

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

1. File Number: <p style="text-align: center;">49,862</p>	2. Status Change Date: <p style="text-align: center;">8/24/2017</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> DIEPENBROCK FARMS INC % GARY DIEPENBROCK 2953 VISTA RD LINCOLNVILLE KS 66858		7c. Landowner(s) New to system <input type="checkbox"/> 	
7b. Landowner(s) New to system <input type="checkbox"/> 7a.		7d. Misc. New to system <input type="checkbox"/> 	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a.		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input checked="" type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: 12/31/2018		11. Perfection Date: 12/31/2022	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 8/8/2017 By: DWS Date Entered: 8/28/2017 By: UM			

File No. **49,862** 15. Formation Code: **540** Drainage Basin: **Cottonwood River** County: **MN** Special Use: Stream:

16. Points of Diversion									
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
√	86198	NE SW NE	10	18	4E	6	3820	1626	(Geo-Ctr)
√	86199	NE SW NE	10	18	4E	7	3820	1826	(Batt 1 of 2)
√	86200	NE SW NE	10	18	4E	8	3820	1426	(Batt 1 of 2)
Battery ID #2032									

17. Rate and Quantity					
Rate gpm	Authorized		Additional		Overlap PD Files
	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	
600		32.585	600	5.805	NONE

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: **38.39 mg/yr** at _____ gpm (_____ cfs) when combined with file number(s) **41,206 & 49,191**
 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										Total	Owner	Chg? NO	Overlap Files																
MOD DEL ENT	PUSE	S	T	R	ID	NE¼								NW¼				SW¼				SE¼							
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
√	8804	10	18S	4E	1	FEEDLOT (W2 NE) & (E2 NW)																					7a.	No	41,206 & 49,191

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: August 8, 2017

FROM: Doug Schemm

RE: Application, File No. 49,862

Diepenbrock Farms, Inc. (%Gary Diepenbrock) has filed the referenced application to appropriate 32.585 million gallons (100 acre-feet) of groundwater from a proposed battery of two wells, at a rate of diversion of 600 gallons per minute for stockwatering use at a cattle feedlot located in the West Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 10, Township 18 South, Range 4 East, in Marion County. The facility is located within the Cottonwood River basin. The proposed place of use is wholly owned by the applicant, and the application form has been signed by the applicant, stating he has access to the point of diversion.

Water Right, File No. 41,206 and Appropriation of Water, File No. 49,191 overlap in place of use with the pending application, and together they authorize 32.585 million gallons of water. These two files also overlap in point of diversion, which is a three well battery. The applicant has provided information with the new application, to justify the requested quantity of water, as follows:

6,500 head of cattle x 15 gal/head x 365 Days/year	= 35.59 million gallons
Sanitation, pen cleaning, etc.	= <u>2.80 million gallons</u>
Total	= 38.39 million gallons

This pending application will be limited to 38.39 million gallons when combined with the senior files, providing 5.805 million gallons additional water (38.39 mgy – 32.585 mgy).

A review of the well log for the senior file 49,191 shows alternating shales and limestones, which is typical for this area of the state. Total depth of the well is 138 feet, with a depth to static water level of 62 feet below ground surface. It is likely that the source of water is the limestone layer extending from 99 feet to 113 feet below ground surface, and this would indicate that the bedrock aquifer is under confined conditions. Again, this is also typical for wells in this area where the limestone strata are believed to be the water source for the wells. Based on a review of other water rights in the general area, and the WWC-5 database, it appears that the source of water is likely the fractured limestone formations in the Permian system (Chase Group). In order to be consistent with other area water rights (and the applicant's senior file), the source will be listed as the Chase Group (Formation Code 540). Since the aquifer is likely confined, K.A.R. 5-3-14 describes the methodology to determine safe yield, as follows:

- (a) Each application to appropriate water from a confined aquifer shall be processed on a case by case basis so that the safe yield of the source of water supply is not exceeded.
- (b) Until a specific regulation is adopted by the chief engineer for the confined source of water supply, the analysis shall be made using the best information reasonably available to the chief engineer.

No specific regulation has been adopted by the chief engineer for the Chase Group aquifer; therefore the best information available should be utilized. Based on other local area wells, the bedrock aquifer appears to extend throughout this area; therefore it would appear reasonable to use the extent of the bedrock aquifer as the area of consideration. The potential annual recharge established for this area for unconfined aquifers (3.4 inches) would provide a maximum quantity of recharge possible. For this specific application, the area of consideration provides a total of 8,042 acres. Based on a potential recharge of 3.4 inches, with 75% available for appropriation, safe yield was determined to be 1,708.9 acre-feet. This is consistent with the safe yield evaluation conducted under the senior file (File No. 49,191). There are only three current water rights in this area, and they have appropriated 125.6 acre-feet, so there is obviously sufficient quantity of water available for appropriation, and the application meets safe yield criteria.

Although it is likely that the confined bedrock aquifer system would receive somewhat less recharge than a near-surface, unconfined aquifer, this safe yield value for unconfined aquifers per K.A.R. 5-3-11 provides a maximum quantity of water available in the area of consideration. If there is a significant quantity of water still remaining, then even with significant reduced recharge to the confined aquifer (in this case it would require only 15% of the maximum recharge value or 0.5 inches of recharge) there would still be sufficient water available. Therefore, based on the above discussion, it appears that this application can be approved per K.A.R. 5-3-14, using the best information reasonably available to the chief engineer.

The pending application does not meet spacing of 1,320 feet to the geographic center of the battery of wells authorized under the applicant's senior files, 41,206 and 49,191, which is located 672 feet away. However, K.A.R. 5-4-4 also provides that the spacing guidelines are not applicable if the required minimum well spacing criteria are not necessary to prevent direct impairment. There are several unique circumstances that should be considered in this specific instance regarding minimum well spacing.

- The well batteries in this stockwatering project are operated as a system supplying water to the same feedlot, and are not likely to be separated or divided in any way in the future.
- None of the individual wells in the batteries are likely to exceed 100 gallons per minute, and they are pumped based on water supply demands at the feedlot, not on a continuous basis. This operational flexibility in pumping sources will provide for more efficient management of both the feedlot operations and the source of supply. The relatively low pumping rates and non-continuous pumping would limit any aquifer impacts.
- The wells are producing from a bedrock aquifer, which does not exhibit the aquifer drawdown (cone of depression) that is characteristic of wells in shallow, sand and gravel aquifers.

Therefore, per K.A.R. 5-4-4, the required minimum well spacing criteria is not necessary to prevent direct impairment in this specific instance, and the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest. The well batteries comply with minimum well spacing criteria to all other wells. The applicant's domestic well is located approximately 1,500 feet away, which meets spacing. The WRIS database shows only two other water rights in the two-mile circle, with the closest being over 8,900 feet away.

The applicant has submitted a signed Minimum Desirable Streamflow 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.

In an August 7, 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, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, and it will provide an additional source of water for the feedlot operation, it is recommended that the referenced new application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 28, 2017

DIEPENBROCK FARMS INC
% GARY DIEPENBROCK
2953 VISTA RD
LINCOLNVILLE KS 66858

FILE COPY

RE: Appropriation of Water, File No. 49,862

Dear Mr. Diepenbrock:

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

**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. 49,862** of the applicant

**DIEPENBROCK FARMS INC
% GARY DIEPENBROCK
2953 VISTA RD
LINCOLNVILLE KS 66858**

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 **June 22, 2017**.
2. That the water sought to be appropriated shall be used for stockwatering use at a cattle feedlot located in the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) and the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 10, Township 18 South, Range 4 East, Marion County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 10, more particularly described as being near a point 3,820 feet North and 1,626 feet West of the Southeast corner of said section, in Township 18 South, Range 4 East, Marion 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 **600 gallons per minute** (1.34 c.f.s.) and to a quantity not to exceed **32.585 million gallons** (100 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 quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 41,206, and Appropriation of Water, File No. 49,191, will provide a **total not to exceed 38.39 million gallons** of water per calendar year for stockwatering use as described herein.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 24th day of August, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, L.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 24th day of August, 2017, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

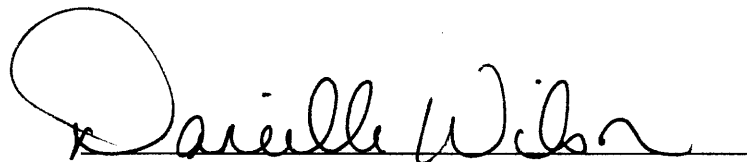
CERTIFICATE OF SERVICE

On this 28th day of August, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,862, dated August 24, 2017 was mailed postage prepaid, first class, US mail to the following:

DIEPENBROCK FARMS INC
% GARY DIEPENBROCK
2953 VISTA RD
LINCOLNVILLE KS 66858

With photocopies to:

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

6/22/2017

Reviewer DWS



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

File Number 49862

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

WATER RESOURCES RECEIVED

JUN 22 2017

10:29

KS DEPT OF AGRICULTURE

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.)

