

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.

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

File Number 50319
This item to be completed by the Division of Water Resources.

**Water Resources
Received**

DEC 02 2019

1:40

KS Dept Of Agriculture

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

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

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

1. Name of Applicant (Please Print): Shane Sell
Address: 601 Sanborn St
City: Almena State KS Zip Code 67622
Telephone Number: (785) 854-8508

2. The source of water is: surface water in _____ (stream)
OR groundwater in N.F. 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 52 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 330 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 - Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County PL By KWJ Date 12/2/19
Code REG Fee \$ 200 TR # 20006493 Receipt Date 12/2/19 Check # 6598

12/5/2019
LMoody

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 NE quarter of the SW quarter of Section 28, more particularly described as being near a point 1161 feet North and 2717 feet West of the Southeast corner of said section, in Township 02 South, Range 20 West, Phillips County, Kansas. (Geocenter)
- (B) One in the NE quarter of the NE quarter of the SW quarter of Section 28, more particularly described as being near a point 884 feet North and 2602 feet West of the Southeast corner of said section, in Township 02 South, Range 20 West, Phillips County, Kansas.
- (C) One in the SE quarter of the NE quarter of the SW quarter of Section 28, more particularly described as being near a point 1434 feet North and 2835 feet West of the Southeast corner of said section, in Township 02 South, Range 20 West, Phillips County, Kansas.
- (D) One in the NW quarter of the SW quarter of the SE quarter of Section 28, more particularly described as being near a point 1023 feet North and 2658 feet West of the Southeast corner of said section, in Township 02 South, Range 20 West, Phillips County, Kansas.
- (E) One in the NE quarter of the SE quarter of the SW quarter of Section 28, more particularly described as being near a point 1303 feet North and 2773 feet West of the Southeast corner of said section, in Township 02 South, Range 20 West, Phillips 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):

Duane and Shane Sell, 601 Sanborn St, Alma, Ks 67622

(name, address and telephone number)

785-854-8508 Share

785-854-8508 Duane

(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 9/3, 2019.

Shane Sell

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 4 Wells

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

and was completed (by) on August 1ST, 2013

(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 04/01/2020

(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 _____
- 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.

48019 was recently certified and covers the same battery of wells and place of use.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
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

Partial 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):

Applicant and Father
(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 Stockton, Kansas, this 25 day of November, 2019.
(month) (year)

Blaine Bell
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

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FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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IRRIGATION USE
SUPPLEMENTAL SHEET

KS Dept Of Agriculture

File No. _____

Name of Applicant (Please Print): Shane Sell

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: Shane and Duane Sell

ADDRESS: 601 Sanborn St, Almena, KS 67622

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
28	02S	20W																22	16	23	33	94

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				

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:

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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:

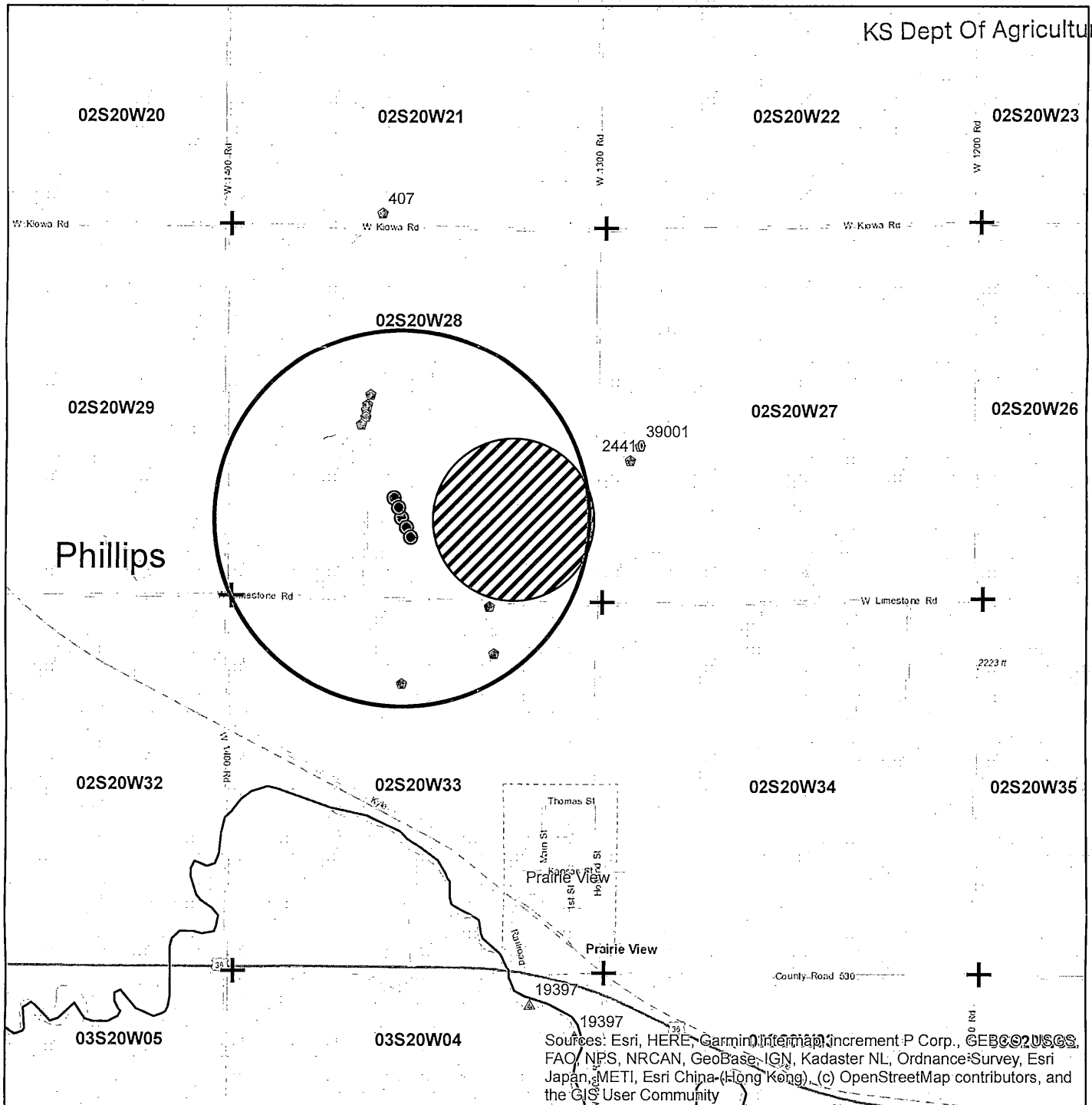
f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

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

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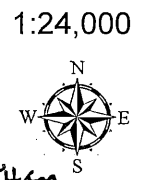
- + Section Corners
- 🏠 Groundwater
- ▲ Surface Water
- 1/2 mile radius
- Proposed Points of Diversion
- ▨ Proposed Place of Use

Signature Required

Shirley Sull

Signature indicates all known wells, including domestic wells, within 1/2 mile have been located on the map

THE ONLY
 WELLS WITHIN
 1/2 MILE HAVE
 WATER RIGHTS ON THEM



Wells within ½ mile of Geocenter

WR# 44264 - Irrigation

JOSH MCCLAIN
650 W 1600 RD
ALMENA, KS 67622

DIANE C TITUS
1021 16TH AVE
HOLDREGE, NE 68949

WR# 5521 and PL-6 – Municipal

CITY OF PRAIRIE VIEW
Attn: CITY CLERK
PO BOX 23
PRAIRIE VIEW, KS 67664

Other point on map is a well not mapped correctly. (48019 geocenter)

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KANSAS WARRANTY DEED

On this 3 of ~~August~~ ^{September}, 2019

CALVIN L. LOWRY, A/K/A CALVIN LOWRY, AND EMILY L. LOWRY, A/K/A EMILY LOWRY, husband and wife ("GRANTORS") CONVEY AND WARRANT to DUANE E. SELL AND JANET M. SELL, husband and wife, an undivided one-half (1/2) interest, to hold as between themselves as JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either AND an undivided one-half (1/2) interest to SHANE SELL, a single person (collectively referred to as "GRANTEES"), in and to the following-described real estate in Phillips County, Kansas:

The East Half of the Northwest Quarter (E½NW¼), the Northwest Quarter of the Northwest Quarter (NW¼NW¼), the West Half of the Northeast Quarter (W½NE¼), the East Half of the Southwest Quarter (E½SW¼), and the Southeast Quarter (SE¼), all in Section Twenty-eight (28), Township Two (2) South, Range Twenty (20) West of the Sixth P.M., Phillips County, Kansas, EXCEPT a portion of Section Twenty-eight (28), Township Two (2) South, Range Twenty (20) West of the Sixth P.M., Phillips County, Kansas, more particularly described as follows:

Considering the East line of the Northeast Quarter (NE¼) of said Section Twenty-eight (28), as monumented by a 1/2' by 24' rebar with a red plastic cap, L.S. 1420, at the Northeast Section corner and the East Quarter corner of said Section Twenty-eight (28), to bear an assumed bearing of South 0°00'00" East with all bearings hereon relative thereto.

BEGINNING at the Northeast corner of said Section Twenty-eight (28); thence along the East line of the Northeast Quarter (NE¼) of said Section Twenty-eight (28), South 0°00'00" East 2643.67 feet to the East Quarter corner of said Section Twenty-eight (28); thence along the East line of the Southeast Quarter (SE¼) of said Section Twenty-eight (28), South 0°00'00" East 360.07 feet; thence North 90°00'00" West 3139.38 feet; thence North 02°25'21" West 210.06 feet; thence North 90°00'00" West 185.08 feet; thence North 0°00'00" West 399.00 feet; thence North 74°20'47" East 292.92 feet; thence North 0°45'01" East 2334.65 feet to the North line of the Northwest Quarter (NW¼) of said Section Twenty-eight (28), thence along the North line, South 89°43'21" East 390.79 feet to the North Quarter corner of said Section Twenty-eight (28); thence along the North line of the Northeast Quarter (NE¼) of said Section Twenty-eight (28), South 89°38'08" East 2629.99 feet to the Northeast corner of said Section Twenty-eight (28), said point also being the point of BEGINNING.

For the sum of \$10.00 and other valuable consideration.

SUBJECT TO: Any easements, restrictions, conditions and covenants of record.

Water Resources
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DEC 02 2019

[signatures continued to next page]

KS Dept Of Agriculture

\$30.00 + \$8.00 = \$38.00

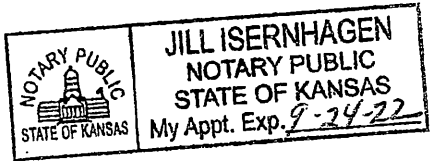
Calvin L. Lowry
CALVIN L. LOWRY

Emily L. Lowry
EMILY L. LOWRY

STATE OF KANSAS)
) ss
COUNTY OF PHILLIPS)

This instrument was acknowledged before me on the 3 day of ~~August~~ ^{September}, 2019, by CALVIN L. LOWRY AND EMILY L. LOWRY.

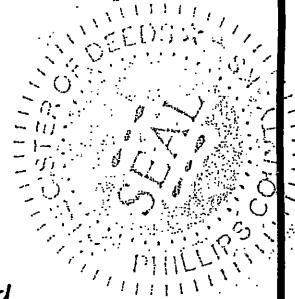
(Seal)



Jill Isernhagen
Notary Public – State of KANSAS
My Appointment Exp: 9-24-22

Reserved for Register of Deeds

Mortgage
Direct
Indirect
Warren



STATE OF KANSAS } ss
PHILLIPS COUNTY }

Filed for record on the 3rd day of Sept A.D., 2019 at 2:00 P. M., and duly recorded in Book 433 page 619A/620A
Robert Reese
REGISTER OF DEEDS

STATE OF KANSAS } S.S.
Phillips County }
Entered in Transfer Record _____

SEP 05 2019
Linda M. Brown
HS
COUNTY CLERK

Water Resources
Received

DEC 02 2019

KANSAS WARRANTY DEED

COPY

On this 3 of ^{September}~~August~~, 2019

CALVIN L. LOWRY, A/K/A CALVIN LOWRY, AND EMILY L. LOWRY, A/K/A EMILY LOWRY, husband and wife ("GRANTORS") CONVEY AND WARRANT to DUANE E. SELL AND JANET M. SELL, husband and wife, an undivided one-half (1/2) interest, to hold as between themselves as JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either AND an undivided one-half (1/2) interest to SHANE SELL, a single person (collectively referred to as "GRANTEES"), in and to the following-described real estate in Phillips County, Kansas:

The East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Southeast Quarter (SE $\frac{1}{4}$), all in Section Twenty-eight (28), Township Two (2) South, Range Twenty (20) West of the Sixth P.M., Phillips County, Kansas, EXCEPT a portion of Section Twenty-eight (28), Township Two (2) South, Range Twenty (20) West of the Sixth P.M., Phillips County, Kansas, more particularly described as follows:

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For the sum of \$10.00 and other valuable consideration.

SUBJECT TO: Any easements, restrictions, conditions and covenants of record.

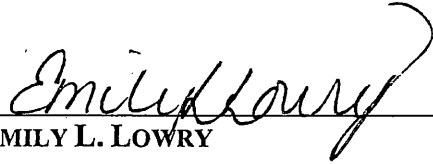
[signatures continued to next page]

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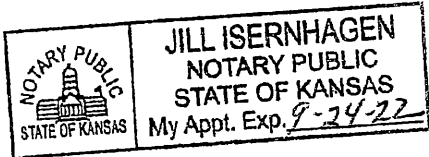

CALVIN L. LOWRY

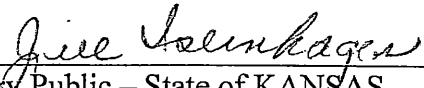

EMILY L. LOWRY

STATE OF KANSAS)
) ss
COUNTY OF PHILLIPS)

This instrument was acknowledged before me on the
3 day of ~~August~~ ^{September}, 2019, by CALVIN L. LOWRY
AND EMILY L. LOWRY.

(Seal)




Notary Public – State of KANSAS
My Appointment Exp: 9-24-22

Reserved for Register of Deeds

Water Resources
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DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50319

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>67090</u>	<u>79379</u> <u>81286</u>	<u>GEO CTR</u> <u>BAT 1 OF 4</u>
	<u>81287</u>	<u>BATT 1 OF 4</u>
	<u>81288</u>	<u>BATT 1 OF 4</u>
	<u>81289</u>	<u>BATT 1 OF 4</u>

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>67090</u>	<u>62639</u>
<u>24782</u>	

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>54749</u>

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 15, 2020

SHANE SELL
601 SANBORN ST
ALMENA KS 67622

RE: Application, File No. **50319**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program