

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

1. File Number: 50,143	2. Status Change Date: <i>12/28/2018</i>	3. Field Office: 1	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) Person ID 63037 New to system <input type="checkbox"/> Add Seq# _____</p> <p>JOHN HUTTO 6663 SE MESSER RD GALENA KS 66739</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</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: _____</p> <p><input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2020 11. Perfection Date: 12/31/2024 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____

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

Date Prepared: **11/27/2018** By: **DWS**
Date Entered: *1/3/2019* By: *UM*

File No. **50,143** 15. Formation Code:890 Drainage Basin: Spring River County: CK Special Use: Stream:

16. Points of Diversion									
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
√	81204	SW NW SE	19	33	25E	1	1475	2226	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
2000	580	2000	580	48,494*

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

19. Limitation: _____ mg/y at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2020** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T MOD DEL ENT	PUSE	S	T	R	ID	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								
MOD	64233	19	33	25E	1					40	40	40	40	40				12		40	13	40	305	7a.	NO	48,494*			
√	69139	30	33	25E	2	40	40	40	40									40	40	31	4	275	7a.	NO	NONE				

Comments: ***FILE NO. 48,494 will be dismissed in conjunction with new app. approval.**

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

TO: Files

DATE: November 27, 2018

FROM: Doug Schemm

RE: Application, File No. 50,143; and
Appropriation of Water, File No. 48,494

John Hutto has filed the referenced new application to appropriate groundwater from an existing well, located in the Southeast Quarter of Section 19, in Township 33 South, Range 25 East, Cherokee County, within the Spring River Drainage Basin. This existing well and a portion of the place of use are currently authorized under Appropriation of Water, File No. 48,494. Since the proposed place of use has been significantly expanded, the applicant determined that because the senior file was only recently approved, (and rather than filing a change application), he has requested that File No. 48,494 be dismissed. A voluntary dismissal request has been submitted for File No. 48,494, in conjunction with approval of the new application.

The application is requesting 580 acre-feet of water to be diverted at 2,000 gallons per minute, to irrigate 580 acres. The applicant owns the entire place of use, and he has signed the application form stating he has access to the point of diversion. The quantity of water requested is equivalent to 1.0 acre-feet per acre, which is the reasonable, maximum quantity for irrigation in Cherokee County per K.A.R. 5-3-19.

The applicant identified only his own domestic well within one-half mile of this application. The WRIS database shows there are only two other permitted wells within the 2-mile circle, with the nearest well (owned by Cherokee RWD #1) located over 6,700 feet away. No nearby well owner letters are required, and the application complies with minimum well spacing criteria. The proposed point of diversion meets spacing to all existing wells per K.A.R. 5-4-4 for all other aquifers. The applicant's own domestic well is located over 1,300 feet away.

A water well record for File No. 48,494 was submitted with the application, and it displays the typical lithology for this area of the state with alternating layers of limestone and sandstone. The drill log shows that water was encountered at depths of 130 feet, 219 feet, and 440 feet, and the static water level was 300 feet below ground surface. The well was completed to a total depth of 910 feet below ground surface. Casing extends from ground surface to 250 feet, and then the hole is left open (i.e. no well screen). The well log and other area wells, indicates that the source of water will be the Ozark Plateaus aquifer system (890).

Per K.A.R. 5-3-29 a study was completed in order to determine the safe yield of the Ozark Plateaus aquifer system. The U.S. Geological Survey (USGS) in cooperation with the Kansas Water Office (KWO) completed a Groundwater Flow model of the Ozark Plateau aquifer system in 2009. Using MODFLOW software, the model was able to better assess the effects that increased water use is having on the long-term availability of groundwater within the Tri-State area. The Kansas Department of Agriculture, Division of Water Resources performed supplemental model runs utilizing the USGS model to determine the additional amount available to meet the safe yield of the Ozark aquifer. Safe yield for this area has been defined as no more than a 25 percent aquifer depletion rate over the next 100 years. Based on the modeling scenarios, the Ozark Plateaus aquifer system safe yield has been determined to be at least 36,000 acre-feet, or approximately three times the currently authorized amount.

John Hutto
File No. 50,143 and 48,494
Page 2

A review of the two-mile circle area of consideration can ensure that safe yield of the aquifer is not being exceeded by a localized concentration of groundwater wells. For this pending application, there are five other water rights within the two mile circle, which have appropriated 933.11 acre-feet. Safe yield was determined to be 5,428.67 acre-feet, and the application clearly complies with safe yield. Although not directly applicable to the Ozark Plateaus aquifer system, safe yield quantity per K.A.R. 5-3-11 provides the **maximum allowable recharge** (8.1 inches) for the area of consideration, since a deeper confined aquifer would receive only a portion of the recharge that a shallow, unconfined aquifer would receive. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the confined aquifer there would still be sufficient water available. For this application the maximum recharge could be reduced to 2.3 inches of recharge (just 28% of the maximum) and there would still be sufficient water available.

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 16, 2018 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved, in conjunction with the dismissal of Appropriation of Water, File No. 48,494.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

JOHN HUTTO
6663 SE MESSER RD
GALENA KS 66739

January 7, 2019

Re: Appropriation of Water, File Nos. 50,143 and 48,494

Dear Mr. Hutto:

There is enclosed a permit to appropriate water (File No. 50,143) 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.

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File No. 48,494 as you requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in our office on October 9, 2018. Appropriation of Water, File No. 50,143 essentially replaces this current appropriation.

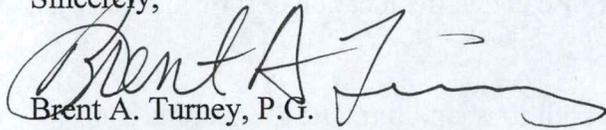
John Hutto
File Nos. 50,143 and 48,494
Page 2

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

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

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

Sincerely,



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

BAT:dws
Enclosures

pc: Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**
(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. **50,143** of the applicant

**JOHN HUTTO
6663 SE MESSER RD
GALENA KS 66739**

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 **October 9, 2018**.
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	
19 33S 25E					40	40	40	40	40			12		40	13	40	305
30 33S 25E	40	40	40	40									40	40	31	4	275

3. That the authorized source from which the appropriation shall be made is groundwater from the Ozark Aquifer, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW¼ NW¼ SE¼) of Section 19, more particularly described as being near a point 1,475 feet North and 2,226 feet West of the Southeast corner of said section, in Township 33 South, Range 25 East, Cherokee 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 **2,000 gallons per minute** (4.46 c.f.s.) and to a quantity not to exceed **580 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, 2020** 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, 2024 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 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.

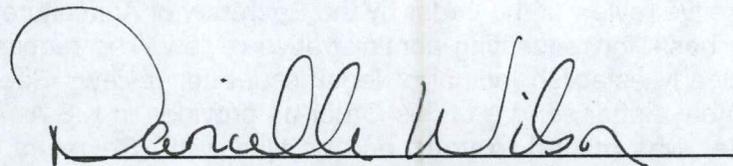
CERTIFICATE OF SERVICE

On this ~~7th~~ day of ~~January~~, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,143, dated ~~December 28th, 2018~~ was mailed postage prepaid, first class, US mail to the following:

JOHN HUTTO
6663 SE MESSER RD
GALENA KS 66739

With photocopies to:

Topeka Field Office



Division of Water Resources

#50,143

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Friday, November 16, 2018 10:01 AM
To: Schemm, Doug [KDA]
Subject: RE: John Hutto 50143

Approve it. Thanks.

Katie Tietsort

SAVE TIME AND MONEY ON YOUR WATER USE REPORT WHEN YOU

FILE ONLINE

Online water use reporting available January 2 – March 1

Starting with the 2018 water use reporting period, the Kansas Department of Agriculture will be implementing a \$20 per water right paper filing fee for those water right holders that report their water use using the paper forms. **This \$20 fee can be avoided by reporting water use online.**



Learn More

The Kansas Department of Agriculture encourages you to use the new online filing system. Read more about filing your water use report online at www.agriculture.ks.gov/wateruse.

Questions?

If you have a problem using the online water use reporting system, or you simply have questions, please call the water use team at **785-564-6638**.

