



File No. <b>50,020</b>	15. Formation Code: 113	Drainage Basin: KANSAS River	County: RL	Special Use:	Stream:																	
16. Points of Diversion			17. Rate and Quantity																			
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity AF	Rate gpm	Quantity AF	Overlap PD Files									
√	84973	NW SE NW	29	10	9E	3	3950	3620	1800	66	1800	66	49,546 & 20189016									
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																						
19. Limitation: <b>132</b> af/yr at _____ gpm ( _____ cfs) when combined with file number(s) <b>49,546 (for IRR use on normal KS row crop)</b> Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) <i>non-specialty</i>																						
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <b>12/31/2019</b> Date Acceptable Meter Installed _____																						
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
T MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
√	67569	29	10	9E	2	40	20	20	40									120	7a.	No	49,546 & 20189016	
Comments:																						

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

**TO:** Files

**DATE:** April 26, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 50,020, and Term Permit Application, File No. 20189016

Downey Ranch Inc. has filed the referenced application (File No. 50,020) to appropriate 66 acre-feet of groundwater from an existing well, at a rate of diversion of 1,800 gallons per minute for irrigation use on 120 acres. The well is currently authorized under Appropriation of Water, File No. 49,546, and is located in the Northwest Quarter of Section 29, Township 10 South, Range 9 East, Riley County, within the Kansas River Basin. The proposed place of use is wholly owned by the applicant, and the application has been signed stating they have access to the point of diversion. In addition, Ventria Bioscience has filed Term Permit Application, File No. 20189016 requesting 174 acre-feet at a diversion rate of 1,800 gallons per minute, which overlaps in both point of diversion and place of use with File No. 50,020. In addition, a change in place of use has been filed for File No. 49,546, which will create a complete overlap in point of diversion and place of use with this new application (120 acres).

The authorized and proposed water rights involving this place of use are summarized below:

File Number	Authorized Quantity (AF)	Additional Quantity (AF)	Limitation	Comment
49,546	265	265	66 AF normal None crop	60 Acre PU (4.4 AF/Acre). Note Place of Use will be 120 Acres after Change Approval.
50,020	66	66	132 AF w/49,546 (on normal crop)	Requested Quantity was based on 60 Acre PU (1.1 AF/Acre), however total PU will be 120 Acres.
20189016	174	174	None	Requested Quantity was based on 60 Acre PU (2.9 AF/Acre), however total PU will be 120 Acres

The files will all overlap on a total Place of Use of 120 Acres. The authorized quantities will provide for 505 AF on 120 acres or 4.2 AF/acre, therefore no quantity limitations are required on these files when rice is being grown. "Normal" Irrigation quantity on 120 acres would be 132 AF (1.1 AF/Acre).

The quantity of water requested under File No. 50,020 of 66 acre-feet to irrigate 60 acres is the maximum allowable 1.1 acre-feet per acre for Riley County, per K.A.R. 5-3-19 (for normal row crop). This is to cover the new, expanded place of use acreage. The applicants were assisted by Topeka Field Office staff in preparation of these applications. Note the total authorized place of use is 120 acres.

This irrigation project was previously discussed in greater detail with the applicant during processing of the senior file, to more clearly elucidate specific issues, especially related to perfection of File No. 49,546. Perfection is related to the maximum annual quantity of water actually applied to beneficial use in any one calendar year in accordance with the terms, conditions, and limitations of the approval of the application during the perfection period (i.e. on the authorized place of use). The perfected quantity of water would be reduced to the maximum allowable quantity, which is determined by multiplying the number of acres actually irrigated during the year of record by the quantity per acre as set forth in K.A.R. 5-3-19 (1.1 AF/acre). After the term is dismissed, the owner will want to extend perfection on File No. 50,020 in order to ensure that this junior appropriation is adequately perfected.

Please note the purpose of the overlapping term permit is to provide an additional quantity of water, in excess of what is considered to be a reasonable quantity for a normal Kansas field crop. The Term Permit Application is requesting 174 acre-feet to irrigate the same 60 acres proposed under File No. 50,020. The combined quantity of water of 240 acre-feet (66 AF + 174 AF) will provide for 4 acre-feet per acre, obviously exceeding the maximum allowable 1.1 acre-feet per acre for Riley County, per K.A.R. 5-3-19.

However, Ventria Bioscience is proposing to grow rice on the property, and per K.A.R. 5-3-20, the quantity of water reasonably necessary to irrigate crops may be exceeded if the applicant demonstrates both of the following to the chief engineer: (1) Because of specialty crops or other unusual conditions, the quantity specified in K.A.R. 5-3-19 is insufficient. (2) The requested quantity is reasonable for the intended irrigation use, is not wasteful, and will not otherwise prejudicially and unreasonably affect the public interest.

Fortunately, there are nearby properties currently producing rice, and the necessary quantity of water for growing rice in this area of the state has been reviewed and documented by the Division of Water Resources (see specifically Appropriation of Water, File Nos. 46,984 and 49,546). Water requirements for rice production were established under these files, and ranged from 4.1 acre-feet to 4.7 acre-feet per acre. The requested quantity of 4 acre-feet per acre under this pending application is within this established range of values. Therefore, because rice is a specialty crop and the requested quantity of water is reasonable for the intended irrigation use, is not wasteful, and will not otherwise prejudicially and unreasonably affect the public interest, this application complies with K.A.R. 5-3-20.

The term application has requested a 5-year term permit, to extend from June 1, 2018 to May 30, 2023. Because the period of use for the term permit is less than five (5) years, the safe yield requirements of K.A.R. 5-3-10 and 5-3-11 do not apply.

The applicant provided the names and addresses of two domestic well owners and one non-domestic well owner within one-half mile of the proposed point of diversion, which complies with K.A.R. 5-3-4. Nearby well owner letters were sent out on April 10, 2018. No responses of any kind were received. The proposed point of diversion meets minimum well spacing of 660 feet to the existing domestic wells (nearest domestic well is over 1,900 feet away).

However, the application does not meet well spacing criteria to the recreational use well recently approved under File No. 49,952 (Daniel Palenske), which is located 1,014 feet away. After further review and discussion, it is clear that the well under File No. 49,952 for recreational use, will only be pumped in the fall season ("irrigation off-season"), and the irrigation well under File No. 50,020 will not be operating at this same time. The applicant has indicated that pumping under this irrigation permit will normally start at the end of May and continue through spring and summer. No senior files will be impacted in any way. Therefore, as discussed above, per K.A.R. 5-4-4, the proposed well spacing is sufficient to prevent direct impairment and to protect the public interest.

Well logs from the senior file (49,546) display the typical alluvium lithology ranging from medium sand to gravel generally extending from 30 feet to more than 80 feet below ground where shale or limestone bedrock was encountered. Static water levels were not provided on the test hole logs, however area wells have static water levels ranging from 25 feet to 30 feet below ground level. Based on these well logs and the physical location of the wells, the source will be the Kansas River alluvium. K.A.R. 5-3-11 states that calculated recharge in the Kansas River alluvium shall be determined by taking 25% of the average annual rainfall in the area of consideration. Maintaining consistency with the senior file, there would be 8.3 inches of recharge, and the extent of the alluvium for the area of consideration provides a total of 5,357 acres. With a potential recharge of 8.3 inches, and 75% available for appropriation, safe yield was determined to be 2,778.9 acre-feet. Prior appropriations in this area of consideration total 2,292.5 acre-feet, leaving 486.4 acre-feet available, and the application requesting 66 acre-feet meets safe yield.

The proposed well is located over one-quarter mile from the Kansas River; therefore per the Kansas River Water Assurance Program Operations Agreement, the KRWAD was not notified of this pending application.

In keeping with the processing and conditioning of the senior files that are being used in rice production, the permit is conditioned as follows:

“That should any other crop be grown, the quantity of water approved under this permit is further limited to the quantity, which combined with Appropriation of Water, File No. 49,546, will provide **a total not to exceed 132 acre-feet** of water per calendar year for irrigation use on the land described herein.”

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 these permits, a check valve will also need to be installed.

In an April 26, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced applications. Based on the above discussion, well spacing and safe yield criteria are met, the requested quantity of water for rice production is reasonable and justified, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that both of the referenced new applications be approved, in conjunction with the change in Place of Use for File No. 49,546.

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

May 15, 2018

DOWNEY RANCH INC  
37929 WABAUNSEE RD  
WAMEGO KS 66547-1859

**FILE COPY**

Re: Appropriation of Water, File No. 50,020

Dear Sir or Madam:

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,

Handwritten signature of Kristen A. Baum in cursive.

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office  
Allen Friedrichs – Ventria Bioscience

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**  
(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,020** of the applicant

**DOWNEY RANCH INC  
37929 WABAUNSEE RD  
WAMEGO KS 66547-1859**

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 **March 26, 2018**.
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	
29	10S	9E					40	20	20	40									120

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 Southeast Quarter of the Northwest Quarter (NW¼ SE¼ NW¼) of Section 29, more particularly described as being near a point 3,950 feet North and 3,620 feet West of the Southeast corner of said section, in Township 10 South, Range 9 East, Riley 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 **1,800 gallons per minute** (4.01 c.f.s.) and to a quantity not to exceed **66 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, 2019**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.





**CERTIFICATE OF SERVICE**

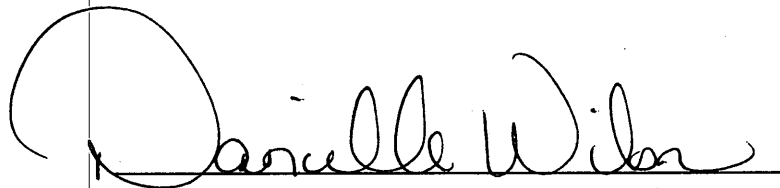
On this 15<sup>th</sup> day of May, 2018, I hereby certify that the foregoing Approval of Application, File No. 50,020, dated May 14<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

DOWNEY RANCH INC  
37929 WABAUNSEE RD  
WAMEGO KS 66547-1859

With photocopies to:

ALLEN FRIEDRICHS  
2718 INDUSTRIAL DRIVE  
JUNCTION CITY KS 66441

Topeka Field Office



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

APPLICATION COMPLETE  
4/25/18  
Reviewer KAB for DWS

File Number 50,020  
This item to be completed by the Division of 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.)

MAR 26 2018  
1:29  
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): DOWNEY RANCH INC.  
Address: 37929 WABAUNSEE RD  
City: WAMEGO State: KS Zip Code 66547-1859  
Telephone Number: (785) 456-8160

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in KANSAS RIVER 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 66 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 1800 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 0 Meets K.A.R. 5-3-1 (YES/NO) Use FRZ Source G/S County PL By AJW Date 3/20/18  
Code \_\_\_\_\_ REG Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 3/20/18 Check # credit

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 SE quarter of the NW of Section 29, more particularly described as being near a point 3,950 feet North and 3,620 feet West of the Southeast corner of said section, in Township 10 South, Range 9 EAST, RILEY 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):

Ventria Bioscience c/o Allen Friedrichs 2718 Industrial Dr, Junction City, KS 66441  
(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 March 26, 2018. Allen Friedrichs  
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WELL  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) EXISTING UNDER 49,546  
(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 2018.  
(Mo/Day/Year)

WATER RESOURCES  
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MAR 26 2018

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 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.

TERM PERMIT PD AND PU FILE NO. 49,546 pd and PU.

WATER RESOURCES  
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MAR 26 2018

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>01 APR 16</u>	_____	_____	_____
Total depth of well	<u>83 ft</u>	_____	_____	_____
Depth to water bearing formation	<u>35 ft</u>	_____	_____	_____
Depth to static water level	<u>31 ft</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>75 ft</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):

\_\_\_\_\_  
(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 Manhattan, Kansas, this 26 day of March, 2018.  
(month) (year)

Howe Ranch, Inc  
(Applicant Signature)

By Barbara A. Downey  
(Agent or Officer Signature)

Barbara A. Downey  
(Agent or Officer - Please Print)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

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

Assisted by DWS TOPEKA FO Date: 3/22/2018  
(office/title)

WATER RESOURCES RECEIVED  
MAR 26 2018

SCANNED KS DEPT OF AGRICULTURE

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 9,000

Name of Applicant (Please Print): DOWNEY RANCH INC

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: DOWNEY RANCH INC  
 ADDRESS: 37929 WABAUNSEE RD, WAMEGO, KS 66547-1859

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	10	9E					40	20	20	40									120

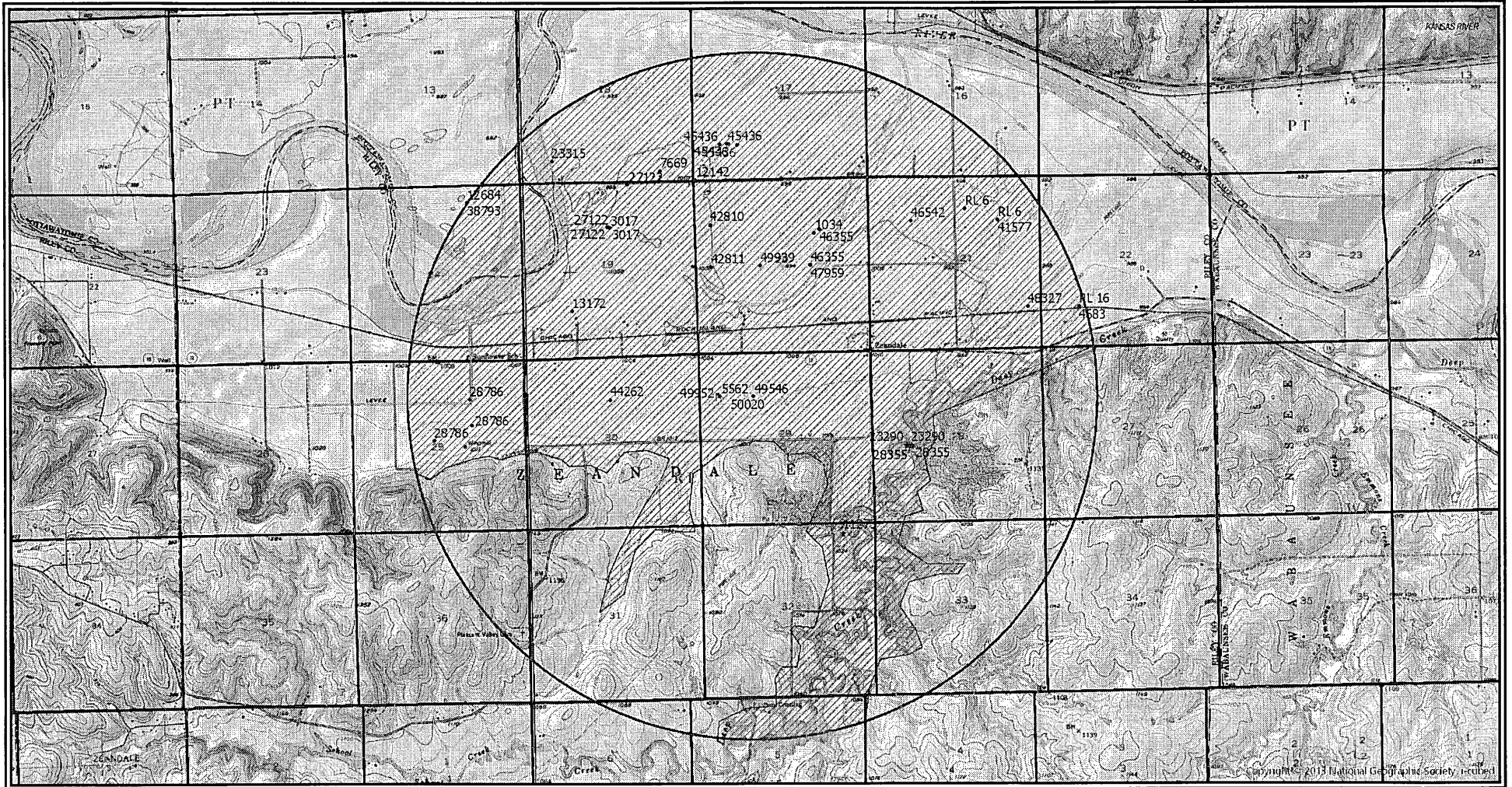
**Landowner of Record** NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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	

**Safe Yield Report Sheet**  
**Water Right- A5002000**  
**Point of Diversion in 29-10S-09E**  
**Footages from SE corner- 3,950 feet North 3,620 feet West**





# Analysis Results

The selected PD is in an area OPEN to new appropriations.

The safe yield based on the variables listed below is 2,781.83 AF. **2778.9 AF**

Total prior appropriations in the circle is 2,358.50 AF. **-66 = 2,292.5 AF**

Total quantity of water available for appropriation is 423.33 AF. **486.4 AF**

50,020  
meets safe yield

## Safe Yield Variables **5357 Acres (Per Senior File)**

The area used for the analysis is set at 5,363 acres.

The potential annual recharge at the circle center is estimated to be 8.3 inches.

The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 26-APR-2018 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 20 water rights and 17 points 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	Tot Acres	Net Acres
V RL 6 00	IRR	AA	G			NC	NE	3960	1320	21	10	09E	2	WR	81.00	81.00	129.00	129.00
V RL 16 00	IRR	AA	G			NE	SW	1264	4096	22	10	09E	6	WR	154.00	154.00	70.00	70.00
A 3017 00	IRR	NK	G			NW	SW	3955	2630	19	10	09E	4	WR	160.00	160.00	160.00	160.00
A 4683 00	IRR	NK	G			NE	SW	1264	4096	22	10	09E	6	WR	306.00	152.00	315.00	245.00
A 12142 00	IRR	NK	G			SW	SW	33	5263	17	10	09E	2	WR	80.00	80.00	140.50	140.50
A 13172 00	IRR	NK	G			SW	NE	0	0	19	10	09E	2	WR	124.00	124.00	162.00	162.00
A 27122 00	IRR	NK	G			NW	NW	5241	2052	19	10	09E	3	WR	160.00	0.00	160.00	0.00
Same	IRR	NK	G			NW	SW	3955	2630	19	10	09E	4	WR				
A 28786 00	IRR	NK	G	NC	E2	SW	NE	3340	1750	25	10	08E	3	PD	111.00	111.00	280.00	280.00
Same	IRR	NK	G			SE	NW	4050	1700	25	10	08E	1	PD	153.00	153.00		
A 41577 00	IRR	NK	G			NC	NE	3960	1320	21	10	09E	2	WR	48.00	48.00	129.00	0.00
A 42810 00	IRR	NK	G			SW	NW	3972	4789	20	10	09E	2	WR	90.00	90.00	184.00	184.00
A 42811 00	IRR	NK	G			SW	SW	2683	4786	20	10	09E	3	WR	80.00	80.00	184.00	0.00
A 44262 00	IRR	NK	G			NE	SE	3925	2725	30	10	09E	1	WR	125.00	125.00	134.00	134.00
A 46355 00	IRR	NK	G			SE	SW	2668	1761	20	10	09E	5	WR	107.00	107.00	254.00	251.50
A 46542 00	IRR	NK	G			NC	NW	3966	3937	21	10	09E	3	WR	101.00	101.00	124.00	124.00
A 47959 00	IRR	LR	G			SE	SW	2668	1761	20	10	09E	5	WR	279.40	172.40	254.00	0.00
A 48327 00	IRR	KE	G			NE	SE	1250	350	21	10	09E	4	WR	100.00	100.00	95.00	95.00
A 49546 00	IRR	KE	G			NW	SE	3950	3620	29	10	09E	3	WR	265.00	265.00	60.00	60.00
A 49939 00	IRR	GY	G			SE	SE	2682	3280	20	10	09E	6	WR	177.10	177.10	161.50	16.50
A 49952 00	REC	GY	G			SW	NW	3962	4634	29	10	09E	1	WR	12.00	12.00		
A 50020 00	IRR	AY	G			NW	SE	3950	3620	29	10	09E	3	WR	66.00	66.00	60.00	0.00

## Limitations

---

File Number	Seq Num	Limitations
A 4683 00	1	306AF/YR @2000 GPM ON THIS 315 AC LAND (w/RL-16)
A 27122 00	2	160AF/YR COM/W #3017
Same	3	950GPM WELL ID01 COM/W #3017
A 41577 00	2	800GPM COM/W VR RL06
A 47959 00	1	279.4AF/YR COM/W #42810, 42811 & 46355
Same	2	1200GPM COM/W #46355
A 49939 00	1	154 AF/YR COM/W #12142 (ON COMMON P/U)
Same	2	2.2 AF/YR COM/W #46355 & #47959 (ON COMMON P/U)
Same	3	2.75 AF/YR COM/W #42810 & #42811 (ON COMMON P/U)

---

50,020

Report Date Monday, April 9 2018

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50020 00

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50020 00 IRR

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

3950 Feet North and 3620 Feet West of the Southeast Corner of Section 29 T 10S R 9E

GROUNDWATER ONLY

*Spacing is adequate to prevent impairment (meets spacing criteria)*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 3017	00	IRR	NK	G	6828	--	NW	SW	NE	3955	2630	19	10	9E	4	160.00	160.00	AF	
A__ 4683	00	IRR	NK	G	10382	--	NE	SW	SW	1264	4096	22	10	9E	6	306.00	152.00	AF	
A__ 12142	00	IRR	NK	G	6904	--	SW	SW	SW	33	5263	17	10	9E	2	80.00	80.00	AF	
A__ 13172	00	IRR	NK	G	6100	--	SW	NE	SW	-----	-----	19	10	9E	2	124.00	124.00	AF	
A__ 27122	00	IRR	NK	G	7571	--	NW	NW	NE	5241	2052	19	10	9E	3	160.00	.00	AF	
Same					6828	--	NW	SW	NE	3955	2630	19	10	9E	4				
A__ 28665	00	IRR	NK	G	10545	--	--	--	--	520	3400	24	10	8E	1	72.00	72.00	AF	
A__ 28786	00	IRR	NK	G	8652	--	SE	NW	NE	4050	1700	25	10	8E	1	153.00	153.00	AF	
Same					8726	NC	E2	SW	NE	3340	1750	25	10	8E	3	111.00	111.00	AF	
A__ 38793	00	IRR	NK	G	10521	--	--	--	--	4800	1600	24	10	8E	3	117.00	103.00	AF	
A__ 41577	00	IRR	NK	G	9214	--	--	NC	NE	3960	1320	21	10	9E	2	48.00	48.00	AF	
A__ 42810	00	IRR	NK	G	5437	--	SW	NW	NW	3972	4789	20	10	9E	2	90.00	90.00	AF	
A__ 42811	00	IRR	NK	G	4189	--	SW	SW	NW	2683	4786	20	10	9E	3	80.00	80.00	AF	
A__ 44262	00	IRR	NK	G	4363	--	NE	SE	NW	3925	2725	30	10	9E	1	125.00	125.00	AF	
A__ 46355	00	IRR	NK	G	4394	--	SE	SW	NE	2668	1761	20	10	9E	5	107.00	107.00	AF	
A__ 46542	00	IRR	NK	G	7243	--	--	NC	NW	3966	3937	21	10	9E	3	101.00	101.00	AF	
A__ 47959	00	IRR	LR	G	4394	--	SE	SW	NE	2668	1761	20	10	9E	5	279.40	172.40	AF	
A__ 48327	00	IRR	KE	G	8906	--	NE	SE	SE	1250	350	21	10	9E	4	100.00	100.00	AF	
A__ 49546	00	IRR	KE	G*	0	--	NW	SE	NW	3950	3620	29	10	9E	3	265.00	265.00	AF	
A__ 49939	00	IRR	GY	G	4023	--	SE	SE	NW	2682	3280	20	10	9E	6	177.10	177.10	AF	
A__ 49952	00	REC	AY	G	1014	--	--	W2	NW	3962	4634	29	10	9E	1	12.00	12.00	AF	
A__ 50020	00	IRR	AY	G	0	--	NW	SE	NW	3950	3620	29	10	9E	3	66.00	66.00	AF	
P__20170284	00	REC	GY	G	1014	--	--	W2	NW	3962	4634	29	10	9E	1	12.28	12.28	AF	
T__20189016	00	IRR	AY	G	0	--	NW	SE	NW	3950	3620	29	10	9E	3	174.00	174.00	AF	
VRL	6	00	IRR	AA	G	9214	--	--	NC	NE	3960	1320	21	10	9E	2	81.00	81.00	AF
VRL	16	00	IRR	AA	G	10382	--	NE	SW	SW	1264	4096	22	10	9E	6	154.00	154.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	252.00	.00
Total Permitted Amount (AF) =	554.38	.00
Total Inspected Amount (AF) =	172.40	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1506.00	.00
Total Vested Amount (AF) =	235.00	.00
TOTAL AMOUNT (AF) =	2719.78	.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:

3950 Feet North and 3620 Feet West of the Southeast Corner of Section 29 T 10S R 9E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====  
File Number Use ST SR

A\_\_ 3017 00 IRR NK G  
> BRANDON & DIANNA DIBBEN  
>  
> 2106 BUFFALO CT  
> JUNCTION CITY KS 66441  
>

-----  
A\_\_ 4683 00 IRR NK G  
> HAROLD D & JEANNE MERTZ TRUSTS  
> BOB MERTZ  
> 7280 ZEANDALE RD  
> MANHATTAN KS 66502  
>

-----  
A\_\_ 12142 00 IRR NK G  
> LARRY D & DIANE C HOOBLER TRUSTS  
> LARRY & DIANE TRUSTEES  
> 1239 SANDY LAND RD  
> MANHATTAN KS 66502  
>

-----  
A\_\_ 13172 00 IRR NK G  
> JERRY L MOREHEAD  
>  
> 400 MOREHEAD RD  
> MANHATTAN KS 66502  
>

-----  
A\_\_ 27122 00 IRR NK G  
> BRANDON & DIANNA DIBBEN  
>  
> 2106 BUFFALO CT  
> JUNCTION CITY KS 66441  
>

-----  
A\_\_ 28665 00 IRR NK G  
> JERRY L MOREHEAD  
>  
> 400 MOREHEAD RD  
> MANHATTAN KS 66502  
>

-----  
A\_\_ 28786 00 IRR NK G  
> JANET CROCKER  
>  
> 1048 BRIANNA CT  
> MANHATTAN KS 66503  
>

-----  
A\_\_ 38793 00 IRR NK G  
> STAR A INC  
> DBA CK PROCESSING  
> 3490 SWAMP ANGEL RD  
> MANHATTAN KS 66502  
>

-----  
A\_\_ 41577 00 IRR NK G  
> HAROLD D & JEANNE MERTZ TRUSTS

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 10, 2018

DANIEL PALENSKE  
32873 HWY K-18  
MANHATTAN KS 66502

Re: Pending New Application, File No. 50,020, and  
Appropriation of Water, File No. 49,546 Change Application (Place of Use)

Dear Sir or Madam:

This is to advise you that Downey Ranch Inc. has filed the new application referred to above for a permit to appropriate 66 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 1,800 gallons per minute. Please note that the proposed point of diversion is an existing well currently authorized under Appropriation of Water, File No. 49,546. The pending change application for File No. 49,546 will increase the place of use to match the new application irrigation project. The proposed point of diversion is one well located as follows:

In the Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 29, in Township 10 South, Range 9 East, Riley 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 these applications 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 new and change applications and site maps posted by the file numbers 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: Downey Ranch Inc.

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 10, 2018

SUE ANN DUROCHE TRUSTEE  
2140 E 153 TERRACE  
OLATHE KS 66062-2915

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Appropriation of Water, File No. 49,546 Change Application (Place of Use)

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Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Downey Ranch Inc.

# STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
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6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

PHONE: (785) 296-5733  
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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 10, 2018

ANTHONY AKIN  
4440 AKIN ROAD  
MANHATTAN KS 66502

Re: Pending New Application, File No. 50,020, and  
Appropriation of Water, File No. 49,546 Change Application (Place of Use)

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Downey Ranch Inc.

## 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
101-320	\$300.00
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

WATER RESOURCES  
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MAR 26 2018

KS DEPT OF AGRICULTURE

**SCANNED**



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

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

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
<u>Muscotah silty clay</u>	<u>100 %</u>	<u>0-0.06 in/hr</u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<b>Total:</b>	<b>100 %</b>		

b. Estimate the average land slope in the field(s): 0-1% %

Estimate the maximum land slope in the field(s): 2-4% %

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: Water will be contained inside of border containment.

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: The primary crop being irrigated is rice. Soybeans are planted as a rotation crop and would not be irrigated except under very dry conditions.

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). Flush field if insufficient rainfall for germination. Permanent flood for 3 months. Maintain approximately 2-3" of standing water. Pump water when water level drops.

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MAR 26 2018

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

WATER RESOURCES  
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MAR 26 2018

KS DEPT OF AGRICULTURE Page 3 of 3

SCANNED

March 26, 2018

(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. 50,020

Minimum Desirable Streamflow  
KANSAS River Assurance District  
Water Reservation Rights

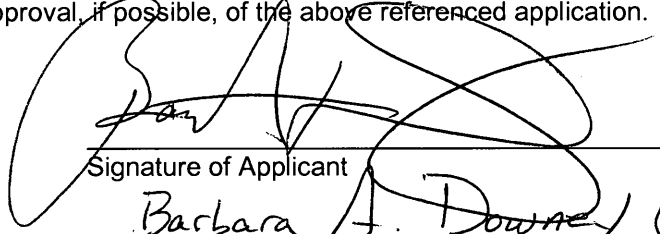
Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (**circle the appropriate item**) for the source of supply to which the above referenced application applies, namely the KANSAS RIVER.

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, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

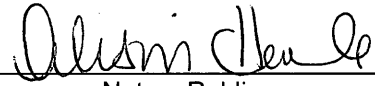
I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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 of Applicant  
Barbara A. Downey (treas)  
Print Applicant Name

State of Kansas )  
County of Riley ) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 26th day of March, 2018.

  
Notary Public

My Commission Expires: 12/15/2020

WATER RESOURCES  
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MAR 26 2018

NOTARY PUBLIC - State of Kansas  
**ALISON HENLE**  
My Appt Expires 12/15/2020

KS DEPT OF AGRICULTURE

30,000

**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                  | Ninnescah River            |
| Big Blue River                  | North Fork Ninnescah River |
| Chapman Creek                   | Rattlesnake Creek          |
| Chikaskia River                 | Republican River           |
| Cottonwood River                | Saline River               |
| Delaware River                  | Smoky Hill River           |
| Little Arkansas River           | Solomon River              |
| Little Blue River               | South Fork Ninnescah       |
| Marais des Cygnes River         | Spring River               |
| Medicine Lodge River            | Walnut River               |
| Mill Creek (Wabaunsee Co. area) | Whitewater River           |
| Neosho River                    |                            |

Assurance Districts have been formed on the following rivers:

- |              |                         |              |
|--------------|-------------------------|--------------|
| Kansas River | Marais des Cygnes River | Neosho River |
|--------------|-------------------------|--------------|

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

- |               |              |
|---------------|--------------|
| Big Hill      | Marion       |
| Clinton       | Melvern      |
| Council Grove | Milford      |
| Elk City      | Perry        |
| Hillsdale     | Pomona       |
| John Redmond  | Tuttle Creek |

**WATER RESOURCES  
RECEIVED**

**MAR 26 2018**

**KANSAS DEPT OF AGRICULTURE**

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 2, 2018

DOWNEY RANCH INC  
37929 WABUNSEE RD  
WAMEGO KS 66547

RE: Application  
File No. 50020

Dear Sir or Madam:

Your application for permit to appropriate water in 29-10S-9E in Riley 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) 564-6637. 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".

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED

# DOWNEY RANCH - NEW APPLICATION MAP

## SEC. 29, T10S, R9E

### RILEY COUNTY

1:24,000



 Proposed Place of Use

 Proposed Point of Diversion

All known well owners within 1/2 mile of the proposed point of diversion are shown on this map.

WATER RESOURCES RECEIVED

MAR 26 2016

SCANNED

KS DEPT OF AGRICULTURE