



File No. **49,771**      15. Formation Code: **540**      Drainage Basin: **Little Blue River**      County: **WS**      Special Use:      Stream:

16. Points of Diversion									
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
√	81668	SE NW NE	9	3	5E	2	4494	1480	(Geo-Ctr)
√	81669	NE NW NE	9	3	5E	3	4782	1495	Batt 1 of 2
√	81670	SE NW NE	9	3	5E	4	4206	1465	Batt 2 of 2
<i>Battery ID #1637</i>									

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	78	800	78	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 **12/31/2018**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
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								
√	59069	9	3	5E	1		31	34																65	7a. & b.	No	None*		

Comments: \*FILE NO. ~~49,771~~ TO BE DISMISSED FOR FAILURE TO COMPLETE & PAY FIELD INSPECTION FEE.  
*48,656\**

*\*BATT/DWR*

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

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

**TO:** Files

**DATE:** April 5, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,771

Jay A. Hynek has filed the referenced application to appropriate 78 acre-feet of groundwater from a battery of two wells at a rate of diversion of 800 gallons per minute to irrigate 65 acres in Washington County, within the Little Blue River Drainage Basin. The proposed place of use is wholly owned by the applicant and Jeff & Vonda Hynek. Note: Appropriation of Water, File No. 48,656 currently overlaps in point of diversion and place of use. However, it will be dismissed for failure to complete the diversion works and submit the notice of completion fee. The requested quantity of 78 acre-feet for the irrigation of 65 acres of land is equivalent to 1.2 acre-feet per acre, which is the maximum allowable quantity for irrigation in Washington County per K.A.R. 5-3-19.

The applicant identified two domestic water wells located within one-half mile of the proposed point of diversion, one of which is owned by the applicant. A notification letter was sent to this domestic well owner during processing of the senior file. Because this application merely replaces the senior file for the same rate of diversion and quantity of water, no additional notification is necessary. The nearest domestic well (not owned by the applicant) is located approximately 1,600 feet from the geographic center of the well battery. The proposed point of diversion meets spacing to all existing wells per K.A.R. 5-4-4. The WRIS database shows there are no other groundwater appropriations within a two-mile radius circle.

A well log was provided with the previous application for this same location. The well log shows a red shale layer from 22 feet to 56 feet below ground surface, underlain by 7 feet of limestone, ending on a gray shale layer to a total depth of 65 feet below ground surface. Based on this lithology, it appears that the source of water would be the Chase Group, and the limestone unit is likely the primary aquifer. Based on the well log, it appears that the aquifer is confined, which is evidenced by the static water in the test hole log measured at 23 feet below ground surface, while the top of the aquifer is at 56 feet below ground surface.

Per K.A.R. 5-3-14, safe yield for a confined aquifer is processed on a case by case basis using the best available information. Because the aquifer is relatively shallow, and no specific criteria have been developed for safe yield evaluation of this confined aquifer, it appears that the pending application can be initially reviewed using the safe yield criteria in K.A.R. 5-3-11. Evaluation of the aquifer using the safe yield criteria in K.A.R. 5-3-11 (although this is for unconfined aquifers) provides a general baseline quantity. To maintain consistency with the senior file, truncating out the alluvial aquifer provides an area of consideration (bedrock aquifer) of 5,399 acres, a recharge of 3.65 inches, and a safe yield quantity of 1,642.2 acre-feet. This pending application is the only water right within this area of consideration (after dismissal of the senior file as discussed above). Although it is likely that the confined bedrock aquifer system would receive somewhat less recharge than a near-surface, unconfined aquifer, this safe yield value per K.A.R. 5-3-11 provides a maximum quantity of water available in the area of consideration. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with significant reduced recharge to the confined aquifer (in this case only 5% of the maximum or 0.18 inches of recharge) there would still be sufficient water available. Therefore, based on the above discussion, it appears that this application can be approved per K.A.R. 5-3-14, using the best information reasonably available to the chief engineer

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.

