

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center;"><b>49,797</b></p>	2. Status Change Date: <p style="text-align: center;">6/14/2017</p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></p>
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5. Status:     Approved             Denied by DWR/GMD             Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

<p>7a. Applicant(s) New to system <input type="checkbox"/>            Person ID <u><b>64400</b></u> Add Seq# _____</p> <p><b>NEIS BROTHERS FARM</b> <b>2215 N 1100 RD</b> <b>EUDORA KS 66025-8107</b></p>	<p>7c. Landowner(s) New to system <input type="checkbox"/>            Person ID <u><b>65404</b></u> Add Seq# _____</p> <p><b>ELLIOTT WYMAN</b> <b>349 SOUND DR</b> <b>KEY LARGO FL 33037</b></p>
<p>7b. Landowner(s) Person ID <u><b>64402</b></u></p> <p><b>CLIFFORD NEIS</b> <b>2197 N 1100 RD</b> <b>EUDORA KS 66025</b></p>	<p>7d. Misc. New to system <input type="checkbox"/>            Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/>            Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No            Notarized WUC Form <input type="checkbox"/></p> <p><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Groundwater            <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR            <input type="checkbox"/> REC            <input type="checkbox"/> DEW            <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK            <input type="checkbox"/> SED            <input type="checkbox"/> DOM            <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR            <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND    SIC: _____            <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2018**            11. Perfection Date: **12/31/2022**            12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No    Date to Comply: \_\_\_\_\_    Date WLMD Installed: \_\_\_\_\_

Date Prepared: **5/23/2017**    By: **DWS**  
Date Entered: **6/15/2017**    By: **UM**

File No. <b>49,797</b>	15. Formation Code: 113	Drainage Basin: KANSAS River	County: DG	Special Use:	Stream:																																																																																																																																																																
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10" style="text-align:left;">16. Points of Diversion</th> <th colspan="5" style="text-align:left;">17. Rate and Quantity</th> </tr> <tr> <td style="font-size:small;">T MOD DEL ENT</td> <td style="font-size:small;">PDIV</td> <td style="font-size:small;">Qualifier</td> <td style="font-size:small;">S</td> <td style="font-size:small;">T</td> <td style="font-size:small;">R</td> <td style="font-size:small;">ID</td> <td style="font-size:small;">'N</td> <td style="font-size:small;">'W</td> <td style="font-size:small;">Rate gpm</td> <td style="font-size:small;">Quantity AF</td> <td style="font-size:small;">Rate gpm</td> <td style="font-size:small;">Quantity AF</td> <td style="font-size:small;">Overlap PD Files</td> </tr> <tr> <td>√</td> <td><b>85949</b></td> <td><b>LOT 1</b></td> <td><b>27</b></td> <td><b>12</b></td> <td><b>21E</b></td> <td><b>3</b></td> <td><b>1359</b></td> <td><b>850 (Geo-Ctr)</b></td> <td><b>800</b></td> <td><b>123.8</b></td> <td><b>800</b></td> <td><b>123.8</b></td> <td><b>NONE</b></td> </tr> <tr> <td>√</td> <td><b>85950</b></td> <td><b>LOT 1</b></td> <td><b>27</b></td> <td><b>12</b></td> <td><b>21E</b></td> <td><b>4</b></td> <td><b>1509</b></td> <td><b>850 (Batt 1 of 2)</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>√</td> <td><b>85951</b></td> <td><b>NW SE SE</b></td> <td><b>27</b></td> <td><b>12</b></td> <td><b>21E</b></td> <td><b>5</b></td> <td><b>1209</b></td> <td><b>850 (Batt 1 of 2)</b></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						16. Points of Diversion										17. Rate and Quantity					T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity AF	Rate gpm	Quantity AF	Overlap PD Files	√	<b>85949</b>	<b>LOT 1</b>	<b>27</b>	<b>12</b>	<b>21E</b>	<b>3</b>	<b>1359</b>	<b>850 (Geo-Ctr)</b>	<b>800</b>	<b>123.8</b>	<b>800</b>	<b>123.8</b>	<b>NONE</b>	√	<b>85950</b>	<b>LOT 1</b>	<b>27</b>	<b>12</b>	<b>21E</b>	<b>4</b>	<b>1509</b>	<b>850 (Batt 1 of 2)</b>						√	<b>85951</b>	<b>NW SE SE</b>	<b>27</b>	<b>12</b>	<b>21E</b>	<b>5</b>	<b>1209</b>	<b>850 (Batt 1 of 2)</b>																																																																																														
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Comments: <b>*FILE NO. 49,301 TO BE VOLUNTARILY DISMISSED.</b>																																																																																																																																																																					

