

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49976
This item to be completed by the Division of Water Resources.

**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.)

WATER RESOURCES
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JAN 22 2018
12:39

KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Kevin Spencer
Address: 3960 Rock Crk Rd
City: Rantoul State KS Zip Code 66079
Telephone Number: (785) 241-1236

2. The source of water is: surface water in unnamed Tributary To Marais des Cygnes River Trib 20 (stream) #3930
OR groundwater in Marais Des Cygnes River (drainage basin)

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

3. The maximum quantity of water desired is 320 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G County FR By AW Date 1/22/18
Code REZ Fee \$ 300 TR # _____ Receipt Date 1/22/18 Check # 1073

2/5/2018 LW

NEW STREAM WORKSHEET

ES ajw

Date: 2/5/18

File No. 49976

Basin Name: MaraisDes Cygnes Basin No. 3

Stream Name: MaraisDes Cygnes Trib 20

Stream location (confluence with parent stream):

Section 22, Township 17 South, Range 21 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3930 (computer assigned - entered by data entry staff)

Date Entered 2/5/2018 By UM

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 NE quarter of the SE quarter of the NE quarter of Section 25, more particularly described as being near a point 33/4 feet North and 160 feet West of the Southeast corner of said section, in Township D South, Range 20 (East/West (circle one)), Franklin 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.

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6. The owner of the point of diversion, if other than the applicant is (please print):

Spencer Farms LLC same. JAN 22 2018
(name, address and telephone number)

(name, address and telephone number) **KS DEPT OF AGRICULTURE**

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 1/13/18, 20____. [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 and 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)

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. 175 Acre Drainage Table Attached

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No Low hazard Dam, under 30ft tall and under 125 Ac/FS

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____
Low hazard Below 30ft under 125 Ac/ft to FS

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

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13. ^{NA} 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):
same

(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 Haworth, Kansas, this 12 day of January, 2018
(month) (year)

[Signature]

(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

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Assisted by [Signature] MAT Date: 1/13/18
(office/title)

Kevin Spencer Permit.

3960 Rock Creek Rd

Rantoul Ks 66079

Owens the 446acres

Actual acre ft on permit will be reduced to what ever drainage can provide

Apx 175acres Drainage

Section 25 township 17 south Range 20East

Top dam 29.96ft Elvation 993

Emergency spillway 992elvation 91ac/ft water

Primary spillway 991 elvation 80.74ac/ft water

½ Mile down stream

**FAUSER, JANET SUE & REESE, ALLEN DREW
4128 ROCK CREEK RD RANTOUL, KS 66079-9048.**

**BRIGDON, MIKE & STACY
1233 E SLEEPY HOLLOW DR OLATHE, KS 66062-2224**

**GRANT, KARL W TRUST
4238 ROCK CREEK RD RANTOUL, KS 66079-9049**

1/2mile up stream

**RANKLIN HOLDINGS LLC
14515 SERRANO CREEK LN HUMBLE, TX 77396-3768**

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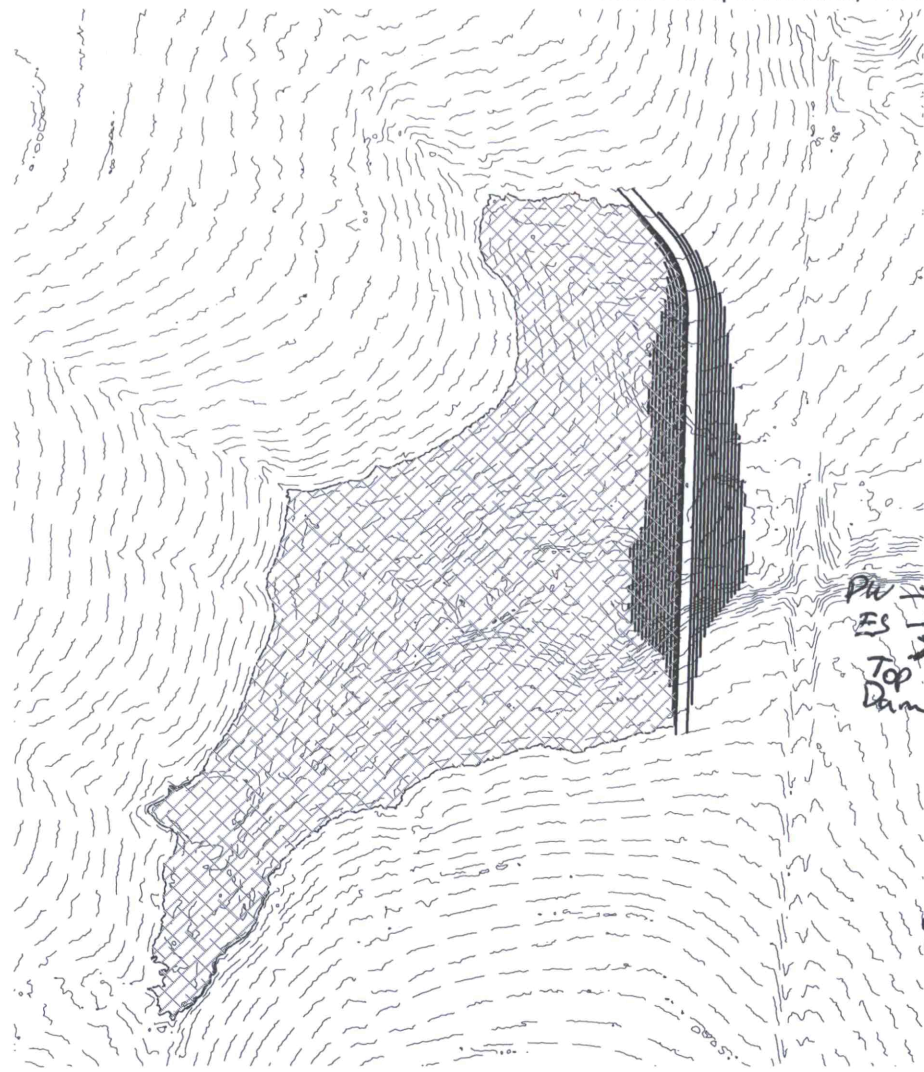
KS DEPT OF AGRICULTURE

499774

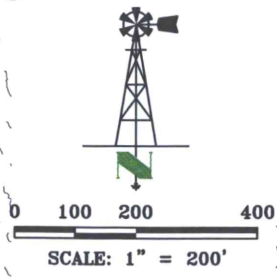
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TOPOGRAPHIC SURVEY
Compute Proposed Stream Obstruction Volume in the East One-Half of Section 25,
Township 17 South, Range 20 East of the
Sixth Principal Meridian, Franklin County, Kansas



Contour	Area	1' Volume	Total Volume	Ac. Ft.	Embankment	Height
965						
966	480.62	240.31	240.310	0.0055		2.96
967	1,341.03	910.83	1,151.135	0.0264		3.96
968	7,431.62	4,386.33	5,537.460	0.1271		4.96
969	13,391.63	10,411.63	15,949.085	0.3661		5.96
970	20,170.48	16,781.06	32,730.140	0.7514		6.96
971	27,755.08	23,962.78	56,692.920	1.3015		7.96
972	33,562.72	30,658.90	87,351.820	2.0053		8.96
973	42,755.39	38,159.06	125,510.875	2.8813		9.96
974	52,388.83	47,572.11	173,082.985	3.9734		10.96
975	61,525.13	56,956.98	230,039.965	5.2810		11.96
976	72,352.32	66,938.73	296,978.690	6.8177		12.96
977	91,352.91	81,852.62	378,831.305	8.6968		13.96
978	105,049.91	98,201.41	477,032.715	10.9512		14.96
979	117,772.35	111,411.13	588,443.845	13.5088		15.96
980	130,834.81	124,303.58	712,747.425	16.3624		16.96
981	144,241.26	137,538.04	850,285.460	19.5199		17.96
982	159,383.28	151,812.27	1,002,097.730	23.0050		18.96
983	176,828.46	168,105.87	1,170,203.600	26.8642		19.96
984	198,627.99	187,728.23	1,357,931.825	31.1738		20.96
985	224,142.03	211,385.01	1,569,316.835	36.0266		21.96
986	251,831.32	237,986.68	1,807,303.510	41.4900		22.96
987	282,211.87	267,021.60	2,074,325.105	47.6200		23.96
988	317,134.09	299,672.98	2,373,998.085	54.4995		24.96
989	354,489.70	335,811.90	2,709,809.980	62.2087		25.96
990	404,080.75	379,285.23	3,089,095.205	70.9159		26.96
991	452,024.24	428,052.50	3,517,147.700	80.7426		27.96
992	499,473.91	475,749.08	3,992,896.775	91.6643		28.96
993	543,616.88	521,545.40	4,514,442.170	103.6373	35,215	29.96
994	583,122.38	563,369.63	5,077,811.800	116.5705	38,639	30.96
995	620,562.73	601,842.56	5,679,654.355	130.3869	42,297	31.96



General Notes for Site:
No Field verification of LIDAR elevations performed.
Front toe of stream obstruction elevation: 965.72'
Rear toe of stream obstruction elevation: 963.04'
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 _____.



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
E1/2 Sec 25, T17S, R20E
Franklin County, Kansas
PREPARED FOR
MWT - Spencer Farms

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	11/27/17
SHEET	1 OF 2
JOB NO.	5262.82

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49974

Name of Applicant (Please Print): Kevin Spencer

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: Kevin Spencer

ADDRESS: 3960 Rock Creek Rd Bantow KS 66079

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	17 ^s	20 ^e	40	40	40	40	40	38	40					40	40	40	40	438	

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	



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

January 30, 2018

KEVIN SPENCER
3960 ROCK CREEK RD
RANTOUL KS 66079

RE: Application
File No. 49976

Dear Sir or Madam:

Your application for permit to appropriate water in 25-17S-20E in Franklin 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

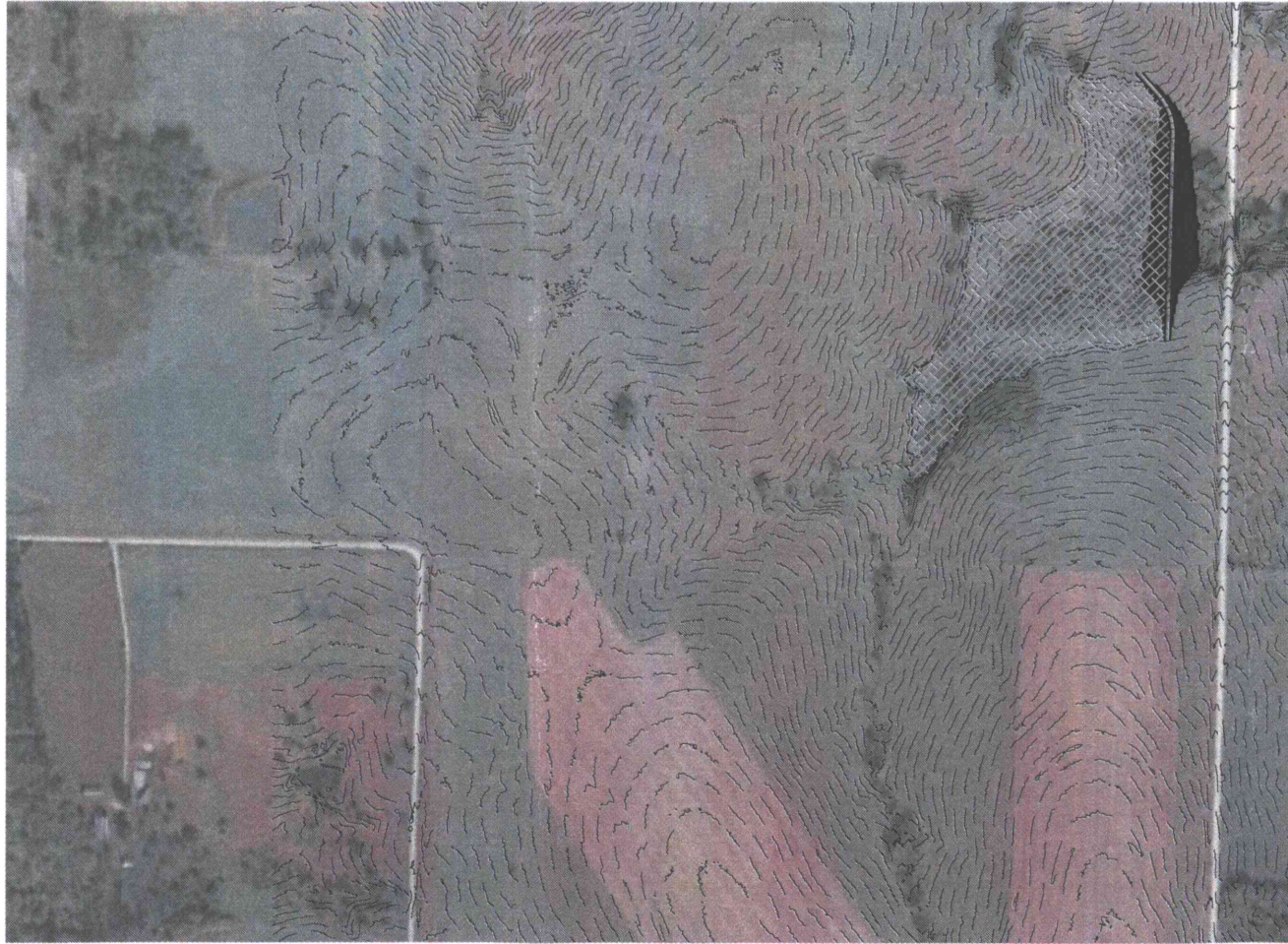
Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

49976

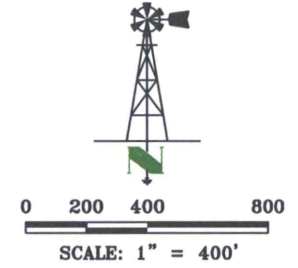
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 Sixth Principal Meridian, Franklin County, Kansas



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THIS DRAWING ORIGINALLY CREATED AT
 SPECIFIED SCALE. IF LINE DRAWING 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
 E1/2 Sec 25, T17S, R20E
 Franklin County, Kansas
 PREPARED FOR
 MWI - Spencer Farms

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	11/27/17

SHEET 2 OF 2
 JOB NO.
 5262.82



Property owned By Kevin Spencer

Section 25 Twn17S Range 20E

160ft west

3314ft north

Rock Creek Rd

Tennessee Dr

Texas Rd

Jackson Rd

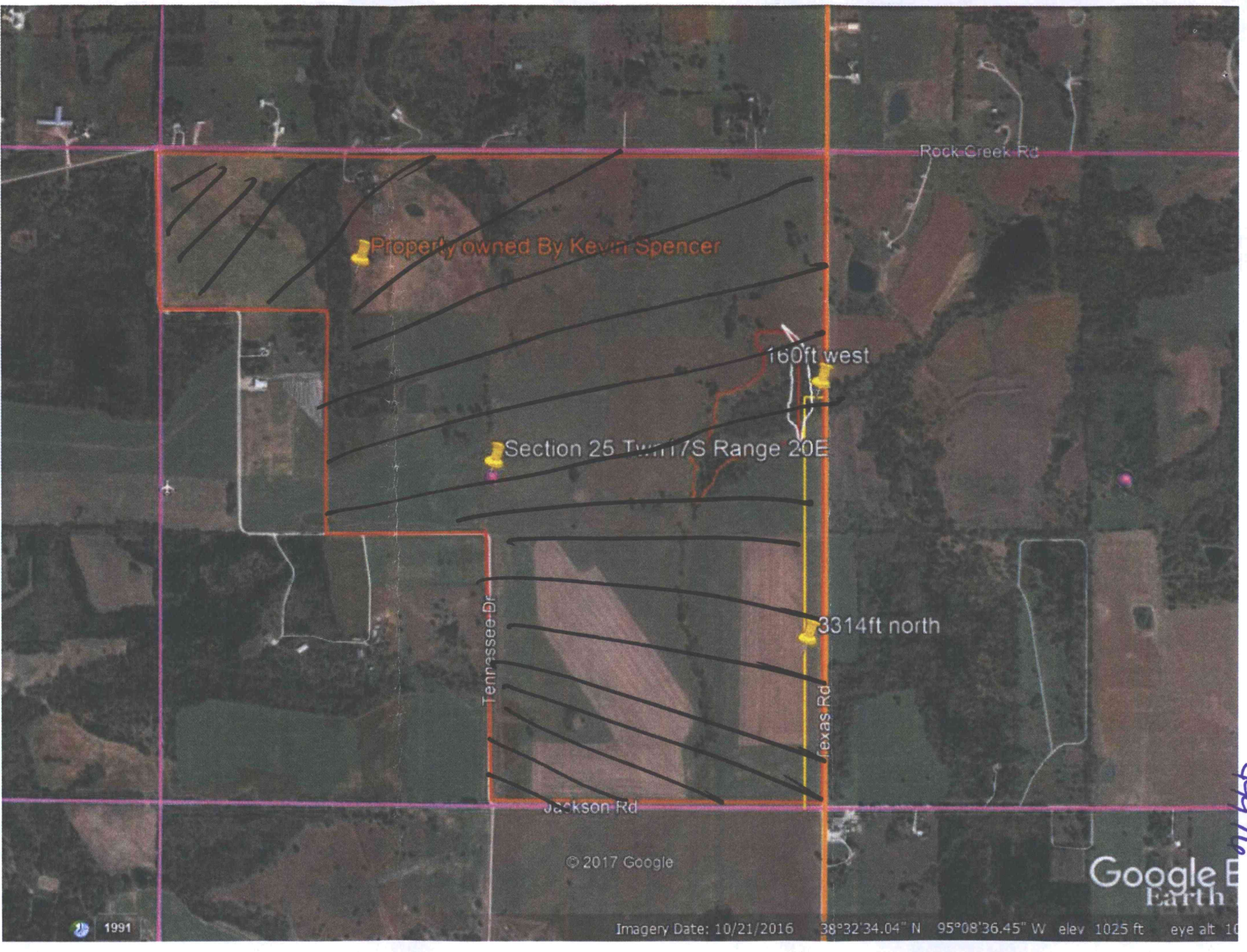
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Google Earth

1991

Imagery Date: 10/21/2016 38°32'34.04" N 95°08'36.45" W elev. 1025 ft eye alt. 10

499716



Property owned By Kevin Spencer

Section 25 Twp 17S Range 20E

160ft west

3314ft north

Tennessee Dr

Texas Rd

Jackson Rd

Rock Creek Rd

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Google Earth

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Imagery Date: 10/21/2016 38°32'34.04" N 95°08'36.45" W elev 1025 ft eye alt 10

499716