

Kansas Department of Agriculture
Division of Water Resources
MISCELLANEOUS WORKSHEET

1. File No(s). 49,053	1a. <input type="checkbox"/> Vested Right <input type="checkbox"/> Water Right <input checked="" type="checkbox"/> Appropriation of Water	2. Field Office: 01	3. GMD: 0
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4. Type and Purpose of Letter

Type of Extension _____ Completion Date _____

Date Received _____ Perfection Date _____

Completion of Diversion Works: Permit Change Approval

Meter Installed _____

Dismissal **Voluntary Request to Dismiss form was submitted by owner.**

Other _____

5a. Name & Address _____ Person ID 63730	5b. Name & Address _____ Person ID 64138
DILL FARMS LLC 1976 RAOD 110 HARTFORD KS 66854-9233	<u>AUDREY J PETERSON LIVING TRUST</u> <u>2956 SW GAINSBORO RD</u> <u>TOPEKA KS 66614-4412</u>
5c. Name & Address _____ Person ID _____	5d. Name & Address _____ Person ID _____
_____ _____ _____	_____ _____ _____

6. General Information	7. Use of Water: <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water
Priority Date 04/21/2014	<input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN
Certificate Date _____	<input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON
Vested Right Order Date _____	<input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG
Approval Date 09/29/2014	<input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____
Priority Date of Change _____	8. Battery Number _____
Approval of Change Date _____	9. Special Use _____
Completion Date _____	10. Aquifer _____
Perfection Date _____	

Document Date: 12/8/2016	Date Prepared: 11/28/2016 By: DWS Date Entered: 12/8/2016 By: UM
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(see reverse for p/d and p/u)

File No(s). **49,053**

11. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√				85514	SW SE NW	6	20	13E	4	3000	3550

12. Rate and Quantity				
Authorized		Additional		
Rate	Quantity	Rate	Quantity	Overlap PD Files
gpm/cfs	af/mgy	gpm/cfs	af/mgy	
MULTIPLE*				

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files				
T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√				65862	6	20	13E	1																40	40	7a.	No	49,702		
√				66370	6	20	13E	2							40	40								80	7d.	No	49,702			
√				65863	7	20	13E	2		40	12													52	7a.	No	49,702			

16. Comments: ***FILE NOS. 29,987; 46,940; 49,054; 49,702; 49,053 OVERLAP IN POINT OF DIVERSION (GW PIT)**

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

December 9, 2016

DILL FARMS LLC
1976 ROAD 110
HARTFORD KS 66854-9233

Re: Appropriation of Water, File No. 49,702

FILE COPY

Dear Mr. Dill:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

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

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

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

Sincerely,

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

BAT:dws
Enclosures

pc: Topeka Field Office
Lawrence M. Rust
Audrey J. Peterson Living Trust

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

TO: Files

DATE: November 28, 2016

FROM: Doug Schemm

RE: Application, File No. 49,702; and
Appropriation of Water, File No. 49,053

Dill Farms, LLC has filed the above referenced new application (File No. 49,702) proposing to appropriate 252 acre-feet of groundwater for irrigation use at a diversion rate of 1,400 gallons per minute. The proposed point of diversion is an existing groundwater pit with a geographic center located in the Northwest Quarter of Section 6, in Township 20 South, Range 13 East, in Lyon County. The proposed appropriation is located in the drainage basin of the Neosho River. The groundwater pit is currently authorized under Water Right, File Nos. 29,987 and 46,940; and Appropriation of Water, File Nos. 49,053 and 49,054, and a portion of the place of use is currently authorized under Appropriation of Water, File No. 49,053. Since the proposed place of use has been significantly expanded, the applicant determined that because the senior file was only recently approved, (and rather than filing a change application), he has requested that File No. 49,053 be dismissed. A voluntary dismissal request has been submitted for this file, in conjunction with approval of this new application.

Note that the applicant made an error on the Irrigation Use Supplemental Sheet, in identifying the landowner of the 80 acres in the North Half of the Northwest Quarter of Section 7, Township 20 South, Range 13 East. However, he correctly listed the landowner in Paragraph No. 15 on the application form as Lawrence M. Rust. Property data also shows Mr. Rust as the owner of this acreage, and the applicant verified it in a November 3, 2016 telephone call. Based on a review of the senior files, and current information, there are no wells of any kind within one-half mile of the proposed point of diversion, and notification letters are not required. The WRIS database information shows only the applicant's File No. 49,055 authorizing another nearby groundwater pit, and recreational File No. 48,326 within a two-mile radius of this new application. Both are over 1,320 feet away.

To maintain consistency with the senior files, the area of consideration is the extent of the alluvial aquifer in the two-mile circle, which was previously determined to be 7,737 acres. This area was modified slightly based on better information, and was reduced to 7,108 acres. Based on a potential recharge of 5.5 inches, with 75% available for appropriation, safe yield was determined to be 2,443.38 acre-feet. Existing water rights within this area of consideration have appropriated 335.11 acre-feet, leaving 2,108.27 acre-feet available. Therefore there is sufficient water available for appropriation, and the application meets safe yield criteria. The requested quantity of water of 252 acre-feet applied to 252 acres is 1.0 acre-feet per acre, which is the maximum allowable for Lyon County, Kansas.

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 chemicals will be injected into the water pumped under this permit, a check valve will also be required.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced new application in a November 2, 2016 discussion, along with the dismissal of the senior file. Based on the above discussion, the area is open to new appropriations, the application complies with safe yield criteria, and approval will not impair senior water rights, it is recommended that the referenced application be approved, in conjunction with the dismissal of Appropriation of Water, File No. 49,053.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF
DISMISSAL OF APPROPRIATION OF WATER** **FILE COPY**
FILE NO. 49,053

This is to certify that on November 28, 2016, a voluntary request to dismiss Appropriation of Water, File No. 49,053, was filed with the office of the Chief Engineer by the following Water Right owner:

**DILL FARMS LLC
1976 ROAD 110
HARTFORD KS 66854-9233**

Per this request, those above have agreed to waive any and all rights that they might have to a hearing pursuant to K.S.A. 82a-718 or any other applicable statute.

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, acknowledges this request, and so orders the dismissal of Appropriation of Water, File No. 49,053, and forfeiture of its priority. The dismissed file pertains to the point of diversion and place of use described as:

A groundwater pit with a geographic center located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 6, more particularly described as being near a point 3,000 feet North and 3,550 feet West of the Southeast corner of said section, in Township 20 South, Range 13 East, Lyon County, Kansas, for irrigation use on land described as follows:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 20S 13E											40	40			40		120
7 20S 13E		40	12														52

Any further diversion of water pursuant to the conditions and terms of the dismissed file shall be unlawful and subject to the penalties of K.S.A. 82a-728.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 8th day of December, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 8th day of December, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 9th day of December, 2016, I hereby certify that the foregoing Dismissal of Appropriation of Water, File No. 49,053 dated December 8, 2016 was mailed postage prepaid, first class, US mail to the following:

DILL FARMS LLC
1976 ROAD 110
HARTFORD KS 66854-9233

With photocopies to:

AUDREY J PETERSON LIVING TRUST
2956 SW GAINSBORO RD
TOPEKA KS 66614-4412

Topeka Field Office

Danielle Wilson
Division of Water Resources

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

RECEIVED
NOV 28 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

Re: Appropriation of Water
Water Right
Vested Right
Term Permit
(Check Appropriate Box Above)
File No. 49,053

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

John K. Dill
(Signature of Owner or Authorized Agent)

(Signature of Spouse or Title of Authorized Agent)

DILL FARMS LLC
(Please print name here)

(Please print name here)

1976 ROAD 110
(Mailing Address)

(Mailing Address)

HARTFORD, KS 66854-9233
(City, State, Zip)

(City, State, Zip)

ACKNOWLEDGMENT

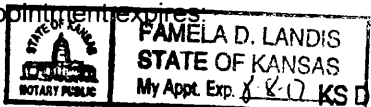
State of Kansas)
County of Lyon)

This instrument was acknowledged before me this 17th day of November, 2016 by
(owners:) John K. Dill

(Seal)

WATER RESOURCES
RECEIVED

Camela D. Landis
Notary Public

My appointment expires SEP 08 2016
 **FAMELA D. LANDIS**
STATE OF KANSAS
My Appt. Exp. 8-8-2016 **KS** DEPT OF AGRICULTURE

DWS
DWR Initials

*Dismissal Contingent Upon Approval of New Application. **SCANNED**