

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

1. File Number: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">50,426</div>	2. Status Change Date: <div style="text-align: center; color: purple; font-weight: bold; font-size: 1.2em;">12/22/2020</div>	3. Field Office: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">01</div>	4. GMD: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">0</div>
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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 <u>67389</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p style="padding-left: 40px;">NEOSHO GARDENS Attn: CASSIDY NELSON 611 N UNION ST COUNCIL GROVE, KS 66846</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: 100px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input 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 checked="" type="checkbox"/> IND SIC: <u>0181</u> <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2021 11. Perfection Date: 12/31/2025 12. Exp Date: _____

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

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

Date Prepared: **10/2/2020** By: **DWS**

Date Entered: 12/28/2020 By: **LMoody**

File No. 50,426	15. Formation Code: 540 /113		Drainage Basin: NEOSHO RIVER		County: MR		Special Use:		Stream:												
16. Points of Diversion										17. Rate and Quantity MOD QTY											
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W			Authorized	Additional									
										Rate gpm	Quantity mgd	Rate gpm	Quantity mgd	Overlap PD Files							
√		88356 SW NW SE	11	16	8E	7	1800	2624	(Geo-Ctr)	800	17.28	800	17.28	NONE							
√		88357 SW NW SE	11	16	8E	8	1600	2624	(Batt 1 of 4)												
√		88358 SW NW SE	11	16	8E	9	2000	2624	(Batt 1 of 4)												
√		88359 SW NW SE	11	16	8E	10	1800	2824	(Batt 1 of 4)												
√		88360 SW NW SE	11	16	8E	11	1800	2424	(Batt 1 of 4)												
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2021 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				
√	70084	11	16	8E	3	GREENHOUSES (S2)													7a	NO	NONE
Comments:																					
11/20/2020 KAB																					

Cassidy Nelson
File No. 50,426
Page 2

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, recommended the referenced application be approved in an October 11, 2020 e-mail. Based on the above discussion, the application complies with safe yield and well spacing criteria, 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.

Doug Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Sunday, October 11, 2020 2:11 PM
To: Schemm, Doug [KDA]
Subject: RE: Cassidy Nelson 50,426

But dang it Doug, there aren't any well locations shown on the map! Can you please make a map that shows everything it is supposed to have on it?

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Tietsort, Katie [KDA]
Sent: Sunday, October 11, 2020 2:10 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: Cassidy Nelson 50,426

Proceed. Looks like the map on file shows a PU.

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov

785-296-5733

PLEASE NOTE OUR NEW ADDRESS:

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Thursday, October 8, 2020 8:38 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Cassidy Nelson 50,426

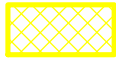
No issues. Reduced Qty from 300 AF to 53 AF to be more reasonable. Nearby calls but no specific impairment.
Please review,
Doug


