



File No. **49,831**      15. Formation Code: **100**      Drainage Basin: **SF NINNESCAH**      County: **SG**      Special Use:      Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
✓			<b>86075</b>	<b>NW SE NE</b>	<b>28</b>	<b>28S</b>	<b>4W</b>	<b>3</b>	<b>3,802</b>	<b>999</b>

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>400</b>	<b>37.7</b>	<b>400</b>	<b>37.7</b>	<b>9775</b>

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

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

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

21. Place of Use										NE¼	NW¼	SW¼	SE¼	Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼	NW¼								
<b>MOD</b>			<b>18593</b>	<b>28</b>	<b>28S</b>	<b>4W</b>	<b>1</b>	<b>23</b>	<b>6</b>					<b>29</b>	<b>7A</b>	<b>no</b>	<b>9775</b>

Comments: **9775 will be dismissed upon approval.**

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

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

**TO:** Files **DATE:** May 30, 2017  
**FROM:** Alex Whitesell **RE:** Application, File No. 49,831

Brock S & Susan A Boyle has filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 37.7 acre-feet of groundwater from one (1) well, for irrigation use in Sedgwick County. This application will replace file no. 9775. A Voluntary Waiver of Hearing and Dismissal of Water Right was submitted, signed by the owner.

Based on K.A.R. 5-3-24, the requested quantity of 37.7 acre-feet appears reasonable for irrigation of the proposed 29 acres (1.3 acre-feet per acre in Sedgwick County).

The source of water for the pending application was determined to be Quaternary System, based on area wells logs.

The area of the proposed point of diversion is open to new appropriations, subject to safe yield. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. The safe yield area of consideration is a portion of the two-mile circle, 6,679 acres, calculated using 2.2 inches of potential annual recharge and 75% recharge available for appropriation. The safe yield was calculated to be 918.36 acre-feet with total prior appropriation of 248.00 acre-feet leaving 670.36 acre-feet available for appropriation. Therefore, the application meets safe yield.

The application is also located within Designated Unit Area SNI-28. John Munson, Technical Services of DWR calculated water available. The report show an original quantity of water available in the DUA to be 714 acre-feet with 478.8 acre-feet presently authorized. Therefore, there is 235.2 acre-feet available in the DUA. This number also includes file no. 9,775 (authorized for 40 AF) which will be dismissed with the approval of the new application, leaving 275.2 acre-feet in the DUA.

The application is subject to well spacing, as required by K.A.R. 5-4-4. The only other appropriated well within 1,320 feet is file no. 9,775 which will be voluntarily dismissed. There are no domestic wells reported within 660 feet of the proposed geographic center of the battery of wells. Therefore, the application complies with well spacing requirements.

All well owners within one-half (1/2) mile of the proposed point of diversion were notified of the application, by letter dated May 5, 2017, and provided 15 days to submit any comments or concerns related to the proposed appropriation. No comments have been received.

In an email message May 30, 2017, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

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



Alex Whitesell  
Environmental Scientist  
Division of Water Resources

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

May 31, 2017

BROCK S & SUSAN A BOYLE  
4301 S MERIDIAN AVE  
WICHITA KS 67217-3743

**FILE COPY**

RE: Appropriation of Water  
File No. 49,831

Dear Sir or Madam:

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

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

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

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

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:ajw  
Enclosures  
pc: Stafford Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

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

This is to certify that I have examined Application, **File No. 49,831** of the applicant

**BROCK S & SUSAN A BOYLE  
4301 S MERIDIAN AVE  
WICHITA KS 67217-3743**

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 **April 24, 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	
28	28S	4W	23			6													29

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 Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 28, more particularly described as being near a point 3,802 feet North and 999 feet West of the Southeast corner of said section, in Township 28 South, Range 4 West, Sedgwick County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **400 gallons per minute (0.89 c.f.s.)** and to a quantity not to exceed **37.7 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 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.



