

File No. **49,773** 15. Formation Code: **113** Drainage Basin: **SALINE RIVER** County: **EL** Special Use: Stream:

16. Points of Diversion									
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
√	84459	NW NE NE	20	11	18W	1	5308	975	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
650	179.2	650	0	NONE

20149039

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

19. Limitation: **179.2** af/yr at _____ gpm (_____ cfs) when combined with file number(s): **11,114 & 46,881**
 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					
√	21065	20	11	18W	1	23	23															46	7a.	NO	11,114 & 46,881	
√	40791	21	11	18W	1					5	18	30	24	2	3							82	7a.	NO	11,114 & 46,881	

Comments:

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

TO: Files

DATE: June 15, 2017

FROM: Doug Schemm

RE: Application File No. 49,773

The referenced application has been filed by Robert A. & Sabrina Symns to appropriate 179.2 acre-feet of groundwater per calendar year, to irrigate 128 acres at a diversion rate not to exceed 650 gallons per minute. The point of diversion is an existing well located in the Northeast Quarter of Section 20, Township 11 South, Range 18 West, in Ellis County. The place of use is entirely owned by the applicants, and Robert has signed the form stating he has access to the point of diversion. The well is currently authorized under Term Permit, File No. 20149039, which supplies water for oil and gas drilling in the area. The place of use will be a complete overlap with File Nos. 11,114 and 46,881.

Water Right, File No. 11,114 is certified 84 acre-feet at a rate of diversion of 650 gallons per minute, while Appropriation of Water, File No. 46,881 is authorized an additional 95.2 acre-feet, providing a combined total quantity of 179.2 acre-feet. This total combined quantity of 179.2 acre-feet, is equal to the maximum allowable quantity to irrigate the proposed 128 acres with 1.4 Acre-Feet per acre in Ellis County, Kansas per K.A.R. 5-3-19. Therefore, the pending application will be limited to 179.2 acre-feet, providing no additional quantity of water. The purpose of this new application is to provide a second well for irrigation use, due to restrictions imposed on irrigation use from the well authorized under File Nos. 11,114 and 46,881 (see senior files for legal documentation).

The applicant identified one domestic well and two non-domestic wells located within one-half mile, and notification letters were sent out on May 24, 2017. A letter was received from Leo Dorzweiler who objected to the approval of this application. Mr. Dorzweiler owns the property where the well authorized under File Nos. 11,114 and 46,881 is located. A response letter was sent to Mr. Dorzweiler on June 15, 2017. The proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4. It is located approximately 2,400 feet from the nearest domestic well, and over 1,600 feet to nearest non-domestic well.

The source of water appears to be the Saline River alluvium. Safe yield was evaluated using the extent of the alluvium within the two-mile radius circle, which provided an area of consideration of 3,742 acres. With a recharge of 1.1 inches and 75% available for appropriation, the safe yield was determined to be 257.26 acre-feet available for appropriation within a two (2) mile radius of the proposed point of diversion. The applicant's two senior water rights are the only other water rights within the two mile radius (Water Right, File Nos. 11,114 & 46,881), which have appropriated 179.2 acre-feet, leaving 78.06 acre-feet available. However, this pending application is limited to the senior files, providing no additional quantity of water. Therefore, since the wells are in the same source of supply and less than 1,700 feet apart, this specific application with zero additional quantity would not be included in safe yield calculations.

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

In an e-mail message, dated June 15, 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, the application complies with safe yield and minimum well spacing requirements, and no senior water right would be impaired, it is recommended that the referenced application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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

July 13, 2017

FILE COPY

ROBERT A & SABRINA B SYMNS
1601 BISON RD
HAYS KS 67601-4449

Re: Appropriation of Water, File No. 49,773

Dear Mr. and Mrs. Symns:

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

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

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

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

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
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. 49,773** of the applicant

**ROBERT A & SABRINA B SYMNS
1601 BISON RD
HAYS KS 67601-4449**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **February 8, 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	
20	11S	18W	23	23															46
21	11S	18W					5	18	30	24	2	3							82

