

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

1. File Number: <p style="text-align: center;">50,506</p>	2. Status Change Date: <p style="text-align: center;">11/17/2021</p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD:
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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

<p>7a. Applicant(s) Person ID <u>66110</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>DON GRABER 3321 SE 100 ST KINGMAN KS 67068</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: <u>12/31/2022 ²³</u>	11. Perfection Date: <u>12/31/2026 ²⁷</u>	12. Exp Date: _____
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13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: ~~12/31/2022~~ ²³ Date WLMD Installed: _____

Date Prepared: 8/13/21 By: JNE Date Entered: 11/18/2021 By: LMoody
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File No. **50,506** 15. Formation Code: **100** Drainage Basin: **CHIKASKIA RIVER** County: **KM** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional			
DEL										Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT										gpm/cfs	af/mgy	gpm/cfs	af/mgy	
MOD	88551	SW SE SE	23	29S	7W	2	405	860		800	84	800	84	NONE

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 **12/31/2023** Date Acceptable Meter Installed _____

21. Place of Use										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	PUSE	S	T	R	ID	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼												
CHK	70235	23	29S	7W	2																												

Comments: 11/8/2021
KJN

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: File

DATE: August 11, 2021

FROM: Jessica Engelbrecht

RE: Application, File No. 50,506

The referenced new application has been filed by Don Graber to appropriate 84 acre-feet of groundwater per calendar year, to irrigate 60 acres at a diversion rate not to exceed 800 gallons per minute. The proposed point of diversion is to be a ~~two well battery~~ ^{one well} located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 23, Township 29 South, Range 7 West, in Kingman County. The requested point of diversion is not located within the boundaries of any Groundwater Management District but is located within South-Central Designated Unit Area SNI-29. SNI-29 is open to appropriations and the remaining quantity is sufficient to cover the requested quantity. The well location and supplied well log show the source of water as Quaternary aged sand and gravel deposits. The place of use is owned by the applicant. **DUA SNI-29 has 7,287 AF available without including 50,506 (84 AF)***

The quantity of 84 acre-feet is the maximum amount allowable for a 60-acre place of use based on 1.4 acre-feet per acre allowed in Kingman County, Kansas, as allowed by K.A.R. 5-3-24. The requested rate of diversion (800 gpm) appears to be reasonable to operate the proposed irrigation system and cover the acreage.

The applicant identified one nearby well owner located within one-half mile. Nearby notification letters were mailed out on June 23, 2021. Two written responses were received by nearby landowners. Both had concerns about other properties in the area but did not have wells on their own property.

The nearest non-domestic well is approximately 2,500 feet away and the nearest domestic well is also approximately 2,500 feet away and belongs to the applicant.

Based on a safe yield analysis with a 5,577-acre area, 50% recharge (Chikaskia River Basin), and 1.9 inches of annual recharge, there are 441.47.00 acre-feet allowable for appropriation with 336.00 acre-feet of existing appropriations. The application meets the safe yield requirements of K.A.R. 5-3-11 with 105.47 acre-feet available for appropriation. There will be 21.47 acre-feet remaining after approval of this application.

The applicant has submitted a signed and notarized Minimum Desirable Streamflow form and acknowledges that this appropriation may be subject to Minimum Desirable Streamflow administration.

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.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on August 10, 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.

11/8/2021
KJN

Engelbrecht, Jessica [KDA]

From: Lanterman, Jeff [KDA]
Sent: Tuesday, August 10, 2021 2:22 PM
To: Engelbrecht, Jessica [KDA]
Subject: RE: 50506

Follow Up Flag: Follow up
Flag Status: Flagged

Jessica.

I recommend approval on this one.

You might add in to the MEMO where you discuss the DUA that SNI 29 is open to appropriations and the quantity of water requested in the application is available in the DUA.

Looks good.

Thanks
Jeff

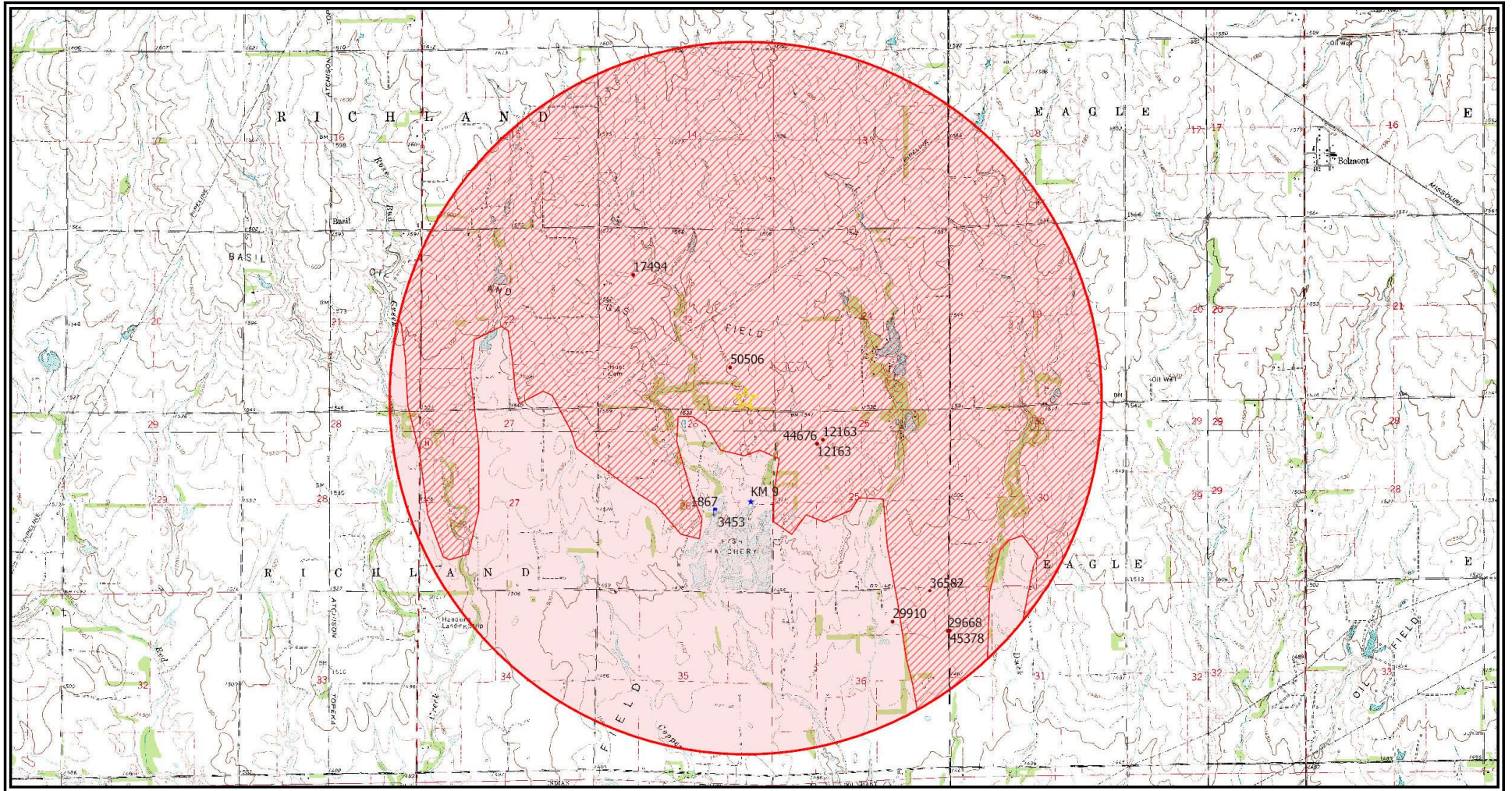
From: Engelbrecht, Jessica [KDA] <Jessica.Engelbrecht@ks.gov>
Sent: Tuesday, August 10, 2021 11:40 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: 50506

Jeff,
Attached is an irrigation application for Don Graber. He's asking for 84 AF on 60 acres. It's in DUA 29 which shows enough remaining quantity for this application. I did get two written concerns but neither have water on their property.

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



Safe Yield Report Sheet
Water Right- Proposed Point of Diversion
Point of Diversion in 23-29S-07W
Footages from SE corner- 405 feet North 860 feet West



Analysis Results

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

The safe yield based on the variables listed below is 441.47 AF – 336.00 AF = 105.47 AF

Total prior appropriations in the circle is 420.00 AF – 84.00 AF = 336.00 AF

Total quantity of water available for appropriation is 21.47 AF.

Safe Yield Variables

The area used for the analysis is set at 5,577 acres.

The potential annual recharge at the circle center is estimated to be 1.9 inches.

The percent of recharge available for appropriation is 50%.

Authorized Quantity values are as of 09-AUG-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 5 water rights and 4 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 12163 00	IRR	NK	G		SW	NE	NW	4259	3878	25	29	07W	2	WR	50.00	50.00	73.00	73.00
A 17494 00	IRR	NK	G		NE	SW	NW	3894	4158	23	29	07W	1	WR	135.00	135.00	104.00	104.00
A 44676 00	IRR	NK	G		SW	NE	NW	4259	3878	25	29	07W	2	WR	103.00	53.00	73.00	0.00
A 45378 00	IRR	NK	G					3992	5246	31	29	06W	3	WR	98.00	98.00	84.50	84.50
A 50506 00	IRR	AY	G				SE	1320	1320	23	29	07W	2	WR	84.00	84.00	60.00	60.00

Limitations

File Number	Seq Num	Limitations
A 44676 00	1	103AF/YR @ 700GPM COM/W 12163



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

File Number 50506
This item to be completed by the Division of Water Resources.

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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.)

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JAN 11 2020

2:00

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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): Don Graber
Address: 3321 SE 100 St
City: Kingman State KS Zip Code 67068
Telephone Number: (620) 532-6290

2. The source of water is: [] surface water in (stream)
OR [x] groundwater in Chikaskia River (drainage basin)

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

3. The maximum quantity of water desired is 84 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 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County Km By Bmm Date 1-12-21
Code REG Fee \$ 500 TR # Receipt Date 1-11-21 Check # 7640

***60 DAYS TO LOCATE**

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 SW quarter of the SE quarter of the SE quarter of Section 23, more particularly described as being near a point 405 feet North and 860 feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.

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

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

(name, address and telephone number)

(name, address and telephone number)

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

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

Executed on December 30, 2020 Don Fisher
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 Well and Pump
(number of wells, pumps or dams, etc.)

and will be completed (by) ASAP
(Month/Day/Year - each was or will be completed)

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

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JAN 11 2020

FEB 11 2020

10 11 2020

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The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.

My commission expires on 12/31/2020.

I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

My commission expires on 12/31/2020.

I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

Signature: *[Handwritten Signature]*
Date: 11/11/2020

The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.

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My commission expires on 12/31/2020.

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My commission expires on 12/31/2020.

File No. _____

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 N.A.

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
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 Kingman, Kansas, this 30 day of December, 2020.
(month) (year)

Donald L. Seaman
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by JNE _____ SFFO/ESII _____ Date: 12/23/2020
(office/title)

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

JAN 11 2020

File No. _____

Name of Applicant (Please Print): Donald Graber

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: Donald L Graber
ADDRESS: 3321 SE 100 St Kingman, KS 67068

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
23	29	7W														35	12	3	10	60

Landowner of Record NAME: _____
ADDRESS: _____

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

Landowner of Record NAME: _____
ADDRESS: _____

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

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
5956	97	1	7
5982	3	.3	3
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 2 %

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: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: _____ psi
- (2) What is the sprinkler package design rate? _____ 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? _____ 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:

COTTON CORN SOYBEANS
 WHEAT MILO SUNFLOWERS

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).

EMPLOY A CROP CONSULTANT

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

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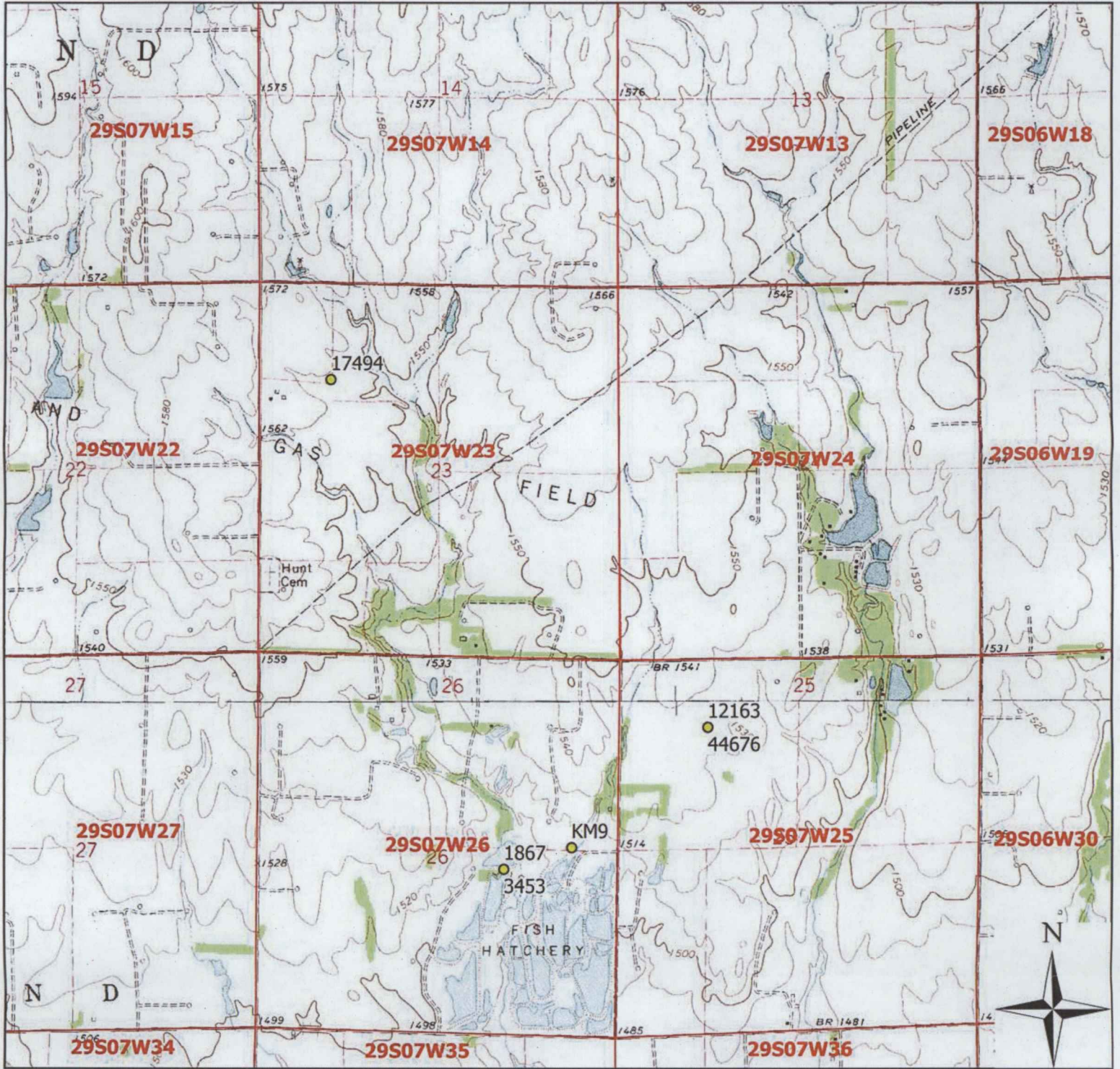
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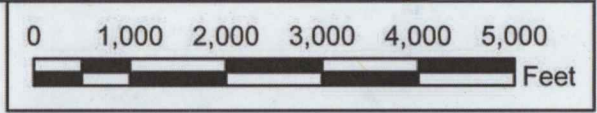
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***60 DAYS TO LOCATE**



Legend

- Water Appropriation
- ⊕ Section Corner
- ▭ Section Line



Water Right Application, File No. 23-29-7W // Kingman County

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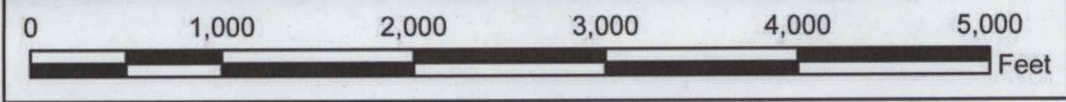
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* 60 DAYS TO LOCATE



Legend

- Water Appropriation
- ⊕ Section Corner
- ▭ Section Line



Water Right Application, File No. 23-29-7W // Kingman County

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JAN 11 2020

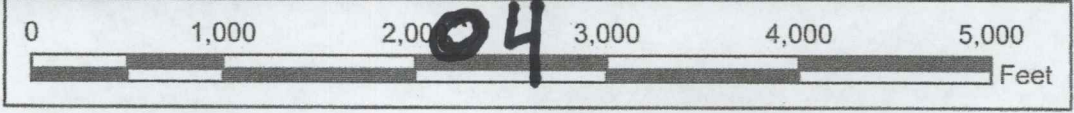
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* 60 DAYS TO LOCATE



Legend

- Water Appropriation
- ⊕ Section Corner
- ▭ Section Line



**Water Right Application, File No.
23-29-7W // Kingman County**

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53-58-AM W KUDRINSKIY GORNYI

1951-1952 yub. 1952-1953

20000 116
 20000 116
 20000 116
 20000

1000	2000	3000	4000	5000
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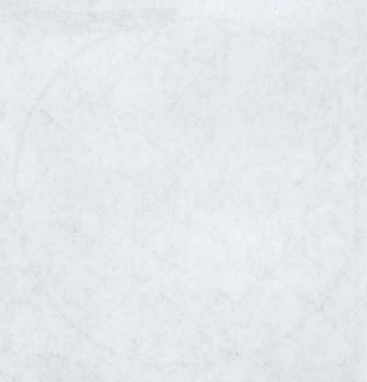
01

02

03

04

J 0



Location of Existing Wells

- 1) Myself
Don Graber
Domestic
- 2) Myself
Don Graber
Domestic
- 3) Ron Young
PO Box 421
Kingman, KS 67068
Domestic
- 4) Spring Creek Farm
PO Box 421
Kingman, KS 67068
Domestic
- 5) Donna Metzger
9854 S. Iris Court
Littleton, CO. 80127
Irrigation

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1/4/2021
(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.

Donald L. Graber
Signature of Applicant

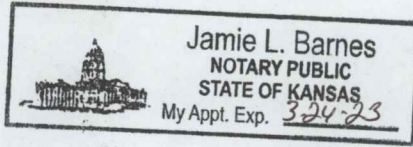
State of Kansas)
County of Kingman) ss

DONALD L. GRABER
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6th day of January, 2021.

Jamie L. Barnes
Notary Public

My Commission Expires: 3-24-23



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KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JAN 11 2020

KS DEPT OF AGRICULTURE

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

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

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

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

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WATER RESOURCES
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KS DEPT OF AGRICULTURE

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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1000 Corey Road
 P.O. Box 886
 Hutchinson, KS 67504-0886
 620-665-5661
 FAX: 620-665-0559
 TOLL FREE: 877-464-0623
 www.sdklabs.com

Sample # 197.21
 Sample: Water
 Other ID: Sampled by Luis Luna Well - D. Graber th #1 SE 23-29-7

Date Received: 01/15/2021
 Date/Time Sampled: 1/14/2021 6:45:00
 Date Reported: 01/22/2021
 Total Fee: \$48.00

ROSENCRANTZ-BEMIS DRILLING
 1105 281 BYPASS
 P.O. BOX 713
 GREAT BEND, KS 67530

ANALYSIS

	Result	Units	Date/Time Analyzed	Analyst
++pH - SM 4500-H+ B	7.81	s.u.	1/15/2021 14:44	SE
++Chloride - SM 4500-Cl B	110.00	mg/L	1/18/2021 13:00	SE
++Total Hardness - SM 2340B	282	mg/L		
++Nitrate-Nitrogen - SM 4500-NO3 D	5.18	mg/L	1/15/2021 15:10	SE
++Calcium - SM 3111B	87.70	mg/L	1/20/2021 09:30	JC
++Magnesium - SM 3111B	15.40	mg/L	1/20/2021 09:30	JC
++Sodium - SM 3111B	65.80	mg/L	1/20/2021 09:30	JC
++Sulfate - SM 4500 SO4 E	92.50	mg/L	1/19/2021 14:00	SE
% Sodium	39.00	%		
SAR-Sodium Absorption Ratio	1.699	s.u.		
++Electrical Conductivity - SM 2510B	892	umhos/cm	1/15/2021 16:00	SE
TDS-Total Dissolved Solids - Calculated	633	mg/L		
Irrigation Quality Rating	AS FOLLOWS			
Light Soil -Salinity Hazard	Low			
Light Soil - Sodium Hazard	Low			
Medium Soil -Salinity Hazard	Low			
Medium Soil -Sodium Hazard	Medium			
Heavy Soil -Salinity Hazard	Medium			
Heavy Soil -Sodium Hazard	Medium			
General Comment:	Good to Permissible			

**Sample receipt temperature = 18.2 degrees C.
 **Sample beyond hold time for pH.

* Denotes analysis was subcontracted to another laboratory for state compliance - see attached.

Methods of analysis per EPA-600 or EPA SW-846, 3rd Ed., 1986 or Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992.

++Denotes NELAP/KDHE Accredited Method. Lab Certificate #E-10152. Results meet all requirements of NELAC unless noted.

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FEB 11 2021

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Approved By:

Malt Hogan
 Quality Assurance Officer

Malt Hogan

Copies:

The results reported pertain only to the samples as received by the laboratory



DRILLER'S TEST LOG

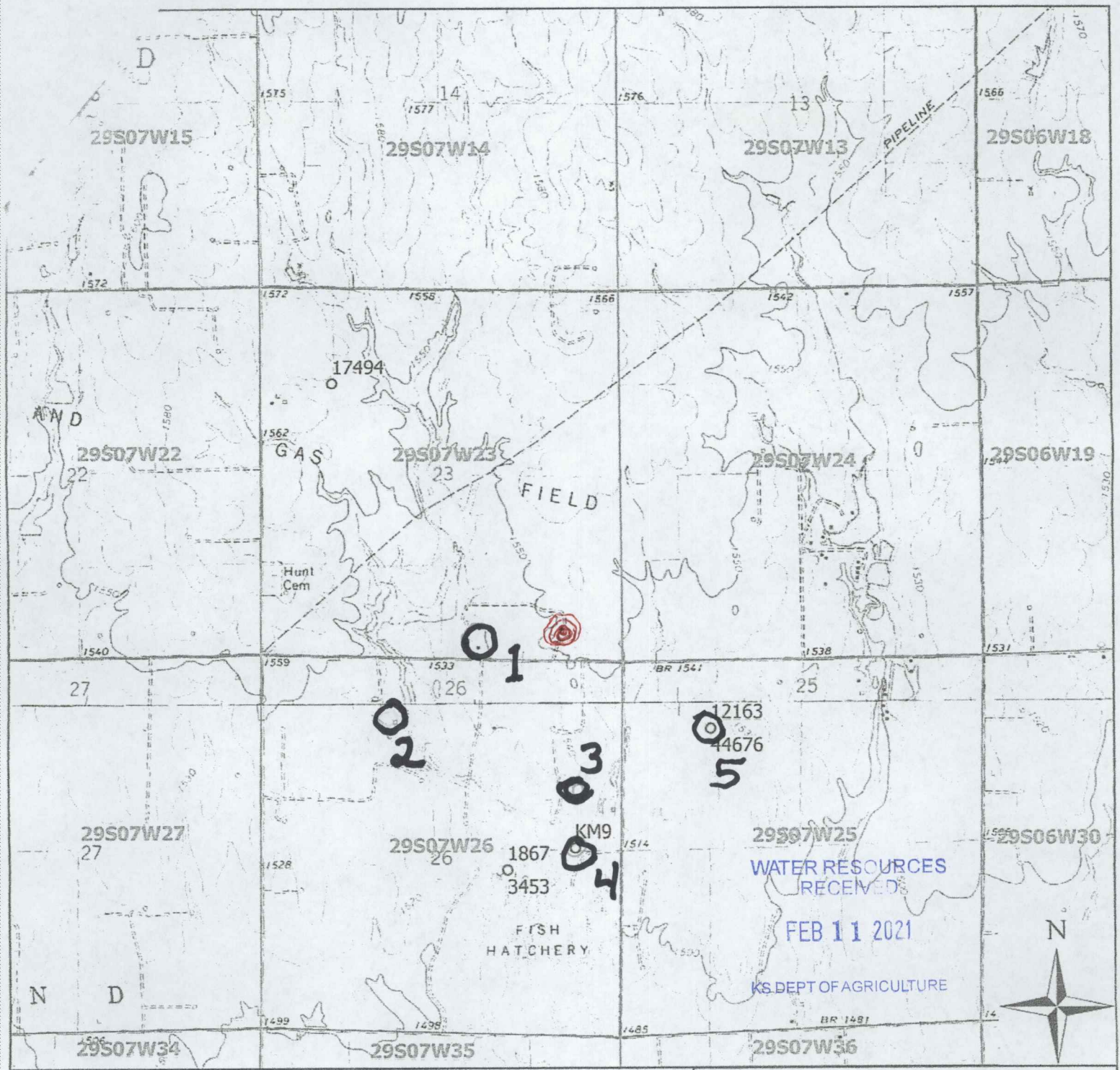
Customer Name: Don Graber Date: 1/13/2021
 Address _____ Test No: #1-21
 County: Kingman Quarter: SE Section: 23 Township: 29 Range: 7

Drilled Footage		Description of Strata	Indicate Test Location by an X			
From	To					
0	3	Top soil				
3	6	Brown clay				
6	24	Sand & gravel- small med clean coarse				
24	36	Tan clay				
36	64	Sand & gravel- fine to small some med & a little clay				
64	67	Tan yellowish clay				
67	77	Tan clay				
77	79	Sand & gravel- fine to small some med clean				
79	83	Red bed (hard)				✱
			Static Water Level: <u>26</u> Ft			
			Remarks: <u>Supply well for Rig #8</u>			
			Garmin GPS: NAD 83			
			Latitude: 37.502679 N			
			Longitude: 98.047673 W			
			Elevation:			
			Driller: <u>Luis Luna</u>			
			Spot Location: <u>NE/ SW/ SE/ SE</u>			

ROSENCRANTZ-BEMIS EQUIPMENT CO., INC
 Telephone (620) 792-2488 or (620) 793-5512
 P.O. Box 713, Great Bend, KS 67530

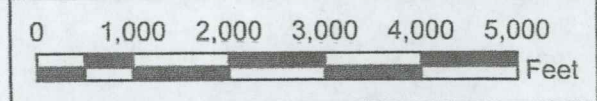
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FEB 11 2021

DATE



Legend

- Water Appropriation
- ⊕ Section Corner
- ▭ Section Line



Water Right Application, File No.
23-29-7W // Kingman County

All wells within one-half mile (1/2) of the point of diversion have been plotted.

Donald R. Graber 1/26/2021 12/23/2020 JNE/SFFO 1:24,000 scale

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 KS. DEPT OF AGRICULTURE



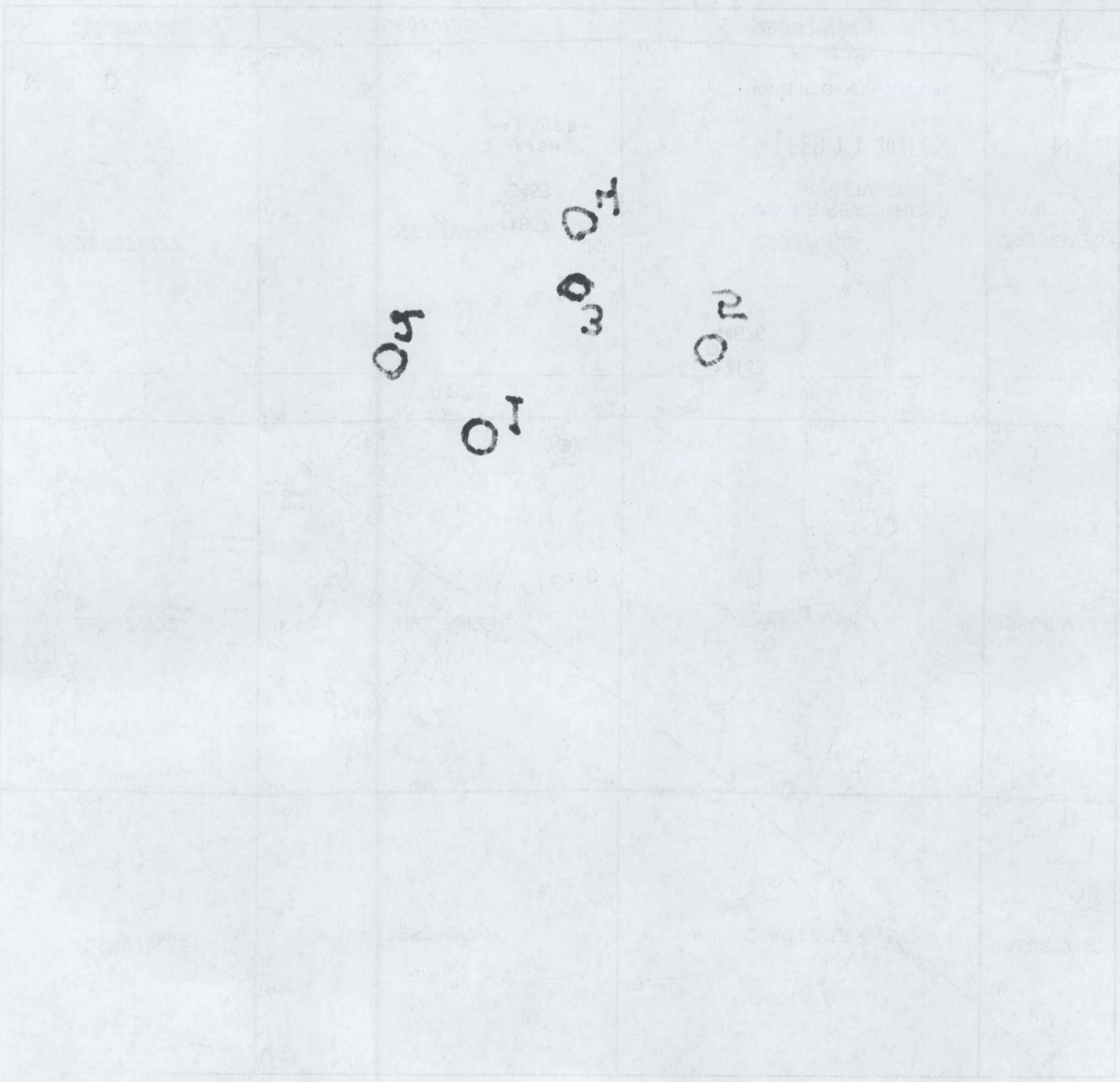
Faint handwritten notes at the top of the page, possibly including a date and location.

53-58-1411 KINGSMAN COLONY

Water Right Application File No.

Collect
Application
Number

1991
0 1000 2000 3000 4000 5000



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

File Number 50506
This item to be completed by the Division of Water Resources.

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.)

WATER RESOURCES RECEIVED

JAN 11 2021 2:00

KS DEPT OF AGRICULTURE

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): Don Graber
Address: 3321 SE 100 St
City: Kingman State KS Zip Code 67068
Telephone Number: (620) 532-6290

2. The source of water is: [] surface water in (stream)
OR [x] groundwater in Chikaskia River (drainage basin)

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

3. The maximum quantity of water desired is 84 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

1/13/2021 LMoody

For Office Use Only:
F.O. 2 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County KM By BMM Date 1/12/21
Code REG Fee \$ 200 TR # Receipt Date 1-11-21 Check # 7640

1320' N 1320' W

1/12/2021
BMM

File No. _____

***60 DAYS TO LOCATE**

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 _____ quarter of the _____ quarter of the SE quarter of Section 23, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

(name, address and telephone number)

(name, address and telephone number)

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

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

Executed on December 30, 2020 Don Diaker
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 Well and Pump
(number of wells, pumps or dams, etc.)
and will be completed (by) ASAP
(Month/Day/Year - each was or will be completed)

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

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

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

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

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

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required N.A.

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
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 Kingman, Kansas, this 30 day of December, 2020.
(month) (year)

Donald L. Seaton
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by JNE SFFO/ESII Date: 12/23/2020
(office/title)

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IRRIGATION USE SUPPLEMENTAL SHEET

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KS DEPT OF AGRICULTURE

File No. _____

Name of Applicant (Please Print): Donald Graber

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: Donald L Graber

ADDRESS: 3321 SE 100 St Kingman, KS 67068

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
23	29	7W														35	12	3	10	60

Landowner of Record NAME: _____

ADDRESS: _____

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

Landowner of Record NAME: _____

ADDRESS: _____

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

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
5956	97	1	7
5982	3	.3	3
Total:	100 %		

b. Estimate the average land slope in the field(s): 2 %
 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: _____

