

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,870
This item to be completed by the Division of Water Resources.

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APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

JUL 13 2017
11:24
KS DEPT OF AGRICULTURE

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

- Name of Applicant (Please Print): 53RD & OLIVER, LLC
Address: PO Box 75337
City: WICHITA State KS Zip Code 67275
Telephone Number: (316) 722-2417
- The source of water is: surface water in CHISHOLM CREEK # 1098 (stream)
OR groundwater in Little Arkansas R/W (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.

- The maximum quantity of water desired is 7.32 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 80 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.

- The water is intended to be appropriated for (Check use intended):

(a) <input type="checkbox"/> Artificial Recharge	(b) <input checked="" type="checkbox"/> Irrigation	(c) <input type="checkbox"/> Recreational	(d) <input type="checkbox"/> Water Power
(e) <input type="checkbox"/> Industrial	(f) <input type="checkbox"/> Municipal	(g) <input type="checkbox"/> Stockwatering	(h) <input type="checkbox"/> Sediment Control
(i) <input type="checkbox"/> Domestic	(j) <input type="checkbox"/> Dewatering	(k) <input type="checkbox"/> Hydraulic Dredging	(l) <input type="checkbox"/> Fire Protection
(m) <input type="checkbox"/> Thermal Exchange	(n) <input type="checkbox"/> 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. 2 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G(S) County SG By AW Date 7/13/17
 Code REG Fee \$ 00 TR # _____ Receipt Date 7/13/17 Check # 43851

7/19/2017 ULM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NW quarter of the NW quarter of the NW quarter of Section 16, more particularly described as being near a point 4770 feet North and 4480 feet West of the Southeast corner of said section, in Township 26 South, Range 1 East West (circle one), SEDGWICK 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):

HIGH RIDGE HOA, 906 N TYLER ROAD - SUITE 7

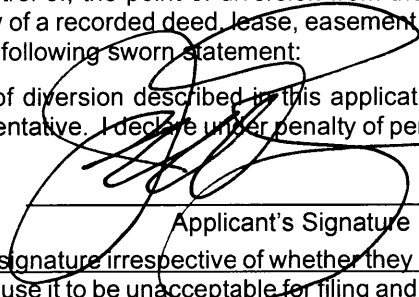
 (name, address and telephone number)
WICHITA, KS 67212

 (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 7-11, 2017.



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 PUMP FOR IRRIGATION

 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) 2017

 (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 2017

 (Mo/Day/Year)

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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 _____

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.

APPLICATION IS FOR IRRIGATION USE FOR THE PROPOSED DUPLEX DEVELOPMENT.
USE AREA IS ADJACENT TO THE EXISTING IRRIGATION (~~42222~~)(47494) FOR THE
HIGH RIDGE HOA SINGLE FAMILY, BUT DOES NOT INCLUDE ANY OVERLAP OF USE.
PLACE OF DIVERSION WILL SHARE THE EXISTING GROUNDWATER PIT (46483)

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

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

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

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

ADJACENT 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):

HIGH RIDGE HOA
(name, address and telephone number)

900 N TYLER - SUITE 7. WICHITA, KS 67212
(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 WICHITA, Kansas, this 11 day of JULY, 2017.
(month) (year)

(Applicant Signature)

By _____
(Agent or Officer Signature)

JAY ROSSSELL, MEMBER 53RD DISTRICT OVER, UC
(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,870

Name of Applicant (Please Print): 53rd & Oliver, LLC

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: 53rd & Oliver, LLC

ADDRESS: PO Box 15397 ; WICHITA KS 67275

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10	26	1E															4.9	4.9	

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	

AGREEMENT FOR DEVELOPMENT OF DUPLEXES ON A PORTION OF
HIGH RIDGE 2ND ADDITION, PARK CITY,
SEDGWICK COUNTY, KANSAS

Agreement for stipulations regarding the development of duplexes on a portion of High Ridge 2nd Addition, Park City, Sedgwick County, Kansas ("Agreement") is executed this 8TH day of MAY, 2017, by 53rd & Oliver, LLC, a Kansas limited liability company ("Developer"), and High Ridge Homeowners' Association, a Kansas not for profit corporation ("High Ridge HOA").

