

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;">49,718</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">4/19/2017</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 type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID 63160 New to system <input type="checkbox"/> Add Seq# _____</p> <p>HESS LAND LLC PO BOX 843 HAYS KS 67601</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input 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 checked="" type="checkbox"/> IND SIC: 3273 <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: _____			
<p>Date Prepared: 4/12/2017 By: AM Date Entered: 4/24/2017 By: UM</p>			

File No. **49,718** 15. Formation Code: 340 Drainage Basin: BIG CREEK County: EL Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
MOD			85685	SE NE NE	7	13S	18W	2	4222	532	65	8.146 8.15	65	8.146 8.15	NONE
											(25 AF)		(25 AF)		

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?	Overlap Files		
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK			68072	7	13S	18W	2	CONCRETE PLANT (NE)																	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: April 17, 2017

FROM: Austin McColloch

RE: Application, File No. 49,718

Dan Hess on behalf of Hess Land, LLC has filed the above referenced new application to appropriate 25 acre-feet of groundwater at a diversion rate of 65 gallons per minute for industrial use. The applicant has signed the application form stating he has access to the point of diversion. The proposed point of diversion is located in the Northeast Quarter of Section 7, Township 13 South, Range 18 West, in Ellis County. The requested quantity of water of 25 acre-feet is to be used for a ready-mix concrete operation.

The source of water for the pending application appears to be the **confined** Dakota aquifer system based on the test hole log that was submitted and other area well logs. The area wells are very deep (greater than 450 feet in total depth) and have a significant shale unit over 250 feet in thickness. The producing zone appears to be sandstone at a depth of over 500 feet. No specific safe yield evaluation has been adopted by the chief engineer for the confined Dakota aquifer system, although it is likely that the confined Dakota aquifer system would receive significantly less recharge than a near-surface, unconfined aquifer. Therefore, in order to better represent the potential recharge to this confined aquifer, it was determined that the saturated thickness of the aquifer and the thickness of the confining unit are critical factors. Limited saturated thickness with a significant confining unit would get less recharge (0.3 times the "standard" K.A.R. 5-3-11 value), while significant saturated thickness with a limited confining unit would get more recharge (0.5 times the "standard" K.A.R. 5-3-11 value).

For this application, the saturated thickness is less than the confining unit thickness, which results in a factor of less than 1. A factor less than 1 gets 0.3 times the "normal" recharge. The K.A.R. 5-3-11 safe yield recharge value was determined to be 2.6 inches. Multiplying 2.6 inches x 0.3 results in a recharge of 0.78 inches. There is a very limited number of well logs in the area. There is only two other well in this general area (in the NW quarter of Section 11, Township 13, Range 19 and in the SW quarter of Section 15, Township 13 South, Range 18 West) that is producing from the confined Dakota aquifer system. It is reasonable to presuppose, that the entire two-mile circle is underlain by the confined Dakota aquifer system. Using the entire two-mile circle, this provides an area of consideration of 8,042 acres. 8,042 acres x 0.78 inches x 100% recharge available / 12 provides a safe yield of 522.73 acre-feet. There is only one other water right in this area of consideration (potentially sourcing the confined Dakota aquifer system), which has appropriated 24.48 acre-feet, leaving 498.25 acre-feet available, the application complies with safe yield.

The applicant identified one domestic well sourcing the Dakota aquifer, within one-half mile of the proposed point of diversion. A nearby notification was sent out on March 30, 2017. No response of any kind was received. The domestic well is approximately 2,400 feet away. Per K.A.R. 5-4-4, the required minimum well spacing criteria for the source of supply to domestic wells is one-half mile, however the well spacing is sufficient to prevent direct impairment and to protect the public interest.

Also per K.A.R. 5-4-4, non-domestic wells sourcing the confined Dakota are to meet 4 mile spacing between wells. The WRIS database shows that the nearest and only permitted well sourcing the Dakota in the area (File No. 37,237) is almost 2 miles away. However, the definition notes they must have a "common source of supply", and there is insufficient information to determine if these other wells are in the same, common aquifer. It appears that a spacing of almost 2 miles to any other non-domestic well, regardless of source, should be adequate to prevent direct impairment, and to protect the public interest. The minimal quantity and rate of diversion requested should be adequate to prevent direct impairment.

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 a April 14, 2017 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced application. Based on the above discussion, safe yield criteria are met, and approval of the application is not likely to impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



Austin McColloch
Environmental Scientist

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

HESS LAND LLC
PO BOX 843
HAYS KS 67601

April 24, 2017 **FILE COPY**

Re: Appropriation of Water,
File No. 49,718

Dear Mr. Hess:

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 must be used to provide the information required on the annual water use report.

The enclosed form must be used to notify the Chief Engineer that the proposed diversion works have been completed. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works and pay the field inspection fee within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. 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 enclosed permit. 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.G.
Change Application Unit Supervisor
Division of Water Resources

BAT:am
Enclosures
pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

FILE COPY

This is to certify that I have examined Application **File No. 49,718** of the applicant

**HESS LAND LLC
PO BOX 843
HAYS KS 67601**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **October 17, 2016**.
2. That the water sought to be appropriated shall be used for industrial use in the Northeast Quarter (NE $\frac{1}{4}$) of Section 7, in Township 13 South, Range 18 West, Ellis County, Kansas.
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 Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), of Section 7, more particularly described as being near a point 4,222 feet North and 532 feet West of the Southeast corner of said section, in Township 13 South, Range 18 West, Ellis 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 **65 gallons per minute (0.14 c.f.s.)** and to a quantity not to exceed **8.146 million gallons (25 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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the 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).

