

**KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources**

M E M O R A N D U M

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 Tietzsort, 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



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,374**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on April 23, 2015, the Chief Engineer received an application from Peggy Whitworth for permit to appropriate groundwater for beneficial use, assigned File No. 49,374, proposing the appropriation of 345.6 acre-feet of water, at a maximum requested diversion rate of 1,000 gallons per minute, for irrigation use. The application proposed one well located in the Northeast 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 5,230 feet North and 4,235 feet West of the Southeast corner of said section, in Township 13 South, Range 2 East, Dickinson County, Kansas.
2. That on June 22, 2015, a Settlement Statement was received documenting that the property comprising the proposed place of use was purchased by Ryan K. Stirtz and Sarah R Stirtz from Peggy Whitworth and the Mildred Merrill Life Estate.
3. That the source of water for the pending application is the Smoky Hill River Alluvium based on a geophysical study provided with the application, nearby WWC-5 well records, and topographic and geologic maps. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11.
4. That based on the area of consideration (extent of the unconfined aquifer), the calculated recharge, and the percent of the calculated recharge that can be considered to be available for appropriation, safe yield was determined to be 1,280.22 acre-feet. Prior appropriations within this same area of consideration have appropriated 1,364.06 acre-feet, leaving no additional water available for appropriation.
5. That on September 1, 2015, a letter was mailed to the applicant stating that the application did not comply with the safe yield requirements of K.A.R. 5-3-11. The applicant was provided 60 days, until November 1, 2015 to either submit additional information to our office or request additional time, prior to final action on the application. The applicant made subsequent requests for additional time and the applicant was provided until March 30, 2016 to provide information.
6. That the applicant agreed to voluntarily dismiss the pending application, and a "Voluntary Dismissal of an Application for Permit to Appropriate Water" form signed by the applicant was received in the office of the Chief Engineer on May 20, 2016.
7. That the application should be dismissed and its priority forfeited as voluntarily requested by the applicant.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,374, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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

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

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

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 1st day of July, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of July, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

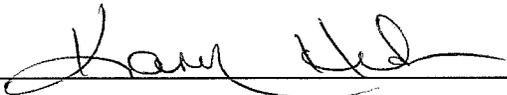
CERTIFICATE OF SERVICE

On this ^{1st} day of July, 2016, I hereby certify that the foregoing Dismissal of Application, File No. 49,374, 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

File No. 49,374	15. Formation Code:	Drainage Basin:	County:	Special Use:	Stream:																																																																																																																														
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21. Place of Use MOD <input checked="" type="checkbox"/> DEL ENT PUSE S T R ID <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="3">NE 1/4</th> <th colspan="3">NW 1/4</th> <th colspan="3">SW 1/4</th> <th colspan="3">SE 1/4</th> <th rowspan="2">Total</th> <th rowspan="2">Owner</th> <th rowspan="2">Chg?</th> <th rowspan="2">NO</th> <th rowspan="2">Overlap Files</th> </tr> <tr> <th>NE 1/4</th> <th>SW 1/4</th> <th>SE 1/4</th> <th>NW 1/4</th> <th>SW 1/4</th> <th>SE 1/4</th> <th>NW 1/4</th> <th>SW 1/4</th> <th>SE 1/4</th> <th>NW 1/4</th> <th>SW 1/4</th> <th>SE 1/4</th> </tr> </thead> <tbody> <tr> <td>DEL 27306 24 13S 2E 2</td> <td></td> </tr> <tr> <td>DEL 23269 25 13S 2E 1</td> <td>L-1 12.5</td> <td>L-1 22.2</td> <td></td> <td>31.7</td> <td>40</td> <td></td> <td></td> <td></td> <td></td> <td>L-7 7.8</td> <td>L-4 6.9</td> <td>L-5 23.7</td> <td>L-6 40</td> <td>L-4 32.7</td> <td>181.6</td> <td>7b.</td> <td>49373</td> </tr> <tr> <td></td> <td>106.4</td> <td>7b.</td> <td>49373</td> </tr> <tr> <td></td> </tr> <tr> <td></td> </tr> <tr> <td colspan="6">Comments:</td> </tr> </tbody></table>							NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total	Owner	Chg?	NO	Overlap Files	NE 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	DEL 27306 24 13S 2E 2																		DEL 23269 25 13S 2E 1	L-1 12.5	L-1 22.2		31.7	40					L-7 7.8	L-4 6.9	L-5 23.7	L-6 40	L-4 32.7	181.6	7b.	49373																106.4	7b.	49373																																					Comments:					
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Voluntary Dismissal of an Application for Permit to Appropriate Water

RECEIVED

MAY 20 2016

Topeka Field Office
DIVISION OF WATER RESOURCES

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

5-17-16
(Date)

RE: Application File No. 49,374

Chief Engineer:

I am submitting this statement in regard to Application for Permit to Appropriate Water, File No. 49,374. I am (We are) the applicant(s) who filed this application. I (We) now wish to voluntarily withdraw that application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application File No. 49,374.

Sincerely,

Ryan Stintz
(Applicant)
1714 NW 4th St
(Mailing Address)
Abilene KS 67410
(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

APPLICATION FILE NO: 49374

Assigned to Topeka Field Office for processing.

Date: 6/3/2015

APPLICATION COMPLETE
05/20/16
Reviewer LHM/TFO



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,374
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED
APR 23 2015
12:26pm
KS DEPT OF AGRICULTURE

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.)

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

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

* Stirtz Farms % Ryan Stirtz

1. Name of Applicant (Please Print): PEGGY WHITWORTH [PID 53119] [APPLICATION "B"]

Address: ~~411 Charles Rd~~ 2191 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 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.	<u>1</u>	GMD	<input checked="" type="checkbox"/>	Meets K.A.R. 5-3-1 (YES / NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>DK</u>	By	<u>KAG</u>	Date	<u>4-23-15</u>
Code	<u>RE3</u>	Fee \$	<u>320</u>	TR #	<u>1509349</u>	Receipt Date	<u>4-23-15</u>	Check #	<u>446</u>					

DWR 1-100 (Revised 02/12/2014) 4/29/2015 LHM

SCANNED

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 NE quarter of the NW quarter of the NW quarter of Section 25, more particularly described as being near a point 5230 feet North and 4235 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
MILDRED MERRILL LIFE EST PEGGY WHITWORTH 1714 NW 4th St
(name, address and telephone number) Abilene KS 67410

411 Charles Rd 503 NE 42TH 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)

WATER RESOURCES RECEIVED

APR 23 2015

SCANNED

KS DEPT OF AGRICULTURE

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.

WATER RESOURCES
RECEIVED

APR 23 2015

SCANNED

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)
~~#11 Charles Rd Abilene, KS 785-478-1677~~
503 NE 12TH ABILENE KS 67410-1813 785-263-3784
(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)

WATER RESOURCES
RECEIVED

APR 23 2015

SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

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

File No. 49,374

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~~ * Ryan K & Sarah R Stirtz
~~411 CHARLES RD~~ 1714 NW 4th St
 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											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																	

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).

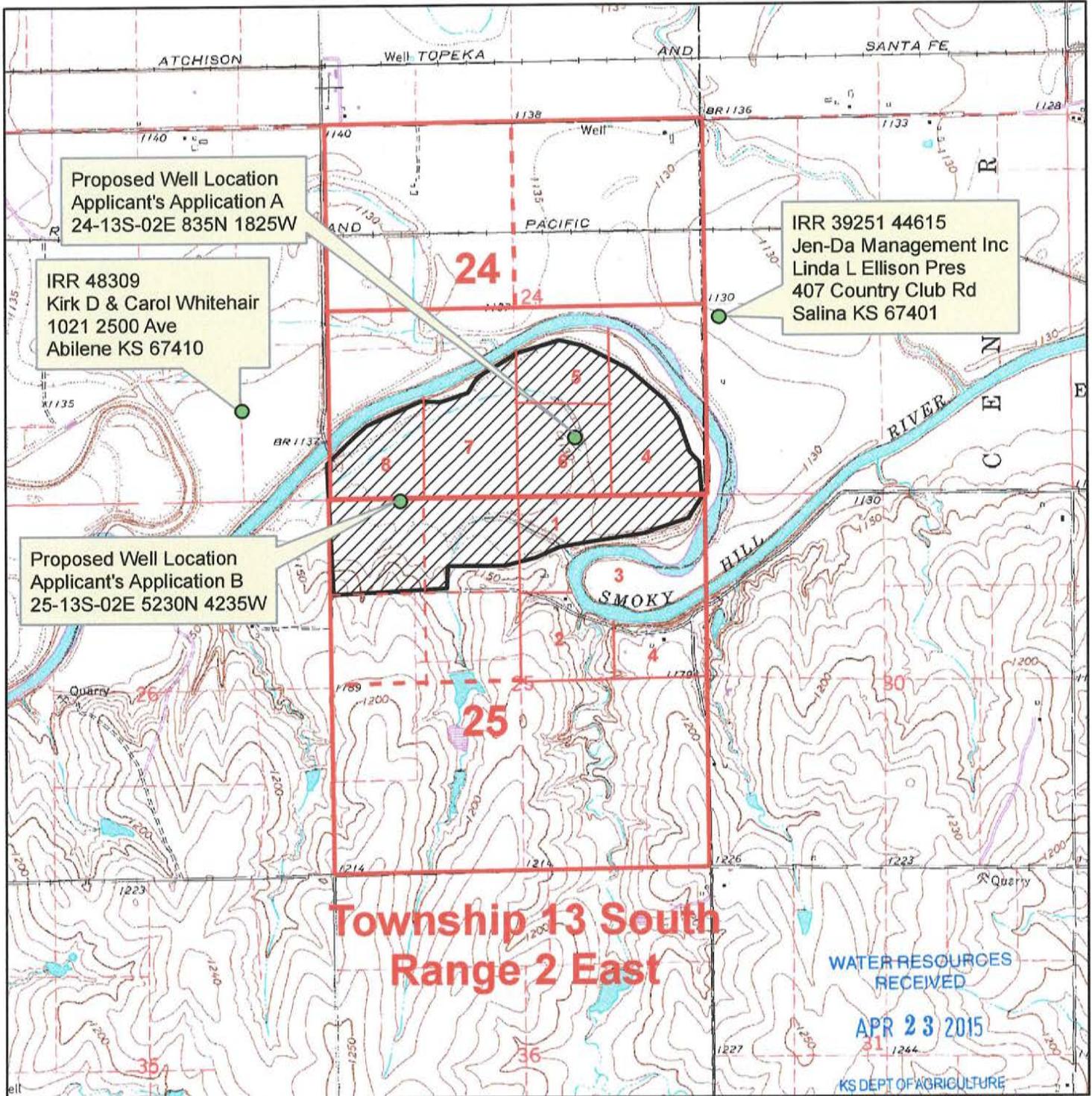
You may attach any additional information you believe will assist in informing the Division of the need for your request.

WATER RESOURCES
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 Page 2 of 2
 APR 23 2015

SCANNED

Peggy Whitworth Applications to Appropriate Water For Irrigation Use

File No. 49,374



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

SCANNED



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. 49,374

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 23 day of April, 2015.



[Signature]
Notary Public

My Commission Expires:
1-18-2019

WATER RESOURCES
RECEIVED

APR 23 2015

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 Call 479-1163

Ned Stirtz Call 263 5538

Home 263-2505

Received
on
June 22, 2015

SCANNED

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 Place of Settlement Security 1st Title, LLC PO Box 503, 209 NW 15th Abilene, KS 67410	I. Settlement Date 6/12/2015 Fund: 6/12/2015
--	--	--

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	\$1,620,000.00	401. Contract Sales Price	\$1,620,000.00
102. Personal Property		402. Personal Property	
103. Settlement Charges to borrower	\$2,906.50	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	JUN 22 2015
107. County property taxes		407. County property taxes	Topeka Field Office
108. Assessment Taxes		408. Assessment Taxes	DIVISION OF WATER RESOURCES
109. School property taxes		409. School property taxes	
110. Other taxes		410. Other taxes	
111. Other taxes		411. Other taxes	
112. Crop Expenses	\$4,311.89	412. Crop Expenses	\$4,311.89
113.		413.	
114.		414.	
115.		415.	
116.		416.	
120. Gross Amount Due From Borrower	\$1,627,218.39	420. Gross Amount Due to Seller	\$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	\$162,000.00	501. Excess Deposit	

SCANNED

File Nos. 49,373 & 49,374

File No. 2129459

L. Settlement Charges			Paid From	Paid From
700. Total Sales/Broker's Commission based on price			Borrower's	Seller's
Division of Commission (line 700) as follows:			Funds at	Funds at
			Settlement	Settlement
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 Discounl %	to		
803.	Appraisal Fee	to Frontier Farm Credit, FLCA	\$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 @ 50/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-Owner	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 tax/stamps	Deed, Mortgage to		
1300.	Additional Settlement Charges			
1301.	Survey	to Garber Surveying Service, P.A.		\$1,500.00
1302.	Pest 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.

[Handwritten signature]

File No. 49,374

RECEIVED

MAR 28 2016

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

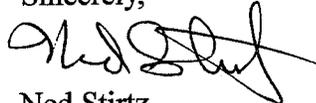
March 24, 2016

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

RECEIVED
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.

