

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

1. File Number: <b>49,567</b>	2. Status Change Date: <b>4/25/2019</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) <input type="checkbox"/> New to system    Person ID <b>64532</b> Add Seq# _____</p> <p><b>THOMAS O &amp; AMY L PHILLIPS</b> 1470 ROAD 200 EMPORIA KS 66801</p>	<p>7c. Landowner(s) <input type="checkbox"/> New to system    Person ID <b>64533</b> Add Seq# _____</p> <p><b>MARGARET F PRELLWITZ REV TRUST</b> 3545 NW 86TH ST TOPEKA KS 66618</p>		
<p>7b. Landowner(s) <input type="checkbox"/> New to system    Person ID _____ Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Misc. <input type="checkbox"/> New to system    Person ID _____ Add Seq# _____</p> <p><b>MIDWEST IRRIGATION</b> % KEITH GRIMM 1215 OREGON ST HIAWATHA KS 66434</p>		
<p>8. WUR Correspondent <input type="checkbox"/> New to system Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No    Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p><b>7a.</b></p>	<p>9. Use of Water: Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Groundwater    <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR    <input type="checkbox"/> REC    <input type="checkbox"/> DEW    <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK    <input type="checkbox"/> SED    <input type="checkbox"/> DOM    <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR    <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____    <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <b>12/31/2020</b> 11. Perfection Date: <b>12/31/2024</b> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: <b>3/25/2019</b> By: <b>DWS</b> Date Entered: <b>4/25/2019</b> By: <b>UM</b></p>			

File No. **49,567**      15. Formation Code:      Drainage Basin: **NEOSHO RIVER**      County: **LYON**      Special Use:      Stream: **PLUMB CREEK (NEOSHO)**

16. Points of Diversion										17. Rate and Quantity				* CHANGE STREAM NAME
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
√	85065	NW NW SW	32	18S	12E	1	2614	5199		1000	400	1000	400	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 **12/31/2020**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T MOD DEL ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
7c	66968	31	18	12E	1	37	40	40	22	40	33.43	33.87	40	40	34.33	34.77	40					435.4	7c.	NO	49,406 & 49,568				
√	66967	32	18	12E	1					40	40	40	36	5	13							174	7a.	NO	49,406 & 49,568				
7c	67601	32	18	12E	2	29	1	29	40				2.5	25	5	12	16	40	37	6.5	6.5	249.5	7c.	NO	49,406 & 49,568				
																							858.9						

Comments: **Special condition: permission to pump**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** March 25, 2019

**FROM:** Doug Schemm

**RE:** Applications, File Nos. 49,567 and 49,568

Thomas Phillips (Applicant, File No. 49,567) and Margaret F. Prellwitz Trust (Applicant, File No. 49,568) have filed the above referenced new applications proposing to appropriate surface water by both the direct diversion of surface water from one pump site on Plumb Creek (File No. 49,567), and the collection and storage of natural flows from Plumb Creek Trib 2 (Neosho) in an existing reservoir (File No. 49,568). Both applications will be used for the same irrigation project (i.e. overlap in place of use). Application, File No. 49,567 will allow water to be pumped directly from Plumb Creek (when flows are adequate and permission has been granted) either directly to the place of use or into the reservoir requested under Application, File No. 49,568 (and/or File No. 49,406 – see below), to be stored for subsequent re-diversion for irrigation use. The points of diversion are located in the Southwest Quarter of Section 32, Township 18 South, Range 12 East, Lyon County, Kansas. The applications' place of use comprises 858.9 acres, wholly owned by the two applicants. The applicants have signed the application forms stating that they have legal access to the points of diversion.

Please note that a senior pending application, File No. 49,406 will also overlap in place of use. It is requesting storage of 414.2 acre-feet in a second existing reservoir, and the re-diversion of 210 acre-feet. The reservoir under File No. 49,406 is located in the Northeast Quarter of Section 31, Township 18 South, Range 12 East.

Application, File No. 49,567 is requesting 400 acre-feet of surface water at a diversion rate of 1,000 gallons per minute. As noted above, the source of water is a stream within the Neosho River basin. Therefore, per K.A.R 5-3-15, Application, File No. 49,567 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 existing off-stream reservoirs will provide adequate water storage, and there is no need for direct diversion of water from July 1 through September 30.

Application, File No. 49,568 is requesting 400 acre-feet of surface water storage, and the re-diversion of 400 acre-feet of the stored water for irrigation use at 1,000 gallons per minute. Runoff computations have determined that the 600 acre drainage area will result in 900 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, runoff is not the limiting factor. A review of this existing reservoir estimated surface acres at 15 acres, and an estimated capacity of 80 acre-feet. The maximum storage quantity would typically be based on a combined total of one year of direct use, one year of indirect use, and the capacity of the reservoir. In addition, a direct use quantity of 5 times the reservoir capacity (5 x 80 AF = 400 AF) is a consistent value for irrigation projects in this area of the state. The requested quantity for storage and re-diversion appears reasonable based on this data.

As noted above, the senior Application, File No. 49,406 has requested the re-diversion of 210 acre-feet, Application, File No. 49,567 is requesting 400 acre-feet, and finally Application, File No. 49,568 is requesting the re-diversion of 400 acre-feet. The maximum quantity of water that could be allowed for 858.9 acres in Lyon County is 858.9 acre-feet (1 AF/acre). The total combined quantity of water requested for irrigation use is 1,010 acre-feet, exceeding the maximum allowable. Therefore, the junior file must have a quantity limitation of 858.9 acre-feet when combined with the senior files for direct IRR use on the proposed place of use.

Memorandum

File Nos. 49,567 and 49,568

Page 2

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement for each application which has been notarized. By completing these statements, the applicant affirms his or her knowledge that there could be times when the diversion of water may not be allowed under these permits.

Notification letters for both applications were sent to upstream and downstream landowners on April 25, 2016. A telephone call was received from one adjacent landowner regarding File No. 49,567 who asked general questions about the application, but had no specific concerns. The WRIS database indicates there are currently no other non-domestic surface water rights within a two (2) mile radius of the proposed point of diversion (other than pending senior file 49,406). Thus, the proposed appropriation of water will not impact any senior water rights. As noted above, the direct diversion of water under File No. 49,567 is limited to times when there is sufficient flow and permission has been granted. Therefore, with proper conditioning, approval of these applications will not impact any senior water rights.

The proposed dam for File No. 49,568 was reviewed by DWR Structures Program staff under File No. DLY-0170, and it was determined to be non-jurisdictional for structures permitting.

