

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

1. File Number: <p style="text-align: center;">50,030</p>	2. Status Change Date: <p style="text-align: center;">7/23/2018</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
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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

<p>7a. Applicant(s) Person ID 40689 New to system <input type="checkbox"/> Add Seq# _____</p> <p style="text-align: center;">ROY E CARTER 108 ST JOSEPH ST SAINT PAUL KS 66771</p>	<p>7c. Landowner(s) Person ID _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7e. Landowner(s) Person ID _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input checked="" 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>
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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: **6/19/18** By: **DWS**
Date Entered: **7/25/2018** By: **LLM**

File No. **50,030** 15. Formation Code: Drainage Basin: **Neosho River 34** County: **NO** Special Use: Stream: **Neosho River 34**

16. Points of Diversion										17. Rate and Quantity									
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files			
												Rate gpm	Quantity af	Rate gpm	Quantity af				
	MOD				86699	NW	NE	NE	18	30	21E	12	5040	710	10,000	99	10,000	99	NONE
	ENT				86929	SW	NE	NE	18	30	21E		4550	1060					
	ENT				86930	SE	NW	NE	18	30	21E		4040	1330					
	ENT				86931	NW	SE	NE	18	30	21E		3680	860					
	ENT				86932	NE	SE	NE	18	30	21E		3610	300					

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
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									
	MOD				53104	18	30	21E	4	WATERFOWL MARSH (E2 NE)																	7a	NO	NONE	

Comments:
special conditions: permission to pump

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 19, 2018

FROM: Doug Schemm

RE: Application, File No. 50,030

Roy E. Carter has filed the application referred to above proposing to appropriate 99 acre-feet of surface water at a diversion rate of 10,000 gallons per minute from five pump sites on the Neosho River, for recreational use in a waterfowl marsh. This application 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 this marsh (i.e. offset evaporative and seepage losses). This is a proposed new marsh and there are no overlapping files in point of diversion or place of use. The marsh is located adjacent to the Neosho River, in the East Half of the Northeast Quarter of Section 18, Township 30 South, Range 21 East, Neosho County, on property owned by the applicant, who has signed the application form stating he has access to the points of diversion. The quantity requested on the new application was based on a total marsh area of 33 acres, filling it with 1.5 feet of water x 2 fillings per year.

A list of nearby landowners was provided, and notification letters were sent out on May 10, 2018. No responses of any kind were received. The Cottonwood and Neosho River Water Assurance District No. 3 and Kansas Water Office were also informed of the pending application, and no response was received from them either.

This approval will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. 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.

There are multiple existing recreational users located both upstream and downstream of the pump sites, and File Nos. 40,346 & 49,338 has pump sites on the opposite side of the river just a few hundred feet away. However, as noted above, with proper conditioning, no senior water rights will be impaired. These recreational users have operated in this area for many years, and they are well aware of how this system operates.

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.

The applicant has submitted a signed and notarized Neosho/Cottonwood River Assurance District form acknowledging that there may be times when diversion of water will not be allowed.

The applicant has applied for a permit from the DWR Structures Program for levee construction (floodplain fill). The structures permit number is LNO-0147, and these permits will be issued together.

↖
7-17-18

Roy Carter – Memo
File No. 50,030
Page 2

In a June 19, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, gave a recommendation that the application be approved. Based on the above discussion, the area remains open to new appropriations, the approval is 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 application be approved, in conjunction with required structures permitting.

Doug Schemm
Environmental Scientist
Topeka Field Office

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

ROY E CARTER
108 SAINT JOSEPH ST
SAINT PAUL KS 66771-4093

July 27, 2018

FILE COPY

RE: Appropriation of Water, File No. 50,030

Dear Mr. Carter:

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 with **specific reference to Paragraph Nos. 19 and 20 requiring you to obtain permission prior to diverting water.** A water meter is required on the proposed 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 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



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. 50,030** of the applicant

**ROY E CARTER
108 SAINT JOSEPH ST
SAINT PAUL KS 66771-4093**

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 **April 4, 2018**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in the East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$), of Section 18, in Township 30 South, Range 21 East, Neosho County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from the Neosho River, to be diverted at five (5) pump sites located as follows: one in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$) of Section 18, more particularly described as being near a point 5,040 feet North and 710 feet West of the Southeast corner of said section; one in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter ($SW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$) of Section 18, more particularly described as being near a point 4,550 feet North and 1,060 feet West of the Southeast corner of said section; one in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter ($SE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$) of Section 18, more particularly described as being near a point 4,040 feet North and 1,330 feet West of the Southeast corner of said section; one in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter ($NW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$) of Section 18, more particularly described as being near a point 3,680 feet North and 860 feet West of the Southeast corner of said section; and one in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter ($NE\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$) of Section 18, more particularly described as being near a point 3,610 feet North and 300 feet West of the Southeast corner of said section; all 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 **10,000 gallons per minute (22.28 c.f.s.)** and to a quantity not to exceed **99 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.

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 COMPLETE
2/17/18
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.)

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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G County NO By AW Date 4/2/18
Code REG Fee \$ 200 TR # 18018915 Receipt Date 4/14/18 Check # 6597

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.

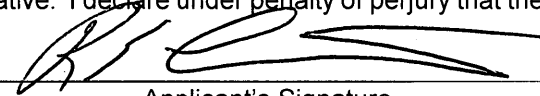
6. The owner of the point of diversion, if other than the applicant is (please print):

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
(number of wells, pumps or dams, etc.)
and will be completed (by) 12/31/19
(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)

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}~~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.

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(C) One in the ^{SE}~~SW~~ quarter of the ^{NW}~~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.

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

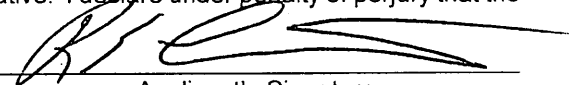
Applicant _____
(name, address and telephone number)

(name, address and telephone number)

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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 pumpsites _____
(number of wells, pumps or dams, etc.)
and will be completed (by) 12/31/19 _____
(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)

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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G County NO By AW Date 4/4/18
Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

4/11/2018 UCM

- 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.

**Water Resources
Received**

APR 04 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)

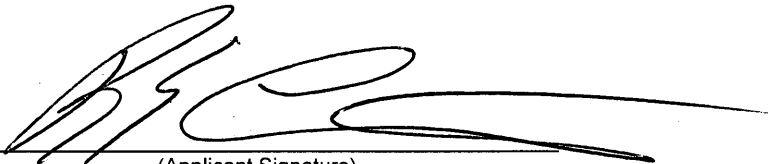
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

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 Parsons, Kansas, this 2nd 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
Division
KS Dept of Agriculture

**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:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
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.

East 1/2 NE 1/4

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 need for your request.

**Water Resources
Received**

APR 04 2018

RECEIVED

MAY 21 2018

Topcka Field Office
DIVISION OF WATER RESOURCES

5-18-2018

(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. 50,030

Minimum Desirable Streamflow
NEOSHO/COTTONWOOD River Assurance District

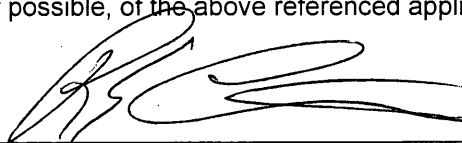
Dear Sir:

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 NEOSHO 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

Roy E. Carter

Print Applicant Name

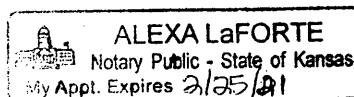
State of Kansas)
County of Neosho) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 18th day of May, 2018.

