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

1. File Number:	2. Status Change Date:	3. Field Office:	4. GMD:
49,657	3/26/2018	**02**	

5. Status: ☒ Approved ☐ Denied by DWR/GMD ☐ Dismiss by Request/Failure to Return

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

7a. Applicant(s) — Person ID **65027**
New to system ☐ — Add Seq# _____

JON SCHUBERT
413 S GRANDE AVE
LYONS KS 67554

7c. Landowner(s) — Person ID _____
New to system ☐ — Add Seq# _____

7b. Landowner(s) — Person ID 65027
New to system ☐ — Add Seq# _____

JON SCHUBERT Revocable Trust name change
413 S GRANDE AVE
LYONS KS 67554

7d. Misc. — Person ID _____
New to system ☐ — Add Seq# _____

8. WUR Correspondent — Person ID _____
New to system ☐ — Add Seq# _____
Overlap File (s) WUC — Notarized WUC Form ☐
Agree ☐ Yes ☐ No
7b.

9. Use of Water: Changing? ☐ Yes ☒ No
☒ Groundwater ☐ Surface Water
☐ IRR ☐ REC ☐ DEW ☐ MUN
☒ STK ☐ SED ☐ DOM ☐ CON
☐ HYD DRG ☐ WTR PWR ☐ ART RECHRG
☐ IND SIC: _____ ☐ OTHER: _____

10. Completion Date: **12/31/2019** 11. Perfection Date: **12/31/2023** 12. Exp Date: _____

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

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

Date Prepared: **3/2/18** By: **MJM**
Date Entered: 3/28/2018 By: LLM

File No. **49,657**	15. Formation Code: **330**	Drainage Basin: **Cow Creek**	County: **RC**	Special Use:	Stream:

16. Points of Diversion

17. Rate and Quantity

T MOD DEL ENT	PDIV Qualifier	S	T	R	ID	'N	'W	Authorized Rate gpm	Authorized Quantity mgy	Additional Rate gpm	Additional Quantity mgy	Overlap PD Files
MOD	**85380 NENENW**	**26**	**18S**	**9W**	**1**	**4780**	**3168**	**1000**	**6.57**	**1000**	**6.57**	none

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 **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼ NE ¼	NE¼ NW ¼	NE¼ SW ¼	NE¼ SE ¼	NW¼ NE ¼	NW¼ NW ¼	NW¼ SW ¼	NW¼ SE ¼	SW¼ NE ¼	SW¼ NW ¼	SW¼ SW ¼	SW¼ SE ¼	SE¼ NE ¼	SE¼ NW ¼	SE¼ SW ¼	SE¼ SE ¼	Total	Owner Chg? **NO** Overlap Files
																							N
√	**67795**	**26**	**18S**	**9W**	**1**	**12 acre Stock Facility in Northwest Quarter (NW¼)**																	**7b.**
										12 ac Feedlot (NW)													

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U MX

TO: Files **DATE:** March 2, 2018

FROM: Matt Meier **RE:** Application, File No. 49,657

Jon Schubert has filed the referenced application to appropriate groundwater for Stockwatering use, requesting one (1) well, a quantity of 20.163 acre-feet (6.57 million gallons), and a diversion rate of 1,000 gallons per minute. The well is to be located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE¼ NE¼ NW¼) of Section 26, more particularly described as being near a point 4,780 feet North and 3,168 feet West of the Southeast corner of said section, Township 18 South, Range 9 West, Rice County, within the drainage basin of Cow Creek. There are no overlapping water rights on the proposed point of diversion or place of use. The entire proposed place of use was listed as being owned by the Jon Schubert Revocable Trust. The applicant has signed the application form stating that he has legal access to the point of diversion. This is an existing well and Stockwatering use which was brought to the attention of the DWR by the KDHE. After reviewing the size of the facility, it was determined the facility did not meet the domestic requirements and required a permit.

The applicant identified zero domestic wells and zero non-domestic wells within one-half mile of the proposed well. No nearby well owner letters were sent out. According to the WRIS database, there are no water rights within 2 miles of the proposed well. The site map indicates that there no domestic wells within ½ mile. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for unconfined Dakota aquifers, the minimum well spacing should be one-half mile to all other non-domestic wells and 1320 feet to domestic wells.

A well log was obtained from the Kansas Geological Survey website, which shows top soil from 0 to 2 feet, brown clay from 2 to 12 feet, blue & yellow shale from 12 to 30 feet, tan sandstone from 30 to 40 feet, tan sandstone with shale layers from 40 to 70 feet, and red and white shale from 70 to 71 feet below ground. Static water level was at 5 feet.

The source of the water appears to be Cretaceous System (likely unconfined Dakota formation based on DWR geologic map, Rice County Bulletin, and geologic profile). Per the requirements in K.A.R. 5-3-11 & K.A.R. 5-3-14, safe yield is determined by the extent of the aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 1.75 inches, and 75% of recharge available for appropriation, safe yield was determined to be 879.59 acre-feet. There are no existing water rights within the two-mile circle and the application requesting 20.163 acre-feet (6.57 million gallons) complies with safe yield. The well has been in use since the late 1990's without any complaints so the source is capable of producing the requested quantities.

The requested quantity of water, 20.163 acre-feet (6.57 million gallons), is reasonable for the nondomestic livestock use identified in the application. The requested quantity is for providing drinking water for 1,200 cattle, which equals 15 gallons per head per day. This is the maximum allowable quantity for cattle as listed in K.A.R. 5-3-22(a). There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

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. A water level measurement tube is not required because this is an existing well which has been in use since the late 1990's.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on March 1, 2018. Based on the above discussion, well spacing and safe yield criteria are met, and 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.

Matthew J. Meier
Environmental Scientist
Permits Unit

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

March 29, 2018

FILE COPY

JON SCHUBERT
413 S GRANDE AVE
LYONS KS 67554

RE: Application, File No. 49,657

Dear Water User:

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 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 originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. 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
Water Appropriation Program

Enclosures

pc: Stafford Field Office

THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,657** of the applicant

JON SCHUBERT
413 S GRANDE AVE
LYONS KS 67554

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 **June 20, 2016**.

2. That the water sought to be appropriated shall be used for stockwatering use in the Northwest Quarter (NW ¼) of Section 26, Township 18 South, Range 9 West, Rice County, Kansas.

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 Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE¼ NE¼ NW¼) of Section 26, more particularly described as being near a point 4,780 feet North and 3,168 feet West of the Southeast corner of said section, in Township 18 South, Range 9 West, Rice County, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,000 gallons per minute (2.228 c.f.s.)** and to a quantity not to exceed **6.57 million gallons (20.163 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, 2019** 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, 2023** 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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with 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).

13. 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.

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

15. 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.

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, Kansas 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, Kansas 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.

Ordered this 26th day of March, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, L.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 26th day of March, 2018, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

STATE OF KANSAS NOTARY PUBLIC
DANIELLE WILSON
My Appointment Expires
August 23, 2020

Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 29th day of March, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,657, dated March 26, 2018 was mailed postage prepaid, first class, US mail to the following:

JON SCHUBERT
413 S GRANDE AVE
LYONS KS 67554

With photocopies to:

Stafford Field Office

Danielle Wilson

Division of Water Resources

THE STATE OF KANSAS

APPLICATION COMPLETE
2 / 26 / 16
Reviewer MJM

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,657
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED
JUN 20 2016
1:05
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, KS 66502:

1. Name of Applicant (Please Print): Jon Schubert

   Address: 413 S. Grande Ave.

   City: Lyons State KS Zip Code 67554

   Telephone Number: (620) 562-7008

2. The source of water is: ☐ surface water in _____ (stream)

   OR ☒ groundwater in Cow Creek (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 20.163 acre-feet OR 6,570,000 gallons per calendar year, to be diverted at a maximum rate of 1,000 gallons per minute OR _____ cubic feet per second.

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

4. The water is intended to be appropriated for **(Check use intended):**

(a) ☐ Artificial Recharge	(b) ☐ Irrigation	(c) ☐ Recreational	(d) ☐ Water Power
(e) ☐ Industrial	(f) ☐ Municipal	(g) ☒ Stockwatering	(h) ☐ Sediment Control
(i) ☒ Domestic	(j) ☐ Dewatering	(k) ☐ Hydraulic Dredging	(l) ☐ Fire Protection
(m) ☐ Thermal Exchange	(n) ☐ Contamination Remediation		

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

For Office Use Only:
F.O. 2 *GMD* 0 *Meets K.A.R. 5-3-1* (YES / NO) *Use* STL *Source* (G) / S *County* RI *By* AJW *Date* 6/20/16
Code ILEG *Fee $* 200 *TR #* _____ *Receipt Date* 6/20/16 *Check #* 20840

DWR 1-100 (Revised 02/12/2014)

SCANNED 6/22/2016 4M

File No. _____

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 NE quarter of the NE quarter of the NW quarter of Section 26, more particularly described as being near a point 4280 feet North and 3168 feet West of the Southeast corner of said section, in Township 18 South, Range 9 W, Rice 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 (¼) 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):

Jon Schubert Revocable Trust
(name, address and telephone number)

413 S Grand Lyons, KS 67554
(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 6-10-16, 20___. _____
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 & Pump
(number of wells, pumps or dams, etc.)
and was completed (by) existing well.
(Month/Day/Year - each was or will be completed)

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

File No. 49,457

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 N.A.

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 ½ 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 ½ mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

None

File No. _____

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	between 1990-1999			
Total depth of well	70			
Depth to water bearing formation				
Depth to static water level	30			
Depth to bottom of pump intake pipe	65			

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):

Jon Schubert Revocable Trust
(name, address and telephone number)

413 S Grand Lyons, KS 67554
(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 3-9-16, Kansas, this 9 day of March (month), 2016 (year).

Jon Schubert
(Applicant Signature)

By _____
(Agent or Officer Signature)

_____
(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 2/25/2016
(office/title)

STOCKWATER USE
SUPPLEMENTAL SHEET

File No. 49,657

Name of Applicant (Please Print): Jon Schubert

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year			

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	1200	6,570,000	15
Year 2	1200	6,570,000	15
Year 3	1200	6,570,000	15
Year 4	1200	6,570,000	15
Year 5	1200	6,570,000	15

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26	18S	9W					12 Acre Feedlot												12

WATER RESOURCES
RECEIVED

JUN 20 2016

KS DEPT OF AGRICULTURE

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

1200 head of cattle x 15 gallons/head (avg.) x 365 days = 6,570,000 gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

_____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

N.A. gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

N.A. g.p.m. x 60 min/hr x _____ hr/wk x _____ wks/yr = _____ gallons

OTHER USE (Explain) N.A. = _____ gallons

TOTAL ---------- 6,570,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is 2,085 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 447,827 square feet.

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

Meier, Matt [KDA]

From: Jon Schubert <jschubert@lrmutual.com>
Sent: Monday, February 26, 2018 2:35 PM
To: Meier, Matt [KDA]
Subject: RE: 49657 Application map

Yes that is the correct location of the water well.
Thanks
Jon Schubert

From: Meier, Matt [KDA] [mailto:Matt.Meier@ks.gov]
Sent: Tuesday, January 30, 2018 9:45 AM
To: jschubert@lrmutual.com
Subject: 49657 Application map

Hello Jon,

Attached is an Aerial map showing the location of your stock watering well based on the footages you provided in the application. If the location of the well is correct, please let me know and I can finish processing the application.

Thanks,

Matt Meier
Environmental Scientist
Stafford Field Office
Matt.meier@ks.gov
620-234-5311

Meier, Matt [KDA]

From: Meier, Matt
Sent: Wednesday, August 16, 2017 8:20 AM
To: 'jschubert@lrmutual.com'
Subject: RE: Map With Well

Hello Jon,

This is a follow up email to the one I Sent you on 8/1/17 to verify you received my initial email with the attached map. If you have please review the map and let me know if it is correct as soon as possible.

Matt Meier
Environmental Scientist
Stafford Field Office
Matt.meier@ks.gov
620-234-5311

From: Meier, Matt
Sent: Tuesday, August 1, 2017 10:07 AM
To: 'jschubert@lrmutual.com' <jschubert@lrmutual.com>
Subject: Map With Well

Hello Jon,

As we discussed over the phone, attached is a map with the proposed well shown on it based on the footages listed in the application. Please verify that the well is located properly. There is a bit of a buffer for error, a 300' radius circle, so as long as the well is mapped in general area of actual location should be fine. Let me know if you have any questions or if the well location needs modified.

Matt Meier
Environmental Scientist
Stafford Field Office
Matt.meier@ks.gov
620-234-5311

Report Date Wednesday, February 28 2018

Water Rights and Points of Diversion Within 2.00 miles of point defined as:
4780 ft N and 3168 ft W of the SE Corner of Section 26, T 18S, R 9W
Located at: 98.286361 West Longitude and 38.462603 North Latitude
GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (mi)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 49657	00	STK	AY	G .00	--	--	--	NW	4780	3168	26	18	9W	1		20.16	20.16	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	20.16	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	20.16	.00

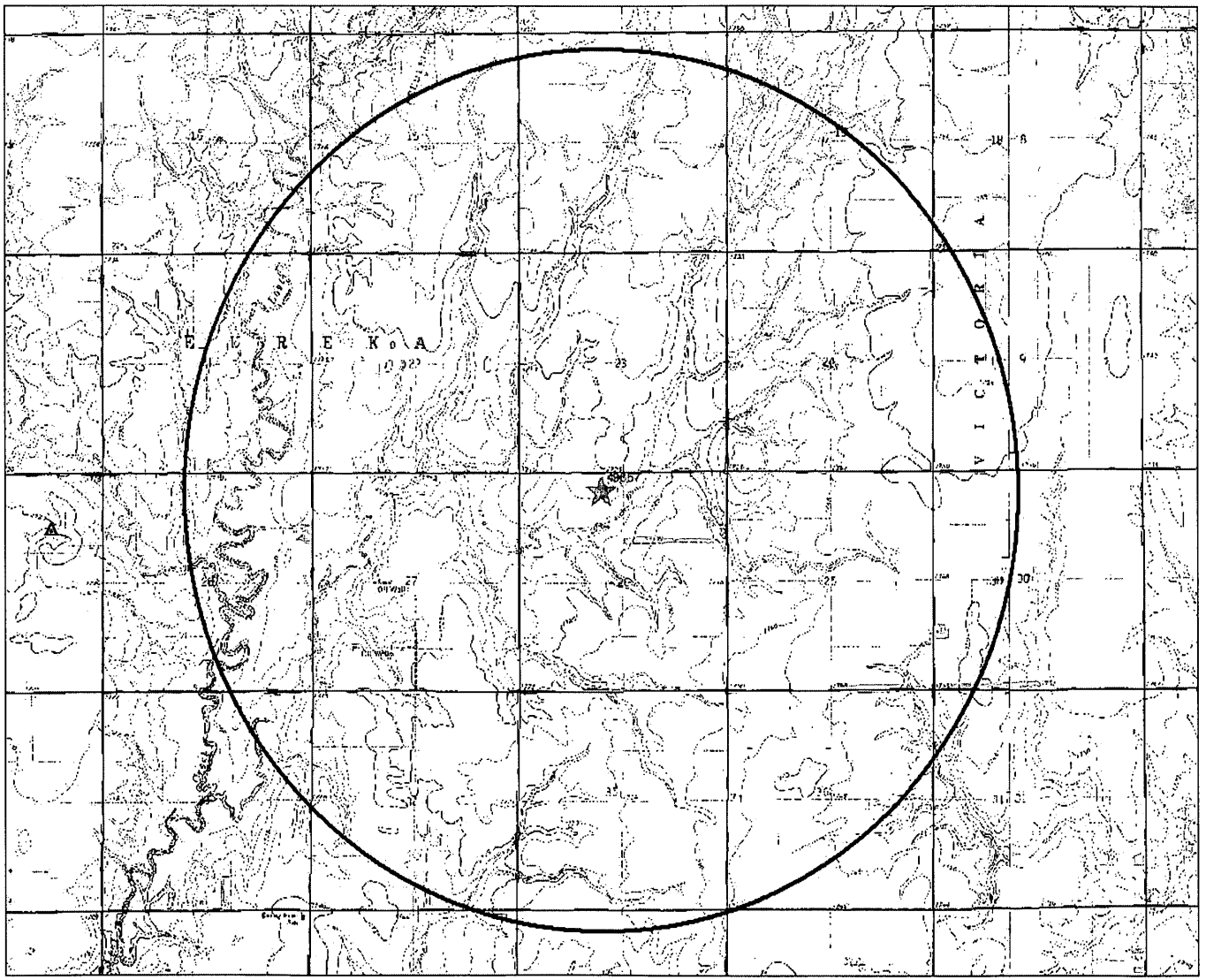
An * after the source of supply indicates a pending application for change for the file number.
An * after the ID indicates a 15 AF exemption was granted for the file number.
A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:
98.286361 West Longitude and 38.462603 North Latitude
GROUNDWATER ONLY
WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 49657	00	STK	AY G

> JON SCHUBERT
>
> 413 S GRANDE AVE
> LYONS KS 67554
>----------

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SWNENENW 26-18S-09W



Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 879.59 AF.
Total prior appropriation in the circle is 20.16 AF.
Total quantity of water available for appropriation is 859.43 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 1.75 inches.
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 01-AUG-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 1 water right(s) and 1 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 49657 00	STK	AY	G				NW	4780	3168	26	18	09W	1	WR	20.16	20.16		

Draft

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U MX

TO: Files **DATE:** March 1, 2018

FROM: Matt Meier **RE:** Application, File No. 49,657

Jon Schubert has filed the referenced application to appropriate groundwater for Stockwatering use, requesting one (1) well, a quantity of 20.163 acre-feet (6.57 million gallons), and a diversion rate of 1,000 gallons per minute. The well is to be located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE¼ NE¼ NW¼) of Section 26, more particularly described as being near a point 4,780 feet North and 3,168 feet West of the Southeast corner of said section, Township 18 South, Range 9 West, Rice County, within the drainage basin of Cow Creek. There are no overlapping water rights on the proposed point of diversion or place of use. The entire proposed place of use was listed as being owned by the Jon Schubert Revocable Trust. The applicant has signed the application form stating that he has legal access to the point of diversion. This is an existing well and Stockwatering use which was brought to the attention of the DWR by the KDHE. After reviewing the size of the facility, it was determined the facility did not meet the domestic requirements and required a permit.

The applicant identified zero domestic wells and zero non-domestic wells within one-half mile of the proposed well. No nearby well owner letters were sent out. According to the WRIS database, there are no water rights within 2 miles of the proposed well. The site map indicates that there no domestic wells within ½ mile. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing ~~should be one quarter mile to all other non-domestic wells and 660 feet to domestic wells.~~

A well log was obtained from the Kansas Geological Survey website, which shows top soil from 0 to 2 feet, brown clay from 2 to 12 feet, blue & yellow shale from 12 to 30 feet, tan sandstone from 30 to 40 feet, tan sandstone with shale layers from 40 to 70 feet, and red and white shale from 70 to 71 feet below ground. Static water level was at 5 feet.

The source of the water appears to be ~~Permian.~~ Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 1.75 inches, and 75% of recharge available for appropriation, safe yield was determined to be 879.59 acre-feet. There are no existing water rights within the two-mile circle and the application requesting 20.163 acre-feet (6.57 million gallons) complies with safe yield. The well has been in use since the late 1990's without any complaints so the source is capable of producing the requested quantities.

The requested quantity of water, 20.163 acre-feet (6.57 million gallons), is reasonable for the nondomestic livestock use identified in the application. The requested quantity is for providing drinking water for 1,200 cattle, which equals 15 gallons per head per day. This is the maximum allowable quantity for cattle as listed in K.A.R. 5-3-22(a). There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

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. A water level measurement tube is not required because this is an existing well which has been in use since the late 1990's.

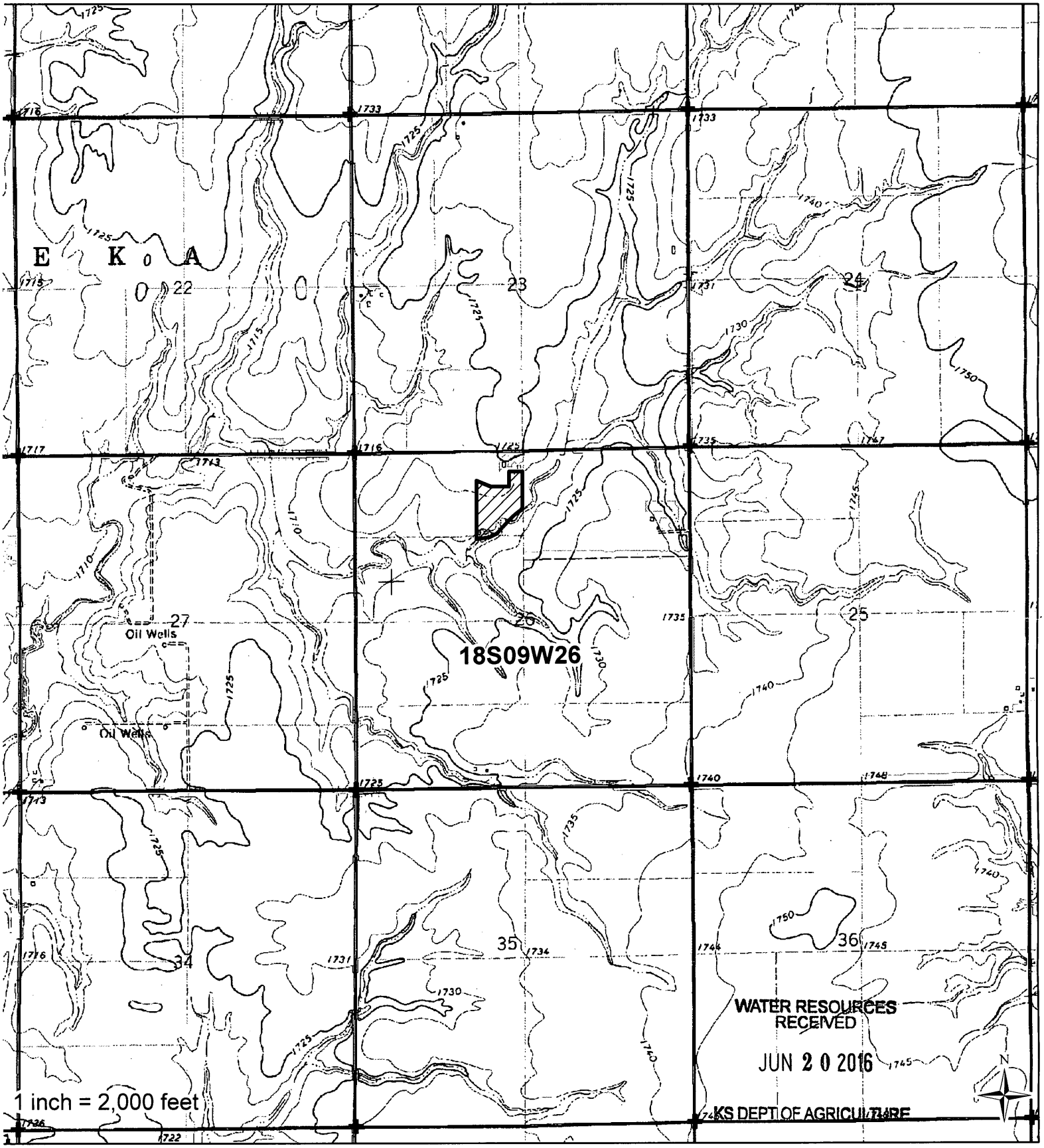
Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Matthew J. Meier
Environmental Scientist
Permits Unit

3/1/16
Concur w/Recommendation approve it
Jeff Porter W.C.

File No. _____

49,657



WATER RESOURCES
RECEIVED
JUN 20 2016
KS DEPT OF AGRICULTURE

I declare that all water wells or diversion sites using the same source of supply and within ½ mile of the proposed point of diversion have been plotted on the application map.

Signature

6-10-16
Date

△ Water Rights
✚ SFFOsec_corners
⊕ ProposedPD
▨ ProposedPlaceOfUse

0 800 1,600 3,200 4,800 6,400
Feet

Created By: Matt Meier
F.O. 2
Date:2/25/2016

SCANNED

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

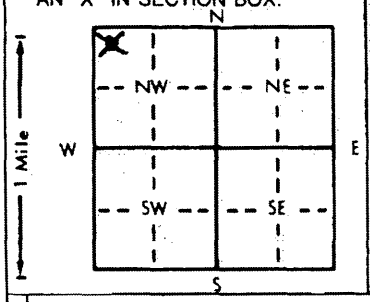
1 LOCATION OF WATER WELL:	Fraction	Section Number	Township Number	Range Number
County: Rice	NW ¼ NW ¼ NW ¼	26	T 18 S	R 9 X E/W

Distance and direction from nearest town or city street address of well if located within city?
3 miles South & 1 mile West of Frederick, KS

2 WATER WELL OWNER: John Schubert
RR#, St. Address, Box # : 413 S. Grand
City, State, ZIP Code : Lyons, KS 67554

Board of Agriculture, Division of Water Resources
Application Number: N/A

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



4 DEPTH OF COMPLETED WELL 70 ft. ELEVATION:
Depth(s) Groundwater Encountered 1. ft. 2. ft. 3. ft.
WELL'S STATIC WATER LEVEL 5 ft. below land surface measured on mo/day/yr 5/27/98
Pump test data: Well water was ft. after hours pumping gpm
Est. Yield 50-100 gpm: Well water was ft. after hours pumping gpm
Bore Hole Diameter 9 in. to 71 ft., and in. to ft.
WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering X 12 Other (Specify below)
2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well Stock well
Was a chemical/bacteriological sample submitted to Department? Yes No X; If yes, mo/day/yr sample was submitted
Water Well Disinfected? Yes X No

5 TYPE OF BLANK CASING USED: 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped
1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded
X PVC 4 ABS 7 Fiberglass Threaded
Blank casing diameter 5 in. to 30 ft., Dia 5 in. to 40 – 60 ft., Dia in. to ft.
Casing height above land surface 12 in., weight 2.37 lbs./ft. Wall thickness or gauge No. .214

TYPE OF SCREEN OR PERFORATION MATERIAL: X PVC 10 Asbestos-cement
1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify)
2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)

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

SCREEN-PERFORATED INTERVALS: From 30 ft. to 40 ft., From 60 ft. to 70 ft.
From ft. to ft., From ft. to ft.
GRAVEL PACK INTERVALS: From 20 ft. to 70 ft., From ft. to ft.
From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout X Bentonite 4 Other
Grout Intervals: From 0 ft. to 20 ft., From ft. to ft., From ft. to ft.

What is the nearest source of possible contamination: X 10 Livestock pens 14 Abandoned water well
1 Septic tank 4 Lateral lines 7 Pit privy 11 Fuel storage 15 Oil well/Gas well
2 Sewer lines 5 Cess pool 8 Sewage lagoon 12 Fertilizer storage 16 Other (specify below)
3 Watertight sewer lines 6 Seepage pit 9 Feedyard 13 Insecticide storage
Direction from well? South How many feet? 50

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	Topsoil			
2	12	Brown Clay			
12	30	Blue & yellow shale			
30	40	Tan Sandstone, soft			
40	70	Tan Sandstone with numerous shale layers			
70	71	Red & white shale, hard			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was X (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 5/27/98 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 138 This Water Well Record was completed on (mo/day/yr) 6/4/98
under the business name of Peterson Irrigation, Inc. by (signature) Michael Peterson

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, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY T R E/W SEC. ¼ ¼ ¼

49,657

6-9-2016

Chief Engineer
Kansas Dept of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Ks 66502

Dear Sir:

Please find enclosed an application for permit to appropriate water for beneficial use in the name of Jon Schubert of Lyons, Ks.

If you have any questions or are in need of more information please contact me at 620-786-9081 or email me at platourell@lrmutual.com or contact Mr. Schubert at the address or phone number on the application.

Respectfully,
Paul LaTourell
1325 Hwy 56
Lyons, KS 67554

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

Kansas
Department of Agriculture

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

June 20, 2016

JON SCHUBERT
413 S GRANDE AVE
LYONS KS 67554

RE: Application
File No. 49657

Dear Sir or Madam:

Your application for permit to appropriate water in 26-18S-9W in Rice 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

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

BAT: ALH
pc: STAFFORD Field Office
GMD

File No. _____ 49,657

I declare that all water wells or diversion sites using the same source of supply and within ¼ mile of the proposed point of diversion have been plotted on the application map.

Signature

6-10-16
Date

WATER RESOURCES RECEIVED
JUN 20 2016
KS DEPT OF AGRICULTURE

Created By: Matt Meier
F.O. 2
Date: 2/25/2016

- Water Rights
- SFFOsec_corners
- ProposedPD
- ProposedPlaceOfUse

0 800 1,600 3,200 4,800 6,400 Feet

SCANNED

File No. _____

I declare that all water wells or diversion sites using the same source of supply and within ½ mile of the proposed point of diversion have been plotted on the application map.

ProposedPD
ProposedPlaceOfUse
Domestic Wells
Water Rights
SFFOsec_corners

Signature _____ Date _____

0 400 800 1,600 2,400 3,200 Feet

Created By: Matt Meier
F.O. 2
Date:8/1/2017