

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49807
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

MAR 30 2017

11:04

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

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

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

1. Name of Applicant (Please Print): KANSAS DEPARTMENT OF WILDLIFE PARKS & TOURISM
Address: ACTIVE DIVERSIONS (TOP) 1020 S KANSAS AVE FL 2
City: TOPEKA State: KS Zip Code 66612-1389
Telephone Number: (785) 296-2281

2. The source of water is: [ ] surface water in (stream)
OR [X] groundwater in BLACK VERMILLION BASIN (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 420 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 1,600 gallons per minute OR cubic feet per second.

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

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

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

For Office Use Only:
F.O. Code 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use REC Source (G/S) County MS By Atw Date 3/30/17
Code REC REC Fee \$ 320.00 TR # Receipt Date 3/30/17 Check # Interfund

4/3/2017 ULM

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 NE quarter of the SW quarter of Section 20, more particularly described as being near a point 1,704 feet North and 3,483 feet West of the Southeast corner of said section, in Township 5 South, Range 8 East, MARSHALL 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):

\_\_\_\_\_  
(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 March 6<sup>th</sup> 2017, 2017. Nathan Henry  
Applicant's Signature

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

and (was)(will be) completed (by) EXISTING  
(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 SPRING 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 DMS-0116
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_  
Already permitted by Structures Program.

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.

FILE NOS. 42,807 AND 45,983 OVERLAP IN PLACE OF USE AND POINT OF DIVERSION.

New Application will be limited to 508 AF when combined with senior files.

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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	<u>1950's</u>	_____	_____	_____
Total depth of well	<u>80'</u>	_____	_____	_____
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 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):  
CORPS OF ENGINEERS (MANHATTAN), 5020 TUTTLE CREEK BLVD., MANHATTAN, KS 66502  
(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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(month) (year)

*Nathan Perry*  
(Applicant Signature)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

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

\_\_\_\_\_  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

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

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. \_\_\_\_\_

Name of Applicant (Please Print): KDWP&T \_\_\_\_\_

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): \_\_\_\_\_

Wildlife Habitat

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_

Surface Area of Marsh = 140 Acres. Filled to a maximum depth of 3.0 feet  
140 acres x 3 feet = 420 acre-feet. (Requested on this application).

Overall project needs are 508 AF (add'l indirect use of 88 AF, see senior files).

3. Please complete the following table showing estimated future water requirements:

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	420 AF
Year 2	420 AF
Year 3	420 AF
Year 4	420 AF
Year 5	420 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

Recreational Use in Wildlife Marsh Located in the Southwest Quarter of Section 20, and the Northwest Quarter of Section 29, all in Township 5 South, Range 8 East, Marshall County, Kansas.

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

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## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
<u>More than 320</u>	<u>\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.</u>

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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49807

WSI01 Query: WSI, ENG, WSI\_TRANSACTIONS, WATER\_RIGHTS, LOCATIONS, WAINERS, ECA, ITRAIL, COMPLIANCE, IMAGES, WSI\_ACTIONS

STRUCTURE NUMBER		APPLICATION		INDICATORS	
ID	MS	App Recd Date	10-20-1982	Pending Complaint	N
0116	Wsl Id# 2244 LAST# 174	Project Activity		App Mod	N
REVIEWER	CURRENT STATUS	Site Name	DUCK MARSH	Pending Mod	N
INT	Permit	Stream		After the Fact	N
File Location	Compliance	XDOT Type		General Permits	N
	Permit				
	APPROVED EXP				
APPLICANT			Lease Ind		
LAST: KANSAS FISH AND GAME COMMISSION			Corps		
FIRST:			App Proc Time		
OWNER			Direct		
LAST: KANSAS DEPT OF WILDLIFE PARKS & TOURISM			Total		
FIRST:			Location		
DESIGNER			Pub Date		
LAST: UNKNOWN			FOI TO: PKA		
FIRST:					
Const Comp Code			Remarks		
DDA					

WSI ACT ALL ACT LOCATION ECA APPLICANT OWNER DESIGNER ENG COMPLAINT MOD ACT PROJECT

ACTIONS LOCATION ECA TRAIL LEGAL WAINERS WSL IMAGE COMP MODIFICATION TRAILER APP IND

Date	Action	Deadline	Remarks
	Decode	Date	
11-19-1982	PERMIT ISSUED PENDING COMPLETION		PERMITS

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MAR 30 2017

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49807



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

March 2, 2017

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**MAR 30 2017**

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
% NATHAN HENRY  
801 MAIN ST  
BLUE RAPIDS KS 66411

**KS DEPT OF AGRICULTURE**

RE: New Application for Appropriation of Water

Dear Mr. Henry:

Enclosed is an application form related to completing a new application for permit to appropriate water for beneficial use. This new application is designed to provide additional water at your Black Vermillion Marsh, which is currently authorized under File Nos. 42,807 and 45,983. Please review the enclosed information to ensure that it correctly represents your project. **You must sign the application form at both Paragraph Nos. 6 and 16, and also please sign the enclosed site map, where indicated.** For the requested quantity of 420 acre-feet, the filing fee would be \$320.

If the application is acceptable, please mail it with the filing fee to Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing this application form.

Sincerely,

Douglas Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

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 30, 2017

KANSAS DEPARTMENT OF WILDLIFE PARKS & TOURISM

1020 S KANSAS AVE. FL. 2  
TOPEKA KS 66612

**FILE COPY**

RE: Application  
File No. 49807

Dear Sir or Madam:

Your application for permit to appropriate water in 20-05S-08E in Marshall 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,

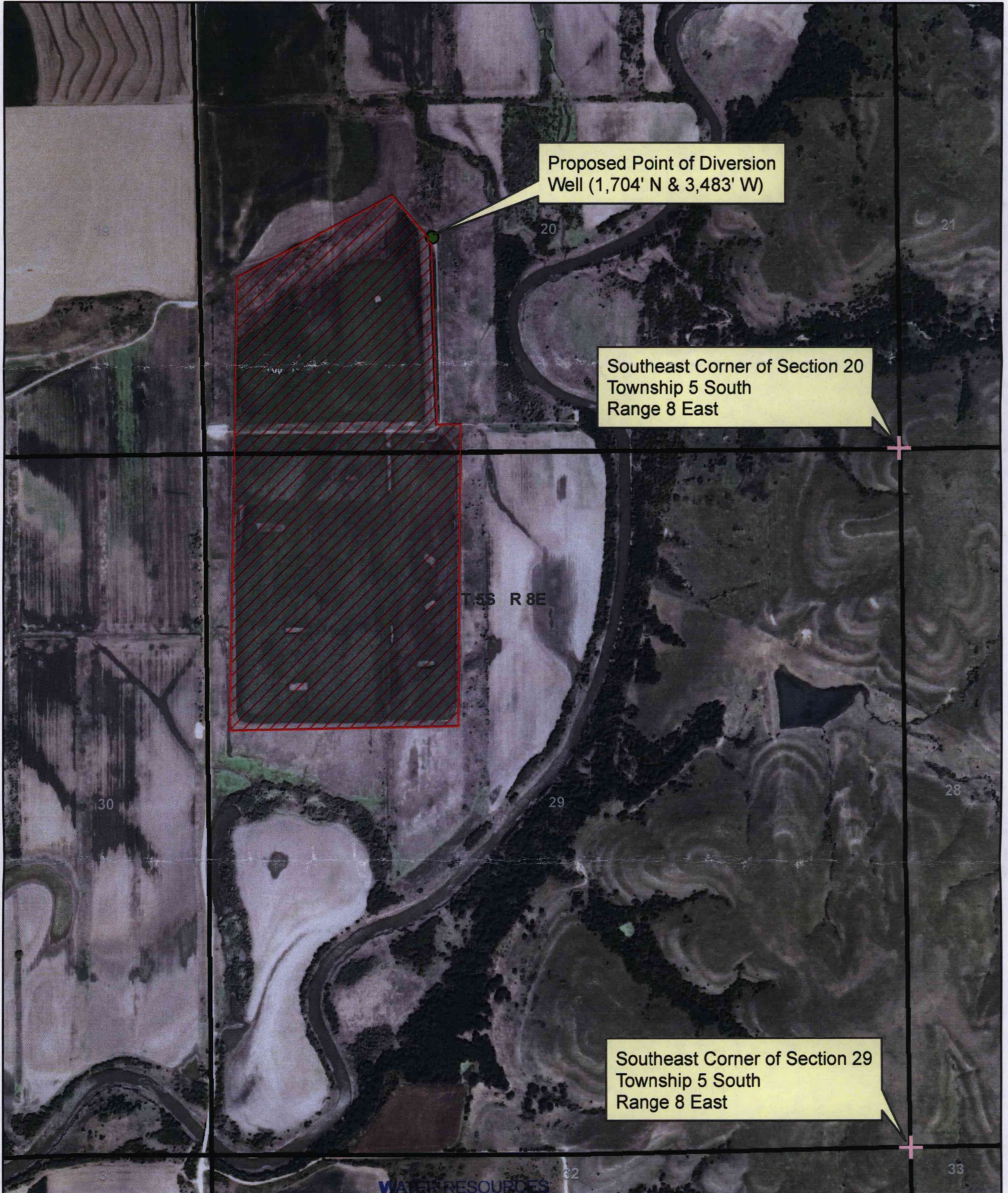
A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw  
pc: TOPEKA Field Office  
GMD

KANSAS DEPARTMENT OF WILDLIFE PARKS & TOURISM  
NEW APPLICATION - SECS. 20 & 29, T5S, R8E  
MARSHALL CO.

49807



Proposed Point of Diversion Well (1,704' N & 3,483' W)

Southeast Corner of Section 20 Township 5 South Range 8 East

Southeast Corner of Section 29 Township 5 South Range 8 East



- Proposed Point of Diversion
- ▨ Proposed Place of Use

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1-12-000  
MAR 30 2017

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There are no known wells of any within one-half mile of the proposed point of diversion.

*Walter Henry*