

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

1. File Number: <p style="text-align: center;">49705</p>	2. Status Change Date: <p style="text-align: center;">3/24/2017</p>	3. Field Office: <p style="text-align: center;">3</p>	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 **65153**
New to system Add Seq# _____

SHERLYN B & IRENE F KATS
375 HWY 183
STOCKTON KS 67669

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

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

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

8. WUR Correspondent Person ID **65153**
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: **12/31/2018** 11. Perfection Date: **12/31/2022** 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: **3/17/2017** By: **AM**
Date Entered: 3/29/2017 By: LLM

File No. **49705** 15. Formation Code: Drainage Basin: **Saline River** County: **RO** Special Use: Stream: **Paradise Creek Trib. 1**

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
CHK	85619	SE SE SE			28	9S	16W	1	460	435

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
				No

18. Storage: Rate **ALL** NF Quantity **156.4** ac/ft Additional Rate **ALL** NF Additional Quantity **156.4** 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	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						
CHK	68037	28 9S 16W 1						ONE (1) RESERVOIR 46.4 AC SE¼ SE¼ 28-9S-16W																	7a	No	No		

Comments: **WATER CONTROL STRUCTURE, WSN. DRO-0089, EXEMPT CLASS A DAM**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** March 16, 2017
FROM: Austin McColloch **RE:** New Application,
File No. 49,705

Sherlyn & Irene Kats have filed the above referenced application to appropriate 156.4 acre-feet of surface water for recreational use, located in the Saline River Drainage Basin. The applicant owns the land where the proposed point of diversion is located and stated on the application having access to that land.

The applicant is requesting 156.4 acre-feet of surface water to be diverted at a maximum rate of natural flows from Paradise Creek Tributary 1 to the Saline River. The point of diversion is one (1) dam located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼ SE¼) of Section 28, more particularly described being near a point 460 feet North and 435 feet West of the Southeast corner of said section, in Township 9 South, Range 16 West, Rooks County, Kansas. The Water Structures permit number associated with this dam is WSN. DRO-0089, this is an exempt class A dam. There is no proposed re-diversion of water from the reservoir created.

The quantity of water requested was based on the calculations provided by K.A.R. 5-6-4 *determination of potential annual runoff* and K.A.R. 5-6-5 *maximum reasonable annual quantity for storage of water for beneficial use in a reservoir*. K.A.R. 5-6-4 provides the following information:

20 % Chance runoff = 4.5 inches
90 % Chance = 0.1 inches
50 % Chance = 1 inches
Soil Complex Number = 76
Normal Annual Precipitation = 24 inches
Area of Watershed = 1,783 acres (per Leonard Bristow)

K.A.R. 5-6-5 provides the maximum reasonable annual quantity of water for storage in a reservoir and shall be limited to the lesser of either of the following:

- (a) potential annual runoff 4.5 inches x 1783 acres x 1foot/ 12 inches = **668.625 acre-feet**
(b)(1)(A) three-year supply re-diverted **Zero** (no re-diversion proposed)
(b)(1)(B) three-year supply indirect use potential net evaporation x capacity at spillway x 3 years
17.4 acres x 2.67 feet x 3 = **139.2 acre-feet**
(2) storage annual quantity re-diverted + reservoir capacity + one year indirect use
Zero + 111 acre-feet + 46.4 acre-feet = **156.4 acre-feet**

Because the quantity calculated in (a) and (b)(1)(B) exceed the reservoir capacity the quantity that should be used and is requested is 156.4 acre-feet.

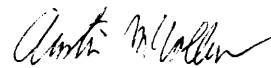
There are no other water rights, either groundwater or surface water, within two-miles of the proposed point of diversion.

Multiple landowners were identified by the applicant to own land a half mile upstream and downstream of the property where the proposed point of diversion is located. Nearby notifications were sent out on February 6, 2017. One phone call was received concerned about the proposed project but no further correspondence in the form of a formal letter opposing the project was received. This is not a new reservoir, it has been in operation since roughly 1970, therefore continued use of this reservoir with a DWR permit on it will likely not impair any domestic uses in the area.

In a March 16, 2017 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced application be approved.



Austin McColloch
Environmental Scientist

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

SHERLYN B & IRENE F KATS
375 HWY 183
STOCKTON KS 67669

March 30, 2017

Re: Appropriation of Water, File No. 49,705

FILE COPY

Dear Mr. or Mrs. Kats:

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. Please note that no permit is required from our Water Structures Program at this time for the dam associated with this project, however, if this dam is not constructed as proposed, or should you consider re-building or modifying this structure you will need to obtain the proper structures permit for such work.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. Records must be maintained from which the quantity of water actually diverted may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

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

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

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

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,

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

BAT:am
Enclosures
pc: Stockton 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. 49,705** of the applicant

**SHERLYN B & IRENE F KATS
375 HWY 183
STOCKTON KS 67669**

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 **September 16, 2016**.
2. That the water sought to be appropriated shall be used for recreational use in one (1) reservoir, located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 28, in Township 9 South, Range 16 West, Rooks County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of Paradise Creek Trib 1 (Saline River), not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **156.4 acre-feet** per calendar year, in one (1) reservoir created by a water control structure located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 460 feet North and 435 feet West of the Southeast corner of said section, in Township 9 South, Range 16 West, Rooks County, Kansas, as shown on the topographic map accompanying the application.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2018** 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.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** 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.
6. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

7. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
8. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
10. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
11. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.
13. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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.

Ordered this 24th day of March, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24th day of March, 2017, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 30th day of March, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,705, dated March 24, 2017, was mailed postage prepaid, first class, US mail to the following:

SHERLYN B & IRENE F KATS
375 HWY 183
STOCKTON KS 67669

With photocopies to:
Stockton Field Office

Danielle Wilson

Division of Water Resources

APPLICATION COMPLETE

3/16/17
Reviewer AM

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,705
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.)

SEP 16 2016
11:17
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): Sherlyn B. & Irene F. Kats
Address: 375 Hwy 183
City: Stockton, KS 67669 State KS Zip Code 67669
Telephone Number: (785) 425-6507

2. The source of water is: surface water in Saline (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 156.4 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF 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. 3 GMD 256 Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County RO By AJW Date 9/16/16
Code 256 Fee \$ 300 TR # _____ Receipt Date 9/16/16 Check # 2205

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 28, more particularly described as being near a point 460 feet North and 435 feet West of the Southeast corner of said section, in Township 09 South, Range 16 West, Rooks 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.

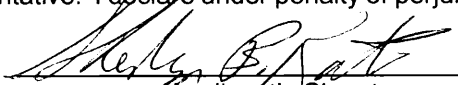
6. The owner of the point of diversion, if other than the applicant is (please print):

_____ (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 9-13, 2016. 
 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 1 Dam (number of wells, pumps or dams, etc.) and was completed (by) _____ (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 ~1970 (Mo/Day/Year)

WATER RESOURCES RECEIVED

SEP 16 2016

SCANNED

NEW STREAM WORKSHEET

ES AW

Date: 9/16/16

File No. 49,705

Basin Name: Saline Basin No. 18

Stream Name: Paradise Creek Trib 1 (Saline)

Stream location (confluence with parent stream):

Section 12, Township 10 South, Range 15 ~~(East)~~ ^{West}

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. 3 8 8 8 (computer assigned - entered by data entry staff)

Date Entered 9/19/2016 By LLM

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 WSN. DRO-0089

• 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.

WATER RESOURCES
RECEIVED

SEP 16 2016

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):

(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 Stockton, Kansas, this 13 day of Sept (month), 2016 (year).

Shelby B. Kott
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by S. Walters STRFO Date: 13 Sep 2013
(office/title)

WATER RESOURCES
RECEIVED

SEP 16 2016

KS DEPT OF AGRICULTURE

SCANNED

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
RECEIVED

SEP 16 2016

KS DEPT OF AGRICULTURE

SCANNED

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 49705

Name of Applicant (Please Print): Sherlyn B & Irene F Kats

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

2. Please summarize how the water will be used and justify the quantity of water requested: _____
The quantity requested is based on regulatory calculations of the storage capacity of the dam and the indirect use associated with the dam. There will be no water re-diverted.

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	156.4
Year 2	156.4
Year 3	156.4
Year 4	156.4
Year 5	156.4

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.

S28 T9S R16W WATER RESOURCES RECEIVED
46.4 AC Reservoir Capacity SEP 16 2016
 _____ KS DEPT OF AGRICULTURE

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

WS No. DRO-0089

RESERVOIR CAPACITY TABLE

ELEV.	AREA ACRES	ACRE FEET	TOTAL
87	0.0	0.0	0.0
90	3.02	3.02	3.02
92	4.69	7.68	10.70
94	6.90	11.59	22.29
96	8.99	15.89	38.18
CREST OF RISER → 98	12.00	20.99	59.17
100	15.20	27.20	86.37
CREST OF EM. SPWY. → 101.5	<u>17.4</u>	—	111.00
102	18.2	33.40	119.77
104	22.3	40.50	160.27
TOP OF DAM → 105	—	—	184.00
106	25.6	47.90	208.17

111.00
 59.17

 51.83

WATER RESOURCES RECEIVED

SEP 16 2016

KS DEPT OF AGRICULTURE

SCANNED

Landowners ½ mile upstream and downstream

James E. Casey
17248 Robinson Rd
Siloam Springs, AR 72761

✓ John H. & Marlene A. Tuthill
6405 Grandview Hts
Tillamook, OR 97141

✓ Donald M. & Doris M. Casey Revocable Trust
Attn: Tom Casey
3713 Hillcrest Drive
Hays, KS 67601

✓ Thomas E. Casey
3713 Hillcrest Drive
Hays, KS 67601

Thomas E. & Mary L. Casey
3713 Hillcrest Drive
Hays, KS 67601

✓ Margaret Plante
202 S Kansas
Plainville, KS 67663

Bruce M. & Paula R. Hachmeister Revocable Trust
2447 Z Terr
Natoma, KS 67651

Marvin D. McReynolds Revocable Trust #1
Attn: Tony McReynolds
#9 Hillcrest
Stockton, KS 67669

James Russell
405 S Meridian
Plainville, KS 67663

WATER RESOURCES
RECEIVED

SEP 16 2016

KS DEPT OF AGRICULTURE
SCANNED

3-6-17
(Date)

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

WATER RESOURCES
RECEIVED

MAR 08 2017

KS DEPT OF AGRICULTURE

Re: Application
File No. 49,705

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.

Sherlyn B. Kats
Signature of Applicant

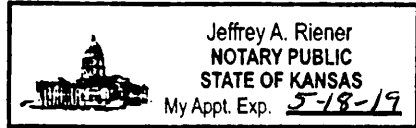
State of Kansas)
County of Rooks) ss

Sherlyn B Kats
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6th day of March, 2017.

Jeffrey A. Riener
Notary Public

My Commission Expires: 5-18-19



**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

K.A.R. 5-6-4

1) 20% Chance runoff = 4.5 inches

90% Chance = 0.1 inches

50% Chance = 1.0 inches

2) Soil Complex Number = 76

3) Normal Annual Precipitation = 24 inches

4) Area of the watershed = 1783 acres (Per Leonard Bristow)

K.A.R 5-6-5

$$a) 4.5 \text{ inches} \times 1783 \text{ acres} \times \frac{1 \text{ foot}}{12 \text{ inches}} = 668.625 \text{ acre feet}$$

b)

1)(A) Zero – no re-diversion

(B) *Potential Net Evaporation* × *Capacity at Spillway* × 3 years

$$= 17.4 \text{ acres} \times 2.67 \text{ feet} \times 3 = 139.2 \text{ acre feet}$$

2)

(A) Zero

(B) 111 acre feet

(C) 46.4 acre feet

Beneficial Use + Reservoir Capacity + 1 year indirect use =

$$0 + 111 \text{ acre feet} + 46.4 \text{ acre feet} = \blacksquare$$

WATER RESOURCES
RECEIVED

SEP 16 2016

KS DEPT OF AGRICULTURE

SCANNED

McColloch, Austin

From: Stewart, Kelly
Sent: Thursday, March 16, 2017 11:47 AM
To: McColloch, Austin
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Recommendation File No. 49,705

Austin,

I have no objection to the approval of this application.

Kelly

From: McColloch, Austin
Sent: Thursday, March 16, 2017 11:32 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Recommendation File No. 49,705

Kelly,

Attached is my draft memo for the application submitted by Sherlyn & Irene Kats. This is a surface water application for a recreation reservoir on a trib. to the Saline River in Rooks County.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

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

February 23, 2017

SHERLYN B & IRENE F KATS
375 HWY 183
STOCKTON KS 67669

Re: Application
File Nos. 49,705

Dear Mr. or Mrs. Kats:

All applications to appropriate water for beneficial use filed on or after April 12, 1984, are subject to any minimum desirable streamflow requirements identified and established pursuant to KSA 82a-703c. The above referenced application was received in the office of the Chief Engineer on September 16, 2016, and is therefore subject to the minimum desirable streamflow requirement established by the legislature for the source of supply to which this application applies. Enclosed is a form which will need to be signed and notarized.

If you have any questions, please contact me at (785) 564-6643. 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 "Austin McColloch".

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)
pc: Stockton Field Office

WATER RESOURCES
RECEIVED

MAR 08 2017

KS DEPT OF AGRICULTURE

SCANNED

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

February 6, 2017

DONALD M & DORIS M CASEY REV TRUST
ATTN: TOM CASEY
3713 HILLCREST DRIVE
HAYS KS 67601

Re: Application
File Nos. 49,705

Dear Mr. Casey:

This is to advise you that Sherlyn & Irene Kats has filed the applications referred to above for permit to appropriate a 156.4 acre-feet of surface water per calendar year from Paradise Creek trib. 1 to the Saline River for recreational use from one pond to be filled by natural flow. Surface water will be stored by dam at one site located as follows:

one (1) dam located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 28, more particularly described as being near a point 460 feet North and 435 feet West of the Southeast corner of said section, in Township 9 South, Range 16 West, Rooks County, Kansas.

A copy of an aerial map depicting the location of the proposed points of diversion is also enclosed. Records in this office indicate that you own land along the tributary in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed locations of the applicant's points 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) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stockton Field Office

SCANNED

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

February 6, 2017

JAMES E CASEY
17248 ROBINSON RD
SILOAM SPRINGS KS 72761

FILE COPY

Re: Application
File Nos. 49,705

Dear Mr. Casey:

This is to advise you that Sherlyn & Irene Kats has filed the applications referred to above for permit to appropriate a 156.4 acre-feet of surface water per calendar year from Paradise Creek trib. 1 to the Saline River for recreational use from one pond to be filled by natural flow. Surface water will be stored by dam at one site located as follows:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stockton Field Office

SCANNED

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

February 6, 2017

JAMES RUSSELL
405 S MERIDIAN
PLAINVILLE KS 67663

Re: Application
File Nos. 49,705

Dear Mr. Russell:

This is to advise you that Sherlyn & Irene Kats has filed the applications referred to above for permit to appropriate a 156.4 acre-feet of surface water per calendar year from Paradise Creek trib. 1 to the Saline River for recreational use from one pond to be filled by natural flow. Surface water will be stored by dam at one site located as follows:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stockton Field Office

SCANNED



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

February 6, 2017

MARVIN MCREYNOLDS REV TRUST #1
ATTN: TONY MCREYNOLDS
#9 HILLCREST
STOCKTON KS 67669

Re: Application
File Nos. 49,705

Dear Mr. McReynolds:

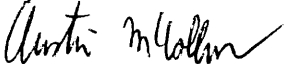
This is to advise you that Sherlyn & Irene Kats has filed the applications referred to above for permit to appropriate a 156.4 acre-feet of surface water per calendar year from Paradise Creek trib. 1 to the Saline River for recreational use from one pond to be filled by natural flow. Surface water will be stored by dam at one site located as follows:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stockton Field Office

SCANNED

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

February 6, 2017

BRUCE & PAULA HACHMEISTER REV TRUST
2447 Z TERR
NATOMA KS 67651

Re: Application
File Nos. 49,705

Dear Sir or Madam:

This is to advise you that Sherlyn & Irene Kats has filed the applications referred to above for permit to appropriate a 156.4 acre-feet of surface water per calendar year from Paradise Creek trib. 1 to the Saline River for recreational use from one pond to be filled by natural flow. Surface water will be stored by dam at one site located as follows:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stockton Field Office

SCANNED

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

February 6, 2017

MARGARET PLANTE
202 S KANSAS
PLAINVILLE KS 67663

Re: Application
File Nos. 49,705

Dear Sir or Madam:

This is to advise you that Sherlyn & Irene Kats has filed the applications referred to above for permit to appropriate a 156.4 acre-feet of surface water per calendar year from Paradise Creek trib. 1 to the Saline River for recreational use from one pond to be filled by natural flow. Surface water will be stored by dam at one site located as follows:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stockton Field Office

SCANNED

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

February 6, 2017

JOHN & MARLENE TUTHILL
6405 GRANDVIEW HTS
TILLAMOOK KS 97141

Re: Application
File Nos. 49,705

Dear Mr. or Mrs. Tuthill:

This is to advise you that Sherlyn & Irene Kats has filed the applications referred to above for permit to appropriate a 156.4 acre-feet of surface water per calendar year from Paradise Creek trib. 1 to the Saline River for recreational use from one pond to be filled by natural flow. Surface water will be stored by dam at one site located as follows:

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If you have any questions, please contact me at (785) 564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stockton Field Office

SCANNED

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

September 16, 2016

SHERLYN B & IRENE F KATS
375 HWY 183
STOCKTON KS 67669

FILE COPY

RE: Application
File No. 49705

Dear Sir or Madam:

Your application for permit to appropriate water in 28-9S-16W in Rooks 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,

