

# NOTICE

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

THE STATE  OF KANSAS

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

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

File Number 50136  
This item to be completed by the Division of Water Resources.

Water Resources  
Received

**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.)

**SEP 24 2018**  
**1:07**  
KS Dept Of Agriculture

*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): DOUG LIVINGSTON  
Address: 12839 CENTURY ST  
City: OVERLAND PARK State KS Zip Code 66213  
Telephone Number: (913) 485-9084

2. The source of water is:  surface water in LONG CREEK (stream)

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 60 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 10,000 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

For Office Use Only:							
F.O. Code	<u>1</u>	GMD	<input checked="" type="checkbox"/>	Meets K.A.R. 5-3-1 (YES / NO)	Use	<u>RBC</u>	Source
	<u>REG</u>						<u>G(S)</u>
					County	<u>CF</u>	By
							<u>DW</u>
					Fee \$	<u>200</u>	Date
					TR #		<u>9/24/18</u>
					Receipt Date	<u>9/24/18</u>	Check #
							<u>1212</u>

9/26/2018  
WM

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

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

(A) One in the **NE** quarter of the **NE** quarter of the **SE** quarter of Section **21**, more particularly described as being near a point **2603** feet North and **613** feet West of the Southeast corner of said section, in Township **20** South, Range **16** East, **COFFEY** County, Kansas.

(B) One in the **NE** quarter of the **NE** quarter of the **SE** quarter of Section **21**, more particularly described as being near a point **2378** feet North and **390** feet West of the Southeast corner of said section, in Township **20** South, Range **16** East, **COFFEY** County, Kansas.

(C) One in the **NE** quarter of the **NE** quarter of the **SE** quarter of Section **21**, more particularly described as being near a point **2187** feet North and **258** feet West of the Southeast corner of said section, in Township **20** South, Range **16** East, **COFFEY** County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (

Basin: Neosho  
34  
Stream: 500

e particularly  
corner of said  
rty, Kansas.  
l or battery of  
mile radius in  
nute per well.  
st more than  
d by pumps  
a common

If the source of supply is groundwater, a separate application shall wells, except that a single application may include up to four wells v the same local source of supply which do not exceed a maximum di

A battery of wells is defined as two or more wells connected to a cor four wells in the same local source of supply within a 300 foot radiu: not to exceed a total maximum diversion rate of 800 gallons per m distribution system.

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

SAME AS OWNER  
(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 9-20, 2018. Ray [Signature]  
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 POWER UNIT, PUMP & METER  
(number of wells, pumps or dams, etc.)  
and was completed on June 26, 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 UPON APPROVAL  
(Month/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 \_\_\_\_\_

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 FILE NO. 49,582 WILL BE DISMISSED UPON APPROVAL OF THIS APPLICATION.**

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:     Test holes     Well as completed     Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of

**OWNER**  
(owner, tenant, agent or otherwise)

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

\_\_\_\_\_  
(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 Overland Park, Kansas, this 20<sup>th</sup> day of Sept., 2018.  
(month) (year)

  
\_\_\_\_\_  
(Applicant Signature)

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

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

Assisted by Shaun Johnson ES II/Topeka Field Office Date: 9/18/18  
(office/title)

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**SEP 24 2018**  
KS Dept Of Agriculture

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 50134

Name of Applicant (Please Print): Doug Livingston

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

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

Surface Area of marsh= 10 acres                      Depth of marsh is 3 Feet.

10 acres x 3 feet = 30 Acre-Feet

30 Acre-Feet for seepage and evaporation.

Total Acre-Feet requested = 60 AF

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

**ESTIMATED FUTURE WATER DIVERTED/STORED**

<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	60 AF
Year 2	60 AF
Year 3	60 AF
Year 4	60 AF
Year 5	60 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.

A Waterfowl marsh located in the North Half of the Southeast Quarter (N 1/2 SE 1/4) of Section 21  
, Township 20 South, Range 16 East, in Coffey County, Kansas

\_\_\_\_\_

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

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**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	Ninnescah River
Big Blue River	North Fork Ninnescah River
Chapman Creek	Rattlesnake Creek
Chikaskia River	Republican River
Cottonwood River	Saline River
Delaware River	Smoky Hill River
Little Arkansas River	Solomon River
Little Blue River	South Fork Ninnescah
Marais des Cygnes River	Spring River
Medicine Lodge River	Walnut River
Mill Creek (Wabaunsee Co. area)	Whitewater River
Neosho River	

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KS Dept Of Agriculture

**VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT**

To: Kansas Department of Agriculture  
Division of Water Resources (DWR)  
1320 Research Park Drive  
Manhattan, Kansas 66502  
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water   
Water Right   
Vested Right   
Term Permit   
(Check Appropriate Box Above)  
File No. 49,582

*\* Dismiss upon approval of new application  
SAJ /TFO*

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

*Doug Livingston*  
(Signature of Owner or Authorized Agent)

*Craig Raiford*  
(Signature of Spouse or Title of Authorized Agent)

Doug Livingston  
(Please print name here)

CRAIG RAIFORD  
(Please print name here)

12839 Century St.  
(Mailing Address)

13121 WALMER ST  
(Mailing Address)

Overland Park KS.  
(City, State, Zip)

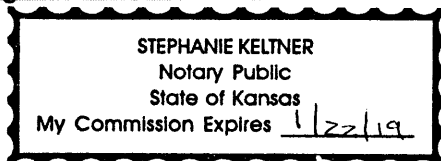
OVERLAND PARK, KS 66209  
(City, State, Zip)

**ACKNOWLEDGMENT**

State of Kansas  
County of Jackson

This instrument was acknowledged before me this 20<sup>th</sup> day of September, 2018 by  
(owners:) Doug Livingston

(Seal)



Stephanie Keltner  
Notary Public

My appointment expires:

Water Resources SAJ  
Received DWR Initials

**SEP 24 2018**



9-20-18

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, Kansas 66612-1283

Re: Application File No. 50130

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.

*Doug Livingston*  
Signature of Applicant

Doug Livingston  
(Print Applicant's Name)

State of Kansas )  
County of Johnson ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 20<sup>th</sup> day of Sept, 2018.



*Stephanie Keltner*  
Notary Public

My Commission Expires:

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SEP 24 2018

KS Dept Of Agriculture

# STATE OF KANSAS

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



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

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

9/26/2018

DOUG LIVINGSTON  
12839 CENTURY ST  
OVERLAND PARK, KS 66213

RE: Application, File No. **50136**

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](http://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,

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



50136

# New Application

1:12,000



Proposed Place of Use

Proposed Pumpsites

Twnsip 20 S

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