

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET

Document Signature _____

1. File Number: 48,840	2. Status Change Date: <i>5/2/2017</i>	3. Change Num: 1	4. Field Office: 1	5. GMD: 0	
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 2/10/17	
8a. Applicant(s) New to system <input type="checkbox"/> SWAYBACK FARMS LLC JIM PEDERSON 6980 W 153RD ST OVERLAND PARK KS 66223		Person ID 63461 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> 		Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> 8a.		Person ID _____ Add Seq# _____	8d. Landowners New to system <input type="checkbox"/> 		Person ID _____ Add Seq# _____
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2018 <input type="checkbox"/> N & P Date to Comply: _____					
<input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter					
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: No Change To: _____					
Date Prepared: 4/20/2017 By: DWS Date Entered: <i>5/4/2017</i> By: <i>LM</i>					

File No. **48,840** 11. County: **LN** Basin: **Marais Des Cygnes River** Stream: **North Sugar Creek Trib 4 (Marais des Cygnes)** Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
√				73623 SW NW SE	19	20	25E	10	1694	2236	DAM					46,706 & 49,774
√				82214 NE SW SW	19	20	25E	11	1285	4330	Water Control Structure					46,706 & 49,774
	ENT			85895 NW NW SE	19	20	25E	15	2331	2396	Water Control Structure					46,706 & 49,774

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

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

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use					NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
MOD	DEL	ENT	PUSE	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					
√			65226	5			7.5								9.5	27.5		9.0	30.0		83.5	8a.	NO	48,841	

Comments:

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

TO: Files

DATE: April 20, 2017

FROM: Doug Schemm

RE: New Application, File No. 49,774
Change Applications, File Nos. 46,706; 48,840;
and 48,841

Swayback Farms LLC has filed the referenced new application (File No. 49,774) to appropriate 248 acre-feet of surface water at the rate of natural flows of North Sugar Creek Trib 4, for recreational use in a reservoir and marsh complex. The project is located in the South Half of Section 19, Township 20 South, Range 25 East in Linn County, Kansas. The new application will allow for an expansion of an existing marsh to cover approximately 52 acres. Change applications will be processed in conjunction with the nw application, on File Nos. 46,706; 48,840; and 48,841 to ensure a complete overlap in place of use, and or specific points of diversion. The points of diversion include a dam and two water control structures (stop logs). Previous review of this project by Structures Program staff has determined that this project is non-jurisdictional for structures permitting (the marsh is in an NRCS easement and the dam is non-jurisdictional per HB 2363).

The new application is designed to allow for the maximum storage volume of the marsh at permanent pool elevation, as follows:

52 acres x 2 feet average depth = 104 acre-feet,
Allow for a second filling and offset indirect losses = 148 acre-feet
Total requested quantity of water = 248 acre-feet

A flow meter is not practical and should not be required as a condition of the approval of this new application. The applicant will be required to maintain records from which the amount of water actually diverted may be readily determined. This is consistent with permits granted for similar types of marsh projects.

Water Right, File No. 46,706 – Change in Place of Use and Point of Diversion

Water Right, File No. 46,706 (REC use only) currently authorizes two points of diversion, a dam and one water control structure, and a smaller marsh complex. This file is authorized 32 acre-feet at the rate of natural flows for recreational use. Approval of the change application will increase the place of use and add a second water control point of diversion.

Appropriation of Water, File No. 48,840 - Change in Point of Diversion Only

Note that File No. 48,840 is authorized for Irrigation Use, not Recreational Use. It overlaps in point of diversion only because it collects and stores water in the same reservoir and marsh complex as the recreational files. File No. 48,840 is authorized 83.5 acre-feet of storage and the re-diversion of 83.5 acre-feet of the stored water for irrigation use at a rate of 1,000 gallons per minute. Approval of the change application will add a second water control point of diversion.

Appropriation of Water, File No. 48,841 - Change in Place of Use Only

Note that File No. 48,841 is authorized for BOTH Irrigation Use and Recreational Use. It does not overlap in point of diversion with any other file because its authorized point of diversion is a pump site on North Sugar Creek. It overlaps with File No. 48,840 in place of use (IRR Use) and it overlaps with File No. 46,706 and the pending new application in place of use (REC use). There is no change in the irrigation place of use. Approval of the change application will increase the place of use for recreational use only.

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 4, 2017

SWAYBACK FARMS LLC
% JIM PEDERSON
6980 W 153RD ST
OVERLAND PARK KS 66223

FILE COPY

Re: Appropriation of Water, File Nos. 49,774; 48,840; and 48,841 and
Water Right, File No. 46,706

Dear Mr. Pederson:

There is enclosed a permit (File No. 49,774) 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. 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.

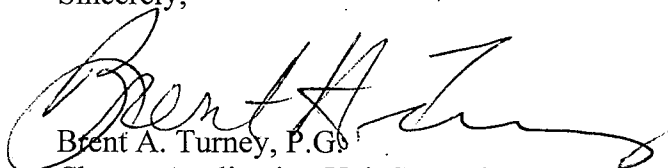
Swayback Farms LLC

Page 2

In addition, enclosed is an Order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the Application for Change in the Place of Use and Point of Diversion under Water Right, File No. 46,706. The Water Appropriation Act requires that the Certificate of Appropriation shall be recorded with the Register of Deeds in the county or counties wherein the point of diversion is located as other instruments affecting real estate. Since the enclosed Order by the Chief Engineer modifies said Certificate of Appropriation, it should also be recorded with the Register of Deeds.

Finally, enclosed are Orders approving the Applications for Change in the Point of Diversion under Appropriation of Water, File No. 48,840 and the Change in Place of Use under Appropriation of Water, File No. 48,841. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change.

Sincerely,



Brent A. Turney, P.G.S.

Change Application Unit Supervisor

Water Appropriation Program

BAT:dws

Enclosures

pc: Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR CHANGE IN
POINT OF DIVERSION
APPROPRIATION OF WATER, FILE NO. 48,840**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of James E Pederson, Owner of Swayback Farms LLC, 6980 W 153RD St, Overland Park, KS 66223, received in this office on February 10, 2017, for approval of a change in the location of the point of diversion under Approval of Application, File No. 48,840, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the points of diversion shall be:

a dam located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 19, more particularly described as being near a point 1,694 feet North and 2,236 feet West of the Southeast corner of said section, and

a water control structure located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, more particularly described as being near a point 1,285 feet North and 4,330 feet West of the Southeast corner of said section, and

a water control structure located 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 19, more particularly described as being near a point 2,331 feet North and 2,396 feet West of the Southeast corner of said section,

all in Township 20 South, Range 25 East, Linn County, Kansas, located substantially as shown on the topographic map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All re-diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the 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.

The water right owner shall properly install an acceptable water meter on the re-diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during re-diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 48,840, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated June 26, 2014.

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. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) 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 2nd day of May, 2017, 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 2nd day of May, 2017; by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



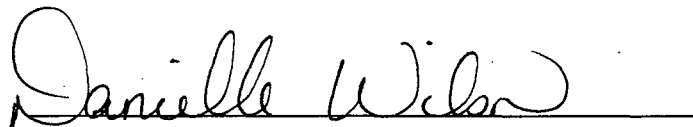
CERTIFICATE OF SERVICE

On this 4th day of May, 2017, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Appropriation of Water, File No. 48,840, dated May 2, 2017 was mailed postage prepaid, first class, US mail to the following:

SWAYBACK FARMS LLC
JIM PEDERSON
6980 W. 153RD ST
OVERLAND PARK KS 66223

With photocopies to:

Topeka Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

Print Page

[Back to Search Page](#) --- [Home](#)

Parcel Search Results (Click on the Parcel ID Number for Detailed Results)

