

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">46,301</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">1/18/2017</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">2</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 6608 Add Seq# _____</p> <p style="text-align: center; font-weight: bold; font-size: 1.1em;">JOHN PAUL GROTHER 11804 S HYDRAULIC ST PECK KS 67120-9702</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) 7a</p> <p style="text-align: right;">Person ID _____</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2018 11. Perfection Date: 12/31/2022 12. Exp Date: _____

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

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

Date Prepared: **12/22/2016** By: **DWS**
Date Entered: 1/19/2017 By: UM

File No. **46,301** 15. Formation Code: 100 Drainage Basin: Arkansas River County: **SG** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity MOD RATE AND ADDL QUANTITY					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity AF	Rate gpm	Quantity AF	Overlap PD Files
MOD			71967	SW NE SE	33	29	1E	2	1901	975 (Geo-Ctr)	800	88.2	800	0.0	NONE
ENT			85847	NW NE SE	33	29	1E		2101	975 (Batt 1 of 4)					
ENT			85848	SW NE SE	33	29	1E		1701	975 (Batt 2 of 4)					
ENT			85849	SW NE SE	33	29	1E		1901	775 (Batt 3 of 4)					
ENT			85850	SW NE SE	33	29	1E		1901	1175 (Batt 4 of 4)					
Battery ID #2004															

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

19. Limitation: **298** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **29,729; 45,113; and 46,299-A**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg? YES	Overlap Files						
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
								NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
ENT			59049	33	29S	1E	2								17.46					35.8	11.0		7.1	71.36	7a.	No	*SEE BELOW
ENT			32018	34	29S	1E	3					42	42	32.2	42									158.2	7a.	YES	*SEE BELOW
DEL			56846																								

Comments: **PLACE OF USE CHANGES ON FILE NOS. 29,729 AND 45,113 WILL CREATE COMPLETE OVERLAP IN PU.**
Appropriation of Water, File No. 46,299-A 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

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

FILE COPY

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.

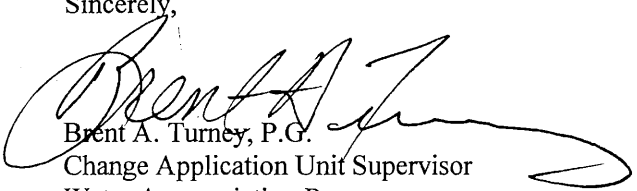
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required on the diversion works, and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The 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. 46,301** 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 a battery of four (4) wells with a geographic center located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW¼ NE¼ SE¼) 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, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **88.2 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 ~~19th~~ day of *January*, 2017, I hereby certify that the foregoing Approval of Application, File No. 46,301, dated *January 18, 2017* was mailed postage prepaid, first class, US mail to the following:

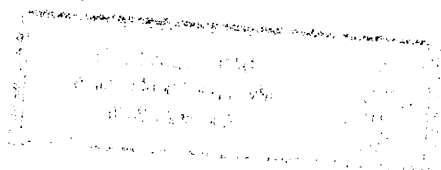
JOHN PAUL GROTHER
11804 S HYDRAULIC ST
PECK KS 67120-9702

With photocopies to:

Stafford Field Office

Danielle Wilson

Division of Water Resources



17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That this permit is further limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 29,729; and Appropriation of Water, File Nos. 45,113 and 46,299-A will provide a **total not to exceed 298 acre-feet** of water per calendar year for irrigation use on the land described herein.

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

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 18th day of January, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 18th day of January, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



APPLICATION COMPLETE

12/20/2016

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

F.O.	<u>2</u>
GMD	<u>---</u>
MEETS	<u>---</u>
K.A.R.5	<u>3</u> -1
USE	<u>IRR</u>
Engineer	<u>G</u>
Co.	<u>SG</u>
By	<u>EMC</u>
Date	<u>9-20-05</u>

File Number 46,301
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
4:59 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:

1. Name of Applicant (Please Print): John P. Grother
Address: 11804 S. Hydraulic
City: Peck State KS Zip Code 67120
Telephone Number: (316) 777-4340 570-3343

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 8575.2 ^{88.2 AF PER 11/19/05 FILE COPY - LB/DW} acre-feet OR _____ gallons per calendar year, 1/26/16
to be diverted at a maximum rate of 1200 ⁸⁰⁰ gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (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.

For Office Use Only: Code REGISTRATION OFFICE TR # 06025389 Receipt Date 9/19/05 Check # 4839

OCT 05 2005

* per 8/29/2013 telephone call with applicant, reduced rate + quantity. DWS/DWR
MICROFILMED 8/29/13

* Per discussion with applicant to put well near center of pivot. DWS / DWR 7/26/16.

Requests 60 days to locate

File No. 46,301

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.

Battery
Geo-Center

* ~~1300~~ ~~104~~ ~~600~~

2 of 4

3 of 4

4 of 4

- (A) One in the SW ^{*} quarter of the E 1/2 NE ^{*} quarter of the SE 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 West (circle one), Sedgwick County, Kansas.
- (B) One in the NW quarter of the NE quarter of the SE quarter of Section 33, more particularly described as being near a point 2101 feet North and 975 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East West (circle one), SG County, Kansas.
- (C) One in the SW quarter of the NE quarter of the SE quarter of Section 33, more particularly described as being near a point 1701 feet North and 975 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East West (circle one), SG County, Kansas.
- (D) One in the SW quarter of the NE quarter of the SE quarter of Section 33, more particularly described as being near a point 1901 feet North and 775 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East West (circle one), SG County, Kansas.

SW NE SE - 1901' N & 1,175' W 33-29S-1E SG County
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 Battery of 4 wells
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Spring 06
(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 _____
(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.

No Overlays in Pd
PU overlap with 29,729, 45,113, + 46,299-A

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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.

60 Days to locate

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	_____	_____	_____	_____

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

(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., 05.
(month) (year)

John P. Gutter
(Applicant Signature)

509-52-0551
APPLICANT(S) SOCIAL SECURITY
IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

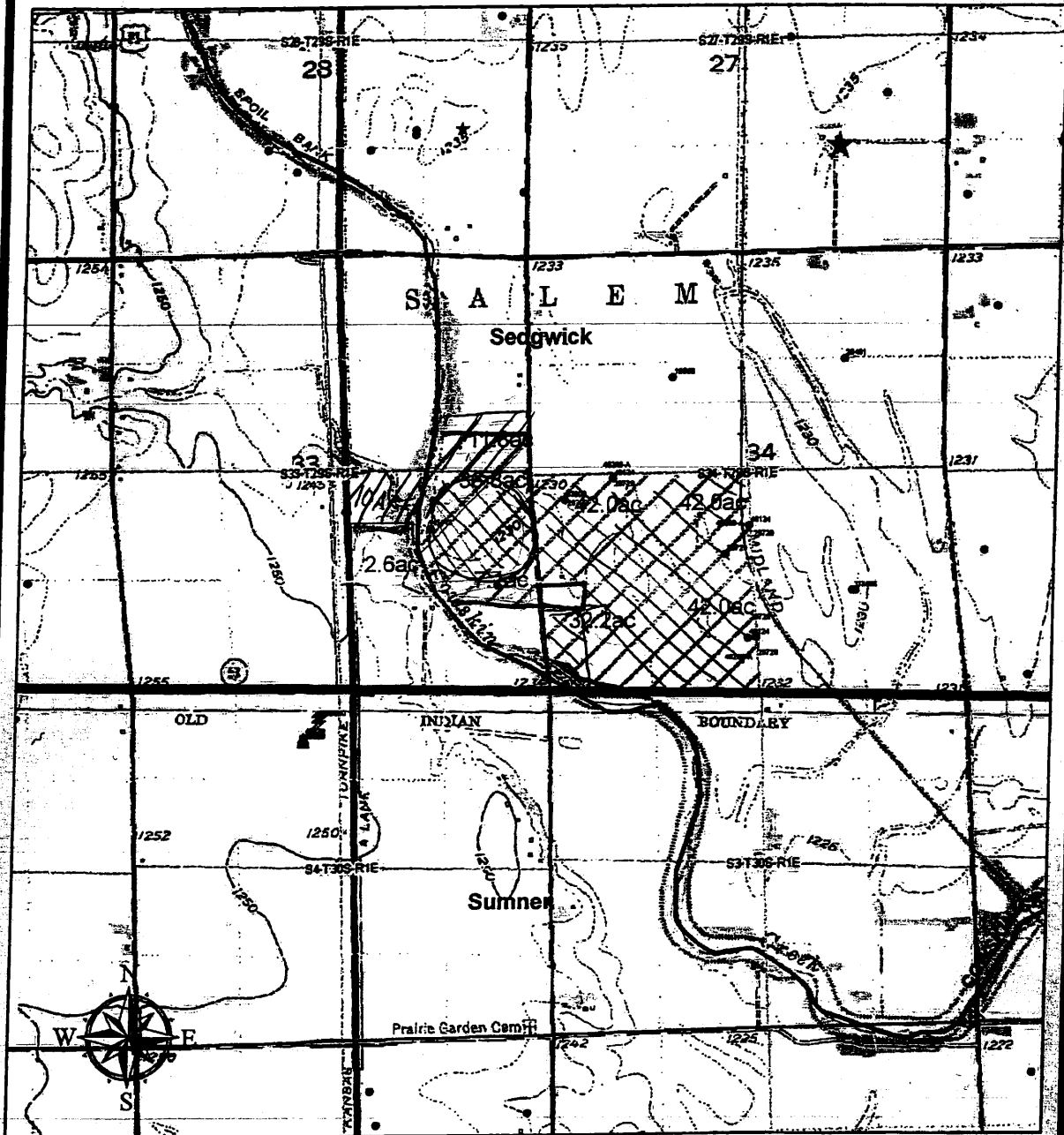
and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

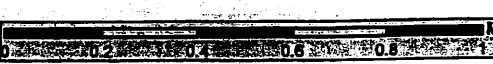
NEW APPLICATION 46,299A
WI

#46,301 PU
overlap
29,729 / 45,113



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

APPROVED FOR THE STATE OF IOWA
 DIVISION OF WATER RESOURCES



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OCT 01 2013

Date: 10/1/2013
RAR/DWR

J.P.G.
INITIALS
DATE 1/21/15

IOWA DEPT OF AGRICULTURE

* L.S./DWR
5/21/15

SC...

Revised 1/26/16

IRRIGATION USE
SUPPLEMENTAL SHEET

File No. 46,299-A 46,301

Name of Applicant (Please Print): John Grothner

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. ^{OWN} Grothner ~~Revocable Trust~~ 11804 S Hydraulic Peck KS 67120-970:
ADDRESS: 4047 S. Hillside Mulvane, KS 67110

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
*	34	29S 1E										42	42	32.2	42					160.0	158.2

ALSO 29,729 & 45,113. 11804 S Hydraulic Peck, KS
Landowner of Record NAME: JOHN GROTHNER 67120-9702
ADDRESS: 4047 S. Hillside Mulvane, KS 67110

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
	33	29 1E										17.4						358	11.0	7.1	71.36

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			

APG
INITIAL
1/26/16
DATE

DWR 1-100.23 (7-7-00)

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Division of Water Resources Kansas Department of Agriculture

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K1-6-05 Section, Township, Range / PM only one/one



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



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

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 Correspondent has changed
- 2) Adeline J. Grother Revocable Trust
- 3) 11804 S. Hydraulic
- 4) Peck, KANSAS 67120

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DIVISION OF WATER RESOURCES

(Date)

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

Re: Application
File No. 46,301

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)

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

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DIVISION OF WATER RESOURCES

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

Dorothy M. Halloran
Notary Public

My Commission Expires:
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DWR 1-100.171 (Rev. 03/10/2000)
Division of Water Resources
Kansas Department of Agriculture

JAN 20 2005

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Division of Water Resources
Kansas Department of Agriculture

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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Ca</u>	<u>60</u>	<u>2.0-6.0</u>	
<u>Ta</u>	<u>40</u>	<u>.2-.6</u>	
Total:	100 %		

b. Estimate the average land slope in the field(s): 0-1 %

Estimate the maximum land slope in the field(s): 2 %

c. Type of irrigation system you propose to use (check one):

- Center pivot
- Gravity system (furrows)
- Center pivot - LEPA
- Gravity system (borders)
- "Big gun" sprinkler
- Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control 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, DoubleCrap Turnips & wheat Grazed all winter

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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). MAR 07 2006

