

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

WATER RESOURCES RECEIVED

File Number 50068
This item to be completed by the Division of Water Resources.

Water Resources Received
UNACCEPTED
APR 06 2018
10:51
KS Dept Of Agriculture
PRIORITY

JUN 22 2018
4:00
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): KANSAS DEPT OF WILDLIFE PARKS & TOURISM
Address: PROJECT ENGINEER (TOP) 1020 S KANSAS AVE FL 2
City: TOPEKA State KS Zip Code 66612-1389
Telephone Number: (620) 3624166

2. The source of water is: surface water in WEST FORK DRYWOOD CREEK (MARMATON)
(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. STORAGE OF 2581.8 AF @ Natural Flows with Rediversion

3. The maximum quantity of water desired is 860.6 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 4,000 gallons per minute OR 8.91 cubic feet per second.

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

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

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

For Office Use Only:							
F.O. <u>1</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 (YES/NO) <u>YES</u>	Use <u>IND</u>	Source <u>G</u> / <u>S</u> County <u>CP</u>	By <u>AW</u>	Date <u>6/22/18</u>	
Code <u>RES</u>	Fee \$ <u>90</u>	TR # _____	Receipt Date <u>6/22/18</u>	Check # <u>IND FUND</u>			

6/22/18 DAW

50028

Water Resources
Received

APR 12 2018



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

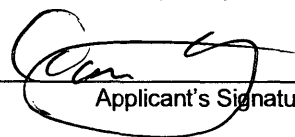
KS Dept Of Agriculture
DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**SWORN STATEMENT
PURSUANT TO K.S.A. 82a-709**

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 4/10, 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.

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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 LOT 3 quarter of the _____ quarter of the _____ quarter of Section 5, more particularly described as being near a point 5000 feet North and 3700 feet West of the Southeast corner of said section, in Township 28 South, Range 24 EAST East/West (circle one), CRAWFORD 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):

KDWP&T

(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 _____, 20____. _____
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 DAM, EQUIPMENT

(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) ALREADY COMPLETE

(Month/Day/Year - each was or will be completed)

8. The first actual application of Water Resources for the proposed beneficial use was or is estimated to be UPON APPROVAL

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Water Resources

(Mo/Day/Year)

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

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

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

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

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

STRUCTURE ALREADY PERMITTED DCR-0073.

- 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.

PD- CR-13, 40353, 46054

PU- 40353, 46054

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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):

KDWP&T
(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 4/3/18, Kansas, this 3 day of April, 2018.
3:50 pm (month) (year)

[Signature]
(Applicant Signature)

By [Signature]
(Agent or Officer Signature)

DAN MOSIER II, Hatchery Manager
(Agent or Officer - Please Print)
101 Hatchery Rd.
Farlington, KS 66734

Assisted by KAT TFO/WC Date: 3/19/18
(office/title)

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Addendum to Line 11c

Farlington Fish Hatchery

Landowners in Drainage, 1/2 mile upstream and downstream of KDWPT

Upstream

Name	Mailing Address			
Baker, Becky J. & Mike	58 W. Lake Rd.	Farlington	KS	66734
Herlocker, Ronnie R. & Sharon K.	510 N. Ames	Farlington	KS	66734
Worrell, James A. III	1085 N. Hwy 7	Fort Scott	KS	66701
Herlocker, Brian K.	108 E. Romeyn St.	Farlington	KS	66734
Willhite, Jack & McCullough, Charlotte	109 E. 11th St	Mindenmines	MO	64769
Veach, Stanley R. & Evelyn Joyce	2873 S 11th St.	Independence	KS	67301
Blevins, Kennety D. & Dina L.	411 N. Upham St.	Farlington	KS	66734
Davenport, Gary E. & Carol June	406 N. Upham St.	Farlington	KS	66734
Davenport, Jerry D. & Teresa K.	403 N. Upham St.	Farlington	KS	66734
Johnson, Joseph R. & House, Angela M.	312 N. Neill St.	Farlington	KS	66734
Burlington Northern Railroad	?	?		

Downstream

Kelly Ranches LLC, C/O Kelly, Steve	190th St.	Arcadia	KS	66734
Krooked Kreek Ranch LLC	660 E. Hwy 47	Franklin	KS	66735
Rutherford, Joann	670 N. Hwy 69	Arma,	KS	66712

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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

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**INDUSTRIAL USE
SUPPLEMENTAL SHEET**

File No. 50008

Name of Applicant (Please Print): KDWP&T

1. Please describe type of industry or product produced: FISH HATCHERY
 _____ Standard Industrial Classification Code Number: _____

2. Please complete the following table to show your past and present water requirements:

PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago			
Last year			
Present year			

3. Please complete the following table to show your future water requirements:

ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1		1754 AF	
Year 2		1754 AF	
Year 3		1754 AF	
Year 4		1754 AF	
Year 5		1754 AF	

Number of days of operation of the industry per year is _____ days.

Please attach any tables, curves or additional information 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. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

PLACE OF USE:

Industrial Use in the South Half (S2) of Section 32, in Township 27 South, Range 24 East, Crawford County, Kansas.

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

JUSTIFICATION

DWR 1-100.22 (Revised 07/07/2000)

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50068

CR-13- covers 240 AF STORAGE for rec use = 1 yr evap

40353- covers 2379 AF STORAGE for IND use 3 X direct use annual of 258.164 mgy = 792.3 AF

SUBTOTAL 2619 AF STORAGE

46054- covers 304 AF STORAGE for IND use 3 X direct use annual of 32.944 mgy = 101.1 AF

TOTAL STORAGE = 2923 AF and direct use annually of 893.4 AF (291.115 mgy)

1754 AF direct use total needed and justified – 860.6 AF (280.43 mgy) additional.

860.6 AF x 3 = 2581.8 AF storage additional requested this application.

2581.8 AF + 2923 AF storage = TOTAL 5504.8 AF STORAGE

This application adds 860.6 AF direct use

Cost of application is \$420.

3744 AF drainage

Will provide 7332 AF to lake annually.

Water Resources
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JUN 22 2018 KS Dept Of Agriculture

50008

Whitesell, Alex [KDA]

From: Mosier, Dan [KDWPT]
Sent: Tuesday, April 10, 2018 10:29 AM
To: Whitesell, Alex [KDA]
Cc: McColloch, Austin [KDA]; Baum, Kristen
Subject: Re: Signature Needed

Thanks Alex,
It will go out in today's mail.

NOTE: My email address has changed as of 12-18-16. See below.

Dan Mosier II
Hatchery Manager
Kansas Aquatic Biodiversity Center
Farlington Fish Hatchery
KS Dept. of Wildlife, Parks & Tourism
101 Hatchery Rd.
Farlington, KS 66734
620-362-4166
620-362-4167 fax
620-238-1726 cell
dan.mosier@ks.gov

From: Whitesell, Alex [KDA]
Sent: Tuesday, April 10, 2018 10:22:04 AM
To: Mosier, Dan [KDWPT]
Cc: McColloch, Austin [KDA]; Baum, Kristen
Subject: Signature Needed

Dan,

Thanks for getting back to me. As we talked about on the phone, here is the signature page that needs to be signed and returned to our office before the application is acceptable for filing.

You can send it to the address below. If for any reason you need something and can't get ahold of me, I've copied two of my coworkers.

Thanks,

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
(785) 564 - 6631

WATER RESOURCES
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JUN 22 2018

S0068

Interfund Details

Interfund Id AA00242474 Delete Expand All Collapse All Notify

Accounts Receivable Transactions

Add Deposit Find Deposit Remove Deposit Deposit BU Deposit ID

Details

Deposit Status Contact Information
 Posting Status AR Interfund Approval:
 Not Approved Approved
 Entered By Approved By
 Entered Dt Approval Dt
 Total Amt

Payment

Payment ID Budget Status Seq
 Customer ID

Distribution Details

Monetary Amount	Department	Fund	Budget Unit	Program	Account	Business Unit PC	Project	Activity	Source Type	Category	Subcate

Accounts Payable Transactions

Update Voucher Find Voucher Remove Voucher AP BU 71000 Voucher 00205756

Details

Supplier SetID SOKID Post Status Unposted Budget Status Not Chk'd
 Supplier ID 04600 Contact Information
 Invoice Permit Application
 Invoice Date 06/22/2018
 Total Amount 420.00
 Entered By FG00TJD
 Entered Dt 06/22/2018

AP Interfund Approval:
 Not Approved Approved
 Approved By
 Approval Dt

Distribution Details

Line	Dist	Monetary Amount	Department	Fund	Budget Unit	Program	Account	PC Business Unit	Project	Activity	Source Type	Category	Subcategory
1	1	105.00	7108100000	2300	2890	67000	526900	71000	F21D024813300	A00	AF	301	
1	2	315.00	7108100000	3490	3490	67000	526900	71000	F21D024813300	A00	AF	301	

Comments

Teresa Dill Teresa.dill@ks.gov
 KS Dept of Ag - Division of Water Resources
 Application Permit to Appropriate Water for Beneficial Use - West Fork Drywood Creek (Marmaton)
 Farlington Fish Hatchery; Dan Mosier - Hatchery Manager

Save Return to Search Previous in List Next in List

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6/22/2018

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

June 25, 2018

PROJECT ENGINEER (TOP)
KANSAS DEPT OF WILDLIFE, PARKS & TOURISM
1020 S KANSAS AVE FL 2
TOPEKA KS 66612

RE: Application
File No. 50068

Dear Sir or Madam:

Your application for permit to appropriate water in 5-28S-24E in Crawford 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