

File No. **49,660** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
DEL	85399														None

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use T MOD DEL ENT	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
DEL 25774																		7b.	13056, 39948, 20167102	

Comments: **Application dismissed for failure to return**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 13, 2018

FROM: Matt Meier

RE: Application, File No. 49,660

Brett Froese has filed the referenced application for a permit to appropriate water for beneficial use, proposing the appropriation of 452.1 acre-feet of surface water for irrigation use. The pond and diversion point was to be in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, Township 21 South, Range 3 West, McPherson County, Kansas within the Little Arkansas River basin within the boundaries of Equus Beds Groundwater Management District #2.

An initial review of the application identified missing information and the applicant also needed to submit a DWR Structures application. The application was returned with a letter, on March 29, 2018, identifying the errors and stating that the applicant had 60 days, till May 28, 2018, to return the completed application as required by K.A.R. 5-3-4 or the application would be dismissed for failure to return, as required by K.S.A. 82a-710. A phone call was had with the applicant on April 11, 2018 in which the applicant stated that they would likely be letting the application be dismissed. No further contact was received from the applicant, no extensions of time were requested, and the application was never returned.

Therefore, based on the existing information, it is recommended that application File No. 49,660 be denied and dismissed for failure to return as required by K.S.A. 82a-710.

Matt Meier
Environmental Scientist
Permits Unit

STATE OF KANSAS

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



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

July 3, 2018

FILE COPY

BRETT A FROESE
PO BOX 234
INMAN KS 67546

RE: Application, File No. 49,660

Dear Mr. Froese:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,660, for failure to return the completed application with the required information within the authorized time as required by K.S.A. 82a-710.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth in the enclosed Order.

If you have any questions, please contact our office. If you wish to discuss a 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
FROESE FARMS INC

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 49,660**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on June 23, 2016, the Chief Engineer received an application from Brett Froese for a permit to appropriate water for beneficial use, assigned File No. 49,660, proposing the appropriation of 452.1 acre-feet of surface water for irrigation use. The proposed pond and diversion point was to be located Northwest Quarter of the Southwest Quarter of the Northwest Quarter NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 18, Township 21 South, Range 3 West, McPherson County, Kansas.
2. That on March 29, 2018 the application was returned to the applicant for missing information (and lack of a DWR Structures permit) as required by K.A.R. 5-3-4 and given 60 days (until May 28, 2018) to return the application.
3. That on April 11, 2018 a phone call was had with the applicant in which they said they were debating on letting the application be dismissed. No further contact was received from the applicant, no further extensions requested, and the application was never returned.
4. That the applicant, has not returned the application, nor requested an extension of time, for Application, File No. 49,660, thus the application should be denied and dismissed and its priority forfeited for failure to return as required by K.S.A. 82a-710.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 49,660, is herewith dismissed and the priority assigned to it is considered to be forfeited.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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.

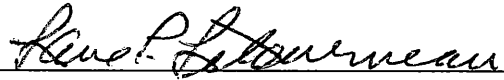
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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 28th day of June, 2018, in Topeka, Shawnee County, Kansas.

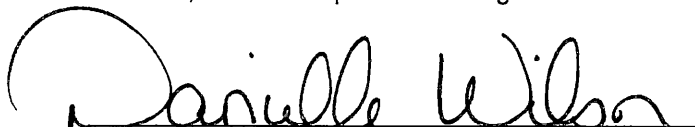


Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 28th day of June, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.




