

File No. **49255** 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
				13078							

17. Rate and Quantity				
Authorized		Additional		
Rate	Quantity	Rate	Quantity	Overlap PD Files
gpm/cfs	af/mgy	gpm/cfs	af/mgy	
				None

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

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

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
				66622																				7b&c	None				

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 8, 2016

FROM: Matt Meier

RE: Application, File No. 49,255

Paul Lange has filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 174.2 acre-feet of groundwater water for irrigation use. The proposed well battery geo-center was to be located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 945 feet North and 4,884 feet West of the Southeast corner of said section, in Township 30 South, Range 3 West, Sumner County, Kansas.

The applicant has another pending application in the 2-mile safe yield area, Application File No. 49,265, and during the applications reviews it was determined that Safe Yield would be a limiting factor due to the limited remaining Safe Yield quantity. After consulting with the applicant via phone the applicant decided to voluntarily dismiss Application File No. 49,255 (subject to approval of Application File No. 49,265) so that additional quantity would be available for approval of Application File No. 49,265. On October 20, 2016 a signed "Voluntary Dismissal of an Application for Permit to Appropriate Water" form was received from the applicant in Headquarters. A final review of Application File No. 49,265 was completed which determined that it meet all applicable rules and regulations and could be recommended for approval.

Therefore, Application, File No. 49,255 should be dismissed at the applicant's request pending final approval of Application, File No. 49,265.

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

PAUL S LANGE
1098 N CONWAY SPRINGS RD
CONWAY SPRINGS KS 67031

December 7, 2016

FILE COPY

RE: Application, File No. 49,255

Dear Mr. Lange:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,255 at your request.

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, PG
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
JEFF & ELAINE M LANGE
HAR-EL ACRES INC

**KANSAS DEPARTMENT OF AGRICULTURE**

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,255**

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 January 7, 2015, the Chief Engineer received an application from Paul Lange for a permit to appropriate water for beneficial use, assigned File No. 49,255, proposing the appropriation of 174.2 acre-feet of groundwater for irrigation use. The proposed well battery geo-center was to be located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 23, more particularly described as being near a point 945 feet North and 4,884 feet West of the Southeast corner of said section, in Township 30 South, Range 3 West, Sumner County, Kansas.
2. That the applicant has another pending application in the 2-mile safe yield area, Application File No. 49,265, and during the review of the applications it was determined that Safe Yield would be a limiting factor due to the limited remaining Safe Yield quantity. After consulting with the applicant via phone the applicant decided to voluntarily dismiss Application File No. 49,255 (subject to approval of Application File No. 49,265) so that additional quantity would be available for approval of Application File No. 49,265.
3. That on October 20, 2016 a "Voluntary Dismissal of an Application for Permit to Appropriate Water" form signed by the applicant was received in headquarters.
4. That the application should be dismissed and its priority forfeited as voluntarily requested by the applicant.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,255, 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.

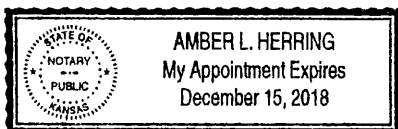
Ordered this 6th day of December, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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 6th day of December 2016, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Amber L. Herring

Notary Public

CERTIFICATE OF SERVICE

On this 7th day of December, 2016, I hereby certify that the foregoing Dismissal of Application, File No. 49,255, dated December 16, 2016 was mailed postage prepaid, first class, US mail to the following:

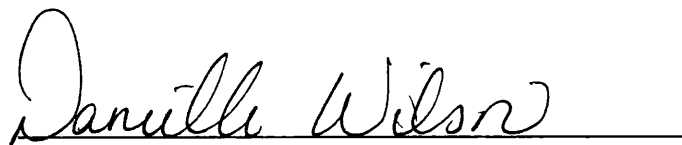
PAUL S LANGE
1098 N CONWAY SPRINGS RD
CONWAY SPRINGS KS 67031

With photocopies to:

JEFF & ELAINE M LANGE
1098 N CONWAY SPRINGS RD
CONWAY SPRINGS KS 67031

HAR-EL ACRES INC
1098 N CONWAY SPRINGS RD
CONWAY SPRINGS KS 67031

Stafford Field Office



Division of Water Resources

Voluntary Dismissal of an Application for Permit to Appropriate Water

10-13-16

(Date)

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

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OCT 20 2016

KS DEPT OF AGRICULTURE

RE: Application File No. 49,255

Chief Engineer:

I am submitting this statement in regard to Application for Permit to Appropriate Water, File No. 49,255. I am (We are) the applicant(s) who filed this application. I (We) now wish to voluntarily withdraw that application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application File No. 49,255.

Dismissal Contingent on Approval of File No. 49,265

Sincerely,

Paul S. Lange

Paul S. Lange

(Applicant)

1098 N Conway Springs Rd

(Mailing Address)

Conway Springs, KS 67031

(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

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OCT 26 2016

Stafford Field Office
Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 4925.5
This item to be completed by the Division of Water Resources.

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**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.)

JAN 07 2015

12:39
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Paul Lange
Address: Address 1098 N Conway Springs Rd
City: Conway Springs State KS Zip Code 67031
Telephone Number: (316) 644-4437

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

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

3. The maximum quantity of water desired is 174.2 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 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 Piping (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

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YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORMS PROVIDED BY STAFFORD FIELD OFFICE
SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE. Water Resources

For Office Use Only:
F.O. Z GMD Meets K.A.R. 5-3-1 (YES/NO) Use ICR Source G S County SU By BAT Date 1-7-15
Code RE-2 Fee \$ 300 TR # 15021382 Receipt Date 1-7-15 Check # 5216

1/14/2015 UN

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 SW quarter of the SW quarter of the SW quarter of Section 23, more particularly described as PSL being near a point 945 feet North and 4,884 feet West of the Southeast corner of said section, in Township 30 South, Range 3 West, Sumner 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):

Har-El Acres & Jeff Lange
(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 January 2nd, 2015. Paul S. Lange
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 4 Wells
(number of wells, pumps or dams, etc.)

and (will be) completed (by) ASAP
(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 ASAP
(Month/Day/Year)

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JAN 07 2015

APR 27 2015

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

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

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

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

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

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

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

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

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

None

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Division of Water Resources

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

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

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

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

Manager - Nephew
(owner, tenant, agent or otherwise)

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

Har-El Acres & Jeff Lange
(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 Conway Springs, Kansas, this 2 day of January, 2015.
(month) (year)

Paul S. Lange
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Matt Meier ESII Date: 1/2/2015
(office/title)

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49255

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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Names & Addresses of well owners within ½ mile of point of diversion:

- 1. Brian May
878 W 110th Ave N
Conway Springs, KS 67031
- 2. Rod O'Neal
1147 N Springdale Rd
Conway Springs, KS 67031
- 3. L.J. Koester
1078 N Springdale Rd
Conway Springs, KS 67031
- 4. Newt Ward
1083 N Springdale Rd
Conway Springs, KS 67031

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49255

Name of Applicant (Please Print): Paul Lange

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: Har-El Acres & Jeff Lange

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		
23	30	3										34	34	32	34					134

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		

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Page 1 of 2
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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>Nalim</u>	<u>80</u>	<u>.6-2.0</u>	<u>Favorable</u>
<u>Bethany</u>	<u>20</u>	<u>.6-2.0</u>	<u>Favorable</u>
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 1-3 %
 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: Drip

d. System design features:

i. Describe how you will control tailwater: N/A

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 35 psi

(2) What is the sprinkler package design rate? 800 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? 50 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:

Wheat Soybeans Carola
Corn Milo Cotton

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).

Conduct soil probing & compare to crop stress. Systematically use consulting agronomist for complete treatment & management plans.

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

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 JAN 07 2015 Page 2 of 2
 SCANNED APR 27 2015
 KS DEPT OF AGRICULTURE
 Stafford Field Office
 Division of Water Resources

1-2-2015

(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. 49255

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.

Paul S. Lange
Signature of Applicant

State of Kansas)
County of Sumner) ss

Paul S. Lange
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 2 day of January, 2015.



Pamela K. Lange
Notary Public

My Commission Expires: 4/9/18

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

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

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

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

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NOV 19 2015

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Division of Water Resources

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Division of Water Resources

WATER RESOURCES
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JAN 07 2015
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KS DEPT OF AGRICULTURE

