

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

1. File Number: <p style="text-align: center;"><b>49740</b></p>	2. Status Change Date: <p style="text-align: center;">4/7/2017</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

<p>7a. Applicant(s)                      Person ID <u>62992</u>                  New to system <input type="checkbox"/>            Add Seq# _____</p> <p><b>STATES AG LP</b>  <b>2501 ASH ST</b>  <b>HAYS KS 67601</b></p>	<p>7c. Landowner(s)                      Person ID _____                  New to system <input type="checkbox"/>            Add Seq# _____</p>
<p>7b. Landowner(s)                      Person ID _____                  New to system <input type="checkbox"/>            Add Seq# _____</p> <p><b>7A</b></p>	<p>7d. Misc                                      Person ID _____                  New to system <input type="checkbox"/>            Add Seq# _____</p>

<p>8. WUR Correspondent                      Person ID _____                  New to system <input type="checkbox"/>            Add Seq# _____                  Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/>                  Agree <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>7a</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 150px;"><input checked="" type="checkbox"/> Groundwater            <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR                      <input type="checkbox"/> REC                      <input type="checkbox"/> DEW                      <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK                      <input type="checkbox"/> SED                      <input type="checkbox"/> DOM                      <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG            <input type="checkbox"/> WTR PWR            <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND    SIC: _____            <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2018            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: **3/27/17**                      By: **KAB**  
 Date Entered: **4/10/2017**                      By: **WM**

File No. <b>49740</b>	15. Formation Code: 211	Drainage Basin: SF Solomon	County: RO	Special Use:	Stream:
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16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional		Overlap PD Files	
										Rate gpm	Quantity af	Rate gpm	Quantity af	
<b>CHK</b>	<b>84590</b>	<b>SE SE SE</b>	<b>30</b>	<b>6S</b>	<b>20W</b>	<b>5</b>	<b>60</b>	<b>60</b>		<b>800</b>	<b>170.8</b>	<b>800</b>	<b>0</b>	<b>none</b>

18. Storage: Rate \_\_\_\_\_ NF     Quantity \_\_\_\_\_ ac/ft     Additional Rate \_\_\_\_\_ NF     Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **170.8** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **49465, 49738**  
 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					
T MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>CHK</b>	<b>67197</b>	<b>30</b>	<b>6S</b>	<b>20W</b>	<b>3</b>																		<b>122</b>	<b>7a</b>	<b>no</b>	<b>49465, 49738</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.

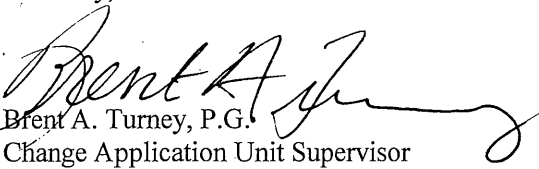
Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer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

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. 49,740** 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 **December 12, 2016**.
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	
30	6S	20W																	122

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 Southeast Quarter (SE¼ SE¼ SE¼) of Section 30, more particularly described as being near a point 60 feet North and 60 feet West of the Southeast corner of said section, in Township 6 South, Range 20 West, Rooks County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **170.8 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 Nos. 49,465 and 49,738, will provide a total **not to exceed 170.8 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 7<sup>th</sup> 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 7<sup>th</sup> 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

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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)



THE STATE OF KANSAS



APPLICATION COMPLETE  
12/12/16  
Reviewer KAB

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

File Number 49,740  
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED  
UNACCEPTABLE  
DECISIONS 2016  
9:32  
FOR PRIORITY  
KS DEPT OF AGRICULTURE

DEC 12 2016  
12:02  
KS DEPT OF AGRICULTURE

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 (cell)

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 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  Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source  S County RO By ASW Date 12/14/16  
Code RE2 Fee \$ 300 TR # 17013110 Receipt Date 12/16/16 Check # 1433

SCANNED  
12/14/2016 LCM

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 SE quarter of Section 30, more particularly described as being near a point 60 feet North and 60 feet West of the Southeast corner of said section, in Township 6 South, Range 20 West, 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.

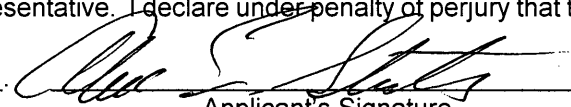
A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which 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 11/29/14, 20\_\_\_\_.   
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of one (1) well  
(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)

- 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 n/a
- 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.

PD overlap w/ pending app 49,439. PU overlap w/ pending apps 49439; 49463 & 49,465. + ~~49740~~ 49738

Voluntary dismissals (enclosed) on pending apps 49,439 & 49,463. Dismissals contingent on receipt of these two applications prior to any other applications being filed with a higher priority date within the 2-mile circle.

Quantity requested limited when combined.

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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):

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 7 day of December, 2016.  
(month) (year)

  
(Applicant Signature)

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

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

Assisted by jkb Stock FO - Env. Sci. Date: 11/28/16  
(office/title)

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## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,740

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 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	06	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					

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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.

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 DEPARTMENT OF AGRICULTURE  
 STATE OF ARIZONA

49740

**Analysis Results**

The selected PD is in an area to new appropriations.  
The safe yield, based on the variables listed below is 643.36 AF.  
Total prior appropriation in the circle is 1,121.00 AF.  
Total quantity of water available for appropriation is 0.00 AF.

**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 1.28 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.

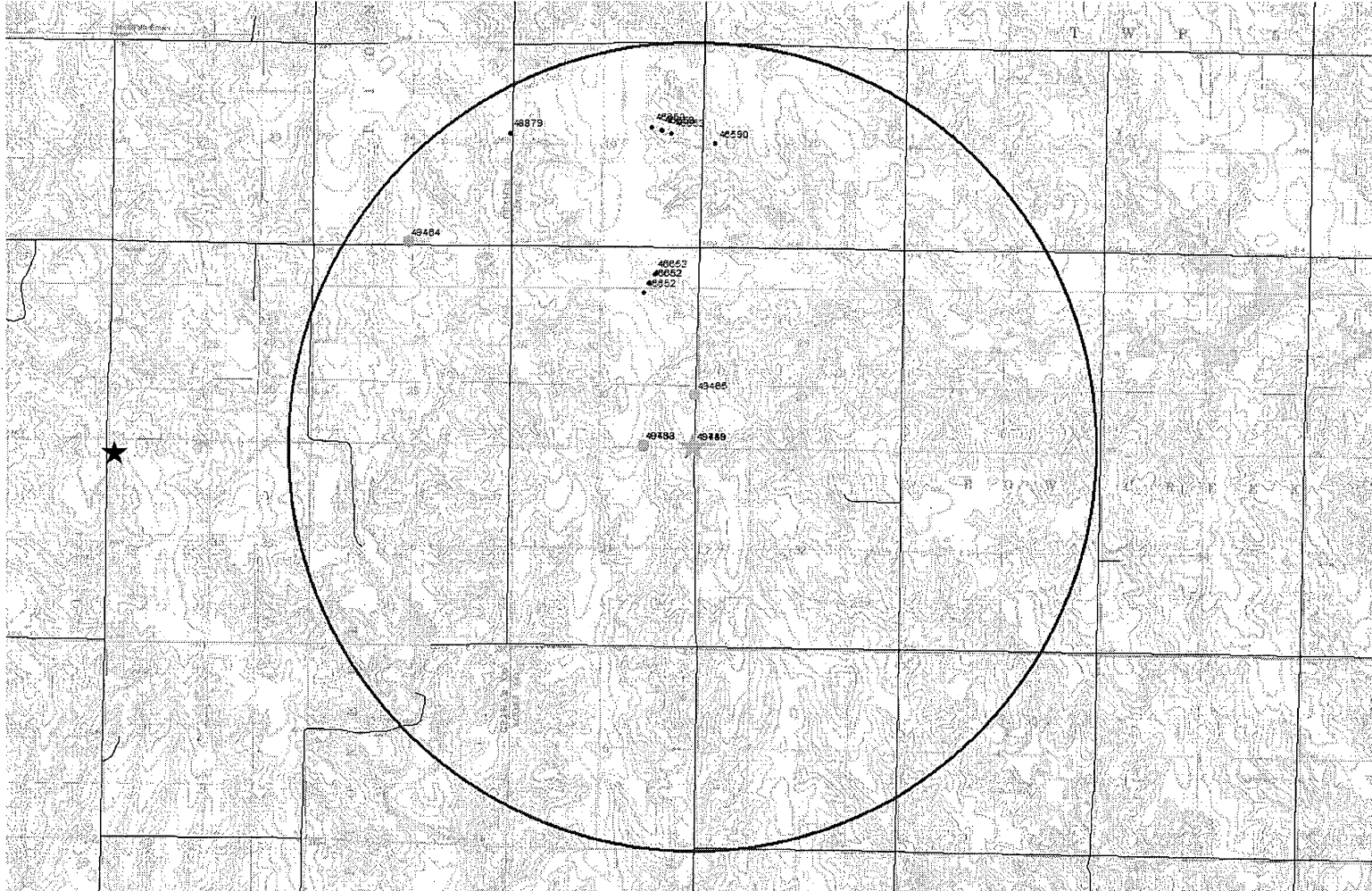
There are 6 water right(s) and 4 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 49439 00	IRR	AY	G		SE	SE	SE	60	60	30	06	20W	5	WR	<del>170.80</del>	<del>170.80</del>	122.00	122.00
A 49463 00	IRR	AY	G		SE	SW	SE	60	1390	30	06	20W	6	WR	<del>170.80</del>	<del>170.80</del>	122.00	0.00
A 49464 00	IRR	AY	G		SE	SE	SW	60	2740	24	06	21W	6	WR	267.00	267.00	209.00	0.00
A 49465 00	IRR	AY	G		SE	NE	SE	1410	60	30	06	20W	7	WR	170.80	170.80	122.00	0.00
A 49738 00	IRR	AY	G		SE	SW	SE	60	1390	30	06	20W	6	WR	170.80	0 170.80	122.00	0.00
A 49740 00	IRR	AY	G		SE	SE	SE	60	60	30	06	20W	5	WR	170.80	0 170.80	122.00	0.00

