

NOTICE

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

NWB
WATER RESOURCES
RECEIVED

MAY 27 2022

11:46
KS DEPT OF AGRICULTURE

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

50797

File Number _____

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

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

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): Luke Theurer
Address: 524 E 120th St.
City: South Haven, State Ks. Zip Code 67140
Telephone Number: (620) 845-0319

2. The source of water is: surface water in _____ (stream)
OR groundwater in _____ (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 224 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 _____ Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G/S County SU By BMM Date 5/31/22
Code RE2 Fee \$ 300 TR # _____ Receipt Date 5/27/22 Check # 7558

6/2/2022
LMoody

3960'
3960'

5. The location of the proposed wells, pump sites or other works for diversion of water

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.

Need 60 days to locate

- (A) One in the ____ quarter of the ____ quarter of the NW quarter of Section 8, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township 33 South, Range 1 East/West (circle one), Sumner County, Kansas.
- (B) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of 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):

Western Land + Cattle 2257 100th Rd. Copeland, KS. 67837
(name, address and telephone number)

(name, address and telephone number)

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

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

Executed on May 25, 20 22. Sub T. Hoover
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
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) August 20, 2022
(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 December 2022
(Mo/Day/Year)

File No. MAY 27 2022

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

*Need
60 days
to locate*

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 tenant
(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):
Western Land + Cattle 2257 100th Rd, Copeland, KS, 67837
(name, address and telephone number) 620-272-1376

(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 Sumner County, Kansas, this 25 day of May, 2022.
(month) (year)

Luke Theurer
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

MAY 27 2022

**IRRIGATION USE
SUPPLEMENTAL SHEET**

KS DEPT OF AGRICULTURE

File No. _____

Name of Applicant (Please Print): Luke Theurer

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: Western Land + Cattle
ADDRESS: 2257 100th Rd. Copeland, Ks. 67837

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8	335	1W					40	40	40	40									160

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	

MAY 27 2022

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
Bethany	80%	1"/hr	Good
Tabler	20%	1"/hr	Good
Total:	100 %		

b. Estimate the average land slope in the field(s): 1-2 %

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

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater: No Tailwater

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 35 psi

(2) What is the sprinkler package design rate? 800 gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 68 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:

wheat, Beans, Corn, Milo, Cotton

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 Maturity, soil moisture

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

File No. MAY 27 2022

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:

- 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.
- 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.
- 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.
- The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- 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.



Common Land Unit PLSS

- Cropland
- Tract Boundary

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

Unless noted on field:

- | | |
|-----------------------------|--------------------------------|
| 1/ All Wheat HRW, NI, GR | 5/ Grass NAG, NI, GZ |
| 2/ All Sorghum GRS, NI, GR | 6/ Grass NAG, NI, GZ |
| 3/ All Corn YEL, NI GR | 7/ Alfalfa, NI, GZ |
| 4/ All Soybeans COM, NI, GR | 8/ Sorghum Forage Cane, NI, FG |

Tract Cropland Total: 159.02 acres

2022 Program Year

Map Created October 18, 2021

Farm 13719
Tract 5231

8-33-1W

Displayed over 2019 NAIP

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

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MAY 27 2022

5-25-2022

KS DEPT OF AGRICULTURE

(Date)

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr., Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow

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.

Luke Theurer
Signature of Applicant

State of Kansas)
County of Sumner) ss

Luke Theurer
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 25th day of May, 2022.



Ashleigh Huck
Notary Public

My Commission Expires: May 11, 2024

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WATER RESOURCES RECEIVED

AUG 1 2022

File No. MAY 27 2022

5. The location of the proposed wells, pump sites or other works for diversion of waters.

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.

Well #1
#2
#3
#4

- (A) One in the SE quarter of the SE quarter of the NW quarter of Section 8, more particularly described as being near a point 3235 feet North and 2833 feet West of the Southeast corner of said section, in Township 33 South, Range 1 East/West (circle one), Sumner County, Kansas.
- (B) One in the SE quarter of the SE quarter of the NW quarter of Section 8, more particularly described as being near a point 3045 feet North and 2825 feet West of the Southeast corner of said section, in Township 33 South, Range 1 East/West (circle one), Sumner County, Kansas.
- (C) One in the SE quarter of the SE quarter of the NW quarter of Section 8, more particularly described as being near a point 2855 feet North and 2815 feet West of the Southeast corner of said section, in Township 33 South, Range 1 East/West (circle one), Sumner County, Kansas.
- (D) One in the SE quarter of the SE quarter of the NW quarter of Section 8, more particularly described as being near a point 2675 feet North and 2805 feet West of the Southeast corner of said section, in Township 33 South, Range 1 East/West (circle one), Sumner County, Kansas.

