

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

1. File Number: <p style="text-align: center;">49,678</p>	2. Status Change Date: <p style="text-align: center;">3/31/2017</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> JAMES & KARMA MICHAEL 949 W 570 TH AVE MCCUNE KS 66753		7c. Landowner(s) New to system <input type="checkbox"/> JOHN L MICHAEL 546 S 70TH ST MCCUNE KS 66753	
7b. Landowner(s) New to system <input type="checkbox"/> 7a.		7d. Landowner New to system <input type="checkbox"/> CAROLYN MICHAEL 571 S 70TH MCCUNE KS 66753	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No 7a.		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: <u> 12/31/2018 </u>		11. Perfection Date: <u> 12/31/2022 </u>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 3/14/2017 By: DWS Date Entered: 4/3/2017 By: UM			

File No. **49,678** 15. Formation Code: Drainage Basin: NEOSHO RIVER County: CR Special Use: Stream: HICKORY CREEK TRIB 2A1 (NEOSHO)

16. Points of Diversion										17. Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
√	85469	NW SE NE	4	30	22E	1	3850	890		1200	383	1200	383	NONE

18. Storage: Rate _____ NF Quantity **464.4** ac/ft Additional Rate _____ NF Additional Quantity **464.4** ac/ft

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

20. Meter Required? Yes No To be installed by **12/31/2018** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files		
MOD DEL ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√	67924	4	30	22E	1		28	39	39	37	40	40	40	40					40	40			383	7a,c & d.	No	NONE		

Comments:

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

TO: Files

DATE: March 14, 2017

FROM: Doug Schemm

RE: Application, File No. 49,678

James Michael filed the application referred to above for a permit to appropriate 464.4 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir. NOTE: The reservoir is in conjunction with an adjacent "tank pond" that will be constructed by the applicant, and used to store excess water. The project is located in the Northeast Quarter of Section 4, in Township 30 South, Range 22 East, Crawford County, Kansas. The dam is located on Hickory Creek Trib 2A1 (Neosho River). The point of diversion is located on property owned by the applicant, and he has signed the application form stating he has legal access to the point of diversion. The entire place of use is co-owned by the applicant; John L. Michael; and Carolyn Michael, and it comprises 383 acres. There are no other overlapping files in point of diversion or place of use.

NOTE: The limited capacity of the reservoir of only 12 acre-feet is of concern relative to the overall size of the project, and whether this structure is a method to create a small pool that would be more reflective of the direct diversion of natural flows. This is a critical distinction because the direct diversion (e.g. pump site) of natural flows would be subject to K.A.R. 5-3-15 provisions. However, after further review of the project, and the determination that Hickory Creek enters directly **BELOW the MDS gage at Parsons**, making the application not subject to MDS administration, the Water Commissioner of the Topeka Field Office agreed the application can move forward for approval.

Runoff computations determined that the 583 acres of drainage area, will generate 1,068 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity IS NOT the limiting factor, and the application can be processed with the requested storage quantity of 464.4 acre-feet. The requested quantity of water for direct use (rediversion) of 383 acre-feet for irrigation use on 383 acres, provides 1.0 acre-feet per acre, which is the maximum allowable of 1.0 acre-feet per acre in Crawford County, Kansas, per K.A.R. 5-3-24. The remaining storage quantity was based on the combined capacity of the reservoir and tank pond (76 AF) plus one year of evaporation of 5.4 AF.

The applicant provided a list of landowners of the adjacent properties within one-half (½) mile upstream and downstream of his property. Notification letters were sent out on February 23, 2017. Two telephone calls were received, with one landowner wanting to verify that the project was not located on her property; and a second landowner wanting to make sure no blasting of bedrock would occur during pond construction. Both concerns were addressed (the project is only located on property owned by the applicant, and the pond is primarily a bermed structure, with no bedrock excavation). There are no other water rights of any kind within a two-mile radius according to the WRIS database. No senior water rights will be impaired with approval of this application. The proposed project was reviewed by DWR Water Structures Program staff, and was found to be non-jurisdictional for structures permitting. As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a March 14, 2017 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved (with reservations). Note that if this file were at any other location, she would require permissions under K.A.R. 5-3-15 criteria. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the application complies with rules and regulations, and no senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

April 3, 2017

JAMES MICHAEL
949 W 570TH AVE
MCCUNE KS 66753

Re: Appropriation of Water, File No. 49,678

FILE COPY

Dear Mr. Michael:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed re-diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

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

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

Sincerely,

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

BAT:dws
Enclosures

pc: Topeka Field Office
John L Michael
Carolyn Michael

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. 49,678** of the applicant

JAMES MICHAEL
949 W 570TH AVE
MCCUNE KS 66753

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 25, 2016**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4 30S 22E	28	39	39	37	40	40	40	40					40	40			383

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Hickory Creek, designated in the office of the Chief Engineer as Hickory Creek Trib 2A1 (Neosho), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **464.4 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 4, more particularly described as being near a point 3,850 feet North and 890 feet West of the Southeast corner of said section, in Township 30 South, Range 22 East, Crawford County, Kansas, to provide **383 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,200 gallons per minute (2.67 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

7. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

8. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

10. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

12. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 31st day of March, 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 31st day of March, 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 3rd day of April, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,678, dated March 31, 2017 was mailed postage prepaid, first class, US mail to the following:

