

File No. **49529** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
DEL	84925									
DEL	84926									
DEL	84927									
DEL	84928									
DEL	84929									

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	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					
DEL	37004																								7b	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. 49,529

Nickolas Zerr filed the referenced application to appropriate 130.5 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 Southeast Quarter of Section 25, Township 12 South, Range 28 West, Gove County, Kansas. The proposed appropriation is located within the Hackberry Creek River Basin and based on the well log submitted with the application, the source of supply would be tributary alluvium.

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 1,081 acre area of consideration (the entire 2-mile circle) and a potential recharge of 0.62 inches with 75% available for appropriation, safe yield was determined to be 41.89 acre-feet. Existing water rights have appropriated 123.0 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 December 21, 2016 explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 49,529 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-18. The applicant was provided 15 days (until January 5, 2017) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information.

No response of any kind was received from the applicant. Based on the available information, it is recommended that the file be denied and dismissed for failure to meet safe yield criteria.



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

NICKOLAS W ZERR
PO BOX 157
GOVE KS 67736

FILE COPY

Re: Application, File No. 49,529

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. 49,529 for failure to meet safe yield criteria.

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
Van Zerr



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. 49,529**

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 28, 2015, the Chief Engineer received an application from Nickolas Zerr for permit to appropriate groundwater for beneficial use, assigned File No. 49,529, proposing the appropriation of 130.5 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 Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 25, more particularly described as being near a point 408 feet North and 929 feet West of the Southeast corner of said section, in Township 12 South, Range 28 West, Gove 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 41.89 acre-feet. Prior water rights within this same area of consideration have appropriated 123.0 acre-feet, leaving no additional water available for appropriation.
4. That on December 21, 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 January 5, 2017 to either submit additional information to our office or request additional time, prior to final action on the application.
5. That the applicant, has not submitted additional information for consideration, nor requested an extension of time for Application, File No. 49,529.
6. That the application should be denied and dismissed and its priority forfeited for failure to comply with K.A.R. 5-3-10 and K.A.R. 5-3-11.

(over)

CERTIFICATE OF SERVICE

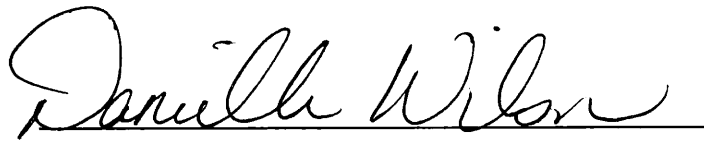
On this *18th* day of *January*, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,529, dated *January 17, 2017* was mailed postage prepaid, first class, US mail to the following:

NICKOLAS W ZERR
PO BOX 157
GOVE KS 67736

With photocopies to:

VAN ZERR
PO BOX 143
GOVE KS 67736

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

File Number 49,529
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

WATER RESOURCES RECEIVED

DEC 28 2015

2:49
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Nickolas W. Zerr
Address: P.O. Box 157
City: Gove State KS Zip Code 67736
Telephone Number: (785) 673-6424

2. The source of water is: surface water in _____ (stream)
OR groundwater in Hackberry Creek 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 130.5 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.	<u>3</u>	GMD	<input type="checkbox"/>	Meets K.A.R. 5-3-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	<u>IRR</u>
Code	<u>2E2</u>	Fee \$	<u>300</u>	TR #		Source	<u>G/S</u>
		Receipt Date	<u>12/28/15</u>	County	<u>GO</u>	By	<u>AJW</u>
		Check #	<u>3056</u>	Date	<u>12-29-15</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.

- (A) *One in the SOUTHWEST quarter of the SOUTHEAST quarter of the SOUTHEAST quarter of Section 25, more particularly described as being near a point 408 feet North and 929 feet West of the Southeast corner of said section, in Township 12 South, Range 28 West, Gove County, Kansas. *This point is geo-center of battery of 4 wells.
- (B) *One in the SOUTHWEST quarter of the SOUTHEAST quarter of the SOUTHEAST quarter of Section 25, more particularly described as being near a point 408 feet North and 1,229 feet West of the Southeast corner of said section, in Township 12 South, Range 28 West, Gove County, Kansas. *Battery 1 of 4 wells.
- (C) *One in the SOUTHWEST quarter of the SOUTHEAST quarter of the SOUTHEAST quarter of Section 25, more particularly described as being near a point 108 feet North and 929 feet West of the Southeast corner of said section, in Township 12 South, Range 28 West, Gove County, Kansas. *Battery 1 of 4 wells.
- (D) *One in the SOUTHEAST quarter of the SOUTHEAST quarter of the SOUTHEAST quarter of Section 25, more particularly described as being near a point 408 feet North and 629 feet West of the Southeast corner of said section, in Township 12 South, Range 28 West, Gove County, Kansas. *Battery 1 of 4 wells.
- (E) *One in the NORTHWEST quarter of the SOUTHEAST quarter of the SOUTHEAST quarter of Section 25, more particularly described as being near a point 708 feet North and 929 feet West of the Southeast corner of said section, in Township 12 South, Range 28 West, Gove County, Kansas. *Battery 1 of 4 wells.

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):

Van Zerr P.O. Box 143 Gove, KS 67736

(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 December 2, 20 15.

[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 a battery of up to 4 wells

(number of wells, pumps or dams, etc.)

and will be completed (by) 12/31/16

(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 5/1/17

WATER RESOURCES
RECEIVED

DEC 28 2015

SCANNED

File No. 49,529

(Mo/Day/Year)

WATER RESOURCES
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DEC 28 2015
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KS DEPT OF AGRICULTURE

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 no reservoir involved.

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.

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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	<u>10/7/15</u>	_____	_____	_____
Total depth of well	<u>46 ft</u>	_____	_____	_____
Depth to water bearing formation	<u>18 ft</u>	_____	_____	_____
Depth to static water level	<u>18 ft</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>n/a</u>	_____	_____	_____

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

Van Zerr P.O. Box 143 Gove, KS 67736
(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 Deer Creek Gove, Kansas, this 2nd day of December, 2015.
(month) (year)


(Applicant Signature)

By self
(Agent or Officer Signature)

Nickolas W. Zerr
(Agent or Officer - Please Print)

Assisted by DLM STKFO Date: 10/12/15
(office/title)

WATER RESOURCES
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SCANNEL

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,529

Name of Applicant (Please Print): Nickolas W. Zerr

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: Van Zerr

ADDRESS: PO Box 143 Gove, KS 67736

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	12	28W													13.5	5	28.5	40	87

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	

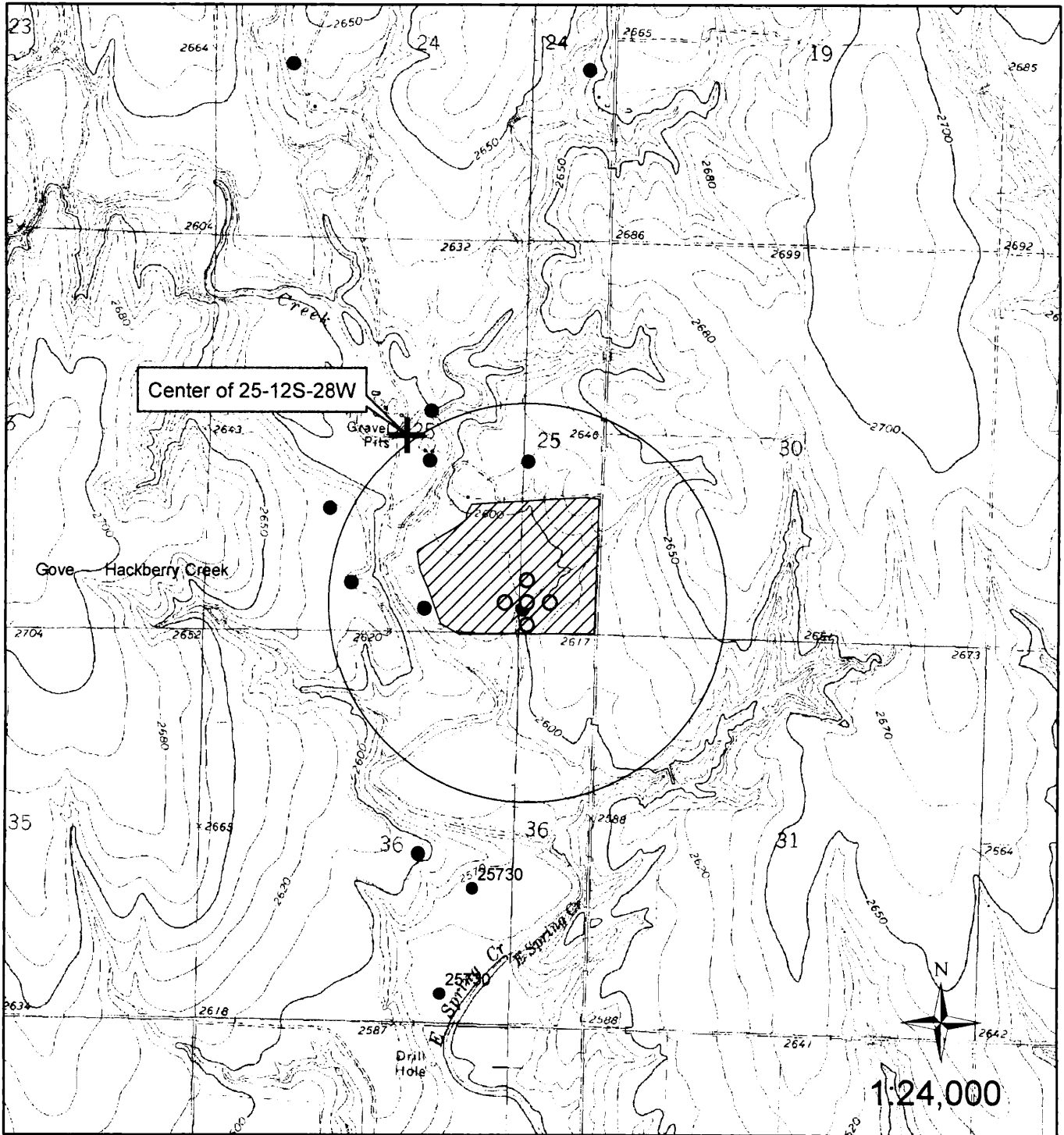
Landowner of Record NAME: _____

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	

Application to Appropriate Water for Beneficial Use

File No. 49,529



○ Proposed Point of Diversion - Batter of 4 wells

● Domestic Wells



Proposed Place of Use

The names and addresses of the owners of all wells of any kind within a 1/2 mile of the proposed point of diversion are shown.

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[Signature]
Signature

12-02-2015
Date

All wells in the circle belong to Van Zett
2033 Co Rd 58
PO Box 143
Gove, KS 67736

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 21, 2016

NICKOLAS W ZERR
PO BOX 157
GOVE KS 67736

FILE COPY

Re: Pending Application, File No. 49,529

Dear Mr. Zerr:

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 tributary alluvium. 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 41.89 acre-feet can safely be appropriated, of which a quantity of 123.0 acre-feet has already been permitted. Thus, it will be recommended to the Chief Engineer that pending application, File No. 49,529 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 January 4, 2017) 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. 49,529 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,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office
Van Zerr

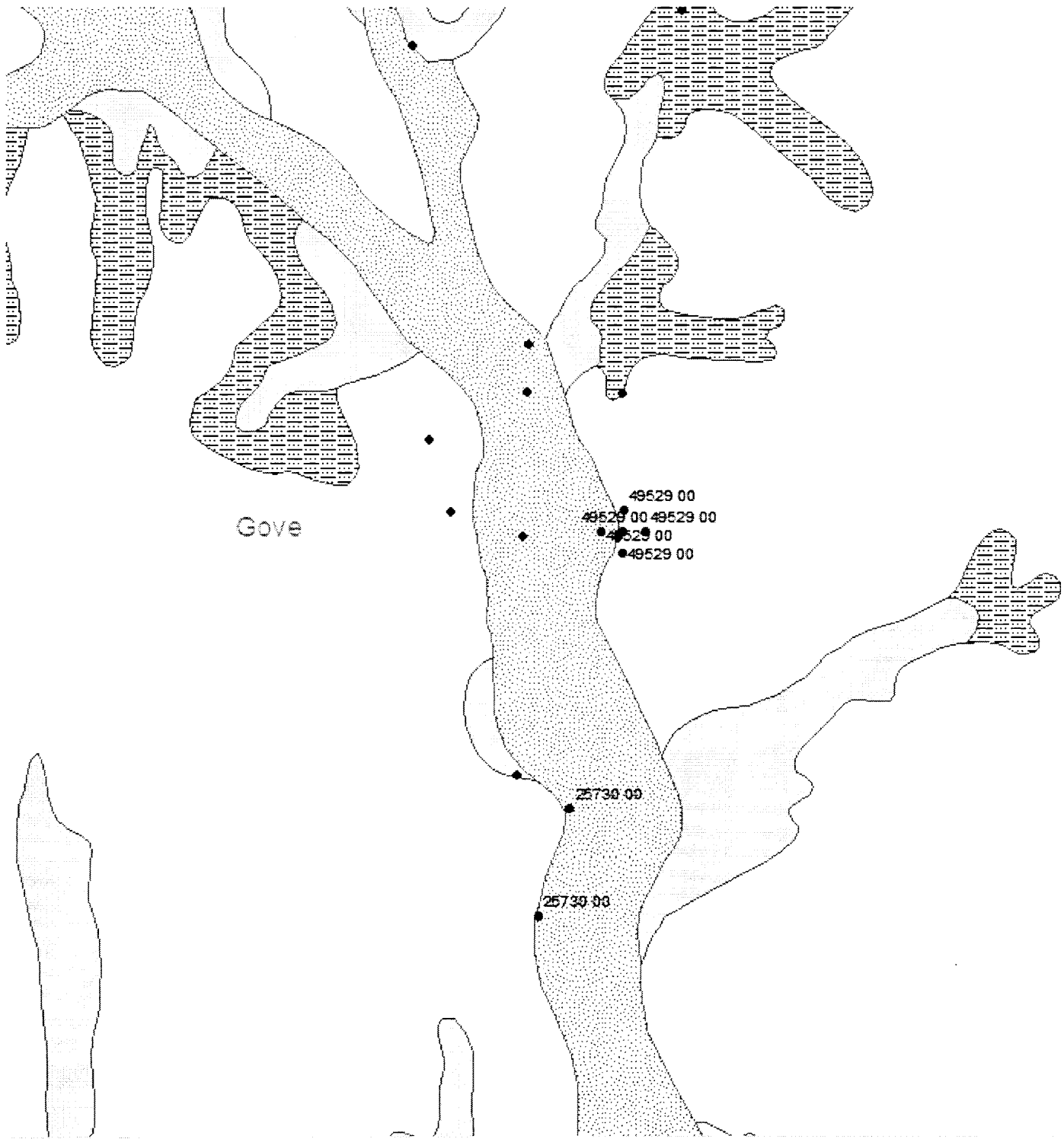
SCANNED

Baum, Kristen

From: Stewart, Kelly
Sent: Tuesday, December 20, 2016 2:46 PM
To: Baum, Kristen; Billinger, Mark
Subject: RE: Zerr

Kristen,

I agree completely. I also found information from a well identified in the KGS Bulletin No. 145 for Gove Co. in the SE/4 of the SE/4 of 25-12-28w that was 45' deep and was alluvium.



From: Baum, Kristen
Sent: Tuesday, December 20, 2016 12:37 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>
Subject: RE: Zerr

Dusting this one off again – I've been distracted by extensions to complete and a couple other files that fail safe yield.

Alluvium was the direction I was leaning, in which case the area of consideration isn't much – see attached to see if you agree.

Let me know your thoughts.

Thanks,
Kristen

From: Stewart, Kelly
Sent: Friday, December 02, 2016 4:18 PM
To: Billinger, Mark
Cc: Baum, Kristen
Subject: FW: Zerr

Mark,

Kristen is needing to know how to run safe-yield on 49,529. I took a quick look at the enclosed well log and looked at the geology map. I believe this is tributary alluvium and the two mile circle should only include mapped alluvium as the area of consideration. Would you double check this please and see if you agree? I haven't had enough time today to give it proper consideration.

Kelly

From: Baum, Kristen
Sent: Friday, December 2, 2016 11:20 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Subject: RE: Zerr

From: Stewart, Kelly
Sent: Friday, December 02, 2016 11:08 AM
To: Baum, Kristen
Subject: Zerr

Do you have any well logs for that application?

Please be advised my e-mail has changed to: kelly.stewart@ks.gov

Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
(785)425-6787

<http://www.agriculture.ks.gov/>

Analysis Results

 The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 41.89 AF.
 Total prior appropriation in the circle is 253.50 AF.
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

 The area used for the analysis is set at 1081 acres.
 Potential annual recharge of the area is estimated to be 0.62 inches.
 The percent of recharge available for appropriation is 75%.

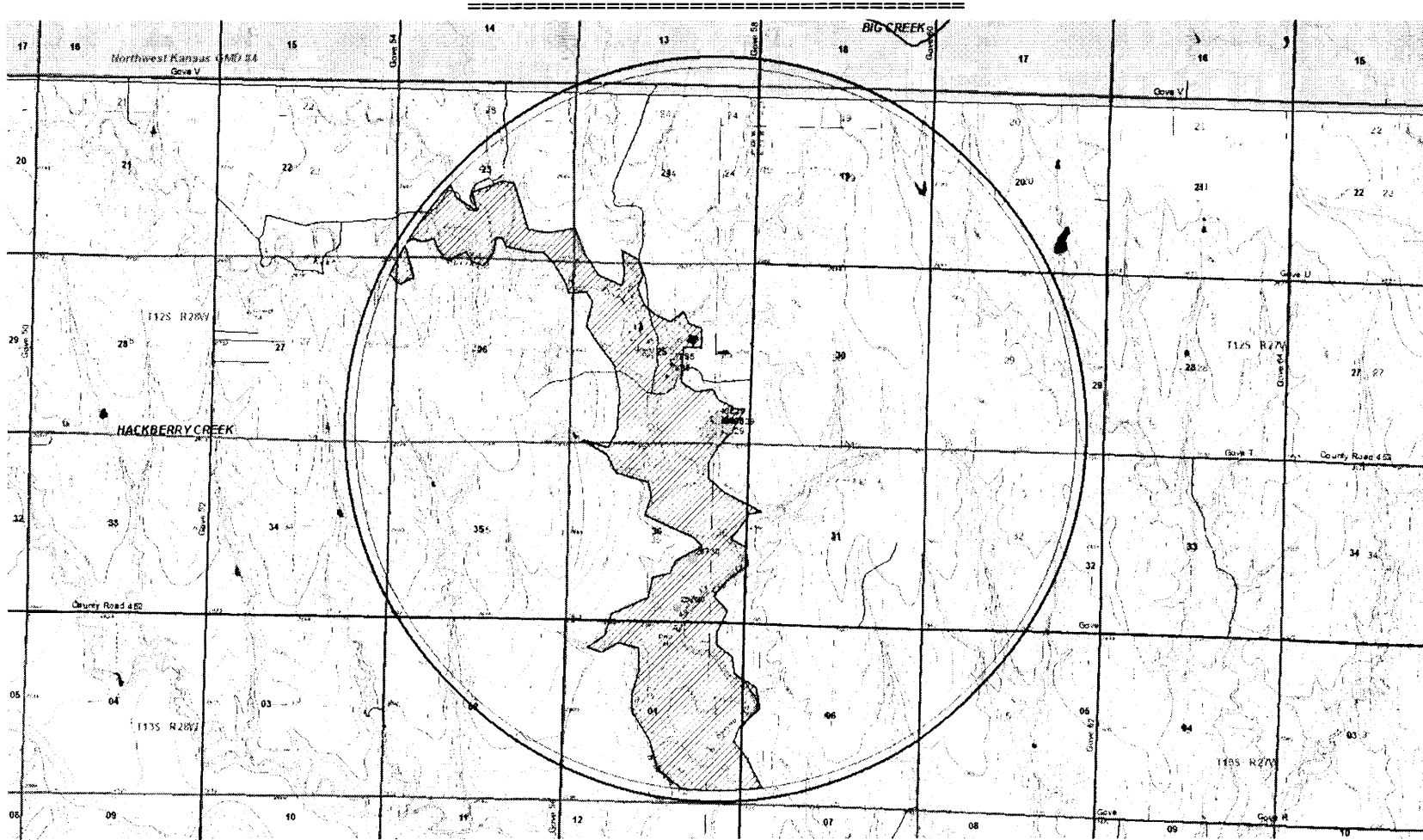
Authorized Quantity values are as of 05-DEC-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 2 water right(s) and 7 point(s) of diversion within the circle.

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=====
File Number      Use ST SR Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID  Qind Auth_Quant  Add_Quant  Tacres  Nacres
-----
A      25730 00  IRR NK G      NE NW SE  2210  1485  36  12 28W  1  PD      81.00      81.00  231.80  231.80
Same      IRR NK G      SW SW SE   430  2010  36  12 28W  2  PD      42.00      42.00
A      49529 00  IRR AY G      SW SE SE   408   929  25  12 28W  4  WR     130.50     130.50   87.00   87.00
Same      IRR AY G      SW SE SE   108   929  25  12 28W  5  WR
Same      IRR AY G      SW SE SE   408  1229  25  12 28W  6  WR
Same      IRR AY G      SE SE SE   408   629  25  12 28W  7  WR
Same      IRR AY G      NW SE SE   708   929  25  12 28W  8  WR
=====
  
```

Safe Yield Report Sheet
Water Right- A4952900
Point of Diversion in SESESW 25-12S-28W



(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application File No. 49,529

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]
Signature of Applicant

State of Kansas)
County of GOVE) ss

Michael W. Zerr
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6 day of November, 2015.

[Signature]
Notary Public

My Commission Expires:

CHERYL REMINGTON
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 11-18-17

WATER RESOURCES
RECEIVED

DEC 28 2015
SCANNED

KS DEPT OF AGRICULTURE

WATER WELL RECORD Form WWC-5

Division of Water Resources App. No.

Well ID

2

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Gove Fraction NE 1/4 SW 1/4 SE 1/4 SE 1/4 Section Number 25 Township Number T 12 S Range Number R 28 E W

2 WELL OWNER: Last Name: ZERR First: VAN Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: [X]

3 LOCATE WELL WITH 'X' IN SECTION BOX: N W E S 1 mile. 4 DEPTH OF COMPLETED WELL: 46 ft. 5 Latitude: 38.975532 Longitude: 100.374607 Elevation: 2595 ft.

7 WELL WATER TO BE USED AS: 1. Domestic: [X] Household [X] Lawn & Garden [X] Livestock 2. Irrigation 3. Feedlot 4. Industrial 5. Public Water Supply: well ID 6. Dewatering: how many wells? 7. Aquifer Recharge: well ID 8. Monitoring: well ID 9. Environmental Remediation: well ID 10. Oil Field Water Supply: lease 11. Test Hole: well ID 12. Geothermal: how many bores? 13. Other (specify):

Was a chemical/bacteriological sample submitted to KDHE? [X] No If yes, date sample was submitted: Water well disinfected? [X] Yes [] No

8 TYPE OF CASING USED: [X] Steel [X] PVC [] Other CASING JOINTS: [] Glued [] Clamped [] Welded [X] Threaded Casing diameter: 5 in. to 26 ft. Casing height above land surface: 24 in. Weight: 160 lbs./ft. Wall thickness or gauge No. SDR26 TYPE OF SCREEN OR PERFORATION MATERIAL: [X] Steel [] Stainless Steel [] Fiberglass [X] PVC [] Other (Specify) SCREEN OR PERFORATION OPENINGS ARE: [X] Continuous Slot [X] Mill Slot [] Gauze Wrapped [] Torch Cut [] Drilled Holes [] Other (Specify) SCREEN-PERFORATED INTERVALS: From 26 ft. to 46 ft. GRAVEL PACK INTERVALS: From 20 ft. to 46 ft.

9 GROUT MATERIAL: [] Neat cement [] Cement grout [X] Bentonite [] Other Grout Intervals: From 0 ft. to 20 ft. Nearest source of possible contamination: [] Septic Tank [] Lateral Lines [] Pit Privy [] Livestock Pens [] Insecticide Storage [] Sewer Lines [] Cess Pool [] Sewage Lagoon [] Fuel Storage [] Abandoned Water Well [] Watertight Sewer Lines [] Seepage Pit [] Feedyard [X] Fertilizer Storage [] Oil Well/Gas Well [] Other (Specify) Direction from well? NW Distance from well? 1500 ft.

Table with 6 columns: FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows include TOPSOIL, BROWN CLAY, FINE SAND, COARSE SAND & GRAVEL, GRAY CLAY, SHALE.

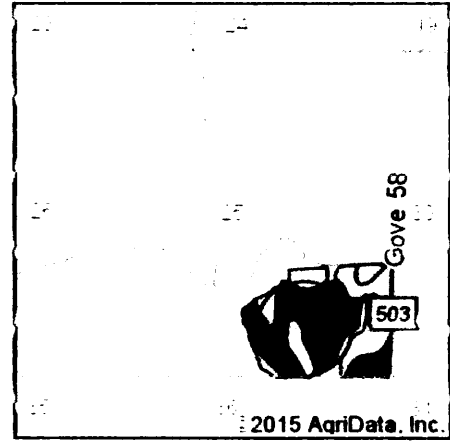
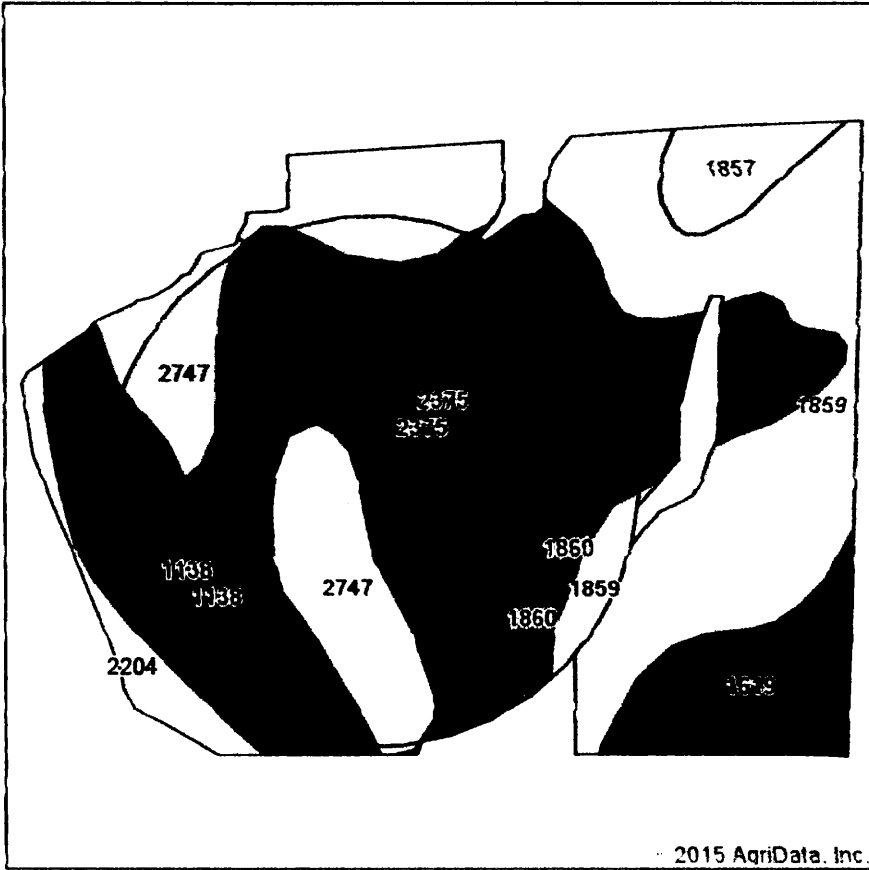
Notes: KS DEPT OF AGRICULTURE

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was [X] constructed, [] reconstructed, or [] plugged under my jurisdiction and was completed on (mo-day-year) 10/7/2015 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 489 This Water Well Record was completed on (mo-day-year) 10/8/2015 under the business name of Aqua Pump LLC.

SCANNED KSA 82a-1212

49,529

Soil Map



State: **Kansas**
 County: **Gove**
 Location: **25-12S-28W**
 Township: **Payne**
 Acres: **120.9**
 Date: **10/7/2015**

Maps Provided By
surety
 CUSTOMIZED ONLINE MAPPING
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Soils data provided by USDA and NRCS.

Area Symbol: KSD63, Soil Area Version: 12

Code	Soil Description	Acres	Percent of field	Non-Irr Class Legend	Non-Irr Class *c	Irr Class *c	Alfalfa hay	Alfalfa hay Irrigated	Com	Com Irrigated	Grain sorghum	Grain sorghum Irrigated	Smooth bromegrass	Smooth bromegrass Irrigated	Winter wheat	Winter wheat Irrigated	Soyb
2375	Roxbury silt loam, rarely flooded	51.00	42.2%		Ile	I											
1859	Ulysses silt loam, 3 to 6 percent slopes	23.77	19.7%		IIle	IIle					26				22		
1138	Caruso loam, occasionally flooded	17.58	14.5%		IIhw	IIhw	3	6	45	160	40	110	5	11	30	40	
2747	Penden clay loam, 3 to 7 percent slopes	16.28	13.5%		IIIle	IIIle											
1619	Keith silt loam, 0 to 1 percent slopes	5.66	4.7%		IIc	Ihw	2	6	52	171	38	109			38	66	
1857	Ulysses silt loam, 1 to 3 percent slopes	2.37	2.0%		IIIle	IIIle		5			26	110			22	50	
2204	Munjoy-Inavale complex, occasionally flooded	2.17	1.8%		IIIhw		2	5	33	45	41	36			26		
1860	Ulysses silt loam, 6 to 15 percent slopes	2.07	1.7%		Vle	VIIle					10				20		
Weighted Average							0.0	1.3	5.0	32.1	14.1	23.9	0.7	1.0	11.7	5.9	

Area Symbol: KSD63, Soil Area Version: 12

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS

WATER RESOURCES RECEIVED

DEC 28 2015
 SCANNED

KS DEPT OF AGRICULTURE



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

January 6, 2016

NICKOLAS W ZERR
PO BOX 157
GOVE KS 67736

RE: Application
File No. 49529

Dear Sir or Madam:

Your application for permit to appropriate water in 25-12S-28W in Gove 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