Complete your online water use report at www.kswaterusereport.org

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

Achiever~Responsibility~Input~Relator~Arranger

From: Schemm, Doug [KDA]
Sent: Wednesday, November 14, 2018 8:00 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: John Hutto 50143

John is merely expanding PU and replacing file No. 48,494 (voluntary dismissal). Typical Ozark well.

Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 5,428.67 AF.

Total prior appropriations in the circle is 1,511.23 AF. $-580\text{AF} = 931.23\text{AF} + 1.88\text{AF} = 933.11\text{AF}$

Total quantity of water available for appropriation is 3,917.44 AF.

4,495.6 AF

50,143

meets safe yield

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 8.1 inches.

The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 14-NOV-2018 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.

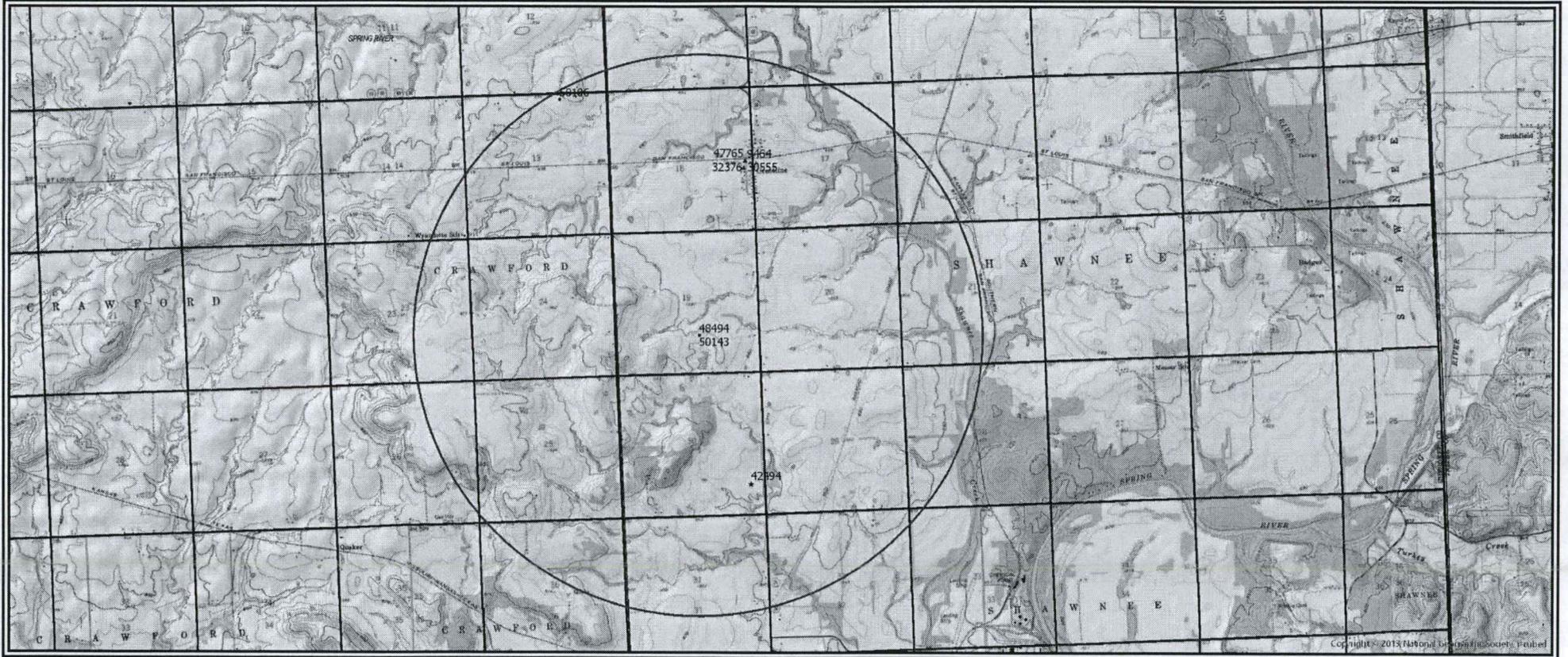
There are 6 water rights and 3 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 9464 00	MUN	NK	G		NE	NE	SE	2572	330	18	33	25E	1	WR	22.09	22.09 ✓		
A 32376 00	MUN	NK	G		NE	NE	SE	2572	330	18	33	25E	1	WR	11.02	11.02 ✓		
A 47765 00	MUN	LO	G		NE	NE	SE	2572	330	18	33	25E	1	WR	100.00	98.12 + 1.88 AF		
A 48494 00	IRR	LO	G		SW	NW	SE	1475	2226	19	33	25E	1	WR	160.00	160.00	158.00	0.00
A 50106 00	IRR	GY	G		NE	NW	NE	5130	1720	13	33	24E	1	WR	640.00	640.00	640.00	604.00
A 50143 00	IRR	AY	G		SW	NW	SE	1475	2226	19	33	25E	1	WR	580.00	580.00	550.00	550.00

Limitations

File Number	Seq Num	Limitations
A 32376 00	2	65GPM COM/W#9464
A 47765 00	154.9 AF	50.469MGY COM/W #9464, 32376 & 32377 → Not in circle (could pump entire 100 AF)
Same	2	200GPM COM/W #9464 & 32376

Safe Yield Report Sheet
Water Right- A5014300
Point of Diversion in 19-33S-25E
Footages from SE corner- 1,475 feet North 2,226 feet West



50,143

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50143 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50143 00 IRR

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

1475 Feet North and 2226 Feet West of the Southeast Corner of Section 19 T 33S R 25E

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__ 9464	00	MUN	NK	G	6729	--	NE	NE	SE	2572	330	18	33	25E	1		22.09	22.09	AF
A__ 32376	00	MUN	NK	G	6729	--	NE	NE	SE	2572	330	18	33	25E	1		11.02	11.02	AF
A__ 47765	00	MUN	LO	G	6729	--	NE	NE	SE	2572	330	18	33	25E	1		100.00	98.12	AF
A__ 48494	00	IRR	LO	G	0	--	SW	NW	SE	1475	2226	19	33	25E	1		160.00	160.00	AF
A__ 50106	00	IRR	GY	G	10271	--	NE	NW	NE	5130	1720	13	33	24E	1		640.00	640.00	AF
A__ 50143	00	IRR	AY	G	0	--	SW	NW	SE	1475	2226	19	33	25E	1		580.00	580.00	AF

Meets well spacing All > 1,320'

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	580.00	.00
Total Permitted Amount (AF) =	640.00	.00
Total Inspected Amount (AF) =	258.12	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	33.11	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1511.23	.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:

1475 Feet North and 2226 Feet West of the Southeast Corner of Section 19 T 33S R 25E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 9464	00	MUN	NK G
>	CHEROKEE	RWD	01
>			
>	PO BOX	124	
>	CRESTLINE	KS	66728
>	-----		
A__ 32376	00	MUN	NK G
>	CHEROKEE	RWD	01
>			
>	PO BOX	124	
>	CRESTLINE	KS	66728
>	-----		
A__ 47765	00	MUN	LO G
>	CHEROKEE	RWD	01
>			
>	PO BOX	124	
>	CRESTLINE	KS	66728
>	-----		

A__ 48494 00 IRR LO G

> JOHN HUTTO
>
> 6663 SE MESSER RD
> GALENA KS 66739

>-----

A__ 50106 00 IRR GY G

> JESSEE LIVING TRUST
> RICK JESSEE
> 6878 SE HIGHWAY 160
> COLUMBUS KS 66725

>-----

A__ 50143 00 IRR AY G

> JOHN HUTTO
>
> 6663 SE MESSER RD
> GALENA KS 66739

>-----

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THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50143
This item to be completed by the Division of Water Resources.

Water Resources
Received
OCT 09 2018
12:34
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, Kansas 66502:

1. Name of Applicant (Please Print): John Hutto
Address: 6663 SE Messer Rd
City: Galena State KS Zip Code 66739
Telephone Number: (620) 389-2526

2. The source of water is: surface water in _____ (stream)
OR groundwater in Spring 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 580 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 2000 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>	<u>GMD</u>	Meets K.A.R. 5-3-1 (YES / NO)	Use <u>IRR</u>	Source <u>G/S</u>	County <u>CK</u>
Code <u>123</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>10/9/18</u>	By <u>DAW</u>	Date <u>10/11/18</u>
			Check # <u>1401</u>		

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10/15/18 DAW

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 SW quarter of the NW quarter of the SE quarter of Section 19, more particularly described as being near a point 1475 feet North and 2226 feet West of the Southeast corner of said section, in Township 33 South, Range 25 East, Cherokee 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 October 5, 2018. _____
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

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

 (number of wells, pumps or dams, etc.)

and was completed (by) 12/2/13

 (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 Upon Approval.
 (Mo/Day/Year)

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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 N/A
- If no, explain here why a Water Structures permit is not required N/A

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.

This application covers the point of diversion and the place of use of File No. 48494. However, a voluntary dismissal and waiver of hearing form is being submitted simultaneously with this application on the condition that File No. 48494 be dismissed only upon approval of this application.

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>12/2/13</u>	_____	_____	_____
Total depth of well	<u>910 ft</u>	_____	_____	_____
Depth to water bearing formation	<u>130 ft</u>	<u>219 ft</u>	<u>440 ft</u>	_____
Depth to static water level	<u>300 ft</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):

Applicant
(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 Galena, Kansas, this 5th day of October, 2018.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by CF TFO - Parsons Date: 9/6/18
(office/title)

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50143

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$360 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50143

Name of Applicant (Please Print): John Hutto

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: John C & Kenna S Hutto

ADDRESS: 6663 SE Messer Rd, Galena, KS 66739

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
19	33S	25E					40	40	40	40	40				12		40	13	40	305
30	33S	25E	40	40	40	40										40	40	31	4	275
																				<u>580</u>

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		

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

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

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

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

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

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

- Center pivot
 Center pivot - LEPA
 "Big gun" sprinkler
 Gravity system (furrows)
 Gravity system (borders)
 Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

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

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

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

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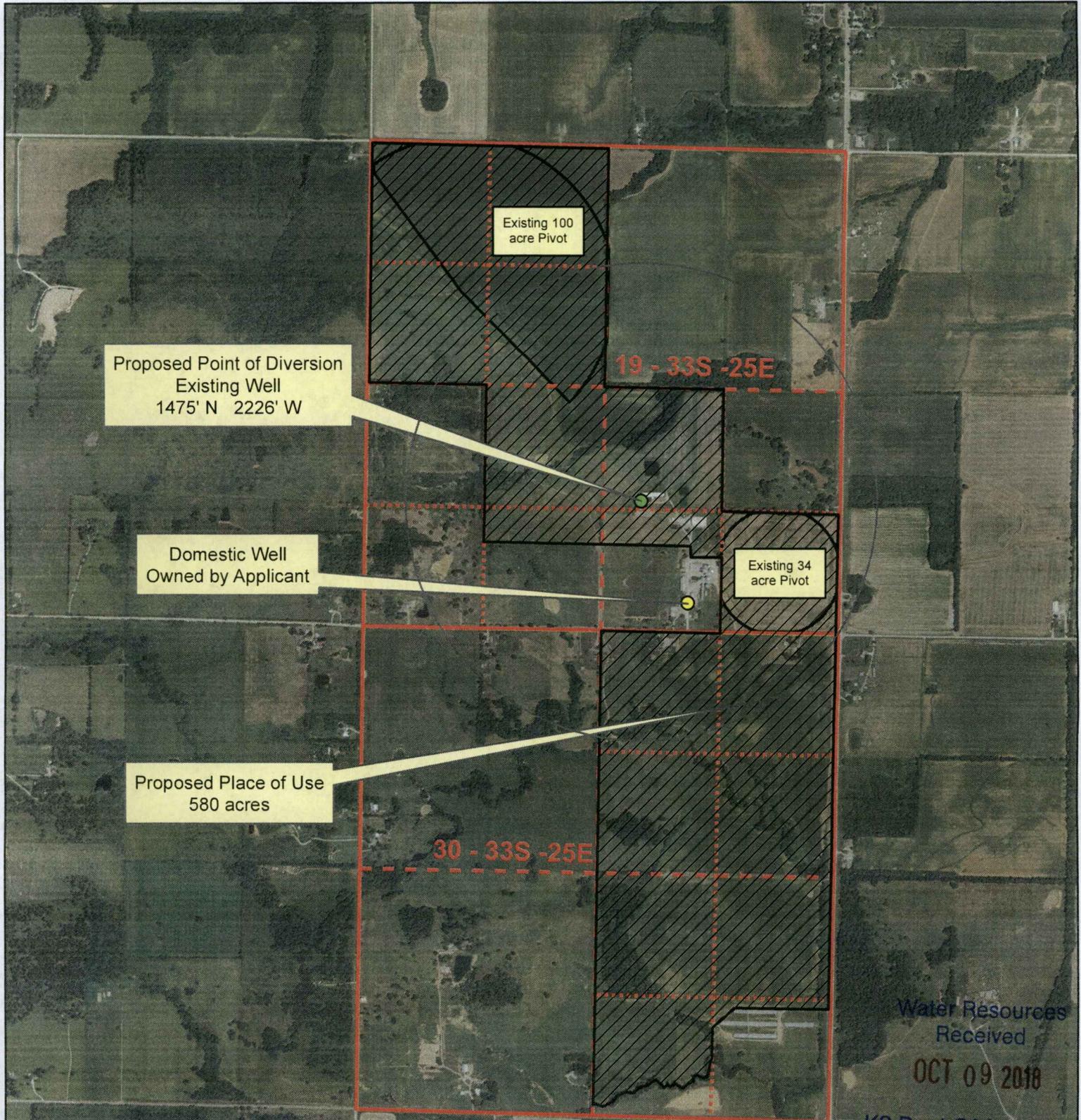
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50143

