

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

1. File Number: <p style="text-align: center;">50,116</p>	2. Status Change Date: <p style="text-align: center;">11/29/2018</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

7a. Applicant(s) Person ID 40450 New to system <input type="checkbox"/> Add Seq# 2 KANSAS DEPT OF WILDLIFE PARKS & TOURISM ACTIVE DIVERSIONS (TOP) 1020 S KANSAS AVE FL 2 TOPEKA KS 66612-1389	7c. Landowner(s) Person ID _____
7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ 7a.	7d. Landowner(s) Person ID _____ KANSAS DEPARTMENT OF WILDLIFE PARKS & TOURISM % MONTE MANBECK - MANAGER 8705 WALLACE RD ST PAUL KS 6671

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 7a.	9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Groundwater <input checked="checked" type="checkbox"/> Surface Water </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> IRR <input checked="checked" type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG </div> <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> IND. SIC: _____ <input type="checkbox"/> OTHER: _____ </div>
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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: **11/05/18** By: **DWS**
 Date Entered: **12/3/18** By: **UM**

File No. **50,116** 15. Formation Code: Drainage Basin: **Neosho River** County: **NO** Special Use: Stream: **FLAT ROCK CREEK (NEOSHO)**

16. Points of Diversion										17. Rate and Quantity				
MOD DEL ENT	T PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional			
									Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	
√		87034 SE NW SW	19	29	21E	8	1449	4409	5,000	50	5,000	50	NONE	

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 _____

MOD DEL ENT	T PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
ENT	<i>W</i>	19	29	21E		WILDLIFE MARSH (NW SW)																	7a	NO	NONE
DEL		16843																							

Comments: **THERE ARE NO OVERLAPPING FILES IN PU.**
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: November 5, 2018

FROM: Doug Schemm

RE: Application, File No. 50,116

The Kansas Department of Wildlife, Parks and Tourism has filed the above-referenced application proposing to appropriate 50 acre-feet of surface water at a diversion rate of 5,000 gallons per minute from one pump site on Flat Rock Creek in the Neosho River drainage basin, for recreational use in a waterfowl marsh. This application will allow water to be pumped directly from Flat Rock Creek (when flows are adequate and permission is granted). The water will be used to fill and maintain water levels in a proposed marsh (i.e. offset evaporative and seepage losses). The project is located in the Southwest Quarter of Section 19, Township 29 South, Range 21 East, Neosho County. A representative of the applicant has signed the application form stating they have access to the point of diversion. NOTE: The applicant has a large marsh complex nearby this application, but this file **does not overlap in place of use**.

The quantity requested on the new application was based on a total marsh area of 20 acres and filling it with 2.5 feet of water. The project will be authorized under DWR Structures File No. LNO-0150.

As is typical with these wetland projects, the Kansas Department of Wildlife, Parks, and Tourism owns the land where the marsh is located and all of the property adjacent to the stream both upstream and downstream. This is part of the "Neosho State Waterfowl Management Area". There are multiple water rights located within the 2-mile circle, with most of them being direct diversions from the Neosho River. The nearest downstream user is located over 1,800 feet away and is also owned by the applicant. Therefore, the proposed appropriation of water will not negatively impact senior water rights, and no notification letters are necessary. The Cottonwood and Neosho River Water Assurance District No. 3 and Kansas Water Office were informed of the pending application, and no response was received from them.

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.

The applicant has submitted a signed and notarized Minimum Desirable Streamflow form acknowledging that there may be times when diversion of water will not be allowed.

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. Please note that the proposed point of diversion is located upstream of the Parsons gage.

In a November 1, 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 typically 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.

Doug Schemm
Environmental Scientist
Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

KANSAS DEPT OF WILDLIFE PARKS & TOURISM
ACTIVE DIVERSIONS (TOP)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389

December 6, 2018 **FILE COPY**

RE: Appropriation of Water, File No. 50,116

Dear Sir or Madam:

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 this permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit, with specific reference to **Paragraph Nos. 19 and 20, which describe the need for you to obtain permission prior to diverting water.** A water meter is required on the 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,

Brent A. Turney, P.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT:dws
Enclosures

pc: Topeka Field Office
Monte Manbeck – KDWP & T

THE STATE OF KANSAS



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. 50,116** of the applicant

**KANSAS DEPT OF WILDLIFE PARKS & TOURISM
ACTIVE DIVERSIONS (TOP)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389**

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 **August 27, 2018**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, in Township 29 South, Range 21 East, Neosho County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from Flat Rock Creek (Neosho), to be diverted at one (1) pump site located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, more particularly described as being near a point 1,449 feet North and 4,409 feet West of the Southeast corner of said section, in Township 29 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 **5,000 gallons per minute (11.14 c.f.s.)** and to a quantity not to exceed **50 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.

