



File No. **49,640**      15. Formation Code: \_\_\_\_\_      Drainage Basin: POTTAWATOMIE CREEK      County: AN      Special Use: \_\_\_\_\_      Stream: KENOMA CREEK TRIB 2 (POTTAWATOMIE)

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√				<b>85326</b>							

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>1200</b>	<b>149</b>	<b>1200</b>	<b>149</b>	<b>NONE</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity **180** ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity **180** 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										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
√				<b>67776</b>																								<b>7b.</b>	<b>No</b>	<b>NONE</b>			

Comments: \_\_\_\_\_

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

**TO:** Files

**DATE:** August 3, 2016

**FROM:** Doug Schemm

**RE:** Application, File No. 49,640

Miller Farms has filed the application referred to above for a permit to appropriate 180 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir located in the Southeast Quarter of Section 31, in Township 19 South, Range 18 East, Anderson County, Kansas. The dam is located on Kenoma Creek Trib 2 (Pottawatomie). The point of diversion is located on property owned by the applicant, and Greg Miller has signed the application form stating he has legal access to the point of diversion. The entire place of use comprising 149 acres, is owned by the Garland Miller Rev Trust. There are no overlapping files in point of diversion or place of use.

Runoff computations are not necessary based on historical knowledge of this area of the state, the 287 acre drainage area will certainly result in much greater than 180 acre-feet of runoff (estimated 975 acre-feet of runoff) in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **IS NOT** the limiting factor. Therefore, the maximum allowed storage quantity was based on one year of direct use (149 acre-feet) + the reservoir capacity (26 acre-feet) + one year of indirect use (evap of 5 acre-feet) for a total of 180 acre-feet of storage. The quantity of water for direct IRR use will provide for 1 acre-feet per acre, which is the maximum allowable for Anderson County, Kansas, per K.A.R. 5-3-24.

County property records identified the upstream and downstream landowners within one-half (½) mile, and notification letters were sent out on July 12, 2016. No responses of any kind were received. There is only one other permitted surface water right within a two-mile radius according to the WRIS database, and it is located on a different tributary stream and would not be affected in any way.

The existing structure has been registered with the DWR Water Structures Program under file number DAN-0078. 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 applicant has submitted a signed and notarized Minimum Desirable Streamflow (MDS) statement. 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 a July 27, 2016 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the structure is registered with the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm  
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

August 29, 2016

MILLER FARMS  
% GREG MILLER  
30183 NW BARTON RD  
GARNETT KS 66032-8881

**FILE COPY**

Re: Appropriation of Water, File No. 49,640

Dear Mr. Miller:

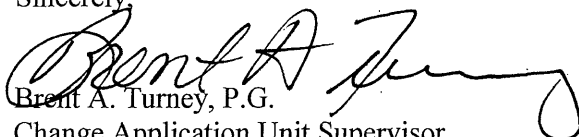
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location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



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

BAT:dws  
Enclosures

pc: Topeka Field Office  
Garland & Helen Miller Rev Trust

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)

**FILE COPY**

This is to certify that I have examined Application, **File No. 49,640** of the applicant

**MILLER FARMS  
% GREG MILLER  
30183 NW BARTON RD  
GARNETT KS 66032-8881**

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 **May 19, 2016**.
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				
31	19S	18E																40	33	40	36	149

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Kenoma Creek, designated in the office of the Chief Engineer as Kenoma Creek Trib 2 (Pottawatomie), 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 **180 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW¼ NW¼ SE¼) of Section 31, more particularly described as being near a point 2,098 feet North and 2,630 feet West of the Southeast corner of said section, in Township 19 South, Range 18 East, Anderson County, Kansas, to provide **149 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,200 gallons per minute (2.67 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, 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<sup>th</sup> 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<sup>th</sup> 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

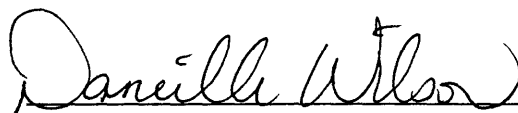
On this 29 day of August, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,640, dated August 26, 2016 was mailed postage prepaid, first class, US mail to the following:

MILLER FARMS  
30183 NW BARTON RD  
GARNETT KS 66032-8881

With photocopies to:

GARLAND & HELEN MILLER REV TRUST  
30183 NW ARKANSAS RD  
GARNETT KS 66032

Topeka Field Office



Division of Water Resources



APPLICATION COMPLETE

7/27/2016

Reviewer DWS



THE STATE OF KANSAS

RECEIVED

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

JUN 21 2016

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

Topeka Field Office  
DIVISION OF WATER RESOURCES

WATER RESOURCES  
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MAY 19 2016

1:41

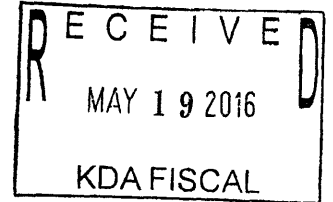
KS DEPT OF AGRICULTURE

File Number 49,640

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

APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE

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



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

1. Name of Applicant (Please Print): MILLER FARMS %GREG MILLER

Address: 30183 NW BARTON RD

City: GARNETT State: KS Zip Code 66032

Telephone Number: (785) 448-4602

2. The source of water is:  surface water in Tributary to Kenoma Creek (stream) Trib 2 (Pottawatomie)  
OR  groundwater in Pottawatomie Creek (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. **REDIVERSION OF 149 AF @ 1,200 GPM**

3. The maximum quantity of water desired is 180 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
- (a)  Artificial Recharge
  - (b)  Irrigation
  - (c)  Recreational
  - (d)  Water Power
  - (e)  Industrial
  - (f)  Municipal
  - (g)  Stockwatering
  - (h)  Sediment Control
  - (i)  Domestic
  - (j)  Dewatering
  - (k)  Hydraulic Dredging
  - (l)  Fire Protection
  - (m)  Thermal Exchange
  - (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:

F.O. GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County AN By AM Date 5/19/16  
Code \_\_\_\_\_ REG RR2 Fee \$ 500 TR # \_\_\_\_\_ Receipt Date 5/19/16 Check # 7079

5/25/2016 LLM

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

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

- (A) One in the NW quarter of the NW quarter of the SE quarter of Section 31, more particularly described as being near a point 2098 feet North and 2630 feet West of the Southeast corner of said section, in Township 19 South, Range 18 EAST, 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):

APPLICANT Greg Miller Greg Miller  
(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 May 12, 2016. Greg Miller  
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR  
(number of wells, pumps or dams, etc.)  
and (will be) completed (by) Summer 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 SUMMER 2016.  
(Mo/Day/Year)

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

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

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

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

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

• If yes, show the Water Structures permit number here DAN-0078

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

Dam Registration

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. Capacity of Reservoir = 26 acre-feet; Surface Area = 7 Acres (7 x 9"/12 = 5 AF of evaporation)

Direct Use Quantity = 149 acre-feet. 26 AF + 5 AF + 149 AF = 180 AF of Storage

287 acres of drainage Area

WATER RESOURCES  
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MAY 19 2016

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner-tenant  
(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):

Garland miller 785-448-4247 31121st Hwy 31 Garnett ks 66032  
(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 \_\_\_\_\_, Kansas, this 12 day of May, 2016  
(month) (year)

[Signature]  
(Applicant Signature)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By \_\_\_\_\_  
(Agent or Officer Signature)

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

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 5/9/2016  
(office/title)

## IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,640

Name of Applicant (Please Print): GREG MILLER

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: ~~MILLER FARMS~~ Garland Miller  
 ADDRESS: 31121 Hwy 31 Garnett  
~~30183 NW BARTON 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	
31	19	18E													40	33	40	36	149

**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  
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MAY 19 2016

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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_ %

Estimate the maximum land slope in the field(s): \_\_\_\_\_ %

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:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi

(2) What is the sprinkler package design rate? \_\_\_\_\_ 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? \_\_\_\_\_ 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:

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).

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

\_\_\_\_\_  
(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. 49,640

Minimum Desirable Streamflow

Dear Sir:

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

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

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

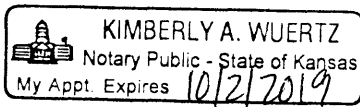
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Greg Miller  
Signature of Applicant

State of Kansas )  
County of Anderson ) ss )

Greg Miller  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 17 day of May, 2016.



Kimberly Wertz  
Notary Public

My Commission Expires: 10/2/2019

WATER RESOURCES  
RECEIVED

MAY 19 2016

SCANNED

**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



#49,640

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

May 6, 2016

Greg Miller  
Miller Farms  
30183 NW Barton Rd  
Garnett, KS 66032

RE: Non-Jurisdictional Dam Determination  
WSN: DAN-0078

Dear Mr. Miller:

Please accept this letter as confirmation that your proposed dam is non-jurisdictional and exempt from the dam safety permit requirements specified in K.S.A. 82a-301(a). Your proposed dam location has been registered in our records.

You reported that your proposed dam is located in the NW1/4 of the NW1/4 of the SE1/4 of Section 31, Township 19 South, Range 18 East in Anderson County and has a height of 16 feet with a storage volume of 40.8 acre-feet at the emergency spillway elevation. A jurisdictional dam has a height of 25 feet or more; or has a height of six feet or greater and a storage volume at the top of the emergency spillway elevation of 50 or more acre-feet. We verified that your proposed dam is non-jurisdictional under the requirements specified in K.S.A. 82a-301(b)(1).

Please note that if the dam becomes jurisdictional, a dam breach analysis may be required to check the elevation of flood waters at Kansas Highway 31 to verify the hazard class. You may be required to obtain a dam safety permit for a jurisdictional dam. This may involve a redesign and partial reconstruction of the dam to meet applicable dam safety standards. Please contact me at 785-564-6652 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kim Hunninghake".

Kimberly A. Hunninghake, P.E.  
Dam Safety Team Leader

Pc: Topeka Field Office

#49,640

SRVSIQ1 Query: WSI, ENG, WBL, TRANSACTIONS, WATER RIGHTS, LOCATIONS, WAMERS, ECA, ITRAIL, COMPLIANCE, IMAGES, WMI, ACTIONS

STRUCTURE NUMBER D AN 0078 Wt Id 39978 LAST# 78	APPLICATION App. Recd Date	INDICATORS Pending Completion N
REVIEWER INIT SRS	CURRENT STATUS Project Activity DAM REGISTRATION	App. Mod N
File Location	Site Name	Pending Mod N
	Stream	After the Fact N
	DDOT Type	General Permits N
APPLICANT LAST MILLER FARMS FIRST		Lease Ind N Corps
OWNER LAST MILLER FARMS FIRST		App Proc Time DWR 15 Total 36
DESIGNER LAST UNKNOWN FIRST		Location Pnt Data
Consent Comp Date DDA 287	Remarks 2 ADDL OWNERS-SEE AFF/ND	Fa TOPEKA

MS INT ALL ACT LOCATION EIA APPLICANT OWNER DESIGNER EIT COMPLAINT ACC ACT PROJECT

ACTIONS

Date	Action	Deadline	Remarks
05-12-2016	DETERMINATION PROCESSING SUSPENDED		REQUESTED
05-05-2016	DETERMINATION PROCESSING RESUMED		UPDATED 0
02-24-2016	DETERMINATION PROCESSING SUSPENDED		REQUESTED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49640 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49640 00 IRR

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

2098 Feet North and 2630 Feet West of the Southeast Corner of Section 31 T 19S R 18E

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__ 49523 00 IRR AY S      5778 -- SW NE SE 1436 733 25 19 17E 1      70.00 70.00 AF
A__ 49640 00 IRR AY S      0 -- NW NW SE 2098 2630 31 19 18E 1     149.00 149.00 AF
=====

```

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      219.00           180.00
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) =                 219.00           180.00
=====

```

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:

2098 Feet North and 2630 Feet West of the Southeast Corner of Section 31 T 19S R 18E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 49523 00 IRR AY S
> BRENDEN HIRT
>
> 30698 NW CHASE RD
> GARNETT KS 66032
>-----
A__ 49640 00 IRR AY S
> MILLER FARMS
>
> 30183 NW BARTON RD
> GARNETT KS 66032
>-----
=====

```

#####



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Sam Brownback, Governor

July 12, 2016

JAMES H & REBECCA A DODD  
12576 NW 2300 RD  
GARNETT KS 66032

Re: Pending Application, File No. 49,640

Dear Sir or Madam:

This is to advise you that Miller Farms has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 180 acre-feet of surface water per calendar year, and re-divert 149 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
of Section 31, in Township 19 South, Range 18 East, Anderson County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. 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 point 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 may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Miller Farms



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 12, 2016

DOUGLAS R & MARIA C COLE  
11965 NW 2200 RD  
GARNETT KS 66032

Re: Pending Application, File No. 49,640

Dear Sir or Madam:

This is to advise you that Miller Farms has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 180 acre-feet of surface water per calendar year, and re-divert 149 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

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Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Miller Farms



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 12, 2016

SHAMROCK CREEK FARMS LLC  
31492 NW CHASE RD  
GARNETT KS 66032

Re: Pending Application, File No. 49,640

Dear Sir or Madam:

This is to advise you that Miller Farms has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 180 acre-feet of surface water per calendar year, and re-divert 149 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

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Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Miller Farms



**Barton County  
Property Data**

Current Theme:

- General Info
- Residential
- Commercial
- Agricultural
- Map
- Building Sketch
- Full Report
- Help

Data:	Updated:
Property Info	7/4/2016
Parcel Map	6/22/2016
Aerial Photos	3/2010

9 property records were found. Click a **Parcel ID** to establish

Rec	Parcel ID	Owner Name
1	<a href="#">0020493100000006000</a>	COLE, DOUGLAS R & MARIA C
2	<a href="#">0020493100000003000</a>	COLLINS, LEO F

**Agricultural Information**

**Subject Property: 0020493100000001000**

QuickRef ID : 724

Owner Name : DODD, JAMES H & REBECCA A

Location : 12576 NW 2300 RD, Garnett, KS 66032.

Legal Desc : S31, T19, R18, ACRES 137.8 NE4 EX/BEG SE C 693'E NW COR, E660', S632', W660', N TO POB EX

The legal description displayed above is not adequate for use in le

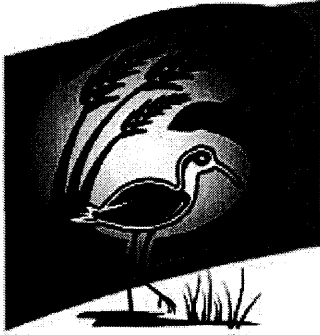
**Ag Land Details**

Acre Type :	No Acres :	Map Unit :
Dry Land - DR	1	8767
Dry Land - DR	83.1	8962
Dry Land - DR	5.4	8965
Tame Grass - TG	2.9	8962
Native Grass - NG	19.7	8767
Native Grass - NG	24.9	8962

Total Ag Acres: 137

**Ag Building Details**

Type :	Quantity :	Size
Barn, General Purpose	1	40X
Farm Utility Storage Shed	1	11X
Tool Shed	1	22X



**Barton County  
Property Data**

Current Theme:

- General Info
- Residential
- Commercial
- Agricultural
- Map
- Building Sketch
- Full Report
- Help

Data:	Updated:
Property Info	7/4/2016
Parcel Map	6/22/2016
Aerial Photos	3/2010

9 property records were found. Click a **Parcel ID** to establish

Rec	Parcel ID	Owner Name
1	<a href="#">0020493100000006000</a>	COLE, DOUGLAS R & MARIA C
2	<a href="#">0020493100000003000</a>	COLLINS, LEO F

**Agricultural Information**

**Subject Property: 0020493100000007000**

QuickRef ID : 731

Owner Name : MILLER, GARLAND & HELEN TTEES TRUST

Location : 31121 NW HWY 31, Garnett, KS 66032.

Legal Desc : S31, T19, R18, **ACRES 157.9, SE4** EX RD.

The legal description displayed above is not adequate for use in le

**Ag Land Details**

Acre Type :	No Acres :	Map Unit :
Dry Land - DR	104.6	8962
Dry Land - DR	1.2	8735
Dry Land - DR	13.6	8965
Tame Grass - TG	4	8735
Tame Grass - TG	2.7	8763
Tame Grass - TG	5	8911
Tame Grass - TG	6	8301
Tame Grass - TG	9	8962
Tame Grass - TG	6.5	8965
Native Grass - NG	4.4	8767
Native Grass - NG	6.5	8962
Native Grass - NG	8.4	8965

**Total Ag Acres: 171.9**





**Barton County  
Property Data**

Current Theme:

- General Info
- Residential
- Commercial
- Agricultural
- Map
- Building Sketch
- Full Report
- Help

Data:	Updated:
Property Info	7/4/2016
Parcel Map	6/22/2016
Aerial Photos	3/2010

9 property records were found. Click a **Parcel ID** to establish

Rec	Parcel ID	Owner Name
1	<a href="#">0020493100000006000</a>	COLE, DOUGLAS R & MARIA C
2	<a href="#">0020493100000003000</a>	COLLINS, LEO F

**Agricultural Information**

**Subject Property: 0020493100000006000**

QuickRef ID : 730

Owner Name : COLE, DOUGLAS R & MARIA C

Location : 00000 NW 2200 RD, Garnett, KS 66032.

Legal Desc : S31, T19, R18, ACRES 78.9, **S2 SW4 EX R1**

The legal description displayed above is not adequate for use in le

**Ag Land Details**

Acre Type :	No Acres :	Map Unit :
Dry Land - DR	5	8201
Dry Land - DR	5	8913
Dry Land - DR	1.9	8302
Dry Land - DR	1.1	8300
Dry Land - DR	22	8961
Dry Land - DR	20	8962
Tame Grass - TG	1.2	8300
Native Grass - NG	22.7	WAST

Total Ag Acres: 78.9

**No Ag Buildings found.**





**Barton County  
Property Data**

Current Theme:

- General Info
- Residential
- Commercial
- Agricultural
- Map
- Building Sketch
- Full Report
- Help

Data:	Updated:
Property Info	7/4/2016
Parcel Map	6/22/2016
Aerial Photos	3/2010

9 property records were found. Click a **Parcel ID** to establish

Rec	Parcel ID	Owner Name
1	<a href="#">0020493100000006000</a>	COLE, DOUGLAS R & MARIA C
2	<a href="#">0020493100000003000</a>	COLLINS, LEO F

**Agricultural Information**

**Subject Property: 0020493100000005000**

QuickRef ID : 729

Owner Name : SHAMROCK CREEK FARMS LLC

Location : 31492 NW CHASE RD, Garnett, KS 66032.

Legal Desc : S31, T19, R18, ACRES 80.8, N2 SW4 EX RC

The legal description displayed above is not adequate for use in le

**Ag Land Details**

Acre Type :	No Acres :	Map Unit :
Dry Land - DR	1.2	8302
Dry Land - DR	1.2	8301
Dry Land - DR	10.7	8961
Dry Land - DR	31	8962
Dry Land - DR	1.2	8965
Native Grass - NG	2.8	8767
Native Grass - NG	7.8	8301
Native Grass - NG	5.4	8300
Native Grass - NG	4.2	8962
Native Grass - NG	6.2	8965
Native Grass - NG	8.4	WAST

Total Ag Acres: 80.1

**Ag Building Details**

NEW STREAM WORKSHEET

ES AJW

Date: 5/24/16

File No. 491640

Basin Name: Pottawatomie Creek Basin No. 5

Stream Name: Kenoma Creek Trib 2 (Pottawatomie)

Stream location (confluence with parent stream):

Section 5, 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

---

3864  
Stream No. ~~3859~~ (computer assigned - entered by data entry staff)

Date Entered 5/25/2016 By LLM



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

July 12, 2016

DOUGLAS R & MARIA C COLE  
11965 NW 2200 RD  
GARNETT KS 66032

Re: Pending Application, File No. 49,640

Dear Sir or Madam:

This is to advise you that Miller Farms has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 180 acre-feet of surface water per calendar year, and re-divert 149 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
of Section 31, in Township 19 South, Range 18 East, Anderson County, Kansas.

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Sincerely,

A handwritten signature in cursive script that reads "Douglas W. Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Miller Farms

RECEIVED  
AUG 01 2016  
Topeka Field Office  
DIVISION OF WATER RESOURCES

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Sam Brownback, Governor

July 12, 2016

SHAMROCK CREEK FARMS LLC  
31492 NW CHASE RD  
GARNETT KS 66032

Re: Pending Application, File No. 49,640

RECEIVED  
AUG 01 2016  
Topeka Field Office  
DIVISION OF WATER RESOURCES

RECEIVED  
AUG 01 2016  
Topeka Field Office  
DIVISION OF WATER RESOURCES

Dear Sir or Madam:

This is to advise you that Miller Farms has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 180 acre-feet of surface water per calendar year, and re-divert 149 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW¼ NW¼ SE¼)  
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Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Miller Farms



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

May 19, 2016

GREG MILLER  
30183 NW BARTON RD  
GARNETT KS 66032

**FILE COPY**

RE: Application  
File No. 49640

Dear Sir or Madam:

Your application for permit to appropriate water in 31-19S-18E 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) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

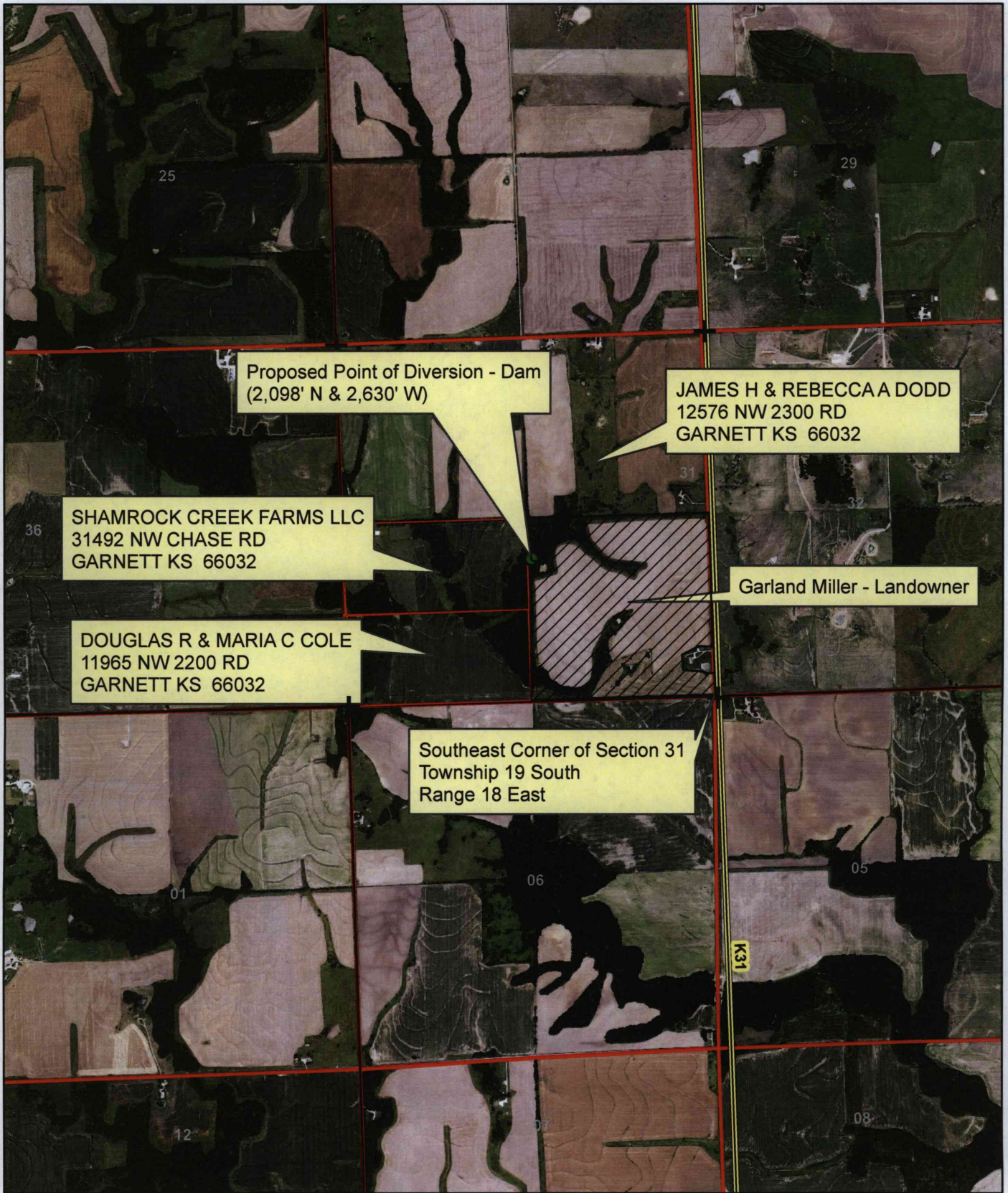
Brent A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: ALH  
pc: TOPEKA Field Office  
GMD 0

**SCANNED**



FILE NO. 49,640 - MILLER FARMS  
 Section 31, Township 19 South, Range 18 East  
 Anderson County



Proposed Point of Diversion - Dam  
 (2,098' N & 2,630' W)

JAMES H & REBECCA A DODD  
 12576 NW 2300 RD  
 GARNETT KS 66032

SHAMROCK CREEK FARMS LLC  
 31492 NW CHASE RD  
 GARNETT KS 66032

Garland Miller - Landowner

DOUGLAS R & MARIA C COLE  
 11965 NW 2200 RD  
 GARNETT KS 66032

Southeast Corner of Section 31  
 Township 19 South  
 Range 18 East



Proposed Place of Use



Proposed Point of Diversion

All known landowners adjacent to the stream  
 within one-half mile upstream and downstream  
 of the property lines have been shown. \*

1:24,000

*Verified with Applicant  
 \* See Property Records - DWS 10wR7/11/16*





44,640

# Miller Section 31, T19S, R18E

Anderson Co.

WATER RESOURCES  
RECEIVED

MAY 19 2016

SCANNED

KS DEPT OF AGRICULTURE



1:12,000



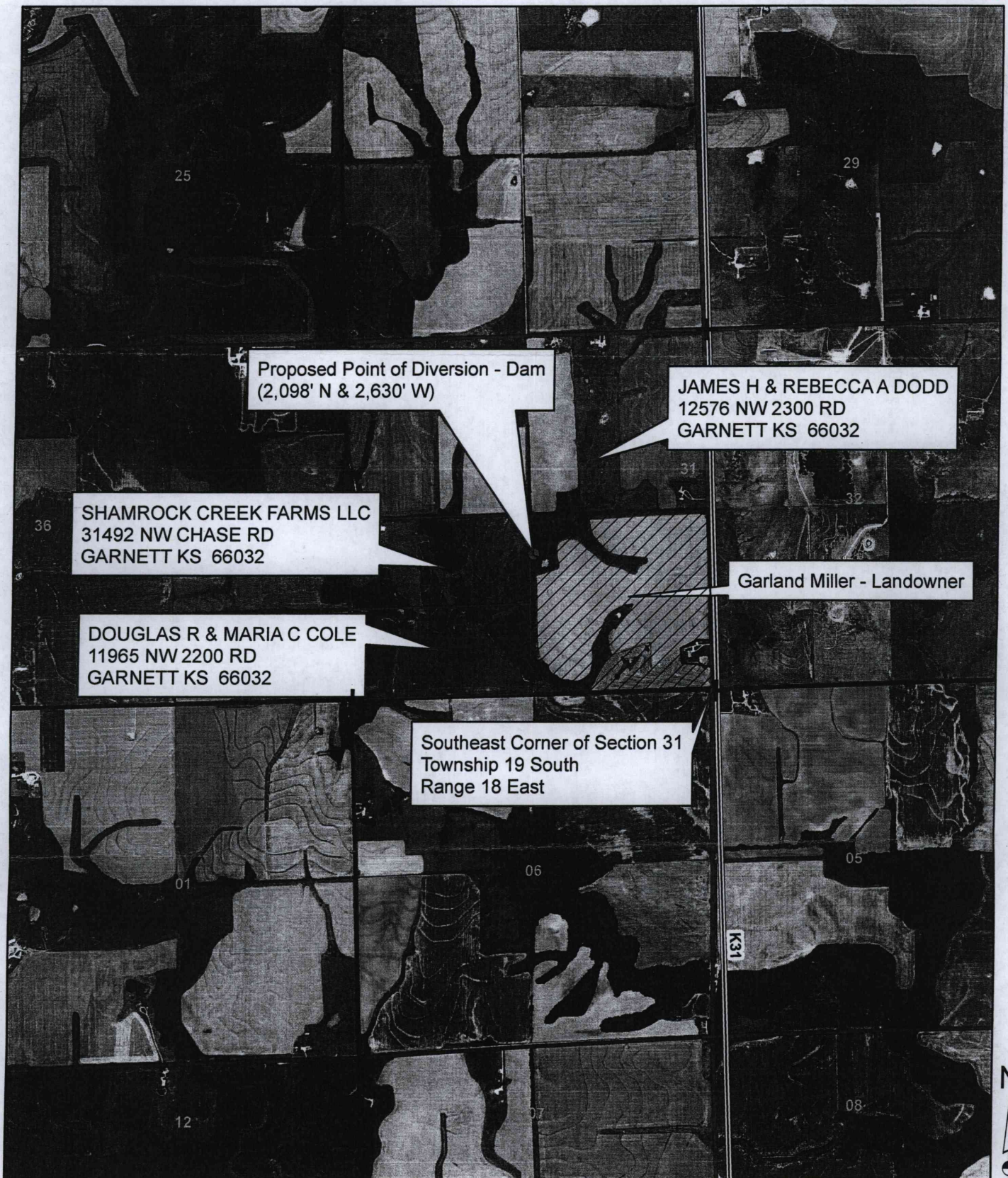


FILE NO. 49,640 - MILLER FARMS  
Section 31, Township 19 South, Range 18 East  
Anderson County

RECEIVED

AUG 01 2016

Topeka Field Office  
DIVISION OF WATER RESOURCES



Proposed Place of Use



Proposed Point of Diversion

1:24,000

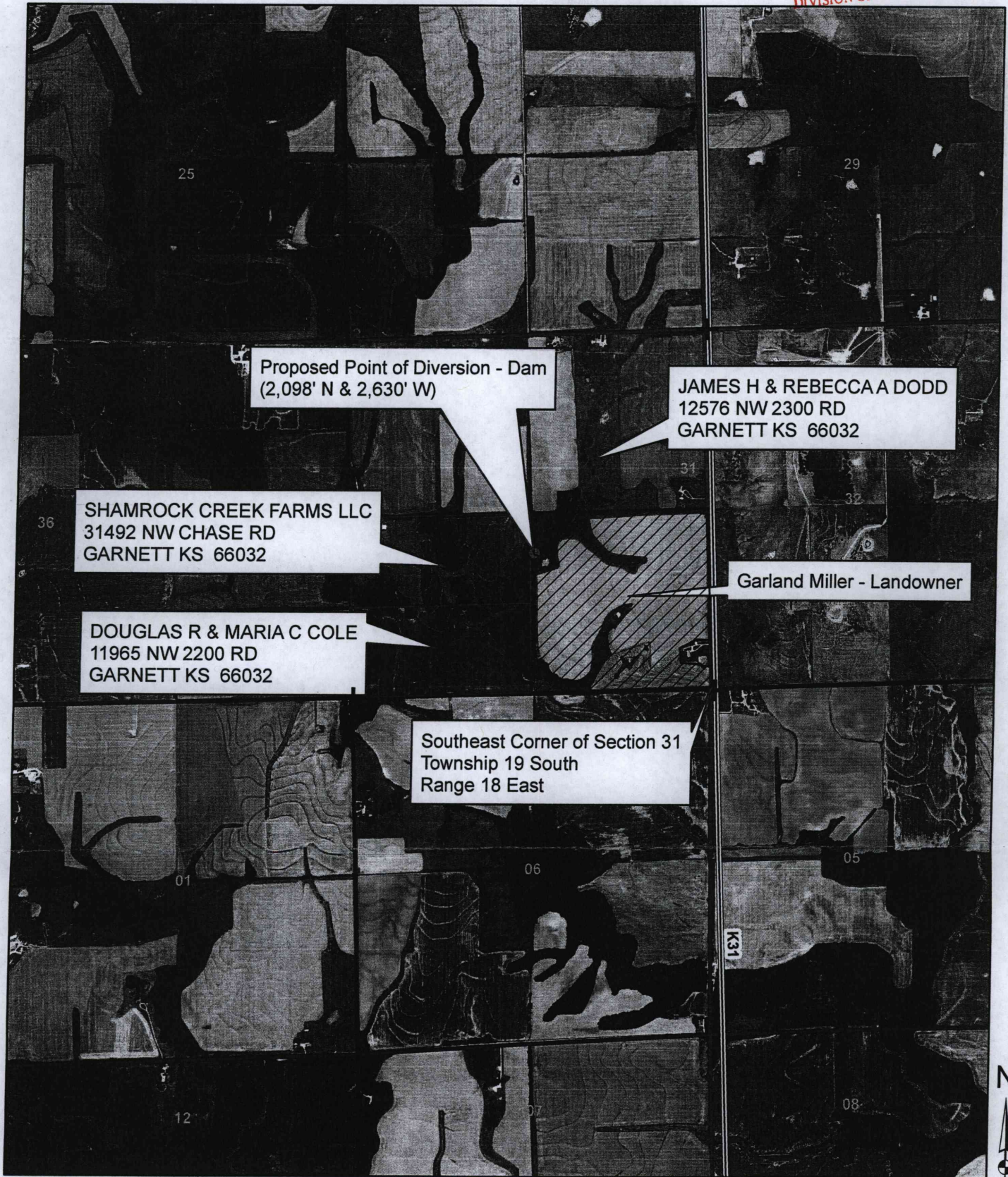
All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.





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 Section 31, Township 19 South, Range 18 East  
 Anderson County

RECEIVED  
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 DIVISION OF WATER RESOURCES



Proposed Point of Diversion - Dam  
 (2,098' N & 2,630' W)

JAMES H & REBECCA A DODD  
 12576 NW 2300 RD  
 GARNETT KS 66032

SHAMROCK CREEK FARMS LLC  
 31492 NW CHASE RD  
 GARNETT KS 66032

DOUGLAS R & MARIA C COLE  
 11965 NW 2200 RD  
 GARNETT KS 66032

Garland Miller - Landowner

Southeast Corner of Section 31  
 Township 19 South  
 Range 18 East



Proposed Place of Use

● Proposed Point of Diversion

All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

1:24,000

