



File No. **49,846**      15. Formation Code:      Drainage Basin: MISSOURI RIVER      County: JO      Special Use:      Stream: TOMAHAWK CREEK (MISSOURI)

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD				SW SE NE	35	13	24E	1	3163	754	1400	320	1400	320	21,290

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

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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

21. Place of Use							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				
√			68382	35	30	22E	1									9.0	12.0	14.5	11.5	6.0		53	7a.	No	*See Below	
√			4405	35	30	22E	1	40.0	40.0	40.0	40.0	17.0		4.0	28.0	5.0	9.5			29.0	27.0		279.5	7a.	No	*See Below
√			68381	35	30	22E	1						34.0	33.0		8.0							75	7a.	No	*See Below

Comments: \*FILE NOS. 49,845; 49,846; 38,409 AND 21,290 WILL ALL OVERLAP IN PLACE OF USE (AFTER CHANGES ON THE SENIOR FILES).  
 PU COMMENT: ST ANDREWS GOLF COURSE

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

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

**TO:** Files

**DATE:** September 14, 2017

**FROM:** Doug Schemm

**RE:** Applications, File Nos. 49,845; 49,846;  
49,847; and 49,848

The City of Overland Park has filed the applications referred to above for permits to appropriate additional water at existing golf courses. This is a significant project, involving both the St. Andrews Golf Course and the Sykes/Lady – Westlinks Golf Courses, and also involving changes on their senior water rights to ensure complete overlaps in the places of use. New Applications, File Nos. 49,845 and 49,846 (and senior Water Right, File Nos. 21,290 and 38,409) are relevant to the St. Andrews Golf Course, while New Applications, File Nos. 49,847 and 49,848 (and senior Water Right, File Nos. 30,406; 38,408; and 40,873) are relevant to the Sykes/Lady – Westlinks Golf Courses. The points of diversion are located on property owned by the applicant, and a representative of the applicant has signed each of the application forms stating they have legal access to all of the points of diversion. The project is located within the Missouri River Drainage Basin.

**ST. ANDREWS GOLF COURSE**

Application, File No. 49,845 is requesting 205 acre-feet of surface water at the rate of natural flows to be stored in three (3) existing reservoirs and to divert 205 acre-feet for irrigation use. This application overlaps in points of diversion and place of use with Water Right, File No. 38,409, and in place of use only with Water Right, File No. 21,290. The dams are located on Tomahawk Creek Trib 2 (Missouri). Runoff computations determined that the drainage area will generate 205 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. Because runoff is a limiting factor, this file will be limited to 205 acre-feet in both storage and direct use with File No. 38,409. File No. 38,409 is authorized 126 acre-feet of storage and 63 acre-feet of direct use quantity, therefore this junior file will provide additional storage of 79 acre-feet, and additional direct use quantity of 142 acre-feet.

Application, File No. 49,846 is requesting 320 acre-feet of surface water at the rate of 1,400 gallons per minute from an existing pump site on Tomahawk Creek, for irrigation use. This application overlaps in point of diversion and place of use with Water Right, File No. 21,290, and in place of use only with Water Right, File No. 38,409. File No. 21,290 is authorized 87 acre-feet of surface water.

The entire place of use is owned by the applicant, and it comprises a total of 407.5 acres. The two senior files combined provide 150 acre-feet of water for direct irrigation use, and the new applications are requesting 462 acre-feet additional for a total combined quantity of 612 acre-feet from all four files. This quantity of water for direct use of 612 acre-feet for irrigation use on 407.5 acres, provides 1.5 acre-feet per acre, which exceeds the maximum allowable of 1.0 acre-feet per acre in Johnson County, Kansas, per K.A.R. 5-3-24. However, maintaining consistency with other golf course projects the need for 1.5 to 2.5 acre-feet of water per acre is common, due to the multiple, special grass varieties, high traffic areas (greens and tees), and the need to keep the grass cut very short during the playing season. Golf course grasses can be considered a "specialty crop", and therefore this additional quantity of water is reasonable and justified.

