

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

1. File Number: 50,024	2. Status Change Date: 8/31/2018	3. Field Office: 03	4. GMD: 0
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 checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID 59038 New to system <input type="checkbox"/> Add Seq# _____</p> <p>JEFFREY J & JENNIFER L F KOCH 2713 SHELL RD CLYDE KS 66938</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Landowner Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: 12/31/2019 11. Perfection Date: 12/31/2023 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: _____			
<p>Date Prepared: 8/1/2018 By: DWS Date Entered: 9/5/2018 By: UM</p>			

File No. **50,024** 15. Formation Code: Drainage Basin: **Republican River** County: **RP** Special Use: Stream: **REPUBLICAN RIVER TRIB 24A (REPUBLICAN)**

16. Points of Diversion										17. Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
√	86674	NE NE SE	21	5S	1W	4	2051	143		750	89.7	750	89.7	NONE
√	86675	SE NE SE	21	5S	1W	5	1557	95						

18. Storage: Rate _____ NF Quantity **126** ac/ft Additional Rate _____ NF Additional Quantity **126** ac/ft

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

20. Meter Required? Yes No To be installed by **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg?	NO	Overlap Files				
T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼								
						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					
√	68808	22	5S	1W	3										29	40							69	7a.	NO	NONE

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 1, 2018

FROM: Doug Schemm

RE: Application, File No. 50,024

Jeff Koch has filed the above referenced new application proposing to appropriate surface water for irrigation use by the collection and storage of natural flows from Republican River Trib 24 A (Republican) in two existing reservoirs. NOTE: These reservoirs were originally constructed as waste lagoons for a cattle feedlot. However, the feedlot is no longer active, and according to the applicant the lagoons now catch fresh water from surface run-off from nearby fields. The lagoons were created by excavating into the ground, so no dams were constructed, and a structures permit is not required. To maintain consistency with similar excavated ponds (borrow pits) the points of diversion are better described as where the water would ultimately exit the ponds at their overflow outlets.

Per K.A.R. 5-3-11(d)(6), applications to appropriate surface water **from tributaries to the mainstem of the Lower Republican by means of dams** may be approved only if the approval will not result in impairment of existing rights, nor prejudicially and unreasonably affect the public interest. Any dam permitted on an ephemeral stream shall meet the requirements of K.A.R. 5-40-1 *et seq.* and be equipped with a controlled outlet with a minimum diameter of four inches. Any dam permitted on an intermittent or perennial stream shall be equipped with a controlled outlet with a minimum diameter of four inches. The controlled outlet shall be placed to allow water to pass through the dam at or near streambed elevation. As discussed above, these storage reservoirs were not created by constructing a dam. In addition, a review of the topographic map does not indicate that these reservoirs are located on a tributary to the mainstem of the Lower Republican. Therefore, this application is not subject to this regulatory requirement.

There are no overlapping files in point of diversion or place of use. The applicant has signed the application form stating that he has legal access to the points of diversion. The reservoirs are located in the Southeast Quarter of Section 21, Township 5 South, Range 1 West, Cloud County, Kansas. The application's place of use comprises a total of 69 acres. Based on the Cloud County Deed search, the applicant owns the entire place of use. The new application is requesting 89.7 acre-feet of direct use. The maximum allowable quantity of water for Cloud County is 1.3 acre-feet per acre, which for 69 acres would be equivalent to 89.7 acre-feet.

A list of nearby landowners within one-half mile upstream and downstream of the property lines was provided by the applicant, and they were notified by letter dated July 12, 2018. No responses of any kind were received. There are no other surface water appropriations within a two (2) mile circle radius of the point of diversion. There is no indication that approval of this permit will impair any senior water right.

Runoff computations have determined that the 201-acre drainage area will result in 142 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). This **IS NOT** the limiting factor, and the application has requested one year of direct use (89.7 AF) plus capacity (30 AF) plus 1 year of evaporation (6.3 AF) for a total of 126 acre-feet of storage, per K.A.R. 5-6-5.

