

File No. 50,309	15. Formation Code: 500	Drainage Basin: FALL RIVER	County: WL	Special Use:	Stream:																																																																																								
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:55%;">16. Points of Diversion</td> <td colspan="5" style="width:45%;">17. Rate and Quantity</td> </tr> <tr> <td colspan="10"></td> <td colspan="2" style="text-align:center;">Authorized</td> <td colspan="3" style="text-align:center;">Additional</td> </tr> <tr> <td style="font-size:small;">T MOD DEL ENT</td> <td style="font-size:small;">PDIV</td> <td style="font-size:small;">Qualifier</td> <td style="font-size:small;">S</td> <td style="font-size:small;">T</td> <td style="font-size:small;">R</td> <td style="font-size:small;">ID</td> <td style="font-size:small;">'N</td> <td style="font-size:small;">'W</td> <td style="font-size:small;">Rate gpm</td> <td style="font-size:small;">Quantity AF</td> <td style="font-size:small;">Rate gpm</td> <td style="font-size:small;">Quantity AF</td> <td style="font-size:small;">Overlap PD Files</td> </tr> <tr> <td>√</td> <td>87722</td> <td>SE NW NW</td> <td>11</td> <td>29</td> <td>14E</td> <td>1</td> <td>4142</td> <td>4441</td> <td>3500</td> <td>1416</td> <td>3500</td> <td>1416</td> <td>NONE</td> </tr> <tr> <td colspan="10"></td> <td colspan="5"></td> </tr> <tr> <td colspan="10"></td> <td colspan="5"></td> </tr> </table>						16. Points of Diversion										17. Rate and Quantity															Authorized		Additional			T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity AF	Rate gpm	Quantity AF	Overlap PD Files	√	87722	SE NW NW	11	29	14E	1	4142	4441	3500	1416	3500	1416	NONE																														
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20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2021 Date Acceptable Meter Installed _____																																																																																													
21. Place of Use																																																																																													
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 19, 2019

FROM: Doug Schemm

RE: Application, File No. 50,309

Steven Jantz has filed the referenced application to appropriate 1,416 acre-feet of groundwater from an existing groundwater pit, at the rate of 3,500 gallons per minute to irrigate 1,416 acres in Wilson County. The proposed place of use is owned by multiple entities, and the applicant has signed the application form stating he has access to the point of diversion. There are no overlapping files in point of diversion or place of use. The groundwater pit is in the Northwest Quarter of Section 11, Township 29 South, Range 14 East, Wilson County, within the Fall River Drainage basin.

The groundwater pit was created by mining activities recently completed by LaFarge Midwest. The pit appears to be approximately 50 acres in size and 15 feet in depth. This should provide a significant volume of water for the irrigation project. The requested quantity of 1,416 acre-feet is the maximum allowable to irrigate the proposed 1,416 acres (1.0 Acre-Feet per acre is the maximum allowed in Wilson County).

The applicant did not identify any nearby domestic well owners. The WWC-5 database also shows no nearby domestic wells. The database does contain some shallow, groundwater monitoring wells located over a mile away. These wells show a shallow clay layer underlain by limestone bedrock at roughly 15 feet depth, with shallow static water levels of 4 feet to 8 feet below ground surface. One of the wells notes they encountered "weathered" limestone at the bottom of the well. These would appear to indicate there is a shallow "perched" aquifer above the bedrock that is likely the source water for the groundwater pit. There are no permitted water rights within a 2-mile radius circle. There is no indication that approval of this application will impair any senior water right.

Well logs for nearby wells in the KGS WWC-5 database, show the only lithologic units encountered were clay and limestone bedrock. The weathered limestone bedrock is generally the source of supply. There is no county bulletin for Wilson County, however the Geologic Map of Wilson County indicates that this bedrock is likely the Douglas Group (Pennsylvanian System).

5978 acres

Based on local well logs, the area of consideration is the extent of the bedrock aquifer in the two-mile circle, which was determined to be ~~8,042~~ acres. Based on a potential recharge of 5.9 inches, with 75% available for appropriation, safe yield was determined to be 2,204.42 acre-feet. There are no existing water rights within this area of consideration, leaving the entire quantity of 2,204.42 acre-feet available for appropriation, and the application clearly meets safe yield criteria.

As noted above, there are no permitted wells within the two-mile circle, and the applicant did not show any nearby domestic wells, therefore, the application complies with well spacing of 1,320 feet to non-domestic wells and 660 to domestic wells for all other aquifers.

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.

