

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

1. File Number: 49,978	2. Status Change Date: 4/25/2018	3. Field Office: 01	4. GMD: 0
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

7a. Applicant(s) Person ID **65841**
New to system Add Seq# _____

**KKTGC HOLDING TRUST
218 MCKAY
FRONTENAC KS 66763**

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

7a.

7c. Landowner(s) Person ID _____

7e. Landowner(s) Person ID _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a.

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2019** 11. Perfection Date: **12/31/2023** 12. Exp Date: _____

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

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

Date Prepared: **4/4/18** By: **DWS**
Date Entered: **4/26/2018** By: **UM**

File No. **49,978** 15. Formation Code: Drainage Basin: **Neosho River** County: **NO** Special Use: Stream: **Neosho River**

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD			86570	LOT 8	32	30	21E	1	2,774	1,669

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
8,000	385	8,000	385	NONE

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

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

20. Meter Required? 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								
√			68728	32	30S	21E	2	WILDLIFE MARSH (NE) & (L-7, L-8, L-9 & L-10)																	7a	NO	NONE

Comments: *special conditions: off season diversion*

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 4, 2018

FROM: Doug Schemm

RE: Applications, File Nos. 49,978 and 49,986

KKTGC Holding Trust has filed the applications referred to above proposing to appropriate surface water from pump sites on the Neosho River, for recreational use in waterfowl marshes. These applications will allow water to be pumped directly from the Neosho River (when flows are adequate and permission is granted). The water will be used to fill and maintain water levels in the marshes (i.e. offset evaporative and seepage losses). All of the property is owned by the applicant, and a representative of the applicant has signed the application form stating they have access to the points of diversion. These are proposed new marshes and there are no overlapping files in point of diversion or place of use for either file. The two pump sites are over 3,500 feet from each other.

Application, File No. 49,978 is requesting to appropriate 385 acre-feet of surface water per calendar year, to be diverted at a maximum rate of 8,000 gallons per minute, from one (1) pump site, located in Lot 8, in the Southeast Quarter of Section 32, Township 30 South, Range 21 East, Neosho County. Note that the application was filed with the pump site in Lot 7, but the location was revised by the applicant in a subsequent e-mail. The quantity requested on Application, File No. 49,978 was based on a total marsh area of 180 acres, and one filling with 2 feet of water (180 acres x 2 feet = 360 AF), plus 25 acre-feet of evaporation, for a total of 385 acre-feet.

Application, File No. 49,986 is requesting to appropriate 230 acre-feet of surface water per calendar year, to be diverted at a maximum rate of 8,000 gallons per minute, from one (1) pump site, located in Lot 4, in the Southwest Quarter of Section 33, in Township 30 South, Range 21 East. Please note that the pump site for File No. 49,986 is located in Section 33, in Neosho County as noted, however the place of use (marsh) is located in Lots 8 and 9, and the Northeast Quarter of Section 4, Township 31 South, Labette County. The quantity requested on Application, File No. 49,986 was based on a total marsh area of 115 acres, and one filling with 2 feet of water (115 acres x 2 feet = 230 AF).

A list of nearby landowners was provided, and notification letters were sent out on March 21, 2018. A telephone call was received from Betty Cares who requested a map showing the Lot locations. Site maps for both files were e-mailed to her on March 27, 2018. Her response did not express any specific concerns related to the applications. The Cottonwood and Neosho River Water Assurance District No. 3 was also informed of the pending applications, and no response was received from them.

This approval will be subject to specific conditions, which stipulate strict requirements for direct surface water diversions. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed use of water for recreational use is typically during the fall season, and there is no need for direct diversion of water from July 1 through September 30. The applications note that water will be diverted and used for a four-month period from October through January.

The nearest downstream point of diversion is located over 2,300 feet away, and is owned by Neosho Valley Feeders. As noted above, with proper conditioning, no senior water rights will be impaired. The applicant has submitted signed and notarized Neosho River Assurance District (MDS) forms acknowledging that there may be times when diversion of water will not be allowed.

KKTGC Holding Trust
File Nos. 49,978 and 49,986
Page 2

The applicant has also applied for permits from the DWR Structures Program for levee construction. File No 49,978 is being permitted under structures File No. LNO-0144, and File No 49,986 is being permitted under structures File No. LLB-0094. There were initial deficiencies identified by Kansas Department of Health and Environment concerning File No. 49,986, related to preparation of a Stormwater Pollution Prevention Plan, the scope of the project, site inspection practices, and stabilization of the disturbed areas. The applicant has informed DWR that he has addressed all KDHE's deficiencies.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. Please note that the proposed points of diversion are both located upstream of the Parsons gage.

In an April 4, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, gave a recommendation that the applications be approved, in conjunction with the structures permitting. Based on the above discussion, the Neosho River remains open to new REC appropriations, the approvals are subject to specific conditions relative to direct surface water diversions, diversion is limited to fall "off-season" pumping, and there is no indication that existing water rights will be impaired, it is recommended that the referenced applications both be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

STATE OF KANSAS

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



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

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE
April 26, 2018

KKTGC HOLDING TRUST
% KURT TERLIP
218 MCKAY
FRONTENAC KS 66763

FILE COPY

RE: Appropriation of Water, File Nos. 49,978 and 49,986

Dear Mr. Terlip:

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 source 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 approval documents with **specific reference to Paragraph Nos. 19 and 20 requiring you to obtain permission prior to diverting water.** Water meters are required on the proposed diversion works 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. 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 a Certificate 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. 49,978** of the applicant

**KKTGC HOLDING TRUST
218 MCKAY
FRONTENAC KS 66763**

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 **January 25, 2018**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh complex located in Lot 7, Lot 8, Lot 9, Lot 10 and the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, in Township 30 South, Range 21 East, Neosho County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from the Neosho River, to be diverted at one (1) pump site located in Lot 8 of Section 32, more particularly described as being near a point 2,774 feet North and 1,669 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **8,000 gallons per minute (17.83 c.f.s.)** and to a quantity not to exceed **385 acre-feet** of water for any calendar year.
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 of \$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 of \$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 of \$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 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 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 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.
17. That diversion of natural flow shall not take place unless there is water available to satisfy all demands by senior water rights and permits.
18. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.
19. That during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

20. That during the period July 1 through September 30 each calendar year, no direct diversions of surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

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.

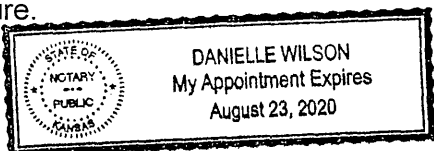
Ordered this 25th day of April, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25th day of April, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

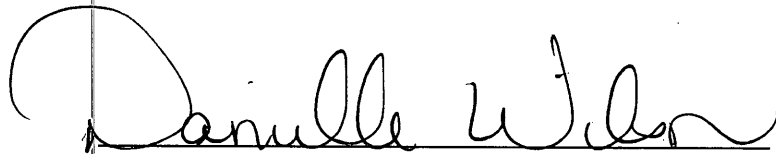
CERTIFICATE OF SERVICE

On this 26th day of April, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,978, dated April 25th, 2018 was mailed postage prepaid, first class, US mail to the following:

KKTGC HOLDING TRUST
218 MCKAY
FRONTENAC KS 66763

With photocopies to:

Topeka Field Office



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,978
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

JAN 25 2018
11:29

APPLICATION COMPLETE
315118
Reviewer KAB
DWS

**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.)

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): KKTGC Holding Trust
Address: 218 East McKay
City: Frontenac State KS Zip Code 66763
Telephone Number: (620) 249-0033

2. The source of water is: surface water in Neosho River (stream)
OR groundwater in _____ (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 385 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 8000 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.	<u>1</u>	GMD	<u>-</u>	Meets K.A.R. 5-3-1	<u>(YES / NO)</u>	Use	<u>REC</u>
Code	<u>RE3</u>	Fee	<u>\$320</u>	TR #		Source	<u>G/S</u>
		County	<u>NO</u>	By	<u>AM</u>	Date	<u>1-25-18</u>
		Receipt Date	<u>1-25-18</u>	Check #	<u>1124</u>		

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 quarter Lot 7 quarter of the quarter of Section 32, more particularly described as being near a point 2330 feet North and 280 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho 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 as applicant

(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 1-19, 2018.

[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 Pumpsite and waterfowl marsh
(number of wells, pumps or dams, etc.)
and will be completed (by) 12/31/18
(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 12/31/18
(Mo/Day/Year)

* Revised pump site Location per Applicant 3/6/18 e-mail
and map. DWS 1000 3/28/18.

File No. 49,978

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 _____ quarter Lot 8 quarter of the _____ quarter of Section 32, more particularly described as being near a point 2330 feet North and 280 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho 2774 1,669' 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 as applicant

(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 1-19, 2018.

Kent Tully
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 Pumpsite and waterfowl marsh
(number of wells, pumps or dams, etc.)

and will be completed (by) 12/31/18

(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 12/31/18
(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 _____
In process of determining structures permit requirements

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.

WATER RESOURCES
RECEIVED

JAN 25 2018

KS DEPT OF AGRICULTURE
SCANNED

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

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

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

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

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

Same as applicant
(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 PARSONS, Kansas, this 19 day of JANUARY, 2018.
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Caleb Fabrycky TFO/Parsons Date: 12/19/17
(office/title)

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 49,978

Name of Applicant (Please Print): KKTGC Holding Trust

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Wildlife habitat and waterfowl hunting.

2. Please summarize how the water will be used and justify the quantity of water requested: _____
Used to fill and maintain a marsh complex from October through January (4 months).
180 acre complex at 2 ft average depth. 5 inches net evap per year, 1/3 of the year.
 $(180 \text{ ac} \times 2 \text{ ft}) + (((5 \text{ in} \times 180 \text{ ac}) / 12) \times 0.333) = 360 \text{ AF} + 25 \text{ AF} = 385 \text{ AF per year}$

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	385
Year 2	385
Year 3	385
Year 4	385
Year 5	385

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

Recreational use for a marsh complex located in Lot 7, Lot 8, Lot 9, Lot 10, and the Northeast
Quarter (NE 1/4) of Section 32, Township 30 South, Range 21 East, Neosho County Kansas.

You may attach any additional information you believe will assist in informing the Division of the need for your request.

WATER RESOURCES
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JAN 25 2018

#49978

KKTGC HOLDING TRUST - New Application

Adjacent Landowners

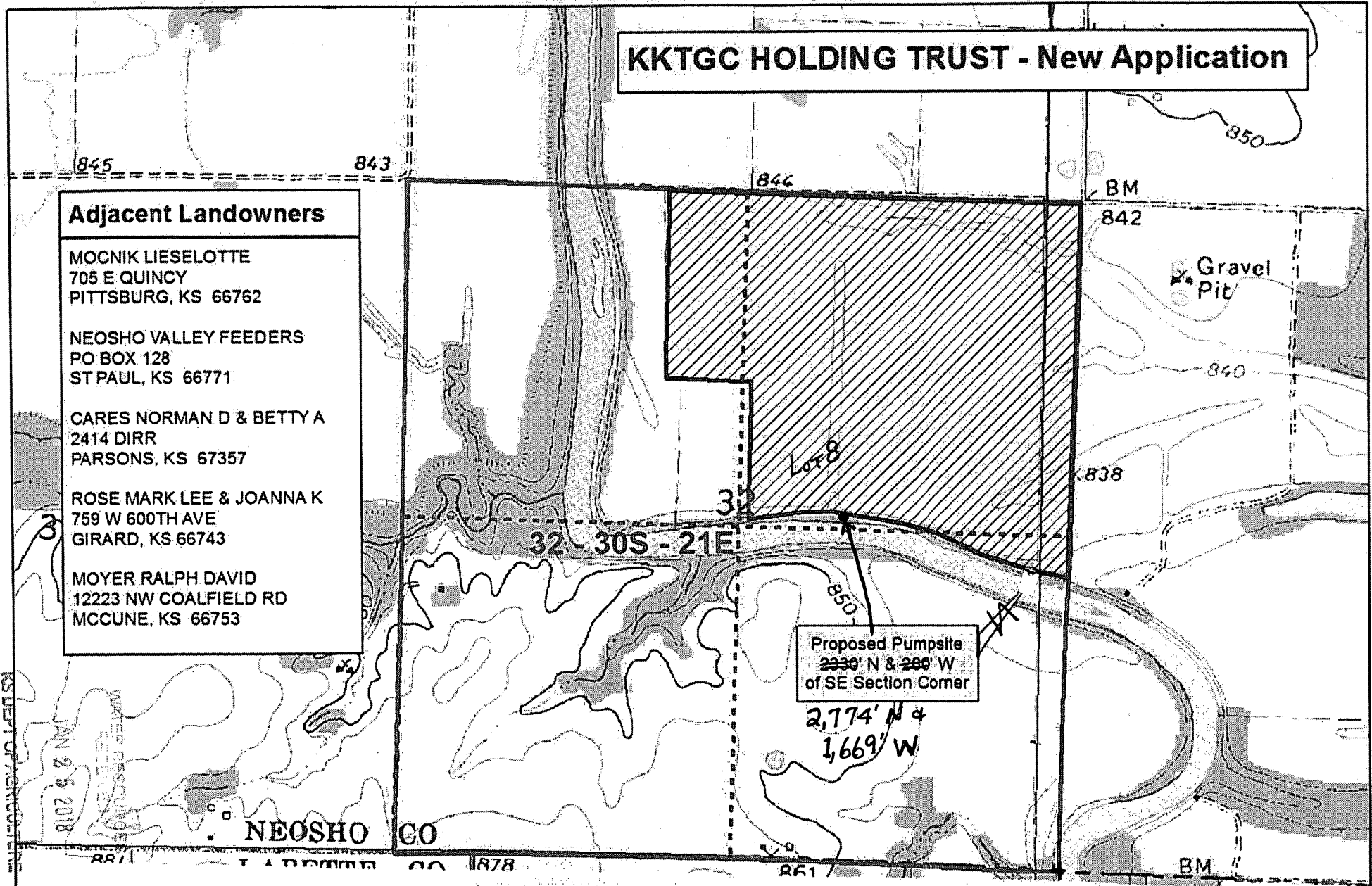
MOCNIK LIESELOTTE
705 E QUINCY
PITTSBURG, KS 66762

NEOSHO VALLEY FEEDERS
PO BOX 128
ST PAUL, KS 66771

CARES NORMAN D & BETTY A
2414 DIRR
PARSONS, KS 67357

ROSE MARK LEE & JOANNA K
759 W 600TH AVE
GIRARD, KS 66743

MOYER RALPH DAVID
12223 NW COALFIELD RD
MCCUNE, KS 66753



KS DEPT OF AGRICULTURE
JAN 28 2018



1:12,000

All landowners within 1/2 mile upstream and downstream of applicant's property lines have been identified.

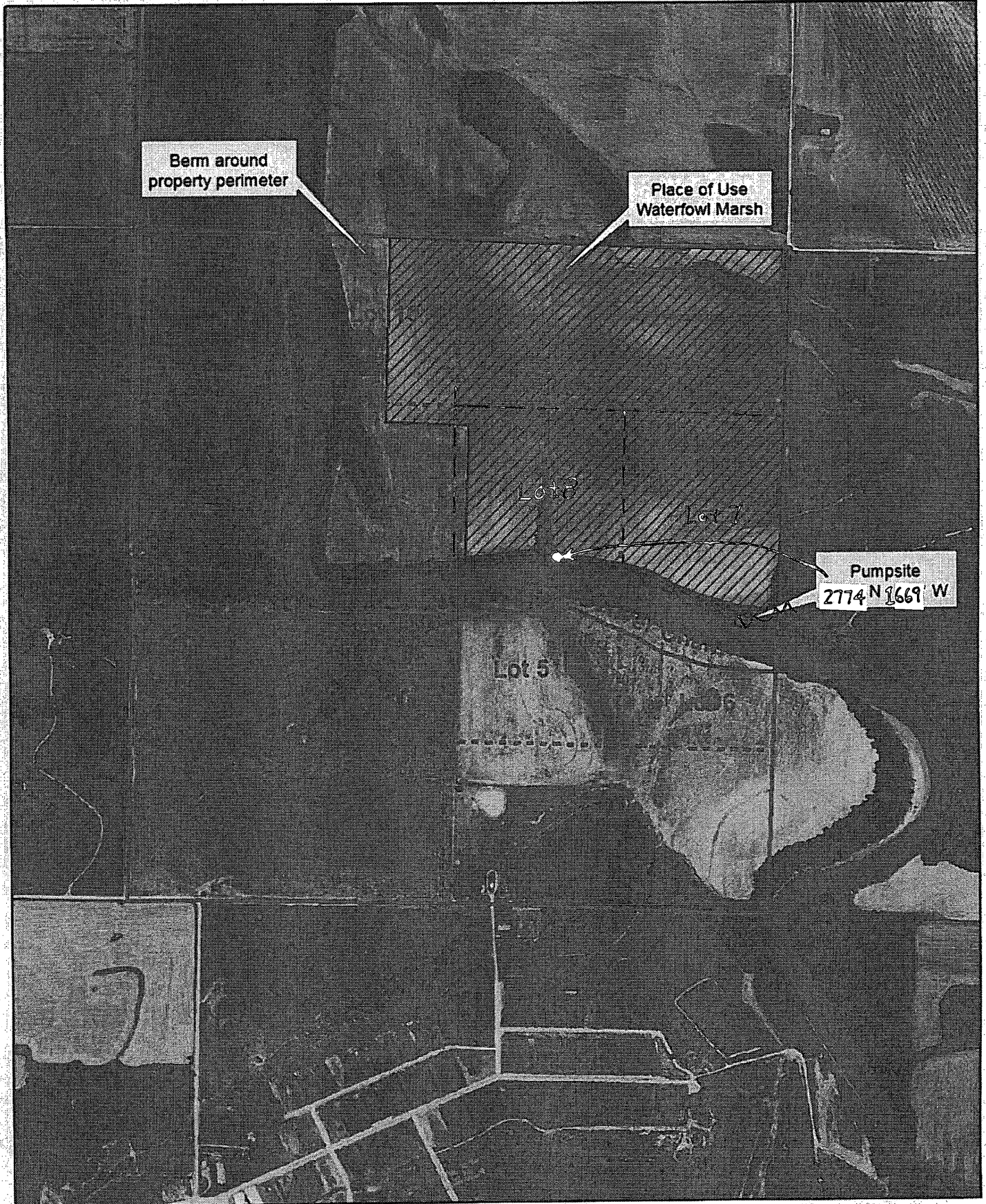
Signature: _____

#49978

49,978

KKTGC Holding Trust - New Application

1:12,000



DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

STATE OF KANSAS



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

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

March 27, 2018

COTTONWOOD AND NEOSHO RIVER WATER ASSURANCE
DISTRICT NO 3
% GALEN BIERY
212 SW 7TH STREET
TOPEKA KS 66603-3717

Re: Pending Applications, File Nos. 49,978 and 49,986

Dear Mr. Biery:

This is to advise you that KKTGC Holding Trust has filed the applications referred to above for permits to appropriate surface water from the Neosho River for recreational use. Please note that the purpose of these applications, if approved, would be to divert surface water to supplement recreational use at wildlife marshes. These direct diversions of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the points of diversion.

File No. 49,978 is requesting to appropriate 385 acre-feet of surface water per calendar year, to be diverted at a maximum rate of 8,000 gallons per minute, from one (1) pump site, located in Lot 7, in the Southeast Quarter of Section 32, and

File No. 49,986 is requesting to appropriate 230 acre-feet of surface water per calendar year, to be diverted at a maximum rate of 8,000 gallons per minute, from one (1) pump site, located in Lot 4, in the Southwest Quarter of Section 33, both in Township 30 South, Range 21 East, Neosho County, Kansas.

You are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points of diversion and proposed use of water. You can find the applications and site maps posted by the file numbers referenced above at:

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

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

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Tuesday, March 27, 2018 1:25 PM
To: 'Galen Biery'
Subject: KKTGC File Nos. 49,978 & 49,986
Attachments: 20180327132603685.tif

Good Afternoon Galen,
These are typical duck marshes along the Neosho River.
Have a great day,
Doug

Schemm, Doug [KDA]

From: d_bcares@att.net
Sent: Tuesday, March 27, 2018 7:11 PM
To: Schemm, Doug [KDA]
Subject: Re: KKTGC Holding Trust File Nos. 49,978 & 49,986

On Mar 27, 2018, at 3:03 PM, Schemm, Doug [KDA] wrote:

Good Afternoon Ms. Cares,
Here are color copies of the site maps with Lots indicated.
Let me know if you need anything else.
Have a great day,
Doug
785-296-3495
<Scan - Inbox _020.pdf><Scan - Inbox _043 (1).pdf>

Dean & Betty Cares

Thanks for the maps. Not sure I know for sure where actually it is. But guess it doesnt matter.

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

STATE OF KANSAS



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FAX: (785) 296-8298
www.agriculture.ks.gov

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

March 21, 2018

LIESELOTTE MOCNIK
705 E QUINCY STREET
PITTSBURG KS 66762

Re: Pending Applications, File Nos. 49,978 and 49,986

Dear Sir or Madam:

This is to advise you that KKTGC Holding Trust has filed the applications referred to above for permits to appropriate surface water from the Neosho River for recreational use. Please note that the purpose of these applications, if approved, would be to divert surface water to supplement recreational use at wildlife marshes. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

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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.

You can find the applications and site maps posted by the file numbers 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

pc: KKTGC Holding Trust

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DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 21, 2018

RICK J SATZLER
7299 NW COAL VALLEY ROAD
MCCUNE KS 66753

Re: Pending Applications, File Nos. 49,978 and 49,986

Dear Sir or Madam:

This is to advise you that KKTGC Holding Trust has filed the applications referred to above for permits to appropriate surface water from the Neosho River for recreational use. Please note that the purpose of these applications, if approved, would be to divert surface water to supplement recreational use at wildlife marshes. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

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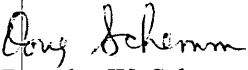
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Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: KKTGC Holding Trust

STATE OF KANSAS



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FAX: (785) 296-8298
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TOPEKA, KS 66619

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

March 21, 2018

RALPH DAVID MOYER
12223 NW COALFIELD ROAD
MCCUNE KS 66753

Re: Pending Applications, File Nos. 49,978 and 49,986

Dear Sir or Madam:

This is to advise you that KKTGC Holding Trust has filed the applications referred to above for permits to appropriate surface water from the Neosho River for recreational use. Please note that the purpose of these applications, if approved, would be to divert surface water to supplement recreational use at wildlife marshes. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: KKTGC Holding Trust

STATE OF KANSAS



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TOPEKA, KS 66619

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

March 21, 2018

MARK L & JOANNA K ROSE
759 W 600TH AVENUE
GIRARD KS 66743

Re: Pending Applications, File Nos. 49,978 and 49,986

Dear Sir or Madam:

This is to advise you that KKTGC Holding Trust has filed the applications referred to above for permits to appropriate surface water from the Neosho River for recreational use. Please note that the purpose of these applications, if approved, would be to divert surface water to supplement recreational use at wildlife marshes. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: KKTGC Holding Trust

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6531 SE FORBES AVE., SUITE B
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 21, 2018

NORMAN D & BETTY A CARES
2414 DIRR
PARSONS KS 67357

Re: Pending Applications, File Nos. 49,978 and 49,986

Dear Sir or Madam:

This is to advise you that KKTGC Holding Trust has filed the applications referred to above for permits to appropriate surface water from the Neosho River for recreational use. Please note that the purpose of these applications, if approved, would be to divert surface water to supplement recreational use at wildlife marshes. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: KKTGC Holding Trust

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

March 21, 2018

NEOSHO VALLEY FEEDERS LLC
PO BOX 128
ST PAUL KS 66771

Re: Pending Applications, File Nos. 49,978 and 49,986

Dear Sir or Madam:

This is to advise you that KKTGC Holding Trust has filed the applications referred to above for permits to appropriate surface water from the Neosho River for recreational use. Please note that the purpose of these applications, if approved, would be to divert surface water to supplement recreational use at wildlife marshes. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: KKTGC Holding Trust

Print Page

[Back to Search Page](#) --- [Home](#)

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

Owner Information	Property Address	Property Description	Apr Amount	Prop Class
<p>067-209-32-0-00-00-001.00-0 Quick Ref ID = 11812 Tax Year = 2017 KKTGC HOLDING TRUST</p> <p>Owner Mailing Address: 218 E MCKAY FRONTENAC, KS 66763</p>	<p>22999 20TH RD, Saint Paul, KS 66771</p> <p>ACRES=126 Neighborhood=523.0</p>	<p>S32, T30, R021, ACRES 126, LT 7, NE4 NE4 & TR BEG 703.2' E NW/C NE4 S 2610' E 610' N 2670' W 618.8' TO POB</p>	<p>\$22,940</p>	<p>Agricultural Use</p>
<p>067-209-32-0-00-00-002.00-0 Quick Ref ID = 11813 Tax Year = 2017 KKTGC HOLDING TRUST</p> <p>Owner Mailing Address: 218 E MCKAY FRONTENAC, KS 66763</p>	<p>22997 20TH RD, Saint Paul, KS 66771</p> <p>ACRES=64 Neighborhood=523.0</p>	<p>S32, T30, R021, ACRES 64, TR BEG NE/C NW4 E703.2' S2610' WLY695' N1150' W650.8' N1520' E650.8' TO POB</p>	<p>\$14,850</p>	<p>Agricultural Use</p>
<p>067-209-32-0-00-00-003.00-0 Quick Ref ID = 11814 Tax Year = 2017 MOCNIK LIESELOTTE</p> <p>Owner Mailing Address: 705 E QUINCY PITTSBURG, KS 66762</p>	<p>22995 20TH RD, Saint Paul, KS 66771</p> <p>ACRES=15 Neighborhood=523.0</p>	<p>S32, T30, R021, ACRES 15.0, TR BEG 1514'S NE/C NW4 W528.3' S824' W11.5' S400' NELY555' N 1150' TO POB</p>	<p>\$4,740</p>	<p>Agricultural Use</p>
<p>067-209-32-0-00-00-004.00-0 Quick Ref ID = 11815 Tax Year = 2017 MOCNIK LIESELOTTE</p> <p>Owner Mailing Address: 705 E QUINCY PITTSBURG, KS 66762</p>	<p>22993 20TH RD, Saint Paul, KS 66771</p> <p>ACRES=31 Neighborhood=523.0</p>	<p>S32, T30, R021, ACRES 31.0, TR BEG 650.8'W NE/C NW4 S1514' E122.2' S824' W11.5' S400' TRAVERSE NWLY ALG RIVER 3260' E510.2' TO POB</p>	<p>\$7,600</p>	<p>Agricultural Use</p>
<p>067-209-32-0-00-00-005.00-0 Quick Ref ID = 11816 Tax Year = 2017 NEOSHO VALLEY FEEDERS LLC</p>	<p>22550 10TH RD, Parsons, KS 67357</p> <p>ACRES=378 Neighborhood=523.0</p>	<p>S32, T30, R021, ACRES 378.0, LTS 1-6, S2 SW4 & S2 SE4 LESS RD</p>	<p>\$38,760</p>	<p>Agricultural Use</p>

Schemm, Doug [KDA]

#49,978

From: Fabrycky, Caleb [KDA]
Sent: Tuesday, March 6, 2018 11:12 AM
To: Schemm, Doug [KDA]
Subject: RE: New pump location

File No. 49978

From: Fabrycky, Caleb [KDA]
Sent: Tuesday, March 6, 2018 11:10 AM
To: 'Kurt Terlip' <kurtterlip@gmail.com>
Cc: frank Young <frank@agengineering.com>; Zac Short <zac.ssdirtworks@windstream.net>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: RE: New pump location

Hi Kurt,

That shouldn't be a problem. I've copied Doug Schemm as he will be the one working the application for approval. He'll give you a call for any details he might need when he gets to it.

Thanks

From: Kurt Terlip [<mailto:kurtterlip@gmail.com>]
Sent: Tuesday, March 6, 2018 10:25 AM
To: Fabrycky, Caleb [KDA] <Caleb.Fabrycky@ks.gov>
Cc: frank Young <frank@agengineering.com>; Zac Short <zac.ssdirtworks@windstream.net>
Subject: Fwd: New pump location

Caleb hope you are well. I left a message on the phone. On application no.3 we are going to have to move the location of the pump sight because of shallow depth of the river. Below are the proposed new sights. We would like to use the sight farthest to the west but all 3 locations would work. I would say that the new location is 300 yards west of the current application and didn't know if it was a concern. Let me know. As always Thanks.

FYI Frank Young is our engineer on the project. Zack Short is with the construction company that will be doing the dirt work.

Kurt Terlip
M: 620-249-0033
E: kurtterlip@gmail.com

Begin forwarded message:

From: Kurt Terlip <kurtterlip@gmail.com>
Subject: New pump location
Date: March 6, 2018 at 10:13:49 AM CST
To: Kurt Terlip <kurtterlip@gmail.com>

ON X HUNT

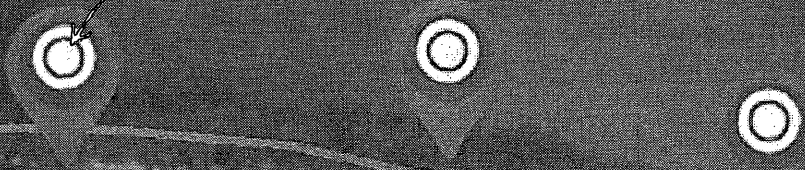
Elevation 940 ft

500 ft

N 37.3925
W -95.128

FLAHERTY
BRIAN L
& DENENE

2774' N
1669' W



#49,978

LNO-0144

Schemm, Doug [KDA]

From: Calderwood, Mike [KDA]
Sent: Tuesday, February 6, 2018 11:14 AM
To: Klein, Andrew; Kathy Haynes; KBS; Environmental Services, KDWPT [KDWPT]; KSHS; KDA
SCC Office Assistant; Scott Satterthwaite [KDHE]
Cc: kurtterlip@gmail.com; zac.ssdirtyworks@windstream.net; Scott Dodson
(Scott.T.Dodson@usace.army.mil); Schemm, Doug [KDA];
gis@neoshocounty.kscoxmail.com
Subject: ECA# 2018028 Note Water Right 49978

The Water Projects Environmental Coordination Act, K.S.A. 82a-325 to 327, requires this agency to provide seven other agencies in the state government an opportunity to review and comment on your application for a period of not less than 30 days. The environmental coordination process has been initiated, but a thorough review of your project may not yet have been performed. You will be informed of any changes that may be necessary to comply with our rules and regulations and any concerns or comments we receive from the environmental coordination agencies.

This letter does not provide any permission to begin the construction of your project. **Construction can begin only after written approval has been obtained from the Chief Engineer of this agency.** If you have any questions or comments please contact this office by writing or calling (785) 564-6649.

Notice No.: 2018028

WS No.: LNO-0144

Project: KKTGC Duck Marsh No.: 3

Date of Notice: 2/6/2018

Expiration Date: 3/8/2018

Wetland construction in and along the floodplain of Neosho River at a location in Section 32, Township 30 South, Range 21 East, Neosho County, Kansas.

<https://agriculture.ks.gov/eca-user-login>

For new registration:

<https://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits/environmental-coordination-notices>

Mike Calderwood, Engineering Associate

Kansas Department of Agriculture

Division of Water Resources

Water Structures Program

(785) 564-6649

Mike.Calderwood@ks.gov My e-mail address has changed

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

Our applications have changed. Please visit our website to get current applications for new projects at:

<http://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits>

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

2774 ft N and 1669 ft W of the SE Corner of Section 32, T 30S, R 21E

Located at: 95.130150 West Longitude and 37.391609 North Latitude

SURFACE WATER ONLY

49,978

Nearest downstream (NOT owned by applicant) >1 mile

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 11562	00	STK	NK	S	5538	--	--	--	3316	5037	4	31	21E	2		261.00	261.00	AF
A__ 18139	00	STK	NK	S	5538	--	--	--	3316	5037	4	31	21E	2		21.00	21.00	AF
A__ 34092	00	STK	NK	S	5538	--	--	--	3316	5037	4	31	21E	2		248.93	.00	AF
A__ 40414	00	REC	NK	S	9961	--	--	CW SW	1396	5247	20	30	21E	3		72.50	72.50	AF
A__ 42379	00	REC	NK	S	9961	--	--	CW SW	1396	5247	20	30	21E	3		696.00	623.50	AF
A__ 45309	00	REC	NK	S	10424	--	--	SW SW NE	3000	2000	8	31	21E	1		96.00	34.95	AF
Same					9885	--	--	--	4550	3300	9	31	21E	1				
A__ 47482	00	REC	LR	S	10424	--	--	SW SW NE	3000	2000	8	31	21E	1		176.00	80.00	AF
Same					9885	--	--	--	4550	3300	9	31	21E	1				
A__ 49978	00	REC	AY	S	1458	--	--	--	2330	280	32	30	21E	1		385.00	385.00	AF
A__ 49986	00	REC	AY	S	3555	--	--	--	340	4470	33	30	21E	1		230.00	230.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	615.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	80.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1012.95	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1707.95	.00

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for 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:

95.130150 West Longitude and 37.391609 North Latitude

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 11562	00	STK	NK S
>	NEOSHO VALLEY FEEDERS		
>	26059 VICTORY RD		
>	PARSONS KS 67357		

A__ 18139	00	STK	NK S
>	NEOSHO VALLEY FEEDERS		
>	26059 VICTORY RD		
>	PARSONS KS 67357		

A__ 34092	00	STK	NK S
>	NEOSHO VALLEY FEEDERS		
>			

> 26059 VICTORY RD
> PARSONS KS 67357

A__ 40414 00 REC NK S
> NICK SMITH

>
> 528 WASHINGTON
> SAINT PAUL KS 66771

A__ 42379 00 REC NK S
> NICK SMITH

>
> 528 WASHINGTON
> SAINT PAUL KS 66771

A__ 45309 00 REC NK S
> DON R MILBURN

>
> 5373 CR 933
> HARRISON AR 72601

A__ 47482 00 REC LR S
> DON R MILBURN

>
> 5373 CR 933
> HARRISON AR 72601

A__ 49978 00 REC AY S
> KKTGC HOLDING TRUST

>
> 218 MCKAY
> FRONTENAC KS 66763

A__ 49986 00 REC AY S
> KKTGC HOLDING TRUST

>
> 218 MCKAY
> FRONTENAC KS 66763

Whitesell, Alex [KDA]

49,978

From: Fabrycky, Caleb [KDA]
Sent: Monday, January 22, 2018 3:41 PM
To: Whitesell, Alex [KDA]
Subject: RE: KKTGC App

Sounds good.

From: Whitesell, Alex [KDA]
Sent: Monday, January 22, 2018 3:41 PM
To: Fabrycky, Caleb [KDA] <Caleb.Fabrycky@ks.gov>
Subject: RE: KKTGC App

Hey Caleb,

We'll need the original signature. Thanks!

From: Fabrycky, Caleb [KDA]
Sent: Monday, January 22, 2018 3:37 PM
To: Whitesell, Alex [KDA]
Subject: KKTGC App

Hi Alex,

Sorry, I got this signed on Friday and then completely forgot about it.

Do you need me to mail the original, or will this electronic copy suffice?

Caleb Fabrycky, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Parsons Satellite Office
Phone: (620) 421-2697
Caleb.Fabrycky@ks.gov

49,978

File Number

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.)

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

Name of Applicant (Please Print): KKTGC Holding Trust

Address: FORMTEXT 218 East McKay

City: FORMTEXT Frontenac State FORMTEXT KS

Zip Code FORMTEXT 66763

Telephone Number: (FORMTEXT 620) FORMTEXT 249-0033

The source of water is: surface water in FORMTEXT Neosho
River (stream)

OR groundwater in FORMTEXT
(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.

The maximum quantity of water desired is FORMTEXT 385 acre-feet OR FORMTEXT
gallons per calendar year,

to be diverted at a maximum rate of FORMTEXT 8000
gallons per minute OR FORMTEXT

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

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quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

The water is intended to be appropriated for (Check use intended):

- (a) FORMCHECKBOX Artificial Recharge
- (b) FORMCHECKBOX Irrigation
- (c) FORMCHECKBOX Recreational
- (d) FORMCHECKBOX Water Power
- (e) FORMCHECKBOX Industrial
- (f) FORMCHECKBOX Municipal
- (g) FORMCHECKBOX Stockwatering
- (h) FORMCHECKBOX Sediment Control
- (i) FORMCHECKBOX Domestic
- (j) FORMCHECKBOX Dewatering
- (k) FORMCHECKBOX Hydraulic Dredging
- (l) FORMCHECKBOX Fire Protection
- (m) FORMCHECKBOX Thermal Exchange
- (n) FORMCHECKBOX

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.

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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.

One in the FORMTEXT quarter of the FORMTEXT quarter of the FORMTEXT quarter of Section FORMTEXT 32, more particularly described as being near a point FORMTEXT 2330 feet North and FORMTEXT 280 feet West of the Southeast corner of said section, in Township FORMTEXT 30 South, Range FORMTEXT 21 FORMTEXT East, FORMTEXT Neosho County, Kansas.

One in the FORMTEXT quarter of the FORMTEXT quarter of the FORMTEXT quarter of Section FORMTEXT, more particularly described as being near a point FORMTEXT feet North and FORMTEXT feet West of the Southeast corner of said section, in Township FORMTEXT South, Range FORMTEXT FORMTEXT East/West (circle one), FORMTEXT County, Kansas.

One in the FORMTEXT quarter of the FORMTEXT quarter of the FORMTEXT quarter of Section FORMTEXT, more particularly described as being near a point FORMTEXT feet North and FORMTEXT feet West of the Southeast corner of said section, in Township FORMTEXT South, Range FORMTEXT FORMTEXT East/West (circle one), FORMTEXT County, Kansas.

One in the FORMTEXT quarter of the FORMTEXT quarter of the FORMTEXT quarter of Section FORMTEXT, more particularly described as being near a point FORMTEXT feet North and FORMTEXT feet West of the Southeast

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corner of said section, in Township FORMTEXT South, Range FORMTEXT
FORMTEXT East/West (circle one), FORMTEXT

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.

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

FORMTEXT Same as applicant

(name, address and telephone number)

FORMTEXT

(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 1-19-18, 2018.

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.

The proposed project for diversion of water will consist of FORMTEXT Pumpsite and waterfowl
m a r s h

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

and FORMTEXT will be completed (by) FORMTEXT 12/31/18

(Month/Day/Year - each was or will be completed)

The first actual application of water for the proposed beneficial use was or is estimated to be

FORMTEXT 12/31/18 (Mo/Day/Year)

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Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

FORMCHECKBOX Yes FORMCHECKBOX No If "yes", a check valve shall be required. All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

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? FORMCHECKBOX Yes FORMCHECKBOX No

If yes, show the Water Structures permit number here FORMTEXT

If no, explain here why a Water Structures permit is not required FORMTEXT

FORMTEXT In process of determining structures permit requirements

FORMTEXT

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:

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.

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.

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.

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

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

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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.

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.

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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: FORMCHECKBOX Test holes

FORMCHECKBOX Well as completed FORMCHECKBOX Drillers log
attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>
Total depth of well	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>
Depth to water bearing formation	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>
Depth to static water level	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>
Depth to bottom of pump intake pipe	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>	<u>FORMTEXT</u>

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

The owner(s) of the property where the water is used, if other than the applicant, is (please print):
FORMTEXT Same as applicant
(name, address and telephone number)

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(name, address and telephone number)

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 FORMTEXT, Kansas, this FORMTEXT day of FORMTEXT (month) (year)

(Applicant Signature)	<i>KKTGC Holding Trust</i>
By (Agent or Officer Signature)	<i>Kurt Tulip</i>
<u>FORMTEXT</u> (Agent or Officer - Please Print)	

Assisted by FORMTEXT Caleb Fabrycky FORMTEXT TFO/Parsons Date:
FORMTEXT 12/19/17 (office/title)

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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.

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CONVERSION FACTORS

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1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
Jackie McClaskey, Secretary of Agriculture
David W. Barfield, Chief Engineer

DWR 1-100 (Revised 06/16/2014)

File No.

For Office Use Only:
F.O. GMD Meets K.A.R. 5-3-1 (YES / NO) Use Source G / S County
By Date
Code Fee \$ TR # Receipt Date
Check #

Lot 7

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RECREATIONAL USE SUPPLEMENTAL SHEET

File No.

Name of Applicant (Please Print): FORMTEXT KKTGC Holding Trust

Please indicate type of recreational use (boating, fishing, swimming, etc.): FORMTEXT

FORMTEXT Wildlife habitat and waterfowl hunting.

FORMTEXT

Please summarize how the water will be used and justify the quantity of water requested:
F O R M T E X T

FORMTEXT Used to fill and maintain a marsh complex from October through January (4
m o n t h s)

FORMTEXT 180 acre complex at 2 ft average depth. 5 inches net evap per year, 1/3 of the
y e a r

FORMTEXT (180 ac x 2 ft) + (((5 in x 180 ac) / 12) x 0.333) = 360 AF + 25 AF = 385 AF
p e r y e a r

FORMTEXT

Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	FORMTEXT 385
Year 2	FORMTEXT 385
Year 3	FORMTEXT 385
Year 4	FORMTEXT 385
Year 5	FORMTEXT 385

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Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

FORMTEXT Recreational use for a marsh complex located in Lot 7, Lot 8, Lot 9, Lot 10, and the Northeast

FORMTEXT Quarter (NE 1/4) of Section 32, Township 30 South, Range 21 East, Neosho County Kansas.

FORMTEXT

You may attach any additional information you believe will assist in informing the Division of the need for your request.

DWR 1-100.25 (09/05/2001)

DWR 1-100.25 (Revised 09/05/2001)

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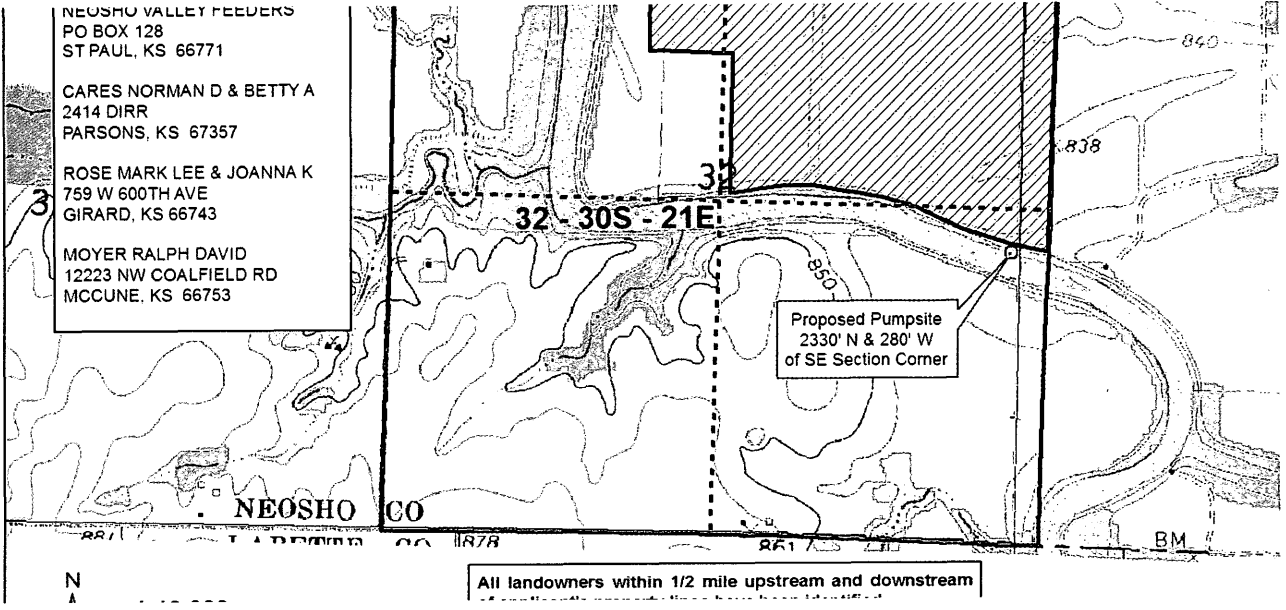
49978

NEOSHO VALLEY FEEDERS
PO BOX 128
ST PAUL, KS 66771

CARES NORMAN D & BETTY A
2414 DIRR
PARSONS, KS 67357

ROSE MARK LEE & JOANNA K
759 W 600TH AVE
GIRARD, KS 66743

MOYER RALPH DAVID
12223 NW COALFIELD RD
MCCUNE, KS 66753



All landowners within 1/2 mile upstream and downstream

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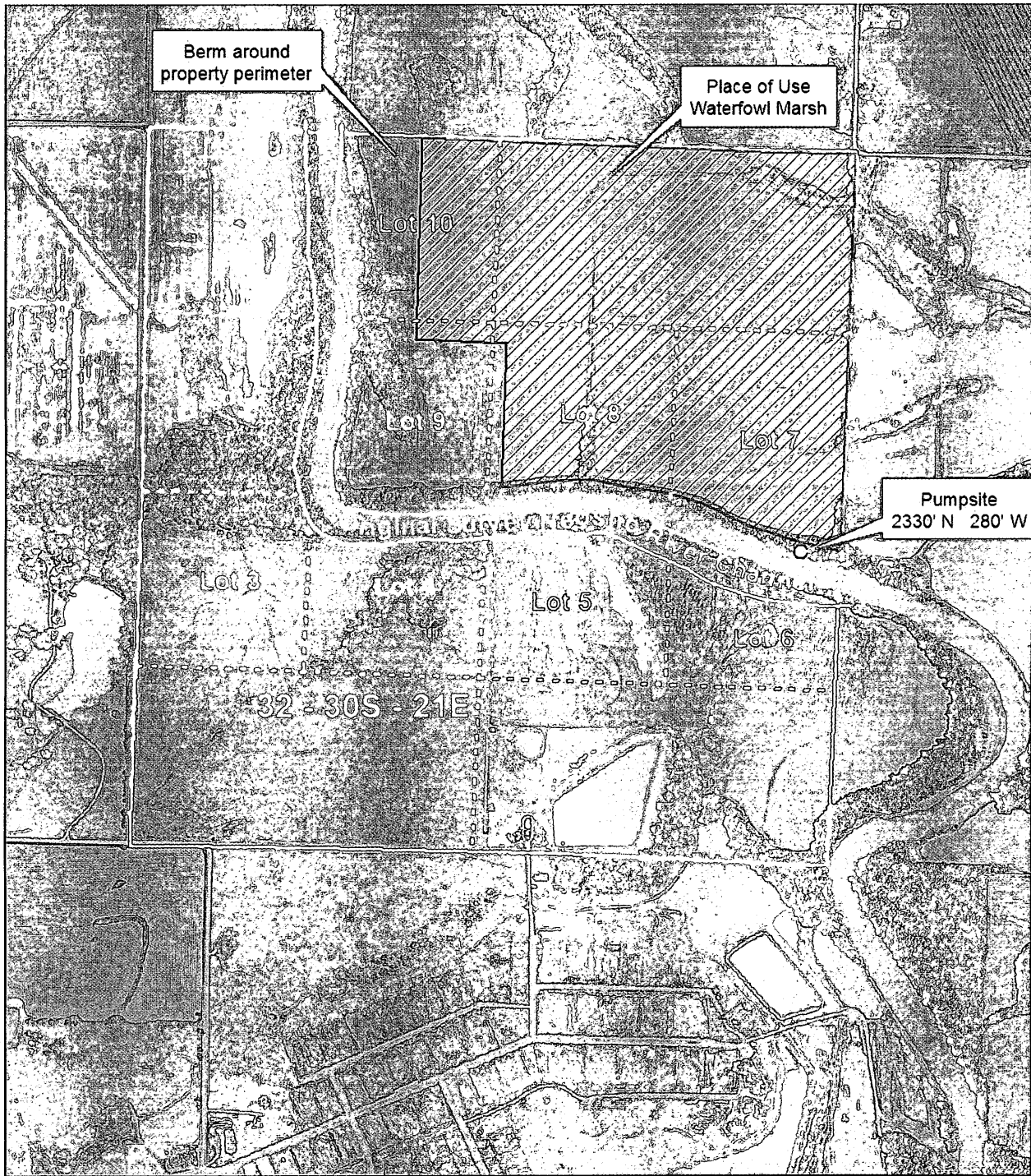
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KKTGC HOLDING TRUST - New Application

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Adjacent Landowners

MOCNIK LIESELOTTE
705 E QUINCY
PITTSBURG, KS 66762

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Kurt Tuchs

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From: **Fabrycky, Caleb [KDA]** Caleb.Fabrycky@ks.gov
Subject: New Application 2
Date: December 20, 2017 at 10:20 AM
To: Kurt Terlip kurtterlip@gmail.com
Cc: Phillips, Janelle [KDA] Janelle.Phillips@ks.gov

Hi Kurt,

Attached is the drafted application for permit to appropriate water. You'll need to print these pages out and complete the following steps:

1. Look over all pages and maps for accuracy
2. Sign #6 of the application
3. Sign #16 of the application
4. Sign at the bottom of the topographic map
5. Enclose the \$320 filing fee
6. Mail everything to DWR Headquarters:
Chief Engineer of The Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

I've copied Janelle Phillips, with DWR - Structures Program, so that she can take a look at the aerial photo and inform you of any necessary structures permits pertaining to your project.

Feel free to call with any questions.

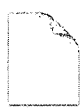
Thank you

Caleb Fabrycky, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Parsons Satellite Office
Phone: (620) 421-2697
Caleb.Fabrycky@ks.gov

WATER RESOURCES RECEIVED

JAN 18 2018

KS DEPT OF AGRICULTURE



Kurt Terlip
Applica...n 2.doc



Kurt Terlip Rec
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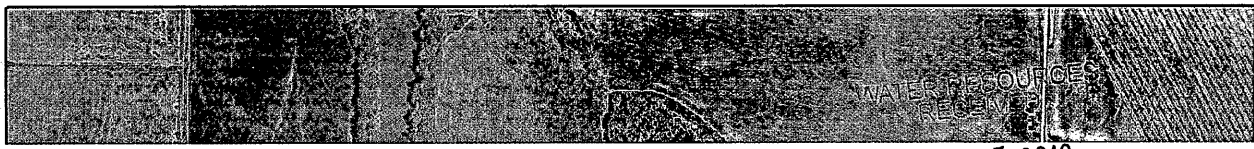
WATER RESOURCES RECEIVED

JAN 18 2018

KS DEPT OF AGRICULTURE

KKTGC Holding Trust - New Application

1:12,000



JAN 25 2018

KS DEPT OF AGRICULTURE

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

January 30, 2018

KKTGC HOLDING TRUST
218 E MCKAY
FRONTENAC KS 66763

RE: Application
File No. 49978

Dear Sir or Madam:

Your application for permit to appropriate water in 32-30S-21E in Neosho 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

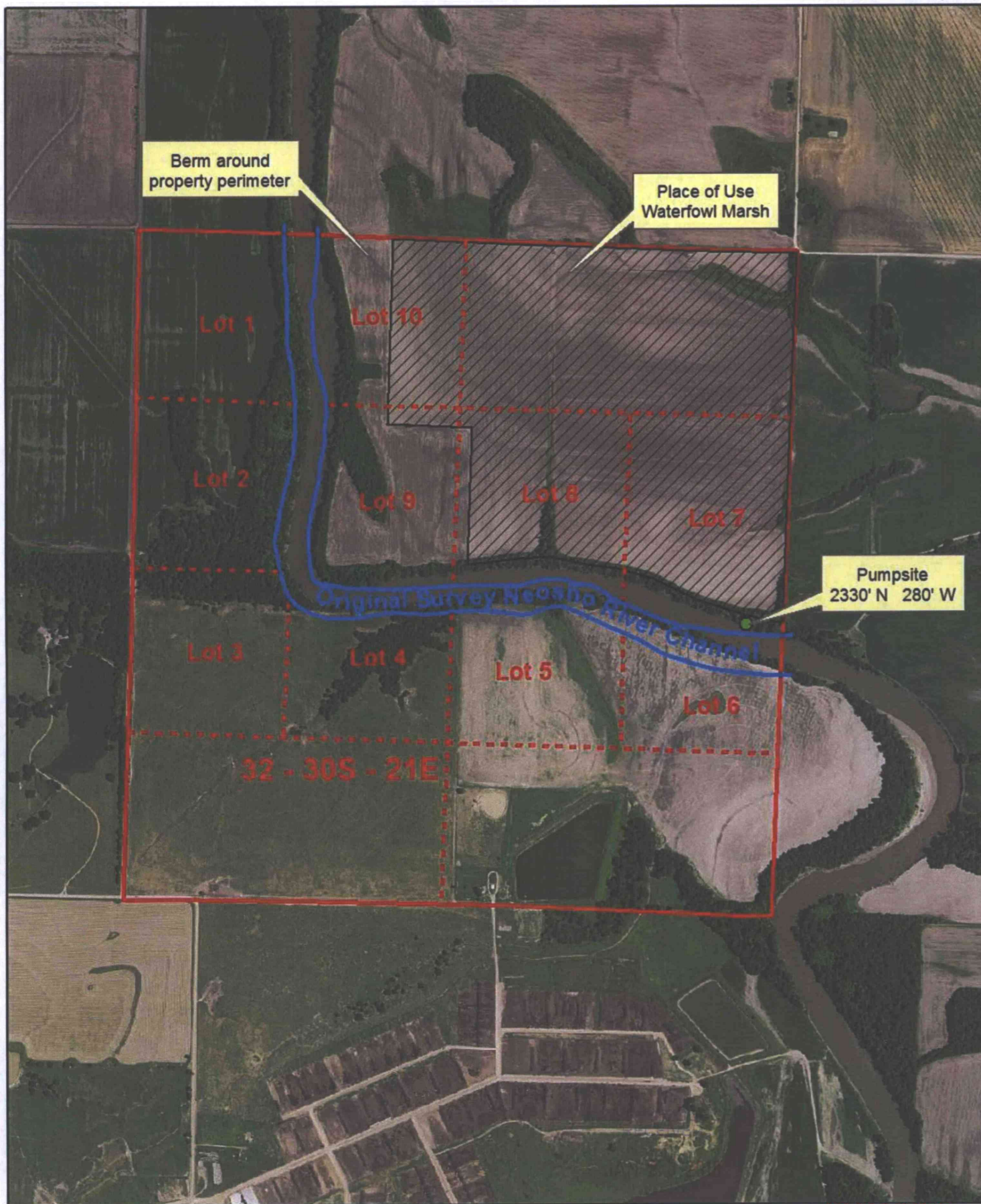
BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

49,978

KKTGC Holding Trust - New Application

1:12,000



KKTGC HOLDING TRUST - New Application

Adjacent Landowners

MOCNIK LIESELOTTE
705 E QUINCY
PITTSBURG, KS 66762

NEOSHO VALLEY FEEDERS
PO BOX 128
ST PAUL, KS 66771

CARES NORMAN D & BETTY A
2414 DIRR
PARSONS, KS 67357

ROSE MARK LEE & JOANNA K
759 W 600TH AVE
GIRARD, KS 66743

MOYER RALPH DAVID
12223 NW COALFIELD RD
MCCUNE, KS 66753

Proposed Pumpsite
2330' N & 280' W
of SE Section Corner

32 - 30S - 21E

1:12,000

All landowners within 1/2 mile upstream and downstream
of applicant's property lines have been identified.

Signature: _____

KS DEPT OF AGRICULTURE

JAN 25 2018

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49,978