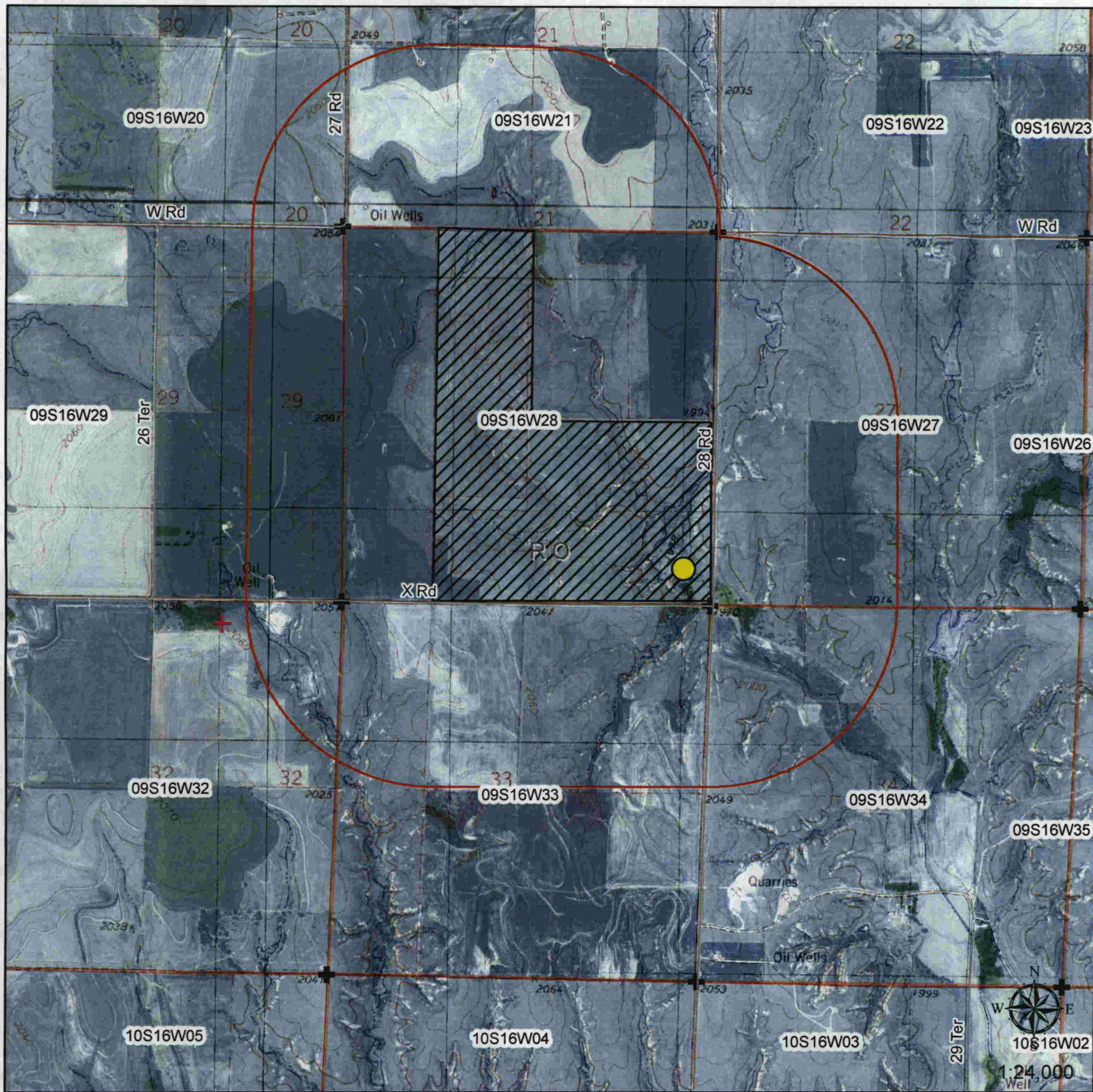
A handwritten signature in black ink that reads "Brent A. Turney". The signature is fluid and cursive.

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

BAT: dlw
pc: STOCKTON Field Office
GMD

SCANNED

New Application - Surface Water



Signature Required

Shelby B. [Signature]

By signing this I am stating that to the best of my knowledge that all landowners within 1/2 mile upstream and downstream of my property are identified on this map or listed on an attachment to this map.

WATER RESOURCES
RECEIVED

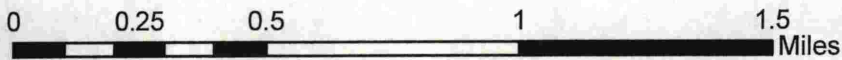
- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion
- ▨ Property
- Proposed Point of Diversion
- 1/2 Mile Buffer

SEP 16 2016

SCANNED



1:24,000



Legend

■ Point of Diversion

New Application, File No. 49,705

Reservoir Pond for Recreational Use

28-9S-16W Rooks County, KS

SCANNED

AM/DWR

Date: 2/3/2017