

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,903
This item to be completed by the Division of Water Resources.

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10:08

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.)

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): JAMES F. LINDLEY REV. TRUST – CBT TRUSTEE
Address: 3842 27TH ST
City: GRANTVILLE State KS Zip Code 66429
Telephone Number: (785) 246-3560

2. The source of water is: surface water in _____ (stream)
OR 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 103 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1,200 gallons per minute OR _____ cubic feet per second.

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

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) 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.	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>JF</u>	By	<u>ASW</u>	Date	<u>9/7/17</u>
Code	<u>REG</u>	<u>EE2</u>	Fee \$	<u>300</u>	TR #		Receipt Date	<u>9/7/17</u>	Check #	<u>5209</u>				

9/14/2017 LCM

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 4 quarter of Section 21, more particularly described as being near a point 3,680 feet North and 4,200 feet West of the Southeast corner of said section, in Township 11 South, Range 17 East, JEFFERSON County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

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 _____, 2017. *Paul Byrnes*

 Applicant's Signature

7. The proposed project for diversion of water will consist of One Well

 (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)

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>2/8/17</u>	_____	_____	_____
Total depth of well	<u>55</u>	_____	_____	_____
Depth to water bearing formation	<u>22 ft</u>	_____	_____	_____
Depth to static water level	<u>21 ft</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>soft</u>	_____	_____	_____

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

Owner/Agent
(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):

HQ5 Enterprises LLC, 2193 Barton Rd. Topeka KS 66617 / Ward Family Limited Partnership, 200 Laurel Lake Dr Apt E194, Hudson, OH 44236

Harriet L. Garrison, 101 Inwood Ct, Flat Rock, NC 28731 / Eldon Johnston Rev. Living Trust, 210 S Wimbrow Dr Sebastian FL 32958-4538
(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 Menden, Kansas, this 5th day of August, 2017.
(month) (year)


(Applicant Signature)


APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

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

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA HQ Date: 3/7/2017
(office/title)

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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 well

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 _____, 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. 49,363 OVERLAPS IN POINT OF DIVERSION AND PLACE OF USE, BUT WILL BE VOLUNTARILY DISMISSED UPON APPROVAL OF THIS NEW APPLICATION.

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,903

Name of Applicant (Please Print): JAMES LINDLEY TRUST

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: JAMES F. LINDLEY REV TRUST

ADDRESS: 3842 27TH ST, GRANTVILLE, KS 66429

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21	11	17E					Lot 3 35	Lot 4 29											64

Landowner of Record NAME: HQ 5 ENTERPRISES LLC / WARD FAMILY LIMITED PARTNERSHIP

ADDRESS: 2193 BARTON RD, / 200 LAUREL LAKE DR APT E194
TOPEKA, KS 66617 / HUDSON OH 44236

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21	11	17E		Lot 2 7															46

Landowner of Record NAME: HARRIET L GARRISON / ELDON JOHNSTON REV LIVING TRUST

ADDRESS: 101 INWOOD CT / 210 S WIMBROW DR
FLAT ROCK NC 28731 / SEBASTIAN FL 32958-4538

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21	11	17E																	38

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***Land in Kaw Half-Breed Survey No. 12**

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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: NONE

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? 700 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:

CORN BEANS

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. 49,903

Minimum Desirable Streamflow
Kansas River Assurance District

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.

Rod Brighton
Signature of Applicant

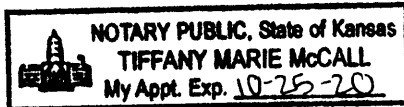
Rod Brighton
Print Applicant Name

State of Kansas)
County of JEFFERSON) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 8th day of AUGUST, 2017.

Tiffany Marie McCall
Notary Public

My Commission Expires:
October 25, 2020



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KS DEPT OF AGRICULTURE

**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

99,903

WATER WELL RECORD Form WWC-5

Division of Water Resources App. No.

