

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.

WATER RESOURCES RECEIVED

AUG 28 2023

1219

KS DEPT OF AGRICULTURE



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

File Number **51099**
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): Cody R Barilla
Address: 781 SE 50th Street
City: Stafford State KS Zip Code 67578
Telephone Number: (620) 546-1490

2. The source of water is: surface water in -- (stream)
OR groundwater in North Fork Ninnescah (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 15 acre-feet OR 4,887,765 gallons per calendar year, to be diverted at a maximum rate of 910 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 5 Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County SF By ALB Date 8/28/2023
Code REG Fee \$ 200 TR # _____ Receipt Date 9/08/23 Check # 3337

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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 NE quarter of the SW quarter of the SW quarter of Section 34, more particularly described as being near a point 1293 feet North and 4162 feet West of the Southeast corner of said section, in Township 25 South, Range 12 West, Stafford 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):

Cody R & Hannah L Barilla, 781 SE 50th Street, Stafford, KS 67578
(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 8-23, 2023


Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner.
Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 well, 1 pump, 1 motor
(number of wells, pumps or dams, etc.)

and was completed (by) 12/28/2001
(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 10/1/2024
(Mo/Day/Year)

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

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

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

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

- If yes, show the Water Structures permit number here n/a
- If no, explain here why a Water Structures permit is not required The proposed wetlands are not large enough to require any type of DWR-Structures permitting.

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.

This application proposes to use the well that was previously authorized by Water Right, File No. 42699. At the time of filing this new app, change applications are being processed to move the well and place of use to an adjoining quarter that is better for irrigation. This application can only be processed if the changes are approved.

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>12/6/01</u>	_____	_____	_____
Total depth of well	<u>98</u>	_____	_____	<u>WATER RESOURCES RECEIVED</u>
Depth to water bearing formation	<u>26</u>	_____	_____	<u>AUG 28 2023</u>
Depth to static water level	<u>14</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>unknown</u>	_____	_____	<u>KS DEPT OF AGRICULTURE</u>

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

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
Cody R & Hannah L Barilla, 781 SE 50th Street, Stafford, KS 67578
(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 Stafford, Kansas, this 23 day of August, 2023.
(month) (year)

Cody Barilla
(Applicant Signature)

By _____
(Agent or Officer Signature)
Cody Barilla
(Agent or Officer - Please Print)

AUG 28 2023

FEE SCHEDULE

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1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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RECREATIONAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Cody Barilla

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Hunting and wildlife benefits.

2. Please summarize how the water will be used and justify the quantity of water requested: The well
will be used to fill existng lowland marsh areas with water to begin the normal waterfowl seasons
and replace evap throughout the season. The ~8 acres of wetlands average no more than 12" deep.
Marsh/wetland area: ~8 ac x 32" evap = 7 AF + storage/fill: ~8 acres 12" deep = 8 AF
(evap of ~7 AF) + (fill of ~8 AF) = 15 AF total

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	15
Year 2	15
Year 3	15
Year 4	15
Year 5	15

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

There are several marsh/wetland areas that will be filled by this well and they have a surface area of
~8 acres. The ponds will be located in the SW¹/₄ of Sec 34, Township 25 South, Range 12
West in Stafford County in approximate locations as shown on the map.

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






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New Application Map
Appropriation File No. _____
Section 34-25S-12W in Stafford County

T25S -R12W

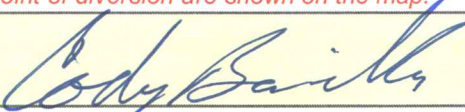



-  proposed existing well location (1293'N & 4162'W)
-  approximate marsh/wetland locations (~8 acres)
-  1/2 mile circle around well
-  nearby wells
-  section corners

Wells within 1/2 mile of proposed:

**#1: File No. 42699
owned by applicant**

By signing I agree that all water rights w/in 1/2 mile of the proposed point of diversion are shown on the map.

signature date



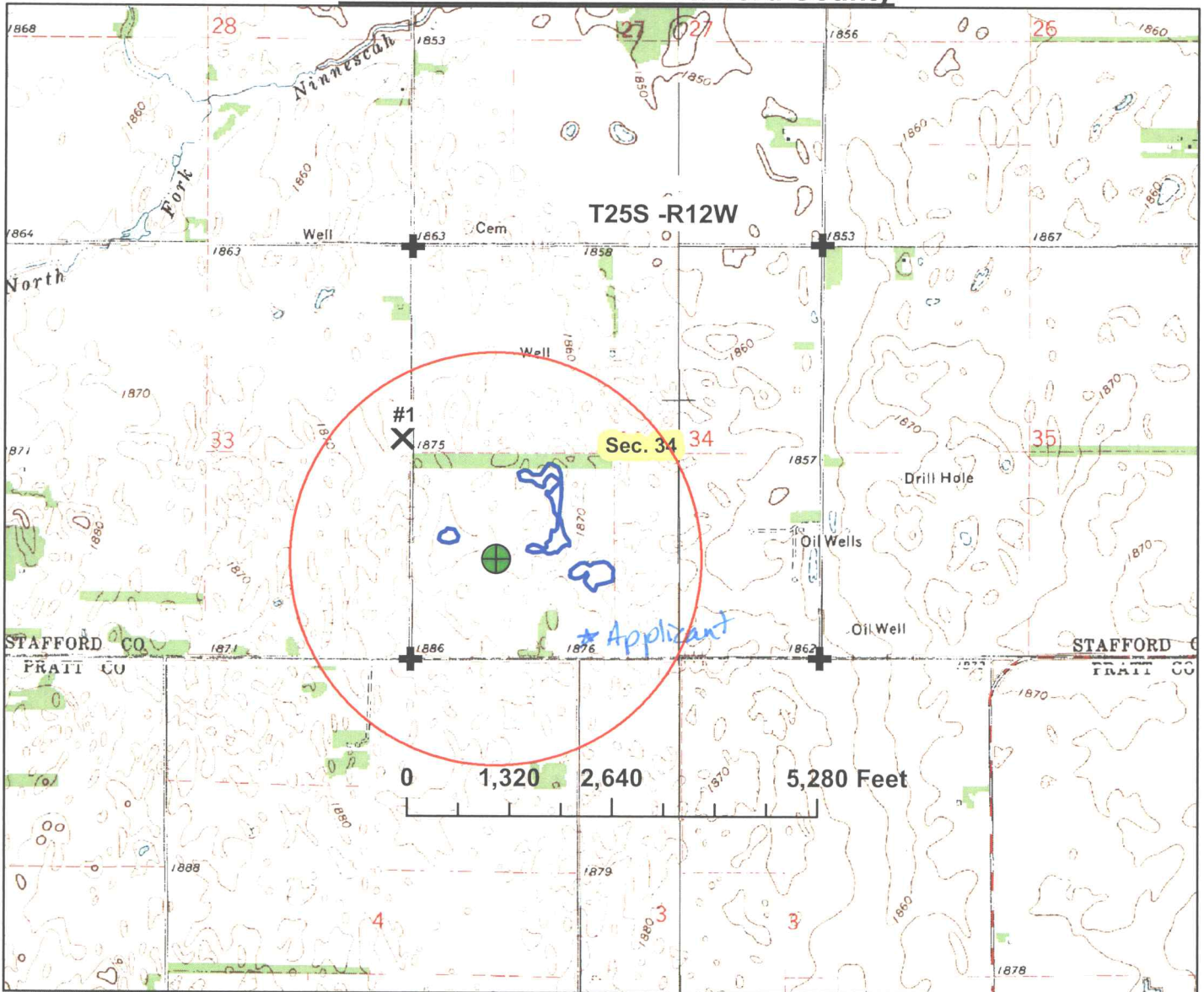
1 inch = 1,000 feet






map created on 8/22/23 scale 1:12,000

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New Application Map Appropriation File No. Section 34-25S-12W in Stafford County



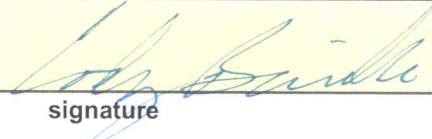
-  proposed existing well location (1293'N & 4162'W)
-  approximate marsh/wetland locations (~8 acres)
-  1/2 mile circle around well
-  nearby wells
-  section corners

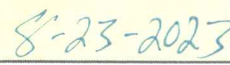
* Domestic Well

Wells within 1/2 mile of proposed:

#1: File No. 42699
owned by applicant

By signing I agree that all water rights w/in 1/2 mile of the proposed point of diversion are shown on the map.

 signature

 8-23-2023 date



1 inch = 2,000 feet

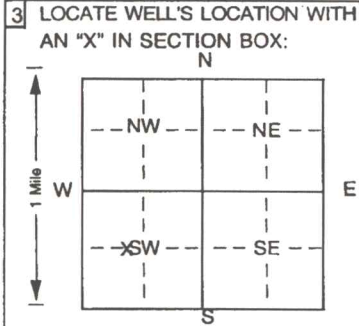
map created on 8/22/23 scale 1:24,000

1 LOCATION OF WATER WELL:	Fraction	Section Number	Township Number	Range Number
County: Stafford	1/4 NC 1/4 SW 1/4	34	T 25 S	R 12 E (W)

Distance and direction from nearest town or city street address of well if located within city?

