

File No. **49522A** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion									
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	
DEL	84904								

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

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

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

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	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								
DEL	15329																						7a	no	none				

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 6, 2017

FROM: Kristen Baum

RE: Application, File No. 49,522A

Scott and Alice Evans filed the referenced application to appropriate 240 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use. The proposed point of diversion was to be a battery of four (4) wells with a geographic center located in the Northeast Quarter of Section 31, Township 3 South, Range 22 West, Norton County, Kansas. The proposed appropriation is located within the North Fork Solomon River Basin.

The proposed point of diversion must comply with K.A.R. 5-3-11 safe yield evaluation based on the area of consideration (extent of unconfined aquifer) within a 2-mile circle, calculated recharge quantity, and the extent of recharge available in that basin. Using an 8,042 acre area of consideration (the entire 2-mile circle) and a potential recharge of 0.97 inches with 75% available for appropriation, safe yield was determined to be 487.55 acre-feet. Existing water rights have appropriated 492.0 acre-feet within the area of consideration, which exceeds the calculated safe yield quantity. Thus no additional water is available for appropriation within this area of consideration.

The applicant was sent a letter on November 17, 2016 explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 49,522A be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11. The applicant was provided 15 days to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. The applicant requested an extension of time and was provided until January 3, 2017 to submit additional information.

A "Voluntary Dismissal of an Application for Permit to Appropriate Water" form signed by the applicant was received on December 29, 2016. Based on the available information, it is recommended that the application be dismissed and its priority forfeited as requested by the applicant.



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

January 18, 2017

FILE COPY

SCOTT A & ALICE EVANS
18907 ROAD S
NORTON KS 67654-5599

Re: Application, File No. 49,522A

Dear Sir or Madam:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,522A, as you requested in the "Voluntary Dismissal of an Application for Permit to Appropriate Water" form received in our office on December 29, 2016.

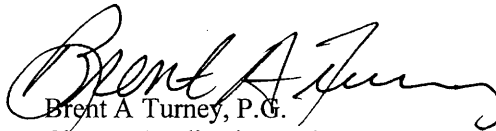
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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-71 1(c) and K.S.A. 82a-1 90 1(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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

Sincerely,


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

BAT:kab
Enclosures
pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,522A**

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

FINDINGS

1. That on December 9, 2015, the Chief Engineer received an application from Scott and Alice Evans for permit to appropriate groundwater for beneficial use, assigned File No. 49,522A, proposing the appropriation of 240 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use. The specific location for the proposed point of diversion would be the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 31, more particularly described as being near a point 5,217 feet North and 704 feet West of the Southeast corner of said section, in Township 3 South, Range 22 West, Norton County, Kansas.
2. That the source of water for the pending application is the Ogallala Formation based on the test hole log that was submitted. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11.
3. That based on the area of consideration (extent of the unconfined aquifer), the calculated recharge, and the percent of the calculated recharge that can be considered to be available for appropriation, safe yield was determined to be 487.55 acre-feet. Prior water rights within this same area of consideration have appropriated 492.0 acre-feet, leaving no additional water available for appropriation.
4. That on November 17, 2016, a letter was mailed to the applicant stating that the application did not comply with the safe yield requirements of K.A.R. 5-3-10 and K.A.R. 5-3-11, and that the application would be submitted to the Chief Engineer with a recommendation that it be denied and dismissed, for failure to meet safe yield criteria. The applicant was provided 15 days, until December 2, 2016 to either submit additional information to our office or request additional time, prior to final action on the application.
5. On November 20, 2016 the applicant submitted a request and was provided an extension of time until January 3, 2017 to submit additional information.
6. That a signed "Voluntary Dismissal of an Application for Permit to Appropriate Water" form for Application, File No. 49,522A was received in the office of the Chief Engineer on December 29, 2017.
7. That the application should be dismissed and its priority forfeited as requested by the applicant.

