

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 49837

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

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11:37

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**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): WATERSHED LAND TRUST INC
Address: 140 CHERRY HILL DRIVE
City: BELTON State: MO Zip Code 64012
Telephone Number: (913) 685-4600 e-mail: frank@watershedinstitute.biz

2. The source of water is: surface water in Marais des Cygnes #3
(stream)
OR groundwater in Marais des Cygnes 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 250 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of NF gallons per minute OR _____ cubic feet per second.

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

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

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

For Office Use Only:
F.O. L GMD — Meets K.A.R. 5-3-1 (YES / NO) Use REC Source G/S County W By DW Date 5/8/17
Code REG Fee \$ 200 TR # _____ Receipt Date 5/8/17 Check # CC

5/9/2017 CUM

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 SW quarter of the SW quarter of Section 30, more particularly described as being near a point 341 feet North and 4,053 feet West of the Southeast corner of said section, in Township 19 South, Range 24 East, Linn County, Kansas. **Water Control Structure**
- (B) One in the SE quarter of the SW quarter of the SW quarter of Section 30, more particularly described as being near a point 169 feet North and 4,117 feet West of the Southeast corner of said section, in Township 19 South, Range 24 East, Linn County, Kansas. **Water Control Structure**
- (C) One in the NW quarter of the NE quarter of the NW quarter of Section 31, more particularly described as being near a point 5,042 feet North and 3,705 feet West of the Southeast corner of said section, in Township 19 South, Range 24 East, Linn County, Kansas. **Water Control Structure**
- (D) One in the SE quarter of the SE quarter of the SW quarter of Section 30, more particularly described as being near a point 168 feet North and 3,165 feet West of the Southeast corner of said section, in Township 19 South, Range 24 East, Linn County, Kansas. **Water Control Structure**
- (E) One in the SE quarter of the SW quarter of the SE quarter of Section 30, more particularly described as being near a point 546 feet North and 1,530 feet West of the Southeast corner of said section, in Township 19 South, Range 24 East, Linn County, Kansas. **Water Control Structure**
- (F) One in the NE quarter of the NW quarter of the NE quarter of Section 31, more particularly described as being near a point 5,192 feet North and 1,539 feet West of the Southeast corner of said section, in Township 19 South, Range 24 East, Linn County, Kansas. **Water Control Structure**
- (G) One in the SW quarter of the NW quarter of the NW quarter of Section 32, more particularly described as being near a point 4,266 feet North and 5,391 feet West of the Southeast corner of said section, in Township 19 South, Range 24 East, Linn County, Kansas. **Water Control Structure**
- (H) One in the NW quarter of the NW quarter of the NW quarter of Section 32, more particularly described as being near a point 4,847 feet North and 5,280 feet West of the Southeast corner of said section, in Township 19 South, Range 24 East, Linn County, Kansas. **Water Control Structure**

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 (¼) 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):

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Applicant
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 3, 2017. *Brook Emmert*
Applicant's Signature

7. The proposed project for diversion of water will consist of **Water Control Structure (Stop Log)**
(number of wells, pumps or dams, etc.)
and will be completed (by) Spring 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 April 2017
(Mo/Day/Year)

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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 LLN-0122
- If no, explain here why a Water Structures permit is not required _____

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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

NONE

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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	_____	_____	_____	_____
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):

Applicant

(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 7 day of May, 2017
(month) (year)

_____ (Applicant Signature)	_____ APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)
By <u>Brock Emmert</u> (Agent or Officer Signature)	<u>20-8378417</u> and/or APPLICANT(S) TAXPAYER I.D. NO.(S)
<u>Brock Emmert</u> (Agent or Officer - Please Print)	

Assisted by DWS TOPEKA FO Date: 4/18/2017
(office/title)

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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
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

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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**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 49,837

Name of Applicant (Please Print): WATERSHED LAND TRUST INC__

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 = 70 acres. Filled to a maximum depth of 2.0 feet
70 acres x 2.0 feet = 140 acre-feet.
Indirect (evaporation and seepage) = 110 AF TOTAL = 250 AF

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	250 AF
Year 2	
Year 3	
Year 4	
Year 5	250 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.

Wildlife Marsh Located in the South Half of the South Half of Section 30; the North Half of the North Half of Section 31; and the West Half of the Northwest Quarter of the Northwest Quarter of Section 32; all in Township 19 South, Range 24 East, Linn County, Kansas.

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

5/3/17
(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. _____

Minimum Desirable Streamflow
MARAIS DES CYGNES River Assurance District
Water Reservation Rights

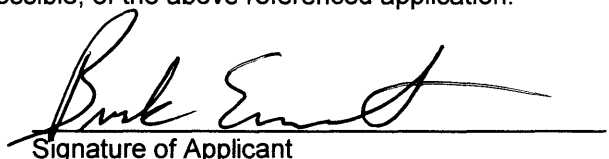
Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (**circle the appropriate item**) for the source of supply to which the above referenced application applies, namely the MARAIS DES CYGNES RIVER.

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, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

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.



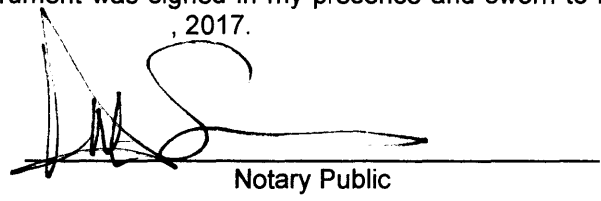
Signature of Applicant

Brock Emmert

Print Applicant Name

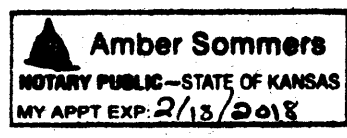
State of Kansas)
) SS
County of Shawnee)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 3 day of May, 2017.



Notary Public

My Commission Expires: 2/18/2018



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Whitesell, Alex

From: Frank Austenfeld <frank@watershedinstitute.biz>
Sent: Friday, May 05, 2017 4:07 PM
To: Whitesell, Alex
Cc: Brock Emmert; Dani Crabb
Subject: Re: New Application - Watershed Lnd Trust Inc

Alex,

Per our conversation today the property is located in:

The northern half of the site is located in Section 30, Township 19 South, Range 24 East and the southern portion is located in Section 31, Township 19 South, Range 24 East. The approximate center of the site is 38.362322 degrees north latitude and -94.797971 degrees west longitude. Appendix B contains property information for each parcel located at the property that TWI obtained from the Linn County Tax Assessor's website (Linn County [LC] 2016).

Let me know if you have any other questions.

Thanks,

Frank L. Austenfeld, J.D.

913-685-4600 Office
913-449-8000 Cell

Place of use
 160 acres in 30-19S -24E

SW	SE	SWSE	SE
SW	SW		SE
40	40	40	40

Dictated directly to my iPad using Siri.

On May 5, 2017, at 1:39 PM, Whitesell, Alex <Alex.Whitesell@ks.gov> wrote:

Frank,

We received a new application and I need the place of use to be defined for the application.

Please fill out the attached recreational use form and return it to me via email.

If you have any questions, please let me know.

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631

My email has changed alex.whitesell@ks.gov

<1-100-25 Recreational use Supp sheet.doc>

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

May 8, 2017

WATERSHED LAND TRUST INC
140 CHERRY HILL DRIVE
BELTON MO 64012

FILE COPY

RE: Application
File No. 49837

Dear Sir or Madam:

Your application for permit to appropriate water in 30-19S-24E in Linn 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 "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

49887

WATERSHED LAND TRUST INC NEW APPLICATION SITE MAP



1:24,000

----- PROPERTY BOUNDARY

● **WATER DIVERSION**
Point of Diversion
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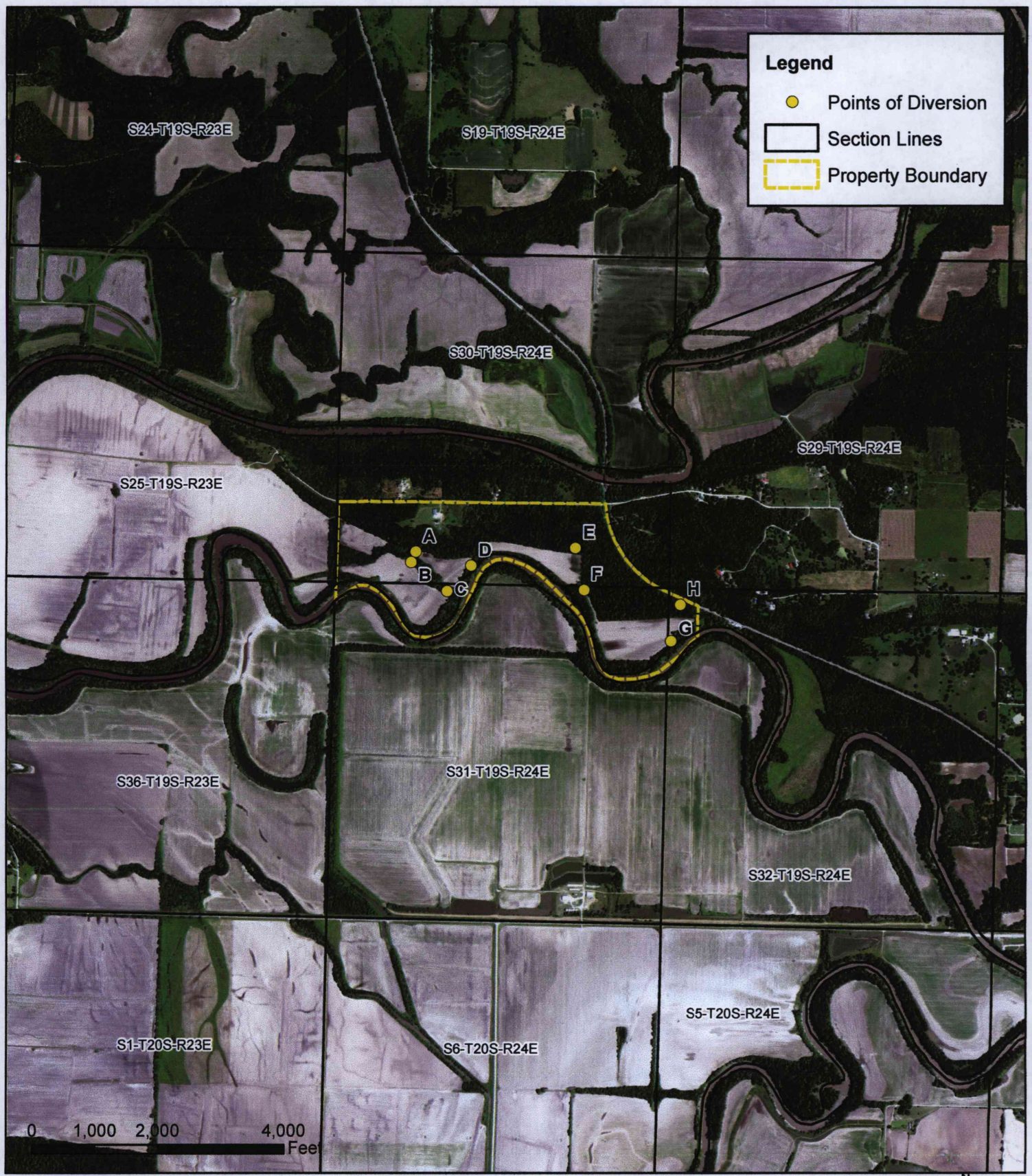
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All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown.

Rach Emmert

See attached landowner and point of diversion map.





Legend

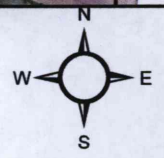
- Points of Diversion
- Section Lines
- Property Boundary

THE **WATERSHED**
INSTITUTE AND LAND TRUST

Figure 1
Points of Diversion Map
WLT ILF MDC Linn County
Linn County, Kansas

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Legend

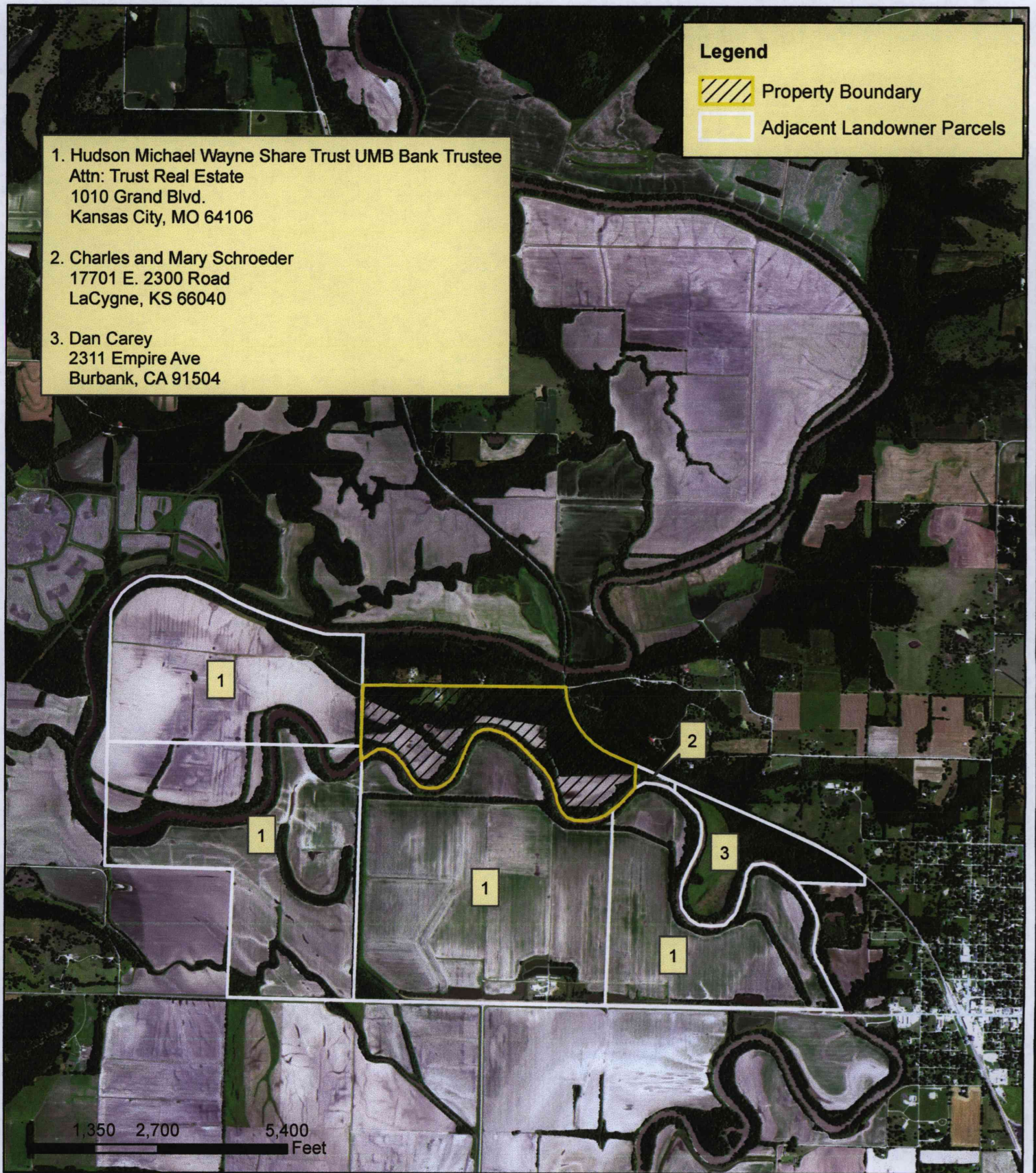


Property Boundary



Adjacent Landowner Parcels

- 1. Hudson Michael Wayne Share Trust UMB Bank Trustee
Attn: Trust Real Estate
1010 Grand Blvd.
Kansas City, MO 64106
- 2. Charles and Mary Schroeder
17701 E. 2300 Road
LaCygne, KS 66040
- 3. Dan Carey
2311 Empire Ave
Burbank, CA 91504



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Figure 2
Adjacent Landowners Map
WLT ILF MDC Linn County
Linn County, Kansas

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