Memorandum  
Application, File No. 49,771  
Page 2

In an April 5, 2017 discussion, 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, the application is simply replacing another file to be dismissed, 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

May 8, 2017

**FILE COPY**

JAY A HYNEK  
2764 17<sup>TH</sup> RD  
HANOVER KS 66945

Re: Appropriation of Water, File No. 49,771

Dear Mr. Hynek:

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  
Jeff C & Vonda M Hynek

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)

**FILE COPY**

This is to certify that I have examined Application, **File No. 49,771** of the applicant

**JAY A HYNEK  
2764 17TH RD  
HANOVER KS 66945**

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 **February 3, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9	3S	5E		31	34													65	

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE¼ NW¼ NE¼) of Section 9, more particularly described as being near a point 4,494 feet North and 1,480 feet West of the Southeast corner of said section, in Township 3 South, Range 5 East, Washington 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 **800 gallons per minute** (1.78 c.f.s.) and to a quantity not to exceed **78 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, which is currently \$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 accompanied by the required statutory fee, which is currently \$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, which is currently \$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.





### CERTIFICATE OF SERVICE

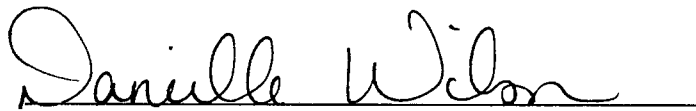
On this 8<sup>th</sup> day of May, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,771, dated May 4<sup>th</sup>, 2017 was mailed postage prepaid, first class, US mail to the following:

JAY A & CYNTHIA L HYNEK TRUST  
2764 17TH RD  
HANOVER KS 66945

With photocopies to:

JEFF C & VONDA M HYNEK  
2764 17TH RD  
HANOVER KS 66945

Topeka Field Office



Division of Water Resources

2/3/17

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 49,771

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.)

FEB 03 2017 11:10
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): JAY A HYNEK
Address: 2764 17TH RD
City: HANOVER State KS Zip Code: 66945
Telephone Number: (785) 747-8255

2. The source of water is: [ ] surface water in (stream)
OR [x] groundwater in LITTLE BLUE 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 78 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) [x] 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. GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source GDS County WS By ABW Date 2/3/17
Code REG Fee \$ 200 TR # 1709727 Receipt Date 2/3/17 Check # 50000

DWR 1-100 (Revised 02/16/2011) NOTE: Please apply \$100 Extension Fee from File No. 48,656 to this new application for filing fee.

SCANNED

2/13/2017

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 SE of the NW quarter of the NE quarter of Section 9, more particularly described as being near a point 4,494 feet North and 1,480 feet West of the Southeast corner of said section, in Township 3 South, Range 5 EAST, WASHINGTON County, Kansas. **GEO-CENTER**
- (B) One in the NE of the NW quarter of the NE quarter of Section 9, more particularly described as being near a point 4,782 feet North and 1,495 feet West of the Southeast corner of said section, in Township 3 South, Range 5 EAST, WASHINGTON County, Kansas. **BATT 1 OF 2**
- (C) One in the SE of the NW quarter of the NE quarter of Section 9, more particularly described as being near a point 4,206 feet North and 1,465 feet West of the Southeast corner of said section, in Township 3 South, Range 5 EAST, WASHINGTON County, Kansas. **BATT 2 OF 2**
- (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):

APPLICANT  
(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 Jan 24, 2017. Jay A. Wyrnek  
Applicant's Signature

7. The proposed project for diversion of water will consist of Battery of 2 wells  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) SUMMER 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 Summer 2017.  
(Mo/Day/Year)

WATER RESOURCES  
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FEB 03 2017

KS DEPT OF AGRICULTURE

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 \_\_\_\_\_

Not building impoundment, proposed wells

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.

Overlap in Point of Diversion and Place of Use with File No. 48,656, which is to be dismissed for failure to complete by final deadline of 12/31/2016.

