

File No. **48,912** 15. Formation Code: Drainage Basin: **MISSOURI River** County: **BR** Special Use: Stream: **South Fork Wolf River Trib 2A**

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√				82576 SW SW NE	24	4	18E	1	2783	2303

17. Rate and Quantity MODIFY Qty for Direct Use				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1000	240	1000	240	None

18. Storage: Rate _____ NF Quantity **309** ac/ft Additional Rate _____ NF Additional Quantity **309** ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	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						
√			65467	24	4	18E	1	40	40	40	40													160	7a	No	NONE		
MOD			65468	24	4	18E	2									40	40							80	7c	No	NONE		

Comments:

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

TO: Files

DATE: November 29, 2016

FROM: Doug Schemm

RE: Application File No. 48,912

Lucas W. Heinen has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir, located in the Northeast Quarter of Section 24, in Township 4 South, Range 18 East, Brown County, Kansas. The applicant is requesting to appropriate a total of 309 acre-feet of surface water storage per calendar year, and re-divert 240 acre-feet of the stored water for irrigation use at 1,000 gallons per minute. The point of diversion is located on property owned by the applicant, and he has signed the application form stating he has legal access to the point of diversion. The place of use is owned by the applicant and Heinen Land & Cattle Co. LLC.

Runoff computations have determined that the 305 acre drainage area will result in 432 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **is not** the limiting factor. The maximum quantity that could be requested for storage was based on the following criteria: the surface area of the proposed reservoir was estimated to be 7.7 acres, the capacity at normal pool is approximately 65 acre-feet, and the quantity requested for direct irrigation use was 240 acre-feet. Potential net evaporation in inches based on K.A.R. 5-6-3 is 7 inches, therefore the natural evaporation is estimated as follows:

$$7.7 \text{ acres} \times 7 \text{ inches of evaporation} / 12 \text{ inches} = 4.5 \text{ acre-feet per year (indirect use)}$$

As per K.A.R. 5-6-5, if the maximum annual quantity of water requested for rediversion exceeds the reservoir capacity, the maximum annual quantity of water authorized to be diverted and stored in any one year shall not exceed the total of the following:

1. The annual quantity of water rediverted for beneficial use (240 acre-feet);
2. The reservoir capacity (65 acre-feet); and
3. One year of indirect use from the reservoir (i.e. net evap.) (4.5 acre-feet).

Therefore, the quantity of water that was requested for File No. 48,912 was 240 acre-feet + 65 acre-feet + 4.5 acre-feet = 309 acre-feet. The requested quantity for direct use is the maximum allowable for 240 acres, (1.0 acre-feet per acre), in Brown County, Kansas, per K.A.R. 5-3-24. The requested rediversion rate of 1,000 gallons per minute appears reasonable based on the irrigation system design and the area of the place of use.

The application was reviewed by DWR Water Structures Program staff under File No. DBR-0351, and it was determined that the proposed dam qualifies for the hazard A permit exemption (see March 19, 2015 letter).

Landowners within one-half (½) mile upstream and downstream were notified by letter of the applicant's intention to appropriate water from the proposed reservoir on August 7, 2014. No responses of any kind were received.

The WRIS database indicates there are only two other water right within a two-mile radius circle of the proposed point of diversion. They both authorize sediment control reservoirs, that are all located on different tributary streams, and the closest is over 3,400 feet away. Therefore, approval of this application would not impact any senior permitted water right.

Lucas W. Heinen
File No. 48,912 - Memorandum
Page 2

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pumpsite) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an August 20, 2014 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced application should be approved.

Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water appears reasonable, the structure is properly registered with the DWR Water Structures Program, and there is no evidence that senior rights will be impacted, it is recommended that the referenced application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

December 9, 2016

LUCAS W HEINEN
1505 SUNFLOWER RD
EVEREST KS 66424

FILE COPY

Re: Appropriation of Water, File No. 48,912

Dear Mr. Heinen:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the 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 these approval documents. A water meter is required on the proposed re-diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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 this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:dws
Enclosures

pc: Topeka Field Office
Heinen Land & Cattle Co. LLC

THE STATE OF KANSAS



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. 48,912** of the applicant

**LUCAS W HEINEN
1505 SUNFLOWER RD
EVEREST KS 66424**

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

1. That the priority date assigned to such application is **January 6, 2014**.

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
24	4S	18E	40	40	40	40												40	40			240

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to South Fork Wolf River, designated in the office of the Chief Engineer as South Fork Wolf River Trib 2A, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **309 acre-feet** per calendar year in a reservoir created by a dam located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW¼ SW¼ NE¼) of Section 24, more particularly described as being near a point 2,783 feet North and 2,303 feet West of the Southeast corner of said section, in Township 4 South, Range 18 East, Brown County, Kansas, to provide **240 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,000 gallons per minute (2.23 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2018** 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.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** 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.
6. 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.
7. 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.
8. 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.
9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
10. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
12. 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.
13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
14. 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.
15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

CERTIFICATE OF SERVICE

On this *9th* day of *December*, 201*6*, I hereby certify that the foregoing Approval of Application, File No. 48,912, dated *December 8, 2016* was mailed postage prepaid, first class, US mail to the following:

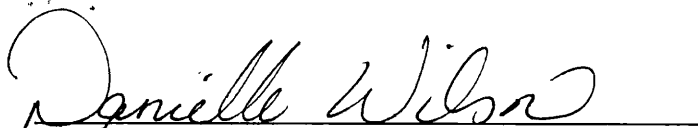
LUCAS W HEINEN
1505 SUNFLOWER RD
EVEREST KS 66424

With photocopies to:

HEINEN LAND & CATTLE CO LLC
820 WILLOW RD
DENTON KS 66017

MIDWEST IRRIGATION
% KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE
8/27/2014
Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 48912
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

JAN 06 2014
12:34 AM
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Lucas W Heinen
Address: 1505 Sunflower Rd
City: Everest Everest * State KS Zip Code 66424
Telephone Number: (285) 548-9750

2. The source of water is: surface water in Unamed tributary to Trib 2a South Fork Wolf River (stream)
OR groundwater in South fork of Wolf River Missouri River (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. Direct use = 240 + Equip 4.5 + Storage 65 = 309

3. The maximum quantity of water desired is 309 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000/NF gallons per minute OR 2014 cubic feet per second. Redvers in rate *

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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use llc Source G/S County BL By AGL Date 1-6-14
Code FE2 Fee \$ 200 TR # 14019952 Receipt Date 1-6-14 Check # 1823

SCANNED

1/7/2014 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 SW quarter of the SW quarter of the NE quarter of Section 24, more particularly described as being near a point 2783 feet North and 2303 feet West of the Southeast corner of said section, in Township 4 South, Range 18 East West (circle one), Brown County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

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

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

same

(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 January 2nd, 2014.

[Signature]

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 Dam & pump
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Dec 2014
(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 March 15 2015
(Mo/Day/Year)

WATER RESOURCES
RECEIVED

JAN 06 2014

SCANNED

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. will be under 125 Ac to Eng spillway and under 30ft tall
Orange Basin 305 Acres

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 under 125 Ac / Ft to
Emergency spillway under 30ft tall

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.

no known permits

WATER RESOURCES RECEIVED

JAN 06 2014

SCANNED
KS DEPT OF AGRICULTURE

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	<u>NA</u>			
Depth to water bearing formation	<u>NA</u>			
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/son
(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):
Heiman Land's cattle Co. LLC 820 Willow Rd Denton KS 66017
(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 Hiawatha, Kansas, this 2 day of January, 2014
(month) (year)

[Signature]
(Applicant Signature)

509 92 9376
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by [Signature]

MWI
(office/title)

Date: Jan 2nd 2014

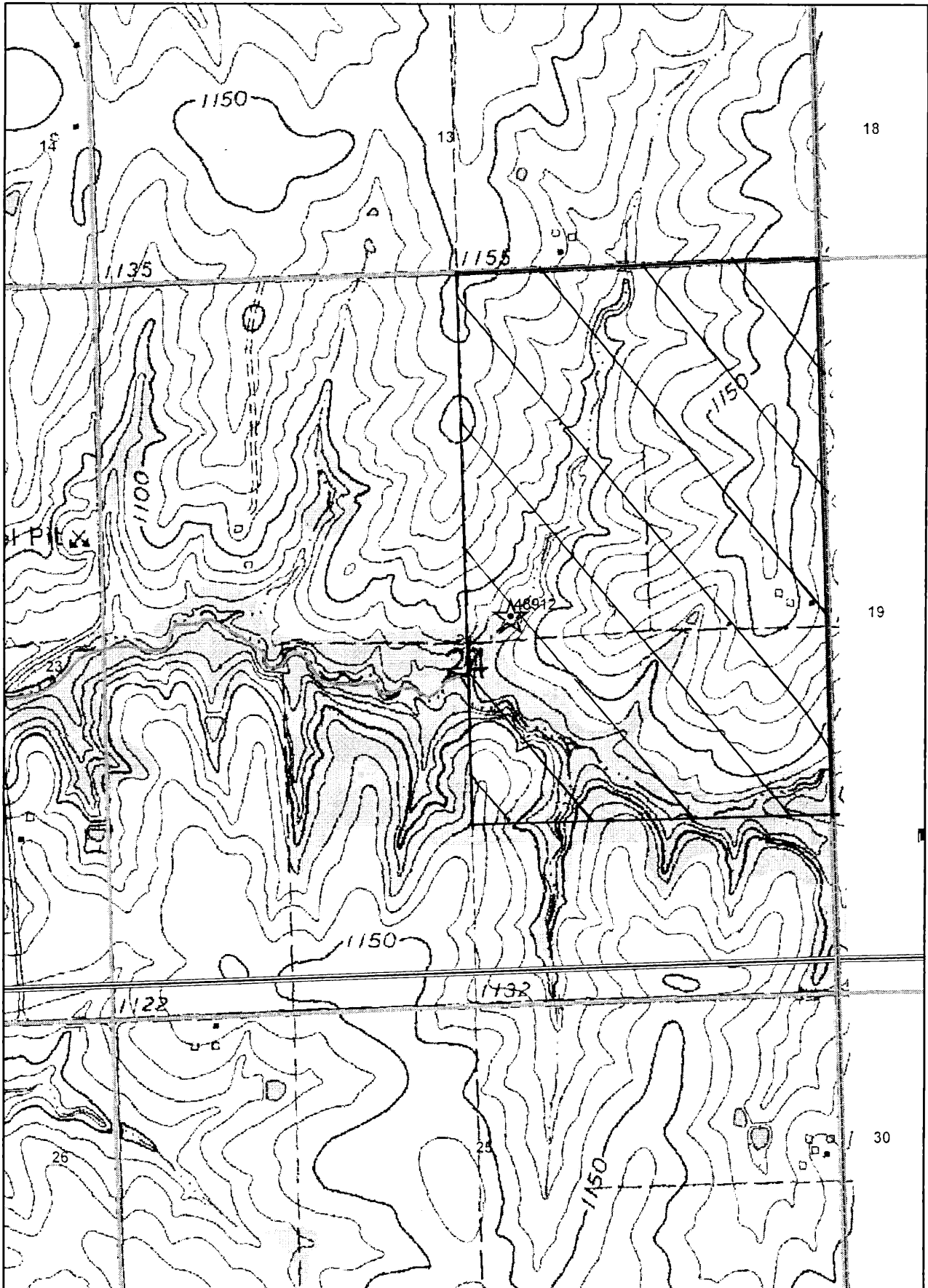
WATER RESOURCES RECEIVED

SCANNED JAN 06 2014

48,912

Place of
use

240
acres



**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 48,912

Name of Applicant (Please Print): Lucas W Heinen

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: Lucas W Heinen
 ADDRESS: 1505 Sunflower Rd ~~Haworth~~ Excelsior KS 66224

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24	4s	18E	40	40	40	40													160

Landowner of Record NAME: Heinen Land & Cattle Co LLC
 ADDRESS: 820 Willow Rd Dexter KS 66017

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24	4s	18E								40	40			40	40				80

Total = 240 acres

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	

* Revised acreage based on Site Map.

DWS/DWR 8/20/14

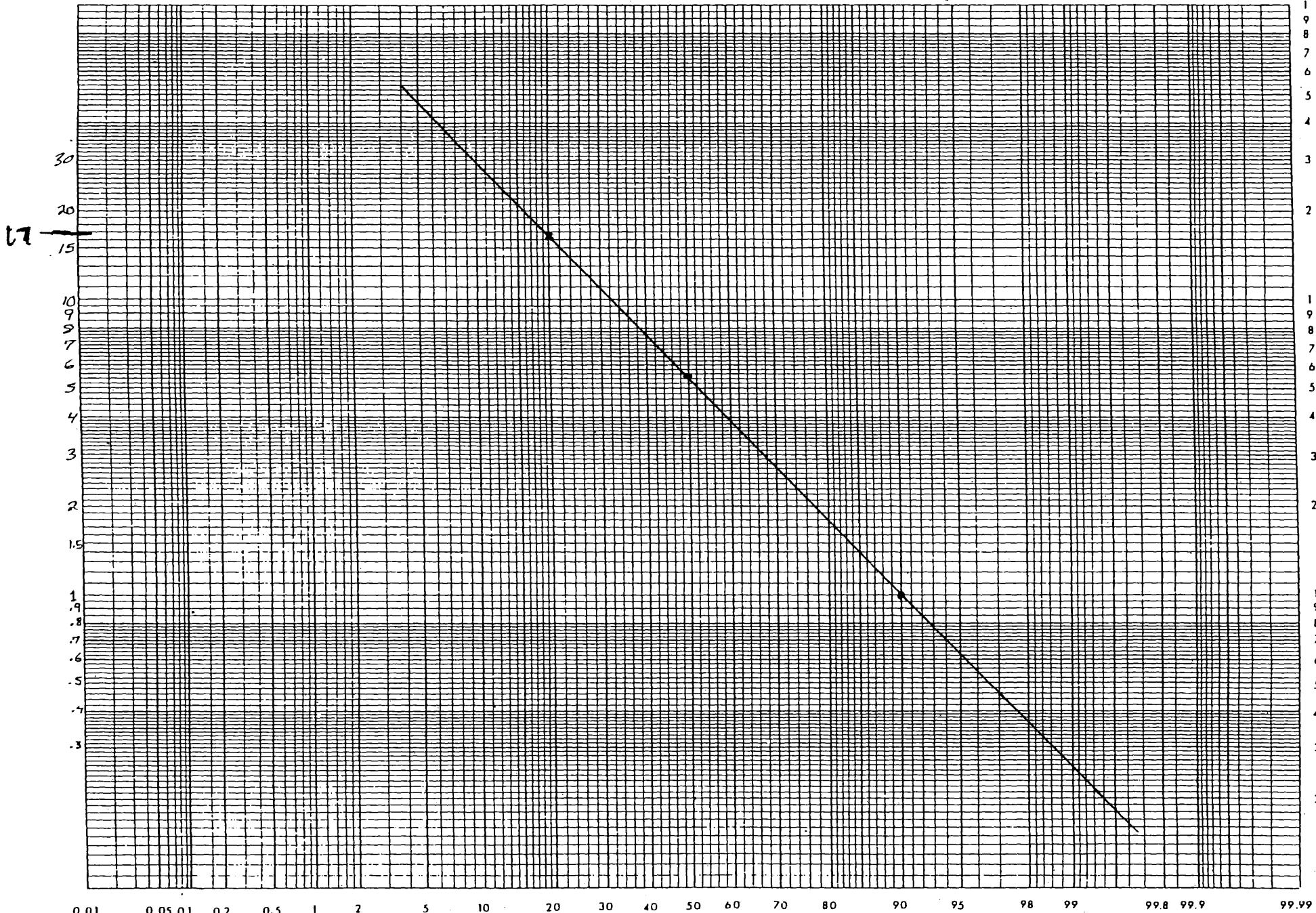
FILE No. 48,912

SOIL: "80" PRECIP: 37"

INCHES RUNOFF/ACRE: 17"

30.5 ACRES IN DRAINAGE x 17" = 5185" / 12" \Rightarrow 432 AF OF RUNOFF (20% CHANCE ANNUALLY)

99.99 99.9 99.8 99 98 95 90 80 70 60 50 40 30 20 10 5 2 1 0.5 0.2 0.1 0.05 0.01



Probability (Long-axis) by 3 Cycle Log

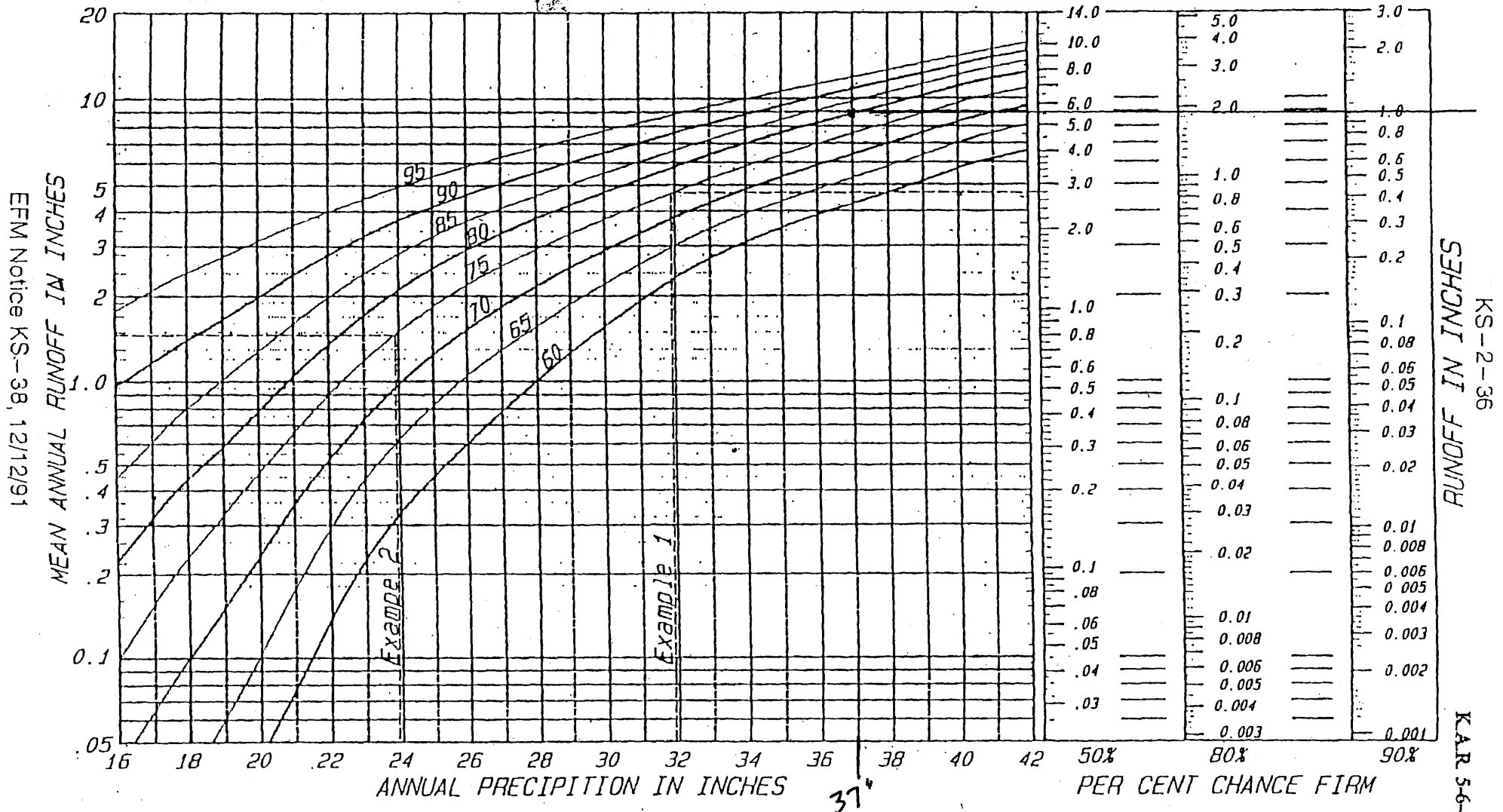
% CHANCE

PREPARED BY:

SAFETY IN FLOODING

GRAPH PAPER From your COPIER - HPBOOKS

ANNUAL YIELD OF RUNOFF



EFM Notice KS-38, 12/12/91

KS-2-36
KAR 5-6-4(a)(1)

United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

March 19, 2015

Lucas W. Heinen
1505 Sunflower Rd
Everest, KS 66424

RE: Low Hazard Dam Registration
WSN: DBR-0351

Dear Mr. Heinen:

Please accept this letter as confirmation that your proposed dam is exempt from the dam safety permit requirements specified in K.S.A. 82a-301(a), and your proposed dam location has been registered in our records.

You reported that your proposed dam is located in the SW1/4 of the SW1/4 of the NE1/4 of Section 24, Township 4 South, Range 18 East in Brown County. You also reported it would have a height of 29.9 feet, and a storage volume of 99.0 acre-feet at the emergency spillway elevation. We verified that your proposed dam qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1).

Please note your dam may be reclassified to a hazard class B or C in the future as a result of improvements or changes on downstream properties. If that occurs, you will be required to obtain a dam safety permit for the existing dam. This may require redesign and partial reconstruction of the dam to meet applicable dam safety standards.

Please contact me at 785-564-6652 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kim Hunninghake".

Kimberly A. Hunninghake, P.E.
Dam Safety Team Leader



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

August 7, 2014

ROBERT A & MACRINA M SCHECHER
1226 TIMBER RD
EVEREST KS 66424

Re: Pending Application, File No. 48,912

Dear Sir or Madam:

This is to advise you that Lucas W. Heinen has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 309 acre-feet of surface water per calendar year, and re-divert 240 acre-feet of the stored water for irrigation use. The point of diversion (where dam crosses centerline of the stream) is located as follows:

In the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 24, in Township 4 South, Range 18 East, Brown County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-3495 with any questions or comments.

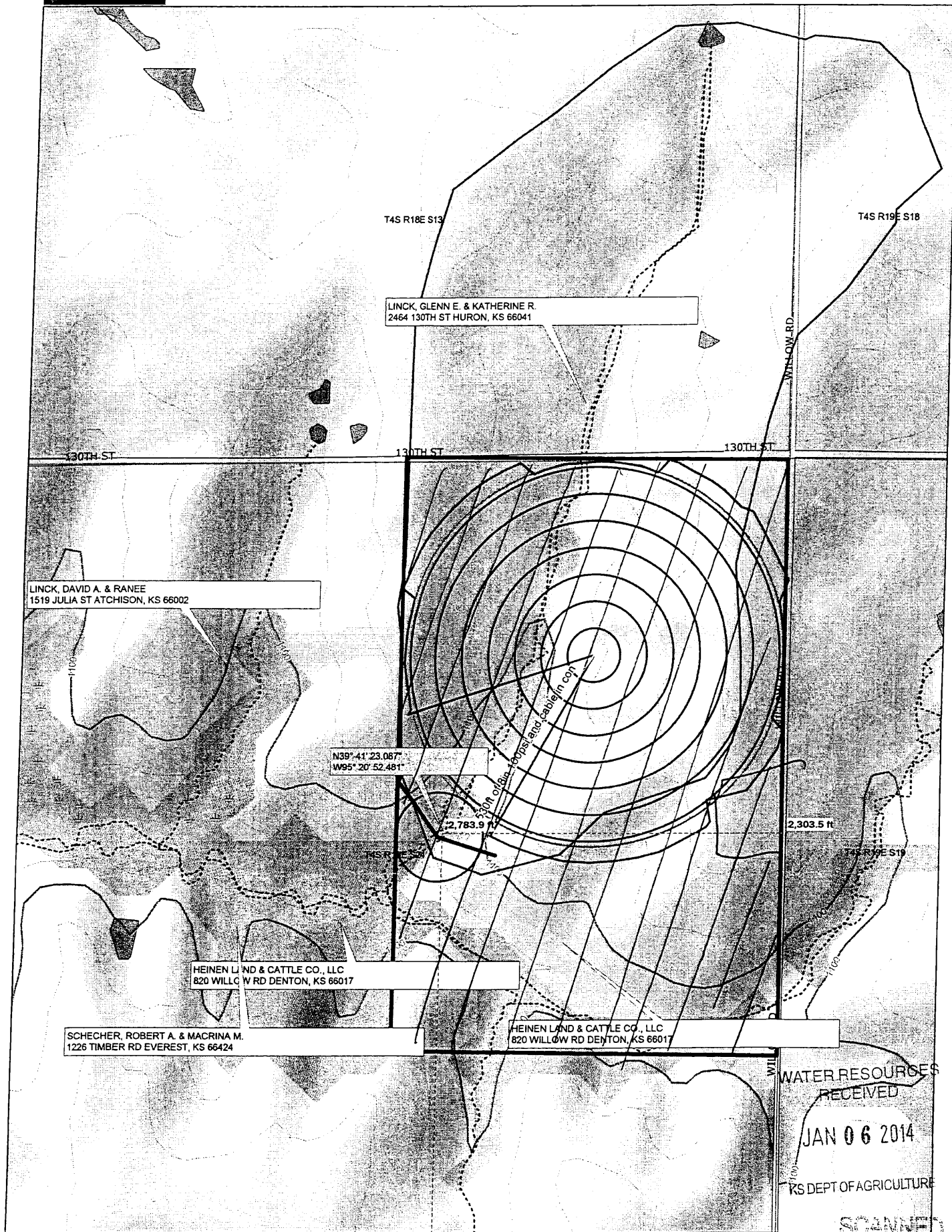
Sincerely,

A handwritten signature in black ink that reads "Douglas W. Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Lucas W. Heinen
Keith Grimm – Midwest Irrigation



WATER RESOURCES
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JAN 06 2014
KS DEPT OF AGRICULTURE

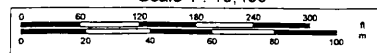
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www.delorme.com



Scale 1 : 10,400



1" = 196.8 ft

Data Zoom 14-3


Kansas
Department of Agriculture
Division of Water Resources

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

August 7, 2014

GLENN E & KATHERINE R LINCK
2464 130TH ST
HURON KS 66041

Re: Pending Application, File No. 48,912

Dear Sir or Madam:

This is to advise you that Lucas W. Heinen has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 309 acre-feet of surface water per calendar year, and re-divert 240 acre-feet of the stored water for irrigation use. The point of diversion (where dam crosses centerline of the stream) is located as follows:

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Sincerely,

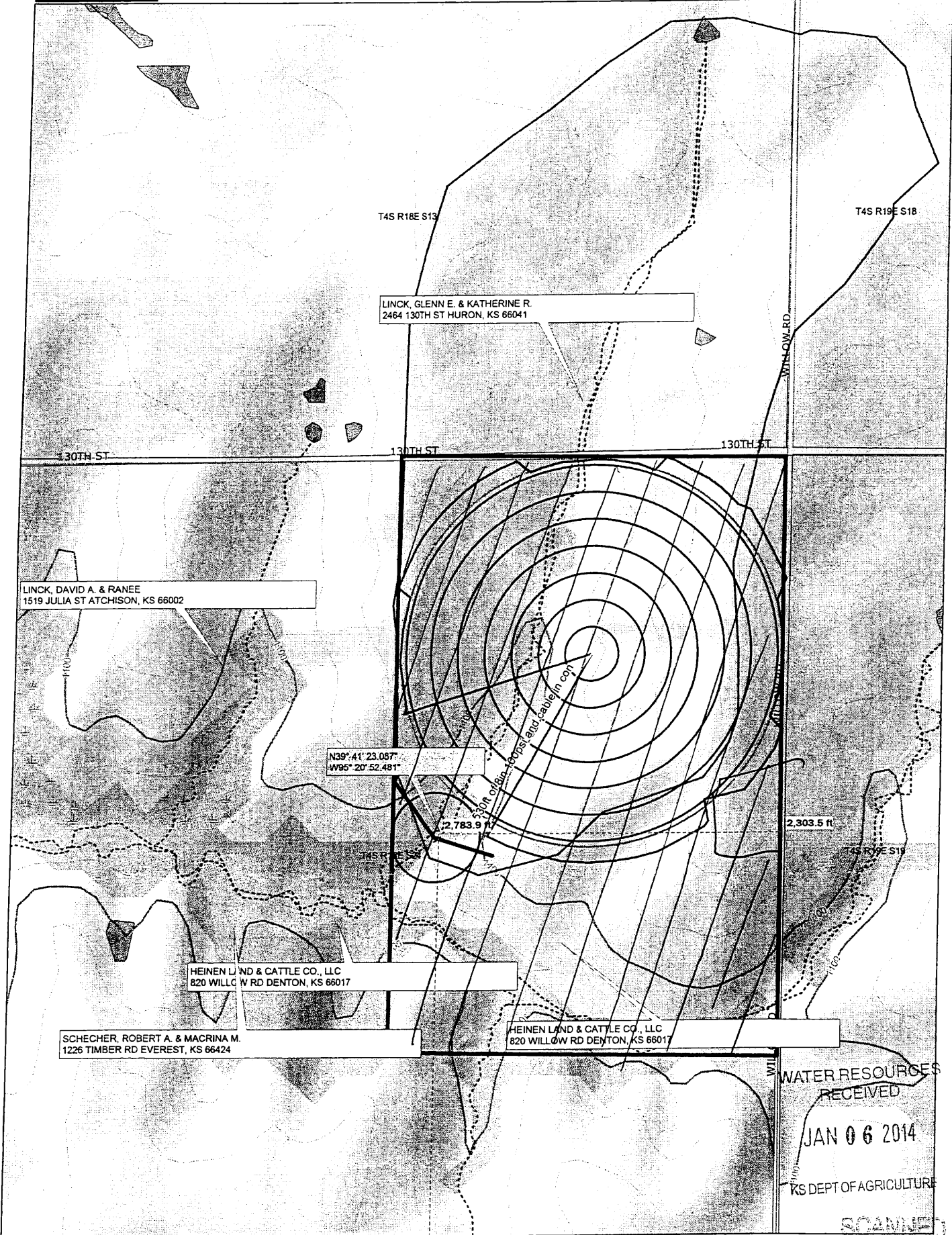


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Lucas W. Heinen
Keith Grimm – Midwest Irrigation

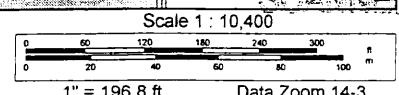
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www.delorme.com



1" = 196.8 ft Data Zoom 14-3



Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, Kansas 66619

Jackie McClaskey, Secretary
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Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

August 7, 2014

DAVID A & RANEE LINCK
1519 JULIA ST
ATCHISON KS 66002

Re: Pending Application, File No. 48,912

Dear Sir or Madam:

This is to advise you that Lucas W. Heinen has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 309 acre-feet of surface water per calendar year, and re-divert 240 acre-feet of the stored water for irrigation use. The point of diversion (where dam crosses centerline of the stream) is located as follows:

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Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Lucas W. Heinen
Keith Grimm – Midwest Irrigation

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00 ←
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

SCANNED JAN 06 2014

KS DEPT OF AGRICULTURE

NEW STREAM WORKSHEET

ES BAF

Date: 1-6-14

File No. _____

Basin Name: MISSOURI Basin No. 1

Stream Name: TRIB 2a SOUTH FORK WOLF RIVER

Stream location (confluence with parent stream):

Section 24, Township 4 South, Range 18 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

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

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

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

Stream No. 3748 (computer assigned - entered by data entry staff)

Date Entered 1/7/2014 By LLM



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Jackie McClaskey, Acting Secretary
David W. Barfield, Chief Engineer

phone: (785) 296-3717
fax: (785) 296-1176
<http://agriculture.ks.gov/dwr>

Sam Brownback, Governor

January 6, 2014

LUCAS W. HEINEN
1505 SUNFLOWER RD
EVERST KS 66424

RE: Application
File No. 48,912

Dear Sir or Madam:

Your application for permit to appropriate water in 24-4S-18E, in Brown 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 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,

Douglas W. Schemm
New Application Unit Supervisor
Water Appropriation Program

DWS: al
pc: Topeka Field Office

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 48912 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 48912 00 IRR

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

2783 Feet North and 2303 Feet West of the Southeast Corner of Section 24 T 4S R 18E

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__ 44695 00 SED NK S      9642 -- NW SE NW 3815 3438 36 4 18E 1          .00      .00 AF
A__ 45596 00 SED NK S      9999 -- NE SW SW 1151 4148 26 4 18E 2          .00      .00 AF
Same          10521 -- NW NE NW 5214 3592 35 4 18E 1
***** Authorized storage =          .00 AF Additional storage =          .00 AF
Same          3406 -- NE SW SW 1159 4540 19 4 19E 1
***** Authorized storage =          .00 AF Additional storage =          .00 AF
A__ 48912 00 IRR AY S      0 -- SW SW NE 2783 2303 24 4 18E 1          309.00  309.00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      309.00           .00
Total Permitted Amount (AF) =         .00           .00
Total Inspected Amount (AF) =         .00           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =         .00          197.51
Total Vested Amount (AF) =           .00           .00
TOTAL AMOUNT (AF) =          309.00          197.51
=====
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

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

2783 Feet North and 2303 Feet West of the Southeast Corner of Section 24 T 4S R 18E

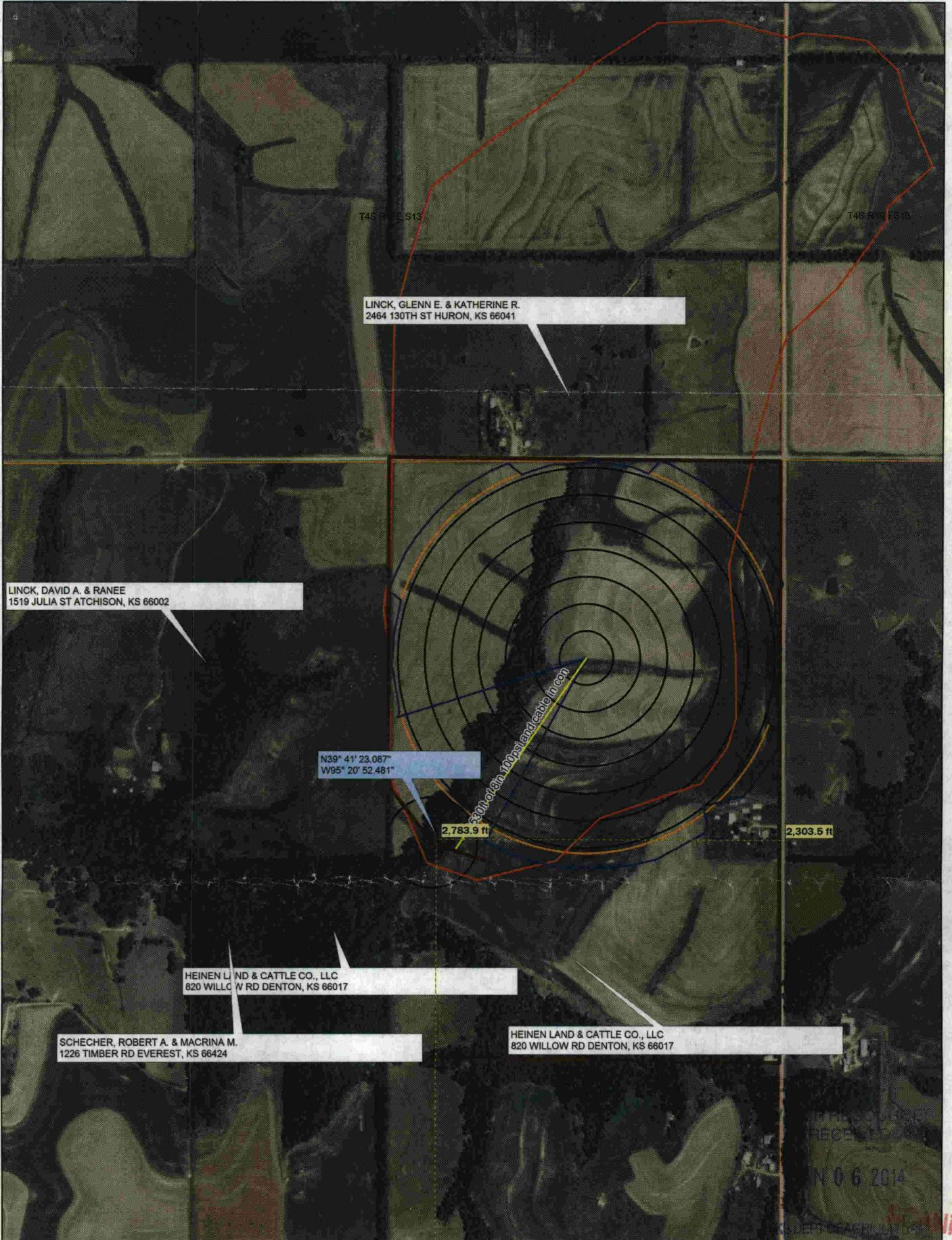
SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 44695 00 SED NK S
> WOLF RIVER WATERSHED JOINT DIST #66
> 121 PARSONS ST
> PO BOX 216
> ROBINSON KS 66532
>-----
A__ 45596 00 SED NK S
> WOLF RIVER WATERSHED JOINT DIST #66
> 121 PARSONS ST
> PO BOX 216
> ROBINSON KS 66532
>-----
A__ 48912 00 IRR AY S
> LUCAS W HEINEN
>
> 1505 SUNFLOWER RD
> EVERST KS 66424
    
```

48,912



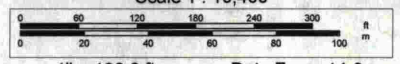
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Scale 1 : 10,400

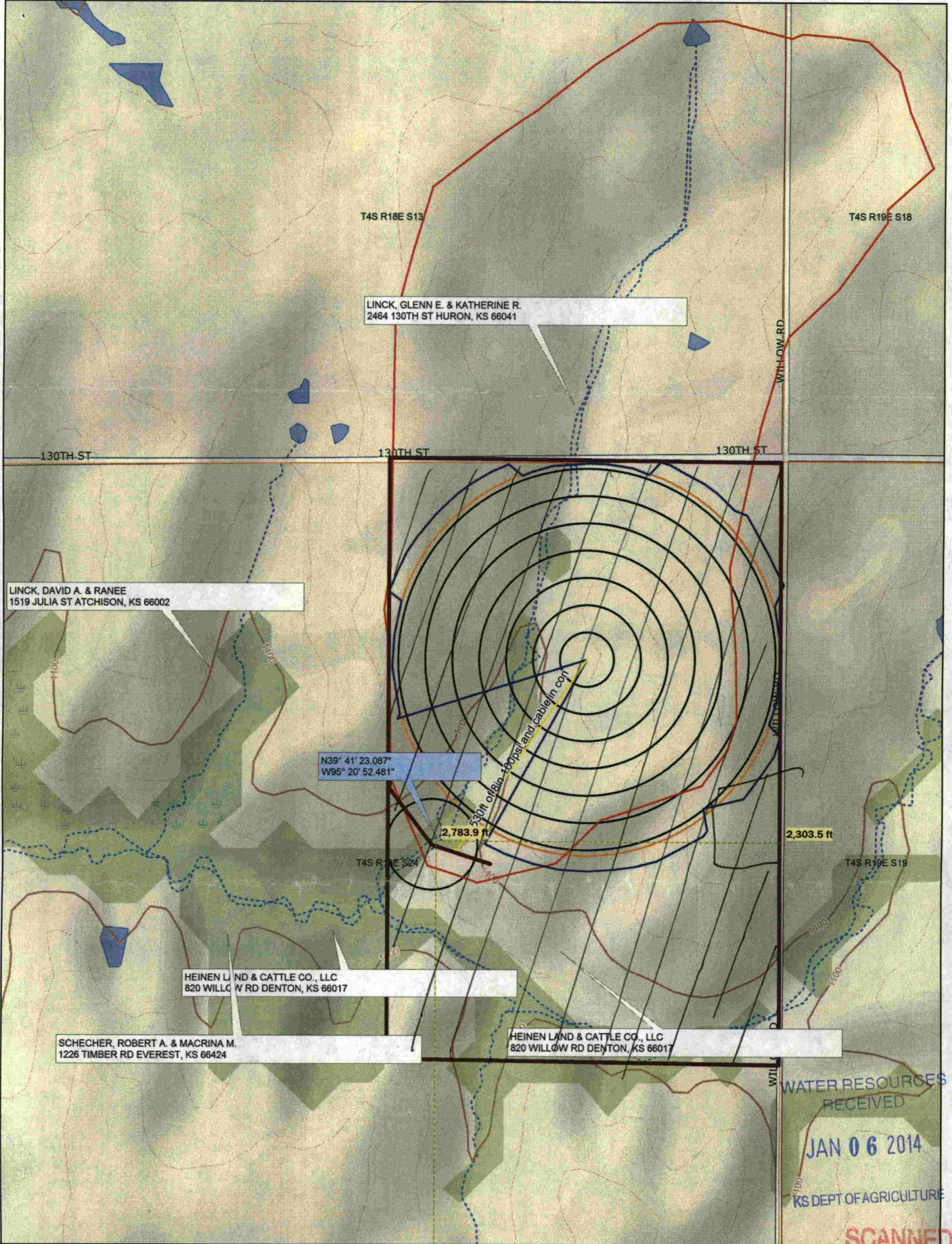


1" = 196.8 ft

Data Zoom 14-3

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NOV 06 2014
DEPT OF AGRICULTURE

RECORDED



WATER RESOURCES RECEIVED
 JAN 06 2014
 KS DEPT OF AGRICULTURE

SCANNED

