

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

1. File Number: <p style="text-align: center;"><b>49,646</b></p>	2. Status Change Date: <p style="text-align: center;">9/20/2016</p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></p>
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5. Status:       Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

<p>7a. Applicant(s)                      Person ID <b>35310</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p style="text-align: center;"><b>ELDON G &amp; JULIE SYLVESTER</b> <b>29862 BALD EAGLE RD</b> <b>WAMEGO KS 66547</b></p>	<p>7c. Landowner(s)                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>
<p>7b. Landowner(s)                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Misc.                                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>

<p>8. WUR Correspondent                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____ Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater                      <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR                      <input type="checkbox"/> REC                      <input type="checkbox"/> DEW                      <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK                      <input type="checkbox"/> SED                      <input type="checkbox"/> DOM                      <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR                      <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND    SIC: _____                      <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2017                      11. Perfection Date: 12/31/2021                      12. Exp Date: \_\_\_\_\_

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

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

Date Prepared: **8/4/2016**    By: **DWS**  
Date Entered: **9/21/2016**    By: **UM**

File No. **49,646**      15. Formation Code: 113      Drainage Basin: KANSAS RIVER      County: **WB (mod)**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√	85341	NE SE NE	20	10	10E	8	3864	10		1,800	134	1,800	134	NONE

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes    No      To be installed by **12/31/2017**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files		
T MOD DEL ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼																		
√	67784	20	10	10E	7		20			19														39	7a.	No	NONE	
√	62527	21	10	10E	5										34	40	24	35						133	7a.	No	NONE*	

Comments: **\*FILE NO. 47,981 TO BE DISMISSED.**

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 22, 2016

**FROM:** Doug Schemm

**RE:** New Application, File No. 49,646, and  
Appropriation of Water, File No. 47,981

Eldon Sylvester has filed the above referenced new application to appropriate 134 acre-feet of groundwater at a diversion rate of 1,800 gallons per minute from a proposed well for irrigation use. The proposed place of use (172 acres) is a partial overlap with acreage currently authorized under Appropriation of Water, File No. 47,981, which the applicant has agreed to voluntarily dismiss in conjunction with this new application approval. The maximum allowable quantity of water for Wabaunsee County, Kansas, per K.A.R. 5-3-24, is 1.1 acre-feet per acre, which for 172 acres would be 189.2 acre-feet. The pending application is less than the maximum value, but still certainly reasonable for this area of the state, providing over 9 inches of water per acre. The proposed appropriation is located in the drainage basin of the Kansas River. The applicant has signed the application form stating that he has legal access to the point of diversion. Note that the applicant increased place of use from 149 acres to 172 acres, and requested rate of diversion while delivering the application to Manhattan HQ (prior to being assigned a priority).

The applicant identified two domestic wells, and two irrigation wells within one-half mile, and letters were sent to the nearby well owners on July 11, 2016. A telephone call was received from Carol Koppes (daughter of Rosemary A. Soelter) who expressed concerns regarding her mother's nearby domestic well. Ms. Koppes requested a letter be sent to her mother, which would explain required well spacing criteria, and that she could notify the field office if her senior right was being impaired. In addition, a letter was received from Alan D. Soelter, P.E. (Rosemary's son) who also expressed concerns that approval of this pending application would impair their existing irrigation well under File No. 46,127. Response letters were sent to both Rosemary A. and Alan D. Soelter.

It was not necessary to notify the Kansas River Water Assurance District No. 1 per the Operations Agreement because the well is not located within  $\frac{1}{4}$  mile of the Kansas River. The WRIS database shows that the nearest permitted groundwater right (not owned by the applicant) is located over 1,512 feet away (File No. 46,127), and the nearest domestic well is over 700 feet away. The Kansas River alluvium requires spacing of 660 feet to domestic wells and 1,320 to non-domestic wells, and the application complies with these criteria.

As noted, the well is located within the Kansas River alluvium. K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. For this application, the calculated recharge was determined to be 8.38 inches. The extent of the alluvium for the area of consideration provides a total of 7,187 acres. With a potential recharge of 8.38 inches, and 75% available for appropriation, safe yield was determined to be 3,764.19 acre-feet. Prior appropriations in this area of consideration total 3,609.55 acre-feet, leaving 154.64 acre-feet available, and the application requesting 134 acre-feet meets safe yield.

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit.

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.

Eldon Sylvester - Memorandum  
File Nos. 47,981 and 49,646  
Page 2

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the new application in an August 4, 2016 e-mail. Based on the above discussion, the area is open to new appropriations, the new application is complies with well spacing and safe yield criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced ne application be approved, in conjunction with the dismissal of Appropriation of Water, File No. 47,981.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

**Schemm, Doug**

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**Subject:** Eldon Sylvester File No. 49,646

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**From:** Tietsort, Katie  
**Sent:** Thursday, August 04, 2016 11:08 AM  
**To:** Schemm, Doug  
**Subject:** RE: Eldon Sylvester

Approve it.

Katie Tietsort  
Water Commissioner, Topeka Field Office  
Kansas Department of Agriculture, Division of Water Resources  
6531 SE Forbes Ave, Ste B  
Topeka, KS 66619  
(785) 296-5733  
[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

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**From:** Schemm, Doug  
**Sent:** Thursday, August 4, 2016 11:02 AM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Eldon Sylvester

Meets spacing and safe yield criteria.

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 21, 2016

ELDON SYLVESTER  
29862 BALD EAGLE RD  
WAMEGO KS 66547

**FILE COPY**

RE: Appropriation of Water, File Nos. 49,646 and 47,981

Dear Mr. Sylvester:

There is enclosed a permit to appropriate water (File No. 49,646) authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

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

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

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

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriation of Water, File No. 47,981 as requested in the "Voluntary Waiver of Hearing & Dismissal of Water Right" form received in our office on May 25, 2016. The form was signed by Eldon and Julie Sylvester. Appropriation of Water, File No. 49,646 essentially replaces this current appropriation.

Eldon and Julie Sylvester  
File Nos. 49,646 and 47981  
Page 2

This Order is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this Order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney". The signature is fluid and cursive, with a large initial "B" and "T".

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

BAT:dws  
Enclosures

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**  
(This Is Not a Certificate of Appropriation)

**FILE COPY**

This is to certify that I have examined Application, **File No. 49,646** of the applicant

**ELDON SYLVESTER  
29862 BALD EAGLE RD  
WAMEGO KS 66547**

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

- That the priority date assigned to such application is **May 25, 2016**.
- That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼													
20 10S 10E	20			19													39
21 10S 10E									34	40	24	35					133

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼ SE¼ NE¼) of Section 20, more particularly described as being near a point 3,864 feet North and 10 feet West of the Southeast corner of said section, in Township 10 South, Range 10 East, Wabaunsee County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,800 gallons per minute (4.01 c.f.s.)** and to a quantity not to exceed **134 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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

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

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

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

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

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

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

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

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

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

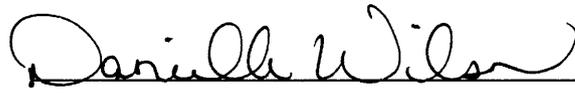


**CERTIFICATE OF SERVICE**

On this 21<sup>st</sup> day of September, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,646, dated September 20, 2016 was mailed postage prepaid, first class, US mail to the following:

ELDON G & JULIE SYLVESTER  
29862 BALD EAGLE RD  
WAMEGO KS 66547

With photocopies to:  
Topeka Field Office

  
\_\_\_\_\_  
Division of Water Resources

2016 SEP 21 10:40 AM  
TOPEKA, KS 66606



APPLICATION COMPLETE

8/4/2016

Reviewer DWS

THE STATE



OF KANSAS

WATER RESOURCES RECEIVED

MAY 25 2016

10:17 P

KS DEPT OF AGRICULTURE

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

File Number 49,646

This item to be completed by the Division of Water Resources.