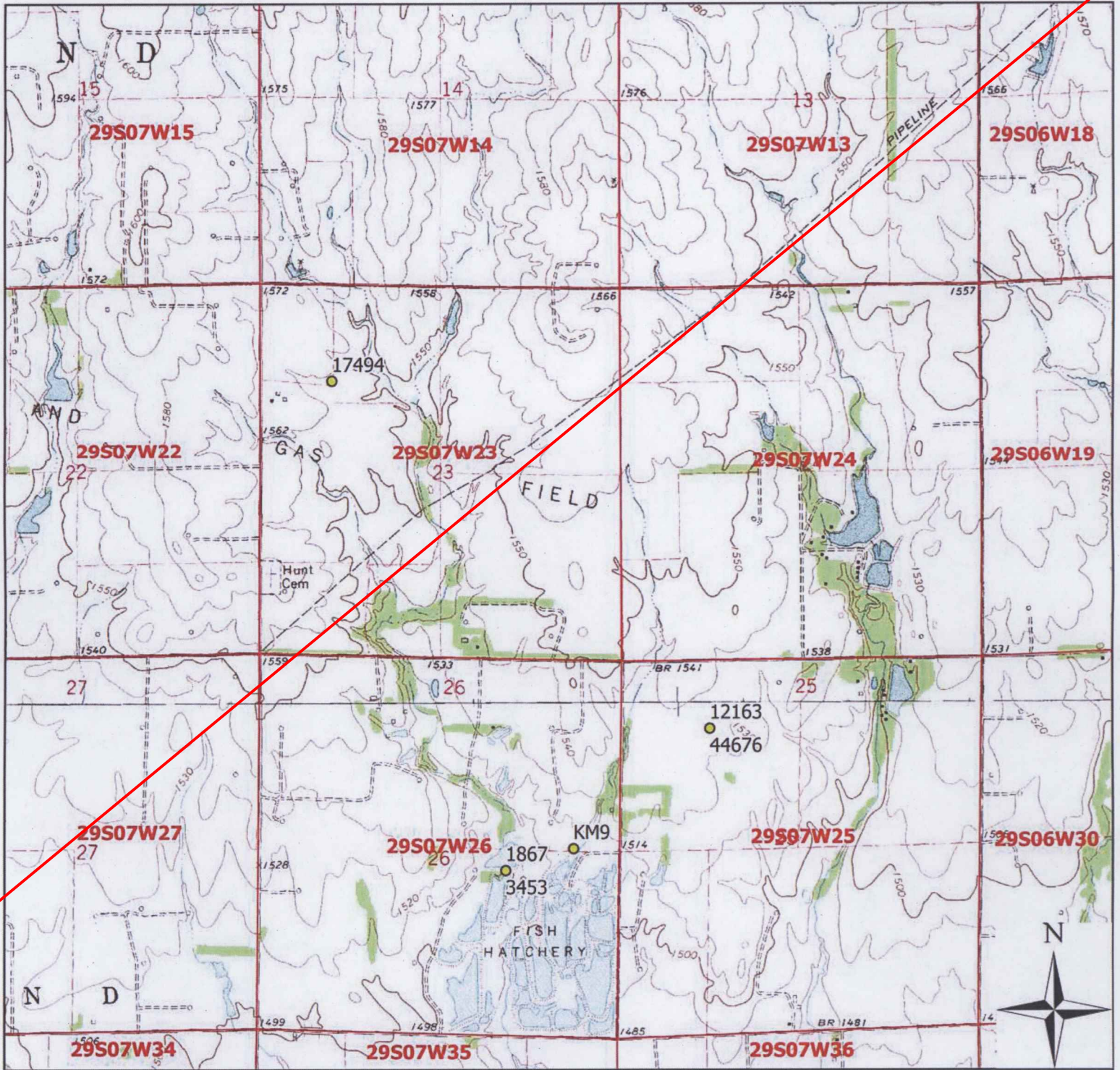
d. System design features:
 i. Describe how you will control tailwater:
 ii. For sprinkler systems:
 (1) Estimate the operating pressure at the distribution system: _____ psi
 (2) What is the sprinkler package design rate? _____ gpm
 (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ 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:
 COTTON CORN SOYBEANS
 WHEAT MILO SUN FLOWERS

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).
 EMPLOY A CROP CONSULTANT

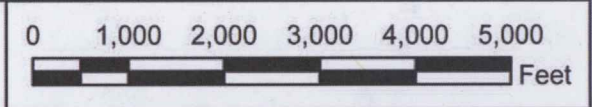
You may attach any additional information you believe will assist in informing the Division of the need for your request.

***60 DAYS TO LOCATE**



Legend

- Water Appropriation
- ⊕ Section Corner
- ▭ Section Line



Water Right Application, File No.

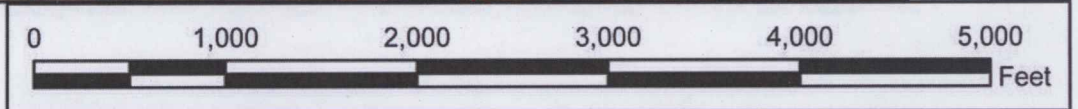
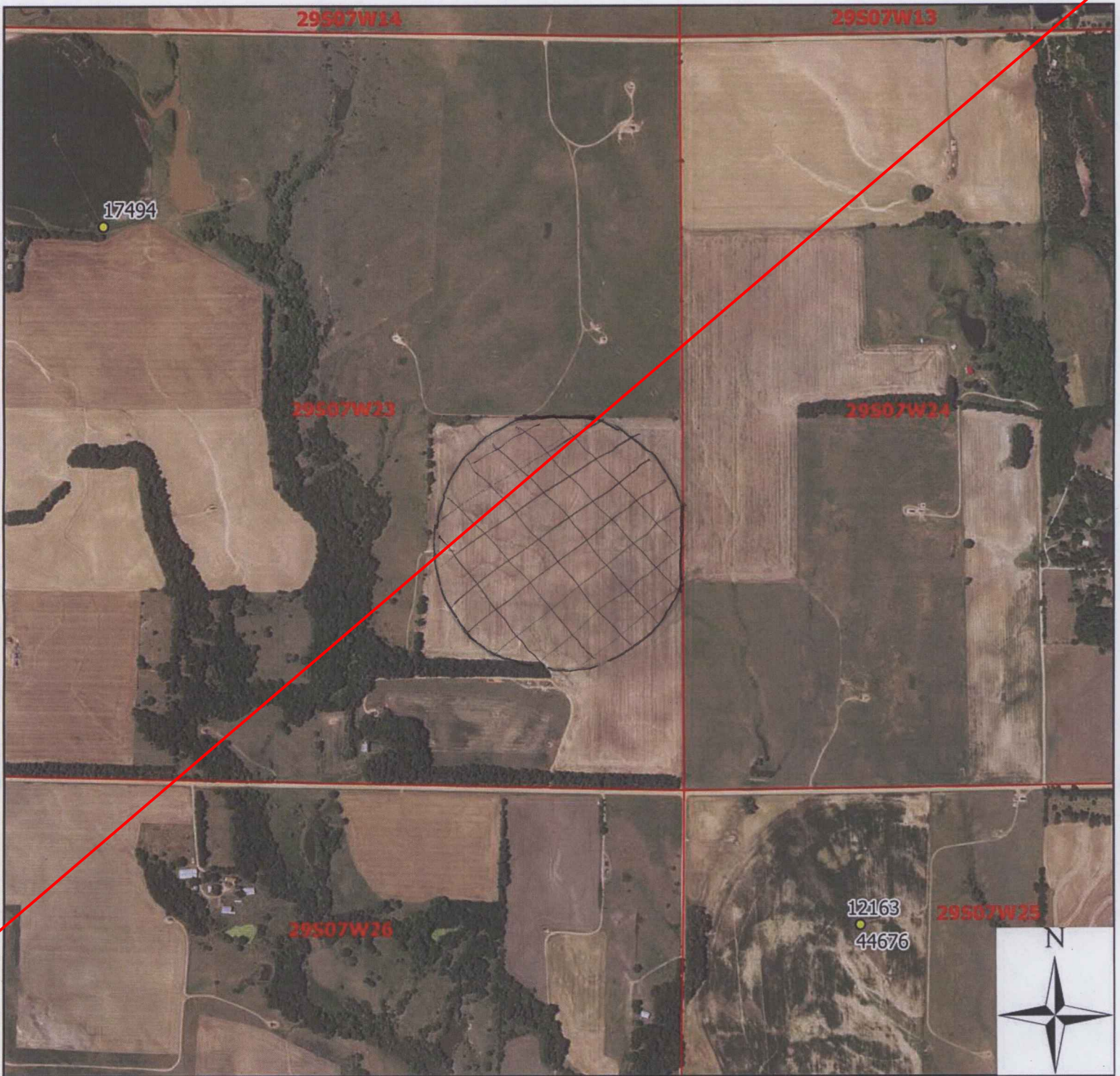
23-29-7W // Kingman County

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* 60 DAYS TO LOCATE



Legend

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Water Right Application, File No.

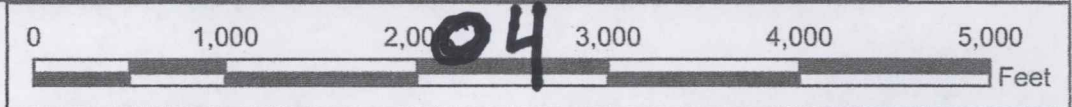
23-29-7W // Kingman County

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KS DEPT OF AGRICULTURE

* 60 DAYS TO LOCATE



Water Right Application, File No. 23-29-7W // Kingman County

Legend

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- ⊕ Section Corner
- Section Line

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Location of Existing Wells

- 1) Myself
Don Graber
Domestic
- 2) Myself
Don Graber
Domestic
- 3) Ron Young
PO Box 421
Kingman, KS 67068
Domestic
- 4) Spring Creek Farm
PO Box 421
Kingman, KS 67068
Domestic
- 5) Donna Metzger
9854 S. Iris Court
Littleton, CO. 80127
Irrigation

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KS DEPT OF AGRICULTURE

1/4/2021
(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.

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Donald L Graber

Signature of Applicant

DONALD L. GRABER

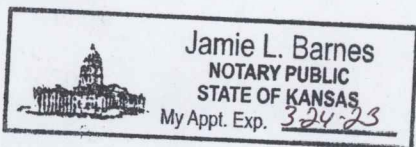
(Print Applicant's Name)

State of Kansas)
County of Kingman) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6th day of January, 2021.

Jamie L Barnes
Notary Public

My Commission Expires: 3-24-23



WATER RESOURCES
RECEIVED

JAN 11 2020

KS DEPT OF AGRICULTURE

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

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Cottonwood River
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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
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Smoky Hill River
Solomon River
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Spring River
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Whitewater River

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KS DEPT OF AGRICULTURE

FEE SCHEDULE

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ACRE-FEET	FEE
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More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

JAN 11 2020

KS DEPT OF AGRICULTURE

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50506

APPLICANT	PDIV ID	BATTERY ID
PERSON ID & SEQ # 66110	88551	

LANDOWNER	PUSE ID
PERSON ID & SEQ # 66110	70235

WATER USE CORRESPONDENT
PERSON ID & SEQ # 66110

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

January 26, 2020

DON GRABER
3321 SE 100 ST
KINGMAN KS 67068

RE: Application, File No(s). **50506**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) 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(s) 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(s) is unlawful.

Additional information about the process may be found on our website at 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. *Stafford Field Office at 620-234-5311*. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser
New Applications Lead
Water Appropriation Program

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. 50,506** of the applicant

DON GRABER
3321 SE 100 ST
KINGMAN KS 67068

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 **January 11, 2020**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
23	29S	7W													35	12	3	10	60

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by mean of one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW¼ SE¼ SE¼) of Section 23, more particularly described as being near a point 405 feet North and 860 feet West of the Southeast corner of said section, in Township 29 South, Range 7 West, Kingman County, Kansas.

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

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

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.

Ordered this 17 day of November, 2021, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17 day of November, 2021, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Water Appropriation Program Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings

Notary Public



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, Acting Secretary

Laura Kelly, Governor

November 18, 2021

DON GRABER
3321 SE 100 ST
KINGMAN KS 67068

RE: Appropriation of Water, File No. 50,506

Dear Mr. Graber:

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

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

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

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 18 day of November, 2021, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,506, dated 17 November, 2021, was mailed postage prepaid, first class, US mail to the following:

DON GRABER
3321 SE 100 ST
KINGMAN KS 67068

With photocopies to:

Stafford Field Office



Division of Water Resources