(over)

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,522A, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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

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

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

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

Ordered this 17th day of January, 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 17th day of January, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this ^{18th} day of *January*, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,522A, dated *January 17, 2017* was mailed postage prepaid, first class, US mail to the following:

SCOTT A & ALICE EVANS
18907 ROAD S
NORTON KS 67654-5599

With photocopies to:

Stockton Field Office



Division of Water Resources

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES
RECEIVED

File Number 49,522-A
49,516
This item to be completed by the Division of Water Resources.

DEC 09 2015
12:31
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.)

WATER RESOURCES
RECEIVED
DEC 09 2015
KS DEPT OF AGRICULTURE
UNACCEPTABLE FOR PRIORITY

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

1. Name of Applicant (Please Print): Scott and Alice Evans
Address: 18907 Road S
City: Norton State KS Zip Code 67654
Telephone Number: (785) 877 2965

2. The source of water is: surface water in _____ (stream)
OR groundwater in North Fork Solomon Basin (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 240 AF acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 GPM gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:							
F.O. <u>3</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use <u>IRR</u>	Source <u>GYS</u>	County <u>NT</u>	By <u>KAB</u>	Date <u>12/10/15</u>
Code <u>RE2</u>	Fee \$ <u>300</u>	TR # <u>1601733</u>	Receipt Date <u>12/19/15</u>	Check # <u>2525</u>			

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. *BATTERY OF (7) WELLS UNDER GEOCTR 15:*

- (A) One in the NW quarter of the NE quarter of the NE quarter of Section 31, more particularly described as being near a point 5217 feet North and 704 feet West of the Southeast corner of said section, in Township 3 South, Range 22 W, Norton 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.

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

Applicant is the owner Dean & Linda Esslinger
(name, address and telephone number)

20100 Hwy 36 Norton, KS, 67654
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 10-30, 2015. Scott A. Evans
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 a battery of 4 wells
(number of wells, pumps or dams, etc.)
and will be completed (by) September 1, 2014
(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 2015
(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 NA
- If no, explain here why a Water Structures permit is not required no impoundment is proposed

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.

NONE

WATER RESOURCES
RECEIVED

DEC 09 2015

WATER RESOURCES
RECEIVED
UNACCEPTABLE FOR PRIORITY
DEC 01 2015

SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	6/23/11			
Total depth of well	320			
Depth to water bearing formation	60'			
Depth to static water level	NA			
Depth to bottom of pump intake pipe	3/8			

14. The relationship of the applicant to the proposed place where the water will be used is that of the applicant is the owner of the PU.
(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):
NA Dean Esslinger See next line
(Name, address and telephone number)
NA Linda Esslinger 20100 US Highway 36 Norton Kc 67654
(Name, address and telephone number) 785-877-2988

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 NORTON, Kansas, this 30 day of OCT, 2015.
(month) (year)

Scott A. Evans
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Scott E. Ross Water Rights Invest. Ser 6/30 2014 Date: ~~6/23/2014~~

(office/title)

44516

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49522-A

Name of Applicant (Please Print): Scott and Alice Evans

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: Scott and Alice Evans
ADDRESS: 18907 Road 5 Norton, KS 67654

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31	3	22W	40	40	40	40													160

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 RECEIVED

WATER RESOURCES RECEIVED

DEC 09 2015

INACCEPTABLE FOR PRIORITY

SCANNED

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): 3 %

Estimate the maximum land slope in the field(s): 6 %

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:

Adjust pivot speed.

