

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>49,779</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">7/11/2017</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>01</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>0</b></p>
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5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

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

<p>7a. Applicant(s)                      Person ID <b>27464</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>ALAN M EGBERT</b> <b>936 S 80TH ST</b> <b>MCCUNE KS 66753</b></p>	<p>7c. Landowner(s)                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>
<p>7b. Landowner(s)                      Person ID <b>65398</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>EARL A KELLEY TRUST</b> <b>C/O ALAN &amp; BRENDA EGBERT</b> <b>936 S 80TH ST</b> <b>MCCUNE KS 66753</b></p>	<p>7d. Landowner                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____</p>

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

10. Completion Date: 12/31/2018            11. Perfection Date: 12/31/2022            12. Exp Date: \_\_\_\_\_

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

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

Date Prepared: **6/13/2017** By: **DWS**  
Date Entered: **7/12/2017** By: **UM**

File No. **49,779**      15. Formation Code:      **Drainage Basin: NEOSHO RIVER MOD BASIN**      County: CR      Special Use:      Stream: Mulberry CREEK TRIB 7 (NEOSHO)

16. Points of Diversion

MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√	85925	SW SW SE	35	30	22E	1	310	2500

17. Rate and Quantity

Authorized		Additional		Overlap PD Files
Rate gpm	Quantity af	Rate gpm	Quantity af	
1200	362.25	1200	362.25	NONE

18. Storage: Rate NF      Quantity 362.25 ac/ft      Additional Rate NF      Additional Quantity 362.25 ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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

21. Place of Use

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								
√	68242	35	30	22E	1					40	40	40	40					40	40			40	40	18	37	375	7b.	No	NONE

Comments:

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

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

**TO:** Files

**DATE:** June 13, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,779

Alan Egbert filed the application referred to above for a permit to appropriate 362.25 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir. The project is located in the Southeast Quarter of Section 35, in Township 30 South, Range 22 East, Crawford County, Kansas, within the Neosho River Drainage Basin. The dam is located on Mulberry Creek Trib 7 (Neosho). The point of diversion is located on property owned by the applicant, and he has signed the application form stating he has legal access to the point of diversion. The entire place of use owned by the Earl A. Kelly Trust (in C/O the applicant), and it comprises a total of 375 acres. There are no other overlapping files in point of diversion or place of use.

Runoff computations determined that the 189 acres of drainage area, will generate 362.25 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **IS** the limiting factor, and the application was processed with this quantity. The requested quantity of water for direct use (rediversion) of 362.25 acre-feet for irrigation use on 375 acres, provides just slightly less than 1.0 acre-feet per acre, which is the maximum allowable of 1.0 acre-feet per acre in Crawford County, Kansas, per K.A.R. 5-3-24. Structures data indicates that the capacity of the reservoir at normal pool elevation is 97 acre-feet. The proposed storage quantity of 362.26 acre-feet, is equivalent to 3.7 times the capacity, well within the "normal" rule of thumb of 5 times capacity for reasonable storage quantity.

The applicant provided a list of landowners of the adjacent properties within one-half (½) mile upstream and downstream of his property. Notification letters were sent out on May 12, 2017. No responses of any kind were received. There is only one other surface water right within a two-mile radius according to the WRIS database. This senior file (40,522) is located upstream on a different tributary stream, and is also owned by the applicant. No senior water rights will be impaired with approval of this application.

The proposed project was reviewed by DWR Water Structures Program staff, and the dam was found to qualify for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1).

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In a June 8, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the application complies with rules and regulations, and no senior rights will not be impacted, it is recommended that the referenced new application 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

July 13, 2017

## FILE COPY

ALAN M EGBERT  
936 S 80TH ST  
MCCUNE KS 66753

Re: Appropriation of Water, File No. 49,779

Dear Mr. Egbert:

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

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

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

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

Sincerely,

Kristen A. Baum  
NewApplication Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office  
Earl A Kelley Trust



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. 49,779** of the applicant

**ALAN M EGBERT  
936 S 80TH ST  
MCCUNE KS 66753**

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 24, 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	
35 30S 22E					40	40	40	40		40	40		40	40	18	37	375

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Mulberry Creek, designated in the office of the Chief Engineer as Mulberry Creek Trib 7 (Neosho), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **362.25 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼ SW¼ SE¼) of Section 35, more particularly described as being near a point 310 feet North and 2,500 feet West of the Southeast corner of said section, in Township 30 South, Range 22 East, Crawford County, Kansas, to provide **362.25 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,200 gallons per minute (2.67 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

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

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

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

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

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

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

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

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

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

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

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

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

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

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 11<sup>th</sup> day of July, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of July, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

