

File No. **49519** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
				none

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ 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	
DEL 60229																								7b	no	none

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: January 6, 2017

FROM: Kristen Baum

RE: Application, File No. 49,519

Scott Sproul and Cheryl Scott filed the referenced application to appropriate 79 acre-feet of groundwater at a diversion rate of 500 gallons per minute for irrigation use. The proposed point of diversion is a battery of four (4) wells with a geographic center located in the Northwest Quarter of Section 19, Township 4 South, Range 22 West, Norton County, Kansas. The proposed appropriation is located within the North Fork Solomon River Basin.

The test hole log submitted with the application shows some sandstone, but describes significant amounts of fine to medium sand with some coarse gravel down to a depth of 120 feet, the depth at which the test hole was drilled. No static water level was reported. Staff with the DWR Stockton Field Office wasn't able to locate the test hole to get a static water level measurement, however, the applicants have another battery of wells authorized by File No. 47,224 located a short distance to the south. The static water level in the north well of the battery located 665 away was around 18 feet. Based upon this information, the source of supply appears to be tributary alluvium in the North Fork Solomon River Basin in addition to the Ogallala Formation.

K.A.R. 5-3-11 states, in part, that the North Fork Solomon River, its tributaries and their alluviums, and any other aquifer that has a substantial hydraulic connection to an alluvium, have been determined to be fully appropriated based on safe yield criteria, and shall be closed to further new groundwater appropriations. Since Application, File No. 49,519 is sourcing tributary alluvium in part, it does not meet safe yield criteria.

The applicant was sent a letter on November 18, 2016 explaining the safe yield evaluation and stating that it would be recommended to the Chief Engineer that pending application, File No. 49,519 be denied and dismissed due to the failure to meet safe yield criteria. The applicant was provided 15 days to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information. The applicant requested an extension of time and was provided until January 5, 2017 to submit additional information.

On December 27, 2016, a "Voluntary Dismissal of an Application for Permit to Appropriate Water" form signed by the applicant was received in this office. Based on the available information, it is recommended that the application be dismissed and its priority forfeited as requested by the applicant.



Kristen A. Baum
Environmental Scientist
Permits Unit

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 17, 2017

SCOTT SPROUL
22242 RD E3
EDMOND KS 67645

FILE COPY

Re: Application, File No. 49,519

Dear Sir or Madam:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,519, as you requested in the "Voluntary Dismissal of an Application for Permit to Appropriate Water" form received in our office on December 27, 2016.

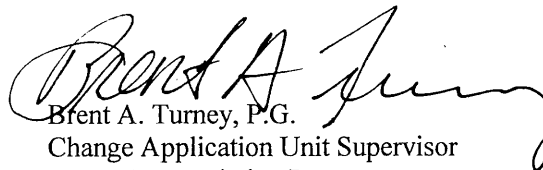
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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-71 1(c) and K.S.A. 82a-1 90 1(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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

Enclosures

pc: Stockton Field Office
Cheryl Scott

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. 49,519**

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 December 3, 2015, the Chief Engineer received an application from Scott Sproul and Cheryl Scott for permit to appropriate groundwater for beneficial use, assigned File No. 49,519, proposing the appropriation of 79 acre-feet of water, at a maximum requested diversion rate of 500 gallons per minute, for irrigation use. The specific location for the proposed point of diversion was to be the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, more particularly described as being near a point 3,710 feet North and 4,751 feet West of the Southeast corner of said section, in Township 4 South, Range 22 West, Norton County, Kansas.
2. That the source of supply for the pending application would be tributary alluvium in the North Fork Solomon River Basin, in addition to the Ogallala Formation.
3. That K.A.R. 5-3-11 states, in part, that the North Fork Solomon River, its tributaries and their alluviums, and any other aquifer that has a substantial hydraulic connection to an alluvium, have been determined to be fully appropriated based on safe yield criteria, and shall be closed to further new groundwater appropriations.
4. That on November 18, 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 December 5, 2016 to either submit additional information to our office or request additional time, prior to final action on the application.
5. That the applicant requested, and was provided an extension of time until January 5, 2017 to submit additional information.
6. That a signed "Voluntary Dismissal of an Application for Permit to Appropriate Water" form for Application, File No. 49,519 was received in the office of the Chief Engineer on December 27, 2016.
7. That the application should be dismissed and its priority forfeited as requested by the applicant.

(over)

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. 49,519, 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.

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

Ordered this 17th day of January, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17th day of January, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

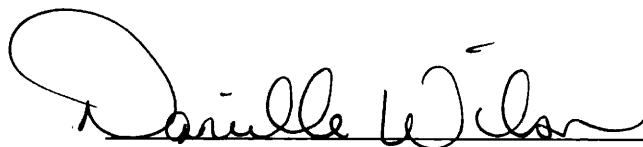
On this 17th day of January, 2017, I hereby certify that the foregoing Dismissal of Application, File No. 49,519, dated January 17, 2017 was mailed postage prepaid, first class, US mail to the following:

SCOTT SPROUL
22242 RD E3
EDMOND KS 67645

With photocopies to:

CHERYL L SCOTT
21725 ROAD E2
LENORA KS 67645

Stockton Field Office

A handwritten signature in cursive script, reading "Danielle Wilson", is written over a horizontal line.

Division of Water Resources

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 44,519
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

**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.)

DEC 03 2015

11:51
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): Scott Sproul / Cheryl Scott
Address: 22242 Road E3
City: Edmond State KS Zip Code 67645
Telephone Number: (785) 871-7778

2. The source of water is: surface water in _____ (stream)
OR groundwater in NF Solomon (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 79AF acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 500 GPM 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>	GMD <input checked="" type="checkbox"/>	Meets K.A.R. 5-3-1 (YES/NO) <input checked="" type="checkbox"/>	Use <u>IRR</u>	Source <u>G/S</u>	County <u>NT</u>	By <u>ASW</u>	Date <u>12/3/15</u>
Code <u>REG</u>	Fee \$ <u>200</u>	TR # <u>16210296</u>	Receipt Date <u>12/3/15</u>	Check # <u>1037</u>			

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. Battery of Wells

- (A) One in the NW quarter of the SW quarter of the NW quarter of Section 19, more particularly described as being near a point 3710 _____ feet North and 4751 feet West of the Southeast corner of said section, in Township 4 South, Range 22W, Norton _____ County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

Cheryl Scott 21725 Road E2 Edmond, KS. 67645 785-871-7778
 (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 November 30 2015. Cheryl L. Scott
 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 up to 4 wells
 (number of wells, pumps or dams, etc.)
 and will be completed (by) June 2016
 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be June 2016
 (Mo/Day/Year)

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 NA _____
- If no, explain here why a Water Structures permit is not required No water is being stored; no channel changed

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

DEC 03 2015
SCANNED
KS DEPT OF AGRICULTURE

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	11-11			
Total depth of well	120			
Depth to water bearing formation	40			
Depth to static water level	45			
Depth to bottom of pump intake pipe	na			

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner's son
(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):

Cheryl Scott 21725 Road E2 Edmond, KS. 67645 785-871-7778
(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 Norton County, Kansas, this 30th day of November, 2015.
(month) (year)

✓ 
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Scott E. Ross WRIS GM Date: 11-23-2015
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,519

Name of Applicant (Please Print): CHERYL SCOTT / SCOTT SPROUL

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: CHERYL SCOTT
 ADDRESS: 21725 Road E2 Edmond, KS 67645

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19	4	22W					2	20	4										26

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	

DEC 03 2015
SCANNED

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
<u>Mujon</u>	<u>15</u>	<u>0.6-2"/hr</u>	<u>9</u>
<u>Colby-Wydess</u>	<u>40</u>	<u>0.6-2"/hr</u>	<u>5</u>
<u>Holdrege</u>	<u>45</u>	<u>0.6-2"/hr</u>	<u>5</u>
<u>Total:</u>	<u>100</u> 100%		

b. Estimate the average land slope in the field(s): 3 %

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: Drip System

d. System design features:

i. Describe how you will control tailwater: None Allowed

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 20 psi

(2) What is the sprinkler package design rate? 500 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? Drip System

(4) Please include a copy of the sprinkler package design information.

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

Vegetable Project w/ KDA

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).

Soil moisture monitor

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

See Attachment

DEC 27 2016

KS DEPT OF AGRICULTURE

Voluntary Dismissal of an Application for Permit to Appropriate Water

12-21-16
(Date)

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application File No. 49,519

Chief Engineer:

I am submitting this statement in regard to Application for Permit to Appropriate Water, File No. 49,519. I am (~~We~~are) the applicant(s) who filed this application. I (~~We~~) now wish to voluntarily withdraw that application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application File No. 49,519.

Sincerely,

[Signature]
(Applicant)

(Applicant)

2042 Rd E3
(Mailing Address)

(Mailing Address)

Edmond, KS 73115
(City, State, Zip)

(City, State, Zip)

(Applicant)

(Applicant)

(Mailing Address)

(Mailing Address)

(City, State, Zip)

(City, State, Zip)

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 28, 2016

FILE COPY

SCOTT SPROUL
22242 RD E3
EDMOND KS 67645

Re: Pending Application, File No. 49,519

Dear Mr. Sproul:

In response to a written request by email submitted on your behalf by Scott Ross, and received in this office on November 23, 2016, the Chief Engineer is allowing an extension of time for thirty (30) days, in which to supply further information concerning the above referenced file. With this extension of time, the revised deadline will be **January 5, 2017**.

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 30 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 its priority of filing, any additional information must be returned to this office on or before **January 5, 2017**, or within any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6632 or by email at kristen.baum@kda.ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Scott Ross – Water Rights Investigative Services LLC, 209 S Ash St., Stockton KS 67669

SCANNED

Baum, Kristen

From: Baum, Kristen
Sent: Wednesday, November 23, 2016 2:58 PM
To: 'Scott Ross'
Subject: RE: File No. 49,519

No problem, I'll extend the deadline 30 days.

From: Scott Ross [<mailto:water.rights.llc@gmail.com>]
Sent: Wednesday, November 23, 2016 1:18 PM
To: Baum, Kristen; Scott Sproul
Subject: File No. 49,519

Kristen,

I am going to need an extension of time 30 days if you please to develop some data for Scott Sproul. I want to look at the previous application and some well logs.

Thanks for you help.

Scott

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

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

November 18, 2016

SCOTT SPROUL
22242 RD E3
EDMOND KS 67645

FILE COPY

Re: Pending Application,
File No. 49,519

Dear Mr. Sproul:

The Division of Water Resources has reviewed the above referenced application. The source of water for the point of diversion appears to be the alluvium of the North Fork Solomon River, in addition to the Ogallala Formation. K.A.R. 5-3-11 states, in part, that **the North Fork Solomon River, its tributaries and their alluviums, and any other aquifer that has a substantial hydraulic connection to an alluvium, have been determined to be fully appropriated based on safe yield criteria**, and shall be closed to further new groundwater appropriations. Thus, it will be recommended to the Chief Engineer that pending application, File No. 49,519 be denied and dismissed due to the failure to meet safe yield criteria.

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until December 5, 2016**) to either (1) submit additional information to our office or (2) 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.

If you do not request more time within the 15 day period, or if your request is not granted, it will be recommended to the Chief Engineer that Application, File No. 49,519 be denied and dismissed due to failure to meet safe yield criteria, as required by K.A.R. 5-3-11. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the application. If you have any questions or would like to discuss your options, please contact myself at 785-564-6627 or Kelly Stewart at the Stockton Field Office, 785-425-6787.

Sincerely,

Kristen A. Baum
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office
Scott Ross – Water Right Investigative Service LLC

SCANNED

Baum, Kristen

From: Stewart, Kelly
Sent: Wednesday, November 9, 2016 5:01 PM
To: Baum, Kristen; Billinger, Mark
Subject: RE: 49,519 - Sproul/Scott

Kristen,

We had Nick Hixon, our intern, go out today and look for a test hole at this location. He was unable to find one and thus couldn't measure the static water table. He did, however, go to the North well of the battery authorized by File No. 47,224. Nick measured the static water level at 18'3". This information would support Mark's assessment below that we do have both alluvium and Ogallala as the source of supply. It would seem appropriate to recommend this file for dismissal. If the applicant disagrees with this assessment, then I think they could submit some type of hydrological analysis to prove it isn't.

Also, Nick found that 48,061 is basically completed and 48,060 has been staked, but not drilled. Perhaps 49,519 won't even meet safe yield with these being completed.

