

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

1. File Number: <b>49854</b>	2. Status Change Date: <b>10/18/2018</b>	3. Field Office: <b>02</b>	4. GMD:
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5. Status:  Approved     Denied by DWR/GMD     Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

7a. Applicant(s)    Person ID 610188  
New to system     Add Seq# 60188  
**ZOGLEMAN LP**  
**DALE & TAMMY ZOGLEMAN**  
**18900 W 87TH ST S**  
**VIOLA KS 67149-9526**

7b. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

7a

7c. Landowner(s)    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

7d. Misc.    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_

8. WUR Correspondent    Person ID \_\_\_\_\_  
New to system     Add Seq# \_\_\_\_\_  
Overlap File (s) WUC    Notarized WUC Form   
Agree  Yes  No

7a

9. Use of Water: Changing?     Yes     No

Groundwater     Surface Water

IRR     REC     DEW     MUN

STK     SED     DOM     CON

HYD DRG     WTR PWR     ART RECHRG

IND SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

10. Completion Date: 12/31/2019    11. Perfection Date: 12/31/2024<sup>23</sup>    12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **4/26/18**    By: **AJW**  
Date Entered: **10/22/2018**    By: **WM**

File No. **49854**      15. Formation Code:      Drainage Basin: **NINNESCAH**      County: **SG**      Special Use:      Stream: **3560**

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
MOD	77571	SW SW SE	8	29S	2W	6	1,504	2,276

Structures Permits: DSG-0049 + CSG-0334

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
IRR 1200	132.6	1200	132.6	48882
REC 0	0	0	0	

18. Storage: Rate 0 NF      Quantity 216.8 65 ac/ft      Additional Rate 0 NF      Additional Quantity 216.8 65 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 12/31/2019      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total	Owner	Chg?	Overlap Files
						NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4				
IRR ✓	60291	8	29S	2W	1													33	13	23	33	102	7a	no	48882
REC	68413	8-29	-2W	2																			7a	no	

Comments: file no. 48882 to be dismissed

Kansas Department of Agriculture  
 Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 49,854

FO: 2 GMD

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR / REC	9/7/2018	51	Statewide	Application Acceptance	Maximum Allowances
Rule Number	Date Granted	Date Denied	Justification:	DWR assisted with the application and had the information needed to submit the application for the correct quantity.	
K.A.R. 5-3-1(b)	10/18/2018				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 9/7/2018 By AJW

Date Entered \_\_\_\_\_ By \_\_\_\_\_

THE STATE



OF KANSAS

**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer


**WAIVER OF REGULATION**  
K.A.R. 5-3-1(b)

Date: 10/18/2018

Re: Application, File No. 49,854

1. That the above referenced application was filed on June 12, 2017 proposing a rate of diversion of natural flows and a quantity of 132.6 acre-feet per calendar year to be re-diverted for irrigation use to cover an existing irrigation pond. Appropriation of Water File No. 48,882 was originally intended to cover the pond, but the pond was built slightly larger than authorized.
2. That the application was submitted to replace Appropriation of Water File No. 48,882, which authorized the storage of 204.1 acre-feet at the rate of natural flows and the rediversion of 132.6 acre-feet at 1,200 gallons per minute for irrigation use.
3. That staff with the Division of Water Resources (DWR) assisted in the preparation of the application, and the applicant didn't realize that additional information regarding the size of the pond was necessary in order to fill out the quantity of water requested.
4. That on March 3, 2017 (prior to assistance with the Appropriations application), an approval of a channel change was issued by the DWR Structures Program (CSG-0334). Any information needed to calculate the storage quantity for Appropriations had already been submitted to DWR during the review process for the channel change and was therefore available and could've been used during preparation of the above referenced application.
5. That K.A.R. 5-3-1(b) states that when an application is received in the office of the chief engineer and assigned a number, the maximum quantity of water per calendar year and the maximum rate of diversion shall not be increased.
6. That the rate of diversion and quantity of water proposed by the above referenced application should've been 216.65 acre-feet to be stored at the rate of natural flows with 132.6 acre-feet rediverted for irrigation use at 1,200 gallons per minute.
7. That the quantity that should've been requested is only an additional 12.55 acre-feet of storage over what is currently authorized by File No. 48,822. File No. 48,822 will be voluntarily dismissed contingent upon approval of this application.
8. That a waiver of K.A.R. 5-3-1(b) will not prejudicially or unreasonably affect the public interest and will not impair any existing water rights.

Comments:

  
David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources

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

**MEMORANDUM**

**TO:** Files

**DATE:** August 23, 2018

**FROM:** Alex Whitesell

**RE:** Application, File No. 49,854

Zogleman LP, Dale & Tammy Zogleman, filed the referenced application to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir located in the West Half Southeast Quarter of Section 8, Township 29 South, Range 2 West, Sedgwick County, Kansas. The dam will be located on Spring Creek 2 Trib 1 (Ninnescah). The applicant is requesting to appropriate 216.65 acre-feet of surface water storage per calendar year and to re-divert 132.6 acre-feet of the stored water for irrigation use at a re-diversion rate of 1,200 gallons per minute. The proposed application is being filed to replace Water Right File No. 48,882 after it was determined that the pond is larger than previously approved. The dam was permitted by the DWR Water Structures Program on March 22, 1944 (DSG-0049). The channel change was permitted after-the-fact by the DWR Water Structures Program on March 3, 2017 (CSG-0334).

The application was originally received as requesting 132.6 AF for irrigation use at an unspecified rate. The rate was confirmed by the rate under file no. 48,882 and via phone conversation with the applicant on March 20, 2018. The application was accepted with only an irrigation use quantity but was intended to be filed for both irrigation and recreational use to cover storage and evaporation in the reservoir. Because our office had the information needed to determine the recreational use quantity, a waiver of 5-3-1(b) is being requested to add the recreational quantity of 216.65 AF.

The surface area of the pond is 10.62 acres, the capacity of the pond is approximately 63.7 acre-feet, and the quantity requested for direct irrigation use is 132.6 AF at a re-diversion rate of 1,200 gallons per minute (gpm). Because this is an existing pond, a special permit condition is not needed for initial filling of the reservoir.

Potential net evaporation in inches, per K.A.R. 5-6-3, is 23 inches; there the natural evaporation can be estimated as follows:

$$10.63 \times 23 \text{ inches of evap} / 12 \text{ inches} = 20.35 \text{ AF}$$

Per K.A.R. 5-6-5, if the maximum annual quantity of water requested for re-diversion exceeds the reservoir capacity, the maximum annual quantity of water authorized to be diverted and stored in any one year shall not exceed the total of the following:

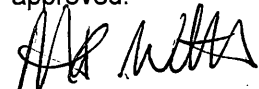
1. The annual quantity of water re-diverted for beneficial use (132.6 AF)
2. The reservoir capacity (63.7 AF)
3. One year of indirect use from the reservoir (20.35 AF)

Therefore, the maximum quantity that can be requested is  $132.6 \text{ AF} + 63.7 \text{ AF} + 20.35 = 216.65 \text{ acre-feet}$ . Therefore, the requested quantity appears to be reasonable.

Landowners within one-half (½) mile upstream and downstream were notified by letter of the applicant's intention to appropriate water from the proposed reservoir on March 22, 2018 with a one letter re-mailed on April 6, 2018. No responses of any kind were received from the adjacent landowners.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pumpsite) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. The applicant will also be required to ensure the ability to effectively bypass inflows in an efficient and timely manner when required for administration of water rights.

Jeff Lanterman, Water Commissioner for the Stafford Field Office, recommended approval of the referenced application in an August 21, 2018 e-mail. Based on the above discussion, it is recommended that the referenced application be approved.



Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

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

ZOGLEMAN LP  
DALE & TAMMY ZOGLEMAN  
18900 W 87<sup>TH</sup> ST S  
VIOLA KS 67149-9526

October 23, 2018

FILE COPY

RE: Appropriation of Water  
File No. 49,854

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 these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Enclosed is a form which must be used to notify the Chief Engineer that the proposed diversion works have been completed. 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. 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 enclosed permit. 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.

**Please take special note of permit condition number 17, which states in part, "the applicant shall ensure the ability to effectively bypass inflows in an efficient and timely manner when required for administration of water rights".**

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  
Division of Water Resources

KAB:ajw  
Enclosures  
pc: Stafford Field Office

**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. 49,854** of the applicant

**ZOGLEMAN LP**  
**DAL & TAMMY ZOGLEMAN**  
**18900 W 87<sup>TH</sup> ST S**  
**VIOLA KS 67149-9526**

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 **June 12, 2017**
2. That the water sought to be appropriated shall be used for recreational use to cover evaporative losses from a reservoir with a surface area not to exceed 10.7 acres, located in the West Half of the Southeast Quarter (W $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 8, in Township 29 South, Range 2 West, and for irrigation use on land, described in the application, as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
8	29S	2W													33	13	23	33	102

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Spring Creek, designated in the office of the Chief Engineer as Spring Creek 2 Trib 1 (Ninnescah River) not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **216.65 acre-feet** per calendar year in a reservoir created by a dam located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 8, more particularly described as being near a point 1,504 feet North and 2,276 feet West of the Southeast corner of said section, in Township 29 South, Range 2 West, Sedgwick County, Kansas, to provide **132.6 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,200 gallons per minute (2.64 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That the structure creating the above referenced reservoir has been assigned Division of Water Resources Structures Permit Nos. DSG-0049 and CSG-0334.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

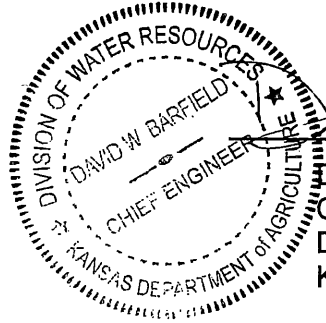
15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.



16. That the 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.

17. That the applicant shall ensure the ability to effectively bypass inflows by providing an adequate bypass of the dam either by tube, valve, siphon, pump, or other acceptable method, over, through, or around the dam to the channel below in an efficient and timely manner when required for administration of water rights.

Ordered this 19<sup>th</sup> day of October, 2018, in Topeka, Shawnee County, Kansas.



*David W. Barfield*

David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                              ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of October, 2018, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*

Notary Public

**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, KS 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, KS 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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

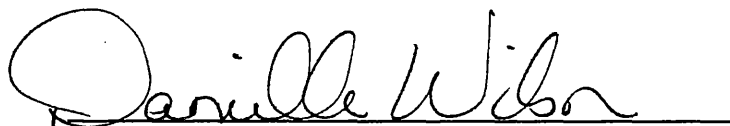
**CERTIFICATE OF SERVICE**

On this 22nd day of October, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,854, dated October 18th 2018 was mailed postage prepaid, first class, US mail to the following:

ZOGLEMAN LP  
DALE & TAMMY ZOGLEMAN  
18900 W 87<sup>TH</sup> ST S  
VIOLA KS 67149-9526

With photocopies to:

Stafford Field Office



Division of Water Resources

APPLICATION COMPLETE

0/24/18  
Reviewer AJW

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49854  
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.)

JUN 12 2017  
12:16  
KS DEPT OF AGRICULTURE

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): Zogleman LP  
Address: Dale & Tammy Zogleman, 18900 W 87th St S  
City: Viola State KS Zip Code 67149-9526  
Telephone Number: (316) 617-6477

2. The source of water is:  surface water in Spring Creek<sup>2</sup> - Trib 1 # 3560  
(stream)  
OR  groundwater in \_\_\_\_\_  
(drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is IRR-132.6 AF REC-216.65 storage acre-feet OR --- gallons per calendar year, to be diverted at a maximum rate of Natural Flow 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 Meets K.A.R. 5-3-1 (YES/NO) Use IRR/REC Source G County SG By AJW Date 6/12/17  
Code REC RECEIVED Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 6/12/17 Check # 5181

SCANNED

7/27/2017 CUM

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 SW quarter of the SW quarter of the SE quarter of Section 8, more particularly described as being near a point 1,504 feet North and 2,276 feet West of the Southeast corner of said section, in Township 29 South, Range 2 West, Sedgwick 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 April 19, 2017. [Signature]  
\_\_\_\_\_  
(Applicant's Signature)

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

7. The proposed project for diversion of water will consist of one dam  
\_\_\_\_\_  
(number of wells, pumps or dams, etc.)  
and was completed (by) under prior right 47559  
\_\_\_\_\_  
(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 2012  
\_\_\_\_\_  
(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 CSG-0334
- 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.

File No. 48882 currently authorizes the dam and reservoir and irrigation from the reservoir. This application will be dismissed upon approval of the new application

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Division of Water Resources

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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

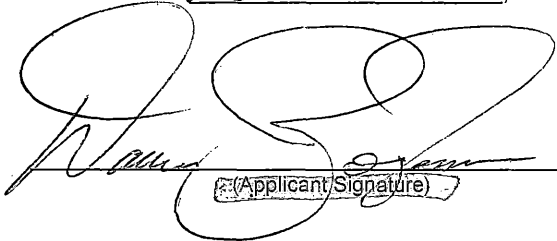
Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	N/A	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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 Eden, Kansas, this 5th day of June, 2017.  
(month) (year)

  
\_\_\_\_\_  
(Applicant/Signature)

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

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

Assisted by EKF SFFO/ESII Date: 3/22/17  
(office/title)

49854

### IRRIGATION USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): Zogleman LP

- 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: Zogleman LP

ADDRESS: Dale & Tammy Zogleman, 18900 W 87th St S, Viola KS 67149-9526

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
8	29	2W																33	13	23	33	102	

**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					

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DWR 1-100.23 (7/7/2000)

JUN 12 2017

Page 1 of 2

JUN 07 2017

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Division of Water Resources

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).

Crop Advisor checks soil in field and reports back.

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



### RECREATIONAL USE SUPPLEMENTAL SHEET

File No. \_\_\_\_\_

Name of Applicant (Please Print): Zogleman LP

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

FISH Who has time  
Boat

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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**ESTIMATED FUTURE WATER DIVERTED/STORED**

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

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.

West Half of the Southeast Quarter (W1/2 SE1/4) of 8-29-2W, Sedgwick County  
\_\_\_\_\_  
\_\_\_\_\_

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

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49854

April 19 2017  
(Date)

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

Re: Application  
File No. \_\_\_\_\_

Minimum Desirable Streamflow

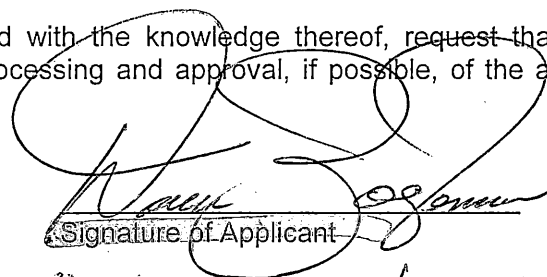
Dear Sir:

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.

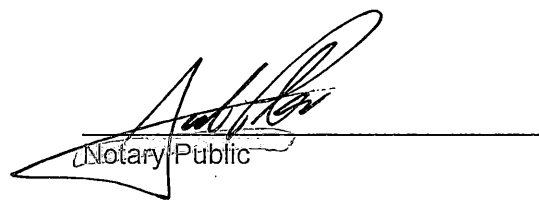
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

  
Signature of Applicant

State of Kansas )  
County of Schuyler ) ss

Dale A. Zoglemann  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 19 day of April, 2017.

  
Notary Public

My Commission Expires:

NOTARY PUBLIC - State of Kansas  
JACOB PALMER  
My Appt. Expires 5-24-19

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

JUN 07 2017

Stafford Field Office  
Division of Water Resources

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**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

## Whitesell, Alex [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tuesday, August 21, 2018 2:19 PM  
**To:** Fitch, Elizabeth [KDA]; Whitesell, Alex [KDA]; Conant, Cameron [KDA]  
**Subject:** RE: Recomendation 49854  
**Attachments:** 48882\_sg.pdf

That map is in docuware. I thought there was a better one of the extent of the lake but maybe not. There is one in the old file that I attached here. The air photos will probably work.

Anyway, this is just a replacement of 48882 with better more accurate information.

Everything looks good I agree with approval with a waiver of 5-3-1(b).

Please emphasize the requirement to be able to bypass inflows in the event of MDS administration or impairment. Hopefully they installed a bypass valve when they reworked the dam.

Thanks  
Jeff

---

**From:** Fitch, Elizabeth [KDA]  
**Sent:** Tuesday, August 21, 2018 11:40 AM  
**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Whitesell, Alex [KDA] <[Alex.Whitesell@ks.gov](mailto:Alex.Whitesell@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Subject:** RE: Recomendation 49854

Here is the map I sent.

*Elizabeth*

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Tuesday, August 21, 2018 11:34 AM  
**To:** Whitesell, Alex [KDA] <[Alex.Whitesell@ks.gov](mailto:Alex.Whitesell@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>  
**Cc:** Fitch, Elizabeth [KDA] <[Elizabeth.Fitch@ks.gov](mailto:Elizabeth.Fitch@ks.gov)>  
**Subject:** RE: Recomendation 49854

Alex.

Elizabeth assisted the applicant with a better map of the proposed lake. Did they not submit that with the application?

This whole application was because he had an approved application and after it was approved he went in and completely changed the lake and increased the dam from what was there originally.

Elizabeth has a copy of it if you need it. I would like to make sure it is in the file so that he doesn't do that again. I guess those little air photos may be ok.

I think he has some recreational earth moving equipment.

Jeff

---

**From:** Lanterman, Jeff [KDA]

**Sent:** Monday, August 20, 2018 3:49 PM

**To:** Whitesell, Alex [KDA] <[Alex.Whitecell@ks.gov](mailto:Alex.Whitecell@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>

**Cc:** Wilson, Dani [KDA] <[Dani.Wilson@ks.gov](mailto:Dani.Wilson@ks.gov)>

**Subject:** RE: Recomendation 49854

Alex. Sorry this has taken so long to get to. Fell through the cracks.

I cant see an application map of the reservoir in the application scan? Additionally, some of the application documents with pictures are just black blobs in docuware. I thought we fixed that scanning problem so we don't see black blobs anymore. I cant make heads nor tails of them. I know what we assisted with in the application but want to make sure that has not changed.

---

**From:** Whitesell, Alex [KDA]

**Sent:** Wednesday, April 25, 2018 12:03 PM

**To:** Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Conant, Cameron [KDA] <[Cameron.Conant@ks.gov](mailto:Cameron.Conant@ks.gov)>

**Subject:** Recomendation 49854

Could you please provide your recommendation on this file?

Thanks,

Alex Whitesell

Division of Water Resources

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, KS

(785) 564 - 6631

**My email has changed [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov)**

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

April 6, 2018

EDWARD J TOON  
4931 S VICTORIA ST  
WICHITA KS 67216-2046

RE: Application  
File No. 49,854

FILE COPY

Dear Sir or Madam:

This is to advise you that Dale & Tammy Zogleman have filed the application referred to above for permit to appropriate 216.7 acre-feet of surface water per calendar year for Irrigation use to be diverted at a maximum rate of natural flows from an existing pond. The proposed application replaces File No. 48,882 which will be voluntarily dismissed. The proposed point of diversion is a dam located as follows:

Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>) of Section 8,  
Township 29 South, Range 2 West, Sedgwick County, Kansas

A copy of an aerial photograph depicting the location of the existing pond is also enclosed. Records in this office indicate that you own property in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) 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, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

SCANNED

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

March 22, 2018

EDWARD J TOON  
19100 W 79<sup>TH</sup> ST S  
WICHITA KS 67216-2046

RE: Application  
File No. 49,854

FILE COPY

Dear Sir or Madam:

This is to advise you that Dale & Tammy Zogleman have filed the application referred to above for permit to appropriate 216.7 acre-feet of surface water per calendar year for Irrigation use to be diverted at a maximum rate of natural flows from an existing pond. The proposed application replaces File No. 48,882 which will be voluntarily dismissed. The proposed point of diversion is a dam located as follows:

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If you have any questions, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

SCANNED

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

March 22, 2018

GEORG G JOHNSON  
5130 KENDALL  
TPEKA KS 66618-1250

RE: Application  
File No. 49,854

FILE COPY

Dear Sir or Madam:

This is to advise you that Dale & Tammy Zogleman have filed the application referred to above for permit to appropriate 216.7 acre-feet of surface water per calendar year for Irrigation use to be diverted at a maximum rate of natural flows from an existing pond. The proposed application replaces File No. 48,882 which will be voluntarily dismissed. The proposed point of diversion is a dam located as follows:

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If you have any questions, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

SCANNED



STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
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www.agriculture.ks.gov

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

March 22, 2018

THOMAS P & LISA S CORR  
19500 W 87<sup>TH</sup> ST S  
VIOLA KS 67149-9528

RE: Application  
File No. 49,854

FILE COPY

Dear Sir or Madam:

This is to advise you that Dale & Tammy Zogleman have filed the application referred to above for permit to appropriate 216.7 acre-feet of surface water per calendar year for Irrigation use to be diverted at a maximum rate of natural flows from an existing pond. The proposed application replaces File No. 48,882 which will be voluntarily dismissed. The proposed point of diversion is a dam located as follows:

Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 8,  
Township 29 South, Range 2 West, Sedgwick County, Kansas

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If you have any questions, please contact me at (785) 564-6631. If you call, please reference the file number so we can help you more efficiently.

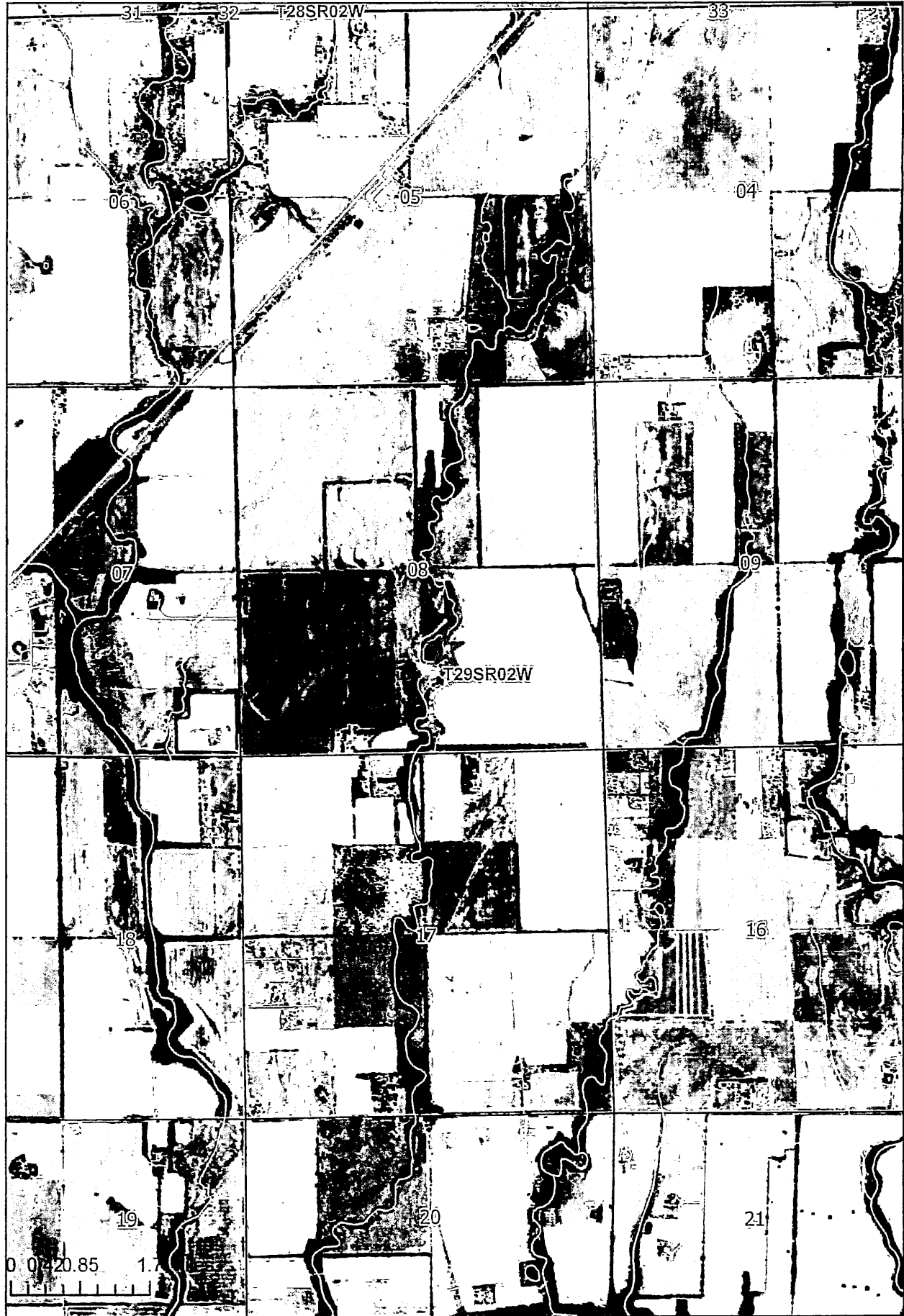
Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

AJW:  
Enclosure(s)  
pc: Stafford Field Office

SCANNED



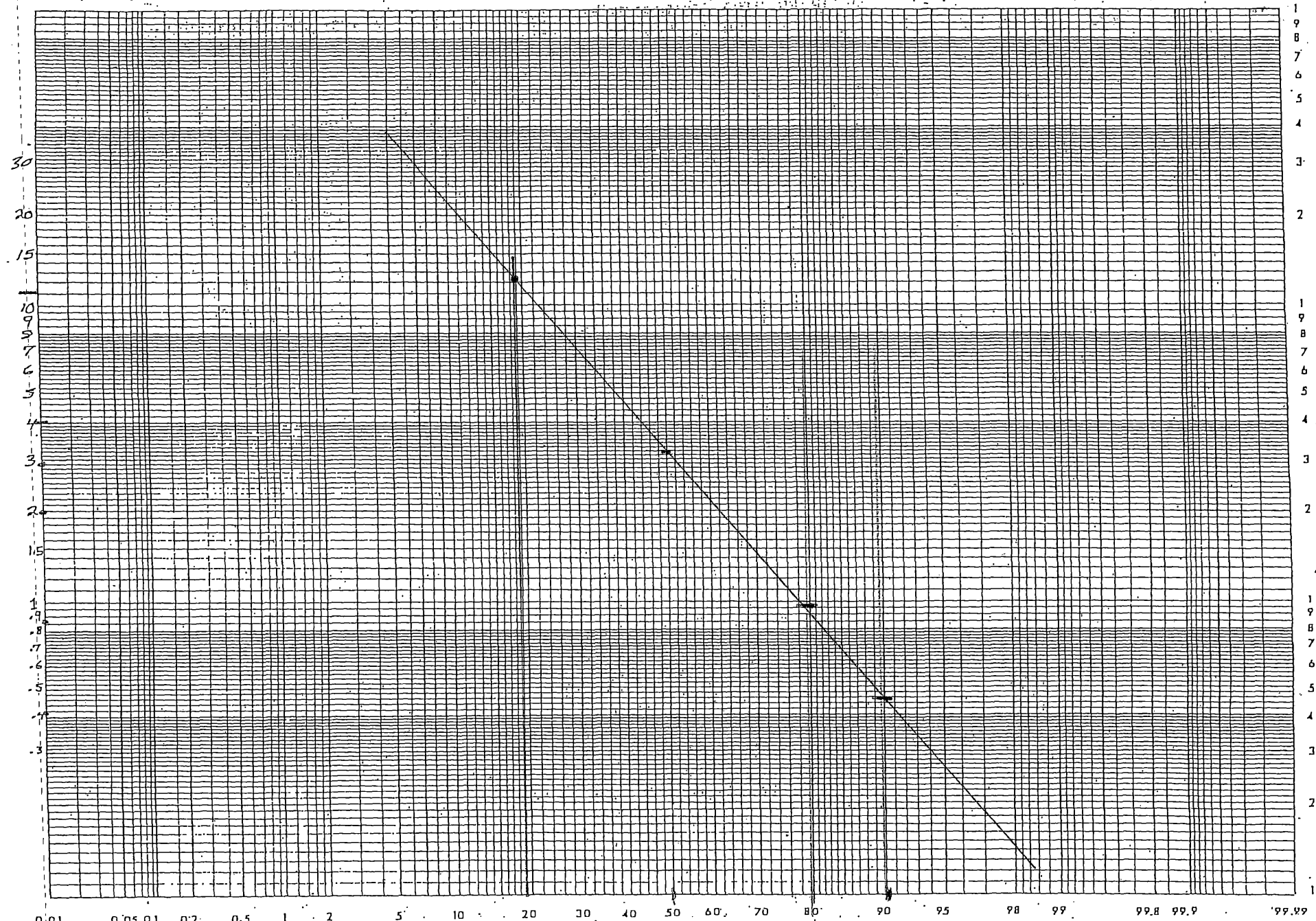
FILE NO. \_\_\_\_\_

SOIL: "77" PRECIP.: 31"

INCHES RUNOFF/ACRE: 11"

~~1304~~ ACRES IN DRAINAGE x 11" = ~~14344~~ / 12" = 1196 AF OF RUNOFF (20% CHANCE ANNUALLY)  
1,487 ~~1303~~

99.99 99.9 99.8 99 98 95 90 80 70 60 50 40 30 20 10 5 2 1 0.5 0.2 0.1 0.05 0.01



0.0 CHANCE

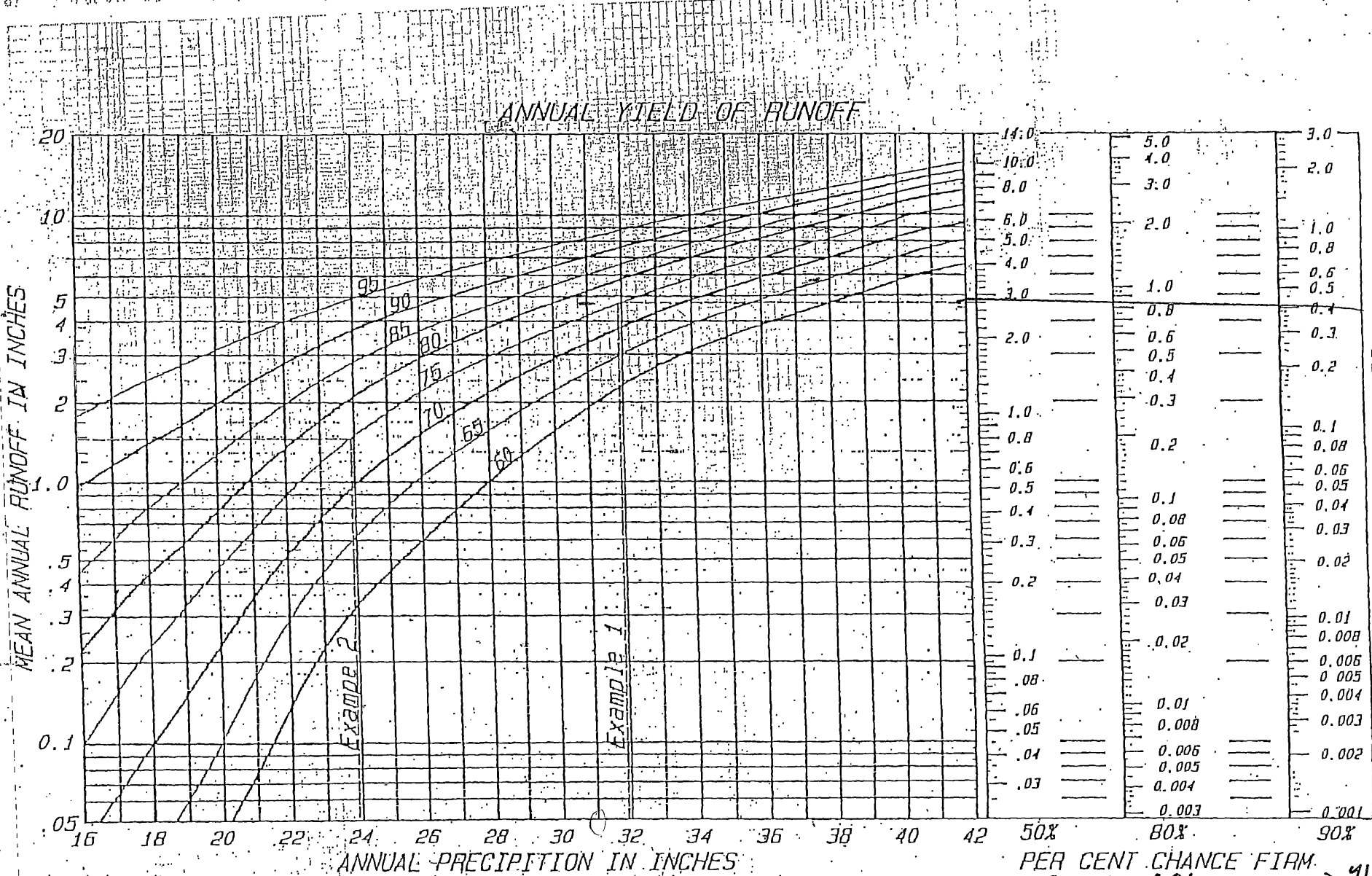
PREPARED BY: \_\_\_\_\_

1222

SALEMAN'S SIGNATURE

CHART NUMBER

EFM Notice KS-38, 12/12/91



MEAN ANNUAL RUNOFF IN INCHES

ANNUAL PRECIPITATION IN INCHES

PER CENT CHANGE FIRM

2.9      0.06      0.91

United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

RUNOFF IN INCHES

KS-2-36

K.A.R. 5-64(4)(D)

## Phillips, Janelle

---

**From:** Fitch, Elizabeth  
**Sent:** Thursday, March 02, 2017 11:46 AM  
**To:** Phillips, Janelle  
**Subject:** RE: WR 48882

Janelle,

Our permitting process is going to take a year or so, so Jeff said go ahead with yours. If you could copy us on the permit and the supporting documents, that would be great. Or at least let me know where they are scanned at so I can look at them.

