

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: June 6, 2016

FROM: Lloyd Hemphill

RE: Application,
File Nos. 49,373 & 49,374;
Water Right, File No. 3,376

Peggy Whitworth filed the referenced applications to appropriate groundwater from two wells to irrigate 288 acres in Dickinson County, within the Smoky Hill River drainage basin. During application review, the land associated with these applications (place of use & points of diversion) was purchased by Ryan K & Sarah R Stirtz and the application will be filed under the name of Stirtz Farms, c/o Ryan Stirtz. The Topeka Field Office was notified of the sale of the property by a "Settlement Statement" document received on June 22, 2015. The proposed place of use is a partial overlap of land previously authorized by Water Right, File No. 3,376. A "Voluntary Dismissal of an Application for Permit to Appropriate Water" form for File No. 3,376 was received that will eliminate this partial overlap. No other permits or water rights will overlap this place of use.

The two proposed points of diversion are wells located as follows:

File No.	Quarter Section	Section	Township	Range
49,373	LOT 6	24	13S	2E
49,374	NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$	25	13S	2E

The proposed place of use includes 288 acres and the maximum reasonable quantity for irrigation of this acreage in Dickinson County is 345.6 acre-feet (288 ac. X 1.2 AF/ac = 345.6 AF, per K.A.R. 5-3-24). In this particular area, however, the available quantity of ground water is **limited by safe yield** as described below.

No test hole logs were submitted with these applications, but based on the location of the proposed wells in reference to the Smoky Hill River, geologic and topographic maps, and a geophysical survey (discussed below) it can be reasonably assumed that the source will be Smoky Hill River alluvium (113). The subsurface lithology shown on a WWC-5 record for the nearest well (IRR: File No. 39,251) consists of clay to a depth of 27 feet, underlain by sand and gravel to 40 feet. Limestone bedrock was encountered at the total well depth of 40 feet. Static water level was recorded at 18 feet, above the top of the sand and gravel. Because of the relatively shallow nature of the aquifer and in the absence of any other information, it is reasonable to evaluate safe yield using the procedures outlined in K.A.R. 5-3-11 for unconfined aquifers. This is consistent with the evaluation of other applications in the area.

Safe Yield File No. 49,373:

For File No. 49,373, the safe yield area of consideration, defined by the extent of the alluvial aquifer within a two mile radius, is 5,215 acres. Based on a potential recharge of 2.98 inches, with 100% available for appropriation, safe yield was determined to be 1,295 acre-feet. Existing water rights have appropriated 966.2 acre-feet, within the area of consideration, providing a difference of 328.86 acre-feet available for appropriation. Thus, the requested quantity for this file must be reduced to 328.86 AF in order to meet safe yield criteria. Note that a lower available safe yield quantity was used in some correspondences with the applicant but the quantity stated above was obtained after the applicant requested that the location of the point of diversion location be modified following a geophysical survey (described below) and safe yield was re-analyzed.

Safe Yield File No. 49,374:

For File No. 49,374, the safe yield area of consideration, defined by the extent of the alluvial aquifer within a two mile radius, is 5,138 acres. Based on a potential recharge of 2.99 inches, with 100% available for appropriation, safe yield was determined to be 1,280.22 acre-feet. Existing water rights (Including File No. 49,373) have appropriated 1,364.06 acre-feet, within the area of consideration, indicating that there is no remaining water available for appropriation.

The applicant was advised in an August 27, 2015 phone call and followed up with a September 1, 2015 letter that this application would not meet safe yield criteria as proposed. I discussed with the applicant the option of dismissing either one of the pending applications or dividing the available safe yield quantity between the two applications. The applicant requested additional time to determine which of the two well locations would be optimal. The applicant was provided 60 days, until November 1, 2015 to either submit additional information or request additional time. The applicant made subsequent requests for additional time and the applicant was provided until March 30, 2016 to provide information. The applicant hired Hydro Resources from Tulsa, Oklahoma to conduct a geophysical survey to evaluate the aquifer potential at each of the proposed well sites. This survey determined that the best well location would be at a location near the original point of diversion proposed by Application, File No. 49,373. The resistivity imaging study determined that the shallow subsurface at the identified well location consists of porous material, likely sand and gravel to depths of 60 to 70 feet. The sand and gravel is underlain by less porous material, likely shale and limestone bedrock.

After determining that the most favorable well location is at the point of diversion proposed by File No. 49,373, the applicant submitted a signed "Voluntary Dismissal of an Application for Permit to Appropriate Water" to dismiss Application, File No. 49,374.

Based on the discussion above, the requested quantity for File No. 49,373 will be reduced to **328.86 acre-feet**. The requested rate of diversion is **1,000 gallons per minute** which appears reasonable for the project.

As mentioned above, a "Voluntary Dismissal of an Application for Permit to Appropriate Water" form for File No. 3,376 was received that will eliminate the partial place of use overlap with File No. 49,373. File No. 3,376 authorizes the diversion of surface water from the Smoky Hill River. No water use has been reported under this file since 1986 and Stirtz Farms does not intend to utilize this right in the future. The authorized place of use for File No. 3,376 includes 243 acres. A review of Dickinson County property records indicated that approximately 10 acres of the authorized place of use for File No. 3,376 is currently owned by Gregory C Huston (not reflected in WRIS). This tract of land (and land owner) is not part of the proposed place of use for File No. 49,373. The voluntary dismissal for File No. 3,376 was signed by all owners of the place of use. Therefore, Application, File No. 3,376 should be dismissed as requested by the owners.

The applicant identified two irrigation wells within one-half mile of the proposed points of diversion. Notification letters were sent to the nearby well owners on July 2, 2015. Randy Leckron (tenant) called on the behalf of Jen-Da Management on July 8, 2015 with general questions. No other response was received.

The closest non-domestic well to File No. 49,373 is located approximately 2,888 feet away and on the opposite side of the river. There are no domestic wells located within one half mile of the proposed well. Therefore, the proposed wells meet minimum well spacing requirements, per K.A.R. 5-4-4 and the proposed diversion is not expected to impact existing water rights.

Stirtz Farms
File No. 49,373; 49374; & 3,376
Page 3 of 3

The applicant has submitted signed Minimum Desirable Streamflow forms for each application, which have been properly notarized. The proposed diversion is located well downstream of the nearest MDS gaging station on the Smoky Hill River and administration of this water right is not expected during periods of low streamflow.

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 approval of the referenced application in a June 3, 2016 e-mail. Based on the above discussion, the area is open to new appropriations, the application meets safe yield and well spacing criteria, and the approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that Application, File No. 49,373 be approved in conjunction with the dismissal of File Nos. 3,376 and 49,374.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 1, 2016

STIRTZ FARMS
1400 2200 AVE
ENTERPRISE KS 67441

RE: Appropriation of Water, File No. 49,373; and
Dismissal of Application, File No. 49,374

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required on the diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, 49,374 as you requested in the "Voluntary Dismissal of an Application for Permit to Appropriate Water" form received in our office on May 20, 2016.

This Order is a final agency action. If you choose to appeal this decision of any finding or part thereof, you must do so by filing a petition for review in the manner described in the enclosed Order.

Stirtz Farms
File Nos. 49,373 & 49,374
Page 2 of 2

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:lh

Enclosures

pc: Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, 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. 49,373** of the applicant

**STIRTZ FARMS
1400 2200 AVE
ENTERPRISE KS 67441**

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 **April 23, 2015**.

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	
24	13S	2E																	181.6
25	13S	2E	L-1 12.5	L-1 22.2			31.7	40											106.4

3. That the authorized source from which the appropriation shall be made is groundwater in the Smoky Hill River Basin, to be withdrawn by means of one (1) well located in Lot 6 of Section 24, more particularly described as being near a point 867 feet North and 2,100 feet West of the Southeast corner of said section, in Township :13 South, Range 2 East, in Dickinson County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,000 gallons per minute** (2.22 c.f.s.) and to a quantity not to exceed **328.86 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, 2017**, 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 diversion works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

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

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

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

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

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

12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance 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 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.

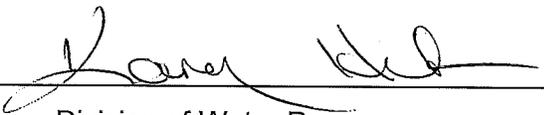
CERTIFICATE OF SERVICE

On this 1st day of July, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,373, dated July 1, 2016 was mailed postage prepaid, first class, US mail to the following:

STIRTZ FARMS
C/O RYAN STIRTZ
1400 2200 AVE
ENTERPRISE KS 67441

With photocopies to:

Topeka Field Office



Division of Water Resources

APR 23 2015 12:25pm KS DEPT OF AGRICULTURE

APPLICATION COMPLETE Reviewer



KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

File Number 49,373 This item to be completed by the Division of Water Resources.

APPLICATION COMPLETE 03/24/16 Reviewer LHH/TFO

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, KS 66502:

Stirtz Farms c/o Ryan Stirtz

- 1. Name of Applicant (Please Print): PEGGY WHITWORTH (PID 53119) [APPLICATION "A"] Address: 411 CHARLES RD - 2491 EDEN RD LOT 36 - 1400 2200 AVE City: Enterprise ABILENE State KS Zip Code 67410 7005 67441 Telephone Number: (785) 263-3784 785-479-1677 Ryan: 785-479-1163 Ned: 785-263-5538

- 2. The source of water is: [] surface water in (stream) OR [x] groundwater in SMOKY HILL RIVER BASIN (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. *345.6 AF total between two applications. Limit the junior priority.

- 3. The maximum quantity of water desired is 345.6* 329.86 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 1000 GPM gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

- 4. The water is intended to be appropriated for (Check use intended): in 3-24-2016 letter. LHH/TFO (a) [] Artificial Recharge (b) [x] Irrigation (c) [] Recreational (d) [] Water Power (e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only: F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County DK By KAS Date 4-23-15 Code RE3 Fee \$ 320 TR # 15 04 2349 Receipt Date 4-23-15 Check # 446

* PD location revised per 3-24-16 letter from Ned Stirtz. CHH/TFO

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the LOT 6 quarter of the X quarter of the 867 quarter of Section 2100 24, more particularly described as being near a point 835 feet North and 1825 feet West of the Southeast corner of said section, in Township 13 South, Range 02 East, DICKINSON County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

- * * 6. The owner of the point of diversion, if other than the applicant is (please print): Ryan K & Sarah R Stirtz
1714 NW 4th St
Abilene KS 67410
~~MILDRED MERRILL LIFE EST PEGGY WHITWORTH~~
 (name, address and telephone number)
411 CHARLES RD 503 NE 12TH ABILENE KS 67410-1813 785-263-3784 785-479-1677
 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 23, 2015. Peggy A. Whitworth
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

- 7. The proposed project for diversion of water will consist of ONE WELL, PUMP, AND MOTOR
 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) 7/1/16
 (Month/Day/Year - each was or will be completed)

- 8. The first actual application of water for the proposed beneficial use was or is estimated to be 7/1/16
 (Mo/Day/Year)

* * Revised per "Settlement Statement" received on June 22, 2015. LHM/TFO

WATER SOURCES RECEIVED

APR 23 2015

SCANNED

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here N/A

• If no, explain here why a Water Structures permit is not required N/A

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within ½ mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within ½ mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

THE APPLICANT IS SUBMITTING TWO APPLICATIONS FOR THIS ONE PLACE OF USE

SURFACE FILE NO. 3376 SHARES A PARTIAL OVERLAP WITH THE LAND DESCRIBED IN THESE

APPLICATIONS. FINAL DECISION ON WHAT TO DO WITH THIS OVERLAPPING FILE WILL DEPEND

ON SEVERAL THINGS INCLUDING THE APPROVABILITY OF THESE APPLICATIONS, TEST DRILLING

ETC. THE APPLICANT WILL ADDRESS THE OVERLAP PRIOR TO APPROVAL OF THESE APPS.

WATER RESOURCES
RECEIVED

APR 23 2015

SCANNED

KS DEPT OF AGRICULTURE

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

AGENT
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

~~XXXX~~ MILDRED MERRILL LIFE EST PEGGY WHITWORTH Ryan K & Sarah R Stirtz
 (name, address and telephone number) 1714 NW 4th St
Abilene KS 67410
~~411 Charles Ad~~ 503 NE 12TH ABILENE KS 67410-1813 785-263-3784 785-479-1617
 (name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at MANHATTAN, Kansas, this 23rd day of April, 2015.
(month) (year)

Peggy A. Whitworth
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by mccabe _____ tfo/es _____ Date: 4/17/15
(office/title)

*** Revised per "Settlement Statement" received on June 22, 2015. LHM/TFO*

WATER RESOURCES RECEIVED
APR 23 2015

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,373

* Per "Settlement Statement", received 6-22-15. LHM/TFO

Name of Applicant (Please Print): PEGGY WHITWORTH

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: ~~MILDRED MERRILL LIFE EST PEGGY WHITWORTH~~
~~411 CHARLES ST~~ Abilene, KS 67410-1813
 ADDRESS: 503 NE 12TH ABILENE KS 67410-1813

* Ryan K. & Sarah R Stiltz
 1714 NW 4th St
 Abilene KS 67410

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
24	13S	2E										L-7 7.8		L-8 30.5	L-7 40	L-4 6.9	L-5 23.7	L-6 40	L-4 32.7	181.6
25	13S	2E	L-1 12.5	L-1 22.2			31.7	40				N			N	N			N	106.4
																				288

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE															

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE																

File No. 49,373

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____%

Estimate the maximum land slope in the field(s): _____%

c. Type of irrigation system you propose to use (check one):

Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

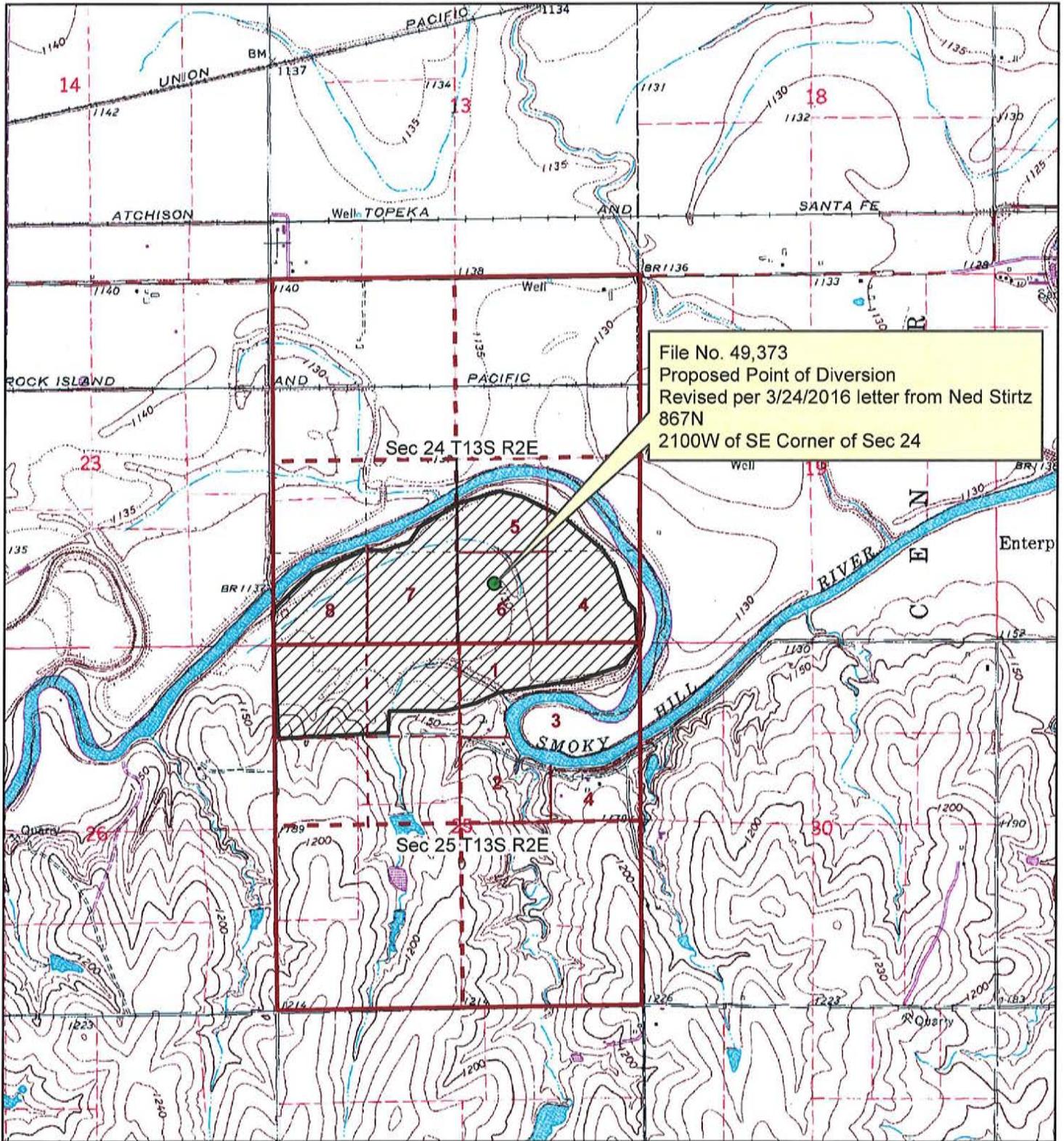
WATER RESOURCES
RECEIVED
Page 2 of 2

APR 23 2015

SCANNED

KS DEPT OF AGRICULTURE

Application, File No. 49,373 Stirtz Farms Site Map Addendum

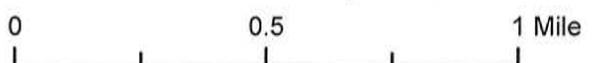


File No. 49,373
Proposed Point of Diversion
Revised per 3/24/2016 letter from Ned Stirtz
867N
2100W of SE Corner of Sec 24

 Proposed Place of Use 288 ac
Map prepared by LHH/TFO 5-26-16

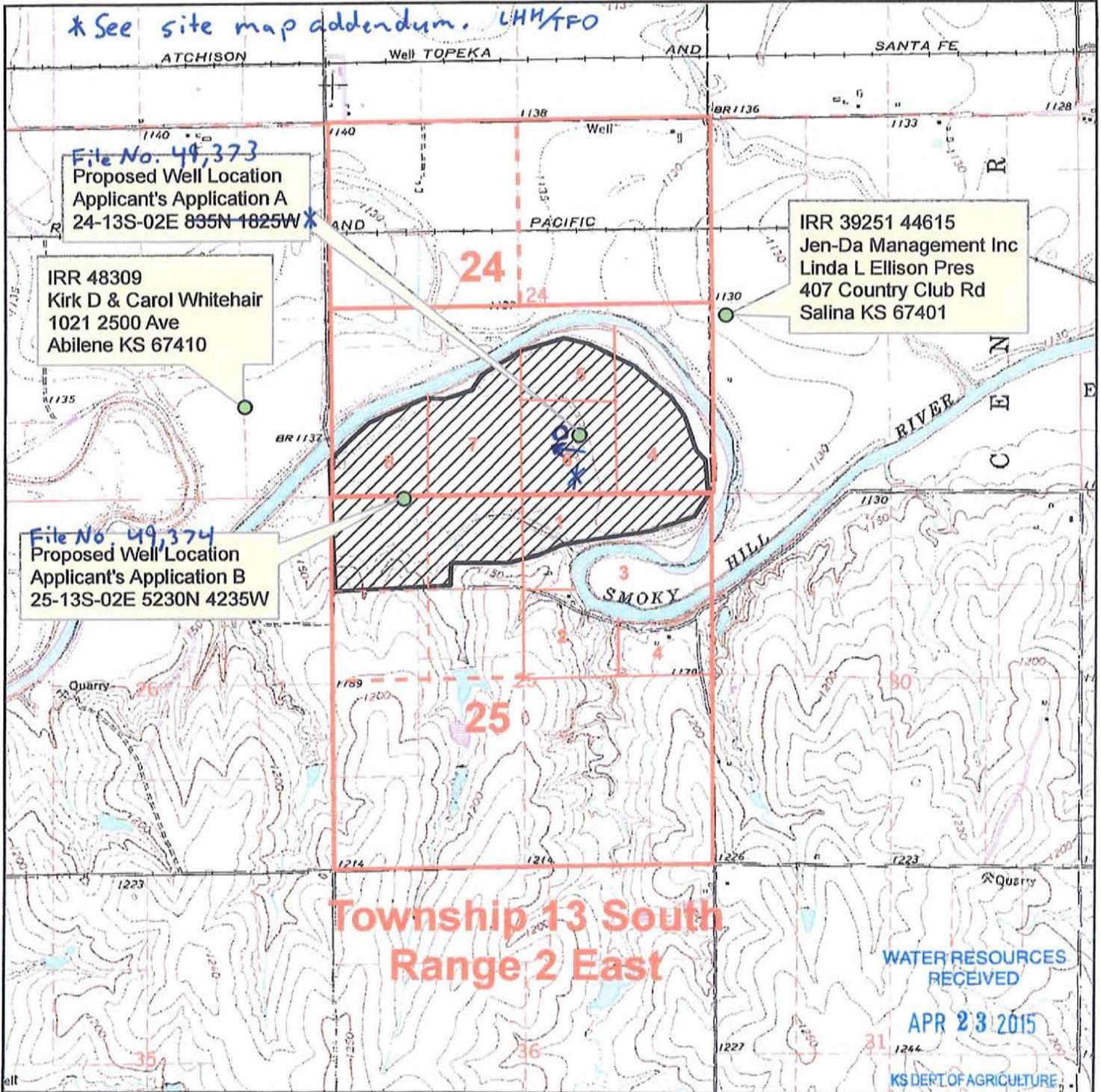


1:24,000



Peggy Whitworth Applications to Appropriate Water For Irrigation Use

File No. 49,373



All wells of every kind within 1/2 mile of the proposed well have been plotted and identified.



Proposed Place of Use 288 ac



Well Locations

1:24,000



Peggy A. Whitworth

Signature

SCANNED

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 49373

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

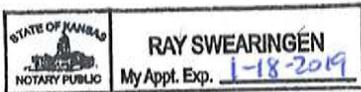
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Peggy A. Whitworth
Signature of Applicant

State of Kansas)
County of Dickinson) ss

Peggy A. Whitworth
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 23rd day of APRIL, 2015.



[Signature]
Notary Public

My Commission Expires:
1-18-2019

WATER RESOURCES
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APR 23 2015

File No. 49,373

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

WATER RESOURCES
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APR 23 2015

SCANNED

KS DEPT OF AGRICULTURE

Re: Peggy Whitworth (Merrill Farm)
to Ryan & Sarah Stirtz

Files: 49,373; 49,374

Enclosed is the settlement statement
from Peggy Whitworth (Merrill Farm)
to Ryan & Sarah Stirtz

Use the following address:

Stirtz Farms

% Ryan Stirtz

1400 2200 AVE

Enterprise, Kansas

67441-9007

Phones - Ryan Cell 479-1163

Ned Stirtz Cell 263 5538

Home 263-2505

Received
on
June 22, 2015

RECEIVED

MAR 28 2016

Topeka Field Office
DIVISION OF WATER RESOURCES

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

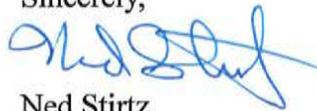
March 24, 2016

RE: Pending Application
File Nos. 49,373 & 49,374

Dear Mr. Hemphill:

In response to your letter dated February 20, 2016, Hydro Resources from Tulsa, Oklahoma has informed us that the best GPS Coordinates for an irrigation well is 38.90300 -97.15598 (WGS84) for File No 49,373. We would like to use all remaining 313.71 acre feet of water available for this file number.

Sincerely,



Ned Stirtz

Enclosed : Documents from Hydro Resources

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MAR 28 2016
Topeka Field Office
DIVISION OF WATER RESOURCES



GEOPHYSICAL SURVEY SUMMARY

Ryan Stirtz Project

A seven-site MT4 geophysical aquifer-imaging survey was acquired and processed for Ryan Stirtz in Section 24-T13S-R2E in order to determine the optimal site to drill a new irrigation well. The optimal yield of a new well is 800 gpm or more.

