

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

1. File Number: <p style="text-align: center;">49,984</p>	2. Status Change Date: <p style="text-align: center;">7/18/2018</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 65951 Add Seq# _____</p> <p>DEREK OSWALD 21751 CANTRELL RD LINWOOD KS 66052</p> <p style="text-align: center;">*Fix Address</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>MIDWEST IRRIGATION % KEITH GRIMM 1215 OREGON ST HIAWATHA KS 66434</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2019</u>		11. Perfection Date: <u>12/31/2023</u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
*NOTE: THIS IS A SURFACE WATER STORAGE AND REDIVERSION APPLICATION.		Date Prepared: 6/26/2018 By: DWS Date Entered: 7/19/2018 By: UM	

File No. **49,984** 15. Formation Code: Drainage Basin: Delaware River County: AT Special Use: Stream: SOUTH CREEK TRIB 4 (DELAWARE)

16. Points of Diversion										17. Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		MOD QUANTITY		Additional	Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af		
√				86600	SE SW SE	11	6S	17E	1	230	1678	800	70	800	70	NONE

18. Storage: Rate **NF** Quantity **70** ac/ft Additional Rate **NF** Additional Quantity **70** ac/ft

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

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

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files		
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
√			68743	11	6	17E	1																			7a.	No	NONE
√			68745	13	6	17E	1						38	26												7a.	No	NONE
√			68744	14	6	17E	1	28.4			10.6															7a.	No	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: June 26, 2018

FROM: Doug Schemm

RE: Application, File No. 49,984

Derek Oswald has filed the application referred to above for a permit to appropriate 70 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir located in the Southeast Quarter of Section 11, in Township 6 South, Range 17 East, Atchison County, Kansas. The dam is located on South Creek Trib 4 (Delaware). The point of diversion is located on property owned by the applicant, and the application form has been signed stating they have legal access to the point of diversion. The place of use is wholly owned by the applicant, and it comprises a total of 181 acres. There are no other overlapping files in point of diversion or place of use.

Runoff computations determined that the 60 acre drainage area will generate a runoff quantity of only 70 acre-feet (14") in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this runoff quantity **IS** the limiting factor, and the application quantity was reduced from the requested 100 acre-feet down to 70 acre-feet. The applicant's consultant agreed to this reduction. The requested quantity of water for direct use (rediversion) of 70 acre-feet for irrigation use on 181 acres, provides 0.4 acre-feet per acre, which is significantly less than the maximum allowable per acre in Atchison County, Kansas of 1.0 AF/acre, per K.A.R. 5-3-24. The proposed direct use quantity of 70 acre-feet, is equivalent to 3.5 times the capacity, which is well within the normal "rule of thumb" of direct use quantity being no more than 5 times capacity for reasonable storage quantity.

The stream does not extend upstream of the applicant's property. The applicant identified one downstream landowner, and a nearby landowner letter was sent out on April 4, 2018. No response was received. There is only one other surface water right within a two-mile radius according to the WRIS database, which is File No. 45,995 covering multiple (7) sediment control reservoirs. All of these reservoirs are located on different tributary streams. No senior water rights will be impaired with approval of this application.

The point of diversion is located within the Delaware River Basin, and the applicant has submitted a signed and notarized Minimum Desirable Streamflow (MDS) form acknowledging that there may be times when the diversion of water will not be allowed.

The proposed structure was reviewed by DWR Water Structures Program staff, under File No. DAT-0248, and they concluded that the dam is not jurisdictional for structures permitting (see April 18, 2018 letter from Mikayla Kortan). As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. Since this is an existing reservoir, no Special Condition on the permit will be needed to provide an initial fill quantity.

In a June 26, 2018 email, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the structure is non-jurisdictional for structures permitting by the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

STATE OF KANSAS

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



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TOPEKA, KS 66612
PHONE: (785) 296-3556
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 20, 2018

FILE COPY

DEREK OSWALD
21751 CANTRELL RD
LINWOOD KS 66052

Re: Appropriation of Water, File No. 49,984

Dear Mr. Oswald:

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

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

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

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

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office
Midwest Irrigation

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. 49,984** of the applicant

**DEREK OSWALD
21751 CANTRELL RD
LINWOOD KS 66052**

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 29, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11 6S 17E															39	39	78
13 6S 17E						38	26										64
14 6S 17E	28.4			10.6													39

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to South Creek, designated in the office of the Chief Engineer as South Creek Trib 4 (Delaware), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **70 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE¼ SW¼ SE¼) of Section 11, more particularly described as being near a point 230 feet North and 1,678 feet West of the Southeast corner of said section, in Township 6 South, Range 17 East, Atchison County, Kansas, to provide **70 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **800 gallons per minute (1.78 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
6. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
7. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
8. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
10. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
12. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
14. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

CERTIFICATE OF SERVICE

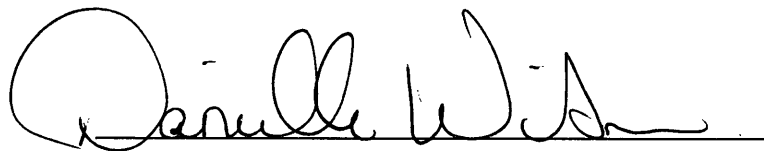
On this 20th day of July, 2018, I hereby certify that the foregoing Approval of Application, File No. 49,984, dated July 18th, 2018 was mailed postage prepaid, first class, US mail to the following:

DEREK OSWALD
21751 CANTRELL RD
LINWOOD KS 66052

With photocopies to:

MIDWEST IRRIGATION
% KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources

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
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GOVERNOR JEFF COLYER, M.D.

JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

July 18, 2018

DEREK OSWALD
2175 CANTRELL RD
LINWOOD KS 66052

RE: Minimum Desirable Streamflows-Delaware River
File No(s). 49984

Dear Water User:

Our records indicate that you are the owner of, designated water correspondent for, or a person having an interest in the land on which water is used under the water right(s) and/or approval(s) of application identified above and in the enclosed Order Regarding Minimum Desirable Streamflow Administration (Delaware River), which has been issued by the Chief Engineer. This Order prohibits the direct diversion of water and the collection or storage of natural flows into a pond or reservoir, regarding each and every water right or approval of application identified in the Order from July 17, 2018, until further notice, except as otherwise provided for in the Order. If you no longer have an ownership or other interest in this water right(s) and/or approval(s) of application, please advise this office immediately so that the proper persons can be notified of this Order.

As of March 14, 2018, the minimum desirable streamflow (MDS) established under the Kansas Water Appropriation Act for the Delaware River at the gaging station near Muscotah, Kansas, had not been met for seven consecutive days. Therefore, the Chief Engineer has issued the enclosed Order determining that MDS administration of water rights and approvals of application for appropriation of water is required under K.A.R. 5-15-1 through 5-15-4.

The enclosed Order prohibits direct diversion from the Delaware River and its tributaries, and prohibits the collection and storage of natural flows into any pond or reservoir in the area set forth in the Order, under water rights and approvals of application with priority dates after April 12, 1984. The Order will remain in effect from March 20, 2018 until the Chief Engineer determines that the MDS required by law has been met and maintained for the Delaware River.

For pond or reservoir owners, you may continue to operate your systems that re-divert previously stored water in your impoundment to the place of use, but you may not collect or store any additional water behind your dam while MDS administration is taking place. To comply with the Order, you must bypass inflows to your impoundment through the tube, by opening the valve or by siphoning or pumping water over or past the dam to downstream while the Order is in effect. If you have questions about how to comply with this Order, please contact the Topeka Field Office.

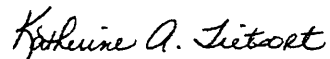
As provided in Paragraph 4 of the Order, the Chief Engineer may grant a temporary stay of the Order to allow, on a limited basis, the direct diversion of water and/or the collection and storage of natural flows into a pond or reservoir. If you wish to request a temporary stay you must contact the Topeka Field Office, 6531 SE Forbes Ave., Suite B, Topeka, Kansas 66619, 785-296-5733.

Any person who makes unlawful diversions of water while this Order is in effect may be subject to criminal and/or civil enforcement under the Kansas Water Appropriation Act, which may include the assessment of civil penalties of up to \$1,000 per day of violation and modification or suspension of the water right(s) or approval(s) of application.

DEREK OSWALD
July 18, 2018
File No(s). 49984
Page 2

If you have questions concerning this matter, please contact the Topeka Field Office, Division of Water Resources, Kansas Department of Agriculture, 6531 SE Forbes Ave., Suite B, Topeka, Kansas 66619, 785-296-5733.

Sincerely,

Handwritten signature of Katherine A. Tietsort in cursive script.

Katherine Tietsort
Water Commissioner

Enclosures: MDS Order

STATE OF KANSAS

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



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TOPEKA, KS 66612
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES

IN THE MATTER OF

DEREK OSWALD
2175 CANTRELL RD
LINWOOD, KS 66052

File No(s). 49984

ORDER REGARDING MINIMUM DESIRABLE STREAMFLOW ADMINISTRATION (DELAWARE RIVER)

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, under authority of Kansas Statutes Annotated (K.S.A.) 82a-703a *et seq.* regarding minimum desirable streamflows (MDS), finds the following:

1. Pursuant to K.S.A. 82a-703a and 82a-703c, the Chief Engineer shall withhold from appropriation that amount of water he deems necessary to establish and maintain the desired MDS for the **Delaware River near Muscotah**, Kansas.

2. Pursuant to K.S.A. 82a-703b, water rights or approvals of application to appropriate water with a priority date after April 12, 1984, shall be subject to MDS requirements identified and established by the Chief Engineer for the **Delaware River near Muscotah**, Kansas.

3. K.A.R. 5-15-1 through 5-15-4, effective August 27, 2002, sets forth standards under which MDS may be administered by the Chief Engineer.

4. K.A.R. 5-15-1(d) provides that, "If the streamflow at an MDS gaging station falls below the level established in K.S.A. 82a-703c, and amendments thereto, for a period of seven consecutive days and no streamflow trigger value has been set for an MDS gaging station in K.A.R. 5-15-4, a determination of whether and when MDS administration will begin and how it should occur shall be made by the chief engineer, based on the following factors:

- (1) the general hydrologic conditions affecting streamflow in the stream reach;
- (2) the magnitude and duration of recent streamflows;
- (3) the extent to which groundwater contributes to streamflow;
- (4) the effects of drought on streamflow;
- (5) the existence and effect of relevant water management agreements;
- (6) the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on streamflow; and
- (7) the effect of reservoir operations."

5. As of **March 14, 2018**, the actual daily streamflow in the **Delaware River** at the gaging station near **Muscotah** has been below the streamflow established in K.S.A. 82a-703c, and amendments thereto, for seven consecutive days, and that no streamflow trigger has been established for the Delaware River in KAR 5-15-4.

6. The Chief Engineer has confirmed that the gaging station is accurately recording the flows of the **Delaware River**, and that such flows are insufficient to meet those minimum desirable streamflows set forth in K.S.A. 82a-703c. The determination to administer MDS immediately was based upon the general hydrologic conditions affecting stream flow in the stream reach, the magnitude and duration of recent stream flows, the extent to which groundwater contributes to streamflow and the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on the stream flow and the effect of reservoir operations.

7. Administration of water rights and approvals of application for appropriation of water with priority dates after April 12, 1984, is required to establish and maintain the desired MDS for the Delaware River within that portion of the Delaware River upstream from the United States Geological Survey gaging station located near Muscotah in Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 16, Township 6 South, Range 17 East, Atchison County, Kansas.

IT IS THEREFORE ORDERED THAT:

1. Effective 12:01 AM on March 20, 2018, and continuing until such time as the Chief Engineer determines minimum desirable streamflows have been met and maintained for the Delaware River, there shall be no direct diversion of water or storage of natural flows into any pond or reservoir under the water right(s) or approval(s) of application identified by the file number(s) above, which has a priority date after April 12, 1984, as required by K.S.A. 82a-703a and 82a-703b.

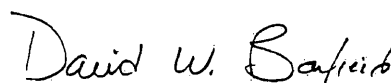
2. Any direct diversion of water or storage of natural flows into a pond or reservoir under the water right(s) or approval(s) of application subject to this Order on or after 12:01 AM on July 17, 2018, shall constitute an unlawful diversion of water and shall subject the party in violation of this Order to all applicable criminal and/or administrative penalties, which may include civil penalties up to \$1000 per day the violation continues, and suspension or modification of the water right(s) or approval(s) of application.

3. This Order is being served on owners of record by mail. Therefore, pursuant to K.S.A. 77-531, any diversion or storage of water under the water right(s) or approval(s) of application subject to this Order, shall cease no later than 12:01 AM on July 17, 2018.

4. If, during the administration of this Order, streamflows increase temporarily to a level above the established MDS, the Chief Engineer may provide a temporary stay of this Order to allow the direct diversion of water and storage of natural flows into a pond or reservoir under a water right or approval of application subject to this Order on a limited basis. If you wish to request a temporary stay of this Order, you should direct your request to the Topeka Field Office at 785-296-5733.

5. This is a final agency action as defined in K.S.A. 77-607(b). If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Judicial Review Act, K.S.A. 77-601 et seq., within 30 days of service of this Order. Your appeal must be made with the appropriate district court for the State of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of DWR. If you have questions or would like clarification concerning this Order, you may contact the Chief Engineer.

Entered in SHAWNEE COUNTY, KANSAS.


David W. Barfield, P.E. July 18, 2018
Chief Engineer Date

Certificate of Service

A copy of the foregoing Order was sent by First Class Mail service this 18th day of July, 2018, to the following:

DEREK OSWALD
2175 CANTRELL RD
LINWOOD KS 66052



KDA Staff

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE
6/26/18
Reviewer: KAB for DWS

File Number 49984
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

JAN 29 2018
11:40
KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): Derek Oswald
Address: 21751 Cantrell Rd
City: Linwood State KS Zip Code 66052
Telephone Number: (913) 370-1929

2. The source of water is: surface water in Unnamed Tributary to South Creek (Delaware) river Basin #3931
(stream) Delaware
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 70* 100 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 800 / NF gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:		F.O. <u>1</u> GMD <u>Q</u> Meets K.A.R. 5-3-1 (YES/NO) Use <u>IRR</u> Source <u>30</u> County <u>AT</u> By <u>AW</u> Date <u>1/29/18</u>	
Code	<u>REG</u>	Fee \$ <u>200</u>	TR # _____ Receipt Date <u>1/29/18</u> Check # <u>1075</u>

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

* Per email dated 3/29/18 - Applicant's consultant (Grimm) agreed to reduced quantity. DWS/DWR

2/19/2018 U.M.

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE quarter of the SW quarter of the SE quarter of Section 11, more particularly described as being near a point 230 feet North and 1678 feet West of the Southeast corner of said section, in Township 6 South, Range 17 **East/West** (circle one), Atchison County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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

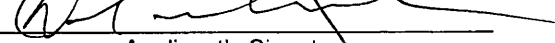
Same

 (name, address and telephone number)

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 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.

7. The proposed project for diversion of water will consist of 1 pond and pump
 and (was)(will be) completed (by) ASAP
 (number of wells, pumps or dams, etc.)
 (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)

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JAN 29 2018

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49984
This item to be completed by the Division of Water Resources.

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JAN 29 2018
11:42

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): Derek Oswald
Address: 21751 Cantrell Rd
City: Linwood State KS Zip Code 66052
Telephone Number: (913) 370-1929

2. The source of water is: surface water in Unnamed Tributary to south Creek Delaware river Basin #3931
(stream)
OR groundwater in Delaware
(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 100 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 800 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 2 Meets K.A.R. 5-3-1 (YES/NO) Use I 122 Source 3 County AT By AW Date 1/29/18
Code REG Fee \$ 200 TR # _____ Receipt Date 1/29/18 Check # 1075

SCANNED
2/19/2018 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 SE quarter of the SW quarter of the SE quarter of Section 11, more particularly described as being near a point 230 feet North and 1678 feet West of the Southeast corner of said section, in Township 6 South, Range 17 East/West (circle one), Atchison County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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

Same

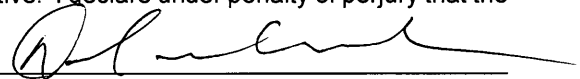
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 26, 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.

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) ASAP

(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)

WATER RESOURCES
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- 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 Under 25ft tall and under 50ac/ft to ES
Avg depth of pond under 10ft and 2 acres for total max sotorage of 20ac/ft

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

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

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

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

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

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

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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 Hianxthe, Kansas, this 24 day of January, 2018.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Keith Gamm MWI, LLC Date: 1/26/18
(office/title)

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JAN 29 2018

KS DEPT OF AGRICULTURE

SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49984

Name of Applicant (Please Print): Derek Oswald

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: Derek Oswald
ADDRESS: 21751 Cantrell Rd Linwood KS 66052

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
11	6 ^s	17 ^E																	39	39	78
14	6 ^s	17 ^E	28.4				10.6														39
13	6 ^s	17 ^E									38	26									64

*Total
181 Ac*

Landowner of Record NAME: _____
ADDRESS: _____

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

Landowner of Record NAME: _____
ADDRESS: _____

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

WATER RESOURCES
RECEIVED

JAN 29 2018

49,984

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Tuesday, June 26, 2018 9:55 AM
To: Schemm, Doug [KDA]
Cc: Baum, Kristen; Weiser, Ryan [KDA]
Subject: RE: Derek Oswald 49,984

Doug,

As we just discussed, this one is good to go, but it must be accompanied by an MDS Order for the Delaware River.

Thanks, Katie

Katie Tietsort

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

Achiever~Responsibility~Input~Relator~Arranger

From: Schemm, Doug [KDA]
Sent: Monday, June 25, 2018 10:19 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Derek Oswald 49,984

Reservoir on a trib to South Creek that ultimately dumps into the Delaware River just South of Muscotah. He's a bit short on water due to limited drainage area. He gets 70 AF on 181 acres.

6-13-18

(Date)

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

RECEIVED

JUN 21 2018

Topeka Field Office
DIVISION OF WATER RESOURCES

Re: Application
File No. 49,984

Minimum Desirable Streamflow
DELAWARE RIVER

Dear Sir:

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

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

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

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

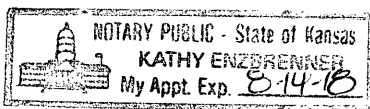
Signature of Applicant

DEREK OSWALD

Print Applicant Name

State of Kansas)
County of At) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 13 day of June, 2018.


Notary Public

My Commission Expires:
8-14-18

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JUN 18 2018

SCANNED

**FORM TO BE USED WHEN APPLICABLE
WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Assurance Districts have been formed on the following rivers:

Kansas River Marias des Cygnes River Neosho River

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

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

#49,984

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

STATE OF KANSAS



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 18, 2018

DEREK OSWALD
21751 CANTRELL ROAD
LINWOOD, KS 66052

RE: Dam Determination
WSN: DAT-0248

Dear Mr. Oswald,

The Division of Water Resources, Water Appropriations section requested a determination on this existing structure. Documents received stated that your dam is located in the SE 1/4 of the SW 1/4 of the SE 1/4 of Section 11, Township 6 South, Range 17 East in Atchison County.

We have reviewed the submitted documentation to this office. We have concluded that this project is not in our jurisdiction by K.S.A. 82a-301 to 305a. The drainage area is less than 640 acres, the structure has a storage volume less than 50 acre-feet at the auxiliary spillway elevation, and it is less than 25 feet in height.

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

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

Sincerely,

Mikayla Kortan
Water Structures Engineer

P.C. Doug Schemm - Topeka Field Office (49984)

STATE OF KANSAS

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



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

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

April 17, 2018

DEREK OSWALD
2175 CANTRELL RD
LINWOOD KS 66052

Re: Pending Application, File No. 49,984

Dear Mr. Oswald:

Enclosed is a Minimum Desirable Streamflow form, which must be **signed and notarized** for the above referenced application. Your dam and reservoir are within the Delaware River basin, which is subject to minimum desirable streamflow requirements. Please return the completed form to:

KANSAS DEPARTMENT OF AGRICULTURE
6531 SE FORBES AVENUE SUITE B
TOPEKA KS 66619

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

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

STATE OF KANSAS



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

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

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

April 4, 2018

MARCELLINE VAUGHAN
3718 262ND RD
EFFINGHAM KS 66023

Re: Pending Application, File No. 49,984

Dear Ms. Vaughan:

This is to advise you that Derek Oswald has filed the application referred to above for a permit to appropriate 70 acre-feet of surface water per calendar year to be stored in an existing reservoir, and re-divert 70 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, Township 6 South, Range 17 East, Atchison County, Kansas. Note that the original application quantity has been reduced from 100 acre-feet to 70 acre-feet based on basin runoff potential.

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

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

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

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Derek Oswald
Keith Grimm – MWI, LLC

#49,984

Schemm, Doug [KDA]

From: Keith Grimm <Keith@mwivalley.com>
Sent: Thursday, March 29, 2018 1:45 PM
To: Schemm, Doug [KDA]
Subject: Re: File No. 49984 - Derek Oswald

Thanks

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Schemm, Doug [KDA]" <Doug.Schemm@ks.gov>
Date: 3/29/18 12:17 PM (GMT-06:00)
To: Keith Grimm <Keith@mwivalley.com>
Subject: File No. 49984 - Derek Oswald

Keith,

This is a reservoir in the SE ¼ of Section 11, T6S, R17E. Limited drainage area, I only got 70 acre-feet of run-off. The application will have to be reduced from 100 AF to 70 AF.

Doug

1" = 852'

11-6S-17E

Derek Oswald

Diversion Point

230ft north

1673ft west

SE Corner 11-6S-17E

Derek Oswald

14-6-17

13-6-17

© 2014 Google

Google Earth

1991

Imagery Date: 4/1, 2016 39°32'10.72" N 95°28'40.92" W elev 1050 ft eye alt

18655

11-6S-17E

Derek Oswald

Diversion Point
230ft north 1678ft west

Marcelline Vaughan
3718 262nd Rd
Effingham KS
66023

Derek Oswald

14-6-17

13-6-17

© 2018 Google

Google Earth

1991

Imagery Date: 4/1/2016 39°32'10.72" N 95°28'40.92" W elev 1050 ft eye alt

FILE NO. 49,984

SOIL: "76" PRECIP.: 36"

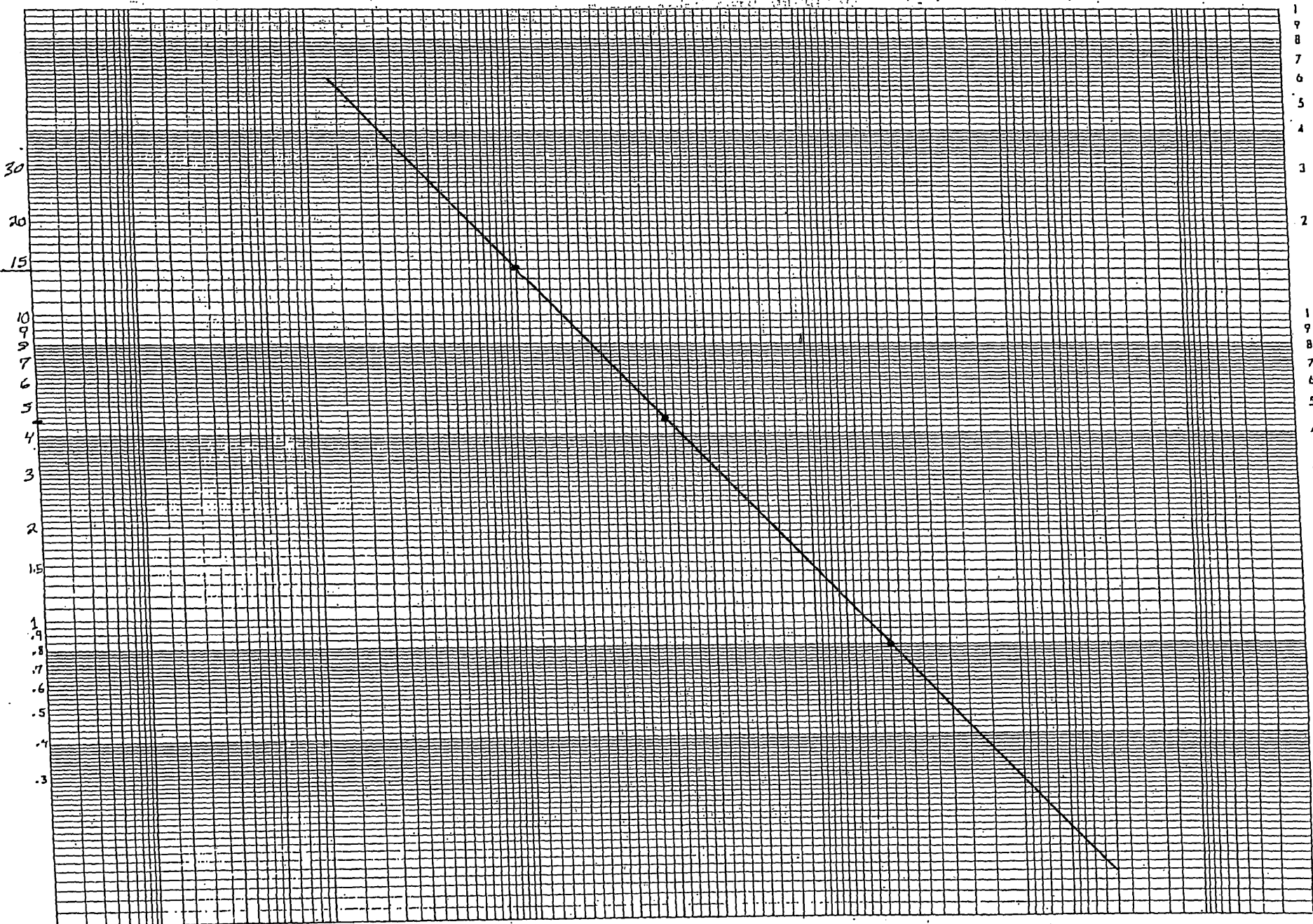
^{Achison} INCHES RUNOFF / ACRE: 14"
OF RUNOFF (20% CHANCE ANNUALLY)

60 ACRES IN DRAINAGE x 14" = 840" / 12" ⇒ 70 AF

99.99 99.9 99.8 99 98 95 90 80 70 60 50 40 30 20 10 5 2 1 0.5 0.2 0.1 0.05 0.01

RUNOFF IN INCHES

Probability (Long-axis) by 3 Cycle Log



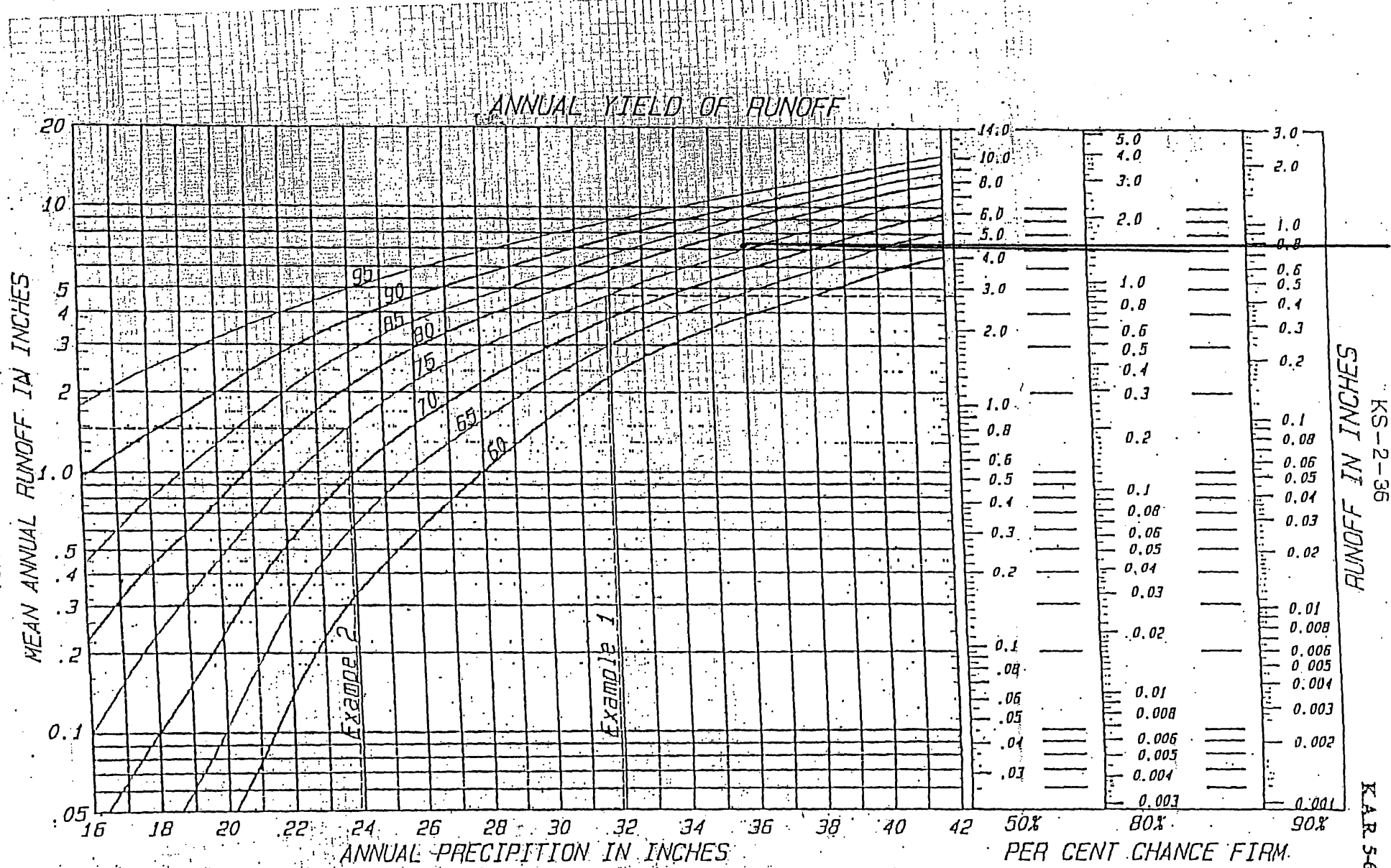
14"

% CHANCE

PREPARED BY:

222

EFM Notice KS-38, 12/12/91



KS-2-36
RUNOFF IN INCHES

KAR 5-6-4(a)(1)

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

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49984 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49984 00 IRR

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

230 Feet North and 1678 Feet West of the Southeast Corner of Section 11 T 6S R 17E

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 45995 00 SED NK S      9871 -- -- -- -- 3264 1936 3 6 17E 1 .00 .00 AF
Same          9750 -- SW NE SW 1745 3536 3 6 17E 2
***** Authorized storage = .00 AF Additional storage = .00 AF
Same          6236 -- NW SW SE 1100 2450 13 6 17E 1
***** Authorized storage = .00 AF Additional storage = .00 AF
Same          2868 -- SE SE NW 2850 2700 14 6 17E 1
***** Authorized storage = .00 AF Additional storage = .00 AF
Same          8803 -- NW SE SW 733 3637 15 6 17E 1
***** Authorized storage = .00 AF Additional storage = .00 AF
Same          7908 -- SW SW NW 3000 5000 7 6 18E 1
***** Authorized storage = .00 AF Additional storage = .00 AF
Same          8104 -- SE SW SW 650 4314 7 6 18E 2
***** Authorized storage = .00 AF Additional storage = .00 AF
A__ 49984 00 IRR AY S      0 -- SE SW SE 230 1678 11 6 17E 1 100.00 100.00 AF
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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =     100.00      .00
Total Permitted Amount (AF) =       .00      .00
Total Inspected Amount (AF) =       .00      .00
Total Pro_Cert Amount (AF) =       .00      .00
Total Certified Amount (AF) =       .00     1887.03
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =         100.00     1887.03
=====
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

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

230 Feet North and 1678 Feet West of the Southeast Corner of Section 11 T 6S R 17E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

```

File Number   Use ST SR
A__ 45995 00 SED NK S
> DELAWARE WATERSHED JOINT DIST #10
>
> PO BOX 70
> HOLTON KS 66436
>-----
A__ 49984 00 IRR AY S
> DEREK OSWALD
>
> 2175 CANTRELL RD
    
```

11-6S-17E

Derek Oswald

Diversion Point

1678ft west

230ft north

270th

Derek Oswald

14-6-17

13-6-17

© 2018 Google

Google Earth

11-6S-17E

SCANNED

WATER COURSES
DRAINAGE
DRAINAGE



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

DEREK OSWALD
21751 CANTRELL RD
LINWOOD KS 66052

RE: Application
File No. 49984

Dear Sir or Madam:

Your application for permit to appropriate water in 11-6S-17E in Atchinson 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

NEW STREAM WORKSHEET

ES Atw

Date: 2/8/18

File No. 49,984

Basin Name: Delaware Basin No. 11

Stream Name: South Creek (Delaware) Trib 4

Stream location (confluence with parent stream):

Section 14, Township 6 South, Range 17 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

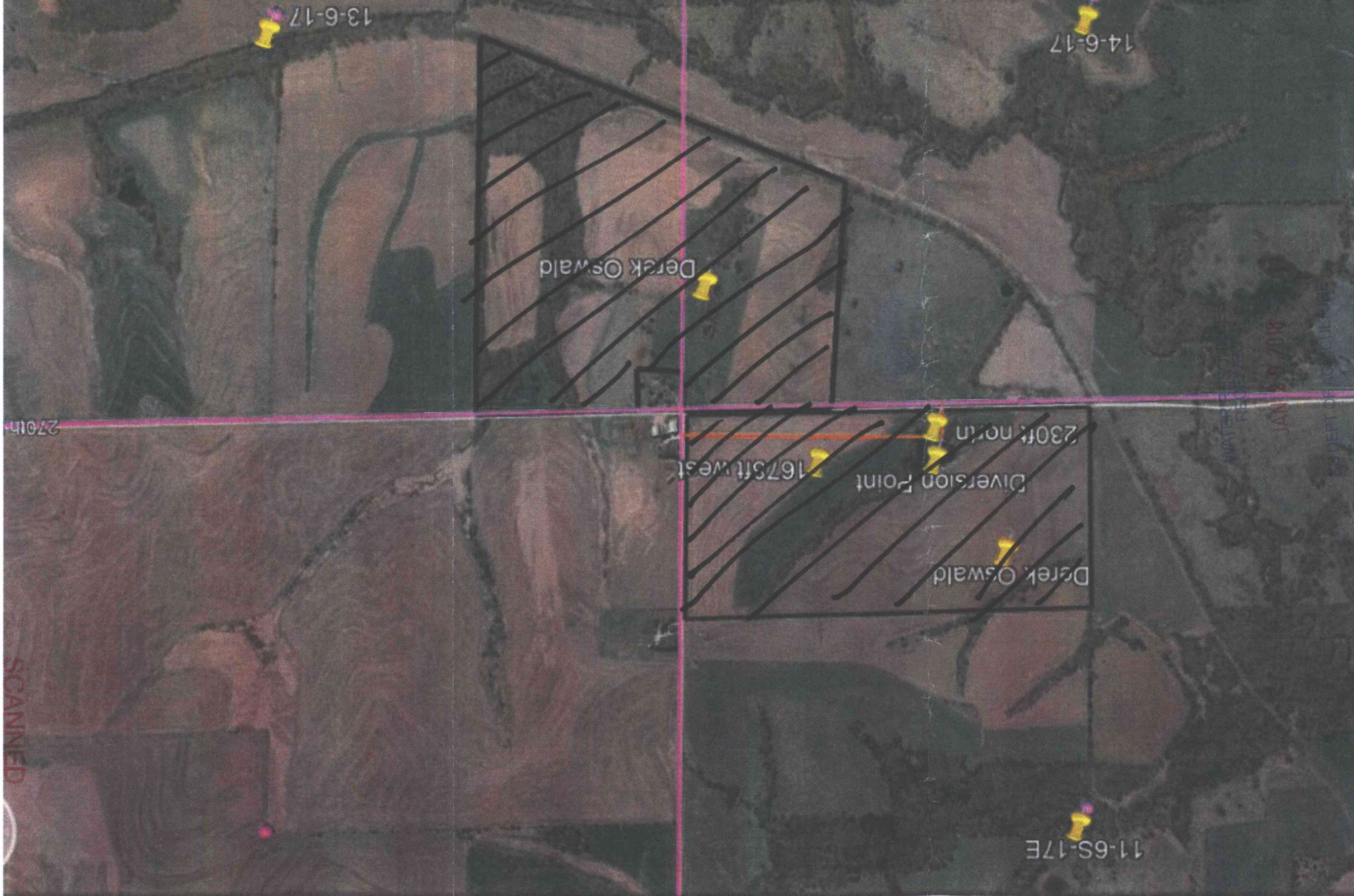
Unnamed Trib (1, 2, 3, 4, etc.) – Pink

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

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

Stream No. 3 9 3 1 (computer assigned - entered by data entry staff)

Date Entered 2/19/2018 By LLM



13-6-17

14-6-17

Derek Oswald

230ft north
1675ft west
Diversion Point

Derek Oswald

11-6S-17E

2701h

SCANNED

WATER RIGHTS DIVISION
PROPERTY RECORDS
JAN 29 2018
PROPERTY RECORDS DIVISION