

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

1. File Number: <p style="text-align: center;">49,799</p>	2. Status Change Date: <p style="text-align: center;">12/10/2018</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD:
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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 **61691**
New to system Add Seq# _____

**JEFFREY D NEISES
2236 BASSWOOD CT
DERBY KS 67037**

7b. Landowner(s) Person ID **60597**
New to system Add Seq# _____

**JEANNETTE M NUNEMAKER
1318 E 30TH AVE N
WELLINGTON KS 67152**

7c. Landowner(s) Person ID **60596**
New to system Add Seq# _____

**NEISES FARMS LLC
JEFFREY D NEISES MANAGER
2236 BASSWOOD CT
DERBY KS 67037**

7d. Landowner Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID **60596**
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

**NEISES FARMS LLC
JEFFREY D NEISES MANAGER
2236 BASSWOOD CT
DERBY KS 67037**

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: **10/31/18** By: **MJM**
Date Entered: **12/10/2018** By: **UM**

File No. **49,799** 15. Formation Code: Drainage Basin: **Ninnescah River** County: **SU** Special Use: Stream: **Ninnescah River Trib 2 (Ninnescah)**

16. Points of Diversion										17. Rate and Quantity				
MOD DEL ENT	PDIV Qualifier	S	T	R	ID	'N	'W	Authorized		Additional				
								Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files		
Mad	85955 SENESE	24	31S	1E	5	1743	255	1200	130	1200	130	None		

18. Storage: Rate **Nat Flows** NF Quantity **48.1** ac/ft Additional Rate **Nat Flows** NF Additional Quantity **48.1** 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																		Total	Owner	Chg? NO	Overlap Files				
MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
						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				
√	60314	24	31S	1E	2			30	20														50	7c.	None
√	60315	24	31S	1E	3										8	36	3	3					50	7b.	None
TOTAL																					100	TOTAL			

Comments: **Requesting 130AF @ 1200 gpm for rediversion for irrigation use, 48.1 AF for evap and storage @ nat flows. Total 178.1 AF**
Application #49966 dismissed at applicants request so no overlap

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: October 31, 2018

FROM: Matt Meier

RE: Application File No. 49,799

Jeffrey Neises has filed the above referenced new application proposing to appropriate 178.1 acre-feet (AF) of surface water for irrigation use through the collection and storage of natural flows of an unnamed trib (named Trib 2 3906 in office) of the Ninnescah River in a proposed reservoir. The requested point of diversion is a dam/control point located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE¼ NE¼ SE¼) of Section 24, more particularly described as being near a point 1,743 feet North and 255 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County. The water will be stored for subsequent re-diversion for irrigation use from the reservoir. There are no overlapping water rights on the proposed point of diversion and place of use. The applicant has signed the application form stating that he has legal access to the point of diversion.

The place of use is described as a total of 100 acres located in the Southeast Quarter (SE1/4) of Section 24, in Township 31 South, Range 1 East, Sumner County. The place of use is owned by the Neises Farms LLC and Jeannette Nunemaker.

Based on information provided by the applicant, the surface area of the reservoir will be approximately 4.8 acres, the capacity of the pond is approximately 39.3 AF, and the quantity requested for direct irrigation use is 130 AF at a re-diversion rate of 1,200 gallons per minute (gpm).

Potential net evaporation in inches, per K.A.R. 5-6-3, is 22 inches; therefore the natural evaporation can be estimated as follows;

$$4.8 \text{ acres} \times 22 \text{ inches of evaporation} / 12 \text{ inches} = 8.8 \text{ AF}$$

As per K.A.R. 5-6-5, if the maximum annual quantity of water requested for re-diversion exceeds the reservoir capacity, the maximum annual quantity of water authorized to be diverted and stored in any one year shall not exceed the total of the following:

1. The annual quantity of water re-diverted for beneficial use (130 AF);
2. The reservoir capacity (39.3 AF);
3. One year of indirect use from the reservoir (8.8 AF Evap.)

Therefore, the maximum quantity that can be requested is $130 \text{ AF} + 39.3 \text{ AF} + 8.8 \text{ AF} = 178.1 \text{ AF}$. As such, the requested quantity of 178.1 AF appears to be reasonable.

Per K.A.R. 5-6-4 a runoff calculation was ran for the drainage area. Based on a drainage area of 447 acres, runoff computations have determined that the drainage area will result in 335.25 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, runoff quantity is not a limiting factor.

The applicant listed 1 adjacent landowners within one-half (½) mile upstream and downstream. Nearby notification letters were sent out on September 19, 2018. No contact of any kind was received. The WRIS database indicates that there are two other surface water rights within a two-mile radius circle of the proposed point of diversion, the closest is File No. 49,257 which is located 1.12 miles away on a different stream and drainage area. Therefore, approval of this application should not impair any senior water rights.

The applicant has applied for a DWR Water Structures permit (LSU-0135) after consulting with the structures branch.

The requested quantity of water for direct use, 130 acre-feet, is to irrigate the proposed 100 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Summer County, Kansas. The requested re-diversion rate of 1,200 gpm also appears reasonable based on the irrigation system design and the area of the place of use. 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.

The applicant has submitted a signed Minimum Desirable Streamflow form for each application, which have been properly notarized. By completing these statements, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under these permits.