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 20 psi

(2) What is the sprinkler package design rate? 500 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:

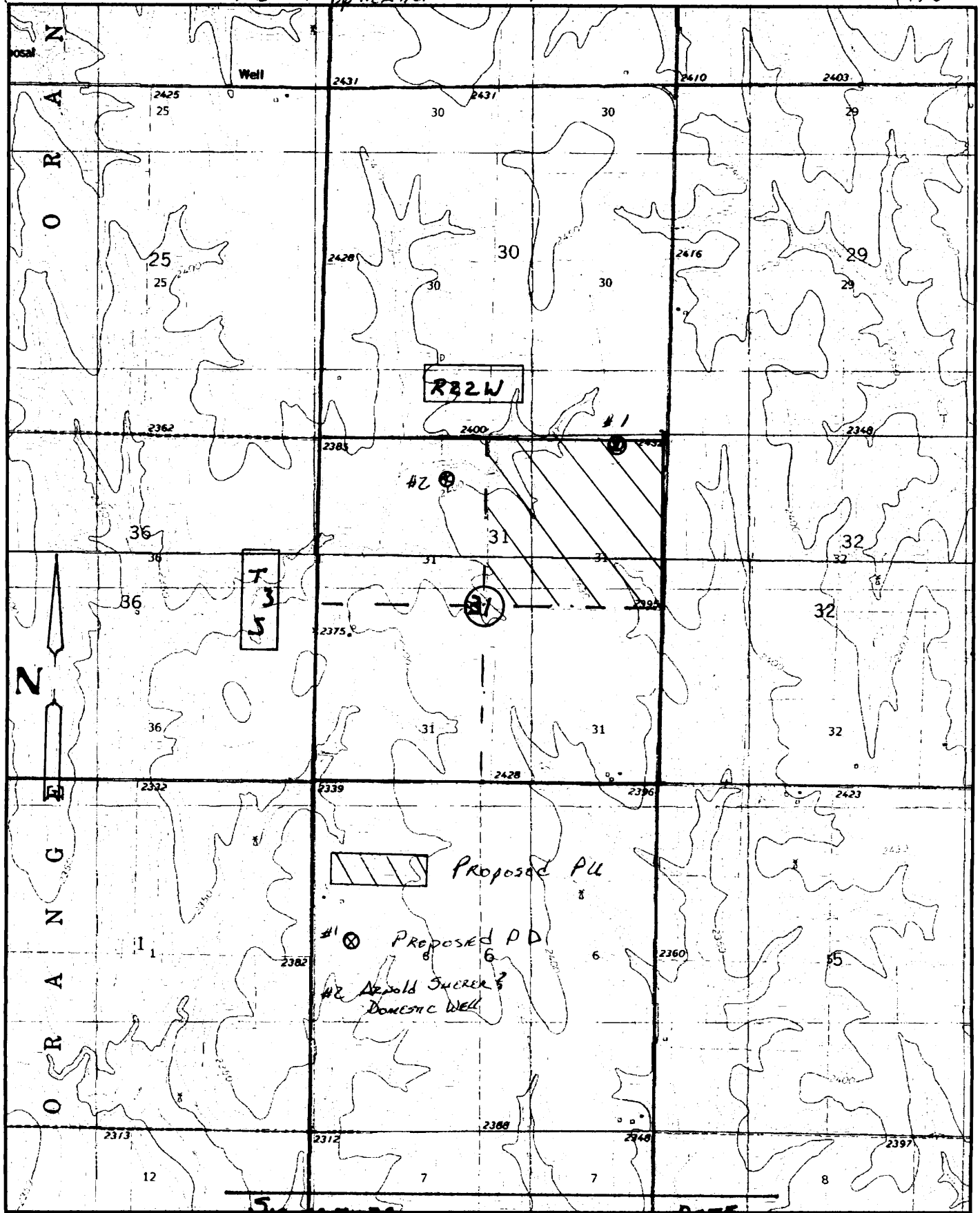
f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

KAN SCHED OR OTHER SOFTWARE.

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

NEW APPLICATION FILE NO.