49363

Well ID

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Jefferson Fraction NW 1/4 NW 1/4 SE 1/4 NW 1/4 Section Number 21 Township Number T 11 S Range Number R 17 E W

2 WELL OWNER: Last Name: Bigham First: Rod 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: 1/4 mile E of Clark Rd and Hwy 24 then 1/4 mile S in field

3 LOCATE WELL WITH "X" IN SECTION BOX: N W E S

4 DEPTH OF COMPLETED WELL: 55 ft. Depth(s) Groundwater Encountered: 1) 32 ft. 2) ft. 3) ft. or 4) Dry Well WELL'S STATIC WATER LEVEL: 21 ft. below land surface, measured on (mo-day-yr) 02/08/2017

5 Latitude: 39.083536 Longitude: 95.533793 Datum: WGS 84 NAD 83 NAD 27 Source for Latitude/Longitude: GPS Land Survey Topographic Map Online Mapper

6 Elevation: 865 ft. Ground Level TOC Source: Land Survey GPS Topographic Map Other KOLAR

7 WELL WATER TO BE USED AS: 1. Domestic: Household Lawn & Garden Livestock Irrigation Feedlot Industrial 5. Public Water Supply: well ID 6. Dewatering: how many wells? 7. Aquifer Recharge: well ID 8. Monitoring: well ID 9. Environmental Remediation: well ID Air Sparge Soil Vapor Extraction Recovery Injection 10. Oil Field Water Supply: lease 11. Test Hole: well ID Cased Uncased Geotechnical 12. Geothermal: how many bores? a) Closed Loop Horizontal Vertical b) Open Loop Surface Discharge Inj. of Water 13. Other (specify):

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

8 TYPE OF CASING USED: Steel PVC Other CASING JOINTS: Glued Clamped Welded Threaded Casing diameter 16 in. to 55 ft. Diameter in. to ft. Diameter in. to ft. Casing height above land surface 24 in. Weight lbs./ft. Wall thickness or gauge No. SDR26

TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel Fiberglass PVC Other (Specify) Brass Galvanized Steel Concrete tile None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: Continuous Slot Mill Slot Gauze Wrapped Torch Cut Drilled Holes Other (Specify) Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole)

SCREEN-PERFORATED INTERVALS: From 29 ft. to 49 ft. From ft. to ft. From ft. to ft. GRAVEL PACK INTERVALS: From 20 ft. to 55 ft. From ft. to ft. From ft. to ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other Grout Intervals: From 0 ft. to 20 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) Waterway Direction from well? S Distance from well? 15 ft.

Table with columns: FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows include Topsoil, Brown clay, Fine Sand, Medium sand, Limestone, Gray Shale. Includes stamp: WATER RESOURCES RECEIVED SEP 07 2017 and Note: KS DEPT OF AGRICULTURE

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) 02/08/2017 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 760 This Water Well Record was completed on (mo-day-year) 02/08/2017 under the business name of Associated Drilling, Inc.



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

September 12, 2017

FILE COPY

JAMES F LINDLEY REV TRUST
3842 27TH ST
GRANTVILLE KS 66429

RE: Application
File No. 49903

Dear Sir or Madam:

Your application for permit to appropriate water in 21-11S-17E in Jefferson 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.

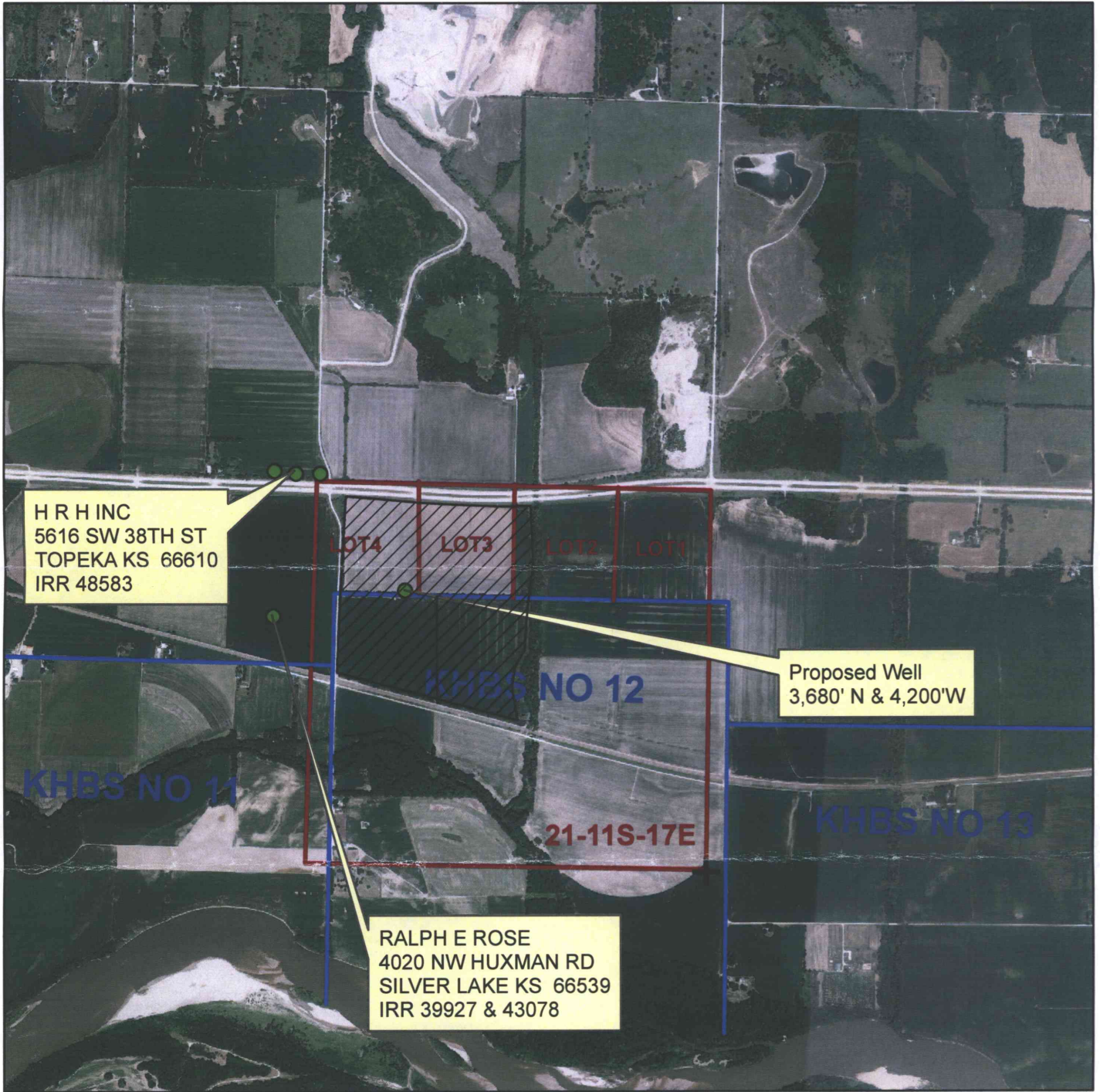
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

APPLICATION TO APPROPRIATE WATER FOR IRRIGATION USE JAMES F. LINDLEY



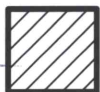
H R H INC
5616 SW 38TH ST
TOPEKA KS 66610
IRR 48583

Proposed Well
3,680' N & 4,200'W

RALPH E ROSE
4020 NW HUXMAN RD
SILVER LAKE KS 66539
IRR 39927 & 43078

All wells of every kind within
1/2 mile of the proposed well
have been identified and plotted.

Paul Flynn



Proposed Place
Of Use



Well Location

1:24,000
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