

File No. **49444** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion									
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	
DEL	84599								

17. Rate and Quantity				
Authorized		Additional		
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files

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										NE ¼	NW ¼				SW ¼				SE ¼				Total	Owner	Chg?	Overlap Files
MOD	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								
DEL	67206																				7B					

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 16, 2016

FROM: Alex Whitesell

RE: Application, File No. 49,444

Paul S. Lange had filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 98 acre-feet of groundwater for recreational use in Kingman County, Kansas.

The source of water for the pending application is Holdrege formations according to the Kansas Geological Survey Bulletin 144. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. The two (2) mile circle safe yield was evaluated. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration is a portion of the two-mile circle, 5,734 acres. The safe yield was calculated to be 955.67 acre-feet with total prior appropriation of 1,466.32 acre-feet leaving no water available for appropriation.

The applicant was sent a letter on August 1, 2016 explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 49,444 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11. The applicant was provided 15 days (until August 16, 2016) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. As of this date, no additional information has been submitted. Therefore, the application should be dismissed and its priority forfeited.



Alex Whitesell
Environmental Scientist
Water Appropriation Program

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

August 26, 2016

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

FILE COPY

RE: Dismissal of Application
File No. 49,444

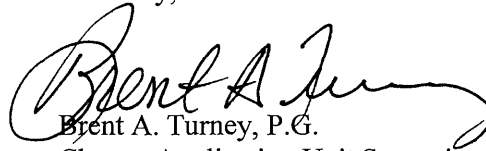
Dear Mr. Lange:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,444 for failure to meet safe yield criteria in K.A.R. 5-3-11.

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 in the enclosed Order.

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

Sincerely,



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

BAT:ajw
Enclosures
pc: Stafford Field Office
Jon Wheat



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

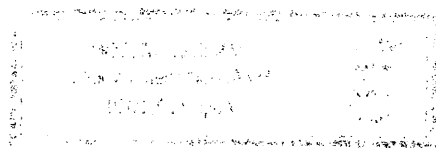
FILE COPY

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,444**

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 August 17, 2015, the Chief Engineer received an application from Paul S. Lange for a permit to appropriate water for beneficial use, assigned File No. 49,444, proposing the appropriation of 98 acre-feet of groundwater for irrigation use from one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, more particularly described as being near a point 4,047 feet North and 4,275 feet West of the Southeast corner of said section, in Township 30 South, Range 5 West, Kingman County, Kansas.
2. That K.S.A. 82a-711 requires the Chief Engineer to ascertain whether a proposed use will impair an existing water right, or prejudicially and unreasonably affect the public interest, shall take into consideration the unreasonable raising or lowering of the static water level, the area, safe yield and recharge rate of the appropriate water supply, the priority of existing claims of all persons to use the water of the appropriate water supply, the amount of each claim to use water from the appropriate water supply and all other matters pertaining to such question.
3. That K.A.R. 5-3-9 provides that it shall be considered to be in the public interest that only the safe yield of any source of water supply, including hydraulically connected sources of water supply, shall be appropriated.
4. That the source of water supply for the proposed irrigation well would be Holdrege formations based on the Kansas Geological Survey Bulletin No. 144.
5. That the specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-10 and K.A.R. 5-3-11.
6. That based on the area of consideration, the calculated recharge and the percent of the calculated recharge that can be considered to be available for appropriation, safe yield was determined to be 955.67 acre-feet, and that prior appropriations within this same area of consideration have appropriated 1,466.32 acre-feet, leaving no additional water available for appropriation.
7. That on August 1, 2016, a letter was mailed to the applicant stating that the application did not comply with the requirements of K.S.A. 82a-711, K.A.R. 5-3-9, K.A.R. 5-3-10 and K.A.R. 5-3-11, and that the application would be submitted to the Chief Engineer with a recommendation that it be denied and dismissed, for failure to meet safe yield.



- 8. That the applicant was provided 15 days, until March August 16, 2016, to either submit additional information to our office or request additional time, prior to final action on the application.
- 9. That the applicant has not submitted additional information for consideration, nor requested an extension of time, for Application, File No. 49,444, thus the application should be denied and dismissed and its priority forfeited for failure to comply with K.S.A. 82a-711, K.A.R. 5-3-9, K.A.R. 5-3-10 and K.A.R. 5-3-11.