49516
49522-A



Signature

DATE

WATER RESOURCES RECEIVED
All proposed wells within 1/4 mile are shown

WATER RESOURCES RECEIVED

1:24000 scale

DEC 09 2015

0.4 0.6 0.8

1 Miles
UNACCEPTABLE FOR PRIORITY

Universal Transverse Mercator (UTM); Projection Zone 14
North American Datum of 1983

KS DEPT OF AGRICULTURE

SCANNED

KS DEPT OF AGRICULTURE

DEC 29 2016

KS DEPT OF AGRICULTURE

Voluntary Dismissal of an Application for Permit to Appropriate Water

12-26-16
(Date)

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

RE: Application File No. 49,522A

Chief Engineer:

I am submitting this statement in regard to Application for Permit to Appropriate Water, File No. 49,522A. I am (We are) the applicant(s) who filed this application. I (We) now wish to voluntarily withdraw that application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application File No. 49,522A.

Sincerely,

Scott Evans
(Applicant)

18907 ROAD S
(Mailing Address)

NORTON, KS, 67654
(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

Alice Evans
(Applicant)

18907 ROAD S
(Mailing Address)

NORTON KS, 67654
(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

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 21, 2016

SCOTT A & ALICE EVANS
18907 ROAD S
NORTON KS 67654-5599

FILE COPY

Re: Pending Application, File No. 49,522-A

Dear Mr. Evans:

In response to a written request by email submitted on your behalf by Scott Ross, and received in this office on November 21, 2016, the Chief Engineer is allowing an extension of time for thirty (30) days, in which to supply further information concerning the above referenced file. With this extension of time, the revised deadline will be **January 3, 2017**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting this extension, you are being allowed an additional 30 days. If you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order to retain its priority of filing, any additional information must be returned to this office on or before **January 3, 2017**, or within any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6632 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Scott Ross – Water Rights Investigative Services LLC, 209 S Ash St., Stockton KS 67669

SCANNED

Baum, Kristen

From: Baum, Kristen
Sent: Monday, November 21, 2016 9:25 AM
To: 'Scott Ross'
Subject: RE: Application File No. 49,522A

No problem. I didn't point it out in this letter, but keep in mind that if you are able to free up enough water to meet the 2-mile circle safe yield, the RRC modelling restrictions would still require a reduction in quantity from 240 to 224 AF.

From: Scott Ross [<mailto:water.rights.llc@gmail.com>]
Sent: Sunday, November 20, 2016 1:31 PM
To: Baum, Kristen
Subject: Application File No. 49,522A

Kristen,

I'd like to request 30 days to evaluate your recommendation of denial on this application. We are evaluating other area appropriations and exploring options within those files already held by the applicant.

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

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 17, 2016

SCOTT A & ALICE EVANS
18907 ROAD S
NORTON KS 67654-5599

FILE COPY

Re: Pending Application, File No. 49,522-A

Dear Mr. Evans:

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 487.55 acre-feet can safely be appropriated, of which a quantity of 492.00 acre-feet has already been permitted. Thus, it will be recommended to the Chief Engineer that pending application, File No. 49,522-A 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 2, 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. 49,522-A 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 myself at 785-564-6627 or Kelly Stewart at the Stockton Field Office (785-425-6787).

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office
Scott Ross – Water Rights Investigative Service LLC

SCANNED

49,522-A

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 487.55 AF.
Total prior appropriation in the circle is ~~732.00~~ AF.
Total quantity of water available for appropriation is 0.00 AF.

