



File No. <b>46,299-A</b>	15. Formation Code: 100	Drainage Basin: Arkansas River	County: <b>SG</b>	Special Use:	Stream:																																																																																																									
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:50%; vertical-align: top;"> 16. Points of Diversion  T  MOD  DEL PDIV  ENT    Qualifier S T R ID 'N 'W </td> <td colspan="5" style="width:50%; vertical-align: top;"> 17. Rate and Quantity <b>MOD ADDL RATE</b>    Authorized Additional  Rate gpm Quantity AF Rate gpm Quantity AF Overlap PD Files </td> </tr> <tr> <td style="text-align: center;">√</td> <td style="text-align: center;"><b>66423</b></td> <td style="text-align: center;"><b>SE SW NW</b></td> <td style="text-align: center;"><b>34</b></td> <td style="text-align: center;"><b>29</b></td> <td style="text-align: center;"><b>1E</b></td> <td style="text-align: center;"><b>8</b></td> <td style="text-align: center;"><b>2772</b></td> <td style="text-align: center;"><b>4496</b></td> <td></td> <td style="text-align: center;"><b>1380</b></td> <td style="text-align: center;"><b>90</b></td> <td style="text-align: center;"><b>245</b></td> <td style="text-align: center;"><b>90</b></td> <td style="text-align: center;"><b>29,729</b></td> </tr> <tr> <td colspan="10">DEL 66422</td> <td colspan="5"></td> </tr> <tr> <td colspan="10">DEL 66424</td> <td colspan="5"></td> </tr> <tr> <td colspan="10"></td> <td colspan="5"></td> </tr> <tr> <td colspan="10"></td> <td colspan="5"></td> </tr> <tr> <td colspan="10"></td> <td colspan="5"></td> </tr> </table>						16. Points of Diversion T MOD DEL PDIV ENT  Qualifier S T R ID 'N 'W										17. Rate and Quantity <b>MOD ADDL RATE</b>  Authorized Additional Rate gpm Quantity AF Rate gpm Quantity AF Overlap PD Files					√	<b>66423</b>	<b>SE SW NW</b>	<b>34</b>	<b>29</b>	<b>1E</b>	<b>8</b>	<b>2772</b>	<b>4496</b>		<b>1380</b>	<b>90</b>	<b>245</b>	<b>90</b>	<b>29,729</b>	DEL 66422															DEL 66424																																																											
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																																														
19. Limitation: _____ af/yr at <b>1,380</b> gpm ( _____ cfs) when combined with file number(s) <b>29,729 (pdiv ID: 66423)</b> Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																																																																																																														
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <b>12/31/2018</b> Date Acceptable Meter Installed _____																																																																																																														
21. Place of Use T MOD DEL ENT  PUSE S T R ID		<b>NE¼</b> NE¼ NW¼ SW¼ SE¼				<b>NW¼</b> NE¼ NW¼ SW¼ SE¼				<b>SW¼</b> NE¼ NW¼ SW¼ SE¼				<b>SE¼</b> NE¼ NW¼ SW¼ SE¼				<b>Total</b>	<b>Owner</b>	<b>Chg? YES</b>	<b>Overlap Files</b>																																																																																									
ENT 59049 33 29S 1E 2																		17.46					35.8	11.0			7.1	71.36	7a.	No	*SEE BELOW																																																																															
MOD 32018 34 29S 1E 3																		42	42	32.2	42					158.2	7a.	YES	*SEE BELOW																																																																																	

Comments: **PLACE OF USE CHANGES ON FILE NOS. 29,729 AND 45,113 WILL CREATE COMPLETE OVERLAP IN PU.**  
**Appropriation of Water, File No. 46,301 also overlaps in PU.**

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

**TO:** Files

**DATE:** December 22, 2016

**FROM:** Doug Schemm

**RE:** Application, File Nos. 46,299-A; 46,301;  
and 46,499

John Grother has filed the referenced applications to appropriate groundwater for irrigation use on 229.56 acres. The irrigation project is located in Sections 33 and 34, Township 29 South, Range 1 East, in Sedgwick County. The proposed place of use is wholly owned by the applicant. Note that when initially filed a portion of the land was owned by the Adeline J. Grother Revocable Trust, but this was modified by the applicant. These applications have been held for many years pending further review of the safe yield for this aquifer, and to allow the applicant to provide additional information concerning the place of use. In addition, the applicant has recently drilled additional test holes for File No. 46,301.

Water Right, File No. 29,729 is authorized three wells with individual rates and quantities, and it overlaps a portion of the proposed place of use. New Application, File No. 46,299-A will overlap one of these existing wells (pdiv ID: 66423, 2,772'N & 4,496'W). In addition, Appropriation of Water, File No. 45,113 also overlaps a portion of the proposed place of use. Change applications for both of these senior files are pending, and upon their approval will create a complete overlap in the authorized place of use for all files. Water Right, File No. 29,729 is authorized a total of 150 acre-feet of groundwater; and Appropriation of Water, File No. 45,113 is authorized 78 acre-feet of surface water, limited to 208 acre-feet combined with File No. 29,729. The maximum allowable quantity of water to irrigate the proposed 229.56 acres with 1.3 acre-feet per acre in Sedgwick County is 298.4 acre-feet. The 208 acre-feet authorized under File Nos. 29,729 and 45,113 plus the 90 acre-feet requested under the senior pending application, File No. 46,299-A (208 AF + 90 AF = 298 AF) nearly equals the maximum quantity of water allowable. In order to provide the applicant with additional flexibility for this irrigation project, the junior pending application, File No. 46,301 will be limited to 298 acre-feet when combined with the three senior files on the place of use, providing 0 additional water.

As noted above, these applications were held pending safe yield evaluation for this area of the state. Based on a previous 2004 study by the United States Geological Survey (USGS) 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). DWR subsequently completed an evaluation of the USGS model and determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. Typically, for new applications in order to reserve water in the alluvial aquifers that can contribute to base flow for 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. However, because these specific applications were filed prior to our evaluation of this area, the applicant has requested that DWR review safe yield based on the 100% recharge that was previously allowed for this area. See below for the safe yield evaluation of each file.

**APPLICATION, FILE NO. 46,299-A**

Application File No. 46,299-A is proposing the appropriation of 90 acre-feet of groundwater for irrigation use at a diversion rate of 1,380 gallons per minute. As noted above, the proposed point of diversion is an existing well currently authorized under Water Right, File No. 29,729, and is located in the Northwest Quarter of Section 34. The applicant identified three domestic wells and one irrigation well (not owned by the applicant) within one-half mile of the proposed point of diversion, and nearby well owner letters were sent out on March 31, 2006. A written response was received from nearby domestic well owner Renee Smith, expressing concerns that the proposed appropriation of water could impact her well. A response letter was sent to Ms. Smith on April 21, 2006. No other responses of any kind were received. Based on a review of aerial maps, the nearest domestic well is over 1,400 feet away (owned by the applicant), and according to the WRIS database, the nearest non-domestic point of diversion is located over 1,450 feet away. Per 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. The proposed point of diversion complies with minimum well spacing criteria to all other wells.

Based on the geographical location of the well, and test hole logs for nearby application, File No. 46,301, generally showing medium to coarse sand and gravel extending from 16 feet to 32 feet below ground surface, the source would appear to be alluvial deposits. Static water level is estimated at 16 feet below ground surface, providing a saturated thickness of the aquifer in this local area of approximately 16 feet. Saturated thickness is typically defined as the distance from the water table to the base of the aquifer for a shallow, unconfined aquifer. Other irrigation water rights in this local area divert water at approximately 600 gallons per minute or more.

For File No. 46,299-A, using the entire two-mile circle as the area of consideration (the extent of the alluvium) provides an area of 8,042 acres, with 4.81 inches of recharge, and 100% available, safe yield is 3,223.5 acre-feet. Existing water rights in this area have appropriated 3,130.73 acre-feet, leaving 92.8 acre-feet available, and the application complies with safe yield criteria.

### APPLICATION, FILE NO. 46,301

Application File No. 46,301 is proposing the appropriation of 88.2 acre-feet of groundwater for irrigation use at a diversion rate of 800 gallons per minute. Note that both the quantity of water and rate of diversion were modified during processing of this file. The quantity was reduced based on applicant request, but was subsequently modified to reflect the original application quantity when filed of 88.2 acre-feet. The rate was reduced to comply with a battery of wells. There are no overlaps in point of diversion, however File Nos. 29,729; 45,113 and 46,299-A will overlap in place of use. Because this proposed point of diversion is located in close proximity to File No. 46,299-A, the same three domestic wells are within one-half mile of the proposed point of diversion, and nearby well owner letters were sent out on March 31, 2006. As noted under File No. 46,299-A above, a written response was received from nearby domestic well owner Renee Smith, expressing concerns that the proposed appropriation of water could impact her well. A response letter was sent to Ms. Smith on April 21, 2006. No other responses of any kind were received. Based on a review of aerial maps, the nearest domestic well is over 1,300 feet away (owned by the applicant), and according to the WRIS database, the nearest non-domestic point of diversion is located over 1,800 feet away (Irrigation well owned by applicant). Per 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. The proposed point of diversion complies with minimum well spacing criteria to all other wells.

Based on the geographical location of the well, and test hole logs, generally showing medium to coarse sand and gravel extending from 16 feet to 32 feet below ground surface, the source would appear to be alluvial deposits. Static water level is estimated at 16 feet below ground surface, providing a saturated thickness of the aquifer in this local area of approximately 16 feet. Saturated thickness is typically defined as the distance from the water table to the base of the aquifer for a shallow, unconfined aquifer. Other irrigation water rights in this local area divert water at approximately 600 gallons per minute or more.

For File No. 46,301, using the entire two-mile circle as the area of consideration (the extent of the alluvium) provides an area of 8,042 acres, with 4.81 inches of recharge, and 100% available, safe yield is 3,223.5 acre-feet. Existing water rights in this area have appropriated 3,651.22 acre-feet, leaving no water available. However, as noted above, this junior file is providing no additional water when combined with the senior files, and they are all in the same source of supply. Safe yield is based on the additional water quantity requested, and therefore the application with **zero additional quantity** complies with safe yield criteria.

A review of the KGS WIZARD Database shows a well in the Northwest Quarter of Section 35, with a greater total depth of 54 feet, and a slightly higher static water level ranging from 6 feet to 14 feet below ground surface. It shows the typical water level fluctuations for this area of the state with water level declines in the 2009 to 2012 period, but rebounding in subsequent years.

**APPLICATION, FILE NO. 46,499**

Application File No. 46,499 is being voluntarily dismissed by the applicant. It has been determined that the applicant currently owns two other water rights (File Nos. 40,199 and 43,919) that can irrigate this same place of use and they have adequate water for this use. Therefore, the pending application is unnecessary. The applicant signed a voluntary dismissal on October 1, 2013.

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.

In a December 21, 2016 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced applications, File Nos. 46,299-A and 46,301. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new applications be approved, in conjunction with the requested changes on the senior files to create a complete overlap in the authorized place of use.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

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

January 19, 2017

**FILE COPY**

JOHN PAUL GROTHER  
11804 S HYDRAULIC ST  
PECK KS 67120-9702

RE: Appropriation of Water, File Nos. 46,299-A and 46,301; and Application, File No. 46,499

Dear Mr. Grother:

There are enclosed permits (File Nos. 46,299-A and 46,301) 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 sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

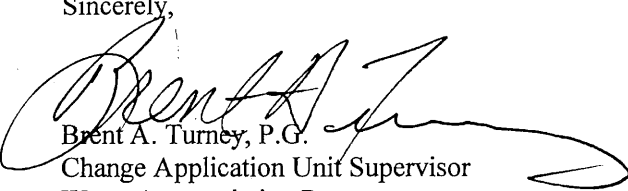
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required on the diversion works, and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports.

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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

In addition, enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 46,499 as you voluntarily requested. 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:dws  
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. 46,299-A** of the applicant

**JOHN PAUL GROTHER  
11804 S HYDRAULIC ST  
PECK KS 67120-9702**

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 **September 19, 2005**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Rng.	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33	29S	1E								17.46					35.8	11.0		7.1	71.36
34	29S	1E								42.0	42.0	32.2	42.0						158.20

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 Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE¼ SW¼ NW¼) of Section 34, more particularly described as being near a point 2,772 feet North and 4,496 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East, Sedgwick 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 **1,380 gallons per minute** (3.08 c.f.s.) and to a quantity not to exceed **90 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, 2018**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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 accompanied by the required statutory fee, which is currently \$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, 2022**, 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, which is currently \$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 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.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance 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).

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.





### CERTIFICATE OF SERVICE

On this *19<sup>th</sup>* day of *January*, 2017, I hereby certify that the foregoing Approval of Application, File No. 46,299-A, dated *January 18, 2017* was mailed postage prepaid, first class, US mail to the following:

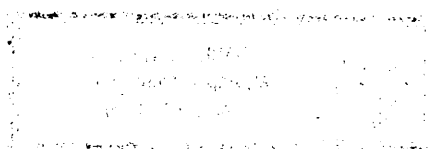
JOHN PAUL GROTHER  
11804 S HYDRAULIC ST  
PECK KS 67120-9702

With photocopies to:

Stafford Field Office



Division of Water Resources



APPLICATION COMPLETE  
1/26/16  
Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Adrian J. Polansky, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer

E.O.	<u>216</u>
GMD	<u>—</u>
MEETS	<u>—</u>
K.A.R.S.	<u>3</u>
USE	<u>IRR</u>
Co.	<u>SG</u>
By	<u>eme</u>
Date	<u>9-20-05</u>

File Number 46,299A  
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

WATER RESOURCES RECEIVED  
SEP 19 2005  
9:57 PM  
KS DEPT OF AGRICULTURE

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

John Grother \*

1. Name of Applicant (Please Print): ~~ADELINE J. GROTHIER REVOCABLE TRUST~~  
Address: 11804 S HYBRAULIC  
City: Peck State KS Zip Code 67120-9702  
Telephone Number: (316) 977-4340 570-3343 \* per applicant

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 90 acre-feet OR — gallons per calendar year,  
to be diverted at a maximum rate of 1,380 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 (c)  Irrigation Use (e)  Recreational Use (g)  Water Power use  
(b)  Industrial Use (d)  Municipal Use (f)  Stockwatering Use

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.

Stafford Field Office  
For Office Use Only: Code REG Fee \$ 200<sup>00</sup> TR # 06025390 Receipt Date 9/19/05 Check # 4839

OCT 05 2005

\* per discussion with applicant (John Grother)

Division of Water Resources  
Kansas DWR 1-100 (Revised 6/11/03)

on 1/26/16. He now owns all of the property under his name. DWS/DWS2

1/26/16

MICROFILMED

RECEIVED  
STAFFORD FIELD OFFICE  
DIVISION OF WATER RESOURCES

Applicant Selected 2 wells to authorize under this new application. DWS/DWR 1/26/16

File No. 46,299-A

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 60 days in which to locate the site within a quarter section tract. Any request for an extension of time in which to locate the point of diversion shall include a contract with a well driller or a contractor for the necessary test holes.

3 existing wells under 29,729 Pdiv ID 66423

- ~~(A) One in the NE quarter of the NE quarter of the SW quarter of Section 34, more particularly described as being near a point 2157 feet North and 2784 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East/West (circle one), Sedgwick County, Kansas.~~
- ~~(B) One in the SE quarter of the SW quarter of the NW quarter of Section 34, more particularly described as being near a point 2772 feet North and 4496 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East/West (circle one), Sedgwick County, Kansas.~~
- ~~(C) One in the NE quarter of the SE quarter of the SW quarter of Section 34, more particularly described as being near a point 753 feet North and 2704 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East/West (circle one), Sedgwick 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.

2/10/16  
AS PER APPLICATION 2/10/16

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 and which are operated by means of submersible pumps.

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 proposed project for diversion of water will consist of 2 3 wells \* DWS/DWR 1/26/16  
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) already completed  
(Month/Day/Year - each was or will be completed)

7. The first actual application of water for the proposed beneficial use was or is estimated to be Spring 06  
(Mo/Day/Year)

8. 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.

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

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

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

10. 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.

11. 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.

29,729 + 45,113 - PU overlap + 46,301  
(Pd overlap) - one well

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12. 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 \_\_\_\_\_

Existing wells

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

owner  
(owner, tenant, agent or otherwise)

14. 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)

15. 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 \_\_\_\_\_, Kansas, this 19 day of Sept., 2005.  
(month) (year)

Adeline J. Luther Revocable Trust.  
Applicant Signature)

509-52-1039  
APPLICANT(S) SOCIAL SECURITY  
IDENTIFICATION NUMBER(S)

By \_\_\_\_\_  
(Agent or Officer Signature)

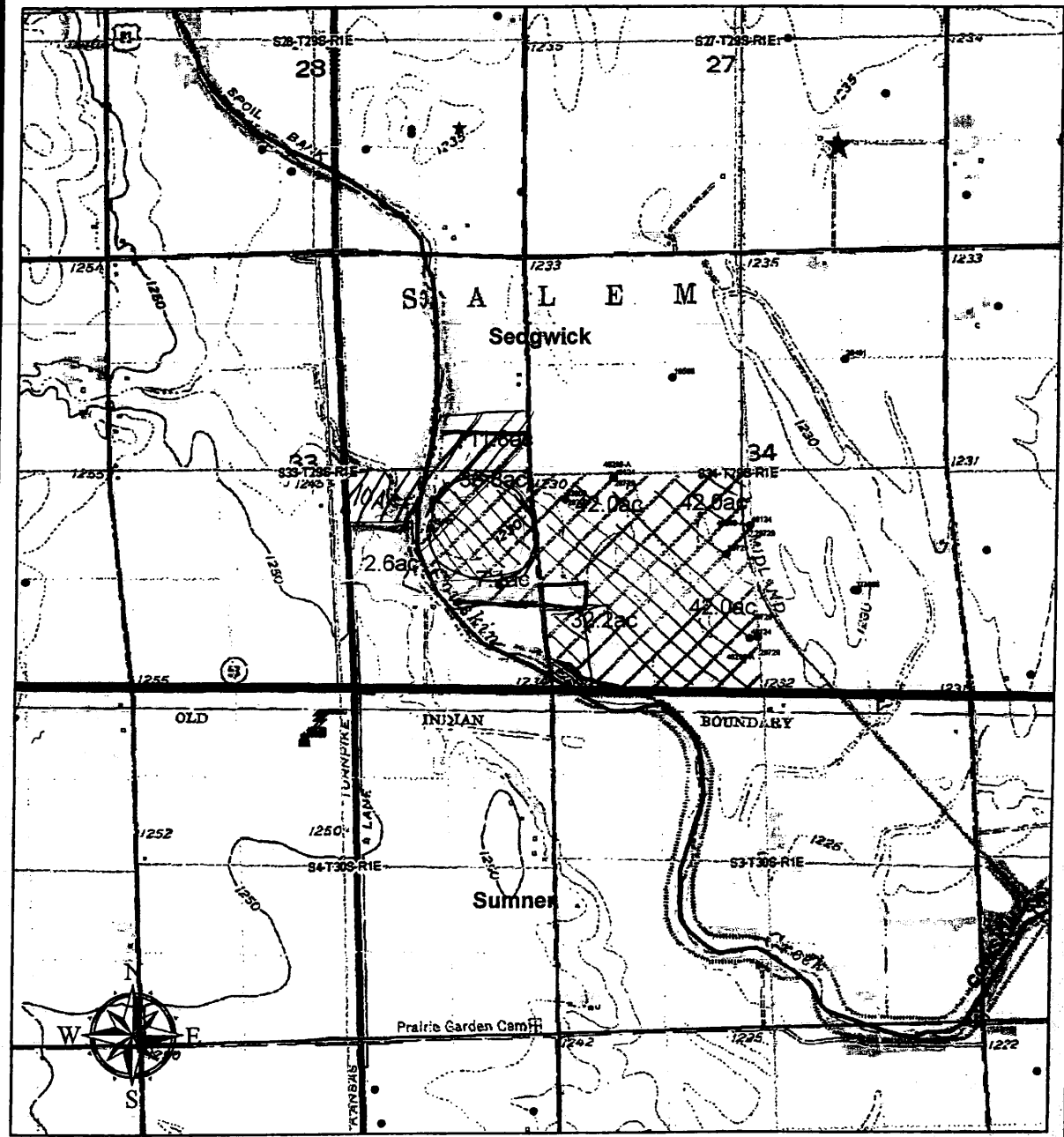
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

NEW APPLICATION 46,299A  
w/

29,729/45113



★ Point of diversion location  
 // Place of use 1:24,000

▲ - AUTHORIZED FILE # 29,729/45113  
 ▨ - PROPOSED FILE # 46,299A  
 45113/46,299



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OCT 01 2013

Date: 10/1/2013  
 RAR/DWR

*JP-B*  
 INITIAL DATE

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\* LI/DWR  
 5/21/15

SC [signature]

Revised 1/26/16

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 46,299-A

Name of Applicant (Please Print): John Grofke

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: Adeline J. Grofke Revocable Trust 11804 S Hydraulic Peck KS 67120-9702 ADDRESS: 4047 S. Hillside Mulvane, KS 67110

Table with columns S, T, R, NE 1/4, NW 1/4, SW 1/4, SE 1/4, TOTAL. Row 1: 34 295 1E, 42 42 32.2 42, 160.0 | 58.2

Landowner of Record NAME: JOHN GROFKE 11804 S Hydraulic Peck, KS 67120-9702 ADDRESS: 4047 S. Hillside Mulvane, KS 67110

Table with columns S, T, R, NE 1/4, NW 1/4, SW 1/4, SE 1/4, TOTAL. Row 1: 33 29 1E, 17.4, 358 11.0, 7.1, 71.36

Landowner of Record NAME: ADDRESS:

Table with columns S, T, R, NE 1/4, NW 1/4, SW 1/4, SE 1/4, TOTAL. (Empty rows)

APR 6 11 11 AM '05 1/26/16

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DWR 1-100.23 (7-7-00)

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Handwritten notes at bottom left.



(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David L. Pope, Chief Engineer  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, Kansas 66612-1283

Re: Application  
File No. 46,299-A

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.

John P. Grother  
Signature of Applicant

State of Kansas )  
County of Shawnee ) ss

John P. Grother  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29<sup>th</sup> day of December, 2004.

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**DOROTHY M. HALLORAN**  
Notary Public - State of Kansas  
My Appt. Expires June 27, 2005

Dorothy M. Halloran  
Notary Public  
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My Commission Expires:

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DWR 1-100.171  
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(Rev. 03/10/2000)

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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
Ca		2.0-6.0	
Na		.6-6.0	
WA		2.0-6.0	
Total:	100 %		

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

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

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: *Existing Tailwater pit*

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi
- (2) What is the sprinkler package design rate? \_\_\_\_\_ gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

*Corn with double crop of sorghum and wheat that will be continuously grazed throughout the fall, winter, and spring*

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).

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

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## App 46,301

## Domestic Wells

1. Bob PARKER  
11929 S. Washington St.  
Peck, KANSAS 67120-9703
2. David Hollingsworth  
11445 S. Hydraulic  
Mulvane, KANSAS 67110
3. Renee Smith  
11439 S. Hydraulic  
Mulvane KANSAS 67110
4. John Grother  
11804 S. Hydraulic  
Peck, KANSAS 67120

## Irrigation Wells

1. Keith Watton  
Current Correspondant has changed
- 2) Adeline J. Grother Revocable Trust
- 3) 11804 S. Hydraulic
- 4) Peck, KANSAS 67120

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Although the original permit 29,729 allowed three wells the well that I am requesting the additional permit for is the well described as \*SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec 34 more particularly described as being near a point 2,772 ft north and 4,496 ft west of the Southeast corner of said section, in Township 29S, Range 1E, Sedgewick County, Kansas

\*Selected well one of three. DWS1DWR 1/26/16

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**FEE SCHEDULE**  
Effective July 1, 2002

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 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.

**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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**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 Agriculture

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Kansas Department of Agriculture

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**Schemm, Doug**

---

**Subject:** John Grother

---

**From:** Lanterman, Jeff  
**Sent:** Thursday, December 22, 2016 11:32 AM  
**To:** Schemm, Doug; Barfield, David; Letourneau, Lane  
**Cc:** Conant, Cameron; Ireland, Leslie  
**Subject:** RE: John Grother

Doug;

I can make the connection that this probably should have been processed under the same more site specific safe yield considerations that we used for 43919 if it was processed when the application was received. The new applications are in the same safe yield area of consideration as 43,919.

The well logs are not real great here ~ 30' of saturated thickness they are pulling from (10' static water level 40' to shale) but appears to be greater than the limited saturated thickness guidelines we have put together. But still have considerably less than 25' of practical saturated thickness due to some clay in the profile.

Nearest water levels measured by the field office appear steady at this time with some drought fluctuations, although there is nothing real close to these applications measured. Sec. 35 is closest and looks stable.

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=372926097173601](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372926097173601)

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=372926097170601](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372926097170601)

[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=372742097194202](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372742097194202)

Reviewing the area in Arc GIS the applications appear to meet spacing. The applicants well under 46301 is just barely over 660' from a domestic well to the east so it may be good to require that it meets spacing as constucted. Trying to stay away from the 300' game. Granted it is the owners domestic well so I'm not sure if necessary. It might not always be his well and the saturated thickness is very thin so likelihood a well placed too close could impact that domestic well seems increased. It is the only new well out there.

I agree to approving these new applications if changes are completed on 45113 and 26729 to create a complete overlap in PU. As well as dismissal of 46499. (I looked at 46499 on an old safe yield in the file and it doesn't appear to even meet 4.8 now anyway). It will be worse with these approved.

Thanks for working with the field office on these. Hopefully these will be the last.

Jeff

---

**From:** Schemm, Doug  
**Sent:** Thursday, December 22, 2016 10:05 AM  
**To:** Barfield, David <[David.Barfield@ks.gov](mailto:David.Barfield@ks.gov)>; Letourneau, Lane <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Ireland, Leslie <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
**Subject:** RE: John Grother

Just talked with John. I walked him through the files and the limitation on the junior file 46,301 to 298 AF, for 0 additional quantity. He agreed to the limitation and we **do not** have to meet with him next week. I plan on sending the new app package to HQ today. Leslie is working on the PU changes on the senior files for the complete overlap. Attached is map showing geographical relationship to File No. 43,919.

---

**From:** Barfield, David  
**Sent:** Wednesday, December 21, 2016 11:28 AM  
**To:** Schemm, Doug; Letourneau, Lane; Lanterman, Jeff  
**Cc:** Conant, Cameron  
**Subject:** RE: John Grother

I have reviewed and am good with this approach.

Let us know how your call with Mr. Grother goes and whether we cancel the meeting next week.

Thanks for everyone's work on this.

David

---

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**Cc:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: John Grother

Good Morning All,

I just talked with Jeff and he has asked me to prepare a memorandum, tie in previous study regarding recharge numbers, and ultimately work these up for approval. I have attached a site map to show how the Grother files are tied in together, which includes 3 existing wells under File No. 29,729 (one which is the proposed well for File No. 46,299-A), the surface water pump site under File No. 45,113, and the new battery of wells under File No. 46,301. Based on previous study and related hearing (see File No. 43,919), a recharge value of 4.8" was determined for this local area by Ned Marks. This senior file (approximately a mile away) was approved based on this value and 100% recharge. An evaluation of Application, File No. 46,299-A, using a recharge value of 4.81" x 8,042 acres x 100%, provides a safe yield of 3,223.5 AF. Prior rights = 3,130.7 AF leaving 92.8 AF (90 AF is requested for File No. 46,299A). All four files (2 existing and 2 pending) will be a complete overlap in place of use. The two senior files are authorized 208 AF when combined. The place of use is 229.56 acres, with a maximum allowable of 1.3 AF/acre this calculates to 298.4 AF. File No. 46,299A does not need a quantity limitation on the PU (so all additional quantity), however, the quantity limitation on File No. 46,301 would provide 0 AF additional quantity. I plan on telling John they will have to be limited such that the junior fill will provide 0 additional to make this work.

To sum it up, these pending applications are unique because:

- They were filed prior to the recharge study and DWR establishment of specific recharge values and % recharge available.
- The applicant responded to the initial safe yield denials with a request to use his nearby study results and recharge values.
- These wells are geographically located within the Arkansas River basin, which prior to DWR's determination that only 75% of the recharge is available, was a 100% recharge available basin.
- As noted above, pending application, File No. 46,301 will provide 0 additional acre-feet of water when combined with senior files.



**From:** Barfield, David  
**Sent:** Wednesday, December 21, 2016 8:34 AM  
**To:** Schemm, Doug; Letourneau, Lane; Lanterman, Jeff  
**Cc:** Conant, Cameron  
**Subject:** RE: John Grother

I have reviewed what I have on this matter.

Doug, before we talk, can you send: A map showing how the overlapping files relate and anything else from the file you think might be helpful.

Lane, Jeff and Cameron. I am going to call Doug this morning after I review what he sends me. Unless the additional information or our discussion reveals something I am missing, it looks like I will recommend we just approve this.

David

**Ireland, Leslie**

---

**From:** Schemm, Doug  
**Sent:** Thursday, December 22, 2016 11:01 AM  
**To:** Turney, Brent  
**Cc:** Ireland, Leslie  
**Subject:** John Grother Files  
**Attachments:** 46299 A Permit Worksheet.docm; 46301 Permit to Proceed.docx; 46301 Permit Worksheet.docm; 46299 A Permit to Proceed.docx; 46299 A 46301 and 46499 Memo to File.docx; 46299 A 46301 and 46499 Transmittal NEW.docx; 46499 Closure Worksheet.docm; 46499 Voluntary dismissal F and O.docx; 46299 A AND 46301 GROTHOR MAP Final.pdf

**Categories:** Change pending

Brent, finally got these done.

File Nos. 46,299 A and 46,301 are to be approved, while 46,499 is voluntary closure.

Leslie is working PU changes on John's senior files, so that all 4 of these should be a complete PU overlap.

Thanks, Doug

# 46,301

**Schemm, Doug**

---

**Subject:** John Grother

---

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**Sent:** Thursday, December 22, 2016 11:32 AM  
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[http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs\\_id=372926097170601](http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372926097170601)

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**Cc:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Ireland, Leslie <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>  
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**From:** Schemm, Doug  
**Sent:** Wednesday, December 21, 2016 11:05 AM  
**To:** Barfield, David <[David.Barfield@ks.gov](mailto:David.Barfield@ks.gov)>; Letourneau, Lane <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Cc:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: John Grother

Good Morning All,

I just talked with Jeff and he has asked me to prepare a memorandum, tie in previous study regarding recharge numbers, and ultimately work these up for approval. I have attached a site map to show how the Grother files are tied in together, which includes 3 existing wells under File No. 29,729 (one which is the proposed well for File No. 46,299-A), the surface water pump site under File No. 45,113, and the new battery of wells under File No. 46,301. Based on previous study and related hearing (see File No. 43,919), a recharge value of 4.8" was determined for this local area by Ned Marks. This senior file (approximately a mile away) was approved based on this value and 100% recharge. An evaluation of Application, File No. 46,299-A, using a recharge value of 4.81" x 8,042 acres x 100%, provides a safe yield of 3,223.5 AF. Prior rights = 3,130.7 AF leaving 92.8 AF (90 AF is requested for File No. 46,299A). All four files (2 existing and 2 pending) will be a complete overlap in place of use. The two senior files are authorized 208 AF when combined. The place of use is 229.56 acres, with a maximum allowable of 1.3 AF/acre this calculates to 298.4 AF. File No. 46,299A does not need a quantity limitation on the PU (so all additional quantity), however, the quantity limitation on File No. 46,301 would provide 0 AF additional quantity. I plan on telling John they will have to be limited such that the junior fill will provide 0 additional to make this work.

To sum it up, these pending applications are unique because:

- They were filed prior to the recharge study and DWR establishment of specific recharge values and % recharge available.
- The applicant responded to the initial safe yield denials with a request to use his nearby study results and recharge values.
- These wells are geographically located within the Arkansas River basin, which prior to DWR's determination that only 75% of the recharge is available, was a 100% recharge available basin.
- As noted above, pending application, File No. 46,301 will provide 0 additional acre-feet of water when combined with senior files.

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**From:** Barfield, David  
**Sent:** Wednesday, December 21, 2016 8:34 AM  
**To:** Schemm, Doug; Letourneau, Lane; Lanterman, Jeff  
**Cc:** Conant, Cameron  
**Subject:** RE: John Grother

I have reviewed what I have on this matter.

Doug, before we talk, can you send: A map showing how the overlapping files relate and anything else from the file you think might be helpful.

Lane, Jeff and Cameron. I am going to call Doug this morning after I review what he sends me. Unless the additional information or our discussion reveals something I am missing, it looks like I will recommend we just approve this.

David

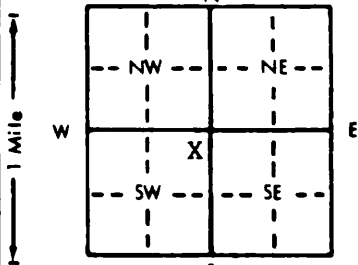
1 LOCATION OF WATER WELL: County: <u>Sedgwick</u>	Fraction <u>NE 1/4 NE 1/4 SW 1/4</u>	Section Number <u>33</u>	Township Number <u>T 29 S</u>	Range Number <u>R 1 E E/W</u>
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Distance and direction from nearest town or city street address of well if located within city?

1/2 E. of Hwy 81, 1/2 N. of Mulvane Rd. on W. side

Peck, Ks.

2 WATER WELL OWNER: <u>Lois Parker</u> RR#, St. Address, Box #: <u>RFD, Box 84</u> City, State, ZIP Code: <u>Peck, Ks.</u>	Board of Agriculture, Division of Water Resources Application Number:
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3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: 	4 DEPTH OF COMPLETED WELL: <u>40</u> ft. ELEVATION: Depth(s) Groundwater Encountered: 1. <u>16</u> ft. 2. _____ ft. 3. _____ ft. WELL'S STATIC WATER LEVEL: <u>16</u> ft. below land surface measured on mo/day/yr <u>10-19-84</u> Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm Est. Yield _____ gpm: Well water was _____ ft. after _____ hours pumping _____ gpm Bore Hole Diameter: <u>11</u> in. to _____ ft., and _____ in. to _____ ft. WELL WATER TO BE USED AS: 1 <u>Domestic</u> 3 <u>Feedlot</u> 5 Public water supply 8 Air conditioning 11 Injection well 2 <u>Irrigation</u> 4 Industrial 6 Oil field water supply 9 Dewatering 12 Other (Specify below) 7 Lawn and garden only 10 Observation well Was a chemical/bacteriological sample submitted to Department? Yes _____ No _____ X: If yes, mo/day/yr sample was submitted Water Well Disinfected? Yes <u>X</u> No
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5 TYPE OF BLANK CASING USED: 1 Steel 3 <u>RMP (SR)</u> 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued <u>X</u> Clamped _____ 2 PVC 4 <u>ABS</u> 6 Asbestos-Cement 9 Other (specify below) Welded _____ 7 Fiberglass <u>Cer-Mac styrene SDR-26</u> Threaded _____	Blank casing diameter: <u>5</u> in. to <u>20</u> ft., Dia. _____ in. to _____ ft., Dia. _____ in. to _____ ft. Casing height above land surface: <u>12</u> in., weight <u>1.59</u> lbs./ft. Wall thickness or gauge No. <u>203</u>
TYPE OF SCREEN OR PERFORATION MATERIAL: 1 Steel 3 Stainless steel 5 Fiberglass 8 <u>RMP (SR)</u> 11 Other (specify) _____ 2 Brass 4 Galvanized steel 6 Concrete tile 9 <u>ABS</u> 12 None used (open hole)	SCREEN OR PERFORATION OPENINGS ARE: 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 <u>Saw cut</u> 11 None (open hole) 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 <u>Drilled holes</u> 7 Torch cut 10 Other (specify) _____
SCREEN-PERFORATED INTERVALS: From <u>20</u> ft. to <u>40</u> ft., From _____ ft. to _____ ft. From _____ ft. to _____ ft., From _____ ft. to _____ ft.	GRAVEL PACK INTERVALS: From <u>14</u> ft. to <u>40</u> ft., From _____ ft. to _____ ft. From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 <u>Cement grout</u> 3 Bentonite 4 Other _____	Grout Intervals: From <u>4</u> ft. to <u>14</u> ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
What is the nearest source of possible contamination: 1 <u>Septic tank</u> 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well 2 <u>Sewer lines</u> 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)	Direction from well? <u>South</u> How many feet? <u>75</u>

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	2	Topsoil			
2	15	Clay			
15	26	Medium-Coarse Sand			
26	40	Shale			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) <u>constructed</u> , (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) <u>10-19-84</u> and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. <u>236</u> This Water Well Record was completed on (mo/day/yr) <u>4-30-83</u> under the business name of <u>Harp Well &amp; Pump Service, Inc.</u> by (signature) <u>Mary Orndall</u>
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INSTRUCTIONS: Use typewriter or ball point pen, PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

46,299 A

Report Date Monday, August 26 2013

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

2772 ft N and 4496 ft W of the SE Corner of Section 34, T 29S, R 1E

Located at: 97.311408 West Longitude and 37.483702 North Latitude

GROUNDWATER ONLY

Existing well

meets spacing

All > 1,320'

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__	2699	00	IRR	NK	G	9728	--	SE	NW	SE	1450	168	35	29	1E	1	174.00	174.00	AF
A__	2723	00	IRR	NK	G	9222	--	NC	S2	N2	-----	-----	26	29	1E	3	160.00	160.00	AF
A__	2765	00	IRR	NK	G	8581	NC	W2	W2	NE	4130	2340	9	30	1E	6	26.00	26.00	AF
A__	3340	00	IRR	NK	G	10190	--	NC	NE	SE	-----	-----	26	29	1E	4	30.00	30.00	AF
Same						8431	--	CW	NW	SE	-----	-----	26	29	1E	5			
A__	5786	00	IRR	NK	G	9186	--	NC	E2	NE	-----	-----	35	29	1E	2	74.00	74.00	AF
A__	7150	00	IRR	NK	G	6697	--	NW	SE	NE	3504	1140	28	29	1E	1	20.00	20.00	AF
A__	10927	00	IRR	NK	G	4996	--	--	NC	SE	1275	1350	27	29	1E	1	180.00	180.00	AF
A__	14607	00	IRR	NK	G	5641	--	SW	SW	SW	600	5220	26	29	1E	6	65.00	65.00	AF
Same						6550	--	CW	NW	SW	1910	5260	26	29	1E	7	102.00	102.00	AF
A__	16544	00	IRR	NK	G	10241	--	--	NC	NW	3849	4101	11	30	1E	7	57.00	57.00	AF
A__	19566	00	IRR	NK	G	<u>1453</u>	--	--	NC	NW	4050	3750	34	29	1E	1	162.00	162.00	AF
A__	22919	00	IRR	NK	G	10461	--	NC	N2	SE	1960	1320	22	29	1E	3	20.00	20.00	AF
A__	26491	00	IRR	NK	G	3240	--	SE	NW	NE	4200	1600	34	29	1E	2	203.00	203.00	AF
A__	29729	00	IRR	NK	G	1819	--	NE	NE	SW	2157	2784	34	29	1E	7	78.00	55.50	AF
Same						<u>0</u>	--	SE	SW	NW	2772	4496	34	29	1E	8	75.00	52.50	AF
Same						2647	--	NE	SE	SW	753	2784	34	29	1E	9	60.00	42.00	AF
A__	30512	00	IRR	NK	G	9763	--	NC	W2	SE	1320	1980	5	30	1E	1	42.00	42.00	AF
A__	30743	00	IRR	NK	G	8151	--	NW	NW	NE	5400	2000	35	29	1E	3	72.00	72.00	AF
A__	31078	00	IRR	NK	G	5831	--	SW	SW	SW	360	4640	35	29	1E	4	112.00	112.00	AF
A__	31559	00	IRR	NK	G	5617	--	NE	SE	SW	1100	2900	28	29	1E	4	65.00	65.00	AF
Same						5028	--	SE	NW	SE	1540	1400	28	29	1E	8	57.00	57.00	AF
A__	31869	00	MUN	NK	G	10497	--	SW	SW	SW	110	4660	36	29	1E	3	89.29	.00	AF
Same						10251	--	SW	SW	SW	110	4916	36	29	1E	4	90.95	.00	AF
A__	31919	00	IRR	NK	G	6744	--	NE	SW	NW	3886	4035	27	29	1E	3	97.00	97.00	AF
A__	33930	00	IRR	NK	G	9058	--	SE	NW	NW	4060	4000	26	29	1E	8	158.00	158.00	AF
A__	34031	00	IRR	NK	G	4738	--	SW	NW	SW	1970	5140	35	29	1E	8	135.00	135.00	AF
A__	34146	00	STK	NK	G	6911	--	SW	NE	NW	4039	3698	27	29	1E	4	1.45	1.45	AF
A__	34602	00	IRR	NK	G	6777	--	NE	SW	NE	3500	1800	27	29	1E	5	120.00	120.00	AF
A__	34603	00	IRR	NK	G	7072	--	--	NC	SW	1370	4109	26	29	1E	11	114.00	114.00	AF
A__	34924	00	IRR	NK	G	6815	--	NE	NE	NW	5010	3250	35	29	1E	6	48.00	48.00	AF
A__	36093	00	IRR	NK	G	5265	--	NE	NW	NW	5025	4865	35	29	1E	7	53.00	53.00	AF
A__	36475	00	IRR	NK	G	8302	--	--	--	NC	2643	2913	2	30	1E	4	131.00	131.00	AF
A__	37486	00	IRR	NK	G	3348	--	SE	NW	SE	1330	1475	34	29	1E	11	191.00	191.00	AF
A__	38805	00	IRR	NK	G	8795	--	NW	SW	NE	3922	2404	9	30	1E	4	153.00	153.00	AF
A__	40107	00	IRR	NK	G	9784	--	NE	SW	NW	3856	4549	9	30	1E	7 G 4	202.50	202.50	AF
Same						9676	--	NE	SW	NW	3983	4549	9	30	1E	8 B 4			
Same						9894	--	NE	SW	NW	3728	4549	9	30	1E	9 B 4			
Same						9731	--	NE	SW	NW	3856	4447	9	30	1E	10 B 4			
Same						9771	--	NE	SW	NW	3856	4524	9	30	1E	11 B 4			
A__	40199	00	IRR	NK	G	9436	--	--	--	--	3164	2660	5	30	1E	4	65.30	65.30	AF
A__	43919	00	IRR	KK	G	9436	--	--	--	--	3164	2660	5	30	1E	4	86.20	86.20	AF
A__	45059	00	IND	KE	G	4813	--	SW	NE	SE	1600	800	28	29	1E	10	66.90	66.90	AF
A__	46040	00	THX	NK	G	4725	--	--	--	--	4008	3005	4	30	1E	3	15.82	15.82	AF
A__	46299	A	IRR	AY	G	1819	--	NE	NE	SW	2157	2784	34	29	1E	7	90.00	90.00	AF
Same						<u>0</u>	--	SE	SW	NW	2772	4496	34	29	1E	8			

< 1/2 mile

overlap Applicant

Same	2647	-- NE SE SW	753	2784	34	29	1E	9				
A__ 46301 00 IRR AY G	1944	-- -- E2 SE	1320	660	33	29	1E	2	88.20	88.20	AF	- Applicant
A__ 46499 00 IRR AY G	9436	-- -- -- --	3164	2660	5	30	1E	4	18.98	18.98	AF	
A__ 47349 00 IRR KE G	5015	-- -- -- --	3758	3175	4	30	1E	8 G 2	8.00	8.00	AF	
Same	4996	-- -- -- --	3789	3176	4	30	1E	9 B 2				
Same	5034	-- -- -- --	3727	3173	4	30	1E	10 B 2				
A__ 47349 00 MUN KE G	5015	-- -- -- --	3758	3175	4	30	1E	8 G 2	7.00	7.00	AF	
Same	4996	-- -- -- --	3789	3176	4	30	1E	9 B 2				
Same	5034	-- -- -- --	3727	3173	4	30	1E	10 B 2				
T_20029048 00 HYD GY G	4813	-- SW NE SE	1600	800	28	29	1E	10	366.00	.00	AF	
P_20110350 00 IND GY G	6343	-- -- NC W2	2640	3960	4	30	1E	16	9.82	9.82	AF	
T_20119026 00 IND GY G	5867	-- SE NW NW	4140	4460	4	30	1E	11 G 2	58.00	58.00	AF	
Same	5940	-- SE NW NW	3990	4460	4	30	1E	12 B 2				
Same	5796	-- SE NW NW	4290	4460	4	30	1E	13 B 2				
T_20119058 00 IND GY G	9894	-- NE SW NW	3728	4549	9	30	1E	9	7.98	7.98	AF	

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Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =    197.18      .00
Total Permitted Amount (AF) =    243.90      .00
Total Inspected Amount (AF) =      .00      .00
Total Pro_Cert Amount (AF) =      .00      .00
Total Certified Amount (AF) =   3256.07      .00
Total Vested Amount (AF) =      .00      .00
TOTAL AMOUNT (AF) =    3697.16      .00
    
```

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

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

97.311408 West Longitude and 37.483702 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number      Use ST SR
    
```

A\_\_ 2699 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A\_\_ 2723 00 IRR NK G

> IAN PARKER

>

> 3330 E 119TH ST S

> MULVANE KS 67110

>-----

A\_\_ 2765 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110



File # 46, 299 A  
 Requesting 90 AF  
 meets  
 safe yield

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 3,223.50 AF.  
 Total prior appropriation in the circle is 3,509.91 AF.  
 Total quantity of water available for appropriation is 0.00 AF.

$387.18 \text{ AF} = 3,122.73 + 8 = 3130.73$   
 $92.77 \text{ AF}$

**Safe Yield Variables**

The area used for the analysis is set at 8,042 acres.  
 Potential annual recharge of the area is estimated to be 4.81 inches.  
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 21-DEC-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 38 water right(s) and 45 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 2699 00	IRR	NK	G		SE	NW	SE	1450	168	35	29	01E	1	WR	174.00	174.00	300.00	300.00
A 2765 00	IRR	NK	G		NW	SW	NE	3922	2404	09	30	01E	4	WR	26.00	26.00	119.00	119.00
A 3340 00	IRR	NK	G		NC	NE	SE	0	0	26	29	01E	4	WR	30.00	30.00	75.00	75.00
Same	IRR	NK	G		CW	NW	SE	0	0	26	29	01E	5	WR				
A 5786 00	IRR	NK	G		NC	E2	NE	0	0	35	29	01E	2	WR	74.00	74.00	222.00	222.00
A 7150 00	IRR	NK	G		NW	SE	NE	3504	1140	28	29	01E	1	WR	20.00	20.00	136.00	136.00
A 10927 00	IRR	NK	G		NC	SE		1275	1350	27	29	01E	1	WR	180.00	180.00	156.00	156.00
A 14607 00	IRR	NK	G		SW	SW	SW	600	5220	26	29	01E	6	PD	65.00	65.00	158.00	158.00
Same	IRR	NK	G		CW	NW	SW	1910	5260	26	29	01E	7	PD	102.00	102.00		
A 16544 00	IRR	NK	G		NC	NW		3849	4101	11	30	01E	7	PD	57.00	57.00	120.00	120.00
A 19566 00	IRR	NK	G		NC	NW		4050	3750	34	29	01E	1	WR	162.00	162.00	135.00	135.00
A 22919 00	IRR	NK	G		NC	N2	SE	1960	1320	22	29	01E	3	WR	20.00	20.00	80.00	80.00
A 26491 00	IRR	NK	G		SE	NW	NE	4200	1600	34	29	01E	2	WR	203.00	203.00	160.00	160.00
A 29729 00	IRR	NK	G		NE	NE	SW	2157	2784	34	29	01E	7	PD	78.00	55.50	170.00	170.00
Same	IRR	NK	G		SE	SW	NW	2772	4496	34	29	01E	8	PD	75.00	52.50		
Same	IRR	NK	G		NE	SE	SW	753	2784	34	29	01E	9	PD	60.00	42.00		
A 30512 00	IRR	NK	G		NC	W2	SE	1320	1980	05	30	01E	1	WR	42.00	42.00	79.00	79.00
A 30743 00	IRR	NK	G		NW	NW	NE	5400	2000	35	29	01E	3	WR	72.00	72.00	80.00	80.00
A 31078 00	IRR	NK	G		SW	SW	SW	360	4640	35	29	01E	4	WR	112.00	112.00	80.00	80.00
A 31559 00	IRR	NK	G		SE	NW	SE	1540	1400	28	29	01E	8	PD	57.00	57.00	82.10	82.10
Same	IRR	NK	G		NE	SE	SW	1100	2900	28	29	01E	4	PD	65.00	65.00		

46,299-A

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in NWNENWSW 34-29S-01E  
File No. 46,299 A (2772'N & 4496'W)

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A	31869	00	MUN	NK	G	SW SW SW	110	4916	36	29	01E	4	PD	90.95	0.00		
Same			MUN	NK	G	SW SW SW	110	4660	36	29	01E	3	PD	89.29	0.00		
A	31919	00	IRR	NK	G	NE SW NW	3872	4052	27	29	01E	6	WR	97.00	97.00	80.00	80.00
A	33930	00	IRR	NK	G	SE NW NW	4060	4000	26	29	01E	8	WR	158.00	158.00	157.50	157.50
A	34602	00	IRR	NK	G	NE SW NE	3500	1800	27	29	01E	5	WR	120.00	120.00	80.00	80.00
A	34603	00	IRR	NK	G	NC SW	1370	4109	26	29	01E	11	WR	114.00	114.00	158.00	0.00
A	34924	00	IRR	NK	G	NE NE NW	5010	3250	35	29	01E	6	WR	48.00	48.00	77.00	77.00
A	36093	00	IRR	NK	G	NE NW NW	5025	4865	35	29	01E	7	WR	53.00	53.00	77.00	0.00
A	36475	00	IRR	NK	G	NC	2643	2913	02	30	01E	4	WR	131.00	131.00	88.50	88.50
A	37486	00	IRR	NK	G	SE NW SE	1330	1475	34	29	01E	11	WR	191.00	191.00	127.00	127.00
A	38805	00	IRR	NK	G	NW SW NE	3922	2404	09	30	01E	4	WR	153.00	153.00	119.00	0.00
A	40107	00	IRR	NK	G	NE SW NW	3983	4549	09	30	01E	8	WR	202.50	202.50	141.25	141.25
Same			IRR	NK	G	NE SW NW	3728	4549	09	30	01E	9	WR				
Same			IRR	NK	G	NE SW NW	3856	4447	09	30	01E	10	WR				
Same			IRR	NK	G	NE SW NW	3856	4549	09	30	01E	7	WR				
Same			IRR	NK	G	NE SW NW	3856	4524	09	30	01E	11	WR				
A	40199	00	IRR	NK	G		3164	2660	05	30	01E	4	WR	65.30	65.30	111.00	111.00
A	43919	00	IRR	LR	G		3164	2660	05	30	01E	4	WR	86.20	86.20	111.00	0.00
A	44285	00	REC	NK	G	SW SW SW	653	4831	21	29	01E	5	WR	3.00	3.00		
A	45059	00	IND	KE	G	SW NE SE	1600	800	28	29	01E	10	WR	66.90	66.90		
A	46040	00	THX	NK	G		4008	3005	04	30	01E	3	WR	15.82	15.82		
A	46299	A	IRR	AY	G	NE NE SW	2157	2784	34	29	01E	7	WR	90.00	90.00	160.00	0.00
Same			IRR	AY	G	SE SW NW	2772	4496	34	29	01E	8	WR				
Same			IRR	AY	G	NE SE SW	753	2784	34	29	01E	9	WR				
A	46301	00	IRR	AY	G	E2 SE	1320	660	33	29	01E	2	WR	88.20	88.20	58.80	58.80
A	46499	00	IRR	AY	G		3164	2660	05	30	01E	4	WR	18.98	18.98	14.60	9.53
A	47349	00	IRR	LO	G		3758	3175	04	30	01E	8	WRF	8.00	8.00	30.00	30.00
Same			IRR	LO	G		3789	3176	04	30	01E	9	WRF				
Same			IRR	LO	G		3727	3173	04	30	01E	10	WRF				
Same			MUN	LO	G		3758	3175	04	30	01E	8	WRF				
Same			MUN	LO	G		3789	3176	04	30	01E	9	WRF				
Same			MUN	LO	G		3727	3173	04	30	01E	10	WRF				
A	49502	00	IRR	AY	G	NW	3333	1544	10	30	01E	3	WR	168.00	168.00	120.00	120.00
A	49737	00	THX	AY	G		3758	3175	04	30	01E	8	WR	14.00	14.00		
Same			THX	AY	G		3789	3176	04	30	01E	9	WR				
Same			THX	AY	G		3727	3173	04	30	01E	10	WR				

~~8.00~~      ~~8.00~~      30.00      30.00      - Approved  
387.18

Application, File No. 43,919  
Memorandum  
October 21, 2003  
Page 2

Since the time that Application, File No. 40,199, was received in this office on January 30, 1991, and Application, File No. 43,919, was received in this office on November 11, 1999, Application, File No. 41,642; Application, File No. 42,032 and Application, File No. 42,428, were received in this office. These three (3) applications proposed to divert water from the same two (2) mile circle area of consideration as Appropriation of Water, File No. 40,199 and Application, File No. 43,919. Application, File Nos. 41,642; 42,032 and 42,428, were approved for a combined quantity of 440 acre-feet of water per calendar year using the same safe-yield approval criteria as was used in the processing of Application, File No. 40,199.

Application, File No. 40,199, was approved for 65.3 acre-feet of water per calendar year on October 30, 1999. The quantity of water available that could be appropriated was calculated using certified quantities, approved quantities and 20% of five (5) year allocation appropriations, which lowered the appropriated quantities in the two (2) mile radius area of consideration used for recharge. The recharge value used at the time of approval of Application, File No. 40,199, calculated to be approximately 2.2 inches of water per year. The recharge value used now at the location pertaining to File No. 43,199 is 2.78 inches of water per year as per K.A.R. 5-3-11.

Edward "Ned" Marks of Terrane Resources Co., submitted documented information, dated November 12, 2002, to this office, providing other recharge values for the recharge area of consideration for Application, File No. 43,919. The information consisted of well logs and water level data collected from wells in the surrounding area. The information appears to indicate the static water in the immediate area is stable. If the static water level is stable in the immediate area, this would indicate that the recharge values shown in K.A.R. 5-3-11 may be low for this immediate area. Information shown in the above referenced information from "Ned" Marks, indicates the recharge value for the given area may be as high as 4.8 inches a year.

A contributing factor to factor to the safe-yield analysis, was the contention of this office, with studies done by John Munson, that different, non-connecting aquifers, were the source of supply. Well logs and static water levels obtained from Kansas Geological Survey bulletins appear to indicate there may not be a separate aquifer issue. The fact is brought forth in the supplied information that water table level differences are due to topography and not due to separate unconfined aquifers.

K.A.R. 5-3-11(D) "Calculated recharge" states that each application shall be processed in accordance with data shown on the water resources investigation report 87-4230, plate no. 4, dated 1987, prepared by the United States Geological survey unless better or more specific recharge data for the area of consideration, basin, or aquifer is supplied by the applicant or is already available to the chief engineer. The recharge value was disputed by the applicant by supplying information on the surrounding aquifer and water level measurements for the past ten (10) years. The recharge value was disputed to be about 4.8 inches per year. The Division of Water Resources used 2.18 inches when calculating safe-yield with Application, File No. 40,199 and 2.78 inches when calculating safe-yield for Application, File No. 43,919.

A Certificate of Appropriation for Water Right, File No. 40,199, was signed by the Chief Engineer on October 29, 2002. The Certificate of Appropriation was issued for a perfected quantity of 63.5 acre-feet of quantity of water per calendar year to be diverted at a maximum rate of diversion of 1,000 gallons per minute. The quantity of water was limited by allocation, to a maximum diverted quantity of 250 acre-feet of water in a five (5) year period. Application, File No. 43,919 proposed a maximum of 100 acre-feet of water per calendar year as that would be additional to the 50 acre-feet of water per calendar year, (250 acre-feet of water per five (5) year allocation), quantity authorized under Water Right, File No. 40,199.

MICROFILMED

KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources

MEMORANDUM

TO: Files

Date: October 21, 2003

From: Douglas E. Bush *DEB*

RE: Application  
File No. 43,919

John P. Grother filed the above referenced application proposing to appropriate 100 acre-feet of groundwater at a rate not to exceed 1,000 gallons per minute for irrigation use. The application was received in this office on November 16, 1999. The application was dismissed on March 23, 2001, by order, as safe yield for the two (2) mile radius area of consideration was exceeded. The rate of diversion was proposed to be limited to 1,000 gallons per minute when combined with Water Right File No. 40,199, which covers the same point of diversion. The proposed appropriation was located within the Arkansas River Drainage Basin. There was 2,561 acre-feet of groundwater appropriations within a two (2) mile radius of the proposed point of diversion at the time the application was received in this office on November 16, 1999. It was determined at the time when the application was received in this office, that safe-yield for the two (2) mile radius area of consideration was 1,525 acre-feet.

The referenced application for File No. 43,919, was submitted to this office to add 100 acre-feet to then Appropriation of Water, File No. 40,199, which was approved for 65.3 acre-feet of water per calendar year and a five (5) year allocation of 250 acre-feet of water. Water Right, File No. 40,199 shares its 101 acre place of use, and its point of diversion with now dismissed Application, File No. 43,919.

Based on the test well logs and the geographical location, the source of supply was to be the Illinois and Kansas Stage Terrace deposits.

*NOT  
Illinois*

Application, File No. 43,919, was subject to safe yield, per K.A.R. 5-3-11. A safe-yield analysis revealed that there were 1,525 acre-feet of recharge due to rainfall in the 6,584 acre recharge area. There was 2,561 acre-feet of prior appropriations.

The recharge area used was not the standard 8,042 acres. It was determined by studies done by John Munson, Environmental Scientist, of this office, that different and separate aquifers were being utilized, and therefore the entire 8,042 acre recharge area should not be utilized, see July 28, 2000, Memorandum, Subject: Ninescah and Arkansas River basins unconfined aquifer limits for applications to appropriate groundwater. Water Right, File No. 40,199, during its approval process, for the recharge area of consideration, used the entire 8,042 acres. Application, File No. 40,199, was filed for 152 acre-feet of water for the irrigation of 101 acres. The application was approved for 65.3 acre-feet of water per calendar year, with a 250 acre-feet of water five (5) year allocation.

As referenced above, it appears when Application, File No. 40,199 was approved, safe-yield recharge was determined to be 1,463 acre-feet of water per calendar year for the 8,042 acre recharge area of consideration. It was first determined during the processing of Application, File No. 40,199, the area was over appropriated using the processing criteria of that time. The application was held due to Certificates of Appropriation being issued in the 8,042 acre recharge area of consideration and the possibility of nearby water appropriations being abandoned which would add available quantity. The application was held for a period of approximately five (5) years from being received in this office waiting on additional water to be available to be appropriated.

Application, File No. 43,919  
Memorandum  
October 21, 2003  
Page 3

The total quantity requested that could be diverted in one (1) calendar year under Appropriation of Water, File No. 40,199 and Application, File No. 43,919, would be a maximum of 151.5 acre-feet of water. The maximum quantity allowed in this part of the state, at the time Application, File No. 43,199, was received in this office was 1.5 acre-feet per acre. Using the 151.5 acre-feet of water per calendar maximum, an additional recharge value of approximately 0.16 inch of recharge per calendar year in a two (2) mile radius would be needed for the generation of 100 acre-feet of water per calendar year. Therefore, if the additional recharge value needed for the approval of Application, File No. 43,199, was used during the precessing of Application, File No. 40,199, a recharge value of 2.34 inches would have been needed to generate the applied for 151.5 acre-feet of water per calendar year.

It appears the reinstatement of Application, File No. 43,199, and subsequent approval of the application for 100 acre-feet of water per calendar year would not affect or impair in the immediate area. The water level data suggests the additional 100 acre-feet would cause minimum additional lowering of the water table in the area of concern for File No. 43,199. A Theis drawdown analysis was run for additional information for the possible reinstatement of Application, File No. 43,199. The analysis was directed at the nearest non-domestic well that is approximately 1,954 feet from the proposed point of diversion under Application, File No. 43,199. The 1,954 feet distance exceeds the minimum required spacing distance of 1,320 feet between senior non-domestic wells. The Theis drawdown analysis used 65.3 acre-feet of water diverted and 151.5 acre-feet of water diverted. Both analysis diverted water at 1,000 gallons per minute, until the quantity was diverted. The additional one (1) year quantity of 86.2 acre-feet of water diverted would add approximately one-half foot of drawdown at the nearest well. The saturated thickness at the well located 1,954 feet from the proposed point of diversion was 51 feet when measured in 2001. Therefore it appears the additional one-half foot of drawdown at the nearest irrigation well, should not significantly raise the probability of impairment at that location.

Information supplied by Terrane Resources Co., Edward "Ned" Marks appears to indicate that the aquifer surrounding the proposed location for Application, File No. 43,919, is homogenous and that all aquifers are hydro-logically connected. It also appears that the recharge value is higher than the 2.78 inches of water per year as per K.A.R. 5-3-11(D). Information from a non-published preliminary study by the United States Geological Survey, indicates the recharge values for the area is large enough to support the existing appropriations and this proposed application. This information substantiates the recharge values submitted by Terrane Resources Co. to be realistic for the area and conditions. The higher recharge rates are verified with the supplied well logs in the immediate area and the static water level in the area showing insignificant change in the last 30 years. Using the two (2) mile area circle of consideration of 8,042 acres, a recharge value of 4.26 inches of water per calendar year would be needed for safe-yield for the currently appropriated 2,769.8 acre-feet of water per calendar year, which includes the 440 acre-feet of water per calendar year approved to be diverted under Appropriation of Water, File Nos. 41,642; 42,032 and 42,428, plus an additional 86.2 acre-feet of water per calendar year being authorized under Application, File No. 43,919.

Application, File No. 43,919, was originally processed by personnel of our Stafford Field Office. Letters were sent to nearby well owners informing them of the proposed appropriation. Letters from nearby well owners were received in response to this letter. It appears no replies were sent as it was then determined that the area was fully appropriated and would not be recommended for approval.

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During the processing of the application for Water Right, File No. 40,199, there was a high amount of opposition to the approval of Application, File No. 40,199. The opposition came from notified nearby well owners and a newspaper article in the local newspaper requesting that all interested citizens should write the Division of Water Resources and request that Application, File No. 40,199 be denied to preserve the water resources in the area. As referenced above, the application was approved for 65.3 acre-feet of water per calendar year, limited to 250 acre-feet of water in a given five (5) year period and not the requested 151.5 acre-feet of water per calendar year.

In conclusion, it appears the approval of Application, File No. 40,199 for 151.5 acre-feet of water per calendar year would not have significantly lowered the static water level in the immediate area in question. It also appears, if Application, File No. 43,919, would have been approved for the requested 100 acre-feet of water per calendar, in all likelihood, no impairment complaints would have been received up to this point. The recharge values in the given area are likely higher than those shown in our current regulations due to soil types, terrain and vegetation overlying the aquifer in the area. Water level data supplied by Terrane Resources Co. reiterates that the Division of Water Resource's recharge values may be low for this area. The information supplied showing the regional aquifer being hydro-logically connected allowing more area for recharge adds to this conclusion.

It is therefore proposed that Application, File No. 43,919, be reinstated and approved for the applied for 100 acre-feet of water per calendar year to be diverted at a maximum rate of diversion of 1,000 gallons per minute. The quantity of water per calendar year should be limited to 151.5 acre-feet and limited to 1,000 gallons per minute when combined with Water Right, File No. 40,199. The quantity of 151.5 acre-feet was the maximum allowable when Application, File No. 43,919, was received in this office on November 16, 1999. The quantity limitation of 151.5 acre-feet of water per calendar year, will add 86.2 acre-feet of water that could be diverted in any one (1) year or 101.5 acre-feet of water per calendar year if the 250 acre-feet of water five (5) year allocation is utilized.

It is proposed, due to the opposition of the approval of Application, File No. 40,199, and to verify that additional lowering of the static water level is not occurring or does not occur, an additional condition should be added to the approval of the application. This condition would require an observation well network to be installed and maintained with the cost to install the observation well network being the applicants'. The observation well network condition would prescribe dates for observations of the static water levels from the observation wells and the water level measurements shall be included on the annual water use report. The observation well network would allow this office to monitor the water levels, verifying that a recharge value greater than current regulations allow for approval is occurring, maintain the static water level at current levels, with the reasonable raising or lowering of the static water level. A water flow meter will also be required to be installed before any water is diverted under Appropriation of Water, File No. 43,199. It therefore appears and is concluded that, the reinstatement and approval of Application, File No. 43,199, should not impair any use under existing water rights nor prejudicially and unreasonably affect the public interest. If impairment or unreasonable lowering of the static water level does occur, the Chief Engineer retains jurisdiction in this matter to make such reasonable reductions in the approved rate of diversion and quantity authorized to be perfected.

FEB 05 2004



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov  
Sam Brownback, Governor

November 23, 2016

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120-9702

RE: Pending Applications, File Nos. 46,299A and 46,301

Dear Mr. Grother:

As you requested during our October 31, 2016 telephone discussion, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced files. As you were informed in our letter to you dated October 10, 2016, it will be recommended to the Chief Engineer that pending applications, File Nos. 46,299A and 46,301 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.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting an extension, you are being allowed this additional 60 days. If near the end of the current extension you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you wish to request additional time, you must do so **in writing**, before the 60 day period expires on **December 31, 2016**. 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. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the applications. If you do not request more time within the 60 day period, or if your request is not granted, the above referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you have any questions, please contact me at (785) 296-3495. 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 cursive script that reads "Doug Schemm".

Doug Schemm  
Environmental Scientist  
Topeka Field Office

pc: Stafford Field Office



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

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
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www.agriculture.ks.gov

Sam Brownback, Governor

October 10, 2016

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120-9702

RE: Pending Applications, File Nos. 46,299A and 46,301

Dear Mr. Grother:

We have conducted further review of your applications referenced above. For File No. 46,299A, the proposed point of diversion is an existing well, located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 34, more particularly described as being near a point 2,772 feet North and 4,496 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East, Sedgwick County, Kansas. The application is requesting to appropriate 90 acre-feet of groundwater for irrigation use. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (8,042 acres for this file). The Division of Water Resources has established a value of 5.4 inches for calculated recharge, with 75% of the calculated recharge available for appropriation within the Lower Arkansas River valley. The safe yield determination for File No. 46,299A is summarized below.

Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available	
8,042 acres x 5.4 inches x 75% = 32,570.1 acre-inches / 12 =	2,714.18 acre-feet
Prior Appropriations within the area of consideration =	3,130.73 acre-feet
Total quantity of water available =	<b><u>0 acre-feet</u></b>

For File No. 46,301, the proposed point of diversion is the geographic center of a battery of four wells, located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 33, more particularly described as being near a point 1,901 feet North and 975 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East, Sedgwick County, Kansas. The application is requesting to appropriate 88.2 acre-feet of groundwater for irrigation use. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (8,042 acres for this file). The safe yield determination for File No. 46,301 is summarized below.

Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available	
8,042 acres x 5.4 inches x 75% = 32,570.1 acre-inches / 12 =	2,714.18 acre-feet
Prior Appropriations within the area of consideration =	3,659.22 acre-feet
Total quantity of water available =	<b><u>0 acre-feet</u></b>

In both instances there is no additional water available. Therefore, it will be recommended to the Chief Engineer that pending applications, File Nos. 46,299A and 46,301 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.

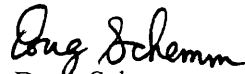
John P. Grother  
File Nos. 46,299A and 46,301  
Page 2

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 October 25, 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 applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the applications.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Doug Schemm  
Environmental Scientist  
Topeka Field Office

pc: Stafford Field Office

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in NWNENWSW 34-29S-01E  
FILE NO. 46,299 A

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46,299A

Failo safe yield

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 2,714.18 AF.  
 Total prior appropriation in the circle is 3,495.91 AF. - **365.18 AF = 3,130.73**  
 Total quantity of water available for appropriation is 0.00 AF.

**Safe Yield Variables**

The area used for the analysis is set at 8,042 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 10-OCT-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 37 water right(s) and 45 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 2699 00	IRR	NK	G		SE	NW	SE	1450	168	35	29	01E	1	WR	174.00	174.00	300.00	300.00
A 2765 00	IRR	NK	G		NW	SW	NE	3922	2404	09	30	01E	4	WR	26.00	26.00	119.00	119.00
A 3340 00	IRR	NK	G		NC	NE	SE	0	0	26	29	01E	4	WR	30.00	30.00	75.00	75.00
Same	IRR	NK	G		CW	NW	SE	0	0	26	29	01E	5	WR				
A 5786 00	IRR	NK	G		NC	E2	NE	0	0	35	29	01E	2	WR	74.00	74.00	222.00	222.00
A 7150 00	IRR	NK	G		NW	SE	NE	3504	1140	28	29	01E	1	WR	20.00	20.00	136.00	136.00
A 10927 00	IRR	NK	G		NC	SE		1275	1350	27	29	01E	1	WR	180.00	180.00	156.00	156.00
A 14607 00	IRR	NK	G		SW	SW	SW	600	5220	26	29	01E	6	PD	65.00	65.00	158.00	158.00
Same	IRR	NK	G		CW	NW	SW	1910	5260	26	29	01E	7	PD	102.00	102.00		
A 16544 00	IRR	NK	G		NC	NW		3849	4101	11	30	01E	7	PD	57.00	57.00	120.00	120.00
A 19566 00	IRR	NK	G		NC	NW		4050	3750	34	29	01E	1	WR	162.00	162.00	135.00	135.00
A 22919 00	IRR	NK	G		NC	N2	SE	1960	1320	22	29	01E	3	WR	20.00	20.00	80.00	80.00
A 26491 00	IRR	NK	G		SE	NW	NE	4200	1600	34	29	01E	2	WR	203.00	203.00	160.00	160.00
A 29729 00	IRR	NK	G		NE	NE	SW	2157	2784	34	29	01E	7	PD	78.00	55.50	170.00	170.00
Same	IRR	NK	G		SE	SW	NW	2772	4496	34	29	01E	8	PD	75.00	52.50		
Same	IRR	NK	G		NE	SE	SW	753	2784	34	29	01E	9	PD	60.00	42.00		
A 30512 00	IRR	NK	G		NC	W2	SE	1320	1980	05	30	01E	1	WR	42.00	42.00	79.00	79.00
A 30743 00	IRR	NK	G		NW	NW	NE	5400	2000	35	29	01E	3	WR	72.00	72.00	80.00	80.00
A 31078 00	IRR	NK	G		SW	SW	SW	360	4640	35	29	01E	4	WR	112.00	112.00	80.00	80.00
A 31559 00	IRR	NK	G		SE	NW	SE	1540	1400	28	29	01E	8	PD	57.00	57.00	82.10	82.10
Same	IRR	NK	G		NE	SE	SW	1100	2900	28	29	01E	4	PD	65.00	65.00		

A	31869	00	MUN	NK	G	SW	SW	SW	110	4916	36	29	01E	4	PD	90.95	0.00		
Same			MUN	NK	G	SW	SW	SW	110	4660	36	29	01E	3	PD	89.29	0.00		
A	31919	00	IRR	NK	G	NE	SW	NW	3872	4052	27	29	01E	6	WR	97.00	97.00	80.00	80.00
A	33930	00	IRR	NK	G	SE	NW	NW	4060	4000	26	29	01E	8	WR	158.00	158.00	157.50	157.50
A	34602	00	IRR	NK	G	NE	SW	NE	3500	1800	27	29	01E	5	WR	120.00	120.00	80.00	80.00
A	34603	00	IRR	NK	G		NC	SW	1370	4109	26	29	01E	11	WR	114.00	114.00	158.00	0.00
A	34924	00	IRR	NK	G	NE	NE	NW	5010	3250	35	29	01E	6	WR	48.00	48.00	77.00	77.00
A	36093	00	IRR	NK	G	NE	NW	NW	5025	4865	35	29	01E	7	WR	53.00	53.00	77.00	0.00
A	36475	00	IRR	NK	G		NC		2643	2913	02	30	01E	4	WR	131.00	131.00	88.50	88.50
A	37486	00	IRR	NK	G	SE	NW	SE	1330	1475	34	29	01E	11	WR	191.00	191.00	127.00	127.00
A	38805	00	IRR	NK	G	NW	SW	NE	3922	2404	09	30	01E	4	WR	153.00	153.00	119.00	0.00
A	40107	00	IRR	NK	G	NE	SW	NW	3983	4549	09	30	01E	8	WR	202.50	202.50	141.25	141.25
Same			IRR	NK	G	NE	SW	NW	3728	4549	09	30	01E	9	WR				
Same			IRR	NK	G	NE	SW	NW	3856	4447	09	30	01E	10	WR				
Same			IRR	NK	G	NE	SW	NW	3856	4549	09	30	01E	7	WR				
Same			IRR	NK	G	NE	SW	NW	3856	4524	09	30	01E	11	WR				
A	40199	00	IRR	NK	G				3164	2660	05	30	01E	4	WR	65.30	65.30	111.00	111.00
A	43919	00	IRR	LR	G				3164	2660	05	30	01E	4	WR	86.20	86.20	111.00	0.00
A	44285	00	REC	NK	G	SW	SW	SW	653	4831	21	29	01E	5	WR	3.00	3.00		
A	45059	00	IND	KE	G	SW	NE	SE	1600	800	28	29	01E	10	WR	66.90	66.90		
A	46040	00	THX	NK	G				4008	3005	04	30	01E	3	WR	15.82	15.82		
A	46299	A	IRR	AY	G	NE	NE	SW	2157	2784	34	29	01E	7	WR	<del>90.00</del>	<del>90.00</del>	160.00	0.00
Same			IRR	AY	G	SE	SW	NW	2772	4496	34	29	01E	8	WR				
Same			IRR	AY	G	NE	SE	SW	753	2784	34	29	01E	9	WR				
A	46301	00	IRR	AY	G		E2	SE	1320	660	33	29	01E	2	WR	<del>88.20</del>	<del>88.20</del>	58.80	58.80
A	46499	00	IRR	AY	G				3164	2660	05	30	01E	4	WR	<del>18.98</del>	<del>18.98</del>	14.60	9.53
A	47349	00	IRR	LO	G				3758	3175	04	30	01E	8	WRF	8.00	8.00	30.00	30.00
Same			IRR	LO	G				3789	3176	04	30	01E	9	WRF				
Same			IRR	LO	G				3727	3173	04	30	01E	10	WRF				
Same			MUN	LO	G				3758	3175	04	30	01E	8	WRF				
Same			MUN	LO	G				3789	3176	04	30	01E	9	WRF				
Same			MUN	LO	G				3727	3173	04	30	01E	10	WRF				
A	49502	00	IRR	AY	G		NW		3333	1544	10	30	01E	3	WR	<del>168.00</del>	<del>168.00</del>	120.00	120.00

=====



DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

October 6, 2006

JOHN GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Application  
File Nos. 46,299A, 46,301  
and 46,499

Dear Mr. Grother:

The above referenced applications were filed for irrigation use of water with this office on September 19, 2005 and June 8, 2006. The applications, as filed, do not meet the current regulations for availability of water at the proposed points of diversion. However, the United States Geological Survey in cooperation with the Division of Water Resources has conducted a hydrologic study of the Arkansas River valley from the area of Wichita to the Oklahoma state line. This study was designed to simulate flow characteristics for the entire study area and was not designed to calculate recharge values. However, the study may be used to determine more precise recharge values for portions of the study area. Therefore, staff of the Division of Water Resources are working with the model to develop a method for the determination of more accurate values of recharge for individual portions of the study area.

At this time, the Chief Engineer is willing to suspend processing of the above referenced applications until such time as more accurate recharge values can be determined for the portion of the area containing your proposed points of diversion. Upon determination of recharge values processing would resume on your applications. At this time there is no date established for the completion of this project, because staff are working this project along with many other projects.

**MICROFILMED**

If you wish to have final action on your applications before the above project can be completed, you do have the opportunity to submit additional data developed, at your expense; by a professional engineer, hydrologist or hydro-geologist. To be useful in further evaluating your applications such data will need to cover the potential impact of your proposed project on the area of the valley and not just one specific location.

**FILE COPY**

Division of Water Resources     David L. Pope, Chief Engineer  
109 SW 9th St., 2nd Floor     Topeka, KS 66612-1283  
Voice (785) 296-3717     Fax (785) 296-1176     <http://www.ksda.gov>

File Nos. 46,299A, 46,301 and 46,499  
page 2

If you have questions, please contact William Gilliland, Permits Unit Head at 785-296-1784. If you wish to discuss these files, please reference the file number so that we can help you more efficiently.

Sincerely,



Lane P. Letourneau, L.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources

LPL:wjg  
cc: Stafford Field Office

**MICROFILMED**

**FILE COPY**

# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

March 31, 2006

Mr. John P. Grother  
Adeline J. Grother Revocable Trust  
11804 South Hydraulic  
Peck, Kansas 67120

RE: Application File No. 46,299A

Dear Mr. Grother:

We have reviewed your application, which proposes to pump groundwater from a well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter of Section 34, Township 29 South, Range 01 East, Sedgwick County, Kansas. Your application further proposes using water for irrigation purposes, in a maximum annual quantity of 90 acre-feet per year at a maximum diversion rate of 1,380 gallons per minute. The well and land to be irrigated are also authorized under Water Right File No. 29,729 and 45,113.

We also have received the information you submitted in response to our letters dated October 6, 2005, November 21, 2005, and January 11, 2006. Part of the information you submitted was intended to support your request that the Chief Engineer grant a waiver to regulations K.A.R. 5-3-19 and K.A.R. 5-3-24 which pertain to the quantity of water considered reasonable for irrigation use.

The information you have submitted has been reviewed and determined not to be sufficient to waive K.A.R. 5-3-19 and K.A.R. 5-3-24. For this reason we will be recommending to the Chief Engineer that Application, File No. 46,299A be denied and dismissed.

The Water Appropriation Act and regulations further state that an application may not be approved if its proposed use will exceed the safe yield of the source of water supply, K.A.R. 5-3-9 and K.A.R. 5-3-10. The safe yield of the source of supply for the two-mile radius area around your proposed well, has been determined to be 1,903 acre-feet per year. Existing appropriations, total 3,440 acre-feet of water per year, which exceeds the safe yield, K.A.R. 5-3-11. Therefore, for this reason also, we will be recommending to the Chief Engineer that Application, File No. 46,299A be denied and dismissed.

Division of Water Resources    Stafford Field Office    M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311    Fax (620) 234-6900

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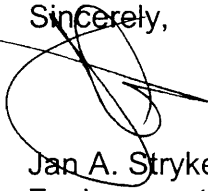
Page 2  
March 31, 2006  
New Application 46,299A

We are advising you of these recommendations in order to allow you an opportunity to submit any additional information to show why your application should be reconsidered. **You have a period of 15 days (until April 15, 2006) to either (1) submit additional information to our office or (2) to 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 recommendations stated above. If you do submit additional information within the 15 day period or any authorized extension, that information will be given due consideration prior to final action on the application.

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,



Jan A. Stryker  
Environmental Scientist  
Stafford Field Office

pc: Ken Kopp

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APR 03 2006  
KS DEPT OF AGRICULTURE

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# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

March 31, 2006

BOB PARKER  
11929 S WASHINGTON ST  
PECK, KS 67120-9703

RE: Application File No. 46,299 A

Dear Mr. Parker:

This is to advise you that Adeline J Grother Revocable Trust has filed the application referred to above for permit to appropriate 90 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1380 gallons per minute from a well or wells located as follows:

**One (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  ) of Section 34, Township 29 South, Range 1 East, Sedgwick County, Kansas.**

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

Sincerely,

  
Jan A. Stryker  
Environmental Scientist  
Stafford Field Office

pc: Ken Kopp  
Adeline Grother Revocable Trust

Division of Water Resources    Stafford Field Office    M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311    Fax (620) 234-6900

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APR 05 2006

STAFFORD FIELD OFFICE  
DIVISION OF WATER RESOURCES

# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

April 21, 2006

Renee Smith  
11439 S. Hydraulic  
Mulvane, KS 67110

RE: Application File No. 46,299A

Dear Ms. Smith:

This will acknowledge receipt of your letter dated April 10, 2006, in which you expressed comments concerning the proposed appropriation of groundwater by Adeline J. Grother Revocable Trust under the above referenced application.

Your comments have been considered, and approval of the application if granted, will authorize diversion of water only when it does not impair existing rights. Should the diversion of water under this application substantially impair your earlier rights, you should notify our office

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,

  
Jan A. Stryker  
Environmental Scientist  
Stafford Field Office

WATER RESOURCES  
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APR 24 2006

KS DEPT OF AGRICULTURE

pc: Ken Kopp

MICROFILMED

April 10<sup>th</sup>

2006

Dear Jan A. Strkes,

I am commenting <sup>(replying)</sup> on 2  
separate letters received applications file  
numbers # 46,301 + file # 46,299 A  
John P. Gother. Irrigation permint  
application.

I have no problem with him  
irrigating as long as it does not  
cause problems with my well. I  
am concerned with this cause I  
need my well water for showers,  
laundry, Dishes. For living.

So I would want problem corrected  
on John P. Gother part, if problem  
occured later. or right away, I'm  
concerned especially for now beings  
how we have not had much rain.

As long as it will not cause  
problems with my well it is  
fine for me. For him to irrigate.

But would want fixed if does.

Thanks

Renee J. Smith

RECEIVED

APR 12 2006

WATER RESOURCES  
DIVISION

# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

March 31, 2006

DAVID HOLLINGSWORTH  
11445 S HYDRAULIC  
MULVANE, KS 67110

RE: Application File No. 46,299 A

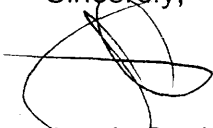
Dear Mr. Hollingsworth:

This is to advise you that Adeline J Grother Revocable Trust has filed the application referred to above for permit to appropriate 90 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1380 gallons per minute from a well or wells located as follows:

**One (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 34, Township 29 South, Range 1 East, Sedgwick County, Kansas.**

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

Sincerely,

  
Jan A. Stryker  
Environmental Scientist  
Stafford Field Office

pc: Ken Kopp  
Adeline Grother Revocable Trust

Division of Water Resources    Stafford Field Office    M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311    Fax (620) 234-6900

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APR 03 2006  
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# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

March 31, 2006

EARL D WALTON  
1217 N MERIDIAN RD  
PECK, KS 67120

RE: Application File No. 46,299 A

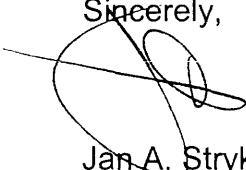
Dear Mr. Walton:

This is to advise you that Adeline J Grother Revocable Trust has filed the application referred to above for permit to appropriate 90 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1380 gallons per minute from a well or wells located as follows:

**One (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 34, Township 29 South, Range 1 East, Sedgwick County, Kansas.**

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

Sincerely,

  
Jan A. Stryker  
Environmental Scientist  
Stafford Field Office

pc: Ken Kopp  
Adeline Grother Revocable Trust

Division of Water Resources    Stafford Field Office    M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311    Fax (620) 234-6900

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# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

March 31, 2006

BOB PARKER  
11929 S WASHINGTON ST  
PECK, KS 67120-9703

RE: Application File No. 46,299 A

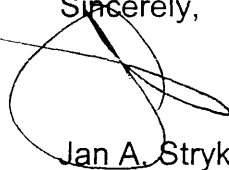
Dear Mr. Parker:

This is to advise you that Adeline J Grother Revocable Trust has filed the application referred to above for permit to appropriate 90 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1380 gallons per minute from a well or wells located as follows:

**One (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  ) of Section 34, Township 29 South, Range 1 East, Sedgwick County, Kansas.**

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

Sincerely,

  
Jan A. Stryker  
Environmental Scientist  
Stafford Field Office

pc: Ken Kopp  
Adeline Grother Revocable Trust

Division of Water Resources    Stafford Field Office    M. Bruce Falk, Water Resources Director

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311    Fax (620) 234-6900

WATER RESOURCES  
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APR 03 2006

KS DEPT OF AGRICULTURE

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# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

March 31, 2006

RENEE SMITH  
11439 S HYDRAULIC  
MULVANE, KS 67110

RE: Application File No. 46,299 A

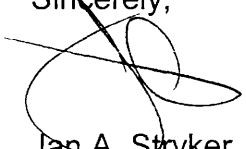
Dear Renee Smith:

This is to advise you that Adeline J Grother Revocable Trust has filed the application referred to above for permit to appropriate 90 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1380 gallons per minute from a well or wells located as follows:

**One (1) well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 34, Township 29 South, Range 1 East, Sedgwick County, Kansas.**

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

Sincerely,

  
Jan A. Stryker  
Environmental Scientist  
Stafford Field Office

pc: Ken Kopp  
Adeline Grother Revocable Trust

Division of Water Resources    Stafford Field Office    M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311    Fax (620) 234-6900

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APR 03 2006

KS DEPT OF AGRICULTURE

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**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 6, 2008

**FROM:** William J. Gilliland

**RE:** Application  
File Nos. 46,299A;  
46,301 & 46,499

Two of the above referenced applications were filed September 19, 2005, and the last application was filed on June 8, 2006, by Mr. Grother for irrigation use of groundwater in the Arkansas River valley south of Wichita. The applications were assigned to the Stafford Field Office for processing. Application, File Nos. 46,299A and 46,301, were processed by Jan Stryker and it was determined that no additional water was available at the proposed locations. Mr. Stryker recommended in a memorandum dated April 20, 2006, that the applications be denied and dismissed for failure to meet safe yield. Application, File No. 46,499, was evaluated under the current regulations and it was found that no additional water was available at the proposed site.

The Arkansas River and Ninescaw River valleys south of Wichita are part of a four county area in which there has been concern about the expanding number of housing developments utilizing groundwater wells for individual domestic use, the potential for drought vulnerability of area public water suppliers and the expansion of irrigated crop acreage. In 2000 the Division of Water Resources (DWR) entered into a cooperative agreement with the U.S. Geological Survey (USGS) for the development of a steady-state numerical model of groundwater flow that could be used as a tool in management of the lower Arkansas River alluvial aquifer. The results of this study were published as Scientific Investigations Report 2004-5204 "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas." The model developed and reported upon in SIR 2004-5204 did not yield recharge values that could be directly applied in the availability of water calculation method being used by DWR, under existing regulations, for site specific evaluations.

Samuel Perkins, PhD, civil engineer in the Technical Services Program of DWR, has adapted the USGS model information to provide rates of precipitation recharge to portions of the alluvial aquifers that can be used in the current availability of water calculations. This information is being used in the development of draft regulations on the availability of water from the alluvial aquifers within the study area.

**SCANNED**

**SCANNED**

Applications that had already been filed, within the study area, that did meet the current regulations for availability of water have been processed for approval. Applications that did not meet current regulations for the availability of water have been held pending the results of Dr. Perkins development of aquifer recharge values from the USGS model data.

In a letter date October 6, 2006, Lane P. Letourneau, Program Manager, Water Appropriation Program, DWR, informed the applicants of the files that did not meet current regulations for the availability of water for appropriation; that their applications would be held until better recharge values were developed for individual portions of the alluvial aquifer within the study area. The following three applications have now been reevaluated based upon the recharge values developed from the USGS model:

Application, File No. 46,299A

Area of consideration within a two mile radius of the proposed point of diversion overlying the alluvial aquifer 8,042 acres.

7,418 acres of Arkansas River alluvial aquifer at 4.1 inches of recharge per year

$$7,418 \text{ A} \times 4.1''/12'' = 2,534.48 \text{ AF}$$

624 acres of Ninnescah River alluvial aquifer at 2.8 inches of recharge per year

$$624 \text{ A} \times 2.8''/12'' = 145.60 \text{ AF}$$

2,680.08 acre-feet of annual recharge to the alluvial aquifers within the area of consideration.

3,529.97 acre-feet prior appropriations within the area of consideration.

No additional water is available for this application.

Application, File No. 46,301

Area of consideration within a two mile radius of the proposed point of diversion overlying the alluvial aquifer 8,042 acres.

6,801 acres within the Arkansas River alluvial aquifer at 4.1 inches of recharge per year

$$6,801 \text{ A} \times 4.1''/12'' = 2,323.68 \text{ AF}$$

1,241 acres within the Ninnescah River alluvial aquifer at 2.8 inches of recharge per year

$$1,242 \text{ A} \times 2.8''/12'' = 289.57 \text{ AF}$$

2,613.25 acre-feet of annual recharge to the alluvial aquifers within the area of consideration.

3,722.67 acre-feet prior appropriations within the area of consideration.

If all pending prior applications were dismissed there would still be 3,634.47 acre-feet of prior appropriations and the file would still not be approvable.

No additional water is available for this application.

Application, File No. 46,499

Area of consideration within a two mile radius of the proposed point of diversion overlying the alluvial aquifer 8,042 acres.

3,272 acres within the Arkansas River alluvial aquifer at 4.1 inches of recharge per year

$$3,272 \text{ A} \times 4.1''/12''/'' = 1,117.93 \text{ AF}$$

4,770 acres within the Ninnescah River alluvial aquifer at 2.8 inches of recharge per year

$$4,770 \text{ A} \times 2.8''/12''/'' = 1,113.0 \text{ AF}$$

2,230.93 acre-feet of annual recharge to the alluvial aquifers within the area of consideration.

3,471.19 acre-feet prior appropriations within the area of consideration.

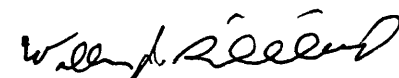
If all pending prior applications were dismissed there would still be 2,893.99 acre-feet of prior appropriations and the file would still not be approvable.

No additional water is available for this application.

Lane Letourneau, Water Appropriation Program Manager, contacted Mr. Grother by telephone and discussed the recommendations for denial of the applications based upon the recharge values developed from the USGS hydrologic model. Mr. Grother indicated that he has not seen any declines in water levels in the area and does not understand why additional water is not available for appropriation.

In an e-mail dated July 31, 2008, Bruce Falk, Water Commissioner, Stafford Field Office, indicated that he did not have an objection to the dismissal of these applications.

Based upon the information above there is no additional water available for these proposed irrigation projects, even considering the recharge values developed from the USGS model. Therefore, I recommend that all three applications be denied and dismissed.



William J. Gilliland, L.G.  
Permits Unit Head

46,799  
7-29-08

Run 1 Alluvium within 2 mile circle 8,042 A WJG  
Run 2 Area 2 alluvium within circle 4,770 A  
Total Area 1 3,272 A

Area 1  $3,272 A \times 4.1''/12 = 1,117.93 AF$   
Area 2  $4,770 A \times 2.8''/12 = \underline{1,113.0 AF}$   
Total recharge = 2,230.93

Prior appropriations within 2 mile circle 3,490.17 AF  
from Run 1

- 46,799 quantity 18.98 AF  
3,471.19 AF

IF all prior pending  
applications dismissed

- 46,299 A quantity 90.0 AF  
- 46,301 quantity 88.2 AF  
- 46,326 quantity 195 AF  
- 46,327 quantity 204 AF  
2,893.99 AF

SCANNED  
SCANNED

File nos  
46, 299A; 46, 301  
+ 46, 499

**Gilliland, Will**

---

**From:** Falk, Bruce  
**Sent:** Thursday, July 31, 2008 2:12 PM  
**To:** Gilliland, Will; Lanterman, Jeff  
**Cc:** Stryker, Jan; Letourneau, Lane  
**Subject:** RE: 10 pending applications in Lower Ark R. study area

Will, if the new recharge numbers are correct, I see no immediate reason to object to the approval of files 46158 and 46331 and the dismissal of the other files referenced in your memo. My concern is that we do not have a new regulation in place for the area (that I know of). What would happen if we assume the new recharge numbers to be correct and approve applications, but the regulation is later rejected, protested, or modified in some manner? Also, will acting before we have a regulation in place cause others to file now and ask for waivers also?

---

**From:** Gilliland, Will  
**Sent:** Tuesday, July 29, 2008 11:12 AM  
**To:** Falk, Bruce; Lanterman, Jeff  
**Cc:** Stryker, Jan  
**Subject:** 10 pending applications in Lower Ark R. study area

I have been working through these as a package. Two can be approved under the recharge values developed to use for the proposed regulation for this alluvial aquifer. Eight still do not meet availability of water even with the new recharge values. I have attached my memos, please review them and provide recommendations &/or comments.

Will

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 6, 2008

**FROM:** William J. Gilliland

**RE:** Application  
File Nos. 46,299A;  
46,301 & 46,499

Two of the above referenced applications were filed September 19, 2005, and the last application was filed on June 8, 2006, by Mr. Grother for irrigation use of groundwater in the Arkansas River valley south of Wichita. The applications were assigned to the Stafford Field Office for processing. Application, File Nos. 46,299A and 46,301, were processed by Jan Stryker and it was determined that no additional water was available at the proposed locations. Mr. Stryker recommended in a memorandum dated April 20, 2006, that the applications be denied and dismissed for failure to meet safe yield. Application, File No. 46,499, was evaluated under the current regulations and it was found that no additional water was available at the proposed site.

The Arkansas River and Ninnescah River valleys south of Wichita are part of a four county area in which there has been concern about the expanding number of housing developments utilizing groundwater wells for individual domestic use, the potential for drought vulnerability of area public water suppliers and the expansion of irrigated crop acreage. In 2000 the Division of Water Resources (DWR) entered into a cooperative agreement with the U.S. Geological Survey (USGS) for the development of a steady-state numerical model of groundwater flow that could be used as a tool in management of the lower Arkansas River alluvial aquifer. The results of this study were published as Scientific Investigations Report 2004-5204 "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas." The model developed and reported upon in SIR 2004-5204 did not yield recharge values that could be directly applied in the availability of water calculation method being used by DWR, under existing regulations, for site specific evaluations.

Samuel Perkins, PhD, civil engineer in the Technical Services Program of DWR, has adapted the USGS model information to provide rates of precipitation recharge to portions of the alluvial aquifers that can be used in the current availability of water calculations. This information is being used in the development of draft regulations on the availability of water from the alluvial aquifers within the study area.

**SCANNED**  
**SCANNED**

Applications that had already been filed, within the study area, that did meet the current regulations for availability of water have been processed for approval. Applications that did not meet current regulations for the availability of water have been held pending the results of Dr. Perkins development of aquifer recharge values from the USGS model data.

In a letter date October 6, 2006, Lane P. Letourneau, Program Manager, Water Appropriation Program, DWR, informed the applicants of the files that did not meet current regulations for the availability of water for appropriation; that their applications would be held until better recharge values were developed for individual portions of the alluvial aquifer within the study area. The following three applications have now been reevaluated based upon the recharge values developed from the USGS model:

Application, File No. 46,299A

Area of consideration within a two mile radius of the proposed point of diversion overlying the alluvial aquifer 8,042 acres.

7,418 acres of Arkansas River alluvial aquifer at 4.1 inches of recharge per year

$$7,418 \text{ A} \times 4.1''/12'' = 2,534.48 \text{ AF}$$

624 acres of Ninnescah River alluvial aquifer at 2.8 inches of recharge per year

$$624 \text{ A} \times 2.8''/12'' = 145.60 \text{ AF}$$

2,680.08 acre-feet of annual recharge to the alluvial aquifers within the area of consideration.

3,529.97 acre-feet prior appropriations within the area of consideration.

No additional water is available for this application.

Application, File No. 46,301

Area of consideration within a two mile radius of the proposed point of diversion overlying the alluvial aquifer 8,042 acres.

6,801 acres within the Arkansas River alluvial aquifer at 4.1 inches of recharge per year

$$6,801 \text{ A} \times 4.1''/12'' = 2,323.68 \text{ AF}$$

1,241 acres within the Ninnescah River alluvial aquifer at 2.8 inches of recharge per year

$$1,242 \text{ A} \times 2.8''/12'' = 289.57 \text{ AF}$$

2,613.25 acre-feet of annual recharge to the alluvial aquifers within the area of consideration.

3,722.67 acre-feet prior appropriations within the area of consideration.

SCANNED

SCANNED

If all pending prior applications were dismissed there would still be 3,634.47 acre-feet of prior appropriations and the file would still not be approvable.

No additional water is available for this application.

Application, File No. 46,499

Area of consideration within a two mile radius of the proposed point of diversion overlying the alluvial aquifer 8,042 acres.

3,272 acres within the Arkansas River alluvial aquifer at 4.1 inches of recharge per year

$$3,272 \text{ A} \times 4.1''/12''/'' = 1,117.93 \text{ AF}$$

4,770 acres within the Ninnescah River alluvial aquifer at 2.8 inches of recharge per year

$$4,770 \text{ A} \times 2.8''/12''/'' = 1,113.0 \text{ AF}$$

2,230.93 acre-feet of annual recharge to the alluvial aquifers within the area of consideration.

3,471.19 acre-feet prior appropriations within the area of consideration.

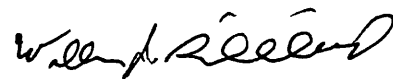
If all pending prior applications were dismissed there would still be 2,893.99 acre-feet of prior appropriations and the file would still not be approvable.

No additional water is available for this application.

Lane Letourneau, Water Appropriation Program Manager, contacted Mr. Grother by telephone and discussed the recommendations for denial of the applications based upon the recharge values developed from the USGS hydrologic model. Mr. Grother indicated that he has not seen any declines in water levels in the area and does not understand why additional water is not available for appropriation.

In an e-mail dated July 31, 2008, Bruce Falk, Water Commissioner, Stafford Field Office, indicated that he did not have an objection to the dismissal of these applications.

Based upon the information above there is no additional water available for these proposed irrigation projects, even considering the recharge values developed from the USGS model. Therefore, I recommend that all three applications be denied and dismissed.



William J. Gilliland, L.G.  
Permits Unit Head



46,301  
7-29-08

Run 1 Alluvium within 2 mile circle 8,042 A  
Run 2 Area 2 alluvium within circle 1,241 A  
total Area 1 6,801 A

W56

Area 1  $6,801 A \times 4.1 \text{ "/>12} = 2,323.68 AF$   
Area 2  $1,241 A \times 2.3 \text{ "/>12} = 289.57 AF$   
total recharge = 2,613.25 AF

Prior appropriations within 2 mile circle 4,140.65 AF  
from Run 1

- 46,326 quantity 195 AF  
- 46,327 quantity 204 AF  
- 46,449 quantity 18.98 AF  
3,722.67 AF

If all prior pending  
application dismissed

- 46,299A quantity 88.2 AF  
3,634.47 AF

WJG  
 7-29-08  
 Entire allocation  
 run at Area 1  
 Value of 4.1"  
 Run 1

Safe Yield Report Sheet.  
 Proposed Pd In 33-29s-01e (2030n,730w) With A 2 Mile Buffer.

Analysis Results

The selected PD is in an area OPEN to new appropriations.  
 The safe yield, based on the variables listed below, is 2747.68 AF.  
 Total prior appropriations in the circle is 4140.65 AF.  
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 8042 acres.  
 The potential annual recharge of the area is estimated to be 4.1 inches.  
 The percent of calculated recharge available for appropriation is 100 %.

Authorized Quantity values are as of Jul 29, 2008 and are based on  
 Appropriated and Vested  
 ground water rights and possible stream nodes for GMDs. Domestic, Term  
 and Temporary  
 water rights have been excluded.

There are 40 water right(s) and 49 point(s) of diversion within the  
 circle.

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File Number      Use ST SR Q4 Q3 Q2 Q1  FeetN  FeetW Sec Twp Rng ID
Qind Auth_Quant  Add_Quant  Acres  Acres
-----
A      2765 00 IRR NK  G NC W2 W2 NE  4130  2340  9  30  1E  6
WR      26.00  26.00  119.00  119.00
A      3340 00 IRR NK  G   CW NW SE      26  29  1E  5
WR      30.00  30.00  75.00  75.00
A      7150 00 IRR NK  G   NW SE NE  3504  1140  28  29  1E  1
WR      20.00  20.00  136.00  136.00
A      10927 00 IRR NK  G   NC SE      1275  1350  27  29  1E  1
WR      180.00  180.00  156.00  156.00
A      14607 00 IRR NK  G   CW NW SW  1910  5260  26  29  1E  7
PD      102.00  102.00  158.00  158.00
Same
PD      65.00  65.00      SW SW SW      600  5220  26  29  1E  6
A      19566 00 IRR NK  G   NC NW  4050  3750  34  29  1E  1
WR      162.00  162.00  135.00  135.00
A      26491 00 IRR NK  G   SE NW NE  4200  1600  34  29  1E  2
WR      203.00  203.00  160.00  160.00
A      29729 00 IRR NK  G   NE NE SW  2157  2784  34  29  1E  7
PD      78.00  55.50  170.00  170.00
Same
PD      60.00  42.00      NE SE SW      753  2784  34  29  1E  9
Same
PD      75.00  52.50      SE SW NW  2772  4496  34  29  1E  8
A      30512 00 IRR NK  G   NC W2 SE  1320  1980  5  30  1E  1
WR      42.00  42.00  79.00  79.00
A      30743 00 IRR NK  G   NW NW NE  5400  2000  35  29  1E  3
WR      72.00  72.00  80.00  80.00
A      31078 00 IRR NK  G   SW SW SW   360  4640  35  29  1E  4
WR      112.00  112.00  80.00  80.00
A      31559 00 IRR NK  G   NE SE SW  1100  2900  28  29  1E  4
PD      65.00  65.00  82.10  82.10
  
```

Same					SE NW SE	1540	1400	28	29	1E	8
PD	57.00	57.00									
A	31560	00	IRR NK	G	NC SW	1360	4000	5	30	1E	2
WR	194.00	194.00	160.00	160.00							
A	31919	00	IRR NK	G	NE SW NW	3886	4035	27	29	1E	3
WR	97.00	97.00	80.00	80.00							
A	33930	00	IRR NK	G	SE NW NW	4060	4000	26	29	1E	8
WR	158.00	158.00	157.50	157.50							
A	34031	00	IRR NK	G	SW NW SW	1940	5140	35	29	1E	5
WR	135.00	135.00	88.00	88.00							
A	34146	00	STK NK	G	SW NE NW	4039	3698	27	29	1E	4
WR	1.45	1.45	0.00	0.00							
A	34602	00	IRR NK	G	NE SW NE	3500	1800	27	29	1E	5
WR	120.00	120.00	80.00	80.00							
A	34603	00	IRR NK	G	NC SW	1370	4109	26	29	1E	11
WR	114.00	114.00	158.00	0.00							
A	34924	00	IRR NK	G	NE NE NW	5010	3250	35	29	1E	6
WR	48.00	48.00	77.00	77.00							
A	36093	00	IRR NK	G	NE NW NW	5025	4865	35	29	1E	7
WR	53.00	53.00	77.00	0.00							
A	36475	00	IRR NK	G	NC	2643	2913	2	30	1E	4
WR	131.00	131.00	88.50	88.50							
A	37215	00	IRR NK	G	SE NW SW	1620	4000	29	29	1E	1
WR	94.00	94.00	132.00	132.00							
A	37368	00	IRR NK	G	NC SW	1320	4000	29	29	1E	2
WR	99.00	99.00	132.00	0.00							
A	37486	00	IRR NK	G	NC SE	1330	1430	34	29	1E	6
WR	191.00	191.00	127.00	127.00							
A	38053	00	IRR NK	G	SW SW SW	127	5229	32	29	1E	1
WR	202.50	202.50	135.00	135.00							
A	38805	00	IRR NK	G	NW SW NE	3922	2404	9	30	1E	4
WR	153.00	153.00	119.00	0.00							
A	40107	00	IRR NK	G	NE SW NW	3728	4549	9	30	1E	9
WR	202.50	202.50	135.00	135.00							
Same					NE SW NW	3856	4447	9	30	1E	10
Same					NE SW NW	3856	4524	9	30	1E	11
Same					NE SW NW	3856	4549	9	30	1E	7
Same					NE SW NW	3983	4549	9	30	1E	8
A	40199	00	IRR NK	G		3164	2660	5	30	1E	4
WR	65.30	65.30	101.00	101.00							
A	43919	00	IRR KE	G		3164	2660	5	30	1E	4
WR	86.20	86.20	101.00	0.00							
A	44285	00	REC NK	G	SW SW SW	653	4831	21	29	1E	5
WR	3.00	3.00	0.00	0.00							
A	45059	00	IND HK	G	SW NE SE	1600	800	28	29	1E	10
WR	66.90	66.90	0.00	0.00							
A	45105	00	REC GY	G		4000	1250	3	30	1E	1
WR	2.63	2.63	0.00	0.00							
A	46031	00	IRR KE	G		3049	3120	4	30	1E	1
WRF	8.00	8.00	30.00	30.00							
Same						3299	3120	4	30	1E	6
Same						3549	3120	4	30	1E	2
A	46031	00	MUN KE	G		3049	3120	4	30	1E	1
WRF	7.00	7.00	0.00	0.00							
Same						3299	3120	4	30	1E	6
Same						3549	3120	4	30	1E	2
A	46040	00	THX KE	G		4010	2895	4	30	1E	3
WR	25.99	25.99	0.00	0.00							
Same						4010	2945	4	30	1E	5
Same						4010	2995	4	30	1E	4
A	46299	A	IRR AY	G	NE NE SW	2157	2784	34	29	1E	7

SCANNED

SCANNED

WR	90.00	90.00	160.00	0.00								
Same					NE SE SW	753	2784	34	29	1E	9	
Same					SE SW NW	2772	4496	34	29	1E	8	
A	46301	00	IRR AY	G	E2 SE	1320	660	33	29	1E	2	
WR	88.20	88.20	58.80	58.80								
A	46326	00	IRR AY	G	NE SW NW	3120	3940	32	29	1E	4	
WR	195.00	195.00	252.00	15.00								
A	46327	00	IRR AY	G	SE	1320	1320	32	29	1E	5	
WR	204.00	204.00	136.00	136.00								
A	46499	00	IRR AY	G		3164	2660	5	30	1E	4	
WR	18.98	18.98	14.60	9.53								

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WJG  
 7-29-08  
 Area 2 portion  
 within circle  
 value 2.8"  
 Run 2

Safe Yield Report Sheet.  
 Proposed Pd In 33-29s-01e (2030n,730w) With A 2 Mile Buffer.

Analysis Results

The selected PD is in an area OPEN to new appropriations.  
 The safe yield, based on the variables listed below, is 289.57 AF.  
 Total prior appropriations selected in the circle is 1015.00 AF.  
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 1241 acres.  
 The potential annual recharge of the area is estimated to be 2.8 inches.  
 The percent of calculated recharge available for appropriation is 100 %.

Authorized Quantity values are as of Jul 29, 2008 and are based on  
 Appropriated and Vested  
 ground water rights and possible stream nodes for GMDs. Domestic, Term  
 and Temporary  
 water rights have been excluded.

There are 7 water right(s) and 11 point(s) of diversion within the  
 circle.

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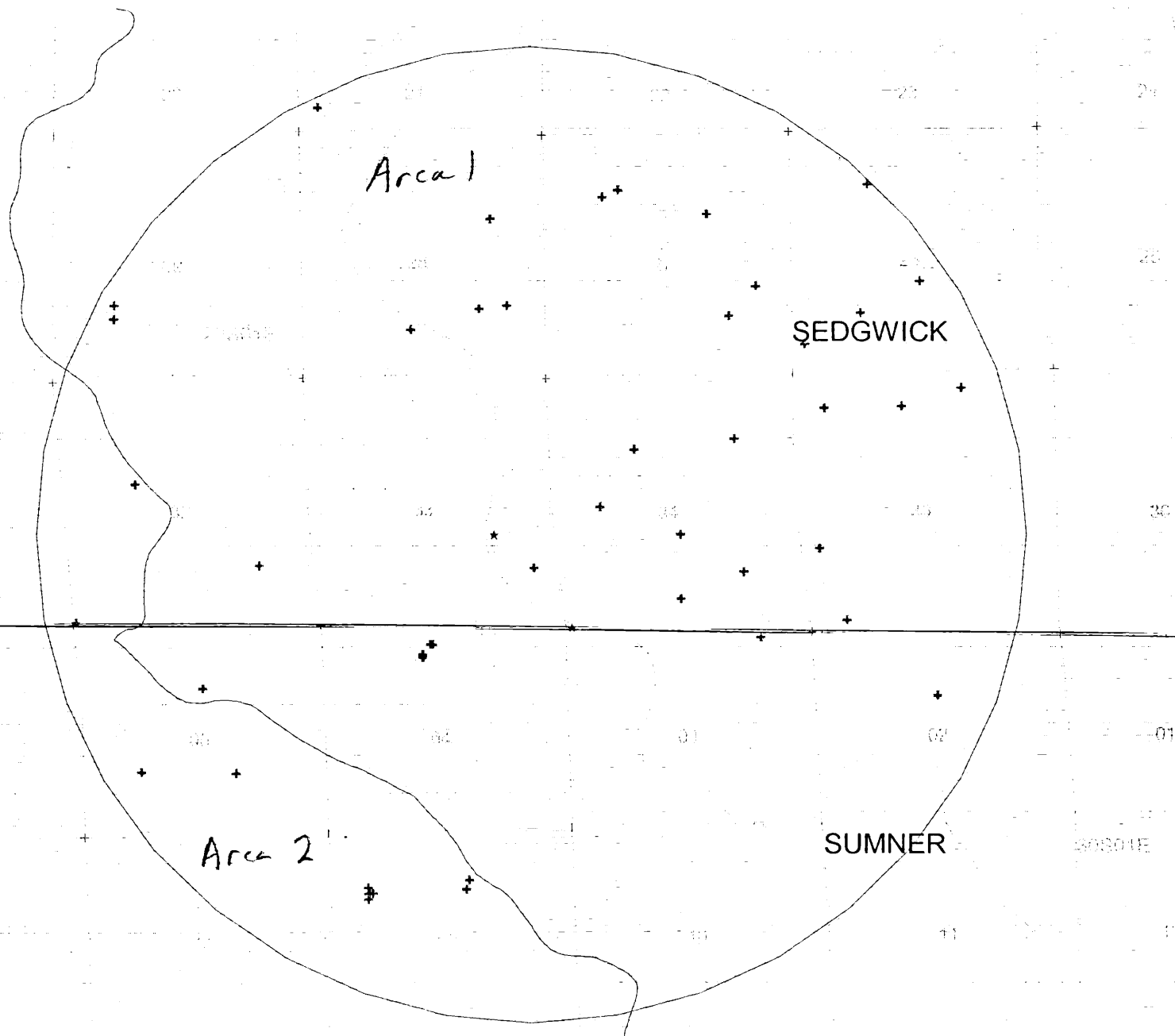
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File Number      Use ST SR Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID
Qind Auth_Quant  Add_Quant  Acres  Acres
-----
A          2765 00 IRR NK G NC W2 W2 NE  4130  2340  9  30  1E  6
WR         26.00   26.00  119.00  119.00
A          30512 00 IRR NK G   NC W2 SE  1320  1980  5  30  1E  1
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Same
Same
Same
Same
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WR        195.00  195.00  252.00  15.00
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# Proposed Pd In 33-29s-01e (2030n,730w) With A 2 Mile Buffer

File 46,301

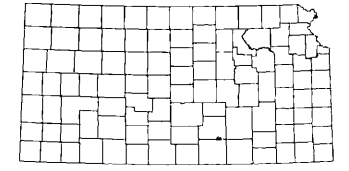
WJG

7-29-08

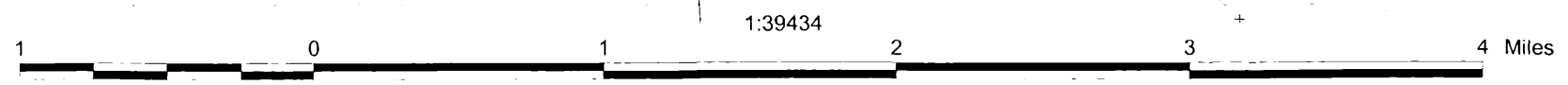


- PD
- + Ground Water
  - \* Surface Water
  - Subbasins Hydrology
- Special Areas
- ▨ Closed
  - ▩ Restricted
  - PLSS
  - + Section Corners
  - Townships
  - Cities
  - Towns
  - ▨ Lakes
  - ▨ Alluvium
  - ▭ County
  - GMD

Index Map



This map was created by WIMAS on Jul 29, 2008 and represents water right conditions as of Jul 29, 2008.



SCANNED

SCANNED



1:39434

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 6, 2008

**FROM:** William J. Gilliland

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SCANNED

SCANNED

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No additional water is available for this application.

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SCANNED

SCANNED



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William J. Gilliland, L.G.  
Permits Unit Head

SCANNED

SCANNED

46,299A

7-29-08

WJG

Run 1 Alluvium within 2 mile circle 8,042 A

Run 2 Area of part of alluvium (Area 2)  
within circle 74A

Run 3 Area of rest of alluvium (Area 1)  
within circle 550 A

total Area 2 624 A

total Area 1 7,418 A

Area 1  $7,418 A \times 4.1''/12 = 2,534.78 AF$

Area 2  $624 A \times 2.8''/12 = 145.6 AF$

total recharge 2,680.08 AF

Prior appropriations within 2 mile circle  
from Run 1

4036.15 AF

-46,305 quantity 88.20 AF

-46,326 quantity 195 AF

-46,327 quantity 204 AF

-46,499 quantity 18.98 AF

3,529.97 AF

  
Department of Agriculture  
Division of Water Resources

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

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

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

Sam Brownback, Governor

July 24, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

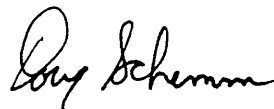
Dear Mr. Grother:

In response to your written request received in our office on July 9, 2013, the Chief Engineer is allowing an extension of time, in which to supply further information concerning the above referenced files. As you were informed in our previous letters to you dated October 25, 2012, it will be recommended to the Chief Engineer that pending applications, File Nos. 46,299A; 46,301; and 46,499 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.

You have requested a meeting with Lane Letourneau and me to discuss these pending applications. I'm proposing the afternoon of either August 5<sup>th</sup> or 6<sup>th</sup> for the meeting. I will contact you soon to verify that these dates will be suitable to you, and to establish a more specific date and time for the meeting.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

**FILE COPY**

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

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

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

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

Sam Brownback, Governor

June 7, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

Dear Mr. Grother:

As you were previously informed, it will be recommended to the Chief Engineer that pending applications, File Nos. 46,299A; 46,301; and 46,499 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. With your current extension of time, the required response date is July 9, 2013. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing for each of these applications, any additional information needs to be returned to this office on or before **July 9, 2013**, or within any authorized extension of time thereof.

If an extension of time is necessary to supply the requested information, please request the extension of time, in writing, before **July 9, 2013**. Provide information on why the additional time is needed and how much additional time is requested. Since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted. If you do not request more time, or if your request is not granted, the above referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above.

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Sincerely,



- Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

**FILE COPY**

**SCANNED**

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

109 SW 9th Street, 2nd Floor  
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Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

April 9, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

Dear Mr. Grother:

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Sincerely,



Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

**FILE COPY**

SCANNED

July 8, 2013

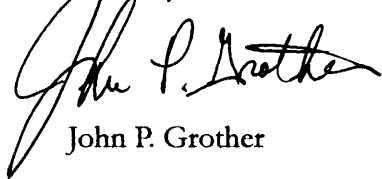
RE: Pending Applications, File Nos. 46,299A, 46,301, and 46,499

Doug Schemm  
Kansas Department of Agriculture  
Division of water Resources  
109 SW 9th Street, 2nd Floor  
Topeka, Kansas 66612-1283

Dear Mr. Doug Schemm,

I am writing to request an extension of time concerning the above referenced water file applications. The present extension ends on July 9<sup>th</sup>, 2013. I am asking to set up a meeting with Doug Schemm and Layne Letourneau to discuss this matter as per the telephone conversation I had with Doug Schemm on July 3<sup>rd</sup>, 2013. I am not asking for a specific length of time for this extension upon advice from Doug Schemm during our telephone conversation. Thank you in advance for your cooperation in this matter.

Sincerely,



John P. Grother

WATER RESOURCES  
RECEIVED

JUL 09 2013

KS DEPT OF AGRICULTURE



Department of Agriculture  
Division of Water Resources

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

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

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

Sam Brownback, Governor

July 24, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

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Sincerely,

Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

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Department of Agriculture  
Division of Water Resources

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

Sam Brownback, Governor

June 7, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

Dear Mr. Grother:

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Sincerely,

Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

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ANNED



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

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

Sam Brownback, Governor

April 9, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

Dear Mr. Grother:

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Sincerely,



Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

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109 SW 9th Street, 2nd Floor  
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Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

March 15, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

Dear Mr. Grother:

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Sincerely,

Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

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phone: (785) 296-3717  
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Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

January 15, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

Dear Mr. Grother:

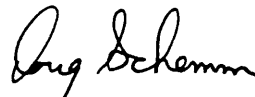
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Sincerely,



Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

FILE COPY

SCANNED

  
Department of Agriculture  
Division of Water Resources

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

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

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

Sam Brownback, Governor

December 10, 2012

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

Dear Mr. Grother:

As you were previously informed, it will be recommended to the Chief Engineer that pending applications, File Nos. 46,299A; 46,301; and 46,499 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. With your current extension of time, the required response date is January 9, 2013. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing for each of these applications, any additional information needs to be returned to this office on or before **January 9, 2013**, or within any authorized extension of time thereof.

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Sincerely,



Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

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**SCANNED**

  
Department of Agriculture  
Division of Water Resources

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

Sam Brownback, Governor

November 14, 2012

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

Dear Mr. Grother:


In response to your written request received in our office on November 8, 2012, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced files. As you were informed in our letters to you dated October 25, 2012, it will be recommended to the Chief Engineer that pending applications, File Nos. 46,299A; 46,301; and 46,499 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.

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If you wish to request additional time, you must do so **in writing**, before the 60 day period expires on **January 9, 2013**. 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. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the applications. If you do not request more time within the 60 day period, or if your request is not granted, the above referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above.

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

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FILE COPY

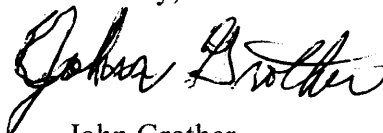
November 6, 2012

Doug Schemm  
109 S.W. 9th Street, 2nd floor  
Topeka, Kansas 66612-1283

Dear Mr. Schemm, RE: Pending Applications, File No. 46,301, 46,299A, and 46499

As we discussed in our phone conversation I would like to ask for an extension of time to look into information in regard to these pending applications. I am requesting an extension of an additional 60 days so that I can have enough time to consult with a hydrologist if needed.

Sincerely,



John Grother

WATER RESOURCES  
RECEIVED  
NOV 08 2012  
KS DEPT OF AGRICULTURE

SCANNED



Department of Agriculture  
Division of Water Resources

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

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

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

Sam Brownback, Governor

March 15, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

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Sincerely,

Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

SCANNED  
FILE COPY

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

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phone: (785) 296-3717  
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Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

January 15, 2013

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
and 46,499

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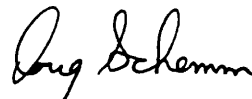
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Sincerely,



Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

THE COPY

SCANNED



  
Department of Agriculture  
Division of Water Resources

109 SW 9th Street, 2nd Floor  
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Dale A. Rodman, Secretary  
David W. Barfield, Chief Engineer

Sam Brownback, Governor

December 10, 2012

JOHN P GROTHER  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Applications, File Nos. 46,299A; 46,301;  
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Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

pc: Stafford Field Office

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Kansas  
Department of Agriculture  
Division of Water Resources

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

Sam Brownback, Governor

October 25, 2012

ADELINE J GROTHER REVOCABLE TRUST  
11804 S HYDRAULIC  
PECK KS 67120

RE: Pending Application, File No. 46,299A

Dear Sir or Madam:

As you know, this application has been pending further review by the Division of Water Resources (DWR) relative to K.A.R. 5-3-11, which describes the specific method for calculating safe yield for unconfined groundwater aquifers. K.A.R. 5-3-11 had specified that calculated recharge in the Lower Arkansas River valley generally ranged from 2.7 to 3.3 inches, and for pending applications in the Arkansas River Basin, 100% of the calculated recharge could be considered to be available for appropriation, while the Ninnescah River basin allowed only 75% of the calculated recharge. Based on a review of the 2004 United States Geological Survey report, DWR has established a value of 5.4 inches for calculated recharge, with 75% of the calculated recharge available for appropriation within the Lower Arkansas River valley.

We have completed our review of your application referenced above, based on information in our office showing the proposed well would be located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE¼ SW¼ NW¼) of Section 34, more particularly described as being near a point 2,772 feet North and 4,496 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East, Sedgwick County, Kansas. The application is requesting to appropriate 90 acre-feet of groundwater for irrigation use. Per K.A.R. 5-3-11(d)(1), the safe yield area of consideration represents the portion of the two-mile circle located within the limit of the unconfined aquifer expressed in acres (8,042 acres for this file). Calculated recharge is 5.4 inches, and within the Lower Arkansas River Valley 75 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination is summarized below.

Safe Yield = Area of Consideration x potential annual recharge x percent of recharge available	
8,042 acres x 5.4 inches x 75% = 32,570.1 acre-inches / 12 =	2,714.18 acre-feet
Prior Appropriations within the area of consideration =	<u>3,427.17</u> acre-feet
Total quantity of water available =	<u><b>0 acre-feet</b></u>

Therefore, it will be recommended to the Chief Engineer that pending application, File No. 46,299A 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.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until November 9, 2012**) 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) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas Schemm  
New Application Unit Supervisor  
Water Appropriation Program

**FILE COPY**

pc: Stafford Field Office

April 13, 2006

Jan A. Stryker  
Division of Water Resources  
Stafford Field Office  
105 North Main, Drawer F  
Stafford, Kansas 67578-0357

RE: Application File No. 46299A.

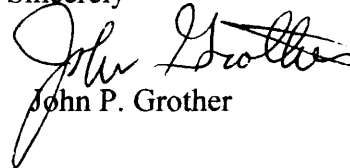
Dear Mr. Stryker:

I am writing to request an extension of time in which to provide you with information concerning my request for water Application No. 46,299A.

In reference to the regulations K.A.R. 5-3-19 and K. A. R. 5-3-24, I believe that that data is based off on using a single crop system. I want to provide you more information to justify what I have requested. I am not sure exactly after sending you what the extension irrigation engineer sent me what you require but there is additional data that can be provided.

I have contacted Ned Marks of Terrane Resources Co. to examine the data pertaining to this application. He stated that he is quite busy so I do not know exactly how long it will take him to get his work for me done. If we have a need to measure water levels in surrounding wells in the area during the pumping season then it will require the time period in which water is used this season and time to compile the results.

Sincerely



John P. Grother

RECEIVED

APR 17 2006

STAFFORD FIELD OFFICE  
DIVISION OF WATER RESOURCES

April 10<sup>th</sup>

2006

Dear Jan A. Strker

I am commenting <sup>(replying)</sup> on 2  
separate letters received applications file  
numbers # 46,301 & file # 46,299A  
John P. Gothes. Irrigation permit  
application.

I have no problem with him  
irrigating as long as it does not  
cause problems with my well. I  
am concerned with this cause I  
need my well water for showers,  
laundry, dishes. For living.

So I would want problem corrected  
on John P. Gothes part, if problem  
occured later. or right away. I'm  
concerned especially for now beings  
how we have not had much rain.

As long as it will not cause  
problems with my well it is  
fine for me. For him to irrigate.

But would want fixed if does.

Thanks

Renee J. Smith

RECEIVED

APR 12 2006

FIELD OFFICE  
DIVISION OF WATER RESOURCES

11804 S. Hydraulic  
Rt. 1 Peck, Kansas  
67120

November 5, 2005

RE: Application File No. 46,299A

Jan Stryker  
Division of Water Resources  
Stafford Field Office  
105 North Main Street  
Stafford, Kansas 67578-0357

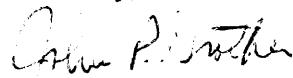
Dear Mr. Stryker,

I am replying to your letter dated October 6, 2005 in regard to the above referenced water application. The original application no. 29,729 covered three wells. That is why three wells are listed on the present application.

I am planning to implement an intensive cropping system, which will include using irrigated winter wheat and turnip pasture. That is why I have requested the amount of water that I asked for. I do not anticipate using much more water per acre during the peak summer season than I have in the past. The majority of the additional water used will basically be used in the fall and early spring when there is not a large demand on the aquifer.

I am asking for additional time to provide you with domestic well owners names and addresses. There have been some changes that I have not been able to get the present names for.

Sincerely,



John P. Grother

Stafford Field Office  
RECEIVED

NOV 08 2005

Division of Water Resources  
Kansas Department of Agriculture

1-05-06

Dear Mr Stryker:

I am writing to ask for an extension for the three applications: No. 46299A, 46300, and 46,301. In reviewing your letter you said that the amount of water requested was more than regulations allowed. I explained my plans for double cropping/grazing. I guess I need some more information about what you specifically need to justify my request. Please send me a current set of regulations and anything else that would help me to determine what you are needing.

Sincerely

John Grother

RECEIVED

JAN 09 2006

STAFFORD FIELD OFFICE  
DIVISION OF WATER RESOURCES

# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

April 17, 2006

Mr. John P. Grother  
Adeline J. Grother Revocable Trust  
11804 South Hydraulic  
Peck, Kansas 67120

**RE: New Application 46,299A**

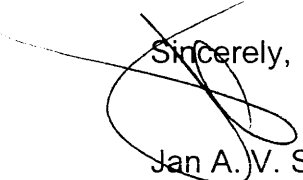
Dear Mr. Grother:

We are in receipt of your letter. Dated April 13, 2006, in which you have requested an unspecified amount of additional time to supply additional information in regards to your application. We regret to inform you that this request is denied.

This office has allowed you a total of 150 days to work on your application which included two extensions in time and/or 120 days to supply additional information and/or complete your application.

Therefore, your application at this time will be submitted to the Chief Engineer for a final decision. If you have any questions or need additional information you may give me a call at your convenience.

Sincerely,

  
Jan A. V. Stryker  
Environmental Scientist  
Stafford Field Office

pc: Ken Kopp

Page 2.

January 11, 2006

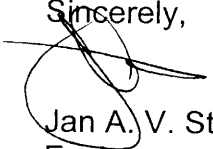
John P. Grother

New Applications 46,299A, 46,300, and 46,301

According to the law, default in the refiling of the completed applications and attachments as outlined above, within the time allowed, shall constitute forfeiture of priority date and dismissal of the applications.

Thank you for the opportunity to be of service. Should you have any questions regarding your applications, please feel free to give me a call. I will be happy to assist you in any way I can.

Sincerely,



Jan A. V. Stryker  
Environmental Scientist  
Stafford Field Office

Enclosures

pc: Ken Kopp

WATER RESOURCES  
RECEIVED

JAN 12 2006

FS DEPT OF AGRICULTURE

MICROFILMED



# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

January 11, 2006

Mr. John P. Grother  
Adeline J. Grother Revocable Trust  
11804 S. Hydraulic  
Peck, Kansas 67120

**RE: New Application 46,299A, 46,300, and 46,301**

Dear Mr. Grother:

We are allowing you an additional 60-days to complete your applications as requested in your recent letter dated January 5, 2006. The new deadline to return your completed applications is now March 6, 2006. **Please note that this is the last extension. Your completed applications must be returned by March 6, 2006.**

As per your request, I have attached a copy of our current regulations. I have highlighted the specific parts of the regulations that should be of interest to you, see pages 57, 58, 60, 61. If you wish to request more water for irrigation than our regulations normally allow you will need to supply this office with technically verifiable information to support your proposed project.

For technical assistance you may wish to contact the National Resource Conservation Service (NRCS), Kansas State University (KSU), or a local agricultural engineering firm. I have attached an example of monthly "Irrigation Water Requirements" for a single crop in a specific county that illustrates the type of detail we need to understand and support your requests. If you intend to double-crop, this would also need to be included into the summary with any other information that you want this agency to consider.

In order for your applications to retain their priority of filing, the original applications and attachments must be returned, with any corrections dated and signed, to this office on or before, March 6, 2006.

Division of Water Resources      Stafford Field Office      Joyce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0397

Voice (620) 234-5311

Fax (620) 234-8900

WATER RESOURCES  
RECEIVED

JAN 12 2006

DEPT OF AGRICULTURE  
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# Irrigation Water Requirements

## Crop Data Summary

Job: Cotton - Pratt with 1 in preseason

Crop: Cotton

Location: Pratt Co

County: Pratt, KS

By: Marty

Date: 04/05/05

Weather Station: PRATT 4 W

Sta No: KS6549

Latitude: 3738 Longitude: 9848

Elevation: 1940 feet above sea level

Computation Method: Blaney Criddle (TR21)

Crop Curve: Blaney Criddle Annual Crop

Net irrigation application: 1 inches

Estimated carryover moisture used at season:

Begin Growth: 5/15 End Growth: 9/15

Begin: 1 inches End: 0.5 inches

Month	Total Monthly ET (3) inches	Dry Year 80% Chance (1)		Normal Year 50% Chance (1)		Average Daily ETc inches	Peak Daily ETPk inches
		Effective Precipitation inches	Net Irrigation Requirements inches (2)	Effective Precipitation inches	Net Irrigation Requirements inches (2)		
January	0.00	0.00	0.00	0.00	0.00	0.00	
February	0.00	0.00	0.00	0.00	0.00	0.00	
March	0.00	0.00	0.00	0.00	0.00	0.00	
April	0.00	0.00	0.00	0.00	0.00	0.00	
May	0.71	0.53	0.00	0.65	0.00	0.04	
June	3.51	1.55	1.14	1.88	0.69	0.12	0.13
July	8.63	1.79	6.84	2.18	6.46	0.28	0.36
August	7.00	1.48	5.52	1.79	5.21	0.23	0.28
September	1.58	0.52	0.56	0.63	0.45	0.11	
October	0.00	0.00	0.00	0.00	0.00	0.00	
November	0.00	0.00	0.00	0.00	0.00	0.00	
December	0.00	0.00	0.00	0.00	0.00	0.00	
<b>TOTAL</b>	<b>21.43</b>	<b>5.87</b>	<b>14.06</b>	<b>7.12</b>	<b>12.81</b>		

(1) For 80 percent occurrence, growing season effective precipitation will be equaled or exceeded 8 out of 10 years. For 50 percent chance occurrence, effective precipitation will be equaled or exceeded 1 out of 2 years.

(2) Net irrigation requirements is adjusted for carryover moisture used at the beginning of the season and carryover moisture used at the end of the growing season.

(3) ET Evapotranspiration) is adjusted upwards 10% per 1000 meters above sea level.

Date: 4/6/2005

WATER RESOURCES  
 RECEIVED  
 JAN 13 2006  
 KS DEPT. OF AGRICULTURE MICROFILMED

Division of Water Resources  
Stafford Field Office

1-05-06

Dear Mr. Stryker:

I am writing to ask for an extension for the three applications: No. 46299A, 46300, and 46301. In reviewing your letter you said that the amount of water requested was more than regulations allowed. I explained my plans for double cropping/grazing. I guess I need some more information about what you specifically need to justify my request. Please send me a current set of regulations and anything else that would help me to determine what you are needing.

Sincerely

John Grother

RECEIVED

JAN 09 2006

STAFFORD FIELD OFFICE  
DIVISION OF WATER RESOURCES

WATER RESOURCES  
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JAN 12 2006

KS DEPT. OF AGRICULTURE

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# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

November 21, 2005

Mr. John P. Grother  
Adeline J. Grother Revocable Trust  
11804 S. Hydraulic  
Peck, Kansas 67120

**RE: New Application 46,299A**

Dear Mr. Grother:

We are allowing you an additional 60-days to complete your application as requested in your recent letter dated November 5, 2005.

Please, carefully review my letter to you dated October 6, 2005. Your application requests more wells than our regulations allow, K.A.R. 5.3.4(d). Your application also requests more water than the regulations allow, K.A.R. 5.3.24. Your "Irrigation Use Supplemental Sheet" has not been completed. These are all considered deficiencies in your application and will result in the application being recommended for denial by this office if not corrected.

Past regulations that were in effect at the time your Water Right 29729 was approved did allow for more than one well per application. However, regulations have changed and your new application has to be processed based on current regulations. Specifically, K.A.R. 5.3.4(d) allows the following: "If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that up to four (4) 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 twenty (20) gallons per minute per well and which are operated by means of submersible pumps may be included in a single application."

The reasonable annual amount of water for irrigation use is set by regulations K.A.R. 5.3.19 and 5.3.24. These regulations may only be exceeded if the applicant can show that the quantity allowed by those regulations is insufficient and the requested quantity is reasonable for the proposed project. The applicant must show that the proposed use is not wasteful and will not otherwise prejudicially or unreasonably affect public interest. As of this date you have not supplied information to justify more water than allowed by the regulations.

Division of Water Resources Stafford Field Office M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311 Fax (620) 234-6900

WATER RESOURCES  
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NOV 22 2005

KS DEPT OF AGRICULTURE

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Page 2

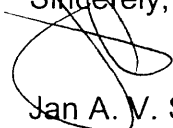
November 21, 2005

**New Application 46,299A**

Your application is being returned so that you may comply with the above instructions. In order for the application to retain its priority of filing, the original application and attachments must be returned, with any corrections dated and signed, to this office on or before, January 6, 2005.

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 priority date and dismissal of the application.

Sincerely,



Jan A. V. Stryker  
Environmental Scientist  
Stafford Field Office

pc: Ken Kopp

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WATER RESOURCES  
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NOV 22 2005

KS DEPT OF AGRICULTURE

11804 S. Hydraulic  
Rt. 1 Peck, Kansas  
67120

November 5, 2005

RE: Application File No. 46,299A

Jan Stryker  
Division of Water Resources  
Stafford Field Office  
105 North Main Street  
Stafford, Kansas 67578-0357

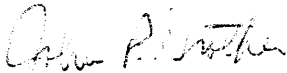
Dear Mr. Stryker,

I am replying to your letter dated October 6, 2005 in regard to the above referenced water application. The original application no. 29,729 covered three wells. That is why three wells are listed on the present application.

I am planning to implement an intensive cropping system, which will include using irrigated winter wheat and turnip pasture. That is why I have requested the amount of water that I asked for. I do not anticipate using much more water per acre during the peak summer season than I have in the past. The majority of the additional water used will basically be used in the fall and early spring when there is not a large demand on the aquifer.

I am asking for additional time to provide you with domestic well owners names and addresses. There have been some changes that I have not been able to get the present names for.

Sincerely,



John P. Grother

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WATER RESOURCES  
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NOV 22 2005

KS DEPT OF AGRICULTURE

Stafford Field Office-  
RECEIVED

NOV 08 2005

Division of Water Resources  
Kansas Department of Agriculture

**Kopp, Kenneth**

**From:** Kopp, Kenneth  
**Sent:** Monday, November 21, 2005 2:36 PM  
**To:** Stryker, Jan  
**Subject:** RE: Telephone Message  
**Sensitivity:** Private

I think we need to be a little more formal. Quote the regs directly: "The quantities set forth in K.A.R. 5-3-19 and K.A.R. 5-3-24 may only be exceeded if the quantity allowed by those regulations is insufficient and the requested quantity is reasonable for the proposed project, is not wasteful and will not otherwise prejudicially and unreasonably affect public interest. No information has been submitted to justify more water than allowed by the regulations"

On the multiple wells per application issue, he seems to think he should be allowed to have what was apparently authorized by an earlier right. Explain that the regulations have changed and point out that the new application is subject to the regulations in effect at the time the application was filed. Quote 5-3-4.

Make sure you document phone conversations in memos to the file.

Ken

**From:** Stryker, Jan  
**Sent:** Monday, November 21, 2005 11:32 AM  
**To:** Kopp, Kenneth  
**Subject:** RE: Telephone Message  
**Sensitivity:** Private

Thanks for the help!

**Jan Stryker**

*Environmental Scientist  
Kansas Dept. of Agriculture  
Division of Water Resources*

*105 North Main, Drawer F  
Stafford, Kansas 67578*

*P 620.234.5311  
F 620.234.6900*

[www.ksda.gov](http://www.ksda.gov)

**From:** Kopp, Kenneth  
**Sent:** Monday, November 21, 2005 11:09 AM  
**To:** Stryker, Jan  
**Cc:** Hayes, Debra  
**Subject:** RE: Telephone Message  
**Sensitivity:** Private

11/21/2005

Jan,

I was out of the office Wednesday afternoon, Thursday and Friday. So, I'm still catching up in between meetings. I should be able to review these this afternoon.

Ken

**From:** Hayes, Debra  
**Sent:** Monday, November 21, 2005 11:01 AM  
**To:** Kopp, Kenneth  
**Subject:** Telephone Message  
**Sensitivity:** Private

Jan would like you to call him regarding some letters he sent you. He would like your comments.

***Debra L. Hayes***  
Secretary to the Chief Engineer  
Division of Water Resources  
785.296.3710

11/21/2005



620

STATE OF KANSAS

KATHLEEN SEBELIUS, GOVERNOR  
Adrian J. Polansky, Secretary of Agriculture



STAFFORD FIELD OFFICE  
M. Bruce Falk, Water Commissioner  
105 North Main Street, Drawer F  
Stafford, Kansas 67578-0357  
(620) 234-5811 FAX (620) 234-6900

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer-Director

KANSAS DEPARTMENT OF AGRICULTURE

C O V E R   P A G E

WATER RESOURCES  
RECEIVED

NOV 16 2005

KS DEPT OF AGRICULTURE

DATE: 11/16/05

Please deliver the following 7 pages (including the cover page) to:

NAME: KEN KOPP

FIRM: \_\_\_\_\_

SENT BY: JAN STRYKER

If you have any questions concerning this transmission, please contact the Stafford Field Office at the phone number or fax number above.

*KEN — ESSENTIALLY 1<sup>ST</sup> EXTENSIONS  
WITH STRONGER VERBAGE . LET  
ME KNOW IF YOU SEE ANYTHING I  
NEED TO CORRECT OR ADD.*

*THANKS  
JAN*

NOTICE: The information contained in this facsimile message is intended only for the professional and confidential use of the designated recipient(s) named above. This message may contain information that is privileged, confidential and/or prohibited from disclosure under applicable law and privacy act. If you are not the intended recipient, you are notified that any dissemination or copying of this facsimile is strictly prohibited. If you receive this facsimile in error, please advise the sender by telephone and return the facsimile by U.S. Mail to the sender at the address listed above. Thank you.

# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAM J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

November 16, 2005

Mr. John P. Grother  
Adeline J. Grother Revocable Trust  
11804 S. Hydraulic  
Peck, Kansas 67120

**RE: New Application 46,299A**

Dear Mr. Grother:

We are allowing you an additional 30-days to complete your application as requested in your recent letter dated November 5, 2005.

Please, carefully review my letter to you dated October 6, 2005. Your application requests more wells than our regulations allow, K.A.R. 5.3.4(d). Your application also requests more water than the regulations allow, K.A.R. 5.3.24. Your "Irrigation Use Supplemental Sheet" has not been completed. These are all considered deficiencies in your application and will result in the application being recommended for denial by this office if not corrected.

Your application is being returned so that you may comply with the above instructions. In order for the application to retain its priority of filing, the original application and attachments must be returned, with any corrections dated and signed, to this office on or before, December 6, 2005.

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 priority date and dismissal of the application.

Sincerely,



Jan A. V. Stryker  
Environmental Scientist  
Stafford Field Office

WATER RESOURCES  
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NOV 16 2005

KS DEPT OF AGRICULTURE

pc: Ken Kopp  
Division of Water Resources Stafford Field Office M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311 Fax (620) 234-6900

11804 S. Hydraulic  
Rt. 1 Peck, Kansas  
67120

November 5, 2005

RE: Application File No. 46,299A

Jan Stryker  
Division of Water Resources  
Stafford Field Office  
105 North Main Street  
Stafford, Kansas 67578-0357


Dear Mr. Stryker,

I am replying to your letter dated October 6, 2005 in regard to the above referenced water application. The original application no. 29,729 covered three wells. That is why three wells are listed on the present application.

I am planning to implement an intensive cropping system, which will include using irrigated winter wheat and turnip pasture. That is why I have requested the amount of water that I asked for. I do not anticipate using much more water per acre during the peak summer season than I have in the past. The majority of the additional water used will basically be used in the fall and early spring when there is not a large demand on the aquifer.

I am asking for additional time to provide you with domestic well owners names and addresses. There have been some changes that I have not been able to get the present names for.

Sincerely,

  
John P. Grother

WATER RESOURCES  
RECEIVED  
NOV 16 2005  
KS DEPT OF AGRICULTURE

Stafford Field Office  
RECEIVED

NOV 08 2005

Division of Water Resources  
Kansas Department of Agriculture

**Kopp, Kenneth**

**From:** Stryker, Jan  
**Sent:** Monday, November 21, 2005 4:00 PM  
**To:** Kopp, Kenneth  
**Subject:** RE: Telephone Message  
**Sensitivity:** Private

Grother's letters are in the mail. Thanks for the review Ken, I incorporated your suggestions into the letters.

**Jan Stryker**

*Environmental Scientist  
Kansas Dept. of Agriculture  
Division of Water Resources*

*105 North Main, Drawer F  
Stafford, Kansas 67578*

*P 620.234.5311  
F 620.234.6900*

[www.ksda.gov](http://www.ksda.gov)

**From:** Kopp, Kenneth  
**Sent:** Monday, November 21, 2005 2:36 PM  
**To:** Stryker, Jan  
**Subject:** RE: Telephone Message  
**Sensitivity:** Private

I think we need to be a little more formal. Quote the regs directly: "The quantities set forth in K.A.R. 5-3-19 and K.A.R. 5-3-24 may only be exceeded if the quantity allowed by those regulations is insufficient and the requested quantity is reasonable for the proposed project, is not wasteful and will not otherwise prejudicially and unreasonably affect public interest. No information has been submitted to justify more water than allowed by the regulations"

On the multiple wells per application issue, he seems to think he should be allowed to have what was apparently authorized by an earlier right. Explain that the regulations have changed and point out that the new application is subject to the regulations in effect at the time the application was filed. Quote 5-3-4.

Make sure you document phone conversations in memos to the file.

Ken

**From:** Stryker, Jan  
**Sent:** Monday, November 21, 2005 11:32 AM  
**To:** Kopp, Kenneth  
**Subject:** RE: Telephone Message  
**Sensitivity:** Private

11/21/2005

# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

October 06, 2005

Mr. John Grother  
c/o Adeline J. Grother Revocable Trust  
11804 S. Hydraulic  
Peck, Kansas 67120

**RE: Application File No. 46,299A**

Dear Mr. Grother:

Please accept this letter as notification that your application as referenced above has recently been sent to our office for final processing. Please direct any further correspondence in regards to this application to my attention here at the Stafford Field Office.

~~After initial review of your application we find we need additional information on your application with corrections before we can proceed with evaluating your request.~~

By regulation you may only apply for one well per application. You have applied for three wells and therefore you will need to reduce your request to one well as per K.A.R. 5.3.4(d). Please note that your diversion rate will also probably need to be adjusted to match which well you wish to retain on the application.

By regulation we do not consider your quantity of water as requested reasonable. Please reduce the quantity to comply with K.A.R. 5.3.24, or explain in detail why you need this amount of water. The "Irrigation Use Supplemental Sheet" supplied with your application also needs to be completed at this time.

Your map needs to be amended to show only the one well you wish to have considered under this application. The map also needs to specifically show well owner names and mailing addresses for all domestic wells located within one-half mile of your proposed well.

Your application is being returned so that you may comply with the above instructions. In order for the application to retain its priority of filing, the original application and ~~all attachments~~ **WATER RESOURCES** be returned, with any corrections dated and signed, to this office on or before, ~~November 6, 2005~~ **RECEIVED** **OCT 07 2005**

Division of Water Resources Stafford Field Office M. Bruce Falk, Water Commissioner

105 North Main Street, Drawer F, Stafford, KS 67578-0357

Voice (620) 234-5311 Fax (620) 234-6900 **KS DEPT OF AGRICULTURE**  
**MICROFILMED**

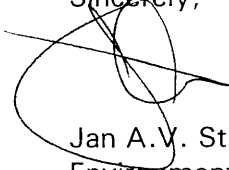
Page 2.

October 6, 2005

Application File No. 46,299A

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 priority date and dismissal of the application.

Sincerely,



Jan A.V. Stryker  
Environmental Scientist  
Enclosures

pc: Ken Kopp

WATER RESOURCES  
RECEIVED

OCT 07 2005

KS DEPT OF AGRICULTURE

ACROPTIMED

# KANSAS

DEPARTMENT OF AGRICULTURE  
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

September 23, 2005

ADELINE J GROTHER REVOCABLE TRUST  
11804 S HYDRAULIC  
PECK KS 67120

RE: Application  
File No. 46299A

Dear Sir or Madam:

Your application for permit to appropriate water in 34-29-1 East, Sedgwick County, was received and has been assigned the file number noted above.

In order to be fair to all concerned, it is our policy to process applications in the order they are received. Once review of your application has begun, we will contact you, if additional information is required.

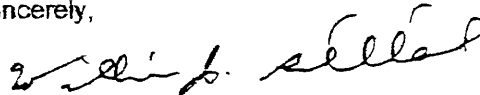
In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of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

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

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . . A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

Sincerely,



William J. Gilliland, L.G.  
Permits Unit Head  
Water Appropriation Program

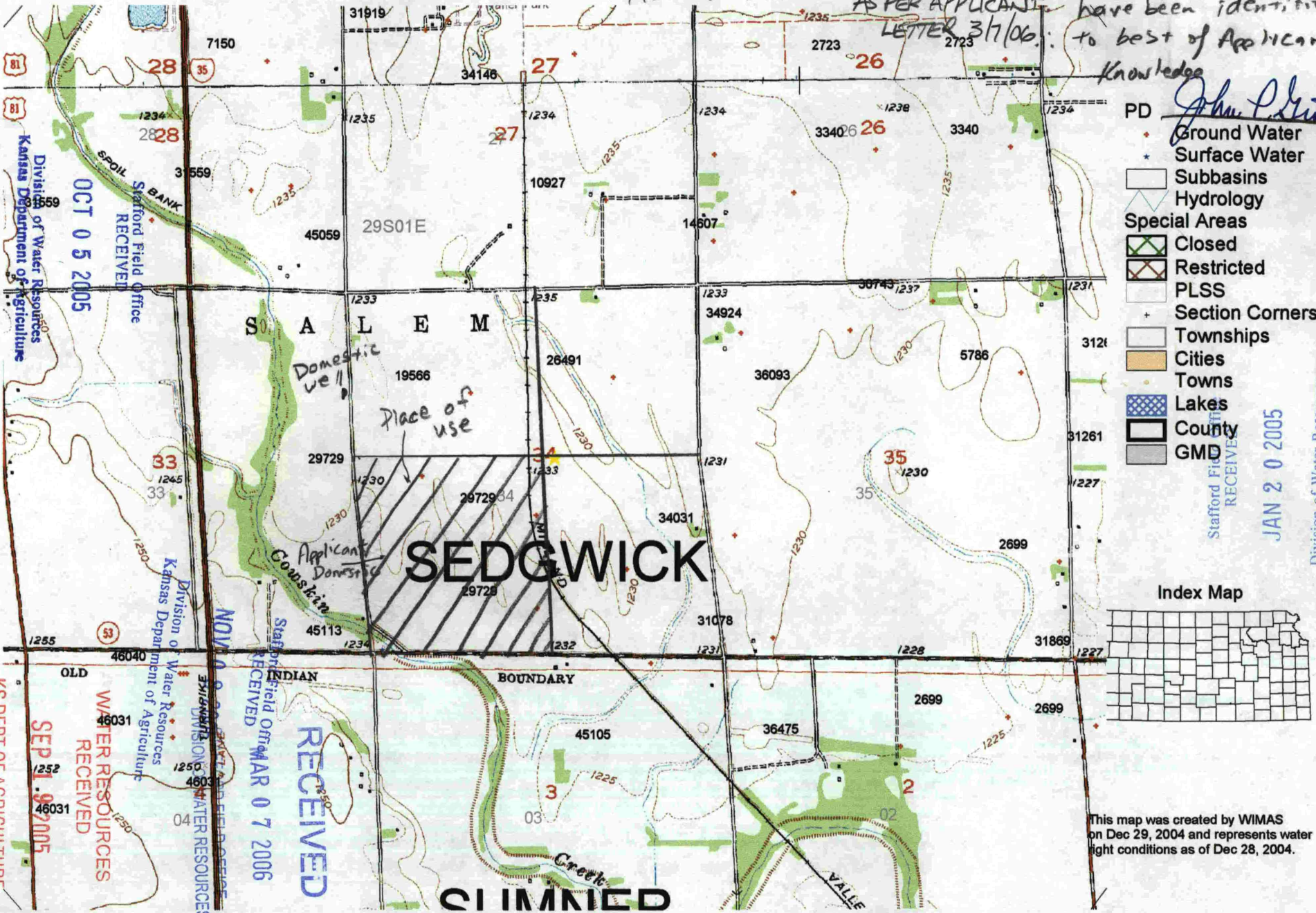
WJG:dmh  
pc: Stafford Field Office

# Proposed Pd In 34-29s-01e (3000n,2500w) With A 2 Mile Buffer

2772N  $\approx$  4476'W JS/PWR  
AS PER APPLICANT LETTER 3/7/06

All wells within  $\frac{1}{2}$  mile have been identified to best of Applicant's Knowledge

PD *John P. Brothers*



- PD *John P. Brothers*
- Ground Water
- \* Surface Water
- Subbasins
- △ Hydrology
- Special Areas
- ▨ Closed
- ▩ Restricted
- PLSS
- + Section Corners
- Townships
- Cities
- Towns
- Lakes
- County
- GMD

MICROFILMED

Division of Water Resources  
Kansas Department of Agriculture

Index Map

This map was created by WIMAS on Dec 29, 2004 and represents water light conditions as of Dec 28, 2004.

1:24000

2 Miles

RECEIVED  
 DIVISION OF WATER RESOURCES  
 KANSAS DEPARTMENT OF AGRICULTURE  
 SEP 19 2005  
 RECEIVED  
 DIVISION OF WATER RESOURCES  
 KANSAS DEPARTMENT OF AGRICULTURE  
 OCT 05 2005  
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 STAFFORD FIELD OFFICE  
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 KANSAS DEPARTMENT OF AGRICULTURE  
 NOV 08 2005  
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 KANSAS DEPARTMENT OF AGRICULTURE  
 MAR 07 2006

MICROFILMED







Map of 33-29-1e & 34-29-1e

# JOHN GROTHER - FILE NOS. 46,299-A & 46,301



Proposed Place of Use

1:24,000