RECEIVED

JUN 21 2016

Topeka Field Office  
DIVISION OF WATER RESOURCES

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

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): ELDON SYLVESTER  
Address: 29862 BALD EAGLE RD  
City: WAMEGO State KS Zip Code 66547  
Telephone Number: (785) 456-9533

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in KANSAS RIVER (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.

3. The maximum quantity of water desired is 134 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 1200 1800 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

For Office Use Only:

F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County WB By AM Date 5/25/16  
Code REZ Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 5/25/16 Check # 7023

16046480

SCANNED

6/1/2016 AM

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 SE quarter of the NE quarter of Section 20, more particularly described as being near a point 3864 feet North and 10 feet West of the Southeast corner of said section, in Township 10 South, Range 10 EAST, WABAUNSEE 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):

ELDON G & JULIE SYLVESTER 29862 BALD EAGLE RD WAMEGO KS 66547

(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 5/25, 2014 Eldon Sylvester  
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  
(number of wells, pumps or dams, etc.)

and (will be) completed (by) JULY 2016  
(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 JULY 2016  
(Mo/Day/Year)

MAY 25 2016

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

KS DEPT OF AGRICULTURE

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 \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

**NOT APPLICABLE**

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.

**P/U – 47981 (TO BE DISMISSED)**

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

**SOURCE WILL BE THE KANSAS RIVER ALLUVIUM**

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

**OWNER**  
(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):

**SEE IRRIGATION USE SUPPLEMENTAL SHEET**  
(name, address and telephone number)

\_\_\_\_\_  
(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 5/25, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(month) (year)

  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

SCANNED

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

WATER RESOURCES  
RECEIVED

File No. 49,646

MAY 25 2016

Name of Applicant (Please Print): ELDON SYLVESTER KS DEPT OF AGRICULTURE

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: ELDON G & JULIE SYLVESTER

ADDRESS: 29862 BALD EAGLE RD WAMEGO KS 66547

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE													
20	10	10E	20			19													28 39
21	10	10E								34	40	24	35						724 133
																			TOTAL = 140 172

5/25/16  
ECS

**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.

NEARBY WELL OWNERS  
FILE NO. 49,646

#1 - Irrigation Well, File No. 46,127

#2 – Domestic Well

ROSEMARY A SOELTER  
6143 SW 38TH ST  
TOPEKA KS 66610

#3 – Domestic Well

CAROLYN J STALLARD  
1318 CAROLYN ST  
DERBY KS 67037-2038

#4 – Irrigation Well, File No. 48,367

MERTZ BROTHERS  
ROBERT MERTZ  
7280 ZEANDALE RD  
MANHATTAN KS 66502

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

49646 00

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49646 00 IRR

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

3864 Feet North and 10 Feet West of the Southeast Corner of Section 20 T 10S R 10E

GROUNDWATER ONLY

All wells > 1,320' meets spacing

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__	5481 00	IRR	NK	G	8708	--	--	--	2600	3350	19	10	10E	8		147.00	147.00	AF	
A__	5640 00	IRR	NK	G	4459	--	--	--	2810	1490	17	10	10E	8		160.00	160.00	AF	
A__	5816 00	IRR	NK	G	5387	--	NE	SW	NW	3930	4090	28	10	10E	3		124.00	124.00	AF
A__	6600 00	IRR	NK	G	6801	--	CW	E2	NE	3960	1300	16	10	10E	14		33.00	33.00	AF
A__	6663 00	IRR	NK	G	5781	--	--	CN	SE	2630	1320	16	10	10E	2		180.00	180.00	AF
Same					5498	--	NC	E2	SE	1320	660	16	10	10E	3				
A__	6851 00	IRR	NK	G	3673	--	NE	NW	NE	4750	1800	21	10	10E	5		60.00	60.00	AF
A__	8395 00	IRR	NK	G	6196	--	SE	NW	NW	4577	4029	16	10	10E	16		30.00	30.00	AF
A__	9466 00	IRR	NK	G	4306	--	--	CN	SW	-----	-----	16	10	10E	5		53.00	53.00	AF
A__	9667 00	IRR	NK	G	9279	--	NE	NE	SE	2037	610	30	10	10E	1		75.00	75.00	AF
A__	9974 00	IRR	NK	G	8661	--	SW	SW	NE	-----	-----	18	10	10E	1		106.00	106.00	AF
A__	9975 00	IRR	NK	G	6610	--	--	NC	NE	4000	1350	19	10	10E	7		95.00	95.00	AF
A__	11542 00	IRR	NK	G	5749	--	SW	NW	NW	-----	-----	16	10	10E	6		47.00	47.00	AF
A__	12595 00	IRR	NK	G	5781	--	--	CN	SE	2630	1320	16	10	10E	2		15.00	.00	AF
Same					5498	--	NC	E2	SE	1320	660	16	10	10E	3				
A__	17963 00	IRR	NK	G	4377	--	CN	SW	SE	-----	-----	16	10	10E	7		80.00	80.00	AF
A__	19337 00	IRR	NK	G	6196	--	SE	NW	NW	4577	4029	16	10	10E	16		77.00	.00	AF
A__	24000 00	IRR	NK	G	3146	--	--	--	--	2300	2740	20	10	10E	1		56.00	56.00	AF
A__	28459 00	IRR	NK	G	7969	--	--	CS	SE	50	1300	9	10	10E	4		90.00	90.00	AF
A__	28613 00	IRR	NK	G	5367	--	NE	NE	NE	4845	87	21	10	10E	7 G	2	70.00	70.00	AF
Same					5352	--	NE	NE	NE	5026	140	21	10	10E	6 B	2			
Same					5435	--	--	--	--	4665	5118	22	10	10E	1 B	2			
A__	28770 00	IRR	NK	G	7166	--	--	--	--	1350	3900	15	10	10E	1		86.00	86.00	AF
A__	28804 00	IRR	NK	G	9198	--	--	NC	NW	3980	3930	19	10	10E	6		98.00	98.00	AF
A__	28908 00	IRR	NK	G	5422	--	SW	SE	SE	251	1309	21	10	10E	3		29.00	29.00	AF
Same					4546	--	SW	SW	SE	259	2579	21	10	10E	4		37.00	37.00	AF
A__	30753 00	IRR	NK	G	5523	--	SE	NE	NE	4100	450	17	10	10E	2		50.00	50.00	AF
A__	35905 00	IRR	NK	G	8477	--	--	--	--	4095	3984	15	10	10E	4		93.00	93.00	AF
A__	38248 00	IRR	NK	G	3122	--	--	--	--	505	2500	17	10	10E	7		59.00	59.00	AF
A__	38556 00	IRR	NK	G	4986	--	NC	S2	NW	3294	3914	16	10	10E	10		27.00	27.00	AF
A__	38557 00	IRR	NK	G	7358	--	--	--	--	590	5358	9	10	10E	7		31.00	31.00	AF
A__	39221 00	IRR	NK	G	9514	--	--	NC	SW	1320	3960	18	10	10E	2		123.00	123.00	AF
A__	39807 00	MUN	NK	G	3793	--	SW	SE	NW	3216	3747	20	10	10E	4 G	2	75.19	75.19	AF
Same					3764	--	SW	SE	NW	3296	3731	20	10	10E	2 B	2			
Same					3823	--	SW	SE	NW	3136	3763	20	10	10E	3 B	2			
A__	39808 00	MUN	NK	G	3793	--	SW	SE	NW	3216	3747	20	10	10E	4 G	2	75.19	75.19	AF
Same					3764	--	SW	SE	NW	3296	3731	20	10	10E	2 B	2			
Same					3823	--	SW	SE	NW	3136	3763	20	10	10E	3 B	2			
A__	40039 00	IRR	NK	G	7358	--	--	--	--	.590	.5358	9	10	10E	7		26.00	26.00	AF
A__	40723 00	IRR	NK	G	4546	--	SW	SW	SE	259	2579	21	10	10E	4		51.00	14.00	AF
A__	40724 00	IRR	NK	G	5422	--	SW	SE	SE	251	1309	21	10	10E	3		44.00	15.00	AF
A__	40730 00	IRR	NK	G	7166	--	--	--	--	1350	3900	15	10	10E	1		53.00	13.00	AF
A__	40951 00	IRR	NK	G	7395	--	--	--	--	495	4032	9	10	10E	9*		15.00	15.00	AF
A__	40966 00	IRR	NK	G	5953	--	--	--	--	1552	5188	17	10	10E	9		36.00	36.00	AF

A__	40967	00	IRR	NK	G	5953	-- -- -- --	1552	5188	17	10	10E	9	49.00	49.00	AF
A__	41093	00	IND	LR	G	2835	-- NE SW SW	1000	4000	16	10	10E	11	142.09	142.09	AF
A__	41582	00	IRR	NK	G	7983	-- -- NC SE	1300	1303	29	10	10E	3	32.00	32.00	AF
A__	42690	00	IRR	NK	G	7053	-- -- NC SE	1316	1360	18	10	10E	3	156.00	156.00	AF
A__	43211	00	IRR	NK	G	6801	-- CW E2 NE	3960	1300	16	10	10E	14	33.00	.00	AF
A__	43690	A	IRR	NK	G	5237	-- SW SW NE	2960	2600	16	10	10E	15*	15.00	15.00	AF
A__	44440	00	IRR	NK	G	5367	-- NE NE NE	4845	87	21	10	10E	7 G 2	119.00	49.00	AF
Same						5352	-- NE NE NE	5026	140	21	10	10E	6 B 2			
Same						5435	-- -- -- --	4665	5118	22	10	10E	1 B 2			
A__	45429	00	IRR	NK	G	5953	-- -- -- --	1552	5188	17	10	10E	9	35.00	18.00	AF
A__	46127	00	IRR	LO	G	1512	-- -- NC NW	3934	3852	21	10	10E	1	166.10	166.10	AF
A__	46181	00	IRR	NK	G	5387	-- NE SW NW	3930	4090	28	10	10E	3	169.00	45.00	AF
A__	46403	00	IRR	NK	G	6649	-- SE SW SW	500	4168	15	10	10E	5	41.80	5.32	AF
A__	46641	00	MUN	LO	G	3793	-- SW SE NW	3216	3747	20	10	10E	4 G 2	263.69	113.32	AF
Same						3764	-- SW SE NW	3296	3731	20	10	10E	2 B 2			
Same						3823	-- SW SE NW	3136	3763	20	10	10E	3 B 2			
A__	46780	00	IRR	LR	G	8916	-- SW NW SE	1783	2195	15	10	10E	7	149.50	149.50	AF
A__	46913	00	IRR	NK	G	3673	-- NE NW NE	4750	1800	21	10	10E	5	39.00	.00	AF
A__	47869	00	IRR	LO	G	7983	-- -- NC SE	1300	1303	29	10	10E	3	141.90	109.90	AF
A__	47981	00	IRR	HK	G	1371	-- NW NW SW	2485	5275	21	10	10E	8	110.00	110.00	AF
A__	48328	00	IRR	KE	G	9279	-- NE NE SE	2037	610	30	10	10E	1	146.30	74.30	AF
A__	48330	00	IRR	GY	G	3146	-- -- -- --	2300	2740	20	10	10E	1	77.55	21.55	AF
A__	48367	00	IRR	KE	G	2441	-- NW SW NE	3800	2450	20	10	10E	6	88.00	88.00	AF
A__	48485	00	IRR	LO	G	5953	-- -- -- --	1552	5188	17	10	10E	9	110.00	.00	AF
A__	48987	00	IRR	GY	G	2670	-- SW NE SE	1532	1310	20	10	10E	7	67.10	67.10	AF
A__	49646	00	IRR	AY	G	0	-- NE SE NE	3864	10	20	10	10E	8	134.00	134.00	AF
T__	20137008	MF	IRR	GY	G	6801	-- CW E2 NE	3960	1300	16	10	10E	14	165.00	.00	AF
T__	20149076	SU	IND	GY	G	2835	-- NE SW SW	1000	4000	16	10	10E	11	100.00	100.00	AF

- Applicant's well  
(to be dismissed)

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	134.00	.00
Total Permitted Amount (AF) =	460.95	.00
Total Inspected Amount (AF) =	680.91	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2677.70	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3953.55	.00

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

Water Rights and Points of Diversion Within 2.00 miles of point defined as:  
 3864 Feet North and 10 Feet West of the Southeast Corner of Section 20 T 10S R 10E

GROUNDWATER ONLY  
 WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__	5481	00	IRR NK G
>	WARREN & SCOTT CARNAHAN		
>			
>	19215 MILITARY TRAIL RD		

# 49,646

App requesting 134AF  
meets safe yield

**Analysis Results**

The selected PD is in an area to new appropriations.  
The safe yield, based on the variables listed below is 3,764.19 AF.  
Total prior appropriation in the circle is 3,853.55 AF. **-134 AF - 110 AF = 3609.55**  
Total quantity of water available for appropriation is ~~0.00~~ AF.

**154.64 AF**

**Safe Yield Variables**

The area used for the analysis is set at 7187 acres.  
Potential annual recharge of the area is estimated to be 8.38 inches.  
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 27-JUL-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 57 water right(s) and 45 point(s) of diversion within the circle.