13. 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.

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

15. 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.

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.

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 49,718

FO: 3 GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IND	4/17/2017	1	Statewide	Well Spacing	Confined Dakota
Rule Number	Date Granted	Date Denied	Justification:	Relatively low rate and quantity requested. Recommended waiver request and approval from Kelly Stewart, Water Commissioner, Stafford Field Office.	
K.A.R. 5-4-4(c)(1)(A)	4/19/17				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 4/17/2017 By AM

Date Entered 4/24/2017 By UM

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 49,718

FO: 3 GMD:

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IND	4/17/2017	4	Statewide	Well Spacing Domestic	Confined Dakota
Rule Number	Date Granted	Date Denied	Justification:	Relatively low rate and quantity requested. Recommended waiver request and approval from Kelly Stewart, Water Commissioner, Stafford Field Office.	
K.A.R. 5-4-4(c)(2)(A)	4/19/2017				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 4/17/2017 By AM

Date Entered 4/24/2017 By UM

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION

K.A.R. 5-4-4(c)(2)(A)

Date: 4/19/17

Re: Application of Appropriation, File No. 49,718

1. That K.A.R. 5-4-4(c)(2) states in part, that the distance from the well which is the subject of the application to all domestic wells in the same aquifer or a hydraulically connected aquifer.
2. That K.A.R. 5-4-4(c)(2)(A) requires a minimum well spacing of one-half mile between wells whose common source of supply is the confined Dakota aquifer system.
3. The proposed point of diversion, for File No. 49,715 and one domestic well owed by Francis & Rosetta Werth are approximately 0.46 miles apart.
4. That notification of the proposed appropriation of water under File No. 49,718 was sent to Francis & Rosetta Werth on March 30, 2017.
5. That no correspondence with Francis & Rosetta Werth was received opposing the proposed appropriation under File No. 49,718.
6. That the requested rate and quantity under File No. 49,718 are both minimal enough to prevent impairment.
7. Kelly Stewart, Water Commissioner, Stockton Filed Office recommended approval of the proposed application with a waiver of the well spacing.
8. That a waiver of K.A.R. 5-4-4(c)(1)(A) will not prejudicially or unreasonably affect the public interest and will not impair any existing water rights.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION

K.A.R. 5-4-4(c)(1)(A)

Date: 4/19/17

Re: Application of Appropriation, File No. 49,718

1. That K.A.R. 5-4-4(c)(1) states, that the distance from the well which is the subject of the application to all other senior non-domestic and non-temporary wells in the same aquifer or a hydraulically connected aquifer.
2. That K.A.R. 5-4-4(c)(1)(A) requires a minimum well spacing of four (4) miles between wells whose common source of supply is the confined Dakota aquifer system.
3. The proposed point of diversion, for File No. 49,715 and multiple wells authorized by ZZ Farms LLC are approximately 2.05 – 2.5 miles apart.
4. That the requested rate and quantity under File No. 49,718 are both minimal enough to prevent impairment.
5. Kelly Stewart, Water Commissioner, Stockton Filed Office recommended approval of the proposed application with a waiver of the well spacing.
7. That a waiver of K.A.R. 5-4-4(c)(1)(A) will not prejudicially or unreasonably affect the public interest and will not impair any existing water rights.

Comments:

A handwritten signature in cursive script that reads "David W. Barfield".

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources

APPLICATION COMPLETE

4/14/17
Reviewer RM

THE STATE



OF KANSAS

WATER RESOURCES RECEIVED

OCT 17 2016

1:58
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49718
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

WATER RESOURCES RECEIVED
OCT 05 2016
UNACCEPTABLE FOR PRIORITY
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): Hess Land LLC, Dan Hess
Address: PO Box 843
City: Hays State KS Zip Code 67601
Telephone Number: (785) 623-7911

2. The source of water is: surface water in _____ (stream)
OR groundwater in Big 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 320²⁵ acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 65 gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. 3 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use IND Source G/S County EL By KAB Date 10/17/16
Code REA Fee \$ 200 TR # _____ Receipt Date 10/15/16 Check # 103961
+100 +10/17/16 053575

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}~~NE~~ quarter of the ^{NE}~~SE~~ quarter of the NE quarter of Section 07, more particularly described as being near a point 4222 feet North and 532 feet West of the Southeast corner of said section, in Township 13 South, Range 18 West, Ellis 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 Sept. 20, 2016. [Signature]
Applicant's Signature

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

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

and was completed on October _____ (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be _____ (Mo/Day/Year)

WATER RESOURCES RECEIVED
OCT 17 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED
UNACCEPTABLE FOR PRIORITY SCANNED
OCT 05 2016

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.

20130981

WATER RESOURCES RECEIVED

OCT 17 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

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>30Oct2011</u>	_____	_____	_____
Total depth of well	<u>572</u>	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	<u>237.50</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 9-20, Kansas, this 20 day of Sept., 2016.
Hays (month) (year)

[Signature]
(Applicant Signature)

By [Signature]
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Steven Walters STKFO Date: 08Sept2016
(office/title)

WATER RESOURCES RECEIVED

OCT 17 2016

KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY RECEIVED
OCT 05 2016

KS DEPT OF AGRICULTURE

SCANNED

WR # 49,718 Proposed PD

199 11246 SW-1-11
WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Ellis	Fraction 1/4 SE 1/4 NE 1/4 NE 1/4	Section Number 7	Township No. T 13 S	Range Number R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W
---	--------------------------------------	---------------------	------------------------	---

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here
 Approximately 4 miles north and 2 miles west of Hays.

Global Positioning System (GPS) information:
 Latitude: 38.940392 (in decimal degrees)
 Longitude: -99.356228 (in decimal degrees)
 Elevation: unknown
 Datum: WGS 84, NAD 83, NAD 27
 Collection Method:
 GPS unit (Make/Model: WAAS)
 Digital Map/Photo, Topographic Map, Land Survey
 Est. Accuracy: <3 m, 3-5 m, 5-15 m, >15 m

2 WATER WELL OWNER: Hess Services
 RR#, Street Address, Box #: 2670 E. 9th
 City, State, ZIP Code : Hays, KS 67601

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

N			
--NW--	--NE--	x	
--SW--	--SE--		
S		E	

-----1 mile-----

4 DEPTH OF COMPLETED WELL 572 ft.

Depth(s) Groundwater Encountered (1) _____ ft. (2) _____ ft. (3) _____ ft.
 WELL'S STATIC WATER LEVEL 237.50 ft. below land surface measured on mo/day/yr 10/3/11

Pump test data: Well water was Not checked ft. after _____ hours pumping _____ gpm
 EST. YIELD _____ gpm. Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter 9 7/8 in. to 572 ft., and _____ in. to _____ ft.

WELL WATER TO BE USED AS: Public water supply Geothermal Injection well
 Domestic Feedlot Oil field water supply Dewatering Other (Specify below)
 Irrigation Industrial Domestic-lawn & garden Monitoring well Temp. Construction Supply

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 CASING USED: Steel PVC Other _____

CASING JOINTS: Glued Clamped Welded Threaded

Casing diameter _____ in. to _____ ft., Diameter 5 in. to 490 ft., Diameter _____ in. to _____ ft.
 Casing height above land surface 24 in., Weight 3.54 lbs./ft., Wall thickness or gauge No. 327

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify) _____
 Brass Galvanized Steel None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify) _____

SCREEN-PERFORATED INTERVALS: From 490 ft. to 570 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.

GRAVEL PACK INTERVALS: From 96 ft. to 572 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other _____

Grout Intervals: From _____ ft. to _____ ft., From 0 ft. to 96 ft., From _____ ft. to _____ ft.

What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well

Direction from well West Distance from well 25'

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	4	Fill dirt with limestone chunks			black shale
4	22	White rock	296	306	Shale, black, hard
22	23	Yellow clay	306	335	Shale, dark grey, with streaks, hard,
23	34	White limestone			black shale
34	36	Tan, clay, with white limestone	335	353	Shale, dark grey, with streaks, grey sandstone
36	41	White limestone, with streaks, tan, clay	353	374	Shale, black, hard, with streaks, grey, shale
41	64	Tan, shale	374	396	Shale, black, hard, with streaks, grey, shale
64	70	Shale, yellow-green			grey limestone streaks
70	86	Shale, gray	396	433	Shale, black, hard, grey & tan limestone streak
86	296	Shale, dark grey, with streaks, hard,			continued on back side

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 10/3/11 and this record is true to the best of my knowledge and belief.
 Kansas Water Well Contractor's License No. 185 This Water Well Record was completed on (mo/day/year) 10/24/11
 under the business name of Clarke Well & Equipment, Inc. by (signature) *B. C.*

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone: 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

LOCATION OF WATER WELL:	Fraction	Section Number	Township No.	Range Number
County: Ellis	$\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	7	T 13 S	R 18 <input type="checkbox"/> E <input checked="" type="checkbox"/> W

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
433	440	Shale, black, hard, with streaks, hard grey limestone	517	570	Sandstone, grey, fine
			570	578	Shale, grey, black
440	458	Shale, black, hard			
458	476	Clay, grey, soft, with streaks, hard black shale			
476	490	Shale, black, hard, shale, grey			
490	510	Clay, grey, soft, with streaks, grey sandstone			
510	517	Sandstone, grey, fine, with streaks, grey clay			

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NOV 17 2011
KS GEO SURVEY

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 49718

Name of Applicant (Please Print): Hess Land, LLC

1. Please describe type of industry or product produced: Ready Mixed Concrete
Standard Industrial Classification Code Number: 3273

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago	0		
Last year	500	30,000	115
Present year	18,000	1,080,000	4153

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	35,000	2,100,000	8076
Year 2	40,000	2,400,000	9230
Year 3	50,000	3,000,000	11,538
Year 4	60,000	3,600,000	13,846
Year 5	80,000	4,800,000	18,461

Number of days of operation of the industry per year is 260 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7	13S	18W																	

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

#49718

Hess Land, LLC

Known Adjacent Well Owners

Francis & Rosetta Werth

3605C Fairway Drive

Hays, KS 67601

WATER RESOURCES
RECEIVED

OCT 17 2016

KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY
WATER RESOURCES
RECEIVED

SCANNED OCT 05 2016

KS DEPT OF AGRICULTURE

McColloch, Austin

From: Stewart, Kelly
Sent: Friday, April 14, 2017 1:44 PM
To: McColloch, Austin
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Recommendation New Application, File No. 49,718

Austin,

I have no objection to the approval of this application and the reduced spacing. Given the relatively low pumping rate and quantity, I do not anticipate any problems with nearly 2 miles of spacing.

