

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

1. File Number: 49,875	2. Status Change Date: 2/4/2020	3. Field Office: 02	4. GMD: 02
5. Status: <input checked="checked" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="checked" type="checkbox"/> Check Valve <input checked="checked" type="checkbox"/> N of C Form <input checked="checked" type="checkbox"/> Water Tube <input checked="checked" type="checkbox"/> Driller Copy <input checked="checked" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> Person ID 53205 Add Seq# _____		7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
FRANK J & MARY M HARPER 8426 S RIDGE RD SEDGWICK, KS 67135			
7b. Landowner(s) New to system <input checked="checked" type="checkbox"/> Person ID _____ Add Seq# _____		7d. Landowner New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
7A			
8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7b		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No <input checked="checked" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="checked" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: 12/31/2020 21 11. Perfection Date: 12/31/2024 25 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: 12/31/2020 25 Date WLMD Installed: _____			
Date Prepared: 10/10/19 By: MJM Date Entered: 2/5/2020 LMoody			

File No. **49,875** 15. Formation Code: **190** Drainage Basin: **Little Arkansas** County: **HV** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			86255	SE SW SW	10	24S	1W	2	570	4505 Geo-Cent
ENT	87887		SW SW SW	10	24S	1W		570		4800 Bat 1 of 3
ENT	87888		SE SW SW	10	24S	1W		570		4505 Bat 2 of 3
ENT	87889		SE SW SW	10	24S	1W		570		4210 Bat 3 of 3
BATTERY ID# 2163										

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	189.8	800	189.8	

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? Yes No To be installed by **12/31/2020** **25** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO	Overlap Files	
MOD	DEL	ENT	PUSE	S	T	R	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					
√			68471	10	24S	1W	3									40	32.5	34.5	39					146	7b.			N

Comments: **Special Condition: Monitoring Wells and Observation Wells, Spacing Conditions** 1/31/2020
KAB

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 10, 2019

FROM: Matt Meier

RE: Application, File No. 49,875

Frank J. Harper has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of three (3) wells, a quantity of 189.8 acre-feet, and a diversion rate of 800 gallons per minute. The proposed geo-center of the well battery is to be located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, more particularly described as being near a point 570 feet North and 4,505 feet West of the Southeast corner of said section, in Township 24 South, Range 1 West, Harvey County, within the Little Arkansas drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. There are no existing water rights overlapping the proposed point of diversion and place of use. The proposed place of use is owned by the by Frank J. & Mary M. Harper. The applicant signed the application form stating that they have legal access to the point of diversion.

The applicant identified 5 domestic wells within one-half mile of the proposed well and 3 non-domestic wells, which WRIS confirmed. Nearby well notification letters were sent out on April 29, 2015. A phone call and letter were received from domestic well owner Brad Mosiman who was against approval of the application. According to the WRIS database, the nearest non-domestic point of diversion (File No. 49134) is located 1,960 feet away. Based on the site map and GMD review the nearest domestic well is over 960 feet away. The proposed point of diversion meets minimum well spacing to all other existing wells. Per the requirements in K.A.R. 5-22-2(b) for a battery of wells located within Equus Beds Groundwater Management District No. 2, the minimum spacing interval from the geographic center of a well battery should be 1,620 feet to all other non-domestic wells and 960 feet to domestic wells.

Multiple test hole logs were submitted with the application, one of which shows top soil from 0 to 1 feet, clay from 1 to 20 feet, fine sand with clay pieces from 20 to 40 feet, medium to fine sand from 40 to 65 feet, fine sand with clay pieces from 65 to 70 feet, and medium sand from 70 to 80 feet below ground. Static water level was listed at 40 feet which provides a saturated thickness of 40 feet.

The requested quantity of water, 189.8 acre-feet, is to irrigate the proposed 146 acres identified in the application. This is the maximum reasonable quantity allowable of 1.3 acre-feet per acre for Harvey County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on December 27, 2019. GMD #2 recommended approval of the application in a letter received on July 5, 2019. In the letter they said the application complies with all GMD #2s rules and Regulations, K.A.R. 5-22-1 through 5-22-17, and recommended approval of the application subject to the to the following conditions:

1. The authorized well battery, as drilled and constructed, complies with the minimum well spacing requirements to senior domestic and non-domestic wells as described in K.A.R. 5-22-2;
2. The installation of one groundwater monitoring well, at the owner's expense, to be located approximately 950 feet north and 5,200 feet west of the southeast corner of Section 10, Township 24 South, Range 1 West, Harvey County;
3. The implementation of the enclosed groundwater-monitoring schedule, which includes monitoring for both water table fluctuation and initial water quality; and
4. Construction of the monitoring well pursuant to District specifications (copy enclosed) to allow for inorganic water quality analyses and water-level measurements.

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.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on September 30, 2019. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

GMD2 sited thin saturated thickness and close proximity of nearby domestic wells as reasoning for requirement of an observation well. There appears to be approximately 40' of saturated thickness so it didn't meet DWR criteria for requesting a limited saturated thickness study, but there are numerous nearby domestics and the applicant didn't object to the conditions of the GMD2 recommendation for an observation well.

1/31/2020
KAB

Matthew J. Meier
Environmental Scientist
Water Appropriations Unit

THE STATE OF KANSAS



APPLICATION COMPLETE
10/13/17
Reviewer: MJM/SPEO

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

9/30/2019
Application Complete

File Number 49875
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

JUL 20 2017
11:45

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, Kansas 66502:

1. Name of Applicant (Please Print): Frank J. Harper
Address: 8426 S. Ridge Road
City: Sedgwick State KS Zip Code 67135
Telephone Number: (316) 772-3906

2. The source of water is: surface water in _____ (stream)
OR groundwater in Little Arkansas River Basin - Equus Beds Aquifer (drainage basin)

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

3. The maximum quantity of water desired is 189.8 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR _____ cubic feet per second.

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

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (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 2 Meets K.A.R. 5-3-1 (YES/NO) Use FUR Source G/S County HV By AW Date 7/20/17
Code RED Fee \$ 300 TR # _____ Receipt Date 7/20/17 Check # 4116

WATER RESOURCES
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OCT 13 2017

KS DEPT OF AGRICULTURE

SCANNED
7/27/17 DW

* Applicant requests 60 days to conduct test drilling & locate the proposed point of diversion

File No. _____

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.

Geo-Center
10-11-17

(A) One in the SE quarter of the SW quarter of the SW quarter of Section 10, more particularly described as being near a point 570 feet North and 4505 feet West of the Southeast corner of said section, in Township 24 South, Range 1W East/West (circle one), Harvey County, Kansas.

West well

(B) One in the SW quarter of the SW quarter of the SW quarter of Section 10, more particularly described as being near a point 570 feet North and 4800 feet West of the Southeast corner of said section, in Township 24 South, Range 1W East/West (circle one), Harvey County, Kansas.

Middle well

(C) One in the SE quarter of the SW quarter of the SW quarter of Section 10, more particularly described as being near a point 570 feet North and 4505 feet West of the Southeast corner of said section, in Township 24 South, Range 1W East/West (circle one), Harvey County, Kansas.

East well

(D) One in the SE quarter of the SW quarter of the SW quarter of Section 10, more particularly described as being near a point 570 feet North and 4210 feet West of the Southeast corner of said section, in Township 24 South, Range 1W East/West (circle one), Harvey 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):

Frank J. & Mary M. Harper, 8426 S. Ridge Road, Sedgwick, KS 67135. 316-772-3906

(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 7-13, 2017.


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.

10-11-17

7. The proposed project for diversion of water will consist of One well battery One battery of 3 wells
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) 5/1/2018
(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 6/1/2018
(Mo/Day/Year)

5/1/18

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 NA

• If no, explain here why a Water Structures permit is not required NA

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

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

OCT 13 2017

JUL 20 2017

* Applicant requests 60 days to conduct test drilling & submit the driller's log.

File No. _____

*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		10-2-17	10-2-17	
Total depth of well		95'	80'	
Depth to water bearing formation		35'	40'	
Depth to static water level		45'	40'	
Depth to bottom of pump intake pipe		NA	NA	

OK
10-11-17

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):
Frank J. & Mary M. Harper, 8426 S. Ridge Road, Sedgwick, KS 67135. 316-772-3906
(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 Halstead, Kansas, this 13th day of July, 2017.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by T. Boese GMD2/Manager Date: July 13, 2017
(office/title)

SCANNED

Application Map - File No. 49875



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

[Handwritten Signature]
 Signature

10-11-17
 Date

- New Application**
- Application No. _____ To Change:**
 - Point of Diversion
 - Place of Use
 - Use Made of Water
- Proposed Point of Diversion**
- Existing Points of Diversion**
- Proposed Place of Use**
- Authorized Place of Use**

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

- 1) *Will be provided after test drilling is completed*
- 2) *& the proposed PD location is determined*
- 3)

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 JUL 20 2017
 KS DEPT OF AGRICULTURE
 OCT 13 2017
 Completed By GMD Staff
 T. Boese - 7/12/2017
 SCANNED

Wells Within ½ Mile

1. Municipal Well – Water Permit No. 41418
Public Wholesale Water Supply District No. 17
c/o City of Newton
PO Box 426
Newton, KS 67114
2. Domestic Well
Mark & Bonnie Ekeland
5632 S. Ridge Road
Sedgwick, KS 67135
3. Domestic Well
Dan R. Davis
5634 S. Ridge Road
Sedgwick, KS 67135
4. Domestic Well
Bradley & Wendy Mosiman
5631 S. Ridge Road
PO Box 461
Sedgwick, KS 67135
5. Domestic Well
Douglas Jr. & Rhonda Little
5827 S. Ridge Road
Sedgwick, KS 67135
6. Irrigation Well – Water Permit No. 49134
McGinn Land Co. LLC
1123 W. 4th Street
Sedgwick, KS 67135
7. Domestic Well
Randall & Cherri Engel
6114 S. Ridge Road
Sedgwick, KS 67135
8. Irrigation Wells – Water Right No. 31615
CG & Deborah K. McGinn
6618 S. Ridge Road
Sedgwick, KS 67135

WATER RESOURCES
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OCT 13 2017

KS DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49875

Name of Applicant (Please Print): Frank J. Harper

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: Frank J. & Mary M. Harper

ADDRESS: 8426 S. Ridge Road, Sedgwick, KS 67135

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
10	24	1W											40	32.5	34.5	39					146	

