

* Applicant decided to go with a battery at 800gpm

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

6/16/2020
KAB

M E M O R A N D U M

TO: Files

DATE: April 15, 2020

FROM: Kris Neuhauser

RE: New Application, File No. 50,262

Shane Hilger has filed the above referenced application to appropriate groundwater for irrigation use, requesting a quantity of 143.99 acre-feet ~~out of one (1) well, at a maximum diversion rate of 1,000~~ gallons per minute. The proposed well is to be located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 5,264 feet North and 3,721 feet West of the Southeast corner of said section, Township 30 South, Range 5 West, Kingman County, in the Ninnescah River drainage basin within the boundaries of South-Central Kansas Designated Unit Area- NIN30. There are currently no overlapping water rights on the proposed place of use or point of diversion. The proposed place of use is owned by the applicant, and he has signed the application form stating that he has legal access to the point of diversion. *

There are no domestic wells within one-half mile of the proposed well. There is a battery of wells owned by the applicant, authorized under Water Right, File No. 45,552. The proposed point of diversion is just over 1,320 feet away from the geo-center of said battery. Therefore, minimum well spacing per K.A.R. 5-4-4 is met.

The point of diversion is located within South Central Kansas Designated Unit Area NIN30 which is currently open to new appropriations. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile circle radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer, which provided an area of consideration of 8,042 acres. With a potential annual recharge of 2.0 inches, and 75% of recharge available for appropriation, safe yield was determined to be 1,005.31 acre-feet. There are six existing water rights within a two-mile circle, leaving a safe yield quantity of 143.99 acre-feet available and the application requesting 143.99 acre-feet complies with safe yield.

Originally a different well location and quantity (189 acre-feet) was requested. This point of diversion failed safe yield, but by moving slightly to the west, 143.99 acre-feet of water became available for appropriation. In multiple phone conversations, Mr. Hilger agreed to the PD move and the change in quantity.

The place of use requested by the applicant originally was 136 acres in the Northwest Quarter (NW $\frac{1}{4}$) of Section 2, Township 30 South, Range 5 West, Kingman County, Kansas. 136 acres became an unreasonable area to be irrigated after reducing the quantity to 143.99 acre-feet. Via K.A.R. 5-5-12, it was determined that the minimum irrigated acres allowed for 143.99 acre-feet is 125.2 acres (Mr. Hilger also agreed to this change in place of use). See the following calculation:

$$\begin{aligned} & 50\% \text{ Chance Rainfall Kingman County} \\ & 0.987/.85 + 1.15 \text{ acre-feet per acre} \\ & 1.5 \times 143.99 \text{ acre-feet} + \underline{125.2 \text{ minimum irrigated acres}} \end{aligned}$$

From the test hole log submitted with the application, and after review of surrounding existing Water Right well logs, it appears the source of supply is the Holdrege Formation.

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. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

Application, File No. 50,262

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The proposed application is subject to minimum desirable streamflow requirements. The applicant has signed, notarized, and included the required form with the application.