Hydrogeology

The Stirtz property being imaged is located within a meander loop in the Smoky Hill River flood plain. There are several nearby wells which produce irrigation volumes between 300 and 1500 gpm from Quaternary deposits of sand and gravel alluvium within this flood plain. These irrigation wells are drilled through the river alluvium into the bedrock, usually comprised of shale or limestone. There is a well which was drilled in the northeast quarter of this section which reportedly produces 800 gpm from a porous and permeable limestone between 34 and 56 feet below surface. Because the limestone in this area is proven capable of high production rates, we will view any high-resistivity areas as promising for drilling. High resistivity zones can be sand, gravel, or limestone.

The top of the water table is likely very close to the elevation of the river here. We will use a generalized depth of 15 feet below surface as our cutoff depth for saturated aquifer determination. In general, the deeper the sand and gravel below 15 feet, the higher water yield potential per foot of sand or gravel.

Results

This survey shows that there is a laterally-extensive area of sand and gravel, and possibly limestone within the survey area. The entire survey shows a connected and continuous aquifer which is a positive occurrence for well recharge. The sand and gravel development appears to be within the critical saturation interval between 15 feet and 55/65 feet below surface. The resistivity suggests that the grain size of the sand may range from medium sand to gravel with the coarser sediment being quite abundant in the aquifer, or possibly a porous and permeable limestone. Site 1-1 appears to have the finest grain size within the aquifer when compared to the surrounding sites.

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MAR 28 2016

Topoka Field Office
DIVISION OF WATER RESOURCES

Recommendation

As an overview of our expectations on this survey, we do expect good irrigation potential in the vicinity of the survey. The entire survey area shows positive aquifer characteristics for the placement of a new well, whether it be sand and gravel or limestone. However, in order to high-grade a recommended location to drill, we must identify the coarsest material in the deepest position for targeting. As such, we recommend that site 1-2 (also called 1-7) be selected for the location for a new irrigation well. We expect that this location will have sand and gravel or limestone present to a depth of 60-70 feet below surface.

If you do not have a commitment with another driller, we would recommend:

Hydro Resources-Midcontinent

Ken Rauhut

620.277.2389

krauhut@hydroresources.com

Bruce Reichmuth

620.277.2389

breichmuth@hydroresources.com

Hydro Resources
Aquifer Imaging Group

8801 S. Yale, Suite 405
Tulsa, OK 74137

800.401.9092

Imaging@HydroResources.com

GPS COORDINATES

Ryan Stirtz
Dickinson County, KS
2/26/2016

Line 1

RS 1-1	38.90290	-97.15501
✓ RS 1-2	<u>38.90300</u>	<u>-97.15598</u>
RS 1-3	38.90367	-97.15509
RS 1-4	38.90314	-97.15406
RS 1-5	38.90224	-97.15451
RS 1-6	38.90238	-97.15574
✓ RS 1-7	<u>38.90300</u>	<u>-97.15598</u>

File No. 49,373

RECEIVED

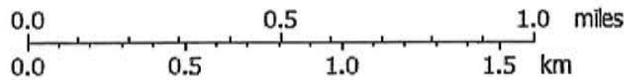
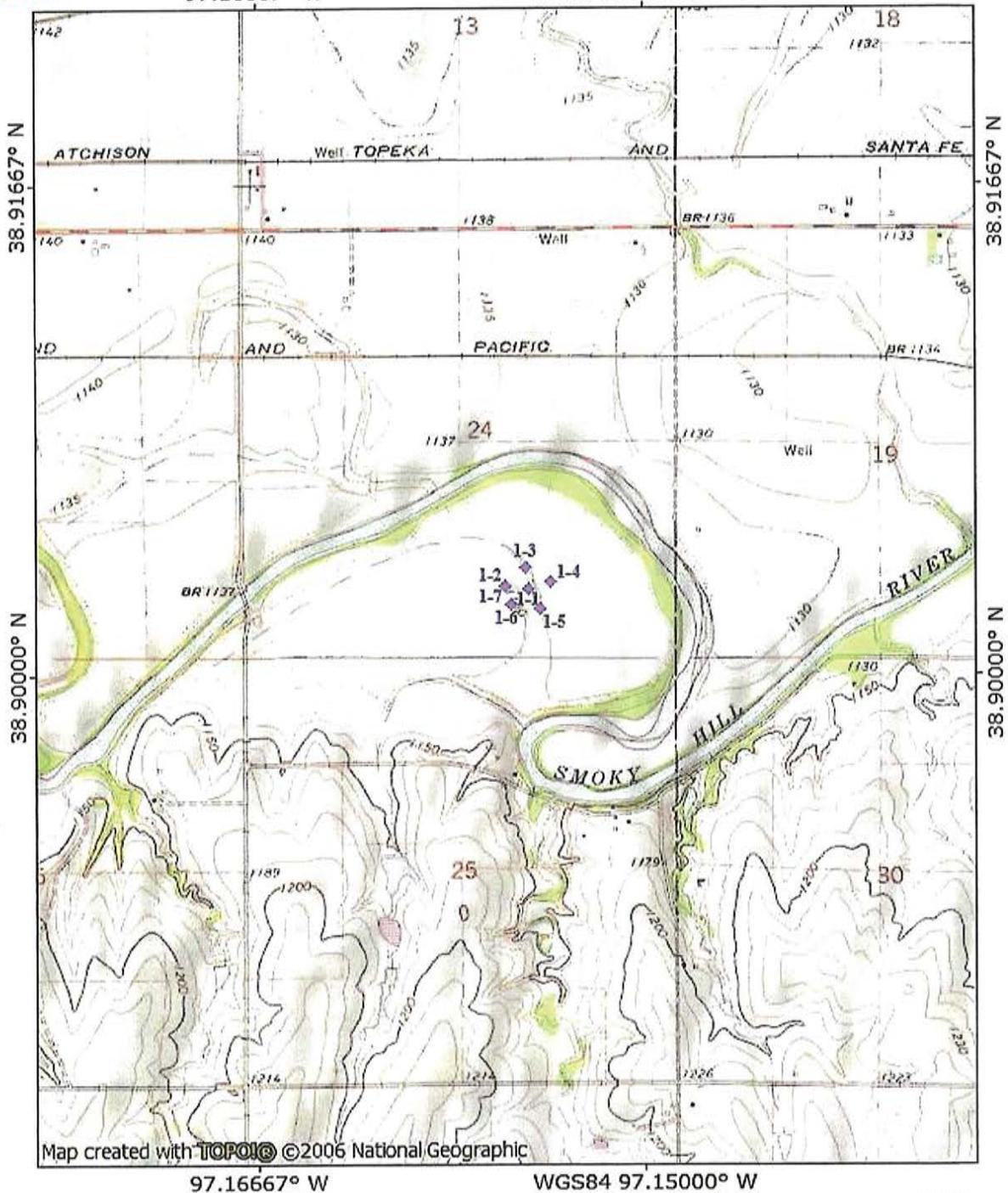
MAR 28 2016

Field Office
DIVISION OF WATER RESOURCES

Dickinson County : Line 1 : Feb 2016 : S24 T13S R2E

97.16667° W

WGS84 97.15000° W



TN MN
3 1/2°
03/04/16

Geophysical Survey
4 of 6

MA
DIVISION OF WATER



Google earth

Imagery Date: 4/8/2014 Lat 38.902703° Lon -97.152462° elev 1129 ft eye alt 10221 ft

File No. W9,373

Geophysical Survey

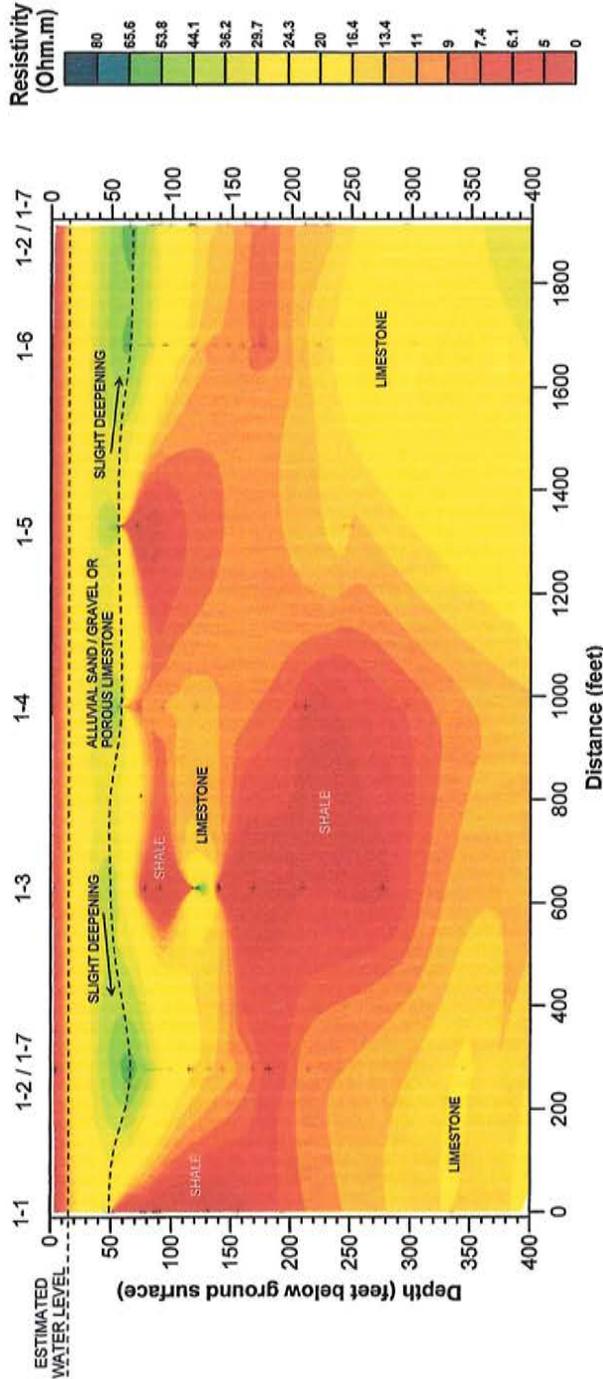
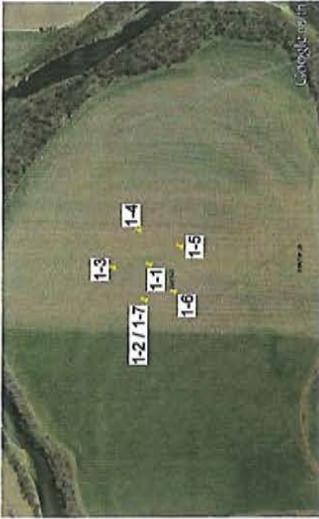
9 of 6

HYDRO RESOURCES - AQUIFER IMAGING GROUP

STIRTZ SURVEY
PHASE I

FILE: STIRTZ1T.DAT

<--- SITES 1-1 TO 1-5 --->



LINE ONE
2-D RESISTIVITY IMAGE
CALIBRATED / STANDARD SCALE

RECEIVED
MAY 20 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

Geophysical Survey
6 of 6

* VALUES OBSERVED ON THIS IMAGE ARE ENERGIZED BY MAN-MADE POWER SOURCES, THEREFORE OBSERVED DEPTHS ARE TYPICALLY DEEPER THAN IN REALITY AND ARE APPROXIMATED. REFER TO REPORT DESCRIPTION FOR ADDITIONAL INFORMATION.
ALL INTERPRETATIONS ARE BASED ON INFERENCES FROM CSAMT/MT DATA. WE CANNOT AND DO NOT GUARANTEE THE ACCURACY OR CORRECTNESS OF ANY INTERPRETATION, AND WE SHALL NOT BE RESPONSIBLE FOR ANY LOSS RESULTING FROM ANY INTERPRETATIONS MADE.

Hemphill, Lloyd

From: Tietsort, Katie
Sent: Friday, June 03, 2016 4:19 PM
To: Hemphill, Lloyd
Subject: RE: Application, File No. 49373; Dismissal File Nos. 3376 & 49374 (Stirtz Farms)

Lloyd-

Thanks for your significant review I think the bottom line is that since you have an owner that is only involved under 3376, you should write that whole package up with a separate transmittal letter. I do agree with your recommendations and with moving forward with this package. Thanks so much for getting it accomplished. These were the two oldest applications pending in TFO!