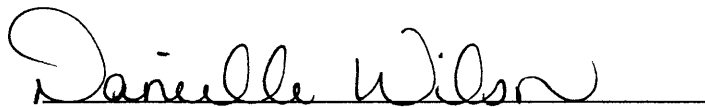
### CERTIFICATE OF SERVICE

On this 31<sup>st</sup> day of May, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,831, dated May 30, 2017 was mailed postage prepaid, first class, US mail to the following:

BROCK S & SUSAN A BOYLE  
4301 S MERIDIAN AVE  
WICHITA KS 67217-3743

With photocopies to:

Stafford Field Office

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

File Number 49831  
This item to be completed by the Division of Water Resources.

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APPLICATION COMPLETE  
5/30/17  
Reviewer KAB

**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.)

APR 24 2017  
1:53  
KS DEPT OF AGRICULTURE

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): Brock S & Susan A Boyle  
Address: 4301 S Meridian Ave  
City: Wichita State KS Zip Code 67217-3743  
Telephone Number: (316) 540-0373

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in South Fork Ninnescah River Basin (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 37.7 acre-feet OR --- gallons per calendar year,  
to be diverted at a maximum rate of 400 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. Code	<u>2</u>	GMD	<u>REG</u>	Meets K.A.R. 5-3-1	(YES/NO)	Use	<u>FRP</u>
Source	<u>GDS</u>	County	<u>56</u>	Receipt Date	<u>4/24/17</u>	Check #	<u>4034</u>
Fee \$	<u>200</u>	TR #		Date	<u>4/24/17</u>		

SCANNED  
5/11/2017 LWM

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 NW quarter of the SE quarter of the NE quarter of Section 28, more particularly described as being near a point 3,802 feet North and 999 feet West of the Southeast corner of said section, in Township 28 South, Range 4 West, Sedgwick 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):

Applicant \_\_\_\_\_  
(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 4-19, 2017.   
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 diversion works  
(number of wells, pumps or dams, etc.)  
and will be completed (by) 7-1-2018  
(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 unknown.  
(Mo/Day/Year)

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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.

File No. 9775 currently authorizes the same well and a portion of the same place of use. File No. 9775 will  
be dismissed upon approval of this replacement new application.

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KS DEPT OF AGRICULTURE  
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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	<u>12/6/63</u>	_____	_____	_____
Total depth of well	<u>36</u>	_____	_____	_____
Depth to water bearing formation	<u>4'</u>	_____	_____	_____
Depth to static water level	<u>8.7'</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>N/A</u>	_____	_____	_____

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)

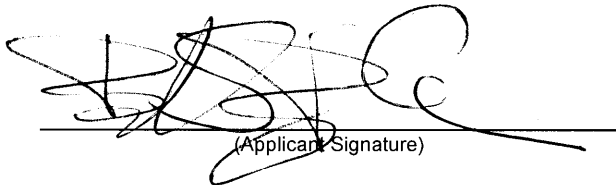
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Applicant Brock S. Boyle 4301 S. Meridian Wichita KS  
 (name, address and telephone number) 316 641 0098

Susan A Boyle 4301 S Meridian W. chita KS. 67217  
 (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 4-19-2017, Kansas, this 19 day of Apr., 2017.  
(month) (year)

  
(Applicant Signature)

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

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

Assisted by EKF \_\_\_\_\_ SFFO/ESII \_\_\_\_\_ Date: 3/31/17  
(office/title)

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**APR 24 2017**

**KS DEPT OF AGRICULTURE  
SCANNED**

## IRRIGATION USE SUPPLEMENTAL SHEET

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

Name of Applicant (Please Print): Brock S & Susan A Boyle

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: Brock S & Susan A Boyle  
 ADDRESS: 4301 S Meridian Ave, Wichita KS 67217-3743

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28	28	4W	23			6													29

**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	









# Layne-Western Company

1011 WEST HARRY  
WICHITA 13, KANSAS

## WATER ANALYSIS (Results in PPM)

Source T.H.-2, Dr. J. M. Donnell Farm near Cheney, Kansas

Date Collected \_\_\_\_\_ Date Completed 13 Dec 63

Color None Odor None Turbidity Less than 1

Total Solids 220 Iron .02 Manganese .00

As CaCO<sub>3</sub>

Total Alkalinity 144 N. C. Hardness 3

Total Hardness (Verse.) 147 Excess Alk. 0

pH 7.70

### POSITIVE

<u>Ions</u>	
Ca (Calcium)	<u>37.5</u>
Mg (Magnesium)	<u>12.9</u>
Fe (Iron)	<u>.02</u>
Na (Sodium)	<u>15.8</u>
F (Fluoride)	<u>.35</u>

