

1. File Number: <b>49,517</b>		2. Status Change Date: <b>5/2/2017</b>		3. Field Office: <b>01</b>		4. GMD: <b>0</b>																	
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request/Failure to Return																							
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter																							
7a. Applicant(s) New to system <input type="checkbox"/>  <b>BRYAN DAKE 2438 210 RD MUNDEN KS 66959</b>				Person ID <b>63643</b> Add Seq# _____				7c. Landowner(s) New to system <input type="checkbox"/>				Person ID _____ Add Seq# _____											
7b. Landowner(s) New to system <input type="checkbox"/>  <b>DONALD &amp; MARY CANFIELD C/O NEAL &amp; KAREN DAKE 2438 210 RD MUNDEN KS 66959</b>				Person ID <b>64136</b> Add Seq# _____				7d. Misc. New to system <input type="checkbox"/>				Person ID _____ Add Seq# _____											
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>7a</b>				Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>				9. Use of Water:    Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water  <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN  <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON  <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG  <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____															
10. Completion Date: _____								11. Perfection Date: _____								12. Exp Date: _____							
13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____																							
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____																							
Date Prepared: <b>4/12/2017</b> By: <b>LHH</b> Date Entered: <b>5/3/2017</b> By: <b>LCM</b>																							

File No. <b>49,517</b>	15. Formation Code:	Drainage Basin:	County:	Special Use:	Stream:
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16. Points of Diversion	17. Rate and Quantity
<div style="display: flex; justify-content: space-between;"> <div> MOD DEL ENT </div> <div> PDIV Qualifier S T R ID 'N 'W </div> </div>	<div style="display: flex; justify-content: space-between;"> <div> Authorized Rate gpm/cfs </div> <div> Quantity af/mgy </div> <div> Additional Rate gpm/cfs </div> <div> Quantity af/mgy </div> <div> Overlap PD Files </div> </div>
DEL 84862 SW 41 1 24 3 1320 3960	NONE

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 \_\_\_\_\_    Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
<div style="display: flex; justify-content: space-between;"> <div> MOD DEL ENT </div> <div> PUSE S T R ID </div> </div>	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				
DEL 65546 (for this file only)									13	6	19	28.5					66.5	7b.	NO	48948

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

TO: Files

DATE: April 12, 2017

FROM: Lloyd Hemphill

RE: Application, File Nos.  
49,500 & 49,517

Bryan Dake filed the above referenced applications to appropriate groundwater for irrigation use on November 9, 2015 and December 3, 2015, respectively. Both original applications were returned to the applicant on December 14, 2016 with the request for additional information. The application was given a deadline of January 16, 2017 to return the applications with stratigraphic logs of a test hole within 300 feet of the proposed points of diversion.

No reminder letter was sent regarding these applications; however, I spoke to Mr. Dake over the phone on March 21, 2017 and he indicated that he had no immediate plans to test drill at these locations and would not pursue the applications. The applicant was advised that the applications would be dismissed for failure to return the applications with the requested information.

Based on the available information, that the applications were not returned with the requested information within the time allowed, it is recommended that the files be dismissed for failure to return, as provided by K.S.A. 82a-710.

Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

BRYAN DAKE  
2438 210 RD  
MUNDEN KS 66959

May 3, 2017

**FILE COPY**

RE: Application, File No. 49,517

Dear Mr. Dake:

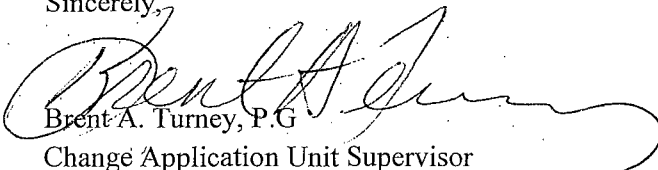
Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,517 for failure to return the original application with the requested information per K.S.A. 82a-710.

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 for the 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.

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.G.  
Change Application Unit Supervisor  
Water Appropriation Program

Enclosure

pc: Donald & Mary Canfield - C/O Neal & Karen Dake  
Topeka Field Office



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 THE  
DISMISSAL OF APPLICATION  
FILE NO. 49,517**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on December 3, 2015, the Chief Engineer received an application from Bryan Dake for permit to appropriate ground water for beneficial use, assigned File No. 49,517, proposing the appropriation of 79.8 acre-feet of water, at a maximum requested diversion rate of 800 gallons per minute, for irrigation use. The applicant proposed a battery of two wells with a geographic center located in the Southeast Quarter of Northwest Quarter of the Southwest Section 4, more particularly described as being near a point 1,736 feet North and 4,190 feet West of the Southeast corner of said section, in Township 1 South, Range 2 West, Republic, Kansas.
2. That on December 14, 2016, the application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. The applicant was provided a deadline of January 16, 2017, the time in which to provide the requested information and return the application. The applicant was informed that the application would be dismissed if it was not returned with the requested information by the January 16, 2017 deadline, or within any authorized extension of time.
3. That in a March 21, 2017 phone conversation, the applicant indicated to the Topeka Field Office that he could not provide a stratigraphic log and would not be pursuing the application any further.
4. That the requested information was not provided by the January 16, 2017 deadline, nor did the applicant request an extension of time in which to do so.
5. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710, for failure to return the application with the requested information.

**ORDER**

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,517, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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 for the 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 2nd day of May, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas           )  
                                      ) SS  
County of Riley         )

The foregoing instrument was acknowledged before me this 2nd day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

### CERTIFICATE OF SERVICE

On this 3rd day of May, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,517 dated May 2nd, 2017 was mailed postage prepaid, first class, US mail to the following:

Bryan Dake  
2438 210 Rd  
Munden KS 66959

With photocopies to:

Donald & Mary Canfield - C/O Neal & Karen Dake

Topeka Field Office

Danielle Wilson

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

File Number 49,517

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

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**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.)

DEC 03 2015

11:39

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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): BRYAN DAKE  
Address: 2438 210 RD  
City: MUNDEN State KS Zip Code 66959  
Telephone Number: (307) 321-5709

2. The source of water is: ☐ surface water in \_\_\_\_\_ (stream)  
OR ☒ groundwater in Little Blue River 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.

**\* Limited to 79.8 AF in combination with File No. 48,948 for irrigation of acres described herein.**

3. The maximum quantity of water desired is 79.8 \* acre-feet OR \_\_\_\_\_ 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.

DEC 23 2015

4. The water is intended to be appropriated for (Check use intended):

- |  |  |   |   |
|--|--|---|---|
| (a) <input type="checkbox"/> Artificial Recharge | (b) <input checked="" type="checkbox"/> Irrigation     | (c) <input type="checkbox"/> Recreational       | (d) <input type="checkbox"/> <del>Water Power</del> |
| (e) <input type="checkbox"/> Industrial          | (f) <input type="checkbox"/> Municipal                 | (g) <input type="checkbox"/> Stockwatering      | (h) <input type="checkbox"/> Sediment Control       |
| (i) <input type="checkbox"/> Domestic            | (j) <input type="checkbox"/> Dewatering                | (k) <input type="checkbox"/> Hydraulic Dredging | (l) <input type="checkbox"/> Fire Protection        |
| (m) <input type="checkbox"/> Thermal Exchange    | (n) <input type="checkbox"/> 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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County RP By AJW Date 12/3/15  
Code REG Fee \$ 200 TR # 16018394 Receipt Date 12/3/15 Check # 1201

12/3/2015 SCANNED CUM

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

**\*\* APPLICANT REQUESTS 60 DAYS TO LOCATE BATTERY OF TWO WELLS\*\***

**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 1/4 quarter of the SW quarter of the SW quarter of Section 4, more particularly described as being near a point 1720 feet North and 1980 feet West of the Southeast corner of said section, in Township 1 South, Range 2 West, Republic 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):

DONALD & MARY CANFIELD C/O NEAL & KAREN DAKE 2438 210 RD MUNDEN KS 66959  
(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 November 26, 2015

  
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 Battery of two wells  
(number of wells, pumps or dams, etc.)  
and will be completed (by) following approval  
(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 following approval  
(Mo/Day/Year)



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

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

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

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

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

Groundwater Application

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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

Place of Use - File No. 48,948

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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

Tenant/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):

DONALD & MARY CANFIELD C/O NEAL & KAREN DAKE 2438 210 RD MUNDEN KS 66959  
(name, address and telephone number)

& APPLICANT

(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 Bellefonte, Kansas, this 27 day of November, 2015  
(month) (year)

  
(Applicant Signature)

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

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

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Assisted by Lloyd Hemphill TFO/ESII Date: 11-10-2015  
(office/title)

# IRRIGATION USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): Bryan Dake

- 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: DONALD & MARY CANFIELD C/O NEAL & KAREN DAKE

ADDRESS: 2438 210 RD MUNDEN KS 66959

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	1S	2W½							13	6	19	26							64

**Landowner of Record** NAME: BRYAN DAKE

ADDRESS: 2438 210 RD MUNDEN KS 66959

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	1S	2W										2.5							2.5
																		Total:	66.5

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																		WATER RESOURCES RECEIVED	
																		DEC 23 2015	

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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
<u>Silty loam</u>	<u>85</u>		
Total:	100 %		

- b. Estimate the average land slope in the field(s): 0.1 %

Estimate the maximum land slope in the field(s): 1.2 %

- 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: the Gpm will be very low  
runoff will be very minimal

- ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 25 psi

(2) What is the sprinkler package design rate? 80 - 200 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? 65 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:

Alfalfa, Corn, Beans

- 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).

water will be used at blossom + tassle as needed if  
water is available

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

# New Application - Bryan Dake

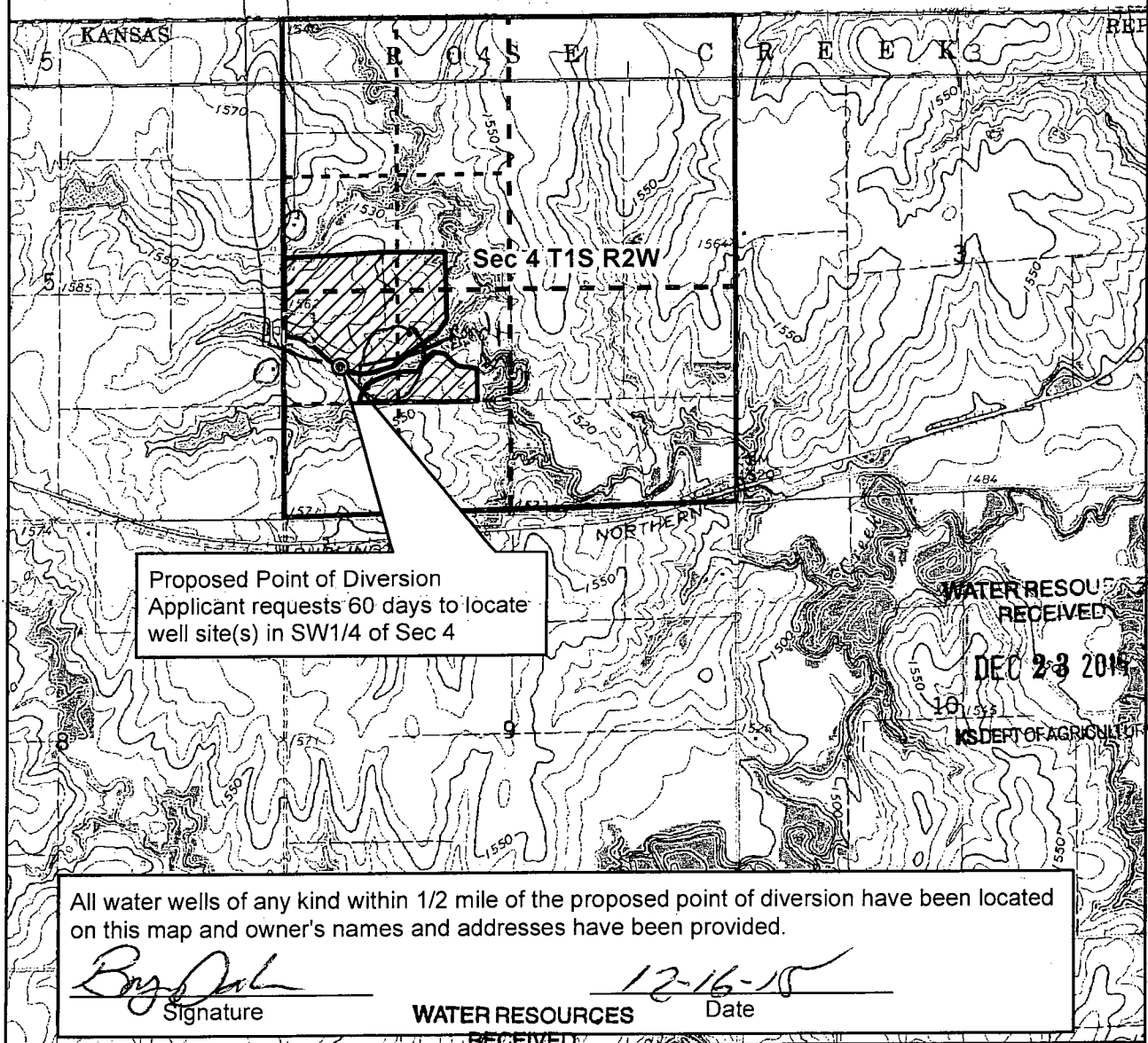
a Pipeline will Be run to the holding Pond in Sect 4 & 5

Neal Dake - 2438-210 Rd Munden KS 66959

Merkle Dake 2467-210 Rd Munden KS 66989

water well - household owned by Neal Dake

water well - Household owned by Merkle Dake



Proposed Place of Use

DEC 03 2015

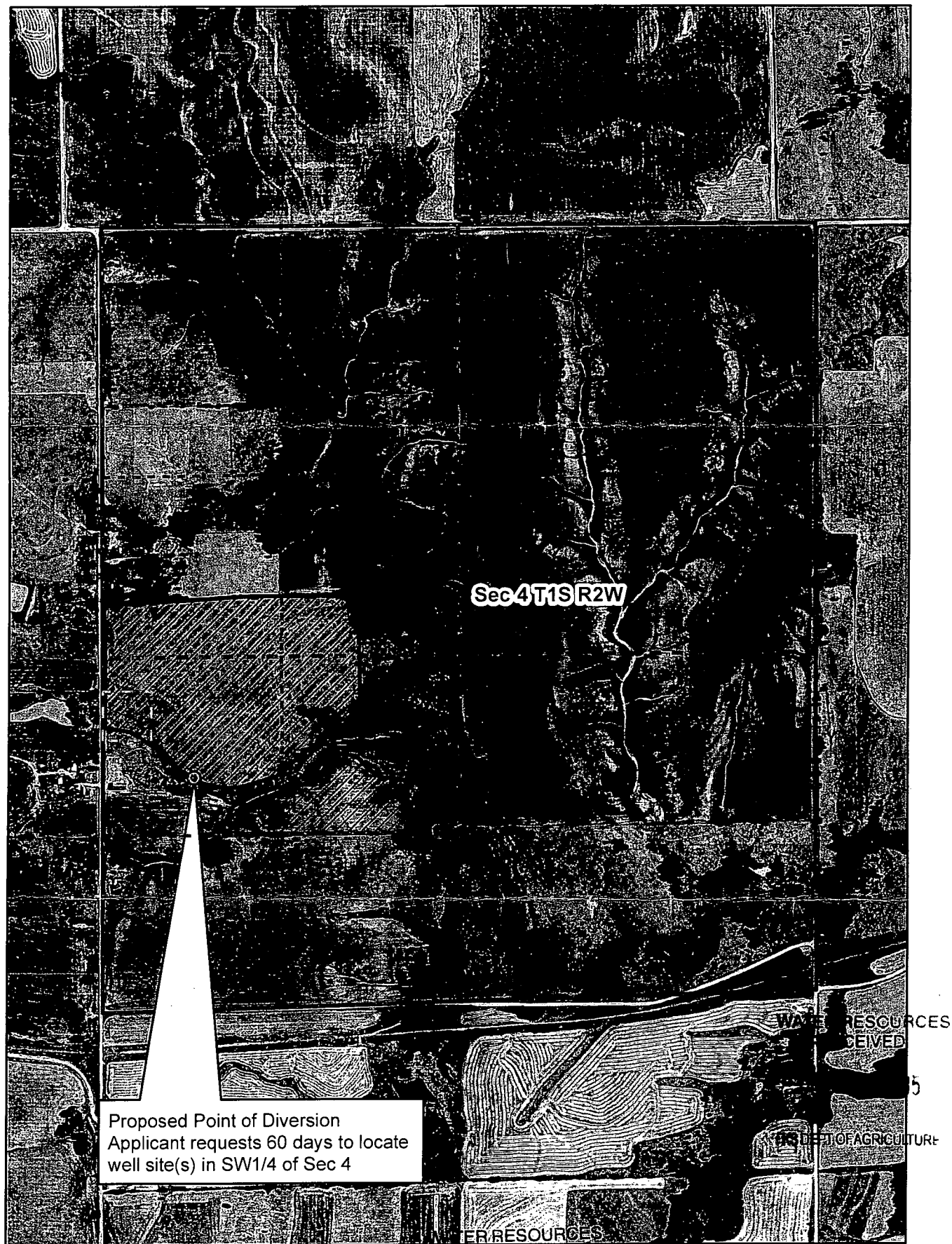
1:24,000

0

0.5

1 Mile

# New Application - Bryan Dake



Proposed Place of Use

Map prepared by LHH/TFO 11-10-15



DEC 03 2015

1:12,000

0.25

0.5 Mile

12-16-15

(Date)

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

Re: Application File No. 49,517

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established for the source of supply to which the above referenced application applies, namely the Little Blue River Basin.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Bryan Dale  
Signature of Applicant

Bryan Dale  
Print Applicant Name

State of Kansas )  
County of Republic ) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 27<sup>th</sup> day of November, 2015

Cathy D. Chase  
Notary Public

My Commission Expires:

December 10, 2017



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SCANNED

**FORM TO BE USED WHEN APPLICABLE  
WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

Assurance Districts have been formed on the following rivers:

Kansas River      Marais des Cygnes River      Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek



## 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
<del>0-100</del>	<del>\$200.00</del>
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**

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### ATTENTION

**KS DEPT OF AGRICULTURE**

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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**KS DEPT OF AGRICULTURE**

**SCANNED**

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 14, 2015

BRYAN DAKE  
2438 210 RD  
MUNDEN KS 66959

Re: Pending Application,  
File No. 49,517

Dear Mr. Dake:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on December 3, 2015, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 4, in Township 1 South, Range 2 West, Republic County, Kansas.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

The locations of all other water wells of every kind within one-half mile (<sup>1</sup>/<sub>2</sub>) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile (<sup>1</sup>/<sub>2</sub>) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion. .

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **February 3, 2016**, or within any authorized extension of time thereof. According to law, default in refileing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

WATER RESOURCES  
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DEC 23 2015

(over)

KS DEPT OF AGRICULTURE

BRYAN DAKE

12/14/15

Page 2 of 2

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Kristen A. Baum  
Environmental Scientist  
Water Appropriation Program

enclosures

pc: Topeka Field Office

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DEC 23 2015

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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 14, 2015

BRYAN DAKE  
2438 210 RD  
MUNDEN KS 66959

Re: Pending Application,  
File No. 49,517

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(over)

SCANNED

BRYAN DAKE

12/14/15

Page 2 of 2

If you have any questions, please contact me at (785) 564-6627 or by email at [kristen.baum@kda.ks.gov](mailto:kristen.baum@kda.ks.gov). If you wish to discuss a specific file, please have the file number ready so that I may 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  
Environmental Scientist  
Water Appropriation Program

enclosures

pc: Topeka Field Office

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

December 3, 2015

BRYAN DAKE  
2438 210 RD  
MUNDEN KS 66959

RE: Application  
File No. 49517

Dear Sir or Madam:

Your application for permit to appropriate water in 4-1S-2W in Republic 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) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.  
New Application Unit Supervisor  
Water Appropriation Program

KAK: DLW  
pc: TOPEKAField Office  
GMD 0

SCANNED

49,517



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietz, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 296-8298  
www.agriculture.ks.gov  
Sam Brownback, Governor

November 12, 2015

BRYAN DAKE  
2438 210 RD  
MUNDEN KS 66959

Re: New Application

Dear Mr. Dake,

Enclosed is a partially completed Application for Permit to Appropriate Water. This application proposes to appropriate 79.8 acre-feet of water at a rate of 600 gallons per minute from a battery of two wells, for irrigation of 66.5 acres (the same irrigated acres authorized by Appropriation of Water, File No. 48,948). You have requested 60 days to complete test drilling to locate sites for a battery of two wells. The 60 day period begins when you submit the application but you may request an extension of this period. Please review the specific criteria on page two of the application needed to meet definition of a well battery.

Please review the application and maps to verify that the information is accurate. To finish the application, please complete the items highlighted in green on the application:

- Item No. 6: Add your signature and the date.
- Item No. 9: Check the appropriate box.
- Item No. 11b: Show the location of any water wells located within ½ mile of the proposed well on the topographic map. Provide names and mailing addresses for any well owners. Indicate that all wells have been located by signing the box at the bottom of the map.
- Item No. 16: Add your signature and the date.
- Review and sign the form referencing Minimum Desirable Streamflow in the presence of a notary.

The application fee for this application is \$200. Make the check payable to the Kansas Department of Agriculture. Complete the items above and return the application to:

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

Please call (785) 296-8682 if the application needs any changes or you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Lloyd Hemphill".

Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

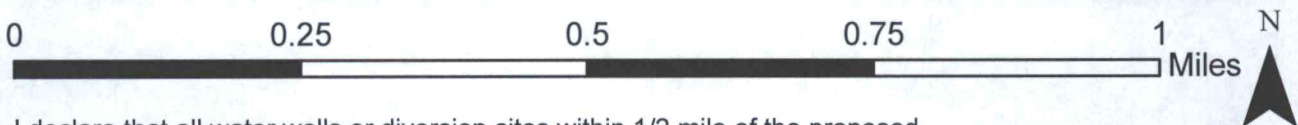
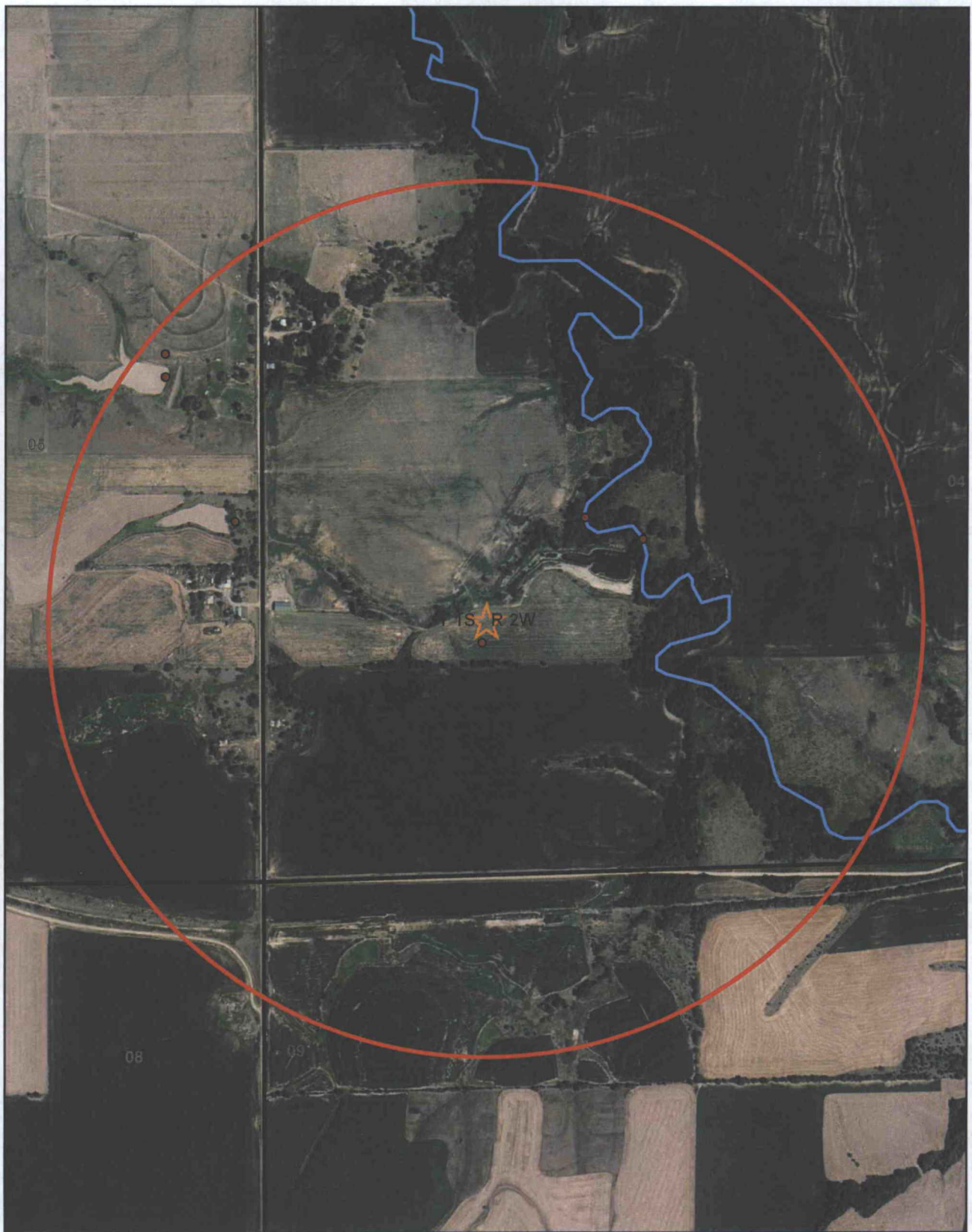
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49,517



I declare that all water wells or diversion sites within 1/2 mile of the proposed point of diversion have been plotted on this map.

Signature: \_\_\_\_\_

AJW/DWR  
Date: 12/11/2015