

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">49,628</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">10/11/2017</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">3</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 58762 Add Seq# _____</p> <p>J TIBBITS INC 1575 NUGGET RD MINNEAPOLIS KS 67467</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><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>		
10. Completion Date: <u> 12/31/2018 </u> 11. Perfection Date: <u> 12/31/2022 </u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 10/3/2017 By: DWS Date Entered: 10/16/2017 By: LLM			

File No. **49,628** 15. Formation Code: **330** Drainage Basin: **SOLOMON RIVER** County: **OT** Special Use: Stream:

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√	83622	NE NW NW	1	10	4W	9	5251	4300

17. Rate and Quantity **MOD QUANTITY**

Rate gpm	Authorized		Additional		Overlap PD Files
	Rate	Quantity af	Rate	Quantity af	
1000		110.3	1000	110.3	49,194

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

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						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				
MOD	67698	1	10	4W	4	21	20	30	31												102	7a.	NO	NONE	

Comments:

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

TO: Files

DATE: October 3, 2017

FROM: Doug Schemm

RE: Application, File No. 49,628

J. Tibbits, Inc. has filed the above referenced new application to appropriate 110.3 acre-feet of groundwater at a diversion rate of 1000 gallons per minute for irrigation use, from an existing, single well. Recently approved Appropriation of Water, File No. 49,194 overlaps in point of diversion only. There are no overlaps on the place of use. The place of use (102 acres) is wholly owned by the applicant, and he has signed the application form stating he has access to the point of diversion. The quantity of 110.3 acre-feet on 102 acres is less than the maximum allowable for Ottawa County, but is reasonable based on 85% efficiency and 50% NIR calculation. The application was filed requesting 169 acre-feet on 129.3 acres, however the quantity of water was reduced to comply with safe yield, and this resulted in a corresponding reduction in acres to a reasonable value of 102 acres.

Based on area well logs, and in keeping with the senior file, it appears that the source of water is the unconfined Dakota aquifer system per K.A.R. 5-1-1(iiii) "Unconfined Dakota aquifer system" means that portion of the Dakota aquifer system not overlain by a confining layer in which the aquifer is in equilibrium with atmospheric pressure. The well log submitted with the senior file shows a shallow sand layer extending from 46 feet to 67 feet below ground surface, underlain by 31 feet of shale, and then primarily sandstone layers that extend from 98 feet to 238 feet below ground surface. Estimated static water level is 50 feet below ground surface, which is within the shallow sand layer. This would indicate that the sandstone aquifer is not overlain by a confining layer and the aquifer is not under confining pressure. Other nearby wells within the two mile circle generally have depths to top of the sandstone aquifer of 30 feet to 50 feet below ground, contain shallow terrace deposits, and have static water levels at or just slightly above the top of the sandstone aquifer, also supporting the unconfined Dakota aquifer extends throughout most of this area.

However, a review of the Delphos Coop well (File Nos. 41,839 and 48,140) shows that it is sourcing the confined Dakota aquifer system. Therefore, to maintain consistency with how the senior area files were processed, the area near the Coop was truncated out of the circle.

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, which as discussed above, it was determined that a portion of the two mile circle be excluded, providing 7,445 acres. Safe yield was determined to be 1,209.8 acre-feet, existing appropriations have appropriated 1,099.5 acre-feet, leaving 110.3 acre-feet available, and this application would meet safe yield when reduced to 110.3 acre-feet.

The applicant did not identify any wells within a one-half mile radius of the proposed point of diversion. A review of aerial photographs does not show any residences or evidence of domestic wells nearby. Nearby notification letters are not required. Required well spacing to domestics in this aquifer is 1,320 feet. The WRIS database shows that the nearest permitted well is over 3,300 feet away, so the application meets spacing to all non-domestic wells of one-half mile.

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. In an October 3, 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

October 17, 2017

J TIBBITS INC
1575 NUGGET RD
MINNEAPOLIS KS 67467

FILE COPY

RE: Appropriation of Water, File No. 49,628

Dear Mr. Tibbits:

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,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Stockton Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,628** of the applicant

**J TIBBITS INC
1575 NUGGET 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 **April 26, 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 10S 4W	21	20	30	31													102

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 Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE¼ NW¼ NW¼) of Section 1, more particularly described as being near a point 5,251 feet North and 4,300 feet West of the Southeast corner of said section, in Township 10 South, Range 4 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 **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **110.3 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.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

