

File No. 49,769	15. Formation Code:		Drainage Basin: Republican River				County: WS		Special Use:		Stream: SCRIBNER CREEK (Republican)																																								
16. Points of Diversion										17. Rate and Quantity																																									
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:5%;">T</td> <td style="width:5%;">MOD</td> <td style="width:5%;">DEL</td> <td style="width:5%;">PDIV</td> <td style="width:5%;">Qualifier</td> <td style="width:5%;">S</td> <td style="width:5%;">T</td> <td style="width:5%;">R</td> <td style="width:5%;">ID</td> <td style="width:5%;">'N</td> <td style="width:5%;">'W</td> </tr> <tr> <td>√</td> <td>85875</td> <td>SW SW SW</td> <td></td> <td>34</td> <td>5</td> <td>1E</td> <td>7</td> <td>635</td> <td>5247</td> <td></td> </tr> </table>										T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	√	85875	SW SW SW		34	5	1E	7	635	5247		<table style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2">Authorized</td> <td colspan="3">Additional</td> </tr> <tr> <td style="width:10%;">Rate gpm</td> <td style="width:10%;">Quantity af</td> <td style="width:10%;">Rate gpm</td> <td style="width:10%;">Quantity af</td> <td style="width:10%;">Overlap PD Files</td> </tr> <tr> <td>500</td> <td>63.6</td> <td>500</td> <td>63.6</td> <td>NONE</td> </tr> </table>					Authorized		Additional			Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files	500	63.6	500	63.6	NONE
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																																			
19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s): _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s): _____																																																			
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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																														
T	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																															
√	3474	32	5	1E	3				4								28	39		40	35	146	7a, 7c	NO ^{Yes}	*See below																										
√	29381	33	5	1E	2					2				40	32							74	7a.	NO	*See below																										
√	34534	34	5	1E	1									25	30				2	39	20	116	7a.	NO	*See below																										
√	68206	3	6	1E	5	6																6	7a.	NO	*See below																										
DEL 21051																																																			
Comments: SPECIAL CONDITION: WRITTEN PERMISSION										*PU overlap with 17,870; 28,133-D1; and 38,919																																									
TADDIKEN FARM INC. NO LONGER LANDOWNER UNDER ANY OF THESE FILES.																																																			
NOTE: PU ID 68206 is in CLAY CO. The rest of PU is in Washington Co.																																																			

off season diversion (written or oral permission...)

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 6, 2017

FROM: Doug Schemm

RE: New Application, File No. 49,769
Change Applications, Water Right, File Nos. 17,870;
28,133-D1; and 38,919

J Douglas & M Maureen Toll have filed the referenced new application (File No. 49,769) to appropriate 63.6 acre-feet of surface water at the rate of 500 gallons per minute from a proposed pump site, located in the Southwest Quarter of Section 34, Township 5 South, Range 1 East, Washington County, Kansas. The source of water is Scribner Creek, in the Republican River basin. The new application will also add additional acres to the overall place of use under the senior files, and the new application and change applications will ensure a complete overlap in place of use.

Please note that prior to processing the above referenced applications, J. Douglas and M. Maureen Toll, and Mark and Debra A. Taddiken, filed a division agreement for Water Right, File No. 28,133. Following the division, File No. 28,133-D1 is owned by J. Douglas and M. Maureen Toll, it has an authorized quantity of 200 acre-feet, from a well located 1,011 feet North and 1,234 feet West of the Southeast corner of Section 32, Township 5 South, Range 1 East, Washington County, for irrigating a total of 173 acres in Sections 32 and 33 of the aforementioned township and range. **The goal of the division and subsequent changes is for File Nos. 17,870; 28,133-D1; 38,919 and 49,769 to form a complete overlap in place of use, which is owned by the Tolls. The pending change application for File No. 28,133 was modified to File No. 28,133-D1, to reflect this division.** Note that File No. 28,133-D2 will have no overlaps in the place of use and will be owned by the Taddikens.

Water Right, File No. 17,870 is authorized 69 acre-feet of groundwater, Water Right, File No. 28,133-D1 is authorized 200 acre-feet of groundwater, and Water Right, File No. 38,919 is authorized 68 acre-feet of groundwater, providing a total combined quantity of 337 acre-feet. The proposed place of use will encompass 342 acres. This quantity is less than the maximum allowable to irrigate the proposed 342 acres of 410.4 acre-feet (1.2 Acre-Foot per acre is the maximum allowed in Washington & Clay Counties). Pending application, File No. 49,769 is requesting 63.6 acre-feet, of which all will be additional water, increasing the total quantity of water to 400.6 acre-feet on the overall place of use.

Please note, that for File Nos. 17,870 and 38,919 (overlap in point of diversion) the authorized point of diversion will be better described with g.p.s. feet distances obtained during the March 1, 2012 compliance investigation:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 66 feet North and 2,601 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East, Washington County, Kansas.

The same local source of supply will not change, which appears to be alluvium/terrace deposits (111).

Notification letters were sent to upstream and downstream landowners on May 10, 2017. No responses of any kind were received. The pump site will provide flexibility in source of water when available, and with proper conditioning (see below) approval of the new application for surface water will not impair existing water rights.

Memorandum

File Nos. 49,769; 17,870; 28,133-D1; and 38,919

Page 2

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit. Additionally, the new permit is conditioned as follows: "That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water." The Lower Republican River is currently open to new appropriations meeting the criteria required by K.A.R. 5-3-11(d)(6), and the approval of this application is consistent with similar applications requesting surface water from the Republican River.

The proposed changes comply with K.A.R. 5-5-11, as the changes are only proposing to create a complete overlap in the place of use with the new application. Application, File No. 49,769 is sufficient to cover any increase in the consumptive use. The referenced change application files (File Nos. 17,870; 28,133-D1; and 38,919) are not abandoned pursuant to K.S.A. 82a-718, as determined by Katie Tietsort, Water Commissioner, Topeka Field Office.

In a June 6, 2017 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced new and change applications.

Based on the above discussion, the area is open to new appropriations, approval of the new application will provide additional flexibility for the proposed irrigation project, and approval of the new application will not impair other water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved in conjunction with the changes in place of use under the senior water rights. The changes are reasonable, impairment of existing water rights will not occur, and the additional quantity requested under Application, File No. 49,769, is sufficient to cover any increase in the consumptive use, it is recommended that the referenced change applications also 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

June 22, 2017

FILE COPY

J DOUGLAS & M MAUREEN TOLL
PO BOX 186
CLIFTON KS 66937

Re: Appropriation of Water, File No. 49,769; and
Water Right, File Nos. 17,870; 28,133-D1; and 38,919

Dear Mr. and Mrs. Toll:

There is enclosed a permit (File No. 49,769) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit, with specific reference to **Paragraph No. 18 requiring that you obtain written permission prior to diversion of water.** A water meter is required 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.

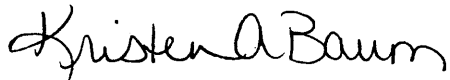
All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension 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.

J DOUGLAS & MAUREEN TOLL
FILE NOS. 49,769; 17,870; 28,133-D1; and 38,919
PAGE 2

In addition, enclosed are Orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the Applications for Change in the Place of Use under Water Right, File Nos. 17,870; 28,133-D1; and 38,919. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change.

Since these orders for the referenced file numbers modify the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

Sincerely,



Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws

Enclosures

pc: Topeka Field Office
Irene A Toll Revocable Trust

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Harfield, Chief Engineer

FILE COPY

**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. 49,769** of the applicant

**J DOUGLAS & M MAUREEN TOLL
PO BOX 186
CLIFTON KS 66937**

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 **January 30, 2017**.
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	
32	5S	1E				4							28	39		40	35	146	
33	5S	1E						2			40	32						74	
34	5S	1E									25	30			2	39	20	116	
3	6S	1E	6															6	

3. That the authorized source from which the appropriation shall be made is surface water from Scribner Creek (Republican), to be withdrawn by means of one (1) pump site located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼ SW¼) of Section 34, more particularly described as being near a point 635 feet North and 5,247 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East, Washington County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **500 gallons per minute (1.11 c.f.s.)** and to a quantity not to exceed **63.6 acre-feet** of water for any calendar year.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. That all 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 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.

12. That an acceptable water flow meter shall be installed on the 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 ending of the report year).

13. 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.

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

15. 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.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. 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.

18. That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water.

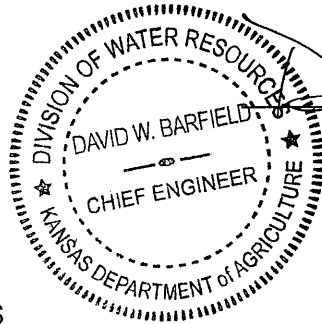
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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 20th day of June, 2017, in Topeka, Shawnee County, Kansas.



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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 20th day of June, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

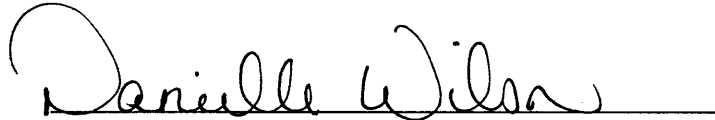
On this 22nd day of June, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,769, dated June 20, 2017 was mailed postage prepaid, first class, US mail to the following:

J DOUGLAS & M MAUREEN TOLL
PO BOX 186
CLIFTON KS 66937

With photocopies to:

IRENE A TOLL REVOCABLE TRUST
207 E 2ND ST
CLIFTON KS 66937

Topeka Field Office



Division of Water Resources

5/25/2017

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 49,769
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

JAN 30 2017

1:04
KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): J DOUGLAS & M MAUREEN TOLL
Address: PO BOX 186
City: CLIFTON State KS Zip Code 66937
Telephone Number: (785) 455-2249

2. The source of water is: [X] surface water in SCRIBNER CREEK (stream)
OR [] groundwater in REPUBLICAN RIVER Basin (drainage basin)

Scribner Creek
Republican River Trib 22 (Republican)
KAB/DWR
6-19-17

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

3. The maximum quantity of water desired is 63.6 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 500 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) [X] 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 1RR Source G(S) County WS By LI Date 1/30/17
Code 1 REG Fee \$ 200.00 TR # Receipt Date 1/30/17 Check # 3044

SCANNED
2/1/2017 CLM

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 SW quarter of the SW quarter of Section 34, more particularly described as being near a point 635 feet North and 5247 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East, WASHINGTON 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 J. Douglas Tell, PO Box 186, Clifton, KS 66693 (H) 7854552249
 (name, address and telephone number)

_____ (C) 785-2436376
 (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 Jan 30, 2017. _____
 Applicant's Signature

7. The proposed project for diversion of water will consist of ONE PUMP SITE
 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) Spring 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 Spring 2017
 (Mo/Day/Year)

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

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

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

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

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

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

NOT IMPOUNDING WATER

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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

Change in PU on File Nos. 17,870; 28,133; and 38,919 will create a complete overlap in PU with new application.

WATER RESOURCES
RECEIVED

JAN 30 2017

KS DEPT OF AGRICULTURE
SCANNED

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):

Applicant

(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 MANWATTAN, Kansas, this 30 day of JANUARY, 2017.
(month) (year)

Douglas Bell
(Applicant Signature)

[REDACTED]
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

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

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 1/26/2017
(office/title)

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,769

Name of Applicant (Please Print): J DOUGLAS & M MAUREEN TOLL

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: J DOUGLAS & M MAUREEN TOLL

ADDRESS: PO BOX 186, CLIFTON, KS 66937

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33	5S	1E							2			40	32						74
34	5S	1E										25	30			2	39	20	116
3	6S	1E	6																6

Landowner of Record NAME: IRENE A TOLL REVOCABLE TRUST

ADDRESS: 207 E 2ND ST, CLIFTON, KS 66937

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32	5S	1E				4								28	39		40	35	146

Total = 342

Landowner of Record NAME: TADIKEN FARM INC %MARK TADIKEN *

ADDRESS: 2614 HACKBERRY RD CLIFTON KS 66937

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33	5S	1E										30							68

TOTAL = 410

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
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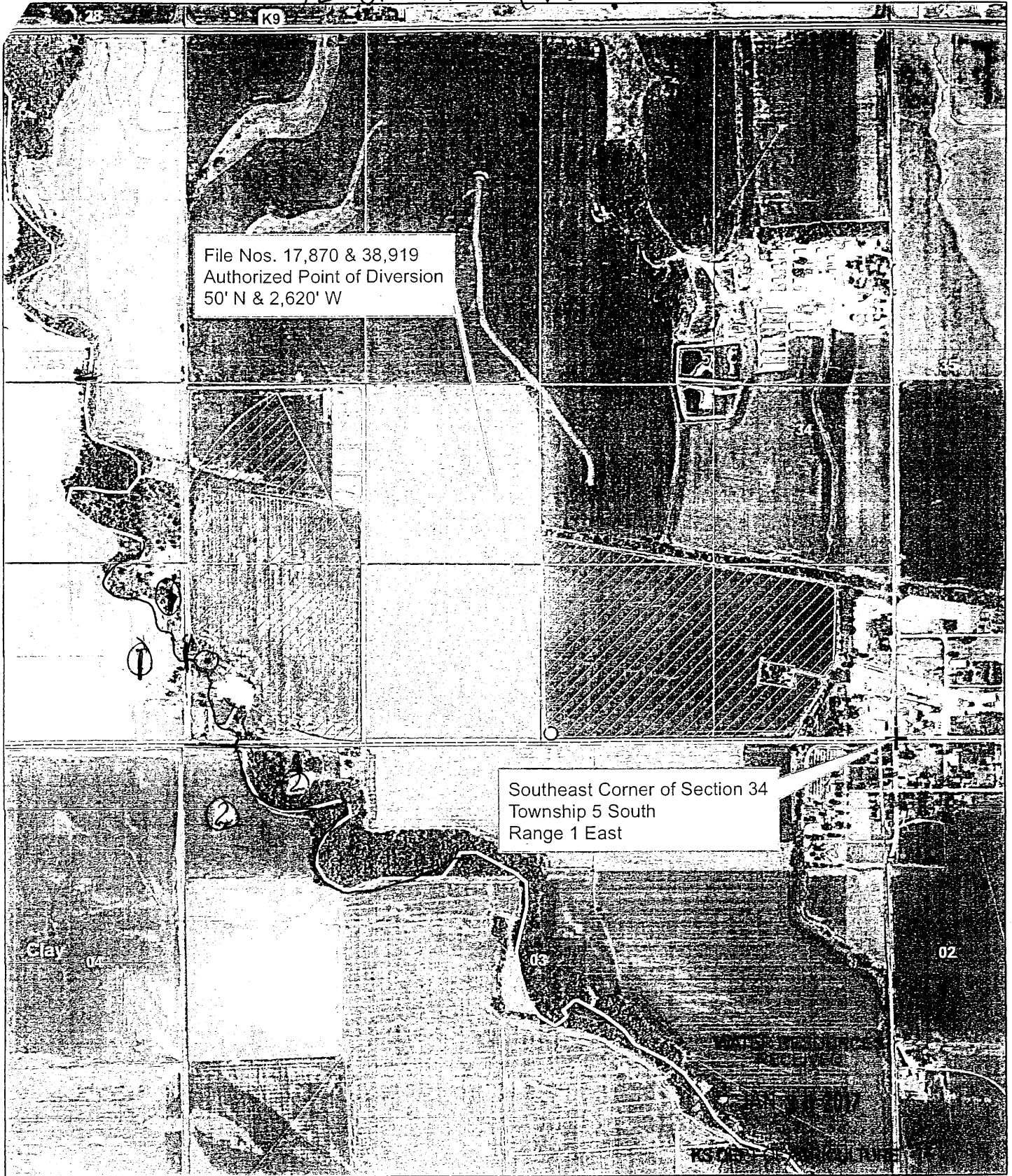
** Taddiken Land Removed from place of use. See Division under File # 28,133. This land is now authorized under 28,133-D2. DWS/DWR 5/10/17*

JAN 30 2017

New APPLICATION. TOLL - FILE NOS. 17,870 & 38,919
AUTHORIZED PLACE OF USE
Section 34, T5S, R1E - Washington County

49,769

1/2 UPSTREAM { DOWN STREAM



File Nos. 17,870 & 38,919
Authorized Point of Diversion
50' N & 2,620' W

Southeast Corner of Section 34
Township 5 South
Range 1 East



Authorized Place of Use

○ Authorized Point of Diversion

① TRENT WINTERS
505 EAGLE RD CLIPPOY MS 66937

② TRENT WINTERS -

1:12,000

SCANNED

Schemm, Doug

Subject: Toll new app 49,769 and changes

From: Tietsort, Katie
Sent: Tuesday, June 6, 2017 10:31 AM
To: Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Toll new app and changes

Please proceed expeditiously.

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: Tuesday, June 6, 2017 7:47 AM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: Toll new app and changes

Kansas
Department of Agriculture
Division of Water Resources

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

May 10, 2017

TRENT WINTERS
505 EAGLE RD
CLIFTON KS 66937

Re: Pending New Application, File No. 49,769 and
Change Applications, File Nos. 17,870; 28,133-D1; and 38,919


Dear Sir or Madam:

This is to advise you that J Douglas & M Maureen Toll have filed the new application referred to above for a permit to appropriate 63.6 acre-feet of surface water per calendar year from Scribner Creek (Republican River Basin), for irrigation use to be diverted at a maximum rate of 500 gallons per minute. The pending change applications for File Nos. 17,870; 28,133-D1; and 38,919 will modify their place of use to create a complete overlap in acreage for the irrigation project. Surface water will be diverted from one (1) pump site as follows:

located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 635 feet North and 5,247 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East, Washington 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 these applications 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,


Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: J Douglas & M Maureen Toll

(Date)

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

Re: Application
File No. 49,769

Minimum Desirable Streamflow

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.

J. Douglas Tall
Signature of Applicant

State of Kansas)
County of Washington) ss

J. Douglas Tall
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 30th day of January, 2017.

NOTARY PUBLIC - State of Kansas
ASHLEY SCHWAB
My Appt. Exp. 2/5/20

Ashley Schwab
Notary Public

My Commission Expires:
2/5/20

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**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

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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:

WATER RESOURCES RECEIVED

JAN 30 2017

KS DEPT OF AGRICULTURE

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.

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

January 31, 2017

J DOUGLAS & M MAUREEN TOLL
PO BOX 186
CLIFTON KS 66937

FILE COPY

RE: Application
File No. 49769

Dear Sir or Madam:

Your application for permit to appropriate water in 34-5S-1E in Washington County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

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

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

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

NEW STREAM WORKSHEET

ES AW

Date: 2/1/17

File No. 49,769

Basin Name: Republican Basin No. 27

Stream Name: ~~Republican River Trib 22~~ Scribner Creek
(Republican)

Stream location (confluence with parent stream):

Section 1, Township 6 South, Range 1 (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

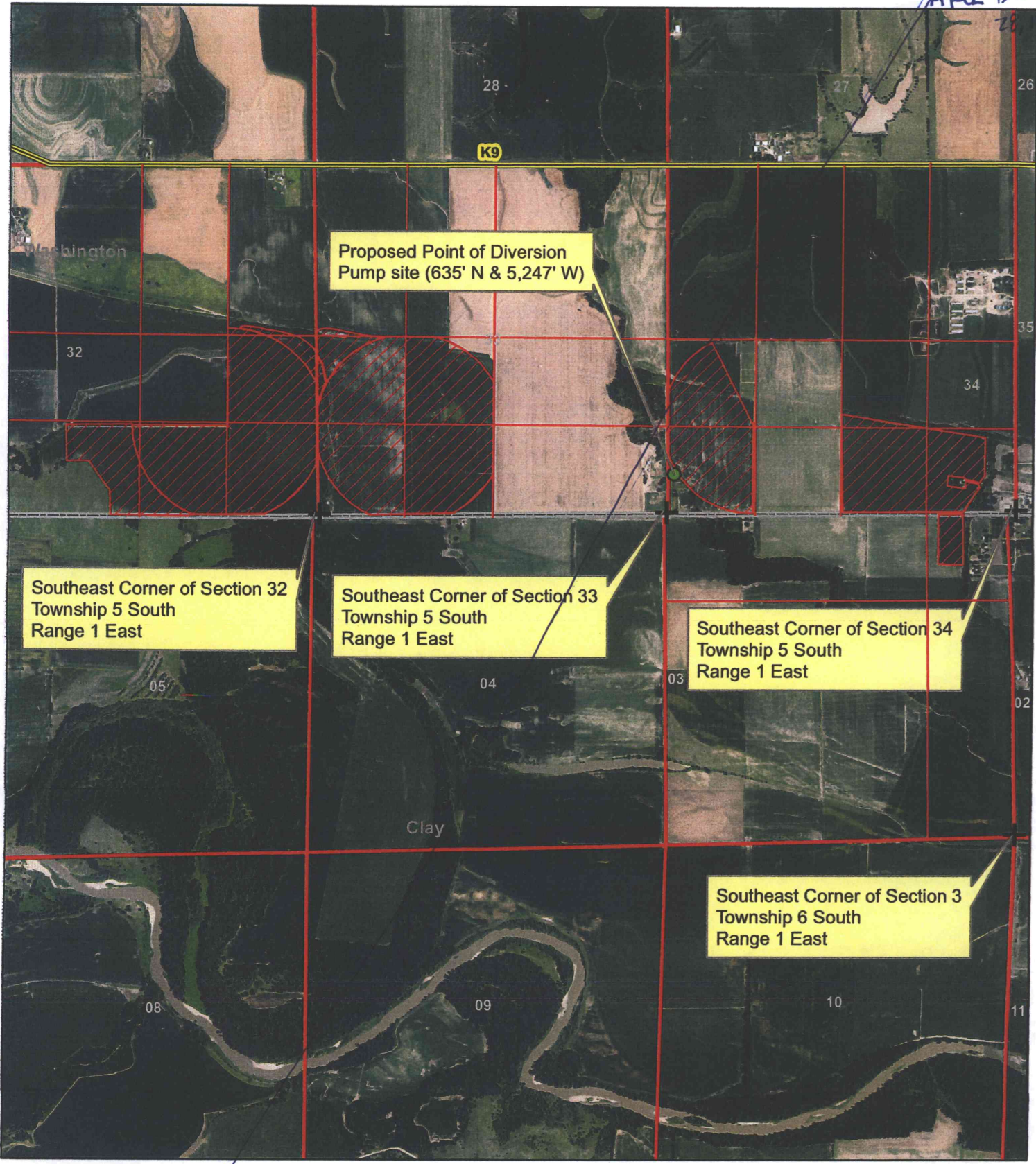
Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3 9 0 2 (computer assigned - entered by data entry staff)

Date Entered 2/1/2017 By LCM

TOLL - NEW APPLICATION WASHINGTON/CLAY COUNTIES

49,709
Revised Map
AFCD Division
28-33



Proposed Point of Diversion
Pump site (635' N & 5,247' W)

Southeast Corner of Section 32
Township 5 South
Range 1 East

Southeast Corner of Section 33
Township 5 South
Range 1 East

Southeast Corner of Section 34
Township 5 South
Range 1 East

Southeast Corner of Section 3
Township 6 South
Range 1 East

1:24,000



● Proposed Point of Diversion

WATER RESOURCES DIVISION RECEIVED
Proposed Place of Use within one-half mile upstream and downstream of the property lines have been shown.

JAN 30 2017

TOLL - NEW APPLICATION
 FILE NO. 49,769 - SITE MAP
 WASHINGTON/CLAY COUNTIES



Southeast Corner of Section 32
 Township 5 South
 Range 1 East

Southeast Corner of Section 33
 Township 5 South
 Range 1 East

Southeast Corner of Section 34
 Township 5 South
 Range 1 East

Southeast Corner of Section 3
 Township 6 South
 Range 1 East



Proposed Place of Use



Proposed Point of Diversion

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

1:24,000

*See attached map * dws / dwr*