Steven Jantz - Memorandum
File No. 50,309
Page 2

In a December 4, 2019 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 new application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Wednesday, December 4, 2019 3:01 PM
To: Schemm, Doug [KDA]
Cc: Fabrycky, Caleb [KDA]
Subject: RE: 50,309 Steve Jantz

Doug,

TFO has no objections to approval.

Thanks! Katie

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

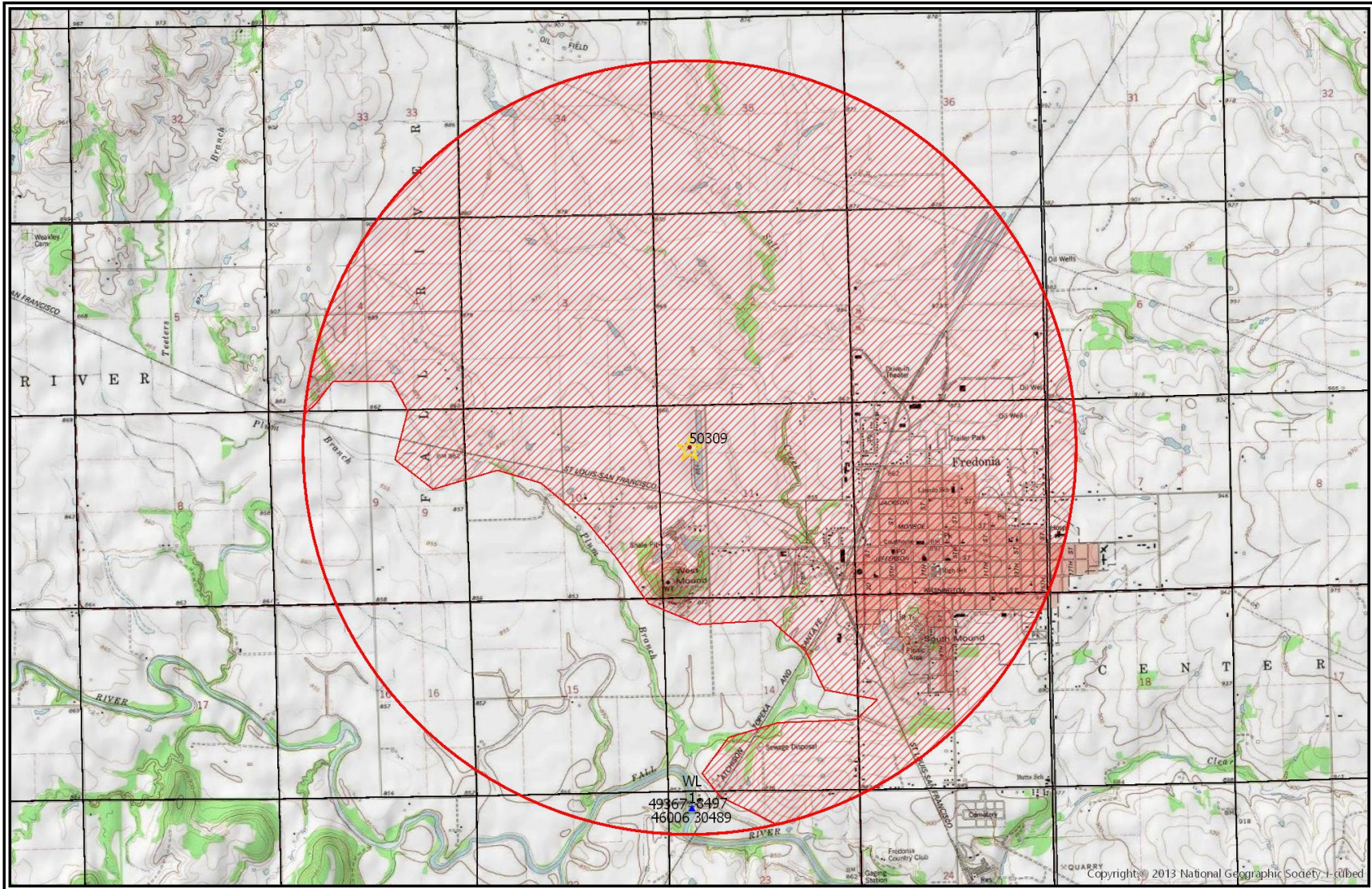
785-296-5733

Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
6531 S.E. Forbes Ave, Suite B
Topeka, KS 66619

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Tuesday, December 3, 2019 8:24 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50,309 Steve Jantz

Pumping from former LaFarge groundwater pit. Nobody else in the 2 mile circle. Meets all the regs.
Please review,
Doug

Safe Yield Report Sheet
Water Right- A5030900
Point of Diversion in 11-29S-14E
Footages from SE corner- 4,142 feet North 4,441 feet West



Analysis Results

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

The safe yield based on the variables listed below is 2,204.42 AF.

