

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

1. File Number: 49449	2. Status Change Date: <i>7/29/2016</i>	3. Field Office: 03	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 62862 Add Seq# _____</p> <p>DUSTIN SHAW 10000 N RD 30 W SELDEN KS 67757</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7A</p>	<p>7d. Misc New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2017 11. Perfection Date: 12/31/2021 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **7/18/16** By: **KAB**
Date Entered: *8/11/2016* By: *UM*

File No. **49449** 15. Formation Code: 211 Drainage Basin: **Prairie Dog Creek** County: **DC** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD	84625			NE NE NE	3	4S	28W	2	4742	301 GeoC	800	195	800	195	none
ENT	85472			NE NE NE	3	4S	28W		4942	301 1 of 4					
ENT	85473			SE NE NE	3	4S	28W		4542	301 2 of 4					
ENT	85474			NE NE NE	3	4S	28W		4742	101 3 of 4					
ENT	85475			NE NE NE	3	4S	28W		4742	501 4 of 4					
Battery ID #1970															

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
			63896	3	4S	28W	1	32.5	32.5	32.5	32.5														130	7a	no	none	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files
FROM: Kristen Baum

DATE: July 18, 2016
RE: Application, File No. 49,449

Dustin Shaw has filed the referenced application to appropriate 195 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use. The proposed point of diversion is a battery of four (4) wells located in the Northeast Quarter of Section 3, Township 4 South, Range 28 West, Decatur County, Kansas. The proposed appropriation is located within the Prairie Dog Creek River Basin and the source of supply will be the Ogallala Formation. The 130 acre place of use and point of diversion are both owned by the applicant.

The requested quantity of 195 acre-feet applied to 130 acres will provide 1.5 acre-feet per acre, which is the maximum reasonable quantity for irrigation use in Decatur County, per K.A.R. 5-3-24. Therefore, the quantity appears to be reasonable.


This application was filed prior to issuance of the Guidance Document regarding applications impacting Kansas compliance with the Republican River Compact (RRC). Thus, it can be further processed subject to safe yield as described in K.A.R. 5-3-11, which states in part, that the Prairie Dog Creek, its tributaries and their alluviums, and any other aquifer that has a substantial hydraulic connection to an alluvium, have been determined to be fully appropriated based on safe yield criteria, and shall be closed to further new groundwater appropriations. The Division of Water Resources uses the RRC groundwater model to determine whether a substantial hydraulic connection exists. Using the requested quantity of water and specific point of diversion, the model determines the potential impact to streamflow, and the value selected by the Chief Engineer to represent a substantial hydraulic connection is an average annual impact greater than 10 acre-feet. Based on the model run, this application would have a potential impact of 9.3 acre-feet, and can be further processed.

The proposed point of diversion must also comply with K.A.R. 5-3-11 safe yield evaluation based on the area of consideration (extent of unconfined aquifer) within a 2-mile circle, calculated recharge quantity, and the extent of recharge available in that basin. Using an 8,042 acre area of consideration (the entire 2-mile circle) and a potential recharge of 0.8 inches with 75% available for appropriation, safe yield was determined to be 402.1 acre-feet. There are no other existing appropriations within the area of consideration. Thus, there is a sufficient quantity of water available for appropriation, and the application meets all safe yield criteria.

One nearby domestic well owner was notified of the applicant's intention to appropriate groundwater in a letter dated June 3, 2016. This individual called on June 8, 2016 to express some general concerns and had a few questions about the priority of domestic rights but didn't plan on following up with written comments. According to the applicant (via phone call on June 23, 2016), all domestic wells on the property have been plugged, leaving the closest domestic well at approximately 2,000 feet to the northwest. The WRIS database shows that the nearest non-domestic well is over 2 miles away. Thus, the proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4.

An approved water flow meter shall be installed on the diversion works for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will need to be installed. Water level measurement tubes will also be required because this is a new well exceeding 100 gpm.

Kelly Stewart, Water Commissioner for the Stockton Field Office, recommended approval of the referenced application in an e-mail. Well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Based on the above discussion, it is recommended that the referenced application be approved.


Kristen A. Baum
Environmental Scientist
Permits Unit

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

DUSTIN SHAW
10000 N RD 30 W
SELDEN KS 67757

FILE COPY

Re: Appropriation of Water, File No. 49,44

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:kab
Enclosures
pc: Stockton Field Office

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED
 (This Is Not a Certificate of Appropriation)

FILE COPY

This is to certify that I have examined Application, **File No. 49,449** of the applicant

DUSTIN SHAW
10000 N RD 30 W
SELDEN KS 67757

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **August 31, 2015**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3	4S	28W	32.5	32.5	32.5	32.5													130

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographical center located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NE¼) of Section 3, more particularly described as being near a point 4,742 feet North and 301 feet West of the Southeast corner of said section, in Township 4 South, Range 28 West, Decatur County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **195 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

CERTIFICATE OF SERVICE

On this 2nd day of August, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,449, dated July 29, 2016 was mailed postage prepaid, first class, US mail to the following:

DUSTIN SHAW
10000 N RD 30 W
SELDEN KS 67757

With photocopies to:

Stockton Field Office



Division of Water Resources

Baum, Kristen

From: Stewart, Kelly
Sent: Tuesday, July 19, 2016 3:50 PM
To: Baum, Kristen
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: 49,449 - Dustin Shaw

Kristen,

I have no objection to the approval of this application.

Kelly

From: Baum, Kristen
Sent: Monday, July 18, 2016 12:07 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: 49,449 - Dustin Shaw

Kelly,

Attached is my memo for file no 49449. This application is for irrigation in the Prairie Dog Creek basin. It was filed prior to the RRC guidance document and meets the 10 AF RRC restriction. One nearby was notified and we received a phone call with some concerns, but he didn't plan on submitting written comments – his well is approx. 2000 feet away.

Please provide your recommendation.

Thanks,

Kristen A. Baum
Division of Water Resources – Water Appropriations
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
(785) 564-6627

My email address has changed: kristen.baum@ks.gov

THE STATE OF KANSAS



WATER RESOURCES RECEIVED

AUG 31 2015

1:48 pm

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49449

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

RECEIVED

APPLICATION COMPLETE
7/18/16
Reviewer KAB

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.)

AUG 25 2015
2:30 PM
Stockton Field Office
Division of Water Resources

KAB/DWR

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): DUSTIN SHAW
Address: 10000 NORTH RD 30 WEST
City: SELDEN State KS Zip Code 67757
Telephone Number: (785) 386-8047

2. The source of water is: surface water in _____ (stream)
OR groundwater in PRAIRIE DOG (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 195 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. 3 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County DC By KAB Date 8/31/15
Code RE2 Fee \$ 300 TR # 16007439 Receipt Date 8/31/15 Check # 2192

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.

Geo center

(A) One in the NE quarter of the NE quarter of the NE quarter of Section 03, more particularly described as being near a point 4742 feet North and 301 feet West of the Southeast corner of said section, in Township 04 South, Range 28 WEST, DECATUR County, Kansas.

1 of 4

(B) One in the NE quarter of the NE quarter of the NE quarter of Section 3, more particularly described as being near a point 4942 feet North and 301 feet West of the Southeast corner of said section, in Township 4 South, Range 28 East West (circle one), Decatur County, Kansas.

2 of 4

(C) One in the SE quarter of the NE quarter of the NE quarter of Section 3, more particularly described as being near a point 4542 feet North and 301 feet West of the Southeast corner of said section, in Township 4 South, Range 28 East West (circle one), Decatur County, Kansas.

3 of 4

(D) One in the NE quarter of the NE quarter of the NE quarter of Section 3, more particularly described as being near a point 4742 feet North and 101 feet West of the Southeast corner of said section, in Township 4 South, Range 28 East West (circle one), Decatur 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.

KAB/DWR 7-18-16

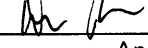
6. The owner of the point of diversion, if other than the applicant is (please print):

_____ (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 _____, 20____.  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 BATT OF 4 WELLS (number of wells, pumps or dams, etc.)

and WILL BE completed (by) 12/31/16 (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 06/01/16 (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 _____
- 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:

- (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.

WATER RESOURCES
RECEIVED

AUG 31 2015

SCANNED
KS DEPT OF AGRICULTURE

RECEIVED

AUG 25 2015

Stockton Field Office
Division of Water Resources

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>2-2-13</u>	_____	_____	_____
Total depth of well	<u>170</u>	_____	_____	_____
Depth to water bearing formation	<u>100</u>	_____	_____	_____
Depth to static water level	<u>110</u>	_____	_____	_____
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
(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):

(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 STOCKTON, Kansas, this 24 day of august, 2015.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by M. Billinger ASST WATER Commis Date: 8/24/15
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49449

Name of Applicant (Please Print): DUSTIN SHAW

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: DUSTIN SHAW

ADDRESS: 10000 NORTH RD 30 WEST SELDEN, KS 67757

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03	04S	28W	32.5	32.5	32.5	32.5													130

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

**WATER RESOURCES
RECEIVED**

RECEIVED

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater: NO TILL FARMING PRACTICES

ii. For sprinkler systems:

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

(2) What is the sprinkler package design rate? 600 _____ gpm

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

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

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: CORN, BEANS & WHEAT

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). SOIL MOISTURE AS NEEDED

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

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 3, 2016

WILLIAM E HEILMAN
HC1 BOX 78
JENNINGS KS 67643

Re: Pending Application, File No. 49,449

Dear Sir or Madam:

This is to advise you that Dustin Shaw has filed the application referenced above for a permit to appropriate 195 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute. The proposed point of diversion will be a battery of wells located as follows:

In the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¹/₄ NE¹/₄ NE¹/₄) of Section 3, in Township 4 South, Range 28 West, Decatur County, Kansas.

A map is enclosed for your review and reference. Records in this office indicate that you may have a well or wells in this vicinity so you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. If you have any questions, please contact me at (785) 564-6627 or Kristen.Baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

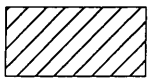
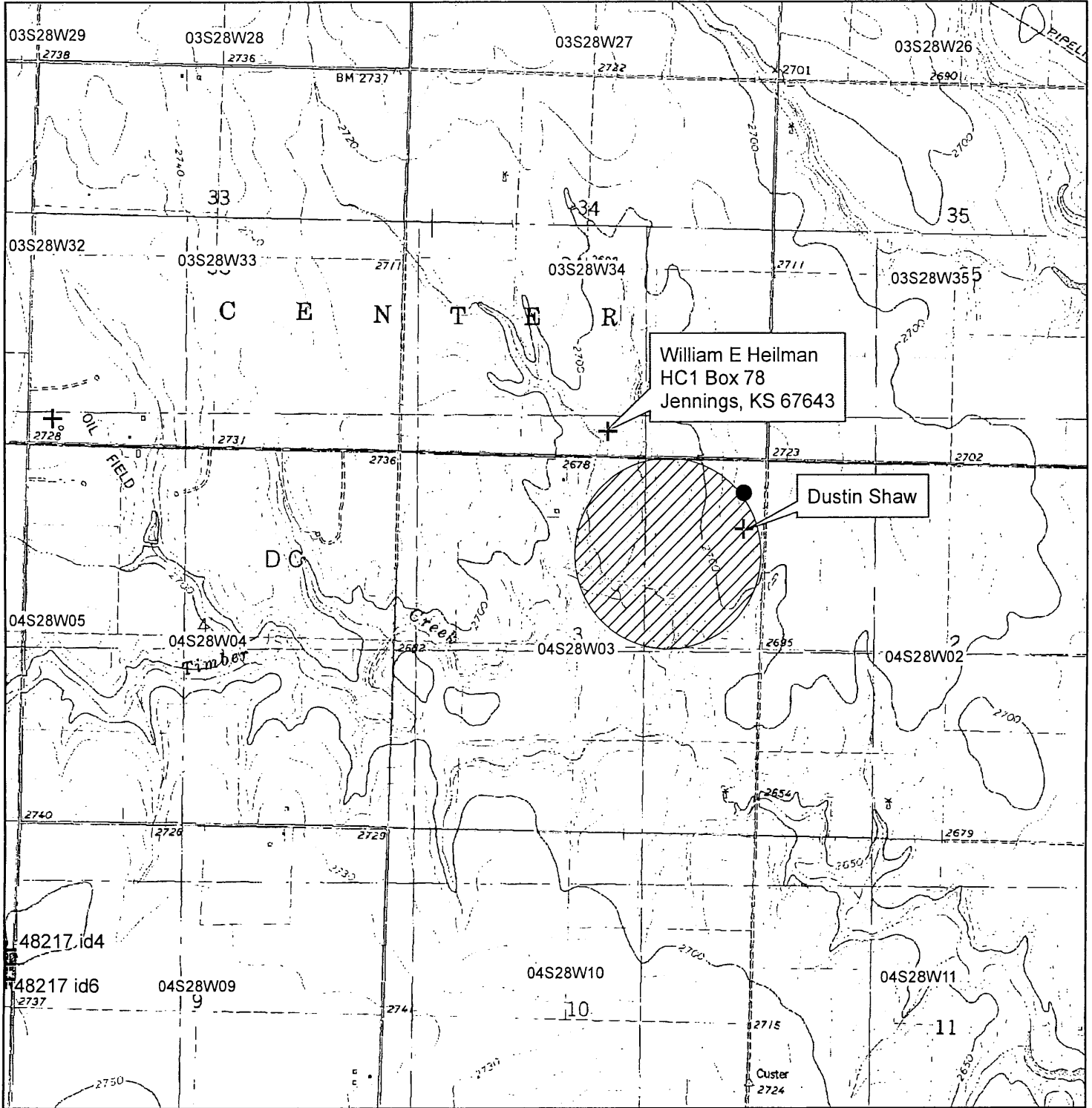
Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosure

pc: Stockton Field Office
Dustin Shaw

SCANNED

Dustin Shaw New Application



Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

+ WWC-5 Records

1:24,000



Dustin Shaw

All wells within 1/2 mile of proposed well location are identified on the map.

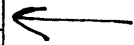
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AUG 25 2015

idx	File	PRIORITY	Use	Modeled Quantity Q, af	Final Quantity Q, af
131	49325	2-Mar-15	IRR	86	86
132	49351	23-Mar-15	STK	122.76	122.76
133	49202	3-Nov-14	STK	41.4	41.4
134	49365	9-Apr-15	IRR	231	231
135	49422	6-Jul-15	IRR	30	30
136	49423	9-Jul-15	IND	5	5
137	49379	30-Apr-15	MUN	192.36	192.36
138	49411	18-Jun-15	IRR	54	54
139	49412	18-Jun-15	IRR	55	55
140	49418	29-Jun-15	REC	5	5
141	49428A	20-Jul-15	IRR	195	96
142	49449	31-Aug-15	IRR	195	195
143	49455	8-Sep-15	IRR	240	178
144	49439	13-Aug-15	IRR	170.8	170.8
145	49463	21-Sep-15	IRR	170.8	170.8
146	49464	21-Sep-15	IRR	267	267
147	49465	21-Sep-15	IRR	170.8	170.8
148	49492	26-Oct-15	IRR	100	100
149	49519	3-Dec-15	IRR	79	79
150	49522A	9-Dec-15	IRR	240	224

scaling factor

	modeled avg50-yr impact 2050-2069	final avg50-yr impact 2050-2069	avg 50-yr response 2050-2069	reduced quantity with est. 10af impact
1	8.195	8.20	0.0953	
1	3.705	3.71	0.0302	
1	2.585	2.59	0.0624	
1	9.035	9.04	0.0391	
1	0.085	0.09	0.0028	
1	0.68	0.68	0.1360	
1	0	0.00	0.0000	
1	9.735	9.74	0.1803	
1	9.995	10.00	0.1817	
1	0	0.00	0.0000	
0.492307692	20.21	9.95	0.1036	96
1	9.335	9.34	0.0479	
0.741666667	13.455	9.98	0.0561	178
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	3.175	3.18	0.0318	
1	1.225	1.23	0.0155	
0.933333333	10.73	10.01	0.0447	224



Meets REC safe yield restrictions.

sum				15551.46
-----	--	--	--	----------

1636.70	568.49		
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		IRR	21498.76	13653.03
		IND	638.00	308.60
		MUN	1152.36	913.36
		STK	1297.82	671.47
sum			24586.94	15546.46

1474.81	485.01	0.0686
15.52	11.49	0.0243
37.65	25.44	0.0327
108.73	46.54	0.0838
1636.70	568.49	0.0666

49,449

Analysis Results

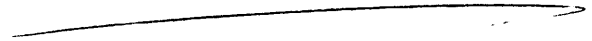
The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 402.10 AF.
Total prior appropriation in the circle is 195.00 AF.
Total quantity of water available for appropriation is 207.10 AF.

402.10 AF available

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
Potential annual recharge of the area is estimated to be 0.8 inches.
The percent of recharge available for appropriation is 75%.

Meets safe yield

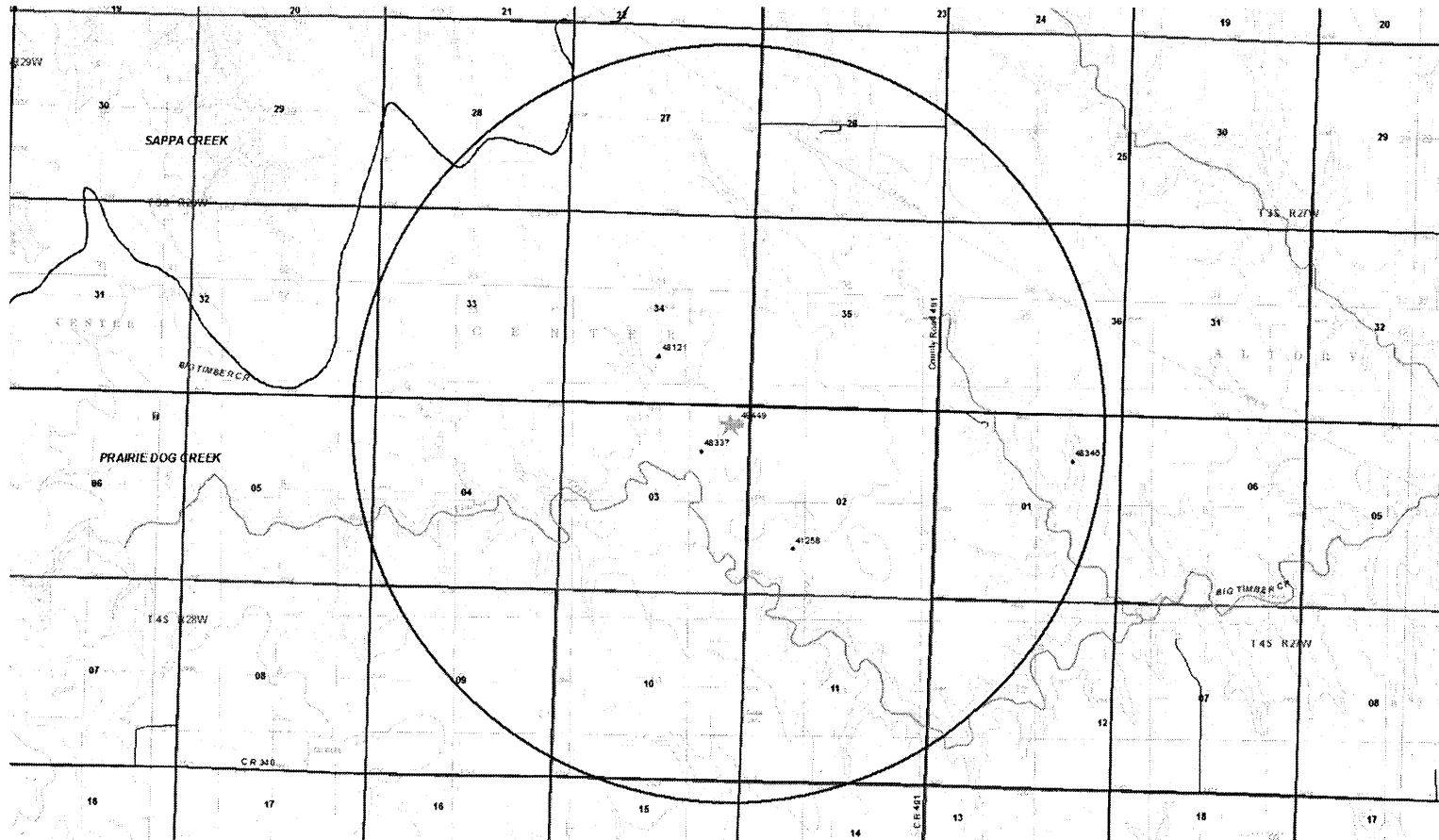


Authorized Quantity values are as of 02-JUN-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 1 water right(s) and 1 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres		
A	49449	00	IRR	AY	G		NE	NE	NE	4742	301	03	04	28W	2	WR	195.00	195.00	130.00	130.00

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SWNE1/4 SW28



WATER WELL RECORD

Form WWC-5

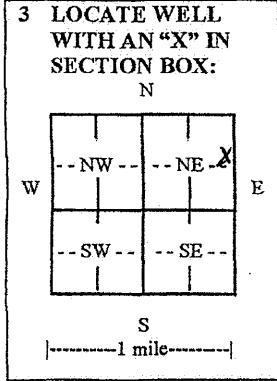
Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Decatur	Fraction ¼ SE ¼ NE ¼ NE ¼	Section Number 3	Township No. T 4 S	Range Number R 28 <input type="checkbox"/> E <input checked="" type="checkbox"/> W
---	------------------------------	---------------------	-----------------------	---

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here
127' from E line and 708' from N line

Global Positioning System (GPS) information:
Latitude: (in decimal degrees)
Longitude: (in decimal degrees)
Elevation:
Datum: WGS 84, NAD 83, NAD 27
Collection Method:
 GPS unit (Make/Model:)
 Digital Map/Photo, Topographic Map, Land Survey
Est. Accuracy: <3 m, 3-5 m, 5-15 m, >15 m

2 WATER WELL OWNER: Dustin Shaw
RR#, Street Address, Box #: 10000 N Rd 30W
City, State, ZIP Code : Selden, KS 67757



4 DEPTH OF COMPLETED WELL 170 ft.
Depth(s) Groundwater Encountered (1)..... ft. (2)..... ft. (3)..... ft.
WELL'S STATIC WATER LEVEL..... ft. below land surface measured on mo/day/yr.....
Pump test data: Well water was..... ft. after..... hours pumping..... gpm
EST. YIELD..... gpm Well water was..... ft. after..... hours pumping..... gpm
Bore Hole Diameter 12.5 in. to 170 ft., and in. to ft.
WELL WATER TO BE USED AS: Public water supply Geothermal Injection well
 Domestic Feedlot Oil field water supply Dewatering Other (Specify below)
 Irrigation Industrial Domestic-lawn & garden 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 CASING USED: Steel PVC Other
CASING JOINTS: Glued Clamped Welded Threaded
Casing diameter 8" in. to 170 ft., Diameter in. to ft., Diameter in. to ft.
Casing height above land surface 12 in., Weight 5.81 lbs./ft., Wall thickness or gauge No. 332
TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify)
 Brass Galvanized Steel None used (open hole)
SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify)
SCREEN-PERFORATED INTERVALS: From 110 ft. to 170 ft., From ft. to ft.
GRAVEL PACK INTERVALS: From 20 ft. to 170 ft., From ft. to ft.
From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other
Grout Intervals: From 0 ft. to 20 ft., From ft. to ft., From ft. to ft.
What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well
Direction from well Distance from well

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	2	Surface			& caliche str
2	20	Loess	152	170	Yellow ochre
20	30	Clay			RECEIVED
30	50	Clay & caliche			
50	111	Clay caliche & sandstone			WATER RESOURCES RECEIVED
111	115	Fine sand w/ sandstone			AUG 25 2015
115	121	Fine to some med w/ sandstone & caliche str			AUG 31 2015
121	134	Fine sand w/ sandstone			Stockton Field Office Division of Water Resources
134	152	Fine to some med sand w/ sanstone			KS DEPT OF AGRICULTURE

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 2/2/13 and this record is true to the best of my knowledge and belief.
Kansas Water Well Contractor's License No. 838 This Water Well Record was completed on (mo/day/year) 6/1/13
under the business name of D&R Pump Service, LLC by (signature) *D. R. S. [Signature]*

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send one copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5524. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>

August 25, 2015
(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.

[Handwritten Signature]
Signature of Applicant

State of Kansas)
County of Books) ss

Dustin Shaw
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 25 day of August, 2015.

[Handwritten Signature]
Notary Public

My Commission Expires: 6-29-19



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AUG 25 2015

Stockton Field Office
Division of Water Resources

**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

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

September 2, 2015

DUSTIN SHAW
10000 NORTH RD 30 WEST
SELDON KS 67757

RE: Application
File No. 49449

Dear Sir or Madam:

Your application for permit to appropriate water in 3-4S-28W in Decatur County, was received and has been assigned the file number noted above.

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

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

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

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

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

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

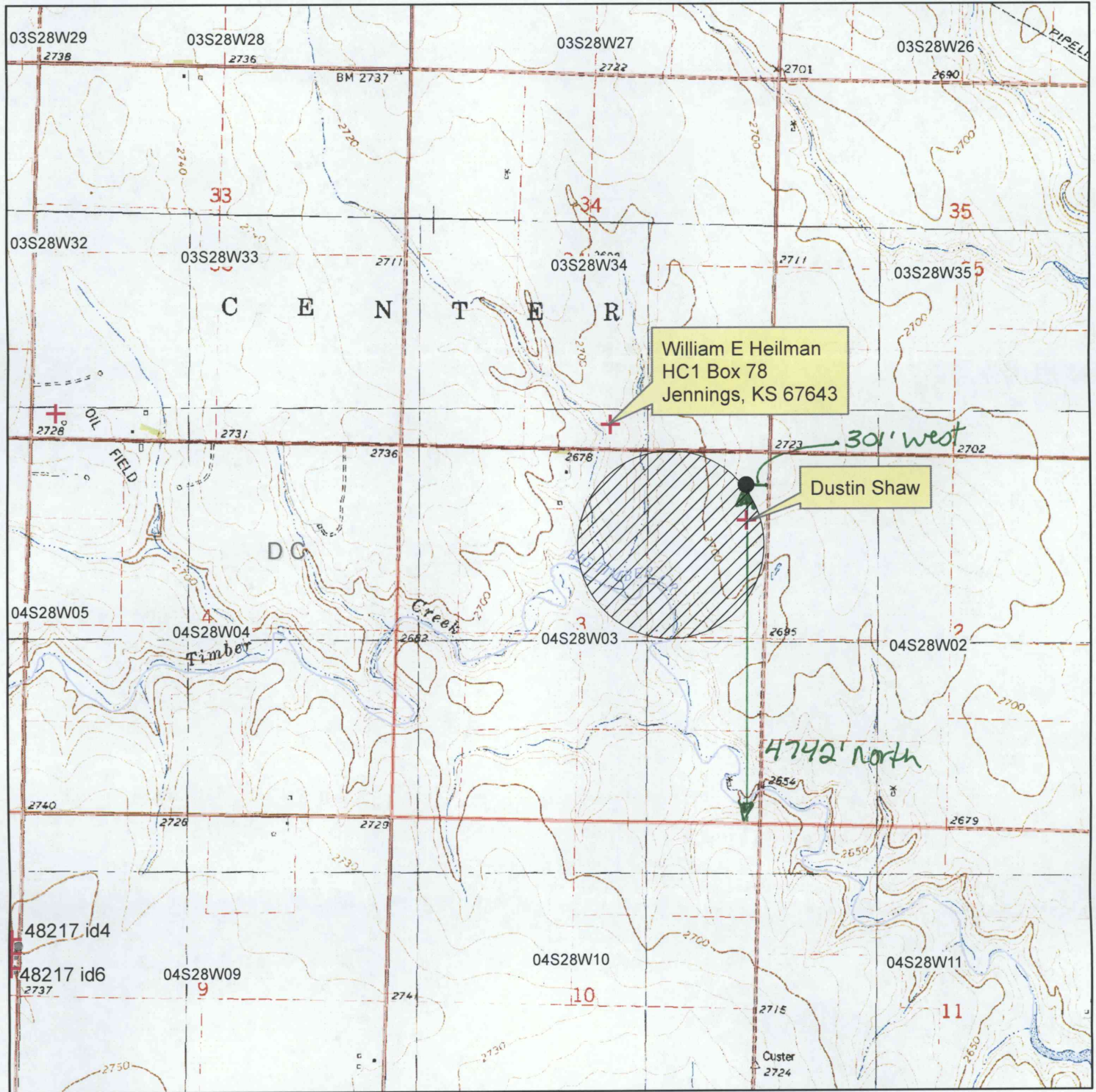
A handwritten signature in cursive script that reads "Brent A. Turney".

Brent Turney, L.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD 0

49449

Dustin Shaw New Application



Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

+ WWC-5 Records

Dustin Shaw

All wells within 1/2 mile of proposed well location are identified on the map.

WATER RESOURCES RECEIVED

AUG 31 2015 SCANNED

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RECEIVED

AUG 25 2015

1:24,000