### NEGATIVE

<u>Ions</u>	
CO <sub>3</sub> (Carbonate)	<u>0</u>
HCO <sub>3</sub> (Bicarbonate)	<u>176</u>
SO <sub>4</sub> (Sulphate)	<u>17.5</u>
Cl (Chloride)	<u>8</u>
NO <sub>3</sub> (Nitrate)	<u>9.8</u>
SiO <sub>2</sub> (Silica)	<u>16.6</u>

Remarks This water is suitable for general irrigation

Chemist Fred Williams



# TEST HOLE REPORT

## Layne-Western Company

Sedgwick

Contract Name Dr. James M. Donnell  
 Job No. W-809 Date 12-6-63  
 City Cheney State Kansas

TEST HOLE  
 No. 2

Driller HONDMICHL

Test Hole Location 1260 So. & 972 W. of NE Cor. Sec. 28, R4W, T28 S Sedgwick County, KS  
 Distance and Direction from Permanent Landmark or Previous Test Hole

### TEST LOG

FROM	TO	MARSH FUNNEL VISCOSITY SECONDS	MUD PIT LOSS INCHES	Static Water Level <u>8.7'</u> <small>measured</small> <u>Hours</u> After completion <u>FORMATION</u>
0	4			Fine to Med Sand
4	10			Fine to Coarse Sand + Fine Gravel
10	11			Red Clay
11	13			Fine to Coarse Sand + Fine Gravel (Loose)
13	16			Fine to Coarse Sand + Clay (Light)
16	18			Fine to Coarse Sand + Fine to Med. Gravel (Loose)
18	20			Silt to Fine Red Sand
20	25			Fine to Coarse Sand + Fine Gravel (Slightly Dirty) (Loose)
25	29			Fine to Coarse Sand + Fine to Med Gravel (Slightly Dirty) (Loose)
29	30			Brown Clay
30	36			Red Shale
				Pumped 25 GPM + Took a water sample
				Estimated Yield from a Gravel packed Well - 100 gpm

NOTES: Size of Pit \_\_\_\_\_ X \_\_\_\_\_

## Whitesell, Alex

---

**From:** Lanterman, Jeff  
**Sent:** Tuesday, May 30, 2017 8:42 AM  
**To:** Whitesell, Alex; Conant, Cameron  
**Subject:** RE: Boyle Water Abandonment

Alex;

I think this is OK to approve with the concurrent dismissal of 9775.

9775 trivia. The oldest uncertified water right in the state.

Hopefully we can put this behind us. I don't know if anything will be perfected under this right but we will see. We could never get them to do anything on 9775.

Jeff

---

**From:** Whitesell, Alex  
**Sent:** Tuesday, May 30, 2017 8:38 AM  
**To:** Conant, Cameron <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>; Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** FW: Boyle Water Abandonment

Jeff and Cameron,

Just checking in on this application. I sent the memo a couple of weeks back preemptively. The period for nearby comments has now ended with no comments received. Thanks!

---

**From:** Navinsky-Wenzl, Kelly  
**Sent:** Friday, May 26, 2017 8:29 AM  
**To:** Whitesell, Alex  
**Cc:** Letourneau, Lane; Lanterman, Jeff  
**Subject:** RE: Boyle Water Abandonment

Alex,

Is there any update on the status of this application?

Thanks,

**Kelly Navinsky-Wenzl**, Staff Attorney  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
tel.: (785) 564-6716 (direct) | fax: (785) 564-6777  
[Kelly.NavinskyWenzl@ks.gov](mailto:Kelly.NavinskyWenzl@ks.gov) | [www.agriculture.ks.gov](http://www.agriculture.ks.gov)

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**From:** Whitesell, Alex  
**Sent:** Friday, May 5, 2017 10:12 AM  
**To:** Navinsky-Wenzl, Kelly <[Kelly.NavinskyWenzl@ks.gov](mailto:Kelly.NavinskyWenzl@ks.gov)>  
**Cc:** Letourneau, Lane <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Lanterman, Jeff <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** RE: Boyle Water Abandonment

To update everyone, this application is going smoothly and I just sent a letter giving a nearby well owner 15 days to comment on the application.

