

File No. **48,316** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion

T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
		DEL		80234	NCSE	9	24	5W	1	1300	1320

17. Rate and Quantity

Authorized		Additional		
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
				48286

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 _____ Date Acceptable Meter Installed _____

21. Place of Use

T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
									NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
		DEL		63839	9	24	5W	3																				

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: June 29, 2016

FROM: Matt Meier

RE: Application, File No. 48,316

Ray E. Bontrager filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 108.9 acre-feet of groundwater for irrigation use. The proposed point of diversion was one (1) well located Near the Center of the Southeast Quarter (NC SE¼) of Section 9, more particularly described as being near a point 1,300 feet North and 1,320 feet West of the Southeast corner of said section, in Township 24 South, Range 5 West, Reno County, Kansas, within the Arkansas River drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. Appropriation of Water, File No. 48,206 overlaps the proposed point of diversion but not the proposed place of use.

The applicant identified 6 domestic wells within one-half mile of the proposed well and 2 non-domestic well, which WRIS confirmed. Nearby well notifications were sent out on October 13, 2014. A phone call was received from domestic well owner Scott Higginboth who was against the approval of the application. A letter was received from Reno County Rural Water District No. 3 stating that they were concerned about the proposed well's possible impact on a nearby TCE contaminant Plume. No other response was received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 33,653 & 43,298) is located 1,581 feet away. The nearest domestic well is located approximately 1,500 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-22-2(a) for wells located within Equus Beds Groundwater Management District No. 2, the minimum well spacing should be 1,320 feet to all other non-domestic wells and 660 feet to domestic wells for a single well.

A copy of the application was submitted to Equus Beds Groundwater management District No. 2 on November 20, 2014. GMD #2 recommended denial of the application in a letter received on July 2, 2015. They recommended denying the application because the point of diversion was located in an area down gradient of a known Trichlorethene (TCE) plume and Carbon Tetrachloride (CT) plume. The letter stated that approval of the application would not be in the public's interest due to the detrimental impact the proposed irrigation well would have on nearby municipal and domestic wells which was why it was recommended for denial. A letter was sent to the applicant stating the decision of GMD#2 and that the applicant had 30 days (until January 29, 2015) to appeal the decision. A letter was received from GMD#2 on July 16, 2015 stating that the applicant had appealed the decision. Multiple additional requests for extensions of time were received and granted by GMD#2. On April 15, 2016 a final letter was received from GMD#2 stating that the appeal was being dismissed by GMD#2 as the requested additional information had not been submitted by the applicant or another request for an extension of time. The letter stated GMD#2's June 29, 2015 denial recommendation would stand. The applicant was sent a letter on April 19, 2016 stating that application was being recommended for denial based on the GMD#2 recommendation and that May 4, 2016 was the denial deadline. No contact or information was received from the applicant.

Therefore, based on the existing information, it is recommended that application File No. 48,316 be denied and dismissed based on the recommendation of Equus Beds Groundwater management District No. 2.

Matt Meier
Environmental Scientist
Permits Unit



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

August 25, 2016

RAY BONTRAGER
211 E AVENUE F
SOUTH HUTCHINSON, KS 67505-2037

FILE COPY

RE: Application, File No. 48,316

Dear Mr. Bontrager:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 48,316, based on the recommendation of Equus Beds Groundwater Management District No. 2.

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

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

Sincerely,


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

Enclosures

pc: Stafford Field Office
GMD No. 2
Douglas & Joleen R Yoder

THE STATE



OF KANSAS

FILE COPY

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

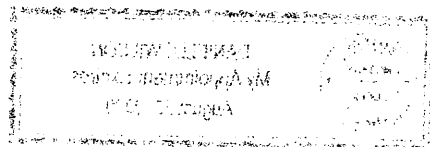
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 48,316**

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 October 25, 2012, the Chief Engineer received an application from Ray E. Bontrager for a permit to appropriate water for beneficial use, assigned File No. 48,316, proposing the appropriation of 108.9 acre-feet of groundwater for irrigation use. The proposed well was to be located Near the Center of the Southeast Quarter (NC SE $\frac{1}{4}$) of Section 9, more particularly described as being near a point 1,300 feet North and 1,320 feet West of the Southeast corner of said section, in Township 24 South, Range 5 West, Reno County, Kansas
2. That on November 20, 2014, a copy of the application was submitted to Equus Beds Groundwater management District No. 2. GMD No. 2 recommended denial of the application in a letter received on July 2, 2015. They recommended denying the application because the point of diversion was located in an area down gradient of a known Trichlorethene (TCE) plume and Carbon Tetrachloride (CT) plume. The letter stated that approval of the application would not be in the public's interest due to the detrimental impact the proposed irrigation well would have on nearby municipal and domestic wells which was why it was recommended for denial.
3. A letter was sent to the applicant stating the decision of GMD No. 2 and that the applicant had 30 days until July 29, 2015, to appeal the decision. A letter was received from GMD No. 2 on July 16, 2015, stating that the applicant had appealed the decision. Multiple additional requests for extensions of time were received and granted by GMD No. 2.
4. That on April 15, 2016 a final letter was received from GMD No. 2 stating that the appeal was being dismissed as the requested additional information had not been submitted by the applicant or another request for an extension of time. The letter stated the GMD No. 2 June 29, 2015, denial recommendation would stand. The applicant was sent a letter on April 19, 2016 stating that application was being recommended for denial based on the GMD No. 2 recommendation and that May 4, 2016 was the denial deadline. No contact or information was received from the applicant.
5. That the application should be denied and dismissed and its priority forfeited based on the recommendation of GMD No. 2.



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. 48,316, 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 25th day of August, 2016, in Topeka, Shawnee County, Kansas.



Lane P. Letourneau, L.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 25th day of August, 2016, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Notary Public



CERTIFICATE OF SERVICE

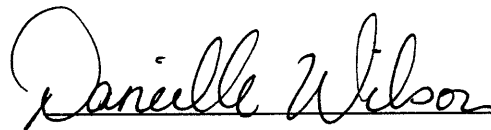
On this 25 day of August, 2016, I hereby certify that the foregoing Dismissal of Application, File No. 48,316, dated August 25, 2016 was mailed postage prepaid, first class, US mail to the following:

RAY BONTRAGER
211 E AVENUE F
SOUTH HUTCHINSON, KS 67505-2037

With photocopies to:

DOUGLAS & JOLEEN YODER
3803 E TRAILS WEST RD
HAVEN, KS 67543

Stafford Field Office
Equus Beds Groundwater Management District No. 2

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

THE STATE OF KANSAS



APPLICATION COMPLETE
 10/13/12
 Reviewer MJM

KANSAS DEPARTMENT OF AGRICULTURE
 Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

File Number 48,316

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

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

WATER RESOURCES RECEIVED
 OCT 25 2012
 12:55 PM
 KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
 109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Ray E. Bontrager
 Address: 211 East Avenue F
 City: South Hutchinson State KS Zip Code 67505
 Telephone Number: (620) 662-1579

2. The source of water is: surface water in _____ (stream)
 OR groundwater in Arkansas 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.

3. The maximum quantity of water desired is 108.90 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 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>2</u>	GMD <u>2</u>	Meets K.A.R. 5-3-1 (YES/NO) <u>YES</u>	Use <u>IR</u>	Source <u>GN</u>	County <u>...</u>	By <u>...</u>	Date <u>10-25-12</u>
Code <u>RES</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>10-26-12</u>	Check # <u>HT3</u>			

10-30-12
 BJD
 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 _____ quarter of the NEAR THE CENTER quarter of the SOUTHEAST quarter of Section 9, more particularly described as being near a point 1300 feet North and 1320 feet West of the Southeast corner of said section, in Township 24 South, Range 5 (West), _____ Reno _____ 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):

Ray E. & Carol Joyce Bontrager, 211 East Avenue F., South Hutchinson, KS 67505 620-662-1579
(name, address and telephone number)

(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 10-22, 2012 _____
Ray E. Bontrager
Applicant's Signature

7. The proposed project for diversion of water will consist of One Well and pump
(number of wells, pumps or dams, etc.)

and will be completed (by) as soon as possible
(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 3/1/2013
(Mo/Day/Year)

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

- 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.

Will form an overlap with the point of diversion for Application No. 48206, well location will follow any changes I made to #48206 prior to approval

WATER RESOURCES
RECEIVED

OCT 25 2012

KS DEPT OF AGRICULTURE
SCANNED

* See application # 48206 for test log

* 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 _____ (owner, tenant, agent or otherwise). ** Will enter agreement after approval with neighbor/landowner on operation of pivot*

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
Douglas & Joleen R. Yoder, 3803 East Trail West Road, Haven, KS 67543 620-662-1605
(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 Halstead, Kansas, this 22 day of Oct, 2012
(month) (year)

Ray Banting
(Applicant Signature)

510-36-6637
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Ray E. Bontrager

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: Douglas & Joleen R. Yoder

ADDRESS: 3803 E Trail West Road Haven, KS 67543

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9	24	5W													37.8	40			77.80

Landowner of Record NAME: _____

ADDRESS: _____

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

Landowner of Record NAME: _____

ADDRESS: _____

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

WATER RESOURCES RECEIVED
 OCT 25 2012
 KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED
 OCT 15 2012
 KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY SCANNED

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
<u>Avans Loam</u>	<u>100</u>	<u>0.60-2.00</u>	<u>7</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 1 %

Estimate the maximum land slope in the field(s): 3 %

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: Center pivot and or flood/tape corners

d. System design features:

i. Describe how you will control tailwater: Will schedule and apply irrigation to eliminate run-off

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: corn wheat soybeans milo alfalfa

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). Will contract with crop consultant

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

10-22-12

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

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.

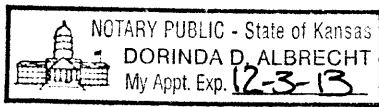
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Ray Bontrager
Signature of Applicant

RAY E. BONTRAGER
(Print Applicant's Name)

State of Kansas)
County of Harvey) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22 day of October, 2012.



Dorinda Albrecht
Notary Public

My Commission Expires: 12-3-13

WATER RESOURCES RECEIVED
OCT 25 2012
KS DEPT OF AGRICULTURE
SCANNED
UNACCEPTABLE FOR PRIORITY
OCT 1 2012
KS DEPT OF AGRICULTURE

**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

Wells Within ½ Mile

1. Harold & Gladys Yoder
7116 South Yoder Road
Haven, KS 67543
2. Doug Yoder
3803 East Trail West Road
Haven, KS 67543
3. Reno RWD #3
Box 53
Yoder, KS 67585
4. Harold I. Yoder
3315 Farmington Road
Hutchinson, KS 67502
5. Scottt Higginboth
6504 South Yoder Road
Haven, KS 67543
6. Gale Ediger
6406 South Yoder Road
Haven, KS 67543
7. Faye Beckler & Janice Wyse
6207 West Shangri La Road
Glendale Arizona, 85304
8. Jerry Yoder
6515 South Yoder Road
Haven, KS 67543

WATER RESOURCES
RECEIVED
OCT 15 2012
UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED
OCT 25 2012
KS DEPT OF AGRICULTURE

SCANNED

WATER WELL RECORD Form WWC-5 1132880

Division of Water Resources App. No.

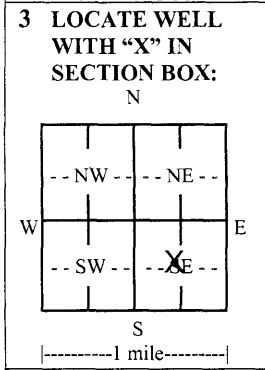
48206

Well ID

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Reno Fraction SE 1/4 SE 1/4 NW 1/4 SE 1/4 Section Number 9 Township Number T 24 S Range Number R 5 E W

2 WELL OWNER: Last Name: Bontrager First: Ray Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: 2 miles North of Yoder, KS Business: Address: 211 East F Ave. Address: City: South Hutchinson State: KS ZIP: 67505



4 DEPTH OF COMPLETED WELL: 150 ft. Depth(s) Groundwater Encountered: 1) 33 ft. 2) ... 3) ... 4) Dry Well WELL'S STATIC WATER LEVEL: 31 ft. below land surface, measured on (mo-day-yr) 03/27/2013 above land surface, measured on (mo-day-yr) ... Pump test data: Well water was ... ft. after ... hours pumping ... gpm Well water was ... ft. after ... hours pumping ... gpm Estimated Yield: 1000 gpm Bore Hole Diameter: 30 in. to 150 ft. and ... in. to ... ft.

5 Latitude: 37.97368 (decimal degrees) Longitude: 97.87148 (decimal degrees) Datum: WGS 84 NAD 83 NAD 27 Source for Latitude/Longitude: GPS (unit make/model: ... (WAAS enabled? Yes No) Land Survey Topographic Map Online Mapper: ... 6 Elevation: 1518 ft. Ground Level TOC Source: Land Survey GPS Topographic Map Other KOLAR

7 WELL WATER TO BE USED AS: 1. Domestic: Household Lawn & Garden Livestock 2. Irrigation 3. Feedlot 4. Industrial 5. Public Water Supply: well ID ... 6. Dewatering: how many wells? ... 7. Aquifer Recharge: well ID ... 8. Monitoring: well ID ... 9. Environmental Remediation: well ID ... Air Sparge Soil Vapor Extraction Recovery Injection 10. Oil Field Water Supply: lease ... 11. Test Hole: well ID ... Cased Uncased Geotechnical 12. Geothermal: how many bores? ... a) Closed Loop Horizontal Vertical b) Open Loop Surface Discharge Inj. of Water 13. Other (specify): ...

