



File No. **49,706**      15. Formation Code:      Drainage Basin: Arkansas River      County: SU      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
<b>MOD</b>	<b>85621</b>	<b>NW NW SW</b>	<b>17</b>	<b>30S</b>	<b>2E</b>	<b>5</b>	<b>4582-</b>	<b>4778</b>		<b>850</b>	<b>232.7</b>	<b>850</b>	<b>17.7</b>	<b>NONE</b>
							<i>2582</i>							

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

19. Limitation: **232.7** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **46,045**  
 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								NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T MOD DEL ENT	PUSE	S	T	R	ID	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %						
<b>CHK</b>	<b>51982</b>	<b>17</b>	<b>30S</b>	<b>2E</b>	<b>2</b>					<b>31</b>	<b>L1</b>	<b>L2</b>	<b>39</b>	<b>35</b>	<b>26</b>	<b>26</b>	<b>17</b>					<b>179</b>	<b>7a.</b>	<b>No</b>	<b>46,045</b>		

Comments:

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

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

**TO:** Files

**DATE:** February 9, 2017

**FROM:** Austin McColloch

**RE:** New Application,  
File No. 49,706

Forrest Butts has filed an application to appropriate groundwater for irrigation use, requesting one well, with a quantity of 232.7 acre-feet of water per calendar year, and a diversion rate of 870 gallons per minute. The proposed point of diversion is located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 17, more particularly described as being near a point 2,582 feet North and 4,778 feet West of the Southeast corner of said section, in Township 30 South, Range 2 East, Sumner County, Kansas, within the Arkansas River drainage basin. The local source of supply is to be Main Stream Alluvium (113).

There are no other water rights overlapping the point of diversion. The place of use will overlap with Water Right, File No. 46,045. The applicant has signed the application form stating that they have legal access to the point of diversion.

DWR completed an evaluation of a USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to 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. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available for applications in the Arkansas River basin in the area. Therefore, for pending applications within the model area, safe yield will be valued using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a potential annual recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75 percent.

The point of diversion is not located within a GMD or other special use area. Per the requirements in K.A.R. 5-3-11, safe yield was determined through WIMAS. Calculated recharge, based on the above referenced study, is 5.4 inches, and for the hydrologic units within the study area, 75 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: 7,026 acres x 5.4 inches x 75% = 28,455.3 acre-inches / 12 = 2,371.28 acre-feet. Prior appropriations and pending applications senior to this file no. within the same area of consideration total 1,894.34 acre-feet, which leaves 476.83 acre-feet available for appropriation. Therefore, safe yield determination resulted in water available for appropriation within this area of consideration.

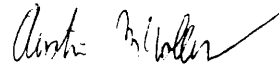
The place of use is 179 acres proposed for irrigation purposes. The proposed quantity of 232.7 acre-feet per calendar year provides 1.3 acre-feet per acre, making it the maximum reasonable quantity for Sumner County (1.3). The quantity will be limited by the place of use to 232.7 acre-feet when combined with Water Right, File No. 46,045. This will provide an additional 17.7 acre-feet.

According to the WRIS database, the nearest non-domestic point of diversion (File No. 49,585) is located over 2,880 feet away. There are no domestic wells within one-half (½) mile of the point of diversion, nearby letters were not required.

In a February 9, 2017 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application.

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.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced application be approved.



Austin McColloch  
Environmental Scientist

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 13, 2017

BUTTS BROTHERS  
205 S CENTRAL AVE  
MULVANE KS 67110-1719

Re: Appropriation of Water  
File No. 49,706

**FILE COPY**

Dear Mr. Butts:

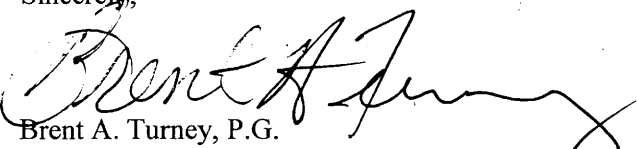
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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. Please note Paragraph No. 19, which describe a quantity of water limitation when combined with your senior file. 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 must be used to provide the information required on the annual water use report.