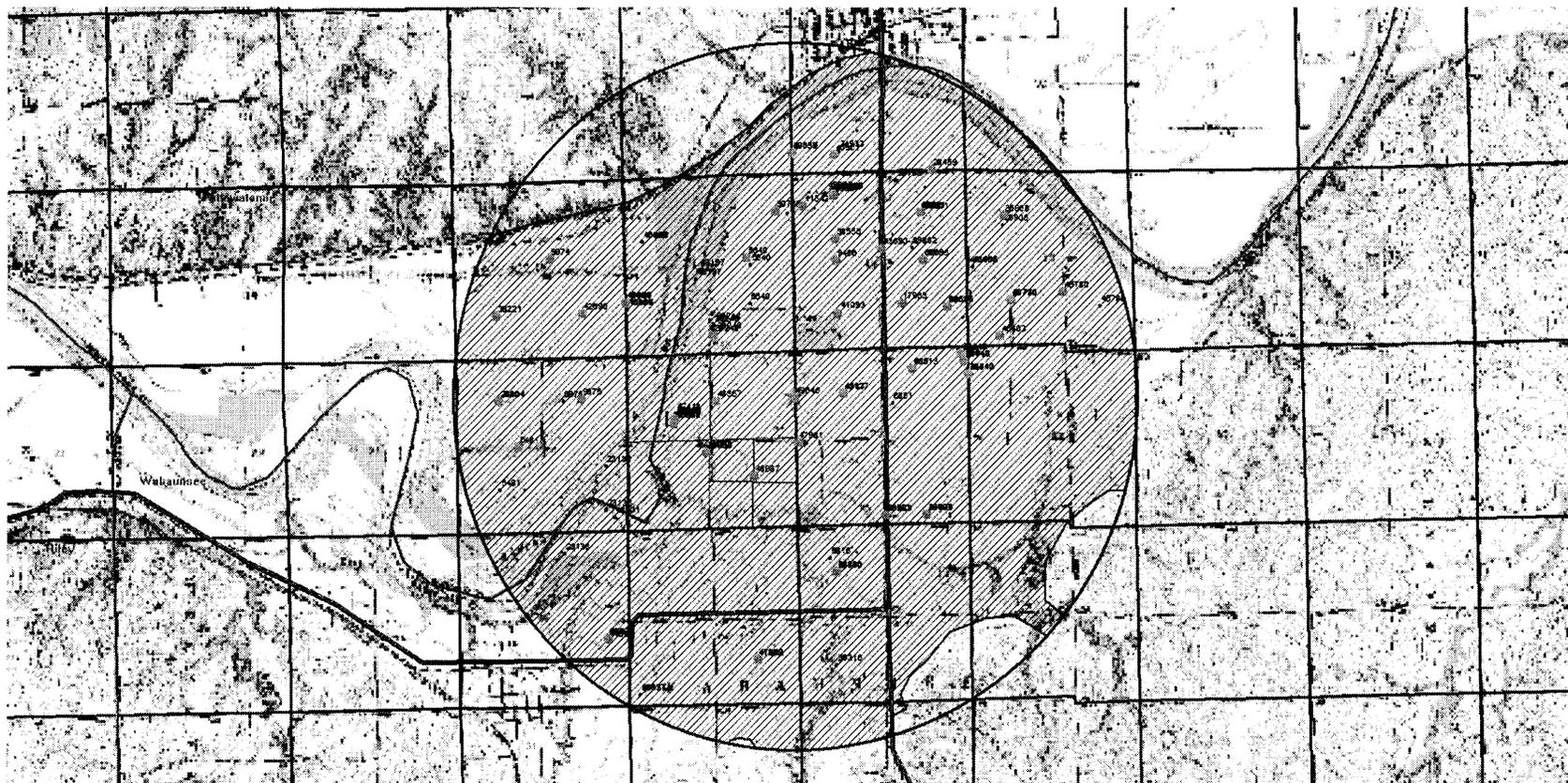
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	5481 00	IRR	NK	G				2600	3350	19	10	10E	8	WR	147.00	147.00	133.00	133.00
A	5640 00	IRR	NK	G				2810	1490	17	10	10E	8	WR	160.00	160.00	171.20	171.20
A	5816 00	IRR	NK	G		NE	SW NW	3930	4090	28	10	10E	3	WR	124.00	124.00	198.00	198.00
A	6600 00	IRR	NK	G		CW	E2 NE	3960	1300	16	10	10E	14	WR	33.00	33.00	80.00	80.00
A	6663 00	IRR	NK	G		NC	E2 SE	1320	660	16	10	10E	3	WR	180.00	180.00	160.00	160.00
Same		IRR	NK	G			CN SE	2630	1320	16	10	10E	2	WR				
A	6851 00	IRR	NK	G		NE	NW NE	4750	1800	21	10	10E	5	WR	60.00	60.00	51.00	51.00
A	8395 00	IRR	NK	G		SE	NW NW	4577	4029	16	10	10E	16	WR	30.00	30.00	79.00	79.00
A	9466 00	IRR	NK	G			CN SW	0	0	16	10	10E	5	WR	53.00	53.00	60.00	60.00
A	9667 00	IRR	NK	G		NE	NE SE	2037	610	30	10	10E	1	WR	75.00	75.00	133.00	133.00
A	9974 00	IRR	NK	G		SW	SW NE	0	0	18	10	10E	1	WR	106.00	106.00	100.00	100.00
A	9975 00	IRR	NK	G			NC NE	4000	1350	19	10	10E	7	WR	95.00	95.00	137.00	137.00
A	11542 00	IRR	NK	G		SW	NW NW	0	0	16	10	10E	6	WR	47.00	47.00	79.00	0.00
A	12595 00	IRR	NK	G		NC	E2 SE	1320	660	16	10	10E	3	WR	15.00	0.00	160.00	0.00
Same		IRR	NK	G			CN SE	2630	1320	16	10	10E	2	WR				
A	17963 00	IRR	NK	G		CN	SW SE	0	0	16	10	10E	7	WR	80.00	80.00	160.00	0.00
A	19337 00	IRR	NK	G		SE	NW NW	4577	4029	16	10	10E	16	WR	77.00	0.00	79.00	0.00
A	24000 00	IRR	NK	G				2300	2740	20	10	10E	1	WR	56.00	56.00	70.50	70.50
A	28459 00	IRR	NK	G			CS SE	50	1300	09	10	10E	4	WR	90.00	90.00	110.00	110.00
A	28613 00	IRR	NK	G				4665	5118	22	10	10E	1	WR	70.00	70.00	119.00	119.00
Same		IRR	NK	G		NE	NE NE	5026	140	21	10	10E	6	WR				

#49,646

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in NENESENE 20-10S-10E  
File No. 49,646 (3,864'N & 10'W)

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#49,646

Same			IRR NK G	NE NE NE	4845	87	21	10	10E	7	WR				
A	28770	00	IRR NK G		1350	3900	15	10	10E	1	WR	86.00	86.00	89.50	89.50
A	28804	00	IRR NK G	NC NW	3980	3930	19	10	10E	6	WR	98.00	98.00	160.37	160.37
A	28908	00	IRR NK G	SW SW SE	259	2579	21	10	10E	4	PD	37.00	37.00	143.00	143.00
Same			IRR NK G	SW SE SE	251	1309	21	10	10E	3	PD	29.00	29.00		
A	30753	00	IRR NK G	SE NE NE	4100	450	17	10	10E	2	WR	50.00	50.00	50.00	50.00
A	35905	00	IRR NK G		4095	3984	15	10	10E	4	WR	93.00	93.00	151.00	151.00
A	38248	00	IRR NK G		505	2500	17	10	10E	7	WR	59.00	59.00	66.00	66.00
A	38556	00	IRR NK G	NC S2 NW	3294	3914	16	10	10E	10	WR	27.00	27.00	243.70	0.00
A	38557	00	IRR NK G		590	5358	09	10	10E	7	WR	31.00	31.00	37.50	37.50
A	39221	00	IRR NK G	NC SW	1320	3960	18	10	10E	2	WR	123.00	123.00	130.00	130.00
A	39807	00	MUN NK G	SW SE NW	3296	3731	20	10	10E	2	WR	75.19	75.19		
Same			MUN NK G	SW SE NW	3136	3763	20	10	10E	3	WR				
Same			MUN NK G	SW SE NW	3216	3747	20	10	10E	4	WR				
A	39808	00	MUN NK G	SW SE NW	3296	3731	20	10	10E	2	WR	75.19	75.19		
Same			MUN NK G	SW SE NW	3136	3763	20	10	10E	3	WR				
Same			MUN NK G	SW SE NW	3216	3747	20	10	10E	4	WR				
A	40039	00	IRR NK G		590	5358	09	10	10E	7	WR	26.00	26.00	27.00	27.00
A	40723	00	IRR NK G	SW SW SE	259	2579	21	10	10E	4	WR	51.00	14.00	143.00	0.00
A	40724	00	IRR NK G	SW SE SE	251	1309	21	10	10E	3	WR	44.00	15.00	143.00	0.00
A	40730	00	IRR NK G		1350	3900	15	10	10E	1	WR	53.00	13.00	92.50	41.00
A	40951	00	IRR NK G		495	4032	09	10	10E	9	WR	15.00	15.00	24.50	24.50
A	40966	00	IRR NK G		1552	5188	17	10	10E	9	WR	36.00	36.00	105.00	105.00
A	40967	00	IRR NK G		1552	5188	17	10	10E	9	WR	49.00	49.00	105.00	0.00
A	41093	00	IND LR G	NE SW SW	1000	4000	16	10	10E	11	WR	142.09	142.09		
A	41582	00	IRR NK G	NC SE	1300	1303	29	10	10E	3	WR	32.00	32.00	129.00	129.00
A	42690	00	IRR NK G	NC SE	1316	1360	18	10	10E	3	WR	156.00	156.00	150.00	150.00
A	43211	00	IRR NK G	CW E2 NE	3960	1300	16	10	10E	14	WR	33.00	0.00	80.00	0.00
A	43690	A	IRR NK G	SW SW NE	2960	2600	16	10	10E	15	WR	15.00	15.00	20.00	20.00
A	44440	00	IRR NK G		4665	5118	22	10	10E	1	WR	119.00	49.00	119.00	0.00
Same			IRR NK G	NE NE NE	5026	140	21	10	10E	6	WR				
Same			IRR NK G	NE NE NE	4845	87	21	10	10E	7	WR				
A	45429	00	IRR NK G		1552	5188	17	10	10E	9	WR	35.00	18.00	105.00	0.00
A	46127	00	IRR LO G	NC NW	3934	3852	21	10	10E	1	WR	166.10	166.10	151.00	151.00
A	46181	00	IRR NK G	NE SW NW	3930	4090	28	10	10E	3	WR	169.00	45.00	198.00	0.00
A	46403	00	IRR NK G	SE SW SW	500	4168	15	10	10E	5	WR	41.80	5.32	38.00	0.00
A	46641	00	MUN LO G	SW SE NW	3296	3731	20	10	10E	2	WR	263.69	113.32		
Same			MUN LO G	SW SE NW	3136	3763	20	10	10E	3	WR				
Same			MUN LO G	SW SE NW	3216	3747	20	10	10E	4	WR				
A	46780	00	IRR LR G	SW NW SE	1783	2195	15	10	10E	7	WR	149.50	149.50	135.90	135.90
A	46913	00	IRR NK G	NE NW NE	4750	1800	21	10	10E	5	WR	39.00	0.00	51.00	0.00

A	47869	00	IRR	LO	G	NC	SE	1300	1303	29	10	10E	3	WR	141.90	109.90	129.00	0.00	
A	47981	00	IRR	HK	G	NW	NW	SW	2485	5275	21	10	10E	8	WR	110.00	110.00	100.00	100.00
A	48328	00	IRR	KE	G	NE	NE	SE	2037	610	30	10	10E	1	WR	146.30	74.30	133.00	0.00
A	48330	00	IRR	GY	G				2300	2740	20	10	10E	1	WR	77.55	21.55	70.50	1.50
A	48367	00	IRR	KE	G	NW	SW	NE	3800	2450	20	10	10E	6	WR	88.00	88.00	80.00	80.00
A	48485	00	IRR	LO	G				1552	5188	17	10	10E	9	WR	110.00	0.00	105.00	0.00
A	48987	00	IRR	GY	G	SW	NE	SE	1532	1310	20	10	10E	7	WR	67.10	67.10	61.00	61.00
A	49646	00	IRR	AY	G	NE	SE	NE	3864	10	20	10	10E	8	WR	134.00	134.00	172.00	39.00

To be dismissed

-Pending



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](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 28, 2016

ALAN D SOELTER PE  
1105 PARKSIDE CIRCLE  
LAWRENCE KS 66049-3401

Re: Pending Application, File No. 49,646

Dear Mr. Soelter:

This will acknowledge receipt of your letter, received in this office on July 26, 2016, in which you expressed concerns with the proposed appropriation of ground water for irrigation use by Eldon Sylvester under the above referenced application. We are in the process of thoroughly reviewing application File No. 49,646 to ensure that it complies with the Kansas Water Appropriations Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriations unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest per K.S.A. 82a-711.

The applicable rules and regulations (K.A.R. 5-4-4) require that new non-domestic wells must meet specific spacing guidelines based on the source of water supply in order to minimize the potential that existing water wells of any kind would be impaired. The source of water (aquifer) for this pending application is the Kansas River alluvium based on the geographical location of the proposed well, and nearby well logs. This aquifer requires a minimum well spacing of 660 feet from any existing domestic well, and 1,320 feet from any non-domestic well in the same source of supply. Our review indicates that the proposed well location complies with minimum well spacing criteria to both domestic and non-domestic wells.

Your comments will be considered, and approval of the application if granted, will authorize diversion of water only when it does not impair existing rights. Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing your existing water right, you should notify Katie Tietsort, Water Commissioner, Topeka Field Office, as follows, so that an investigation can be made.

Division of Water Resources  
Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619  
Telephone: (785) 296-5733

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. 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 "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

RECEIVED

JUL 26 2016

Topeka Field Office  
DIVISION OF WATER RESOURCES

July 22, 2016

Mr. Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619

Re: Pending Application File No. 49,646

Dear Mr. Schemm:

This is in response to your letter to my mother, Rosemary Soelster, dated July 11, 2016 regarding the above file number. I have assumed management of all of her water rights issues regarding file number 46,127. In regards to the referenced file number above, I have both questions and concerns.

As I understand it, the point of diversion for this application is to replace the one that was permitted under file number 47,981. In May of 2012 we submitted factual information from previous test drilling in this area which indicated that there was insufficient formation to support an irrigation well at the location shown on file number 47,981. A copy of this correspondence and map of test drilling locations is attached. Either your agency neglected to provide this information to Mr. Sylvester, or he chose to ignore it. Regardless, a great deal of money was spent constructing the well, piping, and pivot system only to determine that what we had said was indeed true. The location would not support an irrigation well.

In March of 2014 I filed an application for a point of diversion near the NW-NE-SE of Section 20-10S-10E. Following review by Mr. Lloyd Hemphill, I was informed that this location, and the area north, was already over appropriated by nearly 300 acre-feet. He further indicated that even with the dismissal of file number 47,981 I would not be able to get approval without moving my point of diversion. I ultimately had to modify the application by moving the point of diversion approximately 1,100 feet south of the requested one. This modification moved me closer to Antelope Creek where the formation is greatly diminished. How did additional safe yield become available in such a short time at the location of the referenced file number? Please provide calculations which show that indeed there is safe yield available.

I have worked with water supply wells and water rights issues throughout my professional career. I have extensive knowledge of this area and can say with great confidence that an additional 1,800 gpm cannot be sustained at the location of this pending application without impairing our permitted 1,200 gpm under file number 46,127. At the time of the test drilling referenced in our 2012 letter a hole was also drilled at the southeast corner of my mother's property. Bedrock was encountered at 29 feet with virtually no saturated thickness. This, along with the information available at her southwest property corner verifies that her irrigation well lies on the very south edge of any usable formation.

To protect all parties involved, I would highly recommend that a Geologist be employed and significant pumping/drawdown measurements be taken prior to approval of this application. Given the history and expense of the Sylvester's attempt to get irrigation to the proposed place of use, I don't think anyone wants to see them spend more money only to be shut down due to impairment.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan D. Soelter". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping underline.

Alan D. Soelter, P.E.

Cc: Eldon Sylvester

May 9, 2012

Shaun Johnson  
Topeka Field Office  
Bldg 282, Forbes Field  
P.O. Box 19323  
Topeka, KS 66619-0323

Re: Application File No. 47,981

Dear Shaun:

Thank you for your communication regarding the pending application filed by Eldon Sylvester in the Northwest Quarter of the Southwest Quarter of Section 21, Township 10 South, Range 10 East, Wabaunsee County. You are correct, I have both a domestic well and an irrigation well within close proximity of the generally described point of diversion. I have attached a map which shows both of these wells.

In the late 1980's and early 1990's test drilling was performed in this area for Rural Water District No. 2, Wabaunsee County. I've shown the general location of two of the test holes that were drilled at that time. The Geologist for the project, Mr. Bob Vincent, was somewhat surprised to find that there was very little formation to yield water from these two locations, even at the relatively small pumping rate of 300 gpm. The northernmost test hole was fairly shallow (approximately 44 feet to bedrock) and had limited saturated thickness. The southernmost test hole was found to have almost no sand or gravel but rather silt and clay for the entire depth of the hole.

If this permit is approved at the requested pumping rate and quantity, that water will become unavailable for other beneficial use within the two mile radius of this location, even if it is not possible to pump this amount of water. Further, the water would be unavailable until such time that the application is dismissed, or the water rights are actually perfected at a lesser quantity and pumping rate. I feel it would be prudent in this case for the applicant to demonstrate that there is indeed sufficient formation to withdraw water at this rate and quantity.

Certainly water is extremely important for irrigation in the Kansas River bottom as well as for Municipal use. I do have concerns about this application as described. Please contact me if you have additional questions.

Sincerely,

Rosemary A. Soelter



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](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 20, 2016

ROSEMARY A SOELTER  
6143 SW 38TH ST  
TOPEKA KS 66610

Re: Application, File No. 49,646

Dear Ms. Soelter:

This will acknowledge the discussion I had with your daughter, Carol Koppes on July 18, 2016, regarding your concerns with the proposed appropriation of ground water for irrigation use by Eldon Sylvester under the above referenced application. We are in the process of thoroughly reviewing application File No. 49,646 to ensure that it complies with the Kansas Water Appropriations Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriations unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest per K.S.A. 82a-711.

The applicable rules and regulations (K.A.R. 5-4-4) require that new non-domestic wells must meet specific spacing guidelines based on the source of water supply in order to minimize the potential that existing water wells of any kind would be impaired. The source of water (aquifer) for this pending application is the Kansas River alluvium based on the geographical location of the proposed well, and nearby well logs. This aquifer requires a minimum well spacing of 660 feet from any existing domestic well in the same source of supply. Our review indicates that the proposed well location complies with minimum well spacing criteria to your domestic well.

Your comments will be considered, and approval of the application if granted, will authorize diversion of water only when it does not impair existing rights. Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing your existing water right, you should notify Katie Tietsort, Water Commissioner, Topeka Field Office, as follows, so that an investigation can be made.

Division of Water Resources  
Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619  
Telephone: (785) 296-5733

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. 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 cursive script that reads "Doug Schemm".

Douglas W. Schemm  
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

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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 11, 2016

CAROLYN J STALLARD  
1318 CAROLYN ST  
DERBY KS 67037-2038

Re: Pending Application, File No. 49,646

Dear Sir or Madam:

This is to advise you that Eldon Sylvester has filed the application referred to above for a permit to appropriate 134 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,800 gallons per minute. The proposed point of diversion (well) is located as follows:

In the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 20, in Township 10 South, Range 10 East, Wabaunsee County, Kansas.

A map is enclosed indicating the location of the proposed point 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 point 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) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Eldon Sylvester

SCANNED



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) 862-2460

[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

July 11, 2016

ROSEMARY A SOELTER  
6143 SW 38TH ST  
TOPEKA KS 66610

Re: Pending Application, File No. 49,646

Dear Sir or Madam:

This is to advise you that Eldon Sylvester has filed the application referred to above for a permit to appropriate 134 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,800 gallons per minute. The proposed point of diversion (well) is located as follows:

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If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Eldon Sylvester

SCANNED



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

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

Phone: (785) 296-5733  
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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 11, 2016

MERTZ BROTHERS  
% ROBERT MERTZ  
7280 ZEANDALE RD  
MANHATTAN KS 66502

Re: Pending Application, File No. 49,646

Dear Sir or Madam:

This is to advise you that Eldon Sylvester has filed the application referred to above for a permit to appropriate 134 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,800 gallons per minute. The proposed point of diversion (well) is located as follows:

In the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 20, in Township 10 South, Range 10 East, Wabaunsee County, Kansas.

A map is enclosed indicating the location of the proposed point 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 point 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) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Eldon Sylvester

SCANNED

Print Page

[Back to Search Page](#) --- [Home](#)

**Parcel Search Results** (Click on the Parcel ID Number for Detailed Results)

Owner Information	Property Address	Property Description	Apr Amount	Prop Class
<p><u>099-044-20-0-00-00-001.00-0</u>  <b>Quick Ref ID = 340</b>  <b>Tax Year = 2016</b>                      SYLVESTER,ELDON G &amp; JULIE</p> <p>Owner Mailing Address:                      29862 BALD EAGLE RD WAMEGO, KS 66547-8015</p>	<p>00000 BALD EAGLE RD, Wamego, KS 66547</p> <p>ACRES=37.69 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 37.7 , E1/2 E1/2 NE1/4 LESS R/W &amp; LESS S 330 OF W 245 OF E1/2 E1/2 NE1/4</p>	\$16,490	Agricultural Use
<p><u>099-044-20-0-00-00-002.00-0</u>  <b>Quick Ref ID = 341</b>  <b>Tax Year = 2016</b>                      STALLARD, CAROLYN J;REV LIV</p> <p>Owner Mailing Address:                      1318 CAROLYN ST DERBY, KS 67037-2038</p>	<p>00000 BALD EAGLE RD, Wamego, KS 66547</p> <p>ACRES=40.76 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 40.8 , W1/2 E1/2 NE1/4 LESS R/W</p>	\$21,310	Agricultural Use
<p><u>099-044-20-0-00-00-003.00-0</u>  <b>Quick Ref ID = 342</b>  <b>Tax Year = 2016</b>                      MERTZ,ROBERT D,TR MERTZ,HAROLD J,TR ETAL</p> <p>Owner Mailing Address:                      C/O MERTZ,ROBERT D 7280 ZEANDALE RD MANHATTAN, KS 66502-1517</p>	<p>00000 ANTELOPE CREEK RD, Wamego, KS 66547</p> <p>ACRES=78.3 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 78.2 , W1/2 NE1/4 LESS R/W</p>	\$44,170	Agricultural Use
<p><u>099-044-20-0-00-00-004.00-0</u>  <b>Quick Ref ID = 343</b>  <b>Tax Year = 2016</b>                      WEIXELMAN,RICHARD L &amp; T E</p> <p>Owner Mailing Address:                      41192 HIGHWAY K99 WAMEGO, KS 66547-8063</p>	<p>00000 ANTELOPE CREEK RD, Wamego, KS 66547</p> <p>ACRES=14.27 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 14.3 , N 698 OF E 1123 OF NW1/4 LESS RIVER LESS R/W</p>	\$4,990	Agricultural Use
<p><u>099-044-20-0-00-00-005.00-0</u>  <b>Quick Ref ID = 344</b>  <b>Tax Year = 2016</b>                      WEIXELMAN, RICHARD L</p>	<p>39858 ANTELOPE CREEK RD, Wamego, KS 66547</p> <p>ACRES=35.65 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 35.7 , TR BEG AT PT 698 S &amp; 25 W OF N1/4 COR TH S 1165, W 1490,</p>	\$95,910 A \$170,680 F	Farm Homesite

#3

<p>Owner Mailing Address: 41192 HIGHWAY K99 WAMEGO, KS 66547-8063</p>		<p>NELY ALG RIVER 1285, E 934 TO POB</p>		
<p>099-044-20-0-00-00-006.00-0 <b>Quick Ref ID = 345</b> <b>Tax Year = 2016</b> MERTZ,ROBERT D,TR MERTZ,HAROLD J,TR ETAL  Owner Mailing Address: C/O MERTZ,ROBERT D 7280 ZEANDALE RD MANHATTAN, KS 66502-1517</p>	<p>00000 ANTELOPE CREEK RD, Wamego, KS 66547  ACRES=109.83 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 109.8 , TR BEG AT PT 148.5 W OF S 1/4 COR;TH W 1320, NLY ALG CO LINE 4160, E 225(S) SLY 200, WLY 29 (S), SLY 176, ELY 200, NLY 176,</p>	<p>\$44,700</p>	<p>Agricultural Use</p>
<p>099-044-20-0-00-00-006.01-0 <b>Quick Ref ID = 346</b> <b>Tax Year = 2016</b> RURAL WATER DISTRICT #2  Owner Mailing Address: 38521 ANTELOPE CRK RD WAMEGO, KS 66547-9004</p>	<p>39666 ANTELOPE CREEK RD, Wamego, KS 66547  ACRES=1.73 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 1.7 , TR BEG 741 NLY &amp; 991.35 WLY OF SE COR NW 1/4, TH SLY 200, WLY 29 (S), SLY 176, WLY 200, NLY 176, ELY 29(S), NLY 200, ELY</p>	<p>\$1,725,980</p>	<p>Exempt</p>
<p>099-044-20-0-00-00-007.00-0 <b>Quick Ref ID = 347</b> <b>Tax Year = 2016</b> BRETHOUR,CLAY E &amp; KRISTIN  Owner Mailing Address: 21205 WHISPERING DR LENEXA, KS 66220-3210</p>	<p>39114 ANTELOPE CREEK RD, Wamego, KS 66547  ACRES=4.16 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 4.2 , TR BEG 412 N SE COR SW1/4 TH W 368 NELY 350 W 79 N 302 E 375 S647 TO POB LESS R/W</p>	<p>\$218,330</p>	<p>Residential</p>
<p>099-044-20-0-00-00-008.00-0 <b>Quick Ref ID = 348</b> <b>Tax Year = 2016</b> PETERSON,ROXANNE B BELLINGER,RAYMOND J  Owner Mailing Address: 404 JC ROGERS DR WAMEGO, KS 66547-9025</p>	<p>00000 ANTELOPE CREEK RD, Wamego, KS 66547  ACRES=52.1 Neighborhood=013.A</p>	<p>S20 , T10 , R10E , ACRES 52.1 , S 1985 OF W1325 OF SE4 &amp; S418 OF E148 OF SW4 LESS TR BEG S4 COR TH NW148 NE412 SE148 NELY2 98 NELY451 SWLY440 SWLY342</p>	<p>\$23,520</p>	<p>Agricultural Use</p>
<p>099-044-20-0-00-00-008.01-0 <b>Quick Ref ID = 349</b> <b>Tax Year = 2016</b> BRETHOUR,CLAY E &amp; KRISTIN  Owner Mailing Address: 21205 WHISPERING</p>	<p>38977 ANTELOPE CREEK RD, Wamego, KS 66547  ACRES=6.43 Neighborhood=013.A</p>	<p>S20, T10, R10E, ACRES 6.4, BEG S4 COR TH NW148 NE412 SE14 8 NELY298 NELY451 SWLY440 SWLY 342 NWLY265 TO POB LESS R/W</p>	<p>\$159,590</p>	<p>Residential</p>

**VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT** MAY 25 2016

KS DEPT OF AGRICULTURE

To: Kansas Department of Agriculture  
Division of Water Resources (DWR)  
1320 Research Park Drive  
Manhattan, KS 66502  
Telephone: (785) 564-6640  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

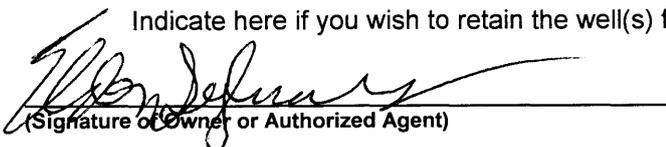
Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit   
(Check Appropriate Box Above)  
File No. 47981

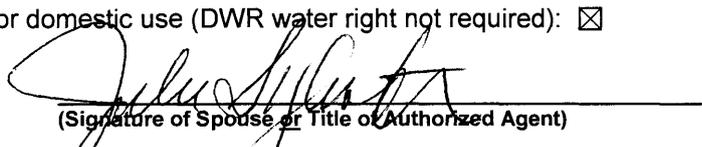
The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

  
(Signature of Owner or Authorized Agent)

  
(Signature of Spouse or Title of Authorized Agent)

(Please print name here)

(Please print name here)

(Mailing Address)

(Mailing Address)

(City, State, Zip)

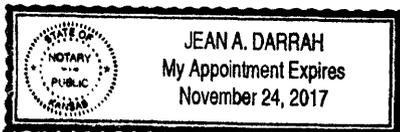
(City, State, Zip)

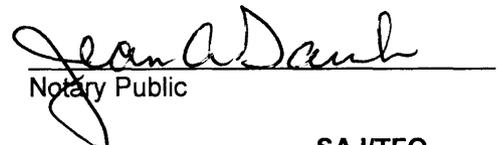
**ACKNOWLEDGMENT**

State of Kansas )  
County of Riley )

This instrument was acknowledged before me this 25<sup>th</sup> day of May, 2016 by  
(owners:) Julie and Eldon Sylvester

(Seal)



  
Notary Public

My appointment expires.

