



File No. **50138**      15. Formation Code: **190**      Drainage Basin: **LITTLE ARKANSAS**      County: **SG**      Special Use:      Stream:

16. Points of Diversion									
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
DEL	87094	NWNWNE	32	25	1E	7	4470	1920	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
0	14.25 AF	0	14.25AF	NO

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 \_\_\_\_\_      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
DEL	69134	32	25	1E	2																			7B	NO	NO			

Comments: **VOLUNTARY DISMISSAL FORM RECEIVED 11-15-18**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files

**DATE:** November 26, 2018

**FROM:** Richelle A. Krueger

**RE:** Application  
File No. 50,138

Tymber Lee requested in writing that the above referenced application be dismissed.

On October 1, 2018, the Chief Engineer received an application to appropriate water for beneficial use, assigned File No. 50,138, proposing the appropriation of 14.25 acre-feet of groundwater for recreational use at a proposed nine-acre groundwater pit with a geographic center to be located 4,470 feet North and 1,920 feet West of the Southeast corner of Section 32, Township 25 South, Range 1 East, Sedgwick County, Kansas.

On a Voluntary Dismissal of an Application for Permit to Appropriate Water form dated November 12, 2018, received in the Office of the Chief Engineer on November 15, 2018, the applicant requested to voluntarily withdraw the application, and the application be dismissed and whatever priority it may have had to be forfeited.

Based on the above information, a dismissal has been drafted to close out the referenced application.

  
Richelle A. Krueger  
Environmental Scientist

STATE OF KANSAS

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



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

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

**FILE COPY**

TYMBER & JENNIFER LEE REV TRUST  
TYMBER LEE  
2859 E 5TH ST  
VALLEY CENTER KS 67147

December 6, 2018

RE: Application, File No. 50,138

Dear Mr. Lee:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses Application for Permit to Appropriate Water for Beneficial Use for File No. 50,138 received on October 1, 2018. The dismissal of the application is in response to the voluntary request you signed on November 12, 2018 and received at our office on November 15, 2018.

If you have any questions, please contact this office. 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 cursive script, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.  
Environmental Scientist  
Change Application Unit Supervisor

BAT:rak  
Enclosure

pc: Stafford Field Office  
Groundwater Management District No. 2



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE VOLUNTARY DISMISSAL  
OF APPLICATION  
FILE NO. 50,138**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

**FINDINGS**

1. That on October 1, 2018, the Chief Engineer received an application to appropriate water for beneficial use, assigned File No. 50,138, proposing the appropriation of 14.25 acre-feet of groundwater for recreational use at a proposed nine-acre groundwater pit with a geographic center to be located 4,470 feet North and 1,920 feet West of the Southeast corner of Section 32, Township 25 South, Range 1 East, Sedgwick County, Kansas.
2. That on a Voluntary Dismissal of an Application for Permit to Appropriate Water form dated November 12, 2018, received in the Office of the Chief Engineer on November 15, 2018, the applicant requested to voluntarily withdraw the application, and that the application be dismissed and whatever priority it may have had to be forfeited.
3. That the application should be dismissed and its priority forfeited as requested by the applicant.

**ORDER**

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 50,138, is herewith dismissed and the priority assigned to it is considered to be forfeited.



**Voluntary Dismissal of an Application for Permit to Appropriate Water**

Water Resources  
Received 11-12-18  
NOV 15 2018 (Date)

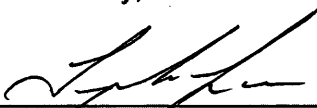
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502  
KS Dept Of Agriculture

RE: Application File No. 50138

Chief Engineer:

I am (We are) submitting this statement in regard to Application for Permit to Appropriate Water, File No. 50138. I am (We are) the applicant(s) who filed this application. I (We) now wish to voluntarily withdraw said application. I (We) realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application File No. 50138. By signing below, I (We) also acknowledge the waiver of any right to a hearing or appeal that I (We) may have had in regards to this Application.

Sincerely,

  
\_\_\_\_\_  
(Signature of Applicant)  
**Tymber Lee**  
\_\_\_\_\_  
(Please print name here)  
**2859 E. 5th Street**  
\_\_\_\_\_  
(Mailing Address)  
**Valley Center, KS 67147**  
\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Signature of Applicant)  
\_\_\_\_\_  
(Please print name here)  
\_\_\_\_\_  
(Mailing Address)  
\_\_\_\_\_  
(City, State, Zip)

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 50138  
This item to be completed by the Division of Water Resources.

Water Resources  
Received  
OCT 01 2018  
10:45  
KS Dept Of Agriculture

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**  
Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): Tymber Lee  
Address: 2859 E 5th Street  
City: Valley Center State KS Zip Code 67147  
Telephone Number: (316) 208-3232

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in Little Arkansas River Basin - Equus Beds Aquifer (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 14.25 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of Nat evap. 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 <u>2</u> Meets K.A.R. 5-3-1 (YES / NO) Use <u>REC</u> Source <u>G/S</u> County <u>SG</u> By <u>DWB</u> Date <u>10/2/18</u>	
Code <u>127</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>10/1/18</u> Check # <u>127</u>

10/3/2018 10:45 AM  
SCANNED



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

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

(A) One in the NW quarter of the NW quarter of the NE quarter of Section 32, more particularly described as being near a point 4470 feet North and 1920 feet West of the Southeast corner of said section, in Township 25 South, Range 1E 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):

Tymber Lee and Jennifer Lee Revocable Trust, 2859 E 5th St., Valley Center, KS 67147 (316) 208-3232

(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 September 25, 2018.

  
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 one groundwater pit

(number of wells, pumps or dams, etc.)

and (was)(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 NA

• If no, explain here why a Water Structures permit is not required NA

- 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.

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Water Resources  
Received

OCT 01 2018

KS Dept Of Agriculture  
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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

**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):

Tymber Lee and Jennifer Lee Rev. Trust, 2859 E 5th St., Valley Center, KS 67147, 316-208-3232

(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 Valley Center, Kansas, this 25<sup>th</sup> day of September, 2018.  
(month) (year)

  
\_\_\_\_\_  
(Applicant Signature)

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

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

Assisted by T. Boese

GMD2/Manager  
(office/title)

Date: Sept 19, 2018

Water Resources  
Received  
OCT 10 2018  
KS Dept of Agriculture

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 50138

Name of Applicant (Please Print): Tymer Lee

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): \_\_\_\_\_  
Boating, Fishing, Swimming

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_  
Quantity of water requested is for the net evaporation loss of a proposed 9 acre groundwater pit.  
9 acres \* 19" evap loss per year / 12 inches/foot = 14.25 AF per year

3. Please complete the following table showing estimated future water requirements:

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	14.25 AF
Year 2	14.25 AF
Year 3	14.25 AF
Year 4	14.25 AF
Year 5	14.25 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

9 acre groundwater pit in the NW of the NE Quarter of Section 32, Township 25S, Range 1 East.

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

Water Resources  
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**OCT 01 2018**

9-25-18

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application  
File No. 50138

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 of Applicant

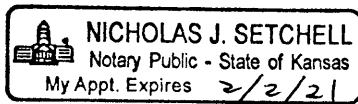
State of Kansas )  
County of SEDGWICK ) ss

Timber Lee  
\_\_\_\_\_  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 28 day of SEPTEMBER, 2018.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 2/2/21



Water Resources  
Received  
OCT 01 2018

**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.

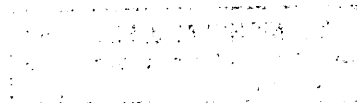
Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

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

Water Resources  
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OCT 01 2016

KS Dept of Agriculture



STATE OF KANSAS

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



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

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

10/5/2018

TYMBER LEE  
2859 E 5TH ST  
VALLEY CENTER, KS 67147

RE: Application, File No. **50138**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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

SCANNED

# Application Map - File No. 50138



I declare that all water wells or diversion sites using the same source of supply and within 1000 feet of the proposed point of diversion have been plotted on the application map.

[Signature]  
Signature

9-25-18  
Date

- New Application**
- Application No. \_\_\_\_\_ To Change:**
- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

See Attached for wells within 1,000 feet of the proposed point of diversion.

Due to a large number of domestic wells within 1/2 mile, the applicant request that a public notice be published in the area newspaper to notify those well owners within 1/2 mile of the proposed point of diversion

**Water Resources**  
**Received**  
**OCT 01 2018**  
**KS Dept Of Agriculture**  
**SCANNED**  
Completed By GMD2 Staff  
Boese - 9/19/2018



50138

Wells within 1000 ft

- 1) Domestic Well  
JEFFERY B. & CHRISTINA D. TRACY  
3059 E 5TH ST  
Valley Center, KS 67147
  
- 2) Domestic Well  
J. R. GLENN RESOURCES LP  
3030 E 101ST ST N  
Valley Center, KS 67147
  
- 3) Domestic Well  
TERRY R. & KATHRYN J. ELLIS LIVING TRUSTS  
2559 E 5TH ST  
Valley Center, KS 67147
  
- 4) Domestic Well  
RACHELL M. SUHR TRUST  
8421 N BROADWAY  
Valley Center, KS 67147
  
- 5) Domestic Well  
DANIEL V. ALLAN  
8345 N BROADWAY  
Valley Center, KS 67147
  
- 6) Domestic Well  
ELIZABETH A. RINDT  
2817 N BEACON HILL CT  
Wichita, KS 67220

Water Resources  
Received

OCT 01 2018

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SCANNED