

NOTICE

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

OCT 23 2019

1223

(KS DEPT OF AGRICULTURE)

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50306
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): Lyle A Schuette

Address: 4661 South Greenwich Road

City: Derby State KS Zip Code 67037-8836

Telephone Number: (316) 641-2347-650-0541 650 0541

2/4/2020
KJN

2. The source of water is: [X] surface water in un-named tributary to Spring Creek (stream)

OR [] groundwater in located within the Arkansas River Basin (drainage basin)

2/4/2020
LMoody

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 12.51 acre-feet OR 4,076,396 gallons per calendar year, to be diverted at a maximum rate of 300 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) [X] 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 REC Source G/S County SG By KJN Date 10/24/19
Code REG Fee \$ 200 TR # Receipt Date 10/24/19 Check # 8628

12/5/2019
LMoody

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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 SE quarter of the SE quarter of the SE quarter of Section 16, more particularly described as being near a point 605 feet North and 525 feet West of the Southeast corner of said section, in Township 28 South, Range 2 East, Sedgwick County _____ 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):

Lyle A & Deborah K Schuette, 4661 South Greenwich Road, Derby, KS 67037-8836 (316) 641-2347
(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 October 20, 2019 _____
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 pumpsite and one dam
(number of wells, pumps or dams, etc.)

and (was) completed (in) 2019
(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 2019
(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 none
- If no, explain here why a Water Structures permit is not required When the complaint about this pond first arose in July of 2019. Staff in DWR Headquarters checked with DWR Structures. Structures confirmed that no permitting was needed at that time.

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

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

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

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

none

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OCT 23 2019

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	<u>n/a</u>	<u>--</u>	<u>--</u>	<u>--</u>
Total depth of well	<u>n/a</u>	<u>--</u>	<u>--</u>	<u>--</u>
Depth to water bearing formation	<u>n/a</u>	<u>--</u>	<u>--</u>	<u>--</u>
Depth to static water level	<u>n/a</u>	<u>--</u>	<u>--</u>	<u>--</u>
Depth to bottom of pump intake pipe	<u>n/a</u>	<u>--</u>	<u>--</u>	<u>--</u>

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):
Lyle A & Deborah K Schuette, 4661 South Greenwich Road, Derby, KS 67037-8836 (316) 641-2347
(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 Derby, Kansas, this 12 day of Oct, 2019
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Land Owners 1/2 mi up and Downstream

Martha Van Winkel

4415 S Greenwich Derby Ks 67037

Mailing address 110 E. 47th S Derby Ks 67037

James L Martin

4300 S Greenwich Derby Ks 67037

Mailing address 1901 S Triple Crown Wichita Ks 67230

Donald R Siemer

11100 E 47th So Derby Ks 67037

Ryan Boyce

10813 E 47th So Derby Ks 67037

Donald Timperley

11005 E 47th So Derby Ks 67037

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OCT 23 2019

KS DEPT OF AGRICULTURE

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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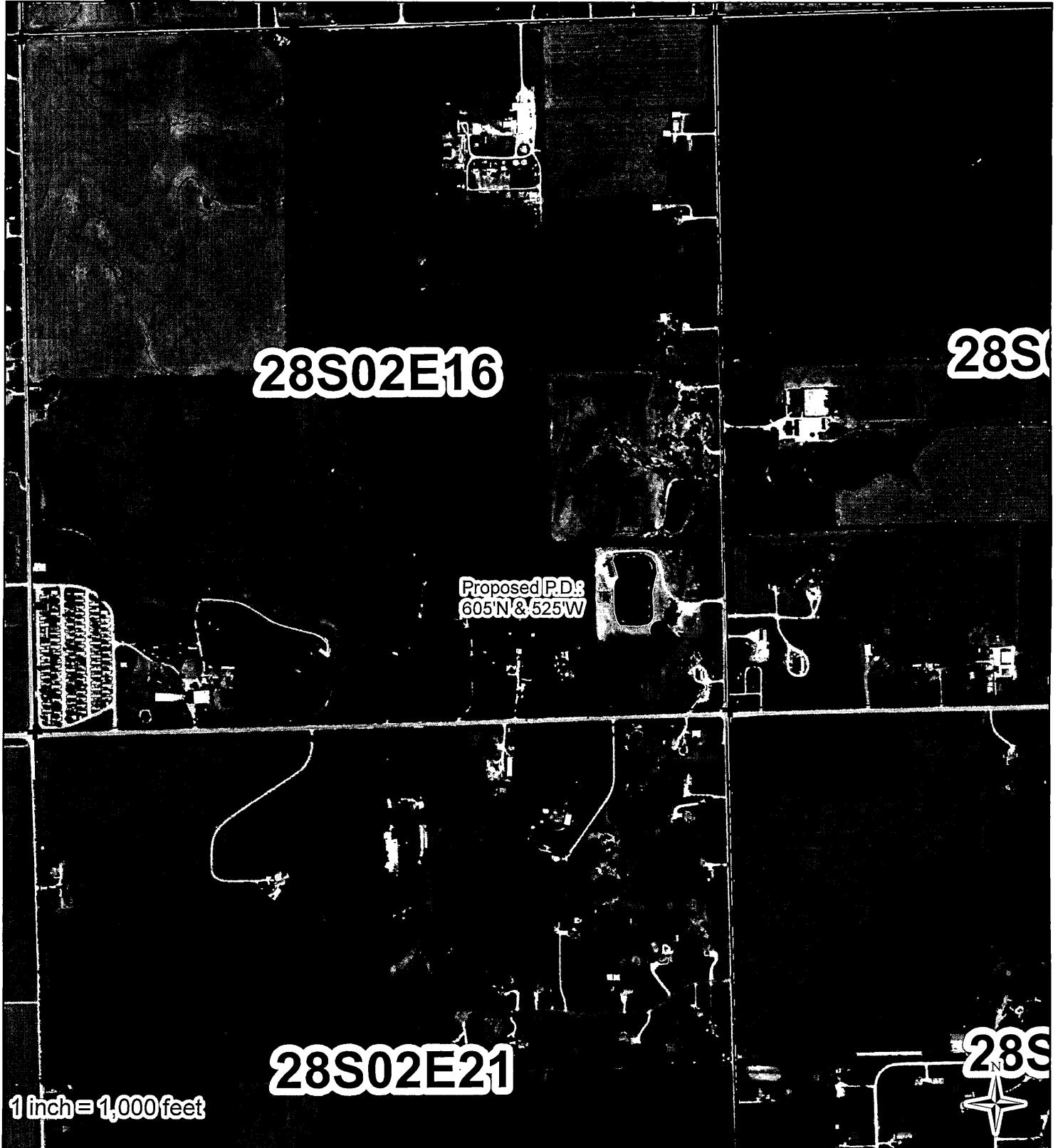
OCT 23 2019

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OCT 23 2019

File No.

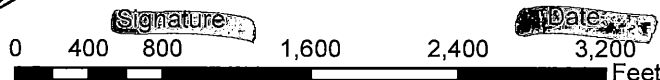
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I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

- Proposed PD
- ▨ Proposed Place Of Use
- ▲ Water Rights
- ⊕ SFFOsec_corners

Lydia A. Schmitt Oct 22 2019

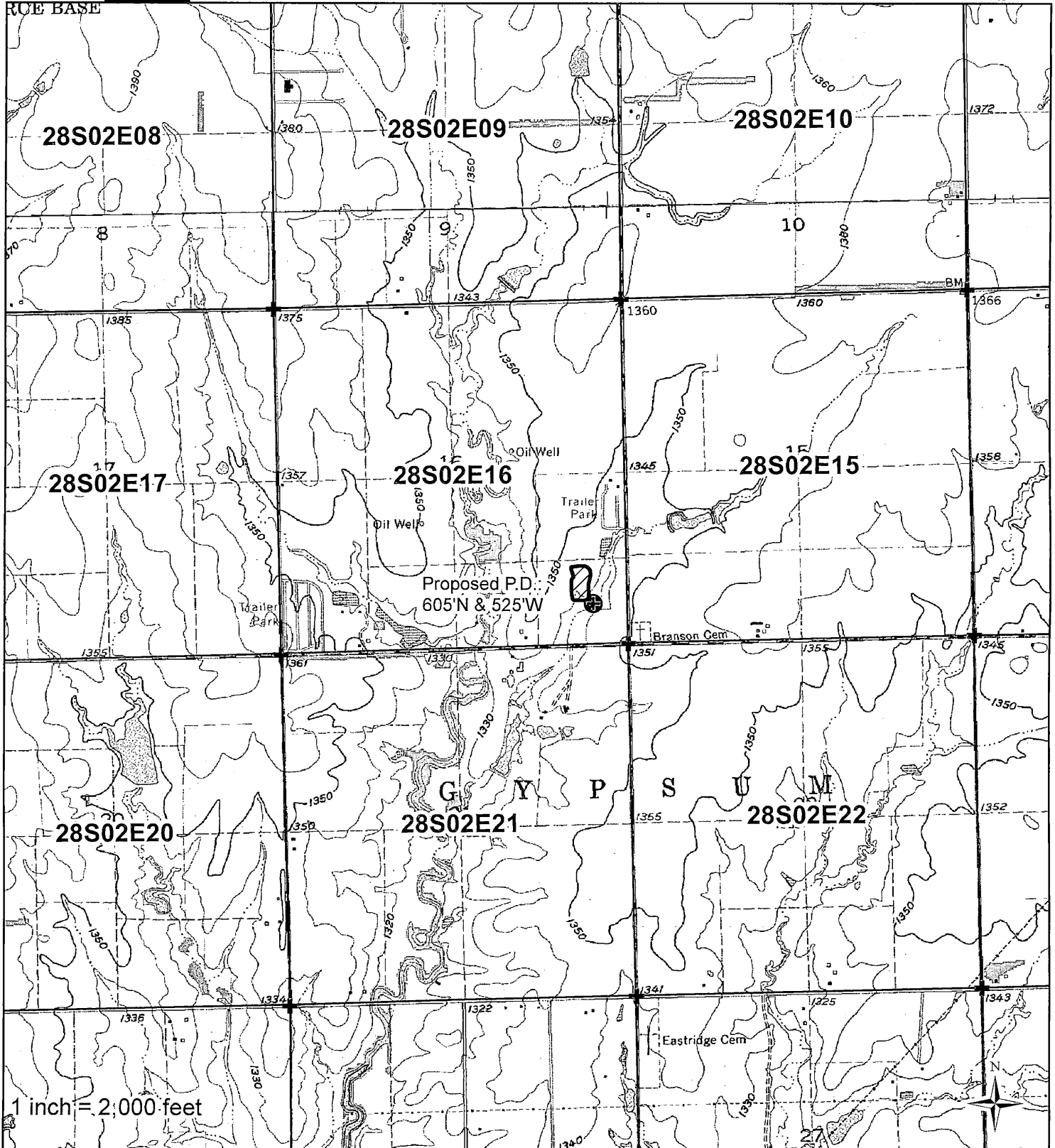


Created By: Matt Meier
F.O. 2
Date: 10/10/2019





OCT 23 2019

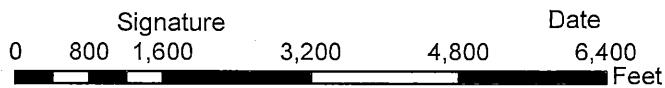
File No.
RUE BASE

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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 map.

-  Proposed PD
-  Proposed Place of Use
-  Water Rights
-  SFFOsec_corners



Created By: Matt Meier
F.O. 2
Date: 10/10/2019

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Lyle A Schuette

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

2. Please summarize how the water will be used and justify the quantity of water requested: The water
pumped from the tributary will be used to replace evaporative losses in the pond and potential
seepage.

3.1 acres x 19" evaporation = 4.91 AF + 0.25" per day of seepage x 365 days / 12" = 7.6 AF

evaporation of 4.91 AF + seepage of 7.6 AF = 12.51 AF

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

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	12.51
Year 2	12.51
Year 3	12.51
Year 4	12.51
Year 5	12.51

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.

One 3.1 acre pond located in the N½ of the SE SE of Section 16, Township 28 South, Range 2 East

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

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(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.

Lyle A Schvette 
Signature of Applicant


State of Kansas)
) ss
County of Butler)

Lyle A Schvette 
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 21 day of October, 2019.

[Signature] 
Notary Public

My Commission Expires:

 **KIMBERLEE NAILLIEUX**
Notary Public - State of Kansas
My Appt. Expires 8/30/2021

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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

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50306

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>67088</u>	<u>87745</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>67088</u>	<u>69684</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>67088</u>

NEW STREAM WORKSHEET

ES KJN

Date: 2/4/2020

File No. 50,306

Basin Name: Arkansas River Basin No. 33

Stream Name: Spring Creek 1 Trib 2A (Arkansas River)

Stream Location (confluence with parent stream):

Section 16, Township 28 South, Range 2 ()

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

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

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

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

Stream No. 3975 (computer assigned - entered by data entry staff)

Date Entered _____ By _____

2/4/2020
KJN

Laura: This is the tributary the PD is located on. The other New Stream Worksheet clipped on is for the parent stream I had to name (Spring Creek 1 Trib 2)

NEW STREAM WORKSHEET

ES KJN

Date: 2/4/2020

File No. 50,306

Basin Name: Arkansas River Basin No. 33

Stream Name: Spring Creek 1 Trib 2 (Arkansas River)

Stream Location (confluence with parent stream):

Section 16, Township 28 South, Range 2 ()

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

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

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

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

Stream No. 3974 (computer assigned - entered by data entry staff)

Date Entered _____ By _____