

File No. **49492** 15. Formation Code: **211** Drainage Basin: **Prairie Dog Creek** County: **NT** Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
	MOD				SE SW NW	36	2S	21W	11	3277	4575 GeoC
	ENT	85715			SE SW NW	36	2S	21W		3177	4575 1 of 4
	ENT	85716			NE SW NW	36	2S	21W		3377	4575 2 of 4
	ENT	85717			SW SW NW	36	2S	21W		3277	4675 3 of 4
	ENT	85718			SE SW NW	36	2S	21W		3277	4475 4 of 4

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	72.84	800	72.84	none

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	
T	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									
	CK			26135	36	2S	21W	1						40	40	40	40	35	40	40	40					315	7a	no	32265	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 28, 2016

FROM: Kristen Baum *Kristen Baum*

RE: Application, File No. 49,492

Paul Davis has filed the referenced application to appropriate an additional 72.84 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use at an existing point of diversion. The point of diversion is a battery of four (4) wells with a geographic center located in the Northwest Quarter of Section 36, Township 2 South, Range 21 West, Norton 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 315 acre place of use and point of diversion are both owned by applicant. The applicant originally requested 100 acre-feet, however, 72.84 acre-feet was the maximum quantity of water that could be requested based upon the safe yield analysis. The applicant agreed to the reduced quantity of water.

The application will completely overlap in place of use with Water Right, File No. 32,265. The 72.84 acre-foot quantity will provide 195.84 acre-feet total when combined with Water Right, File No. 32,265 for the 315 acre place of use. This combined quantity provides 0.62 acre-feet per acre, which is significantly less than the maximum reasonable quantity for irrigation use in Norton County, per K.A.R. 5-3-24, but since the new application is providing additional quantity for the place of use, it can be considered 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 2.3 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 1.08 inches with 75% available for appropriation, safe yield was determined to be 542.84 acre-feet. Existing water rights have appropriated 470.0 acre-feet within the area of consideration, providing a difference of 72.84 acre-feet available for appropriation. Thus there is a sufficient quantity of water available for appropriation, and the application meets all safe yield criteria.

Two domestic wells were identified by the applicant within one-half mile of the proposed point of diversion. Well owners were notified of the applicant's intention to appropriate groundwater in a letter dated October 7, 2016. No responses of any kind were received from the adjacent well owners. The closest domestic well is located approximately 2,000 feet to the southwest. The WRIS database shows that the nearest non-domestic well is approximately 1,800 feet 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.

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.

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

November 7, 2016

PAUL O & PEGGY SUE DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664-6507

FILE COPY

Re: Appropriation of Water, File No. 49,492

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.

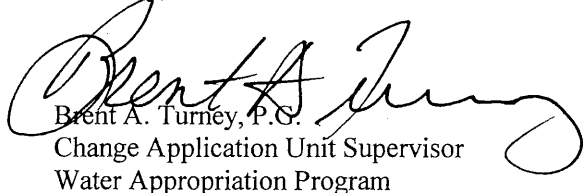
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide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



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. **49,492** of the applicant

**PAUL O & PEGGY SUE DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664-6507**

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 **October 26, 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	
36 2S 21W					40	40	40	40	35	40	40	40					315

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 Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE¼ SW¼ NW¼) of Section 36, more particularly described as being near a point 3,277 feet North and 4,575 feet West of the Southeast corner of said section, in Township 2 South, Range 21 West, Norton 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 **72.84 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.

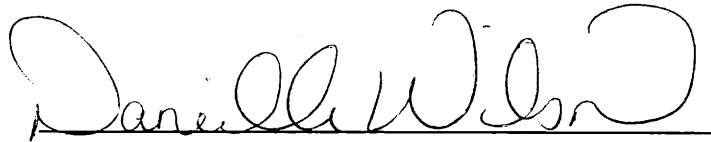
CERTIFICATE OF SERVICE

On this ^{7th} day of *November*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,492, dated *November 3rd, 2016* was mailed postage prepaid, first class, US mail to the following:

PAUL O & PEGGY SUE DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664-6507

With photocopies to:

Stockton Field Office



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES
RECEIVED

OCT 26 2015

1:10
KS DEPT OF AGRICULTURE

APPLICATION COMPLETE
10/28/16
Reviewer: KAB

File Number 49,491 49,492
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, KS 66502:

1. Name of Applicant (Please Print): Paul Davis
Address: 11971 Road E13
City: Prairie View State KS Zip Code 67664
Telephone Number: (785) 973-8051

2. The source of water is: surface water in _____ (stream)
OR groundwater in Prairie Dog North Fork Solomon 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 ~~100~~ 72.84 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. <u>3</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 <u>(YES/NO)</u>	Use <u>IRR</u>	Source <u>(S) S. County</u>	By <u>AJW</u>	Date <u>10/26/15</u>	
Code <u>REG</u>	Fee \$ <u>200</u>	TR # <u>16011762</u>	Receipt Date <u>10/26/15</u>	Check # <u>1982</u>			

4 of 4 SE SW NW 3277 North 4475 West
36 - 2S - 21W Norton Co

File No. 491492

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 SOUTHEAST quarter of the SOUTHWEST quarter of the NORTHWEST quarter of Section 36, more particularly described as being near a point 3277 feet North and 4575 feet West of the Southeast corner of said section, in Township 02 South, Range 21 West, Norton County, Kansas.

1 of 4

(B) One in the SE quarter of the SW quarter of the NW quarter of Section 36, more particularly described as being near a point 3177 feet North and 4575 feet West of the Southeast corner of said section, in Township 2 South, Range 21 East (West) (circle one), Norton County, Kansas.

2 of 4

(C) One in the NE quarter of the SW quarter of the NW quarter of Section 36, more particularly described as being near a point 3377 feet North and 4575 feet West of the Southeast corner of said section, in Township 2 South, Range 21 East (West) (circle one), Norton County, Kansas.

3 of 4

(D) One in the SW quarter of the SW quarter of the NW quarter of Section 36, more particularly described as being near a point 3277 feet North and 4675 feet West of the Southeast corner of said section, in Township 2 South, Range 21 East (West) (circle one), Norton County, Kansas.

KAB/DWR
10-28-16

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):

(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 10-20, 2015. [Signature]
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 Battery of 4 wells
(number of wells, pumps or dams, etc.)

and will be completed (by) December 31, 2016
(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 2016
(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.

32,265 will cover same place of use

WATER RESOURCES
RECEIVED

OCT 26 2015

SCANNED
KS DEPT OF AGRICULTURE

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

D. W. ...
(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 _____, Kansas, this _____ day of _____, _____
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by *M. BILLINGER* _____ *AGST WATER COMMISSIONER* Date: *10/20/15*
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49492

Name of Applicant (Please Print): Paul Davis

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: Paul O & Peggy Sue Davis
 ADDRESS: 11971 Road E13 Prairie View, KS 67664-6507

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
36	02S	21W					40	40	40	40	35	40	40	40					315

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	

Baum, Kristen

From: Stewart, Kelly
Sent: Friday, October 28, 2016 1:13 PM
To: Baum, Kristen
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: 49,492 - Paul Davis

Kristen,

I have no objection to the approval of this application.

Kelly

From: Baum, Kristen
Sent: Friday, October 28, 2016 11:13 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: FW: 49,492 - Paul Davis

With attachment

From: Baum, Kristen
Sent: Friday, October 28, 2016 11:12 AM
To: Stewart, Kelly
Cc: Billinger, Mark
Subject: 49,492 - Paul Davis

Kelly,

Attached is a memo for file no. 49492. This application is for a new battery for irrigation use in the Prairie Dog Creek basin. It will overlap in place of use with file no 32265. It was filed prior to the RRC guidance document and meets the 10 ac-ft model restriction. The quantity had to be reduced a bit to meet the 2-mile circle safe yield. Two nearbys were notified but we didn't receive any comments.

Please provide your recommendation.

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



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

October 7, 2016

HARLAN VANDERWIGE
305 1ST
PRAIRIE VIEW KS 67664

FILE COPY

Re: Pending Application, File No. 49,492

Dear Sir or Madam:

This is to advise you that Paul Davis has filed the application referenced above for a permit to appropriate 72.84 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 Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, in Township 2 South, Range 21 West, Norton 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.