2:30-4:30 3 miles ELL

7:00-10:00 4 mile from Pauls Shop

DARLING DRILLING COMPANY

3916 W. 56th Avenue
Hutchinson, KS 67502

From Conway Springs
2 mile N 1 mile E 1/2
mile S ESR 1/8 mile in field

DRILLER'S LOG

Name Paul Lange Date 12-3-14

Address _____ Test No. test

County Sumner Quarter SW Section 23 Twp. 30S Range 3W

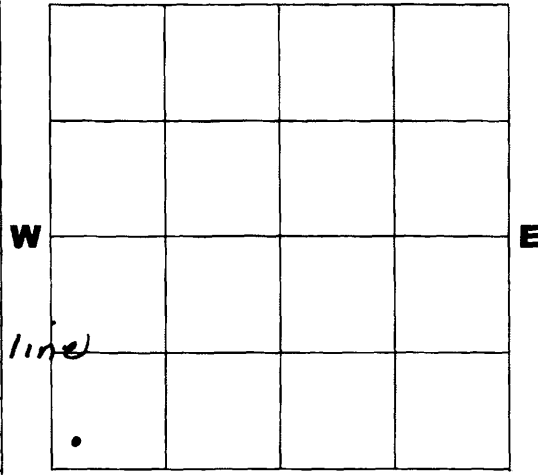
#1 Latitude 37.41802 Longitude 097.62172 Elevation 1307

NE SW SW SW

N

#1
500'
ESR
1000'

Drilled Footage		Description of Strata
From	To	
0	3	Top soil
3	11	Red clay
11	30	Fine-med sand
30	38	Brown Clay
38	48	Fine small sand
48	49	Shale



603' N of South line - 4879' W of East line

#2
center
of
field

0	3	Top soil
3	9	Red clay
9	10	Red shale

#1 S

Static Water Level: 18

Depth of Well: 49'

Type & Size of Casing: 160 #4"

Plain: PVC FT. to 29 FT. 0

Perf: PVC FT. to 49 FT. 29

Gravel Pack Intervals: 49 To: 20

Hole Plug: 20 To: 0

of Sacks: 6

Contamination: N/A

Direction from Well:

Casing above Surface: 14"

Bore Hole: 7

Extra Cap: Yes No

Centralizers: 120

Remarks: Est 125 gpm

plugged with cuttings + 3 bags of holeplug

Lat 37.41943
Long 097.61732
Ele 1304'

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WATER RESOURCES
RECEIVED

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Division of Water Resources KS DEPT OF AGRICULTURE

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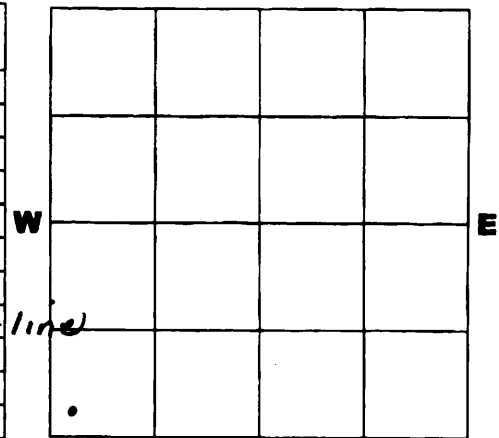
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Hole Plug: 20 To: 0

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Bore Hole: 7

Extra Cap: Yes No

Centralizers: NO

Remarks: Est 125 gpm

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Long 097.61732
Ele 1304'

plugged with cuttings + 3 bags
of holeplug

WATER RESOURCES
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JAN 07 2015

KS DEPT OF AGRICULTURE

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

November 9, 2015

Paul Lange
1074 N Conway Springs RD
Conway Springs, KS 67031

Re: Pending Applications, Files No. 49,255

Dear Mr. Lange:

We have completed further review of your application referenced above. Based on the site map, it appears that it likely does not comply with minimum well spacing distance from existing domestic wells. The required spacing to all domestic wells in this aquifer is 660 feet per K.A.R. 5-4-4. **Please mark the locations of all nearby domestic wells on one of the maps as none are currently identified despite multiple domestic wells being listed within 1/2 mile.**

Based on the above information, it will be recommended to the Chief Engineer that the pending applications be denied and dismissed due to the failure to meet minimum well spacing criteria, as required by K.A.R. 5-4-4. We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. **You have a period of 15 days (until November 25, 2015)** to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. The required information must include an engineering report or similar type of hydrologic analysis to show that the spacing can be decreased without impairing existing water rights or prejudicially and unreasonably affecting the public interest.

Regarding the domestic wells, K.A.R. 5-4-4 does provide you the ability to reduce the required well spacing interval where the domestic well owner has given you written permission. Enclosed are several "Domestic Well Spacing Consent Form" documents, which can be used to obtain this permission. The forms must be signed by the domestic well owners, properly notarized, and returned to our office.