WITNESSETH:

WHEREAS, The Developer has proposed a duplex development on the property currently described as Lots 1, 2, and 3, Block A, High Ridge 2nd Addition, Park City, Sedgwick County, Kansas ("Villa Development"), and

WHEREAS, a detention pond to serve the High Ridge 2nd Addition ("Pond") is located within Reserve "D", High Ridge 2nd Addition, Park City, Sedgwick County, Kansas. The Pond is currently owned by the High Ridge HOA, and

WHEREAS, The Developer will form a new Homeowners Association ("Villa HOA") to serve the Villa Development, and said Villa HOA will be a separate entity from the High Ridge HOA, and

WHEREAS, The Developer desires to pump water from the Pond in order to irrigate certain common areas and lots and has requested permission to do so from the High Ridge HOA. The High Ridge HOA has agreed to grant such permission, subject to the conditions set forth below.

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:

1. The Villa Development covenants will match the covenants currently in place for the Green Valley 12th Addition Homeowners' Association.
2. Any fence installed along the perimeter of Reserve "D", High Ridge 2nd Addition shall adhere to the same requirement as the High Ridge fence restrictions.
3. Any fences along 69th St. N. and/or Hydraulic Ave. adjacent to the Villa Development shall be constructed of wood or vinyl.
4. The Developer shall be allowed to enlarge the Pond for development purposes.
5. The Developer agrees that during construction of the Villa Development, he will spread dirt around the east side of the Pond, and regrade and seed.
6. The Villa HOA shall maintain the area around the Pond adjacent to the Villa Development.
7. The Villa HOA shall pay their portion of the liability insurance associated with Reserve "D".

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- 8. A board member from the High Ridge HOA shall hold a position on the board of the Villa HOA.
- 9. The Developer guarantees that 60% of the buildings to be constructed on the Villa Development will have two car garages.
- 10. The Developer will be entitled to use water from the Pond within Reserve "D" adjacent to the Villa Development and agrees to sign any regulatory documents.
- 11. The Developer will use a separate irrigation pump to maintain the area around the Pond within Reserve "D" adjacent to the Villa Development.
- 12. The Developer agrees to clean up the vacant lots that the Developer owns legally described as: Lots 1, 4, 18, and 19, Block B, High Ridge 2nd Addition.
- 13. The term of this Agreement shall extend perpetually and may not be amended or modified except by written instrument executed by all parties.
- 14. This Agreement constitutes the entire understanding between the parties, and there are no agreements, understandings, warranties or representations between parties except as set forth herein.

Executed as of the day and year first above written.

High Ridge HOA:

High Ridge Homeowners' Association

By:

Developer:

53rd & Oliver, LLC

By:

Jay W. Russell, Member

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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

July 14, 2017

53RD & OLIVER LLC
PO BOX 75337
WICHITA KS 67275

FILE COPY

RE: Application
File No. 49870

Dear Sir or Madam:

Your application for permit to appropriate water in 10-26S-1E in Sedgwick County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

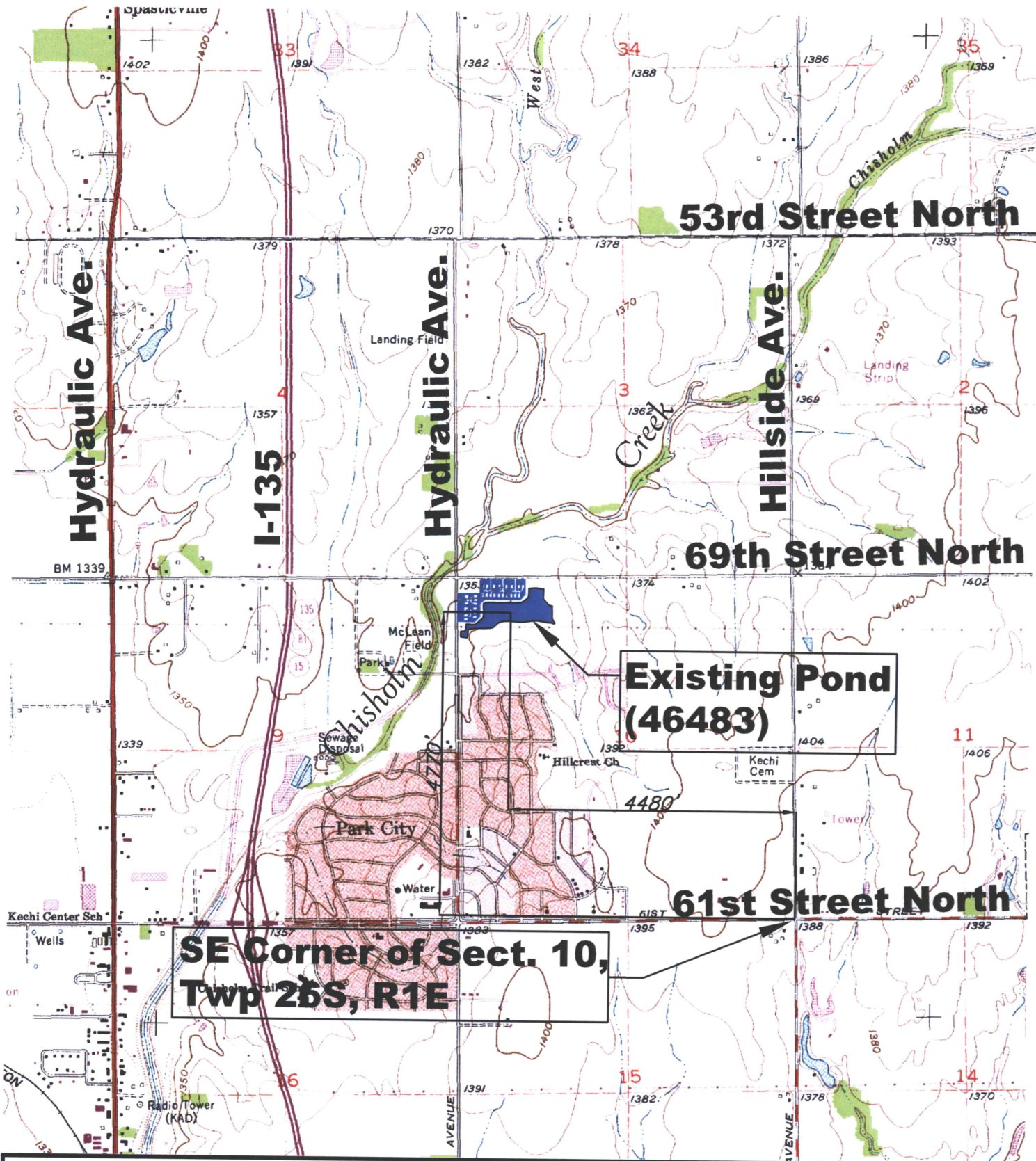
Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD

49,870



**SE Corner of Sect. 10,
Twp 26S, R1E**

**Existing Pond
(46483)**

LOCATION MAP:
Existing Pond (Permit #46483)

High Ridge Addition
SEDGWICK COUNTY, KANSAS



B
Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE

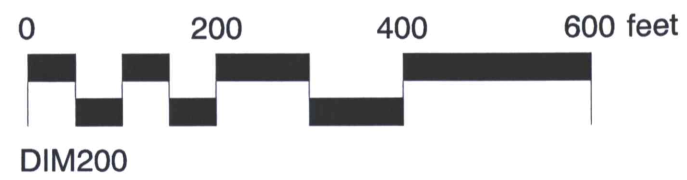
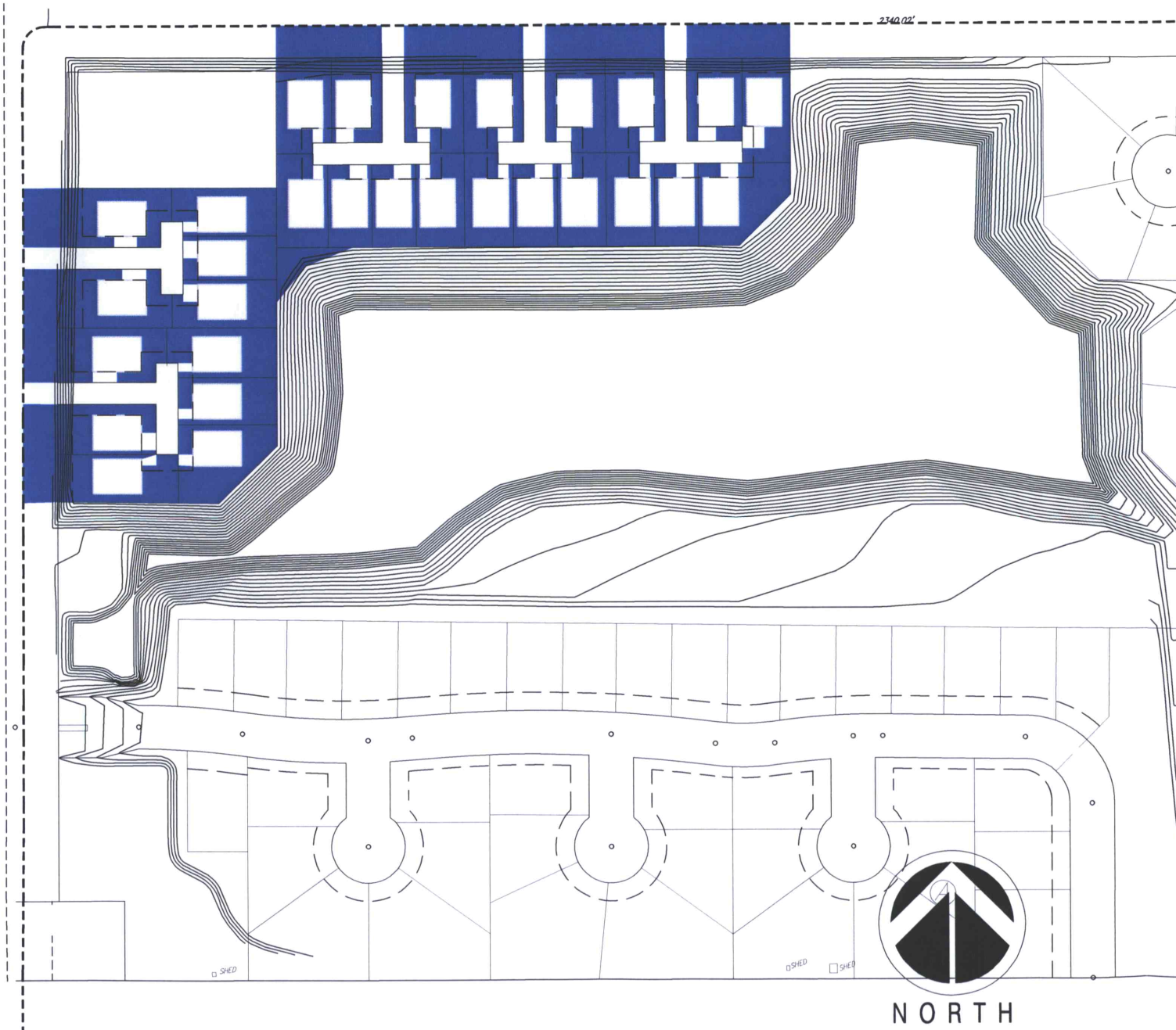
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Baughman Company, P.A.
315 Ellis Wichita, KS 67211
316-262-7271 F316-262-0149

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IRRIGATION SCHEDULE

SYMBOL	DESCRIPTION	QTY	PRECIP	GPM
	SHRUB ROTATOR (HUNTER) IRZ 12' TO 30' RADIUS (3,7M-9,1M), TRIANGULAR SPACED, HEAD TO HEAD COVERAGE.	212,792 S.F.	0.45 in/h	995



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