



THE STATE OF KANSAS

Water Resources Received

JAN 08 2024

11:47

KS Dept Of Agriculture

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

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

51169

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): Max D Fisher Trust
Address: 1031 Dead Run Drive
City: McLean State VA Zip Code 22101
Telephone Number: (913) 449-0140

2. The source of water is: [] surface water in (stream)
OR [x] groundwater in N F Ninnescah River (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 138 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 925 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 5 Meets K.A.R. 5-3-1 (YES) NO Use irr Source G / \$ County SF By ALB Date 1/10/24 Code KE2 Fee \$ 300 TR # Receipt Date 1-8-24 Check # 2353

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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 SE quarter of the NW quarter of the NE quarter of Section 19, more particularly described as being near a point 4570 feet North and 1643 feet West of the Southeast corner of said section, in Township 24 South, Range 11 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 _____, _____ 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 _____, _____ 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 _____, _____ 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):

Max D Fisher Trust, 1031 Dead Run Drive, McLean, KS 22101

(name, address and telephone number)

Chad D and Misty M Fisher, Attn: Max Fisher, PO Box 455, St. John, KS 67576

(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 JANUARY 4, 2024.

Max D. Fisher, Trustee
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 Well, pump and full circle pivot
(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 asap
(Mo/Day/Year)

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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 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 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.

No overlapping water rights. Pursuant to K.A.R. 5-25-22 and offsetting water right 37,961 attached dismissal.

Currently 37,961 is located within Rattlesnake Zone D with a 50.1 % stream response. The proposed

location for the application has a stream response of 10% or less.

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.
A test hole has been ordered, but has not been completed as of 1/4/24.
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	02/19/24	_____	_____	_____
Total depth of well	102 feet	_____	_____	_____
Depth to water bearing formation	21 feet	_____	_____	_____
Depth to static water level	19 feet	_____	_____	_____
Depth to bottom of pump intake pipe	79 feet	_____	_____	_____

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):

Max D Fisher Trust, 1031 Dead Run Drive, McLean, KS 22101
(name, address and telephone number)

Chad D and Misty M Fisher, Attn: Max Fisher, PO Box 455, St. John, KS 67576
(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 4th day of January, 2024.
(month) (year)

Max D. Fisher, Trustee
(Applicant Signature)

By _____
(Agent or Officer Signature)

Max D. Fisher, Trustee
(Print Name)

Assisted by JNE // ESII SFFO Date: 12/22/2023
(office/title)

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FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Max D Fisher Trust

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: Max D Fisher Trust // Chad D and Misty M Fisher

ADDRESS: 1031 Dead Run Drive, McLean, VA 22101 // PO Box 455, St. John KS 67576

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19	24S	11W	14.0	20.0	29.0	19.0	12.0			4.0									98.0

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	

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
5886 Farnham + Finmar Loams	57%	0.20 to 0.60	1
5944 Saltcreek + Nara Fine sandy Loams	43%	0.6 to 2.0	1
Total:	100 %		

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b. Estimate the average land slope in the field(s): 0.5 %

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:

ii. For sprinkler systems: If needed, we could dig a tailwater pit

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

(2) What is the sprinkler package design rate? 925 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? 50 feet

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

I plan to use Nelson Orbiter sprinklers that are 3 feet above ground level & each drop will be 7.5 feet apart. Nozzle size TBD after well size is known.

I intend to plant alfalfa and keep the alfalfa for 7 years and then rotate into corn for one year and then wheat for one year and then back into alfalfa for 7 years.

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).

I will follow an agronomist's instructions on when to irrigate and how much water to apply.

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

I am making this request to move the water appropriation to help reduce cutbacks to other appropriations ~~caused~~ caused by Quivira Wildlife Refuge.



Legend

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

Application, File No. _____

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19-24S-11W // Stafford County

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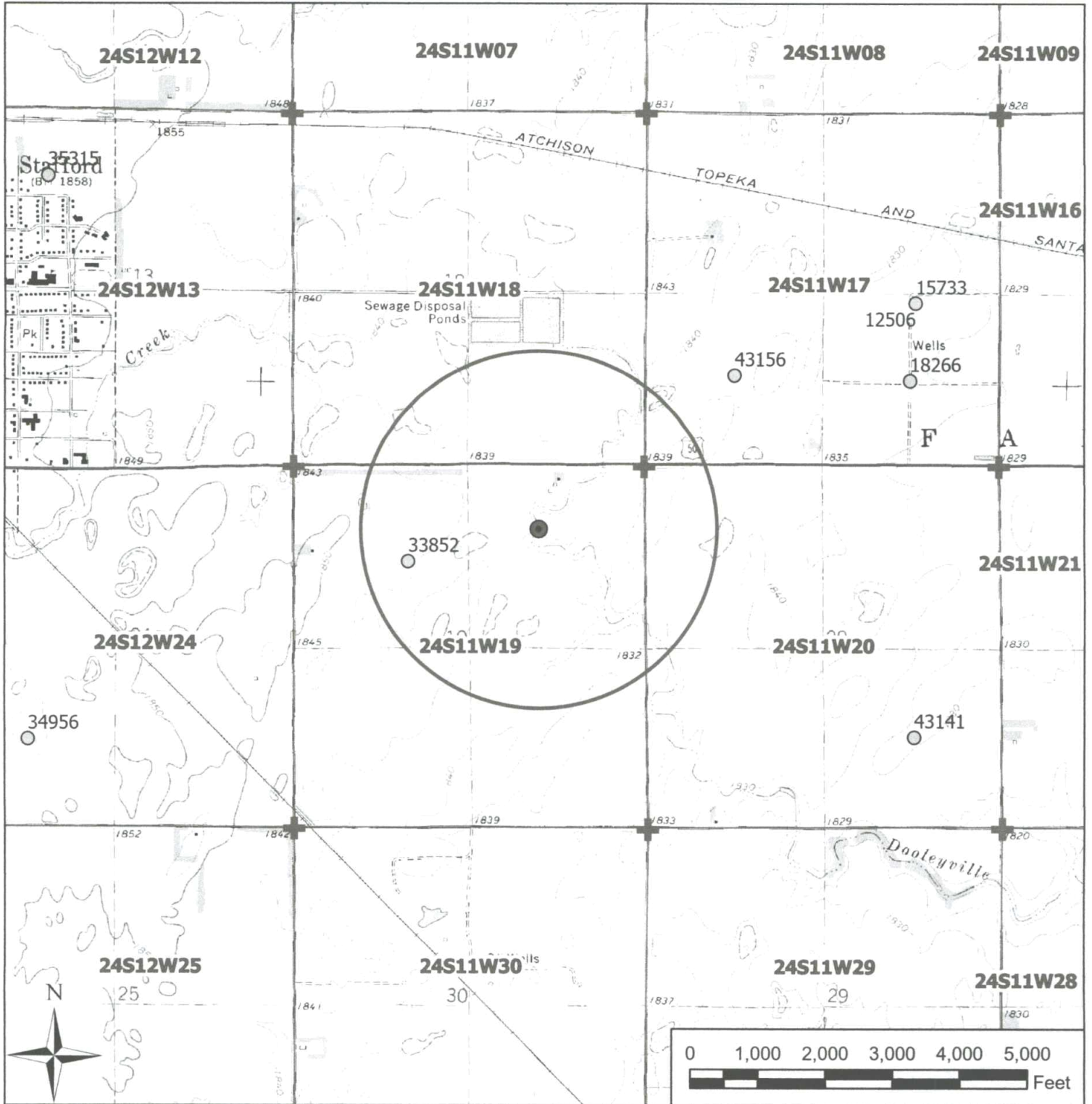
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To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

Max D. Fisher, Trustee 1-4-2024

Signature / Date

12/26/2023 JNE/SFFO 1:12,000



Legend

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

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Application, File No. _____
19-24S-11W // Stafford County **JAN 08 2024**

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

Max D Fisher, Trustee 1-4-2024

Signature / Date

12/26/2023 JNE/SFFO 1:24,000

INPUTS	
Target Section Definition	
Section	19
Township	24
Range	11
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-98.569272
Target Latitude	37.952736

Load Data and Compute

- Instructions**
1. Enter values for section, township, range and range direction.
 2. Enter *NAD27* or *NAD83* longitude and latitude of target point.
 3. Click "Load Data and Compute" button.
 4. Use feet distances corresponding to datum of target point.

Max D. Fisher, Trustee
Max D Fisher Trust Application

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.94017024	-98.58185621
NW	37.95486405	-98.58196299
NE	37.95492507	-98.56383512
SE	37.94018516	-98.56357528
Degrees Longitude per Foot		3.46768799E-06
Degrees Latitude per Foot		2.74611817E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	4576	-3629
NW	-775	-3660
NE	-797	1568
SE	4570	1643

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.94015500	-98.58149700
NW	37.95484900	-98.58160400
NE	37.95491000	-98.56347700
SE	37.94017000	-98.56321700
Degrees Longitude per Foot		3.46768728E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	4582	-3525
NW	-769	-3556
NE	-792	1671
SE	4576	1746

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Entered in Transfer Record
in my office this 20 day of
November A.D. 2023
Lisa A. Weber
Stafford County Clerk

Lu Ann Brister, Register of Deeds
Stafford County, KS

Book: 295 Page: 872

Receipt #: 41148
Pages Recorded: 2

Total Fees: \$38.00

Date Recorded: 11/20/2023 10:33:39 AM

KANSAS ENTITY WARRANTY DEED

THIS DEED, made and entered into this 20th day of November, 2023, by and between **V & E Inc.**, a Kansas corporation, as Grantor, and **Max D. Fisher, Trustee of the Max Fisher Trust, dated November 15, 2005, 1/2 interest; and Chad D. Fisher and Misty M. Fisher, as joint tenants with the right of survivorship and not as tenants in common, 1/2 interest**, as Grantee(s).

WITNESSETH, that the Grantor, for and in consideration of the sum of One Dollar and other good and valuable consideration paid by the Grantee(s), the receipt and sufficiency of which is hereby acknowledged, does by these presents **CONVEY AND WARRANT** unto the Grantee(s), the following described Real Estate, situated in the County of **Stafford**, State of Kansas, to-wit:

Tract 1: The Northeast Quarter (NE/4) of Section 19, Township 24 South, Range 11 West of the 6th P.M., Stafford County, Kansas, EXCEPT a 25.38 acre tract in the NE corner of said quarter described as follows: Commencing at the NE corner of said quarter section; thence West along the said section line a distance of 1680 feet; thence South parallel to the East line of said section a distance of 658 feet; thence East parallel to the North line of said section a distance of 1680 feet to the East line of said quarter section; thence North along said section line a distance of 658 feet to the point of beginning.

Tract 2: Lots 1 and 2 and the E/2 NW/4, of Section 19, Township 24 South, Range 11 West of the 6th P.M., Stafford County, Kansas, EXCEPT a tract commencing at the Northwest corner of said quarter section, thence running South along the West boundary line of said quarter section a distance of 949.5 feet to a point of beginning; continuing South along the West boundary line of said quarter section a distance of 375.5 feet to a point, thence running East at right angles a distance of 580.0 feet to a point, thence running North at right angles a distance of 375.5 feet to a point, thence running West at right angles a distance of 580.0 feet to the place of beginning.

Tract 3: Lot 3 and the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) of Section 19, Township 24 South, Range 11 West of the 6th P.M., Stafford County, Kansas.

Subject to all easements, restrictions and reservations, if any, now of record and the general taxes for the current calendar year and thereafter, and special taxes becoming a lien after the date of this deed.

Executed on: 11/09/2023

V & E Inc.

By: David Rice
Name: David Rice
Title: President

KSEWITC Rev. 8/1/17

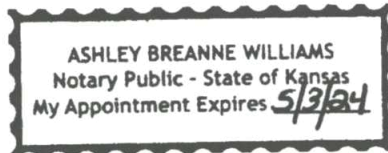
File No.: 1645144

STATE OF Kansas)
) ss.
COUNTY OF Barton)

On 11/09/2023 this deed was acknowledged before me by **David Rice, President of V & E Inc.**, for and on behalf of said entity.

Ashley B Williams
Notary Public

My appointment expires: 5/3/24



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

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

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