



File No. **49,776**      15. Formation Code:      Drainage Basin: **Republican River**      County: **CLAY**      Special Use:      Stream: **Republican River**

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√	<b>85899</b>	<b>SW SE NE</b>	<b>9</b>	<b>6</b>	<b>1E</b>	<b>3</b>	<b>3000</b>	<b>1240</b>

17. Rate and Quantity **MOD ADDL QTY**

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>3600</b>	<b>713</b>	<b>3600</b>	<b>265</b>	<b>NONE</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **713** af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s): **5,213; 32,508; 35,793; and 35,794**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
√	<b>13445</b>	<b>4</b>	<b>6S</b>	<b>1E</b>	<b>1</b>			40.0		Lot 3 22.39	Lot 4 32.61	Lot 5 8.13	Lot 5 39.01	Lot 8 16.41			Lot 8 13.35	38.18	38.57	38.70	35.51	322.86	<b>7b &amp; c.</b>	<b>NO</b>	<b>* see below</b>	
√	<b>13555</b>	<b>9</b>	<b>6S</b>	<b>1E</b>	<b>1</b>	40	35.73		35.44	Lot 3 16.33							Lot 7 25.63	Lot 7 0.7			153.83	<b>7b &amp; c.</b>	<b>NO</b>	<b>* see below</b>		
√	<b>1495</b>	<b>10</b>	<b>6S</b>	<b>1E</b>	<b>3</b>						40	40			Lot 3 35.0							117.59	<b>7b &amp; c.</b>	<b>NO</b>	<b>* see below</b>	
															2.59											
															37.59											
															TOTAL											

Comments: WATER RIGHT FILE NUMBERS 5,213; 32,508; 35,793; and 35,794 ALL overlap in Place of Use.  
 Appropriation of Water, File No. 48,992 also overlaps in PU, but is being dismissed for failure to complete diversion works.

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

**M E M O R A N D U M**

**TO:** Files

**DATE:** April 5, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,776

Richard & Robert Cott have filed the referenced application to appropriate 713 acre-feet of surface water from the Republican River at the rate of 3,600 gallons per minute to irrigate a total of 594.28 acres in Clay County. Note: Appropriation of Water, File No. 48,992 currently overlaps in point of diversion and place of use. However, it will be dismissed for failure to complete the diversion works and submit the notice of completion fee. In addition, there are multiple senior groundwater rights that overlap the proposed place of use, Water Right, File Nos. 5,213; 32,508; 35,793; and 35,794. Recent change applications have been approved for these senior files to create a complete overlap in the Place of Use with all files and this pending new application. The place of use is jointly owned by Richard and Jody Cott and Robert and Jana Cott. Robert Cott has signed the application form stating he has access to the point of diversion.

As noted above, the four senior water rights are all groundwater appropriations, and the purpose of the new application is to provide an alternative surface water source when available. Water Right, File No. 5,213 is authorized 100 acre-feet of water; Water Right, File No. 32,508 is authorized 71 acre-feet of water; Water Right, File No. 35,793 is authorized 137 acre-feet of water; and Water Right, File No. 35,794 is authorized 140 acre-feet of water, for a combined total of 448 acre-feet (with no quantity of water limitations). The new application has requested a limitation to 713 acre-feet when combined with these four senior files, which will result in an additional quantity of water of 265 acre-feet (713 AF – 448 AF) when combined with the senior files. A requested combined quantity of 713 acre-feet applied to 594.28 acres is equivalent to 1.2 acre-feet per acre, which is the maximum allowed for irrigation in Clay County, Kansas and appears to be reasonable for the intended use.

The applicant is proposing to pump surface water from one pumpsite located in the Northeast Quarter of Section 9, Township 6 South, Range 1 East, in Clay County. A list of nearby landowners within one-half mile upstream and downstream of the proposed point of diversion is attached, and note that all of these landowners were notified by letter dated September 4, 2014, during processing of the senior file (#48,992) and no responses of any kind were received. Since this new application merely replaces a file that was not completed, no further notifications are necessary. There is only one other surface water appropriation within a two (2) mile radius of the proposed point of diversion, and it is located over a mile upstream. The adjacent landowners have operated in this area for many years, they are typically aware of their neighbor's irrigation projects, and they are also all familiar with the conditions related to direct surface water diversion from the Republican River.

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

Richard & Robert Cott  
Memorandum File No. 49,776  
Page 2

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced new application in a discussion on April 5, 2017.

Based on the above discussion, that surface water within the Lower Republican River remains open to new appropriations with appropriate and consistent permit conditions, this application merely replaces a previous file that is being dismissed, and approval of the application will not impair senior water rights, it is recommended that the new referenced application be approved.

Douglas W. 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 12, 2017

RICHARD & ROBERT COTT  
1977 INDIAN RD  
CLAY CENTER KS 67432

## FILE COPY

Re: Appropriation of Water, File No. 49,776

Dear Sirs:

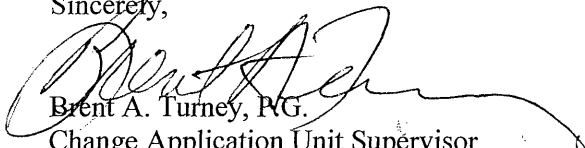
There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location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

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

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

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

Sincerely,



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

BAT:dws  
Enclosures

pc: Topeka Field Office  
Richard H & Jody D Cott  
Robert J & Jana L Cott

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**  
(This is not a Certificate of Appropriation)

This is to certify that I have examined Application **File No. 49,776** of the applicant

**RICHARD & ROBERT COTT  
1977 INDIAN RD  
CLAY CENTER KS 67432**

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 15, 2017**.

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4	6S	1E					Lot 3 22.39	Lot 4 31.69	Lot 5 5.30	Lot 5 38.20	Lot 8 11.01			Lot 8 5.61					114.2
4	6S	1E			40.0		0.92	2.83	0.81	5.40			7.74	38.18	38.57	38.70	35.51		208.66
9	6S	1E					Lot 1 16.33							Lot 7 25.63	Lot 7 0.70				42.66
9	6S	1E	40.0	35.73		35.44													111.17
10	6S	1E										Lot 3 35.0							35.0
10	6S	1E					40.0	40.0				2.59							82.59

3. That the authorized source from which the appropriation shall be made is surface water from the Republican River, to be withdrawn by means of one (1) pump site located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW¼ SE¼ NE¼) of Section 9, more particularly described as being near a point 3,000 feet North and 1,240 feet West of the Southeast corner of said section, in Township 6 South, Range 1 East, Clay County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **3,600 gallons per minute (8.02 c.f.s.)** and to a quantity not to exceed **713 acre-feet** of water for any calendar year.

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

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

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

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

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

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

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

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

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

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

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





**CERTIFICATE OF SERVICE**

On this 12<sup>th</sup> day of May, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,776, dated May 4, 2017 was mailed postage prepaid, first class, US mail to the following:

RICHARD & ROBERT COTT  
1977 INDIAN RD  
CLAY CENTER KS 67432

With photocopies to:

ROBERT J & JANA L COTT  
1977 INDIAN RD  
CLAY CENTER KS 67432

RICHARD H & JODY D COTT  
1047 20TH RD  
CLAY CENTER KS 67432-8118

Topeka Field Office

A handwritten signature in cursive script that reads "Daniëlle Wilson". The signature is written in black ink and is positioned above a solid horizontal line.

Division of Water Resources

APPLICATION COMPLETE

2/15/17

Reviewer: RCJS

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49776

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

WATER RESOURCES  
RECEIVED

**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.)

FEB 15 2017

12:38

KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Richard & Robert Cott  
Address: 1977 Indian Rd  
City: Clay Center State KS Zip Code 67432  
Telephone Number: (785) 632-0642

2. The source of water is:  surface water in Republican River Stream # 27 AW  
(stream)  
OR  groundwater in Same as above  
(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.

3. The maximum quantity of water desired is 713 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 3,600 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. Code	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use	Source	County
	<u>RE3</u>			<u>(YES)</u>	<u>IR</u>	<u>G/S</u>	<u>CY</u>
Fee \$	<u>350</u>	TR #		Receipt Date	<u>2/15/17</u>	By	Date
						<u>AJW</u>	<u>2/15/17</u>
						Check #	<u>41104</u>

2/15/2017 ULM SCANNED

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 **SE** quarter of the **NE** quarter of Section **9**, more particularly described as being near a point **3,000** feet North and **1,240** feet West of the Southeast corner of said section, in Township **6 South**, Range **1 East**, **CLAY** County, Kansas.

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

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

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

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

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

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

**NOT APPLICABLE. APPLICANT IS THE OWNER**  
\_\_\_\_\_  
(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 2/7, 2017. Robert Lott  
Applicant's Signature

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

7. The proposed project for diversion of water will consist of ONE PUMPSITE AND TWO PUMPS  
(number of wells, pumps or dams, etc.)

and will be completed UPON APPROVAL  
(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 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 RIVER PUMPSITE

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

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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

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

**If approved, this application will provide an alternative source of water to Water Right, File Nos. 5,213; 32,508; 35,793 & 35,794. Applications to Change the Place of Use under these files have been approved which provide a complete overlap in Place of Use with this New Application.**

WATER RESOURCES  
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FEB 15 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):

**NOT APPLICABLE**  
\_\_\_\_\_ (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 Clay Center, Kansas, this 7<sup>th</sup> day of Feb., 2017.  
(month) (year)

Robert Cott  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by Shaun Johnson/TFO ESII Date: 2/1/17  
(office/title)



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

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

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

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

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

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

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

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

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

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

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

# Landowners

- 1) TURNER-SIMPSON L P  
ROBERT SIMPSON  
1920 POYNTZ  
MANHATTN KS 66502
  
- 2) PATRICK J & MIKEL CRAWFORD  
401 N HARRISON ST  
LINDSBORG KS 67456 1820
  
- 3) HOWLEY VERONA  
448 29TH RD  
CLIFTON KS 66937 9206
  
- 4) SHAWN & RENAY BRANFORT &  
BRANFORT JASON & JEANNINE BRANFORT  
PO BOX 18  
CLIFTON KS 66937
  
- 5) BRAMCO LLC  
325 20TH RD  
CLAY CENTER KS 67432 7847
  
- 6) CONRAD RONALD E &  
MICHAEL B CONRAD ETAL  
606 NW SHAMROCK AVE APT201  
LEES SUMMIT MO 64081 1148



\_\_\_\_\_  
(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. 49,776

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.

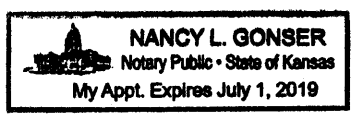
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Robert Cott  
Signature of Applicant

Robert Cott  
(Print Applicant's Name)

State of Kansas )  
County of Clay ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 6<sup>th</sup> day of February, 2017.



Nancy L. Gonsler  
Notary Public

My Commission Expires: 7-1-2019

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

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

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

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

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502-5000  
http://agriculture.ks.gov/dwr

KANSAS DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES

NOTICE OF COMPLETION OF  
DIVERSION WORKS

For Office Use Only:  
Code FIS \_\_\_\_\_  
Fee \$ \_\_\_\_\_  
TR # \_\_\_\_\_  
Rcpt Date \_\_\_\_\_  
Check # \_\_\_\_\_

Section 1 - Action requiring this form is:

- New application approval and permit to proceed (\$400 field inspection fee required - K.S.A. 82a-714(d))  
**Make check payable to the Kansas Department of Agriculture**
- Change in point of diversion, place of use, or use made of water (no fee).  
 Term permit (no fee).  
 Other (e.g., Special order of the Chief Engineer).

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Section 2 - Location of the Point of Diversion

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The location of the point of diversion should be described as actually installed. The description should include the Section, Township, and Range, the 10-acre tract description (¼ ¼ ¼) and the footage from the southeast corner of the section.

1. File No(s): 48,992, \_\_\_\_\_, \_\_\_\_\_ [If assisted by DWR: P/D ID \_\_\_\_\_ By: \_\_\_\_\_]  
2. The date the diversion works were completed: \_\_\_\_\_, 20\_\_\_\_.  
3. The diversion works are located in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of (also described as \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the southeast corner of ... ), Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ East / West, in \_\_\_\_\_ County, Kansas.  
4. If an additional point of diversion is involved:  
The diversion works are located in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of (also described as \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the southeast corner of ... ), Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ East / West, in \_\_\_\_\_ County, Kansas.