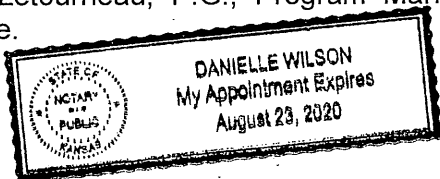
Ordered this 11th day of October, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 11th day of October, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

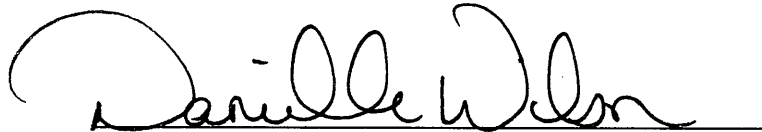
CERTIFICATE OF SERVICE

On this 17th day of October, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,628, dated October 11, 2017 was mailed postage prepaid, first class, US mail to the following:

J TIBBITS INC
1575 NUGGET RD
MINNEAPOLIS KS 67467

With photocopies to:

Stockton Field Office

A handwritten signature in black ink, appearing to read "Danielle Wilson", written over a horizontal line.

Division of Water Resources

APPLICATION COMPLETE

9/18/2017

Reviewer PWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,628

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

RECEIVED

JUN 21 2016

Topeka Field Office
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

APR 26 2016

4:30
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): J. Tibbits, Inc.
Address: 1575 Nugget Rd.
City: Minneapolis State KS Zip Code 67467
Telephone Number: (785) 392-2449

2. The source of water is: surface water in _____ (stream)
OR groundwater in Solomon River (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 ~~100~~ 110.3 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 gallons per minute OR _____ cubic feet per second. ** Reduced to meet safe yield. PWS/LWR 10/2/17*

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

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

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

For Office Use Only:
F.O. 3 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County OT By AJW Date 4/26/16
Code 1LEZ Fee \$ 300 TR # _____ Receipt Date 4/26/16 Check # _____

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 NE quarter of the NW quarter of the NW quarter of Section 1, more particularly described as being near a point 5251 feet North and 4300 feet West of the Southeast corner of said section, in Township 10 South, Range 4 West, 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):

_____ (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 April 26, 2016. John White
Applicant's Signature

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

7. The proposed project for diversion of water will consist of one (1) _____ (number of wells, pumps or dams, etc.)

and will be completed (by) Dec. 31, 2017 _____ (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 2017 _____ (Mo/Day/Year)

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here NA
- If no, explain here why a Water Structures permit is not required No resevoir 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.

Overlap p/d only: File 49,194

WATER RESOURCES
RECEIVED

APR 26 2016

SCANNED
KS DEPT OF AGRICULTURE

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>10/5/14</u>	_____	_____	_____
Total depth of well	<u>238</u>	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	<u>50</u>	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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

Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(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 Manhattan, Kansas, this 20th day of April, 2016.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

