

File No. **49,416** 15. Formation Code: **100** Drainage Basin: **Ninnescah River** County: **SG** Special Use: Stream:

16. Points of Diversion

T
MOD
DEL
ENT

PDIV
Qualifier

Battery ID #2000

S T R ID 'N 'W

MOD 84456	SWNESW	26	29S	2W	5	1535	3758	Geo-Cent
ENT 85768	SENWSW	26	29S	2W		1323	3970	Bat 1 of 4
ENT 85769	SENWSW	26	29S	2W		1747	3970	Bat 2 of 4
ENT 85770	SWNESW	26	29S	2W		1323	3546	Bat 3 of 4
ENT 85771	SWNESW	26	29S	2W		1747	3546	Bat 4 of 4

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
800	172.9	800	172.9	None

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

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

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

21. Place of Use

T
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PUSE S T R ID

	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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							
MOD 66990	26	29S	2W	4									37.1	32.7	32.1	31.1					133	7b.	None

Comments: **PU and Quantity reduced during processing of the application.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 21, 2016

FROM: Matt Meier

RE: Application, File No. 49,416

Robert Hay has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 172.9 acre-feet, and a diversion rate of 800 gallons per minute. The Geo-Center is to be located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, more particularly described as being near a point 1,535 feet North and 3,758 feet West of the Southeast corner of said section, in Township 29 South, Range 2 West, Sedgwick County, within the Ninnescah River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by Robert D. Hay. The applicant has signed the application form stating that he has legal access to the point of diversion. The requested place of use and quantity was reduced during the processing of the application after it was determined that the requested place of use was actually much smaller than listed.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 7,160 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,416.5 acre-feet. Existing water rights have appropriated 806.3 acre-feet, providing a difference of 1,610.2 acre-feet available for appropriation, and the application requesting 172.9 acre-feet complies with safe yield.

A test hole log was submitted with the pending application, which shows sandy clay and top soil from 0 to 10 feet, clay from 10 to 15 feet, fine sand and traces of clay from 15 to 20 feet, fine to medium sand from 20 to 25 feet, coarse sand and medium gravel from 25 to 35 feet, medium sand and fine gravel from 35 to 40, medium sand and weathered shale from 40 to 50 feet, and shale 50 feet below ground. The static water level was listed at 12.5 feet which provides a saturated thickness of 37.5 feet.

The requested quantity of water, 172.9 acre-feet, is to irrigate the proposed 133 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Sedgwick County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

Due to the large number of domestic wells within ½ mile of the proposed geo-center the applicant ran a public notice, the last of which was published on October 20, 2016. Phone calls were received from John Burke and Greg to obtain more information on the proposed application. According to the WRIS database, the nearest non-domestic point of diversion (File No. 8,588) is located 4,847 feet away. The nearest domestic well is over 1,000 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on November 17, 2016. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier
Environmental Scientist
Water Appropriations 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

Robert Hay
9171 S West St
Haysville, KS 67060

December 7, 2016

FILE COPY

RE: Application, File No. 49,416

Dear Mr. Hay:

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

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

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

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

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this 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



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,416** of the applicant

**Robert D Hay Trust
9171 S West St.
Haysville, KS 67060**

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

1. That the priority date assigned to such application is **June 24, 2015**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
26 29S 2W										37.1	32.7	32.1	31.1					133

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is to located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW¼ NE¼ SW¼) of Section 26, more particularly described as being near a point 1,535 feet North and 3,758 feet West of the Southeast corner of said section, in Township 29 South, Range 2 West, Sedgwick County, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.783 c.f.s.)** and to a quantity not to exceed **172.9 acre-feet** of water for any calendar year.

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

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.


CERTIFICATE OF SERVICE

On this 7th day of December, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,416, dated December 6, 2016 was mailed postage prepaid, first class, US mail to the following:

ROBERT D HAY TRUST
9171 S WEST ST
HAYSVILLE KS 67060

With photocopies to:

Stafford Field Office



Division of Water Resources

APPLICATION COMPLETE
8 7 15
Reviewer: MSM/SFD

THE STATE



OF KANSAS

WATER RESOURCES RECEIVED

JUN 24 2015

10:30
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49416

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.)

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AUG 07 2015

KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Robert D Hay Trust
Address: 9171 S West St
City: Haysville State KS Zip Code 67066
Telephone Number: (316) 522-1670

2. The source of water is: surface water in _____ (stream)
OR groundwater in Ninnescah (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 208 172.9 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 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. 2 GMD -0- Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County SG By KAB Date 6/24/15
Code REA Fee \$ 300 TR # 15052699 Receipt Date 6-22-15 Check # 16585

Updated 8-5-15
Robert D Hay

File No. _____

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. *Please allow 60 days to determine location*