Owner Information	Property Address	Property Description	Apr Amount	Prop Class
<p>054-104-19-0-00-00-001.00-0 Quick Ref ID = 9829 Tax Year = 2016 B & H ENTERPRISES LLC</p> <p>Owner Mailing Address: 16910 BELINDER STILWELL, KS 66085</p>	<p>00000 VAIL RD, La Cygne, KS 66040 ACRES=52.32 Neighborhood=103.0</p>	<p>S19 , T20 , R25 , ACRES 52.3 , E4 SEC N OF CR LESS RD ROW</p>	<p>\$7,440</p>	<p>Agricultural Use</p>
<p>054-104-19-0-00-00-001.01-0 Quick Ref ID = 9830 Tax Year = 2016 HEIN WAYNE K & WANDA L</p> <p>Owner Mailing Address: 9221 CHEROKEE PL LEAWOOD, KS 66206</p>	<p>18102 VAIL RD, Pleasanton, KS 66075. ACRES=105.2 Neighborhood=103.0</p>	<p>S19 , T20 , R25 , ACRES 105.1 , E4 SEC LYG S OF CR EX TR 208.7 1 X 208.71 IN SE/C SEC LESS RD ROW</p>	<p>\$23,710 A \$26,450 F</p>	<p>Farm Homesite</p>
<p>054-104-19-0-00-00-002.00-0 Quick Ref ID = 9831 Tax Year = 2016 PATTERSON DUCK CLUB</p> <p>Owner Mailing Address: 12900 ALHAMBRA LEAWOOD, KS 66209-3302</p>	<p>00000 E 1800 RD, La Cygne, KS 66040 ACRES=201.86 Neighborhood=101.0</p>	<p>S19 , T20 , R25 , ACRES 201.8 , PT W 3/4 OF SEC LYING W & N OF N SUGAR CREEK</p>	<p>\$14,290</p>	<p>Agricultural Use</p>
<p>054-104-19-0-00-00-003.00-0 Quick Ref ID = 9832 Tax Year = 2016 SWAYBACK FARMS LLC</p> <p>Owner Mailing Address: 6980 W 153RD ST OVERLAND PARK, KS 66223</p>	<p>22750 E 1800 RD, La Cygne, KS 66040 ACRES=279.3 Neighborhood=101.0</p>	<p>S19 , T20 , R25 , ACRES 279.2 , ALL THAT PART OF W 3/4 OF SEC LYING S & E OF NORTH SUGAR CK EX RD</p>	<p>\$49,490 A \$17,390 F</p>	<p>Farm Homesite</p>
<p>054-104-19-0-00-00-004.00-0 Quick Ref ID = 9833 Tax Year = 2016 BEATTY RICHARD SCOTT</p>	<p>00000 VAIL RD, Pleasanton, KS 66075 ACRES=0.67 Neighborhood=103.0</p>	<p>S19 , T20 , R25 , BEG SE/C SE4 TH W 208.71 N 208.71 E 208.71 S</p>	<p>\$7,640</p>	<p>Residential</p>

APPLICATION COMPLETE

4/20/2017

Reviewer DWS

48,840 - IRR use
pd change

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

WATER RESOURCES
RECEIVED

FEB 10 2017

10:56
KS DEPT OF AGRICULTURE

File No. 48,840

2. Name of applicant: SWAYBACK FARMS LLC - % JIM PEDERSON

Address: 6980 W 153RD

City, State and Zip: OVERLAND PARK KS 66223

Phone Number: (913) 915-6900

E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same as applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

Change will create a complete overlap in point of diversion with new application and existing senior file.

The change(s) (was) (will be) completed by Fall 2017

(Date)

For Office Use Only:													
F.O.	<input type="checkbox"/> GMD	<input checked="" type="checkbox"/> Meets K.A.R. 5-5-1	(YES / NO)	Use	IRR	Source	G	County	LN	By	ASW	Date	2/10/17
Code	CGT	Fee \$	200	TR #		Receipt Date	2/10/17	Check #	254				

2/13/2017 LLM

Assisted by: DWS - FO 1 _____

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: SWAYBACK FARMS LLC

ADDRESS: 6980 W 153RD, OVERLAND PARK KS 66223

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19	20	25E			7.5							9.5	27.5		9.0	30.0		83.5	

List any other water rights that cover this place of use. 48,841 (IRR)

Owner of Land NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to: NO CHANGE IN PU.

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 6. The presently authorized point(s) of diversion (is) (are) DAM AND ONE (1) WATER CONTROL STRUCTURE
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) DAM AND TWO (2) WATER CONTROL STRUCTURES
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: DAM**

One in the SW Quarter of the NW Quarter of the SE Quarter of Section 19, Township 20 South, Range 25 (E), in LINN County, Kansas, 1,694 feet North 2,236 feet West of Southeast corner of section.

Authorized Rate NF Authorized Quantity 32 af

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point 46,706 & New Application (49,774)

9. **Presently authorized point of diversion: WATER CONTROL STRUCTURE**

One in the NE Quarter of the SW Quarter of the SW Quarter of Section 19, Township 20 South, Range 25 (E), in LINN County, Kansas, 1,285 feet North 4,330 feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point 46,706 & New Application (49,774)

10. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____

(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested): WATER CONTROL STRUCTURE

One in the NW Quarter of the NW Quarter of the SE Quarter of Section 19, Township 20 South, Range 25 (E), in LINN County, Kansas, 2,331 feet North 2,396 feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____

This point is: Additional Well Geo Center List other water rights that will use this point 46,706 & New Application (49,774)

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

RECEIVED

SCANNED FEB 10 2017

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to NO CHANGE purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

NA.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (_____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

Local source of supply will remain the same, which is natural flows of N Sugar Creek Trib 4. Expansion of marsh will add an additional control structure for more efficient operation of the marsh.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Overland Park, Kansas, this 9 day of February, 2017.