**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. 49,797; and  
Appropriation of Water, File No. 49,301

Neis Brothers Farm has filed the referenced application (File No. 49,797) requesting to appropriate 123.8 acre-feet of groundwater at a diversion rate of 800 gallons per minute to irrigate a total of 227.5 acres. The place of use is owned by Clifford Neis and Elliott Wyman. The source of water will be the Kansas River alluvium. Jim Neis has signed the application form stating he has access to the point of diversion. Appropriation of Water, File No. 49,301 partially overlaps in place of use, but it is being voluntarily dismissed by the applicant. There are no overlapping files in point of diversion. The geographic center of the battery of wells would be in Lot 1, Section 27, Township 12 South, Range 21 East, Douglas County. The requested quantity of water of 123.8 acre-feet is less than the maximum allowable to irrigate the proposed acreage with 1.0 acre-feet per acre in Douglas County. However, it would provide over 6.5 inches of water per acre, which is reasonable for this area of the state, where irrigation is merely supplemental to normal precipitation.

The applicant did not identify any wells within one-half mile of the point of diversion, therefore no nearby well owner letters are required. The proposed point of diversion meets minimum well spacing of 660 feet to all domestic wells, and to all non-domestic wells (none identified within one-half mile). Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be 660 feet to domestic wells and one-quarter mile to non-domestic wells.

No well logs were provided (which is typical for Kansas River alluvium applications). A well log from a nearby well contains fine to medium sand to medium/large gravel extending from 5 feet to 55 feet below ground. Static water level was 15 feet below ground level. The source of supply will be the Kansas River alluvium. K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. In this local area, the aquifer would receive 9.21 inches of recharge. The extent of the alluvium for the area of consideration provides a total of 4,909 acres, and with 75% available for appropriation, safe yield was determined to be 2,825.74 acre-feet. Prior appropriations in this area of consideration total 2,701.99 acre-feet (with the dismissal of File No. 49,301), leaving 123.8 acre-feet available, and Application, File No. 49,797 requesting 123.8 acre-feet meets safe yield.

The applicant has submitted a signed Kansas River Assurance District form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit. 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.

Note that the proposed wells are located over one-quarter mile from the Kansas River; therefore per the Kansas River Water Assurance Program Operations Agreement, the KRWAD was not notified of these pending applications (i.e. they are not within the KRWAD boundaries). In a May 19, 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 new application be approved, in conjunction with the dismissal of File No. 49,301.

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

June 16, 2017

NEIS BROTHERS FARM  
% JIM NEIS  
2215 N 1100 RD  
EUDORA KS 66025-8107

**FILE COPY**

Re: Appropriation of Water, File Nos. 49,301 & 49,797

Dear Mr. Neis:

There is enclosed a permit to appropriate water (File No. 49,797) 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.

Neis Brothers Farm  
File Nos. 49,301 and 49,797  
Page 2

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File No. 49,301 as the owner requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in our office on March 17, 2017. Appropriation of Water, File No. 49,797 essentially replaces this current appropriation.

This Order is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office  
Clifford Neis  
Elliott Wyman

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. 49,797** of the applicant

**NEIS BROTHERS FARM**  
**2215 N 1100 RD**  
**EUDORA KS 66025-8107**

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 **March 17, 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	
27	12S	21E				Lot 1 15.5								Lot 1 28.5				29.0	73.0
27	12S	21E		5.0	40.0	7.0								11.5	40.0	40.0	11.0		154.5

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 Lot 1, of Section 27, more particularly described as being near a point 1,359 feet North and 850 feet West of the Southeast corner of said section; in Township 12 South, Range 21 East, Douglas 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 **123.8 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.

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.

18. That this permit is limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

19. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

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.

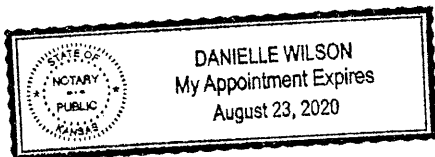
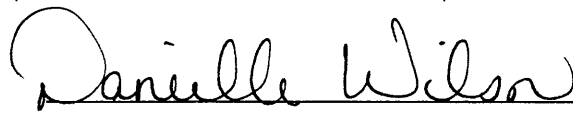
Ordered this 14<sup>th</sup> day of June, 2017, in Topeka, Shawnee County, Kansas.