Kelly

From: McColloch, Austin
Sent: Friday, April 14, 2017 1:14 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Recommendation New Application, File No. 49,718

Kelly,

Attached is my draft memo for File No. 49,718 submitted by Dan Hess of Hess Land LLC. The source of supply appears to be confined Dakota. He is requesting a relatively low quantity and rate and there is more than enough available under safe yield. There is well spacing issues for both domestic and non-domestic wells that I will leave to you to decide if waivers are justified.

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

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 30, 2017

FILE COPY

FRANCIS & ROSETTA WERTH
3605C FAIRWAY DR
HAYS KS 67601-1544

Re: New Application,
File No. 49,718

Dear Sir or Madam:

This is to advise you that Dan Hess on behalf of Hess Land, LLC has filed the application referred to above for permit to appropriate 25 acre-feet of water per calendar year for industrial use to be diverted at a maximum rate of 65 gallons per minute from a well located as follows:

one (1) well located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 7, more particularly described as being near a point 4,222 feet North and 532 feet West of the Southeast corner of said section, in Township 13 South, Range 18 West, Ellis County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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(s) of the applicant's point(s) 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, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin J. McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stockton Field Office

SCANNED

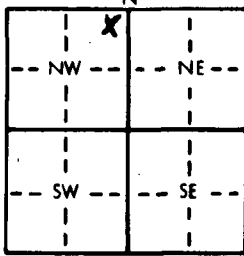
Domestic Well

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

1 LOCATION OF WATER WELL: Fraction NE 1/4 NE 1/4 NW 1/4 Section Number 7 Township Number T 13 S Range Number R 18 E(W)
 County: Ellis

Distance and direction from nearest town or city street address of well if located within city?
2 North, 3 West, South Side of Road From Hays

2 WATER WELL OWNER: Frank Werth
 RR#, St. Address, Box #: 516 East 8th Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: Hays Ks. 67601 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:  4 DEPTH OF COMPLETED WELL: 540 ft. ELEVATION:
 Depth(s) Groundwater Encountered: 1. _____ ft. 2. _____ ft. 3. _____ ft.
 WELL'S STATIC WATER LEVEL: 310 ft. below land surface measured on mo/day/yr 3-23-89
 Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm
 Est. Yield NA gpm: Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter: 10 in. to 540 ft., and _____ in. to _____ ft.
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well Stock
 Was a chemical/bacteriological sample submitted to Department? Yes _____ No X; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes HTH No

5 TYPE OF BLANK CASING USED: 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped _____
 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded _____
 2 PVC 4 ABS 7 Fiberglass _____ Threaded _____
 Blank casing diameter 5 in. to 500 ft., Dia. _____ in. to _____ ft., Dia. _____ in. to _____ ft.
 Casing height above land surface: 12 in., weight SDR-21 lbs./ft. Wall thickness or gauge No. _____
 TYPE OF SCREEN OR PERFORATION MATERIAL: 7 PVC 10 Asbestos-cement
 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: 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 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 500 ft. to 540 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From 20 ft. to 540 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other _____
 Grout Intervals: From 0 ft. to 20 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 What is the nearest source of possible contamination:
 1 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? _____ How many feet? None

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	1	Top Soil			
1	37	Rock			
37	70	Yellow Clay			
70	82	Shale			
82	140	Shale Rock			
140	142	Sand Rock			
142	290	Shale			
290	340	White Clay			
340	490	Shale			
490	510	Shale- Sand Rock			
510	540	Sand Rock			

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) 3-27-89 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/yr) 6-20-89 under the business name of Rosencratz-Bemis by (signature) Freddie Dodson

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, Bureau of Water Protection, Topeka, Kansas 66620-7320. Telephone: 913-296-5514. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY
T
R
E/W
SEC.
1/4
1/4
1/4

1 LOCATION OF WATER WELL:	Fraction	Section Number	Township Number	Range Number
County: Ellis	SW 1/4 NE 1/4 NE 1/4	11	T 13 S	R 19 E/W

Distance and direction from nearest town or city street address of well if located within city?
 From I-70 & 183 bypass: 2 miles west, 1 3/4 miles north

2 WATER WELL OWNER: Hays Feeders
 RR#, St. Address, Box #: P.O. Box 310
 City, State, ZIP Code: Hays KS 67601
 Board of Agriculture, Division of Water Resources
 Application Number:

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

4 DEPTH OF COMPLETED WELL: 568 ft. ELEVATION: upland

Depth(s) Groundwater Encountered 1. 15 ft. 2. ft. 3. ft.

WELL'S STATIC WATER LEVEL: 240 ft. below land surface measured on mo/day/yr 6/1/00

Pump test data: Well water was 240 ft. after 2 hours pumping 50 gpm

Est. Yield 50 gpm: Well water was ft. after hours pumping gpm

Bore Hole Diameter 14 in. to 40 ft. and 10 in. to 568 ft.

WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 5 Public water supply 8 Air conditioning 11 Injection well
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well 12 Other (Specify below)

Was a chemical/bacteriological sample submitted to Department? Yes No X; If yes, mo/day/yr sample was submitted

Water Well Disinfected? Yes X No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded

Blank casing diameter 10 in. to 40 ft., Dia 5 in. to 508 ft., Dia in. to ft.
 Casing height above land surface 24 in., weight 2.29 lbs./ft. Wall thickness or gauge No. 26

TYPE OF SCREEN OR PERFORATION MATERIAL: 7 PVC 10 Asbestos-cement
 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: 8
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify)

SCREEN-PERFORATED INTERVALS: From 508 ft. to 568 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

GRAVEL PACK INTERVALS: From 568 ft. to 40 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other

Grout Intervals: From 0 ft. to 40 ft., From ft. to ft., From ft. to ft.

What is the nearest source of possible contamination: 10
 1 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? 150

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	4	Topsoil	440	447	Grey clay/coal layers
4	15	Gumbo	447	465	Grey clay
15	22	Loose rock/sand	465	475	White clay
22	25	Gumbo	475	490	Red clay
25	35	Looserock/sand	490	502	White clay
35	180	Blue shale	502	520	Red clay
180	270	Grainy shale	520	522	White clay
270	290	Hard dry shale	522	537	Sand/rock
290	295	Hard grey rock	537	540	White clay
295	345	Hard dry shale	540	568	Hard shale/some white clay
345	377	Grey clay			
377	382	Dakota clay			
382	388	Dry shale			
388	437	Dakota clay			
437	440	Grey clay			

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) 7/1/00 and this record is true to the best of my knowledge and belief. Kansas
 Water Well Contractor's License No. 199 This Water Well Record was completed on (mo/day/yr) 7/27/00
 under the business name of Karst Water Well Drilling & Service, 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, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY

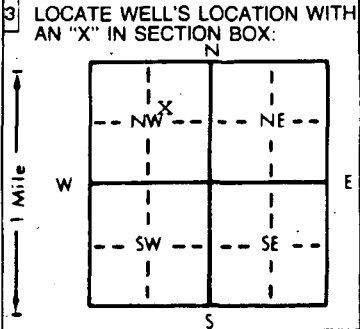
WR # 34, 579-01

WR # 42, 264

1 LOCATION OF WATER WELL:	Fraction	Section Number	Township Number	Range Number
County: Ellis	SW 1/4 NE 1/4 NW 1/4	11	T 13 S	R 19 EW

Distance and direction from nearest town or city street address of well if located within city?
 From 183 Alternate & I-70, 2 miles west, 2 miles north

2 WATER WELL OWNER: Ellis County Feeders/George Wilson
 RR#, St. Address, Box # : P.O. Box 310
 City, State, ZIP Code : Hays, Kansas 67601
 Board of Agriculture, Division of Water Resources
 Application Number: 42,264



4 DEPTH OF COMPLETED WELL: 615 ft. ELEVATION: 2148

Depth(s) Groundwater Encountered 1. 573 ft. 2. ft. 3. ft.

WELL'S STATIC WATER LEVEL 300 ft. below land surface measured on mo/day/yr 10/15/96

Pump test data: Well water was 299 ft. after 1 hours pumping 70 gpm

Est. Yield 70 gpm: Well water was ft. after hours pumping gpm

Bore Hole Diameter 14 in. to 80 ft. and 9 3/4 in. to 615 ft.

WELL WATER TO BE USED AS: 3 5 Public water supply 8 Air conditioning 11 Injection well

1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)

2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well

Was a chemical/bacteriological sample submitted to Department? Yes No **X** If yes, mo/day/yr sample was submitted

Water Well Disinfected? Yes **X** No

5 TYPE OF BLANK CASING USED: 2 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued **X** Clamped

1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded

2 PVC 4 ABS 7 Fiberglass Threaded

Blank casing diameter 5 in. to 575 ft. Dia 10 in. to 80 ft. Dia in. to ft.

Casing height above land surface 24 in. weight 3.540 lbs./ft. Wall thickness or gauge No. 327

TYPE OF SCREEN OR PERFORATION MATERIAL: 3 7 PVC 10 Asbestos-cement

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: 6 5 Gauzed wrapped 8 Saw cut 11 None (open hole)

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 575 ft. to 595 ft. From ft. to ft.

GRAVEL PACK INTERVALS: From 120 ft. to 615 ft. From ft. to ft.

6 GROUT MATERIAL: 1 1 Neat cement 2 Cement grout 3 Bentonite 4 Other

Grout Intervals: From 0 ft. to 80 ft. From ft. to ft. From ft. to ft.

What is the nearest source of possible contamination: 10 10 Livestock pens 14 Abandoned water well

1 Septic tank 4 Lateral lines 7 Pit privy 11 Fuel storage 15 Oil well/Gas well

2 Sewer lines 5 Cess pool 8 Sewage lagoon 12 Fertilizer storage 16 Other (specify below)

3 Watertight sewer lines 6 Seepage pit 9 Feedyard 13 Insecticide storage

Direction from well? North How many feet? 200

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Topsoil	505	540	Dakota clay
2	75	Limestone	540	555	Brown clay
75	140	Blue shale	555	560	Red clay
140	365	Dry, hard shale	560	573	White clay
365	370	White clay	573	595	Sandrock
370	375	Dry, hard shale	595	615	White clay
375	395	White clay			
395	415	Dakota clay			
415	455	Dry, hard shale			
455	465	Dakota clay			
465	474	Sandy Dakota clay			
474	485	Very hard sandrock			
485	495	White clay			
495	500	Gray, sandy clay			
500	505	Sandrock			

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) 10/15/96 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 199 This Water Well Record was completed on (mo/day/yr) 10/15/96 under the business name of Karst Water Well Drilling & Service, 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, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY

T R E W SEC 1/4 1/4

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49718 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49718 00 IND

Water Right and Points of Diversion Within 4.00 miles of point defined as:

4222 Feet North and 532 Feet West of the Southeast Corner of Section 7 T 13S R 18W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (mi)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 5907 00	IRR	NK	G	3.36	--	NW	NE	SE	-----	-----	30	13	18W	7		38.50	38.50	AF	
A__ 6202 00	IRR	NK	G	3.38	--	NW	NW	SE	-----	-----	30	13	18W	5		20.00	20.00	AF	
A__ 15518 01	DOM	NK	G	2.91	--	NE	NW	NE	4730	1937	30	13	18W	9		.09	.09	AF	
A__ 26466 00	IRR	NK	G	3.35	--	SW	SE	NE	2900	1056	29	13	18W	5		1.08	1.08	AF	
Same				3.41	--	NE	NW	SE	2440	1780	29	13	18W	6		71.00	71.00	AF	
Same				3.41	--	NE	NW	SE	2440	1580	29	13	18W	7		71.00	71.00	AF	
A__ 31603 01	DOM	NK	G	2.71	--	SW	SW	SE	570	2070	19	13	18W	7		.83	.83	AF	
A__ 32002 01	DOM	NK	G	2.83	--	NW	NW	NE	5255	2490	30	13	18W	3		1.60	1.60	AF	
A__ 32287 02	DOM	NK	G	2.63	--	NW	SE	SE	925	1150	19	13	18W	15		3.41	3.41	AF	
A__ 32467 01	DOM	NK	G	2.68	--	NE	SW	SE	720	1890	19	13	18W	13		1.04	1.04	AF	
A__ 32532 01	DOM	NK	G	2.63	--	NW	SE	SE	920	1220	19	13	18W	14		3.84	3.84	AF	
A__ 32532 02	DOM	NK	G	2.89	--	NW	NE	NE	4780	910	30	13	18W	12		1.93	1.93	AF	
A__ 32532 03	DOM	NK	G	2.73	--	SE	SW	SE	390	1620	19	13	18W	4		3.84	3.84	AF	
A__ 32546 01	DOM	NK	G	2.84	--	NE	NW	NE	5100	1640	30	13	18W	13		3.84	3.84	AF	
A__ 33218 01	DOM	NK	G	2.72	--	SW	SE	SE	440	1040	19	13	18W	5		.83	.83	AF	
A__ 33548 00	MUN	NK	G	2.89	--	--	SW	SW	200	5000	19	13	18W	17		61.01	.00	AF	
Same				2.88	--	--	SW	SW	20	4100	19	13	18W	18		72.00	.00	AF	
A__ 33703 01	DOM	NK	G	2.75	--	SE	SW	SE	280	1450	19	13	18W	16		3.93	3.93	AF	
A__ 34121 01	DOM	NK	G	3.01	--	SW	NW	NE	4400	2560	29	13	18W	18		1.41	1.41	AF	
A__ 34228 00	STK	NK	G	2.03	--	NW	NE	NE	5137	778	11	13	19W	2		38.67	38.67	AF	
A__ 34295 00	IRR	NK	G	3.22	--	NE	SW	NE	3490	1650	29	13	18W	20		61.40	61.40	AF	
A__ 34518 00	IRR	NK	G	3.65	--	NE	SW	SE	1100	1900	29	13	18W	10		26.50	26.50	AF	
A__ 34519 00	IRR	NK	G	3.71	--	NE	SW	SE	750	1900	29	13	18W	8		26.50	26.50	AF	
A__ 34579 D1	STK	NK	G	2.05	--	SW	NE	NE	4339	897	11	13	19W	4		24.48	24.48	AF	
Same				2.20	--	SE	NW	NE	4201	1739	11	13	19W	24		15.83	15.83	AF	
Same				2.03	--	SW	NE	NE	4077	835	11	13	19W	25		24.48	24.48	AF	
A__ 34579 D2	STK	NK	G	2.12	--	NC	S2	NE	3303	1250	11	13	19W	6 G	3	31.00	22.59	AF	
Same				2.12	--	NC	S2	NE	3370	1270	11	13	19W	18 B	3				
Same				2.11	--	NC	S2	NE	3270	1210	11	13	19W	19 B	3				
Same				2.12	--	NC	S2	NE	3270	1270	11	13	19W	20 B	3				
A__ 35432 01	DOM	NK	G	2.57	--	W2	W2	SE	1320	2220	19	13	18W	12		1.04	1.04	AF	
A__ 35866 01	DOM	NK	G	2.74	--	SW	SE	SE	315	1060	19	13	18W	6		2.98	2.98	AF	
A__ 36340 01	DOM	NK	G	2.68	--	SW	SE	SE	610	730	19	13	18W	9		.00	.00	AF	
A__ 36762 01	DOM	NK	G	2.77	--	SW	SW	SE	270	2180	19	13	18W	10		.61	.61	AF	
A__ 37236 00	STK	NK	G	2.02	--	NW	NE	NE	4999	725	11	13	19W	27 G	2	37.78	37.78	AF	
Same				2.02	--	NW	NE	NE	5192	712	11	13	19W	28 B	2				
Same				2.02	--	NW	NE	NE	4805	738	11	13	19W	29 B	2				
A__ 37237 00	IND	NK	G	1.91	--	NE	NE	NE	5073	122	11	13	19W	9 G	3	5.52	5.52	AF	
Same				1.90	--	NE	NE	NE	5030	100	11	13	19W	10 B	3				
Same				1.91	--	NE	NE	NE	5060	165	11	13	19W	11 B	3				
Same				1.90	--	NE	NE	NE	5130	100	11	13	19W	21 B	3				
A__ 37810 01	DOM	NK	G	2.77	--	SW	SW	SE	280	2530	19	13	18W	11		2.98	2.98	AF	
A__ 37951 01	DOM	NK	G	2.73	--	SW	SW	SE	440	2090	19	13	18W	8		2.98	2.98	AF	
A__ 37978 01	DOM	NK	G	2.87	--	NW	NW	NE	5180	2540	29	13	18W	17		1.57	1.57	AF	

606

140

341

322

322

322

322	A	38106 00 IND NK G	1.91 -- NE NE NE	5073	122	11	13	19W	9	G	3	3.64	3.64	AF
		Same	1.90 -- NE NE NE	5030	100	11	13	19W	10	B	3			
		Same	1.91 -- NE NE NE	5060	165	11	13	19W	11	B	3			
		Same	1.90 -- NE NE NE	5130	100	11	13	19W	21	B	3			
341	A	40210 00 STK NK G	2.20 -- SE NW NE	4201	1739	11	13	19W	24			8.65	.00	AF
322	A	40212 00 STK NK G	2.02 -- NW NE NE	4999	725	11	13	19W	27	G	2	2.15	.00	AF
		Same	2.02 -- NW NE NE	5192	712	11	13	19W	28	B	2			
		Same	2.02 -- NW NE NE	4805	738	11	13	19W	29	B	2			
322	A	40214 00 STK NK G	2.12 -- NC S2 NE	3303	1250	11	13	19W	6	G	3	7.54	7.54	AF
		Same	2.12 -- NC S2 NE	3370	1270	11	13	19W	18	B	3			
		Same	2.11 -- NC S2 NE	3270	1210	11	13	19W	19	B	3			
		Same	2.12 -- NC S2 NE	3270	1270	11	13	19W	20	B	3			
	A	40356 01 DOM NK G	2.84 -- NE NW NE	5100	1830	30	13	18W	10			3.84	3.84	AF
140	A	40367 00 MUN LR G	3.07 -- NC E2 NW	3945	3440	29	13	18W	15			314.01	.00	AF
140	A	40368 00 MUN LR G	2.86 -- NW NE NW	5000	3750	29	13	18W	16			314.01	.00	AF
331	A	40473 01 DOM NK G	2.83 -- NW NE NE	5120	870	30	13	18W	11			1.93	1.93	AF
320	A	41628 00 STK NK G	2.22 -- SE NW SE	1730	1544	11	13	19W	14	G	4	55.28	26.89	AF
		Same	2.23 -- SE NW SE	1700	1600	11	13	19W	15	B	4			
		Same	2.20 -- SE NW SE	1768	1478	11	13	19W	16	B	4			
		Same	2.23 -- SE NW SE	1768	1643	11	13	19W	17	B	4			
		Same	2.20 -- SE NW SE	1684	1456	11	13	19W	22	B	4			
331	A	42264 00 STK NK G	2.51 -- SW NE NW	4490	3365	11	13	19W	23			25.30	17.36	AF
113	A	42442 00 IRR NK G	3.86 -- NE NE NW	5108	2890	32	13	18W	16			.77	.77	AF
200	A	42787 01 DOM NK G	3.65 -- NE SW SW	764	4349	29	13	18W	22	G	2	3.50	3.50	AF
		Same	3.65 -- NE SW SW	754	4274	29	13	18W	19	B	2			
		Same	3.65 -- NE SW SW	774	4424	29	13	18W	21	B	2			
322	A	42963 00 IND NK G	1.91 -- NE NE NE	5073	122	11	13	19W	9	G	3	9.21	9.21	AF
		Same	1.90 -- NE NE NE	5030	100	11	13	19W	10	B	3			
		Same	1.91 -- NE NE NE	5060	165	11	13	19W	11	B	3			
		Same	1.90 -- NE NE NE	5130	100	11	13	19W	21	B	3			
105	A	47474 00 IRR LO G	2.23 NC W2 NE NE	4522	1068	24	13	19W	5			5.00	5.00	AF
340	A	47498 00 IND MM G	2.60 -- SW NW SW	1464	5188	15	13	18W	1			15.01	15.01	AF
322	A	48049 00 STK KE G	2.12 -- NC S2 NE	3303	1250	11	13	19W	6	G	3	90.53	90.53	AF
		Same	2.12 -- NC S2 NE	3370	1270	11	13	19W	18	B	3			
		Same	2.11 -- NC S2 NE	3270	1210	11	13	19W	19	B	3			
		Same	2.12 -- NC S2 NE	3270	1270	11	13	19W	20	B	3			
322	A	48050 00 STK KE G	2.02 -- NW NE NE	4999	725	11	13	19W	27	G	2	66.54	66.54	AF
		Same	2.02 -- NW NE NE	5192	712	11	13	19W	28	B	2			
		Same	2.02 -- NW NE NE	4805	738	11	13	19W	29	B	2			
320	A	48051 00 STK KE G	2.22 -- SE NW SE	1730	1544	11	13	19W	14	G	4	73.76	73.76	AF
		Same	2.23 -- SE NW SE	1700	1600	11	13	19W	15	B	4			
		Same	2.20 -- SE NW SE	1768	1478	11	13	19W	16	B	4			
		Same	2.23 -- SE NW SE	1768	1643	11	13	19W	17	B	4			
		Same	2.20 -- SE NW SE	1684	1456	11	13	19W	22	B	4			
340	A	49718 00 IND AY G	.00 -- NE SE NE	4222	532	7	13	18W	2			320.00	320.00	AF
	T	20129342 00 IND GY G	2.96 -- NW SW NW	3918	4840	34	12	18W	1			10.99	10.99	AF
113	VEL	2 00 MUN AA G	3.84 -- SW SW SW	544	5136	28	13	18W	2			1227.56	1227.56	AF

