

File No. 49,702	15. Formation Code: 113	Drainage Basin: NEOSHO River	County: LY	Special Use:	Stream:																																																																																										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="width:50%; vertical-align: top;"> 16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W </td> <td colspan="5" style="width:50%; vertical-align: top;"> 17. Rate and Quantity Authorized Additional Rate Quantity Rate Quantity gpm af gpm af Overlap PD Files </td> </tr> <tr> <td colspan="10"> √ 32524 SW SE NW 6 20 13E 1 3000 3550 </td> <td colspan="5"> 1400 252 1400 252 MULTIPLE* </td> </tr> <tr><td colspan="10"> </td><td colspan="5"> </td></tr> <tr><td colspan="10"> </td><td colspan="5"> </td></tr> <tr><td colspan="10"> </td><td colspan="5"> </td></tr> <tr><td colspan="10"> </td><td colspan="5"> </td></tr> </table>						16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W										17. Rate and Quantity Authorized Additional Rate Quantity Rate Quantity gpm af gpm af Overlap PD Files					√ 32524 SW SE NW 6 20 13E 1 3000 3550										1400 252 1400 252 MULTIPLE*																																																																
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																															
19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s): _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																																																																																															
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2017 Date Acceptable Meter Installed _____																																																																																															
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files																																																																										
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*FILE NOS. 29,987; 46,940; 49,054; 49,702; 49,053 OVERLAP IN POINT OF DIVERSION (GW PIT)																																																																																															
** FILE NO. 49,053 TO BE VOLUNTARILY DISMISSED IN CONJUNCTION WITH NEW APP. APPROVAL.																																																																																															

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

TO: Files

DATE: November 28, 2016

FROM: Doug Schemm

RE: Application, File No. 49,702; and
Appropriation of Water, File No. 49,053

Dill Farms, LLC has filed the above referenced new application (File No. 49,702) proposing to appropriate 252 acre-feet of groundwater for irrigation use at a diversion rate of 1,400 gallons per minute. The proposed point of diversion is an existing groundwater pit with a geographic center located in the Northwest Quarter of Section 6, in Township 20 South, Range 13 East, in Lyon County. The proposed appropriation is located in the drainage basin of the Neosho River. The groundwater pit is currently authorized under Water Right, File Nos. 29,987 and 46,940; and Appropriation of Water, File Nos. 49,053 and 49,054, and a portion of the place of use is currently authorized under Appropriation of Water, File No. 49,053. Since the proposed place of use has been significantly expanded, the applicant determined that because the senior file was only recently approved, (and rather than filing a change application), he has requested that File No. 49,053 be dismissed. A voluntary dismissal request has been submitted for this file, in conjunction with approval of this new application.

Note that the applicant made an error on the Irrigation Use Supplemental Sheet, in identifying the landowner of the 80 acres in the North Half of the Northwest Quarter of Section 7, Township 20 South, Range 13 East. However, he correctly listed the landowner in Paragraph No. 15 on the application form as Lawrence M. Rust. Property data also shows Mr. Rust as the owner of this acreage, and the applicant verified it in a November 3, 2016 telephone call. Based on a review of the senior files, and current information, there are no wells of any kind within one-half mile of the proposed point of diversion, and notification letters are not required. The WRIS database information shows only the applicant's File No. 49,055 authorizing another nearby groundwater pit, and recreational File No. 48,326 within a two-mile radius of this new application. Both are over 1,320 feet away.

To maintain consistency with the senior files, the area of consideration is the extent of the alluvial aquifer in the two-mile circle, which was previously determined to be 7,737 acres. This area was modified slightly based on better information, and was reduced to 7,108 acres. Based on a potential recharge of 5.5 inches, with 75% available for appropriation, safe yield was determined to be 2,443.38 acre-feet. Existing water rights within this area of consideration have appropriated 335.11 acre-feet, leaving 2,108.27 acre-feet available. Therefore there is sufficient water available for appropriation, and the application meets safe yield criteria. The requested quantity of water of 252 acre-feet applied to 252 acres is 1.0 acre-feet per acre, which is the maximum allowable for Lyon County, Kansas.

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 chemicals will be injected into the water pumped under this permit, a check valve will also be required.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced new application in a November 2, 2016 discussion, along with the dismissal of the senior file. Based on the above discussion, the area is open to new appropriations, the application complies with safe yield criteria, and approval will not impair senior water rights, it is recommended that the referenced application be approved, in conjunction with the dismissal of Appropriation of Water, File No. 49,053.

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

December 9, 2016

DILL FARMS LLC
1976 ROAD 110
HARTFORD KS 66854-9233

FILE COPY

Re: Appropriation of Water, File No. 49,702

Dear Mr. Dill:

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 a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:dws
Enclosures

pc: Topeka Field Office
Lawrence M. Rust
Audrey J. Peterson Living Trust



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. 49,702** of the applicant

**DILL FARMS LLC
1976 ROAD 110
HARTFORD KS 66854-9233**

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 **September 8, 2016**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6	20S	13E										40	40			40		120	
7	20S	13E		40	12		40	40										132	

3. That the authorized source from which the appropriation shall be made is groundwater from the alluvial aquifer, to be withdrawn by means of a groundwater pit with a geographic center located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW¼ SE¼ NW¼) of Section 6, more particularly described as being near a point 3,000 feet North and 3,550 feet West of the Southeast corner of said section, in Township 20 South, Range 13 East, Lyon 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 **1,400 gallons per minute (3.12 c.f.s.)** and to a quantity not to exceed **252 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, 2017** 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, 2021** 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 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).

13. 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.

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

15. 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.

CERTIFICATE OF SERVICE

On this *9th* day of *December*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,702, dated *December 8, 2016* was mailed postage prepaid, first class, US mail to the following:

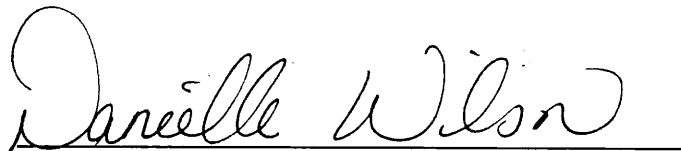
DILL FARMS LLC
1976 ROAD 110
HARTFORD KS 66854-9233

With photocopies to:

LAWRENCE M RUST
PO BOX 97
32 EAST 5TH ST
ALLEN KS 66833-0097

AUDREY J PETERSON LIVING TRUST
2956 SW GAINSBORO RD
TOPEKA KS 66614-4412

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE
11/28/2016
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 49,702
This item to be completed by the Division of Water Resources.

WATER RESOURCES
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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 08 2016
12:59
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): DILL FARMS LLC
Address: 1976 ROAD 110
City: HARTFORD State KS Zip Code: 66854-9233
Telephone Number: (620) 392-5737

2. The source of water is: surface water in _____ (stream)
OR groundwater in NEOSHO 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 252 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1,400 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. 1 GMD _____ Meets K.A.R. 5-3-1 (YES) NO) Use 1R Source GDS County LYON By gmc Date 9-8-2016
Code _____ REG _____ Fee \$ 300 TR # _____ Receipt Date 9-8-2016 Check # 70AD

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 SW Quarter of the SE quarter of the NW quarter of Section 6, more particularly described as being near a point 3,000 feet North and 3,550 feet West of the Southeast corner of said section, in Township 20 South, Range 13 EAST, LYON County, Kansas. * **Geo-Ctr of Groundwater Pit**

(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):

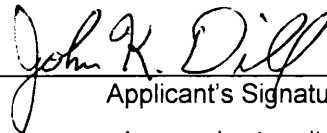
Applicant
(name, address and telephone number)

(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 _____, 2016.



Applicant's Signature

7. The proposed project for diversion of water will consist of 1 groundwater pit
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Already Existing
(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 Summer 2016
(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 _____
- If no, explain here why a Water Structures permit is not required _____
Not building impoundment, existing groundwater pit

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.

Pd overlap with File Nos. 29,987; 46,940; and 49,054, geo-center of groundwater pit.

Partial PU overlap with File No. 49,053, which will be voluntarily dismissed upon approval of this new application.

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SEP 08 2016 SCANNED

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

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

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

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

Owner/tenant
(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):

Audrey J. Peterson Living Trust, 2956 SW Gainsboro Road, Topeka, KS 66614-4412
(name, address and telephone number)

Need owner name & address

→ John Lawrence M Rust, 32 East 5th, Allen Ks, 66833, 620 528 3681
(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 Hartford, Kansas, this 25 day of Aug, 2016
(month) (year)

John K. Dill
(Applicant Signature)

[REDACTED]
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by DWS TFO Date: 8/4/2016
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,702

Name of Applicant (Please Print): Dill Farms LLC

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: DILL FARMS LLC

ADDRESS: 1976 Road 110, Hartford, KS 66854-9233

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6	20	13E															40		40
7	20	13E		40	12														52

Landowner of Record NAME: AUDREY J PETERSON LIVING TRUST

ADDRESS: 2956 SW GAINSBORO RD, TOPEKA KS 66614-4412

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6	20	13E										40	40						80

Landowner of Record NAME: Audrey J Peterson

ADDRESS: 821 SW 93rd, Wakarusa, KS, 66546

Lawrence M. Rust
P.O. Box 97 32 East 5th
Allen, KS 66833-0097
Wakarusa, KS, 66546 *

Need owner 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	
7	20	13E					40	40											80

* Per discussion with applicant on 11/3/2016 and information on *15 in Application. DWS/DWR 11/3/16

TOTAL = 252 Acres

WATER RESOURCES
RECEIVED

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.

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

RECEIVED
NOV 28 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

(Date)

Re: Application
File No. 49,702

Minimum Desirable Streamflow
Neosho River Basin

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.

John K. Dill
Signature of Applicant

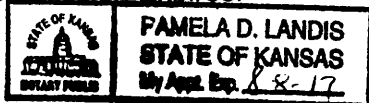
State of Kansas)
County of Lyon) ss

John K. Dill
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 17th day of November, 2016.

Pamela D. Landis
Notary Public

My Commission Expires:



WATER RESOURCES
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SEP 08 2016

SCANNED

**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

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
0-320	200.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

SCANNED


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

November 4, 2016

RECEIVED
NOV 28 2016
Topeka Field Office
DIVISION OF WATER RESOURCES

DILL FARMS LLC
1976 ROAD 110
HARTFORD KS 66854-9233

RE: Notarized Signatures

Dear Mr. Dill:

Enclosed is the "Voluntary Waiver of Hearing and Dismissal of Water Right" form for File No. 49,053, and the Minimum Desirable Streamflow form. Your signature must be notarized on both of these forms.

Please mail both forms back to me at:

**KANSAS DEPARTMENT OF AGRICULTURE
6531 SE FORBES AVENUE SUITE B
TOPEKA KS 66619**

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these forms.

Sincerely,



Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
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November 4, 2016

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1976 ROAD 110
HARTFORD KS 66854-9233

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6531 SE FORBES AVENUE SUITE B
TOPEKA KS 66619**

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these forms.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures


Kansas
Department of Agriculture
Division of Water Resources

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

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

August 4, 2016

DILL FARMS LLC
1976 ROAD 110
HARTFORD KS 66854-9233

RE: New Application for Appropriation of Water, and
Dismissal of Appropriation of Water, File No. 49,053

Dear Mr. Dill:

Enclosed are application forms related to completing a new application for permit to appropriate water for beneficial use. Please review the "Application For Permit To Appropriate Water For Beneficial Use" form, and make any modifications you wish. Also review the proposed place of use on the site map, and the enclosed "Irrigation Use Supplemental Sheet". Please add owner name and address for the proposed place of use on the supplemental sheet and Paragraph No. 15.

You must sign the application at both Paragraph Nos. 6 and 16. For the requested quantity of 252 acre-feet, the filing fee would be \$300. Please submit the original application with signatures, and filing fee to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502.**

In addition, enclosed is a "Voluntary Waiver of Hearing and Dismissal of Water Right" form for File No. 49,053. The proposed new application will essentially replace this file. Both the dismissal form and the enclosed Minimum Desirable Streamflow form must be signed and notarized.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,



Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

WATER RESOURCES
RECEIVED

SEP 08 2016

KS DEPT OF AGRICULTURE

SCANNED

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water
Water Right
Vested Right
Term Permit
(Check Appropriate Box Above)
File No. 49,053

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

John K. Dill
(Signature of Owner or Authorized Agent)

(Signature of Spouse or Title of Authorized Agent)

DILL FARMS LLC
(Please print name here)

(Please print name here)

1976 ROAD 110
(Mailing Address)

(Mailing Address)

HARTFORD, KS 66854-9233
(City, State, Zip)

(City, State, Zip)

ACKNOWLEDGMENT

State of Kansas)
County of _____)



This instrument was acknowledged before me this _____ day of _____, _____
(owners:)

(Seal)

**WATER RESOURCES
RECEIVED**

Notary Public

My appointment expires: **SEP 08 2016**

DWS
DWR Initials

KS DEPT OF AGRICULTURE

**Dismissal Contingent Upon Approval of New Application.*



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

September 9, 2016

DILL FARMS, LLC
1976 ROAD 110
HARFORD KS 66854

FILE COPY

RE: Application
File No. 49702

Dear Sir or Madam:

Your application for permit to appropriate water in S06-T20-R13E in Lyon 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,

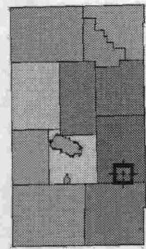
Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD 0


SCANNED



Overview




Legend

 City Limits

Parcel ID	243060000002000	Alternate ID	n/a	Owner Address	PETERSON, AUDREY J; LIV TR
Sec/Twp/Rng	06-20S-13E	Class	A - Agricultural Use		2956 SW GAINSBORO RD
Property Address	1200 ROAD V	Acreage	302.5		TOPEKA, KS 66614-4412
	Hartford				
District	096				
Brief Tax Description	S06, T20S, R13E, ACRES 302.5, W1/2 FR EXC W900 S750 N1/2 SW1/4 FR LESS ROW				
	(Note: Not to be used on legal documents)				

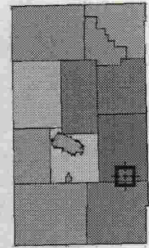
Disclaimer: The data used to produce this map is not survey accurate. It is intended for tax purposes only.

Date created: 11/2/2016
 Last Data Uploaded: 5/11/2016 2:45:01 PM


 Developed by
 The Schneider Corporation



Overview




Legend

 City Limits

Parcel ID	243060000004000	Alternate ID	n/a	Owner Address	DILL FARMS LLC
Sec/Twp/Rng	06-20S-13E	Class	A - Agricultural Use		1976 ROAD 110
Property Address	1900 ROAD 122	Acreage	40.2		HARTFORD, KS 66854-9233
	Neosho Rapids				
District	096				
Brief Tax Description	S06, T20S, R13E, ACRES 40.2, SW1/4 SE1/4 LESS ROW (Note: Not to be used on legal documents)				

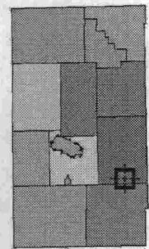
Disclaimer: The data used to produce this map is not survey accurate. It is intended for tax purposes only.

Date created: 11/2/2016
Last Data Uploaded: 5/11/2016 2:45:01 PM


 **Developed by**
The Schneider Corporation



Overview



Legend

 City Limits

Parcel ID	243070000002000	Alternate ID	n/a	Owner Address	DILL FARMS LLC
Sec/Twp/Rng	07-20S-13E	Class	F - Farm Homesite		1976 ROAD 110
Property Address	1976 ROAD 110	Acreage	274.1		HARTFORD, KS 66854-9233
	Hartford				
District	096				
Brief Tax Description	S07, T20S, R13E, ACRES 274.1, E1/2 EXC NE1/4 NE1/4 LESS ROW				
	(Note: Not to be used on legal documents)				

Disclaimer: The data used to produce this map is not survey accurate. It is intended for tax purposes only.

Date created: 11/2/2016

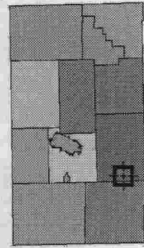
Last Data Uploaded: 5/11/2016 2:45:01 PM




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The Schneider Corporation



Overview



Legend

 City Limits

Parcel ID 2430700000003010
Sec/Twp/Rng 07-20S-13E
Property Address 1100 ROAD V
 Hartford