### CERTIFICATE OF SERVICE

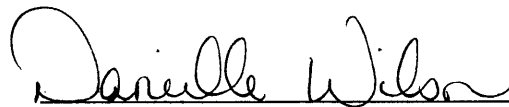
On this 13<sup>th</sup> day of July, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,779, dated July 11, 2017 was mailed postage prepaid, first class, US mail to the following:

ALAN M EGBERT  
936 S 80TH ST  
MCCUNE KS 66753

With photocopies to:

EARL A KELLEY TRUST  
% ALAN & BRENDA EGBERT  
936 S 80TH ST  
MCCUNE KS 66753

Topeka Field Office



Division of Water Resources



APPLICATION COMPLETE

5/31/2017

Reviewer, DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49779
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

FEB 24 2017

12:10
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, Kansas 66502:

1. Name of Applicant (Please Print): Alan Egbert
Address: 936 S 80th St
City: McCune State KS Zip Code 66753
Telephone Number: (620) 249-5225

2. The source of water is: [X] surface water in Unknown tributary of Mulberry Creek Trib 7 (Neosho)
OR [ ] groundwater in (Neosho River)
(stream) (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 362.25 acre-feet OR 1,200 gpm @ 1,200 gpm
to be diverted at a maximum rate of Natural Flows gallons per minute OR 6/13/17
cubic feet per second.

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

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

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

For Office Use Only:
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County CR By MJW Date 2/24/17
Code RES Fee \$ 300 TR # Receipt Date 2/24/17 Check # 50484

5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SW quarter of the SW quarter of the SE quarter of Section 35, more particularly described as being near a point 310 feet North and 2,500 feet West of the Southeast corner of said section, in Township 30 South, Range 22 East, Crawford County, Kansas.

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

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

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

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

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

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

Applicant \_\_\_\_\_  
(name, address and telephone number)  
\_\_\_\_\_  
(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 Feb 8, 2017. Alan Esbriet  
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 1 dam/reservoir  
(number of wells, pumps or dams, etc.)  
and will be completed (by) June 1, 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 July 1, 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 DCR-108 - CLASS A Exemption
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_  
Water Structures has been contacted and given design specifications of the diversion works. Permitting requirements are being determined.

- 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.

N/A

Basin Run-off is Limiting Factor. DWS/DWR 5/11/17

WATER RESOURCES  
RECEIVED

FEB 24 2017

KS DEPT OF AGRICULTURE  
SCANNED

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

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

Well location as shown in paragraph No. (A) (B) (C) (D)

Date Drilled \_\_\_\_\_

Total depth of well \_\_\_\_\_

Depth to water bearing formation \_\_\_\_\_

Depth to static water level \_\_\_\_\_

Depth to bottom of pump intake pipe \_\_\_\_\_

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner/Agent  
(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):

Earl A Kelley Trust, % Alan & Brenda Egbert, 936 S 80<sup>th</sup> St, McCune, KS 66753  
(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 McCune, Kansas, this 8<sup>th</sup> day of February, 2017.  
(month) (year)

Alan Egbert  
(Applicant Signature)

By Alan Egbert  
(Agent or Officer Signature)

Alan Egbert  
(Agent or Officer - Please Print)

Assisted by CF ES TFO/Parsons Date: 2/3/17  
(office/title)

49779

IRRIGATION USE  
SUPPLEMENTAL SHEET

WATER RESOURCES  
RECEIVED

FEB 24 2017

File No. 49,779

KS DEPT OF AGRICULTURE

Name of Applicant (Please Print): Alan Egbert

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Earl A Kelley Trust

ADDRESS: % Alan & Brenda Egbert, 936 S 80<sup>th</sup> St, McCune, KS 66753

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
35	30S	22E					40	40	40	40			40	40			40	40	18	37	375

Landowner of Record NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

Landowner of Record NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

WATER RESOURCES  
RECEIVED

FEB 24 2017

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
Parsons Silt loam	40	1.3	1
Zaar Silty clay	30	0.6	2
Dennis-Parsons Silt loam	10	1.3	3
Magstaff silty clay loam	20	0.6	5
Total:	100 %		

b. Estimate the average land slope in the field(s): 1.3 %

Estimate the maximum land slope in the field(s): 40 %

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:

all tailwater drains back into Pond on pivot by pond

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 30 psi

(2) What is the sprinkler package design rate? 300 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? endgun - 100 feet Rotators app 35 feet

(4) Please include a copy of the sprinkler package design information. Cannot obtain until built

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

Corn Soybean rotation

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).

when crop conditions warrant I will apply 1" - 1.5" of water

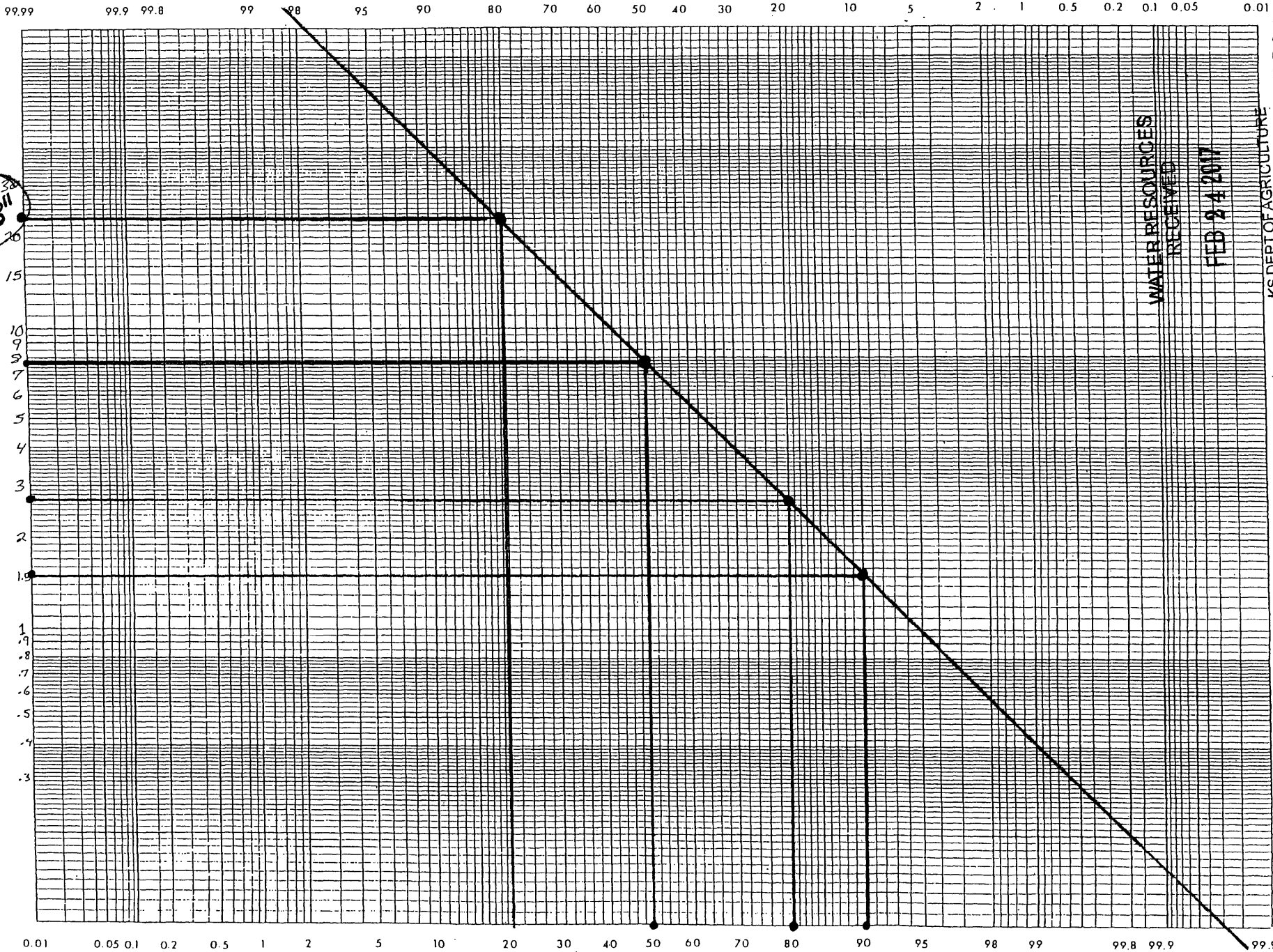
You may attach any additional information you believe will assist in informing the Division of the need for your request.

ALAN NEW  
FILE NO. EGBLT - APP

189 ACRES IN DRAINAGE x 23" = 4347" / 12" = 362.25 AF OF RUNOFF (20% CHANCE ANNUALLY)

SOIL: "79" PRECIP: 42"

INCHES RUNOFF / ACRE = 23"



WATER RESOURCES  
RECEIVED  
FEB 24 2017  
KS DEPT OF AGRICULTURE

SCANNED

Probability (Long-axis) by 3-Cycle Log

% CHANCE

PREPARED BY: G. TFO/PARSONS

222  
67.7.17

SEATTLE INI 440MNY

GRAPH PAPER From Your COPIER - HBBooks

- 20% CHANCE ANNUAL RUNOFF

362.25 AF

- 3 HR SUPPLY DIRECT USE & INDIRECT USE

• 375 ACRES x 1 AF/A x 3 YRS = 1,125 AF

• 25.4 SURFACE ACRES x 4"  $\frac{\text{INCH}}{\text{ACRE}} = 101.6 \frac{1}{2} \times 3 \text{ YRS} = 25.4 \text{ AF}$

1,150.4 AF

(RES CAPACITY = 96.9 AF)

- 1 YR DIRECT USE + 1 YR INDIRECT USE + RES CAPACITY

375 AF + 8.47 AF + 96.9 AF =

480.37 AF

PER KAR. S-C-S

LIMITING QUANTITY IS THE

20% CHANCE ANNUAL RUNOFF, 362.25 AF.



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49779 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49779 00 IRR

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

310 Feet North and 2500 Feet West of the Southeast Corner of Section 35 T 30S R 22E

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__ 40522 00	IRR	NK	S	5154	--	NW	SE	NW	3866	3947	36	30	22E	1		42.00	42.00	AF
A__ 49779 00	IRR	AY	S	0	--	SW	SW	SE	310	2500	35	30	22E	1		362.25	362.25	AF

=====

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	362.25	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	42.00	101.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	404.25	101.00

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

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

310 Feet North and 2500 Feet West of the Southeast Corner of Section 35 T 30S R 22E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

A\_\_ 40522 00 IRR NK S

> ALAN M EGBERT

>

> 936 S 80TH ST

> MCCUNE KS 66753

>-----

A\_\_ 49779 00 IRR AY S

> EARL A KELLEY TRUST

> C/O ALAN & BRENDA EGBERT

> 936 S 80TH ST

> MCCUNE KS 66753

>-----

=====

#####

# 49,779

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

March 24, 2017

ALAN EGBERT  
936 S 80<sup>TH</sup> ST  
MCCUNE KS 66753

RE: Exemption Review  
WSN: DCR-0108

Dear Mr. Egbert:

Please accept this letter as confirmation that your proposed dam is exempt from the dam safety permit requirements specified in K.S.A. 82a-301(a), and the location has been registered in our records.

You reported that the dam is located in the SW1/4 of the SW1/4 of the SE1/4 of Section 35, Township 30 South, Range 22 East in Crawford County. The submitted construction plans developed by a Natural Resources Conservation Service licensed professional engineer shows the dam will have a height of 18.7 feet and a storage volume of 124.69 acre-feet at the emergency spillway elevation. We verified that your dam qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1).

Please note that the dam may be reclassified to a hazard class B or C in the future as a result of improvements or changes on downstream properties. If that occurs, you will be required to obtain a dam safety permit for the existing dam. This may require redesign and partial reconstruction of the dam to meet applicable dam safety standards.

This project does not in any way relieve you from complying with any other local, state, or federal requirements which may be applicable. Please contact me at 785-564-6652 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Hunninghake", written over a white background.

Kimberly A. Hunninghake, P.E.  
Dam Safety Team Leader

Pc: Topeka Field Office, Doug Schemm

# 49,779

Query ENGINEERING DATA

**ENGINEERING INFORMATION**

Eng Date Id: 2/26/67	Group: P.M.B.	Type Of Dam:	Ps Type: R-2	<input type="checkbox"/> Phase 1 Insp
National Id:	Water Right#: 49775	Dam Length: 2400	Ps Material: p	<input checked="" type="checkbox"/> Plans
Haz Class:	Size Class: 2	Dam Height: 18.3	Ps Size: 12	<input type="checkbox"/> Priv On Fed
Purpose:	Nearest City Town:	Volume Of Fill:	Es Type: <	<input type="checkbox"/> Rec Updated
Purpose 2:	Distance To City Town:	Spillway Type:	Es Width: 30	<input checked="" type="checkbox"/> State Regulated
Purpose 3:	Funding:	Assessment:	Eap Status:	IS:
Elevation:	Area:	Storage(ac-ft):	Discharge (cfs):	Amc E:
Streambed: 80.7				Drawn D:
PS: 103	PS: 25.39	PS: 96.91	ES:	Core:
ES: 104	ES: 30.33	ES: 124.69	TOD:	Foundation:
TOD: 107	TOD: 47.99	TOD: 242.33		Rotation Schedule:

Oth D/Names: Dam Former Name: Designer [USDA-NRCS] Hydraulic Height:

Remarks: USED DATA FROM PLANS SUBMITTED Rvr/Stm Structural Height: Outlet Gates:

WSI: **EAP** **HAZARD**

ID	Application				File	
	Type	County	Num	EXT	Recd Date	Location
29709	D	CR	108			ELBERT

  
**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

May 12, 2017

STANLEY E CLAWSON  
998 W 530<sup>TH</sup> AVE  
MCCUNE KS 66753

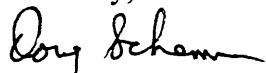
Re: Pending Application, File No. 49,779

Dear Sir or Madam:

This is to advise you that Alan Egbert has filed the application referred to above for a permit to appropriate 362.25 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 362.25 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>) of Section 35, in Township 30 South, Range 22 East, Crawford County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Alan Egbert

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

May 12, 2017

TERRY L BEST REVOCALBE LIV TRUST  
1262 S 60<sup>TH</sup> STREET  
MCCUNE KS 66753

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Sincerely,

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

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Alan Egbert

  
**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

May 12, 2017

DONALD E & BRENDA F SOTTA  
12577 NW WEIR RD  
MCCUNE KS 66753

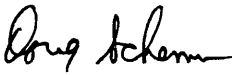
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Sincerely,

  
Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Alan Egbert



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 28, 2017

**FILE COPY**

ALAN EGBERT  
936 S 80TH ST  
MCCUNE KS 66753

RE: Application  
File No. 49779

Dear Sir or Madam:

Your application for permit to appropriate water in 25-30S-22E in Crawford 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

NEW STREAM WORKSHEET

ES ADW

Date: 2/24/17

File No. 49779

Basin Name: Neosho River Basin No. 34

Stream Name: Mulberry Creek Trib 7 (Neosho)

Stream location (confluence with parent stream):

Section 3, Township 31 South, Range 22 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

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

---

Stream No. 3904 (computer assigned - entered by data entry staff)

Date Entered 3/8/2017 By UM

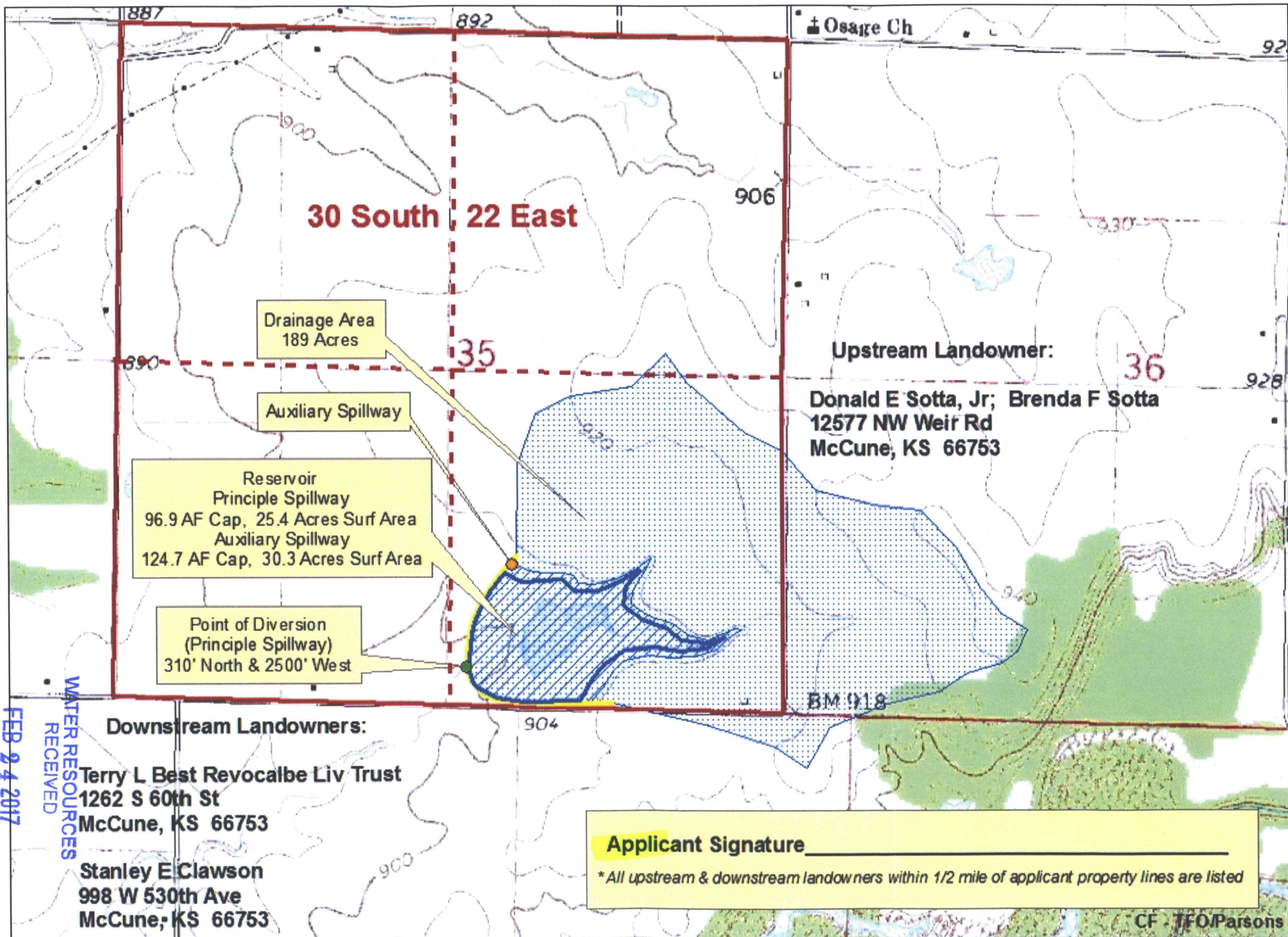


#49,779



1:12,000

# Alan Egbert - New Application



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KS DEPT OF AGRICULTURE

FEB 24 2017

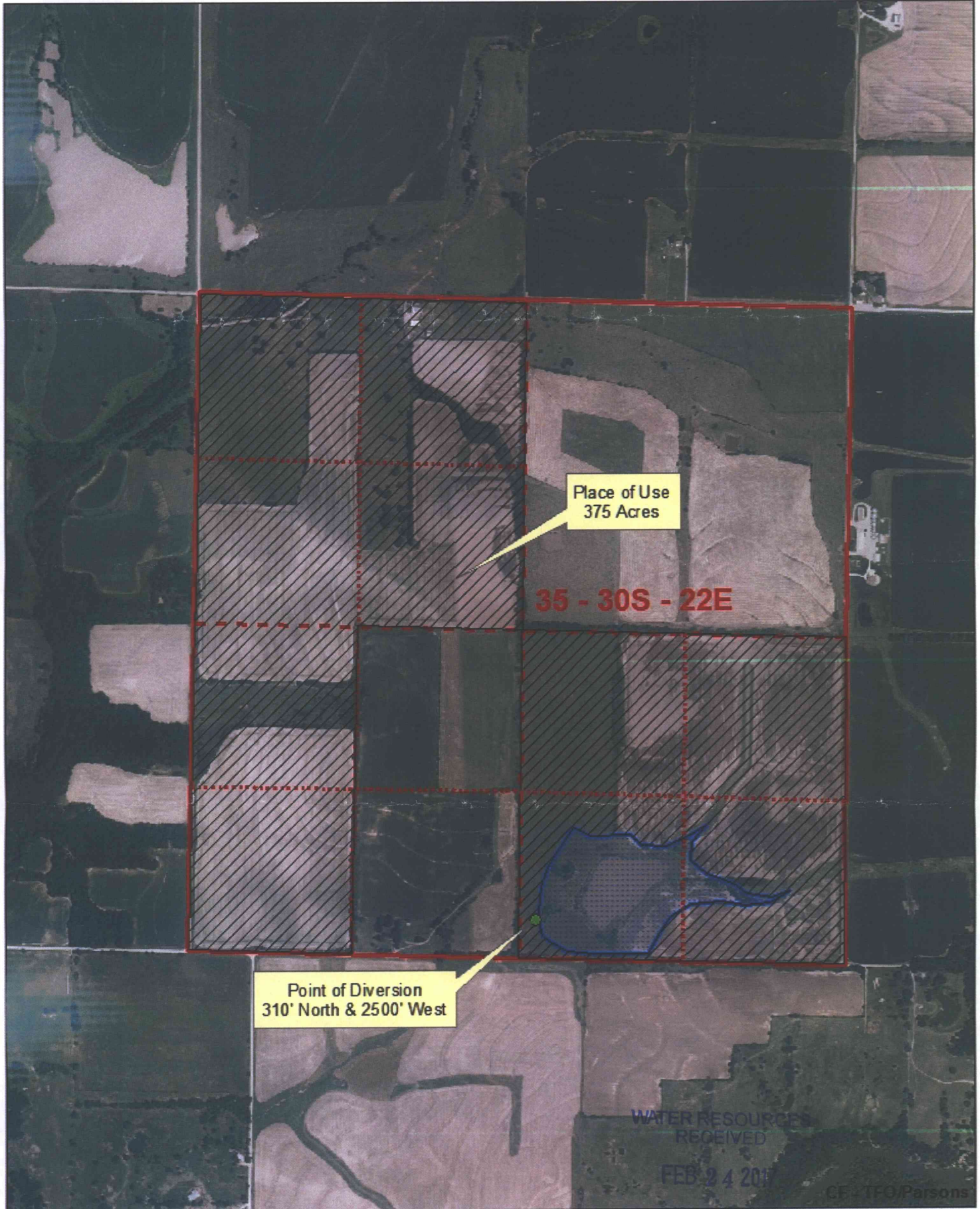
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bltbf

49779

# Alan Egbert - New Application

1:12,000



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FEB 24 2017

CF TFO/Parsons

49779

USDA  
NRCS

Pond - Table of Quantities and Location Map

KS  
3/14

Name Alan Egbert Ident No. \_\_\_\_\_  
 Legal Desc. SE4 S35 T30S R22E County Crawford

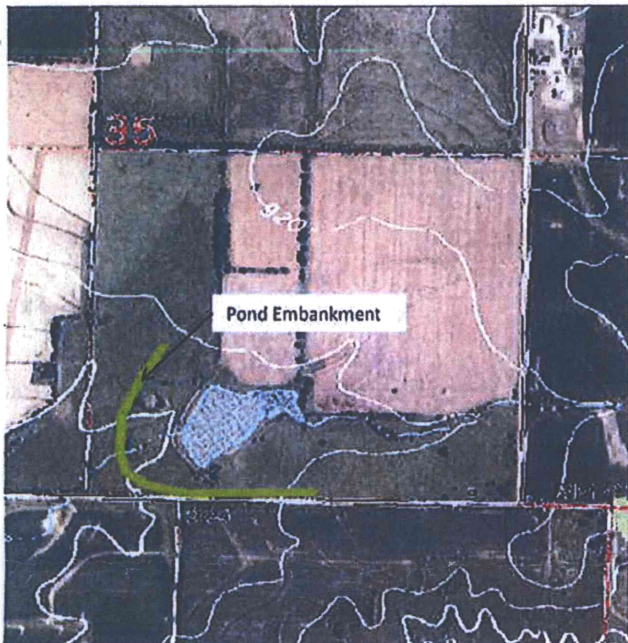
Sheet 1 of 7

Index to Drawing Details

Sheet No.	Description
1	Table of Quantities and Location Map
2	<i>Topographic Plan Map</i>
3	Principal Spillway Details
4	Supply Line Details
5	Cross Section of Dam along CL PSW
6	Profile Along CL of Dam
7	Profile Along CL of ASW

Table of Quantities

Item	Unit	Design Quantity	Installed Quantity
Earthfill, Embankment (Estimate)	cu yds	35,287	
Earthfill, Cutoff Trench (Estimate)	cu yds	2673	
12 inch Dia. PVC Pipe, DR 25 or SDR 26	lin ft	111.0	
21 inch Dia. Welded steel riser with 12 inch Tee	lin ft	3'-8"	
Manual tamp backfill 12 inch	lin ft	105.0	
Anti-Seep collars 60 in. X 60 in., 12 in. Dia.	each	4	
21 inch Dia. Trash Rack	each	1	
Stockwater Supply Line, see Supply Line Details			
Local Berm, see PSW Details	cu yds	1	
Grass Seeding (see KS-ECS-4)	acres	1.0	



Location Map

Scale: 1" = NA

Drainage Area 189 acres  
 Soil Complex Curve Number (CN) 83

**Before any investigation or construction activity,  
 the excavator is responsible for calling Kansas  
 One-Call at 800-344-7233  
 (800-DIG-SAFE) or 811.**

Reservoir Capacity Table

Elevation	Area (acres)	Storage (ac ft)	Total Storage (ac ft)	Outflow (cfs)
88.70	0.00	0.00	0.00	
90.70	0.05	0.05	0.05	
91.70	0.18	0.12	0.17	
92.70	0.76	0.47	0.64	
93.70	1.46	1.11	1.75	
94.70	2.16	1.81	3.56	
95.70	3.24	2.70	6.26	
96.70	4.40	3.82	10.08	
97.70	6.90	5.65	15.73	
98.70	9.68	8.29	24.02	
99.70	12.86	11.27	35.29	
100.70	16.15	14.51	49.79	
101.70	19.65	17.90	67.69	
102.70	23.98	21.82	89.51	
PS 103.00	25.39	7.41	96.91	
103.70	28.68	18.92	115.84	
AS 104.00	30.33	8.85	124.69	
104.70	34.17	22.57	147.26	
105.70	40.69	37.43	184.69	
TD 107.00	47.99	57.64	242.33	
107.70	51.92	34.97	277.30	

