

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



JUN 14 2019

UNACCEPTABLE FOR PRIORITY  
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

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File Number 52268

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

JUN 26 2019

10:43

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

KS DEPT OF AGRICULTURE

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): MDM Farms by John Danler  
Address: 22311 SW Adams Rd  
City: Douglas State KS Zip Code 67039  
Telephone Number: (316) 250 6691

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

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

Please Fertilize

3. The maximum quantity of water desired is 160.0 acre-feet OR 52396840 gallons per calendar year, to be diverted at a maximum rate of 800-1000 gallons per minute OR 70,000,000 cubic feet per second.

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

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

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

For Office Use Only:  
F.O. 2 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use 1022 Source G S County CL By DAW Date 6/26/19  
Code VE2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 6/26/19 Check # 125

7/19/2019 ULM

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

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

(A) One in the NE quarter of the SW quarter of the SW quarter of Section 8, more particularly described as being near a point 987 feet North and 4046 feet West of the Southeast corner of said section, in Township 30 South, Range 4 East, Cowley 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):

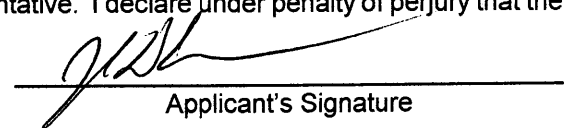
\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(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 6-20-19, 2019.

  
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 pumpsite and storage vessel  
(number of wells, pumps or dams, etc.)

and (was)(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)

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

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

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

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

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_  
May need structures permit for offsite storage

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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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 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):  
\_\_\_\_\_  
(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 5-21-19, Kansas, this 21 day of May, 2019  
(month) (year)

[Signature]  
(Applicant Signature) MDM Farms

By [Signature]  
(Agent or Officer Signature)

John Danler  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ ESII \_\_\_\_\_ Date: 5/14/2019  
(office/title)

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**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 50268

Name of Applicant (Please Print): MDM Farms by John Dancer

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: MDM Farms  
ADDRESS: 22311 SW Adams Rd Douglass KS 67039

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
8	30S	4E											29				30		37.5	37.5		134

**Landowner of Record** NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

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

**Landowner of Record** NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

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

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
Brewer silty loam	60		1
Verdigris silt	84		2
Clime Saxon	19		
Not prime	13		
Total:	100 %		

b. Estimate the average land slope in the field(s): 1.75 %  
 Estimate the maximum land slope in the field(s): 1 %

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:  
 ii. For sprinkler systems:  
 (1) Estimate the operating pressure at the distribution system: 35 psi  
 (2) What is the sprinkler package design rate? 800-1000 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? 60 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 - soybean rotation

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 probe used to determine amount of moisture in soil profile.

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

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KS DEPT OF AGRICULTURE

5-22-2019

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, Kansas 66612-1283

Re: Application File No. 50268

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

[Signature]  
Signature of Applicant

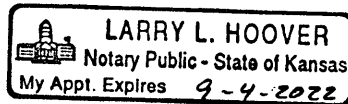
John Donker  
(Print Applicant's Name)

State of Kansas )  
County of Butler ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 21<sup>st</sup> day of MAY, 2019.

[Signature]  
Notary Public

My Commission Expires:



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Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Date: 5-21-2019

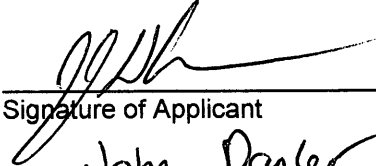
Re: Application, File No. 50208

K.A.R. 5-3-15. Availability of Water for Appropriation – safe yield; surface water.

I understand that the direct diversion of natural flow from the source of supply to which the above referenced application applies is subject to the provisions of K.A.R. 5-3-15, which provides for specific conditions of approval. I also understand that if this application is approved, it will be subject to the following conditions of approval.

- (1) If MDS or assurance target flows or DWR target flows have been set for that stream, and MDS administration has been requested by the Kansas water office, diversion of natural flow shall only be permitted if MDS, assurance target flows or DWR target flows, if applicable, are being met at the gage or gages immediately below the proposed point of diversion.
- (2) Diversion of natural flow shall not take place unless there is water available to satisfy all demands by senior water rights and permits.
- (3) The streamflow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of that water right or permit.
- (4) During the period October 1 through June 30, the verbal or written permission of the chief engineer, or an authorized representative of the chief engineer, shall be obtained in order to divert water each time the applicant desires to divert water.
- (5) During the period July 1 through September 30 each calendar year, written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.
- (6) The applicant shall ensure the off-stream storage device is designed and constructed so that it does not intersect the groundwater table. The completed water storage device should be lined to minimize seepage and loss of stored water.
- (7) The water storage device should have adequate storage capacity relative to the proposed place of use, ensuring that sufficient irrigation water is available from July 1 through September 30, **WITHOUT** the need to supplement this quantity of stored water.

I 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. In addition, there are likely to be periods of significantly low streamflows, making diversion of surface water impossible. I realize that this could affect the economics of my decision to appropriate water. I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

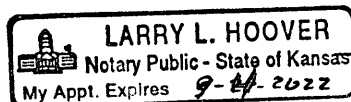
  
 \_\_\_\_\_  
 Signature of Applicant  
 John Donler  
 \_\_\_\_\_  
 (Print Applicant's Name)

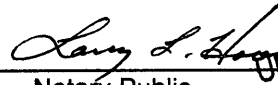
State of Kansas        )  
                                   ) ss  
 County of Butler    )

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 21<sup>st</sup> day of MAY, 2019.

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 LARRY L. HOOVER  
 Notary Public - State of Kansas  
 My Appt. Expires 9-14-2022

  
 \_\_\_\_\_  
 Notary Public

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 JUN 14 2019

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Date: 5-21-2019

50268

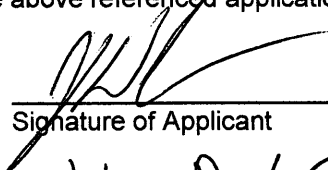
Re: Application, File No.

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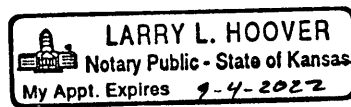
  
 \_\_\_\_\_  
 Signature of Applicant  
 John Decker  
 \_\_\_\_\_  
 (Print Applicant's Name)

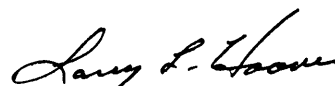
State of Kansas        )  
                                   ) ss  
 County of                )

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 21<sup>st</sup> day of MAY, 2019.

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 LARRY L. HOOVER  
 Notary Public - State of Kansas  
 My Appt. Expires 9-4-2022

  
 \_\_\_\_\_  
 Notary Public

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502108

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

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JUN 14 2019

PROCEED TO SIGNATURE

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



50268  
900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 17, 2019

MDM Farms  
22311 SW Adams Rd  
Douglass, KS 67039

Re: Unacceptable Application

Dear John:

Returned herewith is your Application for Permit to Appropriate Water for Beneficial Use received by the Division of Water Resources on June 14, 2019 with Check No. 1237 in the amount of \$200. This application is not acceptable for filing in its present form.

Effective July 1, 2009, K.S.A. 82a-709 requires all applicants for new appropriation rights for the beneficial use of water in the State of Kansas to provide evidence of legal access to or control of the point of diversion from the landowner or the landowner's authorized representative. Applicants may provide a copy of a recorded deed, lease, easement or other document with the application. **In lieu of providing this documentary evidence, you may sign Paragraph No. 6 of the original permit application (where indicated), which constitutes a sworn statement.**

The required fee as stated on the enclosed fee schedule OR as stated on the bottom of the signature page of the application was not correct based on the quantity of water for the application. The requested volume of 70,000,000 gallons (214 Acre-feet) is more than the allowed reasonable allowed for the quantity of acres being irrigated. Therefore, the quantity of water will need to be reduced to 52,396,840 gallons (160.8 acre feet) to meet the requirements of 1.2 acre feet per acre in Cowley County. Therefore, we find it necessary to return the application to you. Upon submitting the application to this office with the required fee, it will be further examined and processed. Based on the information received, \$300 is needed for the filing fee and initials on paragraph 3 confirming the new quantity.

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

Sincerely,

Brandon Milner  
Environmental Scientist  
Water Appropriation Program

enclosure

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1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 1, 2019

MDM FARMS  
JOHN DANCER  
22311 SW ADAMS RD  
DOUGLASS, KS 67039

RE: Application, File No. **50268**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program