Geo. Center
@ 1535' N
3758' W
SW 1/4 SW

- (A) One in the SE quarter of the NW quarter of the SW quarter of Section 26, more particularly described as being near a point 1323 feet North and 3970 feet West of the Southeast corner of said section, in Township 29 South, Range 2 East (West) (circle one), Sedgwick County, Kansas.
- (B) One in the SE quarter of the NW quarter of the SW quarter of Section 26, more particularly described as being near a point 1747 feet North and 3970 feet West of the Southeast corner of said section, in Township 29 South, Range 2 East (West) (circle one), Sedgwick County, Kansas.
- (C) One in the SW quarter of the NE quarter of the SW quarter of Section 26, more particularly described as being near a point 1323 feet North and 3546 feet West of the Southeast corner of said section, in Township 29 South, Range 2 East (West) (circle one), Sedgwick County, Kansas.
- (D) One in the SW quarter of the NE quarter of the SW quarter of Section 26, more particularly described as being near a point 1747 feet North and 3546 feet West of the Southeast corner of said section, in Township 29 South, Range 2 East (West) (circle one), Sedgwick 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):

Robert D Hay, 9171 S West St., Haysville KS 67060 (316) 724-8277
(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 June 22, 2015. Robert D Hay Trustee
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 Battery of 4 wells
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) Spring 2016
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2016
(Mo/Day/Year)

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AUG 07 2015

KS DEPT OF AGRICULTURE

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JUN 24 2015

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OCT 28 2016

Stafford Field
Division of Water Resources
SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	7-27-15			
Total depth of well	50'			
Depth to water bearing formation	15			
Depth to static water level	15			
Depth to bottom of pump intake pipe	48'			

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

Owner
(owner, tenant, agent or otherwise)

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

(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 Haysville, Kansas, this 22 day of June, 2015.
(month) (year)

Robert D Hay Trustee
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

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Stafford Field Office
Division of Water Resources

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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
<i>Elandco silt loam</i>	<i>60</i>	_____	_____
<i>Canadian fine sandy loam</i>	<i>20</i>	_____	_____
<i>Narcan fine sandy loam</i>	<i>10</i>	_____	_____
<i>Tabler silty clay loam</i>	<i>10</i>	_____	_____
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: _____

d. System design features:
 i. Describe how you will control tailwater:
Application rate will equal soil intake rate

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? _____ 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

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).
Crop Consultant

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

WATER RESOURCES RECEIVED	WATER RESOURCES RECEIVED	RECEIVED Page 2 of 2
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IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Robert D Hay Trust

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: Robert D Hay Trust
 ADDRESS: 9171 S West St, Haysville, KS 67060

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
26	29S	26W										40	40	40	40	<i>[Handwritten signature]</i>				
												37.1	32.7	32.1	31.1					133

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		

Robert D Hay 10-21-16
 WATER RESOURCES RECEIVED WATER RESOURCES RECEIVED

DWR 1-100.23 (7-7-00)

AUG 07 2015

JUN 24 2015

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Page 1 of 2
OCT 28 2016

To whom it may concern:

As there are a large number of domestic wells within ½ mile of our proposed point of diversion we would like to publish a notice in the local newspaper in lieu of providing individual letters to all well owners.

Sincerely,

Robert D Hay

Robert D Hay

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OCT 28 2016

Stafford Field Office
Division of Water Resources

WATER RESOURCES
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AUG 07 2015

KS DEPT OF AGRICULTURE

August 5, 2015
(Date)

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

Re: Application
File No. 49416

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.

Robert D Hay

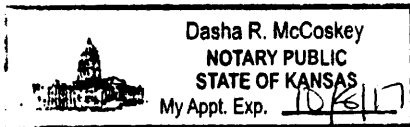
Signature of Applicant

Robert D Hay

(Print Applicant's Name)

State of Kansas)
County of Sedgewick) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 5th day of August, 2015.



Dasha R. McCoskey
Notary Public

My Commission Expires: 10/8/17

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AUG 07 2015 OCT 28 2016

**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

Affidavit of Publication

Victoria Vinciguerra
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk at

**Times-Sentinel Newspapers, LLC
State of Kansas**

A weekly newspaper printed in the state of Kansas,
And published in and of general circulation in Sedgwick
County, with a general paid circulation on a yearly
Basis in Sedgwick County of Kansas, and that said
Newspaper is not a trade, religious, or fraternal
Publication. That said newspaper has been published
At least weekly 50 times a year, has been so published
Continuously and uninterruptedly in said county and state
For a period of more than five years prior to the first
Publication of said notice and has been admitted to the
Post Office of Cheney, Kansas, in Sedgwick County as
Second class matter. That the attached is a true copy
Thereof and was published on the following dates in the
Regular and entire Issue of said newspaper.

First Publication was made
On the 6TH Day of OCT., 2016
Second Publication was made
On the 13TH Day of OCT., 2016
Third Publication was made
On the 20TH Day of OCT., 2016

Total Publication Fee \$ 180.00

Victoria Vinciguerra

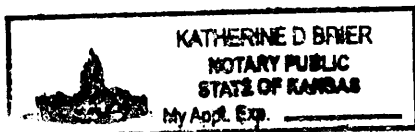
Subscribed and sworn to before me this

20th Day of OCT., 2016

Kathryn D. Brner

Notary Public

My Commission expires on 5/9/19



PUBLIC NOTICE

First Published in the Haysville Sun-Times October 6, 2016 (3t)

File No. 49,416

Robert Hay has filed an application for permit to appropriate water for beneficial use, identified as File No. 49,416, with the Division of Water Resources, Kansas Department of Agriculture. The application proposes the appropriation of 172.9 acre-feet of groundwater to be diverted at the rate of 800 gallons per minute from a battery of four (4) wells for irrigation use. The proposed geo-center of the well battery would be located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW1/4 NE1/4 SW1/4) of Section 26, more particularly described as being near a point 1,535 feet North and 3,758 feet West of the Southeast corner of said section, in Township 29 South, Range 2 West, Sedgwick County, Kansas.

Anyone, with existing wells in the immediate vicinity of the proposed point of diversion, is invited to submit written comments regarding Application, File No. 49,416. Persons submitting comments should specifically indicate their interest in the proposed appropriation. Comments regarding the application will be accepted through November 27, 2016.

Written comments or questions regarding the application may be directed to the Stafford Field Office, 300 S. Main Street, Stafford, Kansas 67578-1521. If you wish more information concerning this application, you may also contact Matt Meier, Environmental Scientist, in the Permits Unit of the Water Appropriation Program at (620) 234-0195.

RECEIVED

OCT 28 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 Lanternman, Water Commissioner

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

September 22, 2016

ROBERT D HAY TRUST
9171 S WEST ST
HAYSVILLE KS 67060

RE: Application, File No. 49,416

Dear Mr. Hay:

Due to the large number of domestic wells in the area surrounding this proposed appropriation, you requested a public notice to notify the nearby landowners.

Enclosed is a public notification for your application to appropriate water for beneficial use. This notice should be published in a local newspaper(s) once per week for three consecutive weeks at your expense. An affidavit of publication or copies of the published notification are to be submitted to this office within two weeks of the final publication date. The date proposed in Paragraph No. 2 of the notice is designed to allow at least 15 days for public comment following the final publication, and should be revised as needed to ensure this time allowance is met. The requested quantity on the public notice needs to be filled in before posting.

Additionally, reviewing the application revealed that the acres listed as the proposed place of use on the irrigation supplemental sheet does not match the area delineated on the included maps. The irrigation supplemental sheet lists the proposed acres as 160 acres; however, based on a recreation of the Place of Use maps the proposed acres is approximately 133 acres. The acres listed on the irrigation supplemental sheet will need to be reduced to 133 acres to match the area delineated on the maps.

Since the acreage was listed incorrectly the requested quantity (Part 3 of the application) will also need to be reduced. The maximum reasonable quantity for Sedgwick County is 1.3 Acre-feet per acre. As such, based on the current acreage the maximum quantity that could be requested by the application would be 172.9 Acre-feet (1.3 AF x 133 acre = 172.9 AF). The application is being returned to you to make the required corrections.

We are advising you of these requirements in order to allow you an opportunity to supply the requested information, as required. In order for the application to retain its priority of filing, the original application and attachments must be returned, with the requested information, to this office on or before **October 22, 2016**, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, **shall constitute forfeiture of your priority date and dismissal of the application.**

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
Permits Unit

Enclosure
pc:

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

Public Notice
File No. 49,416

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

Robert Hay has filed an application for permit to appropriate water for beneficial use, identified as File No. 49,416, with the Division of Water Resources, Kansas Department of Agriculture. The application proposes the appropriation of _____ acre-feet of groundwater to be diverted at the rate of 800 gallons per minute from a battery of four (4) wells for irrigation use. The proposed geo-center of the well battery would be located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, more particularly described as being near a point 1,535 feet North and 3,758 feet West of the Southeast corner of said section, in Township 29 South, Range 2 West, Sedgwick County, Kansas.

Anyone, with existing wells in the immediate vicinity of the proposed point of diversion, is invited to submit written comments regarding Application, File No. 49,416. Persons submitting comments should specifically indicate their interest in the proposed appropriation. Comments regarding the application will be accepted through **November 27, 2016**.

Written comments or questions regarding the application may be directed to the Stafford Field Office, 300 S. Main Street, Stafford, Kansas 67578-1521. If you wish more information concerning this application, you may also contact Matt Meier, Environmental Scientist, in the Permits Unit of the Water Appropriation Program at (620) 234-0195.

01/27/2016

Robert D Hay
9171 S West St.
Haysville, KS 67060

October 21, 2016

Kansas Department of Agriculture
Division of Water Resources, Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521

RE: Application, File No. 49416

Dear Mr. Meier:

I am writing in response to your letter of September 22, 2016. I have published the provided public notification concerning this application and have enclosed an "Affidavit of Publication" from the local newspaper. I have also made the necessary changes to my original application so that it matches the proposed place of use as well as the maximum reasonable quantity for that area. I have enclosed the application with changes for your review. If there are any other changes or information that you require from me, please let me know ASAP. I am eager to proceed with this project so that I may utilize irrigation for the upcoming crop in the spring. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads "Robert D Hay". The signature is written in a cursive style with a large, prominent "R" and "H".

