

File No. **49,772** 15. Formation Code: **113** Drainage Basin: **SMOKY HILL RIVER** County: **GE** Special Use: Stream:

16. Points of Diversion

MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			85894	SE SW SW	2	8	12	5E	2	303 4242

17. Rate and Quantity **MOD QTY**

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
1200	127.5	1200	127.5	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

MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files					
								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									
√			68216	28	12	5E	5																27.5	15.5			18.7	1.5	63.2	7b.	NO	NONE
√			68217	32	12	5E	1	2.0																					2.0	7b.	NO	NONE
√			68218	33	12	5E	5		14.0					13.5	35.5	4.0												67.0	7b.	NO	NONE	

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 23, 2017

FROM: Doug Schemm

RE: Application, File No. 49,772

Rod Gfeller has filed the referenced application for permit to appropriate 127.5 acre-feet of groundwater at a rate of diversion of 1,200 gallons per minute from a proposed well. The well would be located in the Southwest Quarter of Section 28, in Township 12 South, Range 5 East, in Geary County. The proposed appropriation is located in the drainage basin of the Smoky Hill River. The entire place of use is owned by G. Richard Munson, (132.2 acres), and the applicant has signed the application form stating that he has access to the point of diversion. The maximum allowable to irrigate the proposed 132.2 acres in Geary County is 1.1 acre-feet per acre, or a total of 145.4 acre-feet, which is what the application initially requested. However, the requested quantity was reduced to 127.5 to comply with safe yield quantity of water available. This quantity of water will provide almost 1 acre-feet per acre and is still reasonable for this area of the state.

A well log submitted with the application shows sand and gravel extending from 16 feet to 59 feet below ground surface, where shale bedrock was encountered. Static water level was not provided on the well log, however nearby wells average depth to water is approximately 20 feet. Based on the well log and the geographical location of the well near the Smoky Hill River, the source of water is the alluvial aquifer. Per K.A.R. 5-3-11, the area of consideration was based on the extent of this alluvial aquifer, which was determined to be 4,230 acres. Thus 4,230 acres x 3.14 inches of recharge x 100% recharge available / 12 provides a safe yield of 1,106.85 acre-feet. Existing water rights have appropriated 979.32 acre-feet, leaving 127.5 acre-feet available, and the application reduced to 127.5 acre-feet complies with safe yield.

The applicant identified three domestic wells in the local area, however only one of them is within one-half mile of the proposed point of diversion. A nearby letter was sent out on May 5, 2017, and no response of any kind was received. The proposed point of diversion complies with minimum well spacing for all other aquifers of 1,320 feet to non-domestic wells, and 660 to domestic wells. The nearest non-domestic well is over 3,500 feet away, while the nearest domestic well is over 1,800 feet away.

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 chemicals will be injected into the water pumped under this permit, a check valve will also be required.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application in a May 19, 2017 e-mail.

Based on the above discussion, the area is open to new appropriations, the point of diversion meets minimum well spacing criteria, the application complies with safe yield criteria, and approval will not impair senior water rights, it is recommended that the referenced application be approved.

Doug 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

June 16, 2017

ROD GFELLER
2819 N MILFORD LAKE RD
JUNCTION CITY KS 66441

FILE COPY

Re: Appropriation of Water, File No. 49,772

Dear Mr. Gfeller:

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,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office
G Richard Munson

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. 49,772** of the applicant

**ROD GFELLER
2819 MILFORD LAKE RD
JUNCTION CITY KS 66441**

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 7, 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		
28 12S 5E												27.5	15.5			18.7	1.5	63.2
32 12S 5E	2.0																	2.0
33 12S 5E		14.0			13.5	35.5	4.0											67.0

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE¼ SW¼ SW¼) of Section 28, more particularly described as being near a point 303 feet North and 4,242 feet West of the Southeast corner of said section, in Township 12 South, Range 5 East, Geary 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 **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **127.5 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 with 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.

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

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

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 14th day of June, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 14th day of June, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 16th day of June, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,772, dated June 14, 2017 was mailed postage prepaid, first class, US mail to the following:

ROD GFELLER
2819 MILFORD LAKE RD
JUNCTION CITY KS 66441

With photocopies to:

G RICHARD MUNSON
1520 OAKRIDGE DR
JUNCTION CITY KS 66441

Topeka Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

Schemm, Doug

From: Tietsort, Katie
Sent: Friday, May 19, 2017 11:18 AM
To: Schemm, Doug
Subject: RE: 49772 Rod Gfeller

Doug,

Thanks for processing this request. Looks like the applicant has managed to find a location that meets the spacing and takes up the final remaining quantity in the local circle. It meets applicable rules and regulations of the KWAA, I agree with your recommendation for approval.