Notary Public

CERTIFICATE OF SERVICE

On this ^{3rd} day of ^{July}, 2018, I hereby certify that the foregoing Dismissal of Application, File No. 49,660, dated ^{June 28th}, 2018 was mailed postage prepaid, first class, US mail to the following:

BRETT A FROESE
PO BOX 234
INMAN KS 67546

With photocopies to:

Stafford Field Office

FROESE FARMS INC
DON FROESE
PO BOX 474
INMAN KS 67546-0474

Amilee A. Herring

Division of Water Resources

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
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PHONE: (785) 296-3556
www.agriculture.ks.gov

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

May 15, 2018

Froese Farm, Inc.
Brett Froese
P.O. Box 474
Inman, KS 67546

Re: Permit determination
WSN LMP-0149
WR 49660

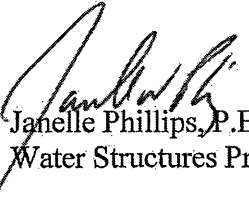
Dear Mr. Froese:

On March 12, 2018 the Division of Water Resources (DWR) sent a request for a permit application for your proposed irrigation pond. To date DWR has not received an application for your proposed irrigation pond. The location of the proposed irrigation pit pond is in a FEMA delineated floodplain. A floodplain permit from DWR is required prior to the building of berms for your irrigation pond. I have attached a copy of our application for your use. In addition to a completed application, you must submit the following:

1. \$300 fee (floodplain fill in floodplain without defined floodway)
2. An aerial map showing the location of the planned berms
3. Plan view of all proposed berms including dimensions
4. A cross section of all proposed berms including dimensions and side slopes
5. Construction specification
6. Location of a benchmark

Please provide the requested information by May 28, 2018 to avoid delays in your water appropriation application. If you have any questions, or if I can be of assistance, please contact me at 785-564-6656.

Sincerely,


Janelle Phillips, P.E.
Water Structures Program

cc: Kristen Baum – Water Appropriations

STATE OF KANSAS

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



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

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

March 29, 2018

FROESE FARMS INC
BRETT FROESE
PO BOX 474
INMAN, KS 67546-0474

RE: Water Appropriation Application
File No. 49,660

Dear Mr. Froese:

In a letter dated March 12, 2018, the Division of Water Resources (DWR) Water Structures Program notified you that additional permitting would be necessary in order to proceed with your project as proposed by the above referenced application to appropriate water. Enclosed is a copy of this letter for reference. As of this date, the DWR Structures Program hasn't received the information that was requested.

Your application to appropriate water is being returned to you at this time. In order for the processing of this application to continue, you must return it along with the information requested by the DWR Structures Program.

Additionally, the application is missing the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines. This information will also need to be provided prior to continuation of processing of the application.

In order to retain its priority of filing, the original application and attachments must be returned to this office along with the requested information on or before May 28, 2018, or within any authorized extension of time thereof. According to law, default in refile of the completed application and attachments within the time allowed shall constitute forfeiture of priority date and dismissal of the application.

If you have any questions, please contact me at (620) 234-5311 or by email at matt.meier@ks.gov. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Matt Meier
Environmental Scientist
Water Appropriation Program

enclosures
pc:

THE STATE OF KANSAS



WATER RESOURCES RECEIVED

JUN 23 2016

2:21
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,660
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY
JUN 17 2016

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.)

8:41
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): FROESE FARMS INC. (Brett Froese)
Address: PO BOX 474
City: Inman State KS Zip Code 67546
Telephone Number: (620) 728-9174

2. The source of water is: surface water in # 3589 Blaze Fork Creek 2 Trib 8
(stream)
OR groundwater in (Little Arkansas 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. 299AF Irr, 26.9 AF Evap, 126.2AF Storage= 452.1AF 153.1

3. The maximum quantity of water desired is 452.1 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1,200 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. 2 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County MP By AW Date 6/23/16
Code REL Fee \$ 300 TR # _____ Receipt Date 6/23/16 Check # 6039

SCANIN... 6/29/2016 LCM

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

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

(A) One in the NW quarter of the SW quarter of the NW quarter of Section 18, more particularly described as being near a point 3,414 feet North and 4,791 feet West of the Southeast corner of said section, in Township 21 South, Range 3 W, McPherson 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):

Same as 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 11-24, 2015. 
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 Two connected ponds and one pumpsite
(number of wells, pumps or dams, etc.)
and will be completed (by) ASAP
(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 ASAP
(Mo/Day/Year)

