

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

1. File Number: <p style="text-align: center;">49,944</p>	2. Status Change Date: <p style="text-align: center;"><i>7/26/2018</i></p>	3. Field Office: <p style="text-align: center;">03</p>	4. GMD: <p style="text-align: center;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **40452**
New to system Add Seq# _____

**KANSAS DEPT OF WILDLIFE PARKS & TOURISM
STAGE LEVELS ONLY (STKFO)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389**

7c. Landowner(s) Person ID _____
New to system Add Seq# _____

7d. Misc. Person ID _____
New to system Add Seq# _____

**KANSAS DEPT OF WILDLIFE PARKS AND TOURISM
% ROBERT UNRUH
2446 250 ROAD
WEBBER KS 66970**

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a.

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: 12/31/2019 11. Perfection Date: 12/31/2023 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **7/19/2018** By: **DWS**
Date Entered: *7/27/2018* By: *LEM*

File No. 49,944	15. Formation Code:	Drainage Basin: REPUBLICAN RIVER	County: RP	Special Use:	Stream: MARSH CREEK (REPUBLICAN)																				
16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W			17. Rate and Quantity																						
			Authorized		Additional		Overlap PD Files																		
✓ 40302 CE SE NW 32 4S 5W 1 3200 2650			Rate gpm	Quantity af	Rate gpm	Quantity af																			
			NF	891	NF	891																			
			○	○	○	○																			
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																									
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files				
		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								
✓	5926	19	4S	5W	1	REPUBLIC COUNTY STATE LAKE																	7a	NO	RP-11; 8513; & 36,011
✓	3778	20	4S	5W	1	REPUBLIC COUNTY STATE LAKE																	7a	NO	RP-11; 8513; & 36,011
✓	6011	29	4S	5W	1	REPUBLIC COUNTY STATE LAKE																	7a	NO	RP-11; 8513; & 36,011
✓	24311	30	4S	5W	1	REPUBLIC COUNTY STATE LAKE																	7a	NO	RP-11; 8513; & 36,011
✓	36897	32	4S	5W	1	REPUBLIC COUNTY STATE LAKE																	7a	NO	RP-11; 8513; & 36,011
Comments:																									

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

TO: Files

DATE: July 19, 2018

FROM: Doug Schemm

RE: Application, File No. 49,944
(Gamekeeper Marsh – Jamestown Wildlife Area)

The Kansas Department of Wildlife, Parks and Tourism has filed the above-referenced application to appropriate surface water at the rate of natural flows for recreational use in Gamekeeper Marsh. This is an existing wildlife marsh currently authorized under File Nos. RP-11; 8,513; and 36,011. The proposed new application is to cover the raising of the low-head dam, which will inundate additional acres. This will allow the applicant to regain marsh area that has been lost due to sedimentation. The source of water is Marsh Creek in the Republican River basin, and the marsh is located in Sections 19; 20; 29; 30; and 32 all in Township 4 South, Range 5 West, Republic County, Kansas. A site map with the application shows the anticipated limit of the water surface at elevation 1394 feet.

File No. RP-11 is authorized 446 acre-feet, File No. 8,513 is authorized 444 acre-feet, and File No. 36,011 is authorized 2,458 acre-feet. These water rights combined authorize the storage of water at an elevation of 1392.5 feet. At this elevation there are 731 acres inundated. The new application would allow for the raising of the low-head dam to 1394 feet, which would inundate 974 acres (243 additional acres). The quantity for the new application was based on 243 acres x 1.83 feet of Net Evap x 2 years = 891 acre-feet.

Per K.A.R. 5-3-5n (a) the authorized place of use for the new application should be land not authorized for beneficial use by any other water right. As discussed above, the existing water rights only authorize land inundated below elevation 1392.5, any land inundated above this elevation would be authorized only under this new application. By definition in K.A.R. 5-1-1 (pp), indirect use includes the total of seepage loss and annual net evaporation. However, the applicant must provide relevant, credible information, or it will be assumed that there is no seepage loss per K.A.R. 5-6-8. The applicant did not provide any seepage information; therefore, the maximum allowed quantity appears reasonable.

The project is authorized under DWR Structures File Nos. LRP-47-S and SRP-28. Modifications for the dam raising under these structure files was approved on August 24, 2017.

As is typical with these large wetland projects, the Kansas Department of Wildlife, Parks, and Tourism owns the land where the dam is located and all of the property adjacent to the stream both upstream and downstream. There is only one other water right located within the 2-mile circle, and it is also a KDWP & T water right. Therefore, the proposed appropriation of water will not negatively impact senior water rights, and no notification letters are necessary.

The applicant will be required to maintain records from which the amount of water actually diverted may be readily determined. This is consistent with permits granted for similar types of wetlands projects. The applicant has submitted a signed and notarized Minimum Desirable Streamflow form acknowledging that there may be times when diversion of water will not be allowed.

In an email received on July 18, 2018, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the application.

Based upon the above discussion, the area is open to new applications, this project is in the public interest, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced new application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

STATE OF KANSAS

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



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

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

KANSAS DEPT OF WILDLIFE PARKS & TOURSIM July 30, 2018
STAGE LEVELS ONLY (STKFO)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389

FILE COPY

RE: Minimum Desirable Streamflows-Republican River
File No(s). 49,944

Dear Water User:

Our records indicate that you are the owner of, designated water correspondent for, or a person having an interest in the land on which water is used under the water right(s) and/or approval(s) of application identified above and in the enclosed Order Regarding Minimum Desirable Streamflow Administration (Republican River), which has been issued by the Chief Engineer. This Order prohibits diversions from each and every water right or approval of application identified in the Order from April 13, 2018, until further notice, except as otherwise provided for in the Order. If you no longer have an ownership or other interest in this water right(s) and/or approval(s) of application, please advise this office immediately so that the proper persons can be notified of this Order.

As of April 7, 2018, the minimum desirable streamflow (MDS) established under the Kansas Water Appropriations Act for the Republican River at the gaging station at Clay Center, Kansas, had not been met for seven consecutive days. Therefore, the Chief Engineer has issued the enclosed Order determining that administration of water rights and approvals of application for appropriation of water (MDS Administration) is required under K.A.R. 5-15-1 through 5-15-4.

The enclosed Order prohibits diversions from the Republican River and its tributaries, in the area set forth in the Order, under water rights and approvals of application with priority dates after April 12, 1984. The Order will remain in effect from April 10, 2018 until the Chief Engineer determines that the MDS required by law have been met and maintained for the Republican River.

As provided in Paragraph 4 of the Order, the Chief Engineer may grant a temporary stay of the Order to allow diversion of water a limited basis. If you wish to request a temporary stay you must contact the Stockton Field Office, 820 South Walnut, PO Box 192, Stockton, Kansas 67669-0192, 785-425-6787.

While the Order is in effect, no water may be diverted or pumped under the water right(s) and/or approval(s) of application identified in the Order except as may be provided for by a temporary stay of the Order as set forth in Paragraph 4. Any person who makes unlawful diversions of water while this Order is in effect may be subject to criminal and/or civil enforcement under the Kansas Water Appropriation Act, which may include the assessment of civil penalties of up to \$1,000 per day of violation and modification or suspension of the water right(s) or approval(s) of application.

KANSAS DEPT OF WILDLIFE PARKS & TOURSIM

File No(s). 49,944

Page 2

If you have questions concerning this matter, please contact the Stockton Field Office, Division of Water Resources, Kansas Department of Agriculture, 820 South Walnut, PO Box 192, Stockton, Kansas 67669-0192, 785-425-6787.

Sincerely,

A handwritten signature in black ink that reads "Kelly C. Stewart". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Kelly Stewart
Water Commissioner

Enclosures: MDS Order



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES**

IN THE MATTER OF

KANSAS DEPT OF WILDLIFE PARKS & TOURSIM
STAGE LEVELS ONLY (STKFO)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389

File No(s). 49,944

**ORDER REGARDING MINIMUM DESIRABLE STREAMFLOW ADMINISTRATION
(REPUBLICAN RIVER)**

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, under authority of Kansas Statutes Annotated (K.S.A.) 82a-703a *et seq.* regarding minimum desirable streamflows (MDS), finds the following:

1. Pursuant to K.S.A. 82a-703a and 82a-703c, the Chief Engineer shall withhold from appropriation that amount of water he deems necessary to establish and maintain the desired MDS for the **Republican River at Clay Center**, Kansas.

2. Pursuant to K.S.A. 82a-703b, water rights or approvals of application to appropriate water with a priority date after April 12, 1984, shall be subject to MDS requirements identified and established by the Chief Engineer for the **Republican River at Clay Center**, Kansas.

3. K.A.R. 5-15-1 through 5-15-4, effective August 27, 2002, sets forth standards under which MDS may be administered by the Chief Engineer.

4. K.A.R. 5-15-1(d) provides that, "If the streamflow at an MDS gaging station falls below the level established in K.S.A. 82a-703c, and amendments thereto, for a period of seven consecutive days and no streamflow trigger value has been set for an MDS gaging station in K.A.R. 5-15-4, a determination of whether and when MDS administration will begin and how it should occur shall be made by the chief engineer, based on the following factors:

- (1) the general hydrologic conditions affecting streamflow in the stream reach;
- (2) the magnitude and duration of recent streamflows;
- (3) the extent to which groundwater contributes to streamflow;
- (4) the effects of drought on streamflow;
- (5) the existence and effect of relevant water management agreements;
- (6) the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on streamflow; and
- (7) the effect of reservoir operations."

5. As of **April 7, 2018**, the actual daily streamflow in the **Republican River** at the gaging station at **Clay Center** has been below the streamflow established in K.S.A. 82a-703c, and amendments thereto, for seven consecutive days, and that no streamflow trigger has been established for the Republican River in KAR 5-15-4.

6. The Chief Engineer has confirmed that the gaging station is accurately recording the flows of the **Republican River**, and that such flows are insufficient to meet those minimum desirable streamflows set forth in K.S.A. 82a-703c. The determination to administer MDS immediately was based upon the general hydrologic conditions affecting stream flow in the stream reach, the magnitude and duration of recent stream flows, the extent to which groundwater contributes to streamflow and the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on the stream flow and the effect of reservoir operations.

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
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PHONE: (785) 296-3556
www.agriculture.ks.gov

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

July 30, 2018

KANSAS DEPT OF WILDLIFE PARKS & TOURISM
STAGE LEVELS ONLY (STKFO)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389

Re: Appropriation of Water, File No. 49,944

Dear Sir or Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. Records must be maintained from which the quantity of water actually diverted may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Stockton Field Office
Robert Unruh, Jr. - KDWPT



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,944** of the applicant

**KANSAS DEPT OF WILDLIFE PARKS & TOURISM
STAGE LEVELS ONLY (STKFO)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389**

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 **November 21, 2017**.
2. That the water sought to be appropriated shall be used for recreational use in a wetland marsh (Gamekeeper Marsh) located in portions of Sections 19; 20; 29; 30; and 32, all in Township 4 South, Range 5 West, Republic County, Kansas, as depicted on the topographic site map accompanying the application.
3. That the appropriation sought shall be limited to all natural flows of Marsh Creek (Republican) not needed to satisfy all vested rights and prior appropriation rights to be accumulated below elevation 1,394 feet, mean sea level, to a maximum extent of **891** acre-feet per calendar year, in a reservoir created by a low head dam located near the center of the East side of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 3,200 feet North and 2,650 feet West of the Southeast corner of said section, in Township 4 South, Range 5 West, Republic County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the structure creating the above referenced reservoir has been assigned Division of Water Resources Structures File No. SRP-0028.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2019**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, 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, 2023**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, 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 to 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 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.

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

13. 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.

14. 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.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

Ordered this 26th day of July, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 26th day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

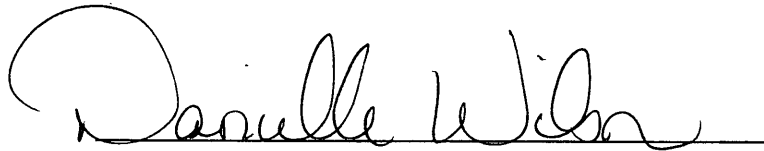
On this 30th day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,944, dated July 26, 2018 was mailed postage prepaid, first class, US mail to the following:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM
STAGE LEVELS ONLY (STKFO)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389

With photocopies to:

KANSAS DEPT OF WILDLIFE PARKS AND TOURISM
% ROBERT UNRUH
2446 250 ROAD
WEBBER KS 66970

Stockton Field Office



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49944
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

NOV 21 2017

J. 10

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE DEPT OF AGRICULTURE

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): KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM
Address: 1020 S KANSAS AVE FL2
City: TOPEKA State KS Zip Code 66612-1389
Telephone Number: (____) _____

2. The source of water is: surface water in MARSH CREEK (stream)
OR groundwater in _____ (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 891 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NAT FLOW 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>3 GMD</u>	Meets K.A.R. 5-3-1 (YES / NO)	Use	<u>REC</u>	Source	<u>G/S</u>	County	<u>RP</u>	By	<u>DW</u>	Date	<u>11/21/17</u>
Code	<u>253</u>	Fee \$	<u>420</u>	TR #		Receipt Date	<u>11/21/17</u>	Check #	<u>42203</u>			

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 CE of the SE quarter of the NW quarter of Section 32, more particularly described as being near a point 3200 feet North and 2650 feet West of the Southeast corner of said section, in Township 04 South, Range 05 WEST, REPUBLIC 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):

(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____. _____
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 LOW HEAD DAM
(number of wells, pumps or dams, etc.)

and WILL BE completed (by) EXISTING STRUCTURE BUT WILL BE RAISED TO 1394' ELEVATION
(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 2018
(Mo/Day/Year)

WATER RESOURCES
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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 LRP-47, SRP-28
- 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.

RP11 IS FOR 446 AF, 8513 IS FOR 444 AF AND 36011 IS FOR 2458 AF. THESE WATER RIGHTS COMBINED AUTHORIZE
DIRECT USE FOR WATER STORED AT AN ELEVATION OF 1392.5 FEET. AT THIS ELEVATION 731 ACRES ARE INNUNDAED.
THIS APPLICATION IS TO COVER THE RAISING OF LOW HEAD DAM TO 1394 FEET WHICH WILL INNUNDATE 974 ACRES.
974 ACRES - 731 ACRES = 243 ADDITIONAL ACRES
243 ACRES X 1.83 FT NET EVAP X 2 YRS = 891 AF

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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):

(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 WEBBER, Kansas, this 7TH day of NOVEMBER, 2017.
(month) (year)

KANSAS DEPT. OF WILDLIFE, PARKS + TOURISM

By *Robert J. Unruh Jr*
(Applicant Signature)

By *Robert J. Unruh Jr*
(Agent or Officer Signature)

ROBERT L. UNRUH JR
(Agent or Officer - Please Print)

Assisted by M. BILLINGER ASST WATER COMMISS Date: 10/17/17
(office/title)

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**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 49944

Name of Applicant (Please Print): KDWP&T

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): HUNTING, FISHING, TRAPPING, WILDLIFE OBSERVATION

2. Please summarize how the water will be used and justify the quantity of water requested: WATER WILL BE IMPOUNDED BY RAISING OF GAME KEEPER MARSH LOW HEAD DAM FROM 1392.5 FT TO 1394 FT. THIS IS TO IMPOUND WATER FOR MARSH HABITAT. WILL INCREASE POOL SIZE FROM 731 ACRES TO 974 ACRES. THE RAISE IN DAM HEIGHT IS TO REGAIN MARSH AREA DUE TO SEDIMENTATION.

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

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	891 (4,239 AF WHEN COMB WITH RP11, 8513 & 36011)
Year 2	891 (4,239 AF WHEN COMB WITH RP11, 8513 & 36011)
Year 3	891 (4,239 AF WHEN COMB WITH RP11, 8513 & 36011)
Year 4	891 (4,239 AF WHEN COMB WITH RP11, 8513 & 36011)
Year 5	891 (4,239 AF WHEN COMB WITH RP11, 8513 & 36011)

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.

SEE ATTACHED MAP

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

Application for Approval to Change the Place of Use, the Point of Diversion or the Use Made of the Water Under an Existing Water Right

Gamekeeper Marsh Improvements

Jamestown Wildlife Area

Jamestown, Kansas

49994
HFB

PROPOSED AUTHORIZED PLACE OF USE (ACRES)																			
Sec.	Twp.	Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total Acres
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
19	4S	5W	0	1	25	7	0	0	18	31	39	16	0	21	40	40	40	40	318
20	4S	5W	0	0	0	0	0	0	1	0	7	25	40	14	0	0	0	0	87
29	4S	5W	0	0	0	0	27	40	40	28	26	40	35	32	0	0	0	0	268
30	4S	5W	40	40	39	40	9	0	0	6	0	0	0	0	39	23	0	10	246
32	4S	5W	0	1	0	0	34	7	0	13	0	0	0	0	0	0	0	0	55
TOTAL ACRES																			974

Note: The acreages shown represent the approximate limits of the proposed water surface at Elev. 1394.0' and shall be considered for informational use and/or permitting purposes only.

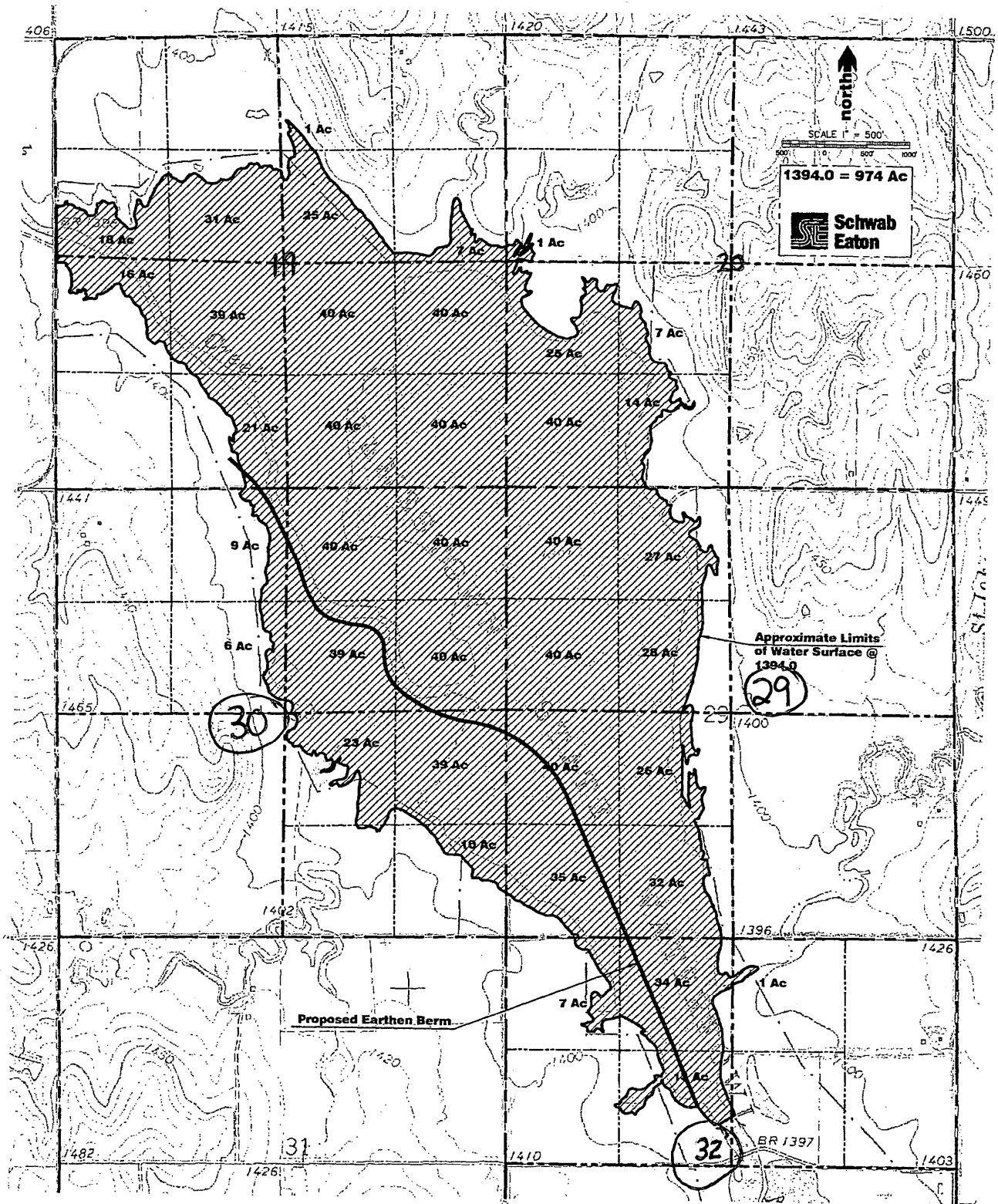
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49944



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NOV 21 2017

Schemm, Doug [KDA]

Subject: KDWP & T 49,944

From: Stewart, Kelly [KDA]
Sent: Wednesday, July 18, 2018 5:02 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>
Subject: RE: KDWP & T 49,944

Doug,

I have no objection to the approval of this application.

Kelly

From: Schemm, Doug [KDA]
Sent: Tuesday, July 17, 2018 10:43 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: KDWP & T 49,944

Hello Stockton,

I think we can forgo any changes per K.A.R. 5-3-5n (a) the authorized place of use for the new application should be land not authorized for beneficial use by any other water right. As discussed in the memo, the existing water rights only authorize land inundated below elevation 1392.5, any land inundated above this elevation would be authorized only under this new application.

Can you also please review the approval document to see if the place of use and appropriation language is OK.
Thanks, Doug

49,944

Wsl Actrail Query all actions

WSN

Ws Id: 25794 Type: S County: RP Num: 28 Ext:

ALL ACTION TRAILS

Action Date	Action CD	Action Decode	Deadline Date	Action Remarks
08-24-2017	MA	MODIFICATION ISSUED/APPROVED PENDING COMPLETION	07-01-2021	
08-21-2017	IR	MOD INFORMATION RECEIVED		SEALED PLANS RECD
08-18-2017	IQ	MOD INFORMATION REQUESTED		REQUESTED SEAL FOR PLANS
08-16-2017	IR	MOD INFORMATION RECEIVED		UPDATE PLANS RECD
08-15-2017	IQ	MOD INFORMATION REQUESTED		BERM PROFILE REQUESTED
07-18-2017	IR	MOD INFORMATION RECEIVED		LOW HEAD DAM CROSS SECTI
07-17-2017	EC	ECA NOTICE	08-16-2017	
07-17-2017	MG	MODIFICATION ASSIGNED		MDC
07-14-2017	IN	MODIFICATION APPLICATION RECEIVED		GAMEKEEPER MARSH IMPROV
07-14-2017	MR	MODIFICATION RECEIVED		\$500 FEE RCD (ASSOC WITH LI

Modified Low head dam under Structures
File Nos. LRP-47-S & SRP-28.

36,011



THE STATE

OF KANSAS

STATE BOARD OF AGRICULTURE
Phillip A. Fishburn, *Acting Secretary*

DIVISION OF WATER RESOURCES
David L. Pope, *Chief Engineer*

DUPLICATE COPY

CERTIFICATE OF APPROPRIATION

FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 36,011

PRIORITY DATE April 5, 1982

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MAY 16 1982

David L. Pope
Division of Water Resources
Chief Engineer

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of all natural flows of Marsh Creek (Republican) to be accumulated below elevation 1,392.5 feet, mean sea level, as shown on the area capacity table received in the office of the Chief Engineer-Director on April 5, 1982, to a maximum extent of 2,458 acre-feet per calendar year in a reservoir created by a dam located near the center of the East side of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 3,200 feet North and 2,650 feet West of the Southeast corner of said Section, in Township 4 South, Range 5 West, Republic County, Kansas, for recreational use.

The structure creating the above referenced reservoir has been identified as Permit No. SRP 0028 by the Division of Water Resources.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49944 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49944 00 REC

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

3200 Feet North and 2650 Feet West of the Southeast Corner of Section 32 T 4S R 5W

SURFACE WATER ONLY

=====

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 8513 00	REC	NK	S	0	--	CE	SE	NW	3200	2650	32	4	5W	1		444.00	444.00	AF
A__ 8803 00	REC	NK	S	7243	--	NE	NW	SW	2332	4185	4	5	5W	1		.00	.00	AF
A__ 36011 00	REC	NK	S	0	--	CE	SE	NW	3200	2650	32	4	5W	1		.00	.00	AF

***** ERROR *****

No active quantity associated with Water Right A__ 49944 00 REC

#####



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

November 28, 2017

KANSAS DEPT OF WILDLIFE, PARKS & TOURISM
1020 S KANSAS AVE FL2
TOPEKA KS 66612

FILE COPY

RE: Application
File No. 49944

Dear Sir or Madam:

Your application for permit to appropriate water in 32-4S-5W in Republic 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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD

SCANNED



Schwab Eaton

1125 Garden Way • Manhattan, Kansas 66502
Phone (785) 539-4687 • FAX (785) 539-6419

LETTER OF TRANSMITTAL	Job No
	Date <i>11-20-17</i>

TO: DWR
Atten: Brent Turney
Hand Delivered

RE: Jamestown Wildlife
Area. KDWP & T water
right application

WE ARE FORWARDING TO YOU:

- | | | |
|---|---------------------------------------|--|
| <input type="checkbox"/> Estimates | <input type="checkbox"/> Proposals | <input type="checkbox"/> Reports |
| <input type="checkbox"/> Plans | <input type="checkbox"/> Prints | <input type="checkbox"/> Under separate cover via: _____ |
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Samples | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> Copy of letter | <input type="checkbox"/> Change Order | <input type="checkbox"/> _____ |

NO. OF COPIES	DRAWING NO.	LAST DATED	CODE	DESCRIPTION
				WATER RESOURCES RECEIVED NOV 21 2017 KS DEPT OF AGRICULTURE

THESE ARE TRANSMITTED:

- | | |
|---|---|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Resubmit _____ copies for review |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> _____ |

SUBMITTAL REVIEW

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> No exceptions taken | <input type="checkbox"/> Note markings | <input type="checkbox"/> Rejected |
| <input type="checkbox"/> Comments attached | <input type="checkbox"/> Resubmit | |

This review is for general conformance with the design contract and contract documents. Markings or comments shall not be construed as relieving the Contractor from compliance with the project plans and specifications, nor departures therefrom. The Contractor remains responsible for details and accuracy, for confirming and correlating all quantities and dimensions, for selecting fabrication processes, for techniques of assembly and for performing his work in a safe manner.

REMARKS: Brent, Mark Billinger in Stockton helped prepare
this application so questions can be directed to either one of
us.

cc: _____
Thanks

By: Chris Cox

November 7, 2017

(Date)

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

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Re: Application
File No. _____

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.

Kansas Dept. of Wildlife, Parks & Tourism

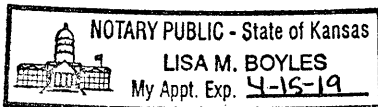
by Robert L. Unruh Jr.

Signature of Applicant
ROBERT L. UNRUH JR.

State of Kansas)
County of Republic) ss)

Kansas Dept. Of Wildlife, Parks & Tourism
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 7 day of November, 2017.



Lisa M Boyles
Notary Public

My Commission Expires: 4-15-19

**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

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