

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

1. File Number: <b>49,794</b>	2. Status Change Date: <b>7/13/2017</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> Person ID <b>34975</b> Add Seq# _____  <b>BOTT FAMILY FARMS DELWIN BOTT 1665 FIRST RD PALMER KS 66962</b>		7c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
7b. Landowner(s) New to system <input type="checkbox"/> Person ID <b>65257</b> Add Seq# _____  <b>BOTT CATTLE CO INC 1663 1ST RD PALMER KS 66962</b>		7d. Landowner New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Person ID _____ Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No                  Add Seq# _____ Notarized WUC Form <input type="checkbox"/>  <b>7a.</b>		9. Use of Water:    Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: <b><u>12/31/2018</u></b> 11. Perfection Date: <b><u>12/31/2022</u></b> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Date Required: _____    Date Approved: _____    Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    Date to Comply: _____    Date WLMD Installed: _____			
Date Prepared: <b>6/20/2017</b> By: <b>DWS</b> Date Entered: <b>7/17/2017</b> By: <b>UM</b>			

File No. **49,794**      15. Formation Code:      Drainage Basin: BIG BLUE RIVER      County: **WS**      Special Use:      Stream: **WEST FANCY CREEK TRIB 2 (BIG BLUE)**

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√	85963	SE NE SW	28	5	3E	4	1450	2820

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
850	81	850	81	NONE

18. Storage: Rate                      **NF** Quantity                      **81** ac/ft      Additional Rate                      **NF** Additional Quantity                      **81** 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

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner Files	Chg? NO	Overlap		
						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						
√	68265	28	5	3E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	7b.	NO	49,796

Comments:

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

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

**TO:** Files

**DATE:** June 20, 2017

**FROM:** Doug Schemm

**RE:** Applications, File Nos. 49,794 and 49,796

Bott Family Farms has filed the above referenced new applications proposing to appropriate surface water by both the collection and storage of natural flows from West Fancy Creek Trib 2 (Big Blue) in a proposed reservoir (File No. 49,794), and by direct diversion (File No. 49,796) from West Fancy Creek (Big Blue). Both applications will be used for the same irrigation project (i.e. overlap in place of use). Application, File No. 49,796 will allow water to be pumped directly from West Fancy Creek (when flows are adequate) either directly to the place of use or into the reservoir requested under Application, File No. 49,794, to be stored for subsequent re-diversion for irrigation use. The points of diversion are located in the Southwest Quarter of Section 28, Township 5 South, Range 3 East, Washington County, Kansas. The application's place of use comprises the entire section (640 acres), wholly owned by Bott Cattle Company. The applicant (Douglas Bott) has signed the application forms stating that he has legal access to the points of diversion.

Application, File No. 49,794 is requesting 81 acre-feet of surface water storage, and the re-diversion of 81 acre-feet of the stored water for irrigation use at 850 gallons per minute. Runoff computations determined that the 108 acres of drainage area, will generate 81 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. Estimated capacity of the reservoir at normal pool elevation is 90 acre-feet.

Application, File No. 49,796 is requesting 768 acre-feet of surface water at a diversion rate of 850 gallons per minute. Per K.A.R. 5-3-15, Availability of water for appropriation - safe yield; surface water. (a) Each application filed to directly divert the natural flow of the Kansas river, the Missouri river, the Big Blue river, the Spring river, or their tributaries, shall:

- (1) be processed in accordance with K.A.R. 5-3-9; and
- (2) meet all other requirements for the approval of a new application.

(b) The water right owner shall be required by the chief engineer to meet minimum desirable streamflows (MDS), assurance district target flows (assurance target flows) and division of water resources (DWR) target flows where applicable.

Application, File No. 49,796 meets these safe yield criteria. The permit will also contain the condition that streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place.

The combined requested quantity of water for direct use of 849 acre-feet (81 AF + 768 AF) for irrigation use on 640 acres, exceeds 1.2 acre-feet per acre, which is the maximum allowable per acre in Washington County, Kansas, per K.A.R. 5-3-24. Therefore, the junior file will be limited so as not to exceed 768 acre-feet when combined with the senior file on place of use.

Notification letters were not required for File No. 49,794 because the applicant owns all the property adjacent to stream, upstream and downstream. Notification letters for Application, File No. 49,796 were sent to upstream and downstream landowners on May 19, 2017. A telephone call was received from one nearby landowner with general questions about the application, and did not think it would impact him. The WRIS database indicates there is only one other surface water point of diversion within a two (2) mile radius of both files. It is a dam on a different stream, and also owned by the applicant. Therefore, approval of these applications will not impact any senior water rights.

Memorandum  
File Nos. 49,794 and 49,796  
Page 2

The proposed structure was reviewed by DWR Structures Program staff and was determined to be non-jurisdictional for structures permitting.

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 either of these permits, check valves will also need to be installed.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended the referenced applications be approved during a discussion on June 15, 2017. Based on the above discussion, West Fancy Creek (Big Blue) is open to new appropriations, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

July 18, 2017

**FILE COPY**

BOTT FAMILY FARMS  
1663 FIRST RD  
PALMER KS 66962

Re: Appropriation of Water, File Nos. 49,794 and 49,796

Dear Mr. Bott:

There are enclosed permits 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 sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. 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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office  
Bott Cattle Company Inc.



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. 49,794** of the applicant

**BOTT FAMILY FARMS  
1663 FIRST RD  
PALMER KS 66962**

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 **March 14, 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	
28	5S	3E	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to West Fancy Creek, designated in the office of the Chief Engineer as West Fancy Creek Trib 2 (Big Blue), not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **81 acre-feet** per calendar year, in a reservoir created by a dam located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE¼ NE¼ SW¼) of Section 28, more particularly described as being near a point 1,450 feet North and 2,820 feet West of the Southeast corner of said section, in Township 5 South, Range 3 East, Washington County, Kansas, to provide **81 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 **850 gallons per minute (1.89 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 13<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 13<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**

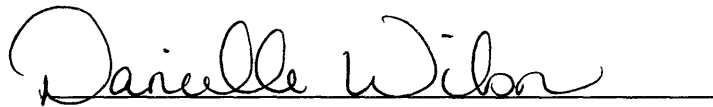
On this 18<sup>th</sup> day of July, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,794, dated July 13, 2017 was mailed postage prepaid, first class, US mail to the following:

BOTT FAMILY FARMS  
1663 FIRST RD  
PALMER KS 66962

With photocopies to:

BOTT CATTLE CO INC  
1663 1ST RD  
PALMER KS 66962

Topeka Field Office



Division of Water Resources

APPLICATION COMPLETE

6/5/2017  
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 49794  
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.)

MAR 14 2017  
4:06  
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): Bott Family Farms  
Address: 1663 1st Rd  
City: Palmer State KS Zip Code 66962  
Telephone Number: (785) 692-4530

2. The source of water is:  surface water in unnamed trib to West Fancy Creek Trib 2 (Big Blue)  
(stream)  
OR  groundwater in \_\_\_\_\_  
(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.

81 AF Rediverted @ 850 gpm

3. The maximum quantity of water desired is 81 (Storage) acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 850 \* NF gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

For Office Use Only:  
F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County WS By ADW Date 3/15/17  
Code REG Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 3/14/16 Check # CC

\* natural flows w/ 850gpm rediversion

JUANNEB/23/2017 WM

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 SE quarter of the NE quarter of the SW quarter of Section 28, more particularly described as being near a point 1450 feet North and 2820 feet West of the Southeast corner of said section, in Township 5 South, Range 3 ~~East~~ West (circle one), Washington County, Kansas.

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

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

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

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

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

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

Bott Cattle Company  
(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 \_\_\_\_\_, 20\_\_\_\_. Douglas Bott  
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, 1 pumpsite for rediversion, 2 pivots ~~1 pivot~~  
(number of wells, pumps or dams, etc.)  
and (was)(will be) completed (by) 3/1/2018

(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 6/1/2018  
(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 exempt  
\_\_\_\_\_  
\_\_\_\_\_

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.

overlap in place of use with new app for a pumpsite at the creek - File # 49,796

\_\_\_\_\_  
WATER RESOURCES  
RECEIVED

\_\_\_\_\_  
MAR 14 2017

\_\_\_\_\_  
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):  
Bott Cattle Company  
(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 Manhattan, Kansas, this 14 day of March, 2017  
(month) (year)

  
\_\_\_\_\_  
(Applicant Signature)

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

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

49794

### IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,794

Name of Applicant (Please Print): Bott Family Farms

- 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: Bott Cattle Company

ADDRESS: 1663 1<sup>st</sup> Rd Palmer KS 66962

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28	5S	3E	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

**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	

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

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

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

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

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

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

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

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

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

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

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.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49794 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49794 00 IRR

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

1450 Feet North and 2820 Feet West of the Southeast Corner of Section 28 T 5S R 3E

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__ 43573 00 IRR NK S      9406 -- NE NW SW 2120 4056 26 5 3E 1          60.00    60.00 AF
A__ 49486 00 IRR GY S      9406 -- NE NW SW 2120 4056 26 5 3E 1          134.60    74.60 AF
A__ 49794 00 IRR AY S           0 -- SE NE SW 1450 2820 28 5 3E 4           81.00    81.00 AF
A__ 49796 00 IRR AY S      146 -- SE NE SW 1490 2680 28 5 3E 5           768.00   768.00 AF
=====
    
```

```

Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      849.00             .00
Total Permitted Amount (AF) =       74.60            39.60
Total Inspected Amount (AF) =         .00             .00
Total Pro_Cert Amount (AF) =         .00             .00
Total Certified Amount (AF) =        60.00            95.00
Total Vested Amount (AF) =           .00             .00
TOTAL AMOUNT (AF) =          983.60           134.60
    
```

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:

1450 Feet North and 2820 Feet West of the Southeast Corner of Section 28 T 5S R 3E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 43573 00 IRR NK S
> DOUGLAS A & KAYLEEN BOTT
>
> 144 NATIONAL RD
> PALMER KS 66962
-----
A__ 49486 00 IRR GY S
> DOUGLAS A & KAYLEEN BOTT
>
> 144 NATIONAL RD
> PALMER KS 66962
-----
A__ 49794 00 IRR AY S
> BOTT CATTLE CO INC
>
> 1663 1ST RD
> PALMER KS 66962
-----
A__ 49796 00 IRR AY S
> BOTT CATTLE CO INC
    
```



>  
> 1663 1ST RD  
> PALMER KS 66962

>-----

=====

#####

## Schemm, Doug

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**From:** Hemphill, Lloyd  
**Sent:** Tuesday, May 30, 2017 4:13 PM  
**To:** Schemm, Doug  
**Subject:** Application File No. 49796

Doug,

I spoke with Dick Boerger (nearby landowner) about pending application File No. 49796. He had only general questions but seemed satisfied with what I was able to tell him. He does not think that this application will impact him.

Just for the record, his phone number is (816) 810-0400.

Lloyd Hemphill, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources, Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619  
(785) 296-5733  
Please note my new email address: [Lloyd.Hemphill@ks.gov](mailto:Lloyd.Hemphill@ks.gov)

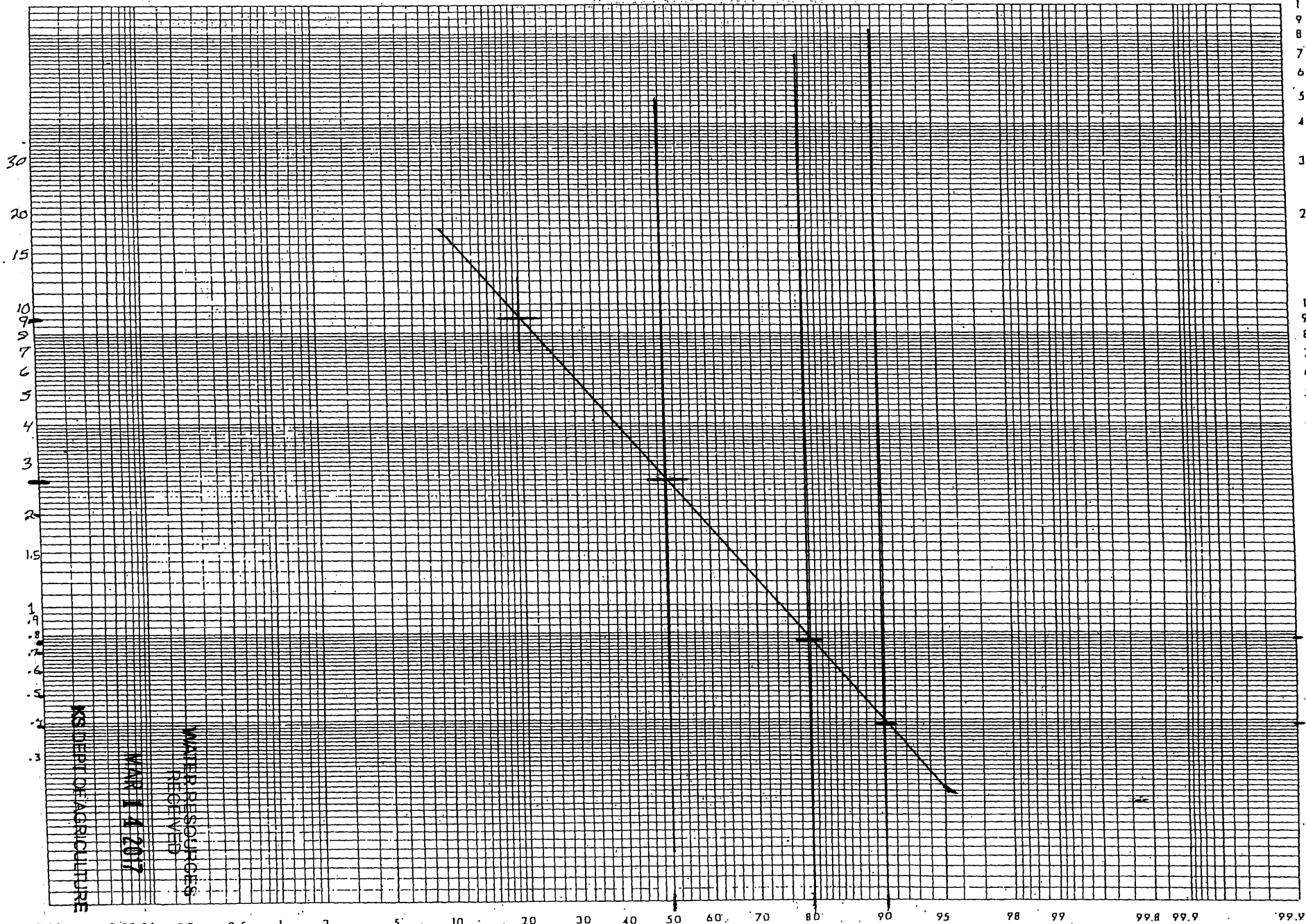
FILE NO. \_\_\_\_\_

SOIL: "77" PRECIP.: 30"

INCHES RUNOFF/ACRE: 9"

108 ACRES IN DRAINAGE x 9" = 972" / 12"  $\Rightarrow$  81 AF OF RUNOFF (20% CHANCE ANNUALLY)

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



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REG DIV

% CHANCE

PREPARED BY:

Probability (Long-axis) by 3 Cycle Log

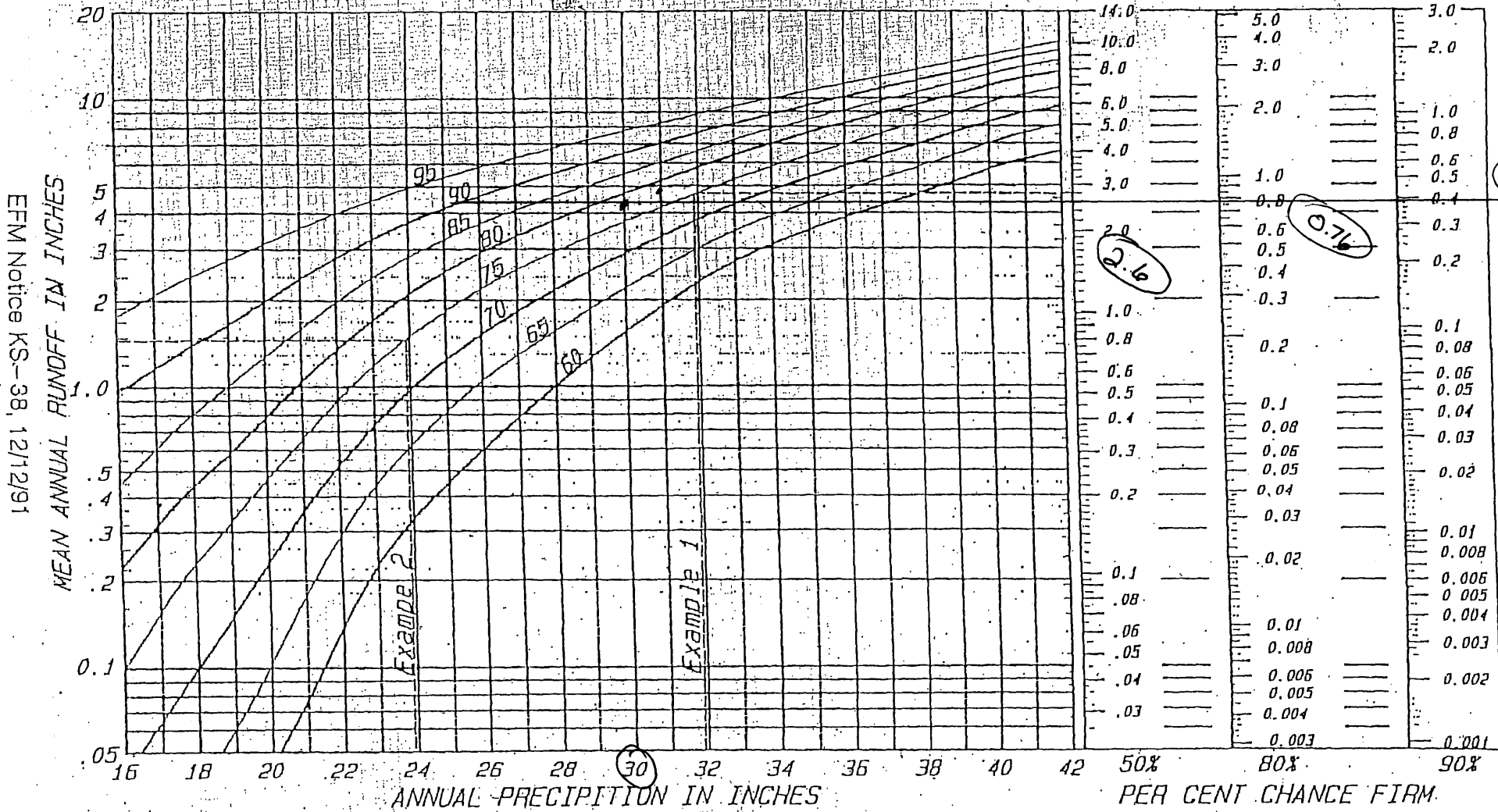
49794

FILED IN 10/11/17

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222

# ANNUAL YIELD OF RUNOFF



EFM Notice KS-38, 12/12/91

United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

KS-2-36  
RUNOFF IN INCHES

KAR 564(2)1

49794

March 14, 2017  
(Date)

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

Re: Application  
File No. 49,794

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.

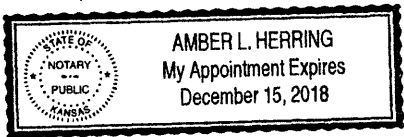
*David W. Barfield*  
Signature of Applicant

State of Kansas )  
County of  Riley  ) ss \_\_\_\_\_  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this  14<sup>th</sup>  day of  March , 20  17 .

*Amber L. Herring*  
Notary Public

My Commission Expires:



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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

49794

Bott Family Farms

3/14/2017

Upstream Landowners

- 1) James Voelker Rev Trust  
1497 2<sup>nd</sup> rd  
Palmer KS 66962
- 2) Linda Boenger Lvg Trust  
11709 Pawnee Ln  
Leawood KS 66211

Applicants

Downstream Landowners

- 1) Applicants

Dam ht. 23 ft.

Volume @ spillway 90 AF

Surface area 6 ac.

Drainage area 108 ac.

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NEW STREAM WORKSHEET

ES ADW

Date: 3/20/17

File No. 49,794

Basin Name: Big Blue Basin No. 13

Stream Name: West Faney Creek Trib 2 (Big Blue)

Stream location (confluence with parent stream):

Section 28, Township 5 South, Range 3 (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. 3907 (computer assigned - entered by data entry staff)

Date Entered 3/23/2017 By LLM



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

March 16, 2017

BOTT FAMILY FARMS  
1663 1ST RD  
PALMER KS 66962

**FILE COPY**

RE: Application  
File No. 49794

Dear Sir or Madam:

Your application for permit to appropriate water in 28-05S-03E in Washington County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

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

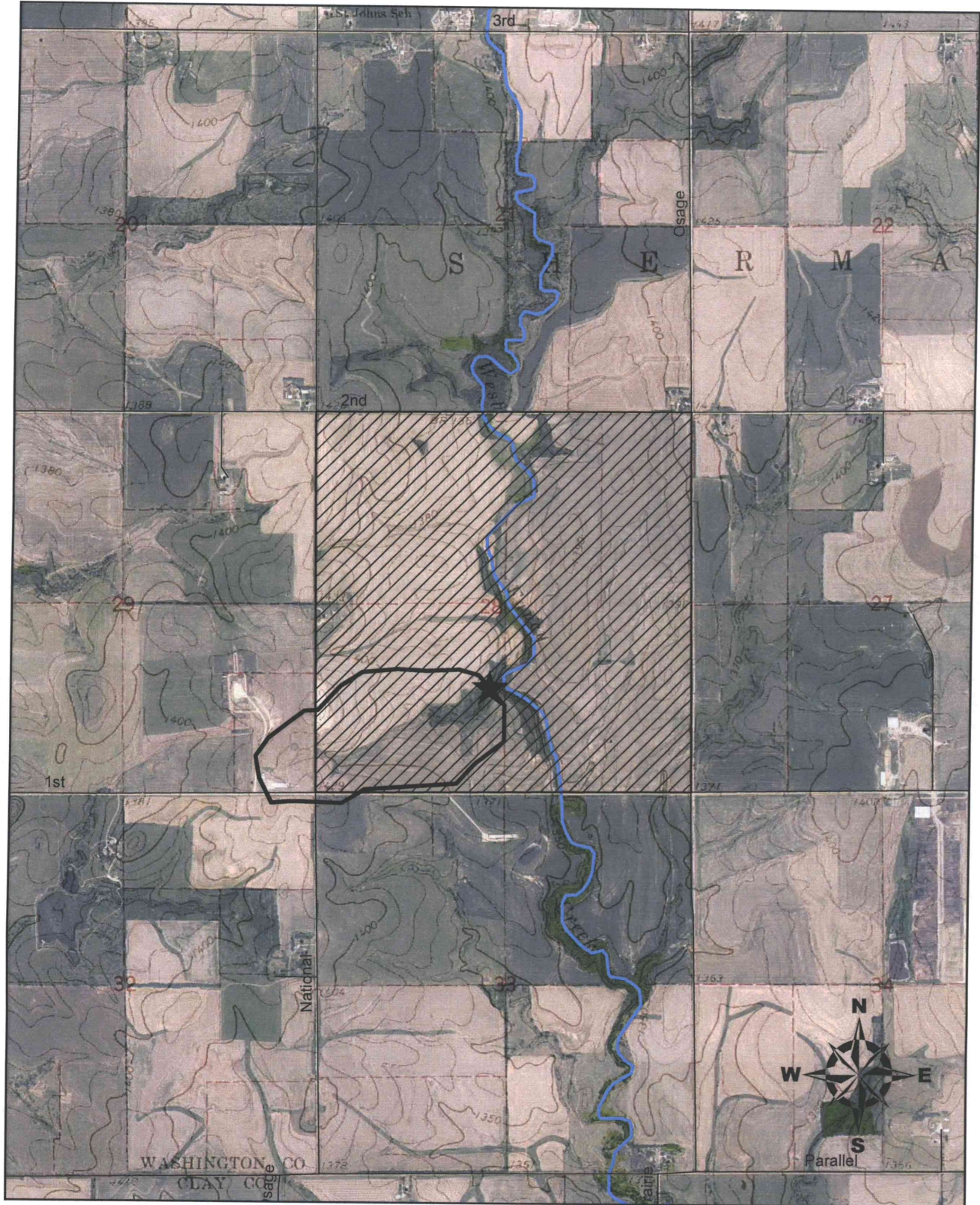
Brent A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program




BAT: dlw  
pc: TOPEKA Field Office  
GMD

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49794

# Bott Family Farms New Application



	Drainage Area
	Place of Use
	Point of Diversion

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1 inch = 2,000 feet

KAB/DWR

MAR 14 2017

Date: 3/14/2017

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