Other than the applicant's senior files, there is only one other surface water right within a two-mile radius according to the WRIS database. This file (47,019) is for recreational use in a reservoir on a different tributary stream, and would not be impacted in any way by approval of these applications. These three dams were found to be non-jurisdictional for structures permitting.

**SYKES/LADY – WESTLINKS GOLF COURSES**

Application, File No. 49,847 is requesting 356 acre-feet of surface water at the rate of natural flows to be stored in two (2) existing reservoirs and to divert 356 acre-feet for irrigation use. This application overlaps in points of diversion and place of use with Water Right, File Nos. 30,406 and 38,408, and in place of use only with Water Right, File No. 40,873. The dams are located on Indian Creek Trib 2 (Missouri). Runoff computations determined that the drainage area will generate 356 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. Because runoff is a limiting factor, this file will be limited to 356 acre-feet in both storage and direct use with File Nos. 30,406 and 38,408. File No. 30,406 is authorized 67.5 acre-feet of storage and 67.5 acre-feet of direct use quantity, and File No. 38,408 is authorized 86.5 acre-feet of storage and 86.5 acre-feet of direct use quantity, therefore this junior file will provide additional storage of 202 acre-feet, and additional direct use quantity of 202 acre-feet.

Application, File No. 49,848 is requesting 320 acre-feet of surface water at the rate of 1,400 gallons per minute from an existing pump site on Indian Creek, for irrigation use. This application overlaps in point of diversion and place of use with Water Right, File No. 40,873, and in place of use only with Water Right, File Nos. 30,406 and 38,408. File No. 40,873 is authorized 72 acre-feet of surface water. Please note that File No. 49,848 will be limited to 480 acre-feet with the senior files on the place of use, providing 52 acre-feet of additional water.

The entire place of use is owned by the applicant, and it comprises a total of 319 acres. The three senior files combined provide 226 acre-feet of water for direct irrigation use, and the new applications are requesting 254 acre-feet additional water for a total combined quantity of 480 acre-feet from all five files. This quantity of water for direct use of 480 acre-feet for irrigation use on 319 acres, provides 1.5 acre-feet per acre, which exceeds the maximum allowable of 1.0 acre-feet per acre in Johnson County, Kansas, per K.A.R. 5-3-24. However, maintaining consistency with other golf course projects the need for 1.5 to 2.5 acre-feet of water per acre is common, due to the multiple, special grass varieties, high traffic areas (greens and tees), and the need to keep the grass cut very short during the playing season. Golf course grasses can be considered a "specialty crop", and therefore this additional quantity of water is reasonable and justified.

As indicated by the site maps, there is extensive housing development surrounding all these golf courses. Therefore, the applicant, due to the difficulty in identifying the adjacent landowners upstream and downstream located within one half mile of the property lines, agreed that notification of landowners would best be done by publication of a public notice. Proof of publication was provided via an affidavit of publication. No responses of any kind were received.

For File Nos. 49,848 and 40,783 (pump site) there are several surface water pump sites located downstream on Indian Creek, which also divert water for irrigation use at another golf course (Brookridge Golf and Country Club). The nearest downstream pump site is over 4,400 feet away, and no senior water rights will be impaired with approval of this application. These two dams are already permitted under structures program file Nos. DJO-104 (South Dam) and DJO-105 (North Dam).

Per K.A.R. 5-3-15, because the sources of water for File Nos. 49,846 and 49,848 are ultimately tributaries to the Missouri River, these applications are not subject to specific permitting conditions regarding direct surface water diversion. However, the approvals cannot prejudicially or unreasonably affect the public interest, and the stream flow cannot be stopped at the first riffle below the point of diversion.