JAMES MICHAEL
949 W 570TH AVE
MCCUNE KS 66753

With photocopies to:

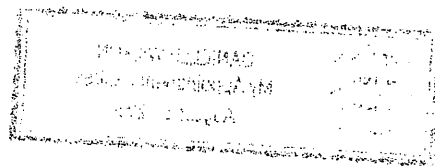
JOHN L MICHAEL
546 S 70TH ST
MCCUNE KS 66753

CAROLYN MICHAEL
571 S 70TH ST
MCCUNE KS 66753

Topeka Field Office



Division of Water Resources



Schemm, Doug

From: Tietsort, Katie
Sent: Tuesday, March 14, 2017 11:55 AM
To: Schemm, Doug
Cc: Fabrycky, Caleb
Subject: RE: 49678 James Michael

Doug,

After our review determining that this tributary enters directly BELOW the MDS gage at Parsons and is not subject to MDS administration, I agree we can move forward with the approval. I am not very happy that the 12 Acre-foot capacity pond is really more of a pool to pump natural flow from and into the real storage vessel the tank pond, which does NOT meet K.A.R. 5-3-15 provisions, I don't really think this will get off the ground in a big way so I won't object to approval. If it were any other location, I would require permissions under the 5-3-15 criteria. I hope we don't get another one like this and this doesn't set a precedence.

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, March 13, 2017 12:17 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: 49678 James Michael

This one's a bit different. The initial diversion pond only holds 12 AF, but the adjacent "tank pond" holds 64 AF, for a total of 76. So the requested 464.4 AF would fall within reasonable storage quantity guidelines.

APPLICATION COMPLETE

3/13/2017
Reviewer DWS

THE STATE OF KANSAS



WATER RESOURCES RECEIVED

JUL 25 2016

12:52
KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,678
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
UNACCEPTABLE
20 2016
KS DEPT OF AGRICULTURE
PRIORITY

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

- Name of Applicant (Please Print): James Michael
Address: 949 W 570th Ave
City: McCune State KS Zip Code 66753
Telephone Number: (620) 724-3447
- The source of water is: surface water in Tributary of Hickory Creek (Neosho River Basin)
(stream) **Trib 2A1**
OR groundwater in _____
(drainage basin)

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

- The maximum quantity of water desired is 464.4 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of Nat Flows gallons per minute OR _____ cubic feet per second.
To be re-diverted in the max annual quantity of 383 AF at a max rate of 1200 gpm. (see attachment A)

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

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

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

For Office Use Only:							
F.O. <u>1</u>	GMD <input type="checkbox"/>	Meets K.A.R. 5-3-1 <input checked="" type="checkbox"/> (YES/NO)	Use <u>LRP</u>	Source <u>G/6</u>	County <u>CP</u>	By <u>AW</u>	Date <u>7/25/16</u>
Code <u>RE3</u>	Fee \$ <u>340</u>	TR # <u>17003290</u>	Receipt Date <u>7/25/16</u>	Check # <u>2905 / 2908</u>			

20 - 17003307

SCANNED 7/28/2016 UM

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

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

(A) One in the NW quarter of the SE quarter of the NE quarter of Section 04, more particularly described as being near a point 3850 feet North and 890 feet West of the Southeast corner of said section, in Township G-30 South, Range 22 East, Crawford County, Kansas.

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

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

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

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

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

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

Same as applicant

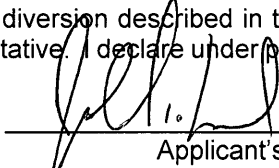
(name, address and telephone number)

(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 July 10, 2016.


Applicant's Signature

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

7. The proposed project for diversion of water will consist of Reservoir, Tank Pond, Pumpsites
(number of wells, pumps or dams, etc.)
and will be completed (by) 12/31/2017
(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 6/1/2017
(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 _____
- If no, explain here why a Water Structures permit is not required TBD

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.

N/A

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

JUL 25 2016

SCANNED UNACCEPTABLE FOR PRIORITY

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 Co-owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
James & Karma Michael, 949 W 570th Ave, McCune, KS 66753, 620-724-3447
 (name, address and telephone number)

John L Michael, 546 S 70th St, McCune, KS 66753
 (name, address and telephone number)

Carolyn Michael, 571 S 70th St, McCune, KS 66753
 (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 McCune, Kansas, this 10 day of July, 2016.
(month) (year)

[Signature]
(Applicant Signature)

By [Signature]
(Agent or Officer Signature)

Jim Michael
(Agent or Officer - Please Print)

Assisted by CF ES, TFO-Parsons Date: 7/5/16
(office/title)

STATE OF KANSAS
DEPARTMENT OF REVENUE

STATE OF KANSAS
DEPARTMENT OF REVENUE

STATE OF KANSAS
DEPARTMENT OF REVENUE

STATE OF KANSAS
DEPARTMENT OF REVENUE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,678

Name of Applicant (Please Print): James Michael

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: James & Karma Michael (Co-owner)

ADDRESS: 949 W 570th Ave, McCune, KS 66753

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4	30S	22E	28	39	39	37	40	40	40	40	0	0	0	0	40	40	0	0	383

Landowner of Record NAME: John L Michael (Co-owner)

ADDRESS: 546 S 70th St, McCune, KS 66753

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
																				383

Landowner of Record NAME: Carolyn Michael (Co-owner)

ADDRESS: 571 S 70th St, McCune, KS 66753

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
																				383

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
see attached soil map	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