RECEIVED

MAR 28 2016

Topeka Field Office
DIVISION OF WATER RESOURCES

File No. 49,374

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. 419,374

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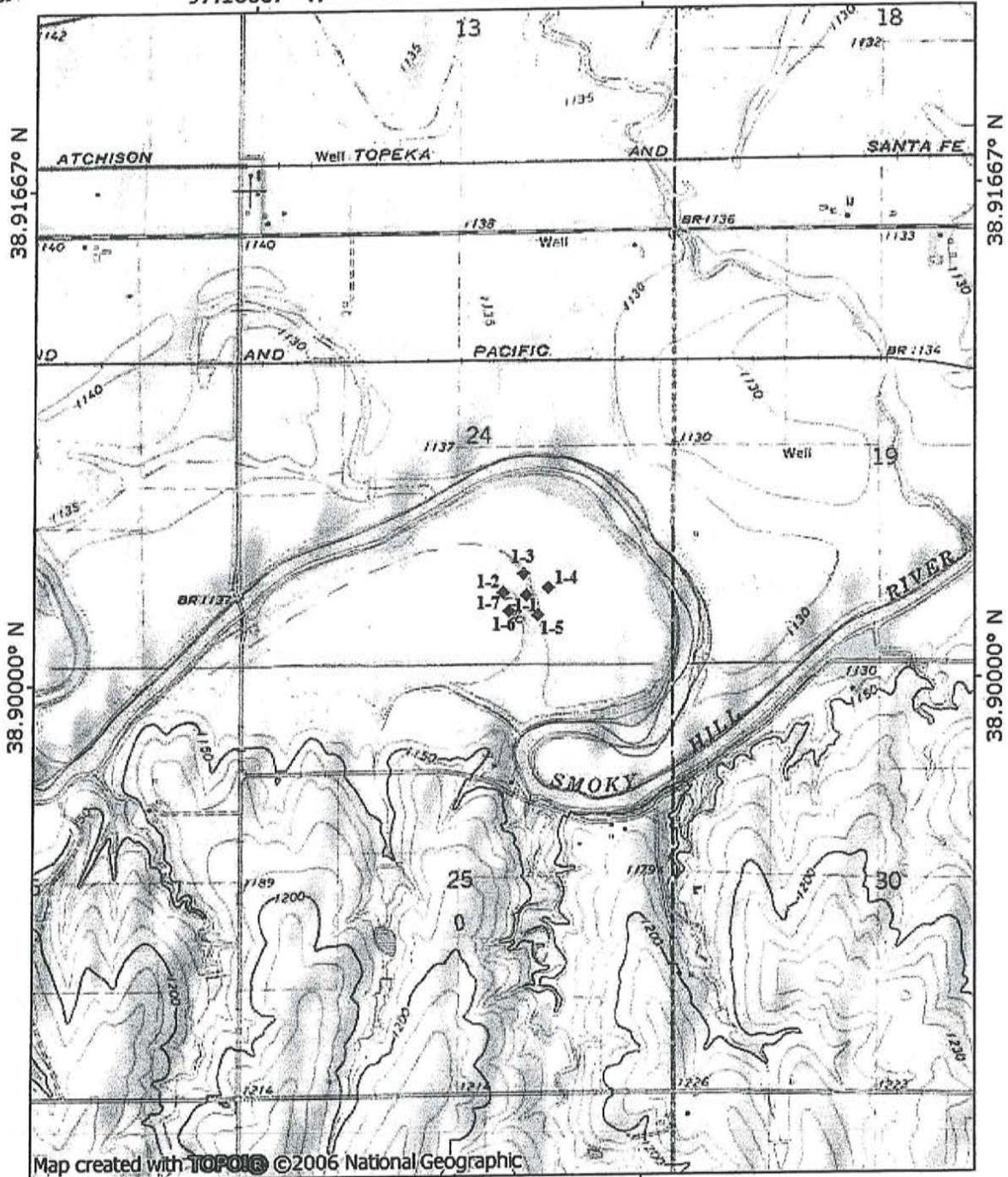
MAR 28 2016

Ryan Stutz Field Office
DIVISION OF WATER RESOURCES

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

97.16667° W

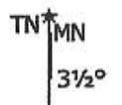
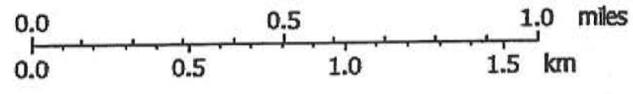
WGS84 97.15000° W



Map created with TOPO! ©2006 National Geographic

97.16667° W

WGS84 97.15000° W



03/04/16

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



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

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

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

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,

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

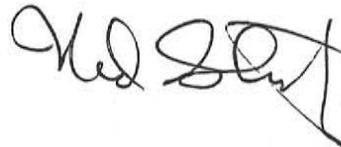
December 15, 2015

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


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

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:

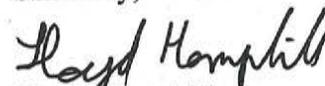
In response to your written request received in this office on December 21, 2015, the Chief Engineer is allowing an additional extension of time for sixty (60) days, in which to supply further information concerning the above referenced files. The original deadline to provide this information was November 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


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

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:

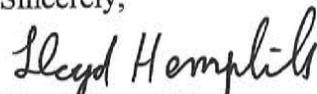
In response to your written request received in this office on October 26, 2015, the Chief Engineer is allowing an additional extension of time for sixty (60) days, in which to supply further information concerning the above referenced file. In our letter to you dated September 1, 2015, we had requested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


Lloyd Hemphill
Environmental Scientist
Topeka Field Office

SCANNED



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietz, 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:

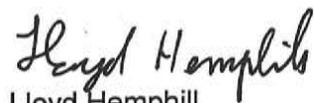
This is to advise you that Stirtz Farms has filed the applications referenced above for permits to appropriate 345.6 acre-feet of water per calendar year for irrigation use to be diverted at an individual maximum rate of 1,000 gallons per minute. The proposed wells are located as follows:

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,

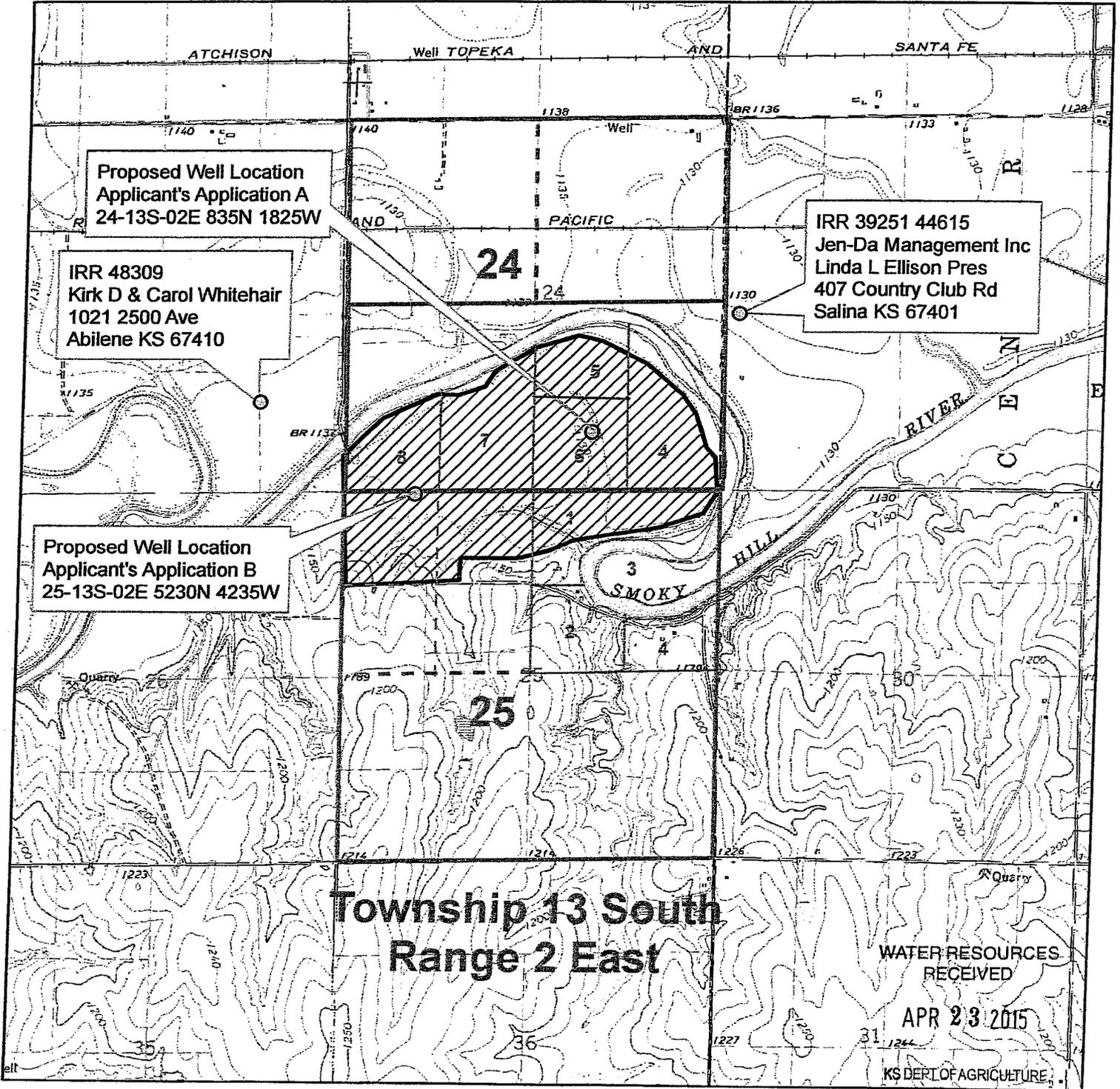

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

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.

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,

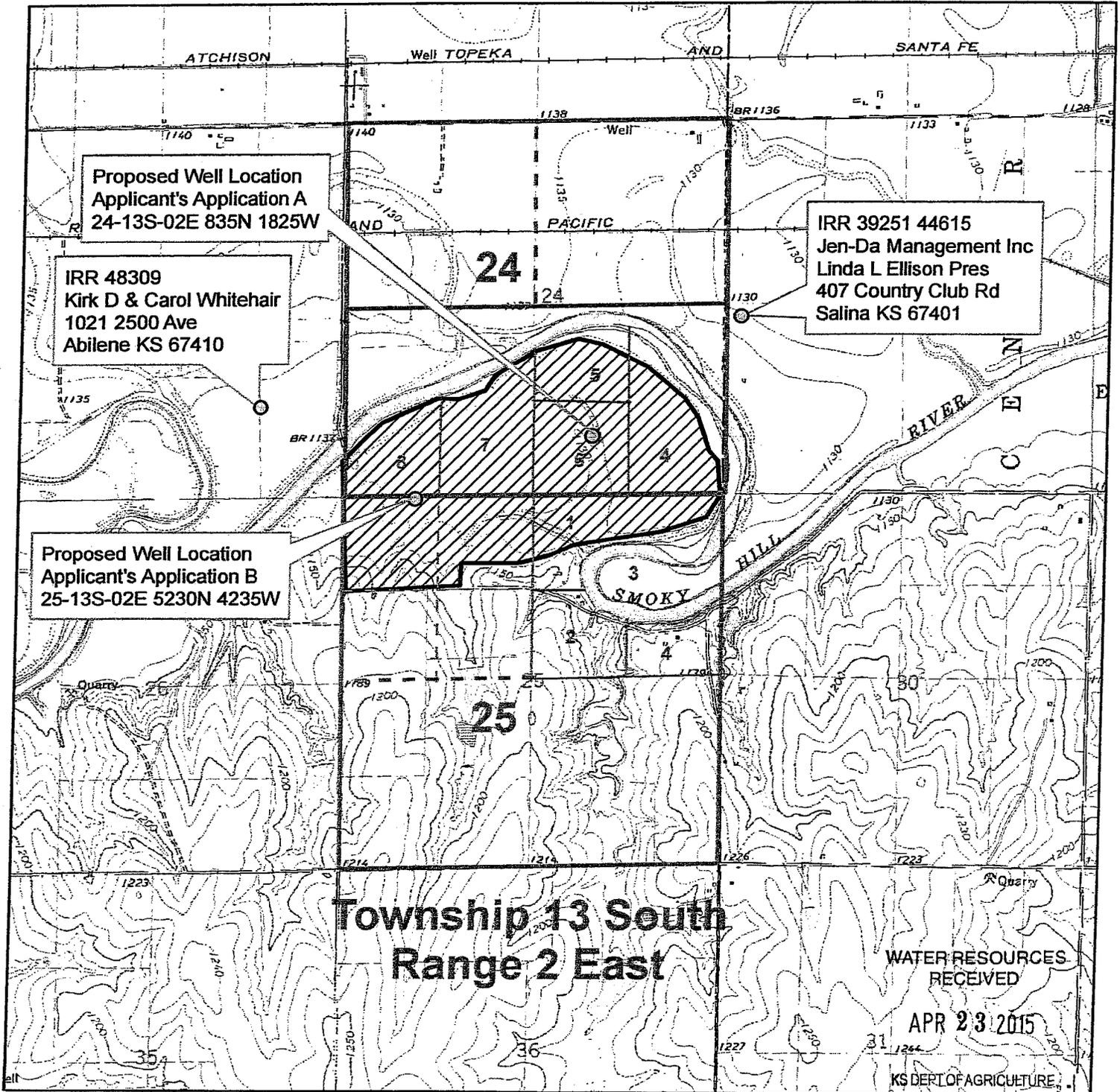
A handwritten signature in black ink that reads "Lloyd Hemphill".