Kelly

From: Baum, Kristen
Sent: Thursday, November 3, 2016 2:31 PM
To: Billinger, Mark <Mark.Billinger@ks.gov>; Stewart, Kelly <Kelly.Stewart@ks.gov>
Subject: RE: 49,519 - Sproul/Scott

Good to see you Kelly. As we discussed, if you guys can try and get a SWL from the test hole and follow up with Craig Renner on 48060 and 48061 (have they been completed?), then we can go from there.

Thanks,
Kristen

From: Billinger, Mark
Sent: Wednesday, November 02, 2016 4:09 PM
To: Stewart, Kelly; Schemm, Doug; Baum, Kristen
Subject: RE: 49,519 - Sproul/Scott

It is a complicated answer. Basically both I believe.

Here is a copy of NT geology plate Doug refers to. It is tributary alluvium deposited in the valley of the tributary on top of Ogallala formation that shares a common water table. Since there are lots of phreatophytes near the creek here then SWL is probably intersecting stream channel or within 10 feet of streambed. Ogallala discharges through the tribs to the NF Solomon in that area.

Basically in that area the water level in the surrounding Ogallala is at equilibrium with elevation of the nearby tributary stream channels. I.e. as Ogallala recharges, water then moves downgradient and discharges through stream channels (phreatophytes take what they can and the rest then discharges to streambed and flows to NF). Stream channels of tributaries are the drains. Flow picks up every fall when phreatophytes go dormant.



From: Stewart, Kelly
Sent: Wednesday, November 02, 2016 3:11 PM
To: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: FW: 49,519 - Sproul/Scott

Mark, could you look at this please?

From: Schemm, Doug
Sent: Wednesday, November 2, 2016 1:25 PM
To: Baum, Kristen <Kristen.Baum@ks.gov>; Stewart, Kelly <Kelly.Stewart@ks.gov>
Subject: RE: 49,519 - Sproul/Scott

Hello Kristen,

Dang these drill logs without SWL!! I reviewed some of Cheryl's other wells and neighbors, and in my opinion, some alluvial source is likely involved. I'm basing that on the shallow depths to water and the "loose" sand descriptions. Also the Norton County Bulletin Plate 1 indicates alluvial deposits in this area.

Of course, it's pretty borderline and certainly not much in thickness or areal extent.

But I would definitely want Kelly's input, because he's much more familiar with this area.

Hope that helps.

Doug

From: Baum, Kristen

Sent: Wednesday, November 02, 2016 12:05 PM

To: Stewart, Kelly; Schemm, Doug

Subject: 49,519 - Sproul/Scott

If you guys have a chance, can you take a look at this new app? Trying to decide if it's sourcing some alluvium...

Kristen A. Baum

Division of Water Resources – Water Appropriations

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan KS 66502

(785) 564-6627

My email address has changed: kristen.baum@ks.gov

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49519 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49519 00 IRR

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

3710 Feet North and 4751 Feet West of the Southeast Corner of Section 19 T 4S R 22W

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__ 44620 00	STK NK G			3034	--	SW	NW	SW	1471	4890	18	4	22W	1		14.42	14.42	AF
Same				1699	--	SW	SW	SW	133	4587	18	4	22W	2				
A__ 47224 00	IRR LO G			882	--	SE	SW	NW	2843	4590	19	4	22W	6 G	4	407.34	407.34	AF
Same				964	--	SW	SW	NW	2746	4762	19	4	22W	1 B	4			
Same				1049	--	SE	SW	NW	2693	4495	19	4	22W	2 B	4			
Same				670	--	SW	SW	NW	3047	4651	19	4	22W	4 B	4			
Same				876	--	SE	SW	NW	2886	4454	19	4	22W	7 B	4			
A__ 48060 00	IRR HK G			10490	--	SE	NW	NW	3960	4588	23	4	23W	7 B	4	180.00	.00	AF
A__ 48061 00	IRR HK G			10533	--	SE	SW	NW	2745	4590	23	4	23W	12 B	4	180.00	.00	AF
A__ 48442 00	IRR LO G			10336	--	NE	SW	NE	3371	1410	12	4	23W	3 G	2	208.50	208.50	AF
Same				10516	--	NE	SW	NE	3526	1555	12	4	23W	1 B	2			
Same				10157	--	SW	SE	NE	3216	1265	12	4	23W	2 B	2			
A__ 49519 00	IRR AY G			0	--	NW	SW	NW	3710	4751	19	4	22W	8		79.00	79.00	AF
P__20150213 00	IND GY G			7303	--	SW	SE	SW	435	3890	7	4	22W	1		.92	.92	AF