Safe Yield Report Sheet  
Water Right- A4974000  
Point of Diversion in SESESE 30-6S-20W 5 (84590)

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idx	File	PRIORITY	Use	Modeled Quantity Q, af	Final Quantity Q, af	modeled avg50-yr impact 2050-2069	final avg50-yr impact 2050-2069	avg 50-yr response 2050-2069	reduced quantity with est. 10af impact	Status
136	49423	9-Jul-15	IND	5	5	0.68	0.68	0.1355		Pending
137	49379	30-Apr-15	MUN	192.36	192.36	0.00	0.00	0.0000		Pending
138	49411	18-Jun-15	IRR	54	54	9.72	9.72	0.1800		Pending
139	49412	18-Jun-15	IRR	55	55	9.99	9.99	0.1816		Pending
140	49418	29-Jun-15	REC	5	5	0.00	0.00	0.0000		Pending
141	49428A	20-Jul-15	IRR	195	96	20.23	9.96	0.1037	96	Pending
142	49449	31-Aug-15	IRR	195	195	9.38	9.38	0.0481		Pending
143	49455	8-Sep-15	IRR	240	176	13.61	9.98	0.0567	176	Pending
144	49543	20-Jan-16	IRR	54	54	9.76	9.76	0.1807		Pending
145	49542	20-Jan-16	IRR	34	34	10.00	10.00	0.2942	34	Pending
146	49613	8-Apr-16	IRR	594	594	57.72	57.72	0.0972	103	Pending
147	49740	12-Dec-16	IRR	170.8	170.8	0.00	0.00	0.0000		Pending

sum				15500.91	1711.39	644.35			
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		IRR	21211.65	13602.48	1553.28	560.76	0.0732
		IND	626.60	308.60	14.56	10.70	0.0232
		MUN	1152.36	913.36	38.70	26.10	0.0336
		STK	1242.62	671.47	104.85	46.80	0.0844
sum			24233.23	15495.91	1711.39	644.35	0.0706

summary of applications above thr

criteria
count
sum

q > 10af	q > 10af	q/Q > 0.10
49	18	34
1370.25	234.00	

*Meets RRC model restrictions*

### FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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11/29/16

(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. 49,740

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.

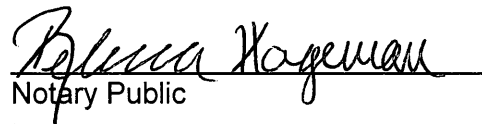
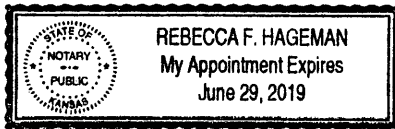


Signature of Applicant

State of Kansas )  
County of Books ) ss

Adam E. States  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29<sup>th</sup> day of November, 2016.

  
Notary Public

My Commission Expires:  
6-29-19

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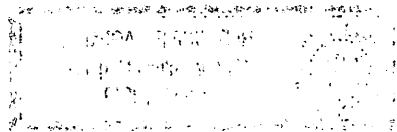
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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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



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Alan States &lt;alanstates@gmail.com&gt;

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**Signature Needed**

1 message

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**Whitesell, Alex** <Alex.Whitesell@ks.gov>  
To: "alanstates@gmail.com" <alanstates@gmail.com>

Tue, Dec 6, 2016 at 1:31 PM

Mr. States,

Here is the signature page that we discussed. Please print, sign, and mail the page to:

Division of Water Resources

Attn: Alex Whitesell

1320 Research Park Dr

Manhattan KS 66502

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If you have any questions, please give me a call.