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 14<sup>th</sup> day of June, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Notary Public



### CERTIFICATE OF SERVICE

On this 16<sup>th</sup> day of June, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,797, dated June 14<sup>th</sup>, 2017 was mailed postage prepaid, first class, US mail to the following:

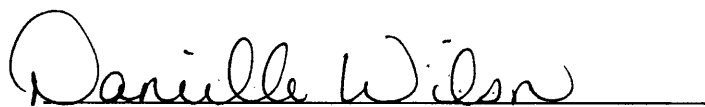
NEIS BROTHERS FARM  
2215 N 1100 RD  
EUDORA KS 66025-8107

With photocopies to:

CLIFFORD NEIS  
2197 N 1100 RD  
EUDORA KS 66025

ELLIOTT WYMAN  
349 SOUND DR  
KEY LARGO FL 33037

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE

3/17/2017

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 49797

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

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10:55

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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.)

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): NEIS BROTHERS FARM
Address: 2215 N 1100 RD
City: EUDORA State KS Zip Code 66025-8107
Telephone Number: (785) 423-3793

2. The source of water is: [ ] surface water in (stream) OR [x] groundwater in Kansas 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 123.8 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 GS County DG By ASW Date 3/17/17
Code REG REC Fee \$ 300 TR # Receipt Date 3/17/17 Check # 2826

SCANNED

3/20/2017 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 \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the LOT 1 quarter of Section 27, more particularly described as being near a point 1,359 feet North and 850 feet West of the Southeast corner of said section, in Township 12 South, Range 21 East, DOUGLAS County, Kansas. **(Geo-Center)**

(B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the LOT 1 quarter of Section 27, more particularly described as being near a point 1,509 feet North and 850 feet West of the Southeast corner of said section, in Township 12 South, Range 21 East, DOUGLAS County, Kansas. **(Batt 1 of 2)**

(C) One in the NW quarter of the SE quarter of the SE quarter of Section 27, more particularly described as being near a point 1,209 feet North and 850 feet West of the Southeast corner of said section, in Township 12 South, Range 21 East, DOUGLAS 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)  
\_\_\_\_\_  
(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 March 10, 2017, \_\_\_\_\_  
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) Spring 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 Spring 2017  
(Mo/Day/Year)

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

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

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

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

- If yes, show the Water Structures permit number here \_\_\_\_\_
  - If no, explain here why a Water Structures permit is not required \_\_\_\_\_
- Groundwater 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, ~~\_\_\_\_\_~~ dais, 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. 49,301 OVERLAPS IN <sup>Partial</sup> \_\_\_\_\_ PLACE OF USE, BUT WILL BE VOLUNTARILY DISMISSED UPON APPROVAL OF THIS NEW APPLICATION.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

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

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

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner/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):


ELLIOTT WYMAN, 349 SOUND DR, KEY LARGO, FL 33037

\_\_\_\_\_  
(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)

*James C. Nub*  
\_\_\_\_\_  
(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)

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49,797

Name of Applicant (Please Print): NEIS BROTHERS FARM

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: CLIFFORD NEIS

ADDRESS: 2197 N 1100 RD, EUDORA, KS 66025

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
27	12	21E				Lot 1 15.5											Lot 1 28.5			29	73	

**Landowner of Record** NAME: ELLIOTT WYMAN

ADDRESS: 349 SOUND DR, KEY LARGO, FL 33037

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
27	12	21E		5	40	7											11.5	40	40	11	154.5	

TOTAL ACRES = 227.5

**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				

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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.

\_\_\_\_\_  
(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. 49,797

Minimum Desirable Streamflow  
KANSAS River Assurance District  
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (**circle the appropriate item**) for the source of supply to which the above referenced application applies, namely the KANSAS RIVER.

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, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

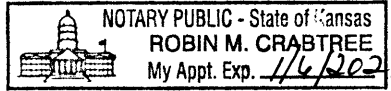
I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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.

*James C. Neils*  
\_\_\_\_\_  
Signature of Applicant  
James C. Neils  
\_\_\_\_\_  
Print Applicant Name

State of Kansas )  
                                  ) SS  
County of Douglas )

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 10 day of March, 2017.



*Robin M. Crabtree*  
\_\_\_\_\_  
Notary Public

My Commission Expires: 1/06/2021

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**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	Ninnescah River
Big Blue River	North Fork Ninnescah River
Chapman Creek	Rattlesnake Creek
Chikaskia River	Republican River
Cottonwood River	Saline River
Delaware River	Smoky Hill River
Little Arkansas River	Solomon River
Little Blue River	South Fork Ninnescah
Marais des Cygnes River	Spring River
Medicine Lodge River	Walnut River
Mill Creek (Wabaunsee Co. area)	Whitewater River
Neosho River	

Assurance Districts have been formed on the following rivers:

Kansas River                      Marias des Cygnes River                      Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek

#49,797

**Schemm, Doug**

---

**From:** Tietsort, Katie  
**Sent:** Friday, May 19, 2017 12:00 PM  
**To:** Schemm, Doug  
**Subject:** RE: Neis Bros farm

Doug,

This looks ready to move forward. The quantity per acre is not a concern.

Thanks, Katie

Katie Tietsort

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

**From:** Schemm, Doug  
**Sent:** Monday, May 15, 2017 10:27 AM  
**To:** Tietsort, Katie <Katie.Tietsort@ks.gov>  
**Subject:** Neis Bros farm

Meets safe yield and spacing. Dismissing File No. 49,301 frees up some water. He's gonna have about 6.5 inches.

File # 49,797  
 is Requesting Safe yield  
 Quantity of 123.8 AF  
 - 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 2,825.74 AF.  
 Total prior appropriation in the circle is 2,774.99 AF. - 73 AF = 2701.99  
 Total quantity of water available for appropriation is 50.75 AF.

123.8 AF

**Safe Yield Variables**

The area used for the analysis is set at 4909 acres.  
 Potential annual recharge of the area is estimated to be 9.21 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 01-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 12 water right(s) and 11 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 28898	00	IRR	NK	G		NC	NE	3910	1295	26	12	21E	3	WR	24.00	24.00	116.00	116.00	
A 39120	00	IRR	NK	G		NC	S2	SW	784	3960	24	12	21E	4	WR	146.00	146.00	156.50	156.50
A 39193	00	IRR	NK	G				3010	4705	25	12	21E	1	WR	50.00	50.00	144.00	144.00	
A 39267	00	IRR	NK	G		NC	NE	3910	1295	26	12	21E	3	WR	56.00	56.00	116.00	0.00	
A 39268	00	IRR	NK	G				3494	5089	25	12	21E	2	WR	32.00	32.00	144.00	0.00	
A 40337	00	IRR	NK	G				2660	4815	27	12	21E	1	WR	7.00	7.00	81.00	81.00	
A 41506	00	IRR	NK	G				1515	2527	33	12	21E	1	WR	156.00	156.00	160.00	160.00	
A 45283	00	IRR	NK	G		NE	SW	NW	3664	4003	33	12	21E	4	WR	118.00	118.00	138.00	138.00
A 49208	00	MUN	HK	G		SE	SE	SE	12	50	22	12	21E	3	WR	1,999.99	1,999.99		
A 49300	00	IRR	KE	G		SW	NE	SE	1715	990	28	12	21E	1	WR	113.00	113.00	113.00	113.00
A 49301	00	IRR	HK	G		NW	SE	SE	1055	945	27	12	21E	2	WR	73.00	73.00	73.00	73.00
A 49537	00	MUN	GY	G		NW	SW	SW	1096	5113	23	12	21E	2	WR	1,999.99	0.00		

← to be  
 Voluntarily  
 Dismissed

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in SESWNESE 27-12S-21E

---

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49797 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49797 00 IRR

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

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

1359 Feet North and 850 Feet West of the Southeast Corner of Section 27 T 12S R 21E

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__ 28898 00	IRR	NK	G	5367	--	--	NC	NE	3910	1295	26	12	21E	3		24.00	24.00	AF
A__ 29914 00	IRR	NK	G	10541	--	SE	NE	NE	4000	450	32	12	21E	1		13.00	13.00	AF
A__ 39120 00	IRR	NK	G	8736	--	NC	S2	SW	784	3960	24	12	21E	4		146.00	146.00	AF
A__ 39193 00	IRR	NK	G	6852	--	--	--	--	3010	4705	25	12	21E	1		50.00	50.00	AF
A__ 39267 00	IRR	NK	G	5367	--	--	NC	NE	3910	1295	26	12	21E	3		56.00	56.00	AF
A__ 39268 00	IRR	NK	G	6610	--	--	--	--	3494	5089	25	12	21E	2		32.00	32.00	AF
A__ 40337 00	IRR	NK	G	4173	--	--	--	--	2660	4815	27	12	21E	1		7.00	7.00	AF
A__ 41506 00	IRR	NK	G	8650	--	--	--	--	1515	2527	33	12	21E	1		156.00	156.00	AF
A__ 45283 00	IRR	NK	G	8954	--	NE	SW	NW	3664	4003	33	12	21E	4		118.00	118.00	AF
A__ 49208 00	MUN	HK	G	3826	--	SE	SE	SE	12	50	22	12	21E	3		1999.99	1999.99	AF
A__ 49300 00	IRR	KE	G	5418	--	SW	NE	SE	1715	990	28	12	21E	1		113.00	113.00	AF
A__ 49301 00	IRR	HK	G	318	--	NW	SE	SE	1055	945	27	12	21E	2		73.00	73.00	AF
A__ 49537 00	MUN	GY	G	4972	--	NW	SW	SW	1096	5113	23	12	21E	2		1999.99	.00	AF
A__ 49797 00	IRR	AY	G	0	--	--	--	--	1359	850	27	12	21E	3 G 2		123.80	123.80	AF
Same				150	--	--	--	--	1509	850	27	12	21E	4 B 2				
Same				150	--	NW	SE	SE	1209	850	27	12	21E	5 B 2				

