

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,697

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.)

WATER RESOURCES  
RECEIVED

AUG 31 2016

11:30  
KS DEPT OF AGRICULTURE

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): ALLEN CREEK WATERSHED DISTRICT #89 - % RONALD H KUHN, P.E.  
Address: 501 MAIN ST  
City: ADMIRE State: KS Zip Code 66830  
Telephone Number: (620) ~~528-3712~~ 528-3710

2. The source of water is:  surface water in ALLEN CREEK (stream)  
OR  groundwater in NEOSHO 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. **296 AF to be rediverted for STK use at 400 gpm**

3. The maximum quantity of water desired is 556.8 AF (storage) 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. Code	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	<u>YES</u>	Use	<u>SED/STK</u>	Source	<u>G</u>	County	<u>LY</u>	By	<u>Atw</u>	Date	<u>8/31/16</u>
Fee	<u>\$ 300</u>	TR #		Receipt Date	<u>8/31/16</u>	Check #	<u>1069</u>								

9/1/2016 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 SE quarter of the SE quarter of the SE quarter of Section 7, more particularly described as being near a point 550 feet North and 350 feet West of the Southeast corner of said section, in Township 16 South, Range 11 EAST, LYON 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):

Ellen Coffman, 21 West 7<sup>th</sup> Street, Allen, KS 66833 – District has easement  
(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 Aug 25, 2016. [Signature]  
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) Spring 2017 Spring 2018  
(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 SPRING 2017  
(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 DLY-0169
- 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 FOR SEDIMENT USE

FILE NOS. 44,071 AND 47,208 O/L IN PU FOR STK

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**AUG 3-1 2016**

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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 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):

Ellen Coffman, 21 West 7<sup>th</sup> Street, Allen, KS 66833- ALLEN CREEK WD NO. 89 HAS EASEMENT  
(name, address and telephone number)

2 I FEEDERS LLC, 884 RD 350 ALLEN KS 66833 - STK USE  
(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 Admire, Kansas, this 25<sup>th</sup> day of August, 2016  
(month) (year)

Allen Creek WD #89  
(Applicant Signature)

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

By Ronald H Kuhn  
(Agent or Officer Signature)

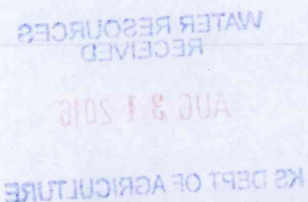
48-6214002  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

RONALD H KUHN  
(Agent or Officer - Please Print)

Assisted by DWS

TOPEKA FO  
(office/title)

Date: 8/25/2016



### FEE SCHEDULE

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

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

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

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

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

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

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

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

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

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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**KS DEPT OF AGRICULTURE**

ALLEN CREEK WD NO. 89  
 Section 7, Township 16 South, Range 11 East  
 Lyon County

49,697



1:24,000



Proposed Place of Use - STK  
 Proposed Place of Use - SED

● 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.

*Ronald J. Kutz* AUG 3-1 2016



Division of Distribution

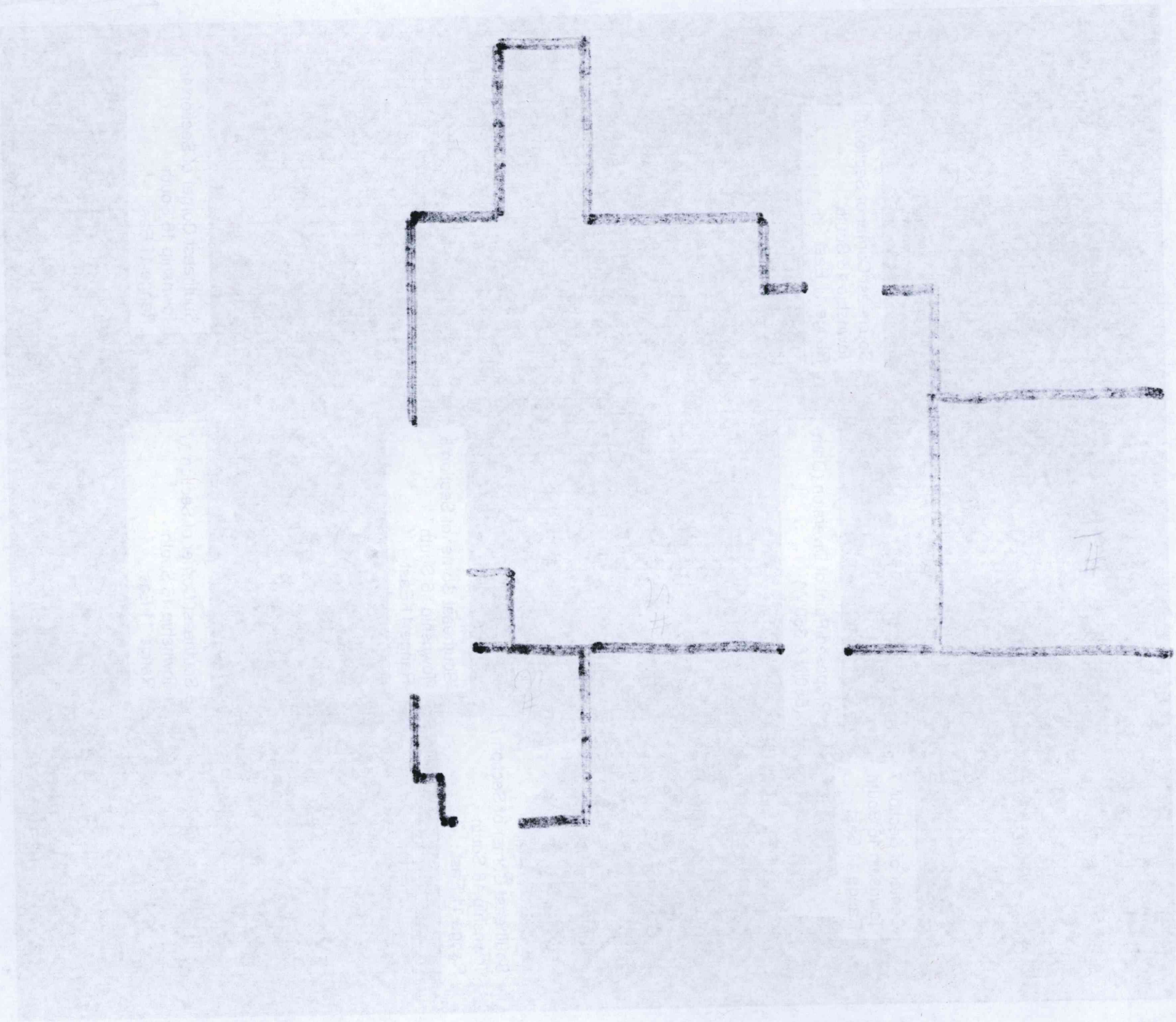


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Approved Hereby: [Signature]

Approved Hereby: [Signature]

Approved Hereby: [Signature]



Division of Distribution  
Approved Hereby: [Signature]

Approved Hereby: [Signature]

Approved Hereby: [Signature]



**LANDOWNERS:**

**Upstream**

- #1            John White Rev Trust  
                 3602 CR H2  
                 Allen, KS 66833
  
- #2            2I Feeders LLC  
                 820 CR 350  
                 Allen, KS 66833

**Downstream**

- #3            Steve & Karen Pio  
                 788 CR 340  
                 Allen, KS 66833

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KS DEPT OF AGRICULTURE

**STOCKWATER USE  
SUPPLEMENTAL SHEET**

File No. 49,697

Name of Applicant (Please Print): Allen Creek Agent for 2 I Feeders

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle

2. Please complete the following table showing past and present water requirements:

**PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year			

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

**ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED**

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	17,600	96.4 million gallons	15
Year 2	17,600	96.4 million gallons	15
Year 3	17,600	96.4 million gallons	15
Year 4	17,600	96.4 million gallons	15
Year 5	17,600	96.4 million gallons	15

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8	16	11E	Feedlot (SE)																
9	16	11E	Feedlot (SW)																
16	16	11E	Feedlot (N2 NW)																
17	16	11E	Feedlot (N2 NE)																

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5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

**DRINKING**

17600 head of CATTLE x 15 gallons/head (avg.) x 365 days = 96.4 MILLION gallons

\_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

\_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**COOLING**

\_\_\_\_\_ gallons/hour x \_\_\_\_\_ hour/day x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**SANITATION**

\_\_\_\_\_ g.p.m. x 60 min/hr x \_\_\_\_\_ hr/wk x \_\_\_\_\_ wks/yr = \_\_\_\_\_ gallons

**OTHER USE** (Explain) \_\_\_\_\_ = \_\_\_\_\_ gallons

**TOTAL** ----- gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is \_\_\_\_\_ linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is \_\_\_\_\_ square feet.

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


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 KS DEPT OF AGRICULTURE

**SEDIMENT CONTROL USE  
SUPPLEMENTAL SHEET**

File No. 49,697

Name of Applicant (Please Print): Allen Creek Watershed District #89

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

Sediment Control Use. Surface Area of Reservoir at Principal Spillway = 40.2 acres.  
40.2 acres x 12" / 12 = 40.2 acre-feet of annual evaporation

Only 1 year of evaporation due to combined SED/STK uses and allowed maximum per 5-6-5

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

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	<u>40.2 AF</u>
Year 2	<u>40.2 AF</u>
Year 3	<u>40.2 AF</u>
Year 4	<u>40.2 AF</u>
Year 5	<u>40.2 AF</u>

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

3. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

Reservoir Located in the Southeast Quarter of Section 7, and the Southwest Quarter of Section 8, all in Township 16 South, Range 11 East, Lyon County

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

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**AUG 3-1 2016**

\_\_\_\_\_  
(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. 49,697

Minimum Desirable Streamflow  
Neosho River Basin

Dear Sir:

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

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

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

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

Ronald H Kuhn

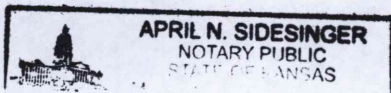
Signature of Applicant

RONALD H KUHN

(Print Applicant's Name)

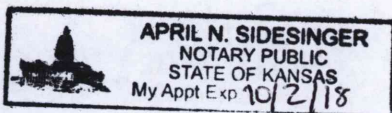
State of Kansas )  
County of Shawnee ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 25 day of August, 2016.



April N Sidesinger  
Notary Public

My Commission Expires: 10/2/18



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AUG 31 2016

KS DEPT OF AGRICULTURE

**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

*[Handwritten signature]*  
\_\_\_\_\_  
Applicant's Name

*[Handwritten signature]*  
\_\_\_\_\_  
Applicant's Name

*[Handwritten signature]*  
\_\_\_\_\_  
Notary Public

APRIL N. SIDESINGER  
NOTARY PUBLIC  
STATE OF KANSAS

APRIL N. SIDESINGER  
NOTARY PUBLIC  
STATE OF KANSAS

KS DEPT OF AGRICULTURE  
AUG 31 2018  
WATER RESOURCES  
RECEIVED

My Commission Expires 10/18

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

September 1, 2016

RONALD H KUHN PE  
501 MAIN ST  
ADMIRE KS 66830

**FILE COPY**

RE: Application  
File No. 49697

Dear Sir or Madam:

Your application for permit to appropriate water in 7-16S-11E in Lyon 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: dlw  
pc: TOPEKA Field Office  
GMD