As allowed by K.S.A. 82a-706(c) approved water flow meters shall be installed on all of the proposed diversion works for these files. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

In a September 13, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new applications should be approved in conjunction with the changes on the senior water rights. Based on the above discussion, that this area is open to new appropriations, the proposed appropriations of water are reasonable, the applications comply with rules and regulations, and no senior rights will not be impacted, it is recommended that the referenced new applications be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office



**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. 49,846** of the applicant

**CITY OF OVERLAND PARK  
 GOLF COURSE SUPT  
 8500 SANTA FE DR  
 OVERLAND PARK KS 66212-2866**

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 **May 24, 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	
34 13S 24E											9.0	12.0	14.5	11.5	6.0		53.0
35 13S 24E	40.0	40.0	40.0	40.0	17.0		4.0	28.0	5.0	9.5			29.0	27.0			279.5
36 13S 24E						34.0	33.0			8.0							75.0

3. That the authorized source from which the appropriation shall be made is surface water from Tomahawk Creek (Missouri) to be diverted at a point located in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW¼ SE¼ NE¼) of Section 35, more particularly described as being near a point 3,163 feet North and 754 feet West of the Southeast corner of said section, in Township 13 South, Range 24 East, Johnson 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 **1,400 gallons per minute (3.12 c.f.s.)** and to a quantity not to exceed **320 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 an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance 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).

13. 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.

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

15. 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.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

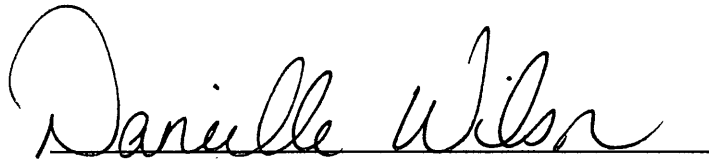
### CERTIFICATE OF SERVICE

On this 17<sup>th</sup> day of October, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,846, dated October 11, 2017 was mailed postage prepaid, first class, US mail to the following:

CITY OF OVERLAND PARK  
GOLF COURSE SUPT  
8500 SANTA FE DR  
OVERLAND PARK KS 66212-2866

With photocopies to:

Topeka Field Office

A handwritten signature in cursive script that reads "Danielle Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

*[Faint, illegible text or stamp]*



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.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 11<sup>th</sup> day of October, 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 11<sup>th</sup> day of October, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*

Notary Public

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

October 17, 2017

CITY OF OVERLAND PARK  
% DOUG MELCHIOR - SUPERINTENDENT  
8500 SANTA FE DR  
OVERLAND PARK KS 66212-2866

**FILE COPY**

Re: Appropriation of Water, File Nos. 49,845; 49,846; 49,847; and 49,848

Dear Mr. Melchior:

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

APPLICATION COMPLETE

9/15/2017

Reviewer DWS

THE STATE



OF KANSAS

St Andrews  
New Application on  
Existing Pump Site

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49846  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

MAY 24 2017  
11:15

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.)

KS DEPT OF AGRICULTURE

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): CITY OF OVERLAND PARK %GOLF COURSE SUPT.  
Address: 8500 SANTA FE DR  
City: OVERLAND PARK State: KS Zip Code: 66212-2866  
Telephone Number: (913) 238-9889

2. The source of water is:  surface water in TOMAHAWK CREEK (MISSOURI) #473  
(stream)  
OR  groundwater in \_\_\_\_\_  
(drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 320 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 1,400 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 0 Meets K.A.R. 5-3-1 (YES/NO) Use FREE Source G/S County Jo By AW Date 5/24/17  
Code REG RE2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 5/24/17 Check # CC

SCANNED

5/25/2017 ULM

\* Revised feet Distances per Compliance Investigation

For senior file # 21,290. DWS/DWR 8/29/17.

File No. 49,846

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 SE quarter of the NE quarter of Section 35, more particularly described as being near a point 2,400 feet North and 830 feet West of the Southeast corner of said section, in Township 13 South, Range 24 EAST, JOHNSON County, Kansas.   
 \* 3163 \* 754 \*
- (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 May 15, 2017.

*By Tony Cook, Dir Recreation Services*  
*City of Overland Park*  
Applicant's Signature

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

and (was) 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 Summer 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 \_\_\_\_\_

• 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 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.

PD and PU overlap with File No. 21,290; PU overlap with File No. 38,409. Applicant pumps water from Tomahawk Creek into off-stream storage reservoirs and rediverts for irrigation use at the golf course.

