

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.

#1

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50072
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

WATER RESOURCES RECEIVED

JUN 26 2018

8:54

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JUN 25 2018

UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): DAVID J FOSTER
Address: 13450 NW 62ND ST
City: ROSSVILLE State KS Zip Code 66533
Telephone Number: (785) 584-6648 207-5304

2. The source of water is: surface water in PEANAZ CREEK (stream)
OR groundwater in KANSAS RIVER (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. 320 Dmet

3. The maximum quantity of water desired is 599.5 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of ALL N F 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. Re-diversion = 1400 gpm

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 Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G/S County SN By DAW Date 6/25/18
Code PER Fee \$ 300 TR # _____ Receipt Date 6/26/18 Check # 4799

DWR 1-100 (Revised 02/12/2014) Storage Quantity Limited to 656 AF when combined with File No. 45562
6/27/18 DAW

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

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

(A) One in the **NW** quarter of the **SE** quarter of the **NE** quarter of Section **23**, more particularly described as being near a point **3350** feet North and **1180** feet West of the Southeast corner of said section, in Township **10** South, Range **13E**, **SHAWNEE** 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):

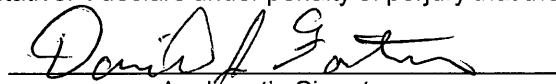
(name, address and telephone number)

(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 June 21, 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 DAM** _____
(number of wells, pumps or dams, etc.)

and **WAS** completed (by) **2004** _____
(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 **JULY 2018** _____
(Mo/Day/Year)

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

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

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

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

- If yes, show the Water Structures permit number here DSN-0693
- 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.

P/D & P/U - 45562

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/AGENT
(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):

SEE IRRIGATION USE SUPPLEMENTAL SHEET
(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 Silver Lake, Kansas, this 21 day of June, 2018.
(month) (year)

David G. Gentry
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

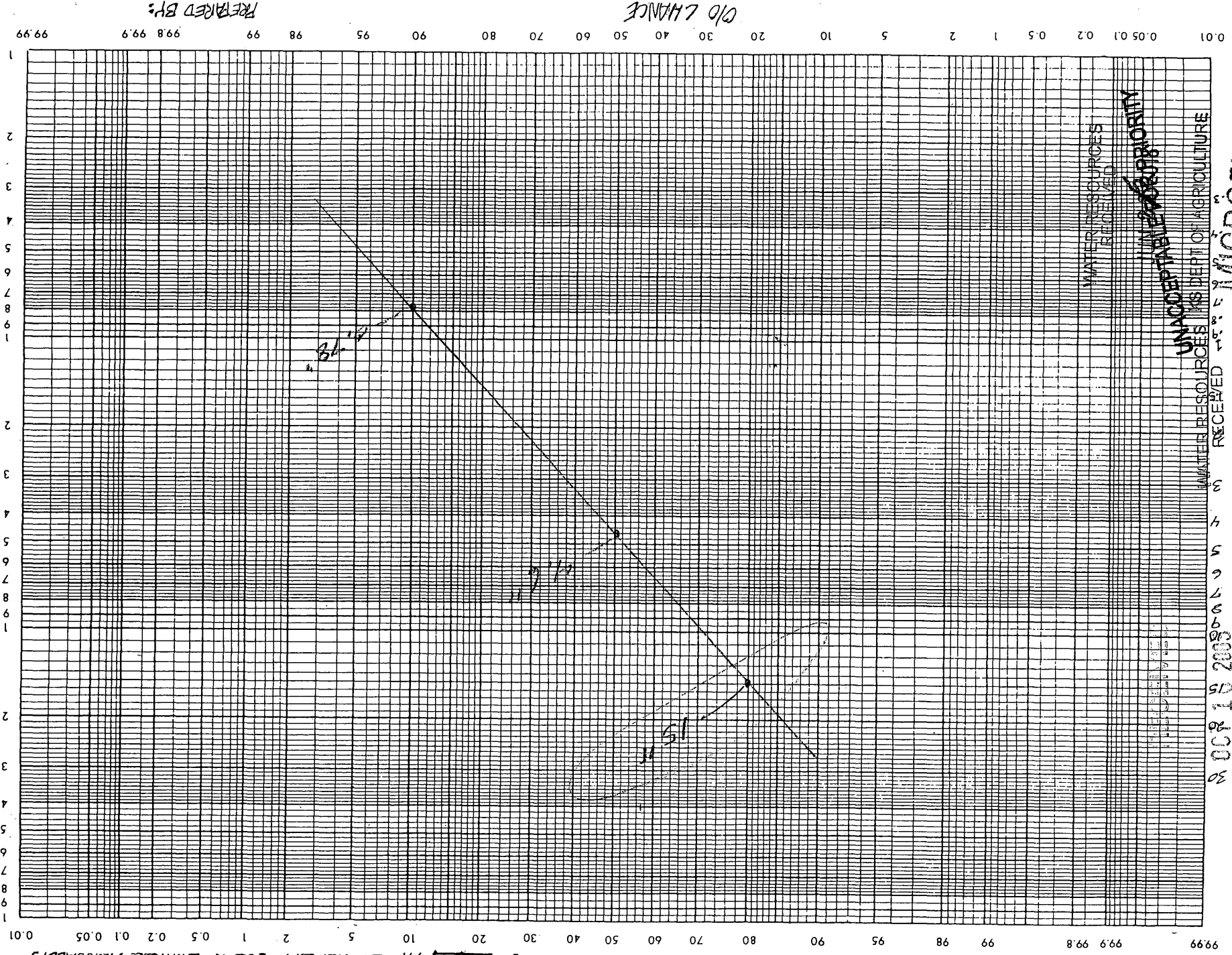
Assisted by BRETT BUNGER TFO/ ASST WATER COMM. Date: 3-16-18
(office/title)