New Application - John Hutto



1:18,000



Proposed Point of Diversion
Existing Well
1475' N 2226' W

Domestic Well
Owned by Applicant

Proposed Place of Use
580 acres

Existing 100
acre Pivot

19 - 33S -25E

Existing 34
acre Pivot

30 - 33S -25E

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All wells within 1/2 mile of the proposed point of diversion have been identified above.
Applicant Signature: _____

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50143

Form	WWC5
Contractor	Double J Energy
Well Owner	John Hutto
Doc ID	1171164

Litholgy

From	To	LithologicLog
0	6	Soil
6	13	Sandstone
13	18	Shale
18	50	sandstone
50	64	shale
64	130	sandstone
130	147	Limestone-wet
147	170	sandstone
170	177	Limestone
177	184	Sandstone
184	188	Shale
188	210	Limestone
210	219	Sandstone & Shale
219	250	Limestone/ Water
250	310	Limestone & Flint
310	414	Sandstone
414	440	Limestone
440	580	Sandstone
580	593	Limestone
593	757	Sandstone
757	910	Limestone

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w/ 50143

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

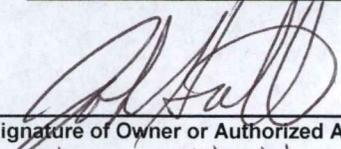
Re: Appropriation of Water
Water Right
Vested Right
Term Permit
(Check Appropriate Box Above)
File No. 48494

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Dismissal contingent upon approval of new application covering same point of diversion.



(Signature of Owner or Authorized Agent)
John Hutto

(Please print name here)
6663 SE Messer Rd

(Mailing Address)
Galena, KS 66739

(City, State, Zip)

(Signature of Spouse or Title of Authorized Agent)

(Please print name here)

(Mailing Address)

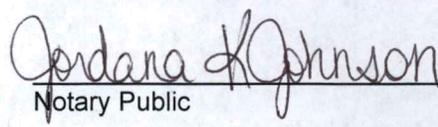
(City, State, Zip)

ACKNOWLEDGMENT

State of Kansas
County of Cherokee)

This instrument was acknowledged before me this 5th day of October, 2018 by
(owners:) John Hutto

(Seal) 



Notary Public

My appointment expires: 4-13-2021

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CF _____
DWR Initials

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

10/15/2018

JOHN HUTTO
6663 SE MESSER RD
GALENA, KS 66739

RE: Application, File No. **50143**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

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