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

1. File Number: 50,292		2. Status 5/18/20	Change Date:		4. GMD: 0	
5. Status: 🛛 Approved	Denied b	by DWR/GN		Dismiss by Reques	t/Failure	to Return
6. Enclosures: 🛛 Check Valve	🛛 N of C Forr	m [] Water Tube	Driller Copy	۵	Meter
7a. Applicant(s) New to system □	Person ID Add Seq#	<u>66847</u>	7c. Landown New to sy			Person ID Add Seq#
JASON & WENDI FOX 1120 NAVAJO RD CLAY CENTER, KS 67432	2-7203					
7b. Landowner(s) 7a.	Person ID		7d. Misc. New to sy	stem 🗌		Person ID Add Seq#
8. WUR Correspondent New to system Overlap File (s) WUC Agree Yes No	Person ID Add Seq# Notarized WUC	Form	9. Use of Wat [☑ IRR	er: Changing? ⊠ Groundwater □ REC	□ Y □ S □ D	urface Water
7a.			□ STK □ HYD DRG □ IND SIC:_	SED		OM ☐ CON RT RECHRG R:
10. Completion Date:	21 11. P	Perfection Da	ate: <u>12/31/2</u>	25 12	2. Exp Da	ate:
13. Conservation Plan Required?	Yes 🛛 No Date F	Required:	Date	e Approved:	C	Date to Comply:
14. Water Level Measuring Device?	🗌 Yes 🖾 No 🏾	Date to Con	nply:	Date WL	MD Insta	alled:
			5/8/2020 KAB	Date Prepared: Date Entered:	1 1/6/2 5/19/2 LMoo	2020 _{By:}

File No.	Io. 50,292 15. Formation Code: 500 Drainage Basin: REPUBLICAN RIVER					/ER	County: CY Special Use: Stream:																				
16. Роії Т	nts of Div	ersior	1															17.	Rate a	nd Qua	Intity						
MOD																			A	uthoriz	zed			Additiona	al		
DEL ENT	PDIV		Q	ualifie	er	S	-	Т	R		ID	'N		٩	N			Rat gpn			ntity F		Rate gpm		Quantity AF	Overla	ap PD Files
<mark>MOD</mark>			W S	SW S	SW	<mark>8</mark>	ç	9	3E	1	1	109	94	48	390			99	Ð	1().8		99		10.8		NONE
	88215																										
	NEE											KE	NEV	V P/	D A	S											
WRI	SWIL		στ	ALL	OW	UPI	DAT	ING	OF	S-T-	-R																
18. Stor	age: Rate	e				N	F	Qua	ntity					_ac/ft	А	dditio	nal Ra	te				N	= Add	litional Qua	antity		ac/ft
19. Limi	tation:					af/yr at					gpm (cfs) w	hen co	ombin	ed witl	h file nu	umber(s)						
Limitatio	on:					af/yr at					gpm (cfs) w	hen co	ombin	ed witl	h file nu	umber(s)						
	er Require													20 2 (
21. Plac T	ce of Use							N	E¼			NV	V 1⁄4			SV	V ¼			SI	=1⁄4		Total	Owner	Chg?	° NO	Overlap Files
MOD DEL	PUSE	c	т	D		ID	NE ¼	NW 1⁄4	SW ¼	SE ¼	NE ¼	NW 1⁄4	SW ¼	SE ¼	NE ¼	NW 1⁄4	SW ¼	SE ¼	NE 1⁄4	NW 1⁄4	SW ¼	SE 1⁄4					
,																	9						9	7a.	No		NONE
√ 6	9589	0	9	3E		1											Ŭ						Ŭ	1 d.	No		NONE
Comme	nts: HE	MP	FAF	RMIN	١G																						

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

$\underline{\mathsf{M}} \underline{\mathsf{E}} \underline{\mathsf{M}} \underline{\mathsf{O}} \underline{\mathsf{R}} \underline{\mathsf{A}} \underline{\mathsf{N}} \underline{\mathsf{D}} \underline{\mathsf{U}} \underline{\mathsf{M}}$

TO: Files

DATE: November 6, 2019

FROM: Doug Schemm

RE: Application, File No. 50,292

Jason Fox has filed the referenced application to appropriate 10.8 acre-feet of groundwater from an existing domestic well at the rate of 99 gallons per minute to irrigate 9 acres in Clay County. The proposed place of use is wholly owned by the applicant and he 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 well is in the Southwest Quarter of Section 8, Township 9 South, Range 3 East, Clay County, within the Republican River Drainage basin. The requested quantity of water under the new application of 10.8 acre-feet for the irrigation of 9 acres of industrial hemp, was based on the maximum allowable for normal row crop irrigation in Clay County, of 1.2 acre-feet per acre, per K.A.R. 5-3-19 and K.A.R. 5-3-24.