Robert D Hay

RECEIVED

OCT 28 2016

Stafford Field Office
Division of Water Resources

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

Draft

TO: Files

DATE: November 17, 2016

FROM: Matt Meier

RE: Application, File No. 49,416

Robert Hay has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of 172.9 acre-feet, and a diversion rate of 800 gallons per minute. The Geo-Center is to be located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 26, more particularly described as being near a point 1,535 feet North and 3,758 feet West of the Southeast corner of said section, in Township 29 South, Range 2 West, Sedgwick County, within the Ninnescah River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by Robert D. Hay. The applicant has signed the application form stating that he has legal access to the point of diversion. The requested place of use and quantity was reduced during the processing of the application after it was determined that the requested place of use was actually much smaller than listed.

In 2004 the United States Geological Survey (USGS) completed a hydrologic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Townships 26 South to 34 South (near state line). The USGS model indicated that the aquifer in this area receives more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detailed in the USGS Scientific Investigations Report 2004-5204 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

DWR recently completed an evaluation of the USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available in for all applications in the Ninnescah River drainage basin. Therefore, for all pending applications within the model area, safe yield will be evaluated using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a Potential Annual Recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75%. Current annual recharge across the model area is approximately 3 inches.

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 7,160 acres. With a potential annual recharge of 5.4 inches, and 75% of recharge available for appropriation, safe yield was determined to be 2,416.5 acre-feet. Existing water rights have appropriated 806.3 acre-feet, providing a difference of 1,610.2 acre-feet available for appropriation, and the application requesting 172.9 acre-feet complies with safe yield.

A test hole log was submitted with the pending application, which shows sandy clay and top soil from 0 to 10 feet, clay from 10 to 15 feet, fine sand and traces of clay from 15 to 20 feet, fine to medium sand from 20 to 25 feet, coarse sand and medium gravel from 25 to 35 feet, medium sand and fine gravel from 35 to 40, medium sand and weathered shale from 40 to 50 feet, and shale 50 feet below ground. The static water level was listed at 12.5 feet which provides a saturated thickness of 37.5 feet.

The requested quantity of water, 172.9 acre-feet, is to irrigate the proposed 133 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Sedgwick County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

Due to the large number of domestic wells within ½ mile of the proposed geo-center the applicant ran a public notice, the last of which was published on October 20, 2016. Phone calls were received from John Burke and Greg to obtain more information on the proposed application. According to the WRIS database, the nearest non-domestic point of diversion (File No. 8,588) is located 4,847 feet away. The nearest domestic well is over 1,000 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier
Environmental Scientist
Water Appropriations Unit

*Concur w Recommendation
Approve it
JH 11/17/16*

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

July 8, 2015

WATER RESOURCES
RECEIVED

AUG 07 2015

KS DEPT OF AGRICULTURE

ROBERT D HAY TRUST
9171 S WEST ST
HAYSVILLE KS 67060

Re: Pending Application, File No. 49,416

Dear Mr. Hay:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on June 24, 2015, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Southwest Quarter (SW $\frac{1}{4}$) of Section 26, in Township 29 South, Range 2 West, Sedgwick County, Kansas. Your 60-day period will start as of the date of this letter.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

The locations of all other water wells of every kind within one-half mile ($\frac{1}{2}$) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile ($\frac{1}{2}$) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application. Also, the enclosed "Minimum Desirable Streamflow" form must be signed and notarized, and should be returned with your application as well.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **September 8, 2015**, or within any authorized extension of time thereof. According to law, default in refile of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

(over)

Robert D. Hay Trust

July 8, 2015

Page 2 of 2

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large initial 'K'.

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosures



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

July 8, 2015

ROBERT D HAY TRUST
9171 S WEST ST
HAYSVILLE KS 67060

Re: Pending Application, File No. 49,416

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Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

The locations of all other water wells of every kind within one-half mile ($\frac{1}{2}$) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile ($\frac{1}{2}$) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application. Also, the enclosed "Minimum Desirable Streamflow" form must be signed and notarized, and should be returned with your application as well.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **September 8, 2015**, or within any authorized extension of time thereof. According to law, default in refileing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

(over)

SCANNED

Robert D. Hay Trust

July 8, 2015

Page 2 of 2

If you have any questions, please contact me at (785) 564-6627 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style with a large initial 'K'.

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

enclosures

**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

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

JUN 24 2015

KS DEPT OF AGRICULTURE

SCANNED

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

June 26, 2015

ROBERT D HAY TRUST
9171 S WEST ST.
HAYSVILLE KS 67060

RE: Application
File No. 49416

Dear Sir or Madam:

Your application for permit to appropriate water in 26-29S-2W In Sedgwick, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Brent A. Turney".

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

BAT: dlw
pc: STAFFORD Field Office
GMD 0

SCANNED

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

1535 ft N and 3758 ft W of the SE Corner of Section 26, T 29S, R 2W

Located at: 97.509138 West Longitude and 37.494481 North Latitude

GROUNDWATER ONLY

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File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 8588 00 MUN NK G      4847 -- SW SE SE ----- 23 29 2W 1      236.86 236.86 AF
Same          5253 -- SE SE SE ----- 23 29 2W 2
Same          5253 -- SE SE SE ----- 23 29 2W 3
A__ 41736 00 IRR NK G    10339 -- NE SW SE 1207 1857 14 29 2W 9 G 3      22.44 22.44 AF
Same          10380 -- NE SW SE 1230 1758 14 29 2W 2 B 3
Same          10406 -- NE SW SE 1284 1900 14 29 2W 4 B 3
Same          10185 -- NE SW SE 1065 1932 14 29 2W 8 B 3
A__ 43004 00 IRR NK G    7463 -- SE SE NW 3055 2648 36 29 2W 2 G 4      150.00 150.00 AF
Same          7687 -- SW SW NE 2728 2584 36 29 2W 3 B 4
Same          7502 -- SE SE NW 2983 2645 36 29 2W 4 B 4
Same          7373 -- SE SE NW 3179 2680 36 29 2W 5 B 4
Same          7298 -- NE SE NW 3328 2683 36 29 2W 6 B 4
A__ 43942 00 IRR NK G    9170 -- SW SW SW 131 4999 14 29 2W 10 G 3      188.00 188.00 AF
Same          9054 -- SW SW SW 13 5006 14 29 2W 6 B 3
Same          9317 -- SW SW SW 305 4797 14 29 2W 7 B 3
Same          9143 -- SW SW SW 75 5194 14 29 2W 11 B 3
A__ 46194 00 IRR NK G    8464 -- NW SW NE 3681 2516 22 29 2W 7 G 2      78.00 78.00 AF
Same          8576 -- NW SW NE 3808 2520 22 29 2W 5 B 2
Same          8350 -- NW SW NE 3553 2511 22 29 2W 6 B 2
A__ 47077 00 IRR KE G    7485 -- NW SW NE 3679 2619 23 29 2W 9 G 2      81.90 81.90 AF
Same          7789 -- -- NC N2 3990 2650 23 29 2W 4 B 2
Same          7327 -- NW SW NE 3519 2619 23 29 2W 8 B 2
A__ 48772 00 IRR GY G    6084 -- SW NE NW 4258 3637 25 29 2W 1      24.55 24.55 AF
A__ 48773 00 IRR GY G    6403 -- SW NE NW 4471 3388 25 29 2W 2 G 2      24.55 24.55 AF
Same          6336 -- SW NE NW 4317 3385 25 29 2W 3 B 2
Same          6474 -- NW NE NW 4625 3390 25 29 2W 4 B 2
A__ 49416 00 IRR AY G    295 -- -- -- SW 1320 3960 26 29 2W 5      208.00 208.00 AF
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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      208.00      .00
Total Permitted Amount (AF) =      131.00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =       675.30      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =      1014.30      .00
=====

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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:

97.509138 West Longitude and 37.494481 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 8588 00 MUN NK G

> CITY OF CLEARWATER

>

> PO BOX 453

> CLEARWATER KS 67026

A__ 41736 00 IRR NK G

> TEE TIME GOLF & CAFE LLC

>

> 14100 W 95TH S

> CLEARWATER KS 67026

A__ 43004 00 IRR NK G

> KRIS E & SUE C NOLAND TRUST

>

> 12624 W 95TH ST S

> CLEARWATER KS 67026

A__ 43942 00 IRR NK G

> DANIEL J LAUER

>

> 14630 W 95TH ST S

> CLEARWATER KS 67026

A__ 46194 00 IRR NK G

> DANIEL J LAUER

>

> 14630 W 95TH ST S

> CLEARWATER KS 67026

A__ 47077 00 IRR KE G

> DANIEL J LAUER

>

> 14630 W 95TH ST S

> CLEARWATER KS 67026

A__ 48772 00 IRR GY G

> CITY OF CLEARWATER

>

> PO BOX 453

> CLEARWATER KS 67026

A__ 48773 00 IRR GY G

> CITY OF CLEARWATER

>

> PO BOX 453

> CLEARWATER KS 67026

A__ 49416 00 IRR AY G

> ROBERT D HAY TRUST

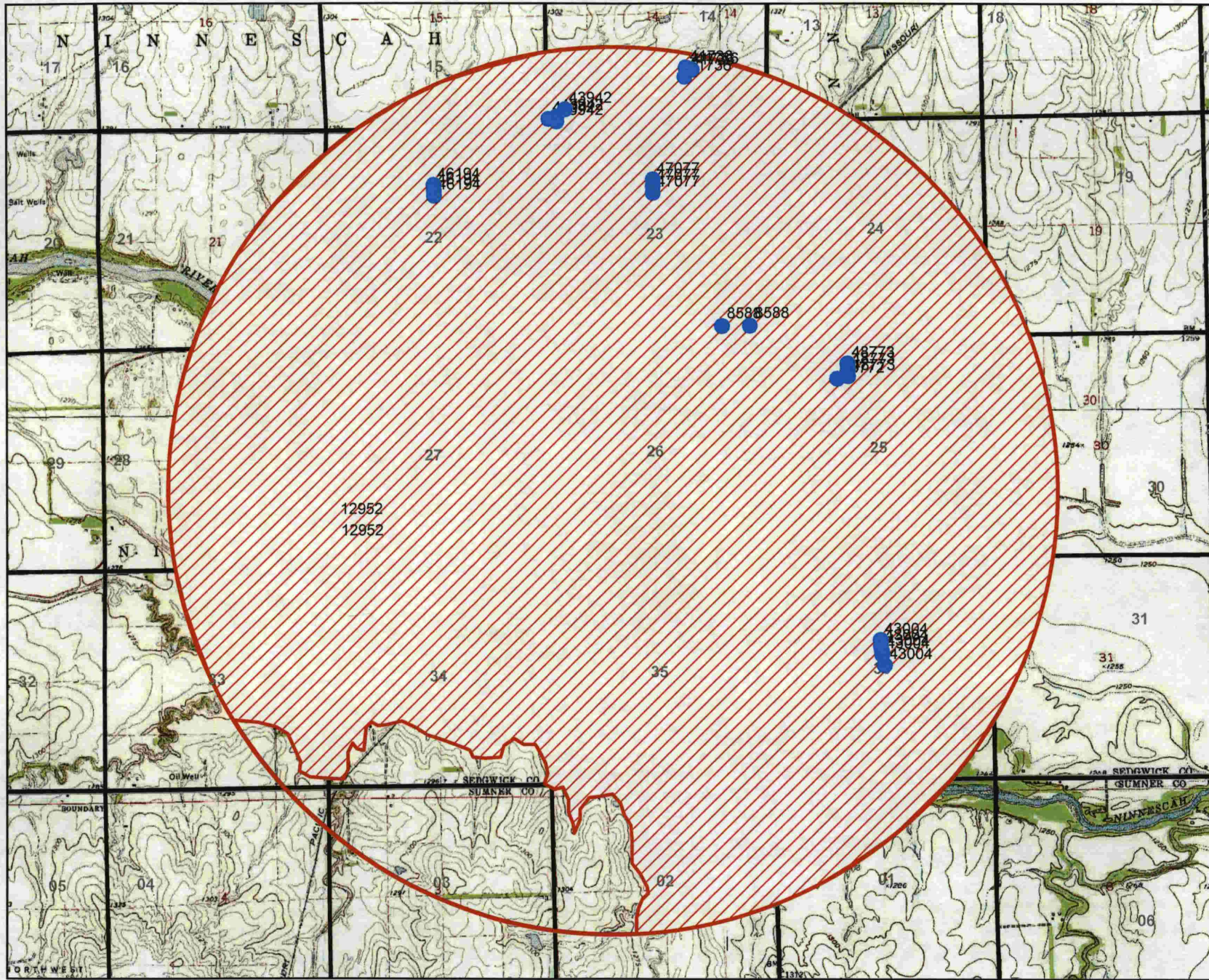
>

> 9171 S WEST ST
> HAYSVILLE KS 67060

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File # 49416 - Safe Yield Map



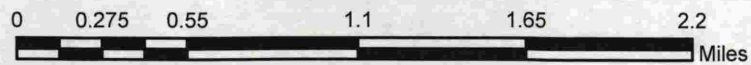
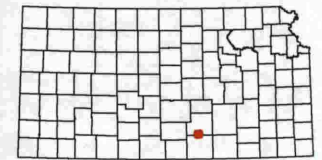
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WIMAS_PD

S_UMW

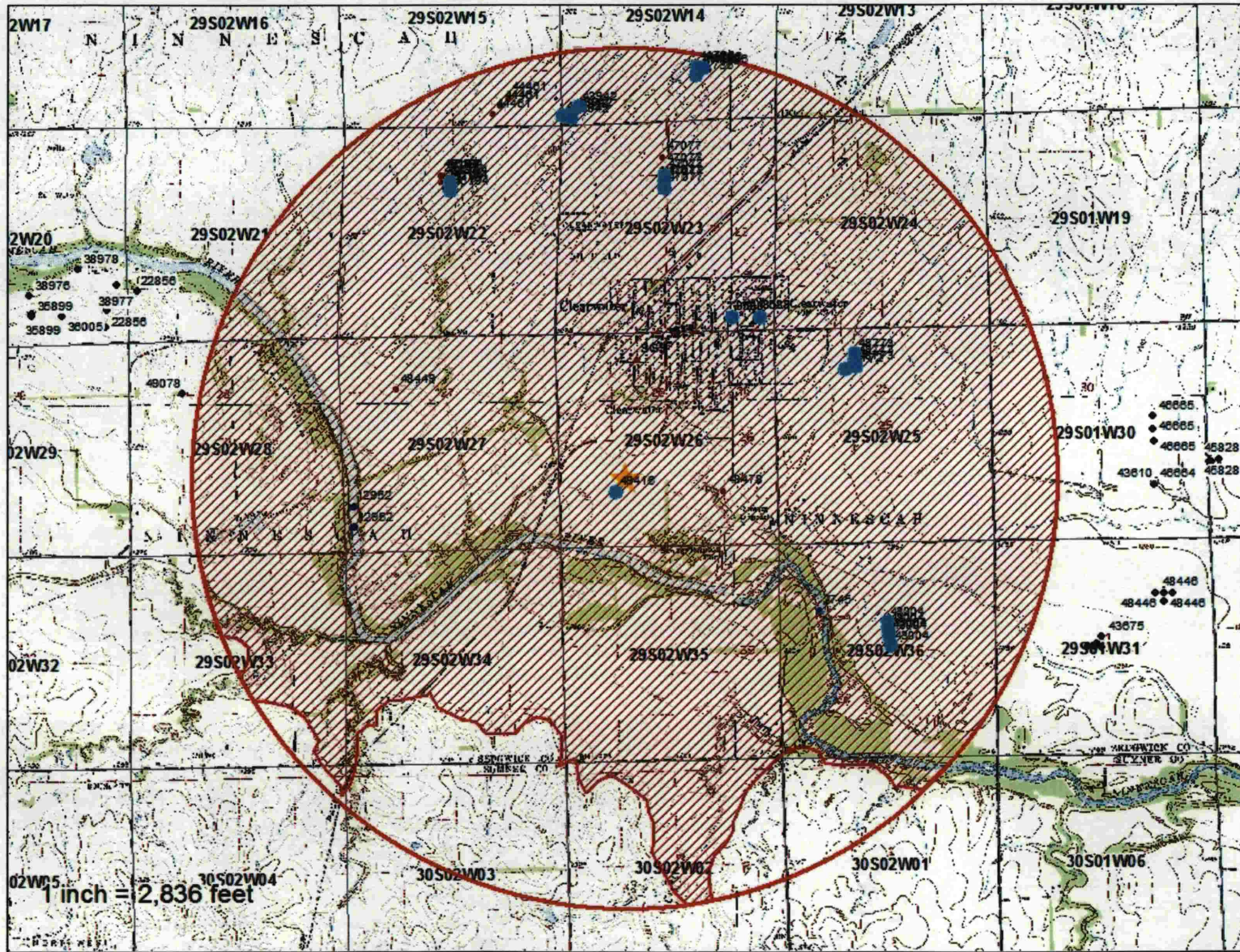
- G_IRR
- ▲ G_MUN
- S_IRR

Index Map



This map was created by AM / DWR

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NWSWNESEW 26-29S-02W



Analysis Results

#49416

meets S.Y.

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 2,416.50 AF. $-806.3 = 1610.2 \text{ AF remaining}$
 Total prior appropriation in the circle is 1,014.30 AF. $-208 = 806.3$
 Total quantity of water available for appropriation is 1,402.20 AF.

Safe Yield Variables

The area used for the analysis is set at 7160 acres.
 Potential annual recharge of the area is estimated to be 5.4 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 23-AUG-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 9 water right(s) and 27 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 8588	00	MUN	NK	G		SW	SE	SE	0	0	23	29	02W	1	WR	236.86	236.86		
Same		MUN	NK	G		SE	SE	SE	0	0	23	29	02W	2	WR				
Same		MUN	NK	G		SE	SE	SE	0	0	23	29	02W	3	WR				
A 41736	00	IRR	NK	G		NE	SW	SE	1230	1758	14	29	02W	2	WR	22.44	22.44	70.00	70.00
Same		IRR	NK	G		NE	SW	SE	1284	1900	14	29	02W	4	WR				
Same		IRR	NK	G		NE	SW	SE	1065	1932	14	29	02W	8	WR				
Same		IRR	NK	G		NE	SW	SE	1207	1857	14	29	02W	9	WR				
A 43004	00	IRR	NK	G		SE	SE	NW	3055	2648	36	29	02W	2	WR	150.00	150.00	130.00	130.00
Same		IRR	NK	G		SW	SW	NE	2728	2584	36	29	02W	3	WR				
Same		IRR	NK	G		SE	SE	NW	2983	2645	36	29	02W	4	WR				
Same		IRR	NK	G		SE	SE	NW	3179	2680	36	29	02W	5	WR				
Same		IRR	NK	G		NE	SE	NW	3328	2683	36	29	02W	6	WR				
A 43942	00	IRR	NK	G		SW	SW	SW	13	5006	14	29	02W	6	WR	188.00	188.00	125.00	125.00
Same		IRR	NK	G		SW	SW	SW	305	4797	14	29	02W	7	WR				
Same		IRR	NK	G		SW	SW	SW	131	4999	14	29	02W	10	WR				
Same		IRR	NK	G		SW	SW	SW	75	5194	14	29	02W	11	WR				
A 46194	00	IRR	NK	G		NW	SW	NE	3808	2520	22	29	02W	5	WR	78.00	78.00	60.00	60.00
Same		IRR	NK	G		NW	SW	NE	3553	2511	22	29	02W	6	WR				
Same		IRR	NK	G		NW	SW	NE	3681	2516	22	29	02W	7	WR				
A 47077	00	IRR	KE	G			NC	N2	3990	2650	23	29	02W	4	WR	81.90	81.90	63.00	63.00
Same		IRR	KE	G		NW	SW	NE	3519	2619	23	29	02W	8	WR				
Same		IRR	KE	G		NW	SW	NE	3679	2619	23	29	02W	9	WR				
A 48772	00	IRR	GY	G		SW	NE	NW	4258	3637	25	29	02W	1	WR	24.55	24.55	31.00	31.00
A 48773	00	IRR	GY	G		SW	NE	NW	4471	3388	25	29	02W	2	WR	24.55	24.55	31.00	0.00
Same		IRR	GY	G		SW	NE	NW	4317	3385	25	29	02W	3	WR				
Same		IRR	GY	G		NW	NE	NW	4625	3390	25	29	02W	4	WR				
A 49416	00	IRR	AY	G				SW	1320	3960	26	29	02W	5	WR	208.00	208.00	160.00	160.00

806.3 approved



ROW

WATER RESOURCES RECEIVED

AUG 07 2015

KS DEPT OF AGRICULTURE

TS 29

WATER RESOURCES RECEIVED

JUN 24 2015

KS DEPT OF AGRICULTURE

RECEIVED

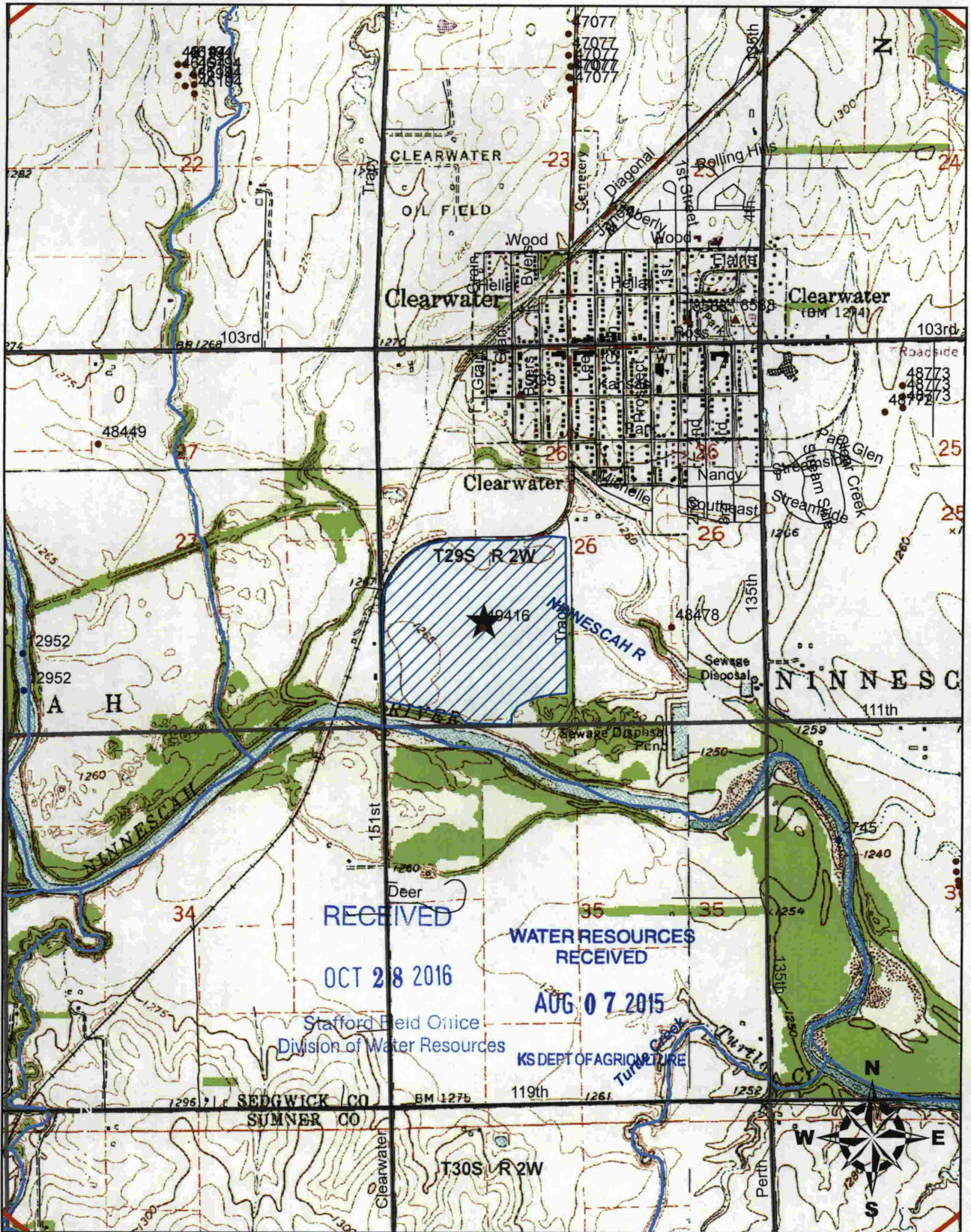
OCT 28 2016

Stafford Field Office
Division of Water Resources

SCANNED




Applicant Robert D Hay Trust File No. 49,416



RECEIVED
OCT 28 2016
WATER RESOURCES
RECEIVED
AUG 07 2015

Stafford Field Office
Division of Water Resources
KS DEPT OF AGRICULTURE

★ Point of Diversion
 Place of Use

All wells of any kind within a half mile of the proposed point(s) of diversion are shown above:
Robert D Hay
 Signature 8-5-15
 Date

1 inch = 2,000 feet
 KAB/DWR
 Date: 7/8/2015