Applicant will be submitting \$100 filing fee with the new application, and the remaining \$100 is the Extension Fee paid on File No. 48,656, which is to be applied to this new application for a total filing fee of \$200.

WATER RESOURCES RECEIVED

FEB 03 2017

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KS DEPT OF AGRICULTURE

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 See Senior  
File \_\_\_\_\_

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 Co-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):

JEFF C & VONDA M HYNEK, 2764 17<sup>TH</sup> RD, HANOVER KS 66945  
(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 Topeka, Kansas, this 24<sup>th</sup> day of January, 2017  
(month) (year)

Jay A. Hynek  
(Applicant Signature)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

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

\_\_\_\_\_  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

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

Assisted by DWS TOPEKA FO Date: 1/18/2017  
(office/title)

WATER RESOURCES RECEIVED

FEB 03 2017

SCANNED

KS DEPT OF AGRICULTURE

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49,771

Name of Applicant (Please Print): JAY A. HYNEK

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: JAY A. & JEFF HYNEK

ADDRESS: 2764 17<sup>TH</sup> RD, HANOVER, KS 66945

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9	3S	5E		31	34														65

**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  
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FEB 03 2017

\_\_\_\_\_  
(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. 49,771

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.

Jay A. Hynek  
Signature of Applicant

State of Kansas )  
County of Shawnee ) ss

Jay A. Hynek  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 24<sup>th</sup> day of January, 2017.



Notary Public

Lloyd Hemphill

My Commission Expires:  
December 27, 2020

WATER RESOURCES  
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FEB 03 2017

File #49,771

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 1,642.20 AF.  
Total prior appropriation in the circle is 156.00 AF. *-156 = 0*  
Total quantity of water available for appropriation is 1,486.20 AF.

*1642.2 AF*

**Safe Yield Variables**

The area used for the analysis is set at 5399 acres.  
Potential annual recharge of the area is estimated to be 3.65 inches.  
The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 30-MAR-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 3 point(s) of diversion within the circle.

