

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,247</b></p>	2. Status Change Date: <p style="text-align: center; color: purple;">11/17/2021</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>02</b></p>	4. GMD:
---------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------	------------------------------------------------------------------------------------	---------

5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

7a. Applicant(s)                      Person ID 57914  
New to system                       Add Seq# \_\_\_\_\_

**MARK LAWLESS**  
**PO BOX 515**  
**BELLE PLAINE KS 67013**

7b. Landowner(s)                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

**7a**

7c. Landowner(s)                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

~~**DAVID LAWLESS**~~  
~~**532 N OLIVER RD**~~  
~~**BELLE PLAINE KS**~~

7d. Misc.                                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

8. WUR Correspondent                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_  
Overlap File (s) WUC                      Notarized WUC Form   
Agree  Yes  No

**7a**

9. Use of Water:    Changing?     Yes     No

Groundwater                       Surface Water

IRR                       REC                       DEW                       MUN

STK                       SED                       DOM                       CON

HYD DRG     WTR PWR                       ART RECHRG

IND    SIC: \_\_\_\_\_                       OTHER: \_\_\_\_\_

10. Completion Date: ~~12/31/2021~~ <sup>23</sup>                      11. Perfection Date: ~~12/31/2026~~ <sup>27</sup>                      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: ~~12/31/2021~~ <sup>2023</sup> Date WLMD Installed: \_\_\_\_\_

Date Prepared: **8/4/21**                      By: **JNE**  
Date Entered: 11/18/2021  
LMoody                      By:

File No. **50,247**      15. Formation Code: **100**      Drainage Basin: **NINNESCAH RIVER**      County: **SU**      Special Use:      Stream:

16. Points of Diversion												17. Rate and Quantity				
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized		Additional		
												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
<del>MOD</del>	<del>CHK</del>	<del>87473</del>	<del>NW</del>	<del>NW NW</del>	<del>15</del>	<del>31S</del>	<del>1E</del>	<del>16</del>	<del>5137</del>	<del>4736</del>	<del>GEOC</del>	<del>800</del>	<del>200</del>	<del>800</del>	<del>200</del>	<del>NONE</del>
<del>MOD</del>	<del>CHK</del>	<del>87469</del>	<del>NW</del>	<del>NW NW</del>	<del>15</del>	<del>31S</del>	<del>1E</del>	<del>12</del>	<del>5250</del>	<del>4767</del>	<del>1 OF 4</del>	<del>MOD</del>	<del>26</del>		<del>26</del>	
	CHK	87470	NE	NW NW	15	31S	1E	13	5250	4535	2 OF 4					
<del>MOD</del>	<del>CHK</del>	<del>87471</del>	<del>NW</del>	<del>NW NW</del>	<del>15</del>	<del>31S</del>	<del>1E</del>	<del>14</del>	<del>5012</del>	<del>4677</del>	<del>3 OF 4</del>					
<del>MOD</del>	<del>CHK</del>	<del>87472</del>	<del>NW</del>	<del>NW NW</del>	<del>15</del>	<del>31S</del>	<del>1E</del>	<del>15</del>	<del>5036</del>	<del>4968</del>	<del>4 OF 4</del>					
<b>BATTERY ID #2138</b>																

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 12/31/2021<sup>23</sup>      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use												NE <sup>1</sup> / <sub>4</sub>								SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				Total	Owner	Chg? <b>NO</b>	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>	NE <sup>1</sup> / <sub>4</sub>	NW <sup>1</sup> / <sub>4</sub>	SW <sup>1</sup> / <sub>4</sub>	SE <sup>1</sup> / <sub>4</sub>												
	CHK	69424	15	31S	1E	3							18.0	2.0								20	<del>7b. &amp; 7c.</del>	<del>7a</del>	<b>NO</b>	<del>NONE</del>					

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** July 22, 2021

**FROM:** Jessica Engelbrecht

**RE:** Application, File No. 50,247

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Mark Lawless has filed the referenced application to appropriate groundwater for irrigation use, requesting a battery of four (4) wells, a quantity of ~~28~~ acre-feet, and a diversion rate of 800 gallons per minute. The Geo-Center is to be located in the Northeast Quarter of the Northwest Quarter, of the Northwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 15, more particularly described as being a point near 5,137 feet North, ~~4,737~~<sup>6</sup> feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County, within the Ninnescah River drainage basin. There are no other water rights overlapping the proposed place of use or point of diversion. The proposed place of use is owned by Mark Lawless & ~~David Lawless~~. The applicant has signed the application form stating that he has legal access to the point of diversion.

In 2004, the United States Geological Survey (USGS) completed a hydraulic model of a portion of the Arkansas River and associated drainage basins (Ninnescah River), generally bounded by Ranges 2 West to 3 East and Township 26 South, to 34 South (near state line). The USGS model indicated that the aquifer in this area received more recharge from precipitation than DWR has historically used in safe yield calculations. The data and analyses are detained in the USGS Scientific Investigations Report 2004-2005 entitled "Characterization and Simulation of Flow in the Lower Arkansas River Alluvial Aquifer, South-Central Kansas". In order to evaluate the potential impact of this study on our safe yield calculations, DWR suspended processing applications for new appropriations of water in the model area.

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

Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evolution of the area of consideration included the extend of the unconfined aquifer, which provided an area of consideration of ~~3,536~~ acres. With a potential annual recharge of ~~5.4~~<sup>17</sup> inches, and 75% recharge available for appropriation, safe yield was determined to be 1,060.~~47~~<sup>17</sup> acre-feet. Existing water rights have appropriated 280.60 acre-feet, providing a difference of 779.57 acre-feet available for appropriation, and the application requesting ~~28~~ acre-feet complies with safe yield.

3,141

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A test hold log was submitted with the pending application, one which shows top soil from 0 to 3 feet, clay from 3 to 10 feet, sandy clay from 10 to 25 feet, fine sand from 25 to 36 feet, fine to medium sand from 36 to 53', and shale 53 to 56 feet. The static water level was listed as unknown with an estimate from the driller of 25 feet which would provide a saturated thickness between approximately 28 to 31 feet.

The requested quantity of water, 28 acre-feet, is to irrigate the proposed 20 acres identified in the application. This is approximately 1.4 acre-feet per acre which is greater than the maximum allowable of 1.3 acre-feet per acre for Sumner County, Kansas. The application was changed to a requested quantity of 26 acre-feet to comply with the maximum allowable acre-feet per acre for Sumner County (1.3 acre-feet per acre).

**20 acres x 1.3 = 26 AF**

The applicant identified 3 domestic wells and no non-domestic wells within one-half mile of the proposed well. The only non-domestic well within one-half mile of the proposed well is a battery of four wells owned by the applicant. Nearby notification letters were sent out on May 17, 2021. No contact of any kind was received. According to the WRIS database, the nearest non-domestic point of diversion (File No. 49,583) is located 1,590 feet away. The nearest possible domestic well is approximately 1,293 feet away. The proposed point of diversion meets minimum well spacing to all existing wells. Per the requirements in K.A.R. 5-4-4 for all other aquifers, the minimum well spacing should be one-quarter mile to all other non-domestic wells and 660 feet to domestic wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A water level measurement tube is required because this is a proposed new well exceeding 100 gpm.

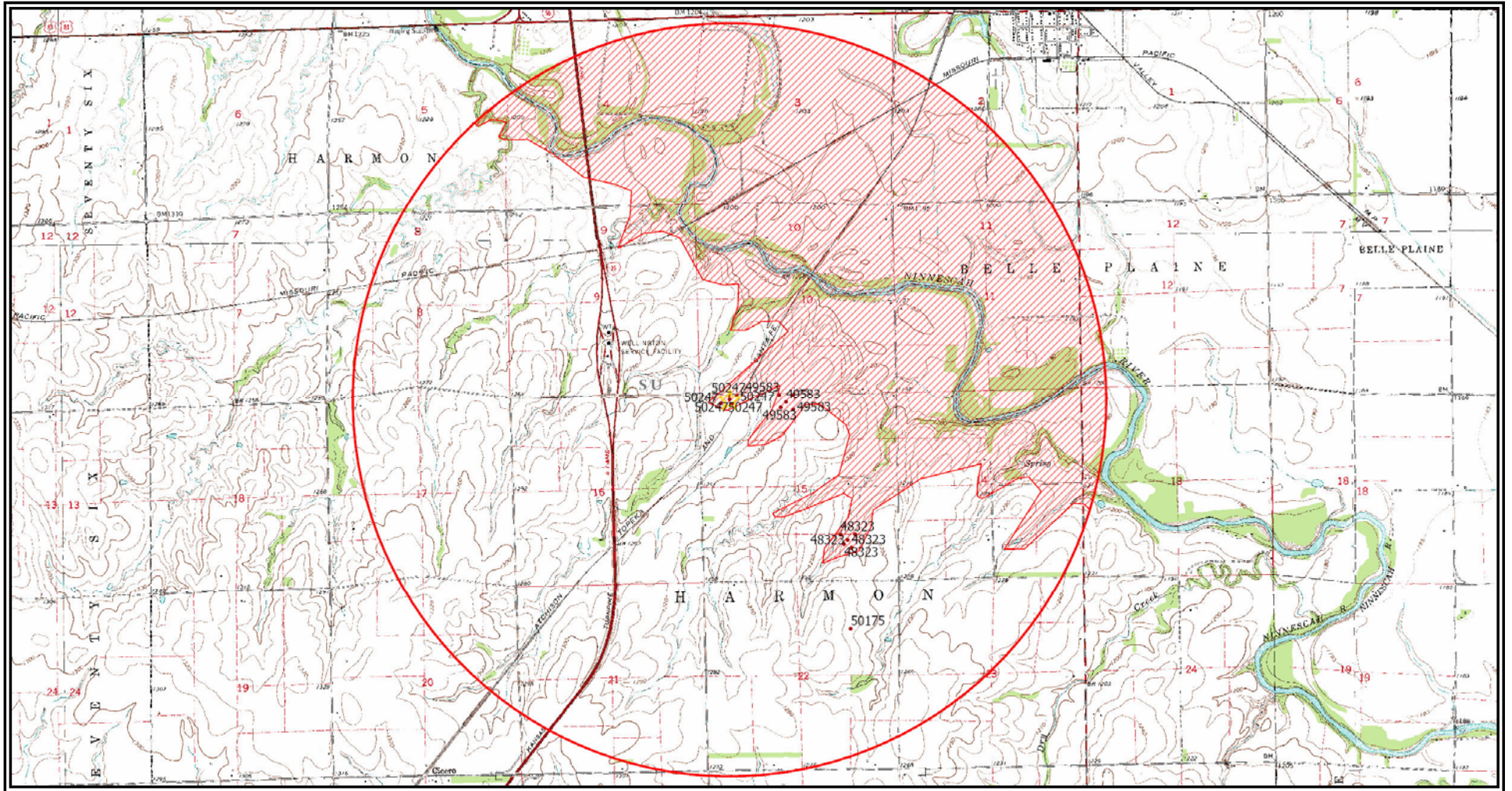
The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on August 4, 2021. 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.

11/4/2021  
KJN



**Safe Yield Report Sheet**  
**Water Right- Proposed Point of Diversion**  
**Point of Diversion in 15-31S-01E**  
**Footages from SE corner- 5,137 feet North 4,737 feet West**



# Analysis Results

The selected PD is in an area OPEN to new appropriations.

**MEETS SAFE YIELD**

The safe yield based on the variables listed below is 1,060.17 AF – 280.60 AF = 779.57 AF

Total prior appropriations in the circle is 308.60 AF – 28.00 AF = 280.60 AF

Total quantity of water available for appropriation is 751.57 AF.

## Safe Yield Variables

The area used for the analysis is set at 3,141 acres.

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

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 21-JUL-2021 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 3 water rights and 15 points of diversion within the circle.