492.0 AF

→ - 0 available

Safe Yield Variables

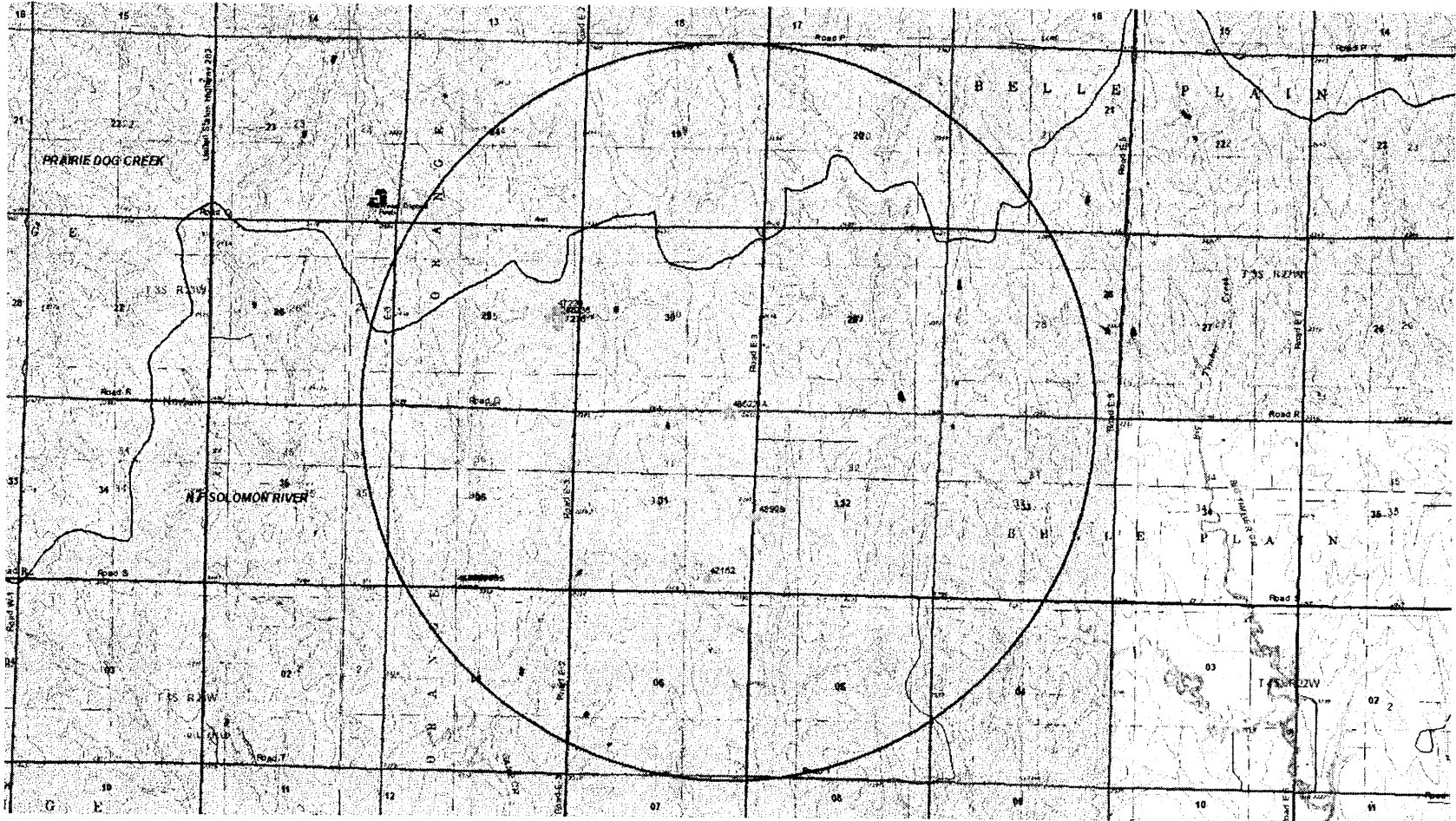
The area used for the analysis is set at 8,042 acres.
Potential annual recharge of the area is estimated to be 0.97 inches.
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 08-NOV-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 4 water right(s) and 8 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 42152	00	IRR	NK	G		SW	SE	SE	385	1243	31	03	22W	1	WR	210.00	210.00	132.00	132.00
A 47236	00	IRR	LO	G		SE	SE	NE	2650	620	25	03	23W	1	WR	130.00	130.00	96.80	96.80
Same		IRR	LO	G		SE	SE	NE	2650	420	25	03	23W	2	WR				
Same		IRR	LO	G		SW	SE	NE	2650	820	25	03	23W	3	WR				
Same		IRR	LO	G		SE	SE	NE	2850	620	25	03	23W	4	WR				
Same		IRR	LO	G		NE	NE	SE	2450	620	25	03	23W	5	WR				
*A 48909	00	IRR	KE	G		NW	NW	SW	2200	5130	32	03	22W	1	WR	152.00	152.00	109.00	109.00
A 49522	A	IRR	AY	G		NW	NE	NE	5217	704	31	03	22W	2	WR	240.00	240.00	160.00	160.00

Safe Yield Report Sheet
Water Right- A49522A
Point of Diversion in NENENW 31-3S-22W 2 (84904)



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
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		IRR	21498.76	13653.03
		IND	638.00	308.60
		MUN	1152.36	913.36
		STK	1297.82	671.47
sum			24586.94	15546.46

scaling factor	modeled avg50-yr impact 2050-2069	final avg50-yr impact 2050-2069	avg 50-yr response 2050-2069	reduced quantity with est. 10af impact
1	8.195	8.20	0.0953	
1	3.705	3.71	0.0302	
1	2.585	2.59	0.0624	
1	9.035	9.04	0.0391	
1	0.085	0.09	0.0028	
1	0.68	0.68	0.1360	
1	0	0.00	0.0000	
1	9.735	9.74	0.1803	
1	9.995	10.00	0.1817	
1	0	0.00	0.0000	
0.492307692	20.21	9.95	0.1036	96
1	9.335	9.34	0.0479	
0.741666667	13.455	9.98	0.0561	178
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	3.175	3.18	0.0318	
1	1.225	1.23	0.0155	
0.933333333	10.73	10.01	0.0447	224

1636.70	568.49		
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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

Needs reduced REC to meet safe yield restrictions

49,516
49522-A

Test Log

Woofter Pump & Well, Inc.

Scott Evans

1024 Oak, P.O. Box 689

DATE: 6/23/2014

Hoxie, Kansas 67740

TEST: #1

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

LEGAL: NE 31-3-22

E-Mail woofpw@ruraltel.net

39 45.303

99 50.166

Static: _____

Total Depth: 320'

0	2	surface
2	14	loess
14	19	clay
19	68	clay & caliche w/sand lenses
68	75	caliche
75	83	clay & caliche w/traces of sand
83	96	soft sand stone w/caliche lenses
96	104	fine sand w/clay & caliche lenses
104	126	clay & caliche w/traces of sand
126	136	fine to some med and w/clay & caliche strks
136	178	clay & caliche w/traces of sand
178	211	fine and w/clay & caliche strks
211	278	fine sand w/clay lenses
278	315	fine sand w/clay strks
315	320	black shale

Location NE 31-3-22

3217 N 104' W of SE 31-3-22

WATER RESOURCES RECEIVED

DEC 09 2015
SCANNED

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY
DEC 01 2015

KS DEPT OF AGRICULTURE

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

DEC 09 2015

KS DEPT OF AGRICULTURE

SCANNED

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

December 2, 2015

SCOTT & ALICE EVANS
18907 ROAD S
NORTON KS 67654

Re: Unacceptable Application

Dear Mr. and Mrs. Evans:

Returned herewith is your Application for Permit to Appropriate Water for Beneficial Use received by the Division of Water Resources on December 1, 2015 with Check No. 2517 in the amount of \$200. This application is not acceptable for filing in its present form.

The required fee as stated on the enclosed fee schedule was not correct. Therefore, we find it necessary to return the application to you. Upon submitting the application to this office with the required fee, it will be further examined and processed. Based on the information received, \$300 is needed for the filing fee.

Upon return of the acceptable application with required original signatures and information, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6627 or Kristen.Baum@kda.ks.gov.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosure

WATER RESOURCES
RECEIVED

DEC 09 2015

KS DEPT OF AGRICULTURE

SCANNED



1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

December 29, 2015

SCOTT & ALICE EVANS
18907 ROAD S
NORTON KS 67654

RE: Application
File No. 49522-A

Dear Sir or Madam:

Your application for permit to appropriate water in 31-3S-22W in Norton 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

KAK: DLW
pc: STOCKTONField Office
GMD 0

SCANNED