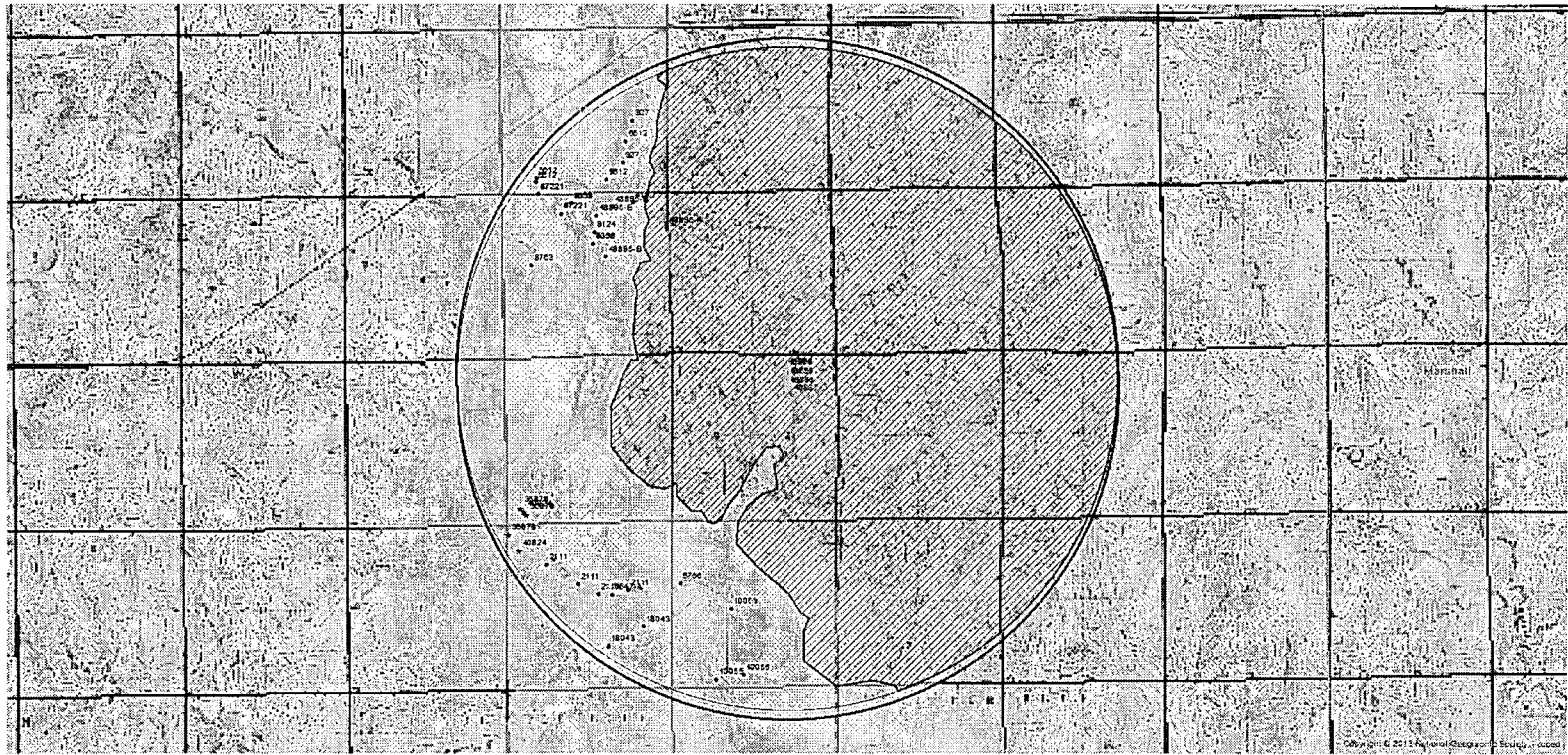
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 48656 00	IRR	HK	G		SE	NW	NE	4494	1480	09	03	05E	2	WR	<del>78.00</del>	<del>78.00</del>	65.00	65.00
Same	IRR	HK	G		NE	NW	NE	4782	1495	09	03	05E	3	WR				
Same	IRR	HK	G		SE	NW	NE	4206	1465	09	03	05E	4	WR				
A 49771 00	IRR	AY	G		SE	NW	NE	4494	1480	09	03	05E	2	WR	<del>78.00</del>	<del>78.00</del>	65.00	65.00
Same	IRR	AY	G		NE	NW	NE	4782	1495	09	03	05E	3	WR				
Same	IRR	AY	G		SE	NW	NE	4206	1465	09	03	05E	4	WR				

*to be dismissed*



Bedrock  
Aquifer

Safe Yield Report Sheet  
Water Right: A4977100  
Point of Diversion in NENWSE 9 3S-5E



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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Total:</b>	<b>100 %</b>		

b. Estimate the average land slope in the field(s): \_\_\_\_\_%

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

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:

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi
- (2) What is the sprinkler package design rate? \_\_\_\_\_ 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? \_\_\_\_\_ feet
- (4) Please include a copy of the sprinkler package design information.

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

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).

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

WATER RESOURCES RECEIVED

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**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  
Mill Creek (Wabaunsee Co. area)  
Neosho River

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

WATER RESOURCES  
RECEIVED

FEB 03 2017

KS DEPT OF AGRICULTURE

SCANNED



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

February 10, 2017

JAY A HYNEK  
2764 17TH RD  
HANOVER KS 66945

**FILE COPY**

RE: Application  
File No. 49771

Dear Sir or Madam:

Your application for permit to appropriate water in 9-3S-5E in Washington 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,

