

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

1. File Number: <p style="text-align: center;">49,914</p>	2. Status Change Date: <p style="text-align: center;">3/8/2018</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 60848 Add Seq# _____</p> <p>HOWARD FARMS INC 1606 280TH ST HIAWATHA KS 66434</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 65744 Add Seq# _____</p> <p>WILSON FAMILY TRUST ETAL 1108 WENTLEY DR HIAWATHA KS 66434</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. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>MIDWEST IRRIGATION % KEITH GRIMM 2991 GOLDFINCH RD HIAWATHA KS 66434 8371</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="text-align: center;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2019</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: _____			
*NOTE: THIS IS A SURFACE WATER STORAGE AND REDIVERSION APPLICATION.		Date Prepared: 1/30/2018 By: DWS Date Entered: 3/12/2018 By: UM	

File No. **49,914** 15. Formation Code: Drainage Basin: SF BIG NEMAHA RIVER County: BR Special Use: Stream: SPRING BRANCH TRIB 2 (SF BIG NEMAHA)

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	
√			86357	NW NE SE	32	1	17E	3	2527	1200	2000	282	2000	282	NONE

18. Storage: Rate **NF** Quantity **282** ac/ft Additional Rate **NF** Additional Quantity **282** 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					
MOD			68566	32	1	17E	2					40	40	4.7	34	40	40	40	32	270.7	7a.	No	NONE					
√			68567	32	1	17E	3			10				8	8													

Comments:

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

TO: Files

DATE: January 30, 2018

FROM: Doug Schemm

RE: Application, File No. 49,914

Howard Farms, Inc. has filed the application referred to above for a permit to appropriate 282 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir located in the Southeast Quarter of Section 32, in Township 1 South, Range 17 East, Brown County, Kansas. The dam is located on Spring Branch Trib 2 (SF Big Nemaha). The point of diversion is located on property owned by the applicant, and the application form has been signed stating they have legal access to the point of diversion. The place of use is partly owned by the applicant and partly owned by the Wilson Family Trust, etal, and it comprises a total of 296.7 acres. There are no other overlapping files in point of diversion or place of use.

Runoff computations are not necessary because with a drainage area in excess of 1,000 acres, in this area of the state, it will certainly generate a runoff quantity in 1 out of every five (5) years (a 20% chance), of greater than 282 acre-feet. Nearby files have shown that 18" of run-off is a typical value. Therefore, per K.A.R. 5-6-5, this quantity IS NOT the limiting factor, and the application can be processed with the requested storage quantity of 282 acre-feet. The requested quantity of water for direct use (rediversion) of 282 acre-feet for irrigation use on 296.7 acres, provides 0.95 acre-feet per acre, which is just slightly less than the maximum allowable per acre in Brown County, Kansas of 1.0 AF/acre, per K.A.R. 5-3-24. The proposed direct use quantity of 282 acre-feet, is equivalent to 3.4 times the capacity, which is well within the normal "rule of thumb" of direct use quantity being no more than 5 times capacity for reasonable storage quantity.

The applicant identified that the co-owner of the place of use owns the property downstream of the place of use, and one upstream landowner is within one-half ($\frac{1}{2}$) mile of the property lines. A nearby landowner letter was sent out on November 21, 2017, and no response was received. In addition, the reservoir is located within the South Fork Big Nemaha basin, which drains toward the Sac and Fox Nation of Missouri in Kansas and Nebraska. Therefore, a notification letter was sent to the Sac and Fox Nation of Missouri in Kansas and Nebraska, and the Bureau of Indian Affairs on December 21, 2017, giving them 30 days to provide comments. No response of any kind was received from the Sac and Fox Nation. There are multiple other surface water rights within a two-mile radius according to the WRIS database. All but one of these senior files also authorizes storage in reservoirs, and they are all located on different streams. No senior water rights will be impaired with approval of this application.

The proposed structure was reviewed by DWR Water Structures Program staff, under File No. DBR-0359/LBR-0027, and they determined that it qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1) (see October 24, 2017 letter from Bridget Paulk). However, the letter does state that a floodplain fill permit is required prior to the start of construction. The applicant's floodplain fill permit, Structures File No, LBR-0027 will be signed in conjunction with the new application approval. As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (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. Since this is a proposed, new reservoir, a Special Condition on the Permit will be needed to provide an initial fill quantity of 84 acre-feet (capacity).

In a January 30, 2018 email, 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 applicant has obtained the necessary permit from the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

March 12, 2018

HOWARD FARMS INC
1606 280TH ST
HIAWATHA KS 66434

Re: Appropriation of Water, File No. 49,914

FILE COPY

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the 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
Wilson Family Trust Etal
Midwest Irrigation



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. 49,914** of the applicant

**HOWARD FARMS INC
1606 280TH ST
HIAWATHA KS 66434**

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 **September 25, 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	
32 1S 17E			10				8	8	40	40	4.7	34	40	40	40	32	296.7

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Spring Branch, designated in the office of the Chief Engineer as Spring Branch Trib 2 (SF Big Nemaha), 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 **282 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW¼ NE¼ SE¼) of Section 32, more particularly described as being near a point 2,527 feet North and 1,200 feet West of the Southeast corner of said section, in Township 1 South, Range 17 East, Brown County, Kansas, to provide **282 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 **2000 gallons per minute (4.46 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **84 acre-feet** of water may also be diverted to complete the initial filling of the reservoir only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoir shall require authorization under a term permit.

5. That installation of works for diversion of water shall be completed on or before **December 31, 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.
6. 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.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That 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.
12. 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).
13. 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.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. 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.

16. 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:

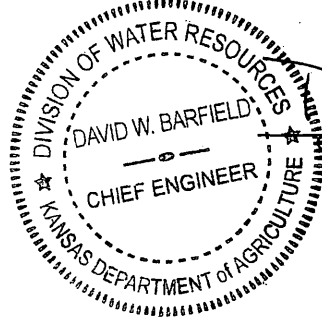
- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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 9th day of March, 2018, in Topeka, Shawnee County, Kansas.



David W. Barfield
 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 9th day of March, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
 Notary Public

CERTIFICATE OF SERVICE

On this ~~12th~~ day of ~~March~~, 2018, I hereby certify that the foregoing Approval of Application, File No. 49,914, dated ~~March 8, 2018~~ was mailed postage prepaid, first class, US mail to the following:

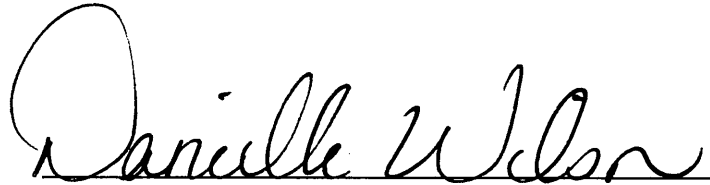
HOWARD FARMS INC
1606 280TH ST
HIAWATHA KS 66434

With photocopies to:

WILSON FAMILY TRUST ETAL
1108 WENTLEY DR
HIAWATHA KS 66434

MIDWEST IRRIGATION
% KEITH GRIMM
2991 GOLDFINCH RD
HIAWATHA KS 66434 8371

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

1/25/2018

Reviewer: DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49914
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

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.)

SEP 25 2017

11:35

KS DEPT OF AGRICULTURE

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

- 1. Name of Applicant (Please Print): Howard Farms
Address: 1606 280th st
City: Hiawatha KS State KS Zip Code 66441
Telephone Number: (785) 741 4516 hfarmsinc@gmail.com spring Branch Trib 2#
2. The source of water is: [x] surface water in unam tributary to Walnut in Big Nemaha Basin # 2996
OR [] groundwater in SF Big Nemaha (drainage basin)

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

- 3. The maximum quantity of water desired is Storage 282 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 2000/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) [x] 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. GMD - Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County BR By AM Date 9-25-17
Code REZ Fee \$ 300 TR # Receipt Date 9-25-17 Check # 4768

* ASW/DWR 9/28/17

SCANNED

9/28/2017 CWJ

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 NW quarter of the NE quarter of the SE quarter of Section 32, more particularly described as being near a point 2527 feet North and 1200 feet West of the Southeast corner of said section, in Township 1 South, Range 17 East/West (circle one), Brown 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):

Same

 (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 Sept 22, 2017. [Signature]
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 Pond & Pump

 (number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) July 1st 2018

 (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 July 1st 2018

 (Mo/Day/Year)

SEP 25 2017

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. Attached 1050 Ac Drainage

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

- If yes, show the Water Structures permit number here LBR-0027
- If no, explain here why a Water Structures permit is not required _____

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

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

SEP 25 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 / agent
(owner, tenant, agent or otherwise)

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

Wilson Family Trust ETal 1108 Wentley Drive Hiawatha KS 66434
(name, address and telephone number) 785-741-4889

(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 Hiawatha, Kansas, this 22 day of Sept, 2017.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Keith Grimm MWI, LLC Date: _____
(office/title)

WATER RESOURCES RECEIVED

SEP 25 2017

KS DEPT OF AGRICULTURE

SCANNED

* Revised PU description based on
 Site map. DWS/DWR 11/21/17

IRRIGATION USE
 SUPPLEMENTAL SHEET

File No. 49914

Name of Applicant (Please Print): Howard Farms

1: Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Howard Farms
 ADDRESS: 1606 280th st Hiawatha KS 66434

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
32	1 ^s	17 ^E										40	40	4.7	34	40	40	40	32	256.7 270.7

*

Landowner of Record NAME: Wilson Family trust Etal
 ADDRESS: 1108 Wentley Dr Hiawatha KS 66434

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
32	1	17			10				8	8										26

Total
~~282.7~~
 296.7 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		

WATER RESOURCES
 RECEIVED

SEP 25 2017

SCANNED

Schemm, Doug [KDA]

Subject: FW: 49914 - Howard Farms

From: Tietsort, Katie [KDA]
Sent: Tuesday, January 30, 2018 9:47 AM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Cc: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: 49914 - Howard Farms

Doug,

TFO has no objections to approval of this one. The Sac and Fox Nation has been notified, as we agreed, and it appears ready to move forward as it meets all applicable rules and regulations.

Please ensure that David is aware that this application is one we discussed as a pending application at the time of the meeting with the Iowa Tribe. It is the one he held the Structures Permits for and he wanted to sign together.

Thanks, Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

Achiever~Responsibility~Input~Relator~Arranger

From: Schemm, Doug [KDA]
Sent: Tuesday, January 23, 2018 11:11 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 49914 - Howard Farms

Notification letter was sent to Sac and Fox Nation on December 21, 2017 with a 30 days to comment. With 3 business days, that would put us at January 24, 2018. No response at this point.

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Thursday, December 21, 2017 7:14 AM
To: 'tcarnes@sacandfoxcasino.com'; 'kburnison@sacandfoxcasino.com'
Cc: 'antoinette.houle@bia.gov'; Tietsort, Katie [KDA]; Letourneau, Lane [KDA]
Subject: Howard Farms File No. 49,914
Attachments: 49914 Notification Letter.docx

Good Morning,

This is a pending application for a proposed reservoir.

The application is available for review on our website at:

<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

Have a great day, please let me know if you have any questions,

Doug



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) 296-8298
www.agriculture.ks.gov
Sam Brownback, Governor

December 21, 2017

SAC AND FOX NATION OF MISSOURI IN
KANSAS AND NEBRASKA
TIANA CARNES CHAIRPERSON
KEVIN BURNISON EXECUTIVE DIRECTOR
305 N MAIN ST
RESERVE KS 66434

Re: Pending Application, File No. 49,914

Dear Sir or Madam:

This is to advise you that Howard Farms has filed the application referred to above for a permit to appropriate 282 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 282 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW¹/₄ NE¹/₄ SE¹/₄) of Section 32, in Township 1 South, Range 17 East, Brown County, Kansas. Please note that the structure has been assigned Structures Program File No. LBR-0027.

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 can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

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

#49,914

Schemm, Doug [KDA]

From: Phillips, Janelle [KDA]
Sent: Thursday, December 7, 2017 9:13 AM
To: Schemm, Doug [KDA]
Cc: Baum, Kristen [KDA]
Subject: RE: WSN: DBR-0359/LBR-0027 - Howard Farms

LBR-0027 was forwarded to the Chief for signature yesterday.

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

Analytical-Consistency-Learner-Discipline-Deliberative

From: Schemm, Doug [KDA]
Sent: Thursday, December 07, 2017 9:11 AM
To: Phillips, Janelle [KDA]
Subject: WSN: DBR-0359/LBR-0027 - Howard Farms

Good Morning Janelle,
This is a Keith Grimm file that is exempt from Dam, but needs a floodplain fill. Have you received anything from Keith yet?
Have a great day,
Doug



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

November 21, 2017

BRYN PLEASANT FARMS INC
% EUGENE SWEARINGEN
1886 270TH ST
HIAWATHA KS 66434

Re: Pending Application, File No. 49,914

Dear Sir or Madam:

This is to advise you that Howard Farms has filed the application referred to above for a permit to appropriate 282 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 282 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 32, in Township 1 South, Range 17 East, Brown 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 points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

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,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Howard Farms
Keith Grimm – MWI, LLC

#49,914

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

October 24, 2017

Howard Farms
1606 280th Street
Hiawatha, KS 66434

RE: Low Hazard Dam Registration/Floodplain Fill Required
WSN: DBR-0359/LBR-0027

Dear Dam Owner,

Please accept this letter as confirmation that your proposed dam is exempt from the dam safety permit requirements specified in K.S.A. 82a-301(a), and your proposed dam location has been registered in our records.

You reported that your proposed dam is located in the NW1/4 of the NE1/4 of the SE1/4 of Section 32, Township 1 South, Range 17 East in Brown County. You also reported that the proposed dam has a height of 29.9 feet, and a storage volume of 108.8 acre-feet at the emergency spillway elevation. We verified that your proposed dam qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1), however, it is located in a FEMA mapped floodplain. Please submit a floodplain fill application for review under K.S.A. 24-126. A permit must be issued prior to construction. Water structure number LBR-0027 has been assigned for the proposed fill. This class A dam exemption does not relieve you from complying with other local, state, or federal requirements which may apply.

Please note that your dam may be reclassified to a hazard class B or C in the future because of improvements or changes on downstream properties. If that occurs, you will be required to obtain a dam safety permit for the existing dam. This may require redesign and partial reconstruction of the dam to meet applicable dam safety standards.

Please contact me at 785-564-6655 or Kimberly Hunninghake, at 785-564-6652 if you have any questions.

Sincerely,

Bridget Paulk
Dam Safety Engineering Associate

PC: Doug Schemm – Topeka Field Office
Keith Grimm

Howard Farms
49,914

Schemm, Doug

From: Hunninghake, Kimberly
Sent: Thursday, October 19, 2017 11:47 AM
To: Keith Grimm
Cc: Phillips, Janelle; Schemm, Doug; Paulk, Bridget
Subject: FW: Howard's (DBR-0359)

Keith,

Howard's dam will be exempt from dam permit; however, a stream obstruction and floodplain fill permit is required since it is on a drainage greater than 640 acres and in a FEMA defined floodplain. Please send your application to Janelle Philip's in our office. Her contact information is Janelle.Phillips@ks.gov and 785-564-6656.

Thanks,
Kim

From: Hunninghake, Kimberly
Sent: Wednesday, October 18, 2017 12:50 PM
To: Keith Grimm <Keith@mwivalley.com>
Subject: RE: Howard's

I received your message from Cindy yesterday. At this point, we do not see any red flag. I hope to get something back to you soon.

Thanks,
Kim

From: Hunninghake, Kimberly
Sent: Friday, October 6, 2017 2:43 PM
To: 'Keith Grimm' <Keith@mwivalley.com>
Subject: RE: Howard's

Hey Keith! Sorry to hear about your back.....sounds kind of serious. Glad to hear you are feeling better. Hope you continue to heal fast and there are no further surgeries needed.

Yes, we did receive your information for Howard Farms on September 25th. It has been assigned to a reviewer. We will let you and appropriations know when our review is complete.

Thanks,
Kim

From: Keith Grimm [<mailto:Keith@mwivalley.com>]
Sent: Friday, October 6, 2017 11:57 AM
To: Hunninghake, Kimberly <Kimberly.Hunninghake@ks.gov>
Subject: Howard's

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49914 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49914 00 IRR

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

2527 Feet North and 1200 Feet West of the Southeast Corner of Section 32 T 1S R 17E

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__ 46830 00 SED NK S      6989 -- NE SW NW 3608 4075 29 1 17E 1      .00      .00 AF
***** Authorized storage =      3.50 AF Additional storage =      3.50 AF
Same          4024 -- NW SW NW 3657 5062 32 1 17E 2
***** Authorized storage =      31.50 AF Additional storage =      31.50 AF
Same          5084 -- NW SW NW 3640 4121 5 2 17E 3
***** Authorized storage =      15.80 AF Additional storage =      15.80 AF
Same          8359 -- NE NW NE 4730 1360 8 2 17E 1
***** Authorized storage =      8.80 AF Additional storage =      8.80 AF
A__ 47683 00 IRR LR S      8359 -- NE NW NE 4730 1360 8 2 17E 1      137.00 137.00 AF
Same          9758 -- NE SW NE 3330 1325 8 2 17E 5
***** Authorized storage =      .00 AF Additional storage =      .00 AF
A__ 48435 00 IRR LO S      7785 -- SW SE NE 2880 1288 30 1 17E 1      77.00 77.00 AF
A__ 49914 00 IRR AY S        0 -- NW NE SE 2527 1200 32 1 17E 3      282.00 282.00 AF
A__ 49945 00 IRR AY S      7509 -- NE SE NW 3733 2744 28 1 17E 2      150.00 150.00 AF
=====

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=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      432.00      .00
Total Permitted Amount (AF) =          .00      .00
Total Inspected Amount (AF) =      214.00      316.40
Total Pro_Cert Amount (AF) =          .00      .00
Total Certified Amount (AF) =          .00      59.60
Total Vested Amount (AF) =          .00      .00
TOTAL AMOUNT (AF) =      646.00      376.00
=====

```

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:

2527 Feet North and 1200 Feet West of the Southeast Corner of Section 32 T 1S R 17E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 46830 00 SED NK S
> WALNUT CREEK WATERSHED JOINT DIST #1
>
> 532 S 7TH ST
> HIAWATHA KS 66434
>-----
A__ 47683 00 IRR LR S
> KENNETH C & NANCY S BABCOCK
>
> 1858 220TH ST

```

> HIAWATHA KS 66434

>-----

A__ 48435 00 IRR LO S

> DENNIS D & JENNIFER J PYLE

>

> 2979 KINGFISHER RD

> HIAWATHA KS 66434

>-----

A__ 49914 00 IRR AY S

> HOWARD FARMS INC

>

> 1606 280TH ST

> HIAWATHA KS 66434

>-----

A__ 49945 00 IRR AY S

> STEPHEN R WILSON

>

> 1108 WENTLEY DR

> HIAWATHA KS 66434

>-----

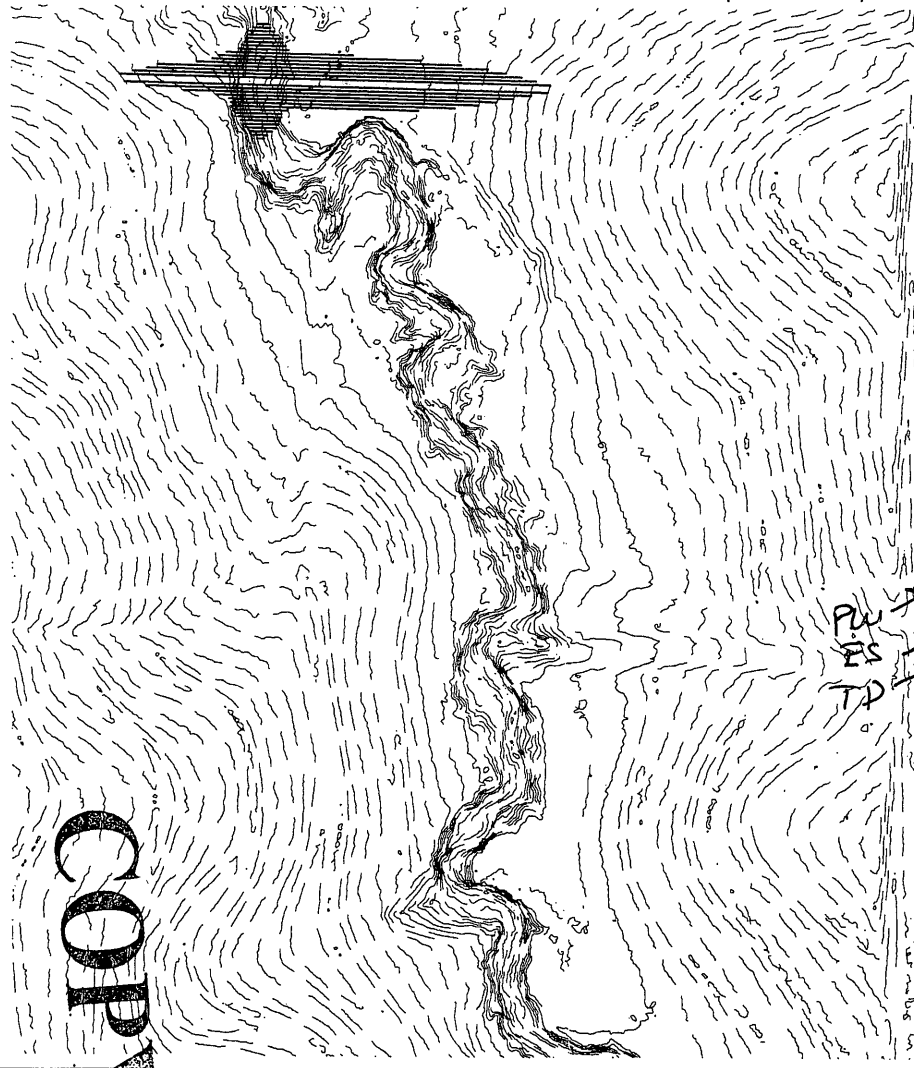
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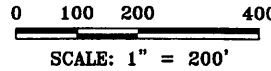
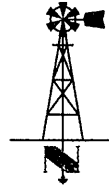
49914

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southeast One-Quarter of Section 32,
Township 1 South, Range 17 East of the
Sixth Principal Meridian, Brown County, Kansas



Contour	Area	1' Volume	Total Volume	Ac. Ft.	Embankment	Height
983	-	-	-	-	-	-
984	2,178.12	1,089.06	1,089.060	0.0250		1.65
985	7,883.72	5,030.92	6,119.980	0.1405		2.65
986	12,003.73	9,943.73	16,063.705	0.3688		3.65
987	16,270.24	14,136.99	30,200.690	0.6933		4.65
988	21,867.11	19,068.68	49,269.365	1.1311		5.65
989	29,608.81	25,737.96	75,007.325	1.7219		6.65
990	37,125.27	33,367.04	108,374.365	2.4879		7.65
991	45,655.54	41,390.41	149,764.770	3.4381		8.65
992	56,323.22	50,989.38	200,754.150	4.6087		9.65
993	68,129.88	62,226.55	262,980.700	6.0372		10.65
994	78,934.67	73,532.28	336,512.975	7.7253		11.65
995	89,410.47	84,172.57	420,685.545	9.6576		12.65
996	103,480.22	96,445.35	517,130.890	11.8717		13.65
997	115,235.58	109,357.90	626,488.790	14.3822		14.65
998	128,545.18	121,890.38	748,379.170	17.1804		15.65
999	140,313.07	134,429.13	882,808.295	20.2665		16.65
1000	154,042.39	147,177.73	1,029,986.025	23.6452		17.65
1001	173,140.35	163,591.37	1,193,577.395	27.4008		18.65
1002	197,514.19	185,327.27	1,378,904.665	31.6553		19.65
1003	231,425.83	214,470.01	1,593,374.675	36.5788		20.65
1004	261,250.25	246,338.04	1,839,712.715	42.2340		21.65
1005	295,884.46	278,567.36	2,118,280.070	48.6290		22.65
1006	331,810.04	313,847.25	2,432,127.320	55.8340		23.65
1007	375,674.19	353,742.12	2,785,869.435	63.9548		24.65
1008	423,248.38	399,461.29	3,185,330.720	73.1251	7,241	25.65
1009	479,570.59	451,409.49	3,636,740.205	83.4881	PW	26.65
1010	549,314.30	514,442.45	4,151,182.650	95.2980		27.65
1011	630,340.20	589,827.25	4,741,009.900	108.8386	ES	28.65
1012	707,945.13	669,142.67	5,410,152.565	124.2000	12,774	29.65
1013	789,306.55	748,625.84	6,158,778.405	141.3861		30.65
1014	872,949.19	831,127.87	6,989,906.275	160.4662	16,465	31.65



General Notes for Site:
No field verification of LIDAR done.
Front toe of stream obstruction elevation: 983.04'
Rear toe of stream obstruction elevation: 982.35'
Assumed top of structure width: 12'
Assumed front and back slope: 3:1

LAND SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS SURVEY WAS DONE BY THE UNDERSIGNED, AND THAT THE SURVEY WAS DONE ON THE GROUND ON _____

WATER RESOURCES RECEIVED



THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED.
ORIGINAL DRAWING SIZE: 1 INCH

JORGENSEN SURVEYING
73051 617 Ave
Tecumseh, NE 68450
(402) 335-2033
jorgensensurveying@gmail.com

Stream Obstruction

SE 1/4 Sec 32, T1S, R17E
Brown County, Kansas

PREPARED FOR
MWI - Howard

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	09/20/17

SHEET 1 OF 2
JOB NO. 5262.76

SEP 25 2017

KS DEPT OF AGRICULTURE

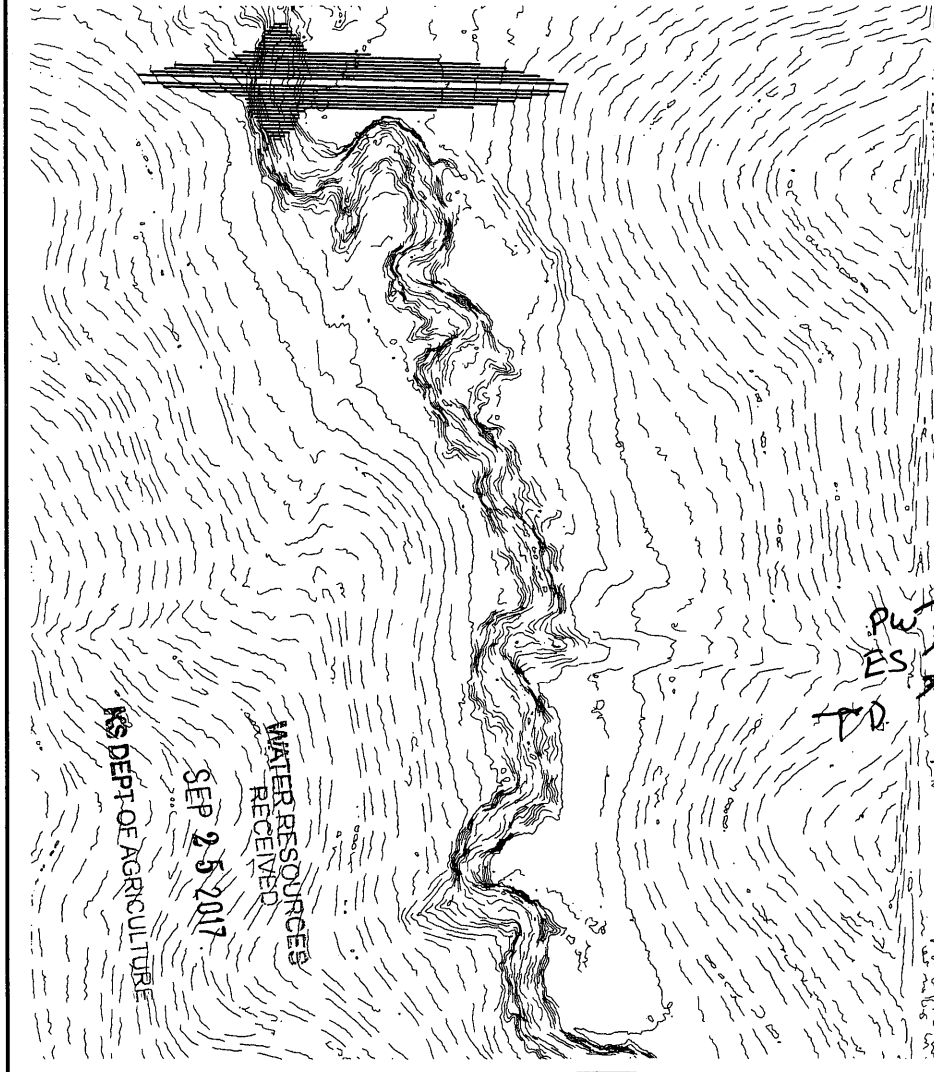
SCANNED

COPY

49914

TOPOGRAPHIC SURVEY

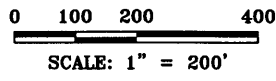
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997	115,235.58	109,357.90	626,488.790	14.3822		14.65
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1007	375,674.19	353,742.12	2,785,869.435	63.9548		24.65
1008	423,248.38	399,461.29	3,185,330.720	73.1251	7,241	25.65
1009	479,570.59	451,409.49	3,636,740.205	83.4881		26.65
1010	549,314.30	514,442.45	4,151,182.650	95.2980		27.65
1011	630,340.20	589,827.25	4,741,009.900	108.8386		28.65
1012	707,945.13	669,142.67	5,410,152.565	124.2000	12,774	29.65
1013	789,306.55	748,625.84	6,158,778.405	141.3861		30.65
1014	872,949.19	831,127.87	6,989,906.275	160.4662	16,465	31.65



General Notes for Site:
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 Rear toe of stream obstruction elevation: 982.35'
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 THIS IS TO CERTIFY THAT THIS SURVEY
 WAS DONE BY THE UNDERSIGNED, AND
 THAT THE SURVEY WAS DONE ON THE
 GROUND ON _____



THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED.
 ORIGINAL DRAWING SIZE: 1 INCH

JORGENSEN SURVEYING
 73051 617 Ave
 Tecumseh, NE 68450
 (402) 335-2033
 jorgensensurveying@gmail.com

Stream Obstruction
 SE 1/4 Sec 32, T1S, R17E
 Brown County, Kansas
 PREPARED FOR
 MWI - Howard

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	09/20/17
SHEET	1 OF 2
JOB NO.	5262.76

SCANNED

KANSAS DEPT. OF AGRICULTURE
 WATER RESOURCES
 RECEIVED
 SEP 25 2017

49914

REGISTRATION FORM FOR EXEMPT CLASS A DAMS

K.S.A. 82a-301

"Dam" means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of six feet or greater and a storage volume at the top of the emergency spillway elevation of 50 or more acre-feet. The prior written consent or permit of the chief engineer shall not be required for construction or modification of a hazard class A dam that:

1. has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre feet, **and the dam location and dimensions have been registered with the division of water resources in a written form prescribed by the chief engineer; or**
2. is a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto.

Complete the following information to satisfy the registration for exempt low, hazard class A dams defined in K.S.A. 82a-301(d)(1).

Dam owner information

Name: Howard Farms
 Mailing Address: 1606 280th St
 Phone: 785-741-4516
 E-mail Address: hfarmsinc@gmail.com

Legal description of location: The location of the proposed dam is (use intersection of project centerline and stream centerline): NW quarter of the NE quarter of the SE quarter of Section 32, more particularly described as being near a point 2527 feet North and 1200 feet West of the Southeast corner of said section, in Township 1 South, Range 17 (East/West) Brown County, Kansas, across, along, or in (stream or watercourse name): unamed tributary to Walnut Creek Big Nemah River

WATER RESOURCES RECEIVED

Drainage area (acres): 1050
 Use intersection of dam centerline and stream centerline as drainage area point.

SEP 25 2017

Dam height (feet): 29.9 FT
 The height of a dam or barrier shall be measured from the lowest elevation of the streambed, downstream toe or outside limit of the dam to the elevation of the top of the dam.

KS DEPT OF AGRICULTURE

Area capacity table: Please attach a reservoir area capacity table for the dam. The table identifies the number of acres enclosed by each contour within the reservoir area and the total storage capacity of the reservoir in acre-feet at the elevation of each contour. The data shall be compiled for all contours in the reservoir up to the elevation of the top of the dam. Computations of capacity shall be based on the natural topography of the reservoir basin but may include the volume of any excavation in the reservoir made during construction of the dam. **The storage in acre-feet must be shown in the table for the proposed emergency spillway elevation. This will be used to identify the jurisdiction of the dam.** Attached

Location map: Submit a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the location and layout of the proposed dam, the location of the stream, and the property lines. The distance from the North-South distance and the East-West distance from a section line or southeast corner of section should be marked on the map along with a north arrow and map scale. Attached

Hazard class determination: List any homes, businesses, highways, improved roads, railroads, camp grounds, recreational facilities, or public utilities located downstream from the dam that could be inundated if the dam fails. None

COPY

SCANNED

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

September 27, 2017

HOWARD FARMS
1606 280TH ST
HIAWATHA KS 66934

FILE COPY

RE: Application
File No. 49914

Dear Sir or Madam:

Your application for permit to appropriate water in 32-1S-17E in Brown County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED