

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

1. File Number: <p style="text-align: center;"><b>49463</b></p>	2. Status Change Date: <p style="text-align: center;"><i>4/7/2017</i></p>	3. Field Office: <p style="text-align: center;"><b>03</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></p>
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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

7a. Applicant(s)  
New to system

Person ID **62992**  
Add Seq# \_\_\_\_\_

**STATES AG LP  
2501 ASH ST  
HAYS KS 67601**

7c. Landowner(s)  
New to system

Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

7b. Landowner(s)  
New to system

Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

**7A**

7d. Misc  
New to system

Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_

8. WUR Correspondent  
New to system   
Overlap File (s) WUC Agree  Yes  No

Person ID \_\_\_\_\_  
Add Seq# \_\_\_\_\_  
Notarized WUC Form

9. Use of Water:    Changing?     Yes     No

Groundwater     Surface Water

IRR             REC             DEW             MUN

STK             SED             DOM             CON

HYD DRG     WTR PWR     ART RECHRG

IND SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

10. Completion Date: \_\_\_\_\_    11. Perfection Date: \_\_\_\_\_    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: **3/23/17**    By: **KAB**  
Date Entered: *4/10/2017*    By: *UM*

File No. **49463**      15. Formation Code:      Drainage Basin:      County:      Special Use:      Stream:

16. Points of Diversion

T  
MOD  
DEL      PDIV  
ENT      Qualifier      S      T      R      ID      'N      'W

**DEL 84678**

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	

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 \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use

T  
MOD  
DEL  
ENT      PUSE      S      T      R      ID

	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files					
	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									
<b>DEL 67197</b>																									

Comments:

KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 20, 2017

FROM: Kristen Baum

RE: Application, File Nos. 49,439; 49,463; 49,464; 49,465  
49,738 and 49,740

States Ag LP has filed the referenced applications to appropriate groundwater from the Ogallala Formation for two different irrigation projects approximately 1.5 miles apart, both located within the South Fork Solomon River Basin (Rooks and Graham Counties). Application, File No. 49,464 is requesting a new well that will be associated with an existing battery of wells and center pivot – no new water is being requested. The remaining Applications are associated with a new project consisting of a center pivot that will be served by three separate wells. The points of diversion for the new project easily meet safe yield. However, due to the order in which the applications were filed, File No. 49,464 would not meet safe yield if Application File Nos. 49,439 and 49,463 were approved. The applicant was informed that File No. 49,464 did not meet safe yield as proposed. He then requested that File Nos. 49,439 and 49,463 be voluntarily dismissed, and he subsequently refiled those applications so that they would have junior priority to File No. 49,464.

These points of diversion are located outside the area designated in the Guidance Document regarding applications impacting Kansas compliance with the Republican River Compact (RRC). Thus, they can be further processed subject to safe yield as described in K.A.R. 5-3-11, which states in part, that the South Fork Solomon River, 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 closest mapped alluvium to these points of diversion is in a different drainage basin and is approximately 2.5 to 3.5 miles away, so there would be no substantial hydraulic connection.

Application, File No. 49,464

File No. 49,464 is requesting 267 acre-feet of groundwater at a diversion rate of 1,000 gallons per minute. The proposed point of diversion is a single (1) well located in the Southwest Quarter of Section 24, Township 6 South, Range 21 West, Graham County, Kansas. The 209 acre place of use and point of diversion are both owned by the applicant. This application will completely overlap in place of use with Appropriation of Water, File No. 48,879. It will be limited to 267 acre-feet for irrigation use when combined with the senior file, resulting in no new water being appropriated. This 267 acre-foot quantity provides 1.3 acre-feet per acre, which is less than the maximum reasonable quantity of 1.5 acre-feet per acre for irrigation use in Graham County, per K.A.R. 5-3-24, but would still be considered reasonable.

Using an 8,042 acre area of consideration (the entire 2-mile circle) and a potential recharge of 1.27 inches with 75% available for appropriation, safe yield was determined to be 638.33 acre-feet. A total of 633 acre-feet of water is currently appropriated within the area of consideration, however, this total includes Appropriation of Water, File No. 48,879 (the overlapping place of use file). Since this application will be limited when combined with the senior file on the overlapping place of use and isn't requesting any new water, it meets safe yield once Application File Nos 49,439 and 49,463 are dismissed because the total quantity of water for the place of use has been accounted for within the 2-mile circle.

According to the applicant, no other wells are located within one-half mile of the proposed point of diversion, so no notification letters were sent. The closest domestic wells appear to be at least a mile away. The closest non-domestic point of diversion is approximately 3,200 feet to the northwest, and is the applicant's battery of wells overlapping in place of use with the referenced application. Thus, the proposed point of diversion meets minimum well spacing criteria per the requirements in K.A.R. 5-4-4.

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. Kelly Stewart, Water Commissioner for the Stockton Field Office concurs with the **recommendation that Application, File Nos. 49,439 and 49,463 be dismissed and Application File No 49,464 be approved.**


Application, File Nos. 49,465; 49,738 and 49,740

File Nos. 49,465; 49,738 and 49,740 are requesting 170.8 acre-feet of groundwater at diversion rates from 800-1,000 gallons per minute. The proposed points of diversion are each single (1) wells all located in the Southeast Quarter of Section 30, Township 6 South, Range 20 West, Rooks County, Kansas. The 122 acre place of use and points of diversion are all owned by the applicant. The applications will completely overlap in place of use. Since each application has requested 170.8 acre-feet, the junior files will require limitations of 170.8 acre-feet total when combined with the senior files on the authorized place of use. The requested quantity of 170.8 acre-feet applied to 122 acres will provide 1.4 acre-feet per acre, which is the maximum reasonable quantity for irrigation use in Rooks County, Kansas, per K.A.R. 5-3-24. Therefore, the quantity appears to be reasonable.

Using an 8,042 acre area of consideration (the entire 2-mile circle) and a potential recharge of 1.28 inches with 75% available for appropriation, safe yield was determined to be 643.36 acre-feet. One other pending application filed by the same applicant (File No. 49,464) would have 267 acre-feet appropriated within the area of consideration, providing a 376.36 acre-feet available for appropriation. Thus there is a sufficient quantity of water available for appropriation, and the applications meet all safe yield criteria.

According to the applicant, no other wells are located within one-half mile of the proposed points of diversion, so no notification letters were sent. The closest domestic well appears to be located just over one-half mile to the south. The proposed wells will be just over 1,320 feet apart, and would be considered the closest non-domestic wells. Thus, the proposed points of diversion should meet minimum well spacing criteria per the requirements in K.A.R. 5-24-3. Additionally, all three wells are designed to operate together to provide water to the same place of use, and are under common ownership, so the proposed well spacing should be sufficient to prevent direct impairment and to protect the public interest.

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. Kelly Stewart, Water Commissioner for the Stockton Field Office concurs with the **recommendation that Application, File Nos. 49,465; 49,738 and 49,740 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

April 10, 2017

**FILE COPY**

STATES AG LP  
2501 ASH ST  
HAYS KS 67601

Re: Appropriation of Water, File Nos. 49,464; 49,465; 49,738 and 49,740  
Application, File Nos. 49,439 and 49,463

Dear Sir or Madam:

There are enclosed permits 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 sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports.

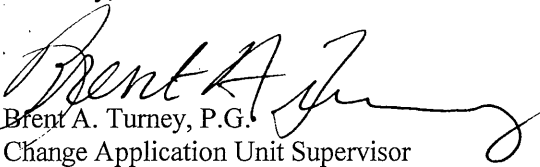
Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number.

Also enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File Nos. 49,439 and 49,463, as you requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" forms received in our office on December 6, 2016.

If you have any questions, please contact our office. If you wish to discuss these specific files, 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

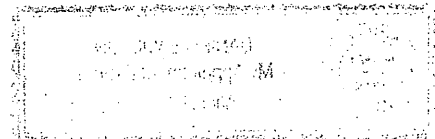
**FINDINGS AND ORDER  
IN THE MATTER OF THE  
DISMISSAL OF APPLICATION  
FILE NO. 49,463**

**FILE COPY**

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 September 21, 2015, the Chief Engineer received an application from States Ag LP for permit to appropriate groundwater for beneficial use, assigned File No. 49,463, proposing the appropriation of 170.8 acre-feet of water, at a maximum requested diversion rate of 1,000 gallons per minute, for irrigation use. The specific location for the proposed point of diversion would be the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 30, more particularly described as being near a point 60 feet North and 1,390 feet West of the Southeast corner of said section, in Township 6 South, Range 20 West, Rooks County, Kansas.
2. That on September 21, 2015, the applicant filed two other new applications for permits to appropriate groundwater for irrigation use, assigned File Nos. 49,464 and 49,465; both located in the same general vicinity as the above referenced application.
3. That on November 2, 2016, a letter was mailed to the applicant informing him that if the above referenced application were approved, there would be no water left available for appropriation to Application, File No. 49,464. The applicant was provided 30 days, until December 1, 2016, to either submit additional information to our office or request additional time prior to final action on the application.
4. That the applicant contacted the Stockton Field Office prior to the deadline and ultimately decided to have the above referenced application voluntarily dismissed so that water would be available for appropriation to File No. 49,464.
5. That a signed "Voluntary Waiver of Hearing & Dismissal of Water Right" form for Application, File No. 49,463 was received in the office of the Chief Engineer on December 6, 2016.
6. That the application should be dismissed and its priority forfeited as requested by the applicant.



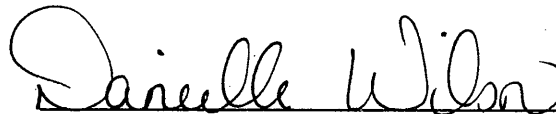
### CERTIFICATE OF SERVICE

On this 10<sup>th</sup> day of April, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,463, dated April 7, 2017 was mailed postage prepaid, first class, US mail to the following:

STATES AG LP  
2501 ASH ST  
HAYS KS 67601

With photocopies to:

Stockton Field Office

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

Division of Water Resources

## Baum, Kristen

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**From:** Stewart, Kelly  
**Sent:** Friday, March 17, 2017 10:39 AM  
**To:** Baum, Kristen  
**Cc:** Billinger, Mark; Hageman, Rebecca  
**Subject:** RE: States Ag - File Nos. 49,439; 49,463; 49,464; 49,465; 49,738 and 49,740

Kristen,

I have no objection to the approval of these applications. Nice work sorting out and explaining all the details.

Kelly

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**From:** Baum, Kristen  
**Sent:** Thursday, March 16, 2017 1:18 PM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>  
**Subject:** States Ag - File Nos. 49,439; 49,463; 49,464; 49,465; 49,738 and 49,740

Kelly,

Attached is a memo for the above-referenced files. These applications are for two different projects both located in the SF Solomon basin approximately 1.5 miles apart. If you recall, we had some problems with safe yield in the beginning due to the order in which the applications were filed. The two senior files are being voluntarily dismissed, which frees up enough water to approve 49,464 with zero additional water. The two junior files replace the ones being dismissed. These are outside the RRC Guidance Document area.

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](mailto:kristen.baum@ks.gov)



**VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT**

To: Kansas Department of Agriculture  
Division of Water Resources (DWR)  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit   
(Check Appropriate Box Above)  
File No. 49,463

**NOTE: A new application is being filed on this p/d – vol. dismissal contingent upon no new applications having been filed with a higher priority in the 2-mile circle prior to receipt of the new application.**

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

*Alan E. States*  
(Signature of Owner or Authorized Agent)

\_\_\_\_\_  
(Signature of Spouse or Title of Authorized Agent)

ALAN E. STATES  
(Please print name here)

\_\_\_\_\_  
(Please print name here)

2501 ASH ST  
(Mailing Address)

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

HAYS KS 67601  
(City, State, Zip)

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

**WATER RESOURCES RECEIVED**

**DEC 06 2016**

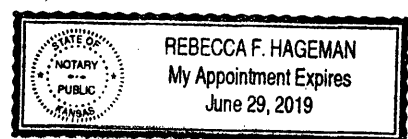
**ACKNOWLEDGMENT**

**KS DEPT OF AGRICULTURE**

State of Kansas )  
County of ROOKS )

This instrument was acknowledged before me this 29<sup>th</sup> day of November, 2016 by  
(owners:) Alan States

(Seal)



*Rebecca Hageman*  
Notary Public

My appointment expires:  
6-29-19

\_\_\_\_\_  
DWR Initials

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49463  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

**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.)

SEP 21 2015  
12:38  
KS DEPT OF AGRICULTURE

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): STATES Ag LP  
Address: 2501 ASH STREET  
City: HAYS State KS Zip Code 67601  
Telephone Number: (785) 259-5655 (m)

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in S.F. Solomon (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 170.8 acre-feet OR \_\_\_\_\_ gallons per calendar year,  
to be diverted at a maximum rate of 1000 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 RO By LI Date 9/21/15  
Code REZ Fee \$ 300 TR # 11008905 Receipt Date 9/21/15 Check # 1378

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

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

- (A) One in the SE quarter of the SW quarter of the SE quarter of Section 30, more particularly described as being near a point 60 feet North and 1390 feet West of the Southeast corner of said section, in Township 6 South, Range 20 East/West (circle one), Rooks County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

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

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

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

SAME AS APPLICANT  
 \_\_\_\_\_  
 (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 SEP 9, 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 1 \_\_\_\_\_  
 (number of wells, pumps or dams, etc.)  
 and (was)(will be) completed (by) AS SOON AS APPROVED  
 (Month/Day/Year each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be \_\_\_\_\_  
 (Mo/Day/Year)

WATER RESOURCES  
RECEIVED

SEP 21 2015

- 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.

49439 - OVERLAP in place of use  
Quantity Required: limited when combined,

WATER RESOURCES  
RECEIVED

SEP 29 2015

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	<del>9/3/15</del>	9/3/15	_____	_____
Total depth of well	<del>140</del>	160	_____	_____
Depth to water bearing formation	<del>60</del>	42	_____	_____
Depth to static water level	<del>60</del>	42	_____	_____
Depth to bottom of pump intake pipe	<del>140</del>	160	_____	_____

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)

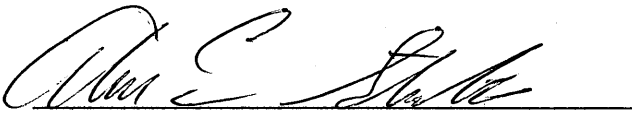
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):


SAME  
(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 Hays, Kansas, this 9 day of September, 2015.  
(month) (year)

  
(Applicant Signature)

By   
(Agent or Officer Signature)

ALAN E. STATES  
(Agent or Officer - Please Print)

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

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KS DEPT OF AGRICULTURE

IRRIGATION USE  
SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): ALAN E. STATES

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: STATES Ag LP  
ADDRESS: 2501 Ash St. Hays KS 67601

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
30	6	20w																30.5	30.5	30.5	30.5	122	

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					

# Test Log

# Woofter Pump & Well, Inc.

Alan States

1024 Oak, P.O. Box 689

DATE: 9/3/2015

Hoxie, Kansas 67740

TEST: #2

Ph (785)-675-3991, Fax (785)-675-3990

LEGAL: Rooks Co

E-Mail woofpw@ruraltel.net

SE-SE-SW-SE 1500' west of 1st test

30-6-20

N 39 29.748

Static:

W 99 35.430

Total Depth: 160'

0	2	surface
2	20	loess
20	33	sandy clay w/caliche lenses
33	42	clay & caliche w/sandy clay strks
42	65	fine & med sand w/clay lenses
65	85	fine sand w/clay strks
85	93	fine & med sand w/clay lenses
93	120	fine & med sand w/traces of clay
120	150	fine sand w/traces of clay
150	160	yellow ochre/black shale

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Sept. 17 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

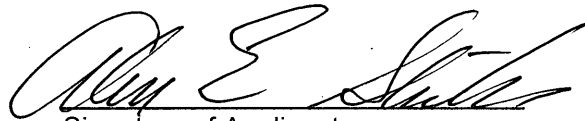
Dear Sir:

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.

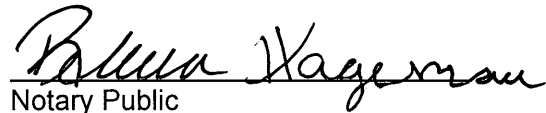


Signature of Applicant

State of Kansas )  
) ss  
County of ROOKS )

ALAN E. STATES  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 17<sup>th</sup> day of September, 2015.

  
Notary Public

My Commission Expires: 6-29-19



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

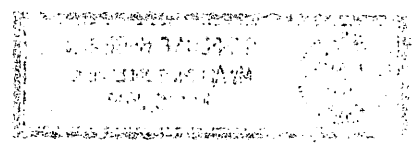
The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for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

STATE OF KANSAS  
COMMISSIONER OF WATER RESOURCES

2011



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 24, 2015

STATES AGE LP  
2501 ASH ST  
HAYS KS 67601

RE: Application  
File No. 49463

Dear Sir or Madam:

Your application for permit to appropriate water in 30-6S-20W in Rooks 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.**

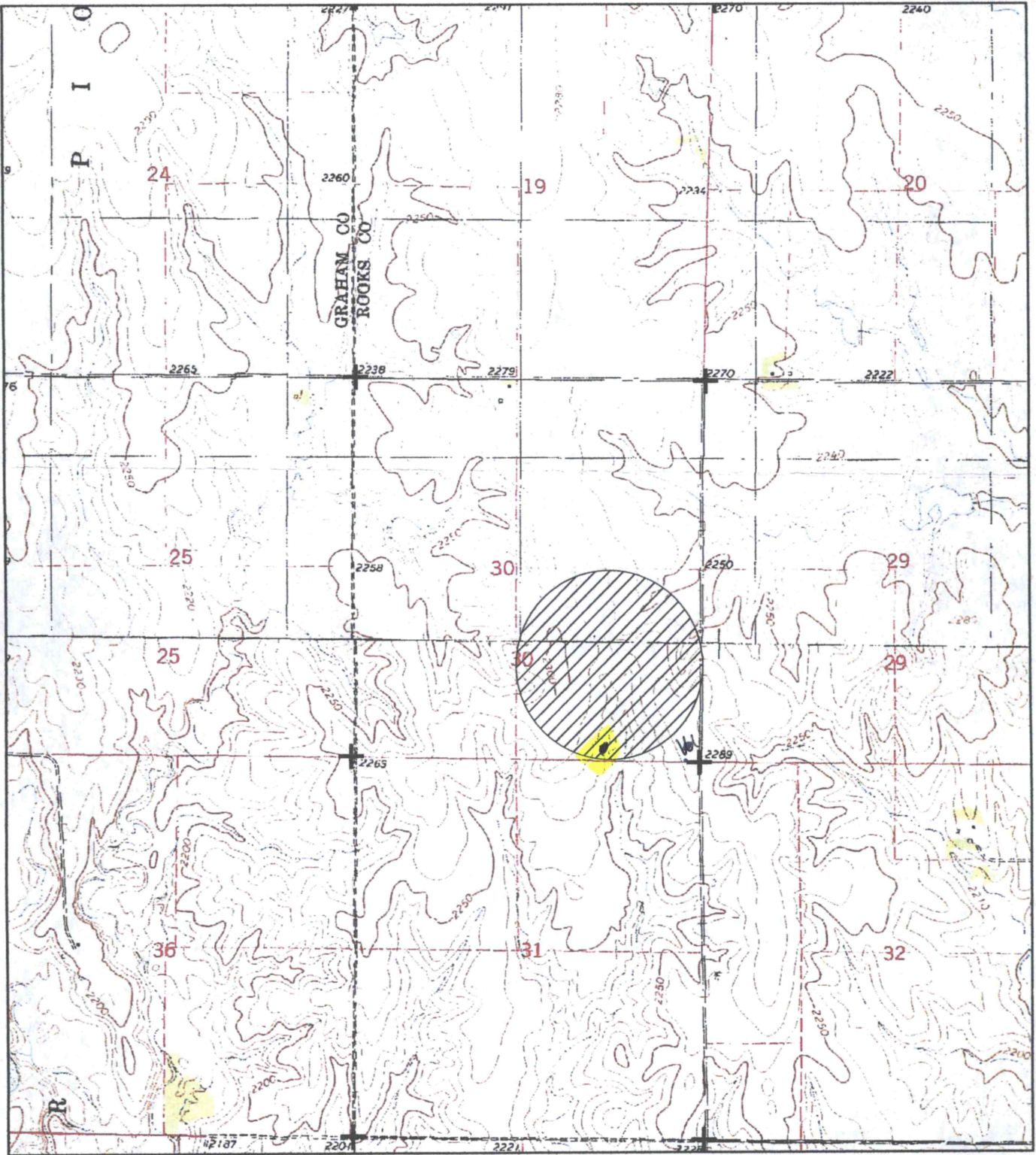
If you have any questions, please contact me at (785) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Kopp".

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

BAT: dwl  
pc: STOCKTON Field Office  
GMD 0



● Proposed Points of Diversion

▨ Proposed Place of Use

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~~AUG 13 2015~~

1:24,000



All water wells of any kind within 1/2 mile of the proposed points of diversion are shown: (none)

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*[Signature]*  
 Signature Date 8/10/15

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