Should be 340

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	320.00	.00
Total Permitted Amount (AF) =	241.82	.00
Total Inspected Amount (AF) =	5.00	.00



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

October 17, 2016

DAN HESS
PO BOX 843
HAYS KS 67601

FILE COPY

RE: Application
File No. 49718

Dear Sir or Madam:

Your application for permit to appropriate water in 07-13S-18W in Ellis County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

Sincerely,

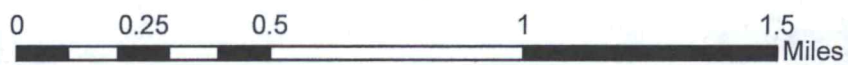
Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD 0

SCANNED



1:24,000



Legend

- Point of Diversion



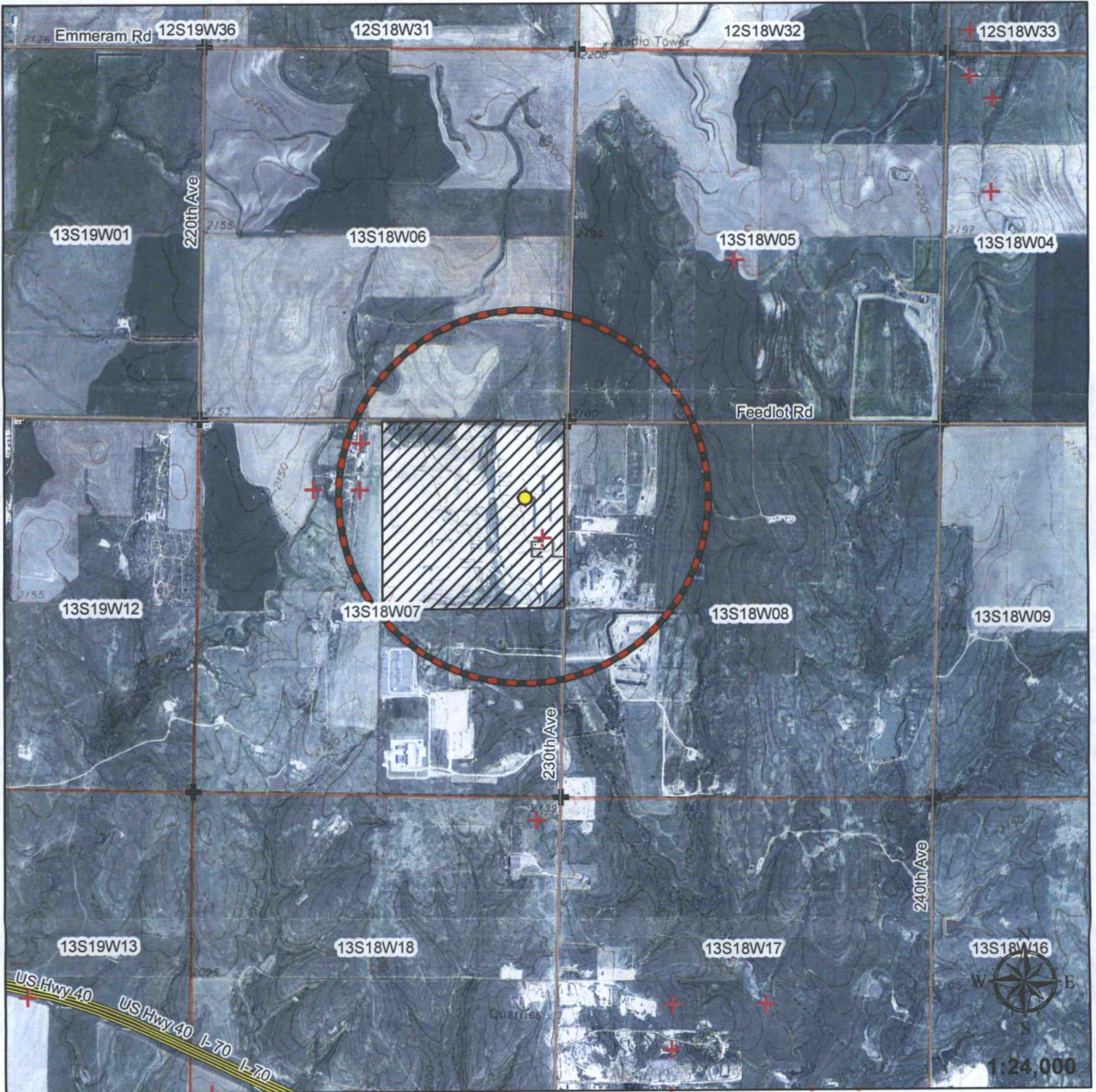
New Application, File No. 49,718

Proposed Point of Diversion
7-13S-18W Ellis County, KS

FILE COPY AM/DWR
Date: 3/29/2017

New Application - Groundwater
 Assisted by Division of Water Resources
 Stockton Field Office

#49718



Proposed Place of Use



1/2 mile radius



Surface Water Point of Diversion



Groundwater Point of Diversion



WWC-5 Recods



Proposed Point of Diversion

Signature Required

[Handwritten Signature]

By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well location are identified on this map.

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

OCT 17 2016

UNACCEPTABLE FOR PRIORITY

SCANNED

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE