

File No. **49,688** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
DEL	85542	NE SW SW	13	13	2E	3	890	4050			

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
				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		
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				
DEL	37914	13	13	2E	1																					7a.	No	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: January 26, 2017

FROM: Doug Schemm

RE: Application, File No. 49,688

Phillip Mulanax filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 147 acre-feet of groundwater for irrigation use. The proposed point of diversion is a well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) of Section 13, more particularly described as being near a point 890 feet North and 4,050 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.

The source of water for the pending application appears to be the Smoky Hill River alluvium, based on the geographical location of the proposed point of diversion. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. For this application, the area of consideration (alluvial aquifer) provided an area of consideration of 6,705 acres. With a potential annual recharge of 3.0 inches, and 100% of recharge available for appropriation, safe yield was determined to be 1,676.25 acre-feet. The safe yield determination is summarized below.

Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available	
6,705 acres x 3.0 inches x 100% = 20,115 acre-inches / 12 =	1,676.25 acre-feet
Prior Appropriations within the area of consideration =	<u>1,831.51</u> acre-feet
Total quantity of water available =	<u>0 acre-feet</u>

The applicant was sent a letter dated November 1, 2016 explaining the safe yield evaluation, and stating that it would be recommended to the Chief Engineer that pending application, File No. 49,688 be denied and dismissed due to the failure to meet safe yield criteria per K.A.R. 5-3-11. The applicant was provided 15 days until November 16, 2016 to respond.

The applicant requested, and was provided, several extensions of time to review available information and evaluate potential options. The applicant's consultant Water Rights Investigative Service LLC provided a discussion dated January 12, 2017 via electronic mail, which indicated that some senior files may be beyond the 2-mile circle radius (but safe yield was still exceeded). In addition, the letter noted that a senior file potentially may not complete diversion works by December 31, 2017, and finally the letter requested that the application be held for one (1) year per K.A.R. 5-3-4c.

However, as previously explained to the applicant in a December 22, 2016 letter, per K.A.R. 5-3-4c, an application can only be held if it meets specific criteria, which would include actions currently pending on other permits and water rights in the area, including issuance of certificates, dismissals of applications, and declarations of abandonment. There does not appear to be any pending actions in this area. In addition, the senior file with a December 31, 2017 completion date could readily be granted an extension of time to complete. Scott Ross (Water Rights Investigative Service LLC) was contacted by telephone on January 25, 2017 to discuss the status of the application, and was informed that the application would be dismissed for failure to meet safe yield, and that it did not meet the criteria to be held for one year.

Douglas W. Schemm
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

February 22, 2017

PHILLIP MULANAX
2828 INDY RD
ABILENE KS 67410

FILE COPY

RE: Application, File No. 49,688

Dear Mr. Mulanax:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,688 for failure to meet the safe yield criteria in K.A.R. 5-3-11.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-71 1(c) and K.S.A. 82a-1 90 1(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing. Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777

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,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

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

BAT:dws
Enclosures

pc: Topeka Field Office
Scott E. Ross, L.G. – WRIS



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. 49,688**

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 August 12, 2016, the Chief Engineer received an application from Phillip Mulanax for a permit to appropriate water for beneficial use, assigned File No. 49,688, requesting the appropriation of 147 acre-feet of groundwater for irrigation use. The application proposed to divert water from a well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 13, more particularly described as being near a point 890 feet North and 4,050 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.
2. That the source of water for the pending application appears to be the Smoky Hill River alluvium, based on the geographical location of the proposed point of diversion. Safe yield for pending applications within this alluvial aquifer are evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), the potential annual recharge, and the percent of recharge available for appropriation.
3. That based on the area of consideration (extent of the unconfined aquifer), the calculated recharge, and the percent of the calculated recharge that can be considered to be available for appropriation, safe yield was determined to be 1,676.25 acre-feet. Prior water rights within this same area of consideration have appropriated 1,831.51 acre-feet, leaving no additional water available for appropriation.
4. That on November 1, 2016, a letter was mailed to the applicant stating that the application did not comply with the safe yield requirements of K.A.R. 5-3-11, and that the application would be submitted to the Chief Engineer with a recommendation that the pending application be denied and dismissed, for failure to meet safe yield criteria. The applicant was provided 15 days, until November 16, 2016 to either submit additional information to our office or request additional time, prior to final action on the application.
5. That the applicant subsequently requested, and was granted, extensions of time to review available information and evaluate potential options to comply with safe yield. The applicant's consultant Water Rights Investigative Service LLC provided a discussion dated January 12, 2017 via electronic mail, which noted that a senior file may potentially not complete diversion works by December 31, 2017, and requested that the application be held for one (1) year per K.A.R. 5-3-4c.
6. That as previously explained to the applicant in a December 22, 2016 letter, per K.A.R. 5-3-4c, an application can only be held if it meets specific criteria, which would include actions currently pending on other permits and water rights in the area, including issuance of certificates, dismissals of applications, and declarations of abandonment. There does not appear to be any pending actions of this nature in this area.

CERTIFICATE OF SERVICE

On this *2nd* day of *February*, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,688, dated *February 17, 2017* was mailed postage prepaid, first class, US mail to the following:

PHILLIP MULANAX
2828 INDY RD
ABILENE KS 67410

With photocopies to:

SCOTT E ROSS LG
WATER RIGHTS INVESTIGATIVE SERVICE LLC
209 SOUTH ASH ST
STOCKTON KS 67669

Topeka Field Office



Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED
AUG 12 2016 11:16
KS DEPT OF AGRICULTURE

File Number 49,688
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED
AUG 05 2016 11:13
UNACCEPTABLE FOR PRIORITY
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): Phillip Mulanax
Address: 2828 Invy RD
City: Abilene State KS Zip Code 67410
Telephone Number: (785) 263-6309

2. The source of water is: surface water in _____ (stream)
OR groundwater in Smoky Hill 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 147 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1200 gallons per minute OR 2.67 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>1</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 (YES/NO) <u>Use</u>	Use <u>IRR</u>	Source <u>G/S</u>	County <u>DK</u>	By <u>AJW</u>	Date <u>8/12/16</u>
Code <u>REZ</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>8/12/16</u>	Check # <u>6490</u>			

SCANNED

8/15/2016 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.

(A) One in the NE quarter of the SW quarter of the SW quarter of Section 13, more particularly described as being near a point 890 feet North and 4050 feet West of the Southeast corner of said section, in Township 13 South, Range 2 EAST, Dickinson 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):

Phil Mulanax; 2828 Indy RD, Abilene, KS. 67410; 785-263-6309
(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 August 2nd, 2016. Phil Mulanax
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 one well; one pump; one motor; one pivot
(number of wells, pumps or dams, etc.)
and will be completed (by) October 2016
(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 May 2017
(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 NA
- If no, explain here why a Water Structures permit is not required No Water Structures permit is anticipated No storage is 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.

None

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

AUG 12 2016 SCANNED

UNACCEPTABLE FOR PRIORITY AUG 09 2016

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 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 is the owner
(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 Abilene, Kansas, this 2nd day of August, 2016
(month) (year)


(Applicant Signature)

✓ By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Scott E. Ross L.G. GM WRIS Date: 7/25/2016
(office/title)

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,600

Name of Applicant (Please Print): PHIL MULANAX

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: PHIL MULANAX
ADDRESS: 2828 Indy R.D Abilene, KS 67410

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	13	2E						17	15	38	38	8	7					123	

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	

WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED

AUG 12 2016

AUG 05 2016
UNACCEPTABLE FOR PRIORITY **SCANNED**

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>SURPHEW S. Hy Clay</u>	<u>64</u>	<u>0.6-1</u>	<u>2</u>
<u>DETROIT S. Lt Loam</u>	<u>36</u>	<u>0.6-2</u>	<u>3</u>
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 2-3 %

Estimate the maximum land slope in the field(s): 3 %

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:

MONITOR SOIL MOISTURE AVOID EXCESS IRRIGATION

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 20 psi

(2) What is the sprinkler package design rate? 1000 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? 150 feet

(4) Please include a copy of the sprinkler package design information. NA

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

CORN, MILK, ALFALFA, WHEAT, SUNFLOWERS, FORAGE SORGHUM

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).

Soil Moisture test.

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

Paul Mulvaney
8-2-2016

8-2-2016
(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. 49,680

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

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.

Phil Mulanax
Signature of Applicant

State of Kansas)
County of Dickinson) ss

Phil Mulanax
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 2nd day of August, 2016.



Donna J Bowers
Notary Public

My Commission Expires: 2-17-2020

WATER RESOURCES RECEIVED

AUG 12 2016

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY
AUG 6 5 2016

SCANNED

**MINIMUM DESIRABLE STREAMFLOW 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

Ninnescah River

North Fork Ninnescah River

Rattlesnake Creek

Republican River

Saline River

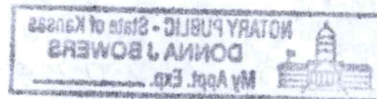
Smoky Hill River

Solomon River

South Fork Ninnescah

Spring River

Walnut River



WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED

#49,688

Fails Safe Yield
[over by 155.26 AF]

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 1,676.25 AF.
Total prior appropriation in the circle is 1,978.51 AF. **-147AF=1,831.51 ✓**
Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 6705 acres.
Potential annual recharge of the area is estimated to be 3 inches.
The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 01-NOV-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded. There are 20 water right(s) and 16 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	2999	00	IRR	NK	G		SW NE NW	4440	3900	24	13	02E	7	WR	178.00	178.00	400.00	0.00
A	7514	00	IRR	NK	G		SW SE SW	0	0	07	13	03E	1	WR	98.00	98.00	125.00	125.00
A	13007	00	IRR	NK	G		NW NE NE	0	0	19	13	03E	1	WR	153.00	153.00	160.00	160.00
A	16356	00	IRR	NK	G		NC NE	0	0	15	13	02E	1	WR	210.00	210.00	242.00	242.00
A	23257	00	IRR	NK	G		NE NW SW	2452	4351	23	13	02E	3	WR	105.00	105.00	254.00	254.00
A	38327	00	IRR	NK	G		NW SW NE	3780	2375	15	13	02E	3	WR	60.00	60.00	242.00	0.00
A	39251	00	IRR	NK	G		NW NW SW	2712	5031	19	13	03E	2	WR	77.00	77.00	400.00	0.00
Same			IRR	NK	G		NW NW SW	2545	4890	19	13	03E	3	WR				
Same			IRR	NK	G		NW NW SW	2375	4750	19	13	03E	4	WR				
A	39252	00	IRR	NK	G		CN NE	5230	1320	24	13	02E	6	WR	60.00	60.00	400.00	0.00
A	40230	00	IRR	NK	G		SW SE NE	2935	1300	23	13	02E	2	WR	42.00	42.00	166.00	166.00
A	40559	00	IRR	NK	G		NW SW NE	3780	2375	15	13	02E	3	WR	81.00	0.00	242.00	0.00
A	41092	00	IND	NK	G		SE NE SE	1645	8	11	13	02E	1	WR	0.45	0.45		
A	43951	00	IRR	NK	G		NE SE NE	3933	358	18	13	03E	2	WR	168.00	168.00	140.00	140.00
A	44615	00	IRR	NK	G		NW NW SW	2712	5031	19	13	03E	2	WR	77.00	0.00	400.00	0.00
Same			IRR	NK	G		NW NW SW	2545	4890	19	13	03E	3	WR				
Same			IRR	NK	G		NW NW SW	2375	4750	19	13	03E	4	WR				
A	45458	00	IRR	NK	G		NE NW SW	2452	4351	23	13	02E	3	WR	216.00	111.00	254.00	0.00
A	45458	00	IRR	NK	G		NE NW SW	2452	4351	23	13	02E	3	WR	216.00	111.00	254.00	0.00
12/17 - A	46062	00	IRR	LR	G			4904	4451	20	13	03E	7	WR	15.00	15.00	160.00	0.00
12/19 A	47222	00	IRR	LR	G		SW SE NE	2935	1300	23	13	02E	2	WR	199.20	157.20	166.00	0.00
12/19 A	48768	00	IRR	KE	G			4904	4451	20	13	03E	7	WR	168.00	0.00	160.00	0.00
12/21 A	49373	00	IRR	GY	G			867	2100	24	13	02E	8	WR	328.86	328.86	288.00	288.00
A	49688	00	IRR	AY	G		NE SW SW	890	4050	13	13	02E	3	WR	147.00	147.00	123.00	123.00
V DK	15	00	IRR	AA	G		CN NE	5230	1320	24	13	02E	6	WR	68.00	68.00	400.00	400.00

duplicate Listing

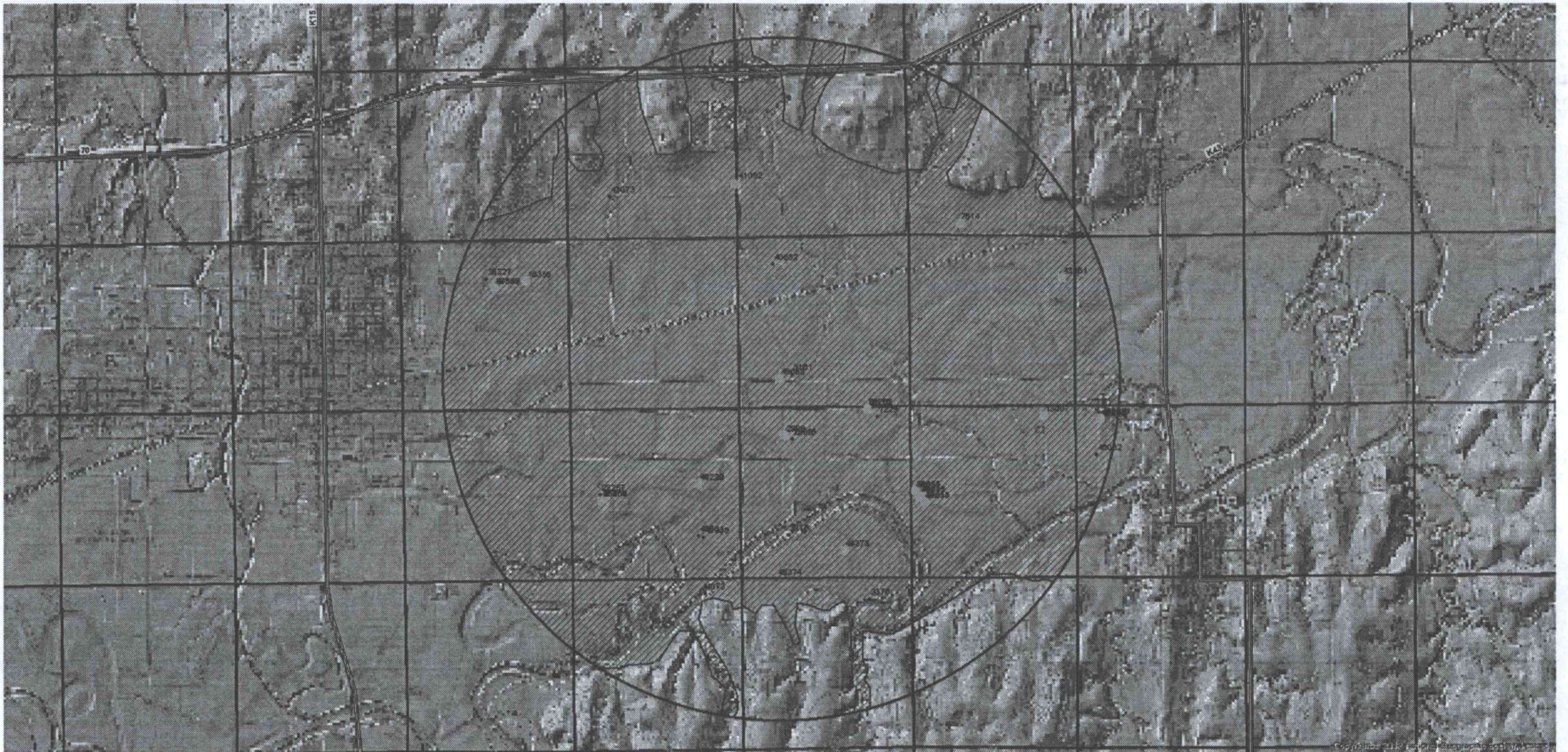
- Pending

1831.51 AF ✓

#49,688

Safe Yield Report Sheet
Water Right- A4968800
Point of Diversion in SWSWNE 13-13S-2E 3 (85542)

1831-2145



1831-2145

Point of Diversion
Water Right
#49,688

Schemm, Doug

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Thursday, January 12, 2017 11:22 AM
To: Schemm, Doug; pmulanax@att.net
Subject: Application File No. 49,688 Phil Mulanax

*Telephone call with
Scott Ross on 1/25/17,*

Doug,

*Informed him Application
would be dismissed, because it did not
meet criteria for 1 year hold.*

I spent a day in the field yesterday, a portion of which was with Phil *DWS/DWR* Mulanax. We were able to GPS three specific well locations that provide the following additional information:

Location File No. 43,951. This well well was located with my Garmin 60CSx using NAD 83 at 38.92308 N X -97.12569 W.

Mr. Mulanax new location using the same equipment was located at: 38.91768N X -97.16722 W.

Using a Cal Tech software calculator from the web found these two points 2.265 miles apart.

Further, we located the well under File No. 4053 using the same equipment to be at 38.90427 N X -97. 20042 W. The same software, found the well location of 4053 and the new point described above for Phil Mulanax (49,688) as being 2.012 miles apart.

I'd appreciate if you would use your available software to check these distances.

Should these meausrements prove accurate by your standards. The new location would have safe-yield at approximately 1 acre-foot over appropriated. This is of course based on your previous safe-yield computation.

In examining this data and the amount statistics report you used to arrive at the previous finding of the area having no additional water available, I found that within this two mile circle (3) appropriations are pending certification. File No. 48,768 is of no consequence as it authorizes no additional quantity. File No. 47,222 has until December 31, 2019 to perfect the right. We understand the regulation does not consider holding an application more than one year. In addition, information contained in WIMAS, has this right nearly perfected.

This leaves only Appropriation of Water File No. 49,373 which is currently awaiting completion by Decembr 31, 2017. As of yesterday, no diversion works were apparent at the location specified by the approval of this appropriation for 328 acre-feet.

Given the current farm economy a very real possibility exists that the holder of Appropriation of Water File No. 49,373 will not complete the diversion works in 2017 or request an extension of time to complete the well. Therefore, it is with this information, we respectfully request that Application File No. 49,688 be held under the provisions of K.A.R. 5-4-3c for a period of 365 days. Understanding that if within this time period additional steps are taken to perfect either of the two appropriations listed, no water will be available under Application File No. 49,688, and that it should be dismissed.

Please feel free to call if you have questions on these locations or calculations.

Scott

Scott E. Ross

General Manager

Water Rights Investigative Service LLC

209 South Ash ST. Stockton, KS. 67669

785-543-8254

SEMPER PARVA
Kansas
Department of Agriculture
Division of Water Resources

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

November 1, 2016

PHILLIP MULANAX
2828 INDY RD
ABILENE KS 67410

RE: Pending Application, File No. 49,688

Dear Mr. Mulanax:

We have conducted a preliminary review of your application referenced above based on the information received in our office on August 12, 2016. The proposed point of diversion is a well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE¼ SW¼ SW¼) of Section 13, more particularly described as being near a point 890 feet North and 4,050 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas. The application is requesting to appropriate 147 acre-feet of groundwater for irrigation use. The source of water for the pending application appears to be the Smoky Hill River alluvium, based on the geographical location of the proposed point of diversion.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. For this application, the area of consideration (alluvial aquifer) provided an area of consideration of 6,705 acres. With a potential annual recharge of 3.0 inches, and 100% of recharge available for appropriation, safe yield was determined to be 1,676.25 acre-feet. The safe yield determination is summarized below.

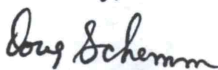
Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available	
6,705 acres x 3.0 inches x 100% = 20,115 acre-inches / 12 =	1,676.25 acre-feet
Prior Appropriations within the area of consideration =	1,831.51 acre-feet
Total quantity of water available =	0 acre-feet

It will be recommended to the Chief Engineer that pending application, File No. 49,688 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-11.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until November 16, 2016**) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so **in writing**, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above- referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the application. If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Doug Schemm
Environmental Scientist
Topeka Field Office

pc: Scott E. Ross, L.G. – WRIS

**WATER RIGHTS INVESTIGATIVE SERVICE
209 SOUTH ASH ST. STOCKTON, KANSAS 67669-1921 (785) 543-8254**

November 3, 2016

Topeka Field Office
C/O Doug Schemm
6531 SE Forbes Ave. Suite B
Topeka, KS. 66619

RE: Application File No. 49,688

Dear Mr. Schemm:

This correspondence regards your letter of November 1, 2016 to Mr. Phillip Mulanax on Application File No. 49,688. In said correspondence you refer to your safe-yield analysis which indicates that the area is over appropriated. While we take no acceptance with those findings, we would like to request that this application be held until the remaining un-certified files with in the safe-yield area become certified and a final tally of the total water appropriated can be determined.

By your calculations this area is 155.26 acre-feet more than the safe-yield determined by you to be 1676.25 acre-feet. We feel that the potential exists for a quantity of water to be available upon certification of all remaining Appropriations of Water. At such time as these appropriations are either certified or dismissed for failure to perfect any water, Mr. Mulanax would like an opportunity to amend his application to utilize any available water.

Please consider this his request that this application be held for one (1) year pending the certification of other area appropriations. Should you have any questions please feel free to communicate them to either Mr. Mulanax or myself.

Sincerely;

Scott E. Ross
General Manager
Water Rights Investigative Services

RECEIVED
NOV 14 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

PC: Phil Mulanax

Schemm, Doug

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Thursday, December 15, 2016 10:43 AM
To: Schemm, Doug
Subject: Phil Mulanax Application File No. 49,688

Doug,

After playing with this location a bit I found that the section is more than 5280 feet east to west. With the right of way from the county road I'm putting this location as far west in Section 13 as I can. So, the location to look at is;

834' N X 5280 W. in Sec. 13,T13S, R2E in Dickenson Co. KS.

Thank a bunch.

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

5250'W
+ 150'N



Department of Agriculture
Division of Water Resources

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

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

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov

Sam Brownback, Governor

December 22, 2016

PHILLIP MULANAX
2828 INDY RD
ABILENE KS 67410

RE: Pending Application, File No. 49,688

Dear Mr. Mulanax:

Per a request from Scott Ross on your behalf, the Chief Engineer is allowing an extension of time for thirty (30) days, in which to supply further information concerning the above referenced file, until **January 22, 2017**. In our November 1, 2016 letter to you, you were informed that there is no additional water available, and that it would be recommended to the Chief Engineer that pending application, File No. 49,688 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-11. You subsequently requested that this application be held for one (1) year. However, per K.A.R. 5-3-4c, an application can only be held if it meets specific criteria, which would include actions currently pending on other permits and water rights in the area, including issuance of certificates, dismissals of applications, and declarations of abandonment. There does not appear to be any pending actions in this area.

With this extension of time, the revised deadline is **January 22, 2017**. Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed these 30 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you do not request more time within the 30 day period, or if your request is not granted, the above referenced application will be submitted to the Chief Engineer with a recommendation it be denied for failure to comply with safe yield criteria. If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Doug Schemm
Environmental Scientist
Topeka Field Office

pc: Scott E. Ross, L.G. – WRIS

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

**WATER RESOURCES
RECEIVED**

AUG 12 2016

SCANNED

KS DEPT OF AGRICULTURE

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

August 15, 2016

PHILLIP MULANAX
2828 INDY RD
ABILENE KS 67410

FILE COPY

RE: Application
File No. 49688

Dear Sir or Madam:

Your application for permit to appropriate water in 13-13S-2E in Dickinson County, was received and has been assigned the file number noted above.

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

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

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

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

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

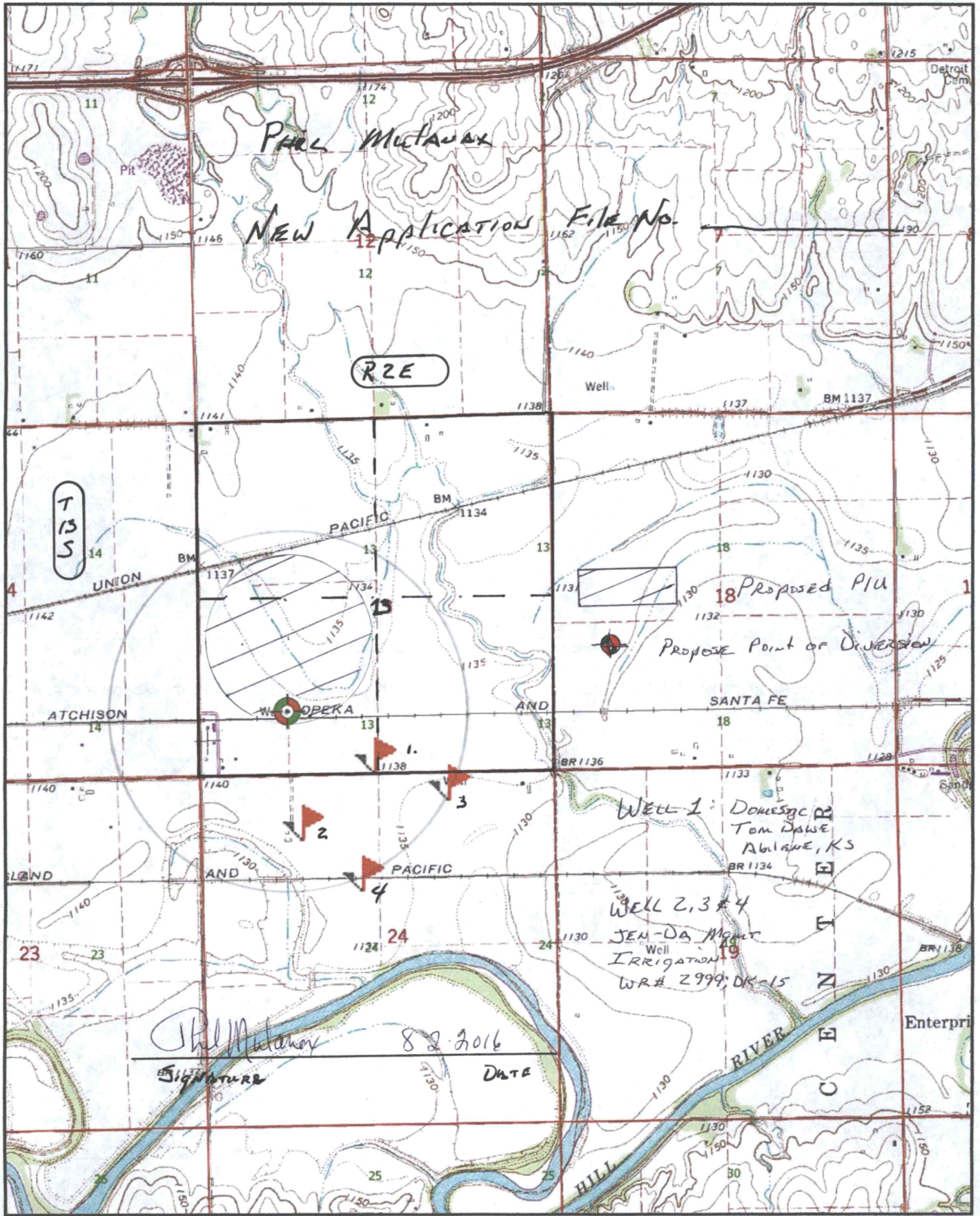
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED



Universal Transverse Mercator (UTM) Projection Zone 14
 North American Datum of 1983



AUG 12 2016

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY
 AUG 05 2016

SCANNED