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

LHH
pc: Stirtz Farms

Peggy Whitworth Applications to Appropriate Water For Irrigation Use

File No. 49373



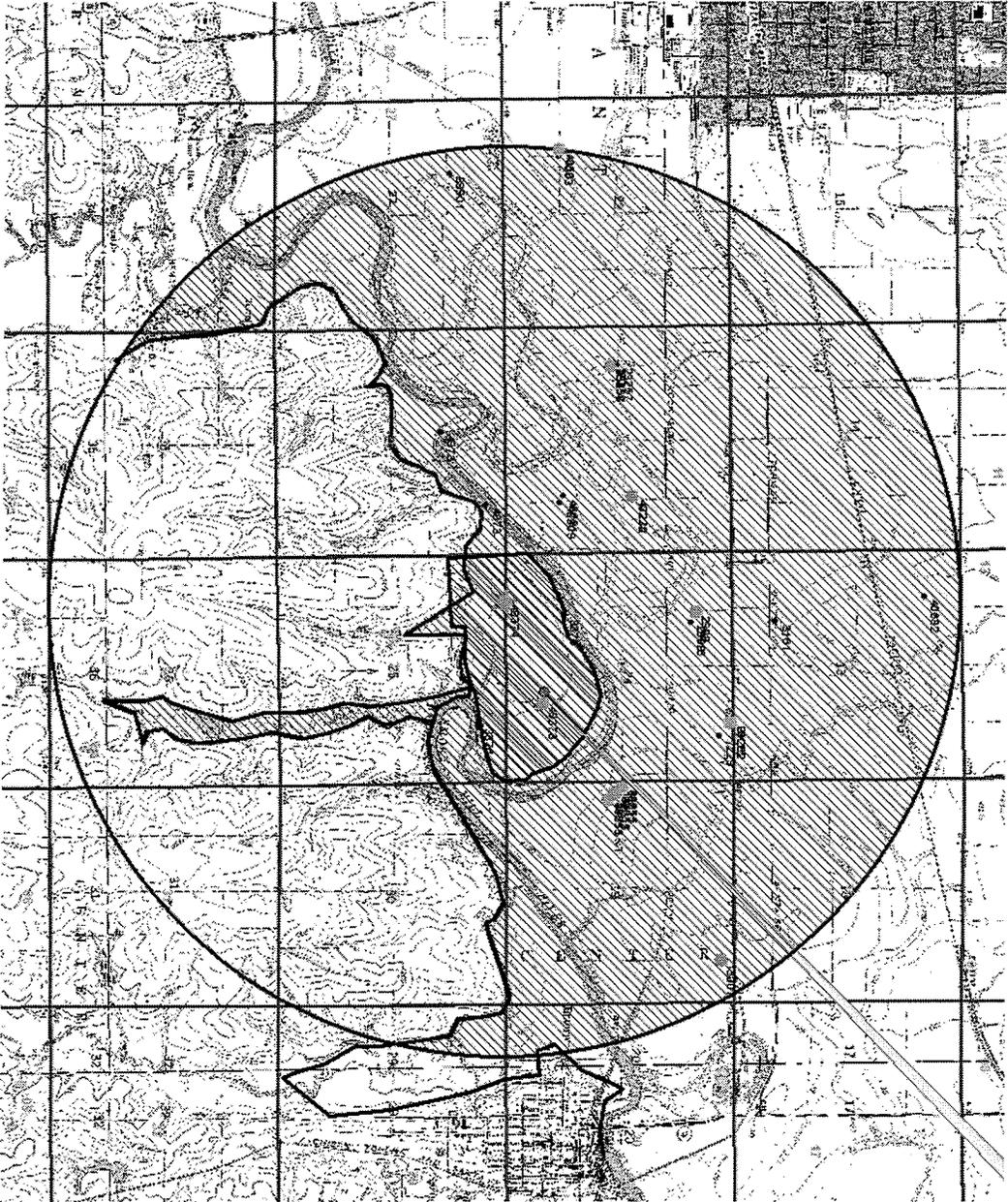
Proposed Place of Use 288 ac



Well Locations

1:24,000





Safe Yield Report Sheet
Water Right- A4937400
Point of Diversion in MNWNNE 25-13S-2E 2 (84291)

File No. 49,374

File No 49,374

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 1,280.22 AF.
 Total prior appropriation in the circle is 1,380.80 AF. **-345.6 AF + 328.86 AF = 1364.06 AF**
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 5138 acres.
 Potential annual recharge of the area is estimated to be 2.99 inches.
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 30-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 13 water right(s) and 11 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth	Quant	Add	Quant	Tacres	Nacres
A	2999	00	IRR	NK	G	SW	NE	NW	4440	3900	24	13	02E	7	WR	178.00	178.00	400.00	0.00	
A	4053	00	IRR	NK	G	NE	SW	SW	1289	4126	22	13	02E	2	WR	84.00	84.00	270.00	270.00	
A	13007	00	IRR	NK	G	NW	NE	NE	0	0	19	13	03E	1	WR	153.00	153.00	160.00	160.00	
A	23257	00	IRR	NK	G	NE	NW	SW	2452	4351	23	13	02E	3	WR	105.00	105.00	254.00	254.00	
A	39251	00	IRR	NK	G	NW	NW	SW	2712	5031	19	13	03E	2	WR	77.00	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	60.00	400.00	0.00	
A	40230	00	IRR	NK	G	SW	SE	NE	2935	1300	23	13	02E	2	WR	42.00	42.00	166.00	166.00	
A	44615	00	IRR	NK	G	NW	NW	SW	2712	5031	19	13	03E	2	WR	77.00	0.00	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	0.00	
A	45458	00	IRR	NK	G	NE	NW	SW	2452	4351	23	13	02E	3	WR	216.00	111.00	254.00	0.00	
A	47222	00	IRR	LR	G	SW	SE	NE	2935	1300	23	13	02E	2	WR	199.20	157.20	166.00	0.00	
A	49373	00	IRR	AY	G				835	1825	24	13	02E	8	WR	345.60	325.86	288.00	50.60	
A	49374	00	IRR	AY	G	NE	NW	NW	5230	4235	25	13	02E	2	WR	345.60	0.00	288.00	0.00	
V DK	15	00	IRR	AA	G	CN	NE	NE	5230	1320	24	13	02E	6	WR	68.00	68.00	400.00	400.00	

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: 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

APPLICATION FILE NO: 49374

Assigned to Topeka Field Office for processing.

Date: 6/3/2015

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,374
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

**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.)

APR 23 2015
12:26pm
KS DEPT OF AGRICULTURE

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 "B"]
Address: 411 Charles Rd 2191 EDEN RD LOT 36
City: ABILENE State KS Zip Code 67410-7005
Telephone Number: ~~(785) 263-3764~~ 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.	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use	<u>IRR</u>	Source	<u>©/S</u>	County	<u>DK</u>	By	<u>KAG</u>	Date	<u>4-23-15</u>
Code	<u>RE3</u>	Fee	<u>\$ 320</u>	TR #	<u>15049349</u>	Receipt Date	<u>4-23-15</u>	Check #	<u>446</u>					

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 NE quarter of the NW quarter of the NW quarter of Section 25, more particularly described as being near a point 5230 feet North and 4235 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 RESOURCES

WATER (Month/Day/Year)
RECEIVED

APR 23 2015

- 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.

WATER RESOURCES
RECEIVED

APR 23 2015

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 Abilene, KS 785-479-1677
~~503 NE 12TH ABILENE KS 67410-1813 785-263-3784~~
 (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)

WATER RESOURCES
RECEIVED

APR 23 2015

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
 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												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																

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:

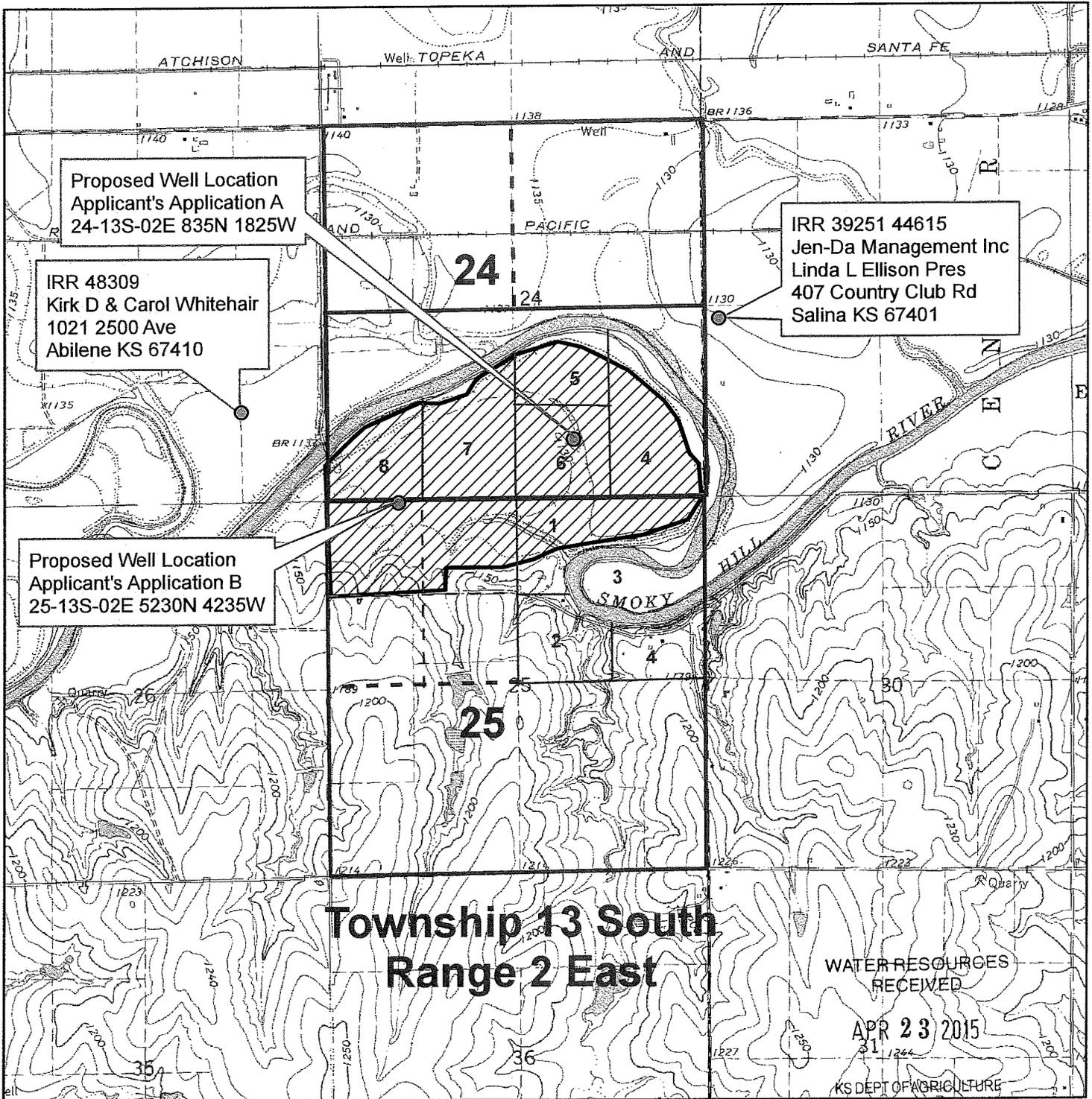
f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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.

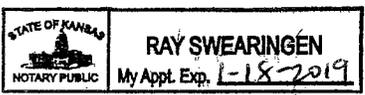
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

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 23 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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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
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APR 23 2015

KS DEPT OF AGRICULTURE

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 49374

APPLICANT

PDIV ID

BATTERY ID

PERSON ID & SEQ #

84291

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. 49374

Dear Sir or Madam:

Your application for permit to appropriate water in 25-13S-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,

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

BAT: dlw
pc: TOPEKA Field Office
GMD