James E. Pederson
(Owner)
James E. Pederson
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Johnson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9 day of February, 2017.

Brenda L. Foster
Notary Public-State of Kansas
My Commission Expires _____
My Appt. Expires 7-28-18

Brenda L. Foster
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) ~~Application to change a point of diversion more than 300 feet \$200~~
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

**WATER RESOURCES
RECEIVED
FEB 10 2017**

SCANNED

KS DEPT OF AGRICULTURE

UPSTREAM & DOWNSTREAM LANDOWNERS
SWAYBACK FARMS LLC - NEW APPLICATION

PATTERSON DUCK CLUB
CHAIRMAN HUNTING MGT COMM
12009 ABERDEEN RD
LEAWOOD KS 66209

JOSEPH T BATTEN
33260 COLD WATER
LOUISBURG KS 66053

B & H ENTERPRISES LLC
16910 BELINDER
STILWELL KS 66085

WAYNE K & WANDA L HEIN
9221 CHEROKEE PL
LEAWOOD KS 66206

WATER RESOURCES
RECEIVED

FEB 10 2017

KS DEPT OF AGRICULTURE

SCANNED

SCANNED

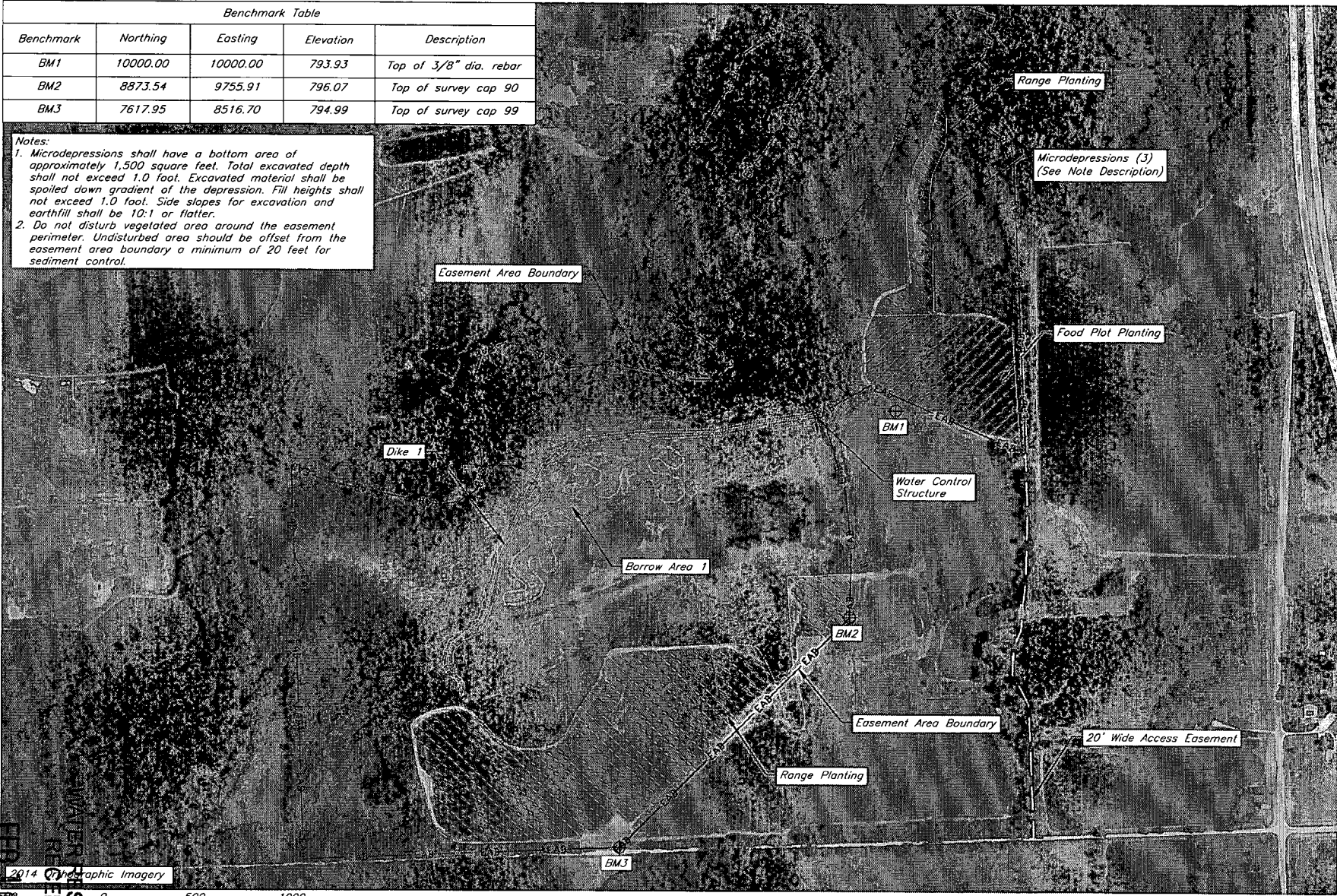
KS DEPT OF AGRICULTURE

Benchmark Table

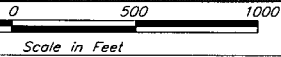
Benchmark	Northing	Easting	Elevation	Description
BM1	10000.00	10000.00	793.93	Top of 3/8" dia. rebar
BM2	8873.54	9755.91	796.07	Top of survey cap 90
BM3	7617.95	8516.70	794.99	Top of survey cap 99

Notes:

1. Microdepressions shall have a bottom area of approximately 1,500 square feet. Total excavated depth shall not exceed 1.0 foot. Excavated material shall be spoiled down gradient of the depression. Fill heights shall not exceed 1.0 foot. Side slopes for excavation and earthfill shall be 10:1 or flatter.
2. Do not disturb vegetated area around the easement perimeter. Undisturbed area should be offset from the easement area boundary a minimum of 20 feet for sediment control.



2014 Orthographic Imagery



Orthographic Plan Map

Date 11/16
 Designed B Severn
 Drawn B Severn
 Checked
 Approved

Swayback Farms LLC
 Wetland Restoration
 Sec 19 T20S R25E
 Linn County, Kansas

United States
 Department of
 Agriculture
USDA
 Natural Resources
 Conservation Service

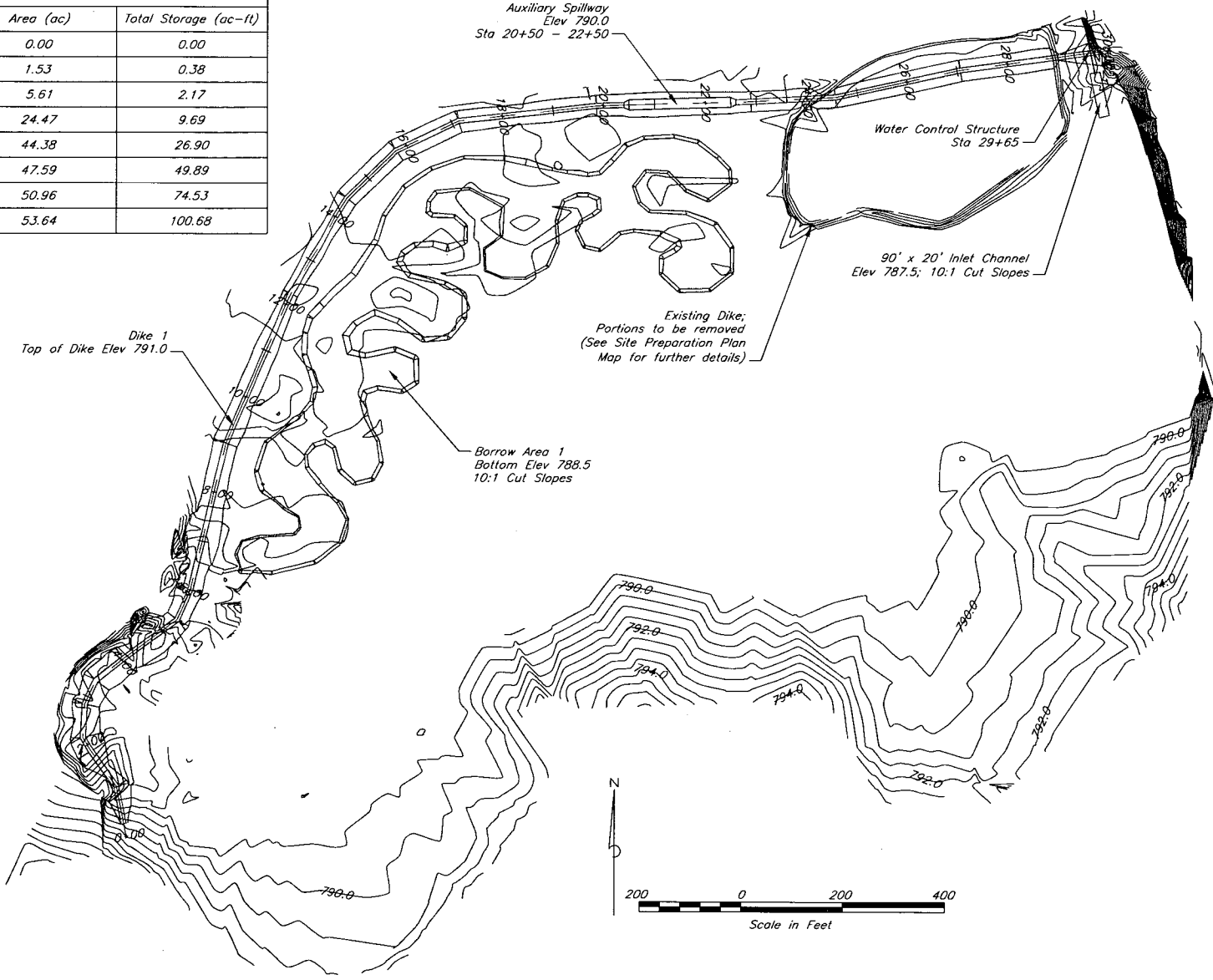
Drawing Name
 Swayback
 AM
 Sheet 3 of 9