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. An approved water flow meter shall be installed on the secondary diversion works (pumpsite) for File No. 49,799. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

On October 26, 2018, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended that the referenced application should be approved.

Based on the above discussion, that this area is open to new appropriations, the proposed appropriations of water appear reasonable, DWR Water Structures permit being applied for, and there is no evidence that senior rights will be impaired, it is recommended that the referenced applications be approved.

Matt Meier
Environmental Scientist
Stafford Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STAFFORD FIELD OFFICE
300 S. MAIN STREET
STAFFORD, KS 67578-1521



PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

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

FILE COPY

JEFFREY D NEISES
2236 BASSWOOD CT
DERBY KS 67037

December 13, 2018

RE: Application, File No. 49,799

Dear Mr. Neises:

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 on the re-diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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,

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

Enclosures

pc: Stafford Field Office
Jeannette M. Nunemaker



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. **49,799** of the applicant

**JEFFREY D NEISES
2236 BASSWOOD CT
DERBY KS 67037**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **March 17, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
24	31S	1E			30	20								8	36	3	3	100	

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Ninescah River, designated in the office of the Chief Engineer as Ninescah River Trib 2 (Ninescah), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **48.1 acre-feet** per calendar year (39.3 acre-feet storage and 8.8 acre-feet evaporation losses) in one (1) reservoir, the control point/dam will be located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 24, more particularly described as being near a point 1,743 feet North and 255 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County, Kansas, to provide **130 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,200 gallons per minute (2.674 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. 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, which is currently \$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, which is currently \$100.00.

5. 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, which is currently \$100.00.

6. 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.

7. 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.

8. 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.

9. 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.

10. That all re-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 re-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.

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

12. 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.

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

14. 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.

15. 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.

16. That the applicant shall ensure the ability to effectively bypass inflows by providing an adequate bypass of the dam either by tube, valve, siphon, pump, or other acceptable method, over, through, or around the dam to the channel below in an efficient and timely manner when required for administration of water rights.

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 10th day of December, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 10th day of December, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 13th day of December, 2018, I hereby certify that the foregoing Approval of Application, File No. 49,799, dated December 19th 2018 was mailed postage prepaid, first class, US mail to the following:

JEFFREY D NEISES
2236 BASSWOOD CT
DERBY KS 67037

With photocopies to:

JEANNETTE M NUNEMAKER
1318 E 30TH AVE N
WELLINGTON KS 67152

Stafford Field Office



Division of Water Resources

THE STATE OF KANSAS



1/10/18
APPLICATION COMPLETE
Reviewer MSW/SEFO

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

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

File Number 49799
This item to be completed by the Division of Water Resources.

MAR 17 2017
12:32
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): Jeffrey Neises
Address: 2236 N Basswood Ct
City: Derby State KS Zip Code 67037
Telephone Number: (316) 841-3907

2. The source of water is: surface water in Unnamed Trib (Ninnescah River) Trib 2 3906
(stream)
OR groundwater in (Ninnescah River Drainage Basin)
(drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. (130AF Irrigation, 8.8AF Evap, 39.3AF Storage)

3. The maximum quantity of water desired is 178.1 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of Nat Flows 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. *1200 gpm re-diversion rate, confirmed 10/25/18 via phone call with applicant.*

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

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

For Office Use Only:
F.O. 2 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G(S) County SJ By AW Date 3/17/17
Code 162 Fee \$ 300 TR # _____ Receipt Date 3/17/17 Check # 2551

SCANNED
3/20/2017 LLM

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 SE quarter of the NE quarter of the SE quarter of Section 24, more particularly described as being near a point 1743 feet North and 255 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

6. The owner of the point of diversion, if other than the applicant is (please print):

Jeannette Nunemaker 53 Westborough Wellington, KS 67152
(name, address and telephone number) 316-210-3797

(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 3-6, 2017. Jeffrey Neiser
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 Dam/Storage pond and one re-diversion site
(number of wells, pumps or dams, etc.)
and will be completed (by) ASAP
(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)

WATER RESOURCES
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MAR 17 2017

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 Pond capacity and dam height are less than 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.

None

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MAR 17 2017

KS DEPT OF AGRICULTURE

SCANNED

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>N.A.</u>	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Son
(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):

Jeannette Nunemaker 53 Westborough rd Wellington, KS 67152
 (name, address and telephone number) 316-210-3797

Neises Farms, LLC 2236 N Basswood ct Derby, KS 67037 316-841-3907
 (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 Derby, Kansas, this 6 day of March, 2017.
(month) (year)

Jeffrey Neises
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by MJM/SFFO

ESII
(office/title)

Date: 3/6/2017

WATER RESOURCES
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KS DEPT OF AGRICULTURE

SCANNED

49799

Quantity Calculation

The applicant worked with NRCS to come up with a rough design and storage capacity of the pond. The full pond will roughly follow the 1,192-foot elevation line, which provides a surface area of approximately 4.8 acres and a storage capacity of 39.3 AF.

T31S R1E: 22" Evap.

Evaporation: $4.8 \times 22 = 105.6/12 = 8.8\text{AF}$ Evap

Storage Capacity: 39.3 AF

Direct Use: 100 acres Irr $\times 1.3 = 130$ AF

Total Quantity: 130 AF (D.U.) + 8.8AF (Evap) + 39.3 AF (Storage) = 178.1 AF

Names and Addresses of Property Owners ½ Upstream & Downstream of Property Lines

Michael Neises 1277 E 50th ave N Belle Plaine, KS
both upstream and downstream 67013

WATER RESOURCES
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IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): _____

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Jeannette Nunemaker
 ADDRESS: 53 Westborough rd Wellington, KS 67152

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
24	31S	1E			30	20										8	36	3	3	100

Landowner of Record NAME: Neises Farms LLC c/o Jeffrey Neises
 ADDRESS: 2236 N Basswood ct Derby, KS 67037

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
24	31S	1E			30	20														

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<i>Vanoss silt loam</i>	<i>27.6</i>	_____	_____
<i>Dale and Reinach silt loam</i>	<i>1.5</i>	_____	_____
<i>Elandco silty clay loam</i>	<i>70.8</i>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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

- Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler
 _____ Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater: *tailwater should be very little and not require controll measures*

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: _____ psi
- (2) What is the sprinkler package design rate? _____ gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Corn, Soybeans, Wheat, Cotton

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Soil moisture sensors

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

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MAR 17 2017

JAN 10 2018

WATER RESOURCES RECEIVED

1-8-18

(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. 499666

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.

Jeffrey Neiser
Signature of Applicant

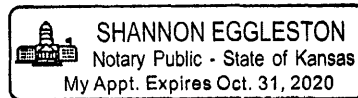
State of Kansas)
County of Sedgwick) ss)

Jeffrey Neiser
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 8th day of January, 2018.

Shannon Eggleston
Notary Public

My Commission Expires:
Oct 31, 2020



Water Resources
Received

MAR 22 2018

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

1743 ft N and 255 ft W of the SE Corner of Section 24, T 31S, R 1E

Located at: 97.258583 West Longitude and 37.338787 North Latitude

#49799

Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 28609	00	IRR	NK	G	6773	--	NC	S2	NW	3460	3695	20	31	2E	2		148.00	148.00	AF
A__ 31244	00	IRR	NK	G	6434	--	--	--	--	80	3770	17	31	2E	1		152.00	152.00	AF
A__ 39817	00	IRR	NK	G	7667	--	SE	NW	NE	4012	1481	13	31	1E	2	G 4	188.00	188.00	AF
Same					7612	--	SE	NW	NE	3968	1408	13	31	1E	3	B 4			
Same					7708	--	SE	NW	NE	4067	1402	13	31	1E	4	B 4			
Same					7678	--	SE	NW	NE	4001	1608	13	31	1E	5	B 4			
Same					7671	--	SE	NW	NE	4012	1507	13	31	1E	6	B 4			
A__ 39975	00	IRR	NK	G	10270	--	NE	SW	SE	1266	1383	12	31	1E	2	G 4	175.00	175.00	AF
Same					10377	--	NE	SW	SE	1368	1432	12	31	1E	3	B 4			
Same					10253	--	NW	SE	SE	1265	1234	12	31	1E	4	B 4			
Same					10165	--	NE	SW	SE	1166	1330	12	31	1E	5	B 4			
Same					10385	--	SE	NW	SE	1363	1536	12	31	1E	6	B 4			
A__ 41894	00	IRR	NK	G	9301	--	NW	SE	NE	3750	1163	20	31	2E	3		155.00	155.00	AF
A__ 44164	00	IRR	NK	G	5849	--	NE	SW	SE	1210	1548	18	31	2E	1	G 2	105.00	105.00	AF
Same					6054	--	SE	NW	SE	1356	1403	18	31	2E	2	B 2			
Same					5644	--	NE	SW	SE	1064	1693	18	31	2E	3	B 2			
A__ 46205	00	IRR	NK	G	6773	--	NE	NW	SW	2010	4094	13	31	1E	8		174.50	174.50	AF
A__ 46611	00	IRR	NK	G	9748	--	NW	SE	SW	1045	3705	7	31	2E	11	G 4	143.00	143.00	AF
Same					9492	--	NW	SE	SW	768	3605	7	31	2E	12	B 4			
Same					9974	--	NW	SE	SW	1234	3477	7	31	2E	13	B 4			
Same					9522	--	NW	SE	SW	852	3928	7	31	2E	14	B 4			
Same					10008	--	--	NC	SW	1325	3809	7	31	2E	15	B 4			
A__ 47040	00	IRR	NK	S	6783	--	NE	NW	SW	2039	4070	13	31	1E	7		417.00	288.50	AF
A__ 47613	00	IRR	LO	G	6987	--	NW	NE	SW	2548	3637	13	31	1E	10	G 4	270.60	5.30	AF
Same					7029	--	NW	NE	SW	2629	3576	13	31	1E	11	B 4	.00	.00	AF
Same					6953	--	NW	NE	SW	2476	3695	13	31	1E	12	B 4	.00	.00	AF
Same					6818	--	NW	NE	SW	2447	3469	13	31	1E	13	B 4	.00	.00	AF
Same					7152	--	NW	NE	SW	2640	3809	13	31	1E	14	B 4	.00	.00	AF
Same					4441	--	SE	SE	SW	145	2690	13	31	1E	15	G 3	203.00	5.30	AF
Same					4441	--	SE	SE	SW	145	2690	13	31	1E	16	B 3	.00	.00	AF
Same					4668	--	SE	SE	SW	415	2690	13	31	1E	17	B 3	.00	.00	AF
Same					4192	--	NE	NE	NW	5155	2690	24	31	1E	4	B 3	.00	.00	AF
A__ 47621	00	IRR	LO	G	10434	--	--	NC	SE	1070	1320	7	31	2E	23	B 4	176.80	176.80	AF
A__ 48065	00	IRR	HK	G	4734	--	SE	NW	NE	4200	1600	30	31	2E	6	G 4	169.00	169.00	AF
Same					4606	--	SE	NW	NE	4400	1600	30	31	2E	7	B 4			
Same					4867	--	SE	NW	NE	4000	1600	30	31	2E	8	B 4			
Same					4585	--	SE	NW	NE	4200	1800	30	31	2E	9	B 4			
Same					4888	--	SE	NW	NE	4200	1400	30	31	2E	10	B 4			
A__ 49257	00	IRR	KE	S*	5932	--	SW	NE	SE	1558	856	23	31	1E	1		115.70	115.70	AF
A__ 49799	00	IRR	AY	S	0	--	SE	NE	SE	1743	255	24	31	1E	5		178.10	178.10	AF
A__ 49834	00	IRR	AY	G	6956	--	--	NE	SE	2430	210	30	31	2E	11		180.00	180.00	AF
A__ 49966	00	IRR	AY	S	1146	--	--	--	SE	1320	1320	24	31	1E	6		140.00	140.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	498.10	.00
Total Permitted Amount (AF) =	284.70	.00

Total Inspected Amount (AF) =	187.40	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1529.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2499.20	.00

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

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

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

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

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

97.258583 West Longitude and 37.338787 North Latitude

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
A__  28609 00 IRR NK G
> MICHAEL NEISES
>
> 1277 E 50TH AVE N
> BELLE PLAINE KS 67013
>-----
A__  31244 00 IRR NK G
> CURT HOOBLER
>
> 1346 E 130TH AVE N
> MULVANE KS 67110
>-----
A__  39817 00 IRR NK G
> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110
>-----
A__  39975 00 IRR NK G
> FORREST G BUTTS
>
> 205 S CENTRAL AVE
> MULVANE KS 67110
>-----
A__  41894 00 IRR NK G
> DOUGLAS E HISKEN
>
> 1459 E 60TH AVE N
> BELLE PLAINE KS 67013
>-----
A__  44164 00 IRR NK G
> LEOLA L & JAMES H NEISES TRUST
>
> 1318 E WOODBROOK ST
> DERBY KS 67037
>-----

```

#49799

Report Date Thursday, August 9 2016

A__ . 46205 00 IRR NK G
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----

A__ 46611 00 IRR NK G
> STEVEN J & JAREN KAY BUTTS
>
> 2411 E 111 STREET SOUTH
> MULVANE KS 67110
>-----

A__ 47040 00 IRR NK S
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----

A__ 47613 00 IRR LO G
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----

A__ 47621 00 IRR LO G
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----

A__ 48065 00 IRR HK G
> RON NEISES
>
> 409 N ROCK RD
> BELLE PLAINE KS 67013
>-----

A__ 49257 00 IRR KE S
> MARK E & KARLA LAWLESS
>
> PO BOX 515
> BELLE PLAINE KS 67013
>-----

A__ 49799 00 IRR AY S
> NEISES FARMS LLC
> JEFFREY D NEISES MANAGER
> 2236 BASSWOOD CT
> DERBY KS 67037
>-----

A__ 49834 00 IRR AY G
> RON NEISES
>
> 409 N ROCK RD

> BELLE PLAINE KS 67013

>-----

A_ 49966 00 IRR AY S

> NEISES FARMS LLC

> JEFFREY D NEISES MANAGER

> 2236 BASSWOOD CT

> DERBY KS 67037

>-----

=====

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

1743 ft N and 255 ft W of the SE Corner of Section 24, T 31S, R 1E

Located at: 97.258583 West Longitude and 37.338787 North Latitude

SURFACE WATER ONLY

#49799

File Number	Use	ST	SR	Dist (mi)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
U. NW W. W A__	47040	00	IRR	NK	S	1.28	--	NE	NW	SW	2039	4070	13	31	1E	7	417.00	288.50	AF
A__	49257	00	IRR	KE	S*	1.12	--	SW	NE	SE	1558	856	23	31	1E	1	115.70	115.70	AF
A__	49799	00	IRR	AY	S	.00	--	SE	NE	SE	1743	255	24	31	1E	5	178.10	178.10	AF
A__	49966	00	IRR	AY	S	.22	--	--	--	SE	1320	1320	24	31	1E	6	140.00	140.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	318.10	.00
Total Permitted Amount (AF) =	115.70	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	288.50	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	722.30	.00

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

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

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

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

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

97.258583 West Longitude and 37.338787 North Latitude

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

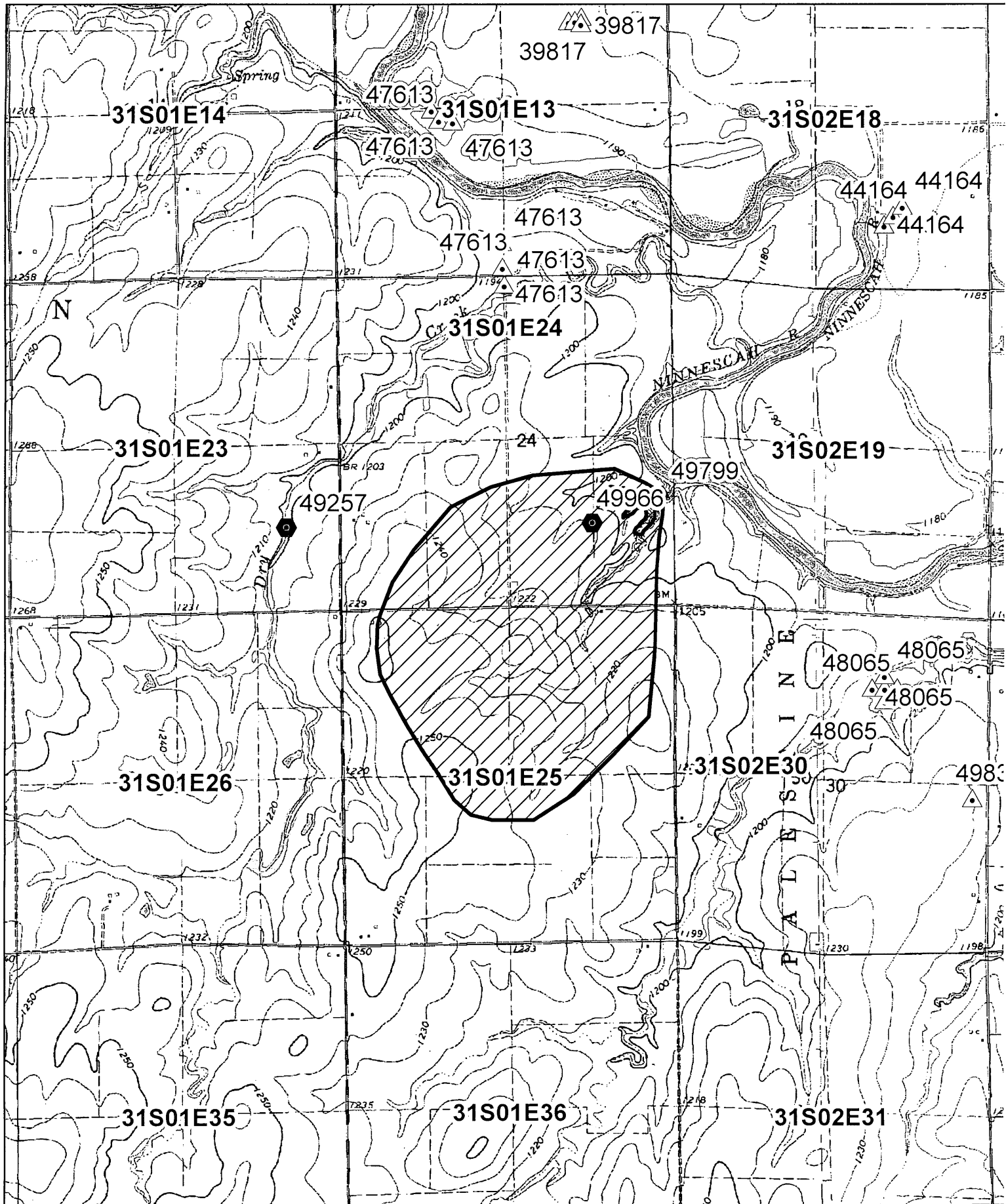
File Number	Use	ST	SR
A__	47040	00	IRR NK S
>	MARK E & KARLA LAWLESS		
>	PO BOX 515		
>	BELLE PLAINE KS 67013		
A__	49257	00	IRR KE S
>	MARK E & KARLA LAWLESS		
>	PO BOX 515		
>	BELLE PLAINE KS 67013		
A__	49799	00	IRR AY S
>	NEISES FARMS LLC		
>	JEFFREY D NEISES MANAGER		
>	2236 BASSWOOD CT		
>	DERBY KS 67037		
A__	49966	00	IRR AY S
>	NEISES FARMS LLC		
>	JEFFREY D NEISES MANAGER		
>	2236 BASSWOOD CT		


> DERBY KS 67037

>-----

=====

Drainage Area - 447 Acres



 Drainage Area

 Wells

1 inch = 2,000 feet

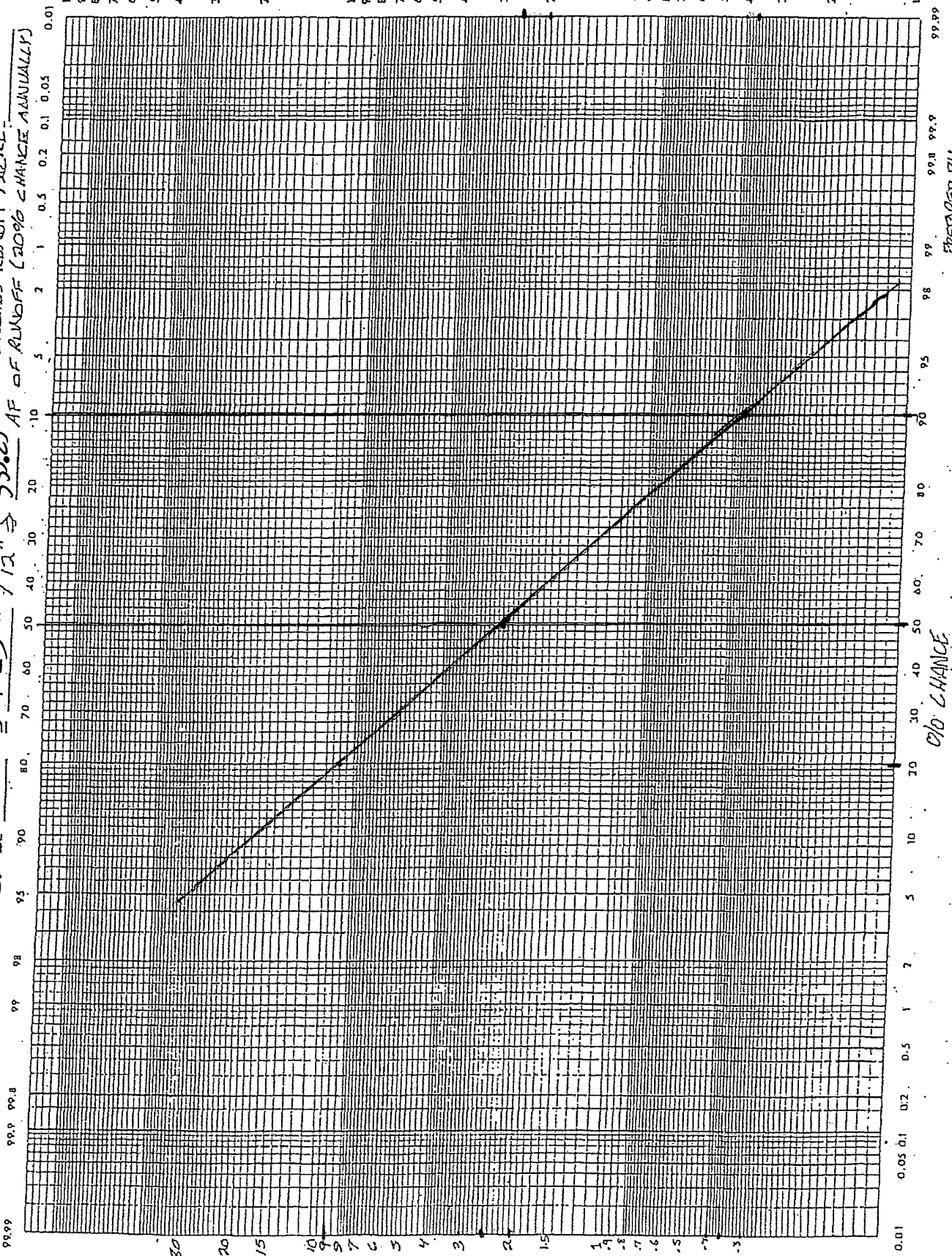
0 0.15 0.3 0.6 0.9 1.2 Miles



FILE No. 49799
447 ACRES IN DRAINAGE x 9 " = 4023 " / 12 " ⇒ 335.25 AF

SOIL: "75" PRECIP: 31 "

INCHES RUNOFF / ACRE:
 OF RUNOFF (20% CHANCE ANNUALLY)



PREPARED BY:

20 CHANCE

36

25

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STAFFORD FIELD OFFICE
300 S. MAIN STREET
STAFFORD, KS 67578-1521

PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

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

September 19, 2018

Michael Neises
1277 E 50th Ave N
Belle Plaine, KS 67013

Re: Pending Application, File No. 49,799

Dear Sir:

This is to advise you that Jeffrey Neises has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 178.1 acre-feet of surface water per calendar year and re-divert 130 acre-feet of the stored water for Irrigation use. The proposed point of diversion for 49,799 is a pond and pump site located as follows:

Southeast quarter of the Northeast quarter of the Southeast quarter of Section 24, Township 31 South, Range 1 East, Sumner County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you own property 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

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STAFFORD FIELD OFFICE
300 S. MAIN STREET
STAFFORD, KS 67578-1521



PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

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



1:12,000

2017 aerial



Legend

- Section Corners
- Section Lines

MJM-DWR 9/19/18

Proposed Water Appropriation, File No. 49,799
24-31S-1E
Sumner County



49799

NEW STREAM WORKSHEET

ES AW

Date: 3/17/17

File No. _____

Basin Name: Ninnescah Basin No. 52

Stream Name: Ninnescah River Trib 2 (Ninnescah)

Stream location (confluence with parent stream):

Section 19, Township 31 South, Range 2 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3906 (computer assigned - entered by data entry staff)

Date Entered 3/20/2017 By LLM



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

March 17, 2017

JEFFREY NEISES
2236 N BASSWOOD CT
DERBY KS 67037

FILE COPY

RE: Application
File No. 49799

Dear Sir or Madam:

Your application for permit to appropriate water in 24-31S-01E 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

Meier, Matt [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, January 2, 2018 9:56 AM
To: Meier, Matt [KDA]; Conant, Cameron [KDA]
Subject: FW: WR 49799

Follow Up Flag: Follow up
Flag Status: Flagged

From: Phillips, Janelle [KDA]
Sent: Tuesday, January 2, 2018 9:42 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: WR 49799

Subject: WR 49799

I am sending the structure's permit for this water right for approval today. The owner revised his embankment height to 24 feet.

Janelle N. Phillips, P.E., C.F.M., LEED-AP
Stream Permit Team Lead
Water Structures Program
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502
785-564-6656
My email has changed: janelle.phillips@ks.gov

Analytical-Consistency-Learner-Discipline-Deliberative

RESERVOIR CAPACITY TABLE

	ELEV.	AREA (ACRES)	ACRE-FEET	TOTAL ACRE-FEET
Stream Bed	1171	0.024520662	0	0
	1172	0.10643012	0.1	0.1
	1173	0.175758263	0.1	0.2
	1174	0.235496615	0.2	0.4
	1175	0.310690441	0.3	0.7
	1176	0.419108461	0.4	1.1
	1177	0.528545866	0.5	1.5
	1178	0.660347836	0.6	2.1
	1179	0.787218274	0.7	2.8
	1180	0.91309554	0.9	3.7
	1181	1.063631522	1.0	4.7
	1182	1.214964191	1.1	5.8
	1183	1.38645859	1.3	7.1
	1184	1.576639233	1.5	8.6
	1185	1.759068215	1.7	10.3
	1186	1.972854816	1.9	12.1
	1187	2.206367324	2.1	14.2
	1188	2.48470891	2.3	16.6
	1189	2.798818471	2.6	19.2
	1190	3.148818471	3.0	22.2
	1191	3.798818471	3.5	25.7
	1192	4.708818471	4.3	29.9

Contour	Area	Total Area
1171	0.024521	0.024521
1172	0.081909	0.106430
1173	0.069328	0.175758
1174	0.059738	0.235497
1175	0.075194	0.310690
1176	0.108418	0.419108
1177	0.109437	0.528546
1178	0.131802	0.660348
1179	0.126870	0.787218
1180	0.125877	0.913096
1181	0.150536	1.063632
1182	0.151333	1.214964
1183	0.171494	1.386459
1184	0.190181	1.576639
1185	0.182429	1.759068
1186	0.213787	1.972855
1187	0.233513	2.206367
1188	0.278342	2.484709
1189	0.314110	2.798818
1190	0.350000	3.148818
1191	0.650000	3.798818
1192	0.910000	4.708818

Draft

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: October 26, 2018

FROM: Matt Meier

RE: Application File No. 49,799

Jeffrey Neises has filed the above referenced new application proposing to appropriate 178.1 acre-feet (AF) of surface water for irrigation use through the collection and storage of natural flows of an unnamed trib (named Trib 2 3906 in office) of the Ninnescah River in a proposed reservoir. The requested point of diversion is a dam/control point located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE¼ NE¼ SE¼) of Section 24, more particularly described as being near a point 1,743 feet North and 255 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County. The water will be stored for subsequent re-diversion for irrigation use from the reservoir. There are no overlapping water rights on the proposed point of diversion and place of use. The applicant has signed the application form stating that he has legal access to the point of diversion.

The place of use is described as a total of 100 acres located in the Southeast Quarter (SE1/4) of Section 24, in Township 31 South, Range 1 East, Sumner County. The place of use is owned by the Neises Farms LLC and Jeannette Nunemaker.

Based on information provided by the applicant, the surface area of the reservoir will be approximately 4.8 acres, the capacity of the pond is approximately 39.3 AF, and the quantity requested for direct irrigation use is 130 AF at a re-diversion rate of 1,200 gallons per minute (gpm).

Potential net evaporation in inches, per K.A.R. 5-6-3, is 22 inches; therefore the natural evaporation can be estimated as follows;

$$4.8 \text{ acres} \times 22 \text{ inches of evaporation} / 12 \text{ inches} = 8.8 \text{ AF}$$

As per K.A.R. 5-6-5, if the maximum annual quantity of water requested for re-diversion exceeds the reservoir capacity, the maximum annual quantity of water authorized to be diverted and stored in any one year shall not exceed the total of the following:

1. The annual quantity of water re-diverted for beneficial use (130 AF);
2. The reservoir capacity (39.3 AF);
3. One year of indirect use from the reservoir (8.8 AF Evap.)

Therefore, the maximum quantity that can be requested is $130 \text{ AF} + 39.3 \text{ AF} + 8.8 \text{ AF} = 178.1 \text{ AF}$. As such, the requested quantity of 178.1 AF appears to be reasonable.

Per K.A.R. 5-6-4 a runoff calculation was ran for the drainage area. Based on a drainage area of 447 acres, runoff computations have determined that the drainage area will result in 335.25 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, runoff quantity is not a limiting factor.

The applicant listed 1 adjacent landowners within one-half (½) mile upstream and downstream. Nearby notification letters were sent out on September 19, 2018. No contact of any kind was received. The WRIS database indicates that there are two other surface water rights within a two-mile radius circle of the proposed point of diversion, the closest is File No. 49,257 which is located 1.12 miles away on a different stream and drainage area. Therefore, approval of this application should not impair any senior water rights.

- Concur w/ Recommendation Approve it
JL
w.l.

The applicant has applied for a DWR Water Structures permit (LSU-0135) after consulting with the structures branch.

The requested quantity of water for direct use, 130 acre-feet, is to irrigate the proposed 100 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Summer County, Kansas. The requested re-diversion rate of 1,200 gpm also appears reasonable based on the irrigation system design and the area of the place of use. 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.

The applicant has submitted a signed Minimum Desirable Streamflow form for each application, which have been properly notarized. By completing these statements, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under these permits.

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. An approved water flow meter shall be installed on the secondary diversion works (pumpsite) for File No. 49,799. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

Based on the above discussion, that this area is open to new appropriations, the proposed appropriations of water appear reasonable, DWR Water Structures permit being applied for, and there is no evidence that senior rights will be impaired, it is recommended that the referenced applications be approved.

Matt Meier
Environmental Scientist
Stafford Field Office



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

★ Domestic Wells

⊕ Proposed PD

▲ Water Rights

⊕ SFFOsec_corners

▨ Proposed Place Of Use

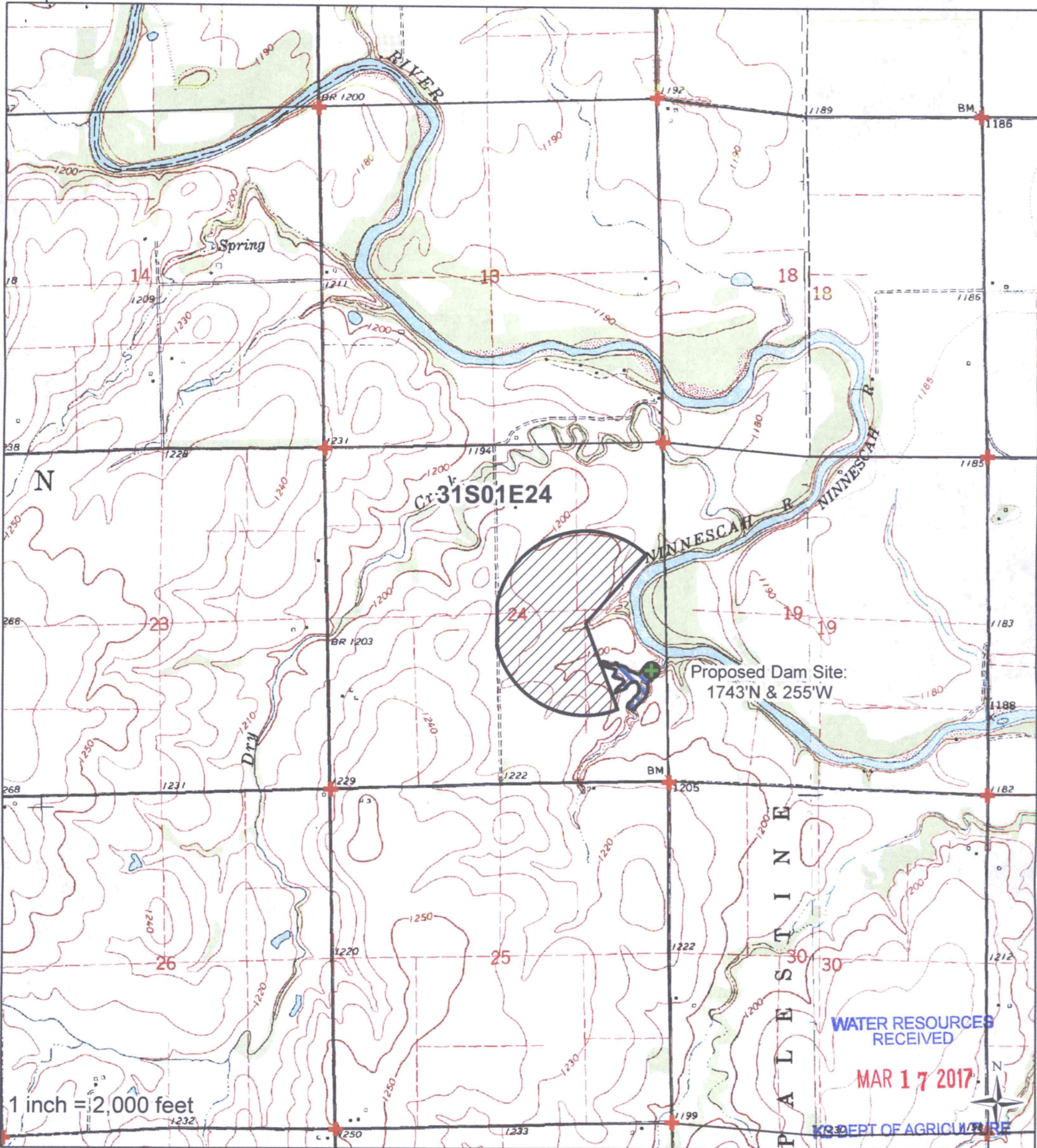
Signature _____ Date _____

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

Created By: Matt Meier
F.O. 2
Date: 2/28/2017

SCANNED





I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- ★ Domestic Wells
- ⊕ ProposedPD
- ▲ Water Rights
- ⊕ SFFOsec_corners
- ▨ ProposedPlaceOfUse

Signature _____ Date _____

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

Created By: Matt Meier
F.O. 2
Date: 2/28/2017

SCANNED