

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

1. File Number: <p style="text-align: center;">49,696</p>	2. Status Change Date: <p style="text-align: center;">7/17/2017</p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s) Person ID 65133 New to system <input type="checkbox"/> Add Seq# _____</p> <p>DOVER REAL ESTATE LLC 10886 W 239TH ST BUCYRUS KS 66013</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Landowner Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2018 11. Perfection Date: 12/31/2022 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **6/28/2017** By: **DWS**
Date Entered: 7/18/2017 By: UM

File No. **49,696** 15. Formation Code: Drainage Basin: MARAIS DES CYGNES RIVER County: MI Special Use: Stream: NORTH WEA CREEK TRIB 6A (MARAIS DES CYGNES)

16. Points of Diversion													
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W			
√				85591	SW	NW	SE	29	15	25E	1	1610	2630

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1200	100	1200	100	NONE

18. Storage: Rate _____ **NF** Quantity **124** ac/ft Additional Rate _____ **NF** Additional Quantity **124** 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						
MOD			68017	29	15	25E	2																						

Comments:

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

TO: Files

DATE: June 28, 2017

FROM: Doug Schemm

RE: Application, File No. 49,696

Dover Real Estate LLC has filed the application referred to above for a permit to appropriate 124 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir located in the Southeast Quarter of Section 29, in Township 15 South, Range 25 East, Miami County, Kansas. The dam is located on North Wea Creek Trib 6A (Marais des Cygnes). The point of diversion is located on property owned by the applicant, and Carol Dover has signed the application form stating they have legal access to the point of diversion. The entire place of use is owned by the applicant, and it comprises 91 acres. Please note that 2 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ were removed from the place of use because they are not owned by the applicant. There are no other overlapping files in point of diversion or place of use. The applicant was assisted by Topeka Field Office staff to bring this illegal diversion into compliance with rules and regulations.

Runoff computations determined that the 327 acres of drainage area, will generate 545 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 124 acre-feet. The requested quantity of water for direct use (rediversion) of 100 acre-feet for irrigation use on 91 acres, provides approximately 1.1 acre-feet per acre, which is slightly more than the maximum allowable of 1.0 acre-feet per acre in Miami County, Kansas, per K.A.R. 5-3-24. However, this is a turf farm, and it is common that they use this quantity per acre for this area of the state.

The applicant identified the upstream and downstream landowners of adjacent properties within one-half ($\frac{1}{2}$) mile upstream and downstream, which complies with K.A.R. 5-3-4. As noted, this is an existing reservoir that has been in place for many years, and the proposed use of water has been ongoing for many years already. All nearby landowners would obviously be aware of the storage of surface water in the reservoir, and no physical changes to the reservoir or structure are proposed. Therefore, it was deemed unnecessary to notify nearby landowners. This is consistent with other similar projects that have been storing water for many years. The WRIS database indicates that there are several other surface water rights within a two-mile radius circle of the proposed point of diversion. Most are similar storage and rediversion irrigation projects, and none are located downstream on this same tributary stream. Therefore, approval of this application would not impact any senior water rights.

The existing dam was permitted by DWR Water Structures Program under File No. DMI-012 many years ago. As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary re-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 June 22, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, approval will bring the applicant into compliance with regulations, and no senior rights will be impacted, it is recommended that the referenced new application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

FILE COPY

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

July 19, 2017

DOVER REAL ESTATE LLC
10886 W 239TH ST
BUCYRUS KS 66013

Re: Appropriation of Water, File No. 49,696

Dear Sir or Madam:

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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 49,696** of the applicant

**DOVER REAL ESTATE LLC
10886 W 239TH ST
BUCYRUS KS 66013**

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 **August 29, 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		
29 15S 25E															34	31	26	91

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to North Wea Creek, designated in the office of the Chief Engineer as North Wea Creek Trib 6A (Marais des Cygnes), 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 **124 acre-feet** per calendar year in a reservoir created by a dam located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW¼ NW¼ SE¼) of Section 29, more particularly described as being near a point 1,610 feet North and 2,630 feet West of the Southeast corner of said section, in Township 15 South, Range 25 East, Miami County, Kansas, to provide **100 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 17th day of July, 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 17th day of July, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

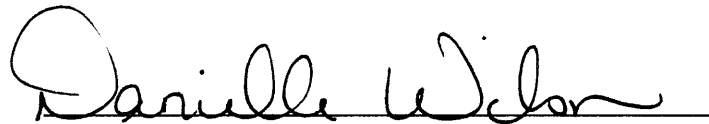
CERTIFICATE OF SERVICE

On this ~~19th~~ day of ~~July~~, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,696, dated ~~July 17, 2017~~ was mailed postage prepaid, first class, US mail to the following:

DOVER REAL ESTATE LLC
10886 W 239TH ST
BUCYRUS KS 66013

With photocopies to:

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE

6/28/2017

Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49696

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

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

AUG 29 2016

12:44

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

UNACCEPTABLE FOR PRIORITY
AUG 28 2016
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): DOVER REAL ESTATE LLC
Address: 10886 W 239TH ST
City: BUCYRUS State: KS Zip Code 66013
Telephone Number: (913) 897-2336

2. The source of water is: surface water in Tributary to North Wea Creek TRIP 6A
(stream)
OR groundwater in MARAIS DES CYGNES RIVER
(drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources. **REDIVERSION OF 100 AF @ 1,200 GPM**

3. The maximum quantity of water desired is 124 (Storage) acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County MI By AW Date 8/29/16
Code _____ REG _____ Fee \$ 200 TR # _____ Receipt Date 8/29/16 Check # 41435

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 SW quarter of the NW quarter of the SE quarter of Section 29, more particularly described as being near a point 1,610 feet North and 2,630 feet West of the Southeast corner of said section, in Township 15 South, Range 25 EAST, MIAMI County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

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

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

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

APPLICANT

 (name, address and telephone number) 913-533-2336
Carol Doney 10886 W. 2391 Bucyrus, Ks. 66013
 (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 8-16, 2016. Carol Doney
 Applicant's Signature

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

8. The first actual application of water for the proposed beneficial use was or is estimated to be SUMMER 2016.
 (Mo/Day/Year)

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

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

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

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

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

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____
To be determined by Structures Review

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

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

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

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

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

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

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

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

NONE

Storage Quantity = 100 AF (Direct Use on Turf) + 21 AF capacity + 3 AF evaporation = 124 AF

Run-off is NOT limiting factor (327 acres x 20" = 545 AF)

$6.3 \times 5/12 = 2.63 \text{ AF evap}$
 $6.3 \times 10 \times 0.33 = 20.8 \text{ AF}$

AUG 29 2016

SCANNED

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

5" crop
12.6-3ac surface area
8-10 ft depth
KAB/DWR
7-12-17

JUL 28 2016

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

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

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

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

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this _____ day of _____, 2016
(month) (year)

Dover Real Estate LLC
(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By Carol Dover
(Agent or Officer Signature)

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

Carol Dover
(Agent or Officer - Please Print)

* Reduced place of use by 2 acres owned by Melvin Briggs LP, per discussion with applicant on 6/28/17. DWS DWR

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,696

Name of Applicant (Please Print): DOVER REAL ESTATE LLC

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: DOVER REAL ESTATE LLC

ADDRESS: 10886 W 239TH ST BUCYRUS KS 66013

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	15	25E														34	31	29 28	9391 *

Landowner of Record NAME: _____

ADDRESS: _____

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

Landowner of Record NAME: _____

ADDRESS: _____

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

WATER RESOURCES RECEIVED

AUG 29 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED
UNACCEPTABLE FOR PRIORITY
JUL 28 2016

KS DEPT OF AGRICULTURE

SCANNED

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

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

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

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

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

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

_____ Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler

_____ Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

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

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

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

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49696 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49696 00 IRR

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

1610 Feet North and 2630 Feet West of the Southeast Corner of Section 29 T 15S R 25E

SURFACE WATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 885 03 DOM NK S 4536 -- NE NE NE 5200 100 30 15 25E 1 1 .59 .59 AF
Same 4299 -- SW NE NE 4000 900 30 15 25E 2
A__ 38250 00 IRR NK S 9197 -- CE SE SE 700 100 24 15 24E 1 41.00 41.00 AF
A__ 47284 00 IRR NK S 5772 -- NW SW NE 3710 2130 31 15 25E 2 43.00 43.00 AF
A__ 49232 A IRR KE S 5805 -- NW NE SW 2051 3408 20 15 25E 1 222.00 222.00 AF
Same 5527 -- SE NW SW 1657 3972 20 15 25E 2
***** Authorized storage = .00 AF Additional storage = .00 AF
Same 5030 -- NW SW SW 676 5088 20 15 25E 3
***** Authorized storage = .00 AF Additional storage = .00 AF
Same 4688 -- SW SW SW 253 5126 20 15 25E 4
***** Authorized storage = .00 AF Additional storage = .00 AF
A__ 49271 00 IRR KE S 8070 -- SE SW SW 159 4402 19 15 25E 1 54.00 54.00 AF
A__ 49525 00 IRR KE S 9197 -- CE SE SE 700 100 24 15 24E 1 130.00 89.00 AF
A__ 49696 00 IRR AY S 0 -- SW NW SE 1610 2630 29 15 25E 1 100.00 100.00 AF
A__ 49723 00 IRR GY S 5772 -- NW SW NE 3710 2130 31 15 25E 2 96.00 53.00 AF
A__ 49750 00 IRR GY S 8718 -- SE SE NE 3003 625 25 15 24E 1 125.00 125.00 AF
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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      100.00      124.00
Total Permitted Amount (AF) =      543.00      628.80
Total Inspected Amount (AF) =         .00         .00
Total Pro_Cert Amount (AF) =         .00         .00
Total Certified Amount (AF) =        84.59      244.80
Total Vested Amount (AF) =          .00         .00
TOTAL AMOUNT (AF) =        727.59      997.60
=====

```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

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

1610 Feet North and 2630 Feet West of the Southeast Corner of Section 29 T 15S R 25E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number   Use ST SR
A__ 885 03 DOM NK S
> TOM ROSNER
>
> 10218 DELMAR
> OVERLAND PARK KS 66207
>-----
A__ 38250 00 IRR NK S
> ROBERT E & GAIL A FOOTE
=====

```

>
> RR 1 BOX 11
> BUCYRUS KS 66013

A__ 47284 00 IRR NK S
> STEVE E & ROBERTA GUETTERMAN TRUSTS
>
> 22666 ANTIOCH RD
> BUCYRUS KS 66013

A__ 49232 A IRR KE S
> MEYERS BROS CONSTRUCTION INC
>
> PO BOX 69
> STILWELL KS 66085

A__ 49271 00 IRR KE S
> MICHAEL R & JODI M GUETTERMAN
>
> 12960 W 239TH ST
> BUCYRUS KS 66013

A__ 49525 00 IRR KE S
> ROBERT E & GAIL A FOOTE
>
> RR 1 BOX 11
> BUCYRUS KS 66013

A__ 49696 00 IRR AY S
> DOVER REAL ESTATE LLC
>
> 10886 W 239TH ST
> BUCYRUS KS 66013

A__ 49723 00 IRR GY S
> STEVE E & ROBERTA GUETTERMAN TRUSTS
>
> 22666 ANTIOCH RD
> BUCYRUS KS 66013

A__ 49750 00 IRR GY S
> STEVE GUETTERMAN FARMS LLC
>
> 22666 ANTIOCH RD
> BUCYRUS KS 66013

#####

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application File No. 491694

Minimum Desirable Streamflow
Marais des Cygnes River Basin

Dear Sir:

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

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

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

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

Carol Dover
Signature of Applicant

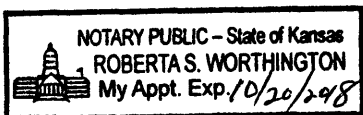
State of Kansas)
County of Johnson) ss)

Carol Dover
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22nd day of July, 2016.

Robert S. Worthington
Notary Public

My Commission Expires: 10/20/2018



WATER RESOURCES
RECEIVED

WATER RESOURCES
RECEIVED

JUL 28 2016
UNACCEPTABLE FOR PRIORITY
KS DEPT OF AGRICULTURE

AUG 29 2016

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River



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

August 29, 2016

DOVER REAL ESTATE LLC
10886 W 239TH ST
BUCYRUS KS 66013

FILE COPY

RE: Application
File No. 49691, 49692, 49693, 49694, 49695,
49696

Dear Sir or Madam:

Your application for permit to appropriate water in 2-16S-24E in Miami County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

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

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

NEW STREAM WORKSHEET

ES AW

Date: 8/29/16

File No. 491096

Basin Name: Marais Des Cygnes Basin No. 3

Stream Name: North Wax Creek Trib 6A

Stream location (confluence with parent stream):

Section 30, Township 15 South, Range 25 (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. 3885 (~~3887~~) (computer assigned - entered by data entry staff)

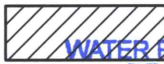
Date Entered 9/1/2016 By LCM

DOVER REAL ESTATE LLC
 Section 29, Township 15 South, Range 25 East
 Miami County

49,696

Dustin S. ...
 6684 W ...
 Bucyrus KS

Melvin Briggs LP
 16274 Kranker Dr.
 Stillwell, KS 66085



Proposed Place of Use

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

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

Proposed Point of Diversion

1:24,000

AUG 29 2016

JUL 28 2016

UNACCEPTABLE FOR PRIORITY