N

2017

WATER RESOURCES

Elevation (ft)	Area (ac)	Total Storage (ac-ft)
787.5	0.00	0.00
788.0	1.53	0.38
788.5	5.61	2.17
789.0	24.47	9.69
789.5	44.38	26.90
ASW 790.0	47.59	49.89
790.5	50.96	74.53
TOD 791.0	53.64	100.68



Date 11/16
 Designed B Severn
 Drawn B Severn
 Checked _____
 Approved _____

Swayback Farms LLC
 Wetland Restoration
 Sec 19 T20S R25E
 Linn County, Kansas

United States
 Department of
 Agriculture
USDA
 Natural Resources
 Conservation Service

Drawing Name
SWAYBACK
 AM
 Sheet 6 of 9

Dike 1 Plan View

KS DEPT OF AGRICULTURE
 WATER RESOURCES
 RECEIVED
 FEB 10 2017

SCANNED



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

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

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

Sam Brownback, Governor

April 5, 2017

PATTERSON DUCK CLUB
CHAIRMAN HUNTING MGT COMM
12009 ABERDEEN RD
LEAWOOD KS 66209

Re: Pending New Application, File No. 49,774 and Change Applications, File Nos. 46,706; 48,840; and 48,841

Dear Sir or Madam:

~~This is to advise you that Swayback Farms, LLC has filed the new application referred to above for a permit to appropriate~~
248 acre-feet of surface water, at the rate of natural flows, for recreational use in a wetland marsh. Note that this project is an **expansion of an existing wetland marsh** currently authorized under the file numbers referenced above. The pending change applications for File Nos. 46,706; 48,840; and 48,841 will modify the place of use and points of diversion to match the new application recreational project. Surface water will be diverted by means of one (1) dam located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 19, more particularly described as being near a point 1,694 feet North and 2,236 feet West of the Southeast corner of said section, and two (2) water control structures located as follows:

one structure in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, more particularly described as being near a point 1,285 feet North and 4,330 feet West of the Southeast corner of said section, and

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all in Township 20 South, Range 25 East, Linn County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

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

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

Sincerely,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Swayback Farms, LLC

 Kansas
Department of Agriculture
Division of Water Resources

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

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Sam Brownback, Governor

April 5, 2017

JOSEPH T BATTEN
33260 COLD WATER
LOUISBURG KS 66053

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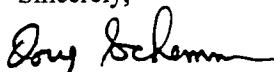
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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Swayback Farms, LLC


Kansas
Department of Agriculture
Division of Water Resources

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

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Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

April 5, 2017

WAYNE K & WANDA L HEIN
9221 CHEROKEE PL
LEAWOOD KS 66206

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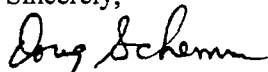
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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Swayback Farms, LLC



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Sam Brownback, Governor

April 5, 2017

B & H ENTERPRISES LLC
16910 BELINDER
STILWELL KS 66085

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

Sincerely,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Swayback Farms, LLC

Schemm, Doug

From: Tietsort, Katie
Sent: Wednesday, April 19, 2017 3:27 PM
To: Schemm, Doug
Subject: RE: Swayback Farms package

49,774 - New App
46,706, 48,840, +
48,841 - Change Apps

Hi Doug,

This package looks exactly like what we discussed when we determined how to best proceed with properly authorizing the irrigation and recreational use by Swayback Farms. I agree that the new application and the change applications meet all the rules and regulations and I agree this package should be moved on for approval.