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 Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW¼ NE¼ NE¼) of Section 20, more particularly described as being near a point 5,308 feet North and 975 feet West of the Southeast corner of said section, in Township 11 South, Range 18 West, Ellis 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 **650 gallons per minute (1.45 c.f.s.)** and to a quantity not to exceed **179.2 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 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 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 quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 11,114 and Appropriation of Water, File No. 46,881, will provide a total **not to exceed 179.2 acre-feet** of water per calendar year for irrigation use on the land 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 11th 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 11th day of July, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

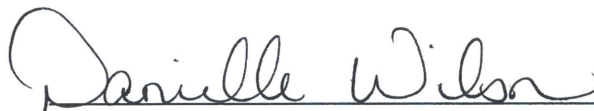
CERTIFICATE OF SERVICE

On this 13th day of July, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,773, dated July 11, 2017 was mailed postage prepaid, first class, US mail to the following:

ROBERT A & SABRINA B SYMNS
1601 BISON RD
HAYS KS 67601-4449

With photocopies to:

Stockton Field Office



Division of Water Resources

APPLICATION COMPLETE

6 / 15 / 2017

Reviewer DWS



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49773

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

WATER RESOURCES RECEIVED

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

FEB 08 2017

11:17

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Robert A. & Sabrina B. Symns
Address: 1601 Bison Road
City: Hays State KS Zip Code 67601-4449
Telephone Number: (785) 635-0455 cell

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

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

3. The maximum quantity of water desired is 179.2 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 650 gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. 3 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use FRR Source G S County FL By ASW Date 6/21/17
Code REA Fee \$ 300 TR # _____ Receipt Date 2/8/17 Check # 6213

SCANNED

2/13/2017 LLM

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 NW quarter of the NE quarter of the NE quarter of Section 20, more particularly described as being near a point 5,308 feet North and 975 feet West of the Southeast corner of said section, in Township 11 South, Range 18 West, Ellis 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 FEBRUARY 3, 2017. *Robert [Signature]*
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 1 well _____
(number of wells, pumps or dams, etc.)
and was completed (by) 2014 _____
(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 2017 _____
(Mo/Day/Year)

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

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

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

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

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

- 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.

20149039 on same p/d

11,114 & 46,881 overlap in place of use

It is understood the quantity of water proposed under this application will be limited when combined with

those authorized under File Nos. 11,114 & 46,881

WATER RESOURCES
RECEIVED

FEB 08 2017

KS DEPT OF AGRICULTURE **SCANNED**

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>2014</u>	_____	_____	_____
Total depth of well	<u>70</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):

Same
(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 STOCKTON, Kansas, this 3 day of FEBRUARY, 2017.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Kelly C. Stewart W.C./STKFO Date: 2/3/2017
(office/title)

WATER RESOURCES
RECORD
FEB 03 2017
KANSAS DEPT. OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,773

Name of Applicant (Please Print): Robert A. & Sabrina B. Symns

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: Robert A. & Sabrina B. Symns

ADDRESS: 1601 Bison Road Hays, Ks. 67601-4449

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20	11	18w	23	23															46
21	11	18w					5	18	30	24	2	3							82

Total = 128

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	

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.

Schemm, Doug

From: Stewart, Kelly
Sent: Thursday, June 15, 2017 7:22 AM
To: Schemm, Doug
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Robert Symns 49,773

Doug,

I have no objection to the approval of the referenced application. I also am okay with approving the full quantity, but limit it when combined with the senior files. This will give him maximum flexibility.

Kelly

From: Schemm, Doug
Sent: Wednesday, June 14, 2017 5:11 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Robert Symns 49,773

Hello Stockton,

This appears to be ready for review. I responded to Leo's letter as you know. I get only 78 acre-feet of water available based on safe yield. This pending application is requesting 0 additional water. Are you ok with giving him face value of 179.2 AF with the quantity limitation? Or reduce it down to the 78 available?

Thanks, Doug


Kansas
Department of Agriculture
Division of Water Resources

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

June 15, 2017

LEO DORZWEILER
2260 CATHERINE RD
HAYS KS 67601-4610

Re: Pending Application, File No. 49,773

Dear Mr. Dorzweiler:

This will acknowledge receipt of your letter received in this office on May 31, 2017 in which you expressed your objection to the proposed appropriation of groundwater by Robert A. & Sabrina B. Symns under the above referenced application. The application is proposing to appropriate groundwater for irrigation use. We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest. Impairment is indicated if existing water rights will experience an unreasonable lowering of the static water level.

The applicable rules and regulations (K.A.R. 5-4-4) require that new non-domestic wells must meet specific spacing guidelines based on the source of water supply in order to minimize the potential that existing water wells of any kind would be impaired. The source of water (aquifer) for this pending application is the Saline River alluvium, which requires a minimum well spacing of 1,320 feet from any existing non-domestic well, and 660 feet from any existing domestic well in the same source of supply. The application complies with well spacing criteria.

Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing an existing water right, you should notify Kelly Stewart, Water Commissioner, Stockton Field Office, as follows, so that an investigation can be made.

Division of Water Resources
Stockton Field Office
820 South Walnut
Stockton, KS 67669-0192
Telephone: (785) 425-6787

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Stockton Field Office

May 29, 2017

RECEIVED

Kansas Department of Agriculture
Division of Water Resources
6531 SE Forbes Ave. Suite B
Topeka, KS. 66619

MAY 31 2017

Topeka Field Office
DIVISION OF WATER RESOURCES

ATTENTION: Mr. Douglas Schemm

Dear Sir:

I have received your letter dated May 24, 2017 pertaining to the Pending Application, File No. 49,773.

After visiting with Mr. Stewart at the Stockton office, I reviewed the water right File No. 11,114. I own this property in section 16-11-18 where this irrigation well is located and there are about 50 to 70 acres already permitted to irrigate. I was visiting with my next generation and they are interested in pursuing this possibility.

With this being the case and the ruling of Judge Brauns ruling that he can only use my well for the 59 Acres in section 21, we wish to protect our water right named above. File NO. 11,114.

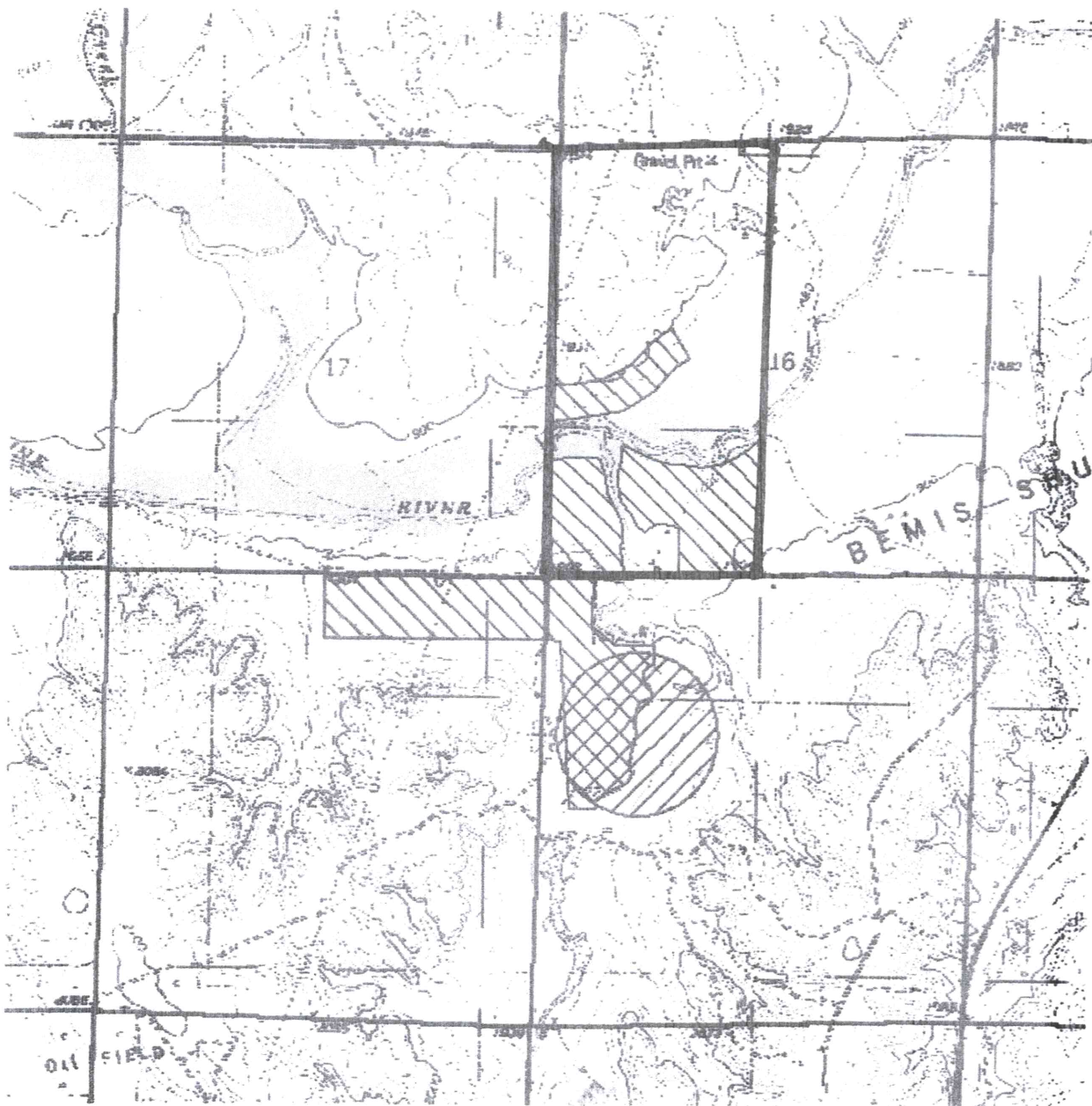
So we will object to the application, File No. 49773.

I am enclosing a copy of a map of my ownership.

Sincerely yours,

Leo R. Dorzweiler
Leo R. Dorzweiler

cc. Mr. Stewart



Authorized Place of Use



Proposed Place of Use

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner


Kansas
Department of Agriculture
Division of Water Resources

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

May 24, 2017

LEO R & VIOLA A DORZWEILER
2260 CATHERINE ROAD
HAYS KS 67601

Re: Pending Application, File No. 49,773

Dear Sir or Madam:

This is to advise you that Robert A. & Sabrina B. Symns have filed the application referred to above for a permit to appropriate 179.2 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 650 gallons per minute. The proposed point of diversion is a well located as follows:

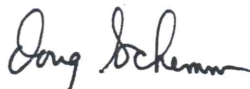
In the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 20, in Township 11 South, Range 18 West, Ellis County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point 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.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Robert A. & Sabrina B. Symns

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner


Kansas
Department of Agriculture
Division of Water Resources

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

May 24, 2017

FRISBIE INVESTMENTS LP
2212 DEVEN PL
SALINA KS 67401-8463

Re: Pending Application, File No. 49,773

Dear Sir or Madam:

This is to advise you that Robert A. & Sabrina B. Symns have filed the application referred to above for a permit to appropriate 179.2 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 650 gallons per minute. The proposed point of diversion is a well located as follows:

In the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 20, in Township 11 South, Range 18 West, Ellis County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point 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.