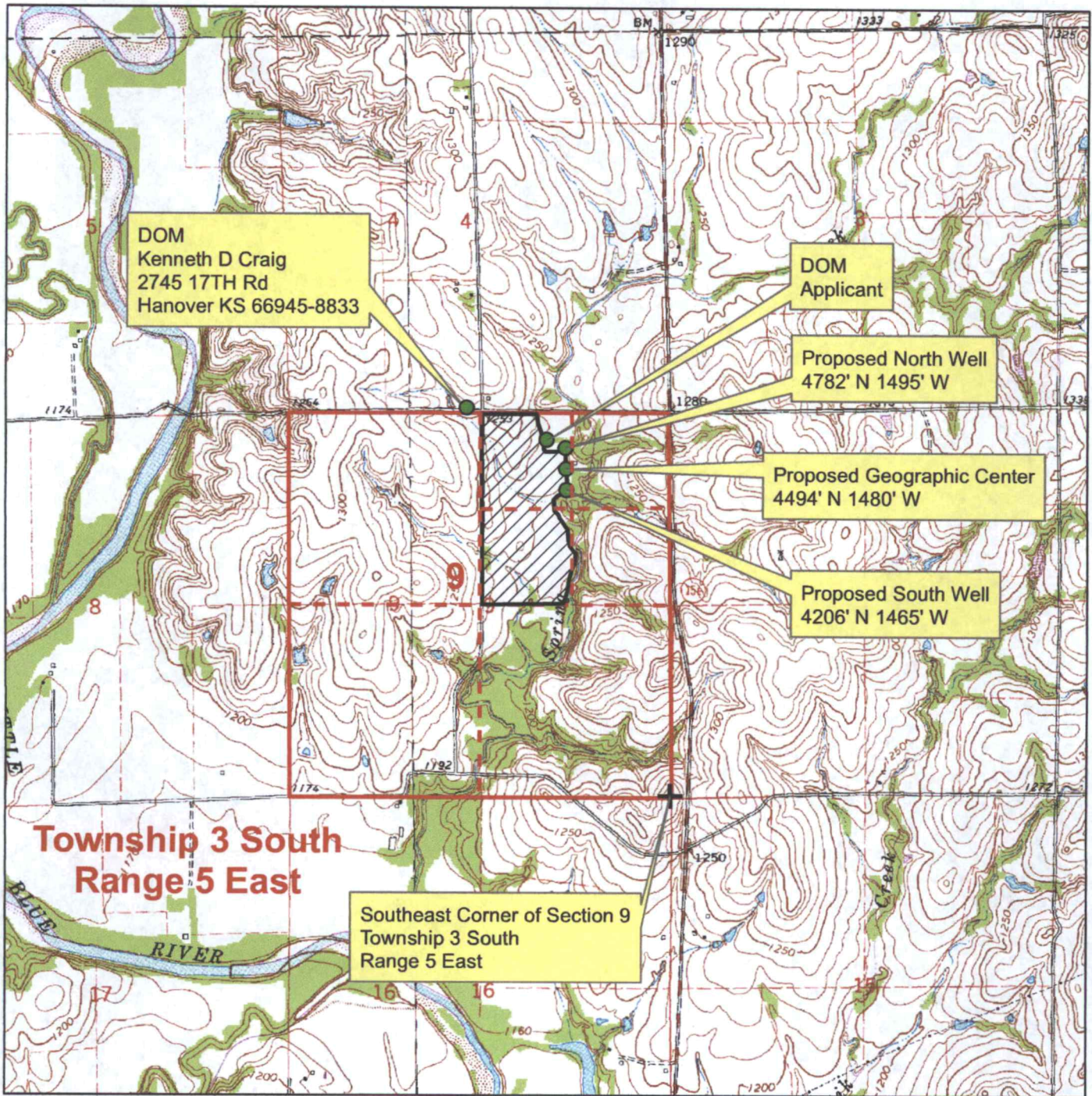
Brent A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

**SCANNED**

49,771

# Application for Irrigation Use Jay A Hynek -- Sec 9-3S-5E Washington County



All wells within 1/2 mile of the proposed point of diversion have been plotted and identified.

 Proposed Place of Use

 Proposed Point of Diversion

WATER RESOURCES RECEIVED

FEB 03 2017

1:24,000



*Jay A. Hynek*  
(Signature)