

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

1. File Number: <p style="text-align: center;">49,760</p>	2. Status Change Date: <p style="text-align: center;">7/13/2017</p>	3. Field Office: <p style="text-align: center;">3</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> Person ID <u>64046</u> Add Seq# _____ DEBRA A ISTAS 1986 KEY ROAD AURORA KS 67417	7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
7a.	7a.		
8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No Notarized WUC Form <input type="checkbox"/>	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____		
10. Completion Date: <u>12/31/2018</u>		11. Perfection Date: <u>12/31/2022</u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 6/27/2017 By: AM Date Entered: <u>7/17/2017</u> By: <u>LLM</u>			

Republican River

File No. **49,760** 15. Formation Code: ~~105~~ **331** Drainage Basin: ~~Arkansas River~~ County: ~~SU~~ **CD** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	N	W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
MOD	85851	SW NW SW	12	6S	2W	6	1324	4824	800	118.2	605	118.2	41,313	

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

19. Limitation: _____ af/yr at **800** gpm (**1.78** cfs) when combined with file number(s) **41313**
 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
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	NE ¼	NW ¼	SW ¼	SE ¼								
CHK	40808	12	6S	2W	1									32	40	40	32					144	7a.	No	34,758 & 41,313				

Comments:

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

TO: Files

DATE: June 27, 2017

FROM: Austin McColloch

RE: Change Application, File No. 41,313
New Application, File No. 49,760

Debra Istas has filed the referenced change and new applications to appropriate groundwater for irrigation use, located in the Republican River Basin. Both applications will overlap in point of diversion and place of use with Water Right, File No. 34,758 also overlapping the place of use. The applicant owns the entire place of use, and has signed the applications stating that they have access to the points of diversion.

File No. 41,313 – Change in Point of Diversion

The referenced file number do not appear to be abandoned as per K.S.A. 82a-718.

The currently authorized point of diversion is located as follows:

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW¼ NW¼ SW¼) of Section 12, more particularly described as being near a point 2,600 feet North and 4,850 feet West of the Southeast corner of said section, in Township 6 South, Range 2 West, Cloud County, Kansas and is currently authorized 33 acre-feet at a diversion rate of 195 gpm.

The proposed point of diversion is located as follows:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW¼ NW¼ SW¼) of Section 12, more particularly described as being near a point 1,324 feet North and 4,824 feet West of the Southeast corner of said section, in Township 6 South, Range 2 West, Cloud County, Kansas.

There is no proposed change in quantity or rate of diversion. The move is approximately 1,220 feet South, and because it is less than a half a mile as well as information obtained from well logs, it has been determined to be the same source of supply. Based on area well logs, it appears the local source of supply is to be unconfined Dakota Aquifer. Per K.A.R. 5-1-1(iii) "unconfined Dakota aquifer system" means that a portion of the Dakota aquifer system not overlain by a confining layer in which the aquifer is in equilibrium with atmospheric pressure. The static water level is estimated to be at 70 feet below ground surface where the primary sandstone layer is. This would indicate that the aquifer is not overlain by a confining layer and the aquifer is not under confining pressure. Other nearby wells within the area have similar depths to top of the sandstone aquifer as well, ranging from 70 to 90 feet. This would be consistent with senior File Nos. 44,321; 34,758 and 43,695.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

File No. 49,760 – New Application

The proposed point of diversion will overlap with Water Right, File No. 41,313. The applicant has requested 118.2 acre-feet at 800 gpm for irrigation use on 144 acres and limited to 800 gpm when combined with File No. 41,313. Combined with Water Right, File Nos. 34,758 and 41,313 this will provide a total of 187.2 acre-feet on 144 acres for a 1.3 acre-foot/acre (maximum allowed in Cloud County). It appears the quantity is reasonable.

The proposed point of diversion is approximately 2,143 feet from water right, File No. 34,758. This does not meet spacing requirements for unconfined Dakota wells of half mile. However, because both wells are operated by the applicant and the distance is just inside the half mile circle, the distance should be enough to prevent impairment. DWR staff located a possible domestic well within a half mile from the proposed point of diversion located approximately 1,400 feet away. Required well spacing to domestics in this aquifer is 1,320 feet. Nearby letter was sent out on June 9, 2017 notifying of the change in point of diversion and new appropriation. No response of any kind was received.

