

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

1. File Number: <p style="text-align: center;">49,523</p>	2. Status Change Date: <p style="text-align: center;">8/26/2016</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
---------------------------------------------------------------------	-------------------------------------------------------------------------------	------------------------------------------------------------------	--------------------------------------------------------

5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) Person ID 64867 New to system <input type="checkbox"/> Add Seq# 1</p> <p>BRENDEN HIRT 30698 NW CHASE RD GARNETT KS 66032</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID 64867 New to system <input type="checkbox"/> Add Seq# 1</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID 64867 New to system <input type="checkbox"/> Add Seq# 1 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>
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10. Completion Date: 12/31/2017 11. Perfection Date: 12/31/2021 12. Exp Date: _____

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

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

Date Prepared: **8/3/2016** By: **LHH**
Date Entered: **8/29/2016** By: **UM**

File No. **49,523** 15. Formation Code: Drainage Basin: **Pottawatomie Creek** County: **AN** Special Use: Stream: **Kenoma Creek Trib 1A (Pottawatomie Creek)**

16. Points of Diversion
 ✓
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W

✓	84905	SW NE SE	25	19S	17E	1	1436	733

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
500	46.6	500	46.6	NONE

18. Storage: Rate **All NF** NF Quantity **46.6** ac/ft Additional Rate **All NF** NF Additional Quantity **46.6** 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 **12/31/2017** Date Acceptable Meter Installed _____

21. Place of Use
 ✓
 MOD
 DEL PUSE S T R ID
 ENT 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 Total Owner Chg? NO Overlap Files

✓	67544	25	19S	17E	1															40	40	80	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 4, 2016

FROM: Lloyd Hemphill

RE: Application File No. 49,523

Brenden Hirt has filed the application referenced above for a permit to appropriate surface water to be stored in a reservoir, located in the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, Township 19 South, Range 17 East, Anderson County, Kansas. The applicant is requesting to appropriate 46.6 acre-feet of surface water storage per calendar year at the rate of natural flows, and re-divert 46.6 acre-feet of the stored water for irrigation use at an approximate rate of 500 gallons per minute. The dam is located on Kenoma Creek Trib1A (Pottawatomie Creek). The point of diversion and place of use are owned by the applicant and he has signed the application form stating he has legal access to, or control of, the point of diversion. This application does not overlap any other water rights.

Runoff computations were completed using the following parameters: normal annual precipitation = 37 inches; soil complex number = 78; and drainage basin area = 35 acres. The potential runoff per acre is 16 inches, thus:

35 acre drainage basin x 16 inch runoff per acre / 12 inches = 46.6 AF potential runoff

These calculations show that in 1 out of every five (5) years (a 20% chance), 46.6 acre-feet of runoff will be generated in one calendar year.

The applicant has proposed to irrigate 80 acres of land for which the maximum quantity of water considered to be reasonable to irrigate 80 acres in Anderson County is 80 acre-feet, as provided by K.A.R. 5-3-24 (1 AF/acre X 80 acres = 80 AF). In this case, the potential annual runoff is the limiting factor and the maximum storage quantity is equal to the potential runoff (46.6 acre-feet). The application originally requested a storage quantity of 70 acre-feet, however it was reduced to match the calculated potential runoff. The proposed re-diversion rate of 500 gpm appears reasonable for this project. The actual re-diversion rate will be determined during the perfection period.

Landowners within one-half mile downstream of the applicant's property were notified by letter on July 12, 2016 of the applicant's intention to appropriate water. The stream does not extend beyond the applicants property upstream of the pond. Thomas (Tommy) Herman Edwards III called with general questions about the application but with no concerns of impairment.

The WRIS database indicates that there are currently no prior water rights within two miles of the proposed point of diversion. Therefore, approval of this application would not impact any senior water rights. Pending Application, File No. 49,640 proposes a surface water diversion about 5,780 feet away. The pending application is located on a different tributary and will not impact this new project.

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

The DWR Structures Program reviewed this project and determined that it is non-jurisdictional for any structures permits.

Brenden Hirt
File No. 49,523
Page 2

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended that the referenced application be approved in an e-mail on August 4, 2016.

Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water appears reasonable, no structures permits are required, and there is no evidence that senior rights will be impacted, it is recommended that the referenced application be approved.

Lloyd Hemphill
Environmental Scientist
Topeka Field Office

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

BRENDEN HIRT
30698 NW CHASE RD
GARNETT KS 66032

August 29, 2016

RE: Appropriation of Water, File No. 49,523

FILE COPY

Dear Sir:

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 this permit. A water meter is required on the 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 a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brent A. Turney".

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

BAT:lh

Enclosures

pc: MWI - Keith Grimm
Topeka Field Office



FILE COPY

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application **File No. 49,523** of the applicant

**BRENDEN HIRT
30698 NW CHASE RD
GARNETT KS 66032**

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 10, 2015**.

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

Sec.	Twp.	Rng.	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
25	19S	17E																40	40			80

3. That the appropriation sought shall be limited to all natural flows of Kenoma Creek Trib 1A (Pottawatomie Creek), as identified in the office of the Chief Engineer, 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 **46.6 acre-feet** per calendar year in a reservoir created by a dam located in the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW¼ NE¼ SE¼) of Section 25, more particularly described as being near a point 1,436 feet North and 733 feet West of the Southeast corner of said section in Township 19 South, Range 17 East, Anderson County, Kansas, to provide **46.6 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoirs at a redirection rate of approximately **500 gallons per minute (1.11 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, 2017** 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, 2021 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.

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.

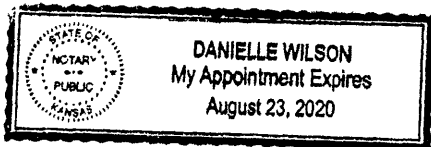
Ordered this 26 day of August, 2016, in Topeka, Shawnee County, Kansas.

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 26 day of August, 2016, 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 29 day of August, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,523, dated August 26, 2016 was mailed postage prepaid, first class, US mail to the following:

BRENDEN HIRT
30698 NW CHASE RD
GARNETT KS 66032

With photocopies to:

MIDWEST IRRIGATION
% KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE
06/01/16
Reviewer LHH/TFO

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 49,523
This item to be completed by the Division of Water Resources.

DEC 10 2015
11:30
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.)

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

- Name of Applicant (Please Print): Brenden Hirt
Address: 30698 NW Chase Rd
City: Garnett State KS Zip Code 66032
Telephone Number: (785) 204 1119 Kenoma Creek Trib 1A (Pottawatomie Creek Basin)
- The source of water is: surface water in ground tributary to Rocky Run in the (stream) (Pottawatomie Basin)
OR groundwater in _____ (drainage basin)

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

- The maximum quantity of water desired is 70 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 500 gallons per minute OR _____ cubic feet per second.
* Quantity is limited to 46.6 AF by potential annual runoff. LHH/TFO.
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.

- 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. Code	<u>1</u> <u>GMD</u>	<u>0</u> Meets K.A.R. 5-3-1 (YES/NO)	Use <u>IRR</u>	Source <u>G/0</u>	County <u>AW</u>	By <u>AJW</u>	Date <u>12.10.15</u>
	<u>12E6</u>	Fee \$ <u>200</u>	TR # <u>4019444</u>	Receipt Date <u>12.10.15</u>	Check # <u>1029</u>		

12/31/2015 11M

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

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

- (A) One in the SW quarter of the NE quarter of the SE quarter of Section 25, more particularly described as being near a point 1436 feet North and 233 feet West of the Southeast corner of said section, in Township 19 South, Range 17 (East) West (circle one), Anderson 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):

Same

 (name, address and telephone number)

(name, address and telephone number)

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

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

Executed on Dec-3-15, 20____. _____
 Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 Pond / Pump

 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) July 1st 2016

 (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 July 2016
 (Mo/Day/Year)

WATER RESOURCES
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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. Structure is under 25ft tall

35 Acres

and under 50 Ac ft Storage

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 Structure Height from

Base to Top of Dam 8' 7"

Top of Dam to water Level 2' 6"

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. none

(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 known

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SCANNED

13. *NA* 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):

Same

(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 Hiawatha, Kansas, this 3 day of December, 2015.
(month) (year)

BC HA

(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by MWT, LLC Kathleen Date: 12-3-15
(office/title)

WATER RESOURCES
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DEC 10 2015

KS DEPT OF AGRICULTURE

SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,523

Name of Applicant (Please Print): Brecker Hint

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: Brecker Hint
ADDRESS: 30698 NW Chase Rd Garnett KS 66032

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	19	17													40	40			80

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	

FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

WATER RESOURCES
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DEC 10 2015 SCANNED