Thanks, Katie

Katie Tietsort, Water Commissioner

Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
FAX (785) 296-8298

Katie.Tietsort@kda.ks.gov
<http://agriculture.ks.gov/>

From: Hemphill, Lloyd
Sent: Thursday, June 02, 2016 9:12 AM
To: Tietsort, Katie
Subject: Application, File No. 49373; Dismissal File Nos. 3376 & 49374 (Stirtz Farms)

Katie,

I would like your recommendation on Application, File No. 49,373 for Stirtz Farms.

This application is accompanied by a voluntary dismissal of Water Right, File No. 3,376 (possibly abandoned & partial overlap) and Application, File No. 49,374 (failure to meet safe yield).

Right now I have all three files lumped together in one transmittal letter. The dismissal of File No. 3,376 includes a landowner that is not associated with the other files. Do you think that I should separate the dismissal for File No 3,376 from the others to avoid sending paperwork to a non-involved landowner?

Let me know if you have any questions.

Thanks,
Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture

Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
Lloyd.Hemphill@kda.ks.gov

INPUTS	
Target Section Definition	
Section	24
Township	13
Range	2
Range Direction	E
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-97.155680
Target Latitude	38.903000

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter NAD27 or NAD83 longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

Application, File No. 49,373

Location based on GPS Coordinates provided by applicant and converted to NAD 27

V
based on
3/24/2016
letter from
Ned Stirtz.

Loaded Section Data		
From LEOBASE using NAD83		
Corner	Corner Longitudes	
SW	-97.16730393	
NW	-97.16736478	
NE	-97.14858127	
SE	-97.14859636	
Degrees Longitude per Foot	3.51391919E-06	
Degrees Latitude per Foot	2.74566028E-06	
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	834	-3308
NW	-4446	-3325
NE	-4451	2020
SE	867	2016

Loaded Section Data		
From LEOBASE using NAD27		
Corner	Corner Longitudes	
SW	-97.16700700	
NW	-97.16706800	
NE	-97.14828500	
SE	-97.14830000	
Degrees Longitude per Foot	3.51391920E-06	
Degrees Latitude per Foot	2.74598553E-06	
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	834	-3223
NW	-4445	-3241
NE	-4451	2104
SE	867	2100

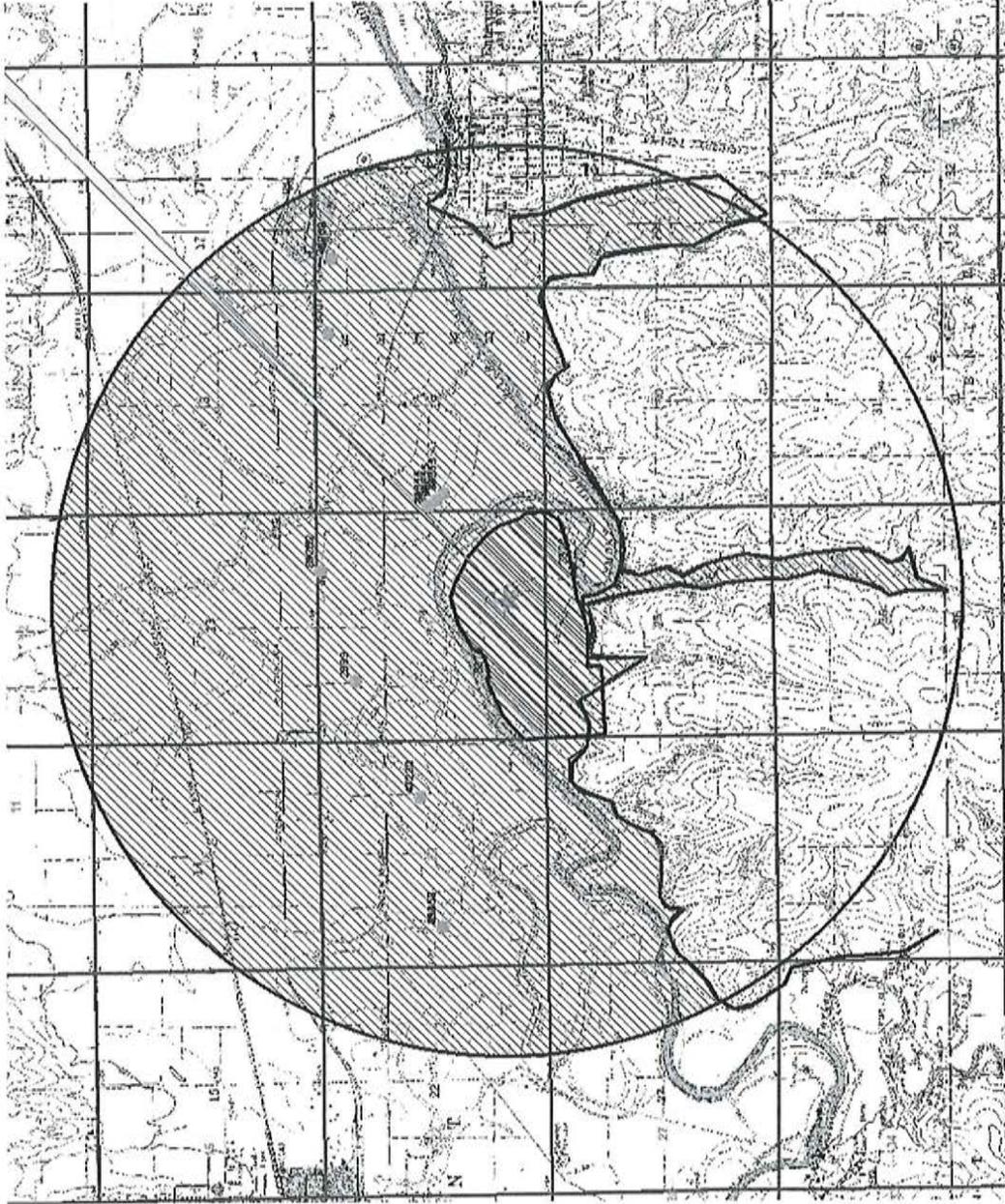
Difference (NAD83 Minus NAD27)		
Corner	Corner Longitudes	
SW	-0.00029693	
NW	-0.00029678	
NE	-0.00029627	
SE	-0.00029636	
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	0.08781890	-84.50109316
NW	-0.41369263	-84.45840580
NE	-0.44711871	-84.31326255
SE	0.04075499	-84.33887498

Revised Location

Safe Yield Report Sheet

Proposed Water Right Application

Point of Diversion in SENWSWSE 24-13S-02E



Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 1,295.06 AF.
 Total prior appropriation in the circle is 966.20 AF.
 Total quantity of water available for appropriation is 328.86 AF.

Safe Yield Variables

The area used for the analysis is set at 5215 acres.
 Potential annual recharge of the area is estimated to be 2.98 inches.
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 29-MAR-2016 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 12 water right(s) and 9 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	2999	00	IRR	NK	G	SW	NE	NW	4440	3900	24	13	02E	7	WR	178.00	400.00	0.00
A	13007	00	IRR	NK	G	NW	NE	NE	0	0	19	13	03E	1	WR	153.00	160.00	160.00
A	23257	00	IRR	NK	G	NE	NW	SW	2452	4351	23	13	02E	3	WR	105.00	254.00	254.00
A	39251	00	IRR	NK	G	NW	NW	SW	2712	5031	19	13	03E	2	WR	77.00	400.00	0.00
Same			IRR	NK	G	NW	NW	SW	2545	4890	19	13	03E	3	WR			
Same			IRR	NK	G	NW	NW	SW	2375	4750	19	13	03E	4	WR			
A	39252	00	IRR	NK	G	CN	NE	NE	5230	1320	24	13	02E	6	WR	60.00	400.00	0.00
A	40230	00	IRR	NK	G	SW	SE	NE	2935	1300	23	13	02E	2	WR	42.00	166.00	166.00
A	44615	00	IRR	NK	G	NW	NW	SW	2712	5031	19	13	03E	2	WR	77.00	400.00	0.00
Same			IRR	NK	G	NW	NW	SW	2545	4890	19	13	03E	3	WR			
Same			IRR	NK	G	NW	NW	SW	2375	4750	19	13	03E	4	WR			
A	45458	00	IRR	NK	G	NE	NW	SW	2452	4351	23	13	02E	3	WR	216.00	111.00	254.00
A	45458	00	IRR	NK	G	NE	NW	SW	2452	4351	23	13	02E	3	WR	216.00	111.00	254.00
A	46062	00	IRR	LR	G				4904	4451	20	13	03E	7	WR	15.00	160.00	0.00
A	47222	00	IRR	LR	G	SW	SE	NE	2935	1300	23	13	02E	2	WR	199.20	166.00	0.00
A	48768	00	IRR	KE	G				4904	4451	20	13	03E	7	WR	168.00	0.00	160.00
V DK	15	00	IRR	AA	G	CN	NE	NE	5230	1320	24	13	02E	6	WR	68.00	400.00	400.00

File No. 419,373

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

867 ft N and 2100 ft W of the SE Corner of Section 24, T 13S, R 2E

Located at: 97.155679 West Longitude and 38.903000 North Latitude

GROUNDWATER ONLY *well spacing from revised well Location.*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth	Quan	Add	Quan	Unit
A__ 2999	00	IRR	NK	G	4001	--	SW	NE	NW	4440	3900	24	13	2E	7		178.00	178.00	AF	
A__ 13007	00	IRR	NK	G	7524	--	NW	NE	NE	-----	-----	19	13	3E	1		153.00	153.00	AF	
A__ 23257	00	IRR	NK	G	7746	--	NE	NW	SW	2452	4351	23	13	2E	3		105.00	105.00	AF	
A__ 39251	00	IRR	NK	G	2902	--	NW	NW	SW	2545	4890	19	13	3E	3 G	2	77.00	77.00	AF	
Same					2888	--	NW	NW	SW	2712	5031	19	13	3E	2 B	2				
Same					2930	--	NW	NW	SW	2375	4750	19	13	3E	4 B	2				
A__ 39252	00	IRR	NK	G	4432	--	CN	NE		5230	1320	24	13	2E	6		60.00	60.00	AF	
A__ 40230	00	IRR	NK	G	4988	--	SW	SE	NE	2935	1300	23	13	2E	2		42.00	42.00	AF	
A__ 44615	00	IRR	NK	G	2902	--	NW	NW	SW	2545	4890	19	13	3E	3 G	2	77.00	.00	AF	
Same					2888	--	NW	NW	SW	2712	5031	19	13	3E	2 B	2				
Same					2930	--	NW	NW	SW	2375	4750	19	13	3E	4 B	2				
A__ 45458	00	IRR	NK	G	7746	--	NE	NW	SW	2452	4351	23	13	2E	3		216.00	111.00	AF	
A__ 46062	00	IRR	LR	G	8992	--	--	--	--	4904	4451	20	13	3E	7*		15.00	15.00	AF	
A__ 47222	00	IRR	LR	G	4988	--	SW	SE	NE	2935	1300	23	13	2E	2		199.20	157.20	AF	
A__ 48768	00	IRR	KE	G	8992	--	--	--	--	4904	4451	20	13	3E	7		168.00	.00	AF	
A__ 49373	00	IRR	AY	G	0 277	--	--	--	--	835 ⁸⁶⁷ 1825 ²¹⁰⁰	24	13	2E	8		345.60 ^{328.86}	345.60 ^{328.86}	AF		
A__ 49374	00	IRR	AY	G	2298	--	NE	NW	NW	5230	4235	25	13	2E	2		345.60	.00	AF	
VDK	15	00	IRR	AA	G		--	--	CN	NE	5230	1320	24	13	2E	6		68.00	68.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	345.60	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	172.20	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	726.00	.00
Total Vested Amount (AF) =	68.00	.00
TOTAL AMOUNT (AF) =	1311.80	.00

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

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

97.155679 West Longitude and 38.903000 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 2999	00	IRR	NK G
>	JEN-DA MANAGEMENT INC		
>	LINDA L ELLISON - PRESIDENT		
>	407 COUNTRY CLUB RD		
>	SALINA KS 67401		

A__ 13007	00	IRR	NK G
>	NED & DICK STIRTZ		

A. Settlement Statement

U.S. Department of Housing and Urban Development

OMB No. 2502-0265

B. Type of Loan

1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FmHA	3. <input checked="" type="checkbox"/> Conv Unins	6. File Number 2129459	7. Loan Number	8. Mortgage Ins Case Number
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv Ins.	6. <input type="checkbox"/> Seller Finance			