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 48323 00	IRR	NK	G		SE	NW	SE	1313	1651	15	31	01E	2	WR	80.60	80.60	62.00	62.00
Same	IRR	NK	G		NE	SW	SE	942	1343	15	31	01E	3	WR				
Same	IRR	NK	G		NE	SW	SE	1036	1552	15	31	01E	4	WR				
Same	IRR	NK	G		NW	SE	SE	1317	1241	15	31	01E	5	WR				
Same	IRR	NK	G		NE	SW	SE	1152	1447	15	31	01E	6	WR				
A 49583 00	IRR	KE	G		NE	NE	NW	5050	3141	15	31	01E	7	WR	200.00	200.00	167.00	167.00
Same	IRR	KE	G		NE	NE	NW	5255	3330	15	31	01E	8	WR				
Same	IRR	KE	G		NE	NE	NW	5250	2940	15	31	01E	9	WR				
Same	IRR	KE	G		NE	NE	NW	4840	2940	15	31	01E	10	WR				
Same	IRR	KE	G		NE	NE	NW	4900	3294	15	31	01E	11	WR				
<del>A 50247 00</del>	<del>IRR</del>	<del>AY</del>	<del>G</del>		<del>NE</del>	<del>NW</del>	<del>NW</del>	<del>5250</del>	<del>4767</del>	<del>15</del>	<del>31</del>	<del>01E</del>	<del>12</del>	<del>WR</del>	<del>28.00</del>	<del>28.00</del>	<del>20.00</del>	<del>20.00</del>
Same	IRR	AY	G		NE	NW	NW	5250	4535	15	31	01E	13	WR				
Same	IRR	AY	G		NE	NW	NW	5012	4677	15	31	01E	14	WR				
Same	IRR	AY	G		NW	NW	NW	5036	4968	15	31	01E	15	WR				
Same	IRR	AY	G		NE	NW	NW	5137	4736	15	31	01E	16	WR				

## Engelbrecht, Jessica [KDA]

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**From:** Engelbrecht, Jessica [KDA]  
**Sent:** Thursday, September 2, 2021 10:30 AM  
**To:** Engelbrecht, Jessica [KDA]  
**Subject:** 50247

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**From:** Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>  
**Sent:** Wednesday, August 4, 2021 11:54 AM  
**To:** Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>  
**Subject:** RE: 50247

Jessica. No objections to approval of this application.

I sometimes wonder if the well drillers, especially ones working for Mark know about our 25' limited saturated thickness model and just know to edge their well logs up just a scoche.

There needs to be a better system.

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**From:** Engelbrecht, Jessica [KDA]  
**Sent:** Thursday, July 22, 2021 8:58 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>  
**Subject:** 50247

Jeff,  
I've attached Application File No. 50,247  
The applicant originally requested 28 acre-feet to irrigate 20 acres. I brought the quantity down to 26 to comply with maximum reasonable quantity.  
He meets SY and spacing.

Jessica Engelbrecht, Environmental Scientist  
KDA Division of Water Resources  
Stafford Field Office  
(620) 234-5311 Office  
(620) 234-6900 Fax  
[Jessica.engelbrecht@ks.gov](mailto:Jessica.engelbrecht@ks.gov)  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)







THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50247
This item to be completed by the Division of Water Resources.

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APR 29 2019

1257

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): MARK LAWLESS
Address: P.O. Box 515
City: Belle Plaine State KS Zip Code 67013
Telephone Number: (316) 617-3126

2. The source of water is: [ ] surface water in (stream)
OR [X] groundwater in Winesch (52) (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. 5/17/21 - JNE

3. The maximum quantity of water desired is 28-26 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) [X] 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 B Meets K.A.R. 5-3-1 (YES/NO) Use 122 Source (G/S) County SW By DAW Date 4/29/19
Code REG Fee \$ 200 TR # Receipt Date 4/29/19 Check # 91634

