

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

1. File Number: <p style="text-align: center;"><b>49,666</b></p>	2. Status Change Date: <p style="text-align: center;"><b>11/1/2016</b></p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></p>
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5. Status:      Approved      Denied by DWR/GMD      Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <b>54246</b> Add Seq# _____</p> <p><b>VERMILLION CREEK WATERSHED DIST #70 KING ENGINEERING AGENT 24400 M RD HOLTON KS 66436</b></p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a.</b></p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water:     Changing?     <input type="checkbox"/> Yes     <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input type="checkbox"/> Groundwater     <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR     <input type="checkbox"/> REC     <input type="checkbox"/> DEW     <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK     <input checked="" 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: **10/12/16**     By: **DWS**  
Date Entered: **11/2/2016**     By: **WM**

File No. <b>49,666</b>	15. Formation Code:	Drainage Basin: <b>BLACK VERMILLION RIVER</b>	County: <b>MS</b>	Special Use:	Stream: <b>See Attached Sheet</b>																																							
16. Points of Diversion ↓ MOD DEL      PDIV ENT                      Qualifier      S      T      R      ID      'N      'W			17. Rate and Quantity Authorized     Additional Rate     Rate     Rate gpm     AF     gpm     AF     Overlap PD Files																																									
<b>See Attachment A</b>			<b>NONE</b>																																									
18. Storage: Rate _____ NF      Quantity <u>75<sup>+</sup></u> ac/ft			Additional Rate _____ NF      Additional Quantity <u>75<sup>+</sup></u> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No      To be installed by _____      Date Acceptable Meter Installed _____																																												
21. Place of Use T MOD DEL ENT      PUSE      S      T      R      ID		<table border="1" style="width:100%; text-align: center; border-collapse: collapse;"> <tr> <th colspan="4">NE¼</th> <th colspan="4">NW¼</th> <th colspan="4">SW¼</th> <th colspan="4">SE¼</th> <th>Total</th> <th>Owner</th> <th>Chg? NO</th> <th>Overlap Files</th> </tr> <tr> <th>NE ¼</th> <th>NW ¼</th> <th>SW ¼</th> <th>SE ¼</th> <th>NE ¼</th> <th>NW ¼</th> <th>SW ¼</th> <th>SE ¼</th> <th>NE ¼</th> <th>NW ¼</th> <th>SW ¼</th> <th>SE ¼</th> <th>NE ¼</th> <th>NW ¼</th> <th>SW ¼</th> <th>SE ¼</th> <th></th> <th></th> <th></th> </tr> </table>				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	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			
NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files																									
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>See Attachment B</b>						<b>7a.</b>	<b>No</b>					<b>NONE</b>																																
<b>DEL 67908</b>																																												
Comments:																																												

*\* BAF/DWR*  
*11-2-16*

Kansas Department of Agriculture  
Division of Water Resources  
**WAIVER REQUEST & WAIVER RULE WORKSHEET**

File Number: 49,666

FO: 1 GMD: 0

**WAIVER REQUEST:**

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
SED	10/11/2016	126	Statewide	Storage of Water in Watershed District Reservoirs	Separate Application for Each Reservoir
Rule Number	Date Granted	Date Denied	Justification:	Application has been filed to cover 6 existing sediment control reservoirs, which is consistent with blanket permitting allowed prior to July 1, 2008 for watershed districts. Approval will bring existing reservoirs into compliance with Kansas Water Appropriation Act.	
K.A.R. 5-6-2 (b)	11/1/2016				

**WAIVER RULE:**

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 10/12/2016 By DWS

Date Entered 11/2/2016 By BLLM



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION**  
**K.A.R. 5-6-2(b) Storage of Water in Watershed District Reservoir**

Date: November 11, 2016 2016

Re: Appropriation of Water, File No. 49,666

1. That the application is requesting to authorize Sediment Control Use in six (6) existing reservoirs, and was received in our office on July 8, 2016.
2. That applications filed prior to a July 1, 2008 deadline were allowed to cover all existing reservoirs owned by the same watershed district under a single application (blanket application) for sediment control use.
3. That the Division of Water Resources had assisted many of the existing watershed districts in completing their applications prior to this deadline. It appears that the reservoirs identified in this application were inadvertently overlooked and the owners were not informed of the upcoming deadline.
4. That a recent watershed district merger between Vermillion, Snipe, Spring, and Mission Creeks revealed these reservoirs were not authorized and Vermillion Creek Watershed District #70 is now responsible for operating and maintaining these reservoirs.
5. That permitting these existing reservoirs under a blanket permit is consistent with how all other watershed district reservoirs were addressed. Permitting all of these separately would impose a significant financial burden on the applicant.
6. That the waiver will not prejudicially or unreasonably affect the public interest, and senior rights will not be impaired by the proposed use. Approval of the application will bring the applicant into compliance with the Kansas Water Appropriation Act by authorizing these existing reservoirs for sediment control use.

