

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

1. File Number: <p align="center"><b>49,468</b></p>	2. Status Change Date: <p align="center"><u>4/24/2017</u></p>	3. Field Office: <p align="center"><b>02</b></p>	4. GMD:
--------------------------------------------------------	------------------------------------------------------------------	-----------------------------------------------------	---------

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)      Person ID <u>64727</u> New to system <input type="checkbox"/>      Add Seq# <u>1</u></p> <p><b>JUSTIN KELLY</b> <b>726 WESTCHESTER PLACE</b> <b>ANDOVER KS 67002</b></p>	<p>7c. Landowner(s)      Person ID _____ New to system <input type="checkbox"/>      Add Seq# _____</p>
<p>7b. Landowner(s)      Person ID _____ New to system <input type="checkbox"/>      Add Seq# _____</p>	<p>7d. Misc.      Person ID _____ New to system <input type="checkbox"/>      Add Seq# _____</p>

<p>8. WUR Correspondent      Person ID _____ New to system <input type="checkbox"/>      Add Seq# _____ Overlap File (s) WUC      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="checked" type="checkbox"/> No                                  <input checked="checked" type="checkbox"/> Groundwater    <input type="checkbox"/> Surface Water <input checked="checked" type="checkbox"/> IRR            <input type="checkbox"/> REC            <input type="checkbox"/> DEW            <input type="checkbox"/> MUN <input type="checkbox"/> STK            <input type="checkbox"/> SED            <input type="checkbox"/> DOM            <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR    <input type="checkbox"/> ART RECHRG <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: 4/14/17      By: AJW  
Date Entered: 4/25/2017    By: UM

File No. **49,468**      15. Formation Code: 100      Drainage Basin: **Ninnescah 52**      County: **SU**      Special Use:      Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
	MOD			84682	NW SW SW	9	30	1E	12	1271	4930 GEO
	ENT			86059	SW NW SW	9	30	1E		1270	5210 1
	ENT			86060	NW SW SW	9	30	1E		1553	4930 2
	ENT			86061	NW SW SW	9	30	1E		1270	4650 3
	ENT			86062	NW SW SW	9	30	1E		990	4930 4
<i>Battery ID #2020</i>											

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	97.5	800	97.5	no

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

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

20. Meter Required?  Yes  No      To be installed by \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
✓				67296	9	30	1E	4																75	7a	

Comments:

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

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

**TO:** Files

**DATE:** April 14, 2017

**FROM:** Alex Whitesell

**RE:** Application, File No. 49,468

Justin Kelly has filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 97.5 acre-feet of groundwater from a battery of four (4) wells, for irrigation use in Sumner County.

On the application, the original priority date of **September 23, 2015** was stamped unacceptable. This is an error and the priority date remains **September 23, 2015**.

Based on K.A.R. 5-3-24, the requested quantity of 97.5 acre-feet appears reasonable for irrigation of the proposed 75 acres (1.3 acre-feet per acre in Sumner County).

The source of water for the pending application was determined to be the Quaternary System, based on area wells logs and Kansas Geological Survey Bulletin 151.

The area of the proposed point of diversion is open to new appropriations, subject to safe yield. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. The safe yield area of consideration is the entire two-mile circle, 8,042 acres, calculated using 5.4 inches of potential annual recharge and 75% recharge available for appropriation based on a 2004 study conducted by the United States Geological Survey. The safe yield was calculated to be 2,714.18 acre-feet with total prior appropriation of 2,249.32 acre-feet leaving 464.86 acre-feet available for appropriation. Therefore, the application meets safe yield.

The application is subject to well spacing, as required by K.A.R. 5-4-4. There are no other appropriated wells within 1,320 feet, nor domestic wells reported within 660 feet of the proposed geographic center of the battery of wells. Therefore, the application complies with well spacing requirements.

All well owners within one-half (½) mile of the proposed point of diversion were notified of the application, by letter dated February 27, 2017, and provided 15 days to submit any comments or concerns related to the proposed appropriation. Several calls were received by concerned domestic well owners. Noel Troll, Matthew Gaffney, Stephen Rapier, houses #1, #8 and #3 respectively, called to voice their concerns. The same three domestic well owners submitted written comments voicing concerns that their wells would be impacted. On March 8, 2017, Mr. Rapier also spoke with Cameron Conant, Assistant Water Commissioner of the Stafford Field Office who explained the application processing and approval requirements. There have been no problems with these domestic wells to date and there has been an irrigation well operating nearby for several years. Impairment does not seem likely at this time.

In an email message March 31, 2017, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

Based on the above discussion and the available information, it is recommended that the referenced application be approved.

  
Alex Whitesell  
Environmental Scientist  
Water Appropriation Program



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

April 25, 2017

**FILE COPY**

JUSTIN KELLY  
726 WEST CHESTER PLACE  
ANDOVER KS 67002

RE: Appropriation of Water  
File No. 49,468

Dear Mr. Kelly:

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

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

Enclosed is a form which must be used to notify the Chief Engineer that the proposed diversion works have been completed. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the enclosed permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

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

Sincerely,

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Division of Water Resources

BAT:ajw  
Enclosures  
pc: Stafford Field Office

THE STATE OF KANSAS



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)

**FILE COPY**

This is to certify that I have examined Application, **File No. 49,468** of the applicant

**JUSTIN KELLY  
726 WEST CHESTER PLACE  
ANDOVER KS 67002**

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 23, 2015**.
2. That the water sought to be appropriated shall be used for irrigation use on land, described in the application, as follows:

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 30S 1E										39	36						75

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 Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 1,271 feet North and 4,930 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner 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 **97.5 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 of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 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 of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That 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 with the 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.

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 the applicant shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

19. That this permit is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and be limited to a total maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.).

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 <sup>24<sup>th</sup></sup> day of April, 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 <sup>24<sup>th</sup></sup> day of April, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*

Notary Public

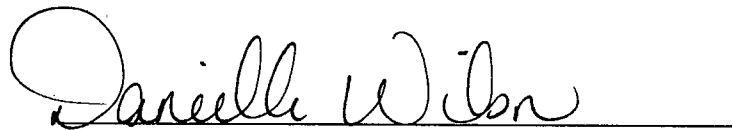
**CERTIFICATE OF SERVICE**

On this <sup>25<sup>th</sup></sup> day of April, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,468, dated April 24, 2017 was mailed postage prepaid, first class, US mail to the following:

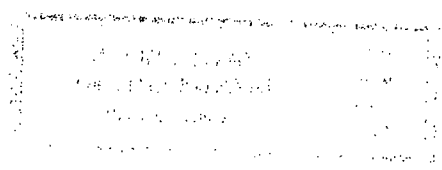
JUSTIN KELLY  
726 WEST CHESTER PLACE  
ANDOVER KS 67002

With photocopies to:

Stafford Field Office



Division of Water Resources





THE STATE OF KANSAS



APPLICATION COMPLETE  
 3/31/17  
 Reviewer: ADW/DWR

KANSAS DEPARTMENT OF AGRICULTURE  
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
 David W. Barfield, Chief Engineer

File Number 49468  
 This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED  
 DEC 08 2015  
 10:50  
 KS DEPT OF AGRICULTURE

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

UNACCEPTABLE  
 WATER RESOURCES RECEIVED  
 SEP 28 2015  
 11:26  
 KS DEPT OF AGRICULTURE  
 Priority Date  
 ADW \*

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

1. Name of Applicant (Please Print): Justin Kelly  
 Address: 726 WestChester Place  
 City: Andover State KS Zip Code 67002  
 Telephone Number: (316) 304-7466

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
 OR  groundwater in Ninnescah 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 97.5 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR \_\_\_\_\_ cubic feet per second.  
 \* per applicant phone call  
 Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

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

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

For Office Use Only:														
F.O.	<u>2</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>SW</u>	By	<u>KAB</u>	Date	<u>9/24/15</u>
Code	<u>REG</u>	Fee \$	<u>200</u>	TR #	<u>16009276</u>	Receipt Date	<u>9/29/15</u>	Check #	<u>498</u>					

SCANNED

9/29/2015 CW

Geo Center

File No. \_\_\_\_\_

NW 1/4 SW 1/4 SW 1/4 of 9-30s-1E 1271 N & 4930 W

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

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

w 311 1 (A) One in the <sup>SW</sup> quarter of the NW quarter of the SW quarter of Section 9, more particularly described as being near a point 1270 feet North and 5210 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, Kansas.

Requesting 60 days to locate

w 311 2 (B) One in the ~~SW~~ quarter of the NW quarter of the SW quarter of Section 9, more particularly described as being near a point 1553 feet North and 4930 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East/West (circle one), Sumner County, Kansas.

w 311 3 (C) One in the ~~SW~~ quarter of the NW quarter of the SW quarter of Section 9, more particularly described as being near a point 1270 feet North and 4650 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East/West (circle one), Sumner County, Kansas.

w 311 4 (D) One in the ~~SW~~ quarter of the ~~SW~~ quarter of the SW quarter of Section 9, more particularly described as being near a point 990 feet North and 4930 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East/West (circle one), Sumner County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within the same local source of supply which do not exceed a maximum diversion rate of 800 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common distribution system. Four wells in the same local source of supply within a 300 foot radius circle not to exceed a total maximum diversion rate of 800 gallons per minute per well.

Geo Center  
1271 N NW  
4930 W SW  
9-30s-1E

6. The owner of the point of diversion, if other than the applicant is (please

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

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

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

Executed on August 26<sup>th</sup>, 2015.

Justin C Kelly  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 4 w 311s  
(number of wells, pumps or dams, etc.)

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

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

WATER RESOURCES RECEIVED

DEC 08 2015

KS DEPT OF AGRICULTURE

UNACCEPTABLE FOR FILING RECEIVED

SEP 23 2015 PRIORITY

KS DEPT OF AGRICULTURE

SCANNED

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

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

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

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

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

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

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

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

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

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WATER RESOURCES RECEIVED

DEC 08 2015

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY  
SEP 29 2015

KS DEPT OF AGRICULTURE

SCANNED

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

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

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

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

owner  
(owner, tenant, agent or otherwise)

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

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Wichita, Kansas, this 26<sup>th</sup> day of August, 2015.  
(month) (year)

*Justin E Kelly*  
(Applicant Signature)

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

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

Assisted by MJM \_\_\_\_\_ ESII \_\_\_\_\_ Date: 8/20/2015  
(office/title)

WATER RESOURCES RECEIVED

DEC 08 2015

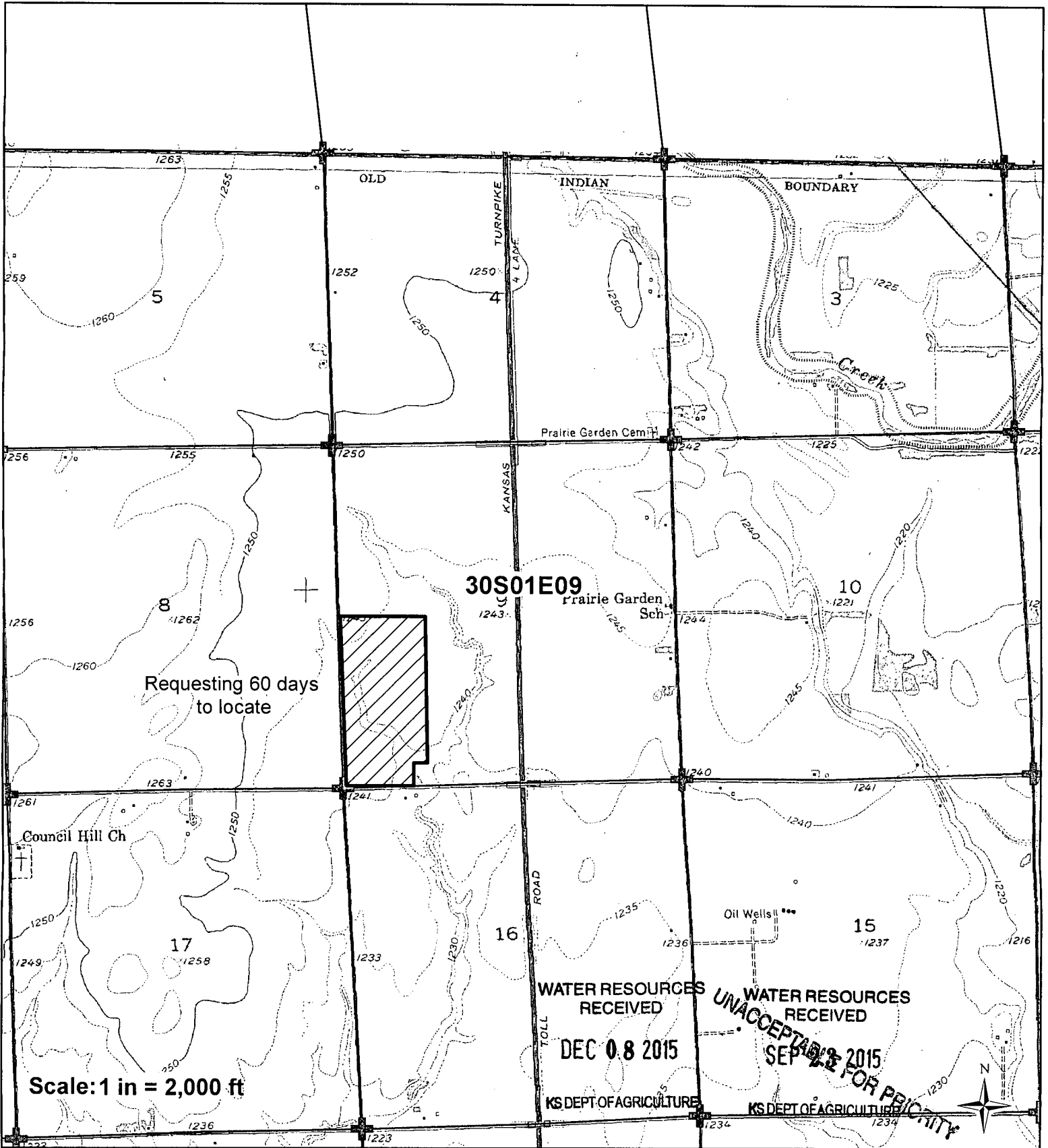
KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

SCANNED



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

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

*Justin E Kelly*  
 \_\_\_\_\_  
 Signature

8/26/15  
 \_\_\_\_\_  
 Date

see Attachment A  
 Created By: Matt Meier  
 F.O. 2  
 Date: 8/20/2015



**SCANNED**

711

IRRIGATION TEST WELL

Driller & Assistant: Alex & Tyler Tucker

Date: 10-19-15

CUSTOMER: Mark Lawless P.O. Box 515 Bella Plaine, KS 67013 Justin Kelly 726 Westchester Dr.

LOCATION: place Andover Kansas 67002

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

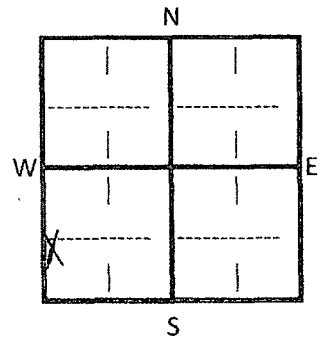
Depth:	Formation:	Well Information:
0-1	top soil	Static Water Level: 15ft
1-4	dark red clay	Est. production: 50-150 gpm
4-15	fine sugar sand	Casing depth: X
15-19	fine to medium sand	Screen depth: X
19-27	coarse sand with iron pieces	Slot size: X
27-30	grey shale	Grouting depth: 40-0
30	hard limestone layer	Number of bags: 3 bags
30-40	grey shale	Nearest Contamination: none within 1/4 mile
		Maintenance & Safety:
		Notes: possibly more gpm but tough to make estimate

Directions: Latitude: 37.453358 N decimal degrees (ex. 38.881796)  
 Longitude: -97.331492 W decimal degrees (ex. 95.373889)  
 Datum:  NAD27  NAD83  WGS84

1241

NW 1/4	NW 1/4	SW 1/4	SW 1/4
Sec. 9	T 30	R 1	EW
County SUMNER			

\$8<sup>00</sup> x 40 /ft. Well  
 \$50<sup>00</sup> /Grout  
 \$ N/A /Test Pumping  
 \$ N/A /Water Sample  
 \$ 200<sup>00</sup> /Mobilization/Travel  
 Contract Received: ?



Invoice #: 1260  
 Date Mailed: 12/3/15  
 Well Data:  Access:  
 Materials:  Incent:  APH 4.80  
 TRPL CK'D BY:  [Signature]  
 QDRPL CK'D BY:

WATER RESOURCES RECEIVED

DEC 08 2015

KS DEPT OF AGRICULTURE

SCANNED

IRRIGATION TEST WELL

IT2

Driller & Assistant: Alex <sup>Tyler</sup> Tucker Date: 11-19-15

CUSTOMER: ~~Mark Lowless P.O. Box 515 Belle Plaine, KS 67013~~ JUSTIN KELLY

LOCATION: 726 WESTCHESTER DR. ANDOVER, KS

- 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

67002

Depth:	Formation:	Well Information:
0-1	Top Soil	Static Water Level: 15ft
1-4	dark red clay	Est. production: 50-150ft
4-15	fine sugar sand	Casing depth: X
15-21	fine-medium sand	Screen depth: X
21-27	coarse sand w/ iron pieces	Slot size: X
27-30	grey shale	Grouting depth: 40-0
30	limestone layer	Number of bags: 3 bags
30-40	grey shale	Nearest Contamination: none within 1/4 mile
		Maintenance & Safety:
		Notes:

Directions:

Latitude: 37.4536167 N decimal degrees (ex. 38.881796)

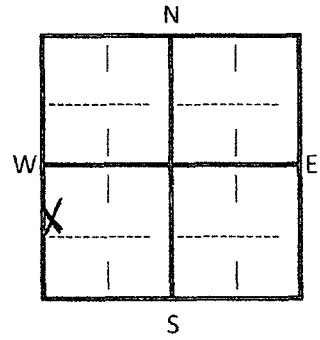
Longitude: -97.33151671 W decimal degrees (ex. 95.373889)

Datum:  NAD27  NAD83  WGS84

1241

SW 1/4	SW 1/4	NW 1/4	SW 1/4
Sec. 9	T 30	R 1	EW
County SUMNER			

\$ 8 <sup>00</sup> x 40'	/ft. Well
\$ 50 <sup>00</sup>	/Grout
\$ N/A	/Test Pumping
\$ NONE	/Water Sample
\$ NONE	/Mobilization/Travel
Contract Received:	?



Invoice #: 1260  
 Date Mailed: 12/3/15  
 Well Data:  Access:  
 Materials:  Incent:  APH 4.80  
 TRPL CK'D BY: DWS 40x12=4.80  
 QDRPL CK'D BY:

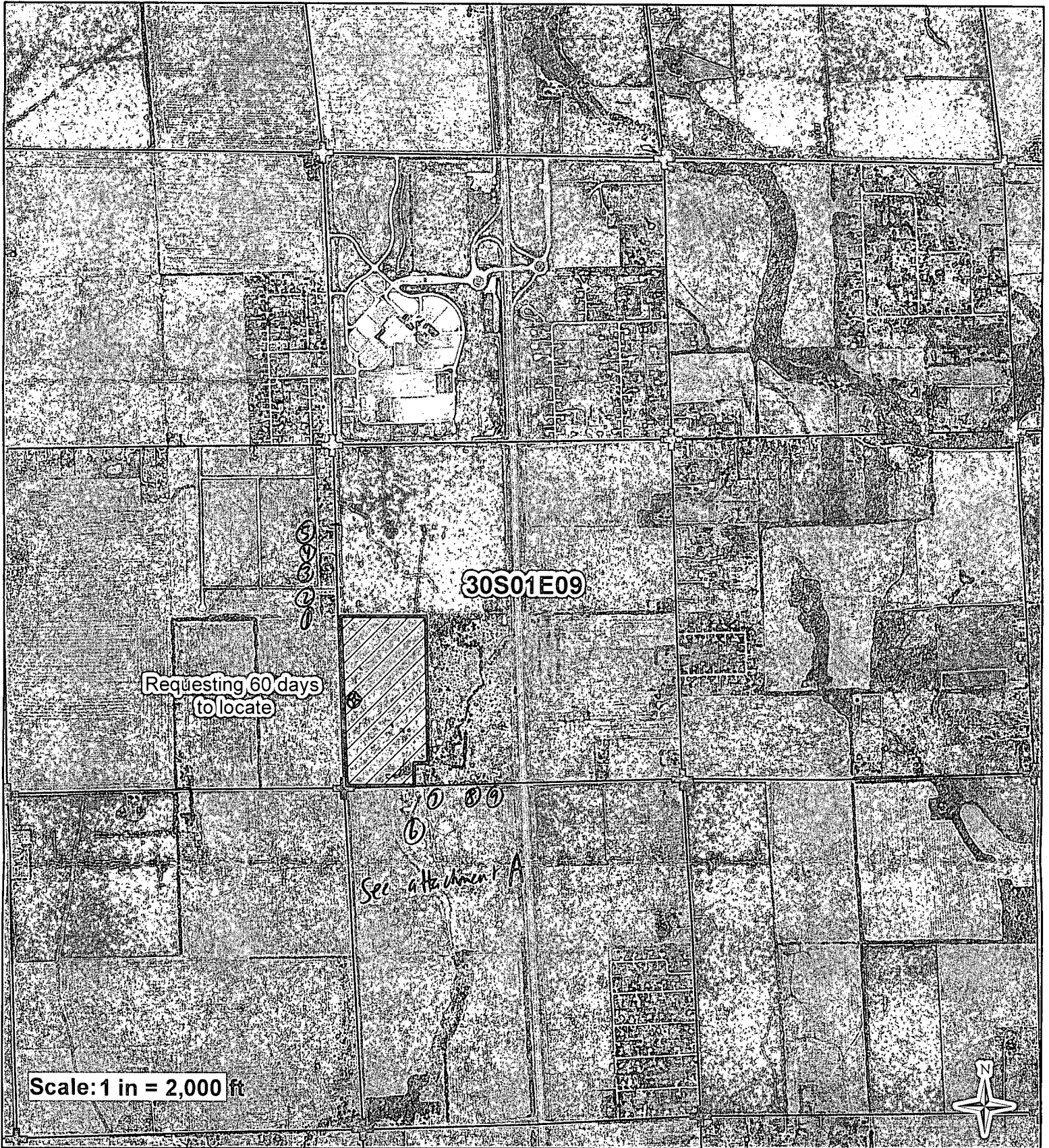
WATER RESOURCES RECEIVED

DEC 08 2015

KS DEPT OF AGRICULTURE

SCANNED





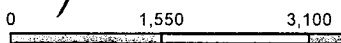
I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

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

*Justin E Kelly*  
Signature

DEC 08 2015 8/26/15  
Date

see Attachment A  
WATER RESOURCES RECEIVED  
Submitted By: Matt Meier





# Attachment A

	<i>owner</i>	<i>address</i>
①	Noel Troll	1345 N. Broadway, Peck KS 67120
②	Jeff Digman	1355 N. Broadway, Peck KS 67120
③	Stephen Rapier	1357 N. Broadway, Peck KS 67120
④	Dale Rotramel	1361 N. Broadway, Peck KS 67120
⑤	Michael Knotts	1365 N. Broadway, Peck KS 67120
⑥	DeWayne Gerlach	909 E. 130th Ave N., Peck, KS 67120
⑦	S Bongiorno	938 E. 130th Ave N., Peck, KS 67120
⑧	Matthew Gaffney, Jr.	940 E. 130th Ave N., Peck, KS 67120
⑨	Daniel Davis	946 E. 130th Ave N., Peck, KS 67120

WATER RESOURCES  
RECEIVED

DEC 08 2015

KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED

UNACCEPTABLE FOR PRIORITY  
SEP 23 2015

KS DEPT OF AGRICULTURE

SCANNED

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): Justin Kelly

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: Justin Kelly  
 ADDRESS: 726 Westchester Place, Andover, KS 67002

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
9	30S	1E											39	36						75

**Landowner of Record** NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

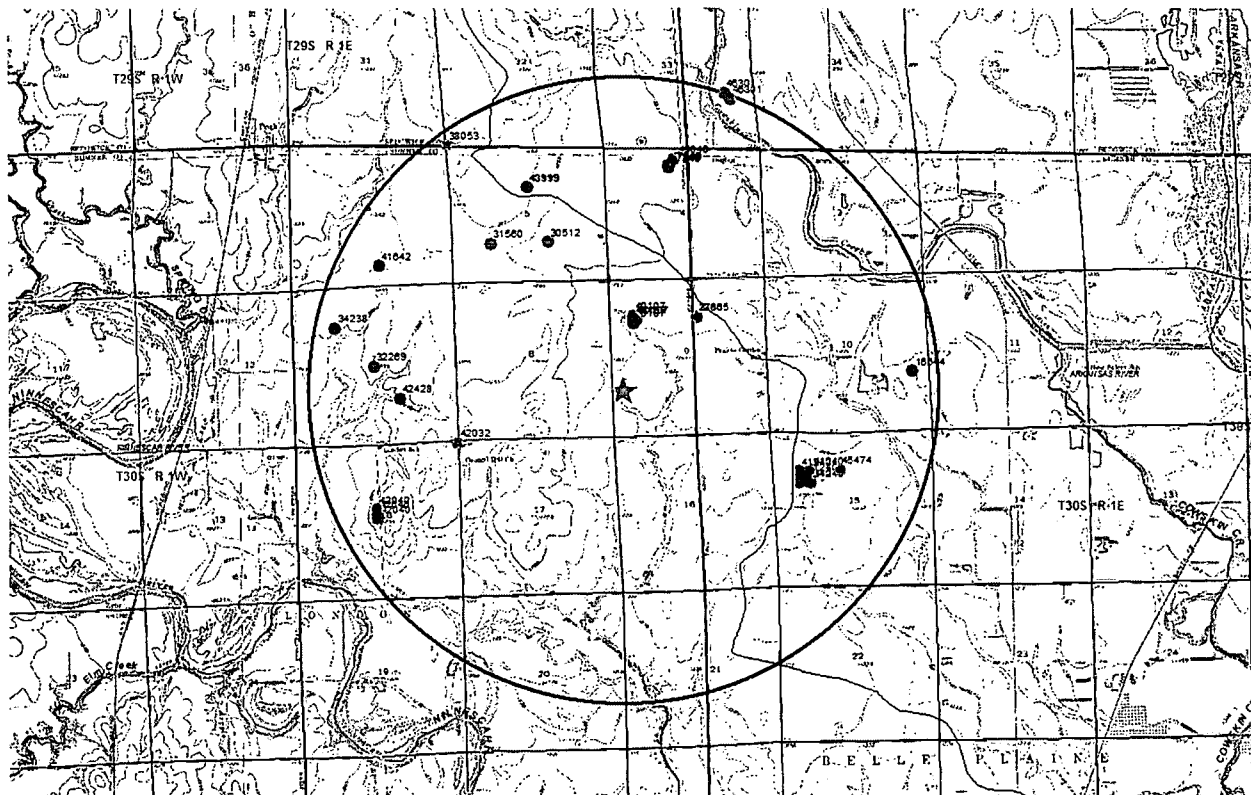
S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

**Landowner of Record** NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

UNACCEPTABLE FOR PRIORITY

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in SESWNWSW 09-30S-01E



**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 2,249.32 AF.  
 Total quantity of water available for appropriation is 464.86 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 16-FEB-2017 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 20 water right(s) and 31 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 2765 00	IRR	NK	G		NW	SW	NE	3922	2404	09	30	01E	4	WR	26.00	26.00	119.00	119.00
A 16544 00	IRR	NK	G		NC	NE	SE	1967	616	10	30	01E	2	PD	16.00	16.00	120.00	120.00
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 31560 00	IRR	NK	G			NC	SW	1360	4000	05	30	01E	2	WR	194.00	194.00	160.00	160.00
A 32269 00	IRR	NK	G		NE	NE	SW	2620	2680	07	30	01E	2	WR	195.00	195.00	162.40	162.40
A 34238 00	IRR	NK	G			NC	NW	3985	3960	07	30	01E	3	WR	225.00	225.00	156.00	156.00
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 41240 00	IRR	NK	G		NE	NW	NW	3681	4331	15	30	01E	1	WR	145.00	145.00	130.00	130.00
Same	IRR	NK	G		NE	SW	NW	3884	4133	15	30	01E	5	WR				

Same		IRR NK G	NE SW NW	3480	4130	15	30	01E	3	WR					
Same		IRR NK G	NE SW NW	3880	4530	15	30	01E	2	WR					
Same		IRR NK G	NE SW NW	3480	4530	15	30	01E	4	WR					
A	41642	00	IRR NK G	SW SW SE	600	2450	06	30	01E	2	WR	180.00	180.00	120.00	120.00
A	42032	00	IRR NK G	NE NE NE	5220	100	18	30	01E	1	WR	198.00	198.00	132.00	132.00
A	42040	00	IRR NK G	SE SE NW	2844	2826	18	30	01E	2	WR	60.00	60.00	71.00	71.00
Same			IRR NK G	SE SE NW	2689	2817	18	30	01E	3	WR				
Same			IRR NK G	SE SE NW	2999	2835	18	30	01E	4	WR				
A	42428	00	IRR NK G	SE NW SE	1419	1936	07	30	01E	4	WR	59.00	59.00	79.60	79.60
A	43919	00	IRR LR G		3164	2660	05	30	01E	4	WR	86.20	86.20	111.00	0.00
A	45474	00	IRR KK G	E2 E2 NW	3960	2980	15	30	01E	6	WR	169.00	169.00	130.00	0.00
A	46040	00	THX NK G		4008	3005	04	30	01E	3	WR	15.82	15.82		
A	46301	00	IRR GY G	SW NE SE	1701	975	33	29	01E	5	WR	88.20	0.00	229.56	0.00
Same			IRR GY G	SW NE SE	1901	1175	33	29	01E	7	WR				
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				

=====

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

1271 ft N and 4930 ft W of the SE Corner of Section 9, T 30S, R 1E

Located at: 97.330292 West Longitude and 37.453671 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 2765 00	IRR	NK	G		3662	--	NW	SW	NE	3922	2404	9	30	1E	4		26.00	26.00	AF
A__ 16544 00	IRR	NK	G		9804	--	NC	NE	SE	1967	616	10	30	1E	2		16.00	16.00	AF
A__ 30512 00	IRR	NK	G		5777	--	NC	W2	SE	1320	1980	5	30	1E	1		42.00	42.00	AF
A__ 31560 00	IRR	NK	G		6917	--	--	NC	SW	1360	4000	5	30	1E	2		194.00	194.00	AF
A__ 32269 00	IRR	NK	G		8329	--	NE	NE	SW	2620	2680	7	30	1E	2		195.00	195.00	AF
A__ 34238 00	IRR	NK	G		9861	--	--	NC	NW	3985	3960	7	30	1E	3		225.00	225.00	AF
A__ 38053 00	IRR	NK	G		10334	--	SW	SW	SW	127	5229	32	29	1E	1		202.50	202.50	AF
A__ 38805 00	IRR	NK	G		3662	--	NW	SW	NE	3922	2404	9	30	1E	4		153.00	153.00	AF
A__ 40107 00	IRR	NK	G		2613	--	NE	SW	NW	3856	4549	9	30	1E	7	G 4	202.50	202.50	AF
Same					2739	--	NE	SW	NW	3983	4549	9	30	1E	8	B 4			
Same					2486	--	NE	SW	NW	3728	4549	9	30	1E	9	B 4			
Same					2630	--	NE	SW	NW	3856	4447	9	30	1E	10	B 4			
Same					2617	--	NE	SW	NW	3856	4524	9	30	1E	11	B 4			
A__ 40199 00	IRR	NK	G		7745	--	--	--	--	3164	2660	5	30	1E	4		65.30	65.30	AF
A__ 41240 00	IRR	NK	G		6728	--	NE	NW	NW	3681	4331	15	30	1E	1	G 4	145.00	145.00	AF
Same					6465	--	NE	SW	NW	3880	4530	15	30	1E	2	B 4			
Same					6995	--	NE	SW	NW	3480	4130	15	30	1E	3	B 4			
Same					6636	--	NE	SW	NW	3480	4530	15	30	1E	4	B 4			
Same					6829	--	NE	SW	NW	3884	4133	15	30	1E	5	B 4			
A__ 41642 00	IRR	NK	G		9304	--	SW	SW	SE	600	2450	6	30	1E	2		180.00	180.00	AF
A__ 42032 00	IRR	NK	G		5768	--	NE	NE	NE	5220	100	18	30	1E	1		198.00	198.00	AF
A__ 42040 00	IRR	NK	G		9162	--	SE	SE	NW	2844	2826	18	30	1E	2	G 2	60.00	60.00	AF
Same					9221	--	SE	SE	NW	2689	2817	18	30	1E	3	B 2			
Same					9105	--	SE	SE	NW	2999	2835	18	30	1E	4	B 2			
A__ 42428 00	IRR	NK	G		7499	--	SE	NW	SE	1419	1936	7	30	1E	4		59.00	59.00	AF
A__ 43919 00	IRR	LR	G		7745	--	--	--	--	3164	2660	5	30	1E	4		86.20	86.20	AF
A__ 45474 00	IRR	KK	G		7883	--	E2	E2	NW	3960	2980	15	30	1E	6		169.00	169.00	AF
A__ 46040 00	THX	NK	G		8180	--	--	--	--	4008	3005	4	30	1E	3		15.82	15.82	AF
A__ 46301 00	IRR	AY	G		10439	--	--	E2	SE	1320	660	33	29	1E	2		<del>88.20</del>	<del>88.20</del>	<del>AF</del>
A__ 46499 00	IRR	AY	G		7745	--	--	--	--	3164	2660	5	30	1E	4		<del>18.98</del>	<del>18.98</del>	<del>AF</del>
A__ 47349 00	IRR	KE	G		7900	--	--	--	--	3758	3175	4	30	1E	8	G 2	8.00	8.00	AF
Same					7930	--	--	--	--	3789	3176	4	30	1E	9	B 2			
Same					7870	--	--	--	--	3727	3173	4	30	1E	10	B 2			
A__ 47349 00	MUN	KE	G		7900	--	--	--	--	3758	3175	4	30	1E	8	G 2	7.00	7.00	AF
Same					7930	--	--	--	--	3789	3176	4	30	1E	9	B 2			
Same					7870	--	--	--	--	3727	3173	4	30	1E	10	B 2			
A__ 48595 00	IRR	KE	G		10485	--	SW	NW	SE	1724	2356	20	30	1E	5	B 4	<del>182.00</del>	<del>182.00</del>	<del>AF</del>
A__ 49468 00	IRR	AY	G		314	--	--	--	SW	1320	4620	9	30	1E	12		97.50	97.50	AF
A__ 49502 00	IRR	AY	G		9096	--	--	--	NW	3333	1544	10	30	1E	3		168.00	168.00	AF
T 20119026 00	IND	GY	G		8121	--	SE	NW	NW	4140	4460	4	30	1E	11	G 2	58.00	58.00	AF
Same					7971	--	SE	NW	NW	3990	4460	4	30	1E	12	B 2			
Same					8271	--	SE	NW	NW	4290	4460	4	30	1E	13	B 2			

=====  
 Total Net Quantities Authorized:    Direct                      Storage  
 Total Requested Amount (AF) =        372.68                      .00  
 Total Permitted Amount (AF) =        424.00                      .00

2,489.32

} 247  
2249.32  
2356.50

Total Inspected Amount (AF) =	86.20	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1979.12	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2862.00	.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:

97.330292 West Longitude and 37.453671 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\_\_ 16544 00 IRR NK G

> KYLE J & MICHELLE S MCADAM

>

> 1255 N LONDON RD

> BELLE PLAINE KS 67013

>-----

> MELBA NEECE IRREVOCABLE TRUST

> ROGER NEECE - TRUSTEE

> 1331 N HILLSIDE RD

> MULVANE KS 67110

>-----

A\_\_ 30512 00 IRR NK G

> GALEN L & DORALE J GERLACH

>

> 1429 N SENECA RD

> PECK KS 67120

>-----

A\_\_ 31560 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A\_\_ 32269 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A\_\_ 34238 00 IRR NK G

> REBECCA MARIE OTT REV TRUST

>

> 11621 S HILLSIDE

> MULVANE KS 67110

>-----

A\_\_ 38053 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A\_\_ 38805 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A\_\_ 40107 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A\_\_ 40199 00 IRR NK G

> JOHN PAUL GROTHER

>

> 11804 S HYDRAULIC ST

> PECK KS 67120

>-----

A\_\_ 41240 00 IRR NK G

> KENT A & REBECCA M OTT

>

> 11621 S HILLSIDE ST

> MULVANE KS 67110

>-----

A\_\_ 41642 00 IRR NK G

> GALEN L & DORALE J GERLACH

>

> 1429 N SENECA RD

> PECK KS 67120

>-----

A\_\_ 42032 00 IRR NK G

> GARLAND J BELL REV TRUST

>

> 1420 N MERIDIAN RD

> PECK KS 67120

>-----

A\_\_ 42040 00 IRR NK G

> KYLE J & MICHELLE S MCADAM

>

> 1255 N LONDON RD

> BELLE PLAINE KS 67013



>-----

A\_\_ 42428 00 IRR NK G  
> FREDERICK L SIMS  
>  
> 417 E 140TH AVE N  
> PECK KS 67120

>-----

A\_\_ 43919 00 IRR LR G  
> JOHN PAUL GROTHER  
>  
> 11804 S HYDRAULIC ST  
> PECK KS 67120

>-----

A\_\_ 45474 00 IRR KK G  
> KENT A & REBECCA M OTT  
>  
> 11621 S HILLSIDE ST  
> MULVANE KS 67110

>-----

A\_\_ 46040 00 THX NK G  
> WYLDEWOOD CELLARS  
> DR JOHN A BREWER  
> PO BOX 45  
> MULVANE KS 67110

>-----

A\_\_ 46301 00 IRR AY G  
> JOHN PAUL GROTHER  
>  
> 11804 S HYDRAULIC ST  
> PECK KS 67120

>-----

A\_\_ 46499 00 IRR AY G  
> JOHN PAUL GROTHER  
>  
> 11804 S HYDRAULIC ST  
> PECK KS 67120

>-----

A\_\_ 47349 00 IRR KE G  
> WYLDEWOOD CELLARS  
> DR JOHN A BREWER  
> PO BOX 45  
> MULVANE KS 67110

>-----

A\_\_ 47349 00 MUN KE G  
> WYLDEWOOD CELLARS  
> DR JOHN A BREWER  
> PO BOX 45  
> MULVANE KS 67110

>-----

A\_\_ 48595 00 IRR KE G  
> IAN PARKER  
>

> 3330 E 119TH ST S  
> MULVANE KS 67110

>-----

A\_\_ 49468 00 IRR AY G

> JUSTIN KELLY

>

> 726 WESTCHESTER PLACE

> ANDOVER KS 67002

>-----

A\_\_ 49502 00 IRR AY G

> TWYLA L HOOBLER WAGNER TRUST

>

> 1345 E 130TH AVE N

> MULVANE KS 67110

>-----

T\_\_20119026 00 IND GY G

> KANSAS STAR CASINO LLC

>

> 777 KANSAS STAR DR

> MULVANE KS 67110

>-----

=====

## Whitesell, Alex

---

**From:** Lanterman, Jeff  
**Sent:** Friday, March 31, 2017 3:40 PM  
**To:** Whitesell, Alex  
**Cc:** Conant, Cameron; Meier, Matt  
**Subject:** FW: 49468  
**Attachments:** Memo.docx; 49468 app map.pdf

Alex. This one has kind of been through the review wringer. For the reasons stated we think it can be approved.

Thanks for your work on this. (all involved) Gives a Water Commissioner a little less heartburn.

Jeff

---

**From:** Conant, Cameron  
**Sent:** Friday, March 31, 2017 10:48 AM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Subject:** FW: 49468

Jeff, below I've summarized why we did not require a limited saturated thickness study in this case. Matt should also do this for 49556 & 49752 if they get to the point of being approved. This doesn't necessarily need to go into the memo, the emails should be in the file I think.

*In cases like this where the test log shows limited saturated thickness, we have required the applicant to provide additional information that proves the requested quantity of water is available from the source. We did not require additional information in this case because there are several nearby irrigation wells in operation and recently tested, with well logs showing similar limited saturated thickness. The tested rates indicate the limited aquifer is capable of producing the requested rate of 800gpm. The full review that helped make this determination is located below in this email chain for reference.*

I've attached the application map, it appears all owners w/in ½ mile were notified (9 total, 3 written responses). I spoke with one of the concerned domestic well owners as well. Their concerns were mainly about this impacting their domestic wells, and one also had concerns about drainage from the new irrigation system. In this case, all rules and regs are met, SY is available, the requested quantity appears to be available from the source based on nearby producing wells, and spacing is great (geo-center appears to be over 1320 to any domestics).

I think this can be recommended for approval and passed on to Alex.

Cameron

---

**From:** Conant, Cameron  
**Sent:** Friday, February 24, 2017 10:55 AM  
**To:** Whitesell, Alex <Alex.Whitesell@ks.gov>; Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Meier, Matt <Matt.Meier@ks.gov>  
**Subject:** RE: 49468

Alex, just notify those in the ½ mile.

I agree with you Jeff. With this determination, we'll need to process all 3 nearby apps the same. Make sure all three memos are consistent with why we did not do a LST study. Matt and Alex can work together to make sure the memos are consistent.

Cameron

---

**From:** Whitesell, Alex  
**Sent:** Friday, February 24, 2017 10:49 AM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>; Conant, Cameron <Cameron.Conant@ks.gov>  
**Cc:** Meier, Matt <Matt.Meier@ks.gov>  
**Subject:** RE: 49468

Thanks for looking into this everyone. Another domestic related question. The applicant provided addresses for folks who are outside the half-mile circle, should I still notify?

---

**From:** Lanterman, Jeff  
**Sent:** Friday, February 24, 2017 10:22 AM  
**To:** Conant, Cameron; Whitesell, Alex  
**Cc:** Meier, Matt  
**Subject:** RE: 49468

This is a tough one. The aquifer can obviously produce it in the area.

I think we consider the existing wells as proof of that in the memo(As far as reasoning why we are bypassing) the LST study.

Hope our spacing and safe yield is enough to protect all the domestics nearby. That's a little scary. At 15% storage coefficient putting on 14" of wet water on the irrigated ground doesn't leave much for Domestic around.

---

**From:** Conant, Cameron  
**Sent:** Thursday, February 23, 2017 1:21 PM  
**To:** Whitesell, Alex <Alex.Whitesell@ks.gov>; Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Meier, Matt <Matt.Meier@ks.gov>  
**Subject:** RE: 49468

Jeff, two well logs for this application are attached. They are not pretty. Both show shale at 27' and SWL of 15' for a total saturated thickness of 12'. This criteria alone meets the limited saturated thickness guideline we have set for requesting additional information to ensure that the requested quantity of water can even be pulled from the aquifer. That said, we also decided before requesting the additional study we would review surrounding water rights to see if they have existing wells with similar logs, which have been developed and pumped in a manner that a reasonable determination can be made to say that the requested rate and quantity is reasonable and "available from the source".

I've attached a single well log from 2765 & 38805 which tested at 650gpm. Shale at 37', SWL at 15', saturated thickness of 22'. These files are a single well located ~3800'NE of the proposed battery for 49468.

I've attached one representative well log from a battery of wells which tested at 710gpm. Shale at 42', SWL at 16', saturated thickness of 26'. This battery is located ~2600'N of the proposed battery for 49468. Also should note on this file that the battery is located ~800' from the nearest of a clump of domestic wells. The proposed new app, 49468, is located about ~1320' from the nearest domestic well.

I also pulled a log for 45474, couldn't find one for 41240, but the log for 45474 showed about 17' of saturated thickness, Shale at 23' and water level at 6'. The battery tested at 575gpm.

Alex still needs your executive decision with regard to doing the additional study or not based on the limited saturated thickness. Are the logs similar enough to move forward with processing 46468 as it has currently been filed or do you want additional study.

Keep in mind that 49468, 49556, 49752 are very close by and will be worked as soon as this one is moved on. I'm sure they will all fall into the limited saturated thickness criteria...question will be, do surrounding logs and tested rates justify that the requested quantity is available from source.

Let me know if you want to talk it over a bit more.

Cameron

---

**From:** Whitesell, Alex

**Sent:** Thursday, February 23, 2017 11:48 AM

**To:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>

**Subject:** 49468

I have an application in Sumner Co. that is now able to be processed due to some older files being dismissed prior to approval.

I am emailing because there isn't great saturated thickness in the area and there are several domestic wells identified by the applicant. I guess I just wanted your opinions on proceeding with this application. Should I go ahead and notify nearby? Or is there any other thing I should be considering.

The application is scanned into docuware including well logs. The newest docuwar entry should have everything there.

Thanks!

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

**My email has changed** [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov)

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

March 14, 2017

DALE AND NOEL TROLL  
1345 N BROADWAY  
PECK KS 67120

Re: Pending Application  
File No. 49,468

Dear Mr. and Mrs. Troll:

This will acknowledge receipt of your letter dated March 13, 2017, in which you expressed comments concerning the proposed appropriation of groundwater by Justin Kelly 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 the field office in your area. The field office in your area is:

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

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

Pc: Stafford Field Office

March 9, 2017

Attention: Water Appropriation

WATER RESOURCES  
RECEIVED

MAR 13 2017

KS DEPT OF AGRICULTURE

Dear Sir,

I'm writing this letter to be on file # 49468. My concerns are for the wells affected by this proposal. I don't think if our wells are affected we should be responsible for problems caused by diverted water to irrigate property of Mr. Kelly. This could affect our homes as opposed to 80 acres of corn.

Sincerely,

Dale & Noel Troll

Noel Troll

Dale & Noel Troll

Re: Dale & Noel Troll  
1345 No. Broadway  
Peck, Kansas 67120

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

March 13, 2017

**FILE COPY**

STEPHEN RAPIER  
1357 N BROADWAY RD  
PECK KS 67120

Re: Pending Application  
File No. 49,468

Dear Mr. Rapier:

This will acknowledge receipt of your letter dated March 10, 2017, in which you expressed comments concerning the proposed appropriation of groundwater by Justin Kelly 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 the field office in your area. The field office in your area is:

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

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

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

Pc: Stafford Field Office

SCANNED



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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

March 13, 2017

MATTHEW GAFFNEY  
940 E 130 AVEN  
PECK KS 67120

**FILE COPY**

Re: Pending Application  
File No. 49,468

Dear Mr. Gaffney:

This will acknowledge receipt of your letter dated March 10, 2017, in which you expressed comments concerning the proposed appropriation of groundwater by Justin Kelly 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 the field office in your area. The field office in your area is:

Kansas Department of Agriculture  
Division of Water Resources - Stafford Field Office  
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Stafford, KS 67578

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

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

Pc: Stafford Field Office

SCANNED

1-2-2017  
7128  
Leway Road

Department of Agriculture (ATTN: Alex Whitesell)  
1320 Research Park Drive  
Manhattan, KS 66502

WATER RESOURCES  
RECEIVED

MAR 10 2017

Dear Sir;

KS DEPT OF AGRICULTURE

I am writing in reference to  
File # 49,468.

I have spoken with you personally  
and with Cameron Conrad. I want to  
record that I am still concerned  
about the effect that these 3-4 new  
wells pumping 800 gallons per minute  
will have on my well flow.

I am aware that if this happens  
then I have the right to file an  
"Impaired document" and will do so if  
required.

Thank you for discussing these  
concerns with me.

Stephen C. Rapier  
Home Owner

SCANNED

MAR 10 2017

KS DEPT OF AGRICULTURE

ATT.

Alex Whitesel

File # 49,468

I am concerned about the amount of water being pumped out of the ground.

1. CONCERN: WATER TABLE
2. DRAINAGE
3. ROADS + DITCHES

I DON'T THINK IT WOULD BE A GOOD THING FOR 4 WELLS SO CLOSE TO THE FIELD JUST NORTH OF THE SAID PROPERTY THAT HAS MANY WELLS PUMPING ALSO

I ALSO TALKED TO MY TOWNSHIP SUPERVISOR, HE ALSO IS VERY CONCERNED ABOUT DRAINAGE THERE IS NO WAY FOR THE WATER TO CROSS OVER 130 AV. SO IT WILL JUST SIT IN OUR DITCHES

THANK YOU

316-213-5488

940 E 130 AVE MATTHEW GAFFNEY  
Peck KS

67120

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

**FILE COPY**

DANIEL DAVIS  
946 E 130<sup>TH</sup> AVE N  
PECK KS 67120

Re: Application  
File No. 49,468

Dear Sir or Madam:

This is to advise you that Justin Kelly has filed the application referred to above for permit to appropriate 97.5 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

a battery of four (4) wells with a geographic center located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 1,271 feet North and 4,930 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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.

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

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:

Enclosure(s)

pc: Stafford Field Office

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

**FILE COPY**

MATTHEW GAFFNEY JR  
940 E 130<sup>TH</sup> AVE N  
PECK KS 67120

Re: Application  
File No. 49,468

Dear Sir or Madam:

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Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

S BONGIORNI  
938 E 130<sup>TH</sup> AVE N  
PECK KS 67120

**FILE COPY**

Re: Application  
File No. 49,468

Dear Sir or Madam:

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Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:

Enclosure(s)

pc: Stafford Field Office

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

DEWAYNE GERLACH  
909 E 130<sup>TH</sup> AVE N  
PECK KS 67120

**FILE COPY**

Re: Application  
File No. 49,468

Dear Sir or Madam:

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Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:

Enclosure(s)

pc: Stafford Field Office

**SCANNED**

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

MICHAEL KNOTTS  
1365 N BROADWAY  
PECK KS 67120

**FILE COPY**

Re: Application  
File No. 49,468

Dear Sir or Madam:

This is to advise you that Justin Kelly has filed the application referred to above for permit to appropriate 97.5 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

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Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

SCANNED



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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

**FILE COPY**

DALE ROTRAMEL  
1361 N BROADWAY  
PECK KS 67120

Re: Application  
File No. 49,468

Dear Sir or Madam:

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Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

**SCANNED**

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

**FILE COPY**

STEPHEN RAPIER  
1357 N BROADWAY  
PECK KS 67120

Re: Application  
File No. 49,468

Dear Sir or Madam:

This is to advise you that Justin Kelly has filed the application referred to above for permit to appropriate 97.5 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

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Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

**SCANNED**



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

**FILE COPY**

JEFF DIGMAN  
1355 N BROADWAY  
PECK KS 67120

Re: Application  
File No. 49,468

Dear Sir or Madam:

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Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:

Enclosure(s)

pc: Stafford Field Office

SCANNED



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

**FILE COPY**

NOEL TROLL  
1345 N BROADWAY  
PECK KS 67120

Re: Application  
File No. 49,468

Dear Sir or Madam:

This is to advise you that Justin Kelly has filed the application referred to above for permit to appropriate 97.5 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

a battery of four (4) wells with a geographic center located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 1,271 feet North and 4,930 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. 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.

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

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 27, 2017

FORREST G BUTTS  
205 S CENTRAL AVE  
MULVANE KS 67110-1719

Re: Application  
File No. 49,468

**FILE COPY**

Dear Sir or Madam:

This is to advise you that Justin Kelly has filed the application referred to above for permit to appropriate 97.5 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well or wells located as follows:

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

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:

Enclosure(s)

pc: Stafford Field Office  
Steven J Butts  
Kurt A Butts

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

November 9, 2015

JUSTIN KELLY  
726 WESTCHESTER PLACE  
ANDOEVER KS 67002

Re: Pending Application,  
File No. 49,468

Dear Mr. Kelly:

The Division of Water Resources returned the above referenced application to you for additional information on October 8, 2015, and the current deadline for your response is December 8, 2015. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **December 8, 2015**, or within any authorized extension of time thereof. According to law, default in refileing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **December 8, 2015**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

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

Sincerely,

Kristen A. Baum  
Environmental Scientist  
Water Appropriation Program

pc:

SCANNED



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 8, 2015

JUSTIN KELLY  
726 WESTCHESTER PLACE  
ANDOVER KS 67002

WATER RESOURCES  
RECEIVED

DEC 08 2015

Re: Pending Application, File No. 49,468

KS DEPT OF AGRICULTURE

Dear Mr. Kelly:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on September 23, 2015, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 9, in Township 30 South, Range 1 East, Sumner County, Kansas. Your 60-day period will start as of the date of this letter.

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

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

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

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

(over)

SCANNED

Justin Kelly  
October 8, 2015  
Page 2 of 2

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

Sincerely,



Kristen A. Baum  
Environmental Scientist  
Water Appropriation Program

enclosures

10/8/15



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

October 8, 2015

JUSTIN KELLY  
726 WESTCHESTER PLACE  
ANDOVER KS 67002

Re: Pending Application, File No. 49,468

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(over)

SCANNED

Justin Kelly  
October 8, 2015  
Page 2 of 2

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

Sincerely,



Kristen A. Baum  
Environmental Scientist  
Water Appropriation Program

enclosures

\_\_\_\_\_  
(Date)

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

Re: Application \_\_\_\_\_  
File No. \_\_\_\_\_

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.

Justin E. Kelly  
Signature of Applicant

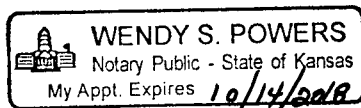
State of Kansas )  
County of Sedgewick ) ss

Justin E. Kelly  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 26th day of August, 2015.

Wendy S. Powers  
Notary Public

My Commission Expires:



WATER RESOURCES  
RECEIVED

SEP 23 2015

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

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

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

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

**WATER RESOURCES  
RECEIVED**

**SEP 23 2015**

**KS DEPT OF AGRICULTURE**

1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



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

September 28, 2015

JUSTIN KELLY  
726 WESTCHESTER PL  
ANDOVER KS 67002

RE: Application  
File No. 49468

Dear Sir or Madam:

Your application for permit to appropriate water in 9-30S-1E IN Sumner County, was received and has been assigned the file number noted above.

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

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

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

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

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

If you have any questions, please contact me at (785) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Kopp".

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

BAT: dwl  
pc: STAFFORD Field Office  
GMD 0