K.A.R. 5-3-11 applies to safe yield evaluations for all unconfined aquifers. One of the specific criteria is to determine the extent of the unconfined aquifer, which discussed above, it was determined that 6,736 acres should be considered from previous SY calculations and bearing in mind the Lower Republican restricted area. Using the 6,736 acres, 2.49 inches of recharge, and 75% available, safe yield was determined to be 1,048.29 acre-feet. Existing appropriations have appropriated 117 acre-feet (including File No. 41,313), leaving 931.29 acre-feet available for appropriation. Thus, both the applications meet safe yield.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 and K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. A rate greater than 100 gallons per minute has been proposed, so a water level measurement tube will be required.

In an e-mail message, dated June 27, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated he had no objection to the approval of the referenced application.

Based on the above discussion, the area is open to new appropriations, safe yield requirements are met where applicable and well spacing is enough to prevent impairment to their own well, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that both of the referenced applications be approved.



Austin McColloch
Environmental Scientist

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
FILE COPY

DEBRA A ISTAS
1986 KEY ROAD
AURORA KS 67417

July 17, 2017

RE: Appropriation of Water, File No. 49,760

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you 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), 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 set forth in the permit to complete diversion works or to perfect an appropriation.

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 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 establish the extent of your water right.

If you have any questions, please contact me at (785) 564-6640. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:am
Enclosures
pc: Stockton Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,760** of the applicant

**DEBRA A ISTAS
1986 KEY ROAD
AURORA KS 67417**

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 **January 17, 2017**.
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	
12 6S 2W									32	40	40	32					144

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW¼ NW¼ SW¼) of Section 12, more particularly described as being near a point 1,324 feet North and 4,824 feet West of the Southeast corner of said section, in Township 6 South, Range 2 West, Cloud 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 **118.2 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, which is currently \$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 accompanied by the required statutory fee, which is currently \$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, which is currently \$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 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 the rate of diversion approved under this permit is further limited to the rate which combined with Water Right, File No. 41,313, will provide a maximum diversion **rate not in excess of 800 gallons per minute (1.78 c.f.s.)** for irrigation use from the authorized point of diversion as described herein.

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 13th day of July, 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 13th day of July, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

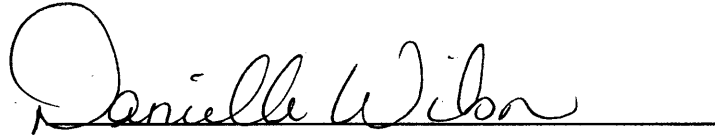
CERTIFICATE OF SERVICE

On this 17th day of July, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,760, dated July 13, 2017 was mailed postage prepaid, first class, US mail to the following:

DEBRA A ISTAS
1986 KEY ROAD
AURORA KS 67417

With photocopies to:

Stockton Field Office

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

Division of Water Resources

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 SOUTHWEST quarter of the NORTHWEST quarter of the SOUTHWEST quarter of Section 12, more particularly described as being near a point 1,324 feet North and 4,824 feet West of the Southeast corner of said section, in Township 6 South, Range 2 West, Cloud 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):

Same as applicant.

 (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 Jan., 2017. Debra A Soto
 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 one well _____
 (number of wells, pumps or dams, etc.)

and will be completed (by) 12/31/18 _____
 (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 5/31/18 _____
 (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 n/a
- If no, explain here why a Water Structures permit is not required n/a

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.

This application will cover the well proposed to be changed under file no. 41,313. A waiver of K.A.R. 5-4-4 is requested. Closest well is under file no. 34758, which is owned by the applicant and overlaps in p/u with 41313. Spacing will be approximately 2,186 feet. This distance should be enough to prevent impairment. No other water rights are located within 1 mile of proposed p/d. This application will cover the same p/u as 34758 and 41313 and the proposed quantity when combined with senior files will equal 1.3 AF/AC.

WATER RESOURCES
 RECEIVED

JAN 17 2017
 SCANNED

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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

(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 Concordia, Kansas, this 11 day of Jan., 2017.
(month) (year)

Debra A. Jstas
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by DLM _____ STKFO/ESII _____ Date: 1/6/17
(office/title)

49760

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Debra A. Iestas

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: Debra A. Iestas

ADDRESS: 1986 Key Rd. Aurora, KS 67417

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12	6	2W									32	40	40	32					144

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
RECEIVED

JAN 17 2017

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

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

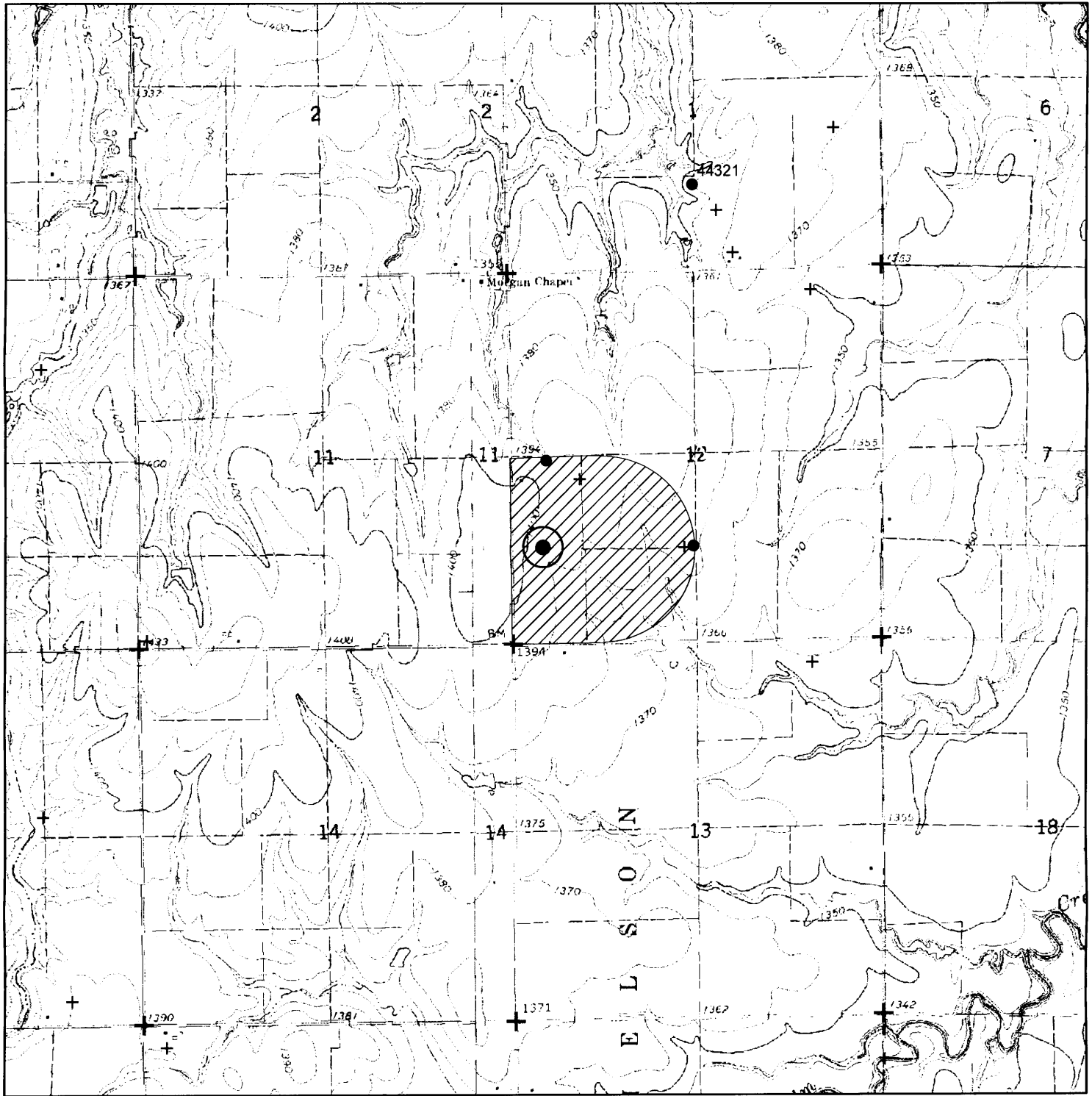
e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

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

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

New Application - Groundwater
 Assisted by Division of Water Resources
 Stockton Field Office

~~49760~~
 49760



- Proposed P/D
- ▨ Proposed P/U
- 300 feet radius
- 1/2 mile radius
- + WWC-5 Recods

- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

1:24,000

Signature Required
Debra A. Sater
 By signing this I am stating that to the best of my knowledge
 that all wells within 1/2 mile of proposed well location are
 identified on this map.

WATER RESOURCES
 RECEIVED

JAN 17 2017

KS DEPT OF AGRICULTURE



SCANNED

McColloch, Austin

From: Stewart, Kelly
Sent: Tuesday, June 27, 2017 9:27 AM
To: McColloch, Austin
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Recommendation New & Change Apps - Istas

Austin,

I have no objection to the approval of the change in p/d for File No. 41,313 and the approval of the new application for File No. 49,760.

Kelly

From: McColloch, Austin
Sent: Tuesday, June 27, 2017 9:18 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Recommendation New & Change Apps - Istas

Kelly,

Attached is my draft memo and SY analysis for Change App File No. 41,313 and New App File No. 49,760. The apps will overlap in PD and PU. Well spacing is just under the requirement to File No. 34,758 but it is owned by the applicant and overlaps in PU with the two files. Let me know if you need more information.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

June 9, 2017

FILE COPY

LONESOME PINE FARM LLC
2316 PLUM RD
CONCORDIA KS 66901

Re: Change Application, File No. 41,313
New Application, File No. 49,760

Dear Sir or Madam:

This is to advise you that Debra Istas has filed the applications referred to above for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number and new permit to appropriate water for beneficial use for a combined 151.4 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute from a well located as follows:

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, more particularly described as being near a point 1,324 feet North and 4,824 feet West of the Southeast corner of said section, in Township 6 South, Range 2 West, Cloud County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion is also enclosed. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin J. McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

SCANNED



WATER WELL RECORD Form WWC-5 1260874

Division of Water Resources App. No.

34758

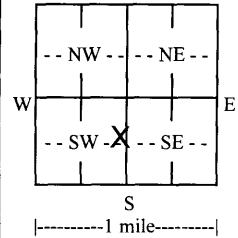
Well ID

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Cloud Fraction SE 1/4 SE 1/4 NE 1/4 SW 1/4 Section Number 12 Township Number T 6 S Range Number R 2 E W

2 WELL OWNER: Last Name: ISTAS First: DEBBIE Street or Rural Address where well is located: 230TH AND PLUM RD

3 LOCATE WELL WITH "X" IN SECTION BOX: N



4 DEPTH OF COMPLETED WELL: 150 ft. Depth(s) Groundwater Encountered: 1) 80 ft. 2) ... ft. 3) ... ft., or 4) Dry Well

5 Latitude: 39.543301 (decimal degrees) Longitude: 97.489105 (decimal degrees) Datum: WGS 84

6 Elevation: 1381 ft. Ground Level TOC Source: Land Survey GPS Topographic Map Other KOLAR

7 WELL WATER TO BE USED AS: 1. Domestic: Household Lawn & Garden Livestock Irrigation Feedlot Industrial

Was a chemical/bacteriological sample submitted to KDHE? Yes No If yes, date sample was submitted: Water well disinfected? Yes No

8 TYPE OF CASING USED: Steel PVC Other CASING JOINTS: Glued Clamped Welded Threaded Casing diameter 12 in. to 150 ft.

TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel Fiberglass PVC Brass Galvanized Steel Concrete tile None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: Continuous Slot Mill Slot Gauze Wrapped Torch Cut Drilled Holes Other (Specify) Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole)

SCREEN-PERFORATED INTERVALS: From 90 ft. to 150 ft. GRAVEL PACK INTERVALS: From 20 ft. to 150 ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other Grout intervals: From 0 ft. to 20 ft.

Nearest source of possible contamination: Septic Tank Lateral Lines Pit Privy Livestock Pens Insecticide Storage Sewer Lines Cess Pool Sewage Lagoon Fuel Storage Abandoned Water Well Watertight Sewer Lines Seepage Pit Feedyard Fertilizer Storage Oil Well/Gas Well

Table with columns: 10 FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows include TOP SOIL, TAN CLAY, BLUE CLAY, RED SHALE, SANDSTONE, FINE SANDSTONE.

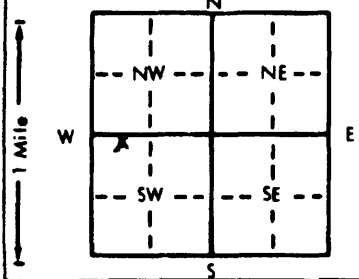
11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) 06/09/2015.

41313

WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL: County: **CLOUD** Fraction: **NE 1/4 NW 1/4 SW 1/4** Section Number: **12** Township Number: **T 6 S** Range Number: **R 2 EW**
 Distance and direction from nearest town or city street address of well if located within city?

2 WATER WELL OWNER: **Bill Czapanskiy**
 RR#, St. Address, Box #: **RR 2** Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: **CLYDE, KS 66938** Application Number:

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


4 DEPTH OF COMPLETED WELL: **180** ft. ELEVATION:
 Depth(s) Groundwater Encountered 1. ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL: **90** ft. below land surface measured on mo/day/yr
 Pump test data: Well water was **9.1** ft. after **8** hours pumping **200** gpm
 Est. Yield gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter: **30** in. to **180** ft., and in. to ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No ; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded
 Blank casing diameter in. to **120** ft., Dia in. to ft., Dia in. to ft.
 Casing height above land surface in., weight lbs./ft. Wall thickness or gauge No. **1/2"**
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 11 Other (specify)
 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE:
 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify) **Double Slot**
 SCREEN-PERFORATED INTERVALS: From **120** ft. to **180** ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From **20** ft. to **180** ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other /
 Grout intervals: From **0** ft. to **20** ft., From ft. to ft., From ft. to ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 Direction from well? **West** How many feet? **500**

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	5	Top soil	81	83	Light Brown clay
5	10	Tan clay	83	85	Dark Gray clay
10	15	Clay, Dark Brown & Light Brown	85	113	Dark Gray clay w/sandstone
15	25	Light Brown clay, mixed w/gravel Rocks & Sandstone (HARD)	113	118	Sandstone, mixed clay
25	30	Sandstone mixed w/White clay (HARD)	118	125	Mixed clay, sandstone layers
30	33	Red & Yellow clay, HARD	125	133	Dark Gray clay, Rocks & Gravel
33	45	Light Gray clay, HARD	133	135	Sandstone
45	55	Gray clay, Yellow clay & Yellow Sand rock, HARD	135	149	Dark Gray clay & sand Rock
55	68	Sandstone	149	151	Iron Pyrite
68	70	Light Gray clay	151	157	Sand Rock
70	75	Yellow clay	157	161	Mixed clay & sandstone
75	78	Light Brown clay	161	172	Sandstone, Sand & Gravel mixed
78	81	Red clay	172	175	Tan clay, Iron Pyrite
			175	179	Mixed clay, Iron Pyrite, lime
			179	182	Mixed clay stone

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was **(1) constructed** (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) **7-30-94** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **480** This Water Well Record was completed on (mo/day/yr) **8-29-94** under the business name of **WILLIAMS DRILLING CO. INC.** by (signature) **Ron Williams**

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY

1

EW

SEC.

1/4

1/4

1/4

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 19, 2017

FILE COPY

DEBRA A ISTAS
1986 KEY RD
AURORA, KS 67417

Re: Application,
File No. **49760**

Dear Sir or Madam:

The purpose of this letter is to correct the file number assigned to your Application for Permit to Appropriate Water. In a letter from our office dated, January 18, 2017, your application was erroneously assigned File No. 49759. The correct File No. is **49760**.

For all future reference to your Application for Permit to Appropriate Water located in 12-06S-02W in Cloud County, please use File No. **49760**.

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

Sincerely,

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

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW: dlw

pc: STOCKTON Field Office
GMD 0

497100 4050

Williams Drilling Co., Inc.
P. O. Box 327
Belvidere, Nebraska 68315
Phone 800-477-3745 Fax 402-768-6099

DEBBIE ISTAS
Test Hole Log
NW ¼ of SW ¼ of Sec 12 – T6S – R2W
CLOUD COUNTY
39* 32' 36.05"
97* 29' 48.09"

- 0 – 2 TOP SOIL
- 2 – 28 TAN CLAY
- 28 – 41 SAND STONE WITH SAND ROCK LAYERS
- 41 – 43 TAN CLAY
- 43 – 51 FIRE CLAY
- 51 – 53 SAND STONE
- 53 – 66 FIRE CLAY
- 66 – 67 HARD LAYER
- 67 – 72 GRAY AND BROWN CLAY
- 72 – 74 SAND ROCK – GRAY CLAY AND SAND STONE
- 74 – 78 SAND STONE WITH GRAY CLAY LAYERS
- 78 – 85 SAND ROCK AND YELLOW & GRAY CLAY
- 85 – 93 SAND STONE WITH SAND ROCK LAYERS
- 93 – 104 SAND STONE
- 104 – 108 SAND STONE WITH SAND ROCK LAYERS
- 108 - 175 SAND STONE
- 175 VERY HARD LAYER – CAN'T DRILL THROUGH IT

Depth to static water level - 67 feet

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JAN 03 2017

Stockton Field Office
Division of Water Resources

WATER RESOURCES
RECEIVED

JAN 17 2017

KS DEPT OF AGRICULTURE

Bill & Debbie Istas
1986 Key Rd.
Aurora, KS 67417

464-3513 Home SCANNED
243-5777 cell

49760

(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. _____

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.

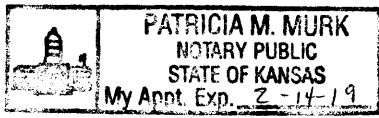
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Debra A Sater
Signature of Applicant

State of Kansas)
County of Cloud) ss

Debra A Sater
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 11 day of January, 2017.



Patricia M. Murk
Notary Public

My Commission Expires: 2-14-19

WATER RESOURCES
RECEIVED

JAN 17 2017

KS DEPT OF AGRICULTURE
SCANNED



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

January 18, 2017

FILE COPY

DEBRA A ISTAS
1986 KEY RD
AURORA KS 67417

RE: Application
File No. 49759

Dear Sir or Madam:

Your application for permit to appropriate water in 12-06S-02W in Cloud 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, P.G.
Change Application Unit Supervisor
Water Appropriation Program

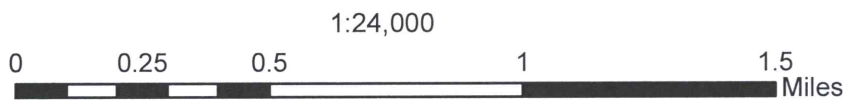
BAT: dlw
pc: STOCKTON Field Office
GMD 0

SCANNED



Legend

- Point of Diversion



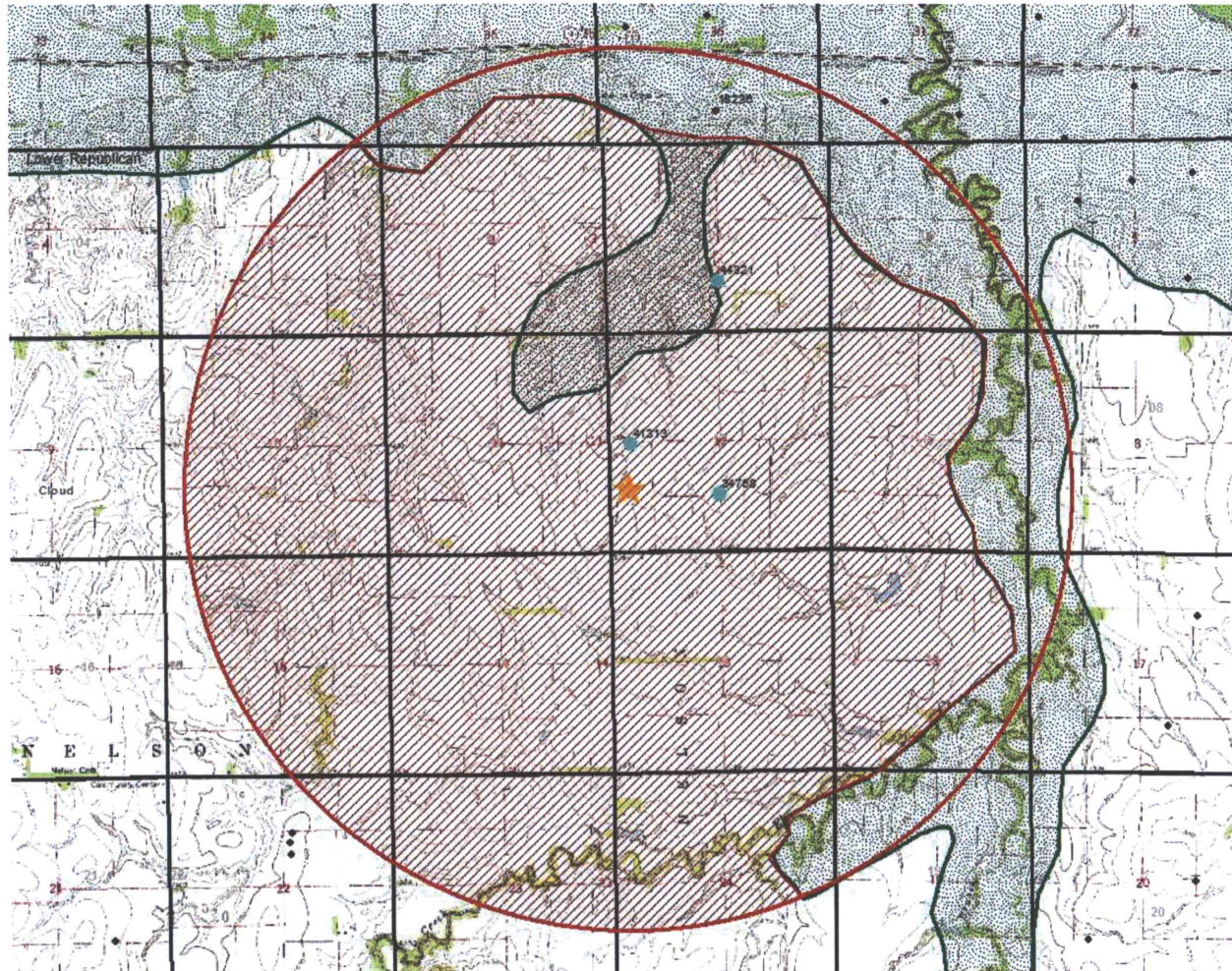
Change Application, File No. 41,313
 New Application, File No. 49,760
 12-6S-2W Cloud County, KS

SCANNED

Safe Yield Report Sheet

Proposed Water Right Application

Point of Diversion in SESWNWSW 12-06S-02W



Analysis Results

The selected PD is in an area to new appropriations.

The safe yield, based on the variables listed below is 1,048.29 AF.

Total prior appropriation in the circle is 117.00 AF.

Total quantity of water available for appropriation is 931.29 AF.

Safe Yield Variables

The area used for the analysis is set at 6736 acres.

Potential annual recharge of the area is estimated to be 2.49 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 26-JUN-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 3 water right(s) and 3 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 34758	00 IRR	NK	G			CE	SW	1328	2669	12	06	02W	5	WR	36.00	36.00	144.00	144.00
A 41313	00 IRR	NK	G		NW	NW	SW	2600	4850	12	06	02W	4	WR	33.00	33.00	144.00	0.00
A 44321	00 IRR	NK	G			NC	S2	1163	2683	01	06	02W	3	WR	48.00	48.00	70.00	70.00

=====