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. If any chemical or foreign substance is injected into the water pumped under either of these permits, check valves will also need to be installed.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended the referenced applications be approved in a discussion on September 20, 2016. Based on the above discussion, Plumb Creek is open to new appropriations meeting specific criteria, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

Creek

APPLICATION COMPLETE

9/19/2016

Reviewer DWS

3-22-19 LAB

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,567  
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

FEB 29 2016

12:57

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): Thomas Phillips  
Address: 1470 Rd 200  
City: Emporia State KS Zip Code 66801  
Telephone Number: (785) 256-5247

2. The source of water is:  surface water in Plumb Creek Trib 2 (Neosho) \*  
(stream)  
OR  groundwater in Neosho  
(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 400 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 1000 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. \*ASW

For Office Use Only:  
F.O. 1 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use ERR Source G(\$) County LY By ASW Date 2/29/16  
Code PE3 Fee \$ 300 TR # 16030900 Receipt Date 2/29/16 Check # 1014

SCANNED  
3/3/2016 LLM

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 NW quarter of the SW quarter of Section 32, more particularly described as being near a point 2614 feet North and 5799 feet West of the Southeast corner of said section, in Township 18 South, Range 12 (East) West (circle one), Lyon 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):

Thomas O. Phillips 3955 Rd. V Allen KS 66837  
 (name, address and telephone number)  
785-256-5247  
 (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 2-4, 2016. Thomas O. Phillips  
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 Pump Station to fill Ponds  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) January 1st 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 July 1st 2017  
(Mo/Day/Year)

WATER RESOURCES  
RECEIVED

FEB 29 2016 **SCANNED**

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. Creek pump for off season pond filling

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 NA
- 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.

Complete overlap with 49406 and File Application under Margaret F Prellwitz Trust (49,568)

WATER RESOURCES RECEIVED

FEB 29 2016

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.

*MA*

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/tenant  
(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):

same as Margaret F. Prellwitz Trust 3545 NW 86th  
(name, address and telephone number)

Topeka KS 66618 (785) 246-2482  
(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 Topeka, Kansas, this 4 day of Feb, 2016.  
(month) (year)

*[Signature]*  
(Applicant Signature)

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

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

Assisted by Kerl Grimm MWI LLC Date: 2-26-16  
(office/title)

WATER RESOURCES RECEIVED

FEB 29 2016

KS DEPT OF AGRICULTURE  
SCANNED



**\*\*Revised per request by Keith Grimm on 2-15-2016.\*\***

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 49,567

Name of Applicant (Please Print): Thomas O. and Amy L Phillips

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

**Landowner of Record** NAME: Thomas O. and Amy L Phillips

ADDRESS: 3955 Rd V Allen KS 66833

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32	18S	12E					40	40	40	36	5	13							174

**Landowner of Record** NAME: Margaret F. Prellwitz Revocable Living Trust

ADDRESS: 3545 NW 86<sup>th</sup> St Topeka KS 66618

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31	18S	12E	37	40	40	22	40	33.43	33.87	40	40	34.33	34.77	40					435.4
32	18S	12E	29	1	29	40				2.5	25	5	12	16	40	37	6.5	6.5	249.5
																			Total: 858.9 ac.

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

## Schemm, Doug

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**From:** Darcy Nightingale <Darcy@mwivalley.com>  
**Sent:** Tuesday, September 20, 2016 9:00 AM  
**To:** Schemm, Doug  
**Subject:** RE: Phillips and Prellwitz

Good morning,

Good! Thank you, Darcy



Darcy Nightingale  
Cell [785-285-8065](tel:785-285-8065)  
Shop [785-288-1783](tel:785-288-1783)

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**From:** Schemm, Doug [<mailto:Doug.Schemm@ks.gov>]  
**Sent:** Tuesday, September 20, 2016 8:56 AM  
**To:** Darcy Nightingale <[Darcy@mwivalley.com](mailto:Darcy@mwivalley.com)>  
**Subject:** RE: Phillips and Prellwitz

Good Morning Darcy,

I received the MDS forms for these files. I believe I have all that I need on the appropriation side of things. However, the DWR Structures Program will have to be involved in determining what kind of permit you may need for the dam under File No. 49,568.

Thanks, Doug

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**From:** Darcy Nightingale [<mailto:Darcy@mwivalley.com>]  
**Sent:** Thursday, August 04, 2016 5:04 PM  
**To:** Schemm, Doug  
**Subject:** RE: Phillips and Prellwitz

Thank you. I will try to meet up with Mr. Prellwitz and try to get these signed.

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**From:** Schemm, Doug [<mailto:Doug.Schemm@ks.gov>]  
**Sent:** Thursday, August 4, 2016 4:30 PM  
**To:** Darcy Nightingale <[Darcy@mwivalley.com](mailto:Darcy@mwivalley.com)>  
**Subject:** FW: Phillips and Prellwitz

Good Afternoon Darcy,  
Here's the MDS forms I need for these 2 files.  
Thanks, Doug

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**From:** Schemm, Doug

**Sent:** Wednesday, June 08, 2016 7:23 AM

**To:** Midwest Irrigation ([mwivalley@gmail.com](mailto:mwivalley@gmail.com))

**Subject:** Phillips and Prellwitz

Keith,

I was just following up on these files for Thomas Phillips (File No. 49,567) and Margaret Prellwitz Trust (File No. 49,568). I will need the attached MDS forms signed and notarized for each file. Also will need to coordinate with structures side regarding their permitting.

These are for the project located in Sections 31 and 32, 18S, 12E in Lyon Co.

Have a great day,

Thanks, Doug

5-2-16

Richard Edwards

Called w/ general questions  
no concerns

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietz, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 296-8298  
www.agriculture.ks.gov  
Sam Brownback, Governor

April 25, 2016

AARON LAIB  
1382 ROAD 200  
EMPORIA KS 66801-7960

Re: Application, File No. 49,567

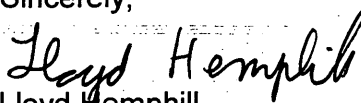
Dear Sir:

This is to advise you that Thomas Phillips has filed the application referred to above for a permit to appropriate 400 acre-feet of surface water per calendar year from a tributary to Plumb Creek, known as Plumb Creek Trib 2, for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. Surface water will be diverted from a proposed pump site at the following location:

one (1) pump site in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 32, in Township 18 South, Range 12 East, Lyon County, Kansas;

A map is enclosed for your review and reference. Records in this office indicate that you own land along the river in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-8682 with any questions or comments.

