

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

1. File Number: <b>49,915</b>	2. Status Change Date: <b>1/17/2018</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
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 type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <b>57311</b> Add Seq# _____</p> <p><b>FALLEY FARMS I LP</b> <b>5825 SW 29TH</b> <b>TOPEKA KS 66614</b> <del>PERRY KS 669</del></p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID <b>63753</b> Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p><b>7a. Bert Falley II</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><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>		
10. Completion Date: <b>12/31/2019</b>		11. Perfection Date: <b>12/31/2023</b>	
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: _____			
<p>Date Prepared: <b>11/27/2017</b> By: <b>DWS</b> Date Entered: <b>1/18/2018</b> By: <b>LLM</b></p>			

File No. <b>49,915</b>	15. Formation Code: 113	Drainage Basin: <b>Kansas River</b>	County: PT	Special Use:	Stream:																																																																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:55%; vertical-align: top;">           16. Points of Diversion            T            MOD            DEL            ENT            PDIV            Qualifier            S            T            R            ID            'N            'W         </td> <td colspan="5" style="width:45%; vertical-align: top;">           17. Rate and Quantity            Authorized            Rate            gpm            Quantity            af            Additional            Rate            gpm            Quantity            af            Overlap PD Files         </td> </tr> <tr> <td><b>MOD</b></td> <td><b>11537</b></td> <td><b>LOT 2</b></td> <td><b>28</b></td> <td><b>10</b></td> <td><b>12E</b></td> <td><b>2</b></td> <td><b>2820</b></td> <td><b>1351</b></td> <td></td> <td><b>1200</b></td> <td><b>164.9</b></td> <td><b>1200</b></td> <td><b>60.9</b></td> <td><b>30,344</b></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><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><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><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><td> </td></tr> </table>						16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W										17. Rate and Quantity Authorized Rate gpm Quantity af Additional Rate gpm Quantity af Overlap PD Files					<b>MOD</b>	<b>11537</b>	<b>LOT 2</b>	<b>28</b>	<b>10</b>	<b>12E</b>	<b>2</b>	<b>2820</b>	<b>1351</b>		<b>1200</b>	<b>164.9</b>	<b>1200</b>	<b>60.9</b>	<b>30,344</b>																																																												
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18. Storage: Rate <u>164.9</u> NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																															
19. Limitation: <u>164.9</u> af/yr at _____ gpm ( _____ cfs) when combined with file number(s) <u>30,344</u> Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																																																																																															
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <u>12/31/2019</u> Date Acceptable Meter Installed _____																																																																																															
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Comments:																																																																																															

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

**TO:** Files

**DATE:** November 27, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,915

Falley Farms 1 LP has filed the referenced new application to appropriate 164.9 acre-feet of groundwater from an existing well at a rate of 1,200 gallons per minute for irrigation use on 149.9 acres. The well has been in place for many years and is currently authorized under Water Right, File No. 30,344. The well is located in Lot 2, of Section 28, Township 10 South, Range 12 East, Pottawatomie County, within the Kansas River Drainage Basin. The entire place of use is owned by the applicant and Bert Falley has signed the application form stating he has access to the point of diversion. The requested quantity of water 164.9 acre-feet is equivalent to the maximum allowable to irrigate the proposed acreage with 1.1 acre-feet per acre in Pottawatomie County. Water Right, File No. 30,344 is authorized 104 acre-feet at 590 gallons per minute.

The applicant identified only one well within one-half mile, which is another irrigation well owned by the applicant (File No. 24,020). No nearby notification letters are required. As noted above, this is an existing well (it has been in place since 1970's), and there have been no known concerns expressed by any well owners. The proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4. It is located over 2,300 feet from the nearest irrigation well, and over one-half mile from the nearest domestic well.

The point of diversion consists of a single well completed in 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. For this application, the calculated recharge was determined to be 8.5 inches. The extent of the alluvium (per LIDAR data) for the area of consideration provides a total of 6,667 acres. Based on a potential recharge of 8.5 inches, with 75% available for appropriation, safe yield was determined to be 3,541.84 acre-feet. Existing water rights have appropriated 2,891.3 acre-feet within the area of consideration, leaving 650.5 acre-feet available, and the application complies with safe yield. As noted above, Water Right, File No. 30,344 is authorized 104 acre-feet, and the maximum allowable quantity is 164.9 acre-feet, therefore this new approval will be limited to 164.9 acre-feet when combined with the senior file, providing 60.9 additional acre-feet of water (164.9 AF – 104 AF).

