

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: February 28, 2017

FROM: Doug Schemm

RE: Application, File No. 49,744

Monty Cudney has filed the referenced new application to appropriate 78.475 million gallons (240.831 acre-feet) of groundwater from one proposed well, located in the Northeast Quarter of Section 35, Township 34 South, Range 23 East in Cherokee County for industrial use at a turkey rearing facility. There are no overlapping files in point of diversion or place of use. The applicant has signed the application form stating he has access to the point of diversion.

K.A.R. 5-3-22 allows up to 0.3 gallons per head per day for drinking water and additional quantity of water for servicing and flushing. Servicing and flushing allows for 4 gallons per head per day (400 gallons for every 100 turkeys).

Drinking: 50,000 turkeys x 0.3 gallons/day x 365 days	= 5.475 million gallons
Servicing & Flushing = 50,000 turkeys x 4 gallons/day x 365 days	= <u>73 million gallons</u>
Total Quantity of Water	= 78.475 million gallons

The applicant identified only his own domestic well within one-half mile of the proposed well on the application map. A query of the WRIS database shows only one permitted well within two miles, which is likely in the same source of supply, the Ozark Plateau aquifer system. This senior file (File No. 40,819) is located over 5,100 feet away, therefore, no nearby well owner letters are required and the application complies with minimum well spacing criteria per K.A.R. 5-4-4 of 1,320 feet for all other aquifers.

No well log was submitted with the application. However, a review of other permitted wells in the area, indicates that the only viable source groundwater in this area will be the Ozark Plateaus aquifer system (890). Wells sourcing this formation can go to depths of 1,000 feet below ground surface or more. However, the two closest wells extend to total depths of just over 650 feet. The applicant's domestic well is substantially shallower, extending to only 382 feet depth. Per K.A.R. 5-3-29 a study was completed in order to determine the safe yield of the Ozark Plateaus aquifer system. The U.S. Geological Survey (USGS) in cooperation with the Kansas Water Office (KWO) completed a Groundwater Flow model of the Ozark Plateau aquifer system in 2009. Using MODFLOW software, the model was able to better assess the effects that increased water use is having on the long-term availability of groundwater within the Tri-State area. The Kansas Department of Agriculture, Division of Water Resources performed supplemental model runs utilizing the USGS model to determine the additional amount available to meet the safe yield of the Ozark aquifer. Safe yield for this area has been defined as no more than a 25 percent aquifer depletion rate over the next 100 years. Based on the modeling scenarios, the Ozark Plateaus aquifer system safe yield has been determined to be at least 36,000 acre-feet, or approximately three times the currently authorized amount.

A review of the two-mile circle area of consideration can ensure that safe yield of the aquifer is not being exceeded by a localized concentration of groundwater wells. For this pending application, there is only one existing water right within the two-mile circle, (authorized 4.38 acre-feet). Although not directly applicable to the Ozark Plateaus aquifer system, safe yield quantity per K.A.R. 5-3-11 provides the **maximum allowable recharge** (8.0 inches) for the area of consideration, since a deeper confined aquifer would receive only a portion of the recharge that a shallow, unconfined aquifer would receive. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the confined aquifer there would still be sufficient water available. For this application the maximum recharge could be reduced to less than 0.5 inches of recharge (just 6% of the maximum) and there would still be sufficient water available.

Monty Cudney
File No. 49,744
Page 2

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

In a February 24, 2017 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

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

March 29, 2017

MONTY CUDNEY
9464 SW 10TH ST
COLUMBUS KS 66725

FILE COPY

Re: Appropriation of Water, File No. 49,744

Dear Mr. Cudney:

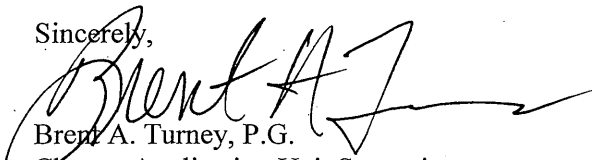
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location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