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	123.80	.00
Total Permitted Amount (AF) =	2185.99	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	602.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2911.79	.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:

1359 Feet North and 850 Feet West of the Southeast Corner of Section 27 T 12S R 21E.

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number	Use	ST	SR
A__ 28898 00	IRR	NK	G
>	HOLLIDAY SAND & GRAVEL COMPANY		
>	9660 LEGLER RD		
>	LENEXA KS 66219		
-----			
A__ 29914 00	IRR	NK	G
>	JOHN PENDLETON		



Nearby Well

WATER WELL RECORD Form WWC-5 1304250

Division of Water Resources App. No.

49300

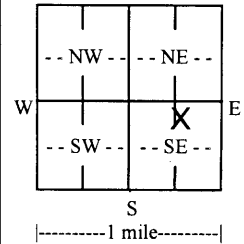
Well ID

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Douglas Fraction SW 1/4 NW 1/4 NE 1/4 SE 1/4 Section Number 28 Township Number T 12 S Range Number R 21 E W

2 WELL OWNER: Last Name: NEIS First: STAN Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: [X]

3 LOCATE WELL WITH "X" IN SECTION BOX: N



4 DEPTH OF COMPLETED WELL: 55 ft. Depth(s) Groundwater Encountered: 1) 15 ft. 2) 15 ft. 3) 15 ft. or 4) Dry Well

5 Latitude: 38.977348 Longitude: 95.079498 Datum: [X] WGS 84 [ ] NAD 83 [ ] NAD 27

6 Elevation: 799 ft. [X] Ground Level [ ] TOC Source: [ ] Land Survey [ ] GPS [ ] Topographic Map [X] Other KOLAR

7 WELL WATER TO BE USED AS: 1. Domestic [ ] Household [ ] Lawn & Garden [ ] Livestock 2. [X] Irrigation 3. [ ] Feedlot 4. [ ] Industrial

Was a chemical/bacteriological sample submitted to KDHE? [ ] Yes [X] No If yes, date sample was submitted: Water well disinfected? [X] Yes [ ] No

8 TYPE OF CASING USED: [ ] Steel [X] PVC [ ] Other CASING JOINTS: [X] Glued [ ] Clamped [ ] Welded [ ] Threaded Casing diameter 12 in. to 55 ft., Diameter in. to ft., Diameter in. to ft.

9 GROUT MATERIAL: [ ] Neat cement [ ] Cement grout [X] Bentonite [ ] Other Grout Intervals: From 0 ft. to 15 ft., From ft. to ft., From ft. to ft.

Nearest source of possible contamination: [ ] Septic Tank [ ] Lateral Lines [ ] Pit Privy [ ] Livestock Pens [ ] Insecticide Storage [ ] Sewer Lines [ ] Cess Pool [ ] Sewage Lagoon [ ] Fuel Storage [ ] Abandoned Water Well [ ] Watertight Sewer Lines [ ] Seepage Pit [ ] Feedyard [ ] Fertilizer Storage [ ] Oil Well/Gas Well [ ] Other (Specify)

Table with columns: 10 FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows: 0-5 CLAY BROWN, 5-15 SAND FINE, 15-25 SAND FINE TO MED, 25-55 SAND MED.

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was [X] constructed, [ ] reconstructed, or [ ] plugged under my jurisdiction and was completed on (mo-day-year) 03/30/2016.



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

March 17, 2017

**FILE COPY**

NEIS BROTHERS FARMS  
2215 N 1100 RD  
EUDORA KS 66025

RE: Application  
File No. 49797

Dear Sir or Madam:

Your application for permit to appropriate water in 27-12S-21E in Douglas 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

NEIS BROTHERS FARM- NEW APPLICATION  
SEC. 27, T12S, R21E  
DOUGLAS COUNTY

49797



-  Proposed Point of Diversion
-  Proposed Place of Use

1:12,000

SCANNED

There are no known wells within 1/2 mile of the proposed point of diversion.

*James C. Neeb*