Thanks for all your work on this one, Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Schemm, Doug
Sent: Monday, April 17, 2017 8:37 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Swayback Farms package



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

February 13, 2017

SWAYBACK FARMS LLC % JIM PEDERSON
6980 W 153RD ST
OVERLAND PARK, KS

FILE COPY

RE: File No. 48840

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

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. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. 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.

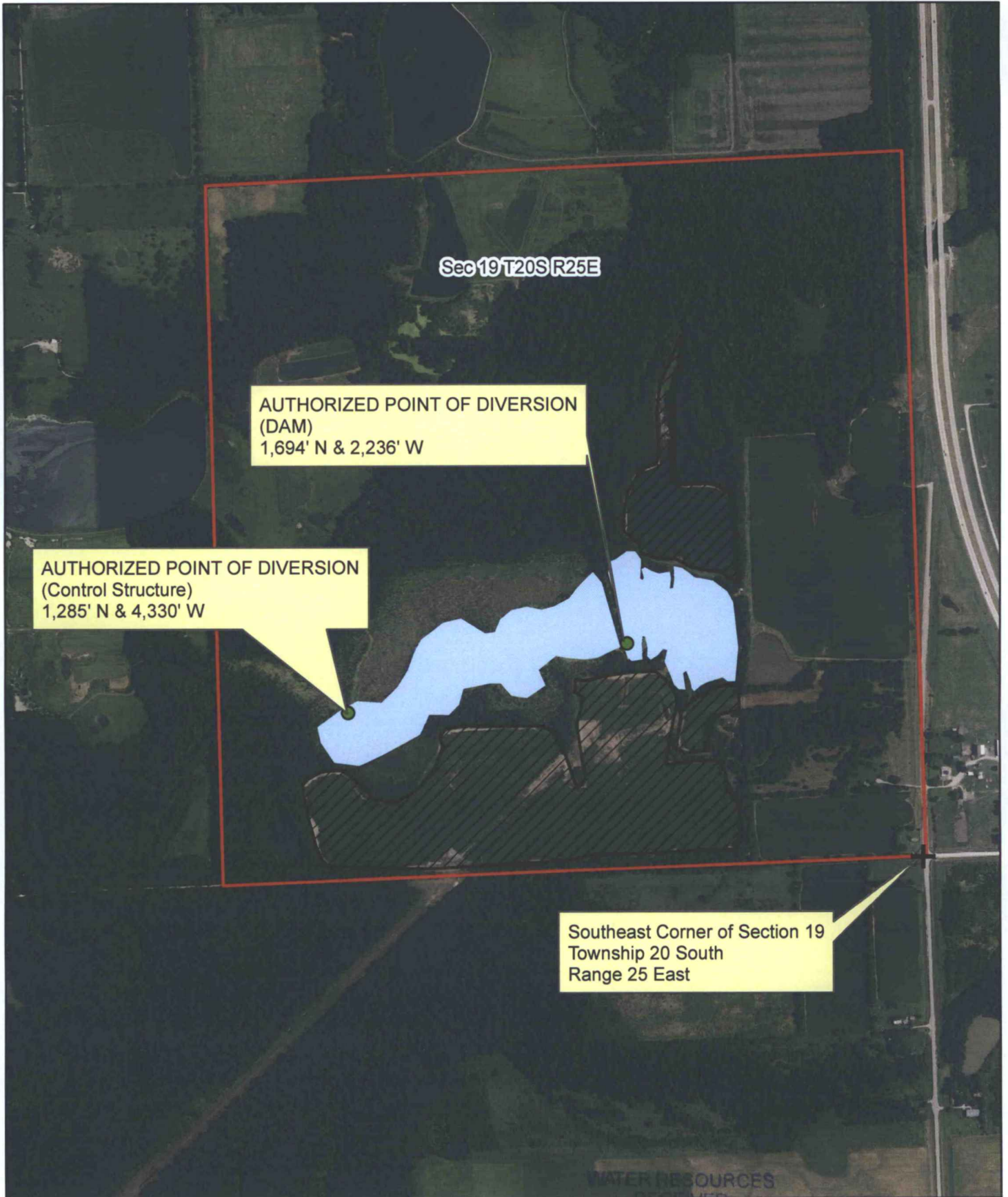
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office GMD 0

