

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49758  
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

**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.)

JAN 13 2017  
12:39  
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): RURAL WATER DISTRICT No. 1, SMITH COUNTY  
Address: P.O. Box 68  
City: KENSINGTON State KANSAS Zip Code 66951-0068  
Telephone Number: (785) 476-2647

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in REPUBLICAN RIVER DRAINAGE BASIN (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is \_\_\_\_\_ acre-foot OR 69.277 MILLION gallons per calendar year, to be diverted at a maximum rate of 600 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

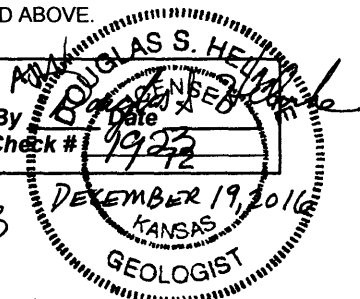
4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  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

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

For Office Use Only:			
F.O. <u>3</u>	GMD <input type="checkbox"/>	Meets K.A.R. 5-3-1 (YES/NO) Use <u>MUN</u>	Source <u>G/S</u> County <u>PL</u>
Code <u>160</u>	Fee \$ <u>300</u>	TR # _____	By <u>Douglas S. Helmke</u> Date <u>12/17</u> Check # <u>1923</u>

DWR 1-100 (Revised 06/16/2014)  
Please send a copy of *all* correspondence, including application acknowledgment letter, to: **Tecumseh, Kansas 66542-9571**

Douglas S. Helmke, P.G.  
Kansas Rural Water Assn.  
6847 SE 29th Street  
Tecumseh, Kansas 66542-9571



1/20/2017 LLM

5. The location of the proposed wells, pump sites or other works for diversion of water is:



**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land. BATTERY OF TWO (2) WELLS IN

(A) ~~One~~ in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the NE quarter of Section 12, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township 1 South, Range 16 East/West (circle one), PHILLIPS 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 3900 N \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West \_\_\_\_\_ 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 1320 W \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be made for each 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):

SMITH RWD 1 WILL OWN THE WELL AND OTHER DIVERSION EQUIPMENT.

(name, address and telephone number)

LANDOWNER IS: Ferguson ZY Farms 2051-120 Rd Kensington KS 66295  
785-476-2657

(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 1-10, 2017. Bruce Weck  
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 \_\_\_\_\_ (number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) 12/31/2018  
(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 1/1/2019  
(Mo/Day/Year)

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- 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 THIS IS AN APPLICATION FOR A GROUNDWATER RIGHT.

- 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.

PD = NONE

PU = FILE NOS. 36,653 + 46,458

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JAN 13 2017

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  
SEE ATTACHED LOG FROM NEARBY DOMESTIC WELL

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
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):

— NA —  
(name, address and telephone number)

— NA —  
(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 Kearney, Kansas, this 10 day of January, 2017.  
(month) (year)

Bernie Neal  
(Applicant Signature)

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

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

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

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**WATER WELL RECORD Form WWC-5**

Division of Water Resources App. No.

Well ID

Original Record  Correction  Change in Well Use

**1 LOCATION OF WATER WELL:**

County: **Phillips**

Fraction  
NE 1/4 SE 1/4 NE 1/4 NE 1/4

Section Number  
**12**

Township Number  
**T 1 S**

Range Number  
**R 16 E W**

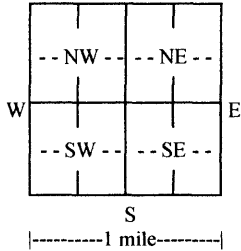
**2 WELL OWNER:** Last Name:

Business: **FERGUSON ZY FARMS**  
Address: **1062 120 ROAD**  
Address:  
City: **KENSINGTON** State: **KS** ZIP: **66951**

First:

Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here:   
**FROM THE INTERSECTION OF E ARROW ROAD AND ROAD 1400 1 MILE SOUTH THE WELL IS IN THE NE CORNER OF**

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



**4 DEPTH OF COMPLETED WELL:** .....**174**..... ft.  
Depth(s) Groundwater Encountered: 1) .....**114**..... ft.  
2) ..... ft. 3) ..... ft., or 4)  Dry Well  
WELL'S STATIC WATER LEVEL: .....**114**..... ft.  
 below land surface, measured on (mo-day-yr) **03/25/2014**  
 above land surface, measured on (mo-day-yr).....  
Pump test data: Well water was ..... ft.  
after..... hours pumping ..... gpm  
Well water was ..... ft.  
after..... hours pumping ..... gpm  
Estimated Yield: .....**20**..... gpm  
Bore Hole Diameter: .....**11**..... in. to .....**15**..... ft. and  
.....**9.5**..... in. to .....**174**..... ft.

**5 Latitude:** .....**39.986333**..... (decimal degrees)  
**Longitude:** .....**99.067833**..... (decimal degrees)  
Datum:  WGS 84  NAD 83  NAD 27  
Source for Latitude/Longitude:  
 GPS (unit make/model: .....)  
(WAAS enabled?  Yes  No)  
 Land Survey  Topographic Map  
 Online Mapper: .....

**6 Elevation:** **2147**.....ft.  Ground Level  TOC  
Source:  Land Survey  GPS  Topographic Map  
 Other **KOLAR**.....

**7 WELL WATER TO BE USED AS:**

- |   |  |                                     |  |  |   |   |   |   |  |                              |                                       |   |
|---|--|-------------------------------------|--|--|---|---|---|---|--|------------------------------|---------------------------------------|---|
| 1. Domestic:<br><input type="checkbox"/> Household<br><input type="checkbox"/> Lawn & Garden<br><input checked="" type="checkbox"/> Livestock | 2. <input type="checkbox"/> Irrigation | 3. <input type="checkbox"/> Feedlot | 4. <input type="checkbox"/> Industrial | 5. <input type="checkbox"/> Public Water Supply: well ID ..... | 6. <input type="checkbox"/> Dewatering: how many wells? ..... | 7. <input type="checkbox"/> Aquifer Recharge: well ID ..... | 8. <input type="checkbox"/> Monitoring: well ID ..... | 9. Environmental Remediation: well ID ..... | 10. <input type="checkbox"/> Oil Field Water Supply: lease ..... | 11. Test Hole: well ID ..... | 12. Geothermal: how many bores? ..... | 13. <input type="checkbox"/> Other (specify): ..... |
|---|--|-------------------------------------|--|--|---|---|---|---|--|------------------------------|---------------------------------------|---|

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

**8 TYPE OF CASING USED:**  Steel  PVC  Other ..... CASING JOINTS:  Glued  Clamped  Welded  Threaded  
Casing diameter .....**5**..... in. to .....**134**..... ft., Diameter ..... in. to ..... ft., Diameter ..... in. to ..... ft.  
Casing height above land surface .....**12**..... in. Weight ..... lbs./ft. Wall thickness or gauge No. **214**.....

**TYPE OF SCREEN OR PERFORATION MATERIAL:**  
 Steel  Stainless Steel  Fiberglass  PVC  Other (Specify) .....  
 Brass  Galvanized Steel  Concrete tile  None used (open hole)

**SCREEN OR PERFORATION OPENINGS ARE:**  
 Continuous Slot  Mill Slot  Gauze Wrapped  Torch Cut  Drilled Holes  Other (Specify) .....  
 Louvered Shutter  Key Punched  Wire Wrapped  Saw Cut  None (Open Hole)  
**SCREEN-PERFORATED INTERVALS:** From **134**..... ft. to **174**..... ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.  
**GRAVEL PACK INTERVALS:** From **20**..... ft. to **174**..... ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.

**9 GROUT MATERIAL:**  Neat cement  Cement grout  Bentonite  Other .....  
Grout Intervals: From **0**..... ft. to **20**..... ft., From ..... ft. to ..... ft., From ..... ft. to ..... ft.

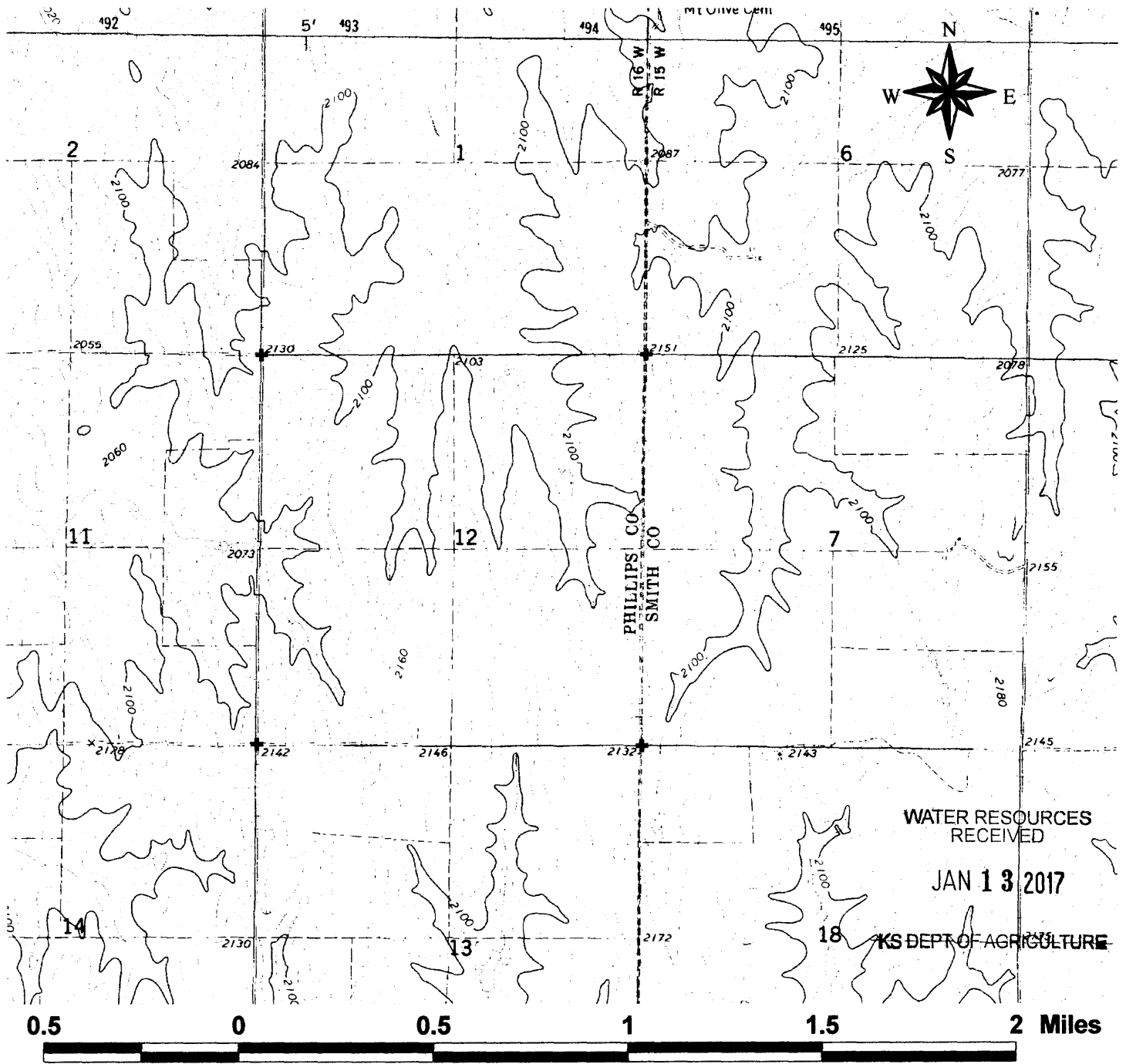
**Nearest source of possible contamination:**  
 Septic Tank  Lateral Lines  Pit Privy  Livestock Pens  Insecticide Storage  
 Sewer Lines  Cess Pool  Sewage Lagoon  Fuel Storage  Abandoned Water Well  
 Watertight Sewer Lines  Seepage Pit  Feedyard  Fertilizer Storage  Oil Well/Gas Well  
 Other (Specify) .....

Direction from well? ..... Distance from well? ..... ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	25	TAN CLAY			
25	98	SOFT SANDSTONE & CLAY			
98	105	MEDIUM SAND TAN			
105	135	CLAY YELLOW			
135	145	MEDIUM SAND TAN			
145	173	MEDIUM SAND & CLAY TAN			
173	174	FLINT ROCK			
			<b>Notes: KS DEPT OF AGRICULTURE</b>		

**11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION:** This water well was  constructed,  reconstructed, or  plugged under my jurisdiction and was completed on (mo-day-year) **03/25/2014**..... and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **741**..... This Water Well Record was completed on (mo-day-year) **03/26/2014**..... under the business name of **Watson Well Drilling**.....

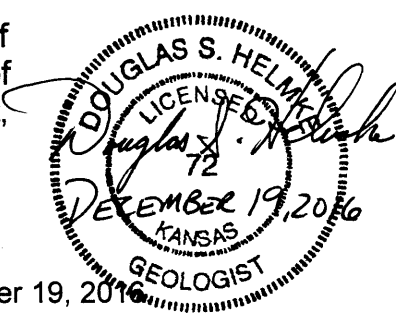
# Rural Water District No. 1, Smith County Application for Permit File No. \_\_\_\_\_



### Legend

- ⊕ Municipal Well
- Irrigation Well
- Domestic Well
- + Section Corner

It is requested that 60 days be granted to accurately determine the location of the point of diversion within the Northeast Quarter (NE¼) of Section 12, Township 1 South, Range 16 West, Phillips County, Kansas.







1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 23, 2017

**FILE COPY**

Rural Water District No. 1, Smith Center  
PO BOX 68  
KENSINGTON, KS 66951-0068

Re: Application,  
File No. 49758

Dear Sir or Madam:

The purpose of this letter is to correct the file number assigned to your Application for Permit to Appropriate Water. In a letter from our office dated, January 18, 2017, your application was erroneously assigned File No. 49757. The correct File No. is 49758.

For all future reference to your Application for Permit to Appropriate Water located in 12-01S-16W in PHILLIPS County, please use File No. 49758.

If you have any questions, please contact me at 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW: dlw

pc: STOCKTON Field Office  
GMD



1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

January 18, 2017

**FILE COPY**

RURAL WATER DISTRICT # 1, SMITH COUNTY  
PO BOX 68  
KENSINGTON KS 0

RE: Application

File No. 49757

Dear Sir or Madam:

Your application for permit to appropriate water in 12-01S-16W in Phillips 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,

A handwritten signature in black ink that reads "Brent A. Turney". The signature is written in a cursive style with a large, prominent "B" and "T".

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

BAT: dlw  
pc: STOCKTON Field Office  
GMD 0