





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

**MEMORANDUM**

**TO:** Files

**DATE:** April 2, 2019

**FROM:** Doug Schemm

**RE:** Application, File No. 50,209

Don Hurd has filed the above referenced application to appropriate surface water directly from the Kansas River for irrigation use. The applicant is proposing a single pump site, and requesting 130 acre-feet of surface water at a diversion rate of 1,600 gallons per minute to irrigate 130 acres in Jefferson County. The place of use is owned by Travis Oliver, and the applicant has signed the application form stating he has access to the point of diversion. The pump site is located in the Southwest Quarter of Section 6, Township 12 South, Range 19 East. There are no overlapping water rights in place of use or point of diversion. The requested quantity of water, 130 acre-feet, is reasonable to irrigate the proposed 130 acres, which is equal to the maximum of 1 acre-feet per acre allowable in Jefferson County, Kansas. There are no overlapping files in point of diversion or place of use.

The applicant provided a list of landowners, and notification letters were sent to upstream and downstream landowners on March 13, 2019. Telephone calls were received from two nearby landowners (Linda Everhart and Regina Brown) and subsequent letters were received from both Ms. Brown and Ms. Everhart. They were both concerned that the project could weaken an existing dike along the Kansas River. In addition, Ms. Brown wanted to make certain that they could also install a pump for irrigation use in the future for their property, and I assured her that they could. Response letters were sent to both of these nearby landowners. In addition, the Kansas River Water Assurance District was also informed of the pending application. Per the Kansas River Water Assurance Program Operations Agreement, which states, in part, "the District reserves the right to review all applications to appropriate water and change applications, including term permits, filed with the Division of Water Resources that propose the diversion of water from the Kansas River or its alluvium". No response was received from the KRWAD. There no other surface water rights located within a two-mile radius. Approval of this application will not impair any senior water rights.

Per K.A.R. 5-3-15, Availability of water for appropriation - safe yield; surface water. (a) Each application filed to directly divert the natural flow of the Kansas river, the Missouri river, the Big Blue river, the Spring river, or their tributaries, shall:

- (1) be processed in accordance with K.A.R. 5-3-9; and
- (2) meet all other requirements for the approval of a new application.

(b) The water right owner shall be required by the chief engineer to meet minimum desirable streamflows (MDS), assurance district target flows (assurance target flows) and division of water resources (DWR) target flows where applicable.

The application meets these safe yield criteria. The permit will also contain the condition that streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place.

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 this permit, a check valve will also need to be installed.

Don Hurd - Memorandum  
File No. 50,209  
Page 2

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the application in an April 1, 2019 discussion. Based on the above discussion, the Kansas River is open to new appropriations, the application complies with all regulations, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced 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, Secretary

Laura Kelly, Governor

May 13, 2019

**FILE COPY**

DON HURD  
2926 LINN RD  
PERRY KS 66073

RE: Appropriation of Water, File No. 50,209

Dear Mr. Hurd:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, 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

KAB:dws  
Enclosure(s)

pc: Topeka Field Office  
Travis Oliver

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, 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. 50,209 of the applicant

**DON HURD**  
2926 LINN RD  
PERRY KS 66073

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 **February 14, 2019**.

2. That the water sought to be appropriated shall be used for irrigation use on land, located within Lot 4 of Kaw Half Breed Indian Land Survey No. 22, described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31	11S	19E										0.5	5			0.5		6	
6	12S	19E		4	4		40	4	4	40	23	2				3		124	

3. That the authorized source from which the appropriation shall be made is surface water from the Kansas River, to be diverted at one (1) pump site located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¼ NW¼ SW¼) of hypothetical Section 6, more particularly described as being near a point 2,186 feet North and 4,022 feet West of the Southeast corner of said hypothetical section, in Lot 4 of Kaw Half Breed Indian Land Survey No. 22, in Township 12 South, Range 19 East, Jefferson County, Kansas, located substantially as shown on the map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,600 gallons per minute (3.57 c.f.s.)** and to a quantity not to exceed **130 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 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 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.





**CERTIFICATE OF SERVICE**

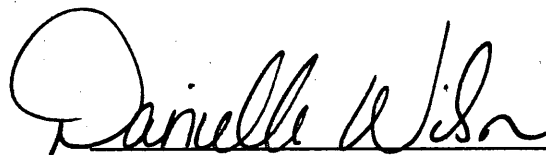
On this *13<sup>th</sup>* day of *May*, 2019, I hereby certify that the foregoing Approval of Application, File No. 50,209, dated *May 8<sup>th</sup>, 2019* was mailed postage prepaid, first class, US mail to the following:

DON HURD  
2926 LINN RD  
PERRY KS 66073

With photocopies to:

TRAVIS OLIVER  
12332 US HWY 24  
PERRY KS 66073

Topeka Field Office



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

FEB 14 2019
12:57pm
KS DEPT OF AGRICULTURE

File Number 50209
This item to be completed by the Division of Water Resources.

APPLICATION COMPLETE
4/2/19
Reviewer CAB

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): DON HURD
Address: 2926 LINN RD
City: PERRY State: KS Zip Code: 66073
Telephone Number: (785) 550-6070

2. The source of water is: [X] surface water in KANSAS 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 130 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 1600 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) [X] Irrigation (c) [ ] Recreational (d) [ ] Water Power
(e) [ ] Industrial (f) [ ] Municipal (g) [ ] Stockwatering (h) [ ] Sediment Control
(i) [ ] Domestic (j) [ ] Dewatering (k) [ ] Hydraulic Dredging (l) [ ] Fire Protection
(m) [ ] Thermal Exchange (n) [ ] Contamination Remediation

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

For Office Use Only:
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES / NO) Use RR Source G/S County JF By DAW Date 2/14/19
Code REG REZ Fee \$300 300TR # Receipt Date 2/19/19 Check # 4055

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 NW quarter of the SW quarter of Section 6, more particularly described as being near a point 2186 feet North and 4022 feet West of the Southeast corner of said section, in Township 11 South, Range 16 EAST, JEFFERSON 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):

TRAVIS OLIVER, 12332 US 24 HWY, PERRY, KS 66073  
(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 2-11, 2019. [Signature]  
Applicant's Signature

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

and (was)(will be) completed (by) SPRING 2019  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be SPRING 2019  
(Mo/Day/Year)

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

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

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

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

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

• If yes, show the Water Structures permit number here \_\_\_\_\_

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

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.

NO OVERLAPS

WATER RESOURCES  
RECEIVED

FEB 14 2019

SCANNED

KS DEPT OF AGRICULTURE

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 Tenant/agent (Water Use Correspondent)  
(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):

TRAVIS OLIVER, 12332 US 24 HWY, PERRY, KS 66073  
(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 Perry, Kansas, this 11 day of Feb., 2019.  
(month) (year)

  
(Applicant Signature)

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

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

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 50209

Name of Applicant (Please Print): DON HURD

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:** TRAVIS OLIVER

**ADDRESS:** 12332 US 24 HWY, PERRY, KS 66073

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	11	19E											0.5	5			0.5		6*
6	12	19E		4	4		40	4	4	40	23	2				3			124*

*Lot 4 Indian*  
**\*ALL IN KAW HALF-BREED LAND SURVEY No. 22** *DWS/DWR 4/2/19* *Total = 130 acres*

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

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

TOTAL ACRES = \_\_\_\_\_

**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	

WATER RESOURCES  
RECEIVED

FEB 14 2019

50209

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 5, 2019

DON HURD  
2926 LINN RD  
PERRY KS 66073

RE: New Application for Appropriation of Water

Dear Mr. Hurd:

Enclosed is an application form related to completing a new application for permit to appropriate water for beneficial use. Please review the "Application For Permit To Appropriate Water For Beneficial Use" form, and make any modifications you wish. The application must be **signed at both Paragraph Nos. 6 and 16**. For the requested quantity of 130 acre-feet, the filing fee would be **\$300**.

In addition, the enclosed Minimum Desirable Streamflow form must also be signed and notarized, and finally **please sign the site map** where indicated. Please verify the upstream and downstream landowners are correct.

Submit the application and filing fee to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502**.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Schemm".

Douglas Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

WATER RESOURCES  
RECEIVED

FEB 14 2019

KS DEPT OF AGRICULTURE

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

April 1, 2019

LINDA EVERHART  
1710 NW 59<sup>TH</sup> TER  
TOPEKA KS 66618

Re: Pending New Application, File No. 50,209

Dear Ms. Everhart:

This will acknowledge receipt of your letter, received in our office on March 29, 2019 in which you expressed concerns regarding the proposed appropriation of surface water by Don Hurd under the above referenced application. The application is proposing to appropriate surface water directly from the Kansas River for irrigation use. We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest.

Note that any permit would have the following condition of approval: "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."

Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing an existing water right, you should notify Katie Tietsort, Water Commissioner, Topeka Field Office, as follows, so that an investigation can be made.

Division of Water Resources  
Topeka Field Office  
6531 SE Forbes Avenue, Suite B  
Topeka, Kansas 66619  
Telephone: 785-296-5733

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office



RECEIVED

3/25/19

MAR 29 2019

Topeka Field Office  
DIVISION OF WATER RESOURCES

Linda Everhart  
1710 NW 59th Ter.  
Topeka KS 666618

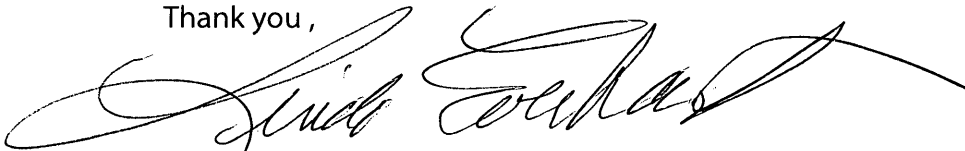
Topeka Field Office  
Attn.: Douglas W Schemm  
6531 SE Forbes Ave Suite B  
Topeka, KS 66619

Re: Pending New Application, File No. 50,209

Thank you for listening to my concerns for the Application 50,209 for a permit to irrigate a Kansas river Farm in Perry, Kansas. I co-own the neighboring farm to the ~~east~~<sup>west</sup> on the Kansas river.

My concern is the dike must not be disturbed with an irrigation system going thru it or over it! Any change or disturbance of the dike causes flooding of my land and is unacceptable. I am sure the applicant can find a place for irrigation further east that would not disturb the dike system in place.

Thank you ,



Linda Everhart

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 27, 2019

REGINA BROWN  
6103 SW 39<sup>TH</sup> CIR  
TOPEKA KS 66610

Re: Pending New Application, File No. 50,209

Dear Ms. Brown:

This will acknowledge receipt of your letter, received in our office on March 25, 2019 in which you expressed concerns regarding the proposed appropriation of surface water by Don Hurd under the above referenced application. The application is proposing to appropriate surface water directly from the Kansas River for irrigation use. We are in the process of thoroughly reviewing this pending application to ensure that it complies with the Kansas Water Appropriation Act and applicable rules and regulations. The Chief Engineer is required to approve applications for water appropriation unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest.

Note that any permit would have the following condition of approval: "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." You stated in your letter that you have spoken with the applicant, and he agrees that the existing river dike should not be disturbed.

Additionally, the rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights. Therefore, if this permit application is approved by the Chief Engineer and you believe the diversion of water is impairing an existing water right, you should notify Katie Tietsort, Water Commissioner, Topeka Field Office, as follows, so that an investigation can be made.

Division of Water Resources  
Topeka Field Office  
6531 SE Forbes Avenue, Suite B  
Topeka, Kansas 66619  
Telephone: 785-296-5733

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

**Schemm, Doug [KDA]**

---

**From:** Schemm, Doug [KDA]  
**Sent:** Wednesday, March 27, 2019 8:17 AM  
**To:** 'Galen Biery'  
**Subject:** File No. 50,209 - Don Hurd  
**Attachments:** 20190327082439862.tif

Good Morning Galen,  
This is a typical surface water pump site on the Kansas River for IRR use in Jefferson County.  
Have a great day,  
Doug

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 27, 2019

KANSAS RIVER WATER ASSURANCE DISTRICT NO 1  
% GALEN BIERY  
212 SW 7<sup>TH</sup> STREET  
TOPEKA KS 66603-3717

Re: Application, File No. 50,209

Dear Mr. Biery:

This is to advise you that Don Hurd has filed the new application referred to above for a permit to appropriate 130 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 1,600 gallons per minute. Surface water will be diverted by means of one (1) pump site located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 6, more particularly described as being near a point 2,186 feet North and 4,022 feet West of the Southeast corner of said section, in Township 12 South, Range 19 East, Jefferson County, Kansas.

As you know, the Kansas River Water Assurance Program Operations Agreement states, in part, that "the District reserves the right to review all applications to appropriate water and change applications, including term permits, filed with the Division of Water Resources that propose the diversion of water from the Kansas River or its alluvium". Therefore, 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. You can find the application and site map posted by the file number referenced above under Topeka Field Office 2019 at:

<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You may contact me at (785) 296-3495 with any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

3/22/19

**Regina Brown**  
**6103 SW 39<sup>th</sup> Cir.**  
**Topeka, KS 66610**

**Topeka Field Office**  
**Attn: Douglas W. Schemm**  
**6531 SE Forbes Ave. Suite B**  
**Topeka, KS 66619**

RE: Pending New Application, File No. 50,209

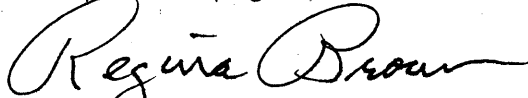
Thank you for taking my call this week concerning Application 50,209 for a permit to irrigate a Kansas River Farm in Perry Kansas. My sisters & I own the neighboring farm to the east on the Kansas River, so I voiced our concerns about the river dike at the end of Oak Road being very weak.

It is imperative that the dike not be disturbed with any irrigation system. This would include cutting or putting a pipe through it. A local farmer told me some people have built ramps over dikes on the river to prevent any disturbance. This may be the best option in this case.

I don't know what Travis Oliver's plans are. I spoke with Don Hurd today and he was not sure either, but is in agreement we cannot afford for the dike to be disturbed. He mentioned Travis may be considering a well instead of a river screen unit. Please keep us informed of Travis Oliver's plans concerning the dike.

Our other concern was the ability for us to put irrigation on our neighboring farm, but you assured me there are no limitations on the number of diversion units that can be put on the river, including another unit right next to one.

Thank you for keeping us informed.

  
Regina Brown

CC: Darla Chew

Linda Everhart

Cathy Clare

DWS/DWR  
RECEIVED  
MAR  
FEB 25 2019

Topeka Field Office  
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

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 13, 2019

REGINA BROWN  
6103 SW 39<sup>TH</sup> CIR  
TOPEKA KS 66610

Re: Pending New Application, File No. 50,209

Dear Sir or Madam:

This is to advise you that Don Hurd has filed the new application referred to above for a permit to appropriate 130 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 1,600 gallons per minute. Surface water will be diverted by means of one (1) pump site located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 6, more particularly described as being near a point 2,186 feet North and 4,022 feet West of the Southeast corner of said section, in Township 11 South, Range 16 East, Jefferson County, Kansas.

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 under Topeka Field Office 2019 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,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Don Hurd

RECEIVED  
DWS/DWR  
MAR FEB 25 2019  
Topeka Field Office  
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](http://www.agriculture.ks.gov)

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 13, 2019

BRUCE BERNS  
502 OSAGE RD  
PERRY KS 66073

Re: Pending New Application, File No. 50,209

Dear Sir or Madam:

This is to advise you that Don Hurd has filed the new application referred to above for a permit to appropriate 130 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 1,600 gallons per minute. Surface water will be diverted by means of one (1) pump site located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 6, more particularly described as being near a point 2,186 feet North and 4,022 feet West of the Southeast corner of said section, in Township 11 South, Range 16 East, Jefferson County, Kansas.

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 under Topeka Field Office 2019 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,

A handwritten signature in cursive script, appearing to read "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Don Hurd

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 13, 2019

REGINA BROWN  
6103 SW 39<sup>TH</sup> CIR  
TOPEKA KS 66610

Re: Pending New Application, File No. 50,209

Dear Sir or Madam:

This is to advise you that Don Hurd has filed the new application referred to above for a permit to appropriate 130 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 1,600 gallons per minute. Surface water will be diverted by means of one (1) pump site located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 6, more particularly described as being near a point 2,186 feet North and 4,022 feet West of the Southeast corner of said section, in Township 11 South, Range 16 East, Jefferson County, Kansas.

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 under Topeka Field Office 2019 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,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Don Hurd



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

March 13, 2019

LINDA EVERHART  
1710 NW 59<sup>TH</sup> TER  
TOPEKA KS 66618

Re: Pending New Application, File No. 50,209

Dear Sir or Madam:

This is to advise you that Don Hurd has filed the new application referred to above for a permit to appropriate 130 acre-feet of surface water per calendar year from the Kansas River, for irrigation use to be diverted at a maximum rate of 1,600 gallons per minute. Surface water will be diverted by means of one (1) pump site located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 6, more particularly described as being near a point 2,186 feet North and 4,022 feet West of the Southeast corner of said section, in Township 11 South, Range 16 East, Jefferson County, Kansas.

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 under Topeka Field Office 2019 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,

A handwritten signature in cursive script, appearing to read "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Don Hurd

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50209 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50209 00 IRR

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

2186 Feet North and 4022 Feet West of the Southeast Corner of Section 6 T 11S R 16E

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__	50209 00	IRR	AY S		0	--	NE	NW	SW	2186	4022	6	11	16E	1		130.00	130.00	AF

=====

Total Net Quantities Authorized: Direct Storage

Total Requested Amount (AF) =	130.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	130.00	.00

An \* after the source of supply indicates a pending application for change under the file number.

An \* after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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

2186 Feet North and 4022 Feet West of the Southeast Corner of Section 6 T 11S R 16E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A\_\_ 50209 00 IRR AY S

> TRAVIS OLIVER

>

> 12332 US HWY 24

> PERRY KS 66073

>-----

=====

#####

# JEFFERSON CO. KANSAS PROPERTY REPORT

Sign Out

Printable PDF Maps

Print Report Click on map and use mouse wheel to zoom in and out.



	Property Number
<a href="#">View Property Record Card(PRC)</a>	044-273-06-0-00-00-004.00-0
<a href="#">View Chain of Title</a>	
<a href="#">View Plat</a>	

## OWNER

Owner	Owner Address
Harkins Farms, LLC.	Attn: Travis Oliver 12332 US-24 HWY Perry, KS 66073

Print Images

## GENERAL INFORMATION

**Tax Year:** 2018  
**Property Situs Address:** 00000 Vacant, Perry, KS 66073  
**QuickRef ID:** R14823  
**Sec/Twp/Rng:** 06 12 019  
**Legal Description:** Survey 22 KHBIL, S06, T12, R019, ACRES 92.37, Beg 1550'S NE Co **Lot 4 Survey 22 KHBIL** TH S2250', NWLY1730', N2640', SELY1820' to POB.  
**Property Type:** Agricultural Use  
**Property Class:** A  
**Taxing Unit:** 136 - Rural Township  
**LBCS Function:** Farming / ranch land (no improvements)  
**Neighborhood Code:** 053  
**Property Status:** Active  
**Owner Interst Type:** Fee Simple - 3

Tax ID
1RU0344

## LAND

Acres: 92.37

## DEED BOOK/PAGE

CURRENT BOOK/PAGE LISTING

Book	Page
2019	0011
2019	0012

APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED

(This is not a Certificate of Appropriation)

Dismissed  
RECEIVED  
FEB 10 1995  
FIELD OFFICE  
DIVISION OF WATER RESOURCES  
TOPEKA

This is to certify that I have examined Application File No. 41,449 of the applicant  
Don and Mary K. Hurd  
R. R. 1, Box 494  
Perry, Kansas 66073

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:

- That the priority date assigned to such application is July 20, 1994.
- That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31	11S	19E										0.5	5				0.5		6
6	12S	19E		4	4		40	4	4	40	18	2					3		119
			All land in Lot 4 of Kaw Half-Breed Land Survey No. 22																

3. That the authorized source from which the appropriation shall be made is groundwater in the drainage basin of the Kansas River to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of hypothetical Section 6, more particularly described as being near a point 3,700 feet North and 4,000 feet West of the Southeast corner of said hypothetical section, in Lot 4 of Kaw Half-Breed Land Survey No. 22, Township 12 South, Range 19 East, Jefferson County, Kansas, located substantially as shown on the topographic map accompanying the application.

- That the appropriation sought shall be limited to a maximum diversion rate not in excess of  
600 gallons per minute (1.34 c.f.s.)

and to a quantity not to exceed 125 acre-feet for any calendar year.

5. That installation of works for diversion of water shall be completed on or before December 31, 1995 or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$200.00 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 \$50.00:

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before December 31, 1999 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 \$50.00.



50209

Upstream and Downstream Landowners

Berns, Bruce Potter - (P)

502 Osage RD Perry, KS 66073

Everhart, Linda S - (P)

1710 NW 59th TER Topeka, KS 66618

Brown, Regina A

6103 SW 39th CIR Topeka, KS 66610

*OK*  
*Don Hurd*

WATER RESOURCES  
RECEIVED  
FEB 14 2019  
KS DEPT OF AGRICULTURE

SCANNED

(Date)

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

Re: Application File No. 50209

Minimum Desirable Streamflow  
KANSAS River Assurance District  
Water Reservation Rights

Dear Sir:

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

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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

*Don Hurd*

Signature of Applicant

Don Hurd

Print Applicant Name

State of Kansas )  
County of Jefferson ) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 17<sup>th</sup> day of February, 2019.

*David Barrett*

Notary Public

My Commission Expires:

DAVID BARRETT  
Notary Public - State of Kansas  
My Appt. Expires 12.06.2020

WATER RESOURCES  
RECEIVED

SCANNED 1 4 2019

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

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

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

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

Assurance Districts have been formed on the following rivers:

Kansas River

Marais des Cygnes River

Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill

Clinton

Council Grove

Elk City

Hillsdale

John Redmond

Marion

Melvern

Milford

Perry

Pomona

Tuttle Creek



50209



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619

Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 5, 2019

DON HURD  
2926 LINN RD  
PERRY KS 66073

RE: New Application for Appropriation of Water

Dear Mr. Hurd:

Enclosed is an application form related to completing a new application for permit to appropriate water for beneficial use. Please review the "Application For Permit To Appropriate Water For Beneficial Use" form, and make any modifications you wish. The application must be **signed at both Paragraph Nos. 6 and 16**. For the requested quantity of 130 acre-feet, the filing fee would be **\$300**.

In addition, the enclosed Minimum Desirable Streamflow form must also be signed and notarized, and finally **please sign the site map** where indicated. Please verify the upstream and downstream landowners are correct.

Submit the application and filing fee to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502**.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,

Douglas Schemm  
Environmental Scientist  
Topeka Field Office

WATER RESOURCES  
RECEIVED

FEB 14 2019

Enclosures

KS DEPT OF AGRICULTURE

SCANNED

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, Interim Secretary

Laura Kelly, Governor

February 21, 2019

DON HURD  
2926 LINN RD  
PERRY, KS 66073

RE: Application, File No. **50209**

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 Applications Unit Supervisor  
Water Appropriation Program

SCANNED

# IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50209

Name of Applicant (Please Print): DON HURD

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: TRAVIS OLIVER

ADDRESS: 12332 US 24 HWY, PERRY, KS 66073

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	11	19E										0.5	5			0.5		6*	
6	12	19E		4	4		40	4	4	40	23	2				3		124*	

**\*ALL IN KAW HALF-BREED LAND SURVEY No. 22**

*Total = 130 acres*

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

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

TOTAL ACRES = \_\_\_\_\_

**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	

WATER RESOURCES  
RECEIVED

FEB 14 2019

**SCANNED** Page 1 of 2

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_%

Estimate the maximum land slope in the field(s): \_\_\_\_\_%

c. Type of irrigation system you propose to use (check one):

Center pivot     
  Center pivot - LEPA     
  "Big gun" sprinkler  
 Gravity system (furrows)     
  Gravity system (borders)     
  Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet

(4) Please include a copy of the sprinkler package design information:

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

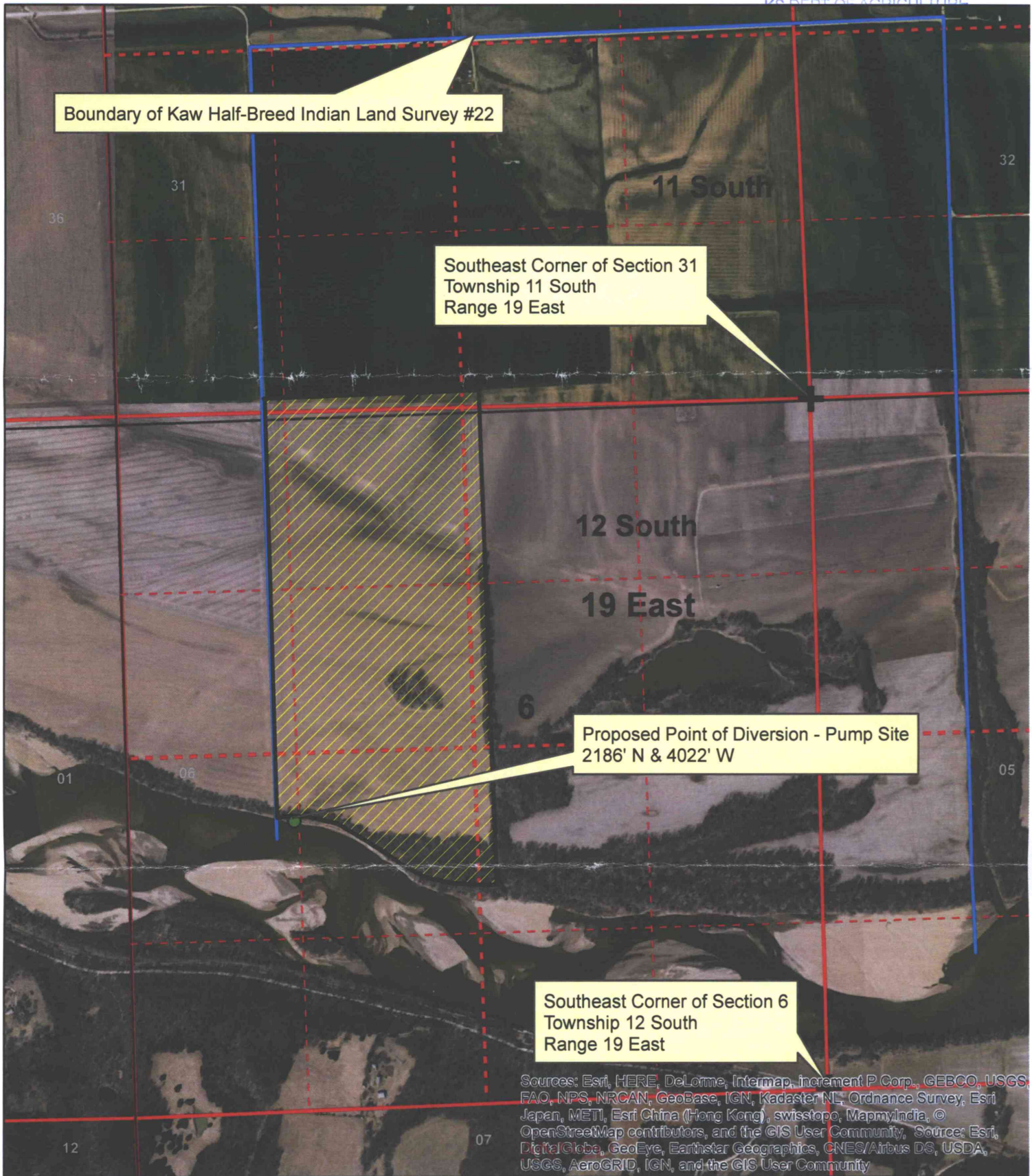
FEB 14 2019

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KO DEPT OF AGRICULTURE

1:12,000

DON HURD - NEW APPLICATION



Boundary of Kaw Half-Breed Indian Land Survey #22

Southeast Corner of Section 31  
Township 11 South  
Range 19 East

Proposed Point of Diversion - Pump Site  
2186' N & 4022' W

Southeast Corner of Section 6  
Township 12 South  
Range 19 East

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- Proposed Point of Diversion
- Proposed Place of Use

All Upstream and Downstream landowners within 1/2 mile of the property lines have been identified.

*Don Hurd*