

File No. **49,699** 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	85601	SW¼	2	4S	13E	3			

17. Rate and Quantity				
Authorized			Additional	
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files

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										Total	Owner	Chg?	Overlap Files														
T MOD DEL ENT	PUSE	S	T	R	ID	NE¼								NW¼				SW¼				SE¼					
						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	68022	2	4S	13E										40	40	40	40					200	7A				

Comments:

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

M E M O R A N D U M

TO: Files

DATE:

February 17, 2017

FROM: Alex Whitesell

RE:

Application, File No. 49,699

Dennis Niehues filed the above referenced file on September 1, 2016. The original application was returned to the applicant on September 13, 2016. The applicant was given the final deadline of January 30, 2017 to submit the information or request an extension of time. The applicant was reminded of the deadline on July 25, 2016. No correspondence was received from the applicant by the August 22, 2016 deadline. Therefore, the file should be dismissed.



Alex Whitesell
Environmental Scientist
Division of Water Resources

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

March 7, 2017

FILE COPY

DENNIS NIEHUES
1246 Q RD
GOFF KS 66428

RE: Dismissal of Application
File No. 49,699

Dear Mr. Niehues;

The referenced application was returned to you for additional information on September 13, 2016. Enclosed is a Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,699, for failure to return the original application and provide the required information, prior to the final deadline of January 30, 2017.

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 set forth in the enclosed order.

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

ajw:BAT
Enclosures
pc: 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 THE
DISMISSAL OF APPLICATION
FILE NO. 49,699**

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 September 1, 2016, the Chief Engineer received an application from Dennis Niehues for permit to appropriate water for beneficial use, assigned File No. 49,699, proposing the appropriation of 200 of groundwater, for irrigation use, at a maximum requested diversion rate of 800 gallons per minute, from a point of diversion located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 2, Township 4 South, Range 13 East, Nemaha County, Kansas.
2. That in accordance with K.A.R. 5-3-1, the application was accepted for filing provided that the applicant submit a more specific location of the point of diversion within 60 days of receipt of the new application.
3. That in accordance with K.S.A. 82a-710 and K.A.R. 5-3-1b, the application was returned to the applicant on September 13, 2016, with a letter requesting additional information, including the specific location for the proposed point of diversion, in order to complete the application.
4. That on December 29, 2016, the applicant was provided a final deadline of January 30, 2017, in which to return the application with the required information and notified that the application would be dismissed if it was not returned within the time allowed or within any authorized extension of time thereof.
5. That no further correspondence was received from the applicant by the deadline of January 30, 2017.
6. That as required by K.S.A. 82a-710, the application, described in Paragraph No. 1, shall be denied and dismissed 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. 49,699, 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 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 6th day of March, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 6th day of March, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 7th day of March, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,699, dated March 6, 2017, was mailed postage prepaid, first class, US mail to the following:

DENNIS NIEHUES
1246 Q RD
GOFF KS 66428

With photocopies to:

Division of Water Resources Topeka Field Office

Danielle Wilson

Division of Water Resources



FILE COPY

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,699
This item to be completed by the Division of Water Resources.

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.)

60 Days to Locate
WATER RESOURCES
RECEIVED

SEP 01 2016

11:49
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Dennis Michues
Address: 1246 Q Rd
City: Goff State KS Zip Code 66428
Telephone Number: (785) 547-6089

2. The source of water is: surface water in _____ (stream)
OR groundwater in Wolfey Creek Delaware 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.

3. The maximum quantity of water desired is 200 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use TIRP Source G/S County NM By AW Date 9/1/16
Code RE2 Fee \$ 300 TR # _____ Receipt Date 9/1/16 Check # 1021

60 Days to Locate

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 _____ quarter of the _____ quarter of the SW quarter of Section 2, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township 4 South, Range 13 East/West (circle one), Nemaha 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):

Same

(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 29, 2016. Jennie R. Michies
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 wells
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) _____
July 1st 2017
(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 July 1st 2017
(Month/Day/Year)

WATER RESOURCES RECEIVED July 1st 2017
(Month/Day/Year)

SEP 01 2016

SCANNED

SCANNED

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

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

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

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

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

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

WATER RESOURCES
RECEIVED

SEP 01 2016

SCANNED

KS DEPT OF AGRICULTURE **SCANNED**

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.

Go Out to Locate

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):

same
(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 Goff, Kansas, this 29 day of August, 2016.
(month) (year)

Dennis R. Nicholas
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Keith Goni MWT, LLC Date: 8/30/16
(office/title)

WATER RESOURCES
RECEIVED

SEP 01 2016

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49.699

Name of Applicant (Please Print): Dennis Niehues

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: Dennis Niehues

ADDRESS: 1246 Q Rd Goff KS 66428 785-547-6089

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2	4S	13E							40	40	40	40	40					200	

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

SEP 01 2016

SCANNED

SCANNED

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

SEP 01 2016

SCANNED

KS DEPT OF AGRICULTURE

SCANNED

441099



K 1320 ft
circle
to RW03

La 2

Pm to Drill

Golf-Sneida Rd

WATER RECEPTION

SEP 11 2016

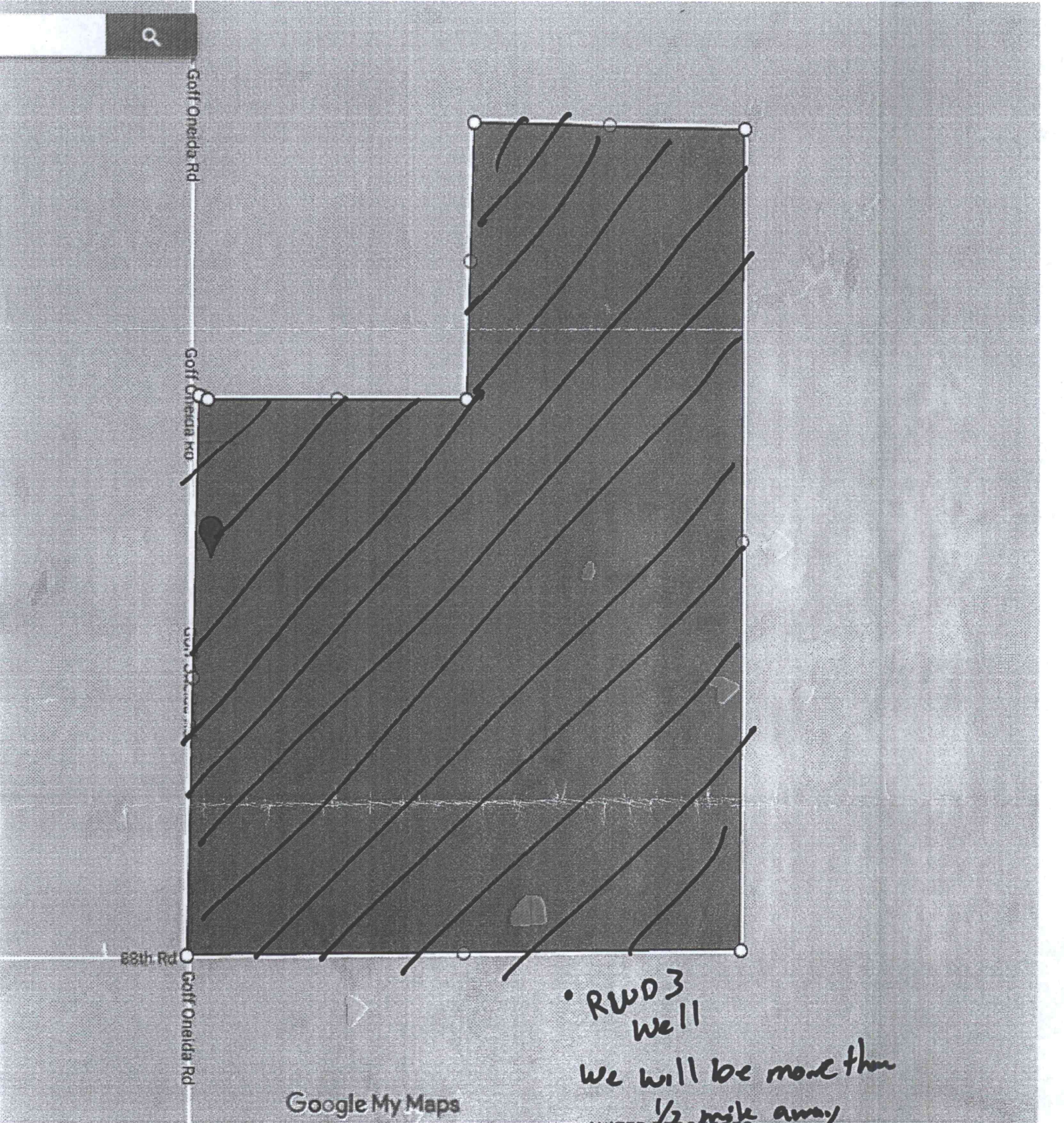
AGRICULTURE

© 2016 Google

SCANNED

SCANNED

49,699



• RWD 3 Well
 We will be more than
 1/2 mile away

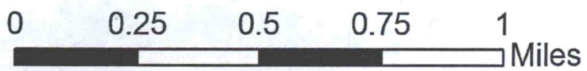
Google My Maps

WATER RESOURCES RECEIVED

SEP 01 2016


KS DEPT OF AGRICULTURE

SCANNED



All wells of any kind within 1/2 mile of the requested point of diversion have been plotted.

Signature: _____

 Place of Use

AJW/DWR
Date: 9/13/2016



SCANNED

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 29, 2016

FILE COPY

DENNIS NIEHUES
1246 Q RD
GOFF KS 66428

Re: Pending Application,
File No. 49,699

Dear Mr. Niehues:

In response to your written request by mail received in this office on November 30, 2016, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced file. The original application was returned to you on September 13, 2016, and with this extension of time, the revised deadline will be **January 30, 2017**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting this extension, you are being allowed an additional 60 days. If you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Please note that 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.

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 **January 30, 2017**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc:

SCANNED

Whitesell, Alex

From: Dennis Niehues <dlniehues@gmail.com>
Sent: Wednesday, November 30, 2016 9:32 PM
To: Whitesell, Alex
Subject: Requesting 60 day extension

I would like to request a 60 day extension on Application file number- 46,699. I am waiting on the drilling company to begin drilling at this time.

Thank You, Dennis R. Niehues

SCANNED

associated DRILLING, INC.

201 Industrial Rd., PO Box 7, Olsburg, KS 66520
(785) 468-3324, Fax: (785) 468-3363

November 1, 2016

Test hole log for:


Mr. Dennis Nieheus
1246 Q Rd.
Goff, KS 66428

The location of test hole is N 39.731508 W 95.938319.

0-52	Clay, yellow
52-69	Sand, fine
69-81	Sand, medium
81-91	Sand, fine
91-243	Clay, yellow to gray
243-265	Sand, fine
265-283	Clay, gray
283-328	Sand, fine
328-352	Sand, medium, well sorted
352-378	Shale, gray, weathered.

Static water level: 254 feet below ground surface (bgs).

A 24 hour pump test was completed on the test hole. The formation was pumped at 160 gpm for a 24 hour period. The pumping water level after 24 hours appeared to be 276 feet bgs.



Darin R. Duncan, PG
Associated Drilling, Inc.

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

October 10, 2016

DENNIS NIEHUES
1246 Q RD
GOFF KS 66428

FILE COPY

Re: Pending Application,
File No. 49,699

Dear Mr. Niehues:

The Division of Water Resources returned the above referenced application to you for additional information on September 13, 2016, and the current deadline for your response is November 1, 2016. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **November 1, 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.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **November 1, 2016**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that 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 have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Topeka Field Office

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

September 13, 2016

DENNIS NIEHUES
1246 Q RD
GOFF KS 66428

FILE COPY

Re: Pending Application,
File No. 49,699

Dear Mr. Niehues:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on September 1, 2016, 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 $\frac{1}{4}$) of Section 2, in Township 4 South, Range 13 East, Nemaha 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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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. Also, the enclosed "Minimum Desirable Streamflow" form must be signed and notarized.

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 **November 1, 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.

(over)

SCANNED

Niehues
September 13, 2016
Page 2 of 2

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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, appearing to read "Alex Whitesell". The signature is fluid and cursive, with the first name "Alex" written in a larger, more prominent script than the last name "Whitesell".

Alex Whitesell
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

September 2, 2016

DENNIS NIEHUES
1246 Q RD
GOFF KS 66428

FILE COPY

RE: Application
File No. 49699

Dear Sir or Madam:

Your application for permit to appropriate water in 2-4S-13E in Nemaha 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