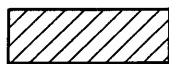
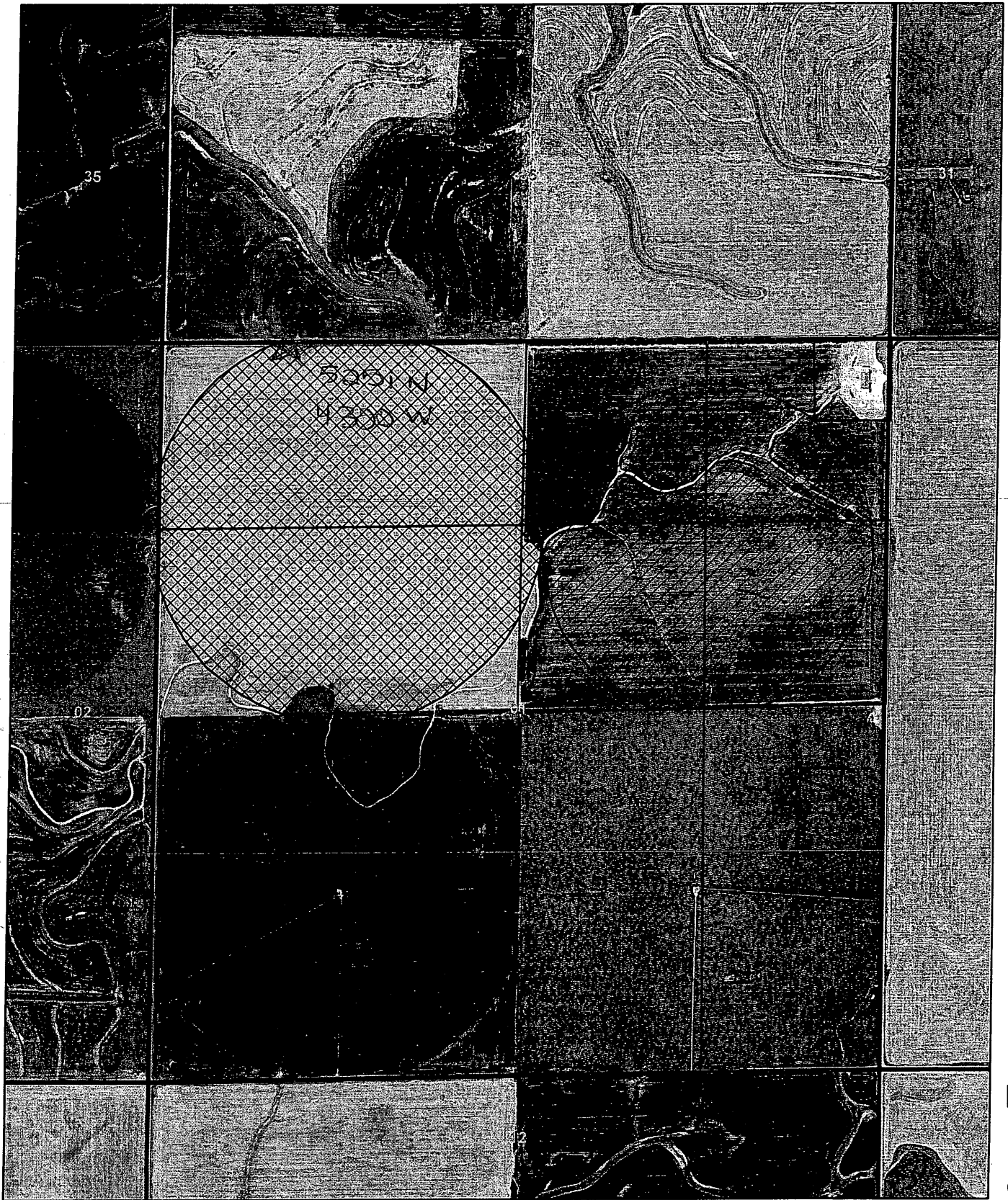
Assisted by jkb / ASW MHK / ASW Stock FO/Env. Sci. Date: 4/25/16 / 4/26/16
(office/title)

RECEIVED
WATER RESOURCES
DIVISION

STATE OF KANSAS
DEPARTMENT OF REVENUE

JOHN TIBBITS - FILE NO. 49,628
Section 1, Township 10 South, Range 4 West
Ottawa County

Revised place of
use - DWS/DWR
10/2/17



Proposed Place of Use - File No. 49,628 (102 Acres)



Authorized Place of Use - File No. 49,194

1:12,000



* Reduced place of use based on
 Reduced quantity of water. DWS/DWR 10/2/17
 Applicant agreed to Reduction

IRRIGATION USE
 SUPPLEMENTAL SHEET

File No. 49,628

Name of Applicant (Please Print): J Tibbits Inc

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: J Tibbits Inc

ADDRESS: 1575 Nugget 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	
01	10	04w	18.3	37	37	37													130
* 1	10	4W	21	20	30	31													102

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

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

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

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

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

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

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

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

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

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

Schemm, Doug

Subject: John Tibbits 49,628

From: Stewart, Kelly
Sent: Tuesday, October 3, 2017 9:30 AM
To: Schemm, Doug <Doug.Schemm@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Hageman, Rebecca <Rebecca.Hageman@ks.gov>
Subject: RE: John Tibbits 49,628

Doug,

I have no objection to the approval of this application.

Kelly

From: Schemm, Doug
Sent: Tuesday, October 3, 2017 8:38 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: John Tibbits 49,628

Hello,

This overlaps with John's well under File No. 49,194. He wants to irrigate a smaller pivot in the NE quarter of the section. I reduced quantity and acreage based on available water of 110.3 AF.

