

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

1. File Number: 49,560	2. Status Change Date: 8/25/2016	3. Field Office: 3	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 33475 Add Seq# _____</p> <p>KEN BERRY 1624 N 70TH RD MINNEAPOLIS KS 67467</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 64344 Add Seq# _____</p> <p>LOST CREEK LLC KEN BERRY 1624 N 70TH RD MINNEAPLOIS KS 67467</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2017** 11. Perfection Date: **12/31/2021** 12. Exp Date: _____

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

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **7/27/2016** By: **DWS**
Date Entered: **8/25/2016** By: **UM**

File No. **49,560** 15. Formation Code:113/ 330 Drainage Basin: SOLOMON RIVER County: OT Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
MOD	85051	SE SW SE	4	10	4W	2	150	1519	(Geo-Ctr)	800	196.83	800	196.83	NONE
ENT	85556	SE SW SE	4	10	4W		150	1644	(Batt 1 of 4)					
ENT	85557	SE SW SE	4	10	4W		150	1769	(Batt 2 of 4)					
ENT	85558	SE SW SE	4	10	4W		150	1394	(Batt 3 of 4)					
ENT	85559	SW SE SE	4	10	4W		150	1269	(Batt 4 of 4)					
<i>Battery ID #1976</i>														

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 12/31/2017 Date Acceptable Meter Installed _____

21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T 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				
MOD	67587	4	10	4W	1									37	40	40	40	157	7b.	NO	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: July 27, 2016

FROM: Doug Schemm

RE: Application, File No. 49,560

Ken Berry has filed the above referenced new application to appropriate 196.83 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use, from a proposed battery of four wells. The requested quantity was reduced slightly from 201 acre-feet to comply with safe yield. The place of use is wholly owned by Lost Creek LLC. The applicant has signed the application form stating he has access to the point of diversion. The geographic center of the well battery is located in the Southeast Quarter of Section 4, Township 10 South, Range 4 West, in Ottawa County. The requested quantity of water of 196.83 acre-feet, is just a few acre-feet less than the maximum allowable to irrigate the proposed 157 acres (1.3 Acre-Feet per acre is the maximum allowed in Ottawa County).

The source of water for the pending application appears to be both the alluvium and the **unconfined** Dakota aquifer system based on the test hole log that was submitted, and other nearby wells. Coarse sand and gravel extended from 40 feet to 51 feet below ground surface, with the primary sandstone unit extending from 88 feet to 155 feet below ground surface. Static water level was not provided, however nearby wells indicate that static water levels correlate with the sand and gravel layer, with some well producing only from the shallow alluvium (see File No. 48,230 well log). Maintaining consistency with senior files in this area, for wells producing from both sources, the extent of the alluvium is considered to be the limit of the unconfined aquifer.

K.A.R. 5-3-11 applies to safe yield evaluations for all unconfined aquifers. One of the specific criteria is to determine the extent of the unconfined aquifer, which as discussed above, is limited to the extent of the alluvium, which was determined to be the majority of the two mile circle, and provides an area of consideration of 7,514 acres. With 2.6 inches of recharge and 75% of recharge available, safe yield was determined to be 1,221.03 acre-feet. Existing appropriations total 1024.2 acre-feet, leaving 196.83 acre-feet available, and therefore the application reduced to 196.83 acre-feet, complies with safe yield criteria.

The applicant did not identify any wells of any kind within one-half mile of the proposed point of diversion. A review of aerial photograph and WWC-5 database also indicates that there are no nearby domestic wells (i.e. no visible houses or windmills). Therefore, no nearby well owner letters are required, and the point of diversion complies with well spacing criteria for the unconfined Dakota aquifer system of one-quarter mile to domestic wells and one-half mile to non-domestic wells. The nearest non-domestic well is over 2,800 feet away.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. The applicant has submitted a signed a Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

In a July 27, 2016 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the referenced application. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

SCANNED

49,560

Schemm, Doug

From: Stewart, Kelly
Sent: Wednesday, July 27, 2016 9:10 AM
To: Schemm, Doug
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Ken Berry 49,560

Doug,

I have no objection to the approval of this application.

Kelly

From: Schemm, Doug
Sent: Wednesday, July 27, 2016 7:41 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Ken Berry 49,560

Good Morning,
This is the first of Ken's files. No nearbys. Pretty standard alluvium/Dakota mix.
Thanks, Doug

SCANNED



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

KEN BERRY
1624 N 70TH RD
MINNEAPOLIS KS 67467

FILE COPY

RE: Appropriation of Water, File No. 49,560

Dear Mr. Berry:

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.

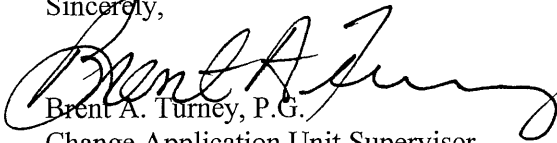
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records 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:dws
Enclosures

pc: Stockton Field Office
Lost Creek LLC

SCANNED

THE STATE OF KANSAS



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)

FILE COPY

This is to certify that I have examined Application, **File No. 49,560** of the applicant

**KEN BERRY
1624 N 70TH RD
MINNEAPOLIS KS 67467**

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 **February 16, 2016**.
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					
4 10S 4W																	37	40	40	40	157

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 geographic center located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE¼ SW¼ SE¼) of Section 4, more particularly described as being near a point 150 feet North and 1,519 feet West of the Southeast corner of said section, in Township 10 South, Range 4 West, Ottawa 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 **196.83 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, 2017** 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.

SCANNED

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2021** 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 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.

CERTIFICATE OF SERVICE

On this *25th* day of *August*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,560, dated *August 25, 2016* was mailed postage prepaid, first class, US mail to the following:

KEN BERRY
1624 N 70TH RD
MINNEAPLOIS KS 67467

With photocopies to:

LOST CREEK LLC
% KEN BERRY
1624 N 70TH RD
MINNEAPLOIS KS 67467

Stockton Field Office



Division of Water Resources



APPLICATION COMPLETE
7/20/2016
Signature: DWS

THE STATE OF KANSAS



RECEIVED

JUN 28 2016
DIVISION OF WATER RESOURCES
Topeka Field Office

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,560

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

WATER RESOURCES RECEIVED

JUN 20 2016

1:10

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

WATER RESOURCES RECEIVED

FEB 16 2016

12:44

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): Lost Creek LLC Ken Berry
Address: 1624 N 70th RD
City: Minneapolis KS State KS Zip Code 67467
Telephone Number: (785) 392 7379

2. The source of water is: surface water in _____ (stream)
OR groundwater in Solomon River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. 196.83 *

3. The maximum quantity of water desired is 201 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. 3 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use I22 Source G/S County 5 By ADW Date 12/16/16
Code 2E2 Fee \$ 300 TR # 16023022 Receipt Date 12/16/16 Check # 6500

DWR 1-100 (Revised 06/16/2014)

SCANNED

*Applicant agreed to reduced quantity to meet safe yield, 2/23/2016 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.

Request 60 days to locate suitable well location.

(A) One in the SE quarter of the SW quarter of the SE quarter of Section 4, more particularly described as being near a point 150 feet North and 1519 feet West of the Southeast corner of said section, in Township 10 South, Range 4 East/West (circle one), Ottawa County, Kansas.

Request 148 preliminary safe yield center of 1/4 SW section of the SE 1/4

(B) One in the SE quarter of the SW quarter of the SE quarter of Section 4, more particularly described as being near a point 150 feet North and 1644 feet West of the Southeast corner of said section, in Township 10 South, Range 4 East/West (circle one), OT County, Kansas.

(C) One in the SE quarter of the SW quarter of the SE quarter of Section 4, more particularly described as being near a point 150 feet North and 1769 feet West of the Southeast corner of said section, in Township 10 South, Range 4 East/West (circle one), OT County, Kansas.

(D) One in the SE quarter of the SW quarter of the SE quarter of Section 4, more particularly described as being near a point 150 feet North and 1394 feet West of the Southeast corner of said section, in Township 10 South, Range 4 East/West (circle one), OT 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):

Lost Creek LLC, 1624 N 70th RD, Minneapolis, KS 67467

(name, address and telephone number)

785-392-7379

(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 2/12, 2016.

Ken Baum 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 Battery of 4 wells * Lined up east to west and (was) (will be) completed (by) 12-31-2017 (Month/Day/Year - each was or will be completed) Per 7/26/16

8. The first actual application of water for the proposed beneficial use was or is estimated to be 5-1-2017 discussion with Applicant

WATER RESOURCES RECEIVED

JUN 20 2016

WATER RESOURCES RECEIVED

FEB 16 2016

SCANNED

DWS/DWR 7/26/16

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.

WATER RESOURCES RECEIVED

JUN 20 2016

WATER RESOURCES RECEIVED

FEB 16 2016

SCANNED

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>6-8-16</u>	_____	_____	_____
Total depth of well	<u>160'</u>	_____	_____	_____
Depth to water bearing formation	<u>40'</u>	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner/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):
Lost Creek LLC, 1624 N 70th RD, Minneapolis, KS 67467
(name, address and telephone number) 785-392-7379
_____ (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 Minneapolis, Kansas, this 12 day of February, 2016.
(month) (year)

Ken Baum
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

WATER RESOURCES RECEIVED

JUN 20 2016

WATER RESOURCES RECEIVED

FEB 16 2016

SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,500

Name of Applicant (Please Print): Lost Creek LLC Ken Berry

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: Lost Creek LLC
ADDRESS: 1624 10th RD Minneapolis KS 67467

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	10	4W														37	40	40	15.7

* Modified
PU
Slightly
to ensure
all acreage
is covered
DWS/DWR
7/27/16

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	

4/29/16
(Date)

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

Re: Application File No. 49,500

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.

Kenneth Berry
Signature of Applicant

Kenneth Berry
(Print Applicant's Name)

State of Kansas)
County of Ottawa) ss)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29 day of April, 2016.

Rebecca K Myers
Notary Public

My Commission Expires 9/14/19


WATER RESOURCES
RECEIVED

JUN 20 2016

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

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

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

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

STATE OF KANSAS
DEPARTMENT OF REVENUE

STATE OF KANSAS
DEPARTMENT OF REVENUE

49,560

Proposed Irrigation Site

4-10-4

All wells of any kind within 1/2 mile of the requested point of diversion have been plotted

Signed: *Ken Berry*

Date: *2-12-16*

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WATER RESOURCES
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JUN 20 2016

Newer map included in application that takes the place of this map.

Ken Berry
6/16/16



Map data ©2016 Google, Imagery ©2016 DigitalGlobe, USDA Farm Service Agency

No known wells within 1/2 mile of proposed diversion.

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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
Roxbury silt loam	46	.3	
New Cambria silty clay loam	44	.15	
McCook silt loam	10	.3	
Total:	100 %		

b. Estimate the average land slope in the field(s): 1 %
 Estimate the maximum land slope in the field(s): 4 %

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:

N/A

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: 30.0 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? 100 feet
- (4) Please include a copy of the sprinkler package design information. *To be completed on permit approval.*

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

Corn → Soy beans → ~~Wheat~~

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Based on the stress level of plants + point in growth cycle.

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

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

FEB 16 2016

JUN 20 2016

KS DEPT OF AGRICULTURE

Page 2 of 2

SCANNED

#49,560

Sargent Drilling
INDUSTRIAL ENGINEERING
COMPLETE MUNICIPAL AND INDUSTRIAL
WELL AND PUMP SERVICE

PO Box 367
Geneva, NE 68361-0367

846 South 13th St.

Phone: (402) 759-3902
1-888-496-3902

TEST HOLE LOG

CUSTOMER: Ken Berry	
WELL ID: TH 2016-1	
LOCATION: SW ¼ SE ¼, 4-T10S-R4W, Ottawa Co., KS	
LATITUDE: 39° 12' 18.8"	
LONGITUDE: 097° 46' 01.3"	
ELEVATION: 1,288'	
FOOTAGES: 150' feet from the South section line and 1,519' feet from the East section line	
DATE: 6/8/2016	DRILLED BY: Scott

SWL:
PWL

<u>from feet</u>	-	<u>to feet</u>	
0		20	Top soil and brown clay
20		40	Brown and gray clay with sand layer
40		51	Fine, medium, coarse sand and fine, medium to coarse gravel
51		88	Gray shale
88		89	Cemented sandstone
89		110	Sandstone
110		111	Shale
111		125	Sandstone
125		135	Sandstone with shale strips
135		140	Sandstone
140		155	Sandstone with shale strips and layer
155		160	Pyrite strip and shale

WATER RESOURCES
RECEIVED

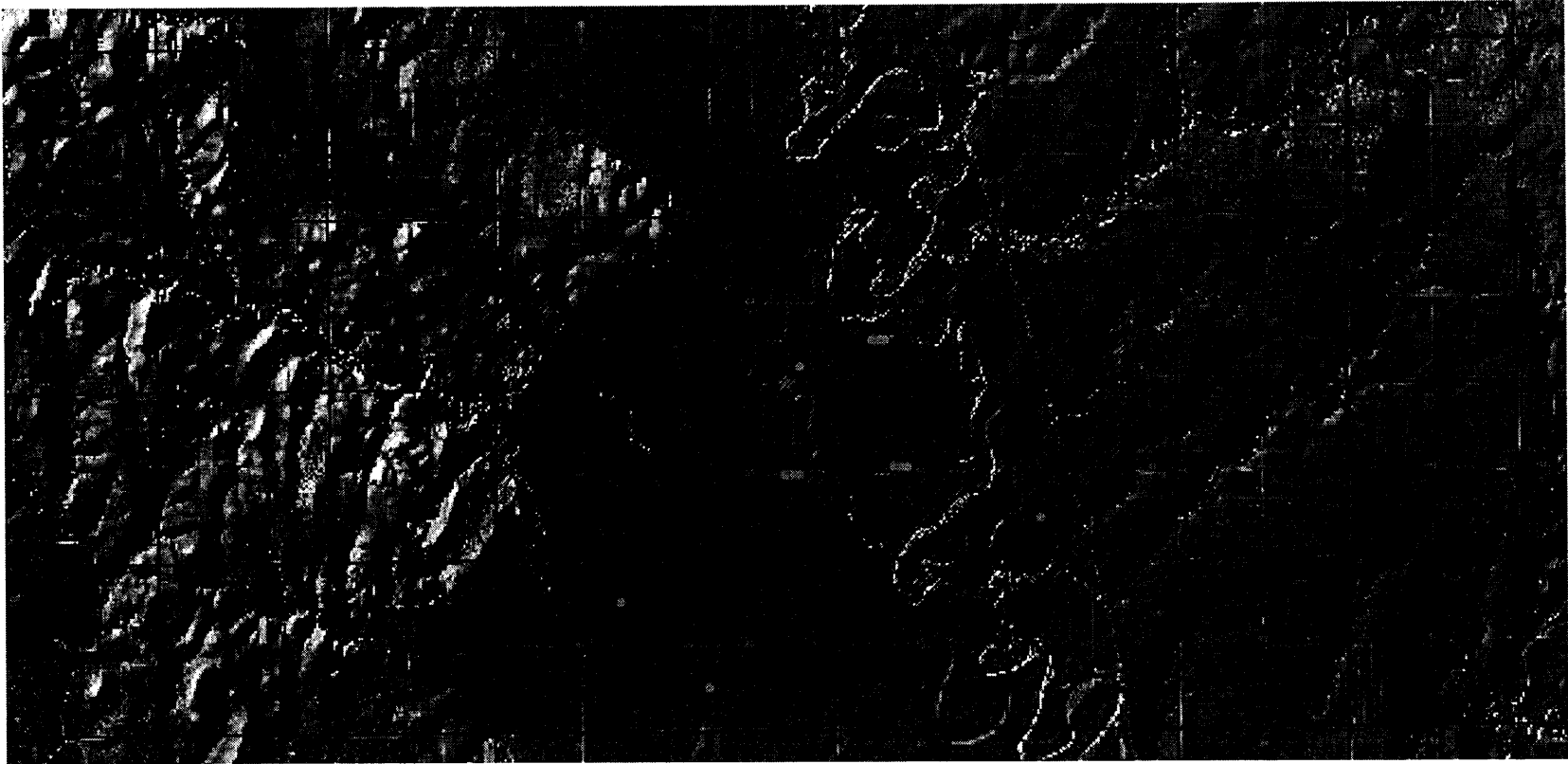
sh

JUN 20 2016

KS DEPT OF AGRICULTURE

SCANNED

Safe Yield Report Sheet
Proposed Water Right Application
Point of Diversion in SESESWSE 04-10S-04W
(File No. 49,560 - 150'N and 1519'W)



#49,560

Meets safe yield
Quantity reduced to
196.83 AF

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 1,221.03 AF.
Total prior appropriation in the circle is 1,381.20 AF. - 357 = 1024.2
Total quantity of water available for appropriation is ~~0.00~~ AF.

196.83 AF

Safe Yield Variables

The area used for the analysis is set at 7514 acres.
Potential annual recharge of the area is estimated to be 2.6 inches.
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 05-JUL-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 8 water right(s) and 19 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	44789	00	IRR	LR	G		NE SW SW	1229	4216	11	10	04W	2	WR	143.00	143.00	110.00	110.00
A	45912	00	IRR	LR	G		NC SW	1309	3897	16	10	04W	1	WR	169.00	169.00	150.00	150.00
A	47991	00	IRR	LO	G		NC SW	1309	3897	16	10	04W	1	WR	26.00	26.00	150.00	0.00
A	48752	00	IRR	HK	G		SE SE NW	2815	3252	10	10	04W	1	WR	248.20	248.20	414.00	414.00
Same			IRR	HK	G		SE SE NW	2815	3152	10	10	04W	2	WR				
Same			IRR	HK	G		SE SE NW	2815	3052	10	10	04W	3	WR				
Same			IRR	HK	G		SW SE NW	2815	3352	10	10	04W	4	WR				
Same			IRR	HK	G		SW SE NW	2815	3452	10	10	04W	5	WR				
A	48753	00	IRR	HK	G		SE NW SW	1447	3968	03	10	04W	1	WR	269.00	269.00	414.00	0.00
Same			IRR	HK	G		SW NE SW	1447	3868	03	10	04W	2	WR				
Same			IRR	HK	G		SW NW SW	1447	3768	03	10	04W	3	WR				
Same			IRR	HK	G		SE NW SW	1447	4068	03	10	04W	4	WR				
Same			IRR	HK	G		SE NW SW	1447	4168	03	10	04W	5	WR				
A	48754	00	IRR	HK	G		NW NE SE	2597	1303	09	10	04W	1	WR	169.00	169.00	130.00	130.00
Same			IRR	HK	G		NE NW SE	2597	1428	09	10	04W	2	WR				
Same			IRR	HK	G		NE NW SE	2597	1553	09	10	04W	3	WR				
Same			IRR	HK	G		NW NE SE	2597	1178	09	10	04W	4	WR				
Same			IRR	HK	G		NW NE SE	2597	1053	09	10	04W	5	WR				
A	49560	00	IRR	AY	G		SW SE	660	1080	04	10	04W	2	WR	201.00	201.00	155.00	155.00
A	49562	00	IRR	AY	G		NE	3960	1320	17	10	04W	2	WR	156.00	156.00	121.00	121.00

357

49,560

Report Date Tuesday, July 26 2016

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

150 ft N and 1519 ft W of the SE Corner of Section 4, T 10S, R 4W

Located at: 97.766714 West Longitude and 39.205215 North Latitude

GROUNDWATER ONLY

Meets Spacing
All wells > 1/2 mile

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 44789	00	IRR	LR	G	8959	--	NE	SW	SW	1229	4216	11	10	4W	2	143.00	143.00	AF
A__ 45912	00	IRR	LR	G	9726	--	--	NC	SW	1309	3897	16	10	4W	1	169.00	169.00	AF
A__ 47991	00	IRR	LO	G	9726	--	--	NC	SW	1309	3897	16	10	4W	1	26.00	26.00	AF
A__ 48752	00	IRR	HK	G	4431	--	SE	SE	NW	2815	3252	10	10	4W	1 G 4	248.20	248.20	AF
Same					4512	--	SE	SE	NW	2815	3152	10	10	4W	2 B 4			
Same					4593	--	SE	SE	NW	2815	3052	10	10	4W	3 B 4			
Same					4351	--	SW	SE	NW	2815	3352	10	10	4W	4 B 4			
Same					4272	--	SW	SE	NW	2815	3452	10	10	4W	5 B 4			
A__ 48753	00	IRR	HK	G	3159	--	SE	NW	SW	1447	3968	3	10	4W	1 G 4	269.00	269.00	AF
Same					3250	--	SW	NE	SW	1447	3868	3	10	4W	2 B 4			
Same					3342	--	SW	NW	SW	1447	3768	3	10	4W	3 B 4			
Same					3068	--	SE	NW	SW	1447	4068	3	10	4W	4 B 4			
Same					2977	--	SE	NW	SW	1447	4168	3	10	4W	5 B 4			
A__ 48754	00	IRR	HK	G	2849	--	NW	NE	SE	2597	1303	9	10	4W	1 G 4	169.00	169.00	AF
Same					2844	--	NE	NW	SE	2597	1428	9	10	4W	2 B 4			
Same					2845	--	NE	NW	SE	2597	1553	9	10	4W	3 B 4			
Same					2858	--	NW	NE	SE	2597	1178	9	10	4W	4 B 4			
Same					2874	--	NW	NE	SE	2597	1053	9	10	4W	5 B 4			
A__ 49560	00	IRR	AY	G	673	--	--	SW	SE	660	1080	4	10	4W	2	201.00	201.00	AF
A__ 49562	00	IRR	AY	G	8532	--	--	NE		3960	1320	17	10	4W	2	156.00	156.00	AF

(unconfined DAKOTA)

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	357.00	.00
Total Permitted Amount (AF) =	686.20	.00
Total Inspected Amount (AF) =	338.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1381.20	.00

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

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

97.766714 West Longitude and 39.205215 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

File Number      Use ST SR
A__ 44789 00 IRR LR G
> STEVE BACCUS
>
> 707 N 3RD AVE
> MINNEAPOLIS KS 67467
>-----

```

A__ 45912 00 IRR LR G
> DOUGLAS W & REBECCA J HEIMER
>
> 1420 E HEDBERG RD
> ASSARIA KS 67416

A__ 47991 00 IRR LO G
> DOUGLAS W & REBECCA J HEIMER
>
> 1420 E HEDBERG RD
> ASSARIA KS 67416

A__ 48752 00 IRR HK G
> BERGEN FARMS LLC
>
> PO BOX 721200
> NORMAN OK 73070

A__ 48753 00 IRR HK G
> BERGEN FARMS LLC
>
> PO BOX 721200
> NORMAN OK 73070

A__ 48754 00 IRR HK G
> BERGEN FARMS LLC
>
> PO BOX 721200
> NORMAN OK 73070

A__ 49560 00 IRR AY G
> LOST CREEK LLC
> KEN BERRY
> 1624 N 70TH RD
> MINNEAPLOIS KS 67467

A__ 49562 00 IRR AY G
> KEN BERRY
>
> 1624 N 70TH RD
> MINNEAPOLIS KS 67467

=====

48,230

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

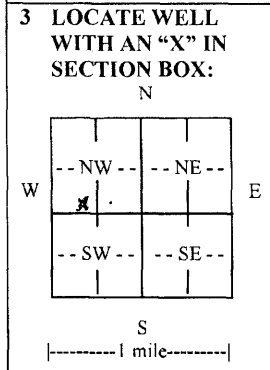
[Empty box]

1 LOCATION OF WATER WELL: County: OTTAWA	Fraction 1/4 SW 1/4 SE 1/4 NW 1/4	Section Number 34	Township No. T 9 S	Range Number R 4 <input type="checkbox"/> E <input checked="" type="checkbox"/> W
--	--------------------------------------	----------------------	-----------------------	--

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here .
 HWY 81 & RIFLE RD
 4.5 MILES WEST, NORTH SIDE OF ROAD

Global Positioning System (GPS) information:
 Latitude: .39,2269722..... (in decimal degrees)
 Longitude: 97.7554444..... (in decimal degrees)
 Elevation:
 Datum: WGS 84, NAD 83, NAD 27
 Collection Method:
 GPS unit (Make/Model:)
 Digital Map/Photo, Topographic Map, Land Survey
 Est. Accuracy: <3 m, 3-5 m, 5-15 m, >15 m

2 WATER WELL OWNER: DAVID CROSSEN
 RR#, Street Address, Box #: 915 RIFLE ROAD
 City, State, ZIP Code : MINNEAPOLIS, KS 67467



4 DEPTH OF COMPLETED WELL 74..... ft.
 Depth(s) Groundwater Encountered (1)..... ft. (2)..... ft. (3)..... ft.
 WELL'S STATIC WATER LEVEL 32..... ft. below land surface measured on mo/day/yr.....
 Pump test data: Well water was 32..... ft. after..... hours pumping..... gpm
 EST. YIELD 30..... gpm. Well water was..... ft. after..... hours pumping..... gpm
 Bore Hole Diameter 28..... in. to ft., and in. to ft.
 WELL WATER TO BE USED AS: Public water supply Geothermal Injection well
 Domestic Feedlot Oil field water supply Dewatering Other (Specify below)
 Irrigation Industrial Domestic-lawn & garden Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No
 If yes, mo/day/yr sample was submitted.....
 Water well disinfected? Yes No

5 TYPE OF CASING USED: Steel PVC Other
 CASING JOINTS: Glued Clamped Welded Threaded
 Casing diameter .16..... in. to .20..... ft., Diameter in. to ft., Diameter in. to ft.
 Casing height above land surface..... in., Weight lbs./ft., Wall thickness or gauge No.
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify)
 Brass Galvanized Steel None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify)
 SCREEN-PERFORATED INTERVALS: From 0..... ft. to 54..... ft., From ft. to ft.
 From 54..... ft. to 74..... ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From 0..... ft. to 20..... ft., From ft. to ft.
 From 20..... ft. to 74..... ft., From ft. to ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other
 Grout Intervals: From 0..... ft. to 20..... ft., From 20..... ft. to 74..... ft., From ft. to ft.
 What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well
 Direction from well Distance from well

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	5	TOP SOIL			
5	20	CLAY			
20	35	SANDY CLAY			
35	49	SANDY GRAVEL			
49	72	CLAY			
72	74	CLAY WITH SHALE LAYERS			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 03/01/2014..... and this record is true to the best of my knowledge and belief.
 Kansas Water Well Contractor's License No. 480..... This Water Well Record was completed on (mo/day/year) 03/25/2014.....
 under the business name of Williams Drilling Co., INC..... by (signature) Ron Williams

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send one copy to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5524. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>

USE TYPEWRITER OR BALL POINT PEN-PRESS FIRMLY, PRINT CLEARLY.

WATER WELL RECORD
KSA 82a-1201-1215

Kansas Department of Health and Environment-Division of Environment
(Water well Contractors)
Topeka, Kansas 66620

1. Location of well:		County OTTAWA	Fraction SE 1/4 SE 1/4 NW 1/4	Section number 2	Township number T 10 S R 4 E 10	Range number 4
2. Distance and direction from nearest town or city: 1 EAST 4 1/2 S			3. Owner of well: DELMAR JEFFERS			
Street address of well location if in city: DELPHOS			R.R. or street: ROUTE 9			
			City, state, zip code: MINNEAPOLIS KANS 67467			
4. Locate with "X" in section below:		Sketch map:		6. Bore hole dia. 5 1/2 in. Completion date 6-13-79 Well depth 159 ft.		
				7. <input checked="" type="checkbox"/> Cable tool <input checked="" type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> Hollow rod <input type="checkbox"/> Jetted <input type="checkbox"/> Bored <input type="checkbox"/> Reverse rotary		
				8. Use: <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public supply <input type="checkbox"/> Industry <input type="checkbox"/> Irrigation <input type="checkbox"/> Air conditioning <input type="checkbox"/> Stock <input type="checkbox"/> Lawn <input type="checkbox"/> Oil field water <input type="checkbox"/> Other		
				9. Casing: Material PVC Height Above or below Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Surface 12 in. RMP <input type="checkbox"/> PVC <input checked="" type="checkbox"/> Weight 3 lbs./ft. Dia. 5 in. to 159 ft. depth Wall Thickness: inches or Dia. <input type="checkbox"/> in. to <input type="checkbox"/> ft. depth gage No. 1258		
5. Type and color of material		From	To	10. Screen: Manufacturer's name PUMPCO Type PVC Dia. 5 Slot gauze 1/16 Length 20' Set between 139 ft. and 159 ft. ft. and <input type="checkbox"/> ft. Gravel pack? <input checked="" type="checkbox"/> YES Size range of material 1/4 x 1/4		
TOPSOIL		0	3	11. Static water level: <input type="checkbox"/> mo./day/yr. 41 ft. below land surface Date 6-13-79		
BROWN CLAY		3	23	12. Pumping level below land surface: <input type="checkbox"/> ft. after <input type="checkbox"/> hrs. pumping <input type="checkbox"/> g.p.m. <input type="checkbox"/> ft. after <input type="checkbox"/> hrs. pumping <input type="checkbox"/> g.p.m. Estimated maximum yield 50+ g.p.m.		
GRAVEL (FINE TO MEDIUM)		23	46	13. Water sample submitted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date		
BLUE CLAY		46	59	14. Well head completion: <input type="checkbox"/> Pitless adapter <input type="checkbox"/> 12 inches above grade		
SANDROCK		59	62	15. Well grouted? <input checked="" type="checkbox"/> YES With: <input checked="" type="checkbox"/> Neat cement <input type="checkbox"/> Bentonite <input type="checkbox"/> Concrete Depth: From 4 ft. to 14 ft.		
BLUE CLAY		62	80	16. Nearest source of possible contamination: NO 6 ft. 100 Direction SEAST Type BUILDING Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
BLUE CLAY w/ ROCK LAYERS		80	100	17. Pump: <input checked="" type="checkbox"/> Not installed Manufacturer's name _____ HP _____ Volts _____ Length of drop pipe _____ ft. capacity _____ g.p.m. Type: <input type="checkbox"/> Submersible <input type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other		
SANDROCK		100	156	20. Water well contractor's certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. DORRILL Cox & Sons Inc 359 Business name License No. _____ Address LIETON KANS 66927 Signed Dorrell Cox Date 6-13-79 Authorized representative		
BLUE CLAY		156	158			
HARD ROCK		158	160			
STOP		160				
		(Use a second sheet if needed)				
18. Elevation:	19. Remarks:		20. Water well contractor's certification:			
Topography: <input type="checkbox"/> Hill <input type="checkbox"/> Slope <input checked="" type="checkbox"/> Upland <input type="checkbox"/> Valley						

T 10 S R 4 E S 2 SE SE NW 1/4 1/4 1/4

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-5

SCANNED

MI-1023

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

44789

1 LOCATION OF WATER WELL: County: <u>Ottawa</u>	Fraction <u>1/4 NE 1/4 SW 1/4 SW 1/4</u>	Section Number <u>11</u>	Township No. <u>T 10 S</u>	Range Number <u>R 4</u> <input type="checkbox"/> E <input checked="" type="checkbox"/> W
Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> <u>Approximately 5 miles north and 2 miles west of Minneapolis.</u>		Global Positioning System (GPS) information: Latitude: <u>39.193456</u> (in decimal degrees) Longitude: <u>-97.739255</u> (in decimal degrees) Elevation: <u>Unknown</u> Datum: <input type="checkbox"/> WGS 84, <input checked="" type="checkbox"/> NAD 83, <input type="checkbox"/> NAD 27 Collection Method: <input checked="" type="checkbox"/> GPS unit (Make/Model: <u>WAAS</u>) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> <3 m, <input checked="" type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> >15 m		
2 WATER WELL OWNER: <u>D & K Farm & Ranch</u> RR#, Street Address, Box #: <u>1161 Limestone Rd.</u> City, State, ZIP Code : <u>Minneapolis, KS 67467</u>				

3 LOCATE WELL WITH AN "X" IN SECTION BOX:	4 DEPTH OF COMPLETED WELL <u>140</u> ft.
	Depth(s) Groundwater Encountered (1) <u>22</u> ft. (2) _____ ft. (3) _____ ft.
	WELL'S STATIC WATER LEVEL <u>22</u> ft. below land surface measured on mo/day/yr <u>3/1/12</u>
	Pump test data: Well water was <u>Not checked</u> ft. after _____ hours pumping _____ gpm
	EST. YIELD _____ gpm. Well water was _____ ft. after _____ hours pumping _____ gpm
Bore Hole Diameter <u>24</u> in. to <u>140</u> ft., and _____ in. to _____ ft.	
WELL WATER TO BE USED AS: <input type="checkbox"/> Public water supply <input type="checkbox"/> Geothermal <input type="checkbox"/> Injection well <input type="checkbox"/> Domestic <input type="checkbox"/> Feedlot <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Other (Specify below) <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Domestic-lawn & garden <input type="checkbox"/> Monitoring well	
Was a chemical/bacteriological sample submitted to Department? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, mo/day/yr sample was submitted _____	
Water well disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

5 TYPE OF CASING USED: Steel PVC Other _____

CASING JOINTS: Glued Clamped Welded Threaded

Casing diameter _____ in. to _____ ft., Diameter 16 in. to 79 ft., Diameter _____ in. to _____ ft.
Casing height above land surface 12 in., Weight 19.75 lbs./ft., Wall thickness or gauge No. .616

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify) _____
 Brass Galvanized Steel None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify) _____

SCREEN-PERFORATED INTERVALS: From 79 ft. to 139 ft., From _____ ft. to _____ ft.
From _____ ft. to _____ ft., From _____ ft. to _____ ft.

GRAVEL PACK INTERVALS: From 23 ft. to 140 ft., From _____ ft. to _____ ft.
From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other _____

Grout Intervals: From _____ ft. to _____ ft., From 3 ft. to 23 ft., From _____ ft. to _____ ft.

What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well None Known

Direction from well _____ Distance from well _____

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	3	Topsoil	96.5	109	Sandstone
3	10	Clay, brown, gray	109	110	Limestone, ironstone, hard
10	30	Sand, fine to coarse, some medium	110	120	Sandstone, ironstone streaks
30	32	Clay, gray	120	131	Sandstone
32	42	Sandstone, hard	131	133	Clay, gray
42	43	Clay, gray	133	140	Sandstone
43	75	Sandstone, soft	140		Shale, black
75	80	Sandstone, thin, gray, clay streaks			
80	96	Sandstone			
96	96.5	Limestone, ironstone, hard			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 3/1/12 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 185. This Water Well Record was completed on (mo/day/year) 3/5/12 under the business name of Clarke Well & Equipment, Inc. by (signature) _____

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5522. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

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

WATER RESOURCES
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JUN 20 2016

WATER RESOURCES
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FEB 16 2016

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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

June 17, 2016

KEN BERRY
1624 N 70TH RD
MINNEAPOLIS KS 67467

Re: Pending Applications,
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

In response to your written request by electronic mail received in this office on June 16, 2016, the Chief Engineer is allowing an extension of time for thirty (30) days, in which to supply further information concerning the above referenced files. The original applications were returned to you on February 25, 2016, and with this extension of time, the revised deadline will be July 20, 2016.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting this extension, you are being allowed an additional 60 days. If you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order to retain their priority of filing, the original applications and attachments must be returned to this office with the requested information on or before July 20, 2016, or within any authorized extension of time thereof. According to law, default in refileing of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office

SCANNED

Whitesell, Alex

From: Ken Berry <berryseeds@nckcn.com>
Sent: Thursday, June 16, 2016 2:45 PM
To: Whitesell, Alex
Subject: Extension of time for file #'s 49,560, 49561, 49,562, & 49563

June 16, 2016

Dear Mr. Whitesell,

I am writing you to ask for an extension of time to complete the applications 49560, 45561, 45562, and 45563. The current deadline is June 20th. I have had the test hole drilling completed and am waiting on the paperwork from the drilling company so that I can include it in my applications and return them to your office. I expect to receive it very soon. However, time has run out to get it forwarded on to you by the 20th of this month. I would like to request a short extension in filing time to allow the applications to make it to you by a new deadline. Thank you for your attention to this matter.

Sincerely
Ken Berry
785-392-7379

--

Using Opera's revolutionary email client: <http://www.opera.com/mail/>

WATER RESOURCES
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JUN 16 2016

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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

May 19, 2016

KEN BERRY
1624 N 70TH RD
MINNEAPOLIS KS 67467

Re: Pending Applications,
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

The Division of Water Resources returned the above referenced applications to you for additional information on February 25, 2016, and the current deadline for your response is June 20, 2016. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original applications and requested information needs to be returned to this office on or before **June 20, 2016**, or within any authorized extension of time thereof. According to law, default in refiling of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **June 20, 2016**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 564-6631 or by email at alexander.whitesell@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,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office

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

April 18, 2016

KEN BERRY
1624 N 70TH RD
MINNEAPOLIS KS 67467

Re: Pending Applications,
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

In response to your written request by electronic mail received in this office on April 14, 2016, the Chief Engineer is allowing an extension of time for sixty (60) days, in which to supply further information concerning the above referenced files. The original applications were returned to you on February 25, 2016, and with this extension of time, the revised deadline will be **June 20, 2016**.

Extension requests are evaluated on a case by case basis. Since it appears that no pending application would be adversely affected by granting this extension, you are being allowed an additional 60 days. If you determine that additional time will be needed, you may submit another request for an extension prior to the deadline given above. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

In order to retain their priority of filing, the original applications and attachments must be returned to this office with the requested information on or before **June 20, 2016**, or within any authorized extension of time thereof. According to law, default in refiling of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If you have any questions, please contact me at (785) 564-6631 or by email at alex.whitesell@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,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office

SCANNED

Date: Thu, 14 Apr 2016 16:02:15 -0500
To: alexander.whitesell@kda.ks.gov
Subject: request for extension of time, File nos. 49,560, 49,561, 49,562 and 49,563
From: "Ken Berry" <berryseeds@nckcn.com>
Organization: Berry Seeds

File nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Whitesell,

I appreciate the help you have been on this matter. The Stockton office has been in contact with me and has confirmed that I will need to have drill logs completed for the pending applications listed above before they can complete a safe yield estimate. For this reason as well as the need to include additional information for the applications, I am requesting an extension in time to complete and return these applications. I have been advised that this email will satisfy the requirements for this request. If you could confirm this as fact with a reply or instruct me to further notify you in another form, I would appreciate it.

Sincerely,
Ken Berry
1624 N 70th RD
Minneapolis, KS 67467
785-392-7379

Handwritten signature of Ken Berry and the date 4/15/16.

--
Using Opera's revolutionary email client: <http://www.opera.com/mail/>

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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

March 16, 2016

KEN BERRY
1624 N 70TH RD
MINNEAPOLIS KS 67467

Re: Pending Applications,
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

The Division of Water Resources returned the above referenced applications to you for additional information on February 25, 2016, and the current deadline for your response is April 18, 2016. The purpose of this letter is to provide a reminder that in order for you to retain your priority of filing, the original applications and requested information needs to be returned to this office on or before **April 18, 2016**, or within any authorized extension of time thereof. According to law, default in refiling of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

If an extension of time is necessary to supply the requested information, please request the extension of time in writing before **April 18, 2016**. Provide information as to why the additional time is needed and how much additional time is requested. Please note that since there are instances when the Chief Engineer may deny your request for an extension of time, there is no guarantee that future requests for more time will be granted.

If you have any questions, please contact me at (785) 564-6631 or by email at alexander.whitesell@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,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office

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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

February 25, 2016

KEN BERRY
1624 N 70TH RD
MINNEAPOLIS KS 67467

Re: Pending Applications,
File Nos. 49,560, 49,561, 49,562 and 49,563

Dear Mr. Berry:

After a preliminary review of your above referenced applications for permits to appropriate water received in this office on February 16, 2016, they are being returned to you for additional information. In your original applications, you requested a 60-day period of time in which to determine the precise locations for your points of diversion within specified quarter section tracts of land in Ottawa County, Kansas.

Once you've determined the precise locations for your points of diversion, complete the rest of Paragraph No. 5 for each of your applications by providing the description for the 10-acre tract location of the point of diversion as well as the feet distances North and West of the Southeast corner of the Section. The locations of the points of diversion must also be plotted on the topographical map(s) included. In the case of a battery of wells, please provide the description of the location of the proposed geographic center of the well battery, as well as **the location for each of the individual wells comprising the battery of wells**.

It was noted that there are several households in the vicinity of your proposed points of diversion. The locations of all other water wells of every kind within one-half mile (½) of the points of diversion must be plotted on the topographical map(s) as well. Each well should be identified as to its use (e.g. domestic, irrigation, industrial, etc.) and must **include the name and mailing address of the well owner**. A signed statement should be included on the map(s) declaring that all wells within one-half mile (½) of the points of diversion have been plotted, or it should declare that none exist. This information was included with your application but there appear to be households that are not listed on your maps.

Paragraph No. 13 of the application requests well information so the source of supply of the proposed wells may be determined. Pursuant to K.A.R. 5-3-4d, this office requires a stratigraphic log of wells or test holes within 300 feet of the proposed points of diversion. Please supply the indicated information and test hole logs or driller's logs with the returned applications. Also, the enclosed "Minimum Desirable Streamflow" form must be signed and notarized.

In order to retain their priority of filing, the original applications and attachments must be returned to this office with the requested information on or before **April 18, 2016**, or within any authorized extension of time thereof. According to law, default in re-filing of the completed applications and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the applications.

(over)

SCANNED

Ken Berry
February 25, 2016
Page 2 of 2

If you have any questions, please contact me at (785) 564-6631 or by email at alexander.whitesell@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 black ink, appearing to read "Alex Whitesell". The signature is stylized and cursive.

Alex Whitesell
Environmental Scientist
Water Appropriation Program

enclosures
pc: Stockton Field Office



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

February 17, 2016

KEN BERRY
1624 N 70TH RD
MINNEAPOLIS KS 67467

RE: Application
File No. 49560

Dear Sir or Madam:

Your application for permit to appropriate water in 4-10S-4W in Ottawa 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.

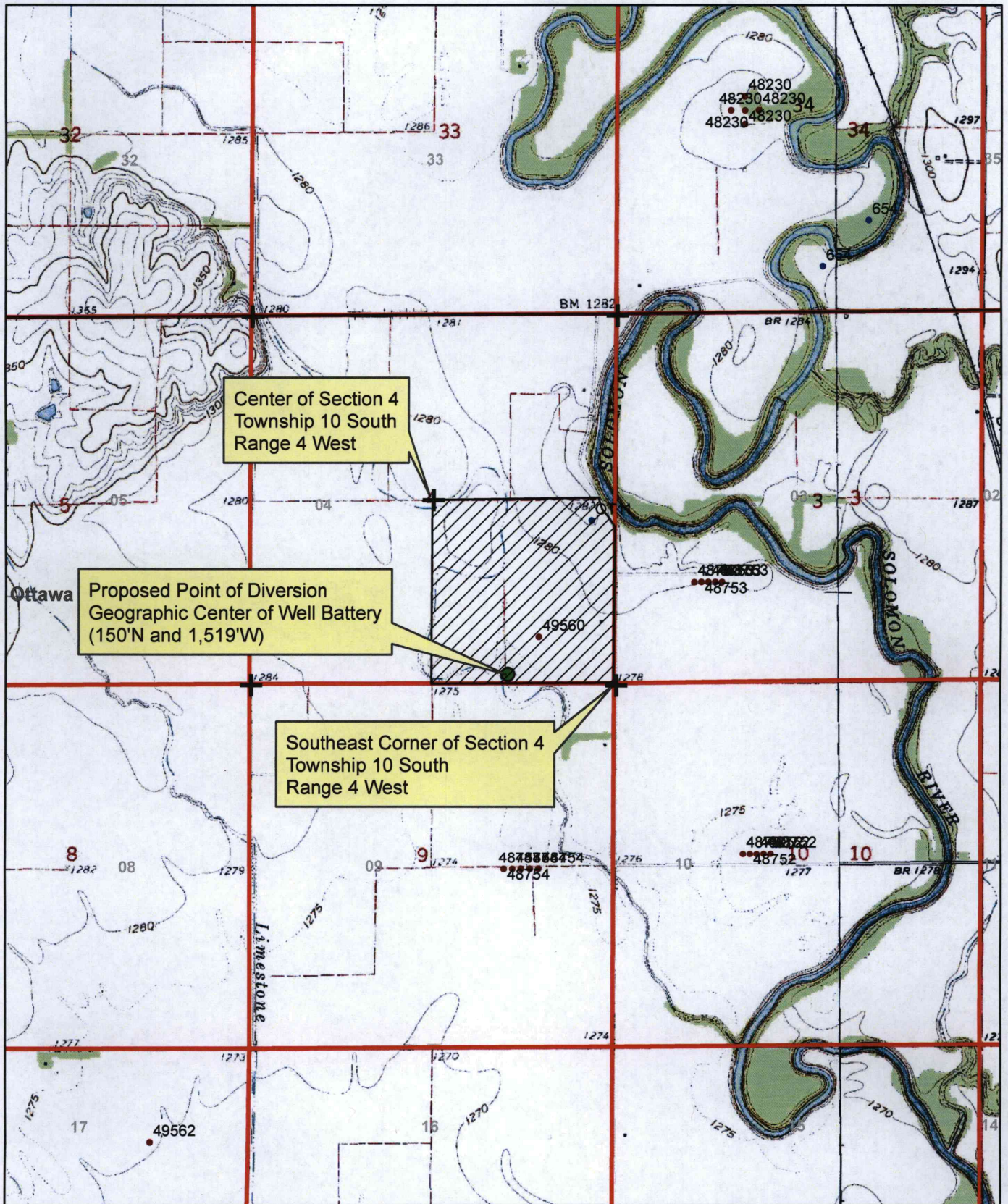
Sincerely,

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

KAK: DLW
pc: STOCKTONField Office
GMD

SCANNED

KEN BERRY - APPLICATION, FILE NO. 49,560
 Section 4, Township 10 South, Range 4 West
 Ottawa County



Proposed Place of Use

There are no known wells within one-half mile of the proposed point of diversion.

1:24,000

● Proposed Point of Diversion

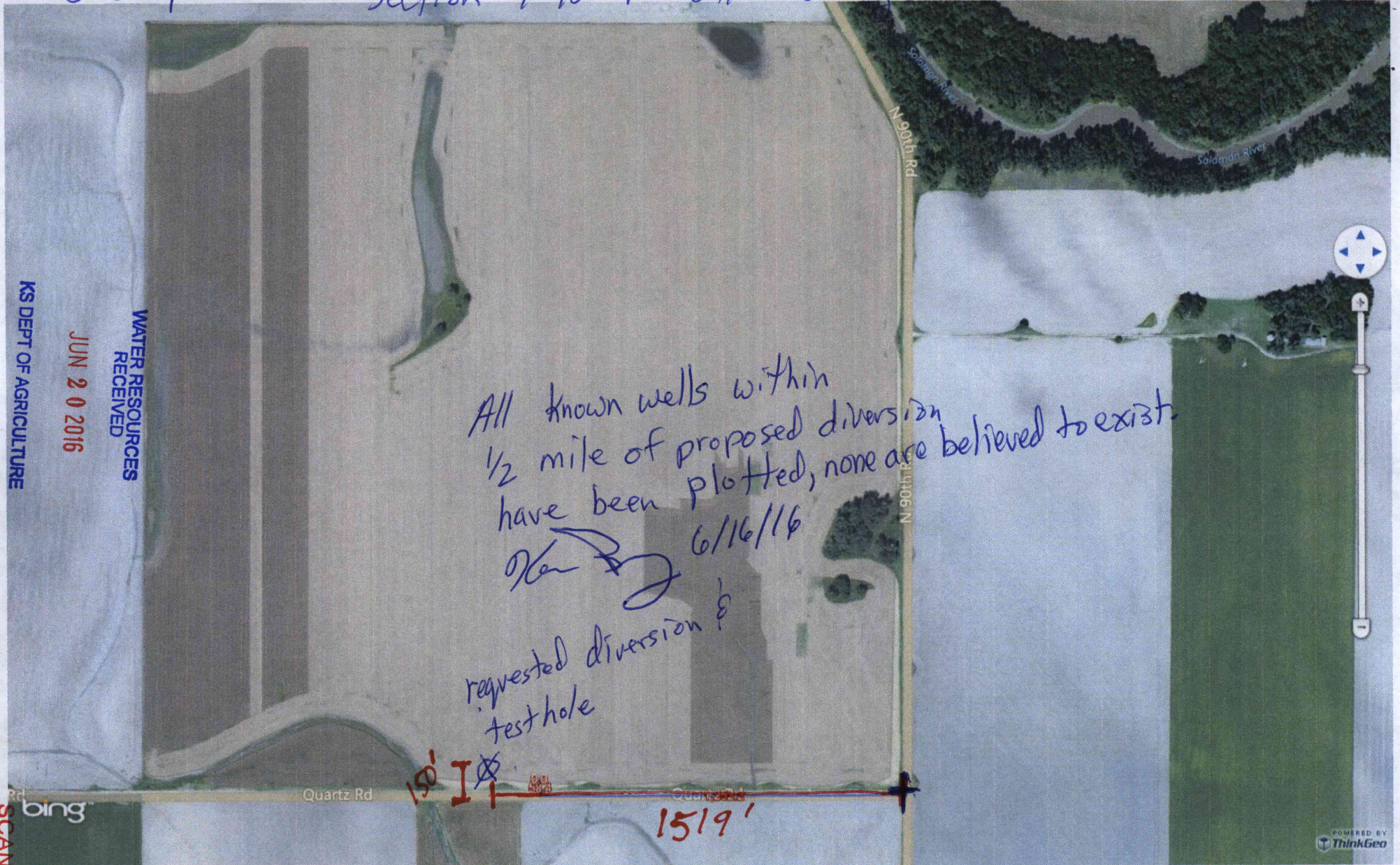
* See Signature of Applicant on Attached Map



SCANNED

SW 1/4

Section 4-10-4 Ottawa County KS.



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 JUN 20 2016

All known wells within
 1/2 mile of proposed diversion
 have been plotted, none are believed to exist.
 Ken [Signature] 6/16/16

requested diversion &
 test hole

150' I I
 1519'

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