CASSIDY NELSON
NEW APPLICATION SITE MAP

1:12,000



Copyright © 2013 National Geographic Society, I-oubed

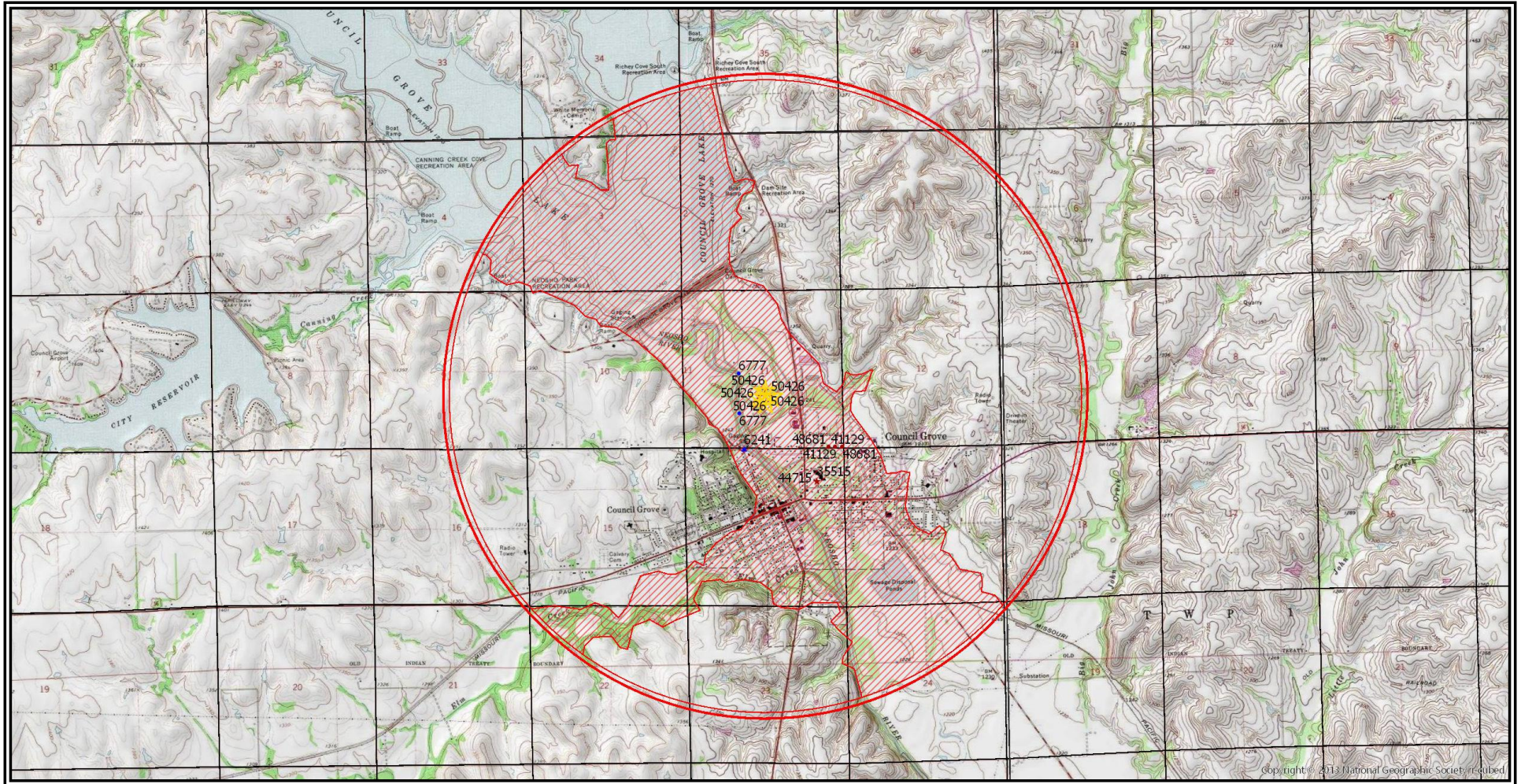
 Proposed Place of Use (IND)

 Proposed Point of Diversion

All known wells within one-half mile of the proposed point of diversion have been identified.



Safe Yield Report Sheet
Water Right- A5042600
Point of Diversion in 11-16S-08E
Footages from SE corner- 1,800 feet North 2,624 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 741.88 AF.

Total prior appropriations in the circle is 349.14 AF. - 300 AF = 49.14 AF

Total quantity of water available for appropriation is ~~392.74 AF~~
692.74 AF

Application File No. 50,426 - Requesting 53 AF
Meets Safe Yield dws/dwr 9/22/20

Safe Yield Variables

The area used for the analysis is set at 2,760 acres.

The potential annual recharge at the circle center is estimated to be 4.3 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 22-SEP-2020 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 5 water rights and 9 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 35515 00	IND	NK	G		SW	NE	NE	4236	933	14	16	08E	2	WR	3.82	3.82		
A 41129 00	IRR	NK	G		SE	SE	SE	74	537	11	16	08E	5	WR	4.50	4.50	36.30	36.30
Same	IRR	NK	G		SE	SE	SE	70	310	11	16	08E	4	WR				
Same	IRR	NK	G		SE	SE	SE	67	83	11	16	08E	6	WR				
A 44715 00	IND	NK	G		SW	NE	NE	4236	933	14	16	08E	2	WR	4.71	0.89 ✓		
A 48681 00	IRR	LO	G		SE	SE	SE	74	537	11	16	08E	5	WR	39.93	39.93	36.30	0.00
Same	IRR	LO	G		SE	SE	SE	70	310	11	16	08E	4	WR				
Same	IRR	LO	G		SE	SE	SE	67	83	11	16	08E	6	WR				
A 50426 00	IND	AY	G		SW	NW	SE	1800	2624	11	16	08E	7	WR	300.00	300.00		
Same	IND	AY	G		SW	NW	SE	1600	2624	11	16	08E	8	WR				
Same	IND	AY	G		NW	NW	SE	2000	2624	11	16	08E	9	WR				
Same	IND	AY	G		SE	NE	SW	1800	2824	11	16	08E	10	WR				
Same	IND	AY	G		SW	NW	SE	1800	2424	11	16	08E	11	WR				