The enclosed form 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 and pay the field inspection fee 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:am  
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)

This is to certify that I have examined Application File No. **49,706** of the applicant

**BUTTS BROTHERS  
205 S CENTRAL AVE  
MULVANE KS 67110-1719**

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, 2016**.
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	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
17	30S	2E					31	Lot 1 1	Lot 2 4	39	35	26	26	17					179

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW¼ NW¼ SW¼), of Section 17, more particularly described as being near a point 2,582 feet North and 4,778 feet West of the Southeast corner of said section, in Township 30 South, Range 2 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 **850 gallons per minute (1.89 c.f.s.)** and to a quantity not to exceed **232.7 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 the applicant identified in this order shall install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer.

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

17. 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.

18. 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.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 46,045, will provide a total **not to exceed 232.7 acre-feet** of water per calendar year, for irrigation use on the land described herein.

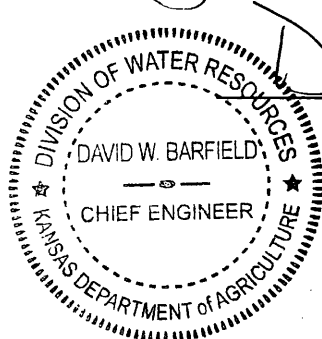
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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 9<sup>th</sup> day of February, 2017, in Topeka, Shawnee County, Kansas.



David W. Barfield  
David W. Barfield, P.E.  
Chief Engineer  
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 9<sup>th</sup> day of February, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter  
Notary Public



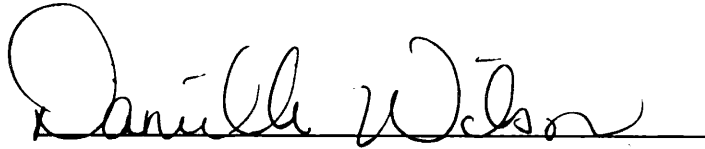
## CERTIFICATE OF SERVICE

On this <sup>13<sup>th</sup></sup> day of ~~February~~, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,706, dated ~~February 9, 2017~~ was mailed postage prepaid, first class, US mail to the following:

BUTTS BROTHERS  
205 S CENTRAL AVE  
MULVANE KS 67110-1719

With photocopies to:

Stafford Field Office

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

Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

WATER RESOURCES  
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File Number 49,706  
This item to be completed by the Division of Water Resources.

SEP 19 2016

12:28

APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE KS DEPT OF AGRICULTURE

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

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

1. Name of Applicant (Please Print): FORREST G BUTTS  
Address: 205 S CENTRAL AVE  
City: MULVANE State KS Zip Code 67110-1719  
Telephone Number: (316) 204-8676

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 232.7 acre-feet OR \_\_\_\_\_ gallons per calendar year,  
to be diverted at a maximum rate of 850 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

For Office Use Only:  
F.O. 2 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County SO By AWW Date 9/19/16  
Code 252 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 9/19/16 Check # 161

9/20/2016 UAW

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

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

- (A) One in the <sup>NW</sup>SW quarter of the <sup>NW</sup>SW quarter of the <sup>NW</sup>SW quarter of Section 17, more particularly described as being near a point 2672 feet North and 4778 feet West of the Southeast corner of said section, in Township 30 South, Range 2 East, SUMNER County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

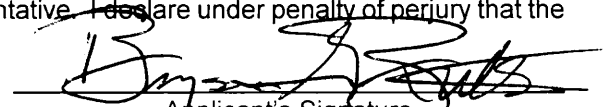
A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

- 6. The owner of the point of diversion, if other than the applicant is (please print):  
BUTTS BROTHERS 205 S Central Ave Mulvane, Ks 67110 316 204 8676  
(name, address and telephone number)  
205 S CENTRAL AVE, MULVANE KS 67110-1719  
(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 20, 2016.

  
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 one well and pump  
(number of wells, pumps or dams, etc.)  
 and (was)(will be) completed (by) March 15, 2017  
(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 April 1, 2017  
(Mo/Day/Year)

\* BAT/DWR  
2-9-17  
AS PER PHONE F. BUTTS

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,706

Name of Applicant (Please Print): FORREST G BUTTS

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: BUTTS BROTHERS

ADDRESS: 205 S CENTRAL AVE, MULVANE KS 67110-1719

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17	30S	2E					31	1	4	39	35	26	26	17					179
								L-1	L-2										

**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	

WATER RESOURCES  
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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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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

\_\_\_\_\_ Center pivot                      \_\_\_\_\_ Center pivot - LEPA                      \_\_\_\_\_ "Big gun" sprinkler

\_\_\_\_\_ Gravity system (furrows)                      \_\_\_\_\_ Gravity system (borders)                      \_\_\_\_\_ Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:

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:

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).

