



File No. **49,540**      15. Formation Code:      Drainage Basin: **Little Arkansas River**      County: **MP**      Special Use:      Stream: **Turkey Creek Trib 1**

16. Points of Diversion										17. Rate and Quantity <b>MOD Qty</b>						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
												Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√				<b>84967</b>								<b>15000</b>	<b>141.7</b>	<b>15000</b>	<b>141.7</b>	<b>NONE</b>

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 **12/31/2017**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner Files	Chg? NO	Overlap	
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
√				<b>67567</b>																							<b>7a.</b>	<b>NO</b>	<b>49,541</b>	

Comments: *special conditions - Off Season Diversion*

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

**TO:** Files

**DATE:** August 4, 2016

**FROM:** Matt Meier

**RE:** Applications, File Nos. 49,540 and 49,541

Donald Unruh has filed the above referenced new applications proposing to appropriate surface water by both the direct diversion of surface water at a pump site (File No. 49,540), and the collection and storage of natural flows in a proposed reservoir (File No. 49,541). Both applications are located on a tributary to Little Arkansas River (Labeled Turkey Creek Trib 1). The files will be used for the same irrigation project (i.e. overlap in place of use). Application, File No. 49,540 will allow water to be pumped directly from the stream (when flows are adequate and permission has been granted) either directly to the place of use or into the reservoir requested under Application, File No. 49,541, to be stored for subsequent re-diversion for irrigation use. The points of diversion are located in the Northeast Quarter of Section 29, Township 19 South, Range 2 West, McPherson County, Kansas. The applications' place of use comprises 109 acres, wholly owned by the applicant, and the applicant has signed the application forms stating that he has legal access to the points of diversion.

Application, File No. 49,541 is requesting 47.5 acre-feet of surface water storage, and the re-diversion of 47.5 acre-feet of the stored water for irrigation use at 15,000 gallons per minute. Runoff computations have determined that the 60 acre drainage area will result in only 47.5 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity IS the limiting factor, and the application quantity was reduced to reflect this allowable maximum. Donald Unruh agreed to the reduced quantity via e-mail on July 29, 2016.

Application, File No. 49,540 is requesting 141.7 acre-feet of surface water at a diversion rate of 15,000 gallons per minute. Per K.A.R 5-3-15, Application, File No. 49,540 will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed off-stream reservoir will provide adequate water storage, and there is no need for direct diversion of water from July 1 through September 30. Application, File No. 49,540 was reduced to the direct diversion quantity of 141.7 acre-feet during the processing of the application. Donald Unruh agreed to the reduced quantity via e-mail on July 29, 2016.

A quantity of 141.7 acre-feet is the maximum allowable to irrigate the proposed 109 acres, since 1.3 acre-feet per acre is allowable in McPherson County, Kansas. Therefore a quantity limitation is required on the junior application (File No. 49,541) when combined with the senior file for direct IRR use on the proposed place of use.

Notification letters for both applications were sent to upstream and downstream landowners on June 30, 2016. Phone calls were received from nearby land owners Howard Huber, John Anderson, and Rob Cunningham to obtain more information on the application. None of the callers stated they were against the approval of the application and several stated they wanted application approved and would help them with runoff issues. The WRIS database indicates there no other surface water right within a two (2) mile radius of either file. A review of the 2015 aerial imagery revealed several domestic ponds located west of the proposed pond (owned by Howard Huber & Rob Cunningham) which could have possibly been impacted by the proposed pond. During the phone call with Howard Huber he stated he constructed a ditch around his pond re-diverting all runoff from Donald Unruh's property into the nearby stream, thus eliminating any possible impact from the proposed pond.

The other two ponds were owned by Rob Cunningham. The phone call with Rob revealed that his main pond, and one he was concerned about, was located by his house and also supplemented by a well (which a review of the size and location met domestic requirements as outlined in K.A.R. 5-1-1(kk)(2). This location would put it outside the primary drainage area for the applicant's pond. The second pond was located further south and more in the line of the drainage area. After discussing it with the applicant's son it was determined that they would not be extending their pond to cut off the water way that appears to be the primary source of runoff for the second pond, thus limiting any possible impact on the pond. Therefore approval of these applications will not impact any senior water rights. As noted above, the direct diversion of water under File No. 49,540 will generally be limited to off-season, and only when there is sufficient water to satisfy all senior water rights.

The proposed structure was reviewed by DWR Structures Program staff and it was determined that no permit would be required. The proposed applications are subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required forms to our office.

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 either of these permits, check valves will also need to be installed.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended the referenced applications be approved in an e-mail received on August 3, 2016. Based on the above discussion, Turkey Creek Trib 1 (Little Ark) is open to new appropriations meeting specific criteria, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved, with the conditions discussed above.

Matt Meier  
Environmental Scientist  
Stafford Field Office

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2016

DONALD UNRUH  
1995 US 56 HWY  
GALVA, KS 67443

**FILE COPY**

Re: Appropriation of Water, File Nos. 49,540 and 49,541

Dear Mr. Unruh:

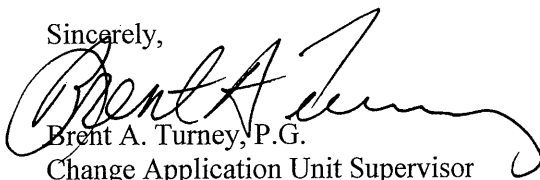
There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the sources and at the locations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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits, with specific reference to Paragraph Nos. 19 and 20 for File No. 49,540 requiring you to obtain permission prior to diverting water at your pump site. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. 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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



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

Enclosures

pc: Stafford Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**FILE COPY**

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**  
(This is not a Certificate of Appropriation)

This is to certify that I have examined Application File No. **49,540** of the applicant

**DONALD UNRUH  
1995 US 56 HWY  
GALVA KS 67443**

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 **January 19, 2016**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
29	19S	2W	31	5	33	40													109

3. That the authorized source from which the appropriation shall be made is surface water from Turkey Creek Trib 1 (Little Ark), to be withdrawn by means of one (1) pump site located in the Northwest Quarter of the Southwest Quarter of the Northeast Quarter (NW¼ SW¼ NE¼) of Section 29, more particularly described as being near a point 3,849 feet North and 2,481 feet West of the Southeast corner of said section, in Township 19 South, Range 2 West, McPherson 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 **15,000 gallons per minute (33.422 c.f.s.)** and to a quantity not to exceed **141.7 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2017** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, 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 submitted prior to the expiration of the deadline and 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, 2021** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, 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 an acceptable water flow meter shall be installed 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 ending of the report year).
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.
17. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.
18. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.





### CERTIFICATE OF SERVICE

On this *25<sup>th</sup>* day of *August*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,540, dated *August 25, 2016* was mailed postage prepaid, first class, US mail to the following:

DONALD UNRUH  
1995 US 56 HWY  
GALVA KS 67443

With photocopies to:

Stafford Field Office



Division of Water Resources

THE STATE OF KANSAS



APPLICATION COMPLETE  
 1/19/16  
 Reviewer MTM

KANSAS DEPARTMENT OF AGRICULTURE  
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
 David W. Barfield, Chief Engineer

File Number 49,540  
 This item to be completed by the Division of Water Resources.

WATER RESOURCES  
 RECEIVED

**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.)

JAN 19 2016

1:30  
 KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Donald Unruh  
 Address: 1995 US 56 Hwy  
 City: Galva State KS Zip Code 67443  
 Telephone Number: (620) 654-3305

2. The source of water is:  surface water in Turkey Creek Trib 1 (Little Ark) \*  
(stream)  
 OR  groundwater in Little Arkansas 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. *reduced to direct diversion on 1/19/16*

3. The maximum quantity of water desired is ~~248.2~~ 141.7 acre-feet OR \_\_\_\_\_ gallons per calendar year, *applicant agreed to reduction on email received on 7/29/16*  
 to be diverted at a maximum rate of 15,000 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

For Office Use Only:									
F.O. <u>2</u>	GMD <input type="radio"/>	Meets K.A.R. 5-3-1 (YES/NO) Use <u>E22</u>	Source <u>G/S</u>	County <u>MP</u>	By <u>ASW</u>	Date <u>1/19/16</u>			
Code <u>REZ</u>	Fee \$ <u>300</u>	TR # <u>16024758</u>	Receipt Date <u>1/19/16</u>	Check # <u>5119</u>					

SCANNED ASW

1/25/2016 11M

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 SW quarter of the NE quarter of Section 29, more particularly described as being near a point 3849 feet North and 2481 feet West of the Southeast corner of said section, in Township 19 South, Range 2 West, McPherson 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.

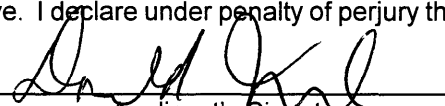
A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Same as 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 01/11, 2016.   
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 1 Pumpsite & Pump  
(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)

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 in a flood plain.  
Talked to Janelle Phillips who said no permit required.

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.

Will overlap PU with another Surface New App

Digging out pond for offsite storage and to catch additional run-off

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WATER RESOURCES  
RECEIVED

JAN 19 2016

SCANNED

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	N.A.	_____	_____	_____
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):

Same as 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 Stafford, Kansas, this 11<sup>th</sup> day of January, 2016.  
(month) (year)

  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 1/11/2016  
(office/title)

STAFFORD, KANSAS  
CIVIL ENGINEER

2016 01 11

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,540

Name of Applicant (Please Print): Don Unruh

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: Don Unruh

ADDRESS: 1995 US 56 Hwy Galva, KS

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	19S	2W	31	5	33	40													109

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

ADDRESS: \_\_\_\_\_

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

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

ADDRESS: \_\_\_\_\_

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

WATER RESOURCES  
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JAN 19 2016

KS DEPT OF AGRICULTURE

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.

**Pond Information**

One pond: 9 Acres

Evaporation for 19S R 2W: 22"

$$9 \text{ acres} * 22" = 132/12 = 16.5 \text{ AF}$$

Storage Capacity: 90 AF

Average depth pond: 10 feet

Pond Area: 9 acres

$$9 \text{ acres} * 10 \text{ feet} = 90 \text{ AF}$$

Place of Use: 109 Acres \* 1.3 AF = 141.7 AF

Total Requested: 16.5 AF + 90AF + 141.7 AF = 248.2 AF

WATER RESOURCES  
RECEIVED

JAN 19 2016

KS DEPT OF AGRICULTURE

SCANNED



\_\_\_\_\_  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, Kansas 66612-1283

Re: Application File No. 49,540

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

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

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

[Signature]  
Signature of Applicant

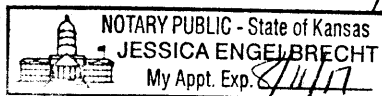
State of Kansas )  
County of Stafford ) ss

Donald Unruh  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 1<sup>st</sup> day of January, 2016.

[Signature]  
Notary Public

My Commission Expires:



WATER RESOURCES  
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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

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

NEW STREAM WORKSHEET

ES AJW

Date: 1/19/16

File No. 49540 + 49541

Basin Name: Little Arkansas Basin No. 55

Stream Name: ~~Runway~~ Turkey Creek Trib 1 (LTL ARK)

Stream location (confluence with parent stream):

Section 13, Township 20 South, Range 3 <sup>West</sup>  
(East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

---

Stream No. 3849 (computer assigned - entered by data entry staff)

Date Entered 1/25/2016 By LLM

SCANNED

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

3849 ft N and 2481 ft W of the SE Corner of Section 29, T 19S, R 2W  
 Located at: 97.564134 West Longitude and 38.372843 North Latitude  
 Both SURFACE WATER and GROUNDWATER

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 21401 00 MUN NK G      8744 -- NW SE NE 3746 751 21 19 2W 4          72.36 72.36 AF
Same                                     9040 -- -- -- -- 2400 4925 22 19 2W 3
A__ 48459 00 MUN GY G      8744 -- NW SE NE 3746 751 21 19 2W 4          76.72 .00 AF
A__ 48460 00 MUN GY G      9040 -- -- -- -- 2400 4925 22 19 2W 3          33.76 .00 AF
A__ 49540 00 IRR AY S         0 -- NW SW NE 3849 2481 29 19 2W 1          248.20 248.20 AF
A__ 49541 00 IRR AY S      1050 -- NE SW NE 3789 1433 29 19 2W 2          248.20 248.20 AF
VMP      2 00 MUN AA G      8901 -- NW SW SW 1040 4530 22 19 2W 1          37.00 37.00 AF
Same                                     8853 -- NW SW SW 1040 4580 22 19 2W 2
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      496.40      180.00
Total Permitted Amount (AF) =         .00         .00
Total Inspected Amount (AF) =         .00         .00
Total Pro_Cert Amount (AF) =         .00         .00
Total Certified Amount (AF) =        72.36         .00
Total Vested Amount (AF) =          37.00         .00
TOTAL AMOUNT (AF) =        605.76      180.00
=====
    
```

An \* after the source of supply indicates a pending application for change for the file number.  
 An \* after the ID indicates a 15 AF exemption was granted for 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:

97.564134 West Longitude and 38.372843 North Latitude  
 Both SURFACE WATER and GROUNDWATER  
 WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 21401 00 MUN NK G
> CITY OF GALVA
> CITY SUPERINTENDANT
> PO BOX 223
> GALVA KS 67443
>-----
A__ 48459 00 MUN GY G
> CITY OF GALVA
> CITY SUPERINTENDANT
> PO BOX 223
> GALVA KS 67443
>-----
A__ 48460 00 MUN GY G
> CITY OF GALVA
> CITY SUPERINTENDANT
> PO BOX 223
> GALVA KS 67443
>-----
    
```

A\_\_ 49540 00 IRR AY S

> DONALD UNRUH

>

> 1995 US 56 HWY

> GALVA KS 67443

>-----

A\_\_ 49541 00 IRR AY S

> DONALD UNRUH

>

> 1995 US 56 HWY

> GALVA KS 67443

>-----

VMP 2 00 MUN AA G

> CITY OF GALVA

> CITY SUPERINTENDANT

> PO BOX 223

> GALVA KS 67443

>-----

=====

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

June 30, 2016

Donnella Unruh  
133 Blake Ave  
Moundridge, KS 67107

Re: Pending Application, File No. 49,540

Dear Sir or Madam:

This is to advise you that Donald Unruh has filed the application referred to above for a permit to appropriate 141.7 acre-feet of surface water per calendar year from Turkey Creek Trib 1 (Little Arkansas River), for irrigation use to be diverted at a maximum rate of 15,000 gallons per minute. Please note the purpose of this application, if approved, would be to divert surface water during the "off-season" irrigation months (October 1 through June 30), to fill an off-stream water storage facility (reservoir), which is currently pending approval for surface water storage under Application, File No. 49,541. Surface water will be diverted from one (1) pump site, located as follows:

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A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you own property in this vicinity and you are 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.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**

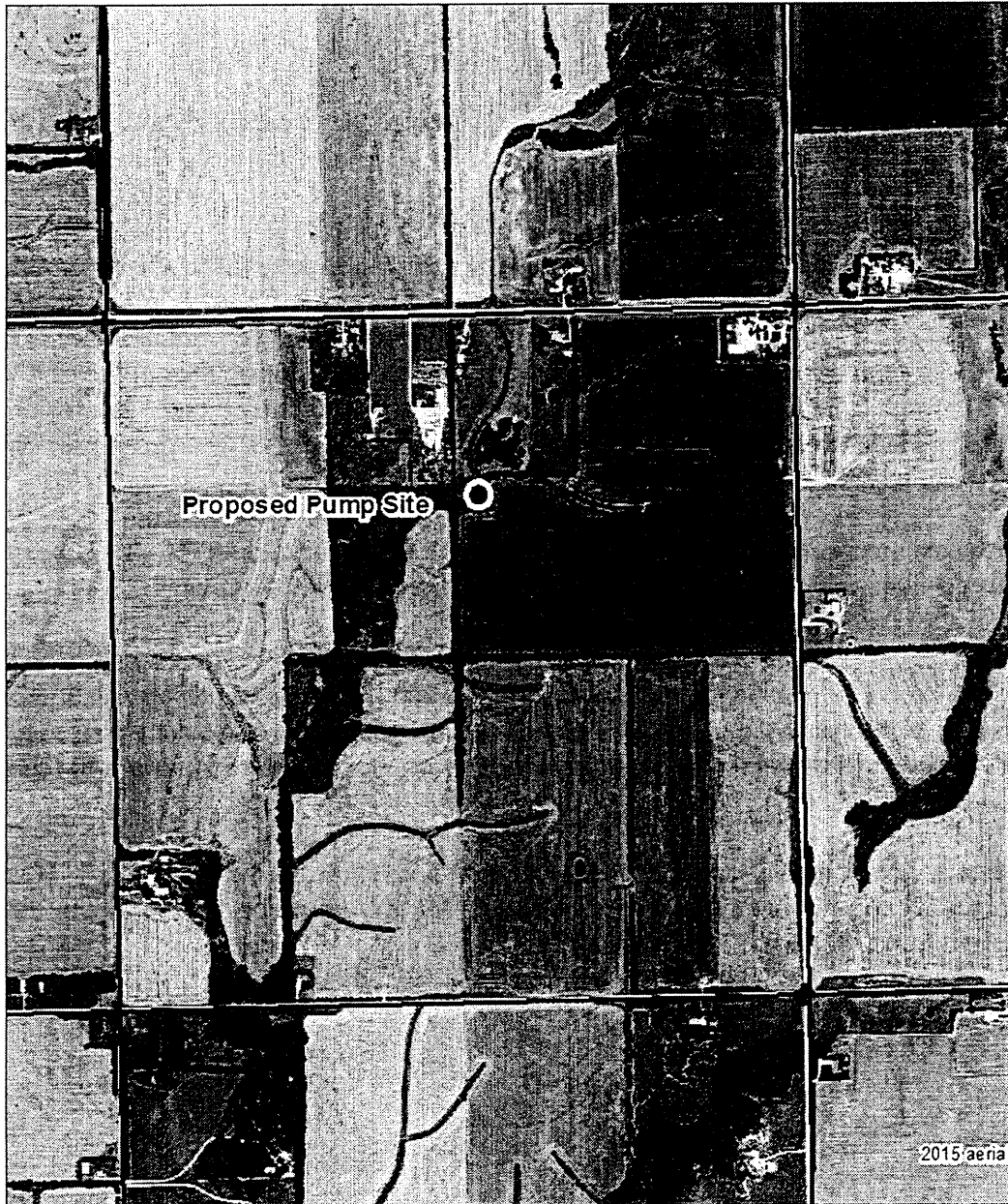
# Kansas

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Division of Water Resources

Stafford Field Office  
300 S. Main Street  
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Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

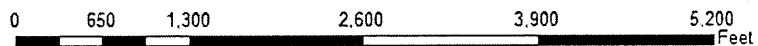
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Fax: (620) 234-6900  
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Sam Brownback, Governor



**Legend**

- Section Corners
- Section Lines

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1:12,000



Proposed Water Appropriation, File No. 49,540  
29-19S-2W  
McPherson County



  
**Kansas**  
Department of Agriculture  
Division of Water Resources

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300 S. Main Street  
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Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

June 30, 2016

Howard Huber  
1951 HWY 56  
Galva, KS 67443

Re: Pending Application, File No. 49,540

Dear Sir or Madam:


This is to advise you that Donald Unruh has filed the application referred to above for a permit to appropriate 141.7 acre-feet of surface water per calendar year from Turkey Creek Trib 1 (Little Arkansas River), for irrigation use to be diverted at a maximum rate of 15,000 gallons per minute. Please note the purpose of this application, if approved, would be to divert surface water during the "off-season" irrigation months (October 1 through June 30), to fill an off-stream water storage facility (reservoir), which is currently pending approval for surface water storage under Application, File No. 49,541. Surface water will be diverted from one (1) pump site, located as follows:

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Sincerely,

  
Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**



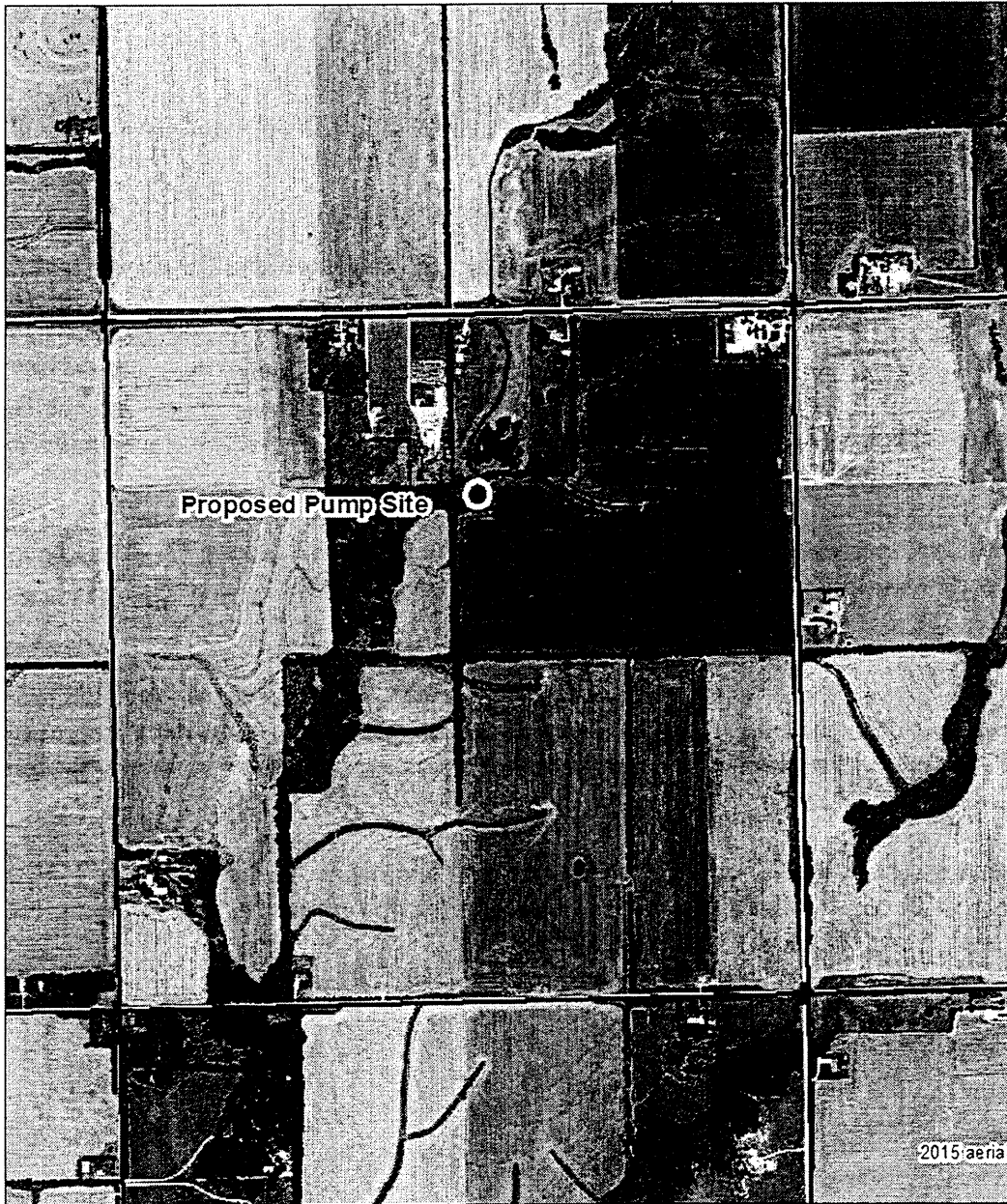
# Kansas

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Division of Water Resources

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300 S. Main Street  
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Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

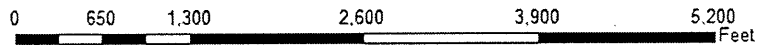
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**Legend**

- Section Corners
- Section Lines

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Proposed Water Appropriation, File No. 49,540  
29-19S-2W  
McPherson County



IMMAOR

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

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Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

June 30, 2016

John Anderson  
1311 19<sup>th</sup> Ave  
Galva, KS 67443

Re: Pending Application, File No. 49,540

Dear Sir or Madam:


This is to advise you that Donald Unruh has filed the application referred to above for a permit to appropriate 141.7 acre-feet of surface water per calendar year from Turkey Creek Trib 1 (Little Arkansas River), for irrigation use to be diverted at a maximum rate of 15,000 gallons per minute. Please note the purpose of this application, if approved, would be to divert surface water during the "off-season" irrigation months (October 1 through June 30), to fill an off-stream water storage facility (reservoir), which is currently pending approval for surface water storage under Application, File No. 49,541. Surface water will be diverted from one (1) pump site, located as follows:

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Sincerely,

  
Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

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# Kansas

Department of Agriculture  
Division of Water Resources

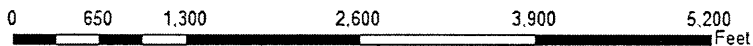
Stafford Field Office  
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Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
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Jeff Lanterman, Water Commissioner

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**Legend**  
+ Section Corners  
— Section Lines

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1:12,000



Proposed Water Appropriation, File No. 49,540  
29-19S-2W  
McPherson County



49540

  
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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

June 30, 2016

Raquel Koehn  
1926 Kiowa Rd  
Galva, KS 67443

Re: Pending Application, File No. 49,540

Dear Sir or Madam:

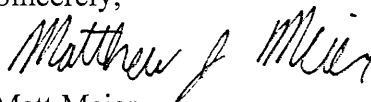
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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

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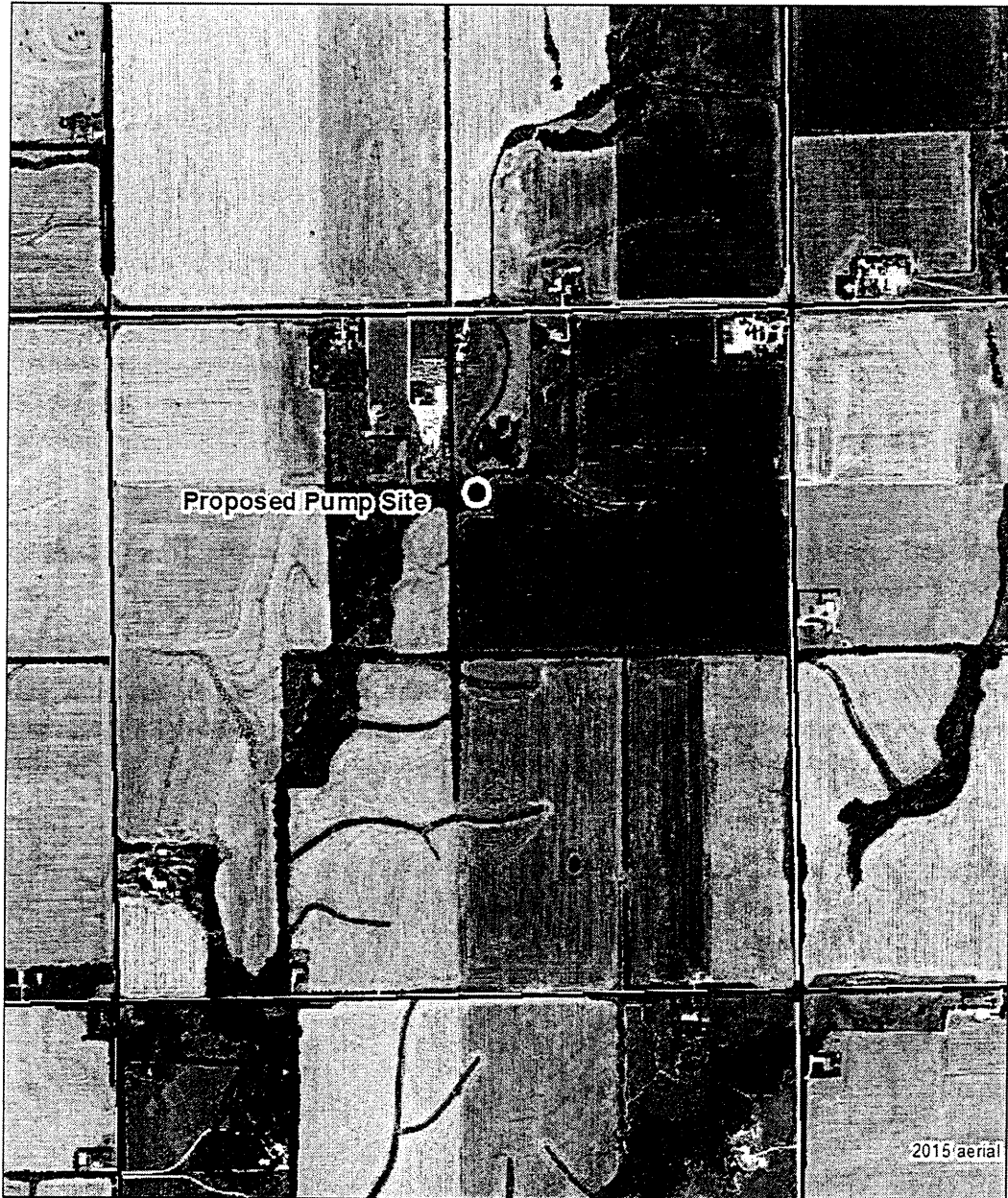
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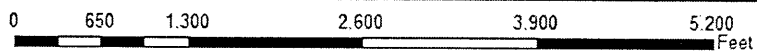
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Sam Brownback, Governor



**Legend**

- + Section Corners
- ▭ Section Lines

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1:12,000



Proposed Water Appropriation, File No. 49,540  
29-19S-2W  
McPherson County



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**Kansas**  
Department of Agriculture  
Division of Water Resources

Stafford Field Office  
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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

June 30, 2016

Robert & Nancy Cunningham  
1967 HWY 56  
Galva, KS 67443

Re: Pending Application, File No. 49,540

Dear Sir or Madam:

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Sincerely,



Matt Meier  
Environmental Scientist  
Water Appropriations Program

Enclosure

pc:

**SCANNED**



# Kansas

Department of Agriculture  
Division of Water Resources

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
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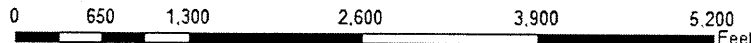
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**Legend**

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MJM-DWR 6/30/16  
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Proposed Water Appropriation, File No. 49,540  
29-19S-2W  
McPherson County



# McPherson County Property Data

General Information

6/30/2016 10:38:54 AM

Subject Property

[Print](#)

Parcel ID : 0591292900000002000

[Click here to locate on Map](#)

Name : CUNNINGHAM, ROBERT F & NANCY

Location : 1967 HWY 56, Galva, KS 67443

Legal Desc : S29 , T19 , R02 , ACRES 8.9 , COM 633'E NW/C NE4 FOR POB TH S1253' E330' N1253' W330' TO POB LESS ROW

The information displayed here was collected for assessment purposes only

The owner names and legal descriptions provided are not adequate for use in legal documents

Owner Information

Name :

Mailing Address :

CUNNINGHAM, ROBERT F &  
NANCY

1967 HWY 56 GALVA, KS 67443

Property Details

Property Type : Property Status : Taxing Unit : Neighborhood Code :

Residential Active 163 963.C

Market Land Details

Actual Width : Eff Width : Eff Depth : Acres : Square Feet :

8.93

No Permit Details found.

Value Details

Year : 2016

Land : \$55,260

Building : \$207,590

Total : \$262,850

Book/Page Current Listing

Date : Book : Page : Case :

4/1/2004

7/1/1992

7/1/1992



Book/Page Historical

Document List:

D264/618 D248/216+ D232/699 D232/689

No Sale Details found. (Please log in to view this data.)

## Meier, Matt

---

**From:** Don L Unruh <donunruh@hometelco.net>  
**Sent:** Friday, July 29, 2016 10:36 AM  
**To:** Meier, Matt  
**Subject:** Re: Reductions to Applications 49,540 & 49541

Matt,  
I understand the reductions and wish to continue the application of the permit. Don Unruh

---

**From:** "Meier, Matt" <Matt.Meier@ks.gov>  
**To:** "Don Unruh" <donunruh@hometelco.net>  
**Sent:** Friday, July 29, 2016 10:32:31 AM  
**Subject:** FW: Reductions to Applications 49,540 & 49541

---

**From:** Meier, Matt  
**Sent:** Thursday, July 28, 2016 10:14 AM  
**To:** 'donunruh@hometelco.net'  
**Subject:** Reductions to Applications 49,540 & 49541

Hello Don,

As I discussed with Cam over the phone today, I'm emailing you in regards to the reductions that will be needed for your to pending surface water right applications (49,540 the direct diversion from the stream & 49,541 the storage and re-diversion of runoff from a pond).

Application File No. 49,540 is being reduced to the direct diversion quantity of 141.7 Acre-feet.

Application File No. 49,541 is being reduced to 47.5 Acre-feet, as required per K.A.R. 5-6-4 & K.A.R. 5-6-5 after the runoff computations were completed.

Please email me back stating that you understand the reductions and wish to continue with the applications at the reduced quantities. If you have any questions or wish to discuss the applications/reductions more please feel free to contact me via email or phone.

Matt Meier, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
Stafford Field Office  
(620) 234-5311  
[Matt.Meier@kda.ks.gov](mailto:Matt.Meier@kda.ks.gov)  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

Draft

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

**TO:** Files

**DATE:** August 1, 2016

**FROM:** Matt Meier

**RE:** Applications, File Nos. 49,540 and 49,541

Donald Unruh has filed the above referenced new applications proposing to appropriate surface water by both the direct diversion of surface water at a pump site (File No. 49,540), and the collection and storage of natural flows in a proposed reservoir (File No. 49,541). Both applications are located on a tributary to Little Arkansas River (Labeled Turkey Creek Trib 1). The files will be used for the same irrigation project (i.e. overlap in place of use). Application, File No. 49,540 will allow water to be pumped directly from the stream (when flows are adequate and permission has been granted) either directly to the place of use or into the reservoir requested under Application, File No. 49,541, to be stored for subsequent re-diversion for irrigation use. The points of diversion are located in the Northeast Quarter of Section 29, Township 19 South, Range 2 West, McPherson County, Kansas. The applications' place of use comprises 109 acres, wholly owned by the applicant, and the applicant has signed the application forms stating that he has legal access to the points of diversion.

Application, File No. 49,541 is requesting 47.5 acre-feet of surface water storage, and the re-diversion of 47.5 acre-feet of the stored water for irrigation use at 15,000 gallons per minute. Runoff computations have determined that the 60 acre drainage area will result in only 47.5 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity IS the limiting factor, and the application quantity was reduced to reflect this allowable maximum. Donald Unruh agreed to the reduced quantity via e-mail on July 29, 2016.

Application, File No. 49,540 is requesting 141.7 acre-feet of surface water at a diversion rate of 15,000 gallons per minute. Per K.A.R 5-3-15, Application, File No. 49,540 will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed off-stream reservoir will provide adequate water storage, and there is no need for direct diversion of water from July 1 through September 30. Application, File No. 49,540 was reduced to the direct diversion quantity of 141.7 acre-feet during the processing of the application. Donald Unruh agreed to the reduced quantity via e-mail on July 29, 2016.

A quantity of 141.7 acre-feet is the maximum allowable to irrigate the proposed 109 acres, since 1.3 acre-feet per acre is allowable in McPherson County, Kansas. Therefore a quantity limitation is required on the junior application (File No. 49,541) when combined with the senior file for direct IRR use on the proposed place of use.

Notification letters for both applications were sent to upstream and downstream landowners on June 30, 2016. Phone calls were received from nearby land owners Howard Huber, John Anderson, and Rob Cunningham to obtain more information on the application. None of the callers stated they were against the approval of the application and several stated they wanted application approved and would help them with runoff issues. The WRIS database indicates there no other surface water right within a two (2) mile radius of either file. A review of the 2015 aerial imagery revealed several domestic ponds located west of the proposed pond (owned by Howard Huber & Rob Cunningham) which could have possibly been impacted by the proposed pond. During the phone call with Howard Huber he stated he constructed a ditch around his pond re-diverting all runoff from Donald Unruh's property into the nearby stream, thus eliminating any possible impact from the proposed pond.

The other two ponds were owned by Rob Cunningham. The phone call with Rob revealed that his main pond, and one he was concerned about, was located by his house and also supplemented by a well (which a review of the size and location met domestic requirements as outlined in K.A.R. 5-1-1(kk)(2)). This location would put it outside the primary drainage area for the applicant's pond. The second pond was located further south and more in the line of the drainage area. After discussing it with the applicant's son it was determined that they would not be extending their pond to cut off the water way that appears to be the primary source of runoff for the second pond, thus limiting any possible impact on the pond. Therefore approval of these applications will not impact any senior water rights. As noted above, the direct diversion of water under File No. 49,540 will generally be limited to off-season, and only when there is sufficient water to satisfy all senior water rights.

The proposed structure was reviewed by DWR Structures Program staff and it was determined that no permit would be required. The proposed applications are subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required forms to our office.

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 either of these permits, check valves will also need to be installed.

Based on the above discussion, Turkey Creek Trib 1 (Little Ark) is open to new appropriations meeting specific criteria, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved, with the conditions discussed above.

8/3/16

*Concur w/ Recommendation Approve it.  
Jeff Bentner w.c.*

Matt Meier  
Environmental Scientist  
Stafford Field Office



1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

January 20, 2016

DONALD UNRUH  
1995 US 56 HWY  
GALVA KS 67443

RE: Application  
File No. 49540

Dear Sir or Madam:

Your application for permit to appropriate water in 29-19S-2W in McPherson 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) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kenneth A. Kopp, P.G.  
New Application Unit Supervisor  
Water Appropriation Program

KAK: DLW  
pc: STAFFORDField Office  
GMD

SCANNED

## 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

JAN 19 2016

SCANNED





I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

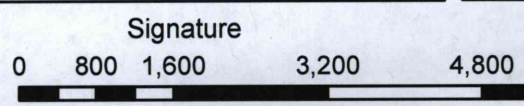
- Water Rights
- SFFOsec\_corners
- ProposedPD
- ProposedPlaceOfUse
- Proposed\_Pond

WATER RESOURCES RECEIVED

SCANNED

Date JAN 19 2016

Created By: Matt Meier  
F.O. 2  
Date: 1/11/2016





49,540

File No. \_\_\_\_\_



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- Water Rights
- SFFOsec\_corners
- ProposedPD
- ProposedPlaceOfUse
- Proposed\_Pond

*David Hill*

01/11/2016

Signature

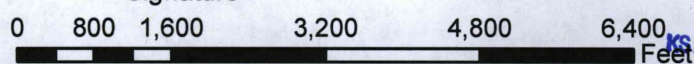
Date

WATER RESOURCES RECEIVED SCANNED

JAN 19 2016

Created By: Matt Meier

Date: 1/11/2016



KS DEPT OF AGRICULTURE