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. 49,444, 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 25 day of August, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25 day of August, 2016, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



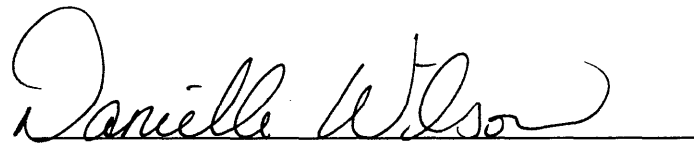
CERTIFICATE OF SERVICE

On this *26* day of *August*, 2016, I hereby certify that the foregoing Dismissal of Application, File No. 49,444, dated *August 25*, 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:

Stafford Field Office
Jon Wheat

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

Division of Water Resources

WATER RESOURCES RECEIVED
AUG 17 2015
11:30
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49444
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.)

UNACCEPTABLE FOR PRIORITY
WATER RESOURCES RECEIVED
JUL 9 2015
1:11
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 S. Lange
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 Chikaskia River (SC KS DUA - NIN30) (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 98 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 ¹⁹priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

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

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

For Office Use Only:							
F.O. <u>2</u>	GMD- <u>0</u>	Meets K.A.R. 5-3-1	(YES / NO)	Use <u>IRR</u>	Source <u>G/S</u>	County <u>KM</u>	By <u>KAB</u> Date <u>8/17/15</u>
Code <u>REG</u>	Fee \$ <u>200</u>	TR # <u>10-000000</u>	Receipt Date <u>8/17/15</u>	Check # <u>2040</u>			

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE quarter of the NW quarter of the NW quarter of Section 14, more particularly described as being near a point 4,047 feet North and 4,275 feet West of the Southeast corner of said section, in Township 30 South, Range 5 w, Kingman 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):

Jon Wheat; 8 Kings Ct; Kearney, NE 68845 620.640.5814

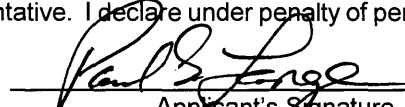
(name, address and telephone number)

(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 July 27, 2015.


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 Well or Wells and Irrigation Systems

and (will be) completed (by) ASAP

(Month/Day/Year - each as or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP

(Mo/Day/Year)

WATER RESOURCES RECEIVED

AUG 17 2015

UNACCEPTABLE FOR FILING
WATER RESOURCES RECEIVED
JUL 29 2015
KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

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

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

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

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

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

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

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

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

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

None

WATER RESOURCES RECEIVED

AUG 17 2015

UNACCEPTABLE FOR PRIORITY
 WATER RESOURCES RECEIVED
 JUL 2 2015
 KS DEPT OF AGRICULTURE

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

Please allow 60 days to locate.

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

Tenant

(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):

Jon Wheat; 8 Kings Ct; Kearney, NE 68845

(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 27 day of July, 2015.

(month)

(year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by MJM/SFFO

ESII
(office/title)

Date: 7/24/2015

WATER RESOURCES
RECEIVED

AUG 17 2015

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

JUL 29 2015

KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY

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**

AUG 17 2015

KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY
**WATER RESOURCES
RECEIVED**
JUL 29 2015
KS DEPT OF AGRICULTURE

Nearby Well Owners:

1. Glen Fieser; 14301 SE 160 Ave; Norwich, KS 67118
2. Terry Horner; 15075 SE 140 St; Norwich, KS 67118
3. Krisland Partnership; 12624 W 95th St S; Clearwater, KS 67026
4. W.C. Long Jr; 22 Crestway St; Wellington, KS 67152

WATER RESOURCES
RECEIVED

AUG 17 2015

KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY
WATER RESOURCES
RECEIVED
JUL 15 2015
KS DEPT OF AGRICULTURE

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

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

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

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

WATER RESOURCES
RECEIVED

AUG 17 2015

KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIOR
WATER RESOURCES
RECEIVED
JUL 28 2015
KS DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Paul S. 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: Jon Wheat

ADDRESS: 8 Kings Ct; Kearney, NE 68845

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	30S	5W						34	36										70

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	

UNACCEPTABLE FOR PRIORITY

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>64</u>	<u>.6-2.0</u>	<u>Favorable</u>
<u>Shellabarger</u>	<u>36</u>	<u>.6-2.0</u>	<u>Favorable</u>
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 1-2 %

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:

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, Corn, Soybeans, Canola, Milo

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 and compare to crop stress. Systematically use consulting agronomist for complete treatment and management plan.

