

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

| | | | |
|----------------------------------|--|-------------------------------|----------------------|
| 1. File Number: 49,536 | 2. Status Change Date: 7/19/2016 | 3. Field Office: 02 | 4. GMD: 05 |
|----------------------------------|--|-------------------------------|----------------------|

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

7a. Applicant(s) New to system Person ID **64874**
Add Seq# **1**

SCHROETLIN ENTERPRISES INC
PO BOX 323
KINSLEY KS 67547

7b. Landowner(s) New to system Person ID _____
Add Seq# _____

7A

7c. Landowner(s) New to system Person ID _____
Add Seq# _____

7d. Misc. New to system Person ID _____
Add Seq# _____

8. WUR Correspondent New to system Person ID _____
Overlap File (s) WUC Add Seq# _____
Agree Yes No Notarized WUC Form

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: **THX**

10. Completion Date: **12/31/2017** 11. Perfection Date: **12/31/2021** 12. Exp Date: _____

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

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

Date Prepared: **7/18/16** By: **AJW**
Date Entered: **7/19/2016** By: **ULT**

File No. **49,536** 15. Formation Code: 113 Drainage Basin: Arkansas River County: ED Special Use: Stream:

| 16. Points of Diversion | | | | | | | | | | 17. Rate and Quantity | | | | | |
|-------------------------|-----|-----|-------|-----------|----|-----|-----|----|-------|-----------------------|-------------|-----------------|-------------|-----------------|------------------|
| MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Authorized | | Additional | | |
| | | | | | | | | | | | Rate gpm | Quantity mgy | Rate gpm | Quantity mgy | Overlap PD Files |
| ✓ | | | 84948 | SW SE NE | 33 | 24S | 19W | 3 | 3,230 | 1,244 | 40 | 18.57 | 40 | 18.57 | 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 MOD DEL ENT | PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files |
|--|-------|----|-----|-----|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-------|------|---------------|
| | | | | | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | | | | |
| ✓ | 67556 | 33 | 24S | 19W | 3 | | | | | | | | | | | | | | | | | | | | 7A |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
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Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 18, 2016

FROM: Alex Whitesell

RE: Application, File No. 49,536

Jay Schroetlin, of Schroetlin Enterprises Incorporated, has filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 57 acre-feet of groundwater from one (1) well, for thermal exchange in Edwards County.

The quantity of water was justified as follows:

35 GPM x 60 Minutes x 24 Hours per day x 365 Days per year = 18.4 million gallons (56.5 acre-feet).

The source of supply is Main Stem Alluvium based on KGS area well logs.

The area of the proposed point of diversion is closed to new appropriations, and the safe yield calculation was left for GMD No. 5 to determine. The application meets K.A.R. 5-24-4(b)(9) which allows for uses that "use water in a manner so that there is no significant consumptive use of the local source of supply either in quantity or availability of water for use by other appropriations".

The application is subject to well spacing, as required by K.A.R. 5-4-4 and does not meet well spacing to domestic wells according to K.A.R. 5-25-2. The GMD No. 5 board voted to recommend a waiver of K.A.R. 5-25-2.

All well owners within one-half (1/2) mile of the proposed point of diversion were notified of the application, by Public Notice in the Edwards County Sentinel on February 10th, 17th, and 24th, 2016, and provided 15 days to submit any comments or concerns related to the proposed appropriation. No comments have been received.

In a letter dated May 16, 2016, Orrin Feril, Manager of GMD No. 5, recommended approval of the application.

In an email message July 14, 2016, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

Based on the above discussion and the available information, and that K.A.R. 5-25-2 is waived, it is recommended that the referenced application be approved.



Alex Whitesell
Environmental Scientist
Water Appropriation Program

SCANNED

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 49,536

FO: 2 GMD: 5

WAIVER REQUEST:

| UMW | Date Requested | Rule ID | Applies | Rule Type | Rule Subtype |
|---------------------|----------------|-------------|----------------|---|-------------------------------|
| THX | 7/19/2016 | 26 | GMD 5 | Well Spacing | Well Spacing to domestic well |
| Rule Number | Date Granted | Date Denied | Justification: | The proposed application is for thermal exchange and is a non-consumptive use of water. Recommended waiver request and approval from GMD 5. | |
| K.A.R. 5-25-2(a)(1) | 7/19/2016 | | | | |

WAIVER RULE:

| Rule ID | Applicability | Type | Subtype | Rule Number | Date Active | Date Inactive |
|---------|---------------|------|---------|-------------|-------------|---------------|
| | | | | | | |

Date Prepared 7/19/2016 By AJW

Date Entered 7/19/2016 By UM

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION
K.A.R. 5-25-2

Date: July 19, 2016

Re: Water Right, File No. 49,536

1. That K.A.R. 5-25-2(a)(2) states in part, that Non-domestic wells shall be 660 feet from all existing domestic wells. The proposed point of diversion under the above referenced application does not meet spacing criteria as required by K.A.R. 5-25-2 because it is less than 660 from a domestic well.
3. That the proposed thermal exchange use of water will be a non-consumptive use of water.
4. That Big Bend Groundwater Management District No. 5, recommended the application be approved with a waiver of well spacing criteria in K.A.R. 5-25-2.
5. That a waiver of K.A.R. 5-25-2 will not prejudicially or unreasonably affect the public interest and will not impair any existing water rights.

Comments:

A handwritten signature in blue ink that reads "David W. Barfield".

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources

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 20, 2016

JAY SCHROETLIN
SCHROETLIN ENTERPRISES INC
PO BOX 323
KINSLEY KS 67547

FILE COPY

RE: Appropriation of Water
File No. 49,536

Dear Mr. Schroetlin:

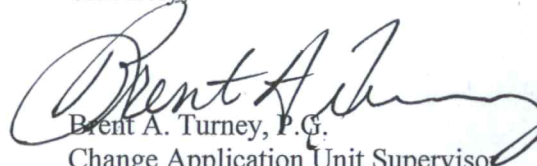
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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 these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Enclosed is a form which must be used to notify the Chief Engineer that the proposed diversion works have been completed. 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. 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 enclosed permit. 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, P.C.
Change Application Unit Supervisor
Division of Water Resources

BAT:ajw
Enclosures
pc: Stafford Field Office
GMD No. 5

SCANNED



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. 49,536** of the applicant

**JAY SCHROETLIN
SCHROETLIN ENTERPRISES INCORPORATED
PO BOX 323
KINSLEY KS 67547**

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 **January 8, 2016**.
2. That the water sought to be appropriated shall be used for thermal exchange at a grocery store located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 33, Township 24 South, Range 19 West in Edwards County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 33, more particularly described as being near a point 3,230 feet North and 1,244 feet West of the Southeast corner of said section, in Township 24 South, Range 19 West, Edwards County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **40 gallons per minute (0.089 c.f.s.)** and to a quantity not to exceed **18.57 million gallons** (57 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 the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

15. That 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

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

16. That in addition to the water appropriation permit, the applicant shall obtain all necessary permits required for installation and operation of the proposed groundwater inject well, from the Kansas Department of Health and Environment.

17. That the entire quantity of water diverted for beneficial use, shall be recharged into the aquifer through the proposed injection well, which considered to be a non-consumptive use of water. Any other use of the water diverted under the authority of this permit will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

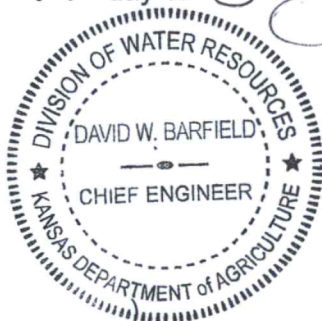
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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 19th day of July, 2016, in Topeka, Shawnee County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

County of Riley

) SS
)

The foregoing instrument was acknowledged before me this 19th day of July, 2016, by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

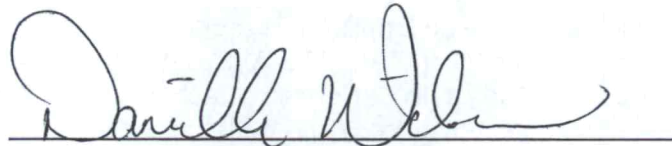
CERTIFICATE OF SERVICE

On this 20 day of July, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,536, dated July 19 was mailed postage prepaid, first class, US mail to the following:

JAY SCHROETLIN
SCHROETLIN ENTERPRISES INCORPORATED
PO BOX 323
KINSLEY KS 67547

With photocopies to:

Stafford Field Office
GMD NO 5



Division of Water Resources

APPLICATION COMPLETE
7 / 19 / 2014
Reviewer Aly Whitesell

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,536
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED
JAN 08 2016
12:24
KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): Schroetlin Enterprises Incorporated (Contact: Jay Schroetlin)
Address: PO 323
City: Kinsley State KS Zip Code 67547
Telephone Number: (620) 659-2671

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

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

3. The maximum quantity of water desired is 57 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 40 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 5 Meets K.A.R. 5-3-1 (YES/NO) Use THX Source G/S County ED By AJW Date 1/6/16
Code REG Fee \$ 200 TR # _____ Receipt Date 1/6/16 Check # 6901

16023250

SCANNED

1/13/2016

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

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

(A) One in the SW quarter of the SE quarter of the NE quarter of Section 33, more particularly described as being near a point 3,230 feet North and 1,244 feet West of the Southeast corner of said section, in Township 24 South, Range 19 West, Edwards 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):

Same as Applicant

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 6th, 2016.

Jacob M Schwett
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 1 well & Pump (additional injection well onsite)
(number of wells, pumps or dams, etc.)
and will be completed (by) ASAP
(Month/Day/Year - each was or will be completed)

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

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

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

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

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

- 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.

WATER RESOURCES
RECEIVED
JAN 08 2016
SCANNED
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

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

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

Owner
(owner, tenant, agent or otherwise)

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

Same as Applicant
(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 Kinsley, Kansas, this 6th day of January, 2016.
(month) (year)

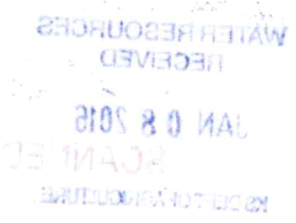
Jacob W. Schroetlin
(Applicant Signature)

Jacob W. Schroetlin

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Matt Meier ESII Date: 12/31/2015
(office/title)



(Date)

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

Re: Application File No. 44,536

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.

Jacob W Schroettlin
Signature of Applicant

Jacob W Schroettlin
(Print Applicant's Name)

State of Kansas)
County of Edward) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 16th day of January, 2016.



Janice K Hogan
Notary Public

My Commission Expires: 03/05/18

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JAN 08 2016

KS DEPT OF AGRICULTURE

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

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

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

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

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KANSAS DEPARTMENT OF

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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KS DEPT OF AGRICULTURE

49,536

File No. _____

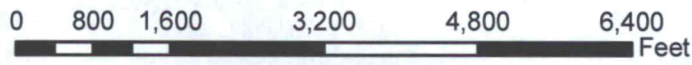


I declare that all water wells or diversion sites using the same source of supply and within the same CWS proposed point of diversion have been plotted on the application map. RECEIVED

- Water Rights
- SFFOsec_corners
- ProposedPD
- ProposedPlaceOfUse

James M. Schmitt _____ H-6-16
 Signature Date

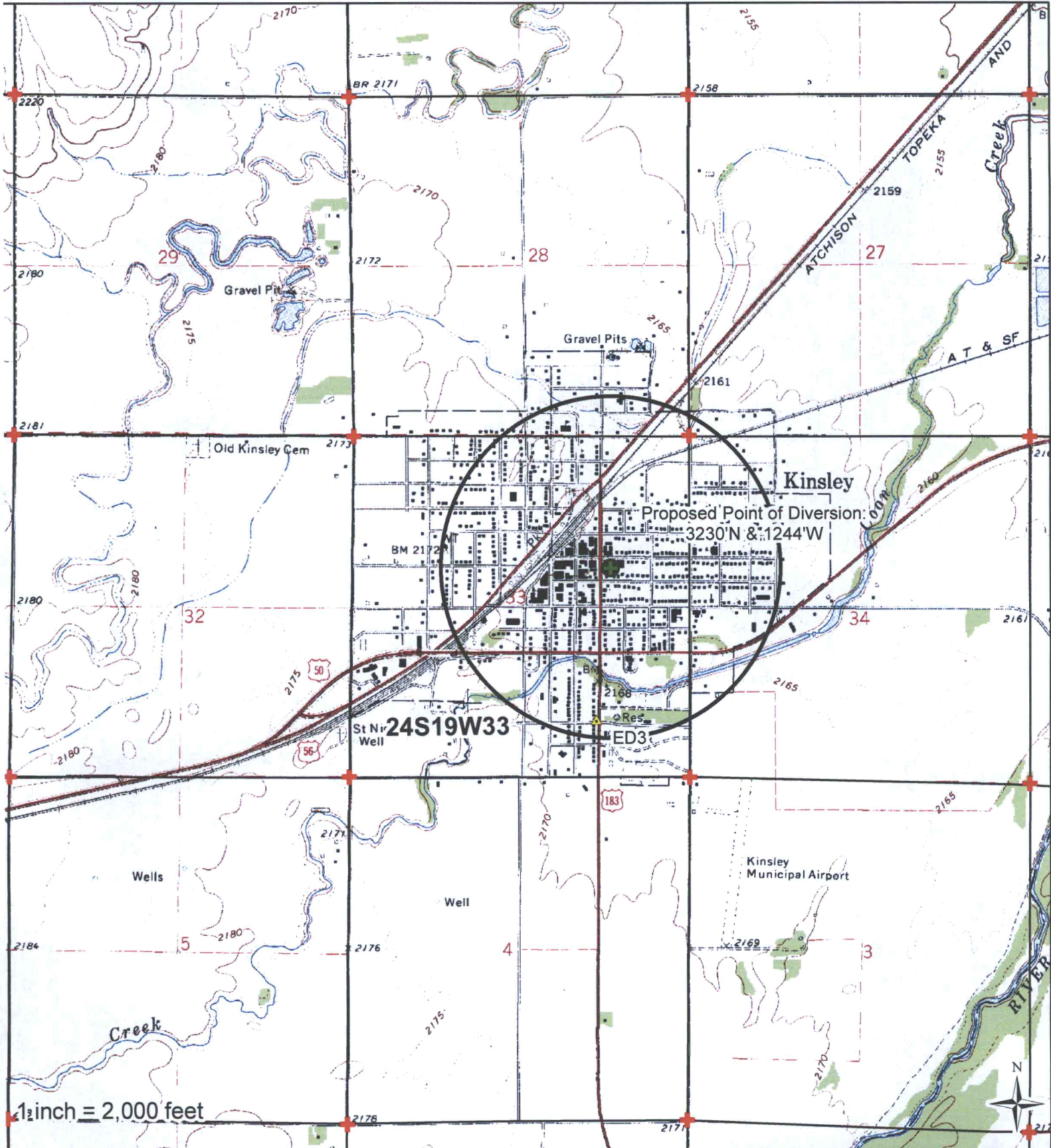
JAN 08 2016
 Created By: Matt Meier
 F.O. 2
 Date: 12/30/2015
 KS DEPT OF AGRICULTURE



SCANNED

44,530

File No. _____



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

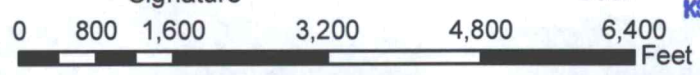
- Water Rights
- SFFOsec_corners
- ProposedPD
- ProposedPlaceOfUse

Paul M. Schmitt 1-6-15

 Signature Date

JAN 08 2016

Created By: Matt Meier
 F.O. 2



KS DEPT OF AGRICULTURE

DATE 12/30/2015

SCANNED

Whitesell, Alex

From: Lanterman, Jeff
Sent: Thursday, July 14, 2016 11:33 AM
To: Whitesell, Alex; Conant, Cameron
Subject: RE: File No. 49536

Alex;

We were at the may board meeting when it was reviewed. This is good to go. No extra conditions needed.

Non consumptive. Lets approve it.

From: Whitesell, Alex
Sent: Thursday, July 14, 2016 11:07 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>; Conant, Cameron <Cameron.Conant@ks.gov>
Subject: RE: File No. 49536

Jeff and Cameron,

My apologies. I must have that file on the brain.

I meant to ask for your recommendation on 49536. The memo is attached.

Thank you,
Alex

From: Conant, Cameron
Sent: Thursday, July 14, 2016 10:50 AM
To: Whitesell, Alex; Lanterman, Jeff
Subject: RE: File No. 49,506-A

Alex,

The 6th paragraph still references a battery. Spacing here is 1320' and 660', no battery, agree that spacing is not an issue on this application.

The changes to the 2nd paragraph correctly reflect what this new application will do.

I think Jeff's earlier recommendation is good as long as you get the 6th paragraph cleaned up.

Cameron

From: Whitesell, Alex
Sent: Thursday, July 14, 2016 10:38 AM
To: Lanterman, Jeff; Conant, Cameron
Subject: File No. 49,506-A

Jeff,

Could you please give me your recommendation on File No. 49,506-A?

Thank you,

Alex

My email has changed alex.whitesell@ks.gov

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

May 16, 2016

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

RE: Application File No. 49,536

Dear Mr. Whitesell,

Big Bend Groundwater Management District #5 has reviewed the above referenced application which proposes to divert up to 57 acre-feet of groundwater for the purpose of thermal exchange in the SW $\frac{1}{4}$ of Section 33, Township 24S, Range 19W in Edwards County, Kansas.

Applications that meet or exceed the provisions outlined in K.A.R. 5-25-4 (b)(9) are exempt from meeting the requirements of K.A.R. 5-25-4 (a). However, the application does not meet the requirements outlined in K.A.R. 5-25-2 with regards to nearby domestic wells located within 660 feet of the proposed well location. The Board of Directors for the District reviewed the application at the May board meeting. Based on the information presented in the application and provided at the meeting, the Board determined that the proposed use qualifies for the provision in K.A.R. 5-25-4 (b)(9) and voted to waive K.A.R. 5-25-2 and recommend approval of the above referenced application.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

WATER RESOURCES
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MAY 16 2016

KS DEPT OF AGRICULTURE

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

April 19, 2016

BIG BEND GMD 5
125 S MAIN ST
STAFFORD KS 67578

Re: Application
File No. 49,536

Dear Sir or Madam:

We are enclosing a copy of the application referred to above which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me a 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stafford Field Office

SCANNED

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

February 4, 2016

JAY SCHROETLIN
SCHROETLIN ENTERPRISES INCORPORATED
PO BOX 323
KINSLEY KS 67547

RE: Application
File No. 49,536

Dear Mr. Schroetlin:

Enclosed is a copy of a notification of your application to appropriate water for beneficial use. This notice must be published in a local newspaper once a week for three (3) consecutive weeks at your expense. The date in the publication must allow at least 15 days for public comment following the final publication. Copies of the publication are to be submitted to this office within two (2) weeks of final publication.

In order for the application to retain its priority of filing, these actions must be completed on or before March 29, 2016, or within any authorized extension of time thereof.

If you have any questions, please feel free to contact our office at (785) 564-6634. Please have your file number so that we may help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

Enclosure

pc: Stafford Field Office
GMD No. 5

WATER RESOURCES
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KS DEPT OF AGRICULTURE

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PUBLIC NOTICE

(To be published in newspaper once a week for three (3) weeks)

Schroetlin Enterprises Inc. has filed an application with the Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, Kansas, 66502, for permit to appropriate water for beneficial use, identified as File No. 49,536, which proposes to appropriate groundwater in the drainage basin of the Arkansas River, to be diverted by means of one (1) existing thermal exchange well located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 33, more particularly described as being near a point 3,230 feet North and 1,244 feet West of the Southeast corner of said section, in Township 24 South, Range 19 West, Edwards County, Kansas, in an amount of 57 acre-feet per calendar year to be diverted at a maximum rate of 40 gallons per minute for climate control. All water pumped from the existing thermal exchange well is returned to the aquifer. Any interested party is invited to submit written comments to this office on or before (*date should be 15 days after final publication*). Persons submitting written comments should specifically indicate their interest in the application in a clear and concise manner.

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

February 4, 2016

JAY SCHROETLIN
SCHROETLIN ENTERPRISES INCORPERATED
PO BOX 323
KINSLEY KS 67547

RE: Application
File No. 49,536

Dear Mr. Schroetlin:

Enclosed is a copy of a notification of your application to appropriate water for beneficial use. This notice must be published in a local newspaper once a week for three (3) consecutive weeks at your expense. The date in the publication must allow at least 15 days for public comment following the final publication. Copies of the publication are to be submitted to this office within two (2) weeks of final publication.

In order for the application to retain its priority of filing, these actions must be completed on or before March 29, 2016, or within any authorized extension of time thereof.

If you have any questions, please feel free to contact our office at (785) 564-6634. Please have your file number so that we may help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

Enclosure

pc: Stafford Field Office
GMD No. 5

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



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

January 12, 2016

JAY SCHROETLIN
PO BOX 323
KINSLEY KS 67547

RE: Application
File No. 49536

Dear Sir or Madam:

Your application for permit to appropriate water in 33-24S-19W in Edwards 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) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

KAK: DLW
pc: STAFFORDField Office
GMD 5

SCANNED