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

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.

SAME PU FOR FILE NO. 46,045  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WATER RESOURCES  
RECEIVED

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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 Mulvane, Kansas, this 20<sup>th</sup> day of August, 2016.  
(month) (year)

  
\_\_\_\_\_  
(Applicant Signature)

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

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

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

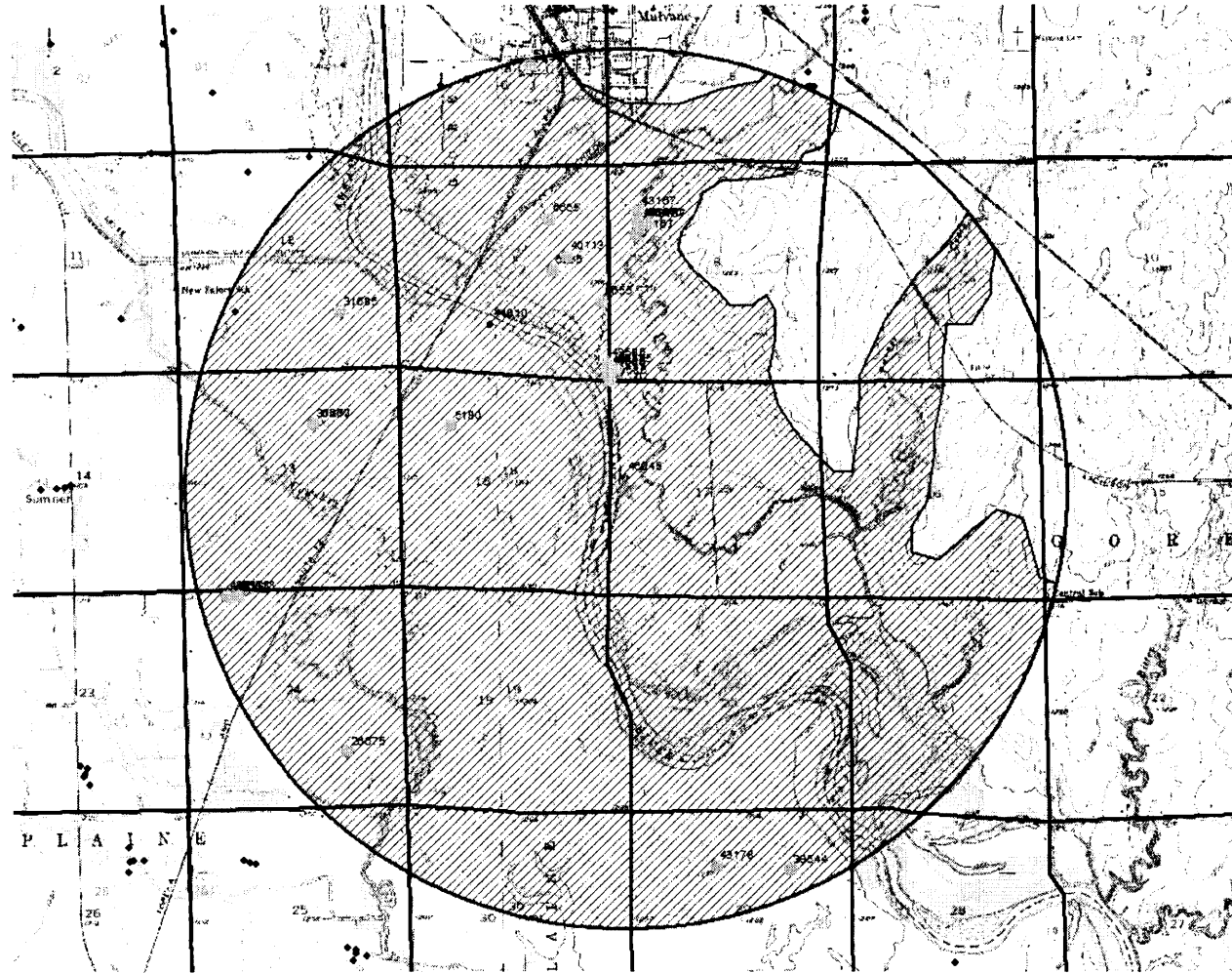




Safe Yield Report Sheet

Proposed Water Right Application

Point of Diversion in SESWSNW 17-30S-02E



**Analysis Results**

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The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 2,331.79 AF.  
 Total prior appropriation in the circle is 1,894.45 AF.  
 Total quantity of water available for appropriation is 437.34 AF.

**Safe Yield Variables**

-----

The area used for the analysis is set at 6909 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 06-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 13 water right(s) and 24 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	5180 00	IRR	NK	G				NC	NW	3830	3580	18	30	02E	3	WR	90.00	90.00	128.00	128.00
A	6655 00	MUN	NK	G				NC	E2	2633	1307	07	30	02E	18	PD	186.26	62.08		
Same		MUN	NK	G				1880	134	07	30	02E	1	PD	186.26	62.09				

Same		MUN NK G		NC NE	3877	1357	07	30	02E	19	PD	186.26	62.09		
A	26675	00 IRR NK G		SE NW SE	1350	1365	24	30	01E	5	WR	198.00	198.00	132.00	132.00
A	30677	00 IRR NK G		NE SW NE	3940	2080	13	30	01E	8	WR	138.00	138.00	140.00	140.00
A	31260	00 IRR NK G		NE SW NE	3940	2080	13	30	01E	8	WR	72.00	72.00	140.00	0.00
A	31685	00 IRR NK G		SE NW SE	1325	1396	12	30	01E	1	WR	153.00	153.00	102.00	102.00
A	39544	00 IRR NK G		NE SW NE	3814	1439	29	30	02E	5	WR	125.00	125.00	115.00	115.00
A	40113	00 IRR NK G		SW SE NE	2970	940	07	30	02E	21	WR	108.00	108.00	72.00	72.00
A	43167	00 IRR NK G		NE SW NW	3876	4262	08	30	02E	3	WR	121.00	121.00	160.00	160.00
Same		IRR NK G		SE NW NW	4142	4259	08	30	02E	4	WR				
Same		IRR NK G		NE SW NW	3585	4323	08	30	02E	10	WR				
Same		IRR NK G		NE SW NW	3851	4010	08	30	02E	12	WR				
Same		IRR NK G		NE SW NW	3864	4214	08	30	02E	13	WR				
A	43178	00 IRR NK G		NE SE NW	3940	3216	29	30	02E	7	WR	161.00	161.00	130.00	130.00
A	49518	00 IRR GY G		NE NW NW	5100	4310	24	30	01E	6	WR	88.40	88.40	68.00	68.00
Same		IRR GY G		NE NW NW	5100	4010	24	30	01E	7	WR				
Same		IRR GY G		NE NW NW	5100	4160	24	30	01E	8	WR				
A	49585	00 IRR GY G		SW SW SW	309	5048	08	30	02E	15	WR	285.00	285.00	272.50	272.50
Same		IRR GY G		SW SW SW	90	5000	08	30	02E	16	WR				
Same		IRR GY G		SW SW SW	360	4850	08	30	02E	17	WR				
Same		IRR GY G		SW SW SW	280	5193	08	30	02E	18	WR				
Same		IRR GY G		SW SW SW	506	5150	08	30	02E	19	WR				
V SU	2	00 MUN AA G		SE SW NE	0	0	06	30	02E	3	WR	168.79	168.79		

