Range 9 West, Kingman County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **117.6 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 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.
13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
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 four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and be limited to a total maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.).

19. That the point of diversion (well battery geographic center) drilled and constructed under the authority of this permit shall be located in South-Central Kansas Designated Unit Area four (CHK4) in accordance with Kansas Administrative Regulations 5-3-11(d)(4).

Ordered this 31st day of August, 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 31st day of August, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

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, KS 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

CERTIFICATE OF SERVICE

On this 7th day of September, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,857, dated August 31st, 2018 was mailed postage prepaid, first class, US mail to the following:

SCOTT ADELHARDT
15511 SW 90 AVE
ZENDA KS 67159

With photocopies to:

WILDCAT OIL & GAS LLC
PO BOX 40
SPIVEY KS 67142

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE

0/21/18
Reviewer ADW

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49857
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

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.)

JUN 14 2017
11:18
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): Scott Adelhardt
Address: 15511 SW 90 Ave
City: Zenda State KS Zip Code 67159
Telephone Number: (620) 243-3315

2. The source of water is: surface water in _____ (stream)
OR groundwater in Chikaskia River (S.C. KS DUA:CHK4) (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 117.6 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 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use IRZ Source G/S County KM By ADW Date 6/15/17
Code RES Fee \$ 300 TR # _____ Receipt Date 6/14/17 Check # 80110

6/15/17 ADW

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.

*measured
* as per
map w/
application*

(A) One in the ~~NW~~ ^{X NE NW} quarter of the ~~NW~~ ^{NE NW} quarter of the ~~SE~~ ^{SW SE} quarter of Section 22, more particularly described as being near a point 2304 feet North and 2551 feet West of the Southeast corner of said section, in Township 30 South, Range 9 West, Kingman (Geo-Center) County, Kansas.

Geo-Center

(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):

WILDCAT OIL & GAS LLC
(name, address and telephone number)

PO BOX 40 SPIVEY, KS 67142-0040
(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 6-5, 2017. Scott C Adelman
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 4 wells & pumps
(number of wells, pumps or dams, etc.)

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

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP
REC (M/D/Year)

** as per feet distances provided*

JUN 14 2017

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

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

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

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

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

None

WATER RESOURCES RECEIVED

JUN 14 2017

KS DEPT OF AGRICULTURE SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>See Att.</u>	_____	_____	_____
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 co-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):
WILDCAT OIL & GAS LLC
(name, address and telephone number)
PO BOX 40 SPIVEY, KS 67142-0040
(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 Stafford, Kansas, this 6 day of June, 2017.
(month) (year)

Scott C. Powell
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII ESII Date: 5/24/2017
(office/title)

WATER RESOURCES
RECEIVED
JUN 14 2017
KS DEPT OF AGRICULTURE
SCANNED

49857

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49857

Name of Applicant (Please Print): Scott Adelhardt

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: WILDCAT OIL & GAS LLC

ADDRESS: PO BOX 40 SPIVEY, KS 67142-0040

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
22	30S	9W																11	18	16	39	84	

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

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.

WATER RESOURCES RECEIVED

Page 2 of 2

JUN 14 2017

49857

DRILLER'S TEST LOG

Customer Name: Scott Adelhardt Date: 7/27/2016
Address: Test No: #7-16
County: Kingman Quarter: SE Section: 22 Township: 30 Range: 9

Drilled Footage From To Description of Strata Indicate Test Location by an X

Table with 4 columns: From, To, Description of Strata, Indicate Test Location by an X. Rows include: 0-3 Top soil, 3-12 Brown clay, 12-35 Soft sandy tan clay, 35-40 Sand-small medium coarse gravel w/few clay streaks, 40-56 Brown clay, 56-62 Sand-medium, coarse gravel, 63-79 Sand-fine gravel, small, medium coarse gravel, 79-80 Red bed.

Static Water Level: 34 Ft

Remarks:

Set pipe

Garmin GPS- Nad 83

Latitude: 37.419522

Longitude: 98.291078

Elevation: 1626

Driller: Luis Luna

Spot Location: NW/NW/SE

ROSENCRANTZ-BEMIS EQUIPMENT CO., INC
Telephone (620) 792-2488 or (620) 793-5512
P.O. Box 713, Great Bend, KS 67530

RECEIVED

WATER RESOURCES RECEIVED

JUN 14 2017

NOV 17 2016

KS DEPT OF AGRICULTURE
Staff/Field Office
SCANNED

Whitesell, Alex [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, August 21, 2018 10:46 AM
To: Whitesell, Alex [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: Recoemdnation 49857
Attachments: 49857 Memo To File.docx; 49857 application map.pdf; 49857 log.pdf

This one looks OK to approve as well.