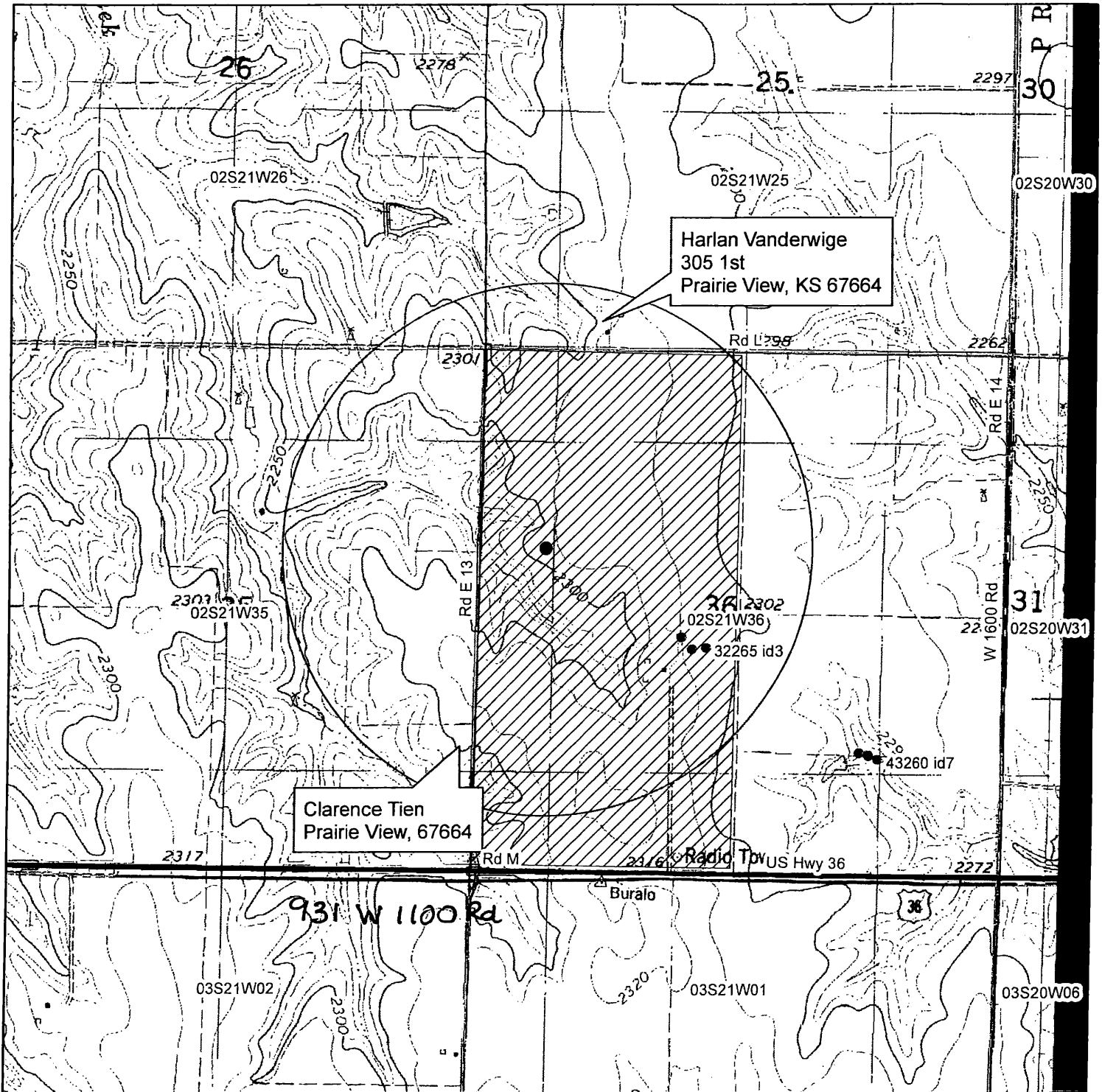
Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosure

pc: Stockton Field Office
Paul O & Peggy Sue Davis

Application for Water Right



Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

+ WWC-5 Record

[Handwritten Signature]

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

WATER RESOURCES RECEIVED

1:16,879

OCT 26 2015

SCANNED
KS DEPT OF AGRICULTURE



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

October 7, 2016

CLARENCE TIEN
931 W 1100 RD
PRAIRIE VIEW KS 67664

FILE COPY

Re: Pending Application, File No. 49,492

Dear Sir or Madam:

This is to advise you that Paul Davis has filed the application referenced above for a permit to appropriate 72.84 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 Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, in Township 2 South, Range 21 West, Norton 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
Paul O & Peggy Sue Davis

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49492 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49492 00 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

