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

1. F	ile Number:	49,558		į.	Change Date:	3. Field Office:	4.	GMD: 1
5. S	Status:		☐ Denied by D		· · · · · · · · · · · · · · · · · · ·	niss by Request/F	ailure to Ret	urn
6. E	Enclosures:	☐ Check Valve	⊠ N of C Form	□ W	ater Tube	☐ Driller Copy	☐ Mete	r
7a.	Applicant(s New to syst		Person ID 648 Add Seq#	393	7c. Landown New to sy			son ID
		ENIX WN GLEN PL ROSA CA 95403	3					
7b.	Landowner New to syst		Person ID Add Seq#		7d. Landown New to sy			son ID
	7a							
·								
8.	WUR Corres New to syst Overlap File Agree ☐ Y	em 🗍 e (s) WUC	Person ID Add Seq# Notarized WUC	Form []	9. Use of Wat ☐ IRR	er: Changing? ☐ Groundwater ☑ REC	☐ Yes ⊠ Surfa ☐ DEW	⊠ No ce Water □ MUN
	7b			,	☐ STK	☐ SED ☐ WTR PWR	☐ DOM ☐ ART	☐ CON RECHRG
					☐ IND SIC:		OTHER: _	
10.	Completion I	Date: <u>12/31/2019</u>	11. Perfe	ction Date:	12/31/202	<b>3</b> 12. E	Exp Date:	
13.	Conservation	n Plan Required? ☐ Y	es ⊠ No Date Requ	uired:	Date Ap	pproved:	Date to	Comply:
14.	Water Level	Measuring Device?	Yes 🛭 No Date	to Comply:	:	Date WLMI	O Installed:	
		·				Date Prepared: <b>4/</b> Date Entered: <b>(</b>		ву: <b>МЈМ</b> ву: <i>СС</i> <b>М</b>

File No. <b>49,558</b>	15. Formatio	n Code:	:		Drai <b>Riv</b> e		asin: L <b>it</b> t	le Arka	ınsas	(	County	: SG		Sp	ecial U	se:		Stream: Creek 1		Fork Chisholm
16. Points of Diversion T MOD									17. Rate and Quantity  Authorized					Addition	al					
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8,0801		(STR	UCT	TURES	S PER	MIT	NO. LS	SG-04	190)											
DEL 85045																				
18. Storage: Rate Nat FI				itity										ws	NF	Add	itional Qu	antity	20.	<b>4</b> ac/ft
19. Limitation: af/yr at Limitation: =										le numb combin	-			(s)						
20. Meter Required?  Yes	] No	To be	e insta	alled by _						D	ate Ac	cepta	ble Me	ter Inst	alled _					
21. Place of Use			NE	1/4		NV	<b>1</b> ½		9	6W1/4			s	E¼		Total	Owner	Chg <sup>*</sup>	? NO	Overlap Files
MOD DEL ENT PUSE S T R	_ ID	NE 1⁄4	NW 1/4	SW SI	E NE	NW 1/4	SW 5	SE NE 1/4 1/4	E NW	SW 1/4	SE ¼	NE ¼	NW 1/4	SW 1/4	SE 1/4					N
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Comments: Application lis	sted Rang	e as '	1 W	instea	ad of	corre	ct Rar	nge o	f1E	whic	h is	wha	t is s	show	n on	map.	PD & F	PU need	modi	fied.

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE MANHATTAN, KS 66502 PHONE: (785) 564-6700 FAX: (785) 564-6777



900 SW Jackson, Room 456 Торека, KS 66612 Рноме: (785) 296-3556 www.agriculture.ks.gov

## GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture T. COPY

June 4, 2018

BYRON ENIX 3932 FAWN GLEN PL SANTA ROSA CA 95403

RE:

Application, File No. 49,558

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum

New Application Unit Supervisor Water Appropriation Program

**Enclosures** 

pc:

Stafford Field Office

### KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

#### <u>MEMORANDUM</u>

TO: Files

**DATE:** April 25, 2018

FROM: Matt Meier

RE: Application File Nos. 49,558

Byron Enix has filed the above referenced application proposing to appropriate 20.4 acre-feet of surface water for recreational use at a diversion rate of natural flows of Middle Fork Chisholm Creek Trib 2 (Little Arkansas River). It is an existing reservoir (which the applicant constructed prior to approval) so no special condition is needed for an initial filling of the reservoir. The proposed point of diversion is an embankment which intercepts the stream (and channels it into the reservoir) located in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4 NW1/4) of Section 12, more particularly described as being near a point 5,163 feet North and 2,684 feet West of the Southeast corner of said section, Township 26 South, Range 1 East, Sedgwick County, within the Arkansas River drainage basin. The water will be used to cover evaporation losses from the reservoir. The entire proposed place of use is owned by the applicant. The applicant constructed the surface reservoir prior to approval so the application was modified to fit the reservoir as constructed.

The surface area of the original reservoir was listed as 4.3 acres. The constructed reservoir is approximately 3.9 acres and could eventually be close to the original requested size when completely full (although at maximum extent will still be slightly smaller). Since the final reservoir size could be slightly larger than the most recent Aerial image showed and there currently is only a 0.4-acre difference between what was requested and what was constructed, it was decided to proceed with application as requested and reduce the quantity if needed during certification. Potential net evaporation in inches based on K.A.R. 5-6-3 is 19 inches. As per K.A.R. 5-6-5(1)(B), the maximum reasonable annual quantity for storage of water for beneficial use in a reservoir is a three-year supply of water for indirect use.