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

WATER RESOURCES
RECEIVED

AUG 17 2015

KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR PRIORITY
 WATER RESOURCES
 RECEIVED
 JUL 27 2015
 KS DEPT OF AGRICULTURE

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49444 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49444 00 IRR

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

4047 Feet North and 4275 Feet West of the Southeast Corner of Section 14 T 30S R 5W

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__	2916 00	IRR	NK	G	2956	--	--	NC	NE	3978	1320	14	30	5W	2		222.00	222.00	AF
A__	3416 00	IRR	NK	G	6159	--	--	NC	SW	1310	3910	12	30	5W	2		272.00	272.00	AF
A__	20228 00	MUN	NK	G	7891	--	SW	SW	SE	385	2605	3	30	5W	1		121.33	102.92	AF
Same					7824	--	SW	SW	SE	350	2528	3	30	5W	2				
A__	39381 00	IRR	NK	G	1668	--	NE	NE	NE	5220	170	15	30	5W	1		195.00	195.00	AF
A__	40833 00	MUN	LR	G	6647	--	SW	NE	SW	1375	3484	13	30	5W	1		146.69	.00	AF
A__	40834 00	MUN	LR	G	5144	--	SW	NW	SW	1360	5190	13	30	5W	2		146.69	.00	AF
A__	43176 00	IRR	NK	G	3504	--	--	NC	SE	1320	1320	10	30	5W	1		178.00	178.00	AF
A__	45191 00	IRR	NK	G	5968	--	SW	NW	NE	4480	2623	11	30	5W	1		189.00	189.00	AF
A__	45242 00	IRR	NK	G	4781	--	NE	SW	NW	3515	4113	11	30	5W	3		9.00	9.00	AF
A__	47737 00	IRR	LO	G	9839	--	SE	SE	NE	3190	50	3	30	5W	3 G	2	182.00	182.00	AF
Same					10088	--	NE	SE	NE	3440	50	3	30	5W	4 B	2			
Same					9591	--	SE	SE	NE	2940	50	3	30	5W	5 B	2			
A__	49444 00	IRR	AY	G	0	--	SE	NW	NW	4047	4275	14	30	5W	3		98.00	98.00	AF
VKM	1 00	MUN	AA	G	7891	--	SW	SW	SE	385	2605	3	30	5W	1		18.40	18.40	AF
Same					7824	--	SW	SW	SE	350	2528	3	30	5W	2				

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	98.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	182.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1167.92	.00
Total Vested Amount (AF) =	18.40	.00
TOTAL AMOUNT (AF) =	1466.32	.00

1368.32 AF

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

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

4047 Feet North and 4275 Feet West of the Southeast Corner of Section 14 T 30S R 5W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__	2916 00	IRR	NK G
> GLEN & DEBBIE L FIESER JOINT TRUSTS			
>			
> 14301 SE 160 AVE			
> NORWICH KS 67118			

A__	3416 00	IRR	NK G
> MARILYN LOWREY			

>
> 1305 TRINITY DR
> NEWTON KS 67114
>-----
A__ 20228 00 MUN NK G
> CITY OF NORWICH
>
> PO BOX 100
> NORWICH KS 67118
>-----
A__ 39381 00 IRR NK G
> W C & CAROL V LONG
>
> 201 W HARVEY
> WELLINGTON KS 67152
>-----
A__ 40833 00 MUN LR G
> CITY OF NORWICH
>
> PO BOX 100
> NORWICH KS 67118
>-----
A__ 40834 00 MUN LR G
> CITY OF NORWICH
>
> PO BOX 100
> NORWICH KS 67118
>-----
A__ 43176 00 IRR NK G
> KRIS E & SUE C NOLAND TRUST
>
> 12624 W 95TH ST S
> CLEARWATER KS 67026
>-----
A__ 45191 00 IRR NK G
> JOEL T & CONNIE U STROHL TRUSTS
>
> PO BOX 323
> PRETTY PRAIRIE KS 67570
>-----
A__ 45242 00 IRR NK G
> USD 331 KINGMAN - NORWICH
> DOUG BRADSHAW
> 115 N MAIN ST
> KINGMAN KS 67068
>-----
A__ 47737 00 IRR LO G
> SHANE J & SARAH D HILGER (JT)
>
> 919 NE 160 RD
> NORWICH KS 67118
>-----



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

August 1, 2016

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

RE: Application
File No. 49,444

Dear Mr. Lange:

We have conducted further review of your application referenced above, which was received in our office on August 17, 2015. Based on this information, the proposed well would be located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, more particularly described as being near a point 4,047 feet North and 4,275 feet West of the Southeast corner of said section, in Township 30 South, Range 5 West, Kingman County, Kansas. The application is requesting to appropriate 98 acre-feet of groundwater for irrigation use.

The source of water for the pending application appears to be Quaternary System deposits, based on well logs in the area. 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 entire two-mile circle located within the limit of the unconfined aquifer expressed in acres (8,042 acres for this file). Calculated recharge is 2 inches and 100 percent of the calculated recharge can be considered to be available for appropriation in the Designated Unit Area Number 30. The safe yield determination is summarized below.

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

8,042 acres x 2 inches x 100% = 16,084 acre-inches / 12 = 1,340.33 acre-feet

Prior Appropriations within the area of consideration = 1,466.32 acre-feet

Total quantity of water available = **0 acre-feet**

Therefore, it will be recommended to the Chief Engineer that pending application, File No. 49,444 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11.

(over)

SCANNED

Paul S Lange
July 29, 2016
Page 2

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 August 15, 2016**) 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. If you do not request more time within the 15 day period, or if your request is not granted, the above- referenced application 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 will be given due consideration, prior to final action on the application.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



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

BAT:AJW
pc: Stafford Field Office

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

August 24, 2015

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

RE: Application
File No. 49444

Dear Sir or Madam:

Your application for permit to appropriate water in 14-30S-5W in Kingman 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.

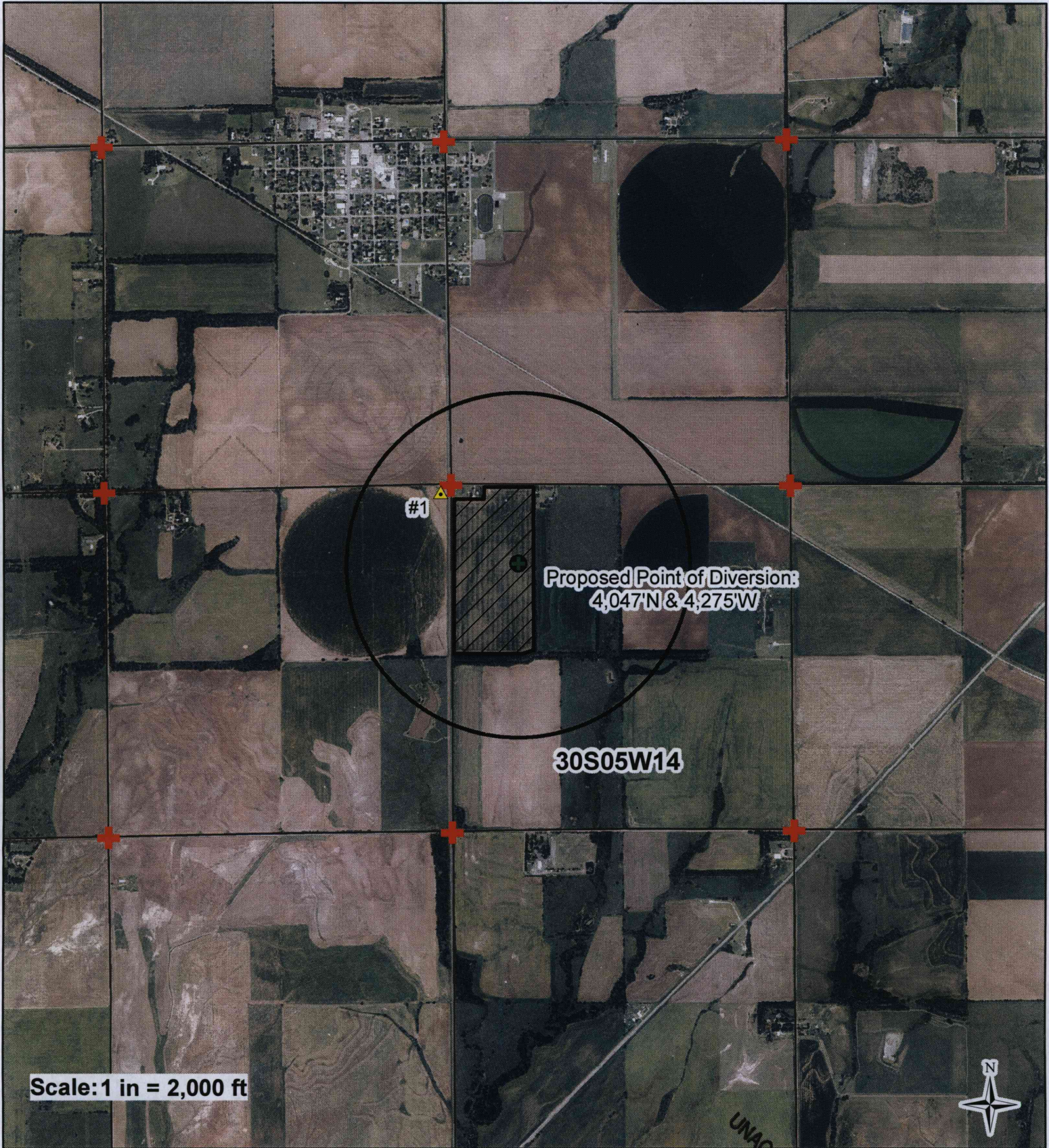
Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw
pc: STAFFORD Field Office
GMD 0

File No. _____







Proposed Point of Diversion:
4,047'N & 4,275'W

30S05W14

Scale: 1 in = 2,000 ft

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 disclosed in the application.

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

Signature _____

Date _____

0 1,550 3,100 6,200 Feet

AUG 17 2015

JUL 29 2015

Created By: Matt Meier

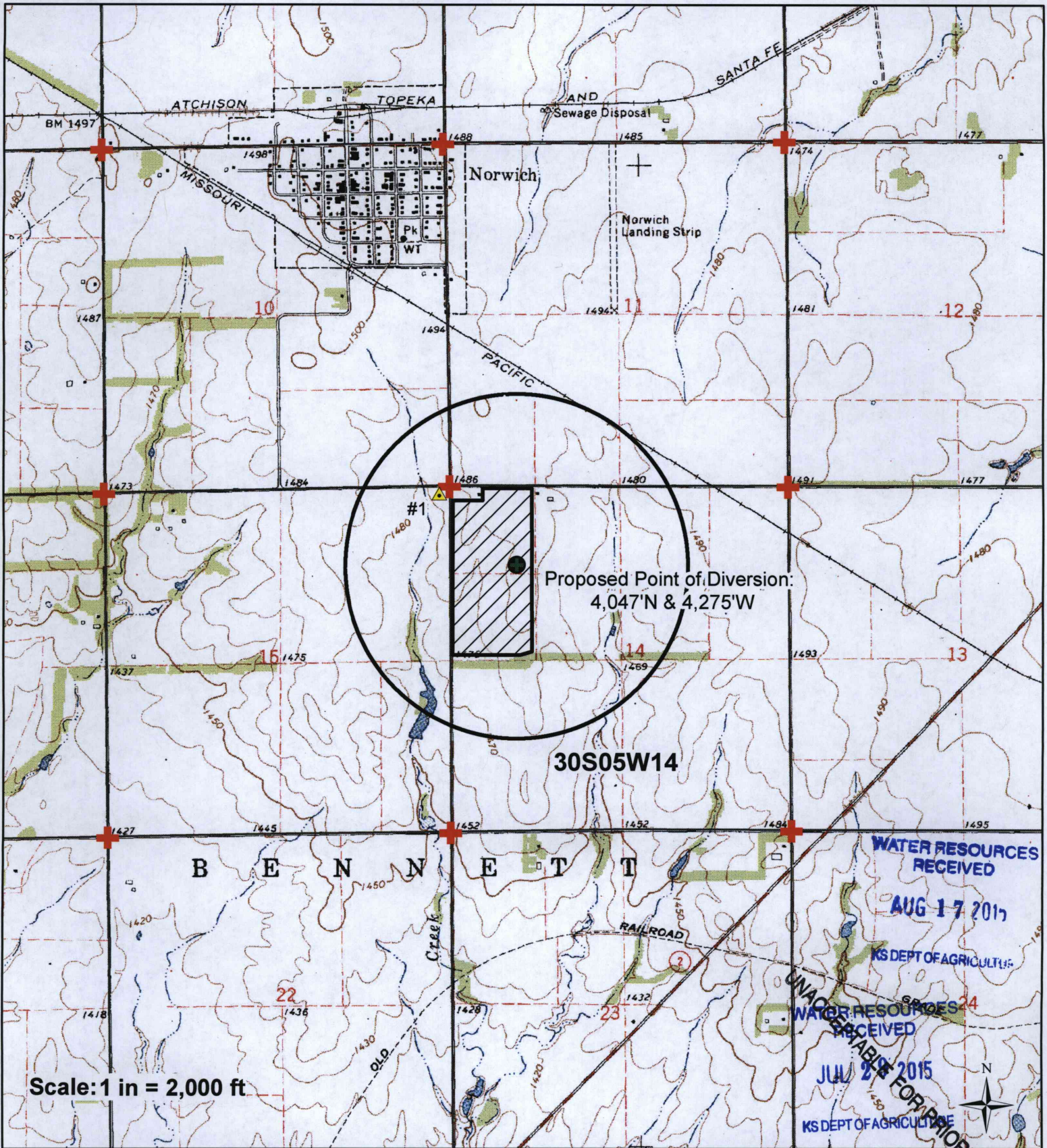
08/24/2015

UNACCEPTED FOR PROCEEDING
WATER RESOURCES RECEIVED

UNACCEPTED FOR PROCEEDING
WATER RESOURCES RECEIVED

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

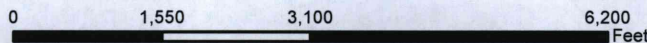


I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

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

Signature _____

Date _____

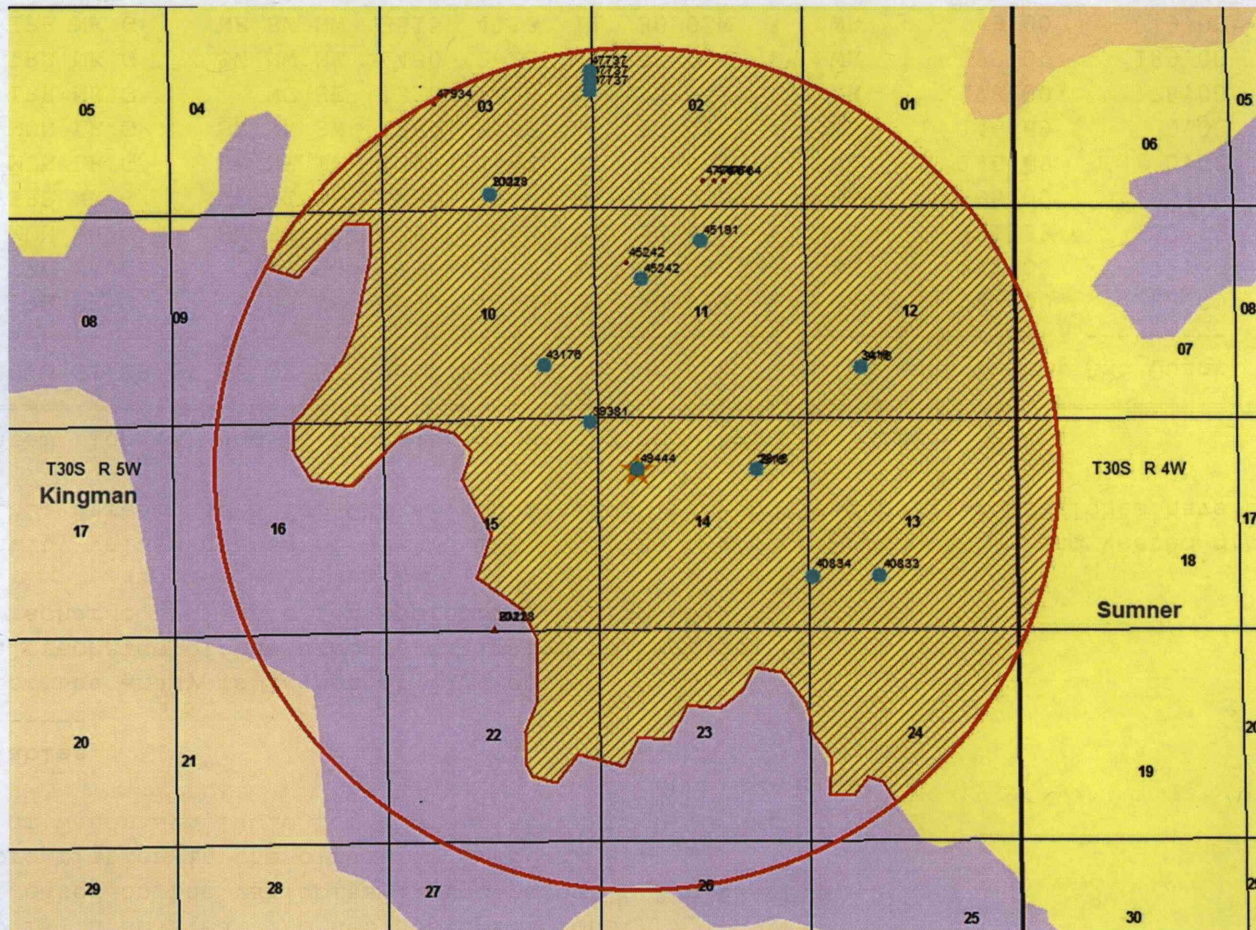


Created By: Matt Meier
F.O. 2
