



File No. **49,774**      15. Formation Code:      Drainage Basin: MARAIS DES CYGNES RIVER      County: LN      Special Use:      Stream: N SUGAR CREEK TRIB 4 (MARAIS DES CYGNES)

| 16. Points of Diversion |     |     |      |           |          |    |    |     |    | 17. Rate and Quantity |            |             |            |             |                  |     |                 |
|-------------------------|-----|-----|------|-----------|----------|----|----|-----|----|-----------------------|------------|-------------|------------|-------------|------------------|-----|-----------------|
| MOD                     | DEL | ENT | PDIV | Qualifier | S        | T  | R  | ID  | 'N | 'W                    | Authorized |             | Additional |             |                  |     |                 |
|                         |     |     |      |           |          |    |    |     |    |                       | Rate gpm   | Quantity af | Rate gpm   | Quantity af | Overlap PD Files |     |                 |
| √                       |     |     |      | 73623     | SW NW SE | 19 | 20 | 25E | 10 | 1694                  | 2236       | (DAM)       | NF         | 248         | NF               | 248 | 46,706 & 48,840 |
| √                       |     |     |      | 82214     | NE SW SW | 19 | 20 | 25E | 11 | 1285                  | 4330       | (WCS)       |            |             |                  |     |                 |
| √                       |     |     |      | 85895     | NW NW SE | 19 | 20 | 25E | 15 | 2331                  | 2396       | (WCS)       |            |             |                  |     |                 |

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?  Yes  No      To be installed by \_\_\_\_\_      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  |         |               |  |  |  |  |     |    |                 |
| √                |     |     |      | 58524 | 19 | 20  | 25E | 4    | RESERVOIR & MARSH COMPLEX (S2) |      |      |      |      |      |      |      |      |       |       |         |               |  |  |  |  | 7a. | NO | 46,706 & 48,840 |
|                  |     |     |      |       |    |     |     |      |                                |      |      |      |      |      |      |      |      |       |       |         |               |  |  |  |  |     |    |                 |

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files

**DATE:** April 20, 2017

**FROM:** Doug Schemm

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

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

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

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

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

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

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

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

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

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

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

Memorandum

File Nos. 49,774; 46,706; 48,840; and 48,841

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The proposed place of use changes comply with K.A.R. 5-5-8, as the new application will address any increase in consumptive use. The marsh and reservoir are existing, so water has been stored for recreational use per the water use history of File No. 46,706. The more junior files were only recently approved, so therefore none of the files are abandoned pursuant to K.S.A. 82a-718.

Runoff computations completed during processing of the senior files, used a normal annual precipitation of 41 inches and a soil complex number of 78, to determine that 207 acres in drainage basin x 21 inches of runoff per acre / 12 inches = 362 acre-feet of potential annual runoff. However with the expansion of the marsh area, slightly more acreage would be included in the drainage basin area, increasing it to approximately 234 acres. Therefore, calculations would result in 410 acre-feet of runoff. Since calculations show that in 1 out of every five (5) years (a 20% chance), 410 acre-feet of runoff will be generated in one calendar year, thus potential runoff is not a limiting factor.

No limitations in storage quantity are necessary between File Nos. 46,706; 48,840; and the new application with the total authorized and proposed storage quantities providing a combined 364 acre-feet (115.5 AF + 248 AF), which is reasonable for storage for both the Recreational Use and the Irrigation Use. The memorandum for File No. 48,840 states that this file could have requested up to 195.4 acre-feet (83.5 acre-feet + 91 acre-feet + 20.9 acre-feet) but was approved for only 83.5 acre-feet.

As noted above, according to the WSI database, the DWR Water Structures program (under File Nos. LLN-121 and DLN-157) determined that the structures involved in this project do not require structures permitting.

Notification letters were sent to downstream and upstream landowners on April 5, 2017, informing them of both the new application and pending changes. No responses of any kind were received. The WRIS database indicates there are multiple surface water rights within a two (2) mile radius of the proposed points of diversion. None of these are in the same drainage area as this marsh complex, other than the existing overlapping water rights. The other water rights are pump sites on North Sugar Creek. The proposed storage on the tributary is not expected to have a significant impact on North Sugar Creek water users because the drainage to the tributary represents a relatively small portion of the overall drainage to North Sugar Creek. Therefore approval of these applications will not impact any senior water rights.

The applicant has submitted a signed minimum desirable streamflow form with the application, which has been properly notarized. By completing this statement, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under this permit.

In an April 19, 2017 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended that the referenced new and change applications be approved. Based upon the above discussion, the area is open to new applications, approval will not impair existing water rights, the application complies with rules and regulations, it is recommended that the referenced new application be approved. The proposed changes are reasonable, there will be no impairment of existing water rights, and the additional quantity requested under Application, File No. 49,774, is sufficient to cover any increase in the consumptive use, it is recommended that the referenced change applications 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

May 4, 2017

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

**FILE COPY**

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

Dear Mr. Pederson:

There is enclosed a permit (File No. 49,774) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. Records must be maintained from which the quantity of water actually diverted may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

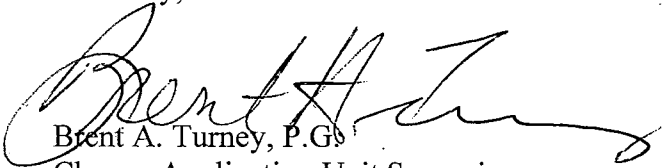
All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

Swayback Farms LLC  
Page 2

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

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

Sincerely,



Brent A. Turney, P.G.S.  
Change Application Unit Supervisor  
Water Appropriation Program  
BAT:dws