JUN 21 2017

UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): DIEPENBROCK FARMS INC. %GARY DIEPENBROCK
Address: 2953 VISTA ROAD
City: LINCOLNVILLE State KS Zip Code: 66858
Telephone Number: (785) 366-0774

2. The source of water is: [] surface water in (stream)
OR [X] groundwater in COTTONWOOD 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 100 acre-feet OR 32.585 million gallons per calendar year, to be diverted at a maximum rate of 600 gallons per minute OR cubic feet per second.

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

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

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

For Office Use Only:
F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use STR Source S County MN By AJW Date 6/22/17
Code REG Fee \$ 200 TR # Receipt Date 6/22/17 Check # 24055

6/22/17 DWS

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

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

- (A) One in the NE of the SW quarter of the NE quarter of Section 10, more particularly described as being near a point 3,820 feet North and 1,626 feet West of the Southeast corner of said section, in Township 18 South, Range 4 EAST, MARION County, Kansas. GEO-CENTER
- (B) One in the NE of the SW quarter of the NE quarter of Section 10, more particularly described as being near a point 3,820 feet North and 1,826 feet West of the Southeast corner of said section, in Township 18 South, Range 4 EAST, MARION County, Kansas. BATT 1 OF 2
- (C) One in the NE of the SW quarter of the NE quarter of Section 10, more particularly described as being near a point 3,820 feet North and 1,426 feet West of the Southeast corner of said section, in Township 18 South, Range 4 EAST, MARION County, Kansas. BATT 2 OF 2
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

APPLICANT

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 2017. Lary Diepenbrock
Applicant's Signature

7. The proposed project for diversion of water will consist of Battery of 2 wells
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) SUMMER 2017
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be Summer 17____.
(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 _____
Not building impoundment, proposed wells

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

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

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

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

FILE NOS. 41,206 & 49,191 OVERLAP IN PLACE OF USE.

WATER RESOURCES RECEIVED

JUN 22 2017

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JUN 21 2017 UNACCEPTABLE FOR PRIORITY

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	<u>9/27/1990</u>	_____	_____	_____
Total depth of well	<u>138'</u>	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	<u>62</u>	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of Owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(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 _____, 2017.
(month) (year)

Overbrook Farms Inc
(Applicant Signature)
by Gary Overbrook Pres.

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)

49862

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 49862

Name of Applicant (Please Print): DIEPENBROCK FARMS INC.

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year	4500		15

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	6500	35.59 Million	15
Year 2			
Year 3			
Year 4			
Year 5	6500	35.59 Million	15

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

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

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10	18S	4E	FEEDLOT (WEST½ NE¼ QTR & EAST½ NW¼ QTR)																

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

6500 head of CATTLE x 15 gallons/head (avg.) x 365 days = 35.59 Million gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ g.p.m. x 60 min/hr x _____ hour/day x _____ days = 1 mgy gallons

SANITATION

_____ g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = 1 mgy gallons

OTHER USE (Explain) Misc (Processing, dust control, etc.) _____ = 0.8 Million gallons

TOTAL ----- 35.59 MILLION gallons
38.39 mgy * DWS/DWR

Show location of present and future location of confinement pens on your attached maps or photographs.

6. Total feed bunk space for cattle or livestock is _____ linear feet.

7. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ square feet.

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

Schemm, Doug

Subject: FW: Diepenbrock 49,862

From: Tietsort, Katie
Sent: Monday, August 7, 2017 11:14 AM
To: Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Diepenbrock 49,862

Proceed

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, August 3, 2017 2:17 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Diepenbrock 49,862

His 2 well batteries don't meet spacing to each other, but all else is fine.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49862 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49862 00 STK

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

3820 Feet North and 1626 Feet West of the Southeast Corner of Section 10 T 18S R 4E

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__ 37851 00 MUN NK G      9735 -- NW SE SE 982 962 35 17 4E 3 G 2 24.98 24.98 AF
Same              9559 -- NW SE SE 757 962 35 17 4E 1 B 2
Same              9915 -- NW SE SE 1207 962 35 17 4E 2 B 2
A__ 41206 00 STK NK G      672 -- NW SW NE 3959 2284 10 18 4E 4 G 3 22.10 22.10 AF
Same              658 -- SW NW NE 3987 2263 10 18 4E 2 B 3
Same              656 -- NW SW NE 3904 2277 10 18 4E 3 B 3
Same              707 -- SW NW NE 3987 2313 10 18 4E 5 B 3
A__ 46266 5 DOM NK G      8944 -- SW SE SE 77 1106 35 17 4E 4 .61 .61 AF
A__ 49191 00 STK KE G      672 -- NW SW NE 3959 2284 10 18 4E 4 G 3 100.00 77.90 AF
Same              658 -- SW NW NE 3987 2263 10 18 4E 2 B 3
Same              656 -- NW SW NE 3904 2277 10 18 4E 3 B 3
Same              707 -- SW NW NE 3987 2313 10 18 4E 5 B 3
A__ 49862 00 STK AY G      0 -- NE SW NE 3820 1626 10 18 4E 6 G 2 100.00 100.00 AF
Same              200 -- NE SW NE 3820 1826 10 18 4E 7 B 2
Same              200 -- NE SW NE 3820 1426 10 18 4E 8 B 2
=====
    
```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      100.00      .00
Total Permitted Amount (AF) =       77.90      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =       47.69      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =      225.60      .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:

3820 Feet North and 1626 Feet West of the Southeast Corner of Section 10 T 18S R 4E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
A__ 37851 00 MUN NK G
> CENTRE UNIFIED SCHOOL DISTRICT #397
>
> 2382 310TH ST
> LOST SPRINGS KS 66859
>-----
A__ 41206 00 STK NK G
> DIEPENBROCK FARMS INC
> GARY DIEPENBROCK
    
```

> 2953 VISTA RD
 > LINCOLNVILLE KS 66858
 >-----
 A__ 46266 5 DOM NK G
 > CENTRE UNIFIED SCHOOL DISTRICT #397
 >
 > 2382 310TH ST
 > LOST SPRINGS KS 66859
 >-----

A__ 49191 00 STK KE G
 > DIEPENBROCK FARMS INC
 > GARY DIEPENBROCK
 > 2953 VISTA RD
 > LINCOLNVILLE KS 66858
 >-----

A__ 49862 00 STK AY G
 > DIEPENBROCK FARMS INC
 > GARY DIEPENBROCK
 > 2953 VISTA RD
 > LINCOLNVILLE KS 66858
 >-----

=====

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49862 00 STK

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

3820 Feet North and 1826 Feet West of the Southeast Corner of Section 10 T 18S R 4E

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__ 37851 00	MUN	NK	G		9859	--	NW	SE	SE	982	962	35	17	4E	3	G	2	24.98	24.98	AF
Same					9684	--	NW	SE	SE	757	962	35	17	4E	1	B	2			
Same					10036	--	NW	SE	SE	1207	962	35	17	4E	2	B	2			
A__ 41206 00	STK	NK	G		479	--	NW	SW	NE	3959	2284	10	18	4E	4	G	3	22.10	22.10	AF
Same					468	--	SW	NW	NE	3987	2263	10	18	4E	2	B	3			
Same					459	--	NW	SW	NE	3904	2277	10	18	4E	3	B	3			
Same					515	--	SW	NW	NE	3987	2313	10	18	4E	5	B	3			
A__ 46266 5	DOM	NK	G		9075	--	SW	SE	SE	77	1106	35	17	4E	4			.61	.61	AF
A__ 49191 00	STK	KE	G		479	--	NW	SW	NE	3959	2284	10	18	4E	4	G	3	100.00	77.90	AF
Same					468	--	SW	NW	NE	3987	2263	10	18	4E	2	B	3			
Same					459	--	NW	SW	NE	3904	2277	10	18	4E	3	B	3			
Same					515	--	SW	NW	NE	3987	2313	10	18	4E	5	B	3			
A__ 49862 00	STK	AY	G		200	--	NE	SW	NE	3820	1626	10	18	4E	6	G	2	100.00	100.00	AF
Same					0	--	NE	SW	NE	3820	1826	10	18	4E	7	B	2			
Same					400	--	NE	SW	NE	3820	1426	10	18	4E	8	B	2			

=====

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	100.00	.00
Total Permitted Amount (AF) =	77.90	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	47.69	.00

#49,862
meets safe yield

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 1,708.93 AF.
 Total prior appropriation in the circle is 225.60 AF. ~~100~~ = 125.6
 Total quantity of water available for appropriation is ~~1,483.33~~ AF.