Alternate ID n/a
Class A - Agricultural Use
Acreage 270.1

Owner Address RUST, LAWRENCE M
 PO BOX 97
 ALLEN, KS 66833-0097

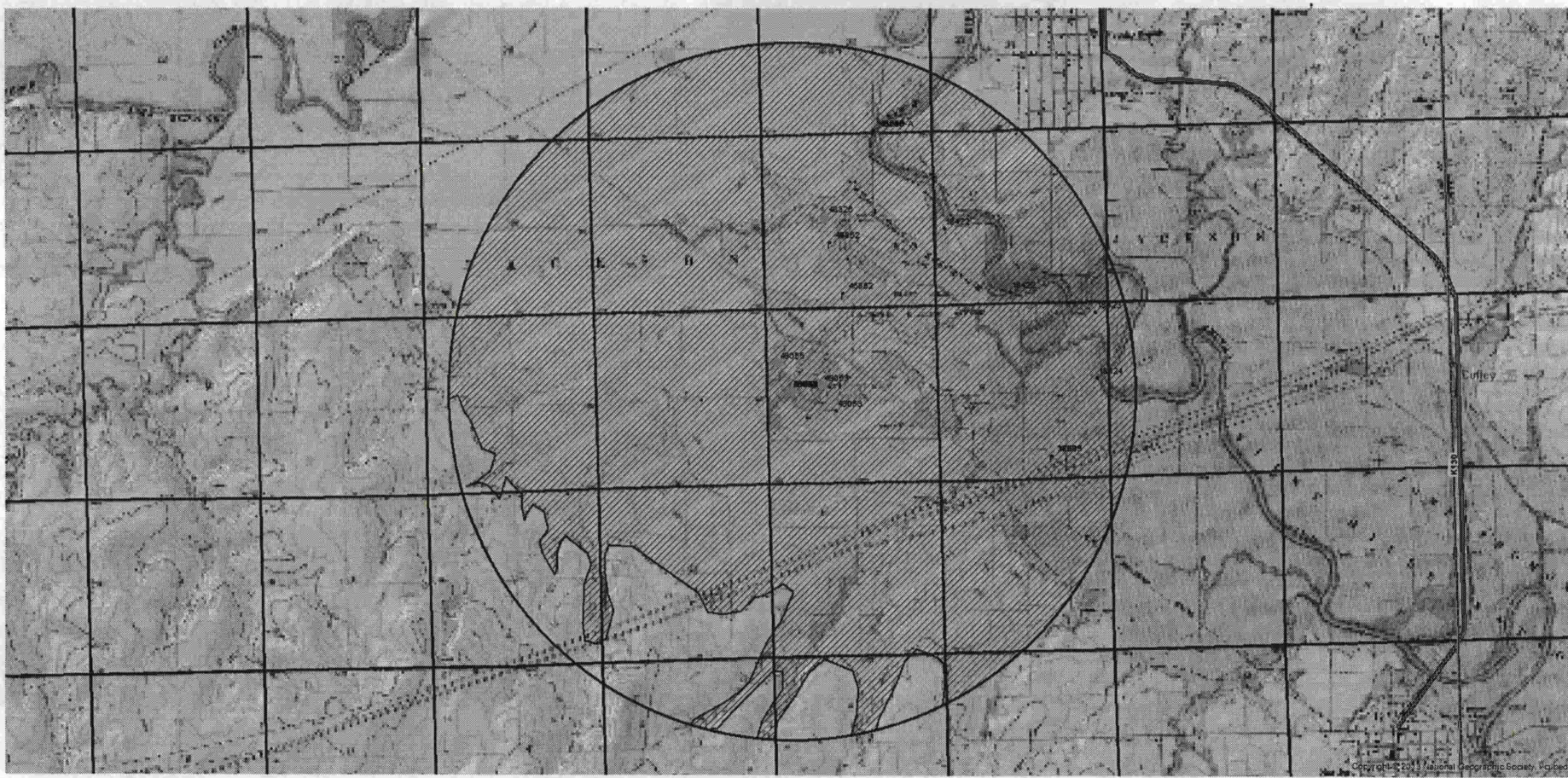
District 096
Brief Tax Description S07, T20S, R13E, ACRES 270.1, W1/2 EXC BEG SW COR SW1/4 N1656 E530 S600 E1120 S1056 W1650 TO POB LESS ROW
 (Note: Not to be used on legal documents)

Disclaimer: The data used to produce this map is not survey accurate. It is intended for tax purposes only.

Date created: 11/2/2016
 Last Data Uploaded: 5/11/2016 2:45:01 PM

#A9,702

Safe Yield Report Sheet
Water Right- A4970200
Point of Diversion in NWSESW 6-20S-13E 1 (32524)



File #49,702
 Meets Safe
 Yield

Analysis Results

The selected PD is in an area to new appropriations.
 The safe yield, based on the variables listed below is 2,443.38 AF.
 Total prior appropriation in the circle is 759.11 AF. $-424 = 335.11$
 Total quantity of water available for appropriation is 1,684.27 AF.

2,108.27 AF

Safe Yield Variables

The area used for the analysis is set at 7108 acres.
 Potential annual recharge of the area is estimated to be 5.5 inches.
 The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 02-NOV-2016 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 7 water right(s) and 4 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	29987	00	IRR	NK	G			SW	SE	NW	3000	3550	06	20	13E	1	WR	140.00	140.00	255.50	255.50
A	46940	00	IRR	NK	G			SW	SE	NW	3000	3550	06	20	13E	1	WR	160.00	20.00	255.50	0.00
A	48326	00	REC	KE	G			SW	SE	NW	2695	3345	31	19	13E	4	WR	79.61	79.61		
A	<u>49053</u>	00	IRR	KE	G			SW	SE	NW	3000	3550	06	20	13E	4	WR	172.00	172.00	172.00	172.00
A	49054	00	IRR	KE	G			SW	SE	NW	3000	3550	06	20	13E	1	WR	255.50	95.50	255.50	0.00
A	49055	00	IRR	HK	G			NW	SW	NW	3700	4900	06	20	13E	3	WR	255.50	0.00	255.50	0.00
A	49702	00	IRR	AY	G			SW	SE	NW	3000	3550	06	20	13E	1	WR	252.00	252.00	252.00	252.00

to be
 voluntary
 dismissed

424

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49702 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49702 00 IRR

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

3000 Feet North and 3550 Feet West of the Southeast Corner of Section 6 T 20S R 13E

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__ 29987 00 IRR NK G           0 -- SW SE NW 3000 3550 6 20 13E 1           140.00 140.00 AF
A__ 46940 00 IRR NK G           0 -- SW SE NW 3000 3550 6 20 13E 1           160.00 20.00 AF
A__ 48326 00 REC KE G       5039 -- SW SE NW 2695 3345 31 19 13E 4           79.61 79.61 AF
A__ 49053 00 IRR KE G           0 -- SW SE NW 3000 3550 6 20 13E 4           172.00 172.00 AF
A__ 49054 00 IRR KE G           0 -- SW SE NW 3000 3550 6 20 13E 1           255.50 95.50 AF
A__ 49055 00 IRR HK G       1521 -- NW SW NW 3700 4900 6 20 13E 3           255.50 .00 AF
A__ 49702 00 IRR AY G           0 -- SW SE NW 3000 3550 6 20 13E 1           252.00 252.00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      252.00           .00
Total Permitted Amount (AF) =      347.11           .00
Total Inspected Amount (AF) =         .00           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =       160.00           .00
Total Vested Amount (AF) =          .00           .00
TOTAL AMOUNT (AF) =                759.11           .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:

3000 Feet North and 3550 Feet West of the Southeast Corner of Section 6 T 20S R 13E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 29987 00 IRR NK G
> DILL FARMS LLC
>
> 1976 RAOD 110
> HARTFORD KS 66854
-----
A__ 46940 00 IRR NK G
> DILL FARMS LLC
>
> 1976 RAOD 110
> HARTFORD KS 66854
-----
A__ 48326 00 REC KE G
> MALLARD MANAGEMENT INC
> JIM LOEFFELBEIN
> 7111 W 51ST SUITE 336
> OVERLAND PARK KS 66223
    