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

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

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this 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:dws
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

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,744** of the applicant

**MONTY CUDNEY
9464 SW 10TH ST
COLUMBUS KS 66725**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **December 15, 2016**.
2. That the water sought to be appropriated shall be used for industrial use at a turkey farm located in the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 35, in Township 34 South, Range 23 East, Cherokee County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater from the Ozark Aquifer, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), of Section 35, more particularly described as being near a point 4,746 feet North and 627 feet West of the Southeast corner of said section, in Township 34 South, Range 23 East, Cherokee County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **300 gallons per minute (0.67 c.f.s.)** and to a quantity not to exceed **78.475 million gallons** (240.83 acre-feet) of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

CERTIFICATE OF SERVICE

On this 29th day of March, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,744, dated March 24, 2017 was mailed postage prepaid, first class, US mail to the following:

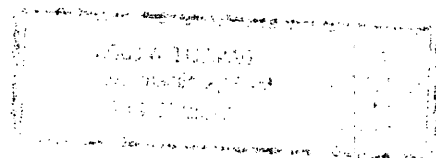
MONTY CUDNEY
9464 SW 10TH ST
COLUMBUS KS 66725

With photocopies to:

Topeka Field Office



Division of Water Resources



Schemm, Doug

From: Tietsort, Katie
Sent: Friday, February 24, 2017 3:08 PM
To: Schemm, Doug
Subject: RE: Monty Cudney 49,744

Thanks for your review, Doug. The TFO Has no objections to approval.

Have a great weekend,
Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Schemm, Doug
Sent: Thursday, February 23, 2017 5:03 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Monty Cudney 49,744

Meets all the regs.

APPLICATION COMPLETE
12/15/2016
Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,744
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

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 15 2016

12:40
KS DEPT OF AGRICULTURE

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): Monty Cudney
Address: 9464 SW 10th St
City: Columbus State KS Zip Code 66725
Telephone Number: (620) 674-2386

2. The source of water is: surface water in _____ (stream)
OR groundwater in Neosho 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 240.831 acre-feet OR 78,475,000 gallons per calendar year, to be diverted at a maximum rate of 300 gallons per minute OR 0.669 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 FWD Source GS County CIL By ADW Date 12/16/16
Code RED Fee \$ 300 TR # _____ Receipt Date 12/15/16 Check # 2548
SCANNED

12/21/2016 ULM

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

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NE quarter of the NE quarter of the NE quarter of Section 35, more particularly described as being near a point 4746 feet North and 627 feet West of the Southeast corner of said section, in Township 34 South, Range 23 East, Cherokee 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 as applicant

(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 12/9/ _____, 2016.

Mona Curney

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, distribution lines to turkey facilities

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

and will be completed (by) 1/31/16

(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 1/31/16
(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 N/A
- If no, explain here why a Water Structures permit is not required N/A

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:

- 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.
- If the application is for groundwater, please show the location of any existing water wells of any kind within $\frac{1}{2}$ 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 $\frac{1}{2}$ mile, please advise us.
- If the application is for surface water, the names and addresses of the landowner(s) $\frac{1}{2}$ mile downstream and $\frac{1}{2}$ mile upstream from your property lines must be shown.
- The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- 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.

File No. 42321 was dismissed prior to insp for failure to perfect (same P/U). The well authorized under the
aforementioned file produced poor quality water, and so the applicant used rural water connection to supply
the turkey operation. The well was retained for domestic use only (livestock watering).