Thanks, 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, May 18, 2017 7:36 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: 49772 Rod Gfeller

Smoky Hill River alluvium. Reduced to meet safe yield.

APPLICATION COMPLETE

5/23/2017

Reviewer DWS



THE STATE OF KANSAS

WATER RESOURCES RECEIVED

APR 03 2017

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49772

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

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APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule attached to this application form.)

FEB 07 2017

2:43

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): Rod Gfeller
Address: 2819 N Milford Lake Rd
City: Junction City State KS Zip Code 66441
Telephone Number: (785) 223-1427

2. The source of water is: [] surface water in (stream)
OR [x] groundwater in Smoky Hill River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 127.5 * Reduced in 5/4/2017 phone call with applicant. acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 1,200 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 E12R2 Source (G) S County GE By ASW Date 2/13/17

TR # Receipt Date 2/6/17 Check # 9356 Code RE2

* Applicant agreed to reduced quantity of water to meet safe yield. SCANNED 2/13/2017 LLM DWS/DWR 5/4/2017

Request 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 SE quarter of the SW quarter of the SW quarter of Section 28, more particularly described as being near a point 303 feet North and 4,242 feet West of the Southeast corner of said section, in Township 12 South, Range 5 East (circle one), Geary 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):

G Richard Munson

 (name, address and telephone number)
1520 Oakridge Dr. Juncition City, KS 66441

 (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 Feb 7, 2017 Rodney Speller

 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

 (number of wells, pumps or dams, etc.)
 and (will be) completed (by) _____

 (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 _____

 (Mo/Day/Year)

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

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

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

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

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

- 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
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WATER RESOURCES
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APR 03 2017

FEB 07 2017

KS DEPT OF AGRICULTURE

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.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of Tenant
(owner, 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 as point of diversion
(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 _____, Kansas, this _____ day of _____, _____
(month) (year)

Rochney Speller
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by AJW / DWR _____ Date: _____
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,772

Name of Applicant (Please Print): 49,772

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: G Richard Munson
 ADDRESS: 1520 Oakridge Dr. Junction City, KS 66441

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28	12S	5E											27.5	15.5			18.7	1.5	63.2
32	12S	5E	2																2
33	12S	5E		14			13.5	35.5	4										67
																			132.2

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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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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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.

49,772 Robert White
1308 Skyline Dr SE
Shelby 4960

Franky with 3320 4418 Britt Rd

Wayne White 2230
4110 Britt Rd

John with 3240

Dick - Richard 5300
4191 River Rd

#4 John with 3100 E Britt Rd > 1/2 mile

Manson Charles E ~~with~~ 4820 Liberty Hall Rd
Greay KS 66441-6774 > 1/2 mile

Sargent Drilling
 INDUSTRIAL ENGINEERING
 COMPLETE MUNICIPAL AND INDUSTRIAL
 WELL AND PUMP SERVICE

PO Box 367
 Geneva, NE 68361-0367

846 South 13th St.

Phone: (402) 759-3902
 1-888-496-3902

TEST HOLE LOG

CUSTOMER: Rod Gfeller	
WELL ID: 2017-1	
LOCATION: SW ¼, 28-T12S-R5E, Geary Co., KS	
LATITUDE: 38° 58' 21.7"	
LONGITUDE: 96° 53' 13"	
ELEVATION: 1,070'	
FOOTAGES: 220 feet from the North section line and 4,239 feet from the West section line	
DATE: 03/17/17	DRILLED BY: Scott

SWL:
 PWL

from feet - to feet

0	16	Top soil and brown sandy clay
16	20	Fine, medium, coarse sand with fine gravel
20	40	Medium, coarse sand and fine to medium gravel
40	59	Medium, coarse sand and fine to medium gravel with gray clay streak
59	60	Blue shale
60	65	Blue and purple shale
60	66	Rock

WATER RESOURCES
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APR 03 2017

ah

KS DEPT OF AGRICULTURE

2-7-17

(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. 49,772

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.