Looks like the surrounding domestics that complained are upgradient or not on the same tributary as Scott.

Thanks
Jeff

From: Conant, Cameron [KDA]
Sent: Monday, August 20, 2018 3:39 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recoemdnation 49857

Jeff, didn't know this was sitting here still, so apologies to Alex for the delay!

This is a battery of 4 wells located in DUA CHK 4 which according to the most recent information I have is open to new appropriations and has 591 AF available as of 1/3/18, this file included. The 2 mile SY was ran for a full circle at 1.8" and 50% available...only 1 permitted right is in the 2 mile circle (city of Zenda for ~32AF and they are really close to 2 miles away).

The application is requesting 117.6 AF on 84 acres which is the max reasonable quantity of 1.4 AF/acre for Kingman County.

There were 3 domestic wells (1 is owned by the owner of the water right and is about 1100' away) that were identified within ½ mile and 2 submitted comments of general concern for the water level and how this might impact their domestic well and a domestic stock well and the level of their surface water ponds. The notified domestic wells were about 2000' and 3500' from the proposed battery. One domestic well was drilled in 2012 to 80' and the other appears to have been drilled in 1979 to 72'. Also, one owner was concerned that some of his family were not notified. From what I can tell, we notified the appropriate people and the applicant signed the map saying all wells, including domestic, had been shown within ½ mile of the proposed battery. Mr. Swingle did not provide additional names and addresses of people we were supposed to notify, so I believe we adequately notified everyone we were supposed to.

There are no Wizzard measurements in this township. The nearest hydrograph is over 6 miles away, it is not appropriate in this area to use that hydrograph as any indication of the water table at the proposed location.

The test log and the application map is attached.

I think the FO can recommend approval of this battery of wells. It appears spacing is met by a wide margin, the DUA is open, and the 2 mile SY is met. Please pass on to Alex if you agree.

Cameron

From: Whitesell, Alex [KDA]

Sent: Wednesday, April 25, 2018 3:41 PM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>

Subject: Recoemdnation 49857

Good afternoon,

Could you please provide your recommendation on this file?

Thanks,

Alex Whitesell

Division of Water Resources

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, KS

(785) 564 - 6631

My email has changed alex.whitesell@ks.gov

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

FILE COPY

April 6, 2018

WBG COM INC
ROGER VANLANDINGHAM
206 NORTH MAIN
ZENDA KS 67159

Re: Pending Application
File No. 49,857

Dear Mr. Vanlandingham:

This will acknowledge receipt of your letter dated April 5, 2018, in which you expressed comments concerning the proposed appropriation of groundwater by Scott Adelhardt under the above referenced application.

Your comments have been considered, and approval of the application, if granted, will authorize diversion of water only when it does not impair existing rights. Should the diversion of water under this application substantially impair your earlier rights, you should notify the field office in your area. The field office in your area is:

Kansas Department of Agriculture
Division of Water Resources - Stafford Field Office
300 S. Main Street
Stafford, KS 67578

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

If you have any questions, please contact me at 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Pc: Stafford Field Office

SCANNED

STATE OF KANSAS

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



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

FILE COPY

April 6, 2018

KENTON SWINGLE
15452 A SW 100 AVE
ZENDA KS 67159

Re: Pending Application
File No. 49,857

Dear Mr. Swingle:

This will acknowledge receipt of your letter dated March 28, 2018, in which you expressed comments concerning the proposed appropriation of groundwater by Scott Adelhardt under the above referenced application.

Your comments have been considered, and approval of the application, if granted, will authorize diversion of water only when it does not impair existing rights. Should the diversion of water under this application substantially impair your earlier rights, you should notify the field office in your area. The field office in your area is:

Kansas Department of Agriculture
Division of Water Resources - Stafford Field Office
300 S. Main Street
Stafford, KS 67578

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

If you have any questions, please contact me at 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Pc: Stafford Field Office

SCANNED

Water Resources
Received

APR 05 2018

KS Dept Of Agriculture

April 3, 2018

WBG COM, Inc
Roger Vanlandingham, Pres.
206 North Main
Zenda, KS 67159

Kansas Department of Agriculture
ATTN: Alex Whitesell
1320 Research Park Drive
Manhattan, KS 66502

re: Application File No.49,857


Dear Mr. Whitesell:

I am in receipt of your letter regarding the application by Scott Adelhardt to establish an irrigation permit in Section 22, Township 30 South, Range 9 West of the 6th P.M.. I own and operate the property described as the E2NE4 of the same section. Located on that property is stock water well which is used for cattle during grazing periods throughout the year.

