

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

1. File Number: <b>49,733</b>	2. Status Change Date: <b>5/26/2017</b>	3. Field Office: <b>03</b>	4. GMD: <b>0</b>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> Person ID <b>40492</b> Add Seq# _____		7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
<b>USDA NATURAL RESOURCES CONS SER</b> <b>760 S BROADWAY</b> <b>SALINA KS 67401-4604</b>			
7b. Landowner(s) New to system <input checked="" type="checkbox"/> Person ID <b>51002</b> Add Seq# <b>2</b>		7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
<b>KS DEPT. OF WILDLIFE PARKS AND TOURISM</b> <b>% ROBERT UNRUH</b> <b>2446 250 ROAD</b> <b>WEBBER KS 66970</b>			
8. WUR Correspondent New to system <input type="checkbox"/> Person ID <b>51002</b> Overlap File (s) WUC            Add Seq# <b>2</b> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No            Notarized WUC Form <input type="checkbox"/>		9. Use of Water:    Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water  <input type="checkbox"/> IRR <input checked="" type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND    SIC: _____ <input type="checkbox"/> OTHER: _____	
7b.			
10. Completion Date: <b>12/31/2018</b>			11. Perfection Date: <b>12/31/2022</b>
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: <b>5/9/2017</b> By: <b>DWS</b> Date Entered: <b>6/2/2017</b> By: <b>LEM</b>			

File No. **49,733**      15. Formation Code:      Drainage Basin: **REPUBLICAN RIVER**      County: **RP**      Special Use:      Stream: **EAST SALT CREEK-TRIB 2A**

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
✓				<b>85756</b>	<b>NW NE SW</b>	<b>29</b>	<b>4S</b>	<b>2W</b>	<b>2</b>	<b>2475 3730</b>

17. Rate and Quantity				
Authorized			Additional	
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<del>NF</del>	<del>162.1</del>	<del>NF</del>	<del>162.1</del>	<b>None</b>
0	0	0	0	

18. Storage: Rate **NF** NF Quantity **162.1** ac/ft      Additional Rate NF Additional Quantity   ac/ft

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

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

21. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? YES	Overlap Files	
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
ENT	<b>68396</b>	<b>20</b>	<b>4S</b>	<b>2W</b>		<b>WETLAND MARSH (<del>E2 SW</del>) (S2 SW)</b>																	<b>7b</b>	<b>YES</b>	<b>49734</b>	
MOD	<b>68133</b>	<b>29</b>	<b>4S</b>	<b>2W</b>	<b>2</b>	<b>WETLAND MARSH (<del>NW &amp; E2 SW</del>) (E2 SW)</b>																	<b>7b</b>	<b>YES</b>	<b>49734</b>	

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** May 9, 2017

**FROM:** Doug Schemm

**RE:** Applications, File Nos. 49,733 and  
49,734 (Trost - Borchardt Wetland)

The USDA NRCS has filed the above-referenced applications to appropriate surface water at the rate of natural flows for recreational use in wetlands. File No. 49,733 (Dike 1) is requesting 162.1 acre-feet of surface water storage of Salt Creek Trib 2A (Republican), while File No. 49,734 (Dike 2) is requesting 228.7 acre-feet of surface water storage of Salt Creek Trib 2 (Republican). The applicant has identified these projects as the Kansas Department of Wildlife, Parks, and Tourism-Trost-Borchardt Wetland Reserve Program site (Talmo Marsh). The application is designed to cover the capacity of the marshes and the indirect use of water (evaporation). The overall project includes the (S½ SW¼) of Section 20, and the (NW¼) and (E½ SW¼) of Section 29, all in Township 4 South, Range 2 West, Republic County, Kansas. This was confirmed with Peter Clark, Design Engineer with NRCS in a 5/9/2017 telephone call. In order to provide the most flexibility, the entire project area will be included in the Place of Use, and the files will overlap in place of use. The applicant has provided supporting information for these projects including Warranty Easement Deeds. Because these are Wetland Reserve Program sites, located on property covered by permanent NRCS easements, no structures permitting is required (see May 2, 2017 e-mail from Kim Hunninghake).