If there are no comments it should be ready for approval.

Alex

---

**From:** Navinsky-Wenzl, Kelly  
**Sent:** Tuesday, May 02, 2017 3:13 PM  
**To:** Letourneau, Lane; Lanterman, Jeff; Fitch, Elizabeth  
**Cc:** Whitesell, Alex  
**Subject:** Boyle Water Abandonment

Everyone,

At the conference call with Connie Owen and Brock Boyle, I requested a continuance on the abandonment hearing scheduled for May 10, 2017. The continuance was granted and Ms. Owen scheduled a status/follow up conference call for Tuesday, July 11, 2017. During that call, I will need to update Ms. Owen regarding the progress we are making on the application.

Do you know if we are going to be able to move this application along a fast track?

Thanks,

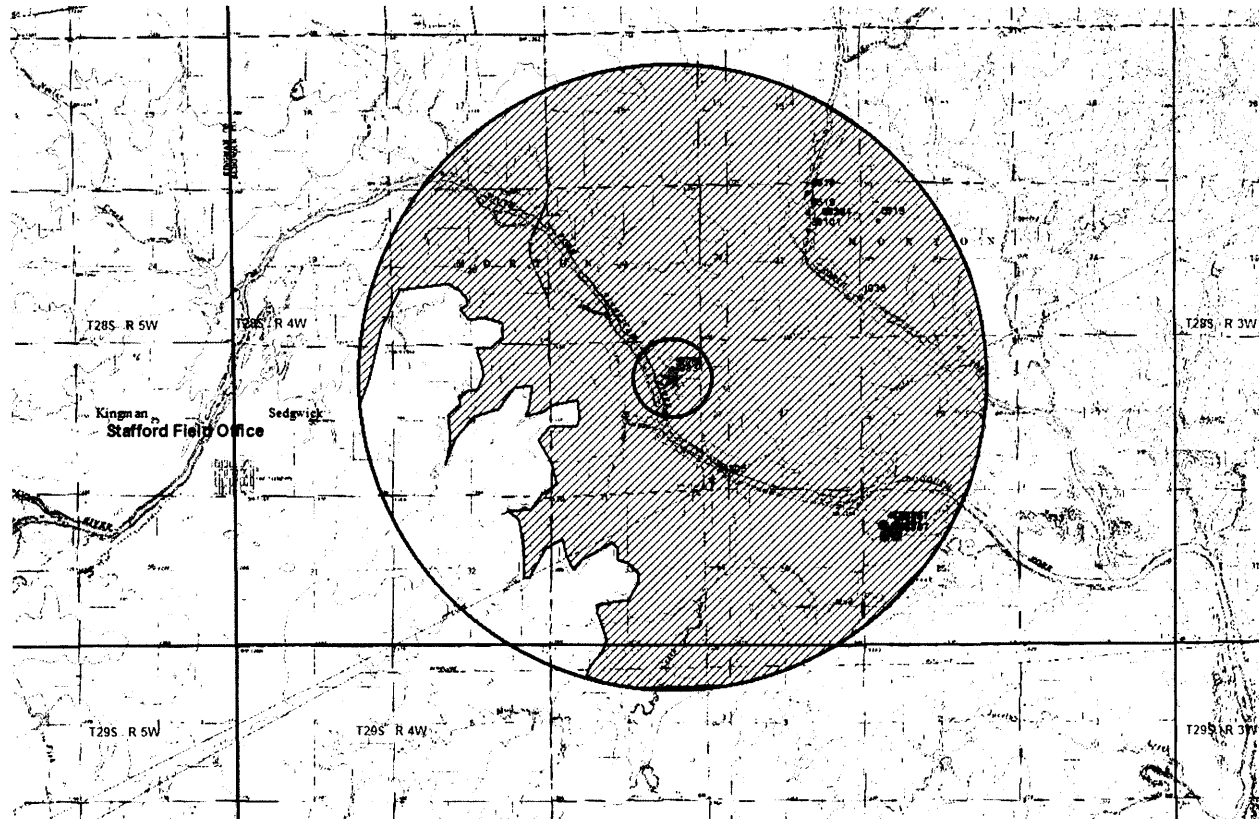
**Kelly Navinsky-Wenzl**, Staff Attorney  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
tel.: (785) 564-6716 (direct) | fax: (785) 564-6777  
[Kelly.NavinskyWenzl@ks.gov](mailto:Kelly.NavinskyWenzl@ks.gov) | [www.agriculture.ks.gov](http://www.agriculture.ks.gov)

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Safe Yield Report Sheet  
Water Right- A4983100  
Point of Diversion in NESENW 28-28S-4W 3 (86075)

---

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**Analysis Results**

-----  
 The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 918.36 AF.  
 Total prior appropriation in the circle is 248.00 AF.  
 Total quantity of water available for appropriation is 670.36 AF.

**Safe Yield Variables**

-----  
 The area used for the analysis is set at 6679 acres.  
 Potential annual recharge of the area is estimated to be 2.2 inches.  
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 04-MAY-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 4 water right(s) and 7 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      9775 00 IRR KK G      SW NE NE  4020  972  28  28 04W  1  WR      40.00      40.00   20.00   20.00
A      47757 00 IRR LR G      NE SW NW  3819  4357  35  28 04W  1  WR     157.30     157.30  131.00  131.00
Same                IRR LR G      SE NW NW  4016  4578  35  28 04W  2  WR
Same                IRR LR G      SE NW NW  4012  4142  35  28 04W  3  WR
Same                IRR LR G      NE SW NW  3612  4572  35  28 04W  4  WR
Same                IRR LR G      NE SW NW  3637  4134  35  28 04W  5  WR
A      48847 00 IRR KE G      NE SW NW  3819  4357  35  28 04W  1  WR     170.30     13.00  131.00   0.00
Same                IRR KE G      SE NW NW  4016  4578  35  28 04W  2  WR
Same                IRR KE G      SE NW NW  4012  4142  35  28 04W  3  WR
Same                IRR KE G      NE SW NW  3612  4572  35  28 04W  4  WR
Same                IRR KE G      NE SW NW  3637  4134  35  28 04W  5  WR
A      49831 00 IRR AY G      NW SE NE  3802   999  28  28 04W  3  WR     37.70     37.70   29.00   29.00
=====
  
```

## Whitesell, Alex

---

**From:** Munson, John  
**Sent:** Thursday, May 04, 2017 3:51 PM  
**To:** Whitesell, Alex  
**Subject:** Availability of water computation for DUA 28 with and without File No. 9,775

Alex,

Here is a table showing the Files presently authorized in DUA 28. Below the table are computations showing the amount of water available in DUA 28 including File No. 9,775 and not including File No. 9,775.