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(name, address and telephone number)

(name, address and telephone number)

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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 May 25, 2022. Luke T. Hoover
Applicant's Signature

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7. The proposed project for diversion of water will consist of 4 wells
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) August 20, 2022
(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 December 2022
(Mo/Day/Year)

SCANNED

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AUG 1 2022

IRRIGATION TEST WELL

Driller & Assistant: Logan and Gary

Date: 7/1/2022

CUSTOMER: Luke Theurer

PHONE #: 620-845-0319

MAIL ADDRESS: 524 E. 120th St. South South Haven, KS 67140

DRILL LOCATION: ~1/2 mi SE of E 60th St. S + S Maize Rd Wellington, KS

- Screen 2-1/2"
- Casing 2-1/2"
- Couplings, 2-1/2"
- End Caps, 2-1/2"
- Gravel Pack
- Holeplug
- Quarters
- Water
- Lime
- Drilling Mud
- Gas & Oil - W.T.
- 3/4" Polyethylene
- 2-1/2" PVC Tee
- 5" & 6" Bits
- Packing
- 6" or 5" Liner if needed
- Solvent & Glue
- Water Sample Bottle
- Inspection Sheet

Depth:	Formation:	Well Information:
0-3'	top soil	Static Water Level:
3'-20'	clay tan	Groundwater depth:
20'-51'	clay	Est. Production: 100-200
51'-62'	sand and broken shale	Casing Size/Depth:
62'-64'	shale	Screen Size/Depth:
		Slot Size:
		Grouting Depth: 0-64'
		Number of Bags: 1
		Sucker Rods:
		1" Casing:
		Nearest Contamination:
		Notes: SE

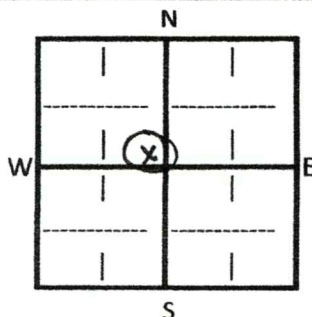
Latitude: 37.194113 N decimal degrees (ex. 38.881796)

Longitude -97.448158 W decimal degrees (ex. 95.373889)

Datum: NAD27 NAD83 WGS84

Elevation: 1229 ft.

— 1/4	SE 1/4	SE 1/4	NW 1/4
Sec. 8	T 33	R 1	W
County Sumner			



Permit #: _____
WWCS #: _____

\$ 10 ⁰⁰	x 64 /ft. Well	\$ 640.00
\$ 50 ⁰⁰	/Grout	
\$ —	/Permit Charge	
\$ —	/Submersible Pump	
\$ —	/Dirt & Debris Removal	
\$ —	/Water Sample / Test Pumping	
\$ —	/Mobilization/Travel	
\$ —	/Discount	

Contract Received: 5-2-2022

Invoice #: 2752

Date Mailed: _____

Well Data: _____ Access: _____ Scan: _____

Materials: Incent: _____

#2

#5

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GPS

KS DEPT OF AGRICULTURE

Well #1 37.195658 - 97.448287

#2 37.195143 - 97.448246

#3 37.194611 - 97.448198

#4 37.194111 - 97.448156

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50797

APPLICANT PERSON ID & SEQ #	89575	PDIV ID	BATTERY ID
67166			

LANDOWNER PERSON ID & SEQ #	70873	PUSE ID
26592		

WATER USE CORRESPONDENT PERSON ID & SEQ #
26592

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 3, 2022

LUKE THEURER
524 E 120TH ST
SOUTH HAVEN KS 67140

RE: Application, File No(s). **50797**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. *Stafford Field Office at 620-234-5311*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is written in a cursive style with a long, sweeping underline.

Kris Neuhauser
New Applications Lead
Water Appropriation Program