

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

1. File Number: <b>49,563</b>	2. Status Change Date: <i>3/6/2017</i>	3. Field Office: <b>3</b>	4. GMD: <b>0</b>
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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) <span style="float: right;">Person ID <b>33475</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span></p> <p><b>KEN BERRY 1624 N 70TH RD MINNEAPOLIS KS 67467</b></p>	<p>7c. Landowner(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span></p>
<p>7b. Landowner(s) <span style="float: right;">Person ID <b>64896</b></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span></p> <p><b>BERRY FAMILY FARMS LLC 746 PRAIRIE RD MINNEAPOLIS KS 67467</b></p>	<p>7d. Misc. <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span></p>

<p>8. WUR Correspondent <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# _____</span> Overlap File (s) WUC <span style="float: right;">Notarized WUC Form <input type="checkbox"/></span> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a.</b></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><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: **2/21/2017** By: **DWS**  
Date Entered: *3/7/2017* By: *CCM*

File No. **49,563**      15. Formation Code: **330**      Drainage Basin: **SALT CREEK**      County: **OT**      Special Use:      Stream:

16. Points of Diversion									
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
<b>MOD</b>	<b>85054</b>	<b>SE SE NE</b>	<b>1</b>	<b>11</b>	<b>5W</b>	<b>1</b>	<b>2738</b>	<b>137</b>	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>1200</b>	<b>196</b>	<b>1200</b>	<b>196</b>	<b>NONE</b>

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 **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>√</b>	<b>67591</b>	<b>1</b>	<b>11</b>	<b>5W</b>	<b>1</b>		<b>38</b>	<b>38</b>	<b>38</b>	<b>38</b>														<b>152</b>	<b>7b.</b>	<b>NO</b>	<b>NONE</b>	

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** February 21, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,563

Ken Berry has filed the above referenced new application to appropriate 196 acre-feet of groundwater at a diversion rate of 1,200 gallons per minute for irrigation use, from a proposed single well. The place of use is wholly owned by Berry Family Farms LLC. The applicant has signed the application form stating he has access to the point of diversion. NOTE: The initial proposed point of diversion (4,355'N & 1,725'W) in the Northeast Quarter of Sec. 1, T11S, R5W, did not comply with minimum well spacing criteria to another well owned by the applicant (File Nos. 39,902 and 45,431). A denial letter was sent to the applicant on July 20, 2016, and the applicant subsequently requested additional time to conduct further test hole drilling. A new test hole log was received on February 6, 2017, and the point of diversion has been modified to 2,738'N & 137'W, still located within the Northeast Quarter of Sec. 1, T11S, R5W, Ottawa County. The requested quantity of water of 196 acre-feet, is just a few acre-feet less than the maximum allowable to irrigate the proposed 152 acres (1.3 Acre-Feet per acre is the maximum allowed in Ottawa County).

The source of water for the pending application appears to be the **unconfined** Dakota aquifer system based on the test hole log that was submitted, and other nearby wells. First sandstone layer extended from 44 feet to 149 feet below ground surface, with several deeper layers including the deepest layer at 174 feet to 216 feet below ground surface. Static water level was not provided; however nearby wells indicate that static water levels generally correlate with the top of the shallow sandstone layer.

K.A.R. 5-3-11 applies to safe yield evaluations for all unconfined aquifers. One of the specific criteria is to determine the extent of the unconfined aquifer. A review of area well logs show that a small area in the south side of the circle appears to be sourcing the confined Dakota aquifer system. Therefore, this area was truncated out, leaving the majority of the two-mile circle, and providing an area of consideration of 7,514 acres. With 2.64 inches of recharge and 75% of recharge available, safe yield was determined to be 1,194.6 acre-feet. Existing appropriations total 290 acre-feet, leaving 904.6 acre-feet available, and therefore the application complies with safe yield criteria.

The applicant identified several nearby wells (and signed the site map); however after relocation of the irrigation well only one domestic well remains within one-half mile of the proposed point of diversion. A notification letter was sent out on February 7, 2017. No response of any kind was received. A review of aerial photograph and WWC-5 database also indicates that there are no other nearby domestic wells (i.e. no visible houses or windmills). The point of diversion complies with well spacing criteria for the unconfined Dakota aquifer system of one-quarter mile to domestic wells and one-half mile to non-domestic wells. The nearest domestic well is over 1,500 feet away and the nearest non-domestic well is over 3,400 feet away.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. The applicant has submitted a signed a Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

In a February 14, 2017 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced application. Based on the above discussion, 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, it is recommended that the referenced application be approved.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

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

March 7, 2017

KEN BERRY  
1624 N 70<sup>TH</sup> RD  
MINNEAPOLIS KS 67467

**FILE COPY**

RE: Appropriation of Water, File No. 49,563

Dear Mr. Berty:

There is enclosed a permit 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 source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

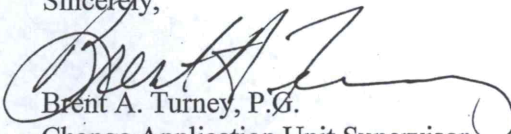
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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 this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

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

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



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

BAT:dws

Enclosures

pc: Stockton Field Office  
Berry Family Farms LLC



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)

This is to certify that I have examined Application, **File No. 49,563** of the applicant

**KEN BERRY  
1624 N 70TH RD  
MINNEAPOLIS KS 67467**

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 **February 16, 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	
1	11S	5W	38	38	38	38													152

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 Northeast Quarter (SE¼ SE¼ NE¼) of Section 1, more particularly described as being near a point 2,738 feet North and 137 feet West of the Southeast corner of said section, in Township 11 South, Range 5 West, Ottawa County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **196 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.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. 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.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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 6<sup>th</sup> day of March, 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 )  
County of Riley ) SS

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

### CERTIFICATE OF SERVICE

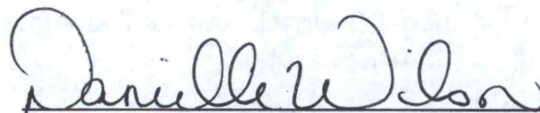
On this 7<sup>th</sup> day of March, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,563, dated March 6, 2017 was mailed postage prepaid, first class, US mail to the following:

KEN BERRY  
1624 N 70<sup>TH</sup> RD  
MINNEAPLOIS KS 67467

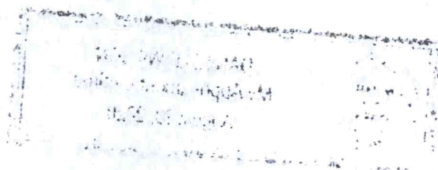
With photocopies to:

BERRY FAMILY FARMS LLC  
746 PRAIRIE RD  
MINNEAPOLIS KS 67467

Stockton Field Office



Division of Water Resources





## Schemm, Doug

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**From:** Stewart, Kelly  
**Sent:** Tuesday, February 14, 2017 8:51 AM  
**To:** Schemm, Doug  
**Cc:** Billinger, Mark; Hageman, Rebecca  
**Subject:** RE: Ken Berry 49,563

Doug,

I have no objection to the approval of this application.

Kelly

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**From:** Schemm, Doug  
**Sent:** Tuesday, February 14, 2017 8:20 AM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>  
**Subject:** Ken Berry 49,563

Last one of Ken's files. He moved the well to get away from his senior file to the north. Now meets spacing. Only one nearby domestic well and they had no response.

APPLICATION COMPLETE

2/22/2016

Reviewer DWS

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

MAY 04 2016

KS DEPT OF AGRICULTURE

File Number 49,563
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

FEB 16 2016

12:47

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): Ken Berry
Address: 1624 N 70th RD
City: Minneapolis State KS Zip Code 67467
Telephone Number: (785) 392 7379

2. The source of water is: [ ] surface water in (stream)
OR [x] groundwater in Salt Creek (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 196 acre-feet OR gallons per calendar year,
to be diverted at a maximum rate of 1200 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) [x] 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 FRZ Source G/S County OT By ASW Date 2/16/16
Code REZ Fee \$ 300 TR # 18033085 Receipt Date 2/16/16 Check # 6498

SCANNED

2/23/2016 LCM

\* Revised well location per well

log provided by applicant on 2/6/17.