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower Ryan K. Stirtz and Sarah R. Stirtz 1714 NW 4th St. Abilene, KS 67410	E. Name & Address of Seller Peggy Whitworth 411 Charles Rd Abilene, KS 67410 See Addendum	F. Name & Address of Lender Frontier Farm Credit, FLCA PO Box 188 Manhattan, KS 66505
---	---	--

G. Property Location Tract in NW4 & Lot 1, 25-13-2, and Lots 4,5,6,7,8 in 24-13-2, Dk Co, KS Tract in NW/4 & Lot 1, 25-13-2, and Lots 4-8, 24-13-2, Dk Co Abilene, KS 67410	H. Settlement Agent Name Security 1st Title, LLC - Abilene 209 NW 15th, PO Box 503 Abilene, KS 67410 Tax ID: 27-1044816 Underwritten By: Chicago Title Insurance Company	I. Settlement Date 6/12/2015 Fund: 6/12/2015
	Place of Settlement Security 1st Title, LLC PO Box 503, 209 NW 15th Abilene, KS 67410	

J. Summary of Borrower's Transaction **K. Summary of Seller's Transaction**

100. Gross Amount Due from Borrower	400. Gross Amount Due to Seller
101. Contract Sales Price	401. Contract Sales Price
102. Personal Property	402. Personal Property
103. Settlement Charges to borrower	403.
104.	404.
105.	405. RECEIVED

Adjustments for items paid by seller in advance	Adjustments for items paid by seller in advance
106. City property taxes	406. City property taxes
107. County property taxes	407. County property taxes
108. Assessment Taxes	408. Assessment Taxes
109. School property taxes	409. School property taxes
110. Other taxes	410. Other taxes
111. Other taxes	411. Other taxes
112. Crop Expenses	412. Crop Expenses
113.	413.
114.	414.
115.	415.
116.	416.

120. Gross Amount Due From Borrower	420. Gross Amount Due to Seller
\$1,627,218.39	\$1,624,311.89

200. Amounts Paid By Or in Behalf Of Borrower	500. Reductions in Amount Due to Seller
201. Deposit or earnest money	501. Excess Deposit
202. Principal amount of new loan(s)	502. Settlement Charges to Seller (line 1400)
203. Existing loan(s) taken subject to	503. Existing Loan(s) Taken Subject to
204. Loan Amount 2nd Lien	504. Payoff of first mortgage loan
205.	505. Payoff of second mortgage loan
206.	506.
207.	507.
208.	508.
209.	509.

Adjustments for items unpaid by seller	Adjustments for items unpaid by seller
210. City property taxes	510. City property taxes
211. County property taxes	511. County property taxes
212. Assessment Taxes	512. Assessment Taxes
213. School property taxes	513. School property taxes
214. Other taxes	514. Other taxes
215. Other taxes	515. Other taxes
216.	516.
217.	517.
218.	518.
219.	519.

220. Total Paid By/For Borrower	520. Total Reduction Amount Due Seller
\$1,782,000.00	\$55,242.09

300. Cash At Settlement From/To Borrower	600. Cash At Settlement To/From Seller
301. Gross Amount due from borrower (line 120)	601. Gross Amount due to seller (line 420)
302. Less amounts paid by/for borrower (line 220)	602. Less reductions in amt. due seller (line 520)
303. Cash To Borrower	603. Cash To Seller
\$154,781.61	\$1,569,069.80

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services; • Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.

Section 4(a) of RESPA mandates that HUD develop and prescribe this standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper. The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information requested does not lend itself to confidentiality.

File Nos. 49373 & 49,374

File No. 2129459

L. Settlement Charges				Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
700. Total Sales/Broker's Commission based on price	\$1,620,000.00	4.2 %	= \$32,400.00		
Division of Commission (line 700) as follows:					
701. \$32,400.00	to	Horizon Farm & Ranch Realty			
702.	to				
703. Commission Paid at Settlement				\$0.00	\$32,400.00
800. Items Payable in Connection with Loan					
801. Loan Origination Fee %	to				
802. Loan Discount %	to				
803. Appraisal Fee	to	Frontier Farm Credit, F.L.C.A.		\$500.00	
804. Credit Report	to				
805. Lender's Inspection Fee	to				
806. Mortgage Insurance Application	to				
807. Assumption Fee	to				
900. Items Required by Lender To Be Paid In Advance					
901. Interest from 6/12/2015 to 7/1/2015 @ 5.0/day					
902. Mortgage Insurance Premium for months	to				
903. Hazard Insurance Premium for years	to				
1000. Reserves Deposited With Lender					
1001. Hazard insurance	months @		per month		
1002. Mortgage insurance	months @		per month		
1003. City property taxes	months @		per month		
1004. County property taxes	months @		per month		
1005. Assessment Taxes	months @		per month		
1006. School property taxes	months @		per month		
1007. Other taxes	months @		per month		
1008. Other taxes	months @		per month		
1011. Aggregate Adjustment					
1100. Title Charges					
1101. Settlement or closing fee	to	Security 1st Title, LLC		\$75.00	\$75.00
1102. Abstract or title search	to				
1103. Title examination	to				
1104. Title insurance binder	to				
1105. Document preparation	to				
1106. Notary fees	to				
1107. Attorney's fees	to				
(includes above items numbers)					
1108. Title insurance	to	Security 1st Title, LLC		\$1,752.50	\$1,752.50
(includes above items numbers)					
1109. Lender's coverage		\$1,620,000.00/\$435.00			
1110. Owner's coverage		\$1,620,000.00/\$3,505.00			
1111. Escrow fee	to				
1112. Work Fee-Owners	to				
1113. Work Fee-Lenders	to				
1114. Lenders Title	to	Security 1st Title, LLC		\$435.00	
1200. Government Recording and Transfer Charges					
1201. Recording Fees	Deed \$68.00, Mortgage \$76.00, Ret	to		\$144.00	
1202. City/county taxstamps	Deed ; Mortgage	to			
1203. State taxstamps	Deed ; Mortgage	to			
1300. Additional Settlement Charges					
1301. Survey	to	Gardner Surveying Service, P.A.			\$1,500.00
1302. Post Inspection	to				
1303. Advertising	to	Horizon Farm & Ranch Realty			\$19,514.59
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)				\$2,906.50	\$55,242.09

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a completed copy of pages 1 and 2 of this HUD-1 Settlement Statement.

Ryan K. Stutz
Ryan K. Stutz

Sarah R. Stutz
Sarah R. Stutz

Peggy Whitworth
Peggy Whitworth

David Merrill
David Merrill

Ann Woolverton
Ann Woolverton

SETTLEMENT AGENT CERTIFICATION

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused the funds to be disbursed in accordance with this statement.

Jessie Clemens 6-12-15
Settlement Agent Date

Warning: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see Title 18 U.S. Code Section 1001 and Section 1010.

Hemphill, Lloyd

From: Tietsort, Katie
Sent: Monday, August 31, 2015 1:27 PM
To: Kopp, Kenneth; Hemphill, Lloyd
Subject: RE: File Nos. 49373 & 49374 (Stirtz Farms)

I agree because technically the safe yield isn't met for (at least) the second file, so it should be clear.

Katie Tietsort, Water Commissioner

Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
FAX (785) 296-8298

Katie.Tietsort@kda.ks.gov
<http://agriculture.ks.gov/>

From: Kopp, Kenneth
Sent: Thursday, August 27, 2015 11:45 AM
To: Hemphill, Lloyd
Cc: Tietsort, Katie
Subject: RE: File Nos. 49373 & 49374 (Stirtz Farms)

I would probably begin with 60 days, since it involves test drilling. I would definitely document the safe yield issue in the letter returning the applications.

Ken

From: Hemphill, Lloyd
Sent: Thursday, August 27, 2015 11:35 AM
To: Kopp, Kenneth
Cc: Tietsort, Katie
Subject: File Nos. 49373 & 49374 (Stirtz Farms)

Ken,

These two new applications propose two wells that will irrigate the same place of use. They request a combined quantity of 345.6 AF but are limited by the available safe yield. According to my analysis, the first application has 313.71 AF available (by itself); the second application has 245 AF available (by itself); or the two wells can split 245 AF.

I spoke with Ryan Stirtz on the phone this morning and he requested time to test drill at the two proposed well locations. He would like to wait until crops are out this fall. There are no pending applications within 4 miles of either application, so these applications should not affect any other pending applications. Can I go ahead and give them time for test drilling? How much time should I give them?

Let me know if you have any questions.

Hemphill, Lloyd

From: Kopp, Kenneth
Sent: Wednesday, July 01, 2015 7:06 AM
To: Hemphill, Lloyd
Subject: RE: File Nos 49373 & 49374: Test hole logs

We definitely like to get a well log in most cases, but K.A.R. 5-3-4d gives us the flexibility to not require a log if we are confident about the source.

Ken

From: Hemphill, Lloyd
Sent: Tuesday, June 30, 2015 4:22 PM
To: Kopp, Kenneth
Subject: File Nos 49373 & 49374: Test hole logs

Ken,

These two applications are for proposed wells located near the Smoky Hill River. It is clear from topographic maps and geologic maps that these wells are located on the alluvial plain associated with the river. Can we approve these applications without requiring the applicant to submit test hole logs (like we do in the KS & MO River Basins)?

It looks like nearby File No. 48309 was approved without a test hole log.

Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
Lloyd.Hemphill@kda.ks.gov

Hemphill, Lloyd

From: Hemphill, Lloyd
Sent: Tuesday, June 30, 2015 10:36 AM
To: Philip, Charlotte
Subject: File No. 45458: Proposed Certificate

Charlotte,

As I mentioned on the phone, I am reviewing Application, File Nos. 49,373 & 49,374 (Originally applied for by Peggy Whitworth but now bought by Stirtz Farms c/o Ryan Stirtz). The two mile safe yield circle around these proposed wells includes File No. 45,458 for which a Certificate was proposed on April 29, 2015. The certification of this water right will affect the safe yield quantity of water available for appropriation by the two new applications.

Since the certification of File No. 45,458 will affect the approvable quantity for Application, File Nos. 49373 & 49374, can the process be expedited within a reasonable timeframe?

Let me know if you have any questions.

Thanks,
Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
Lloyd.Hemphill@kda.ks.gov


Kansas
Department of Agriculture
Division of Water Resources

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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

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

Sam Brownback, Governor

April 20, 2016

STIRTZ FARMS
% NED STIRTZ
1400 2200 AVE
ENTERPRISE KS 67441-9007

RE: Pending Application, File Nos. 49,373 & 49,374; &
Water Right, File No. 3,376

Dear Mr. Stirtz:

Per your request, I have enclosed forms that will dismiss existing Water Right, File No. 3,376 and pending application, File No. 49,374.

The dismissal of Water Right, File No. 3,376 will remove the partial overlap in place of use between this file and pending application, File No. 49,373. The authorized place of use for File No. 3,376 also includes land that, according to County records, is owned by Gregory C Huston, 1650 Indy Rd, Abilene, KS 67410. These forms must be signed by all owners and spouses (if applicable) or authorized representatives in the presence of a notary. If Mr. Huston has any questions about this dismissal he may contact me at the number below.

Application, File No. 49,374 is to be dismissed because no water is available in order to meet safe yield criteria following the approval of Application, File No. 49,373. The dismissal of application form does not need to be notarized.

In order to expedite processing, please return the forms directly to the Topeka Field Office at:

Division of Water Resources
Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619

If you have any questions, please contact me at (785) 296-8682. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Lloyd Hemphill
Environmental Scientist
Topeka Field Office



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

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

Sam Brownback, Governor

March 30, 2016

STIRTZ FARMS
% NED STIRTZ
1400 2200 AVE
ENTERPRISE KS 67441-9007

RE: Pending Application, File Nos. 49,373 & 49,374; &
Water Right, File No. 3,376

Dear Mr. Stirtz:

Following further review, it appears that a few items need to be resolved in order to continue processing the applications referenced above.

We have received your March 24, 2016 letter containing the results of the geophysical aquifer imaging study conducted by Hydro Resources Aquifer Imaging Group. This study identified a suitable well location to be the proposed point of diversion for Application, File No. 49,373.