According to Peter Clark, Design Engineer with NRCS, and related diagrams, each of the proposed wetlands will be controlled by a single water control structure (stoplog). Water will ultimately be released into East Salt Creek from the water control structures. There is one other dike (Dike 3), which is part of this project, however, its storage capacity is less than 15 acre-feet of water. The Dike 2 basin has a storage capacity of 113.2 acre-feet at top of control structure, and the Dike 1 basin has a storage capacity of 86.2 acre-feet at top of control structure. The requested quantity of water will be collected via natural flows (minimal drainage, on-site rainfall, and flood events on East Salt Creek).

Kansas Department of Wildlife, Parks, and Tourism owns the land where the dikes are located and the majority of the drainage area to the North and East (see attached "Easement Area Boundary" map). There are no other water rights located 2 miles upstream or downstream on East Salt Creek, except for similar KDWP & T water rights. Therefore, the proposed appropriation of water should not negatively impact senior water rights, and no notification letters are necessary.

For File No. 49,733, capacity information included with the application indicates that at normal pool storage elevation, the surface area of the marsh is 47.53 acres, and the total capacity at the top of the stoplogs is 86.2 acre-feet. The requested quantity of 162.1 acre-feet appears to be reasonable, allowing for the appropriation of one year of net evaporation plus the capacity, as follows:

47.53 surface acres x 19 inches of net evaporation / 12 inches = 75.89 acre-feet

Capacity is 86.2 acre-feet, for a combined total of 162.1 acre-feet

For File No. 49,734, capacity information included with the application indicates that at normal pool storage elevation, the surface area of the marsh is 72.93 acres, and the total capacity at the top of the stoplogs is 113.2 acre-feet. The requested quantity of 228.7 acre-feet appears to be reasonable, allowing for the appropriation of one year of net evaporation plus the capacity, as follows:

72.93 surface acres x 19 inches of net evaporation / 12 inches = 115.47 acre-feet

Capacity is 113.2 acre-feet, for a combined total of 228.7 acre-feet

By definition in K.A.R. 5-1-1 (pp), indirect use includes the total of seepage loss and annual net evaporation. However, the applicant must provide relevant, credible information, or it will be assumed that there is no seepage loss per K.A.R. 5-6-8. The applicant did not provide any seepage information; therefore, the maximum allowed quantity would be the requested quantities of water. Typically, for these types of projects, the wetland will not be constantly at full pool height and will likely be empty at times throughout the year.

Flow meters are not practical and should not be required as a condition of the approval of these applications. The applicant will be required to maintain records from which the amount of water actually diverted may be readily determined. This is consistent with permits granted for similar types of wetlands projects.

In an email received on May 3, 2017, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the applications.

Based upon the above discussion, the area is open to new applications, these projects are in the public interest, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced applications be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

## Schemm, Doug

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**Subject:** 49,733 and 49,734 USDA NRCS

**From:** Stewart, Kelly  
**Sent:** Thursday, May 4, 2017 9:54 AM  
**To:** Schemm, Doug <Doug.Schemm@ks.gov>  
**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>; Hageman, Rebecca <Rebecca.Hageman@ks.gov>  
**Subject:** RE: 49,733 and 49,734 USDA NRCS

Doug,

I have no objection to the approval of the referenced applications.

Kelly

**From:** Schemm, Doug  
**Sent:** Tuesday, May 2, 2017 5:00 PM  
**To:** Stewart, Kelly <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark <Mark.Billinger@ks.gov>  
**Subject:** 49,733 and 49,734 USDA NRCS

Hello Stockton,  
Typical Wetland marshes by the NRCS. We did one up in this same area a while back (48,619). No structures permitting is required.  
Have a great rest of week,  
Doug

**Schemm, Doug**

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**Subject:** USDA-NRCS 49,733 and 49734

These are both Wetlands Reserve Program projects through the NRCS, so as discussed below, no structures permitting is required.

**From:** Hunninghake, Kimberly  
**Sent:** Tuesday, May 2, 2017 4:02 PM  
**To:** Schemm, Doug <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** RE: USDA-NRCS

Doug,  
It depends if the project I funded through a special NRCS Wetlands Reserve Programs.

According to Chad, on May 1, 2013, we received a letter from Daniel Meyerhoff, Acting State Conservationist, noting the U.S Department of Agriculture, Office of the General Counsel, provided a legal opinion that federal government programs are not subject to state or local regulation. This opinion applies to Wetlands Reserve Programs for which the Natural Resources Conservation Service (NRCS) holds a permanent easement.

Thanks,  
Kim

**From:** Schemm, Doug  
**Sent:** Wednesday, April 26, 2017 3:57 PM  
**To:** Hunninghake, Kimberly <[Kimberly.Hunninghake@ks.gov](mailto:Kimberly.Hunninghake@ks.gov)>  
**Subject:** USDA-NRCS

Hello Kim,  
Hey are you able to view our scanned images?  
NRCS filed applications, File Nos. 49,733 and 49,734 for wetlands in Republic county. The scanned images have all the details on capacity, dikes, etc. I worked another in this area that was initially thought to need a permit (Structures Permit Number LRP-0035). However, a subsequent review (see June 24, 2013 letter from Chad Voigt) determined that this earlier project did NOT need a water structures permit.  
Thanks,  
Doug

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

June 5, 2017

**FILE COPY**

USDA NATURAL RESOURCES CONSERVATION SERVICE  
760 S BROADWAY  
SALINA KS 67401-4604

Re: Appropriation of Water, File Nos. 49,733 and 49,734

Dear Sir or Madam:

There are enclosed permits 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 locations specified in these permits, and to use it for the purpose and at the locations described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. 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 these permits. Enclosed are forms 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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number.

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

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Stockton Field Office  
KDWP&T c/o Robert Unruh



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)

**FILE COPY**

This is to certify that I have examined Application, **File No. 49,733** of the applicant

**United States Department of Agriculture  
Natural Resources Conservation Service  
760 South Broadway Boulevard  
Salina, Kansas 67401**

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 **December 1, 2016**.
2. That the water sought to be appropriated shall be used for recreational use in wetland marshes located in the South Half of the Southwest Quarter (S $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 20, and the Northwest Quarter (NW $\frac{1}{4}$ ) and East Half of the Southwest Quarter (E $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 29, all in Township 4 South, Range 2 West, Republic County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of East Salt Creek Trib 2A (Republican) not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **162.1** acre-feet per calendar year, in a wetland marsh created by a water control structure located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 29, more particularly described as being near a point 2,475 feet North and 3,730 feet West of the Southeast corner of said section, in Township 4 South, Range 2 West, Republic County, Kansas, located substantially 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, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **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, which is currently \$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 to 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 20<sup>th</sup> day of May, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas )  
                                  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of May, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson  
Notary Public

**CERTIFICATE OF SERVICE**

On this 5<sup>th</sup> day of June, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,733, dated May 26, 2017 was mailed postage prepaid, first class, US mail to the following:

USDA-NRCS  
760 S BROADWAY  
SALINA KS 67401-4606

With photocopies to:

KANSAS DEPT OF WILDLIFE PARKS AND TOURISM  
% ROBERT UNRUH  
2446 250 ROAD  
WEBBER KS 66970

Stockton Field Office

Danielle Wilson  
Division of Water Resources

APPLICATION COMPLETE

5/9/17

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49733  
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.)

KDWPT Trost-Borchardt WRP

WATER RESOURCES  
RECEIVED

DEC 01 2016

1:40  
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): USDA-NRCS  
Address: 760 S. BROADWAY BLVD.  
City: SALINA State KS Zip Code 67401  
Telephone Number: (785) 823-4537

2. The source of water is:  surface water in East Salt Creek Trib 2A (stream)  
OR  groundwater in Republican River (drainage basin)

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

3. The maximum quantity of water desired is 162.1 (Dike 1) acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of N/A 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 1 Meets K.A.R. 5-3-1 (YES) Use REC Source G/S County RP By KAB Date 12/1/16  
Code REG Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 12/1/16 Check # credit

SCANNED

12/5/2016 LCM

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

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

- (A) One in the NW quarter of the NE quarter of the SW quarter of Section 29, more particularly described as being near a point 2475 feet North and 3730 feet West of the Southeast corner of said section, in Township 4 South, Range 2 East (West) (circle one), Republic 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):

KDW PT Co Robert Ulrich  
 (name, address and telephone number)  
2446 250 Road Webber Kansas 66920  
 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/28, 2016 Asya Roenator Agent for USDA-NRCS  
 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 Structure for Water Level Control in Dike 1 (number of wells, pumps or dams, etc.)

and (was) (will be) completed (by) September 30, 2016 Feb 28, 2017 (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 May 1, 2017 (Mo/Day/Year)

WATER RESOURCES RECEIVED

DEC 01 2016

SCANNED

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. **See Attached Table**

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

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

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

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

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047. **See Attached Plan Sheet 2**

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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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 Easement Holder  
(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):  
Kansas Department of Wildlife Parks and Tourism  
(name, address and telephone number)  
2446 250 Road, Webber, KS 66970  
(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 Salina, Kansas, this 9 day of November, 2016.  
(month) (year)

USDA-NRCS  
Roger Masenthin  
(Applicant Signature)

By Roger Masenthin  
(Agent or Officer Signature)

Roger Masenthin, Water Resources Planning Specialist  
(Agent or Officer - Please Print)

Assisted by PETER A. CLARK DESIGN ENGINEER Date: 01/27/16  
(office/title)

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**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 49734<sup>#</sup>49,733

Name of Applicant (Please Print): USDA-NRCS

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

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

Water will be used to enhance activities under the USDA-NRCS Wetlands Reserve Program.

The quantity of water requested is the volume of storage in the structure when full to

maximum elevation (top of stoplogs in Structure 1) equaling 86.2 ac-ft with 47.53 surface acres.

Indirect use by evaporation =  $47.53 \times 19'' / 12 = 75.89$  ac-ft, combining for 162.1 ac-ft.

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

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	162.1 ac-ft
Year 2	162.1 ac-ft
Year 3	162.1 ac-ft
Year 4	162.1 ac-ft
Year 5	162.1 ac-ft

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.

NW4 Section 29, Township 4S, Range 2W

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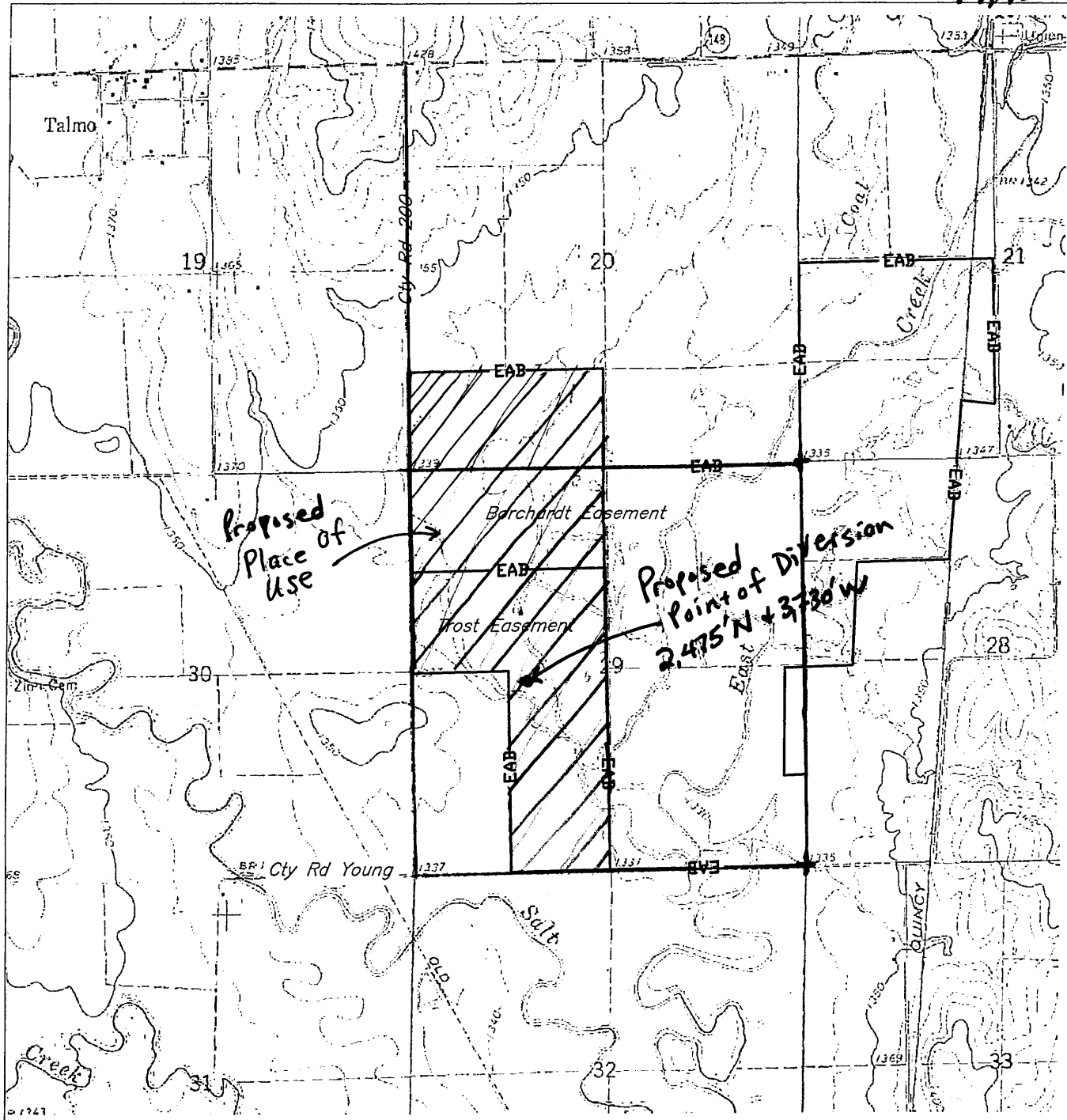
\* South Half of SW  $\frac{1}{4}$  Sec. 20, + East Half SW  $\frac{1}{4}$  of 29

DEC 01 2016

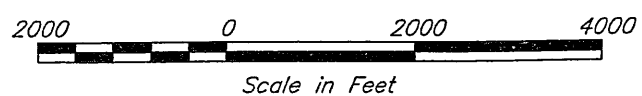
\* Per discussion with Peter Clark on 5/9/17 + attached maps DWS/pwr

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



— EAB — Easement area boundary



The approximate ingress  
east of Talmo then O.  
200 in Republic Count

T 4  
T 5



JANUARY 2016 REVISION

Lower surface areas obtained from Stage-Storage Module

KDWPT Trost-Borchardt WRP

<b>Reservoir Capacity Table</b>					
Dike 3 Basin - 32.8 ac Drainage Area					
Elev	Depth	Surface Area	Area	Cumulative Volume	
ft	ft	sf	ac	ac-ft	
1330.2	0.0	0	0.00	0.00	
1330.6	0.4	224	0.01	0.0	
1331.0	0.8	26682	0.61	0.1	
1331.4	1.2	36990	0.85	0.4	
1331.8	1.6	68526	1.57	0.9	
1332.2	2.0	144988	3.33	1.9	
1332.6	2.4	259223	5.95	3.7	
1333.0	2.8	393269	9.03	6.7	
1333.4	3.2	513502	11.79	10.9	<b>Top of Stoplogs</b> <15 ac-ft
1333.6	3.4	563041	12.93	13.4	<b>Auxiliary Spillway</b>
1335.0	4.8	1031913	23.69	39.0	<b>Top of Dike</b>

KDWPT Trost-Borchardt WRP

<b>Reservoir Capacity Table</b>					
Dike 2 Basin - 120.9 ac Drainage Area					
Elev	Depth	Surface Area	Area	Cumulative Volume	
ft	ft	sf	ac	ac-ft	
1329.4	0.0	1154	0.03	0.00	
1329.8	0.4	8050	0.18	0.0	
1330.2	0.8	17862	0.41	0.2	
1330.6	1.2	120169	2.76	0.8	
1331.0	1.6	164174	3.77	2.1	
1331.4	2.0	628873	14.44	5.7	
1331.8	2.4	1579288	36.26	15.9	
1332.2	2.8	2365969	54.32	34.0	
1332.6	3.2	2812204	64.56	57.8	
1333.0	3.6	3037803	69.74	84.6	
1333.4	4.0	3176852	72.93	113.2	<b>Top of Stoplogs</b>
1333.6	4.2	3271456	75.10	128.0	<b>Auxiliary Spillway</b>
1335.0	5.6	3586436	82.33	238.2	<b>Top of Dike</b>

KDWPT Trost-Borchardt WRP

<b>Reservoir Capacity Table</b>					
Dike 1 Basin - 53.4 ac Drainage Area					
Elev	Depth	Surface Area	Area	Cumulative Volume	
ft	ft	sf	ac	ac-ft	
1329.4	0.0	1325	0.03	0.00	
1329.8	0.4	7045	0.16	0.0	
1330.2	0.8	18734	0.43	0.2	
1330.6	1.2	134875	3.10	0.9	
1331.0	1.6	371537	8.53	3.2	
1331.4	2.0	905959	20.80	9.1	
1331.8	2.4	1316671	30.23	19.3	
1332.2	2.8	1694419	38.90	33.1	
1332.6	3.2	1895404	43.51	49.6	
1333.0	3.6	2010555	46.16	67.5	
1333.4	4.0	2070332	47.53	86.2	<b>Top of Stoplogs</b>
1333.6	4.2	2088648	47.95	95.8	<b>Auxiliary Spillway</b>
1335.0	5.6	2213871	50.82	164.9	<b>Top of Dike</b>



November 29, 2016

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

Dear Sir:

This order is for an appropriations of water for beneficial use permit on the following Natural Resources Conservation Service (NRCS) Wetlands Reserve Program (WRP) easement:

KDWPT -Talmo Marsh (Trost) WRP	66-6215-08-00MDY	Republic County
KDWPT - Talmo Marsh (Borchardt) WRP	66-6215-09-00NTF	Republic County

An application for Permit to Appropriate Water for Beneficial Use is enclosed for each of the easements. Design plans, specifications, Warranty Easement Deeds, and current ownership correspondence are also enclosed for the project. Please ensure they are forwarded to the appropriate staff for review. If additional information pertaining to the recreational use supplement sheet and or the storage stage table is needed, please contact Peter A. Clark, Design Engineer, NRCS, Salina, Kansas, at 785-823-4532. Please direct other questions to Roger J. Masenthin, Water Resources Planning Specialist, at 785-823-4537.

Please note, enclosed is the completed credit card payment forms (for each easement) for your information. Thank you for processing the paperwork for this project. If you have any questions, please call me at 785-823-4537.

Sincerely,

ROGER J. MASENTHIN  
Water Resources Planning Specialist

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Enclosure

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

December 5, 2016

USDA-NRCS  
760 S BROADWAY BLVD  
SALINA KS 67401

**FILE COPY**

RE: Application  
File No. 49733

Dear Sir or Madam:

Your application for permit to appropriate water in 29-4S-2W in Republic 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 cursive script that reads "Brent A. Turney".

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

BAT: dlw  
pc: STOCKTON Field Office  
GMD

**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

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NEW STREAM WORKSHEET

ES AJW

Date: 12/2/16

File No. 49,733

Basin Name: Republican Basin No. 27

Stream Name: East Salt Creek Trib 2A

Stream location (confluence with parent stream):

Section 29, Township 4 South, Range 2 (<sup>W</sup>East)

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

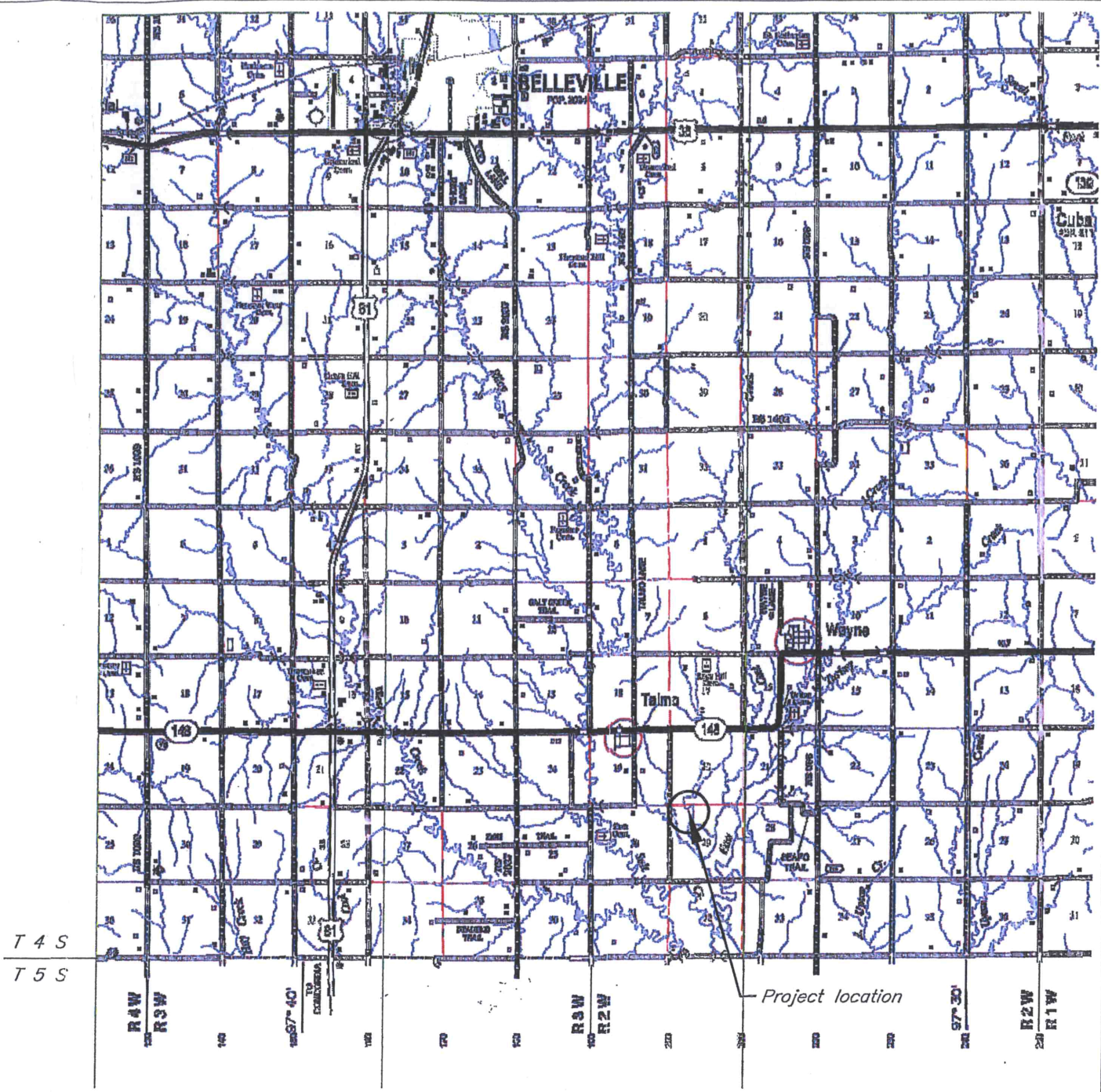
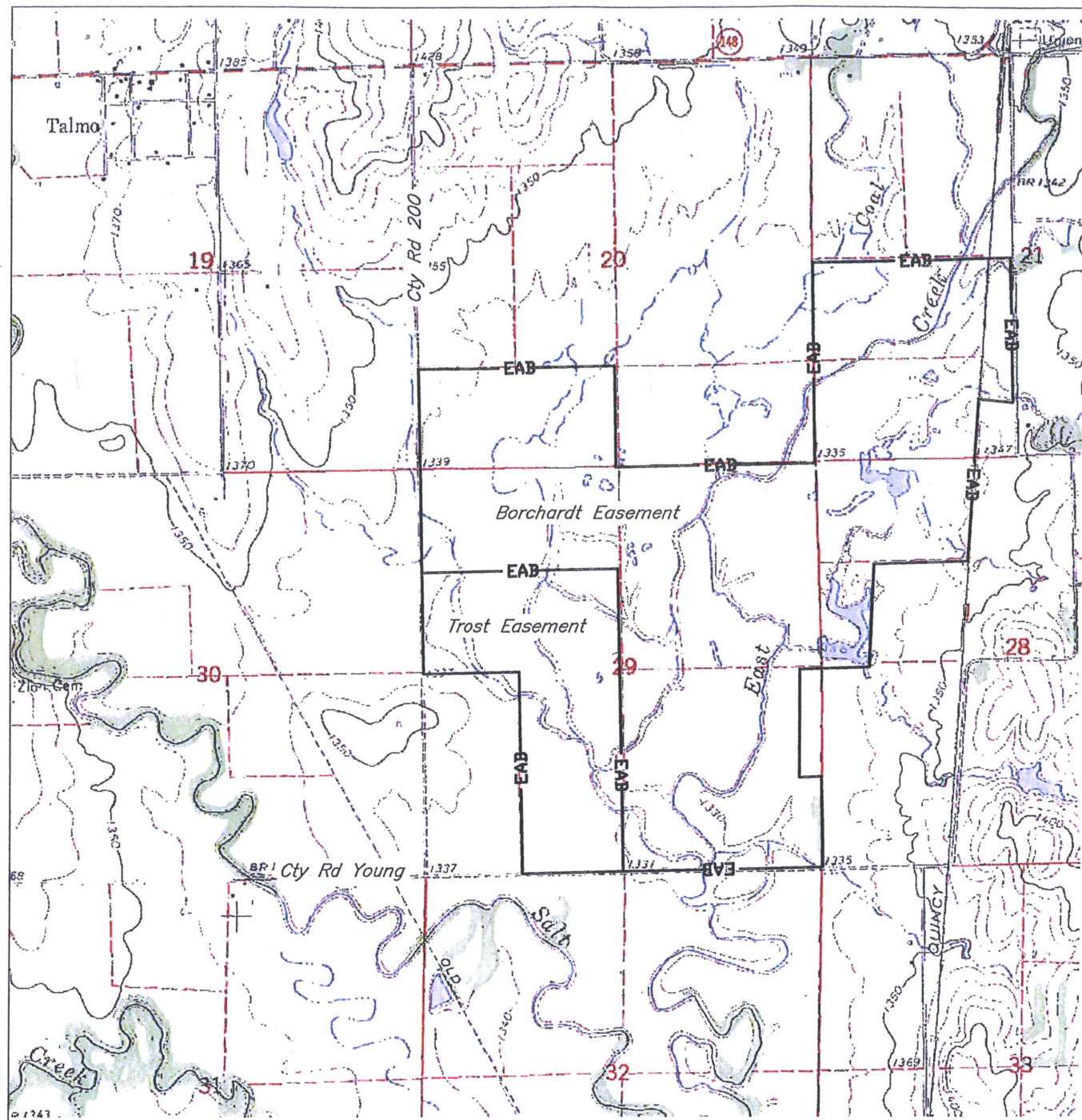
Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

