

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

1. File Number: 49,796	2. Status Change Date: 7/13/2017	3. Field Office: 01	4. GMD: 0
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			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 34975 Add Seq# _____</p> <p>BOTT FAMILY FARMS 1663 FIRST RD PALMER KS 66962</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 65257 Add Seq# _____</p> <p>BOTT CATTLE CO INC 1663 1ST RD PALMER KS 66962</p>	<p>7d. Landowner New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><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>		
10. Completion Date: <u>12/31/2018</u> 11. Perfection Date: <u>12/31/2022</u> 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: _____			
<p>Date Prepared: 6/20/2017 By: DWS Date Entered: 7/17/2017 By: um</p>			

File No. **49,796** 15. Formation Code: Drainage Basin: **BIG BLUE RIVER** County: **WS** Special Use: Stream: **WEST FANCY CREEK (BIG BLUE)**

16. Points of Diversion

T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√	85965	SE NE SW	28	5	3E	5	1490	2680

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
850	768	850	687	NONE

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

19. Limitation: **768** af/yr at _____ gpm (_____ cfs) when combined with file number(s): **49,794**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s): _____

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

21. Place of Use

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner 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	640	7b.	NO	49,794	

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

BOTT FAMILY FARMS
1663 FIRST RD
PALMER KS 66962

FILE COPY

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. **49,796** 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	40	640

3. That the authorized source from which the appropriation shall be made is surface water from West Fancy Creek (Big Blue), to be withdrawn by means of one (1) pump site 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 1,490 feet North and 2,680 feet West of the Southeast corner of said section, in Township 5 South, Range 3 East, Washington County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **850 gallons per minute (1.89 c.f.s.)** and to a quantity not to exceed **768 acre-feet** of water for any calendar year.

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

CERTIFICATE OF SERVICE

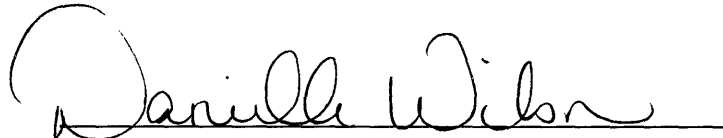
On this 18th day of July, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,796, dated July 13, 2017 was mailed postage prepaid, first class, US mail to the following:

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 49796

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

WATER RESOURCES
RECEIVED

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**

MAR 14 2017

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

4:08
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 # 876 Big Blue
(stream)
OR groundwater in Big Blue
(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 768 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 850 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 AW Date 3/15/17
Code RE3 Fee \$ 400/900 TR # _____ Receipt Date 3/14/17 Check # CC

SCANNED
3/23/2017 LLM

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 1490 feet North and 2680 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 pumphouse, 2 pivots
(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 pond - File # 49,794

WATER RESOURCES
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MAR 14 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
(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)

Assisted by KAB _____ DWR HQ _____ Date: 3/14/2017
(office/title)

49796

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49,796

Name of Applicant (Please Print): Bott Family Farms

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: Bott Cattle Company

ADDRESS: 1663 1st 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	

WATER RESOURCES
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MAR 14 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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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.



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

May 19, 2017

JAMES VOELKER REV TRUST
1497 2ND RD
PALMER KS 66962

Re: Pending Application, File No. 49,796

Dear Sir or Madam:

This is to advise you that Bott Family Farms has filed the above referenced application, for a permit to appropriate 768 acre-feet of surface water at the rate of 850 gallons per minute from West Fancy Creek, for irrigation use. The proposed point of diversion is one pump site located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE¹/₄ NE¹/₄ SW¹/₄) of Section 28, in Township 5 South, Range 3 East, Washington 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,

A handwritten signature in black ink, appearing to read "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Bott Family Farms



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

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733
Fax: (785) 862-2460
www.agriculture.ks.gov
Sam Brownback, Governor

May 19, 2017

LINDA BOERGER LIVING TRUST
11709 PAWNEE LN
LEAWOOD KS 66211

Re: Pending Application, File No. 49,796

Dear Sir or Madam:

This is to advise you that Bott Family Farms has filed the above referenced application, for a permit to appropriate 768 acre-feet of surface water at the rate of 850 gallons per minute from West Fancy Creek, for irrigation use. The proposed point of diversion is one pump site located in the Southeast Quarter of the Northeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 28, in Township 5 South, Range 3 East, Washington 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,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Bott Family Farms

Print Page

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Parcel Search Results (Click on the Parcel ID Number for Detailed Results)

Owner Information	Property Address	Property Description	Apr Amount	Prop Class
<p><u>101-238-33-0-00-00-001.00-0</u> Quick Ref ID = 7096 Tax Year = 2017 BOTT, DARYL & ANNETTE</p> <p>Owner Mailing Address: 231 PRAIRIE RD LINN, KS 66953</p>	<p>1485 1ST RD, Palmer, KS 66962 ACRES=172.3 Neighborhood=900</p>	<p>S33, T05, R03, 6th Principal Meridian, ACRES 172.3, NE4 & TR BEG NE COR NW4 S1522.1' W660' N759' W297' N763.1' E TO POB EXC TR BEG NW COR NW4 TH E1809' TO POB SWLY673' S170' SELY800' NELY830' NWLY267' W860'</p>	\$57,810	Agricultural Use
<p><u>101-238-33-0-00-00-001.01-0</u> Quick Ref ID = 7097 Tax Year = 2017 TCK Farms LLC</p> <p>Owner Mailing Address: 970 18th RD Clay Center, KS 67432</p>	<p>1534 1ST RD, Palmer, KS 66962 ACRES=13.1 Neighborhood=900</p>	<p>S33, T05, R03, 6th Principal Meridian, ACRES 13.1, A TR BEG NW COR NW4 TH E1809' TO POB SWLY673' S170' SELY800' NELY830' NWLY267' W860' NWLY673' W41' TO POB & EXC RD ROW</p>	\$18,660	Agricultural Use
<p><u>101-238-33-0-00-00-002.00-0</u> Quick Ref ID = 7098 Tax Year = 2017 Beswick, George & Elaine</p> <p>Owner Mailing Address: 2842 Thunder RD Green, KS 67447</p>	<p>00000 NATIONAL RD, Palmer, KS 66962 ACRES=129.6 Neighborhood=900</p>	<p>S33, T05, R03, 6th Principal Meridian, ACRES 129.6, NW4 EXC TR BEG NE COR NW4, S1522.1' W660' N759' W297' N763.1' E TO POB & LESS ROW</p>	\$17,490	Agricultural Use
<p><u>101-238-33-0-00-00-003.00-0</u> Quick Ref ID = 7099 Tax Year = 2017 Bott Rev Liv Trust, Ronald & Kathleen</p> <p>Owner Mailing Address: 308 N Pennsylvania Palmer, KS 66962</p>	<p>00000 NATIONAL RD, Palmer, KS 66962 ACRES=158.7 Neighborhood=900</p>	<p>S33, T05, R03, 6th Principal Meridian, ACRES 158.7, SW4 LESS ROW</p>	\$65,060	Agricultural Use

<p><u>101-238-33-0-00-00-004.00-0</u> Quick Ref ID = 7100 Tax Year = 2017 MEYER FAMILY TRUST</p> <p>Owner Mailing Address: 553 OSAGE RD LINN, KS 66953</p>	<p>00000 PARALLEL RD, Palmer, KS 66962</p> <p>ACRES=147.4 Neighborhood=900</p>	<p>S33, T05, R03, 6th Principal Meridian, ACRES 147.4, SE4 EXC A TR BEG SE COR SE4 TH W1100' N400' E1100' S400' TO POB & EXC RD ROW</p>	<p>\$45,570</p>	<p>Agricultural Use</p>
<p><u>101-238-33-0-00-00-004.01-0</u> Quick Ref ID = 7101 Tax Year = 2017 MEYER, RANDY & BETH</p> <p>Owner Mailing Address: 1591 PARALLEL RD PALMER, KS 66962</p>	<p>1591 PARALLEL RD, Palmer, KS 66962</p> <p>ACRES=9.6 Neighborhood=900</p>	<p>S33, T05, R03, 6th Principal Meridian, ACRES 9.6, A TR BEG SE COR SE4 TH W1100' N400' E1100' S400' TO POB & EXC RD ROW</p>	<p>\$7,110 A \$42,450 F</p>	<p>Farm Homesite</p>
<p>Back to Search Page --- Home</p>				

Parcel Search powered by



THOMSON REUTERS

49796

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. 49,796

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.

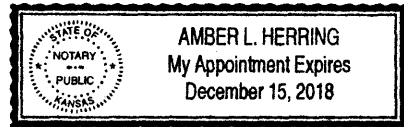
Douglas B. A.
Signature of Applicant

State of Kansas)
County of Butler) ss _____
(Print Applicant's Name)

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

Amber L. Herring
Notary Public

My Commission Expires:



WATER RESOURCES
RECEIVED
MAR 14 2017

47196

Bott Family Farms

3/14/2017

Upstream Landowners

- 1) James Voelker Rev Trust
1497 2nd rd
Palmer KS 66962
- 2) Linda Boerger Lvg Trust
11709 Pawnee Ln
Leawood KS 66211

Downstream Landowners

- 1) Applicants

WATER RESOURCES
RECEIVED

MAR 14 2017

KS DEPT OF AGRICULTURE

SCANNED



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

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

March 16, 2017

BOTT FAMILY FARMS
1663 1ST RD
PALMER KS 66962

FILE COPY

RE: Application
File No. 49796

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,

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



BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

49796

Bott Family Farms New Application



	Place of Use
	Pumpsite

WATER RESOURCES RECEIVED
 1 inch = 2,000 feet
 KAB/DWR
MAR 14 2017 Date: 3/14/2017