DWS/DWR

File No. 49,563

Request 60 days to locate suitable well location

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 NWSE quarter of the NE quarter of Section 1, more particularly described as being near a point 1255 feet North and 125 feet West of the Southeast corner of said section, in Township 11 South, Range 5 East/West (circle one), Ottawa 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):

Berry Family Farms LLC 746 Prairie RD Minneapolis, KS 67467 (name, address and telephone number) 785 392 2522

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 2-8, 2016. 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 well (number of wells, pumps or dams, etc.) and (was/will be) completed (by) 12-31-17 (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 (Mo/Day/Year)

WATER RESOURCES RECEIVED

MAY 04 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

FEB 16 2016 SCANNED

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 \_\_\_\_\_
- 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WATER RESOURCES  
RECEIVED

MAY 04 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED

FEB 16 2016

KS DEPT OF AGRICULTURE

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	<u>7-26-11</u>			
Total depth of well	<u>255'</u>			
Depth to water bearing formation	<u>31'</u>			
Depth to static water level	<u>30'</u>			
Depth to bottom of pump intake pipe	<u>up to 230'</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):  
Berry Family Farms LLC 746 Prairie Rd Minneapolis KS 67461  
(name, address and telephone number) 785 392 2522

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 Minneapolis, Kansas, this 12 day of February, 2016.  
(month) (year)

  
(Applicant Signature)

RB 4-29-16

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

\_\_\_\_\_  
(Agent or Officer - Please Print)

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

WATER RESOURCES RECEIVED  
MAY 04 2016  
KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED  
FEB 16 2016  
SCANNED  
KS DEPT OF AGRICULTURE

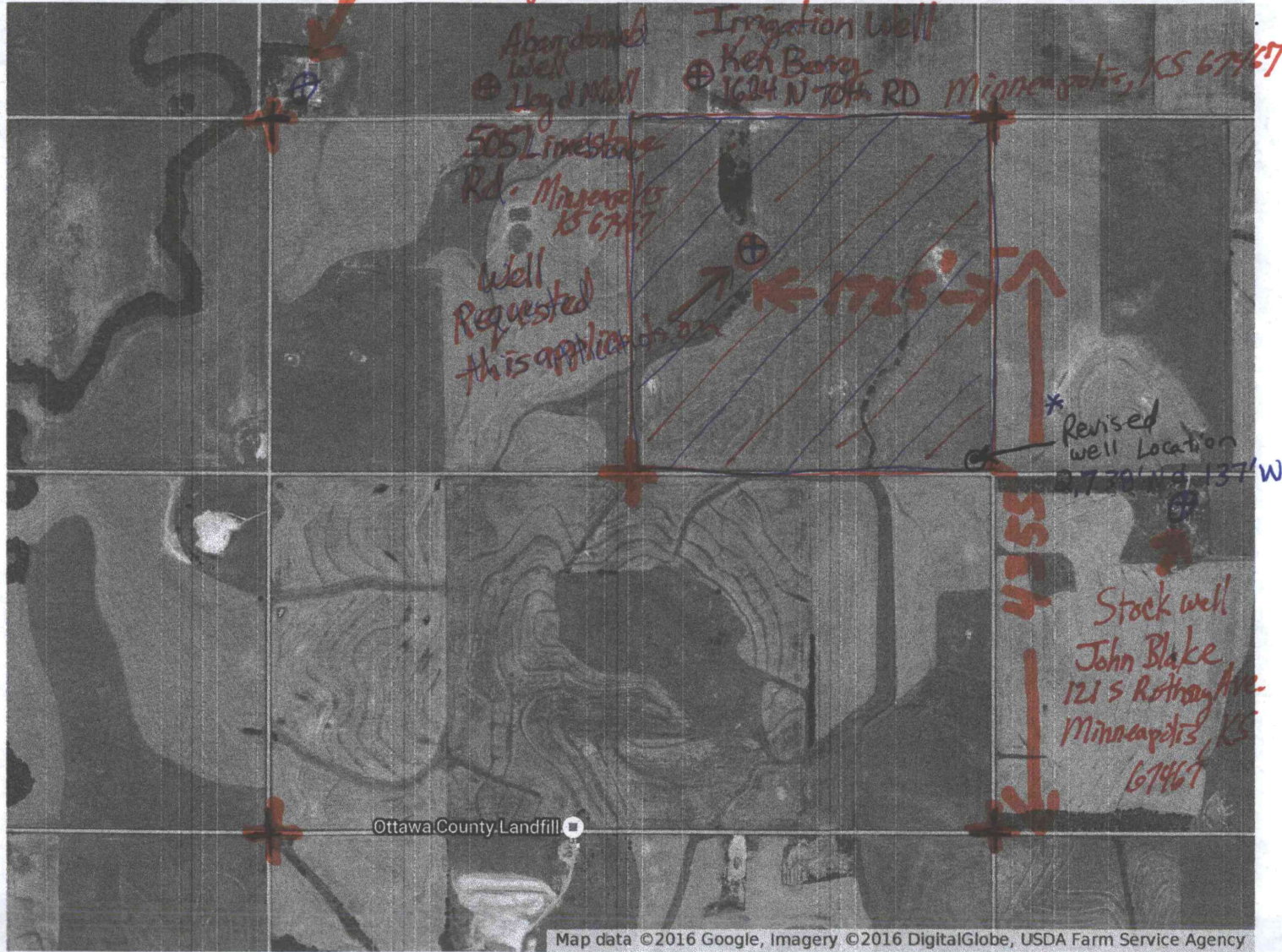
# Proposed Irrigation Site

1-11-5

All wells of any kind within 1/2 mile of the requested point of diversion have been plotted

Signed: Ken Berry  
Date: 2/12/16

KB 4-29-16



KS DEPT OF AGRICULTURE

MAY 04 2016

WATER RESOURCES RECEIVED

KS DEPT OF AGRICULTURE

FEB 16 2016 ANNED

WATER RESOURCES RECEIVED

\* Per well log Received on 2/6/17.

DWS/DWR

491503

RECEIVED

WATER RESOURCES

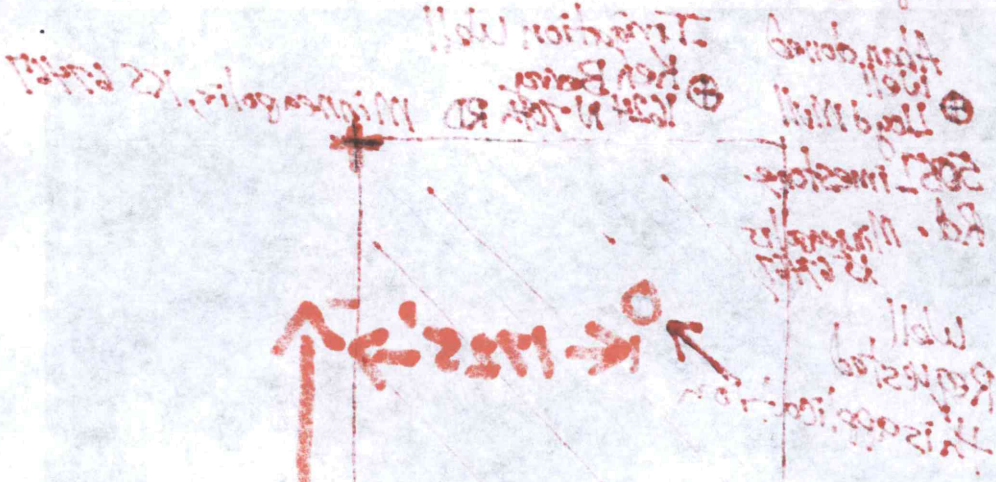
RECEIVED

WATER RESOURCES

Date \_\_\_\_\_  
Signed \_\_\_\_\_  
All wells of any kind within 1/2 mile of the requested point of diversion shall be plotted.

