

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

1. File Number: <b>49,804</b>	2. Status Change Date: <i>10/6/2017</i>	3. Field Office: <b>2</b>	4. GMD: <b>2</b>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>  <b>ELMER NISLY 3711 S HERREN RD HUTCHINSON KS 67501-7900</b>		7c. Landowner(s) New to system <input type="checkbox"/>  Person ID <u><b>27487</b></u> Add Seq# _____	
7b. Landowner(s) New to system <input type="checkbox"/>  <b>ELMER NISLY 3711 S HERREN RD HUTCHINSON KS 67501-7900</b>		7d. Misc. New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>JULIAN NISLY 4311 S HERREN RD HUTCHINSON KS 67501</b>		9. Use of Water:    Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input 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: _____	
10. Completion Date: <u><b>12/31/2018</b></u>		11. Perfection Date: <u><b>12/31/2022</b></u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: <b>9/22/2017</b> By: <b>AM</b> Date Entered: <i>10/9/2017</i> By: <i>AM</i>			

File No. <b>49,804</b>	15. Formation Code: <b>190</b>	Drainage Basin: Arkansas River	County: RN	Special Use:	Stream:																						
16. Points of Diversion T MOD DEL PDIV ENT			17. Rate and Quantity																								
			Authorized	Additional																							
Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files																
<b>MOD 49356 NC N2 N2 SE 35 23S 7W 1 2245 1320</b>							<b>800</b>	<b>184.8</b>	<b>245</b>	<b>133.8</b>	<b>38,191</b>																
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																											
19. Limitation: <b>184.8</b> af/yr at <b>800</b> gpm ( <b>1.78</b> cfs) when combined with file number(s) <b>38,191</b>																											
Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																											
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <b>12/31/2018</b> Date Acceptable Meter Installed _____																											
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files						
		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼										
<b>CHK 37975</b>	<b>35</b>	<b>23S</b>	<b>7W</b>	<b>1</b>			<b>23</b>	<b>23</b>												<b>39</b>	<b>39</b>	<b>4</b>	<b>4</b>	<b>132</b>	<b>7a.</b>	<b>No</b>	<b>38,191</b>
Comments: <b>Formation Code the same for WR File No. 38,191</b>																											

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

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

**TO:** Files

**DATE:** September 22, 2017

**FROM:** Austin McColloch

**RE:** New Application,  
File No. 49,804

Elmer Nisly has filed an application to appropriate groundwater for irrigation use, requesting a quantity of 184.8 acre-feet of water per calendar year, and a diversion rate of 800 gallons per minute.

This is a complete overlap in point of diversion and place of use with Water Right, File No. 38,191. The proposed place of use of 132 acres located in the East half of Section 35. The proposed quantity of 184.8 acre-feet per calendar year provides 1.4 acre-feet per acre, making it within the reasonable quantity for Reno County (1.4). The quantity will be limited to 184.8 acre-feet when combined with Water Right, File No. 38,191 which is authorized 51 acre-feet. This provides 133.8 additional quantity appropriated under the new application. Water Right, File No. 38,191 is authorized 555 gallons per minute, this provides 245 additional gallons per minute authorized under the new application.

The proposed point of diversion is an existing well located near center of the North half of the North half of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 35, more particularly described as being near a point 2,245 feet North and 1,320 feet West of the Southeast corner of said section, in Township 23 South, Range 7 West, Reno County, Kansas, within the Arkansas River drainage basin. It is currently authorized by Water Right, File No. 38,191.

The applicant identified seven (7) domestic wells within one-half mile of the proposed point of diversion. Notification letters were sent out on June 29, 2017. Phone calls were received showing interest in the project and one letter was received showing concern to the proposed project. The proposed point of diversion is located within the GMD #2 Enhanced Well Spacing Area. According to WRIS database, the nearest non-domestic point of diversion (File No. 44,768) is approximately 2,980 feet away. The site map indicates that the nearest domestic well, not owned by the applicant, is over 1,500 feet away. The proposed point of diversion meets minimum spacing distance from all non-domestic wells of 2,640 feet and minimum spacing to domestic wells of 660 feet.

The point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. K.A.R. 5-22-7 applies to safe yield evaluation in GMD 2. One of the specific criteria is to determine the extent of the unconfined aquifer, it was determined that the entire two mile circle should be considered, providing 8,042 acres. Per GMD No. 2 evaluation it was determined that safe yield allowable appropriation is 2,206.5 acre-feet. Total existing appropriations in the area of consideration is 721.39 acre-feet leaving 1,485.11 acre-feet available for appropriation. Thus, the application meets safe yield.

In a letter dated September 11, 2017, Tim Boese, Manager, GMD No. 2, stated that the application complies with all rules and regulations of the GMD and recommended that the application be approved. During review, they also noted 2 nearby monitoring wells with histories dating back to 1989. Both hydrographs show a fairly stable water level. One in section 35 was ~40' in 1989 and is ~42' now with no major declines in that period. The other in section 36 is stable from 2003 to 2011. From 2011 to 2013 the level dropped from ~36' to ~38 but has remained relatively stable from 2013 through present.

In an email dated September 18, 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

ELMER NISLY  
3711 S HERREN RD  
HUTCHINSON KS 67501-7900

October 9, 2017

**FILE COPY**

RE: Appropriation of Water, File No. 49,804

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you 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), 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 this permit. A water meter is required 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.

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. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. 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 set forth in the permit to complete diversion works or to perfect an appropriation.

For any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for 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 establish the extent of your water right.

If you have any questions, please contact me at (785) 564-6640. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:am

Enclosures

pc: Julian Nisly  
Groundwater Management District No. 2  
Stafford Field Office

**KANSAS DEPARTMENT OF AGRICULTURE**  
 Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION**  
**and**  
**PERMIT TO PROCEED**  
 (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,804** of the applicant

**ELMER NISLY**  
**3711 S HERREN RD**  
**HUTCHINSON KS 67501-7900**

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 **March 21, 2017**.
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		
35	23S	7W			23	23										39	39	4	4	132

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located near the center of the North Half of the North Half of the Southeast Quarter (N½ N½ SE¼) of Section 35, more particularly described as being near a point 2,245 feet North and 1,320 feet West of the Southeast corner of said section, in Township 23 South, Range 7 West, Reno 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 **184.8 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 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 quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 38,191, will provide a total not to exceed **184.8 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** for irrigation use on the land described herein.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 6<sup>th</sup> day of October, 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 6<sup>th</sup> day of October, 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 9<sup>th</sup> day of October, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,804, dated October 6<sup>th</sup>, 2017 was mailed postage prepaid, first class, US mail to the following:

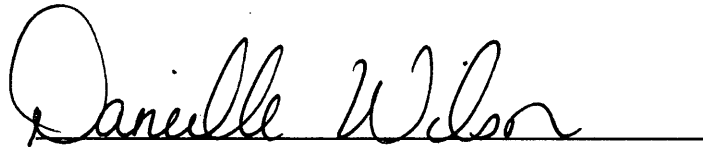
ELMER NISLY  
3711 S HERREN RD  
HUTCHINSON KS 67501-7900

With photocopies to:

JULIAN NISLY  
4311 S HERREN RD  
HUTCHINSON KS 67501

Groundwater Management District No. 2

Stafford Field Office

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

Division of Water Resources

APPLICATION COMPLETE

9 / 18 / 17  
Reviewer AM

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer  
WATER RESOURCES RECEIVED

File Number 49804  
This item to be completed by the Division of Water Resources.

MAR 21 2017

8:42  
KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): Elmer Nisly  
Address: 3711 S. Herren Rd  
City: Hutchinson State KS Zip Code 67501  
Telephone Number: (620) 662-5536

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Arkansas River Basin - Equus Beds Aquifer (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. *\* Limited to 184.8 Af + 800 GPM when combined with # 38191*

3. The maximum quantity of water desired is 184.8 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (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 2 Meets K.A.R. 5-3-1 (YES/NO) Use ILR Source G/S County RW By AM Date 3/21/17  
Code REB Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 3/21/17 Check # 3861

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 NC-N2 quarter of the N2 quarter of the SE quarter of Section 35, more particularly described as being near a point 2245 feet North and 1320 feet West of the Southeast corner of said section, in Township 23 South, Range 7W East/West (circle one), Reno 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):

Elmer & Cora C. Nisly, 3711 S. Herfen Rd., Hutchinson, KS 67501 (620) 662-5536

(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 March 10, 2017. Elmer Nisly  
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

(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) 777/1986 under Water Permit No. 38191

(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 June 1, 2017

(Mo/Day/Year)

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

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

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

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

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

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.

#38191 - Same point of diversion & place of use. This application should be limited to 184.8 AF  
& 800 GPM when combined with Water Right No. 38191

WATER RESOURCES  
RECEIVED

MAR 21 2017

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	7/7/1986	_____	_____	_____
Total depth of well	110'	_____	_____	_____
Depth to water bearing formation	45'	_____	_____	_____
Depth to static water level	38.5'	_____	_____	_____
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):

Elmer & Cora C. Nisly, 3711 S. Herren Rd., Hutchinson, KS 67501 (620) 662-5536

(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 Hutchinson, Kansas, this 10<sup>th</sup> day of March, 2017.  
(month) (year)

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

By Elmer Nisly  
(Agent or Officer Signature)

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

Assisted by T. Boese

GMD2/Manager  
(office/title)

Date: March 7, 2017

49804

# IRRIGATION USE SUPPLEMENTAL SHEET

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

Name of Applicant (Please Print): Elmer Nisly

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: Elmer & Cora C. Nisly

ADDRESS: 3711 S. Herren Rd., Hutchinson, KS 67501

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
35	23S	7W			23	23										39	39	4	4	132

**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
<u>Funmar-Taver loams</u>	<u>76</u>	<u>0.06-0.20</u>	<u>1</u>
<u>Saltcreek and Naron fsl</u>	<u>24</u>	<u>0.06-0.20</u>	<u>7</u>
_____	_____	_____	_____
_____	_____	_____	_____
<b>Total:</b>	<b>100 %</b>		

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

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

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: Will schedule and apply irrigation to eliminate run-off

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 40 psi

(2) What is the sprinkler package design rate? 550 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? 50 feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn, soybeans, milo, wheat

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). Will contract with crop consultant

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

## McColloch, Austin

---

**From:** Lanterman, Jeff  
**Sent:** Monday, September 18, 2017 4:37 PM  
**To:** McColloch, Austin; Conant, Cameron  
**Subject:** FW: Recommendation New Application File No. 49804  
**Attachments:** 49804\_Memo.doc; 49804 application map.pdf; 49804 sec.35 hydrograph.pdf; 49804 sec.36 hydrograph.pdf

Austin. This one looks good to approve. Don't get many apps out in this area for some reason. I think there is some salt issues but this one should be good to go.

Thanks

Jeff

---

**From:** Conant, Cameron  
**Sent:** Monday, September 18, 2017 3:36 PM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Subject:** FW: Recommendation New Application File No. 49804

Jeff, this is a new application to cover an existing point of diversion. The new application will completely overlap the p/d and p/u. The existing right is very short, only 51 AF to cover 132 acres @ 555 GPM. The new application is for 184.8 AF @ 800 GPM, or 133.8 additional AF and 245 additional GPM.

It appears all nearby wells were identified and notified (application map attached).

GMD#2 recommended approval of this application. During their review they noted 2 nearby monitoring wells with histories dating back to 1989. Both hydrographs show a fairly stable water level. One in section 35 was ~40' in 1989 and is ~42' now with no major declines in that period. The other in section 36 is stable from 2003 to 2011. From 2011 to 2013 the level dropped from ~36' to ~38 but has remained relatively stable from 2013 through present, maybe ticking upward to ~37' now. (both hydrographs attached)

Based on this application meeting SY, meeting spacing to all nearby wells, and a fairly stable area water level, I think this can be recommended for approval.

Please pass on to Austin if you agree.

Cameron

---

**From:** McColloch, Austin  
**Sent:** Wednesday, September 13, 2017 11:21 AM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron <Cameron.Conant@ks.gov>  
**Subject:** Recommendation New Application File No. 49804

Jeff,

Attached is my draft memo for New Application File No. 49,804 submitted by Elmer Nisly. This is forming a complete overlap with WR File No. 38,191. Let me know if you have any questions.



Thanks,

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

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 3, 2017

RICHARD & WILMA GRABER  
4104 S HERREN RD  
HUTCHINSON KS 67501

**FILE COPY**

Re: New Application,  
File No. 49,804

Dear Mr. Graber:

This will acknowledge receipt of your letter dated July 10, 2017, in which you expressed comments concerning the proposed appropriation of groundwater by Elmer Nisly 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 67578-1521

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) 564-6643 or our Stafford Field Office at (620) 234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin J. McColloch  
Environmental Scientist  
Water Appropriation Program

pc: Stafford Field Office

SCANNED

JEFF WINTER, PRESIDENT  
VIN KISSICK, VICE PRESIDENT  
ALAN BURGHART, SECRETARY  
MIKE MCGINN, TREASURER  
TIM BOESE, MANAGER  
THOMAS A. ADRIAN, ATTORNEY



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SEP 13 2017

KS DEPT OF AGRICULTURE

DIRECTORS:  
DAVID BOGNER  
JOE PAJOR  
DALE SCHMIDT  
BOB SEILER  
DAVID STROBERG

## EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

September 11, 2017

Chief Engineer, Division of Water Resources  
Attn: Austin McColloch  
1320 Research Park Dr.  
Manhattan, KS 66502

Re: Application File No. 49,804 – Elmer Nisly

Dear Mr. McColloch:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced application on September 11, 2017, using the District's Revised Management Program (effective May 1, 1995), and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The District's review found that the proposed point of diversion and place of use form an identical overlap with Water Right No. 38191, and that the application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17. Based upon the review, the application is recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to the quantity and rate being limited to 184.8 AF/Y and 800 GPM when combined with Water Right No. 38191.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

