

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: May 16, 2018

FROM: Alex Whitesell

RE: Application, File Nos. 49,818 & 49,819

Plumb Thicket MFG Inc. has filed the referenced applications to appropriate a combined 72 acre-feet of groundwater for recreational use to maintain water levels in two existing ponds in Barber County, Kansas. File No. 49,818 overlaps in point of diversion with Water Right, File No. 19,188 and is requesting a rate of 65 gallons per minute. File No. 49,819 overlaps in point of diversion with Water Right File Nos. 3,537 and 15,892 and is requesting a rate of 130 gallons per minute. Both proposed new applications overlap in place of use with Water Right File Nos. 3,537; 15,892; and 19,188.

The applications will provide a complete place of use and point of diversion overlap with Water Right File Nos. 3,537; 15,892; and 19,188. File No. 49,818 will be limited to 22 acre-feet for recreation use when combined with Water Right, File No. 19,188. File No. 49,819 will be limited to 50 acre-feet for recreation use when combined with Water Right, File Nos. 3,537 and 15,892. These two applications will provide a total quantity of 72 acre-feet on the place of use. This quantity is justifiable based on past water use which reported 64.47 acre-feet in 2016 and 65.29 acre-feet in 2017 on the place of use.

Information about the geologic source of supply is limited in this area of the state. However, the source of supply for the pending applications was determined to be Quaternary System based on area well logs and the Harper County Kansas Geological Bulletin which borders the section in which the points of diversion are located.

For File No. 49,818, the area of the proposed point of diversion is open to new appropriations, subject to safe yield. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. The safe yield area of consideration is a portion of the two-mile circle, 3,981 acres using 1.5 inches of potential annual recharge and 50% recharge available for appropriation. The safe yield was calculated to be 248.82 acre-feet with total prior appropriation of 62 acre-feet leaving 154.88 acre-feet available for appropriation. Therefore, the application meets safe yield.

For File No. 49,819, the area of the proposed point of diversion is open to new appropriations, subject to safe yield. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. The safe yield area of consideration is a portion of the two-mile circle, 3,981 acres using 1.5 inches of potential annual recharge and 50% recharge available for appropriation. The safe yield was calculated to be 248.82 acre-feet with total prior appropriation of 186 acre-feet leaving 62.82 acre-feet available for appropriation. Therefore, the application meets safe yield.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the diversion works for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will need to be installed. Water level measurement tubes will also be required because this is a new well exceeding 100 gpm.

In an email message dated May 15, 2018, Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the application.

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



Alex Whitesell
Environmental Scientist
Division of Water Resources

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

PLUMB THICKET MFG INC
421 E 21ST N
WICHITA KS 67214-1233

July 5, 2018

FILE COPY

RE: Appropriation of Water
File No. 49,819

Dear Sir or Madam:

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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

KAB:ajw
Enclosures
pc: Stafford Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

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

This is to certify that I have examined Application, **File No. 49,819** of the applicant

**PLUMB THICKET MFG INC
421 E 21ST N
WICHITA KS 67214-1233**

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

1. That the priority date assigned to such application is **April 10, 2017**.
2. That the water sought to be appropriated shall be used for recreational use in two (2) reservoirs, located in the Southwest Quarter of the Northwest Quarter and the West Half of the Southwest Quarter Section 34, in Township 31 South, Range 10 West, Barber County, Kansas.
3. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **130 gallons per minute (0.29 c.f.s.)** and to a quantity not to exceed **50 acre-feet** of water for any calendar year.
4. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 1,251 feet North and 3,595 feet West of the Southeast corner of said section, in Township 31, South, Range 10 West, Barber County, Kansas located substantially as shown on the topographic map accompanying the application.
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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

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 rate of diversion of water approved under this permit is further limited to the rate which combined with Water Right, File No. 3,537 and 15,892, will provide a total **not to exceed 130 gallons per minute** (0.29 c.f.s.) from the authorized point of diversion.

17. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right File Nos. 3,537; 15,892; 19,188 and Appropriation of Water File No. 49,818, will provide a total **not to exceed 72 acre-feet** of water per calendar year, for irrigation use on the land described herein.

Ordered this 2nd day of July, 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 2nd day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

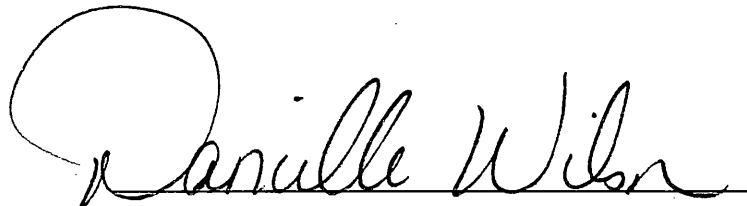
CERTIFICATE OF SERVICE

On this 5th day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,819, dated July 2nd, 2018 was mailed postage prepaid, first class, US mail to the following:

PLUMB THICKET MFG INC
421 E 21ST N
WICHITA KS 67214-1233

With photocopies to:

Stafford Field Office



Division of Water Resources

THE STATE OF KANSAS



APPLICATION COMPLETE
5/15/16
Reviewer ADW

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49819
This item to be completed by the Division of Water Resources.

WATER RESOURCES
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APR 10 2017

1:01

KS DEPT OF AGRICULTURE

PD \$ 200.00
CK # 38412
DATE 4-6-17

**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): PLUMB THICKET MFG INC
Address: 421 E 21ST N
City: WICHITA State KS Zip Code 67214-1233
Telephone Number: (316) 262-3701

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

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

3. The maximum quantity of water desired is 50 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 130 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 ^{Domestic} (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. GMD Meets K.A.R. 5-3-1 (YES/NO) Use REC/SJK Source (G) S County BA By ADW Date 4/10/17
Code REG Fee \$ 200 TR # _____ Receipt Date 4/10/17 Check # 38412

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NW quarter of the SE quarter of the SW quarter of Section 34, more particularly described as being near a point 1251 feet North and 3595 feet West of the Southeast corner of said section, in Township 31 South, Range 10 West, Barber 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):

Same as applicant

 (name, address and telephone number)

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4-4, 2017.

Scott L. Gabel
 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 1 well and Pump

 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) Existing well

 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP

 (Mo/Day/Year)

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.

Overlaps PD with WR#s 3537 & 15892. Overlaps PU with WR #s 3537, 15892, 19188, & another
pending application.

~~WATER RESOURCES~~
~~RECEIVED~~

APR 10 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	_____	_____	_____	_____
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

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):

Same as 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 Wichita, Ks, Kansas, this 4 day of April, 2017.
(month) (year)

Scott C. Altier
(Applicant Signature)

By Scott C. Altier - PEI/GEOS
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by MJM ESII Date: 3/29/2017
(office/title)

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): PLUMB THICKET MFG INC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): RAISING FISH & WATER FOWL, WATER FOR PASTURE

2. Please summarize how the water will be used and justify the quantity of water requested: _____
Overlapping existing water rights and requesting additional quantity due to repeated overpumping.
Additional quantity needed to limit chance of future overpumping.
(Overlaps PD with File Nos. 3537 & 15892 and PU with WR #s 3537, 15892, 19188, & another pending app.)

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

ESTIMATED FUTURE WATER DIVERTED/STORED

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	50
Year 2	50
Year 3	50
Year 4	50
Year 5	50

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

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.
1 Pond located in the Southwest Quarter of the Northwest Quarter (SW NW) & 1 Pond located in the West Half of the Southwest Quarter (W2 SW) of Section 34, Township 31S, Range 10 W Barber County, KS.

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

WATER RESOURCES RECEIVED

APR 10 2017

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

**WATER RESOURCES
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APR 10 2017

KS DEPT OF AGRICULTURE

SCANNED

Whitesell, Alex [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, May 15, 2018 1:39 PM
To: Whitesell, Alex [KDA]; Conant, Cameron [KDA]
Cc: Fitch, Elizabeth [KDA]
Subject: FW: Recommendation 49818 and 49,819
Attachments: 49818_19 Memo To File.docx; 49818 & 49819 map.pdf

Alex.

This looks OK. I used kind of a pretty general seepage # for unlined lagoons of 0.25" to justify the quantity requested here. Quite frankly the seepage is non consumptive to the source anyway and if the ponds don't seep that much it will all work out when we certify the water right. Our reg limitation for swine lagoons with an 18" compacted clay liner was .0625"/day 1/16" (So actual numbers are probably somewhere in between)

Really we don't know what is going on with the pond here and there are a few ways they could probably test seepage. (we used to do it with a standpipe in lagoons filled and measured every day with a slick of oil on the top to avoid evaporation) But really in natural ponds there are going to be areas that probably seep more and less so I think this may be a reasonable stab at justifying the quantity. And if it doesn't seep as much it will be certified for less.

Go ahead and approve these applications.

Thanks
Jeff

From: Conant, Cameron [KDA]
Sent: Tuesday, May 15, 2018 9:15 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation 49818 and 49,819

Jeff, per our discussion this morning you harkened back to the KDHE days and recalled 1/4" seepage as being reasonable/high end in an unlined pond. You asked that I do a simple calculation and apply 1/4" seepage to the 9 acres of ponds we are dealing with to see if it makes the requested quantity more reasonable.

$9 \text{ ac} \times 0.25" \times 365 \text{ days} = 821.25/12" = 68.4 \text{ AF}$ of potential seepage from these ponds which is about 90% of possible seepage from the 2 ponds.

In light of the seepage calculation above, the application has requested enough water to cover a seepage factor of 0.18"/ac. Jeff, please double check the calculations here but if they are correct, I think this has been justified well enough to allow the application to be approved as requested. I feel better that we can justify the requested quantity.

Please pass on to Alex if you agree.

Cameron

From: Conant, Cameron [KDA]
Sent: Monday, May 7, 2018 7:45 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation 49818 and 49,819

Jeff, please review and pass your formal recommendation on to Alex for these 2 applications. You had some contact with the applicant prior to these being filed. The apps were filed to fix a reported over pumping issue. I'm having a hard time finding this quantity of water justifiable.

Cameron

From: Conant, Cameron [KDA]
Sent: Wednesday, April 25, 2018 11:35 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation 49818 and 49,819

I am sorry Alex but I think this is out of line but we are in a poor position here.

We sent enforcement for 2014-2016 over pumping. In 2017, the owner was in touch with Jeff about needing to pump to save fish but had worries about over pumping so we looked at temp permits to get them through while also recommending they file new apps to cover the high water use. Here's my problem. I don't think we should permit this additional water to be used solely based on his recent past use where he reported over pumping. I think we need some real justification to allow this much water. There are 7 ponds on the property owned by Plum Thicket MFG (see map). The 2 in the app look very similar but apparently they only put water into these 2? I don't get how the others stay full?

My calculations show the following. The north pond is about 5.0 acres and the south pond is about 4.0 acres. Per the memo we are getting ready to allow 72 AF on these ponds. This is 8' or 96" on the ponds. Evap here is 29" so we either have 67" of seepage we are replacing or something else is going on here. I can't believe these would be seeping 67" and the other 5 ponds stay full and don't have water put into them. Are the meters totally broken???

The only reason at all that I would consider just allowing this is because the nearest permitted wells are 3.5 miles away and any nearby domestic wells meet spacing by a wide margin so there shouldn't be much potential for impairment due to the increased pumping.

Cameron

From: Whitesell, Alex [KDA]
Sent: Tuesday, April 10, 2018 9:24 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Recommendation 49818 and 49,819

Jeff and Cameron,

Could you please look over this memo and let me know what you think? I have talked with Cameron I bit about the quantity and after talking to the applicant, the quantity requested is total combined with the existing water rights.

Talking with the applicant, he does not have any seepage information, he is only pumping into the two ponds mentioned and cannot keep them full.

Thanks,

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49819 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49819 00 REC

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

1251 Feet North and 3595 Feet West of the Southeast Corner of Section 34 T 31S R 10W

GROUNDWATER ONLY

```

=====
File Number      Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 3537 00 REC NK G          0 -- NW SE SW 1251 3595 34 31 10W 1          15.00 15.00 AF
A__ 15892 00 REC NK G          0 -- NW SE SW 1251 3595 34 31 10W 1          27.00 27.00 AF
A__ 19188 00 REC NK G        2783 -- SW NE NW 4019 3886 34 31 10W 2           6.00  .00 AF
A__ 49818 00 REC AY G        2783 -- SW NE NW 4019 3886 34 31 10W 2          22.00 22.00 AF
A__ 49818 00 STK AY G        2783 -- SW NE NW 4019 3886 34 31 10W 2           .00  .00 AF
A__ 49819 00 REC AY G          0 -- NW SE SW 1251 3595 34 31 10W 1          50.00 50.00 AF
A__ 49819 00 STK AY G          0 -- NW SE SW 1251 3595 34 31 10W 1           .00  .00 AF
=====

```

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=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      72.00      .00
Total Permitted Amount (AF) =         .00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =      42.00      .00
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =      114.00      .00
=====

```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under 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:

1251 Feet North and 3595 Feet West of the Southeast Corner of Section 34 T 31S R 10W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number      Use ST SR
A__ 3537 00 REC NK G
> PLUMB THICKET MFG INC
>
> 421 E 21ST N
> WICHITA KS 67214
>-----
A__ 15892 00 REC NK G
> PLUMB THICKET MFG INC
>
> 421 E 21ST N
> WICHITA KS 67214
>-----
A__ 19188 00 REC NK G
> PLUMB THICKET MFG INC
>
> 421 E 21ST N
> WICHITA KS 67214

```

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>-----
A__ 49818 00 REC AY G
> PLUMB THICKET MFG INC
>
> 421 E 21ST N
> WICHITA KS 67214
  
```

```

>-----
A__ 49818 00 STK AY G
> PLUMB THICKET MFG INC
>
> 421 E 21ST N
> WICHITA KS 67214
  
```

```

>-----
A__ 49819 00 REC AY G
> PLUMB THICKET MFG INC
>
> 421 E 21ST N
> WICHITA KS 67214
  
```

```

>-----
A__ 49819 00 STK AY G
> PLUMB THICKET MFG INC
>
> 421 E 21ST N
> WICHITA KS 67214
>-----
  
```

```

#####
AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A      49819 00 STK
Water Right and Points of Diversion Within 2.00 miles of point defined as:
    1251 Feet North and    3595 Feet West of the Southeast Corner of Section 34 T 31S R 10W
GROUNDWATER ONLY
  
```

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 3537 00	REC	NK	G		0	--	NW	SE	SW	1251	3595	34	31	10W	1		15.00	15.00	AF
A__ 15892 00	REC	NK	G		0	--	NW	SE	SW	1251	3595	34	31	10W	1		27.00	27.00	AF
A__ 19188 00	REC	NK	G		2783	--	SW	NE	NW	4019	3886	34	31	10W	2		6.00	.00	AF
A__ 49818 00	REC	AY	G		2783	--	SW	NE	NW	4019	3886	34	31	10W	2		22.00	22.00	AF
A__ 49818 00	STK	AY	G		2783	--	SW	NE	NW	4019	3886	34	31	10W	2		.00	.00	AF
A__ 49819 00	REC	AY	G		0	--	NW	SE	SW	1251	3595	34	31	10W	1		50.00	50.00	AF
A__ 49819 00	STK	AY	G		0	--	NW	SE	SW	1251	3595	34	31	10W	1		.00	.00	AF

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      72.00           .00
Total Permitted Amount (AF) =         .00           .00
Total Inspected Amount (AF) =         .00           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =       42.00           .00
Total Vested Amount (AF) =          .00           .00
TOTAL AMOUNT (AF) =       114.00           .00
  
```

An * after the source of supply indicates a pending application for change under the file number.
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>  WICHITA KS 67214
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>  421 E 21ST N
>  WICHITA KS 67214
>-----
A__      49818 00 STK AY G
>  PLUMB THICKET MFG INC
>
>  421 E 21ST N
>  WICHITA KS 67214
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A__      49819 00 REC AY G
>  PLUMB THICKET MFG INC
>
>  421 E 21ST N
>  WICHITA KS 67214
>-----
A__      49819 00 STK AY G
>  PLUMB THICKET MFG INC
>
>  421 E 21ST N
>  WICHITA KS 67214
>-----
=====

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49819

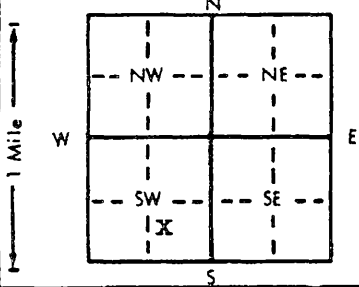
1 LOCATION OF WATER WELL: Fraction SW 1/4 SE 1/4 SW 1/4 Section Number 34 Township Number T 31 S Range Number R 10 E 10
 County: Barber

Distance and direction from nearest town or city street address of well if located within city? 1 1/2 E 3 1/2 N Sharon

2 WATER WELL OWNER: Trailer Parts Supply
 RR#, St. Address, Box #: 421 E 21 st Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: Wichita, Kansas 67214 Application Number:

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

4 DEPTH OF COMPLETED WELL: 66 ft. ELEVATION:



Depth(s) Groundwater Encountered 1. 42 ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL 11 ft. below land surface measured on mo/day/yr 4-12-90
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield 10 gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter 9 in. to 66 ft., and in. to ft.
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes No

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

Blank casing diameter in. to ft., Dia. in. to ft., Dia. in. to ft.
 Casing height above land surface 16 in., weight lbs./ft. Wall thickness or gauge No. .215

TYPE OF SCREEN OR PERFORATION MATERIAL: 7 PVC 10 Asbestos-cement
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify)
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)

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

SCREEN-PERFORATED INTERVALS: From 56 ft. to 66 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From 23 ft. to 66 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 3 1 Neat cement 23 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From 3 ft. to 23 ft., From ft. to ft., From ft. to ft.

What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage
 Direction from well? E How many feet? 70

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	4	soil			
4	33	clay			
33	35	sand			
35	42	clay			
42	65	mod sand			
65	66	shale			

WATER RESOURCES RECEIVED

APR 10 2017

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7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 4-12-90 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 140 This Water Well Record was completed on (mo/day/yr) 3-24-90 under the business name of Lyman Inc. by (signature) Dean Lyman

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-7320. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

SCANNED

61864

									2011		2012	2013	2014	2015	2016
3537	15892	BA	-	Sandy Crk	Plum Thick	NoNC	2017	42	50.2	/	6.1	21.2	19.6	38.3	45.5
19188		BA	-	Sandy Crk		NoNC	2017	6	2.3	/	0.0	0.0	8.1	11.0	19.0
Limitation		HG	-	Buckner		NoNC	2017	42	52.5	/	6.1	21.2	27.7	49.3	64.5

3 Domestic Water Wells MARKED ON Eden White Topo MAPS (OWNED BY Plum Thicket
S. R. Alter, Pres 4-4-17

WATER RESOURCES
RECEIVED

APR 10 2017

KS DEPT OF AGRICULTURE

SC...VED



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

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

April 11, 2017

FILE COPY

PLUMB THICKET MFG INC
421 E 21ST N
WICHITA KS 67214

RE: Application
File No. 49819

Dear Sir or Madam:

Your application for permit to appropriate water in 34-31S-10W in Barber 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,

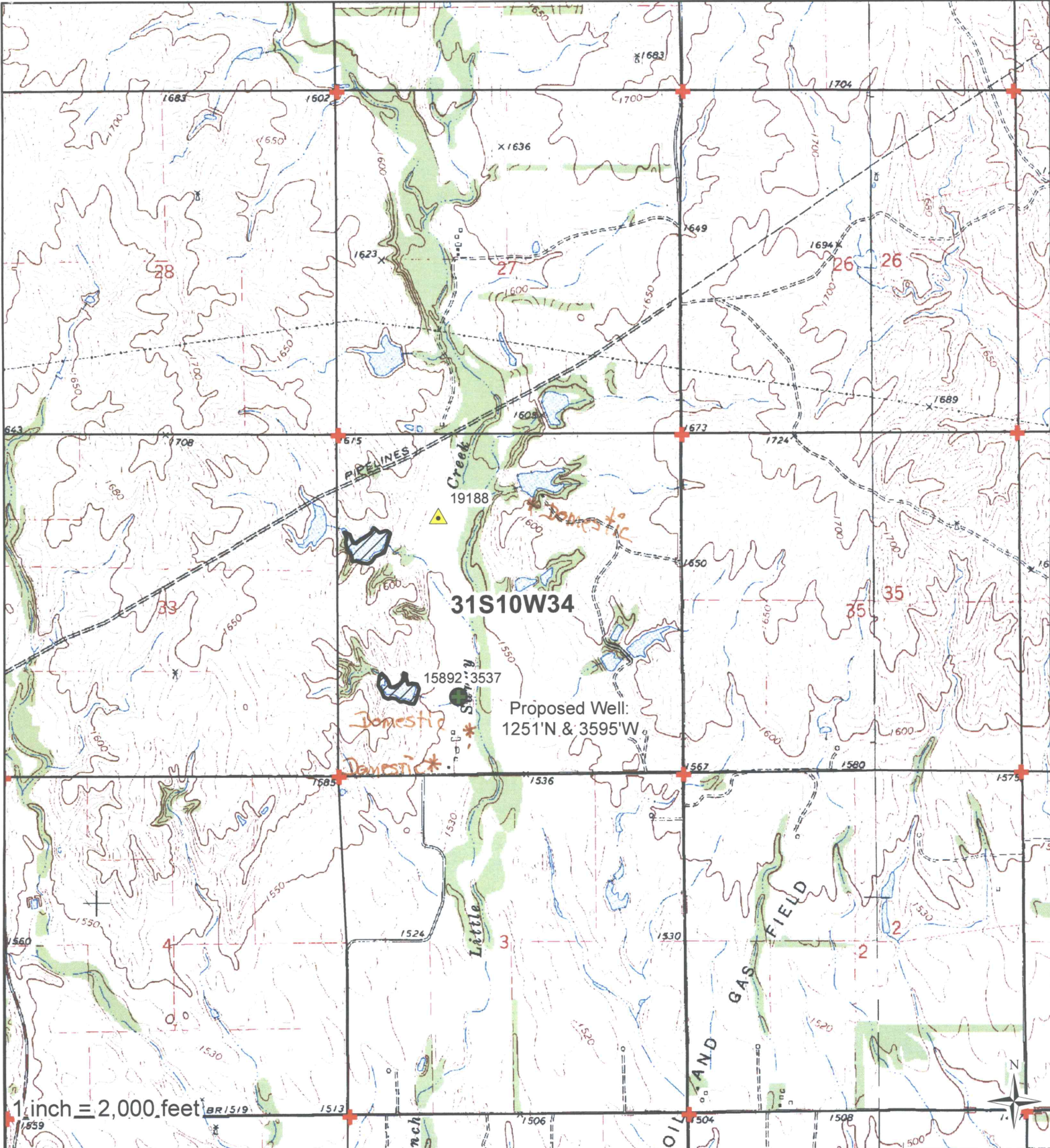
Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD

SCANNED

49819

File No. _____



1 inch = 2,000 feet

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.

- ProposedPD
- ProposedPlaceOfUse
- Domestic Wells
- Water Rights
- SFFOsec_corners

Sean K. Pelton

 Signature Date 4-4-17



WATER RESOURCES RECEIVED
 SCANNED

APR 10 2017
 Created By: Matt Meier
 F.O. 2
 Date: 3/22/17

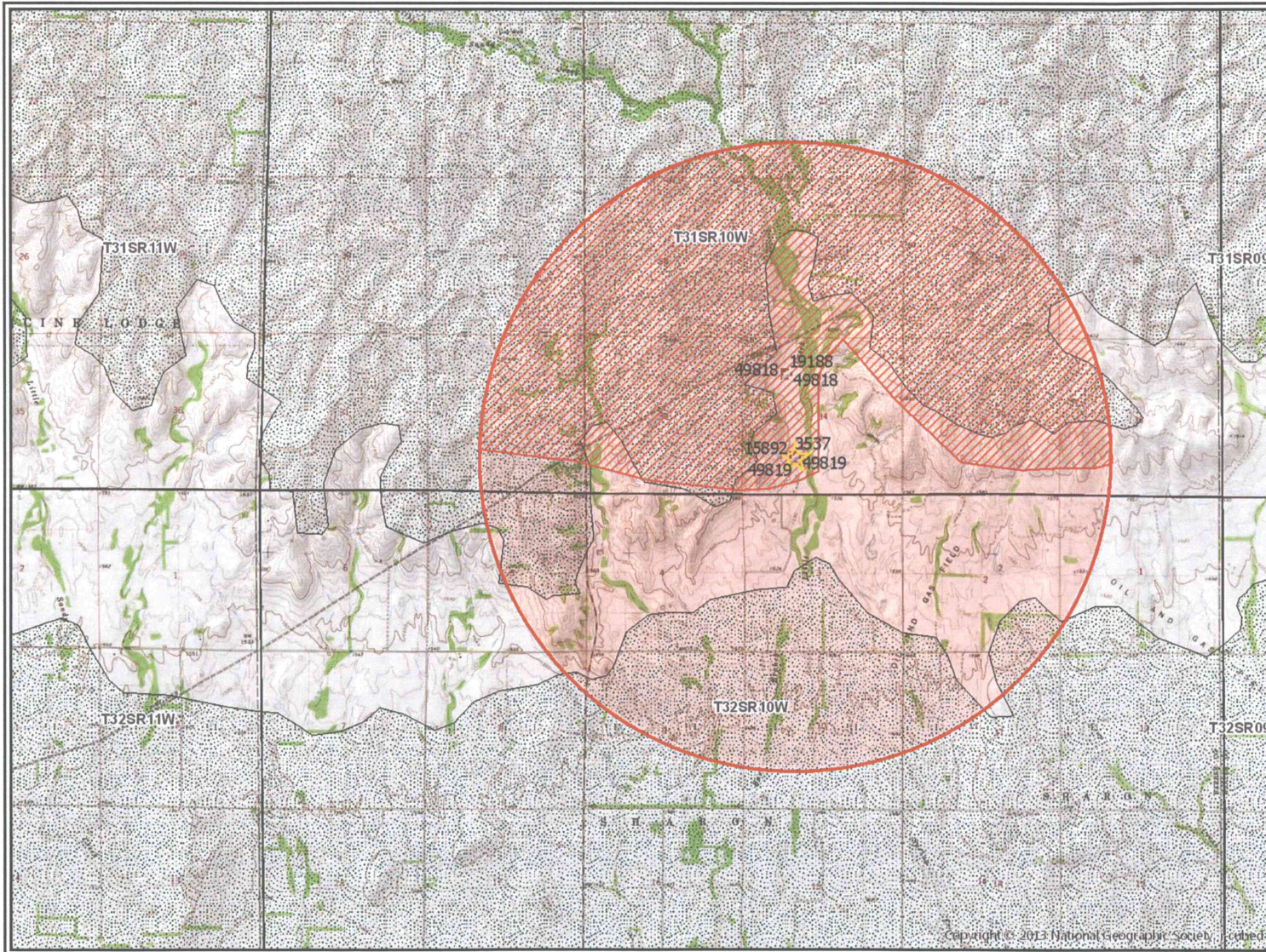
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Safe Yield Report Sheet

Water Right- A4981900

Point of Diversion in 34-31S-10W

Footages from SE corner- 1,251 feet North 3,595 feet West



Analysis Results

The selected PD is in an area OPEN to new appropriations.
 The safe yield based on the variables listed below is 248.82 AF.
 Total prior appropriations in the circle is 186.00 AF.
 Total quantity of water available for appropriation is 62.82 AF.

Safe Yield Variables

The area used for the analysis is set at 3,981 acres.
 The potential annual recharge at the circle center is estimated to be 1.5 inches.
 The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 19-MAR-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 5 water rights and 2 points 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	Tot Acres	Net Acres
A 3537 00	REC	NK	G		NW	SE	SW	1251	3595	34	31	10W	1	WR	15.00	15.00		
A 15892 00	REC	NK	G		NW	SE	SW	1251	3595	34	31	10W	1	WR	27.00	27.00		
A 19188 00	REC	NK	G		SW	NE	NW	4019	3886	34	31	10W	2	WR	6.00	0.00		
A 49818 00	REC	AY	G		SW	NE	NW	4019	3886	34	31	10W	2	WR	22.00	22.00		
A 49818 00	STK	AY	G		SW	NE	NW	4019	3886	34	31	10W	2	WR	22.00	22.00		
A 49819 00	REC	AY	G		NW	SE	SW	1251	3595	34	31	10W	1	WR	50.00	50.00		
A 49819 00	STK	AY	G		NW	SE	SW	1251	3595	34	31	10W	1	WR	50.00	50.00		

Limitations

File Number	Seq Num	Limitations
A 15892 00	1	130GPM COM/W #3,537
A 19188 00	2	27AF/YR COM/W #15,892



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.

- Proposed PD
- Proposed Place of Use
- Domestic Wells
- Water Rights
- SFFOsec_corners

Scott K. Carter
Signature

4-4-17
Date

APR 10 2017

Created By: Matt Meier
F.O. 2
Date: 3/29/2017



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WATER RESOURCES RECEIVED

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