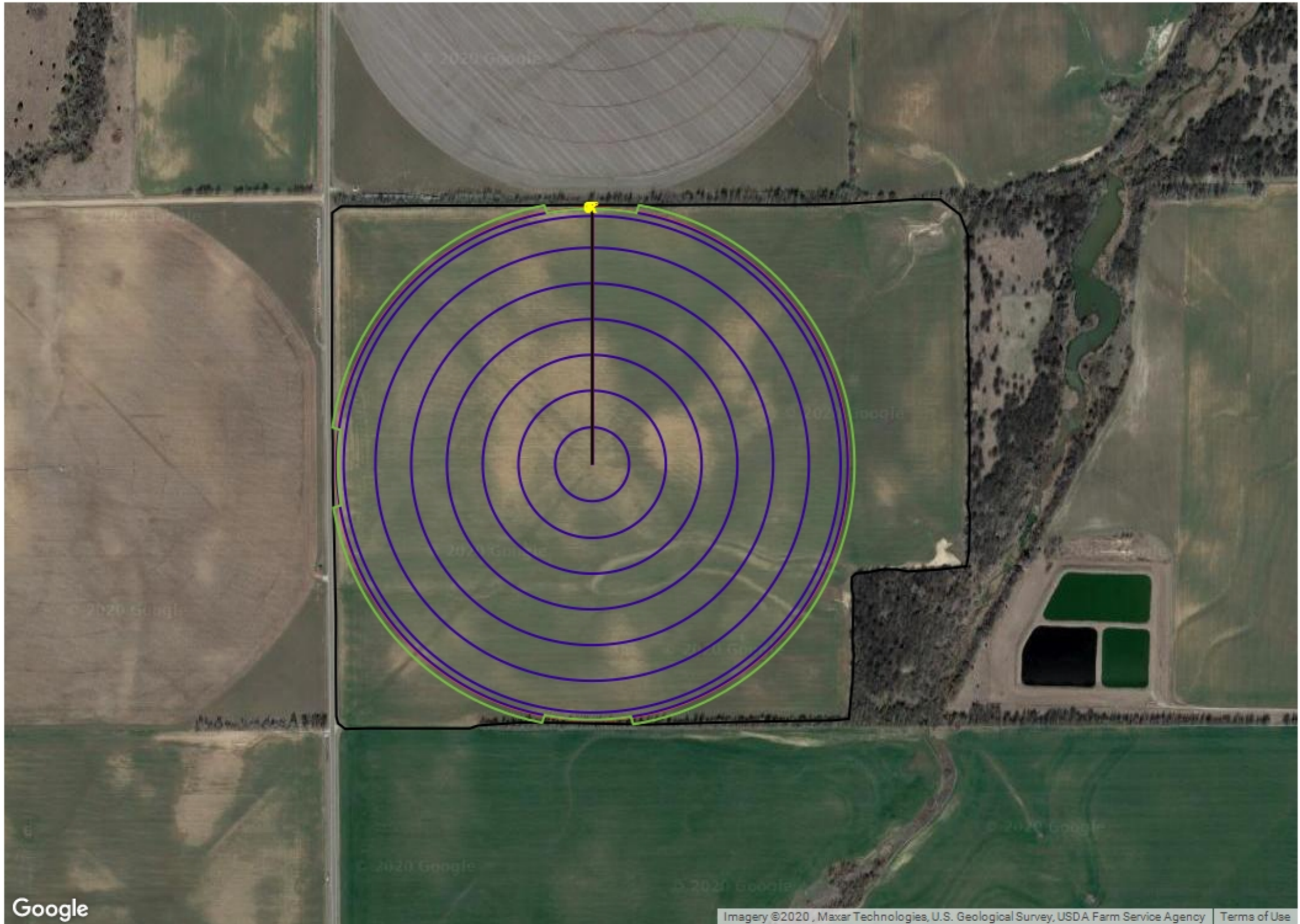
April 21, 2020

In an email conversation, Jeff Lanterman, Water Commissioner of the Stafford Field Office, recommended approval of the referenced application on (DATE).

Based on the above discussion, with well spacing and safe yield criteria having been met, South Central Kansas Designated Unit Area NIN30 open to new appropriations, and approval of the application not impairing any senior water rights, nor prejudicially or unreasonably affecting the public interest, it is recommended that the referenced application be approved.



Kris Neuhauser
Environmental Scientist



DRIVE UNITS **LARGEST POTENTIAL MACHINE** **GUIDANCE PATH** **END OF MACHINE** **ENDGUN** **FIELD BOUNDARY**



Field Name	Design Name	Machine Category	Machine Area (ac)	No. of Towers	Total Machine Length (ft)	Total Irrigated Area (ac)
Pivot_1_7172019145723487	Hilger 3	Large Field Electrical Pivot 8000	120.74	7	1286.64	126.25

(Hilger 3)	Spans and Overhang	Corner	Endgun*	Bender / DropSpan	Keep-Out
Irrigated Area using (ac)	119.92	0	6.33	0	0.00

* Estimated

Total Span Length (ft) 1249.60

Overhang Length (ft) 36.00

Flex/Transition/Other Lengths (ft) 1.04

S.No	Diameter	Length (ft)	Cable Size	Motor Options	Tire Size	Bender / DropSpan	Profile
1	6 5/8	184.80	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11R x 22.5 Retread Tubeless	None	Standard
2	6 5/8	184.80	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11R x 22.5 Retread Tubeless	None	Standard
3	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11R x 22.5 Retread Tubeless	None	Standard
4	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11R x 22.5 Retread Tubeless	None	Standard
5	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11R x 22.5 Retread Tubeless	None	Standard
6	6 5/8	180.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11R x 22.5 Retread Tubeless	None	Standard
7	6 5/8	160.00	12 ga cable / 11 cond shielded	34 RPM Baldor Helical	11R x 22.5 Retread Tubeless	None	Standard

Endgun Angles (Hilger 3)	Endgun 1	Endgun 2	Endgun 3
Start Angle	10.25 deg	191 deg	278 deg
End Angle	171.25 deg	260.75 deg	349.75 deg

Field Name	Latitude	Longitude	Pivot Road Angle	Pivot Road Offset	Start Angle	End Angle
Pivot_1_7172019145723487	37.470217669124004	-97.839528795253	-	-	0 deg	360 deg

From: Neuhauser, Kris [KDA]
Sent: Wed 4/22/2020 5:03 PM
To: Conant, Cameron [KDA]
Cc: Lanterman, Jeff [KDA]
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

Good to know about the battery. Sounds good though, I'll try and get this map made at some point!

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Wednesday, April 22, 2020 4:59 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

Yep I agree with you Jeff, it needs to show 125.2 acres and no more and I had hoped it would just be a pivot, no end gun as well. That said, the Valley map they are showing shows the end gun off on the N, W, and south sides. I'd bet that frees up the acre we need to make it perfect on paper.

I believe, if he has to go to a battery and hasn't filed the N&P at that time, he would need to meet SY and I think we can do the change in office to add well.

Kris, I would appreciate you making a good map cropping out the N, W, and S side where the end gun won't run and make sure it is 125.2 acres and I'd feel good about where we are.

Cameron

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Wednesday, April 22, 2020 4:54 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

Ooh. Didn't see the second email. I was just hoping they would go with no endgun.

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Wednesday, April 22, 2020 4:43 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

From Shane's dealer:

"Attached is the design with the 40' end gun. Pivot gets 119.92 and end gun gets 6.33 for a total of 126.25 irrigated acres. If you could not run it part of the circle it would be easy to cut down on the acres. Let me know if you need anything else."

From: Neuhauser, Kris [KDA]
Sent: Wednesday, April 22, 2020 4:42 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

Sounds good guys. I've attached the map Shane emailed me earlier for you to check out. I also asked him about it being a single well, since you brought that up Cameron. He didn't know if he'd need a second well or not; wondered if that was a possibility or if he needed to keep it at one. (Is it even possible to make it a battery at this point in the approval process?) He has a couple WR'S nearby, one needed a second well to up the rate, the other didn't.. so 50/50 he thought. Won't know till he drills. Said that if has to stay at one, he'll make do.

To be honest I wouldn't mind creating my own map and double checking on spacing to 45552.. since it's so tight (and with needing to be far enough north to exclude that WR that frees up the water).

But I'm all but spent with ArcPro. Might not be able to use it properly till we're back at the office at this rate. Been a heck of a week fighting this!

Kris

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Tuesday, April 21, 2020 4:30 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: Recommendation Request New App 50262 (DUA NIN30)

Kris. Go ahead and approve this thing with a new map showing the reduction to 125.2 acres. Also I would like to go ahead and include the condition to ensure spacing to 45552 of 1320.

Thanks
Jeff

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Tuesday, April 21, 2020 2:00 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation Request New App 50262 (DUA NIN30)

Jeff, since this latest email Kris has been in touch the Mr. Hilger and Mr. Hilger will contact his pivot dealer and they will provide a good map/layout of the new pivot covering 125.2 acres. Kris summed this whole process up on the memo really well. Basically, the p/d location was moved slightly which freed up some SY in the 2 mile circle, but not enough that Mr. Hilger could get his full originally requested quantity and full place of use. So, Kris worked with him to reduce the acres to the minimum reasonable (based on change calculation) for the quantity that was available.

This is within NNI-30 which shows water still available and we are only allowing 2" at 75% available, so it is a really tight SY. After the p/d was altered there were 143.99 AF to be appropriated within the circle. The p/u has been reduced to 125.2 acres which is 1.15 AF/acre, this calculation was loosely based on the MRQ for change outlined in reg. Jeff, if you recall, this MRQ idea was previously suggested as an option by you when Kris asked about it during the early stages of processing this application.

I would note that I'm surprised he is applying for a single well here. The nearest irrigation development right at a ¼ mile away is a battery of 2 wells. That said, he owns/operates the nearby irrigation so he probably has a good feel for needing a battery or if a single well is adequate. A couple test logs are attached. Both logs show 22' SWL, one log shows sand of varying quality starting at 6' and ending in shale at 62' and the other shows sand starting around 7' and ending in shale at 78'. A lot of the sand on the log is a fine sand, not sure how much it will produce, the drillers estimate 500 gpm out of the 62' deep well and estimate 800 gpm out of the 78' well. Just to note, the nearest battery is certified for a full quantity and 790 gpm so the area does provide adequate water. Either way, this is not a LST file so I don't see any real issues here.

The water level in the area is pretty stable. See the 2 hydrographs. I believe they can be viewed as a single record from the 1950's to present, I think the well was re-drilled so it started over in 2013. Current water level is at 19.4' and the water level in 1955 was ~24. In 2011 the water level was about 21' which corresponds nicely to the test logs showing 22' SWL in 2011. This is about 2 miles SE of the proposed well.

http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372659097491801 (1955-2011)
http://hercules.kgs.ku.edu/geohydro/wizard/wizardwelldetail.cfm?usgs_id=372659097491802 (2013-present)

I think the FO can recommend approval of this application with the knowledge that Kris will continue to work with the applicant to get the p/u ironed out and create a good map for the file. The pivot design sheet will be quite

helpful in creating an accurate map. Also, I think we should add the additional condition that the completed well will maintain spacing to all nearby wells. I think that is appropriate since we meet spacing to 45552, but it is close and could not meet spacing if the 300' radius game was played.

Jeff, please let me know if you have any questions and Kris if you run into any issues with the p/u that would change our recommendation, please let us know. Thanks,

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Monday, April 20, 2020 9:33 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

Sounds good guys! I'll get in contact with him and get things finalized with the place of use.

Kris

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Monday, April 20, 2020 8:31 AM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>; Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

Ya. Either one of those options will work. Most pivots are 1280-1310' long which gives us 120 to 124 acres. We always add some off the end for sprinkler throw. So essentially it is a regular sized pivot with no EG. But its been awhile since I looked at a sprinkler package and haven't looked at any of those really new ones.

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, April 20, 2020 7:48 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

Hello Kris, the 125.2 acres is really close to kind of a "full" pivot without the end gun. I think it would be good to have a short talk with Mr. Hilger and tell him that we can do it one of two ways. He can talk to his irrigation dealer and he can email us a pivot spec design sheet showing the pivot (and endgun/overhang) covers 125.2 acres...or he can just tell us that he wants a full pivot centered in the quarter covering 125.2 acres and you can create the map that way. In all honesty, if he does it the second way it might be nice to have him send you an email saying he is good with the new smaller pivot in the center of the quarter.

If you start working on tidying the p/u, I'll finish a full review and we can get this one moving.

Cameron

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Friday, April 17, 2020 10:35 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: Recommendation Request New App 50262 (DUA NIN30)

Hi guys,

Here is my recommendation request for New App 50262 (DUA NIN30). Moved his PD slightly to exclude a WR in the southern part of the circle and free up water. Not the full 189 AF he requested, but he can get 143.99 AF.

Think I've got most of my thoughts written down in the memo.. though this one will need a new map since I moved the PD slightly, and the place of use is being reduced from 136 to 125.2. Shane Hilger gave the okay for the PD move, smaller quantity, and smaller place of use.

Not sure how you wanted to go about reducing his place of use to 125.2 acres; it will be a pivot in the NW Quarter as shown on the map (page 10 in Docuware). Should I get his thoughts on how to make it smaller? (Suppose this is an unofficial rec request with more info needed haha)

Kris

From: Neuhauser, Kris [KDA]
Sent: Tuesday, March 17, 2020 4:33 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: New App 50,262

No worries at all, I know you were gone and everyone is busy down there.

Sounds great though, I'll go with the 125.2 acre place of use and get you guys a recommendation soon. Thanks!

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Tuesday, March 17, 2020 4:25 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: New App 50,262

Sorry about that.

I would like to reduce his acres to meet MRQ. I used a calculation that scott ross came up with and this seems better and has a place in Reg. Lets do that.

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Tuesday, March 17, 2020 3:33 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: New App 50,262

Hey guys,

Been talking to the applicant Shane Hilger off and on, he called again today to check in. Just wanted to follow up when you have time (mainly just to say I contacted you since he called lol). I think everything else is good to go, just wanted to make sure I get the acreage correct for what he can actually irrigate with the new lower quantity; then I can shoot you the memo for recommendation.

This COVID-19 thing is crazy.. Lot of people getting laptops at HQ, loaded up with programs/drive access. Option to work from home now I guess, some have already left. We'll see how everything plays out in the coming week.

Kris

From: Neuhauser, Kris [KDA]
Sent: Wednesday, February 26, 2020 3:50 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: New App 50,262

Hey Jeff,

Here's some details on 50,262 in Kingman County like I mentioned while you were here. DUA NIN30; open for appropriations. Originally he requested 189 AF and safe yield failed, he's willing to move his location, so pushed the PD slightly west and was able to exclude WR 3416 and free up water. 143.99 AF available now, so I'll need to have him sign off on reducing his quantity. As for his place of use, it's 136 acres in the NW Quarter, will be a center pivot.

Checked out 5-5-12, 50% chance rainfall for Kingman County, and here's the calculation Kristen and I came up with:

$.98' / .85 + 1.15$ acre-feet per acre

1.15×143.99 acre-feet = 125.2 acres minimum irrigated acres

I know you mentioned another way of calculating minimum irrigated acres, let me know if I need to recalculate that. Mainly wondered if we needed to reduce his place of use, or if the 136 acres would work.

Thanks!!

Kris Neuhauser

Environmental Scientist

Kansas Department of Agriculture, Division of Water Resources

Address: 1320 Research Park Drive, Manhattan, KS 66502

Phone: (785)564-6643

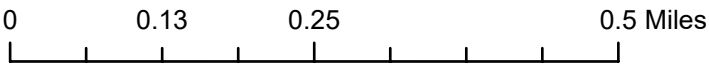
Website: <http://agriculture.ks.gov/divisions-programs/dwr>

New App 50262 Place of Use (125.2 acres)

(Yellow Star represents PD location)



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



From: Munson, John [KDA]
Sent: Wed 8/7/2019 5:50 PM
To: Baum, Kristen [KDA]
Subject: RE: DUA pending applications

Kristen,

As of August 7, 2019, here are the results for the three unit areas you asked about:

1. BLC-67 has only 107 acre-ft available. There are four pending applications in the unit, 50,185, 50,186, 50,187, and 50,243, but this area is already nearly fully appropriated largely due to two reservoirs that are not storage rights in WRIS.
2. NIN-30 has 2,496 acre-ft available. There is one application 50,262 pending.
3. SNI-25 is fully appropriated and no water is available. There are two applications 50,073 and 50,074 pending but they are only for a couple acre-ft each.

As I said below, I will let you know when the entire file is updated. I will direct you to its location.

John

From: Munson, John [KDA]
Sent: Wednesday, August 7, 2019 3:21 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: DUA pending applications

Hi Kristen,

I have not updated the entire excel file recently. I will update the three unit areas that you are asking about and send you that information. I will then update the remainder of the excel file and let you know when I am done. I got so I tend to update a unit area when someone asks me about a certain unit instead of the whole thing periodically.

I use the WIMAS>Selection/Buffer>Theme>boundaries >Closed_Restricted in ArcGIS Pro. I also have boundaries for the portions of the units that extend into GMDs but you have to draw the polygon to select files in those areas.

John

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Wednesday, August 7, 2019 12:40 PM
To: Munson, John [KDA] <John.Munson@ks.gov>
Subject: DUA pending applications

John,

We have a few pending applications coming up that are located within DUAs. Can you provide me with the latest version of the excel file for the DUAs and more specifically, can you see if the following DUAs have water remaining that can be appropriated?

BLC-67
NIN-30
SNI-25

Also, do you have an ArcGIS shapefile for the DUA boundaries that you use?

Thanks,

Kristen A. Baum
Division of Water Resources – Water Appropriations
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
(785) 564-6627

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

SHANE J & SARAH D HILGER (JT)
11548 SE 150TH AVE
NORWICH, KS 67118

RE: Appropriation of Water, File No. 50,262

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting 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. 50,262** of the applicant

SHANE J & SARAH D HILGER (JT)
11548 SE 150TH AVE
NORWICH, KS 67118

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 3, 2019**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW	SE	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2	30S	5W					30.55	29.25	31.8	33.6									125.2

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 Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 5,264 feet North and 3,721 feet West of the Southeast corner of said section, in Township 30 South, Range 5 West, Kingman 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 **800 gallons per minute** (1.78 c.f.s.) and to a quantity not to exceed **143.99 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 subject 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.

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.

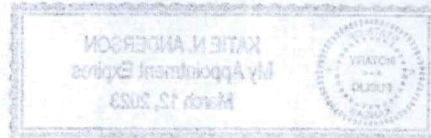
If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be 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

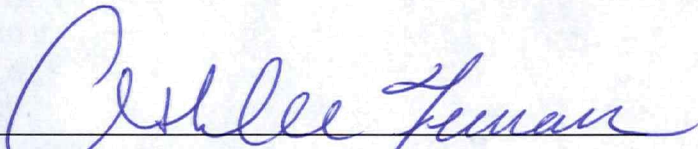
On this 30th day of June, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,262, dated 22 June 2020 was mailed postage prepaid, first class, US mail to the following:

SHANE J & SARAH D HILGER (JT)
11548 SE 150TH AVE
NORWICH, KS 67118



With photocopies to:

Stafford Field Office


Division of Water Resources