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

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

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

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

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

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

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

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

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

Overlaps PU with WR# 13,056 & 39,948

WATER RESOURCES RECEIVED

JUN 23 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY JUN 17 2016

KS DEPT OF AGRICULTURE

SCANNED

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

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

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

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

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):

Same as 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 Stafford, Kansas, this 24 day of November, 2015.
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

_____ (Agent or Officer - Please Print)

Assisted by MJM/SFFO ESII Date: 11/24/2015
(office/title)

RECEIVED
NOV 24 2015

RECEIVED
NOV 24 2015

RECEIVED
NOV 24 2015

RECEIVED
NOV 24 2015

IRRIGATION USE SUPPLEMENTAL SHEET

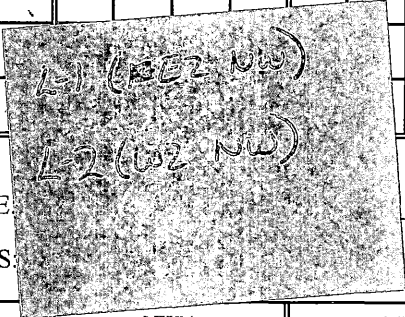
File No. 49,660

Name of Applicant (Please Print): Brett Froese

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: FROESE FARMS INC (Don Froese)
 ADDRESS: PO BOX 474 INMAN, KS 67546-0474

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
18	21S	3W	33.5	40	29.5	36.5	40	31	8.5	11									230



Landowner of Record NAME: _____
 ADDRESS: _____

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

Landowner of Record NAME: _____
 ADDRESS: _____

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

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

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

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

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

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

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

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

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

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

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

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

WATER RESOURCES RECEIVED

JUN 23 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

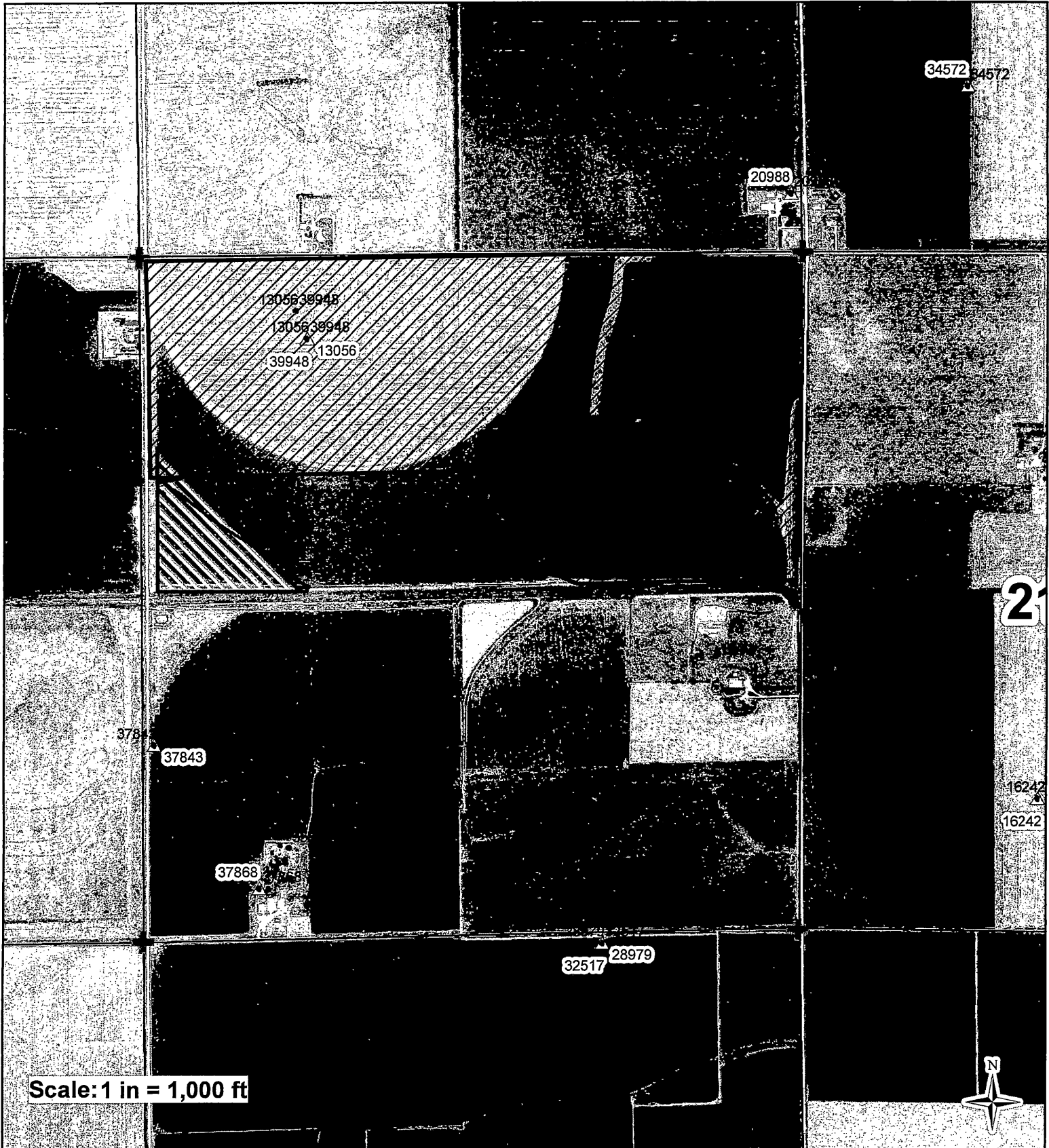
UNACCEPTABLE FOR PRIORITY Page 2 of 2

KS DEPT OF AGRICULTURE

SCANNED






49,660

File No. _____



Scale: 1 in = 1,000 ft

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application.

-  Proposed Place of Use
-  Proposed_Pond
-  Proposed Point of Diversion
-  Water Rights
-  Section Corner

Signature _____ Date JUN 23 2016

UNACCOUNTABLE PRIORITY

Created By: Matt Meier
F.O. 2
Date: 11/16/2015

0 750 1,500

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

GPM - CHANGE OF USE - New Application
TO INCREASE WATER FLOW

491660

1100 ft
to center
of dike

~~1100 ft~~
~~to center~~

Top of all dikes
will be 2 ft
above current level
here

14 Acre Pond
Approximately 8-9 ft. deep

10' wide dikes
on outside of dike

Dikes need to be 10' wide on top
with movable ~~steps~~ slopes

WATER RESOURCES
RECEIVED
JUN 17 2016
UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

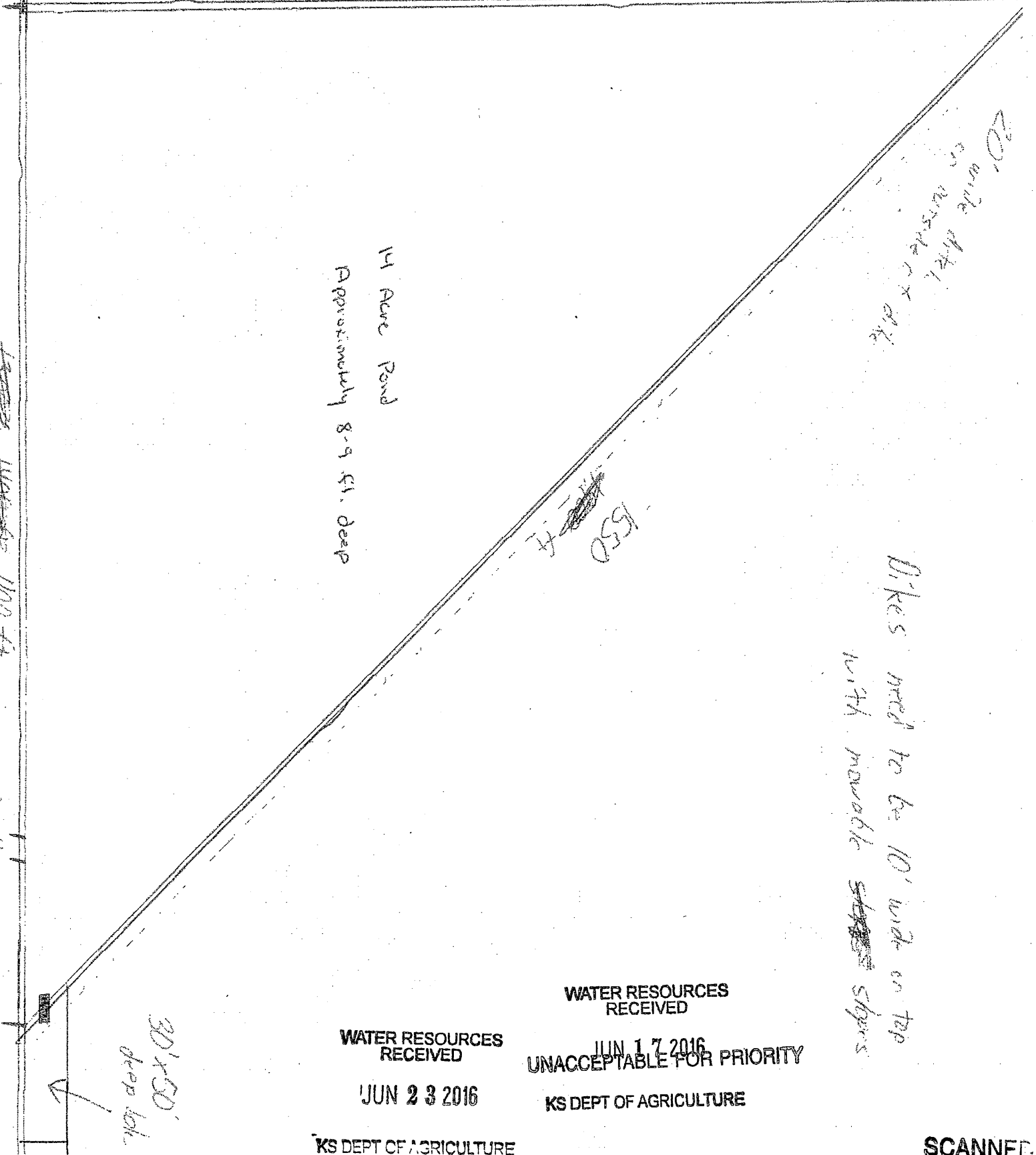
WATER RESOURCES
RECEIVED
JUN 23 2016

KS DEPT OF AGRICULTURE

SCANNED

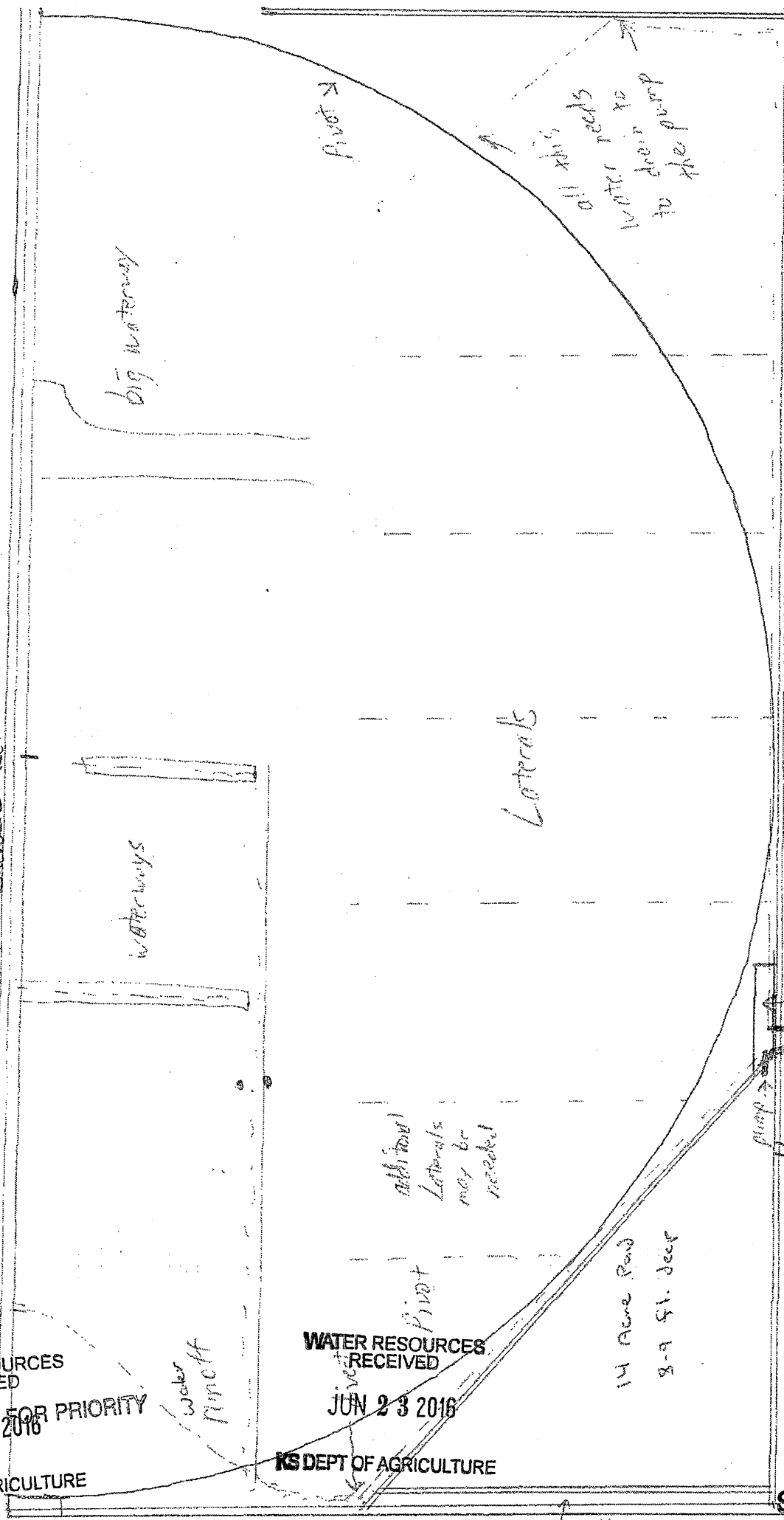
1100 ft

30' x 50'
deep hole



Section 18-21-3

Hwy Cheese Rd



big waterway

pivot

all this water needs to drain to the pump

waterways

Laterals

additional Laterals may be needed

deep pond

pump inflow

pivot

14 Acre Pond 8-9 51. Deer

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY JUN 17 2016

WATER RESOURCES RECEIVED

JUN 23 2016

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

6-13-14

(Date)

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

Re: Application File No. 49,660

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.

Brett Froese
Signature of Applicant

State of Kansas)
County of Stafford) ss

Brett Froese
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 24 day of November, 2015.



Michaela Kirmer
Notary Public

My Commission Expires:

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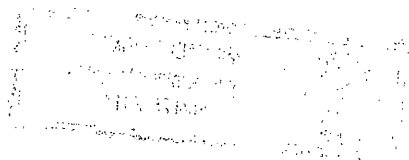
JUN 17 2016 UNACCEPTABLE FOR PRIORITY

**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
WATER RECORDS

RECEIVED
WATER RECORDS

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



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

June 24, 2016

BRETT FROESE
PO BOX 474
INMAN KS 67546

RE: Application
File No. 49660

Dear Sir or Madam:

Your application for permit to appropriate water in 18-21S-3W in McPherson County, 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Brent A. Turney". The signature is written in a cursive, flowing style.

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: ALH
pc: STAFFORD Field Office
GMD 2

SCANNED