Please review,

Thanks, Doug

 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

August 16, 2016

Re sent on
9/13/2017

J TIBBITS INC
1575 NUGGET RD
MINNEAPOLIS KS 67467

RE: Pending Application, File No. 49,628

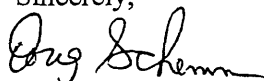
Dear Mr. Tibbits:

As we discussed, we have completed a preliminary review of your application referenced above based on the information received in our office on April 26, 2016. The proposed well would be located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 5,251 feet North and 4,300 feet West of the Southeast corner of said section, in Township 10 South, Range 4 West, Ottawa County, Kansas. The application is requesting to appropriate 169 acre-feet of groundwater for irrigation use. Based on this proposed point of diversion, the safe yield quantity of water is 1,209.8 acre-feet. Senior water rights have appropriated 1,099.5 acre-feet of water, leaving a remainder of **110.3 acre-feet of water available** for appropriation.

Per K.A.R. 5-3-11(c)(2) if there is sufficient water available to reasonably satisfy part of the request, then the application shall be approved for the quantity available if the remaining quantity is reasonable for the proposed use. Therefore, if you elect to pursue your proposed irrigation project based on the information presented above, the quantity you requested on Application, File No. 49,628 **must be reduced to 110.3 acre-feet**, and you must also reduce your proposed place of use acreage to ensure that this quantity of 110.3 acre-feet is reasonable for the proposed use. In order to comply with K.A.R. 5-3-19, for Ottawa County, the maximum reasonable annual quantity of water for irrigation use is 1.3 acre-feet per acre. With your reduced quantity of 110.3 acre-feet, based on 85% efficiency and 50% net irrigation requirement, we consider up to a maximum of approximately **102 acres** that could be irrigated. Please review both the enclosed topographic map, and the "Irrigation Use Supplemental Sheet", which depicts this reduced acreage. Please contact our office if the proposed reduction in quantity and the described place of use is acceptable by **September 16, 2016**.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Doug Schemm
Environmental Scientist
Topeka Field Office

Enclosures


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

August 16, 2016

J TIBBITS INC
1575 NUGGET RD
MINNEAPOLIS KS 67467

RE: Pending Application, File No. 49,628

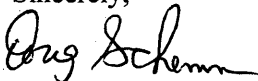
Dear Mr. Tibbits:

As we discussed, we have completed a preliminary review of your application referenced above based on the information received in our office on April 26, 2016. The proposed well would be located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, more particularly described as being near a point 5,251 feet North and 4,300 feet West of the Southeast corner of said section, in Township 10 South, Range 4 West, Ottawa County, Kansas. The application is requesting to appropriate 169 acre-feet of groundwater for irrigation use. Based on this proposed point of diversion, the safe yield quantity of water is 1,209.8 acre-feet. Senior water rights have appropriated 1,099.5 acre-feet of water, leaving a remainder of **110.3 acre-feet of water available** for appropriation.

Per K.A.R. 5-3-11(c)(2) if there is sufficient water available to reasonably satisfy part of the request, then the application shall be approved for the quantity available if the remaining quantity is reasonable for the proposed use. Therefore, if you elect to pursue your proposed irrigation project based on the information presented above, the quantity you requested on Application, File No. 49,628 **must be reduced to 110.3 acre-feet**, and you must also reduce your proposed place of use acreage to ensure that this quantity of 110.3 acre-feet is reasonable for the proposed use. In order to comply with K.A.R. 5-3-19, for Ottawa County, the maximum reasonable annual quantity of water for irrigation use is 1.3 acre-feet per acre. With your reduced quantity of 110.3 acre-feet, based on 85% efficiency and 50% net irrigation requirement, we consider up to a maximum of approximately **102 acres** that could be irrigated. Please review both the enclosed topographic map, and the "Irrigation Use Supplemental Sheet", which depicts this reduced acreage. Please contact our office if the proposed reduction in quantity and the described place of use is acceptable by **September 16, 2016**.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Doug Schemm
Environmental Scientist
Topeka Field Office

Enclosures

#49,628

Partially meets safe
Yield. Applicant
Agreed to Reduced
Quantity.

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 1,209.81 AF.
Total prior appropriation in the circle is 1,268.50 AF. ~~169~~ = 1099.5
Total quantity of water available for appropriation is ~~0.00~~ AF.

110.3AF

Safe Yield Variables

The area used for the analysis is set at 7445 acres.
Potential annual recharge of the area is estimated to be 2.6 inches.
The percent of recharge available for appropriation is 75%.

