

# NOTICE

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

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

File Number 50030  
This item to be completed by the Division of Water Resources.

**Water Resources  
Received**

**APR 04 2018  
10:59  
KS Dept Of Agriculture**

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**

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

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

1. Name of Applicant (Please Print): Roy E Carter  
Address: 108 St Joseph Street  
City: Saint Paul State KS Zip Code 66771  
Telephone Number: (620) 232-4829

2. The source of water is:  surface water in Neosho River (stream)  
OR  groundwater in \_\_\_\_\_ (drainage basin)

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

3. The maximum quantity of water desired is 99 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 10,000 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. Code	<u>GMD</u>	<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>4/2/18</u>
Fee \$		TR #	Receipt Date	Check #			

4/11/2018 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 NE quarter of the NE quarter of the NE quarter of Section 18, more particularly described as being near a point 5040 feet North and 710 feet West of the Southeast corner of said section, in Township 30S South, Range 21 East, Neosho County, Kansas.

(B) One in the SW quarter of the NE quarter of the NE quarter of Section 18, more particularly described as being near a point 4550 feet North and 1060 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho County, Kansas.

(C) One in the SW quarter of the NE quarter of the NE quarter of Section 18, more particularly described as being near a point 4040 feet North and 1330 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho County, Kansas.

(D) One in the NW quarter of the SE quarter of the NE quarter of Section 18, more particularly described as being near a point 3680 feet North and 860 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho County, Kansas.

(E) One in the NE quarter of the SE quarter of the NE quarter of Section 18, more particularly described as being near a point 3610 feet North and 300 feet West of the Southeast corner of said section, in Township 30 South, Range 21 East, Neosho County, Kansas.

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

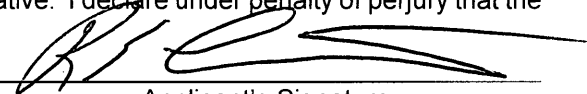
Applicant (name, address and telephone number)

\_\_\_\_\_  
(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 April 2nd, 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 One or several pumps, 5 potential pump sites and will be completed (by) 12/31/19  
(number of wells, pumps or dams, etc.)  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 10/1/18  
(Mo/Day/Year)

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?  
 Yes    No   If "yes", a check valve shall be required.

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

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

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?    Yes    No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 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.

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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)

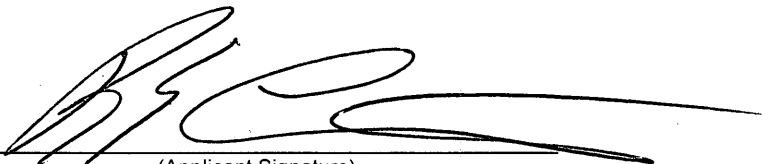
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

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 Parsons, Kansas, this 2<sup>nd</sup> day of April (month), 2018 (year)

  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by Caleb Fabrycky TFO - Parsons Date: 3/30/18  
(office/title)

Water Resources  
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**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 50030

Name of Applicant (Please Print): Roy E Carter

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): Waterfowl habitat,  
recreational wetland/marsh

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_

33 surface acres x 18 inches average depth / 12 inches per foot = 49.5 AF

x 2 fills per year to account for evaporation, seepage, transpiration, berm repair, etc. =

99 Acre Feet per year

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

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	99 AF
Year 2	99 AF
Year 3	99 AF
Year 4	99 AF
Year 5	99 AF

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 in a marsh located in Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) and  
the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4) of Section 18, Township 30 South,

Range 21 East, Neosho County, Kansas.

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

**Water Resources  
Received**

**APR 04 2018**

# 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 10, 2018

ROY E CARTER  
108 ST JOSEPH STREET  
SAINT PAUL KS 66771

RE: Application  
File No. 50030

Dear Sir or Madam:

Your application for permit to appropriate water in 18-30S-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

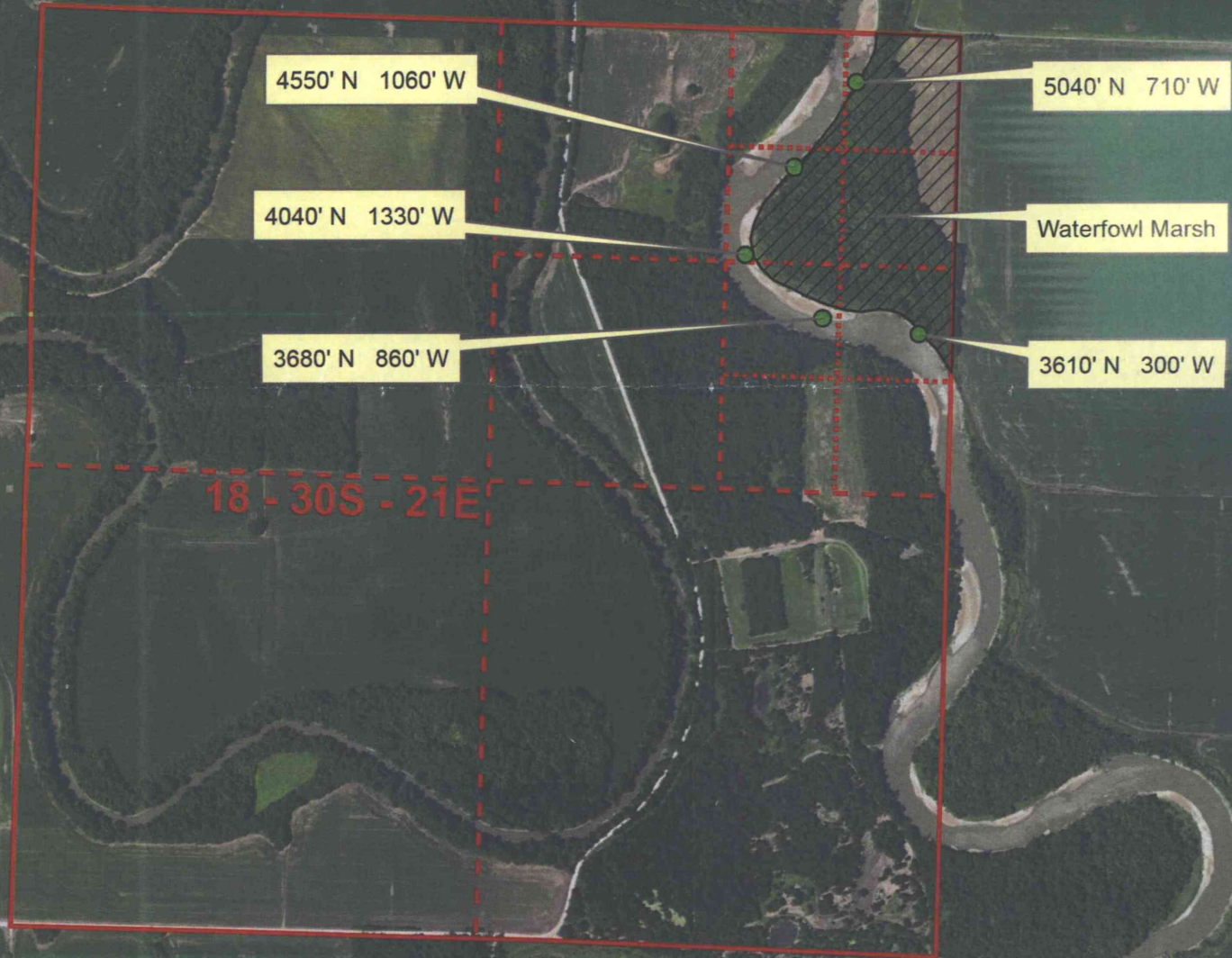


# Roy Carter - New Application

50030



1:12,000



## Upstream & Downstream Landowners

Chappell James R  
 202 S Country Club Rd  
 Chanute, KS 66720

Beachner Farms Inc  
 PO Box 128  
 St Paul, KS 66771

Shepard Chauncey E  
 2484 Massey Rd  
 McCune, KS 66753

Dieu Joe & Francis H C Tr  
 11 Kaufman Dr  
 Sequim, WA 98382

T Willie Waterfowl LLC  
 1000 Central Ave  
 Kansas City, KS 66102

Satterlee Barrett G Rev Tr  
 Satterlee William Rev Tr  
 PO Box 400  
 Joplin, MO 64802

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KS Dept Of Agriculture

All landowners within 1/2 mile upstream and downstream are listed

Signature