

NOTICE

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49,774
This item to be completed by the Division of Water Resources.

WATER RESOURCES
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FEB 10 2017

10:55

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**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): SWAYBACK FARMS LLC - %JIM PEDERSON
Address: 6980 W 153RD ST
City: OVERLAND PARK State: KS Zip Code 66223
Telephone Number: (913) 915-6900

2. The source of water is: surface water in N SUGAR CREEK TRIB 4 (MARAIS DES CYGNES)
(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. **NATURAL FLOWS**

3. The maximum quantity of water desired is 248 (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. <u>1</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 <u>(YES)</u> /NO	Use <u>REC</u>	Source <u>G</u> <u>3</u> County <u>LN</u>	By <u>ASW</u>	Date <u>2/10/17</u>	
Code _____	REG	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>2/10/17</u>	Check # <u>259</u>		

2/13/2017 LWM

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 19, more particularly described as being near a point 1,694 feet North and 2,236 feet West of the Southeast corner of said section, in Township 20 South, Range 25 East, LINN County, Kansas. **DAM**
- (B) One in the NE quarter of the SW quarter of the SW quarter of Section 19, more particularly described as being near a point 1,285 feet North and 4,330 feet West of the Southeast corner of said section, in Township 20 South, Range 25 East, LINN County, Kansas. **Water Control Structure**
- (C) One in the NW quarter of the NW quarter of the SE quarter of Section 19, more particularly described as being near a point 2,331 feet North and 2,396 feet West of the Southeast corner of said section, in Township 20 South, Range 25 East, LINN County, Kansas. **Water Control Structure**
- (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):

(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 February 9, 2017. James E Pederson
Applicant's Signature

7. The proposed project for diversion of water will consist of DAM AND TWO WATER CONTROL STRUCTURES
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) FALL 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 FALL 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 _____

To be Determined by Structures Program 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 [REDACTED] 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.

FILE NOS. 46,706 AND 48,840 WILL OVERLAP IN PD (AFTER CHANGES)

FILE NO. 48,841 WILL OVERLAP IN PU (AFTER CHANGE) (REC use)

File No. 46706 will overlap in PU (after changes)

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

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

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

14. The relationship of the applicant to the proposed place where the water will be used is that of 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 Overland Park, Kansas, this 9th day of February, 2017.
(month) (year)

James E. Pederson
(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)

RECREATIONAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): SWAYBACK FARMS LLC _____

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____

Wildlife Habitat

2. Please summarize how the water will be used and justify the quantity of water requested: _____

Surface Area of Marsh = 52 Acres. Filled to a maximum depth of 2 feet

52 acres x 2 feet = 104 acre-feet. **208**

Allow for 2 fillings (maintain water levels) = ~~104~~ acre-feet.

INDIRECT USE (EVAP & SEEPAGE) = 40 ACRE-FEET

TOTAL REQUESTED STORAGE QUANTITY = 248 ACRE-FEET

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

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	248 AF
Year 2	
Year 3	
Year 4	
Year 5	248 AF

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

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

Wildlife Marsh Located in the South Half of Section 19, in Township 20 South, Range 25 East, Linn County, Kansas.

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

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2/09/2017

(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. _____

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.

James E. Pederson
Signature of Applicant

State of Kansas)
County of JO) ss)

James E. Pederson
(Print Applicant's Name)

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

Brenda L. Foster
Notary Public

My Commission Expires:

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

**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

UPSTREAM & DOWNSTREAM LANDOWNERS

SWAYBACK FARMS LLC - NEW APPLICATION

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

JOSEPH T BATTEN
33260 COLD WATER
LOUISBURG KS 66053

B & H ENTERPRISES LLC
16910 BELINDER
STILWELL KS 66085

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

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FEE SCHEDULE

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

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

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

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

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

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

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

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

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

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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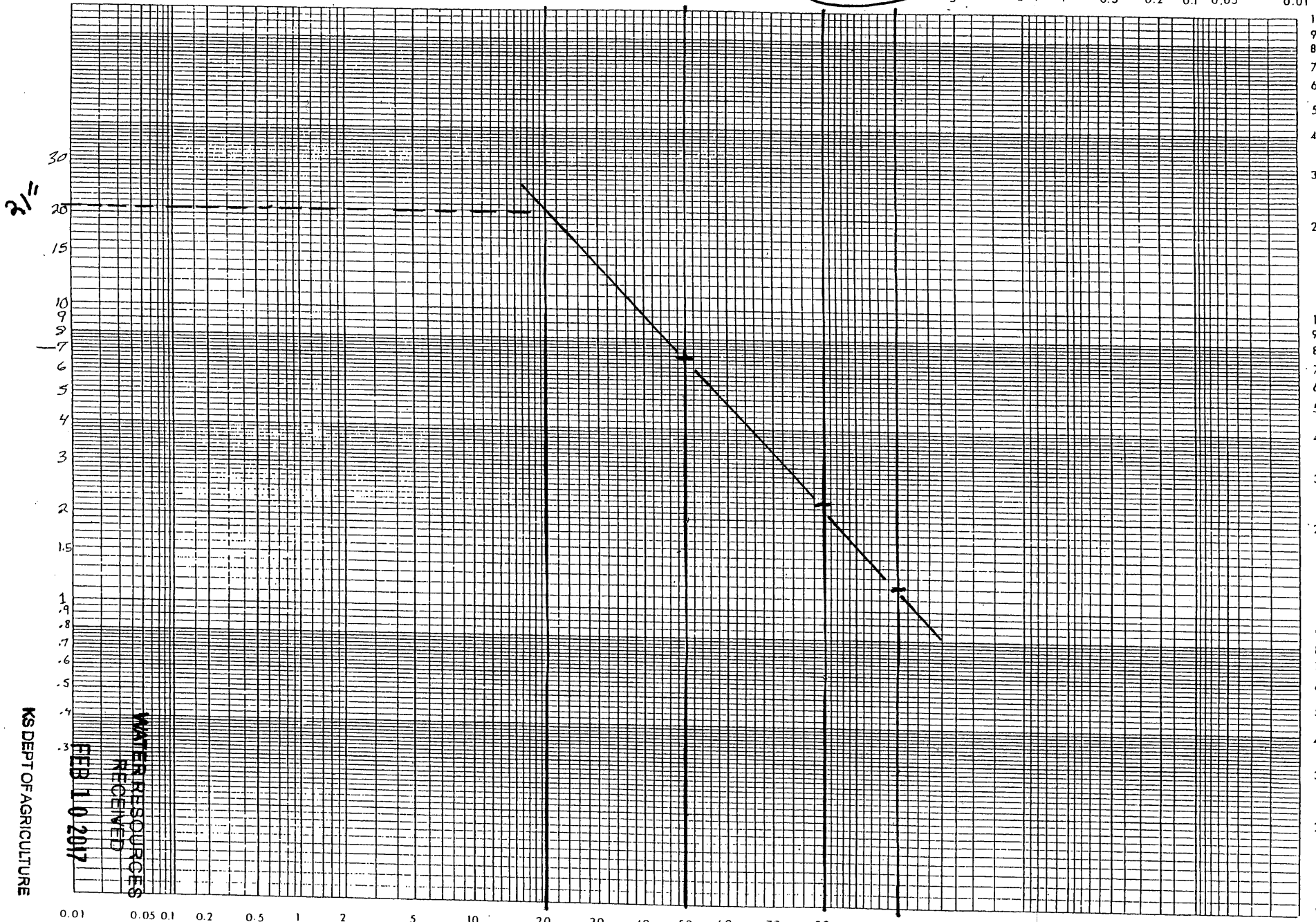
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FILE NO. 48,840

SOIL: "78" PRECIP: 41"

207 ACRES IN DRAINAGE x 21" = 4347" / 12" ⇒ 362 AF OF RUNOFF (20% CHANCE ANNUALLY) INCHES RUNOFF / ACRE: 21"

99.99 99.9 99.8 99 98 95 90 80 70 60 50 40 30 20 10 5 2 1 0.5 0.2 0.1 0.05 0.01



21"

SCANNED

Probability (Long-axis) by 3-Cycle Log

222
SALTWATER JOURNAL
GRAPH PAPER From Your COPIER - HPBooks

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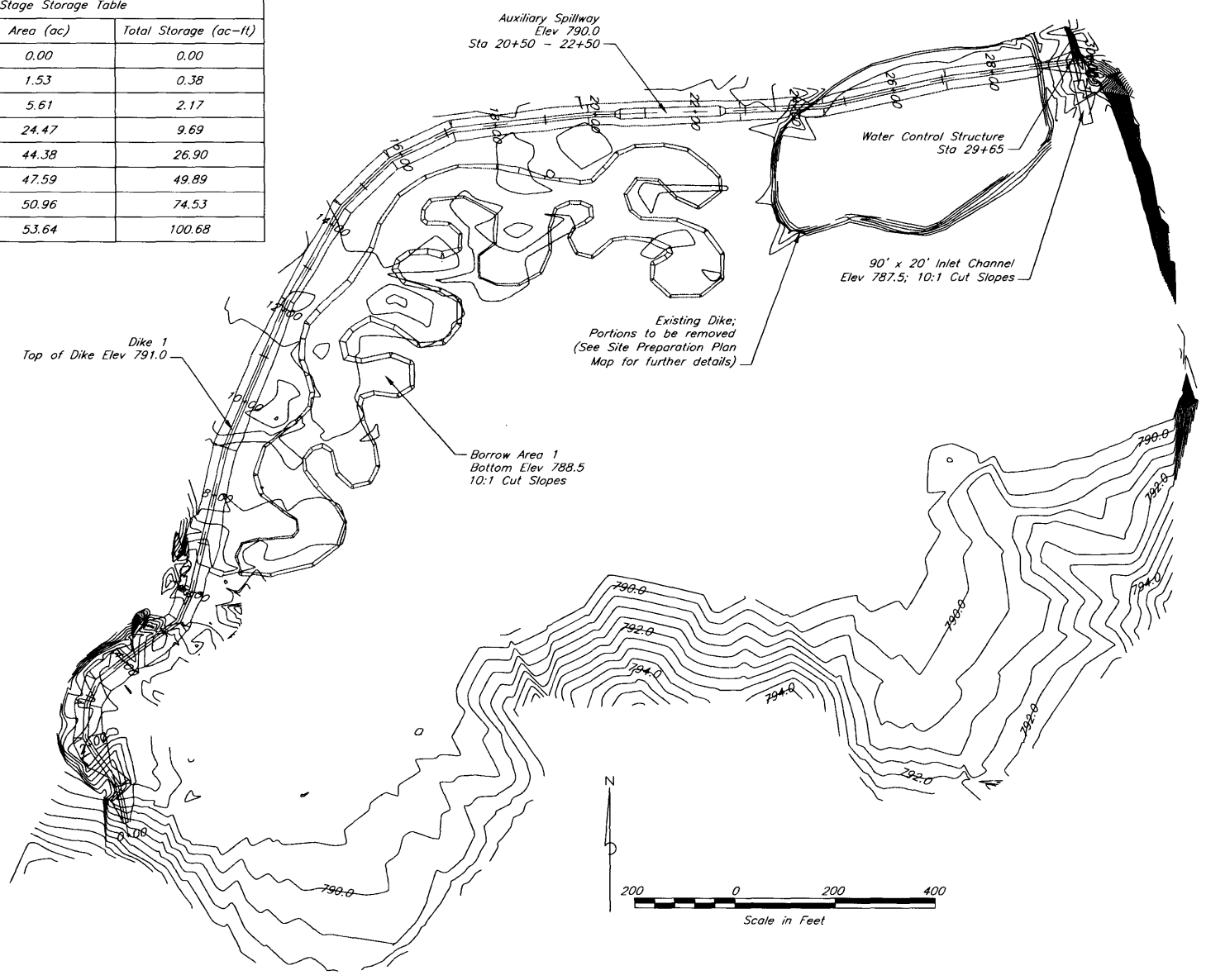
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0% CHANCE

PREPARED BY:

Dike 1 Stage Storage Table		
Elevation (ft)	Area (ac)	Total Storage (ac-ft)
787.5	0.00	0.00
788.0	1.53	0.38
788.5	5.61	2.17
789.0	24.47	9.69
789.5	44.38	26.90
ASW 790.0	47.59	49.89
790.5	50.96	74.53
TOD 791.0	53.64	100.68



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

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

United States
 Department of
 Agriculture
 Natural Resources
 Conservation Service

Drawing Name
 Swayback
 AM
 Sheet 6 of 9

Dike 1 Plan View

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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

January 31, 2017

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KS DEPT OF AGRICULTURE

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

RE: New and Change Applications

Dear Mr. Pederson:

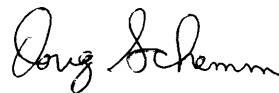
As we discussed, enclosed are application forms related to completing both a new application for permit to appropriate water for beneficial use, and change applications for your existing water rights. The new application will authorize an additional quantity of water for Recreational Use in your expanded marsh project. The change applications will ensure a complete overlap by authorizing the additional point of diversion (control structure), and/or the proposed place of use (expanded marsh area). Please review the application forms to ensure that they correctly represent your project. You **must sign the application forms where indicated (note that the Change Application signatures must be notarized), also please sign the enclosed site maps.** In addition, the enclosed Minimum Desirable Streamflow form must also be **signed and notarized.**

The total filing fee for the new application, and related changes is **\$1,000.**

Once the applications are properly signed, please mail them with the filing fee to Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,



Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

NEW STREAM WORKSHEET

ES AW

Date: 2/10/17

File No. _____

Basin Name: Marais Des Cygnes Basin No. 3

Stream Name: North Sugar Creek Trib 3

Stream location (confluence with parent stream):

Section 19, Township 20 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. 3 9 0 3 (computer assigned - entered by data entry staff)

Date Entered _____ By _____



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

February 13, 2017

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

FILE COPY

RE: Application
File No. 49774

Dear Sir or Madam:

Your application for permit to appropriate water in 19-20S-25E in Linn 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.

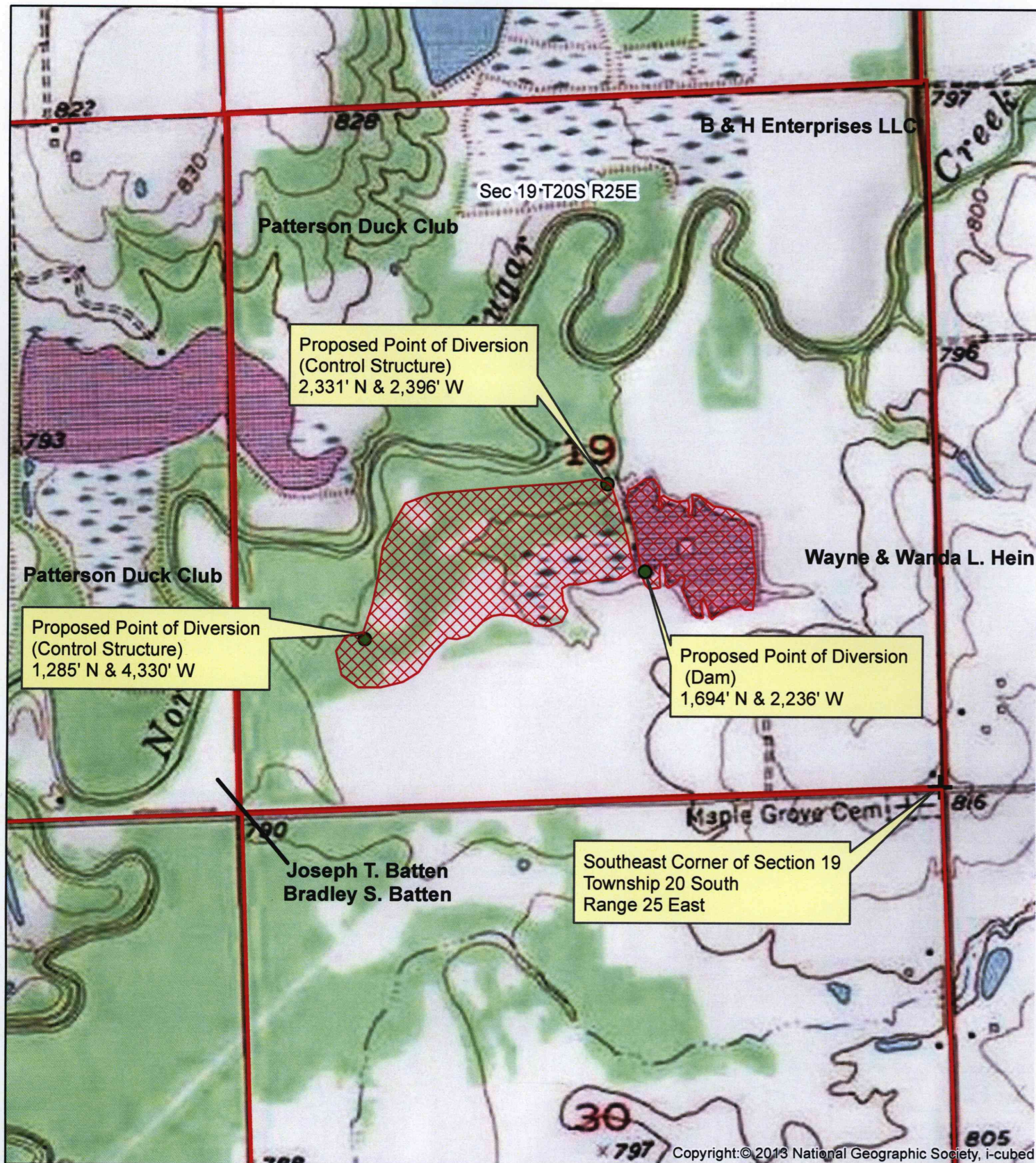
Sincerely,

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

BAT: dlw
pc: TOPEKA Field Office
GMD 0

SWAYBACK FARMS LLC
 NEW APPLICATION SITE MAP
 SEC. 19, T20S, R25E - LINN CO.

1:12,000



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Proposed Place of Use (Recreational)

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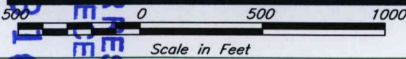
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All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

James E. Lee



2014 Orthographic Imagery

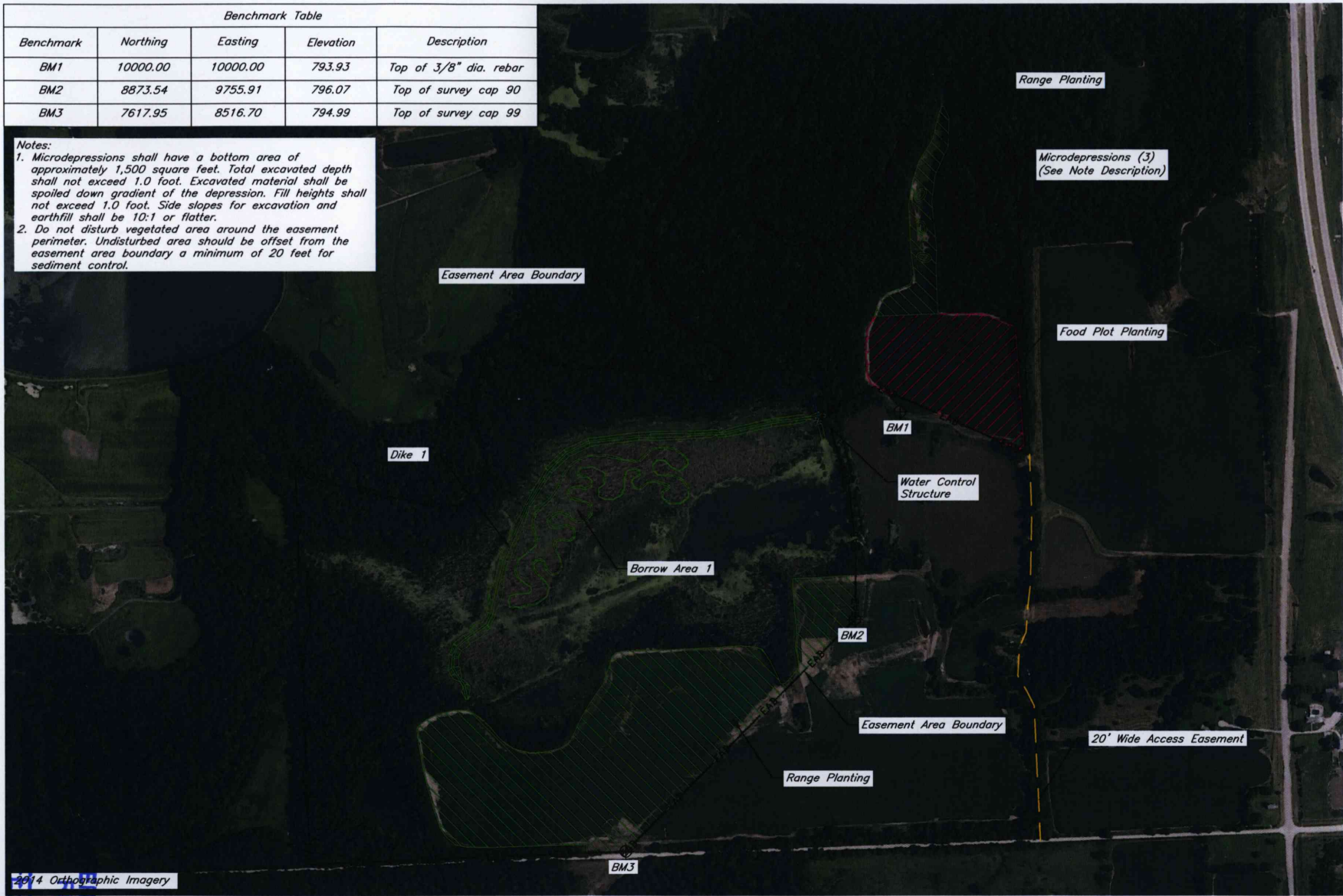


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Benchmark Table

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

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



Orthographic Plan Map

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

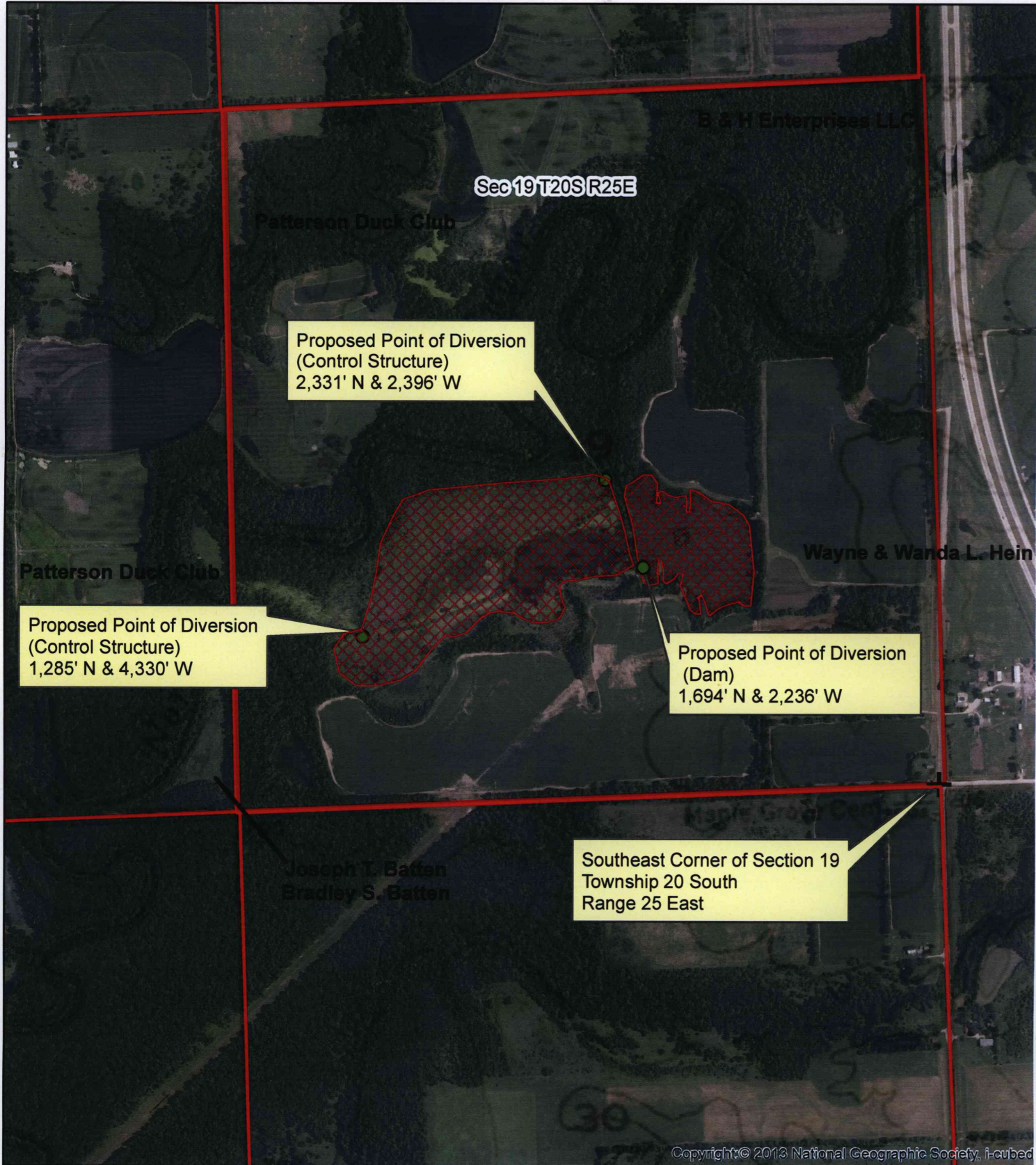
Swayback Farms LLC
 Wetland Restoration
 Sec 19 T20S R25E
 Linn County, Kansas

United States
 Department of
 Agriculture
 Natural Resources
 Conservation Service

Drawing Name
 Swayback
 AM
 Sheet 3 of 9

SWAYBACK FARMS LLC
NEW APPLICATION SITE MAP
SEC. 19, T20S, R25E - LINN CO.

1:12,000



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Proposed Place of Use (Recreational)

FEB 10 2017

KS DEPT OF AGRICULTURE

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

James C. Pedersen