Alexa LaForte

Notary Public

My Commission Expires: 2/25/21



**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

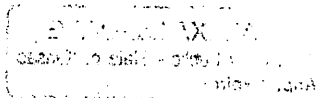
Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

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



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

May 10, 2018

JAMES R CHAPPELL
202 S COUNTRY CLUB RD
CHANUTE KS 66720

Re: Pending Application, File No. 50,030

Dear Sir or Madam:

This is to advise you that Roy E. Carter has filed the application referred to above for a permit to appropriate 99 acre-feet of surface water per calendar year from the Neosho River for recreational use, to be diverted at a maximum rate of 10,000 gallons per minute. Please note that the purpose of this application, if approved, would be to divert surface water to supplement recreational use at a wildlife marsh. 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.

Surface water will be diverted from five (5) pump sites, all located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 18, 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 this application 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 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: Roy E. Carter

STATE OF KANSAS

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

May 10, 2018

CHAUNCEY E SHEPARD
2484 MASSEY ROAD
MCCUNE KS 66753

Re: Pending Application, File No. 50,030

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Roy E. Carter

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

May 10, 2018

T WILLIE WATERFOWL LLC
1000 CENTRAL AVE
KANSAS CITY KS 66102

Re: Pending Application, File No. 50,030

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Roy E. Carter

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

May 10, 2018

BEACHNER FARMS INC
PO BOX 128
ST PAUL KS 66771

Re: Pending Application, File No. 50,030

Dear Sir or Madam:

This is to advise you that Roy E. Carter has filed the application referred to above for a permit to appropriate 99 acre-feet of surface water per calendar year from the Neosho River for recreational use, to be diverted at a maximum rate of 10,000 gallons per minute. Please note that the purpose of this application, if approved, would be to divert surface water to supplement recreational use at a wildlife marsh. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

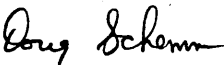
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Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Roy E. Carter

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

May 10, 2018

JOE DIEU & FRANCIS H C TR
11 KAUFMAN DRIVE
SEQUIM WA 98382

Re: Pending Application, File No. 50,030

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Sincerely,

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Topeka Field Office

pc: Roy E. Carter

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

May 10, 2018

BARRETT G SATTERLEE REV TR
WILLIAM SATTERLEE REV TR
PO BOX 400
JOPLIN MO 64802

Re: Pending Application, File No. 50,030

Dear Sir or Madam:

This is to advise you that Roy E. Carter has filed the application referred to above for a permit to appropriate 99 acre-feet of surface water per calendar year from the Neosho River for recreational use, to be diverted at a maximum rate of 10,000 gallons per minute. Please note that the purpose of this application, if approved, would be to divert surface water to supplement recreational use at a wildlife marsh. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Roy E. Carter

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

May 10, 2018

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

Re: Pending Application, File No. 50,030

Dear Mr. Biery:

This is to advise you that Roy E. Carter has filed the application referred to above for a permit to appropriate 99 acre-feet of surface water per calendar year from the Neosho River for recreational use in a wildlife marsh, to be diverted at a maximum rate of 10,000 gallons per minute. 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. Surface water will be diverted from five (5) pump sites, all located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 18, in Township 30 South, Range 21 East, Neosho County, Kansas.

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Kansas Water Office

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Thursday, May 10, 2018 9:26 AM
To: 'Galen Biery'
Cc: 'Cara.Hendricks@kwo.ks.gov'
Subject: Roy Carter File No. 50,030
Attachments: 50030 Notification of Cottonwood Neosho WAD.DOCX

Good Morning Galen,
This is a typical REC use permit for filling a marsh area for fall waterfowl from the Neosho River.
Have a great day,
Doug

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50030 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50030 00 REC

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

5040 Feet North and 710 Feet West of the Southeast Corner of Section 18 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__ 29030 00 IRR NK S      5272 -- SE NE NW 4320 3270 8 30 21E 1      95.00 95.00 AF
Same          2769 -- NW NW SW 2285 4760 8 30 21E 3
A__ 30279 00 IRR NK S      5272 -- SE NE NW 4320 3270 8 30 21E 1      90.00 90.00 AF
Same          2769 -- NW NW SW 2285 4760 8 30 21E 3
A__ 36696 00 REC NK S      3059 -- SE SE NE 2700 50 7 30 21E 8      46.00 46.00 AF
Same          2136 -- SE NE SE 1835 450 7 30 21E 9
Same          3614 -- SW SW NW 3256 4919 8 30 21E 6
A__ 39591 00 REC NK S      5556 -- -- -- -- 300 930 12 30 20E 1      45.00 45.00 AF
Same          2639 -- -- -- -- 1200 2910 7 30 21E 2
Same          3495 -- -- -- -- 865 4028 7 30 21E 12
A__ 40079 00 REC NK S      7425 -- NE SE NW 3446 3087 20 30 21E 1      160.00 160.00 AF
A__ 40346 00 REC NK S      210 -- NW NE NE 5188 859 18 30 21E 2      23.00 23.00 AF
Same          534 -- NW NE NE 4873 1217 18 30 21E 4
Same          984 -- -- -- -- 4339 1400 18 30 21E 11
A__ 40414 00 REC NK S      8923 -- -- CW SW 1396 5247 20 30 21E 3      72.50 72.50 AF
A__ 40788 00 REC NK S      3059 -- SE SE NE 2700 50 7 30 21E 8      44.00 44.00 AF
Same          2136 -- SE NE SE 1835 450 7 30 21E 9
Same          3614 -- SW SW NW 3256 4919 8 30 21E 6
A__ 41122 00 REC NK S      2901 -- NW NW SW 2285 5216 17 30 21E 4      44.00 44.00 AF
Same          1494 -- NE SE NE 3559 516 18 30 21E 7
Same          3834 -- -- -- -- 1221 375 18 30 21E 8
A__ 42379 00 REC NK S      8923 -- -- CW SW 1396 5247 20 30 21E 3      696.00 623.50 AF
A__ 42380 00 REC NK S      2901 -- NW NW SW 2285 5216 17 30 21E 4      169.00 125.00 AF
Same          1494 -- NE SE NE 3559 516 18 30 21E 7
Same          3834 -- -- -- -- 1221 375 18 30 21E 8
A__ 43440 00 REC NK S      3059 -- SE SE NE 2700 50 7 30 21E 8      67.50 67.50 AF
Same          2136 -- SE NE SE 1835 450 7 30 21E 9
Same          1585 -- NE SE SE 1150 50 7 30 21E 10
Same          483 -- SW SE SE 200 700 7 30 21E 11
Same          3614 -- SW SW NW 3256 4919 8 30 21E 6
A__ 44076 00 REC NK S      7035 -- -- -- -- 1227 1290 13 30 20E 2      22.00 22.00 AF
Same          10170 -- -- -- -- 2250 1500 24 30 20E 2
Same          9623 -- -- -- -- 2458 858 24 30 20E 3
Same          4800 -- -- -- -- 1105 3459 18 30 21E 9
A__ 44080 00 REC MM S      5556 -- -- -- -- 300 930 12 30 20E 1      111.00 66.00 AF
Same          2639 -- -- -- -- 1200 2910 7 30 21E 2
Same          3495 -- -- -- -- 865 4028 7 30 21E 12
A__ 44332 00 REC NK S      3059 -- SE SE NE 2700 50 7 30 21E 8      32.00 32.00 AF
Same          2136 -- SE NE SE 1835 450 7 30 21E 9
Same          3614 -- SW SW NW 3256 4919 8 30 21E 6
A__ 44979 00 REC NK S      7056 -- -- -- -- 1406 2322 6 30 21E 3      17.00 17.00 AF
A__ 45225 00 REC NK S      7780 -- -- -- -- 3175 2350 12 30 20E 3      694.00 694.00 AF
Same          6552 -- SE NE NE 4216 116 12 30 20E 4
A__ 45627 00 REC NK S      9972 -- NE SW NE 3591 1882 5 30 21E 3      .00 .00 AF
=====
    
```

A__	46059	00	REC	NK	S	10286	--	NE	SW	NE	3715	1409	5	30	21E	4	100.00	81.65	AF
A__	47308	00	REC	LR	S	7056	--	--	--	--	1406	2322	6	30	21E	3	81.06	64.06	AF
A__	47311	00	REC	LR	S	7035	--	--	--	--	1227	1290	13	30	20E	2	121.50	121.50	AF
Same						4800	--	--	--	--	1105	3459	18	30	21E	9			
A__	47312	00	REC	NK	S	7035	--	--	--	--	1227	1290	13	30	20E	2	94.50	72.50	AF
Same						10170	--	--	--	--	2250	1500	24	30	20E	2			
Same						9623	--	--	--	--	2458	858	24	30	20E	3			
Same						4800	--	--	--	--	1105	3459	18	30	21E	9			
A__	49338	00	REC	LO	S	210	--	NW	NE	NE	5188	859	18	30	21E	2	64.00	41.00	AF
Same						534	--	NW	NE	NE	4873	1217	18	30	21E	4			
Same						984	--	--	--	--	4339	1400	18	30	21E	11			
A__	49391	00	REC	LO	S	3059	--	SE	SE	NE	2700	50	7	30	21E	8	320.00	210.00	AF
Same						2136	--	SE	NE	SE	1835	450	7	30	21E	9			
Same						3614	--	SW	SW	NW	3256	4919	8	30	21E	6			
A__	49584	00	REC	KE	S	6502	--	SE	SE	SW	150	2760	5	30	21E	8	200.00	200.00	AF
A__	50030	00	REC	AY	S	0	--	NE	NE	NE	5040	710	18	30	21E	12	99.00	99.00	AF
A__	50035	00	REC	AY	S	8923	--	--	CW	SW	1396	5247	20	30	21E	3	1035.00	1035.00	AF

Total Net Quantities Authorized:		Direct	Storage
Total Requested Amount (AF) =		1134.00	.00
Total Permitted Amount (AF) =		200.00	.00
Total Inspected Amount (AF) =		436.56	.00
Total Pro_Cert Amount (AF) =		66.00	.00
Total Certified Amount (AF) =		2354.65	18.35
Total Vested Amount (AF) =		.00	.00
TOTAL AMOUNT (AF) =		4191.21	18.35

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:

5040 Feet North and 710 Feet West of the Southeast Corner of Section 18 T 30S R 21E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 29030 00 IRR NK S

> BEACHNER BROTHERS INC
 > WATER RIGHT ACCOUNTANT
 > PO BOX 128
 > SAINT PAUL KS 66771

A__ 30279 00 IRR NK S

> BEACHNER BROTHERS INC
 > WATER RIGHT ACCOUNTANT
 > PO BOX 128
 > SAINT PAUL KS 66771

A__ 36696 00 REC NK S

> JAMES R CHAPPELL
 > MARSH ALL

50,030



Application for Permit

K.S.A. 82a-301-305a Dams, Stream Obstructions and Channel Changes
K.S.A. 24-126 Levees and Floodplain Fills

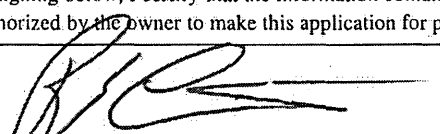
Use this form to apply for a Division of Water Resources permit to construct or modify a dam, stream obstruction, channel change, levee or floodplain fill. Refer to K.A.R. 5-40 through 5-46 for requirements and definitions.

Send the completed application, worksheet (if applicable), required fees and plans and other materials listed in K.A.R. 5-40-1 through 5-43-5 or K.A.R. 5-45-1 through 5-45-18 to:

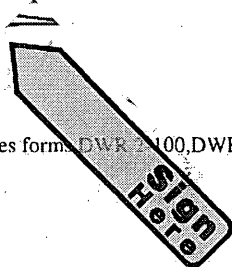
Kansas Department of Agriculture
Division of Water Resources – Water Structures
1320 Research Park Drive
Manhattan, KS 66502

Land Owner Information	
Owner Name: Roy Carter	Contact name: Roy Carter
Mailing Address: 108 South Joseph Street	
City/State: St. Paul, Kansas	Zip Code: 66771
Telephone: 620-232-4849	Email (required): roycbi@yahoo.com
Is the project or activity located entirely on property owned by the permit applicant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach a document listing the names and mailing addresses for all landowners located within the project.	
Applicant Information (if different than owner)	
Applicant Name:	Title:
Mailing Address:	
City/State:	Zip Code:
Telephone:	Email (required):
Designer Information	
Firm/Agency: Agricultural Engineering Associates	
Contact Name: Frank Young	Title: Engineer
Mailing Address: Box 4	
City/State: Uniontown, Ks	Zip Code: 66779
Telephone: 620-756-1000	Email (required): frank@agengineering.com
Project Location and Description	
County: Neosho	Stream Name: unnamed tributary of neosho river
Legal: NE Qtr of the NE Qtr of the NE Qtr	Section: 18 Township(S): 30S Range(E/W): 21E
Project or site name: Carter Duck Marsh	
Project description and purpose: temporary impoundment of water for waterfowl habitat	
WATER RESOURCES RECEIVED JUN 14 2018	
Drainage area above the project: 0 acres	0 square miles
Area of disturbance (trees and/or vegetation) 6 acres	0.01 square miles

For office use only	WSN: LND-0147	ECA: 2018186
Code PLP	Fee \$ 300-	TR#
	Rcpt Date 6-14-18	Check # 6495

Schedule		
Planned or actual start date (start of construction, clearing, excavation or fill)	June 1, 2018	
Planned or actual completion date (end of construction, stabilization of site)	June 1, 2019	
Construction, excavation and fill will be halted and the Kansas State Historical Society will be contacted when historical sites or artifacts are encountered.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Project Activities and Fee Determination		
Project Activity (check all that apply)	Permit Fee	
<input type="checkbox"/> Construct, modify or repair a dam	\$200	
<input type="checkbox"/> Construct, modify or repair a stream obstruction		
<input type="checkbox"/> Construct or repair a channel change		
<input type="checkbox"/> Excavate or dredge within the banklines of a stream		
Drainage area \leq 5 square miles <input type="checkbox"/>	\$100	
Drainage area between 5 and 50 square miles <input type="checkbox"/>	\$200	
Drainage area \geq 50 square miles <input type="checkbox"/>	\$500	
	Pre-construction	Post-construction
<input type="checkbox"/> Construct, modify or repair a class A levee (see K.A.R. 5-45-8 for definition)	\$100	\$200
<input type="checkbox"/> Construct, modify or repair a class B levee	\$300	\$600
<input type="checkbox"/> Construct, modify or repair a class C levee	\$500	\$1,000
<input type="checkbox"/> Place fill in a mapped floodway fringe (Zone AE with defined floodway)	\$100	\$200
<input checked="" type="checkbox"/> Place fill in a mapped floodplain with no defined floodway (e.g. Zone A, AE, AH, AO)	\$300	\$600
<input type="checkbox"/> Place fill in an unmapped floodplain (see K.A.R. 5-45-1) f	\$300	\$600
<input type="checkbox"/> Place fill in a mapped floodway (Zone AE floodway)	\$500	\$1,000
<input type="checkbox"/> This project qualifies for a General Permit (attach worksheet DWR 2-190) (pipeline/cable crossing, or bridge/culvert replacement)	\$100	
The total permit fee required will be the general permit fee if applicable, OR the highest individual fee for the project activities checked above. Make checks payable to Kansas Department of Agriculture	Amount enclosed:	
Signature		
Application is hereby made for written consent or permit of the Chief Engineer, Division of Water Resources, for the project described above. By signing below, I certify that the information contained in this application is true, correct and complete, and that I am the owner or I am authorized by the owner to make this application for permit.		
Signature: 	Name (print or type): Roy Carter	
	Date: 6-11-2018	

DWR 2-200 (August 2017)(Incorporates forms DWR 2-100, DWR 3-100.1 and DWR 2-102)



WATER RESOURCES
RECEIVED Page 2

JUN 14 2018

KS DEPT OF AGRICULTURE

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

SCANNED

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 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

**Water Resources
Received**

APR 04 2018

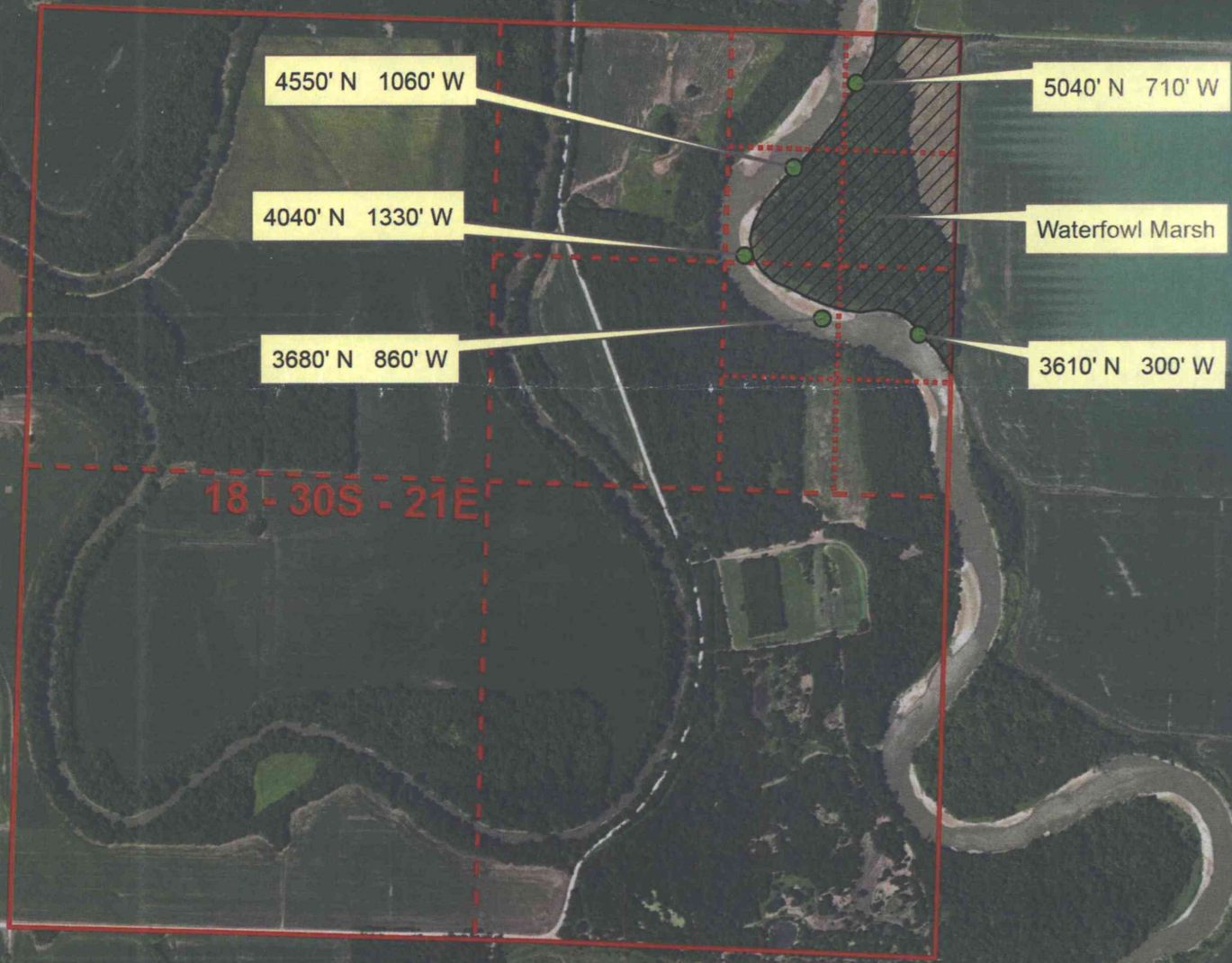
**KS Dept Of Agriculture
SCANNED**

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

Water Resources
 Received

APR 04 2018

KS Dept Of Agriculture

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

Signature

SCANNED