```


>-----
A_ 49053 00 IRR KE G
> DILL FARMS LLC
>
> 1976 RAOD 110
> HARTFORD KS 66854

>-----
A_ 49054 00 IRR KE G
> DILL FARMS LLC
>
> 1976 RAOD 110
> HARTFORD KS 66854

>-----
A_ 49055 00 IRR HK G
> DILL FARMS LLC
>
> 1976 RAOD 110
> HARTFORD KS 66854

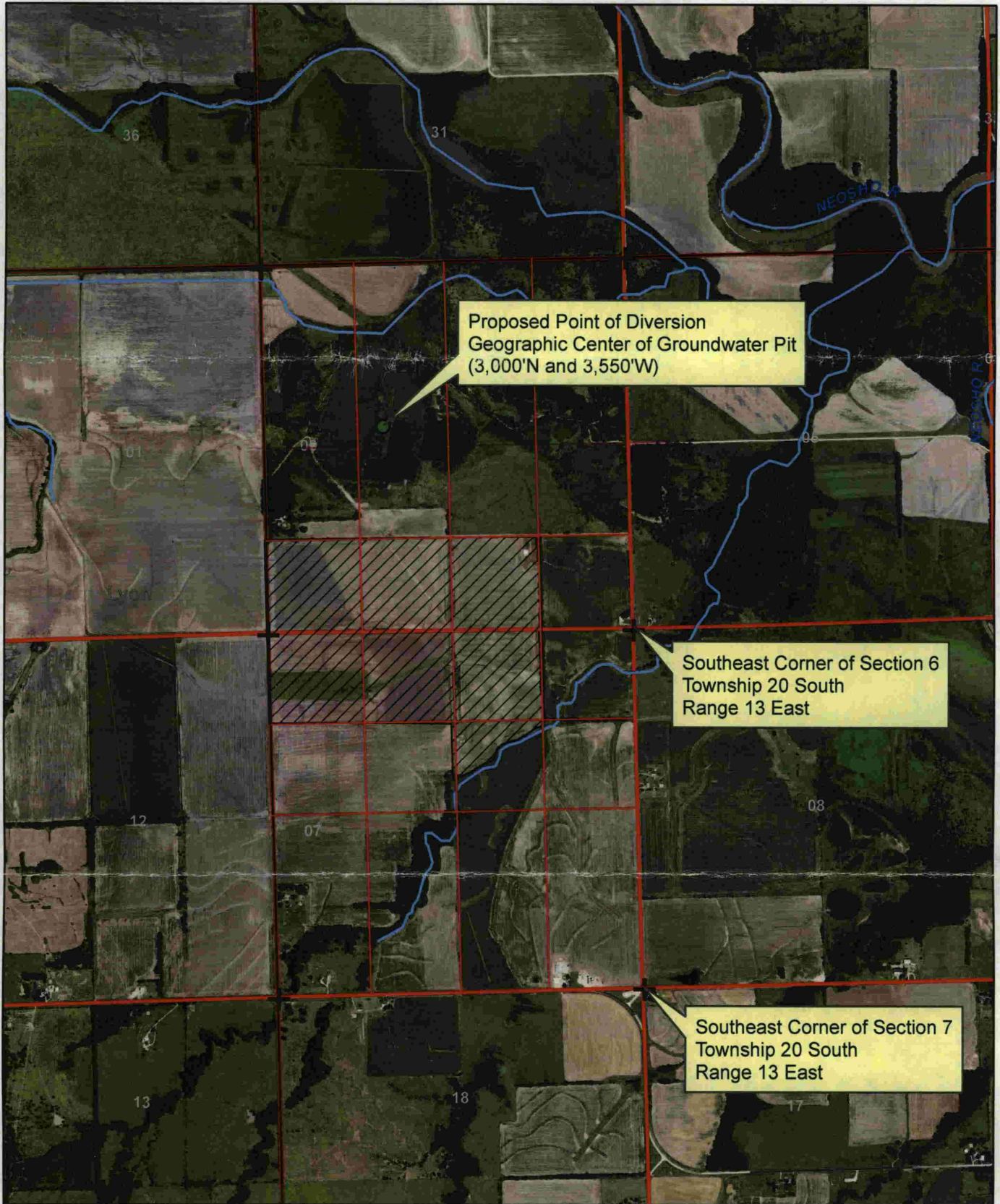
>-----
A_ 49702 00 IRR AY G
> DILL FARMS LLC
>
> 1976 RAOD 110
> HARTFORD KS 66854
>-----

=====

#####

DILL FARMS LLC - NEW APPLICATION
Sections 6 and 7, Township 20 South, Range 13 East
Lyon County

49,702



WATER RESOURCES
RECEIVED
Proposed Place of Use

● Proposed Point of Diversion

SEP 08 2016
KS DEPT OF AGRICULTURE

All known wells within one-half mile of the proposed point of diversion are shown on this map.

John K. Dill

SCANNED

1:24,000