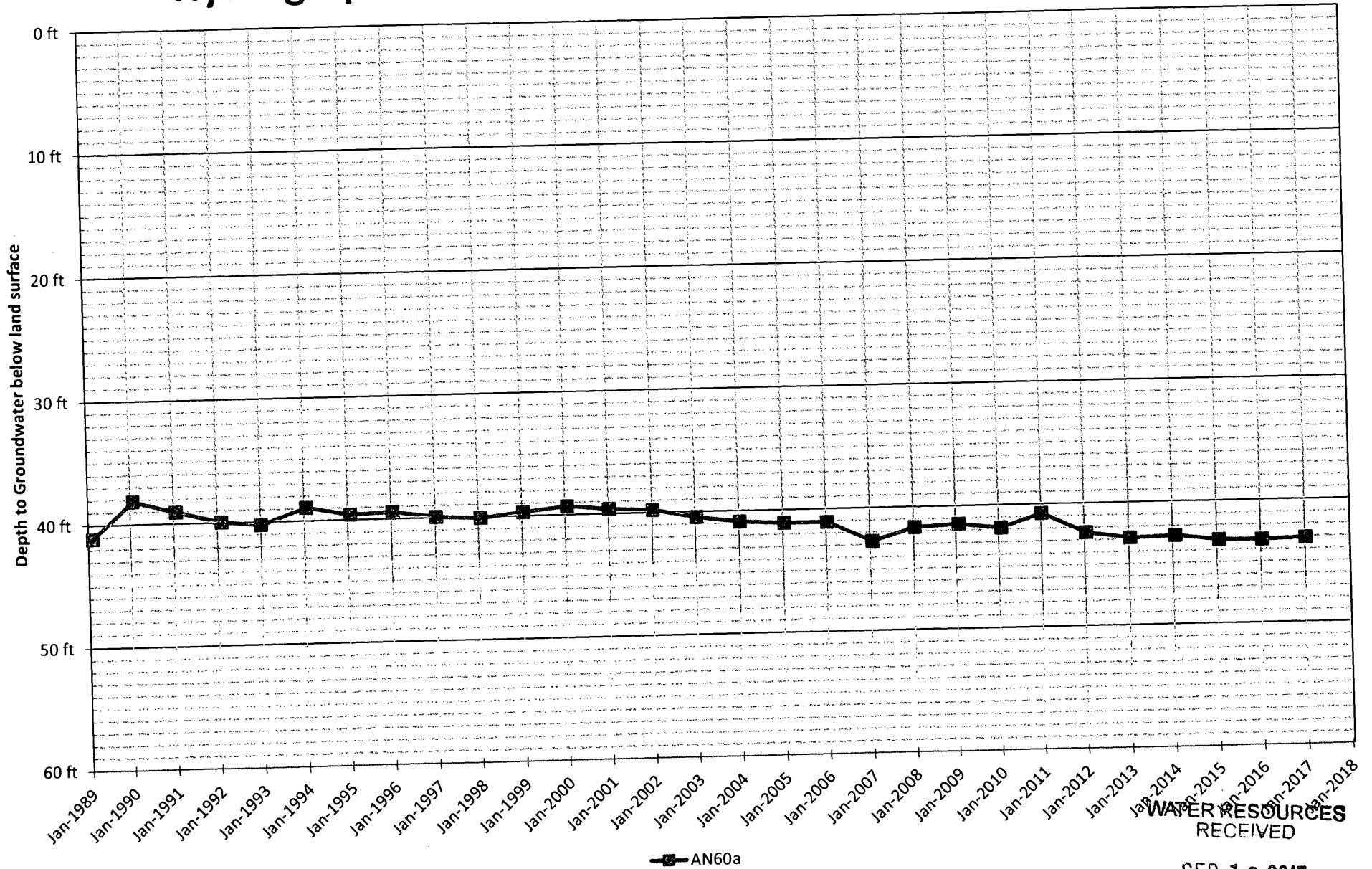
Sincerely,  
EQUUS BEDS GROUNDWATER  
MANAGEMENT DISTRICT NO. 2

Tim Boese  
Manager  
TDB/STF  
Enclosures



pc: Elmer Nisly, Applicant and Landowner  
Richard Graber, Nearby Well Owner  
Jeff Lanterman, Division of Water Resources, Stafford

# Hydrograph at GMD2 Site AN175 Sec. 35 T23S R7W



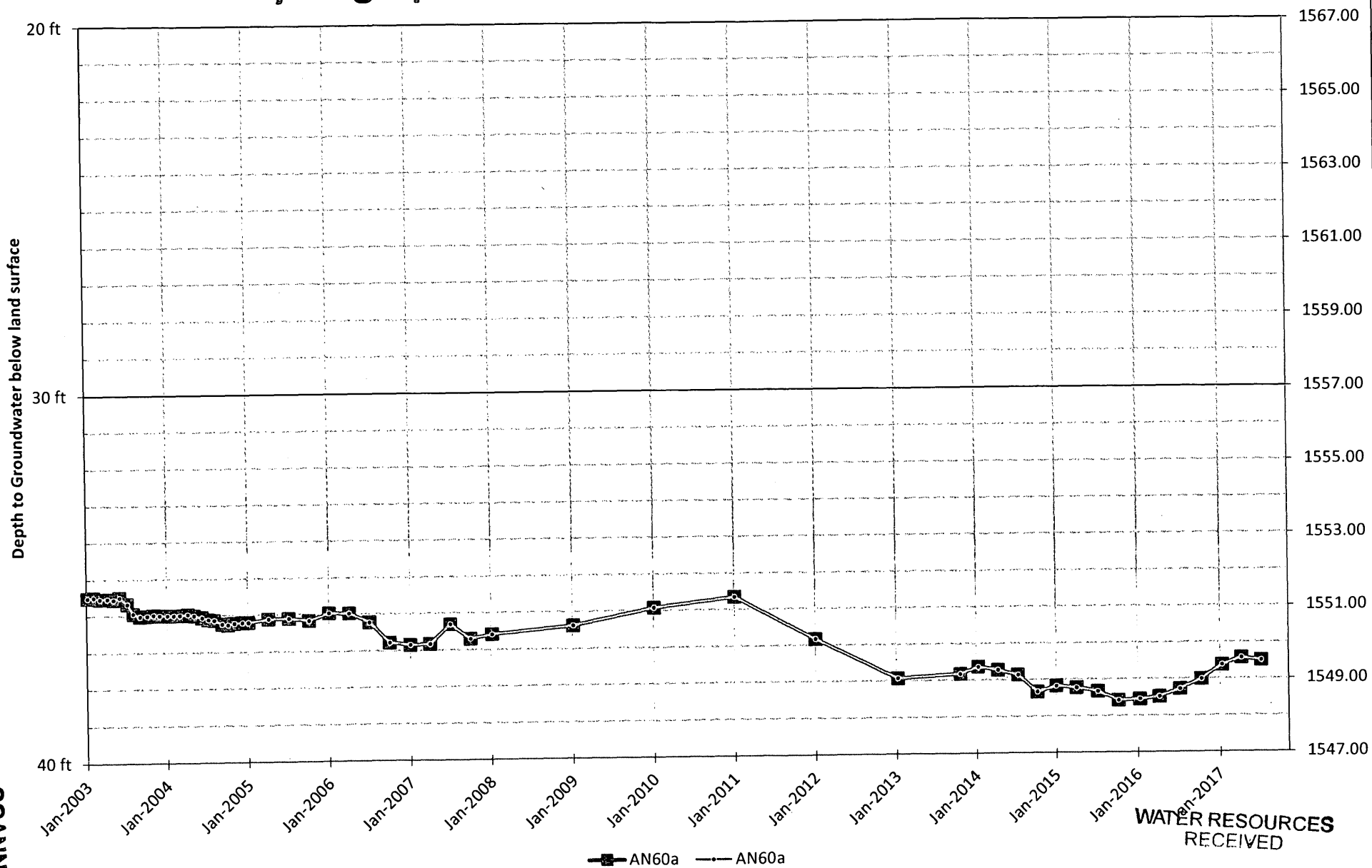
SCANNED

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SEP 13 2017

AN60a

# Hydrograph at GMD2 Site 44768 Sec. 36 T23S R7W



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SEP 13 2017

KS DEPT OF AGRICULTURE

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 10, 2017

EQUUS BEDS  
GROUNDWATER MANAGEMENT DISTRICT NO 2  
ATTN TIM BOESE - MANAGER  
313 SPRUCE  
HALSTEAD KS 67056

**FILE COPY**

Re: New Application, File No. 49,804

Dear Mr. Flaherty:

At the request of extension to review, the Chief Engineer has extended, the initial time in which to supply the requested recommendation for the application for new appropriation for the above referenced file.

As requested we will delay any further action until September 10, 2017. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently, my desk phone number is (785) 564-6643.

Sincerely,

Austin McColloch  
Environmental Scientist  
Water Appropriation Program

AM:am

pc: Stafford Field Office

SCANNED

## McColloch, Austin

---

**From:** Rebecca Wilson <rwilson@gmd2.org>  
**Sent:** Thursday, August 10, 2017 11:37 AM  
**To:** McColloch, Austin  
**Subject:** Extension Request #49804

Austin,

Steve Flaherty is requesting a 30 day extension from the date of this email to review file #49804. He apologizes for the delay, but he has been working on Assessment and Boundaries Expansion projects.

Please let me know if you have any concerns or questions.

Thanks!

*Rebecca Wilson*

Rebecca Wilson  
Administrative Assistant  
Equus Beds GMD2  
313 Spruce Street  
Halstead, KS 67056  
316-835-2224  
316-835-2225 Fax  
rwilson@gmd2.org  
www.gmd2.org

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

July 18, 2017

**FILE COPY**

EQUUS BEDS  
GROUNDWATER MANAGEMENT DISTRICT #2  
313 SPRUCE ST  
HALSTEAD, KS 67056

Re: New Application,  
File No. 49,804

Dear Sir or Madam:

Enclosing is a copy of the referenced application, which was submitted by Elmer Nisly and appears to be in proper form, for your review. The water is to be used for irrigation use.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch  
Environmental Scientist  
Water Appropriation Program

Enclosures  
pc: Stafford Field Office

SCANNED



July 10 2017

WATER RESOURCES  
RECEIVED

JUL 13 2017

KS DEPT OF AGRICULTURE

To whom it may Concern,

This writing is in Regards to  
water ~~to~~ Rights Application # 49804

As an adjoining landowner having  
4 Residential wells with in approx. 1200'  
East of subject well I am somewhat  
Concerned about water level,

I am not apposed to granting  
the increase but would Request a  
Close monitering of water level &  
having access to that information.

Just some level of accountability  
& Responsibility so that the water  
table stays where it can work  
for all involved,

Thanks

Sincerity

Richard Graber  
4104 S Herren Rd  
Hutchinson, KS 67501

Richard Graber

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

June 29, 2017

JULIAN & BERTHA NISLY TR  
4311 S HERREN RD  
HUTCHINSON KS 67501

**FILE COPY**

Re: Application  
File No. 49,804

Dear Sir or Madam:

This is to advise you that Elmer Nisly has filed the application referred to above for permit to appropriate 184.8 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:

one (1) well located near center of the North Half of the North Half of the Southeast Quarter (N $\frac{1}{2}$  N $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 35, more particularly described as being near a point 2,245 feet North and 1,320 feet West of the Southeast corner of said section, in Township 23 South, Range 7 West, Reno County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. Please note this is an **existing well**. 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) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch  
Environmental Scientist  
Division of Water Resources

Enclosure(s)

pc: Stafford Field Office  
Groundwater Management District No. 2

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

June 29, 2017

RICHARD & WILMA GRABER  
4104 S HERREN RD  
HUTCHINSON KS 67501

Re: Application  
File No. 49,804

Dear Sir or Madam:

This is to advise you that Elmer Nisly has filed the application referred to above for permit to appropriate 184.8 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,

Austin McColloch  
Environmental Scientist  
Division of Water Resources

Enclosure(s)

pc: Stafford Field Office  
Groundwater Management District No. 2

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

June 29, 2017

GLENN LEON & ANN MILLER  
4014 S HERREN RD  
HUTCHINSON KS 67501

Re: Application  
File No. 49,804

Dear Sir or Madam:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch  
Environmental Scientist  
Division of Water Resources

Enclosure(s)

pc: Stafford Field Office  
Groundwater Management District No. 2



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

June 29, 2017

NATHAN & TERESA & TONYA YODER  
3611 S HERREN RD  
HUTCHINSON KS 67501

Re: Application  
File No. 49,804

Dear Sir or Madam:

This is to advise you that Elmer Nisly has filed the application referred to above for permit to appropriate 184.8 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) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch  
Environmental Scientist  
Division of Water Resources

Enclosure(s)

pc: Stafford Field Office  
Groundwater Management District No. 2



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

June 29, 2017

GLENN NISLY  
112 RIVER PARK DR  
MIDDLEBURY KS 67540

Re: Application  
File No. 49,804

Dear Mr. Nisly:

This is to advise you that Elmer Nisly has filed the application referred to above for permit to appropriate 184.8 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) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch  
Environmental Scientist  
Division of Water Resources

Enclosure(s)

pc: Stafford Field Office  
Groundwater Management District No. 2



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

June 29, 2017

RICHARD & SUSAN YODER  
7318 W ILLINOIS AVE  
HUTCHINSON KS 67501

Re: Application  
File No. 49,804

Dear Sir or Madam:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch  
Environmental Scientist  
Division of Water Resources

Enclosure(s)

pc: Stafford Field Office  
Groundwater Management District No. 2

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

June 29, 2017

PHILLIP & LUCY NISLY  
3415 S HERREN RD  
HUTCHINSON KS 67501

Re: Application  
File No. 49,804

Dear Sir or Madam:

This is to advise you that Elmer Nisly has filed the application referred to above for permit to appropriate 184.8 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) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch  
Environmental Scientist  
Division of Water Resources

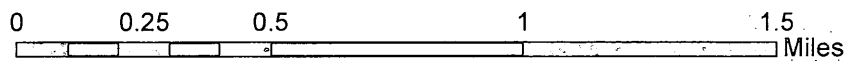
Enclosure(s)

pc: Stafford Field Office  
Groundwater Management District No. 2





1:24,000



**Legend**

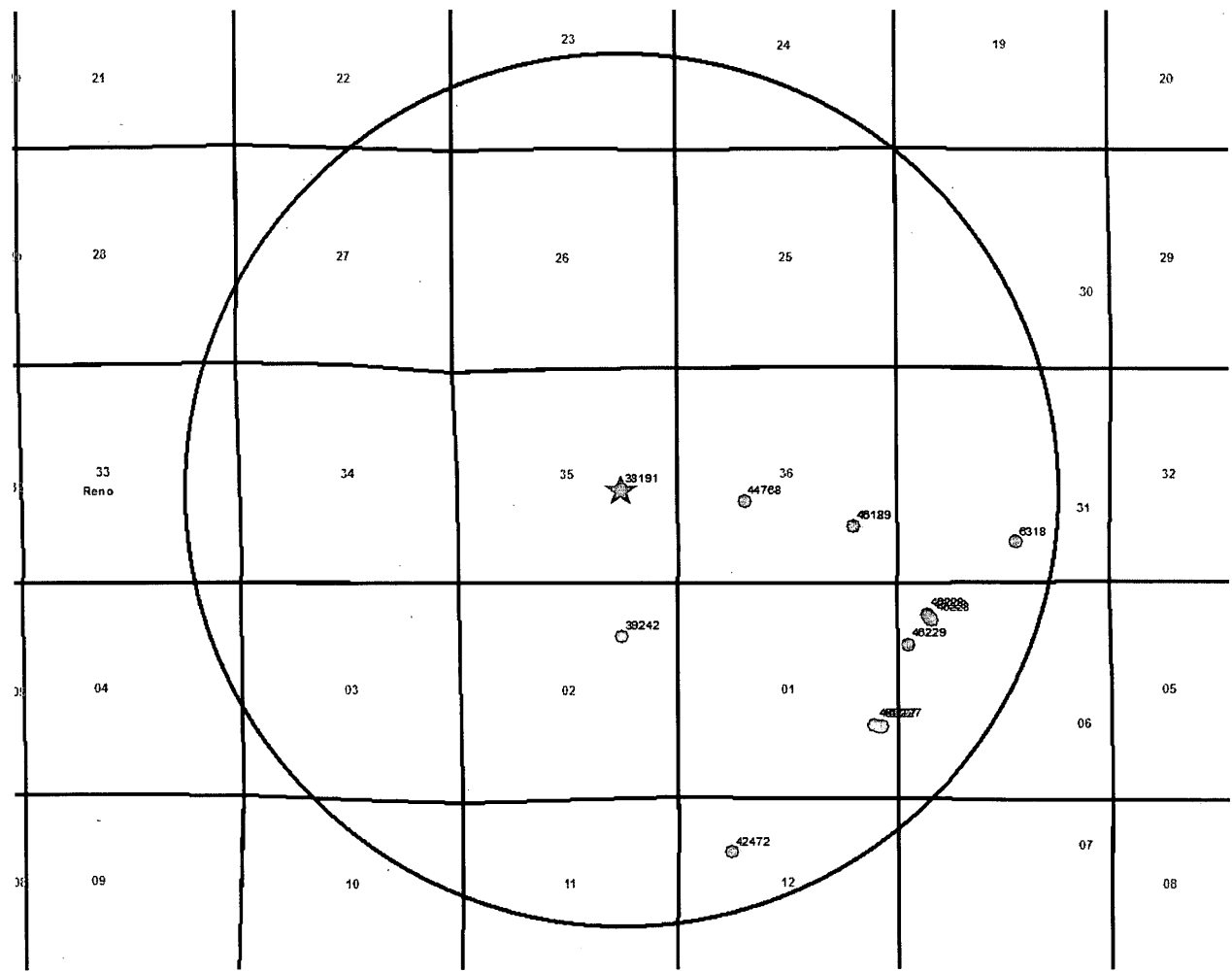
- Point of Diversion



New Application, File No. 49,804  
 Overlap with Water Right, File No. 38,191  
 35-23S-7W Reno County, KS

AM/DWR  
 SCANNED Date: 6/29/2017

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in SWNWNESE 35-23S-07W



### Analysis Results

-----

The selected PD is in an area to new appropriations.  
The safe yield, based on the variables listed below is 4,021.00 AF.  
Total prior appropriation in the circle is 721.36 AF.  
Total quantity of water available for appropriation is 3,299.64 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 6 inches.  
The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 11-JUL-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 10 water right(s) and 13 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 6318 00	IRR	NK	G		NW	SW	SE	0	0	31	23	06W	1	WR	64.00	64.00	50.00	50.00
A 38191 00	IRR	NK	G	NC	N2	N2	SE	2245	1320	35	23	07W	1	WR	51.00	51.00	132.00	132.00
A 39242 00	IRR	NK	G		NC	NE		3960	1320	02	24	07W	2	WR	157.00	157.00	115.00	115.00
A 42472 00	IRR	NK	G		NC	NW		4022	3933	12	24	07W	1	WR	173.00	173.00	115.00	115.00
A 44768 00	IRR	NK	G		NW	NE	SW	1991	3677	36	23	07W	3	WR	81.20	81.20	58.00	58.00
A 45189 00	IRR	NK	G		SW	NE	SE	1375	1032	36	23	07W	2	WR	114.80	114.80	122.50	122.50
A 46123 00	IRR	NK	G		SW	NE	SE	1375	1032	36	23	07W	2	WR	57.00	57.00	122.50	0.00
A 46227 00	IND	NK	G		SE	NE	SE	1774	432	01	24	07W	5	WR	3.79	3.79		
Same	IND	NK	G		SE	NE	SE	1778	530	01	24	07W	6	WR				
Same	IND	NK	G		SE	NE	SE	1770	334	01	24	07W	7	WR				
A 46228 00	IND	NK	G		SE	NW	NW	4447	4476	06	24	06W	5	WR	10.01	10.01		
Same	IND	NK	G		SE	NW	NW	4514	4539	06	24	06W	6	WR				
Same	IND	NK	G		SE	NW	NW	4380	4412	06	24	06W	7	WR				
A 46229 00	IND	NK	G		NW	SW	NW	3772	4994	06	24	06W	8	WR	9.57	9.57		

MARCH 10, 2017  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

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.

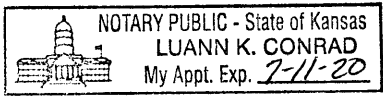
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Elmer Nisly  
Signature of Applicant

State of Kansas )  
County of RENO ) ss )

Elmer Nisly  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 10<sup>th</sup> day of March, 2017.



Luann K. Conrad  
Notary Public

My Commission Expires: 7-11-2020

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MAR 21 2017

**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

49804

Wells within ½ mile

1. Domestic Well  
Phillip & Lucy Nisly  
3415 S Herren Rd  
Hutchinson, KS 67501
2. Domestic Well  
Richard Dale & Susan Kay Yoder  
7318 W Illinois Ave  
Hutchinson, KS 67501
3. Domestic Well  
Glenn E Nisly  
112 River Park Dr  
Middlebury, IN 46540
4. Domestic Well  
Nathan L & Tresa A & Tonya R Yoder  
3611 S Herren Rd  
Hutchinson, KS 67501
5. Domestic Well  
Elmer & Cora C Nisley Rev Trust  
3711 S Herren Rd  
Hutchinson, KS 67501
6. Domestic Well  
Glenn Leon & Ann Miller  
4014 S Herren Rd  
Hutchinson, KS 67501
7. Domestic Well  
Richard S & Wilma Graber  
4104 S Herren Rd  
Hutchinson, KS 67501
8. Domestic Well  
Prairie Rental Properties LLC  
4104 S. Herren Rd  
Hutchinson, KS 67501
9. Domestic Well  
Julian E & Bertha J Nisly Trusts  
4311 S Herren Rd  
Hutchinson, KS 67501

WATER RESOURCES  
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MAR 21 2017

KS DEPT OF AGRICULTURE

SCANNED

Wells within 1/2 mile

10. Nisly Trust  
c/o Tim Nisly  
3310 Covington Ct  
Hutchinson, KS 67502

11. Domestic Well  
John S & Sylvia Nisly  
c/o Garret Askren  
8513 W Morgan Ave  
Hutchinson, KS 67501

12. Domestic Well  
Jesse D & Pam S Nisly  
8603 W Morgan Ave  
Hutchinson, KS 67501

13. Domestic Well  
Larry & Violet Byler  
8310 W Morgan Ave  
Hutchinson, KS 67501



49804

DEALER - INMAN IRRIGATION  
P.O. -

IRRIGATOR - ELMER NISLEY  
FIELD NO. - #1

SPAN 1 POS/LEN	SPAN 2 POS/LEN	SPAN 3 POS/LEN	SPAN 4 POS/LEN	SPAN 5 POS/LEN	SPAN 6 POS/LEN	SPAN 7 POS/LEN	ENDPOIN POS/LEN
1 - 72	9 - 60	19 - 60	29 - 60	39 - 60	49 - 60	59 - 60	69 - 60
2 - 78	10 - 72	20 - 72	30 - 72	40 - 72	50 - 72	60 - 72	70 - 66
3 - 84	11 - 84	21 - 84	31 - 84	41 - 84	51 - 84	61 - 84	71 - 66
4 - 84	12 - 90	22 - 90	32 - 90	42 - 90	52 - 90	62 - 90	72 - 72
5 - 84	13 - 96	23 - 96	33 - 96	43 - 96	53 - 96	63 - 96	
6 - 78	14 - 96	24 - 96	34 - 96	44 - 96	54 - 96	64 - 96	
7 - 72	15 - 90	25 - 90	35 - 90	45 - 90	55 - 90	65 - 90	
8 - 66	16 - 84	26 - 84	36 - 84	46 - 84	56 - 84	66 - 84	
	17 - 78	27 - 78	37 - 78	47 - 78	57 - 78	67 - 78	
	18 - 66	28 - 66	38 - 66	48 - 66	58 - 66	68 - 66	

SUMMARY OF DROPS

- 7 - 60 IN DROP
  - 9 - 66 IN DROP
  - 9 - 72 IN DROP
  - 9 - 78 IN DROP
  - 15 - 84 IN DROP
  - 12 - 90 IN DROP
  - 12 - 96 IN DROP
- TOTAL OF 72 DROPS

WATER RESOURCES RECEIVED

MAR 21 2017

KS DEPT OF AGRICULTURE

SCANNED



Scan of WWC5 Form

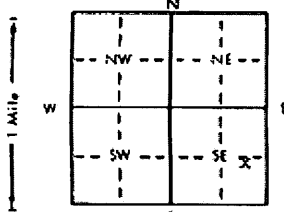
WATER WELL RECORD Form WWC-5 KSA 82a-1212

1) LOCATION OF WATER WELL: County: Reno, Fraction NW 1/4 SE 1/4, Section Number 35, Township Number T 23 S, Range Number R 7 EW

Distance and direction from nearest town or city street address of well if located within city? From 4th and Whiteside, 2 W 3/4 W 1/4 3/4 South 1/4 West

2) WATER WELL OWNER: Elmer Nisley, RR#, St. Address, Box #: RFD 1, City, State, ZIP Code: Hutchinson, Ks 67501, Board of Agriculture, Division of Water Resources, Application Number: 38191

3) LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX: DEPTH OF COMPLETED WELL: 110', ELEVATION:



Well details: Depth(s) Groundwater Encountered, WELL'S STATIC WATER LEVEL: 38.5', Pump test data, Est. Yield, Bore Hole Diameter: 28", WELL WATER TO BE USED AS: 1 Domestic, 2 Irrigation, 3 Feedlot, 4 Industrial, 6 Oil field water supply, 7 Lawn and garden only, 8 Air conditioning, 9 Dewatering, 10 Observation well, 11 Injection well, 12 Other (Specify below)

5) TYPE OF BLANK CASING USED: 1 Steel, 2 PVC, 3 RMP (SR), 4 ABS, 5 Wrought iron, 6 Asbestos-Cement, 7 Fiberglass, 8 Concrete tile, 9 Other (specify below)

Blank casing diameter: 16", Casing height above land surface: 12", TYPE OF SCREEN OR PERFORATION MATERIAL: 1 Steel, 2 Brass, 3 Stainless steel, 4 Galvanized steel, 5 Fiberglass, 6 Concrete tile, 7 PVC, 8 RMP (SR), 9 ABS, 10 Asbestos-cement, 11 Other (specify), 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: 1 Continuous slot, 2 Louvered shutter, 3 Mill slot, 4 Key punched, 5 Gauzes wrapped, 6 Wire wrapped, 7 Torch cut, 8 Saw cut, 9 Drilled holes, 10 Other (specify), 11 None (open hole)

SCREEN-PERFORATED INTERVALS: From 71 ft. to 110 ft., GRAVEL PACK INTERVALS: From 10 ft. to 110 ft.

6) GROUT MATERIAL: 1 Neat cement, 2 Cement grout, 3 Bentonite, 4 Other, Grout intervals: From 0 ft. to 16 ft., What is the nearest source of possible contamination: NA

1 Sepsic tank, 2 Sewer lines, 3 Watertight sewer lines, 4 Lateral lines, 5 Cess pool, 6 Soapage pit, 7 Pit privy, 8 Sewage lagoon, 9 Foodyard, 10 Livestock pens, 11 Fuel storage, 12 Fertilizer storage, 13 Insecticide storage, 14 Abandoned water well, 15 Oil well/Gas well, 16 Other (specify below)

Direction from well? FROM TO LITHOLOGIC LOG FROM TO LITHOLOGIC LOG

0	3	Top Soil			
3	11	Brown Clay			
11	16	Brown Clay with white rock			
16	28	Tan Clay			
28	45	Tan Sandy Clay			
45	51	Fine Sand with Clay chips			
51	56	Medium Sand			
56	60	Medium sand with very little clay			
60	61	Clay Break			
61	93	Medium Sand			
93	100	Clay			
100	110	Medium Sand			

7) CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 7-7-86 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/yr) 2-7-86 by (signature) Mike Flares

INSTRUCTIONS: Use typewriter or ball point pen, PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

Kansas Geological Survey  
Comments to webadmin@kgs.ku.edu  
URL=http://www.kgs.ku.edu/Magellan/WaterWell/index.html  
Display Programs Updated July 2, 2014  
Data added continuously.

WATER RESOURCES RECEIVED  
MAR 21 2017  
KS DEPT OF AGRICULTURE SCANNED



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

March 21, 2017

ELMER NISLY  
3711 S HERREN RD  
HUTCHINSON KS 67501

**FILE COPY**

RE: Application  
File No. 49804

Dear Sir or Madam:

Your application for permit to appropriate water in 35-23S-07W in Reno 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 2

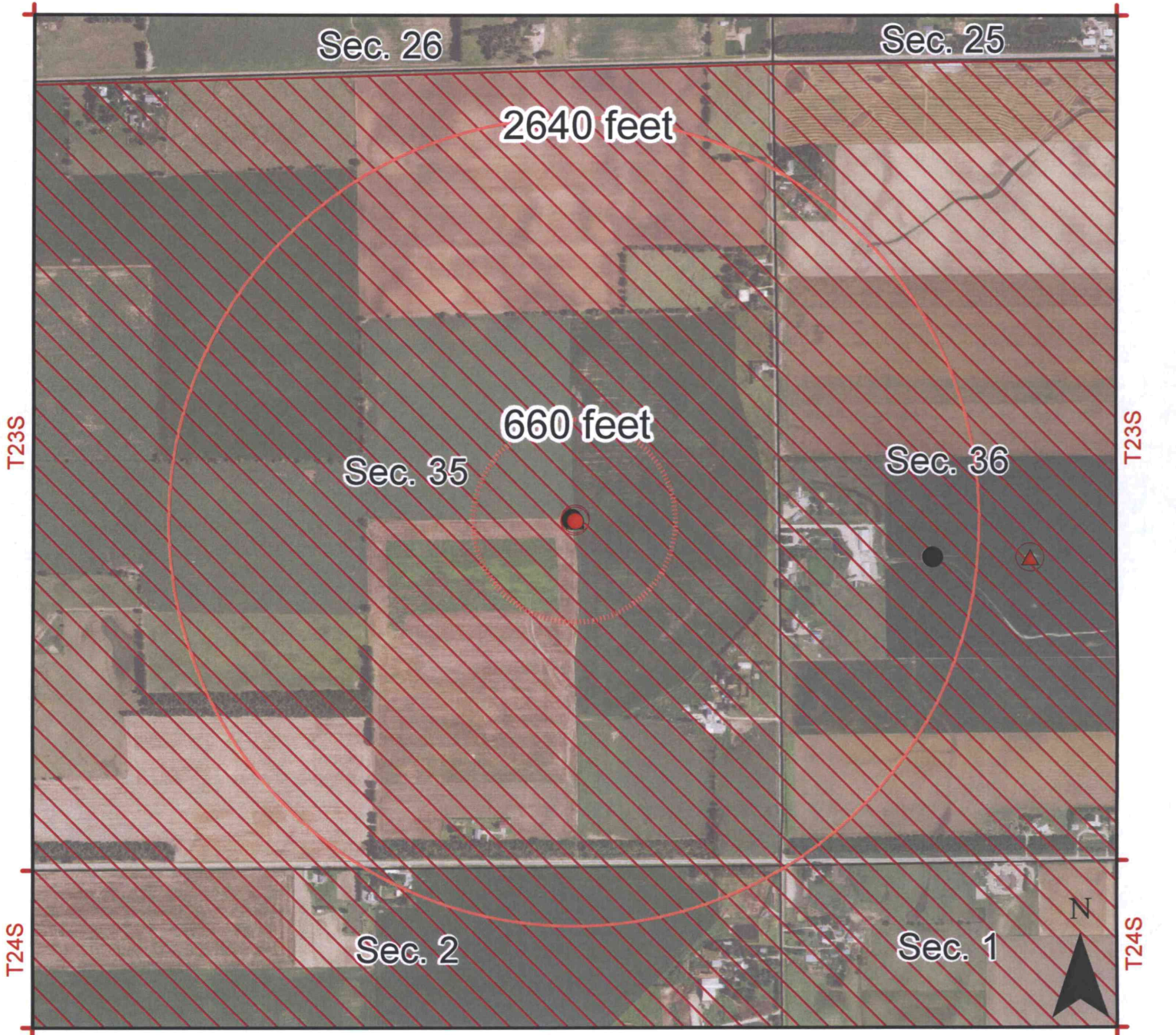
**SCANNED**

# Equus Beds Groundwater Management District No. 2

SPACING EVALUATION No 49804

LOCATION: NWNESE (2245'N & 1320'W) 35-23S-07W, Reno County

Prepared By: Stephen Flaherty Date: 7/25/2017



**Map Legend**

- Observation Well
- Bedrock
- Proposed Point of Diversion
- Authorized Location

- Burrton IGUCA
- Hollow Nikkel SWQUA
- McPherson IGUCA
- Enhanced Well Spacing Area
- Application Suspension Area

WATER RESOURCES RECEIVED SEP 13 2017

KS DEPT OF AGRICULTURE

Equus Beds Groundwater Management District No. 2  
 313 Spruce Street, Halstead, KS 67056  
 316-835-2224, equusbeds@gmd2.org

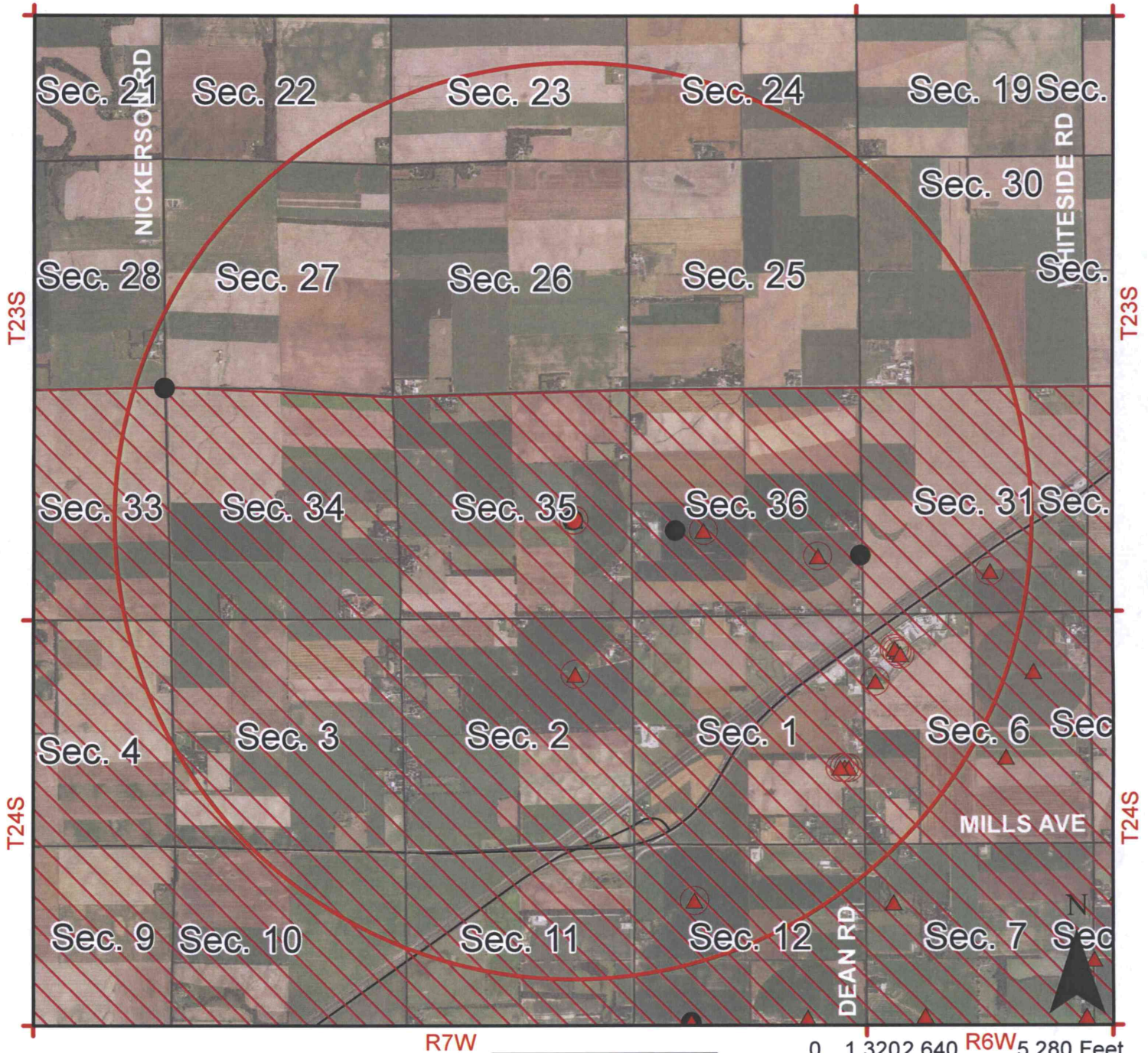
SCANNED

# Equus Beds Groundwater Management District No. 2

SAFETYIELD EVALUATION No 49804

LOCATION: NWNES (2245'N & 1320'W) 35-23S-07W, Reno County

Prepared By: Stephen Flaherty Date: 7/25/2017



WATER RESOURCES RECEIVED  
 SEP 13 2017  
 KS DEPT OF AGRICULTURE

## Map Legend

- Observation Well
- Bedrock

- Proposed Point of Diversion
- ▲ Authorized Location

- Burrton IGUCA
- Hollow Nikkel SWQUA
- McPherson IGUCA
- Enhanced Well Spacing Area
- Application Suspension Area



Equus Beds Groundwater Management District No. 2  
 313 Spruce Street, Halstead, KS 67056  
 316-835-2224, equusbeds@gmd2.org



SCANNED

SAFEYIELD EVALUATION - NO. 49804

LOCATION: NWNSE (2245'N & 1320'W) 35-23S-07W, Reno County

SPECIAL USE AREA: ENHANCED WELL SPACING AREA

EVALUATION DATE:- 7/25/2017

Total Areas: 8,042 acres; Area in 2 inch discharge zone: 5,445 acres; Area in 6 inch discharge zone: 2,598 acres

FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A00631800	337	23S	06W	31	NWSWSE	IRR	64
A03819100	668	23S	07W	35	22451320	IRR	51
A03924200	440	24S	07W	2	39601320	IRR	157
A04247200	2306	24S	07W	12	40223933	IRR	173
A04476800	2886	23S	07W	36	19913677	IRR	81.2
A04518900	2960	23S	07W	36	13751032	IRR	114.8
A04612300	3251	23S	07W	36	13751032	IRR	57
A04622700	3271	24S	07W	1	17740432	IND	3.79
A04622700	3273	24S	07W	1	17700334	IND	0
A04622700	3272	24S	07W	1	17770530	IND	0
A04622800	3274	24S	06W	6	44474476	IND	10
A04622800	3275	24S	06W	6	45144539	IND	0
A04622800	3276	24S	06W	6	43804412	IND	0
A04622900	3277	24S	06W	6	37724994	IND	9.6
A04980400P	4964	23S	07W	35	22451320	IRR	133.8
<b>Allowable Appropriations</b>		<b>2,206.50</b>			<b>Total Existing Appropriation</b>		<b>855.19</b>
<b>Small User Quantity</b>		<b>0</b>			<b>Non Consumptive Appropriations</b>		<b>0</b>
<b>Remaining SUQ</b>		<b>45</b>			<b>Consumptive Appropriations</b>		<b>855.19</b>
<i>Note- Values are in acre-feet</i>					<b>Available Appropriations</b>		<b>1,351.31</b>

WATER RESOURCES  
RECEIVED

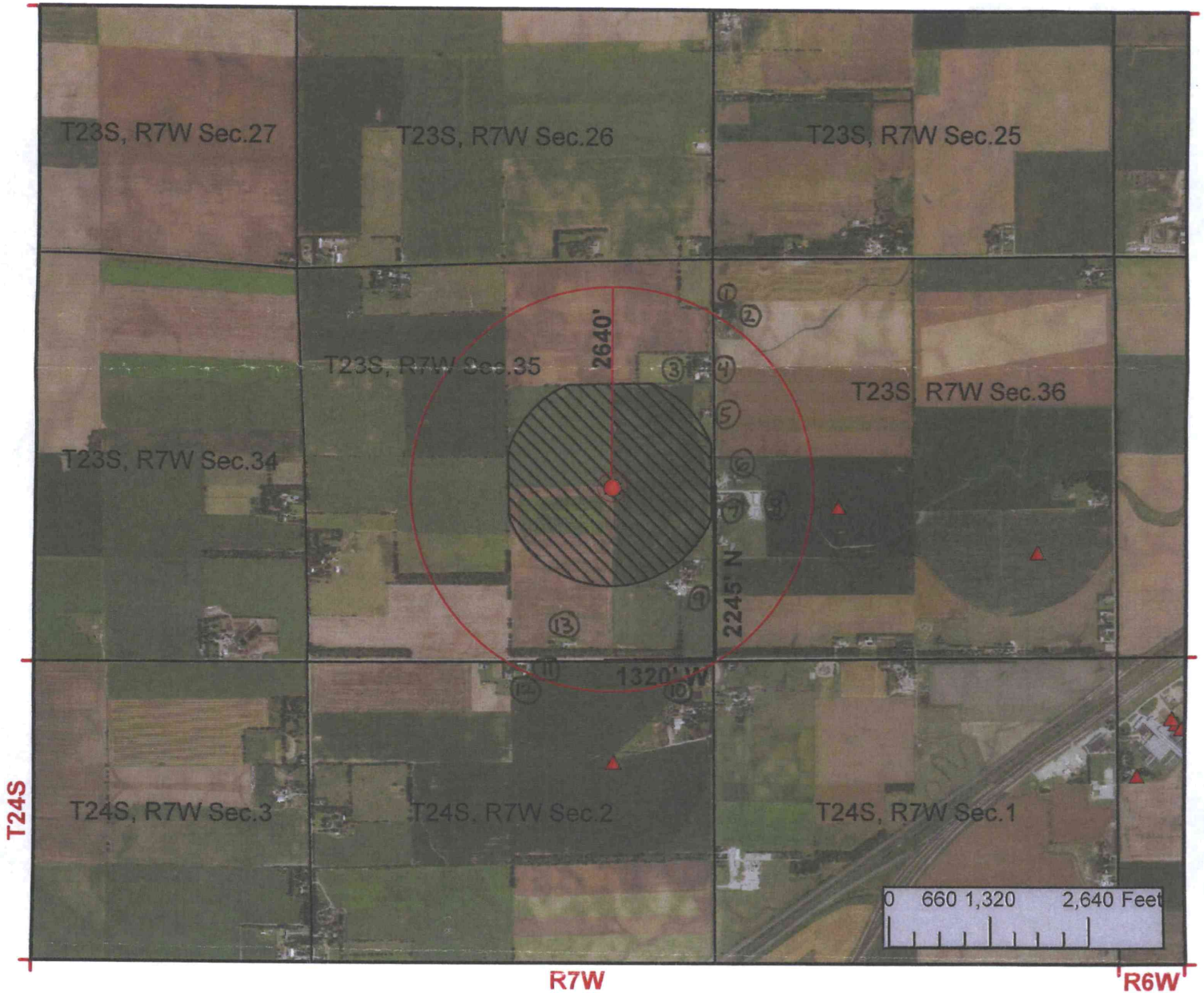
SEP 13 2017

KS DEPT OF AGRICULTURE

SCANNED

49804

# New Application Proposed Place of Use Map



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.

Elmer Nedy  
Signature

March 10, 2017  
Date



- New Application
- Application No. To Change:
  - Point of Diversion
  - Place of Use
  - Use Made of Water

WATER RESOURCES RECEIVED  
 MAR 21 2017  
 KS DEPT OF AGRICULTURE

- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

See attached list for surrounding well owners