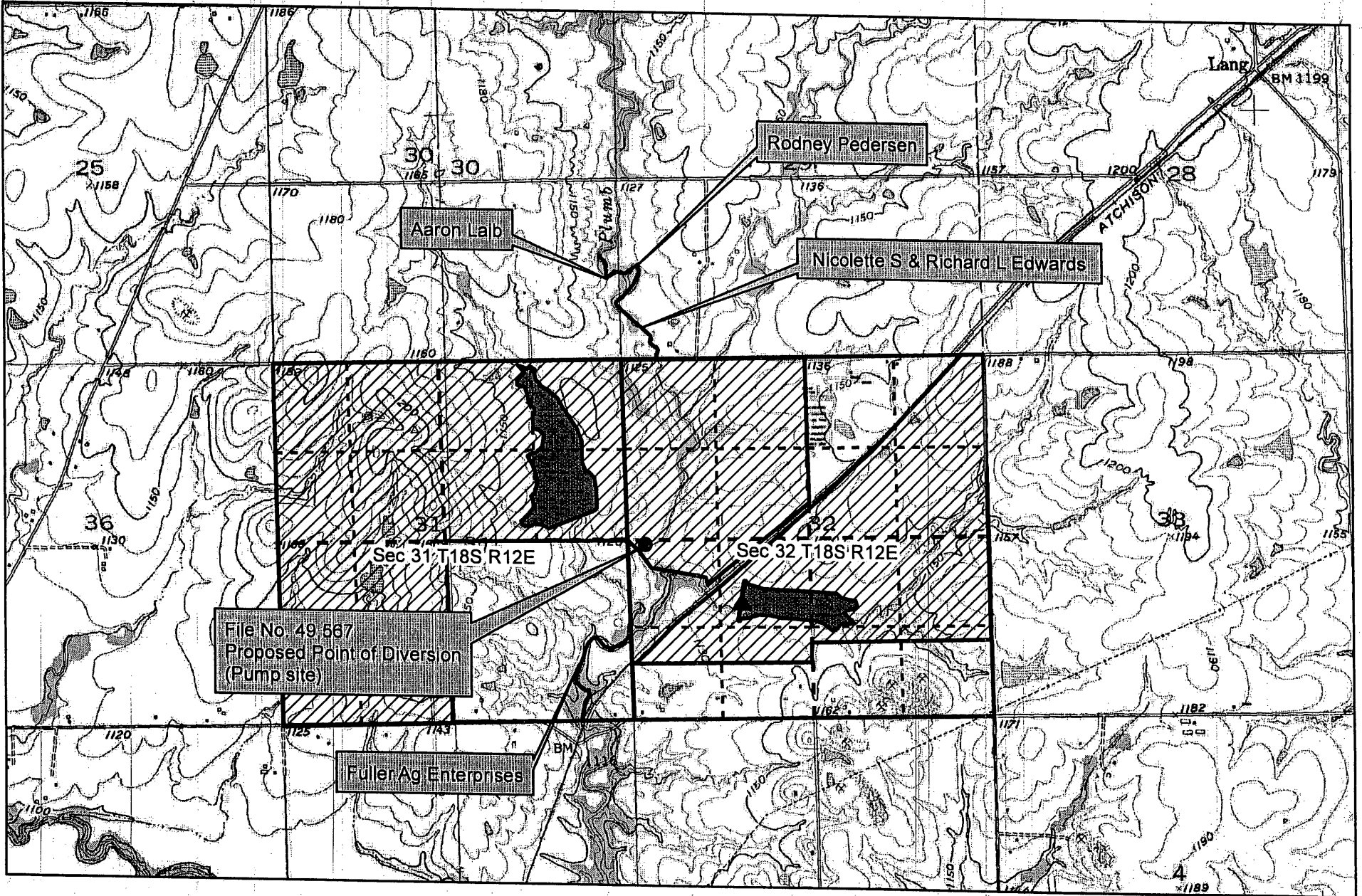
Sincerely,


  
Lloyd Memphill  
Environmental Scientist  
Topeka Field Office

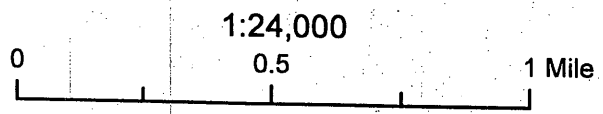
pc: Thomas Phillips  
Keith Grimm - MWI

SCANNED

# Upstream and Downstream Landowners



 Proposed Place of Use  
Map Prepared by LHH/TFO 4-22-2016





Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietz, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 296-8298  
www.agriculture.ks.gov  
Sam Brownback, Governor

April 25, 2016

RODNEY L PEDERSEN  
2285 ROAD N  
EMPORIA KS 66801-7970

Re: Application, File No. 49,567

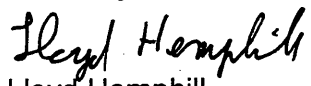
Dear Sir:

This is to advise you that Thomas Phillips has filed the application referred to above for a permit to appropriate 400 acre-feet of surface water per calendar year from a tributary to Plumb Creek, known as Plumb Creek Trib 2, for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. Surface water will be diverted from a proposed pump site at the following location:

one (1) pump site in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 32, in Township 18 South, Range 12 East, Lyon County, Kansas;

A map is enclosed for your review and reference. Records in this office indicate that you own land along the river in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-8682 with any questions or comments.

