

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>49,807</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">6/19/2017</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>01</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>0</b></p>
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 checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s)                      Person ID <b>40450</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>KANSAS DEPT OF WILDLIFE PARKS &amp; TOURISM ACTIVE DIVERSIONS (TOP) 1020 S KANSAS AVE FL 2 TOPEKA KS 66612-1389</b></p> <p>7b. Landowner(s)                      Person ID <b>41875</b> New to system <input type="checkbox"/>                      Add Seq# _____</p> <p><b>CORPS OF ENGINEERS(MANHATTAN) 5020 TUTTLE CREEK BLVD MANHATTAN KS 66502</b></p>	<p>7c. Landowner(s)                      Person ID _____</p> <p>7d.</p>		
<p>8. WUR Correspondent                      Person ID _____ New to system <input type="checkbox"/>                      Add Seq# _____ Overlap File (s) WUC                      Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater            <input type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR                      <input checked="" 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: <b>6/5/17</b>                      By: <b>DWS</b> Date Entered: <u>6/20/2017</u>                      By: <u>UM</u></p>			

File No. **49,807**      15. Formation Code: 113      Drainage Basin: BLACK VERMILLION RIVER      County: MS      Special Use:      Stream:

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√			60850	SW NE SW	20	5	8E	1	1704	3483

17. Rate and Quantity MOD ADDL QTY				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
1600	420	1600	267	42,807 & 45,983

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

19. Limitation: **508** af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **42,807 & 45,983**  
 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							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO	Overlap Files				
MOD	DEL	ENT	PUSE	S	T	R	ID	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								
√			50714	20	5	8E	1	WILDLIFE MARSH (SW)																					7b.	NO	42,807 & 45,983
√			56511	29	5	8E	1	WILDLIFE MARSH (NW)																					7b.	NO	42,807 & 45,983

Comments:

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

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

**TO:** Files

**DATE:** June 6, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,807

The Kansas Department of Wildlife Parks and Tourism has filed the above-referenced application requesting to appropriate 420 acre-feet of groundwater at a diversion rate of 1,600 gallons per minute, from an existing well located in the Southwest Quarter of Section 20, Township 5 South, Range 8 East, Marshall County. The application has been signed by a representative of the applicant stating they have access to the point of diversion. This application was filed to obtain additional water to address future water needs at these wildlife marshes.

Both Water Right, File Nos. 42,807 and 45,983 overlap in authorized place of use and point of diversion, with the place of use described as wildlife marshes in the SW Quarter of Sec. 20, and the NW Quarter of Sec. 29. Water Right, File No. 42,807 is authorized 149 acre-feet, while Water Right, File No. 45,983 is authorized 241 acre-feet, limited to 241 acre-feet with the senior file (92 additional acre-feet). The requested quantity of water under the new application (420 acre-feet) was determined by inundating the 140 acre marsh area with 3 feet of water for an initial fill (420 AF) and then subsequent re-filling to maintain water levels of 88 acre-feet (Required Total Quantity of 508 acre-feet). The additional quantity of water to be provided by the senior files. Therefore, the quantity of water under the pending application will be limited to 508 acre-feet when combined with the senior files. The new application will provide 267 acre-feet of additional water (508 AF - 241 AF). Typically these types of marshes are filled in October prior to waterfowl migration. This wildlife marsh has already been properly permitted by DWR Structures Program under File No. DMS-0116.

The applicant did not identify any wells within one-half mile of the proposed point of diversion. Therefore, no notification letters are required, and the application clearly meets required well spacing criteria, with no other wells in the area. As typical with these large wildlife refuges, the U.S. Army Corp of Engineers owns the property where the marshes are located and the adjacent property in the area for many miles. As shown on the larger scale map, this marsh is located within the upper reaches (flood pool) of Tuttle Creek Reservoir, and is part of the Tuttle Creek Lake State Wildlife Management Area.

Based on information in the senior files, and the geographical location of the well, the source of supply for this pending groundwater application is mainstem alluvium of the Black Vermillion/Big Blue Rivers. Per the safe yield criteria in K.A.R. 5-3-11, it is necessary to delineate the extent of the unconfined aquifer (area of consideration). For alluvial aquifers, this is typically done by using LIDAR and topographic maps, which aid in viewing the alluvium/bluff intersection. For this application, the extent of the alluvium was determined to be 3,739 acres. Based on a potential recharge of 3.8 inches, with 100% available for appropriation, safe yield was determined to be 1,184 acre-feet. The two existing appropriations (the senior files discussed above) total 241 acre-feet, leaving 943 acre-feet available for appropriation, and the application complies with safe yield criteria.

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

Memorandum  
Application, File No. 49,807  
Page 2

In a June 6, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced application.

Based on the above discussion, the new application will address future marsh operations, the area is open to new applications, this project is in the public interest, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

June 21, 2017

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
ACTIVE DIVERSIONS (TOP)  
1020 S KANSAS AVE FL 2  
TOPEKA KS 66612-1389

**FILE COPY**

RE: Appropriation of Water, File No. 49,807

Dear Sir or Madam:

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

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

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss 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  
U.S. Army Corps of Engineers (Manhattan)



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. 49,807** of the applicant

**KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
ACTIVE DIVERSIONS (TOP)  
1020 S KANSAS AVE FL 2  
TOPEKA KS 66612-1389**

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 30, 2017**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 20, and in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 29, all in Township 5 South, Range 8 East, Marshall County, Kansas.
3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) 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, 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 **1,600 gallons per minute (3.57 c.f.s.)** and to a quantity not to exceed **420 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 of \$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 of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

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

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

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

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

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

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with 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).

14. 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.

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

16. 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.

17. 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.

### CERTIFICATE OF SERVICE

On this 21<sup>st</sup> day of June, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,807, dated June 19, 2017 was mailed postage prepaid, first class, US mail to the following:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
ACTIVE DIVERSIONS (TOP)  
1020 S KANSAS AVE FL 2  
TOPEKA KS 66612-1389

With photocopies to:

CORPS OF ENGINEERS(MANHATTAN)  
5020 TUTTLE CREEK BLVD  
MANHATTAN KS 66502

Topeka Field Office



Division of Water Resources



18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 42,807 and 45,983, will provide a total **not to exceed 508 acre-feet** of water per calendar year for recreational use from the point of diversion described herein.

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 19<sup>th</sup> day of June, 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 19<sup>th</sup> day of June, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

APPLICATION COMPLETE

3/30/2017

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 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

KS DEPT OF AGRICULTURE

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  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)  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 REC Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County MS By AW Date 3/30/17  
Code REC REC Fee \$ 320.00 TR # \_\_\_\_\_ Receipt Date 3/30/17 Check # 14432

SCANNED

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.

**WATER RESOURCES  
RECEIVED**

**MAR 30 2017**

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. 49,807

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:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
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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File # 49,807  
 meets safe  
 Yield.

**Analysis Results**

The selected PD is in an area to new appropriations.  
 The safe yield, based on the variables listed below is 1,184.02 AF.  
 Total prior appropriation in the circle is 661.00 AF.  
 Total quantity of water available for appropriation is 522.02 AF.

- 420 = 241  
 943AF

**Safe Yield Variables**

The area used for the analysis is set at 3739 acres.  
 Potential annual recharge of the area is estimated to be 3.8 inches.  
 The percent of recharge available for appropriation is 100%.

Authorized Quantity values are as of 24-MAY-2017 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 3 water right(s) and 1 point(s) of diversion within the circle.

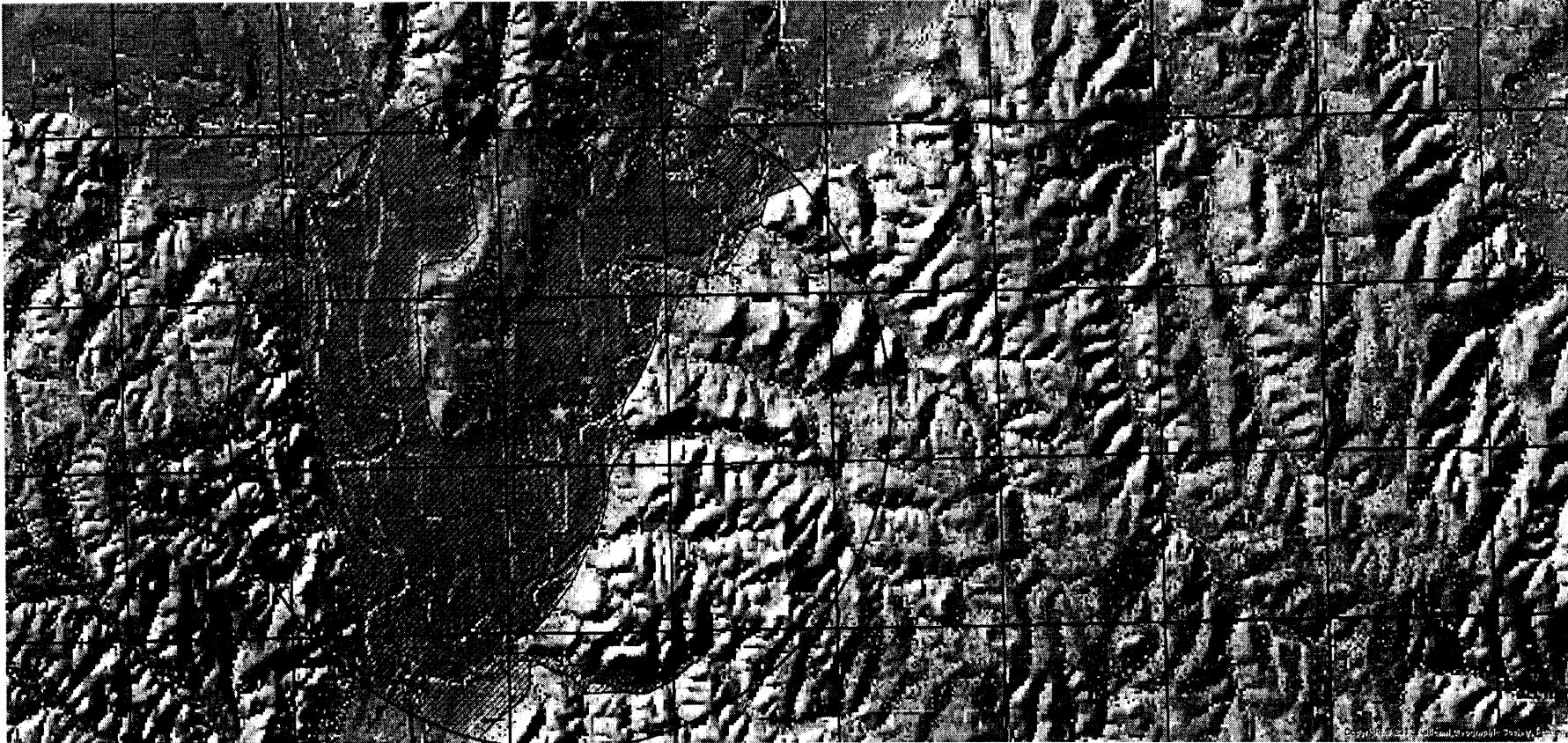
File Number	Use	ST	SR	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Qind	Auth_Quant	Add_Quant	Tacres	Nacres
A	42807	00	REC	NK	G		SW NE SW	1704	3483	20	05	08E	1	WR	149.00	149.00		
A	45983	00	REC	NK	G		SW NE SW	1704	3483	20	05	08E	1	WR	241.00	92.00		
<del>A</del>	<del>45983</del>	<del>00</del>	<del>REC</del>	<del>NK</del>	<del>G</del>		<del>SW NE SW</del>	<del>1704</del>	<del>3483</del>	<del>20</del>	<del>05</del>	<del>08E</del>	<del>1</del>	<del>WR</del>	<del>241.00</del>	<del>92.00</del>		
A	49807	00	REC	AY	G		SW NE SW	1704	3483	20	05	08E	1	WR	420.00	420.00		

149  
 + 92  
 -----  
 241AF

Safe Yield Report Sheet  
Water Right- A4980700  
Point of Diversion in SWNE SW 20-5S-8E 1 (60850)  
(Alluvial Aquifer Extent)

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49807

WSI21 Query: WSI, ENG, WSI, TRANSACTIONS, WATER, RIGHTS, LOCATIONS, WAIVERS, ECA, ITRAIL, COMPLIANCE, IMAGES, WSI\_ACTIONS

STRUCTURE NUMBER: D MS 0116 Ws Id 12244 LAST# 174

APPLICATION: App Recd Date 10-20-1992

INDICATORS: Pending Complet N

REVIEWER: CURRENT STATUS: Project Activity: App Mod N

INT: Permit: FC: Site Name: DUCK MARSH Pending Mod N

File Location: Compliance: Stream: After the Fact N

Permit: APPROVED EXP: KDOT Type: General Permits N

APPLICANT: LAST# KANSAS FISH AND GAME COMMISSION FIRST: Leaves Ind: Corp N

OWNER: LAST# KANSAS DEPT OF WILDLIFE PARKS & TOURISM FIRST: App Proc Time: Total: 0

DESIGNER: LAST# UNKNOWN FIRST: Location: Pub Date: 0

Const Comp Date: DOA: Remarks: For: 0

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

ACTIONS LOCATION ECA FEE ITRAIL LEGAL WAIVER WRC IMAGE OMP MODIFICATION TARGETS APP LOG

Date	Action	Deadline Date	Remarks
11-19-1992	PERMIT ISSUED PENDING COMPLETION		PERMIT IS

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SCANNED



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

## CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

WATER RIGHT, File No. 45,983

PRIORITY DATE June 30, 2004

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID W. BARFIELD, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of groundwater to be withdrawn by means of a well located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) 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, at a diversion rate not in excess of **1,460 gallons per minute (3.25 c.f.s.)** and a quantity not to exceed **241 acre-feet** of water per calendar year for **recreational use** in a duck marsh located in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 20, and in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 29, all in Township 5 South, Range 8 East, Marshall County, Kansas.

This appropriation right is further limited to a diversion rate and a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 42,807, will provide a maximum diversion rate not in excess of **1,485 gallons per minute (3.31 c.f.s.)** and a total quantity not to exceed **241 acre-feet** of water per calendar year for **recreation use** from the point of diversion described herein.

(over)

File No. <b>45983</b>	Priority Date: <b>6/30/04</b>	Use: <b>REC</b>	County: <b>MS</b>	Basin:	Stream:																			
<b>13. Points of Diversion</b>																								
		<input checked="" type="checkbox"/> G <input type="checkbox"/> S				Rate and Quantity																		
MOD	PDIV					Authorized	Additional																	
DEL		Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files										
ENT																								
<b>MOD</b>	<b>60850</b>	<b>SW NE SW</b>	<b>20</b>	<b>5</b>	<b>8E</b>	<b>1</b>	<b>1704</b>	<b>3483</b>		<b>1460</b>	<b>241</b>	<b>0</b>	<b>92</b>	<b>42807</b>										
<b>14. Storage:</b> Rate _____ NF    Quantity _____ ac/ft    Additional Rate _____ NF    Additional Quantity _____ ac/ft																								
<b>15. Limitation:</b> _____ <b>241</b> af/yr at _____ <b>1485</b> gpm ( _____ <b>3.31</b> cfs) when combined with file number(s) <b>42807</b> Limitation: _____ af/yr at _____ gpm ( _____ cfs) when combined with file number(s) _____																								
<b>16. Place of Use</b>		<b>NE¼</b>				<b>NW¼</b>				<b>SW¼</b>				<b>SE¼</b>				<b>Total</b>	<b>Owner</b>	<b>Chg?</b>	<b>Overlap Files</b>			
T																								
MOD																								
DEL																								
ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼							
<b>NC</b>	<b>50714</b>	<b>20</b>	<b>5</b>	<b>8E</b>	<b>1</b>	<b>REC USE IN A MARSH LOCATED IN THE SW ¼ OF 20-T5S-R8E MARSHALL COUNTY, KS</b>																<b>4A</b>	<b>N</b>	<b>42807</b>
<b>NC</b>	<b>56511</b>	<b>29</b>	<b>5</b>	<b>8E</b>	<b>1</b>	<b>REC USE IN A MARSH LOCATED IN THE NW ¼ OF 29-T5S-R8E MARSHALL COUNTY, KS</b>																<b>4A</b>	<b>N</b>	<b>42807</b>
<b>17. Maximum Acres Irrigated: N/A</b>																								
<b>Comments: LIMIT RATE AND QUANTITY</b>																								

49807



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

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

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

Sam Brownback, Governor

March 2, 2017

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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

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 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".

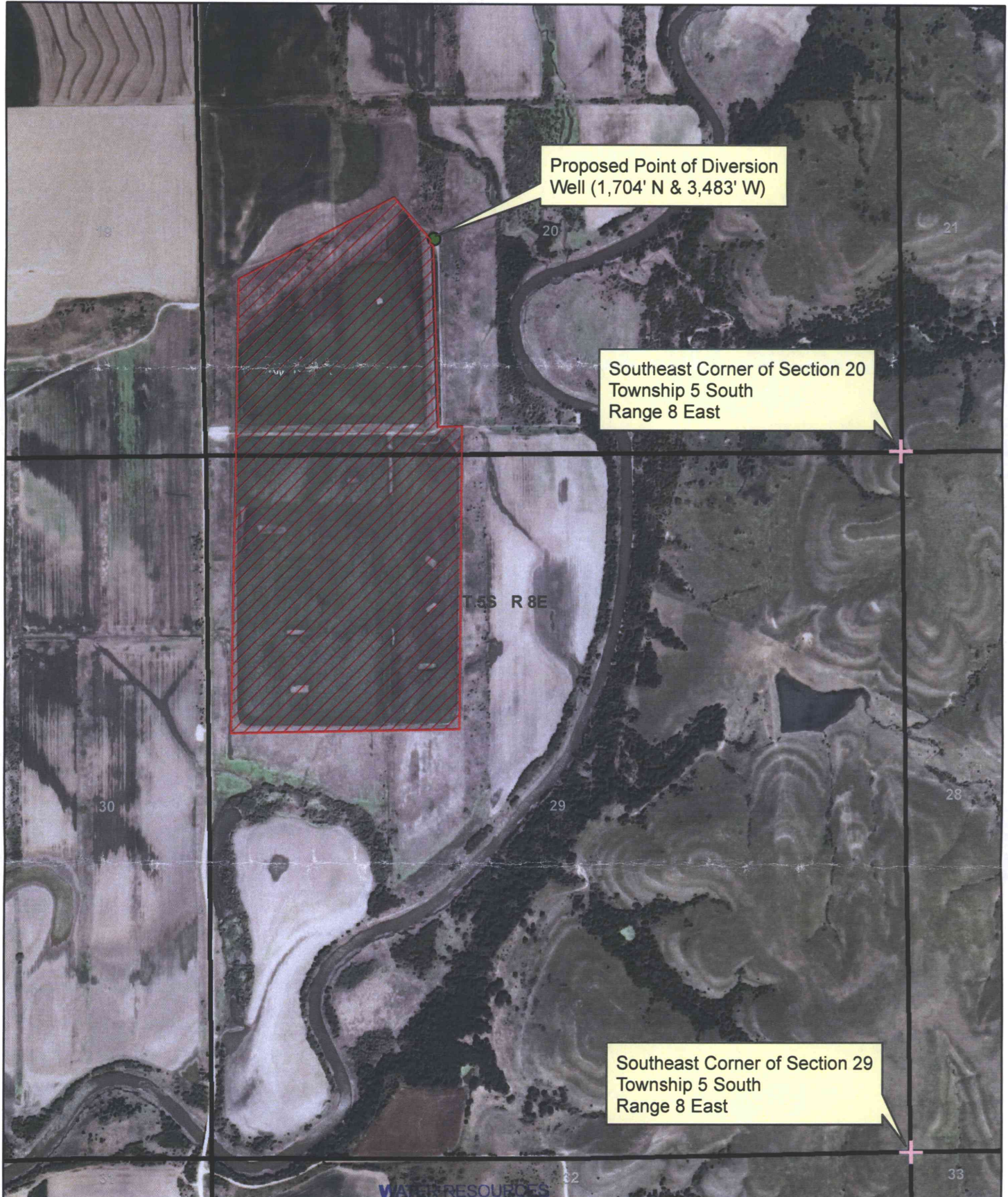
Brent A Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED

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

49807



● Proposed Point of Diversion

▨ Proposed Place of Use

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1:12,000  
MAR 30 2017

KS DEPT OF AGRICULTURE

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

*Nathan Henry* SCANNED