

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

1. File Number: 50,204	2. Status Change Date: 4/16/2019	3. Field Office: 01	4. GMD: 0
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			
7a. Applicant(s) New to system <input type="checkbox"/> RYAN & LYNN NIEHUES 28512 F RD SOLDIER KS 66540		7c. Landowner(s) New to system <input type="checkbox"/> MARK & LYNN A & RYAN M NIEHUES 758 O RD GOFF KS 66428	
7b. Landowner(s) New to system <input type="checkbox"/> 7a.		7d. LANDOWNER New to system <input type="checkbox"/> 7a.	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: 12/31/2020		11. Perfection Date: 12/31/2024	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 4/2/2019 By: DWS Date Entered: 4/17/2019 By: UM			

File No. **50,204** 15. Formation Code: Drainage Basin: KANSAS RIVER County: SN Special Use: Stream: SOLDIER CREEK (KANSAS)

16. Points of Diversion										17. Rate and Quantity								
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files			
											Rate gpm	Quantity af	Rate gpm	Quantity af				
√				87297	NW	NW	NW	5	10	14E	3	5124	5156	2000	500	2000	500	NONE

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

19. Limitation: _____ af/yr 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		
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					
√			69289	32	9	14E	1									25									65	7a.	NO	NONE
√			69288	5	10	14E	2					25	35	40	40										140	7c.	NO	NONE
√			69287	6	10	14E	2	40	40	40	40	40	30	30	40										300	7c.	NO	NONE
																									505			

Comments:

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

TO: Files

DATE: April 2, 2019

FROM: Doug Schemm

RE: New Application, File No. 50,204

Ryan Niehues has filed the above referenced new application to appropriate 500 acre-feet of surface water directly from Soldier Creek for irrigation use from one proposed pump site, at a diversion rate of 2000 gallons per minute to irrigate 505 acres in Shawnee County. The place of use is owned by the applicant and Mark and Lynn Niehues, and the applicant has signed the application form stating he has access to the point of diversion. The requested quantity of water, 500 acre-feet, is reasonable to irrigate the proposed 505 acres with slightly less than 1 acre-feet per acre allowable in Shawnee County, Kansas. There are no overlapping files in point of diversion or place of use. The pump site is located within the Kansas River basin. The applicant is contract purchaser of the rest of the NW¼ of Sec. 5 (east of stream).

The applicant provided a list of landowners, and notification letters were sent to upstream landowners on February 26, 2019. No responses of any kind were received. The applicant owns all the property for over ½ mile downstream of the pump site. Note that the applicant has a nearby pump site authorized under File No. 41,664 which is for recreational use in a wetland marsh, and will not be used as part of this irrigation project.

Other than the applicant's senior file, there is only one other surface water right located within a two-mile radius, File No. 46,568, which is located over 4,700 feet upstream. Therefore, approval of this application will not impair any senior water rights.

Per K.A.R. 5-3-15, Availability of water for appropriation - safe yield; surface water. (a) Each application filed to directly divert the natural flow of the Kansas river, the Missouri river, the Big Blue river, the Spring river, or their tributaries, shall:

- (1) be processed in accordance with K.A.R. 5-3-9; and
 - (2) meet all other requirements for the approval of a new application.
- (b) The water right owner shall be required by the chief engineer to meet minimum desirable streamflows (MDS), assurance district target flows (assurance target flows) and division of water resources (DWR) target flows where applicable.

The application meets these safe yield criteria. Soldier Creek is a tributary stream to the Kansas River. The permit will also contain the condition that streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place.

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.

Katie Tietsort, Water Commissioner, Topeka Field Office, gave a recommendation that the application should be approved in an April 1, 2019 discussion. Based on the above discussion, Soldier Creek is open to new appropriations, the new application complies with all regulations, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 19, 2019

FILE COPY

RYAN NIEHUES
28512 F RD
SOLDIER KS 66540

RE: Appropriation of Water, File No. 50,204

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office. 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

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Mark & Lynn Niehues

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting 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. **50,204** of the applicant

RYAN NIEHUES
28512 F RD
SOLDIER KS 66540

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 **January 25, 2019**.
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	
32 9S 14E									25				40				65
5 10S 14E					25	35	40	40									140
6 10S 14E	40	40	40	40	40	30	30	40									300

3. That the authorized source from which the appropriation shall be made is surface water from Soldier Creek, to be diverted at one (1) pump site located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼) of Section 5, more particularly described as being near a point 5,124 feet North and 5,156 feet West of the Southeast corner of said section, in Township 10 South, Range 14 East, Shawnee County, Kansas, located substantially as shown on the 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 **500 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 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).