B Severin 8/12/14  
 Designed by \_\_\_\_\_ Date \_\_\_\_\_

*Curtis Johnson*  
 Checked by \_\_\_\_\_ Date 8-14

*Ben Seccin*  
 Approved by \_\_\_\_\_ Date 8/21/14

Layout by \_\_\_\_\_ Date \_\_\_\_\_

Checkout by \_\_\_\_\_ Date \_\_\_\_\_

WATER RESOURCES  
RECEIVED

FEB 24 2017

SCANNED

KS DEPT OF AGRICULTURE

b7c, b7d

Alan Egbert  
SE4 Sec 35 T30S R22E  
Crawford County, KS

22 Acres  
SW 1/4 SE 1/4

Designed by: B Severin  
Date: 8/12/14  
checked by: cej  
Date: 8-14

WATER RESOURCES  
RECEIVED

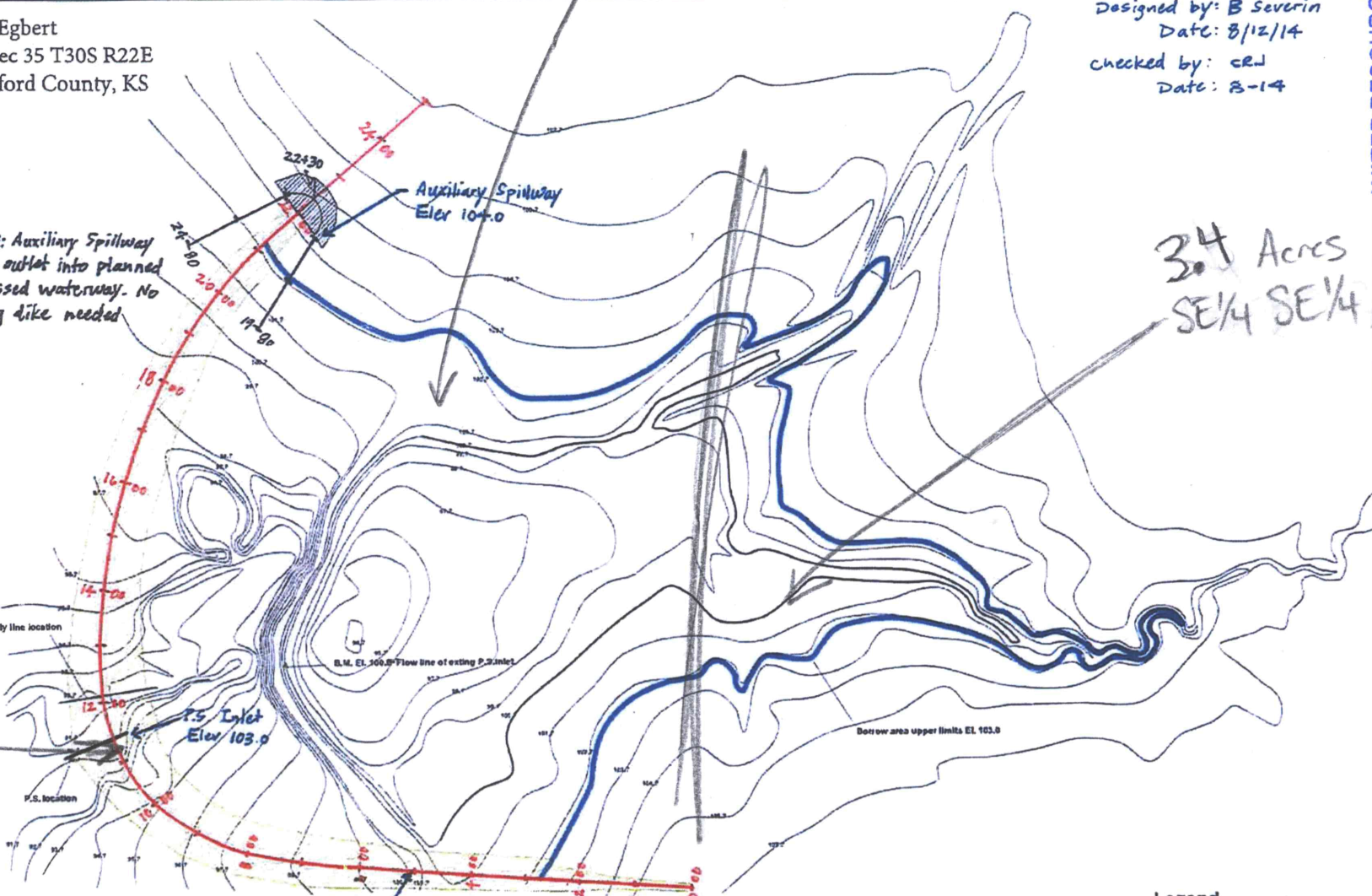
FEB 24 2017

KS DEPT OF AGRICULTURE

SCANNED

34 Acres  
SE 1/4 SE 1/4

NOTE: Auxiliary Spillway  
will outlet into planned  
grassed waterway. No  
wing dike needed



310' N  
2500' W  
SW SW SE

Pond Embankment  
Elev 107.0



Legend



TOPOGRAPHIC PLAN MAP

Sheet 2 of 7