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

Ordered this 29th day of November, 2018, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, L.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 29th day of November, 2018, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

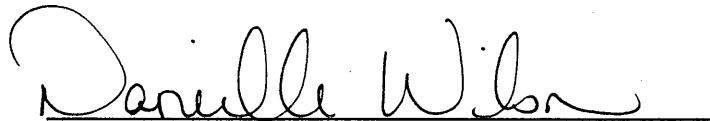
On this 10th day of December, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,116, dated November 29, 2018 was mailed postage prepaid, first class, US mail to the following:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM
ACTIVE DIVERSIONS (TOP)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389

With photocopies to:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM
% MONTE MANBECK - MANAGER
8705 WALLACE RD
ST PAUL KS 66771

Topeka Field Office



Division of Water Resources

Schemm, Doug [KDA]

From: Phillips, Janelle [KDA]
Sent: Monday, November 5, 2018 8:10 AM
To: Schemm, Doug [KDA]
Subject: RE: File No 50116

LNO-0150 we are still waiting for payment

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

From: Schemm, Doug [KDA]
Sent: Wednesday, October 31, 2018 2:23 PM
To: Phillips, Janelle [KDA]
Subject: FW: File No 50116

Hello Janelle,
What's your file number for this one?
Thanks, Doug

From: Manbeck, Monte [KDWPT]
Sent: Tuesday, October 23, 2018 9:44 AM
To: Phillips, Janelle [KDA] <Janelle.Phillips@ks.gov>
Cc: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: Re: File No 50116

Janelle,

I am attaching all of the requested documents to secure proper permitting for file 50116. Please feel free to contact me if there is anything else you might need. Will you please let Doug know when this is completed on your end so he can finish the other permits required for water deliver and storage. Also, I will let you know when the PO comes through so we can start the inter-fund payment. Thanks so much for your help with this!!

From: Phillips, Janelle [KDA]
Sent: Monday, October 22, 2018 2:47:08 PM

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50116 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50116 00 REC

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

1449 Feet North and 4409 Feet West of the Southeast Corner of Section 19 T 29S 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__ 8359 00	REC	NK	S	1868	--	SE	SE	SW	500	2800	19	29	21E	1		3000.00	3000.00	AF
Same				1340	--	SE	SW	SW	125	4200	19	29	21E	7				
A__ 23942 00	MUN	NK	S	6310	--	--	--	--	1053	5308	24	29	20E	1		89.03	89.03	AF
A__ 44120 00	REC	NK	S	8666	--	--	--	--	4160	806	31	29	21E	3		25.20	25.20	AF
A__ 44180 00	REC	NK	S	5508	--	--	--	--	1123	4194	30	29	21E	5		112.00	112.00	AF
A__ 44198 B	REC	NK	S	7846	--	SW	SW	NE	3018	1995	20	29	21E	2		.00	.00	AF
A__ 44512 00	REC	NK	S	8666	--	--	--	--	4160	806	31	29	21E	3		75.20	75.20	AF
A__ 45949 00	REC	NK	S	5508	--	--	--	--	1123	4194	30	29	21E	5		118.00	118.00	AF
A__ 46042 00	REC	NK	S	8666	--	--	--	--	4160	806	31	29	21E	3		11.00	11.00	AF
A__ 47310 00	REC	LR	S	7890	--	--	--	--	4040	4854	31	29	21E	6		175.50	175.50	AF
A__ 48660 00	MUN	KE	S	6310	--	--	--	--	1053	5308	24	29	20E	1		115.64	24.52	AF
A__ 49934 00	REC	GY	S	3579	--	--	--	--	3090	5090	30	29	21E	6		210.00	210.00	AF
Same				3557	--	--	--	--	3170	5370	30	29	21E	7				
Same				4136	--	--	--	--	2580	5390	30	29	21E	8				
A__ 50115 00	REC	AY	S	7721	--	SW	SW	NE	3091	2139	20	29	21E	3		60.00	60.00	AF
A__ 50116 00	REC	AY	S	0	--	SE	NW	SW	1449	4409	19	29	21E	8		50.00	50.00	AF
VNO 4 00	MUN	AA	S	6310	--	--	--	--	1053	5308	24	29	20E	1		46.00	46.00	AF

senior applicant file

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	110.00	.00
Total Permitted Amount (AF) =	234.52	.00
Total Inspected Amount (AF) =	175.50	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3430.43	29.00
Total Vested Amount (AF) =	46.00	.00
TOTAL AMOUNT (AF) =	3996.45	29.00

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:

1449 Feet North and 4409 Feet West of the Southeast Corner of Section 19 T 29S R 21E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number	Use	ST	SR
A__ 8359 00	REC	NK	S
>	KANSAS DEPT OF WILDLIFE PARKS & TOURISM		
>	ACTIVE DIVERSIONS (TOP)		
>	1020 S KANSAS AVE FL 2		
>	TOPEKA KS 66612		
>	-----		
A__ 23942 00	MUN	NK	S

> CITY OF SAINT PAUL
>
> PO BOX 311
> SAINT PAUL KS 66771

A__ 44120 00 REC NK S
> DAVID M JENKINS
>
> 505 S DREHER
> WEIR KS 66781

A__ 44180 00 REC NK S
> CHRIS TERLIP
>
> 700 E LOREN
> FRONTENAC KS 66763

A__ 44198 B REC NK S
> KANSAS DEPT OF WILDLIFE PARKS & TOURISM
> STAGE LEVELS ONLY (TOP)
> 1020 S KANSAS AVE FL 2
> TOPEKA KS 66612

A__ 44512 00 REC NK S
> DAVID M JENKINS
>
> 505 S DREHER
> WEIR KS 66781

A__ 45949 00 REC NK S
> CHRIS TERLIP
>
> 700 E LOREN
> FRONTENAC KS 66763

A__ 46042 00 REC NK S
> DAVID M JENKINS
>
> 505 S DREHER
> WEIR KS 66781

A__ 47310 00 REC LR S
> NICK SMITH
>
> 528 WASHINGTON
> SAINT PAUL KS 66771

A__ 48660 00 MUN KE S
> CITY OF SAINT PAUL
>
> PO BOX 311
> SAINT PAUL KS 66771

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. 50116

Name of Applicant (Please Print): KDWPT

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Wildlife Habitat

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

Surface Area of Marsh = 20 Acres. Filled to a maximum depth of 2.5 feet
20 acres x 2.5 feet = 50 acre-feet.

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	50 AF
Year 2	AF
Year 3	AF
Year 4	AF
Year 5	↓ 50 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.

*NW SW * Per site map DWS/DWR 9/27/18*

Wildlife Marsh Located in the ~~West Half~~ of Section 19, in Township 29 South, Range 21 East, Neosho County, Kansas.

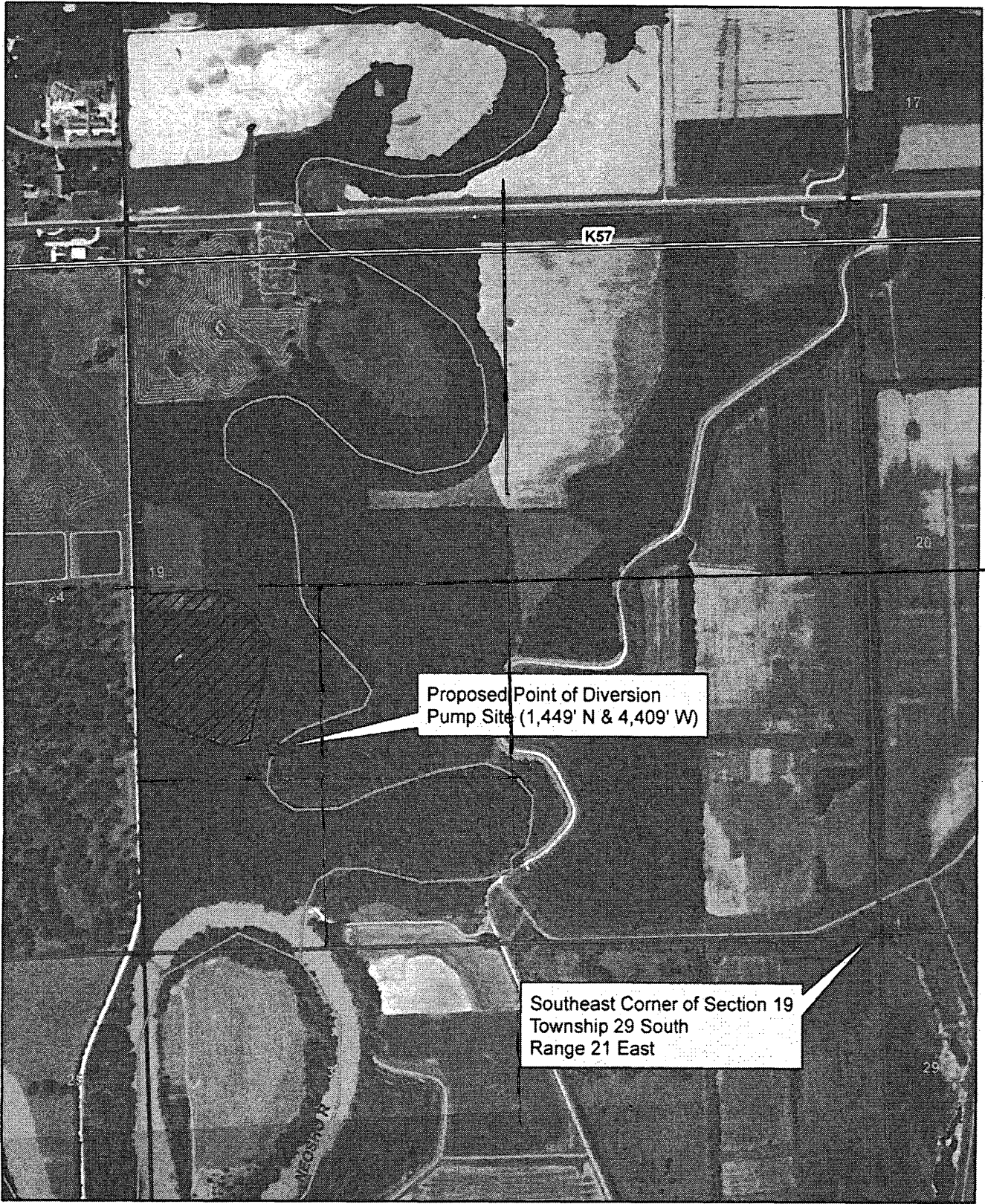
You may attach any additional information you believe will assist in informing the Division of the need for your request.

Water Resources
Received

AUG 27 2018

KANSAS DEPARTMENT OF WILDLIFE PARKS & TOURISM
SEC. 19, T29S, R21E
NEOSHO COUNTY

50116



Proposed Point of Diversion
Pump Site (1,449' N & 4,409' W)

Southeast Corner of Section 19
Township 29 South
Range 21 East



Water Resources
Proposed Place of Use Received All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

● Proposed Point of Diversion **AUG 27 2018**

1:12,000

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

September 25, 2018

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

Re: Pending Applications, File Nos. 50,115 and 50,116

Dear Mr. Biery:

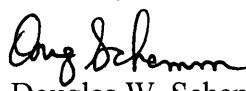
This is to advise you that the Kansas Department of Wildlife Parks and Tourism has filed the applications referred to above. File No. 50,115 is requesting to appropriate 60 acre-feet of surface water per calendar year from Brogan Creek for recreational use in an existing wetland, currently authorized under Water Right, File No. 44,198-B. The requested diversion rate is 5,000 gallons per minute. File No. 50,116 is requesting to appropriate 50 acre-feet of surface water per calendar year from Flat Rock Creek for recreational use in a proposed wetland. The requested diversion rate is 5,000 gallons per minute.

The pump sites are located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 20, and the Southwest Quarter (SW $\frac{1}{4}$) of Section 19, respectively, all in Township 29 South, Range 21 East, Neosho County, Kansas. These direct diversions 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.

You can find the applications and site maps posted by the file numbers referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. If you have any questions, please contact me at (785) 296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Kansas Water Office

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Tuesday, September 25, 2018 3:06 PM
To: 'Galen Biery'
Cc: 'Cara.Hendricks@kwo.ks.gov'
Subject: File Nos. 50,115 & 50,116 - KDWP & T
Attachments: 50115 and 50116 Notification of Cottonwood Neosho WAD.DOCX

Hello Galen,
These are a couple of small wetland applications filed by KDWP & T, within the Neosho State Waterfowl Management Area.
Have a great day,
Doug

(B)

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 50114
This item to be completed by the Division of Water Resources.

Water Resources
Received
AUG 27 2018
1:06 PM
KS Dept Of Agriculture
ACCEPTED FOR PRIORITY

AUG 27 2018
5:01
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, KS 66502:

1. Name of Applicant (Please Print): KANSAS DEPARTMENT OF WILDLIFE PARKS & TOURISM
Address: ACTIVE DIVERSIONS (TOP) 1020 S KANSAS AVE FL 2
City: TOPEKA State: KS Zip Code 66612-1389
Telephone Number: (620) 432-5049 e-mail:

2. The source of water is: surface water in FLAT ROCK CREEK # 749 (stream)
OR groundwater in NEOSHO RIVER BASIN (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 50 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 5,000 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 8/27/18
Code _____ REG Fee \$ 200 TR # _____ Receipt Date 8/27/18 Check # Interfund

9/5/18 DAW SCANNED

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 SE quarter of the NW quarter of the SW quarter of Section 19, more particularly described as being near a point 1,449 feet North and 4,409 feet West of the Southeast corner of said section, in Township 29 South, Range 21 East, NEOSHO 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 _____, 2016. Mark Malech
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE PUMP SITE
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) SPRING 2017
(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 SPRING 2017
(Mo/Day/Year)

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

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

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

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

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

• If yes, show the Water Structures permit number here _____

• If no, explain here why a Water Structures permit is not required _____

To be determined based on review by Structures Program.

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

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

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

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

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

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

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

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

NONE

Water Resources
Received

AUG 27 2018

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):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this _____ day of _____, _____
(month) (year)

Monte Malbeck

(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by DWS _____ TOPEKA FO _____ Date: 11/21/2016
(office/title)

TOPEKA FO
11/21/2016
DWS

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50116

Name of Applicant (Please Print): KDWPT

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____

Wildlife Habitat

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

Surface Area of Marsh = 20 Acres. Filled to a maximum depth of 2.5 feet
20 acres x 2.5 feet = 50 acre-feet.

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	50 AF
Year 2	↓ AF
Year 3	↓ AF
Year 4	↓ AF
Year 5	50 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.

Wildlife Marsh Located in the West Half of Section 19, in Township 29 South, Range 21 East, Neosho County, Kansas.

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

Water Resources
Received

AUG 27 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. 50116

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

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.

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.

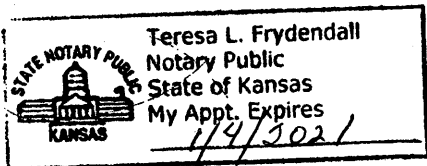
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Monte Manbeck
Signature of Applicant

State of Kansas)
County of NEOSHO) ss
)

MONTI MANBECK
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 7 day of NOVEMBER, 2017.



Teresa L. Frydendall
Notary Public

My Commission Expires: 1/4/2021

Water Resources
Received

AUG 27 2018

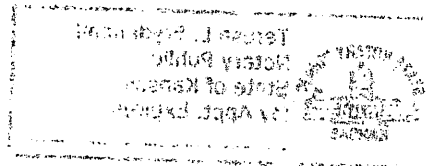
KS Dept Of Agriculture

**MINIMUM DESIRABLE STREAMFLOW 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



(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. 50116

Minimum Desirable Streamflow
Neosho River

Dear Sir:

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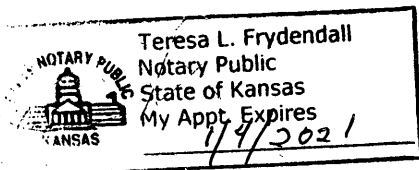
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

KDWT Monte Mabeck
Signature of Applicant

State of Kansas)
County of NEOSHO) ss

KDWT MONTE MABECK
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 23 day of JULY, 2018.



Teresa L. Frydendall
Notary Public

My Commission Expires:

Water Resources
Received

AUG 27 2018

50116

**MINIMUM DESIRABLE STREAMFLOW 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

Water Resources
Received

AUG 27 2018

KS Dept Of Agriculture

SCANNED

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

ACTIVE DIVERSIONS (TOP)
KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
1020 S KANSAS AVE FL 2
TOPEKA, KS 66612

8/28/2018

RE: Application, File No. **50116**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

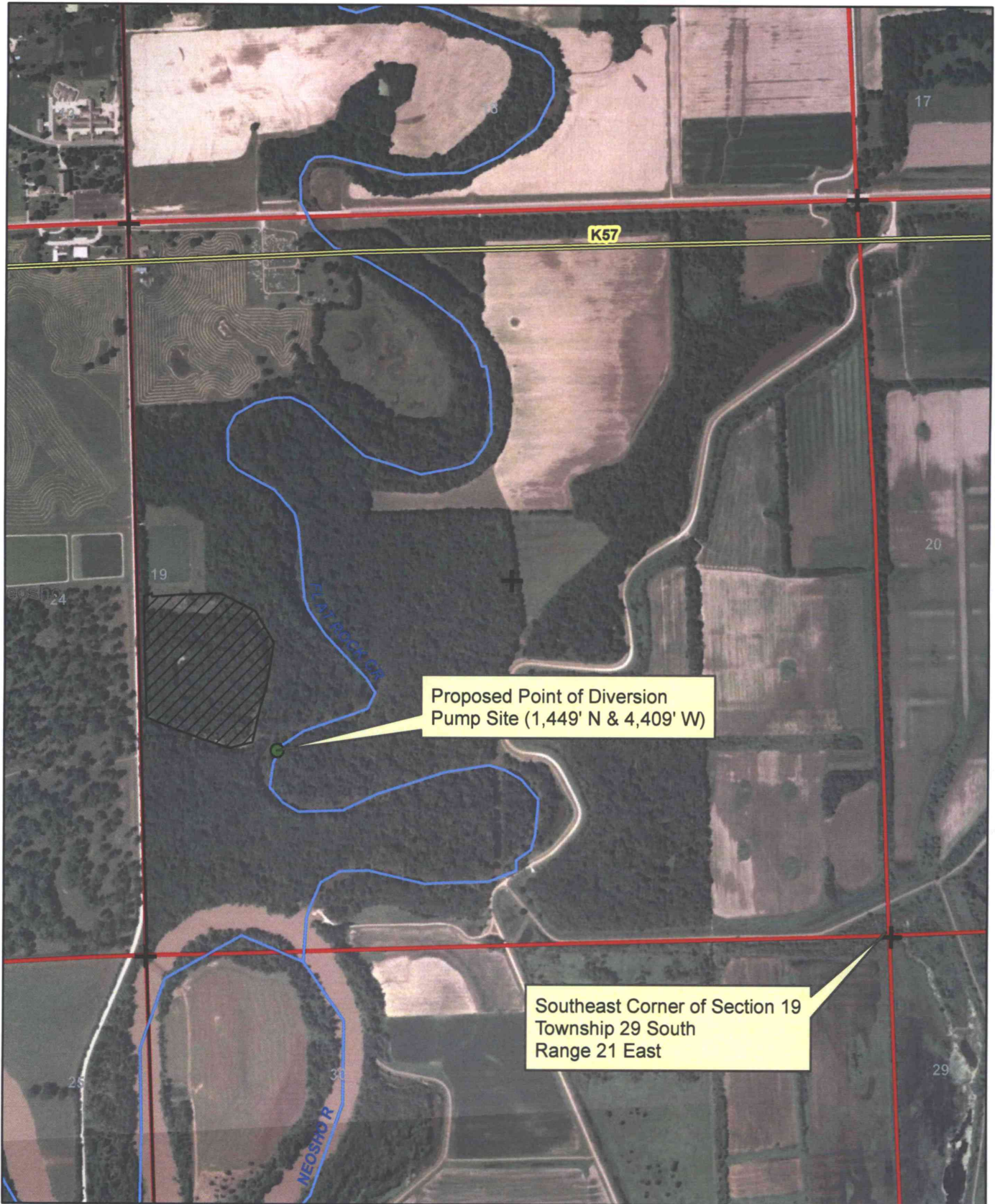
A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

SCANNED

KANSAS DEPARTMENT OF WILDLIFE PARKS & TOURISM
SEC. 19, T29S, R21E
NEOSHO COUNTY

50114



Water Resources



Proposed Place of Use



Proposed Point of Diversion

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

AUG 27 2018

1:12,000