WATER RESOURCES
RECEIVED

DEC 15 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	_____	_____	_____	_____

Driller's log to be delivered upon completion of test hole/well

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):

(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 COLUMBUS, Kansas, this 9 day of 12, 16
(month) (year)

Morris Arday
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by CF TFO/Parsons
(office/title)

Date: 12/5/16

RECEIVED
WATER RECORDS

**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 49,744

Name of Applicant (Please Print): Monty Cudney

1. Please describe type of industry or product produced: Turkey Rearing Facilities
 _____ Standard Industrial Classification Code Number: _____

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago	Information Not Available		
Last year			
Present year			

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1	50,000 Turkeys (max capacity)	78,475,000	430
Year 2	500 units (100 turkeys/unit)		30 gal/day drinking,
Year 3			400 gal/day servicing-flushing,
Year 4			(per 100 turkeys)
Year 5			K.A.R. 5-3-22

Number of days of operation of the industry per year is 365 days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	34 S	23 E	40			40													80

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

**WATER RESOURCES
RECEIVED**

DEC 15 2016

49,744
meets safe yield

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 4,021.00 AF.
 Total prior appropriation in the circle is 245.21 AF. ~~240.83~~ = 4.38
 Total quantity of water available for appropriation is ~~3,775.79~~ AF.
 4,016.62 AF

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 8.0 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 23-FEB-2017 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 2 water right(s) and 2 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	40819	00	IND	NK	G		SW	NW	SW	1830	5170	26	34	23E	1	WR	4.38	4.38
A	49744	00	IND	AY	G		NE	NE	NE	4746	627	35	34	23E	2	WR	240.83	240.83

Safe Yield Report Sheet
Water Right- A4974400
Point of Diversion in NENENE 35-34S-23E 2 (85806)



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49744 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49744 00 IND

Water Right and Points of Diversion Within 2.00 miles of point defined as:

*> 1/4 mile
meets well
Spacing*

4746 Feet North and 627 Feet West of the Southeast Corner of Section 35 T 34S R 23E

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 40819	00	IND	NK	G	5171	--	SW	NW	SW	1830	5170	26	34	23E	1		4.38	4.38	AF
A__ 49744	00	IND	AY	G	0	--	NE	NE	NE	4746	627	35	34	23E	2		240.83	240.83	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	240.83	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	4.38	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	245.21	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

4746 Feet North and 627 Feet West of the Southeast Corner of Section 35 T 34S R 23E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 40819 00 IND NK G

> RICHARD C FRANK

>

> 8551 SW 20TH ST

> COLUMBUS KS 66725

A__ 49744 00 IND AY G

> MONTY CUDNEY

>

> 9464 SW 10TH ST

> COLUMBUS KS 66725

#####

KGS
Hydrology

Water Well
Database
Query

Township: 34S, Range: 23E
Select location of well to view details.
Click on column heading to sort.

Save Data
to File

3 records returned.

T-R-S	Owner	Well Depth Ascend. Desc.	Static Water Level Ascend. Desc.	Est. Yield Ascend. Desc.	Well Use	Other ID	Action Taken	Completion Date Ascend. Desc.	Scan?
# 40819 Sec. 26 C NW SW	Franks, Richard and Barbara	657 ft.	238 ft.	45 gpm.	Industrial		Constructed	18-Aug-1992	PDF
Sec. 27 C NE NE	Westervelt, Wiley	682 ft.	260 ft.		Industrial		Constructed	16-Aug-1993	PDF
Sec. 35 NE NE NE	Cudney, Monty	382 ft.	152 ft.	25 gpm.	Industrial		Constructed	26-May-1993	PDF

Kansas Geological Survey
 Comments to webadmin@kgs.ku.edu
 URL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>
 Display Programs Updated July 2, 2014
 Data added continuously.



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 19, 2016

MONTY CUDNEY
9464 SW 10TH ST
COLUMBUS KS 66725

FILE COPY

RE: Application
File No. 49744

Dear Sir or Madam:

Your application for permit to appropriate water in 32-34S-23E in Cherokee 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

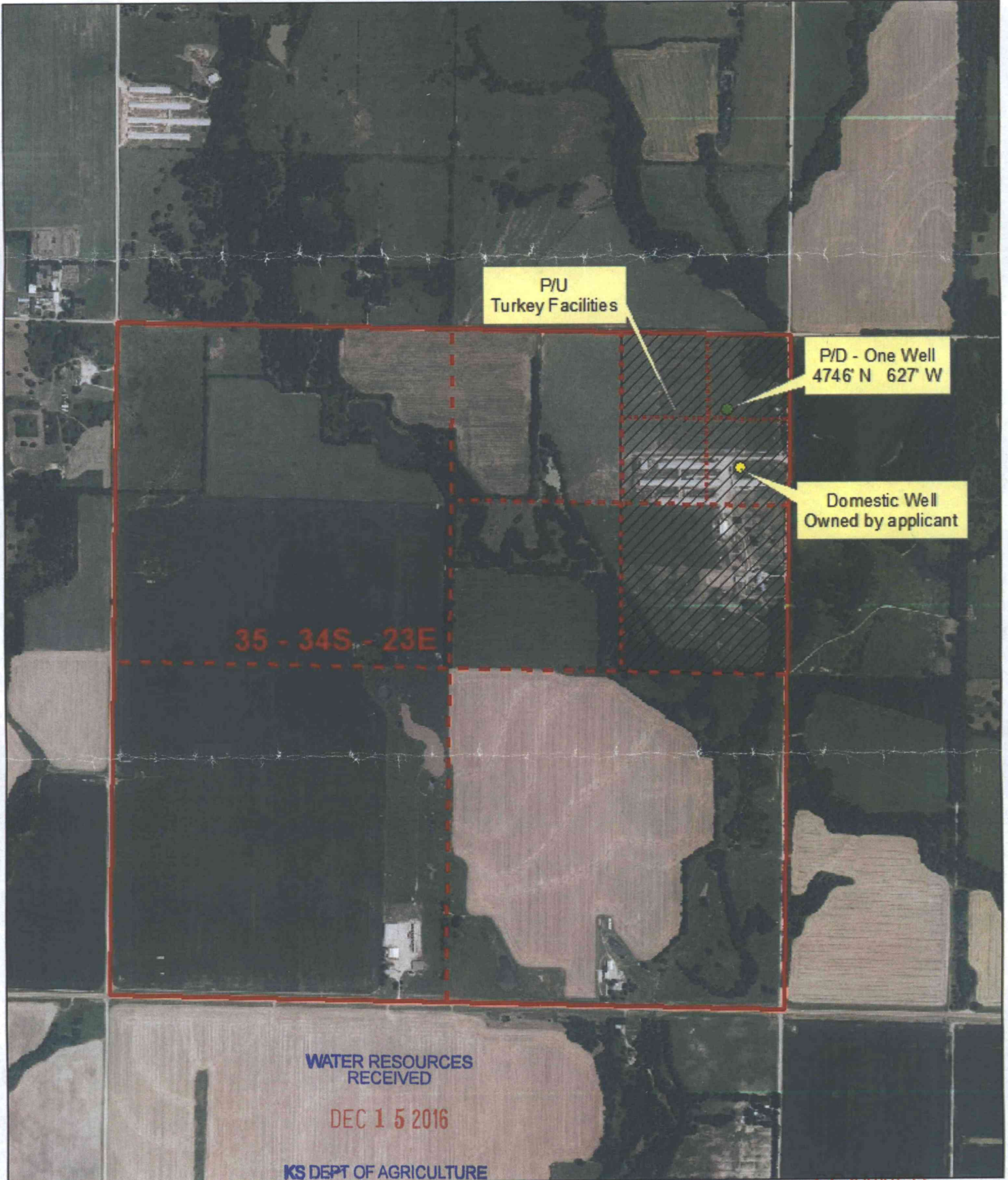
BAT: dlw
pc: TOPEKA Field Office
GMD 0

SCANNED

#49,744

Monty Cudney New Application

1:12,000



35 - 34S - 23E

P/U
Turkey Facilities

P/D - One Well
4746' N 627' W

Domestic Well
Owned by applicant

WATER RESOURCES
RECEIVED

DEC 15 2016

KS DEPT OF AGRICULTURE

SCANNED