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

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

see topographic map attached

c. Type of irrigation system you propose to use (check one):

- Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler
 Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

no tailwater

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 30-40 psi

(2) What is the sprinkler package design rate? 800 gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Corn, soybeans

Pivot has not been purchased yet do not have a package designed

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Daily checks of the field to determine when to apply water

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

REGISTRATION DIVISION

REGISTRATION DIVISION

ATTACHMENT A

Justification for Quantity:

Area to be irrigated: 383 acres

K.A.R. 5-3-24 allowable quantity for CR county: 1 AF/acre

Proposed direct use: 383 AF

Basin Capacity at 20% runoff occurrence: 1068.8 AF

Reservoir capacity: 12 AF

Reservoir Surface Area: 3.5 acres

Tank pond capacity: 64 AF

Tank pond surface Area: 12.8 acres

K.A.R. 5-6-3 net evaporation: 4 in

Total annual evaporation: 5.4 AF

Total Capacity: 76 AF

The requested storage for irrigation use is equivalent to one year direct use, plus total capacity of the reservoir and tank pond, plus total annual evaporation of the reservoir and tank pond – **464.4 AF**

WATER RESOURCES
RECEIVED

JUL 25 2016

KS DEPT OF AGRICULTURE

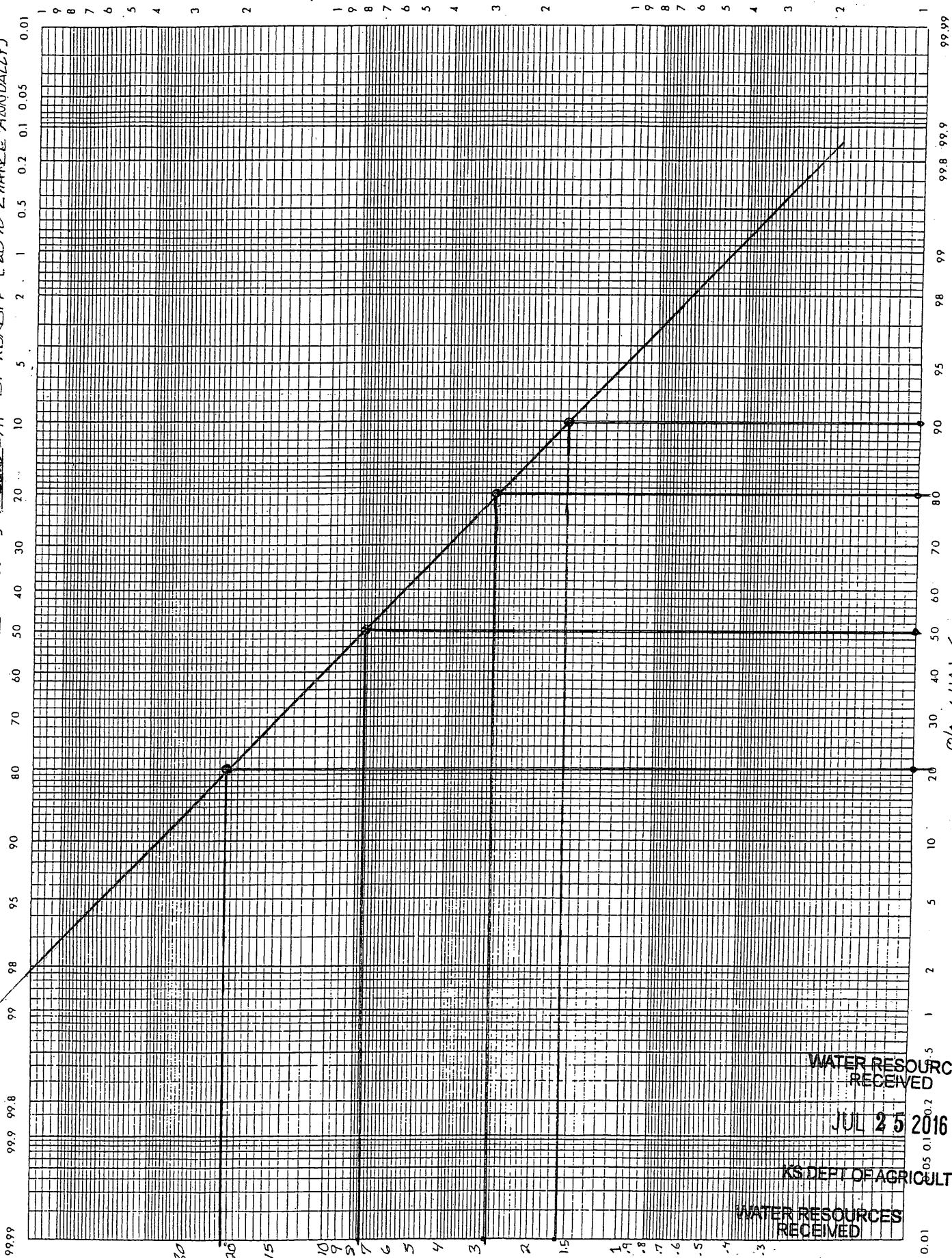
WATER RESOURCES
RECEIVED

JUL 20 2016
UNACCEPTABLE PRIORITY

KS DEPT OF AGRICULTURE

SCANNED

FILE No. 583 SOIL: "79" PRECIP: 47"
 ACRES IN DRAINAGE x 22" = 2826" / 12" ⇒ 1068.8 AF OF RUNOFF (20% CHANCE ANNUALLY)
 INCHES RUNOFF / ACRE: 22"



PREPARED BY:

OID CHANGE

WATER RESOURCES RECEIVED

JUL 25 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

SCANNED

KS DEPT OF AGRICULTURE

GRAPH PAPER From Your COPIER - HP 9000s

8279168

SOIL COMPLEX - 79

WATER RESOURCES RECEIVED

JUL 25 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JUL 20 2016

UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

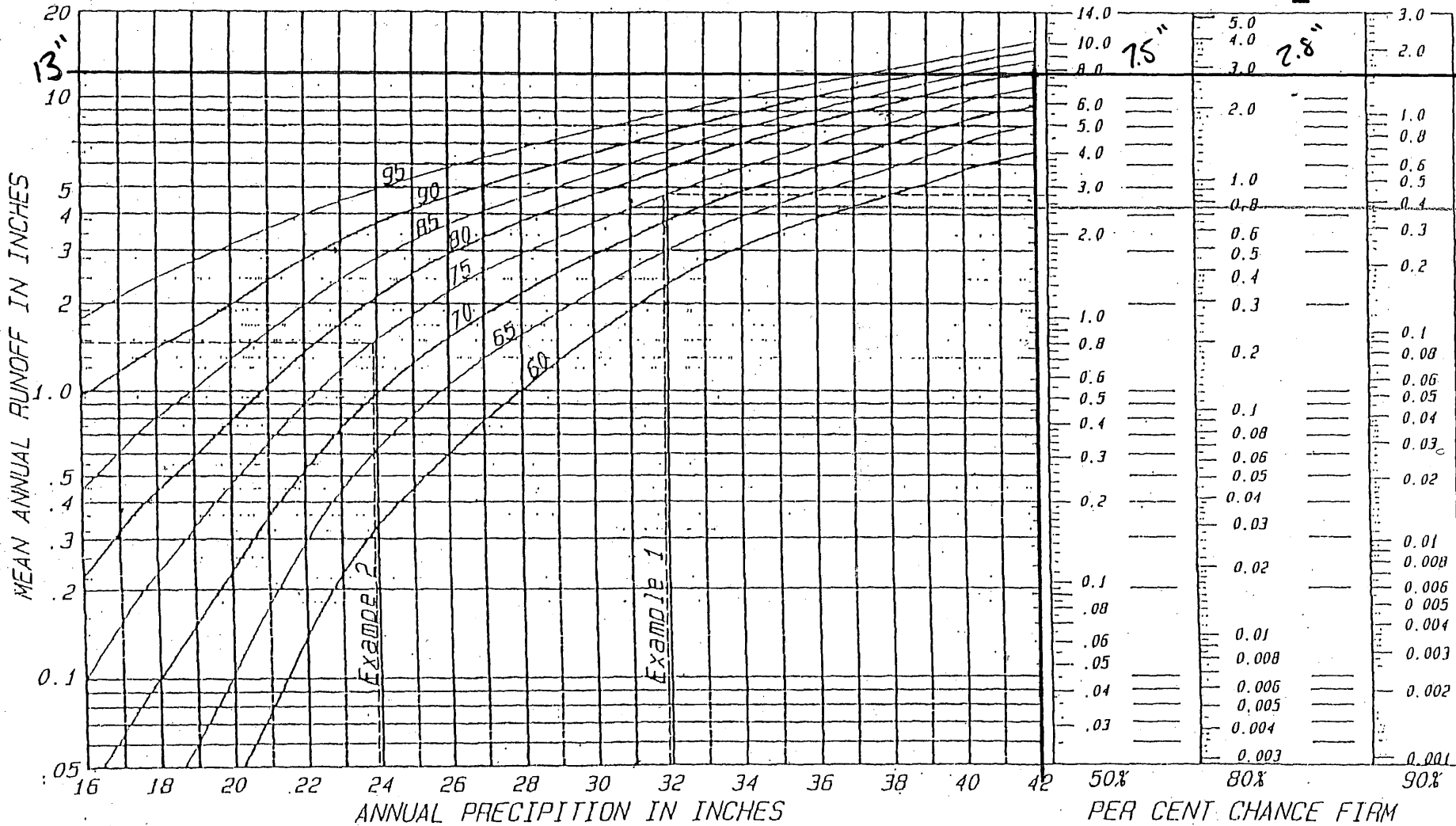
SCANNED

RUNOFF IN INCHES

KS-2-36

KAR 5-6-4(X1)

ANNUAL YIELD OF RUNOFF



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

EFM Notice KS-38, 12/12/91

83

76

31"



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

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

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

February 23, 2017

BEVERLY ANN REV TRUST
979 N 90TH ST
HEPLER KS 66746

Re: Pending Application, File No. 49,678

Dear Sir or Madam:

This is to advise you that James Michael has filed the application referred to above for a permit to appropriate 464.4 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 383 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¹/₄ SE¹/₄ NE¹/₄) of Section 4, in Township 30 South, Range 22 East, Crawford County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: James Michael



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

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www.agriculture.ks.gov

Sam Brownback, Governor

February 23, 2017

GLENN R & ROSE MARY BLISS
1034 W 590TH AVE
GIRARD KS 66743

Re: Pending Application, File No. 49,678

Dear Sir or Madam:

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: James Michael



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

February 23, 2017

GREENBUSH FARMS LLC
186 S 140TH ST
GIRARD KS 66743

Re: Pending Application, File No. 49,678

Dear Sir or Madam:

This is to advise you that James Michael has filed the application referred to above for a permit to appropriate 464.4 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 383 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, in Township 30 South, Range 22 East, Crawford County, Kansas.