SWAYBACK FARMS LLC
FILE NO. 48,840- AUTHORIZED PLACE OF USE
AND POINTS OF DIVERSION



Sec 19 T20S R25E

AUTHORIZED POINT OF DIVERSION
(DAM)
1,694' N & 2,236' W

AUTHORIZED POINT OF DIVERSION
(Control Structure)
1,285' N & 4,330' W

Southeast Corner of Section 19
Township 20 South
Range 25 East



Authorized Place of Use (Irrigation)

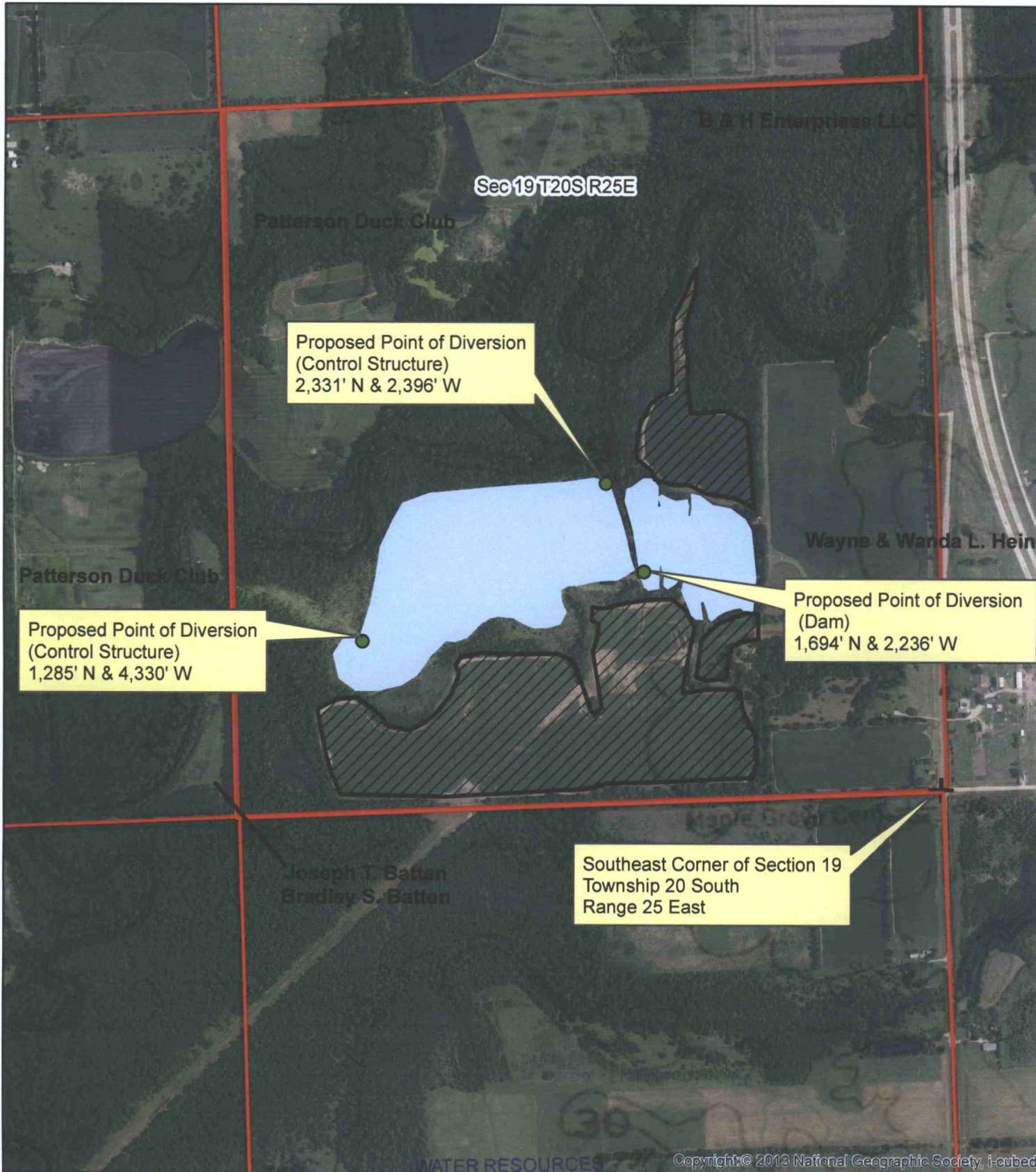
FEB 10 2017

1:12,000
SCANNED

KS DEPT OF AGRICULTURE



(PROPOSED)



Authorized Place of Use (Irrigation)



Proposed Point of Diversion

WATER RESOURCES

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FEB 10 2017

KS DEPT OF AGRICULTURE

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

James E. Pederson

SCANNED