Please note that this is an industrial hemp growing operation, and the applicant is using an existing domestic well to irrigate the hemp acreage. The applicant has the required hemp grower license from KDA. The applicant was assisted by Topeka Field Office staff and he was informed that a flowmeter would be required on the well to measure the irrigation portion pumped from his domestic well.

The applicant did not identify any nearby domestic well owners, however a review of the WWC-5 database indicates there are potentially 3 nearby wells. The applicant verified this list of wells in an October 17, 2019 e-mail. Notification letters were sent out on October 23, 2019. No responses of any kind were received. The proposed point of diversion meets spacing to all existing wells per K.A.R. 5-4-4. The nearest domestic well is located over 1,400 feet away, and the nearest non-domestic well is located over two miles away. 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 alternating limestone and shale layers, with some interbedded clays. They indicate that the limestone bedrock is generally the source of water, by noting where water was encountered on the well logs. The formation is likely the Sumner Group (Permian System 500). KGS Bulletin No. 136, "Geology and Ground-water Resources of Clay County, Kansas" states "In several small areas underlain by shales of the Wellington Formation, there is a scarcity of wells and there are many abandoned farmsteads. A lack of dependable water supplies in these areas was a contributing factor in the abandoning of the farmsteads. In other areas the Wellington Formation yields water of good quality to wells." In addition, the bulletin also notes that both the Florence and Fort Riley Limestone members are important aquifers in Clay County.

In keeping with similar bedrock formation wells, and 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 2.5 inches, with 75% available for appropriation, safe yield was determined to be 1,256.64 acre-feet. There are no existing, permitted water rights within this area of consideration, leaving the entire quantity of water available for appropriation, and the application clearly meets safe yield criteria.

Jason Fox - Memorandum File No. 50,292 Page 2

Please note that this safe yield value per K.A.R. 5-3-11 provides the maximum allowable recharge for the area of consideration. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the deeper aquifer there would still be sufficient water available. For this application the maximum recharge could be reduced to less than 0.1 inches of recharge and there would still be sufficient water available. The aquifer appears to be confined, so it is likely that it is not receiving the full potential recharge, so this reduced recharge may be more representative.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a November 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 for industrial hemp production.

Douglas W. Schemm Environmental Scientist Topeka Field Office

Schemm, Doug [KDA]

From: Sent: To: Subject: Tietsort, Katie [KDA] Monday, November 4, 2019 10:47 AM Schemm, Doug [KDA] RE: 50,292 Jason Fox

Proceed. Thanks.

Katie Tietsort Water Commissioner

Katie.Tietsort@ks.gov 785-296-5733

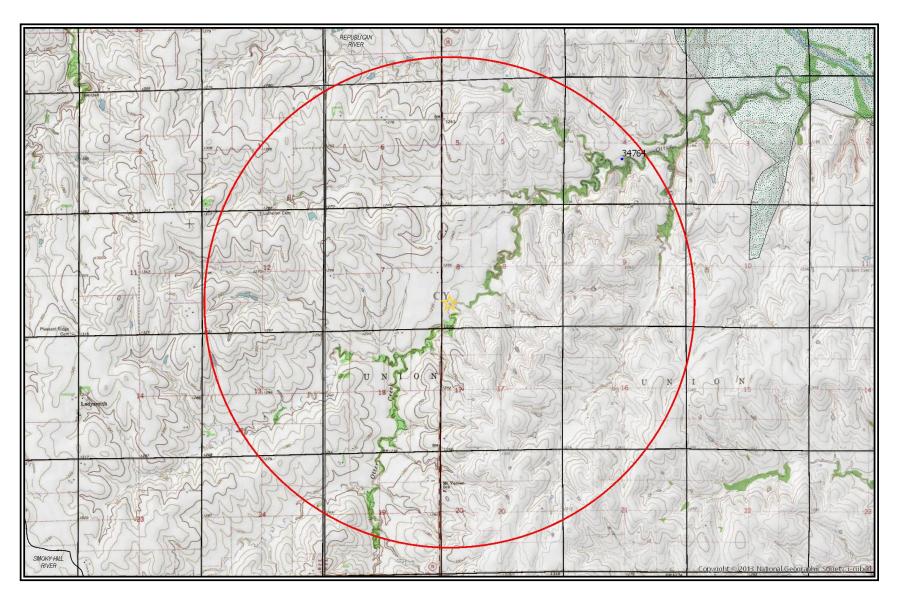
Kansas Department of Agriculture Division of Water Resources Topeka Field Office 6531 S.E. Forbes Ave, Suite B Topeka, KS 66619

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov> Sent: Monday, November 4, 2019 9:11 AM To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov> Subject: 50,292 Jason Fox

Small hemp operation. Meets all the regs.

APPLICATION, FILE NO. 50,292

Safe Yield Report Sheet Water Right- Proposed Point of Diversion Point of Diversion in 08-09S-03E Footages from SE corner- 1,094 feet North 4,890 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 1,256.64 AF. Total prior appropriations in the circle is 0.00 AF. Total quantity of water available for appropriation is 1,256.64 AF.

Safe Yield Variables

The area used for the analysis is set at 8,042 acres. The potential annual recharge at the circle center is estimated to be 2.5 inches. The percent of recharge available for appropriation is 75%.

Application File No. 50,292 Meets Safe Yield dws/dwr 10/1719

*File No. 50,292 does not show on this report because the well was mistakedly listed in the wrong section.

Authorized Quantity values are as of 17-OCT-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 water right and 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
-------------	-----------	-------------	-------------	---------------------	----------------------	---------------------

	WATER WELL RE	CORD Form WWC-5	KSA 82a-1	212 · ID No		
1 LOCATION OF WATE County:		NE SEV	Sec	tion Number	Township Number	Range Number R 3 D W
Distance and direction to	m nearest town or city street	address of well if located v	vithin city?	son Cha	V CONTIN GO	South on
2 WATER WELL OWNE	Mills Houscon	11			Da alt 2114	
RR#, St. Address, Box # City, State, ZIP Code	Faller L.		lavajo R 32	2d	Por MIT 345 Board of Agriculture Application Numbe	e, Division of Water Resources
	TION WITH A DEPTH OF	OMPLETED WELL		ft. ELEVATIO	and the second	····
3 LOCATE WELL'S LOC AN "X" IN SECTION B						t. 3 ft.
N N	WELL'S STAT	FIC WATER LEVEL S.O	ft. belo	w land surface r	neasured on mo/day/yr	
	. P	ump test data: Well water	was	ft. afte	er hou	rs pumping gpr
NW			was Public water s			s pumping gpn 1 Injection well
i.	1 1 Domest		Dil field water		•	2 Other (Specify below)
w !	E z Irrigatio				ů.	
	X					
SW	The second	cal/bacteriological sample s	ubmitted to I			s, mo/day/yrs sample was sub
	1 mitted			wate	r Well Disinfecte	N o
5 TYPE OF BLANK CA	 SING USED:	5 Wrought iron	8 Concre	ete tile	CASING JOINTS:	lued Clamped
1 Steel	3 BMP (SB)	6 Asbestos-Cement	9 Other ((specify below)		velded
PVC	4 ABS	7 Fiberglass			Т	'hreadedft
Blank casing diameter		tt., Dia	>	in. to	ft., Dia	uage No ft.
	PERFORATION MATERIAL: 3 Stainless Steel	E Eihardlaga	7 PV	IP (SR)	10 Asbestos-0 11 Other (Spe	cify)
1 Steel 2 Brass	4 Galvanized Steel	6 Concrete tile	9 AB		12 None used	
SCREEN OR PERFORA		5 Guaz	ed wrapped		8 Saw cut	11 None (open hole)
1 Continuous slot	6 Mill stot		wrapped		9 Drilled holes	 M. M. Schneider and M. Schneider and Schneide
2 Louvered shutter	4 Key punched	7 Torch				ft
SCREEN-PERFORATED	DINTERVALS: From	ft. to	135	ft., From	f	t. toft
	From	ft. to	175	ft., From	f	t. toft t. toft
GRAVEL PACI	K INTERVALS: From From	ft. to	·····دي.، به.	ft., From	f	t. to ft
			\sim			
6 GROUT MATERIAL:	: 1 Neat cement	2 Cement grout	3 Bent	tonite 4 (Other	
			tr. t			ft. toft
	ce of possible contamination			10 Livestoc	and a second	4 Abandoned water well
2	4 Lateral lines	7 Pit privy			25	5 Oil well/Gas well
2 Sewer lines	5 Cess pool	8 Sewage 9 Feedyard		12 Fertilize 13 Insectici	0.70	6 Other (specify below)
	lines 6 Seepage pit	9 Feedyard	I.		feet? //0	
FROM TO	LITHOLOG		FROM	TO		G INTERVALS
	TA CIL				T EO GUILL	
0 10	12 SOL					
15 10	VILLAN Shil	1				
18 316	Timu Tonl					
10 35	Room Shall	1				
75 38	1 im STONI					
28 65	RIDISS RYDON	shall			-	
15 72	LipiSTON (
72 83	Grev Shall					
87 95	LenisTor (
95 118	Brown Shall	$\langle \rangle$				
18 135	LIMISTORG	(Water)				
	/	//_				
		/				
7 CONTRACTOR'S OF	LANDOWNER'S CERTIFIC	SATION: This water well wa	as (1) constru	ucted (2) recons	structed, or (3) plugged	under my jurisdiction and wa
						iv knowledge and belief-transa
	icence No		Well Hecord			11 / INN
under the business name	AT POST IV		ny		gnature)	4 W Cull
INSTRUCTIONS: Use typew	riter or ball point pen. <u>PLEASE PRES</u> Water, Geology Section, 1000 SW Jac	<u>S FIRMLY</u> and <u>PRINT</u> clearly. Please skson St., Suite 420 Toneka, Kansar	66612-1367 Te	derline or circle the con lephone 785-296-552	rrect answers. Send top three c 2. Send one to WATER WELL	pies to Kansas Department of Health WNER and retain one for your
records. Fee of \$5.00 for eac	h constructed well.	interneting solid file, topolia, nalisa				

•

W			WELL RECORD	Form WWC-5	KSA 82a				mhor
LOCATION OF WATE	ER WELL:	Fraction	NW 17 NE	Sect	ion Number	Township N		Range Nu R 3 E	
ounty: Clay		NE 1/4	y4	74	.0	т 9	S	н јъ	E/W
			dress of well if located			- f			
from Clay Cer	iter, 7 mi	le's South	1/2 mile wes	t on Sout	ch side	oi road			
WATER WELL OWN	NER: Gary Ca	1dwell	Dennis Hami	ton 63	3 Prosp	pect >t			_
R#, St. Address, Box	# : Rt. 2		(rlino	al	c.t.	CT437 Board of A	griculture, I	Division of Water	Hesources
ty, State, ZIP Code	: Clay Ce	nter, Ks.	67432	Cu	y com	Application	Number:		
LOCATE WELL'S LC AN "X" IN SECTION	BOX:	DEPTH OF CC	MPLETED WELL	61;	. ft. ELEVA	110N:	ft. 3		ft.
W 1 NW	• • • • • • • • • • • • • • • • • • •	ELL'S STATIC Pump it. Yield	WATER LEVEL	2 ft. be r was	Now land sur ft. a ft. a	face measured or fter 3/4 fter and 8 Air conditioning 9 Dewatering 10 Observation we	n mo/day/yr hours pu hours pu 11 12 ell <u>2</u> iNTS: Glue	-1.9-0.9 imping imping to Injection well Other (Specify b , mo/day/yr samp X No d X Otage	gpm gpm
1 Steel	3 RMP (SR)		6 Asbestos-Cement	9 Other (specify below	N)		led	
X 2 PVC	4 ABS		7 Fiberglass					aded <i>.</i>	
ank casing diameter		to 62'	ft., Dia	in. to		ft., Dia		in. to	ft.
asing height above la	nd surface1	2	in., weight 3		Ibs./	ft. Wall thickness	or gauge N	$\mathbf{h}_{0}, \mathbf{e}_{2}, e$	
PE OF SCREEN OF				X 7 PV		10 Asl	pestos-cem	ent	
1 Steel	3 Stainless st	teel	5 Fiberglass	8 RM	P (SR)	11 Oth	ner (specify))	
2 Brass	4 Galvanized	steel	6 Concrete tile	9 AB	5	12 No	ne used (op	oen hole)	
CREEN OR PERFOR	ATION OPENINGS	ARE:	5 Gauz	ed wrapped		X8 Saw cut		11 None (oper	n hole)
1 Continuous slot	t 3 Mill :	slot	6 Wire	wrapped		9 Drilled holes			
2 Louvered shutte	er 4 Key	punched	7 Torch	cut		10 Other (specif	y)		
CREEN-PERFORATE	D INTERVALS:	From	2 ft. to		ft., Fro	10 Other (specif	ft.	to	ft.
GRAVEL PAG	CK INTERVALS:	From From 1	ft. to O ft. to	72	ft., Fro ft., Fro	m	ft.	to	ft.
		From				m		to	
GROUT MATERIAL	: 1 Neat cer	ment x	2 Cement grout	3 Bento		Other			
rout Intervals: From	n5ft.	to 1.5	ft., From	ft.	to	ft., From .		ft. to	ft.
hat is the nearest so	ource of possible co	ntamination: NC	NE		10 Lives	stock pens	14 A	Abandoned water	r well
1 Septic tank	4 Lateral	lines	7 Pit privy	5	11 Fuel	storage	15 (Dil well/Gas well	
2 Sewer lines	5 Cess p		8 Sewage lag	oon	12 Ferti	lizer storage	16 (Other (specify be	low)
3 Watertight sew	er lines 6 Seepag	e pit	9 Feedyard		13 Insec	cticide storage			
irection from well?	· -				How ma	iny feet?			
FROM TO)	LITHOLOGIC I	LOG	FROM	TO		LITHOLO	GIC LOG	
0 18	Top soil a	& clay							
.8 20	Limerock	(dry)							
20 54	Clay								
54 61	Red clay								
54 <u>61</u> 51 72	Limerock								
72	Shale								
			ON: This water well w	as (1) constru	cted. (2) rec	onstructed, or (3)	plugged ur	nder my jurisdicti	on and wa
mpleted on (mo/day	Feb. 1	5. 1984			and this rec	ord is true to the b	est of my k	nowledge and be	elief. Kansa
impleted on (mo/day	/year)	361	This Water V	Vell Becord we	s completed	on (mo/dav/vr)	2-1.5-84		
ater Well Contractor		Tornet	ation Compion	Inc	by (cian	atura)	AL AN AL	. Cox	
IOTOLIOTIONIO, LI-	to a sublear or hall no	int non DIEAC	E DDECC EIDMI Var	od PRINT clear	v Please till	in blanks, underlin	e or circle t	he correct answe	rs. Send to
ree copies to Kansas	Department of Hea	Ith and Environn	nent, Division of Enviro	nment, Environ	mental Geolo	gy Section, Topek	a, KS 66620	 Send one to W/ 	ATER WEL
MAILED and rate a	ne for your records.	C							4 million 1

	WATE	R WELL RECORD	Form WWC-5 KSA	82a-1212	
LOCATION OF WATER WELL	Fraction		Section Num	ber Township Number	Range Number
unty: Clay	NE: 1/4	NE 14 NE	1/4 1.8	т 9 s	R 3 3 E/W
stance and direction from nearest		S of Clay Cente	Street address of we	ell if located within city?	
WATER WELL OWNER: Clar 1#, St. Address, Box # : Rout y, State, ZIP Code : Clay	ze # 2 1089 1	Navajo Ra	67432-7204	Board of Agriculture Application Number	e, Division of Water Resources
y, State, ZIP Code : Clay DEPTH OF COMPLETED WEL	tenter, Mans		1		
				11 Injection w	
ell Water to be used as:		supply	9 Dewatering	12 Other (Spe	
1 Domestic 3 Feedlot		+	•		
2 Irrigation 4 Industrial all's static water level	7 Lawn and gar	den only	10 Observation wei	month 10	day 1979
mp Test Data	Woll water was	120 ft after	2	hours pumping)
t. Yield 1.0 gpm:		ft. after		hours pumping	gpm
TYPE OF BLANK CASING US	ED:	5 Wrought iron	8 Concrete tile	Casing Joints: GI	ued . X Clamped
	P (SR)	6 Asbestos-Cement			elded
	a contest of	7 Fiberglass		Т	readed
ank casing dia 5	in. to 1.00	ft., Dia	in. to	ft., Dia	in. to ft.
ising height above land surface.	12	in., weight		. lbs./ft. Wall thickness or gaug	e No
PE OF SCREEN OR PERFORA	ATION MATERIAL:		X 7 PVC	10 Asbestos-ce	ment
1 Steel 3 Stai	inless steel	5 Fiberglass	8 RMP (SR)	11 Other (spec	ify)
2 Brass 4 Gal	vanized steel	6 Concrete tile	9 ABS	12 None used	
reen or Perforation Openings Ar	re:	5 Gauze	ed wrapped	X 8 Saw cut	11 None (open hole)
1 Continuous slot	3 Mill slot	6 Wire	wrapped	9 Drilled holes	
2 Louvered shutter	4 Key punched	7 Torch		10 Other (specify)	
reen-Perforation Dia	in. to	ft., Dia 🤈	in. to	ft., Dia	in to
reen-Perforated Intervals: Fro	om100	ft. to	20 ft., From	nft. t	ott.
Fro	om	ft. to	ft., Fron	nft. t	0tt.
avel Pack Intervals: Fro	om10			n	
	om	ft. to		n ft. t	
GROUT MATERIAL: A 1 N	leat cement	2 Cement grout	3 Bentonite	4 Other	
outed Intervals: From 0		9 ft., From			
hat is the nearest source of pos-					Abandoned water well 5 Oil well/Gas well
	Cess pool	7 Sewage lage	- Contra - 10	ortimzor otorugo	6 Other (specify below)
		8 Feed yard	12 1	J	
	Seepage pit	O Livestady as	121		
3 Lateral lines 6	Pjt privy	9 Livestock pe			
3 Lateral lines South wes	Pit privy	v many feet	? W	/ater Well Disinfected? Yes	XNo
3 Lateral lines 6 rection from well	Pit privy 50	v many feet	? W	/ater Well Disinfected? Yes NoX	XNo If yes, date sample
3 Lateral lines rection from well. South was as a chemical/bacteriological sam is submitted	Pit privy	v many feet	? W	/ater Well Disinfected? Yes NoX	. X No
3 Lateral lines 6 rection from well South we a as a chemical/bacteriological sar is submitted	Pit privy 5 mple submitted to Dep month e	v many feet	year: Pump In: Model No	/ater Well Disinfected? Yes . No X 	X No
3 Lateral lines 6 rection from well . South we a as a chemical/bacteriological san is submitted	Pit privy	v many feet	year: Pump Ins Model No Pumps Capacity rate	/ater Well Disinfected? Yes No X	X
3 Lateral lines 6 rection from well	Pit privy 5 mple submitted to Dep month e 	v many feet partment? Yes day 	year: Pump Ins Model No Pumps Capacity rate 3 Jet 4	Vater Well Disinfected? Yes .NoX stalled? Yes .HP .dat Centrifugal 5 Reciproc	XNo
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy	v many feet partment? Yes dày dày ft. 2 Turbine FION: This water well v	year: Pump Ins Model No Pumps Capacity rate 3 Jet 4 vas (1) constructed, (2)	/ater Well Disinfected? Yes NoX stalled? Yes	X No
3 Lateral lines 6 rection from well South we as a chemical/bacteriological san is submitted	Pit privy BC How mple submitted to Dep month e ubmersible 2 WNER'S CERTIFICAT T	v many feet partment? Yes day day ft. <u>2 Turbine</u> FION: This water well v month 10	year: Pump Ins . Model No Pumps Capacity rate <u>3 Jet 4</u> vas <u>(1) constructed, (2)</u> day	Vater Well Disinfected? Yes	X No If yes, date sample No X Volts gal./min. ating 6 Other under my jurisdiction and was year
3 Lateral lines 6 rection from well South we as a chemical/bacteriological sar is submitted	Pit privy b. How mple submitted to Dep month e ubmersible WNER'S CERTIFICAT C of my knowledge and	v many feet partment? Yes day day ft. <u>2 Turbine</u> FION: This water well v month d belief. Kansas Water V	year: Pump Ins Model No Pumps Capacity rate <u>3 Jet 4</u> was (1) constructed, (2 	/ater Well Disinfected? Yes No X	X No If yes, date sample No X gal./min. ating 6 Other under my jurisdiction and was
3 Lateral lines 6 rection from well South we as a chemical/bacteriological san is submitted	Pit privy BC How mple submitted to Dep month	v many feet partment? Yes day ft. 2 Turbine FION: This water well v month10 d belief. Kansas Water V vember 12	year: Pump Ins Model No Pumps Capacity rate <u>3 Jet 4</u> was (1) constructed, (2 	Vater Well Disinfected? Yes No X stalled? Yes	X No If yes, date sample No X Volts gal./min. ating 6 Other under my jurisdiction and was year
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sar is submitted	Pit privy st	v many feet partment? Yes day ft. 2 Turbine FION: This water well v month belief. Kansas Water V vember 12 prvice, Inc. LITHOLOG		Vater Well Disinfected? Yes No X stalled? Yes	X No If yes, date sample No X gal./min. ating 6 Other under my jurisdiction and was
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes day ft. 2 Turbine FION: This water well v month belief. Kansas Water V vember 12 prvice, Inc. LITHOLOG		/ater Well Disinfected? Yes .No X .stalled? Yes	X No No X Volts gal./min. ating 6 Other under my jurisdiction and was year year under the business
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy st	v many feet		/ater Well Disinfected? Yes .No X .stalled? Yes	X No If yes, date sample No X John Kate Strang G Other John January Jurisdiction and was year under the business LITHOLOGIC LOG
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes	X No No X Volts gal./min. ating 6 Other under my jurisdiction and was year LITHOLOGIC LOG
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sar is submitted	Pit privy st	v many feet		/ater Well Disinfected? Yes. .No. X .stalled? Yes. .HP .ed at .Centrifugal 5 Reciproc) reconstructed, or (3) plugged y .1979 se No. .361	X No No X Volts Qal./min. ating 6 Other under my jurisdiction and was year LITHOLOGIC LOG
3 Lateral lines 6 rection from well	Pit privy pit privy prive month e whereible whereible whereible pleted on irrigation FROM 0 9 25 25 36	v many feet partment? Yes 		/ater Well Disinfected? Yes. .NoX .stalled? Yes. .HP .ed at .Centrifugal 5 Reciproc) reconstructed, or (3) plugged y 1979 se No. 361	X No No If yes, date sample No X gal./min. ating 6 Other under my jurisdiction and was year year under the business
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes. .No. X .stalled? Yes. .HP .ed at .Centrifugal 5 Reciproc) reconstructed, or (3) plugged y .1979 se No. .361	X No No If yes, date sample No X gal./min. ating 6 Other under my jurisdiction and was year year under the business
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy st How mple submitted to Dep month e month e WNER'S CERTIFICAT r of my knowledge and pleted on Nov Irrigation Se FROM TO 0 9 9 25 25 36 36 51 51 70	v many feet partment? Yes 		/ater Well Disinfected? Yes. .NoX .stalled? Yes. .HP .ed at .Centrifugal 5 Reciproc) reconstructed, or (3) plugged y 1979 se No. 361	X No If yes, date sample No X gal./min. ating 6 Other under my jurisdiction and was year under the business LITHOLOGIC LOG
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes	X No If yes, date sample No X gal./min. ating 6 Other under my jurisdiction and was year under the business LITHOLOGIC LOG
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes	X No If yes, date sample No X gal./min. ating 6 Other under my jurisdiction and was year under the business LITHOLOGIC LOG
3 Lateral lines 6 rection from well South we as as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes	X No If yes, date sample No X gal./min. ating 6 Other under my jurisdiction and was year under the business LITHOLOGIC LOG
3 Lateral lines 6 rection from well South we a as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes	X No No No No X Sample X No X Sample X No X Sample No X Sample X S
3 Lateral lines 6 rection from well South we a as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes	X No No X gal./min. ating 6 Other under my jurisdiction and was under my jurisdiction and was LITHOLOGIC LOG
3 Lateral lines 6 rection from well South we a as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes	X No No X gal./min. ating 6 Other under my jurisdiction and was under my jurisdiction and was LITHOLOGIC LOG
3 Lateral lines 6 rection from well South we a as a chemical/bacteriological sam is submitted	Pit privy st	v many feet partment? Yes 		/ater Well Disinfected? Yes	X No No X gal./min. ating 6 Other under my jurisdiction and was under my jurisdiction and was LITHOLOGIC LOG

			WATER	WELL RECORD	Form WWC-	5 KSA 82a			
LOCATIO	N OF WAT	ER WELL:	Fraction	•	Se	ction Number	· Township Num	ber	Range Number
ounty:	Clay		NE 1/4	<u>NW 14 SV</u>		8	т 9	S	R 3 E EW
stance and	d direction	from nearest town	or city street add	dress of well if local	ted within city?				
51 m ²	iles S	outh of Cl	lay Cente	er					
WATER	WELL OW	NER: Lester	Luthi						
		<pre>x # : Route</pre>					Board of Agri	cuiture, C	Division of Water Resources
		Clay C		s 67432			Application N	umber:	
LOCATE	WELL'S L	OCATION WITH			78'	# FLEVA			
AN "X" I			epth(s) Groundw /ELL'S STATIC \ Pump st. Yield <u>1</u> 21	vater Encountered WATER LEVEL test data: Well wa L 5. gpm: Well wa	1		2	ft. 3 no/day/yr hours pu hours pu	
w	<u>.</u>	F F							
	XI			D BE USED AS:			=		Injection well
	- SW	SE	1 Domestic	3 Feedlot			9 Dewatering		Other (Specify below)
	1	1	2 Irrigation	4 Industrial			10 Observation well		
				acteriological sample	e submitted to I				, mo/day/yr sample was sub-
<u></u>			hitted				ater Well Disinfected?		
TYPE O	F BLANK (CASING USED:		5 Wrought iron					d . X Clamped
1 Stee	əl	3 RMP (SR)		6 Asbestos-Cemer		r (specify belo	•		ed
2 PVC		4 ABS		7 Fiberglass					aded
ank casin	g diameter	[.]	. to 8 0.	ft., Dia	in. t	0	ft., Dia	• • • • • •	in. to ft.
asing heig	sht above l	and surface	· · · 1 2 · · · · · ·	in., weight			/ft. Wall thickness or	gauge N	lo . .25.8
(PE OF S	SCREEN C	R PERFORATION	MATERIAL:		<u>7 P</u>		10 Asbes		
1 Stee	el	3 Stainless s	iteel	5 Fiberglass		MP (SR)	11 Other	(specify)	
2 Bra	SS	4 Galvanized	I steel	6 Concrete tile	9 A	BS	12 None	used (op	en hole)
CREEN O	R PERFO	RATION OPENINGS	S ARE:	5 Ga	uzed wrapped		8 Saw cut		11 None (open hole)
1 Cor	ntinuous sla	ot 3 Mill	slot	6 Wir	e wrapped		9 Drilled holes		
2 Lou	vered shul	ter 4 Key	punched		ch cut				
CREEN-P	ERFORAT	ED INTERVALS:							toft.
G	RAVEL PA	CK INTERVALS:		10 ft. to) ft., Fro	om	ft. t	toft. toft. to ft.
GHOUT	MATERIA	L: 1 Neat cer		2 Cement grout					ft. to
									bandoned water well
		ource of possible co					storage		
		4 Lateral							
	ver lines	5 Cess p		8 Sewage I			ilizer storage		Other (specify below)
	-	wer lines 6 Seepag	je pit	9 Feedyard			•		
rection fr		т	LITHOLOGIC L		FROM		any feet?	THOLOG	
FROM	то		LITHOLOGIC L	_00		10		mocoe	
0	2	Topsoil							
2	46	Clay							
-46	78	Limerock	,						
									N 12
									.
							······································		
CONTR	ACTOR'S	OR LANDOWNER'S	S CERTIFICATI	ON: This water well	was (1) const	ructed, (2) red	constructed, or (3) plu	igged un	der my jurisdiction and was
moleted	on (mo/day	(vear) Augus	st 12, 19	986		and this rec	ord is true to the best	of my kn	nowledge and belief. Kansas
ater Mol	Contracto	r's License No	3	61 This Water	Well Record v	vas completed	on (mo/dav/vr)	larch	. 1.2 1987
dor the h		ame of Cox-Bes	wick Irric	ation Servi	ce, Inc.	by (signa	ature) Th	inc	1 Cox
STRUCT	IONS: Use	typewriter or ball po	pint pen. PLEAS	E PRESS FIRMLY	and PRINT clea	arly. Please fill	in blanks, underline o	r circle th	e correct answers. Send top
ree copie	s to Kansa	s Department of Hea	Ith and Environm	ent, Division of Envi	ronment, Enviro	nmental Geolo	ogy Section, Topeka, H	(S 66620	. Send one to WATER WELL

Schemm, Doug [KDA]

From:	Jason Fox <foxxyfarms@icloud.com></foxxyfarms@icloud.com>
Sent:	Saturday, October 19, 2019 9:30 PM
То:	Schemm, Doug [KDA]
Subject:	Re: Application File No. 50,292

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Yes, they would be the neighbors. Thanks

Sent from my iPhone

On Oct 17, 2019, at 10:37 AM, Schemm, Doug [KDA] <<u>Doug.Schemm@ks.gov</u>> wrote:

Good Morning Jason, I've started to review your application and there appear to be 3 domestic well owners within ½ mile that I need to send notification letters to regarding your application. They are Dennis Hamilton, Edward Ames, and Clarence Guldner Family Trust. Does this list of nearby well owners look right to you? Have a great day, Doug 1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov

Mike Beam, Secretary

Kansas Department of Agriculture

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

Laura Kelly, Governor

JASON & WENDI FOX 1120 NAVAJO RD CLAY CENTER KS 67432-7203

RE: Appropriation of Water, File No. 50,292

Dear Mr. and Mrs. Fox:

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 <u>agriculture.ks.gov/divisions-programs/dwr</u>. 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



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES Christopher W. Beightel, Acting 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. 50,292 of the applicant

JASON & WENDI FOX 1120 NAVAJO RD CLAY CENTER, KS 67432-7203

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is September 9, 2019.

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

VART				NE	E1/4		NW1⁄4			SW1/4				TOTAL					
Sec.	Twp.	Range	NE ¹ /4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE ¹ /4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	TOTAL
8	9	3E		tanute.									9						9

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southwest Quarter (NW¹/₄ SW¹/₄ SW¹/₄) of Section 8, more particularly described as being near a point 1,094 feet North and 4,890 feet West of the Southeast corner of said section, in Township 9 South, Range 3 East, Clay 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 **99** gallons per minute (0.22 c.f.s.) and to a quantity not to exceed **10.8 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before <u>December 31</u>, <u>2021</u>, 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.

File No. 50,292

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

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

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

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

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

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.

Ordered this 18 day of May

, 2020, in Manhattan, Riley County, Kansas.

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

State of Kansas

County of Riley

) SS

The foregoing instrument was acknowledged before me this 18 day of Mary, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

ASHLEE FREEMAN My Appointment Expires April 21, 2024

under

Notary Public

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 19 day of Mary, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,292, dated Mary 9, 2020 was mailed postage prepaid, first class, US mail to the following:

JASON & WENDI FOX 1120 NAVAJO RD CLAY CENTER, KS 67432-7203

With photocopies to:

Topeka Field Office

Division of Water Resources

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 19 day of Mary, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,292, dated Mary 9, 2020 was mailed postage prepaid, first class, US mail to the following:

JASON & WENDI FOX 1120 NAVAJO RD CLAY CENTER, KS 67432-7203

With photocopies to:

Topeka Field Office

Division of Water Resources