Was a chemical/bacteriological sample submitted to KDHE? Yes No If yes, date sample was submitted: ... Water well disinfected? Yes No

8 TYPE OF CASING USED: Steel PVC Other ... CASING JOINTS: Glued Clamped Welded Threaded Casing diameter 16 in. to 100 ft., Diameter 12 in. to ... ft., Diameter ... in. to ... ft. Casing height above land surface 12 in. Weight 16.15 lbs./ft. Wall thickness or gauge No. 500 TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel Fiberglass PVC Other (Specify) ... Brass Galvanized Steel Concrete tile None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: Continuous Slot Mill Slot Gauze Wrapped Torch Cut Drilled Holes Other (Specify) ... Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole) SCREEN-PERFORATED INTERVALS: From 100 ft. to 150 ft., From ... ft. to ... ft., From ... ft. to ... ft. GRAVEL PACK INTERVALS: From 25 ft. to 150 ft., From ... ft. to ... ft., From ... ft. to ... ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other ... Grout Intervals: From 2 ft. to 25 ft., From ... ft. to ... ft., From ... ft. to ... ft. Nearest source of possible contamination: Septic Tank Lateral Lines Pit Privy Livestock Pens Insecticide Storage Sewer Lines Cess Pool Sewage Lagoon Fuel Storage Abandoned Water Well Watertight Sewer Lines Seepage Pit Feedyard Fertilizer Storage Oil Well/Gas Well Other (Specify) ... Direction from well? ... Distance from well? ... ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	3	Topsoil			
3	62	Clay, tan and red			
62	92	Sand, fine			
92	96	Clay, brown			
96	112	Sand, medium			
112	115	Clay, tan			
115	150	Sand, medium to coarse			
			Notes:		

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) 03/27/2013 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 138 This Water Well Record was completed on (mo-day-year) 04/11/2013 under the business name of Peterson Irrigation, Inc.

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

1300 ft N and 1320 ft W of the SE Corner of Section 9, T 24S, R 5W

Located at: 97.871171 West Longitude and 37.973632 North Latitude

Both SURFACE WATER and GROUNDWATER

#48316

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 819	00	IRR	NK	G	2662	--	--	NC	SW	-----	-----	10	24	5W	1		72.00	72.00	AF
A__ 1926	00	IRR	NK	G	5617	--	NC	N2	SE	-----	-----	16	24	5W	1		98.00	98.00	AF
A__ 4482	00	IRR	NK	G	5469	--	SW	NE	SW	-----	-----	16	24	5W	2		135.00	135.00	AF
A__ 19390	00	IRR	NK	G	8300	--	--	NC	NW	4026	3943	8	24	5W	1		141.00	141.00	AF
A__ 23636	00	IRR	NK	G	8062	--	NE	NW	SW	2630	4045	8	24	5W	2		139.00	139.00	AF
A__ 23637	00	IRR	NK	G	9523	--	--	NC	SW	1435	3960	5	24	5W	1		125.00	125.00	AF
A__ 28261	00	IRR	NK	G	9855	--	NC	SE	SW	660	3300	2	24	5W	1	G 4	93.00	93.00	AF
Same					9859	--	NC	SE	SW	660	3295	2	24	5W	4	B 4			
Same					9850	--	NC	SE	SW	660	3305	2	24	5W	5	B 4			
Same					9846	--	NC	SE	SW	660	3310	2	24	5W	6	B 4			
Same					9863	--	NC	SE	SW	660	3290	2	24	5W	7	B 4			
A__ 28981	00	IRR	NK	G	1845	--	NE	NE	NE	4950	460	16	24	5W	3		197.00	197.00	AF
A__ 29086	00	IRR	NK	G	7945	--	SW	NW	SE	1385	2000	5	24	5W	2		83.00	83.00	AF
A__ 29659	00	IRR	NK	G	9799	--	SE	NW	SW	1690	4020	2	24	5W	3		49.00	49.00	AF
A__ 33475	00	IRR	NK	G	3641	--	SW	NE	NW	4015	3928	16	24	5W	4		110.00	110.00	AF
A__ 33653	00	MUN	NK	G	1581	--	NW	NW	NE	5172	2068	16	24	5W	5		9.24	9.24	AF
Same					2652	--	NW	NE	NW	5145	3563	16	24	5W	6		9.24	.00	AF
A__ 34875	00	IRR	NK	G	5899	--	SE	NW	NE	3990	1350	17	24	5W	3		72.00	72.00	AF
A__ 35247	00	MUN	NK	G	2652	--	NW	NE	NW	5145	3563	16	24	5W	6		64.43	64.43	AF
A__ 35410	00	IRR	NK	G	5899	--	SE	NW	NE	3990	1350	17	24	5W	3		72.00	.00	AF
A__ 36304	00	IRR	NK	G	6725	--	NE	NE	NW	5250	2670	17	24	5W	1		156.00	156.00	AF
A__ 38974	00	MUN	NK	G	4063	--	SE	SE	NE	2665	195	16	24	5W	7		32.32	32.32	AF
A__ 41538	00	IRR	NK	G	8018	--	SE	NW	NW	4363	4224	21	24	5W	5	G 2	121.00	121.00	AF
Same					8040	--	SE	NW	NW	4417	4421	21	24	5W	2	B 2			
Same					8001	--	SE	NW	NW	4308	4026	21	24	5W	4	B 2			
A__ 42609	00	IRR	NK	G	8300	--	--	NC	NW	4026	3943	8	24	5W	1		54.00	54.00	AF
A__ 43298	00	MUN	KE	G	1581	--	NW	NW	NE	5172	2068	16	24	5W	5		30.69	30.69	AF
A__ 43394	00	MUN	KE	G	2652	--	NW	NE	NW	5145	3563	16	24	5W	6		30.69	30.69	AF
A__ 44053	00	IRR	NK	G	8300	--	--	NC	NW	4026	3943	8	24	5W	1		34.00	34.00	AF
A__ 45183	00	IRR	NK	G	7945	--	SW	NW	SE	1385	2000	5	24	5W	2		129.00	46.00	AF
A__ 45804	00	IRR	NK	G	5750	--	SW	NE	NE	4001	1188	8	24	5W	4	G 2	128.00	128.00	AF
Same					5858	--	SW	NE	NE	3997	1312	8	24	5W	5	B 2			
Same					5642	--	SW	NE	NE	4004	1064	8	24	5W	6	B 2			
A__ 45946	00	IRR	NK	G	10555	--	SE	SW	NW	3105	3964	5	24	5W	6	G 3	141.00	141.00	AF
Same					10533	--	SW	SE	NW	3104	3935	5	24	5W	3	B 3			
Same					10351	--	SW	SE	NW	3111	3682	5	24	5W	4	B 3			
A__ 47898	00	IRR	KE	G	8855	--	NE	NE	NW	4800	3200	14	24	5W	2		184.80	184.80	AF
A__ 47906	00	IRR	KE	G	8208	--	SW	SE	NE	2690	945	5	24	5W	7	G 3	91.00	91.00	AF
Same					8382	--	SW	SE	NE	2690	1235	5	24	5W	8	B 3			
Same					8208	--	SW	SE	NE	2690	945	5	24	5W	9	B 3			
Same					8040	--	SW	SE	NE	2690	655	5	24	5W	10	B 3			
A__ 48206	00	IRR	GY	G	0	--	--	NC	SE	1300	1320	9	24	5W	1		112.00	112.00	AF
A__ 48271	00	IRR	KE	G	3641	--	SW	NE	NW	4015	3928	16	24	5W	4		210.00	100.00	AF
A__ 48285	00	IRR	AY	G	3622	--	SE	NW	NW	4030	4100	15	24	5W	1		182.00	182.00	AF
██████████					0	--	--	NC	SE	1300	1320	9	24	5W	1		108.90	108.90	AF
T__20127234	MF	IRR	GY	G	5750	--	SW	NE	NE	4001	1188	8	24	5W	4	G 2	640.00	.00	AF

Same	5858	-- SW NE NE	3997	1312	8	24	5W	5	B	2		
Same	5642	-- SW NE NE	4004	1064	8	24	5W	6	B	2		
T__20127530 MF IRR GY G	10555	-- SE SW NW	3105	3964	5	24	5W	6	G	3	653.13	.00 AF
Same	10533	-- SW SE NW	3104	3935	5	24	5W	3	B	3		
Same	10351	-- SW SE NW	3111	3682	5	24	5W	4	B	3		

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Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =    290.90      .00
Total Permitted Amount (AF) =    549.18      .00
Total Inspected Amount (AF) =      .00      .00
Total Pro_Cert Amount (AF) =      .00      .00
Total Certified Amount (AF) =   2099.99      .00
Total Vested Amount (AF) =      .00      .00
TOTAL AMOUNT (AF) =    2940.07      .00
  
```

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

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

97.871171 West Longitude and 37.973632 North Latitude

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

- ```

=====
File Number Use ST SR
A__ 819 00 IRR NK G
> HAROLD L YODER
>
> 3315 FARMINGTON RD
> HUTCHINSON KS 67502
>-----
A__ 1926 00 IRR NK G
> STEPHEN W & DEDRA K SAWATZKY
>
> 8001 S YODER RD
> HAVEN KS 67543
>-----
A__ 4482 00 IRR NK G
> REGENA R GARBER TRUST
> REGENA GARBER
> 1206 E 21ST AVE
> HUTCHINSON KS 67502
>-----
A__ 19390 00 IRR NK G
> ELIZABETH ANN CERAMELLA REV TRUST
> FNB FARM MGMT DEPT
> PO BOX 913
> HUTCHINSON KS 67504
>-----
A__ 23636 00 IRR NK G
> PHOEBE JANE WELTY ET AL TRUST
> DAVID WELTY

```

#48,316

> 210 S BONE SPRINGS RD  
> ABBYVILLE KS 67510

-----  
A\_\_ 23637 00 IRR NK G  
> MARK & AMY ELLIOTT

>  
> 803 BARNES LAKE RD  
> HUTCHINSON KS 67501

-----  
A\_\_ 28261 00 IRR NK G  
> SECK FAMILY TRUST  
> RICHARD SECK TRUSTEE  
> 6614 E EALES RD  
> HUTCHINSON KS 67501

-----  
A\_\_ 28981 00 IRR NK G  
> DALE E & VICKI J KAUFFMAN  
>  
> 8308 S MAYFIELD RD  
> HAVEN KS 67543

-----  
A\_\_ 29086 00 IRR NK G  
> DALE E & VICKI J KAUFFMAN  
>  
> 8308 S MAYFIELD RD  
> HAVEN KS 67543

-----  
A\_\_ 29659 00 IRR NK G  
> D MIKE & BEVERLY A QUILLIN  
>  
> 12 N VICTORY RD  
> HUTCHINSON KS 67501

-----  
A\_\_ 33475 00 IRR NK G  
> JERRY WYSE  
>  
> 8403 S MAYFIELD RD  
> HAVEN KS 67543

-----  
A\_\_ 33653 00 MUN NK G  
> RENO RWD 03  
>  
> BOX 53  
> YODER KS 67585

-----  
A\_\_ 34875 00 IRR NK G  
> DALE E & VICKI J KAUFFMAN  
>  
> 8308 S MAYFIELD RD  
> HAVEN KS 67543

-----  
A\_\_ 35247 00 MUN NK G

> RENO RWD 03

>

> BOX 53

> YODER KS 67585

>-----

A\_\_ 35410 00 IRR NK G

> DALE E & VICKI J KAUFFMAN

>

> 8308 S MAYFIELD RD

> HAVEN KS 67543

>-----

A\_\_ 36304 00 IRR NK G

> CHARLES BENSCHIEDT

>

> PO BOX 1524

> HUTCHINSON KS 67504

>-----

A\_\_ 38974 00 MUN NK G

> RENO COUNTY WATER DISTRICT #101

>

> 600 SCOTT BLVD

> SOUTH HUTCHINSON KS 67505

>-----

A\_\_ 41538 00 IRR NK G

> VERNON H & ARLENE K BONTRAGER TRUSTS

> VERNON & ARLENE BONTRAGER

> 8705 S SANDCREEK RD

> HUTCHINSON KS 67501

>-----

A\_\_ 42609 00 IRR NK G

> ELIZABETH ANN CERAMELLA REV TRUST

> FNB FARM MGMT DEPT

> PO BOX 913

> HUTCHINSON KS 67504

>-----

A\_\_ 43298 00 MUN KE G

> RENO RWD 03

>

> BOX 53

> YODER KS 67585

>-----

A\_\_ 43394 00 MUN KE G

> RENO RWD 03

>

> BOX 53

> YODER KS 67585

>-----

A\_\_ 44053 00 IRR NK G

> ELIZABETH ANN CERAMELLA REV TRUST

> FNB FARM MGMT DEPT

> PO BOX 913

> HUTCHINSON KS 67504

#49,316

>-----  
A\_\_ 45183 00 IRR NK G  
> DALE E & VICKI J KAUFFMAN  
>  
> 8308 S MAYFIELD RD  
> HAVEN KS 67543  
>-----  
A\_\_ 45804 00 IRR NK G  
> C B & JOAN K SHOWALTER  
>  
> 8803 E ARLINGTON RD  
> HAVEN KS 67543  
>-----  
A\_\_ 45946 00 IRR NK G  
> C B & JOAN K SHOWALTER  
>  
> 8803 E ARLINGTON RD  
> HAVEN KS 67543  
>-----  
A\_\_ 47898 00 IRR KE G  
> SAM & MARJORIE MILLER  
>  
> 5203 E TRAILS WEST RD  
> HAVEN KS 67543  
>-----  
A\_\_ 47906 00 IRR KE G  
> LLOYD H BONTRAGER  
>  
> 4715 EAST ARLINGTON RD  
> HAVEN KS 67543  
>-----  
A\_\_ 48206 00 IRR GY G  
> RAY E & CAROL BONTRAGER LIV TRUSTS  
> RAY & CAROL - TRUSTEES  
> 211 E AVENUE F  
> SOUTH HUTCHINSON KS 67505  
>-----  
A\_\_ 48271 00 IRR KE G  
> JERRY WYSE  
>  
> 8403 S MAYFIELD RD  
> HAVEN KS 67543  
>-----  
A\_\_ 48285 00 IRR AY G  
> RYAN YODER  
>  
> 3819 E TRAILS WEST RD  
> HAVEN KS 67543  
>-----  
A\_\_ 48316 00 IRR AY G  
> RAY E & CAROL BONTRAGER LIV TRUSTS  
> RAY & CAROL - TRUSTEES

> 211 E AVENUE F  
> SOUTH HUTCHINSON KS 67505

>-----

T\_20127234 MF IRR GY G

> C B & JOAN K SHOWALTER

>

> 8803 E ARLINGTON RD

> HAVEN KS 67543

>-----

T\_20127530 MF IRR GY G

> C B & JOAN K SHOWALTER

>

> 8803 E ARLINGTON RD

> HAVEN KS 67543

>-----

=====

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 13, 2014

Harold & Gladys Yoder  
7116 South Yoder Road  
Haven, KS 67543

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

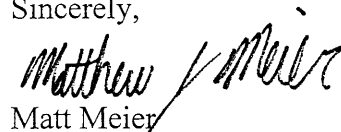
This is to advise you that Ray Bontrager has filed the application referred to above for a permit to appropriate 108.9 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. The proposed point of diversion for 48,316 is one (1) well located as follows:

Near the Center of the Southeast Quarter of Section 9, Township 24 South, Range 5 West, Reno County, Kansas.

A map is enclosed indicating the location of the proposed well. 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 (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:



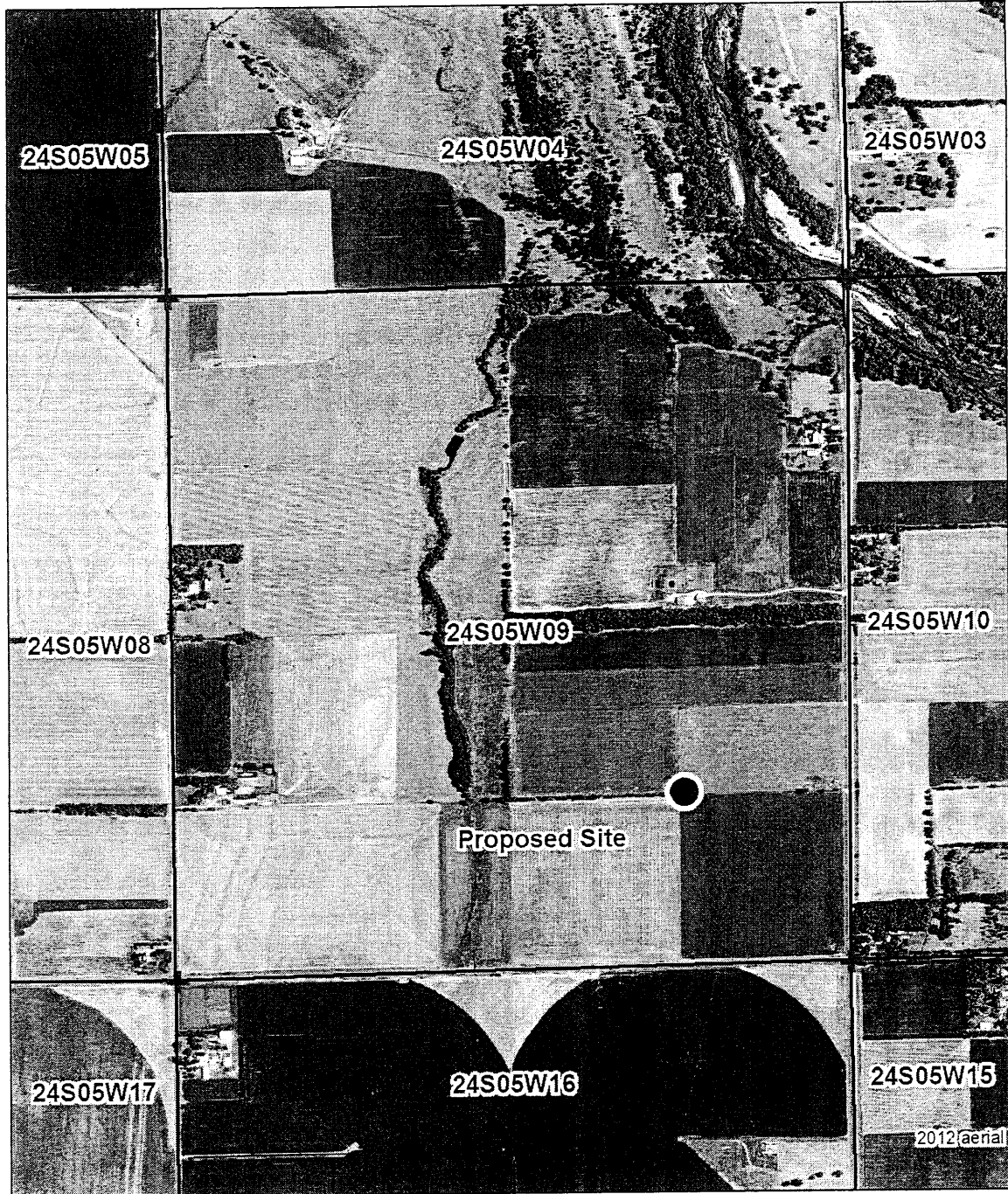
# Kansas

Department of Agriculture  
Division of Water Resources



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lantenman, Water Commissioner

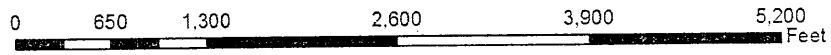
Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



**Legend**

-  Section Corners
-  Section Lines

MJM-DWR 10/13/14  
1:12,000



Proposed Water Appropriation, File No. 48,316  
9-24S-5W  
Reno County



# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

October 13, 2014

Doug Yoder  
3803 East Trail West Road  
Haven, KS 67543

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

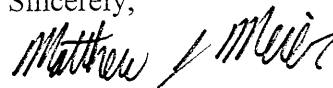
This is to advise you that Ray Bontrager has filed the application referred to above for a permit to appropriate 108.9 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. The proposed point of diversion for 48,316 is one (1) well located as follows:

Near the Center of the Southeast Quarter of Section 9, Township 24 South, Range 5 West, Reno County, Kansas.

A map is enclosed indicating the location of the proposed well. 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.

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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

# Kansas

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

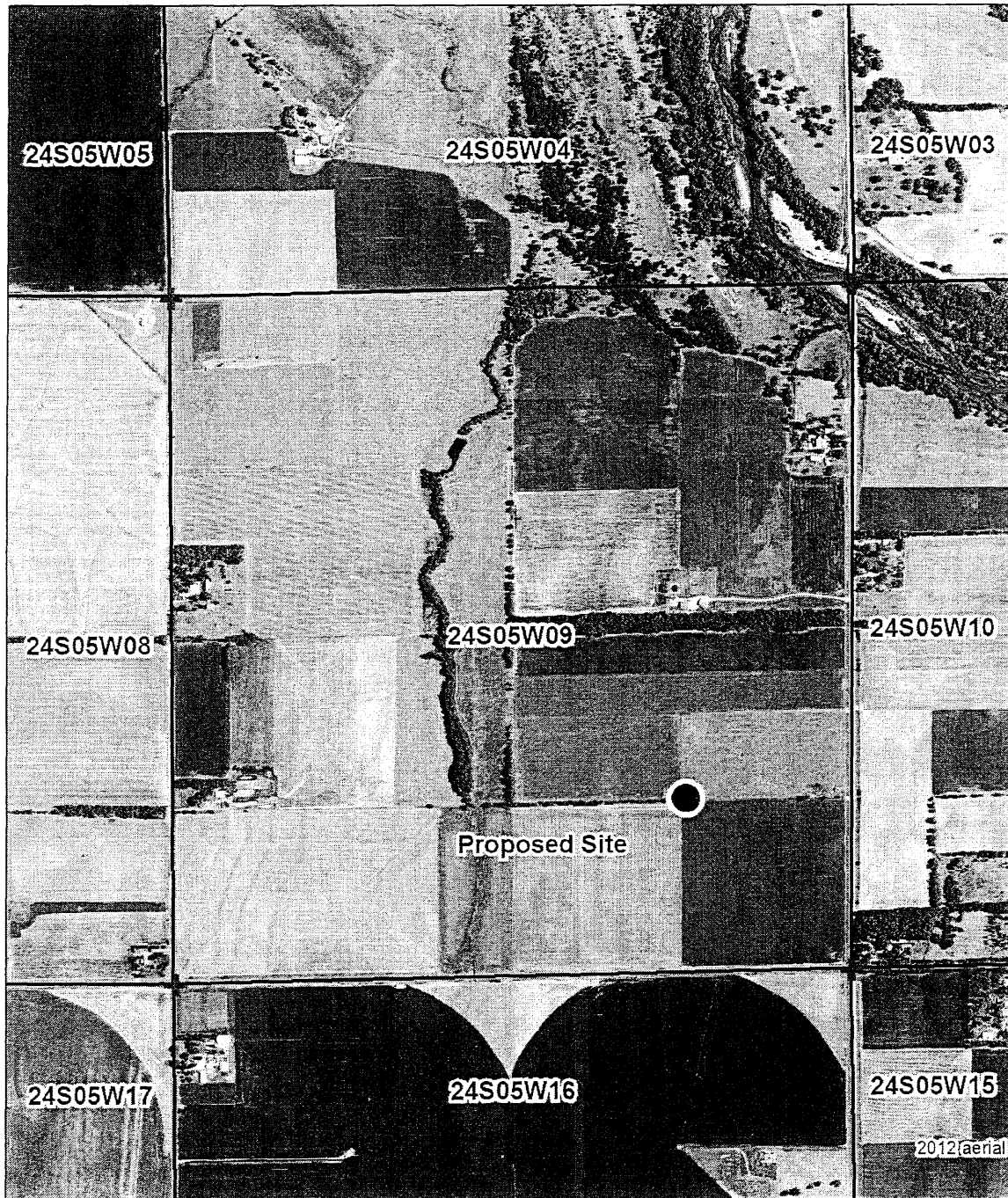
Department of Agriculture  
Division of Water Resources

Phone: (620) 234-5311  
Fax: (620) 234-6900

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

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lantennan, Water Commissioner

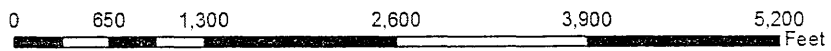
Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines

MJM-DWR 10/13/14  
1:12,000



Proposed Water Appropriation, File No. 48,316  
9-24S-5W  
Reno County



# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 13, 2014

Reno RWD #3  
Box 53  
Yoder, KS 67585

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

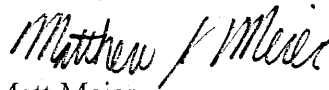
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If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

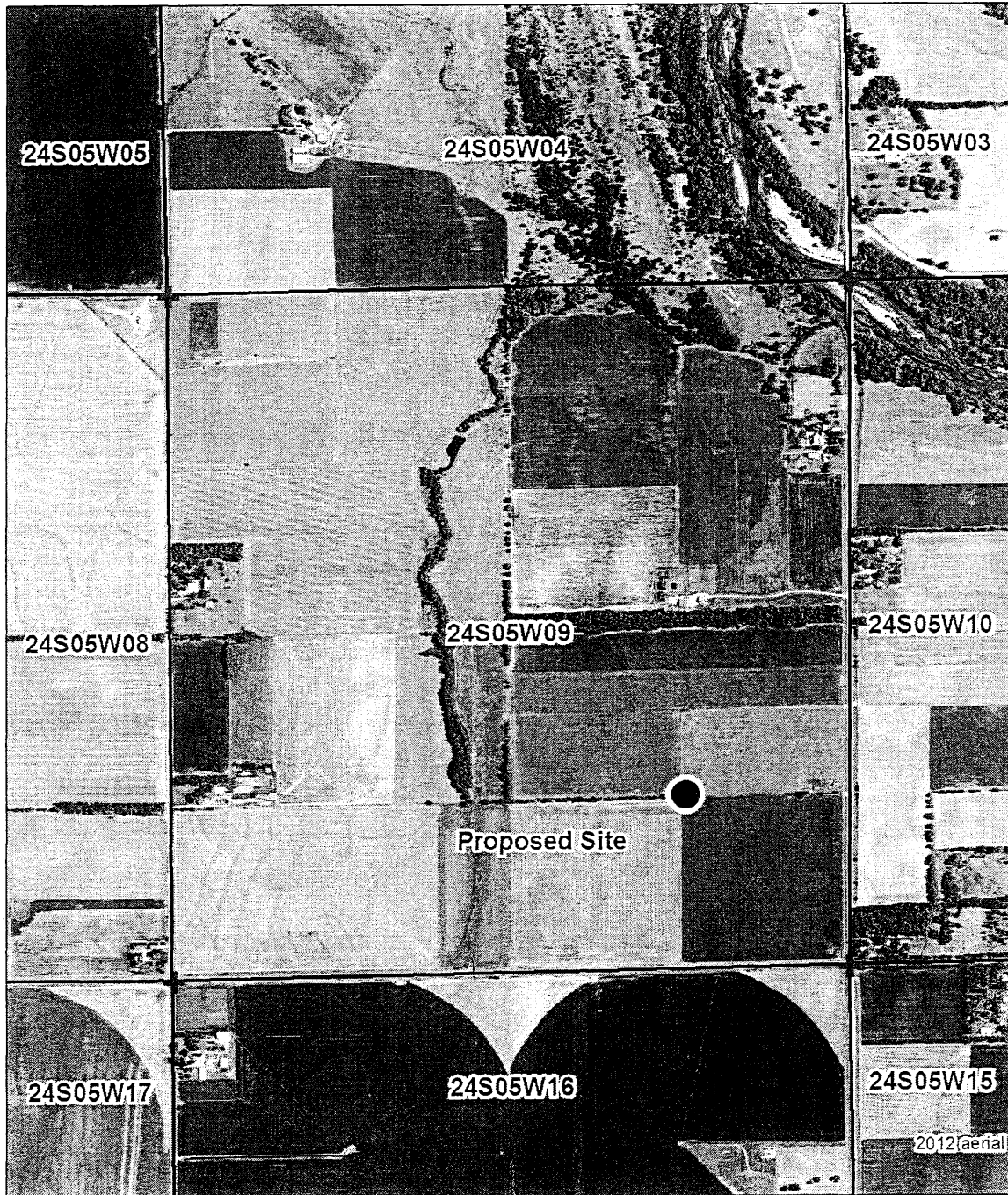
# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

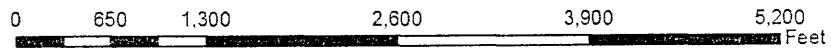
Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines

MJM-DWR 10/13/14  
1:12,000



Proposed Water Appropriation, File No. 48,316  
9-24S-5W  
Reno County



# Kansas

Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

October 13, 2014

Harold Yoder  
3315 Farmington Road  
Hutchinson, KS 67502

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

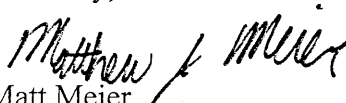
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Near the Center of the Southeast Quarter of Section 9, Township 24 South, Range 5 West, Reno County, Kansas.

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Sincerely,

  
Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

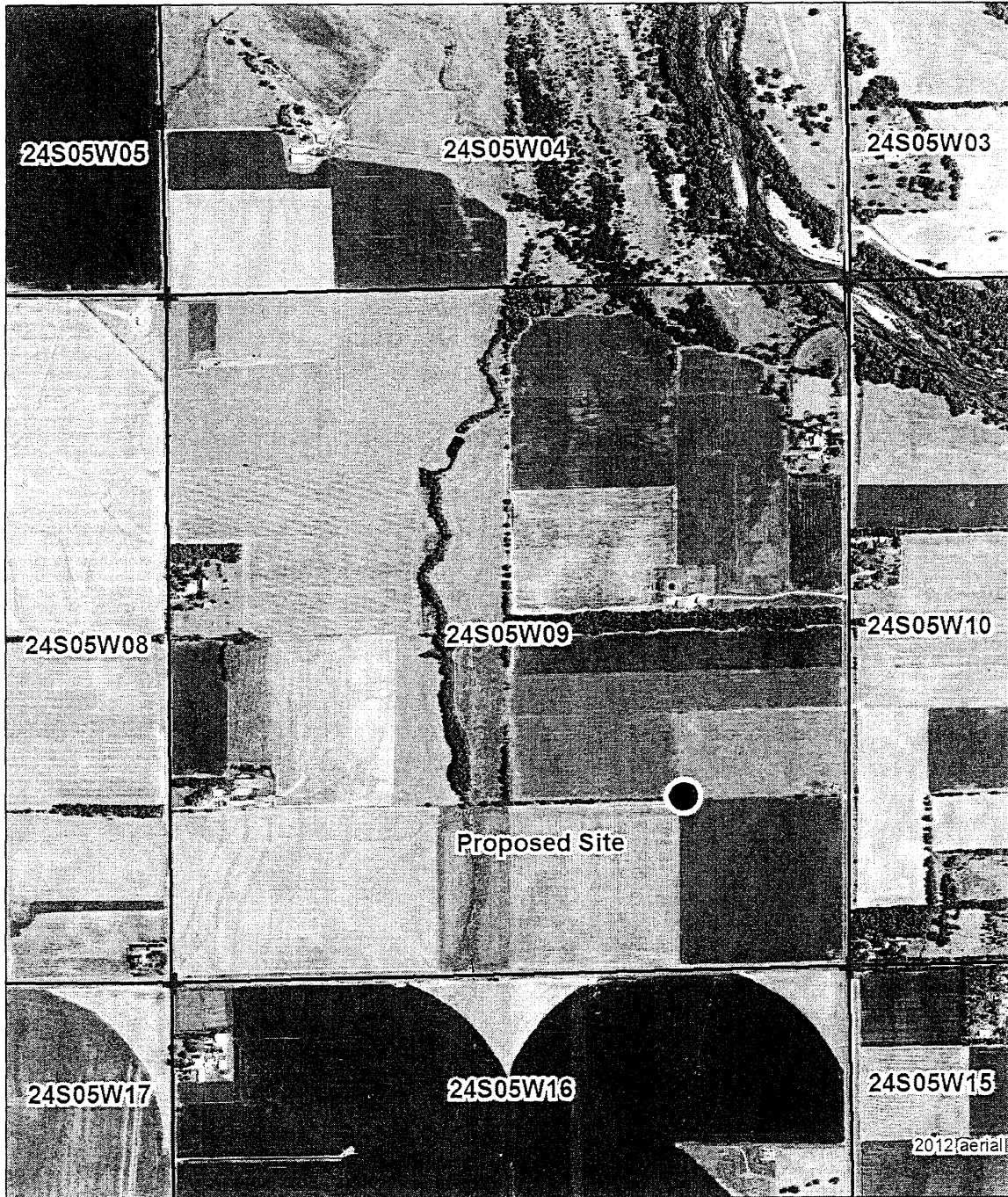
pc:

# Kansas



Department of Agriculture  
Division of Water Resources

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300 S. Main Street  
Stafford, Kansas 67578-1521  
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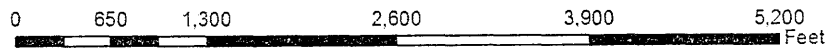
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Sam Brownback, Governor



**Legend**

-  Section Corners
-  Section Lines

MJM-DWR 10/13/14  
1:12,000



Proposed Water Appropriation, File No. 48,316  
9-24S-5W  
Reno County



# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanternman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor

October 13, 2014

Scott Higginboth  
6504 South Yoder Road  
Haven, KS 67543

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

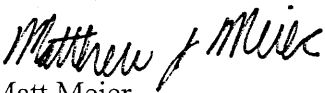
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Sincerely,

  
Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:



# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

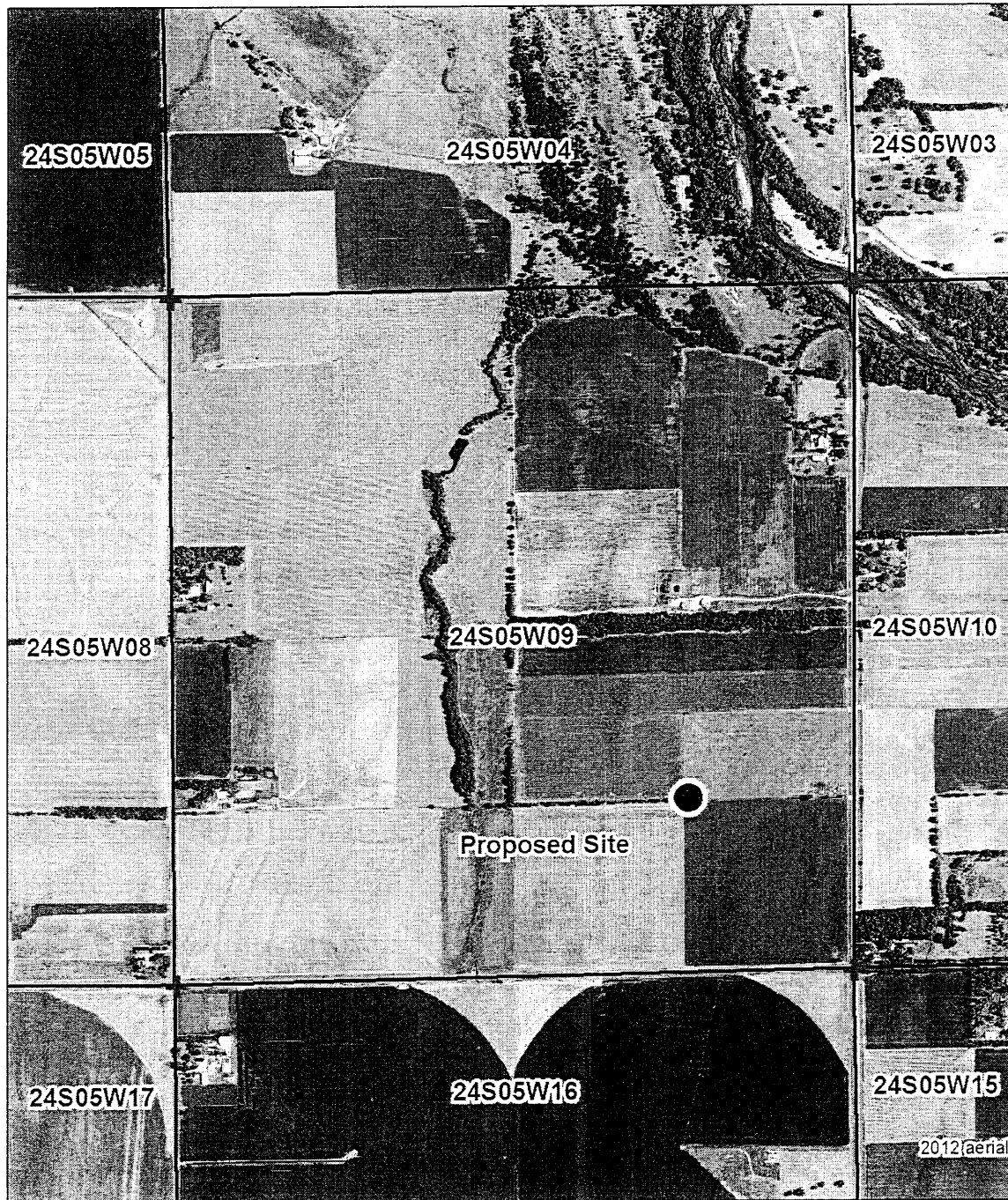
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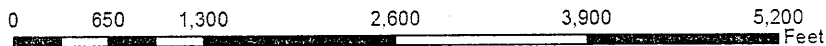
Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines

MJM-DWR 10/13/14  
1:12,000



Proposed Water Appropriation, File No. 48,316  
9-24S-5W  
Reno County



**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
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Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
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Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 13, 2014

Gale Ediger  
6406 South Yoder Road  
Haven, KS 67543

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

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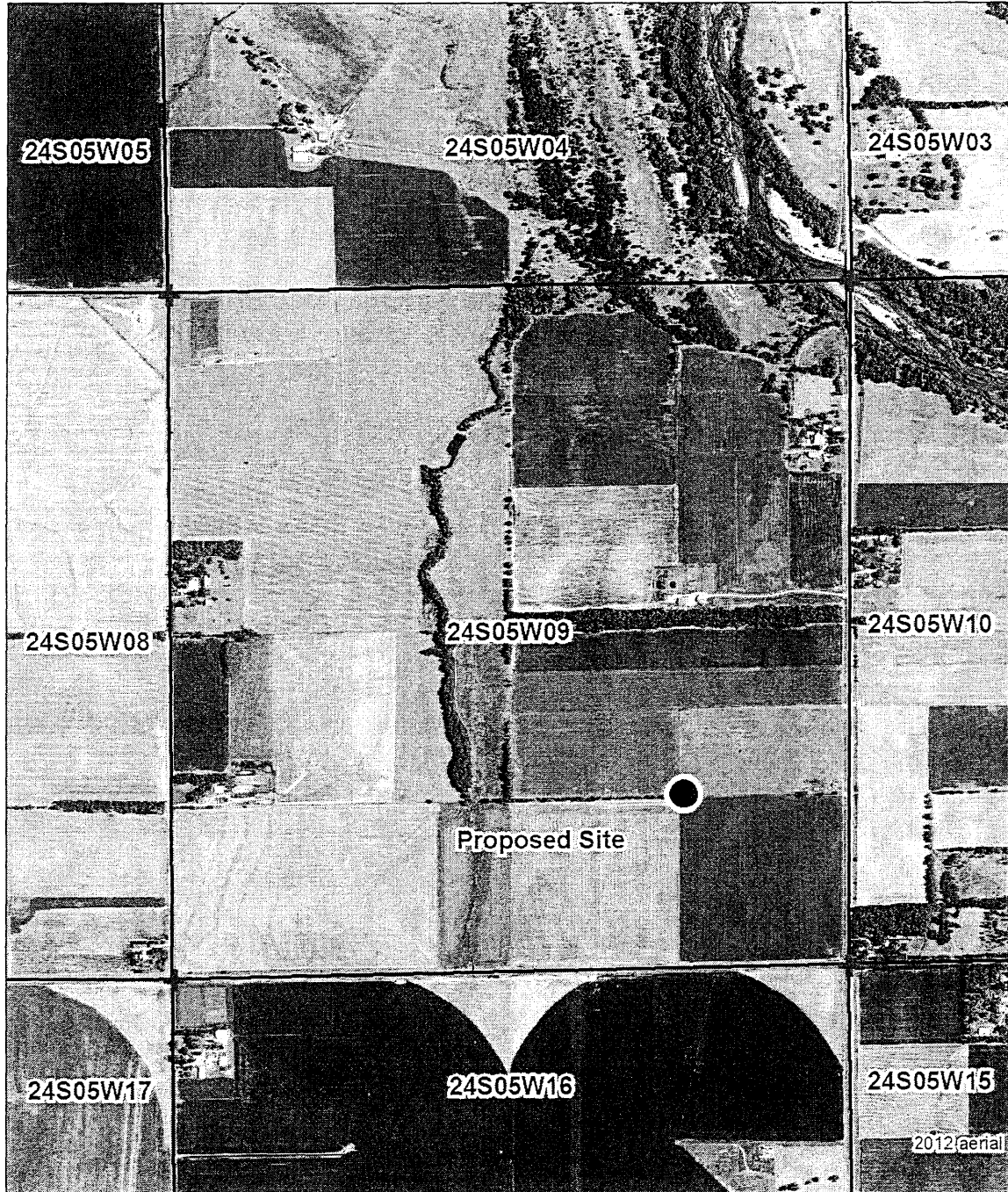
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# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
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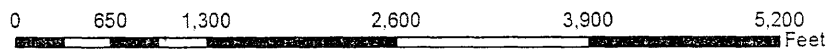
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Sam Brownback, Governor



**Legend**

- Section Corners
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Proposed Water Appropriation, File No. 48,316  
9-24S-5W  
Reno County



**Kansas**  
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Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 13, 2014

Faye Beckler & Janice Wyse  
6207 West Shangri La Road  
Glendale Arizona, 85304

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

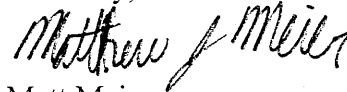
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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

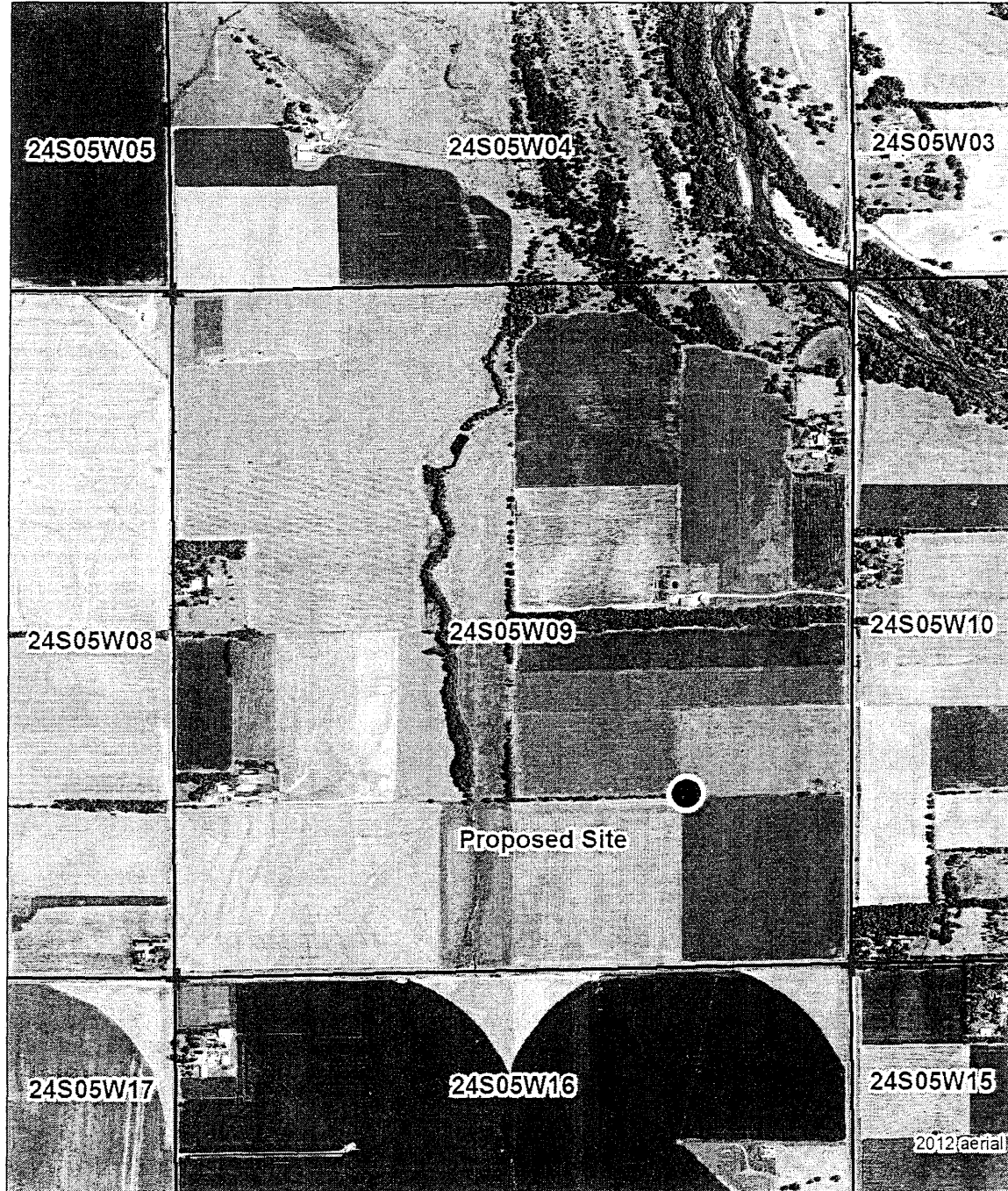
# Kansas

Department of Agriculture  
Division of Water Resources

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Stafford, Kansas 67578-1521

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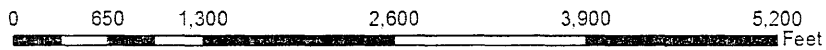
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Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines

MJM-DWR 10/13/14  
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Proposed Water Appropriation, File No. 48,316  
9-24S-5W  
Reno County



# Kansas

Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

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Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 13, 2014

Jerry Yoder  
6515 South Yoder Road  
Haven, KS 67543

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

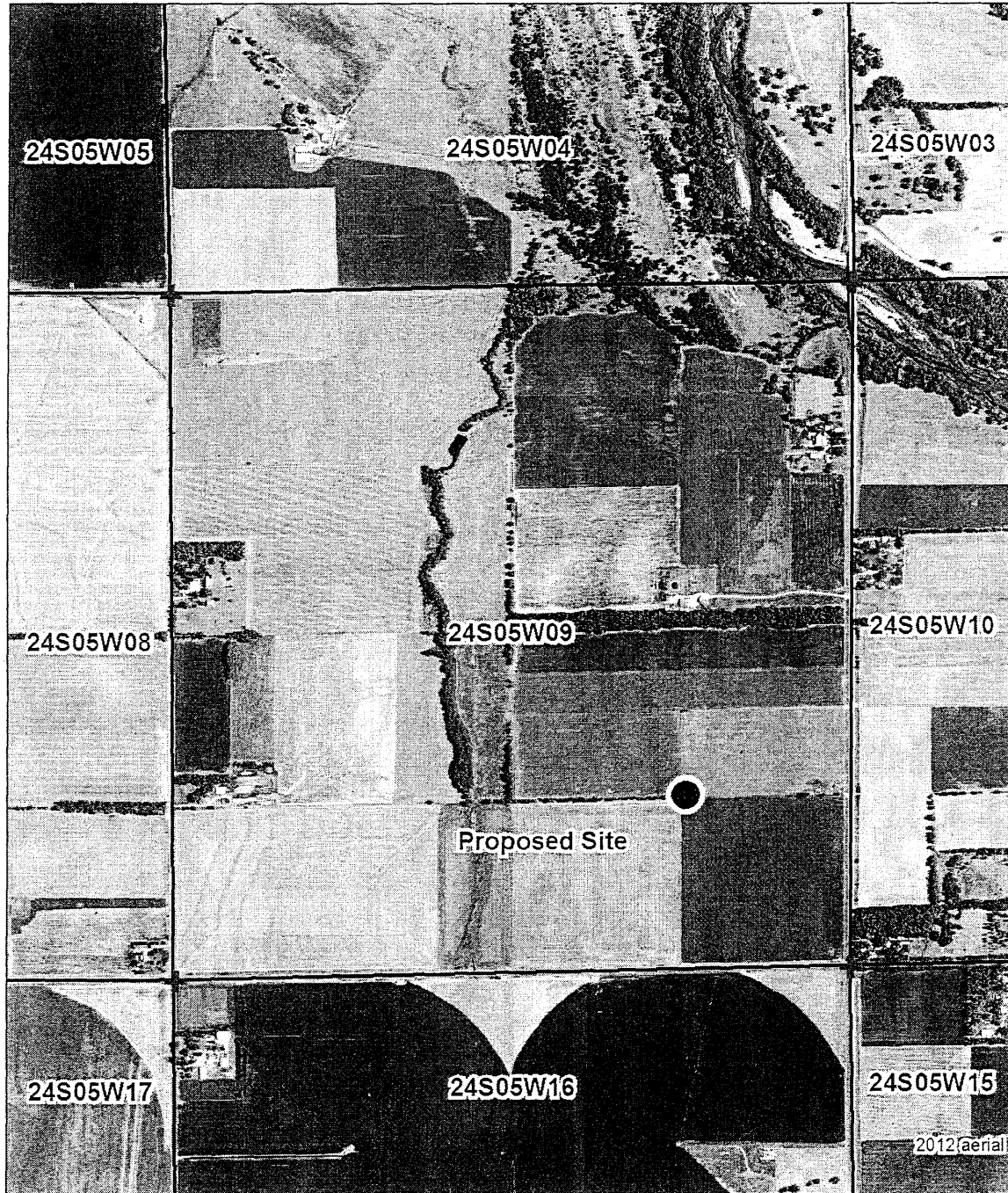
# Kansas

Department of Agriculture  
Division of Water Resources



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanteman, Water Commissioner

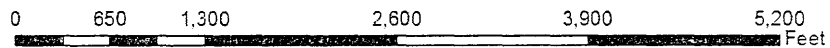
Phone: (620) 234-5311  
Fax: (620) 234-6900  
www.agriculture.ks.gov  
Sam Brownback, Governor



**Legend**

-  Section Corners
-  Section Lines

MJM-DWR 10/13/14  
1:12,000



Proposed Water Appropriation, File No. 48,316  
9-24S-5W  
Reno County



October 24, 2014

Stafford Field office  
300 S. Main  
Stafford Kansas 67578-1521  
Att. Mathew Meier

Dear Mathew:

We represent the RWD #3 and have in as much a vested interest in keeping and supplying good quality water at reasonable rates to the clients that we serve. In recent times we have had some area wells with problems. We recently received pending application file #48316 asking for a Max rate of 1000 gallons per minute for a well that is near the center of the southeast quarter of section 9, Township24 south range 5 west, Reno County, Kansas. This well being in close proximity of the RWD #3 supply of water that is capable of pumping more than both of our wells combined raises some concern to the interest of the good people of our area in two ways.

1. The area has had a plume of contamination that has moved away from our area, but with increased pumping we could be at risk of it moving back.
2. There has been wells in our area that have gone dry in high usage times.

We would like some piece of mind to make sure that this would not be creating an issue that may cost RWD#3 in the future.

Sincerely,  
The Board members of RWD#3  
Box 53  
Yoder Ks. 67585

**RECEIVED**

**OCT 27 2014**

**Stafford Field Office  
Division of Water Resources**



# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

November 7, 2014

Reno RWD#3  
Box 53  
Yoder, KS 67543

Re: Pending Application, File No. 48,316

Dear Sir or Madam:

This will acknowledge receipt of your letter, received in this office on October 27, 2014 in which you expressed concerns regarding the proposed appropriation of groundwater by Ray Bontrager, under the above referenced application. The concerns listed in the letter, possible impact on nearby wells and spread of contamination plume in the area, have been noted and will be considered going forward in the review of the application. The next step of which will be review by Equus Beds Groundwater Management District No. 2 to determine if there is water available based on their Safe Yield calculations.

We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest. Impairment is indicated if existing water rights will experience an unreasonable lowering of the static water level.

The applicable rules and regulations (K.A.R. 5-22-2) require that new non-domestic wells must meet specific spacing guidelines. In this case a minimum well spacing of 660 feet from any existing domestic well and 1,320 feet from existing non-domestic well is required. Based on the location of your existing non-domestic wells (Water Rights, File Nos. 33,653 & 43,298), it appears to be approximately 1,500 feet from the proposed well, and the application complies with minimum well spacing criterion.

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 water right, you should notify Jeff Lanterman, Water Commissioner, Stafford Field Office, as follows, so that an investigation can be made.

Division of Water Resources  
Stafford Field Office  
300 S Main Street  
Stafford, Kansas 67578-1342  
Telephone: 620-234-5311

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 620-234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier  
New Application Unit  
Water Appropriation Program

pc:

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

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Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

November 20, 2014

GROUNDWATER MANAGEMENT DISTRICT NO 2  
% TIM BOESE  
313 SPRUCE ST  
HALSTEAD KS 67056-1925

Re: Pending Application, File No. 48,316

Dear Mr. Boese:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby well owner notification letters were sent out on October 13, 2014. A phone call was received from domestic well owner Scott Higginboth who was against the approval of the application. A letter was also received from Reno Rural Water District No. 3 explaining that they were extremely concerned about the application and its possible impact on a nearby contamination plume. No responses of any kind were received.

We are delaying any further action for a period of **30 days** from the date of this letter to allow you time to submit your recommendations concerning this application. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriation Program

Enclosure

pc:

FRED SEILER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
JEFF WINTER, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
ALAN BURGHART  
JOE PAJOR  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

June 29, 2015

Chief Engineer, Division of Water Resources  
Attn: Matt Meier, Stafford Field Office  
300 South Main  
Stafford, KS 67578

Re: Application #48316 – Ray E. Bontrager

Dear Mr. Meier:

Equus Beds Groundwater Management District staff reviewed the referenced water permit application on June 29, 2015, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The review found that the application complies with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. However, the application does not comply with the Revised Aquifer Management Program, as the proposed pumping rate and quantity from the proposed point of diversion would impact the movement of a nearby Trichloroethylene (TCE) and Carbon Tetrachloride (CTET) contamination plume. The contaminant plume exceeds EPA safe drinking water Maximum Contaminant Level of 5 parts per billion (ppb).

The District's approved Management Program dictates, "It is the goal of the District to manage the groundwater supplies within its boundaries by balancing groundwater withdrawals with annual recharge to prevent groundwater mining and protect the natural water quality of the aquifer and remediate groundwater contamination." The District's review found that the proposed application is inconsistent with the District's Management Program goal to protect natural water quality and that the approval of the application is not in the public's interest due to the detrimental impact the proposed pumping would have to existing domestic and non-domestic wells. Additional pumping in this area will increase the rate of contaminant migration and stress the aquifer. District staff completed a three-dimensional time sensitive numerical groundwater flow model. This model serves as a baseline for interpreting likely groundwater flow scenarios and displays cumulative and individual effects of each wells unique pumping scenario. This model suggests that additional pumping at the proposed well will draw higher concentrations of TCE and CTET at a slightly faster rate towards the proposed point of diversion. Additional pumping from this well will likely increase the rate of contaminant movement to the Reno County Rural Water District #101 municipal well (Water Right No. 38974), nearby irrigation wells, and domestic wells. The additional pumping may also impact the contamination plume's movement and cause the contamination plume to move closer to the Reno County Water District No. 3 municipal wells (Water Right/Permit Nos. 33653, 35247, 43298, 43304).

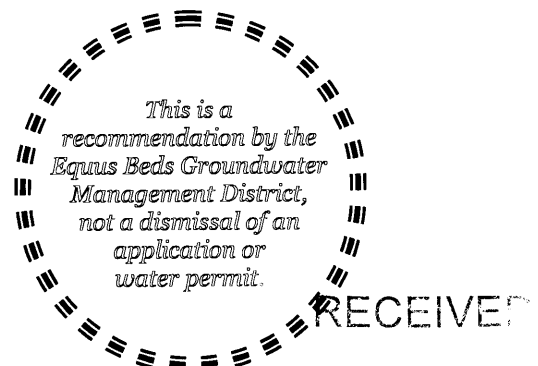
Therefore, the application is recommended for denial by the Equus Beds Groundwater Management District.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12. Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/STF  
Enclosures

PC: Ray Bontrager, Applicant, with copy of K.A.R. 5-22-12  
Douglas and Joleen Yoder, Landowners  
Scott Higginboth, Nearby Well Owner  
Reno Rural Water District No. 3, Nearby Well Owner



JUL 09 2015

Stafford Field Office  
Division of Water Resources

# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 2, 2015

Ray Bontrager  
211 E Avenue F  
South Hutchinson, KS 67505-2037

RE: Pending Application, File No. 48,316

Dear Mr. Bontrager:

