

Kansas Department of Agriculture  
Division of Water Resources  
**CLOSURE OF NEW APPLICATION WORKSHEET**

1. File Number: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">49,150</div>	2. Status Change Date: <div style="text-align: center; font-size: 1.2em;">2/17/2017</div>	3. Field Office: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">3</div>	4. GMD: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">0</div>
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> <b>Dismiss by Request</b> /Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> Person ID <b>22705</b> Add Seq# _____  <div style="text-align: center;"> <b>MARK &amp; THERESA E GRAM</b>            2295 N 260 RD            CLYDE KS 66938-3049         </div>	7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____  7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____  <b>7a.</b>	7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____  7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No                  Notarized WUC Form <input type="checkbox"/>	9. Use of Water:    Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____		
10. Completion Date: _____		11. Perfection Date: _____	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: <b>1/25/2017</b> By: <b>DWS</b> Date Entered: <b>2/20/2017</b> By: <b>UM</b>			

File No. <b>49,150</b>	15. Formation Code:	Drainage Basin:	County:	Special Use:	Stream:																																																																																																																																																																																													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10" style="text-align:left;">16. Points of Diversion</th> <th colspan="5" style="text-align:left;">17. Rate and Quantity</th> </tr> <tr> <td style="text-align:left;">T MOD DEL ENT</td> <td style="text-align:left;">PDIV</td> <td style="text-align:left;">Qualifier</td> <td style="text-align:center;">S</td> <td style="text-align:center;">T</td> <td style="text-align:center;">R</td> <td style="text-align:center;">ID</td> <td style="text-align:center;">'N</td> <td style="text-align:center;">'W</td> <td></td> <td></td> <td style="text-align:center;">Rate gpm/cfs</td> <td style="text-align:center;">Quantity af/mgy</td> <td style="text-align:center;">Rate gpm/cfs</td> <td style="text-align:center;">Quantity af/mgy</td> <td style="text-align:right;">Overlap PD Files</td> </tr> <tr> <td><b>DEL</b></td> <td><b>83470</b></td> <td><b>NE NW SW</b></td> <td style="text-align:center;"><b>9</b></td> <td style="text-align:center;"><b>5S</b></td> <td style="text-align:center;"><b>1W</b></td> <td style="text-align:center;"><b>1</b></td> <td style="text-align:center;"><b>2600</b></td> <td style="text-align:center;"><b>4125</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align:right;"><b>NONE</b></td> </tr> <tr> <td><b>DEL</b></td> <td><b>83471</b></td> <td><b>NE NW SW</b></td> <td style="text-align:center;"><b>9</b></td> <td style="text-align:center;"><b>5S</b></td> <td style="text-align:center;"><b>1W</b></td> <td style="text-align:center;"><b>1</b></td> <td style="text-align:center;"><b>2300</b></td> <td style="text-align:center;"><b>4125</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>DEL</b></td> <td><b>83472</b></td> <td><b>NE NW SW</b></td> <td style="text-align:center;"><b>9</b></td> <td style="text-align:center;"><b>5S</b></td> <td style="text-align:center;"><b>1W</b></td> <td style="text-align:center;"><b>1</b></td> <td style="text-align:center;"><b>2000</b></td> <td style="text-align:center;"><b>4125</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>DEL</b></td> <td><b>83473</b></td> <td><b>NE NW SW</b></td> <td style="text-align:center;"><b>9</b></td> <td style="text-align:center;"><b>5S</b></td> <td style="text-align:center;"><b>1W</b></td> <td style="text-align:center;"><b>1</b></td> <td style="text-align:center;"><b>2300</b></td> <td style="text-align:center;"><b>4125</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						16. Points of Diversion										17. Rate and Quantity					T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W			Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files	<b>DEL</b>	<b>83470</b>	<b>NE NW SW</b>	<b>9</b>	<b>5S</b>	<b>1W</b>	<b>1</b>	<b>2600</b>	<b>4125</b>							<b>NONE</b>	<b>DEL</b>	<b>83471</b>	<b>NE NW SW</b>	<b>9</b>	<b>5S</b>	<b>1W</b>	<b>1</b>	<b>2300</b>	<b>4125</b>								<b>DEL</b>	<b>83472</b>	<b>NE NW SW</b>	<b>9</b>	<b>5S</b>	<b>1W</b>	<b>1</b>	<b>2000</b>	<b>4125</b>								<b>DEL</b>	<b>83473</b>	<b>NE NW SW</b>	<b>9</b>	<b>5S</b>	<b>1W</b>	<b>1</b>	<b>2300</b>	<b>4125</b>																																																																																																					
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**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

TO: Files

DATE: January 25, 2017

FROM: Doug Schemm

RE: Application, File No. 49,150

Mark Gram filed the above referenced application to appropriate groundwater for irrigation use, from a proposed battery of wells. A safe yield review indicated that there was 65 acre-feet of water available. A letter was sent to the applicant on June 17, 2016, stating the quantity of water available, and requesting that the applicant reduce his place of use to ensure that this quantity of water remaining was reasonable and adequate. The applicant was also requested to modify his place of use on the site map and on the irrigation supplemental sheet.

Following subsequent discussions with the applicant, he decided not to pursue the proposed appropriation. A "Voluntary Dismissal of an Application for Permit to Appropriate Water" form was mailed to the applicant, and subsequently was received back in our office on January 24, 2017, signed by the applicant.

Based on the available information, the application should be dismissed and its priority forfeited as voluntarily requested by the applicant.

Douglas Schemm  
Environmental Scientist  
Topeka Field Office

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

February 20, 2017

MARK GRAM  
2295 N 260 RD  
CLYDE KS 66938-3049

**FILE COPY**

RE: Application, File No. 49,150

Dear Mr. Gram:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,150, as you requested in the "Voluntary Dismissal of an Application for Permit to Appropriate Water" form received in our office on January 24, 2017.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

**Request for Hearing.** According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

**Petition for Review.** The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777. If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:dws

Enclosures

pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE  
DISMISSAL OF APPLICATION  
FILE NO. 49,150**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on August 28, 2014, the Chief Engineer received an application from Mark Gram for permit to appropriate groundwater for beneficial use, assigned File No. 49,150, proposing the appropriation of 200 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use. The proposed point of diversion was the geographic center of a battery of three wells, located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 2,300 feet North and 4,125 feet West of the Southeast corner of said section, in Township 5 South, Range 1 West, Cloud County, Kansas.
2. That a safe yield review indicated that there was 65 acre-feet of water available, and a letter was sent to the applicant on June 17, 2016 stating the quantity of water available. The applicant was informed that he would have to reduce the proposed place of use to ensure this quantity of water was adequate for irrigation use.
3. That following subsequent discussions with the applicant, he informed Division of Water Resources staff that he was not going to proceed with the irrigation project. A "Voluntary Dismissal of an Application for Permit to Appropriate Water" form was sent to the applicant on January 17, 2017.
4. That a signed "Voluntary Dismissal of an Application for Permit to Appropriate Water" form for Application, File No. 49,150 was received in the office of the Chief Engineer on January 24, 2017.
5. That the application should be dismissed and its priority forfeited as requested by the applicant.

**ORDER**

NOW, THEREFORE, it is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,150, is herewith dismissed and the priority assigned to it is considered to be forfeited.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 17<sup>th</sup> day of February, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of February, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

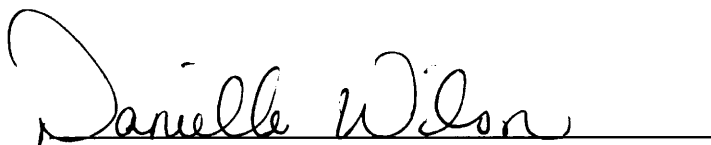
### CERTIFICATE OF SERVICE

On this <sup>20<sup>th</sup></sup> day of ~~February~~ <sup>February</sup>, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,150, dated ~~February 17, 2017~~ was mailed postage prepaid, first class, US mail to the following:

MARK & THERESA E GRAM  
2295 N 260 RD  
CLYDE KS 66938-3049

With photocopies to:

Stockton Field Office

A handwritten signature in cursive script that reads "Daniella Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

# Voluntary Dismissal of an Application for Permit to Appropriate Water

01-20-17

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

RECEIVED  
JAN 24 2017  
Topeka Field Office  
DIVISION OF WATER RESOURCES

RE: Application File No. 49,150

Chief Engineer:

I am submitting this statement in regard to Application for Permit to Appropriate Water, File No. 49,150. I am the applicant who filed this application. I now wish to voluntarily withdraw that application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application File No. 49,150.

Sincerely,

MARK GRAM

(Applicant)

2295 N 260<sup>TH</sup> RD

(Mailing Address)

CLYDE KS 66938-3049

(City, State, Zip)



(Applicant Signature)

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(City, State, Zip)



THE STATE OF KANSAS



WATER RESOURCES RECEIVED  
AUG 20 2014 1:58  
KS DEPT OF AGRICULTURE  
UNACCEPTABLE FOR PRIORITY

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49150  
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.)

WATER RESOURCES RECEIVED  
AUG 28 2014 1:31  
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
~~109 SW 9th Street, Second Floor, Topeka, KS 66612-1283.~~

1. Name of Applicant (Please Print): MARK GRAM  
Address: 2295 N 260th Rd.  
City: Clyde State Ks Zip Code 66938  
Telephone Number: (785) 243 4932

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Jakarta sandston & Republican 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 200 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 IRA Source GS County CD By AGL Date 8-28-14  
Code RED Fee \$ 300 TR # 15009008 Receipt Date 8-28-14 Check # 7275

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

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

(A) One in the NE quarter of the NW quarter of the SW quarter of Section 9, more particularly described as being near a point 2600 feet North and 4125 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East West (circle one), Cloud County, Kansas.

(B) One in the NE quarter of the NW quarter of the SW quarter of Section 9, more particularly described as being near a point 2300 feet North and 4125 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East West (circle one), Cloud County, Kansas.

(C) One in the NE quarter of the NW quarter of the SW quarter of Section 9, more particularly described as being near a point 2000 feet North and 4125 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East West (circle one), Cloud County, Kansas.

*geocenter \** (D) One in the NE quarter of the NW quarter of the SW quarter of Section 9, more particularly described as being near a point 2300 feet North and 4125 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East West (circle one), Cloud County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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

\_\_\_\_\_  
(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 Aug 25, 2014. Mark Gram  
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 3 well Battery  
(number of wells, pumps or dams, etc)  
and (was)(will be) completed (by) June 18 2015  
(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 June 18 2015  
(Mo/Day/Year)

*\* HAWK 9-4-14 per applicant discussion*

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 28 2014

\_\_\_\_\_  
KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY  
WATER RESOURCES  
RECEIVED  
AUG 20 2014

SCANNED

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

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

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

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

owner  
(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.

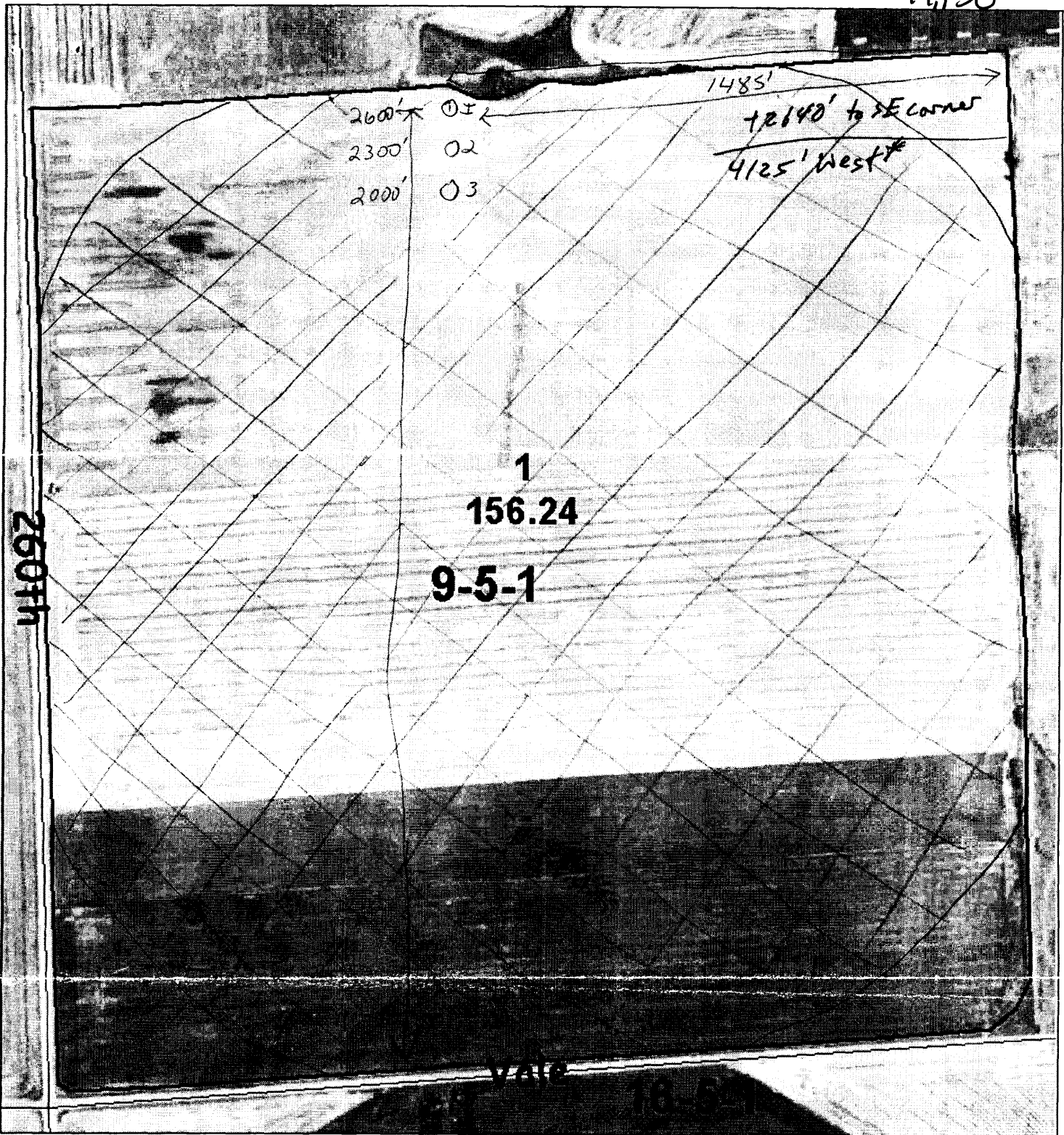
Dated at Clyde, Kansas, this 18 day of Aug, 2014.  
(month) (year)

Mark Beam  
(Applicant Signature)

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

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)



United States Department of Agriculture  
Farm Service Agency

Farm: 5633  
Tract: 2002

Cloud County, KS

1:4,339



Grass/SMO/FG  
 Grass/SMO/LS  
 Grass/SMO/GZ  
 Grass/NAG/GZ  
 Grass/NAG/FG  
 Grass/NAG/LS

WATER RESOURCES RECEIVED  
 AUG 28 2014  
 KS DEPT OF AGRICULTURE

\* PREPARED 9-4-14 per applicant  
August 29, 2013

\* Unless noted on field, all Corn, Grain Sorghum/Milo, Oats, Soybeans, Sunflowers and Wheat have Intended Use of Grain (GR) and Irrigation Practice of Non-Irrigated (NI).

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

SCANNED

KS DEPT OF AGRICULTURE

49,150

**Williams Drilling Co., Inc.**  
**P. O. Box 327**  
**Belvidere, Nebraska 68315**  
**Phone 800-477-3745 Fax 402-768-6099**

**Mark Gram**  
**SW1/4 of Sec. 9, T5S, R1W**

**Test Hole #1**

**N 39° 37' 53.2" 39.631444**  
**W 097° 26' 24.1" 97.440028**

0-1	top soil
1-22	tan clay
22-83	sandstone: soft
83-86	gray clay
86-98	gray clay with sandstone layers
98-120	fire clay
120-121	hard layer: sand rock
121-122	sandstone layer
122-123	sand rock: hard
123-165	fire clay
165-183	brown and gray clay
183-200	shale

RECEIVED

DEC 21 2015

Topeka Field Office  
DIVISION OF WATER RESOURCES

wL?

**Test Hole #2**

**N 39° 37' 53.7"**

**W 097° 26' 28.7"**

0-1	top soil
1-38	tan clay
38-72	sandstone
72-75	brown and black clay
75-82	tan clay with fire clay
82-86	fire clay
86-103	gray clay
103-106	fire clay
106-110	gray and brown clay
110-118	gray clay
118-121	gray and black clay
121-187	fire clay
187-200	shale

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DEC 21 2015

Topeka Field Office  
DIVISION OF WATER RESOURCES

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 1,111.30 AF.  
 Total prior appropriation in the circle is 1,246.00 AF. - 200 = 1046  
 Total quantity of water available for appropriation is 0.00 AF.

65.3 AF

**Safe Yield Variables**

The area used for the analysis is set at 7028 acres.  
 Potential annual recharge of the area is estimated to be 2.53 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 04-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 11 water right(s) and 13 point(s) of diversion within the circle.

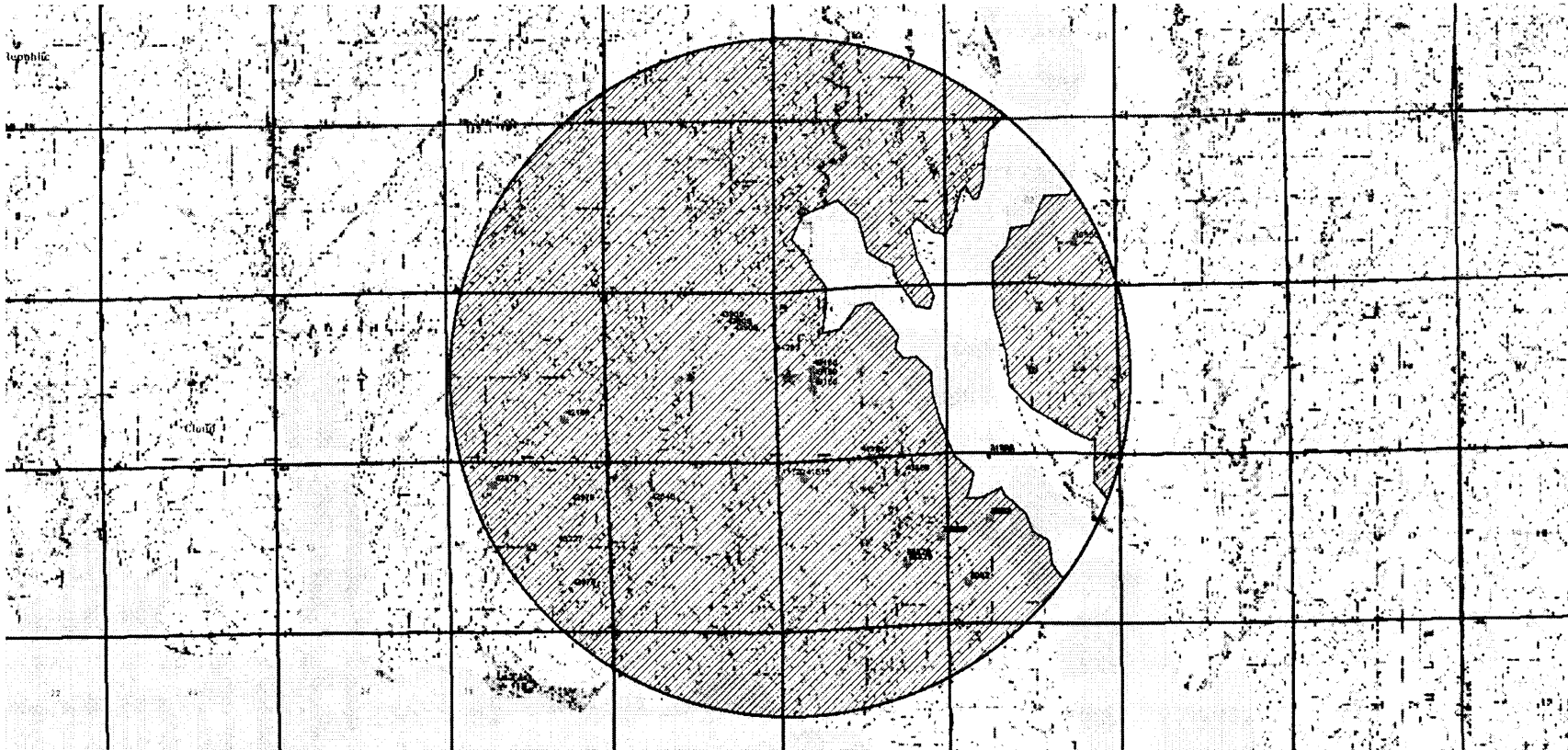
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 8082 00	IRR	NK	G		SW	NW	SW	1320	4705	15	05	01W	5	WR	285.00	285.00	228.00	228.00
Same	IRR	NK	G		NE	SW	NW	3334	4027	15	05	01W	6	WR				
A 10555 00	IRR	NK	G			NC	SE	1320	1320	03	05	01W	1	WR	123.00	123.00	156.00	156.00
A 11720 00	IRR	NK	G		NW	NW	NW	0	0	16	05	01W	1	WR	93.00	93.00	160.00	160.00
A 35324 00	IRR	NK	G		SW	NE	SE	1835	1291	16	05	01W	8	WR	52.00	52.00	157.00	157.00
A 36055 00	IRR	NK	G		SE	SE	NE	2680	170	16	05	01W	6	WR	108.00	108.00	157.00	0.00
A 41516 00	IRR	NK	G		SE	NW	NW	4520	4400	16	05	01W	5	WR	34.00	34.00	160.00	0.00
A 42169 00	IRR	NK	G			NC	SE	1320	1320	07	05	01W	1	WR	128.00	128.00	130.00	130.00
A 42175 00	IRR	NK	G					4579	3700	18	05	01W	3	WR	149.00	149.00	128.00	128.00
A 42479 00	IRR	NK	G		SW	NE	SE	1835	1291	16	05	01W	8	WR	25.00	25.00	157.00	0.00
A 42480 00	IRR	NK	G		SE	SE	NE	2680	170	16	05	01W	6	WR	49.00	49.00	157.00	0.00
A 49150 00	IRR	AY	G		NE	NW	SW	2600	4125	09	05	01W	1	WR	200.00	200.00	160.00	160.00
Same	IRR	AY	G		NE	NW	SW	2300	4125	09	05	01W	2	WR				
Same	IRR	AY	G		NE	NW	SW	2000	4125	09	05	01W	3	WR				
Same	IRR	AY	G		NE	NW	SW	2300	4125	09	05	01W	4	WR				



Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in NENWNWSW 09-05S-01W  
FILE NO. 49,150 (2016'N & 5028'W)

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Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov

Sam Brownback, Governor

June 17, 2016

MARK GRAM  
2295 N 260<sup>TH</sup> RD  
CLYDE KS 66938-3049

RE: Pending Application, File No. 49,150

Dear Mr. Gram:

As we discussed, a review of safe yield at a point in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 9, more particularly described as being near a point 2,012 feet North and 5,028 feet West of the Southeast corner of said section, in Township 5 South, Range 1 West, Cloud County, Kansas, indicates that **65 acre-feet of water would be available. Please review the attached site map and initial the map to indicate that this point of diversion is acceptable.**

Per K.A.R. 5-3-11(c)(2) if there is sufficient water available to reasonably satisfy part of the request, then the application shall be approved for the quantity available if the remaining quantity is reasonable for the proposed use. Therefore, if you elect to pursue your proposed irrigation project based on the information presented above, the quantity you requested on Application, File No. 49,150 **must be reduced to 65 acre-feet**, and you must also reduce your proposed place of use acreage to ensure that this quantity of 65 acre-feet is reasonable for the proposed use. In order to comply with K.A.R. 5-3-19, for Cloud County, the maximum reasonable annual quantity of water for irrigation use is 1.3 acre-feet per acre. With your reduced quantity of 65 acre-feet, this would equate to a maximum of approximately **50 acres** that could be irrigated. Please revise both the enclosed topographic map, and the "Irrigation Use Supplemental Sheet" to depict this reduced acreage. Please initial any changes you make on these attachments, and return the original documents, with the initialed site map to our office at:

**KANSAS DEPARTMENT OF AGRICULTURE  
6531 SE FORBES AVENUE, SUITE B  
TOPEKA, KANSAS 66619**

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss this specific file, please have the file number ready so that I may help you more efficiently.

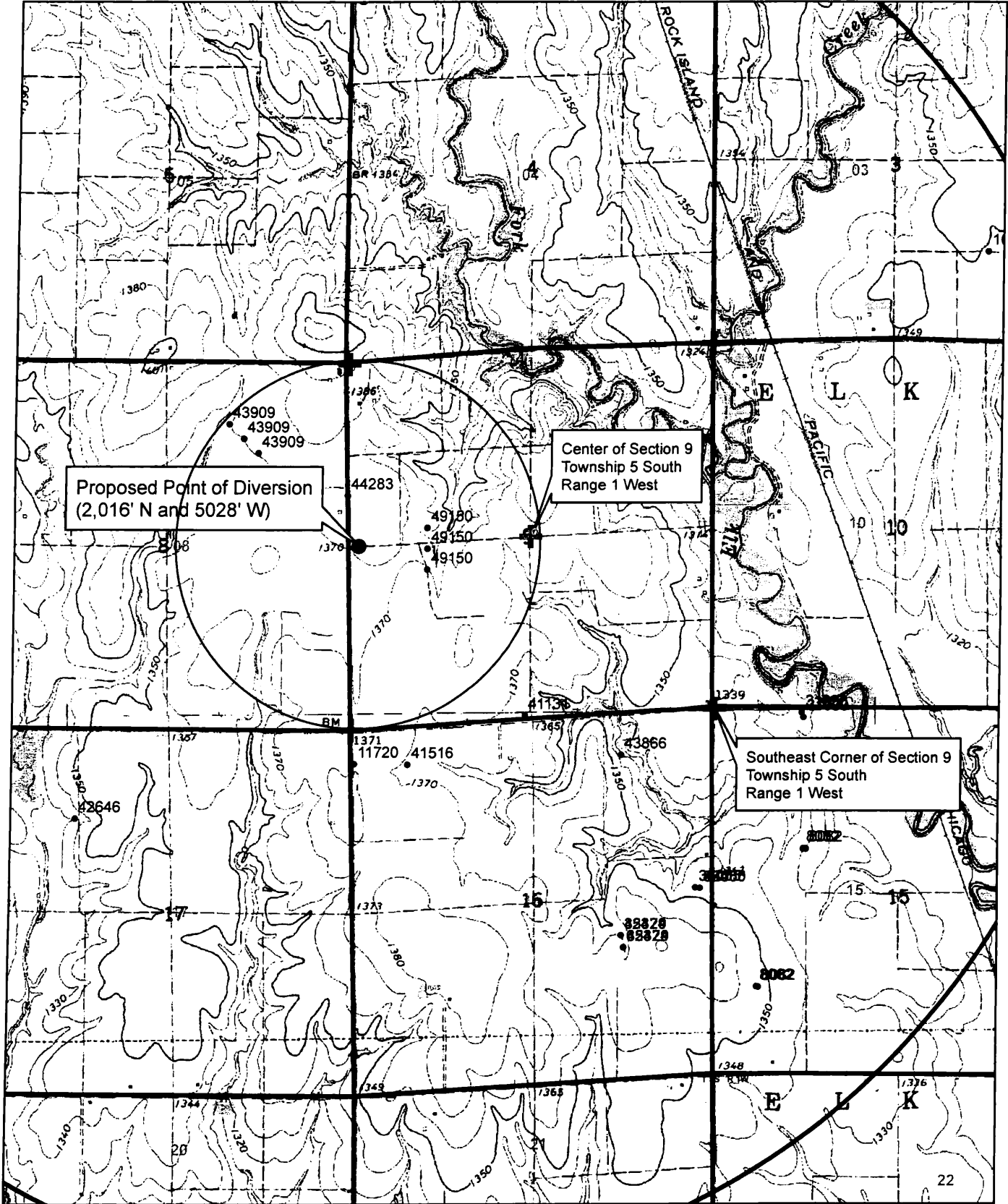
Sincerely,

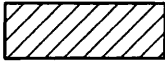

A handwritten signature in black ink that reads "Doug Schemm".

Doug Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

MARK GRAM - FILE NO. 49,150  
 Section 9, Township 5 South, Range 1 West  
 Cloud County



 Proposed Place of Use  
 Proposed Point of Diversion

All known wells within one-half mile of the proposed point of diversion are shown on this map.

1:24,000

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,150 \_\_\_\_\_

Name of Applicant (Please Print): MARK GRAM

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: MARK GRAM  
2295 N 260<sup>TH</sup> RD CLYDE, KS 66938

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<b>9</b>	<b>5S</b>	<b>1W</b>																	

**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	



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

January 17, 2017

MARK GRAM  
2295 N 260<sup>TH</sup> RD  
CLYDE KS 66938-3049

RE: Pending Application, File No. 49,150

Dear Mr. Gram:

As we discussed, enclosed is a "**Voluntary Dismissal of an Application for Permit to Appropriate Water**" form. Please sign where indicated and return the original document to our office at:

**KANSAS DEPARTMENT OF AGRICULTURE  
6531 SE FORBES AVENUE, SUITE B  
TOPEKA, KANSAS 66619**

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss this specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Doug Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietz, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

April 20, 2015

MARK GRAM  
2295 N 260 RD  
CLYDE KS 66938-3049

Re: Pending Application, File No. 49,150

Dear Mr. Gram:

Enclosed are site maps for your review. Map #1 depicts your current proposed location, while Map #2 indicates a potential well location, which would place this well greater than two miles from selected senior water rights. As we discussed, pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion, unless the chief engineer has sufficient information to understand the lithology and determine the groundwater source formation. Please provide a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion.

In addition, you must comply with minimum well spacing criteria for your source of supply, which would appear to be the unconfined Dakota aquifer system. This source of supply requires well spacing of one-half mile between non-domestic wells, and 1,320 feet from any domestic well.

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

SCANNED



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, 2014

MARK GRAM  
2295 N 260TH RD  
CLYDE KS 66938

RE: Application  
File No. 49,150

Dear Sir or Madam:

Your application for permit to appropriate water in Sections 9-5S-1W, in Cloud 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,

Richard Rockel  
New Application Unit Supervisor  
Water Appropriation Program

RAR: al  
pc: Stockton Field Office

SCANNED