My concern over an irrigation well(s) would be the depletion or draw down of water to such a level that it would affect or limit my ability to pump my stock water well. This in turn would limit my ability to use my property.

If you have any questions regarding my concerns or this letter feel free to contact me.

Thanks



Roger Vanlandingham
President

SCANNED

Kenton Swingle
15452 A SW 100 Ave.
Zenda, Kansas

March 28, 2018

Alex Whitesell
Environmental Scientist
Water Appropriation Program

RE: Letter Dated March 23, 2018
Application File No. 49.857

Dear Mr. Whitesell:

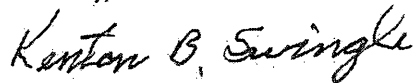
In response to your letter dated March 23, 2018 regarding Scott Adelhardt's application for a permit to appropriate 117.6 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells.

As an adjoining property owner, I do have concerns regarding Mr. Adelhardt's application. My major concern is that water has become a limited resource. I am deeply concerned about how this use of water for irrigation may affect the well I use for my home and livestock? The past couple of years extremely dry weather has put a strain on our well water. We have been forced to use water from our well to water our livestock due to the lack of rain water runoff that normally is sufficient to fill our ponds.

We have had problems in past years when there was sufficient water in our ponds until irrigation systems in the area are pumping water. As a result, we have experienced drastic drops in the water level in our ponds. Adding additional irrigation wells I assume will only worsen the drop in our pond water levels.

My other concern is that not everyone that may be affected by this irrigation well have been notified and allowed to respond. My son and his family have two water wells that could be affected. In addition, my brother and sister own property in the area and have not been notified. It would seem that they should be notified and allowed to express their concerns as this may directly affect the available water on their property.

Sincerely,



Kenton Swingle

STATE OF KANSAS

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



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PHONE: (785) 296-3556
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 23, 2018

FILE COPY

KENTON SWINGLE
15452 A SW 100 AVE
ZENDA KS 67159

RE: Application
File No. 49,857

Dear Sir or Madam:

This is to advise you that Scott Adelhardt has filed the application referred to above for permit to appropriate 117.6 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

four (4) wells with a geographic center located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, more particularly described as being near a point 2,314 feet North and 2,655 feet West of the Southeast corner of said section, in Township 30 South, Range 9 West, Kingman County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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(s) of the applicant's point(s) 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, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW:
Enclosure(s)
pc: Stafford Field Office

SCANNED

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

March 23, 2018

FILE COPY

WBG COM INC
ROGER VANLANDINGHAM
1309 CHARITON ST
KINGMAN KS 67008

RE: Application
File No. 49,857

Dear Sir or Madam:

This is to advise you that Scott Adelhardt has filed the application referred to above for permit to appropriate 117.6 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

four (4) wells with a geographic center located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, more particularly described as being near a point 2,314 feet North and 2,655 feet West of the Southeast corner of said section, in Township 30 South, Range 9 West, Kingman County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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(s) of the applicant's point(s) 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, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW:
Enclosure(s)
pc: Stafford Field Office

SCANNED

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

June 15, 2017

FILE COPY

SCOTT ADELHARDT
15511 SW 90 AVE
ZENDA KS 67159

RE: Application
File No. 49857

Dear Sir or Madam:

Your application for permit to appropriate water in 22-30S-9W in Kingman County, was received and has been assigned the file number noted above.

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

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

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

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

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

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED

1-30-18
KAB/DWR

Summary Report Sheet

Total Authorized Quantity in Acre-Feet

Appropriated quantities are as of 1/30/2018 and are based on non-dismissed, active water rights and unapproved water right applications. There are 18 water rights and 25 points of diversion selected.

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

Water Source and Use Made of Water Matrix:

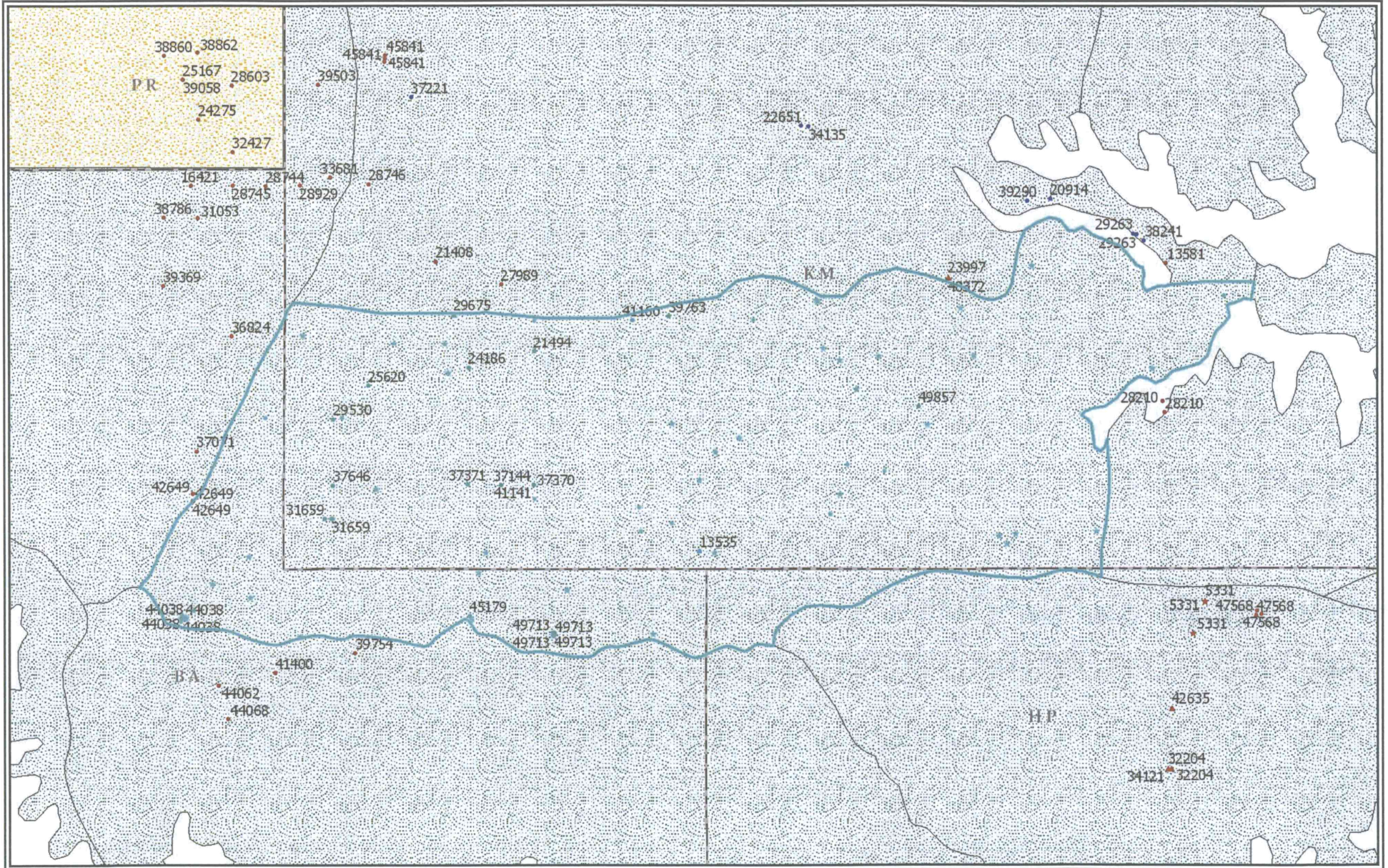
	DOM	IND	IRR	MUN	REC	STK	OTHER	TOTAL
SURFACE	0.00	0.00	75.00	0.00	0.00	0.00	0.00	75.00
GROUND	0.00	0.00	2,537.40	3.10	0.00	0.00	0.00	2,540.50
TOTAL	0.00	0.00	2,612.40	3.10	0.00	0.00	0.00	2,615.50

(includes 49857 @ 117.6 AF)

Irrigated Acres by Source:

Surface: 92.40 Ground: 2,062.80 Total: 2,155.20

CHK4 - 3270 AF

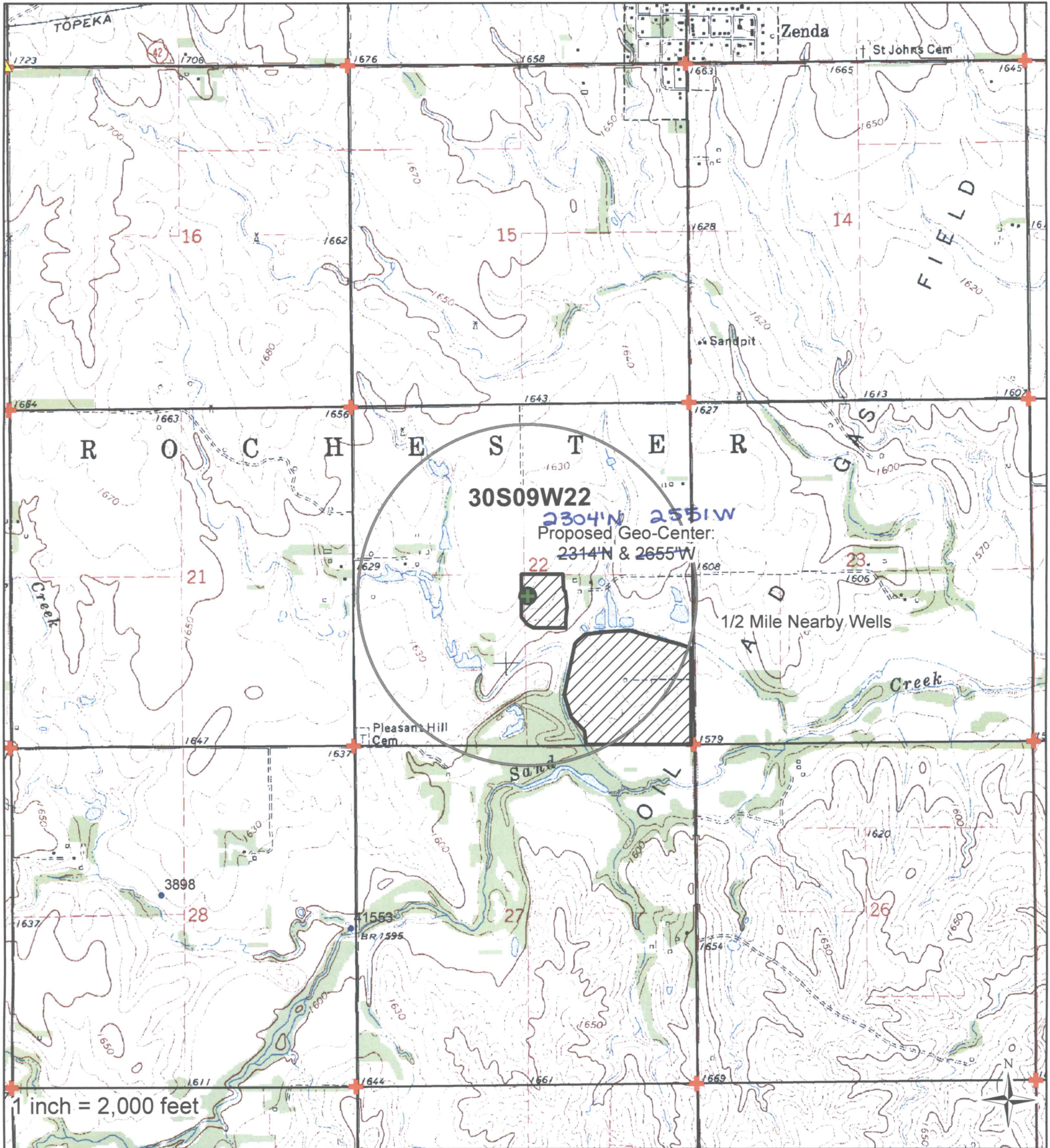


FILE COPY



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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.

WATER RESOURCES RECEIVED

- 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

JUN 14 2017
 Created By: Matt Meier
 F.O. 2
 Date: 5/24/2017
 KS DEPT OF AGRICULTURE
 SCANNED



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.

WATER RESOURCES RECEIVED

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

Scott C Adell

6-10-17

Signature

Date



JUN 14 2017

Created By: Matt Meier

F.O. 2

Date: 5/24/2017

KS DEPT OF AGRICULTURE

SCANNED