Approximately 4 1/4 miles north and 4 1/4 miles west of Preston

2 WATER WELL OWNER: Joan Clark
 RR#, St. Address, Box # : 70056 Northeast 110th Street
 City, State, ZIP Code : Preston, KS 67569
 Board of Agriculture, Division of Water Resources
 Application Number: 42,699



4 DEPTH OF COMPLETED WELL 98 ft. ELEVATION: unknown

Depth(s) Groundwater Encountered 1 ft. 2 ft. 3 ft. ft.

WELL'S STATIC WATER LEVEL 14 ft. below land surface measured on mo/day/yr 12-6-01

Pump test data: Well water was not checked ft. after hours pumping gpm

Est. Yield unknown gpm: Well water was ft. after hours pumping gpm

Bore Hole Diameter 24 in. to 98 ft., and in. to ft.

WELL WATER TO BE USED AS:

5 Public water supply	8 Air conditioning	11 Injection well
1 Domestic	3 Feedlot	6 Oil field water supply
2 Irrigation	4 Industrial	7 Domestic (lawn & garden)
		10 Monitoring well

Was a chemical/bacteriological sample submitted to Department? Yes No If yes, mo/day/yr sample was submitted

Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED:

1 Steel	3 RMP (SR)	5 Wrought iron	8 Concrete tile	CASING JOINTS: Glued	Clamped
2 PVC	4 ABS	6 Asbestos-Cement	9 Other (specify below)	Welded	<input checked="" type="checkbox"/>
		7 Fiberglass		Threaded	

Blank casing diameter 16 in. to 53 ft., Dia 16 in. to 81 ft., Dia in. to ft.

Casing height above land surface 12 in., weight 36.87 lbs./ft. Wall thickness or gauge No .219

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel	3 Stainless steel	5 Fiberglass	8 RMP (SR)	10 Asbestos-cement	11 Other (specify)
2 Brass	4 Galvanized steel	6 Concrete tile	9 ABS	12 None used (open hole)	

SCREEN OR PERFORATION OPENINGS ARE:

1 Continuous slot	3 Mill slot	5 Gauzed wrapped	8 Saw cut	11 None (open hole)
2 Louvered shutter	4 Key punched	6 Wire wrapped	9 Drilled holes	
		7 Torch cut	10 Other (specify)	Bridge Slot

SCREEN-PERFORATED INTERVALS: From 53 ft. to 73 ft., From ft. to ft.

GRAVEL PACK INTERVALS: From 21 ft. to 98 ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other Concrete Pad

Grout Intervals: From 3 ft. to 21 ft., From ft. to ft., From 0 ft. to 3 ft.

What is the nearest source of possible contamination:

1 Septic tank	4 Lateral lines	7 Pit privy	11 Fuel storage	14 Abandoned water well
2 Sewer lines	5 Cess pool	8 Sewage lagoon	12 Fertilizer storage	15 Oil well/Gas well
3 Watertight sewer lines	6 Seepage pit	9 Feedyard	13 Insecticide storage	16 Other (specify below)
				None known

Direction from well? How many feet?

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	4	Topsoil			
4	26	Clay, brown			
26	67	Sand and gravel, fine, medium			
67	83	Clay, brown, sandy			
83	96	Sand and gravel, fine, medium			
96	98	Clay, brown			

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7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed (2) reconstructed or (3) plugged under my jurisdiction and was completed on (mo/day/year) 12-6-01 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No 185 This Water Well Record was completed on (mo/day/yr) 12-7-01 under the business name of Clarke Well & Equipment, Inc. by (signature)

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone 785-296-5524. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well.

August 25, 2023
(Date)

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

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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.

Cody Berilla
Signature of Applicant

State of Kansas)
County of Stafford) ss

Cody Berilla
(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 August, 2023.

Faith Curtis
Notary Public

My Commission Expires:



AUG 28 2023

**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

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 51099

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>61430</u>	<u>60336</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>61430</u>	<u>71511</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>61430</u>