

File No. 50,292	15. Formation Code: 500	Drainage Basin: REPUBLICAN RIVER	County: CY	Special Use:	Stream:																																																																																																																	
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="10">16. Points of Diversion</th> <th colspan="5">17. Rate and Quantity</th> </tr> <tr> <td style="font-size: small;">T MOD DEL ENT</td> <td style="font-size: small;">PDIV</td> <td style="font-size: small;">Qualifier</td> <td style="font-size: small;">S</td> <td style="font-size: small;">T</td> <td style="font-size: small;">R</td> <td style="font-size: small;">ID</td> <td style="font-size: small;">'N</td> <td style="font-size: small;">'W</td> <td style="font-size: small;">Rate gpm</td> <td style="font-size: small;">Quantity AF</td> <td style="font-size: small;">Rate gpm</td> <td style="font-size: small;">Quantity AF</td> <td style="font-size: small;">Overlap PD Files</td> </tr> <tr> <td>MOD</td> <td>87673</td> <td>NW SW SW</td> <td>8</td> <td>9</td> <td>3E</td> <td>1</td> <td>1094</td> <td>4890</td> <td>99</td> <td>10.8</td> <td>99</td> <td>10.8</td> <td>NONE</td> </tr> <tr> <td colspan="14">88215</td> </tr> <tr> <td colspan="14" style="color: purple; text-align: center;">WILL NEED TO DELETE CURRENT P/D AND MAKE NEW P/D AS WRIS WILL NOT ALLOW UPDATING OF S-T-R</td> </tr> <tr><td colspan="14"> </td></tr> <tr><td colspan="14"> </td></tr> <tr><td colspan="14"> </td></tr> </table>						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	MOD	87673	NW SW SW	8	9	3E	1	1094	4890	99	10.8	99	10.8	NONE	88215														WILL NEED TO DELETE CURRENT P/D AND MAKE NEW P/D AS WRIS WILL NOT ALLOW UPDATING OF S-T-R																																																							
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																																																																																						
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20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <u>12/31/2020</u> ²¹ Date Acceptable Meter Installed _____																																																																																																																						
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KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 6, 2019

FROM: Doug Schemm

RE: Application, File No. 50,292

Jason Fox has filed the referenced application to appropriate 10.8 acre-feet of groundwater from an existing domestic well at the rate of 99 gallons per minute to irrigate 9 acres in Clay County. The proposed place of use is wholly owned by the applicant and he has signed the application form stating he has access to the point of diversion. There are no overlapping files in point of diversion or place of use. The well is in the Southwest Quarter of Section 8, Township 9 South, Range 3 East, Clay County, within the Republican River Drainage basin. The requested quantity of water under the new application of 10.8 acre-feet for the irrigation of 9 acres of industrial hemp, was based on the maximum allowable for normal row crop irrigation in Clay County, of 1.2 acre-feet per acre, per K.A.R. 5-3-19 and K.A.R. 5-3-24.

Please note that this is an industrial hemp growing operation, and the applicant is using an existing domestic well to irrigate the hemp acreage. The applicant has the required hemp grower license from KDA. The applicant was assisted by Topeka Field Office staff and he was informed that a flowmeter would be required on the well to measure the irrigation portion pumped from his domestic well.

The applicant did not identify any nearby domestic well owners, however a review of the WWC-5 database indicates there are potentially 3 nearby wells. The applicant verified this list of wells in an October 17, 2019 e-mail. Notification letters were sent out on October 23, 2019. No responses of any kind were received. The proposed point of diversion meets spacing to all existing wells per K.A.R. 5-4-4. The nearest domestic well is located over 1,400 feet away, and the nearest non-domestic well is located over two miles away. There is no indication that approval of this application will impair any senior water right.

Well logs for nearby wells in the KGS WWC-5 database, show the only lithologic units encountered were alternating limestone and shale layers, with some interbedded clays. They indicate that the limestone bedrock is generally the source of water, by noting where water was encountered on the well logs. The formation is likely the Sumner Group (Permian System 500). KGS Bulletin No. 136, "Geology and Ground-water Resources of Clay County, Kansas" states "In several small areas underlain by shales of the Wellington Formation, there is a scarcity of wells and there are many abandoned farmsteads. A lack of dependable water supplies in these areas was a contributing factor in the abandoning of the farmsteads. In other areas the Wellington Formation yields water of good quality to wells." In addition, the bulletin also notes that both the Florence and Fort Riley Limestone members are important aquifers in Clay County.

In keeping with similar bedrock formation wells, and based on local well logs, the area of consideration is the extent of the bedrock aquifer in the two-mile circle, which was determined to be 8,042 acres. Based on a potential recharge of 2.5 inches, with 75% available for appropriation, safe yield was determined to be 1,256.64 acre-feet. There are no existing, permitted water rights within this area of consideration, leaving the entire quantity of water available for appropriation, and the application clearly meets safe yield criteria.

Jason Fox - Memorandum

File No. 50,292

Page 2

Please note that this safe yield value per K.A.R. 5-3-11 provides the maximum allowable recharge for the area of consideration. If there is a significant quantity of water still remaining as determined by K.A.R. 5-3-11, then even with a considerable reduction in the amount of recharge reaching the deeper aquifer there would still be sufficient water available. For this application the maximum recharge could be reduced to less than 0.1 inches of recharge and there would still be sufficient water available. The aquifer appears to be confined, so it is likely that it is not receiving the full potential recharge, so this reduced recharge may be more representative.

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 November 4, 2019 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced 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 new application be approved for industrial hemp production.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, November 4, 2019 10:47 AM
To: Schemm, Doug [KDA]
Subject: RE: 50,292 Jason Fox

Proceed. Thanks.

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov
785-296-5733

Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
6531 S.E. Forbes Ave, Suite B
Topeka, KS 66619

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Monday, November 4, 2019 9:11 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50,292 Jason Fox

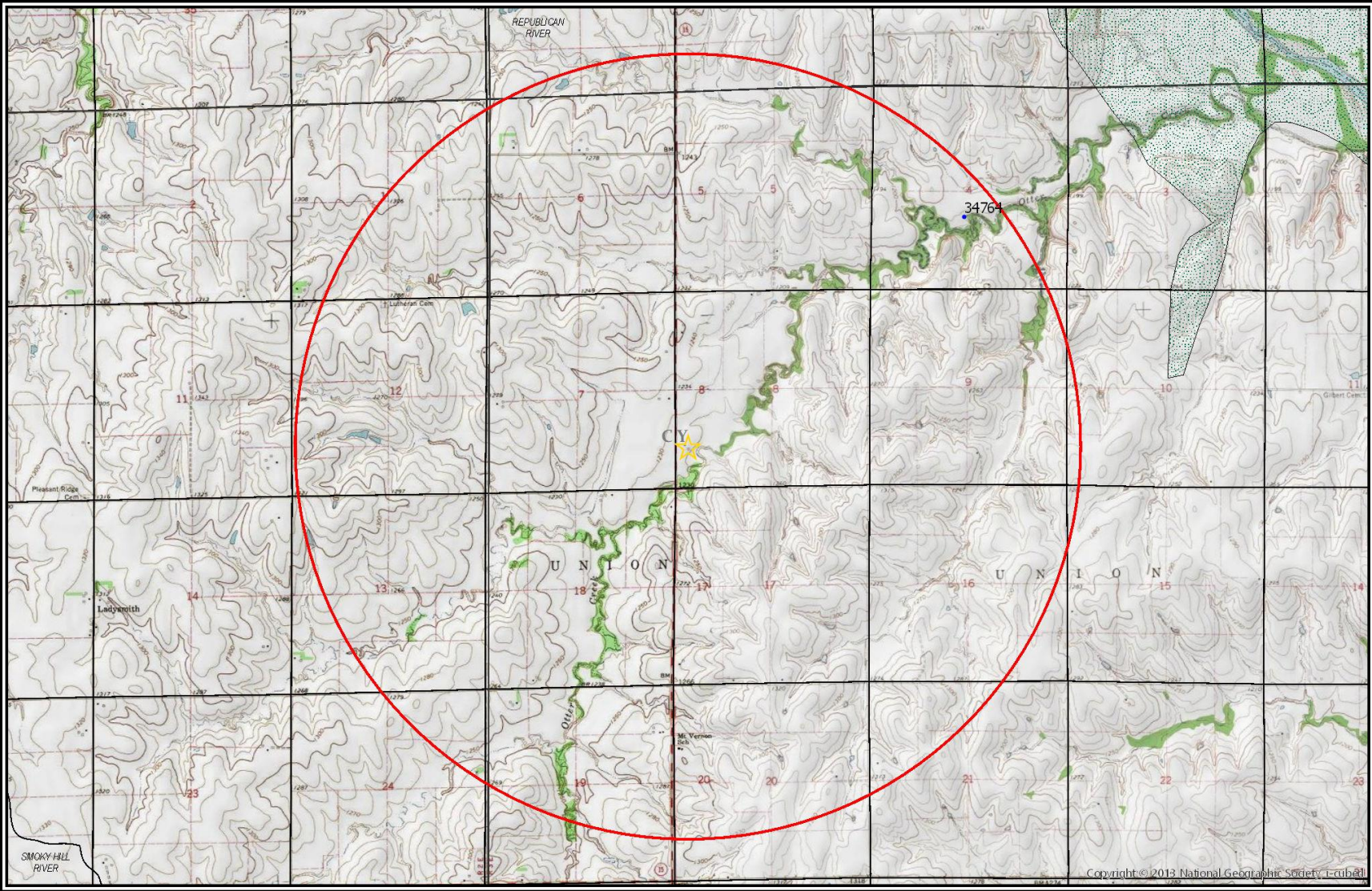
Small hemp operation. Meets all the regs.

Safe Yield Report Sheet

Water Right- Proposed Point of Diversion

Point of Diversion in 08-09S-03E

Footages from SE corner- 1,094 feet North 4,890 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 1,256.64 AF.
Total prior appropriations in the circle is 0.00 AF.
Total quantity of water available for appropriation is 1,256.64 AF.

Application File No. 50,292 Meets Safe Yield
dws/dwr 10/1719

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
The potential annual recharge at the circle center is estimated to be 2.5 inches.
The percent of recharge available for appropriation is 75%.

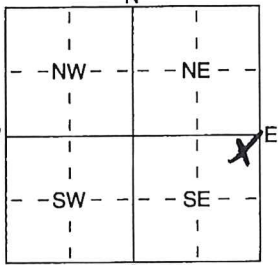
*File No. 50,292 does not show on this report
because the well was mistakenly listed in the
wrong section.

Authorized Quantity values are as of 17-OCT-2019 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 is water right and point 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
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1 LOCATION OF WATER WELL: Fraction NE 1/4 NE 1/4 SE 1/4 Section Number 7 Township Number T 9 S Range Number R 3 E
 County: Clay
 Distance and direction from nearest town or city street address of well if located within city? From Clay Center Go South on Hwy 15 5 1/2 Miles House on West

2 WATER WELL OWNER: Edward I. Ames Navajo Rd Permit 345
 RR#, St. Address, Box #: 1147 NAVAJO RD Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: CLAY CENTER, KS 67432 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

 4 DEPTH OF COMPLETED WELL 135 ft. ELEVATION: ft.
 Depth(s) Groundwater Encountered 1 118 ft. 2 ft. 3 ft.
 WELL'S STATIC WATER LEVEL 80 ft. below land surface measured on mo/day/yr
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield 200 gpm: Well water was ft. after hours pumping gpm
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Domestic (lawn & garden) 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes No; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED: 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded
 2 PVC 4 ABS 7 Fiberglass Threaded
 Blank casing diameter in. to 115 ft., Dia in. to ft., Dia in. to ft.
 Casing height above land surface 2 in., weight 5440 lbs./ft. Wall thickness or gauge No.
 TYPE OF SCREEN OR PERFORATION MATERIAL: 7 PVC 10 Asbestos-Cement
 1 Steel 3 Stainless Steel 5 Fiberglass 8 RMP (SR) 11 Other (Specify)
 2 Brass 4 Galvanized Steel 6 Concrete tile 9 ABS 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE: 25/2000 slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify) ft.
 SCREEN-PERFORATED INTERVALS: From 115 ft. to 135 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From 25 ft. to 135 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From 5 ft. to 25 ft., From ft. to ft., From ft. to ft.
 What is the nearest source of possible contamination: 10 Livestock pens 14 Abandoned water well
 1 Septic tank 4 Lateral lines 7 Pit privy 11 Fuel storage 15 Oil well/Gas well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 12 Fertilizer storage 16 Other (specify below)
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 13 Insecticide storage
 Direction from well? N.E. How many feet? 110'

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	1	Top Soil			
1	15	Brown Clay			
15	18	Yellow Shale			
18	24	Limestone			
24	35	Brown Shale			
35	38	Limestone			
38	65	Reddish Brown Shale			
65	72	Limestone			
72	83	Grey Shale			
83	95	Limestone			
95	118	Brown Shale			
118	135	Limestone (Water)			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) 12/26/2003 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's Licence No 451 This Water Well Record was completed on (mo/day/yr) 12/26/2003 under the business name of Holdeman Well Drilling by (signature) [Signature]

LOCATION OF WATER WELL	Fraction	Section Number	Township Number	Range Number
County: Clay	NE 1/4 NE 1/4 NE 1/4	18	T 9 S	R 3 E/W
Distance and direction from nearest town or city? 7 S of Clay Center Street address of well if located within city?				

WATER WELL OWNER: **Clarence Galdner Family Trust**
 #, St. Address, Box #: **Route # 2 1089 Navajo Rd 67432-7204** Board of Agriculture, Division of Water Resources
 y. State, ZIP Code: **Clay Center, Kansas 67432** Application Number:

DEPTH OF COMPLETED WELL: **120** ft. Bore Hole Diameter: **8** in. to **120** ft., and in. to ft.

all Water to be used as:

5 Public water supply	8 Air conditioning	11 Injection well
1 Domestic	3 Feedlot	6 Oil field water supply
2 Irrigation	4 Industrial	7 Lawn and garden only
9 Dewatering	10 Observation well	12 Other (Specify below)

all's static water level: **40** ft. below land surface measured on **11** month **10** day **1979** year

mp Test Data: Well water was **120** ft. after **2** hours pumping. **10** gpm

t. Yield **10** gpm: Well water was ft. after hours pumping gpm

TYPE OF BLANK CASING USED:

5 Wrought iron	8 Concrete tile	Casing Joints: <u>Glued</u> <input checked="" type="checkbox"/> Clamped
1 Steel	3 RMP (SR)	6 Asbestos-Cement
<input checked="" type="checkbox"/> 2 PVC	4 ABS	7 Fiberglass
		9 Other (specify below)
		10 Asbestos-cement
		11 Other (specify)
		12 None used (open hole)

ank casing dia: **5** in. to **100** ft., Dia in. to ft., Dia in. to ft.

ising height above land surface: **12** in., weight **3** lbs./ft. Wall thickness or gauge No. **.258**

TYPE OF SCREEN OR PERFORATION MATERIAL:

1 Steel	3 Stainless steel	5 Fiberglass	8 RMP (SR)	11 Other (specify)
2 Brass	4 Galvanized steel	6 Concrete tile	9 ABS	12 None used (open hole)

reen or Perforation Openings Are:

5 Gauzed wrapped	<input checked="" type="checkbox"/> 8 Saw cut	11 None (open hole)
1 Continuous slot	3 Mill slot	6 Wire wrapped
2 Louvered shutter	4 Key punched	7 Torch cut
		9 Drilled holes
		10 Other (specify)

reen-Perforation Dia: ~~5~~ in. to ft., Dia **5** in. to ft., Dia in. to ft.

reen-Perforated Intervals: From **100** ft. to **120** ft., From ft. to ft., From ft. to ft.

avel Pack Intervals: From **10** ft. to **120** ft., From ft. to ft., From ft. to ft.

GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other

outed Intervals: From **0** ft. to **10** ft., From ft. to ft., From ft. to ft.

hat is the nearest source of possible contamination:

1 Septic tank	4 Cess pool	7 Sewage lagoon	11 Fertilizer storage	15 Oil well/Gas well
<input checked="" type="checkbox"/> 2 Sewer lines	5 Seepage pit	8 Feed yard	12 Insecticide storage	16 Other (specify below)
3 Lateral lines	6 Pit privy	9 Livestock pens	13 Watertight sewer lines	

ection from well: **South west** How many feet **100**? Water Well Disinfected? Yes No

as a chemical/bacteriological sample submitted to Department? Yes No If yes, date sample

is submitted month day year: Pump Installed? Yes No

Yes: Pump Manufacturer's name Model No. HP Volts

pth of Pump Intake ft. Pumps Capacity rated at gal./min.

pe of pump: 1 Submersible 2 Turbine 3 Jet 4 Centrifugal 5 Reciprocating 6 Other

CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on **November** month **10** day **1979** year

d this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **361**

is Water Well Record was completed on **November 12** month **12** day **1979** year under the business name of **Cox - Beswick Irrigation Service, Inc.** by (signature) *Francis Cox*

LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:	FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
	0	9	Clay			
	9	25	Lime rock			
	25	36	Red Clay			
	36	51	White clay			
	51	70	Lime Rock			
	70	108	Clay			
	108	120	Lime rock			

EVATION: Depth(s) Groundwater Encountered 1. **51** ft. 2. **108** ft. 3. ft. 4. ft. (Use a second sheet if needed)

STRUCTIONS: Use typewriter or ball point pen, please press firmly and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Water Well Contractors, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

Schemm, Doug [KDA]

From: Jason Fox <foxyfarms@icloud.com>
Sent: Saturday, October 19, 2019 9:30 PM
To: Schemm, Doug [KDA]
Subject: Re: Application File No. 50,292

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Yes, they would be the neighbors. Thanks

Sent from my iPhone

On Oct 17, 2019, at 10:37 AM, Schemm, Doug [KDA] <Doug.Schemm@ks.gov> wrote:

Good Morning Jason,

I've started to review your application and there appear to be 3 domestic well owners within ½ mile that I need to send notification letters to regarding your application.

They are Dennis Hamilton, Edward Ames, and Clarence Guldner Family Trust.

Does this list of nearby well owners look right to you?

Have a great day,

Doug

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



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

Mike Beam, Secretary

Laura Kelly, Governor

JASON & WENDI FOX
1120 NAVAJO RD
CLAY CENTER KS 67432-7203

RE: Appropriation of Water, File No. 50,292

Dear Mr. and Mrs. Fox:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:dws
Enclosure(s)

pc: Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting 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. 50,292** of the applicant

**JASON & WENDI FOX
1120 NAVAJO RD
CLAY CENTER, KS 67432-7203**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **September 9, 2019**.

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	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8	9	3E											9						9

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 Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 1,094 feet North and 4,890 feet West of the Southeast corner of said section, in Township 9 South, Range 3 East, Clay County, Kansas, located substantially as shown on the aerial photographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **99 gallons per minute** (0.22 c.f.s.) and to a quantity not to exceed **10.8 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, 2021**, 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, 2025**, 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.

Ordered this 18 day of May, 2020, in Manhattan, Riley 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 18 day of May, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman

Notary Public



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.

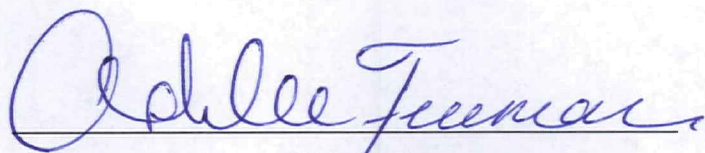
CERTIFICATE OF SERVICE

On this 19 day of May, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,292, dated May 19, 2020 was mailed postage prepaid, first class, US mail to the following:

JASON & WENDI FOX
1120 NAVAJO RD
CLAY CENTER, KS 67432-7203

With photocopies to:

Topeka Field Office



Division of Water Resources

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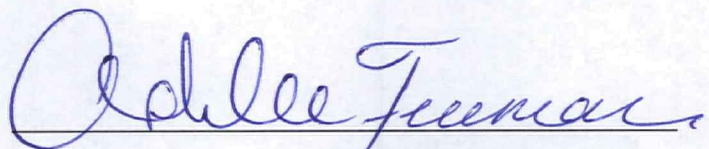
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