

File No. **49,506** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
DEL	84843														

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 _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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						
DEL	67515																												

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 19, 2016

FROM: Alex Whitesell

RE: Application, File No. 49,506

Dorothy E. Peterson Trust had filed the above referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 150 acre-feet of groundwater for irrigation use in McPherson County, Kansas.

The source of water supply for the proposed irrigation well would be Alluvium, Slope and Terrace Deposits based on the Kansas Geological Survey Bulletin No. 79. The specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-11. Based on the area of consideration, the calculated recharge and the percent of the calculated recharge that can be considered to be available for appropriation, safe yield was determined to be 1,235.90 acre-feet, and that prior appropriations within this same area of consideration have appropriated 1,330.27 acre-feet, leaving no additional water available for appropriation.

The applicant was sent a letter on January 7, 2016 explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 49,506 be denied and dismissed due to the failure to meet safe yield criteria, as required by K.A.R. 5-3-10 and K.A.R. 5-3-11. The applicant was provided 15 days (until January 22, 2016) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information.

Extensions were granted on February 9, 2016, March 9, 2016, and April 28, 2016 giving until June 22, 2016 to provide additional information.

Scott Ross submitted additional information on behalf of the applicant proposing an offset on June 15, 2016 and November 14, 2016. In a conference call with Brent Turney, Change Application Unit Supervisor and Kelly Stewart, Water Commissioner of the Stockton Field Office, it was determined that the additional information was not sufficient.

Based on the above discussion, the referenced file should be dismissed.



Alex Whitesell
Environmental Scientist
Water Appropriation

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 29, 2011 **FILE COPY**

DOROTHY E PETERSON TRUST
1501 E MAGNOLIA APT 34
SALINA KS 67401

RE: Dismissal of Application
File No. 49,506

Dear Mr. Peterson:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,506 for failure to meet safe yield criteria in K.A.R. 5-3-11.

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 in the enclosed Order.

If you have any questions, please contact our office. If you wish to discuss a 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:ajw
Enclosures
pc: Stockton Field Office

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,506**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on November 19, 2015, the Chief Engineer received an application from Dorothy E. Peterson Trust for permit to appropriate ground water for beneficial use, assigned File No. 49,506, proposing the appropriation of 150 acre-feet of water for irrigation use from a battery of four (4) wells with a geographic center located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (Ne $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 4, more particularly described as being near a point 5,080 feet North and 4,305 feet West of the Southeast corner of said section, in Township 17 South, Range 3 West, McPherson County, Kansas.
2. That K.S.A. 82a-711 requires the Chief Engineer to ascertain whether a proposed use will impair an existing water right, or prejudicially and unreasonably affect the public interest, shall take into consideration the unreasonable raising or lowering of the static water level, the area, safe yield and recharge rate of the appropriate water supply, the priority of existing claims of all persons to use the water of the appropriate water supply, the amount of each claim to use water from the appropriate water supply and all other matters pertaining to such question.
3. That K.A.R. 5-3-9 provides that it shall be considered to be in the public interest that only the safe yield of any source of water supply, including hydraulically connected sources of water supply, shall be appropriated.
4. That the source of water for the pending application Alluvium and hydraulically connected Slope and Terrace Deposits based on the Kansas Geological Survey Bulletin No. 79.
5. That the specific method for calculating safe yield for unconfined groundwater aquifers is described in K.A.R. 5-3-10 and K.A.R. 5-3-11.
6. That based on the area of consideration (extent of the unconfined aquifer), the calculated recharge, and the percent of the calculated recharge that can be considered to be available for appropriation, safe yield was determined to be 1,235.90 acre-feet. Prior water rights within this same area of consideration have appropriated 1,330.27 acre-feet, leaving no additional water available for appropriation.

7. That on January 7, 2016, a letter was mailed to the applicant stating that the application did not comply with the safe yield requirements of K.A.R. 5-3-10 and K.A.R. 5-3-11, and that the application would be submitted to the Chief Engineer with a recommendation that it be denied and dismissed, for failure to meet safe yield criteria. The applicant was provided 15 days, until January 22, 2016 to either submit additional information to our office or request additional time, prior to final action on the application.
8. That extensions were given on February 9, 2016, March 9, 2016, and April 28, 2016 giving until June 22, 2016 to provide additional information.
9. In an email received in the office of the Chief Engineer on June 15, 2016, Scott Ross responded on behalf of the applicant to supply additional information to be considered by the Chief Engineer.
10. That on November 14, 2016, Scott Ross, on behalf of the applicant, supplied additional information to be considered by the Chief Engineer.
11. That the information submitted by Mr. Ross on June 15, 2016 and November 14, 2016, did not demonstrate that the application described in paragraph No. 1 above complies with K.A.R. 5-3-11, nor did it demonstrate justification for a waiver of K.A.R. 5-3-11.
12. That the application should be denied and dismissed and its priority forfeited for failure to comply with K.S.A. 82a-711, K.A.R. 5-3-9, K.A.R. 5-3-10 and K.A.R. 5-3-11.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,506, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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.

THE STATE OF KANSAS



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12:05

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KANSAS DEPARTMENT OF AGRICULTURE
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49506

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

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APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

NOV 10 2015

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

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To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): DOROTHY E. PETERSON TRUST
Address: 1501 E. Magnolia Apt. 34
City: SALINA State Ks Zip Code 67401
Telephone Number: (785) 404-3255

2. The source of water is: surface water in _____
OR groundwater in Smoky Hill ^(stream) _(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 150 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:							
F.O. <u>3</u>	GND <u>0</u>	Meets K.A.R. 5-3-1 (YES/NO) Use <u>IRR</u>	Source <u>G/S</u>	County <u>MP</u>	By <u>KAB</u>	Date <u>11/19/15</u>	
Code <u>REG</u>	<u>REG</u>	Fee \$ <u>300</u>	TR # <u>16016878</u>	Receipt Date <u>11/19/15</u>	Check # <u>170</u>		

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	<u>5-22-85</u>	_____	_____	_____
Total depth of well	<u>50'</u>	_____	_____	_____
Depth to water bearing formation	<u>35'</u>	_____	_____	_____
Depth to static water level	<u>15'</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>48'</u>	_____	_____	_____

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):

SAMP
(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 SALINA, Kansas, this 20 day of OCTOBER 2015
(month) (year)

Dorothy E Peterson 513-16-9815
(Applicant Signature) APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By Mike Peterson _____
(Agent or Officer Signature) and/or APPLICANT(S) TAXPAYER I.D. NO.(S)

MIKE PETERSON
(Agent or Officer - Please Print)

Assisted by MIKE PETERSON SON/OWNER PETERSON Date: 10-19-15
(office title) IRrigation

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P.O. Box 150
 LINDS BORG, KS 67456

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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 NE quarter of the NW quarter of the NW quarter of Section 4, more particularly described as being near a point 5180 feet North and 4520' feet West of the Southeast corner of said section, in Township 17 South, Range 3 East West (circle one), McPherson County, Kansas.
- (B) One in the NE quarter of the NW quarter of the NW quarter of Section 4, more particularly described as being near a point 5180 feet North and 4100 feet West of the Southeast corner of said section, in Township 17 South, Range 3 East West (circle one), McPherson County, Kansas.
- (C) One in the NE quarter of the NW quarter of the NW quarter of Section 4, more particularly described as being near a point 4780' feet North and 4300' feet West of the Southeast corner of said section, in Township 17 South, Range 3 East West (circle one), McPherson County, Kansas.
- (D) One in the NE quarter of the NW quarter of the NW quarter of Section 4, more particularly described as being near a point 5180 feet North and 4300 feet West of the Southeast corner of said section, in Township 17 South, Range 3 East West (circle one)

Geocenter
5080 N
4305 W

If the source of supply is groundwater, a separate application shall be filed for each well, except that a single application may include up to four wells within a circle of 300 feet radius in the same local source of supply which do not exceed a maximum diversion rate of 800 gallons per minute and which are connected to a common distribution system.

A battery of wells is defined as two or more wells connected to a common pipe or distribution system. A well is defined as a hole or shaft in the earth for the purpose of obtaining water from a wellhead or other structure. A wellhead is a structure which is used to control the flow of water from a well. A well is not to exceed a total maximum diversion rate of 800 gallons per minute and which are connected to a common distribution system.

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

Dorothy E. PETERSON TRUST
(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 11-16, 2015. Dorothy E. Peterson
Applicant's Signature.

7. The proposed project for diversion of water will consist of 4 wells, submersible pumps and (was/will be) completed (by) March 30, 2016

8. The first actual application of water for the proposed beneficial use was or is estimated to be April 1, 2016

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

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

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

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

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

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

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

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

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

NONE

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49506

Name of Applicant (Please Print): Dorothy E. Peterson Trust

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: Dorothy E. Peterson Trust
ADDRESS: 1501 E. Magnolia Apt 34 Salina, KS 67401

S	T	R	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	17	30					30	30	30	30									120

Landowner of Record — NAME: _____
ADDRESS: _____

S	T	R	NE1/4				NW1/4				SW1/4				SE1/4				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	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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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):

1 %

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

1 %

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

- Center pivot
- Gravity system (furrows)
- Center pivot - LEPA
- Gravity system (borders)
- "Big gun" sprinkler
- Subsoil sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater: LOW PRESSURE NOZZLES

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: 40 psi
- (2) What is the sprinkler package design rate? 800 gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 60 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: CORN, WHEAT, SOYBEANS, MILK

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).

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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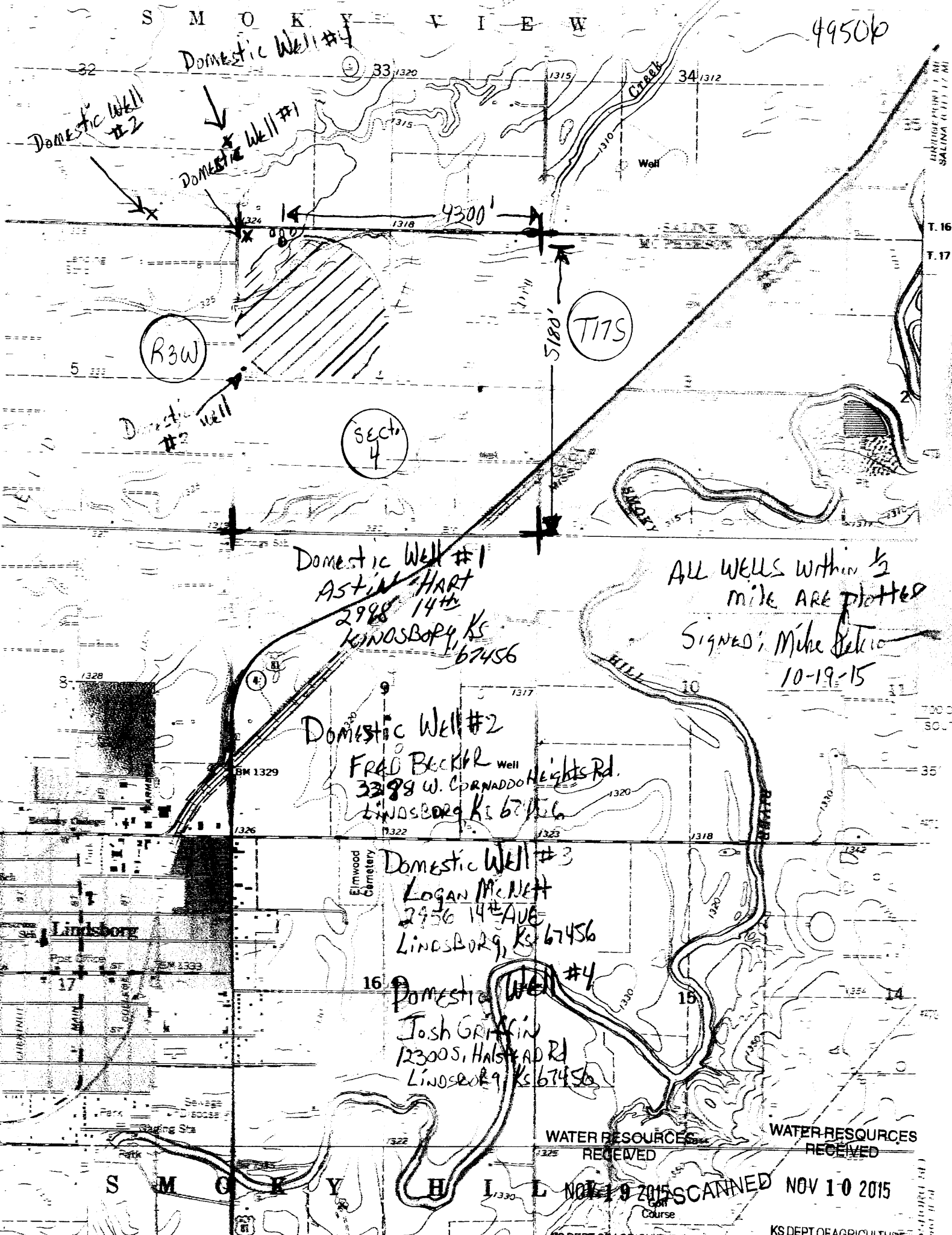
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49506

S M O K Y V I E W

Domestic Well #4

Domestic Well #2

Domestic Well #1

R3W

sect 4

T17S

Domestic Well #1
ASTIN HART
2988 14th
LINDSBORG, KS 67456

ALL WELLS within 1/2
mile ARE plotted
Signed: Mike Belton
10-19-15

Domestic Well #2
FRAN BECKER well
33188 W. CORNADO HEIGHTS RD.
LINDSBORG, KS 67456

Domestic Well #3
LOGAN McNETT
2956 14th AVE
LINDSBORG, KS 67456

Domestic Well #4
Josh GRIFIN
12300 S. HALSTEAD RD
LINDSBORG, KS 67456

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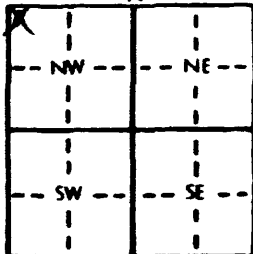
S M O K Y H I L L

49506

LOCATION OF WATER WELL: Fraction NW 1/4 NW 1/4 NW 1/4 Section Number 4 Township Number 17 S Range Number R 3 E/W
 County: McPherson

Distance and direction from nearest town or city street address of well if located within city?
2 North 3/4 East Lindsborg, KS

WATER WELL OWNER: Red Tiger Drilling Co
 Office, St. Address, Box #: 1309 Eisenhower Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: Hays, Ks 67601 Application Number: T85-465

LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

 DEPTH OF COMPLETED WELL: 50 ft. ELEVATION: ft.
 Depth(s) Groundwater Encountered: 15 ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL: ft. below land surface measured on mo/day/yr 5/12/85
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield: 30-40 gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter: in. to 52 ft., and in. to ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 6 Oil field water supply 8 Air conditioning 11 Injection well
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Observation well 12 Other (Specify below)
 Was a chemical/bacteriological sample submitted to Department? Yes No X If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes X No

TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped
2 PVC 4 ABS 7 Fiberglass 9 Other (specify below) Welded
 6 Asbestos-Cement
 3 Tank casing diameter in. to 40 ft., Dia in. to ft., Dia in. to ft.
 Casing height above land surface: in., weight 2.91 lbs./ft. Wall thickness or gauge No. 265

TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RMP (SR) 11 Other (specify)
 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify)

SCREEN-PERFORATED INTERVALS: From 40 ft. to 50 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From 15 ft. to 50 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From 5 ft. to 15 ft., From ft. to ft., From ft. to ft.

What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage

Direction from well? NONE WITHIN 1/4 MILE How many feet?

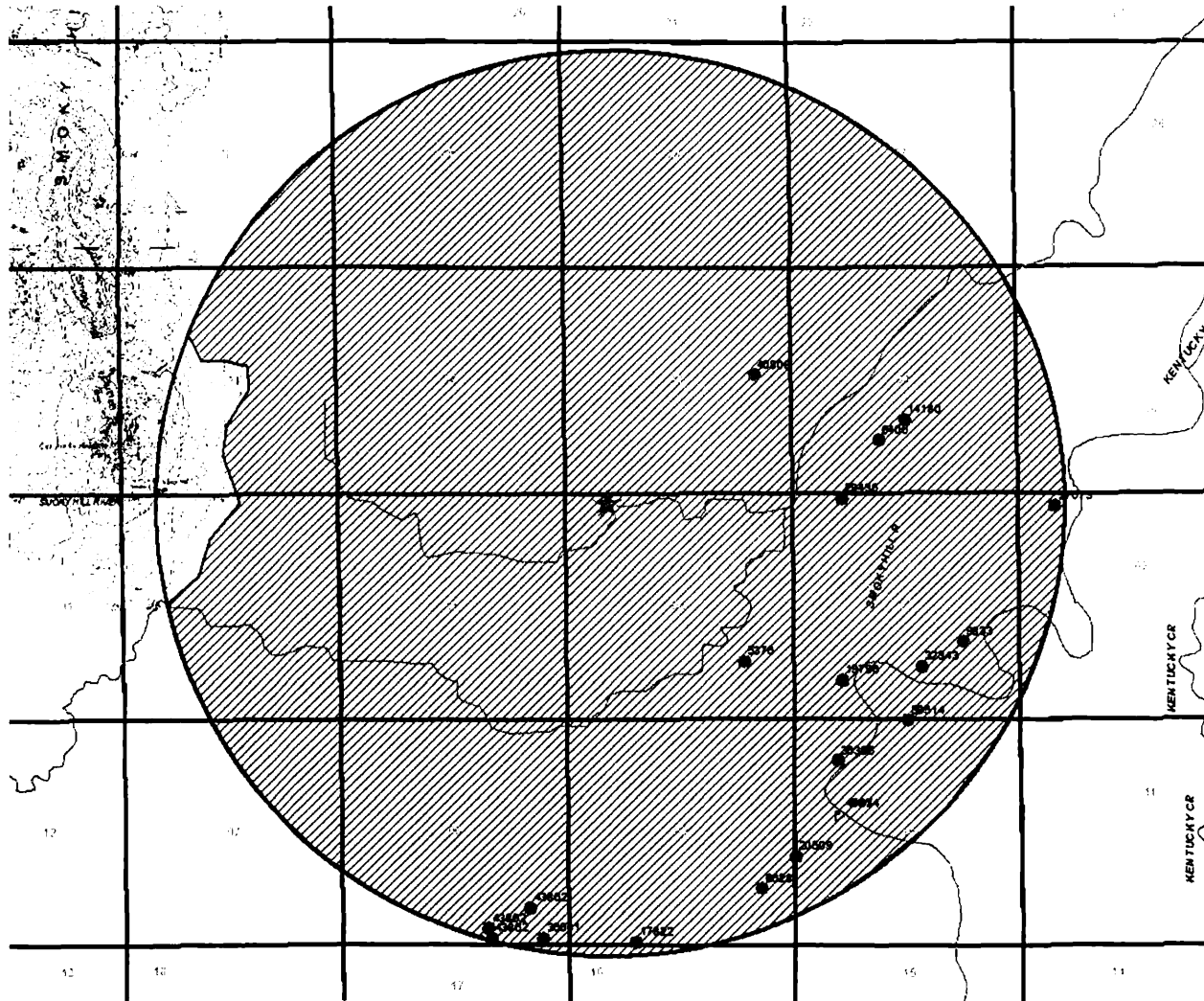
FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	4	Top Soil			
4	7	Clay-Hard			
7	19	Clay-Red			
19	35	Clay-Grey-Soft			
35	41	Sand v/Fine			
41	50	Sand-Med			
50	52	Shale-Grey			

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CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 5-22-85 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 138 This Water Well Record was completed on (mo/day/yr) 6-20-85 under the business name of Peterson Irrigation, Inc. by (signature) Mk Peterson
 INSTRUCTIONS: Use typewriter or ball point pen, PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

FILE NO. 49506
Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in NENENWNW 04-17S-03W

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 Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 1,235.90 AF.
 Total prior appropriation in the circle is 1,330.27 AF.
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 7847 acres.
 Potential annual recharge of the area is estimated to be 2.52 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 10-DEC-2015 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 16 water right(s) and 18 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	5376 00	IRR	NK	G		SW	NE	SE	0	0	04	17	03W	1	WR	120.00	120.00	80.00	80.00
A	6406 00	IRR	NK	G		NE	SE	SW	0	0	34	16	03W	1	WR	76.00	76.00	185.00	185.00
A	6628 00	IRR	NK	G		NC	E2	SE	0	0	09	17	03W	2	WR	94.00	94.00	80.00	80.00
A	9833 00	IRR	NK	G		SW	NE	SE	0	0	03	17	03W	12	WR	36.00	36.00	25.00	25.00
A	14180 00	IRR	NK	G		SW	NW	SE	0	0	34	16	03W	2	WR	93.00	93.00	185.00	0.00
A	17822 00	IRR	NK	G		SW	SE	SW	65	3643	09	17	03W	3	WR	96.00	96.00	79.00	79.00
A	19796 00	IRR	NK	G		NE	SW	SW	875	4115	03	17	03W	13	WR	119.00	119.00	79.00	0.00
A	20509 00	IRR	NK	G		NW	NW	SW	2040	5130	10	17	03W	11	WR	150.00	150.00	354.70	0.00
A	29435 00	IRR	NK	G					5070	4100	03	17	03W	14	WR	101.00	101.00	70.00	70.00
A	32343 00	IRR	NK	G		NW	SW	NE	1295	2530	03	17	03W	1	WR	42.00	42.00	46.00	46.00
A	36001 00	MUN	NK	G		CS	SE	SE	150	656	08	17	03W	4	WR	207.45	207.45		
A	36395 00	IRR	NK	G		SE	NW	NW	4300	4180	10	17	03W	8	WR	91.00	91.00	90.00	50.00
A	37673 00	IRR	NK	G		NE	NW	NW	4989	4328	02	17	03W	7	WR	26.00	2.00	64.00	0.00
A	39514 00	IRR	NK	G		NW	NW	NE	5260	2620	10	17	03W	9	WR	51.00	51.00	55.00	55.00
A	40808 00	IRR	NK	G		SW	SE	NE	2779	827	33	16	03W	2	WR	39.00	39.00	30.00	30.00
A	43862 00	IRR	NK	G		NW	SE	SE	859	898	08	17	03W	5	PD	2.56	2.56	8.75	8.75
Same		IRR	NK	G		SE	SW	SE	155	1820	08	17	03W	6	PD	10.26	10.26		
Same		IRR	NK	G		SE	SW	SE	404	1872	08	17	03W	7	PD	0.00	0.00		

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49506 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49506 00 IRR

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

5080 Feet North and 4305 Feet West of the Southeast Corner of Section 4 T 17S R 3W

GeoCent

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 5376	00	IRR	NK	G	4751	--	SW	NE	SE	-----	-----	4	17	3W	1	120.00	120.00	AF
A_ 6406	00	IRR	NK	G	6667	--	NE	SE	SW	-----	-----	34	16	3W	1	76.00	76.00	AF
A_ 6628	00	IRR	NK	G	9756	--	NC	E2	SE	-----	-----	9	17	3W	2	94.00	94.00	AF
A_ 9833	00	IRR	NK	G*	9231	--	SW	NE	SE	-----	-----	3	17	3W	12	36.00	36.00	AF
A_ 14180	00	IRR	NK	G	7448	--	SW	NW	SE	-----	-----	34	16	3W	2	93.00	93.00	AF
A_ 17822	00	IRR	NK	G	10338	--	SW	SE	SW	65	3643	9	17	3W	3	96.00	96.00	AF
A_ 19796	00	IRR	NK	G	6902	--	NE	SW	SW	875	4115	3	17	3W	13	119.00	119.00	AF
A_ 20509	00	IRR	NK	G	9480	--	NW	NW	SW	2040	5130	10	17	3W	11	150.00	150.00	AF
A_ 29435	00	IRR	NK	G	5452	--	--	--	--	5070	4100	3	17	3W	14	101.00	101.00	AF
A_ 32343	00	IRR	NK	G	8000	--	NW	SW	NE	1295	2530	3	17	3W	1	42.00	42.00	AF
A_ 36001	00	MUN	NK	G	10321	--	CS	SE	SE	150	656	8	17	3W	4	207.44	207.44	AF
A_ 36395	00	IRR	NK	G	8176	--	SE	NW	NW	4300	4180	10	17	3W	8	91.00	91.00	AF
A_ 39514	00	IRR	NK	G	8690	--	NW	NW	NE	5260	2620	10	17	3W	9	51.00	51.00	AF
A_ 40808	00	IRR	NK	G	4553	--	SW	SE	NE	2779	827	33	16	3W	2	39.00	39.00	AF
A_ 43862	00	IRR	NK	G	10335	--	SE	SW	SE	404	1872	8	17	3W	7 B 2	.00	.00	AF
Same					9664	--	NW	SE	SE	859	898	8	17	3W	5	2.56	2.56	AF
A_ 49506	00	IRR	AY	G	0	--	NE	NW	NW	5080	4305	4	17	3W	4 G 4	150.00	150.00	AF
Same					237	--	NE	NW	NW	5180	4520	4	17	3W	5 B 4			
Same					228	--	NE	NW	NW	5180	4100	4	17	3W	6 B 4			
Same					300	--	NE	NW	NW	4780	4300	4	17	3W	7 B 4			
Same					100	--	NE	NW	NW	5180	4300	4	17	3W	8 B 4			

← This App

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	150.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1318.01	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1468.01	.00

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

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

5080 Feet North and 4305 Feet West of the Southeast Corner of Section 4 T 17S R 3W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A_ 5376 00 IRR NK G

> GARY & DIXIE MATTAS

>

> 2929 15TH AVE
> LINDSBORG KS 67456

A__ 6406 00 IRR NK G
> MICHAEL L & TERESA L PIHL

>
> 7919 S MUIR RD
> FALUN KS 67442

A__ 6628 00 IRR NK G
> GARY L JOHNSON

>
> 1512 WHEATRIDGE RD
> LINDSBORG KS 67456

A__ 9833 00 IRR NK G
> KEITH W BRUNSELL

>
> 4740 W SUNFLOWER RD
> LINDSBORG KS 67456

A__ 14180 00 IRR NK G
> MICHAEL L & TERESA L PIHL

>
> 7919 S MUIR RD
> FALUN KS 67442

A__ 17822 00 IRR NK G
> CITY OF LINDSBORG

>
> PO BOX 70
> LINDSBORG KS 67456

A__ 19796 00 IRR NK G
> GARY L JOHNSON

>
> 1512 WHEATRIDGE RD
> LINDSBORG KS 67456

A__ 20509 00 IRR NK G
> TROY & DEE ANNE JOHNSON

>
> 2173 10TH AVE
> LINDSBORG KS 67456

A__ 29435 00 IRR NK G
> GARY & DIXIE MATTAS

>
> 2929 15TH AVE
> LINDSBORG KS 67456

A__ 32343 00 IRR NK G

> CHARLES MALM
>
> 1551 WILDFLOWER LN
> LINDSBORG KS 67456

>-----

A__ 36001 00 MUN NK G
> CITY OF LINDSBORG
> PUBLIC WORKS DIRECTOR
> 202 E LINCOLN ST # 70
> LINDSBORG KS 67456

>-----

A__ 36395 00 IRR NK G
> ROBERT C PETERSON FARMS INC
> PEOPLES BANK & TRUST
> 601 E 30TH
> HUTCHINSON KS 67502

>-----

A__ 39514 00 IRR NK G
> JOHN R & GRETCHEN PETERSON
>
> 1663 SVENSK RD
> LINDSBORG KS 67456

>-----

A__ 40808 00 IRR NK G
> JARYL L HUDSON
>
> 12100 S FAIRCHILDS RD
> LINDSBORG KS 67456

>-----

A__ 43862 00 IRR NK G
> BETHANY COLLEGE
> CAMPUS FACILITIES SUPERVISOR
> 421 N 1ST ST
> LINDSBORG KS 67456

>-----

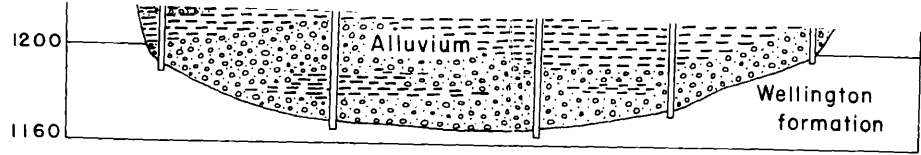
A__ 49506 00 IRR AY G
> DOROTHY E PETERSON TRUST
>
> 1501 E MAGNOLIA APT 34
> SALINA KS 67401

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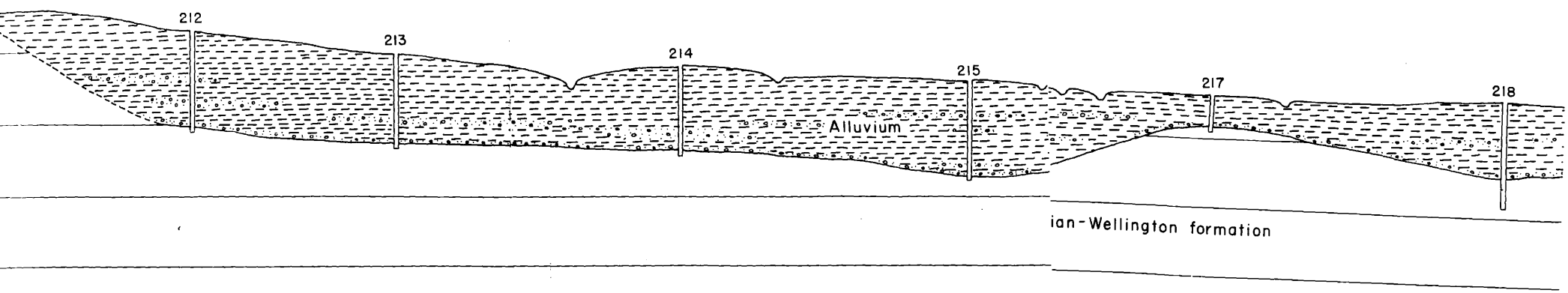
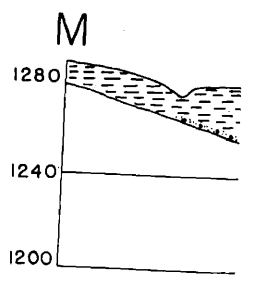
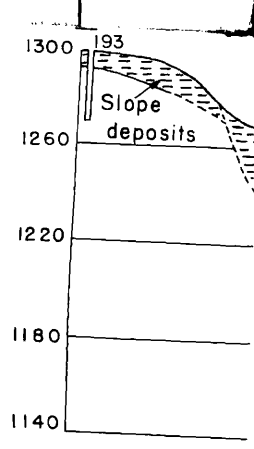
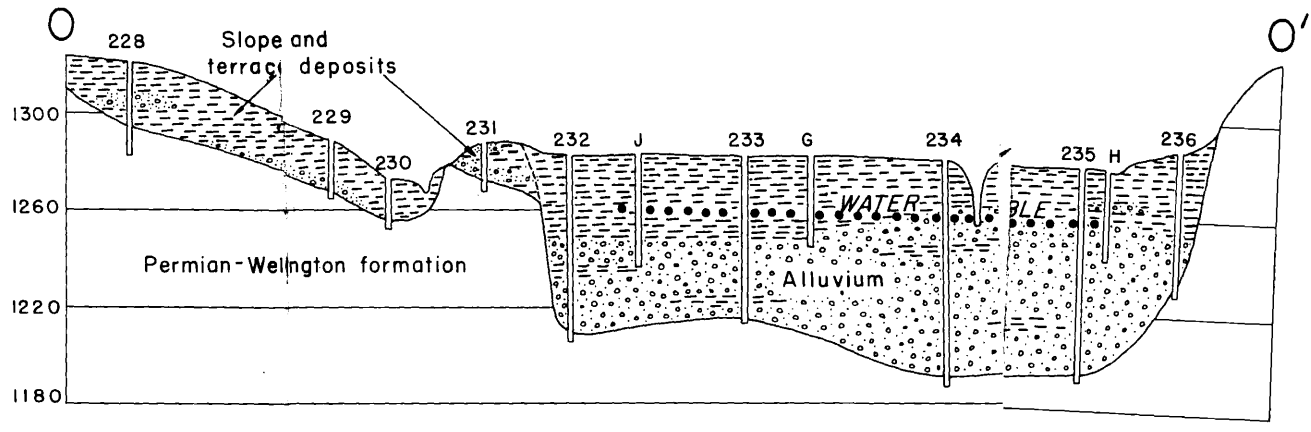
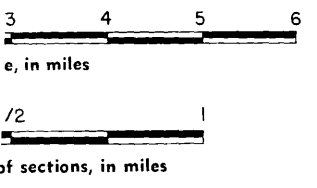
- ⊕ Industrial well
- ⊕ Observation well
- ⊕ Spring, public supply



Spring symbols are numbers in the text and tables. Brackets next to an analysis of the water in the number, (75), indicate that the analysis was made in 1975.

- Federal or State highway
- Secondary road
- - - Township line (no road)
- - - Section line (no road)
- - - County line (no road)
- Railroad

Drainage from aerial photographs of the U. S. Dept. of Agriculture



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



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

November 23, 2015

DOROTHY E PETERSON TRUST
1501 E MAGNOLIA APT 34
SALINA KS 67401

RE: Application
File No. 49506

Dear Sir or Madam:

Your application for permit to appropriate water in 4-17S-3W in McPherson 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) 564-6634. 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 black ink, appearing to read "K. Kopp", written over a white background.

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

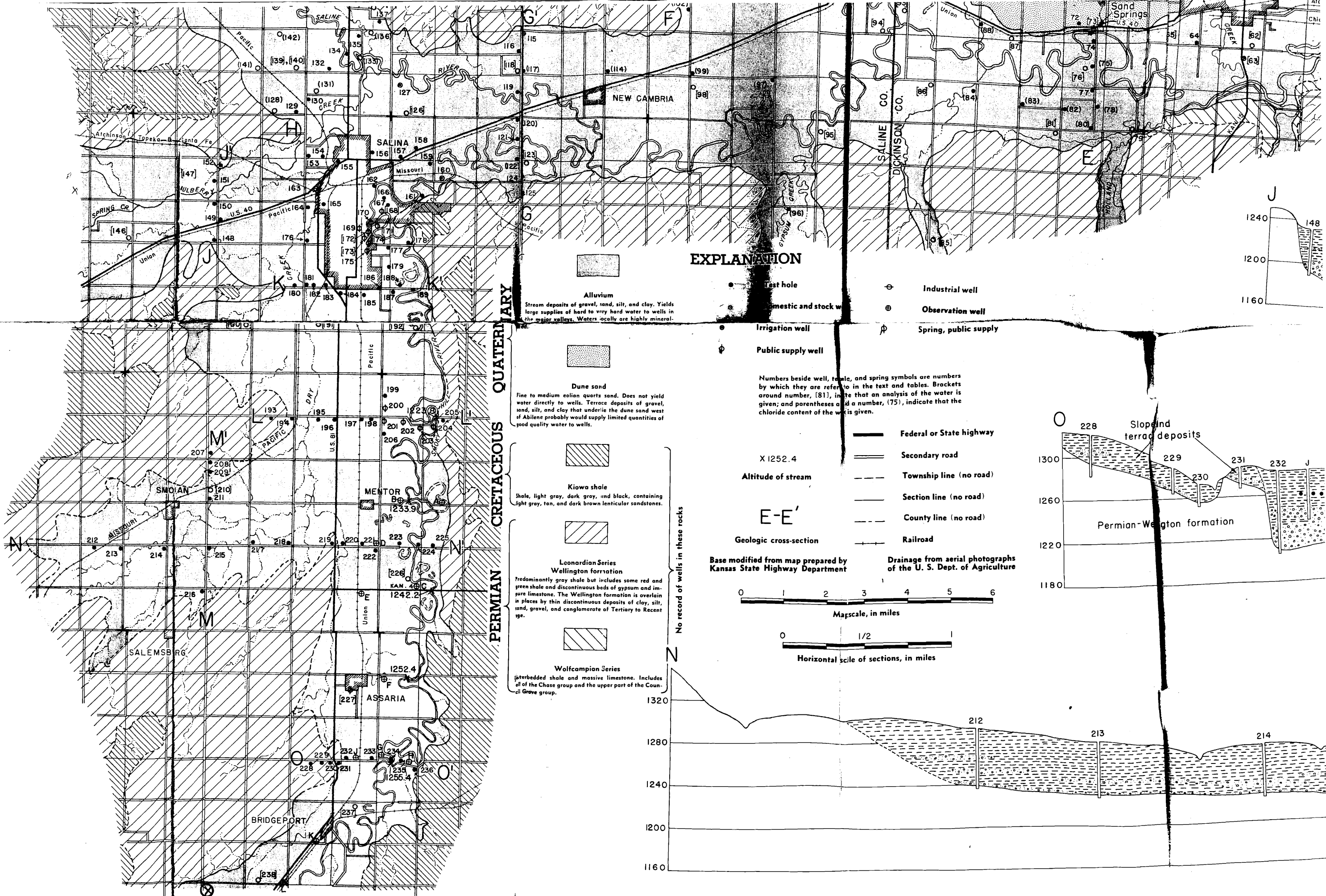
KAK: DLW
pc: STOCKTONField Office
GMD 0

SCANNED

T. 14 S.

T. 15 S.

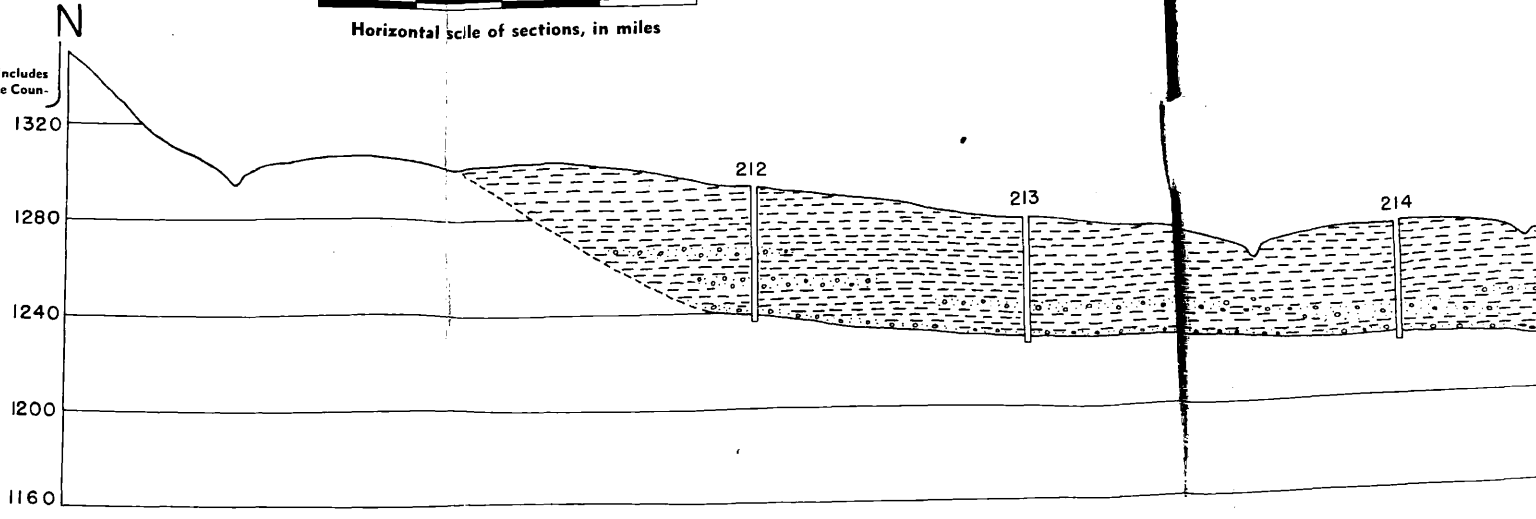
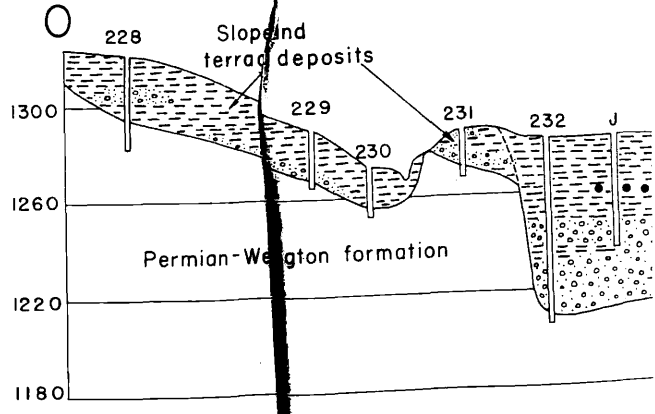
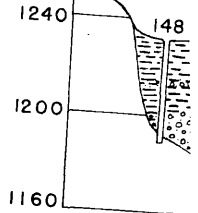
T. 16 S.



QUATERNARY
CRETACEOUS
PERMIAN

EXPLANATION

- Alluvium
Stream deposits of gravel, sand, silt, and clay. Yields large supplies of hard to very hard water to wells in the major valleys. Waters locally are highly mineral.
 - Dune sand
Fine to medium eolian quartz sand. Does not yield water directly to wells. Terrace deposits of gravel, sand, silt, and clay that underlie the dune sand west of Abilene probably would supply limited quantities of good quality water to wells.
 - Kiowa shale
Shale, light gray, dark gray, and black, containing light gray, tan, and dark brown lenticular sandstones.
 - Leonardian Series
Wellington formation
Predominantly gray shale but includes some red and green shale and discontinuous beds of gypsum and impure limestone. The Wellington formation is overlain in places by thin discontinuous deposits of clay, silt, sand, gravel, and conglomerate of Tertiary to Recent age.
 - Wolfcampian Series
Interbedded shale and massive limestone. Includes all of the Chase group and the upper part of the Council Grove group.
 - Test hole
 - Industrial well
 - Domestic and stock well
 - Observation well
 - Irrigation well
 - Public supply well
 - Spring, public supply
- Numbers beside well, table, and spring symbols are numbers by which they are referred to in the text and tables. Brackets around number, (81), indicate that an analysis of the water is given; and parentheses and a number, (75), indicate that the chloride content of the water is given.
- Federal or State highway
 - Secondary road
 - Township line (no road)
 - Section line (no road)
 - County line (no road)
 - Railroad
- Altitude of stream: X 1252.4
- Geologic cross-section: E-E'
- Base modified from map prepared by Kansas State Highway Department
- Drainage from aerial photographs of the U. S. Dept. of Agriculture
- Map scale, in miles: 0 1 2 3 4 5 6
- Horizontal scale of sections, in miles: 0 1/2 1
- No record of wells in these rocks



WATER RIGHTS INVESTIGATIVE SERVICE
209 SOUTH ASH ST. STOCKTON, KANSAS 67669-1921 (785) 543-8254
May 25, 2016

RE: Application File No. 49,506

Division of Water Resources

C/O Brent Turney

1320 Research Park Dr.

Manhattan, KS. 66502

Dear Mr. Turney:

WATER RESOURCES
RECEIVED

NOV 14 2016

KS DEPT OF AGRICULTURE

As per our conversation of November 9, 2016 regarding the disposition of this application, I am enclosing a copy of a recently signed lease agreement between the applicant's agent, Mike Peterson, and the City of Lindsborg (see attached). Dorothy Peterson, the applicant, working through her son as agent in this matter is making the following proposal.

The applicant is aware the 2-mile circle surrounding the proposed point of diversion is currently over appropriated. Further he understands, this area includes a number of water rights, several held by the City of Lindsborg. Among them, Water Right File No. 36,001. The City has agreed to request, of the Division of Water Resources, a suspension of Water Right File No. 36,001 for a period of 10 years. This request is made with the understanding that the applicant will be able to obtain a Term Permit from the Division of Water Resources for a quantity of water not to exceed 150 acre-feet. This action is taken with the belief that within this defined 10-year period, the applicant will have an opportunity to secure a water right for irrigation while also providing additional economic benefit to the local economy.

Mr. Peterson is expecting upon approval of a Term Permit for 150 acre-feet to install a center pivot irrigation system as well as begin working with adjacent landowners to either secure another water right which can be either changed to accommodate his irrigation project or closed to make available water for appropriation within the safe-yield calculation.

Mr. Peterson is asking that the pending Application File No. 49,506 be amended to reflect this proposal in that the point of diversion would be clarified and the application be converted to a Term Permit Application for 800 gallons per minute and 150 acre-feet. If the Division of Water Resources is not amenable to a conversion of this pending application to a Term Permit, would they consider a separate Term Permit application.

We ask that you consider this proposal and offer whatever guidance you deem appropriate. Further, if any questions arise, feel free to contact me at the numbers below.

Sincerely;


Scott E. Ross

General Manager

Water Rights Investigative Services

Water Rights Agreement

The City of Lindsborg, (the City) agrees to request of the Kansas Department of Agriculture, Division of Water Resources, suspend the municipal use of Water Right File No. 36,001 for a period not to exceed 10 years. Such period beginning on January 1, 2017 to extend until December 31, 2026. Such suspension is requested with the provision, the Division of Water Resources grant to the Dorothy E. Peterson Trust, (the Trust), a Term Permit for irrigation use as follows:

The irrigation of 130 acres in the NW Quarter of Section 4, Township 17 South, Range 3 West in McPherson County, Ks. That the irrigation authorized under this Term Permit be limited to the diversion of not more than 150 acre-feet of water per calendar year at a rate not to exceed 800 gallons per minute from a battery of not more than 4 wells to be located as proposed in the Application for Term Permit.

Further, the Trust agrees to be responsible for any and all violations that may attach to the Term Permit authorizing the use of water for irrigation purposes. The Trust further agrees to hold the City harmless for any damages that may occur as the result of the operation of the Term Permit.

The City and the Trust agree that the initial period for which this suspension shall be in effect is to be limited to a 5-year period beginning January 1, 2017 and extending through December 31, 2021. Further, that during the initial period, the Trust agrees to pay to the City, the sum of \$3800.00 per year with said payment being due on or before January 1st of each year, beginning January 1, 2017. Further, failure of the Trust to remit the agreed upon sum by January 31st of each year during the term of this agreement, will be subject to forfeiture. The City and the Trust further agree that this agreement will be automatically renewed for an additional 5 year period beginning January 1, 2022.

The annual payment for the renewal term shall be calculated using the following formula:

The difference between the McPherson County Average Estimated Cropland Rents (\$/ac) for Tenant-Owned Pivot and the McPherson County Average Estimated Cash Rental Rates for Non-Irrigated Cropland (\$/ac) multiplied by 150 acre feet.

The source document for the McPherson County Average Estimated Cropland Rents (\$/ac) for Tenant Owned Pivot shall be the 2021 Kansas County Level Cash Rents for Irrigated Cropland as published by the Kansas State University College of Agriculture. The source document for the McPherson County Average Estimated Cash Rental Rates for Non-Irrigated Cropland (\$/ac) shall be the 2021 Kansas County-Level Cash Rents for Non-Irrigated Cropland published by the Kansas State University College of Agriculture.

WATER RESOURCES
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Page 1 of 3

NOV 14 2016

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KS DEPT OF AGRICULTURE

In the event that the Kansas County Cash Rents for Irrigated Cropland and the Kansas County-Level Cash Rents for Non-Irrigated Cropland is not available, then an equivalent study and publication by the Kansas State University College of Agriculture shall be used in determining the annual payment.

This agreement may be terminated if any of the following occur:

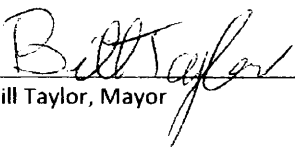
1. The City, due to unforeseen circumstances, is unable to meet the reasonable demand for water by its residents;
2. The Trust has acquired sufficient water rights and is able to utilize such water rights to accomplish the irrigation of the lands set forth above;
3. Circumstances arise in which either the City or the Trust are unable to fulfill the terms of this agreement.

In the event that any of the afore mentioned circumstances arise, wither party may begin discussions to terminate this agreement with a notice filed at least 90 days in advance of the proposed termination date. Finally, the City and the Trust agree to be represented at a minimum of one arbitration meeting with an arbitrator agreed upon by both parties. The cost of such arbitration is to be shared between the City and the Trust.

The City and the Trust agree to limit access to the water authorized under either Water Right File No. 36,001 and the Term Permit for the duration of the agreement. The parties agree to withhold access to the use of water for any purpose outside the terms of this agreement.


Finally, the City and the Trust agree that this agreement is specific to the conditions stated above; the City and the Trust agree that the suspension of Water Right File No. 36,001 and the subsequent operation of the Term Permit shall have no impact on the use or status of other water rights held by the City or the Trust.

City of Lindsborg



Bill Taylor, Mayor

Dorothy E. Peterson Trust



Mike Peterson, Trustee

Page 2 of 3

WATER RESOURCES
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NOV 14 2016

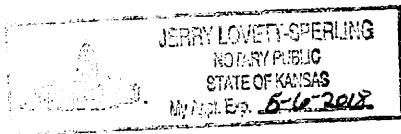
KS DEPT OF AGRICULTURE

SCANNED

SCANNED

State of Kansas)
) ss:
County of McPherson)

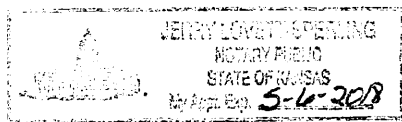
This instrument was acknowledged before me on 11-7, 2016, Bill Taylor,
Mayor of The City of Lindsborg.



Jerry Lovety-Sperling
Notary Public

State of Kansas)
) ss:
County of McPherson)

This instrument was acknowledged before me on 11-8, 2016, Mike
Peterson, Trustee of the Dorothy E. Peterson Trust.



Jerry Lovety-Sperling

WATER RESOURCES
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Page 3 of 3

NOV 14 2016

KS DEPT OF AGRICULTURE

SCANNED

WATER RIGHTS INVESTIGATIVE SERVICE
209 SOUTH ASH ST. STOCKTON, KANSAS 67669-1921 (785) 543-8254
May 25, 2016

RE: Application File No. 49,506

Division of Water Resources

C/O Brent Turney

1320 Research Park Dr.

Manhattan, KS. 66502

Dear Mr. Turney:

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We ask that you consider this proposal and offer whatever guidance you deem appropriate. Further, if any questions arise, feel free to contact me at the numbers below.

Sincerely;

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NOV 16 2016

KS DEPT OF AGRICULTURE

Scott E. Ross

General Manager

Water Rights Investigative Services

WATER RIGHTS INVESTIGATIVE SERVICE
209 SOUTH ASH ST. STOCKTON, KANSAS 67669-1921 (785) 543-8254

Water Rights Agreement

The City of Lindsborg, (the City) agrees to request of the Kansas Department of Agriculture, Division of Water Resources, suspend the municipal use of Water Right File No. 36,001 for a period not to exceed 10 years. Such period beginning on January 1, 2017 to extend until December 31, 2026. Such suspension is requested with the provision, the Division of Water Resources grant to the Dorothy E. Peterson Trust, (the Trust), a Term Permit for irrigation use as follows:

The irrigation of 130 acres in the NW Quarter of Section 4, Township 17 South, Range 3 West in McPherson County, Ks. That the irrigation authorized under this Term Permit be limited to the diversion of not more than 150 acre-feet of water per calendar year at a rate not to exceed 800 gallons per minute from a battery of not more than 4 wells to be located as proposed in the Application for Term Permit.

Further, the Trust agrees to be responsible for any and all violations that may attach to the Term Permit authorizing the use of water for irrigation purposes. The Trust further agrees to hold the City harmless for any damages that may occur as the result of the operation of the Term Permit.

The City and the Trust agree that the initial period for which this suspension shall be in effect is to be limited to a 5-year period beginning January 1, 2017 and extending through December 31, 2021. Further, that during the initial period, the Trust agrees to pay to the City, the sum of \$3800.00 per year with said payment being due on or before January 1st of each year, beginning January 1, 2017. Further, failure of the Trust to remit the agreed upon sum by January 31st of each year during the term of this agreement, will be subject to forfeiture. The City and the Trust further agree that this agreement will be automatically renewed for an additional 5 year period beginning January 1, 2022.

The annual payment for the renewal term shall be calculated using the following formula:

The difference between the McPherson County Average Estimated Cropland Rents (\$/ac) for Tenant-Owned Pivot and the McPherson County Average Estimated Cash Rental Rates for Non-Irrigated Cropland (\$/ac) multiplied by 150 acre feet.

The source document for the McPherson County Average Estimated Cropland Rents (\$/ac) for Tenant Owned Pivot shall be the 2021 Kansas County Level Cash Rents for Irrigated Cropland as published by the Kansas State University College of Agriculture. The source document for the McPherson County Average Estimated Cash Rental Rates for Non-Irrigated Cropland (\$/ac) shall be the 2021 Kansas County-Level Cash Rents for Non-Irrigated Cropland published by the Kansas State University College of Agriculture.

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Page 1 of 3

NOV 16 2016

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In the event that the Kansas County Cash Rents for Irrigated Cropland and the Kansas County-Level Cash Rents for Non-Irrigated Cropland is not available, then an equivalent study and publication by the Kansas State University College of Agriculture shall be used in determining the annual payment.

This agreement may be terminated if any of the following occur:

1. The City, due to unforeseen circumstances, is unable to meet the reasonable demand for water by its residents;
2. The Trust has acquired sufficient water rights and is able to utilize such water rights to accomplish the irrigation of the lands set forth above;
3. Circumstances arise in which either the City or the Trust are unable to fulfill the terms of this agreement.

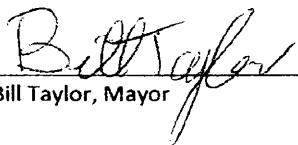
In the event that any of the afore mentioned circumstances arise, wither party may begin discussions to terminate this agreement with a notice filed at least 90 days in advance of the proposed termination date. Finally, the City and the Trust agree to be represented at a minimum of one arbitration meeting with an arbitrator agreed upon by both parties. The cost of such arbitration is to be shared between the City and the Trust.

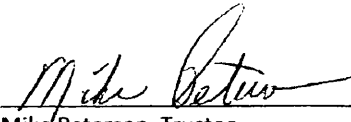
The City and the Trust agree to limit access to the water authorized under either Water Right File No. 36,001 and the Term Permit for the duration of the agreement. The parties agree to withhold access to the use of water for any purpose outside the terms of this agreement.

Finally, the City and the Trust agree that this agreement is specific to the conditions stated above; the City and the Trust agree that the suspension of Water Right File No. 36,001 and the subsequent operation of the Term Permit shall have no impact on the use or status of other water rights held by the City or the Trust.

City of Lindsborg

Dorothy E. Peterson Trust


Bill Taylor, Mayor


Mike Peterson, Trustee

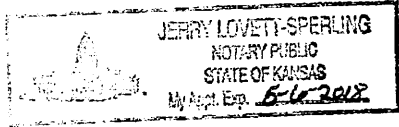
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State of Kansas)
) ss:
County of McPherson)

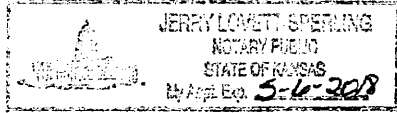
This instrument was acknowledged before me on 11-7, 2016, Bill Taylor,
Mayor of The City of Lindsborg.



Jerry Lovett-Sperling
Notary Public

State of Kansas)
) ss:
County of McPherson)

This instrument was acknowledged before me on 11-8, 2016, Mike
Peterson, Trustee of the Dorothy E. Peterson Trust.



Jerry Lovett-Sperling

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AUG 25 2016

Whitesell, Alex

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Thursday, August 25, 2016 1:26 PM
To: Whitesell, Alex; Peterson Irrigation, Inc.; timd@lindsborgcity.org
Subject: Off set for 49,506 from 36,001

KS DEPT OF AGRICULTURE

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Alex,

I'm really glad you called. Perhaps I wasn't clear before, but I want to have DWR consider this scenario.

The proposed off-set is from File No. 36,001 owned and currently operated by the City of Lindsborg. Mike Peterson, applicant for his mother Dorothy Peterson, is proposing to lease File No. 36,001 which is located within 2 miles of the proposed point of diversion. Then placing File 36,001 (207 AF) in an off-set account for 10 years. This 207 acre-feet would be used to off-set the approval of 150 AF proposed under Application File No. 49,506. Mr. Peterson would then convert File No. 49,506 to a Term Permit of 10 years. Mr. Peterson understands this is not a permanent solution, but merely a temporary step to be used to meet his final goal of establishing a permanent water right on the land under File No. 49,506.

The City of Lindsborg has agreed to a lease of this right and are only awaiting DWR direction on the actual term of the lease.

In conclusion, Mr. Peterson and his tenant are willing to invest in the diversion works and distribution system for a lease of ten years. Feeling that this will allow them to recover their initial investment.

Please note that this proposal does not in any way include Water Right File No. 17,822. This file is an entirely separate project and the two are not connected.

Thanks

Scott

Scott E. Ross

General Manager

Water Rights Investigative Service LLC

209 South Ash ST. Stockton, KS. 67669

785-543-8254

Baum, Kristen

From: Scott Ross <water.rights.llc@gmail.com>
Sent: Wednesday, June 15, 2016 6:57 AM
To: Letourneau, Lane; Baum, Kristen; Turney, Brent
Subject: Proposed Off-Sets
Attachments: Proposed Off-set Ahola, Porsch, Peterson and Lindsborg.odt; PhotoScan (2).jpg; PhotoScan.jpg

Lane,

Attached is a summary of the current projects I'd like to discuss with DWR. As we discussed, these are only two of several potential off-set projects. Let me know when we can discuss them in more detail.

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

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WATER RIGHTS INVESTIGATIVE SERVICE
209 SOUTH ASH ST. STOCKTON, KANSAS 67669-1921 (785) 543-8254

Proposed Off-Set Projects

Scott E. Ross L.G.

Water Rights Investigative Service

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- **CASE TWO**

PETERSON FAMILY AND THE CITY OF LINDSBORG

The second proposal is multi-faceted and does not involve the Republican River Compact.

This proposal is based on pending Application File No. 49,506. The Peterson Family has owned the land in question for many of years. The original well, then under Water Right File No. 12,735 became polluted with oil field brine due to a failed disposal well. The owner at that time was Wallace Peterson. Mr. Peterson agreed to abandon the water right in 1986 as it had not been used in a number of years. I advised him at that time that if the salt water ever cleared up he could file another application. Which he did in 2002 filing Application File No. 45,163. That application was denied as it would not meet safe-yield. Since that time Wallace Peterson has passed away, and Mike Peterson, his son, is handling the family farming.

The current pending application 49,506 proposes a battery of wells to divert a total of 150 acre-feet per year at a rate not to exceed 800 gallons per minute. This water is proposed to be used to irrigate 120 acres in the Northwest Quarter of Section 4, Township 17 South, Range 3 West in McPherson County, Kansas. After a great deal of consideration, the Division of Water Resources concluded that within the Northwest Quarter of Section 4, no location would support a new application.

At that point Mr. Mike Peterson called me and asked that I review the application and offer him options under which he might meet his father's wishes to irrigate this land. After reviewing other area water rights, it became clear that none of the other water rights were close enough be approved under a change in point of diversion. So, an off-set was the only potential avenue in which to proceed. After a review of all the rights within a two-mile circle of the proposed point of diversion we concluded that the best opportunity for an off-set came under those two water right held by the City of Lindsborg.

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During the course of a meeting with Tim Dunn, City utility director, and Greg DuMars, City Manager, the City expressed a willingness to discuss a lease of their water rights and potentially the sale a water right they had recently acquired. The water rights in question are all or in part owned by the City of Lindsborg. They are described as follows:

Water Right File No. 38,719

This right was originally filed by the City in 1987 it authorizes a well for municipal use located 4620 feet north and 1310 feet west of the Southeast corner of Section 17, T17S, R3W. Further, it authorizes the diversion of 214.822 acre-feet of water per calendar year at a rate of 500 gallons per minute. While this well is not located within 2 miles of the pending application, it is within two miles of the original well location under Water Right File No.12,735. This well continues to be used by the city as part of their system.

Water Right File No. 36001

This right was also originally filed by the City for their municipal use in 1982. It authorizes one well located 150 feet north and 656 feet west of the Southeast corner of Section 8, Township 17 South, Range 3 West in McPherson County, Kansas. This well authorizes the diversion of 207.445 acre-feet per calendar year at a rate of 500 gallons per minute. This well is within the 2-mile circle and only about 1.5 miles from the original well under Water Right File No. 12,735. This well is part of the city system used for irrigation in their parks and on the Bethany College Campus.

Water Right File No. 17,822

This right is also within 2 mile of the pending application. It was filed in 1971 proposing to irrigate 79 acres from a well located 65 feet north and 3643 feet west of the Southeast corner of Section 9, Township 17 South, Range 3 West in McPherson County, Kansas. This well is authorized to divert 96 acre-feet per year at a rate of 675 gallons per minute. This water right has been in an unsettled state since 2014.

In 2009, the owner John Peterson, sold a tract (5 acres) of land which contains the irrigation well to the Lindsborg Baptist Church. The water right was not addressed in the sale of the land. In 2012 another small acreage was sold to Rottenburg Realty LLC, again no mention of the disposition of the water right. Later, in 2014 the remainder of the 79 acres were sold to the Bethany Home Association for the construction of a nursing home. Finally, in 2015 the Bethany Home Association sold the City of Lindsborg the property they were not using. Sometime during this process, about 4 acres were sold as lots in the Emerald Lake Estates development. These lots are in the southeast corner of the original 79 acres. My review of these deeds along with Mike Peterson and Tim Dunn found no mention in any of the deeds defining the disposition of the water rights.

Initially, the City of Lindsborg thought they held the water rights. They have since concluded that such is not the case.

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The Peterson Family and the City of Lindsborg would like have DWR consider and comment on the proposed series of events.

1. The City of Lindsborg would lease, for a period of 5 years, approximately 140 acre-feet of water from their alluvial water rights under Water Right File Nos. 36,001 or 38,719 to the Peterson Family. The Peterson Family would then suspend the use of this 140 acre-feet for that same 5-year period. The Peterson Family would develop irrigation under a Term Permit for that 5-year period on the land currently proposed in the Northwest Quarter of Section 4, T17S, R3W. To be irrigated from a well located in the SW SW NW of Section 4 (near the original site of File No. 12,735).
2. During this 5-year period Peterson's, along with the City of Lindsborg, will attempt to secure the ownership of the water right under File No. 17,822 under one owner, either Peterson's or the City of Lindsborg. At the conclusion of the 5-year period of the initial lease, the City and Peterson's will consider the future with regard to both the continued lease of the city's water right and/or the sale of 17,822.

Both Petersons and the City of Lindsborg are actively discussing the lease and the future of File No. 17, 822. However, they would like to open a discussion the Division of Water Resources prior to making any final commitments to each other.

Thank you for your time and I'm looking forward to any discussion you may wish to have on these topics.

Attachments:

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JUN 15 2016

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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

April 28, 2016

MICHAEL PETERSON
PO BOX 150
LINDSBORG KS 67456

Re: Appropriation of Water
File No. 49,506

Dear Mr. Peterson:

In response to a written request by electronic mail received in this office on April 27, 2016, the Chief Engineer has extended until June 22, 2016, the time in which to supply additional information.

We will hold your application pending receipt of this information. If we do not hear from you on or before **June 22, 2016**, your application will be returned to you as being incomplete.

If you have any questions, please contact me (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell
Environmental Scientist
Water Appropriation Program

KAK: AJW

pc: Stockton Field Office
Water Rights Investigative Services LLC

SCANNED

Whitesell, Alex

From: Baum, Kristen
Sent: Wednesday, April 27, 2016 10:39 AM
To: Scott Ross
Cc: Whitesell, Alex
Subject: RE: Application File No. 49,506

Scott,

The deadline was April 22. Since we're within the 3 business day window, we'll grant another extension. Alex will send an official extension in the mail.

Thanks,
Kristen

From: Scott Ross [<mailto:water.rights.llc@gmail.com>]
Sent: Wednesday, April 27, 2016 9:50 AM
To: Baum, Kristen
Subject: Application File No. 49,506

Kristen

This is an application I just got involved with. Mike Peterson is the applicant or perhaps his mother Dorothy Peterson. It seems that Ken was working on this one. The copy of the letter says "got extension", but I don't know when or for how long. I am assuming that the time is about up, so I'm asking for another 60 days to try and find a solution.

Thanks for all your help.

Scott

Scott

Scott E. Ross
General Manager
Water Rights Investigative Service LLC
209 South Ash ST. Stockton, KS. 67669
785-543-8254

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

March 9, 2016

MICHAEL PETERSON
PO BOX 150
LINDSBORG KS 67456

Re: Appropriation of Water
File No. 49,506

Dear Mr. Peterson:

In response to your written request by electronic mail received in this office on February 12, 2016, the Chief Engineer has extended until **April 22, 2016**, the time in which to supply additional information.

We will hold your application pending receipt of this information. If we do not hear from you on or before **April 22, 2016**, your application will be returned to you as being incomplete.

If you have any questions, please contact our office at (785) 564-6634. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

KAK: AJW
pc: Topeka Field Office

SCANNED

Kopp, Kenneth

From: Stewart, Kelly
Sent: Friday, March 04, 2016 4:15 PM
To: Kopp, Kenneth
Subject: Re: Mike Peterson, File No. 49,506

I have talked to him several times recently. I even ran a number of safe yields and couldn't find any water available. He is now considering hiring a consultant to see if they can convince us to use different numbers.

Sent from my iPhone

On Mar 4, 2016, at 2:56 PM, Kopp, Kenneth <Kenneth.Kopp@KDA.KS.GOV> wrote:

Has Mike been out to visit with you about safe yield on this file? Just curious if there has been any further contact.

Thanks,
Ken

From: Stewart, Kelly
Sent: Friday, February 12, 2016 10:00 AM
To: Kopp, Kenneth
Subject: RE: Mike Peterson, File No. 49,506

He was going to call you, but I told him you didn't work Fridays. You work Fridays?

He will e-mail his request to you.

From: Kopp, Kenneth
Sent: Friday, February 12, 2016 9:59 AM
To: Stewart, Kelly
Subject: RE: Mike Peterson, File No. 49,506

Thanks... I'll have Alex put this note with the file.

Ken

From: Stewart, Kelly
Sent: Friday, February 12, 2016 9:49 AM
To: Kopp, Kenneth
Subject: Mike Peterson, File No. 49,506

Ken,

Just talked to Mike. He said my copy of the letter you sent out was sent to Topeka field office.

Also, he is going to request a 30 day extension which I don't have a problem with.

Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture

Division of Water Resources
Stockton Field Office
(785)425-6787
kelly.stewart@kda.ks.gov
<http://www.agriculture.ks.gov/>

Kopp, Kenneth

From: Peterson Irrigation, Inc. <petersonirrigation@yahoo.com>
Sent: Friday, February 12, 2016 10:55 AM
To: Kopp, Kenneth

Dear Ken, We would like an extension of time on this permit until we can determine an exact location that could meet safe yield. We are working with the Stockton field office on this.

Thanks, Mike

Mike Peterson Peterson Irrigation, Inc. Office 785-227-3520 Fax 785-227-2720

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

February 9, 2016

MICHAEL PETERSON
PO BOX 150
LINDSBORG KS 67456

Re: Pending Application,
File No. 49,506

Dear Mr. Peterson:

The Division of Water Resources granted an extension of time to supply additional information for the above referenced application on January 27, 2016, and the current deadline for your response is February 22, 2016. The purpose of this letter is to provide a reminder of your deadline.

We will hold your application pending receipt of this information. If we do not hear from you on or before **February 22, 2016**, your application will be returned to you as being incomplete.

If you have any questions, please contact our office at (785) 564-6634. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

KAK: AJW
pc: Topeka Field Office

SCANNED

January 12, 2016

Kenneth A Kopp
Division of Water Resources
Manhattan, Kansas 66502

RE: File # 49,506

Dear Mr. Kopp,

We would like an extension on this permit application. We believe after extensive research that this application does meet safe yield.

We will provide further information, along with the Stockton field office to figure out why this does not meet your safe yield data.

Please advise us of the extension time and what further information you would like to move this application along. I can be reached at 785-906-0117-Cell or 785-227-3520-Work

Sincerely,



Michael Peterson
Son of Dorothy Peterson
PO Box 150
Lindsborg, Kansas 67456

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KS DEPT OF AGRICULTURE

SCANNED



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 7, 2016

MIKE PETERSON
DOROTHY E PETERSON TRUST
1501 E MAGNOLIA APT 34
SALINA KS 67401

RE: Application
File No. 49,506

Dear Mr. Peterson:

We have reviewed your application, which proposes to pump 150 acre-feet of water, at a maximum rate of 800 g.p.m. for irrigation purposes.

The Kansas Water Appropriation Act and related regulations govern whether your application can be approved. That act states, in part:

"In ascertaining whether a proposed use will prejudicially and unreasonably affect the public interest, the Chief Engineer shall take into consideration:

- . . . (2) the area, safe yield and recharge rate of the appropriate water supply;
- (3) the priority of existing claims of all persons to use the water of the appropriate water supply;
- (4) the amount of each claim to use water from the appropriate water supply; and
- (5) all other matters pertaining to such questions . . ." K.S.A. 82a-711.

The rules and regulations, in K.A.R. 5-3-9 and K.A.R. 5-3-10, further state that an application may not be approved if its proposed use will exceed the safe yield of the source of water supply. The area of your proposed appropriation has been determined to be fully appropriated based on the safe yield calculation contained in K.A.R. 5-3-11. Therefore, it will be recommended to the Chief Engineer that Application, File No. 49,506 be denied and dismissed due to failure to meet the required safe yield criteria.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information (such as hydrologic analysis) to show why our evaluation should be reconsidered. **You have a period of 15 days (until January 22, 2016) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information.** If you wish to request additional time, you must do so in writing, before the 15 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.

(over)

DOROTHY E PETERSON TRUST

File No. 49,506

Page 2 of 2

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 15 day period or any authorized extension, that information will be given due consideration prior to final action on the application.

If you have any questions, please contact me at (785) 564-6634. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth A. Kopp', written in a cursive style.

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

KAK:AJW

pc: Stockton Field Office

Kopp, Kenneth

From: Stewart, Kelly
Sent: Friday, February 12, 2016 9:49 AM
To: Kopp, Kenneth
Subject: Mike Peterson, File No. 49,506

Ken,

Just talked to Mike. He said my copy of the letter you sent out was sent to Topeka field office.

Also, he is going to request a 30 day extension which I don't have a problem with.

Kelly C. Stewart, Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
(785)425-6787
kelly.stewart@kda.ks.gov
<http://www.agriculture.ks.gov/>