Comments:

A handwritten signature in black ink, appearing to read "David W. Barfield".

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David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture





## Schemm, Doug

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**Subject:** File No. 49,666 - Vermillion Creek No. 70 Blanket SED permit

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**From:** Tietsort, Katie  
**Sent:** Tuesday, October 11, 2016 1:06 PM  
**To:** Schemm, Doug  
**Subject:** RE: Blanket SED permit

Doug,

I agree with your recommendation for Approval of the pending application, File No. 49,666 for SED use. I support the waiver to allow the District, which appears to have not been notified in the project to get all these dams evaporation covered under water rights, to allow them to cover all the reservoirs under one permit.

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](mailto:Katie.Tietsort@ks.gov)

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**From:** Schemm, Doug  
**Sent:** Tuesday, October 11, 2016 12:47 PM  
**To:** Tietsort, Katie <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Blanket SED permit

Vermillion Creek

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**From:** Schemm, Doug  
**Sent:** Tuesday, October 11, 2016 12:12 PM  
**To:** Tietsort, Katie  
**Subject:**

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

**TO:**Files

**DATE:** October 12, 2016

**FROM:** Doug Schemm

**RE:** Application, File No. 49,666

Vermillion Creek Watershed District No. 70 has filed the above-referenced application to appropriate 75 acre-feet of surface water storage within the Black Vermillion River drainage basin for sediment control use. The water will be diverted at the rate of natural flows and stored in six (6) existing watershed dams and reservoirs with a total surface area of 21.9 acres, located in Marshall County, Kansas. DWR recognizes that these existing watershed reservoirs present a unique situation, and the Division worked closely with all known watershed districts to bring them into compliance with the law by allowing them to obtain one permit to appropriate water for all of their reservoirs, prior to July 1, 2008. K.A.R. 5-6-2 (b) states that "If surface water will be stored in a watershed district reservoir with a capacity of more than 15 acre-feet and an application to appropriate water to be stored in the reservoir was not filed before July 1, 2008, a separate application shall be filed to appropriate water to store water in each watershed district reservoir."

It was revealed during a merger of Vermillion, Snipe, Spring, and Mission Creeks watershed districts, that these existing reservoirs were not properly permitted, and DWR was unaware that these reservoirs existed. In addition, there is no evidence that these specific individual watershed districts were notified prior to the July 1, 2008 deadline. This application is designed to permit existing watershed district reservoirs that currently do not have water appropriations for the net evaporation loss from the water surface. As noted above, the Division had worked to get all existing watershed district reservoirs permitted, and these were overlooked, it is in the public interest and consistent with all other districts that these reservoirs be properly permitted. Therefore, it is recommended that **K.A.R. 5-6-2 (b) be waived** and allow all of these existing reservoirs to be permitted under this single water right. The applicant submitted a waiver request with the application.

In keeping with the current certification process for these types of permits, the place of use will be designated as within the actual reservoir per K.A.R. 5-6-10. The reservoirs are being approved for the full three years of net evaporation, without limitations, because there are no overlapping water rights on any of these reservoirs. The requested quantity is based on the net evaporation data for each township and range in which the various reservoirs are located. All of the dams creating the reservoirs are covered by existing permits from the Division of Water Resources (DWR) Water Structures Section.

Obviously these existing reservoirs have been in place for many years (generally over 40 years), and the watershed district has long term lease agreements with the area landowners where the reservoirs are located. Because these are existing reservoirs, no physical alteration of the dams or reservoirs will be performed, and approval of the application will not result in any changes to the current operation of the reservoirs, it was deemed not necessary to notify landowners in the local area. They are all certainly aware of these existing reservoirs, and they have had more than ample time to have expressed any concerns related to the reservoirs.

In order to maintain consistency with other sediment control use permits, this approval will be conditioned to reiterate that the applicant is responsible for the continued maintenance and operation of the watershed structures and appurtenances, including the valves; and that the applicant must bypass water when directed by the Chief Engineer or his authorized representative.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the application in an October 11, 2016 e-mail. Based upon the above discussion, and the fact that these are existing reservoirs, I recommend approval of the referenced application, in order to bring these reservoirs into compliance with the Water Appropriation Act.

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

November 4, 2016

VERMILLION CREEK WATERSHED DIST #70  
% ETHEL ANN KING – CONTRACTING OFFICER  
24400 M RD  
HOLTON KS 66436

**FILE COPY**

RE: Appropriation of Water, File No. 49,666

Dear Ms. King:

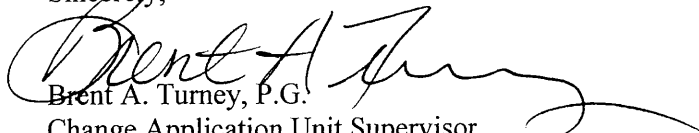
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location 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. Please note the specific reference in Paragraph Nos. 14 and 15, which describe the District's responsibility for operation of the diversion works and requirement to bypass water when directed by the Chief Engineer. Records must be maintained from which the quantity of water actually diverted may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

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

Sincerely,

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

BAT:dws  
Enclosures

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,666** of the applicant

**VERMILLION CREEK WATERSHED DIST #70  
KING ENGINEERING AGENT  
24400 M RD  
HOLTON KS 66436**

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 **July 8, 2016**.
2. That the water sought to be appropriated shall be used for sediment control use in six (6) existing reservoirs located in Sections 3, 4, 9, and 10, in Township 3 South, Range 9 East; and Sections 7 and 19, in Township 2 South, Range 10 East, all in Marshall County, Kansas.
3. That the authorized source from which the appropriation shall be made is from natural flows of surface water in streams within the Black Vermillion River drainage basin, not needed to satisfy all vested rights and prior appropriation rights, to be stored to a maximum extent of **75 acre-feet** per calendar year, in six (6) reservoirs with a total surface area of 21.9 acres, as follows:

one (1) reservoir located on an unnamed tributary to Snipe Creek, (identified in the office of the Chief Engineer as Snipe Creek Tributary No. 1), created by a dam (DD No. SC-2) located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 3, more particularly described as being near a point 384 feet North and 4,827 feet West of the Southeast corner of said section, in Township 3 South, Range 9 East, Marshall County, Kansas, to be accumulated to a maximum quantity not to exceed **14.0 acre-feet** of water per calendar year for **sediment control use** in a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 3, Township 3 South, Range 9 East, Marshall County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DMS-0016 by the Division of Water Resources;

one (1) reservoir located on an unnamed tributary to Snipe Creek, (identified in the office of the Chief Engineer as Snipe Creek Tributary No. 2), created by a dam (DD No. SC-1) located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 4, more particularly described as being near a point 397 feet North and 2,902 feet West of the Southeast corner of said section, in Township 3 South, Range 9 East, Marshall County, Kansas, to be accumulated to a maximum quantity not to exceed **12.6 acre-feet** of water per calendar year for **sediment control use** in a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 4, Township 3 South, Range 9 East, Marshall County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DMS-0019 by the Division of Water Resources;

one (1) reservoir located on an unnamed tributary to Snipe Creek, (identified in the office of the Chief Engineer as Snipe Creek Tributary No. 3), created by a dam (DD No. SC-4) located in the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 2,177 feet North and 2,996 feet West of the Southeast corner of said section, in Township 3 South, Range 9 East, Marshall County, Kansas, to be accumulated to a maximum quantity not to exceed **13.0 acre-feet** of water per calendar year for **sediment control use** in a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 9, Township 3 South, Range 9 East, Marshall County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DMS-0018 by the Division of Water Resources;

one (1) reservoir located on an unnamed tributary to Snipe Creek, (identified in the office of the Chief Engineer as Snipe Creek Tributary No. 4), created by a dam (DD No. SC-3) located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 10, more particularly described as being near a point 282 feet North and 4,915 feet West of the Southeast corner of said section, in Township 3 South, Range 9 East, Marshall County, Kansas, to be accumulated to a maximum quantity not to exceed **12.6 acre-feet** of water per calendar year for **sediment control use** in a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 10, Township 3 South, Range 9 East, Marshall County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DMS-0017 by the Division of Water Resources;

one (1) reservoir located on an unnamed tributary to Robidoux Creek, (identified in the office of the Chief Engineer as Robidoux Creek Tributary No. 5C), created by a dam (DD No. SA-4) located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 7, more particularly described as being near a point 1,168 feet North and 3,558 feet West of the Southeast corner of said section, in Township 2 South, Range 10 East, Marshall County, Kansas, to be accumulated to a maximum quantity not to exceed **19.5 acre-feet** of water per calendar year for **sediment control use** in a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 7, Township 2 South, Range 10 East, Marshall County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DMS-0020 by the Division of Water Resources; and,

one (1) reservoir located on an unnamed tributary to Robidoux Creek, (identified in the office of the Chief Engineer as Robidoux Creek Tributary No. 17), created by a dam (DD No. SA-3) located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 2,053 feet North and 4,923 feet West of the Southeast corner of said section, in Township 2 South, Range 10 East, Marshall County, Kansas, to be accumulated to a maximum quantity not to exceed **3.3 acre-feet** of water per calendar year for **sediment control use** in a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 19, Township 2 South, Range 10 East, Marshall County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DMS-0021 by the Division of Water Resources;

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 \$200.00, 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 the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
11. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
12. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.



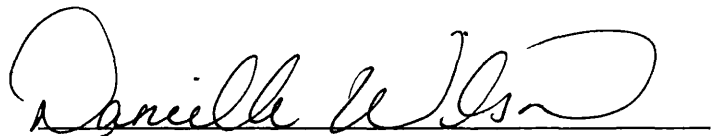
### CERTIFICATE OF SERVICE

On this *4<sup>th</sup>* day of *November*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,666, dated *November 1, 2016* was mailed postage prepaid, first class, US mail to the following:

VERMILLION CREEK WATERSHED DIST #70  
KING ENGINEERING AGENT  
24400 M RD  
HOLTON KS 66436

With photocopies to:

Topeka Field Office

A handwritten signature in black ink, appearing to read "Daniel A. King", written over a horizontal line.

Division of Water Resources

7/8/2016  
Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,666  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

JUL 08 2016  
9:57a  
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, KS 66502:

1. Name of Applicant (Please Print): VERMILLION CREEK WATERSHED DISTRICT #70  
Address: ETHEL ANN KING - CONTRACTING OFFICER 24400 M RD  
City: HOLTON State: KS Zip Code 66436  
Telephone Number: (785) 364-7480 (Ethel Ann King)

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in BLACK VERMILLION RIVER (drainage basin)

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

3. The maximum quantity of water desired is 75 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. 1 GMD  Meets K.A.R. 5-3-1 (YES)  NO) Use SED Source G/S County MS By AW Date 7/8/16  
Code \_\_\_\_\_ REG Fee \$ 20 TR # 17001259 Receipt Date 7/8/16 Check # 1521

SCANNED

7/19/2016 LUM

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 \_\_\_\_\_ 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, MARSHALL County, Kansas.

(B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

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

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

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

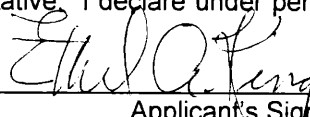
\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

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

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

Executed on 6-27-16, 2016.



Applicant's Signature

7. The proposed project for diversion of water will consist of SIX EXISTING DAMS AND RESERVOIRS  
(number of wells, pumps or dams, etc.)

and were completed (by) 1950's  
(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 \_\_\_\_\_  
(Mo/Day/Year)

See  
Attached  
Supplemental  
Sheets



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 ALREADY PERMITTED UNDER STRUCTURES PERMIT NOS. DMS-0016; DMS-0017; DMS-0018; DMS-0019; DMS-0020; AND DMS-0021.

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

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

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

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

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

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

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

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

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

NONE

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

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

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

14. The relationship of the applicant to the proposed place where the water will be used is that of Owner/Agent  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):  
\_\_\_\_\_  
(name, address and telephone number)  
\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.  
Dated at Holton, Kansas, this 27 day of June, 2016.  
(month) (year)

Ethel A. King Agent  
(Applicant Signature)

N/A  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By \_\_\_\_\_ and/or  
(Agent or Officer Signature) APPLICANT(S) TAXPAYER I.D. NO.(S)

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

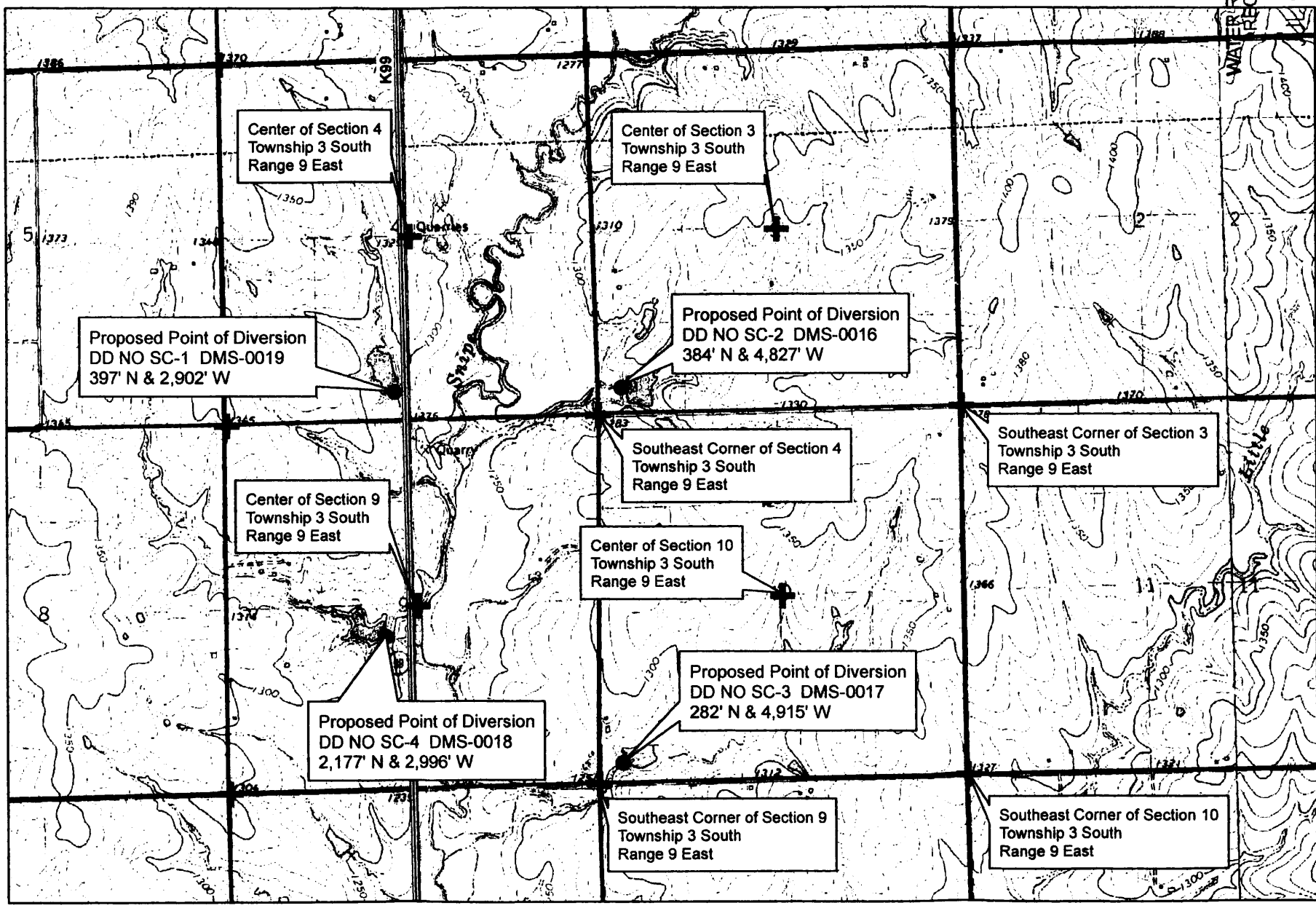
49,666

# Vermilion Creek Watershed Joint District No. 70 Secs. 3; 4; 9; and 10, Township 3 South, Range 9 East Marshall County

WATER RESOURCES  
DIVISION  
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08 2016

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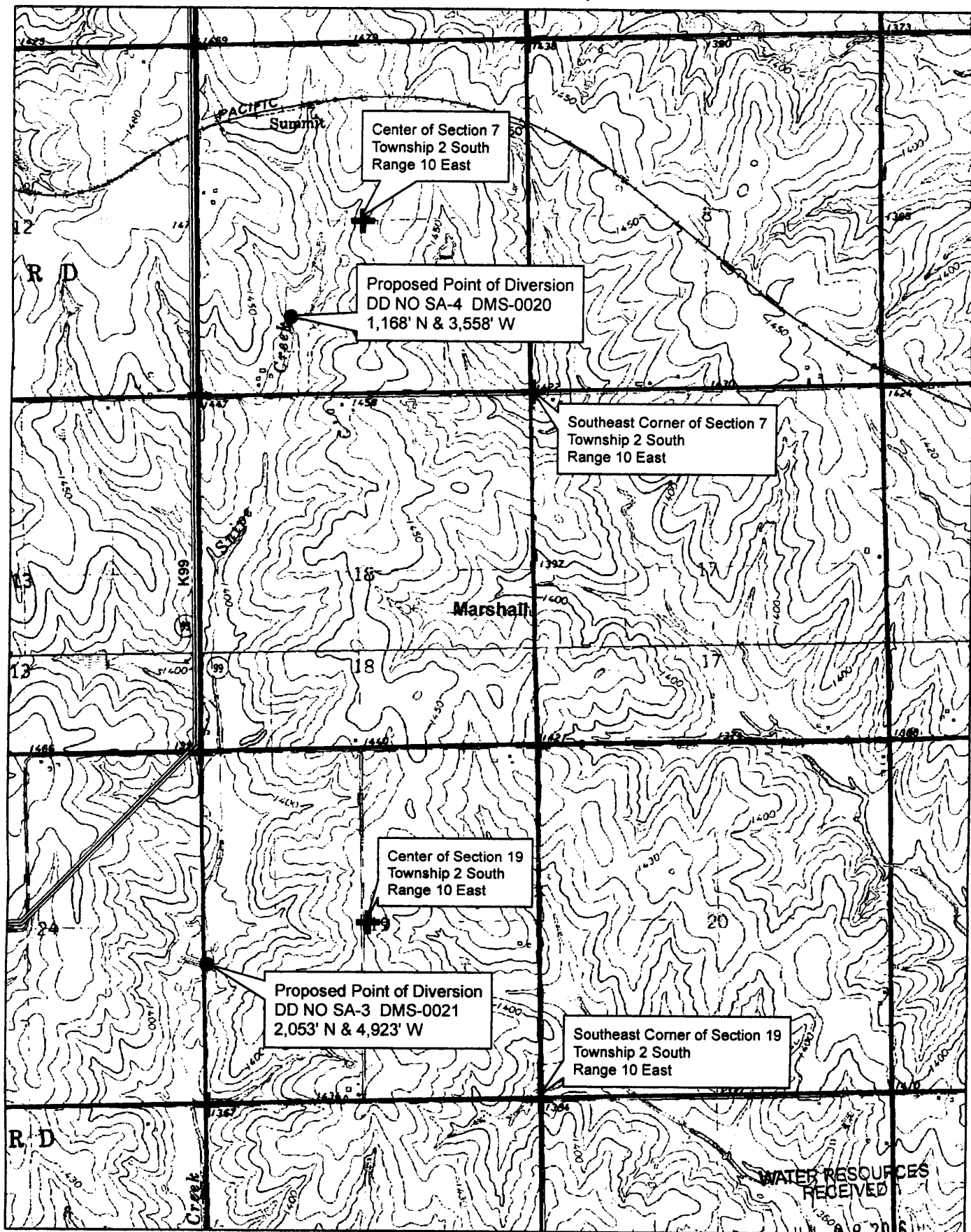


1:24,000

● Proposed Point of Diversion

Vermilion Creek Watershed Joint District No. 70  
Secs. 7 and 19, Township 2 South, Range 10 East  
Marshall County

49.666



1:24,000

● Proposed Point of Diversion

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**WATERSHED DISTRICT  
SEDIMENT CONTROL IN A RESERVOIR  
FOR EXISTING STRUCTURES  
SUPPLEMENTAL SHEET**

File No. 49,466  
to be assigned by DWR

Name of Applicant (Please Print): Vermillion Creek Watershed District #70 \_\_\_\_\_

Location of individual structures to be described as the point at which the centerline of the structure intersects the centerline of the stream.

- A. Watershed District Structure No. DD NO SC-2 DWR Structure Permit No. DMS-0016  
One structure in the SW quarter of the SW quarter of the SW quarter of Section 3,  
more particularly described as being near a point 384 feet North and 4,827 feet West of the  
southeast corner of said section, in Township 3 South, Range 9 East, MARSHALL County,  
Kansas, with a sediment pool surface area of 4.0 acres.  
Stream Snipe Creek Trib 1  
to be determined by DWR
- B. Watershed District Structure No. DD NO SC-1 DWR Structure Permit No. DMS-0019  
One structure in the SE quarter of the SE quarter of the SW quarter of Section 4,  
more particularly described as being near a point 397 feet North and 2,902 feet West of the  
southeast corner of said section, in Township 3 South, Range 9 East, MARSHALL County,  
Kansas, with a sediment pool surface area of 3.6 acres.  
Stream Snipe Creek Trib 2  
to be determined by DWR
- C. Watershed District Structure No. DD NO SC-4 DWR Structure Permit No. DMS-0018  
One structure in the NE quarter of the NE quarter of the SW quarter of Section 9,  
more particularly described as being near a point 2,177 feet North and 2,996 feet West of the  
southeast corner of said section, in Township 3 South, Range 9 East, MARSHALL County,  
Kansas, with a sediment pool surface area of 3.7 acres.  
Stream Snipe Creek Trib 3  
to be determined by DWR

The applicant shall be required to notify nearby landowners of the proposed use of water by public notice published in a newspaper of general circulation in the area.

Copies of this form can be used to list all the existing watershed structures not covered by prior water appropriations or water rights.

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**WATERSHED DISTRICT  
SEDIMENT CONTROL IN A RESERVOIR  
FOR EXISTING STRUCTURES  
SUPPLEMENTAL SHEET**

File No. 49, 1666  
to be assigned by DWR

Name of Applicant (Please Print): Vermillion Creek Watershed District #70 \_\_\_\_\_

Location of individual structures to be described as the point at which the centerline of the structure intersects the centerline of the stream.

D. Watershed District Structure No. DD NO SC-3 DWR Structure Permit No. DMS-0017  
One structure in the SW quarter of the SW quarter of the SW quarter of Section 10,  
more particularly described as being near a point 282 feet North and 4,915 feet West of the  
southeast corner of said section, in Township 3 South, Range 9 East, MARSHALL County,  
Kansas, with a sediment pool surface area of 3.6 acres.  
Stream Snake Creek Trib 4  
to be determined by DWR

E. Watershed District Structure No. DD NO SA-4 DWR Structure Permit No. DMS-0020  
One structure in the NW quarter of the SE quarter of the SW quarter of Section 7,  
more particularly described as being near a point 1,168 feet North and 3,558 feet West of the  
southeast corner of said section, in Township 2 South, Range 10 East, MARSHALL County,  
Kansas, with a sediment pool surface area of 6.0 acres.  
Stream Robidoux Creek Trib SE  
to be determined by DWR

F. Watershed District Structure No. DD NO SA-3 DWR Structure Permit No. DMS-0021  
One structure in the NW quarter of the NW quarter of the SW quarter of Section 19,  
more particularly described as being near a point 2,053 feet North and 4,923 feet West of the  
southeast corner of said section, in Township 2 South, Range 10 East, MARSHALL County,  
Kansas, with a sediment pool surface area of 1.0 acres.  
Stream Robidoux Creek Trib 17  
to be determined by DWR

The applicant shall be required to notify nearby landowners of the proposed use of water by public notice published in a newspaper of general circulation in the area.

Copies of this form can be used to list all the existing watershed structures not covered by prior water appropriations or water rights.

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**VERMILLION CREEK WATERSHED JOINT DISTRICT NO. 70 SUMMARY - NEW APPLICATION**

Number of Dams	Watershed District Structure No.	DWR Structure Permit No.	Reservoir Surface Area (acres)	Potential Net Evap. Inches per Year	3 times net evaporation Value (acre-feet)	DWR Overlapping File Number(s)	Evaporation Quantity Appropriated (acre-feet)	Evaporation Quantity Remaining (acre-feet)
1	DD NO SC-2	DMS-0016	4	14	14.0	NONE	0	14.0
2	DD NO SC-1	DMS-0019	3.6	14	12.6	NONE	0	<del>0.0</del> 12.6
3	DD NO SC-4	DMS-0018	3.7	14	13.0	NONE	0	13.0
4	DD NO SC-3	DMS-0017	3.6	14	12.6	NONE	0	12.6
5	DD NO SA-4	DMS-0020	6	13	19.5	NONE	0	19.5
6	DD NO SA-3	DMS-0021	1	13	3.3	NONE	0	3.3
			21.9					
SUBTOTAL =					75		0.0	75

*DWS/DWR  
10/12/16*

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*49,600*





49, 6666

# WORKSHEET

For Watershed District Sediment Control for Existing Structures Supplemental Sheet DWR 6-102.1

The filing fee for Sediment Control use of water is based upon three times the quantity of the potential net evaporation from the surface area of the sediment pool in any one year (K.A.R. 5-6-5). This allows for the accumulation of enough water, in any one year, to compensate for up to two additional years with no inflow. The potential net evaporation is shown, by township, on a map of Kansas in K.A.R. 5-6-3. Please use the worksheet below to record the total surface area of all sediment pools within a specific township, calculate the quantity of water to be authorized within that township, and the total filing fee. The fee for the application will be based upon a storage quantity of water that is equal to the sum of all the storage requested for all the listed structures. Please make as many copies of this worksheet as needed.

It should be noted that all structures applied for on one application will have equal priority and will not be subject to administration of water among themselves.

### Quantity of Water Worksheet:

A. Township 3 South, Range 9 East, Marshall County, Kansas.

$$\frac{4.0}{\text{Total surface area Acres}} \times \frac{14}{\text{Potential net evaporation Inches per year}} / 12 \text{ " per year} \times 3 \text{ years} = \frac{14}{\text{Acre-feet}}$$

B. Township 3 South, Range 9 East, Marshall County, Kansas.

$$\frac{3.6}{\text{Total surface area Acres}} \times \frac{14}{\text{Potential net evaporation Inches per year}} / 12 \text{ " per year} \times 3 \text{ years} = \frac{12.6}{\text{Acre-feet}}$$

C. Township 3 South, Range 9 East, Marshall County, Kansas.

$$\frac{3.7}{\text{Total surface area Acres}} \times \frac{14}{\text{Potential net evaporation Inches per year}} / 12 \text{ " per year} \times 3 \text{ years} = \frac{13}{\text{Acre-feet}}$$

D. Township 3 South, Range 9 East, Marshall County, Kansas.

$$\frac{3.6}{\text{Total surface area Acres}} \times \frac{14}{\text{Potential net evaporation Inches per year}} / 12 \text{ " per year} \times 3 \text{ years} = \frac{12.6}{\text{Acre-feet}}$$

WATER RESOURCES RECEIVED

SubTotal

52.2  
Acre-feet

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NEW STREAM WORKSHEET

ES AJW

Date: 7/8/16

File No. 49,666

Basin Name: Black Vermillion River Basin No. 14

Stream Name: Snipe Creek Trib 1 (Black Vermillion)

Stream location (confluence with parent stream):

Section 9, Township 3 South, Range 9 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

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

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

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Stream No. 3 8 6 7 (computer assigned - entered by data entry staff)

Date Entered 7/19/2016 By UM

NEW STREAM WORKSHEET

ES AJW

Date: 7/8/16

File No. 49,666

Basin Name: Black Vermillion River Basin No. 14

Stream Name: Snipe Creek Trib 2 (Black Vermillion)

Stream location (confluence with parent stream):

Section 9, Township 3 South, Range 9 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

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

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

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Stream No. 3 8 6 8 (computer assigned - entered by data entry staff)

Date Entered 7/19/2016 By UM

NEW STREAM WORKSHEET

ES AJW

Date: 7/2/16

File No. 49666

Basin Name: Black Vermillion River Basin No. 14

Stream Name: Snake Creek Trib 3 (Black Vermillion)

Stream location (confluence with parent stream):

Section 9, Township 3 South, Range 9 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

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

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

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Stream No. 3 8 6 9 (computer assigned - entered by data entry staff)

Date Entered 7/19/2016 By LM

SCANNED

NEW STREAM WORKSHEET

ES AJW

Date: 7/16/16

File No. 496660

Basin Name: Black Vermillion River Basin No. 14

Stream Name: Snipe Creek Trib 4 (Black Vermillion)

Stream location (confluence with parent stream):

Section 16, Township ~~8~~3 South, Range 9 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

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

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

Stream No. 3 8 7 0 (computer assigned - entered by data entry staff)

Date Entered 7/19/2016 By UM

NEW STREAM WORKSHEET

ES AJW

Date: 7/6/14

File No. 49666

Basin Name: Black Vermillion River Basin No. 14

Stream Name: Robidoux Creek Trib SC (Black Vermillion

Stream location (confluence with parent stream):

Section 8, Township 2 South, Range 9 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

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

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

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Stream No. 3 8 7 1 (computer assigned - entered by data entry staff)

Date Entered 7/19/2016 By UM

NEW STREAM WORKSHEET

ES ASW

Date: 7/8/16

File No. 49666

Basin Name: Black Vermillion Basin No. 19

Stream Name: Robidoux Creek Trib 17 (Black Vermillion)

Stream location (confluence with parent stream):

Section 20, Township 2 South, Range 9 (East)

Map Color Coding:

- Basin Stream – Blue
- Named Main Stream off Basin Stream – Yellow
- Named Stream off Main Stream – Green
- Unnamed Trib (1, 2, 3, 4, etc.) – Pink
- Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange
- Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

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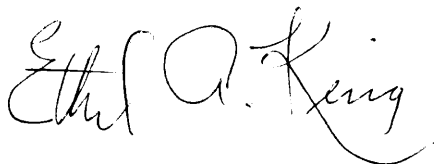
Stream No. 3 8 7 2 (computer assigned - entered by data entry staff)

Date Entered 7/19/2016 By UM

To whom it may Concern,

We are requesting a waiver of K.A.R. 5-6-2, which requires a separate application to appropriate water to store water in each watershed district reservoir. These are existing reservoirs that have been in place for many years and they present a unique situation. DWR has previously permitted individual districts by allowing them to obtain one permit to appropriate water for all of their existing reservoirs. Therefore, in keeping with previous permitting allowances, we are requesting a waiver of K.A.R. 5-6-2.

Sincerely,



Vermillion Creek Watershed Dist. #70-Revised

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6-27-16

Doug,

Thank you! Thank you! You have no idea how much I appreciate you filling out this form for me, I probably would never have found out all of the information.

I did not know what to send back to you so here it is, plus the \$200.00 filing fee.

The next I come down to see Hakim and will come down and rescue you from the basement! At least it is probably cool!

Thank you again, you are a special young man.

E.A.

*EA.*

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JUL 08 2016

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SCANNED

1320 Research Park Drive  
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

July 18, 2016

VERMILLION CREEK WATERSHED DISTRICT 70  
24400 M RD  
HOLTON KS 66436

RE: Application  
File No. 49666

Dear Sir or Madam:

Your application for permit to appropriate water in 3-3S-9E in Marshall County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: ALH  
pc: TOPEKA Field Office  
GMD

SCANNED