Thank you,

Alex Whitesell

Division of Water Resources

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, KS

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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

December 13, 2016

STATES AG LP  
2501 ASH ST  
HAYS KS 67601

**FILE COPY**

RE: Application  
File No. 49740

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.**

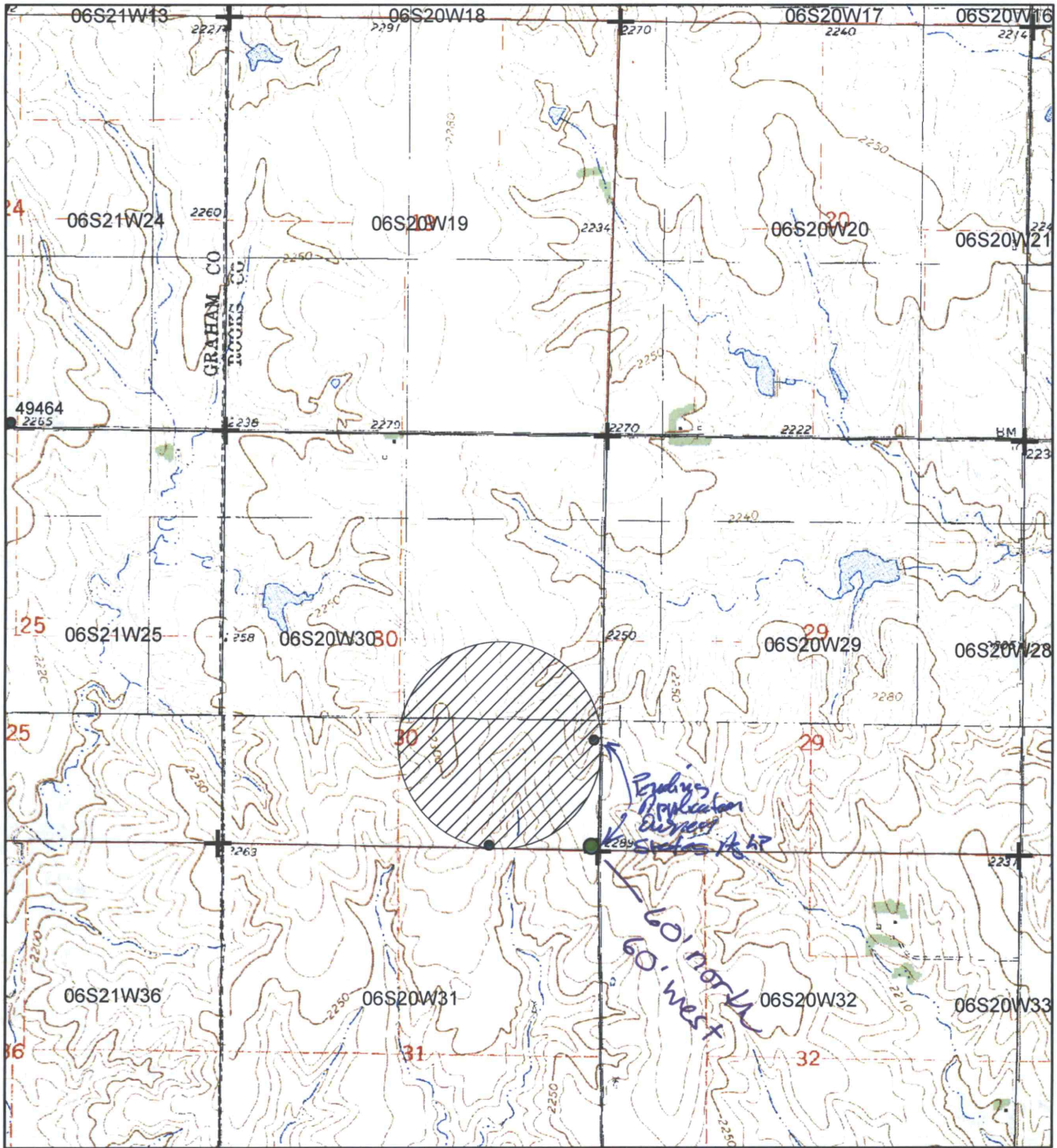
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: dlw  
pc: STOCKTON Field Office  
GMD

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Proposed Points of Diversion



Proposed Place of Use

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All water wells of any kind within 1/2 mile of the proposed points of diversion are shown:

*[Handwritten Signature]*

Signature

11/29/16

Date

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