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. The well is not located within ¼ mile from the Kansas River, so notification of the KRWAD is not required. 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 a November 22, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced new 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 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

January 23, 2018

FALLEY FARMS 1 LP  
% BERT FALLEY II  
5825 SW 29TH  
TOPEKA KS 66614

**FILE COPY**

Re: Appropriation of Water, File No. 49,915

Dear Mr. Falley:

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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office

**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. 49,915** of the applicant

**FALLEY FARMS I LP**  
**5825 SW 29TH**  
**TOPEKA KS 66614**

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 **September 26, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
28	10S	12E			Lot 2 40.8	Lot 1 51.1				11.0	7.0					23.0	17.0			149.9

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in Lot 2, of Section 28, more particularly described as being near a point 2,820 feet North and 1,351 feet West of the Southeast corner of said section, in Township 10 South, Range 12 East, Pottawatomie County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **164.9 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, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 2023 or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the 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 the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 30,344, will provide a **total not to exceed 164.9 acre-feet** of water per calendar year for irrigation use on the land 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 17<sup>th</sup> day of January, 2018, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of January, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*

Notary Public

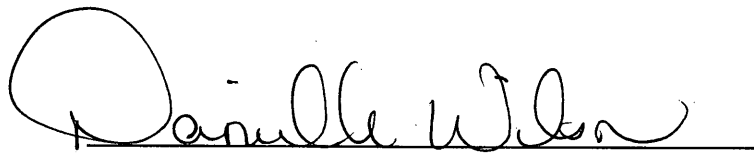
### CERTIFICATE OF SERVICE

On this 23rd day of January, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,915, dated January 17, 2018 was mailed postage prepaid, first class, US mail to the following:

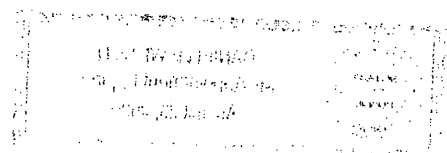
FALLEY FARMS 1 LP  
5825 SW 29TH  
TOPEKA KS 66614

With photocopies to:

Topeka Field Office



Division of Water Resources





APPLICATION COMPLETE

9/26/2017 11-22-17 THE STATE

Reviewer DWS LAB/DWR



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

File Number 49915

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

WATER RESOURCES RECEIVED

**APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

SEP 26 2017

3:52

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): FALLEY FARMS 1 LP  
Address: 5825 SW 29TH  
City: TOPEKA State: KS Zip Code: 66614  
Telephone Number: ( ) \_\_\_\_\_

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in KANSAS 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. \*Limited to 164.9 AF @ 1200 gpm with File #30,344

3. The maximum quantity of water desired is 164.9 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 1200 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. 1 GMD  Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County PT By AW Date 9/26/17  
Code REG REC Fee \$360 300 TR # \_\_\_\_\_ Receipt Date 9/26/17 Check # 3123

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    quarter of the LOT 2 of Section 28, more particularly described as being near a point   2,820   feet North and   1,351   feet West of the Southeast corner of said section, in Township   10   South, Range   12   EAST, POTTAWATOMIE County, Kansas. **Perm id: 11537**

(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):  
\_\_\_\_\_  
(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   9-20  , 2017.

  
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) Existing (File No.   30,344  )  
(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 2018    
(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 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 ~~project~~ 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.

WATER RIGHT, FILE NO. 30,344 PD & PU OVERLAP

\_\_\_\_\_

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SEP 26 2017

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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  
(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 Topeka, Kansas, this 20 day of Sept, 2017  
(month) (year)

[Signature]  
(Applicant Signature)

[Redacted]  
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)

49915

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49,915

Name of Applicant (Please Print): FALLEY FARMS 1 LP

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: FALLEY FARMS 1 LP

ADDRESS: 5825 SW 29<sup>TH</sup> ST, TOPEKA KS 66614

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
28	10	12E			Lot 2 40.8	Lot 1 51.1				11.0	7.0					23.0	17.0			149.9	

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

WATER RESOURCES  
RECEIVED

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
<b>Total:</b>	<b>100 %</b>		

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

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

c. Type of irrigation system you propose to use (check one):

\_\_\_\_\_ Center pivot      \_\_\_\_\_ Center pivot - LEPA      \_\_\_\_\_ "Big gun" sprinkler

\_\_\_\_\_ Gravity system (furrows)      \_\_\_\_\_ Gravity system (borders)      \_\_\_\_\_ Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater: \_\_\_\_\_

ii. For sprinkler systems:

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

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet

(4) Please include a copy of the sprinkler package design information.

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

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

**Analysis Results**

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 3,541.84 AF.

Total prior appropriation in the circle is 3,007.30 AF.

Total quantity of water available for appropriation is 534.84 AF.

$-164.9 \text{ AF} = 2842.4 + 48.9 \text{ AF} = 2891.3 \text{ AF}$   
650.5 AF

**Safe Yield Variables**

The area used for the analysis is set at 6667 acres.

Potential annual recharge of the area is estimated to be 8.5 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 19-OCT-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 32 water right(s) and 29 point(s) of diversion within the circle.

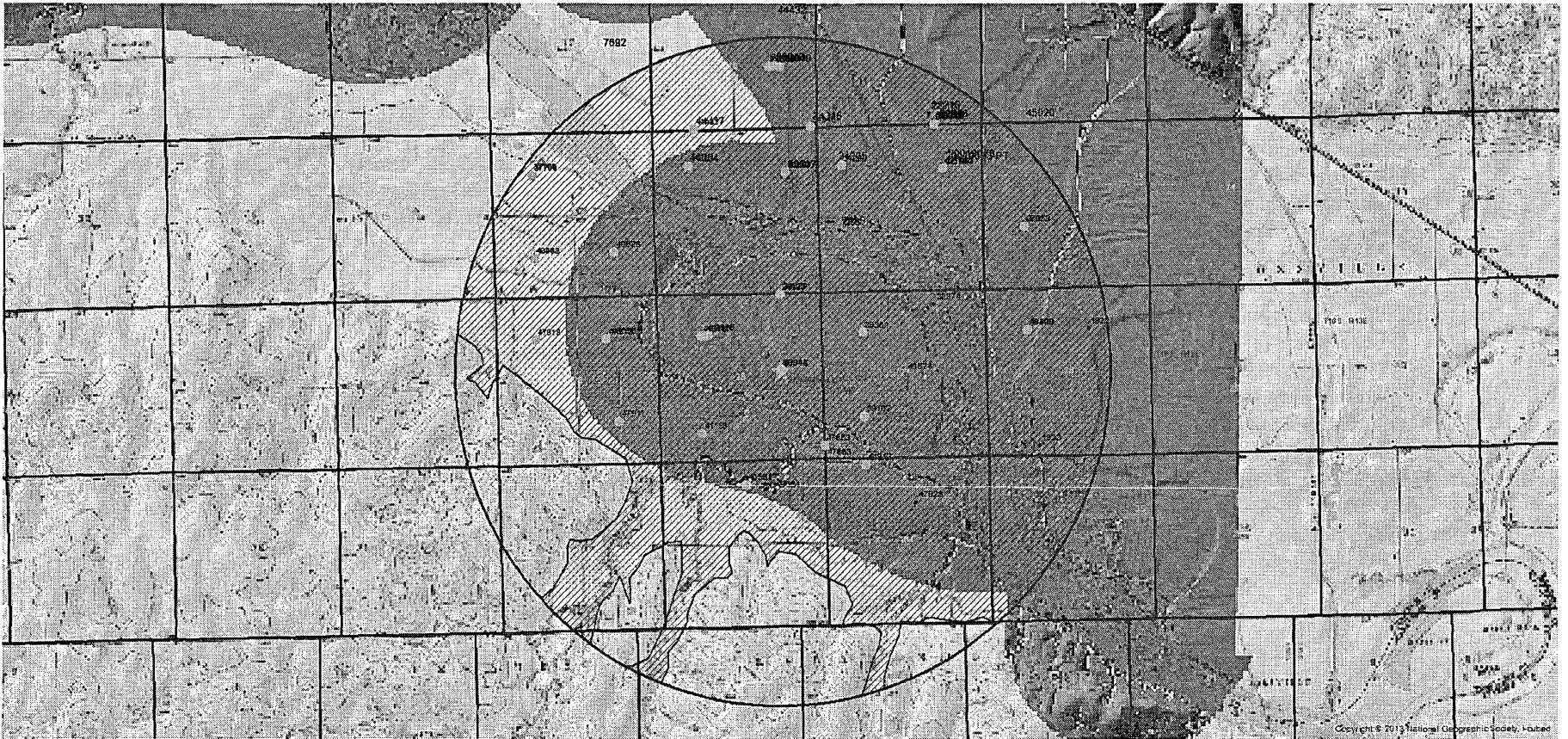
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 22716 00	IRR	NK	G					5308	1549	22	10	12E	4	WR	200.00	200.00	234.00	234.00
A 24020 00	IRR	NK	G			CN	NE	5160	1320	28	10	12E	3	WR	156.00	156.00	160.00	160.00
A 27153 00	IRR	NK	G			NC	N2 SW	1980	3960	23	10	12E	2	WR	64.00	64.00	133.00	133.00
A 29049 00	IRR	NK	G			SW	NE SE	1960	1155	16	10	12E	2	WR	100.00	100.00	100.00	100.00
Same	IRR	NK	G			SE	NW SE	1960	1545	16	10	12E	9	WR				
Same	IRR	NK	G			SE	NW SE	1960	1350	16	10	12E	10	WR				
A 30344 00	IRR	NK	G					2810	1320	28	10	12E	2	WR	104.00	104.00	149.90	149.90
A 31147 00	IRR	NK	G			NW	SE NE	3925	1040	21	10	12E	1	WR	86.00	86.00	172.00	172.00
A 34205 00	IRR	NK	G			CS	NW NW	4100	4720	22	10	12E	2	WR	80.00	80.00	90.00	90.00
A 34346 00	IRR	NK	G			SE	SE SE	60	200	16	10	12E	3	WR	85.00	85.00	134.10	134.10
A 37700 00	IRR	NK	G			NC	NW	3980	3960	20	10	12E	4	WR	43.00	43.00	69.00	69.00
A 37701 00	IRR	NK	G			NC	NW	3980	3960	20	10	12E	4	WR	43.00	43.00	69.00	69.00
A 39102 00	IRR	NK	G			NC	SW	1320	3960	27	10	12E	2	WR	100.00	100.00	100.00	100.00
A 39351 00	IRR	NK	G			NC	NW	3960	3960	27	10	12E	4	WR	104.00	104.00	132.00	132.00
A 40463 00	IRR	NK	G			NC	SW	1250	3925	20	10	12E	2	WR	65.00	65.00	132.00	132.00
A 40561 00	IRR	NK	G			SW	NW NE	4475	2563	33	10	12E	2	WR	92.00	92.00	114.00	114.00
A 40616 00	IRR	NK	G			SW	NE NW	3992	3679	28	10	12E	4	WR	130.00	130.00	142.00	142.00
Same	IRR	NK	G					3957	3944	28	10	12E	7	WR				
Same	IRR	NK	G			SW	NE NW	3975	3812	28	10	12E	8	WR				
A 40628 00	IRR	NK	G			NC	SE	1470	1320	20	10	12E	3	WR	55.00	55.00	105.00	105.00
A 40807 00	IRR	NK	G			NW	SE NE	3925	1040	21	10	12E	1	WR	172.00	86.00	172.00	0.00

o/l 31,147

Safe Yield Report Sheet  
Water Right- A4991500  
Point of Diversion in 28-10S-12E 2 (11537)

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A	40809	00	IRR	NK	G	NC	NW	4046	3958	26	10	12E	4	WR	79.00	79.00	135.00	135.00			
A	41198	00	IRR	NK	G	NC	N2	S2	SW	900	4000	28	10	12E	5	WR	61.00	61.00	116.00	116.00	
A	42146	00	IRR	NK	G			3891	1288	22	10	12E	5	WR	96.00 ✓	96.00	124.00	124.00 ✓			
A	43042	00	IRR	NK	G		NC	SW	1250	3925	20	10	12E	2	WR	68.00	3.00 ✓	132.00	0.00	40,463% OK	
A	44064	00	IRR	NK	G		NC	NW	4146	4194	21	10	12E	3	WR	80.00	80.00	95.00	95.00		
A	44437	00	IRR	NK	G		CS	SW	6	3990	16	10	12E	6	WR	74.00	74.00	67.00	67.00		
A	44917	00	IRR	NK	G		CN	NW	5062	3970	34	10	12E	1	WR	161.00	161.00	288.00	288.00 ✓		
A	46973	00	IRR	LR	G		NC	N2	SW	1980	3960	23	10	12E	2	WR	146.30	82.30	133.00	0.00	o/L 27,153 OK
A	47194	00	IRR	NK	G			3891	1288	22	10	12E	5	WR	Route 96.00 ✓	0.00	124.00	0.00	o/L 42,146 OK		
A	47863	00	IRR	LO	G			300	25	28	10	12E	6	WR	222.00	106.90	288.00	0.00	o/L 44,917		
A	47910	00	IRR	LO	G		SE	NW	NE	3980	1660	29	10	12E	2	WR	290.40	290.40	264.00	264.00	
A	47911	00	IRR	KE	G		NC	SE	1320	1320	29	10	12E	3	WR	290.40	Limited 0.00	264.00	0.00	OK	
A	47918	00	IRR	LO	G		NC	NW	3960	3940	29	10	12E	4	WR	146.30	146.30	133.00	133.00		
A	48429	00	IRR	LO	G		NC	NW	4046	3958	26	10	12E	4	WR	148.50	69.50	135.00	0.00	o/L 40,809	
A	49915	00	IRR	AY	G			2810	1320	28	10	12E	2	WR	<del>164.90</del>	<del>164.90</del>	149.90	0.00	OK		

47,863 - Authorized 222 AF 106.9 (add'l)

Limited to 316.8 AF with 44,917

44,917 - Authorized 161 AF

316.8 AF - 161 = 155.8 AF so could pump additional 48.9 AF  
 (155.8 AF - 106.9 AF)

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49915 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49915 00 IRR

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

*All wells > 1/4 mile  
meets spacing*

2810 Feet North and 1320 Feet West of the Southeast Corner of Section 28 T 10S R 12E

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__ 22716	00	IRR	NK	G	9242	--	--	--	5308	1549	22	10	12E	4		200.00	200.00	AF
A__ 24020	00	IRR	NK	G	<u>2346</u>	--	--	CN NE	5160	1320	28	10	12E	3		156.00	156.00	AF
A__ 27153	00	IRR	NK	G	9092	--	NC N2	SW	1980	3960	23	10	12E	2		64.00	64.00	AF
A__ 29049	00	IRR	NK	G	9710	--	SE NW	SE	1960	1350	16	10	12E	10	G 2	100.00	100.00	AF
Same					9710	--	SW NE	SE	1960	1155	16	10	12E	2	B 2			
Same					9713	--	SE NW	SE	1960	1545	16	10	12E	9	B 2			
A__ 30344	00	IRR	NK	G	0	--	--	--	2810	1320	28	10	12E	2		104.00	104.00	AF
A__ 31147	00	IRR	NK	G	6388	--	NW SE	NE	3925	1040	21	10	12E	1		86.00	86.00	AF
A__ 34205	00	IRR	NK	G	6799	--	CS NW	NW	4100	4720	22	10	12E	2		80.00	80.00	AF
A__ 34346	00	IRR	NK	G	7883	--	SE SE	SE	60	200	16	10	12E	3		85.00	85.00	AF
A__ 37700	00	IRR	NK	G	10298	--	NC NW		3980	3960	20	10	12E	4		43.00	43.00	AF
A__ 37701	00	IRR	NK	G	10298	--	NC NW		3980	3960	20	10	12E	4		43.00	43.00	AF
A__ 39102	00	IRR	NK	G	3058	--	NC SW		1320	3960	27	10	12E	2		100.00	100.00	AF
A__ 39351	00	IRR	NK	G	2877	--	NC NW		3960	3960	27	10	12E	4		104.00	104.00	AF
A__ 40463	00	IRR	NK	G	8805	--	NC SW		1250	3925	20	10	12E	2		65.00	65.00	AF
A__ 40561	00	IRR	NK	G	3783	--	SW NW	NE	4475	2563	33	10	12E	2		92.00	92.00	AF
A__ 40616	00	IRR	NK	G	2753	--	SW NE	NW	3975	3812	28	10	12E	8	G 2	130.00	130.00	AF
Same					2641	--	SW NE	NW	3992	3679	28	10	12E	4	B 2			
Same					2866	--	--	--	3957	3944	28	10	12E	7	B 2			
A__ 40628	00	IRR	NK	G	6673	--	NC SE		1470	1320	20	10	12E	3		55.00	55.00	AF
A__ 40807	00	IRR	NK	G	6388	--	NW SE	NE	3925	1040	21	10	12E	1		172.00	86.00	AF
A__ 40809	00	IRR	NK	G	8018	--	NC NW		4046	3958	26	10	12E	4		79.00	79.00	AF
A__ 41198	00	IRR	NK	G	3288	NC	N2 S2	SW	900	4000	28	10	12E	5		61.00	61.00	AF
A__ 42146	00	IRR	NK	G	8255	--	--	--	3891	1288	22	10	12E	5		96.00	96.00	AF
A__ 43042	00	IRR	NK	G	8805	--	NC SW		1250	3925	20	10	12E	2		68.00	3.00	AF
A__ 44064	00	IRR	NK	G	7220	--	NC NW		4146	4194	21	10	12E	3		80.00	80.00	AF
A__ 44437	00	IRR	NK	G	8218	--	CS SW		6	3990	16	10	12E	6		74.00	74.00	AF
A__ 44917	00	IRR	NK	G	4010	--	CN NW		5062	3970	34	10	12E	1		161.00	161.00	AF
A__ 46973	00	IRR	LR	G	9092	--	NC N2	SW	1980	3960	23	10	12E	2		146.30	82.30	AF
A__ 47194	00	IRR	NK	G	8255	--	--	--	3891	1288	22	10	12E	5		96.00	.00	AF
A__ 47863	00	IRR	LO	G	2820	--	--	--	300	25	28	10	12E	6		222.00	106.90	AF
A__ 47910	00	IRR	LO	G	5773	--	SE NW	NE	3980	1660	29	10	12E	2		290.40	290.40	AF
A__ 47911	00	IRR	KE	G	5511	--	NC SE		1320	1320	29	10	12E	3		290.40	.00	AF
A__ 47918	00	IRR	LO	G	8015	--	NC NW		3960	3940	29	10	12E	4		146.30	146.30	AF
A__ 48429	00	IRR	LO	G	8018	--	NC NW		4046	3958	26	10	12E	4		148.50	69.50	AF
A__ 49915	00	IRR	AY	G	0	--	--	--	2810	1320	28	10	12E	2		164.90	164.90	AF

*- Applicant well*

*pd o/c*

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	164.90	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	695.40	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2147.00	.00
Total Vested Amount (AF) =	.00	.00

49915



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

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

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

September 5, 2017

POPPELREITER FARMS  
% JOHN POPPELREITER  
19157 TURKEY CREEK RD  
MAPLE HILL KS 66507-8522

RE: New Application for Appropriation of Water

Dear Mr. Poppelreiter:

Enclosed are application forms related to completing a new application for permit to appropriate water for beneficial use. Please review the "Application For Permit To Appropriate Water For Beneficial Use" form, the proposed place of use on the site map, and the enclosed "Irrigation Use Supplemental Sheet". This new application is designed to allow you to pump an additional quantity of water and rate of diversion from your existing well, currently authorized under Water Right, File No. 30,344.

The **application must be signed at both Paragraph Nos. 6 and 16**. In addition, please sign the site map where indicated, and sign and notarize the enclosed Minimum Desirable Streamflow form. For the requested quantity of 164.9 acre-feet, the filing fee would be **\$300**. Please submit the original application with signatures, and filing fee to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502**.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,

Douglas Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

SCANNED

49915

9-20-17

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application  
File No. 49,915

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.

Bert Falley II

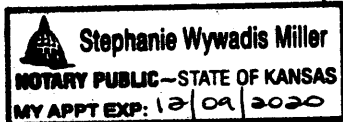
Signature of Applicant

BERT FALLEY II

Print Applicant Name

State of Kansas )  
) SS  
County of Shawnee )

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 20th day of September, 2017.



Stephanie Wywadis Miller  
Notary Public

My Commission Expires: 12/09/2020

WATER RESOURCES  
RECEIVED

SEP 26 2017

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.

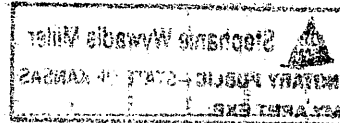
- |                                 |                            |
|---------------------------------|----------------------------|
| Arkansas River                  | Ninnescah River            |
| Big Blue River                  | North Fork Ninnescah River |
| Chapman Creek                   | Rattlesnake 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 | Marais des Cygnes River | Neosho River |
|--------------|-------------------------|--------------|

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

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



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

October 3, 2017

FALLEY FARMS 1 LP  
5826 SW 29TH  
TOPEKA KS 66614

**FILE COPY**

RE: Application  
File No. 49915

Dear Sir or Madam:

Your application for permit to appropriate water in 28-10S-12E in Pottawatomie County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

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

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

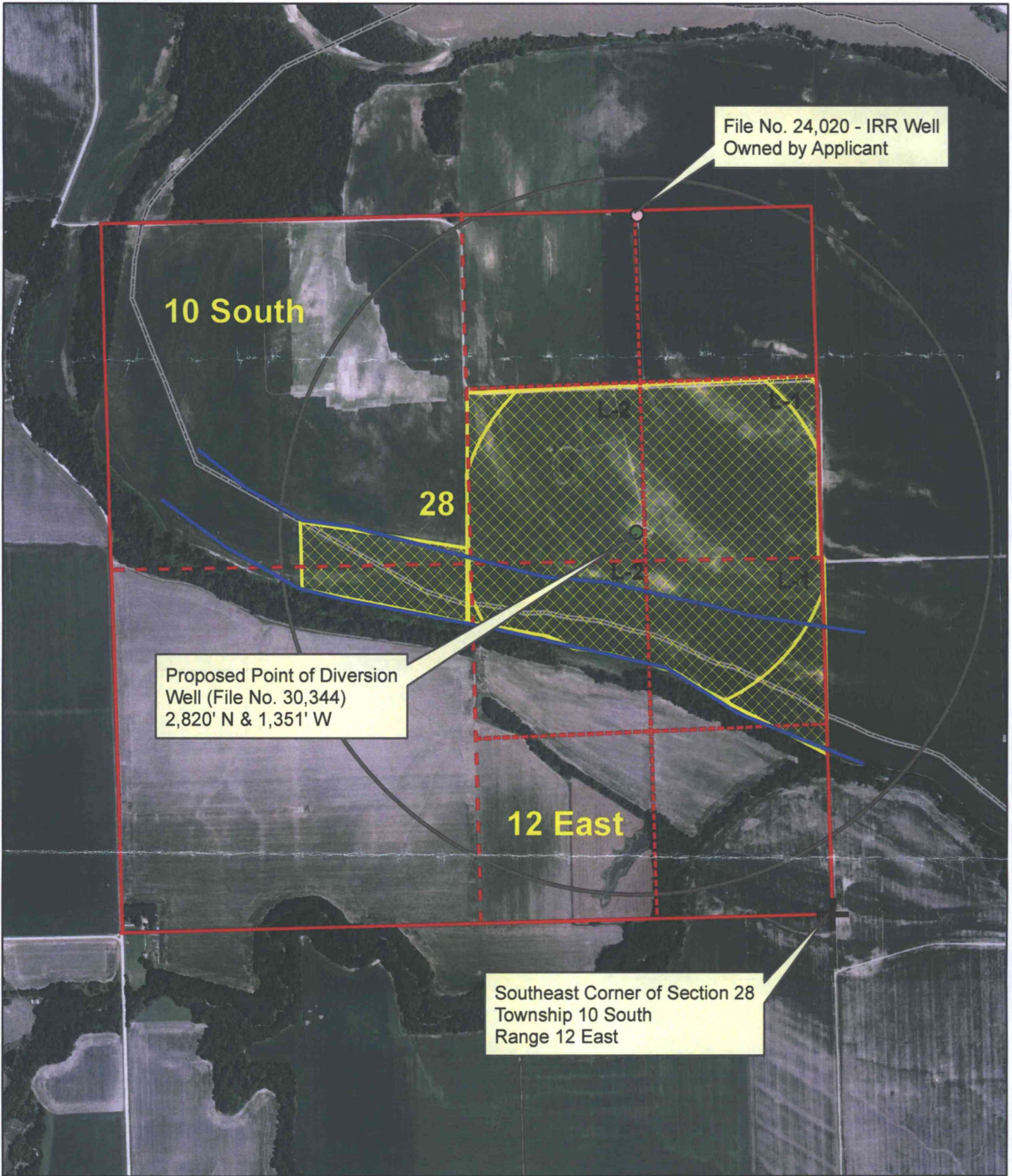
BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED

# FALLEY FARMS - SITE MAP

## SEC. 28, T10S, R12E

49915



1:12,000

● Proposed Point of Diversion



Proposed Place of Use

All known wells within 1/2 mile of the proposed point of diversion are shown on this map.

*Beet*  
SEP 26 2017  
SCANNED  
KS DEPT OF AGRICULTURE