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

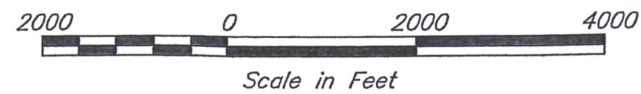
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Stream No. 3890 (computer assigned - entered by data entry staff)

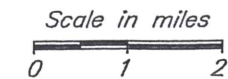
Date Entered 12/5/2016 By LCM



— EAB — Easement area boundary



The approximate ingress location is 0.5 mile east of Talma then 0.75 miles south on Road 200 in Republic County.



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Location Maps

Date	02/16
Designed	PAC
Drawn	PAC
Checked	PTL
Approved	

KDWPT Trost-Borchardt  
Wetland Reserve Program  
Portions of Sections 20, 21, 28 & 29 T4S R2W  
Republic County

United States  
Department of  
Agriculture

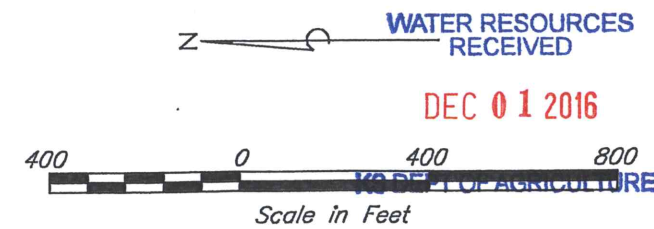
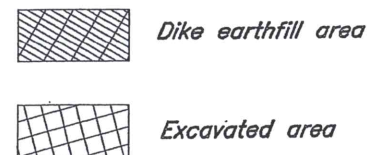
Natural Resources  
Conservation Service

Drawing Name  
Talmo Marsh\_TB  
2/23/16 2:44 PM  
Sheet 2 of 24



Image: 2014

Notes: 1. Excavated areas are source of borrow for constructed fill areas.  
 2. Construction traffic beyond Approved Disturbance Area Boundary is limited to the planting operation.



Expanded Plan View

Designed	PAC	Date	02/16
Drawn	PAC	Checked	PTL
		Approved	

KDWPT Trost-Borchardt  
 Wetland Reserve Program  
 Portions of Sections 20, 21, 28 & 29 T4S R2W  
 Republic County

United States Department of Agriculture  
**USDA**  
 Natural Resources Conservation Service

DEC 01 2016

Drawing Name  
 Talmo Marsh\_TB  
 2/25/16 11:04 AM  
 Sheet 4 of 24