\* ACTION ON THIS FORM IS CONTINGENT UPON THE APPROVAL OF  
A NEW APPLICATION THAT IS BEING FILED TO REPLACE FILE NO. 47981

SAJ/TFO  
DWR Initials

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

May 27, 2016

ELDON SYLVESTER  
29862 BLAD EAGLE RD  
WAMEGO KS 66547

**FILE COPY**

RE: Application  
File No. 49646

Dear Sir or Madam:

Your application for permit to appropriate water in 20-10S-10E in Wabaunsee 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Brent A. Turney". The signature is written in a cursive style.

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

BAT: ALH  
pc: TOPEKA Field Office  
GMD 0

SCANNED

ELDON SYLVESTER - APPLICATION, FILE NO. 49,646  
Sections 20 & 21, Township 10 South, Range 10 East  
Wabaunsee County



 Proposed Place of Use  
 Proposed Point of Diversion

1:24,000

All known wells within one-half mile of the proposed point of diversion are shown on this map.

*\* See Enclosed Map signed by Applicant*

*DWS/DWR 7/27/16*

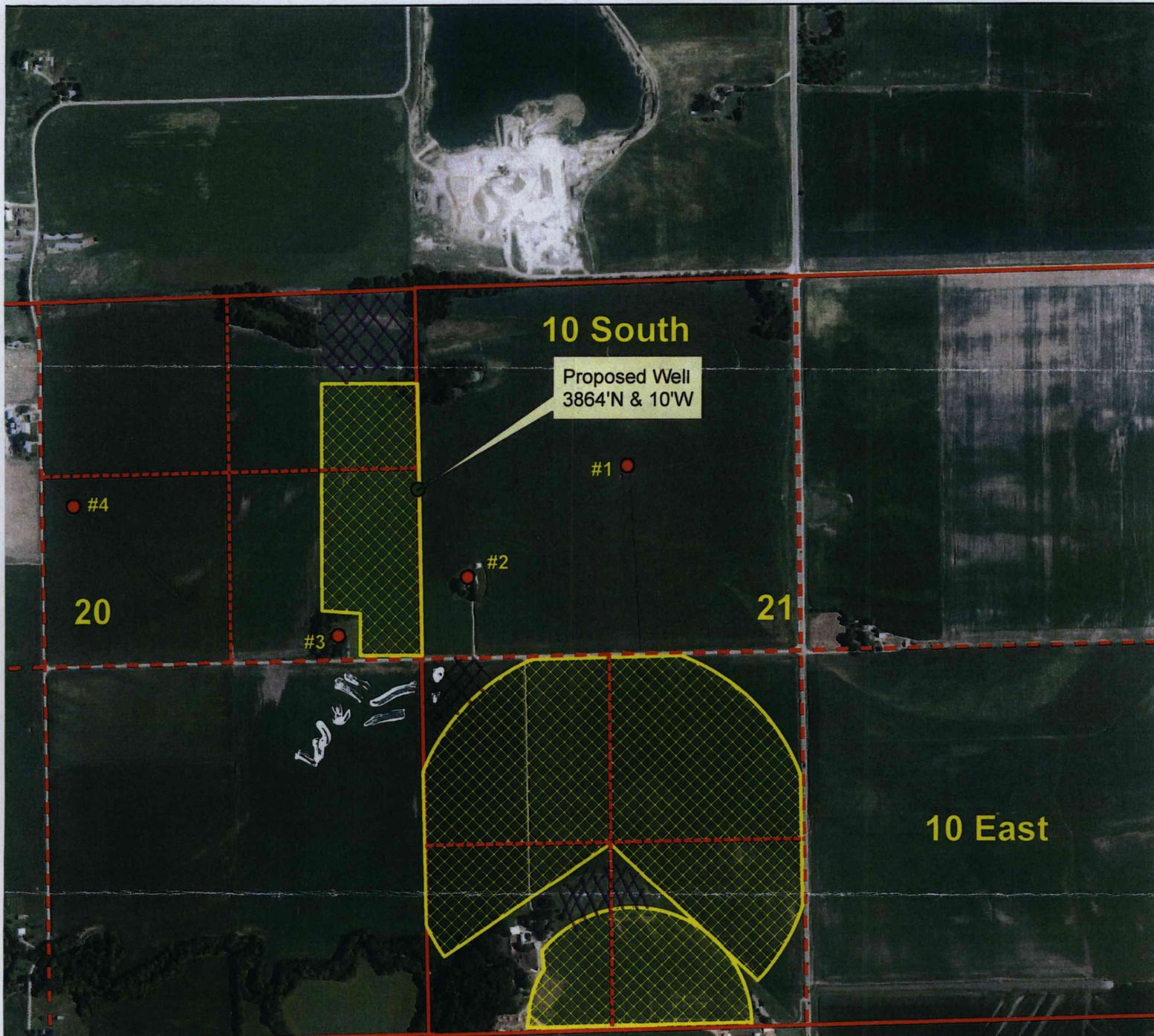


1:12,000

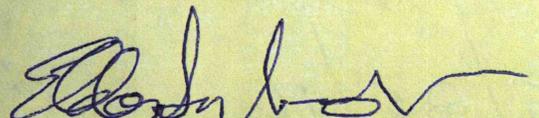
New Application

49,646

\* addition of acres  
by applicant during  
walk in



All Wells of any kind located within one-half mile of the proposed well have been plotted

  
Signature

5/25/16  
Date

1:12,000

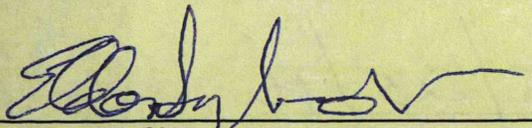
New Application

49,646

\* addition of acres  
by applicant during  
walk in



All Wells of any kind located within one-half mile of the proposed well have been plotted



Signature

5/25/14

Date

WANTED

S17-T10S-R10E

S16-T10S-R10E

S15-T10S-R10E

Existing Irrigation Well

Existing Domestic Well

S20-T10S-R10E

S21-T10S-R10E

Test Hole Location

S22-T10S-R10E

Test Hole Location

S29-T10S-R10E

S28-T10S-R10E

S27-T10S-R10E