You can find the application and site map posted by the file number referenced above at:
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If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,



Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Robert A. & Sabrina B. Symns

Real Estate Information



This database was last updated on 5/23/2017 at 5:48 AM

[Return to County Website](#) | [Log Out](#)

[New Search](#) | [Back to Results](#)

Parcel Details for 026-034-17-0-00-00-001.00-0

Quick Reference #: r184

[View GIS Map](#) | [View Tax Detail](#)

Page 1 of 1



Owner Information		Property Address	
Owner's Name (Primary): Mailing:	FRISBIE INVESTMENTS LP 2212 Deven Pl	Address:	0 Saline River Rd
General Property Information		Deed Information	
Property Class: Living Units: Zoning: Neighborhood:	Agricultural Use - A 047 - Rural	Document	Document Link
Neighborhood / Tract Information			
Neighborhood: Tract: Tract Description: Acres: Market Acres:	047 - Rural Section: 17 Township: 11 Range: 18 S17 , T11 , R18 , ACRES 628.7 , ALL SEC LESS RD R/W 628.70 0.00		
Land Based Classification System			
Function: Activity: Ownership: Site:	Farming / ranch land (no improvements) Farming, plowing, tilling, harvesting, or related activities Private-fee simple Dev Site - crops, grazing etc - no structures		
Property Factors			
Topography: Utilities: Access: Fronting: Location:	Level - 1; Rolling - 4 None - 8 Semi Improved Road - 2 Residential Street - 4 Neighborhood or Spot - 6	Parking Type: Parking Quantity: Parking Proximity: Parking Covered: Parking Uncovered:	None - 0 None - 0 Far - 0

File # 49,773
 Requesting 0
 additional

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 257.26 AF.
 Total prior appropriation in the circle is 358.40 AF. $- 179.2 = 179.2$
 Total quantity of water available for appropriation is ~~0.00~~ AF.

78.06

Safe Yield Variables

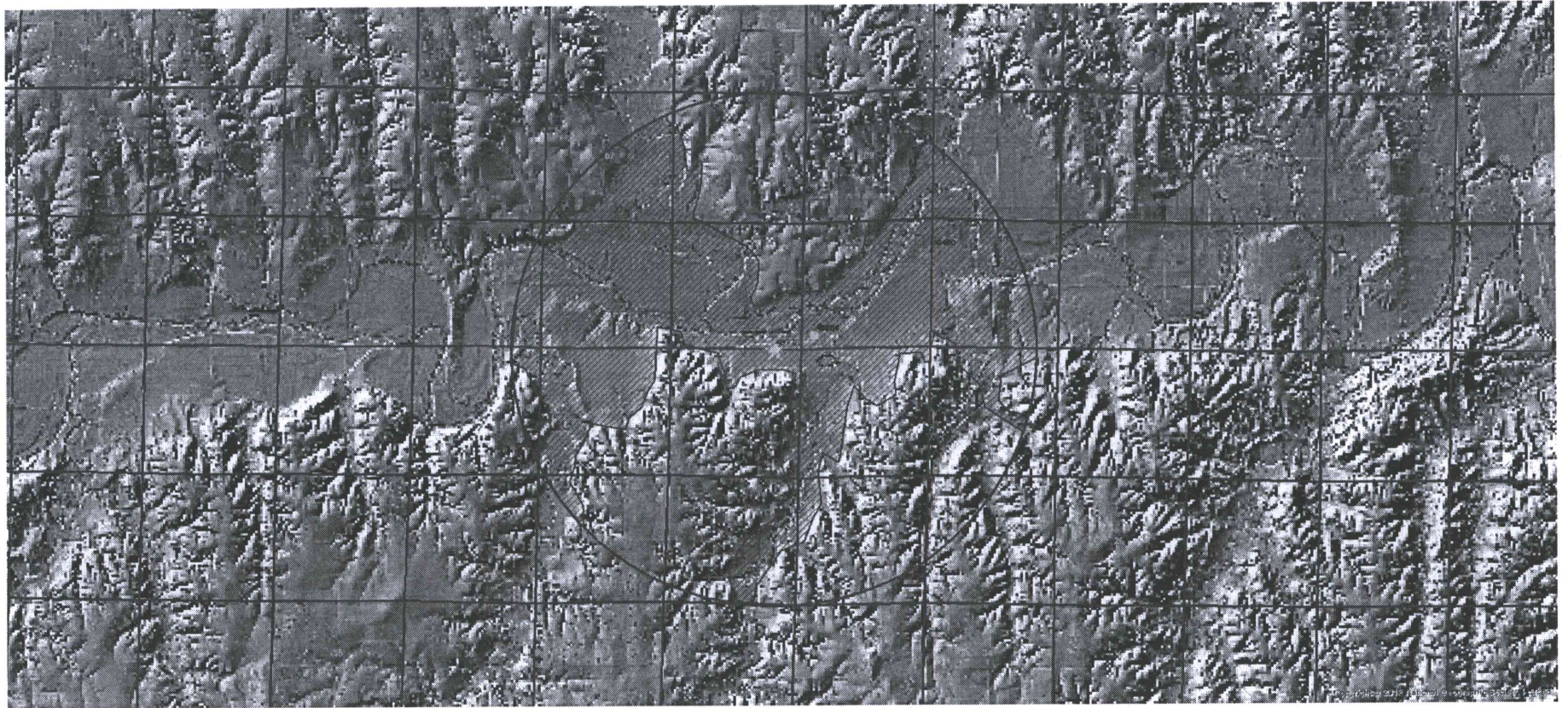
The area used for the analysis is set at 3742 acres.
 Potential annual recharge of the area is estimated to be 1.1 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 23-MAY-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 2 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	11114	00	IRR	NK	G		SW SW SW	407	4648	16	11	18W	1	WR	84.00	84.00	128.00	128.00
A	46881	00	IRR	LR	G		SW SW SW	407	4648	16	11	18W	1	WR	95.20	95.20	128.00	0.00
A	49773	00	IRR	AY	G		NW NE NE	5308	975	20	11	18W	1	WR	179.20	179.20	128.00	0.00