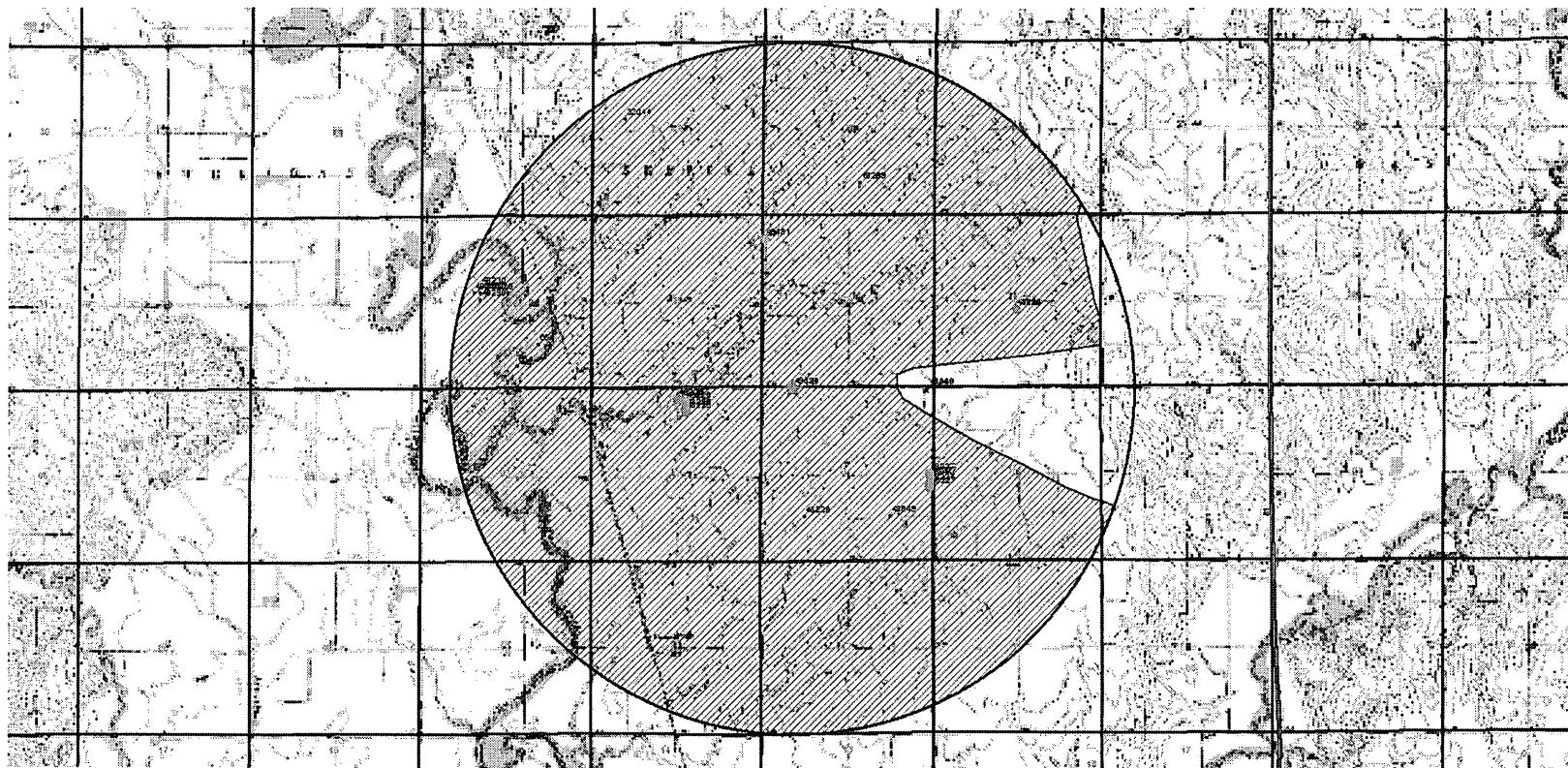
Authorized Quantity values are as of 15-AUG-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 6 water right(s) and 13 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 48226 00	IRR	KE	G		NW	NW	NE	4798	2321	02	10	04W	1	WR	208.00	208.00	160.00	160.00
Same	IRR	KE	G		NW	NW	NE	4898	2321	02	10	04W	2	WR				
Same	IRR	KE	G		NW	NW	NE	4998	2321	02	10	04W	3	WR				
Same	IRR	KE	G		NW	NW	NE	4698	2321	02	10	04W	4	WR				
Same	IRR	KE	G		SW	NW	NE	4598	2321	02	10	04W	5	WR				
A 48227 00	IRR	KE	G		NE	NE	SE	2415	100	01	10	04W	2	WR	320.00	320.00	252.00	252.00
Same	IRR	KE	G		NE	NE	SE	2615	100	01	10	04W	4	WR				
Same	IRR	KE	G		NE	NE	SE	2515	100	01	10	04W	5	WR				
Same	IRR	KE	G		NE	NE	SE	2315	100	01	10	04W	6	WR				
Same	IRR	KE	G		NE	NE	SE	2215	100	01	10	04W	7	WR				
A 48894 00	IRR	KE	G		NE	NE	SW	2314	2666	31	09	03W	1	WR	208.00	208.00	160.00	160.00
A 49181 00	IRR	GY	G		SW	NW	NW	4552	5202	36	09	04W	1	WR	175.00	175.00	137.00	137.00
A 49194 00	IRR	GY	G		NE	NW	NW	5251	4300	01	10	04W	9	WR	188.50	188.50	145.00	145.00
A 49628 00	IRR	AY	G		NE	NW	NW	5251	4300	01	10	04W	9	WR	169.00	169.00	129.30	129.30

#49,628

Safe Yield Report Sheet
Water Right- A4962800
Point of Diversion in NWNWNE 1-10S-4W 9 (83622)



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49628 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49628 00 IRR

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

5251 Feet North and 4300 Feet West of the Southeast Corner of Section 1 T 10S R 4W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 41839	00	IND	NK	G	4135	--	NE	NE	NE	5200	165	1	10	4W	1	2.46	2.46	AF
A__ 48140	00	IND	LO	G	4135	--	NE	NE	NE	5200	165	1	10	4W	1	6.75	6.75	AF
A__ 48226	00	IRR	KE	G	3373	--	NW	NW	NE	4798	2321	2	10	4W	1 G 4	208.00	208.00	AF
Same					3360	--	NW	NW	NE	4898	2321	2	10	4W	2 B 4			
Same					3349	--	NW	NW	NE	4998	2321	2	10	4W	3 B 4			
Same					3390	--	NW	NW	NE	4698	2321	2	10	4W	4 B 4			
Same					3409	--	SW	NW	NE	4598	2321	2	10	4W	5 B 4			
A__ 48227	00	IRR	KE	G	5068	--	NE	NE	SE	2415	100	1	10	4W	2 G 4	320.00	320.00	AF
Same					4959	--	NE	NE	SE	2615	100	1	10	4W	4 B 4			
Same					5012	--	NE	NE	SE	2515	100	1	10	4W	5 B 4			
Same					5124	--	NE	NE	SE	2315	100	1	10	4W	6 B 4			
Same					5182	--	NE	NE	SE	2215	100	1	10	4W	7 B 4			
A__ 48894	00	IRR	KE	G	7330	--	NE	NE	SW	2314	2666	31	9	3W	1	208.00	208.00	AF
A__ 49181	00	IRR	GY	G	4675	--	SW	NW	NW	4552	5202	36	9	4W	1	175.00	175.00	AF
A__ 49194	00	IRR	GY	G	0	--	NE	NW	NW	5251	4300	1	10	4W	9	188.50	188.50	AF
A__ 49628	00	IRR	AY	G	0	--	NE	NW	NW	5251	4300	1	10	4W	9	169.00	169.00	AF

All > 1/2 mile - meets

Spacing unconfined DAKOTA

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	169.00	.00
Total Permitted Amount (AF) =	1099.50	.00
Total Inspected Amount (AF) =	6.75	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2.46	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1277.71	.00

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

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

5251 Feet North and 4300 Feet West of the Southeast Corner of Section 1 T 10S R 4W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A__ 41839	00	IND	NK	G
>	DELPHOS COOPERATIVE ASSOC			
>	BOX 308			
>	DELPHOS KS 67436			

A__ 48140	00	IND	LO	G
>	DELPHOS COOPERATIVE ASSOC			

>
> BOX 308
> DELPHOS KS 67436

>-----
A__ 48226 00 IRR KE G

> DAVID F CROSSON

>
> 915 RIFLE RD
> MINNEAPOLIS KS 67467

>-----
A__ 48227 00 IRR KE G

> DAVID F CROSSON

>
> 915 RIFLE RD
> MINNEAPOLIS KS 67467

>-----
A__ 48894 00 IRR KE G

> DAVID F CROSSON

>
> 915 RIFLE RD
> MINNEAPOLIS KS 67467

>-----
A__ 49181 00 IRR GY G

> DAVID F CROSSON

>
> 915 RIFLE RD
> MINNEAPOLIS KS 67467

>-----
A__ 49194 00 IRR GY G

> J TIBBITS INC

>
> 1575 NUGGET RD
> MINNEAPOLIS KS 67467

>-----
A__ 49628 00 IRR AY G

> J TIBBITS INC

>
> 1575 NUGGET RD
> MINNEAPOLIS KS 67467

>-----
=====

#####

49,194 g
49,628
(same well)