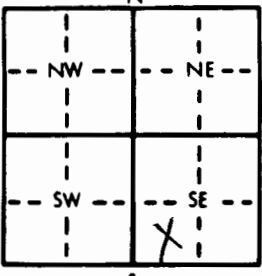
Limitations

File Number	Seq Num	Limitations
A 44715 00	4.71 AF 2	1.535MGY @ 14GPM COM/W #35515 3.82 AF + .89 AF = 4.71 AF ✓
A 48681 00	1	800 GPM COM/W #41129

1 LOCATION OF WATER WELL: County: **MORRIS** Fraction: $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section Number: **11** Township Number: T **16** S Range Number: R **8** **EW**

Distance and direction from nearest town or city street address of well if located within city? **more or less in SW $\frac{1}{4}$ SE $\frac{1}{4}$**
A tract of land lying W. of Hwy K-177 & E. of County road immediately E. of Neosho River 9.17 A

2 WATER WELL OWNER: **NESHO GARDENS ERIC NELSON**
 RR#, St. Address, Box #: **611 N UNION**
 City, State, ZIP Code: **COUNCIL GROVE 66846**
 Board of Agriculture, Division of Water Resources
 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:  4 DEPTH OF COMPLETED WELL: **52** ft. ELEVATION:
 Depth(s) Groundwater Encountered: **20** ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL ft. below land surface measured on mo/day/yr
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield: **25** gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter: **10** in. to **25** in. to ft., and in. to ft.
 WELL WATER TO BE USED AS:
 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial **7** Lawn and garden only 10 Observation 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 BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
 PVC 4 ABS 7 Fiberglass 9 Other (specify below) Welded
 Threaded.....
 Blank casing diameter: **5** in. to **20** in. Dia. **5** in. to **52** in. Dia. in. to ft.
 Casing height above land surface in., weight lbs./ft. Wall thickness or gauge No.
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 11 Other (specify)
 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot **5** 5 Gauzed wrapped **>** 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched **25** 6 Wire wrapped 9 Drilled holes
75 7 Torch cut 10 Other (specify)
 SCREEN-PERFORATED INTERVALS: From **25** ft. to **45** ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From **20** ft. to **52** ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: Neat cement Cement grout 3 Bentonite 4 Other
 Grout Intervals: From **5** ft. to **20** 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 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage
 Direction from well? How many feet?

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	15	DARK BLACK			
15	22	LIME RED			
22	28	GRAVEL			
28	35	SHALE BLUE			
35	40	LIME GRAY			
40	52	SHALE BLUE			

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) **APRIL 10, 89** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **156** This Water Well Record was completed on (mo/day/yr) **MAY 2, 89** under the business name of **LICKIPAUSE SHOP** by (signature) *Lickipause*

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water Protection, Topeka, Kansas 66620-7320, Telephone: 913-862-9360. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY
T
R
EW
SEC
1/4
1/4
1/4

Report Date: Tuesday, September 22 2020

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50426 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50426 00 IND

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

1800 Feet North and 2624 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E

GROUNDWATER ONLY

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=====
File Number      Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan
Unit
A__ 35515 00 IND NK G      3339 -- SW NE NE  4236  933  14  16  8E  2          3.82    3.82
  AF
A__ 41129 00 IRR NK G      2708 -- SE SE SE    74   537  11  16  8E  5 B2          4.50    4.50
  AF
Same              2892 -- SE SE SE    70   310  11  16  8E  4 G2
Same              3075 -- SE SE SE    67    83  11  16  8E  6 B2
A__ 44715 00 IND NK G      3339 -- SW NE NE  4236  933  14  16  8E  2          4.71    .89
  AF
A__ 48681 00 IRR LO G      2708 -- SE SE SE    74   537  11  16  8E  5 B2          39.93   39.93
  AF
Same              2892 -- SE SE SE    70   310  11  16  8E  4 G2
Same              3075 -- SE SE SE    67    83  11  16  8E  6 B2
A__ 50426 00 IND AY G         0 -- SW NW SE  1800  2624  11  16  8E  7 G4          300.00  300.00
  AF
Same              200 -- SW NW SE  1600  2624  11  16  8E  8 B4
Same              200 -- NW NW SE  2000  2624  11  16  8E  9 B4
Same              200 -- SE NE SW  1800  2824  11  16  8E 10 B4
Same              200 -- SW NW SE  1800  2424  11  16  8E 11 B4
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=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      300.00        .00
Total Permitted Amount (AF) =         .00        .00
Total Inspected Amount (AF) =       39.93        .00
Total Pro_Cert Amount (AF) =         .00        .00
Total Certified Amount (AF) =         9.21        .00
Total Vested Amount (AF) =          .00        .00
TOTAL AMOUNT (AF) =       349.14        .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 Right and Points of Diversion Within 2.00 of a point defined as:

1800 Feet North and 2624 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
> MONARCH MOLDING INC
> BOX 279
> 120 LIBERTY
> COUNCIL GROVE KS 66846
>-----
> CITY OF COUNCIL GROVE
>
> PO BOX 313
> COUNCIL GROVE KS 66846
>-----
> MONARCH MOLDING INC
> BOX 279
> 120 LIBERTY
> COUNCIL GROVE KS 66846
>-----
    
```

```
> CITY OF COUNCIL GROVE
>
> PO BOX 313
> COUNCIL GROVE KS 66846
>-----
>   NEOSHO GARDENS
>   CASSIDY NELSON
>   611 N UNION ST
>   COUNCIL GROVE KS 66846
>-----
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=====
#####
AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50426 00 IND
Water Right and Points of Diversion Within 2.00 of a point defined as:
  1600 Feet North and 2624 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E
GROUNDWATER ONLY
=====
```

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ 35515	00	IND	NK	G	3168	--	SW	NE	NE	4236	933	14	16	8E	2		3.82	3.82
AF																		
A__ 41129	00	IRR	NK	G	2585	--	SE	SE	SE	74	537	11	16	8E	5	B2	4.50	4.50
AF																		
Same					2777	--	SE	SE	SE	70	310	11	16	8E	4	G2		
Same					2967	--	SE	SE	SE	67	83	11	16	8E	6	B2		
A__ 44715	00	IND	NK	G	3168	--	SW	NE	NE	4236	933	14	16	8E	2		4.71	.89
AF																		
A__ 48681	00	IRR	LO	G	2585	--	SE	SE	SE	74	537	11	16	8E	5	B2	39.93	39.93
AF																		
Same					2777	--	SE	SE	SE	70	310	11	16	8E	4	G2		
Same					2967	--	SE	SE	SE	67	83	11	16	8E	6	B2		
A__ 50426	00	IND	AY	G	0	--	SW	NW	SE	1600	2624	11	16	8E	8	B4	300.00	300.00
AF																		
Same					200	--	SW	NW	SE	1800	2624	11	16	8E	7	G4		
Same					283	--	SE	NE	SW	1800	2824	11	16	8E	10	B4		
Same					283	--	SW	NW	SE	1800	2424	11	16	8E	11	B4		
Same					400	--	NW	NW	SE	2000	2624	11	16	8E	9	B4		

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=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      600.00      .00
Total Permitted Amount (AF) =         .00      .00
Total Inspected Amount (AF) =       79.86      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =       18.42      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =       698.28      .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 Right and Points of Diversion Within 2.00 of a point defined as:
  1600 Feet North and 2624 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E
GROUNDWATER ONLY
WATER USE CORRESPONDENTS:
=====
```

```
File Number    Use ST SR
>   MONARCH MOLDING INC
>   BOX 279
>   120 LIBERTY
>   COUNCIL GROVE KS 66846
>-----
>   CITY OF COUNCIL GROVE
>
>   PO BOX 313
>   COUNCIL GROVE KS 66846
```

```

>-----
> MONARCH MOLDING INC
> BOX 279
> 120 LIBERTY
> COUNCIL GROVE KS 66846
>-----
> CITY OF COUNCIL GROVE
>
> PO BOX 313
> COUNCIL GROVE KS 66846
>-----
> NEOSHO GARDENS
> CASSIDY NELSON
> 611 N UNION ST
> COUNCIL GROVE KS 66846
>-----