# Proposed Irrigation Site

Household well outside 1/2 mile from diversion  
Land Well  
202 Limestone Rd  
Minnepolis, KS 67053



222 ft



## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,563

Name of Applicant (Please Print): Ken Berry

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: Berry Family Farms LLC  
 ADDRESS: 746 Prairie RD Minneapolis KS 67467

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1	11	5	38	38	38	38													152

**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

MAY 04 2016

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WATER RESOURCES  
RECEIVED

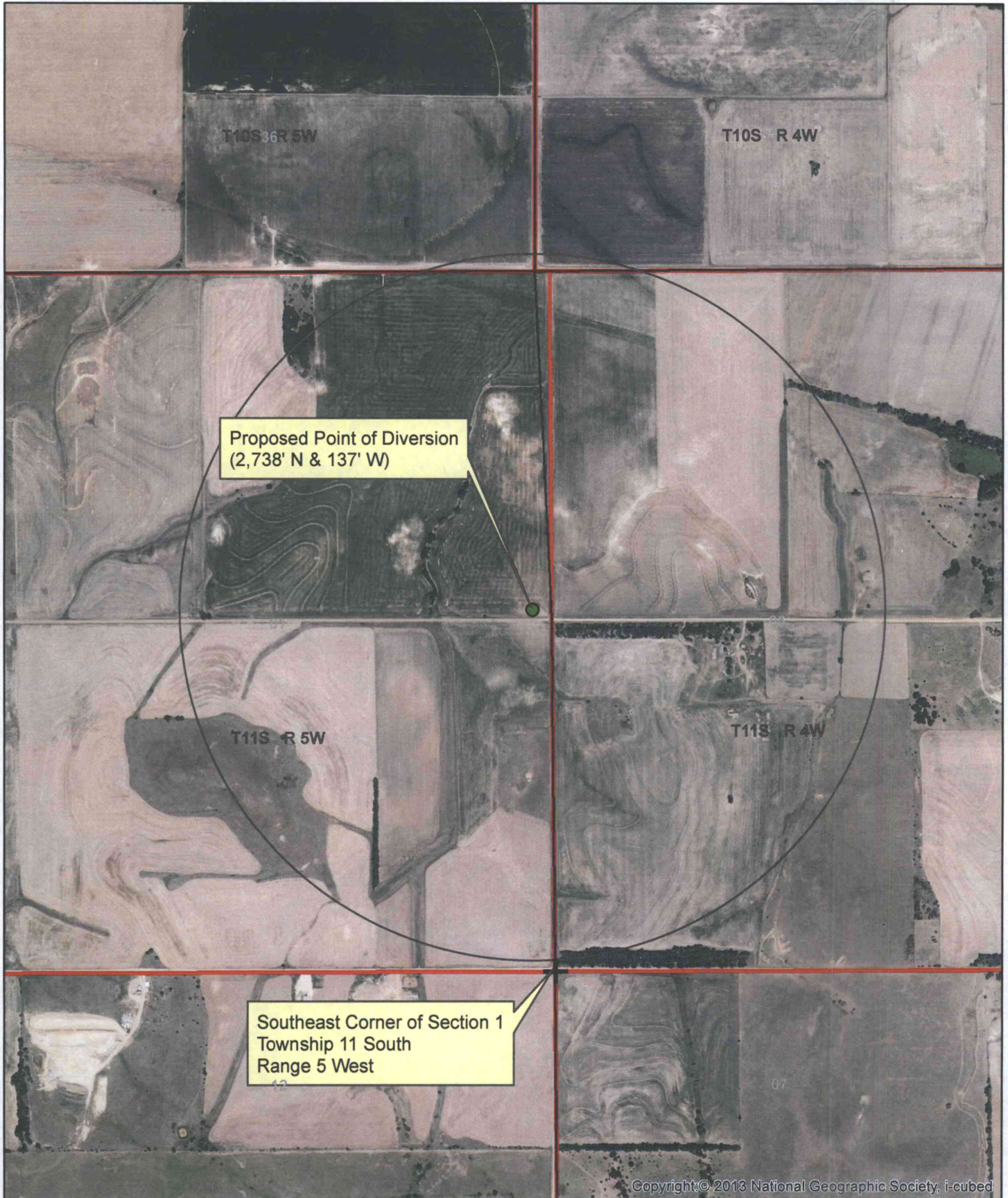
FEB 16 2016

SCANNED

KS DEPT OF AGRICULTURE



KEN BERRY  
NEW APPLICATION SITE MAP  
SEC. 1 - T11S - R5W



● Proposed Point of Diversion

1:12,000

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
<u>Geary Silt loam</u>	<u>63</u>	<u>0.15</u>	
<u>Hood Silt loam</u>	<u>16</u>	<u>0.3</u>	
<u>Hobbs Silt loam</u>	<u>13</u>	<u>0.3</u>	
<u>Edwards Hedville Complex</u>	<u>8</u>	<u>0.05</u>	
Total:	100 %		

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

4 %

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

10 %

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:

N/A

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 30.0 psi

(2) What is the sprinkler package design rate? 1200 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? 100 feet

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

*To be completed on permit approval*

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

Corn -> Soybeans -> Wheat

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).

Based on stress level + point in growth cycle.

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

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

MAY 04 2016

FEB 16 2016

SCANNED

# Sargent Drilling

INDUSTRIAL ENGINEERING  
COMPLETE MUNICIPAL AND INDUSTRIAL  
WELL AND PUMP SERVICE

PO Box 367  
Geneva, NE 68361-0367

846 South 13<sup>th</sup> St. Phone: (402) 759-3902  
1-888-496-3902

## TEST HOLE LOG

CUSTOMER: Ken Berry	
WELL ID: TH 2017-1	
LOCATION: SE ¼ NE ¼, 1-T11S-R5W, Ottawa Co., KS	
LATITUDE: 39° 07' 30.8"	39.125222
LONGITUDE: 097° 49' 05.8"	97.818278
ELEVATION: 1,296'	
FOOTAGES: 2,542 feet from the North section line and 137 feet from the East section line	
DATE: 2/2/2017	DRILLED BY: Scott

SWL:  
PWL

<u>from feet</u>	<u>- to feet</u>	
0	10	Top soil and brown and reddish clay
10	20	Shale and pyrite
20	40	Shale and brown, gray, and white pyrite
40	44	Shale and gray pyrite
44	60	Sandstone
60	80	Sandstone with pyrite streaks
80	100	Sandstone
100	120	Sandstone with pyrite and limestone streaks
120	149	Sandstone
149	154	Blue gray shale
154	164	Sandstone
164	166	Blue shale
166	170	Sandstone
170	174	Gray shale
174	180	Sandstone with shale strips
180	216	Sandstone
216	218	Limestone (very hard)

4/29/16

(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, 563

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.

*Kenneth Berry*  
Signature of Applicant

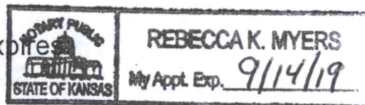
Kenneth Berry  
(Print Applicant's Name)

State of Kansas )  
County of Ottawa ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29 day of April, 2016.

*Rebecca K. Myers*  
Notary Public

My Commission Expires 9/14/19



WATER RESOURCES  
RECEIVED

MAY 04 2016

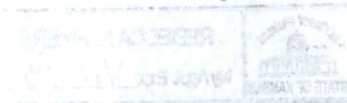
KS DEPT OF AGRICULTURE

**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



WATER RESOURCES  
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MAY 11 2011

KS DEPT OF AGRICULTURE

#49,563  
 Meets Safe Yield  
 Unconfined DAKOTA  
 Aquifer system

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 1,194.60 AF.  
 Total prior appropriation in the circle is 486.00 AF. - 196 = 290  
 Total quantity of water available for appropriation is ~~708.60~~ AF.

904.6AF

**Safe Yield Variables**

The area used for the analysis is set at 7240 acres.  
 Potential annual recharge of the area is estimated to be 2.64 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 06-FEB-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 4 water right(s) and 3 point(s) of diversion within the circle.

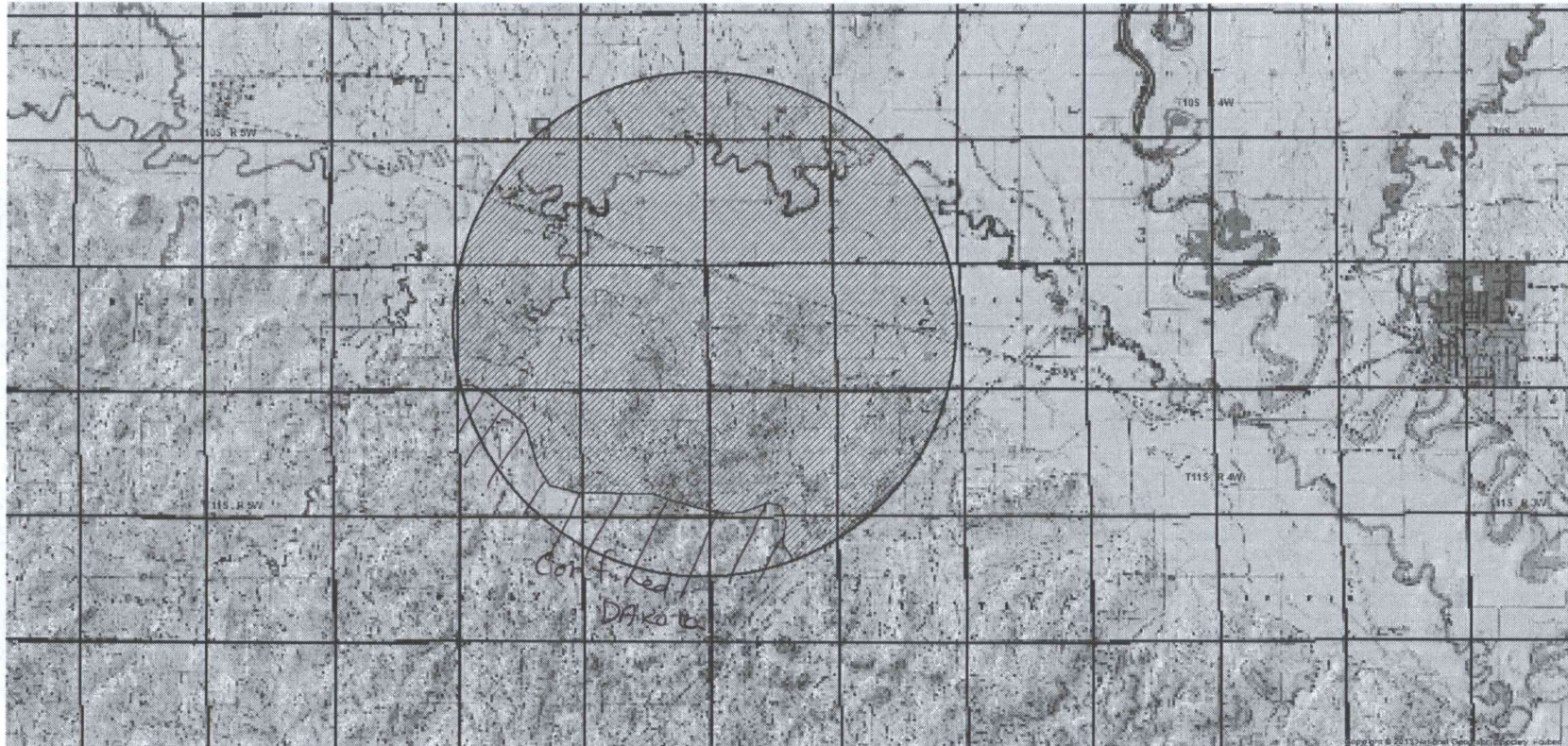
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	37129	00	IRR	NK	G		NC SE	1317	1332	05	11	04W	5	WR	149.00	149.00	133.00	133.00
A	39902	00	IRR	NK	G		SE SW SE	363	1974	36	10	05W	1	WR	111.00	111.00	197.50	197.50
A	45431	00	IRR	NK	G		SE SW SE	363	1974	36	10	05W	1	WR	30.00	30.00	197.50	0.00
A	49563	00	IRR	AY	G		SE NW NE	4290	1485	01	11	05W	1	WR	196.00	196.00	152.00	152.00

#49,563

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in SESENE 01-11S-05W  
(2,738'N & 137'W)

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# 49,563

Report Date Tuesday, February 7 2017

Revised pd

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

2738 ft N and 137 ft W of the SE Corner of Section 1, T 11S, R 5W

Located at: 97.817896 West Longitude and 39.125300 North Latitude

GROUNDWATER ONLY

all wells > 1/2 mile

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 37129	00	IRR	NK	G	9531	--	--	NC	SE	1317	1332	5	11	4W	5	149.00	149.00	AF
A__ 39902	00	IRR	NK	G	3487	--	SE	SW	SE	363	1974	36	10	5W	1	111.00	111.00	AF
A__ 45431	00	IRR	NK	G	3487	--	SE	SW	SE	363	1974	36	10	5W	1	30.00	30.00	AF
A__ 49563	00	IRR	AY	G	2056	--	SE	NW	NE	4290	1485	1	11	5W	1	196.00	196.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	196.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	290.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	486.00	.00

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

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

97.817896 West Longitude and 39.125300 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 37129	00	IRR	NK G
>	STEVE BACCUS		
>	707 N 3RD AVE		
>	MINNEAPOLIS KS 67467		
A__ 39902	00	IRR	NK G
>	KEN BERRY		
>	1624 N 70TH RD		
>	MINNEAPOLIS KS 67467		
A__ 45431	00	IRR	NK G
>	KEN BERRY		
>	1624 N 70TH RD		
>	MINNEAPOLIS KS 67467		
A__ 49563	00	IRR	AY G
>	KEN BERRY		
>	1624 N 70TH RD		



> MINNEAPOLIS KS 67467

>-----

=====



Confined D-1

WATER WELL RECORD Form WWC-5

Original Record  Correction  Change in Well Use

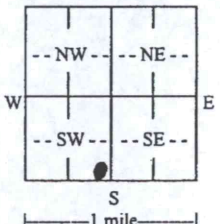
Division of Water Resources App. No. [ ]

Well ID [ ]

1 LOCATION OF WATER WELL: County: OTTAWA Fraction SW 1/4 SE 1/4 SE 1/4 SW Section Number 7 Township Number T 11 S Range Number R 9 E NW

2 WELL OWNER: Last Name: SCHARPLAZ First: KATHY Street or Rural Address where well is located: 1/2 MILE WEST OF INTERSECTION 70TH RD AND JUSTICE RD. NORTH SIDE

3 LOCATE WELL WITH "X" IN SECTION BOX: N



4 DEPTH OF COMPLETED WELL: 145 ft. Depth(s) Groundwater Encountered: 1) 125 ft. 2) 90 ft. WELL'S STATIC WATER LEVEL: 90 ft. below land surface, measured on (mo-day-yr) 11-7-15

5 Latitude: Longitude: Horizontal Datum: WGS 84 NAD 83 NAD 27 Source for Latitude/Longitude: GPS (unit make/model): Land Survey Topographic Map Online Mapper: Elevation: Source: Land Survey GPS Topographic Map Other

7 WELL WATER TO BE USED AS: 1. Domestic: Household, Lawn & Garden, Livestock, Irrigation, Feedlot, Industrial. 2. Public Water Supply, Dewatering, Aquifer Recharge, Monitoring, Environmental Remediation, Air Sparge, Soil Vapor Extraction, Recovery, Injection, Oil Field Water Supply, Test Hole, Geothermal, Other (specify).

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

8 TYPE OF CASING USED: Steel PVC Other CASING JOINTS: Glued Clamped Welded Threaded Casing diameter: 5 in. to 1.25 ft. Diameter: in. to ft. Diameter: in. to ft. Casing height above land surface: in. Weight: lbs./ft. Wall thickness or gauge No. TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel Fiberglass PVC Other (Specify) SCREEN OR PERFORATION OPENINGS ARE: Continuous Slot Mill Slot Gauze Wrapped Torch Cut Drilled Holes Other (Specify) Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole) SCREEN-PERFORATED INTERVALS: From 125 ft. to 145 ft. GRAVEL PACK INTERVALS: From 110 ft. to 145 ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other Grout Intervals: From 0 ft. to 25 ft. From 105 ft. to 110 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 Fertilizer Storage Oil Well/Gas Well Other (Specify) OPEN PASTURE NONE APPARENT Direction from well? Distance from well? ft.

Table with columns: 10 FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Row 1: 0, 125, CLAY MULTI COLORED. Row 2: 125, 145, SANDSTONE DARK TAN FINE GRAIN. Notes: [ ]

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-yr) 11-07-15 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 355 This Water Well Record was completed on (mo-day-yr) 11-12-15 under the business name of PESTING & PUMP SERVICES Signature: [ ]

Mail 1 white copy along with a fee of \$5.00 for each constructed well to: Kansas Department of Health and Environment, Bureau of Water, GWTS Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Mail one to Water Well Owner and retain one for your records. Telephone 785-296-5524. Visit us at http://www.kdheks.gov/waterwell/index.html KSA 82a-1212 Revised 7/10/2015

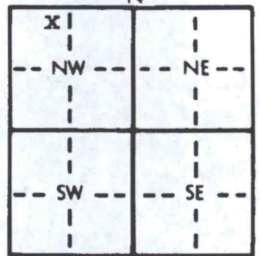
*confined*  
*D-2*

WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL: County: **Ottawa** Fraction: **NE 1/4 NW 1/4 NW 1/4** Section Number: **11** Township Number: **T 11 S** Range Number: **R 5 NW**

Distance and direction from nearest town or city street address of well if located within city?  
**7 West, 2 South of Minneapolis**

2 WATER WELL OWNER: **Kenneth Olsen**  
RR#, St. Address, Box #: **Route 1** Board of Agriculture, Division of Water Resources  
City, State, ZIP Code: **Minneapolis, Kansas 67467** Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:  


4 DEPTH OF COMPLETED WELL: **140** ft. ELEVATION: **21300**  
Depth(s) Groundwater Encountered: **105** ft. 2. **80** ft. 3. **7/27/82**  
WELL'S STATIC WATER LEVEL: **80** ft. below land surface measured on mo/day/yr  
Pump test data: Well water was **NA** ft. after hours pumping gpm  
Est. Yield: **30** gpm: Well water was ft. after hours pumping gpm  
Bore Hole Diameter: **9.8** in. to **140** ft., and in. to ft.  
WELL WATER TO BE USED AS:  
 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)  
2 Irrigation 4 Industrial 7 Lawn and garden only 10 Observation well  
Was a chemical/bacteriological sample submitted to Department? Yes No ; If yes, mo/day/yr sample was submitted  
Water Well Disinfected? Yes  No

5 TYPE OF BLANK CASING USED:  
1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded  
 PVC 4 ABS 7 Fiberglass Threaded  
Blank casing diameter: **5** in. to **120** ft., Dia. in. to ft., Dia. in. to ft.  
Casing height above land surface: **12** in., weight **3** lbs./ft. Wall thickness or gauge No. **258**  
TYPE OF SCREEN OR PERFORATION MATERIAL:  
1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify)  
2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)  
SCREEN OR PERFORATION OPENINGS ARE:  
1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes  
2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify)  
SCREEN-PERFORATED INTERVALS: From **120** ft. to **140** ft., From ft. to ft.  
GRAVEL PACK INTERVALS: From **14** ft. to **140** ft., From ft. to ft.

6 GROUT MATERIAL:  1 Neat cement 2 Cement grout 3 Bentonite 4 Other  
Grout Intervals: From **4** ft. to **14** ft., From ft. to ft., From ft. to ft.  
What is the nearest source of possible contamination:  
 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well  
2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well  
3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)  
13 Insecticide storage  
Direction from well? **West** How many feet? **120**

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	2	topsoil			
2	18	sandrock			
18	24	blue clay			
24	30	brown clay			
30	46	red clay			
46	52	sandrock			
52	77	blue clay w/ sandrock layers			
77	101	red clay			
101	140	sandrock			
140		stop			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) **7/29/82** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **359** This Water Well Record was completed on (mo/day/yr) **7/31/1982** under the business name of **Daryl Cox & Sons Inc.** by (signature)

INSTRUCTIONS: Use typewriter or ball point pen, PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY  
T  
R  
SEC.

unconfined D-3

WATER WELL RECORD Form WWC-5

Original Record  Correction  Change in Well Use

Division of Water Resources App. No. [ ]

Well ID [ ]

1 LOCATION OF WATER WELL: County: OTTAWA Fraction SW 1/4 NE 1/4 NE 1/4 Section Number 12 Township Number T 11 S Range Number R 5 E 1/4 W

2 WELL OWNER: Last Name: WOLFE First: CHRIS Street or Rural Address where well is located: 214 MAIN ST. 1/4 MILE WEST OF INTERSECTION 60th AND KIOWA RD. SOUTH SIDE City: ADA State: KS ZIP: 67401

3 LOCATE WELL WITH "X" IN SECTION BOX: [Diagram showing a 36-section grid with an 'X' in the NE section]

4 DEPTH OF COMPLETED WELL: 87 ft. Depth(s) Groundwater Encountered: 1) 31 ft. 2) ... 3) ... 4) Dry Well WELL'S STATIC WATER LEVEL: 10-04-12 below land surface, measured on (mo-day-yr) Pump test data: Well water was 40 ft. after 1 hour pumping 20 gpm Well water was ... ft. after ... hours pumping ... gpm Estimated Yield: ... gpm Bore Hole Diameter: 9 in. to 8.7 ft. and ... in. to ... ft.

5 Latitude: ... (decimal degrees) Longitude: ... (decimal degrees) Datum: [ ] WGS 84 [ ] NAD 83 [ ] NAD 27 Source for Latitude/Longitude: [ ] GPS (unit make/model: ... (WAAS enabled? [ ] Yes [ ] No) [ ] Land Survey [ ] Topographic Map [ ] Online Mapper: ... 6 Elevation: ... ft. [ ] Ground Level [ ] TOC Source: [ ] Land Survey [ ] GPS [ ] Topographic Map [ ] Other ...

7 WELL WATER TO BE USED AS: 1. Domestic: [ ] Household [ ] 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 ... [ ] Air Sparge [ ] Soil Vapor Extraction [ ] Recovery [ ] Injection 10. [ ] Oil Field Water Supply: lease ... 11. Test Hole: well ID ... [ ] Cased [ ] Uncased [ ] Geotechnical 12. Geothermal: how many bores? ... a) Closed Loop [ ] Horizontal [ ] Vertical b) Open Loop [ ] Surface Discharge [ ] Inj. of Water 13. [ ] Other (specify): ...

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

8 TYPE OF CASING USED: [ ] Steel [x] PVC [ ] Other CASING JOINTS: [x] Glued [ ] Clamped [ ] Welded [ ] Threaded Casing diameter: 5 in. to 6.7 ft., Diameter: 160 in. to ... ft., Diameter: ... in. to ... ft., Diameter: ... in. to ... ft. Casing height above land surface: 16 in. Weight: 160 lbs./ft. Wall thickness or gauge No. SAE 26 TYPE OF SCREEN OR PERFORATION MATERIAL: [ ] Steel [ ] Stainless Steel [ ] Fiberglass [x] PVC [ ] Other (Specify) ... [ ] Brass [ ] Galvanized Steel [ ] Concrete tile [ ] None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: [ ] Continuous Slot [x] Mill Slot 0.045 [ ] Gauze Wrapped [ ] Torch Cut [ ] Drilled Holes [ ] Other (Specify) ... [ ] Louvered Shutter [ ] Key Punched [ ] Wire Wrapped [ ] Saw Cut [ ] None (Open Hole) SCREEN-PERFORATED INTERVALS: From 67 ft. to 87 ft., From ... ft. to ... ft., From ... ft. to ... ft. GRAVEL PACK INTERVALS: From 55 ft. to 87 ft., From ... ft. to ... ft., From ... ft. to ... ft.

9 GROUT MATERIAL: [ ] Neat cement [ ] Cement grout [x] Bentonite [ ] Other Grout Intervals: From 0 ft. to 26 ft., From 50 ft. to 55 ft., From ... ft. to ... 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 [ ] Fertilizer Storage [ ] Oil Well/Gas Well [ ] Other (Specify) OPEN FIELD NONE APPARENT Direction from well? ... Distance from well? ... ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	15	CLAY REDDISH BROWN w/SS. PEBBLES			
15	26	CLAY LIGHT GRAY FIRM			
26	64	SANDSTONE TAN FINE GRAIN			
64	87	SANDSTONE BROWN w/CLAY LAYERS			

Notes:

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) 10-04-12 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 388 This Water Well Record was completed on (mo-day-year) 10-12-12 under the business name of PESTING CO. PUMP SERVICE



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov  
Sam Brownback, Governor

February 7, 2017

JON BLAKE  
202 W 2<sup>ND</sup>  
PO BOX 147  
MINNEAPOLIS KS 67467

Re: Pending Application, File No. 49,563

Dear Sir or Madam:

This is to advise you that Ken Berry has filed the application referred to above for a permit to appropriate 196 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,200 gallons per minute. The proposed point of diversion (well) is located as follows:

In the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 1, in Township 11 South, Range 5 West, Ottawa County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

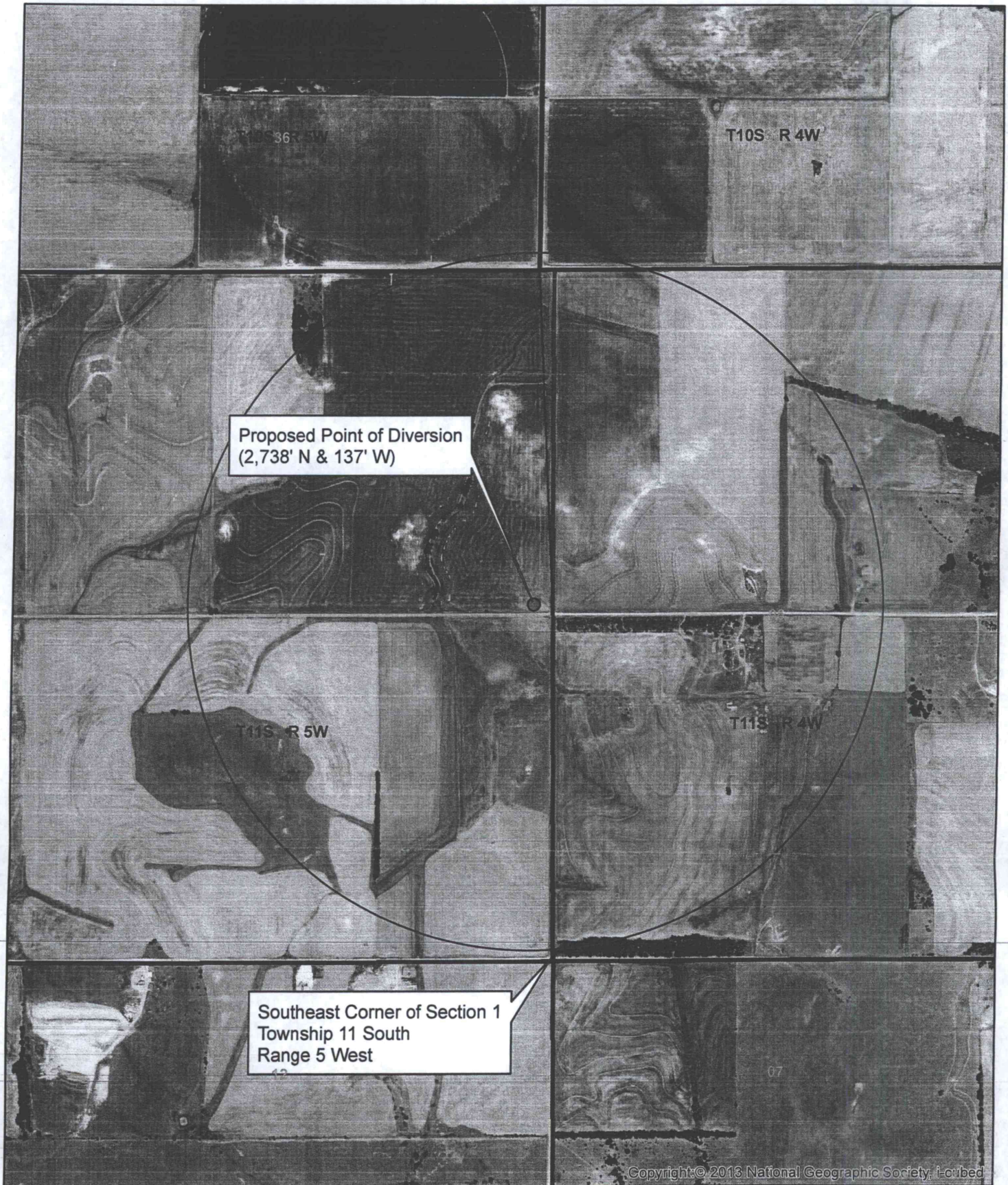
A handwritten signature in cursive script that reads "Douglas W. Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Ken Berry

KEN BERRY  
NEW APPLICATION SITE MAP  
SEC. 1 - T11S - R5W



Proposed Point of Diversion

1:12,000

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

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www.agriculture.ks.gov  
Sam Brownback, Governor

February 7, 2017

JON BLAKE  
202 W 2<sup>ND</sup>  
PO BOX 147  
MINNEAPOLIS KS 67467

Re: Pending Application, File No. 49,563

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In the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 1, in Township 11 South, Range 5 West, Ottawa County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Ken Berry



#49,563

(Initial test Hole)

### IRRIGATION TEST WELL

Driller & Assistant: Jack S. B.S. Date: 7-26-11

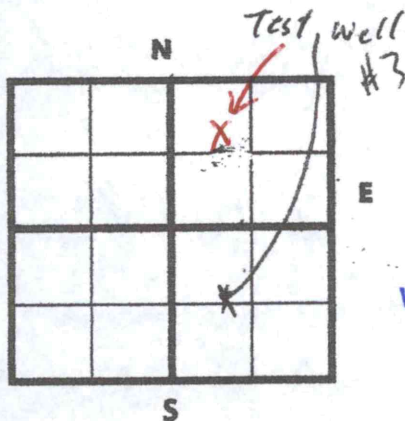
- Screen 2 1/2"
- Casing 2 1/2"
- Couplings 2 1/2"
- End Caps 2 1/2"
- Gravel Pack
- Holeplug
- Quarters
- Solvent & Glue
- Water
- Lime
- 6" or 5" Liner (if needed)
- Drilling Mud
- Gas & Oil - W.T.
- 3/4" Polyethylene
- 2 1/2" PVC Tee
- 5" & 6" Bits
- Packing
- Water Sample Bottle

CUSTOMER: Ken Berry, 1624 N. 70<sup>th</sup> Rd., Minneapolis, KS 67467 785-392-2514

LOCATION: 1-11-5 Henry Township

Depth	Formation	
0'-2'	Top Soil	Static Water Level - 30'
2'-6'	Tan Clay - Soft	Estimated production - 800-1200 gpm
6'-17'	Tan <del>Clay</del> Clay - HARD	Casing size & depth - NONE
17'-31'	Tan Sandstone with shale layers	Screen size & depth - NONE
31'-237'	Tan Sandstone Medium Soft	Grouting depth - 5-100'
237'-250'	Gray Shale	Number of bags - 8 bags
-255'		Nearest contamination -
		NONE
		Maintenance & Safety -
	Excellent Showing	
	Test well is 4355 feet North and 1725 feet west of the SE corner of section 1-11-5 west Ottawa Co. KS.	
	Directions	Notes -

Incorrect: was in the NE 1/4



Near 1/4	Center 1/4	SE 1/4
Sec. 1	T 11	R 5
County: <u>Ottawa</u>		

WATER RESOURCES RECEIVED

MAY 16 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

MAY 04 2016

\$ <u>600</u>	/ ft. Well
\$ <u>50.00</u>	/ Grout
\$	/ Test Pumping
\$	/ Water Sample
Contract Received: 07/11/2011	

MVA# 16532

SCANNED

### IRRIGATION TEST WELL

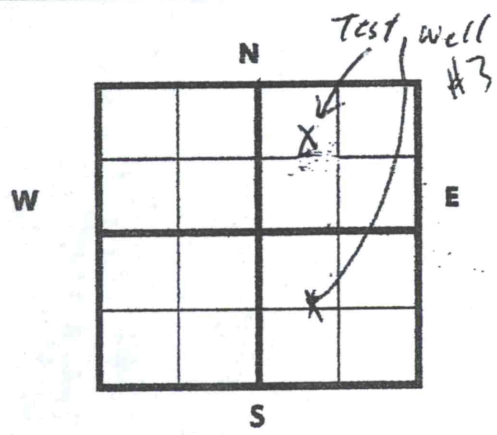
Driller & Assistant: Jack S. B.S. Date: 7-26-11

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Screen 2 1/2"    | <input type="checkbox"/> Quarters                   | <input type="checkbox"/> Gas & Oil - W.T.    |
| <input type="checkbox"/> Casing 2 1/2"    | <input type="checkbox"/> Solvent & Glue             | <input type="checkbox"/> 3/4" Polyethylene   |
| <input type="checkbox"/> Couplings 2 1/2" | <input type="checkbox"/> Water                      | <input type="checkbox"/> 2 1/2" PVC Tee      |
| <input type="checkbox"/> End Caps 2 1/2"  | <input type="checkbox"/> Lime                       | <input type="checkbox"/> 5" & 6" Bits        |
| <input type="checkbox"/> Gravel Pack      | <input type="checkbox"/> 6" or 5" Liner (if needed) | <input type="checkbox"/> Packing             |
| <input type="checkbox"/> Holeplug         | <input type="checkbox"/> Drilling Mud               | <input type="checkbox"/> Water Sample Bottle |

**CUSTOMER:** Ken Berry, 1624 N. 70<sup>th</sup> Rd., Minneapolis, KS 67467 785-392-2514  
**LOCATION:** 1-11-5 Henry Township

Depth	Formation	Notes
0'-2'	Top Soil	Static Water Level - 30'
2'-6'	Tan Clay - Soft	Estimated production - 800-1200 gpm
6'-17'	Tan <del>Clay</del> Clay - HARD	Casing size & depth - NONE
17'-31'	Tan Sandstone with Shale layers	Screen size & depth - NONE
31'-237'	Tan Sandstone Medium Soft	Grouting depth - 5' - 100'
237'-250'	Gray Shale	Number of bags - 8 bags
-255'		Nearest contamination -
		NONE
		Maintenance & Safety -
	Excellent Showing	
		Notes -
		Incorrect: was in the NE 1/4

Directions



Near 1/4	Center 1/4	SE	WATER RESOURCES RECEIVED
Sec. 1	T 11	R 5	16 2016
County: <u>Ottawa</u>			
\$ <u>600</u> / ft. Well		KS DEPT OF AGRICULTURE	
\$ <u>50.00</u> / Grout			
\$ / Test Pumping			
\$ / Water Sample			
Contract Received: 07/11/2011			INV# 16532 SCANNED

# APPLICATION FILE NO: 49,563

Assigned to Topeka Field Office for processing.

Date: 6/21/2016

Dear Mr. Whitesell, 49,563

I am returning this application with the following updates:

- noted the exact location in feet for the test well (page 2)
- noted the exact location in feet for the test well on the topographic map.
- added 2 wells to the topographic map, though I believe they are out of the  $\frac{1}{2}$  mile radius of the diversion proposal.
- included a notarized Streamflow form.

Thank You  
Ken Berry

RECEIVED

JUN 28 2016

Topeka Field Office  
DIVISION OF WATER RESOURCES

## Schemm, Doug

---

**From:** Ken Berry <berryseeds@nckcn.com>  
**Sent:** Friday, July 22, 2016 1:44 PM  
**To:** Schemm, Doug  
**Subject:** Application file # 49,563 request for extension.

Dear Mr. Schemm,

You informed me that the drill log for file # 49,563 needs updated as the test was taken inside the minimum spacing for another well. I am asking for an extension of time to complete a new drill log in an acceptable location on the property. I am requesting 4 months to complete this task.

The reasons for the request being there is growing corn on the property and much damage could be done to it in the drilling process and also my preferred drill contractor is extremely busy maintaining water diversions for customers during this high water use time. Please advise me of your decision.

Sincerely,  
Ken Berry  
785-392-7379

--

Using Opera's revolutionary email client: <http://www.opera.com/mail/>

BY ASIRA PER ASPERA  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov  
Sam Brownback, Governor

December 1, 2016

KEN BERRY  
1624 N 70TH RD  
MINNEAPOLIS KS 67467

RE: Pending Application, File No. 49,563

Dear Mr. Berry:

In response to your written request received in our office via e-mail on December 1, 2016, the Chief Engineer is allowing an extension of time for sixty days (60) days, in which to supply further information concerning the above referenced file. With this extension of time, the revised deadline is **February 4, 2017**. As stated in our letter, you must include an engineering report or similar type of hydrologic analysis to show that the spacing can be decreased without impairing existing water rights or prejudicially and unreasonably affecting the public interest. Based on information in your extension request, you will be conducting additional test hole drilling. Please note that your proposed well must be located within the Northeast Quarter of Section 1, Township 11 South, Range 4 West.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed these 60 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. 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.

If you do not request more time within the 60 day period, or if your request is not granted, the above referenced application will be submitted to the Chief Engineer with a recommendation it be denied for failure to comply with minimum well spacing criteria. If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug

---

**From:** Ken Berry <berryseeds@nckcn.com>  
**Sent:** Thursday, December 01, 2016 1:27 PM  
**To:** Schemm, Doug  
**Subject:** Extension request file #49563

Mr. Schemm,

I am requesting a 30 day extension for file #49563 to do additional test hole drilling. We have had a growing crop on the property and are now waiting on our well driller to complete the new test hole. I appreciate your consideration of this request.

Sincerely,  
Ken Berry

--

Using Opera's revolutionary email client: <http://www.opera.com/mail/>



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov  
Sam Brownback, Governor

July 20, 2016

KEN BERRY  
1624 N 70TH RD  
MINNEAPOLIS KS 67467

RE: Pending Applications, File Nos. 49,562 and 49,563

Dear Mr. Berry:

We have reviewed your applications referenced above, which propose to appropriate groundwater for irrigation use. Application, File No. 49,562 is proposing a point of diversion located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 17, more particularly described as being near a point 4,853 feet North and 2,408 feet West of the Southeast corner of said section, in Township 10 South, Range 4 West, Ottawa County, Kansas. This application is requesting to appropriate 156 acre-feet of groundwater for irrigation use.

The source of water for this pending application appears to be Solomon River alluvium based on the test hole log that was submitted with the application. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (5,088 acres for this file). Calculated recharge is 2.5 inches, and for hydrologic units within the Solomon River Basin, 75 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination is summarized below.

Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available

5,088 acres x 2.5 inches x 75% = 12,720 acre-inches / 12 =	795 acre-feet
Prior Appropriations within the area of consideration =	<u>1,365.2</u> acre-feet
Total quantity of water available =	<u>0</u> acre-feet

It will be recommended to the Chief Engineer that pending application, File No. 49,562 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-11.

Application, File No. 49,563 is proposing a point of diversion located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 1, more particularly described as being near a point 4,355 feet North and 1,725 feet West of the Southeast corner of said section, in Township 11 South, Range 5 West, Ottawa County, Kansas. The source of water for this pending application is the **unconfined Dakota aquifer system**. Per K.A.R. 5-4-4, based on your source of supply, the minimum spacing distance from your well to all other non-domestic wells in this same aquifer is one-half mile. The proposed point of diversion described in your pending application is located less than this required spacing distance from your irrigation well authorized under Water Right, File Nos. 39,902 and 45,431, which is likely also sourcing the unconfined Dakota aquifer system.

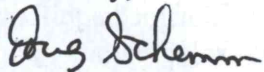
Ken Berry  
File Nos. 49,562 and 49,563  
Page 2

Based on the above information, it will be recommended to the Chief Engineer that pending application File No. 49,563 be denied and dismissed due to the failure to meet minimum well spacing criteria, as required by K.A.R. 5-4-4.

We are advising you of these recommendations in order to allow you an opportunity to submit additional information to show why our evaluations should be reconsidered. You have a period of 15 days (until August 4, 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. For File No. 49,563 the required information must include an engineering report or similar type of hydrologic analysis to show that the spacing can be decreased without impairing existing water rights or prejudicially and unreasonably affecting the public interest.

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendations stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the applications. If you have any other questions, please contact me at (785) 296-3495.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure





Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov  
Sam Brownback, Governor

July 25, 2016

KEN BERRY  
1624 N 70TH RD  
MINNEAPOLIS KS 67467

RE: Pending Application, File No. 49,563

Dear Mr. Berry:

In response to your written request received in our office via e-mail on July 22, 2016, the Chief Engineer is allowing an extension of time for one hundred twenty days (120) days, in which to supply further information concerning the above referenced file. In our July 20, 2016 letter to you, we had requested that any additional information be submitted by August 4, 2016. With this extension of time, the revised deadline is **December 4, 2016**. As stated in our letter, you must include an engineering report or similar type of hydrologic analysis to show that the spacing can be decreased without impairing existing water rights or prejudicially and unreasonably affecting the public interest. Based on information in your extension request, you will be conducting additional test hole drilling. Please note that your proposed well must be located within the Northeast Quarter of Section 1, Township 11 South, Range 4 West.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed these 120 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. 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.

If you do not request more time within the 120 day period, or if your request is not granted, the above referenced application will be submitted to the Chief Engineer with a recommendation it be denied for failure to comply with minimum well spacing criteria. If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

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

June 17, 2016

KEN BERRY  
1624 N 70<sup>TH</sup> RD  
MINNEAPOLIS KS 67467

Re: Pending Applications,  
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

In response to your written request by electronic mail received in this office on June 16, 2016, the Chief Engineer is allowing an extension of time for thirty (30) days, in which to supply further information concerning the above referenced files. The original applications were returned to you on February 25, 2016, and with this extension of time, the revised deadline will be July 20, 2016.

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 60 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 their priority of filing, the original applications and attachments must be returned to this office with the requested information on or before July 20, 2016, or within any authorized extension of time thereof. According to law, default in refiling of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office

## Whitesell, Alex

---

**From:** Ken Berry <berryseeds@nckcn.com>  
**Sent:** Thursday, June 16, 2016 2:45 PM  
**To:** Whitesell, Alex  
**Subject:** Extension of time for file #'s 49,560, 49561, 49,562, & 49563

June 16, 2016

Dear Mr. Whitesell,

I am writing you to ask for an extension of time to complete the applications 49560, 45561, 45562, and 45563. The current deadline is June 20th. I have had the test hole drilling completed and am waiting on the paperwork from the drilling company so that I can include it in my applications and return them to your office. I expect to receive it very soon. However, time has run out to get it forwarded on to you by the 20th of this month. I would like to request a short extension in filing time to allow the applications to make it to you by a new deadline. Thank you for your attention to this matter.

Sincerely  
Ken Berry  
785-392-7379

--  
Using Opera's revolutionary email client: <http://www.opera.com/mail/>

WATER RESOURCES  
RECEIVED

JUN 16 2016

SCANNED

KS DEPT OF AGRICULTURE

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

May 19, 2016

KEN BERRY  
1624 N 70<sup>TH</sup> RD  
MINNEAPOLIS KS 67467

Re: Pending Applications,  
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

The Division of Water Resources returned the above referenced applications to you for additional information on February 25, 2016, and the current deadline for your response is June 20, 2016. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original applications and requested information needs to be returned to this office on or before **June 20, 2016**, or within any authorized extension of time thereof. According to law, default in refiling of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **June 20, 2016**. Provide information as to why the additional time is needed and how much additional time is requested. 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.

If you have any questions, please contact me at (785) 564-6631 or by email at alexander.whitesell@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,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office

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 18, 2016

KEN BERRY  
1624 N 70<sup>TH</sup> RD  
MINNEAPOLIS KS 67467

Re: Pending Applications,  
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

In response to your written request by electronic mail received in this office on April 14, 2016, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced files. The original applications were returned to you on February 25, 2016, and with this extension of time, the revised deadline will be **June 20, 2016**.

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 60 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 their priority of filing, the original applications and attachments must be returned to this office with the requested information on or before **June 20, 2016**, or within any authorized extension of time thereof. According to law, default in refileing of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office

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

March 16, 2016

KEN BERRY  
1624 N 70<sup>TH</sup> RD  
MINNEAPOLIS KS 67467

Re: Pending Applications,  
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

The Division of Water Resources returned the above referenced applications to you for additional information on February 25, 2016, and the current deadline for your response is April 18, 2016. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original applications and requested information needs to be returned to this office on or before **April 18, 2016**, or within any authorized extension of time thereof. According to law, default in refiling of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **April 18, 2016**. Provide information as to why the additional time is needed and how much additional time is requested. 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.

If you have any questions, please contact me at (785) 564-6631 or by email at alexander.whitesell@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,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

pc: Stockton Field Office

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

February 25, 2016

KEN BERRY  
1624 N 70<sup>TH</sup> RD  
MINNEAPOLIS KS 67467

Re: Pending Applications,  
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

After a preliminary review of your above referenced applications for permits to appropriate water received in this office on February 16, 2016, they are being returned to you for additional information. In your original applications, you requested a 60-day period of time in which to determine the precise locations for your points of diversion within specified quarter section tracts of land in Ottawa County, Kansas.

Once you've determined the precise locations for your points of diversion, complete the rest of Paragraph No. 5 for each of your applications by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The locations of the points of diversion must also be plotted on the topographical map(s) included. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

It was noted that there are several households in the vicinity of your proposed points of diversion. The locations of all other water wells of every kind within one-half mile (½) of the points of diversion must be plotted on the topographical map(s) as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map(s) declaring that all wells within one-half mile (½) of the points of diversion have been plotted, or it should declare that none exist. This information was included with your application but there appear to be households that are not listed on your maps.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed wells may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of wells or test holes within 300 feet of the proposed points of diversion. Please supply the indicated information and test hole logs or driller's logs with the returned applications. Also, the enclosed "Minimum Desirable Streamflow" form must be signed and notarized.

In order to retain their priority of filing, the original applications and attachments must be returned to this office with the requested information on or before **April 18, 2016**, or within any authorized extension of time thereof. According to law, default in re-filing of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

(over)

Ken Berry  
February 25, 2016  
Page 2 of 2

If you have any questions, please contact me at (785) 564-6631 or by email at alexander.whitesell@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,

A handwritten signature in black ink, appearing to read "Alex Whitesell". The signature is stylized and cursive.

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

enclosures  
pc: Stockton Field Office





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

February 17, 2016

KEN BERRY  
1624 N 70TH RD  
MINNEAPOLIS KS 67467

RE: Application  
File No. 49563

Dear Sir or Madam:

Your application for permit to appropriate water in 1-11S-5W in Ottawa 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,

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

KAK: DLW  
pc: STOCKTONField Office  
GMD

SCANNED