IRRIGATION TEST WELL

Driller & Assistant: *Tom Hall / Alex P.*

Date: *10/5/14*

CUSTOMER: John Tibbits, 1575 Nugget Rd., Minneapolis, KS 67467 785-392-2449 or 785-392-7145

LOCATION: 1-10-4W

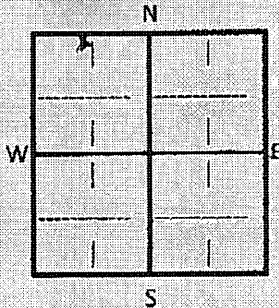
- Screen 2-1/2" Holeplug Gas & Oil - W.T. 6" or 5" Liner if needed
- Casing 2-1/2" Quarters 3/4" Polyethylene Solvent & Glue
- Couplings, 2-1/2" Water 2-1/2" PVC Tee Water Sample Bottle
- End Caps, 2-1/2" Lime 5" & 6" Bits Inspection Sheet
- Gravel Pack Drilling Mud Packing

Depth:	Formation:	Well Information:
0-1	TS.	Static Water Level: <i>Est. 50'</i>
1-4	clay brown	Est. production: <i>800-1000 gpm</i>
4-35	clay tan	Casing depth: <i>150' - 0 2 1/2" size 2 1/2"</i>
35-42	Clay w/ Iron Rock	Screen depth: <i>200' - 150'</i>
42-46	clay w/ little sand	Slot size:
46-67	Med Sand w/ little clay	Grouting depth:
67-85	Shale grey	Number of bags:
85-95	Shale w/ ss streaks	Nearest Contamination: <i>none within 1/4 mi.</i>
95-98	Shale grey	
98-135	SS fine/med.	Maintenance & Safety:
135-150	Shale grey	
150-155	SS w/ shale streaks	
155-230	SS med hand.	Notes:
<i>Ran out of water.</i>		

Directions:

Latitude: *39.71924006* N decimal degrees (ex. 38.881796)
 Longitude: *97.72055057* W decimal degrees (ex. 95.373889)
 Datum: NAD27 NAD83 WGS84

NE 1/4	NE 1/4	NW 1/4	NW 1/4
Sec. 1	T 10	R 4	E 100
County <i>Ottawa</i>			



- \$7⁰⁰ x 238'* /ft. Well
 - \$55⁰⁰* /Grout
 - \$ NONE* /Test Pumping
 - \$ NONE* /Water Sample
 - \$ —* /Mobilization/Travel
- Contract Received: 8/25/14

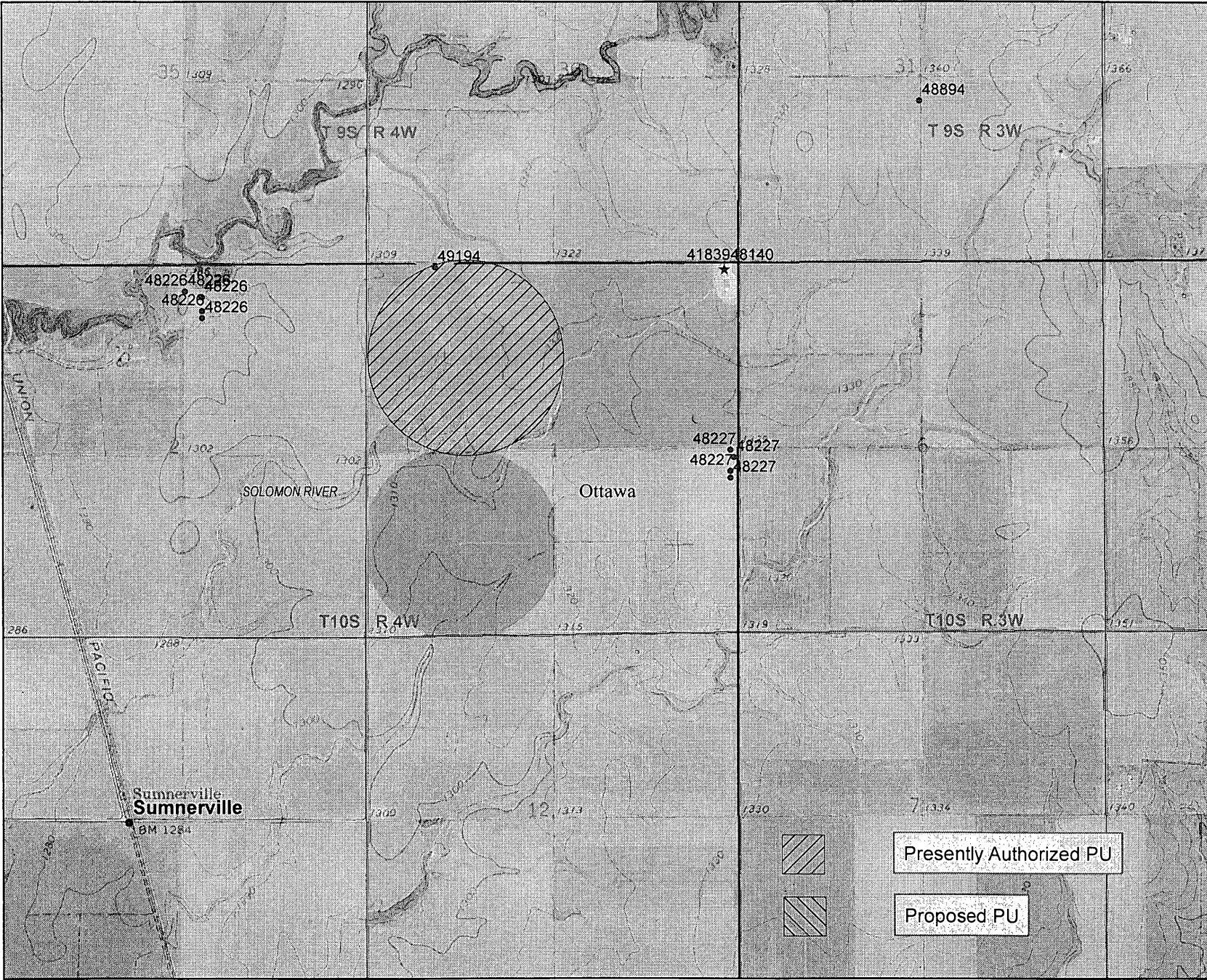
Invoice #: *18856*
 Date Mailed: *10/9/14*
 Well Data: Logged:
 Materials: Irrlg List:

WATER RESOURCES RECEIVED

OCT 14 2014

KS DEPT OF AGRICULTURE

491620



Legend




WIMAS_PD

S_UMW

- ★ G_IND
- G_IRR

2014_NAIP.lyr

RGB

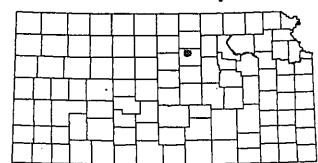
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

WATER RESOURCES RECEIVED

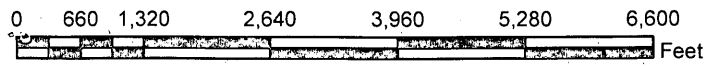
APR 26 2016

KS DEPT OF AGRICULTURE

Index Map



1:24,000



April 26, 2016
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 49,628

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.

John Tibbits
Signature of Applicant

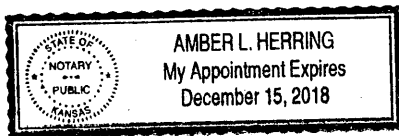
State of Kansas)
) ss
County of Riley)

JOHN TIBBITS
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 26th day of April, 2016.

Amber L. Herring
Notary Public

My Commission Expires:



WATER RESOURCES
RECEIVED

APR 26 2016

KS DEPT OF AGRICULTURE

SCANNED

**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

RECEIVED
WATER RESOURCES

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

April 27, 2016

JOHN TIBBITS
1575 NUGGET RD
MINNEAPOLIS KS 67467

RE: Application
File No. 49628

Dear Sir or Madam:

Your application for permit to appropriate water in 1-10S-4W 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.
New Application Unit Supervisor
Water Appropriation Program

KAK: DLW
pc: STOCKTONField Office
GMD

SCANNED



● Present P/D File 49,194 & Proposed Point of Diversion

▨ Proposed Place of Use

1:24,762



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

WATER RESOURCES RECEIVED

APR 26 2016

John P. [Signature]
Signature

Date KS DEPT OF AGRICULTURE

SCANNED