Enclosures

pc: Topeka Field Office



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)

**FILE COPY**

This is to certify that I have examined Application, **File No. 49,774** of the applicant

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

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 **February 10, 2017**.
2. That the water sought to be appropriated shall be used for recreational use in a reservoir and marsh complex located in the South Half (S $\frac{1}{2}$ ) of Section 19, Township 20 South, Range 25 East, Linn County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to North Sugar Creek, designated in the office of the Chief Engineer as North Sugar Creek Trib 4 (Marais des Cygnes River), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as storage space becomes available to a maximum extent of **248 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 (SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 1,694 feet North and 2,236 feet West of the Southeast corner of said section, and in a marsh created by two (2) water control structures located as follows: one in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 1,285 feet North and 4,330 feet West of the Southeast corner of said section, and one in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 19, more particularly described as being near a point 2,331 feet North and 2,396 feet West of the Southeast corner of said section, all in Township 20 South, Range 25 East, Linn County, Kansas, located substantially as shown on the topographic map accompanying the application.
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 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.

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

12. 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.

13. 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.





**Schemm, Doug**

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

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

Hi Doug,

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

Thanks for all your work on this one, Katie

Katie Tietsort

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

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

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 RECEIVED

FEB 10 2017

10:55

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): SWAYBACK FARMS LLC - %JIM PEDERSON  
Address: 6980 W 153<sup>RD</sup> 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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES) / NO) Use REC Source G 3 County LN By ADW Date 2/10/17  
Code REG Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 2/10/17 Check # 259

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. - Within NRCS Easement  
(see LLN-0121) DAM - DLN-157 - Not jurisdictional (HB 2363)

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 place of use~~ 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. 46,706 will overlap in PU (after changes)

WATER RESOURCES RECEIVED

FEB 10 2017

SCANNED

KS DEPT OF AGRICULTURE

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 9<sup>th</sup> day of February, 2017  
(month) (year)

James E. Pederson  
(Applicant Signature)



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: 1/30/2017  
(office/title)

RECEIVED  
FEB 1 2017  
WATER RESOURCES  
DIVISION

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 49,774

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.  
Reservoir DWS/DWR 4/6/17  
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.

WATER RESOURCES  
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FEB 10 2017

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. 49,774

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:

WATER RESOURCES  
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FEB 10 2017

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

WATER RIGHTS DIVISION  
KANSAS

FORM 10-27

REVISED 11-2001

49,774

UPSTREAM & DOWNSTREAM LANDOWNERS

SWAYBACK FARMS LLC - NEW APPLICATION

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

JOSEPH T BATTEN  
33260 COLD WATER  
LOUISBURG KS 66053

---

B & H ENTERPRISES LLC  
16910 BELINDER  
STILWELL KS 66085

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

---

WATER RESOURCES  
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FEB 10 2017

KS DEPT OF AGRICULTURE

SCANNED

49,774

FILE NO. ~~48,840~~ 49,774

234207

ACRES IN DRAINAGE x 21"

SOIL: "78" PRECIP: 41"

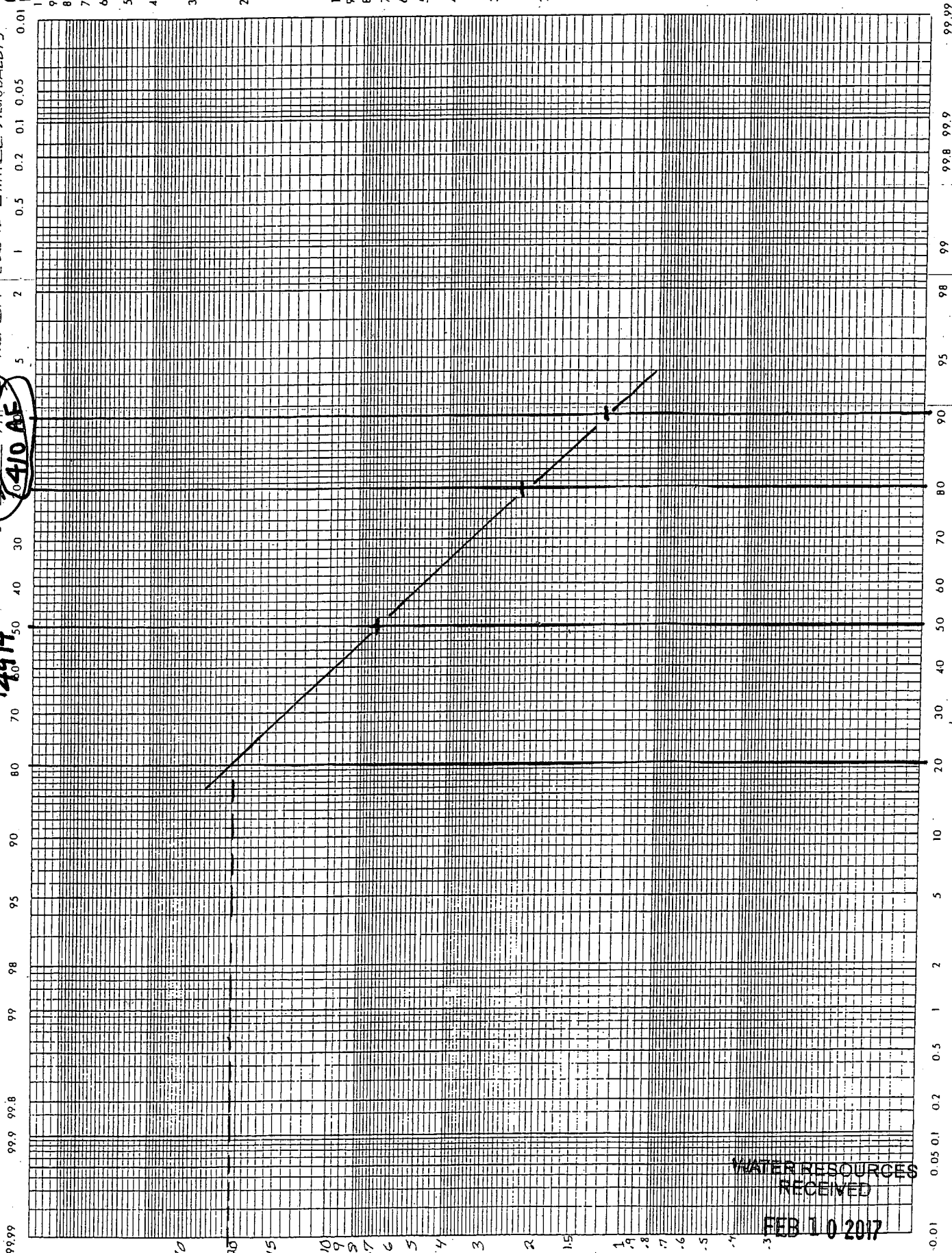
~~362~~ AT OF RUNOFF  
~~410~~ AE

INCHES RUNOFF

RUNOFF / ACRE: 21"  
(20% CHANGE ANNUALLY)

Probability (Long-axis) by 3 Cycle Log

SCANNED



PREPARED BY:

10 CHANGE

WATER RESOURCES RECEIVED  
FEB 10 2017

SCANNED

KS DEPT OF AGRICULTURE

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49774 00 REC

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

1285 Feet North and 4330 Feet West of the Southeast Corner of Section 19 T 20S R 25E

SURFACE WATER ONLY

=====

| File Number | Use | ST  | SR | Dist (ft) | Q4    | Q3 | Q2 | Q1 | FeetN | FeetW | Sec  | Twp | Rng | ID  | Batt | Auth_Quan | Add_Quan | Unit                 |     |    |
|-------------|-----|-----|----|-----------|-------|----|----|----|-------|-------|------|-----|-----|-----|------|-----------|----------|----------------------|-----|----|
| A__ 6433    | 00  | REC | NK | S         | 9633  | NC | N2 | S2 | NW    | 3650  | 4000 | 36  | 20  | 24E | 1    | 2000.00   | 2000.00  | AF                   |     |    |
| Same        |     |     |    |           | 8382  | -- | NC | W2 | NE    | 4050  | 1980 | 36  | 20  | 24E | 2    |           |          |                      |     |    |
| Same        |     |     |    |           | 8333  | -- | NW | SE | NE    | 3800  | 1020 | 36  | 20  | 24E | 3    |           |          |                      |     |    |
| Same        |     |     |    |           | 10068 | -- | SW | NW | SW    | 1900  | 5250 | 31  | 20  | 25E | 1    |           |          |                      |     |    |
| A__ 32118   | 00  | REC | NK | S         | 1444  | -- | SE | NE | SE    | 1740  | 400  | 24  | 20  | 24E | 1    | 47.00     | 47.00    | AF                   |     |    |
| Same        |     |     |    |           | 3493  | -- | SE | NE | NW    | 4425  | 2800 | 19  | 20  | 25E | 2    |           |          |                      |     |    |
| Same        |     |     |    |           | 1419  | -- | SE | SW | NW    | 2700  | 4225 | 19  | 20  | 25E | 3    |           |          |                      |     |    |
| A__ 33998   | 00  | REC | NK | S         | 9633  | NC | N2 | S2 | NW    | 3650  | 4000 | 36  | 20  | 24E | 1    | 2429.00   | 1008.00  | AF                   |     |    |
| Same        |     |     |    |           | 8382  | -- | NC | W2 | NE    | 4050  | 1980 | 36  | 20  | 24E | 2    |           |          |                      |     |    |
| Same        |     |     |    |           | 8333  | -- | NW | SE | NE    | 3800  | 1020 | 36  | 20  | 24E | 3    |           |          |                      |     |    |
| Same        |     |     |    |           | 10068 | -- | SW | NW | SW    | 1900  | 5250 | 31  | 20  | 25E | 1    |           |          |                      |     |    |
| A__ 38223   | 00  | REC | NK | S         | 2781  | -- | NE | SW | SE    | 1100  | 1800 | 24  | 20  | 24E | 5    | 75.00     | 75.00    | AF                   |     |    |
| Same        |     |     |    |           | 3419  | -- | SE | NW | NE    | 4300  | 1550 | 25  | 20  | 24E | 2    |           |          |                      |     |    |
| Same        |     |     |    |           | 4493  | -- | SE | SW | NE    | 2850  | 1500 | 25  | 20  | 24E | 3    |           |          |                      |     |    |
| A__ 39589   | 00  | REC | NK | S         | 8989  | -- | -- | -- | --    | 608   | 415  | 26  | 20  | 24E | 2    | 88.00     | 88.00    | AF                   |     |    |
| A__ 40526   | 00  | REC | NK | S         | 6129  | -- | NE | NE | SW    | 2205  | 3294 | 25  | 20  | 24E | 6    | 43.00     | 43.00    | AF                   |     |    |
| A__ 40813   | 00  | REC | NK | S         | 6165  | -- | NE | NE | SW    | 2155  | 3294 | 25  | 20  | 24E | 5    | 88.00     | 88.00    | AF                   |     |    |
| A__ 41529   | 00  | REC | NK | S         | 1918  | -- | SE | SE | SE    | 205   | 604  | 24  | 20  | 24E | 6    | 17.00     | 17.00    | AF                   |     |    |
| Same        |     |     |    |           | 2573  | -- | SE | SW | SE    | 332   | 1412 | 24  | 20  | 24E | 7    |           |          |                      |     |    |
| Same        |     |     |    |           | 1480  | -- | NE | NE | SE    | 2050  | 300  | 24  | 20  | 24E | 8    |           |          |                      |     |    |
| A__ 42773   | 00  | REC | NK | S         | 8840  | -- | SW | SW | NE    | 2746  | 2426 | 23  | 20  | 24E | 1    | 25.10     | 25.10    | AF                   |     |    |
| A__ 45990   | 00  | REC | NK | S         | 6129  | -- | NE | NE | SW    | 2205  | 3294 | 25  | 20  | 24E | 6    | 45.00     | 5.00     | AF                   |     |    |
| A__ 46000   | 00  | REC | LR | S         | 1444  | -- | SE | NE | SE    | 1740  | 400  | 24  | 20  | 24E | 1    | 220.00    | 195.00   | AF                   |     |    |
| Same        |     |     |    |           | 3493  | -- | SE | NE | NW    | 4425  | 2800 | 19  | 20  | 25E | 2    |           |          |                      |     |    |
| Same        |     |     |    |           | 1419  | -- | SE | SW | NW    | 2700  | 4225 | 19  | 20  | 25E | 3    |           |          |                      |     |    |
| A__ 46065   | 00  | REC | NK | S         | 5043  | -- | SE | NE | NE    | 4236  | 241  | 19  | 20  | 25E | 4    | 14.00     | 14.00    | AF                   |     |    |
| A__ 46203   | 00  | REC | LO | S         | 2595  | -- | SE | NE | SE    | 1625  | 1600 | 24  | 20  | 24E | 9    | .00       | .00      | AF                   |     |    |
| Same        |     |     |    |           | 2728  | -- | NE | NW | SE    | 2200  | 1600 | 24  | 20  | 24E | 10   |           |          |                      |     |    |
| *****       |     |     |    |           |       |    |    |    |       |       |      |     |     |     |      | .00       | AF       | Additional storage = | .00 | AF |
| Same        |     |     |    |           | 2975  | -- | NE | NW | SE    | 2600  | 1700 | 24  | 20  | 24E | 11   |           |          |                      |     |    |
| *****       |     |     |    |           |       |    |    |    |       |       |      |     |     |     |      | .00       | AF       | Additional storage = | .00 | AF |
| Same        |     |     |    |           | 1387  | -- | NW | NW | SW    | 2500  | 5000 | 19  | 20  | 25E | 5    |           |          |                      |     |    |
| *****       |     |     |    |           |       |    |    |    |       |       |      |     |     |     |      | .00       | AF       | Additional storage = | .00 | AF |
| Same        |     |     |    |           | 1390  | -- | SE | SW | NW    | 2675  | 4350 | 19  | 20  | 25E | 6    |           |          |                      |     |    |
| *****       |     |     |    |           |       |    |    |    |       |       |      |     |     |     |      | .00       | AF       | Additional storage = | .00 | AF |
| Same        |     |     |    |           | 2656  | -- | NE | SE | NW    | 3700  | 3225 | 19  | 20  | 25E | 7    |           |          |                      |     |    |
| *****       |     |     |    |           |       |    |    |    |       |       |      |     |     |     |      | .00       | AF       | Additional storage = | .00 | AF |
| Same        |     |     |    |           | 3428  | -- | SE | NE | NW    | 4400  | 2900 | 19  | 20  | 25E | 8    |           |          |                      |     |    |
| *****       |     |     |    |           |       |    |    |    |       |       |      |     |     |     |      | .00       | AF       | Additional storage = | .00 | AF |
| A__ 46572   | 00  | REC | LR | S         | 2781  | -- | NE | SW | SE    | 1100  | 1800 | 24  | 20  | 24E | 5    | 156.00    | 81.00    | AF                   |     |    |
| Same        |     |     |    |           | 3419  | -- | SE | NW | NE    | 4300  | 1550 | 25  | 20  | 24E | 2    |           |          |                      |     |    |
| Same        |     |     |    |           | 4493  | -- | SE | SW | NE    | 2850  | 1500 | 25  | 20  | 24E | 3    |           |          |                      |     |    |
| A__ 46643   | 00  | REC | NK | S         | 4600  | -- | SE | SE | SW    | 422   | 3155 | 18  | 20  | 25E | 1    | .00       | .00      | AF                   |     |    |
| Same        |     |     |    |           | 5118  | -- | SW | SE | SE    | 51    | 1215 | 18  | 20  | 25E | 2    |           |          |                      |     |    |
| *****       |     |     |    |           |       |    |    |    |       |       |      |     |     |     |      | .00       | AF       | Additional storage = | .00 | AF |

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

49774 00

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A

49774 00 REC

All other REC Files also.

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

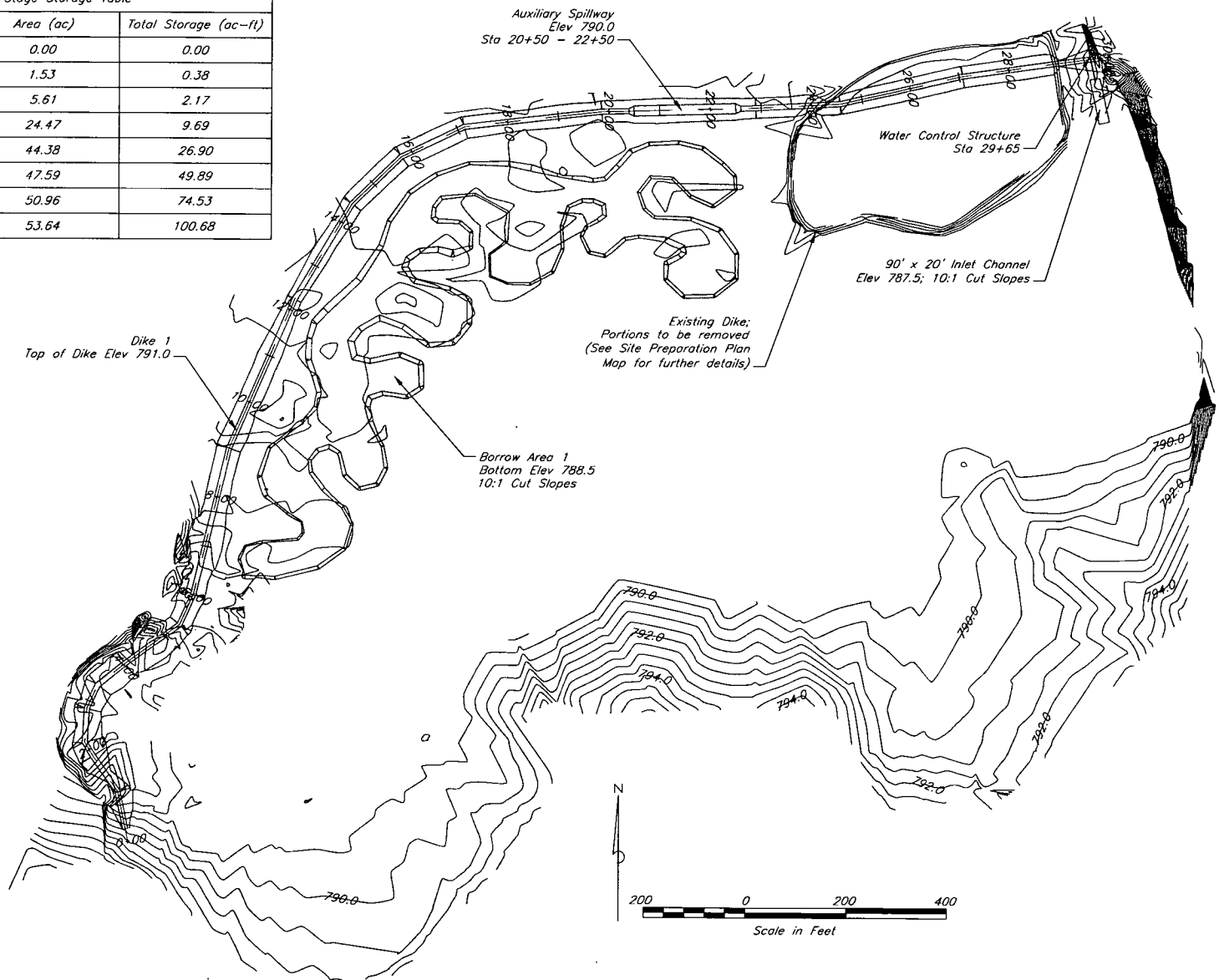
1694 Feet North and 2236 Feet West of the Southeast Corner of Section 19 T 20S R 25E

SURFACE WATER ONLY

| File Number   | Use                  | ST-SR | Dist (ft) | Q4 | Q3 | Q2 | Q1 | FeetN | FeetW | Sec | Twp | Rng | ID | Batt | Auth_Quan | Add_Quan | Unit                 |     |    |
|---|----------------------|-------|-----------|----|----|----|----|-------|-------|-----|-----|-----|----|------|-----------|----------|----------------------|-----|----|
| A__ 6433  | 00 REC NK S          |       | 9678      | -- | NC | W2 | NE | 4050  | 1980  | 36  | 20  | 24E | 2  |      | 2000.00   | 2000.00  | AF                   |     |    |
| Same  |                      |       | 9435      | -- | NW | SE | NE | 3800  | 1020  | 36  | 20  | 24E | 3  |      |           |          |                      |     |    |
| A__ 32118   | 00 REC NK S          |       | 3468      | -- | SE | NE | SE | 1740  | 400   | 24  | 20  | 24E | 1  |      | 47.00     | 47.00    | AF                   |     |    |
| Same  |                      |       | 2789      | -- | SE | NE | NW | 4425  | 2800  | 19  | 20  | 25E | 2  |      |           |          |                      |     |    |
| Same  |                      |       | 2229      | -- | SE | SW | NW | 2700  | 4225  | 19  | 20  | 25E | 3  |      |           |          |                      |     |    |
| A__ 33998   | 00 REC NK S          |       | 9678      | -- | NC | W2 | NE | 4050  | 1980  | 36  | 20  | 24E | 2  |      | 2429.00   | 1008.00  | AF                   |     |    |
| Same  |                      |       | 9435      | -- | NW | SE | NE | 3800  | 1020  | 36  | 20  | 24E | 3  |      |           |          |                      |     |    |
| A__ 38223   | 00 REC NK S          |       | 4905      | -- | NE | SW | SE | 1100  | 1800  | 24  | 20  | 24E | 5  |      | 75.00     | 75.00    | AF                   |     |    |
| Same  |                      |       | 5361      | -- | SE | NW | NE | 4300  | 1550  | 25  | 20  | 24E | 2  |      |           |          |                      |     |    |
| Same  |                      |       | 6182      | -- | SE | SW | NE | 2850  | 1500  | 25  | 20  | 24E | 3  |      |           |          |                      |     |    |
| A__ 40526   | 00 REC NK S          |       | 7977      | -- | NE | NE | SW | 2205  | 3294  | 25  | 20  | 24E | 6  |      | 43.00     | 43.00    | AF                   |     |    |
| A__ 40813   | 00 REC NK S          |       | 8007      | -- | NE | NE | SW | 2155  | 3294  | 25  | 20  | 24E | 5  |      | 88.00     | 88.00    | AF                   |     |    |
| A__ 41529   | 00 REC NK S          |       | 3966      | -- | SE | SE | SE | 205   | 604   | 24  | 20  | 24E | 6  |      | 17.00     | 17.00    | AF                   |     |    |
| Same  |                      |       | 4685      | -- | SE | SW | SE | 332   | 1412  | 24  | 20  | 24E | 7  |      |           |          |                      |     |    |
| Same  |                      |       | 3385      | -- | NE | NE | SE | 2050  | 300   | 24  | 20  | 24E | 8  |      |           |          |                      |     |    |
| A__ 45990   | 00 REC NK S          |       | 7977      | -- | NE | NE | SW | 2205  | 3294  | 25  | 20  | 24E | 6  |      | 45.00     | 5.00     | AF                   |     |    |
| A__ 46000   | 00 REC LR S          |       | 3468      | -- | SE | NE | SE | 1740  | 400   | 24  | 20  | 24E | 1  |      | 220.00    | 195.00   | AF                   |     |    |
| Same  |                      |       | 2789      | -- | SE | NE | NW | 4425  | 2800  | 19  | 20  | 25E | 2  |      |           |          |                      |     |    |
| Same  |                      |       | 2229      | -- | SE | SW | NW | 2700  | 4225  | 19  | 20  | 25E | 3  |      |           |          |                      |     |    |
| A__ 46065   | 00 REC NK S          |       | 3231      | -- | SE | NE | NE | 4236  | 241   | 19  | 20  | 25E | 4  |      | 14.00     | 14.00    | AF                   |     |    |
| A__ 46203   | 00 REC LO S          |       | 4668      | -- | SE | NE | SE | 1625  | 1600  | 24  | 20  | 24E | 9  |      | .00       | .00      | AF                   |     |    |
| Same  |                      |       | 4694      | -- | NE | NW | SE | 2200  | 1600  | 24  | 20  | 24E | 10 |      |           |          |                      |     |    |
| *****   | Authorized storage = |       |           |    |    |    |    |       |       |     |     |     |    |      | .00       | AF       | Additional storage = | .00 | AF |
| Same  |                      |       | 4851      | -- | NE | NW | SE | 2600  | 1700  | 24  | 20  | 24E | 11 |      |           |          |                      |     |    |
| *****   | Authorized storage = |       |           |    |    |    |    |       |       |     |     |     |    |      | .00       | AF       | Additional storage = | .00 | AF |
| Same  |                      |       | 2879      | -- | NW | NW | SW | 2500  | 5000  | 19  | 20  | 25E | 5  |      |           |          |                      |     |    |
| *****   | Authorized storage = |       |           |    |    |    |    |       |       |     |     |     |    |      | .00       | AF       | Additional storage = | .00 | AF |
| Same  |                      |       | 2331      | -- | SE | SW | NW | 2675  | 4350  | 19  | 20  | 25E | 6  |      |           |          |                      |     |    |
| *****   | Authorized storage = |       |           |    |    |    |    |       |       |     |     |     |    |      | .00       | AF       | Additional storage = | .00 | AF |
| Same  |                      |       | 2237      | -- | NE | SE | NW | 3700  | 3225  | 19  | 20  | 25E | 7  |      |           |          |                      |     |    |
| *****   | Authorized storage = |       |           |    |    |    |    |       |       |     |     |     |    |      | .00       | AF       | Additional storage = | .00 | AF |
| Same  |                      |       | 2786      | -- | SE | NE | NW | 4400  | 2900  | 19  | 20  | 25E | 8  |      |           |          |                      |     |    |
| *****   | Authorized storage = |       |           |    |    |    |    |       |       |     |     |     |    |      | .00       | AF       | Additional storage = | .00 | AF |
| A__ 46572   | 00 REC LR S          |       | 4905      | -- | NE | SW | SE | 1100  | 1800  | 24  | 20  | 24E | 5  |      | 156.00    | 81.00    | AF                   |     |    |
| Same  |                      |       | 5361      | -- | SE | NW | NE | 4300  | 1550  | 25  | 20  | 24E | 2  |      |           |          |                      |     |    |
| Same  |                      |       | 6182      | -- | SE | SW | NE | 2850  | 1500  | 25  | 20  | 24E | 3  |      |           |          |                      |     |    |
| A__ 46643   | 00 REC NK S          |       | 4156      | -- | SE | SE | SW | 422   | 3155  | 18  | 20  | 25E | 1  |      | .00       | .00      | AF                   |     |    |
| Same  |                      |       | 3806      | -- | SW | SE | SE | 51    | 1215  | 18  | 20  | 25E | 2  |      |           |          |                      |     |    |
| *****   | Authorized storage = |       |           |    |    |    |    |       |       |     |     |     |    |      | .00       | AF       | Additional storage = | .00 | AF |
| Same  |                      |       | 3988      | -- | SE | SE | SW | 222   | 3261  | 18  | 20  | 25E | 3  |      |           |          |                      |     |    |
| *****   | Authorized storage = |       |           |    |    |    |    |       |       |     |     |     |    |      | .00       | AF       | Additional storage = | .00 | AF |
| *****   | ERROR                |       |           |    |    |    |    |       |       |     |     |     |    |      |           |          |                      |     |    |
| No active quantity associated with Water Right A__ 46706 00 REC |                      |       |           |    |    |    |    |       |       |     |     |     |    |      |           |          |                      |     |    |

**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 1/1/16  
 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  
SWB020202  
 AM  
 Sheet 6 of 9

Dike 1 Plan View

KS DEPT OF AGRICULTURE  
 FEB 10 2017  
 WATER RESOURCES  
 RECEIVED

SCANNED

  
**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](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

April 5, 2017

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

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

Dear Sir or Madam:

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

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

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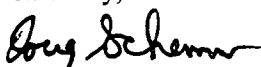
all in Township 20 South, Range 25 East, Linn County, Kansas.

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

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

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

Sincerely,

  
Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Swayback Farms, LLC

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

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

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](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

April 5, 2017

JOSEPH T BATTEN  
33260 COLD WATER  
LOUISBURG KS 66053

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

Dear Sir or Madam:

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

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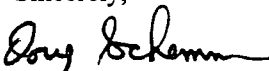
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Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Swayback Farms, LLC



  
**Kansas**  
Department of Agriculture  
Division of Water Resources

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

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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

April 5, 2017

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

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

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

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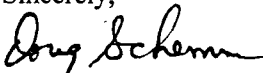
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Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Swayback Farms, LLC



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

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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

April 5, 2017

B & H ENTERPRISES LLC  
16910 BELINDER  
STILWELL KS 66085

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

Dear Sir or Madam:

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

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

Sincerely,

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

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Swayback Farms, LLC



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

SCANNED

  
**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

WATER RESOURCES  
RECEIVED

FEB 10 2017

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,



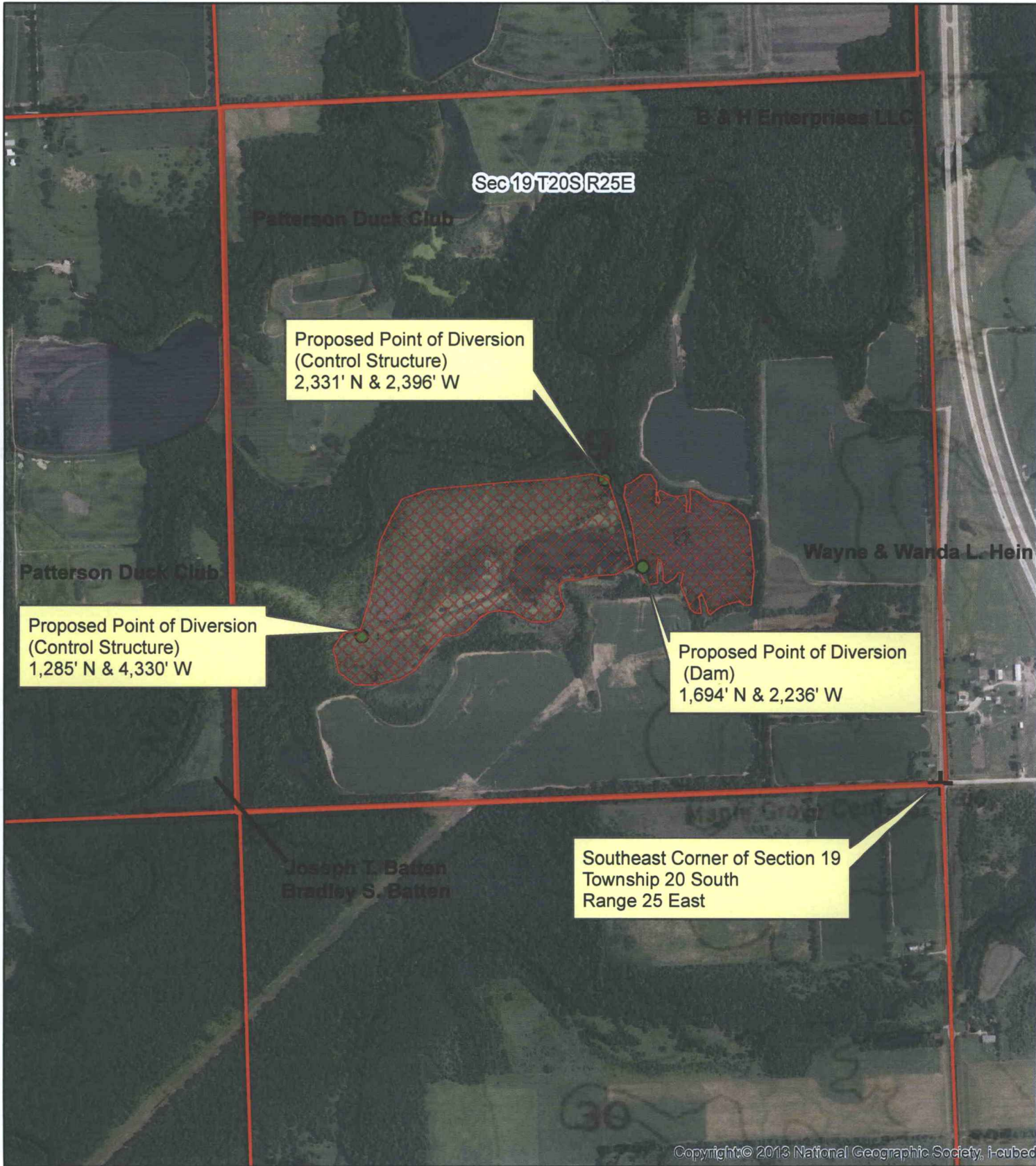
Douglas Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

SCANNED

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

49,774  
1:12,000



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Proposed Place of Use (Recreational)

WATER RESOURCES

RECEIVED  
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.

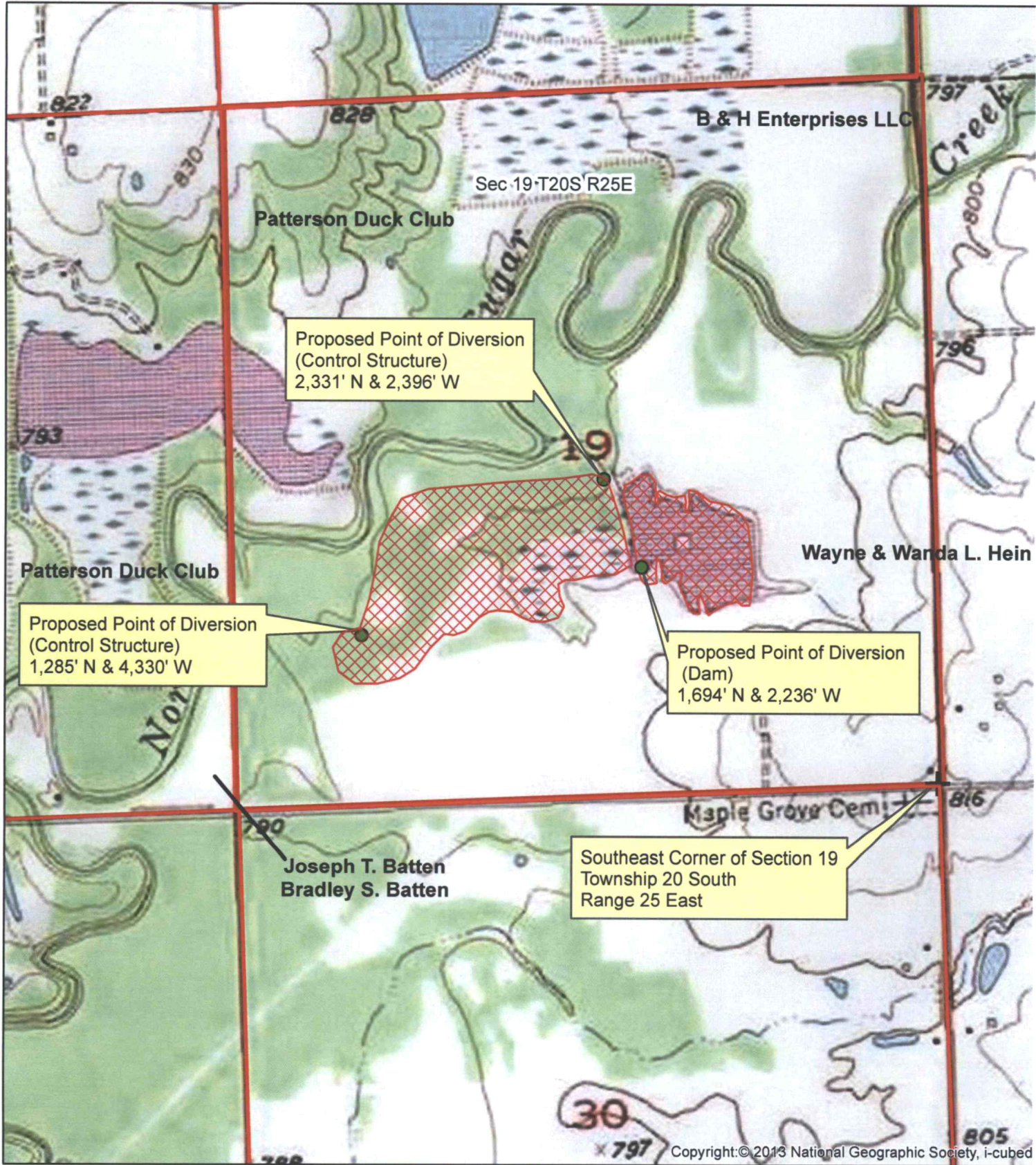
*James C. Peterson*

SCANNED



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

49,774  
1:12,000



Proposed Point of Diversion  
(Control Structure)  
1,285' N & 4,330' W

Proposed Point of Diversion  
(Control Structure)  
2,331' N & 2,396' W

Proposed Point of Diversion  
(Dam)  
1,694' N & 2,236' W

Southeast Corner of Section 19  
Township 20 South  
Range 25 East



Proposed Place of Use (Recreational)

WATER RESOURCES  
RECEIVED  
FEB 10 2017

KS DEPT OF AGRICULTURE

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

*James E. Loh*

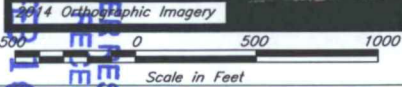
SCANNED





| 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 11/16  
 Designed B. Severin  
 Drawn B. Severin  
 Checked \_\_\_\_\_  
 Approved \_\_\_\_\_

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

United States  
 Department of  
 Agriculture  
**USDA**  
 Natural Resources  
 Conservation Service

Drawing Name  
Swayback  
 AM  
 Sheet 3 of 9

KS DEPT OF AGRICULTURE  
 RECEIVED  
 NOV 21 0 2017  
 NATURAL RESOURCES