

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

JUN 24 2020

10:45

KS Dept Of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number **50404**
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): KEN BERRY
Address: 1624 N 70TH RD
City: MINNEAPOLIS State: KS Zip Code 67467
Telephone Number: (785) 392-7379

2. The source of water is: surface water in _____ (stream)
OR groundwater in SALT CREEK BASIN (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 201.5 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1400 gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:															
F.O.	<u>3</u>	GMD	<u>-</u>	Meets K.A.R. 5-3-1	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<input checked="" type="checkbox"/> G / <input type="checkbox"/> S	County	<u>OT</u>	By	<u>KJN</u>	Date	<u>6/24/2020</u>
Code	<u>REG</u>	Fee	<u>\$340</u>	<u>300</u>	TR #		Receipt Date	<u>6/24/2020</u>	Check #	<u>16836</u>					

6/25/2020
LMoody

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.

6/24/2020
KJN

~~(A) One in the _____ quarter of the Near Center of the SE quarter of Section 19, more particularly described as being near a point 1320 feet North and 1320 feet West of the Southeast corner of said section, in Township 10 South, Range 4 WEST, OTTAWA County, ~~Kansas~~.~~

(B) One in the SW quarter of the SE quarter of the SE quarter of Section 19, more particularly described as being near a point 79 feet North and 776 feet West of the Southeast corner of said section, in Township 10 South, Range 4 East/West (circle one), Ottawa 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):

BERRY FAMILY FARMS LLC, 746 PRAIRIE RD, MINNEAPOLIS, KS 67467
(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 6/22, ²⁰²⁰/₂₀₁₉ Ken Berry Manager
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WELL OR BATTERY OF WELLS _____
(number of wells, pumps or dams, etc.)
and (was) completed (by) Spring 2021 _____
(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 Spring 2021 _____
(Mo/Day/Year)

Water Resources
Received

JUN 24 2020

KS Dept Of Agriculture

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

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

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

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

• If yes, show the Water Structures permit number here _____

• If no, explain here why a Water Structures permit is not required _____

GROUNDWATER WELL

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 ½ 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 ½ mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

NONE

155 Acres x 1.3 AF/acre = 201.5 acre-feet of water.

Water Resources
Received

JUN 24 2020

KS Dept Of Agriculture

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
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/AGENT
(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):
BERRY FAMILY FARMS LLC, 746 PRAIRIE RD, MINNEAPOLIS, KS 67467 785-392-7379
(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 Minneapolis, Kansas, this 22 day of June, 2020
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 8/27/2019
(office/title)

Water Resources
Received
JUN 24 2020
KS Dept Of Agriculture

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): KEN BERRY

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: BERRY FAMILY FARMS LLC
 ADDRESS: 746 PRAIRIE RD, MINNEAPOLIS, KS 67467

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
19	10S	4W																40	40	35	40	155	

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

JUN 24 2020

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
Crete Silt loam	52.1	0.06-0.20	3e
Geary silt loam	24.3	0.20-0.60	3e
Geary silt loam	23.6	0.20-0.60	3e
Total:		100 %	

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

Estimate the maximum land slope in the field(s): 7 %

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:

Water Resources
Received

JUN 24 2020

KS Dept Of Agriculture

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 Wheat

Likely rotation will be Corn → Soybeans

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).

Irrigation will be based on soil moisture content, plant stress level and growth cycle of plant.

0.25" - 0.75" per irrigation pass.

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



KEN BERRY
 NEW APPLICATION - SITE MAP
 SEC 19, T10S, R4W

1:12,000



X
 Well
 non
 + RD
 1/3, K
 7



Proposed Place of Water Resources Received

● Proposed Point of Diversion

JUN 24 2020

All Known Wells Within 1/2 mile of the proposed point of diversion have been shown on this map.

Ken Berry Manager

Sargent Drilling
 INDUSTRIAL ENGINEERING
 COMPLETE MUNICIPAL AND INDUSTRIAL
 WELL AND PUMP SERVICE

PO Box 367
 Geneva, NE 68361-0367

846 South 13th St.

Phone: (402) 759-3902
 1-888-496-3902

TEST HOLE LOG

CUSTOMER: Ken Berry	
WELL ID: 2020-5	
LOCATION: SE ¼, 19-T10S-R4W, Ottawa Co., KS	
LATITUDE: 39° 9' 41.4"	
LONGITUDE: 097° 48' 7.6"	
FOOTAGES: 79 feet from the South section line and 776 feet from the East section line.	
ELEVATION: 1285'	
DATE: 6-17-2020	DRILLED BY: Scott

<u>from feet</u>	<u>- to feet</u>	
0	13	Top soil and brown and red clay
13	20	Sandstone with shale streak
20	28	Red, white and gray shale
28	44	Sandstone
44	60	Red, white and gray shale
60	80	Red, white, gray and brown shale
80	91	Gray shale
91	100	Sandstone with gay shale strip
100	140	Sandstone
140	155	Sandstone with shale strip
155	160	Medium sandstone
160	169	Sandstone and pyrite
169	180	Pyrite and shale

Water Resources
 Received

JUN 24 2020

KS Dept Of Agriculture

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50404

APPLICANT PERSON ID & SEQ #	88255	PDIV ID	BATTERY ID
<u>33475</u>			

LANDOWNER PERSON ID & SEQ #	70010	PUSE ID
<u>64896</u>		

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>64896</u>

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 30, 2020

KEN BERRY
1624 N 70TH ROAD
MINNEAPOLIS KS 67467

RE: Application, File No(s). **50404**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can 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