

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

1. File Number: <p style="text-align: center;"><b>50,144</b></p>	2. Status Change Date: <p style="text-align: center;"><b>2/14/2019</b></p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></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

<p>7a. Applicant(s)    Person ID <b>57368</b> New to system <input type="checkbox"/>    Add Seq# _____</p> <p><b>DAVID M JENKINS</b> <b>505 S DREHER</b> <b>WEIR KS 66781</b></p>	<p>7c. Landowner(s)    Person ID _____</p>
<p>7b. Landowner(s)    Person ID <b>54442</b> New to system <input type="checkbox"/>    Add Seq# _____</p> <p><b>JFD LLC</b> <b>FRED GEIER</b> <b>105 W LAKE RD</b> <b>FARLINGTON KS 66734</b></p>	<p>7d.</p>

<p>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</p> <p><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater    <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR    <input checked="" 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>
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10. Completion Date: 12/31/2020    11. Perfection Date: 12/31/2024    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: **1/24/19**    By: **DWS**  
Date Entered: **2/17/2019**    By: **CM**



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** January 24, 2019

**FROM:** Doug Schemm

**RE:** Application, File No. 50,144

JFD LLC % David Jenkins has filed the application referred to above requesting 70 acre-feet at a diversion rate of 10,000 gallons per minute for the direct diversion of surface water from one pump site located on the Neosho River. This application will allow water to be pumped directly from the Neosho River (when flows are adequate and permission has been granted). The water will be used to fill and maintain water level in four waterfowl marshes (i.e. offset evaporative and seepage losses). The project is located in Section 31, in Township 29 South, Range 21 East, Neosho County, Kansas. The applicant has signed the application form stating that he has legal access to the point of diversion.

Water Right, File Nos. 44,120; 44,512; and 46,042 are a complete overlap in point of diversion and place of use. File No. 44,120 is authorized 25.2 acre-feet, File No. 44,512 is authorized 75.2 acre-feet, and File No. 46,042 is authorized 11 acre-feet, for a total of 111.4 acre-feet. The applicant has stated that this quantity of water was inadequate to fill the marshes in the previous year due to seepage, evaporation, and transpiration.

Based on similar wildlife marshes in this area of the state, a typical quantity of water is 3 feet per acre of marsh for filling and maintaining water levels (offset seepage losses). The marsh area covers approximately 63 acres (63 acres x 3 feet = 189 acre-feet). The applicant is requesting an additional 70 acre-feet under this new application, which combined with the senior files would provide for 181.4 acre-feet, which is a reasonable quantity.

In addition, a review of senior File No. 46,042 provides more detailed information on the seepage losses from the marshes. A review of the Soil Survey of Neosho County Kansas indicates that the proposed place of use is comprised of two soil types: Lanton Silt Loam and Osage Silty Clay. Lanton soils are considered to have moderately slow permeability rates of 0.2 to 0.6 inches per hour, and Osage soils are considered to exhibit very slow permeability rates of less than 0.06 inches per hour. Note that there is a decrease in permeability rates to as low as 0.06 inches per hour in the Lanton soils with increased depth. These same soil types are located on an adjacent wildlife marsh authorized under File No. 45,949, at which the Natural Resources Conservation Service provided comparable estimates for seepage rates. No site specific permeability testing was provided by the applicant. However, similar projects in the area were reviewed to maintain consistency regarding seepage rates. An average seepage rate of 0.02 inches per hour was selected to represent the soils in the area. Seepage loss was calculated based on Darcy's Law, as follows: Permeability Rate (K) x Hydraulic Gradient (1 foot per foot) x Surface Area (0.02 inches per hour x 24 hours per day / 12 inches per foot x 1 foot per foot x 63.1 acres x 180 days = 454.32 acre feet). In addition, the majority of the water lost through seepage will recharge the alluvial aquifer, and ultimately the Neosho River.

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.

A list of nearby landowners was provided by the applicant, which complies with K.A.R. 5-3-4. Nearby landowner letters were sent out on November 14, 2018. No responses of any kind were received. There are many other surface water diversions within a two (2) mile radius of the proposed point of diversion, all of them are also for similar recreational use. The nearest downstream water right is over one-half mile away. With proper conditioning, approval of this application will not impair any senior water rights. Based on a review of the current Cottonwood and Neosho River Water Assurance Program Operations Agreement, notifying them regarding this pending non-member application is not required.

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

This recreational project is already permitted under DWR Water Structures program, File Nos. LNO-0099; LNO-0100; DNO-0109-L; and LNO-0087-D.

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.

In a December 13, 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 for off-season permits, the approval of this application is subject to specific conditions relative to direct surface water diversions, this is just additional water from an existing pump site, and there is no indication that existing water rights will be impaired, it is recommended that the referenced new application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

**FILE COPY**

JFD LLC  
% DAVID M JENKINS  
505 S DREHER  
WEIR KS 66781

February 18, 2019

RE: Appropriation of Water, File No. 50,144

Dear Mr. Jenkins:

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 the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents with specific reference to **Paragraph Nos. 19 and 20 requiring that you obtain permission prior to diverting water**. A water meter is required on the proposed 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 this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures  
pc: Topeka Field Office  
Fred Geier – JFD LLC

THE STATE  OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, Acting 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. **50,144** of the applicant

**DAVID M JENKINS  
505 S DREHER  
WEIR KS 66781**

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 **October 15, 2018**.
2. That the water sought to be appropriated shall be used for recreational use in four (4) waterfowl marshes located in Lot 2; Lot 6; the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 31, 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 the Neosho River, to be diverted at a pump site located in Lot 2 of Section 31, more particularly described as being near a point 4,160 feet North and 806 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 **10,000 gallons per minute (22.28 c.f.s.)** and to a quantity not to exceed **70 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, 2020** 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, 2024** 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 14<sup>th</sup> day of February, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau, P.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 14<sup>th</sup> day of February, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Notary Public



### CERTIFICATE OF SERVICE

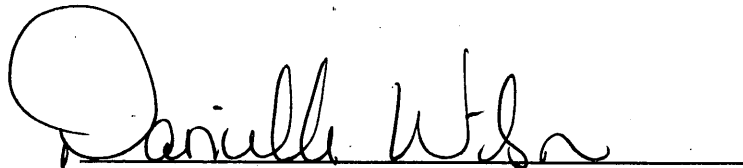
On this 18<sup>th</sup> day of February, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,144, dated February 14, 2019 was mailed postage prepaid, first class, US mail to the following:

DAVID M JENKINS  
505 S DREHER  
WEIR KS 66781

With photocopies to:

JFD LLC  
FRED GEIER  
105 W LAKE RD  
FARLINGTON KS 66734

Topeka Field Office

A handwritten signature in black ink, appearing to read "Danielle W. Johnson", is written over a horizontal line.

Division of Water Resources

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

OCT 15 2018

12:53

KS Dept Of Agriculture

File Number 50144

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

Reviewer AVB  
12/13/18  
APPLICATION COMPLETE

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): JFD LLC c/o David Jenkins  
Address: 505 S Dreher  
City: Weir State KS Zip Code 66781  
Telephone Number: (620) 432-4872

2. The source of water is:  surface water in Neosho River (stream)  
OR  groundwater in \_\_\_\_\_ (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 70 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. 1 GMD X Meets K.A.R. 5-3-1 (YES / NO) Use REC Source G/S County NO By DAUB Date 10/15/18  
Code LEG Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 10/15/18 Check # 1306

10/23/2018 LCM

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

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

(A) One in the Lot 2 of Section 31, more particularly described as being near a point 4160 feet North and 806 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.

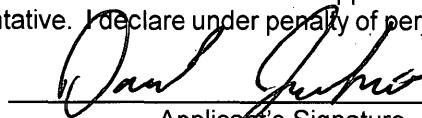
6. The owner of the point of diversion, if other than the applicant is (please print):

JFD LLC, Fred Geier, 105 W Lake Rd, Farlington, KS 66734  
(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 OCTOBER 12, 2018.   
Applicant's Signature

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

7. The proposed project for diversion of water will consist of One river pumpsite  
(number of wells, pumps or dams, etc.)  
and was completed c. 2000  
(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.  
(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 LNO-0099, LNO-0100, LNO-0087-D, & DNO-0109-L

• 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 File Nos. 44120, 44512, & 46042.

\_\_\_\_\_  
\_\_\_\_\_

Water Resources  
Received

**OCT 15 2018**

KS Dept Of Agriculture

SCANNED

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

Agent  
(owner, tenant, agent or otherwise)

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

JFD LLC, Fred Geier, 105 W Lake Rd, Farlington, KS 66734  
(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 Pittsburg, Kansas, this 12 day of OCTOBER, 2018.  
(month) (year)

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

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

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

Assisted by Caleb Fabrycky TFO/Parsons Date: 10/9/18  
(office/title)

APPROVED FOR THE  
COMMISSIONER

APR 21 2018

RECEIVED AT 11:28 AM

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 50144

Name of Applicant (Please Print): JFD LLC c/o David Jenkins

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

2. Please summarize how the water will be used and justify the quantity of water requested: These marshes are currently authorized by three senior files with a combined quantity of 111.4 AF. The quantity was inadequate to refill the marshes last season. Evaporation, seepage, and transpiration deplete the water in the marshes by late season, and so this application requests roughly 1 AF per acre additional quantity to ensure adequate water throughout the waterfowl season.

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

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	70
Year 2	70
Year 3	70
Year 4	70
Year 5	70

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.

Waterfowl marshes in Lot 2, the Southwest quarter of the Northeast quarter (SW NE), the Northeast quarter of the Northwest quarter (NE NW), and Lot 6 of Section 31, Township 29 South, Range 21 East in 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

**OCT 15 2018**

SCANNED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50144 00

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50144 00 REC

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

4160 Feet North and 806 Feet West of the Southeast Corner of Section 31 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__ 8358	00 REC NK S			4493	NC E2 SW NE	-----	-----					32	29	21E	1		2750.00	2750.00	AF
A__ 8359	00 REC NK S			7175	-- SE SE SW	500	2800			19	29	21E	1		1		3000.00	3000.00	AF
Same				7398	-- SE SW SW	125	4200			19	29	21E	7						
A__ 44120	00 REC NK S			0	-- -- -- --	4160	806			31	29	21E	3				25.20	25.20	AF
A__ 44180	00 REC NK S			4193	-- -- -- --	1123	4194			30	29	21E	5				112.00	112.00	AF
A__ 44198	B REC NK S			10140	-- SW SW NE	3018	1995			20	29	21E	2				.00	.00	AF
A__ 44512	00 REC NK S			0	-- -- -- --	4160	806			31	29	21E	3				75.20	75.20	AF
A__ 44979	00 REC NK S			8163	-- -- -- --	1406	2322			6	30	21E	3				17.00	17.00	AF
A__ 45627	00 REC NK S			5929	-- NE NW NE	5048	1978			5	30	21E	2				.00	.00	AF
Same				7116	-- NE SW NE	3591	1882			5	30	21E	3						
***** Authorized storage =						.00 AF	Additional storage =						.00 AF						
A__ 45949	00 REC NK S			4193	-- -- -- --	1123	4194			30	29	21E	5				118.00	118.00	AF
A__ 46042	00 REC NK S			0	-- -- -- --	4160	806			31	29	21E	3				11.00	11.00	AF
A__ 46059	00 REC NK S			7306	-- NE SW NE	3715	1409			5	30	21E	4				100.00	81.65	AF
A__ 47308	00 REC LR S			8163	-- -- -- --	1406	2322			6	30	21E	3				81.06	64.06	AF
A__ 47309	00 REC NK S			3906	-- -- -- --	275	400			31	29	21E	5				89.00	89.00	AF
Same				3596	-- -- -- --	599	1305			31	29	21E	8						
A__ 47310	00 REC LR S			4050	-- -- -- --	4040	4854			31	29	21E	6				175.50	175.50	AF
Same				4624	-- -- -- --	1098	4271			31	29	21E	7						
A__ 49241	00 REC LL S			2641	-- SW NW SW	1668	5109			32	29	21E	2				1425.00	1425.00	AF
A__ 49584	00 REC KE S			5136	-- NE NE NW	5120	3150			5	30	21E	6				200.00	200.00	AF
Same				5413	-- NE NE NW	5000	2840			5	30	21E	7						
Same				9782	-- SE SE SW	150	2760			5	30	21E	8						
A__ 49934	00 REC GY S			6123	-- -- -- --	3090	5090			30	29	21E	6				210.00	210.00	AF
Same				6382	-- -- -- --	3170	5370			30	29	21E	7						
Same				6015	-- -- -- --	2580	5390			30	29	21E	8						
A__ 50115	00 REC GY S			10155	-- SW SW NE	3091	2139			20	29	21E	3				60.00	60.00	AF
A__ 50116	00 REC GY S			8666	-- SE NW SW	1449	4409			19	29	21E	8				50.00	50.00	AF
A__ 50144	00 REC AY S			0	-- -- -- --	4160	806			31	29	21E	3				70.00	.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	520.00	.00
Total Inspected Amount (AF) =	239.56	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	6279.05	47.35
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	7038.61	47.35

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:

# 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

November 14, 2018

BEACHNER BROS INC  
PO BOX 128  
ST PAUL KS 66771

Re: Pending Application, File No. 50,144

Dear Sir or Madam:

This is to advise you that JFD LLC %David Jenkins has filed the application referred to above for a permit to appropriate additional surface water from the Neosho River for recreational use. The application is requesting 70 acre-feet of water to be diverted at 10,000 gallons per minute, from one (1) pump site, located in Lot 2, in the Northeast Quarter of Section 31, in Township 29 South, Range 21 East, Neosho County, Kansas. Please note that this is **an existing pump site** currently authorized under Water Right, File Nos. 44,120; 44,512; and 46,042. The direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting.

Records in this office indicate that you own land along the stream 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 can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: JFD LLC % David Jenkins



STATE OF KANSAS

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

November 14, 2018

CHAD E NEWBERRY  
DARREN L NEWBERRY  
20935 80<sup>TH</sup> ROAD  
ST PAUL KS 66771

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STATE OF KANSAS



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www.agriculture.ks.gov

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

November 14, 2018

GRASSHOPPER PACKING CO LLC  
700 E LOREN  
FRONTENAC KS 66763

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: JFD LLC % David Jenkins

STATE OF KANSAS



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DIVISION OF WATER RESOURCES  
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6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

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

November 14, 2018

FORESTRY FISH & GAME COMMISSION  
512 SE 25<sup>TH</sup> AVE  
PRATT KS 67124

Re: Pending Application, File No. 50,144

Dear Sir or Madam:

This is to advise you that JFD LLC %David Jenkins has filed the application referred to above for a permit to appropriate additional surface water from the Neosho River for recreational use. The application is requesting 70 acre-feet of water to be diverted at 10,000 gallons per minute, from one (1) pump site, located in Lot 2, in the Northeast Quarter of Section 31, in Township 29 South, Range 21 East, Neosho County, Kansas. Please note that this is **an existing pump site** currently authorized under Water Right, File Nos. 44,120; 44,512; and 46,042. The direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting.

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: JFD LLC % David Jenkins

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

JFD, LLC

10/24/2018

DAVID JENKINS  
505 S DREHER  
WEIR, KS 66781

RE: Application, File No. **50144**

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,

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

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

SCANNED

1:12,000

# David Jenkins - New Application

50144



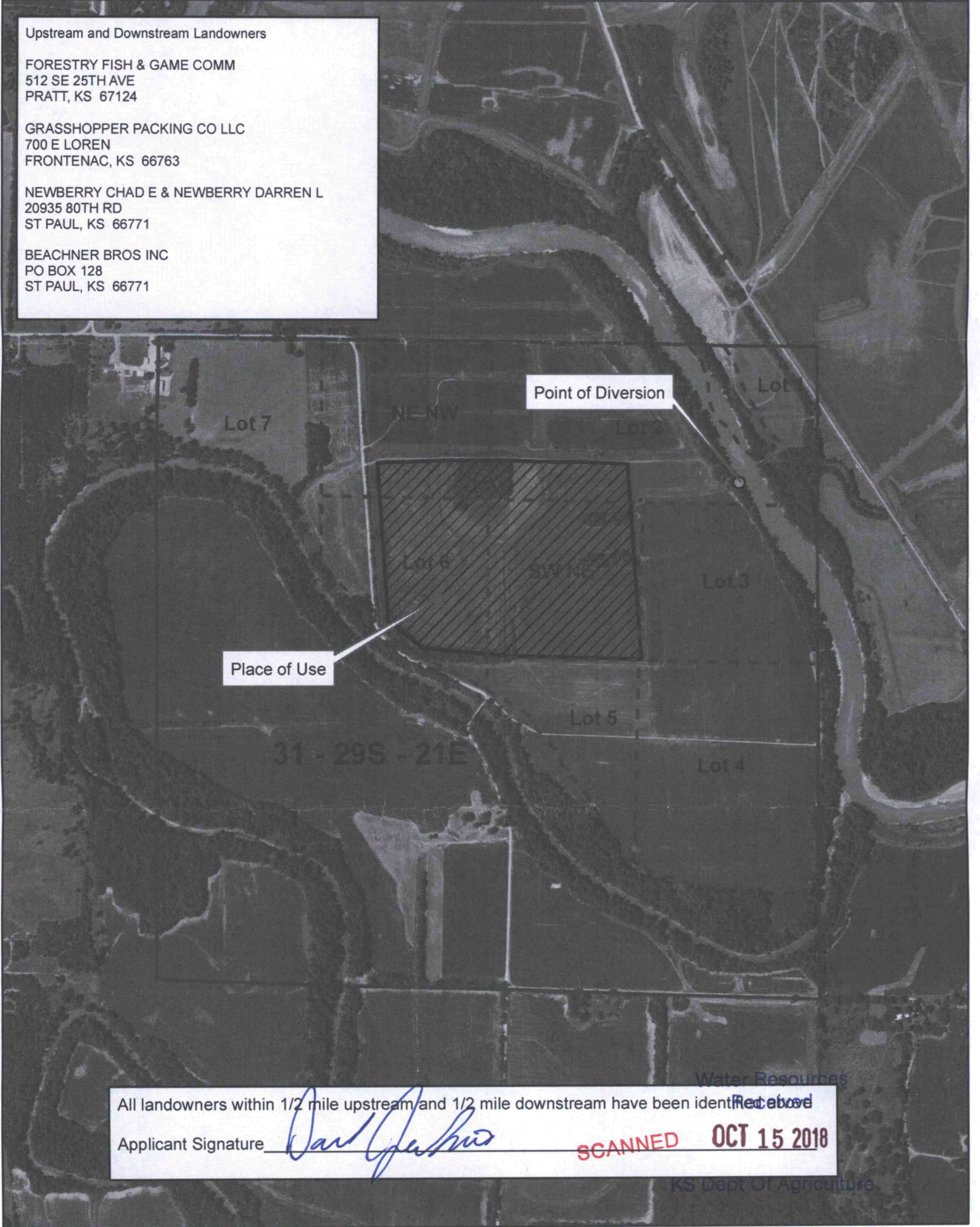
### Upstream and Downstream Landowners

FORESTRY FISH & GAME COMM  
512 SE 25TH AVE  
PRATT, KS 67124

GRASSHOPPER PACKING CO LLC  
700 E LOREN  
FRONTENAC, KS 66763

NEWBERRY CHAD E & NEWBERRY DARREN L  
20935 80TH RD  
ST PAUL, KS 66771

BEACHNER BROS INC  
PO BOX 128  
ST PAUL, KS 66771



Point of Diversion

Place of Use

All landowners within 1/2 mile upstream and 1/2 mile downstream have been identified above

Applicant Signature David Jenkins

SCANNED OCT 15 2018

Water Resources  
KS Dept Of Agriculture