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				

WATER RESOURCES RECEIVED WATER RESOURCES RECEIVED
OCT 13 2017 JUL 20 2017
KS DEPT OF AGRICULTURE KS DEPT OF AGRICULTURE

SCANNED

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
<u>Hobbs Silt Loam</u>	<u>2.5</u>	<u>0.6-2.00</u>	<u>5</u>
<u>Crete Silt Loam</u>	<u>38</u>	<u>0.06-0.20</u>	<u>3</u>
<u>Geary Silt Loam</u>	<u>41</u>	<u>0.2-0.6</u>	<u>5</u>
<u>Ladysmith SC Loam</u>	<u>17</u>	<u>0.00-0.06</u>	<u>1</u>
<u>Smolan SC Loam</u>	<u>1.5</u>	<u>0.06-0.20</u>	<u>3</u>
Total:	100 %		

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

Estimate the maximum land slope in the field(s): 3 %

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: Center Pivot with cornering system or SDI for corners

d. System design features:

i. Describe how you will control tailwater: Will schedule and apply irrigation to eliminate runoff

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: Not available yet psi

(2) What is the sprinkler package design rate? Not available yet 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? Not available yet feet

(4) Please include a copy of the sprinkler package design information. Not available yet.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn, soybeans, milo, wheat

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). Contract with crop consultant

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

49875

7-13-2017
(Date)

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

Re: Application
File No. _____

Minimum Desirable Streamflow

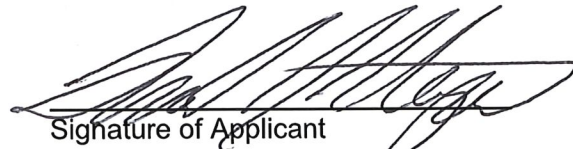
Dear Sir:

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.

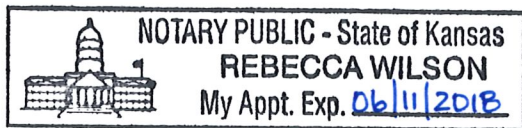


Signature of Applicant

State of Kansas)
County of HARVEY) ss

Frank J. Harper
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 13th day of JULY, 2017.



Rebecca Wilson
Notary Public

My Commission Expires: 06/11/2018

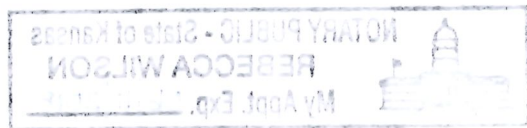
WATER RESOURCES RECEIVED
OCT 13 2017
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JUL 20 2017
KS DEPT OF AGRICULTURE
KS DEPT OF AGRICULTURE
SCANNED

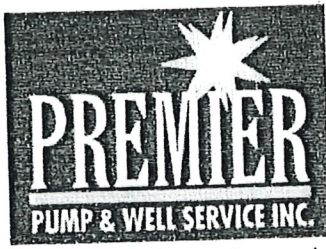
**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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





Agriculture, Residential & Commercial

Customer's Name Frank Harper Date 10/2/2017
 Address 8100 S. Ridge Rd Sedgwick, Kansas 67135 Test Hole 1,2,3
 County Harvey Quarter NW Section 210 Township 24S Range 1W

Drilled Footage		Description of Strata	SWL	YIELD	PLAIN	PERF
From	To					
		HOLE #1 SUPPLY WELL				
		37.972083 -97.425500	45'	40 GPM	0-75	75-95
0	1	Topsoil				
1	20	Clay				
20	25	Gritty Clay				
25	35	Very Fine Sand w/Clay Pieces				
35	80	Fine Sand/Clay Streaks				
80	85	Medium Sand				
85	94	Clay				
95		Shale				
		HOLE # 2 LIVESTOCK WELL	45'	30 GPM	0-60	60-100
		37.97548 -97.42380				
0	1	Topsoil				
1	30	Clay				
30	40	Fine Sand/Clay				
40	60	Clay				
60	80	Fine Sand w/Clay Pieces				
80	85	Medium Sand				
85	99	Medium to Fine Sand w/Clay Pieces				
100		Shale				
		HOLE #3	40'			
		37.97199 -97.42446				
0	1	Topsoil				
1	20	Clay				
20	40	Fine Sand w/Clay Pieces				
40	65	Medium to Fine Sand				
65	70	Fine Sand w/Clay Pieces				
70	80	Medium Sand				

west well

middle well

5159 N. 119th W. Maize, KS 67101 316-722-8380

WATER RESOURCES RECEIVED

OCT 13 2017

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



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

July 21, 2017

FRANK J HARPER
8426 S RIDGE RD
SEDGWICK KS 67135

RE: Application
File No. 49875

Dear Sir or Madam:

Your application for permit to appropriate water in 10-24S-1W in Harvey County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD 2

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 15, 2017

FILE COPY

FRANK J HARPER
8426 S RIDGE ROAD
SEDGWICK KS 67135

Re: Pending Application,
File No. 49,875

Dear Mr. Harper:

After a preliminary review of your above referenced application for permit to appropriate water received in this office on July 20, 2017, it is being returned to you for additional information. In your original application, you requested a 60-day period of time in which to determine the precise location for your point of diversion within a specified quarter section tract of land described as the Southwest Quarter (SW $\frac{1}{4}$) of Section 10, in Township 24 South, Range 1 West, Harvey County, Kansas. Due to our delay in returning the original application to you, the 60-day period of time will start as of the date of this letter.

Once you've determined the precise location for your point of diversion, complete the rest of Paragraph No. 5 of your application by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The location of the point of diversion must also be plotted on the topographical map included.

The locations of all other water wells of every kind within one-half mile ($\frac{1}{2}$) of the point of diversion must be plotted on the topographical map as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map declaring that all wells within one-half mile ($\frac{1}{2}$) of the point of diversion have been plotted, or it should declare that none exist. Please provide this information once you have established your point of diversion.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed well may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of a well or test hole within 300 feet of the proposed point of diversion. Please supply the indicated information and a test hole log or a driller's log with the returned application.

In order to retain its priority of filing, the original application and attachments must be returned to this office with the requested information on or before **October 15, 2017**, or within any authorized extension of time thereof. According to law, default in re-filing of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

enclosures
pc: GMD 2

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 28, 2017

FRANK J HARPER
8426 S RIDGE ROAD
SEDGWICK KS 67135

FILE COPY

Re: Pending Application,
File No. 49,875

Dear Sir or Madam:

The Division of Water Resources returned the above referenced application to you for additional information on August 15, 2017, and the current deadline for your response is October 15, 2017. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original application and requested information needs to be returned to this office on or before **October 15, 2017**, or within any authorized extension of time thereof. According to law, default in refiling of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **October 15, 2017**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc:

SCANNED

Matt Meier
Division of Water Resources
Stafford Field Office
300 S. Main Street
Stafford, Ks 67578-1521

Matt,

I want thank you for your time on the phone last week. This letter would be a follow up to that conversation.

This would be in regards to Pending Application 49,875 for 189.8 acre-feet of water per year.

I would be opposed to the approval of this application. We have experienced the loss of use of one well on our property in the past and see this as added stress to the local water levels. It also seems odd that it would take 3 wells to achieve the volume of water applied for. I know there are other systems like this, but it seems as if the limits of the groundwater are being pushed to make this happen.

Thank you,
Brad Mosiman
5631 S. Ridge Rd
Sedgwick, Ks 67135
316 772 5879



RECEIVED

DEC 26 2018

Stafford Field Office
DIVISION OF WATER RESOURCES

SCANNED

STATE OF KANSAS



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

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

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

December 28, 2018

Brad Mosiman
5631 S. Ridge Rd
Sedgwick, KS 67135

Re: Pending Application, File No. 49,875

Dear Mr. Mosiman:

This will acknowledge receipt of your letter, received in this office on December 26, 2018 in which you expressed concerns regarding the proposed appropriation of groundwater by Frank Harper under the above referenced application. A copy of the letter has been added to the file. In the letter, you stated you are against approval of the application, have had issues with water loss to a well on your property, and are concerned with the overall level of water appropriations within the area.

We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The next step in processing will be to forward the application on to Equus Bends Groundwater Management District No. 2 for their review of the application. This review will determine if the application is recommended for denial or approval.

The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest. Impairment is indicated if existing water rights will experience an unreasonable lowering of the static water level.

The applicable rules and regulations (K.A.R. 5-22-2) require that new non-domestic wells must meet specific spacing guidelines in order to minimize the potential that existing water wells of any kind would be impaired. The specific regulation in this case requires a minimum well spacing of 660 feet from any existing domestic well.

Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing your water right, you should notify Jeff Lanterman, Water Commissioner, Stafford Field Office, as follows, so that an investigation can be made.

Division of Water Resources
Stafford Field Office
300 S Main Street
Stafford, Kansas 67578-1342
Telephone: 620-234-5311

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 620-234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Matt Meier
New Application Unit
Water Appropriation Program

pc:

SCANNED

STATE OF KANSAS



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

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

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

December 27, 2018

GROUNDWATER MANAGEMENT DISTRICT NO 2
% TIM BOESE
313 SPRUCE ST
HALSTEAD KS 67056-1925

Re: Pending Application, File No. 49,875

Dear Mr. Boese:

We are enclosing a copy of the application referred to above which appears to be in proper form. Nearby well owner notification letters were sent out on December 5, 2018. A phone call and letter were received from domestic well owner Brad Mosiman who is against the approval of the application.

We are delaying any further action for a period of 30 days from the date of this letter to allow you time to submit your recommendations concerning this application. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 234-5311. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Matt Meier
Environmental Scientist
Water Appropriation Program

Enclosure

pc:

SCANNED

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
ALAN BURGHART
JOE PAJOR
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

July 3, 2019

Chief Engineer, Division of Water Resources
Attn: Matt Meier
300 S. Main Street
Stafford, KS 67578

Re: Appropriation Application No. 49875 – Frank Harper

Dear Mr. Meier:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced application on July 3, 2019, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17. The application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

Based upon the review findings, the application is recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to the following conditions:

1. The authorized well battery, as drilled and constructed, complies with the minimum well spacing requirements to senior domestic and non-domestic wells as described in K.A.R. 5-22-2;
2. The installation of one groundwater monitoring well, at the owner's expense, to be located approximately 950 feet north and 5,200 feet west of the southeast corner of Section 10, Township 24 South, Range 1 West, Harvey County;
3. The implementation of the enclosed groundwater-monitoring schedule, which includes monitoring for both water table fluctuation and initial water quality; and
4. Construction of the monitoring well pursuant to District specifications (copy enclosed) to allow for inorganic water quality analyses and water-level measurements.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

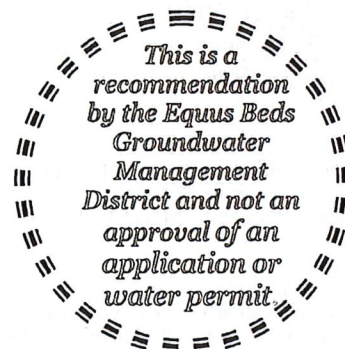
Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

Enclosures

pc: Frank Harper, Applicant and Landowner
Brad Mosiman, Nearby well owner



H:\MSOFFICE\LETTERS\APP\NewApp\Recommendation\Approve\#49875_Harper.docx

**EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2
FINAL APPLICATION REVIEW CHECKLIST**

1) Application No. 49875 Date filed: 7/20/17
2) Applicant: Frank J. Harper County: Harvey
3) Proposed maximum quantity: 189.8 acre-feet/year Rate: 800 GPM
4) Proposed Use: Irrigation
5) P/D location: SE SW SW 10-24S-1W Geo Center: North 570 ft, West 4505 ft
6) Number and type of points of diversion listed on the application 1 Battery of 3 Wells

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A
(a) Total allowable appropriations: 3074.00 af/yr
(b) Total existing appropriations: 2850.20 af/yr
(c) Total small user exemptions: 0.00 af/yr
(d) Total non-consumptive use: 0.00 af/yr
(e) Total consumptive use: 2850.20 af/yr
(Total existing appropriations) – (Total non-consumptive use)
(f) exempt from regulation? Yes No,
Cite exemption: _____

9) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A
(a) POD in enhanced well spacing area? Yes No
(b) Domestic well spacing interval: >960 ft
(c) Non-Domestic well spacing interval: >1620 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A
(a) Irrigation max quantity: 1.3 acre-feet / acre
application paragraph 3 value (acre-feet) / proposed acres = Q
(b) Stockwater max quantity: _____ GPD _____ unit
(c) Industry max quantity: _____ Acre
Industry standard: _____
(d) Municipal max quantity: _____ GCD
Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
X - Average of last three years usage in Gallons per Capita per Day (GCD)
Y - water usage for industries that use over 200,000 gal/yr (GCD)
Z - Projected population in 20 years
T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)
(e) Pond max quantity is
(Net evap + seepage)/12 x pond area + any initial fill
(f) Groundwater pit max Q:
Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A
12) Depth to water: 14.28 bls at observation well: 49134MW1

13) Date reviewed: July 3, 2019

14) Reviewed by: T. Boese Title: Manager

15) District recommendation: Approve Deny Other, see comment

16) Comments and Calculations:

Review of new application for irrigation use submitted by Frank Harper in Harvey County

No Overlapping Point of Diversion or place of Use

Surrounding Well Owner Notifications sent. One nearby domestic well owner responded in opposition.

No Rate/Quantity Limitations

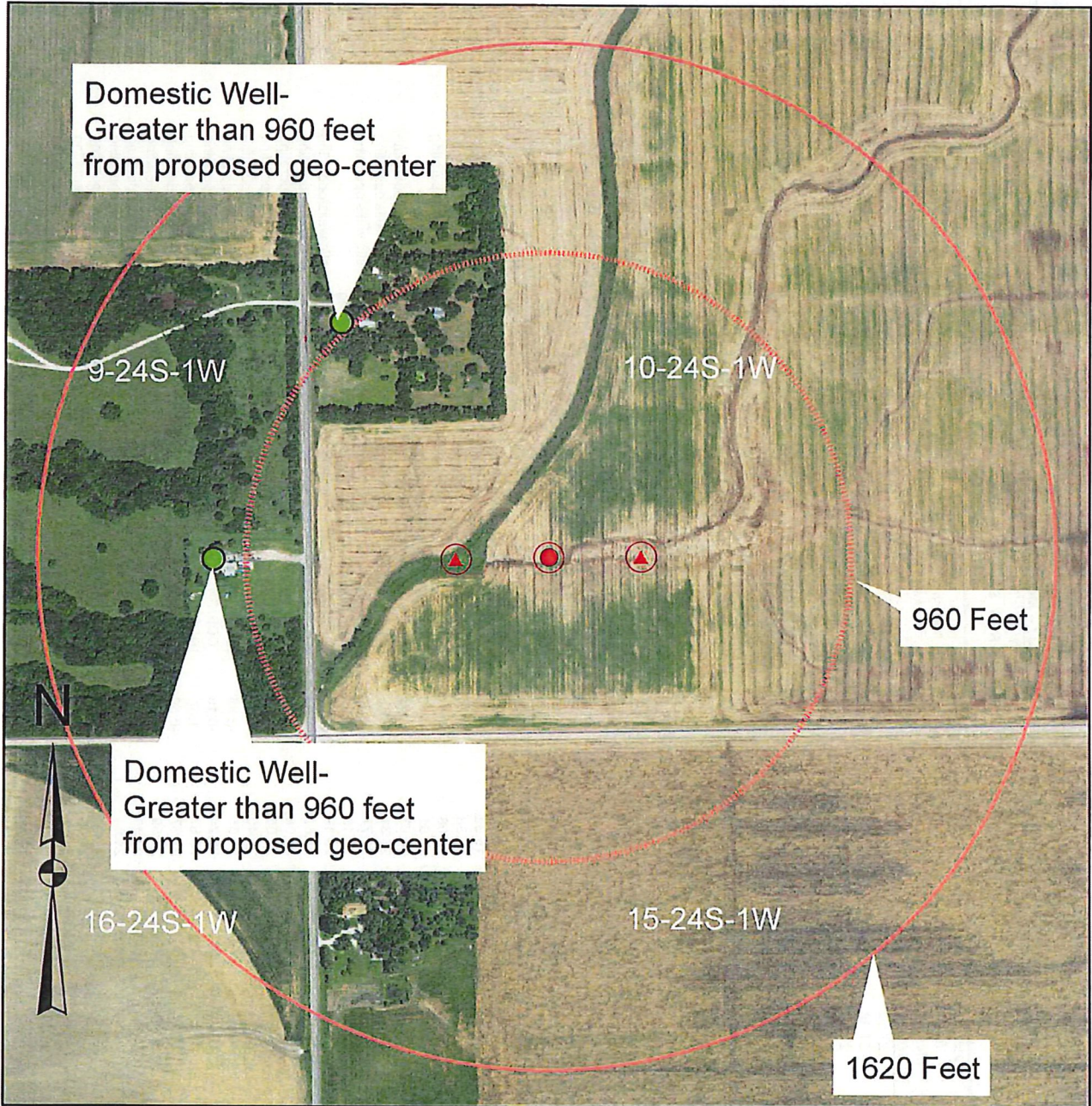
No Special Use Areas or IGUCAs

Item 10: $189.8 \text{ AF} / 146 \text{ acres} = 1.3 \text{ AF/A}$

Due to thin saturated thickness of sands and gravels and close proximity to nearby domestic wells, recommend a monitoring well and groundwater monitoring plan

Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17, subject to monitoring well installation and groundwater monitoring plan

Equus Beds Groundwater Management District No. 2
Spacing ~~Safe Yield~~ Evaluation #49875 - Frank Harper
 SESWSW (570'N & 4505'W) 10-24S-01W, Harvey County
 Prepared By: T. Boese Date:7/2/2019



	Proposed Point of Diversion	Map Legend	
	Area of Consideration Boundary		Major Highway
	Monitoring Wells		Other Roadway
	Points of Diversion		Major Stream
	District Boundary		Other Water Feature
			County Boundary
			City Boundary

0.065 0.0325 0 0.065 Miles

Equus Beds Groundwater Management District No. 2
 313 Spruce Street, Halstead, KS 67056
 316-835-2224, equusbeds@gmd2.org

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2												
WATER APPROPRIATION PERMIT NO. 49134 -- MCGINN LAND CO., LLC												
RECORDED WATER LEVEL DATA FROM MONITORING WELL NO. 49134MMW1												
NE-NE-NE (5250' N 50' W) SEC. 16, T24S, R1W, SEDGWICK COUNTY												
Date (m/d/y)	Time (hrs)	Land Surface Elevation (feet)	Water Meas. Pt. Elevation (feet)	Water Depth from Meas. Pt. (feet)	Water Table Elevation (feet)	Water Depth from Land Surface (feet)	Water Level Change from Previous Meas. (feet)	Measurement Taken By	Measurement Device	Field Observations (i.e. irrigation wells operating)		
9/10/2015	1133	1392	1394.6	27.52	1367.08	24.92		DDR/GMD2	M-scope	No nearby non-domestic wells operating, sampled 47901MMW1		
10/6/2015	1412	1392	1394.6	27.38	1367.22	24.78	0.14	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
11/2/2015	1522	1392	1394.6	27.51	1367.09	24.91	-0.13	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
12/7/2015	1059	1392	1394.6	26.75	1367.85	24.15	0.76	DDR/GMD2	M-scope	#41418 operating		
1/13/2016	1444	1392	1394.6	24.83	1369.77	22.23	1.92	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
2/1/2016	1024	1392	1394.6	24.86	1369.74	22.26	-0.03	DDR/GMD2	M-scope	#41418 operating		
3/7/2016	1339	1392	1394.6	25.58	1369.02	22.98	-0.72	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
4/4/2016	1458	1392	1394.6	25.45	1369.15	22.85	0.13	DDR/GMD2	M-scope	#41418 operating		
5/2/2016	1430	1392	1394.6	25.08	1369.52	22.48	0.37	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
6/8/2016	1503	1392	1394.6	23.00	1371.6	20.40	2.08	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
7/6/2016	1325	1392	1394.6	24.63	1369.97	22.03	-1.63	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
8/5/2016	1416	1392	1394.6	30.70	1363.9	28.10	9.26	DDR/GMD2	M-scope	#47901 operating		
9/6/2016	1522	1392	1394.6	21.44	1373.16	18.84	3.49	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
10/3/2016	1527	1392	1394.6	17.95	1376.65	15.35	-2.35	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
11/7/2016	1232	1392	1394.5	20.43	1374.3	17.70	-0.13	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
12/5/2016	1230	1392	1394.5	20.87	1373.73	18.27	-0.44	DDR/GMD2	M-scope	#41418 operating		
1/9/2017	1306	1392	1394.5	21.06	1373.54	18.46	-0.19	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
2/6/2017	1502	1392	1394.5	23.14	1371.46	20.54	-2.08	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
3/7/2017	1204	1392	1394.5	20.13	1374.47	17.53	3.01	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
4/6/2017	1013	1392	1394.5	18.98	1375.62	16.38	1.15	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
5/1/2017	1502	1392	1394.5	18.42	1376.18	15.82	0.56	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
6/7/2017	1632	1392	1394.5	20.93	1373.67	18.33	-2.51	DDR/GMD2	M-scope	#49131 oper		
7/3/2017	1425	1392	1394.5	26.68	1367.92	24.08	-5.75	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
8/7/2017	1446	1392	1394.5	31.21	1363.39	28.61	-4.53	DDR/GMD2	M-scope	#49134 operating		
9/5/2017	1217	1392	1394.5	27.53	1367.07	24.93	3.68	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
10/4/2017	1600	1392	1394.5	25.91	1368.69	23.31	1.62	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
11/7/2017	1028	1392	1394.5	25.37	1369.23	22.77	0.54	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
12/4/2017	1221	1392	1394.5	25.73	1368.87	23.13	-0.36	DDR/GMD2	M-scope	#41418 operating		
1/9/2018	1010	1392	1394.5	25.78	1368.82	23.18	-0.05	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
2/5/2018	1527	1392	1394.5	28.47	1366.13	25.87	-2.69	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
3/5/2018	1619	1392	1394.5	26.28	1368.32	23.68	2.19	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
4/3/2018	0947	1392	1394.5	29.65	1364.95	27.05	-3.37	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
5/8/2018	1703	1392	1394.5	28.00	1366.6	25.40	1.65	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
6/4/2018	1037	1392	1394.5	30.65	1363.95	28.05	-2.65	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
7/2/2018	1136	1392	1394.5	30.84	1363.76	28.24	-0.19	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
8/8/2018	1442	1392	1394.5	29.47	1365.13	26.87	1.37	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
9/4/2018	1441	1392	1394.5	29.97	1364.63	27.37	-0.50	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
10/1/2018	1047	1392	1394.5	26.19	1368.41	23.59	3.78	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
11/5/2018	1120	1392	1394.5	26.09	1368.51	23.49	0.10	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
12/4/2018	1501	1392	1394.5	24.54	1370.06	21.94	1.55	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
1/3/2019	1558	1392	1394.5	26.28	1368.32	23.68	-1.74	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
2/5/2019	1219	1392	1394.5	26.68	1367.92	24.08	-0.40	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
3/4/2019	1428	1392	1394.5	25.14	1369.46	22.54	1.54	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
4/2/2019	1606	1392	1394.5	23.28	1371.32	20.68	1.86	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
5/7/2019	1301	1392	1394.5	16.88	1377.72	14.28	6.40	DDR/GMD2	M-scope	No nearby non-domestic wells operating		
6/4/2019	1551	1392	1394.5									

*measurement point located at top of 2 inch diameter steel monitoring well, 2.6 feet above land surface.

SAFETYIELD EVALUATION - NO. 49875 - FRANK HARPER
LOCATION: SESWSW (570'N & 4505'W) 10-24S-01W, Harvey County
SPECIAL USE AREA: None
EVALUATION DATE:- 7/2/2019

Total Areas: 6,148 acres; Area in 3 inch discharge zone: 0 acres; Area in 6 inch discharge zone: 6,148 acres

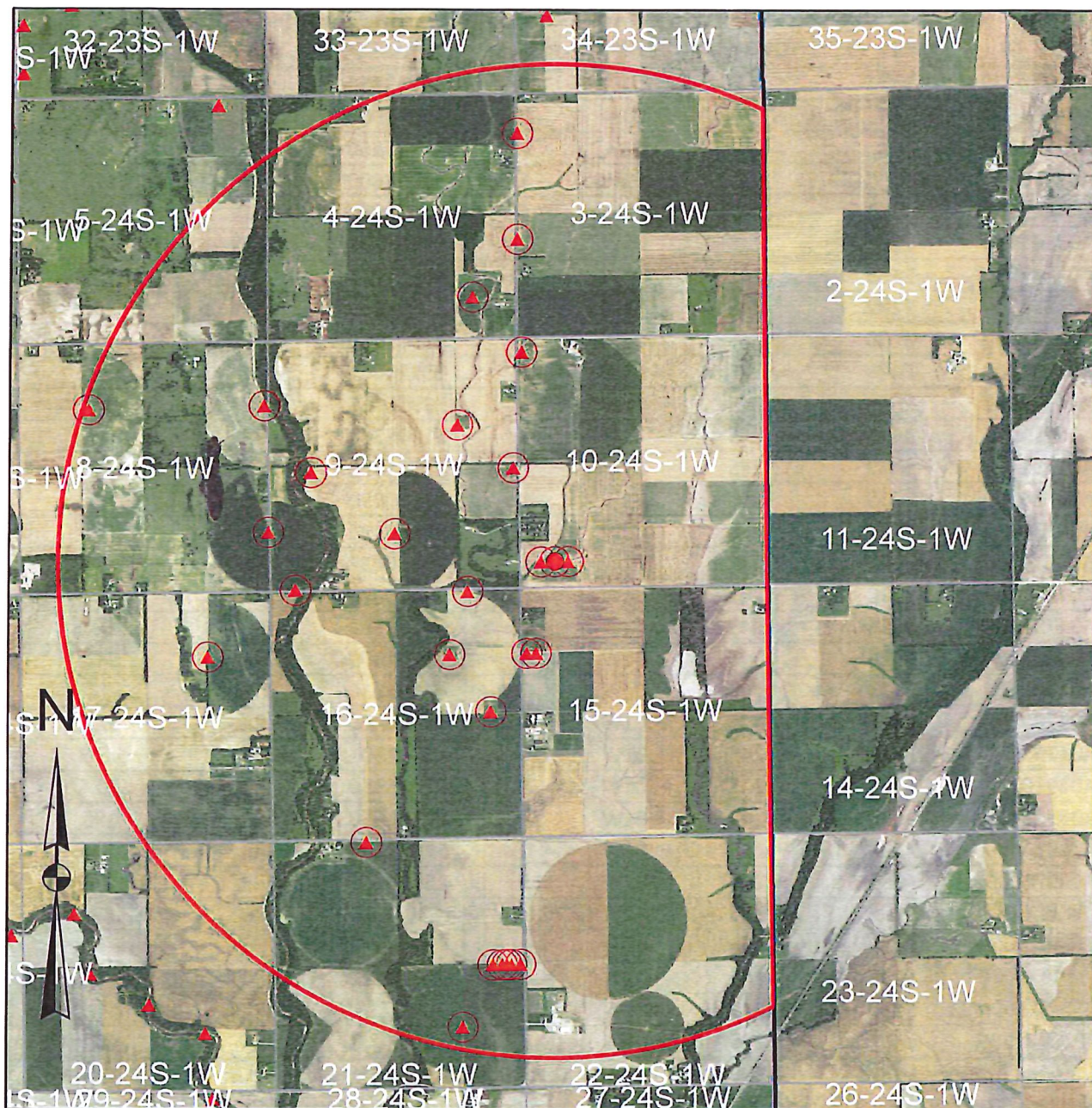
FILE_ID	WELL_ID	TOWNSHIP	RANGE	SECTION	QUALIFIER	USE	AUTHQUANTITY
A02939200	1121	24S	01W	21	52753350	IRR	90
A03161500	44	24S	01W	15	39304960	IRR	29
A03161500	43	24S	01W	15	39305160	IRR	31
A03285600	279	24S	01W	8	39603800	IRR	112
A04141800	2201	24S	01W	9	25900090	MUN	572.5
A04141900	2202	24S	01W	16	39301510	MUN	0
A04147500	2169	24S	01W	10	50315165	IRR	182
A04212700	2289	24S	01W	9	35201260	MUN	0
A04212800	2290	24S	01W	16	27000650	MUN	0
A04288900	2478	24S	01W	8	13120005	IRR	91
A04367200	2667	24S	01W	8	39900068	IRR	89
A04711000	3519	24S	01W	3	21005230	IRR	200.2
A04721300	3569	24S	01W	21	13201340	IRR	172
A04734100	3755	24S	01W	21	26300090	IRR	0
A04734100	3756	24S	01W	21	26300286	IRR	0
A04734100	3757	24S	01W	21	26300482	IRR	0
A04734100	3758	24S	01W	21	26300678	IRR	0
A04734100	3696	24S	01W	21	26300384	IRR	253.5
A04787600	3826	24S	01W	17	39601300	IRR	84.5
A04789500	3813	24S	01W	3	43555210	IRR	78
A04789600	3987	24S	01W	4	9060895	IRR	67.6
A04798200	3855	24S	01W	9	504750	IRR	45.5
A04910200	4222	24S	01W	21	52753350	IRR	50.4
A04913100	4230	24S	01W	9	12202650	IRR	195
A04913400	4229	24S	01W	16	52671105	IRR	174.2
A04976600	4955	24S	01W	9	25504400	IRR	143
A04987500P	5197	24S	01W	10	5704505	IRR	189.8
A04987500P	5237	24S	01W	10	5704800	IRR	0
A04987500P	5238	24S	01W	10	5704505	IRR	0
A04987500P	5239	24S	01W	10	5704210	IRR	0
MF20177159	0	24S	01W	8	39603800	IRR	0
Allowable Appropriations		3,074.00			Total Existing Appropriation		2,850.20
Small User Quantity		0			Non Consumptive Appropriations		0
Remaining SUQ		45			Consumptive Appropriations		2,850.20
Note- Values are in acre-feet					Available Appropriations		223.8

Equus Beds Groundwater Management District No. 2

Safe Yield Evaluation #49875 - Frank Harper

SESWSW (570'N & 4505'W) 10-24S-01W, Harvey County

Prepared By: T. Boese Date: 7/2/2019



<ul style="list-style-type: none"> ● Proposed Point of Diversion ⤴ Area of Consideration Boundary ● Monitoring Wells ▲ Points of Diversion District Boundary 	<p style="text-align: center;">Map Legend</p> <ul style="list-style-type: none"> Major Highway Other Roadway Major Stream Other Water Feature County Boundary City Boundary
<p>0.45 0.225 0 0.45 Miles</p>	<p>Equus Beds Groundwater Management District No. 2 313 Spruce Street, Halstead, KS 67056 316-835-2224, equusbeds@gmd2.org</p>

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 49875 Date filed: 7/20/17
 2) Applicant: Frank J. Harper County: Harvey
 3) Proposed maximum quantity: 189.8 acre-feet/year Rate: 800 GPM
 4) Proposed Use: Irrigation
 5) P/D location: SE SW SW 10-24S-1W Geo Center: North 570 ft, West 4505 ft
 6) Number and type of points of diversion listed on the application 1 Battery of 3 Wells

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why _____

8) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A

(a) Total allowable appropriations: 3074.00 af/yr
 (b) Total existing appropriations: 2850.20 af/yr
 (c) Total small user exemptions: 0.00 af/yr
 (d) Total non-consumptive use: 0.00 af/yr
 (e) Total consumptive use: 2850.20 af/yr
 (Total existing appropriations) – (Total non-consumptive use)
 (f) exempt from regulation? Yes No,
 Cite exemption: _____

9) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A

(a) POD in enhanced well spacing area? Yes No
 (b) Domestic well spacing interval: >960 ft
 (c) Non-Domestic well spacing interval: >1620 ft

10) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A

(a) Irrigation max quantity: 1.3 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 (b) Stockwater max quantity: _____ GPD _____ unit
 (c) Industry max quantity: _____ Acre
 Industry standard: _____
 (d) Municipal max quantity: _____ GCD
 Lesser of either 200 GCD or
 $1.10 * (X - Y) * 365 d * (z + t)$
 X - Average of last three years usage in Gallons per Capita per Day (GCD)
 Y - water usage for industries that use over 200,000 gal/yr (GCD)
 Z - Projected population in 20 years
 T - Reasonable projected water use for industries that use over 200,000 gallons per year (GCD)
 (e) Pond max quantity is
 (Net evap + seepage)/12 x pond area + any initial fill
 (f) Groundwater pit max Q: _____
 Net evap * pit area/12

11) Reasonable rate for intended use? Yes No N/A
 12) Depth to water: 14.28 bls at observation well: 49134MW1

13) Date reviewed: July 3, 2019

14) Reviewed by: T. Boese

Title: Manager

15) District recommendation:

Approve

Deny

Other, see comment

16) Comments and Calculations:

Review of new application for irrigation use submitted by Frank Harper in Harvey County

No Overlapping Point of Diversion or place of Use

Surrounding Well Owner Notifications sent. One nearby domestic well owner responded in opposition.

No Rate/Quantity Limitations

No Special Use Areas or IGUCAs

Item 10: 189.8 AF / 146 acres = 1.3 AF/A

Due to thin saturated thickness of sands and gravels and close proximity to nearby domestic wells, recommend a monitoring well and groundwater monitoring plan

Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17, subject to monitoring well installation and groundwater monitoring plan

GROUNDWATER MONITORING PLAN
for
WATER APPROPRIATION FILE No. 49875 – Frank Harper

Prepared by
Equus Beds Groundwater Management District No. 2
July 3, 2019

A SCOPE - To monitor and record water quality and water level changes in the Equus Beds Aquifer in an area that encompasses the point of diversion described by Water Appropriation Application No. 49875.

B DATA COLLECTION

- B.1 Data collection points may include the proposed production well and dedicated observation wells.
- B.2 The data collection point locations are described as:
 - B.2.1 Irrigation well battery in the southeast quarter of the southwest quarter of the southwest quarter of Section 10, Township 24 south, Range 1 west, Harvey County, approximately 570 feet north and 4,505 feet west of the apparent southeast section corner
 - B.2.2 One observation well in the northwest quarter of the southwest quarter of the southwest quarter of Section 10, Township 24 south, Range 1 west, Harvey County, approximately 950 feet north and 5,200 feet west of the apparent southeast section corner
- B.3 Each data collection point shall be assigned an identification character and marked so as to be easily visible on the data collection point.
- B.4 The water permit owner is responsible for water level measurements and collection and analysis of an initial baseline water sample.
- B.5 A trained and qualified person, as determined by the Division of Water Resources and the Equus Beds Groundwater Management District, shall conduct all measurements and sample collection.
- B.6 The water permit owner shall provide the Equus Beds Groundwater Management District and the Division of Water Resources rights of ingress and egress to the monitoring well as may be reasonably necessary for data gathering or sample collection.

C DATA COLLECTION RECORDS

- C.1 The water permit owner shall maintain accurate permanent records of all water level measurements and water quality analyses.
- C.2 All water level measurements shall be recorded to the nearest 0.1 foot.

- C.3 Record data for each water level measurement shall include:
 - C.3.1 Identification of the data collection point by identification character and legal description;
 - C.3.2 Date of measurement;
 - C.3.3 Time of measurement;
 - C.3.4 Name of person making measurement;
 - C.3.5 Description and elevation of measuring point;
 - C.3.6 Measurement of depth to water from measuring point in feet;
 - C.3.7 Computed depth to water from land surface;
 - C.3.8 Computed water table elevation;
 - C.3.9 If the data collection point is a production well, the date the well was last operated, and
 - C.3.10 Any field observations that may have an effect on the water table.
- C.4 Record data for the initial baseline inorganic water quality analysis shall include:
 - C.4.1 Laboratory name, address and telephone number;
 - C.4.2 Laboratory certification identification number issued by the Kansas Department of Health and Environment;
 - C.4.3 Identification of the data collection point by identification character and legal description;
 - C.4.4 Name of sample collector;
 - C.4.5 Time and date sample was collected;
 - C.4.6 Depth sample was collected;
 - C.4.7 Total depth of the well;
 - C.4.8 Depth to the top of the screen and length of screened interval of the well;
 - C.4.9 Date sample was received by the water chemistry laboratory;
 - C.4.10 Date analysis was performed or reported;
 - C.4.11 Results of analysis, and
 - C.4.12 Name of analyst.

D EQUIPMENT

- D.1 Water level measurements shall be made using one of the following devices:
 - D.1.1 A chalked steel tape with a weight attached to the lower end and graduated to a minimum of 0.1 foot;
 - D.1.2 An M-scope or electric tape graduated to a minimum of 0.1 foot;
 - D.1.3 A factory calibrated pressure transducer;
 - D.1.4 Equipment must be clean and free of any contaminants, and
 - D.1.5 Other devices approved by the Division of Water Resources and the Equus Beds Groundwater Management District.

- D.2 Initial water quality sample shall be:
 - D.2.1 Taken after water standing in the well casing and in the annulus adjacent to the well screen is removed so that formation water replaces the standing water;
 - D.2.2 Collected by means of:
 - D.2.2.1 A bladder pump;
 - D.2.2.2 A bailer with a double check valve and a bottom emptying device;
 - D.2.2.3 An air lift pump;
 - D.2.2.4 A centrifugal pump, or
 - D.2.2.5 a turbine pump,
 - D.2.3 Placed in new, clean, high-density polyethylene, eight ounce (oz), sample container free of contaminants and sealed with a polyethylene threaded cap, (or container provided by the analyzing laboratory):
 - D.2.3.1 The sample container shall be marked with a durable and waterproof label.
 - D.2.3.2 The label shall contain:
 - D.2.3.2.1 Data collection identification number;
 - D.2.3.2.2 Name of the collector;
 - D.2.3.2.3 Date and time of the sample collection, and
 - D.2.3.2.4 Legal description of the data collection point.
 - D.2.4 Cooled to 4° C and protected from contaminants, and
 - D.2.5 Delivered to a certified laboratory within 24 hours of collection.

E FREQUENCY OF WATER LEVEL MEASUREMENTS

- E.1 An initial water level measurement shall be taken at the data collection point (observation well) described in paragraph B.2.2, prior to the installation of the proposed diversion works (irrigation well(s)) described in water permit application #49875.
- E.2 Upon installation of the proposed diversion works; water level measurements shall commence on the data collection points (observation well and the irrigation well(s)) for a period of ten (10) years as described:
 - E.2.1 Water level measurements shall be collected on a monthly basis for two years.
 - E.2.2 Monthly measurements shall be collected during the first full week beginning with the first Monday of each month.
 - E.2.3 After two years of monthly measurements, water level measurements shall be collected on a quarterly basis for three years.
 - E.2.4 Quarterly measurements shall be collected during the first full week beginning with the first Monday of each calendar quarter.

E.2.5 After three years of quarterly measurements, water level measurements shall be collected on an annual basis for five years.

E.2.6 Annual measurements shall be collected during the first full week beginning with the first Monday of each calendar year.

E.3 Measurements may extend beyond ten (10) years, if it is found by the Chief Engineer, Division of Water Resources and the Board of Directors, Equus Beds Groundwater Management District No. 2 that such data is necessary to:

E.3.1 Determine groundwater level changes at the site;

E.3.2 Prevent impairment of existing wells and water rights, or

E.3.3 Determine other site conditions.

F FREQUENCY AND ANALYSIS OF WATER QUALITY SAMPLES

F.1 An initial water quality sample shall be collected and analyzed from the data collection point (observation well) described in paragraph B.2.2, prior to the operation of the proposed diversion of works (irrigation well(s)) described in water permit application #49875.

F.2 An initial water quality sample shall be collected and analyzed from the data collection point (irrigation well(s)) described in paragraph B.2.1 immediately following its completion.

F.3 Type of water quality analysis to be performed on each initial sample shall be an inorganic analysis comprised of minerals and metals and including specific conductance.

F.4 All water chemistry analysis shall be performed by a laboratory certified by the Kansas Department of Health and Environment to perform such analyses.

G REPORTING

G.1 The applicant shall furnish all water level measurements and water quality analyses performed on the data collection points to the Chief Engineer, Division of Water Resources and the Equus Beds Groundwater Management District, within ten days of a measurement or receipt of an analysis.

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

OBSERVATION WELL SPECIFICATIONS FOR GROUNDWATER LEVEL OR WATER QUALITY (INORGANIC) MONITORING

SECTION 1 - GENERAL

1.01—The contractor shall furnish all necessary supervision, labor, tools, materials and equipment, except as maybe noted, to properly drill and construct groundwater observation wells.

1.02--The contractor shall furnish a certificate of insurance to the water permit owner for Workers' Compensation (\$500,000 bodily, \$500,000 property, \$500,000 disease); Comprehensive General Liability, including XCU liability coverage (\$500,000); Property Damage Liability (\$500,000); and Automobile Liability Insurance (\$500,000).

1.03--The Equus Beds Groundwater Management District No. 2 shall furnish a site geologist for the following purposes:

1.03.1.to inspect the well and site during and after well construction and completion;

1.03.2.to determine the well completion and screen depth and placement of the gravel pack ;

1.03.3.to make measurements or collect samples as maybe necessary; and

1.03.4.other matters that may arise during the project that are not listed in the Observation Well Specifications for Groundwater Level or Water Quality (Inorganic) Monitoring, location map and these specifications.

1.04--The contractor shall protect any adjacent equipment, drainage ditches, pavements, crops, fences, above and below ground utility lines and any other site work liable to damage from the execution of this work. Repair of damaged areas shall be made as approved by the water permit owner or the Equus Beds Groundwater Management District No. 2 at the contractor's expense.

1.05--The contractor shall have a valid and current water well contractors drilling license issued by the State of Kansas.

1.06--The contractor shall complete a Kansas Department of Health and Environment form WWC-5 for each well drilled and constructed. The form shall be typed and submitted to the Kansas Department of Health and Environment the Equus Beds Groundwater Management District No. 2, and the water permit owner not later than 30 days upon completion of a well.

1.07--The contractor shall remove all drilling and grouting equipment from the borehole when drilling and construction operations are suspended for the day or interrupted by an unforeseen circumstance.

1.08--The contractor and/or water permit owner shall notify the Equus Beds Groundwater Management District a minimum of 72 hours prior to drilling operations and shall schedule drilling and well construction to allow District staff to witness the drilling and well construction.

SECTION 2- SITE PREPARATION

2.01--The contractor or a representative of the contractor shall identify or locate above and below ground utilities. If necessary, utility locations shall be marked.

2.02--Subject to the approval of the site geologist; the staked observation well location may be moved for safety reasons or to avoid property or equipment damage.

2.03--When the use of wooden or steel planking will not provide rig stabilization; rough grading, cutting and filling shall be permitted for drilling rig stabilization.

2.04--The contractor shall erect and maintain guardrails, lights, temporary enclosures or other equipment as required to safeguard the public.

SECTION 3 - DRILLING

3.01--Pursuant to K.S.A. 82a-1201 through 82a-1215 and amendments thereto, all drilling shall comply with the Kansas Department of Health and Environment Article 30 (Water Well Contractor's License; Water Well Construction and Abandonment).

3.02--The minimum diameter of the borehole shall be six inches from ground level to total depth (TD).

3.03--A portable above-ground drill tank or pit shall be used to circulate drilling fluid and contain drill cuttings.

3.04--Prior to setting casing the borehole TD shall be "tagged" or measured to determine borehole depth.

3.05--Any portion of the borehole that penetrates greater than five feet into bedrock, as determined by the site geologist, shall be plugged back to the observation well's TD.

3.06--Any borehole that is not completed due to unforeseen circumstances shall be plugged from TD to ground level.

SECTION 4 - WELL CONSTRUCTION

4.01--Pursuant to K.S.A. 82a-1201 through 82a-1215 and amendments thereto, well construction shall comply with the Kansas Department of Health and Environment Article 30 (Water Well Contractor's License; Water Well Construction and Abandonment).

4.02--All materials used in the construction of each well shall be properly prepared and installed according to manufacturers' specifications.

4.03--A two inch PVC, schedule 40, slip cap shall be glued to the bottom end of the screen prior to screen installation.

4.04--A ten foot section or joint of two-inch diameter, PVC, schedule 40, slip joint, screen with 0.030 openings shall be set at TD.

4.05--Two-inch diameter, PVC, schedule 40, bell joint, well casing shall be installed from the screen to seven feet below land surface.

4.06--A two-inch diameter, PVC, schedule 40, threaded and slip end, female adapter shall be installed on the PVC well casing. The slip end shall be installed on the PVC well casing using glue and two galvanized screws that do not penetrate the inside surface of the well casing when tightened.

4.07--A prefabricated two-inch diameter, galvanized casing consisting of two, threaded, five feet sections coupled together shall be installed. A non-toxic thread sealing compound shall be used on the threaded joints.

4.08--A two-inch diameter, PVC, schedule 40, threaded, cap shall be installed, without thread sealing compound, on the well casing opening. A 1/8" diameter vent hole shall be drilled through the side of the cap.

4.08—The completed observation well shall be protected by a steel 6 X 6 inch square well protector that is of 5 feet minimum length and has a lockable lid. The monitoring well and square well protector shall be seated in a standard well pad.

4.09—The top of the observation well shall be 9 inches below the top of the square well protector.

SECTION 5 - GRAVEL PACK

5.01--Pursuant to K.S.A. 82a-1201 through 82a-1215 and amendments thereto, installation of the gravel pack shall comply with the Kansas Department of Health and Environment Article 30 (Water Well Contractor's License; Water Well Construction and Abandonment).

5.02--Immediately after the well screen and casing has been installed in the borehole; a gravel pack shall be installed from TD to a maximum of five feet above the top of the screen.

5.03--The gravel pack shall be placed in the same hydrologic unit or zone as determined by the site geologist and shall not connect multiple hydrologic units or zones.

5.04--The gravel pack material shall be clean sand 1/8 inch to 1/4 inch in diameter, placed with a tremie pipe.

5.05--After installation, the top of the gravel pack shall be "tagged" or measured to determine placement. Additional gravel pack shall be added, if needed.

SECTION 6 - GROUTING

6.01--Pursuant to K.S.A. 82a-1201 through 82a-1215 and amendments thereto, grouting shall comply with the Kansas Department of Health and Environment Article 30 (Water Well Contractor's License; Water Well Construction and Abandonment).

6.02--Bentonite clay grout shall be installed in the annular space from the top of the gravel pack to ground level.

6.03--The grout shall be plugging sodium bentonite clay such as that manufactured under the trade name of "HolePlug" or an equivalent approved by the site geologist.

6.04--The grout shall be installed or placed with a tremie pipe or as recommended by the manufacturer.

6.05--Grout intervals less than or equal to 70 feet shall be plugged with sodium bentonite clay such as that manufactured under the trade name of "HolePlug" or an equivalent approved by the site geologist.

6.06--Grout intervals greater than 70 feet shall be plugged with a grout mixture consisting of fresh water and commercial grouting or plugging sodium bentonite clay containing high solids such as that manufactured under the trade name of "Volclay grout" or an equivalent approved by the site geologist. The grout mixture shall be as per manufacturer's recommendations to achieve a minimum weight of 9.4 pounds per gallon of mix. The grout shall be installed or placed with a tremie pipe.

6.07--Grout intervals for all wells from ten feet below land surface to land surface shall be grouted pursuant to Section 6.05.

SECTION 7 - WELL DEVELOPMENT AND SITE CLEANUP

7.01--To insure the well is functioning properly; each well shall be sufficiently developed to remove any drilling fluid and cuttings from the well and gravel pack.

7.02--Litter, drill cuttings and other materials associated with the drilling and construction of the well shall be removed and properly disposed of by the contractor.

7.03--Upon completion of the well, all drilling equipment shall be removed from the site as soon as possible and the site returned to pre-drilling conditions.

SECTION 8 - LOGGING

8.01--To determine the lithology of the unconsolidated material from ground level to TD; the contractor shall collect and log drilling samples at a maximum sample interval of five feet and less, if needed to determine lithology.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 25, 2019

FROM: Matt Meier

RE: Application, File No. 49,875

Draft X

Frank J. Harper has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of three (3) wells, a quantity of 189.8 acre-feet, and a diversion rate of 800 gallons per minute. The proposed geo-center of the well battery is to be located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, more particularly described as being near a point 570 feet North and 4,505 feet West of the Southeast corner of said section, in Township 24 South, Range 1 West, Harvey County, within the Little Arkansas drainage basin. The proposed point of diversion is located within the boundaries of Equus Beds Groundwater Management District No. 2. There are no existing water rights overlapping the proposed point of diversion and place of use. The proposed place of use is owned by the by Frank J. & Mary M. Harper. The applicant signed the application form stating that they have legal access to the point of diversion.

The applicant identified 5 domestic wells within one-half mile of the proposed well and 3 non-domestic wells, which WRIS confirmed. Nearby well notification letters were sent out on April 29, 2015. A phone call and letter were received from domestic well owner Brad Mosiman who was against approval of the application. According to the WRIS database, the nearest non-domestic point of diversion (File No. 49134) is located 1,960 feet away. Based on the site map and GMD review the nearest domestic well is over 960 feet away. The proposed point of diversion meets minimum well spacing to all other existing wells. Per the requirements in K.A.R. 5-22-2(b) for a battery of wells located within Equus Beds Groundwater Management District No. 2, the minimum spacing interval from the geographic center of a well battery should be 1,620 feet to all other non-domestic wells and 960 feet to domestic wells.

Multiple test hole logs where submitted with the application, one of which shows top soil from 0 to 1 feet, clay from 1 to 20 feet, fine sand with clay pieces from 20 to 40 feet, medium to fine sand from 40 to 65 feet, fine sand with clay pieces from 65 to 70 feet, and medium sand from 70 to 80 feet below ground. Static water level was listed at 40 feet which provides a saturated thickness of 40 feet.

The requested quantity of water, 189.8 acre-feet, is to irrigate the proposed 146 acres identified in the application. This is the maximum reasonable quantity allowable of 1.3 acre-feet per acre for Harvey County, Kansas. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

A copy of the application was submitted to Equus Beds Groundwater Management District No. 2 on December 27, 2019. GMD #2 recommended approval of the application in a letter received on July 5, 2019. In the letter they said the application complies with all GMD #2s rules and Regulations, K.A.R. 5-22-1 through 5-22-17, and recommended approval of the application subject to the to the following conditions:

1. The authorized well battery, as drilled and constructed, complies with the minimum well spacing requirements to senior domestic and non-domestic wells as described in K.A.R. 5-22-2;
2. The installation of one groundwater monitoring well, at the owner's expense, to be located approximately 950 feet north and 5,200 feet west of the southeast corner of Section 10, Township 24 South, Range 1 West, Harvey County;
3. The implementation of the enclosed groundwater-monitoring schedule, which includes monitoring for both water table fluctuation and initial water quality; and
4. Construction of the monitoring well pursuant to District specifications (copy enclosed) to allow for inorganic water quality analyses and water-level measurements.

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.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

9/30/19
concur w/ recommendation approve it
JH W.C.

Matthew J. Meier
Environmental Scientist
Water Appropriations Unit

STATE OF KANSAS

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



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

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

December 5, 2018

Randall & Cherri Engel
6114 S. Ridge Road
Sedgwick, KS 67135

Re: Pending Application, File No. 49,875

Dear Sir or Madam:

This is to advise you that Frank Harper has filed the application referred to above for a permit to appropriate 189.8 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a battery of three (3) wells. The proposed well battery Geo-Center for 49,875 is located as follows:

Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 10, Township 24 South, Range 1 West, Harvey County, Kansas.

A map is enclosed indicating the location of the proposed well battery. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
ALAN BURGHART
JOE PAJOR
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

July 3, 2019

Chief Engineer, Division of Water Resources
Attn: Matt Meier
300 S. Main Street
Stafford, KS 67578

Re: Appropriation Application No. 49875 – Frank Harper

Dear Mr. Meier:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced application on July 3, 2019, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17. The application complies with the Revised Aquifer Management program approved by the Chief Engineer and with the District's Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

Based upon the review findings, the application is recommended for approval by the Equus Beds Groundwater Management District No. 2, subject to the following conditions:

1. The authorized well battery, as drilled and constructed, complies with the minimum well spacing requirements to senior domestic and non-domestic wells as described in K.A.R. 5-22-2;
2. The installation of one groundwater monitoring well, at the owner's expense, to be located approximately 950 feet north and 5,200 feet west of the southeast corner of Section 10, Township 24 South, Range 1 West, Harvey County;
3. The implementation of the enclosed groundwater-monitoring schedule, which includes monitoring for both water table fluctuation and initial water quality; and
4. Construction of the monitoring well pursuant to District specifications (copy enclosed) to allow for inorganic water quality analyses and water-level measurements.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

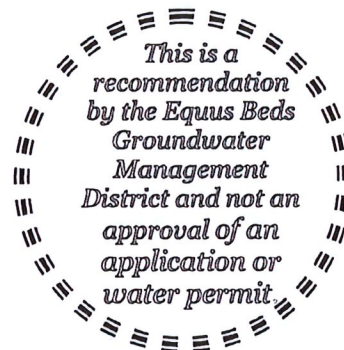
Please contact the District should you have any questions regarding the review or recommendation.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

Enclosures

pc: Frank Harper, Applicant and Landowner
Brad Mosiman, Nearby well owner



H:\MSOFFICE\LETTERS\APP\NewApp\Recommendation\Approve\#49875_Harper.docx

#49875

Report Date Tuesday, December 4 2018

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

570 ft N and 4505 ft W of the SE Corner of Section 10, T 24S, R 1W

Located at: 97.424091 West Longitude and 37.972070 North Latitude

meets spacing

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 29392	00	IRR	NK	G	7194	--	NW	NE	NW	5275	3350	21	24	1W	9		90.00	90.00	AF
A__ 31615	00	IRR	NK	G	2040	--	NW	SW	NW	3930	5160	15	24	1W	1		31.00	31.00	AF
Same					1988	--	NW	SW	NW	3930	4960	15	24	1W	2		29.00	29.00	AF
A__ 32856	00	IRR	NK	G	10436	--	--	NC	NW	3960	3800	8	24	1W	2		112.00	112.00	AF
A__ 41418	00	MUN	KE	G	2186	--	NE	NE	SE	2590	90	9	24	1W	2		572.50	572.50	AF
A__ 41419	00	MUN	KE	G	2986	--	NE	SW	NE	3930	1510	16	24	1W	1		572.50	.00	AF
A__ 41475	00	IRR	NK	G	4510	--	NW	NW	NW	5031	5165	10	24	1W	1		182.00	182.00	AF
A__ 42127	00	MUN	KE	G	3571	--	NW	SE	NE	3520	1260	9	24	1W	5		500.01	.00	AF
A__ 42128	00	MUN	KE	G	3470	--	SE	SE	NE	2700	650	16	24	1W	2		500.01	.00	AF
A__ 42889	00	IRR	NK	G	6125	--	--	CE	SE	1312	5	8	24	1W	3		91.00	91.00	AF
A__ 43672	00	IRR	NK	G	7024	--	--	CE	NE	3999	68	8	24	1W	4		89.00	89.00	AF
A__ 47110	00	IRR	LR	G	6897	--	NW	NW	SW	2100	5230	3	24	1W	1		200.20	200.20	AF
A__ 47213	00	IRR	LR	G	10087	--	--	NC	SE	1320	1340	21	24	1W	2		172.00	172.00	AF
A__ 47341	00	IRR	LR	G	8633	--	NE	NE	SE	2630	384	21	24	1W	4	G 4	253.50	253.50	AF
Same					8599	--	NE	NE	SE	2630	90	21	24	1W	5	B 4			
Same					8621	--	NE	NE	SE	2630	286	21	24	1W	6	B 4			
Same					8646	--	NE	NE	SE	2630	482	21	24	1W	7	B 4			
Same					8676	--	NW	NE	SE	2630	678	21	24	1W	8	B 4			
A__ 47876	00	IRR	LO	G	7641	--	--	NC	NE	3960	1300	17	24	1W	6		84.50	84.50	AF
A__ 47895	00	IRR	LO	G	9141	--	SW	NW	NW	4355	5210	3	24	1W	2		78.00	78.00	AF
A__ 47896	00	IRR	LO	G	5897	--	NW	SE	SE	906	895	4	24	1W	3		67.60	67.60	AF
A__ 47982	00	IRR	LO	G	5535	--	SW	SW	SW	50	4750	9	24	1W	8		45.50	45.50	AF
A__ 49102	00	IRR	KE	G	7194	--	NW	NE	NW	5275	3350	21	24	1W	9		140.40	50.40	AF
A__ 49131	00	IRR	LO	G	3470	--	NE	SE	SW	1220	2650	9	24	1W	7		195.00	195.00	AF
A__ 49134	00	IRR	LO	G	1960	--	NW	NE	NE	5267	1105	16	24	1W	3		174.20	174.20	AF
A__ 49766	00	IRR	GY	G	5525	--	NE	NW	SW	2550	4400	9	24	1W	9		143.00	143.00	AF
A__ 49875	00	IRR	AY	G	927	--	--	--	SW	1320	3960	10	24	1W	2		189.80	189.80	AF
T__ 20177159	MF	IRR	GY	G	10436	--	--	NC	NW	3960	3800	8	24	1W	2		560.00	.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	189.80	.00
Total Permitted Amount (AF) =	765.90	.00
Total Inspected Amount (AF) =	1270.50	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	624.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2850.20	.00

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

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

97.424091 West Longitude and 37.972070 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====
File Number Use ST SR

A__ 29392 00 IRR NK G
> MICHAEL P & SUSANNAH M MCGINN REV TRUSTS
>
> 1123 W 4TH ST
> SEDGWICK KS 67135
>-----

A__ 31615 00 IRR NK G
> C G & DEBORAH K MCGINN
>
> 6618 S RIDGE RD
> SEDGWICK KS 67135
>-----

A__ 32856 00 IRR NK G
> MELVIN BECKER
>
> 317 POPLAR
> HALSTEAD KS 67056
>-----

A__ 41418 00 MUN KE G
> PUBLIC WHOLESALE WATER SUPPLY DIST #17
>
> PO BOX 426
> NEWTON KS 67114
>-----

A__ 41419 00 MUN KE G
> PUBLIC WHOLESALE WATER SUPPLY DIST #17
>
> PO BOX 426
> NEWTON KS 67114
>-----

A__ 41475 00 IRR NK G
> JOHN D & MARGARET SCHMIDT
>
> 613 FERN ST
> SEDGWICK KS 67135
>-----

A__ 42127 00 MUN KE G
> PUBLIC WHOLESALE WATER SUPPLY DIST #17
>
> PO BOX 426
> NEWTON KS 67114
>-----

A__ 42128 00 MUN KE G
> PUBLIC WHOLESALE WATER SUPPLY DIST #17
>
> PO BOX 426
> NEWTON KS 67114
>-----

A__ 42889 00 IRR NK G
> EDWARD J & TRICIA R WEBER

#49875

Report Date Tuesday, December 4 2018

>
> 247 MAIN ST
> HALSTEAD KS 67056
>-----
A__ 43672 00 IRR NK G
> EDWARD J & TRICIA R WEBER
>
> 247 MAIN ST
> HALSTEAD KS 67056
>-----
A__ 47110 00 IRR LR G
> MARGIE K BUSENITZ
>
> 5095 S WOODLAWN RD
> NEWTON KS 67114
>-----
A__ 47213 00 IRR LR G
> MCGINN LAND CO LLC
>
> 1123 W 4TH ST
> SEDGWICK KS 67135
>-----
A__ 47341 00 IRR LR G
> JOE & DONNA L HARPER TRUST
>
> 8100 S RIDGE RD
> SEDGWICK KS 67135
>-----
A__ 47876 00 IRR LO G
> MCGINN LAND CO LLC
>
> 1123 W 4TH ST
> SEDGWICK KS 67135
>-----
A__ 47895 00 IRR LO G
> DANIEL & BARBARA ANDREW
>
> 4605 S RIDGE RD
> SEDGWICK KS 67135
>-----
A__ 47896 00 IRR LO G
> DANIEL & BARBARA ANDREW
>
> 4605 S RIDGE RD
> SEDGWICK KS 67135
>-----
A__ 47982 00 IRR LO G
> MCGINN LAND CO LLC
>
> 1123 W 4TH ST
> SEDGWICK KS 67135
>-----

A__ 49102 00 IRR KE G
> MICHAEL P & SUSANNAH M MCGINN REV TRUSTS
>
> 1123 W 4TH ST
> SEDGWICK KS 67135
>-----

A__ 49131 00 IRR LO G
> MCGINN LAND CO LLC
>
> 1123 W 4TH ST
> SEDGWICK KS 67135
>-----

A__ 49134 00 IRR LO G
> MCGINN LAND CO LLC
>
> 1123 W 4TH ST
> SEDGWICK KS 67135
>-----

A__ 49766 00 IRR GY G
> MCGINN LAND CO LLC
>
> 1123 W 4TH ST
> SEDGWICK KS 67135
>-----

A__ 49875 00 IRR AY G
> FRANK J & MARY M HARPER
>
> 8426 S RIDGE RD
> SEDGWICK KS 67135
>-----

T__20177159 MF IRR GY G
> MELVIN BECKER
>
> 317 POPLAR
> HALSTEAD KS 67056
>-----

=====

STATE OF KANSAS

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



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

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

December 5, 2018

Douglas Jr. & Rhonda Little
5827 S. Ridge Road
Sedgwick, KS 67135

Re: Pending Application, File No. 49,875

Dear Sir or Madam:

This is to advise you that Frank Harper has filed the application referred to above for a permit to appropriate 189.8 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a battery of three (3) wells. The proposed well battery Geo-Center for 49,875 is located as follows:

Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 10, Township 24 South, Range 1 West, Harvey County, Kansas.

A map is enclosed indicating the location of the proposed well battery. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

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1:12,000

2017 aerial



Legend

- Section Corners
- Section Lines

MJM-DWR 12/4/18

Proposed Water Appropriation, File No. 49,875
10-24S-1W
Harvey County



STATE OF KANSAS



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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

December 5, 2018

McGinn Land Co. LLC
1123 W. 4th Street
Sedgwick, KS 67135

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1:12,000



Legend

- + Section Corners
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MJM-DWR 12/4/18

Proposed Water Appropriation, File No. 49,875
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December 5, 2018

Randall & Cherri Engel
6114 S. Ridge Road
Sedgwick, KS 67135

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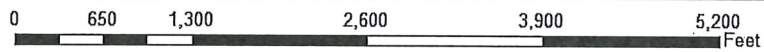
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Legend

- + Section Corners
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MJM-DWR 12/4/18



Proposed Water Appropriation, File No. 49,875
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December 5, 2018

CG & Deborah K. McGinn
6618 S. Ridge Road
Sedgwick, KS 67135

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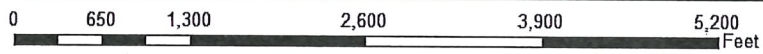
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Legend

- Section Corners
- Section Lines

MJM-DWR 12/4/18

Proposed Water Appropriation, File No. 49,875
10-24S-1W
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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

December 5, 2018

Bradley & Wendy Mosiman
5631 S. Ridge Road
PO Box 461
Sedgwick, KS 67135

Re: Pending Application, File No. 49,875

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Legend

- Section Corners
- Section Lines

MJM-DWR 12/4/18



Proposed Water Appropriation, File No. 49,875
10-24S-1W
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

December 5, 2018

Public Wholesale Water Supply District No. 17
C/o City of Newton
PO Box 426
Newton, KS 67114

Re: Pending Application, File No. 49,875

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Matt Meier
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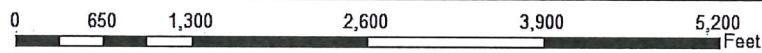
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MJM-DWR 12/4/18

Proposed Water Appropriation, File No. 49,875
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December 5, 2018

Mark & Bonnie Ekeland
5632 S Ridge Road
Sedgwick, KS 67135

Re: Pending Application, File No. 49,875

Dear Sir or Madam:

This is to advise you that Frank Harper has filed the application referred to above for a permit to appropriate 189.8 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a battery of three (3) wells. The proposed well battery Geo-Center for 49,875 is located as follows:

Southeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 10, Township 24 South, Range 1 West, Harvey County, Kansas.

A map is enclosed indicating the location of the proposed well battery. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,

Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

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

STATE OF KANSAS



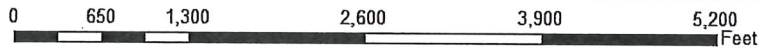
PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

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



1:12,000

2017 aerial



Legend

- Section Corners
- Section Lines

MJM-DWR 12/4/18

Proposed Water Appropriation, File No. 49,875
10-24S-1W
Harvey County



STATE OF KANSAS

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



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

December 5, 2018

Dan R. Davis
5634 S. Ridge Road
Sedgwick, KS 67135

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Sincerely,

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Environmental Scientist
Water Appropriations Program

Enclosure

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SCANNED

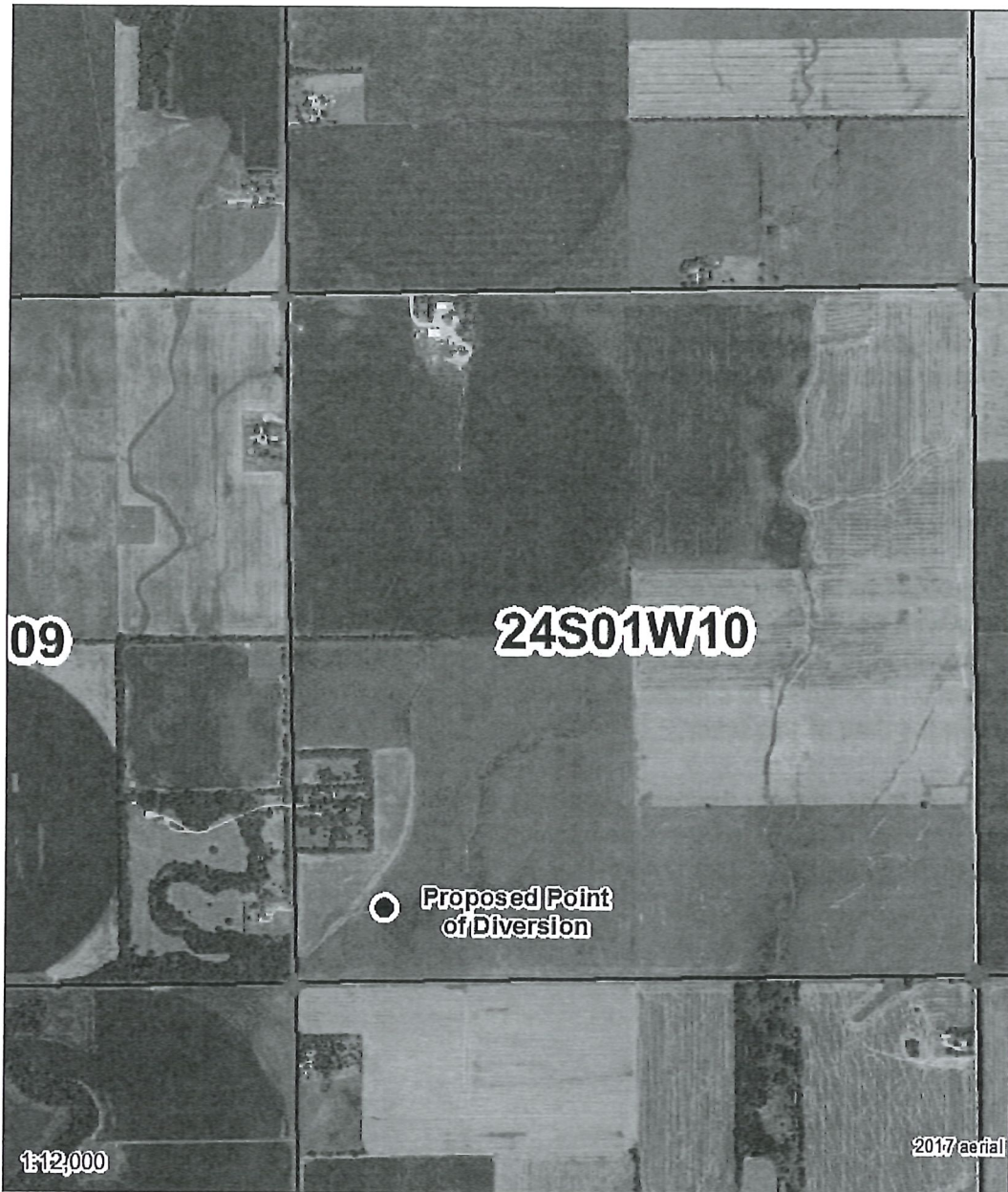
STATE OF KANSAS

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



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JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE



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Legend

- Section Corners
- Section Lines

MJM-DWR 12/4/18

Proposed Water Appropriation, File No. 49,875
10-24S-1W
Harvey County



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

FRANK J & MARY M HARPER
8426 S RIDGE RD
SEDGWICK, KS 67135

February 6, 2020

RE: Application, File No. 49,875

FILE COPY

Dear Water User:

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

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

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stafford Field Office
GMD#2


THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

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

This is to certify that I have examined Application, **File No. 49,875** of the applicant

FRANK J & MARY M HARPER
8426 S RIDGE RD
SEDGWICK, KS 67135

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 **July 20, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				TOTAL
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
10	24S	1W								40	32.5	34.5	39					146	

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of three (3) wells, with a geographical center located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE¹/₄ SW¹/₄ SW¹/₄) of Section 10, more particularly described as being near a point 570 feet North and 4,505 feet West of the Southeast corner of said section, in Township 24 South, Range 1 West, Harvey County, located substantially as shown on the 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 1.783 c.f.s.)** and to a quantity not to exceed **189.8 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 of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 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 of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That 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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with 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).
13. 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.
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.
17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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 6th day of February, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,875, dated _____ was mailed postage prepaid, first class, US mail to the following:

FRANK J & MARY M HARPER
8426 S RIDGE RD
SEDGWICK, KS 67135

With photocopies to:

Stafford Field Office

Equus Beds GMD#2



Division of Water Resources