

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

1. File Number: <p style="text-align: center;">49,662</p>	2. Status Change Date: <p style="text-align: center;">8/26/2016</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID <u>65127</u> Add Seq# <u>1</u></p> <p>HAAG FARMS 7233 SW 85TH ST TOPEKA KS 66402</p> <p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2017</u>		11. Perfection Date: <u>12/31/2021</u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Haag Farms is applicant and owner		Date Prepared: 8/10/2016 By: DWS Date Entered: 8/30/2016 By: UM	

File No. **49,662** 15. Formation Code: Drainage Basin: WAKARUSA RIVER County: SN Special Use: Stream: SIX MILE CREEK TRIB 6 (WAKARUSA)

16. Points of Diversion										17. Rate and Quantity					
T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	MOD ADDL QTY				
ENT											Authorized	Additional			
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√			85401								1200	49	1200	24.3	NONE

18. Storage: Rate _____ NF Quantity **49** ac/ft Additional Rate _____ NF Additional Quantity **49** ac/ft

19. Limitation: **134** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **43,388 AND 49,661 (On the PU)**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? YES	Overlap Files	
T	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					
√				51847																							7a.	YES	43,388; 49,661; 49,662; and 49,663	

Comments:

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

TO: Files

DATE: August 10, 2016

FROM: Doug Schemm

RE: Applications, File Nos. 49,661;
49,662; and 49,663

Haag Farms has filed the above referenced applications proposing to appropriate surface water by both the collection and storage of natural flows in two existing reservoirs (File Nos. 49,661 and 49,662), and the direct diversion of surface water at a pump site (File No. 49,663). The two storage applications are located on tributaries to Six Mile Creek, while the pump site is located directly on Six Mile Creek (Wakarusa). Application, File No. 49,663 will allow water to be pumped directly from the stream (when flows are adequate and permission has been granted) either directly to the place of use or into the reservoirs requested under Application, File Nos. 49,661 and 49,662, to be stored for subsequent re-diversion for irrigation use. The points of diversion are all located in the West Half of Section 16, Township 13 South, Range 15 East, Shawnee County, Kansas. The applications' place of use comprises 134 acres, wholly owned by the applicant, and Ernie Haag representing the applicant has signed the application forms stating that he has legal access to the points of diversion. The files will be used for the same irrigation project (i.e. overlap in place of use).

Please note that the applicant has a senior file, Water Right, File No. 43,388, which also overlaps the proposed place of use. The point of diversion for this senior water right is the watershed district reservoir located in the adjacent section to the west (Section 17). The applicant has informed DWR that he no longer has access to this point of diversion. The applicant has elected not to dismiss this senior file, therefore these new applications will be limited in quantity for direct irrigation use as needed. Water Right, File No. 43,388 is authorized 49 acre-feet for direct irrigation use.

Application, File No. 49,661 is requesting 60.7 acre-feet of surface water storage, and the re-diversion of 60.7 acre-feet of the stored water for irrigation use at 1,200 gallons per minute. Runoff computations have determined that the 52 acre drainage area will result in only 60.7 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** the limiting factor, and the application has requested this allowable maximum quantity. No quantity limitation is required on this file.

Application, File No. 49,662 is requesting 49 acre-feet of surface water storage, and the re-diversion of 49 acre-feet of the stored water for irrigation use at 1,200 gallons per minute. Runoff computations have determined that the 42 acre drainage area will result in only 49 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** the limiting factor, and the application has requested this allowable maximum quantity. A quantity of 134 acre-feet is the maximum allowable to irrigate the proposed 134 acres, since 1.0 acre-feet per acre is allowable in Shawnee County, Kansas. Therefore a quantity limitation is required on File No. 49,662 when combined with the two senior files for direct IRR use on the proposed place of use. File No. 49,662 will provide for 24.3 acre-feet of additional water when combined with the two senior files (134 AF – 49 AF – 60.7 AF).

Application, File No. 49,663 is requesting 134 acre-feet of surface water at a diversion rate of 1,000 gallons per minute. Per K.A.R 5-3-15, Application, File No. 49,663 will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed off-stream reservoirs will provide adequate water storage, and there is no need for direct diversion of water from July 1 through September 30. File No. 49,663 will be limited to 134 acre-feet when combined with the senior files, and will provide no additional quantity of water.

Notification letters for all three applications were sent to upstream and downstream landowners on July 25, 2016. Telephone calls were received from both an upstream and a downstream landowner, who asked general questions about the applications, but provided no specific impairment concerns. They were both informed about the specific conditions relative to the direct diversion of streamflow under Application, File No. 49,663 (i.e. requiring permission, can't stop flow). The WRIS database indicates there are several sediment control reservoirs within a two (2) mile radius of the files, which are owned by Wakarusa Watershed Joint District #35, and they are all on different tributaries. Therefore approval of these applications will not impact any senior water rights. As noted above, the direct diversion of water under File No. 49,663 will generally be limited to off-season, and only when there is sufficient water to satisfy all senior water rights.

The North dam (File No. 49,661) is already permitted under DWR Structures Program staff File No. DSN-0237, which was issued many years ago. The second existing structure (File No. 49,662) was determined to be non-jurisdictional for structures permitting.

There is no established Minimum Desirable Streamflow (MDS) for the Wakarusa River. As allowed by K.S.A. 82a-706(c) approved water flow meters shall be installed on the diversion works and/or secondary diversion works (reservoir pump sites) for these files. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

In an August 10, 2016 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new applications should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriations of water are reasonable, the structures are either already permitted or determined to be non-jurisdictional by the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new applications be approved. This will successfully allow the applicant to continue his irrigation project from these new sources of water supply.

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

August 31, 2016

HAAG FARMS
% ERNIE J HAAG
7233 SW 85TH ST
TOPEKA KS 66402

FILE COPY

Re: Appropriation of Water, File Nos. 49,661; 49,662; and 49,663

Dear Mr. Haag:

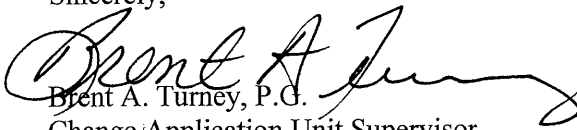
There are enclosed permits to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the sources and at the locations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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits, with specific reference to Paragraph Nos. 19 and 20 for File No. 49,663 requiring you to obtain permission prior to diverting water at your pump site. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. 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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

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,


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

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

FILE COPY

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,662** of the applicant

**HAAG FARMS
7233 SW 85TH ST
TOPEKA KS 66402**

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 **June 24, 2016**.

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	
16	13S	15E			20		38	20	26	30									134

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Six Mile Creek, designated in the office of the Chief Engineer as Six Mile Creek Trib 6 (Wakarusa), 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 **49 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE¼ NW¼ SW¼) of Section 16, more particularly described as being near a point 1,470 feet North and 4,000 feet West of the Southeast corner of said section, in Township 13 South, Range 15 East, Shawnee County, Kansas, to provide **49 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 **1,200 gallons per minute (2.67 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, 2017** 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, 2021 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.

16. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File No. 43,388, and Appropriation of Water, File No. 49,661, will provide a **total not to exceed 134 acre-feet** of water per calendar year for direct irrigation use on the authorized place of use described herein.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 20th day of August, 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 20th day of August, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



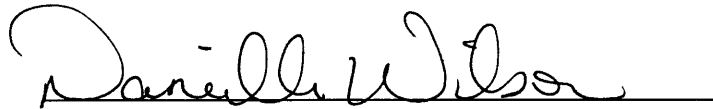
CERTIFICATE OF SERVICE

On this 31 day of August, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,662, dated August 26, 2016 was mailed postage prepaid, first class, US mail to the following:

HAAG FARMS
7233 SW 85TH ST
TOPEKA KS 66402

With photocopies to:

Topeka Field Office



Division of Water Resources

NEW STREAM WORKSHEET

ES AW

Date: 8/30/16

File No. 49,662

Basin Name: Watauga Basin No. 60

Stream Name: Six Mile Creek Trib 6

Stream location (confluence with parent stream):

Section 16, Township 13 South, Range 15 (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. 3880
~~3884~~ (computer assigned - entered by data entry staff)

Date Entered 8/30/2016 By LLM

South
Dam

APPLICATION COMPLETE
8/12/2016
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 49,662
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

JUN 24 2016

746

DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

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

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

- Name of Applicant (Please Print): Haag Farms
Address: 7233 SW 85th
City: Topeka State KS Zip Code 66402
Telephone Number: (785) 230-4551 (cell) Sixmile Creek Trib 6 (Wakarusa)
- The source of water is: surface water in trib to Wakarusa River (stream)
OR groundwater in Wakarusa (drainage basin)

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

- The maximum quantity of water desired is 49 acre-feet OR — gallons per calendar year, Rediversion 49AF @ 1,200 gpm DWS/DWR 8/9/16
to be diverted at a maximum rate of NF 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) <input type="checkbox"/> Artificial Recharge | (b) <input checked="" type="checkbox"/> Irrigation | (c) <input type="checkbox"/> Recreational | (d) <input type="checkbox"/> Water Power |
| (e) <input type="checkbox"/> Industrial | (f) <input type="checkbox"/> Municipal | (g) <input type="checkbox"/> Stockwatering | (h) <input type="checkbox"/> Sediment Control |
| (i) <input type="checkbox"/> Domestic | (j) <input type="checkbox"/> Dewatering | (k) <input type="checkbox"/> Hydraulic Dredging | (l) <input type="checkbox"/> Fire Protection |
| (m) <input type="checkbox"/> Thermal Exchange | (n) <input type="checkbox"/> Contamination Remediation | | |

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:							
F.O. Code	GMD	Meets K.A.R. 5-3-1 (YES/NO)	Use	Source	County	By	Date
	REG		<u>IRR</u>	<u>G/S</u>	<u>SN</u>	<u>AJW</u>	<u>6/24/14</u>
		Fee \$	TR #	Receipt Date	Check #		
		<u>00</u>		<u>6/24/16</u>	<u>4795</u>		

SCANNED 6/29/2016 LLM

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 NW quarter of the SW quarter of Section 16, more particularly described as being near a point 1470 feet North and 4000 feet West of the Southeast corner of said section, in Township 13 South, Range 15 (East) West (circle one), Shawnee 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):

owner

(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 June 20, 2016. [Signature]
Applicant's Signature

7. The proposed project for diversion of water will consist of 1 dam + irrigation system
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) upon approval
(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 upon approval
(Mo/Day/Year)

South
Dam

File No. 4916602

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

- 10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Overlap in PU w/ 43,388 + 2 other new applications

WATER RESOURCES
RECEIVED

JUN 24 2016

KS DEPT OF AGRICULTURE

SCANNED

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):

owner is applicant
(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 Topeka, Kansas, this 22 day of June 2016.
(month) (year)

[Signature]
(Applicant Signature)

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 Katie Tietzort

TFD/wc
(office/title)

Date: 6/2/16

[Faint, illegible text]

South
Dam

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,062

Name of Applicant (Please Print): Haag Farms

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: Haag Farms
ADDRESS: 7233 SW 85th Topeka KS 66402

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	135	BE			20		38	20	26	30									134

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

WATER RESOURCES
RECEIVED

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

plot

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

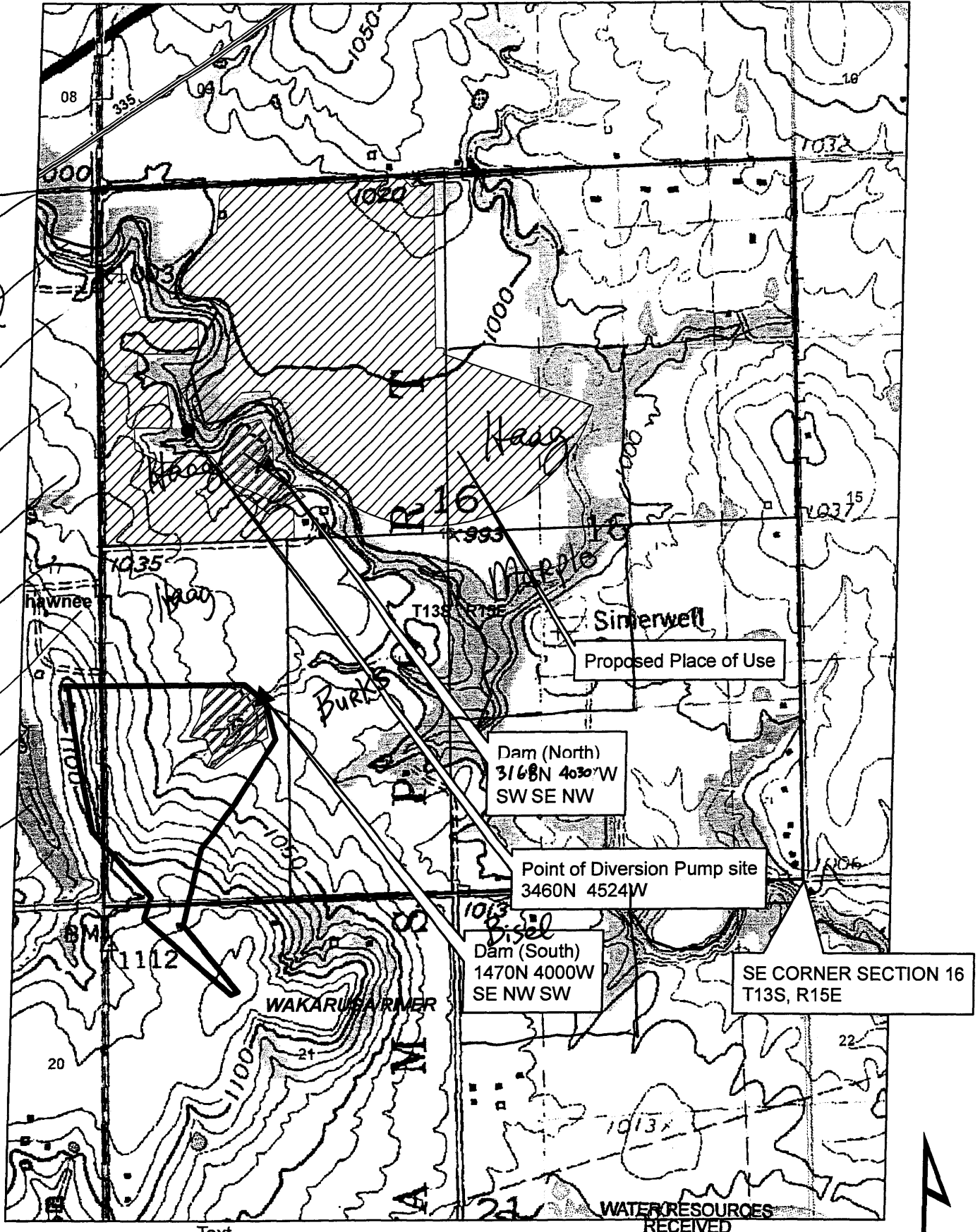
e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

LANDOWNER MAP Haag Farms, 3 new applications

49, 10/1



Michael
Miller
Trust
Sec. 17

Proposed Place of Use

Dam (North)
3168N 4030'W
SW SE NW

Point of Diversion Pump site
3460N 4524W

Dam (South)
1470N 4000W
SE NW SW

SE CORNER SECTION 16
T13S, R15E

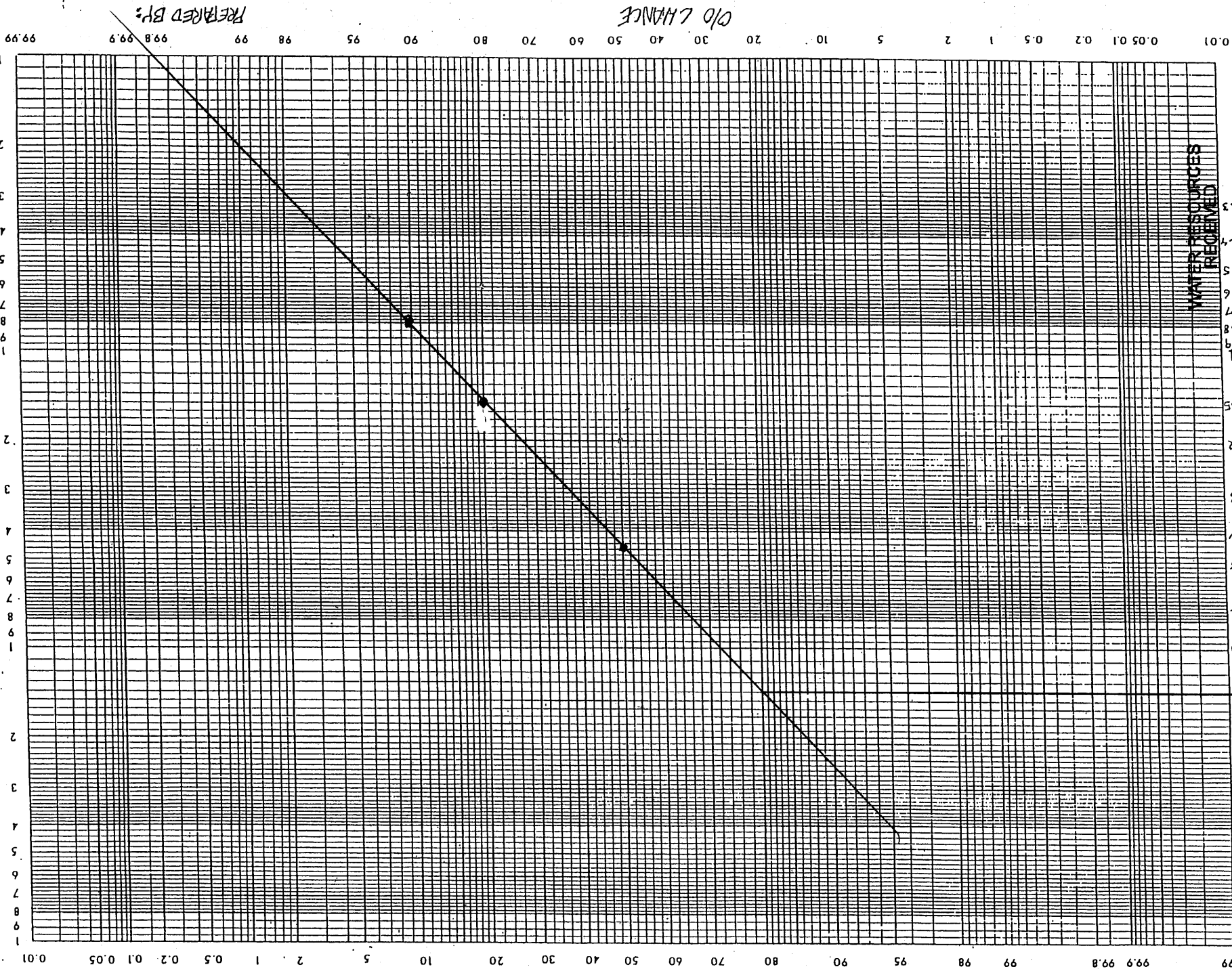
WATER RESOURCES
RECEIVED

1:12,000

JUN 24 2016

49,662

Probability (Long-axis) by 3-Cycle Log



SOIL: "7" RECI: 36"
 FILE NO. 49,662
 42 ACRES IN DRAINAGE x 14" = 588" / 12" = 49 AF OF RUNOFF (2090 CHANCE ANNUALLY)
 INCHES RUNOFF / ACRE: 14"

SOIL DAM

THANKS

JUN 24 2016

SCANNED

WATER RESOURCES RECEIVED

REPAIRED BY:

CHANCE

Haag - South Dam

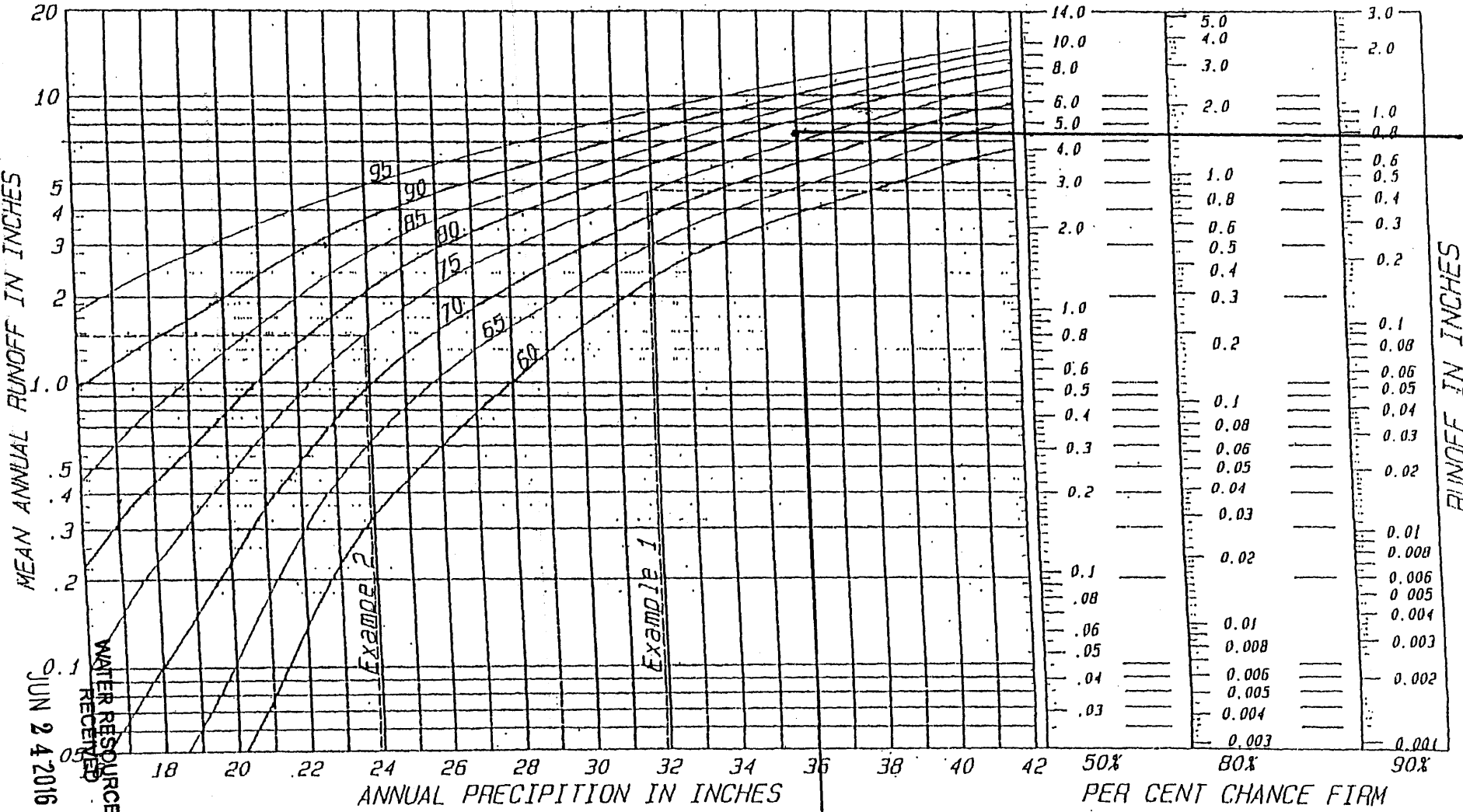
77

ANNUAL YIELD OF RUNOFF

EFM Notice KS-38, 12/12/91

KS DEPT OF AGRICULTURE

SCAN



SECHNI IN INCHES

KS-2-36

K.A.R. 5-6-4a(1)

491, 1002

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

36"



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

July 25, 2016

BENJAMIN C MARPLE TRUST
10249 SW WANAMAKER RD
WAKARUSA KS 66546

Re: Pending Applications, File Nos. 49,661, 49,662; and 49,663

Dear Sir or Madam:

This is to advise you that Haag Farms has filed the applications referred to above for permits to appropriate surface water. Application, File No. 49,661 is requesting to appropriate 60.7 acre-feet of surface water per calendar year to be stored in a reservoir, and re-divert 60.7 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16;

Application, File No. 49,662 is requesting to appropriate 49 acre-feet of surface water per calendar year to be stored in a reservoir, and re-divert 49 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 16; and

Application, File No. 49,663 is requesting to appropriate 134 acre-feet of surface water per calendar year from Sixmile Creek, for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. Surface water will be diverted from one (1) pump site located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16; all in Township 13 South, Range 15 East, Shawnee County, Kansas.

A map is enclosed indicating the location of the proposed points 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 these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Haag Farms



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

July 25, 2016

MICHAEL A MILLER TRUST
8015 SW WANAMAKER RD
AUBURN KS 66402

Re: Pending Applications, File Nos. 49,661, 49,662; and 49,663

Dear Sir or Madam:

This is to advise you that Haag Farms has filed the applications referred to above for permits to appropriate surface water. Application, File No. 49,661 is requesting to appropriate 60.7 acre-feet of surface water per calendar year to be stored in a reservoir, and re-divert 60.7 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16;

Application, File No. 49,662 is requesting to appropriate 49 acre-feet of surface water per calendar year to be stored in a reservoir, and re-divert 49 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 16; and

Application, File No. 49,663 is requesting to appropriate 134 acre-feet of surface water per calendar year from Sixmile Creek, for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. Surface water will be diverted from one (1) pump site located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16; all in Township 13 South, Range 15 East, Shawnee County, Kansas.

A map is enclosed indicating the location of the proposed points 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 these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Haag Farms



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

July 25, 2016

JAMES A & SANDRA K BURKS
5744 SW 85TH ST
WAKARUSA KS 66546

Re: Pending Applications, File Nos. 49,661; 49,662; and 49,663

Dear Sir or Madam:

This is to advise you that Haag Farms has filed the applications referred to above for permits to appropriate surface water. Application, File No. 49,661 is requesting to appropriate 60.7 acre-feet of surface water per calendar year to be stored in a reservoir, and re-divert 60.7 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16;

Application, File No. 49,662 is requesting to appropriate 49 acre-feet of surface water per calendar year to be stored in a reservoir, and re-divert 49 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 16; and

Application, File No. 49,663 is requesting to appropriate 134 acre-feet of surface water per calendar year from Sixmile Creek, for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. Surface water will be diverted from one (1) pump site located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16; all in Township 13 South, Range 15 East, Shawnee County, Kansas.

A map is enclosed indicating the location of the proposed points 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 these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Haag Farms

49,662

Schemm, Doug

Subject: Haag Farm, WR 49,662
Attachments: 49,662 Haag Farm.pdf

From: Saadi, Hakim
Sent: Thursday, August 04, 2016 1:38 PM
To: Schemm, Doug
Cc: Medley, Terry
Subject: Haag Farm, WR 49,662

Doug,

I have completed the permit and approval determinations review of the subject point of diversion, WR 49,662.

The point of diversion - pond - will be located in the NW SW of Section 16, Township 13 South Range 15 East Shawnee County, Kansas. The subject pond:

- 1) Is not located in zone A flood hazard area or a FEMA defined flood plain, therefore no floodplain fill approval is required.
- 2) Is not located in across or along a **Designated Stream** as shown on the quad map (drainage area about 35 acres), therefore no stream obstruction permit is needed.

Please let me know if further assistance is needed or if you have any questions.

Please note that my e-mail address has changed: Hakim.saadi@ks.gov

Hakim Saadi, P.E.
Watershed Program Manager
Kansas Department of Agriculture
Division Of Conservation
Building 282, Forbes Field
6531 SE Forbes Ave, Suite B
Topeka, KS 66619
(785) 291-3099
hakim.saadi@ks.gov
<http://agriculture.ks.gov/>

From: Schemm, Doug
Sent: Thursday, August 04, 2016 12:32 PM
To: Saadi, Hakim
Subject: Existing Reservoir

Hakim,

This is pretty small pond. Located in Section 16, 13S, 15E. Only about 45 acres of drainage. Pond is less than 3 surface acres, and capacity is less than 25 acre-feet.

I would think it to be exempt. Please review.

Thanks,

Doug

Turney, Brent

From: Tietsort, Katie
Sent: Tuesday, July 05, 2016 11:41 AM
To: Turney, Brent
Subject: Haag 49661, 49662 & 49663

Brent- I see that these made it to HQ, they were 2 that didn't make it last time (the check has never been cashed though was outstanding) plus one more. He refiled. We'd like to work these out here so we can get them through pretty quickly since he has been waiting a couple years now....

Thanks!

Katie Tietsort, Water Commissioner

Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
FAX (785) 296-8298
Please note my new email address.
Katie.Tietsort@ks.gov
<http://agriculture.ks.gov/>

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

June 24, 2016

HAAG FARMS
7233 SW 85TH
TOPEKA KS 66402

RE: Application
File No. 49662

Dear Sir or Madam:

Your application for permit to appropriate water in 16-13S-15E in Shawnee County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

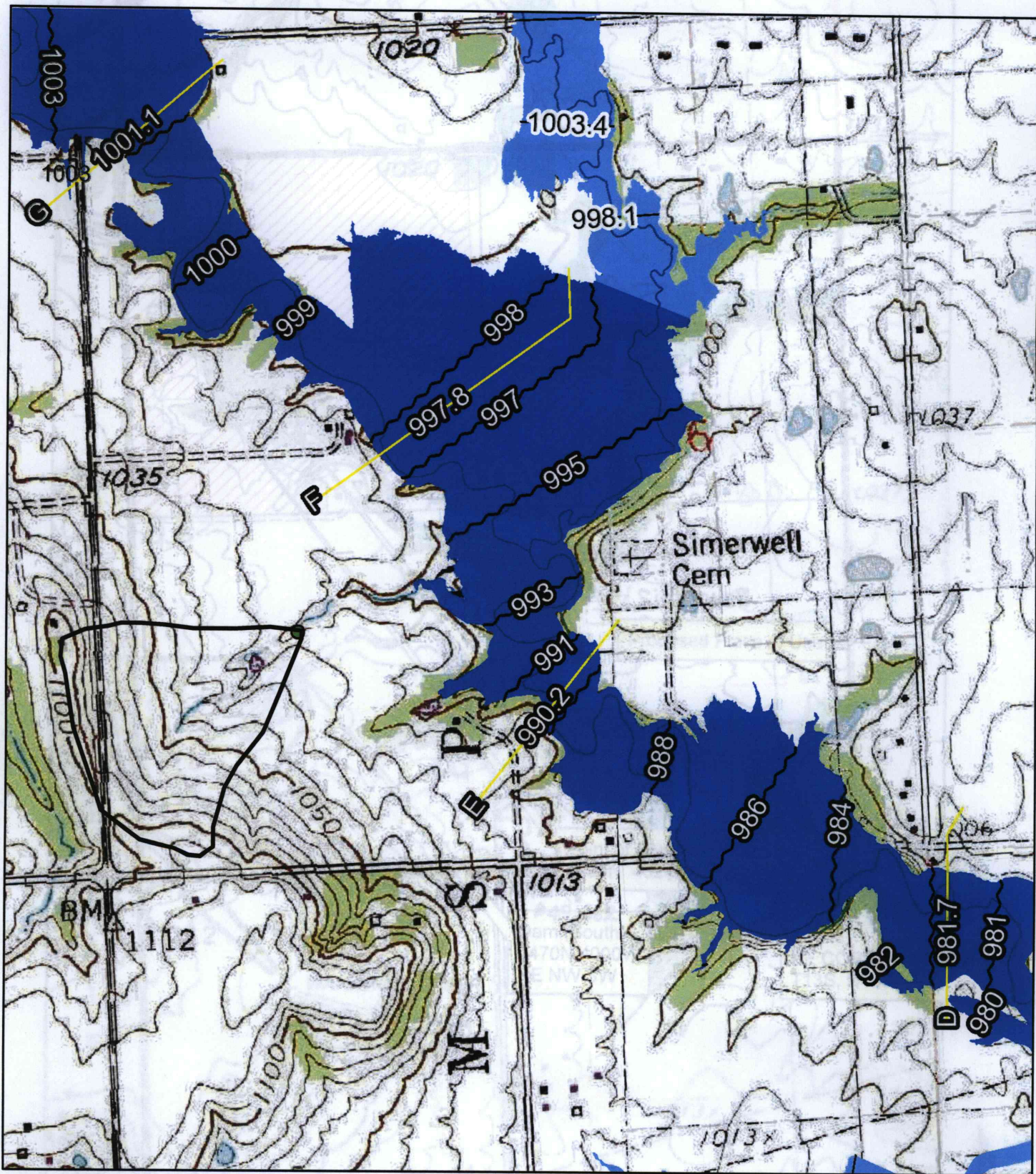
A handwritten signature in cursive script that reads "Brent A. Turney". The signature is written in black ink and is positioned above the printed name and title.

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

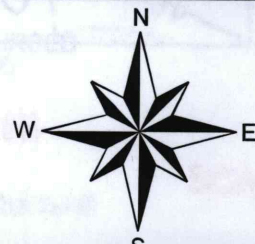
BAT: ALH
pc: TOPEKA Field Office
GMD

SCANNED

Haag Farm

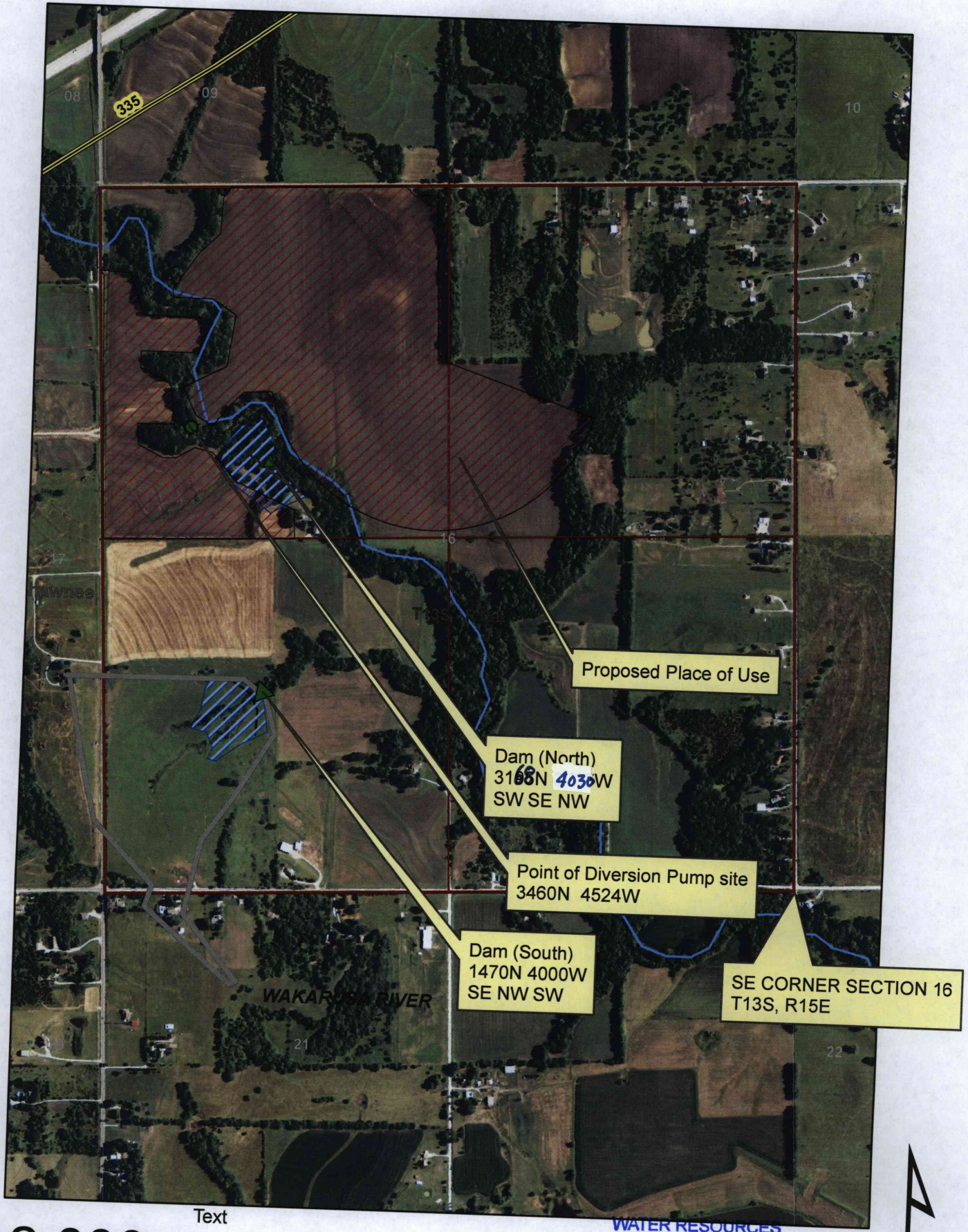


**Shawnee County
SW 16-13-15E**



Haag Farms, 3 new applications

49, 642



1:12,000

Text

WATER RESOURCES RECEIVED

JUN 24 2016

KS DEPT OF AGRICULTURE

SCANNED