

File No. **49,737** 15. Formation Code: **100** Drainage Basin: **Arkansas River (Lower Ark)** County: **SU** Special Use: Stream:

16. Points of Diversion	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√				76725	LOT 4	4	30S	1E	8	3758	3175 Geo-Cent
√				76726	LOT 4	4	30S	1E	9	3789	3176 Bat 1 of 2
√				76727	LOT 4	4	30S	1E	10	3727	3173 Bat 2 of 2

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
99	14	99	14	47349

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	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
									NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
√				56647	4	30S	1E	3	WINERY & DINNER THEATER/CLOSED LOOP HEAT EXCHANGE - LOT 4 (NW)																	7a		46040

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: July 13, 2018

FROM: Matt Meier

RE: Application File No. 49,737

Wyldeewood Cellars has filed the above referenced application proposing to appropriate groundwater for Thermal Exchange use, requesting a battery of two (2) wells, a quantity of 14 acre-feet, and a diversion rate of 99 gallons per minute. The application will form a complete point of diversion overlap with Water Right, File No. 47349 (which is authorized for irrigation and municipal use). Water Right, File No. 46040 forms a complete place of use overlap with the application. The application was filed after it was determined that the applicant had been diverting water from the wells authorized by File No. 47349 for thermal exchange purposes (which was not unauthorized) in conjunction with the water from the well authorized by File No. 46040.

Water Right, File No. 46,040 was certified for 5.155 million gallons (15.82 acre-feet). The pending application will bring the total combined quantity at the place of use to 29.82 acre-feet. Based on water use data, the applicant has been diverting water in excess of their authorized quantity. This new application is designed to bring this existing operation into compliance (by increasing quantity and covering the unauthorized use from the wells authorized by File No. 47349) with DWR regulations and cover possible future increased cooling needs. The requested quantity is approximately 10 acre-feet higher than their previous max use, 19.764 acre-feet in 2012.

Per the definition of thermal exchange in K.A.R. 5-1-1 (gggg) "Thermal exchange" means the use of water for climate control in a nondomestic building and in a manner that is essentially nonconsumptive to the source of supply. This definition is typically met by diverting groundwater from a well or wells, using it for climate control, and then injecting the used water back into the same source (i.e. the aquifer), with minimal loss in water quantity. The necessity of operating this system as a nonconsumptive use was previously explained to the applicant with the approval of File No. 46040, and an injection well should already be in place to ensure that the used cooling water is recharged back into the aquifer. In order to further ensure the applicant complies with this requirement, the permit approval is conditioned that the applicant must obtain a Class V injection well (UIC) permit from KDHE.

The pending application is exempt from safe yield evaluation, per K.A.R. 5-3-10, subsection (b), which states that this regulation shall not apply to an application which proposes:

(1) to divert water from a source of water supply subject to a different safe yield, allowable appropriation, depletion or other similar type of criteria adopted by rule and regulation of the chief engineer or intensive groundwater use control area order of the chief engineer issued pursuant to K.S.A. 82a-1036 et seq., or

(2) **to use water in a manner so that there is no significant net consumptive use of the local source of supply either in quantity or availability of water for use by other appropriators.**

The applicant identified that there are twenty-one domestic wells within one-half mile of the proposed well and two existing non-domestic water rights which are owned by the applicant (which Wris confirmed). Nearby notification letters were sent on January 25, 2018. Phone calls were received from Howard Krinkle, Dave Daily, Debra Angleton, Tony Schneidewind, Steve Berg, and Molly Story. After discussing the application, all the callers were fine with the application except for Tony Schneidewind who was against approval because he didn't believe anything the state said. Based off WRIS, File No. 46040 is the closest well (excluding File No. 47349 which overlaps the proposed point of diversion) and is located 302 feet away and is owned by the applicant. The next closest non-domestic well is File No. 46301 which is located 3250 feet away. Based on the included map, the nearest domestic well is located approximately 2,200 feet away.

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. The proposed point of diversion fails to meet minimum well spacing to all existing wells (File No. 46040) and will require a waiver of well spacing. Because File No. 46040 is owned by the applicant (and overlaps the proposed place of use), the requested use is nonconsumptive, and the wells have been in use for multiple years without any reported issues, a waiver of minimum well spacing criteria in K.A.R. 5-4-4 is justifiable.

The permit will be conditioned such that the water pumped from these wells shall continue to be re-injected into the aquifer, and limited to this use only, which is considered to be a non-consumptive use of water. Any other use of the water diverted under the authority of these permit will result in the forfeiture of the priority date, revocation of the permits and dismissal of the applications.

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 these permits, check valves will also need to be installed on each well.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on July 13, 2018. Based on the above discussion, the area is open to new appropriations, the proposed appropriations comply with the definition of thermal exchange use, and there would little to no impact to the static water level, it is recommended that the referenced applications be approved.

Matt 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

FILE COPY

August 7, 2018

WYLDEWOOD CELLARS
DR JOHN A BREWER
PO BOX 45
MULVANE KS 67110-0045

RE: Application, File No. 49,737

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, with specific reference to Paragraph No. 19, which requires you to discharge the water back into the aquifer via an injection well. This permit was approved based on the non-consumptive nature of the thermal exchange use, and any other use of the diverted water would violate your permit conditions.

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



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. **49,737** of the applicant

**WYLDEWOOD CELLARS
DR JOHN A BREWER
PO BOX 45
MULVANE KS 67110-0045**

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 **December 2, 2016**.
2. That the water sought to be appropriated shall be used for thermal exchange use at a business located in Lot 4 in the Northwest Quarter (NW¼) of Section 4, Township 30 South, Range 1 East, Sumner County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of two (2) wells with the geo-center located in Lot 4 of Section 4, more particularly described as being near a point 3,758 feet North and 3,175 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, Kansas, located substantially as shown on the map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute (0.221 c.f.s.)** and to a quantity not to exceed **14 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.

16. 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.

17. That in addition to the water appropriation permit, the applicant shall obtain all necessary permits required for installation and operation of the proposed groundwater injection well, from the Kansas Department of Health and Environment.

18. That the water used by this appropriation of water (File No. 49,737) shall be metered separately than the water used under Water Right, File No. 47,349.

19. That the entire quantity of water diverted for beneficial use, shall be recharged into the aquifer through the proposed injection well, which is considered to be a non-consumptive use of water. Any other use of the water diverted under the authority of this permit 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.

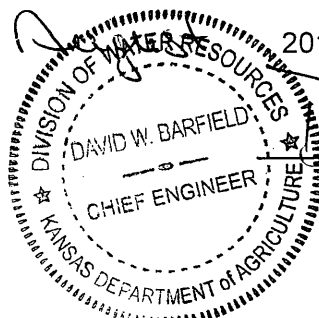
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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 6th day of August, 2018, in Topeka, Shawnee County, Kansas.



David W. Barfield

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 6th day of August, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

 Notary Public

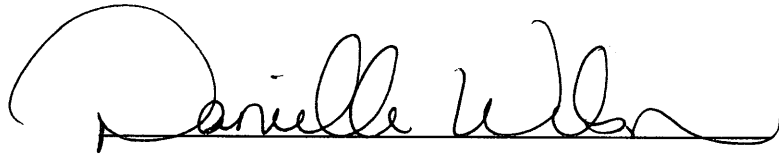
CERTIFICATE OF SERVICE

On this 7th day of August, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,737, dated August 6th was mailed postage prepaid, first class, US mail to the following:

WYLDEWOOD CELLARS
DR JOHN A BREWER
PO BOX 45
MULVANE KS 67110-0045

With photocopies to:

Stafford Field Office

A handwritten signature in black ink, appearing to read "Danielle Wilson". The signature is written in a cursive style with a large initial "D" and a long horizontal flourish at the end.

Division of Water Resources

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 49,737

FO: 2

GMD: _____

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
THX	7-13-18	3	Statewide	Well Spacing	Unconfined
Rule Number	Date Granted	Date Denied	Justification:	Application is for non-consumptive use and the well has been operated for multiple years with no impairment concerns. Well application fails spacing to is also owned and operated by applicant.	
K.A.R. 5-4-4(c)(1)(C)	8/6/2018				

WAIVER RULE (complete only if a new rule needs to be created):

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 7-13-18 By MJM

Date Entered 8/6/2018 By CLM

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION
K.A.R. 5-4-4 Well Spacing

Date: 8/16/2018, 2018

Re: Application, File No. 49,737

1. That the geographic center of the battery of two wells under the above referenced application does not meet minimum well spacing criteria as required by K.A.R. 5-4-4 because it is located approximately 302 feet from another well used for Thermal exchange (File No. 46,040).
2. That K.A.R. 5-4-4 requires a minimum well spacing of 1,320 feet between non-domestic wells whose common source of supply is an unconfined aquifer system.
3. That the new application and File No. 46,040 are both under the same ownership, and the new application is a part of the same business project.
4. That the wells have already been in use for Thermal exchange, which was unauthorized, and there have been no reported issues.
5. That the proposed thermal exchange use is considered to be non-consumptive because the diverted water will be injected back into the aquifer.
6. That a waiver of K.A.R. 5-4-4 will not prejudicially or unreasonably affect the public interest and should not impair any existing water rights.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

THE STATE OF KANSAS



7-13-18 KAB
APPLICATION COMPLETE
12/2/16
Reviewer: MTN

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49731
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

DEC 02 2016

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.)

12:45
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): Wyldewood Cellars
Address: Dr. John Brewer, PO Box 45
City: Mulvane State KS Zip Code 67110-0045
Telephone Number: (316) 554-9463

2. The source of water is: surface water in _____ (stream)
OR groundwater in Arkansas River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 14 acre-feet OR --- gallons per calendar year, to be diverted at a maximum rate of 99 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 THX Source GYS County SU By KAB Date 12/2/16
Code REG Fee \$ 200 TR # _____ Receipt Date 12/2/16 Check # 1517



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanierman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

SEP 27 2016
September 27, 2016

Wyldeewood Cellars
Dr John A Brewer
PO Box 45
Mulvane KS 67110-0045
elderwines@aol.com

RE: Water Right, File No. 46040, Water Appropriation,
File No. 47349 & New Application for Permit to
Proceed

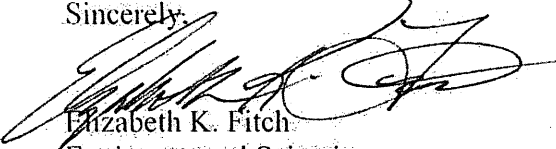
Dear Dr. Brewer,

You will find enclosed with this letter a new application for a permit to appropriate water for beneficial use. The enclosed application, if approved, will create a point of diversion overlap with existing Water Appropriation, File No. 47349 and a place of use overlap with Water Right, File No. 47349. The new application proposes to add quantity for thermal exchange use on the battery of two wells.