4.3 acres x 19 inches of evaporation / 12 inches x 3 years = 20.4 acre-feet

A runoff calculation was performed for the application. The runoff calculation listed the potential runoff for the pond at 592 acre-feet (20% chance of rainfall: 7.4 inches x 592-acre drainage area = approximately 379.25 acre-feet). A review of WRIS showed one other surface water right (File No. 46960 1.38 Miles away) within a two-mile area of the application, which is not located downstream of the application. Based off this information there appears to be sufficient potential runoff water for the application.

6 land owners were identified for the adjacent land ½ mile upstream and downstream of the proposed reservoir. Nearby notification letters were sent out on March 7, 2018. Phone calls were received from Cheryl Start and Susy Holmes to obtain more information about the application. The embankment/dam received a structures permit, Permit No. LSG-0490.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on April 25, 2018. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water appears reasonable, 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.

Matthew J. Meier Environmental Scientist Permits Unit

### KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, 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. 49,558 of the applicant

#### BYRON ENIX 3932 FAWN GLEN PL SANTA ROSA CA 95403

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 11**, **2016**.
- 2. That the water sought to be appropriated shall be used for recreational use at one pond located in the Northeast Quarter of the Northwest Quarter (NE½ NW½) of Section 12, in Township 26 South, Range 1 East, Sedgwick County, Kansas.
- 3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Little Arkansas River, designated in the office of the Chief Engineer as Middle Fork Chisholm Creek Trib 2, not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **20.4 acre-feet** per calendar year, in a reservoir fed by an embankment which intercepts the stream in the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE¼ NE¼ NW¼) of Section 12, more particularly described as being near a point 5,163 feet North and 2,684 feet West of the Southeast corner of said section, in Township 26 South, Range 1 East, Sedgwick County, Kansas, as shown on the topographic map accompanying the application.
- 4. That installation of works for diversion of water shall be completed on or before <u>December 31, 2019</u> or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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, which is currently \$100.00.
- 5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before <u>December 31, 2023</u> 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, which is currently \$100.00.

File No. 49,558 Page 2

6. 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.

- 7. 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.
- 8. 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.
- 9. 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.
- 10. 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.
- 11. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
- 12. 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.
- 13. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.
- 14. That the applicant shall install and maintain such physical device or devices, as part of the diversion works that may be readily operated to bypass flows for downstream senior water rights.

#### RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 22 red day of Way

, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program

Division of Water Resources
Kansas Department of Agriculture

State of Kansas

) SS

County of Riley

The foregoing instrument was acknowledged before me this 2 me day of / 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

DANIELLE WILSON
My Appointment Expires
August 23, 2020

**Notary Public** 

### **CERTIFICATE OF SERVICE**

On this 44 day of the	, 2018, I hereby certify that the foregoing Approval of Application
and Permit to Proceed, File No. 49,558,	dated May Dr. Dy Swas mailed postage prepaid, first class
US mail to the following:	10 (ay) 921, 2010

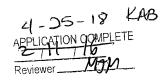
BYRON ENIX 3932 FAWN GLEN PL SANTA ROSA CA 95403

With photocopies to:

Stafford Field Office

Division of Water Resources





#### KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

#### **DIVISION OF WATER RESOURCES**

David W. Barfield, Chief Engineer

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

WATER RESOURCES RECEIVED

#### 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,

FEB 1 1 2016

11:31 KS DEPT OF AGRICULTURE

1320 Research Park Drive, Manhattan, KS 66502: Name of Applicant (Please Print): Byron Enix Address: 3932 Fawn Glen Pl City: Santa Rosa State CA Zip Code 95403 Telephone Number: (316) 295-6007 Surface water in \_\_\_\_\_\_Mille Fork ChishIm Creek Trip Z \_\_\_\_\_\_\_Middle Fork of Little Arkansas €;v~~ 2. The source of water is: (Little Arkansas Basin) (drainage basin) OR ☐ groundwater in 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. \_\_\_\_ acre-feet OR \_\_\_\_\_ gallons per calendar year, 3. The maximum quantity of water desired is 20.4 to be diverted at a maximum rate of Nat Flows 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 (q) ☐ Stockwatering (h) ☐ Sediment Control (i) Domestic (i) ☐ Dewatering (k) ☐ Hydraulic Dredging □ 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. 2 GMD 2 Meets K.A.R. 5-3-1 (YES / NO) Use 250 eets K.A.R. 5-3-1 (YES / NO) Use Source G (S) County SG1 By ADW Date 2/11/16 Fee \$ 200 TR # 16027763 Receipt Date 2/11/16 Check # 92996 Code

\* AJW 2/16/2016 LCM

y wom (SPFC	Basel	on	map	located	15	not	Iw.
y wom/sppo updated	P.O.	bas	ed or	what	constitu	ese ( i	

5.

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	49	1558
File No	1 1	1220

The location of the proposed wells, pump sites or other works for diversion of water is:	
<b>Note:</b> For the application to be accepted, the point of diversion location must be described to at least a acre tract, unless you specifically request a 60 day period of time in which to locate the site within specifically described, minimal legal quarter section of land.	
(A) One in the SE quarter of the <u>NE</u> quarter of the <u>NW</u> quarter of Section <u>12</u> , more particularly describ	ed as
being near a point 4,000 feet North and 2,700 feet West of the Southeast corner of said section, in Tow	vnship
26 South, Range 1 W, Sedgwick County, Ka	
(B) One in the quarter of the quarter of the quarter of Section, more partic	cularly
described as being near a point feet North and feet West of the Southeast corner of	of said
section, in Township South, Range East/West (circle one), County, Ka	ansas.
(C) One in the quarter of the quarter of the quarter of Section, more partic	cularly
described as being near a point feet North and feet West of the Southeast corner of	of said
section, in Township South, Range East/West (circle one), County, Ka	ansas.
(D) One in the quarter of the quarter of the quarter of Section, more partic	cularly
described as being near a point feet North and feet West of the Southeast corner of	of said
section, in Township South, Range East/West (circle one), County, Ka	ansas.
If the source of supply is groundwater, a separate application shall be filed for each proposed well or bar wells, except that a single application may include up to four wells within a circle with a quarter (¼) mile rather same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute part A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more	adius in er well.
four wells in the same local source of supply within a 300 foot radius circle which are being operated by p not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a cordistribution system.	umps
The owner of the point of diversion, if other than the applicant is (please print):	
(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 landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document 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 Lebycary 10, 2016.	
Applicant's Signature	
The applicant must provide the required information or signature irrespective of whether they are the landor Failure to complete this portion of the application will cause it to be unacceptable for filing and the application be returned to the applicant.	
The proposed project for diversion of water will consist of 1 dam / Embankmen+ (number of wells, pumps or dams, etc.)	
and will be completed (by) ASAP  (Month/Day/Year - each was or will be completed)	
The first actual application of water for the proposed beneficial use was or is estimated to be ASAP  (Mo/Day/Ye  RECEIVED	ar)

FEB 1 1 2016

•	File No. 49, 558
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? No  • If yes, show the Water Structures permit number here Have Not received back yes.

11.	The application <u>must</u> 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:
	Also, please show the following information:

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

- (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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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\_ WATER RESOURCES RECEIVED

KS DEPT OF AGRICULTURE

File No.	49,5	150
File No.	49,5	150

13.	Furnish the following well int has not been completed, giv					ndwater. If the well
	Information below is from:	☐ Test holes	□ Well a	as completed	☐ Drillers lo	g attached
	Well location as shown in pa	aragraph No.	(A)	(B)	(C)	(D)
	Date Drilled		N.A.			
	Total depth of well	_				
	Depth to water bearing form	nation				<u>.</u>
	Depth to static water level					
	Depth to bottom of pump int	take pipe				
14.	The relationship of the ap		proposed p	lace where the	e water will be	e used is that of
15.	The owner(s) of the property	y where the wate	r is used, if	other than the a	pplicant, is (ple	ase print):
		(name, addr	ess and tele	phone number)		
		(name, addr	ess and tele	phone number)		·
16.	The undersigned states that this application is submitted	in good faith.				nowledge and that
	Dated at <u>Wichit</u>	Kansas	, this <u>/ )</u>	day of <u>Feb</u>	(month)	<u>, 2016</u> . (year)
/_	(Applicant Signatur	re)	_			
<u>B</u> y	(Agent or Officer Signa	ature)	_			
_	(Agent or Officer - Pleas	se Print)	_			

i , i

WATER RESOURCES RECEIVED

FEB 11 2016 SCANNED

## RECREATIONAL USE SUPPLEMENTAL SHEET

File No. 49,558

•	Name of Applicant (Please Print): <u>Byron Enix</u> Please indicate type of recreational use (boating, fishing, swimming, etc.): <u>Fishing, etc</u>										
	Please summ	arize how the water	r will be used and justify the quantity of water requested:								
	Potential Eva	ap for T26S R1W =	19"								
	Surface Area										
	Evap: 19" x	$4.3 \text{ acres} = 81.7^{\circ}/12$	2 = 6.8AF per year								
	K.A.R. 5-6-5	(b)(1)(B) 3 year inc	direct use: $6.8AF \times 3 = 20.4 AF$								
	Planca comp	lote the fellowing to	shla shaving agtimated future water requirements.								
	Please complete the following table showing estimated future water requirements:										
		ESTIMATEI	D FUTURE WATER DIVERTED/STORED								
		NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)								
		Year 1	20.4AF								
		Year 1 Year 2	20.4AF 20.4AF								
		Year 2	20.4AF								
		Year 2 Year 3	20.4AF 20.4AF								
		Year 2 Year 3 Year 4 Year 5 any additional info	20.4AF 20.4AF 20.4AF								
	water require	Year 2 Year 3 Year 4 Year 5  any additional informents to substantian the legal description.	20.4AF 20.4AF 20.4AF 20.4AF 20.4AF armation, tables, or curves showing past, present and estimated future								
	water require Please desig fractional pa	Year 2 Year 3 Year 4 Year 5 any additional informents to substantiante the legal descript of the Section, To	20.4AF  20.4AF  20.4AF  20.4AF  commation, tables, or curves showing past, present and estimated future attemption the amount of water requested.								
	Please desig fractional pa	Year 2 Year 3 Year 4 Year 5  any additional informents to substantian attempts the legal descript of the Section, To d in the NE1/4 of the	20.4AF  20.4AF  20.4AF  20.4AF  cormation, tables, or curves showing past, present and estimated future atte the amount of water requested.  ciption of the location where the water is to be used by providing the bownship and Range.								

SCANNED FEB 11 2016

## KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

#### <u>MEMORANDUM</u>

TO: Fi

Files

**DATE:** April 25, 2018

FROM:

Matt Meier

RE:

Application File Nos. 49,558

Byron Enix has filed the above referenced application proposing to appropriate 20.4 acre-feet of surface water for recreational use at a diversion rate of natural flows of Middle Fork Chisholm Creek Trib 2 (Little Arkansas River). It is an existing reservoir (which the applicant constructed prior to approval) so no special condition is needed for an initial filling of the reservoir. The proposed point of diversion is an embankment which intercepts the stream (and channels it into the reservoir) located in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4 NW1/4) of section 12, more particularly described as being near a point 5,163 feet North and 2,684 feet West of the Southeast corner of said section, Township 26 South, Range 1 East, Sedgwick County, within the Arkansas River drainage basin. The water will be used to cover evaporation losses from the reservoir. The entire proposed place of use is owned by the applicant. The applicant constructed the surface reservoir prior to approval so the application was modified to fit the reservoir as constructed.

The surface area of the original reservoir was listed as 4.3 acres. This is close to the approximate constructed size of 3.9 acres and could eventually be close to the final size when completely full (although will still be slightly smaller). Since the final reservoir size could be slightly larger than the most recent Aerial image showed, and as it is now there is only a 0.4-acre difference, it was decided to proceed with application as requested and reduce if needed during certification. Potential net evaporation in inches based on K.A.R. 5-6-3 is 19 inches. As per K.A.R. 5-6-5(1)(B), the maximum reasonable annual quantity for storage of water for beneficial use in a reservoir is a three-year supply of water for indirect use.

4.3 acres x 19 inches of evaporation / 12 inches x 3 years = 20.4 acre-feet

A runoff calculation was performed for the application using a drainage area map provided with the application (which appeared reasonable based on a review of location). The runoff calculation listed the potential runoff for the pond at 592 acre-feet (20% chance of rainfall: 7.4 inches x 592-acre drainage area = approximately 379.25 acre-feet). A review of WRIS showed one other surface water right (File No. 46960 1.38 Miles away) within a two-mile area of the application, which is not located downstream of the application. Based off this information there appears to be sufficient potential runoff water for the application.

6 land owners were identified for the adjacent land ½ mile upstream and downstream of the proposed reservoir. Nearby notification letters were sent out on March 7, 2018. Phone calls were received from Cheryl Start and Susy Holmes to obtain more information about the application. The embankment/dam has received a structures permit.

The proposed application is subject to minimum desirable streamflow requirements. The applicant signed, notarized, and returned the required form to our office.

Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced application on December 7, 2017. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water appears reasonable, 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.

ers w/ Le correctation Approve it

Matthew J. Meier Environmental Scientist Permits Unit Water Rights and Points of Diversion Within 2.00 miles of point defined as: 5163 ft N and 2684 ft W of the SE Corner of Section 12, T 26S, R 1E Located at: 97.271511 West Longitude and 37.810123 North Latitude

SURFACE WATER ONLY

File Number Use ST SR Dist (mi) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth\_Quan Add\_Quan Unit
A\_ 46960 00 REC NK S 1.38 -- SW NE SE 1717 1274 7 26 2E 1 .00 .00 AF

Total Net	Quantities A	uthor:	ized:	Direct	Storage
Total Requ	ested Amount	(AF)	=	.00	.00
Total Perm	mitted Amount	(AF)	=	.00	.00
Total Insp	pected Amount	(AF)	=	.00	.00
Total Pro	_Cert Amount	(AF)	=	.00	.00
Total Cert	cified Amount	(AF)	=	.00	12.92
Total Vest	ted Amount	(AF)	=	00	.00
TOTAL AMOU	TNT	(AF)	=	.00	12.92

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

An \* after the ID indicates a 15 AF exemption was granted for 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:

97.271511 West Longitude and 37.810123 North Latitude

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A\_\_ 46960 00 REC NK S

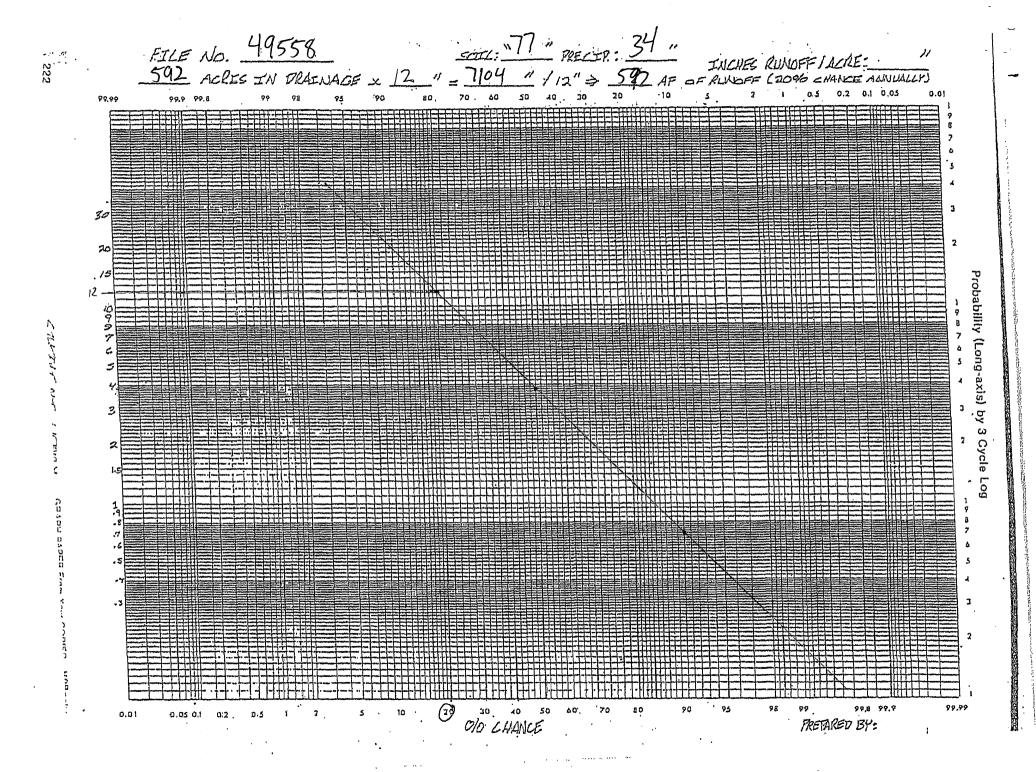
> ROCK 254 LLC

>

>. 1999 AMIDON STE 375

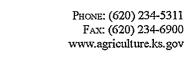
> WICHITA KS 67203

>------



DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521

#### STATE OF KANSAS





March 7, 2018

CHERYL LEE A REV LIV TR 5300 E 69TH ST N VALLEY CENTER, KS 67147-8815

Re:

Pending Application, File No. 49,558

Dear Sir or Madam:

This is to advise you that Byron Enix has filed the application referred to above for a permit to appropriate 20.4 acre-feet of surface water per calendar year for recreational use to be diverted at a maximum rate of natural flows. The proposed point of diversion for 49,558 is one dam (Pond) located as follows:

Northeast Quarter of the Northwest Quarter of Section 12, Township 26 South, Range 1 East, Sedgwick County, Kansas.

A map is enclosed indicating the location of the proposed pond. Records in this office indicate that you may have a well or wells in this vicinity and you are 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.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely.

Matt Meier

Environmental Scientist

Water Appropriations Program

Enclosure

pc:

SCANNED

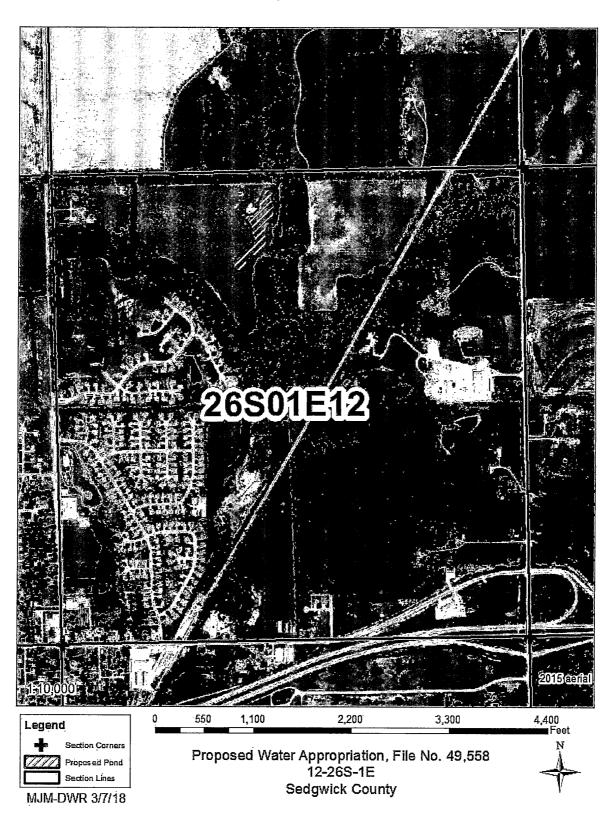
DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521

#### STATE OF KANSAS

Phone: (620) 234-5311 Fax: (620) 234-6900 www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture



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DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521

#### STATE OF KANSAS

PHONE: (620) 234-5311 FAX: (620) 234-6900 www.agriculture.ks.gov



March 7, 2018

Jedd & Carolyn S Holmes Rev Liv TR 5700 E 69<sup>th</sup> St N Valley Center, KS 67147-8863

Re:

Pending Application, File No. 49,558

Dear Sir or Madam:

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Sincerely,

Matt Meier

Environmental Scientist

Water Appropriations Program

Enclosure

pc:

SCANNED

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521

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GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture



#### STATE OF KANSAS



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## GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

March 7, 2018

Robin J Hall ET Al PO Box 285 Kechi, KS 67067

Re: Pending Application, File No. 49,558

Dear Sir or Madam:

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Sincerely,

Matt Meier

Environmental Scientist

Water Appropriations Program

Enclosure

pc:

SCANNED

PHONE: (620) 234-5311 Fax: (620) 234-6900 www.agriculture.ks.gov

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521



GOVERNOR JEFF COLYER, M.D.

JACKIE McClaskey, Secretary of Agriculture



DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. Main Street STAFFORD, KS 67578-1521

#### STATE OF KANSAS

PHONE: (620) 234-5311 Fax: (620) 234-6900 www.agriculture.ks.gov



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

March 7, 2018

WILSON DELBERT I & PHIL L WHEELER 562 CREEK TRAIL KECHI, KS 67067-8811

Re:

Pending Application, File No. 49,558

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Sincerely

Then I Mein Matt Meier

Environmental Scientist

Water Appropriations Program

Enclosure

pc:

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GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture



DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521

#### STATE OF KANSAS

PHONE: (620) 234-5311 FAX: (620) 234-6900 www.agriculture.ks.gov



March 7, 2018

THOMISON OSCAR W ETAL 5237 E 61ST ST N KECHI, KS 67067-9053

Re:

Pending Application, File No. 49,558

Dear Sir or Madam:

This is to advise you that Byron Enix has filed the application referred to above for a permit to appropriate 20.4 acre-feet of surface water per calendar year for recreational use to be diverted at a maximum rate of natural flows. The proposed point of diversion for 49,558 is one dam (Pond) located as follows:

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Sincerely,

Matt Meier

Environmental Scientist

Water Appropriations Program

Enclosure

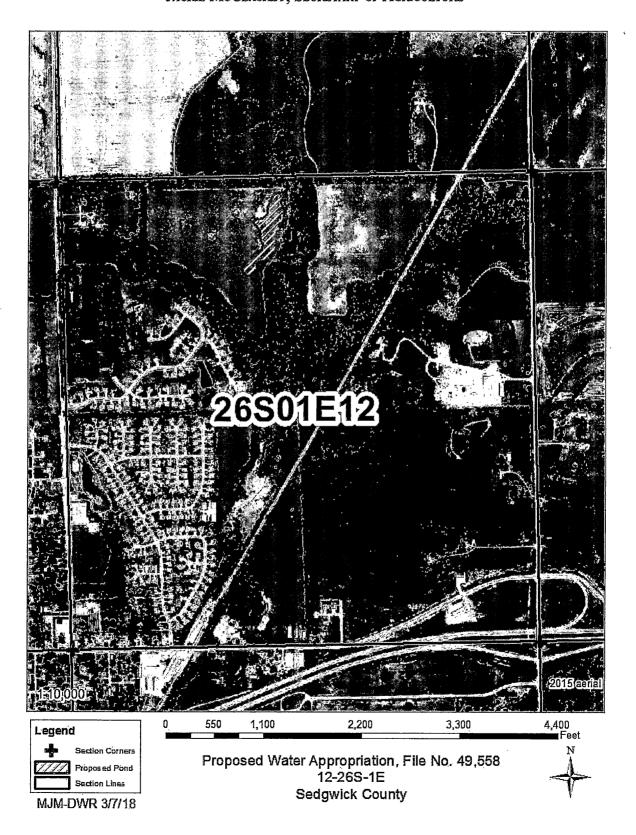
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SCANNED

PHONE: (620) 234-5311 Fax: (620) 234-6900 www.agriculture.ks.gov

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture



DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521

#### STATE OF KANSAS



PHONE: (620) 234-5311 Fax: (620) 234-6900 www.agriculture.ks.gov

### GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

March 7, 2018

NORTHWOODS HOME OWNERS ASSOC PO BOX 384 KECHI, KS 67067-0384

Re:

Pending Application, File No. 49,558

Dear Sir or Madam:

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Sincerely,

Matt Meier

Environmental Scientist

Water Appropriations Program

Enclosure

pc:

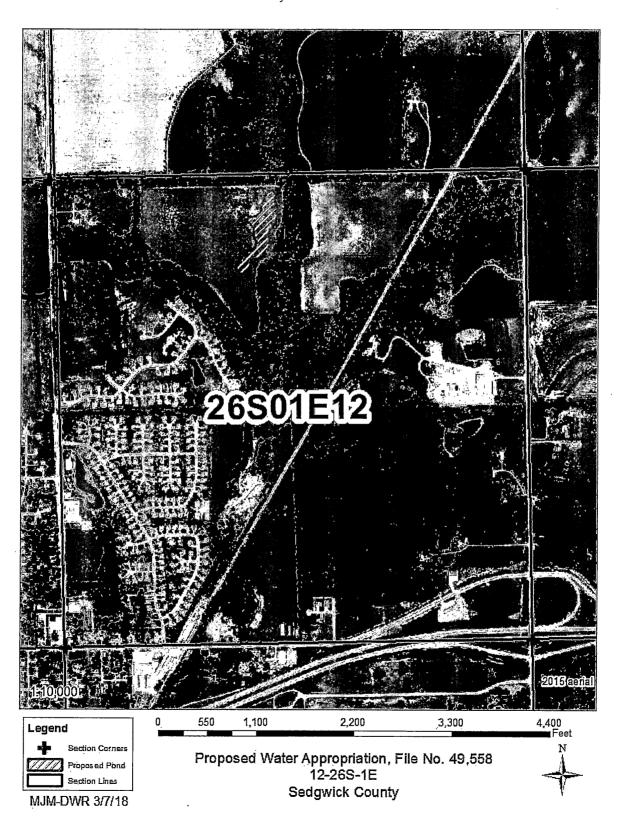
SCANNED

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES STAFFORD FIELD OFFICE 300 S. MAIN STREET STAFFORD, KS 67578-1521

#### STATE OF KANSAS

PHONE: (620).234-5311 FAX: (620) 234-6900 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture



#1 HALL, ROBIN J ETAL PO BOX 285 KECHI, KS 67067

#2 HOLMES JEDD & CAROLYN S REV LIV TR 5700 E 69TH ST N VALLEY CENTER, KS 67147-8863

#3 LEE CHERYL A REV LIV TR 5300 E 69TH ST N VALLEY CENTER, KS 67147-8815

#4 WILSON DELBERT I & PHIL L WHEELER 562 CREEK TRAIL KECHI, KS 67067-8811

#5 NORTHWOODS HOME OWNERS ASSOC PO BOX 384 KECHI, KS 67067-0384

#6 THOMISON OSCAR W ETAL 5237 E 61ST ST N KECHI, KS 67067-9053

INPUTS		
Target Section Definition	-	
Section	. 12	
Township	26	
Range	1	
Range Direction	е	
Target Point Coordinates (NAD)	27 or <i>NAD83</i> )	
Target Longitude	-97.271830	
Target Latitude	37.810135	

#### Load Jud end Compula

#### Instructions

- Enter values for section, township, range and range direction.
- 2. Enter NAD27 or NAD83 longitude and latitude of target point.
- 3. Click "Load Data and Compute" button.
- 4. Use feet distances corresponding to datum of target point.

#### **Embankment Location**

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	•
SW	37.79592640	-97.28070035
NW	37.81040630	-97.28106580
NE	37.81046732	-97.26260265
SE	37.79595641	-97.26254213
Degrees	Degrees Longitude per Foot 3.46092837E-0	
Degrees	Degrees Latitude per Foot 2.74618311E-	
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	5174	-2563
NW	-99	-2669
NE:	-121	2666
SE	5163	2684

		·*	
	Loaded Section Data		
<u>.</u>	From LEOBASE usin	•	
Corner	Corner Latitudes	<b>Corner Longitudes</b>	
SW	37.79591400	-97.28038000	
NW	37.81039400	-97.28074600	
NE	37.81045500	-97.26228300	
SE	37.79594400	-97.26222200	
Degree	Degrees Longitude per Foot 3.46092779E-06		
Degree	s Latitude per Foot	2.74598553E-06	
Target Point Distances from Corners using NAD27			
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)	
SW	5179	-2470	
NW	-94	-2576	
NE	117	2759	
SE	5168	2776	

#### **Turney, Brent**

From:

Phillips, Janelle

Sent:

Tuesday, May 10, 2016 12:45 PM

To:

Turney, Brent; Lanterman, Jeff

Cc:

Hunninghake, Kimberly

Subject:

WR 49588 (DSN-0162/LSG-0490)

The structures permit for WS 49558 has been signed by David.

Janelle N. Phillips, P.E., C.F.M., LEED-AP Water Structures Program
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502
785-564-6656
janelle.phillips@kda.ks.gov
http://agriculture.ks.gov/dwr

Our applications have changed. Please visit our website to get current applications for new projects at: <a href="http://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits">http://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits</a>

Contour	Size	Average Depth	Acre/Feet
1384 (Top of Dam)	9.9 Acres	10 Feet	99
1382	6.3 Acres	8 Feet	50.4
1381.50 (Emergency Spillway	4.3 Acres	7.5 Feet	32.25
1380 (Pool Elevation)	3.65 Acres	6 Feet	29.2

### REGISTRATION FORM FOR EXEMPT CLASS A DAMS K.S.A. 82a-301

"Dam" means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of six feet or greater and a storage volume at the top of the emergency spillway elevation of 50 or more acre-feet. The prior written consent or permit of the chief engineer shall not be required for construction or modification of a hazard class A dam that:

- 1. has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre feet, and the dam location and dimensions have been registered with the division of water resources in a written form prescribed by the chief engineer; or
- 2. is a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto.

Complete the following information to satisfy the registration for exempt low, hazard class A dams defined in K.S.A. 82a-301(d)(1).

Dam owner information
Name: Byron Enix
Mailing Address: 3932 Fawn Glen Pl Santa Rosa, (A 95403
Phone: 316-295-6007
E-mail Address: benix @ aglogn. com
Legal description of location: The location of the proposed dam is (use intersection of project centerline and
stream centerline): $5 \cancel{E}$ quarter of the $\cancel{\nu}\cancel{E}$ quarter of the $\cancel{\nu}\cancel{\nu}$ quarter of Section $\cancel{i2}$ , more particularly
described as being near a point $\frac{9,000}{1000}$ feet North and $\frac{2700}{1000}$ feet West of the Southeast
corner of said section, in Township 26 South, Range 1 (East/West) Sedgwick County, Kansas, across,
along, or in (stream or watercourse name): Middle Fork of Little Arhanses
Drainage area (acres): 600 acres
Use intersection of dam centerline and stream centerline as drainage area point.
Dam height (feet): 14 feet
The height of a dam or barrier shall be measured from the lowest elevation of the streambed, downstream toe o
outside limit of the dam to the elevation of the top of the dam.
Area capacity table: Please attach a reservoir area capacity table for the dam. The table identifies the number

Area capacity table: Please attach a reservoir area capacity table for the dam. The table identifies the number of acres enclosed by each contour within the reservoir area and the total storage capacity of the reservoir in acrefeet at the elevation of each contour. The data shall be compiled for all contours in the reservoir up to the elevation of the top of the dam. Computations of capacity shall be based on the natural topography of the reservoir basin but may include the volume of any excavation in the reservoir made during construction of the dam. The storage in acre-feet must be shown in the table for the proposed emergency spillway elevation. This will be used to identify the jurisdiction of the dam.

Location map: Submit a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the location and layout of the proposed dam, the location of the stream, and the property lines. The distance from the North-South distance and the East-West distance from a section line or southeast corner of section should be marked on the map along with a north arrow and map scale.

Hazard class determination: List any homes, businesses, highways, improved roads, railroads, camparounds, recreational facilities, or public utilities located downstream from the dam that could be inundated if the ECEIVED fails.

FEB 1 1 2016

SCANNEL KS DEPT OF AGRICULTURE

March 3, 2016 (Daté)

Kansas Department of Agriculture Division of Water Resources David W. Barfield, Chief Engineer 109 SW 9<sup>th</sup> Street, 2nd Floor Topeka, Kansas 66612-1283

Re:

Application

ile No. 4

19558

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

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

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

Signature of Applicant

State of Kansas

County of <u>Seclewick</u>

) ss

(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this  $3^{ra}$  day of  $\underline{\textit{March}}$ ,  $20\underline{\textit{16}}$ .

My Commission Expires: 3/28/17

JACKIE BEARDEN
NOTARY PUBLIC
STATE OF KANSAS
MY ADDI. EXD. 3-28-17

**RECEIVED** 

WATER RESOURCES RECEIVED

MAR 07 2016

MAR 1 4 2016

SCANNED SCANNED

DWR 1-100.171 (Revised 03/27/2008)

Stafford Field Office
Division of Water Resources

## MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

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

RECEIVED

MAR 1 4 2016

Stafford Field Office Division of Water Resources WATER RESOURCES RECEIVED

MAR 07 2016

KS DEPT OF AGRICULTURE SCANNED

#### **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

WATER RESOURCES RECEIVED

FEB 11 2016 SCANNED

KS DEPT OF AGRICULTURE

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BOB BERGMANP CONSTRUCTION INC	4b Express Freight Service "To most locations. Packages over 150 lbs.
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Align bottom of Peel and Stick Airbill here.

1320 Research Park Drive Manhattan, Kansas 66502



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

Sam Brownback, Governor

Jackie McClaskey, Secretary

February 15, 2016

BYRON ENIX 3932 FAWN GLEN PL SANTA ROSA CA 95403

> **RE:** Application File No. 49558

Dear Sir or Madam:

Your application for permit to appropriate water in 10-26S-1W in Sedgwick, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely

Kenneth A. Kopp, P.G.

New Application Unit Supervisor

Water Appropriation Program

KAK: DLW

STAFFORDField Office

GMD 2

SCANNED

File No.



I declare that all water wells or diversion sites using the same source of supply and within ½ mile of the proposed ProposedPD point of diversion have been plotted on the application map.

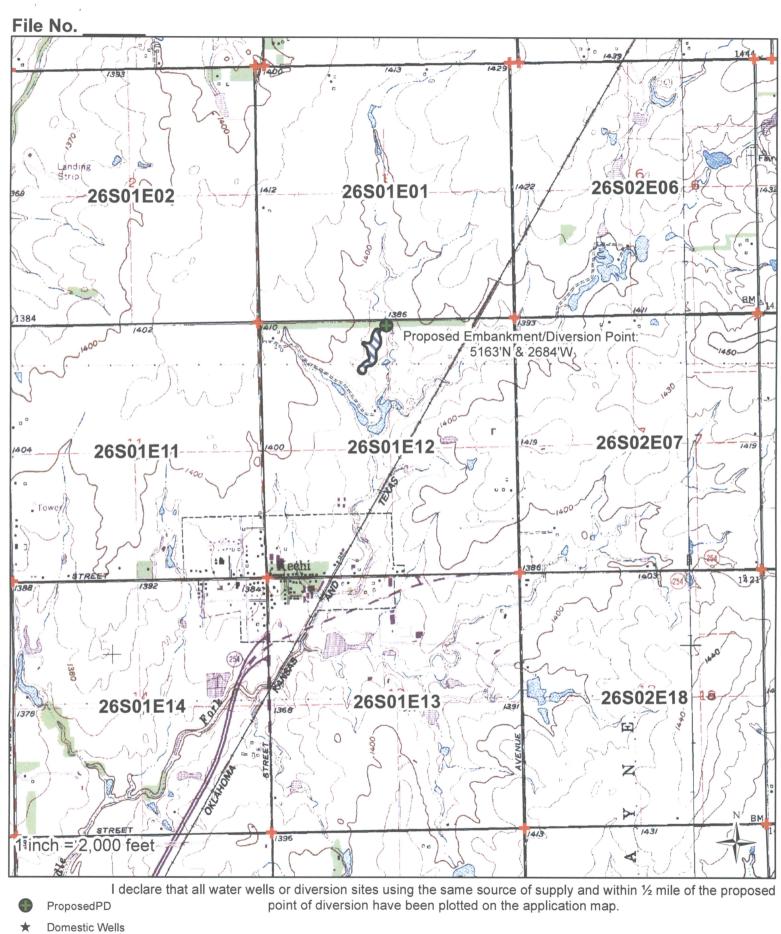
★ Domestic Wells

Proposed\_Pond

Water Rights
SFFOsec\_corners

Signature Date
0 400 800 1,600 2,400 3,200
Feet

Created By: Matt Meier F.O. 2 Date:4/25/2018



 Water Rights
 Signature
 Date

 SFFOsec\_corners
 0 800 1,600 3,200 4,800 6,400

 Proposed\_Pond
 Feet

Created By: Matt Meier F.O. 2 Date:4/25/2018

