

File No. **50,062** 15. Formation Code: Drainage Basin: Arkansas River County: SG Special Use: Stream:

| 16. Points of Diversion | | | | | | | | | | | |
|-------------------------|------------|-----|-----|--------------|-----------------|----------|------------|-----------|----------|-------------|------------|
| T | MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W |
| | MOD | | | 86809 | SW NE SE | 6 | 29S | 1E | 1 | 1581 | 628 |
| | ENT | | | 88509 | SW NE SE | 6 | 29S | 1E | | 1591 | 628 |
| | ENT | | | 88510 | SW NE SE | 6 | 29S | 1E | | 1571 | 628 |
| | ENT | | | 88511 | SW NE SE | 6 | 29S | 1E | | 1581 | 638 |
| | ENT | | | 88512 | SW NE SE | 6 | 29S | 1E | | 1581 | 618 |

| 17. Rate and Quantity | | | | |
|-------------------------|-------------|------------|-------------|------------------|
| Authorized | | Additional | | |
| Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files |
| 500 | 85.8 | 500 | 85.8 | none |
| BATTERY ID #2211 | | | | |

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? **x Yes** No To be installed by **12/31/2021** Date Acceptable Meter Installed _____

| 21. Place of Use | | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? NO | Overlap Files | |
|------------------|------------|-----|-----|--------------|----------|------|------|------|------|------|------|------|------|------|------|------|------|----------|----------|-----------|-----------|-----------|-----------|-----------|---------------|--|
| T | MOD | DEL | ENT | PUSE | ID | 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 | | | | | |
| | CHK | | | 68922 | 6 | | | | | | | | | | | | | 5 | 7 | 40 | 14 | 66 | 7a | No | none | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Comments:

GEOCENTER

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 22, 2020

FROM: Kris Neuhauser

RE: New Application,
File No. 50,062

John Hay has filed an application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, with a quantity of 85.8 acre-feet of water per calendar year, at a diversion rate of 500 gallons per minute. The proposed battery of wells has a geographical center located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 6, more particularly described as being near a point 1,581 feet North and 628 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East, Sedgwick County, Kansas, within the Arkansas River drainage basin. The local source of supply is Ark River alluvium.

There are no other water rights overlapping the point of diversion or 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 covers 66 acres in the Southeast Quarter (SE $\frac{1}{4}$) of Section 6, Township 29 South, Range 1 East, Sedgwick County, Kansas. The applicant owns the entire place of use. The proposed quantity of 85.8 acre-feet per calendar year provides 1.3 acre-feet per acre, (1.3 x 66 acres = 85.8 acre-feet) making it within the maximum reasonable quantity for Sedgwick County (1.3 acre-feet per acre).

Initially, Mr. Hay proposed a different point of diversion, which failed safe yield. After further investigation by DWR staff, a new point of diversion further to the northeast was identified that would pass safe yield. Mr. Hay agreed to this new location in multiple phone calls with New Applications Unit Supervisor, Kristen Baum, and Environmental Scientist, Doug Schemm, from the Topeka Field Office.

DWR completed an evaluation of a USGS model and has determined that the precipitation recharge value of 5.4 inches per year that is used in the USGS model is reasonable and appropriate. In order to reserve water in the alluvial aquifers that can contribute to base flow to area streams and for domestic use, it was determined that 75 percent of the 5.4 inches of precipitation recharge shall be available for appropriation. This is consistent with safe yield appropriation in many other basins across the state, and is the current percent available for applications in the Arkansas River basin in the area. Therefore, for pending applications within the model area, safe yield will be valued using the standard methodology in K.A.R. 5-3-11, which is based on the extent of the unconfined aquifer (area of consideration), a potential annual recharge value of 5.4 inches, and a percent of recharge available for appropriation of 75 percent.

The point of diversion is not located within a GMD or other special use area. Per the requirements in K.A.R. 5-3-11, safe yield was determined through WIMAS. Calculated recharge, based on the above referenced study, is 5.4 inches, and for the hydrologic units within the study area, 75 percent of the calculated recharge can be considered to be available for appropriation. The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: 8,042 acres x 5.4 inches x 75% = 32,570.1 acre-inches / 12 = 2,714.34 acre-feet. Prior appropriations and pending applications senior to this file no. within the same area of consideration total 2,494.75 acre-feet, which leaves 219.59 acre-feet available for appropriation. Therefore, safe yield determination resulted in water available for appropriation within this area of consideration.

It appears the closest domestic well is over 1,000 feet away from the proposed point of diversion, while the closest non-domestic point of diversion is roughly, 4,000 feet away. Therefore, well spacing is met.

Due to the large number of domestic wells within a half-mile of the proposed point of diversion, the applicant published a public notice in The Derby Informer, in place of identifying each landowner for nearby letters. The notice was properly published for three weeks (8/26/2020, 9/2/2020, & 9/9/20) and an affidavit of publication was submitted via email on September 18, 2020. No responses of any kind were received following the publications.

In an e-mail conversation on October 15, 2020, Jeff Lanterman, Water Commissioner of the Stafford Field Office, and Cameron Conant, Assistant Water Commissioner of the Stafford Field Office, recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
Environmental Scientist
Water Appropriation Program

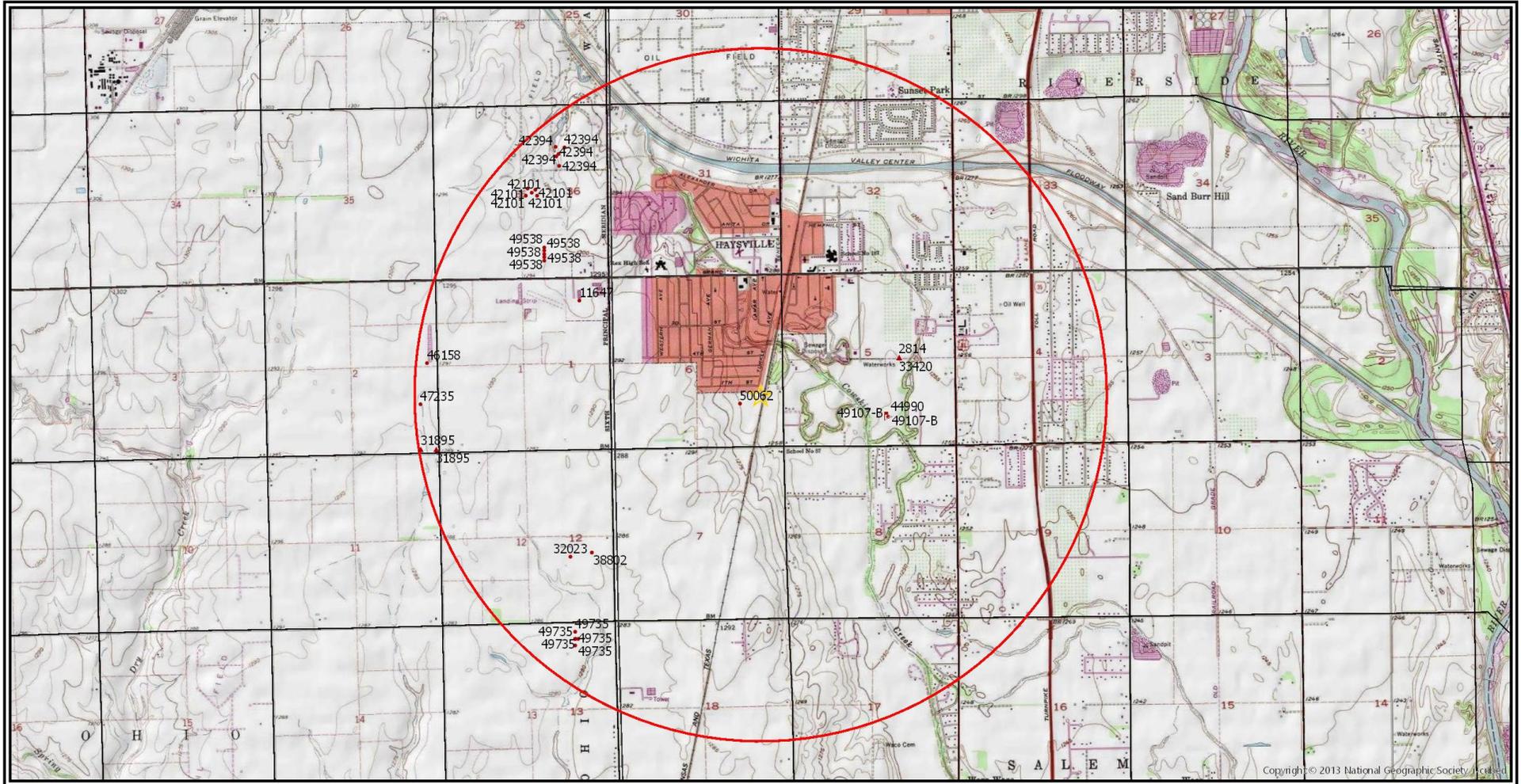
Safe Yield Report Sheet

50,062

Water Right- Proposed Point of Diversion

Point of Diversion in 06-29S-01E

Footages from SE corner- 1,581 feet North 682 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 2,714.34 AF.

Total prior appropriations in the circle is 2,580.55 AF. - 85.8 AF = 2,494.75

Total quantity of water available for appropriation is ~~133.79~~ AF.

219.59 AF

Application File No. 50,062 - Requesting 85.8 AF
Meets Safe Yield

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.

The potential annual recharge at the circle center is estimated to be 5.4 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 13-MAY-2020 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 15 water rights and 30 points of diversion within the circle.

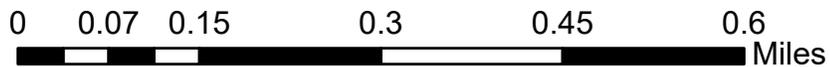
| File Number | Use | ST | SR | Q4 | Q3 | Q2 | Q1 | FeetN | FeetW | Sec | Twp | Rng | ID | Qind | Auth Quant | Add Quant | Tot Acres | Net Acres |
|-------------|-----|----|----|----|----|----|----|-------|-------|-----|-----|-----|----|------|------------|-----------|-----------|-----------|
| A 2814 00 | MUN | NK | G | | SE | SW | NE | 2700 | 1730 | 05 | 29 | 01E | 7 | WR | 910.00 | 910.00 | | |
| A 11647 00 | IRR | NK | G | NC | N2 | NE | NE | 4579 | 906 | 01 | 29 | 01W | 1 | WR | 25.00 | 25.00 | 70.00 | 70.00 |
| A 31895 00 | MUN | NK | G | | SE | SE | SE | 100 | 560 | 02 | 29 | 01W | 3 | WR | 552.40 | 552.40 | | |
| Same | MUN | NK | G | | SE | SE | SE | 100 | 100 | 02 | 29 | 01W | 2 | WR | | | | |
| A 32023 00 | IRR | NK | G | | NC | N2 | SE | 2145 | 1277 | 12 | 29 | 01W | 4 | WR | 90.00 | 90.00 | 79.00 | 79.00 |
| A 33420 00 | MUN | NK | G | | SE | SW | NE | 2700 | 1730 | 05 | 29 | 01E | 7 | WR | 491.02 | 0.00 ✓ | | |
| A 38802 00 | IRR | NK | G | | NC | NE | SE | 2099 | 680 | 12 | 29 | 01W | 2 | WRF | 12.00 | 12.00 | 79.00 | 0.00 |
| A 42101 00 | IRR | NK | G | | NW | NW | SE | 2612 | 2342 | 36 | 28 | 01W | 4 | WR | 160.00 | 160.00 | 127.00 | 127.00 |
| Same | IRR | NK | G | | NW | NW | SE | 2507 | 2175 | 36 | 28 | 01W | 7 | WR | | | | |
| Same | IRR | NK | G | | SW | SW | NE | 2733 | 2453 | 36 | 28 | 01W | 8 | WR | | | | |
| Same | IRR | NK | G | | NW | NW | SE | 2514 | 2517 | 36 | 28 | 01W | 6 | WR | | | | |
| Same | IRR | NK | G | | SW | SW | NE | 2693 | 2221 | 36 | 28 | 01W | 9 | WR | | | | |
| A 42394 00 | IRR | NK | G | | NE | SW | NE | 3716 | 1578 | 36 | 28 | 01W | 11 | WR | 161.00 | 30.50 ✓ | 127.00 | 0.00 |
| Same | IRR | NK | G | | NE | SW | NE | 3783 | 1492 | 36 | 28 | 01W | 10 | WR | | | | |
| Same | IRR | NK | G | | NE | SW | NE | 3421 | 1485 | 36 | 28 | 01W | 12 | WR | | | | |
| Same | IRR | NK | G | | SE | NW | NE | 4011 | 1583 | 36 | 28 | 01W | 13 | WR | | | | |
| Same | IRR | NK | G | | SE | NW | NE | 3985 | 1323 | 36 | 28 | 01W | 14 | WR | | | | |
| A 44990 00 | REC | KK | G | | NW | SW | SE | 930 | 2120 | 05 | 29 | 01E | 90 | WR | 12.70 | 12.70 | | |
| A 46158 00 | IRR | NK | G | | SE | SE | NE | 2762 | 326 | 02 | 29 | 01W | 9 | WR | 166.40 | 166.40 | 128.00 | 128.00 |
| A 47235 00 | IRR | KE | G | | SW | NE | SE | 1500 | 550 | 02 | 29 | 01W | 14 | WR | 205.40 | 205.40 | 158.00 | 158.00 |
| A 49107 B | IRR | KE | G | | NW | SW | SE | 930 | 2120 | 05 | 29 | 01E | 90 | WRF | 22.35 | 22.35 | 17.00 | 0.00 |
| A 49107 B | REC | KE | G | | NW | SW | SE | 930 | 2120 | 05 | 29 | 01E | 90 | WRF | 4.00 | 4.00 | | |
| A 49538 00 | IRR | GY | G | | SE | SW | SE | 530 | 1966 | 36 | 28 | 01W | 19 | WR | 135.00 | 135.00 | 54.00 | 54.00 |
| Same | IRR | GY | G | | SE | SW | SE | 630 | 1966 | 36 | 28 | 01W | 20 | WR | | | | |
| Same | IRR | GY | G | | NE | SW | SE | 730 | 1966 | 36 | 28 | 01W | 21 | WR | | | | |

| File Number | Use | ST | SR | Q4 | Q3 | Q2 | Q1 | FeetN | FeetW | Sec | Twp | Rng | ID | Qind | Auth Quant | Add Quant | Tot Acres | Net Acres |
|-------------|-----|----|----|----|----|----|----|-------|-------|-----|-----|-----|----|------|-------------------|------------------|-----------|-----------|
| Same | IRR | GY | G | | NE | SW | SE | 830 | 1966 | 36 | 28 | 01W | 22 | WR | | | | |
| Same | IRR | GY | G | | NE | SW | SE | 930 | 1966 | 36 | 28 | 01W | 23 | WR | | | | |
| A 49735 00 | IRR | HK | G | | NW | NE | NE | 4750 | 1320 | 13 | 29 | 01W | 13 | WR | 169.00 | 169.00 | 130.00 | 130.00 |
| Same | IRR | HK | G | | SW | NE | NE | 4540 | 1320 | 13 | 29 | 01W | 14 | WR | | | | |
| Same | IRR | HK | G | | NW | NE | NE | 4960 | 1320 | 13 | 29 | 01W | 15 | WR | | | | |
| Same | IRR | HK | G | | NW | NE | NE | 4750 | 1220 | 13 | 29 | 01W | 16 | WR | | | | |
| Same | IRR | HK | G | | NW | NE | NE | 4750 | 1320 | 13 | 29 | 01W | 17 | WR | | | | |
| A 50062 00 | IRR | AY | G | | | | SE | 1320 | 1320 | 06 | 29 | 01E | 1 | WR | -85.80 | 85.80 | 66.00 | 66.00 |

Limitations

| File Number | Seq Num | Limitations |
|-------------|------------|---|
| A 33420 00 | 1461.2 AF1 | 476.13MGY COM/W #2814 & #31895 910 AF + 552.4 AF + 0 = 1462.4 ✓ |
| A 42394 00 | 2 | 190.5AF/YR COM/W #42101 160 AF + 30.5 AF = 190.5 AF ✓ |

New Application, File No. 50,062



KJN
10/21/2020
DWR MHK HQ

PU: 66 acres
PD: yellow star represents updated location



The Derby Informer
219 E. Madison Ave.
(316) 788-4006

I, Jennifer Perryman, of lawful age, being duly sworn upon oath, deposes and says that I am the Legal Manager of The Derby Informer, a publication that is a "legal newspaper" as that phrase is defined for the city of Derby, for the County of Sedgwick, in the state of Kansas, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:

Aug. 26, 2020

Sep. 2, 2020

Sep. 9, 2020

Notice ID: QkYRovv0e8XCIZmKIA0f

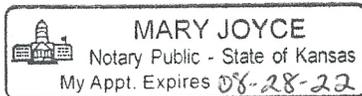
Notice Name: Development water right notice

PUBLICATION FEE: \$277.71

Jennifer Perryman
Legal Manager

VERIFICATION

STATE OF KANSAS
COUNTY OF SEDGWICK



Signed or attested before me on this

09 day of September, A.D. 2020.

[Signature]
Notary Public

Legal Publication
(Published in The Derby Informer on August 26, 2020)

Public Notice File No. 50.062
John N. Hay Revocable Trust has filed an Application for a Permit to Appropriate Water for Beneficial Use, File No. 50.062, with the Division of Water Resources, Kansas Department of Agriculture. File No. 50.062 proposes the appropriation of 85.8 acre-feet of groundwater to be diverted at the rate of 500 gallons per minute for irrigation use, from a battery of four (4) wells, with a geographical center located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW/4 NEX SE/) of Section 6, more particularly described as being near a point 1,581 feet North and 682 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East, Sedgwick County, Kansas.

Anyone, with existing wells in the immediate vicinity of the proposed points of diversion, is invited to submit written comments regarding Application, File No. 50.062. Persons submitting comments should specifically indicate their interest in the proposed appropriation. Comments regarding the applications will be accepted through September 25th, 2020.

Written comments or questions regarding the applications may be directed to the Office of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502. If you wish to know more information concerning this application, you may also contact Kris Neuhauser, Environmental Scientist, at Kris.Neuhauser@ks.gov, or call our main line at (785) 564-6640.

From: Baum, Kristen [KDA]
Sent: Thu 7/16/2020 3:14 PM
To: Neuhauser, Kris [KDA]
Cc: Freeman, Ashlee [KDA];Schemm, Doug [KDA]
Subject: FW: 50062 & 50129

Hi Kris,

I just spoke to Bob. He told me that he investigated the area of the residential houses and doesn't see any domestic wells in that area near the spot you and Doug identified as meeting safe yield. He said that he has an oil well road that runs along the back yards and has driven by the fronts as well. He seems pretty confident that there are no domestic wells in the area that wouldn't meet spacing. We might be able to get this one going again. When you get a chance, take a look and see what you find. We can save this email in docuware under 50062.

Thanks,
Kristen

From: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>
Sent: Thursday, July 16, 2020 2:29 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: 50062 & 50129

Bob Hay in Haysville KS called and wanted to speak with you regarding file # 50062 & 50129.

316-734-8277

Thank you,

Ashlee Freeman
Administrative Specialist
Kansas Dept. Of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6637

From: Lanterman, Jeff [KDA]
Sent: Thu 10/15/2020 3:05 PM
To: Neuhauser, Kris [KDA]
Cc: Conant, Cameron [KDA]
Subject: FW: 50062 Recommendation Request
Attachments: 50062_Memo.doc, 50062_safe_yield_report (Doug).pdf, test log.pdf, 50062 map.pdf

Cam thanks for the review. This one looks good to approve. Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Thursday, October 15, 2020 11:37 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: 50062 Recommendation Request

Jeff, this application is for irrigation with a battery of 4 wells in SG County, outside GMD#2. Originally the application didn't meet SY. Bob Hay/John Hay worked with Doug and Kris to locate a suitable point where SY was met. The new battery is located just south of Haysville. The applicant went to extra lengths to make sure there were no nearby wells and he did a public notice as well with no responses received. There are hundreds of houses in Haysville, north of the proposed battery. There are multiple homes w/in 660' of this proposed battery. We have taken all normal and reasonable methods to notify anyone who did have a well. I looked further at the WWC-5 information and there are no constructed wells within 660' as shown in that database. The nearest constructed domestic wells are over 1000 feet away at least. From what we know, spacing is met.

A map from the application is attached. I don't have access to the newest, revised map showing the revised point of diversion, but the footages put it in the NE corner of the highlighted place of use.

I've attached the well log on file from Premier. It is a poor log. It shows a SWL of 15 and a shale starting at 36'. The log is attached.

The available nearby hydrographs exhibit a steady, long term SWL. The wells seem to decline a little in the summer but they recover during the cooler seasons.

https://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=373435097185501 (well located ~2.5 miles NE of proposed battery)

https://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=373510097203601 (well located ~2 miles north of proposed battery)

Based on what we know, this meets spacing to all nearby wells permitted or domestic. This meets safe-yield at the new, revised location and water levels that we can access show a stable water level. I think this can be recommended for approval. Please pass on to Kris if you agree.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, September 22, 2020 4:04 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: 50062 Recommendation Request

Jeff and Cameron,

Attached is my memo for New App 50062, IRR use in SG County from Bob Hay. I figured I'd continue the thread of emails we had going on this one.

The initial PD failed SY, but Doug and I checked things out further and determined that if he moved to the far NE corner of his land, that it would pass SY. Bob agreed to the new location and checked for nearby domestics; he told Kristen he was fairly confident it would meet well spacing. After looking into it, it looks that way to me as well. He went ahead and went the public notice route as there are still many domestics within ½ mile. Just got the affidavit of publication back at the end of last week.

Let me know if you need any more info on this.

Thanks!

Kris Neuhauser

Environmental Scientist
Water Appropriations Program – Kansas Dept of Agriculture
(785) 564-6643

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Wednesday, August 12, 2020 3:05 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: 50062

Bob just called me (for some reason we are buddies!). He will be expecting the public notice and get it in the paper. He appreciates that we are helping him get this done. He actually thinks this new location is better because it's closer to City connection.
Doug

From: Neuhauser, Kris [KDA]
Sent: Wednesday, August 12, 2020 1:17 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: 50062

Did some checking on 50062. From what I can tell, sounds like Bob is right. At least I can't find any domestics within 660.

Thinking about sending him a letter for public notice, as there still is a large number of domestic wells within a ½ mile, and he even suggested going this route on his original application.

Planning on listing the new legal description as **SW NE SE Section 6, 1,581 ft N, 682 ft W, T29S R1E, SG County, KS**. Doug's SY is attached above, which passes at this new PD location. Sound okay to you guys?

Kris

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Thursday, July 16, 2020 3:14 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: FW: 50062 & 50129

Hi Kris,

I just spoke to Bob. He told me that he investigated the area of the residential houses and doesn't see any domestic wells in that area near the spot you and Doug identified as meeting safe yield. He said that he has an oil well road that runs along the back yards and has driven by the fronts as well. He seems pretty confident that there are no

domestic wells in the area that wouldn't meet spacing. We might be able to get this one going again. When you get a chance, take a look and see what you find. We can save this email in docuware under 50062.

Thanks,
Kristen

From: Freeman, Ashlee [KDA] <Ashlee.Freeman@ks.gov>

Sent: Thursday, July 16, 2020 2:29 PM

To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Subject: 50062 & 50129

Bob Hay in Haysville KS called and wanted to speak with you regarding file # 50062 & 50129.

316-734-8277

Thank you,

Ashlee Freeman
Administrative Specialist
Kansas Dept. Of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6637

THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., 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. 50,062** of the applicant

**JOHN N HAY REV LIVING TRUST
9171 S WEST ST
HAYSVILLE, KS 67060-7422**

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

1. That the priority date assigned to such application is **June 4, 2018**.
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 | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | |
| 6 | 29S | 1E | | | | | | | | | | | | | 5 | 7 | 40 | 14 | 66 |

3. That the authorized source from which the appropriation shall be made is groundwater to be withdrawn by means of a battery of four (4) wells with a geographical center located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW¼ NE¼ SE¼) of Section 6, more particularly described as being near a point 1,581 feet North and 628 feet West of the Southeast corner of said section, in Township 29 South, Range 1 East, Sedgwick County, Kansas, located substantially as shown on the aerial map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **500 gallons per minute** (1.33 c.f.s.) and to a quantity not to exceed **85.8 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2021**, 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 diversion 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 accompanied by the required statutory fee, which is currently \$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, 2025, 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.

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 to 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. 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).

14. 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.

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

16. 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.

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

JOHN N HAY REV LIVING TRUST
9171 S WEST ST
HAYSVILLE, KS 67060-7422

December 21, 2020

RE: Appropriation of Water, File No. 50,062

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, 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,

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

KAB: kjn
Enclosure(s)
pc: Stafford Field Office

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.

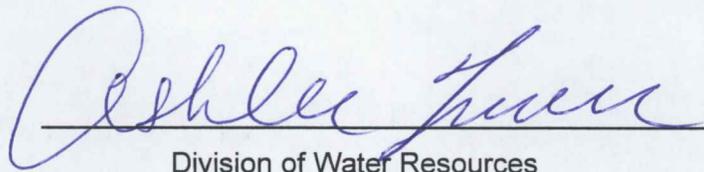
CERTIFICATE OF SERVICE

On this 21 day of December, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,062, dated _____ was mailed postage prepaid, first class, US mail to the following:

JOHN N HAY REV LIVING TRUST
9171 S WEST ST
HAYSVILLE, KS 67060-7422

With photocopies to:

Stafford Field Office



Division of Water Resources