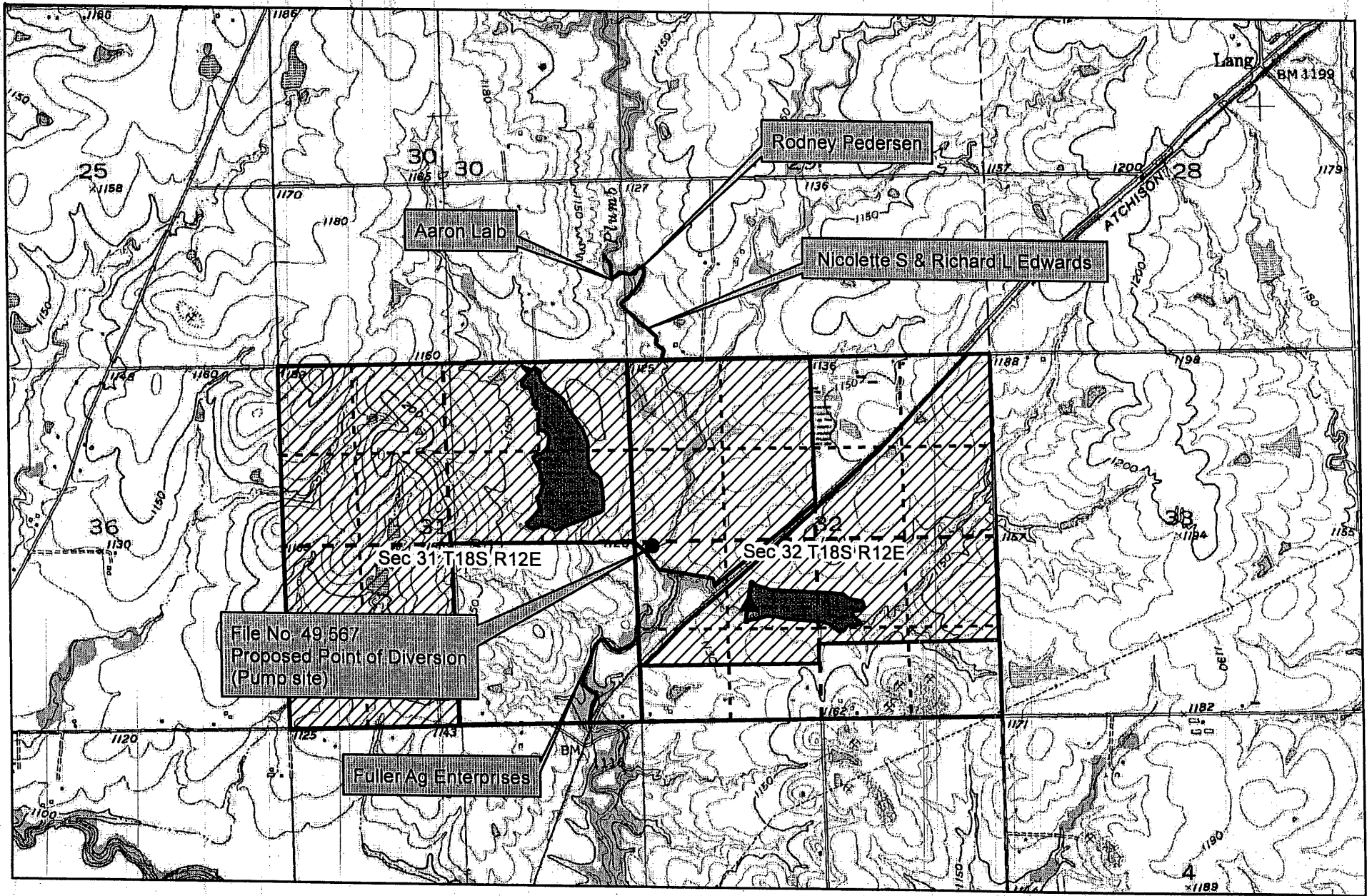
Sincerely,


  
Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

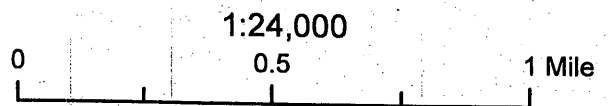
pc: Thomas Phillips  
Keith Grimm - MWI

SCANNED

# Upstream and Downstream Landowners



 Proposed Place of Use  
Map Prepared by LHH/TFO 4-22-2016







Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 296-8298  
www.agriculture.ks.gov  
Sam Brownback, Governor

April 25, 2016

RICHARD L & NICOLETTE S EDWARDS  
1412 ROAD 200  
EMPORIA KS 66801-7967

Re: Application, File No. 49,567

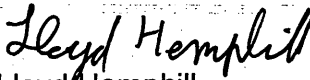
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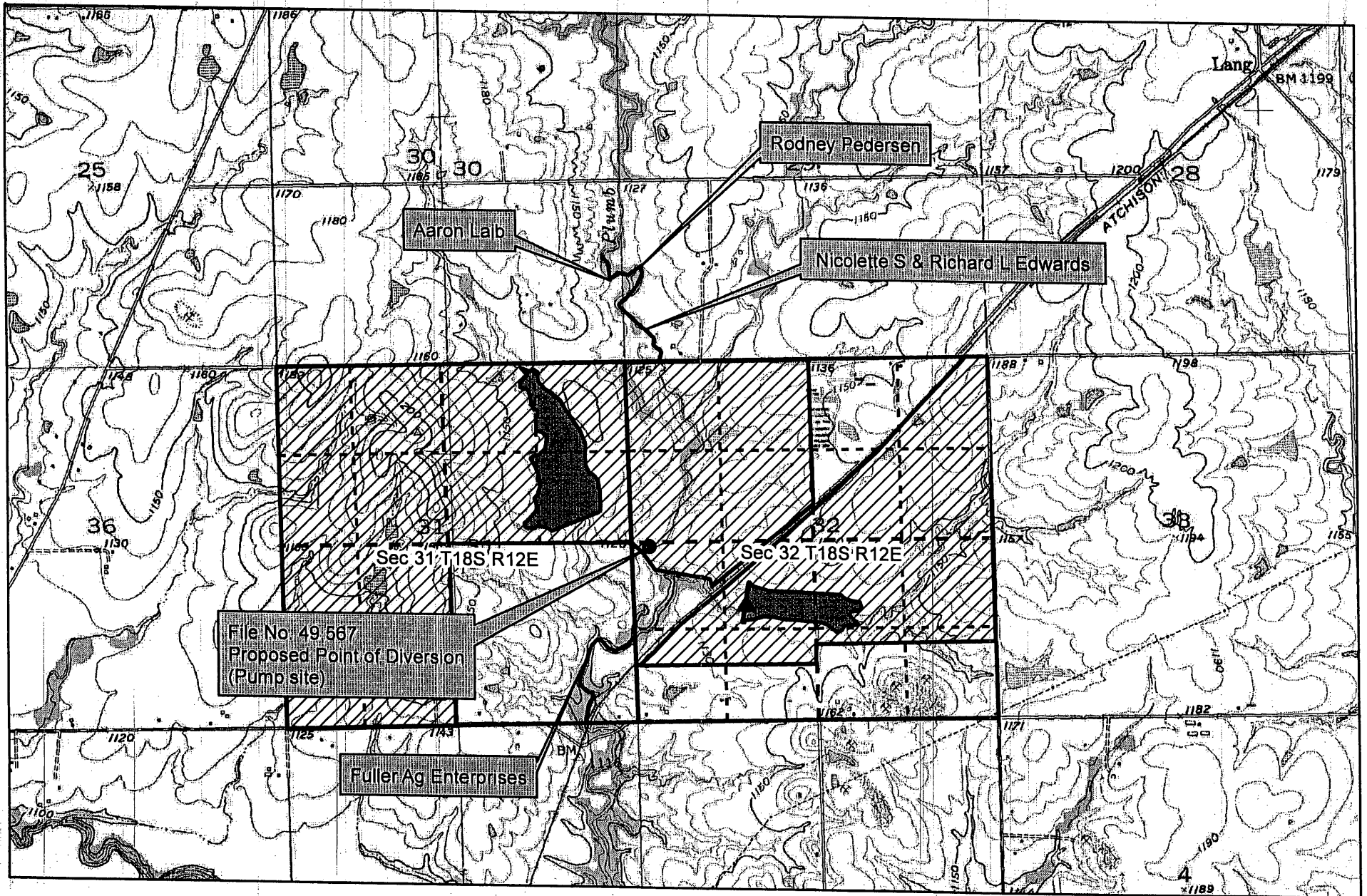
Sincerely,


  
Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

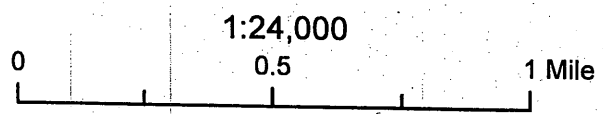
pc: Thomas Phillips  
Keith Grimm - MWI

SCANNED

# Upstream and Downstream Landowners



 Proposed Place of Use  
Map Prepared by LHH/TFO 4-22-2016





Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

April 25, 2016

FULLER AG ENTERPRISES  
1953-RD-M  
EMPORIA KS 66801

Re: Application, File No. 49,567


Dear Sir or Madam:

This is to advise you that Thomas Phillips has filed the application referred to above for a permit to appropriate 400 acre-feet of surface water per calendar year from a tributary to Plumb Creek, known as Plumb Creek Trib 2, for irrigation use to be diverted at a maximum rate of 1,000 gallons per minute. Surface water will be diverted from a proposed pump site at the following location:

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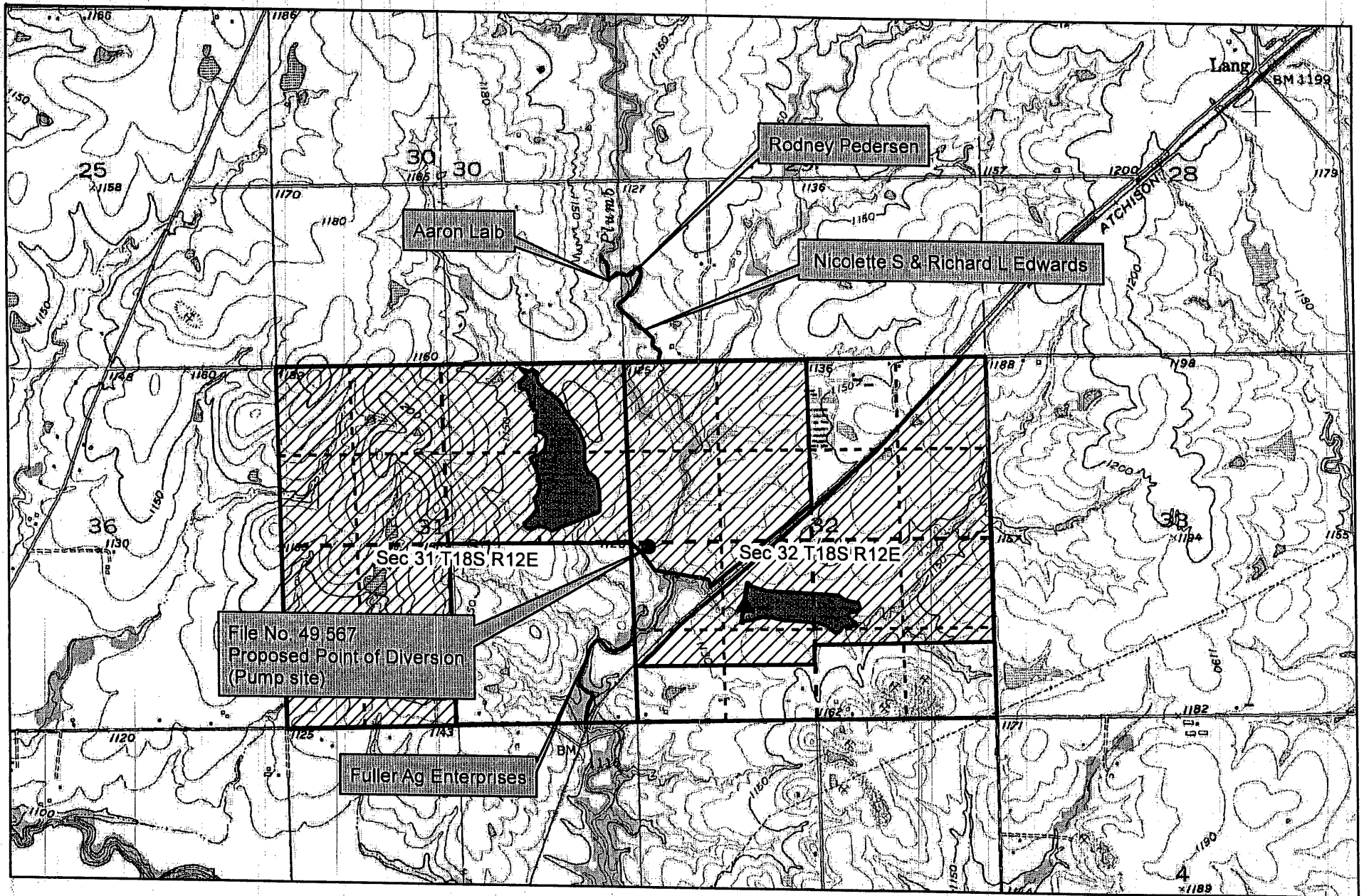
Sincerely,


  
Lloyd Hemphill  
Environmental Scientist  
Topeka Field Office

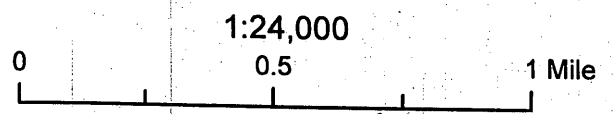
pc: Thomas Phillips  
Keith Grimm - MWI

SCANNED

# Upstream and Downstream Landowners



 Proposed Place of Use  
Map Prepared by LHH/TFO 4-22-2016



File No. 49,567

Nearby landowners with property adjacent to stream ½ mile upstream and downstream of project property lines.

UPSTREAM

RICHARD L & NICOLETTE S EDWARDS

1412 ROAD 200

EMPORIA KS 66801-7967

AARON LAIB

1382 ROAD 200

EMPORIA KS 66801-7960

RODNEY L PEDERSEN

2285 ROAD N

EMPORIA KS 66801-7970

DOWNSTREAM

FULLER AG ENTERPRISES

1953 RD M

EMPORIA KS 66801

SCANNED

WATER RESOURCES  
RECEIVED

SEP 16 2016

9-14-16

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

KANSAS DEPT OF AGRICULTURE

Re: Application  
File No. 49,567

Minimum Desirable Streamflow  
Neosho River Assurance District

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, namely the Neosho River Basin.

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.

RECEIVED  
SEP 22 2016  
Topeka Field Office  
DIVISION OF WATER RESOURCES

Robert R. Prellwitz  
Signature of Applicant

State of Kansas )  
) ss  
County of Shawnee )

Robert R. Prellwitz  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 14<sup>th</sup> day of Sept, 2016.

Sue McWilliams  
Notary Public

My Commission Expires  
Sue McWilliams  
NOTARY PUBLIC - STATE OF KANSAS  
MY APPT EXP: 2-25-20

**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

RECEIVED  
SEP 22 2016  
Topeka Field Office  
DIVISION OF WATER RESOURCES

WATER RESOURCES  
RECEIVED

SEP 16 2016

KS DEPT OF AGRICULTURE

SCANNED



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

March 1, 2016

THOMAS PHILLIPS  
1470 RD 200  
EMPORIA KS 66801

RE: Application  
File No. 49567

Dear Sir or Madam:

Your application for permit to appropriate water in 32-18S-12E in Lyon 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) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

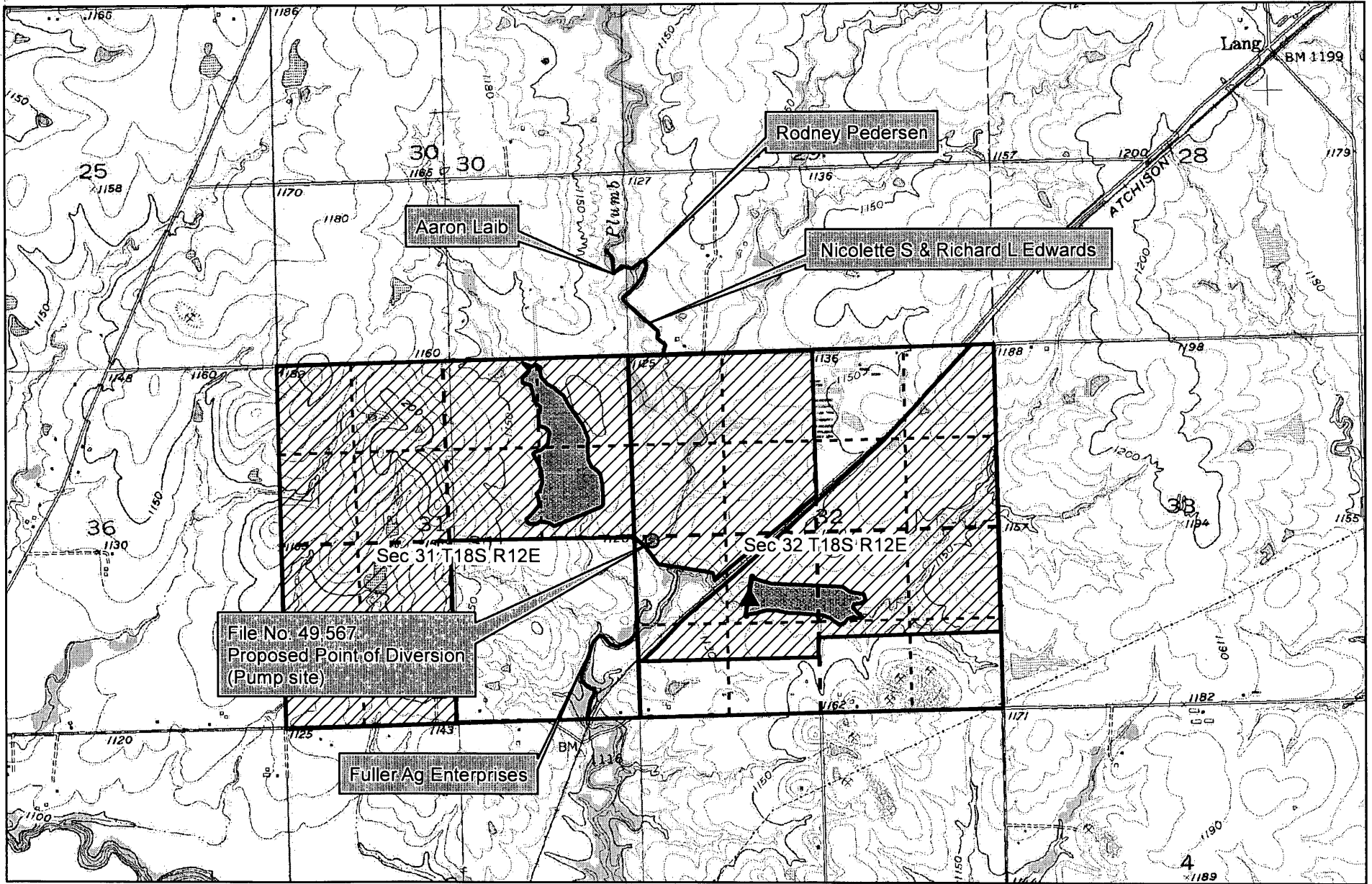
Kenneth A. Kopp, P.G.  
New Application Unit Supervisor  
Water Appropriation Program

KAK: DLW  
pc: TOPEKA Field Office  
GMD

SCANNED



# Upstream and Downstream Landowners



SCANNED

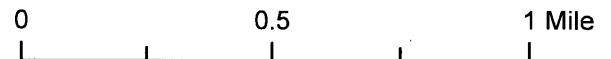


Proposed Place of Use

Map Prepared by LHH/TFO 4-22-2016



1:24,000



NEW STREAM WORKSHEET

ES AJW

Date: 2/29/16

File No. 49,567

Basin Name: Neosho

Basin No. 34

Stream Name: Plumb Creek Trib 2 (Neosho)

Stream location (confluence with parent stream):

Section 32, Township 10 South, Range 12 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

---

Stream No. 3853 (computer assigned - entered by data entry staff)

Date Entered 3/3/2016 By LLM

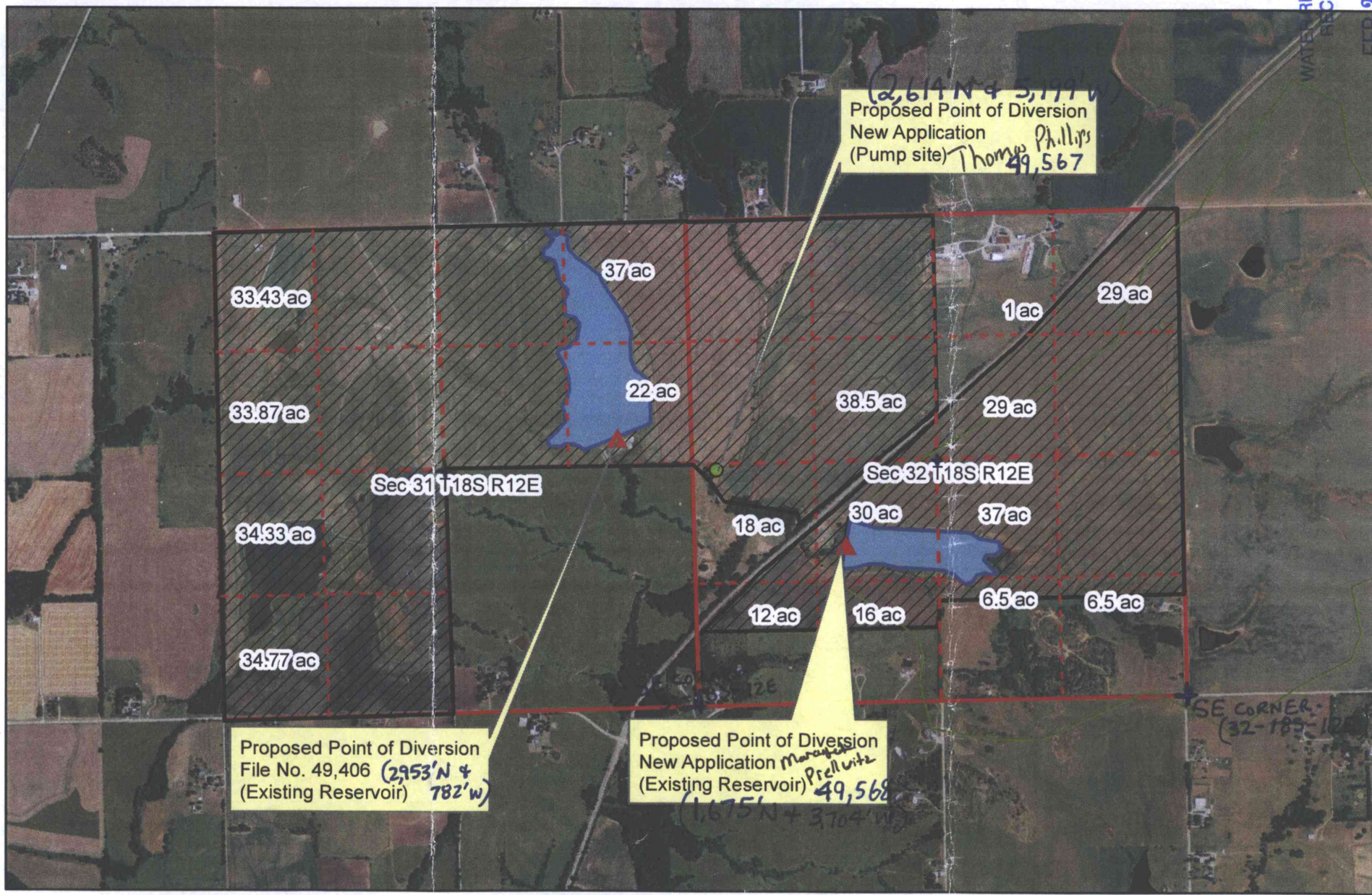
49,567

# Site Map - Thomas Phillips Applications


WATER RESOURCES RECEIVED

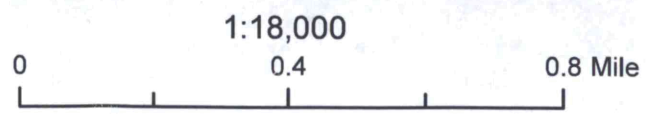
FEB 29 2016

KS DEPT OF AGRICULTURE



SCANNED

 Proposed Place of Use  
Map Prepared by LHH/TFO 2-15-2016

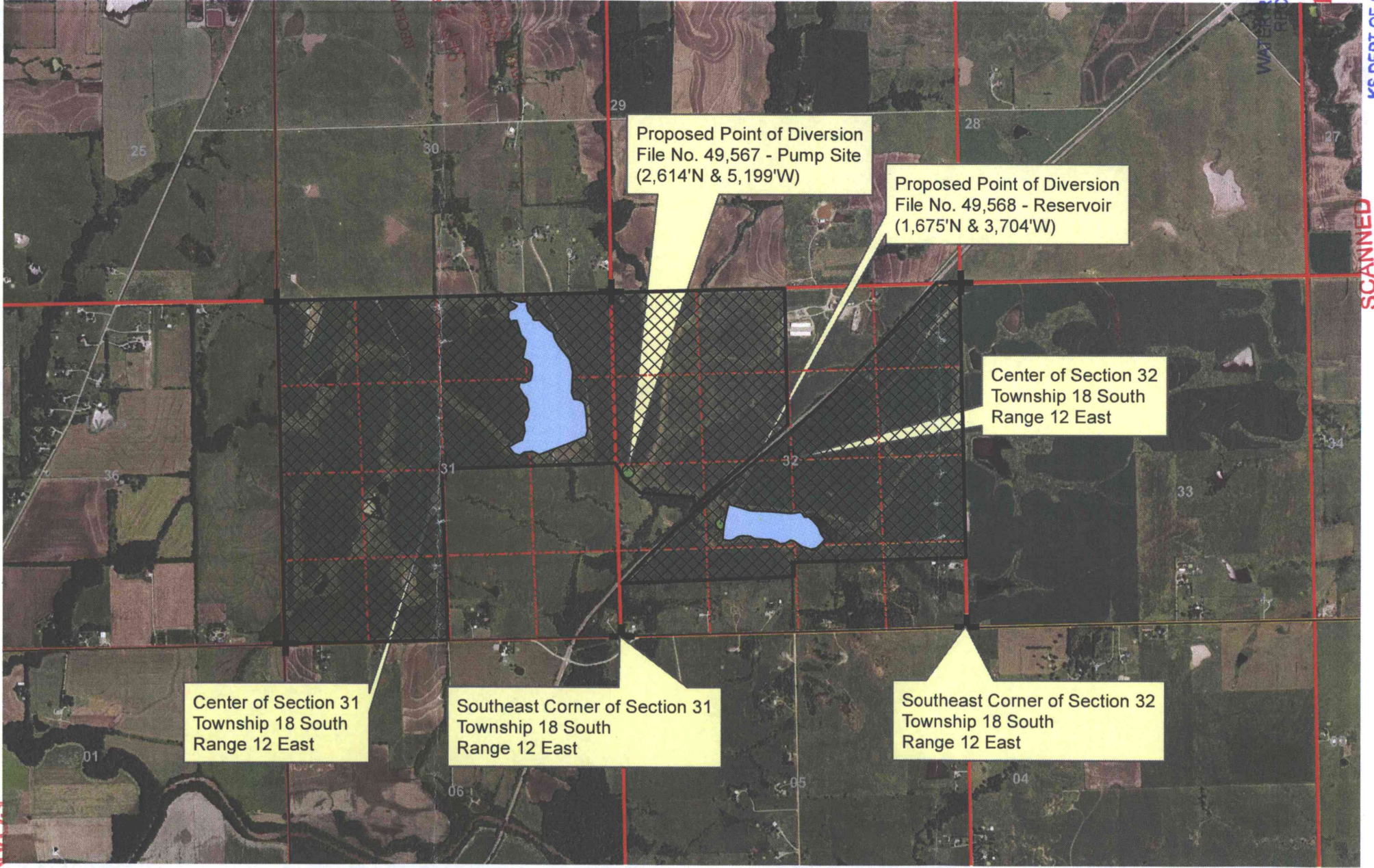


RECEIVED  
OCT 22 2016  
Field Office  
WATER RESOURCES

WATER RESOURCES  
RECEIVED

OCT 16 2016

KS DEPT OF AGRICULTURE



Proposed Point of Diversion  
File No. 49,567 - Pump Site  
(2,614'N & 5,199'W)

Proposed Point of Diversion  
File No. 49,568 - Reservoir  
(1,675'N & 3,704'W)

Center of Section 32  
Township 18 South  
Range 12 East

Center of Section 31  
Township 18 South  
Range 12 East

Southeast Corner of Section 31  
Township 18 South  
Range 12 East

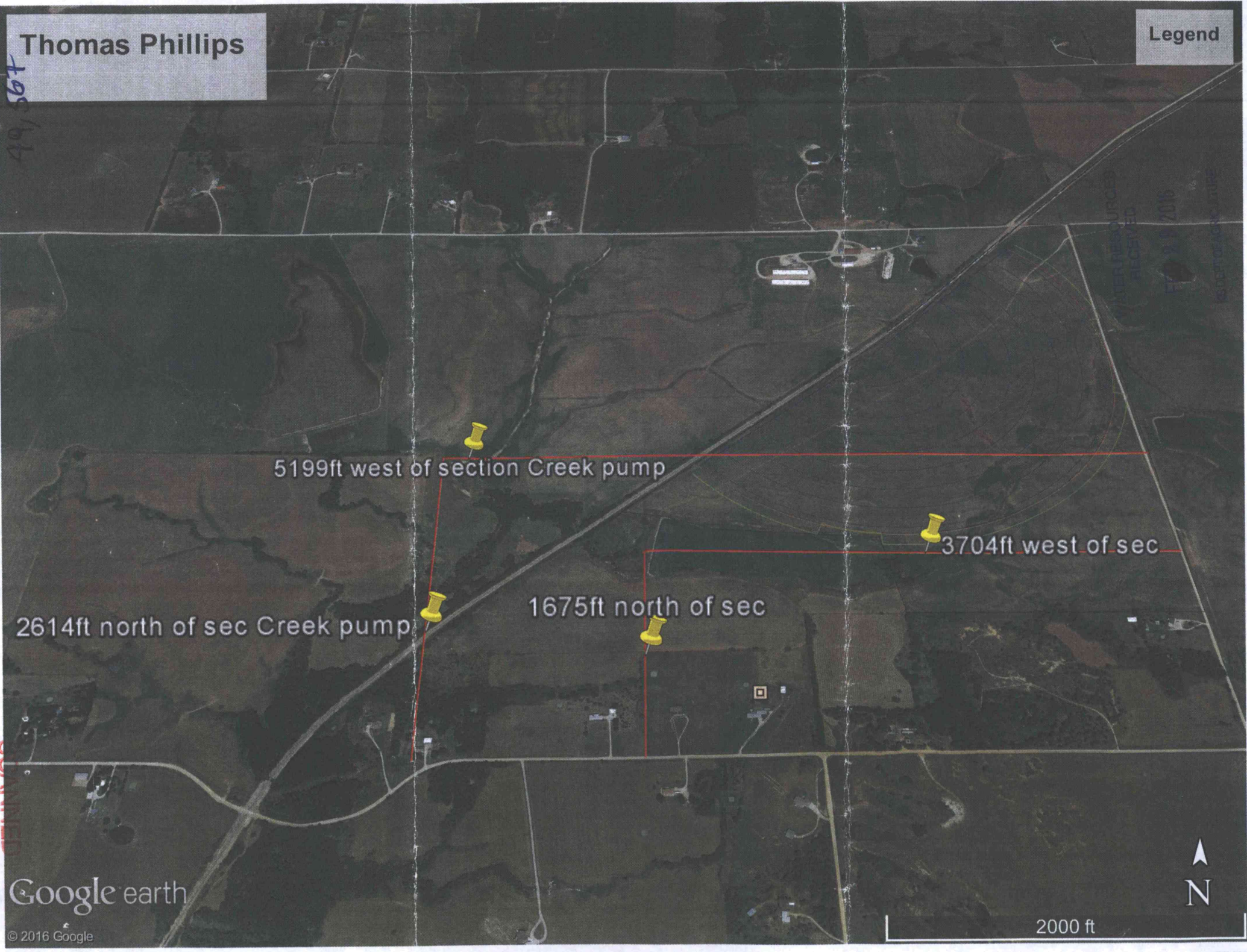
Southeast Corner of Section 32  
Township 18 South  
Range 12 East

SCANNED

SCANNED

49,567  
Thomas Phillips

Legend



5199ft west of section Creek pump

3704ft west of sec

2614ft north of sec Creek pump

1675ft north of sec

Google earth

© 2016 Google

2000 ft