Safe Yield Report Sheet
Water Right- A4977300
Point of Diversion in NENENW 20-11S-18W 1 (84459)



Handwritten notes in the bottom right corner, including the number 118 and other illegible scribbles.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49773 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49773 00 IRR

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

5308 Feet North and 975 Feet West of the Southeast Corner of Section 20 T 11S R 18W

GROUNDWATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 11114 00 IRR NK G      1689 -- SW SW SW  407 4648 16 11 18W  1      84.00    84.00 AF
A__ 46881 00 IRR LR G      1689 -- SW SW SW  407 4648 16 11 18W  1      95.20    95.20 AF
A__ 49773 00 IRR AY G         0 -- NW NE NE  5308  975 20 11 18W  1     179.20   179.20 AF
T__20139033 00 IND GY G     2582 -- SE NW SW  1870 4691 16 11 18W  3      30.01    30.01 AF
T__20149025 00 IND GY G     1689 -- SW SW SW  407 4648 16 11 18W  1      20.01    20.01 AF
T__20149039 00 IND GY G         0 -- NW NE NE  5308  975 20 11 18W  1       6.52     6.52 AF
=====
    
```

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=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      179.20          .00
Total Permitted Amount (AF) =       56.54          .00
Total Inspected Amount (AF) =       95.20          .00
Total Pro_Cert Amount (AF) =         .00          .00
Total Certified Amount (AF) =       84.00          .00
Total Vested Amount (AF) =          .00          .00
TOTAL AMOUNT (AF) =       414.94          .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:

5308 Feet North and 975 Feet West of the Southeast Corner of Section 20 T 11S R 18W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 11114 00 IRR NK G
> ROBERT A & SABRINA B SYMNS
>
> 1601 BISON RD
> HAYS KS 67601
>-----
A__ 46881 00 IRR LR G
> ROBERT A & SABRINA B SYMNS
>
> 1601 BISON RD
> HAYS KS 67601
>-----
A__ 49773 00 IRR AY G
> ROBERT A & SABRINA B SYMNS
>
> 1601 BISON RD
> HAYS KS 67601
>-----
    
```


T_20139033 00 IND GY G

- > LEO R & VIOLA A DORZWEILER
- >
- > 2260 CATHERINE RD
- > HAYS KS 67601

other nearby

T_20149025 00 IND GY G

- > LEO R & VIOLA A DORZWEILER
- >
- > 2260 CATHERINE RD
- > HAYS KS 67601

T_20149039 00 IND GY G

- > ROBERT A & SABRINA B SYMNS
- >
- > 1601 BISON RD
- > HAYS KS 67601

=====

#####

FEBRUARY 3, 2017
(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. 49,773

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.

