

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

|   |   |  |                     |
|---|---|--|---------------------|
| 1. File Number:<br><b>49,691</b>  | 2. Status Change Date:<br><b>7/2/2018</b> | 3. Field Office:<br><b>1</b>   | 4. GMD:<br><b>0</b> |
| 5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> <b>Dismiss by Request</b> /Failure to Return                          |   |  |                     |
| 6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter |   |  |                     |
| 7a. Applicant(s)<br>New to system <input type="checkbox"/><br><br><b>DOVER REAL ESTATE LLC<br/>10886 W 239TH ST<br/>BUCYRUS KS 66013</b>  |   | 7c. Landowner(s)<br>New to system <input type="checkbox"/>   |                     |
| Person ID <b>65133</b><br>Add Seq# _____  |   | Person ID _____<br>Add Seq# _____  |                     |
| 7b. Landowner(s)<br>New to system <input type="checkbox"/>  |   | 7d. Misc.<br>New to system <input type="checkbox"/>  |                     |
| Person ID _____<br>Add Seq# _____   |   | Person ID _____<br>Add Seq# _____  |                     |
| <b>7a.</b>  |   |  |                     |
| 8. WUR Correspondent<br>New to system <input type="checkbox"/><br>Overlap File (s) WUC  |   | 9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water<br><input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN<br><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON<br><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG<br><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____ |                     |
| Person ID _____<br>Add Seq# _____<br>Notarized WUC Form <input type="checkbox"/>  |   |  |                     |
| 10. Completion Date: _____ 11. Perfection Date: _____ 12. Exp Date: _____   |   |  |                     |
| 13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____  |   |  |                     |
| 14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____   |   |  |                     |
| Date Prepared: <b>5/21/2018</b> By: <b>DWS</b><br>Date Entered: <b>7/3/2018</b> By: <b>UML</b>  |   |  |                     |

|   |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
|---|---------------------|-----------------|--|--------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|-----------|-----------|----------------|
| File No. <b>49,691</b>  | 15. Formation Code: | Drainage Basin: | County:  | Special Use: | Stream: |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
| 16. Points of Diversion<br>T<br>MOD<br>DEL PDIV<br>ENT Qualifier S T R ID 'N 'W   |                     |                 | 17. Rate and Quantity<br>Authorized Additional<br>Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
| <del>85</del> <b>85587</b>  |                     |                 | <b>49,864</b>  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
| 18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft                                    |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
| 19. Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____   |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
| Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____   |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
| 20. Meter Required? <input type="checkbox"/> Yes <input type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____ |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
| 21. Place of Use  |                     | NE¼             |  |              |         | NW¼     |         |         |         | SW¼     |         |         |         | SE¼     |         |         |         | Total | Owner     | Chg? NO   | Overlap Files  |
| T<br>MOD<br>DEL<br>ENT PUSE S T R ID  |                     | NE<br>¼         | NW<br>¼  | SW<br>¼      | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ | NE<br>¼ | NW<br>¼ | SW<br>¼ | SE<br>¼ |       |           |           |                |
| <del>85</del> <b>68015</b>  |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       | <b>7a</b> | <b>No</b> | <b>49,864*</b> |
| <del>85</del> <b>68016</b>  |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       | <b>7a</b> | <b>No</b> | <b>49,864*</b> |
|   |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
|   |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
|   |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |
| Comments: *FILE NOS. 49,691; 49,692; 49,693; 49,694; AND 49,695 WILL ALL BE DISMISSED UPON APPROVAL OF NEW APPLICATION, FILE NO. 49,864.    |                     |                 |  |              |         |         |         |         |         |         |         |         |         |         |         |         |         |       |           |           |                |

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** May 21, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 49,864; and  
Application, File Nos. 49,691; 49,692; 49,693; 49,694; and 49,695

Dover Real Estate LLC has filed Application, File No. 49,864 for a permit to appropriate 609 acre-feet of surface water at the rate of natural flows to be stored in five (5) existing reservoirs located in Sections 2 and 3, in Township 16 South, Range 24 East, Miami County, Kansas. The dams are located on various tributaries to North Wea Creek within the Marais des Cygnes River basin. The points of diversion are located on property owned by the applicant, and Virginia Dover has signed the application form stating they have legal access to the points of diversion. The entire place of use is owned by the applicant, and it comprises a total of 449.26 acres. This is an existing "on the ground" irrigation project and approval of this application will bring the applicant into compliance with KWAA regulations.

Please note that the applicant (with the assistance of Topeka Field Office staff) previously filed five applications, File Nos. 49,691; 49,692; 49,693; 49,694; and 49,695 to cover each reservoir separately. This was prior to the concept of the Division of Water Resources Multiple Reservoir (Hydra-Pondster) program. Once it was discovered that the reservoirs transferred water between them, and after review of reservoir geography, it was determined that all five reservoirs could be listed under one application, ergo the filing of Application, File No. 49,864. **NOTE:** The (Hydra-Pondster) program is designed to simplify the management of multiple reservoirs, which are used for the same irrigation project. The reservoirs can collect natural flows, and can have water pumped into them from other sources (e.g. groundwater wells or stream pump sites). In addition, water can be moved between individual reservoirs.

The applicant is required to sign a form (see attached) wherein he understands and agrees that the owner shall bypass natural flow and/or release water from storage when directed by the Chief Engineer or his authorized representative, in order to satisfy reasonable requests by senior water rights and permits, and to comply with any applicable minimum desirable streamflow requirements. That for purposes of administration, all water contained within the primary pools of the reservoirs shall be considered to be stored from natural flows. With the filing of the Hydra-Pondster application, the original five applications File Nos. 49,691; 49,692; 49,693; 49,694; and 49,695 are no longer necessary and will be dismissed in conjunction with this approval. Findings and Orders will be prepared to dismiss these applications.

Each of the individual reservoirs has a relatively small drainage area and limited runoff potential (see site map). Runoff computations determined that the 365 acres of combined drainage area, will generate 609 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 can be processed with no more than the requested storage quantity of 609 acre-feet. The requested quantity of water for direct use (rediversion) of 609 acre-feet for irrigation use on 449.26 acres, provides approximately 1.36 acre-feet per acre, which exceeds the maximum allowable of 1.0 acre-feet per acre in Miami County, Kansas, per K.A.R. 5-3-24. However, this is a turf farm, and it is common that they use this quantity per acre for this area of the state, with values of 1.5 acre-feet per acre considered to be reasonable.

Dover Real Estate - Memorandum

File Nos. 49,864; and 49,691; 49,692; 49,693; 49,694; and 49,695

Page 2

The applicant owns all upstream property, and they identified five downstream landowners within one-half (½) mile of their property lines. Nearby landowner letters were sent out on August 3, 2017. A telephone call was received from one landowner (Lisa Stickler) who expressed concerns about potential damage to her property if the dam were to breach, but she did not express any impairment issues related to the appropriation of water. No other responses of any kind were received. There are several other surface water rights within a two-mile radius according to the WRIS database. These existing water rights are all located on different streams and or different tributary streams to North Wea Creek, and would not be impaired with approval of this application.

Each of the existing structures was reviewed by DWR Water Structures Program staff, under File Nos. DMI-243; DMI-244; DMI-245; DMI-246; and DMI-247, to determine jurisdictional status. It was concluded that none of the dams are within the jurisdiction of K.S.A. 82a-301 to 305a, (see February 5, 2018 letter from Mikayla Kortan).

As allowed by K.S.A. 82a-706(c) approved water flow meters shall be installed on the re-diversion works, which directly serve the places of use. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a May 14, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, approval will bring the applicant into compliance with regulations, proper metering will installed, and senior rights will not be impacted, it is recommended that the referenced new application be approved, and that Application, File Nos. 49,691; 49,692; 49,693; 49,694; and 49,695 be dismissed.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

# STATE OF KANSAS

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



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

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

July 5, 2018

DOVER REAL ESTATE LLC  
10886 W 239<sup>TH</sup> ST  
BUCYRUS KS 66013

**FILE COPY**

Re: Appropriation of Water, File No. 49,864, and  
Applications, File Nos. 49,691; 49,692; 49,693; 49,694; and 49,695

Dear Sir or Madam:

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 sources and at the locations specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed re-diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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

In addition, enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Applications, File Nos. 49,691; 49,692; 49,693; 49,694; and 49,695 as you were previously informed. Appropriation of Water, File No. 49,864 replaces these five applications and they are longer required.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures  
pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE  
DISMISSAL OF APPLICATION  
FILE NO. 49,691**

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

**FINDINGS**

1. That on August 29, 2016, the Chief Engineer received an application from Dover Real Estate LLC for permit to appropriate surface water for beneficial use, assigned File No. 49,691, proposing the appropriation of 163 acre-feet of stored water, and the re-diversion of 163 acre-feet at a requested diversion rate of 1,200 gallons per minute, for irrigation use. The proposed point of diversion is an existing dam, located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 2, more particularly described as being near a point 58 feet North and 4,943 feet West of the Southeast corner of said section, in Township 16 South, Range 24 East, Miami County, Kansas.
2. That this existing dam and reservoir described above, are part of a large, interconnected, irrigation system that involves five (5) separate dams and reservoirs. The applicant was assisted by Division of Water Resources staff, in filing Application, File No. 49,691, and four additional applications, in order to bring this on-going storage and re-diversion water into compliance with the Kansas Water Appropriation Act.
3. That the Division of Water Resources subsequently developed a new concept identified as the multiple reservoir program. This program is designed to simplify the management of multiple reservoirs, which are used for the same irrigation project. The reservoirs can collect natural flows, and water can be moved between individual reservoirs.
4. That based on how these five reservoirs are interconnected, and a review of reservoir geography, it was determined that all five dams and reservoirs could be listed under one multiple reservoir project application. This new application would replace all their existing applications, and Application, File No. 49,691 would no longer be necessary and should be dismissed.
5. That the applicant was assisted in filing Application, File No. 49,864, which was received in our office on June 26, 2017. The applicant was informed that Application, File No. 49,691 would be dismissed upon approval of this new application and the applicant concurred with this dismissal.
6. That because Application, File No. 49,691 is no longer necessary, it should be dismissed and its priority forfeited as requested by the applicant.

**ORDER**

NOW, THEREFORE, it is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,691, is herewith dismissed and the priority assigned to it is considered to be forfeited.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

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

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

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

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

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

Ordered this 2nd day of July, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 2nd day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson  
Notary Public

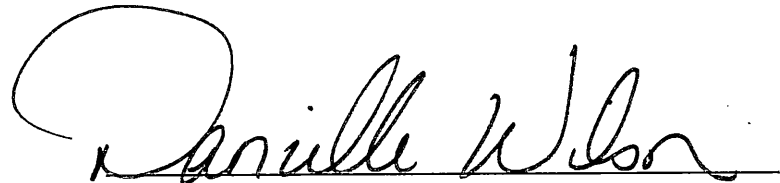
**CERTIFICATE OF SERVICE**

On this 5<sup>th</sup> day of July, 2018, I hereby certify that the foregoing Dismissal of Application, File No. 49,691, dated July 2<sup>nd</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

DOVER REAL ESTATE LLC  
10886 W 239TH ST  
BUCYRUS KS 66013

With photocopies to:

Topeka Field Office



Division of Water Resources



POND #1



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

File Number 49,691

WATER RESOURCES RECEIVED

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

AUG 29 2016

12:39

UNACCEPTABLE FOR PRIORITY  
AUG 28 2016  
11:51  
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): DOVER REAL ESTATE LLC  
Address: 10886 W 239<sup>TH</sup> ST  
City: BUCYRUS State: KS Zip Code 66013  
Telephone Number: (913) 897-2336

2. The source of water is:  surface water in Tributary to North Wea Creek Trib 9  
(stream)  
OR  groundwater in MARAI DES CYGNES 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. **REDIVERSION OF 163 AF @ 1,200 GPM**

3. The maximum quantity of water desired is 163 (Storage) 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)  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 ILL Source G/S County MC By AJW Date 8/29/16  
Code REG 262 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 8/29/16 Check # 41455

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SW quarter of the SW quarter of the SW quarter of Section 2, more particularly described as being near a point 58 feet North and 4,943 feet West of the Southeast corner of said section, in Township 16 South, Range 24 EAST, MIAMI County, Kansas.

**POND #1**

(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.

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):

**APPLICANT**

\_\_\_\_\_  
(name, address and telephone number) 913-533-2336  
Carol Dower 10886 W. 239 Bucyrus, Ks. 66013  
\_\_\_\_\_  
(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 8-16-2016 2016.

Carol Dower  
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 \_\_\_\_\_  
To be determined by Structures Review

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

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

**MULTIPLE PENDING APPLICATIONS OVERLAP IN PLACE OF USE**

Annual Runoff is Limiting Quantity

WATER RESOURCES RECEIVED

AUG 29 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JUL 28 2016

UNACCEPTABLE FOR PRIORITY  
KS DEPT OF AGRICULTURE  
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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

| Well location as shown in paragraph No. | (A)   | (B)   | (C)   | (D)   |
|---|-------|-------|-------|-------|
| Date Drilled                            | _____ | _____ | _____ | _____ |
| Total depth of well                     | _____ | _____ | _____ | _____ |
| Depth to water bearing formation        | _____ | _____ | _____ | _____ |
| Depth to static water level             | _____ | _____ | _____ | _____ |
| Depth to bottom of pump intake pipe     | _____ | _____ | _____ | _____ |

14. The relationship of the applicant to the proposed place where the water will be used is that of owner  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

\_\_\_\_\_ (name, address and telephone number)

\_\_\_\_\_ (name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2016  
(month) (year)

Dover Real Estate  
(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By Carol Dover  
(Agent or Officer Signature)

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

Carol Dover  
(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 7/7/2016  
(office/title)

PROHIBITED ATTORNEY (mirrored)

PROHIBITED ATTORNEY (mirrored)

PROHIBITED ATTORNEY (mirrored)

PROHIBITED ATTORNEY (mirrored)

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,491

Name of Applicant (Please Print): DOVER REAL ESTATE LLC

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: DOVER REAL ESTATE LLC  
 ADDRESS: 10886 W 239<sup>TH</sup> ST BUCYRUS KS 66013

| S | T  | R   | NE¼            |                |      |      | NW¼            |               |      |      | SW¼ |    |      |      | SE¼  |    |    |      | TOTAL  |
|---|----|-----|----------------|----------------|------|------|----------------|---------------|------|------|-----|----|------|------|------|----|----|------|--------|
|   |    |     | NE             | NW             | SW   | SE   | NE             | NW            | SW   | SE   | NE  | NW | SW   | SE   | NE   | NW | SW | SE   |        |
| 2 | 16 | 24E |                |                |      |      | Lot 3<br>31.62 | Lot 4<br>35.2 | 35.8 | 38.5 |     |    | 34.0 | 40.0 |      |    |    |      | 215.12 |
| 3 | 16 | 24E | Lot 1<br>37.01 | Lot 2<br>45.13 | 32.0 | 40.0 |                |               |      |      |     |    |      |      | 40.0 |    |    | 40.0 | 234.14 |

Total = 449.26

**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  
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**WATER RESOURCES  
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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:

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.

(Date)

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

Re: Application  
File No. 49,691

Minimum Desirable Streamflow  
Marais des Cygnes River Basin

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.

Carol Dover

Signature of Applicant

State of Kansas )  
County of Johnson ) ss )

Carol Dover

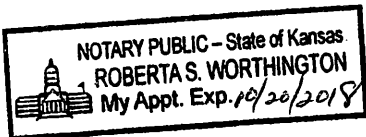
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22nd day of July, 2016.

Roberta S. Worthington

Notary Public

My Commission Expires: 10/20/2018



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**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

QUALITY CONTROL DIVISION  
DEPARTMENT OF REVENUE

WATER RESOURCES DIVISION  
DEPARTMENT OF REVENUE

WATER RESOURCES DIVISION  
DEPARTMENT OF REVENUE

QUALITY CONTROL DIVISION

WATER RESOURCES DIVISION



### FEE SCHEDULE

- 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   |
| <del>101-320</del> | <del>\$300.00</del>  |
| More than 320      | \$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof. |

- 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.

- 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  
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**JUL 28 2016**

**WATER RESOURCES  
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**AUG 29 2016**

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**SCANNED**

NEW STREAM WORKSHEET

ES ADW

Date: 8/29/16

File No. 49,691

Basin Name: Marais des Cygnes River Basin No. 3

Stream Name: North Ween Creek Trib 9 (Marais)

Stream location (confluence with parent stream):

Section 14, Township 16 South, Range 24 (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

3881  
Stream No. ~~3879~~ (computer assigned - entered by data entry staff)

Date Entered 9/1/2016 By LM



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

August 29, 2016

DOVER REAL ESTATE LLC  
10886 W 239TH ST  
BUCYRUS KS 66013

**FILE COPY**

RE: Application  
File No. 49691, 49692, 49693, 49694, 49695,  
49696

Dear Sir or Madam:

Your application for permit to appropriate water in 2-16S-24E in Miami 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, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

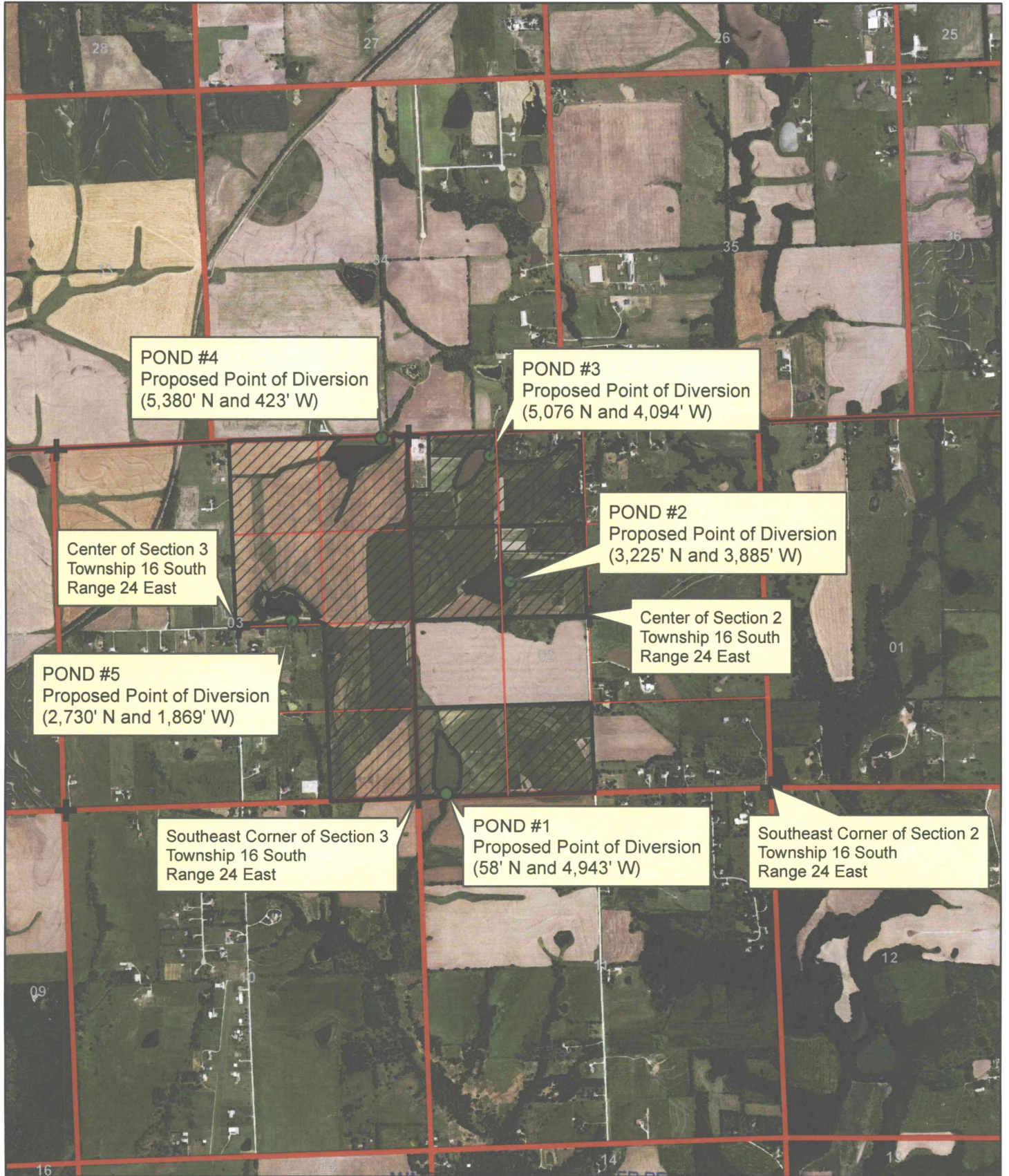
SCANNED

49,691

# DOVER REAL ESTATE LLC

## Sections 2 and 3, Township 16 South, Range 24 East

### Miami County



POND #4  
Proposed Point of Diversion  
(5,380' N and 423' W)

POND #3  
Proposed Point of Diversion  
(5,076 N and 4,094' W)

POND #2  
Proposed Point of Diversion  
(3,225' N and 3,885' W)

Center of Section 3  
Township 16 South  
Range 24 East

Center of Section 2  
Township 16 South  
Range 24 East

POND #5  
Proposed Point of Diversion  
(2,730' N and 1,869' W)

Southeast Corner of Section 3  
Township 16 South  
Range 24 East

POND #1  
Proposed Point of Diversion  
(58' N and 4,943' W)

Southeast Corner of Section 2  
Township 16 South  
Range 24 East

1:24,000



Proposed Place of Use

● Proposed Point of Diversion

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

AUG 29 2016

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