On July 2, 2015, we received a recommendation from the Equus Beds Groundwater Management District No. 2 that the referenced Application for Permit to Appropriate Water for Beneficial Use be denied. This recommendation was based upon the groundwater management program adopted by the District and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The proposed point of diversion was found to be located near a known a Trichlorethene (TCE) plume and Carbon Tetrachloride (CT) plume and that approval of the application would jeopardize the safety of multiple domestic wells as well as a municipal well. It was therefore recommended for denial by GMD#2.

We are advising you of this recommendation in order to allow you an opportunity to consult with the District regarding their recommendation if you have not already done so. If you have already contacted the District regarding this recommendation, then we are allowing you this opportunity to submit any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced application until **July 29, 2015**, at which time the application will be submitted to the Chief Engineer for a final decision.

If you have any questions, please contact me at (620) 234-5311, and please have the specific file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier  
New Application Unit  
Water Appropriation Program

pc: Groundwater Management District No. 2  
Douglas & Joleen Yoder

SCANNED

FRED SEILER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
JEFF WINTER, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
ALAN BURGHART  
JOE PAJOR  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

July 10, 2015

Doug Yoder  
3803 E. Trail West Road  
Haven, KS 67543

Re: Water Appropriation Application No. 48316

Dear Mr. Yoder:

The Equus Beds Groundwater Management District No. 2 received your Petition of Appeal on July 8, 2015, in the matter of the District's June 29, 2015, recommendation of the above referenced application. Pursuant to K.A.R. 5-22-12(b)(4), you are a valid petitioner and the appeal petition was received by the District within 30 days of the District's recommendations as required by K.A.R. 5-22-12(b)(5).

However, upon review of your appeal petition, the District has determined that the appeal is not valid at this time as it does not include proper supporting documentation. Pursuant to K.A.R. 5-22-12(b)(5), the appeal petition must be accompanied by documentation supporting the appeal. This information must be relevant, documented, and support the claims made in the appeal petition, and may include items such as a hydrologic study performed by a State of Kansas licensed engineer or geologist.

Please provide the required supporting documentation for your appeal by August 10, 2015, or any authorized extension of time. A request for an extension of time must be made in writing and received by the District by August 10, 2015. Failure to provide the supporting documentation will result in the appeal petition being declared invalid and dismissed by the District.

Enclosed for your reference is a copy of the District's "Application Processing Requirements and Procedures" Rule and Regulation K.A.R. 5-22-12. Additionally, pursuant to Mr. Ryan Yoder's request, also enclosed please find the most recently available Trichloroethene and Carbon Tetrachloride contamination plume maps for the area near the application.

Please contact the District if you have any questions or need additional information.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db

Enclosure

Pc: Ryan Yoder, with enclosures  
Ray Bontrager, with enclosures.  
Matt Meier, Division of Water Resources, Stafford  
Scott Higginboth  
Reno County Rural Water District No. 3

RECEIVED

JUL 16 2015

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Stafford Field Office  
Division of Water Resources



FRED SEILER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
JEFF WINTER, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
ALAN BURGHART  
JOE PAJOR  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

August 18, 2015

Doug Yoder  
3803 E. Trail West Road  
Haven, KS 67543

Re: Water Appropriation Application No. 48316

Dear Mr. Yoder:

On August 10, 2015, the Equus Beds Groundwater Management District No. 2 received your request dated and post-marked August 6, 2015, for an extension of time to provide supporting documentation for your appeal in the matter of the District's recommendation of denial of the above referenced application.

Based upon your request, the District has extended the time to provide the required supporting documentation for your appeal for 90 days, until November 9, 2015, or any authorized extension of time. A request for an extension of time must be made in writing and received by the District by November 9, 2015. Failure to provide the supporting documentation will result in the appeal petition being declared invalid and dismissed by the District.

Please contact the District if you have any questions or need additional information.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db

Pc: Ryan Yoder  
Ray Bontrager  
Matt Meier, Division of Water Resources, Stafford  
Scott Higginboth  
Reno County Rural Water District No. 3

RECEIVED

AUG 21 2015

FRED SEILER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
JEFF WINTER, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
ALAN BURGHART  
JOE PAJOR  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

November 25, 2015

Ryan Yoder  
3819 E. Trail West Road  
Haven, KS 67543

Re: Water Appropriation Application No. 48316

Dear Mr. Yoder:

On November 5, 2015, the Equus Beds Groundwater Management District No. 2 received your email request for an extension of time to provide supporting documentation for your appeal in the matter of the District's recommendation of denial of the above referenced application.

Based upon your request, the District has extended the time to provide the required supporting documentation for your appeal for 90 days, until February 7, 2016, or any authorized extension of time. A request for an extension of time must be made in writing and received by the District by February 7, 2016. Failure to provide the supporting documentation will result in the appeal petition being declared invalid and dismissed by the District.

Please contact the District if you have any questions or need additional information.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db

Pc: Doug Yoder  
Ray Bontrager  
Matt Meier, Division of Water Resources, Stafford  
Scott Higginboth  
Reno County Rural Water District No. 3

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NOV 30 2015

Stafford Field Office  
Division of Water Resources

H:\AISO\OFFICE\LETTERS\APP\PetitionofAppealYoder\_48316\_ext 2.docx



SCANNED

FRED SEILER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
JEFF WINTER, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:  
DAVID BOGNER  
ALAN BURGHART  
JOE PAJOR  
BOB SEILER  
DAVID STROBERG

## **EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2**

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

April 14, 2016

Ryan Yoder  
3819 E. Trail West Road  
Haven, KS 67543

Re: Water Appropriation Application No. 48316

Dear Mr. Yoder:

On November 25, 2015, the Equus Beds Groundwater Management District No. 2 granted you an extension until February 7, 2016, to provide supporting documentation for your appeal in the matter of the District's recommendation of denial of the above referenced application. The November 25, 2015, letter granting the extension further advised that if the supporting documentation was not received by February 7, 2016, then the appeal would be declared invalid and dismissed by the District.

District records indicate no additional information has been received by the District and the District did not receive a request for an additional extension of time. Therefore the appeal is dismissed and the District's June 29, 2015, recommendation of denial for the referenced application remains as originally conveyed to the Division of Water Resources.

Please contact the District if you have any questions or need additional information.

Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/db

Pc: Doug Yoder  
Ray Bontrager  
Matt Meier, Division of Water Resources, Stafford  
Scott Higginboth  
Reno County Rural Water District No. 3

RECEIVED

APR 15 2016

Stafford Field Office  
Division of Water Resources



  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

April 19, 2016

Ray Bontrager  
211 E Avenue F  
South Hutchinson, KS 67505-2037

RE: Pending Application, File No. 48,316

Dear Mr. Bontrager:

On April 15, 2016, we received a final recommendation from the Equus Beds Groundwater Management District No. 2 that the application's denial appeal was being dismissed for failure to supply additional information. The application is therefore being recommended for denial by GMD#2, based on their initial June 29, 2015 recommendation.

We are advising you of this recommendation in order to allow you an opportunity to consult with the District regarding their recommendation if you have not already done so. If you have already contacted the District regarding this recommendation, then we are allowing you this opportunity to submit any additional information you wish to have considered before the Chief Engineer.

We will delay any further action on the referenced application until **May 4, 2016**, at which time the application will be submitted to the Chief Engineer for a final decision.

If you have any questions, please contact me at (620) 234-5311, and please have the specific file number ready so that I may help you more efficiently.

Sincerely,



Matt Meier  
New Application Unit  
Water Appropriation Program

pc: Groundwater Management District No. 2  
Douglas & Joleen Yoder  
Ryan Yoder

**SCANNED**

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

109 SW 9th Street, 2nd Floor  
Topeka, Kansas 66612-1283

phone: (785) 296-3717  
fax: (785) 296-1176  
www.ksda.gov/dwr

Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

October 29, 2012

RAY E BONTRAGER  
211 E AVE F  
SOUTH HUTCHINSON KS 67505

RE: Application  
File No. 48316

Dear Sir or Madam:

Your application for permit to appropriate water in 9-24S-5W, in Reno 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 our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

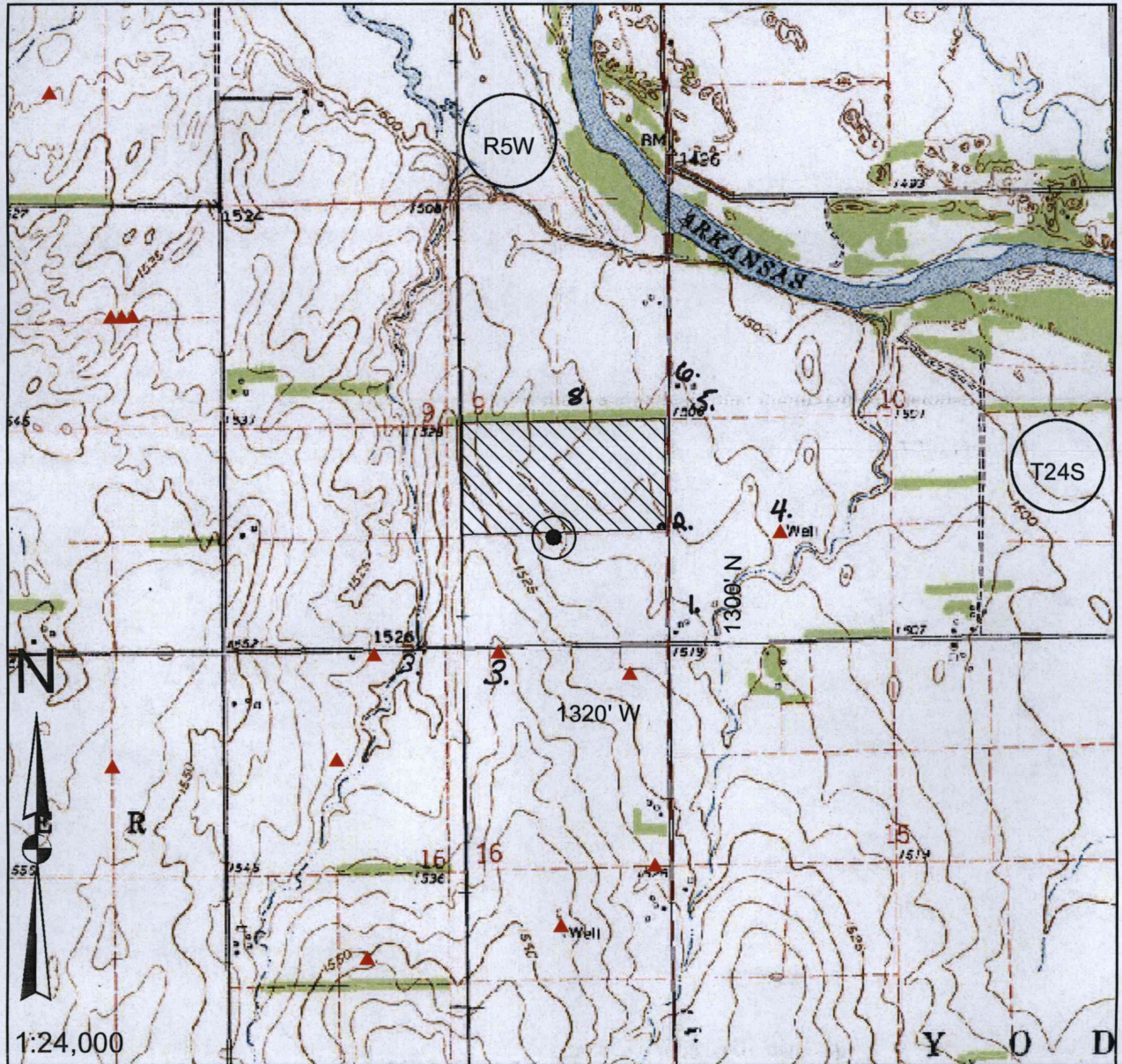


Brent A Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT:arh  
pc: STAFFORD Field Office  
Groundwater Management District No. 2

**SCANNED**

# Application Map - File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

*Ray S. ...*  
Signature

10-22-12  
Date

- New Application
- Application No. \_\_\_\_\_ To Change:
  - Point of Diversion
  - Place of Use
  - Use Made of Water
  - Proposed Point of Diversion
  - Existing Points of Diversion
  - Proposed Place of Use
  - Authorized Place of Use

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1)
- 2)
- 3)

WATER RESOURCES RECEIVED  
 OCT 5 2012  
 KS DEPT OF AGRICULTURE  
 UNACCEPTABLE FOR PRIORITY

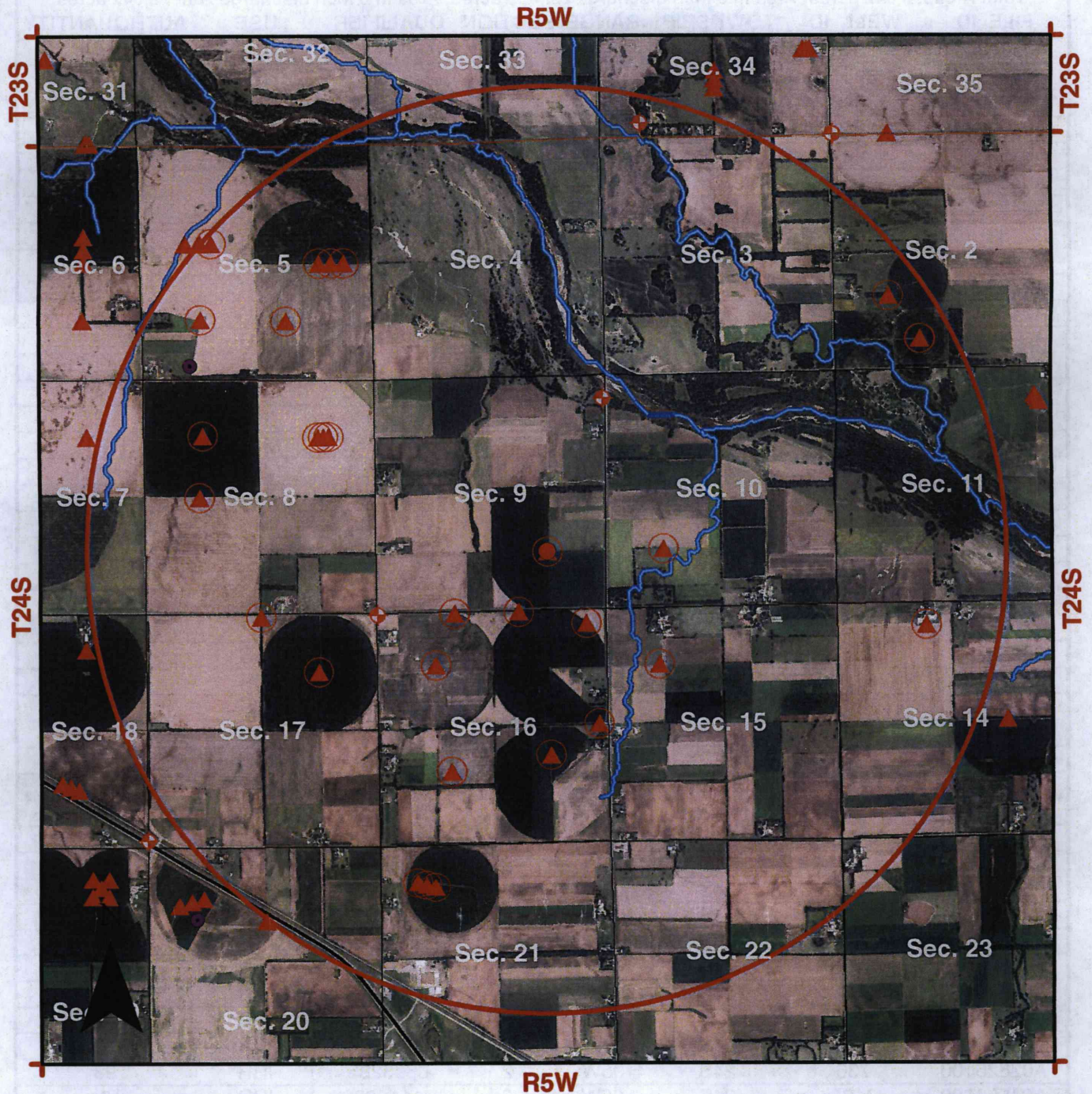
SCANNED

# Equus Beds Groundwater Management District No. 2

## Safe Yield Evaluation #48316

NCSE (1300'N & 1320'W) 09-24S-05W, Reno County

Prepared By: S. Flaherty Date: 11/24/2014



| Map Legend |                                |  |                            |
|------------|--------------------------------|--|----------------------------|
|            | Proposed Point of Diversion    |  | Burrton IGUCA              |
|            | Area of Consideration Boundary |  | Hollow Nikkel SWQUA        |
|            | Monitoring Wells               |  | McPherson IGUCA            |
|            | Points of Diversion            |  | Enhanced Well Spacing Area |
|            | District Boundary              |  | Permian Surface Bedrock    |
|            | Major Highway                  |  | County Boundary            |
|            | Other Roadway                  |  | City Boundary              |
|            | Major Stream                   |  |                            |
|            | Other Water Feature            |  |                            |

0 1.2 Miles

RECEIVED  
JUL 02 2015  
Stafford Field Office  
Equus Beds Groundwater Management District No. 2  
313 Spruce Street, Halstead, KS 67056  
316-835-2224, equusbeds@gmd2.org

**SAFEYIELD EVALUATION No. 48316**

**LOCATION: NCSE (1300'N & 1320'W) 09-24S-05W, Reno County**

**SPECIAL USE AREA: None**

**EVALUATION DATE:- 11/24/2014**

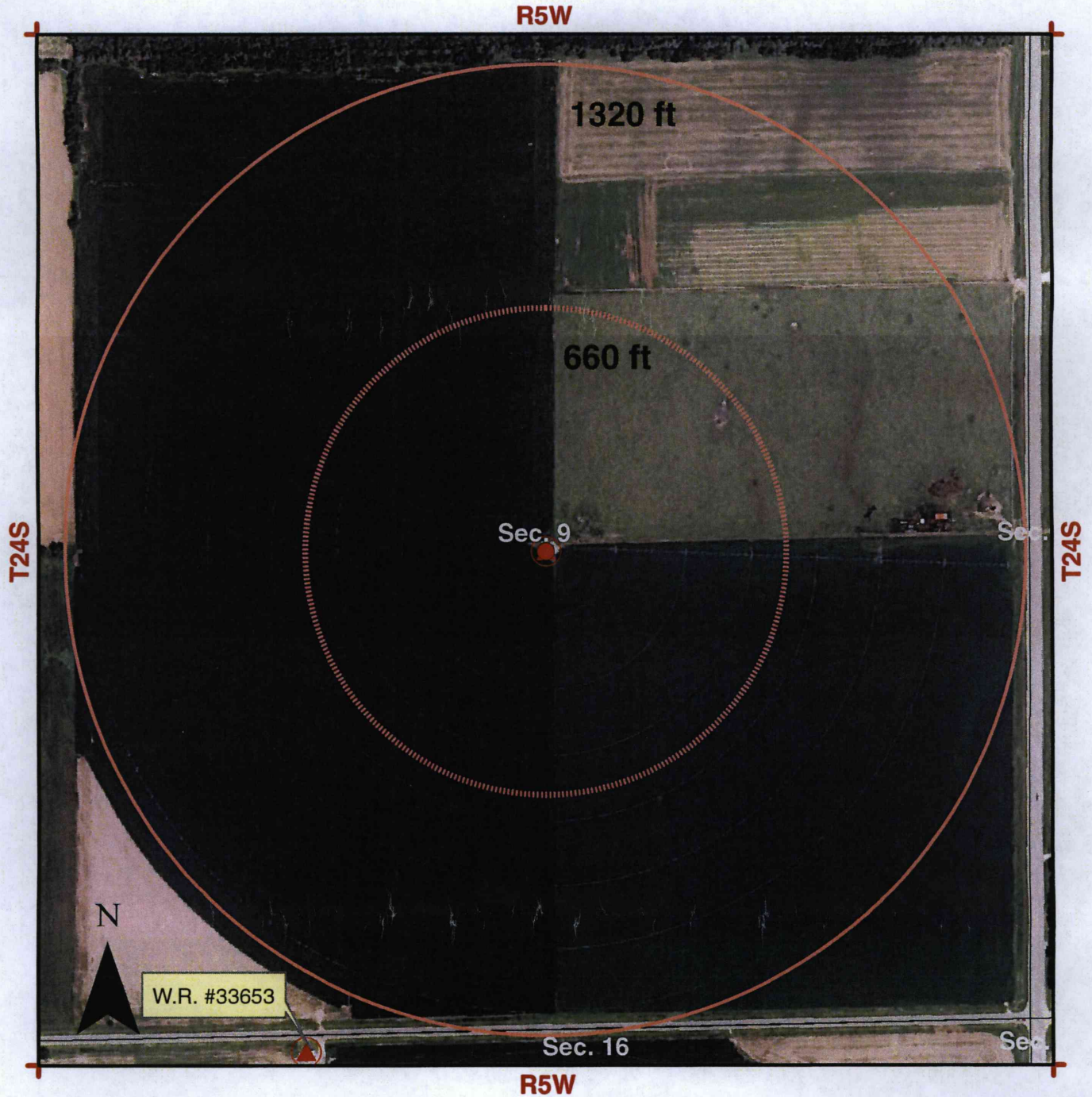
**Total Areas: 8,042 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 8,042 acres**

| FILE ID   | WELL ID | TOWNSHIP | RANGE | SECTION | QUALIFIER | USE | AUTHQUANTITY |
|-----------|---------|----------|-------|---------|-----------|-----|--------------|
| A04789800 | 3846    | 24S      | 05W   | 12      | 48003200  | IRR | 184.8        |
| A04790600 | 3847    | 24S      | 05W   | 5       | 26900945  | IRR | 91           |
| A04790600 | 3848    | 24S      | 05W   | 5       | 26901235  | IRR | 0            |
| A04790600 | 3849    | 24S      | 05W   | 5       | 26900655  | IRR | 0            |
| A01939000 | 463     | 24S      | 05W   | 8       | 40263943  | IRR | 141          |
| A04339400 | 2567    | 24S      | 05W   | 16      | 51453563  | MUN | 30.69        |
| A04820600 | 3999    | 24S      | 05W   | 9       | 13001320  | IRR | 112          |
| A04827100 | 4016    | 24S      | 05W   | 16      | 40153928  | IRR | 100          |
| A04828500 | 4025    | 24S      | 05W   | 15      | 40304100  | IRR | 182          |
| A04831600 | 4051    | 24S      | 05W   | 9       | 13001320  | IRR | 108.9        |
| A04329800 | 2554    | 24S      | 05W   | 16      | 51722068  | MUN | 30.69        |
| A04405300 | 2753    | 24S      | 05W   | 8       | 40263943  | IRR | 34           |
| A04260900 | 2423    | 24S      | 05W   | 8       | 40263943  | IRR | 54           |
| A02363700 | 1264    | 24S      | 05W   | 5       | 14353960  | IRR | 125          |
| A04518300 | 2967    | 24S      | 05W   | 5       | 13852000  | IRR | 46           |
| A03365300 | 1520    | 24S      | 05W   | 16      | 51453563  | MUN | 9.24         |
| A03365300 | 1521    | 24S      | 05W   | 16      | 51722068  | MUN | 0            |
| A03487500 | 654     | 24S      | 05W   | 17      | 39901350  | IRR | 72           |
| A04153800 | 3230    | 24S      | 05W   | 21      | 44174421  | IRR | 0            |
| A04153800 | 3231    | 24S      | 05W   | 21      | 43084026  | IRR | 0            |
| A02898100 | 712     | 24S      | 05W   | 16      | 49500460  | IRR | 197          |
| A00192600 | 715     | 24S      | 05W   | 16      | NCN2SE    | IRR | 98           |
| A03347500 | 812     | 24S      | 05W   | 16      | 40153928  | IRR | 110          |
| A02363600 | 925     | 24S      | 05W   | 8       | 26304045  | IRR | 139          |
| A04153800 | 2129    | 24S      | 05W   | 21      | 43634224  | IRR | 121          |
| A00448200 | 215     | 24S      | 05W   | 16      | SWNESW    | IRR | 135          |
| A00081900 | 138     | 24S      | 05W   | 10      | NCSW      | IRR | 72           |
| A03630400 | 163     | 24S      | 05W   | 17      | 52502670  | IRR | 156          |
| A03541000 | 910     | 24S      | 05W   | 17      | 39901350  | IRR | 72           |
| A03524700 | 1043    | 24S      | 05W   | 16      | 51453563  | MUN | 64.43        |
| A02826100 | 738     | 24S      | 05W   | 2       | 6603310   | IRR | 93           |
| A02908600 | 358     | 24S      | 05W   | 5       | 13852000  | IRR | 83           |
| A03897400 | 331     | 24S      | 05W   | 16      | 26650195  | MUN | 45.4         |
| A02965900 | 296     | 24S      | 05W   | 2       | 16904020  | IRR | 49           |
| A02826100 | 737     | 24S      | 05W   | 2       | 6603305   | IRR | 93           |
| A04580400 | 3150    | 24S      | 05W   | 8       | 40011188  | IRR | 128          |
| A04580400 | 3151    | 24S      | 05W   | 8       | 39971312  | IRR | 0            |
| A04580400 | 3152    | 24S      | 05W   | 8       | 40041064  | IRR | 0            |
| A02826100 | 735     | 24S      | 05W   | 2       | 6603290   | IRR | 93           |
| A02826100 | 736     | 24S      | 05W   | 2       | 6603295   | IRR | 93           |
| A04594600 | 3190    | 24S      | 05W   | 5       | 31113682  | IRR | 0            |

|                                      |                 |                                       |                 |
|--------------------------------------|-----------------|---------------------------------------|-----------------|
| <b>Allowable Appropriations</b>      | <b>4,021.00</b> | <b>Total Existing Appropriation</b>   | <b>3,163.15</b> |
| <b>Small User Quantity</b>           | <b>0</b>        | <b>Non Consumptive Appropriations</b> | <b>0</b>        |
| <b>Remaining SUQ</b>                 | <b>45</b>       | <b>Consumptive Appropriations</b>     | <b>3,163.15</b> |
| <b>Note- Values are in acre-feet</b> |                 | <b>Available Appropriations</b>       | <b>857.85</b>   |

RECEIVED  
 JUL 03 2015  
 Stafford Field Office  
 Division of Water Resources

# Equus Beds Groundwater Management District No. 2 Spacing Evaluation #48316 NCSE (1300'N & 1320'W) 09-24S-05W, Reno County Prepared By: S. Flaherty      Date: 11/24/2014



|  |                                |                   |                     |              |                            |
|--|--------------------------------|-------------------|---------------------|--------------|----------------------------|
|  | Proposed Point of Diversion    | <b>Map Legend</b> |                     | Burton IGUCA |                            |
|  | Area of Consideration Boundary |                   | Major Highway       |              | Hollow Nikkel SWQUA        |
|  | Monitoring Wells               |                   | Other Roadway       |              | McPherson IGUCA            |
|  | Points of Diversion            |                   | Major Stream        |              | Enhanced Well Spacing Area |
|  | District Boundary              |                   | Other Water Feature |              | Permian Surface Bedrock    |
|  |                                |                   | County Boundary     |              | City Boundary              |

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JUL 02 2015  
Stafford Field Office  
Division of Water Resources

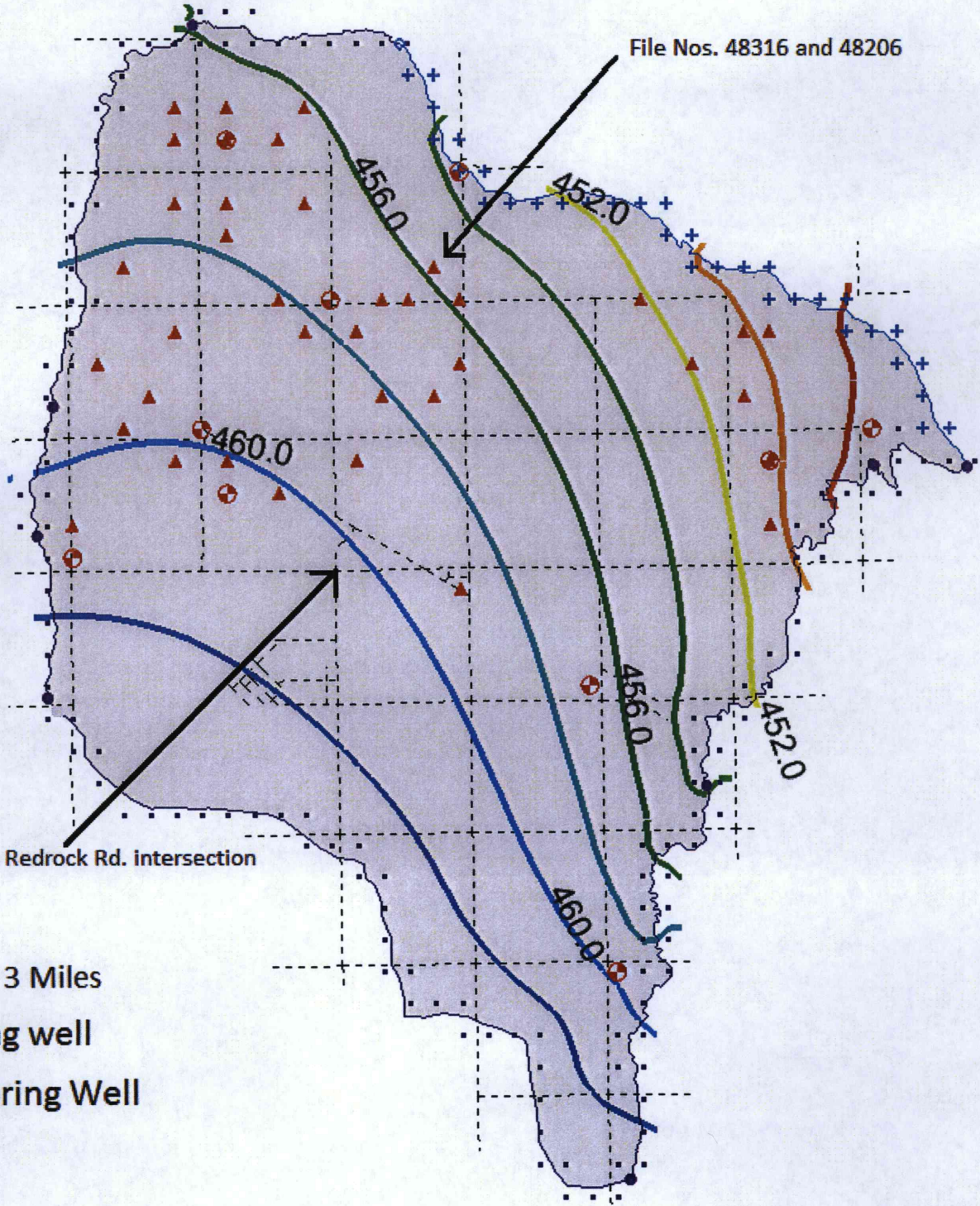
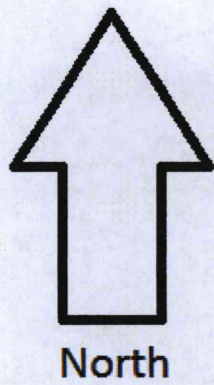
Equus Beds Groundwater Management District No. 2  
313 Spruce Street, Halstead, KS 67056  
316-835-2224, equusbeds@gmd2.org

# Steady State Groundwater Conditions in Yoder area

Groundwater Elevation (meters)

- 460.0
- 456.0
- 452.0
- 448.0

File Nos. 48316 and 48206

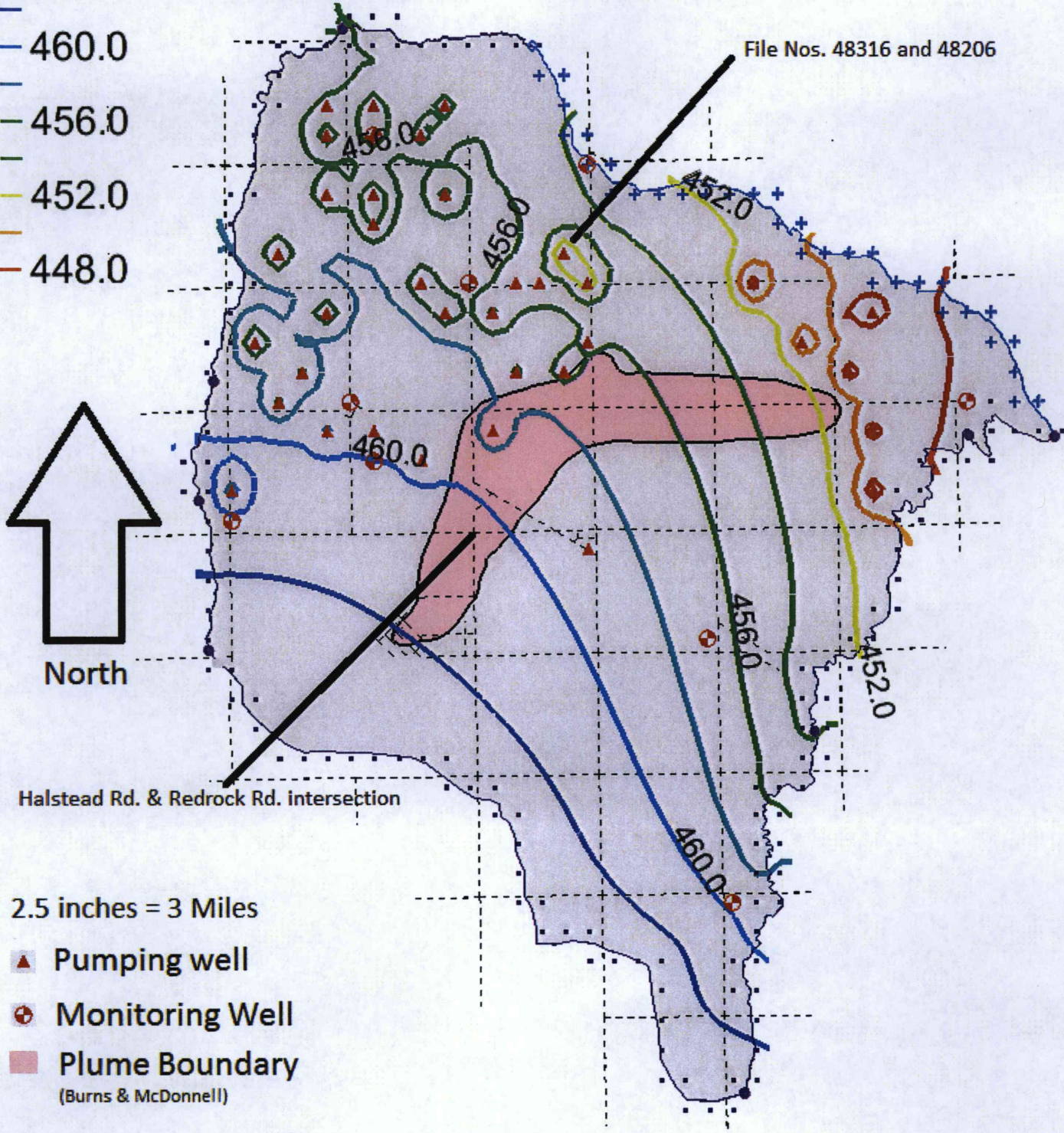


# Maximum Drawdown Scenario Under Approval

Pumping scenario assumes same shut off date

## Groundwater Elevation (meters)

- 460.0
- 456.0
- 452.0
- 448.0



North

Halstead Rd. & Redrock Rd. intersection

2.5 inches = 3 Miles

- ▲ Pumping well
- ⊕ Monitoring Well
- Plume Boundary  
(Burns & McDonnell)