WATER RESOURCES RECEIVED
JUN 26 2018

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JUN 27 2018

Probability (Long-axis) by 3 Cycle Log

50072



FILE NO. 45,562
 SOIL: "77" RECID: "36"
 INCHES RUNOFF/ACRE: 1.5"

$$\frac{587 \text{ ACRES IN DRAINAGE} \times 1.5'' = 88051.12''}{88051.12'' \div 7344 \text{ AF OF RUNOFF (2006 CHANCE ANNUALLY)}} = 12''$$

REPAIRED BY:

OLD CHANCE

WATER RESOURCES RECEIVED
 UNACCEPTABLE PRIORITY
 WATER RESOURCES RECEIVED FROM DEPT OF AGRICULTURE

MICROFILMED

JUN 26 2018

TOPEKA FIELD OFFICE
 DIVISION OF WATER RESOURCES

STATE WATER RESOURCES AGRICULTURE PAPER From Your COPIER - HPBooks

6/21/18
(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. 50070

Minimum Desirable Streamflow
KANSAS River Assurance District
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office **(circle the appropriate item)** for the source of supply to which the above referenced application applies, namely the KANSAS 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.

David J. Foster
Signature of Applicant

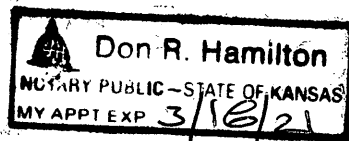
David J. Foster
Print Applicant Name

State of Kansas)
) SS
County of Shawnee)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 21st day of June, 2018

Don R. Hamilton
Notary Public

My Commission Expires:


Don R. Hamilton
NOTARY PUBLIC - STATE OF KANSAS
MY APPT EXP 3/16/21

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DEPT OF AGRICULTURE
JUN 26 2018

**FORM TO BE USED WHEN APPLICABLE
WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

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

Assurance Districts have been formed on the following rivers:

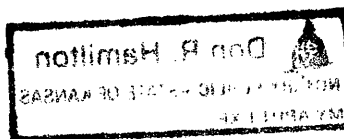
Kansas River

Marais 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



50072

CROSS CREEK WATERSHED JOINT DISTRICT NO. 42
P.O. Box 454
Rossville, Kansas 66533

Joseph Baumchen, President
785/535-4204
Joseph Conley, Vice President
785/771-3733
Arthur Thomas, Secretary
785/584-5914
Joseph VandeVelde, Treasurer
785/584-6309

RESOLUTION

The Board of Directors of Cross Creek Watershed Joint District No. 42, at a meeting on June 11, 2003 after having considered the request of Virginia Kay Foster, Trustee, for permission to use water from Site No. 131 for irrigation and recreation purposes, upon motion duly made by Art Thomas and seconded by Joseph Conley, adopted the following Resolution:

BE IT RESOLVED by the Board of Directors of Cross Creek Watershed District No. 42 that, subject to depletion due to maintenance, evaporation and/or sedimentation, 656 acre feet per year, if available, of storage space in the sediment pool of Site 131 is allocated to Virginia Kay Foster, Trustee, for storage and use of water under such right as she or her representative may acquire pursuant to the Kansas Water Appropriation Act. This grant is given upon the understanding, agreement and condition that the rate of withdrawal of water shall not exceed 1400 g.p.m. nor shall the water surface be lowered more than six (6") in any 24 hour period beginning with the time of day any withdrawal begins.

FURTHER, it is understood Virginia Kay Foster, Trustee, assumes and will pay for any and all damages and/or maintenance costs incurred by the District arising out of the use of water from Site No. 131. It is further understood the District does not guarantee the availability of water within the storage space allocated to Virginia Kay Foster, Trustee.

This allocation is made subject to the authority and responsibility of the Board of Directors for construction, operation, maintenance and inspection of the watershed structure and reservoir for the purposes for which it was built. Failure by the applicant, Virginia Kay Foster, Trustee, or her representative, to acquire a water right in accordance with the Water Appropriation Act or when such water right has been declared by the State of Kansas to be abandoned and terminated, the storage capacity allocation herein described shall cease, and it shall revert back to the exclusive control of the District.

WATER RESOURCES
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JUN 30 2003

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KS DEPT OF AGRICULTURE

WATER RESOURCES
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JUN 26 2018

KS DEPT OF AGRICULTURE TOPEKA FIELD OFFICE
DIVISION OF WATER RESOURCES

RECEIVED

OCT 16 2003

WATER RESOURCES
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UNACCEPTABLE PRIORITY
JUN 25 2018

KS DEPT OF AGRICULTURE

50072

**CROSS CREEK WATERSHED JOINT
DISTRICT NO. 42**

Dated: 2-11, 2003

By: Joseph R. [Signature]

Attest:

By: A. C. Thomas

WATER RESOURCES
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JUN 30 2003

KS DEPT OF AGRICULTURE

MICROFILMED

RECEIVED

WATER RESOURCES
RECEIVED

JUN 26 2018

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

JUN 25 2018

KS DEPT OF AGRICULTURE

OCT 16 2003

UNACCEPTABLE FOR PRIORITY

TOPEKA FIELD OFFICE
DIVISION OF WATER RESOURCES

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 26, 2018

DAVID J FOSTER
13450 NW 62ND ST
ROSSVILLE KS 66533

RE: Application
File No. 50072

Dear Sir or Madam:

Your application for permit to appropriate water in 23-10S-13E in Shawnee 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,

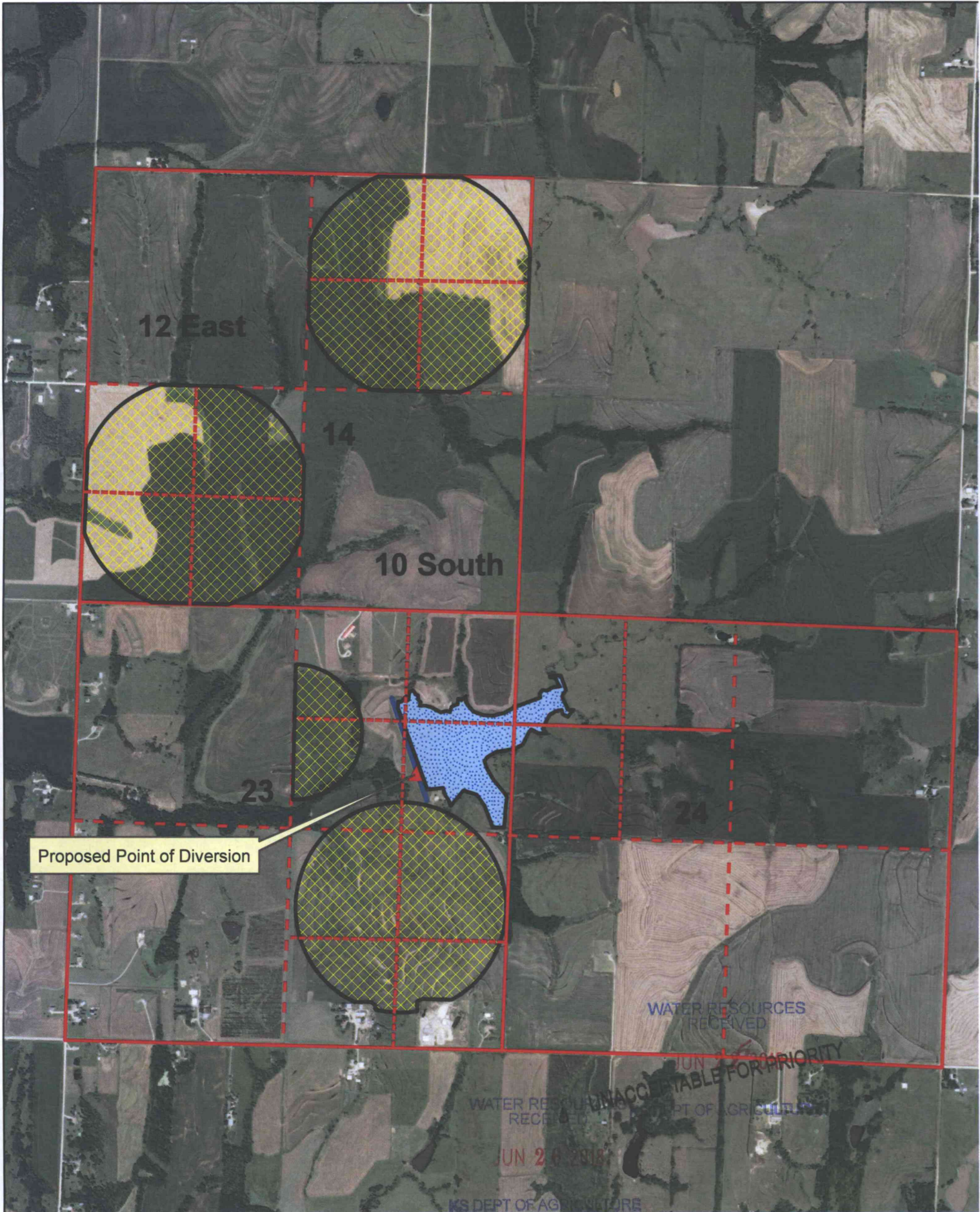
Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

1:18,000

New Application

50072



50072

Reservoir Capacity = 279.5 AF
Reservoir Surface Area = 31 acres
Direct Use = 320 AF

3 years net evaporation is already covered under File No. 45562

Storage Quantity = 1 years direct use (320 AF) + Reservoir Capacity (279.5 AF) = 599.5 AF

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream –

- #1) Katherine A Moore
PO Box 171
Silver Lake KS 66539-0171
- #2) Kenneth V & Mary C Cowan Trust
104 Gemini St
Silver Lake KS 66539-9603

Downstream –

- #1) Curt A & Candy A Brecheisen
6830 NW Carlson Rd
Rossville KS 66533-9649
- #2) Daryl T & Shirley A Mitchell
6634 NW Carlson Rd
Rossville KS 66533-9614

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