13. 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.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. 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.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

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.

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 16th day of April, 2019, in Manhattan, Riley 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 16th day of April, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

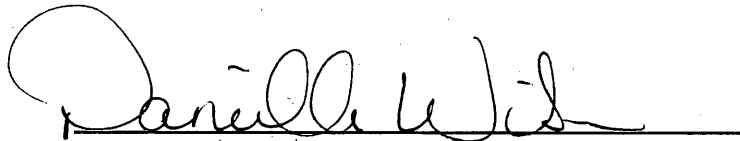
On this 19th day of April, 2019, I hereby certify that the foregoing Approval of Application, File No. 50,204, dated April 16th 2019 was mailed postage prepaid, first class, US mail to the following:

RYAN & LYNN NIEHUES
28512 F RD
SOLDIER KS 66540

With photocopies to:

MARK & LYNN A & RYAN M NIEHUES
758 O RD
GOFF KS 66428

Topeka Field Office



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50204
This item to be completed by the Division of Water Resources.

Water Resources
Received

APPLICATION COMPLETE
4/1/19
Reviewer KAB

**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.)

JAN 25 2019
12:30
KS Dept Of Agriculture

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): Ryan Niehues
Address: 28512 F Rd
City: Soldier State KS Zip Code 66540
Telephone Number: (785) 294-1881

2. The source of water is: surface water in Soldier Creek (stream)
OR groundwater in _____ (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 500 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>	GMP <input checked="" type="checkbox"/>	Meets K.A.R. 5-3-1 (YES/NO) Use <u>RR</u>	Source <u>G/S</u>	County <u>SN</u>	By <u>DAW</u>	Date <u>1/25/19</u>	
Code <u>003</u>		Fee \$ <u>340</u>	TR # _____	Receipt Date <u>1/25/19</u>	Check # <u>1547</u>		

1/30/2019 CCM
SCANNED

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 NW quarter of the NW quarter of the NW quarter of Section 5, more particularly described as being near a point 5,124 feet North and 5,156 feet West of the Southeast corner of said section, in Township 10 South, Range 14 East West (circle one), Shawnee 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):

(name, address and telephone number)
Owner, Ryan Niehues 28512 E. Rd Soldier, KS 66540 (785) 294-1881
(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 January 20 2019. Ryan Niehues
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 1 Pump
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) May 31, 2019
(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 June 1, 2019
(Mo/Day/Year)

Water Resources
Received
JAN 25 2019
SCANNED
KS Dept Of Agriculture

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 I plan to just pump directly out of the creek.

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.

Water Resources
Received
JAN 25 2019
KS Dept Of Agriculture
SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
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):

Applicant and Mark Niehues 758 O Rd Goff, KS 66428 (785) 364-0428
(name, address and telephone number)

Lynn Niehues 3492 S 600 West Anderson, IN 46011 (785) 294-2054
(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 Soldier, Kansas, this 20th day of January, 2019
(month) (year)

Ryan Niehues
(Applicant Signature)

By Ryan Niehues
(Agent or Officer Signature)

Ryan Niehues
(Agent or Officer - Please Print)

Assisted by Travis Rokey Nutradrip Irrigation Systems Date: 1/11/2019
(office/title)

Water Resources
Received
JAN 25 2019
KS Dept Of Agriculture
SCANNED

IRRIGATION USE
SUPPLEMENTAL SHEET

File No. 50204

Name of Applicant (Please Print): Ryan Niehues

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: Mark, Lynn, and Ryan Niehues
ADDRESS: 28512 F Rd Soldier, KS 66540

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6	10S	14E	40	40	40	40	40	30	30	40	0	0	0	0	0	0	0	0	300
*5	10S	14E	0	0	0	0	25	35	40	40	0	0	0	0	0	0	0	0	140

Landowner of Record NAME: Ryan and Lynn Niehues
ADDRESS: 28512 F Rd Soldier, KS 66540

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32	9S	14E	0	0	0	0	0	0	0	0	25	0	0	40	0	0	0	0	65

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	

JAN 25 2019

* Per Discussion with applicant on 3/21/2019,
they is contract purchaser for the rest of the
(acres in the NW ¼ of Sec. 5 (East of Stream). KS Dept Of Agriculture
DWS / DWR 3/21/19
→ (Mark, Lynn, + Ryan)

50204

Ryan Niehues
Surface Water Permit
Section 5 Township 10S Range 14E Shawnee County