If this is a change in point of diversion (PD), how was the PD being replaced identified? \_\_\_\_\_

Section 3 - PRINT CLEARLY

*This file is not used. Refined w/ a new*

Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Telephone/Cell: \_\_\_\_\_

*file number that is pending approval file # 49776*

I, the holder of a permit issued by the Chief Engineer of the Division of Water Resources pursuant to the file(s) referenced in section 2, hereby certify that the information on sections 1-4 of this form is correct to the best of my knowledge.

Signature: *Robert Cott* Date: 2/21/17

If you have further questions on how to fill out this form, please contact the field office in your area:

Topeka  
Kansas Department of Agriculture  
6531 SE Forbes Ave, Ste B  
Topeka, KS 66619  
(785) 296-5733

Stafford  
Kansas Department of Agriculture  
300 South Main St.  
Stafford, KS 67578  
(620) 234-5311

Stockton  
Kansas Department of Agriculture  
820 South Walnut  
Stockton, KS 67669  
(785) 425-6787

Garden City  
Kansas Department of Agriculture  
2508 Johns Street  
Garden City, KS 67846  
(620) 276-2901

**Section 4 - Flowmeter information:**

File No(s): \_\_\_\_\_

Manufacturer of Flowmeter: \_\_\_\_\_

Date Flowmeter Installed: \_\_\_\_\_

Model Number: \_\_\_\_\_

Flowmeter Type:  Propeller  Turbine  Multi-jet  Positive Displacement  Electromagnetic  
 Vortex?  Ultrasonic  Other: \_\_\_\_\_

Flowmeter Serial Number: \_\_\_\_\_

Flowmeter Units:  Gallons  Acre-Foot  Acre-Inches Other: \_\_\_\_\_

Flowmeter Size:  2"  4"  6"  8"  10"  12" Other: \_\_\_\_\_

Multiplier Factor:  1000  100  10  1  0.1  0.01  0.001 Other: \_\_\_\_\_

*(Multiplier factor is normally indicated on flowmeter readout – possibly by printed zeroes)*

Flowmeter totalizer reading when installed: (include all digits and all zeroes): \_\_\_\_\_

If the flowmeter is not easily viewed, or not within 100 feet of the point of diversion being metered, please briefly describe its location: \_\_\_\_\_

Is flowmeter installed on a portable pump?  Yes  No

Is the flowmeter installed in a manufacturer’s measuring chamber?  Yes  No

Are straightening vanes installed?  Yes  No

Is a strainer installed?  Yes  No

Does the meter installation have 5 straight pipe diameters of upstream spacing?  Yes  No

Does the meter installation have 2 straight pipe diameters of downstream spacing?  Yes  No

Does flowmeter serve more than one point of diversion?  Yes  No

Is this a replacement flowmeter?  Yes  No (Information related to a replacement flowmeter not associated with the actions in Item #1 on the front page of this form should be submitted on Water Flowmeter Repair/Replacement Report (Form DWR 1-560.)

Any additional information:

---

K.A.R. 5-1-1(y), defines diversion works as "all well(s), pump(s), power unit(s), power source(s), dam(s) and all other devices necessary to bring water under control for delivery to a distribution system by which the water will be distributed to the proposed use and any other equipment required . . . such as a check valve, water level measurement tube, meter or other measuring device."

If you have completed your diversion works as described above and completed the requirements as set forth in your Approval of Application, please complete this form. **If you are unable to meet the requirements stated on your approval, you must submit a request for extension of time (form DWR 1-203.15).** K.S.A. 82a-714(e) puts a \$100 fee on an extension of time to complete the diversion works. **Failure to notify the Chief Engineer of the completion of the diversion works within the time allotted can result in dismissal of the referenced file(s) and loss of priority date.**

If the subject file(s) authorizes multiple new points of diversion (PDs), you may photocopy this form (both sides) and submit one form for each new PD authorized. **Form DWR 1-203.14 is an instruction sheet with sample entries.**

---

### 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
0-250	\$200.00
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

**WATER RESOURCES  
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**FEB 15 2017**

**KS DEPT OF AGRICULTURE**

**SCANNED**

1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary



Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

February 15, 2017

RICHARD & ROBERT COTT  
1977 INDIAN RD  
CLAY CENTER KS 67432

**FILE COPY**

RE: Application  
File No. 49776

Dear Sir or Madam:

Your application for permit to appropriate water in 09-06S-01E in Clay County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

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

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

BAT: dlw  
pc: TOPEKA Field Office  
GMD 0

SCANNED

**REGISTRATION FORM FOR EXEMPT CLASS A DAMS**

**K.S.A. 82a-301**

"Dam" means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of six feet or greater and a storage volume at the top of the emergency spillway elevation of 50 or more acre-feet. The prior written consent or permit of the chief engineer shall not be required for construction or modification of a hazard class A dam that:

1. has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre feet, *and the dam location and dimensions have been registered with the division of water resources in a written form prescribed by the chief engineer; or*
2. is a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto.

Complete the following information to satisfy the registration for exempt low, hazard class A dams defined in K.S.A. 82a-301(d)(1).

**Dam owner information**

Name: Henry land + Cattle → Marc + Kate Henry  
Mailing Address: 875 6<sup>th</sup> Rd Longford, KS 67458  
Phone: 785-632-0155  
E-mail Address: marc.henry79@hotmail.com

**Legal description of location:** The location of the proposed dam is (use intersection of project centerline and stream centerline): SW 4 quarter of the SE 4 quarter of the NW 4 quarter of Section 4, more particularly described as being near a point 153' N feet North and 950' W feet West of the Southeast corner of said section, in Township 10 South, Range 2 (East/West) Clay County, Kansas, across, along, or in (stream or watercourse name): unnamed Tributary to Chapman Creek

**Drainage area (acres):** 85.4 acres  
Use intersection of dam centerline and stream centerline as drainage area point.

**Dam height (feet):** Less than 30'  
The height of a dam or barrier shall be measured from the lowest elevation of the streambed, downstream toe or outside limit of the dam to the elevation of the top of the dam.

**Area capacity table:** Please attach a reservoir area capacity table for the dam. The table identifies the number of acres enclosed by each contour within the reservoir area and the total storage capacity of the reservoir in acre-feet at the elevation of each contour. The data shall be compiled for all contours in the reservoir up to the elevation of the top of the dam. Computations of capacity shall be based on the natural topography of the reservoir basin but may include the volume of any excavation in the reservoir made during construction of the dam. **The storage in acre-feet must be shown in the table for the proposed emergency spillway elevation. This will be used to identify the jurisdiction of the dam.**

**Location map:** Submit a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the location and layout of the proposed dam, the location of the stream, and the property lines. The distance from the North-South distance and the East-West distance from a section line or southeast corner of section should be marked on the map along with a north arrow and map scale.

**Hazard class determination:** List any homes, businesses, highways, improved roads, railroads, camp grounds, recreational facilities, or public utilities located downstream from the dam that could be inundated if the dam fails.

Date: 4/3/2017

Field Office: CLAY CENTER SERVICE CENTER  
Agency: NRCS

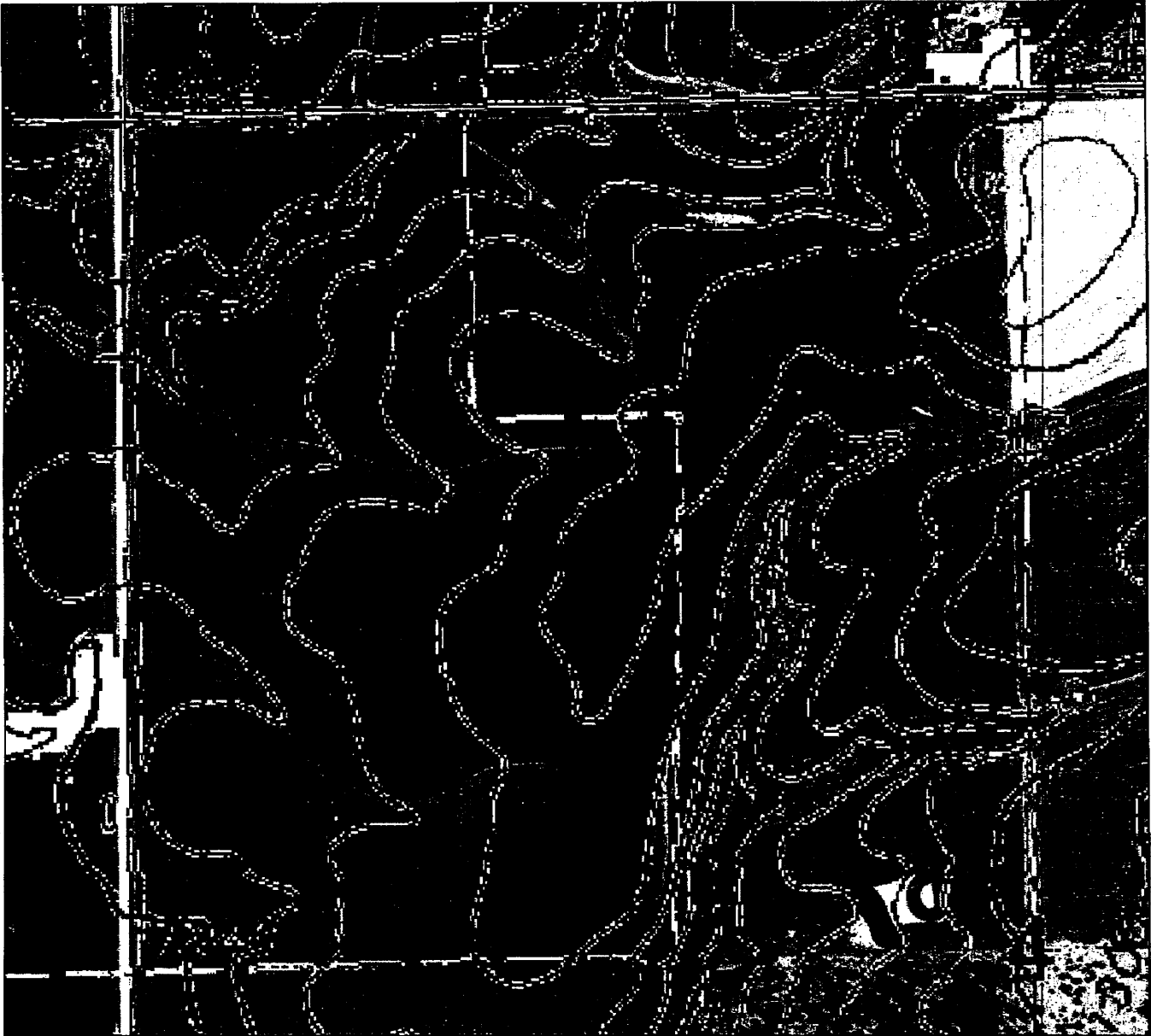
Assisted By: TIMOTHY MCCOY

State and County: KS, Clay County, Kansas

District: CLAY COUNTY CONSERVATION DISTRICT

Approximate Acres: 521.2

Legal Description: 4-10-2E



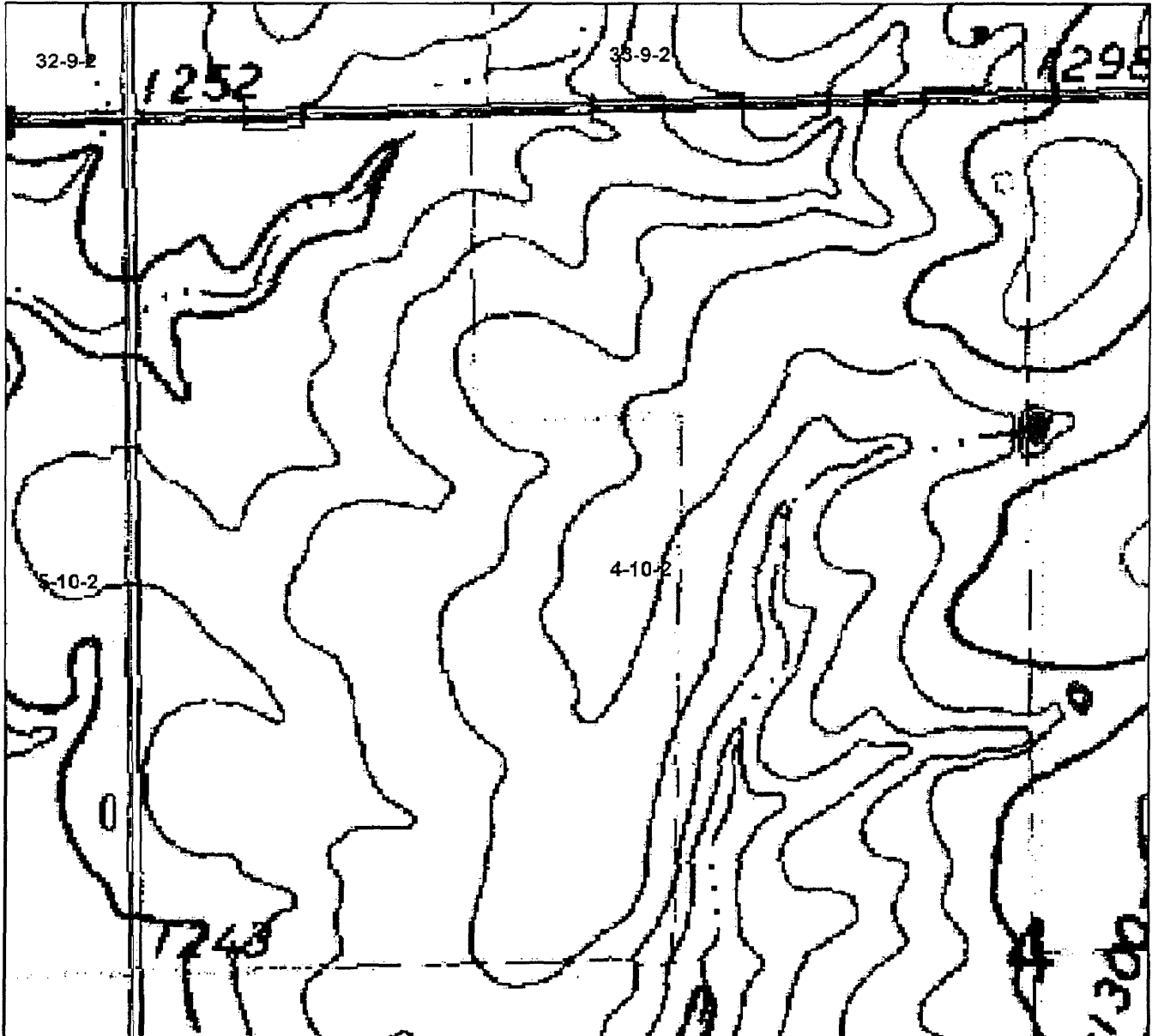
Soil data has been compiled to National Map Accuracy Standards of 1:12,000 scale. Use of this data at larger scales may introduce the appearance of inaccurate line placement.



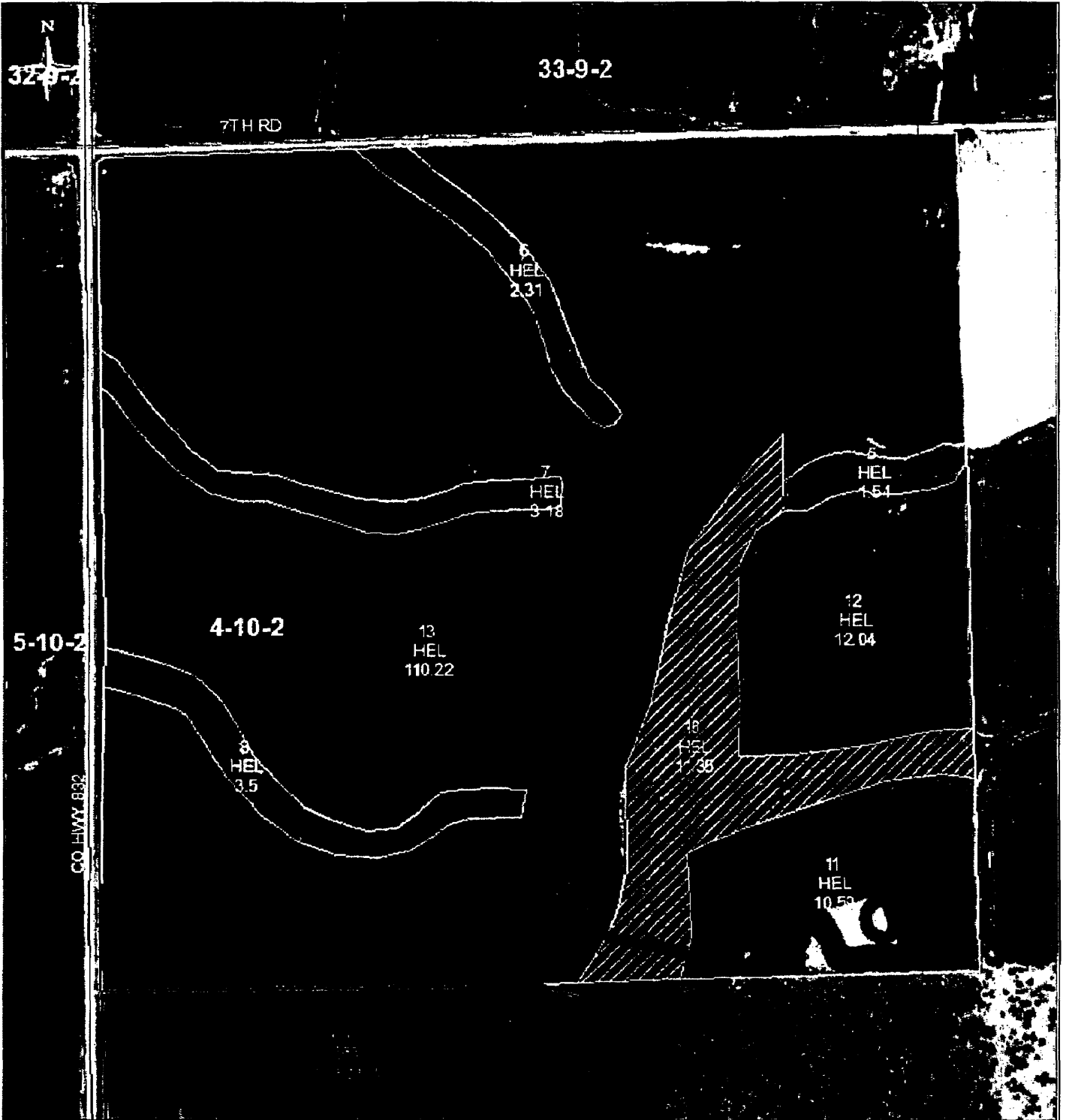
Date: 4/3/2017

District: CLAY COUNTY CONSERVATION DISTRICT  
Approximate Acres: 521.2  
Legal Description: 4-10-2E

Field Office: CLAY CENTER SERVICE CENTER  
Agency: NRCS  
Assisted By: TIMOTHY MCCOY  
State and County: KS, Clay County, Kansas



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



USDA-FSA  
Clay County

Farm: 6326  
Tract: 124

January 30, 2017  
1:4,907

Grass:  
Brome - 01-01-1999  
FG

### Share & Planting Date

GZ

LS

Native

FG

GZ

LS

2015 PHOTO NOT TO SCALE. FOR ACRES REPORTING ONLY  
Unless otherwise noted on this aerial map, the COC established the  
following as the standard planting practices, standard intended uses,  
and standard types for Clay County crops:  
Crop Prac. % Use Type Crop Prac. % Use Type  
Wheat Non-ir Grain HRW CAS Non-ir Grain SPR  
Sorghum Non-ir Grain SOR Es-By Non-ir Grain WTR  
Soybeans Non-ir Grain YSB Can Non-ir Grain YEL  
Sunflowers Non-ir Grain NOVOLA Arate Non-ir Poage

49776

# APPLICATION FOR IRRIGATION USE RICHARD AND ROBERT COTT



Proposed Place of Use  
(594.28 acres)



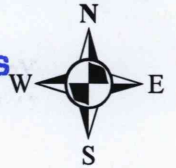
Well locations



Proposed Pumpsite

Landowners adjacent to the river 1/2 mile upstream and 1/2 mile downstream of the property controlled by the applicant have been plotted and are identified on the reverse of this map.

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*Robert Cott*  
(Signature)

SCANNED KS DEPT OF AGRICULTURE

1:24,000