Please review the application and supplemental documents and make any corrections as needed. Once the application is completed, it will need to be signed on page 2 and page 4. If both places are not signed, the application will be returned to you. I was uncertain which homes had domestic wells, so these will need to be added to the map. I included a close up map with an aerial image for you to reference. Once the domestic wells and well owners have been added to the topographic map, it will need signed.

The completed application should be submitted to Manhattan for processing along with the application fee of \$200. If you have any questions, please give me a call at 620.234.5311.

Sincerely,



Elizabeth K. Fitch
Environmental Scientist
elizabeth.fitch@ks.gov

Enclosures

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 *Geographic Center located in* LOT 4 quarter of Section 4, more particularly described as being near a point 3758 feet North and 3175 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, Kansas.

(B) One in the --- quarter of the --- quarter of the LOT 4 quarter of Section 4, more particularly described as being near a point 3789 feet North and 3176 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner County, Kansas.

(C) One in the --- quarter of the --- quarter of the LOT 4 quarter of Section 4, more particularly described as being near a point 3727 feet North and 3173 feet West of the Southeast corner of said section, in Township 30 South, Range 1 East, Sumner 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 11-30, 2016.

John A. Bess
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 a battery of two wells
(number of wells, pumps or dams, etc.)

and was completed (by) 10/5/05
(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 10/5/05
(Mo/Day/Year)

WATER RESOURCES
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DEC 02 2016

SCANNED

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

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

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

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

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

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

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

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

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

File No. 47349 overlaps P/D (no changes) _____

File No. 46040 overlaps P/U (no changes) _____

This application is for non-consumptive use. _____

MINNESOTA REVENUE
DEPARTMENT

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>GeoCenter</u>	<u>12/1/05</u>	<u>12/1/05</u>	_____
Total depth of well	<u>N/A</u>	<u>36'</u>	<u>36'</u>	_____
Depth to water bearing formation	<u>N/A</u>	<u>10'</u>	<u>10'</u>	_____
Depth to static water level	<u>N/A</u>	<u>17'</u>	<u>17'</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
(name, address and telephone number)

(name, address and telephone number)

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

Dated at 11-30-16 ^{JMR}, Kansas, this 30th day of November, 2016.
Peck (month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by EKF _____ SFFO/ESII _____ Date: 9/27/16
(office/title)

WATER RESOURCES
RECEIVED

DEC 02 2016

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES

KANSAS DEPARTMENT OF AGRICULTURE

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

3758 ft N and 3175 ft W of the SE Corner of Section 4, T 30S, R 1E

Located at: 97.324706 West Longitude and 37.474905 North Latitude

GROUNDWATER ONLY

#49737

Falls spacing to other
was owned
by applicant

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth	Quan	Add_Quan	Unit
A__ 2765	00	IRR	NK	G	5161	--	NW	SW	NE	3922	2404	9	30	1E	4			26.00	26.00	AF
A__ 7150	00	IRR	NK	G	9632	--	NW	SE	NE	3504	1140	28	29	1E	1			20.00	20.00	AF
A__ 10927	00	IRR	NK	G	9913	--	--	NC	SE	1275	1350	27	29	1E	1			180.00	180.00	AF
A__ 19566	00	IRR	NK	G	6402	--	--	NC	NW	4050	3750	34	29	1E	1			162.00	162.00	AF
A__ 26491	00	IRR	NK	G	8205	--	SE	NW	NE	4200	1600	34	29	1E	2			203.00	203.00	AF
A__ 29729	00	IRR	NK	G	6143	--	NE	NE	SW	2157	2784	34	29	1E	7			78.00	55.50	AF
Same					5015	--	SE	SW	NW	2772	4496	34	29	1E	8			75.00	52.50	AF
Same					5696	--	NE	SE	SW	753	2784	34	29	1E	9			60.00	42.00	AF
A__ 30512	00	IRR	NK	G	4773	--	NC	W2	SE	1320	1980	5	30	1E	1			42.00	42.00	AF
A__ 31078	00	IRR	NK	G	9146	--	SW	SW	SW	360	4640	35	29	1E	4			112.00	112.00	AF
A__ 31437	00	IRR	NK	G	9959	--	--	NC	NE	3960	1260	31	29	1E	1			195.00	195.00	AF
Same					10366	--	--	NC	NE	3960	1720	31	29	1E	2					
A__ 31559	00	IRR	NK	G	7112	--	NE	SE	SW	1100	2900	28	29	1E	4			65.00	65.00	AF
Same					7660	--	SE	NW	SE	1540	1400	28	29	1E	8			57.00	57.00	AF
A__ 31560	00	IRR	NK	G	6552	--	--	NC	SW	1360	4000	5	30	1E	2			194.00	194.00	AF
A__ 34031	00	IRR	NK	G	8817	--	SW	NW	SW	1970	5140	35	29	1E	8			135.00	135.00	AF
A__ 36093	00	IRR	NK	G	10178	--	NE	NW	NW	5025	4865	35	29	1E	7			53.00	53.00	AF
A__ 37215	00	IRR	NK	G	10103	--	SE	NW	SW	1620	4000	29	29	1E	1			94.00	94.00	AF
A__ 37368	00	IRR	NK	G	9880	--	--	NC	SW	1320	4000	29	29	1E	2			99.00	99.00	AF
A__ 37486	00	IRR	NK	G	7102	--	SE	NW	SE	1330	1475	34	29	1E	11			191.00	191.00	AF
A__ 38053	00	IRR	NK	G	7475	--	SW	SW	SW	127	5229	32	29	1E	1			202.50	202.50	AF
A__ 38805	00	IRR	NK	G	5161	--	NW	SW	NE	3922	2404	9	30	1E	4			153.00	153.00	AF
A__ 40107	00	IRR	NK	G	5294	--	NE	SW	NW	3856	4549	9	30	1E	7	G	4	202.50	202.50	AF
Same					5171	--	NE	SW	NW	3983	4549	9	30	1E	8	B	4			
Same					5419	--	NE	SW	NW	3728	4549	9	30	1E	9	B	4			
Same					5271	--	NE	SW	NW	3856	4447	9	30	1E	10	B	4			
Same					5288	--	NE	SW	NW	3856	4524	9	30	1E	11	B	4			
A__ 40199	00	IRR	NK	G	4799	--	--	--	--	3164	2660	5	30	1E	4			65.30	65.30	AF
A__ 41642	00	IRR	NK	G	10298	--	SW	SW	SE	600	2450	6	30	1E	2			180.00	180.00	AF
A__ 43919	00	IRR	LR	G	4799	--	--	--	--	3164	2660	5	30	1E	4			86.20	86.20	AF
A__ 45059	00	IND	KE	G	7849	--	SW	NE	SE	1600	800	28	29	1E	10			66.90	66.90	AF
A__ 46040	00	THX	NK	G	302	--	--	--	--	4008	3005	4	30	1E	3			15.82	15.82	AF
A__ 46299	A	IRR	GY	G	5015	--	SE	SW	NW	2772	4496	34	29	1E	8			90.00	90.00	AF
A__ 46301	00	IRR	GY	G	3250	--	SW	NE	SE	1901	975	33	29	1E	2	G	4	88.20	.00	AF
Same					3405	--	NW	NE	SE	2101	975	33	29	1E	4	B	4			
Same					3101	--	SW	NE	SE	1701	975	33	29	1E	5	B	4			
Same					3383	--	SW	NE	SE	1901	775	33	29	1E	6	B	4			
Same					3124	--	SW	NE	SE	1901	1175	33	29	1E	7	B	4			
A__ 47349	00	IRR	LO	G	0	--	--	--	--	3758	3175	4	30	1E	8	G	2	8.00	8.00	AF
Same					31	--	--	--	--	3789	3176	4	30	1E	9	B	2			
Same					31	--	--	--	--	3727	3173	4	30	1E	10	B	2			
A__ 47349	00	MUN	LO	G	0	--	--	--	--	3758	3175	4	30	1E	8	G	2	7.00	7.00	AF
Same					31	--	--	--	--	3789	3176	4	30	1E	9	B	2			
Same					31	--	--	--	--	3727	3173	4	30	1E	10	B	2			
A__ 49468	00	IRR	GY	G	7900	--	NW	SW	SW	1271	4930	9	30	1E	12	G	4	97.50	97.50	AF
Same					7963	--	SW	NW	SW	1270	5210	9	30	1E	14	B	4			

Same		7624	--	NW SW SW	1553	4930	9	30	1E	15	B	4			
Same		7848	--	NW SW SW	1270	4650	9	30	1E	16	B	4			
Same		8175	--	NW SW SW	990	4930	9	30	1E	17	B	4			
A__	49502 00 IRR GY G	8709	--	SE SE NW	2711	2695	10	30	1E	3	G	4	156.00	156.00	AF
Same		8916	--	NE NE SW	2424	2697	10	30	1E	4	B	4			
Same		8909	--	SW SW SE	2715	2408	10	30	1E	5	B	4			
Same		8501	--	SE SE NW	3005	2695	10	30	1E	6	B	4			
Same		8510	--	SE SE NW	2710	2985	10	30	1E	7	B	4			
A__	49556 00 IRR GY G	8395	--	NW SW SE	694	2106	9	30	1E	13	G	4	180.00	180.00	AF
Same		8185	--	NW SW SE	877	2326	9	30	1E	18	B	4			
Same		8237	--	NE SW SE	890	1881	9	30	1E	19	B	4			
Same		8554	--	SW SW SE	506	2320	9	30	1E	20	B	4			
Same		8616	--	SE SW SE	503	1895	9	30	1E	21	B	4			
A__	49737 00 THX AY G	0	--	-- -- --	3758	3175	4	30	1E	8	G	2	14.00	14.00	AF
Same		31	--	-- -- --	3789	3176	4	30	1E	9	B	2			
Same		31	--	-- -- --	3727	3173	4	30	1E	10	B	2			
A__	49923 00 IRR AY G	10501	--	-- N2 NE	3960	1320	16	30	1E	3			88.40	88.40	AF

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      102.40           .00
Total Permitted Amount (AF) =       590.40           .00
Total Inspected Amount (AF) =        101.20           .00
Total Pro_Cert Amount (AF) =          .00           .00
Total Certified Amount (AF) =       2797.12           .00
Total Vested Amount (AF) =           .00           .00
TOTAL AMOUNT (AF) =                 3591.12           .00
=====

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An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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

97.324706 West Longitude and 37.474905 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR

```

A__ 2765 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A__ 7150 00 IRR NK G

> FORREST G BUTTS

>

> 205 S CENTRAL AVE

> MULVANE KS 67110

>-----

A__ 10927 00 IRR NK G

> FORREST G BUTTS

>

#49737

Report Date Tuesday, January 23 2018

> 205 S CENTRAL AVE
> MULVANE KS 67110

A__ 19566 00 IRR NK G

> MARK J & KRISTIN K BERGKAMP
>
> 8431 W 47TH ST S
> CLEARWATER KS 67026

A__ 26491 00 IRR NK G

> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110

A__ 29729 00 IRR NK G

> JOHN PAUL GROTHOR
>
> 11804 S HYDRAULIC ST
> PECK KS 67120

A__ 30512 00 IRR NK G

> GALEN L & DORALE J GERLACH
>
> 1429 N SENECA RD
> PECK KS 67120

A__ 31078 00 IRR NK G

> LARRY C & RHONDA J PARKER
>
> 1103 S CENTRAL AVE
> MULVANE KS 67110

A__ 31437 00 IRR NK G

> CHARLES J OTT
>
> 10821 S SENECA ST
> PECK KS 67120

A__ 31559 00 IRR NK G

> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110

A__ 31560 00 IRR NK G

> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110

A__ 34031 00 IRR NK G

> PATRICIA A OTT
>
> 10821 S SENECA ST
> PECK KS 67120

A__ 36093 00 IRR NK G
> GALEN L & DORALE J GERLACH

>
> 1429 N SENECA RD
> PECK KS 67120

A__ 37215 00 IRR NK G
> K C D D INC
> CARLA CALVERT-PRES
> 10821 S SENECA ST
> PECK KS 67120

A__ 37368 00 IRR NK G
> K C D D INC
> CARLA CALVERT-PRES
> 10821 S SENECA ST
> PECK KS 67120

A__ 37486 00 IRR NK G
> OTT LAND & GRAIN INC.
>
> 11621 S HILLSIDE ST
> MULVANE KS 67110

A__ 38053 00 IRR NK G
> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110

A__ 38805 00 IRR NK G
> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110

A__ 40107 00 IRR NK G
> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110

A__ 40199 00 IRR NK G
> JOHN PAUL GROTHOR
>
> 11804 S HYDRAULIC ST
> PECK KS 67120

#49,737

>-----
A__ 41642 00 IRR NK G
> GALEN L & DORALE J GERLACH
>
> 1429 N SENECA RD
> PECK KS 67120
>-----

A__ 43919 00 IRR LR G
> JOHN PAUL GROTHER
>
> 11804 S HYDRAULIC ST
> PECK KS 67120
>-----

A__ 45059 00 IND KE G
> CAIN FARMS LLC
>
> 1422 E 111TH ST SOUTH
> MULVANE KS 67110
>-----

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

A__ 46299 A IRR GY G
> JOHN PAUL GROTHER
>
> 11804 S HYDRAULIC ST
> PECK KS 67120
>-----

A__ 46301 00 IRR GY G
> JOHN PAUL GROTHER
>
> 11804 S HYDRAULIC ST
> PECK KS 67120
>-----

A__ 47349 00 IRR LO G
> WYLDEWOOD CELLARS
> DR JOHN A BREWER
> PO BOX 45
> MULVANE KS 67110
>-----

A__ 47349 00 MUN LO G
> WYLDEWOOD CELLARS
> DR JOHN A BREWER
> PO BOX 45
> MULVANE KS 67110
>-----

A__ 49468 00 IRR GY G
> JUSTIN KELLY
>

> 726 WESTCHESTER PLACE
> ANDOVER KS 67002

A__ 49502 00 IRR GY G
> SHELLY S HOOBLER
>
> 1345 E 130TH AVE N
> MULVANE KS 67110

A__ 49556 00 IRR GY G
> SHELLY S HOOBLER
>
> 1345 E 130TH AVE N
> MULVANE KS 67110

A__ 49737 00 THX AY G
> WYLDEWOOD CELLARS
> DR JOHN A BREWER
> PO BOX 45
> MULVANE KS 67110

A__ 49923 00 IRR AY G
> HEATH B FINCHAM
>
> 6045 S KANSAS ST
> WICHITA KS 67216

=====

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 2,714.18 AF.
 Total prior appropriation in the circle is 3,634.12 AF.
 Total quantity of water available for appropriation is 0.00 AF.

*FAILS S.V. #49,737
 non-consumptive use, Thermal
 exchange.*

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 5.4 inches.
 The percent of recharge available for appropriation is 75%.

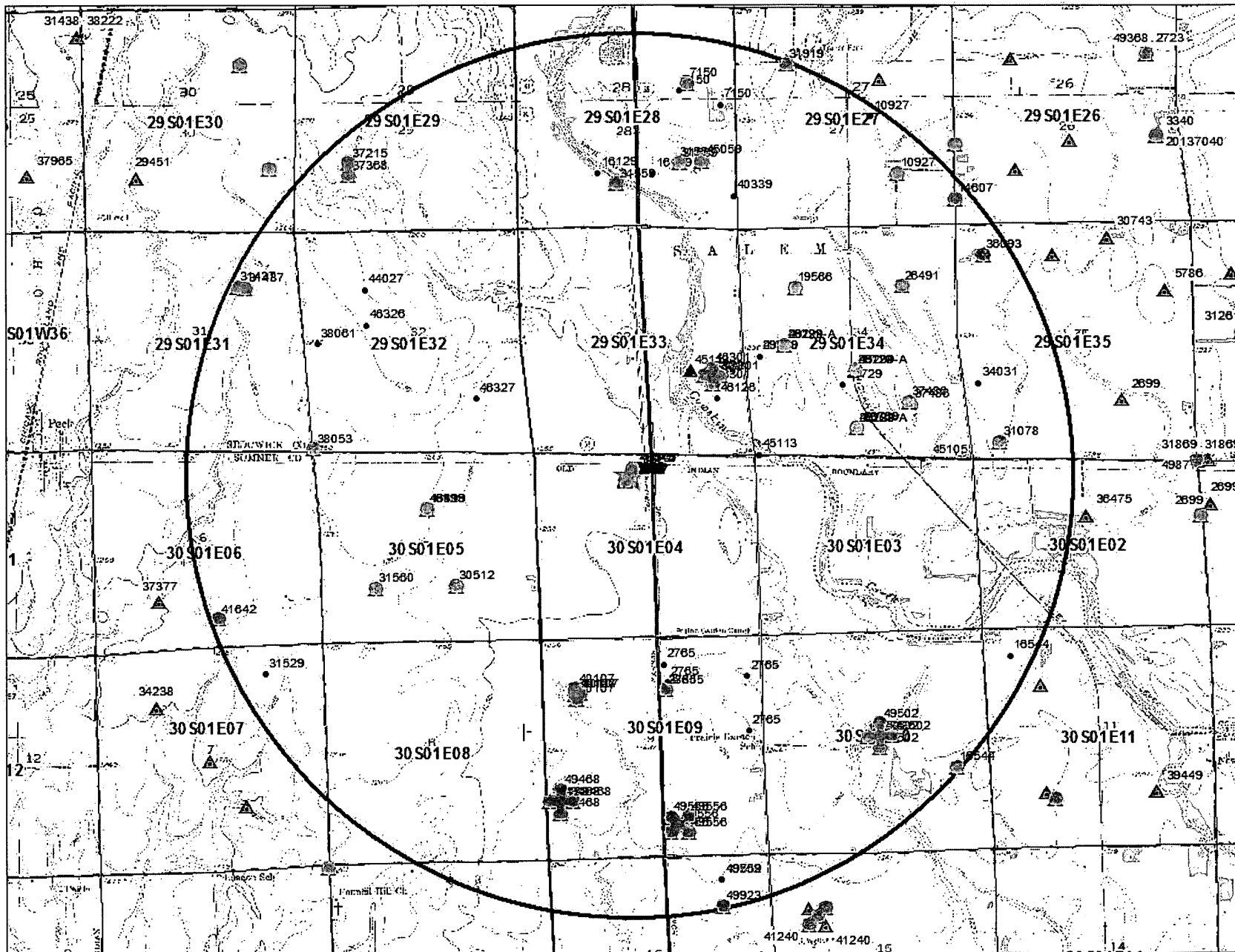
Authorized Quantity values are as of 23-JAN-2018 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 34 water right(s) and 56 point(s) of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	2765	00	IRR	NK	G		NW SW NE	3922	2404	09	30	01E	4	WR	26.00	26.00	119.00	119.00
A	7150	00	IRR	NK	G		NW SE NE	3504	1140	28	29	01E	1	WR	20.00	20.00	136.00	136.00
A	10927	00	IRR	NK	G		NC SE	1275	1350	27	29	01E	1	WR	180.00	180.00	156.00	156.00
A	14607	00	IRR	NK	G		SW SW SW	600	5220	26	29	01E	6	PD	65.00	65.00	158.00	158.00
A	16544	00	IRR	NK	G		NC NE SE	1967	616	10	30	01E	2	PD	16.00	16.00	120.00	120.00
A	19566	00	IRR	NK	G		NC NW	4050	3750	34	29	01E	1	WR	162.00	162.00	135.00	135.00
A	26491	00	IRR	NK	G		SE NW NE	4200	1600	34	29	01E	2	WR	203.00	203.00	160.00	160.00
A	29729	00	IRR	NK	G		NE NE SW	2157	2784	34	29	01E	7	PD	78.00	55.50	229.56	229.56
Same			IRR	NK	G		SE SW NW	2772	4496	34	29	01E	8	PD	75.00	52.50		
Same			IRR	NK	G		NE SE SW	753	2784	34	29	01E	9	PD	60.00	42.00		
A	30512	00	IRR	NK	G		NC W2 SE	1320	1980	05	30	01E	1	WR	42.00	42.00	79.00	79.00
A	31078	00	IRR	NK	G		SW SW SW	360	4640	35	29	01E	4	WR	112.00	112.00	80.00	80.00
A	31437	00	IRR	NK	G		NC NE	3960	1260	31	29	01E	1	WR	195.00	195.00	136.00	136.00
Same			IRR	NK	G		NC NE	3960	1720	31	29	01E	2	WR				
A	31559	00	IRR	NK	G		SE NW SE	1540	1400	28	29	01E	8	PD	57.00	57.00	82.10	82.10
Same			IRR	NK	G		NE SE SW	1100	2900	28	29	01E	4	PD	65.00	65.00		
A	31560	00	IRR	NK	G		NC SW	1360	4000	05	30	01E	2	WR	194.00	194.00	160.00	160.00
A	31919	00	IRR	NK	G		NE SW NW	3872	4052	27	29	01E	6	WR	97.00	97.00	80.00	80.00
A	36093	00	IRR	NK	G		NE NW NW	5025	4865	35	29	01E	7	WR	53.00	53.00	77.00	0.00
A	37215	00	IRR	NK	G		SE NW SW	1620	4000	29	29	01E	1	WR	94.00	94.00	132.00	132.00
A	37368	00	IRR	NK	G		NC SW	1320	4000	29	29	01E	2	WR	99.00	99.00	132.00	0.00
A	37486	00	IRR	NK	G		SE NW SE	1330	1475	34	29	01E	11	WR	191.00	191.00	127.00	127.00
A	38053	00	IRR	NK	G		SW SW SW	127	5229	32	29	01E	1	WR	202.50	202.50	135.00	135.00
A	38805	00	IRR	NK	G		NW SW NE	3922	2404	09	30	01E	4	WR	153.00	153.00	119.00	0.00

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SWNENENW 04-30S-01E

#49,737



#49737

A	40107	00	IRR NK G	NE SW NW	3983	4549	09	30	01E	8	WR	202.50	202.50	141.25	141.25
Same			IRR NK G	NE SW NW	3728	4549	09	30	01E	9	WR				
Same			IRR NK G	NE SW NW	3856	4447	09	30	01E	10	WR				
Same			IRR NK G	NE SW NW	3856	4549	09	30	01E	7	WR				
Same			IRR NK G	NE SW NW	3856	4524	09	30	01E	11	WR				
A	40199	00	IRR NK G		3164	2660	05	30	01E	4	WR	65.30	65.30	111.00	111.00
A	41642	00	IRR NK G	SW SW SE	600	2450	06	30	01E	2	WR	180.00	180.00	120.00	120.00
A	43919	00	IRR LR G		3164	2660	05	30	01E	4	WR	86.20	86.20	111.00	0.00
A	45059	00	IND KE G	SW NE SE	1600	800	28	29	01E	10	WR	66.90	66.90		
A	46040	00	THX NK G		4008	3005	04	30	01E	3	WR	15.82	15.82		
A	46299	A	IRR GY G	SE SW NW	2772	4496	34	29	01E	8	WR	90.00	90.00	229.56	0.00
A	46301	00	IRR GY G	SW NE SE	1901	975	33	29	01E	2	WR	88.20	0.00	229.56	0.00
Same			IRR GY G	NW NE SE	2101	975	33	29	01E	4	WR				
Same			IRR GY G	SW NE SE	1701	975	33	29	01E	5	WR				
Same			IRR GY G	SW NE SE	1901	775	33	29	01E	6	WR				
Same			IRR GY G	SW NE SE	1901	1175	33	29	01E	7	WR				
A	47349	00	IRR LO G		3758	3175	04	30	01E	8	WRF	8.00	8.00	30.00	30.00
Same			IRR LO G		3789	3176	04	30	01E	9	WRF				
Same			IRR LO G		3727	3173	04	30	01E	10	WRF				
Same			MUN LO G		3758	3175	04	30	01E	8	WRF				
Same			MUN LO G		3789	3176	04	30	01E	9	WRF				
Same			MUN LO G		3727	3173	04	30	01E	10	WRF				
A	49468	00	IRR GY G	NW SW SW	1271	4930	09	30	01E	12	WR	97.50	97.50	75.00	75.00
Same			IRR GY G	SW NW SW	1270	5210	09	30	01E	14	WR				
Same			IRR GY G	NW SW SW	1553	4930	09	30	01E	15	WR				
Same			IRR GY G	NW SW SW	1270	4650	09	30	01E	16	WR				
Same			IRR GY G	NW SW SW	990	4930	09	30	01E	17	WR				
A	49502	00	IRR GY G	SE SE NW	2711	2695	10	30	01E	3	WR	156.00	156.00	120.00	120.00
Same			IRR GY G	NE NE SW	2424	2697	10	30	01E	4	WR				
Same			IRR GY G	SW SW SE	2715	2408	10	30	01E	5	WR				
Same			IRR GY G	SE SE NW	3005	2695	10	30	01E	6	WR				
Same			IRR GY G	SE SE NW	2710	2985	10	30	01E	7	WR				
A	49556	00	IRR GY G	NW SW SE	694	2106	09	30	01E	13	WR	180.00	180.00	150.50	150.50
Same			IRR GY G	NW SW SE	877	2326	09	30	01E	18	WR				
Same			IRR GY G	NE SW SE	890	1881	09	30	01E	19	WR				
Same			IRR GY G	SW SW SE	506	2320	09	30	01E	20	WR				
Same			IRR GY G	SE SW SE	503	1895	09	30	01E	21	WR				
A	49737	00	THX AY G		3758	3175	04	30	01E	8	WR	14.00	14.00		
Same			THX AY G		3789	3176	04	30	01E	9	WR				
Same			THX AY G		3727	3173	04	30	01E	10	WR				
A	49923	00	IRR AY G	N2 NE	3960	1320	16	30	01E	3	WR	88.40	88.40	68.00	68.00

=====

Draft

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: July 11, 2018

FROM: Matt Meier

RE: Application File No. 49,737

Wyldeewood Cellars has filed the above referenced application proposing to appropriate groundwater for Thermal Exchange use, requesting a battery of two (2) wells, a quantity of 14 acre-feet, and a diversion rate of 99 gallons per minute. The application will form a complete point of diversion overlap with Water Right, File No. 47349 (which is authorized for irrigation and municipal use). Water Right, File No. 46040 forms a complete place of use overlap with the application. The application was filed after it was determined that the applicant had been diverting water from the wells authorized by File No. 47349 for thermal exchange purposes (which was not unauthorized) in conjunction with the water from the well authorized by File No. 46040.

Water Right, File No. 46,040 was certified for 5.155 million gallons (15.82 acre-feet). The pending application will bring the total combined quantity at the place of use to 29.82 acre-feet. Based on water use data, the applicant has been diverting water in excess of their authorized quantity. This new application is designed to bring this existing operation into compliance (by increasing quantity and covering the unauthorized use from the wells authorized by File No. 47349) with DWR regulations and cover possible future increased cooling needs. The requested quantity is approximately 10 acre-feet higher than their previous max use, 19.764 acre-feet in 2012.

Per the definition of thermal exchange in K.A.R. 5-1-1 (gggg) "Thermal exchange" means the use of water for climate control in a nondomestic building and in a manner that is essentially nonconsumptive to the source of supply. This definition is typically met by diverting groundwater from a well or wells, using it for climate control, and then injecting the used water back into the same source (i.e. the aquifer), with minimal loss in water quantity. The necessity of operating this system as a nonconsumptive use was previously explained to the applicant with the approval of File No. 46040, and an injection well should already be in place to ensure that the used cooling water is recharged back into the aquifer. In order to further ensure the applicant complies with this requirement, the permit approval is conditioned that the applicant must obtain a Class V injection well (UIC) permit from KDHE.

The pending application is exempt from safe yield evaluation, per K.A.R. 5-3-10, subsection (b), which states that this regulation shall not apply to an application which proposes:

(1) to divert water from a source of water supply subject to a different safe yield, allowable appropriation, depletion or other similar type of criteria adopted by rule and regulation of the chief engineer or intensive groundwater use control area order of the chief engineer issued pursuant to K.S.A. 82a-1036 et seq., or

(2) **to use water in a manner so that there is no significant net consumptive use of the local source of supply either in quantity or availability of water for use by other appropriators.**

The applicant identified that there are twenty-one domestic wells within one-half mile of the proposed well and two existing non-domestic water rights which are owned by the applicant (which WRIS confirmed). Nearby notification letters were sent on January 25, 2018. Phone calls were received from Howard Krinkle, Dave Daily, Debra Angleton, Tony Schneidewind, Steve Berg, and Molly Story. After discussing the application, all the callers were fine with the application except for Tony Schneidewind who was against approval because he didn't believe anything the state said. Based off WRIS, File No. 46040 is the closest well (excluding File No. 47349 which overlaps the proposed point of diversion) and is located 302 feet away and is owned by the applicant. The next closest non-domestic well is File No. 46301 which is located 3250 feet away. Based on the included map, the nearest domestic well is located approximately 2,200 feet away.

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. The proposed point of diversion fails to meet minimum well spacing to all existing wells (File No. 46040) and will require a waiver of well spacing. Because File No. 46040 is owned by the applicant (and overlaps the proposed place of use), the requested use is nonconsumptive, and the wells have been in use for multiple years without any reported issues, a waiver of minimum well spacing criteria in K.A.R. 5-4-4 is justifiable.

The permit will be conditioned such that the water pumped from these wells shall continue to be re-injected into the aquifer, and limited to this use only, which is considered to be a non-consumptive use of water. Any other use of the water diverted under the authority of these permit will result in the forfeiture of the priority date, revocation of the permits and dismissal of the applications.

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 these permits, check valves will also need to be installed on each well.

Based on the above discussion, the area is open to new appropriations, the proposed appropriations comply with the definition of thermal exchange use, and there would little to no impact to the static water level, it is recommended that the referenced applications be approved.

Matt Meier
Environmental Scientist
Permits Unit

7/13/14

*Concur w/ recommendation & waiver of spacing (Non consumptive)
Add condition so that this use is metered separately than*

47349. JK W.C.


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Kansas Star Casino LLC
777 Kansas Star RD
Mulvane, KS 67110

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

This is to advise you that Wylewood Cellars has filed the application referred to above for a permit to appropriate 14 acre-feet of groundwater per calendar year for Thermal Exchange use to be diverted at a maximum rate of 99 gallons per minute. The proposed point of diversion for 49,737 is a battery of three (3) wells, which are located as follows:

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A map is enclosed indicating the location of the proposed wells. 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 of the applicant's point 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 or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

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Sam Brownback, Governor

January 25, 2018

KSC Lodging LC
785 Kansas Star Dr
Mulvane, KS 67110

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

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Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Jarad & Jennifer Hobbs
896 E 144th Ave N
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

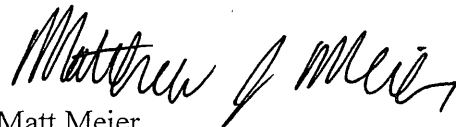
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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

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Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Molly Storey Rev TR & William Storey Rev Tr
1463 N Hydraulic RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

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www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

John Brewer
951 E 199th St
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

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Sincerely,

A handwritten signature in black ink that reads "Matthew J. Meier". The signature is written in a cursive style.

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

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Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

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David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

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Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Stephen & Kristina Berg
1442 N Tomahawk RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

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Sincerely,


Matt Meier
Environmental Scientist
Water Appropriations Program

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Stafford, Kansas 67578-1521

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Sam Brownback, Governor

January 25, 2018

Robert & Allison Ballinger
1441 N Tomahawk RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

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Sincerely,

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Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

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Kansas
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Sam Brownback, Governor

January 25, 2018

Wade Bliss
1438 N Tomahawk RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

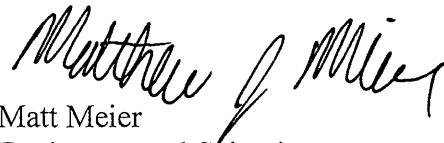
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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

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Sam Brownback, Governor

January 25, 2018

Ricky & Debra Angleton
1436 N Tomahawk RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

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Sincerely,

A handwritten signature in black ink that reads "Matt Meier".

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

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NO ASYRA PER ASPERA
Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

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Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Christine & Perry Martin
1435 N. Tomahawk RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

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Sincerely,


Matt Meier
Environmental Scientist
Water Appropriations Program

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Kansas
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Sam Brownback, Governor

January 25, 2018

Scott & Rhonda Ryan
1437 N Tomahawk RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

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Sam Brownback, Governor

January 25, 2018

Tonia Schneidewind
1439 N Tomahawk RD
Peck, KS 67120

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If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Howard Crumpler
962 E 144th Ave N
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

This is to advise you that Wylewood Cellars has filed the application referred to above for a permit to appropriate 14 acre-feet of groundwater per calendar year for Thermal Exchange use to be diverted at a maximum rate of 99 gallons per minute. The proposed point of diversion for 49,737 is a battery of three (3) wells, which are located as follows:

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Sincerely,

A handwritten signature in black ink that reads "Matt Meier".

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Richard & Debbie Knapp
1433 N Broken Arrow Rd
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

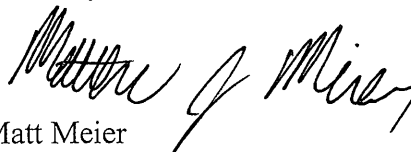
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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Larry & Martha Slack
1429 N Broken Arrow Rd
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

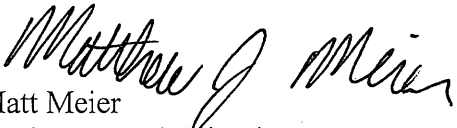
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Sincerely,


Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Leon & Debra Williams
1427 N Broken Arrow RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

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Sincerely,


Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

James & Tamala Hurst
1421 N Broken Arrow RD
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

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Sincerely,

A handwritten signature in cursive script that reads "Matthew J. Meier".

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

John & Desiree Mazzoni
1417 N Broken Arrow Road
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Michael Ward
1413 N Broken Arrow Rd
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

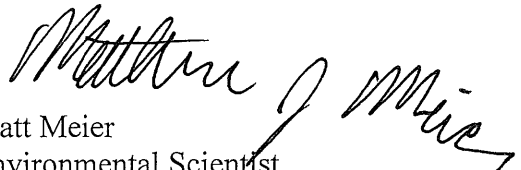
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Sincerely,


Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

January 25, 2018

Donald Mariner
1426 N Broken Arrow Rd
Peck, KS 67120

Re: Pending Application, File No. 49,737

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNER


Kansas
Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Sam Brownback, Governor

January 25, 2018

Douglas Troyer
1428 N Broken Arrow Rd
Peck, KS 67120

Re: Pending Application, File No. 49,737

Dear Sir or Madam:

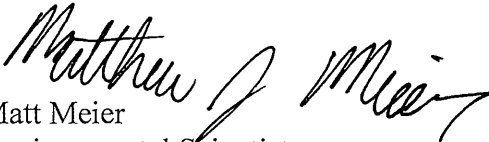
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Sincerely,


Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

INDIANA PER ASPERA
Kansas
 Department of Agriculture
 Division of Water Resources

Same map
 attached to
 every letter

Stafford Field Office
 300 S. Main Street
 Stafford, Kansas 67578-1521

Phone: (620) 234-5311

Fax: (620) 234-6900

www.agriculture.ks.gov

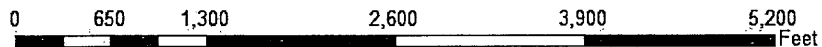
Jackie McClaskey, Secretary
 David W. Barfield, Chief Engineer
 Jeff Lanterman, Water Commissioner

Sam Brownback, Governor





1:12,000

2015 aerial



Legend

-  Section Corners
-  Section Lines

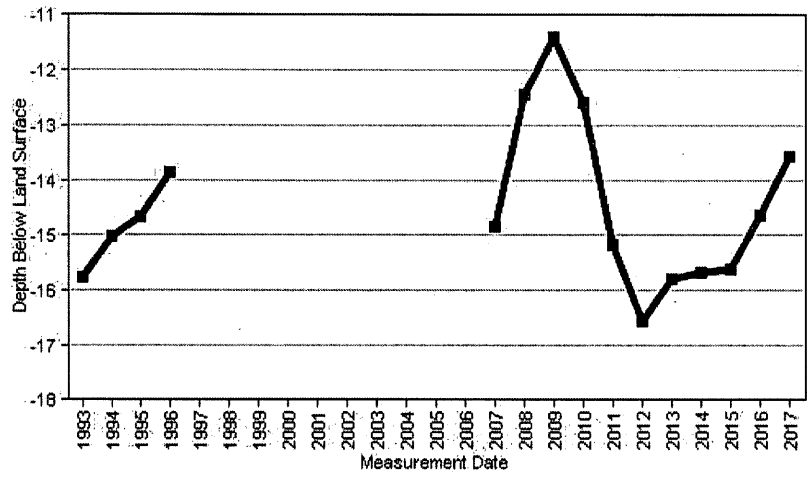
MJM-DWR 1/23/18

Proposed Water Appropriation, File No. 49,737
 4-30S-1E
 Sumner County

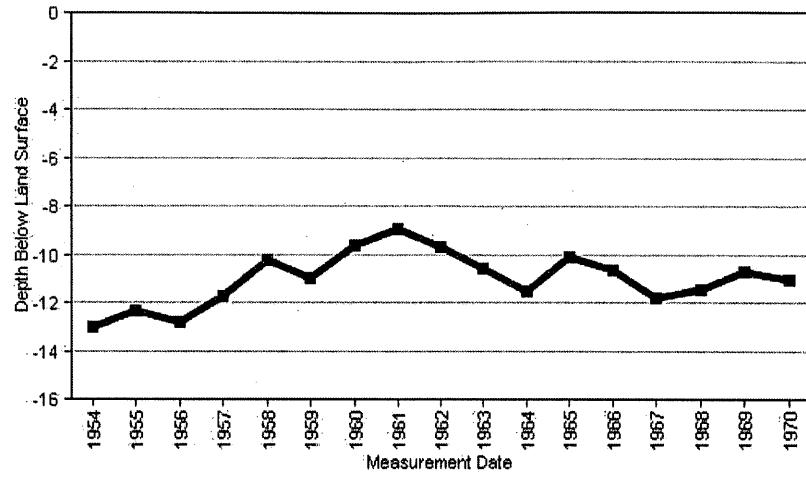


SCANNED

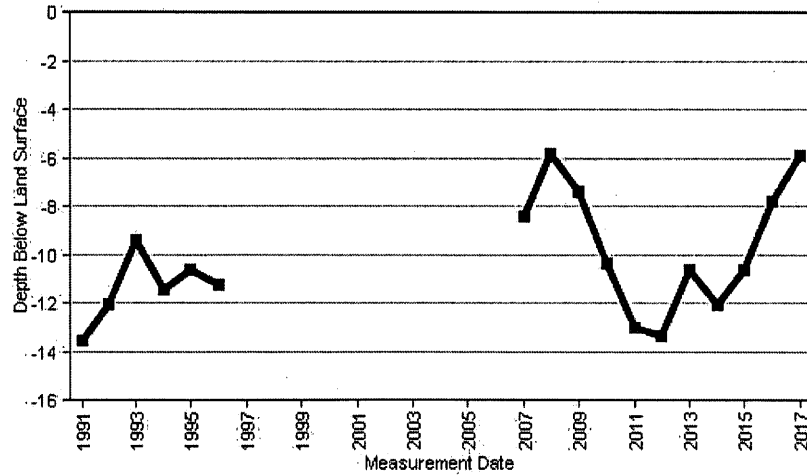
Sec 9 T30S R1E ~1 Mile South



Sec 11 T 30S R1E ~2 Miles SE



Sec 35 T 29S R 1E ~2 Miles NE





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

December 5, 2016

FILE COPY

WYLDEWOOD CELLARS
PO BOX 45
MULVANE KS 67110

RE: Application
File No. 49737

Dear Sir or Madam:

Your application for permit to appropriate water in 4-30S-1E in Sumner County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

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

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED

Wyldewood Cellars Winery

P.O. Box 45 Mulvane, Kansas 67110 (316) 554-9463 (316) 554-9191 fax

Dr. John A. Brewer, President

11-15-16

To: Kansas Division of Water Resources

Subject: Wyldewood Cellars' Water Rights Application

Attached are our application, including the water meter installation, and three pages of water well data around our facility. Pages 1 and 2 are from the KGS displaying the "known" wells in our area. I have drawn a circle that circumscribes a one-half mile radius from our Municipal well. Page 1 displays the well south of 119th St, and page 2 that there are no wells north of 119th St. Page 3 displays the same circumscribed area but on an aerial map from Sumner County GIS services to allow for better identification of wells. This area of Sumner County does not have a rural water district, so all of the houses in Page 3 have domestic wells. Very few of these wells are on Page 1 of the KGS well maps. Pages 4 – 6 display the owner and their address for the properties to the West and South of our property. The property has a pin in it. Page 7 displays the property information directly east of our property.

In the South-East quadrant, there is a housing addition. The Sumner County tax parcel number for all of the parcels in the housing development is the same except for the last 3 digits. The one-half mile radius from our wells could include tax parcel numbers 022040000007010, 020, 030, 040, 060, 070, 080, 090, 100, 110, 120, and 260. Page 8 displays the owner and address for tax parcels 010, 020, and 030. Page 9 displays tax parcels 040, 060, and 070. Page 10 displays tax parcels 080, 090, 100, and 110. Page 11 displays tax parcel 120, and page 12 tax parcel 260. The Kansas Turnpike Authority is the only other well owner in the circumscribed area.

I believe that this is a complete and accurate listing of all the well owners in a one-half mile radius of our Municipal well.



WATER RESOURCES
RECEIVED

DEC 02 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

UNACCEPTABLE FOR PRIORITY
NOV 21 2016

KS DEPT OF AGRICULTURE

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

November 23, 2016

WYLDEWOOD CELLARS
DR JOHN BREWER
PO BOX 45
MULVANE KS 67110

WATER RESOURCES
RECEIVED

DEC 02 2016

KS DEPT OF AGRICULTURE

Re: Unacceptable Application

Dear Dr. Brewer

Returned herewith is your Application for Permit to Appropriate Water for Beneficial Use received by the Division of Water Resources on November 21, 2016 with Check No. 1517 in the amount of \$200. This application is not acceptable for filing in its present form. Our office only received page one of the five page application.

Effective July 1, 2009, K.S.A. 82a-709 requires all applicants for new appropriation rights for the beneficial use of water in the State of Kansas to provide evidence of legal access to or control of the point of diversion from the landowner or the landowner's authorized representative. Applicants may provide a copy of a recorded deed, lease, easement or other document with the application. **In lieu of providing this documentary evidence, you may sign Paragraph No. 6 of the original permit application (where indicated), which constitutes a sworn statement.** Please note that the enclosed new application must bear an **original signature**. Photocopies or fax signatures are not acceptable.

Additionally, Paragraph No. 16 of the application must be signed and dated by the applicant. Please sign and date the application where indicated and return it to our office. Again, photocopies or fax signatures are not acceptable.

Upon return of the acceptable application with required original signatures and information, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631 or alex.whitesell@kda.ks.gov.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

*Corrected
As Indicated
John Brewer*

enclosure

SCANNED

11-29-16

(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. 49737

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.

John A Brewer

Signature of Applicant

John A Brewer
(Print Applicant's Name)

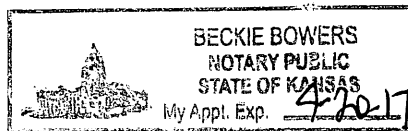
State of Kansas)
County of Sumner) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29th day of Nov., 20 16.

Beckie Bowers

Notary Public

My Commission Expires: 4-20-17



WATER RESOURCES RECEIVED

DEC 02 2016



497371

WATER RESOURCES
RECEIVED

DEC 02 2016

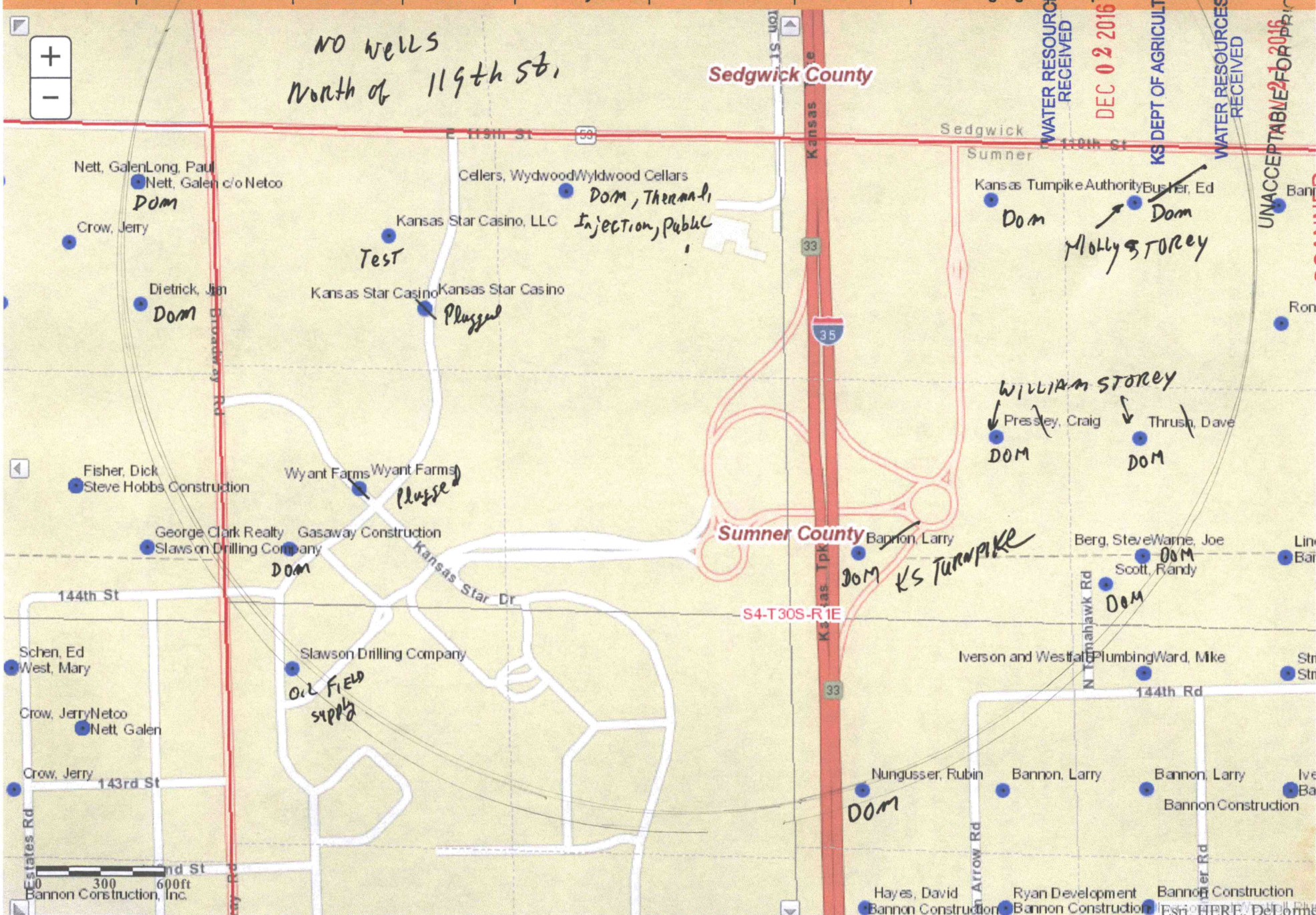
KS DEPT OF AGRICULTURE
SCANNED

Kansas Water Wells

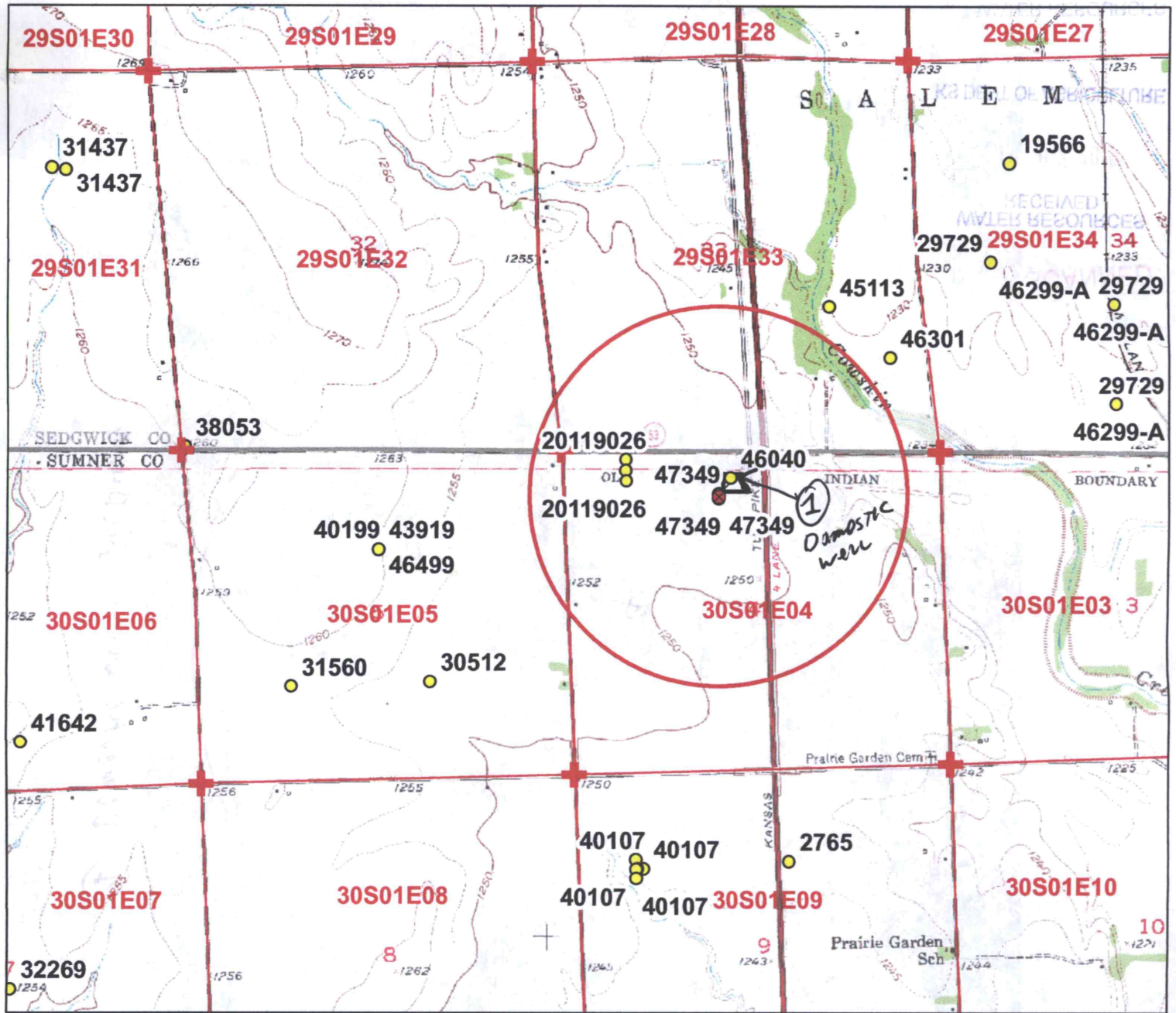
Kansas Geological Survey

Statewide View | Zoom to Location | Filter Wells | Label Wells | Classify Wells | Download Wells | Print to PDF | Clear Highlight | Help

49737

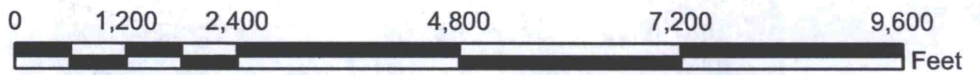


DOM = Domestic



Legend

- Water Appropriations
- ⊗ Proposed Point of Diversion
- ★ Domestic Well
- + Section Corner
- Section Lines
- County Line
- Proposed Place of Use



Water Appropriation, File No.

New Application Map
4-29S-1E // Sumner County

To the best of my knowledge, all of the domestic wells within 1/2 mile of the proposed point of diversion have been shown.

John M. [Signature]
Signature



49737



SCANNED

WATER RESOURCES RECEIVED

DEC 02 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED
UNACCEPTABLE FOR PRIORITY
NOV 21 2016

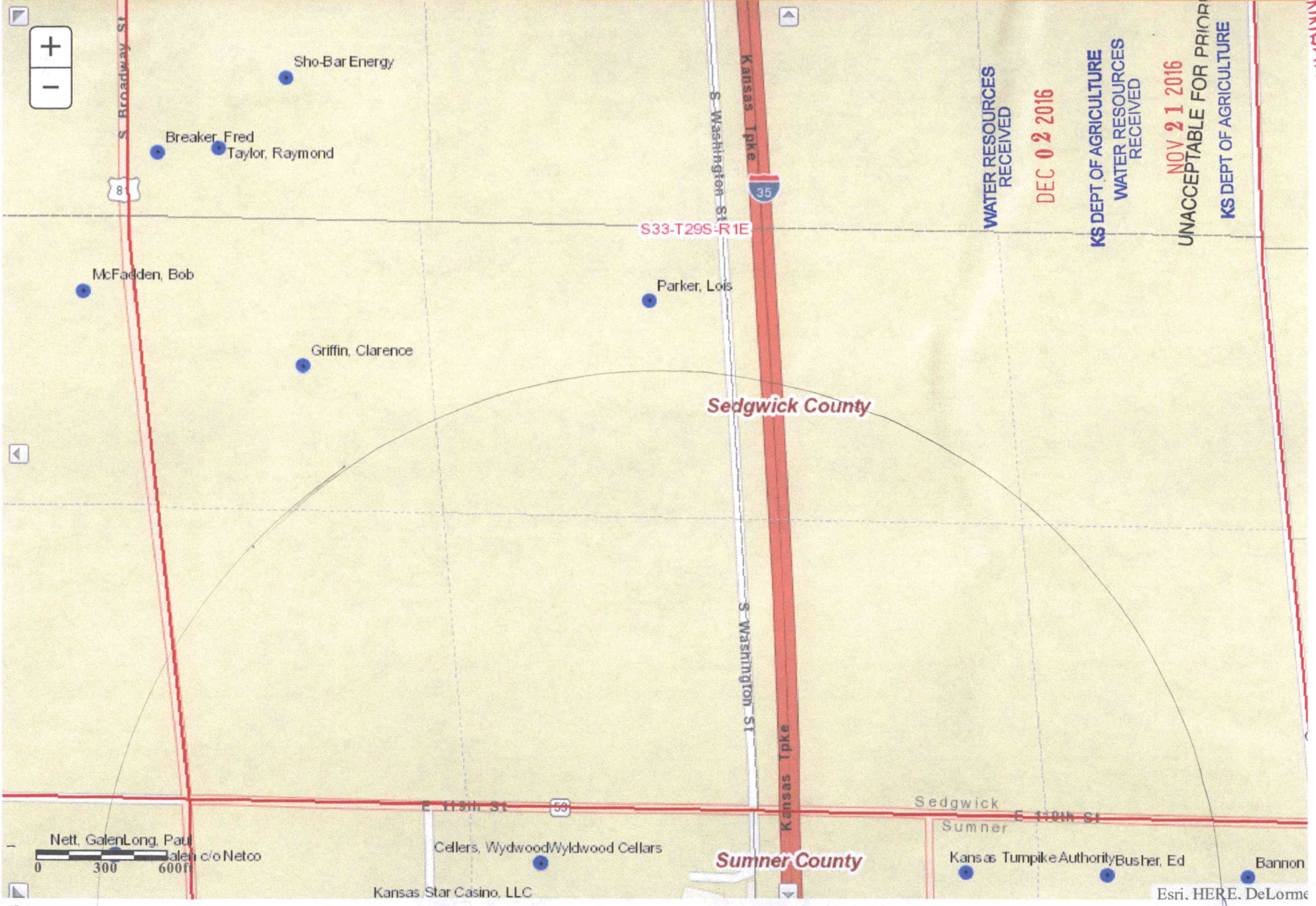
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① Domestic well - John Brown

30201E30

Statewide View | Zoom to Location | Filter Wells | Label Wells | Classify Wells | Download Wells | Print to PDF | Clear Highlight | Help

49737



UNACCEPTABLE



NO WEIRS NORTH OF 119th ST,

WATER RESOURCES RECEIVED

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WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

NOV 21 2016

KS DEPT OF AGRICULTURE



Property

Tax

GIS

PDF Map



WATER RESOURCES RECEIVED PRIORITY FOR 2016

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SCANNED

Search Results (2) Selected on Map

Owner Information	Property Address / Legal	Appraisal
096-023-05-0-00-00-001.00-0 QuickrefID = R1452 Taxyear = 2016 GROTHER, JOHN PAUL	1491 N BROADWAY RD, Peck, KS 67120 Acres = 108.10 NeighborhoodCode = 607.0	\$ 14,680 F \$ 45,560 A \$ 60,240 Total
096-023-05-0-00-00-001.01-0 QuickrefID = R304581 Taxyear = 2016 GROTHER, JOHN PAUL	000000 N BROADWAY RD, Peck, KS 67120 Acres = 13.10 NeighborhoodCode = 607.0	\$ 3,030 A \$ 3,030 Total

WATER RESOURCES RECEIVED

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Real Estate





WATER RESOURCES RECEIVED FOR PRIORITY NOV 21 2016

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Search Results (1) Selected on Map

Owner Information	Property Address / Legal	Appraisal	Real Estate
096-023-05-0-40-01-001.00-0 QuickrefID = R1458 Taxyear = 2016 HOBBS, JARAD J & JENNIFER	896 E 144TH AVE N, Peck, KS 67120 Acres = 1.00 NeighborhoodCode = 607.0	\$ 100,300 R \$ 100,300 Total	<input checked="" type="checkbox"/>

WATER RESOURCES RECEIVED

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Search Results (2) Selected on Map

Owner Information	Property Address / Legal	Appraisal
096-022-04-0-00-00-002.00-0 QuickrefID = R1304 Taxyear = 2016 KANSAS STAR CASINO,LLC	777 Kansas Star DR, Mulvane, KS 67110 Acres = 0.00 NeighborhoodCode = 515.0	\$ 166,797,500 C \$ 166,797,500 Total
096-022-04-0-00-00-002.01-1 QuickrefID = R306247 Taxyear = 2016 KSC LODGING,LC	785 Kansas Star DR, Mulvane, KS 67110 Acres = 0.00 NeighborhoodCode = 515.0	\$ 18,568,370 C \$ 18,568,370 Total

Real Estate

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PDF Map GIS Tax Property

Aerial Photos Map Layers



Search Results (4) Selected on Map

Owner Information	Property Address / Legal	Appraisal
096-022-04-0-00-00-001.00-0 QuickrefID = R1301 Taxyear = 2016 STOREY, MOLLY LOIS;REV TR	1463 N HYDRAULIC RD, Peck, KS 67120 Acres = 60.70 NeighborhoodCode = 607.0	\$ 115,800 F \$ 5,650 A \$ 121,450 Total
096-022-04-0-00-00-001.00-0 QuickrefID = R1301 Taxyear = 2016 STOREY, WILLIAM K;REV TR	1463 N HYDRAULIC RD, Peck, KS 67120 Acres = 60.70 NeighborhoodCode = 607.0	\$ 115,800 F \$ 5,650 A \$ 121,450 Total
096-022-04-0-00-00-001.01-0 QuickrefID = R1302 Taxyear = 2016 BREWER, JOHN A	951 E 119TH ST, Peck, KS 67120 Acres = 38.70 NeighborhoodCode = 517.0	\$ 7,150 A \$ 897,050 C \$ 904,200 Total

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Real Estate
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WATER RESOURCES RECEIVED

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- Property
- Tax
- GIS
- PDF Map



Aerial Photos

WATER RESOURCES RECEIVED FOR PRIORITY
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Owner Information	Property Address / Legal	Appraisal
096-022-04-0-00-00-007.01-0 QuickrefID = R1309 Taxyear = 2016 BERG, STEPHEN A & KRISTINA L	1442 N TOMAHAWK RD, Peck, KS 67120 Acres = 2.10 NeighborhoodCode = 607.0	\$ 197,520 R \$ 197,520 Total
096-022-04-0-00-00-007.02-0 QuickrefID = R1310 Taxyear = 2016 BALLINGER, ROBERT T & ALLISON M	1441 N TOMAHAWK RD, Peck, KS 67120 Acres = 2.00 NeighborhoodCode = 607.0	\$ 191,700 R \$ 191,700 Total
096-022-04-0-00-00-007.03-0 QuickrefID = R1311 Taxyear = 2016 BLISS, WADE E	1438 N TOMAHAWK RD, Peck, KS 67120 Acres = 1.90 NeighborhoodCode = 607.0	\$ 162,500 R \$ 162,500 Total

WATER RESOURCES RECEIVED

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 Real Estate



Phase 9



- Property
- Tax
- GIS
- PDF Map



Search Results (26) Selected on Map

BLISS, WADE E 096-022-04-0-00-00-007.04-0 QuickrefID = R1312 Taxyear = 2016 ANGLETON, RICKY L & DEBRA J	1436 N TOMAHAWK RD, Peck, KS 67120 Acres = 2.00 NeighborhoodCode = 607.0	\$ 169,140 R \$ 169,140 Total
096-022-04-0-00-00-007.05-0 QuickrefID = R1313 Taxyear = 2016 WARNE, JOE & BARBARA, TR	1434 N TOMAHAWK RD, Peck, KS 67120 Acres = 2.00 NeighborhoodCode = 607.0	\$ 182,410 R \$ 182,410 Total
096-022-04-0-00-00-007.06-0 QuickrefID = R1314 Taxyear = 2016 MARTIN, CHRISTINE E & PERRY	1435 N TOMAHAWK RD, Peck, KS 67120 Acres = 2.00 NeighborhoodCode = 607.0	\$ 134,900 R \$ 134,900 Total
096-022-04-0-00-00-007.07-0 QuickrefID = R1315 Taxyear = 2016 RYAN, SCOTT M & RHONDA S	1437 N TOMAHAWK RD, Peck, KS 67120 Acres = 2.10 NeighborhoodCode = 607.0	\$ 216,800 R \$ 216,800 Total

WATER RESOURCES RECEIVED

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WATER RESOURCES RECEIVED
WATER PRIORITY
WATER PRIORITY

SCANNED

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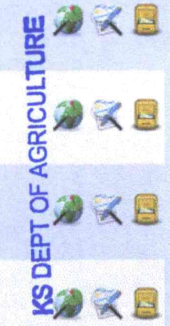


Search Results (26) Selected on Map

096-022-04-0-00-00-007.08-0 QuickrefID = R1316 Taxyear = 2016 SCHNEIDEWIND, TONIA A	1439 N TOMAHAWK RD, Peck, KS 67120 Acres = 2.10 NeighborhoodCode = 607.0	\$ 186,150 R \$ 186,150 Total
096-022-04-0-00-00-007.09-0 QuickrefID = R1317 Taxyear = 2016 CRUMPLER, HOWARD D	962 E 144TH AVE N, Peck, KS 67120 Acres = 4.50 NeighborhoodCode = 607.0	\$ 22,250 V \$ 22,250 Total
096-022-04-0-00-00-007.10-0 QuickrefID = R1318 Taxyear = 2016 KNAPP,RICHARD D & DEBBIE L	1433 N BROKEN ARROW RD, Peck, KS 67120 Acres = 3.20 NeighborhoodCode = 607.0	\$ 195,090 R \$ 195,090 Total
096-022-04-0-00-00-007.11-0 QuickrefID = R1319 Taxyear = 2016 SLACK, LARRY E & MARTHA L	1429 N BROKEN ARROW RD, Peck, KS 67120 Acres = 2.40 NeighborhoodCode = 607.0	\$ 229,060 R \$ 229,060 Total
096-022-04-0-00-00-007.12-0 QuickrefID = R1320	1427 N BROKEN ARROW RD, Peck, KS 67120	\$ 171,180 R

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WATER RESOURCE RECEIVED

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Search Results (26) Selected on Map

SLACK, LARRY E & MARTHA L 096-022-04-0-00-00-007.12-0 QuickrefID = R1320 Taxyear = 2016	1427 N BROKEN ARROW RD, Peck, KS 67120 Acres = 2.40 NeighborhoodCode = 607.0	\$ 171,180 R \$ 171,180 Total
WILLIAMS, LEON & DEBRA A 096-022-04-0-00-00-007.13-0 QuickrefID = R1321 Taxyear = 2016	1421 N BROKEN ARROW RD, Peck, KS 67120 Acres = 2.40 NeighborhoodCode = 607.0	\$ 201,510 R \$ 201,510 Total
HURST, JAMES G & TAMALA M 096-022-04-0-00-00-007.14-0 QuickrefID = R1322 Taxyear = 2016	1417 N BROKEN ARROW RD, Peck, KS 67120 Acres = 2.40 NeighborhoodCode = 607.0	\$ 148,800 R \$ 148,800 Total
MAZZONI, JOHN M & DESIREE J 096-022-04-0-00-00-007.15-0 QuickrefID = R1323 Taxyear = 2016	1413 N BROKEN ARROW RD, Peck, KS 67120 Acres = 2.30 NeighborhoodCode = 607.0	\$ 43,050 R \$ 43,050 Total
WARD, MICHAEL G		

WATER RESOURCES RECEIVED

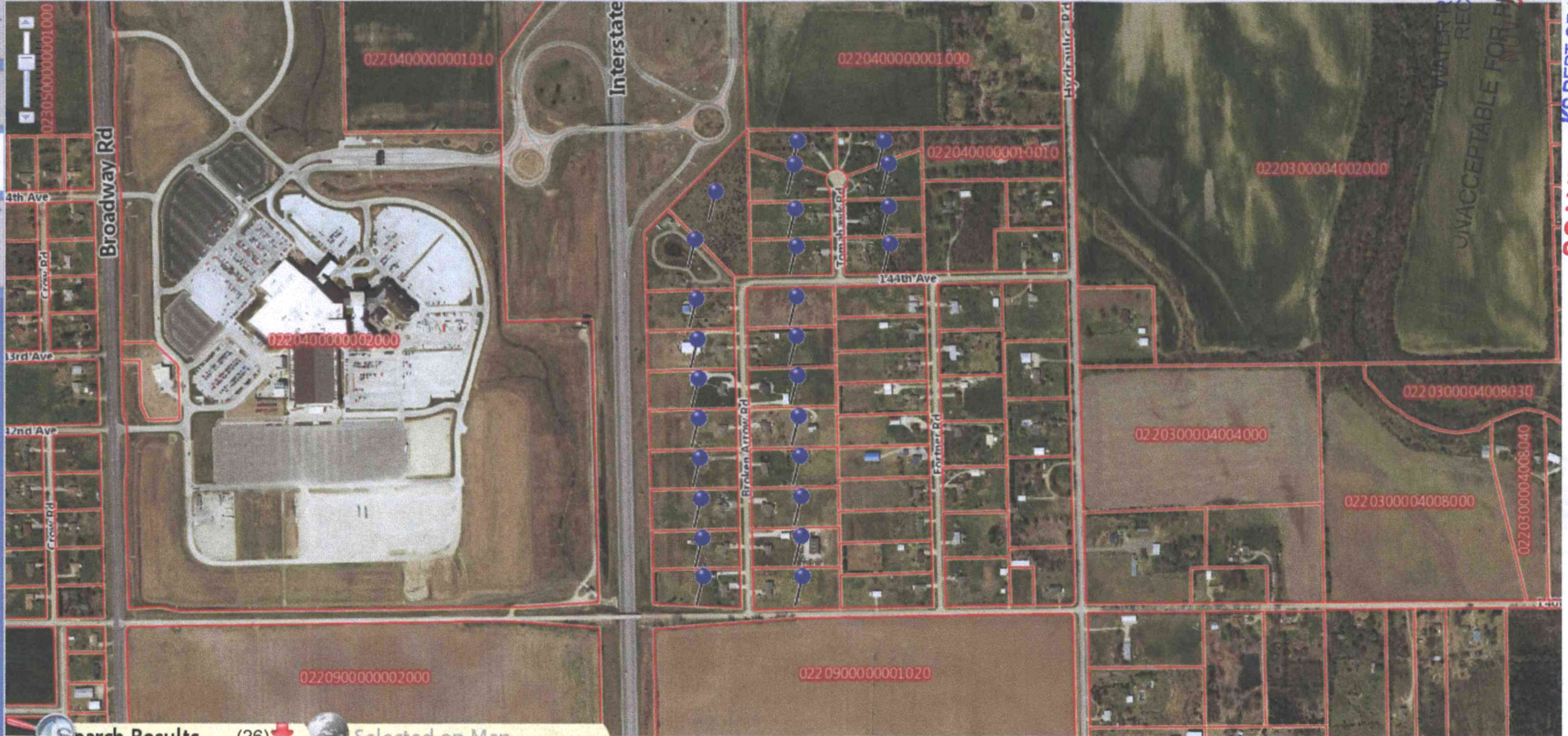
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ACCEPTABLE FOR PRIORITIZATION 2016

SCANNED KS DEPT OF AGRICULTURE



Search Results (26) Selected on Map

QuickrefID = R1331 Taxyear = 2016 EVERHART, ARETTA A	Acres = 2.40 NeighborhoodCode = 607.0	\$ 206,330 R \$ 206,330 Total
096-022-04-0-00-00-007.24-0 QuickrefID = R1332 Taxyear = 2016 MARINER, DONALD W JR	1426 N BROKEN ARROW RD, Peck, KS 67120 Acres = 2.40 NeighborhoodCode = 607.0	\$ 215,140 R \$ 215,140 Total
096-022-04-0-00-00-007.25-0 QuickrefID = R1333 Taxyear = 2016 TROYER, DOUGLAS K	1428 N BROKEN ARROW RD, Peck, KS 67120 Acres = 2.40 NeighborhoodCode = 607.0	\$ 147,200 R \$ 147,200 Total
096-022-04-0-00-00-007.26-0 QuickrefID = R1334 Taxyear = 2016 DIETRICH, DONALD	WENZEL 1ST ADD, S04, T30, R01E, Lot 19, ACRES 2.4 Acres = 2.40 NeighborhoodCode = 607.0	\$ 17,000 V \$ 17,000 Total

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