

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

1. File Number: <p style="text-align: center;"><b>49,990</b></p>	2. Status Change Date: <p style="text-align: center;"><i>5/10/2018</i></p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></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 <b>65955</b> Add Seq# _____</p> <p><b>STERLING EQUITIES INC</b> <b>MICHAEL A CHRISTIE</b> <b>13617 W 109TH ST</b> <b>LENEXA KS 66215</b></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><b>7a.</b></p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</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><b>7a.</b></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: _____			
<p>Date Prepared: <b>5/3/2018</b>    By: <b>DWS</b> Date Entered: <i>5/14/2018</i>    By: <i>UM</i></p>			

File No. <b>49,990</b>	15. Formation Code:	Drainage Basin: Marais des Cygnes River	County: LN	Special Use:	Stream: North Sugar Creek TRIB 3 (Marais des Cygnes)																	
16. Points of Diversion			17. Rate and Quantity																			
T MOD DEL ENT      PDIV      Qualifier      S      T      R      ID      'N      'W			Authorized      Additional Rate      Quantity      Rate      Quantity gpm      af      gpm      af      Overlap PD Files																			
√ 86604 NW SE SW 10 20S 25E 1 961 3747			1800 547 1800 547 NONE																			
18. Storage: Rate <u>    </u> <b>NF</b> Quantity <u>    </u> <b>815</b> ac/ft      Additional Rate <u>    </u> <b>NF</b> Additional Quantity <u>    </u> <b>815</b> ac/ft																						
19. Limitation: <u>    </u> af/yr at <u>    </u> gpm ( <u>    </u> cfs) when combined with file number(s) <u>    </u>																						
Limitation: <u>    </u> af/yr at <u>    </u> gpm ( <u>    </u> cfs) when combined with file number(s) <u>    </u>																						
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      To be installed by <u>    </u> <b>12/31/2019</b> Date Acceptable Meter Installed <u>    </u>																						
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
T 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					
√ 68751 15 20 25E 1		40	33	40	40	17	0.5	34.5	40	40	40	27.5	39.5	40	40	39	36	547	7a.	No	NONE	
Comments:																						

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** May 3, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 49,990

Sterling Equities Inc. %Michael Christie has filed the application referred to above for a permit to appropriate 815 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir (Reclaimed Coal Mine Pit) located in the Southwest Quarter of Section 10, in Township 20 South, Range 25 East, Linn County, Kansas. The dam is located on North Sugar South Creek Trib 3, in the Marais des Cygnes River basin. 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 547 acres. There are no other overlapping files in point of diversion or place of use.

Runoff computations determined that the 521 acre drainage area will generate a runoff quantity of 955 acre-feet (22") in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this runoff quantity IS NOT the limiting factor, and the application can be processed as proposed. The requested quantity was based on one year of direct use (547 AF) + capacity of the reservoir (263 AF) + one year of evaporation (4.3 AF) = 815 acre-feet. The requested quantity of water for direct use (rediversion) of 547 acre-feet for irrigation use on 547 acres, provides 1.0 acre-feet per acre, which is equal to the maximum allowable per acre in Linn County, Kansas of 1.0 AF/acre, per K.A.R. 5-3-24. The proposed direct use quantity of 547 acre-feet, is equivalent to 2.1 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 off 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 are only two other surface water rights within a two-mile radius according to the WRIS database, both are for storage in reservoirs located over 8,500 feet away, upstream and on different streams. No senior water rights will be impaired with approval of this application. The applicant has submitted a signed and notarized Marais des Cygnes River Assurance District (MDS) form acknowledging that there may be times when diversion of water will not be allowed.

The proposed structure was reviewed by DWR Water Structures Program staff, and it was determined that no water structures permit is required for this existing reclaimed coal mine. 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 an April 26, 2018 discussion, 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, no water structures permit is required from the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

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  
May 15, 2018

**FILE COPY**

STERLING EQUITIES INC  
% MICHAEL A CHRISTIE  
13617 W 109<sup>TH</sup> ST  
LENEXA KS 66215

Re: Appropriation of Water, File No. 49,990

Dear Mr. Christie:

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

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. 49,990** of the applicant

**STERLING EQUITIES INC  
MICHAEL A CHRISTIE  
13617 W 109TH ST  
LENEXA KS 66215**

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 **February 6, 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	
15 20S 25E	40	33	40	40	17	0.5	34.5	40	40	40	27.5	39.5	40	40	39	36	547

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to North Sugar Creek, designated in the office of the Chief Engineer as North Sugar Creek Trib 3 (Marais des Cygnes), 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 **815 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW¼ SE¼ SW¼) of Section 10, more particularly described as being near a point 961 feet North and 3,747 feet West of the Southeast corner of said section, in Township 20 South, Range 25 East, Linn County, Kansas, to provide **547 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 **1,800 gallons per minute (4.01 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.

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

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

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 10<sup>th</sup> day of May, 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 10<sup>th</sup> day of May, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Danielle Wilson*

Notary Public



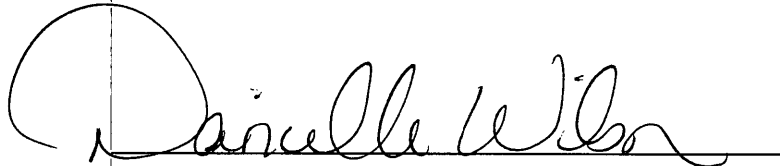
**CERTIFICATE OF SERVICE**

On this ~~15<sup>th</sup>~~ day of ~~May~~, 2018, I hereby certify that the foregoing Approval of Application, File No. 49,990, dated ~~May 10<sup>th</sup>~~, 2018 was mailed postage prepaid, first class, US mail to the following:

STERLING EQUITIES INC  
MICHAEL A CHRISTIE  
13617 W 109TH ST  
LENEXA KS 66215

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 49990  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

APPLICATION COMPLETE  
4/25/18  
Reviewer KAB fm  
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.)

FEB 06 2018  
10:55  
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): Sterling Equities Inc c/o Michael A. Christie  
Address: 13617 W 109th St  
City: Lenexa State KS Zip Code 66215  
Telephone Number: (913) 498-8000

2. The source of water is:  surface water in North Sugar Creek Trib 3 (stream) KAB/DWR  
OR  groundwater in Marais Des Cygnes (drainage basin)

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

3. The maximum quantity of water desired is Storage: 815 AF at the rate of natural flows - Direct Use: 547 acre-feet per calendar year, to be re-diverted at a maximum rate of 1800 gallons per minute.

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		Meets K.A.R. 5-3-1 (YES/NO) Use <u>IRR</u> Source <u>G/S</u> County <u>LN</u>		By <u>AW</u> Date <u>2/6/18</u>	
F.O. Code	<u>253</u>	Fee \$	<u>300</u>	Receipt Date	<u>2/10/18</u>
		TR #		Check #	<u>14 20965</u>

SCANNED  
2/20/2018 UCM

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

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

(A) One in the NW quarter of the SE quarter of the SW quarter of Section 10, more particularly described as being near a point 961 feet North and 3747 feet West of the Southeast corner of said section, in Township 20 South, Range 25 East, Linn 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.

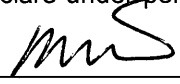
6. The owner of the point of diversion, if other than the applicant is (please print):

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 2-5-18, 2018.



Applicant's Signature

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

7. The proposed project for diversion of water will consist of Pit pond & pump  
(number of wells, pumps or dams, etc.)  
and was completed (by) 1987 and modified in 2013 or 2014  
(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 Summer 2018  
(Mo/Day/Year)

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

Yes  No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

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 \_\_\_\_\_

Initial pit was constructed below grade. Additional information will be submitted regarding recent modifications to the north end of the pit and will be reviewed by the DWR Water Structures Program to determine whether additional permitting is required.

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

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

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

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

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

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

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

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

None

WATER RESOURCES  
RECEIVED

See attachment "Justification of Requested Storage" for more information.

FEB 06 2018

KS DEPT OF AGRICULTURE

SCANNED

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

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

Well location as shown in paragraph

No.

(A)

(B)

(C)

(D)

Date Drilled

=====

Total depth of well

=====

Depth to water bearing formation

=====

Depth to static water level

=====

Depth to bottom of pump intake pipe

=====

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

Owner  
(owner, tenant, agent or otherwise)

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

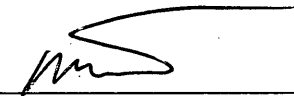
Applicant  
(name, address and telephone number)

\_\_\_\_\_  
(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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, (month) (year)

\_\_\_\_\_  
(Applicant Signature)

By   
(Agent or Officer Signature)

Michael A Christie  
(Agent or Officer - Please Print)

Assisted by Lloyd Hemphill

TFO/ESII  
(office/title)

Date: 1/30/18

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49990

Name of Applicant (Please Print): Sterling Equities Inc

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: Sterling Equities Inc c/o Michael A Christie

ADDRESS: 13617 W 109th St Lenexa KS 66215

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15	20S	25E	40	33	40	40	17	0.5	34.5	40	40	40	27.5	39.5	40	40	39	36	547

**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	

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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_ %

Estimate the maximum land slope in the field(s): \_\_\_\_\_ %

c. Type of irrigation system you propose to use (check one):

- Center pivot      \_\_\_\_\_ Center pivot - LEPA      \_\_\_\_\_ "Big gun" sprinkler  
 Gravity system (furrows)      \_\_\_\_\_ Gravity system (borders)      \_\_\_\_\_ Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater: None anticipated

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: Corn & Soybeans (Standard row crops)

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Plant stress and soil conditions

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

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

CAROL A HOFFMAN  
PO BOX 10208  
COLUMBIA MO 65205

Re: Pending Application, File No. 49,990

Dear Ms. Hoffman:

This is to advise you that Sterling Equities Inc. has filed the application referred to above for a permit to appropriate 815 acre-feet of surface water per calendar year to be stored in an existing reservoir (mine pit), and re-divert 547 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 Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 10, Township 20 South, Range 25 East, Linn County, Kansas. Note that this reservoir is an existing, reclaimed coal mine pit.

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: Sterling Equities Inc.

**From:** Baum, Kristen  
**Sent:** Thu 3/15/2018 11:52 AM  
**To:** Wilson, Dani [KDA]  
**Subject:** FW: WR 49990

Save to docueware, thanks!

---

**From:** Phillips, Janelle [KDA]  
**Sent:** Thursday, March 15, 2018 10:57 AM  
**To:** Baum, Kristen <Kristen.Baum@ks.gov>  
**Subject:** WR 49990

Based on the information provided no water structures permit will be required for the existing reclaimed coal mine pit.

Janelle N. Phillips, P.E., C.F.M., LEED-AP  
Stream Permit Team Lead  
Water Structures Program  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6656  
My email has changed: [janelle.phillips@ks.gov](mailto:janelle.phillips@ks.gov)

*Analytical-Consistency-Learner-Discipline-Deliberative*



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49990 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49990 00 IRR

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

961 Feet North and 3747 Feet West of the Southeast Corner of Section 10 T 20S R 25E

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__ 15181 00 IND NK S      8567 -- NC E2 W2 2600 3500 4 20 25E 1      40000.00 6303.62 AF
A__ 46334 00 REC NK S      8506 -- -- E2 S2 1311 259 2 20 25E 1      .00 .00 AF
A__ 49990 00 IRR AY S      0 -- NW SE SW 961 3747 10 20 25E 1      547.00 547.00 AF
=====

```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      547.00      815.00
Total Permitted Amount (AF) =          .00          .00
Total Inspected Amount (AF) =          .00          .00
Total Pro_Cert Amount (AF) =          .00          .00
Total Certified Amount (AF) =     6303.62     40004.41
Total Vested Amount (AF) =          .00          .00
TOTAL AMOUNT (AF) =     6850.62     40819.41
=====

```

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:

961 Feet North and 3747 Feet West of the Southeast Corner of Section 10 T 20S R 25E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 15181 00 IND NK S
> KANSAS CITY POWER & LIGHT- LA CYGNE
> PLANT MANAGER
> 25166 E 2200 RD
> LA CYGNE KS 66040
>-----
A__ 46334.00 REC NK S
> KELLY R THOMAS
>
> 13012 REEDER ST
> OVERLAND PARK KS 66213
>-----
A__ 49990 00 IRR AY S
> STERLING EQUITIES INC
> MICHAEL A CHRISTIE
> 13617 W 109TH ST
> LENEXA KS 66215
>-----
=====

```

#####

(Date)

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

Re: Application File No. 49990

Minimum Desirable Streamflow  
Marais des Cygnes River Assurance District  
Water Reservation Rights

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 Marais des Cygnes 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.

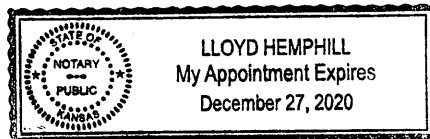
Signature of Applicant

Michael A Christie

Print Applicant Name

State of Kansas )  
County of Shawnee ) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 30<sup>th</sup> day of January, 2018



Notary Public

My Commission Expires:

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FEB 06 2018

**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

49990

## JUSTIFICATION OF REQUESTED STORAGE

The reservoir is a reclaimed coal strip mine pit. The pit collects a significant amount of surface runoff and surface water is the primary source of water. The proposed appropriation is requesting 815 acre-feet of storage and 547 acre-feet of re-diversion for irrigation use.

### Storage calculations:

#### **Potential Runoff**

Soil Complex Number = 78

Normal Precipitation = 41"

Runoff per acre = 22"/ac.

Potential Runoff (20% chance) = 521 ac. drainage area X 22"/ac. /12" = 955 acre-feet

#### **Reservoir Capacity**

The surface area of the pit is approximately 13 acres and the average depth is estimated to be 45 feet. The capacity of the pit was estimated as follows:

13 acre surface area X 45 feet depth X 0.45 = 263 acre-feet

#### **Indirect Use**

Potential Net Evaporation = 4 "

4" X 13 acre surface area = 4.3 acre-feet

#### **Storage Quantity**

= 547 AF direct use + 263 AF reservoir capacity + 4.3 AF indirect use = **815 AF**

The reservoir is an existing feature, no initial fill condition is needed on the permit.

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KS DEPT OF AGRICULTURE  
**SCANNED**

49990

### FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100
<b>547 AF</b>	<b>\$360</b> acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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FEB 06 2018

KS DEPT OF AGRICULTURE

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49990



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Governor Jeff Colyer, M.D.

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February 2, 2018 FEB 06 2018

KS DEPT OF AGRICULTURE

STERLING EQUITIES  
C/O MICHAEL CHRISTIE  
13617 W 109<sup>TH</sup> ST  
LENEXA KS 66215

Re: New Application to Appropriate Water

Dear Sir:

Enclosed is a partially completed application to appropriate water for irrigation as you requested during your visit to our office. Please review the application and attachments to verify that the information is correct.

You may complete this application by signing at the indicated locations. The filing fee for this application is \$360, please make checks payable to Kansas Department of Agriculture. Check Number 7031, submitted by Steve Feight on your behalf, was written for an amount in excess of this filing fee. That check has been voided and destroyed.

During the completion of this application, I noticed on aerial photos that the north end of the reservoir (pit) has recently been modified. Please provide some basic information describing the nature of these modifications. Specifically, do these modifications involve only sub-grade excavation? Is there any dam or berm constructed above grade that impounds water? If so, what is the height of this structure above grade on both upstream and downstream?

Please return the signed applications, maps, all other attachments, and the filing fee to our Manhattan, KS office at the address on the top of the application.

If you have any questions, please feel free to contact me at (785) 296-8682. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,  
*Lloyd Hemphill*  
Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

LHH  
Enclosures

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NEW STREAM WORKSHEET

ES AHW

Date: 2/8/18

File No. 49,990

Basin Name: Marais Des Cygnes Basin No. 3

Stream Name: North Sugar Creek Trib 3 (Mar Des Cyg)

Stream location (confluence with parent stream):

Section 9, Township 20 South, Range 25 (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 2 (computer assigned - entered by data entry staff)

Date Entered 2/20/2018 By CCM



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

STERLING EQUITIES, INC  
MICHAEL A CHRISTIE  
13617 W 109TH ST  
LENEXA KS 66215

RE: Application  
File No. 49990

Dear Sir or Madam:

Your application for permit to appropriate water in 10-20S-25E in Linn 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

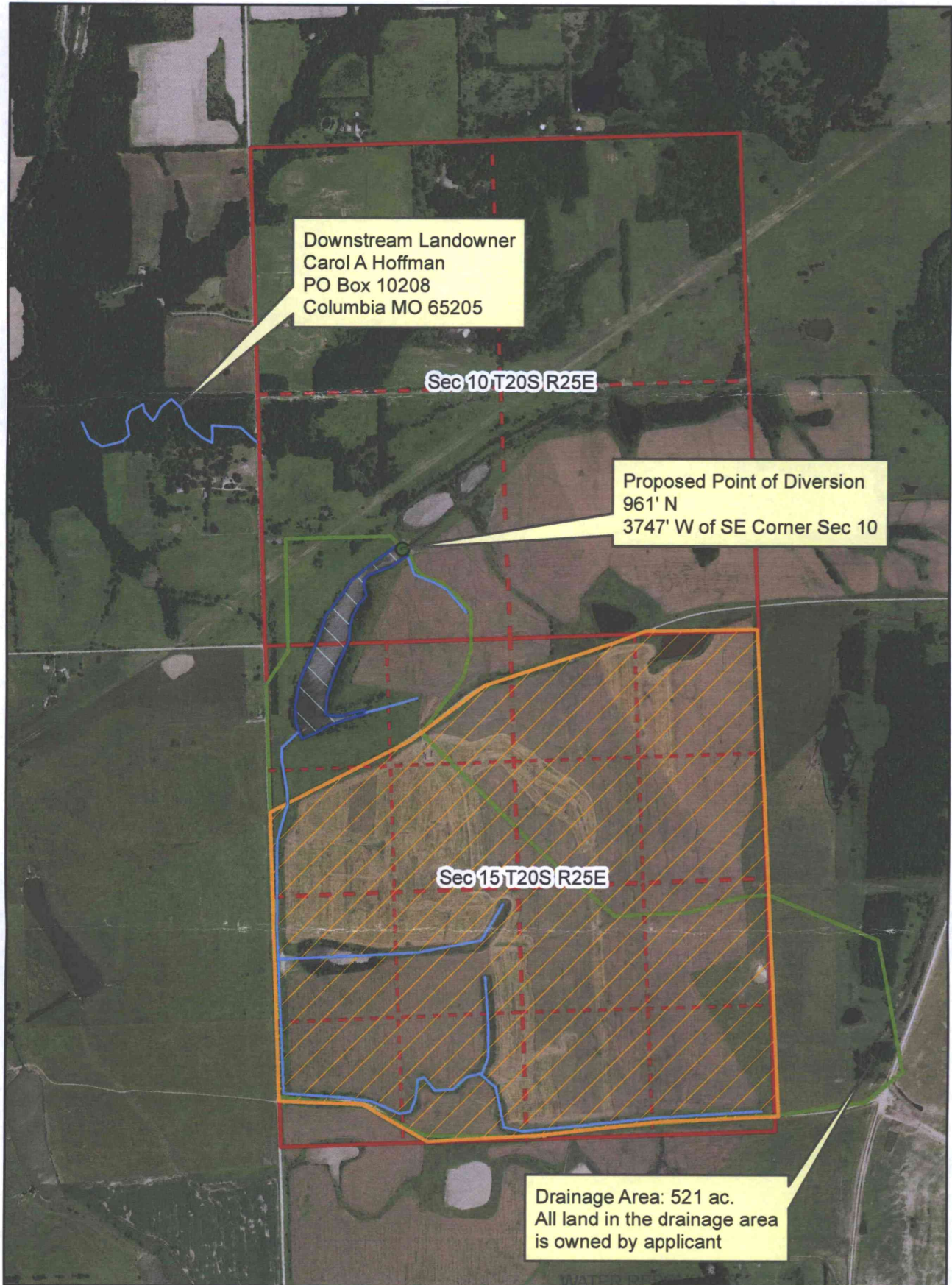
BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED



49990

# New Application - Sterling Equities, Inc



Downstream Landowner  
 Carol A Hoffman  
 PO Box 10208  
 Columbia MO 65205

Sec 10 T20S R25E

Proposed Point of Diversion  
 961' N  
 3747' W of SE Corner Sec 10

Sec 15 T20S R25E

Drainage Area: 521 ac.  
 All land in the drainage area  
 is owned by applicant



Proposed Place of Use

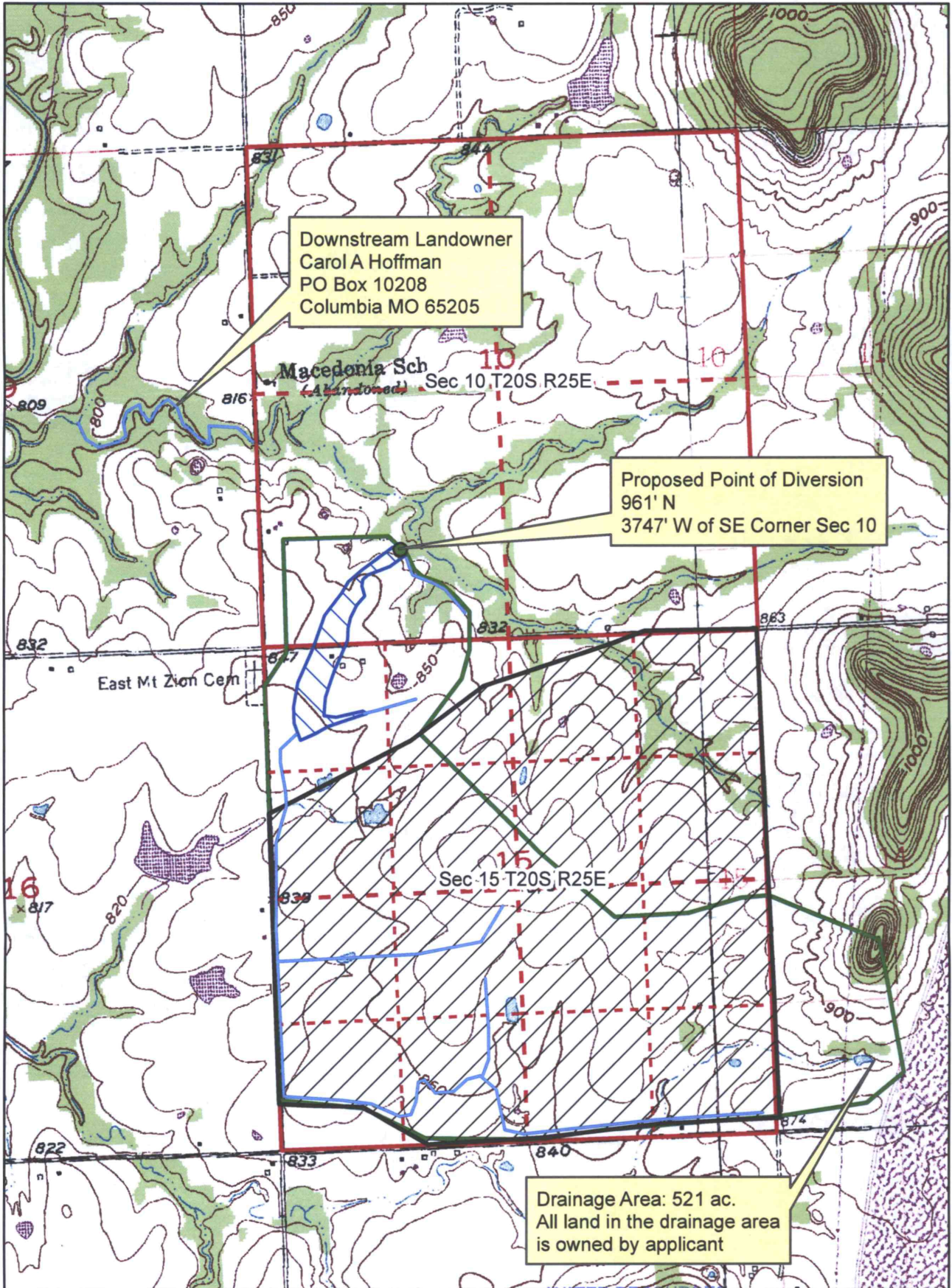
Map Prepared by LHH/TFO 1-30-18



RECEIVED  
 FEB 06 2018  
 1:18,000  
 0.25 0.5 Mile  
 KS DEPT OF AGRICULTURE  
 SCANNED

49990

# New Application - Sterling Equities, Inc



Proposed Place of Use

Map Prepared by LHH/TFO 1-30-18



FEB 06 2018

1:18,000

0.25

0.5 Mile