

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">49,511</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;"><i>12/19/2016</i></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">1</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request/ Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> BRANDON MENDOZA 2023 RD U READING KS 66868		7c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>64840</u> Add Seq# _____	
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: _____		11. Perfection Date: _____	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 11/29/2016 By: DWS Date Entered: <i>12/20/2016</i> By: <i>LLM</i>			

File No. 49,511	15. Formation Code:	Drainage Basin:	County:	Special Use:	Stream:																
16. Points of Diversion			17. Rate and Quantity																		
T MOD DEL PDIV ENT			Authorized Rate gpm/cfs			Additional Rate gpm/cfs			Quantity af/mgy			Quantity af/mgy			Overlap PD Files						
Qualifier S T R ID 'N 'W																					
DEL 84834 SW SW SE 19 19 11E 1 176 2608												NONE									
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 type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																					
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T MOD DEL ENT		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				
PUSE S T R ID																					
DEL 67513 19 19 11E 1		WILDLIFE MARSH (S2)																	7a.	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. 49,511

Brandon Mendoza filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 100 acre-feet of surface water for recreational use. The proposed point of diversion was a pump site located in the Southeast Quarter (SE¼) of Section 19, in Township 19 South, Range 11 East, Lyon County, Kansas.

The applicant was contacted on February 9, 2016, and asked to provide additional information concerning nearby landowners. The original application was returned to the applicant on October 27, 2016, once again requesting nearby landowner information. The deadline to return the original application (30 days) was November 27, 2016. The original application was not returned by the deadline.

Based on the available information, that the application was not returned within the time allowed, it is recommended that the file be dismissed for failure to return, as provided by K.S.A. 82a-710. A Findings and Order has been prepared to dismiss this application.

Douglas W. 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 20, 2016

BRANDON MENDOZA
2023 RD U
READING KS 66868

FILE COPY

Re: Application, File No. 49,511

Dear Mr. Mendoza:

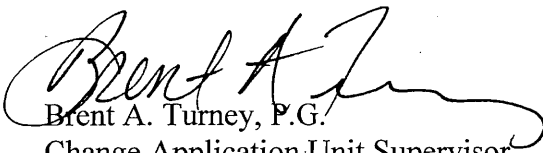
Enclosed is a Findings and Order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,511 for failure to return the original application and provide the requested information, prior to the deadline of November 27, 2016.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

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

Sincerely,



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

BAT:dws
Enclosures

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,511**

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

FINDINGS

1. That on November 24, 2015, the Chief Engineer received an application from Brandon Mendoza for permit to appropriate surface water for beneficial use, assigned File No. 49,511, proposing the appropriation of 100 acre-feet of water, at a maximum requested diversion rate of 2,000 gallons per minute, for recreational use. The point of diversion was one (1) pump site located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 19, more particularly described as being near a point 176 feet North and 2,608 feet West of the Southeast corner of said section, in Township 19 South, Range 11 East, Lyon County, Kansas.
2. That additional information was requested from the applicant in a February 9, 2016 electronic mail. The applicant initially stated they were not going to proceed with the project, however in a subsequent February 18, 2016 electronic mail, the applicant requested additional time to review the project.
3. That on October 27, 2016, the original application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. The applicant was provided an initial deadline until November 27, 2016, the time in which to provide the requested information and return the application. The applicant was informed that the application would be dismissed if it was not returned by the November 27, 2016 deadline, or within any authorized extension of time.
4. That the original application was not returned by the November 27, 2016 deadline, and no request for additional time was received from the applicant.
5. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710, for failure to return the application.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,511, is herewith dismissed and the priority assigned to it is considered to be forfeited.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 19th day of December, 2016, 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 19th day of December, 2016, 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 20th day of December, 2016, I hereby certify that the foregoing Dismissal of Application, File No. 49,511, dated December 19, 2016 was mailed postage prepaid, first class, US mail to the following:

BRANDON MENDOZA
2023 RD U
READING KS 66868

With photocopies to:

Topeka Field Office

Danielle Wilson

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 49,511
This item to be completed by the Division of Water Resources.

WATER RESOURCES
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**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

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

NOV 24 2015

11:22
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): BRANDON MENDOZA
Address: 2023 RD U
City: READING State: KS Zip Code 66868
Telephone Number: (620) 344-2705 e-mail: tornadoalleyfowl@hotmail.com

2. The source of water is: surface water in Cottonwood River (stream)
OR groundwater in Cottonwood 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.

3. The maximum quantity of water desired is 100 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 2000 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. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G County LY By AW Date 11/24/15
Code REG Fee \$ 200 TR# 16017413 Receipt Date 11/24/15 Check # 500

SCANNED

11/24/15 11:22

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 SE quarter of the SE quarter of the SW quarter of Section 19, more particularly described as being near a point 176 feet North and 2,608 feet West of the Southeast corner of said section, in Township 19 South, Range 11 East, LYON 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):

PO Miller 1052 Rd 130 Emporia KS 66801
 (name, address and telephone number) 620-344-1498

 (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 11/25, 2015. R Miller
 Applicant's Signature

7. The proposed project for diversion of water will consist of ONE PUMP SITE
 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) FALL 2015
 (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 FALL 2015
 (Mo/Day/Year)

WATER RESOURCES RECEIVED

NOV 24 2015

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.

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 _____

To be Determined by Structures Program Review.

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.

TEMPORARY APPLICATION OVERLAP IN PD AND PU.

20150368

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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):
John Waechter 1761 Rd G Emporia KS
(name, address and telephone number) 620-443-5711 66601

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 Nov 23, Kansas, this 23 day of Nov, 2015
Emporia (month) (year)

[Signature]
(Applicant Signature)

511-78-5904
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 DWS TOPEKA FO Date: 10/14/2015
(office/title)

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NOV 24 2015
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KS DEPT OF AGRICULTURE

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): BRANDON MENDOZA _____

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____

Wildlife, Hunting

2. Please summarize how the water will be used and justify the quantity of water requested: _____

* Surface Area of Marsh = 60 acres. Filled to a maximum depth of 1.5 feet

60 acres x 1.5 feet = 90 acre-feet.

10 AF - ~~surface~~ = 100 AF Total

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	90 AF / 100 AF
Year 2	90 AF
Year 3	90 AF
Year 4	90 AF
Year 5	90 AF

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

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

Wildlife Marsh Located in the South Half of Section 19, in Township 19 South, Range 11 East, Lyon County, Kansas.

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

SCANNED

* encl DW P 11-2A-205

(Date)

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

Re: Application 49,511
File No. _____

Minimum Desirable Streamflow
COTTONWOOD River Assurance District
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (**circle the appropriate item**) for the source of supply to which the above referenced application applies, namely the COTTONWOOD RIVER.

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, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

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.

Brandon Mendoza
Signature of Applicant

Brandon Mendoza
Print Applicant Name

State of Kansas)
County of Lyon) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 23rd day of November, 20 15.

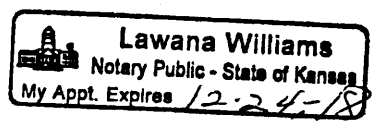
Lawana Williams
Notary Public

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My Commission Expires:
December 24, 2018

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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

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KS DEPT OF AGRICULTURE



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

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

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

October 27, 2016

BRANDON MENDOZA
2023 RD U
READING KS 66868

RE: Pending Application, File No. 49,511

Dear Mr. Mendoza:

After further review, the above referenced **original** application for permit to appropriate water for beneficial use is being returned to you for additional information. As we have previously discussed, you must provide the names and addresses of the landowner(s) ½ mile downstream and upstream from your property lines, and sign the site map where indicated.

We are advising you of this requirement in order to allow you an opportunity to supply the requested information, as required. In order for the application to retain its priority of filing, the original application and attachments must be returned, with the requested information, to this office on or before **November 27, 2016**, or within any authorized extension of time thereof. According to the law, default in the re-filing of the completed application and attachments as outlined above, within the time allowed, shall constitute forfeiture of your priority date and dismissal of the application.

Please return the original application, and signed site map with the required landowner information to:

**KANSAS DEPARTMENT OF AGRICULTURE
6531 SE FORBES AVENUE SUITE B
TOPEKA KS 66619**

If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

Schemm, Doug

From: Brandon Mendoza <tornadoalleyfowl@hotmail.com>
Sent: Monday, February 22, 2016 10:09 AM
To: Schemm, Doug
Subject: Re: File No. 49,511 - Voluntary Dismissal form

Doug

We are looking into possibly making a change that will still allow us to utilize this property. I'm going to hold off on the dismissal form for now until we know for sure what direction we are going to go.

Thanks

Brandon Mendoza
620-344-2705

Tornado Alley Waterfowl

On Feb 18, 2016 2:09 PM, Brandon Mendoza <tornadoalleyfowl@hotmail.com> wrote:
Sorry , I forgot. I will get it to you.

Brandon Mendoza
620-344-2705

Tornado Alley Waterfowl

On Feb 18, 2016 1:38 PM, "Schemm, Doug" <Doug.Schemm@KDA.KS.GOV> wrote:

Brandon,

Sorry to bother you, just wondered if you have had a chance to sign and submit the closure form.

Thanks, Doug

Schemm, Doug

From: Brandon Mendoza <tornadoalleyfowl@hotmail.com>
Sent: Tuesday, February 09, 2016 11:45 AM
To: Schemm, Doug
Subject: Re: File No. 49,511

Doug

We are not going to proceed any further with this project. It is not a productive enough area for us to continue putting money into. Thanks for all your help.

Brandon Mendoza

620-344-2705

Tornado Alley Waterfowl

On Feb 9, 2016 10:27 AM, "Schemm, Doug" <Doug.Schemm@KDA.KS.GOV> wrote:

Brandon,

Hope all is well with you. I'm starting to work on your regular appropriation for your duck marsh.

One of the first things I have to do is notify nearby property owners adjacent to the river ½ mile upstream and downstream. I'm attaching a site map with some names and addresses. Sorry, the map is hard to see, but please look over the owners, and let me know if you agree with the list, or I'm missing anybody.

Thanks,

Doug



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 30, 2015

BRANDON MENDOZA
2023 RD U
READING KS 66868

RE: Application
File No. 49511

Dear Sir or Madam:

Your application for permit to appropriate water in 19-19S-11E in Lyon County, was received and has been assigned the file number noted above.

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

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

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

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

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

If you have any questions, please contact me at (785) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Kopp", is written over a faint, larger signature.

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

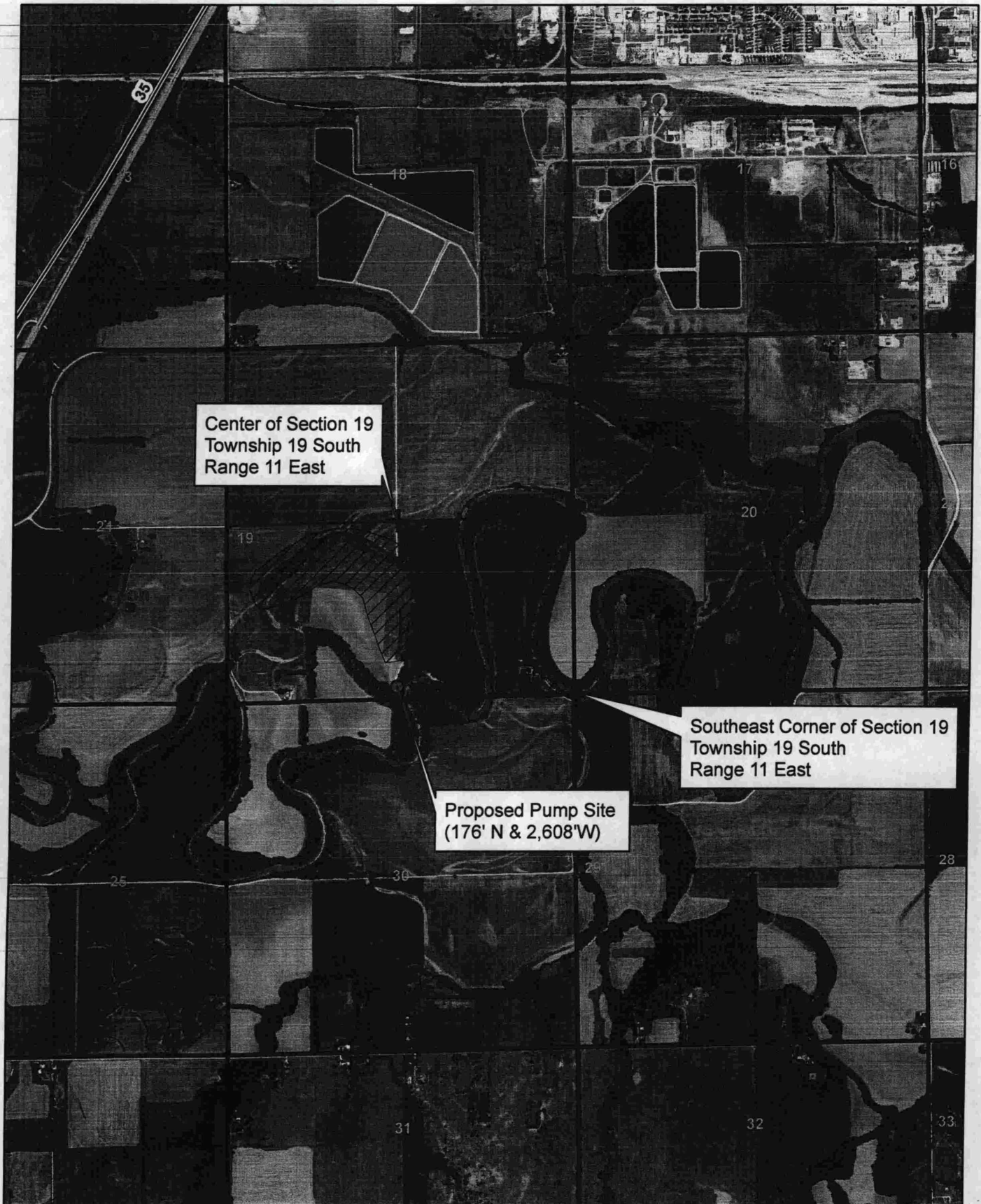
KAK: DLW
pc: TOPEKAField Office
GMD 0

SCANNED

SCA

BRANDON MENDOZA - SITE MAP
SEC. 19, T19S, R11E, LYON CO.

#49,511





Center of Section 19
Township 19 South
Range 11 East

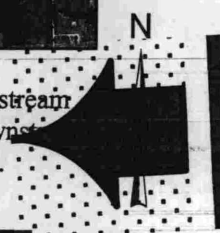
Southeast Corner of Section 19
Township 19 South
Range 11 East

Proposed Pump Site
(176' N & 2,608' W)

1:24,000

-  Proposed Place of Use
-  Proposed Point of Diversion

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

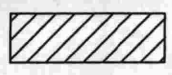


TORNADO ALLY WATERFOWL - SITE MAP



Proposed Pump Site
Sec. 19, T19S, R11E
(176' N & 2,608'W)

1:12,000



Proposed Place of Use

SCANNED