Elizabeth K Fitch, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
Stafford Field Office  
(620) 234-5311

**My e-mail address has changed: [elizabeth.fitch@ks.gov](mailto:elizabeth.fitch@ks.gov)  
[agriculture.ks.gov](http://agriculture.ks.gov)**

---

**From:** Phillips, Janelle  
**Sent:** Thursday, March 2, 2017 8:15 AM  
**To:** Fitch, Elizabeth <[Elizabeth.Fitch@ks.gov](mailto:Elizabeth.Fitch@ks.gov)>  
**Subject:** WR 48882

Elizabeth –

We have finished our review of Mr. Zogleman's pond widening. Would you like us to hold our permit until you are complete with yours or go ahead and approve our permit?

Janelle N. Phillips, P.E., C.F.M., LEED-AP  
Stream Permit Team Lead  
Water Structures Program  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6656  
My email has changed: [janelle.phillips@ks.gov](mailto:janelle.phillips@ks.gov)

*Analytical-Consistency-Learner-Discipline-Deliberative*

CSG-0334

Avg. depth 6ft.

Surface area 10.62 ac.

Capacity 63.72 AF

(Approx - 6 x 10.62)

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

DALE ZOGLEMAN REVOCABLE TRUST  
DALE ZOGELMAN  
18900 W 87TH STREET SOUTH  
VIOLA KS 67149

Re: Proj. No.: ATF pond widening  
ATF channel change  
Unnamed Tributary To Spring Creek  
Sedgwick County  
WSN: CSG-0334, Notice No.: 2017029

Dear Mr. Zogelman:

Consideration has been given to your application for a permit and approval of plans relating to the after the fact and proposed pond widening in unnamed tributary to Spring Creek at a location in the W 1/2 of the NW 1/4 of the SE 1/4, and in the NW 1/4 of the SW 1/4 of the SE 1/4, all in Section 8, Township 29 South, Range 2 West, Sedgwick County, Kansas.

In accordance with the provisions of K.S.A. 82a-301 to 305a, the Chief Engineer has approved the plans and issued the enclosed permit, authorizing construction of the proposed project. Please note the conditions on the reverse side of the permit. Condition No. 9 requires the permittee to notify this office within 30 days after the project is completed. A Notice and Proof of Completion form is enclosed for this purpose. Special conditions have been added to limit the removal of timber and vegetation, to prohibit the introduction of toxic or deleterious materials into the watercourse, to require approval from the Chief Engineer before floodplain fill is placed at an average height greater than one foot, and to require the project to meet floodplain management requirements of the community.

The one set of plans submitted to this office has been endorsed with the Chief Engineer's approval and will be retained in our files. Should you desire any copies of the plans with the Chief Engineer's approval shown thereon, please submit the required number.

Comments about this proposed project were received from several agencies during the environmental review process. Copies of the letters with recommendations from the environmental review agencies are enclosed for your information.

Dale Zogleman Revocable Trust  
WSN: CSG-0334, Notice No.: 2017029  
Page 2

The work has been authorized to be completed on or before July 1, 2020. Approval for construction of this project will expire on that date unless the time is subsequently specifically extended by the Chief Engineer. Any desired extension of time should be requested in writing approximately 30 days prior to the expiration date.

Sincerely,

Janelle Phillips, P.E.  
Water Structures Program  
(785) 564-6656

Enclosure

pc: Kelly Dixon- Sedgwick County FPA  
Jeff Lanterman – Stafford Field Office

January 26, 2017

Janelle Phillips, P.E.  
Water Structures Program  
1320 Research Park Drive  
Manhattan, KS 66502

RE: Permit determination  
Existing unpermitted channel change  
WSN CSG-0334

Dear Ms. Phillips:

In response to your letter dated December 8, 2016; I wish to address the following:

- I have enclosed the \$100 fee required.
- A map of the pond is also enclosed.
- The plan for the pond is in Section 8 29 2W Ninnescah Township, Sedgwick County, Kansas. From center line of section south 660 feet, then east 315 feet east. From 315' 45° angle 112' NW, thence SW 355', thence south 189' to a point of existing pond water.
- Permanent benchmark is
  - Top of well under windmill 4.675
  - Centerline of section has a pin designation
  - Top of dam 5.7.
  - South of top of dam 7.6
  - West of top of dam 7.7
  - Top of upper spillway 8.7
  - Bottom of lower spillway 11.2
  - Elevation to of dam 1323

WATER RESOURCES  
RECEIVED

JAN 31 2017

KS DEPT OF AGRICULTURE

SCANNED

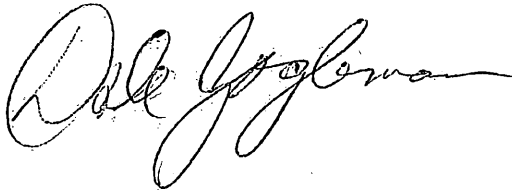


- Scope of Operation:

Remove finger between two bodies of water per drawing. Dirt will be spread over dam to make it uniform and level. Slope sides and plant Bermuda grass. Job then complete.

I hope that this will take care of the matter. Should there be any additional questions or concerns I can be reached at 316-617-6477.

Sincerely,



Dale Zogleman  
18900 W 87<sup>th</sup> St S  
Viola, KS 67149

WATER RESOURCES  
RECEIVED

JAN 31 2017

KS DEPT OF AGRICULTURE

SCANNED

49854

Dear Mr Fitch,

Enclosed please find signed copies of my  
Permits. Check for \$300.<sup>00</sup> If I left out  
anything please call or write me back.

Thanks for your help!

Dana Zenger

316 617 6477

DAZICT@Hornmail.com

SCANNED

WATER RESOURCES  
RECEIVED

JUN 12 2017

KS DEPT OF AGRICULTURE

RECEIVED

JUN 07 2017

Stafford Field Office  
Division of Water Resources



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 12, 2017

ZOGLEMAN, LP  
DALE & TAMMY ZOGLEMAN  
18900 W 87TH ST S  
VIOLA KS 67149

**FILE COPY**

RE: Application  
File No. 49854

Dear Sir or Madam:

Your application for permit to appropriate water in 8-29S-2W in Sedgwick 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.**

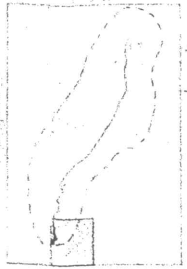
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

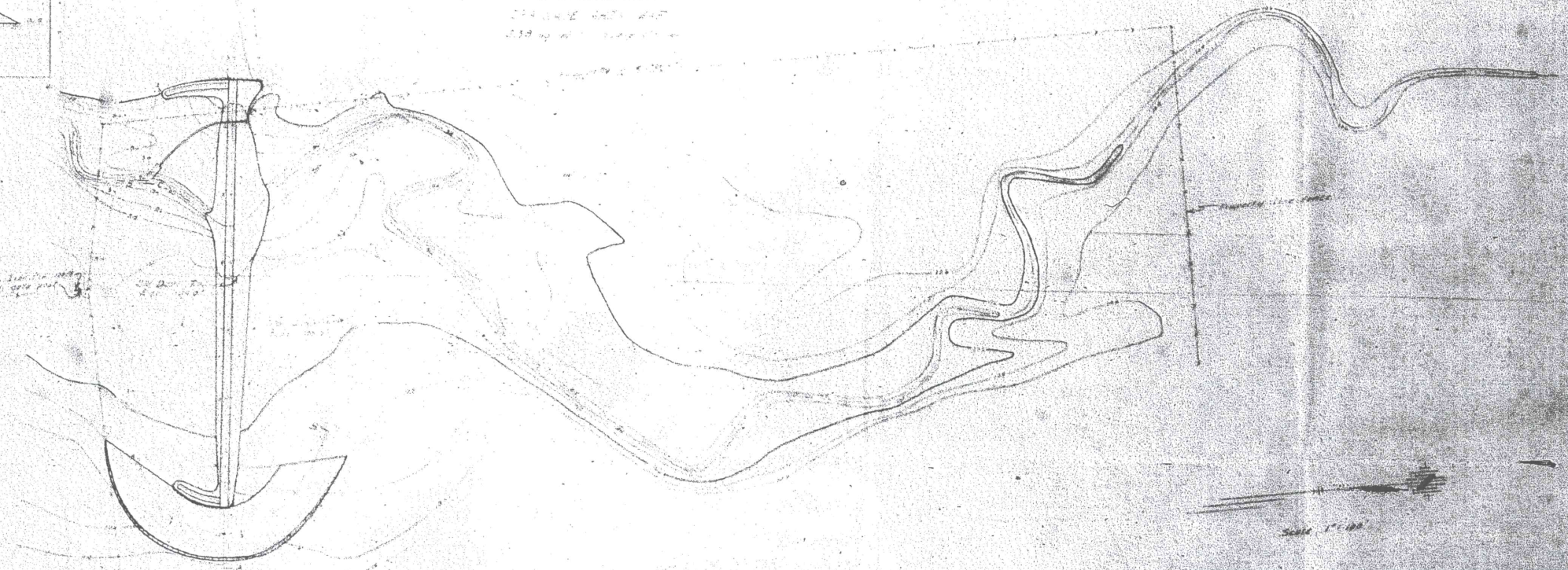
BAT: dlw  
pc: STAFFORD Field Office  
GMD

SCANNED



LAND DESCRIPTION

Fraction	Sec	Twp	Rd
SE 1/4	8	29	24



PLAN VIEW OF RESERVOIR BASIN

APPROXIMATE QUANTITIES

Excavation	350 cu yds
Embankment	1700 cu yds
Earth Fill Dam	20 cu yds

RESERVOIR DATA

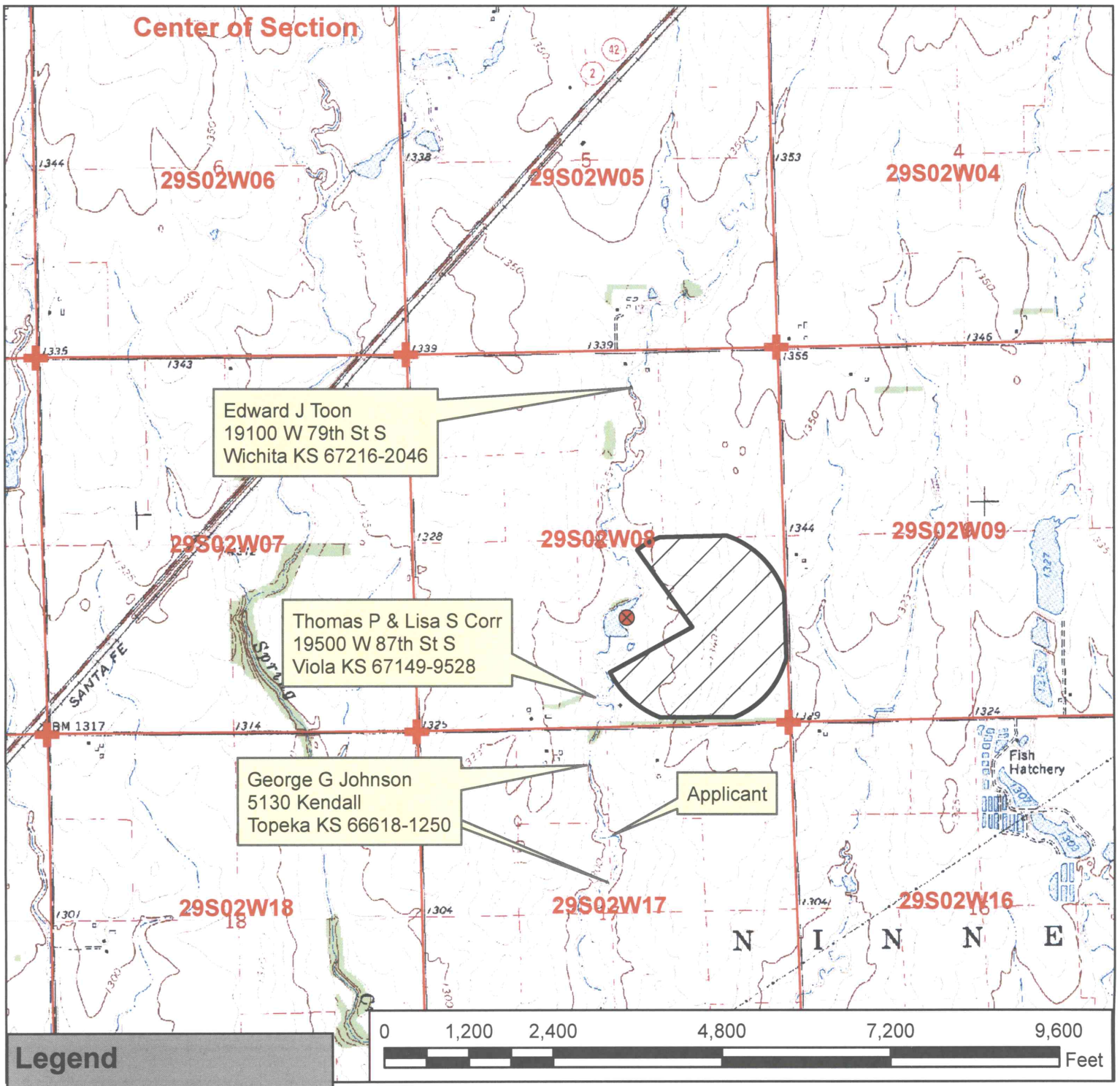
Elevation	Area	Volume	Cap. in AC
94	0.10	0.10	
95	0.40	0.60	
96	1.12	3.12	
100	5.47	27.1	
102 W.L.	5.48	25.00	
104	9.00	38.34	
108	15.07	51.97	



PROFILE ALONG CENTERLINE OF SPILLWAY AND B SECTION LINE

4305  
 PLAN OF  
 PROPOSED DAM AND RESERVOIR  
 FOR  
 DWIGHT SMITH

49854



**Legend**

- Water Appropriations
- ⊗ Proposed Point of Diversion
- + Section Corners
- Section Lines
- Proposed Irrigation
- Proposed Recreation

**Place of Use** RECEIVED

JUN 07 2017  
Stafford Field Office  
Division of Water Resources

**Water Appropriation, File No.** WATER RESOURCES RECEIVED

**New Application Map** JUN 12 2017

**8-29S-2W // Sedgwick County** KS DEPT OF AGRICULTURE

All landowners withing 1/2 mile up and downstream of my property are shown.

*[Signature]*  
Signature

April 19 2017

3/22/17 EKF-DWR Scale 1:24,000

SCANNED

# MAP A

From: Rapid Services rapidservicesllc@yahoo.com  
Subject: Number 1  
Date: Jan 19, 2017, 6:20:49 AM  
To: dazict@hotmail.com



Sent from my iPhone

WATER RESOURCES  
RECEIVED

JAN 31 2017

MS DEPT OF AGRICULTURE

SCANNED

MAP B

From: Rapid Services [rapidservicesllc@yahoo.com](mailto:rapidservicesllc@yahoo.com)  
Subject: Number 2  
Date: Jan 19, 2017, 6:22:57 AM  
To: [dazict@hotmail.com](mailto:dazict@hotmail.com)



Elevation  
Top of West Dam  
7.7

Elevation Bottom of  
Spillway 11.2

Sent from my iPhone

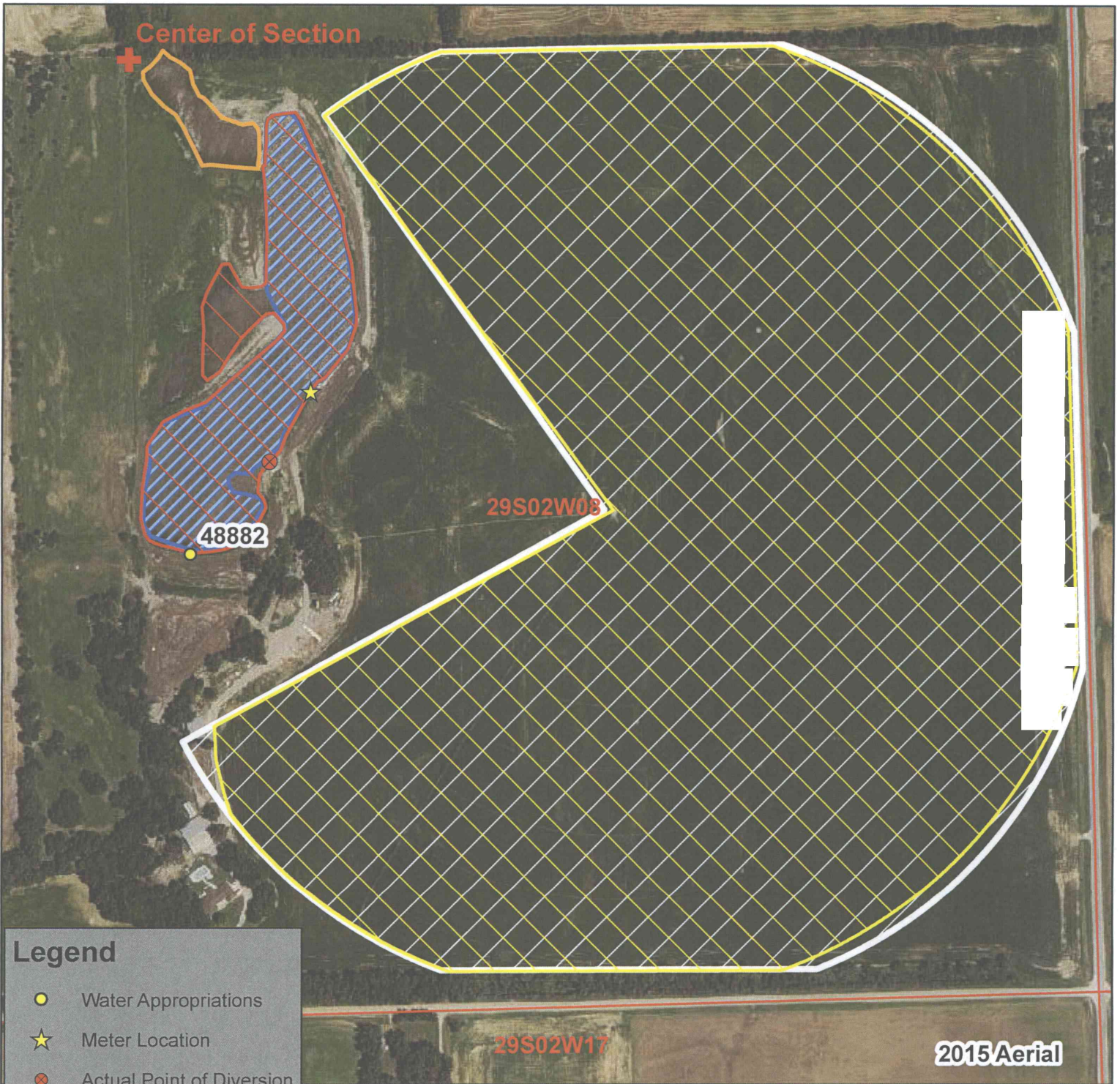
Elevation of South Dam  
7.6

WATER RESOURCES  
RECEIVED

JAN 31 2017

MS DEPT OF AGRICULTURE

SCANNED



**Legend**

- Water Appropriations
- ★ Meter Location
- ⊗ Actual Point of Diversion

Section Lines

**Place of Use**

- Actual Pond 2015
- Actual Irrigated Acres
- Authorized Irrigation
- Authorized Recreation
- Silt Pond



**Water Appropriation, File No. 48882**  
**Field Inspection Map**  
**8-29S-2W**  
**Sedgwick County**