KS DEPT OF AGRICULTURE

NEW STREAM WORKSHEET

ES KAB/AJW

Date: 12-10-15

File No. 49523

Basin Name: Pottawatomie Creek Basin No. 5

Stream Name: Kenoma Creek Trib 1A (Pottawatomie Creek)

Stream location (confluence with parent stream):

Section 31, Township 19 South, Range 18 (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. 3843 (computer assigned - entered by data entry staff)

Date Entered 12/31/2015 By LLM

SCANNED

NEW STREAM WORKSHEET

ES KAB/AJW

Date: 12-10-15

File No. 49523

Basin Name: Pottawatomie Creek Basin No. 5

Stream Name: Kenoma Creek Trib 1 (Pottawatomie Creek)

Stream location (confluence with parent stream):

Section 36, Township 19 South, Range 17 (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. 38 42 (computer assigned - entered by data entry staff)

Date Entered 12/21/2015 By LCM

NEW STREAM WORKSHEET

ES KAB/AJW

Date: 12-10-15

File No. 49523

Basin Name: Pottawatomie Creek Basin No. 5

Stream Name: Keroma Creek (Pottawatomie Creek)

Stream location (confluence with parent stream):

Section 15, Township 20 South, Range 18 (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. 3841 (computer assigned - entered by data entry staff)

Date Entered 12/31/2015 By UM

Upstream and Downstream Landowners Within ½ Mile

Upstream

Applicant owns all land upstream of this project.

Downstream

THOMAS HERMAN EDWARDS JR AND
THOMAS HERMAN EDWARDS III
305 WOOD ST
WATER VALLEY, MS 38965

DWYLAN & KAYLA HIRT
26752 NW CHASE RD
WESTPHALIA KS 66093

GREGORY D & CAROL A MILLER
30183 NW BARTON RD
GARNETT KS 66032

Hemphill, Lloyd

From: Tietsort, Katie
Sent: Thursday, August 04, 2016 8:37 AM
To: Hemphill, Lloyd
Subject: RE: File No. 49523 (Hirt): For Your Recommendation

Lloyd,

The application referenced for Mr. Hirt does appear to meet all applicable rules and regulations of the KWAA and therefore should move forward for approval.

Thanks for your work,
Katie

Katie Tietsort
Water Commissioner, Topeka Field Office
Kansas Department of Agriculture, Division of Water Resources
6531 SE Forbes Ave, Ste B
Topeka, KS 66619
(785) 296-5733
Katie.Tietsort@ks.gov

From: Hemphill, Lloyd
Sent: Wednesday, August 3, 2016 11:06 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: File No. 49523 (Hirt): For Your Recommendation

Katie,

I would like your recommendation on Application, File No. 49,523 for Brenden Hirt.

DWR Structures reviewed the project and determined that the structure is non-jurisdictional.

Let me know if you have any questions.

Thanks,
Lloyd Hemphill, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
Lloyd.Hemphill@kda.ks.gov

Hemphill, Lloyd

From: Hemphill, Lloyd
Sent: Wednesday, August 03, 2016 11:10 AM
To: Hemphill, Lloyd
Subject: FW: Project Updates

From: Phillips, Janelle
Sent: Tuesday, July 12, 2016 10:46 AM
To: Hemphill, Lloyd; Hunninghake, Kimberly
Cc: Schemm, Doug; Darrah, Jean; Saadi, Hakim
Subject: RE: Project Updates

Kim and I looked at this and it does not require a permit from DWR -Structures

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

Please visit our website to get current applications for new projects at:
<http://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits>

Maximum Reasonable Annual Quantity for Storage in Reservoirs

KAR 5-6-5

File Number: 49,523

The lesser of:

a) Potential annual runoff, 20% chance (KAR 5-6-4)

Normal Annual Precipitation:	<input type="text" value="38.37"/>	inches
Soil Complex Number:	<input type="text" value="78"/>	
Runoff/ Acre (from graph):	<input type="text" value="16"/>	inches
Acres in Drainage Basin:	<input type="text" value="35"/>	

Potential annual runoff, 20% chance (KAR 5-6-4) acre-feet

or

b) One of the following:

X This application will be limited by potential runoff.