[Signature]
Signature of Applicant

State of Kansas)
County of Rooks) ss

ROBERT SYMONS
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 3 day of February, 20 17.



[Signature]
Notary Public

My Commission Expires: 8-30-17

WATER RESOURCES
RECEIVED

FEB 08 2017



WATER WELL RECORD Form WWC-5 1252547

Division of Water Resources App. No.

46881

Well ID

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Ellis Fraction 1/4 1/4 1/4 1/4 Section Number 20 Township Number T 11 S Range Number R 18 E W

2 WELL OWNER: Last Name: Symms First: Bob Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: intersection of Riverview Rd & Dean Hill Ave-go 1/2 mile west

3 LOCATE WELL WITH 'X' IN SECTION BOX: N W E S 1 mile

4 DEPTH OF COMPLETED WELL: 73 ft. Depth(s) Groundwater Encountered: 1) 24 ft. 2) ft. 3) ft. or 4) Dry Well WELL'S STATIC WATER LEVEL: 24 ft. below land surface, measured on (mo-day-yr) 05/18/2015

5 Latitude: 39.0883 (decimal degrees) Longitude: 99.3370 (decimal degrees) Datum: WGS 84 NAD 83 NAD 27 Source for Latitude/Longitude: GPS (unit make/model) (WAAS enabled? Yes No) Land Survey Topographic Map Online Mapper

6 Elevation: 1904 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 5. Public Water Supply: well ID 6. Dewatering: how many wells? 7. Aquifer Recharge: well ID 8. Monitoring: well ID 9. Environmental Remediation: well ID Air Sparge Soil Vapor Extraction Recovery Injection 10. Oil Field Water Supply: lease 11. Test Hole: well ID Cased Uncased Geotechnical 12. Geothermal: how many bores? a) Closed Loop Horizontal Vertical b) Open Loop Surface Discharge Inj. of Water 13. Other (specify):

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 16 in. to 13 ft. Diameter in. to ft. Diameter in. to ft. Casing height above land surface 18 in. Weight 16.150 lbs./ft. Wall thickness or gauge No. 500

TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel Fiberglass PVC Other (Specify) 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 60 ft. to 73 ft. From ft. to ft. From ft. to ft. GRAVEL PACK INTERVALS: From 20 ft. to 73 ft. From ft. to ft. From ft. to ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other Grout Intervals: From 0 ft. to 20 ft. From ft. to ft. From ft. to ft. From ft. to 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 Other (Specify) Direction from well? Distance from well? ft.

Table with columns: 10 FROM TO LITHOLOGIC LOG FROM TO LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows: 0-2 surface, 2-21 loess, 21-35 fine & med sand & flat rock, 35-58 river mud w/sand strks, 58-71 fine & med sand & flat rock, 71-75 black shale

Notes:

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) 05/15/2015 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 881 This Water Well Record was completed on (mo-day-year) 06/16/2015 under the business name of Woofter Pump and Well, Inc.



1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

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

February 8, 2017

ROBERT A & SABRINA B SYMNS
1601 BISON ROAD
HAYS KS 0

FILE COPY

RE: Application
File No. 49773

Dear Sir or Madam:

Your application for permit to appropriate water in 20-11S-18E in Ellis 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.

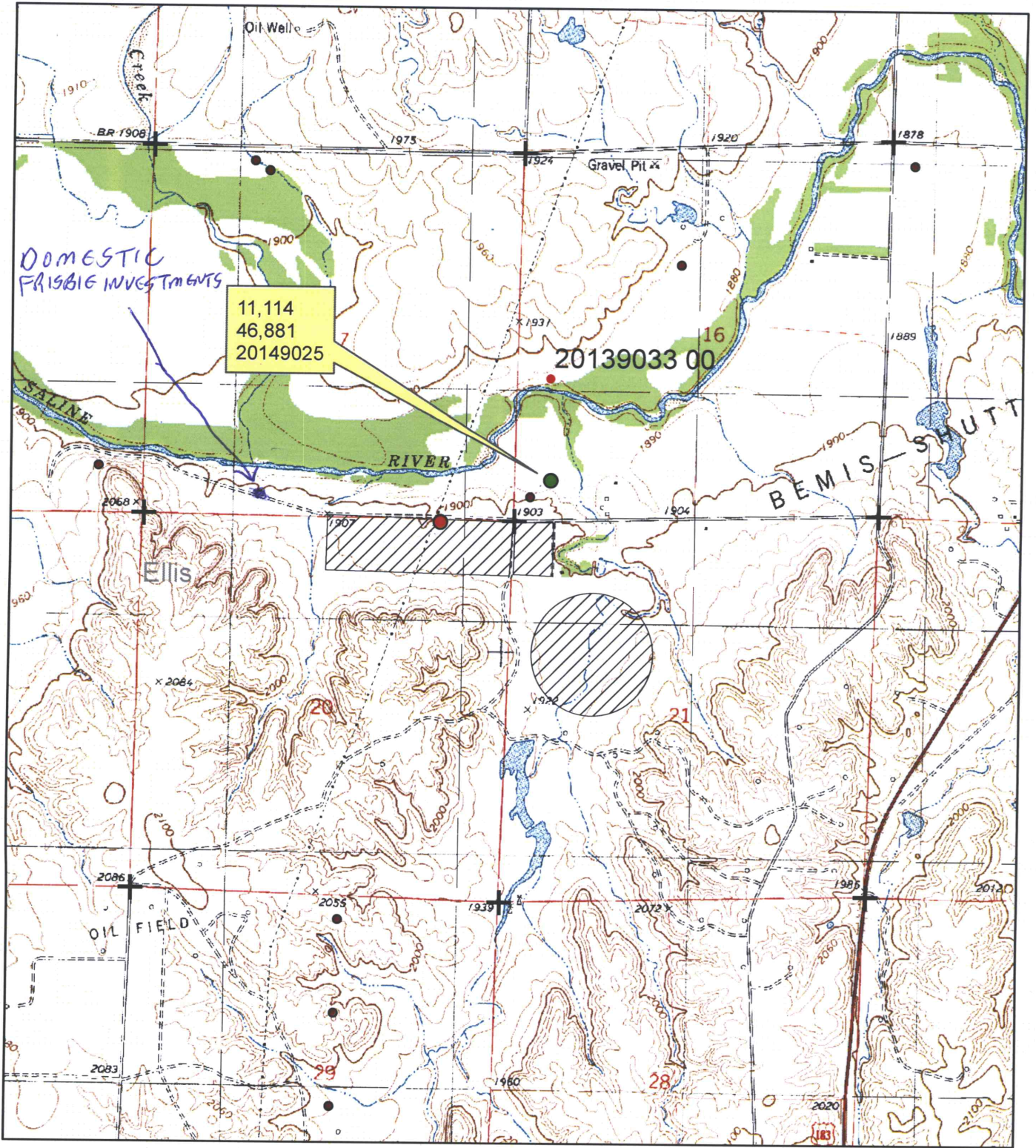
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: dlw
pc: STOCKTON Field Office
GMD 0

SCANNED



● Proposed Point of Diversion

▨ Proposed Place of Use

WATER RESOURCES RECEIVED

FEB 08 2017

KS DEPT OF AGRICULTURE

1:24,000



All water wells of any kind within 1/2 mile of the proposed point of diversion are shown:

[Handwritten Signature]
Signature

2-3-2017
Date

SCANNED