Safe Yield Variables

1583.33 AF

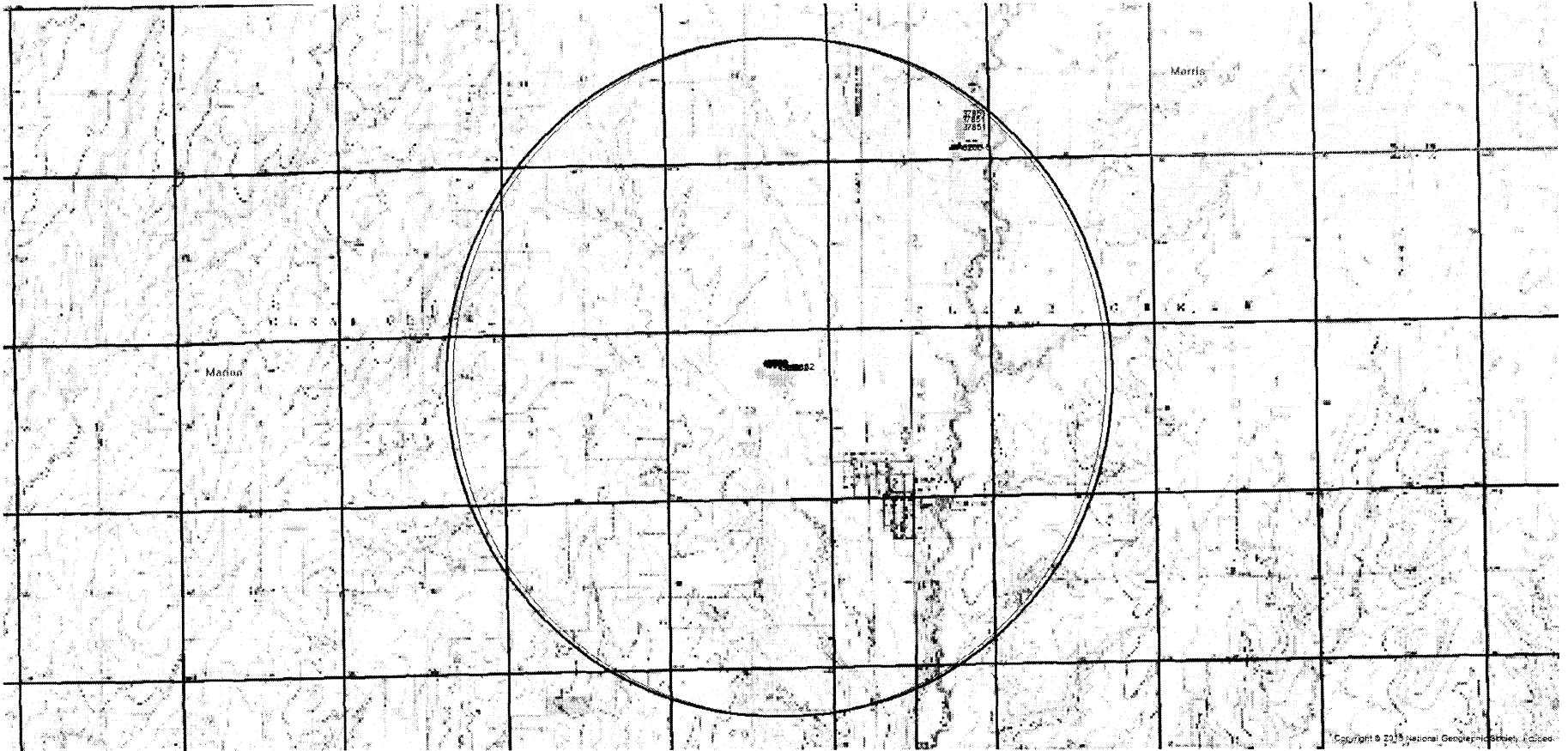
The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 3.4 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 03-AUG-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.

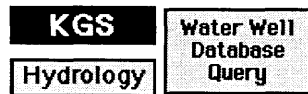
There are 5 water right(s) and 11 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 37851	00	MUN	NK	G	NW	SE	SE	1207	962	35	17	04E	2	WR	24.98	24.98		
Same		MUN	NK	G	NW	SE	SE	982	962	35	17	04E	3	WR				
Same		MUN	NK	G	NW	SE	SE	757	962	35	17	04E	1	WR				
A 41206	00	STK	NK	G	NW	SW	NE	3904	2277	10	18	04E	3	WR	22.10	22.10		
Same		STK	NK	G	SW	NW	NE	3987	2263	10	18	04E	2	WR				
Same		STK	NK	G	NW	SW	NE	3959	2284	10	18	04E	4	WR				
Same		STK	NK	G	SW	NW	NE	3987	2313	10	18	04E	5	WR				
A 46266	5	DOM	NK	G	SW	SE	SE	77	1106	35	17	04E	4	WR	0.61	0.61		
A 49191	00	STK	KE	G	NW	SW	NE	3904	2277	10	18	04E	3	WR	100.00	77.90		
Same		STK	KE	G	SW	NW	NE	3987	2263	10	18	04E	2	WR				
Same		STK	KE	G	NW	SW	NE	3959	2284	10	18	04E	4	WR				
Same		STK	KE	G	SW	NW	NE	3987	2313	10	18	04E	5	WR				
A 49862	00	STK	AY	G	NE	SW	NE	3820	1626	10	18	04E	6	WR	100.00	100.00		
Same		STK	AY	G	NE	SW	NE	3820	1826	10	18	04E	7	WR				
Same		STK	AY	G	NE	SW	NE	3820	1426	10	18	04E	8	WR				

Safe Yield Report Sheet
Water Right- A4986200
Point of Diversion in NESWNE 10-18S-4E



<u>SW</u> <u>SW</u>				<i>Pumping Rates</i>					
Sec. 8 <u>NE</u> <u>NE</u> <u>NW</u>	Plett, Jaison	80 ft.	42 ft.	20 gpm.	Domestic		Constructed	06-Nov-2012	PDF
Sec. 8 <u>NW</u> <u>NW</u> <u>NW</u>	Bina, Raymond	78.5 ft.	43 ft.	40 gpm.	Domestic		Constructed	22-Sep-1978	PDF
Sec. 8 <u>NE</u> <u>NE</u> <u>SW</u>	Steiner, Dennis	85 ft.	22 ft.	25 gpm.	Domestic		Constructed	02-Mar-1981	PDF
Sec. <u>10</u> <u>NW</u> <u>SW</u> <u>NE</u>	Diepenbrock, Gary	135 ft.	55 ft.	100 gpm.	Domestic, Livestock		Constructed	21-Jan-1980	PDF
Sec. <u>10</u> <u>SW</u> <u>NW</u> <u>SW</u> <u>SE</u>	Diepenbrock, Lance	200 ft.	34 ft.	100 gpm.	Geothermal, Closed Loop, Vertical		Constructed	29-Jul-2015	KOLAR PDF
Sec. <u>10</u> <u>NW</u> <u>SE</u> <u>NE</u>	Diepenbrock, Gary	120 ft.	75 ft.	50 gpm.	Domestic, Livestock		Constructed	03-Jun-2014	PDF
Sec. <u>10</u> <u>NE</u> <u>SE</u> <u>SW</u>	Svitak, Todd	82 ft.	51 ft.	20 gpm.	Domestic		Constructed	28-Jul-1989	PDF
Sec. <u>10</u> <u>SE</u> <u>SE</u> <u>NE</u>	Diepenbrock, Gary	123 ft.	72 ft.	30 gpm.	Domestic		Constructed	25-Jul-1991	PDF
Sec. <u>10</u> <u>SE</u> <u>SE</u> <u>NE</u>	Diepenbrock, Gary	130 ft.	62 ft.	25 gpm.	Lawn and Garden - domestic only		Constructed	20-Mar-2008	PDF
Sec. <u>10</u> <u>SE</u> <u>SE</u> <u>SE</u>	Lincolnvile Community Center	102 ft.	40 ft.	25 gpm.	Domestic		Constructed	17-Mar-2005	PDF
Sec. <u>10</u> <u>SE</u> <u>NW</u> <u>SE</u>	Diepenbrock, Gary	138 ft.	62 ft.	50 gpm.	Domestic		Constructed	27-Sep-1990	PDF
Sec. <u>11</u> <u>SW</u>	Olson, Warren	80 ft.	34 ft.	24 gpm.	Domestic		Constructed	14-Mar-1986	PDF



Township: 18S, Range: 4E
 Select location of well to view details.
 Click on column heading to sort.

Save Data
to File

144 records. Only 50 records displayed at a time--sort will affect ALL records.

View page: [1](#) || [2](#) || [3](#)

T-R-S	Owner	Well Depth Ascend. Desc.	Static Water Level Ascend. Desc.	Est. Yield Ascend. Desc.	Well Use	Other ID	Action Taken	Completion Date Ascend. Desc.	Scan?
Sec. 1 NE NW NW	Pagenkopf, Mark	70 ft.	36.5 ft.	30 gpm.	Domestic		Reconstructed	01-Dec-1980	PDF
Sec. 1 NW SE SE	Nelson, Ron	85 ft.	38 ft.	35 gpm.	Domestic		Constructed	12-Dec-1981	PDF
Sec. 2 NW SW NW	Holub, Greg	95 ft.	45 ft.	20 gpm.	Lawn and Garden - domestic only		Constructed	16-Nov-2012	PDF
Sec. 2 NE SE NE	Ecklund, Anna	96 ft.	34 ft.	40 gpm.	Domestic, Livestock		Constructed	08-Jan-1981	PDF
Sec. 2 NE NW NE	Ecklund, Anna	62 ft.	22.5 ft.	30 gpm.	Domestic, Livestock		Reconstructed	15-Nov-1980	PDF
Sec. 2 NE SE NE	Ecklund, Anna	50 ft.	38 ft.		(unstated)/abandoned		Plugged	03-Jan-1981	PDF
Sec. 5 SE NE NE	Schwartz, Harriette	83 ft.	34 ft.	10 gpm.	Domestic		Constructed	24-Apr-1989	PDF
Sec. 5 SE SE SE	Winter, Robert	75 ft.	34 ft.	30 gpm.	Domestic		Constructed	12-Mar-1991	PDF
Sec. 5 NE NW NW	Remmers, Kent	78 ft.	42 ft.	20 gpm.	Domestic		Constructed	07-Sep-2007	PDF
Sec. 7 NE SE SE	Steiner, Edmund	26 ft.	15 ft.	25 gpm.	Domestic		Constructed	24-Feb-1984	PDF
Sec. 7 NE NE NW	Steiner, Gary	76 ft.	51 ft.	6 gpm.	Domestic		Constructed	27-Feb-1992	PDF
Sec. 8 SW	Holub, Mike	85 ft.	70 ft.	6 gpm.	Domestic		Constructed	30-Jul-1979	PDF

49862

(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. 49,862

Minimum Desirable Streamflow
Cottonwood River Basin

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.

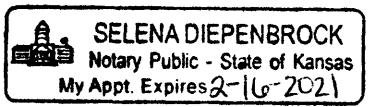
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Diepenbrock Farms Inc
by Gary Diepenbrock
Signature of Applicant

State of Kansas)
County of Marion) ss

Gary Diepenbrock
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 19 day of June, 2017.



Selena Diepenbrock
Notary Public

My Commission Expires:

WATER RESOURCES
RECEIVED

JUN 22 2017

WATER RESOURCES
RECEIVED
UNACCEPTABLE FOR PRIORITY
JUN 21 2017

**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



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

June 23, 2017

DIEPENBROCK FARMS, INC
GARY DIEPENBROCK
2953 VISTA ROAD
LINCOLNVILLE KS 66858

FILE COPY

RE: Application
File No. 49862

Dear Sir or Madam:

Your application for permit to appropriate water in 10-18S-4E in Marion 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,

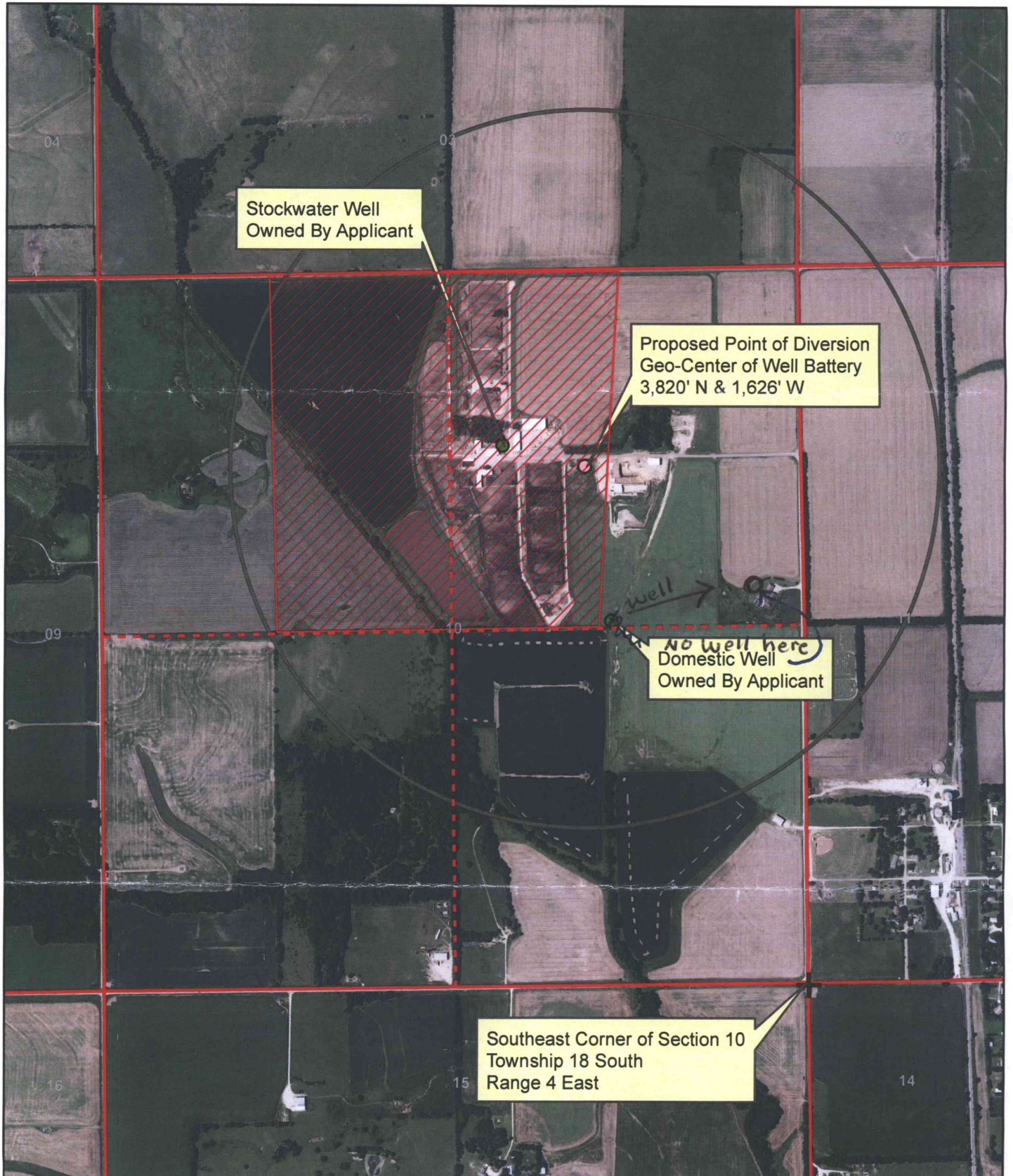
Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

DIEPENBROCK FARMS INC. - SITE MAP
 SEC. 10, T18S, R4E
 MARION COUNTY

4186ed



Stockwater Well
 Owned By Applicant

Proposed Point of Diversion
 Geo-Center of Well Battery
 3,820' N & 1,626' W

No Well here
 Domestic Well
 Owned By Applicant

Southeast Corner of Section 10
 Township 18 South
 Range 4 East

1:12,000

○ Proposed Point of Diversion
 ■ Proposed Place of Use

All known wells within one-half mile of the proposed point of diversion are shown on this map.

UNACCEPTABLE FOR PRIORITY
 JUN 21 2017
 KS DEPT OF AGRICULTURE

Jay Depenbrock

JUN 22 2017

KS DEPT OF AGRICULTURE
 SCANNED

