



File No. **49455**      15. Formation Code: **211**      Drainage Basin: **Prairie Dog Creek**      County: **DC**      Special Use:      Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			<b>84630</b>	<b>NW NE SE</b>	<b>3</b>	<b>3S</b>	<b>26W</b>	<b>2</b>	<b>2291</b>	<b>972</b> CeoC
<b>OK</b>			<b>84631</b>	<b>NW NE SE</b>	<b>3</b>	<b>3S</b>	<b>26W</b>	<b>3</b>	<b>2291</b>	<b>672</b> 1of4
<b>OK</b>			<b>84632</b>	<b>NW NE SE</b>	<b>3</b>	<b>3S</b>	<b>26W</b>	<b>4</b>	<b>2291</b>	<b>1272</b> 2of4
<b>OK</b>			<b>84633</b>	<b>NW NE SE</b>	<b>3</b>	<b>3S</b>	<b>26W</b>	<b>5</b>	<b>2591</b>	<b>972</b> 3of4
<b>OK</b>			<b>84634</b>	<b>NW NE SE</b>	<b>3</b>	<b>3S</b>	<b>26W</b>	<b>6</b>	<b>1991</b>	<b>972</b> 4of4

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>800</b>	<b>178</b>	<b>800</b>	<b>178</b>	<b>NONE</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 **12/31/2018**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
MOD			<b>67224</b>	<b>3</b>	<b>3S</b>	<b>26W</b>	<b>2</b>																						

Comments:

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

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

**TO:** Files

**DATE:** December 5, 2016

**FROM:** Kristen Baum

**RE:** Application, File No. 49,455

Mark Bailey with Western Bailey Boys LLC has filed the referenced application to appropriate 178 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use. The proposed point of diversion is a battery of four (4) wells with a geographical center located in the Southeast Quarter of Section 3, Township 3 South, Range 26 West, Decatur County, Kansas. The proposed appropriation is located within the Prairie Dog Creek River Basin and the source of supply will be the Ogallala Formation. The 126 acre place of use and point of diversion are both owned by Arlene Hix. The applicant has signed the application form affirming legal access to the point of diversion.

The applicant initially requested 240 acre-feet of groundwater to irrigate 160 acres, but the quantity of water requested had to be reduced in order meet safe yield requirements and the place of use had to be reduced to be reasonable for the proposed use. The requested quantity of 178 acre-feet applied to 126 acres will provide 1.41 acre-feet per acre, which is slightly less than the maximum reasonable quantity of 1.5 acre-feet per acre for irrigation use in Decatur County, per K.A.R. 5-3-24, but would still be considered reasonable.

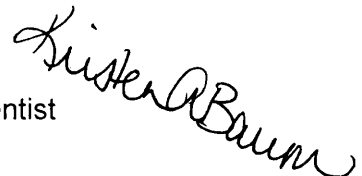
This application was filed prior to issuance of the Guidance Document regarding applications impacting Kansas compliance with the Republican River Compact (RRC). Thus, it can be further processed subject to safe yield as described in K.A.R. 5-3-11, which states in part, that the Prairie Dog Creek, its tributaries and their alluviums, and any other aquifer that has a substantial hydraulic connection to an alluvium, have been determined to be fully appropriated based on safe yield criteria, and shall be closed to further new groundwater appropriations. The Division of Water Resources uses the RRC groundwater model to determine whether a substantial hydraulic connection exists. Using the requested quantity of water and specific point of diversion, the model determines the potential impact to streamflow, and the value selected by the Chief Engineer to represent a substantial hydraulic connection is an average annual impact greater than 10 acre-feet. Based on the model run, this application would've had a potential impact of 13.5 acre-feet, but at the reduced quantity of water requested, the potential impact is only 10 acre-feet so the application can be further processed.

The proposed point of diversion must also comply with K.A.R. 5-3-11 safe yield evaluation based on the area of consideration (extent of unconfined aquifer) within a 2-mile circle, calculated recharge quantity, and the extent of recharge available in that basin. Using an 8,042 acre area of consideration (the entire 2-mile circle) and a potential recharge of 0.88 inches with 75% available for appropriation, safe yield was determined to be 442.31 acre-feet. There are no other existing appropriations within the area of consideration, so there is a sufficient quantity of water available for appropriation, and the application meets all safe yield criteria.

One domestic well was identified by the applicant within one-half mile of the proposed point of diversion. This well owner was notified of the applicant's intention to appropriate groundwater in a letter dated November 2, 2016. No response of any kind was received. This is the closest domestic well at approximately 2,300 feet to the south. According to the WRIS database, there aren't any nondomestic wells within two miles. Thus, the proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4.

Kelly Stewart, Water Commissioner for the Stockton Field Office, recommended approval of the referenced application in an e-mail. 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. Based on the above discussion, it is recommended that the referenced application be approved.

Kristen A. Baum  
Environmental Scientist  
Permits Unit



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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

December 20, 2016

WESTERN BAILEY BOYS LLC  
201 S DEXTER  
NORCATUR KS 67653

**FILE COPY**

Re: Appropriation of Water, File No. 49,455

Dear Sir or Madam:

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

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

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

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

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

Sincerely,

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT:kab  
Enclosures  
pc: Stockton Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,455** of the applicant

**WESTERN BAILEY BOYS LLC  
201 S DEXTER  
NORCATUR KS 67653**

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 **September 8, 2015**.
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					
3	3S	26W																	31.5	31.5	31.5	31.5	126

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographical center located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW¼ NE¼ SE¼) of Section 3, more particularly described as being near a point 2,291 feet North and 972 feet West of the Southeast corner of said section, in Township 3 South, Range 26 West, Decatur County, Kansas 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 **178 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, 2018** 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, 2022** 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.

18. That this permit is further limited such that all four (4) wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply and be limited to a total maximum diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.).

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 19<sup>th</sup> day of December, 2016, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of December, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*  
Notary Public

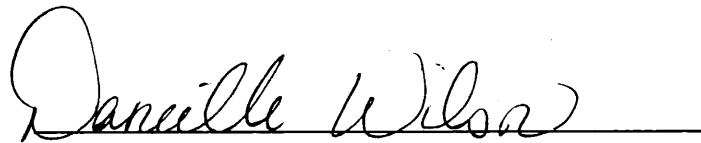
### CERTIFICATE OF SERVICE

On this ~~20<sup>th</sup>~~ day of December, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,455, dated December 19, 2016 was mailed postage prepaid, first class, US mail to the following:

WESTERN BAILEY BOYS LLC  
201 S DEXTER  
NORCATUR KS 67653

With photocopies to:

Stockton Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a solid horizontal line.

Division of Water Resources



THE STATE OF KANSAS



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OCT 21 2016

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KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49455  
This item to be completed by the Division of Water Resources.

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APPLICATION COMPLETE  
11/17/16  
Reviewer KAB

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.)

SEP 08 2015  
12:48  
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): ~~Maest~~ Western Bailey Boys LLC.  
Address: ~~Pc Box 7~~ 201 South Dexter  
City: Wichita State KS Zip Code 67653  
Telephone Number: (785) 571-1467

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Prarie Day Creek (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. 178 NB

3. The maximum quantity of water desired is 240 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 800 ~~800~~ gallons per minute OR 1.78 ~~1.78~~ cubic feet per second.

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

4. The water is intended to be appropriated for (Check use intended):
- (a)  Artificial Recharge
  - (b)  Irrigation
  - (c)  Recreational
  - (d)  Water Power
  - (e)  Industrial
  - (f)  Municipal
  - (g)  Stockwatering
  - (h)  Sediment Control
  - (i)  Domestic
  - (j)  Dewatering
  - (k)  Hydraulic Dredging
  - (l)  Fire Protection
  - (m)  Thermal Exchange
  - (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

FO 3 GMD - 0 - Meets KAB 5-3-1 use: IRR Source: 6 County: DC 9/8/15  
code: RE2 Fee: \$300 TR#: 16007851 Receipt: 9/8/15 check#: 1475

SCANNED

9/14/2015 um

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. \*This point is Geo-Center of battery of 4 wells.

(A) \* One in the NW quarter of the NE quarter of the SE quarter of Section 3, more particularly described as being near a point 2291 feet North and 972 feet West of the Southeast corner of said section, in Township 3 South, Range 26 East West (circle one), Decatur 1.C/28 County, Kansas.

(B) <sup>Batt. 1 of 4</sup> One in the NW quarter of the NE quarter of the SE quarter of Section 3, more particularly described as being near a point 2291 feet North and 672 feet West of the Southeast corner of said section, in Township 3 South, Range 26 East West (circle one), Decatur County, Kansas.

(C) <sup>Batt. 1 of 4</sup> One in the NW quarter of the NE quarter of the SE quarter of Section 3, more particularly described as being near a point 2291 feet North and 1272 feet West of the Southeast corner of said section, in Township 3 South, Range 26 East West (circle one), Decatur County, Kansas.

(D) <sup>Batt. 1 of 4</sup> One in the NW quarter of the NE quarter of the SE quarter of Section 3, more particularly described as being near a point 2591 feet North and 972 feet West of the Southeast corner of said section, in Township 3 South, Range 26 East West (circle one), Decatur County, Kansas.

(E) <sup>Batt. 1 of 4</sup> One in the NW quarter of the NE quarter of the SE quarter of Section 3, more particularly described as being near a point 1991 feet North and 972 feet West of the Southeast corner of said section, in Township 3 South, Range 26 East West (circle one), Decatur 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):

Arlene Hix 121 Whispering Pines 785-874-4073  
(name, address and telephone number)  
Norton KS 67654  
(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 ~~09-2~~ 9-2, 2015. MJE OS  
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 a battery of up to 4 wells  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) 12/31/16  
(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 4/1/17  
(Mo/Day/Year)

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9. MB

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

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

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

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

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

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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OCT 21 2016 SEP 08 2015

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 tenant  
(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):

Arlene Hix 121 Whispering Pines 785-874-4073  
(name, address and telephone number)  
Norton KS 67654  
(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 Norcaton, Kansas, this 8 day of August, 2015.  
(month) (year)

  
(Applicant Signature)

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

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

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

WATER RESOURCES RECEIVED

OCT 21 2016

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**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49455

Name of Applicant (Please Print): Mark Bailey

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: Arlene Hix  
ADDRESS: 121 Whispering Pines

MB

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
<del>3</del>	<del>35</del>	<del>26W</del>																	<del>40</del>	<del>40</del>	<del>40</del>	<del>40</del>	<del>160</del>
3	35	26W													31.5	31.5	31.5	31.5	126				

**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						

## Baum, Kristen

---

**From:** Stewart, Kelly  
**Sent:** Tuesday, December 06, 2016 10:12 AM  
**To:** Baum, Kristen  
**Cc:** Hageman, Rebecca; Billinger, Mark  
**Subject:** RE: 49,455 - Mark Bailey

Kristen,

I have no objection to the approval of this application.

Kelly

---

**From:** Baum, Kristen  
**Sent:** Monday, December 5, 2016 2:48 PM  
**To:** Stewart, Kelly <[Kelly.Stewart@ks.gov](mailto:Kelly.Stewart@ks.gov)>  
**Cc:** Billinger, Mark <[Mark.Billinger@ks.gov](mailto:Mark.Billinger@ks.gov)>  
**Subject:** 49,455 - Mark Bailey

Kelly,

Attached is a memo for file no. 49455. This application is for irrigation in the Prairie Dog Creek basin. It is located within the area designated in the RRC guidance document, but it was filed prior to the guidance document's issuance. The quantity and place of use had to be reduced a little bit to meet RRC restrictions. One nearby was notified, and we didn't receive any comments.

Please provide your recommendation.

Thanks,

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

My email address has changed: [kristen.baum@ks.gov](mailto:kristen.baum@ks.gov)

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

November 2, 2016

PRICE A/B TRUST  
PANSY PRICE  
8042 B RD  
KENSINGTON KS 66951

**FILE COPY**

Re: Pending Application, File No. 49,455

Dear Sir or Madam:

This is to advise you that Mark Bailey with Western Bailey Boys LLC has filed the application referenced above for a permit to appropriate 178 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute. The proposed point of diversion will be a battery of wells located as follows:

In the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 3, in Township 3 South, Range 26 West, Decatur County, Kansas.

A map is enclosed for your review and reference. Records in this office indicate that you may have a well or wells in this vicinity so you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. If you have any questions, please contact me at (785) 564-6627 or [Kristen.Baum@kda.ks.gov](mailto:Kristen.Baum@kda.ks.gov). If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

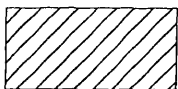
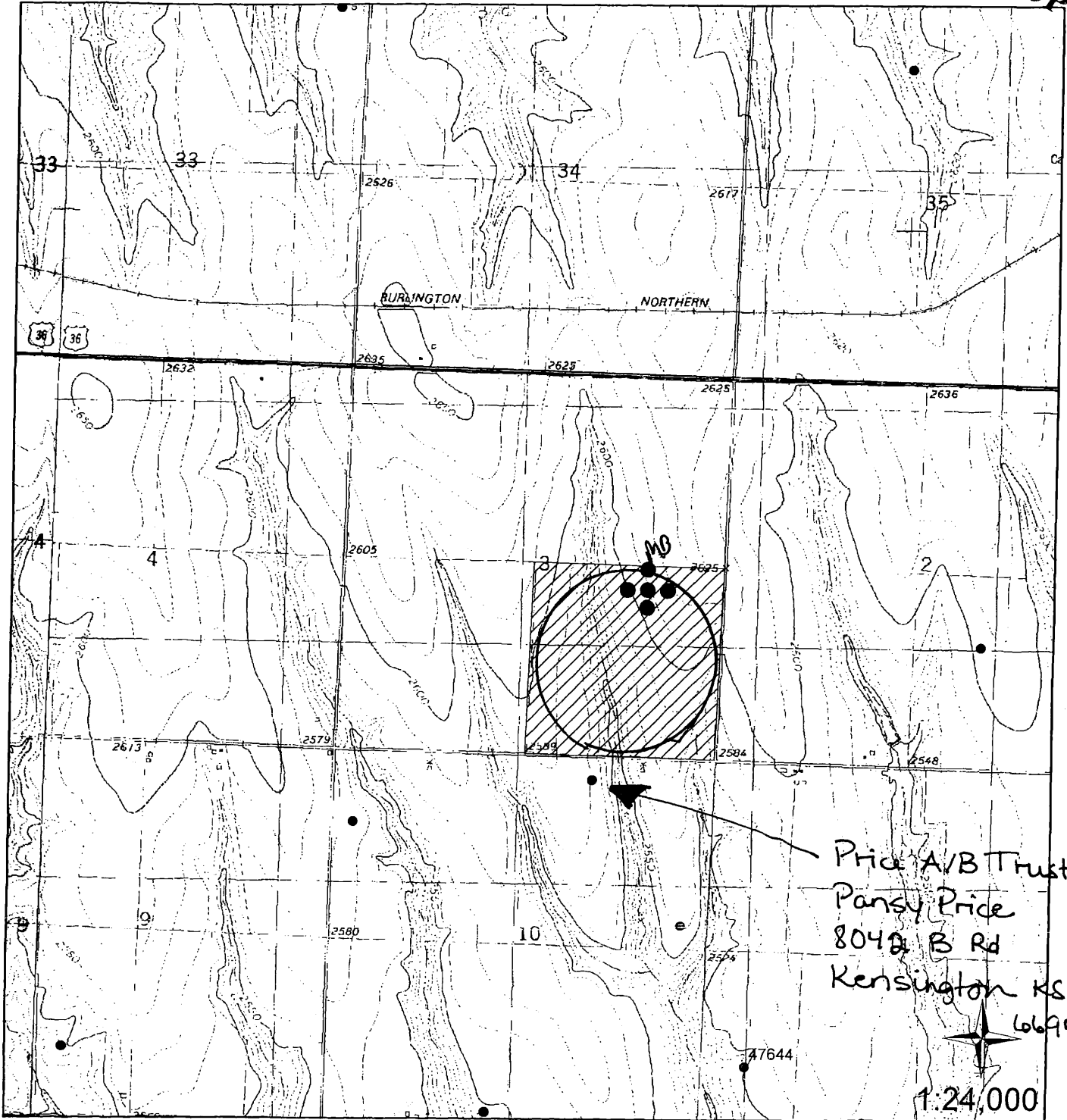
A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
Environmental Scientist  
Water Appropriation Program

enclosure

pc: Stockton Field Office  
Mark Bailey

**SCANNED**



Proposed Place of Use

• Proposed P/D: Geo-Center of Battery of 4 Wells

All wells of any kind within 1/2 mile of the proposed point of diversion are shown:

\* As per DC county parcel search 10-6-16 KAB/DWR  
WATER RESOURCES RECEIVED  
WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

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SCANNED

*[Handwritten Signature]*  
Signature

9-2-15  
Date

OCT 21 2016

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE





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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 6, 2016

**FILE COPY**

MARK BAILEY  
PO BOX 7  
NORCATUR KS 67653

Re: Pending Application, File No. 49,455

Dear Mr. Bailey:

We have completed our review of your application referenced above. This application is subject to K.A.R. 5-3-11, which states that Prairie Dog Creek, its tributaries and their alluviums, and **any other aquifer that has a substantial hydraulic connection to an alluvium**, have been determined to be fully appropriated based on safe yield criteria, and shall be closed to further new groundwater appropriations.

In order to conduct our evaluation, DWR chose the Republican River Compact Administration (RRCA) groundwater model to determine the potential impact on Republican River Compact Model Domain stream flows, if this application were to be approved. After a thorough evaluation of modeling scenarios, it was determined by the Chief Engineer that any application resulting in an annual impact to Republican River stream flows that is greater than 10 acre-feet, would be diverting water from an aquifer with a substantial hydraulic connection to an alluvium, and must be denied for failure to meet safe yield.

We have completed our analysis of your pending application, and have determined that it would have a significant annual impact of 13.5 acre-feet as proposed, exceeding the allowed quantity of 10 acre-feet of impact on streamflow. Impact on streamflow is directly (linearly) related to the requested quantity of water. Therefore, if the requested quantity of water from your application was reduced such that it would result in an annual impact of 10 acre-feet or less to streamflow, then the application would comply with K.A.R. 5-3-11.

Per K.A.R. 5-3-11(c)(2) if there is sufficient water available to reasonably satisfy part of the request, then the application shall be approved for the quantity available if the remaining quantity is reasonable for the proposed use. Therefore, if you elect to pursue your proposed irrigation project, the quantity of water you requested **must be reduced to 178 acre-feet**. In addition, you must reduce the acreage for your proposed place of use to ensure that this quantity is reasonable for the proposed use. In order to comply with K.A.R. 5-3-19 for Decatur County, the maximum reasonable annual quantity of water for irrigation use is 1.5 acre-feet per acre. With your reduced quantity of water, this would equate to approximately **119 acres that could be irrigated, up to a maximum of 143 acres**. Your original application is being returned to you so that you may revise the requested quantity of water and place of use. Please revise the enclosed topographic map and the "Irrigation Use Supplemental Sheet" to depict the reduced acreage. Please initial any changes you make, and return the originals to our office when completed.

(over)

**SCANNED**

Mark Bailey  
October 6, 2016  
Page 2 of 2

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 30 days (**until November 7, 2016**) to either (1) submit additional information to our office or (2) request additional time beyond the 30 days to submit additional information. If you wish to request additional time, you must do so **in writing**, before the 30 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. If you do not request more time within the 30 day period, or if your request is not granted, it will be recommended to the Chief Engineer that Application, File No. 49,455 be denied and dismissed. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the applications.

Finally, if you no longer wish to pursue this irrigation project, please sign the enclosed "Voluntary Dismissal of an Application for Permit to Appropriate Water" form where indicated, and return it to our office. If you have any questions, please contact me at (785) 564-6632 or [Kristen.Baum@kda.ks.gov](mailto:Kristen.Baum@kda.ks.gov). If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Kristen A. Baum  
Environmental Scientist  
Water Appropriation Program

enclosure

pc: Stockton Field Office  
Arlene Hix

49,455

**Analysis Results**

The selected PD is in an area to new appropriations.  
The safe yield, based on the variables listed below is 442.31 AF.  
Total prior appropriation in the circle is 245.21 AF.  
Total quantity of water available for appropriation is 197.10 AF.

Available

Meets safe yield

**Safe Yield Variables**

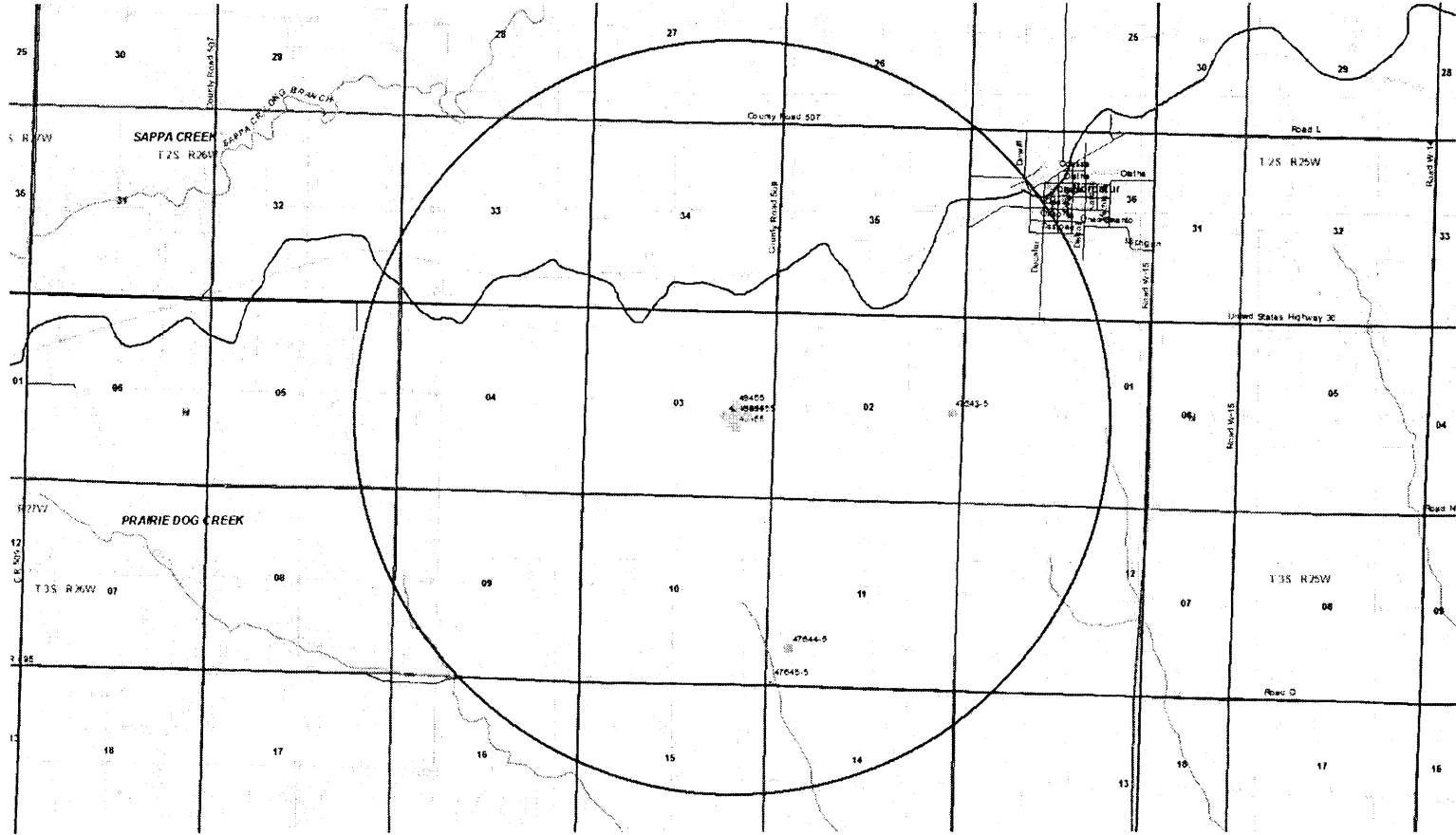
The area used for the analysis is set at 8,042 acres.  
Potential annual recharge of the area is estimated to be 0.88 inches.  
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 06-JUN-2016 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 right(s) and 7 point(s) 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	Tacres	Nacres
A	47643	5	DOM	NK	G		NE NE SE	2516	206	02	03	26W	2	WR	4.08	<del>4.08</del>		
A	47644	5	DOM	NK	G		NE SW SW	1106	4603	11	03	26W	1	WR	1.12	<del>1.12</del>		
A	49455	00	IRR	AY	G		NW NE SE	2291	972	03	03	26W	2	WR	240.00	<del>240.00</del>	160.00	160.00
Same			IRR	AY	G		NW NE SE	2291	672	03	03	26W	3	WR				
Same			IRR	AY	G		NW NE SE	2291	1272	03	03	26W	4	WR				
Same			IRR	AY	G		NW NE SE	2591	972	03	03	26W	5	WR				
Same			IRR	AY	G		NW NE SE	1991	972	03	03	26W	6	WR				

Safe Yield Report Sheet  
Proposed Water Right Application  
Point of Diversion in SWNWSE 03-03S-26W



idx	File	PRIORITY	Use	Modeled Quantity Q, af	Final Quantity Q, af
131	49325	2-Mar-15	IRR	86	86
132	49351	23-Mar-15	STK	122.76	122.76
133	49202	3-Nov-14	STK	41.4	41.4
134	49365	9-Apr-15	IRR	231	231
135	49422	6-Jul-15	IRR	30	30
136	49423	9-Jul-15	IND	5	5
137	49379	30-Apr-15	MUN	192.36	192.36
138	49411	18-Jun-15	IRR	54	54
139	49412	18-Jun-15	IRR	55	55
140	49418	29-Jun-15	REC	5	5
141	49428A	20-Jul-15	IRR	195	96
142	49449	31-Aug-15	IRR	195	195
→ 143	49455	8-Sep-15	IRR	240	178
144	49439	13-Aug-15	IRR	170.8	170.8
145	49463	21-Sep-15	IRR	170.8	170.8
146	49464	21-Sep-15	IRR	267	267
147	49465	21-Sep-15	IRR	170.8	170.8
148	49492	26-Oct-15	IRR	100	100
149	49519	3-Dec-15	IRR	79	79
150	49522A	9-Dec-15	IRR	240	224

sum				15551.46
-----	--	--	--	----------

			IRR	21498.76	13653.03
			IND	638.00	308.60
			MUN	1152.36	913.36
			STK	1297.82	671.47
	sum			24586.94	15546.46

scaling factor	modeled avg50-yr impact 2050-2069	final avg50-yr impact 2050-2069	avg 50-yr response 2050-2069	reduced quantity with est. 10af impact
1	8.195	8.20	0.0953	
1	3.705	3.71	0.0302	
1	2.585	2.59	0.0624	
1	9.035	9.04	0.0391	
1	0.085	0.09	0.0028	
1	0.68	0.68	0.1360	
1	0	0.00	0.0000	
1	9.735	9.74	0.1803	
1	9.995	10.00	0.1817	
1	0	0.00	0.0000	
0.492307692	20.21	9.95	0.1036	96
0.741666667	13.455	9.98	0.0561	178
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	3.175	3.18	0.0318	
1	1.225	1.23	0.0155	
0.933333333	10.73	10.01	0.0447	224

1636.70	568.49		
---------	--------	--	--

1474.81	485.01	0.0686
15.52	11.49	0.0243
37.65	25.44	0.0327
108.73	46.54	0.0838
1636.70	568.49	0.0666

*Needs reduced to meet RRC restrictions*

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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:

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:

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.

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## 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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Water Well  
Database  
Query

## Specific Water Well Detail

# Well T3S, R26W, Sec. 3, NW NE SE, Action: Constructed

Location Info	
County: Decatur	Location: T3S, R26W, Sec. 3, NW NE SE
Owner: Hix, Francis	Status: Constructed
Directions: 2 mi S, .5 mi W of Lyle	
Longitude: -100.2204875	Latitude: 39.8195224
Longitude and latitude calculated by Survey from township-range-section-quarter calls. Only good to within the quarter call accuracy.	
View well on interactive map This link will create a new window and display an interactive map of this well and its neighbors.	
General Info	
Well Depth: 212 ft.	Elevation: ft.
Static Water Level: 143 ft.	Est. Yield: gpm.
Well Use: Oil Field Water Supply	
DWR Applic. #: 20000035	Other ID:
Links	
No Wizard information available.	
<a href="#">View info from WIMAS Water Right Data base...</a>	
Driller Info	
Driller: Woofter Pump & Well, Inc.	License #: 554
Comp. Date: 17-Feb-2000	
Scanned Form	

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[View form\(s\) on screen](#)[Download scan\(s\)](#)

The file you download contains one or more TIFF images compressed into a ZIP archive. Your browser may be already set up to decompress these files. Commercial software to perform this is available from PKWARE Inc., the company that invented the format. A web page from a group of people creating shareware or public domain software is available at Info-ZIP. The TIFFs are 300 dpi archival-quality scans of the WWC5 forms and can be viewed by software like Corel PhotoPaint or Adobe PhotoShop.

### Lithologic Log

(Log data entered by KGS.)

<b>From: 0 ft. to 2 ft.</b>	surface
<b>From: 2 ft. to 20 ft.</b>	loess
<b>From: 20 ft. to 69 ft.</b>	clay and caliche
<b>From: 69 ft. to 75 ft.</b>	fine sand with clay and caliche
<b>From: 75 ft. to 85 ft.</b>	fairly hard cemented sand
<b>From: 85 ft. to 114 ft.</b>	sandy clay with fine sand and caliche
<b>From: 114 ft. to 124 ft.</b>	fine to medium sand with clay
<b>From: 124 ft. to 129 ft.</b>	cemented sand, clay, caliche and some sand
<b>From: 129 ft. to 150 ft.</b>	fine to medium sand with clay streaks
<b>From: 150 ft. to 151 ft.</b>	hard cemented sand
<b>From: 151 ft. to 205 ft.</b>	medium sand and gravel
<b>From: 205 ft. to 225 ft.</b>	sandy clay

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<b>From: 225 ft. to</b> 232 ft.	fine to medium sand
<b>From: 232 ft. to ft.</b>	flint

Kansas Geological Survey

Comments to [webadmin@kgs.ku.edu](mailto:webadmin@kgs.ku.edu)

URL=<http://www.kgs.ku.edu/Magellan/WaterWell/index.html>

Display Programs Updated July 2, 2014

Data added continuously.

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9-2-15  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, Kansas 66612-1283

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.

Mark E. Barfield  
Signature of Applicant

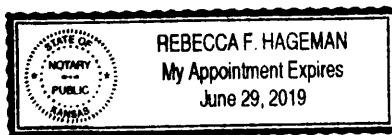
State of Kansas )  
) ss  
County of Boots )

Mark E. Barfield  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 2<sup>nd</sup> day of September 2015.

Rebecca Hageman  
Notary Public

My Commission Expires: 6-29-19



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SEP 08 2015

1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary



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

September 3, 2015

MARK BAILEY  
PO BOX 7  
NORCATUR KS 67653

RE: Application  
File No. 49455

Dear Sir or Madam:

Your application for permit to appropriate water in 3-3S-26W in Decatur County, was received and has been assigned the file number noted above.

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

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

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

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

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

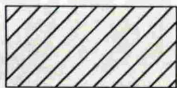
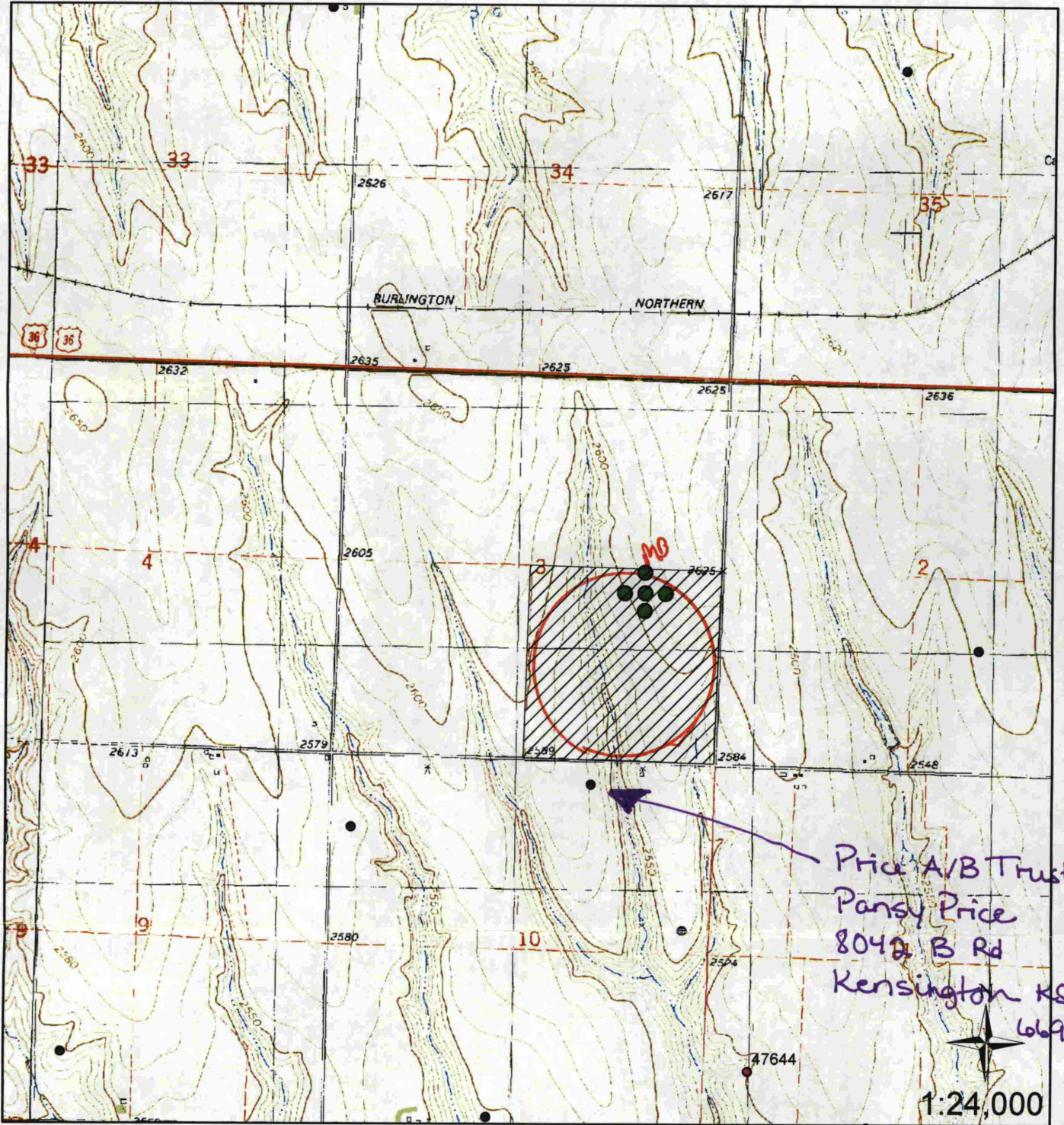
If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent Turney, L.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STOCKTON Field Office  
GMD 0



Proposed Place of Use

● Proposed P/D: Geo-Center of Battery of 4 Wells

All wells of any kind within 1/2 mile of the proposed point of diversion are shown:

\* As per DC county parcel Search 10-6-16 KAB/DWR

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OCT 21 2016

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*MSJ*  
Signature

9-2-15  
Date

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE