

orig  
Growth

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49917  
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.)

SEP 29 2017  
11:45  
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): K and K Land LLC  
Address: 1912 Union Road  
City: Concordia State KS Zip Code 66901  
Telephone Number: (785) 243-4510

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Republican 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 120 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 300 gallons per minute OR 0.66 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  Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G/S County CD By ADW Date 9/29/17  
Code RES Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 9/29/17 Check # 20998

10/4/2017 LCM

5. The location of the proposed wells, pump sites or other works for diversion of water is: battery of (4) wells

**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 NC quarter of the NW quarter of the \_\_\_\_\_ quarter of Section 13, more particularly described as being near a point 4190 feet North and 4129 feet West of the Southeast corner of said section, in Township 5 South, Range 3W 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):

Applicant \_\_\_\_\_  
 (name, address and telephone number)  
Kand K Land LLC owner W. Benson Keil 1912 Union Rd Concordia, KS.  
 \_\_\_\_\_  
 (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 9-26, 2017. K&K Land LLC  
W. B. Keil member  
 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 a battery of 4 wells w/ pumps motors & pipe and will completed (by) March 2018  
 \_\_\_\_\_  
 (number of wells, pumps or dams, etc.)  
 (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 May 2018  
 \_\_\_\_\_  
 (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 \_\_\_\_\_

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.

Overlapping Place of Use: Water Right File Nos. 5788; 39813; 39932; 9889; 24336; 39384; 36570; 39952; 30287; and 44297

Corresponding applications to change the place of use to make a complete overlap will be filed for the above water right file numbers upon your notice of pending approval regarding this application. Please advise me when the filing of these additional applications is necessary.

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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>11-29-12</u>	_____	_____	_____
Total depth of well	<u>68</u>	_____	_____	_____
Depth to water bearing formation	<u>37</u>	_____	_____	_____
Depth to static water level	<u>37</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>na</u>	_____	_____	_____

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):  
K and K Land LLC 1912 Union Rd Concordia, KS. 66901 785-243-4510  
(name, address and telephone number)  
Hazel E. Keil Trust #1, W. Benson Keil, Trustee. 1912 Union Rd Concordia, KS 66901 785-243-4510  
(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 26 day of September, 2017.  
(month) (year)

K & K Land LLC  
(Applicant Signature)

By W. Benson Keil, member  
(Agent or Officer Signature)

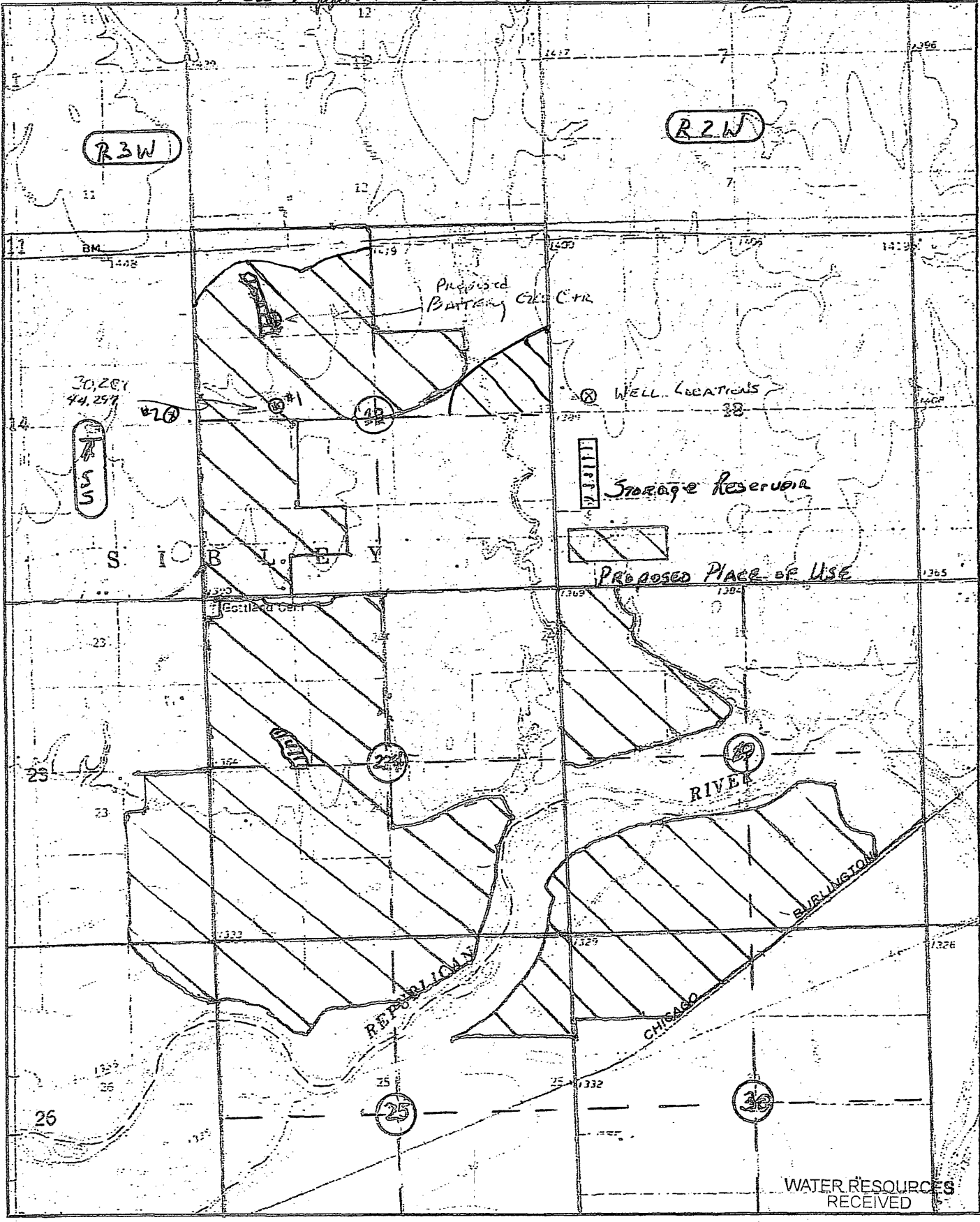
W. Benson Keil  
(Agent or Officer - Please Print)

Assisted by Scott E. Ross GP WRIS Date: 8-25-2017  
(office/title)

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KS DEPT OF AGRICULTURE

New Application File No.

49917



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1:24,000 scale

Universal Transverse Mercator (UTM) Projection Zone 14 North American Datum of 1983

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- #1 Well - Owned by applicant
- #2 Well - Darlene Lewis, 2153 N 170th Rd, Concordia, KS 66901
- No other wells within 1/2 mile radius.

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49917

Name of Applicant (Please Print): W. Benson Keil

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: K and K Land LLC

ADDRESS: 1912 Union Road Concordia, Kansas 66901

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13	5	3w					35	29				37.5	31.5	21.5					154.5	
19	5	2w					.5	27	36.5	16		14	7	39	40	2	23	40	20	265
23	5	3w														29.5			36	65.5
24	5	3w					32.5					38.5	38.5		3.5	14		10	137	

Landowner of Record NAME: K and K Land LLC

ADDRESS: 1912 Union Road Concordia, Kansas 66901

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
25	5	3w	20	18			29.5	26.5												94
26	5	3w	30.5																	30.5
30	5	2w					19	40												59

Landowner of Record NAME: Hazel E Keil Trust #1, W. Benson Keil, Trustee

ADDRESS: 1912 Union Road Concordia, KS 66901

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
13	5	3w			31.5	33.25			35.5	38.5										138.75
24	5	3w					31	30.5	31.5	35.5			39.5					35.5		203.5

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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 2 %

Estimate the maximum land slope in the field(s): 4 %

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

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

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater: moisture probe

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: corn, soybeans, alfalfa, sorghum, wheat

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

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

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9-26-2017

(Date)

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

Re: Application File No. 49917

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.

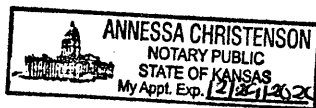
I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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.

K+K Land LLC  
W. Benson Keil, member  
Signature of Applicant  
K+K Land LLC  
W. Benson Keil, member  
(Print Applicant's Name)

State of Kansas )  
County of Cloud ) ss )

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 26 day of September, 2017.



Annessa Christenson  
Notary Public

My Commission Expires: 12/29/2020

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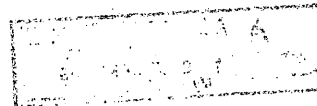
KS DEPT OF AGRICULTURE

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

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

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

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



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WATER WELL RECORD

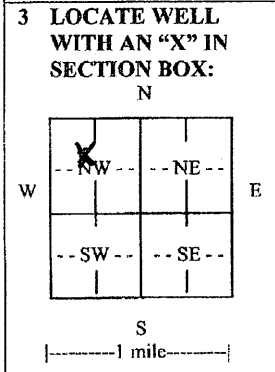
Form WWC-5

Division of Water Resources App. No.

1 LOCATION OF WATER WELL: County: Cloud Fraction 1/4 SE 1/4 NW 1/4 NW 1/4 Section Number 13 Township No. T 5 S Range Number R 3 E XW

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: 4-1/2 miles North & 3 miles East of Concordia Global Positioning System (GPS) information: Latitude: 39.62051 Longitude: -97.60953

2 WATER WELL OWNER: Benson Keil RR#, Street Address, Box #: 1912 Union Rd. City, State, ZIP Code: Concordia, KS 66901



3 LOCATE WELL WITH AN 'X' IN SECTION BOX: 4 DEPTH OF COMPLETED WELL: 68 ft. Depth(s) Groundwater Encountered (1) 37 ft. (2) 68 ft. (3) 68 ft. WELL'S STATIC WATER LEVEL: 37 ft. below land surface measured on mo/day/yr 11/26/12. EST. YIELD 30-50 gpm. Bore Hole Diameter 9 in. to 68 ft. WELL WATER TO BE USED AS: Stock

5 TYPE OF CASING USED: Steel X PVC Other CASING JOINTS: X Glued Clamped Welded Threaded Casing diameter 5 in. to 48 ft. Casing height above land surface 12 in., Weight 2.37 lbs./ft., Wall thickness or gauge No. 214

TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel X PVC Other (Specify) SCREEN OR PERFORATION OPENINGS ARE: Continuous slot X Mill slot Gauze wrapped Torch cut Drilled holes None (open hole) Louvered shutter Key punched Wire wrapped Saw cut Other (specify) SCREEN-PERFORATED INTERVALS: From 48 ft. to 68 ft. GRAVEL PACK INTERVALS: From 20 ft. to 68 ft.

6 GROUT MATERIAL: Neat cement Cement grout X Bentonite Other Grout Intervals: From 0 ft. to 20 ft. What is the nearest source of possible contamination: None within 1/4 mile

Table with columns: FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows include Topsoil, Clay, brown, Sandstone w/small shale layers, Shale, gray.

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was X constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 11/26/12 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 138. This Water Well Record was completed on (mo/day/year) 11/29/12 under the business name of Peterson Irrigation, Inc. by (signature) M. Peterson

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

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

October 3, 2017

K AND K LAND, LLC  
1912 UNION RD  
CONCORDIA KS 66901

**FILE COPY**

RE: Application  
File No. 49917

Dear Sir or Madam:

Your application for permit to appropriate water in 13-5S-3W 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,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: STOCKTON Field Office  
GMD