The source of water for the pending applications appears to be the Smoky Hill River alluvium. A safe yield analysis has been conducted (per K.A.R. 5-3-11) for the revised location discussed above. The potential annual recharge was determined to be 2.98 inches and the extent of the alluvium for the area of consideration provides a total of 5,215 acres. The safe yield determination for File No. 49,373 is summarized below.

Safe Yield = Area of Consideration X Potential Annual Recharge	
5,215 acres X 2.98 inches = 15,540.7 acre-inches / 12 =	1,295.06 acre-feet
Prior appropriations within area of consideration =	<u>966.20 acre-feet</u>
Total quantity of water available =	328.86 acre-feet

In your March 24, 2016 letter you requested that all of the remaining quantity of water available for appropriation be applied to application, File No. 49,373. Therefore, the safe yield determination for File No. 49,374 is summarized below (after the approval of File No. 49,373).

Safe Yield = Area of Consideration X Potential Annual Recharge	
5,138 acres X 2.99 inches = 15,362.62 acre-inches / 12 =	1,280.22 acre-feet
Prior appropriations within area of consideration =	<u>1,364.06 acre-feet</u>
Total quantity of water available =	0 acre-feet

It will be recommended to the Chief Engineer that pending application, File No. 49,374 be denied and dismissed due to the failure to meet safe yield criteria; as required by K.A.R. 5-3-10 and K.A.R. 5-3-11 if no additional information is submitted to show why our evaluation should be reconsidered.

Additionally, Application, File No. 49,373 proposes to irrigate 288 acres of land which partially overlaps the authorized place of use for Water Right, File No. 3,376 which authorizes the appropriation of 69 acre-feet of surface water from the Smoky Hill River for irrigation of 243 acres.

Stirtz Farms

File Nos. 3,376; 49,373; & 49,374

Page 2 of 2

Application, File No. 49,373 does not appear to meet the requirements of K.A.R. 5-3-5n *Authorized Place of Use* which states, in part, that each approval of application shall describe the authorized place of use as either: land not authorized for beneficial use of water by any other water right or approval of application; or exactly the same land authorized for beneficial use of water by one or more prior water rights or approvals of applications. Although the regulation allows exceptions to the complete overlap in place of use requirement under certain conditions, your application does not appear to meet any of the criteria.

For the reason given above, it will be recommended to the Chief Engineer that the Application for Permit to Appropriate Water under File Nos. 49,373, be denied and dismissed due to the failure to comply with K.A.R. 5-3-5n *Authorized Place of Use* unless additional information or applications are provided. You may resolve the incomplete overlap in place of use by either (1) modifying the requested place of use for application, File No. 49,373; (2) filing an Application to Change the Place of Use for File No. 3,376; or (3) filing a Voluntary Waiver of Hearing and Dismissal of Water Right for File No. 3,376. In order for a change application to be approved for File No. 3,376, it will need to be established that this water right is not abandoned. Per K.S.A 82a-718, a water right shall be deemed abandoned and shall terminate when there is no lawful beneficial use of water made for five successive years, without due and sufficient cause. Based on our records, the last use of water under this water right occurred in 1986.

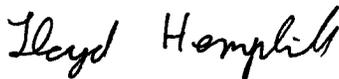
We are advising you of these recommendations in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until April 15, 2016**) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendations stated above. Any additional information that you submit within the 15 day period (or any authorized extension) will be given due consideration prior to final action on the application.

In order for the applications to retain its priority of filing, the required information must be returned to this office on or before **April 15, 2016**, or within any authorized extension of time.

If you have any questions, please contact me at (785) 296-8682. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Lloyd Hemphill
Environmental Scientist
Topeka Field Office


Kansas
Department of Agriculture
Division of Water Resources

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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 296-8298
www.agriculture.ks.gov
Sam Brownback, Governor

February 29, 2016

STIRTZ FARMS
% NED STIRTZ
1400 2200 AVE
ENTERPRISE KS 67441-9007

RE: Pending Application,
File Nos. 49,373 & 49,374

Dear Mr. Stirtz:

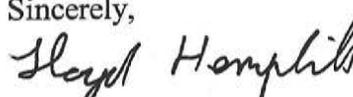
In response to your written request received in this office on February 24, 2016, the Chief Engineer is allowing an additional extension of time for thirty (30) days, in which to supply further information concerning the above referenced files. Based on my phone conversation with you and Ryan Stirtz on February 26, 2016, Hydro Resources from Tulsa, Oklahoma have begun an exploratory investigation to obtain the needed information. The original deadline to provide this information was November 1, 2015 and per your requests, this deadline was extended until February 29, 2016. With this third extension of time, the revised deadline is **March 30, 2016**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed this additional 30 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order for the application to retain its priority of filing, the requested information must be returned to this office on or before **March 30, 2016**, or within any authorized extension of time thereof. Failure to provide the requested information, within the time allowed, may constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 296-8682. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Lloyd Hemphill
Environmental Scientist
Topeka Field Office

SCANNED

February 16,2016

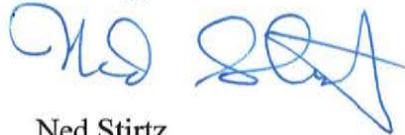
RE: Pending Application
File Nos.49,373 &49,374

Dear Mr. Hemphill:

In response to your letter dated on December 31, 2015, we are requesting additional extension of time of 60 days.

We have made contact with Hydro Resources at Tulsa, Oklahoma to look for water locations. As of this date, we have not heard from them.

Sincerely,



Ned Stirtz

Phone: (785) -263-2505

Stirtz Farms Inc.
1400 2200 Ave.
Enterprise, KS 67441

RECEIVED
FEB 24 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

SCANNED



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 296-8298
www.agriculture.ks.gov
Sam Brownback, Governor

December 31, 2015

STIRTZ FARMS
% NED STIRTZ
1400 2200 AVE
ENTERPRISE KS 67441-9007

RE: Pending Application,
File Nos. 49,373 & 49,374

Dear Mr. Stirtz:

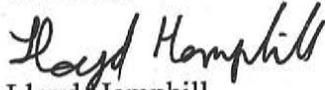
In response to your written request received in this office on December 21, 2015, the Chief Engineer is allowing an additional extension of time for sixty (60) days, in which to supply further information concerning the above referenced files. The original deadline to provide this information was November 1, 2015 and per your request, this deadline was extended until December 31, 2015. With this second extension of time, the revised deadline is **February 29, 2016**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed this additional 60 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Because 180 days have already been granted to provide information, such a request must be accompanied by substantial justification for additional time. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order for the application to retain its priority of filing, the requested information must be returned to this office on or before **February 29, 2016**, or within any authorized extension of time thereof. Failure to provide the requested information, within the time allowed, may constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 296-8682. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,


Lloyd Hemphill
Environmental Scientist
Topeka Field Office

SCANNED

Stirtz Farms Inc.
1400 2200 Ave.
Enterprise, KS 67441

December 15, 2015

RE: Pending Application
File Nos: 49373 & 49374

Dear Mr. Hemphill,

In response to your letter on October 28, 2015, we are requesting additional extension of time of 60 days. We have made contact with Hydro Resources at Tulsa, Oklahoma to look for water locations. As of this date, we have not heard from them.

Sincerely,



Phone: 785-263-2505

RECEIVED
DEC 21 2015
Topeka Field Office
DIVISION OF WATER RESOURCES

SCANNED



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

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

Sam Brownback, Governor

October 28, 2015

STIRTZ FARMS
% NED STIRTZ
1400 2200 AVE
ENTERPRISE KS 67441-9007

RE: Pending Application,
File Nos. 49,373 & 49,374

Dear Mr. Stirtz:

In response to your written request received in this office on October 26, 2015, the Chief Engineer is allowing an additional extension of time for sixty (60) days, in which to supply further information concerning the above referenced file. In our letter to you dated September 1, 2015, we had requested the information be returned by November 1, 2015. With this extension of time, the revised deadline is **December 31, 2015**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed this additional 60 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Because 120 days have already been granted to provide information, such a request must be accompanied by substantial justification for additional time. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order for the application to retain its priority of filing, the requested information must be returned to this office on or before **December 31, 2015**, or within any authorized extension of time thereof. Failure to provide the requested information, within the time allowed, may constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 296-8682. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Lloyd Hemphill".

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

SCANNED

Stirtz Farms Inc.
1400 2200 Ave.
Enterprise, Ks. 67441

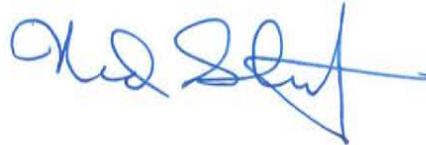
October 21, 2015

RE: Pending Application
File Nos. 49,373 & 49374

Dear Mr. Hemphill:

In response to your letter September 1, 2015, we are requesting additional time of 60 days to complete test hole drilling as two thirds of the crops are still out in the field.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ald Stirtz", with a long horizontal stroke extending to the right.

Phone number: (785) 263-2505

RECEIVED
OCT 26 2015
Topeka Field Office
DIVISION OF WATER RESOURCES



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

September 1, 2015

STIRTZ FARMS
% RYAN STIRTZ
1400 2200 AVE
ENTERPRISE KS 67441-9007

RE: Pending Application,
File Nos. 49,373 & 49,374

Dear Mr. Stirtz:

I have conducted a preliminary review of your applications referenced above received on April 23, 2015. The proposed points of diversion for these applications are located as follows:

File No. 49,373

One well in Lot 6 in Section 24, more particularly described as being near a point located 835 feet North and 1,825 feet West of the Southeast corner of said section, and

File No. 49,374

One well in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point located 5,230 feet North and 4,235 feet West of the Southeast corner of said section,

both in Township 13 South, Range 2 East, in Dickinson County, KS.

These applications are requesting to appropriate a combined quantity of 345.6 acre-feet of groundwater for irrigation use. Based on these proposed points of diversion, the safe yield quantity of water for the first application (File No. 49,373) is 1,279.91 acre-feet; and with 966.2 acre-feet of water already appropriated, there **remains 313.71 acre-feet of water available** for appropriation. The safe yield quantity of water for the second application (File No. 49,374) is 1,280.22 acre-feet; and with 1,348.91 acre-feet of water already appropriated (Assuming 313.71 AF for File No. 49,373), there is **no remaining water** for appropriation.

Alternatively, a quantity of water of 245 acre-feet is available for Application, File No. 49,374 (if the other application is dismissed) or a quantity of 245 acre-feet is available if shared by both wells.

In our telephone conversation on August 27, 2015, you requested additional time to complete test hole drilling to determine your best option given the limited safe yield at the proposed well locations. You will complete test hole drilling after crops are harvested this fall. In response to your request, you have a period of sixty (60) days from the date of this letter (**until November 1, 2015**), in which to supply further information concerning the above referenced file.

SCANNED

Stirtz Farms

File Nos. 49,373 & 49,374

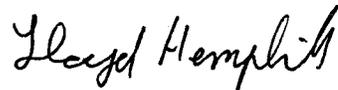
Page 2 of 2

If you wish to request additional time, you must do so **in writing**, before the 60 day period expires. Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed this additional 60 days. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order for the application to retain its priority of filing, the required information must be returned to this office on or before **November 1, 2015**, or within any authorized extension of time.

If you have any questions, please contact me at (785) 296-8682. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Lloyd Hemphill
Environmental Scientist
Topeka Field Office



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

July 2, 2015

JEN-DA MANAGEMENT INC
LINDA L ELLISON - PRESIDENT
407 COUNTRY CLUB RD
SALINA KS 67401

Re: Application,
File Nos. 49,373 & 49,374

Dear Madam:

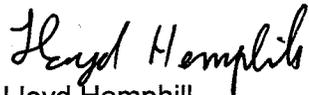
This is to advise you that Stirtz Farms has filed the applications referenced above for permits to appropriate 345.6 acre-feet of water per calendar year for irrigation use to be diverted at an individual maximum rate of 1,000 gallons per minute. The proposed wells are located as follows:

One well in Lot 6 of Section 24 and one well in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), of Section 25; both in Township 13 South, Range 2 East, Dickinson County, Kansas.

