

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

1. File Number: 49613	2. Status Change Date: 2/6/2017	3. Field Office: 03	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

7a. Applicant(s) New to system Person ID **31807**
Add Seq# _____

**COXS VALLEY VIEW FARMS
STEVEN L COX
1476 HWY 383
LONG ISLAND KS 67647**

7c. Landowner(s) New to system Person ID _____
Add Seq# _____

7b. Landowner(s) New to system Person ID _____
Add Seq# _____

7A

7d. Misc New to system Person ID _____
Add Seq# _____

8. WUR Correspondent New to system Person ID _____
Overlap File (s) WUC Add Seq# _____
Agree Yes No Notarized WUC Form

7a

9. Use of Water: Changing? Yes No
 Groundwater Surface Water
 IRR REC DEW MUN
 STK SED DOM CON
 HYD DRG WTR PWR ART RECHRG
 IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2018** 11. Perfection Date: **12/31/2022** 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: **1/27/17** By: **KAB**
Date Entered: **2/8/2017** By: **UM**

File No. **49613** 15. Formation Code: **211** Drainage Basin: **Prairie Dog Creek** County: **NT** Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			85199	NW SE SE	24	1S	21W	1	788	1200 <i>Geo Cr</i>
MOD			85200	NE SW SE	24	1S	21W	2	850	1325 <i>Batt 1 of 4</i>
MOD			85201	NW SE SE	24	1S	21W	3	800	1230 <i>Batt 1 of 4</i>
MOD			85199 <i>85201</i>	NW SE SE	24	1S	21W	4	778	1145 <i>Batt 1 of 4</i>
MOD			85199 <i>85203</i>	NW SE SE	24	1S	21W	5	725	1075 <i>Batt 1 of 4</i>
<i>Battery IO # 1946</i>										

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	103	800	103	none

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

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

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
MOD			67678	24	1S	21W	1	21	35	35	22	3			3	29	31	29	29	28	33	28	24	350	7a	no	none		

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 26, 2017

FROM: Kristen Baum *Kristen Baum*

RE: Application, File No. 49,613

Cox Valley View Farms has filed the referenced application to appropriate 103 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use. The proposed point of diversion is a battery of four (4) wells with a geographic center located in the Southeast Quarter of Section 24, Township 1 South, Range 21 West, Norton County, Kansas. The proposed appropriation is located within the Prairie Dog Creek River Basin and the source of supply will be the Ogallala Formation. The place of use and point of diversion are both owned by applicant.

The applicant initially requested 594 acre-feet, but after a review of the application, it was determined that 103 acre-feet was the maximum quantity of water that could be appropriated. The applicant agreed to the reduced quantity of water. The place of use comprises three existing center pivots located in Section 24 that are equipped to receive swine effluent from the applicant's swine facilities located approximately 2 ½ miles to the north. The reduced quantity of water is significantly less than the maximum reasonable quantity for irrigation use in Norton County, per K.A.R. 5-3-24, but since it will be used in conjunction with the swine effluent for irrigation, and will provide some much-needed flexibility for the applicant with respect to nutrient management, it can be considered reasonable. Furthermore, the applicant has other active Water Rights, and doesn't have a history of overpumping.

This application was filed prior to issuance of the Guidance Document regarding applications impacting Kansas compliance with the Republican River Compact (RRC). Thus, it can be further processed subject to safe yield as described in K.A.R. 5-3-11, which states in part, that the Prairie Dog Creek, its tributaries and their alluviums, and any other aquifer that has a substantial hydraulic connection to an alluvium, have been determined to be fully appropriated based on safe yield criteria, and shall be closed to further new groundwater appropriations. The Division of Water Resources uses the RRC groundwater model to determine whether a substantial hydraulic connection exists. Using the requested quantity of water and specific point of diversion, the model determines the potential impact to streamflow, and the value selected by the Chief Engineer to represent a substantial hydraulic connection is an average annual impact greater than 10 acre-feet. Based on the model run, this application would've had a potential impact of 57.7 acre-feet, but at the reduced quantity of water requested, the potential impact is only 10 acre-feet so the application can be further processed.

The proposed point of diversion must also comply with K.A.R. 5-3-11 safe yield evaluation based on the area of consideration (extent of unconfined aquifer) within a 2-mile circle, calculated recharge quantity, and the extent of recharge available in that basin. Using a 7,205 acre area of consideration (excluding alluvium to the north) and a potential recharge of 1.05 inches with 75% available for appropriation, safe yield was determined to be 472.83 acre-feet. Existing water rights have appropriated 44.81 acre-feet within the area of consideration, providing a difference of 428.02 acre-feet available for appropriation. Thus there is a sufficient quantity of water available for appropriation, and the application meets all safe yield criteria.

No wells of any kind were identified by the applicant within one-half mile of the proposed point of diversion, so no notification letters were sent. The closest potential domestic well appears to be a least 3,000 feet away. According to the WRIS database, the closest nondomestic well is approximately 4,500 feet to the west. Thus, the proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4.

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

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 8, 2017

COXS VALLEY VIEW FARMS
STEVEN L COX
1476 HWY 383
LONG ISLAND KS 67647

FILE COPY

Re: Appropriation of Water, File No. 49,613

Dear Sir or Madam:

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

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

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

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

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

Sincerely,

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

BAT:kab
Enclosures
pc: Stockton Field Office

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED
 (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,613** of the applicant

COXS VALLEY VIEW FARMS
STEVEN L COX
1476 HWY 383
LONG ISLAND KS 67647

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 **April 8, 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	
24	1S	21W	21	35	35	22	3			3	29	31	29	29	28	33	28	24	350

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographical center located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW¼ SE¼ SE¼) of Section 24, more particularly described as being near a point 788 feet North and 1,200 feet West of the Southeast corner of said section, in Township 1 South, Range 21 West, Norton 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 **103 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

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

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

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

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

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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

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

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

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

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

Ordered this 6th day of February, 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 6th day of February, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

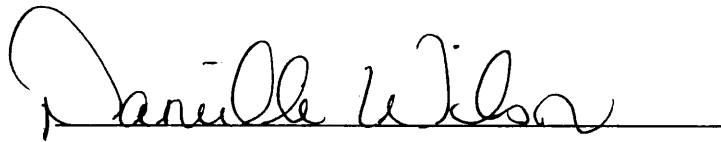
CERTIFICATE OF SERVICE

On this 8th day of February, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,613, dated February 6, 2017 was mailed postage prepaid, first class, US mail to the following:

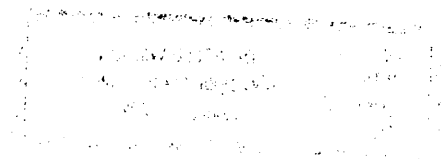
COXS VALLEY VIEW FARMS
STEVEN L COX
1476 HWY 383
LONG ISLAND KS 67647

With photocopies to:

Stockton Field Office



Division of Water Resources



Baum, Kristen

From: Stewart, Kelly
Sent: Thursday, January 26, 2017 2:13 PM
To: Baum, Kristen
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: 49,613 - Cox's Valley View Farms

Kristen,

I have no objection to the approval of this application. I understand the quantity of water is less than reasonable, but the owner is already making do with effluent water from the hog facility. This fresh water will only improve the situation.

Kelly

From: Baum, Kristen
Sent: Thursday, January 26, 2017 1:53 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: 49,613 - Cox's Valley View Farms

Kelly,

Attached is a memo for file no. 49613. This application is for irrigation in the Prairie Dog Creek basin. There are three existing center pivots that don't currently have any water rights associated with them but are piped to the applicant's hog facility to the north up by the state line. It was filed prior to the RRC guidance document and had to be reduced substantially to meet the 10 ac-ft model restriction. The quantity of water is quite a bit less than what we would normally consider reasonable for a place of use this size, but they are also irrigating with swine effluent. I imagine the quantity will really help them out in complying with KDHE's nutrient management regs. There were no nearbys.

Please provide your recommendation.

Thanks,

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

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE
1/26/17
Reviewer KAB

File Number 49,613
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

APR 08 2016
12:14
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.)

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): Cox's Valley View Farms
Address: 1476 Hwy 383
City: Long Island State Ks Zip Code 67647
Telephone Number: (785) 854-7460 cell 8019

2. The source of water is: surface water in _____ (stream)
OR groundwater in Prairie Dog (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 594 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 gallons per minute OR _____ cubic feet per second.

103 Ac-Ft as per phone call between Kelly Stewart and Steve Cox on 1-12-17

KAB/DWR

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 IRZ Source GS County NT By AW Date 4/8/16
Code RE3 Fee \$ 300 TR # 16041256 Receipt Date 4/8/16 Check # 1438

SCANNED
4/18/2016 LLM

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>Holdrege</u>	_____	<u>No Till operation</u>	<u>Very good rate of Intake</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 3 %
 Estimate the maximum land slope in the field(s): 5 %

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:
NA

ii. For sprinkler systems:
 (1) Estimate the operating pressure at the distribution system: 15 psi
 (2) What is the sprinkler package design rate? 450 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? 16 feet
 (4) Please include a copy of the sprinkler package design information.

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

Corn, Soybeans and 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).

We will irrigate as needed in growing season

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

WATER RESOURCES RECEIVED

APR 08 2016

SCANNED

Geo Center

NW SE SE

KAB/DWR

File No. 49,613

788 N and 1200 W of SE corner 24-1-21

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the ^{NE}SW quarter of the ^{SW}NW quarter of the SE quarter of Section 24, more particularly described as being near a point 850 feet North and 1325 feet West of the Southeast corner of said section, in Township 1 South, Range 21 East/West (circle one), Norton County, Kansas.
- (B) One in the ^{NW}SW quarter of the ^{SE}NW quarter of the SE quarter of Section 24, more particularly described as being near a point 800 feet North and 1230 feet West of the Southeast corner of said section, in Township 1 South, Range 21 East/West (circle one), Norton County, Kansas.
- (C) One in the ^{NW}SW quarter of the ^{SE}NW quarter of the SE quarter of Section 24, more particularly described as being near a point 778 feet North and 1145 feet West of the Southeast corner of said section, in Township 1 South, Range 21 East/West (circle one), Norton County, Kansas.
- (D) One in the ^{NW}SW quarter of the ^{SE}NW quarter of the ^{SE}SW quarter of Section 24, more particularly described as being near a point 725 feet North and 1075 feet West of the Southeast corner of said section, in Township 1 South, Range 21 East/West (circle one), Norton County, Kansas.

KAB/DWR 1-26-17

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

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

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

_____ (name, address and telephone number)

_____ (name, address and telephone number)

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

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

Executed on March 31, 2016.

Steven Cox

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 (number of wells, pumps or dams, etc.) and (was)(will be) completed (by) _____ July 15 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 July 16, 2016 (Mo/Day/Year)

WATER RESOURCES RECEIVED

APR 08 2016

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

APR 08 2016

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>1/20/16</u>	_____	_____	_____
Total depth of well	<u>Test log enclosed</u>			
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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

owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Long Island, Kansas, this 31 day of March, 2016.
(month) (year)

Steven Cox
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,613

Name of Applicant (Please Print): Steven Cox

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: Cox's ValleyView Farm Inc
 ADDRESS: 1476 Hwy 383 Long Island, Ks 67647

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24	1	21	33	33	33	33					33	33	33	33	33	33	33	33	396
24	15	21W	21	35	35	22	3			3	29	31	29	29	28	33	28	24	350

*KAB/DWR
as per phone
call w/ Steven
Cox 1-26-17*

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	

WATER RESOURCES
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(Date)

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

Re: Application
File No. 49,613

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.

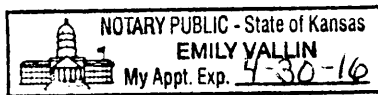
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Steven Cox
Signature of Applicant

State of Kansas)
County of Phillips) ss

Steven Cox
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 31 day of March, 2016.



Emily Vallin
Notary Public

My Commission Expires:

WATER RESOURCES
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APR 08 2016

KS DEPT OF AGRICULTURE

idx	File	PRIORITY	Use	Modeled Quantity Q, af	Final Quantity Q, af	modeled avg50-yr impact 2050-2069	final avg50-yr impact 2050-2069	avg 50-yr response 2050-2069	reduced quantity with est. 10af impact	Status
136	49423	9-Jul-15	IND	5	5	0.68	0.68	0.1355		Pending
137	49379	30-Apr-15	MUN	192.36	192.36	0.00	0.00	0.0000		Pending
138	49411	18-Jun-15	IRR	54	54	9.72	9.72	0.1800		Pending
139	49412	18-Jun-15	IRR	55	55	9.99	9.99	0.1816		Pending
140	49418	29-Jun-15	REC	5	5	0.00	0.00	0.0000		Pending
141	49428A	20-Jul-15	IRR	195	96	20.23	9.96	0.1037	96	Pending
142	49449	31-Aug-15	IRR	195	195	9.38	9.38	0.0481		Pending
143	49455	8-Sep-15	IRR	240	176	13.61	9.98	0.0567	176	Pending
144	49543	20-Jan-16	IRR	54	54	9.76	9.76	0.1807		Pending
145	49542	20-Jan-16	IRR	34	34	10.00	10.00	0.2942	34	Pending
146	49613	8-Apr-16	IRR	594	594	57.72	57.72	0.0972	103	Pending
147	49740	12-Dec-16	IRR	170.8	170.8	0.00	0.00	0.0000		Pending



sum				15500.91	1711.39	644.35		
-----	--	--	--	----------	---------	--------	--	--

			IRR	21211.65	13602.48	1553.28	560.76	0.0732
			IND	626.60	308.60	14.56	10.70	0.0232
			MUN	1152.36	913.36	38.70	26.10	0.0336
			STK	1242.62	671.47	104.85	46.80	0.0844
sum				24233.23	15495.91	1711.39	644.35	0.0706

summary of applications above the

criteria
count
sum

q > 10af	q > 10af	q/Q > 0.10
49	18	34
1370.25	234.00	

Needs reduced to meet RRC restrictions

HOLDREGE IRRIGATION WELL SERVICE

491613

2011 E. 4th AVE., HOLDREGE, NE 68949

OFFICE - 308-995-4000

CUSTOMER: _____ DATE: _____

ADDRESS: _____

LEGAL DESCRIPTION: _____

G.P.S. = North _____ ° _____ ' _____ " and West _____ ° _____ ' _____ "

LOCATION NOTE: _____

From:	To:	DRILLER'S LOG
0	20	
20	40	
40	60	
60	80	
80	100	
100	120	
120	140	
140	160	
160	180	
180	200	
200	220	
220	240	
240	260	
260	280	
280	300	
300	320	
320	340	
340	360	
360	380	
380	400	
400	420	
420	440	
440	460	
460	480	
480	500	

WELL CONSTRUCTION DATA:

Type of Well: Test hole Potable Livestock Irrigation other = _____

Bore hole Dia. = _____ " Well Depth = _____ ft

Plain Casing: Inside Dia. = _____ " Sch.40 pvc between _____ ft. to _____ ft. and _____ ft. to _____ ft.

Screen Perf : Inside Dia. = _____ " Sch.40 pvc between _____ ft. to _____ ft. and _____ ft. to _____ ft.

Screen Perf: - Slot size: _____ in. & Outside Dia. _____ in. Screen Perf Manufacturer: _____

Type of Gravel Pack: _____ installed: between _____ ft. to _____ ft. and _____ ft. to _____ ft.

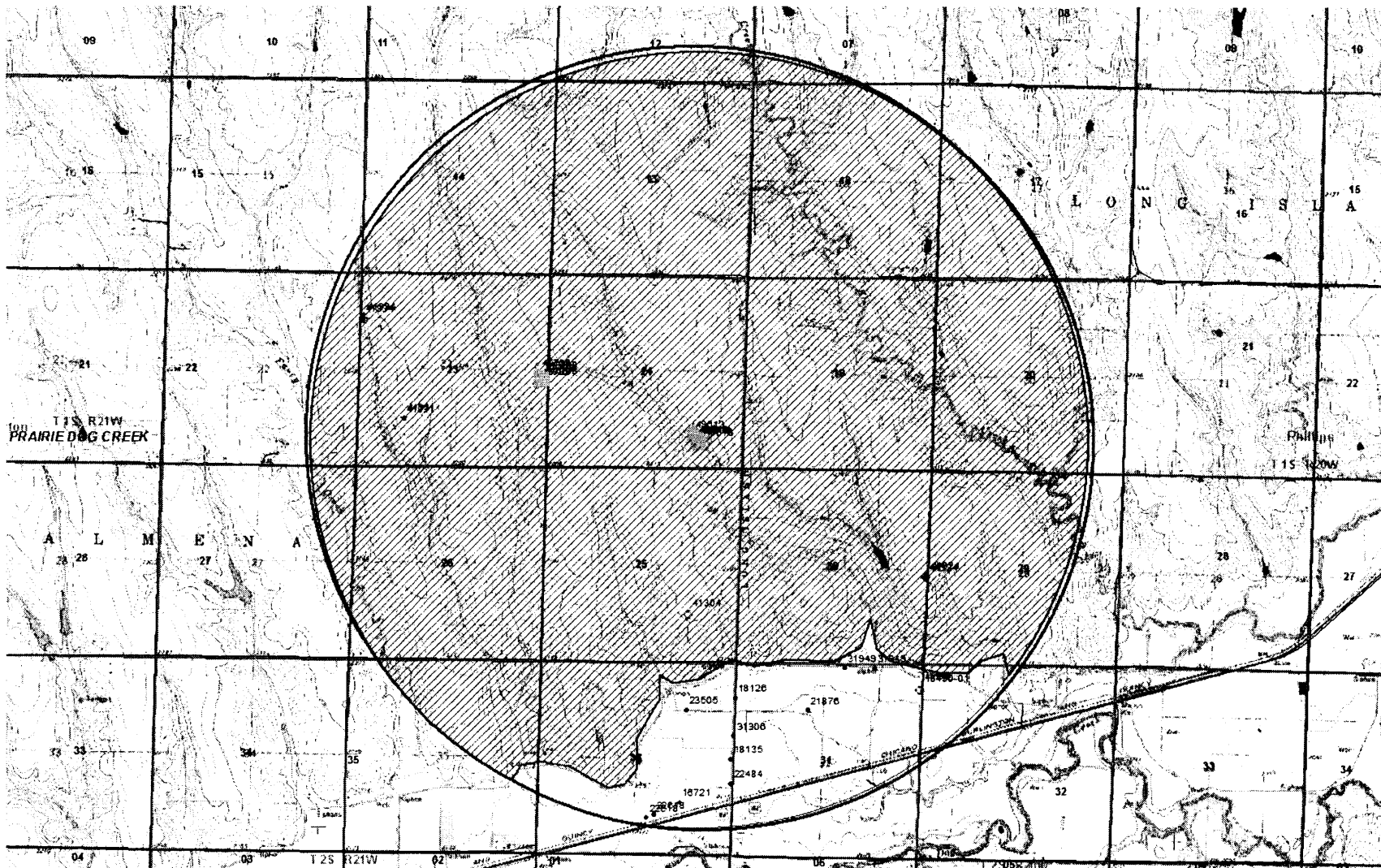
Type of Grout : _____ installed: between _____ ft. to _____ ft. and _____ ft. to _____ ft.

S.W.L. = _____ ft. Well pumped: _____ g.p.m. at _____ ft. P.W.L. after _____ hrs. WATER RESOURCES RECEIVED

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Safe Yield Report Sheet
Water Right- A4961300
Point of Diversion in SENSW 24-1S-21W

=====



49,613

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 472.83 AF.
Total prior appropriation in the circle is ~~638.81 AF.~~ 44.81
Total quantity of water available for appropriation is 0.00 AF.

→ 428.02 AF available

Safe Yield Variables

The area used for the analysis is set at 7205 acres.
Potential annual recharge of the area is estimated to be 1.05 inches.
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 24-JAN-2017 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 2 water right(s) and 10 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 47708 00	STK	LR	G		NE	NE	SE	2415	149	23	01	21W	3	WR	44.81	44.81		
Same	STK	LR	G		NE	NE	NE	2483	66	23	01	21W	4	WR				
Same	STK	LR	G		NE	NE	SE	2545	243	23	01	21W	5	WR				
Same	STK	LR	G		NE	NE	SE	2301	240	23	01	21W	6	WR				
Same	STK	LR	G		NE	NE	SE	2330	47	23	01	21W	7	WR				
A 49613 00	IRR	AY	G		SW	NW	SE	788	1200	24	01	21W	1	WR	594.00	594.00	396.00	396.00
Same	IRR	AY	G		SW	NW	SE	950	1325	24	01	21W	2	WR				
Same	IRR	AY	G		SW	NW	SE	800	1230	24	01	21W	3	WR				
Same	IRR	AY	G		SW	NW	SE	778	1145	24	01	21W	4	WR				
Same	IRR	AY	G		SW	NW	SW	725	1075	24	01	21W	5	WR				

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49613 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49613 00 IRR

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

788 Feet North and 1200 Feet West of the Southeast Corner of Section 24 T 1S R 21W

GROUNDWATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 16721 00 IRR NK G      9917 -- SE NW SE 1460 1380 36 1 21W 2      160.00 160.00 AF
A__ 18126 00 IRR NK G      7116 -- -- -- -- 4350 4950 31 1 20W 4      158.00 158.00 AF
A__ 18135 00 IRR NK G      8772 -- -- -- -- 2660 5200 31 1 20W 2      73.00 73.00 AF
A__ 18490 01 STK NK G      9135 -- CW NW NW 4600 5200 32 1 20W 21     27.71 27.71 AF
A__ 21876 00 IRR NK G      7977 -- -- -- -- 4025 2970 31 1 20W 3      88.00 88.00 AF
A__ 22484 00 IRR NK G      9445 -- -- -- -- 1980 5200 31 1 20W 5      76.00 76.00 AF
A__ 22618 00 IRR NK G     10319 -- NW SW SE 1104 2087 36 1 21W 6     115.00 .00 AF
A__ 23505 00 IRR NK G      7369 -- -- NC NE 4005 1220 36 1 21W 5      70.00 70.00 AF
A__ 31306 00 IRR NK G      8465 -- -- -- -- 2970 5200 31 1 20W 7      40.00 40.00 AF
A__ 31949 00 IRR NK G      7397 -- NW NW NE 5200 2000 31 1 20W 8      58.00 58.00 AF
Same          7878 -- NW NE NE 5200 1180 31 1 20W 9      27.00 27.00 AF
A__ 47708 00 STK LR G      4579 -- NE NE SE 2415 149 23 1 21W 3 G 4     44.81 44.81 AF
Same          4525 -- NE NE NE 2483 66 23 1 21W 4 B 4
Same          4713 -- NE NE SE 2545 243 23 1 21W 5 B 4
Same          4628 -- NE NE SE 2301 240 23 1 21W 6 B 4
Same          4454 -- NE NE SE 2330 47 23 1 21W 7 B 4
A__ 49613 00 IRR AY G        0 -- SW NW SE 788 1200 24 1 21W 1 G 4     594.00 594.00 AF
Same          205 -- SW NW SE 950 1325 24 1 21W 2 B 4
Same          32 -- SW NW SE 800 1230 24 1 21W 3 B 4
Same          56 -- SW NW SE 778 1145 24 1 21W 4 B 4
Same          140 -- SW NW SW 725 1075 24 1 21W 5 B 4
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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      594.00      .00
Total Permitted Amount (AF) =         .00      .00
Total Inspected Amount (AF) =       44.81      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =       777.71      .00
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =      1416.52      .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:

788 Feet North and 1200 Feet West of the Southeast Corner of Section 24 T 1S R 21W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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File Number   Use ST SR
A__ 16721 00 IRR NK G
> ARNOLD K GRAHAM
>

```



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

April 13, 2016

COX VALLEYVIEW FARMS
1476 HWY 383
LONG ISLAND KS 67647

RE: Application
File No. 49613

Dear Sir or Madam:

Your application for permit to appropriate water in 24-1S-21E 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

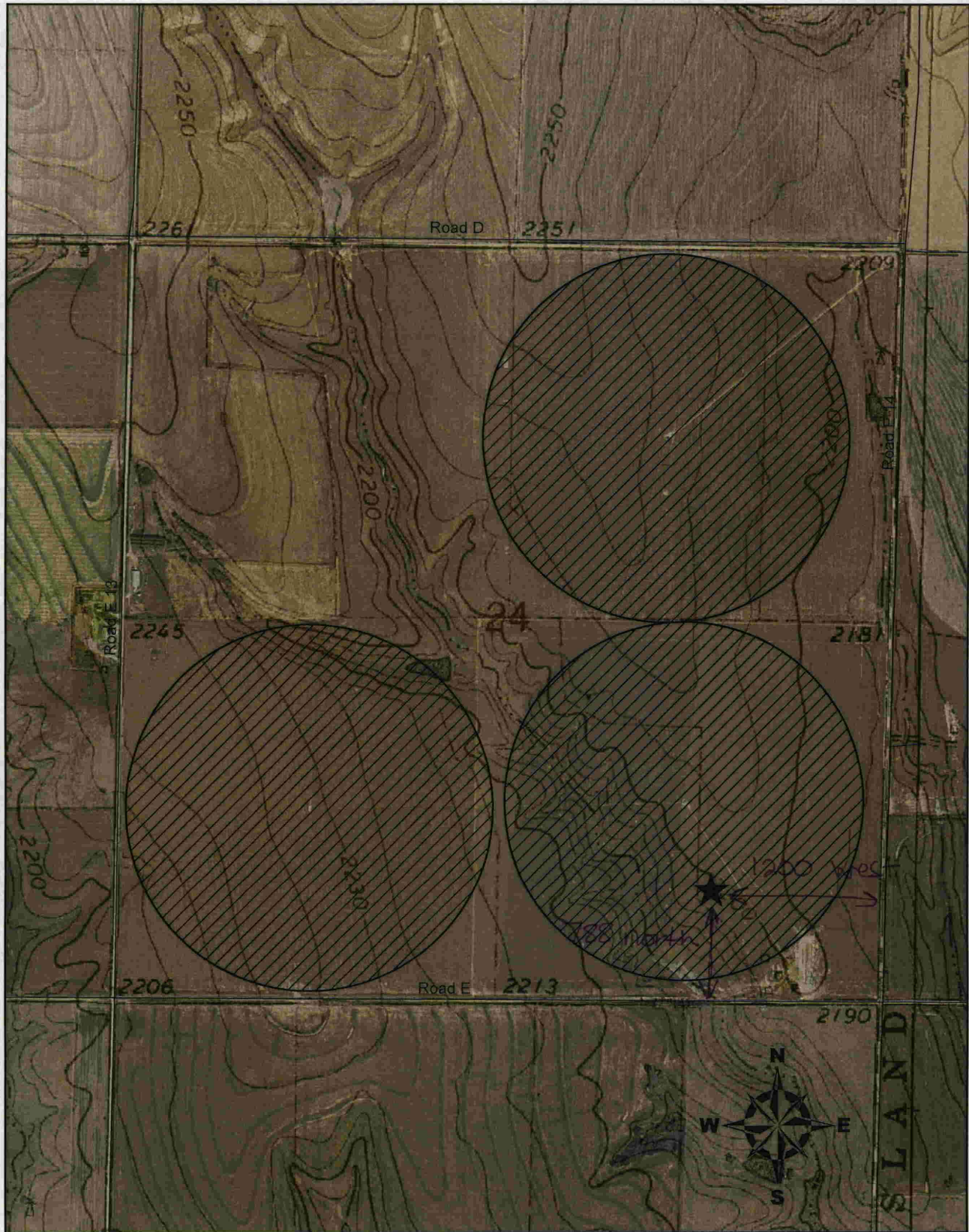
Sincerely,



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

KAK: DLW
pc: STOCKTONField Office
GMD

SCANNED

Applicant Cox's Valley View Farms File No. 49,613



	Point of Diversion
	Place of Use

1 inch = 1,000 feet
KAB/DWR
Date: 1/26/2017

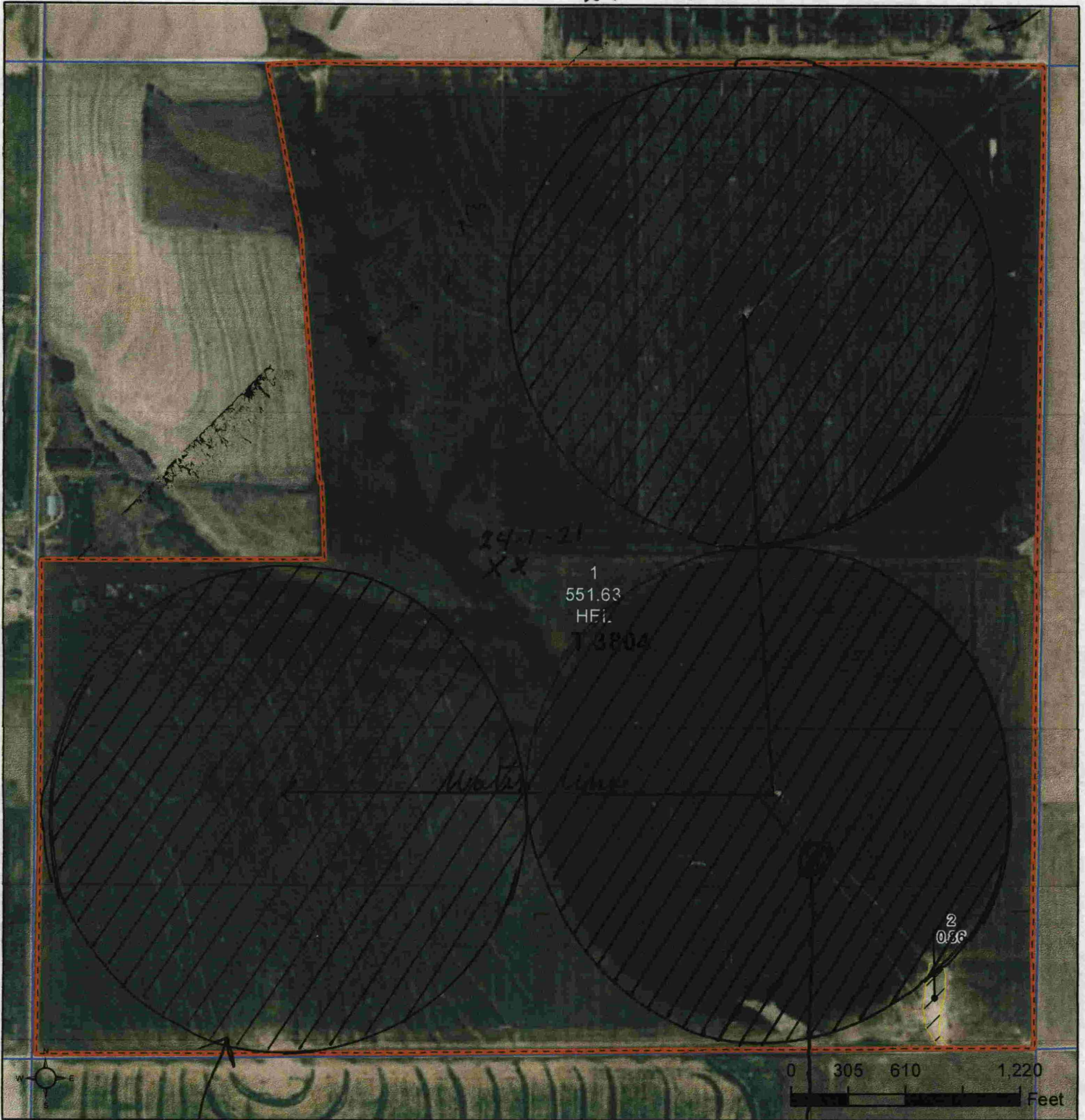


United States Department of Agriculture

Norton County, Kansas

24-1-21

49,613



Common Land Unit

- Non-Cropland
- Cropland
- Tract Boundary
- PLSS

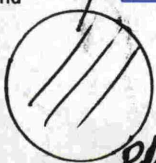
2016 Program Year
Map Created September 09, 2015

No water wells within 1/2 mile

Tract Cropland Total: 551.63 acres

Proposed well site

Farm 5018
Tract 3804



Place of use

Displayed over 2014 NAIP

WATER RESOURCES RECEIVED

788' N + 1200' W → 24-1-21

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).