Additionally, a review of safe yield determined that there is not enough remaining quantity to meet the 174.2 acre-feet requested in the application. The source of water for the pending application appears to be Quaternary System deposits, based on the test hole logs that were submitted. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (1,205 acres for this file). Calculated recharge is 2.43 inches, and for hydrologic units within the Arkansas River Basin, 100 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination is summarized below

Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available

1,205 acres x 2.43 inches x 100% = 2,928.15 acre-inches / 12 = 244.01 acre-feet

Prior Appropriations within the area of consideration = 142 acre-feet

Total quantity of water available = 102.01 acre-feet

Since there is only 102.01 acre-feet of safe yield remaining the requested quantity will need to be reduced to 102.01 acre-feet. The place of use will also have to be adjusted to account for the reduced quantity.

SCANNED

Kansas

Department of Agriculture
Division of Water Resources

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

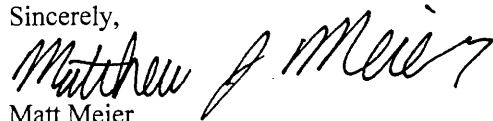
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov

Sam Brownback, Governor

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed (**until November 25, 2015**) will be given due consideration, prior to final action on the applications. 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
New Application Unit
Water Appropriation Program

Enclosure *Domestic well waiver form, Dismissal form*
pc:

SCANNED

Kansas

Department of Agriculture
Division of Water Resources

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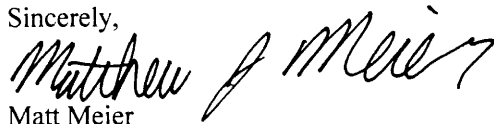
Fax: (620) 234-6900

www.agriculture.ks.gov

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Sincerely,



Matt Meier

New Application Unit

Water Appropriation Program

Enclosure. *Domestic well waiver form, Dismissal Form*
pc:



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

January 20, 2015

PAUL LANGE
1098 N CONWAY SPRINGS RD
CONWAY SPRINGS KS 67031

RE: Application
File No. 49255

Dear Sir or Madam:

Your application for permit to appropriate water in 23-30S-3W in Sumner County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

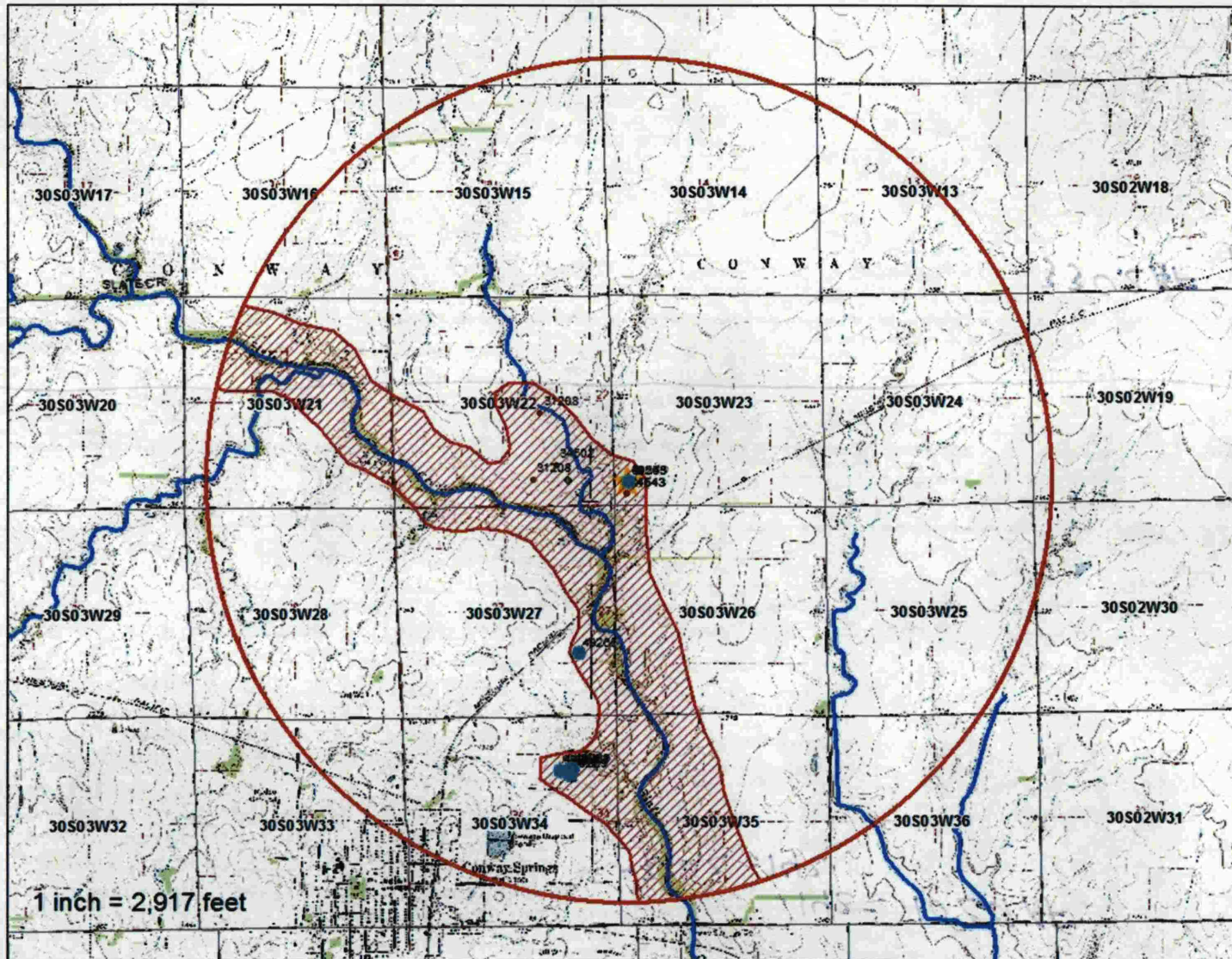
Brent A Turney, L.G.
New Application Unit Supervisor
Water Appropriation Program

DWS: dlw
pc: STAFFORD Field Office
GMD

SCANNED

#49,255

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NESWSWSW 23-30S-03W



Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 244.01 AF. *-142 = 102.01 AF*
 Total prior appropriation in the circle is 472.20 AF. *-330.2 = 142*
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 1205 acres.
 Potential annual recharge of the area is estimated to be 2.43 inches.
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 11-AUG-2015 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 3 water right(s) and 5 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A 19221 00	IRR	NK	G		NW	SE	NE	3945	1300	34	30	03W	1	WR	142.00	142.00	110.00	110.00
Same	IRR	NK	G		NW	SE	NE	3945	1200	34	30	03W	2	WR				
Same	IRR	NK	G		NW	SE	NE	3945	1100	34	30	03W	4	WR				
A 49255 00	IRR	AY	G		SW	SW	SW	645	4884	23	30	03W	1	WR	174.20	174.20	134.00	134.00
A 49265 00	IRR	AY	G		SW	NE	SE	1575	925	27	30	03W	1	WR	156.00	156.00	120.00	120.00

330.2 AF pending

#171022

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

645 ft N and 4884 ft W of the SE Corner of Section 23, T 30S, R 3W

Located at: 97.621706 West Longitude and 37.418046 North Latitude

GROUNDWATER ONLY

```

=====
File Number  Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp  Rng  ID Batt Auth_Quan  Add_Quan Unit
A__ 19221 00 IRR NK G      7357 -- NW SE NE 3945 1200 34 30  3W  2 G 2    142.00   142.00 AF
Same
Same      7377 -- NW SE NE 3945 1300 34 30  3W  1 B 2
Same      7338 -- NW SE NE 3945 1100 34 30  3W  4 B 2
A__ 49255 00 IRR AY G        0 -- SW SW SW  645 4884 23 30  3W  1          174.20   174.20 AF
A__ 49265 00 IRR AY G      4485 -- SW NE SE 1575  925 27 30  3W  1          156.00   156.00 AF
=====

```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      330.20      .00
Total Permitted Amount (AF) =         .00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =      142.00      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =      472.20      .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:

97.621706 West Longitude and 37.418046 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:






```

=====
File Number  Use ST SR
A__ 19221 00 IRR NK G
> IVAN J & CYNTHIA M DOLL DOLL
>
> 824 E SAINT LOUIS ST
> CONWAY SPRINGS KS 67031
>-----
A__ 49255 00 IRR AY G
> PAUL S LANGE
>
> 1074 N CONWAY SPRINGS RD
> CONWAY SPRINGS KS 67031
>-----
A__ 49265 00 IRR AY G
> JEFF LANGE
>
> 4911 S MERIDEN
> WICHITA KS 67217
>-----
=====

```




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.

-  Proposed Point of Diversion
-  Water Rights
-  Domestic Wells
-  Proposed Place of Use
-  Section Corner

0 3,100 6,200 Feet

Signature
Stafford Field Office
Division of Water Resources

Stafford Field Office
Division of Water Resources

Date

JAN 07 2015

Created By: Matt Meier
F.O. 2
Date: 1/2/15

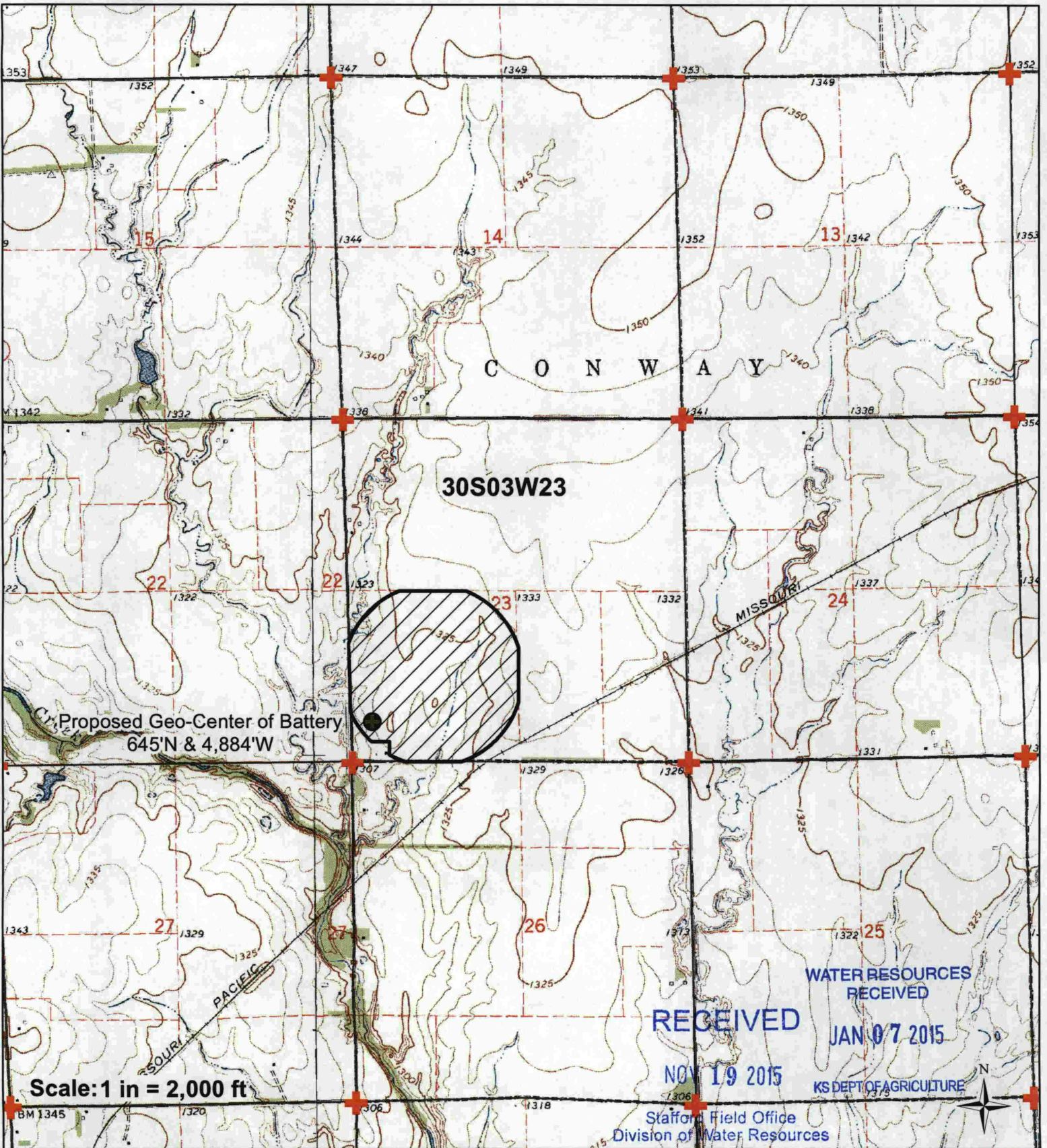
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Proposed Geo-Center of Battery
645'N & 4,884'W

30S03W23

Scale: 1 in = 2,000 ft

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NOV 19 2015
KS DEPT OF AGRICULTURE

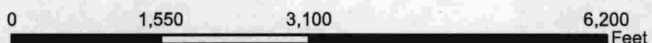
Stafford Field Office
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- Water Rights
- Domestic Wells
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- Section Corner

Signature

Date



Created By: Matt Meier
Stafford Field Office
Division of Water Resources

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APR 27 2015