70'
27'

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	79.00	.00
Total Permitted Amount (AF) =	.92	.00
Total Inspected Amount (AF) =	615.84	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	14.42	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	710.19	.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:

3710 Feet North and 4751 Feet West of the Southeast Corner of Section 19 T 4S R 22W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number	Use	ST	SR
A__ 44620 00	STK NK G		
> CHRIS & MELINDA HARTING			
>			
> 16799 ROAD U			
> NORTON KS 67654			
>-----			
A__ 47224 00	IRR LO G		
> SCOTT SPROUL			
>			
> 22242 RD E3			

> EDMOND KS 67645

>-----
A__ 48060 00 IRR HK G

> CRAIG R RENNER

>

> 1010 WEST ST

> NORTON KS 67654

>-----
A__ 48061 00 IRR HK G

> CRAIG R RENNER

>

> 1010 WEST ST

> NORTON KS 67654

>-----
A__ 48442 00 IRR LO G

> TYLER HARTING INC

>

> 17693 RD U

> NORTON KS 67654

>-----
A__ 49519 00 IRR AY G

> SCOTT SPROUL

>

> 22242 RD E3

> EDMOND KS 67645

>-----
P__20150213 00 IND GY G

> WOOFER PUMP & WELL INC

>

> PO BOX 689

> HOXIE KS 67740

>-----
=====

#####

Analysis Results

 The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 507.65 AF.
 Total prior appropriation in the circle is 709.26 AF.
 Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

 The area used for the analysis is set at 8,042 acres.
 Potential annual recharge of the area is estimated to be 1.01 inches.
 The percent of recharge available for appropriation is 75%.

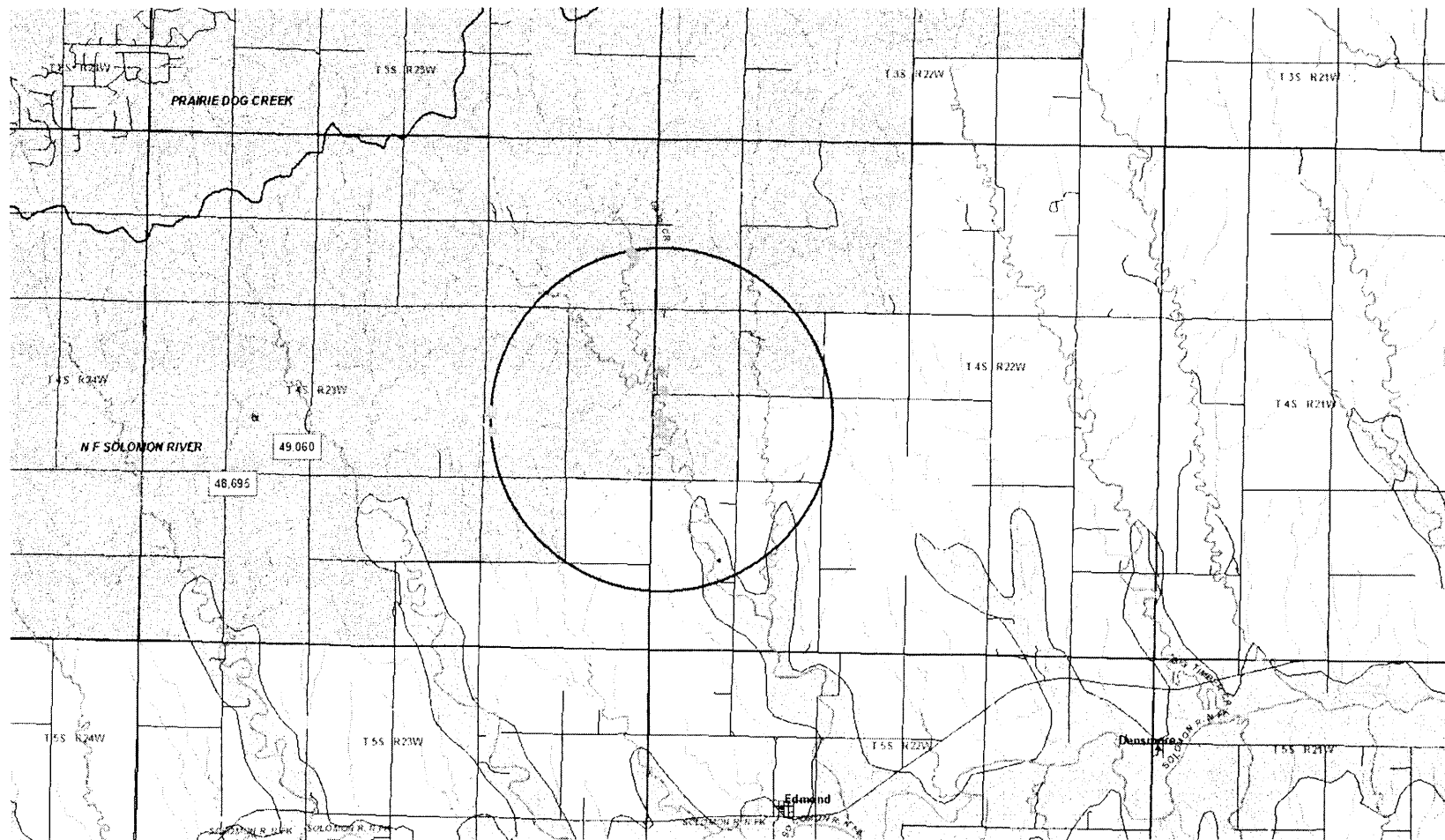
Authorized Quantity values are as of 02-NOV-2016 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 6 water right(s) and 16 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 44620	00	STK	NK	G		SW	NW	SW	1471	4890	18	04	22W	1	WR	14.42	14.42		
Same		STK	NK	G		SW	SW	SW	133	4587	18	04	22W	2	WR				
A 47224	00	IRR	LO	G		SW	SW	NW	2746	4762	19	04	22W	1	WR	407.34	407.34	259.00	259.00
Same		IRR	LO	G		SE	SW	NW	2693	4495	19	04	22W	2	WR				
Same		IRR	LO	G		SW	SW	NW	3047	4651	19	04	22W	4	WR				
Same		IRR	LO	G		SE	SW	NW	2843	4590	19	04	22W	6	WR				
Same		IRR	LO	G		SE	SW	NW	2886	4454	19	04	22W	7	WR				
A 48060	00	IRR	HK	G		SW	NW	NW	3960	4688	23	04	23W	6	WR	180.00	0.00	120.00	0.00
Same		IRR	HK	G		SE	NW	NW	3960	4588	23	04	23W	7	WR		180		
Same		IRR	HK	G		SW	NW	NW	4060	4688	23	04	23W	9	WR				
Same		IRR	HK	G		NW	SW	NW	3860	4688	23	04	23W	10	WR				
A 48061	00	IRR	HK	G		SE	SW	NW	2745	4590	23	04	23W	12	WR	180.00	0.00	120.00	0.00
A 48442	00	IRR	LO	G		NE	SW	NE	3526	1555	12	04	23W	1	WR	208.50	208.50	172.00	172.00
Same		IRR	LO	G		SW	SE	NE	3216	1265	12	04	23W	2	WR				
Same		IRR	LO	G		NE	SW	NE	3371	1410	12	04	23W	3	WR				
A 49519	00	IRR	AY	G		NW	SW	NW	3710	4751	19	04	22W	8	WR	79.00	79.00	26.00	0.00

→ Cert for loss?

Safe Yield Report Sheet
Water Right- A4951900
Point of Diversion in NWSWN 19-4S-22W 8 (84866)



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

	sum				15551.46
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			IRR	21498.76	13653.03
			IND	638.00	308.60
			MUN	1152.36	913.36
			STK	1297.82	671.47
	sum			24586.94	15546.46

scaling factor	modeled avg50-yr impact 2050-2069	final avg50-yr impact 2050-2069	avg 50-yr response 2050-2069	reduced quantity with est. 10af impact
1	8.195	8.20	0.0953	
1	3.705	3.71	0.0302	
1	2.585	2.59	0.0624	
1	9.035	9.04	0.0391	
1	0.085	0.09	0.0028	
1	0.68	0.68	0.1360	
1	0	0.00	0.0000	
1	9.735	9.74	0.1803	
1	9.995	10.00	0.1817	
1	0	0.00	0.0000	
0.492307692	20.21	9.95	0.1036	96
1	9.335	9.34	0.0479	
0.741666667	13.455	9.98	0.0561	178
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	0	0.00	0.0000	
1	3.175	3.18	0.0318	
1	1.225	1.23	0.0155	
0.933333333	10.73	10.01	0.0447	224

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



Estimated Water Requirements of Vegetable Crops

Frank J. Dainello, Extension Horticulturist
 Department of Horticultural Sciences, Texas A&M University

CROP	INCHES /A	CRITICAL NEED STAGE
Asparagus	10 - 18	establishment and fern development
Bean, green	10 - 15	bloom and pod set
Bean, pinto	15 - 20	bloom and pod set
Beet, table	10 - 15	establishment and early growth
Broccoli	20 - 25	establishment and heading
Cabbage	20 - 30	uniform throughout growth
Cantaloupe	13 - 20	establishment vining to first net
Carrot	10 - 15	emergence through establishment
Cauliflower	20 - 30	establishment and 6 - 7 leaf stage
Celery	30 - 35	uniform, last mont of growth
Collards/kale	12 - 14	uniform throughout growth
Corn, sweet	20 - 35	establishment, tassel elongation, ear development
Cowpea	10 - 15	bloom, fruit set, pod development
Cucumber, pickle	15 - 20	establishment, vining, fruit set
Cucumber, slicer	20 - 25	establishment, vining, fruit set
Eggplant	20 -35	bloom through fruit set
Garlic	15 - 20	rapid growth to maturity
Lettuce	8 - 12	establishment
Mustard green	10 - 15	uniform throughout growth
Okra	15 - 20	uniform throughout growth
Onion	25 - 30	establishment, bulbing to maturity
Pepper, bell	25 - 35	establishment, bloom set
Pepper, jalapeno	25 - 30	uniform throughout growth
Potato	20 - 40	vining, bloom, tuber initiation
Pumpkin	25 - 30	2-4 wks after emergence, bloom, fruit set and development
Radish, red globe	5 - 10	rapid growth and development
Spinach	10 - 15	uniform throughout growth, after each cut if needed
Squash	7 - 10	uniform throughout growth
Sweetpotato	10 - 20	uniform until 2 - 3 wks prior to anticipated harvest
Tomato	20 - 25	bloom through harvest
Turnip	10 - 15	uniform throughout growth
Watermelon	10 - 15	uniform until 10 - 14 days prior to anticipated harvest

Texas Cooperative Extension, Horticulture Crop Guides Series Revised November, 2003
<http://aggie-horticulture.tamu.edu/extension/vegetable/cropguides/waterrequirements.html>
 Prepared for Web delivery by Brooke Bludau, Amanda Zan, and Dan Lineberger

WATER RESOURCES RECEIVED

DEC 03 2015
 SCANNED
 KS DEPT OF AGRICULTURE

49,519

Sargent Irrigation

WELL AND PUMP SERVICE

PO Box 268
Holdrege, NE 68949

825 Brewster Road

Phone: (308) 995-6143
1-800-860-2946

TEST HOLE LOG

CUSTOMER: Cheryl Scott	DATE: 11/01/11
WELL ID:	
LOCATION: NW ¼, 19-T4S-R22W Norton Co., KS	
LATITUDE: 39° 41' 28.6"	
LONGITUDE: 99° 51' 00.8"	
FOOTAGES:	
DRILLED BY: Cody & Doug	

SWL:
PWL:
GPM:

from feet - to feet

0	20	Topsoil, clay and sand, dense, brown
20	40	Fine-med sand, coarse gravel w/trace of sandstone, loose, brown
40	60	Fine-med sand, coarse gravel w/trace of sandstone, loose, brown
60	80	Fine-med sand, and sandstone, loose, brown
80	100	Fine-med sand, sandstone and trace of gravel, loose, brown
100	120	Fine-med sand, sandstone, lime 117', loose, brown

WATER RESOURCES
RECEIVED

DEC 03 2015

KS 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

December 3, 2015

SCOTT SPROUL / CHERYL SCOTT
22242 ROAD E3
EDMOND KS 67645

RE: Application
File No. 49519

Dear Sir or Madam:

Your application for permit to appropriate water in 19-4S-22W in Norton 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 "Kenneth A. Kopp".

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

KAK: DLW
pc: STOCKTONField Office
GMD 0

SCANNED