5/6/2019 cm



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

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

- (A) One in the N/E quarter of the N/W quarter of the N/W quarter of Section 15, more particularly described as being near a point 5250 feet North and 4767 feet West of the Southeast corner of said section, in Township 31 South, Range 1 (East/West (circle one)), Sumner County, Kansas.
- (B) One in the N/E quarter of the N/W quarter of the N/W quarter of Section 15, more particularly described as being near a point 5250 feet North and 4535 feet West of the Southeast corner of said section, in Township 31 South, Range 1 (East/West (circle one)), Sumner County, Kansas.
- (C) One in the N/E quarter of the N/W quarter of the N/W quarter of Section 15, more particularly described as being near a point 5012 feet North and 4677 feet West of the Southeast corner of said section, in Township 31 South, Range 1 (East/West (circle one)), Sumner County, Kansas.
- (D) One in the N/W quarter of the N/W quarter of the N/W quarter of Section 15, more particularly described as being near a point 5036 feet North and 4968 feet West of the Southeast corner of said section, in Township 31 South, Range 1 (East/West (circle one)), Sumner County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

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

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

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

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

Executed on April-25, 2019 [Signature]  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 4 wells (number of wells, pumps or dams, etc.) and (was)(will be) completed (by) 12-20-19 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP (Mo/Day/Year)

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

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

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

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

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

- 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.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of Owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):  
\_\_\_\_\_  
(name, address and telephone number)  
\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Billie Plains, Kansas, this 25 day of April, 2019.  
(month) (year)

  
\_\_\_\_\_  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ Date: \_\_\_\_\_  
(office/title)

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IRRIGATION TEST WELL

50247

Driller & Assistant: Logan and Chip Date: 4/24/19

CUSTOMER: MARK LAWLESS

LOCATION:

- Screen 2-1/2"
- Casing 2-1/2"
- Couplings, 2-1/2"
- End Caps, 2-1/2"
- Gravel Pack
- Holeplug
- Quarters
- Water
- Lime
- Drilling Mud
- Gas & Oil - W.T.
- 3/4" Polyethylene
- 2-1/2" PVC Tee
- 5" & 6" Bits
- Packing
- 6" or 5" Liner if needed
- Solvent & Glue
- Water Sample Bottle
- Inspection Sheet

Depth:      Formation:      Well Information:

0-3'	top soil	Static Water Level: <u>UNKNOWN 25'</u>
3-10'	clay	Est. Production: <u>200 to 300 gpm</u>
10-25'	sandy clay	Casing Size/Depth: _____
25-36'	sandy fine	
36-53'	sandy fine - medium	Screen Size/Depth: _____
53-56'	shale	
		Slot Size: _____
		Grouting Depth: <u>0-56'</u>
		Number of Bags: <u>2</u>
		Nearest Contamination: _____
		Notes: _____

Directions:

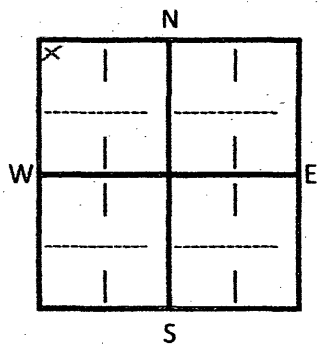
Latitude: 37.362      N decimal degrees      (ex. 38.881796)

Longitude: -97.31169      W decimal degrees      (ex. 95.373889)

Datum:     NAD27     NAD83     WGS84

Elevation: 1241 ft.

SW 1/4	NW 1/4	NE 1/4	SE 1/4
Sec. 15	T 31	R 1	E 1/4
County <u>Sumner</u>			



- \$ 8<sup>00</sup> x 56' /ft. Well
- \$ 50<sup>00</sup> /Grout
- \$ \_\_\_\_\_ /Test Pumping
- \$ \_\_\_\_\_ /Water Sample
- \$ \_\_\_\_\_ /Mobilization/Travel
- \$ \_\_\_\_\_ /Discount

Contract Received: \_\_\_\_\_

Invoice #: 1871

Date Mailed: 4-25-19

Well Data: \_\_\_\_\_ Access: \_\_\_\_\_

Materials: \_\_\_\_\_ Incent: \_\_\_\_\_

WATER RESOURCES RECEIVED

APR 29 2019

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 50247

Name of Applicant (Please Print): Paul Lullas MARK LAWLESS

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: MARK LAWLESS  
 ADDRESS: P.O. Box 515 Belle Plaine, KS 67013

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	3 1/2	1E					18	2										20	

**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

APR 29 2019

KS DEPT OF AGRICULTURE



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
Suitable for			
Irrigation			
Total:	100 %		

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

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

c. Type of irrigation system you propose to use (check one):

- Center pivot                      \_\_\_ Center pivot - LEPA                      \_\_\_ "Big gun" sprinkler  
 \_\_\_ Gravity system (furrows)                      \_\_\_ Gravity system (borders)                      \_\_\_ Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:  
 No tailwater

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: 35 psi
- (2) What is the sprinkler package design rate? 800 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? 68 feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

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).

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

WATER RESOURCES RECEIVED  
 APR 29 2019  
 KS DEPT OF AGRICULTURE

4-26-19

(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. 50247

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 Sumner ) ss

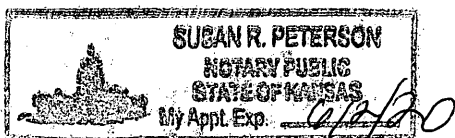
MARK LAWLESS  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 26th day of April, 2019.



Notary Public

My Commission Expires:



WATER RESOURCES  
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APR 29 2019

KS DEPT OF AGRICULTURE

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

May 6, 2019

**FILE COPY**

MARK LAWLESS  
PO BOX 515  
BELLE PLAINE, KS 67013

RE: Application, File No. **50247**

Dear Sir or Madam:

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

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

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

Sincerely,

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

# Untitled Map

Write a description for your map.

Legend

Domestic wells  
James Esterly  
981 E. 70th Ave  
Belle Plaine, KS  
67013

WELLS FOR ANY KIND  
WITHIN 1/2 MILE OF THE  
REQUESTED POINT OF DISBURSEMENT  
DATE BY PLOT 30!  
4/25/18

Irrigation wells  
MILK LANE

well 1  
well 2  
well 4  
Well 3

Track 2018-02-12 14:43:56Z

Mark Lawless

File # 49583

115 total ac irr with swing arm

Sec15 31s 1e

Pre-existing Irr System

Legend  
Proposed Well

Google Earth

File # 49583

2000 ft



52047



# THE STATE OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,247** of the applicant

**Mark Lawless**  
**PO Box 515**  
**Belle Plaine, KS 67013**

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

1. That the priority date assigned to such application is **April 29, 2019**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15	31S	1E					18.0	2.0										20.0	

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells, the geo-center of which is to located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 5,137 feet North and 4,736 feet West of the Southeast corner of said section, in Township 31 South, Range 1 East, Sumner County, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **26 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, 2023** 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, 2027** 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      day of      , 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,247, dated      , 2021, was mailed postage prepaid, first class, US mail to the following:

Mark Lawless  
PO Box 515  
Belle Plaine, KS 67013

With photocopies to:

Stafford Field Office

---

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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

Mark Lawless  
PO Box 515  
Belle Plaine, KS 67013

November 18, 2021

RE: Application, File No. 50,247

Dear Mr. Lawless:

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

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

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

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

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

Kristen A. Baum  
New Applications and Changes Supervisor  
Division of Water Resources

Enclosures

pc: Stafford Field Office



**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

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

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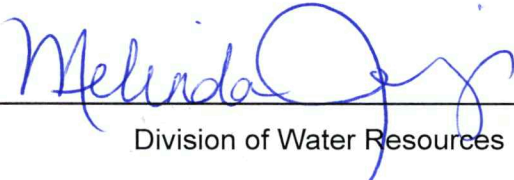
**CERTIFICATE OF SERVICE**

On this 18 day of November, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,247, dated 17 November, 2021, was mailed postage prepaid, first class, US mail to the following:

Mark Lawless  
PO Box 515  
Belle Plaine, KS 67013

With photocopies to:

Stafford Field Office

  
\_\_\_\_\_  
Division of Water Resources