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit.

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. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Kelly Stewart, Water Commissioner, Stockton Field Office, recommended the referenced application, be approved in an e-mail received on July 31, 2018. Based on the above discussion, the Republican Basin is open to new appropriations meeting specific criteria, the reservoirs are not subject to the drawdown tube requirement, and 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.

Doug Schemm
Environmental Scientist
Topeka Field Office

STATE OF KANSAS

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



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

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

JEFFREY J & JENNIFER L F KOCH
2713 SHELL RD
CLYDE KS 66938

September 6, 2018

FILE COPY

Re: Appropriation of Water, File No. 50,024

Dear Mr. and Mrs. Koch:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed rediversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Stockton Field Office

THE STATE OF KANSAS



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. **50,024** of the applicant

**JEFFREY J & JENNIFER L F KOCH
2713 SHELL RD
CLYDE KS 66938**

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 **March 26, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22 5S 1W										29	40						69

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to the Republican River, designated in the office of the Chief Engineer as Republican River Trib 24A (Republican), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **126 acre-feet** per calendar year in two (2) reservoirs with points of diversion designated as overflow outlets located as follows: one outlet located in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE¼ NE¼ SE¼) of Section 21, more particularly described as being near a point 2,051 feet North and 143 feet West of the Southeast corner of said section; and one outlet located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE¼ NE¼ SE¼) of Section 21, more particularly described as being near a point 1,557 feet North and 95 feet West of the Southeast corner of said section, all in Township 5 South, Range 1 West, Cloud County, Kansas, to provide **89.7 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoirs at a re-diversion rate of approximately **750 gallons per minute (1.67 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, 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, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, 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 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 all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

12. 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.

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

14. 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.

15. 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.

16 That the owner must provide for an adequate bypass of the reservoirs either by tube, valve, syphon, pump or other acceptable method, over, through, or around the reservoirs to the channel below, when requested by the Chief Engineer, or an authorized representative of the Chief Engineer.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 31st day of August, 2018, 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 31st day of August, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

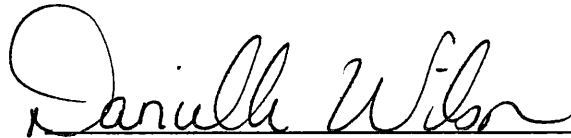
CERTIFICATE OF SERVICE

On this 6th day of September, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,024, dated _____ was mailed postage prepaid, first class, US mail to the following:

JEFFREY J & JENNIFER L F KOCH
2713 SHELL RD
CLYDE KS 66938

With photocopies to:

Stockton Field Office

A handwritten signature in cursive script, reading "Danielle Wilson", is written over a horizontal line.

Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer
Water Resources
Received

File Number 50024
This item to be completed by the Division of Water Resources.

MAR 26 2018
2:32
KS Dept Of Agriculture

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.)

APPLICATION COMPLETE
7/31/18
Reviewer CAB to DWS

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): JEFF KOCH
Address: 2713 SHELL ROAD
City: CLYDE State KS Zip Code: 66938
Telephone Number: (785) 243-4896 e-mail: jeff.kochcpa@sbcglobal.net

2. The source of water is: surface water in Tributary to Republican River 3936 Trib 24A
(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. Redivert **89.7 AF** for IRR use at 1,400 gpm

3. The maximum quantity of water desired is storage 126 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NE gallons per minute OR 750- 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. <u>3</u> GMD <u>10</u> Meets K.A.R. 5-3-1 (YES/NO) Use <u>IRR</u> Source <u>G</u> County <u>CO</u> By <u>MMW</u> Date <u>3/27/18</u>
Code <u>REG</u>	Fee \$ <u>200</u> TR # _____	Receipt Date <u>3/20/18</u> Check # <u>9537</u>

SCANNED

4/2/18 um

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 NE quarter of the NE quarter of the SE quarter of Section 21, more particularly described as being near a point 2,051 feet North and 143 feet West of the Southeast corner of said section, in Township 5 South, Range 1 WEST, CLOUD County, Kansas. North Pond
- (B) One in the SE quarter of the NE quarter of the SE quarter of Section 21, more particularly described as being near a point 1,557 feet North and 95 feet West of the Southeast corner of said section, in Township 5 South, Range 1 WEST, CLOUD County, Kansas. South Pond
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

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

APPLICANT

(name, address and telephone number)

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 March 23, 2018. [Signature]
Applicant's Signature

7. The proposed project for diversion of water will consist of 2 Dams and Reservoirs
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) EXISTING Ponds
(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 Summer 2018.
(Mo/Day/Year)

Water Resources
Received

MAR 26 2018

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes No If "yes", a check valve shall be required.

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

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

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

• If yes, show the Water Structures permit number here _____

• If no, explain here why a Water Structures permit is not required _____

To be reviewed by Structures Program - Excavated Lagoons - Not jurisdictional for Structures permitting.

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

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

NONE

Runoff of 201 acre drainage basin is 142 AF. 69 acres x 1.3 AF/acre = 89.7

Quantity Requested = 89.7 AF + 30 AF (capacity) + 6.3 AF (evap) = 126 AF

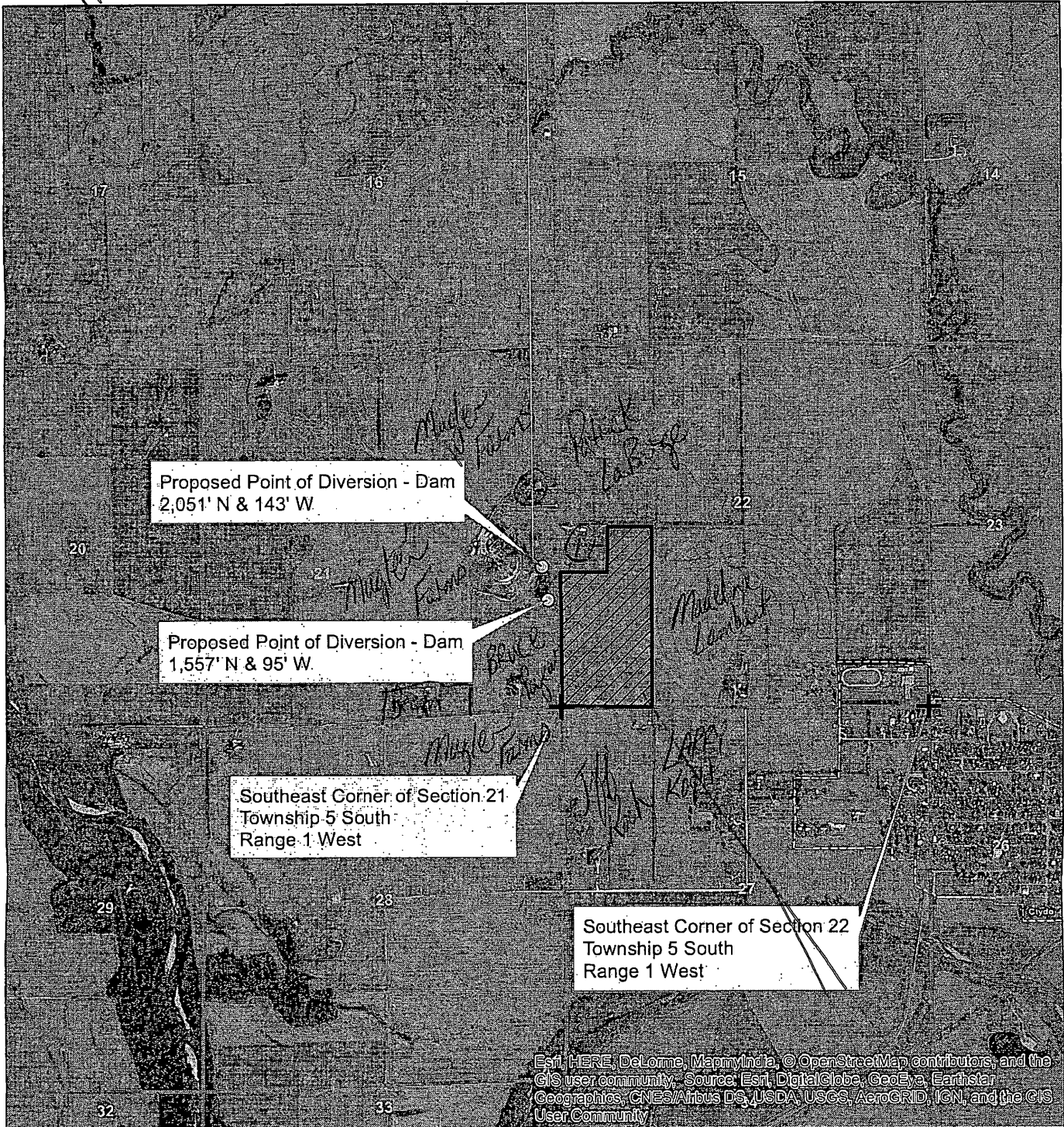
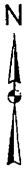
**Water Resources
Received**

MAR 26 2018

KS Dept Of Agriculture

50024

JEFF KOCH - SITE MAP SECS. 21 & 22, T5S, R1W CLOUD COUNTY



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

⊙ Proposed Point of Diversion



Proposed Place of Use

1:24,000

All Landowners Adjacent to the stream within 1/2 mile of property lines are shown on this map.

Water Resources

Received

MAR 26 2018

KS Dept Of Agriculture

① Lay Morehead
 ② Allen Charbonneau

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):

Owner

 (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 Clyde, Kansas, this 25th day of March, 2018
(month) (year)

[Signature]

 (Applicant Signature)

[Redacted]

 APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

_____ and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

JEFFREY J. KOCH

 (Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 3/21/2018
(office/title)

Water Resources
 Received
MAR 26 2018
 KS Dept Of Agriculture
SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50024

Name of Applicant (Please Print): JEFF KOCH

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

Landowner of Record NAME: JEFFREY J & JENNIFER L KOCH

ADDRESS: 2713 SHELL ROAD, CLYDE, KS 66938

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22	5S	1W										29	40						69

Landowner of Record NAME: _____

ADDRESS: _____

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

Landowner of Record NAME: _____

ADDRESS: _____

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

Water Resources
Received

MAR 26 2018



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

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

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
Endora	7%	0.74	
Muir	22%	0.74	
Cart	12%	0.74	
Hamburger	7%	0.74	
Cete	15%	0.74	
Hastings	22%	0.40	
Geary	15%	0.54	
Total:	100%		

b. Estimate the average land slope in the field(s): 0.7 %
 Estimate the maximum land slope in the field(s): 2.3 %

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

- Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler
 Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:
Limited water so using center pivot we hope to avoid any runoff. The soils are sandy and sandy loam so should not have much if we

ii. For sprinkler systems: *irrigate at 0.60" per pass.*

- (1) Estimate the operating pressure at the distribution system: 40 psi
 (2) What is the sprinkler package design rate? 600 gpm
 (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? 36 feet
 (4) Please include a copy of the sprinkler package design information.

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

CORN AND SOYBEANS

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

Hope to apply about 1.25" water between corn tassle and end of pollination if needed and water available - likely 2 passes with the pivot per year. Hope to apply about 1.25" of water to Soybeans around pod set if dry and water available

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

Water Resources
 Received

MAR 26 2018
 SCANNED
 KS Dept Of Agriculture

3-22-2018

(Date)

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

Re: Application File No. 50024

Minimum Desirable Streamflow
Republican River Basin

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

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



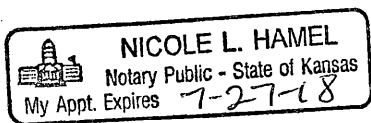
Signature of Applicant

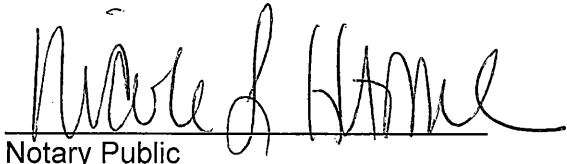
JEFFREY J. KOERT

(Print Applicant's Name)

State of Kansas)
County of Cloud) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22 day of March, 2018.





Notary Public

My Commission Expires:

Water Resources
Received

MAR 26 2018

**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

Water Resources
Received

MAR 26 2018

KS Dept Of Agriculture
SCANNED

NEW STREAM WORKSHEET

ES _____

Date: 3/27/10

File No. 50024

Basin Name: Republican Basin No. 27

Stream Name: Republican River Trib 24A (Republican)

Stream location (confluence with parent stream):

Section ~~8~~ ²⁷, Township 5 South, Range 1 ^{West} (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

Stream No. 3 9 3 4 (computer assigned - entered by data entry staff)

Date Entered 4/2/2018 By LLM

NEW STREAM WORKSHEET

ES AMW

Date: 3/27/18

File No. 50024

Basin Name: Republican River Basin No. 27

Stream Name: Republican River Trib 24 (Republican)

Stream location (confluence with parent stream):

Section 27, Township 5 South, Range 1 (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

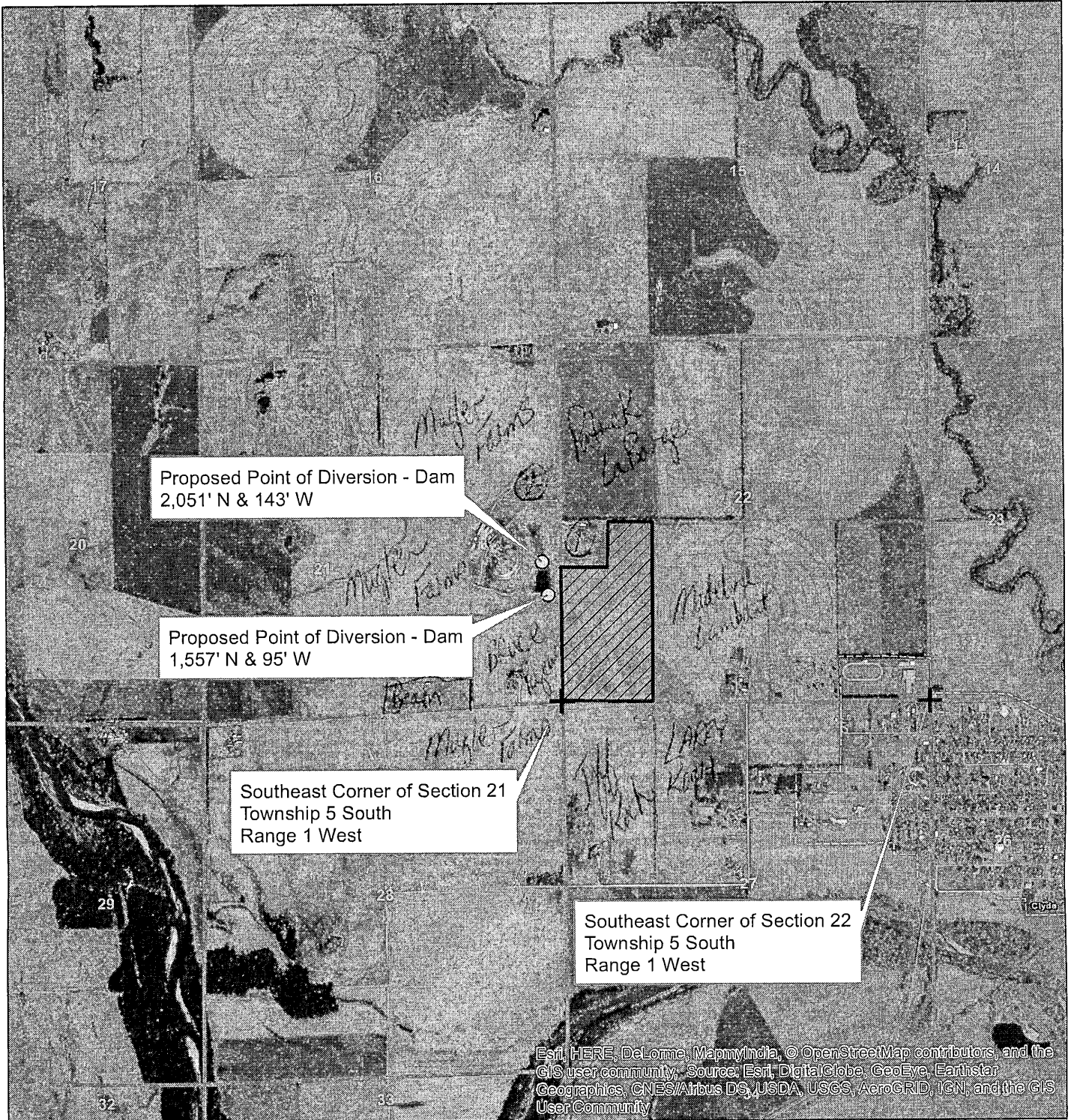
Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3935 (computer assigned - entered by data entry staff)

Date Entered 4/2/2018 By CM

50024

JEFF KOCH - SITE MAP
SECS. 21 & 22, T5S, R1W
CLOUD COUNTY



○ Proposed Point of Diversion

1:24,000

All Landowners Adjacent to the stream within 1/2 mile of property lines are shown on this map.



Proposed Place of Use

① Larry Morehead
② Allen Charbonneau

Water Resources

Received

MAR 26 2018

KS Dept Of Agriculture

SCANNED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50024 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50024 00 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

2051 Feet North and 143 Feet West of the Southeast Corner of Section 21 T 5S R 1W

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 50024 00 IRR AY S          0 -- NE NE SE 2051 143 21 5 1W 4          89.70 89.70 AF
Same          496 -- SE NE SE 1557 95 21 5 1W 5
***** Authorized storage = .00 AF Additional storage = .00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      89.70      126.00
Total Permitted Amount (AF) =         .00         .00
Total Inspected Amount (AF) =         .00         .00
Total Pro_Cert Amount (AF) =         .00         .00
Total Certified Amount (AF) =         .00         .00
Total Vested Amount (AF) =          .00         .00
TOTAL AMOUNT (AF) =          89.70      126.00
=====
    
```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2051 Feet North and 143 Feet West of the Southeast Corner of Section 21 T 5S R 1W

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 50024 00 IRR AY S
> JEFFREY J & JENNIFER L F KOCH
>
> 2713 SHELL RD
> CLYDE KS 66938
>-----
=====
    
```

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50024 00 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

1557 Feet North and 95 Feet West of the Southeast Corner of Section 21 T 5S R 1W

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 50024 00 IRR AY S          496 -- NE NE SE 2051 143 21 5 1W 4          89.70 89.70 AF
Same          0 -- SE NE SE 1557 95 21 5 1W 5
***** Authorized storage = .00 AF Additional storage = .00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      89.70      126.00
=====
    
```

Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	89.70	126.00

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

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Water Rights and Points of Diversion Within 2.00 miles of point defined as:

1557 Feet North and 95 Feet West of the Southeast Corner of Section 21 T 5S R 1W

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A__ 50024 00 IRR AY S

> JEFFREY J & JENNIFER L F KOCH

>

> 2713 SHELL RD

> CLYDE KS 66938

>-----

=====

#####

Click or tap a location on the map to learn what's there.

Cloud County, KS

Search...

Sign in

Navigation
Search
Tasks
Analysis
 Tool Labels
✕

Full Extent
 Zoom In
 Zoom Out
 Pan
 Previous Extent
 Next Extent
 Identify

Navigation Find Data

Parcel marks
 Add Bookmark
 Layer List
 Print
 Export

0150182700000002000
0150182700000004010

Bookmarks
Layers

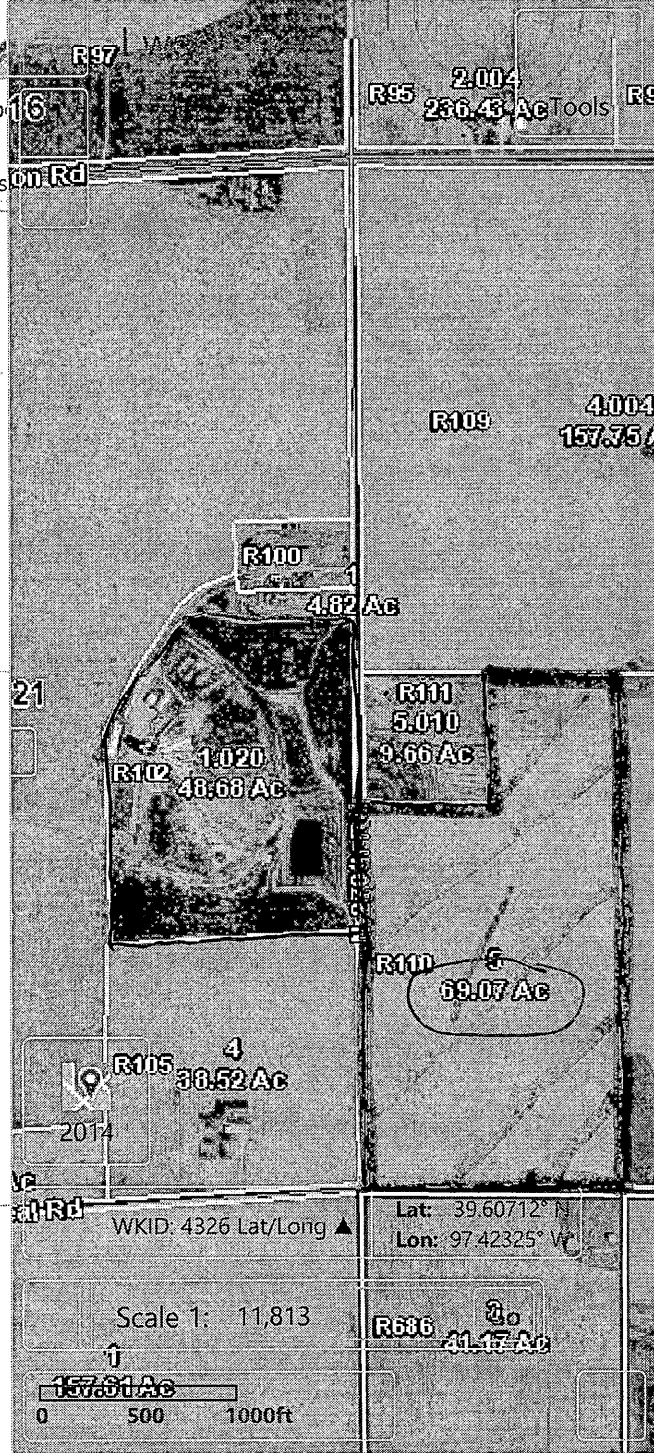
KOCH, JEFFREY J & JENNIFER L F
2713 SHELL RD CLYDE, KS 66938
[Soil Reports](#)
[Property Record Card](#)

Parcel

0150182700000002000
R685
KOCH, LARRY
1969 N 275 RD CLYDE, KS 66938
[Soil Reports](#)
[Property Record Card](#)

Parcel

0150182700000004010
R688
KOCH, JEFFREY J & JENNIFER L F
2713 SHELL RD CLYDE, KS 66938
[Soil Reports](#)
[Property Record Card](#)



Displaying 1 - 3 (Total: 3)

◀
◀
Page 1 of 1
▶
▶

Layers
 Parcel (3)

WKID: 4326 Lat/Long ▲
 Lat: 39.60712° N
 Lon: 97.42325° W
 Scale 1: 11,813
 0 500 1000ft

FILE NO. 50,024 – LANDOWNERS

MUGLER, LEON B FARMS
INC

Mailing Address: 11887 Quarterhorse Ct
Cincinnati, OH 45249

Owner's Name (Primary): PAYEUR, JOHN B & MONICA M

Mailing Address: PO Box 333
Clyde, KS 66938

Owner's Name (Primary): MOREHEAD, LARRY G & LISA R

Mailing Address: 2050 N 270th Rd
Clyde, KS 66938

CHARBONNEAU, ALLEN R

Mailing Address: 2059 N 270th Rd
Clyde, KS 66938

#50,024

Schemm, Doug [KDA]

From: Stewart, Kelly [KDA]
Sent: Tuesday, July 31, 2018 2:27 PM
To: Schemm, Doug [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]
Subject: RE: Jeff Koch 50,024

Doug,

I have no objection to the approval of this application.

Kelly

From: Schemm, Doug [KDA]
Sent: Tuesday, July 31, 2018 11:28 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Jeff Koch 50,024

Hello Stockton,
Jeff is requesting water out of a couple of old lagoons. No other surface diversions in the area.
I'm making the argument these are not "dams" in the normal sense.
Please review.
Thanks, Doug

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

STATE OF KANSAS



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

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

July 12, 2018

LEON B MUGLER FARMS INC
11887 QUARTERHORSE CT
CINCINNATI OS 45249

Re: Pending Application, File No. 50,024

Dear Sir or Madam:

This is to advise you that Jeff Koch has filed the application referred to above for a permit to appropriate 126 acre-feet of surface water per calendar year to be stored in two existing reservoirs, and re-divert 89.7 acre-feet of the stored water for irrigation use. The proposed points of diversion (where the dams cross the centerline of the stream) are located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 21, Township 5 South, Range 1 West, Cloud County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location 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.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Jeff Koch

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



PHONE: (785) 296-5733
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 12, 2018

JOHN B & MONICA M PAYEUR
PO BOX 333
CLYDE KS 66938

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Sincerely,

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Environmental Scientist
Topeka Field Office

pc: Jeff Koch

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

STATE OF KANSAS



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

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

July 12, 2018

LARRY G & LISA R MOREHEAD
2050 N 270TH ROAD
CLYDE KS 66938

Re: Pending Application, File No. 50,024

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Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Jeff Koch

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

STATE OF KANSAS



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FAX: (785) 296-8298
www.agriculture.ks.gov

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

July 12, 2018

ALLEN R CHARBONNEAU
2059 N 270TH ROAD
CLYDE KS 66938

Re: Pending Application, File No. 50,024

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Sincerely,

A handwritten signature in cursive script, appearing to read 'Douglas W. Schemm'.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Jeff Koch

STATE OF KANSAS

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



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

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

April 2, 2018

JEFF KOCH
2713 SHELL ROAD
CLYDE KS 66938

RE: Application
File No. 50024

Dear Sir or Madam:

Your application for permit to appropriate water in 21-5S-1W in Cloud 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STOCKTON Field Office
GMD

SCANNED