John

This table has the exported quantities from the selected files in the designated unit area

Sort 1	Sort 2	File Number	Wrf Active	Fpv Active	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID
1	1	9775-00	Y	Y	IRR	KK	G		SW	NE	NE	4020	972	28	28	4	1
2	1	47307-00	Y	Y	IRR	LO	G					3488	5244	30	28	4	2
2	2	Same	Y	Y	IRR	LO	G					3831	4693	30	28	4	3
2	3	Same	Y	Y	IRR	LO	G					3659	4971	30	28	4	6
2	4	Same	Y	Y	IRR	LO	G					3459	4858	30	28	4	7
2	5	Same	Y	Y	IRR	LO	G					3859	5090	30	28	4	8
3	1	47757-00	Y	Y	IRR	LO	G		NE	SW	NW	3819	4357	35	28	4	1
3	2	Same	Y	Y	IRR	LO	G		SE	NW	NW	4016	4578	35	28	4	2
3	3	Same	Y	Y	IRR	LO	G		SE	NW	NW	4012	4142	35	28	4	3
3	4	Same	Y	Y	IRR	LO	G		NE	SW	NW	3612	4572	35	28	4	4
3	5	Same	Y	Y	IRR	LO	G		NE	SW	NW	3637	4134	35	28	4	5
4	1	48847-00	Y	Y	IRR	KE	G		NE	SW	NW	3819	4357	35	28	4	1
4	2	Same	Y	Y	IRR	KE	G		SE	NW	NW	4016	4578	35	28	4	2
4	3	Same	Y	Y	IRR	KE	G		SE	NW	NW	4012	4142	35	28	4	3
4	4	Same	Y	Y	IRR	KE	G		NE	SW	NW	3612	4572	35	28	4	4
4	5	Same	Y	Y	IRR	KE	G		NE	SW	NW	3637	4134	35	28	4	5
5	1	49015-00	Y	Y	REC	KE	G		NE	SE	SE	1320	1320	25	28	5	2
5	2	Same	Y	Y	REC	KE	G		NW	SW	SW	875	5180	30	28	4	9
5	3	Same	Y	Y	REC	KE	G		NW	SW	SW	1000	5030	30	28	4	10

1 The original quantity of water available in DUA 28 was 714 acre-feet.

2 As of May 3, 2017 there is 478.8 acre-feet presently authorized (including File Number 9,775).

3 The remaining quantity of water available is 714 acre-ft - 478.8 acre-ft = 235.2 acre-ft.

4 If File Number, 9,775 is dismissed and not included in the computation then there would be 275.2 acre-feet of water available

**714 acre-ft - 214.5 acre-ft - 157.3 acre-ft - 13 acre-ft - 54 acre-ft = 275.2 acre-ft**



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

May 5, 2017

RODNEY GREIVING  
35727 W 55<sup>TH</sup> ST S  
CHENEY KS 67025-9183

**FILE COPY**

Re: Application  
File No. 49,831

Dear Mr. Greiving:

This is to advise you that Brock S & Susan A Boyle have filed the application referred to above for permit to appropriate 37.7 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 400 gallons per minute from a well or wells located as follows:

~~one (1) well located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 28, more particularly described as being near a point 3,802 feet North and 999 feet West of the Southeast corner of said section, in Township 28 South, Range 4 West, Sedgwick County, Kansas.~~

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

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

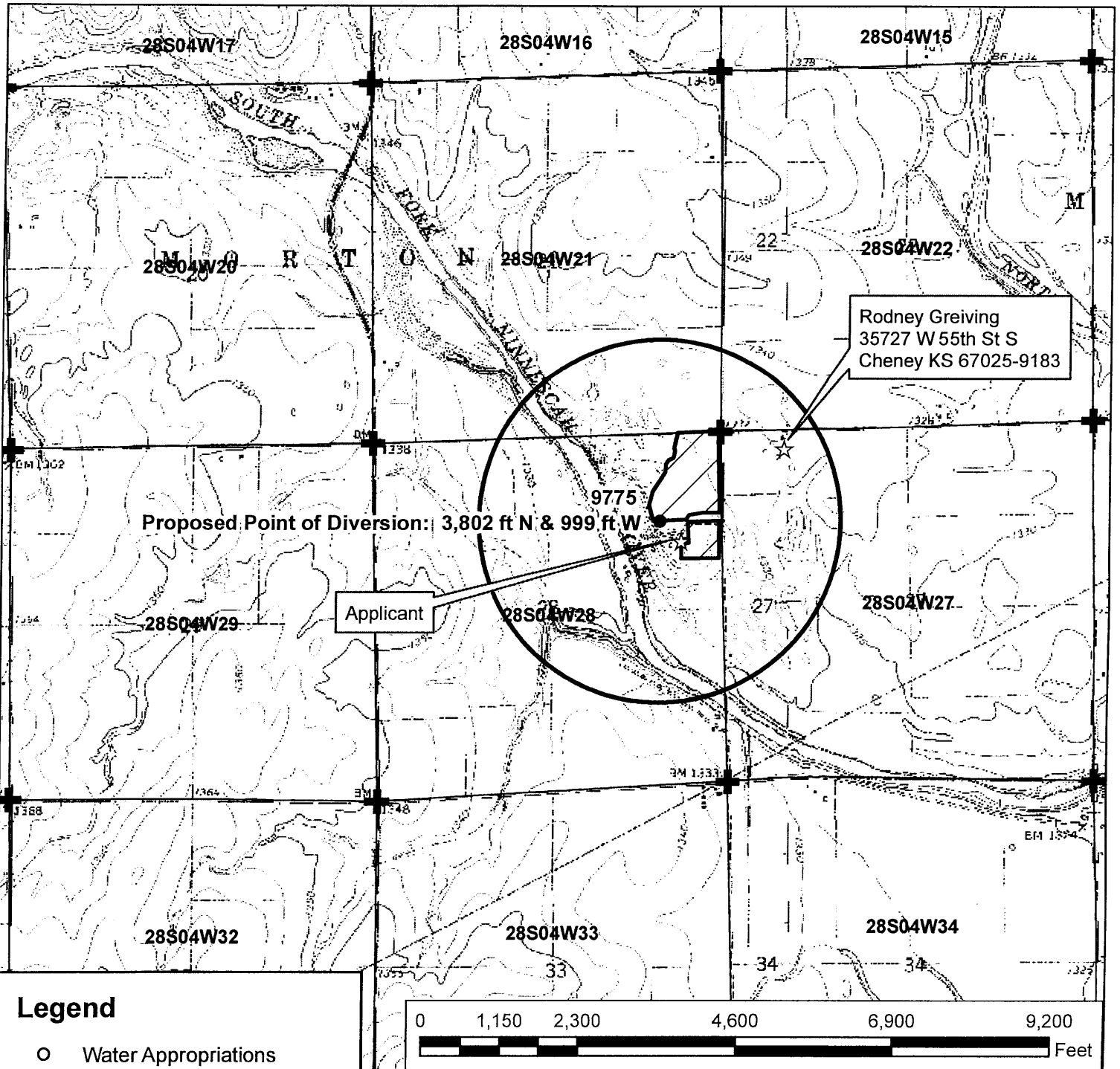
Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

49831

FILE COPY



**Legend**

- Water Appropriations
- Proposed Point of Diversion
- ☆ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- ▭ Section Line
- Place of Use**
- ▨ Proposed

**Water Appropriation, File No. \_\_\_\_\_**

New Application Map  
28-28S-4W // Sedgwick County

WATER RESOURCES  
RECEIVED

To the best of my knowledge, all wells within 2 miles  
of the proposed point of diversion have been shown.

KS DEPT OF AGRICULTURE



*[Handwritten Signature]*  
Signature

3/31/17 EKF-SFFO 1:24,000 scale

SCANNED

49831

4-20-2017  
(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.

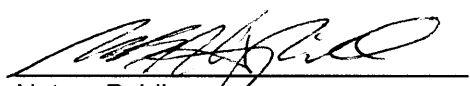
  
Signature of Applicant

BROCK S. Boyle  
(Print Applicant's Name)

State of Kansas )  
County of Sedgwick ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 20 day of April, 2017.

  
MARK HEMPHILL  
Notary Public - State of Kansas  
My Appt. Expires Feb. 11, 2021

  
Notary Public

My Commission Expires: 02-11-2021

WATER RESOURCES  
RECEIVED

APR 24 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

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

April 25, 2017

**FILE COPY**

BROCK S & SUSAN A BOYLE  
4301 S MERIDIAN AVE  
WICHITA KS 67217

RE: Application  
File No. 49831

Dear Sir or Madam:

Your application for permit to appropriate water in 28-28S-04W in Sedgwick 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw  
pc: STAFFORD Field Office  
GMD

SCANNED

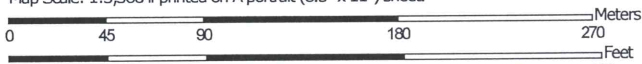
49831

Soil Map—Sedgwick County, Kansas  
(NE 28-28-4W)



Soil Map may not be valid at this scale.

Map Scale: 1:3,360 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 14N WGS84



**WATER RESOURCES  
RECEIVED**

**APR 24 2017**



**Natural Resources  
Conservation Service**

Web Soil Survey  
National Cooperative Soil Survey

**KS DEPT OF AGRICULTURE**

3/31/2017  
Page 3 of 3

**SCANNED**