1) A) 3 year supply for all authorized uses; and acre-feet

B) 3 year supply for indirect use

3 Year Seepage:

Evaporation:

Potential Net Annual Evaporation:	<input type="text" value="2.10"/>	inches
Reservoir Surface Area:	<input type="text"/>	acres
Annual Quantity Lost by Evaporation:	<input type="text"/>	acre-feet
3 Year Total Indirect Use:	<input type="text"/>	acre-feet

Total (3-yr): acre-feet

2) If the total quantity requested in b(1)(A) and (B) exceeds reservoir capacity, the maximum authorized annual quantity shall not exceed the total of:

A) Annual quantity rediverted for beneficial use: acre-feet

B) Reservoir capacity: acre-feet

C) One year of indirect use from the reservoir: acre-feet

Total: acre-feet

Prepared by:

Date:

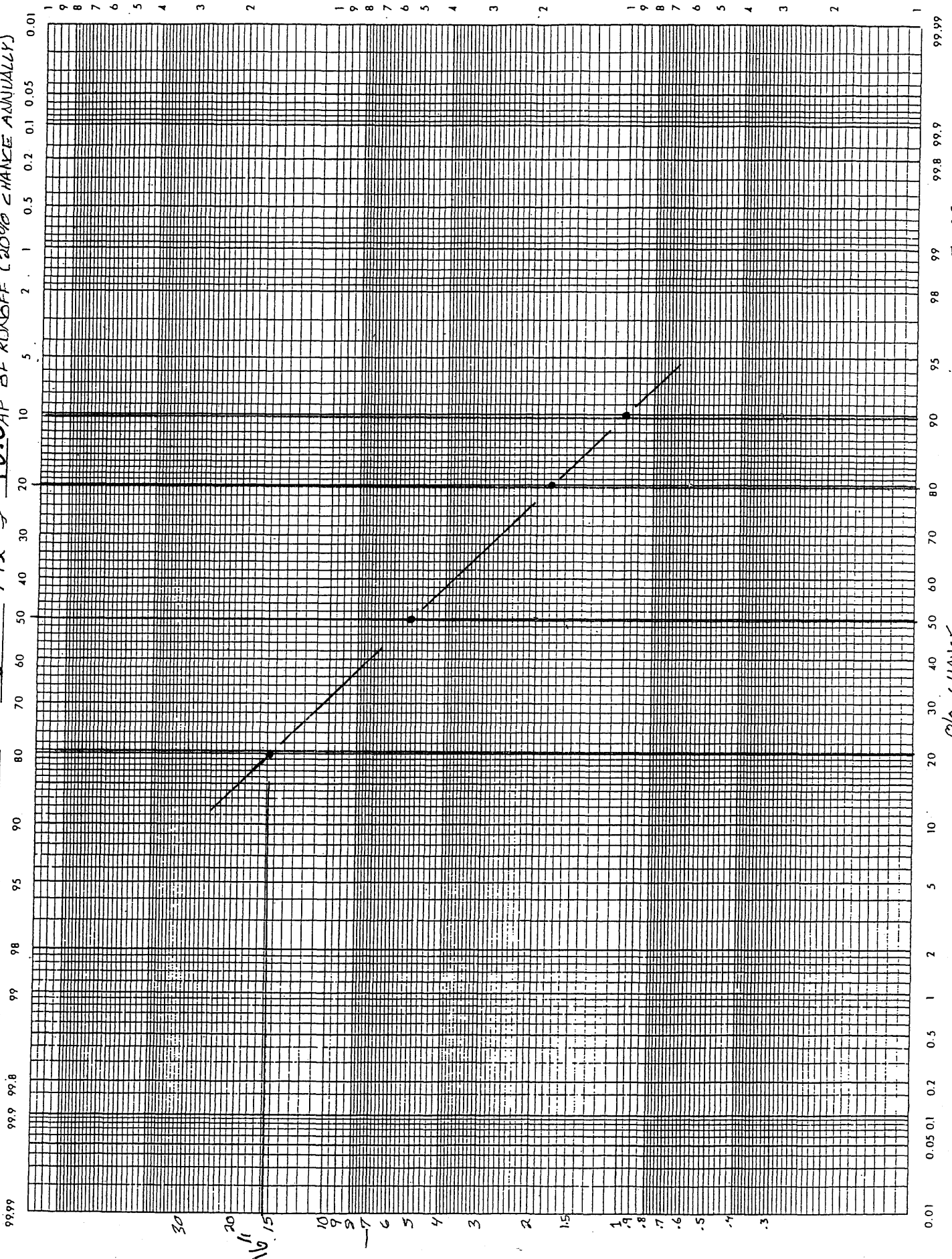
Probability (Long-axis) by 3rd Cycle Log

FILE NO. 49,523

SOIL: "78" PRECIP: 37"

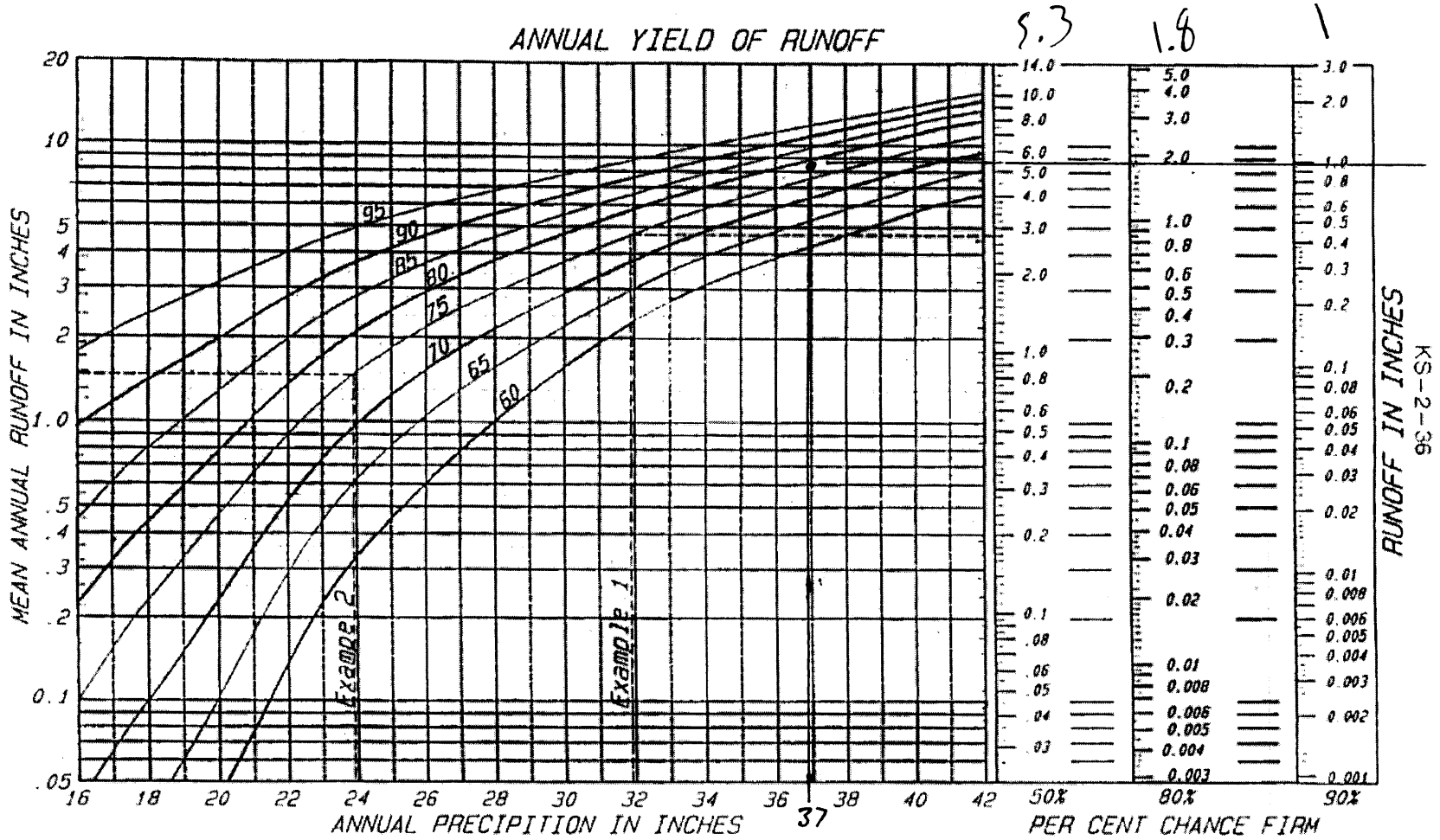
INCHES RUNOFF/ACRE: 16"
OF RUNOFF (20% CHANCE ANNUALLY)

35 ACRES IN DRAINAGE x 16" = 560" / 12" ⇒ 46.6 AF



PREPARED BY:

CID CHANCE



KS-2-36
RUNOFF IN INCHES

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



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 29, 2015

BRENDEN HIRT
30698 NW CHASE RD
GARNETT KS 66032

RE: Application
File No. 49523

Dear Sir or Madam:

Your application for permit to appropriate water in 25-19S-17E in Anderson 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) 564-6634. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Kopp", written over a white background.

Kenneth A. Kopp, P.G.
New Application Unit Supervisor
Water Appropriation Program

KAK: DLW
pc: TOPEKAField Office
GMD 0

SCANNED

SCANNED

New Application - File No. 49,523

Map Addendum



Proposed Place of Use

Map Prepared by LHH/TFO 7-11-2016



N

0

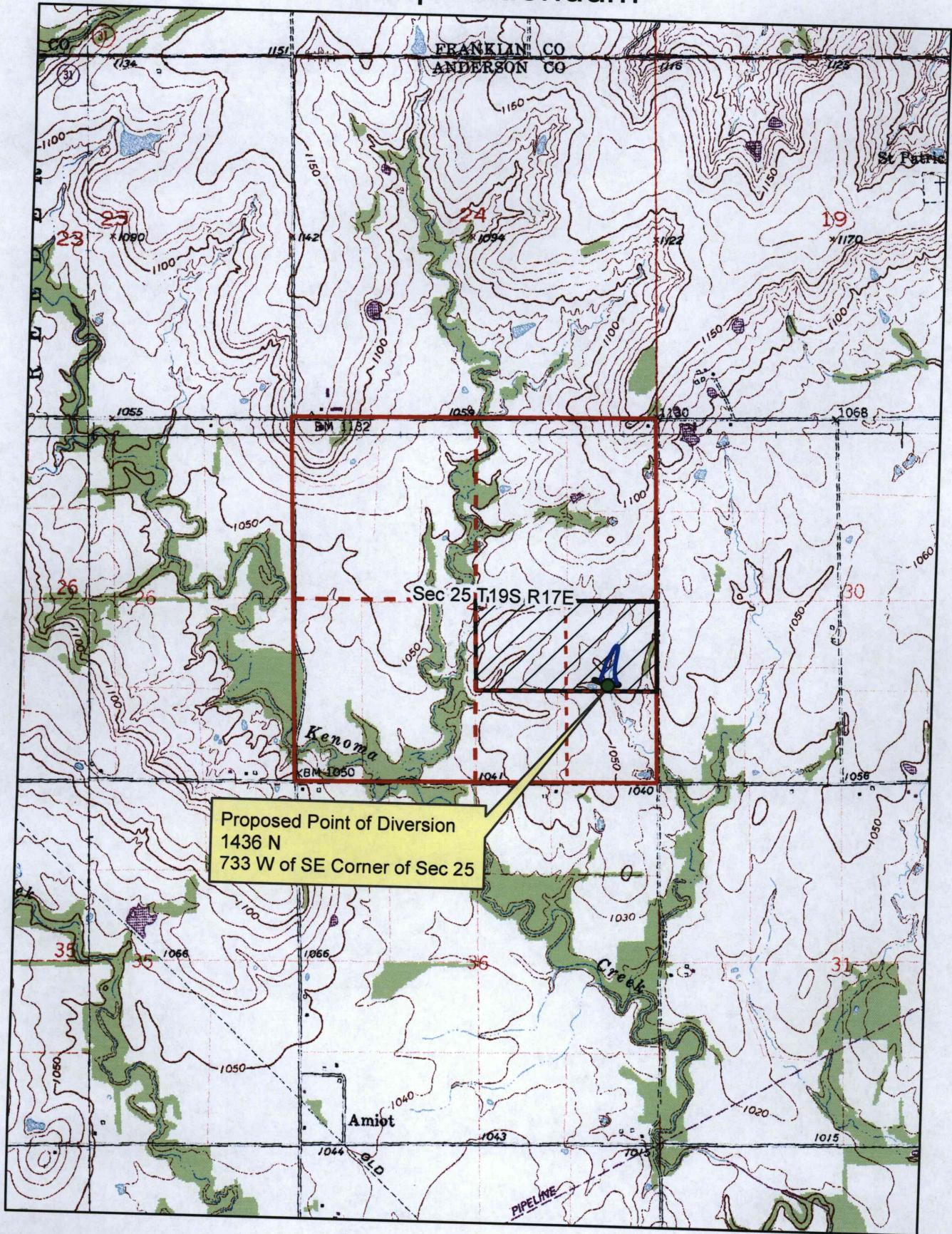
0.25

0.5 Mile

1:12,000

New Application - File No. 49,523

Map Addendum

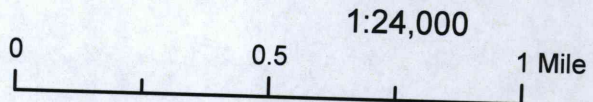


Proposed Point of Diversion
1436 N
733 W of SE Corner of Sec 25



Proposed Place of Use

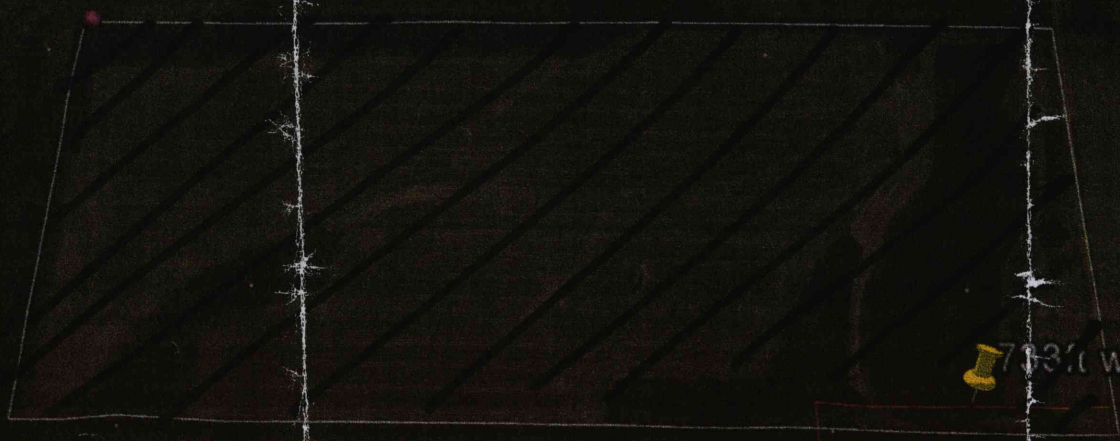
Map Prepared by LHH/TFO 7-11-2016



22516h

Brendon Hirt permit map

Write a description for your map.



713ft west

1436ft north

Handwritten notes:
Hirt
water

Handwritten notes:
Hirt
water

NED

Legend
KS T19S

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DEC 10 2015

KS DEPT OF AGRICULTURE

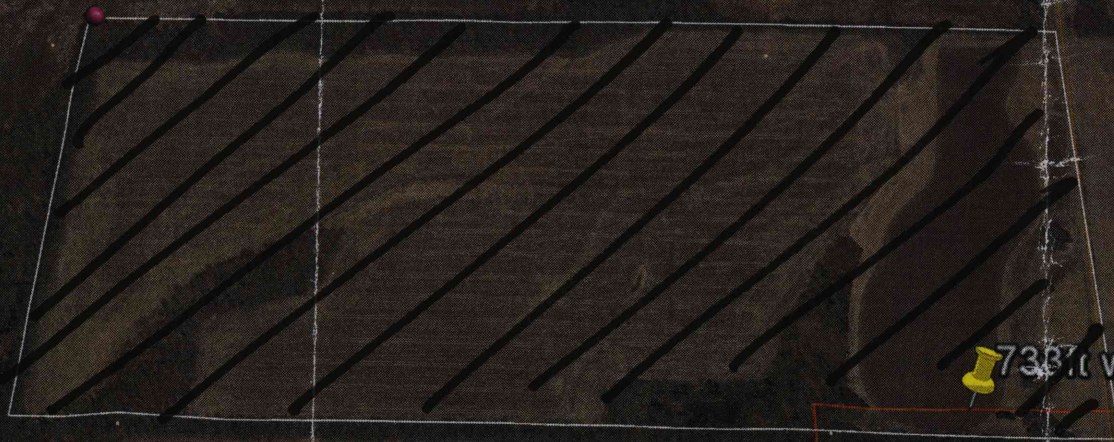
Brendon Hirt permit map

Write a description for your map.

Legend

 KS T19S

Drip Irrigation



 733ft west

1436ft north 

WATER RESOURCES
RECEIVED
DEC 10 2015
KANSAS DEPT OF AGRICULTURE

Google earth



1000 ft

49,523