Date: 7/24/2015

Safe Yield Report Sheet

Water Right- A4944400

Point of Diversion in NWNWSE 14-30S-5W 3 (84599)



Analysis Results

 The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 955.67 AF.
 Total prior appropriation in the circle is 1,466.32 AF.
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

 The area used for the analysis is set at 5734 acres.
 Potential annual recharge of the area is estimated to be 2 inches.
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 09-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 12 water right(s) and 13 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	2916 00	IRR	NK	G		NC	NE	3978	1320	14	30	05W	2	WR	222.00	222.00	153.00	153.00	
A	3416 00	IRR	NK	G		NC	SW	1310	3910	12	30	05W	2	WR	272.00	272.00	342.00	342.00	
A	20228 00	MUN	NK	G		SW	SW	SE	385	2605	03	30	05W	1	WR	121.33	102.92		
A	39381 00	IRR	NK	G		NE	NE	NE	5220	170	15	30	05W	1	WR	195.00	195.00	132.00	132.00
A	40833 00	MUN	LR	G		SW	NE	SW	1375	3484	13	30	05W	1	WR	146.69	0.00		
A	40834 00	MUN	LR	G		SW	NW	SW	1360	5190	13	30	05W	2	WR	146.69	0.00		
A	43176 00	IRR	NK	G		NC	SE		1320	1320	10	30	05W	1	WR	178.00	178.00	130.00	130.00
A	45191 00	IRR	NK	G		SW	NW	NE	4480	2623	11	30	05W	1	WR	189.00	189.00	135.00	135.00
A	45242 00	IRR	NK	G		NE	SW	NW	3515	4113	11	30	05W	3	WR	9.00	9.00	6.43	6.43
A	47737 00	IRR	LO	G		SE	SE	NE	3190	50	03	30	05W	3	WR	182.00	182.00	135.00	135.00
Same		IRR	LO	G		NE	SE	NE	3440	50	03	30	05W	4	WR				
Same		IRR	LO	G		SE	SE	NE	2940	50	03	30	05W	5	WR				
A	49444 00	IRR	AY	G		SE	NW	NW	4047	4275	14	30	05W	3	WR	98.00	98.00	70.00	70.00
V KM	1 00	MUN	AA	G		SW	SW	SE	385	2605	03	30	05W	1	WR	18.40	18.40		