Land owners ½ mile upstream

Scott J Willson 13450 NW 62nd St Rossville, KS 66533
Ernest Rezac 7968 94th Rd Silver Lake, KS 66539
Samuel D Bailey 9553 I Rd Silver Lake, KS 66539
Derrel and Tonia Bahner 9321 NW 40th St Silver Lake, KS 66539

Land owners ½ mile downstream

Owners

Water Resources
Received
JAN 25 2019
KS Dept Of Agriculture
SCANNED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50204 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50204 00 IRR

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

5124 Feet North and 5156 Feet West of the Southeast Corner of Section 5 T 10S R 14E

SURFACE WATER 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__ 41664 00 REC NK S      1683 -- NE SW NW 3536 4599 5 10 14E 1 25.00 25.00 AF
A__ 46568 00 IRR NK S      4729 -- SE NW NE 4233 1800 31 9 14E 5 27.00 27.00 AF
A__ 50204 00 IRR AY S          0 -- NW NW NW 5124 5156 5 10 14E 3 500.00 500.00 AF
=====

```

- applicant (REC)
- upstream

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      500.00      .00
Total Permitted Amount (AF) =          .00      .00
Total Inspected Amount (AF) =          .00      .00
Total Pro_Cert Amount (AF) =          .00      .00
Total Certified Amount (AF) =          52.00      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =          552.00      .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:

5124 Feet North and 5156 Feet West of the Southeast Corner of Section 5 T 10S R 14E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
A__ 41664 00 REC NK S
> MARK & LYNN A & RYAN M NIEHUES
>
> 758 O RD
> GOFF KS 66428
>-----
A__ 46568 00 IRR NK S
> ADAM P FOSTER
>
> 12938 NW 86TH ST
> ROSSVILLE KS 66533
>-----
A__ 50204 00 IRR AY S
> RYAN & LYNN NIEHUES
>
> 28512 F RD
> SOLDIER KS 66540
>-----
=====

```

#####

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



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

SAMUEL D BAILEY
9553 I RD
SILVER LAKE KS 66539

Re: Pending Application, File No. 50,204

Dear Sir or Madam:


This is to advise you that Ryan Niehues has filed the application referred to above for a permit to appropriate 500 acre-feet of surface water per calendar year from Soldier Creek, for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute from one pump site. The pump site is located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 5, in Township 10 South, Range 14 East, Shawnee County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Ryan Niehues

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



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

ERNEST REZAC
7968 94TH RD
SILVER LAKE KS 66539

Re: Pending Application, File No. 50,204

Dear Sir or Madam:

This is to advise you that Ryan Niehues has filed the application referred to above for a permit to appropriate 500 acre-feet of surface water per calendar year from Soldier Creek, for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute from one pump site. The pump site is located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 5, in Township 10 South, Range 14 East, Shawnee County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Ryan Niehues

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



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

SCOTT J WILSON
13450 NW 62ND ST
ROSSVILLE KS 66533

Re: Pending Application, File No. 50,204

Dear Sir or Madam:


This is to advise you that Ryan Niehues has filed the application referred to above for a permit to appropriate 500 acre-feet of surface water per calendar year from Soldier Creek, for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute from one pump site. The pump site is located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 5, in Township 10 South, Range 14 East, Shawnee County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Ryan Niehues

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



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

DERREL & TONIA BAHNER
9321 NW 40TH ST
SILVER LAKE KS 66539

Re: Pending Application, File No. 50,204

Dear Sir or Madam:

This is to advise you that Ryan Niehues has filed the application referred to above for a permit to appropriate 500 acre-feet of surface water per calendar year from Soldier Creek, for irrigation use to be diverted at a maximum rate of 2,000 gallons per minute from one pump site. The pump site is located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 5, in Township 10 South, Range 14 East, Shawnee County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Ryan Niehues

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 29, 2019

RYAN NIEHUES
28512 F RD
SOLDIER, KS 66540

RE: Application, File No. **50204**

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,

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

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50204

Name of Applicant (Please Print): Ryan Niehues

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: Mark, Lynn, and Ryan Niehues
ADDRESS: 28512 F Rd Soldier, KS 66540

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6	105	14E	40	40	40	40	40	30	30	40	0	0	0	0	0	0	0	0	300
5	105	14E	0	0	0	0	25	35	40	40	0	0	0	0	0	0	0	0	140

Landowner of Record NAME: Ryan and Lynn Niehues
ADDRESS: 28512 F Rd Soldier, KS 66540

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32	95	14E	0	0	0	0	0	0	0	0	25	0	0	40	0	0	0	0	65

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	

50204



Water Resources
Received

JAN 25 2019

KS Dept Of Agriculture

SCANNED