

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,089</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;"><i>10/2/2018</i></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID <u>39608</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p style="text-align: center; font-weight: bold; margin: 10px 0;">HAROLD D & JEANNE MERTZ TRUSTS BOB MERTZ 7280 ZEANDALE RD MANHATTAN KS 66502-1517</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p style="font-size: 1.2em; margin-top: 10px;">7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="font-size: 1.2em; margin-top: 10px;">7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p style="margin-left: 40px;"><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p style="margin-left: 40px;"><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p style="margin-left: 40px;"><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2019</u> 11. Perfection Date: <u>12/31/2023</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 9/17/2018 By: DWS Date Entered: <i>10/2/2018</i> By: <i>WH</i></p>			

File No. **50,089** 15. Formation Code: 113 Drainage Basin: **Kansas River** County: RL Special Use: Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			86901	NW NW SW	16	10	9E	6	2630	4980 (Geo-Ctr)
ENT			87082	SW SW NW	16	10	9E		2755	4980 (Batt 1 of 4)
ENT			87083	SW SW NW	16	10	9E		2880	4980 (Batt 1 of 4)
ENT			87084	NW NW SW	16	10	9E		2505	4980 (Batt 1 of 4)
ENT			87085	NW NW SW	16	10	9E		2380	4980 (Batt 1 of 4)
Battery ID # 207										

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	80	800	80	NONE

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? Yes No To be installed by **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <input checked="" type="checkbox"/> YES	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√			26141	16	10	9E	2					3	35			40	40							118	7a.	YES no YES	NONE		

Comments:

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

TO: Files

DATE: September 17, 2018

FROM: Doug Schemm

RE: Application, File No. 50,089

Harold D & Jeanne Mertz Trusts has filed the referenced new application to appropriate 80 acre-feet of groundwater from a new proposed battery of wells at a rate of 800 gallons per minute for irrigation use on 118 acres. The well is located in the Southwest Quarter of Section 16, Township 10 South, Range 9 East, Riley County, within the Kansas River Drainage Basin. The place of use is owned by the applicant, and the form was signed by Robert Mertz, Trustee stating he has access to the point of diversion. The requested quantity of water 80 acre-feet is less than the maximum allowable to irrigate the proposed acreage (118 acres) in Riley County, however it will provide 0.7 acre-feet (8.4 inches), which would still be reasonable for this area of the state.

The applicant identified two wells within one-half mile, and nearby notification letters were sent out on August 22, 2018. No responses of any kind were received. The proposed point of diversion meets minimum well spacing criteria to all existing wells per the requirements in K.A.R. 5-4-4. It is located over 4,000 feet from the nearest irrigation well, and over 2,000 feet from the nearest domestic well.

The point of diversion consists of a proposed battery of wells to be completed in 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. For this application, the calculated recharge was determined to be 8.3 inches. The extent of the alluvium (per topographic data) for the area of consideration provides a total of 5,349 acres. Based on a potential recharge of 8.3 inches, with 75% available for appropriation, safe yield was determined to be 2,774.8 acre-feet. Existing water rights have appropriated 2,567.5 acre-feet within the area of consideration, leaving 207.3 acre-feet available, and the application complies with safe yield.

The applicant has submitted a signed Kansas River Assurance District form, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit. The well is not located within ¼ mile from the Kansas River, so notification of the KRWAD is not required.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a September 13, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced new application. Based on the above discussion, well spacing and safe yield criteria are met, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

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

HAROLD D & JEANNE MERTZ TRUSTS
% BOB MERTZ
7280 ZEANDALE RD
MANHATTAN KS 66502-1517

October 8, 2018

FILE COPY

Re: Appropriation of Water, File No. 50,089

Dear Mr. Mertz:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office

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. 50,089** of the applicant

**HAROLD D & JEANNE MERTZ TRUSTS
% BOB MERTZ
7280 ZEANDALE RD
MANHATTAN KS 66502-1517**

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 **July 16, 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	
16 10S 9E						3	35				40	40					118

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of a battery of four (4) wells with a geographic center located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW¼ NW¼ SW¼), of Section 16, more particularly described as being near a point 2,630 feet North and 4,980 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 **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **80 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 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, 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 of \$100.00.

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

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

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

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

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

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

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

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

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

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

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

18. That this permit is limited such that all wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply, and shall supply water to a common distribution system.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 2nd day of October, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2nd day of October, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

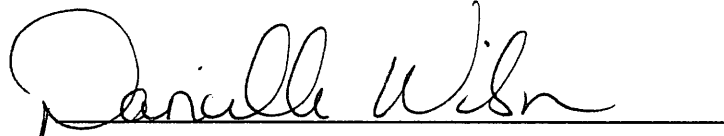
CERTIFICATE OF SERVICE

On this 24th day of October, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,089, dated October 2nd 2018 was mailed postage prepaid, first class, US mail to the following:

HAROLD D & JEANNE MERTZ TRUSTS
BOB MERTZ
7280 ZEANDALE RD
MANHATTAN KS 66502-1517

With photocopies to:

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

File Number 50089
This item to be completed by the Division of Water Resources.

Water Resources
Received
JUL 16 2018
4:58
KS Dept Of Agriculture

APPLICATION COMPLETE
8/13/18
Reviewer KAB/DWS

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): Harold D Mertz Trust
Address: 7280 Zeandale Rd
City: Manhattan State KS Zip Code 66502
Telephone Number: (785) 456-3279 (cell)

2. The source of water is: surface water in _____ (stream)
OR groundwater in Kansas 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 80 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 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 IRR Source G/S County RL By KAB Date 7-17-18
Code 1048 Fee \$ 200 TR # _____ Receipt Date 7/16/18 Check # 1048

7/18/18 DAW
SCANNED

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 NW quarter of the SW quarter of Section 16, more particularly described as being near a point 2630 feet North and 4980 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):

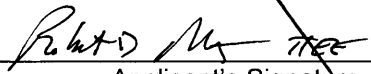
applicant
(name, address and telephone number)

(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 _____, 20____.



Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of a battery of up to 4 wells
(number of wells, pumps or dams, etc.)

and will be completed (by) ASAP
(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 ASAP
(Mo/Day/Year)

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50089
This item to be completed by the Division of Water Resources.

Water Resources
Received

JUL 16 2018
4:58

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.)

KS Dept Of Agriculture

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

1. Name of Applicant (Please Print): ^{#Jeanne} Harold D Mertz Trusts
Address: 7280 Zeandale Rd
City: Manhattan State KS Zip Code 66502
Telephone Number: (785) 456-3279 (cell)

2. The source of water is: surface water in _____ (stream)
OR groundwater in Kansas 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 80 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 800 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. Code	<u>GMD</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use <u>IRR</u>
	<u>125</u>	Fee \$ <u>200</u>	TR # _____
Source	<u>G/S</u>	County	<u>RL</u>
By	<u>KAB</u>	Date	<u>7-17-18</u>
Receipt Date	<u>7/16/18</u>	Check #	<u>1048</u>

7/18/18 DAW

Batt 4 of 4 = NW NW SW 2,380' N & 4,980' W, 16-10S-9E, Riley Co. File No. 50,089

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.

Geo-Center

(A) One in the NW quarter of the NW quarter of the SW quarter of Section 16, more particularly described as being near a point 2630 feet North and 4980 feet West of the Southeast corner of said section, in Township 10 South, Range 9 East, Riley County, Kansas.

1 of 4 (B) One in the SW quarter of the SW quarter of the NW quarter of Section 16, more particularly described as being near a point 2755 feet North and 4980 feet West of the Southeast corner of said section, in Township 10 South, Range 9 East West (circle one), Riley County, Kansas.

2 of 4 (C) One in the SW quarter of the SW quarter of the NW quarter of Section 16, more particularly described as being near a point 2880 feet North and 4980 feet West of the Southeast corner of said section, in Township 10 South, Range 9 East West (circle one), Riley County, Kansas.

3 of 4 (D) One in the NW quarter of the NW quarter of the SW quarter of Section 16, more particularly described as being near a point 2505 feet North and 4980 feet West of the Southeast corner of said section, in Township 10 South, Range 9 East West (circle one), Riley 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 _____, 20____ Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of a battery of up to 4 wells * (number of wells, pumps or dams, etc.)

and will be completed (by) ASAP (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 ASAP (Mo/Day/Year)

* Line up wells North to South per discussion with applicant on 9/17/18. DWS/DWR 9/17/18

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 applicable

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.

none

Water Resources
Received

JUL 16 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	_____	_____	_____	_____
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
(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):
applicant
(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 16 day of July, 16
(month) (year)

HAROLD R. MERTZ TRUST
(Applicant Signature)

By Robert D. Mertz Trust
(Agent or Officer Signature)

ROBERT D. MERTZ TRUST
(Agent or Officer - Please Print)

Assisted by kab/HQ ESII Date: 7/16/18
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50089

Name of Applicant (Please Print): Harold D Mertz Trust

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:

& Jeanne
Landowner of Record NAME: Harold D Mertz Trusts

ADDRESS: 7280 Zeandale Rd, Manhattan KS 66502

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	10S	9E						3	35				40	40					118

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	

<p>6411 Tax Year = 2018 HOOBLER, LARRY D; TRUST HOOBLER, DIANE C; TRUST Owner Mailing Address: 1239 SANDY LAND RD MANHATTAN, KS 66502-1528</p>	<p>ACRES=45.55 Neighborhood=150.0</p>	<p>LT 4. BEG SW COR LT 5 TH N469.05', NWLY192.55', NWLY16 3.73', NWLY169.35', NWLY68.68', N WLY256.91', N114.82', NELY140.01</p>		
<p><u>081-195-16-0-00-00-004.00-0</u> Quick Ref ID = 6412 Tax Year = 2018 MERTZ, HAROLD D; TRUST MERTZ, JEANNE; TRUST Owner Mailing Address: 7160 Zeandale Rd MANHATTAN, KS 66502-1517</p>	<p>5120 KAW RD, Manhattan, KS 66502 ACRES=4.57 Neighborhood=150.0</p>	<p>S16, T10, R09E, ACRES 4.6, BEG SE COR W2 SW4, TH N311.11', W700', S311.11', E700' TO POB LESS ROW</p>	<p>\$3,250 A \$1,000 F</p>	<p>Farm Homesite</p>
<p><u>081-195-16-0-00-00-004.01-0</u> Quick Ref ID = 6413 Tax Year = 2018 MERTZ, JEANNE; TRUST MERTZ, HAROLD D; TRUST Owner Mailing Address: 7160 Zeandale Rd MANHATTAN, KS 66502-1517</p>	<p>00000 KAW RD, Manhattan, KS 66502 ACRES=113.78 Neighborhood=150.0</p>	<p>S16, T10, R09E, ACRES 112.8, W2 W2 LESS: BEG SE COR W2 SW4, TH N311.11', W700', S311.11', E700' TO POB LESS BEG SE COR LT 4, TH N469.05', NWLY192.55',</p>	<p>\$66,250</p>	<p>Agricultural Use</p>
<p><u>081-195-16-0-00-00-005.00-0</u> Quick Ref ID = 6414 Tax Year = 2018 Moore, Marilyn H Owner Mailing Address: 5200 Kaw RD Manhattan, KS 66502</p>	<p>5200 KAW RD, Manhattan, KS 66502 ACRES=2 Neighborhood=150.0</p>	<p>MOORE ACRES, S16, T10, R09E, Lot 1, ACRES 2</p>	<p>\$101,880</p>	<p>Residential</p>
<p><u>081-195-16-0-00-00-005.01-0</u> Quick Ref ID = 308367 Tax Year = 2018 MOORE, STANLEY E Owner Mailing Address: 3200 DANIELS DR MANHATTAN, KS 66502-9216</p>	<p>00000 KAW RD, Manhattan, KS 66502 ACRES=77.09 Neighborhood=150.0</p>	<p>S16, T10, R09E, Acres 77.09, E2 SW4 LESS MOORE ACRES & LESS ROW</p>	<p>\$59,250</p>	<p>Agricultural Use</p>
<p><u>081-195-16-0-00-00-005.01-3</u> Quick Ref ID =</p>	<p>00000 KAW RD, Manhattan, KS 66502</p>	<p>S16, T10, R09E, MINERAL</p>	<p>\$0</p>	<p>Agricultural Use</p>

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50089 00

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50089 00 IRR

*Meets spacing
all wells > 1/4 mile*

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

2630 Feet North and 4980 Feet West of the Southeast Corner of Section 16 T 10S R 9E

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__ 2990 00	IRR	NK	G	5120	--	SE	NE	SE	1380	15	16	10	9E	5		90.00	90.00	AF
A__ 3017 00	IRR	NK	G	9097	--	NW	SW	NE	3955	2630	19	10	9E	4		160.00	160.00	AF
A__ 4683 00	IRR	NK	G	9051	--	NE	SW	SW	1264	4096	22	10	9E	6		306.00	152.00	AF
A__ 7527 00	IRR	NK	G	5120	--	SE	NE	SE	1380	15	16	10	9E	5		113.00	23.00	AF
A__ 8377 00	IRR	NK	G	9717	--	--	NC	NE	3890	1390	22	10	9E	3		168.00	168.00	AF
A__ 12142 00	IRR	NK	G	6117	--	SW	SW	SW	33	5263	17	10	9E	2		80.00	80.00	AF
A__ 27122 00	IRR	NK	G	8074	--	NW	NW	NE	5241	2052	19	10	9E	3		160.00	.00	AF
Same				9097	--	NW	SW	NE	3955	2630	19	10	9E	4				
A__ 32183 00	IRR	NK	G	7444	--	--	NC	NW	3945	3935	22	10	9E	4		160.00	160.00	AF
A__ 32184 00	IRR	NK	G	6522	--	--	--	--	820	4000	15	10	9E	1		110.00	110.00	AF
A__ 38090 00	MUN	NK	G	6154	--	SE	SE	NW	3200	2920	9	10	9E	3		27.62	27.62	AF
A__ 38884 00	IRR	NK	G	5332	--	--	--	--	1170	3445	8	10	9E	1 G 4		16.00	16.00	AF
Same				5339	--	--	--	--	1170	3455	8	10	9E	2 B 4				
Same				5269	--	--	--	--	1170	3355	8	10	9E	3 B 4				
Same				5218	--	--	--	--	1170	3280	8	10	9E	4 B 4				
Same				5449	--	--	--	--	1170	3610	8	10	9E	5 B 4				
A__ 41565 00	IRR	NK	G	10520	--	N2	SE	NE	3661	609	22	10	9E	5		65.00	65.00	AF
A__ 41577 00	IRR	NK	G	5356	--	--	NC	NE	3960	1320	21	10	9E	2		48.00	48.00	AF
A__ 42810 00	IRR	NK	G	6456	--	SW	NW	NW	3972	4789	20	10	9E	2		90.00	90.00	AF
A__ 42811 00	IRR	NK	G	7309	--	SW	SW	NW	2683	4786	20	10	9E	3		80.00	80.00	AF
A__ 46355 00	IRR	NK	G	5632	--	SE	SW	NE	2668	1761	20	10	9E	5		107.00	107.00	AF
A__ 46542 00	IRR	NK	G	4049	--	--	NC	NW	3966	3937	21	10	9E	3		101.00	101.00	AF
A__ 47959 00	IRR	LR	G	5632	--	SE	SW	NE	2668	1761	20	10	9E	5		279.40	172.40	AF
A__ 48327 00	IRR	LO	G	8074	--	NE	SE	SE	1250	350	21	10	9E	4		100.00	100.00	AF
A__ 49546 00	IRR	KE	G	10023	--	NW	SE	NW	3950	3620	29	10	9E	3		265.00	265.00	AF
A__ 49939 00	IRR	GY	G	6345	--	SE	SE	NW	2682	3280	20	10	9E	6		177.10	177.10	AF
A__ 49952 00	REC	GY	G	10451	--	SW	NW	NW	3962	4634	29	10	9E	1		12.00	12.00	AF
A__ 50020 00	IRR	GY	G	10023	--	NW	SE	NW	3950	3620	29	10	9E	3		66.00	66.00	AF
A__ 50089 00	IRR	AY	G	0	--	NW	NW	SW	2630	4980	16	10	9E	6		80.00	80.00	AF
P__20170284 00	REC	GY	G	10451	--	SW	NW	NW	3962	4634	29	10	9E	1		12.28	12.28	AF
T__20189016 00	IRR	GY	G	10023	--	NW	SE	NW	3950	3620	29	10	9E	3		174.00	174.00	AF
VRL 6 00	IRR	AA	G	5356	--	--	NC	NE	3960	1320	21	10	9E	2		81.00	81.00	AF
VRL 16 00	IRR	AA	G	9051	--	NE	SW	SW	1264	4096	22	10	9E	6		154.00	154.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	80.00	.00
Total Permitted Amount (AF) =	706.38	.00
Total Inspected Amount (AF) =	272.40	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1477.62	.00
Total Vested Amount (AF) =	235.00	.00
TOTAL AMOUNT (AF) =	2771.40	.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:

2630 Feet North and 4980 Feet West of the Southeast Corner of Section 16 T 10S R 9E

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 2990 00 IRR NK G
> HAROLD D & JEANNE MERTZ TRUSTS
> BOB MERTZ
> 7280 ZEANDALE RD
> MANHATTAN KS 66502

>-----

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__ 7527 00 IRR NK G
> HAROLD DALE MERTZ
> BOB MERTZ
> 7280 ZEANDALE RD
> MANHATTAN KS 66502

>-----

A__ 8377 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__ 27122 00 IRR NK G
> BRANDON & DIANNA DIBBEN
>
> 2106 BUFFALO CT
> JUNCTION CITY KS 66441

>-----

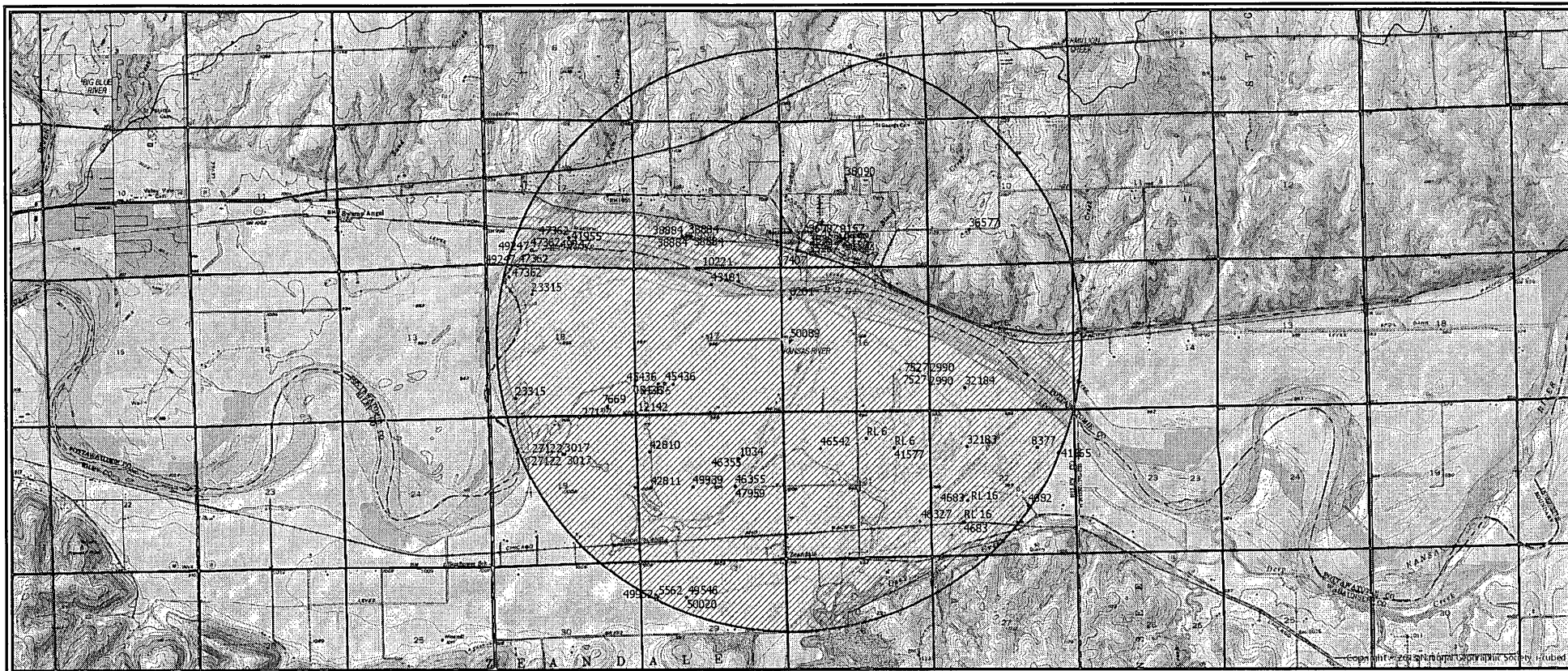
A__ 32183 00 IRR NK G

Safe Yield Report Sheet

Water Right- A5008900

Point of Diversion in 16-10S-09E

Footages from SE corner- 2,630 feet North 4,980 feet West



File # 50,089
 meets safe
 yield

Analysis Results

The selected PD is in an area OPEN to new appropriations.
 The safe yield based on the variables listed below is 2,774.81 AF.
 Total prior appropriations in the circle is 2,647.50 AF. ~~-80~~ = 2567.5
 Total quantity of water available for appropriation is 12731 AF.

207.3 AF

Safe Yield Variables

The area used for the analysis is set at 5,349 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 12-SEP-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 26 water rights and 25 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	SW	1264	4096	22	10	09E	6	WR	154.00	154.00✓	70.00	70.00
A 2990 00	IRR	NK	G		SE	NE	SE	1380	15	16	10	09E	5	WR	90.00	90.00✓	97.00	97.00
A 3017 00	IRR	NK	G		NW	SW	NE	3955	2630	19	10	09E	4	WR	160.00	160.00✓	160.00	160.00
A 4682 00	IRR	NK	G		SE	NW	SE	0	0	22	10	09E	2	WR	90.00	90.00	67.00	67.00
A 4683 00	IRR	NK	G		NE	SW	SW	1264	4096	22	10	09E	6	WR	306.00	152.00✓	315.00	245.00
A 7527 00	IRR	NK	G		SE	NE	SE	1380	15	16	10	09E	5	WR	113.00	23.00✓	97.00	0.00
A 8377 00	IRR	NK	G			NC	NE	3890	1390	22	10	09E	3	WR	168.00	168.00	168.00	168.00
A 12142 00	IRR	NK	G		SW	SW	SW	33	5263	17	10	09E	2	WR	80.00	80.00	140.50	140.50
A 27122 00	IRR	NK	G		NW	NW	NE	5241	2052	19	10	09E	3	WR	160.00	0.00✓	160.00	0.00
Same	IRR	NK	G		NW	SW	NE	3955	2630	19	10	09E	4	WR				
A 32183 00	IRR	NK	G			NC	NW	3945	3935	22	10	09E	4	WR	160.00	160.00	160.00	0.00
A 32184 00	IRR	NK	G					820	4000	15	10	09E	1	WR	110.00	110.00	119.20	119.20
A 38884 00	IRR	NK	G					1170	3455	08	10	09E	2	WR	16.00	16.00	18.00	18.00
Same	IRR	NK	G					1170	3280	08	10	09E	4	WR				
Same	IRR	NK	G					1170	3355	08	10	09E	3	WR				
Same	IRR	NK	G					1170	3445	08	10	09E	1	WR				
Same	IRR	NK	G					1170	3610	08	10	09E	5	WR				
A 41565 00	IRR	NK	G		N2	SE	NE	3661	609	22	10	09E	5	WR	65.00	65.00	184.00	0.00
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	NW	3972	4789	20	10	09E	2	WR	90.00	90.00✓	184.00	184.00
A 42811 00	IRR	NK	G		SW	SW	NW	2683	4786	20	10	09E	3	WR	80.00	80.00✓	184.00	0.00
A 46355 00	IRR	NK	G		SE	SW	NE	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	NE	2668	1761	20	10	09E	5	WR	279.40	172.40✓	254.00	0.00

50,089

File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth Quant	Add Quant	Tot Acres	Net Acres
A 48327 00	IRR	LO	G		NE	SE	SE	1250	350	21	10	09E	4	WR	100.00	100.00	95.00	95.00
A 49546 00	IRR	KE	G		NW	SE	NW	3950	3620	29	10	09E	3	WR	265.00	265.00	120.00	120.00
A 49939 00	IRR	GY	G		SE	SE	NW	2682	3280	20	10	09E	6	WR	177.10	177.10	161.50	16.50
A 49952 00	REC	GY	G		SW	NW	NW	3962	4634	29	10	09E	1	WR	12.00	12.00		
A 50020 00	IRR	GY	G		NW	SE	NW	3950	3620	29	10	09E	3	WR	66.00	66.00	120.00	0.00
A 50089 00	IRR	AY	G		NW	NW	SW	2630	4980	16	10	09E	6	WR	80.00	80.00	118.00	76.00

Limitations

File Number	Seq Num	Limitations
A 4683 00	1	306AF/YR @2000 GPM ON THIS 315 AC LAND ✓ o/l RL-16
A 7527 00	1	113 AF/YR @ 650 GPM COM/W ANY OTHER WATER RIGHT ON LAND/CERT 2990 ✓ OK
A 27122 00	2	160AF/YR COM/W #3017 ✓
Same	3	950GPM WELL ID01 COM/W #3017
A 32183 00	1	160AF/YR @2000GPM ON AUTHORIZED LAND
Same	2	306AF/YR COM/W #4683
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)
A 50020 00	1	132 AF/YR COM/W #49546 (FOR IRR USE ON NON-SPECIALTY CROP)

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

August 22, 2018

LARRY HOOBLER
1239 SANDY LAND RD
MANHATTAN KS 66502-1528

Re: Pending New Application, File No. 50,089

Dear Sir or Madam:

This is to advise you that Harold D. Mertz Trust filed the application referred to above for a permit to appropriate 80 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute. The proposed point of diversion is the geographic center of a well battery, located as follows:

In the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 16, 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 this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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

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

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Harold D. Mertz Trust

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

August 22, 2018

MARILYN MOORE
5200 KAW ROAD
MANHATTAN KS 66502

Re: Pending New Application, File No. 50,089

Dear Sir or Madam:

This is to advise you that Harold D. Mertz Trust filed the application referred to above for a permit to appropriate 80 acre-feet of groundwater per calendar year for irrigation use to be diverted at a maximum rate of 800 gallons per minute. The proposed point of diversion is the geographic center of a well battery, located as follows:

In the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 16, 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 this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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

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

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Harold D. Mertz Trust

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

July 17, 2018

HAROLD D MERTZ, TRUST
7280 ZEANDALE RD
MANHATTAN KS 66502

RE: Application
File No. 50089

Dear Sir or Madam:

Your application for permit to appropriate water in 16-10S-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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

IRRIGATION USE SUPPLEMENTAL SHEET

File No 50089

Name of Applicant (Please Print): Harold D Mertz Trust

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: Harold D Mertz Trust
ADDRESS: 7280 Zeandale Rd, Manhattan KS 66502

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	10S	9E					3	35			40	40						118	

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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

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

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

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

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

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

_____ Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler

_____ Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

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

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

(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. 50089

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 _____.

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.

Robert D. Mertz TTEE
Signature of Applicant

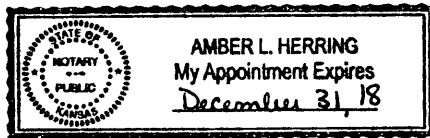
ROBERT D. MERTZ TTEE
Print Applicant Name

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 16th day of July, 2018

Amber L. Herring
Notary Public Water Resources
Received

My Commission Expires:



JUL 16 2018

KS Dept Of Agriculture

SCANNED

**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

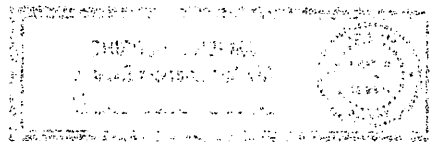
Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Assurance Districts have been formed on the following rivers:

Kansas River Marias des Cygnes River Neosho River

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

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



50089

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
Received
JUL 16 2018
KS Dept Of Agriculture

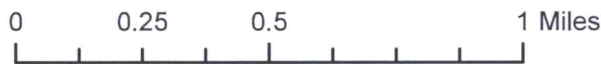
SCANNED

50089

New Application, Harold Mertz Trust, S16 T10S R9E



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



- ★ Point of Diversion
- ▨ Place of Use

All wells of any kind within a half mile of the proposed point(s) of diversion are shown above:

Signature

Date

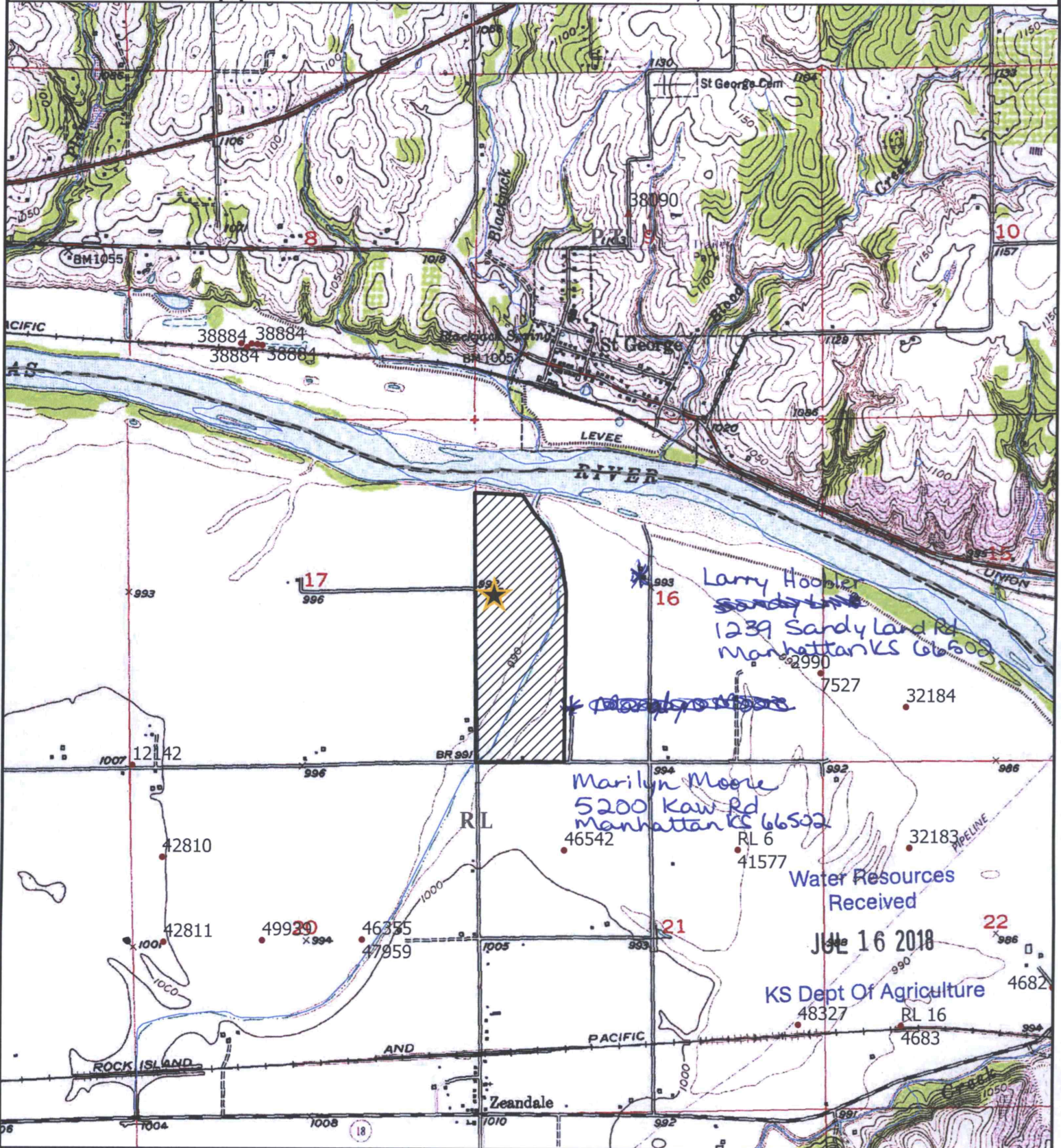


Kansas Department of Agriculture
Division of Water Resources

16 Jul 2018
SCANNED
User: kb00m

50089

New Application, Harold Mertz Trust, S16 T10S R9E



Larry Hooper
 Sandy Lane
 1239 Sandy Lane Rd
 Manhattan KS 66503

Marilyn Moore
 5200 Kaw Rd
 Manhattan KS 66502

Water Resources
 Received

JUL 16 2018

KS Dept Of Agriculture

- ★ Point of Diversion
- ▨ Place of Use

0 0.25 0.5 1 Miles

All wells of any kind within a half mile of the proposed point(s) of diversion are shown above:

Harold Mertz Trust 7-16-18
 Signature Date



Kansas Department of Agriculture
 Division of Water Resources
 16 Jul 2018

SCANNED