3277 Feet North and 4575 Feet West of the Southeast Corner of Section 36 T 2S R 21W

GROUNDWATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 32265 00 IRR NK G      1779 -- NE NE SW 2300 3088 36 2 21W 10 G 2 123.00 123.00 AF
Same          1989 -- NE NE SW 2195 2905 36 2 21W 3 B 2
Same          1570 NC N2 NE SW 2405 3270 36 2 21W 9 B 2
A__ 43260 00 IRR NK G      3842 -- -- NC SE 1263 1303 36 2 21W 4 G 3 164.00 164.00 AF
Same          3747 -- -- NC SE 1292 1397 36 2 21W 5 B 3
Same          3839 -- -- NC SE 1267 1304 36 2 21W 6 B 3
Same          3939 -- -- NC SE 1231 1209 36 2 21W 7 B 3
A__ 45964 01 DOM NK G      8601 -- SE SE SE 54 81 24 2 21W 1 2.31 2.31 AF
A__ 48006 00 IRR KE G      8933 -- SW SW SW 200 4700 19 2 20W 1 G 4 183.00 183.00 AF
Same          9017 -- SW SW SW 300 4700 19 2 20W 2 B 4
Same          8850 -- SW SW SW 100 4700 19 2 20W 3 B 4
Same          8878 -- SW SW SW 200 4800 19 2 20W 4 B 4
Same          8989 -- SE SW SW 200 4600 19 2 20W 5 B 4
A__ 49492 00 IRR AY G      0 -- SE SW NW 3277 4575 36 2 21W 11 100.00 100.00 AF
=====

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=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      100.00      .00
Total Permitted Amount (AF) =      183.00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =      289.31      .00
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =      572.31      .00
=====

```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

3277 Feet North and 4575 Feet West of the Southeast Corner of Section 36 T 2S R 21W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 32265 00 IRR NK G
> PAUL O & PEGGY SUE DAVIS
>
> 11971 ROAD E13
> PRAIRIE VIEW KS 67664
>-----
A__ 43260 00 IRR NK G
> KEITH ERICKSON
>
> 1157 W IRON RD
=====

```

49492

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 542.84 AF.
Total prior appropriation in the circle is 572.31 AF. - 102.31 = 470
Total quantity of water available for appropriation is 0.00 AF. →

72.84 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 1.08 inches.
The percent of recharge available for appropriation is 75%.

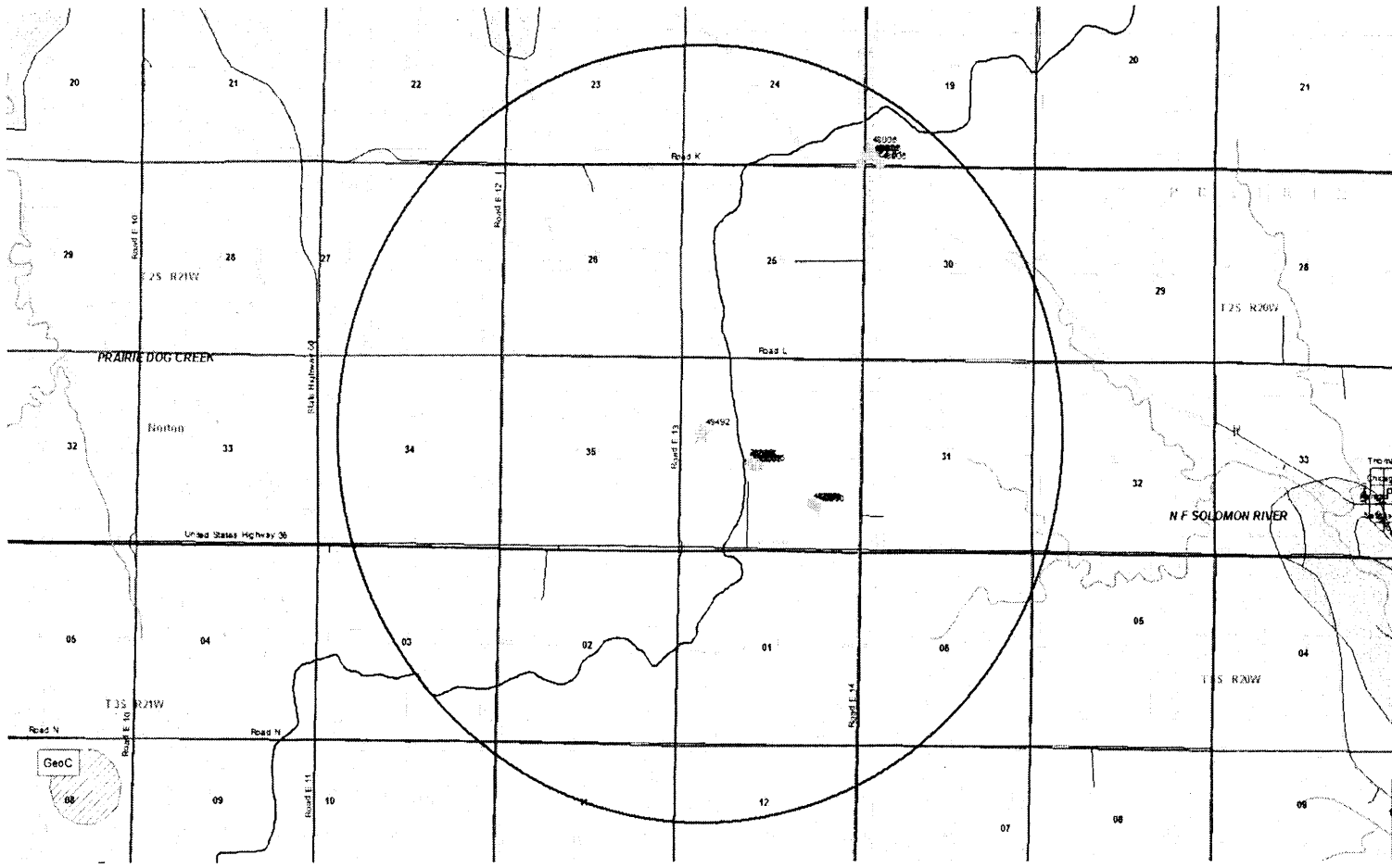
Authorized Quantity values are as of 05-MAY-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 5 water right(s) and 14 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 32265 00	IRR	NK	G		NE	NE	SW	2195	2905	36	02	21W	3	WR	123.00	123.00	315.00	315.00
Same	IRR	NK	G	NC	N2	NE	SW	2405	3270	36	02	21W	9	WR				
Same	IRR	NK	G		NE	NE	SW	2300	3088	36	02	21W	10	WR				
A 43260 00	IRR	NK	G		NC	SE		1263	1303	36	02	21W	4	WR	164.00	164.00	121.00	121.00
Same	IRR	NK	G		NC	SE		1292	1397	36	02	21W	5	WR				
Same	IRR	NK	G		NC	SE		1267	1304	36	02	21W	6	WR				
Same	IRR	NK	G		NC	SE		1231	1209	36	02	21W	7	WR				
A 45964 01	DOM	NK	G		SE	SE	SE	54	81	24	02	21W	1	WR	2.31	2.31		
A 48006 00	IRR	KE	G		SW	SW	SW	200	4700	19	02	20W	1	WR	183.00	183.00	133.00	133.00
Same	IRR	KE	G		SW	SW	SW	300	4700	19	02	20W	2	WR				
Same	IRR	KE	G		SW	SW	SW	100	4700	19	02	20W	3	WR				
Same	IRR	KE	G		SW	SW	SW	200	4800	19	02	20W	4	WR				
Same	IRR	KE	G		SE	SW	SW	200	4600	19	02	20W	5	WR				
A 49492 00	IRR	AY	G		SE	SW	NW	3277	4575	36	02	21W	11	WR	100.00	100.00	315.00	0.00

-102.31

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NESWSNW 36-02S-21W



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

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

			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

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

1636.70	568.49		
---------	--------	--	--

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

$\frac{100}{73} = 3.18$
 \times
 2.32 AF impact

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

WATER RESOURCES
RECEIVED

OCT 26 2015
SCANNED

KS DEPT OF AGRICULTURE

10/20/15
(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. 49492

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.

Paul Dewey
Signature of Applicant

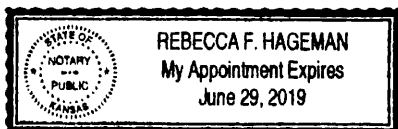
State of Kansas)
County of Neosho) ss

Paul Dewey
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 20th day of October, 2015.

Rebecca Hageman
Notary Public

My Commission Expires: 6/29/19



WATER RESOURCES
RECEIVED

OCT 26 2015
SCANNED
KS DEPT OF AGRICULTURE

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

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

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

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

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

October 27, 2015

PAUL DAVIS
11971 ROAD E13
PRAIRIE VIEW KS 67664

RE: Application
File No. 49492

Dear Sir or Madam:

Your application for permit to appropriate water in 36-02S-21W in Norton, 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) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

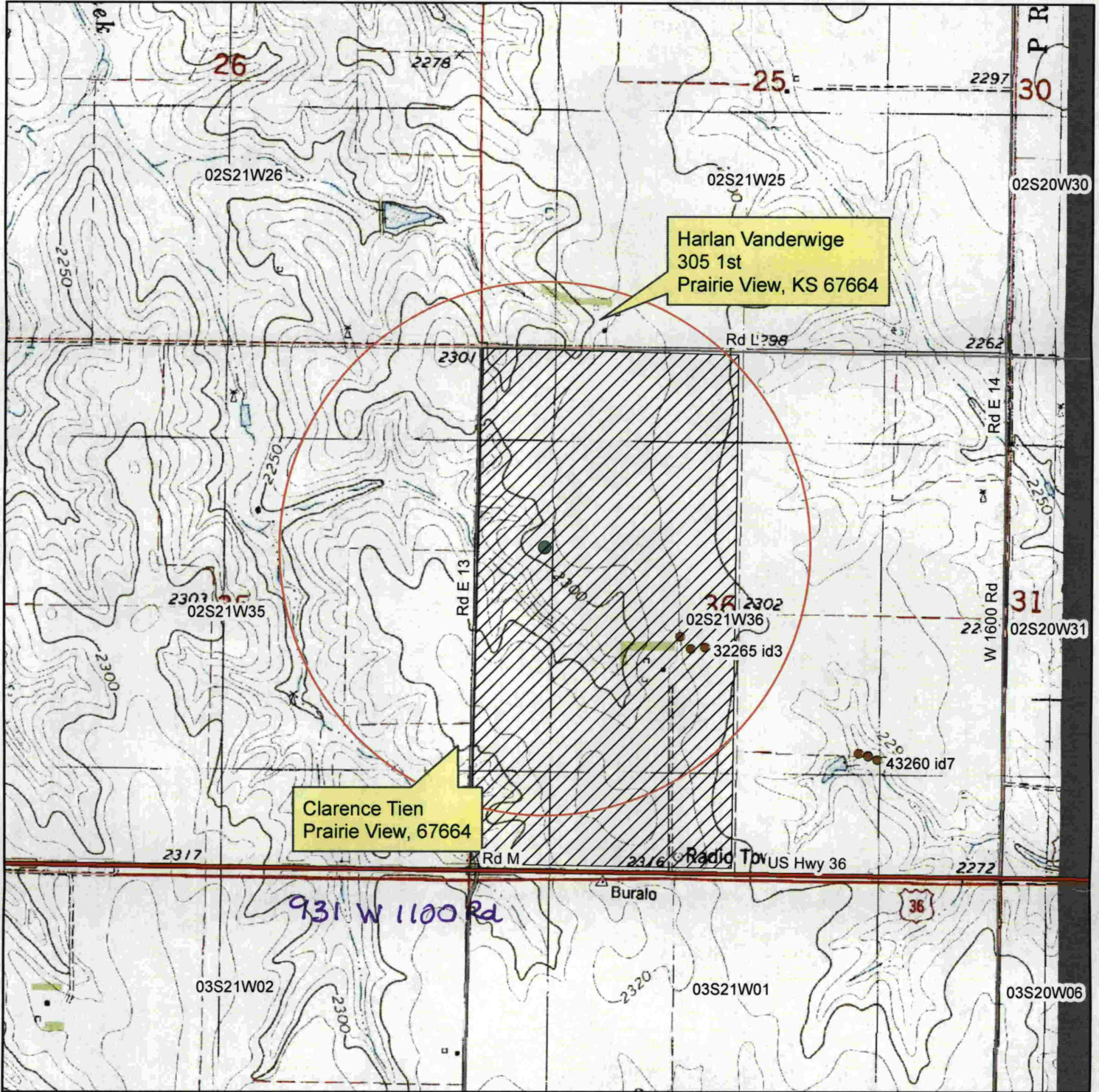
Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Kopp", written over a horizontal line.

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

KAK: DLW
pc: STOCKTONField Office
GMD 0

Application for Water Right



Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

+ WWC-5 Records

WATER RESOURCES RECEIVED

1:16,879

OCT 26 2015

SCANNED
KS DEPT OF AGRICULTURE



[Handwritten Signature]

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