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

2672 ft N and 4778 ft W of the SE Corner of Section 17, T 30S, R 2E

Located at: 97.239342 West Longitude and 37.442305 North Latitude

GROUNDWATER ONLY

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=====
File Number   Use ST SR Dist (mi) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
\A__ 5180 00 IRR NK G      .81 -- -- NC NW 3830 3580 18 30 2E 3      90.00 90.00 AF
\A__ 6655 00 MUN NK G      .86 -- -- -- -- 1880 134 7 30 2E 1      186.26 62.09 AF
Same          1.05 -- -- NC E2 2633 1307 7 30 2E 18      186.26 62.08 AF
Same          1.28 -- -- NC NE 3877 1357 7 30 2E 19      186.26 62.09 AF
\A__ 26675 00 IRR NK G     1.73 -- SE NW SE 1350 1365 24 30 1E 5      198.00 198.00 AF
\A__ 30677 00 IRR NK G     1.45 -- NE SW NE 3940 2080 13 30 1E 8      138.00 138.00 AF
\A__ 31260 00 IRR NK G     1.45 -- NE SW NE 3940 2080 13 30 1E 8      72.00 72.00 AF
\A__ 31685 00 IRR NK G     1.53 -- SE NW SE 1325 1396 12 30 1E 1      153.00 153.00 AF
\A__ 39544 00 IRR NK G     1.89 -- NE SW NE 3814 1439 29 30 2E 5      125.00 125.00 AF
\A__ 40113 00 IRR NK G     1.10 -- SW SE NE 2970 940 7 30 2E 21      108.00 108.00 AF
\A__ 43167 00 IRR NK G*    1.22 -- NE SW NW 3864 4214 8 30 2E 13 G 4      121.00 121.00 AF
Same          1.22 -- NE SW NW 3876 4262 8 30 2E 3 B 4
Same          1.27 -- SE NW NW 4142 4259 8 30 2E 4 B 4
Same          1.16 -- NE SW NW 3585 4323 8 30 2E 10 B 4
Same          1.22 -- NE SW NW 3851 4010 8 30 2E 12 B 4
\A__ 43178 00 IRR NK G     1.77 -- NE SE NW 3940 3216 29 30 2E 7      161.00 161.00 AF
A__ 44472 D2 IND KE G     1.96 -- -- NC SW 1347 3944 12 30 1E 3      167.87 167.87 AF
\A__ 49518 00 IRR GY G     1.86 -- NE NW NW 5100 4160 24 30 1E 8 G 2      88.40 88.40 AF
Same          1.88 -- NE NW NW 5100 4310 24 30 1E 6 B 2
Same          1.83 -- NE NW NW 5100 4010 24 30 1E 7 B 2
\A__ 49585 00 IRR GY G     .55 -- SW SW SW 309 5048 8 30 2E 15 G 4      285.00 285.00 AF
Same          .50 -- SW SW SW 90 5000 8 30 2E 16 B 4
Same          .55 -- SW SW SW 360 4850 8 30 2E 17 B 4
Same          .54 -- SW SW SW 280 5193 8 30 2E 18 B 4
Same          .58 -- SW SW SW 506 5150 8 30 2E 19 B 4
A__ 49706 00 IRR AY G     .00 -- SW SW NW 2672 4778 17 30 2E 5      232.70 232.70 AF
\VSU 2 00 MUN AA G*      1.99 -- SE SW NE ----- 6 30 2E 3      168.79 168.79 AF
=====

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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      232.70      .00
Total Permitted Amount (AF) =      541.27      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =      1352.26      .00
Total Vested Amount (AF) =         168.79      .00
TOTAL AMOUNT (AF) =      2295.02      .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:

97.239342 West Longitude and 37.442305 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A\_\_ 5180 00 IRR NK G  
> TWYLA L HOOBLER WAGNER TRUST  
>  
> 1345 E 130TH AVE N  
> MULVANE KS 67110

-----  
A\_\_ 6655 00 MUN NK G  
> VERIFIED REPORT DWR  
>  
>  
> CCCCCCCCCCCCCC CO 00000

-----  
A\_\_ 26675 00 IRR NK G  
> STEWART MANAGEMENT CO  
>  
> PO BOX 2  
> WELLINGTON KS 67512

-----  
A\_\_ 30677 00 IRR NK G  
> FORREST G BUTTS  
>  
> 205 S CENTRAL AVE  
> MULVANE KS 67110

-----  
A\_\_ 31260 00 IRR NK G  
> FORREST G BUTTS  
>  
> 205 S CENTRAL AVE  
> MULVANE KS 67110

-----  
A\_\_ 31685 00 IRR NK G  
> STEVEN J & JAREN KAY BUTTS  
>  
> 2411 E 111 STREET SOUTH  
> MULVANE KS 67110

-----  
A\_\_ 39544 00 IRR NK G  
> OTT LAND & GRAIN INC.  
>  
> 11621 S HILLSIDE ST  
> MULVANE KS 67110

-----  
A\_\_ 40113 00 IRR NK G  
> LARRY C & RHONDA J PARKER  
>  
> 1103 S CENTRAL AVE  
> MULVANE KS 67110

-----  
A\_\_ 43167 00 IRR NK G  
> LARRY C & RHONDA J PARKER  
>



> 1103 S CENTRAL AVE  
> MULVANE KS 67110

-----  
A\_\_ 43178 00 IRR NK G  
> DANIEL F & LINDA K AST LIVING TRUST  
>  
> 1078 N ROCK RD  
> BELLE PLAIN KS 67013

-----  
A\_\_ 44472 D2 IND KE G  
> ASSOCIATED MATERIAL & SUPPLY COMPANY  
>  
> PO BOX 4476  
> WICHITA KS 67204

-----  
A\_\_ 49518 00 IRR GY G  
> JOHN HERVEY  
>  
> 785 N WEBB RD  
> BELLE PLAINE KS 67013

-----  
A\_\_ 49585 00 IRR GY G  
> LARRY C & RHONDA J PARKER  
>  
> 1103 S CENTRAL AVE  
> MULVANE KS 67110

-----  
A\_\_ 49706 00 IRR AY G  
> BUTTS BROTHERS  
>  
> 205 S CENTRAL AVE  
> MULVANE KS 67110

-----  
VSU 2 00 MUN AA G  
> CITY OF MULVANE  
> UTILITY DEPARTMENT  
> 211 N 2ND AVE  
> MULVANE KS 67110  
-----  
=====

## McColloch, Austin

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**From:** Lanterman, Jeff  
**Sent:** Thursday, February 9, 2017 3:14 PM  
**To:** McColloch, Austin; Turney, Brent  
**Cc:** Conant, Cameron  
**Subject:** RE: Recommendation File No. 49,706  
**Attachments:** 49585 surrounding wells.jpg; 49706Out.jpg; 49706In.jpg

I am looking at the well log. It appears we only have 23' of saturated thickness at this well site shown on the well log. Although it doesn't appear to have gone down to bedrock. This appears to be a problem because normally that would mean that we need to have a "no fringe of mine" study done. In order to be fair to how we process other applications. I did compare the well log to 49585 which we did approve without a study because the water level plus depth to bedrock were greater than 25' in the test hole that they decided to complete. A test on the battery 43167 indicates similar well logs but they needed a battery to get 600 GPM. It appears with the well log with this application that 850 GPM is unreasonable. We are doing a study on 49347 sending a letter today.

Here is why I think a fringe of mine study might not be necessary. Although I think the requested flow rate here is ridiculous with 23' of saturated thickness indicated on the well log.

1. The proximity to the stream will dictate the extent of the cone of depression. Making it hard to impair that domestic well to the north.
2. The flow rate will come down at certification time.
3. This well log does not indicate bedrock in the log. I looked at the well log for 49585 and it appears bedrock is deeper than what is indicated on this well log. It would be nice to have a decent real log here. Premier is terrible. But I'm going to interpolate data here and say that because bedrock is indicated deeper to the north and there appears to be greater than 25' of saturated thickness to bedrock in the well log associated with 49585 that there is greater than 25' here as well.

This issue is a bit more sticky and I think could stop this whole process.

The memo states that we didn't notify anyone in ½ mile circle but it appears that most of that homestead to the north is within ½ mile of the proposed point of diversion, I attached a copy of a surrounding well log we did on 49585. This well is also indicated in that app. If we did not send them a surrounding well owner notice I think we need to before we approve it pursuant to SB 337. The well is owned by WL Pittman according to docuware on 49585.

We looked at water levels here and during the 49585 review. There isn't much close but the nearest well is stable at this time.

I think it could be approved with notification to the domestic well owner.

Jeff

---

**From:** McColloch, Austin  
**Sent:** Tuesday, February 7, 2017 8:42 AM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron <Cameron.Conant@ks.gov>  
**Subject:** Recommendation File No. 49,706

Jeff,

Attached is my draft memo for an application submitted by Forrest Butts. The PD is just south of an application we recently approved (49,585). I have truncated a portion out of the 2 mile area of consideration that is consistent with the previous application recently approved. Please let me know your recommendation for this file.

Thanks,

Austin McColloch  
Environmental Scientist  
Ph: (785) 564-6643





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 19, 2016

FORREST G BUTTS  
205 S CENTRAL AVE  
MULVANE KS 67110

**FILE COPY**

RE: Application  
File No. 49706

Dear Sir or Madam:

Your application for permit to appropriate water in 17-30S-2E 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.**

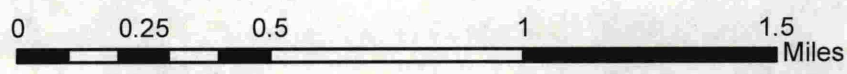
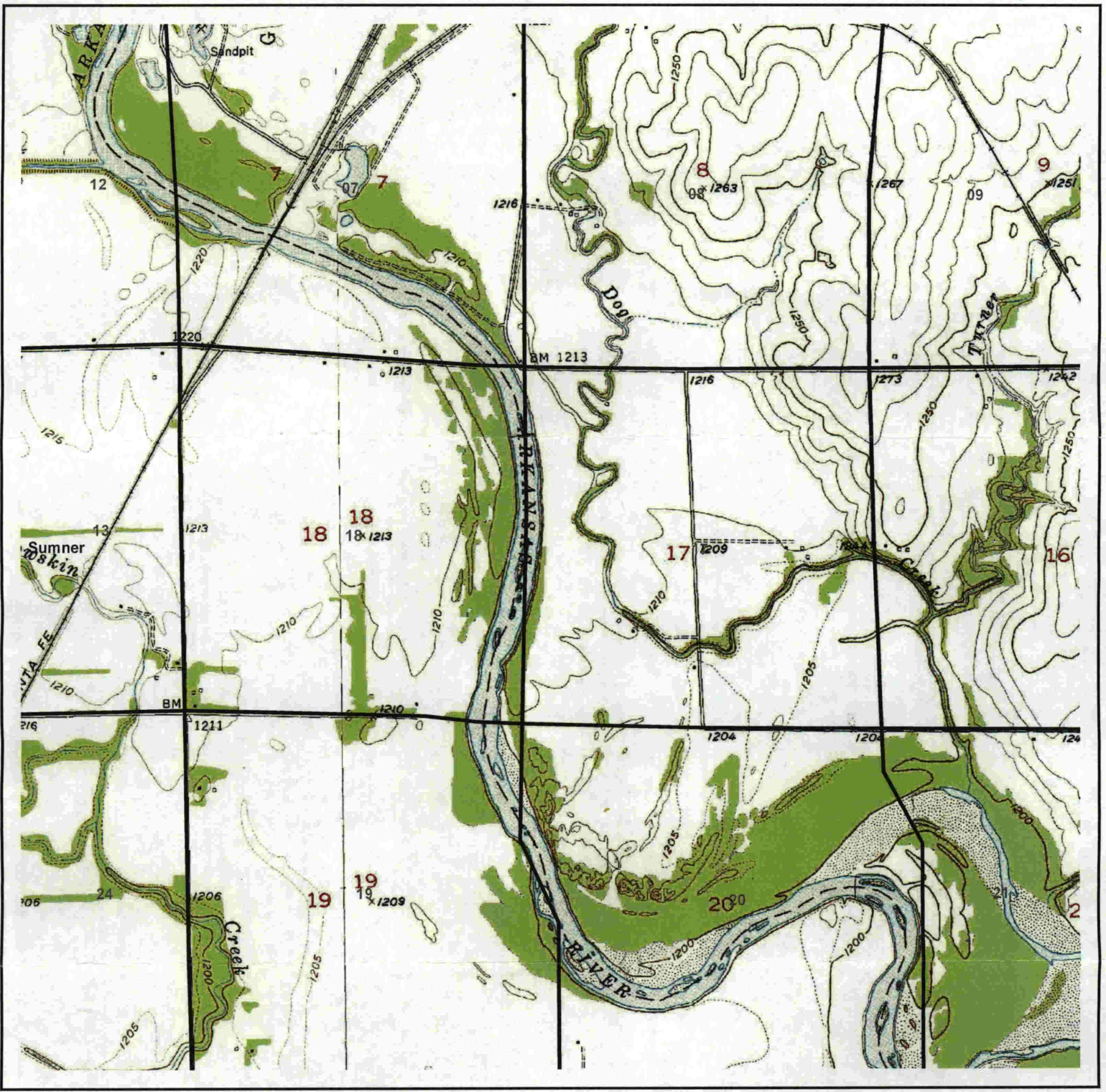
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: dlw  
pc: STAFFORD Field Office  
GMD





1:24,000



# Application for Permit to Appropriate Water for Beneficial Use

Proposed Place of Use Section 17 - Township 30S - Range 2E  
Sumner County, Kansas

**WATER RESOURCES  
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**SEP 19 2016**

All water wells of any kind within 1/2 mile of the proposed point of diversion are shown: *no wells*

A handwritten signature in black ink, appearing to read 'Bryan Dotts', written over a horizontal line.

**KS DEPT OF AGRICULTURE**

AM/DWR  
Date: 8/15/2016