



 THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
 Adrian J. Polansky, 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. 46,988 of the applicant

Kortney L. Kelley
 18101 West 117th North
 Sedgwick, Kansas 67135

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 **February 19, 2008**.
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	
9	25S	2 W								1.54	10							11.54	

3. That the authorized source from which the appropriation shall be made from ground water from the Equus Beds aquifer to be diverted by means of a well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼) of Section 9, more particularly described as being near a point 5,210 feet North and 4,880 feet West of the Southeast corner of said section, in Township 25 South, Range 2 West, Sedgwick County, Kansas.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **200 gallons per minute (0.45 c.f.s.)** and to a quantity not to exceed **15 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, 2009** 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 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.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2013** or any authorized extension thereof. Any request for 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.

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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 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).

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 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.

17. 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 well at the location authorized herein.

18. 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.

19. That one (1) observation well shall be constructed, at the applicant's expense, in the southwest corner of the applicant's property located in the Northeast Quarter and the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 9, Township 25 South, Range 2 West, Sedgwick County, Kansas, prior to diversion of water for beneficial use under the authority of this permit. Such observation well shall be completed in the same aquifer and screened in the same interval as the well authorized by this permit.

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20. That in addition to the specifications and conditions adopted by the Chief Engineer and set forth in K.A.R. 5-6-13 Section IV for the construction of observation wells; this observation well shall be constructed with PVC SCHED-40 casing having a minimum nominal diameter of 2 inches, that is protected by a steel 6 x 6 inch square well protector that is of 5 feet minimum length and has a lockable lid. The monitoring well and square well protector shall be seated in a standard concrete well pad.

21. That the top of the 2 inch observation well shall be 9 inches below the top of the square well protector.

22. That the observation well shall be developed by the driller to ensure that it is hydraulically connected to the same aquifer as the well authorized herein.

23. The observation well required herein shall be maintained, by the applicant, in a condition that is satisfactory to the Chief Engineer.

24. That the applicant shall provide access by the Chief Engineer, or an authorized representative of the Chief Engineer, to the observation well for the collection of information regarding aquifer conditions.

25. That if impairment is reported and confirmed, the applicant shall be required to install a water level transducer to monitor water levels in the observation well as set forth in K.A.R. 5-6-13 Section III.

26. That the authorized well referenced herein maintain the required spacing to Water Right File No. 32,948 of 1,320 feet or greater based on K.A.R. 5-22-2 (a)(1).

27. That the Chief Engineer reserves the right to review available hydrologic information, and if necessary make modification to the conditions of approval, including but not limited to revocation of the permit, if use of water as authorized is found to exceed long term sustainable yield of the aquifer, or caused impairment of existing water rights.

28. That the Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

This Order shall become a final agency action, as defined by K.S.A. 77-607 (b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

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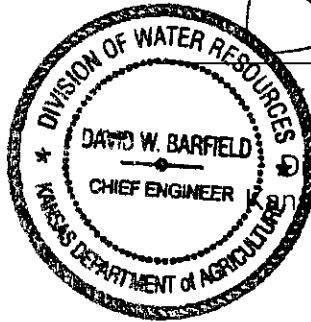
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Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901 (a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

Dated at Topeka, Kansas, this 27th day of August, 2008.



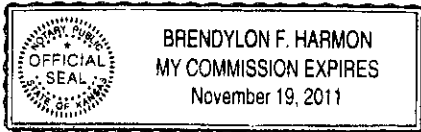
David W. Barfield

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

State of Kansas }
County of Shawnee } SS

The foregoing instrument was acknowledged before me this 27th day of August, 2008, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Brendylon F. Harmon
Notary Public



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