

NOTICE

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

THE STATE OF KANSAS



WATER RESOURCES RECEIVED

FEB 25 2019

2:17

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50215

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

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

- Name of Applicant (Please Print): Dan Smith
Address: 660 E Hwy 47
City: Franklin State KS Zip Code 66735
Telephone Number: (620) 687-1163
- The source of water is: surface water in West Fork Drywood Creek (Marmaton)
(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.

- The maximum quantity of water desired is 25 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 3000 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.

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

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

For Office Use Only:							
F.O. Code	<u>1</u>	GMD	<u>2</u>	Meets K.A.R. 5-3-1 (YES / NO)	Use	<u>REC</u>	Source
	<u>REG</u>						<u>G/S</u>
				Fee \$	<u>200</u>	TR #	County
							<u>CR</u>
						Receipt Date	By
						<u>2/25/19</u>	<u>DAW</u>
						Check #	Date
						<u>2246</u>	<u>2/25/19</u>

3/12/2019 ULM

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

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

(A) One in the NW quarter of the SW quarter of the SW quarter of Section 33, more particularly described as being near a point 1260 feet North and 5090 feet West of the Southeast corner of said section, in Township 27 South, Range 24 East, Crawford County, Kansas.

(B) One in the SE quarter of the NW quarter of the SW quarter of Section 33, more particularly described as being near a point 1360 feet North and 4190 feet West of the Southeast corner of said section, in Township 27 South, Range 24 East, Crawford 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):

Krooked Kreek Ranch LC, 660 E Hwy 47, Franklin, KS 66735
(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 February 8, 2019.

[Signature]
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 pump (2 pumpsites)
(number of wells, pumps or dams, etc.)

and will be completed (by) upon approval
(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 10/1/19
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

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

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

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

- If yes, show the Water Structures permit number here LCR-0076
- 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.

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

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

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

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

Owner/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):

Krooked Kreek Ranch LC, 660 E Hwy 47, Franklin, KS 66735
(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 Franklin, Kansas, this 8th day of February, 2019.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Caleb Fabrycky TFO - Parsons Date: 2/4/19
(office/title)

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FEE SCHEDULE

- 1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00 ✓
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

- 2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

- 3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

- 1 acre-foot equals 325,851 gallons
- 1 million gallons equal 3.07 acre-feet

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NEW STREAM WORKSHEET

ES cup

Date: 3/12/19

File No. 50215 - No new name
needed

Basin Name: Marmaton River Basin No. 7

Stream Name: West Fork Dry Wood Creek (Marmaton)
Stream No. 84

Stream location (confluence with parent stream):

Section _____, Township _____ South, Range _____ (East)

Map Color Coding:

Basin Stream - Blue

Named Main Stream off Basin Stream - Yellow

Named Stream off Main Stream - Green

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

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

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

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

Date Entered _____ By _____

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50215

Name of Applicant (Please Print): Dan Smith

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): Wetlands for wildlife habitat, waterfowl hunting, and bird watching.

2. Please summarize how the water will be used and justify the quantity of water requested: Seasonally fill and maintain a marsh (see attached capacity table). Permanent pool of the marsh is 8.3 AF. This application requests three times the capacity to account for seepage, evaporation, and transpiration.

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

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	25 AF
Year 2	25 AF
Year 3	25 AF
Year 4	25 AF
Year 5	25 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 33, Township 27 South, Range 24 East, Crawford County, Kansas.

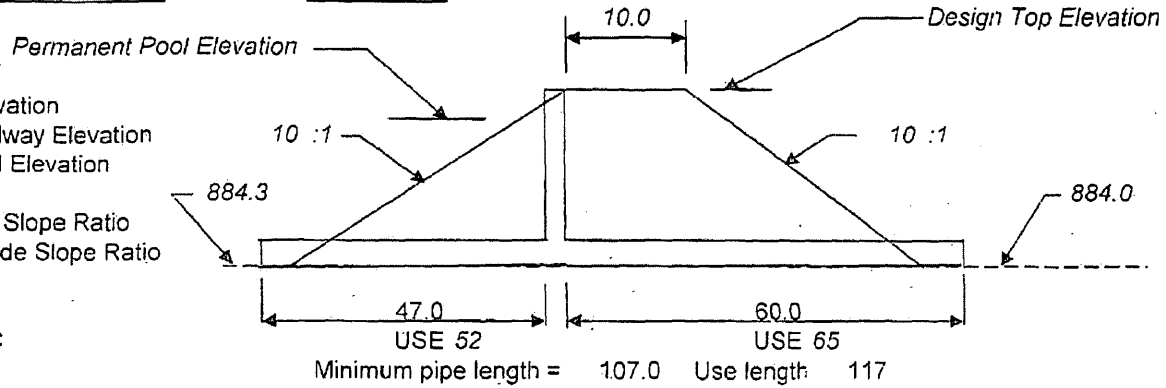
You may attach any additional information you believe will assist in informing the Division of the need for your request.

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Designed by Mark M. Sooter Date 4/11/17
 Checked by _____ Date _____

- 889.0 = Design Top Elevation
- 888.0 = Emergency Spillway Elevation
- 887.5 = Permanent Pool Elevation
- 10.0 = Top width
- 10 = Upstream Side Slope Ratio
- 10 = Downstream Side Slope Ratio



SITE # Krooked Kreek Ranch LLC

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
Fill	Cu. Yd.	3,600
5.0' Water Control Structure	Each	1
8" Pipe, SDR 26 or Sch. 40 PVC	Lin Ft.	117
Rodent Guard	Each	1
Bar Guard	Each	1

STAGE STORAGE

Scale 1"= 100

Elevation	Area Sq. In.	Acres	Acre Feet
884.3	0.00	0.00	0
885.9	0.05	0.01	0.01
886.0	8.10	1.86	0.10
886.4	12.50	2.87	1.05
886.5	29.50	6.77	1.53
887.0	29.5	6.77	4.92
887.5	29.5	6.77	8.30
888.0	29.5	6.77	11.69
889.0	29.5	6.77	18.46
		0.00	0.00
		0.00	0.00

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APPROVED
 This is the day of October, 2017
David W. Barfield
 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

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SEP 15 2017

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50215

50215

Dan Smith

From: Fabrycky, Caleb [KDA] <Caleb.Fabrycky@ks.gov>
Sent: Monday, February 4, 2019 1:13 PM
To: Dan Smith
Subject: Water Right Application
Attachments: Dan Smith New App.pdf; Dan Smith Supplemental Rec Use Sheet.pdf; Dan Smith New App Map.pdf; LCR-0076 approved plans.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

This email originated from outside the company. Please use caution when opening attachments or clicking on links. Suspicious emails should be reported to emailthreats@watcocompanies.com

Hi Dan,

Attached is the drafted application for permit to appropriate water. You'll need to print these pages out and complete the following steps:

1. Look everything over for accuracy
2. Sign #6 of the application
3. Sign #16 of the application
4. Sign at the bottom of the aerial photo/map
5. Enclose the \$200 filing fee
6. Mail everything to DWR Headquarters:
Chief Engineer of The Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Feel free to call with any questions.

Thank you

Caleb Fabrycky, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Parsons Satellite Office
Phone: (620) 421-2697
Caleb.Fabrycky@ks.gov

Dwa

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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

March 8, 2019

DAN SMITH
660 E HWY 47
FRANKLIN, KS 66735

RE: Application, File No. **50215**

Dear Sir or Madam:

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

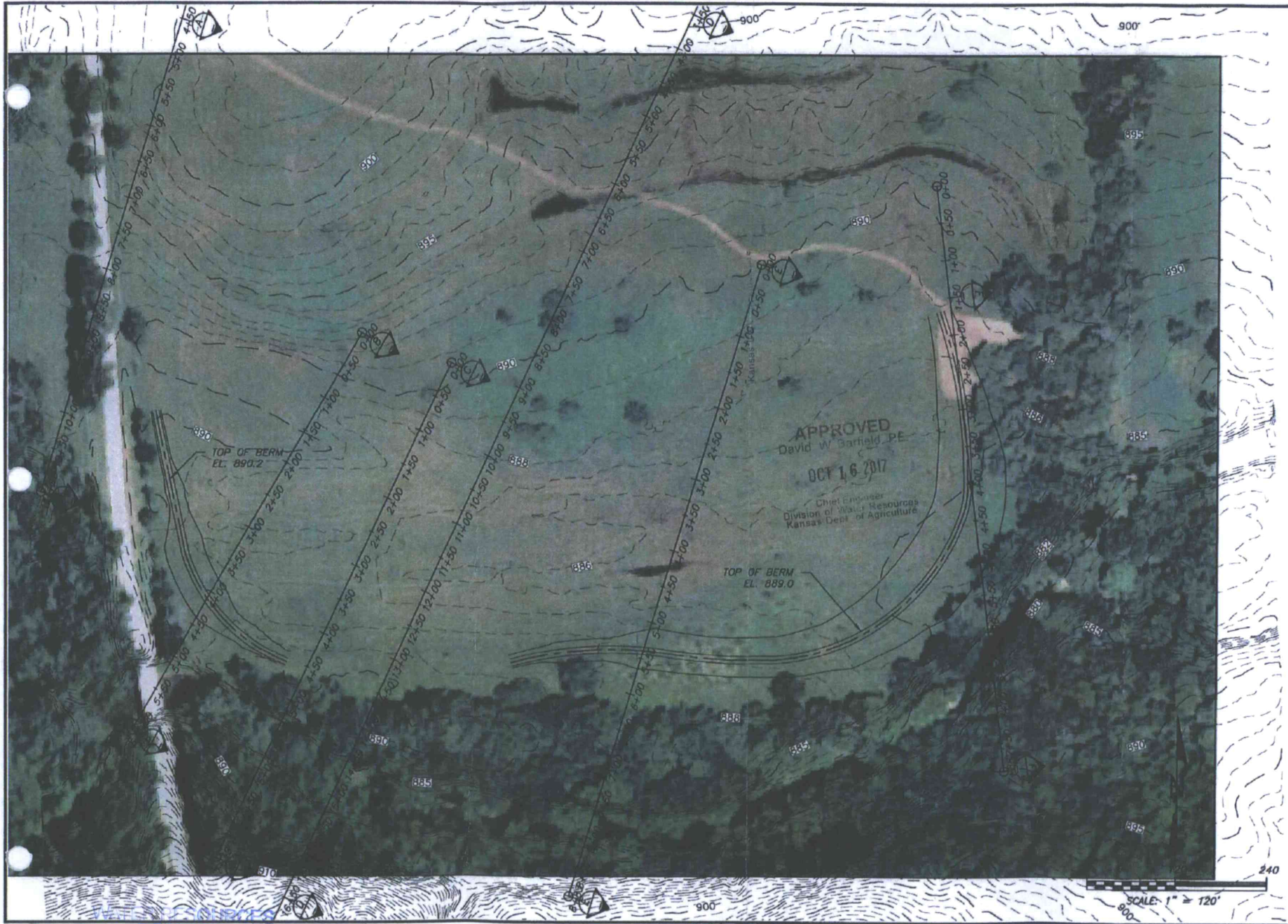
Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

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

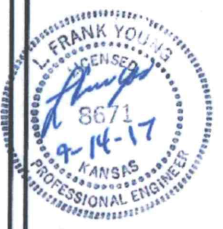
Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

S:\PROJECTS\Smith, Dan\Mapdata\11A\DAE\Contours.dwg, Plot View, 9/14/2017 8:52:17 AM



REV	DATE	DESCRIPTION



Agricultural Engineering Associates
 1000 Promontory Dr.
 Uniontown, KS 66779
 620-756-1000

Dan Smith
 Krooked Creek Ranch, LLC
 660 E Hwy 47
 Franklin, KS 66732

KROOKED CREEK RANCH
 WSN LCR-0076

ENGINEER LEY
 DATE 9-14-17
 DRWN BY BCM
 CHKD BY LEY
 DATE 9-14-17

PROJECT NO.
4520

DRAWING NO.
1 of 2
 WATER RESOURCES RECEIVED

Rev. # 1 Date SEP 15 2017

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Dan Smith - New Application

FEB 25 2019



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UPSTREAM AND DOWNSTREAM LANDOWNERS

KANSAS FORESTRY FISH & GAME COMMISSION
%KANSAS WILDLIFE & PARKS
512 SE 25TH AVE
PRATT, KS 67124

KELLY RANCHES LLC
C/O KELLY, STEVE
1059 N 190TH ST
ARCADIA, KS 66711

RUTHERFORD, JOANN
670 N HWY 69
ARMA, KS 66712

33 - 27S - 24E

Waterfowl Marsh

Pumpsite
1360' N 4190' W

Pumpsite
1260' N 5090' W

All landowners 1/2 mile downstream and upstream are listed above.

Signature: *Dan C. Smith*