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: James Michael



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Topeka, Kansas 66619

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Katherine A. Tietsort, Water Commissioner

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

February 23, 2017

RICHARD L ASHMORE
RYAN L ASHMORE
981 W 590TH AVE
MCCUNE KS 66753

Re: Pending Application, File No. 49,678

Dear Sir or Madam:

This is to advise you that James Michael has filed the application referred to above for a permit to appropriate 464.4 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 383 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¹/₄ SE¹/₄ NE¹/₄) of Section 4, in Township 30 South, Range 22 East, Crawford County, Kansas.

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: James Michael



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6531 SE Forbes Ave., Suite B
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Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

February 23, 2017

LINDA J DANIEL REV TRUST
2755 NILES RD
SAINT JOSEPH MI 49085

Re: Pending Application, File No. 49,678

Dear Sir or Madam:

This is to advise you that James Michael has filed the application referred to above for a permit to appropriate 464.4 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 383 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, in Township 30 South, Range 22 East, Crawford County, Kansas.

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Environmental Scientist
Topeka Field Office

Enclosure

pc: James Michael



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Topeka, Kansas 66619

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Katherine A. Tietsort, Water Commissioner

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

February 23, 2017

ROLBE FAMILY TRUST
301 N 1ST ST
INDEPENDENCE KS 67301

Re: Pending Application, File No. 49,678

Dear Sir or Madam:

This is to advise you that James Michael has filed the application referred to above for a permit to appropriate 464.4 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 383 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, in Township 30 South, Range 22 East, Crawford County, Kansas.

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Environmental Scientist
Topeka Field Office

Enclosure

pc: James Michael



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Katherine A. Tietsort, Water Commissioner

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

February 23, 2017

OTOOLE CONSTRUCTION
952 W HWY 47
GIRARD KS 66743

Re: Pending Application, File No. 49,678

Dear Sir or Madam:

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Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: James Michael



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

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

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

February 23, 2017

ROBERT L & DEBORAH A SMITH
938 E 510TH AVE
PITTSBURG KS 66762

Re: Pending Application, File No. 49,678

Dear Sir or Madam:

This is to advise you that James Michael has filed the application referred to above for a permit to appropriate 464.4 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 383 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¹/₄ SE¹/₄ NE¹/₄) of Section 4, in Township 30 South, Range 22 East, Crawford County, Kansas.

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Sincerely,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: James Michael

NEW STREAM WORKSHEET

ES ASW

Date: 7/26/15

File No. 49,678

Basin Name: Neosho River Basin No. 34

Stream Name: Hickory Creek Trib 2A1 (Neosho)

Stream location (confluence with parent stream):

Section 18, Township 30 South, Range 22 (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 6, (computer assigned - entered by data entry staff)

Date Entered 7/28/2016 By LLM

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 25, 2016

JAMES MICHAEL
949 W 570TH AVE
MCCUNE KS 66753

RE: Application
File No. 49678

Dear Sir or Madam:

Your application for permit to appropriate water in 4-30S-22E in Crawford County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

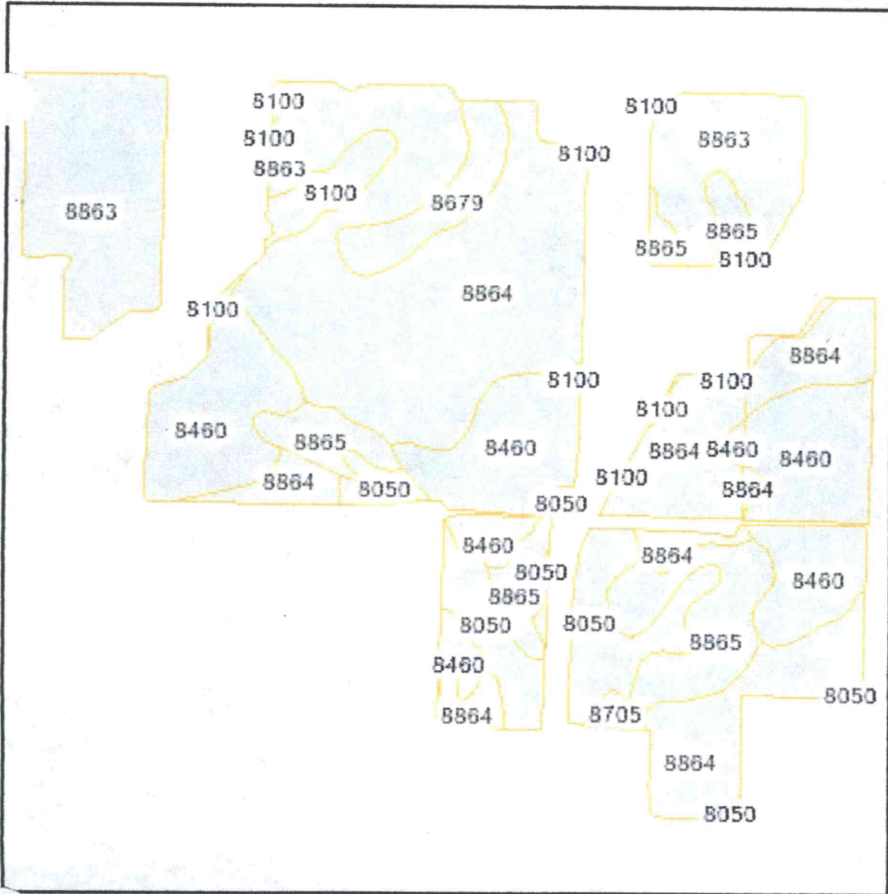
Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: ALH
pc: TOPEKA Field Office
GMD

SCANNED

49.678

Soils Map



State: **KS**
 County: **Crawford**
 Location: **4-30S-22E**
 Township: **Grant**
 Acres: **286.3**



Maps provided by:



© AgriData, Inc. 2007
 www.AgriDataInc.com

ia borders provided by the Farm Service Agency.

Soils data provided by USDA and NRCS.

Code	Soil Description	Acres	Percent of field	Non-Irr Class	Grain sorghum	Soybeans	Warm season grasses	Winter wheat
8864	Parsons silt loam, 1 to 3 percent slopes	114.8	40.1%	IIle	58	18	0	28
8460	Cherokee silt loam, 0 to 1 percent slopes	60.3	21.1%	IIIw	64	20	0	31
8863	Parsons silt loam, 0 to 1 percent slopes	46.0	16.1%	IIls	64	20	0	31
8865	Parsons silt loam, 1 to 3 percent slopes, eroded	26.4	9.2%	IVe	52	16	0	25
8050	Girard silty clay loam, frequently flooded	21.6	7.5%	Vw	0	0	0	0
8679	Dennis silt loam, 1 to 3 percent slopes	8.2	2.9%	Ile	67	21	0	32
8100	Hepler silt loam, frequently flooded	7.5	2.6%	Vw	0	0	0	0
8705	Dennis-Parsons silt loams, 1 to 3 percent slopes	1.5	0.5%	IIle	65	20	0	31
Weighted Average					54	17	0	26

WATER RESOURCES RECEIVED

JUL 25 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

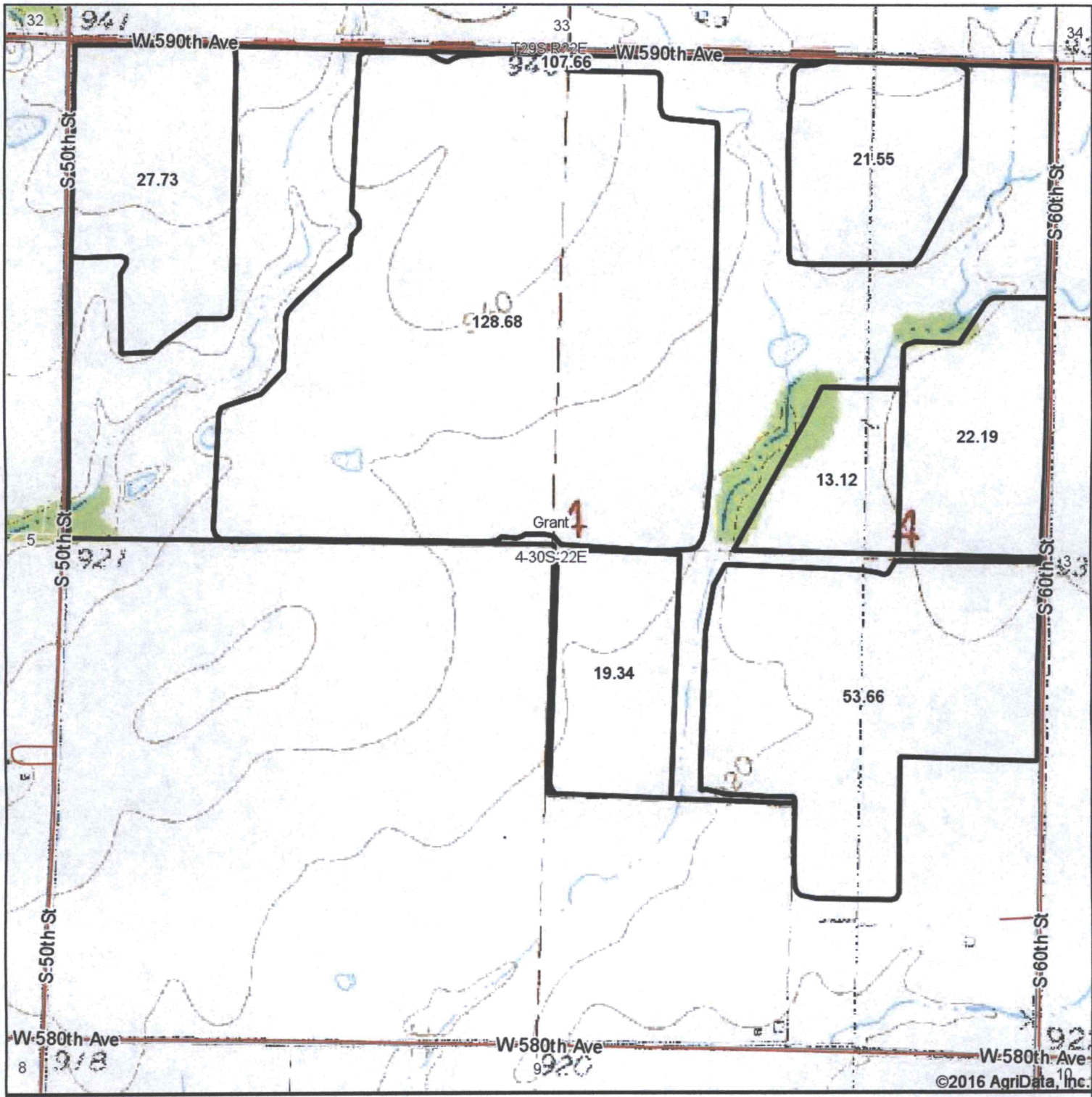
JUL 20 2016

UNACCEPTABLE FOR PRIORITY
 SCANNED

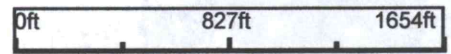
KS DEPT OF AGRICULTURE

49,678

Topography Map



map center: 37° 27' 49.73, 95° 0' 21.7



4-30S-22E
 Crawford County
 Kansas

WATER RESOURCES
 RECEIVED

UNACCEPTABLE FOR PRIORITY



KS DEPT OF AGRICULTURE

7/14/2016

Maps Provided By:
surety
 CUSTOMIZED ONLINE MAPPING
 © AgriData, Inc. 2016 www.AgriDataInc.com

Field borders provided by Farm Service Agency as of 5/21/2008.

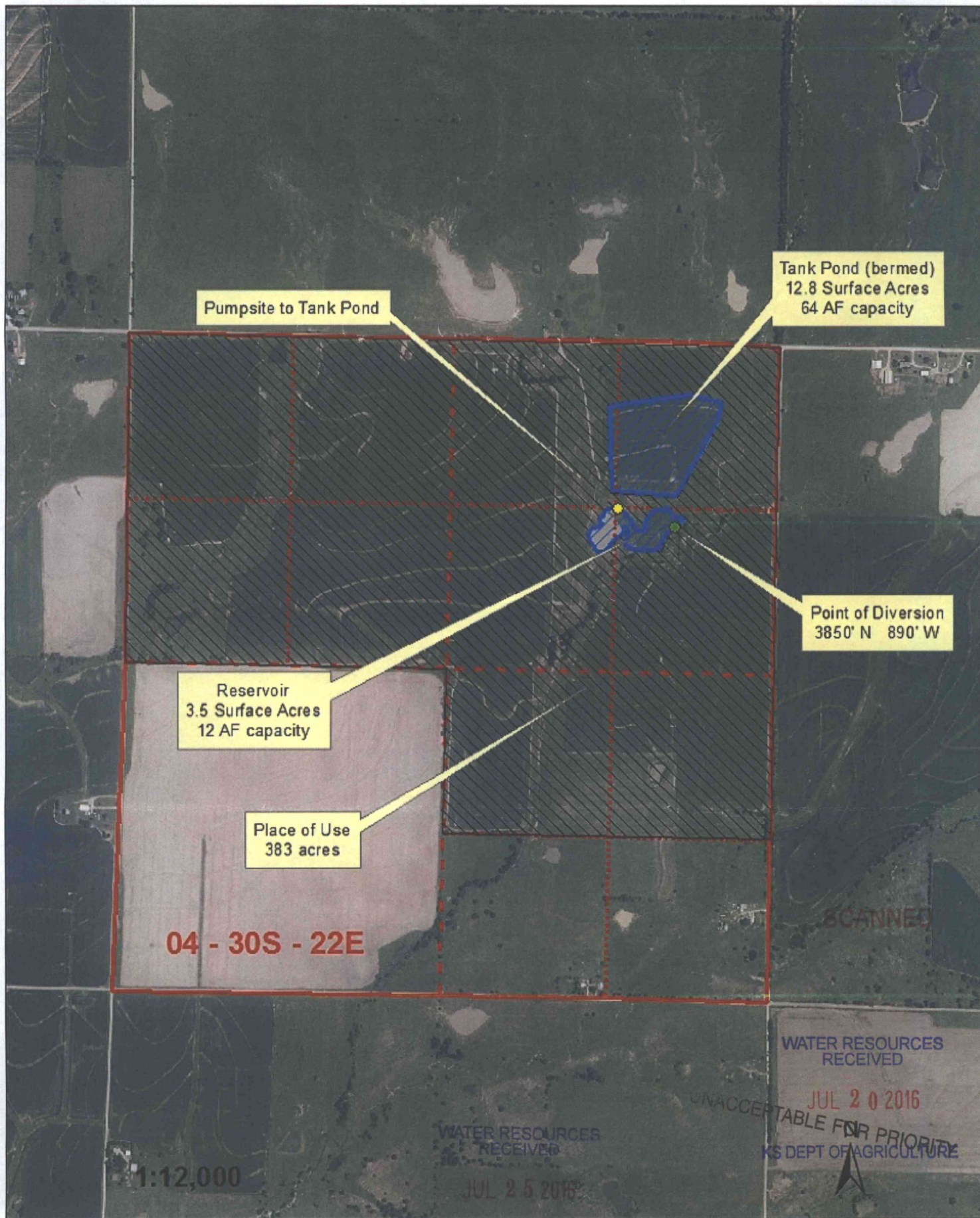
SCANNED

JAMES MICHAEL - FILE NO. 49,678
HICKORY CREEK CONFLUENCE
WITH NEOSHO RIVER

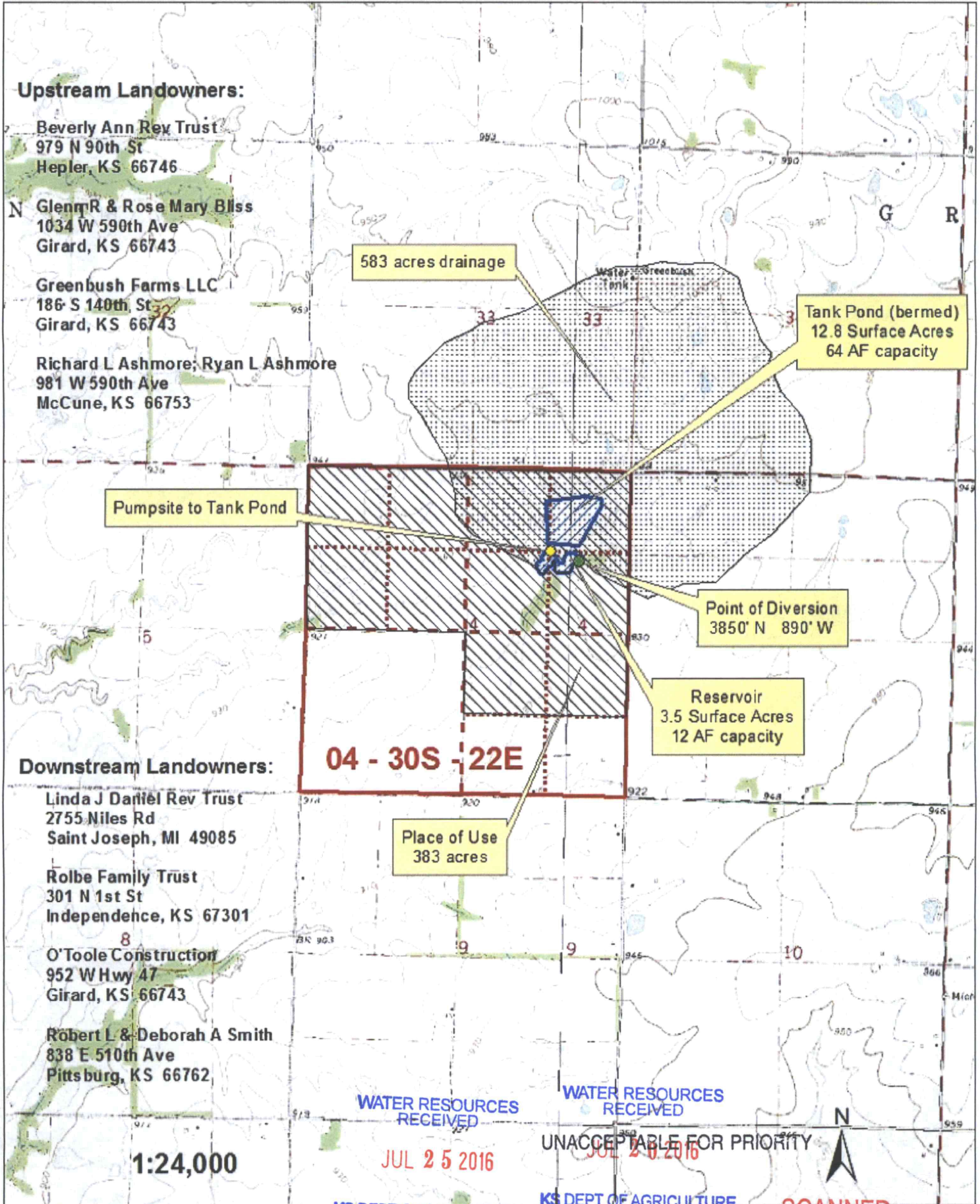


1:24,000

Jim Michael - New Application



Jim Michael - New Application



Upstream Landowners:

Beverly Ann Rex Trust
 979 N 90th St
 Hepler, KS 66746

N Glenn R & Rose Mary Bliss
 1034 W 590th Ave
 Girard, KS 66743

Greenbush Farms LLC
 186 S 140th St
 Girard, KS 66743

Richard L Ashmore; Ryan L Ashmore
 981 W 590th Ave
 McCune, KS 66753

583 acres drainage

Tank Pond (bermed)
 12.8 Surface Acres
 64 AF capacity

Pumpsite to Tank Pond

Point of Diversion
 3850' N 890' W

Reservoir
 3.5 Surface Acres
 12 AF capacity

04 - 30S - 22E

Place of Use
 383 acres

Downstream Landowners:

Linda J Daniel Rev Trust
 2755 Niles Rd
 Saint Joseph, MI 49085

Rolbe Family Trust
 301 N 1st St
 Independence, KS 67301

O'Toole Construction
 952 W Hwy 47
 Girard, KS 66743

Robert L & Deborah A Smith
 838 E 510th Ave
 Pittsburg, KS 66762

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

1:24,000

JUL 25 2016

UNACCEPTABLE FOR PRIORITY

JUL 28 2016

Plan View

Assisted By: MARK SOOTER



Legend

Mark-ups by GF-TFO-Parsons
per Jim Michael



UNASSURED FOR PRIORITY



Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.

KANSAS DEPT OF AGRICULTURE