

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.

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

1/24/2023, 1:36 PM

50946

RECEIVED

Water Resources
Received

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

JAN 13 2023

Topeka Field Office
DIVISION OF WATER RESOURCES
WATER RESOURCES
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KS Dept Of Agriculture

**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.)

JAN 23 2023

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): STEPHAN W BARNES
Address: 34 W PINNACLE DRIVE
City: ROGERS State AR Zip Code 72758
Telephone Number: (479) 856-1976

2. The source of water is: surface water in LABETTE CREEK (stream)
OR groundwater in NEOSHO RIVER (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 80 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 3500 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 _____ Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County LB By ALB Date 1/25/23
Code Reg Fee \$ 200.00 TR # 1/24/23 Receipt Date 1/20/23 Check # CC

1/26/2023
LMoody

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 **NE** quarter of the **SE** quarter of Section **22**, more particularly described as being near a point **2600** feet North and **1245** feet West of the Southeast corner of said section, in Township **32** South, Range **20** EAST, **LABETTE** 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):

APPLICANT _____
 (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 _____, 20____.  _____
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 PUMP** _____
 (number of wells, pumps or dams, etc.)

and WILL BE completed (by) **OCTOBER 2023** _____
 (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 **OCTOBER 2023** _____
 (Mo/Day/Year)

1/24/2023

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

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

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

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

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

CONSTRUCTION OF LEVEES IS NOT PLANNED AT THIS TIME

- 11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

- 12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

NONE

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

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

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

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

OWNER
(owner, tenant, agent or otherwise)

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

APPLICANT
_____ (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 _____, Kansas, this _____ day of _____ (month) _____ (year)


_____ (Applicant Signature)

By _____ (Agent or Officer Signature)

_____ (Agent or Officer - Please Print)

Assisted by **BRETT BUNGER** _____ **TFO/ASST WATER COMMISSIONER** Date: **1-4-23**
(office/title)

1/24/2023

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**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): **STEPHAN W BARNES** _____

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

WATERFOWL HUNTING

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

**WATER WILL BE USED TO FILL THE MARSH TO PROVIDE HABITAT AND HUNTING
OPPORTUNITIES**

80 ACRE MARSH AREA WITH AN AVERAGE DEPTH OF 1 FOOT

80 ACRES X 1 FOOT = 80 ACRE-FEET

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	80 AF
Year 2	80 AF
Year 3	80 AF
Year 4	80 AF
Year 5	80 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.

**WATERFOWL MARSH LOCATED IN THE SE1/4 & THE S1/2 NE1/4 OF SECTION 22,
TOWNSHIP 32 SOUTH, RANGE 20 EAST, LABETTE COUNTY KANSAS**

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

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream –

- #1) KARHOFF LIVING TRUST
17105 ROOKS RD
PARSONS KS 67357

Downstream –

- #1) KARHOFF LIVING TRUST
17105 ROOKS RD
PARSONS KS 67357
- #2) GOSSARD LIV TRUST
PO BOX 22
ALTAMONT KS 67330
- #3) MATTHIS HALL FAMILY FARM LLC
9217 HAYES DR
OVERLAND PARK KS 66212
- #4) ALAN D SNEAD
15050 ROOKS RD
OSWEGO KS 67356

1/24/2023

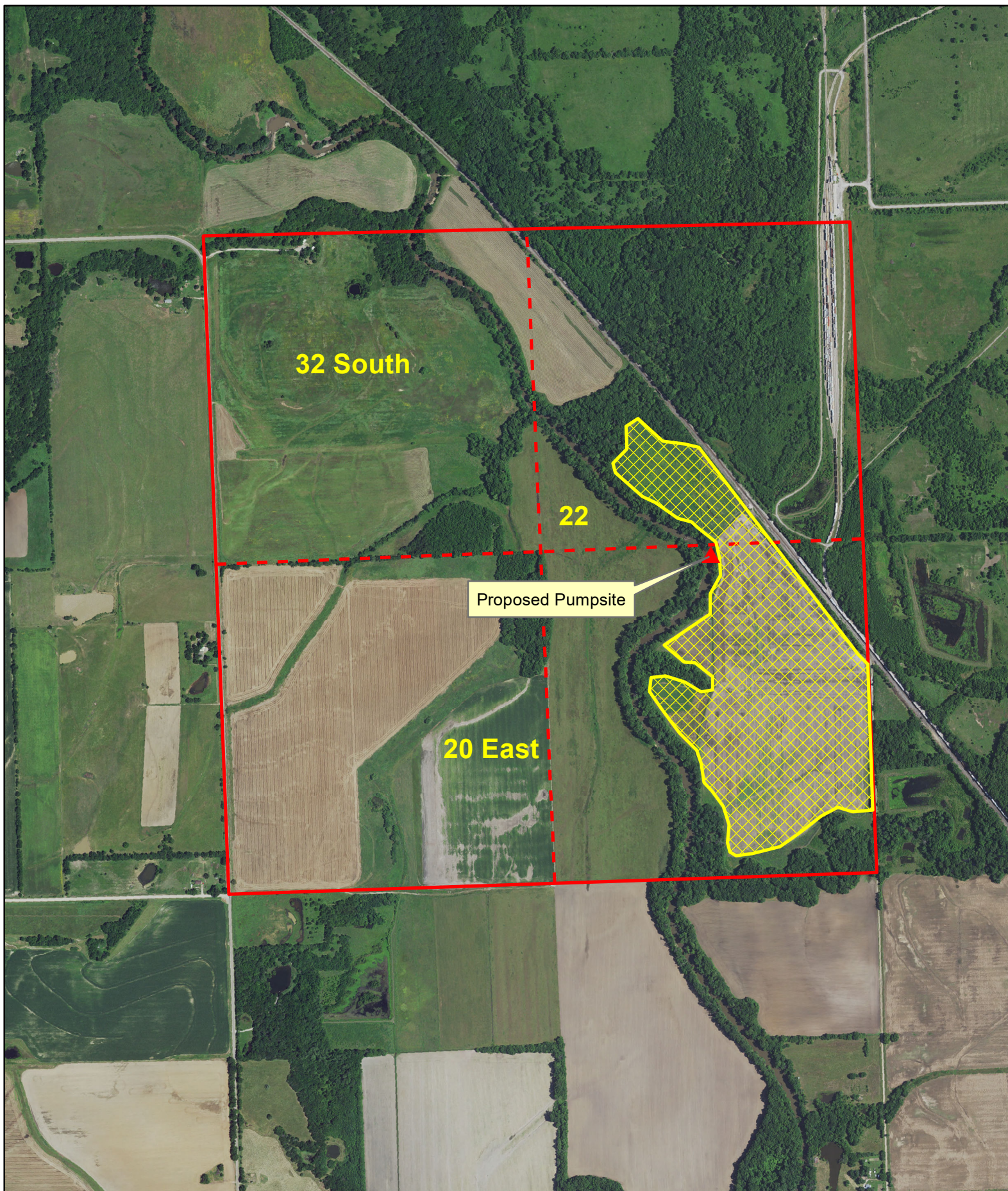
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1/24/2023

1:12,000 Water Resources Received **NEW APPLICATION**

KS Dept Of Agriculture



DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50946

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>68821</u>	<u>90008</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>68821</u>	<u>71203</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>68821</u>

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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

February 7, 2023

STEPHAN W BARNES
34 W PINNACLE DRIVER
ROGERS AR 72758

RE: Application, File No(s). **50946**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) 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(s) 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(s) 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. *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 black ink that reads "Kris Neuhauser". The signature is written in a cursive style.

Kris Neuhauser
New Applications Lead
Water Appropriation Program