Total prior appropriations in the circle is ~~1,416.00~~ AF. - 1416 AF = 0

Total quantity of water available for appropriation is ~~788.42~~ AF.
2,204.42 AF

Application File No. 50,309 Meets Safe Yield
dws/dwr 12/3/19

Safe Yield Variables

The area used for the analysis is set at 5,978 acres.

The potential annual recharge at the circle center is estimated to be 5.9 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 12-NOV-2019 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 is 1 water right and 1 point 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 50309 00	IRR	AY	G		SE	NW	NW	4142	4441	11	29	14E	1	WR	-1,416.00	-1,416.00	1,256.00	1,256.00

WATER WELL RECORD

Form WWC-5

Division of Water Resources: App. No. _____

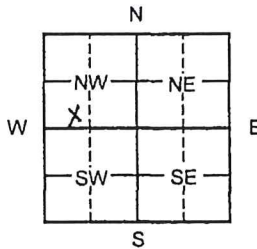
1 LOCATION OF WATER WELL: County: <u>Wilson</u>	Fraction <u>SE 1/4 SW 1/4 NW 1/4</u>	Section Number <u>12</u>	Township Number <u>T 29 S</u>	Range Number <u>R 14 E</u>
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Distance and direction from nearest town or city street address of well if located within city? 601 N. 4th St., Fredonia, KS **Global Positioning System** (decimal degrees, min. of 4 digits)

Latitude: N 37.53685°
 Longitude: W 95.83117°
 Elevation: RIM: 868.05 TOC: 867.72
 Datum: above mean sea level
 Data Collection Method: legal survey

2 WATER WELL OWNER: Charles Chandler
 RR#, St. Address, Box # : PO Box 564
 City, State, ZIP Code : Chanute, KS 66720

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



4 DEPTH OF COMPLETED WELL 14 ft.

Depth(s) Groundwater Encountered 1 ft. 2 ft. 3 ft.

WELL'S STATIC WATER LEVEL 4.36 ft. below land surface measured on mo/day/yr 11/11/08

Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm

Est. Yield _____ gpm: Well water was _____ ft. after _____ hours pumping _____ gpm

WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well

1 Domestic 3 Feed lot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)

2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well

Was a chemical/bacteriological sample submitted to Department? Yes _____ No X; If yes, mo/day/yr _____

Sample was submitted _____ Water Well Disinfected? Yes _____ No X

5 TYPE OF CASING USED: 5 Wrought Iron 8 Concrete tile CASING JOINTS: Glued _____ Clamped _____

1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded _____

2 PVC 4 ABS 7 Fiberglass Threaded X

Blank casing diameter 2 in. to 4 ft., Dia _____ in. to _____ ft., Dia _____ in. to _____ ft.

Casing height below land surface 0.33 ft., Weight _____ lbs./ft. Wall thickness or gauge No. _____

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 9 ABS 11 Other (specify) _____

2 Brass 4 Galvanized steel 6 Concrete tile 8 RM (SR) 10 Asbestos-Cement 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:

1 Continuous slot 3 Mill slot 5 Gauze wrapped 7 Torch cut 9 Drilled holes 11 None (open hole)

2 Louvered shutter 4 Key punched 6 Wire wrapped 8 Saw Cut 10 Other (specify) _____

SCREEN-PERFORATED INTERVALS: From 4 ft. to 14 ft. From _____ ft. to _____ ft.

From _____ ft. to _____ ft. From _____ ft. to _____ ft.

GRAVEL PACK INTERVALS: From 2 ft. to 14 ft. From _____ ft. to _____ ft.

From _____ ft. to _____ ft. From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other Concrete: 0-1 ft.

Grout Intervals From 1 ft. to 2 ft. From _____ ft. to _____ ft. From _____ ft. to _____ ft.

What is the nearest source of possible contamination:

1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 13 Insecticide Storage 16 Other (specify below)

2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 14 Abandoned water well

3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 15 Oil well/ gas well

Direction from well? WSW How many feet? ~40

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	1	Concrete			
3	8	Clay, gray brown, little silt, moist, petrol odor			
8	13	Clay, olive gray, iron staining, mod. to high plasticity, moist, petrol odor			
	14	Weathered limestone, wet, poor recovery			
		Spoon refusal at ~14 feet			
		Auger refusal at ~14 feet on limestone			
Flushmount waiver from BOW					

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was 1 constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 9/2/08 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 757. This Water Well Record was completed on (mo/day/year) 1/2/09 under the business name of Larsen & Associates, Inc. by (signature) _____

INSTRUCTIONS: Please fill in blanks or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell>.

WATER WELL RECORD

Form WWC-5

Division of Water Resources: App. No.

1 LOCATION OF WATER WELL: County: <u>Wilson</u>	Fraction <u>SW 1/4 SW 1/4 SW 1/4</u>	Section Number <u>12</u>	Township Number <u>T 29S S</u>	Range Number <u>R 14 E</u>
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Distance and direction from nearest town or city street address of well if located within city? 102 N. 3rd Fredonia, KS

2 WATER WELL OWNER: <u>Halls Food Mart</u> RR#, St. Address, Box # : <u>PO Box 217</u> City, State, ZIP Code : <u>Galena, KS, 66739</u>	Global Positioning System (decimal degrees, min. of 4 digits) Latitude: <u>N 37.53049°</u> Longitude: <u>W 95.83231°</u> Elevation: <u>RIM: 874.53 TOC: 874.03</u> Datum: <u>above mean sea level</u> Data Collection Method: <u>legal survey</u>
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3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:	4 DEPTH OF COMPLETED WELL <u>15</u> ft.
---	--

N

NW		NE
SW		SE

S

MW 2

Depth(s) Groundwater Encountered 1 _____ ft. 2 _____ ft. 3 _____ ft.

WELL'S STATIC WATER LEVEL 8.60 ft. below land surface measured on mo/day/yr 1/7/09

Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm

Est. Yield _____ gpm: Well water was _____ ft. after _____ hours pumping _____ gpm

WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well

1 Domestic 3 Feed lot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)

2 Irrigation 4 Industrial 7 Domestic (lawn & garden) Monitoring well

Was a chemical/bacteriological sample submitted to Department? Yes _____ No ; If yes, mo/day/yr
 Sample was submitted _____ Water Well Disinfected? Yes _____ No

5 TYPE OF CASING USED:	5 Wrought Iron 8 Concrete tile CASING JOINTS: Glued _____ Clamped _____ 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded _____ <input checked="" type="radio"/> PVC 4 ABS 7 Fiberglass _____ Threaded <input checked="" type="checkbox"/>	Blank casing diameter <u>2</u> in. to <u>5</u> ft., Dia _____ in. to _____ ft., Dia _____ in. to _____ ft. Casing height below land surface <u>0.5</u> ft., Weight _____ lbs./ft. Wall thickness or gauge No. _____
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TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass PVC 9 ABS 11 Other (specify) _____
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RM (SR) 10 Asbestos-Cement 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot Mill slot 5 Gauze wrapped 7 Torch cut 9 Drilled holes 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 8 Saw Cut 10 Other (specify) _____

SCREEN-PERFORATED INTERVALS: From 5 ft. to 15 ft. From _____ ft. to _____ ft.
 From _____ ft. to _____ ft. From _____ ft. to _____ ft.

GRAVEL PACK INTERVALS: From 4 ft. to 15 ft. From _____ ft. to _____ ft.
 From _____ ft. to _____ ft. From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout Bentonite Other Concrete: 0-2ft.

Grout Intervals From 2 ft. to 4 ft. From _____ ft. to _____ ft. From _____ ft. to _____ ft.

What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy Livestock pens 13 Insecticide Storage 16 Other (specify below)
 2 Sewer lines 5 Cess pool 8 Sewage lagoon Fuel storage 14 Abandoned water well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 15 Oil well/ gas well

Direction from well? S How many feet? ~10ft.

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	1	Concrete			
3	4	Clay with trace silt, brown, moderate plasticity, moist, no odor			
5	15	Clay with some silt, olive-brown, moderate plasticity, moist, no odor			
					Flushmount waiver from BOW

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 1/7/09 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 757. This Water Well Record was completed on (mo/day/year) 3/6/09 under the business name of Larsen & Associates, Inc. by (signature) _____

INSTRUCTIONS: Please fill in blanks or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one to WATER WELL OWNER and retain one for your records. Fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell>.

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

FILE COPY

STEVEN JANTZ
15218 FINNEY ROAD
FREDONIA KS 66736

February 6, 2020

RE: Appropriation of Water, File No. 50,309

Dear Mr. Jantz:

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 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

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Roger L. & Shirlee D Jantz
Brian Loether Living Trust et al
Earl D & Clara McCluskey
Preston D Prichard & Denise K Richardson Rev Trust

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, 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. 50,309** of the applicant

**STEVEN JANTZ
15218 FINNEY ROAD
FREDONIA, KS 66736**

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 31, 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	
34	28	14E	40	40	30	30													140
35	28	14E	40	40	40	40	40	40	40	40	40	40	36	38	40	40	40		594
2	29	14E					34	40	40	40	40	40	40	40			8		322
3	29	14E	40	40	40	40									40	40			240
10	29	14E	40	40	16	24													120

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) groundwater pit with a geographic center located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE¼ NW¼ NW¼) of Section 11, more particularly described as being near a point 4,142 feet North and 4,441 feet West of the Southeast corner of said section, in Township 29 South, Range 14 East, Wilson County, Kansas, located substantially as shown on the aerial photographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **3,500 gallons per minute** (7.8 c.f.s.) and to a quantity not to exceed **1,416 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, 2021**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2025**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

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

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

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

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

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

12. That 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 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 29th day of January, 2020, in Manhattan, Riley County, Kansas.

David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29th day of January, 2020, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Katie N. Anderson
Notary Public

CERTIFICATE OF SERVICE

On this *6th* day of *February*, 20*20*, I hereby certify that the foregoing Approval of Application, File No. 50,309, dated *January 29, 2020* was mailed postage prepaid, first class, US mail to the following:

STEVEN L & MINDY L JANTZ
15218 FINNEY ROAD
FREDONIA KS 66736

With photocopies to:

ROGER L & SHIRLEE D JANTZ
12790 GOVE ROAD
FREDONIA KS 66736

BRIAN LOETHER LIVING TRUST ET AL
6533 ZARDA DR
SHAWNEE KS 66226

EARL D & CLARA MCCLUSKEY
6588 1150 ROAD
FREDONIA KS 66736

PRESTON D PRICHARD & DENISE K RICHARDSON REV TRUST
3577 MAPLE KNOLL PL
THOUSAND OAKS CA 91362

Topeka Field Office



Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 19, 2019

FROM: Doug Schemm

RE: Application, File No. 50,309

Steven Jantz has filed the referenced application to appropriate 1,416 acre-feet of groundwater from an existing groundwater pit, at the rate of 3,500 gallons per minute to irrigate 1,416 acres in Wilson County. The proposed place of use is owned by multiple entities, and the applicant has signed the application form stating he has access to the point of diversion. There are no overlapping files in point of diversion or place of use. The groundwater pit is in the Northwest Quarter of Section 11, Township 29 South, Range 14 East, Wilson County, within the Fall River Drainage basin.

The groundwater pit was created by mining activities recently completed by LaFarge Midwest. The pit appears to be approximately 50 acres in size and 15 feet in depth. This should provide a significant volume of water for the irrigation project. The requested quantity of 1,416 acre-feet is the maximum allowable to irrigate the proposed 1,416 acres (1.0 Acre-Feet per acre is the maximum allowed in Wilson County).

The applicant did not identify any nearby domestic well owners. The WWC-5 database also shows no nearby domestic wells. The database does contain some shallow, groundwater monitoring wells located over a mile away. These wells show a shallow clay layer underlain by limestone bedrock at roughly 15 feet depth, with shallow static water levels of 4 feet to 8 feet below ground surface. One of the wells notes they encountered "weathered" limestone at the bottom of the well. These would appear to indicate there is a shallow "perched" aquifer above the bedrock that is likely the source water for the groundwater pit. There are no permitted water rights within a 2-mile radius circle. There is no indication that approval of this application will impair any senior water right.

Well logs for nearby wells in the KGS WWC-5 database, show the only lithologic units encountered were clay and limestone bedrock. The weathered limestone bedrock is generally the source of supply. There is no county bulletin for Wilson County, however the Geologic Map of Wilson County indicates that this bedrock is likely the Douglas Group (Pennsylvanian System).

5978 acres

Based on local well logs, the area of consideration is the extent of the bedrock aquifer in the two-mile circle, which was determined to be ~~8,042~~ acres. Based on a potential recharge of 5.9 inches, with 75% available for appropriation, safe yield was determined to be 2,204.42 acre-feet. There are no existing water rights within this area of consideration, leaving the entire quantity of 2,204.42 acre-feet available for appropriation, and the application clearly meets safe yield criteria.

As noted above, there are no permitted wells within the two-mile circle, and the applicant did not show any nearby domestic wells, therefore, the application complies with well spacing of 1,320 feet to non-domestic wells and 660 to domestic wells for all other aquifers.

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.

Steven Jantz - Memorandum
File No. 50,309
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In a December 4, 2019 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 new application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office