```

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50426 00 IND
Water Right and Points of Diversion Within 2.00 of a point defined as:
  2000 Feet North and 2624 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E
GROUNDWATER ONLY
=====

```

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__	35515	00	IND	NK	G	3514	--	SW	NE	NE	4236	933	14	16	8E	2		3.82	3.82
	AF																		
A__	41129	00	IRR	NK	G	2839	--	SE	SE	SE	74	537	11	16	8E	5	B2	4.50	4.50
	AF																		
Same						3016	--	SE	SE	SE	70	310	11	16	8E	4	G2		
Same						3192	--	SE	SE	SE	67	83	11	16	8E	6	B2		
A__	44715	00	IND	NK	G	3514	--	SW	NE	NE	4236	933	14	16	8E	2		4.71	.89
	AF																		
A__	48681	00	IRR	LO	G	2839	--	SE	SE	SE	74	537	11	16	8E	5	B2	39.93	39.93
	AF																		
Same						3016	--	SE	SE	SE	70	310	11	16	8E	4	G2		
Same						3192	--	SE	SE	SE	67	83	11	16	8E	6	B2		
A__	50426	00	IND	AY	G	0	--	NW	NW	SE	2000	2624	11	16	8E	9	B4	300.00	300.00
	AF																		
Same						200	--	SW	NW	SE	1800	2624	11	16	8E	7	G4		
Same						283	--	SE	NE	SW	1800	2824	11	16	8E	10	B4		
Same						283	--	SW	NW	SE	1800	2424	11	16	8E	11	B4		
Same						400	--	SW	NW	SE	1600	2624	11	16	8E	8	B4		

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      900.00        .00
Total Permitted Amount (AF) =         .00        .00
Total Inspected Amount (AF) =      119.79        .00
Total Pro_Cert Amount (AF) =         .00        .00
Total Certified Amount (AF) =        27.63        .00
Total Vested Amount (AF) =          .00        .00
TOTAL AMOUNT (AF) =      1047.42        .00
=====

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An * after the source of supply indicates a pending application for change under the file number.
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 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 Right and Points of Diversion Within 2.00 of a point defined as:
  2000 Feet North and 2624 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E
GROUNDWATER ONLY
WATER USE CORRESPONDENTS:
=====

```

```

File Number   Use ST SR
> MONARCH MOLDING INC
> BOX 279
> 120 LIBERTY

```

```
> COUNCIL GROVE KS 66846
>-----
> CITY OF COUNCIL GROVE
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> CASSIDY NELSON
> 611 N UNION ST
> COUNCIL GROVE KS 66846
>-----
```

```
=====
#####
AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50426 00 IND
Water Right and Points of Diversion Within 2.00 of a point defined as:
  1800 Feet North and 2824 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E
GROUNDWATER ONLY
=====
```

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	35515	00	IND	NK	G	3444	--	SW	NE	NE	4236	933	14	16	8E	2		3.82	3.82
A__ AF	41129	00	IRR	NK	G	2865	--	SE	SE	SE	74	537	11	16	8E	5	B2	4.50	4.50
Same						3054	--	SE	SE	SE	70	310	11	16	8E	4	G2		
Same						3243	--	SE	SE	SE	67	83	11	16	8E	6	B2		
A__ AF	44715	00	IND	NK	G	3444	--	SW	NE	NE	4236	933	14	16	8E	2		4.71	.89
A__ AF	48681	00	IRR	LO	G	2865	--	SE	SE	SE	74	537	11	16	8E	5	B2	39.93	39.93
Same						3054	--	SE	SE	SE	70	310	11	16	8E	4	G2		
Same						3243	--	SE	SE	SE	67	83	11	16	8E	6	B2		
A__ AF	50426	00	IND	AY	G	0	--	SE	NE	SW	1800	2824	11	16	8E	10	B4	300.00	300.00
Same						200	--	SW	NW	SE	1800	2624	11	16	8E	7	G4		
Same						283	--	SW	NW	SE	1600	2624	11	16	8E	8	B4		
Same						283	--	NW	NW	SE	2000	2624	11	16	8E	9	B4		
Same						400	--	SW	NW	SE	1800	2424	11	16	8E	11	B4		

```
=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      1200.00           .00
Total Permitted Amount (AF) =           .00           .00
Total Inspected Amount (AF) =       159.72           .00
Total Pro_Cert Amount (AF) =           .00           .00
Total Certified Amount (AF) =         36.84           .00
Total Vested Amount (AF) =            .00           .00
TOTAL AMOUNT (AF) =                  1396.56           .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 Right and Points of Diversion Within 2.00 of a point defined as:
  1800 Feet North and 2824 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E
GROUNDWATER ONLY
```

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
>  MONARCH MOLDING INC
>  BOX 279
>  120 LIBERTY
>  COUNCIL GROVE KS 66846
>-----
>  CITY OF COUNCIL GROVE
>
>  PO BOX 313
>  COUNCIL GROVE KS 66846
>-----
>  MONARCH MOLDING INC
>  BOX 279
>  120 LIBERTY
>  COUNCIL GROVE KS 66846
>-----
>  CITY OF COUNCIL GROVE
>
>  PO BOX 313
>  COUNCIL GROVE KS 66846
>-----
>  NEOSHO GARDENS
>  CASSIDY NELSON
>  611 N UNION ST
>  COUNCIL GROVE KS 66846
>-----
    
```


 AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50426 00 IND

Water Right and Points of Diversion Within 2.00 of a point defined as:
 1800 Feet North and 2424 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E
 GROUNDWATER ONLY

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=====
File Number      Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan
Unit
A__ 35515 00 IND NK G      3244 -- SW NE NE  4236  933  14  16  8E  2      3.82    3.82
  AF
A__ 41129 00 IRR NK G      2557 -- SE SE SE    74   537  11  16  8E  5 B2    4.50    4.50
  AF
Same           2734 -- SE SE SE    70   310  11  16  8E  4 G2
Same           2912 -- SE SE SE    67    83  11  16  8E  6 B2
A__ 44715 00 IND NK G      3244 -- SW NE NE  4236  933  14  16  8E  2      4.71    .89
  AF
A__ 48681 00 IRR LO G      2557 -- SE SE SE    74   537  11  16  8E  5 B2    39.93   39.93
  AF
Same           2734 -- SE SE SE    70   310  11  16  8E  4 G2
Same           2912 -- SE SE SE    67    83  11  16  8E  6 B2
A__ 50426 00 IND AY G         0 -- SW NW SE  1800  2424  11  16  8E  11 B4    300.00  300.00
  AF
Same           200 -- SW NW SE  1800  2624  11  16  8E  7 G4
Same           283 -- SW NW SE  1600  2624  11  16  8E  8 B4
Same           283 -- NW NW SE  2000  2624  11  16  8E  9 B4
Same           400 -- SE NE SW  1800  2824  11  16  8E  10 B4
    
```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      1500.00      .00
Total Permitted Amount (AF) =           .00      .00
Total Inspected Amount (AF) =      199.65      .00
Total Pro_Cert Amount (AF) =           .00      .00
Total Certified Amount (AF) =         46.05      .00
Total Vested Amount (AF) =           .00      .00
TOTAL AMOUNT (AF) =      1745.70      .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 Right and Points of Diversion Within 2.00 of a point defined as:

1800 Feet North and 2424 Feet West of the Southeast Corner of Section 11 Twp 16S Rng 8E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
>  MONARCH MOLDING INC
>  BOX 279
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>  COUNCIL GROVE KS 66846
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>  COUNCIL GROVE KS 66846
>-----
>  NEOSHO GARDENS
>  CASSIDY NELSON
>  611 N UNION ST
>  COUNCIL GROVE KS 66846
>-----
=====

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#####

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., 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. 50,426** of the applicant

**NEOSHO GARDENS
Attn: CASSIDY NELSON
611 N UNION ST
COUNCIL GROVE KS 66846**

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 **August 17, 2020**.
2. That the water sought to be appropriated shall be used for industrial use at greenhouses in the South Half (S $\frac{1}{2}$) of Section 11, in Township 16 South, Range 8 East, Morris County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 1,800 feet North and 2,624 feet West of the Southeast corner of said section, in Township 16 South, Range 8 East, Morris 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **17.28 million gallons** (53 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 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, 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 of \$100.00.

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

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

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

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

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

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

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That this permit is limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

19. That the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the wells at the location authorized herein.

Ordered this 22 day of December, 2020, 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 22 day of December, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Ashlee Freeman

Notary Public

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

NEOSHO GARDENS
Attn: CASSIDY NELSON
611 N UNION ST
COUNCIL GROVE KS 66846

December 29, 2020

RE: Appropriation of Water, File No. 50,426

Dear Mr. Nelson:

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
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office

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.

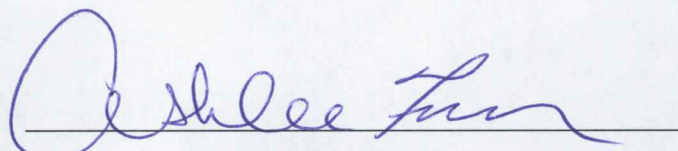
CERTIFICATE OF SERVICE

On this 29 day of December, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,426, dated 22 December 2020 was mailed postage prepaid, first class, US mail to the following:

NEOSHO GARDENS
Attn: CASSIDY NELSON
611 N UNION ST
COUNCIL GROVE KS 66846

With photocopies to:

Topeka Field Office



Ashley Turner

Division of Water Resources