

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

| | | | |
|---|---|--|--|
| 1. File Number: <p style="text-align: center;">49,821</p> | 2. Status Change Date: <p style="text-align: center;"><i>2/27/2018</i></p> | 3. Field Office: <p style="text-align: center;">01</p> | 4. GMD: <p style="text-align: center;">0</p> |
| 5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | | | |
| 6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter | | | |
| <p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 65405 Add Seq# _____</p> <p>STEVEN ALBRIGHT 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>7a.</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"/> 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>7a.</p> | <p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p> | | |
| 10. Completion Date: <u> 12/31/2019 </u> 11. Perfection Date: <u> 12/31/2023 </u> 12. Exp Date: _____ | | | |
| 13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____ | | | |
| 14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____ | | | |
| Date Prepared: 2/8/2018 By: DWS Date Entered: <i>2/28/2018</i> By: <i>UM</i> | | | |

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|---|---------------------|-------------------------------------|---|--------------|--|--------------|--------------|--------------|--------------|-------|-------|---------|---------------|---------------|------------|-----------|---------------|
| File No. 49,821 | 15. Formation Code: | Drainage Basin: KANSAS RIVER | County: JA | Special Use: | Stream: LITTLE SOLDIER CREEK TRIB 2A (KANSAS) | | | | | | | | | | | | |
| 16. Points of Diversion T MOD DEL ENT PDIV Qualifier S T R ID 'N 'W | | | 17. Rate and Quantity MOD ADDL QTY Authorized Additional Rate Quantity Rate Quantity gpm af gpm af Overlap PD Files | | | | | | | | | | | | | | |
| ✓ 86022 SW SE NW 30 9 15E 2 2648 3519 | | | 1200 83 1200 79.81 NONE | | | | | | | | | | | | | | |
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| 18. Storage: Rate _____ NF Quantity 83 ac/ft Additional Rate _____ NF Additional Quantity 83 ac/ft | | | | | | | | | | | | | | | | | |
| 19. Limitation: 142.81 af/yr at _____ gpm (_____ cfs) when combined with file number(s) 49,808 (ON PLACE OF USE) | | | | | | | | | | | | | | | | | |
| Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ | | | | | | | | | | | | | | | | | |
| 20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2019 Date Acceptable Meter Installed _____ | | | | | | | | | | | | | | | | | |
| 21. Place of Use T MOD DEL ENT PUSE S T R ID | | NE¼ | | NW¼ | | SW¼ | | SE¼ | | Total | Owner | Chg? NO | Overlap Files | | | | |
| | | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | | | | |
| MOD 68306 30 9 15E 1 | | | | | | Lot 1 | Lot 2 | Lot 2 | Lot 1 | | | | | 142.81 | 7a. | No | 49,808 |
| | | | | | | 33.0 | 34.93 | 34.88 | 40.0 | | | | | | | | |
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| Comments: | | | | | | | | | | | | | | | | | |

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 7, 2018

FROM: Doug Schemm

RE: Application, File No. 49,808 and 49,821

Steven Albright filed the applications referred to above for permits to appropriate surface water for irrigation use at the rate of natural flows to be stored in two proposed reservoirs. The project is located in the Northwest Quarter of Section 30, in Township 9 South, Range 15 East, Jackson County, Kansas, within the Kansas River Drainage Basin. The points of diversion are located on property owned by the applicant, and he has signed the application forms stating he has legal access to the points of diversion. The files will overlap in place of use, which is entirely owned by the applicant, and it comprises a total of 142.81 acres. The applicant indicated that site work done on the property had altered some of the drainage and contouring, which led to increased drainage basin runoff quantities.

File No. 49,808 is requesting 63 acre-feet of storage and the re-diversion of 63 acre-feet. Runoff computations determined that the 52 acres of drainage area, will generate 63 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.

File No. 49,821 is requesting 83 acre-feet of storage and the re-diversion of 83 acre-feet. Runoff computations determined that the 69 acres of drainage area, will generate 83 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 146 acre-feet when the files are combined (63 AF + 83 AF) for irrigation use on 142.81 acres, provides slightly more than 1.0 acre-feet per acre. The maximum allowable is 1.0 acre-feet per acre in Jackson County, Kansas, per K.A.R. 5-3-24. Therefore, the junior File No. 49,821 will be limited to 142.81 acre-feet of direct use with the senior file on the place of use. It is estimated that the combined capacity of the reservoirs at normal pool elevation is 50 acre-feet. The proposed direct use quantity of 142.81 acre-feet, is equivalent to 3.6 times this capacity, falling within the "normal" rule of thumb of direct use quantity not exceeding 5 times the reservoir capacity.

The applicant provided a list of landowners of the adjacent properties within one-half (½) mile upstream and downstream of his property, and notification letters were sent out on August 3, 2017. A telephone call was received from Elmer Hubener who owns property downstream of File No. 49,821 (SW¼ of Sec. 30). He did not express any specific concerns, but requested to know the reservoir capacity. Please NOTE: This irrigation project is over a mile outside of the Prairie Band Potawatomie Nation reservation boundaries, and notification is not required.

There is only one other surface water file within a two-mile radius according to the WRIS database, which is another irrigation storage application owned by the applicant (File No. 49,809), which is located on a different stream. No senior water rights will be impaired with approval of these applications.

The applicant had an engineer review the proposed dams and reservoirs, and he stated they would be non-jurisdictional for structures permitting. They have very limited drainage areas, capacities will not exceed 25 acre-feet, and dams are likely to be less than 15 feet in height. A letter from DWR Structures Program dated February 7, 2018, confirms that both dams are non-jurisdictional for structures permitting.

As allowed by K.S.A. 82a-706(c) approved water flow meters shall be installed on the secondary diversion works (pump sites) for each of these files. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

Steven Albright – Memorandum
File Nos. 49,808 & 49,821
Page 2

In a September 13, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new applications should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the applications comply with rules and regulations, the dams are exempt from structures permitting, and no senior rights will be impacted, it is recommended that the referenced new applications be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
785-564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
785-296-3556

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

STEVEN ALBRIGHT
10685 110 RD
MAYETTA KS 66509

FILE COPY

Re: Appropriation of Water, File Nos. 49,808 and 49,821

Dear Mr. Albright:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. **Water meters are required on the re-diversion works (pump sites) from each of your reservoirs**, and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in these permits to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

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

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: ~~Topeka Field Office~~

THE STATE OF KANSAS



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. 49,821** 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 **April 13, 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 | |
| 30 9S 15E | | | | | Lot 1 33.0 | Lot 2 34.93 | Lot 2 34.88 | Lot 1 40.0 | | | | | | | | | 142.81 |

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Little Soldier Creek, designated in the office of the Chief Engineer as Little Soldier Creek Trib 2A (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 **83 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW¼ SE¼ NW¼) of Section 30, more particularly described as being near a point 2,648 feet North and 3,519 feet West of the Southeast corner of said section, in Township 9 South, Range 15 East, Jackson County, Kansas, to provide **83 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.

16. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 49,808, will provide a total **not to exceed 142.81 acre-feet** of water per calendar year for irrigation use on the land described herein.

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.

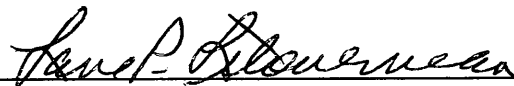
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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 27th day of February, 2018, in Topeka, Shawnee County, Kansas.

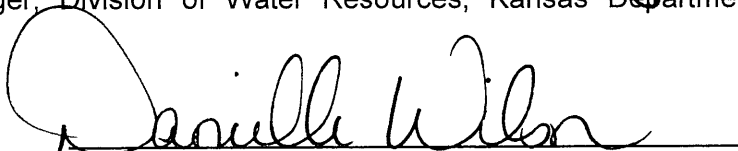


Lane P. Letourneau, L.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 27th day of February, 2018, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.




Notary Public

CERTIFICATE OF SERVICE

On this 15th day of March, 2018, I hereby certify that the foregoing Approval of Application, File No. 49,821, dated February 27th 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

Amber L. Herring
Division of Water Resources

South Side DAM
Section 30,9S,15E

APPLICATION COMPLETE

2/7/2018

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

APR 13 2017

10:30
KS DEPT OF AGRICULTURE

File Number 49821

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

WATER RESOURCES RECEIVED

MAR 30 2017

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

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 Little Soldier Creek (stream) Trib 2A # 3910
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. ~~55~~ AF to be rediverted for IRR use @ 1,200 gpm

3. The maximum quantity of water desired is 55 acre-feet OR 83 gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR 83 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: | | Meets K.A.R. 5-3-1 (YES / NO) Use <u>IRR</u> | | Source <u>G(S)</u> County <u>JA</u> | | By <u>AW</u> Date <u>4/13/17</u> | |
| F.O. Code | <u>1</u> <u>GMD</u> <u>REG</u> | Fee \$ <u>200</u> | TR # | Receipt Date | <u>4/13/17</u> | Check # | <u>8565</u> |

DWR 1-100 (Revised 02/16/2011) *Increased quantity prior to assigning priority.
DWS/DWR 2/7/18
SCANNED 4/17/2017
LUM

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 SE quarter of the NW quarter of Section 30, more particularly described as being near a point 2,648 feet North and 3,519 feet West of the Southeast corner of said section, in Township 9 South, Range 15 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. Albright
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.

SECOND PENDING APPLICATION WILL OVERLAP IN PLACE OF USE. *49,808

WATER RESOURCES
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UNACCEPTABLE FOR PRIORITY
MAR 30 2017

KS DEPT OF AGRICULTURE

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)

4-8-2017

Steven W. Allright

(Applicant Signature)



APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

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

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 3/13/2017
(office/title)

WATER RESOURCES RECEIVED

APR 13 2017

49821

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,821

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 | |
| 30 | 9 | 15E | | | | | 34 | 37 | 37 | 37 | | | | | | | | | 142 |
| 30 | 9 | 15E | | | | | L1 33 | L2 34.93 | L-2 34.88 | L1 40 | | | | | | | | | 142.81 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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

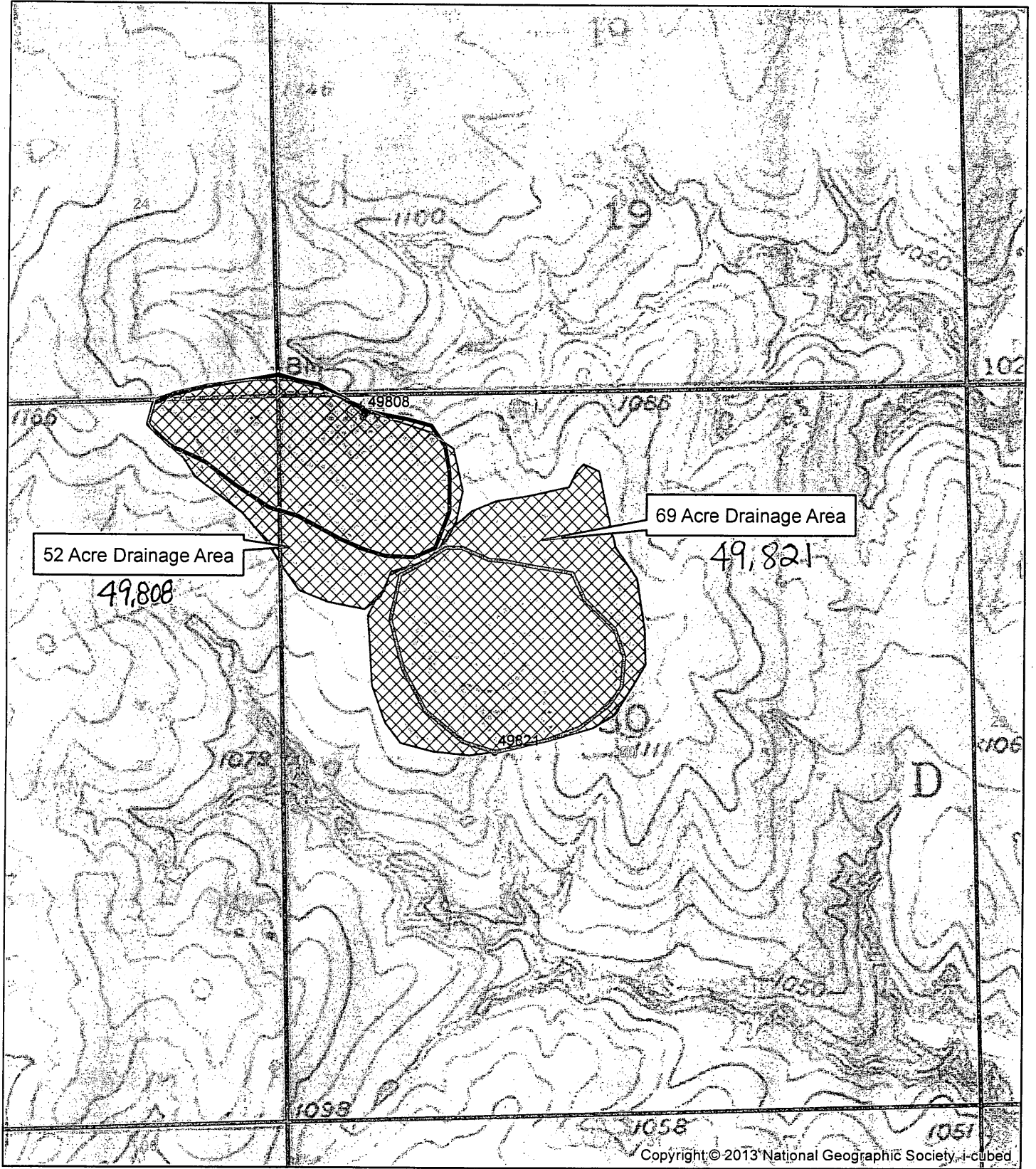
(4) Please include a copy of the sprinkler package design information.

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.

FILE NOS. 49,808 & 49,821
DRAINAGE AREA MAP REVISED



1:12,000

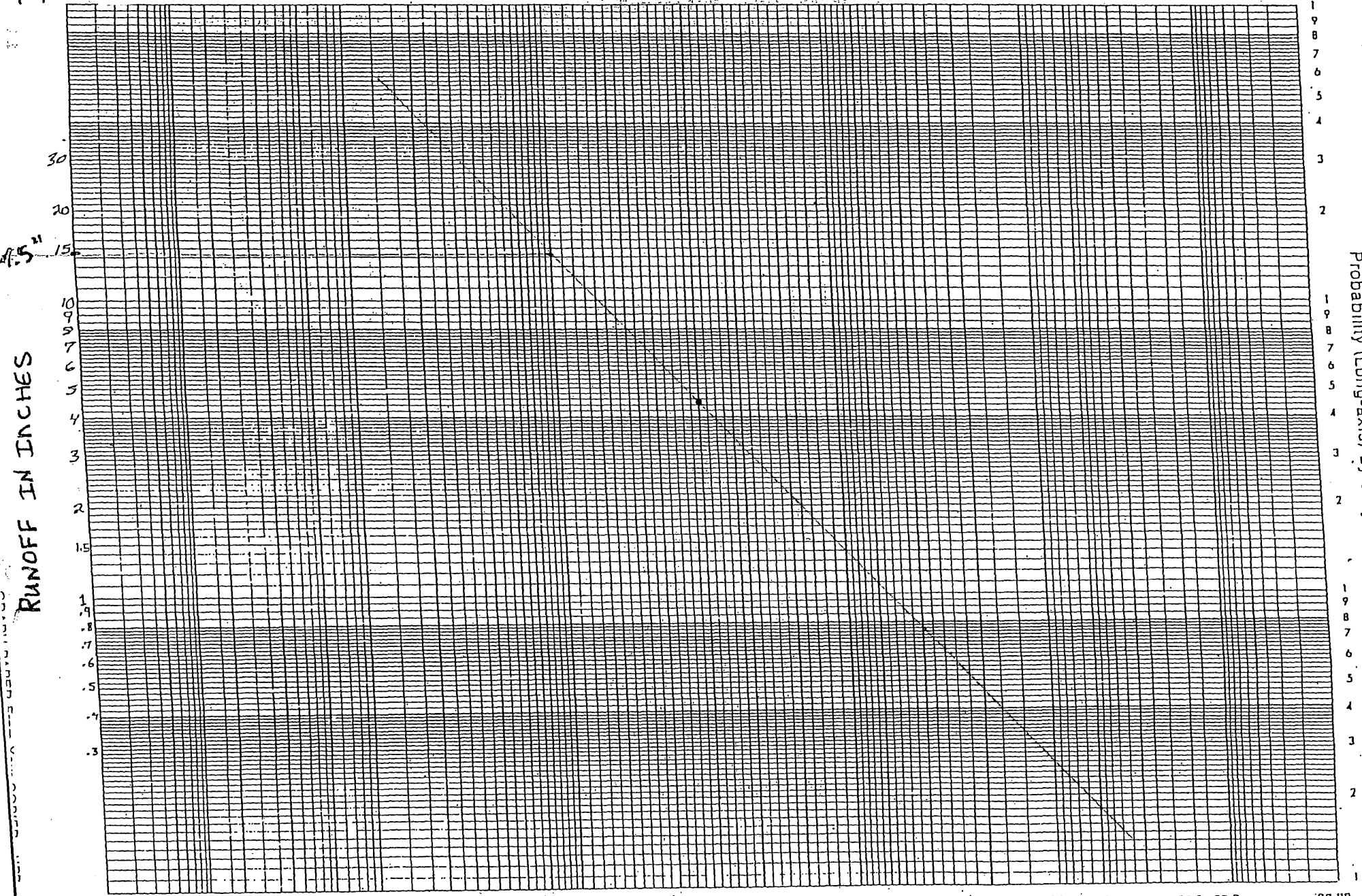


Revised Drainage Area

49,808- 52 ACRES IN DRAINAGE x 14.5" = 754" / 12" = 63 AF
 49,821-69 ACRES 99 98 95 90 80 70 60 50 40 30 20 10 5 2 1 0.5 0.2 0.1 0.05 0.01

CITY: "76" PRECIP.: 36"

49,808 + 49,821
 INCHES RUNOFF/ACRE 14.5'
 OF RUNOFF (20% CHANCE ANNUALLY)



RUNOFF IN INCHES

Probability (Long-axis) by 3 Cycle Log

0.0 CHANCE

PREPARED BY:

49,808 + 49,821



1320 Research Park Drive
Manhattan, Kansas 66502
785-564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
785-296-3556

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 7, 2018

STEVEN ALBRIGHT
10685 110TH RD
MAYETTA KS 66509.

RE: Jurisdictional Determination
WSN: DJA-0362 & DJA-0363

Dear Mr. Albright:

This will acknowledge receipt of your request for a permit determination. Your reported proposed ponds are located all in Township 9 South, Range 15 East in Jackson County. The locations are as follows and a location map is attached with this letter:

- South Pond (DJA-0362) – NW ¼ of the NE ¼ of the SW ¼ of Section 30
- North Pond (DJA-0363) – NE ¼ of the NW ¼ of the NW ¼ of Section 30

We have reviewed the submitted documentation to this office. It has been concluded that these projects are not within the jurisdiction of K.S.A. 82a-301 to 305a by observing that the drainage area above the dam is less than 640 acres, has a storage volume less than 50 acre-feet at the auxiliary spillway elevation, and is less than 25 feet in height.

This letter does not in any way relieve the project sponsor from complying with any other local, state, or federal requirements which may be applicable.

Should you have any questions, please feel free to contact me at (785) 564-6651, or e-mail me at Mikayla.kortan@ks.gov.

Sincerely,

Mikayla Kortan
Water Structures Engineer

P.c. Doug Schemm – Topeka Field Office (WR#49808)
Attachments

RECEIVED

FEB 07 2018

Topeka Field Office
DIVISION OF WATER RESOURCES


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
Sam Brownback, Governor

August 3, 2017

ELMER HUBENER
6237 NW 94TH STREET
TOPEKA KS 66601-4012

Re: Pending Applications, File Nos. 49,808 & 49,821

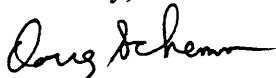
Dear Sir or Madam:

This is to advise you that Steven Albright has filed the applications referenced above to appropriate surface water for irrigation use. Application, File No. 49,808 is requesting to appropriate 63 acre-feet of surface water per calendar year, and Application, File No. 49,821 is requesting to appropriate 83 acre-feet of surface water per calendar year, to be stored in two proposed reservoirs, and rediverted for irrigation use. The points of diversion for the proposed reservoirs are both located in the Northwest Quarter (NW¼) of Section 30, in Township 9 South, Range 15 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 these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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


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
Sam Brownback, Governor

August 3, 2017

LARRY J & ROSE MARY SUDBECK
1235 200TH RD
BERN KS 66408-8018

Re: Pending Applications, File Nos. 49,808 & 49,821

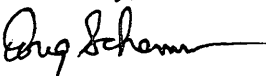
Dear Sir or Madam:

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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

49821



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 31, 2017

WATER RESOURCES
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APR 13 2017

KS DEPT OF AGRICULTURE

STEVEN W ALBRIGHT
10685 110 ROAD
MAYETTA KS 66509

Re: Unacceptable Application

Dear Mr. Albright:

Returned herewith is your Application for Permit to Appropriate Water for Beneficial Use received by the Division of Water Resources on March 30, 2017 with Check No. 8565 in the amount of \$200. This application is not acceptable for filing in its present form.

Paragraph No. 16 of the application must be signed and dated by the applicant. Please sign and date the application were indicated and return it to our office. Photocopies or fax signatures are not acceptable.

Upon return of the acceptable application with required original signatures and information, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631 or alex.whitesell@ks.gov.

Sincerely,

Alex Whitesell
Environmental Scientist
Water Appropriation Program

enclosure

SCANNED

49821

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

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 | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

WATER RESOURCES
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WATER RESOURCES
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APR 13 2017

UNACCEPTABLE FOR PRIORITY
MAR 30 2017

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 |
| 101-320 | \$300.00 |
| 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

**WATER RESOURCES
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APR 13 2017

KS DEPT OF AGRICULTURE

1 acre-foot equals 325,851 gallons
1 million gallons equal 3.07 acre-feet

**WATER RESOURCES
RECEIVED**

**MAR 30 2017
UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE**

SCANNED

(Date)

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

WATER RESOURCES
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APR 13 2017

Re: Application File No. 49,821

Minimum Desirable Streamflow
KANSAS River Assurance District
Water Reservation Rights

Dear Sir: KS DEPT OF AGRICULTURE

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

I understand that diversion of water pursuant to this application will be subject to regulation any time ~~Minimum Desirable Streamflow requirements are not being met, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.~~

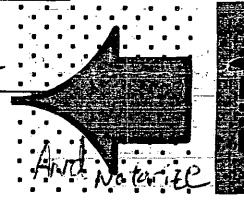
I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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

Steven W. Albright
Signature of Applicant

Steven W. Albright
Print Applicant Name

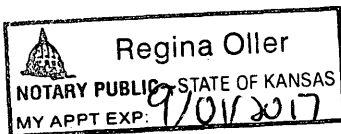
State of Kansas)
County of Shawnee) SS



I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 28th day of March, 2017.

Regina Oller
Notary Public

My Commission Expires:



WATER RESOURCES
RECEIVED
UNACCEPTABLE FOR PRIORITY
MAR 30 2017



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

April 13, 2017

STEVEN W ALBRIGHT
10685 110 ROAD
MAYETTA KS 66509

FILE COPY

RE: Application
File No. 49821

Dear Sir or Madam:

Your application for permit to appropriate water in 30-09S-15E 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

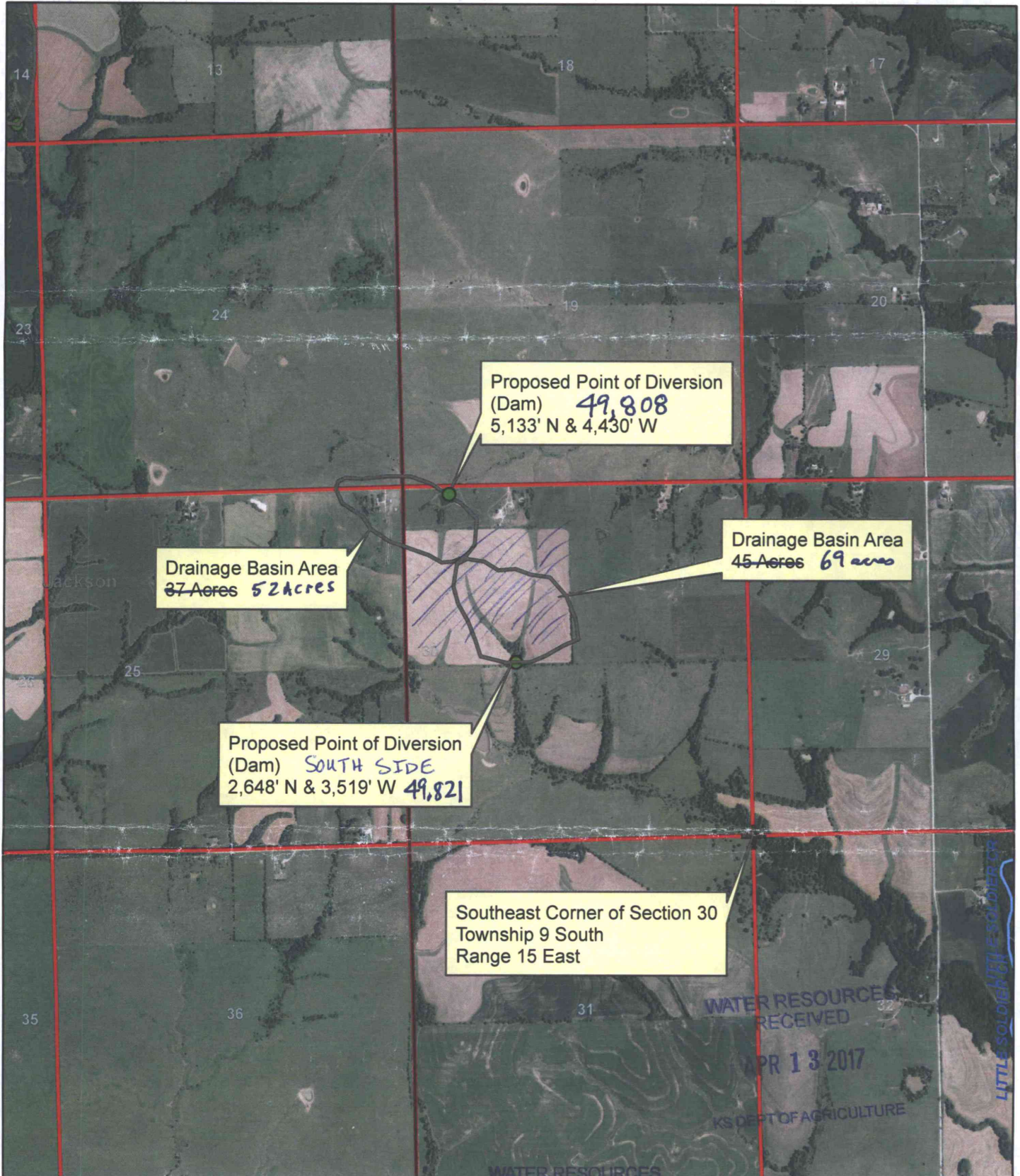
BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

STEVEN W. ALBRIGHT - NEW APPLICATION
 Section 30, Township 9 South, Range 15 East
 Jackson County

49821

see Revised
 Drainage Area
 Map



1:24,000



Proposed Place of Diversion **UNACCEPTABLE PRIORITY**
 All known landowners adjacent to the stream
 within one-half mile upstream and downstream
 of the property lines have been shown.

● Proposed Point of Diversion

KS DEPT OF AGRICULTURE

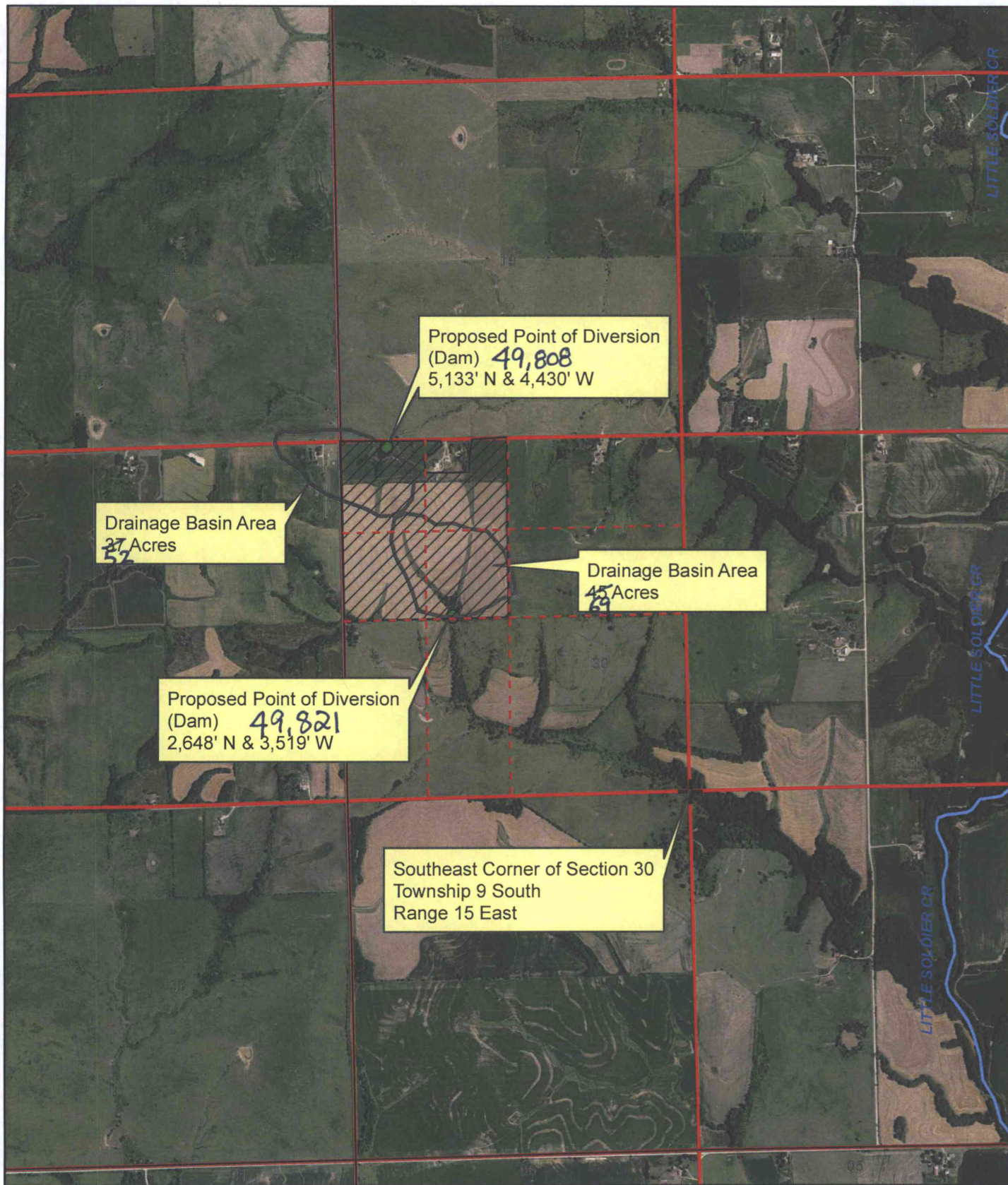
Steven W. Albright

SCANNED



STEVEN W. ALBRIGHT - NEW APPLICATION
Section 30, Township 9 South, Range 15 East
Jackson County

49821



Proposed Point of Diversion (Dam) **49,808**
5,133' N & 4,430' W

Drainage Basin Area
37 Acres

Drainage Basin Area
45 Acres

Proposed Point of Diversion (Dam) **49,821**
2,648' N & 3,519' W

Southeast Corner of Section 30
Township 9 South
Range 15 East



Proposed Place of Use



Proposed Point of Diversion

1:24,000

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

SCANNED

