

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

1. File Number: <p style="text-align: center;"><b>49,809</b></p>	2. Status Change Date: <p style="text-align: center;"><i>6/28/2018</i></p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></p>
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5. Status:     Approved             Denied by DWR/GMD             Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <b>65405</b> Add Seq# _____</p> <p><b>STEVEN ALBRIGHT</b> 10685 110 RD MAYETTA KS 66509</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Landowner 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>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p><b>7a.</b></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>
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10. Completion Date: **12/31/2019**          11. Perfection Date: **12/31/2023**          12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **5/8/2018**    By: **DWS**  
 Date Entered: *7/3/2018*    By: *LLM*

File No. **49,809**      15. Formation Code:      Drainage Basin: **KANSAS RIVER**      County: **JA**      Special Use:      Stream: **SOLDIER CREEK TRIB 3A (KANSAS)**

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af		
√				<b>86020 SE SE SE</b>	<b>14</b>	<b>9</b>	<b>14E</b>	<b>1</b>	<b>284</b>	<b>301</b>	<b>1200</b>	<b>82</b>	<b>1200</b>	<b>82</b>	<b>NONE</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity **82** ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity **82** ac/ft

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

20. Meter Required?  Yes  No      To be installed by **12/31/2019**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files						
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼					SE ¼					
√				<b>68307</b>	<b>14</b>	<b>9</b>	<b>14E</b>	<b>1</b>																	<b>40</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>160</b>	<b>7a.</b>	<b>No</b>	<b>NONE</b>

Comments:

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

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

**TO:** Files

**DATE:** May 8, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 49,809

Steven Albright filed the application referred to above for a permit to appropriate 82 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir. The project is located in the Southeast Quarter of Section 14, in Township 9 South, Range 14 East, Jackson County, Kansas, within the Kansas River Drainage Basin. The dam is located on Soldier Creek Trib 3A (Kansas). The point of diversion is located on property owned by the applicant, and he has signed the application form stating he has legal access to the point of diversion. The entire place of use owned by the applicant, and it comprises a total of 160 acres. There are no other overlapping files in point of diversion or place of use.

Runoff computations determined that the 68 acres of drainage area, will generate 82 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 was processed with this quantity. The requested quantity of water for direct use (rediversion) of 82 acre-feet for irrigation use on 160 acres, provides less than 1.0 acre-feet per acre, which is the maximum allowable of 1.0 acre-feet per acre in Jackson County, Kansas, per K.A.R. 5-3-24. It is estimated that the capacity of the reservoir at normal pool elevation is 30 acre-feet. The proposed storage and direct use quantity of 82 acre-feet, is equivalent to 2.7 times the capacity, well within the "normal" rule of thumb of 5 times capacity for reasonable storage quantity.

The applicant provided a list of landowners of the adjacent properties within one-half (½) mile upstream and downstream of his property, which included the Bureau of Indian Affairs and the Prairie Band Pottawatomie Nation. A notification letter, with a copy of the application, was sent out on August 3, 2017, to tribal representatives of the Prairie Band Potawatomie Nation and the U.S. Dept. of the Interior, Bureau of Indian Affairs, giving them 30 days to provide comments. A telephone call was received from Verna Potts to clarify a couple of issues regarding the application. On October 2, 2017 an e-mail with attached letter was received from Prairie Band Potawatomie Nation. The letter stated that "At this time, the PBPN does wish to express comment regarding Mr. Albright's application for a permit to re-divert 82 acre-feet of the stored water for irrigation use."

There is one other surface water right within a two-mile radius according to the WRIS database, which is another irrigation storage application owned by the applicant (File No. 49,808), and is located on a different stream. No senior water rights will be impaired with approval of this application.

The proposed project was reviewed by DWR Water Structures Program staff, and the dam was found to qualify for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1). In addition, no floodplain fill permit is required.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (re-diversion pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. The applicant has submitted a signed and notarized Kansas River Assurance District form.

In a May 7, 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, the application complies with rules and regulations, and no senior rights will not be impacted, it is recommended that the referenced new application be approved.

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

STEVEN ALBRIGHT  
10685 110 RD  
MAYETTA KS 66509

FILE COPY

Re: Appropriation of Water, File No. 49,809

Dear Mr. Albright:

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

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

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

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

Sincerely,

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

**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. 49,809** of the applicant

**STEVEN ALBRIGHT  
10685 110 RD  
MAYETTA KS 66509**

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 **March 30, 2017**.
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					
14 9S 14E																	40	40	40	40	160

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Soldier Creek, designated in the office of the Chief Engineer as Soldier Creek Trib 3A (Kansas), 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 **82 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼ SE¼) of Section 14, more particularly described as being near a point 284 feet North and 301 feet West of the Southeast corner of said section, in Township 9 South, Range 14 East, Jackson County, Kansas, to provide **82 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, 2019** 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, 2023** 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.

**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 28<sup>th</sup> day of June, 2018, in Topeka, Shawnee County, Kansas.

*Lane P. Letourneau*

Lane P. Letourneau, L.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 28<sup>th</sup> day of June, 2018, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*  
Notary Public

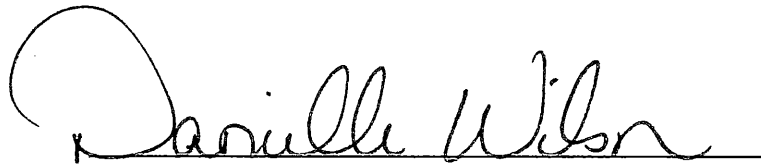
### CERTIFICATE OF SERVICE

On this 5<sup>th</sup> day of July, 2018, I hereby certify that the foregoing Approval of Application, File No. 49,809, dated June 20<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

STEVEN ALBRIGHT  
10685 110 RD  
MAYETTA KS 66509

With photocopies to:

Topeka Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources



APPLICATION COMPLETE

10/2/2017

Reviewer DWS

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 49809  
This item to be completed by the Division of Water Resources.

MAR 30 2017

1:45

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): STEVEN W. ALBRIGHT  
Address: 10685 110 ROAD  
City: MAYETTA State: KS Zip Code: 66509  
Telephone Number: (785) 851-6122 or 785-408-3131

2. The source of water is:  surface water in Tributary to Walnut Creek - Soldier Creek Trib 3A (3915)  
(stream)  
OR  groundwater in KANSAS RIVER BASIN  
(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. ~~82~~ <sup>82</sup> AF to be diverted for IRR use @ 1,200 gpm

3. The maximum quantity of water desired is 82 acre-feet OR 82 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  Meets K.A.R. 5-3-1 (YES/NO) Use FR Source G  County JA By AW Date 3/31/17  
Code REG Fee \$ 200 TR #     Receipt Date 3/30/17 Check # 8567

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 SE quarter of Section 14, more particularly described as being near a point 284 feet North and 301 feet West of the Southeast corner of said section, in Township 9 South, Range 14 EAST, JACKSON 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):

\_\_\_\_\_  
(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 3/22, 2017, Steven W. Allwright  
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM & RESERVOIR  
(number of wells, pumps or dams, etc.)

and (was) completed (by) Summer 2017  
(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 2017  
(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 reviewed by the structures program. \_\_\_\_\_

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.

NONE

WATER RESOURCES  
RECEIVED

MAR 30 2017

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):

\_\_\_\_\_  
(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 \_\_\_\_\_, 2017  
(month) (year)

Steven W. Allright  
(Applicant Signature)

[REDACTED]  
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)

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49809

Name of Applicant (Please Print): STEVEN W. ALBRIGHT

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: STEVEN W. ALBRIGHT  
 ADDRESS: 10685 110 RD, MAYETTA, KS 66509

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
14	9	14E																40	40	40	40	160

TOTAL ACRES =

**Landowner of Record** NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

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

**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				

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.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49809 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49809 00 IRR

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

284 Feet North and 301 Feet West of the Southeast Corner of Section 14 T 9S R 14E

SURFACE WATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 49808 00	IRR	AY	S	8393	--	NE	NW	NW	5133	4430	30	9	15E	1		63.00	63.00	AF
A__ 49809 00	IRR	AY	S	0	--	SE	SE	SE	284	301	14	9	14E	1		82.00	82.00	AF

Total Net Quantities Authorized:		Direct	Storage
Total Requested Amount (AF) =		145.00	145.00
Total Permitted Amount (AF) =		.00	.00
Total Inspected Amount (AF) =		.00	.00
Total Pro_Cert Amount (AF) =		.00	.00
Total Certified Amount (AF) =		.00	.00
Total Vested Amount (AF) =		.00	.00
TOTAL AMOUNT (AF) =		145.00	145.00

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:

284 Feet North and 301 Feet West of the Southeast Corner of Section 14 T 9S R 14E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A\_\_ 49808 00 IRR AY S

> STEVEN ALBRIGHT

>

> 10685 110 RD

> MAYETTA KS 66509

>-----

A\_\_ 49809 00 IRR AY S

> STEVEN ALBRIGHT

>

> 10685 110 RD

> MAYETTA KS 66509

>-----

=====

#####

FILE - 41.00

NO. 110 ALDRIGHT

SOIL: "76" PRECIP: 36"

INCHES RUNOFF/ACRE: 14.5'

87  
46 ACRES IN DRAINAGE x 14.5" = 1308 " / 12"  $\Rightarrow$  109 AF  
68 ACRES

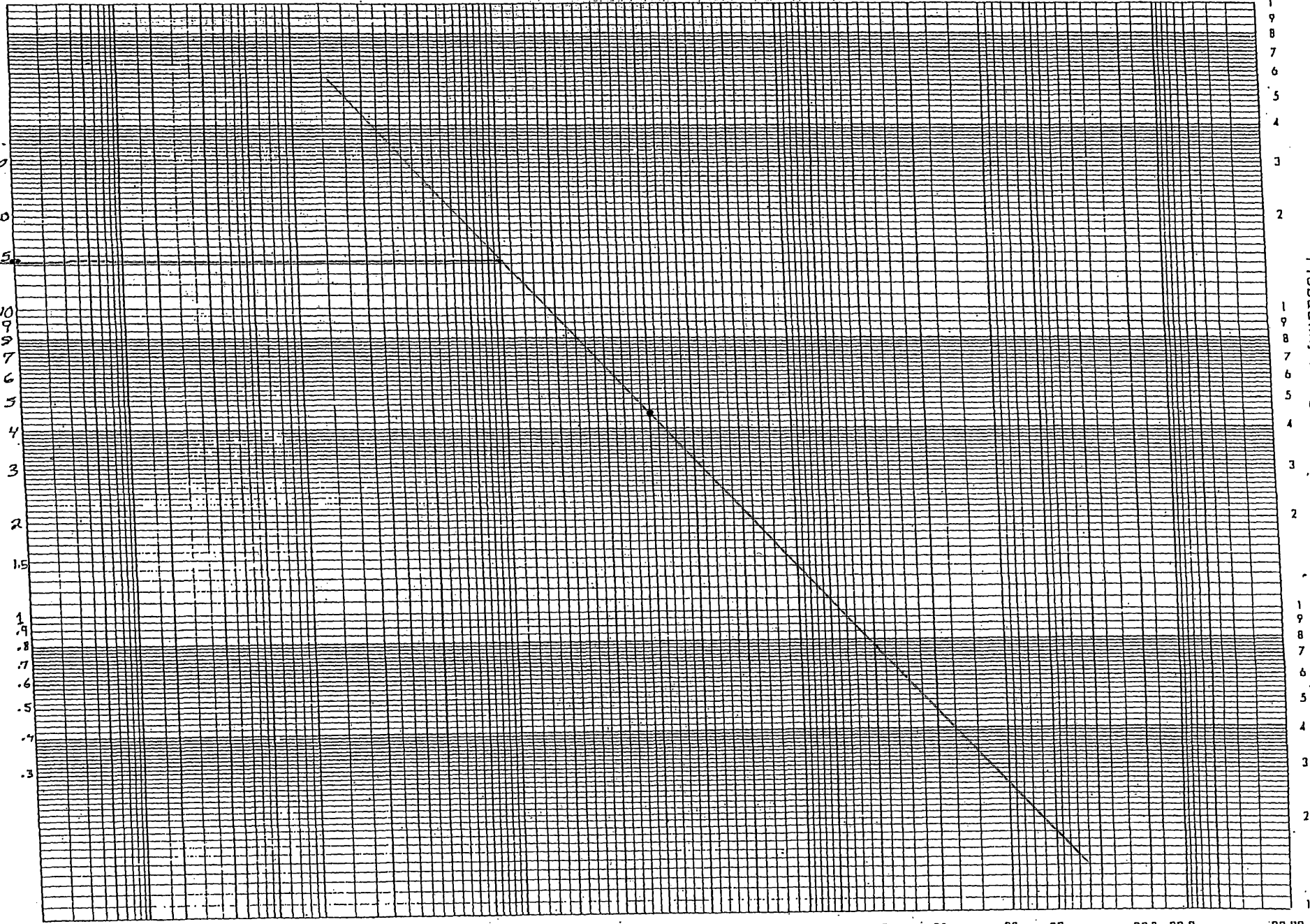
518 " / 12"  $\Rightarrow$  43 AF OF RUNOFF (20% CHANCE ANNUALLY)  
986 50 40 30 20 82 AF

99.99 99 98 95 90 80 70 60 50 40 30 20 15 10 9 8 7 6 5 4 3 2 1 0.5 0.2 0.1 0.05 0.01

RUNOFF IN INCHES

14.5"

Probability (Long-axis) by 3 Cycle Log



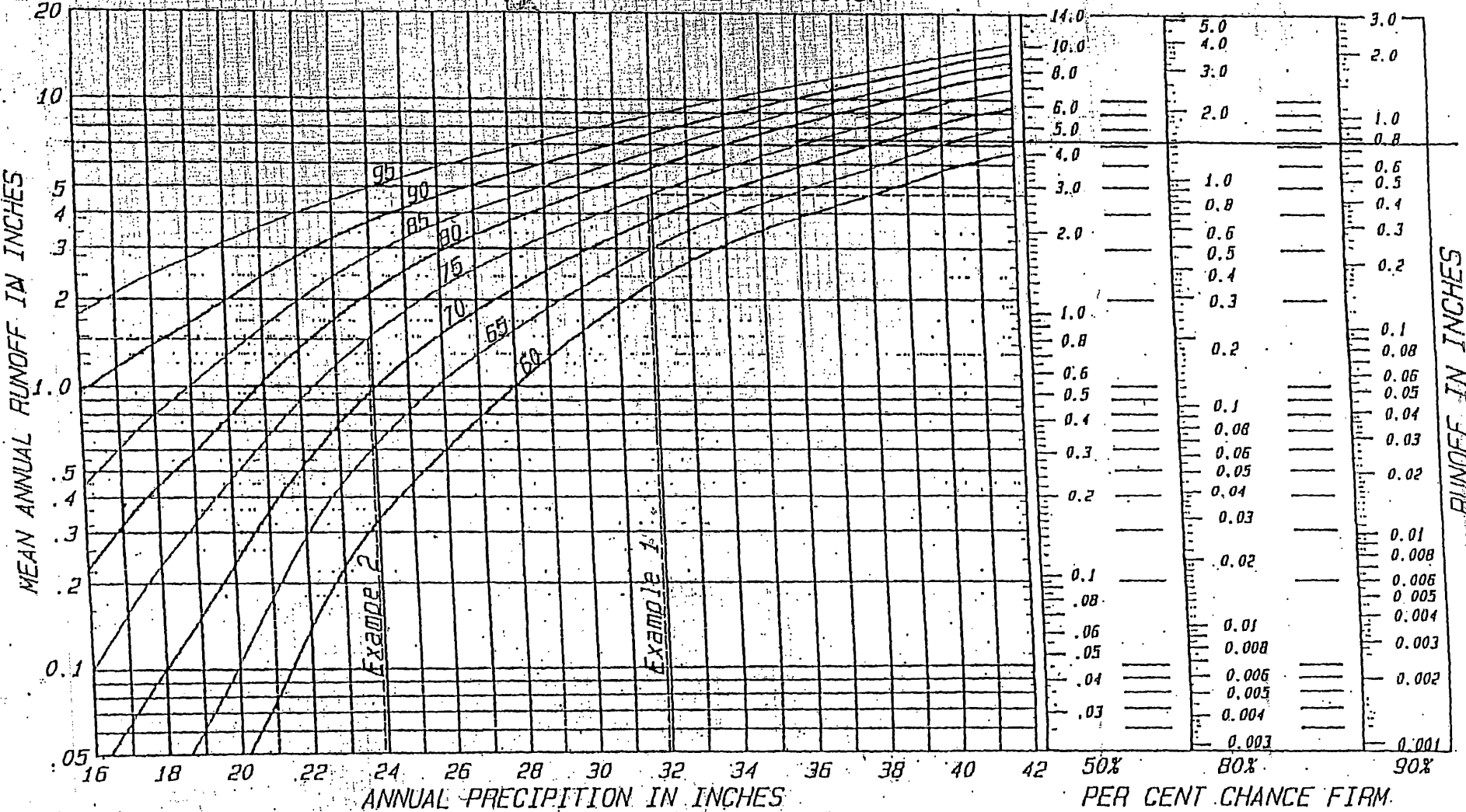
% CHANCE

PREPARED BY:



# ANNUAL YIELD OF RUNOFF

EFM Notice KS-38, 12/12/91



RUNOFF IN INCHES

KS-2-36

KAR 5-6-4(2)(D)

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

## Schemm, Doug [KDA]

---

**From:** Phillips, Janelle [KDA]  
**Sent:** Tuesday, January 2, 2018 12:23 PM  
**To:** Schemm, Doug [KDA]; Hunninghake, Kimberly [KDA]  
**Cc:** Tietsort, Katie [KDA]  
**Subject:** RE: New Apps with Structures

Doug –

This is only for floodplain fill or stream obstruction permit requirements. Kim will have to comment on Dam Permits.

~~File No 49809 – no floodplain fill permit required~~

File No 49856 – I spoke to Mr. Carter on October 25<sup>th</sup>. He will need a floodplain fill permit. I have not heard from him since October 25<sup>th</sup>

File No 49864 – no floodplain fill permit required

File No 49905 – no floodplain fill permit required

File No 49934 – Mr. Turlip is still working on his application. I anticipate it being submitted next week.

Janelle N. Phillips, P.E., C.F.M., LEED-AP  
Stream Permit Team Lead  
Water Structures Program  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6656  
My email has changed: [janelle.phillips@ks.gov](mailto:janelle.phillips@ks.gov)

*Analytical-Consistency-Learner-Discipline-Deliberative*

---

**From:** Schemm, Doug [KDA]  
**Sent:** Thursday, December 28, 2017 11:40 AM  
**To:** Hunninghake, Kimberly [KDA]; Phillips, Janelle [KDA]  
**Cc:** Tietsort, Katie [KDA]  
**Subject:** New Apps with Structures

Hello all,

So I reckon the end of the year is a good time to revisit some of these projects (ponds and marshes) that require structure permitting right?

~~File No: 49,809 – Steven Albright: Proposed dam located in the Southeast Quarter of Section 14, T9S, R14E in Jackson County. Small drainage area (approx. 68 acres).~~

I don't have any information about the dam, but would guess it will less than 15 feet tall and capacity likely 20 to 30 acre-feet.

File No. 49,856 – Roy Carter. This project is for a duck marsh in West part of Section 27, T31S, R21E in Labette County. As typical with these projects they will need Structures permit for the levees. I think Janelle has been in contact with Roy. Has he submitted any information yet?

#49,809

**Schemm, Doug [KDA]**

---

**From:** Virginia LeClere <VirginiaLeClere@pbpnation.org>  
**Sent:** Monday, October 2, 2017 11:03 AM  
**To:** Schemm, Doug  
**Cc:** 'Houle, Antoinette'; Verna Potts  
**Subject:** Re: File No 49809 Albright - Prairie Band Potawatomi Nation comment letter  
**Attachments:** Scan - Inbox\_019.pdf; 9.29.17AlbrightDiversion49809.pdf

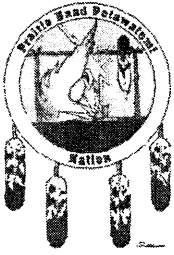
Please see the attached letter from the PBPB Tribal Council Chairperson. If I can be of any assistance, feel free to contact me.

Thank you,

**Virginia LeClere, Environmental Manager**  
Prairie Band Potawatomi Nation  
Division of Planning and Environmental Protection  
15498 K Road, Mayetta, KS 66509  
Office: 785-966-2946 FAX 785-966-2947  
Cell: 785-608-6484

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#49,809



Prairie Band Potawatomi Nation  
Government Center

September 20, 2017

Douglas W. Schemm, Environmental Scientist  
Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619

Dear Mr. Schemm:

Please accept this letter on behalf of the Prairie Band Potawatomi Nation (PBPN) in response to the pending application, File No. 49809 – Steven Albright. The Tribal environmental department has reviewed the application. At this time, the PBPN does not wish to express comment regarding Mr. Albright's application for a permit to re-divert 82 acre-feet of the stored water for irrigation use. We appreciate the opportunity to review and comment.

Sincerely,

Liana Onnen, Tribal Council Chairperson  
Prairie Band Potawatomi Nation

RECEIVED

OCT 02 2017

Topeka Field Office  
DIVISION OF WATER RESOURCES

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

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



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

September 7, 2017

PRAIRIE BAND POTAWATOMIE NATION  
% LIANA ONNEN CHAIRPERSON  
16281 Q RD  
MAYETTA KS 66509-8970

US DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
% ANTOINETTE HOULE SUPERINTENDENT  
908 1<sup>ST</sup> AVE EAST PO BOX 31  
HORTON KS 66439-0031

Re: Pending Application, File No. 49,809

Dear Chairperson and Madam:

In response to your request on September 7, 2017, the Chief Engineer is allowing an additional extension of time for 30 days. With this extension of time the revised response date is **October 3, 2017**. We are delaying any further action to allow you time to submit comments or other information which you desire to submit to this office concerning this file. Please submit your comments within the allotted time.

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

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: PRAIRIE BAND POTAWATOMIE NATION  
DIVISION OF PLANNING & ENVIRONMENT  
% VERNA POTTS SENIOR ENVIRONMENTAL TECHNICIAN  
15434 K RD  
MAYETTA KS 66509

  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

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

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

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

August 3, 2017

LELAND BAILEY  
4747 NW 86<sup>TH</sup> ST  
TOPEKA KS 66618-2905

Re: Pending Application, File No. 49,809

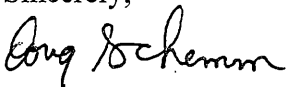
Dear Sir or Madam:

This is to advise you that Steven Albright has filed the application referred to above requesting to appropriate 82 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 82 acre-feet of the stored water for irrigation use. The point of diversion for the proposed reservoir is located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 14, in Township 9 South, Range 14 East, Jackson County, Kansas.

Enclosed is a site map for your review. Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Steven Albright



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

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

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

August 3, 2017

PRAIRIE BAND POTAWATOMIE NATION  
% LIANA ONNEN CHAIRPERSON  
16281 Q RD  
MAYETTA KS 66509-8970

US DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
% ANTOINETTE HOULE SUPERINTENDENT  
908 1<sup>ST</sup> AVE EAST PO BOX 31  
HORTON KS 66439-0031

Re: Pending Application, File No. 49,809

Dear Chairperson and Madam:

Enclosed is a copy of the pending application referred to above requesting to appropriate 82 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 82 acre-feet of the stored water for irrigation use. The point of diversion for the proposed reservoir is located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 14, in Township 9 South, Range 14 East, Jackson County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 30 days** from the date of this letter. You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: PRAIRIE BAND POTAWATOMIE NATION  
DIVISION OF PLANNING & ENVIRONMENT  
% VERNA POTTS SENIOR ENVIRONMENTAL TECHNICIAN  
15434 K RD  
MAYETTA KS 66509

49,809

Print Page

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**Parcel Search Results** (Click on the Parcel ID Number for Detailed Results)

Owner Information	Property Address	Property Description	Apr Amount	Prop Class
<p><u>043-206-14-0-00-00-001.00-0</u>  <b>Quick Ref ID = 8723</b>  <b>Tax Year = 2017</b>                      VIRGIL RICKEL FAMILY PARTNERSHIP</p> <p>Owner Mailing Address:                      2605 NEWCOMB ST LUBBOCK, TX 79415-1707</p>	<p>00000 M RD, Hoyt, KS 66440                      ACRES=118.49 Neighborhood=003.0</p>	<p>S14 , T09 , R14E , ACRES 118.5 , NE/4 NE/4 &amp; S/2 NE/4 LESS RD ROW</p>	\$9,010	Agricultural Use
<p><u>043-206-14-0-00-00-002.00-0</u>  <b>Quick Ref ID = 8724</b>  <b>Tax Year = 2017</b>                      U.S.A. (TRUST)</p> <p>Owner Mailing Address:                      00001</p>	<p>00000 126TH RD, Hoyt, KS 66440                      ACRES=38.94 Neighborhood=003.0</p>	<p>S14 , T09 , R14E , ACRES 38.9 , NW/4 NE/4 LESS RD ROW</p>	\$89,450	Exempt
<p><u>043-206-14-0-00-00-003.00-0</u>  <b>Quick Ref ID = 8725</b>  <b>Tax Year = 2017</b>                      U.S.A. (TRUST)</p> <p>Owner Mailing Address:                      00001</p>	<p>00000 126TH RD, Hoyt, KS 66440                      ACRES=78.04 Neighborhood=003.0</p>	<p>S14 , T09 , R14E , ACRES 78.0 , N/2 NW/4 LESS RD ROW</p>	\$179,260	Exempt
<p><u>043-206-14-0-00-00-004.00-0</u>  <b>Quick Ref ID = 8726</b>  <b>Tax Year = 2017</b>                      U.S.A. (TRUST) for the Prairie Band Potawatomi Nation</p> <p>Owner Mailing Address:                      Attn: c/o Mitchell, Hattie 16281 Q RD Mayetta, KS 66509-8970</p>	<p>00000 L RD, Mayetta, KS 66509                      ACRES=79.5 Neighborhood=003.0</p>	<p>S14 , T09 , R14E , ACRES 79.5 , S/2 NW/4 LESS RD ROW</p>	\$182,610	Exempt
<p><u>043-206-14-0-00-00-005.00-0</u>  <b>Quick Ref ID = 8727</b>  <b>Tax Year = 2017</b>                      U.S.A. (TRUST)</p> <p>Owner Mailing</p>	<p>00000 118TH RD, Mayetta, KS 66509                      ACRES=155.4 Neighborhood=003.0</p>	<p>S14 , T09 , R14E , ACRES 155.4 , SW/4 LESS RD ROW</p>	\$356,950	Exempt



Address: 00001				
043-206-14-0-00-00-006.00-0 <b>Quick Ref ID = 8728</b> <b>Tax Year = 2017</b> Albright, Steve	00000 118TH RD, Mayetta, KS 66509 ACRES=156.51 Neighborhood=003.0	S14 , T09 , R14E , ACRES 156.5 , <b>SE/4</b> LESS RD ROW	\$42,080	Agricultural Use
Owner Mailing Address: 10685 110th Rd Mayetta, KS 66509-8814				
<a href="#">Back to Search Page</a> --- <a href="#">Home</a>				

Parcel Search powered by



THOMSON REUTERS



**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

Assurance Districts have been formed on the following rivers:

Kansas River                      Marias des Cygnes River                      Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek

## 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**

**MAR 30 2017**

**KS DEPT OF AGRICULTURE**

**SCANNED**

49809

NEW STREAM WORKSHEET

ES AW

Date: 3/31/17

File No. \_\_\_\_\_

Basin Name: Kansas Basin No. 8

Stream Name: Soldier Creek Trib 3

Stream location (confluence with parent stream):

Section ~~25~~<sup>29</sup>, Township 9 South, Range 13 (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. 3 9 1 4 (computer assigned - entered by data entry staff)

Date Entered 4/3/2017 By UM

49809

NEW STREAM WORKSHEET

ES Adw

Date: 3/3/17

File No. \_\_\_\_\_

Basin Name: Kansas Basin No. 8

Stream Name: Soldier Creek Trib 3A

Stream location (confluence with parent stream):

Section 14, Township 9 South, Range 14 (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. 3915 (computer assigned - entered by data entry staff)

Date Entered 4/3/2017 By LLM



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

March 31, 2017

STEVEN W ALBRIGHT  
10685 110 ROAD  
MAYETTA KS 66509

RE: Application  
File No. 49809

Dear Sir or Madam:

Your application for permit to appropriate water in 14-09S-14E in Jackson 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.

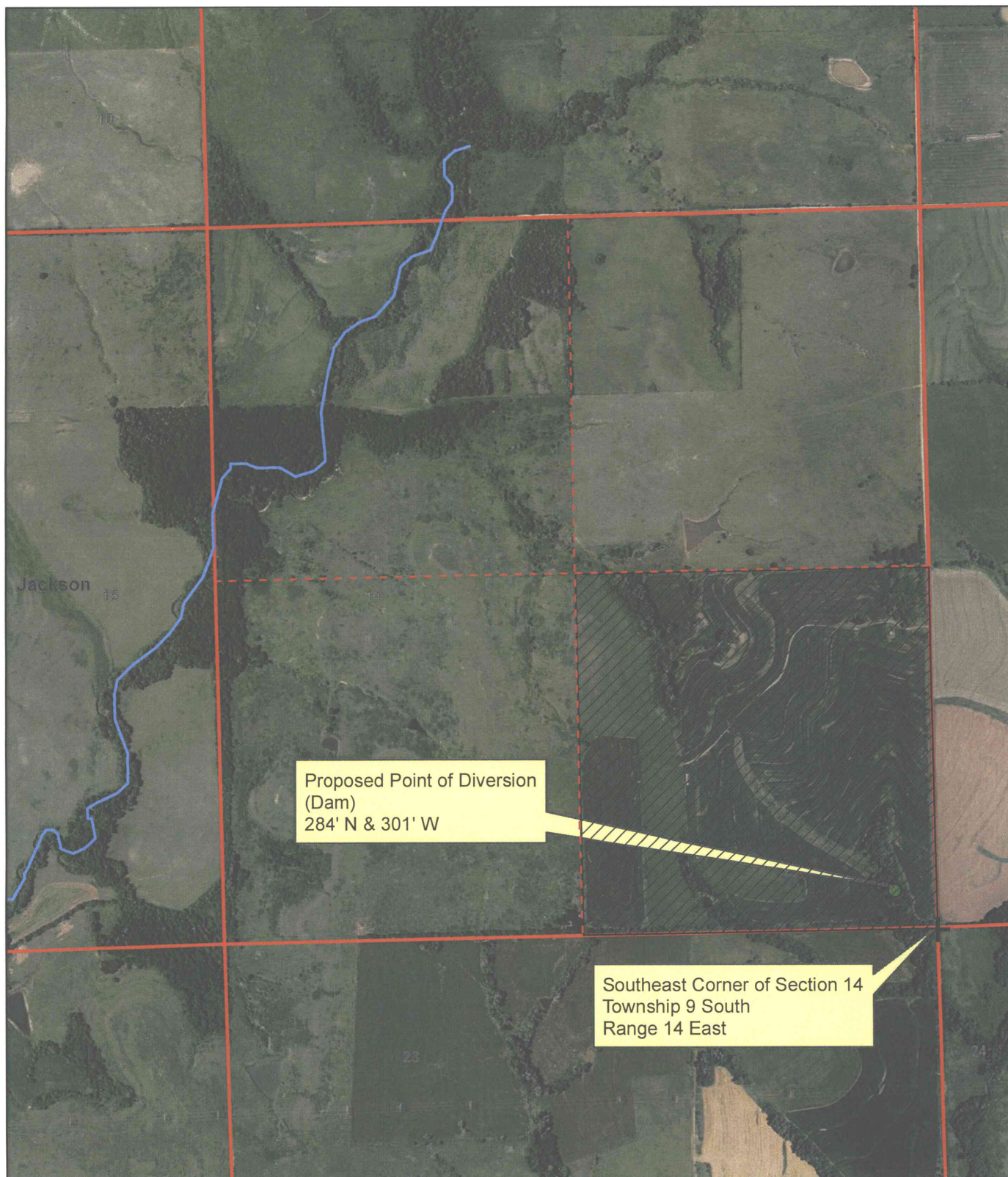
Sincerely,

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

BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED

STEVEN W. ALBRIGHT - NEW APPLICATION  
Section 14, Township 9 South, Range 14 East  
Jackson County



1:12,000



Proposed Place of Use



Proposed Point of Diversion

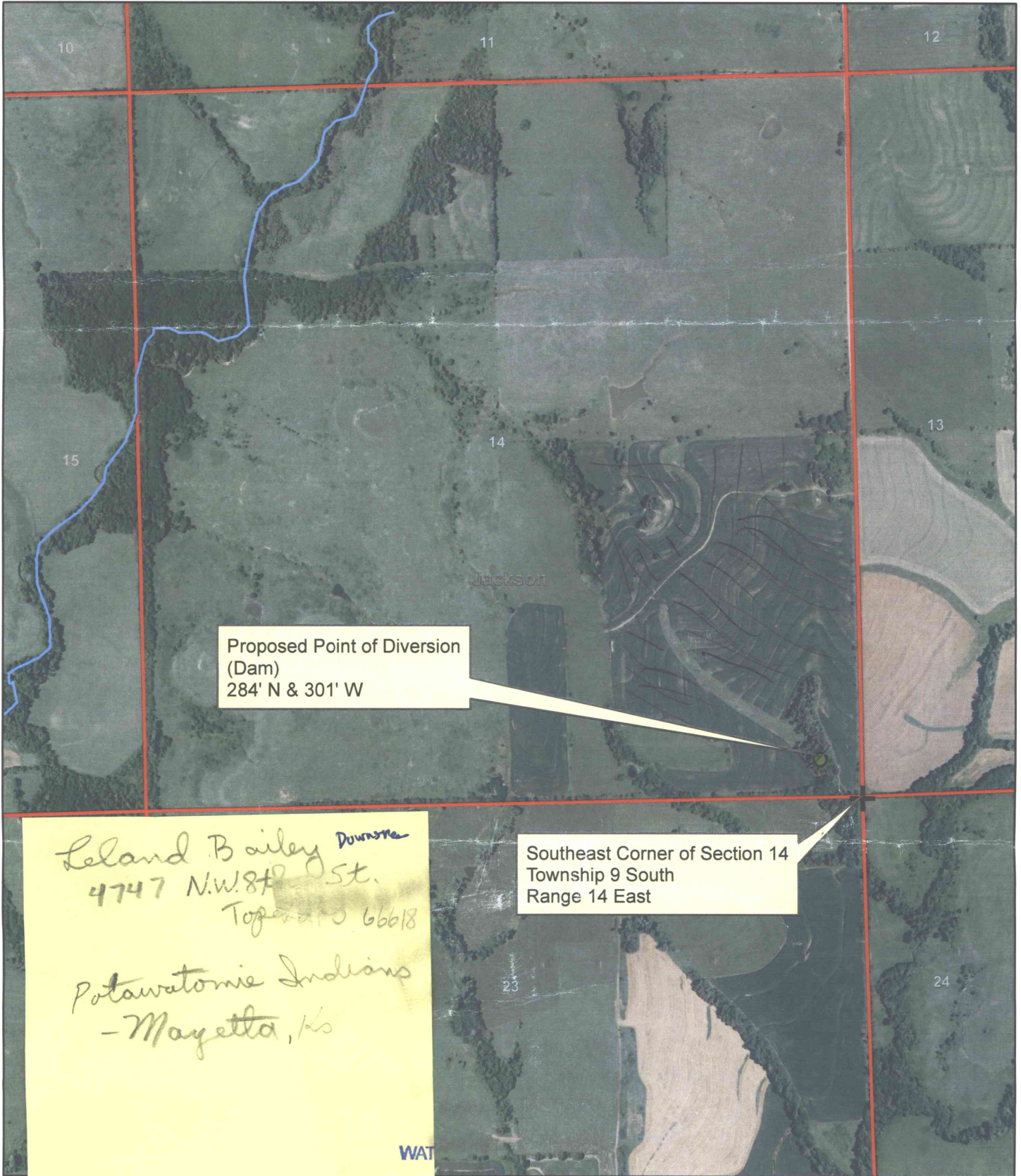
All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.





STEVEN W. ALBRIGHT - NEW APPLICATION  
 Section 14, Township 9 South, Range 14 East  
 Jackson County

49809



Proposed Point of Diversion  
 (Dam)  
 284' N & 301' W

Southeast Corner of Section 14  
 Township 9 South  
 Range 14 East

Leland Bailey *Downstream*  
 4747 N.W. 8th St.  
 Topog 66618  
 Potawatomie Indians  
 - Mayetta, Ks

1:12,000



Proposed Point of Diversion

● Proposed Point of Diversion

WATER RESOURCES

RECEIVED  
 MAR 30 2017

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

KS DEPT OF AGRICULTURE

*Steven W. Albright*