A map is enclosed indicating the location of the proposed points of diversion. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (785) 296-8682. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

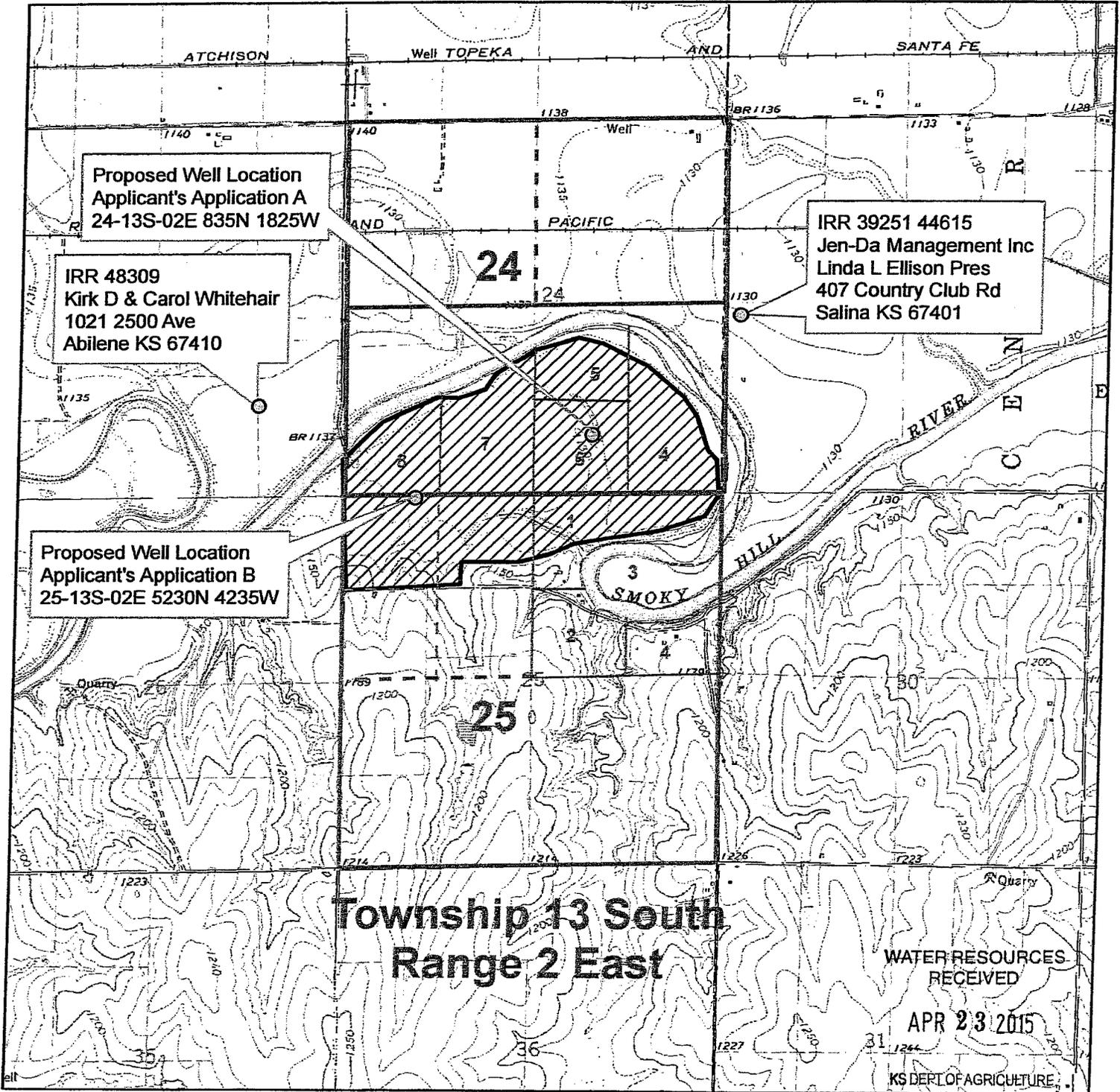

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

LHH
pc: Stirtz Farms

SCANNED

Peggy Whitworth Applications to Appropriate Water For Irrigation Use

File No. 49373



Proposed Place of Use 288 ac



Well Locations

1:24,000





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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

July 2, 2015

KIRK D & CAROL WHITEHAIR
1021 2500 AVE
ABILENE KS 67410

Re: Application,
File Nos. 49,373 & 49,374

Dear Sir and Madam:

This is to advise you that Stirtz Farms has filed the applications referenced above for permits to appropriate 345.6 acre-feet of water per calendar year for irrigation use to be diverted at an individual maximum rate of 1,000 gallons per minute. The proposed wells are located as follows:

One well in Lot 6 of Section 24 and one well in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), of Section 25; both in Township 13 South, Range 2 East, Dickinson County, Kansas.

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If you have any questions or comments, you may also contact me at (785) 296-8682. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

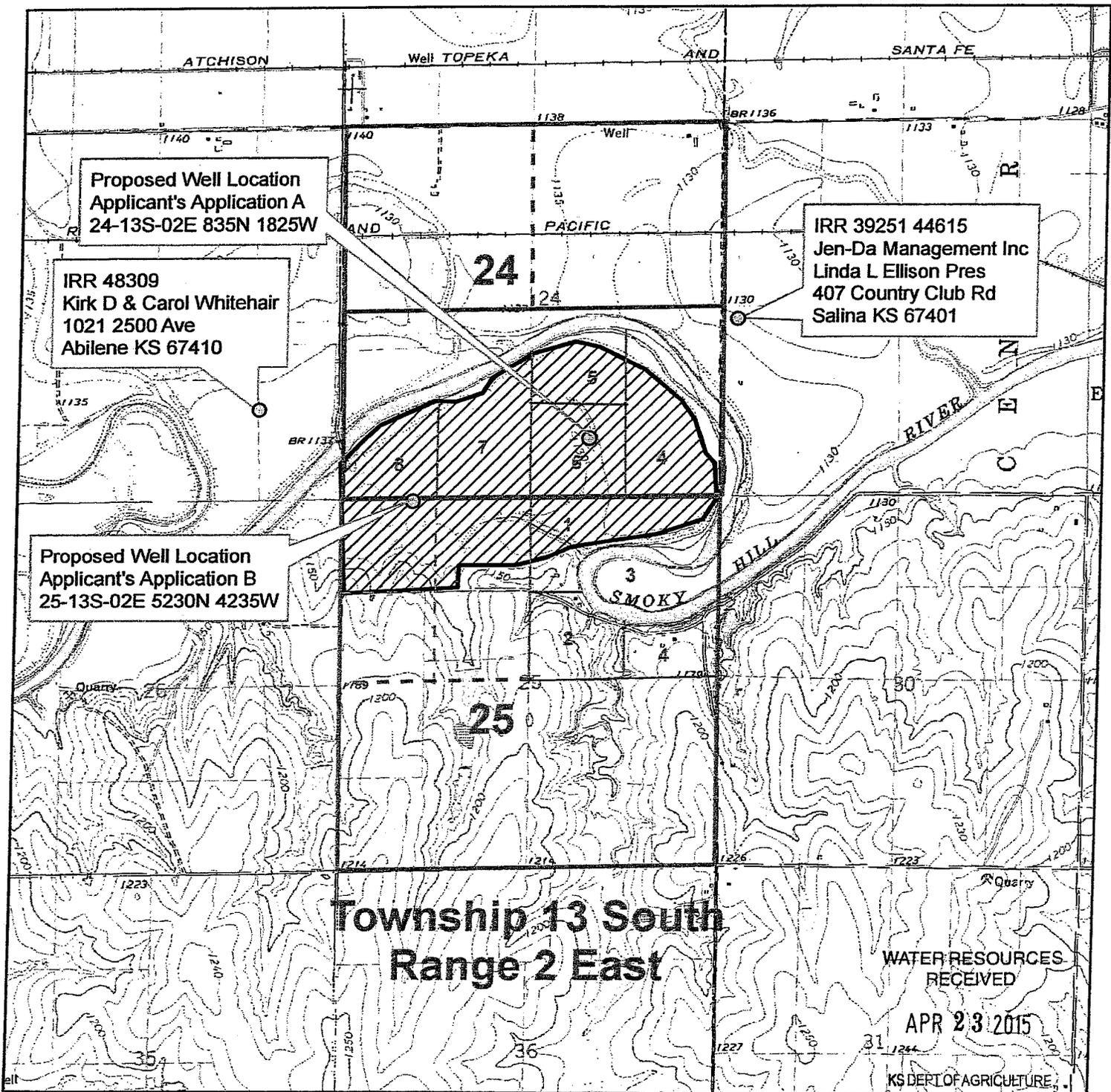
A handwritten signature in cursive script that reads "Lloyd Hemphill".

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

LHH
pc: Stirtz Farms

Peggy Whitworth Applications to Appropriate Water For Irrigation Use

File No. 49373



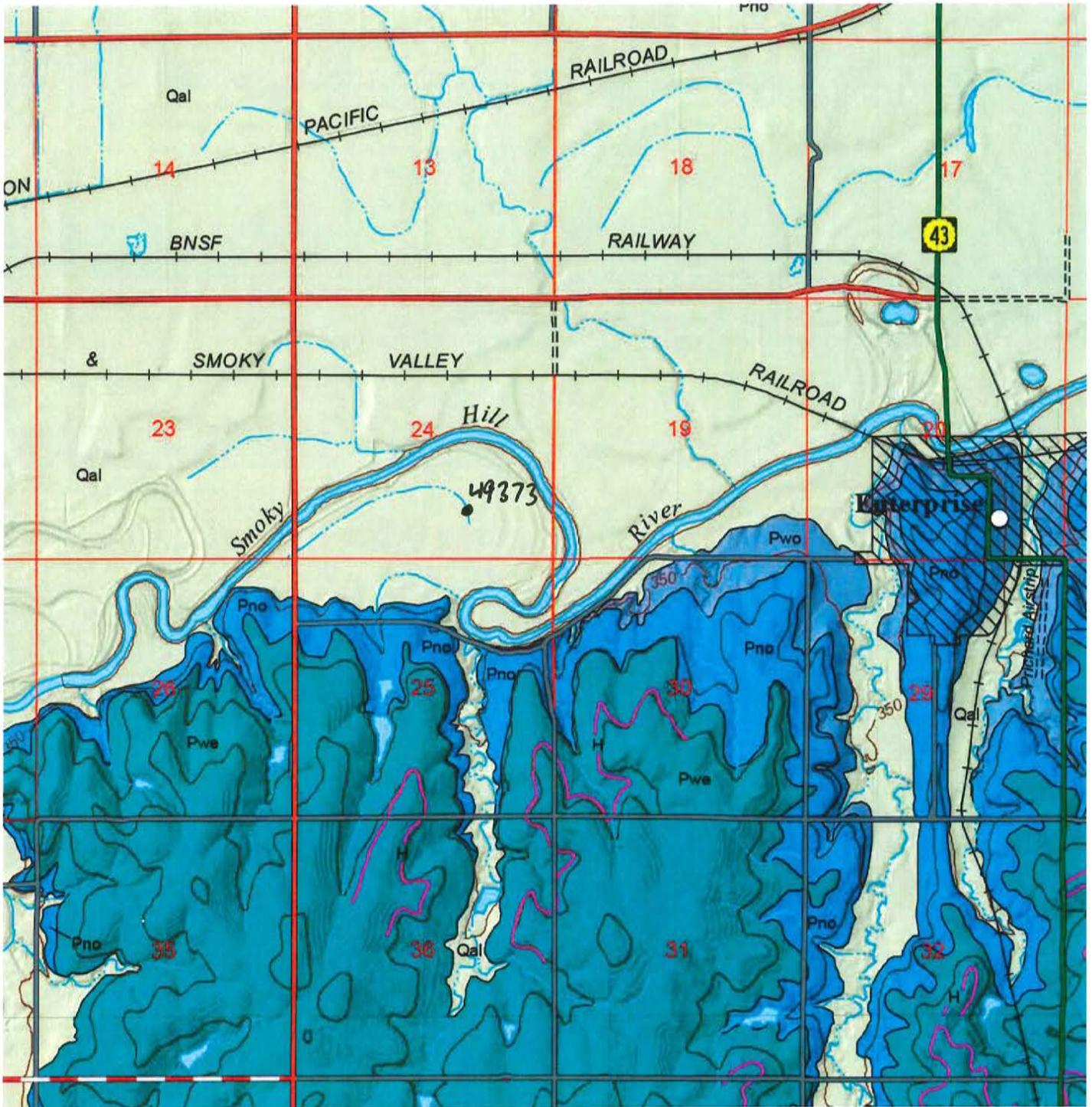
Proposed Place of Use 288 ac



Well Locations

1:24,000



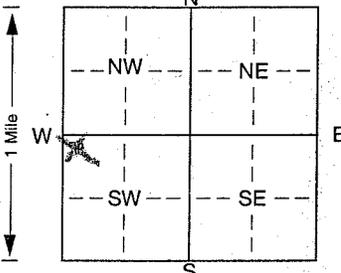


Cenozoic		Mesozoic	
Quaternary		Cretaceous	
Qal	Alluvium and terrace valley fill	Kd	Dakota Fm
Qds	Eolian sand dunes	Kk	Kiowa Fm
Qpt	Terraces		
Paleozoic			
Permian		Chase Gp	
Pwe	Wellington Fm	Pno	Nolans Ls
	Carlton Ls Mbr	Pwo	Ocell Sh
	Hollenberg Ls Mbr		Winfield Ls
		Pd	Doyle Sh
			Towanda Ls Mbr
		Pb	Garreston Ls

LOCATION OF WATER WELL: Fraction NW 1/4 NW 1/4 SW 1/4 Section Number 19 Township Number T 13 S Range Number R 3 EW
 County: Dickinson

Distance and direction from nearest town or city street address of well if located within city? 5 miles East & 1/2 mile South of Abilene, KS **Well near File No. 49,373**

2 WATER WELL OWNER: Jen-DA Management,
 RR#, St. Address, Box # : 407 Country Club Rd.
 City, State, ZIP Code : Salina, KS 67401
 Board of Agriculture, Division of Water Resources
 Application Number: 39,251

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

 4 DEPTH OF COMPLETED WELL: 40 ft. ELEVATION: ft.
 Depth(s) Groundwater Encountered 1. ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL: 18 ft. below land surface measured on mo/day/yr 5/2/01
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield 300-400 gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter: 30 in. to 40 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)
X Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes. No. X ; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes X No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped.
X PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded
 Blank casing diameter: 16 in. to 20 ft., Dia. in. to ft., Dia. in. to ft.
 Casing height above land surface: 12 in., weight 16.15 lbs./ft. Wall thickness or gauge No. .500
 TYPE OF SCREEN OR PERFORATION MATERIAL: X PVC 10 Asbestos-cement
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify)
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 3 Mill slot 6 Wire wrapped 9 Drilled holes
 4 Key punched 7 Torch cut 10 Other (specify) ft.
 SCREEN-PERFORATED INTERVALS: From 20 ft. to 40 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From 20 ft. to 40 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement X Cement grout 3 Bentonite 4 Other
 Grout Intervals: From 0 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)
 **Irrigation well**
 Direction from well? North How many feet? 520

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	3	Topsoil			
3	19	Clay, tan			
19	27	Clay, gray with wood chips			
27	40	Sand & gravel, coarse, gray			
40		Limestone Rock			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 5/4/01 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's Licence No. 138 This Water Well Record was completed on (mo/day/yr) 5/17/01 under the business name of Peterson Irrigation, Inc. by (signature) Michael Peterson

APPLICATION FILE NO: 49373

Assigned to Topeka Field Office for processing.

Date: 6/3/2015

APR 23 2015
12:25pm
KS DEPT OF AGRICULTURE



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,373
This item to be completed by the Division of Water Resources.

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Dr., Manhattan, KS 66502:

1. Name of Applicant (Please Print): PEGGY WHITWORTH [PID 53119] [APPLICATION "A"]
Address: 411 CHARLES RD 2491 EDEN RD LOT 36
City: ABILENE State KS Zip Code 67410 7005
Telephone Number: (785) 263-3784 785-479-1677

2. The source of water is: surface water in _____ (stream)
OR groundwater in SMOKY HILL RIVER BASIN (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. *345.6 AF total between two applications. Limit the junior priority.

3. The maximum quantity of water desired is 345.6* acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 GPM gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):

- (a) Artificial Recharge
- (b) Irrigation
- (c) Recreational
- (d) Water Power
- (e) Industrial
- (f) Municipal
- (g) Stockwatering
- (h) Sediment Control
- (i) Domestic
- (j) Dewatering
- (k) Hydraulic Dredging
- (l) Fire Protection
- (m) Thermal Exchange
- (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:

F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County DK By KAG Date 4-23-15
Code RE3 Fee \$ 320 TR # 15 04 3341 Receipt Date 4-23-15 Check # 446

of 640

4/29/2015 WLM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the LOT 6 quarter of the _____ quarter of the _____ quarter of Section 24, more particularly described as being near a point 835 feet North and 1825 feet West of the Southeast corner of said section, in Township 13 South, Range 02 East, DICKINSON County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

MILDRED MERRILL LIFE EST PEGGY WHITWORTH

(name, address and telephone number)

411 CHARLES RD 503 NE 12TH ABILENE KS 67410-1813 785-263-3784 785-479-1677

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 23, 2015. Peggy A. Whitworth
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of ONE WELL, PUMP, AND MOTOR
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) 7/1/16
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 7/1/16
(Month/Day/Year)

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- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here N/A
- If no, explain here why a Water Structures permit is not required N/A

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

THE APPLICANT IS SUBMITTING TWO APPLICATIONS FOR THIS ONE PLACE OF USE
SURFACE FILE NO. 3376 SHARES A PARTIAL OVERLAP WITH THE LAND DESCRIBED IN THESE
APPLIACTIONS. FINAL DECISION ON WHAT TO DO WITH THIS OVERLAPPING FILE WILL DEPEND
ON SEVERAL THINGS INCLUDING THE APPROVABILITY OF THESE APPLICATIONS, TEST DRILLING
ETC. THE APPLICANT WILL ADDRESS THE OVERLAP PRIOR TO APPROVAL OF THESE APPS.

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

AGENT
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

MILDRED MERRILL LIFE EST PEGGY WHITWORTH
(name, address and telephone number)

411 Charles Rd 503 NE 12TH ABILENE KS 67410-1813 785-263-3784 *785-479-1677
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at MANHATTAN, Kansas, this 23RD day of April, 2015.
(month) (year)

Peggy A. Whitworth
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by mccabe

tfo/es
(office/title)

Date: 4/17/15

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): PEGGY WHITWORTH

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof.

Landowner of Record NAME: MILDRED MERRILL LIFE EST PEGGY WHITWORTH
411 CHARLES RD Abilene, KS 67410-1813
 ADDRESS: 503 NE 12TH ABILENE KS 67410-1813

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
24	13 S	2 E												L-7 7.8		L-8 30.5	L-7 40	L-4 6.9	L-5 23.7	L-6 40	L-4 32.7	181.6
25	13 S	2 E	L-1 12.5	L-1 22.2				31.7	40					N			2	N	N		7.7	106.4
			2.5																			288

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL					
			NE	NW	SW	SE																		

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL						
			NE	NW	SW	SE																			

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

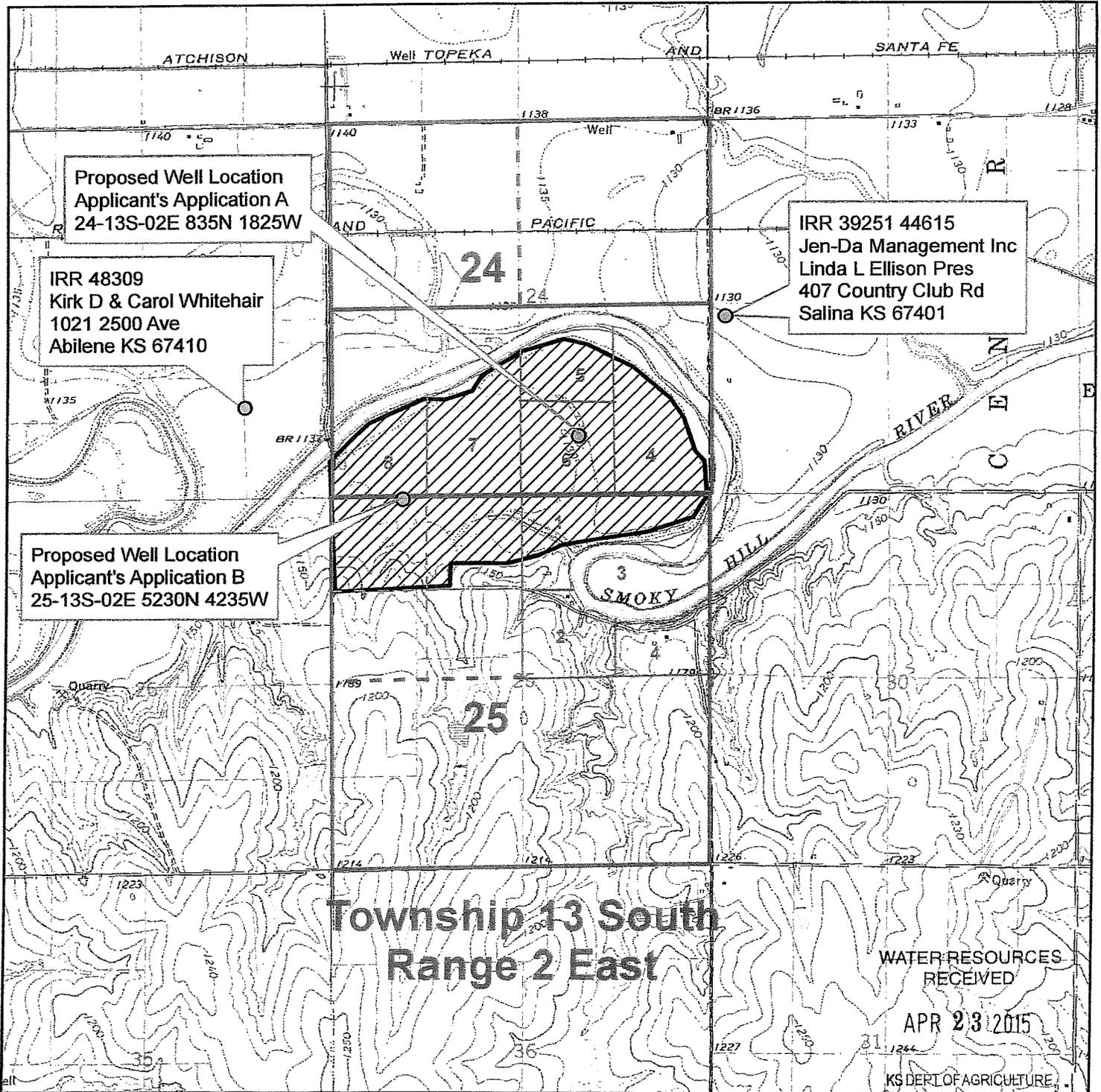
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Page 2 of 2

APR 23 2015

Peggy Whitworth Applications to Appropriate Water For Irrigation Use



All wells of every kind within 1/2 mile of the proposed well have been plotted and identified.



Proposed Place of Use 288 ac



Well Locations

1:24,000



Peggy A. Whitworth
Signature

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

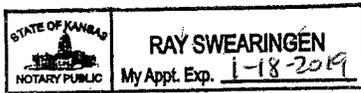
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Peggy A. Whitworth
Signature of Applicant

State of Kansas)
County of Dickinson) ss
)

Peggy A. Whitworth
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 23rd day of APRIL, 2015.



[Signature]
Notary Public

My Commission Expires:
1-18-2019

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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

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APR 23 2015

KS DEPT OF AGRICULTURE

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

APR 23 2015

KS DEPT OF AGRICULTURE

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 49373

APPLICANT

PDIV ID

BATTERY ID

PERSON ID & SEQ #

84292

53119

1

LANDOWNER

PUSE ID

PERSON ID & SEQ #

27306

53127

1

23269

WATER USE CORRESPONDENT

PERSON ID & SEQ #

53127

1

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

April 28, 2015

PEGGY WHITWORTH
411 CHARLES RD
ABILENE KS 67410

RE: Application
File No. 49373

Dear Sir or Madam:

Your application for permit to appropriate water in 24-13S-02E In Dickinson County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent Turney, L.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD