

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

1. File Number: 49464	2. Status Change Date: 4/7/2017	3. Field Office: 03	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

7a. Applicant(s) Person ID **62992**
New to system Add Seq# _____

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

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

7A

7d. Misc Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a

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: **12/31/2018** 11. Perfection Date: **12/31/2022** 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: **LUM**

File No. **49464** 15. Formation Code: 211 Drainage Basin: SF Solomon County: GH Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
CHK			84679	SE SE SW	24	6S	21W	6	60	2740	1000	267	1000	0	none

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

19. Limitation: **267** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **48879**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
CHK			65351	24	6S	21W	1			17		4.5	1	29	40	40	34.5	6	14.5		21	1.5		209	7a	no	48879		

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.

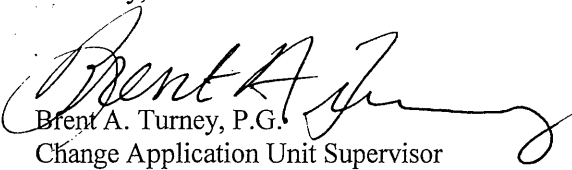
Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer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

THE STATE OF KANSAS



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. 49,464 of the applicant

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

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 **September 21, 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	
24 6S 21W			17		4.5	1	29	40	40	34.5	6	14.5		21	1.5		209

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼ SE¼ SW¼) of Section 24, more particularly described as being near a point 60 feet North and 2,740 feet West of the Southeast corner of said section, in Township 6 South, Range 21 West, Graham 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 **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **267 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, 2018** 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.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 48,879, will provide a total **not to exceed 267 acre-feet** of water per calendar year, for irrigation use on the land described herein.

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.

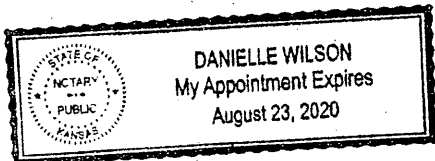
Ordered this 7th day of April, 2017, in Topeka, Shawnee County, Kansas.

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 7th day of April, 2017 by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

Baum, Kristen

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

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49464
This item to be completed by the Division of Water Resources.

WATER RESOURCES
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SEP 21 2015

12:39
KS DEPT OF AGRICULTURE

APPLICATION COMPLETE
3/23/17
Reviewer KAB

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

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 SF 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 247 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 6 Meets K.A.R. 5-3-1 (YES/NO) Use IRP Source G/S County GH By LI Date 9/21/15
Code RE2 Fee \$ 360 TR # 16008905 Receipt Date 9/21/15 Check # 1378

SCANNED 9/21/15 LLM

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 SE quarter of the SW quarter of Section 24, more particularly described as being near a point 60 feet North and 2740 feet West of the Southeast corner of said section, in Township 6 South, Range 21 East West (circle one), Graham 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)

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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.

48879 - overlap in place of use
Quantity requested will be limited with 48879

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SEP 21 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	9/3/15	_____	_____	_____
Total depth of well	140	_____	_____	_____
Depth to water bearing formation	64	_____	_____	_____
Depth to static water level	64	_____	_____	_____
Depth to bottom of pump intake pipe	140	_____	_____	_____

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 Ways, Kansas, this 9th day of September, 2015.
(month) (year)


(Applicant Signature)

By 
(Agent or Officer Signature)

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

Assisted by _____ (office/title) Date: _____

WATER RESOURCES
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SEP 21 2015

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): STATES AG LP

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 ACH 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	
24	6S	21W			17		4.5	1	29	40	40	34.6	6	14.5		21	1.5		209
												34.5							

KAB/DWR
3-23-17

Landowner of Record NAME: _____
 ADDRESS: _____

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

Landowner of Record NAME: _____
 ADDRESS: _____

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

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

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

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

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

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

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

49,464

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 638.33 AF.
Total prior appropriation in the circle is 1,754.00 AF. - 633.00AF
Total quantity of water available for appropriation is 0.00 AF.

Meets safe yield as
no additional water if
49,439 and 49,463 are
dismissed.

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

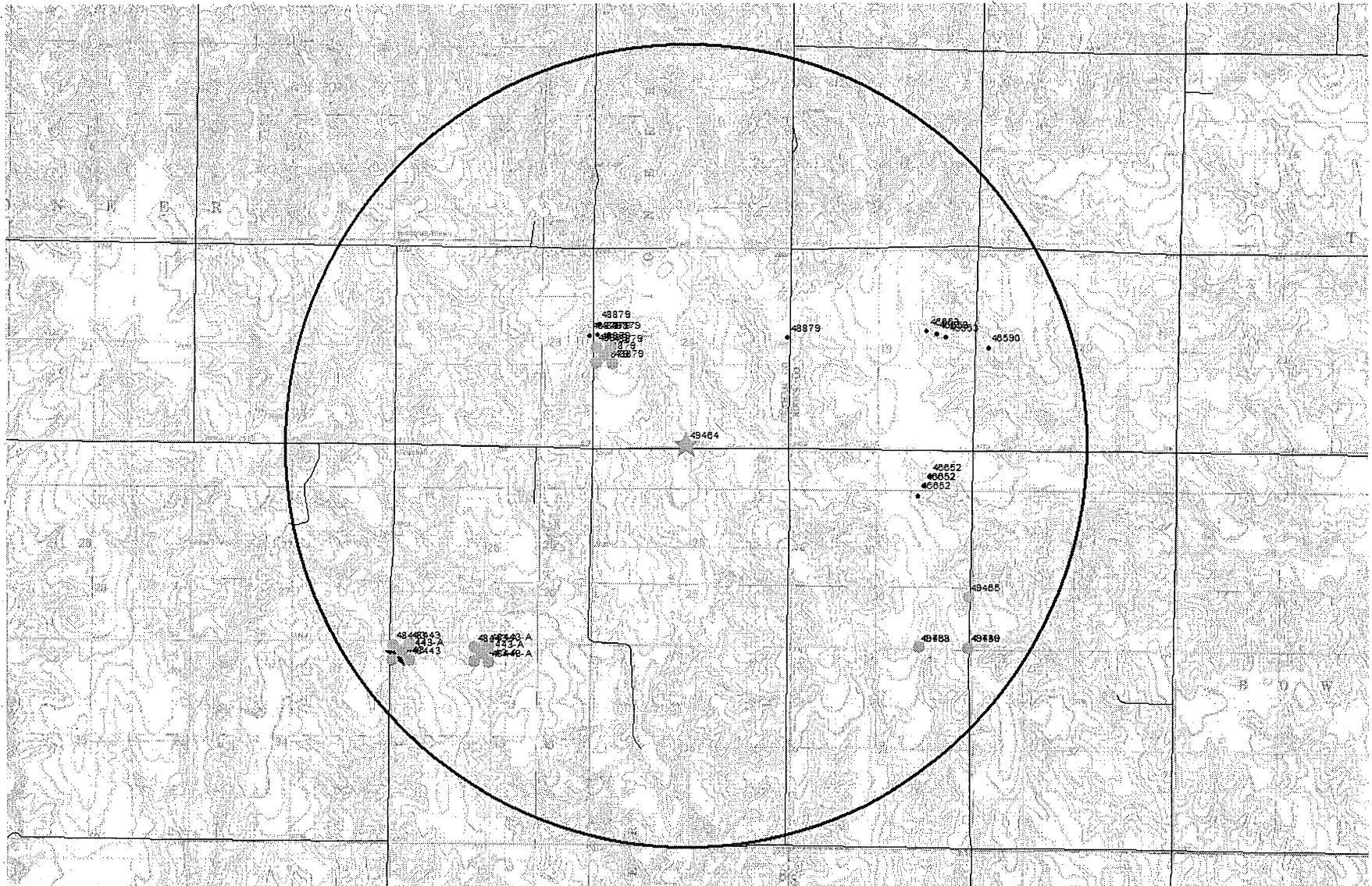
Authorized Quantity values are as of 16-MAR-2017 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 9 water right(s) and 19 point(s) of diversion within the circle.

Table with columns: File Number, Use, ST, SR, Q4, Q3, Q2, Q1, FeetN, FeetW, Sec, Twp, Rng, ID, Qind, Auth_Quant, Add_Quant, Tacres, Nacres. Contains 19 rows of data with handwritten annotations like 'Dismiss' and 'No additional'.

Dismiss
Dismiss
No additional

Safe Yield Report Sheet
Water Right- A4946400
Point of Diversion in SWSESE 24-6S-21W 6 (84679)



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 2, 2016

STATES AG LP
2501 ASH ST
HAYS KS 67601

FILE COPY

Re: Pending Application, File No. 49,464

Dear Mr. States:

The Division of Water Resources has completed an initial review of the above referenced application. The source of water for the pending application appears to be the Ogallala Formation. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11, and is based on the area of consideration, calculated recharge quantity, and the extent of recharge available in the basin.

Based on a safe yield determination for this application, a quantity of 638.33 acre-feet can safely be appropriated, of which 633 acre-feet has already been permitted. If your other pending applications (File Nos. 49,439 and 49,463) are approved, there will be no water left available for appropriation to File No. 49,464. Thus, it will be recommended to the Chief Engineer that pending application, File No. 49,464 be denied and dismissed due to failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. **You have a period of 15 days (until December 1, 2016) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information.** If you wish to request additional time, you must do so **in writing**, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the application. Otherwise, if you do not request more time within the 15 day period, or if your request is not granted, it will be recommended to the Chief Engineer that Application, File No. 49,464 be denied and dismissed due to failure to meet safe yield criteria, as required by K.A.R. 5-3-11. If you have any questions or would like to discuss your options, please contact Kelly Stewart at the Stockton Field Office (785-425-6787).

Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office

SCANNED

49,464

Analysis Results

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 638.33 AF.

Total prior appropriation in the circle is ~~1,412.40 AF.~~ 6.33 AF

Total quantity of water available for appropriation is 0.00 AF. 5.33 Available -> wouldn't meet

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 1.27 inches.

The percent of recharge available for appropriation is 75%.

safe yield if 49,439 and 49,463 are approved

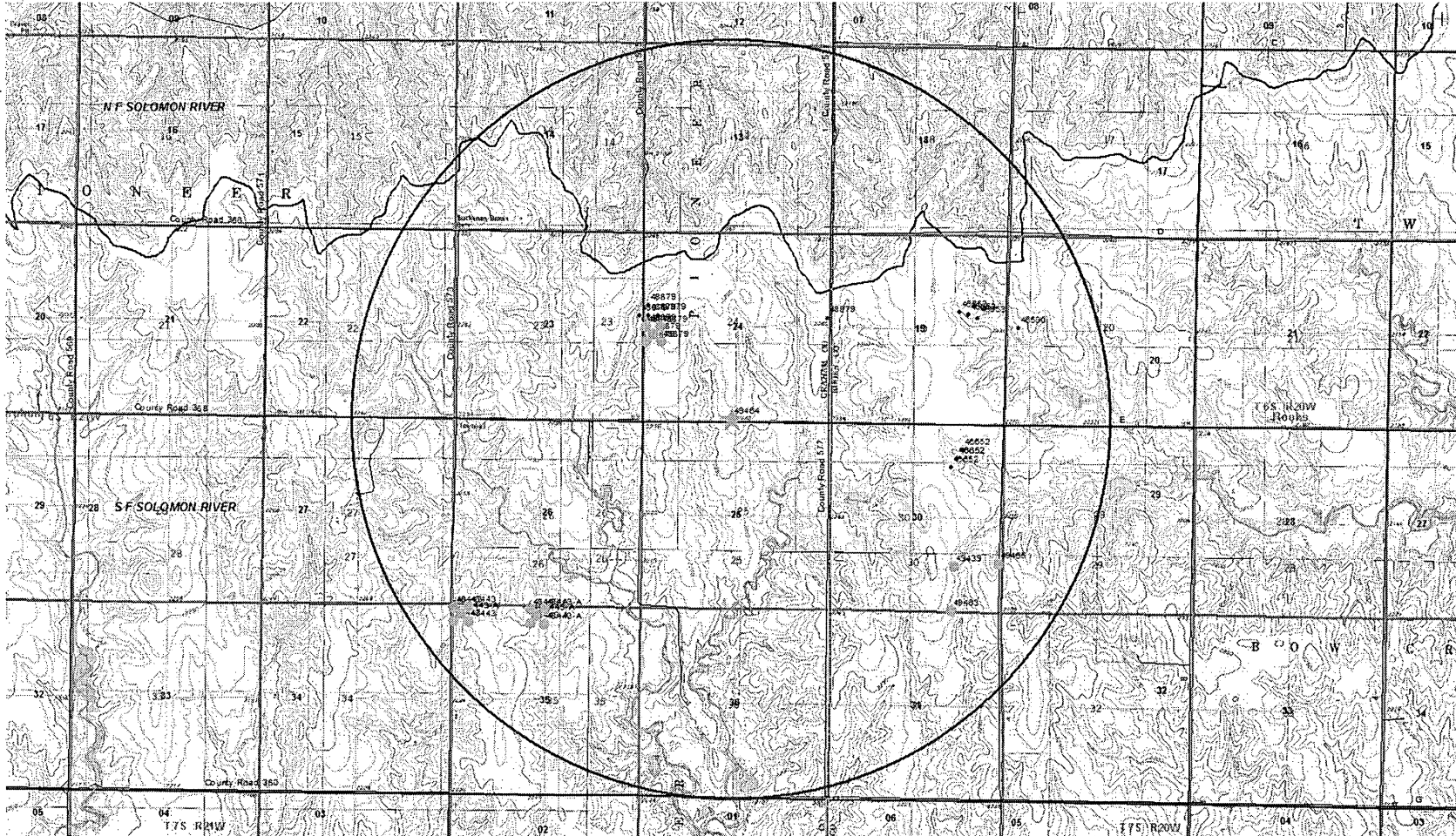
(could work if 49,493 + 49,463 are dismissed - 0 - additional)

Authorized Quantity values are as of 12-OCT-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 7 water right(s) and 19 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 48443 00	IRR	LO	G		NW	NW	NW	5015	4986	35	06	21W	1	WR	366.00	366.00	244.00	244.00
Same	IRR	LO	G		NW	NW	NW	5213	5184	35	06	21W	2	WR				
Same	IRR	LO	G		NW	NW	NW	5213	4788	35	06	21W	3	WR				
Same	IRR	LO	G		NW	NW	NW	4718	5184	35	06	21W	4	WR				
Same	IRR	LO	G		NW	NW	NW	4718	4788	35	06	21W	5	WR				
A 48443 A	IRR	LO	G		NE	NE	NW	4992	2872	35	06	21W	6	WR	366.00	0.00	244.00	0.00
Same	IRR	LO	G		NE	NE	NW	5190	3070	35	06	21W	7	WR				
Same	IRR	LO	G		NE	NE	NW	5190	2674	35	06	21W	8	WR				
Same	IRR	LO	G		NE	NE	NW	4794	3070	35	06	21W	9	WR				
Same	IRR	LO	G		NE	NE	NW	4794	2674	35	06	21W	10	WR				
A 48879 00	IRR	LO	G		NW	NW	SW	2402	4969	24	06	21W	7	WR	267.00	267.00	209.00	209.00
Same	IRR	LO	G		NW	NW	SW	2195	5158	24	06	21W	8	WR				
Same	IRR	LO	G		NW	NW	SW	2610	4789	24	06	21W	9	WR				
Same	IRR	LO	G		NW	NW	SW	2191	4749	24	06	21W	10	WR				
Same	IRR	LO	G		NW	NW	SW	2610	5178	24	06	21W	11	WR				
A 49439 00	IRR	AY	G				SE	1320	1320	30	06	20W	5	WR	170.80	170.80	122.00	122.00
A 49463 00	IRR	AY	G				SE	60	1390	30	06	20W	6	WR	170.80	170.80	122.00	0.00
A 49464 00	IRR	AY	G				SE	60	2740	24	06	21W	6	WR	267.00	267.00	209.00	0.00
A 49465 00	IRR	AY	G				SE	1410	60	30	06	20W	7	WR	170.80	170.80	122.00	0.00

Safe Yield Report Sheet
Water Right- A4946400
Point of Diversion in SWSESE 24-6S-21W 6 (84679)



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49464 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49464 00 IRR

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

60 Feet North and 2740 Feet West of the Southeast Corner of Section 24 T 6S R 21W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 48443	00	IRR	LO	G	9324	--	NW	NW	NW	5015	4986	35	6	21W	1	G	4	366.00	366.00	AF
Same					9369	--	NW	NW	NW	5213	5184	35	6	21W	2	B	4			
Same					9047	--	NW	NW	NW	5213	4788	35	6	21W	3	B	4			
Same					9661	--	NW	NW	NW	4718	5184	35	6	21W	4	B	4			
Same					9349	--	NW	NW	NW	4718	4788	35	6	21W	5	B	4			
A__ 48443	A	IRR	LO	G	7748	--	NE	NE	NW	4992	2872	35	6	21W	6	G	4	366.00	.00	AF
Same					7747	--	NE	NE	NW	5190	3070	35	6	21W	7	B	4			
Same					7468	--	NE	NE	NW	5190	2674	35	6	21W	8	B	4			
Same					8028	--	NE	NE	NW	4794	3070	35	6	21W	9	B	4			
Same					7758	--	NE	NE	NW	4794	2674	35	6	21W	10	B	4			
A__ 48879	00	IRR	LO	G	3233	--	NW	NW	SW	2402	4969	24	6	21W	7	G	4	267.00	267.00	AF
Same					3226	--	NW	NW	SW	2195	5158	24	6	21W	8	B	4			
Same					3271	--	NW	NW	SW	2610	4789	24	6	21W	9	B	4			
Same					2929	--	NW	NW	SW	2191	4749	24	6	21W	10	B	4			
Same					3528	--	NW	NW	SW	2610	5178	24	6	21W	11	B	4			
A__ 49439	00	IRR	AY	G	7454	--	--	--	SE	1320	1320	30	6	20W	5		170.80	170.80	AF	
A__ 49463	00	IRR	AY	G	8149	--	SE	SW	SE	60	1390	30	6	20W	6		170.80	170.80	AF	
A__ 49464	00	IRR	AY	G	0	--	SE	SE	SW	60	2740	24	6	21W	6		267.00	267.00	AF	
A__ 49465	00	IRR	AY	G	8500	--	SE	NE	SE	1410	60	30	6	20W	7		170.80	170.80	AF	

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	779.40	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	633.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1412.40	.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:

60 Feet North and 2740 Feet West of the Southeast Corner of Section 24 T 6S R 21W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 48443	00	IRR	LO G
>	STATES	AG	LP
>			
>	2501	ASH	ST
>	HAYS	KS	67601

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	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

*Meets RRC
safe yield
restrictions*

Test Log

Woofter Pump & Well, Inc.

Alan States

1024 Oak, P.O. Box 689

DATE: 9/3/2015

Hoxie, Kansas 67740

TEST: #1

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

LEGAL: Graham Co

E-Mail woofpw@ruraltel.net

SE-SE-SE-SW S center by tanks

24-6-21

N 39 30.623

Static:

W 99 36.676

Total Depth: 140'

0	2	surface
2	21	loess
21	32	fine & med sand w/clay lenses
32	45	clay & caliche w/sandy clay strks
45	64	clay & caliche w/traces of sand
64	72	fine to some med sand
72	80	fine & med sand
80	100	fine & med sand w/clay lenses
100	132	fine to some med sand
132	140	black shale

WATER RESOURCES
RECEIVED

SEP 21 2015

KS DEPT OF AGRICULTURE

Sept. 17 2016
(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.

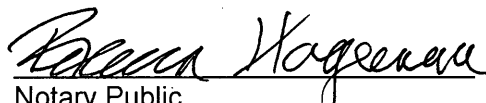
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.


Signature of Applicant

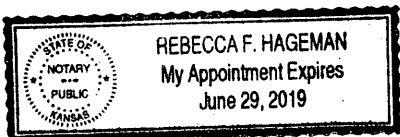
State of Kansas)
County of Books) ss)

Ann E. STATES
(Print Applicant's Name)

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


Notary Public

My Commission Expires: 6-29-19



WATER RESOURCES
RECEIVED

SEP 21 2015

**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.

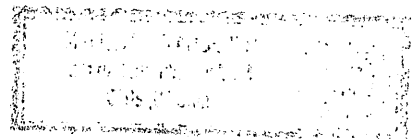
Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

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
DEPARTMENT OF REVENUE

REVENUE

STATE OF KANSAS



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. 49464

Dear Sir or Madam:

Your application for permit to appropriate water in 24-6S-21 in Graham 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.

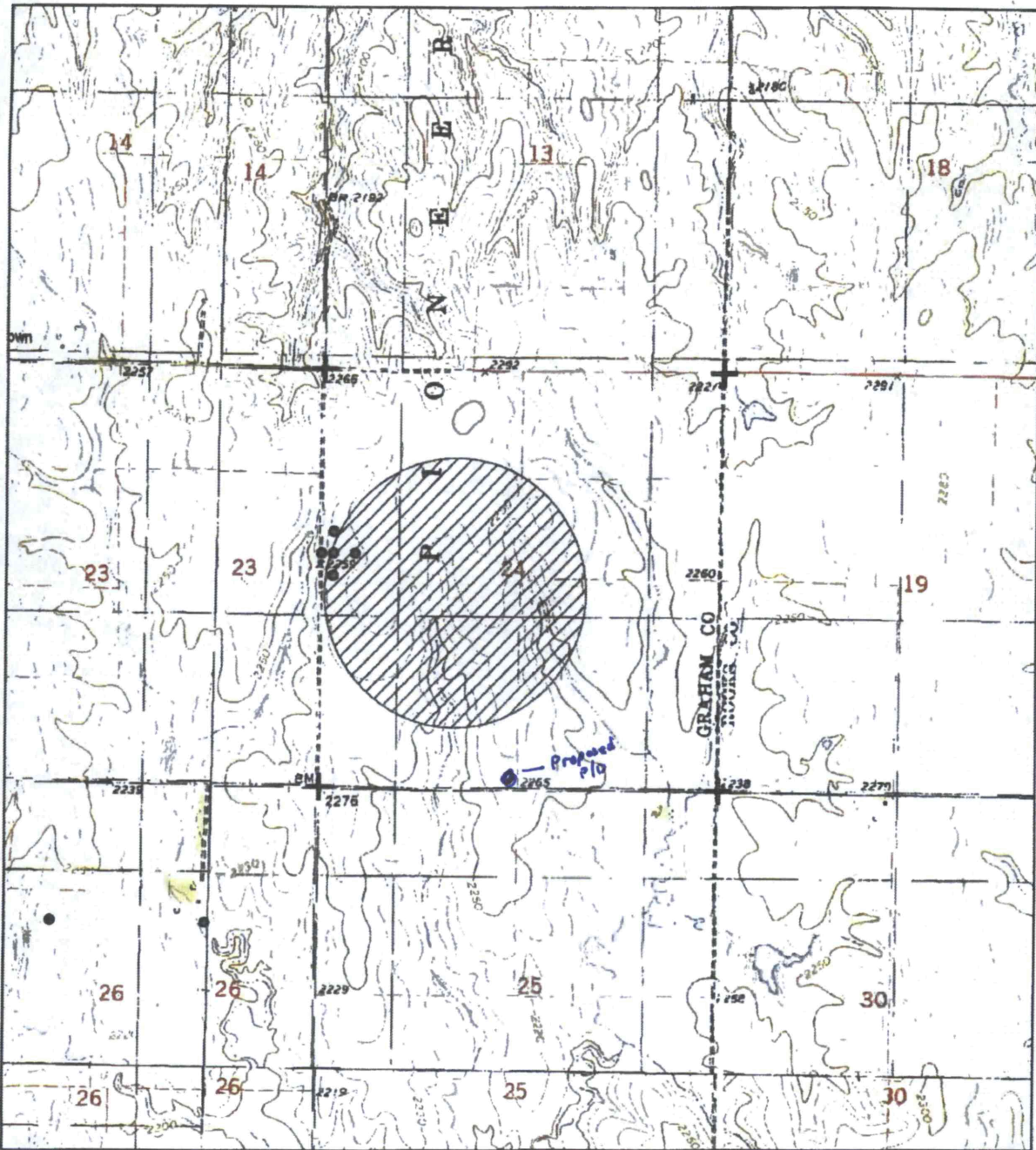
Sincerely,

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

Application, File No. 48,879



● Proposed Points of Diversion

▨ Proposed Place of Use

WATER RESOURCES
RECEIVED

SEP 21 2015

KS DEPT OF AGRICULTURE



1:24,000

License Replica original map with this one.

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

Signature

9/17/15
Date

SCANNED