Rodney Gfeller
Signature of Applicant

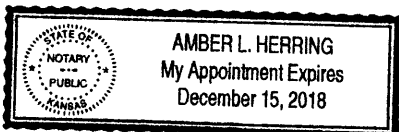
Rodney Gfeller
(Print Applicant's Name)

State of Kansas)
) ss
County of Riley)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 7th day of February, 2017.

Amber L. Herring
Notary Public

My Commission Expires:



WATER RESOURCES
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FEB 07 2017

WATER RESOURCES
RECEIVED

APR 03 2017

KS DEPT OF AGRICULTURE

**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

File # 49,772

Requested 145.4 AF
only 127.5 AF is available.

Applicant agreed to
Reduce Qty to 127.5 AF
to meet safe yield

Analysis Results

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 1,106.85 AF.

Total prior appropriation in the circle is 1,124.72 AF. - 145.4 AF = 979.32 AF

Total quantity of water available for appropriation is ~~0.00~~ AF.

127.5 AF

Safe Yield Variables

The area used for the analysis is set at 4230 acres.

Potential annual recharge of the area is estimated to be 3.14 inches.

The percent of recharge available for appropriation is 100%.

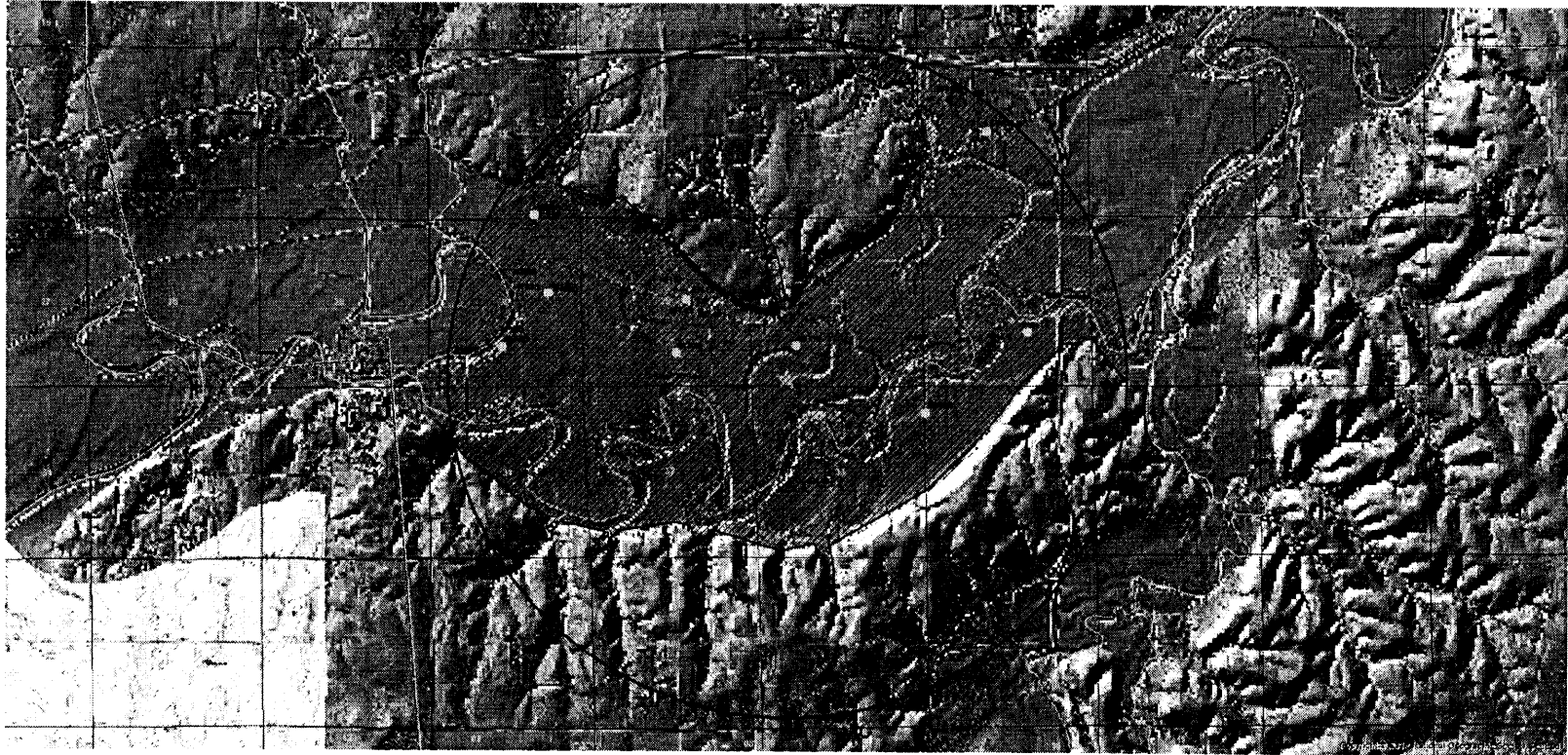
Authorized Quantity values are as of 04-MAY-2017 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 11 water right(s) and 9 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	5414	00	IRR	NK	G			1600	2000	27	12	05E	2	WR	132.00	132.00	91.00	91.00		
A	25912	00	IRR	NK	G	CW	NW	NW	4650	5150	34	12	05E	1	WR	59.00	59.00	206.00	206.00	
A	41039	00	IRR	NK	G		CS	SE	100	1400	19	12	05E	3	WR	62.00	62.00	164.00	164.00	
A	41150	00	IRR	NK	G			2812	898	30	12	05E	3	WR	204.00	204.00	186.00	186.00		
A	41322	00	IRR	NK	G		NW	SW	SE	1041	2311	29	12	05E	2	WR	102.00	102.00	130.00	130.00
A	45009	00	IRR	NK	G			CS	SE	100	1400	19	12	05E	3	WR	164.00	102.00	164.00	0.00
A	45780	00	IRR	NK	G		NW	SW	SE	1261	2465	30	12	05E	7	WR	204.00	0.00	186.00	0.00
A	47402	00	IND	LR	G			2585	3090	22	12	05E	2	WR	14.12	14.12				
A	48339	00	IRR	KE	G		CW	NW	NW	4650	5150	34	12	05E	1	WR	226.60	167.60	206.00	0.00
A	49112	00	IRR	KE	G			W2	E2	2700	1977	29	12	05E	3	WRF	15.10	15.10	13.70	13.70
A	49112	00	REC	KE	G			W2	E2	2700	1977	29	12	05E	3	WRF	121.50	121.50		
A	49772	00	IRR	AY	G			SW		1320	3960	28	12	05E	2	WR	145.40	145.40	132.20	132.20

#49,772

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SESESW 28-12S-05E
(303'N & 4,242'W)



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

303 ft N and 4242 ft W of the SE Corner of Section 28, T 12S, R 5E

Located at: 96.886656 West Longitude and 38.972695 North Latitude

GROUNDWATER ONLY

*All > 1/2 mile
meets spacing of 1,320'*

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 5414	00	IRR	NK	G	7586	--	--	--	--	1600	2000	27	12	5E	2		132.00	132.00	AF
A__ 25912	00	IRR	NK	G	4508	--	CW	NW	NW	4650	5150	34	12	5E	1		59.00	59.00	AF
A__ 41039	00	IRR	NK	G	9411	--	--	CS	SE	100	1400	19	12	5E	3		62.00	62.00	AF
A__ 41150	00	IRR	NK	G	7782	--	--	--	--	2812	898	30	12	5E	3		204.00	204.00	AF
A__ 41322	00	IRR	NK	G	3563	--	NW	SW	SE	1041	2311	29	12	5E	2		102.00	102.00	AF
A__ 45009	00	IRR	NK	G	9411	--	--	CS	SE	100	1400	19	12	5E	3		164.00	102.00	AF
A__ 45780	00	IRR	NK	G	8953	--	NW	SW	SE	1261	2465	30	12	5E	7		204.00	.00	AF
A__ 47402	00	IND	LR	G	9862	--	--	--	--	2585	3090	22	12	5E	2		14.12	14.12	AF
A__ 48339	00	IRR	KE	G	4508	--	CW	NW	NW	4650	5150	34	12	5E	1		226.60	167.60	AF
A__ 49112	00	IRR	KE	G	4005	--	--	W2	E2	2700	1977	29	12	5E	3		15.10	15.10	AF
A__ 49112	00	REC	KE	G	4005	--	--	W2	E2	2700	1977	29	12	5E	3		121.50	121.50	AF
A__ 49772	00	IRR	AY	G	1055	--	--	--	SW	1320	3960	28	12	5E	2		145.40	145.40	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	145.40	.00
Total Permitted Amount (AF) =	304.20	.00
Total Inspected Amount (AF) =	14.12	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	661.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1124.72	.00

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for 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:

96.886656 West Longitude and 38.972695 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 5414	00	IRR	NK G
> MICHAEL & LINDA GFELLER			
>			
> 8354 RIFFLE RD			
> JUNCTION CITY KS 66441			

A__ 25912	00	IRR	NK G
> RICHARD GFELLER			
>			
> 4191 RIVER RD			
> JUNCTION CITY KS 66441			

A__ 41039	00	IRR	NK G
> DAVID & KATHRINE HILDEBRAND			

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>
> 5210 RUCKER RD
> JUNCTION CITY KS 66441
>-----
A__ 41150 00 IRR NK G
> DAVID & KATHRINE HILDEBRAND
>
> 5210 RUCKER RD
> JUNCTION CITY KS 66441
>-----
A__ 41322 00 IRR NK G
> SKIDDY CREEK FARMS LLC
>
> 1308 SKYLINE DR
> JUNCTION CITY KS 66441
>-----
A__ 45009 00 IRR NK G
> DAVID & KATHRINE HILDEBRAND
>
> 5210 RUCKER RD
> JUNCTION CITY KS 66441
>-----
A__ 45780 00 IRR NK G
> DAVID & KATHRINE HILDEBRAND
>
> 5210 RUCKER RD
> JUNCTION CITY KS 66441
>-----
A__ 47402 00 IND LR G
> PENNYS CONCRETE INC
> ATTN MELANIE LORENZO
> 23400 W 82ND ST
> SHAWNEE MISSION KS 66227
>-----
A__ 48339 00 IRR KE G
> RICHARD GFELLER
>
> 4191 RIVER RD
> JUNCTION CITY KS 66441
>-----
A__ 49112 00 IRR KE G
> MICHAEL S & MARILYN R SEE
>
> 6431 N TAOS RD
> SCOTT CITY KS 67871
>-----
A__ 49112 00 REC KE G
> MICHAEL S & MARILYN R SEE
>
> 6431 N TAOS RD
> SCOTT CITY KS 67871
>-----

```



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

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

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

May 5, 2017

WAYNE & JUDITH WHITE
4110 BRITT RD
JUNCTION CITY KS 66441

Re: Pending Application, File No. 49,772

Dear Sir or Madam:

This is to advise you that Rod Gfeller has filed the application referred to above for a permit to appropriate 127.5 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,200 gallons per minute. The proposed point of diversion is a well located as follows:

In the Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 28, in Township 12 South, Range 5 East, Geary County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Rod Gfeller

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 14, 2017

ROD GFELLER
2819 N MILFORD LAKE RD
JUNCTION CITY KS 66441

Re: Pending Application,
File No. 49,772

Dear Mr. Gfeller:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on February 7, 2017, 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 (SW¹/₄) of Section 28, in Township 12 South, Range 5 East, Geary 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.

The locations of all other water wells of every kind within one-half mile (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 (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.

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 **April 7, 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,

A handwritten signature in black ink that reads "Alex Whitesell".

Alex Whitesell
Environmental Scientist
Water Appropriation Program

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APR 03 2017

Enclosures
Pc:

KS DEPT OF AGRICULTURE



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 17, 2017

FILE COPY

ROD GFELLER
2819 N MILFORD LAKE RD
JUNCTION CITY KS 66441

Re: Pending Application,
File No. 49,772

Dear Mr. Gfeller:

The Division of Water Resources returned the above referenced application to you for additional information on February 14, 2017, and the current deadline for your response is April 7, 2017. 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 April 7, 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 an extension of time is necessary to supply the requested information, please request the extension of time in writing before April 7, 2017. 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

February 14, 2017

ROD GFELLER
2819 N MILFORD LAKE RD
JUNCTION CITY KS 66441

FILE COPY

Re: Pending Application,
File No. 49,772

Dear Mr. Gfeller:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on February 7, 2017, 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 28, in Township 12 South, Range 5 East, Geary 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.

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.

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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 **April 7, 2017**, 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 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".

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Enclosures

Pc:

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 7, 2017

FILE COPY

ROD GFELLER
2819 N MILFORD LAKE RD
JUNCTION CITY KS 66441

RE: Application
File No. 49772

Dear Sir or Madam:

Your application for permit to appropriate water in 28-12S-05E in Geary 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw
pc: TOPEKA Field Office
GMD 0



0 0.25 0.5 0.75 1 Miles

APR 03 2017

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 Place of Use

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

Signature: Rochey Speller

AJW/DWR
Date: 2/7/2017



SCANNED