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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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JAN 20 2005

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Division of Water Resources
Kansas Department of Agriculture

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IRRIGATION TEST WELL

Driller & Assistant: Tom Huff / Tucker Date: 4/6/16

CUSTOMER: John Grother 11804 S. Hydraulic Peck, KS 67120 316-570-3343

LOCATION: SE 1/4 33-29-1E

- Screen 2-1/2"
- Holeplug
- Gas & Oil - W.T.
- 6" or 5" Liner if needed
- Casing 2-1/2"
- Quarters
- 3/4" Polyethylene
- Solvent & Glue
- Couplings, 2-1/2"
- Water
- 2-1/2" PVC Tee
- Water Sample Bottle
- End Caps, 2-1/2"
- Lime
- 5" & 6" Bits
- Inspection Sheet
- Gravel Pack #3
- Drilling Mud
- Packing

Depth:	Formation:	Well Information:
0-2	T.S.	Static Water Level: <u>4'-6"</u>
2-5	clay	Est. production: <u>200-400 gpm</u>
5-16	Sand & m-c little clay	Casing size/depth: <u> </u>
16-35	Sand & c big gravel little clay	Screen size/depth: <u>not used</u>
35-40	shale	Slot size: <u> </u>
		Grouting depth: <u>40'-0"</u>
		Number of bags: <u>1 bag bentonite</u>
		Nearest Contamination: <u>none in 1/2 mile</u>
		Maintenance & Safety: <u> </u>
		Notes: <u> </u>

Directions:

Latitude: 37.48124519 N decimal degrees (ex. 38.881796)

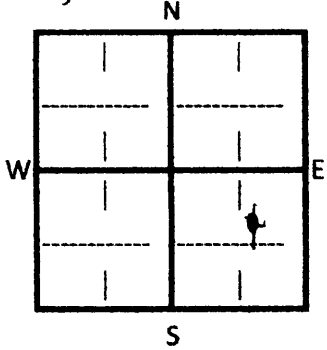
Longitude: -97.31795561 W decimal degrees (ex. 95.373889)

Datum: NAD27 NAD83 WGS84

Elevation: 1230 ft.

NE 1/4	SW 1/4	NE 1/4	SE 1/4
Sec. 33	T 29	R 1	E 1

County Sedgwick



- \$ 800.00 /ft. Well
 - \$ 50.00 /Grout
 - \$ N/A /Test Pumping
 - \$ N/A /Water Sample
 - \$ 125.00 /Mobilization/Travel
 - \$ 50.00 /Discount
- Contract Received: 3-14-16

Invoice #: 1323

Date Mailed:

Well Data: Access:

Materials: Incent: TH

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Topeka Field Office
DIVISION OF WATER RESOURCES

#46,301

IRRIGATION TEST WELL

Driller & Assistant:

Tom Hull / Tucker

Date:

4/6/16

CUSTOMER: John Grother 11804 S. Hydraulic Peck, KS 67120 316-570-3343

LOCATION: SE 1/4 33-29-1E

- Screen 2-1/2" Holeplug Gas & Oil - W.T. 6" or 5" Liner if needed
- Casing 2-1/2" Quarters 3/4" Polyethylene Solvent & Glue
- Couplings, 2-1/2" Water 2-1/2" PVC Tee Water Sample Bottle
- End Caps, 2-1/2" Lime 5" & 6" Bits Inspection Sheet
- Gravel Pack Drilling Mud Packing

Depth: Formation:

Well Information:

0-2	T.S.	Static Water Level: 4'-6"
2-4	clay	Est. production: 100-300 gpm
4-24	Sand & g f-m clean	Casing size/depth: NOT CASED
24-36	Sand & g m-c little clay	Screen size/depth: —
36-40	shale	Slot size: —
		Grouting depth: 40'-0"
		Number of bags: 1 bag bentonite
		Nearest Contamination: NONE in 1/8 mile
		Maintenance & Safety:
		Notes:

Directions:

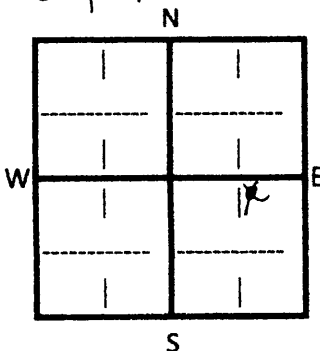
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Longitude: -97.3795177 W decimal degrees (ex. 95.373889)

Datum: NAD27 NAD83 WGS84

Elevation: 1230 ft.

SE 1/4	NW 1/4	NE 1/4	SE 1/4
Sec. 33	T 29	R 1	ENE
County Sedgewick			



\$ 8 ⁰⁰ x 40	/ft. Well
\$ 50 ⁰⁰	/Grout
\$ NONE	/Test Pumping
\$ NONE	/Water Sample
\$ 125 ⁰⁰	/Mobilization/Travel
\$ 50 ⁰⁰	/Discount
Contract Received: 3-14-16	

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Topeka Field Office
DIVISION OF WATER RESOURCES

Invoice #: 1323

Date Mailed:

Well Data: Access:

Materials: Incent: TH

IRRIGATION TEST WELL

Driller & Assistant:

Tom Hulley / Tucker

Date:

4/6/16

CUSTOMER: John Grother 11804 S. Hydraulic Peck, KS 67120 316-570-3343

LOCATION: SE 1/4 33-29-1E

- Screen 2-1/2" Holeplug Gas & Oil - W.T. 6" or 5" Liner if needed
- Casing 2-1/2" Quarters 3/4" Polyethylene Solvent & Glue
- Couplings, 2-1/2" Water 2-1/2" PVC Tee Water Sample Bottle
- End Caps, 2-1/2" Lime 5" & 6" Bits Inspection Sheet
- Gravel Pack Drilling Mud Packing

#2

Depth: Formation:

Well Information:

0-2	T.S.	Static Water Level: 4'-6"
2-4	clay	Est. production: 200-350 gpm
4-30	Sand + g m - c very little clay	Casing size/depth: not cased
30-38	Sand + g c. few small clay streaks	Screen size/depth:
38-40	shale	Slot size:
		Grouting depth: 40'-0"
		Number of bags: 1 bag bentonite
		Nearest Contamination: none in 1/8 mile
		Maintenance & Safety:
		Notes:

Directions:

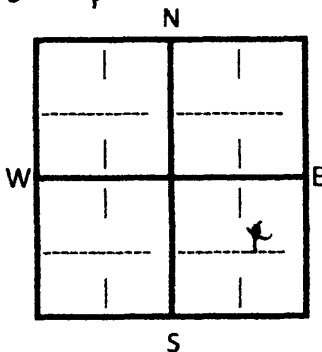
Latitude: 37.48161768 N decimal degrees (ex. 38.881796)

Longitude -97.31748365 W decimal degrees (ex. 95.373889)

Datum: NAD27 NAD83 WGS84

Elevation: 1230 ft.

NE 1/4	SW 1/4	NE 1/4	SE 1/4
Sec. 33	T 29	R 1	E 1
County Sedawick			



\$ 8 ⁰⁰ x 40'	/ft. Well
\$ 50 ⁰⁰	/Grout
\$ Nil	/Test Pumping
\$ None	/Water Sample
\$ 125 ⁰⁰	/Mobilization/Travel
\$ 50 ⁰⁰	/Discount
Contract Received: 3-14-16	

Invoice #: 1323

Date Mailed:

Well Data: Access:

Materials: Incent: TH

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Topeka Field Office
DIVISION OF WATER RESOURCES

IRRIGATION TEST WELL

Driller & Assistant: Tom Hall / Tucker Date: 4/6/16

CUSTOMER: John Grother 11804 S. Hydraulic Peck, KS 67120 316-570-3343

LOCATION: SE 1/4 33-29-1E

- Screen 2-1/2"
- Casing 2-1/2"
- Couplings, 2-1/2"
- End Caps, 2-1/2"
- Gravel Pack #1
- Holeplug
- Quarters
- Water
- Lime
- Drilling Mud
- Gas & Oil - W.T.
- 3/4" Polyethylene
- 2-1/2" PVC Tee
- 5" & 6" Bits
- 6" or 5" Liner if needed
- Solvent & Glue
- Water Sample Bottle
- Inspection Sheet
- Packing

Depth:	Formation:	Well Information:
0-2	T.S.	Static Water Level: <u>4'-6"</u>
2-4	clay	Est. production: <u>100-300 gpm</u>
4-28	Sand & g m-c / little clay streaks	Casing size/depth: <u>not used</u>
28-34	Sand & g m-c	Screen size/depth:
34-38	Sand & g m-c / floating shell	Slot size:
38-40	Shale	Grouting depth: <u>40'-0"</u>
		Number of bags: <u>1 bag bentonite</u>
		Nearest Contamination: <u>none in 1/2 mile</u>
		Maintenance & Safety:
		Notes:

Directions:

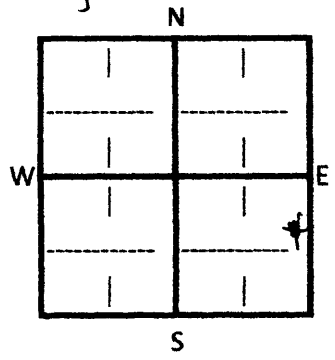
Latitude: 37.48176197 N decimal degrees (ex. 38.881796)

Longitude: -97.3170822 W decimal degrees (ex. 95.373889)

Datum: NAD27 NAD83 WGS84

Elevation: 1230 ft.

NW 1/4	SE 1/4	NE 1/4	SW 1/4
Sec. 33	T 29	R 1	SW
County <u>Sedgewick</u>			



\$ <u>800</u> x <u>40</u>	/ft. Well
\$ <u>50</u>	/Grout
\$ <u>None</u>	/Test Pumping
\$ <u>None</u>	/Water Sample
\$ <u>125</u>	/Mobilization/Travel
\$ <u>50</u>	/Discount
Contract Received: <u>3-14-16</u>	

Invoice #: 1323

Date Mailed:

Well Data: Access:

Materials: Incent: ✓TH

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Topeka Field Office
DIVISION OF WATER RESOURCES

Weninger Irrigation

5159 N. 119th W.

Maize, KS 67101

316-722-8380 ~~3380~~ 3080

Customer's Name John Grother

Date 1-4-06

Address Rt #1 Peck, KS 67120

Test # 1, 2, 3

County Sedgewick Quarter Center of East Half

Section 33 Township 29 Range 1E

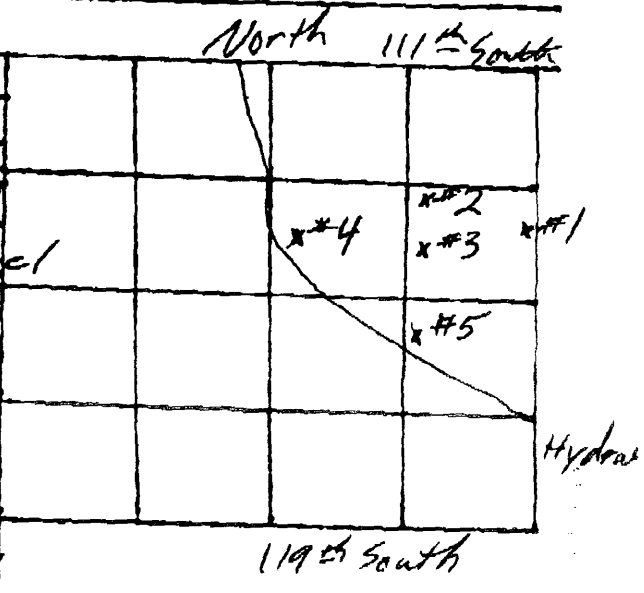
Drilled Footage		Description of Strata	Diagram			
From	To					
#1		Middle by Road				
0	5	Topsoil				
5	15	Fine Sand				
15	16	Clay				
16	32	Fine to Medium Sand				
		to Small Gravel w/ clay				
32	35	Grey Clay				
35	40	Grey Shale				
#2		Middle of North Property				
0	5	Topsoil				
5	15	Fine Sand				
15	32	Medium Sand to Small				
		to Medium Gravel w/ a little Clay				
32	35	Grey Clay				
35	40	Grey Shale				
#3		Center				
0	5	Topsoil				
5	15	Fine Sand				
15	35	Medium Sand to Small				
		to Medium Gravel (loose)				
35	40	Grey Clay				

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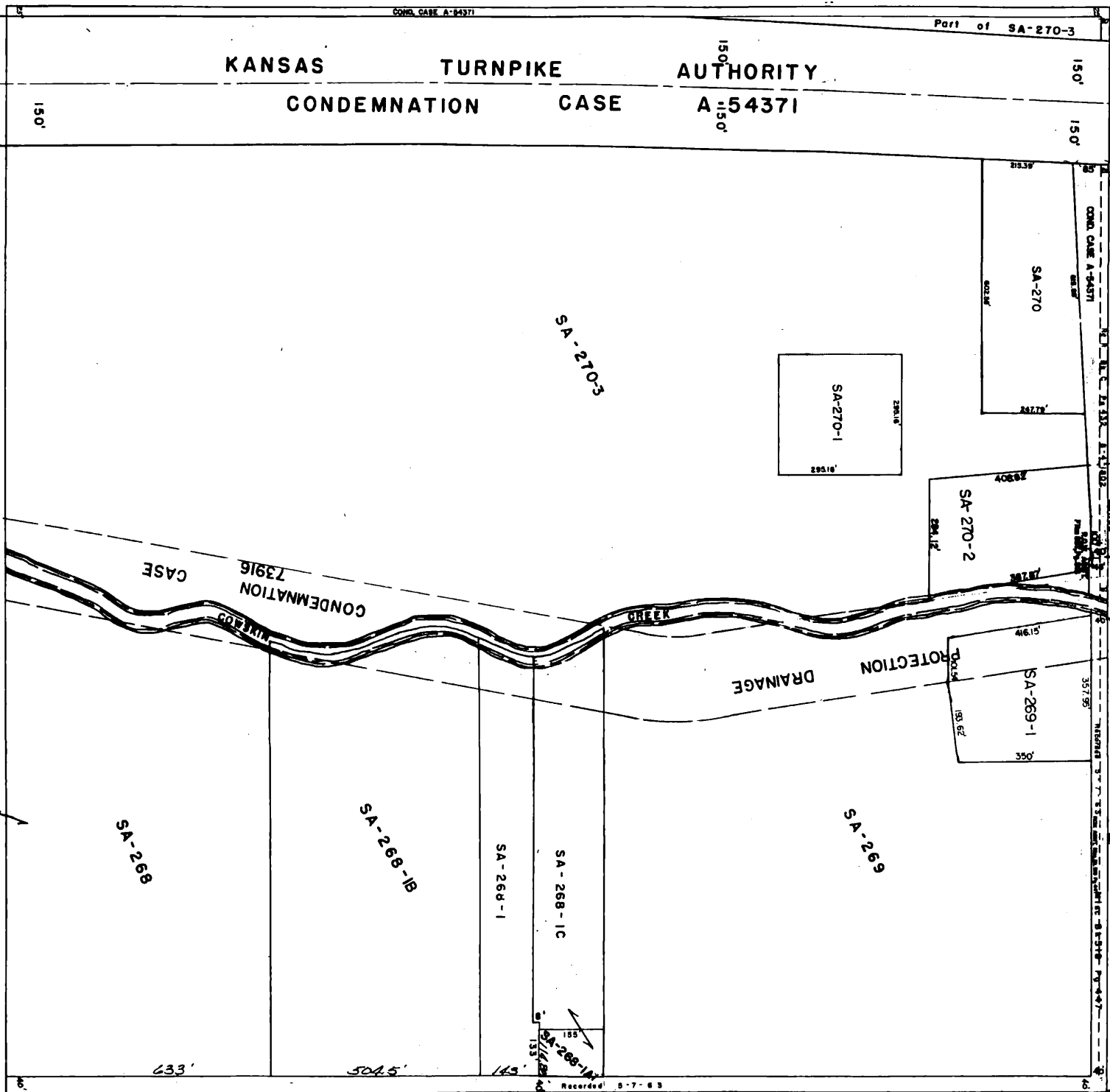
STATE FIELD OFFICE
DIVISION OF WATER RESOURCES

Drilled Footage		Description of Strata
From	To	
#4		West By Creek
0	5	TOPSOIL
5	15	Fine Sand
15	35	Small to Medium Sand
		to Small to Medium Gravel
		w/ a little Clay
35	55	Grey Clay, shale
#5		South Center
0	5	TOPSOIL
5	15	Fine Sand
15	32	Small to Medium Sand
		to Small Gravel
		w/ a little Clay
32	40	Grey Clay



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 STAFFORD FIELD OFFICE
 DIVISION OF WATER RESOURCES

N.E. 1/4 SEC. 33, TWP. 29S, R1E.



SEDGWICK COUNTY CLERK

46,301

Report Date Monday, August 26 2013

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

1946 ft N and 630 ft W of the SE Corner of Section 33, T 29S, R 1E

Located at: 97.316243 West Longitude and 37.481815 North Latitude

GROUNDWATER ONLY

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__ 2765	00	IRR	NK	G	7540	NC	W2	W2	NE	4130	2340	9	30	1E	6	26.00	26.00	AF
A__ 3340	00	IRR	NK	G	9977	--	CW	NW	SE	-----	-----	26	29	1E	5	30.00	30.00	AF
A__ 7150	00	IRR	NK	G	7039	--	NW	SE	NE	3504	1140	28	29	1E	1	20.00	20.00	AF
A__ 10927	00	IRR	NK	G	6400	--	--	NC	SE	1275	1350	27	29	1E	1	180.00	180.00	AF
A__ 14607	00	IRR	NK	G	7176	--	SW	SW	SW	600	5220	26	29	1E	6	65.00	65.00	AF
Same					8027	--	CW	NW	SW	1910	5260	26	29	1E	7	102.00	102.00	AF
A__ 19566	00	IRR	NK	G	2889	--	--	NC	NW	4050	3750	34	29	1E	1	162.00	162.00	AF
A__ 26491	00	IRR	NK	G	4802	--	SE	NW	NE	4200	1600	34	29	1E	2	203.00	203.00	AF
A__ 29729	00	IRR	NK	G	3116	--	NE	NE	SW	2157	2784	34	29	1E	7	78.00	55.50	AF
Same					1562	--	SE	SW	NW	2772	4496	34	29	1E	8	75.00	52.50	AF
Same					3388	--	NE	SE	SW	753	2784	34	29	1E	9	60.00	42.00	AF
A__ 30512	00	IRR	NK	G	8227	--	NC	W2	SE	1320	1980	5	30	1E	1	42.00	42.00	AF
A__ 30743	00	IRR	NK	G	9701	--	NW	NW	NE	5400	2000	35	29	1E	3	72.00	72.00	AF
A__ 31078	00	IRR	NK	G	6910	--	SW	SW	SW	360	4640	35	29	1E	4	112.00	112.00	AF
A__ 31559	00	IRR	NK	G	5295	--	NE	SE	SW	1100	2900	28	29	1E	4	65.00	65.00	AF
Same					5155	--	SE	NW	SE	1540	1400	28	29	1E	8	57.00	57.00	AF
A__ 31560	00	IRR	NK	G	9872	--	--	NC	SW	1360	4000	5	30	1E	2	194.00	194.00	AF
A__ 31919	00	IRR	NK	G	7585	--	NE	SW	NW	3886	4035	27	29	1E	3	97.00	97.00	AF
A__ 33930	00	IRR	NK	G	10503	--	SE	NW	NW	4060	4000	26	29	1E	8	158.00	158.00	AF
A__ 34031	00	IRR	NK	G	6059	--	SW	NW	SW	1970	5140	35	29	1E	8	135.00	135.00	AF
A__ 34146	00	STK	NK	G	7808	--	SW	NE	NW	4039	3698	27	29	1E	4	1.45	1.45	AF
A__ 34602	00	IRR	NK	G	7982	--	NE	SW	NE	3500	1800	27	29	1E	5	120.00	120.00	AF
A__ 34603	00	IRR	NK	G	8611	--	--	NC	SW	1370	4109	26	29	1E	11	114.00	114.00	AF
A__ 34924	00	IRR	NK	G	8366	--	NE	NE	NW	5010	3250	35	29	1E	6	48.00	48.00	AF
A__ 36093	00	IRR	NK	G	6826	--	NE	NW	NW	5025	4865	35	29	1E	7	53.00	53.00	AF
A__ 36475	00	IRR	NK	G	9261	--	--	--	NC	2643	2913	2	30	1E	4	131.00	131.00	AF
A__ 37215	00	IRR	NK	G	10382	--	SE	NW	SW	1620	4000	29	29	1E	1	94.00	94.00	AF
A__ 37368	00	IRR	NK	G	10240	--	--	NC	SW	1320	4000	29	29	1E	2	99.00	99.00	AF
A__ 37486	00	IRR	NK	G	4488	--	SE	NW	SE	1330	1475	34	29	1E	11	191.00	191.00	AF
A__ 38053	00	IRR	NK	G	10032	--	SW	SW	SW	127	5229	32	29	1E	1	202.50	202.50	AF
A__ 38805	00	IRR	NK	G	7754	--	NW	SW	NE	3922	2404	9	30	1E	4	153.00	153.00	AF
A__ 40107	00	IRR	NK	G	8508	--	NE	SW	NW	3856	4549	9	30	1E	7 G 4	202.50	202.50	AF
Same					8394	--	NE	SW	NW	3983	4549	9	30	1E	8 B 4			
Same					8624	--	NE	SW	NW	3728	4549	9	30	1E	9 B 4			
Same					8464	--	NE	SW	NW	3856	4447	9	30	1E	10 B 4			
Same					8497	--	NE	SW	NW	3856	4524	9	30	1E	11 B 4			
A__ 40199	00	IRR	NK	G	7875	--	--	--	--	3164	2660	5	30	1E	4	65.30	65.30	AF
A__ 43919	00	IRR	NK	G	7875	--	--	--	--	3164	2660	5	30	1E	4	86.20	86.20	AF
A__ 44285	00	REC	NK	G	10495	--	SW	SW	SW	653	4831	21	29	1E	5	3.00	3.00	AF
A__ 45059	00	IND	KE	G	5121	--	SW	NE	SE	1600	800	28	29	1E	10	66.90	66.90	AF
A__ 46040	00	THX	NK	G	3219	--	--	--	--	4008	3005	4	30	1E	3	15.82	15.82	AF
A__ 46299	A	IRR	AY	G	3116	--	NE	NE	SW	2157	2784	34	29	1E	7	90.00	90.00	AF
Same					1562	--	SE	SW	NW	2772	4496	34	29	1E	8			
Same					3388	--	NE	SE	SW	753	2784	34	29	1E	9			
A__ 46301	00	IRR	AY	G	627	--	--	E2	SE	1320	660	33	29	1E	2	88.20	88.20	AF
A__ 46499	00	IRR	AY	G	7875	--	--	--	--	3164	2660	5	30	1E	4	18.98	18.98	AF

} Applicants wells

A__	47349 00 IRR KE G	3516	-- -- -- --	3758	3175	4	30	1E	8	G	2	8.00	8.00	AF
Same		3495	-- -- -- --	3789	3176	4	30	1E	9	B	2			
Same		3537	-- -- -- --	3727	3173	4	30	1E	10	B	2			
A__	47349 00 MUN KE G	3516	-- -- -- --	3758	3175	4	30	1E	8	G	2	7.00	7.00	AF
Same		3495	-- -- -- --	3789	3176	4	30	1E	9	B	2			
Same		3537	-- -- -- --	3727	3173	4	30	1E	10	B	2			
T__	20029048 00 HYD GY G	5121	-- SW NE SE	1600	800	28	29	1E	10			366.00	.00	AF
P__	20110350 00 IND GY G	4869	-- -- NC W2	2640	3960	4	30	1E	16			9.82	9.82	AF
T__	20119026 00 IND GY G	4307	-- SE NW NW	4140	4460	4	30	1E	11	G	2	58.00	58.00	AF
Same		4383	-- SE NW NW	3990	4460	4	30	1E	12	B	2			
Same		4234	-- SE NW NW	4290	4460	4	30	1E	13	B	2			
T__	20119058 00 IND GY G	8624	-- NE SW NW	3728	4549	9	30	1E	9			7.98	7.98	AF

```

=====
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) =       3363.57           .00
Total Vested Amount (AF) =            .00           .00
TOTAL AMOUNT (AF) =                3804.65           .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:

97.316243 West Longitude and 37.481815 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 2765 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A__ 3340 00 IRR NK G

> LARRY C & RHONDA J PARKER

>

> 1103 S CENTRAL AVE

> MULVANE KS 67110

>-----

A__ 7150 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A__ 10927 00 IRR NK G

> FORREST G BUTTS

46,301

No water Available.

However, File # 46,301
will be limited to
Senior Files to

O additional
Quantity

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 3,948.40 AF. - 297.18 = 3,651.22
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 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 43 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		CW NW SE	0	0	26	29	01E	5	WR	30.00	30.00	75.00	75.00
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	19566	00	IRR	NK	G		NC NW	4050	3750	34	29	01E	1	WR	162.00	162.00	135.00	135.00
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	31560	00	IRR	NK	G		NC SW	1360	4000	05	30	01E	2	WR	194.00	194.00	160.00	160.00
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

#46,301

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NESWNESE 33-29S-01E



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	37215	00	IRR	NK	G	SE NW SW	1620	4000	29	29	01E	1	WR	94.00	94.00	132.00	132.00
A	37368	00	IRR	NK	G	NC SW	1320	4000	29	29	01E	2	WR	99.00	99.00	132.00	0.00
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	38053	00	IRR	NK	G	SW SW SW	127	5229	32	29	01E	1	WR	202.50	202.50	135.00	135.00
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				

~~88.20~~
~~18.98~~
~~8.00~~
~~168.00~~
~~14.00~~
297.18



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
Fax: (785) 862-2460
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 =	<u>3,130.73</u> acre-feet
Total quantity of water available =	<u>0 acre-feet</u>

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 =	<u>3,659.22</u> acre-feet
Total quantity of water available =	<u>0 acre-feet</u>

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.

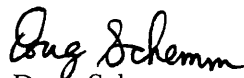
John P. Grother
File Nos. 46,299A and 46,301
Page 2

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



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
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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:

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Prior Appropriations within the area of consideration =	<u>3,130.73 acre-feet</u>
Total quantity of water available =	<u>0 acre-feet</u>

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 =	<u>3,659.22 acre-feet</u>
Total quantity of water available =	<u>0 acre-feet</u>

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.

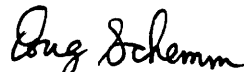
John P. Grother
File Nos. 46,299A and 46,301
Page 2

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

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 3,934.40 AF. **-275.18 AF = 3,659.22 AF**
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

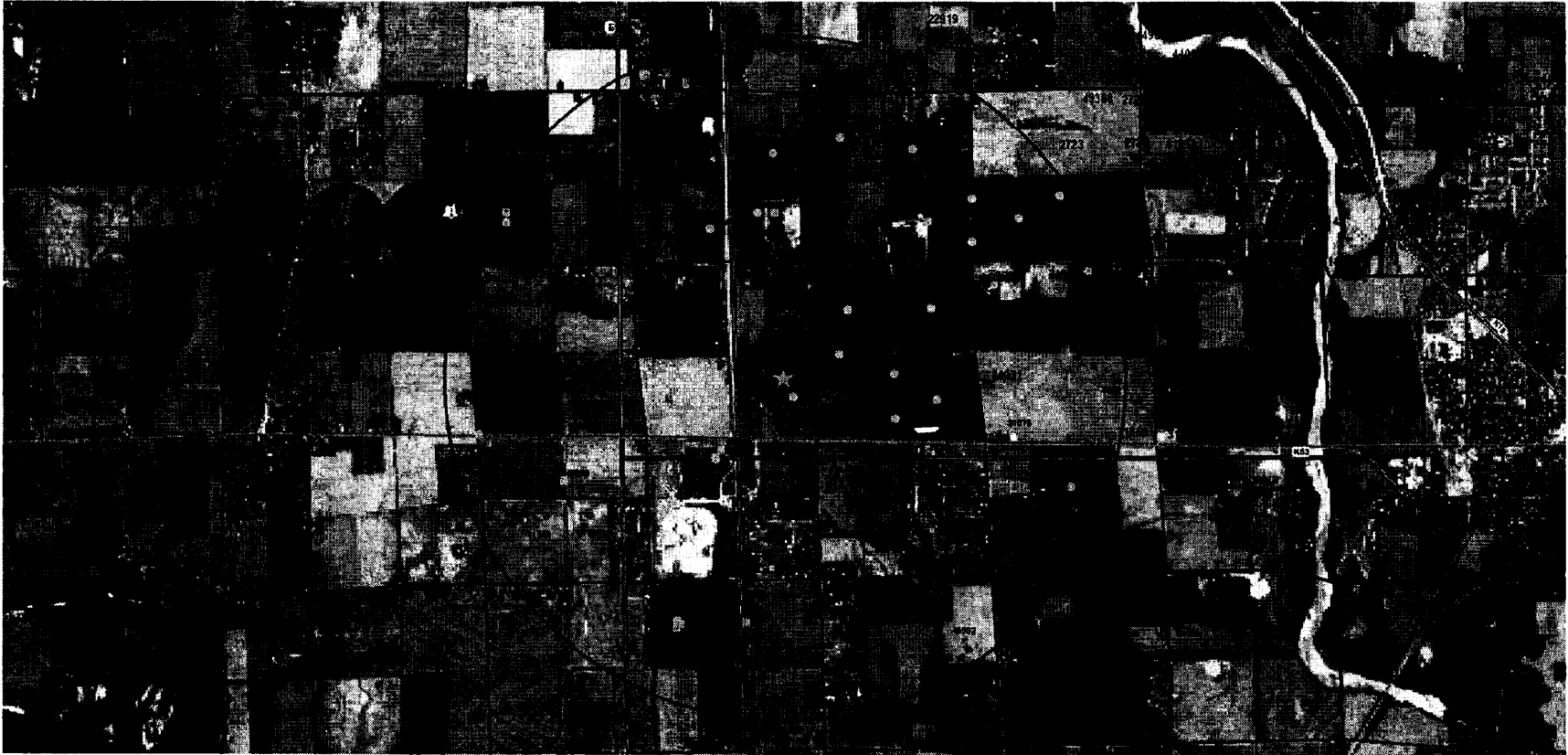
The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 5.4 inches.
 The percent of recharge available for appropriation is 75%.

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 43 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		CW NW SE	0	0	26	29	01E	5	WR	30.00	30.00	75.00	75.00
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	19566	00	IRR	NK	G		NC NW	4050	3750	34	29	01E	1	WR	162.00	162.00	135.00	135.00
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	31560	00	IRR	NK	G		NC SW	1360	4000	05	30	01E	2	WR	194.00	194.00	160.00	160.00
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

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NESWNESE 33-29S-01E
FILE NO. 46,301 (1,901'N & 975'W)



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	37215	00	IRR	NK	G	SE NW SW	1620	4000	29	29	01E	1	WR	94.00	94.00	132.00	132.00
A	37368	00	IRR	NK	G	NC SW	1320	4000	29	29	01E	2	WR	99.00	99.00	132.00	0.00
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	38053	00	IRR	NK	G	SW SW SW	127	5229	32	29	01E	1	WR	202.50	202.50	135.00	135.00
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

275.18

Gilliland, Will

From: Kopp, Kenneth
Sent: Tuesday, November 15, 2005 9:33 AM
To: Stryker, Jan
Cc: Gilliland, Will
Subject: File No. 46,301

Jan,

Just talked to a Lowell Esther regarding this file. Some of his land is included on the application (20.8 acres in the NE¼), but Grother does not have access to the property and will no longer be allowed to farm it. He wanted to know how to get the land deleted from the application. I told him to send you a letter documenting which property is his and why it should be deleted.

Thanks,

Ken

Kenneth A. Kopp, L.G.
Environmental Scientist III
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

<http://www.ksda.gov/>

Phone: (785) 296-6864 Fax: (785) 296-1176

The contents of this message are confidential. If you have received this message in error, please delete it from your system, do not use or disclose the information by any means and notify me immediately.

Stryker, Jan

From: Kopp, Kenneth
Sent: Tuesday, November 15, 2005 9:33 AM
To: Stryker, Jan
Cc: Gilliland, Will
Subject: File No. 46,301

Jan,

Just talked to a Lowell Esther regarding this file. Some of his land is included on the application (20.8 acres in the NE¼), but Grother does not have access to the property and will no longer be allowed to farm it. He wanted to know how to get the land deleted from the application. I told him to send you a letter documenting which property is his and why it should be deleted.

Thanks,

Ken

**Kenneth A. Kopp, L.G.
Environmental Scientist III
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture**

<http://www.ksda.gov/>

Phone: (785) 296-6864 Fax: (785) 296-1176

The contents of this message are confidential. If you have received this message in error, please delete it from your system, do not use or disclose the information by any means and notify me immediately.

11/16/05. ESTER LOWELL CALLED TO INQUIRE 46301. ESTER NOTIFIED ME THAT HIS LAND AS APPLIED FOR BY THIS APPLICATION IS NOT AVAILABLE TO JOHN GROTHIER FOR IRR OR FARMING. ESTER DOES NOT KNOW GROTHIER'S INTENTIONS BUT SERVED JOHN GROTHIER NOTICE HE WAS NOT GOING TO FARM PROPERTY PRIOR TO GROTHIER FILING 46301. ESTER IS FAXING ADDITIONAL INFORMATION THIS MORNING.

ESTER LOWELL
104 JENNETTE DRIVE
MULVANE, KS 67110
316.777.1405
316.258.8018

This FAX is at attention of:

620-234-6900

Jan Stryker

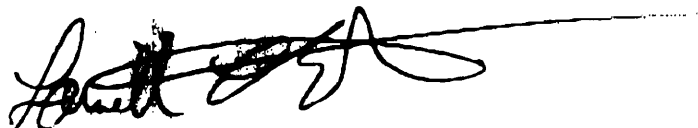
It has come to my attention that my current farm tenant, John Paul Grother, has applied for water rights on all 60+ acres of my farm ground on Section 33, Township 29 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

Mr. Grother did purchase 42 acres, more or less, of this property at public auction on October 18th, 2005. Water rights were to go to the purchaser upon closing. Closing for this property is to occur on or before November 22nd, 2005, however no date has been set yet by Mr. Grother. If the sale does not go through, Mr. Grother will not be farming this property after the spring wheat is off. The legal survey for the property he purchased is attached, dated Nov. 20th, 2002 by Griffiths & Associates, Inc. The property he purchased I believe does lie inside the legal that he used with the KSDA.

Mr. Grother will not be farming the north 20 acres of the ground that he applied for as it will remain in my possession. It will be rented to a different tenant after Mr. Grother's spring wheat crop is cut. The legal's for the property I am retaining is attached in two files. Both of these were surveyed by Terra Tech Land Surveying one on May 28th, 1997 and the other on December 27th, 1999.

There is no reason for Mr. Grother to have water rights on any of my properties.

Thanks for your help!



Lowell L. Ester
104 Jeannette
Mulvane, KS 67110-1029

Home (316) 777-1405
Work (316) 777-1551
Cell (316) 258-8618



Griffiths & Associates, Inc.

Land Surveyors

1333 N. Broadway
Suite A
Wichita, KS 67214
(316) 267-2900
Fax: (316) 267-4431

November 20, 2002

STATE OF KANSAS)
COUNTY OF SEDGWICK)^{SS}

Griffiths & Associates, Inc., a corporation registered and authorized to practice Land Surveying in the State of Kansas, hereby certifies that on November 18, 2002, it caused the following described tracts of land to be surveyed:

A tract of land being all that part of the Southeast Quarter of Section 33, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying East of the center of Cowskin Creek, EXCEPT South 15 acres of said tract, and EXCEPT a tract containing approximately 1 acre, being all that part of the Mill Site lying East of the Cowskin Creek, the Mill Site being described as follows: BEGINNING at a point 72 rods North and 45 rods East on a variation of 13 degrees East of the Southwest corner of the Southeast Quarter of Section 33; thence North 20 rods; thence East 28 rods on a variation of 13 degrees East; thence South 20 rods; thence West 28 rods to PLACE OF BEGINNING; AND EXCEPT the North 57 feet of the Southeast Quarter of Section 33, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying East of the centerline of Cowskin Creek. Said tract is subject to public road right-of-way on the East.

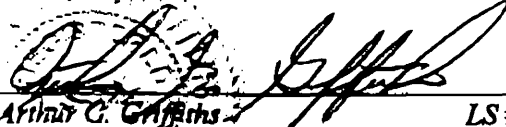
The client is hereby advised to contact a title insurance company or legal council to determine what rights, if any, they may have to the long abandoned "mill site" as called out in the satisfaction of mortgage recorded on Film 300, Page 174.

The client is hereby advised that prior to any construction of a major improvement or excavation on the westerly side of the property the location of the east line of the drainage easement as condemned in Case No. 73916 must be accurately located.

Cowskin Creek: The west boundary line of this property, historically, has been the centerline of said creek. The relocation of the creek by the hand of man would not change the location of the original boundary line. The boundary line remains the centerline of the original channel of the creek.

Said survey and the accompanying sketch are true and correct according to the information provided, and the best knowledge and belief of the corporation.

GRIFFITHS & ASSOCIATES, INC.


Arthur C. Griffiths LS #244

Date: 11-20-02

This document should contain a crimped seal and the surveyor's signature in blue ink. If it does not, it is a copy that should be obtained to avoid unauthorized alterations. The certification on this document shall not apply to any copies.

TERRA TECH

LAND SURVEYING INC.

239 North Ohio
Wichita, Kansas 67214-3933
(316) 267-0744 / 267-2348
Fax (316) 267-2736

December 27, 1999

File #990282

Legal Descriptions
For Allen Ester

Parcel 1:

That part of the Northeast Quarter of Section 33, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as: Beginning at the Southeast corner of said Northeast Quarter; thence North along the East line of said Northeast Quarter, with an assumed bearing of North 1°48'25" West, a distance of 266.67 feet; thence North 87°38'59" West, parallel with the North line of said Northeast Quarter of Section 33, a distance of 1256 feet, more or less, to the center of the Cowskin Creek; thence Southwesterly on said centerline, with the meanderings of the creek, to a point on the South line of said Northeast Quarter; thence East, on said South line, a distance of 1350 feet, more or less, to the Point of Beginning. Said tract contains 8.5 acres and is subject to public road right-of-way on the East.

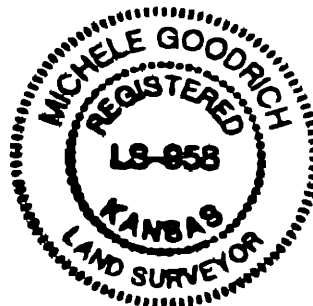
Parcel 2:

The North 57 feet of the Southeast Quarter of Section 33, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying East of the centerline of Cowskin Creek. Said tract contains 1.8 acres, more or less, and is subject to public road right-of-way on the East.

This legal description was prepared by Terra Tech Land Surveying, Inc. and is true and correct according to information of record and to the best knowledge and belief of the corporation.

TERRA TECH LAND SURVEYING, INC.

Michele Goodrich
Michele Goodrich 12-27-99 LS #958



This document should contain a crimped seal and the customer's signature in blue ink. If this seal is a copy that should be destroyed to obtain unauthorized alterations. This certification on this document shall not apply to any copies.

TERRA TECH**LAND SURVEYING INC.**239 North Ohio
Wichita, Kansas 67214-3933
(316) 267-0744 / 267-2348
Fax (316) 267-2736

May 28, 1997

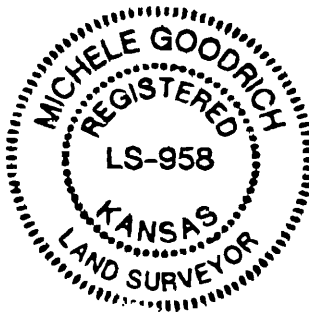
File #970183

LEGAL DESCRIPTION

A tract of land in the Northeast Quarter of Section 33, Township 29 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as follows: Beginning at a point on the East line of the Northeast Quarter of said Section 33, which is at an assumed bearing of North 1°48'25" West, a distance of 266.67 feet from the Southeast corner of said Northeast Quarter; thence North 1°48'25" West, on said East line, a distance of 366.33 feet; thence North 87°38'59" West, parallel with the North line of the Northeast Quarter of said Section 33, a distance of 1140 feet, more or less, to the center of the Cowskin Creek; thence Southwesterly on said centerline, with the meanderings of the creek, to a point; thence South 87°38'59" East, a distance of 1256 feet, more or less, to the Point of Beginning. Said tract contains 10 acres, more or less, and is subject to public road right-of-way on the East.

This legal description was prepared by Terra Tech Land Surveying, Inc. and is true and correct according to information of record and to the best knowledge and belief of the corporation.

TERRA TECH LAND SURVEYING, INC.



Michele Goodrich
Michele Goodrich 5-28-97 LS #958

This document should contain a crimped seal and the surveyor's signature in blue ink. If it does not, it is a copy that should be assumed to contain unauthorized alterations. The certification on this document shall not apply to any copies.

I am enclosing the data that Danny Rogers the K-State irrigation engineer sent me in regards to water use of corn with a double crop of wheat + turnips which would be grazed.

No accounting was available for the additional water that would be used by the fact that constant grazing would make the wheat and turnips require a little more water to regrow.

John Guther

if you need further information let me know so that I can provide it.

RECEIVED

MAR 07 2006

STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

In reference to the land still owned by Lowell Ester but farmed by me I applied for water for it also. He indicated to me that he did not know whether he was going to rent it to me or do something else. At any rate even if I no longer operate his land the permit will reduce itself by that amount because I can not perfect it and he does not have a point of diversion to use it himself. At present I am still renting it.

John Grother

RECEIVED

MAR 07 2006

STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

**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

RECEIVED

MAR 07 2006

STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

Stafford Field Office
RECEIVED

OCT 05 2005

Division of Water Resources
Kansas Department of Agriculture

Stafford Field Office
RECEIVED

JAN 20 2005

Division of Water Resources
Kansas Department of Agriculture

MICROFILMED

WATER RESOURCES
RECEIVED

SEP 19 2005

KS DEPT OF AGRICULTURE

MICROFILMED

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

RECEIVED

MAR 07 2006

STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

Stafford Field Office
RECEIVED

OCT 05 2005

WATER RESOURCES
RECEIVED

SEP 19 2005

KS DEPT OF AGRICULTURE

**IRRIGATION USE
SUPPLEMENTAL SHEET**

Revised during 1/26/16 meeting

File No. 46,301

Name of Applicant (Please Print): John Grother

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: John Grother

ADDRESS: Peck KS

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33	29S	1E																	40.44

Landowner of Record NAME: Lowell Ester

ADDRESS: 104 JEANNETTE DR. 67110

** Applicant does not farm this portion any longer*

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33	29S	1E				17.37													17.37

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

RECEIVED
MAR 07 2006
STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

Stafford Field Office
RECEIVED

WATER RESOURCES
RECEIVED

DWR 1-100.23 (7-7-00)

OCT 05 2005

Stafford Field Office
RECEIVED

SEP 19 2005

Page 1 of 2

Division of Water Resources
Kansas Department of Agriculture

KS DEPT OF AGRICULTURE

MICROFILMED

Division of Water Resources
Kansas Department of Agriculture

MICROFILMED

Table 2.1
 Seasonal Net Irrigation Requirements (Inches)
80 Percent Chance Rainfall

County	Alfalfa	Corn	Sorghum	Grass	Wheat	Soybeans	S. Beets
Allen	15.5	9.9	6.7	13.5	4.4	6.1	--
Anderson	14.7	9.4	6.3	12.8	3.9	5.5	--
Atchison	16.6	10.3	7.3	14.8	5.5	6.7	--
Barber	23.3	14.6	12.3	21.2	10.3	11.6	--
Barton	22.7	14.4	11.8	20.8	10.1	11.3	--
Bourbon	15.0	9.6	6.6	12.9	4.0	5.8	--
Brown	17.2	10.6	7.7	15.3	6.0	7.2	--
Butler	18.7	12.0	9.0	16.8	6.8	8.2	--
Chase	17.8	11.4	8.3	15.8	6.4	7.5	--
Chautauqua	17.5	11.4	8.5	15.6	5.7	7.8	--
Cherokee	15.2	9.9	7.0	13.2	3.6	6.3	--
Cheyenne	24.5	15.4	13.3	22.4	11.3	12.7	20.3
Clark	24.9	15.7	13.3	22.7	11.6	12.9	20.3
Clay	19.2	12.2	9.4	17.2	7.6	8.6	--
Cloud	20.3	12.7	10.1	18.3	8.5	9.4	--
Coffey	15.6	9.9	6.8	13.7	4.6	6.0	--
Comanche	24.2	15.1	12.8	22.0	11.0	12.4	--
Cowley	18.8	12.3	9.2	17.0	6.8	8.5	--
Crawford	15.3	9.8	7.0	13.2	3.8	6.2	--
Decatur	23.4	14.8	12.5	21.5	10.7	11.9	19.4
Dickinson	19.2	12.3	9.4	17.2	7.5	8.6	--
Doniphan	16.9	10.3	7.5	15.0	5.6	6.9	--
Douglas	15.7	9.8	6.7	13.8	4.6	6.0	--
Edwards	23.9	15.1	12.7	21.8	10.9	12.2	--
Elk	17.4	11.3	8.4	15.5	5.7	7.6	--
Ellis	23.1	14.6	12.2	21.2	10.3	11.6	--
Ellsworth	21.6	13.7	11.2	19.8	9.4	10.5	--
Finney	25.6	16.3	13.9	23.5	12.3	13.4	21.1
Ford	24.8	15.7	13.3	22.6	11.6	12.8	20.3
Franklin	15.0	9.1	6.3	13.0	4.0	5.5	--
Geary	18.2	11.5	8.7	16.1	6.8	7.9	--
Gove	24.3	15.3	13.1	22.3	11.4	12.5	20.2
Graham	23.3	14.7	12.4	21.3	10.6	11.8	19.3
Grant	26.5	16.7	14.6	24.2	13.0	14.0	21.7
Gray	25.4	16.1	13.8	23.3	12.1	13.3	20.8
Greeley	26.0	16.5	14.3	23.9	12.6	13.8	21.5
Greenwood	17.0	11.1	7.9	15.1	5.7	7.2	--
Hamilton	26.6	16.9	14.6	24.4	13.1	14.2	21.8
Harper	22.0	14.0	11.2	20.0	9.2	10.5	--
Harvey	20.2	12.9	9.9	18.2	8.0	9.2	--
Haskell	26.0	16.4	14.2	23.9	12.6	13.7	21.3
Hodgeman	24.5	15.5	13.2	22.4	11.4	12.7	20.2
Jackson	17.0	10.5	7.6	15.1	5.9	7.0	--
Jefferson	16.3	10.1	7.2	14.5	5.3	6.5	--
Jewell	20.9	13.1	10.7	19.0	9.0	9.9	--
Johnson	15.5	9.5	6.4	13.3	4.2	5.7	--
Kearny	26.1	16.6	14.4	24.1	12.7	13.8	21.5
Kingman	22.2	14.0	11.3	20.1	9.4	10.7	--
Kiowa	24.1	15.1	12.8	22.0	11.0	12.3	--
Labette	15.9	10.3	7.5	13.9	4.2	6.8	--
Lane	24.8	15.7	13.5	22.7	11.6	12.9	20.5

Table 2.1 (Continued)

County	Alfalfa	Corn	Sorghum	Grass	Wheat	Soybeans	S. Beets
Leavenworth	16.1	9.9	6.9	14.1	4.9	6.2	--
Lincoln	21.5	13.6	11.1	19.6	9.2	10.4	--
Linn	14.2	9.0	5.8	12.1	3.6	5.0	--
Logan	25.0	15.8	13.7	22.9	11.8	13.1	20.7
Lyon	16.8	10.5	7.4	14.8	5.4	6.7	--
Marion	19.2	12.2	9.2	17.1	7.3	8.5	--
Marshall	18.3	11.4	8.6	16.3	7.0	7.9	--
McPherson	20.7	13.1	10.4	18.8	8.5	9.8	--
Meade	25.5	16.1	13.8	23.4	12.2	13.3	20.9
Miami	14.6	9.0	6.0	12.3	3.7	5.2	--
Mitchell	21.3	13.3	10.9	19.4	9.2	10.2	--
Montgomery	16.7	10.9	8.0	14.6	4.9	7.3	--
Morris	17.9	11.4	8.5	15.9	6.5	7.7	--
Morton	27.3	17.1	15.0	24.8	13.7	14.4	22.2
Nemaha	17.6	10.9	8.1	15.7	6.4	7.5	--
Neosho	15.9	10.2	7.3	13.8	4.5	6.6	--
Ness	24.2	15.3	13.0	22.1	11.2	12.4	20.0
Norton	22.8	14.4	12.1	21.0	10.3	11.5	19.0
Osage	15.9	9.9	6.9	14.0	4.9	6.2	--
Osborne	22.0	13.8	11.4	20.2	9.7	10.8	--
Ottawa	20.5	12.9	10.3	18.5	8.5	9.6	--
Pawnee	23.6	14.9	12.5	21.6	10.7	12.0	--
Phillips	22.2	14.0	11.6	20.5	9.9	11.1	--
Pottawatomie	17.7	11.1	8.3	15.7	6.5	7.5	--
Pratt	23.3	14.6	12.2	21.2	10.3	11.6	--
Rawlins	24.0	15.1	12.9	21.9	11.1	12.4	19.9
Reno	21.8	13.8	11.1	19.8	9.2	10.4	--
Republic	20.0	12.6	9.9	18.1	8.3	9.2	--
Rice	21.9	13.8	11.2	20.0	9.4	10.6	--
Riley	18.2	11.4	8.7	16.2	6.8	8.0	--
Rooks	22.6	14.3	12.0	20.8	10.1	11.3	--
Rush	23.5	14.8	12.4	21.5	10.7	11.9	--
Russell	22.2	14.1	11.6	20.5	9.9	11.1	--
Saline	20.7	13.1	10.5	18.7	8.6	9.6	--
Scott	25.2	15.9	13.8	23.1	12.0	13.2	20.8
Sedgwick	20.3	13.1	10.1	18.4	8.1	9.3	--
Seward	26.1	16.4	14.2	23.9	12.7	13.7	21.3
Shawnee	16.4	10.2	7.3	14.6	5.4	6.6	--
Sheridan	23.9	15.0	12.8	21.8	11.0	12.2	19.8
Sherman	25.0	15.7	13.7	22.9	11.8	13.1	20.7
Smith	21.6	13.6	11.2	19.9	9.5	10.5	--
Stafford	22.9	14.5	12.0	21.0	10.2	11.5	--
Stanton	27.2	17.2	15.0	24.9	13.5	14.4	22.2
Stevens	26.7	16.8	14.6	24.4	13.1	14.0	21.7
Sumner	20.4	13.2	10.2	18.5	8.1	9.4	--
Thomas	24.4	15.4	13.3	22.3	11.4	12.7	20.1
Trego	23.7	15.0	12.7	21.7	10.9	12.1	19.6
Wabaunsee	17.0	10.7	7.8	15.2	5.9	7.1	--
Wallace	25.5	16.1	14.0	23.3	12.2	13.5	21.1
Washington	19.1	12.0	9.3	17.2	7.7	8.6	--
Wichita	25.6	16.3	14.0	23.5	12.3	13.5	21.1
Wilson	16.4	10.7	7.7	14.5	5.1	6.9	--
Woodson	16.1	10.4	7.3	14.2	4.9	6.5	--
Wyandotte	15.8	9.8	6.7	13.8	4.6	6.0	--


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

October 25, 2012

JOHN P GROTHER
11804 S HYDRAULIC
PECK KS 67120

RE: Pending Application, File No. 46,301

Dear Mr. Grother:

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.

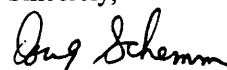
We have completed our review of your application referenced above, based on information in our office showing the proposed geographic center of the well battery would be located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE¼ NE¼ SE¼) of Section 33, more particularly described as being near a point 1,946 feet North and 630 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 85 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>3,531.67</u> acre-feet
Total quantity of water available =	<u>0 acre-feet</u>

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

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

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. 46,301

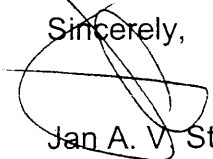
Dear Ms. Smith:

This will acknowledge receipt of your letter dated April 10, 2006, in which you expressed comments concerning the proposed appropriation of groundwater by John P. Grother 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. V. Stryker
Environmental Scientist
Stafford Field Office

WATER RESOURCES
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APR 24 2006

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

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KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

April 19, 2006

Mr. John P. Grother
11804 South Hydraulic
Peck, Kansas 67120

RE: New Application 46,301

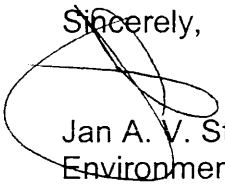
Dear Mr. Grother:

We are in receipt of your letter. Dated April 17, 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 180 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 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

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KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

April 3, 2006

DAVID HOLLINGSWORTH
11445 S HYDRAULIC
MULVANE, KS 67110

RE: Application File No. 46,301


Dear Mr. Hollingsworth:

This is to advise you that John P Grother has filed the application referred to above for permit to appropriate 85 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1000 gallons per minute from a well or wells located as follows:

Battery of (4) wells with the Geographic Center located Near Center of the North east Quarter of the Southeast Quarter (NC NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 29 South, Range 1 East, Sumner 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
John P Grother

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

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

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DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

April 3, 2006

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

RE: Application File No. 46,301

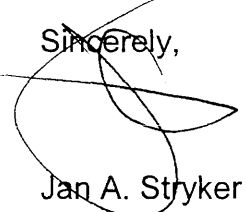
Dear Mr. Parker:

This is to advise you that John P Grother has filed the application referred to above for permit to appropriate 85 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1000 gallons per minute from a well or wells located as follows:

Battery of (4) wells with the Geographic Center located Near Center of the North east Quarter of the Southeast Quarter (NC NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 29 South, Range 1 East, Sumner 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
John P Grother

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Division of Water Resources Stafford Field Office M. Bruce Falk, Water Commissioner
105 North Main Street, Drawer F, Stafford, KS 67578-0357

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DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

April 3, 2006

RENEE SMITH
11439 S HYDRAULIC
MULVANE, KS 67110

RE: Application File No. 46,301


Dear Renee Smith:

This is to advise you that John P Grother has filed the application referred to above for permit to appropriate 85 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1000 gallons per minute from a well or wells located as follows:

Battery of (4) wells with the Geographic Center located Near Center of the North east Quarter of the Southeast Quarter (NC NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 29 South, Range 1 East, Sumner 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
John P Grother

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Division of Water Resources Stafford Field Office M. Bruce Falk, Water Commissioner
105 North Main Street, Drawer F, Stafford, KS 67578-0357
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DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

April 3, 2006

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

RE: Application File No. 46,301

Dear Mr. Grother:

We have reviewed your application, which proposes to pump groundwater from a battery of four (4) wells with a geographic center located Near Center of the Northeast Quarter of the Southeast Quarter of Section 33, Township 29 South, Range 01 East, Sumner County, Kansas. Your application further proposes using water for irrigation purposes, in a maximum annual quantity of 85 acre-feet per year at a maximum diversion rate of 1,000 gallons per minute.

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. 46,301 be denied and dismissed.

Your application is requesting a diversion rate of 1,000 gallons per minute from a proposed battery of four (4) wells which exceeds the authorized diversion rate of 800 gallons per minute for a battery as defined by K.A.R. 5-1-1(n). For this reason we will be recommending to the Chief Engineer that Application, File No. 46,301 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

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

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

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APR 04 2006

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Page 2
April 3, 2006
New Application 46,301


radius area around your proposed well, has been determined to be 1903.39 acre-feet per year. Existing appropriations, total 3,545 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. 46,301 be denied and dismissed.

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 18, 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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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 46,301

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 water than the regulations allow, K.A.R. 5.3.24. This is considered a deficiency in your application and will result in the application being recommended for denial by this office if not corrected.


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.

We have been informed by Lowell L. Ester that you will not be farming his property next year. Therefore, please review your proposed place of use and make the appropriate revisions.

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

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

pc: Ken Kopp 105 North Main Street, Drawer F, Stafford, KS 67578-0357

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

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11804 S. Hydraulic
Rt. 1 Peck, Kansas
67120

November 5, 2005

RE: Application File No. 46301

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. As I informed you in our telephone conversation, there has been a crop on the field, which prevented me from doing my test holes. I have applied for a battery of wells because I do not have any test logs to indicate if one well would be adequate. In response to our conversation I am calling the location of the well or wells to be in the north east quarter of the northeast quarter of the southeast quarter of section 33, township 29 S, range 1E. I am asking for additional time to get the test holes completed and to send the information to you. I am not returning the application to you at this time in accordance to what you told me to do in our phone conversation. I fully expect to get the test holes done and the application fully completed and returned in the next 60 days or sooner.

Sincerely,


John P. Grother

WATER RESOURCES
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NOV 22 2005

KS DEPT OF AGRICULTURE

Stafford Field Office
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NOV 08 2005

Division of Water Resources
Kansas Department of Agriculture

MICROFILMED

KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN 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 46,301

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 water than the regulations allow, K.A.R. 5.3.24. This is considered a deficiency in your application and will result in the application being recommended for denial by this office if not corrected.

We have been informed by Lowell L. Ester that you will not be farming his property next year. Therefore, please review your proposed place of use and make the appropriate revisions.

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

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

pc: Ken Kopp 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 16 2005

KS DEPT OF AGRICULTURE

11804 S. Hydraulic
Rt. 1 Peck, Kansas
67120

November 5, 2005

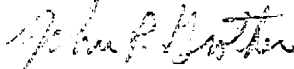
RE: Application File No. 46301

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. As I informed you in our telephone conversation, there has been a crop on the field, which prevented me from doing my test holes. I have applied for a battery of wells because I do not have any test logs to indicate if one well would be adequate. In response to our conversation I am calling the location of the well or wells to be in the north east quarter of the northeast quarter of the southeast quarter of section 33, township 29 S, range 1E. I am asking for additional time to get the test holes completed and to send the information to you. I am not returning the application to you at this time in accordance to what you told me to do in our phone conversation. I fully expect to get the test holes done and the application fully completed and returned in the next 60 days or sooner.

Sincerely,



John P. Grother

Stafford Field Office
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Division of Water Resources
Kansas Department of Agriculture

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KS DEPT OF AGRICULTURE



KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN 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 46,300

Dear Mr. Grother:

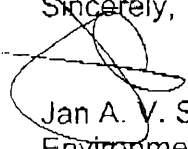
We are allowing you an additional 30-days to complete your application as requested in your recent letter dated November 5, 2005.

Please, carefully review my letter to you dated October 6, 2005. Your application requests more water than the regulations allow, K.A.R. 5.3.24. This is considered a deficiency 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

pc: Ken Kopp

WATER RESOURCES
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NOV 16 2005

KS DEPT OF AGRICULTURE

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. 46,300

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

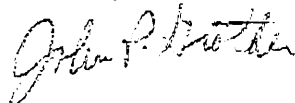
Dear Mr. Stryker,

I am returning the application file no. 46300 in accordance to your letter dated October 6, 2005. The reason that I requested that amount of water is that I sometimes double crop this acreage and need that amount of water to be able to water the second crop

I have filled out the "IRRIGATION USE SUPPLEMENTAL SHEET" to the best of my knowledge at this time.

I am requesting additional time in which to furnish well owner names and mailing addresses. There is a housing development to the south of the east end of this farm. Because of privacy laws, I cannot get names and addresses from the post Office. I have gotten a Sumner County rural directory and am in the process of using these maps to provide the requested information to the best my ability using the resources that are available to me.

Sincerely,



John P. Grother

Stafford Field Office
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NOV 08 2005

Division of Water Resources
Kansas Department of Agriculture

WATER RESOURCES
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NOV 16 2005

KS DEPT OF AGRICULTURE



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.

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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
pc: Stafford Field Office

MICROFILMED

FILE COPY

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

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JAN 09 2006

STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

Page 2.
October 6, 2005
Application File No. 46,301

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
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OCT 11 2005
KS DEPT OF AGRICULTURE

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KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

October 6, 2005

Mr. John P. Grother
11804 S. Hydraulic
Peck, Kansas 67120

RE: Application File No. 46,301

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.

As per your request we are allowing you sixty-days time from the receipt of your application to determine the exact location of your battery of wells. The location of each of your wells in this proposed battery of wells will need to be presented in the application to the nearest 10-acre tract of land with correct distances in feet shown from the southeast corner of the section. A representative drillers log from your completed test holes will also need to be furnished when you return your application.

Your map will need to show the correct location of your proposed battery of wells and specifically show well owner names and mailing addresses for all domestic wells located within one-half mile of your proposed battery.

By regulation we do not consider your quantity of water as requested to be 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 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 **November 19, 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) 234-5311

WATER RESOURCES
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OCT 11 2005
KS DEPT. OF AGRICULTURE
MICROFILMED JRE

11804 S. Hydraulic
Rt. 1 Peck, Kansas
67120

November 5, 2005

RE: Application File No. 46301

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. As I informed you in our telephone conversation, there has been a crop on the field, which prevented me from doing my test holes. I have applied for a battery of wells because I do not have any test logs to indicate if one well would be adequate. In response to our conversation I am calling the location of the well or wells to be in the north east quarter of the northeast quarter of the southeast quarter of section 33, township 29 S, range 1E. I am asking for additional time to get the test holes completed and to send the information to you. I am not returning the application to you at this time in accordance to what you told me to do in our phone conversation. I fully expect to get the test holes done and the application fully completed and returned in the next 60 days or sooner.

Sincerely,


John P. Grother

Stafford Field Office
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NOV 08 2005

Division of Water Resources
Kansas Department of Agriculture

April 17, 2006

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

RE: Application File No. 46,301

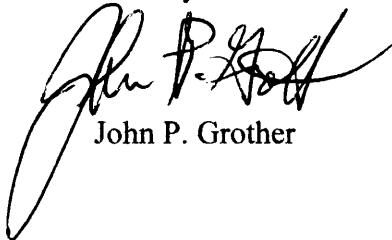
Dear Mr. Stryker:

I am writing to request some additional time in which to gather and furnish you with more information concerning Application No. 46301.

I am asking for more water than is set out in the county values found on the map referred in K. A. R. 5-3-24 because I believe it follows under the unusual conditions referred to in K. A. R. 5-3-20 subsection c-1. I need a little more indication of what data you are seeking from me.

I have contacted Ned Marks in regard to helping me analyze and provide information that will be applicable to this application. I will need to see exactly what information we need to provide before I know exactly what the time frame will need to be. Ned said that he is pretty busy and I do not know exactly what his timetable will be.

Sincerely



John P. Grother

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APR 19 2006

COURTESY OF THE
DIVISION OF WATER RESOURCES

KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

April 3, 2006

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

RE: Application File No. 46,301

Dear Mr. Parker:

This is to advise you that John P Grother has filed the application referred to above for permit to appropriate 85 acre-feet of water per calendar year for Irrigation use to be diverted at a maximum rate of 1000 gallons per minute from a well or wells located as follows:

Battery of (4) wells with the Geographic Center located Near Center of the North east Quarter of the Southeast Quarter (NC NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 29 South, Range 1 East, Sumner 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
John P Grother

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APR 07 2006

STAFFORD FIELD OFFICE
DIVISION OF WATER RESOURCES

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

Table 2.1
 Seasonal Net Irrigation Requirements (Inches)
 80 Percent Chance Rainfall

County	Alfalfa	Corn	Sorghum	Grass	Wheat	Soybeans	S. Beets
Allen	15.5	9.9	6.7	13.5	4.4	6.1	--
Anderson	14.7	9.4	6.3	12.8	3.9	5.5	--
Atchison	16.6	10.3	7.3	14.8	5.5	6.7	--
Barber	23.3	14.6	12.3	21.2	10.3	11.6	--
Barton	22.7	14.4	11.8	20.8	10.1	11.3	--
Bourbon	15.0	9.6	6.6	12.9	4.0	5.8	--
Brown	17.2	10.6	7.7	15.3	6.0	7.2	--
Butler	18.7	12.0	9.0	16.8	6.8	8.2	--
Chase	17.8	11.4	8.3	15.8	6.4	7.5	--
Chautauqua	17.5	11.4	8.5	15.6	5.7	7.8	--
Cherokee	15.2	9.9	7.0	13.2	3.6	6.3	--
Cheyenne	24.5	15.4	13.3	22.4	11.3	12.7	20.3
Clark	24.9	15.7	13.3	22.7	11.6	12.9	20.3
Clay	19.2	12.2	9.4	17.2	7.6	8.6	--
Cloud	20.3	12.7	10.1	18.3	8.5	9.4	--
Coffey	15.6	9.9	6.8	13.7	4.6	6.0	--
Comanche	24.2	15.1	12.8	22.0	11.0	12.4	--
Cowley	18.8	12.3	9.2	17.0	6.8	8.5	--
Crawford	15.3	9.8	7.0	13.2	3.8	6.2	--
Decatur	23.4	14.8	12.5	21.5	10.7	11.9	19.4
Dickinson	19.2	12.3	9.4	17.2	7.5	8.6	--
Doniphan	16.9	10.3	7.5	15.0	5.6	6.9	--
Douglas	15.7	9.8	6.7	13.8	4.6	6.0	--
Edwards	23.9	15.1	12.7	21.8	10.9	12.2	--
Elk	17.4	11.3	8.4	15.5	5.7	7.6	--
Ellis	23.1	14.6	12.2	21.2	10.3	11.6	--
Ellsworth	21.6	13.7	11.2	19.8	9.4	10.5	--
Finney	25.6	16.3	13.9	23.5	12.3	13.4	21.1
Ford	24.8	15.7	13.3	22.6	11.6	12.8	20.3
Franklin	15.0	9.1	6.3	13.0	4.0	5.5	--
Geary	18.2	11.5	8.7	16.1	6.8	7.9	--
Gove	24.3	15.3	13.1	22.3	11.4	12.5	20.2
Graham	23.3	14.7	12.4	21.3	10.6	11.8	19.3
Grant	26.5	16.7	14.6	24.2	13.0	14.0	21.7
Gray	25.4	16.1	13.8	23.3	12.1	13.3	20.8
Greeley	26.0	16.5	14.3	23.9	12.6	13.8	21.5
Greenwood	17.0	11.1	7.9	15.1	5.7	7.2	--
Hamilton	26.6	16.9	14.6	24.4	13.1	14.2	21.8
Harper	22.0	14.0	11.2	20.0	9.2	10.5	--
Harvey	20.2	12.9	9.9	18.2	8.0	9.2	--
Haskell	26.0	16.4	14.2	23.9	12.6	13.7	21.3
Hodgeman	24.5	15.5	13.2	22.4	11.4	12.7	20.2
Jackson	17.0	10.5	7.6	15.1	5.9	7.0	--
Jefferson	16.3	10.1	7.2	14.5	5.3	6.5	--
Jewell	20.9	13.1	10.7	19.0	9.0	9.9	--
Johnson	15.5	9.5	6.4	13.3	4.2	5.7	--
Kearny	26.1	16.6	14.4	24.1	12.7	13.8	21.5
Kingman	22.2	14.0	11.3	20.1	9.4	10.7	--
Kiowa	24.1	15.1	12.8	22.0	11.0	12.3	--
Labette	15.9	10.3	7.5	13.9	4.2	5.8	--
Lane	24.8	15.7	13.5	22.7	11.6	12.9	20.5

Table 2.1 (Continued)

Page 2 of 2

County	Alfalfa	Corn	Sorghum	Grass	Wheat	Soybeans	S. Beets
Leavenworth	16.1	9.9	6.9	14.1	4.9	6.2	--
Lincoln	21.5	13.6	11.1	19.6	9.2	10.4	--
Linn	14.2	9.0	5.8	12.1	3.6	5.0	--
Logan	25.0	15.8	13.7	22.9	11.8	13.1	20.7
Lyon	16.8	10.5	7.4	14.8	5.4	6.7	--
Marion	19.2	12.2	9.2	17.1	7.3	8.5	--
Marshall	18.3	11.4	8.6	16.3	7.0	7.9	--
McPherson	20.7	13.1	10.4	18.8	8.5	9.8	--
Meade	25.5	16.1	13.8	23.4	12.2	13.3	20.9
Miami	14.6	9.0	6.0	12.3	3.7	5.2	--
Mitchell	21.3	13.3	10.9	19.4	9.2	10.2	--
Montgomery	16.7	10.9	8.0	14.6	4.9	7.3	--
Morris	17.9	11.4	8.5	15.9	6.5	7.7	--
Morton	27.3	17.1	15.0	24.8	13.7	14.4	22.2
Nemaha	17.6	10.9	8.1	15.7	6.4	7.5	--
Neosho	15.9	10.2	7.3	13.8	4.5	6.6	--
Ness	24.2	15.3	13.0	22.1	11.2	12.4	20.0
Norton	22.8	14.4	12.1	21.0	10.3	11.5	19.0
Osage	15.9	9.9	6.9	14.0	4.9	6.2	--
Osborne	22.0	13.8	11.4	20.2	9.7	10.8	--
Ottawa	20.5	12.9	10.3	18.5	8.5	9.6	--
Pawnee	23.6	14.9	12.5	21.6	10.7	12.0	--
Phillips	22.2	14.0	11.6	20.5	9.9	11.1	--
Pottawatomie	17.7	11.1	8.3	15.7	6.5	7.5	--
Pratt	23.3	14.6	12.2	21.2	10.3	11.6	--
Rawlins	24.0	15.1	12.9	21.9	11.1	12.4	19.9
Reno	21.8	13.8	11.1	19.8	9.2	10.4	--
Republic	20.0	12.6	9.9	18.1	8.3	9.2	--
Rice	21.9	13.8	11.2	20.0	9.4	10.6	--
Riley	18.2	11.4	8.7	16.2	6.8	8.0	--
Rooks	22.6	14.3	12.0	20.8	10.1	11.3	--
Rush	23.5	14.8	12.4	21.5	10.7	11.9	--
Russell	22.2	14.1	11.6	20.5	9.9	11.1	--
Saline	20.7	13.1	10.5	18.7	8.6	9.6	--
Scott	25.2	15.9	13.8	23.1	12.0	13.2	20.8
Sedgwick	20.3	13.1	10.1	18.4	8.1	9.3	--
Seward	26.1	16.4	14.2	23.9	12.7	13.7	21.3
Shawnee	16.4	10.2	7.3	14.6	5.4	6.6	--
Sheridan	23.9	15.0	12.8	21.8	11.0	12.2	19.8
Sherman	25.0	15.7	13.7	22.9	11.8	13.1	20.7
Smith	21.6	13.6	11.2	19.9	9.5	10.5	--
Stafford	22.9	14.5	12.0	21.0	10.2	11.5	--
Stanton	27.2	17.2	15.0	24.9	13.5	14.4	22.2
Stevens	26.7	16.8	14.6	24.4	13.1	14.0	21.7
Sumner	20.4	13.2	10.2	18.5	8.1	9.4	--
Thomas	24.4	15.4	13.3	22.3	11.4	12.7	20.1
Trego	23.7	15.0	12.7	21.7	10.9	12.1	19.6
Wabaunsee	17.0	10.7	7.8	15.2	5.9	7.1	--
Wallace	25.5	16.1	14.0	23.3	12.2	13.5	21.1
Washington	19.1	12.0	9.3	17.2	7.7	8.6	--
Wichita	25.6	16.3	14.0	23.5	12.3	13.5	--
Wilson	16.4	10.7	7.7	14.5	5.1	6.9	--
Woodson	16.1	10.4	7.3	14.2	4.9	6.5	--
Wyandotte	15.8	9.8	6.7	13.8	4.6	6.0	--

RECEIVED

MAR 07 2006



DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

September 23, 2005

JOHN P GROTHER
11804 S HYDRAULIC
PECK KS 67120

RE: Application
File No. 46,301

Dear Sir or Madam:

Your application for permit to appropriate water in 33-29-1 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

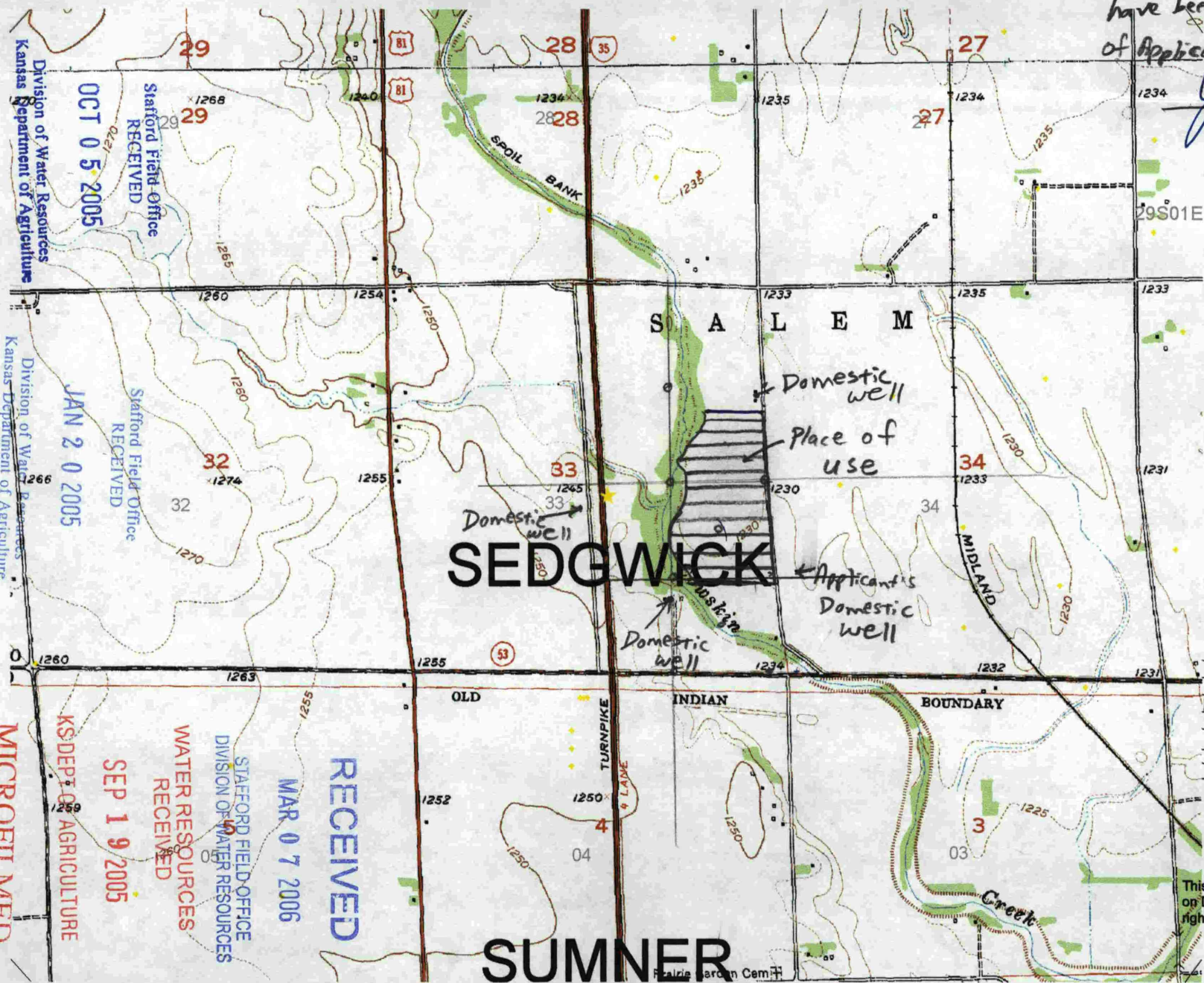
FILE COPY

46,301

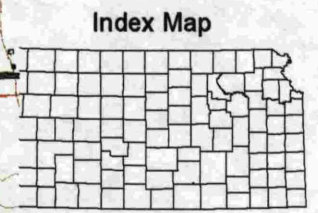
Proposed Pd In 33-29s-01e (2500n,2500w) With A 2 Mile Buffer

All wells within 1/2 mile have been located to best of Applicant's Knowledge.

John Paul Strother
PD



- Ground Water
- Surface Water
- Subbasins
- Hydrology
- Special Areas
 - ▨ Closed
 - ▨ Restricted
 - PLSS
- + Section Corners
- Townships
- Cities
- Towns
- ▨ Lakes
- County
- GMD



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

Division of Water Resources
 Kansas Department of Agriculture
 Stafford Field Office
 RECEIVED
 OCT 05 2005

Division of Water Resources
 Kansas Department of Agriculture
 Stafford Field Office
 RECEIVED
 JAN 20 2005

STAFFORD FIELD OFFICE
 DIVISION OF WATER RESOURCES
 WATER RESOURCES
 RECEIVED
 SEP 19 2005

RECEIVED
 MAR 07 2006

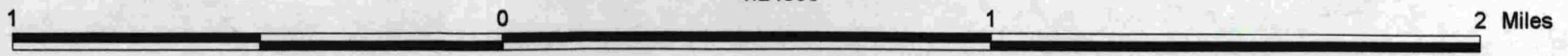
MICROFILMED
 MICROFILMED
 KS DEPT. OF AGRICULTURE

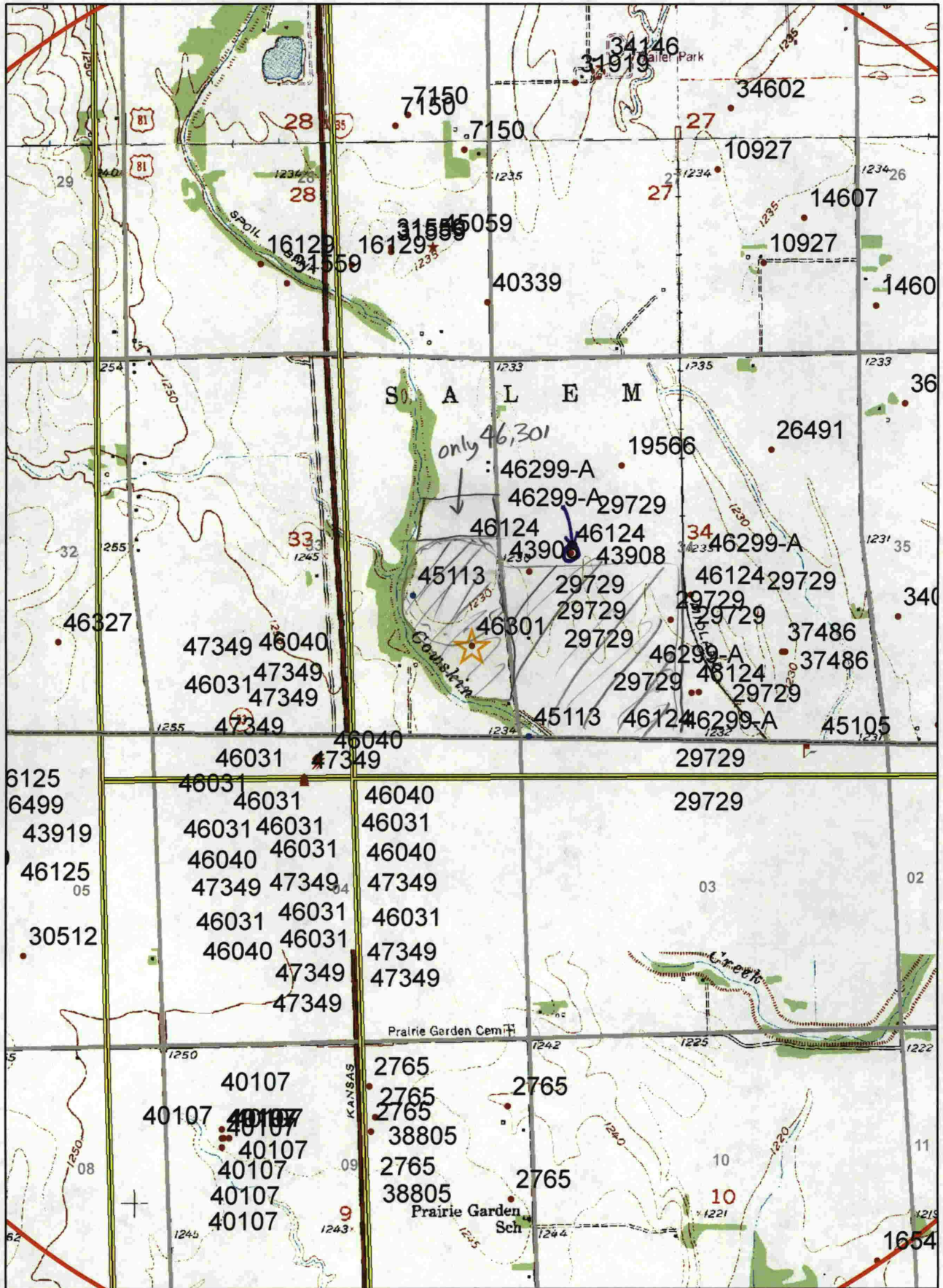
SEDGWICK

S A L E M

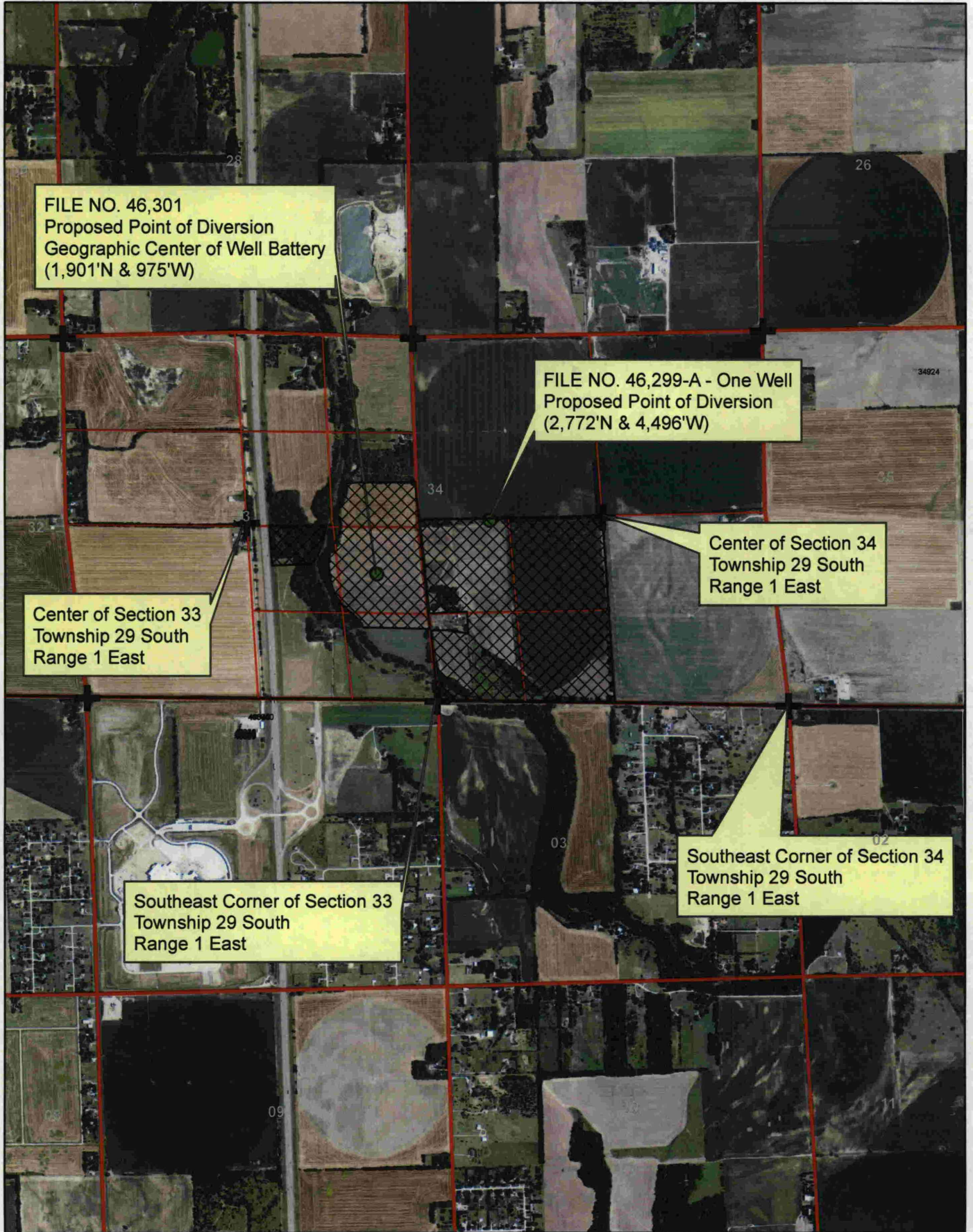
SUMNER

1:24000





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



FILE NO. 46,301
Proposed Point of Diversion
Geographic Center of Well Battery
(1,901'N & 975'W)

FILE NO. 46,299-A - One Well
Proposed Point of Diversion
(2,772'N & 4,496'W)

Center of Section 34
Township 29 South
Range 1 East

Center of Section 33
Township 29 South
Range 1 East

Southeast Corner of Section 33
Township 29 South
Range 1 East

Southeast Corner of Section 34
Township 29 South
Range 1 East



Proposed Place of Use

1:24,000

