

# NOTICE

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

50979

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

WATER RESOURCES RECEIVED

FEB 27 2023

4:20

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): Kortney L & Kylee M Kelley
Address: 18101 W 117th St N
City: Sedgwick State KS Zip Code 67135-9695
Telephone Number: (316) 613-9374

2. The source of water is: [X] surface water in Cottage Creek (Salt Fork Ark River)
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 400.4 (IRR) acre-feet OR 392 AF Storage 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) [X] 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 BA By ALB Date 3/9/23
Code 953 Fee \$ 320 TR # Receipt Date 2/27/23 Check # 4091

3/9/2023
LMoody

SCANNED

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

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the \_\_\_\_ quarter of the \_\_\_\_ quarter of the \_\_\_\_ quarter of Section 36, more particularly described as being near a point 3770 feet North and 3968 feet West of the Southeast corner of said section, in Township 33 South, Range 15 West, Barber 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.

3/13/2023  
BMM

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):

Moon Ranch, LLC, Attn: Mike Shook 3170 N Ohio St., Wichita, KS 67219  
(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 Feb. 22, 2023

*Anthony L. Kelley*  
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 Two pivots and one holding pond  
(number of wells, pumps or dams, etc.)

and will be completed As soon as approved  
(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 As soon as approved.  
(Mo/Day/Year)

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, tenant, agent or otherwise)

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

Moon Ranch, LLC, Attn: Mike Shook, 3170 N Ohio St., Wichita, KS 67219  
(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 Wichita, Kansas, this 22 day of Feb., 2023.  
(month) (year)

Kortney L. Kelley  
(Applicant Signature)

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

Kortney L. Kelley  
(Print Name)

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Assisted by JNE \_\_\_\_\_ SFFO/ESII \_\_\_\_\_ Date: 06/15/2022  
(office/title)



- 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 Asking for Structure Requirements

- 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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

Z BAR LLC   14003 SW. Aetna Rd. Lake City, KS. 67071  
David M. Chacko   3530 S. Webb Rd. Wichita, KS. 67210

*Neighbors Mailing Address*

## 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
<b>More than 320</b>	<b>\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.</b>

#320

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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\_\_\_\_\_  
(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.

Kortney L. Kelley  
Signature of Applicant

State of Kansas )  
County of Sedgwick ) ss

Kortney L. Kelley  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22<sup>nd</sup> day of February, 2022.

Shelby Camp  
Notary Public

My Commission Expires:

WATER RESOURCES  
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FEB 27 2023

SHELBY CAMP  
Notary Public - State of Kansas  
My Appt. Expires 3/30/25

KS DEPT OF AGRICULTURE

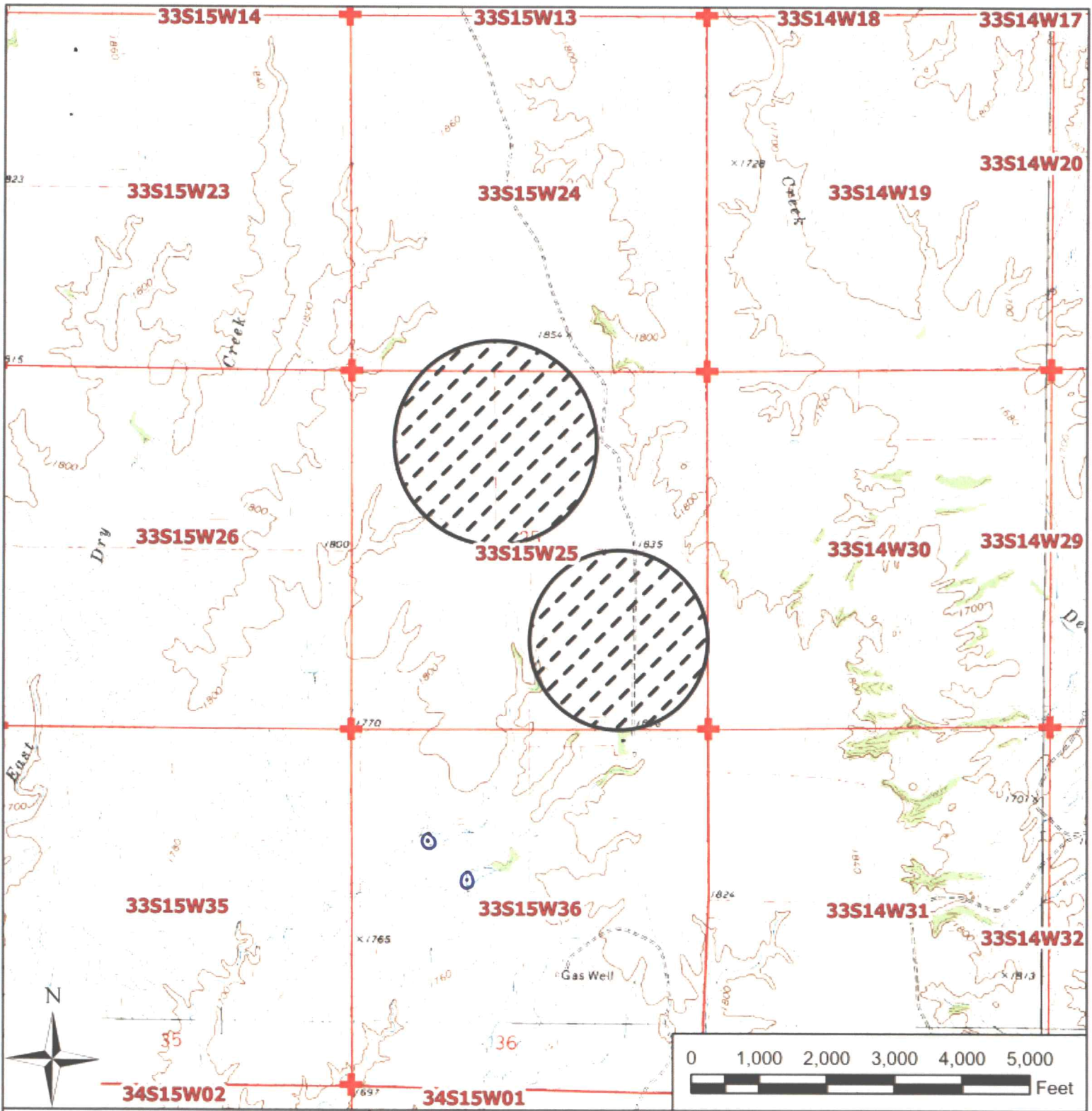
**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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





**Legend**

- Water Appropriation
- Proposed Point of Diversion
- ⊕ Section Corner
- Section Line
- Half-Mile
- ▭ Proposed Place of Use

**Application, File No.** \_\_\_\_\_  
 25-33-15W // Barber County

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KS DEPT OF AGRICULTURE

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

*Barbara L. Kelley*

2-22-23

Signature / Date

06/15/2022 JNE/SFFO 1:24,000 scale

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

Date: \_\_\_\_\_

Re: Application, File No. \_\_\_\_\_

K.A.R. 5-3-15. Availability of Water for Appropriation – safe yield; surface water.

I understand that the direct diversion of natural flow from the source of supply to which the above referenced application applies is subject to the provisions of K.A.R. 5-3-15, which provides for specific conditions of approval. I also understand that if this application is approved, it will be subject to the following conditions of approval.

- (1) If MDS or assurance target flows or DWR target flows have been set for that stream, and MDS administration has been requested by the Kansas water office, diversion of natural flow shall only be permitted if MDS, assurance target flows or DWR target flows, if applicable, are being met at the gage or gages immediately below the proposed point of diversion.
- (2) Diversion of natural flow shall not take place unless there is water available to satisfy all demands by senior water rights and permits.
- (3) The streamflow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of that water right or permit.
- (4) During the period October 1 through June 30, the verbal or written permission of the chief engineer, or an authorized representative of the chief engineer, shall be obtained in order to divert water each time the applicant desires to divert water.
- (5) During the period July 1 through September 30 each calendar year, written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.
- (6) The applicant shall have adequate water storage or alternative water supplies, relative to the proposed place of use, ensuring that sufficient irrigation water is available from July 1 through September 30, **WITHOUT** the need to supplement with a direct diversion of water.
- (7) If utilizing water storage, the applicant shall ensure that the structure is designed and constructed so that it does not intersect the groundwater table. The completed water storage device should be lined to minimize seepage and loss of stored water.

I 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. In addition, there are likely to be periods of significantly low streamflows, making diversion of surface water impossible. 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.

\_\_\_\_\_  
Signature of Applicant

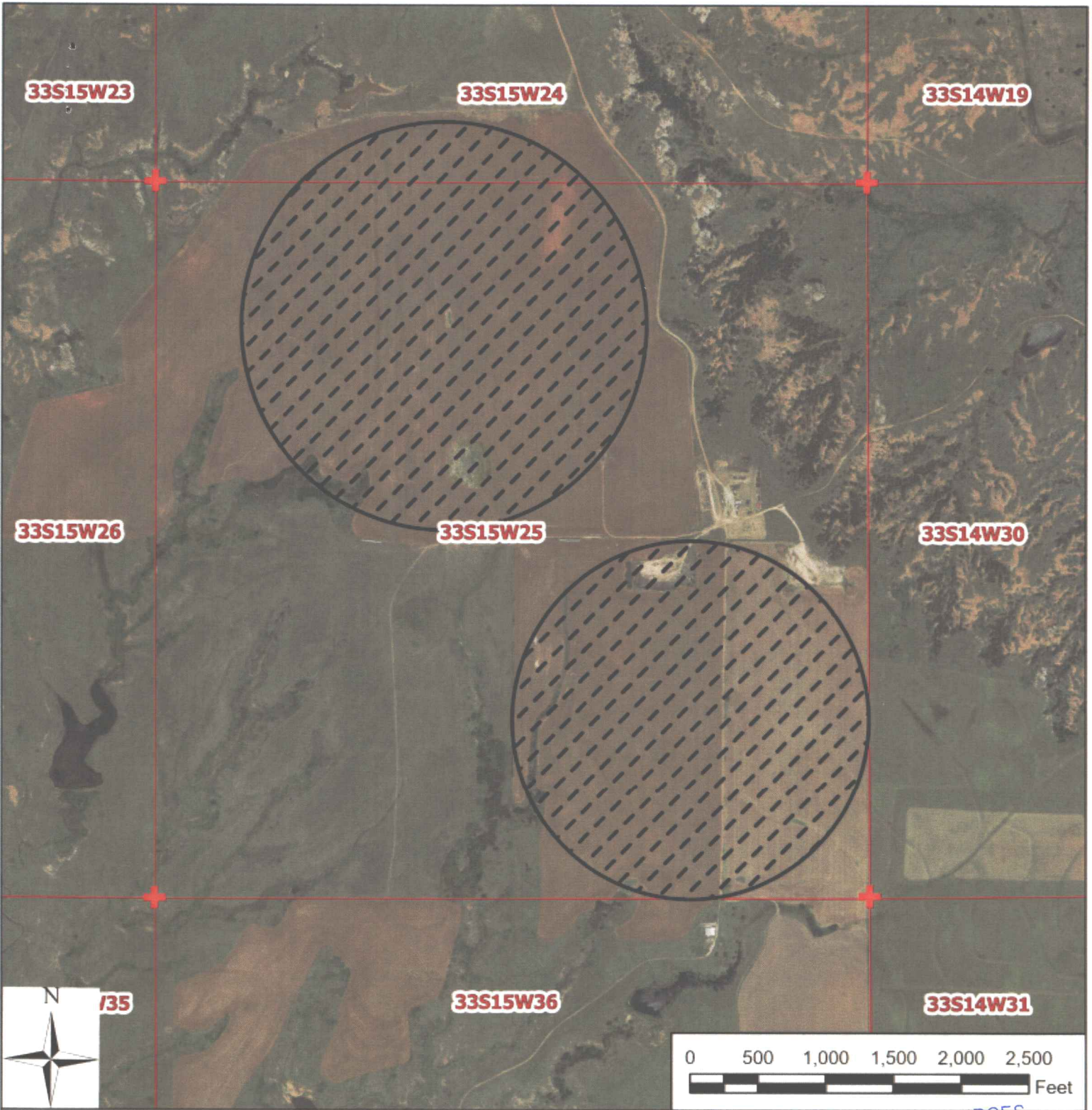
\_\_\_\_\_  
(Print Applicant's Name)

State of Kansas        )  
                                  ) ss  
County of                )

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

\_\_\_\_\_  
Notary Public





**Legend**

- Water Appropriation
- Proposed Point of Diversion
- + Section Corner
- Section Line
- Half-Mile
- Proposed Place of Use

**Application, File No. \_\_\_\_\_**  
**25-33-15W // Barber County**

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KS DEPT OF AGRICULTURE

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

*Kentley H. Kelley* 2-22-23  
 \_\_\_\_\_  
 Signature / Date 06/15/2022 JNE/SFFO 1:12,000 scale

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): 1 %

Estimate the maximum land slope in the field(s): 1 %

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: 30 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? 12 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, Alfalfa, Sedar

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

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

**Offsite Storage** = (50%NIR 1.05(50%NIR)/.85) 1.24 AF x (40%) 0.4 x 286 acres = 141.87 AF



## IRRIGATION USE SUPPLEMENTAL SHEET

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

Name of Applicant (Please Print): Kortney L and Kylee M Kelley

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: Moon Ranch, LLC, Attn: Mike Shook  
 ADDRESS: 3170 N Ohio St., Wichita, KS 67219

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	33	15W		27.0	17.0		40.0	17.0	9.5	36.0					30.5	30.5	32.0	32.0	271.5
24	33	15W										0.5	11.0				3.0		14.5
																			286.0

**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		

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## IRRIGATION USE SUPPLEMENTAL SHEET

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

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S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	33	15W		27.0	17.0		40.0	17.0	9.5	36.0					30.5	30.5	32.0	32.0	271.5
24	33	15W										0.5	11.0				3.0		14.5
																			286.0

**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	

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**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 50979

<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<u>60023</u>	<u>90138</u>	

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>PUSE ID</b>
<u>68915</u>	<u>71271</u>
	<u>71272</u>

**WATER USE CORRESPONDENT  
PERSON ID & SEQ #**

68915

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_