

File No. **49,629** 15. Formation Code: Drainage Basin: **DELAWARE River** County: **NM** Special Use: Stream: **Wolfley Creek Trib 9 (Delaware)**

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√				80706							

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
0	0	0	0	None

18. Storage: Rate _____ NF Quantity **12.8** ac/ft Additional Rate _____ NF Additional Quantity **12.8** ac/ft

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

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files				
T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼						
	MOD			63800	27	4	14E	1																			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: July 13, 2016

FROM: Doug Schemm

RE: Application, File No. 49,629, and
Appropriation of Water, File No. 48,312

Nemaha-Brown Watershed District No. 7 has filed the above-referenced application to appropriate 12.8 acre-feet of surface water storage at a rate not to exceed natural flows of Wolfley Creek Trib 9 (Delaware) for sediment control use. The application is designed to cover the indirect use of water (evaporation and seepage) from a reservoir to be located in the Northwest Quarter of Section 27, Township 4 South, Range 14 East, Nemaha County, Kansas. The point of diversion represents the point at which the center of the dam intersects the stream. Appropriation of Water, File No. 48,312 had previously authorized this SED project, but it was dismissed on April 21, 2016 for failure to complete diversion works. The dam was previously permitted under Water Structures Program Permit Number DNM-0376, however the dam is now non-jurisdictional for structures permitting. Note that the applicant submitted a voluntary closure form for File No. 48,312, but since this file has already been dismissed, no further action is required.

Documentation in File No. 48,312, shows that the applicant had enclosed signed and notarized easements from John and Joann Shumaker, which provides the watershed district access to the West Half of the Northeast Quarter and the South Half of the Northwest Quarter of Section 27. The property owned by these landowners encompasses the entire reservoir extent, as well as most of the upstream drainage. Information included with the application indicates that at normal pool storage elevation, the surface area of the reservoir is approximately 3.4 acres, and the total capacity is 12.8 acre-feet. The requested quantity of 12.8 acre-feet includes both evaporation and seepage, and is acceptable, as follows:

3.4 surface acres x 9 inches of net evaporation / 12 inches/foot = 2.55 acre-feet
3 years x 2.55 acre-feet = 7.65 acre-feet of evaporation
Seepage requested = 5.15 acre-feet, for a total of 12.8 acre-feet.

Note that this quantity allows for the appropriation of three years of evaporation, per K.A.R. 5-6-5 plus seepage. By definition in K.A.R. 5-1-1 (pp), indirect use includes the total of seepage loss and annual net evaporation. The applicant has provided a quantity for seepage loss per K.A.R. 5-6-8. Therefore, the maximum allowed quantity is based on evaporation and seepage combined. A Special Condition on the Permit will address the requested initial fill (capacity) of 12.8 acre-feet. There are six other permitted surface water diversions within the two-mile radius circle, however these are all sediment control reservoirs owned by the applicant. The existing reservoirs are located on other, various tributaries, and the nearest is over 4,400 feet away. Therefore, the proposed appropriation of water will not impair any senior water rights.

Letters were sent to upstream and downstream landowners on February 20, 2013 during processing of the senior file. No responses of any kind were received. Since this new application merely replaces the dismissed file for the same project, additional notification is not necessary. A runoff calculation was not prepared because it can be reasonably assumed that in 1 out of every five (5) years, (20% chance of occurrence) the 122 acre drainage area will provide 12.8 acre-feet of surface water runoff.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the application in a July 13, 2016 e-mail. Based upon the above discussion, the area is open to new applications, the project is in the public interest, the new application merely replaces a previous file, it is non-jurisdictional for structures permitting, and there is no indication that the proposed beneficial use of water will impair existing water rights, 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 7, 2016

NEMAHA-BROWN WATERSHED JOINT DIST #7
% DAVID ZEIT
PO BOX 177
WETMORE KS 66550

FILE COPY

Re: Appropriation of Water, File No. 49,629

Dear Mr. Zeit:

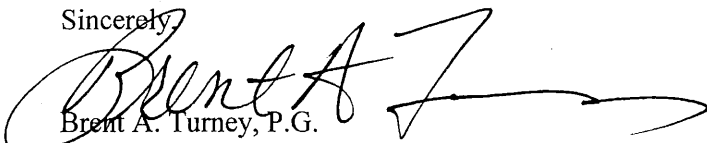
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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 this permit, with **specific reference to Paragraphs 15 and 16** which describe your responsibilities for maintenance and operation of the structure and bypassing water when requested. Records must be maintained from which the quantity of water actually diverted may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

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

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

Sincerely,



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**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,629** of the applicant

**NEMAHA-BROWN WATERSHED JOINT DISTRICT NO 7
PO BOX 177
WETMORE, KANSAS 66550**

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 **April 27, 2016**.
2. That the water sought to be appropriated shall be used for sediment control use in a reservoir located in the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 27, Township 4 South, Range 14 East, Nemaha County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Wolfley Creek, designated in the office of the Chief Engineer as Wolfley Creek Trib 9 (Delaware), not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **12.8 acre-feet** per calendar year, in a reservoir created by a dam located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 27, more particularly described as being near a point 3,040 feet North and 3,020 feet West of the Southeast corner of said section, in Township 4 South, Range 14 East, Nemaha County, Kansas, as shown on the topographic map accompanying the application.
4. That in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **12.8 acre-feet** of water may also be diverted to complete the initial filling of the reservoir only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoir shall require authorization under a term permit.
5. 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 \$200.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 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.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 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.
11. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
13. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
14. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
15. That Nemaha-Brown Watershed Joint District No. 7 shall be responsible for the continued maintenance and operation of the above described watershed structures and appurtenances, including the valves and other physical controls necessary to release water, per the powers and duties described in K.S.A. 24-1209.
16. That Nemaha-Brown Watershed Joint District No. 7 shall bypass water when directed by the Chief Engineer or his authorized representative, in order to satisfy all demands by senior water rights and permits, and to comply with any applicable minimum desirable streamflow requirements.

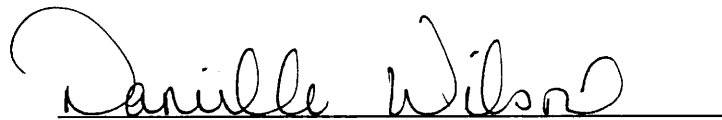
CERTIFICATE OF SERVICE

On this ^{7th} day of *December*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,629, dated *December 6, 2016* was mailed postage prepaid, first class, US mail to the following:

NEMAHA-BROWN WATERSHED JOINT DISTRICT NO 7
PO BOX 177
WETMORE KS 66550

With photocopies to:

Topeka Field Office



Division of Water Resources

4/27/2016

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

RECEIVED

JUN 21 2016

Topeka Field Office
DIVISION OF WATER RESOURCES

File Number 49,629
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

APR 27 2016

11:20
KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): NEMAHA-BROWN WATERSHED JOINT DISTRICT #7- SECRETARY
Address: PO BOX 177
City: WETMORE State: KS Zip Code 66550
Telephone Number: (785) 548-6165

2. The source of water is: [X] surface water in WOLFLEY CREEK TRIB 9 (Delaware) (stream)
OR [] groundwater in DELAWARE 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 12.8 acre-feet OR gallons per calendar year, 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) [] Artificial Recharge (b) [] Irrigation (c) [] Recreational (d) [] Water Power
(e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [X] 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 SED Source G/S County NM By AJW Date 4/27/16
Code REG Fee \$ 200 TR # 16043926 Receipt Date 4/27/16 Check # 3023

5/3/2016 SCANED LCM

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 NW quarter of Section 27, more particularly described as being near a point 3040 feet North and 3020 feet West of the Southeast corner of said section, in Township 4 South, Range 14 EAST, NEMAHA 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):

John & Joann Shumaker, 2211 Burnett Road, Topeka, KS 66614 785-272-5252
(name, address and telephone number)

Nemaha Brown Watershed J.D. No. 7 - Secretary *David Zeit*
(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 _____, 2016. _____
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
(number of wells, pumps or dams, etc.)
and (will be) completed (by) Summer 2016
(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 SUMMER 2016.
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

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

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

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

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required ALREADY PERMITTED UNDER STRUCTURES PERMIT NO. DNM-0376.

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.

Appropriation of Water, File No. 48,312 pd and PU overlap. Will be dismissed voluntarily by applicant.

(Failure to complete by deadline).

WATER RESOURCES
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APR 27 2016

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 Agent
(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 & Joann Shumaker, 2211 Burnett Road, Topeka, KS 66614 785-272-5252
(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 _____, Kansas, this _____ day of _____, 2016
(month) (year)

_____ (Applicant Signature)	_____ APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)
By <u>David Zeit</u> (Agent or Officer Signature)	_____ and/or APPLICANT(S) TAXPAYER I.D. NO.(S)
<u>David Zeit</u> (Agent or Officer - Please Print)	

**SEDIMENT CONTROL USE
SUPPLEMENTAL SHEET**

File No. 49,629

Name of Applicant (Please Print): Nemaha-Brown WJD #7 _____

1.

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

Sediment Control Use. Surface Area of Reservoir = 3.4 acres. $3.4 \text{ acres} \times 9'' / 12 = 2.55 \text{ acre-feet of annual evaporation}$

2.55 acre-feet x 3 years = 7.65 acre-feet.

Seepage = 5.15 acre-feet

Total Qty. requested = 12.8 AF.

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	<u>12.8 AF</u>
Year 2	<u>12.8 AF</u>
Year 3	<u>12.8 AF</u>
Year 4	<u>12.8 AF</u>
Year 5	<u>12.8 AF</u>

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.

Reservoir Located in the Northwest Quarter of Section 27, in Township 4 South, Range 14 East.

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

WATER RESOURCES
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APR 27 2016

(Date)

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

Re: Application 49,629
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

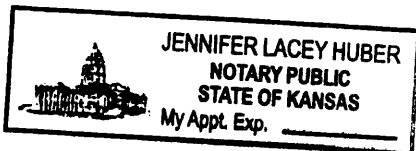
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

David Zeit
Signature of Applicant

State of Kansas)
County of Wm) ss

David Zeit
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 25th day of April, 2016.



My Commission Expires: 8-23-2017

Jennifer Lacey Huber
Notary Public

WATER RESOURCES
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APR 27 2016

KS DEPT OF AGRICULTURE

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

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

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

#49,629

Schemm, Doug

From: Tietsort, Katie
Sent: Wednesday, July 13, 2016 10:00 AM
To: Schemm, Doug
Subject: RE:

Good Morning Doug,

The TFO agrees with your recommendation for Approval of the pending application for Nemaha Brown WJD #7, File No. 49,629, which was closed due to failure to complete. The application appears to meet all applicable rules and regulations of the KWAA.

Thanks for your efforts to get this re-permitted,
Katie

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Schemm, Doug
Sent: Monday, July 11, 2016 10:12 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject:

Replaces 48,312 dismissed for failure to complete.

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

APR 27 2016

KS DEPT OF AGRICULTURE

SCANNED

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water
Water Right
Vested Right
Term Permit
(Check Appropriate Box Above)
File No. 48,312

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

David Zeit
(Signature of Owner or Authorized Agent)
**NEMAHA-BROWN WATERSHED JOINT
DIST #7 - SECRETARY**
(Please print name here)
PO BOX 177
(Mailing Address)
WETMORE, KS 66550
(City, State, Zip)

Secretary
(Signature of Spouse or Title of Authorized Agent)
David Zeit
(Please print name here)

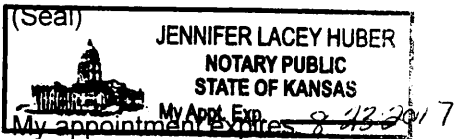
(Mailing Address)

(City, State, Zip)

ACKNOWLEDGMENT

State of Kansas _____)
County of KS _____)

This instrument was acknowledged before me this 25th day of April, 2016 by
(owners:) Dana Zeit



WATER RESOURCES
RECEIVED

Jennifer Lacey Huber
Notary Public

APR 27 2016

DWS
DWR Initials

49,629

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49629 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49629 00 SED

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

3040 Feet North and 3020 Feet West of the Southeast Corner of Section 27 T 4S R 14E

SURFACE WATER ONLY

All other
SED Reservoirs
on different
Tribes.

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit		
A__ 44020 00	SED	NK	S	4474	--	NW	SW	NE	3914	2317	34	4	14E	1		7.12	7.12	AF		
A__ 47033 00	SED	NK	S	6548	--	SE	NW	NW	4130	4480	22	4	14E	1		.00	.00	AF		
***** Authorized storage =					6.80		AF		Additional storage =					6.80		AF				
Same					9483		-- SE SE NE		2840		300 23		4 14E		2					
***** Authorized storage =					11.36		AF		Additional storage =					11.36		AF				
Same					9399		-- SE SW SE		200 1380		29 4		14E		3					
***** Authorized storage =					6.60		AF		Additional storage =					6.60		AF				
Same					7093		-- NW NE NW		4700 3780		33 4		14E		1					
***** Authorized storage =					3.60		AF		Additional storage =					3.60		AF				
Same					9030		-- SE SW SW		100 4612		35 4		14E		1					
***** Authorized storage =					9.30		AF		Additional storage =					9.30		AF				
A__ 49629 00	SED	AY	S	0	--	SE	SE	NW	3040	3020	27	4	14E	1		12.80	12.80	AF		

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	12.80	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	7.12	37.66
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	19.92	37.66

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:

3040 Feet North and 3020 Feet West of the Southeast Corner of Section 27 T 4S R 14E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 44020 00	SED	NK	S
> NEMAHA-BROWN WATERSHED JOINT DIST #7			
> SECRETARY			
> PO BOX 177			
> WETMORE KS 66550			

A__ 47033 00	SED	NK	S
> NEMAHA-BROWN WATERSHED JOINT DIST #7			
> SECRETARY			
> PO BOX 177			
> WETMORE KS 66550			

A__ 49629 00 SED AY S

- > NEMAHA-BROWN WATERSHED JOINT DIST #7
- > SECRETARY
- > PO BOX 177
- > WETMORE KS 66550

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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

May 2, 2016

NEMAHA BROWN WATERSHED JOINT DISTRICT 7
PO BOX 177
WETMORE KS 66550

RE: Application
File No. 49629

Dear Sir or Madam:

Your application for permit to appropriate water in 27-4S-14E in Nemaha 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.

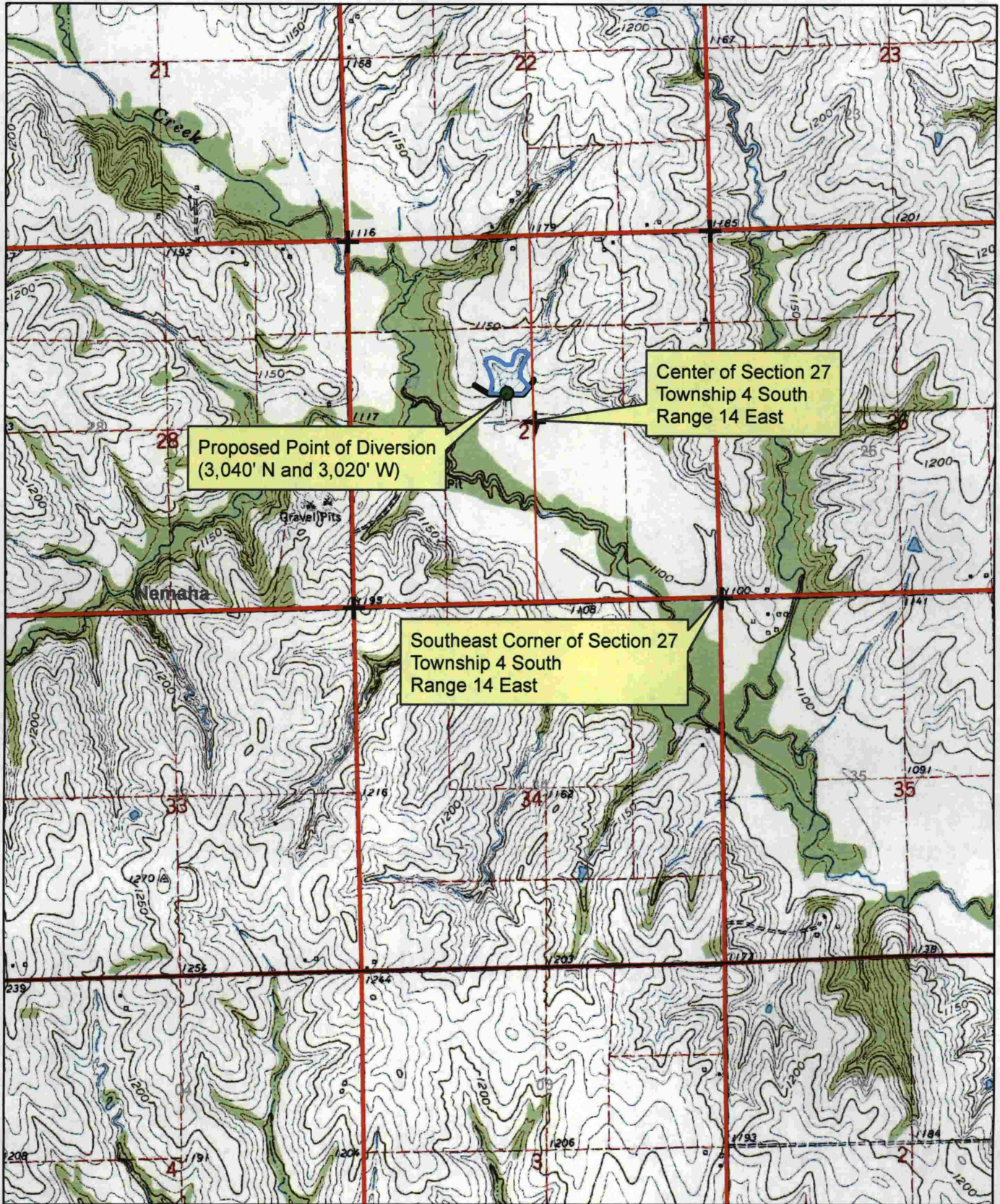
Sincerely,



Brent A Turney, L.G.
New Application Unit Supervisor
Water Appropriation Program

KAK: DLW
pc: TOPEKAField Office
GMD

SCANNED

NEMAHA-BROWN WATERSHED JOINT DISTRICT #7 - FILE NO. 49,629
Section 27, Township 4 South, Range 14 East
Nemaha County



-  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.

1:24,000

* See Enclosed Map



(LANDOWNER MAP)

48,312



Nemaha-Brown 7 Site 6-27A
Location Map

GRANA
Herman Zivh
320 Spruce St.
Sabetha, KS 66534

Emmett Cyril
Tangeman
2523 Rd
Seneca, KS 66538

John & Joann
Shumaker
2911 Burnett Rd
Topeka, KS 66614

Allan Shumaker
783 N Rd
Wetmore, KS 66550

ANR Gas
Pipeline

Dam Locator
From the SE corner of
Sec 27, T45, R14E
thence 3040[±] N, thence
3020[±] W to the point of
Dam and stream channel
intersect.

WATER RESOURCES
RECEIVED

RECEIVED

OCT 23 2012

WATER RESOURCES
RECEIVED

2000 11000 0

KS 2,000 AGRICULTURE 4,000

APR 27 2016

TOPEKA FIELD OFFICE
DIVISION OF WATER RESOURCES

Feet

KS DEPT OF AGRICULTURE

SCANNED