

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

1. File Number: 49,986	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: **4/20/2018** By: **UM**

File No. **49,986** 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	
√	86603	LOT 4	33	30	21E	1	340	4470	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
8,000	230	8,000	230	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	NE ¼	NW ¼	SW ¼	SE ¼								
√	68748	4	31S	21E	3	MARSH COMPLEX – LOT 8, LOT 9 & NE																					7a	NO	NONE

Comments: Note: **Place of Use is in Labette County.**

Special condition

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.

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

FILE COPY

KKTGC HOLDING TRUST
% KURT TERLIP
218 MCKAY
FRONTENAC KS 66763

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. 49,986** 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 31, 2018**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh complex located in Lot 8, Lot 9 and the Northeast Quarter (NE $\frac{1}{4}$) of Section 4, in Township 31 South, Range 21 East, Labette 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 4 of Section 33, more particularly described as being near a point 340 feet North and 4,470 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 **230 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.

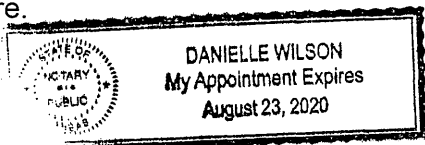
Ordered this 25th day of April, 2018, in Topeka, Shawnee County, Kansas.

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

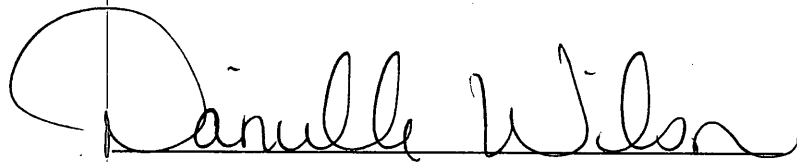
CERTIFICATE OF SERVICE

On this 26th day of April, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,986, 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 49980
This item to be completed by the Division of Water Resources.

APPLICATION COMPLETE
3-7-18
Reviewer KAB for
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.)

WATER RESOURCES
RECEIVED
JAN 31 2018
10:29
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 #34 (stream)
OR groundwater in Neosho (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 230 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.	<input type="checkbox"/> GMD	<input checked="" type="checkbox"/> Meets K.A.R. 5-3-1 (YES/NO)	Use <u>REC</u>	Source <u>G</u> County <u>NO</u>	By <u>AW</u>	Date <u>1/31/18</u>	
Code	<u>REC</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>1/31/18</u>	Check # <u>1135</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 4 quarter of the _____ quarter of Section 33, more particularly described as being near a point 340 feet North and 4470 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 1-29- 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)

WATER RESOURCES
RECEIVED

JAN 31 2018 SCANNED

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 31 2018

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 Frontier, Kansas, this 29 day of Jan 2018
(month) (year)

Kurt T. D. KKGC Holdly Trust
(Applicant Signature)

By Kurt T. D.
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Caleb Fabrycky TFO/Parsons Date: 1/26/18
(office/title)

WATER RESOURCES RECEIVED
JAN 31 2018
SCANNED
KS DEPT OF AGRICULTURE

49986



From: **Fabrycky, Caleb [KDA]** Caleb.Fabrycky@ks.gov
Subject: New Application 3
Date: January 26, 2018 at 5:05 PM
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 \$300 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

(Be sure to print and send in the engineering specs you had sent me as well)

I've copied Janelle Phillips, with DWR - Structures Program, so that she can take a look at the aerial photo/engineering specs 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



Kurt Terlip
Applica...n 3.pdf

KKTGC Holding Trust New Application

1:12,000



JAN 31 2018

SCANNED

49986

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.
Water Capacity*: West side = 15,658,636 gal + East side = 21,794,588 gal
37,453,224 gal = ~115 AF x 2 fills per year to account for evaporation, seepage, and transpiration.
230 AF per year *(see attached engineering specs)

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	230
Year 2	230
Year 3	230
Year 4	230
Year 5	230

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.

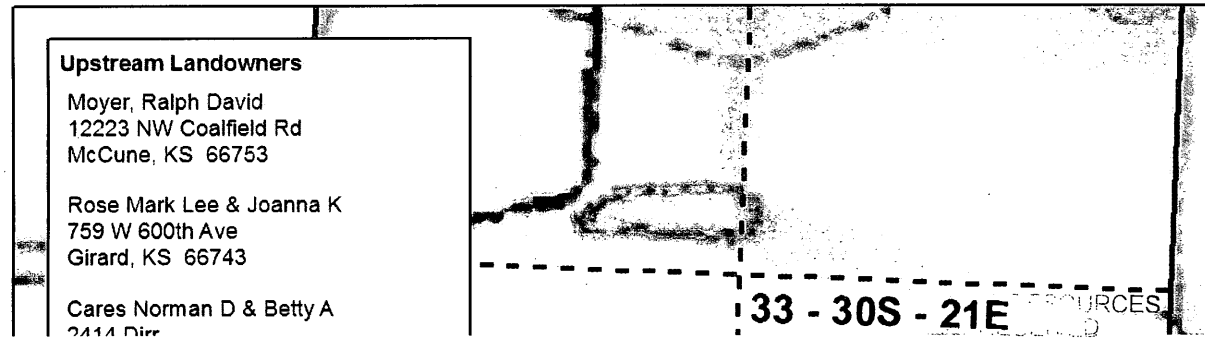
Recreational use for a marsh complex located in Lot 8, Lot 9, and the Northeast Quarter (NE 1/4)
of Section 4, Township 31 South, Range 21 East, Labette County Kansas.

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

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

KKTGC Holding Trust New Application

1:12,000



JAN 31 2018 SCANNED

STATE OF KANSAS



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

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

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.

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.

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

STATE OF KANSAS



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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

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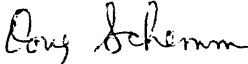
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Topeka Field Office

pc: KKTGC Holding Trust

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

March 21, 2018

RALPH DAVID MOYER
12223 NW COALFIELD ROAD
MCCUNE KS 66753

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Environmental Scientist
Topeka Field Office

pc: KKTGC Holding Trust

STATE OF KANSAS



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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

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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

NORMAN D & BETTY A CARES
2414 DIRR
PARSONS KS 67357

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

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TOPEKA, KS 66619

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:

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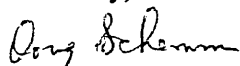
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Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: KKTGC Holding Trust

Schemm, Doug [KDA]

From: Colin Terlip <colinterlip@gmail.com>
Sent: Monday, February 19, 2018 10:58 AM
To: Schemm, Doug [KDA]
Subject: Fwd: Duck Marsh #2 - NOI concerns
Attachments: Duck Marsh #2 NOI - deficiencies checklist.pdf

FYI

Sent from my iPad

Begin forwarded message:

From: Kurt Terlip <kurtterlip@gmail.com>
Date: February 19, 2018 at 10:55:34 AM CST
To: Colin Terlip <colinterlip@gmail.com>
Subject: Fwd: Duck Marsh #2 - NOI concerns

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

Begin forwarded message:

From: "Larry Hook [KDHE]" <Larry.Hook@ks.gov>
Subject: Duck Marsh #2 - NOI concerns
Date: February 1, 2018 at 3:42:33 PM CST
To: "kurtterlip@gmail.com" <kurtterlip@gmail.com>

We need additional information to continue processing the Duck Marsh #2 NOI form. Our concerns are identified on the attached checklist.

- 1) One concern is the lack of a properly licensed or certified individual to supervise development of the Stormwater Pollution Prevention Plan (SWPPP). Zack Short is identified on the form, however no license or certification number is provided. The general permit requires development of the SWPPP under the supervision of a licensed Kansas professional engineer, geologist, architect, or landscape architect or a Certified Professional in Erosion and Sediment Control (CPESC).

- 2) The scope of the proposed construction is unclear. Please show the outline of the area being disturbed by construction activities. Please also show the proposed locations of silt fence, hay bales or other sediment control measures needed below the disturbed areas, especially where runoff would enter drainage features including the channels below the outlet structures.

3) Please describe the inspection practices. The permit requires at least one inspection of the site every 14 days and also after each ½-inch or greater rain event. A report is to be prepared for each inspection and signed by the person that performs the inspection.

4) Please describe how the disturbed areas will be stabilized. The permit requires disturbed areas to be stabilized with mulch or a similar soil stabilizing measure whenever construction activities cease and will not resume for more than 14 days. Please include the application of mulch or a similar measure with all seeding activities. The initial stabilization activities are to be completed within 14 days after construction ceases.

Feel free to contact me if you would like to discuss the above matters.

Larry Hook, P.E.
KDHE - Bureau of Water
Industrial Programs Section
1000 SW Jackson St., Suite 420
Topeka, KS 66612-1367

Phone: (785) 296-5549; Fax: (785) 559-4257
www.kdheks.gov/stormwater

New email address: Larry.Hook@ks.gov

49,986

LLB-0094

WSI01 Query: WSI, ENG, WSI_TRANSACTIONS, WATER_RIGHTS, LOCATIONS, WAIVERS, ECA, ITRAIL, COMPLIANCE, IMAGES, WSI_ACTIONS

STRUCTURE NUMBER: L LB 0094 W# ID 40341 LAST# 94 APPLICATION: App Recd Date 01-31-2018 INDICATORS: Pending Complaint

REVIEWER: CURRENT STATUS: Project Activity: DUCK MARSH #2 INDICATORS: App Mod, Pending Mod, After the Fact, General Permits

FILE LOCATION: MDC Perma AT Site Name: KKTGC MARSH #2 (SOUTH MARSH) Stream: NEOSHO RIVER KDOT Type: Levee Ind, Corps, App Proc Time, DWR, Location, Pub Date

APPLICANT: LAST: KKTGC HOLDING TRUST FIRST: OWNER: LAST: KKTGC HOLDING TRUST FIRST: DESIGNER: LAST: DOUBLE S DIRTWORKS FIRST:

Const Comp Data: DDA3070000 Remarks: FILL FOR A 48 AF 2 CELL WETLAND AND Fo

WSI ACT ALL ACT LOCATION ECA APPLICANT OWNER DESIGNER ENG COMPLAINT MOD ACT PROJECT

ACTIONS: LOCATION/ ECA/ FEE ITRAIL LEGAL WAIVER WR BARGE CMP MODIFICATION TAXED AFF IND

Date	Action	Deadline Date	Remarks
03-15-2018	INFORMATION FOR FILE		OWNER CA
03-05-2018	APPLICATION PROC SUSPENDED - FOR WATER RIGHTS		WATER RIG
02-12-2018	INFORMATION RECEIVED		UPDATED P

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49986 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49986 00 REC

Nearest Downstream
pump site almost
1/2 mile

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

340 Feet North and 4470 Feet West of the Southeast Corner of Section 33 T 30S R 21E

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__ 11562	00	STK	NK	S	2382	--	--	--	3316	5037	4	31	21E	2		261.00	261.00	AF
A__ 18139	00	STK	NK	S	2382	--	--	--	3316	5037	4	31	21E	2		21.00	21.00	AF
A__ 34092	00	STK	NK	S	2382	--	--	--	3316	5037	4	31	21E	2		248.93	.00	AF
A__ 45264	00	REC	NK	S	8839	--	NW	NE	SW	2272	3411	9	31	21E	3	.00	.00	AF
Same					8556	--	NE	NE	SW	2592	3257	9	31	21E	4			
***** Authorized storage =					.00	AF Additional storage =					.00	AF						
Same					8963	--	NW	NE	SW	2155	3359	9	31	21E	5			
***** Authorized storage =					.00	AF Additional storage =					.00	AF						
A__ 45309	00	REC	NK	S	8197	--	SW	SW	NE	3000	2000	8	31	21E	1	96.00	34.95	AF
Same					6644	--	--	--	4550	3300	9	31	21E	1				
Same					9045	--	--	--	1940	4304	9	31	21E	2				
A__ 47482	00	REC	LR	S	8197	--	SW	SW	NE	3000	2000	8	31	21E	1	176.00	80.00	AF
Same					6644	--	--	--	4550	3300	9	31	21E	1				
Same					9045	--	--	--	1940	4304	9	31	21E	2				
A__ 49978	00	REC	AY	S	2347	--	--	--	2330	280	32	30	21E	1		385.00	385.00	AF
A__ 49986	00	REC	AY	S	0	--	--	--	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) =		316.95	61.05
Total Vested Amount (AF) =		.00	.00
TOTAL AMOUNT (AF) =		1011.95	61.05

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:
 340 Feet North and 4470 Feet West of the Southeast Corner of Section 33 T 30S R 21E

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__ 45264 00 REC NK S
> USDA NATURAL RESOURCES CONS SER

>
> 760 S BROADWAY
> SALINA KS 67401

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

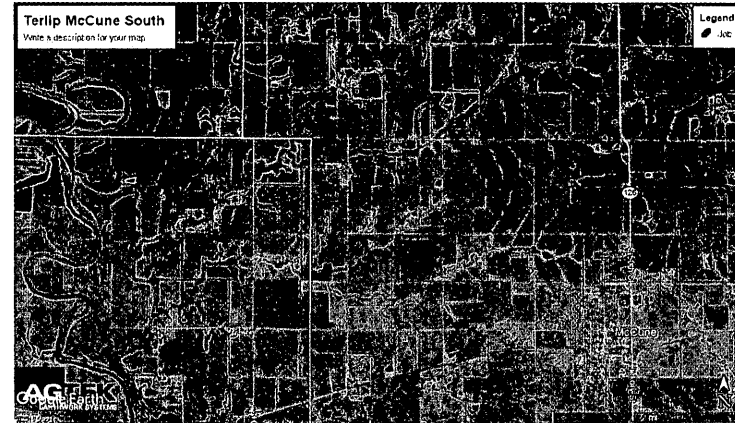
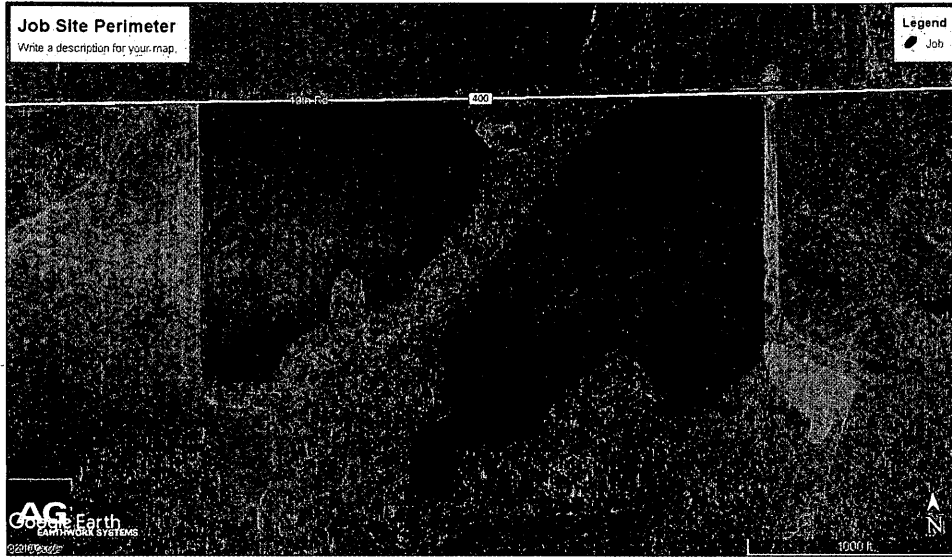
>
> 218 MCKAY
> FRONTENAC KS 66763

#####

Terlip McCune South Duck Marsh

Drawings

- 1 Title
- 2 West Grading
- 3 East Grading
- 4 West Perimeter Berm CL Profile
- 5 West Interior Berm CL Profile
- 6-7 West Perimeter Berm Cross Sections
- 8 West Interior Berm Cross Sections
- 9 East Perimeter Berm CL Profile
- 10-11 East Perimeter Berm Cross Sections
- 12 Water Capacity
- 13 Details



All contours and designs are based in a local coordinate system not tied to any state planes

WATER RESOURCES
RECEIVED

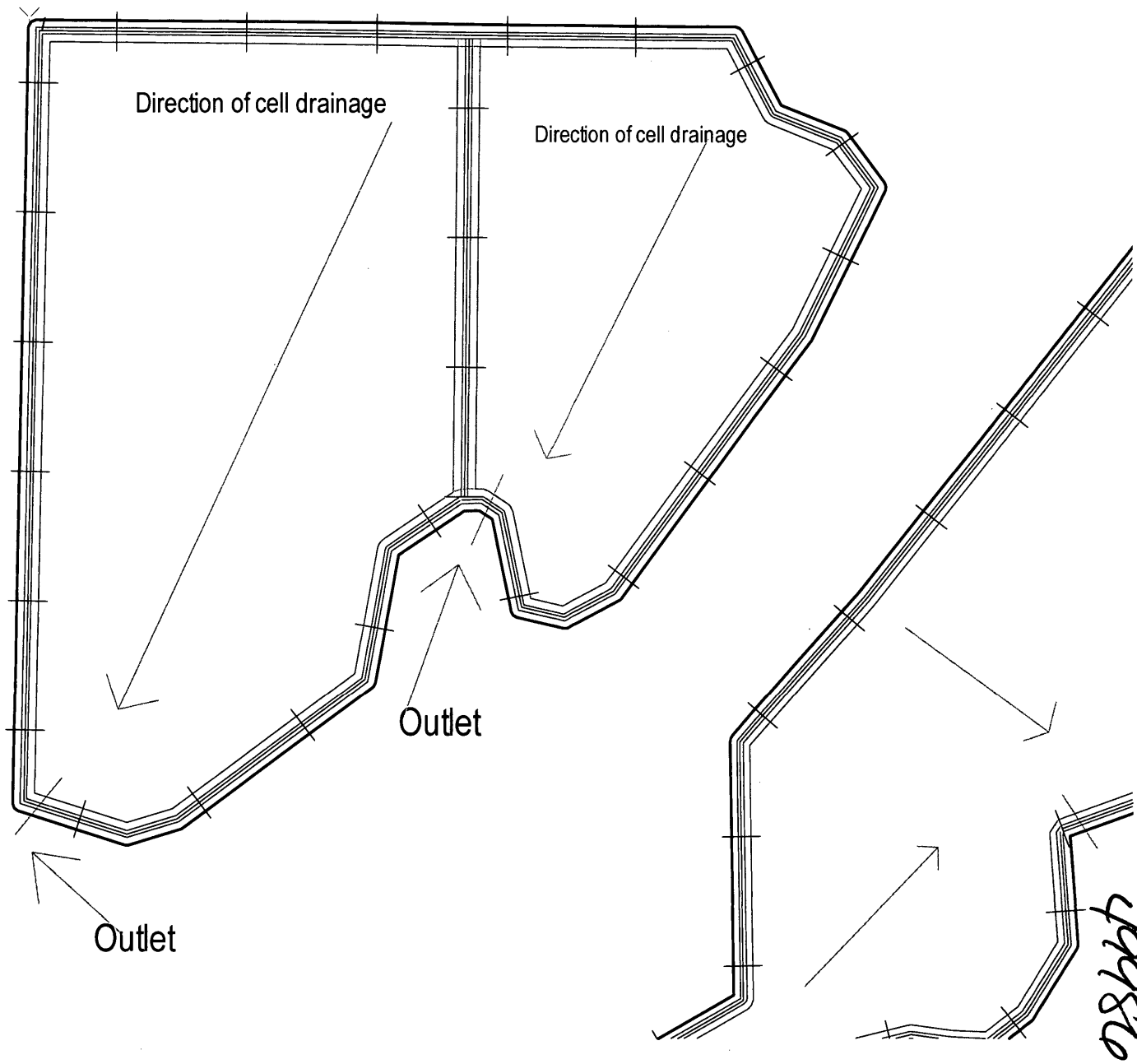
JAN 31 2018

KS DEPT OF AGRICULTURE

SCANNED

499820

West Site Grading

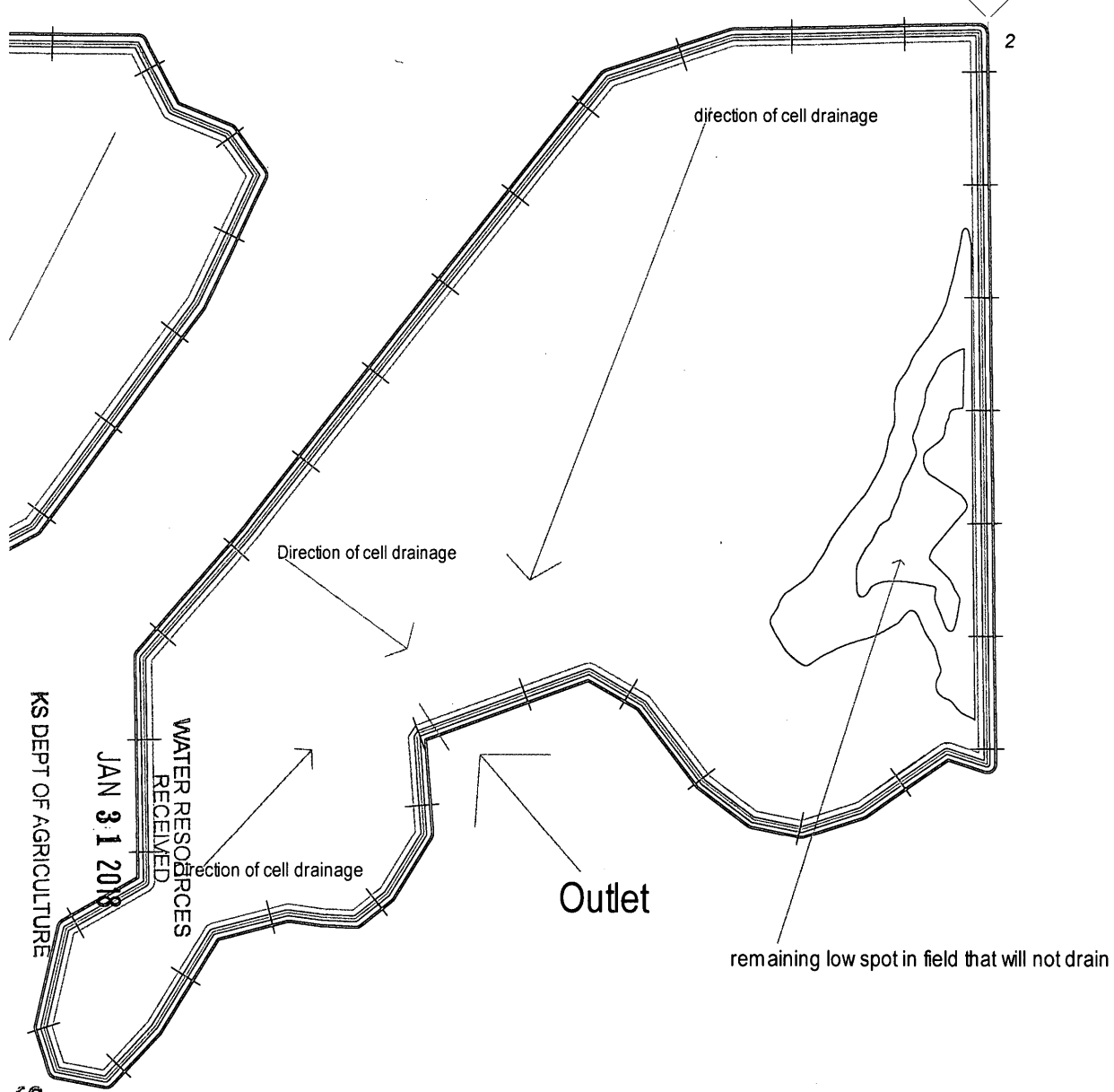


WATER RESOURCES
RECEIVED

JAN 31 2018

KS DEPT OF AGRICULTURE
SCANNED

East site grading



KS DEPT OF AGRICULTURE

JAN 31 2018

WATER RESOURCES
RECEIVED

direction of cell drainage

Direction of cell drainage

direction of cell drainage

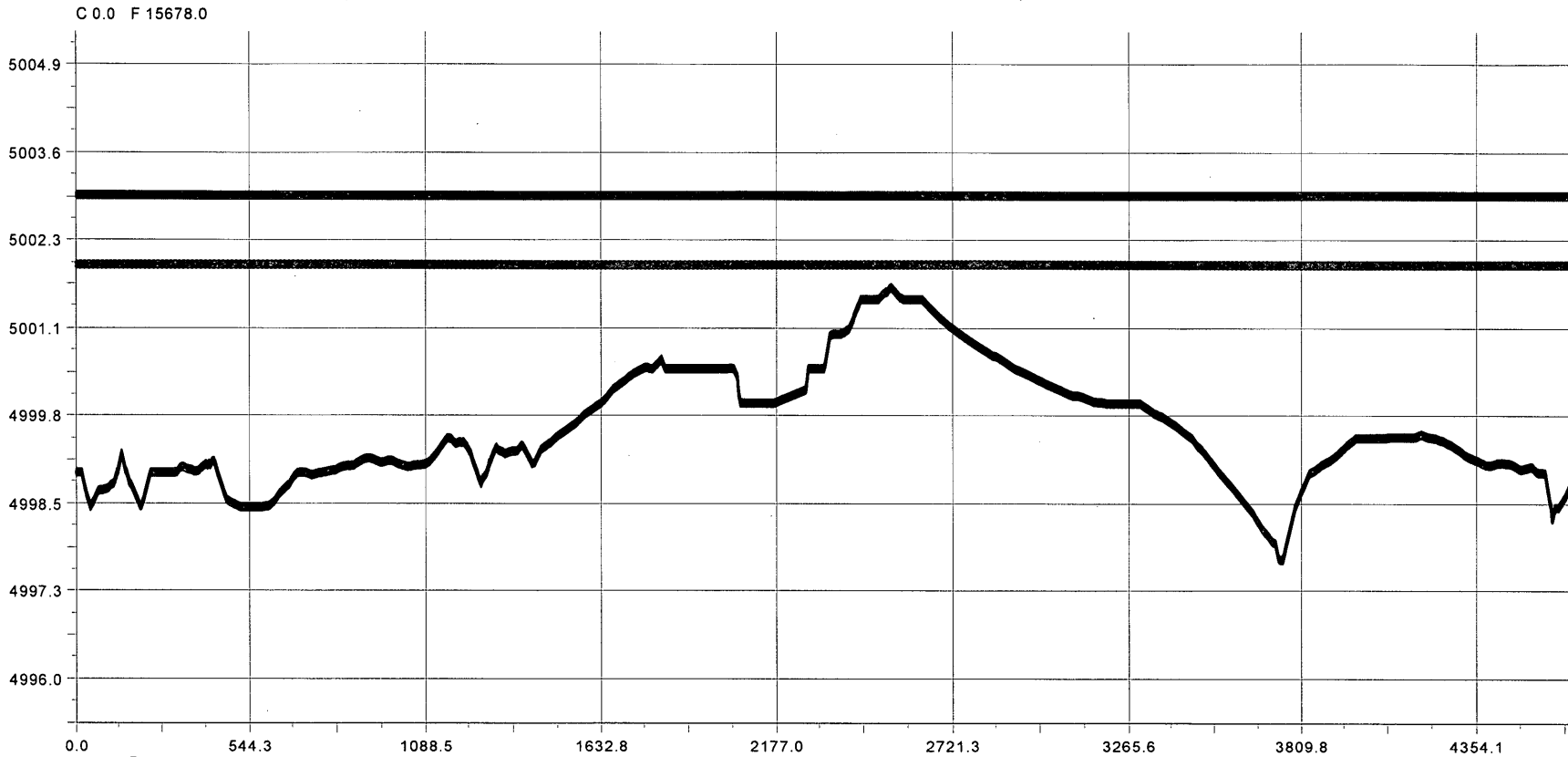
Outlet

remaining low spot in field that will not drain

SCANNED

499870

West perimeter berm CL



blue line = top of berm
orange line = designed water line
green line = existing ground

KS DEPT OF AGRICULTURE
SCANNED

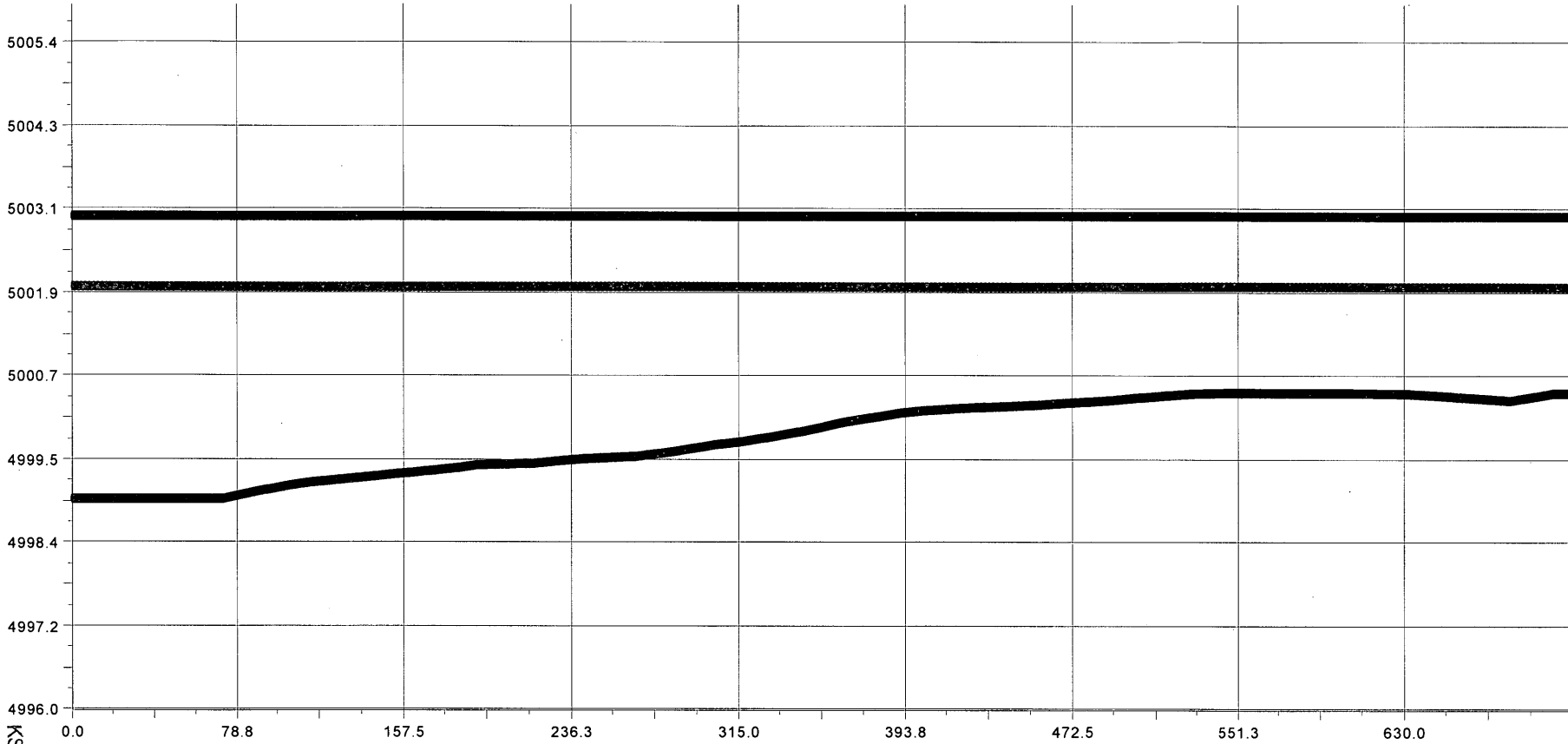
JAN 31 2018

WATER RESOURCES
RECEIVED

499810

West interior berm CL

C 0.0 F 2197.0



KS DEPT OF AGRICULTURE

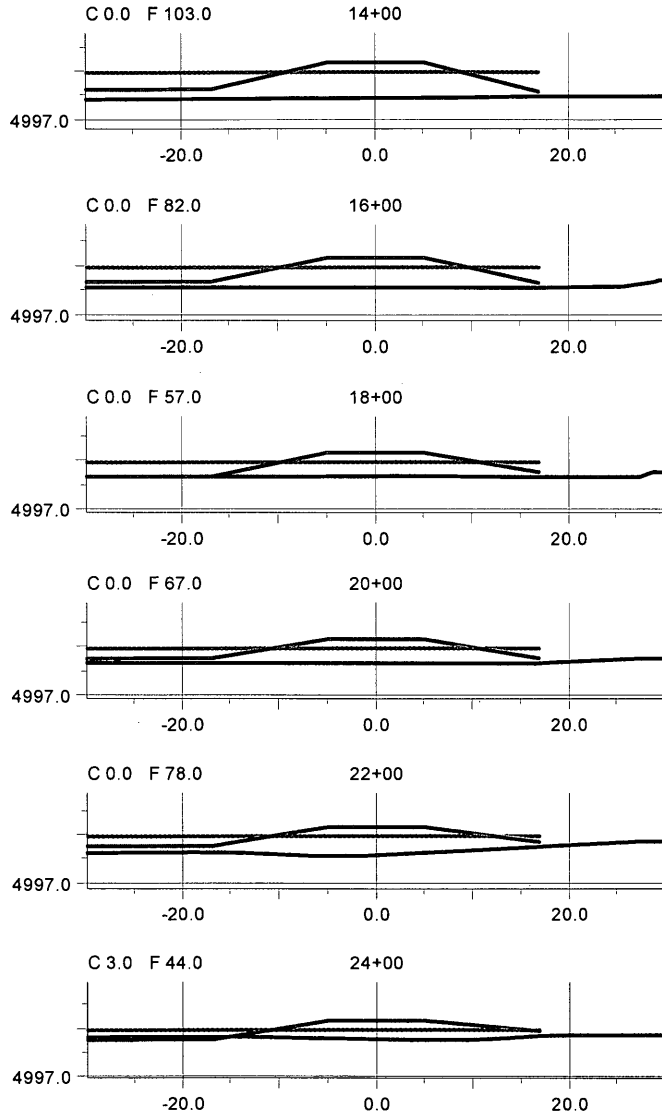
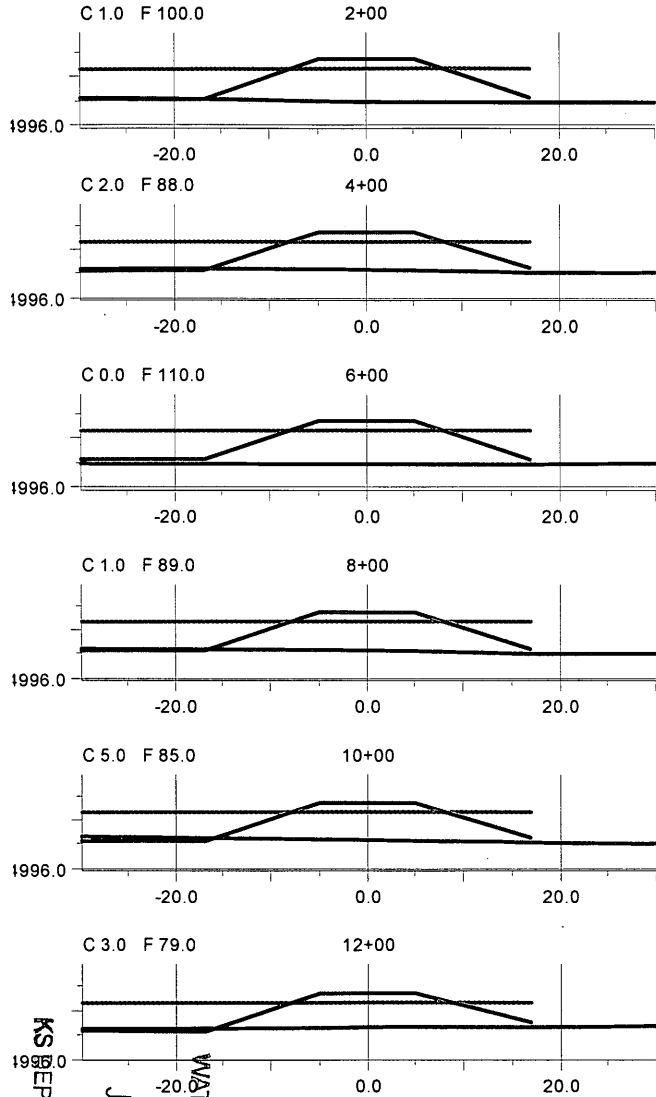
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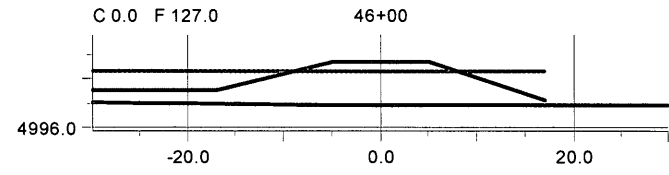
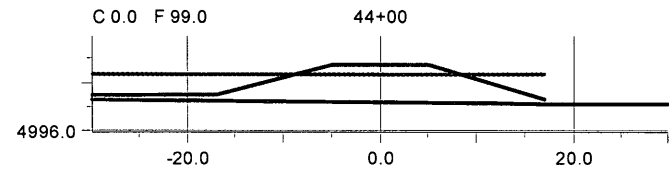
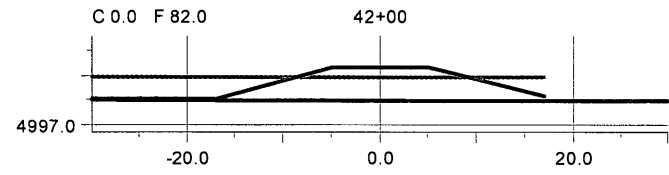
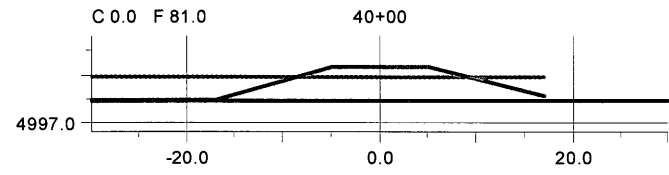
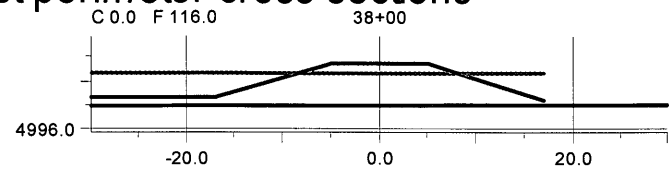
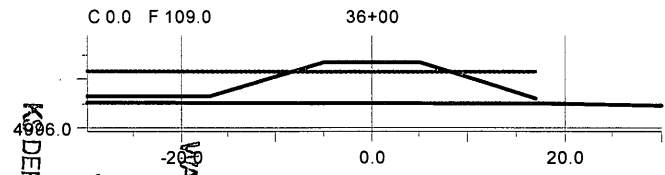
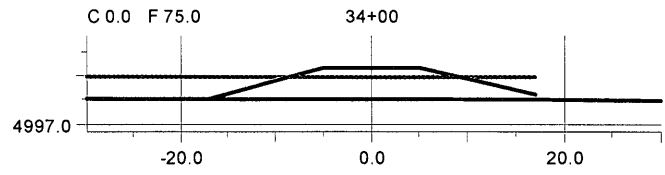
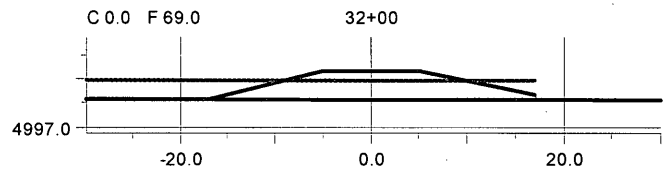
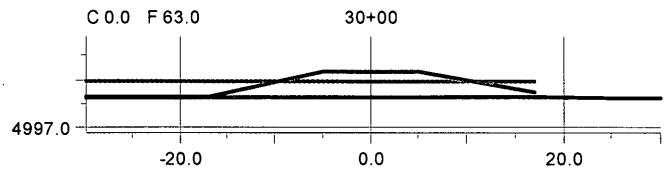
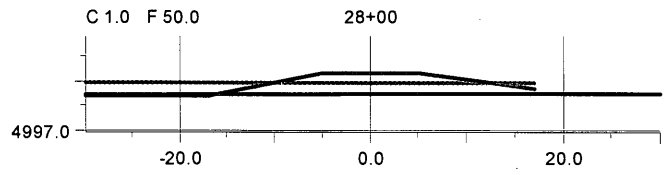
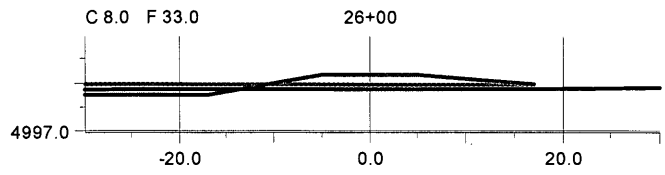
west perimeter cross sections



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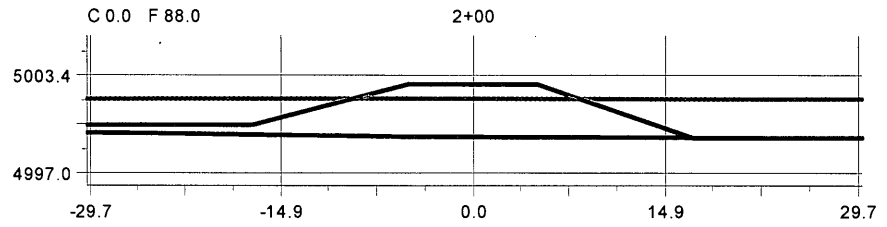
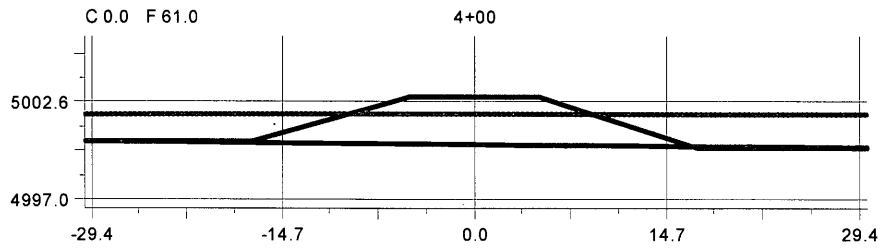
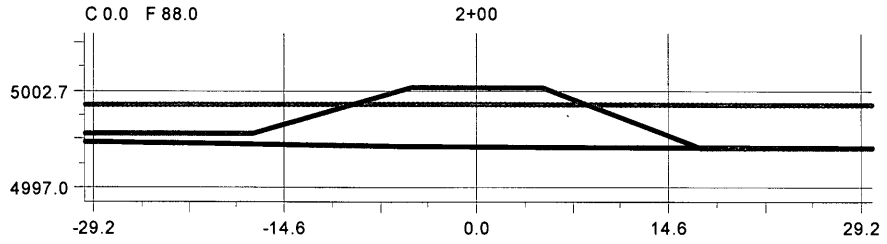
west perimeter cross sections



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west interior berm cross sections

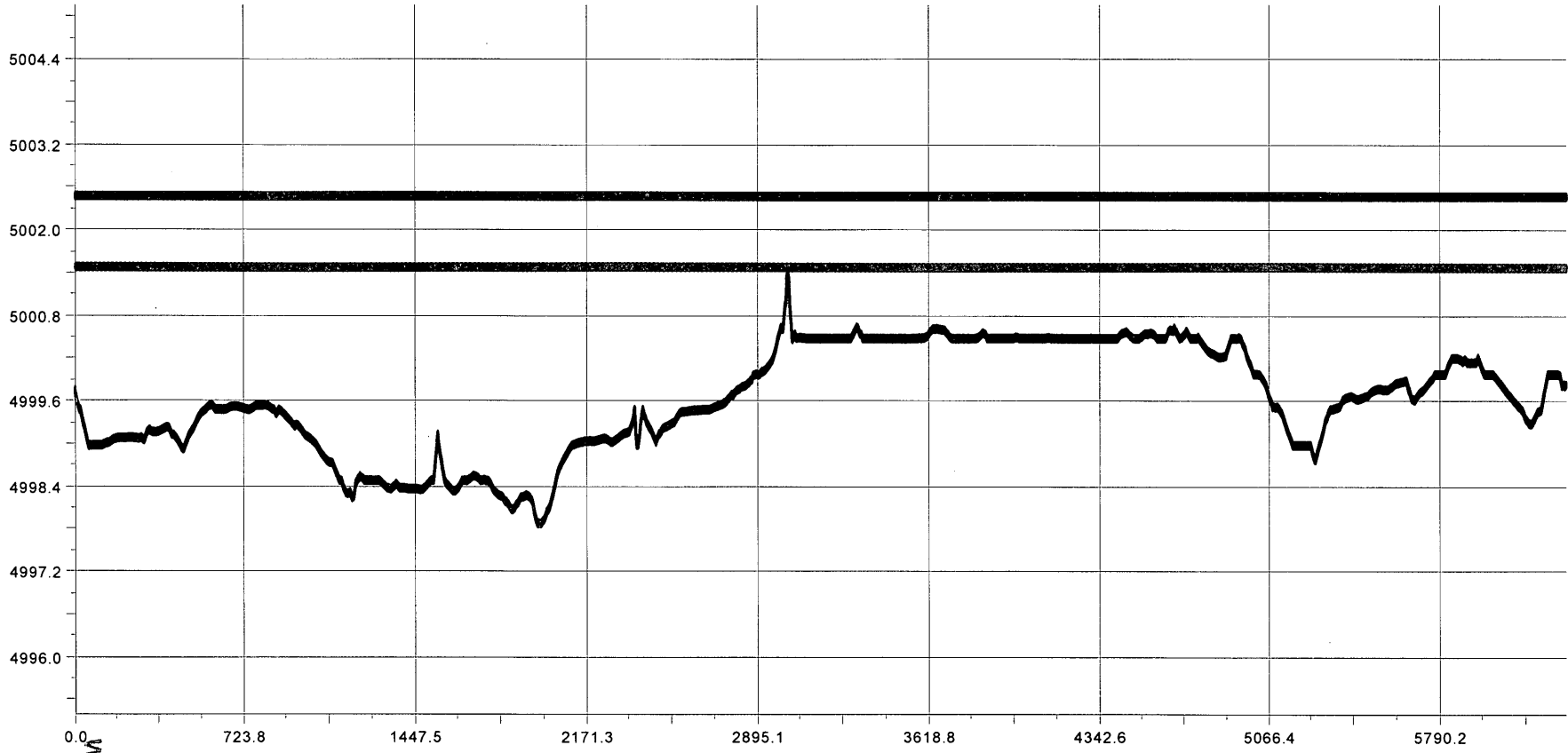


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East perimeter berm CL

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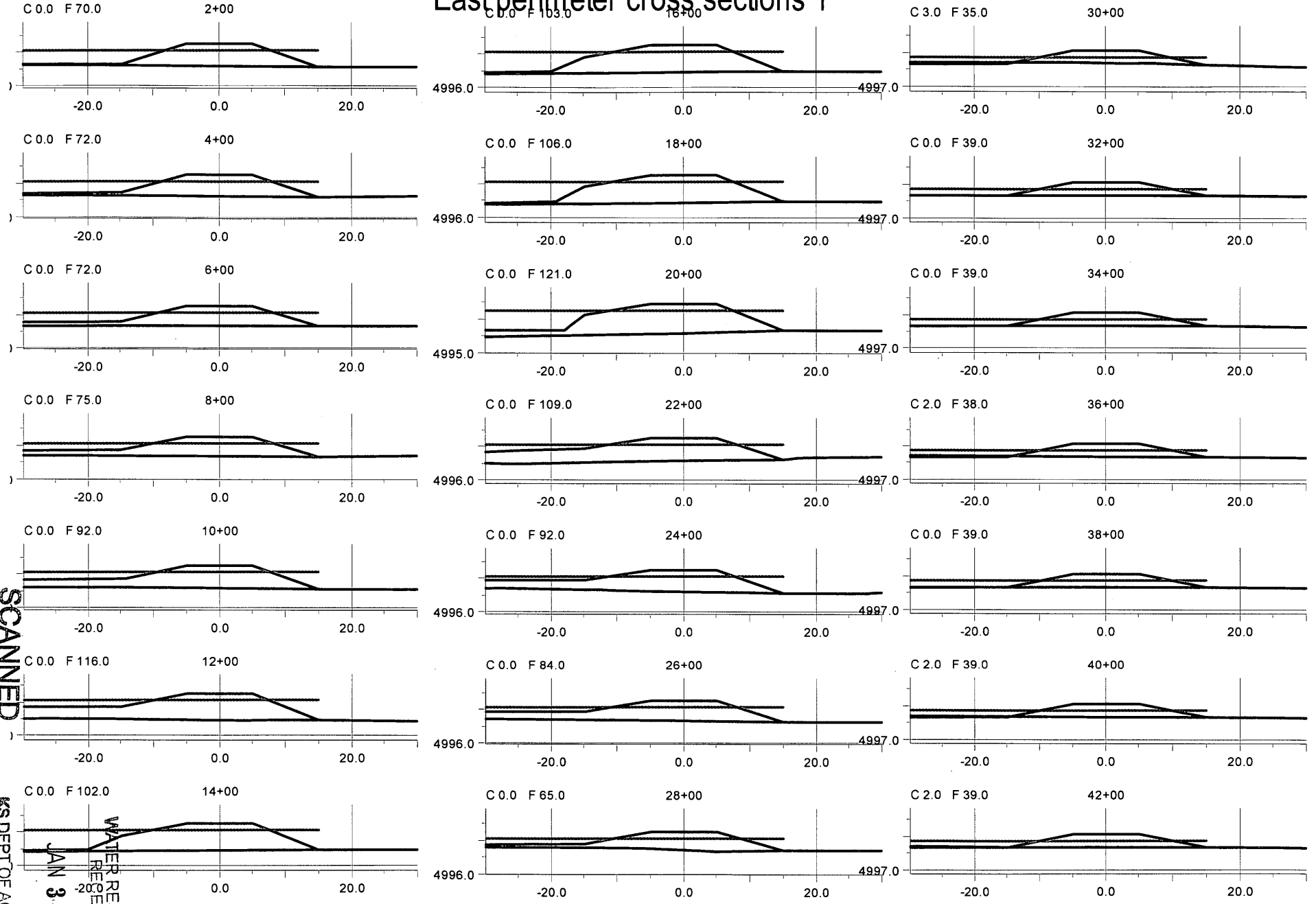
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72866h

East perimeter cross sections 1



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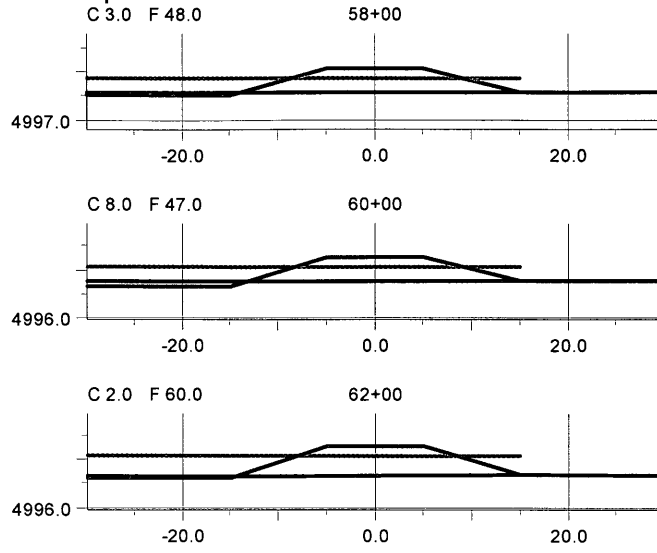
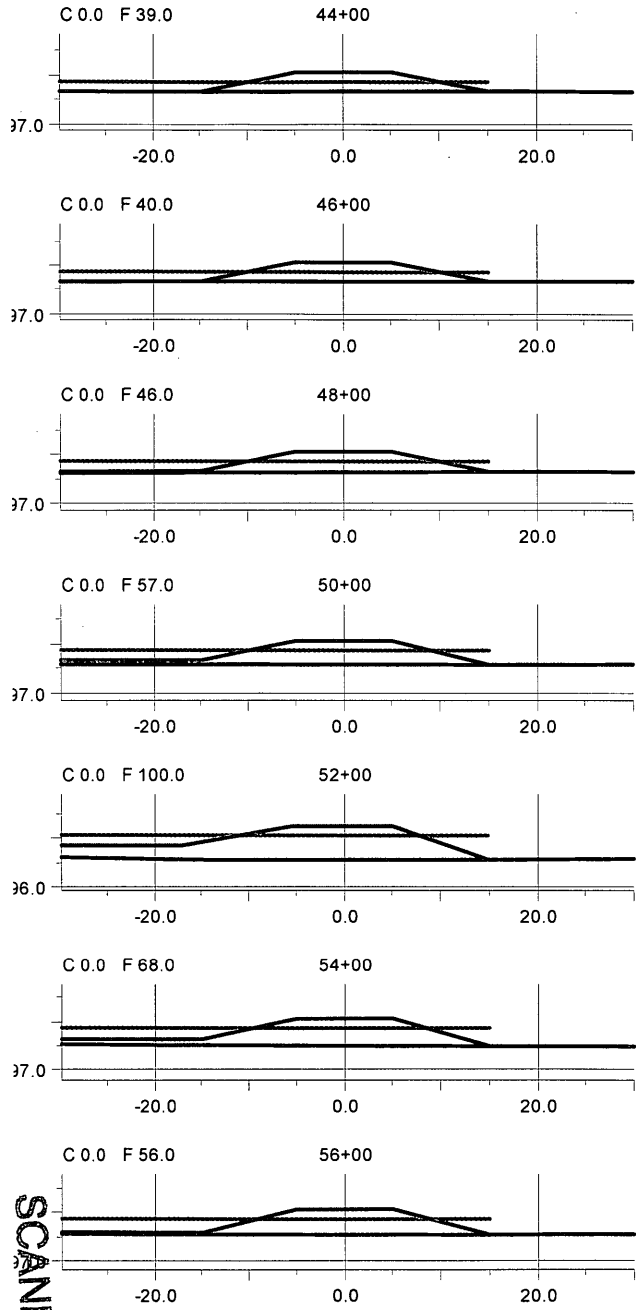
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East perimeter cross sections 2



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Water Capacity

West side

East side

Water capacity during normal conditions

Water capacity during normal conditions

15,658,636 Gallons

21,794,588 Gallons

Water at max capacity

Water at max capacity

24,548,364 Gallons

34,380,602 Gallons

Normal conditions is considered allowing 1 foot of freeboard

Max capacity is considered the capacity at the moment the berms begin to overflow

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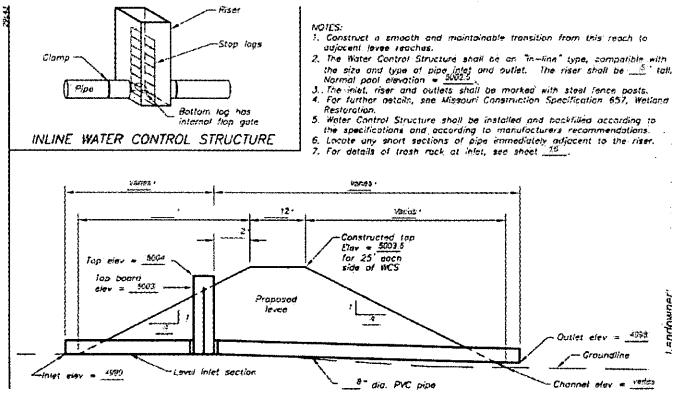
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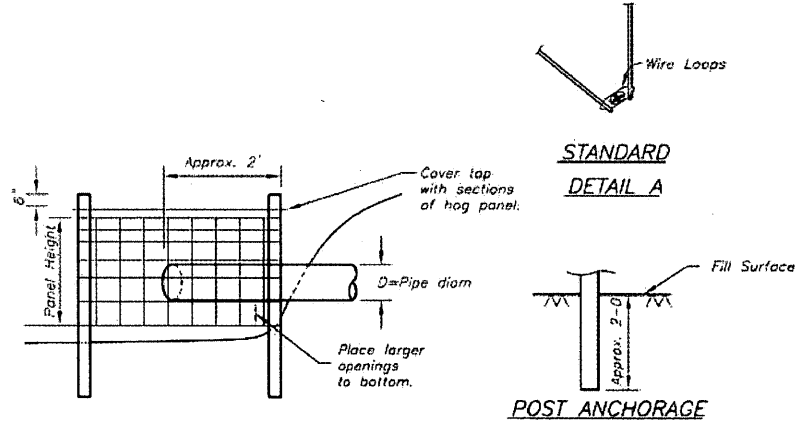
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Details

Berm and pipe outlet details



Trash rack



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49986



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

February 14, 2018

KKTGC HOLDING TRUST
218 EAST MCKAY
FRONTENAC KS 66763

RE: Application
File No. 49986

Dear Sir or Madam:

Your application for permit to appropriate water in 33-30S-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

49980

Parsons, KS 67357

Pumpsite
340' N 4470' W
of SE section corner

Downstream Landowners

Neosho Valley Feeders LLC
PO Box 128
St Paul, KS 66771

Mocnik, Lieselotte
705 E Quincy St
Pittsburg, KS 66762

Satzler, Rick J
7299 NW Coal Valley Rd
McCune, KS 66753

4 - 31S - 21E

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

Signature: _____

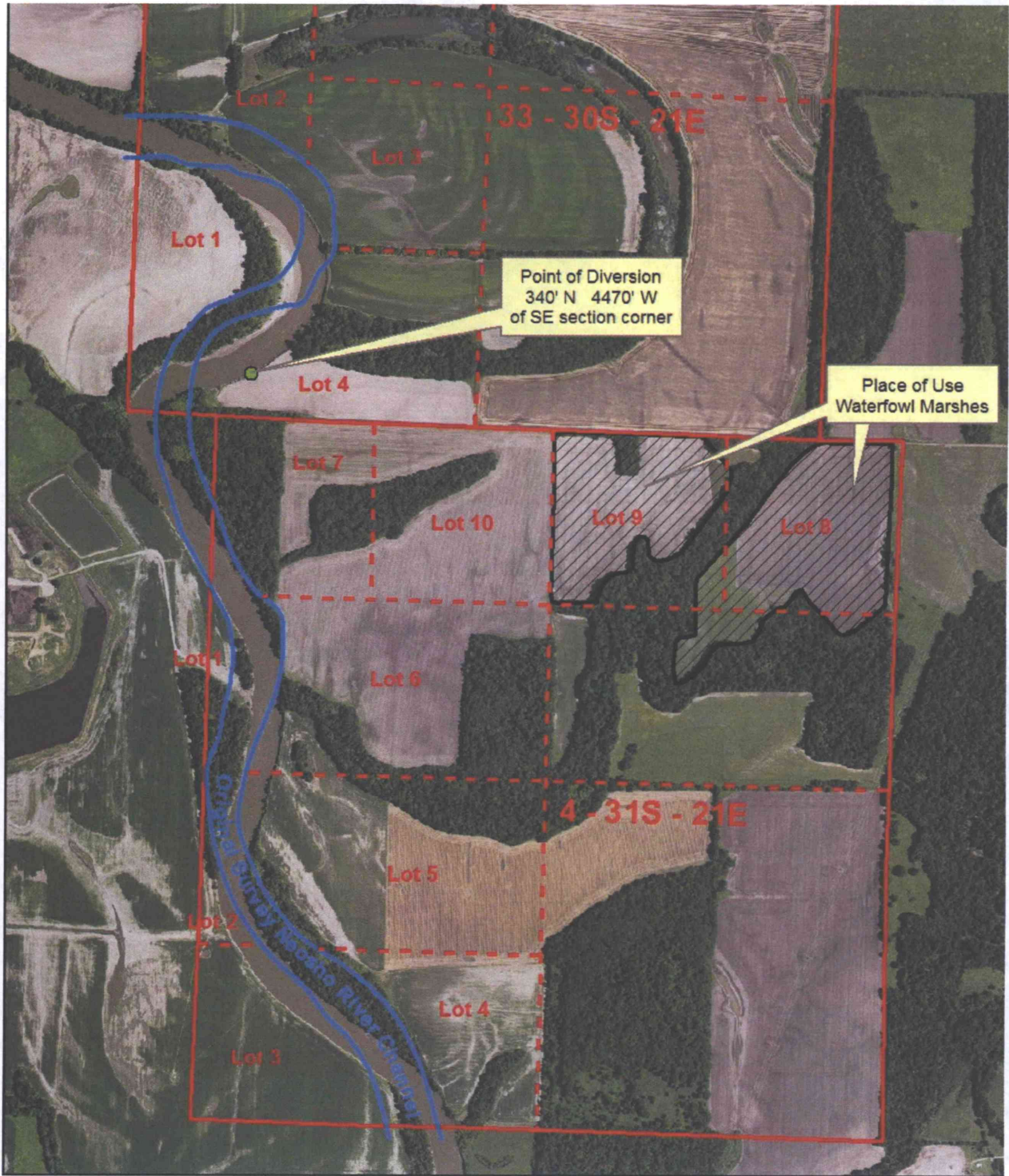
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Handwritten signature

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): KKTGC Holding Trust

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