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):

\_\_\_\_\_

(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 Overland Park, Kansas, this 15 day of May, 2017  
(month) (year)

City of Overland Park  
(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By Tony Cosby Div. Recreation Services  
(Agent or Officer Signature)

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

Tony Cosby  
(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 3/6/2017  
(office/title)

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KS DEPT OF AGRICULTURE

49846

### IRRIGATION USE SUPPLEMENTAL SHEET

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

Name of Applicant (Please Print): CITY OF OVERLAND PARK

- 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: CITY OF OVERLAND PARK

ADDRESS: 8500 SANTA FE DR, OVERLAND PARK, KS 66212-2866

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34	13	24E											9	12	14.5	11.5	6		53
35	13	24E	40	40	40	40	17		4	28	5	9.5			29	27			279.5
36	13	24E						34	33			8							75

**TOTAL = 407.5**

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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

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

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

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

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

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

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

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

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

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

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

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

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

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

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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



# 49,846  
MO  
MO

DIVISION OF WATER RESOURCES - KANSAS DEPARTMENT OF AGRICULTURE  
COMPLIANCE INVESTIGATION

Field Office No. 01 G.M.D. No. \_\_\_\_\_ County JOHNSON

File No. 21290 Overlap P/U File No(s). 38409

Agency DWR Inspector SMITH

In Compliance/ Date	
<input type="checkbox"/> Yes	_____
<input checked="" type="checkbox"/> No, see comments	<u>3/16/17</u>
<input type="checkbox"/> Re-investigation	_____

Reason:  New Application  Regular P/D Change  P/U Change  
 Meter Installed  Short Move P/D Change  Other MO MO

Date of Order 6/1/16 Date of N of C Ack \_\_\_\_\_ Chg No. C \_\_\_\_\_ Date completed \_\_\_\_\_ If PD chg, old PD ID \_\_\_\_\_

Current Landowner CITY OF OVERLAND PARK Phone No. \_\_\_\_\_

GOLF COURSE SUPT

Address 8500 SANTA FE DR, OVERLAND PARK KS 66212-2866

Additional landowners and addresses identified in remarks section.

Water Use Correspondent GOLF COURSE SUPT Phone No. DOUG MELCHIOR 913-897-3805

Authorized Water Use Classification:  Domestic  Industrial  Irrigation  Municipal  Hydraulic Dredging  
 Recreation  Stockwatering  Water Power  Artificial Recharge  Contamination Remediation  
 Dewatering  Fire Protection  Thermal Exchange  Sediment Control  Other \_\_\_\_\_

Water currently being used for IRRIGATION

Source:  Groundwater  Surface Water Basin/Stream TOMAHAWK CREEK (MISSOURI)

Authorized Point of Diversion: SW SE NE Sec. 35, T. 13S, R. 24E ID No. 1

Approximately 3100 ft. North and 830 ft. West of SE corner of Sec 35.

Actual Point of Diversion: SW SE NE Sec. 35, T. 13S, R. 24E

Approximately 3163 ft. North and 754 ft. West of SE corner of Sec 35.

How were distances determined? GPS Latitude 38.877811 Longitude -94.70762

Distance from old pd \_\_\_\_\_ ft (N / S) and \_\_\_\_\_ ft (E / W) Old well: plugged  capped  equipped  other: \_\_\_\_\_?

Location (site) map attached? Y / N  Sketch or Map below

Comments: METER HAS NO SEAL. PU IS NOT AUTHORIZED. IT WILL BE FIXED WITH APPROVAL OF NEW APPLICATIONS.

THIS PUMPSITE FILLS THE RESERVIOR FOR IRRIGATION.

*Katherine G. Litsout 3/23/17*

### 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

WATER RESOURCES  
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MAY 24 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

May 24, 2017

CITY OF OVERLAND PARK %GOLF COURSE SUPT.  
8500 SANTA FE DR  
OVERLAND PARK KS 66212

**FILE COPY**

RE: Application  
File No. 49846

Dear Sir or Madam:

Your application for permit to appropriate water in 35-13S-24E in Johnson 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,

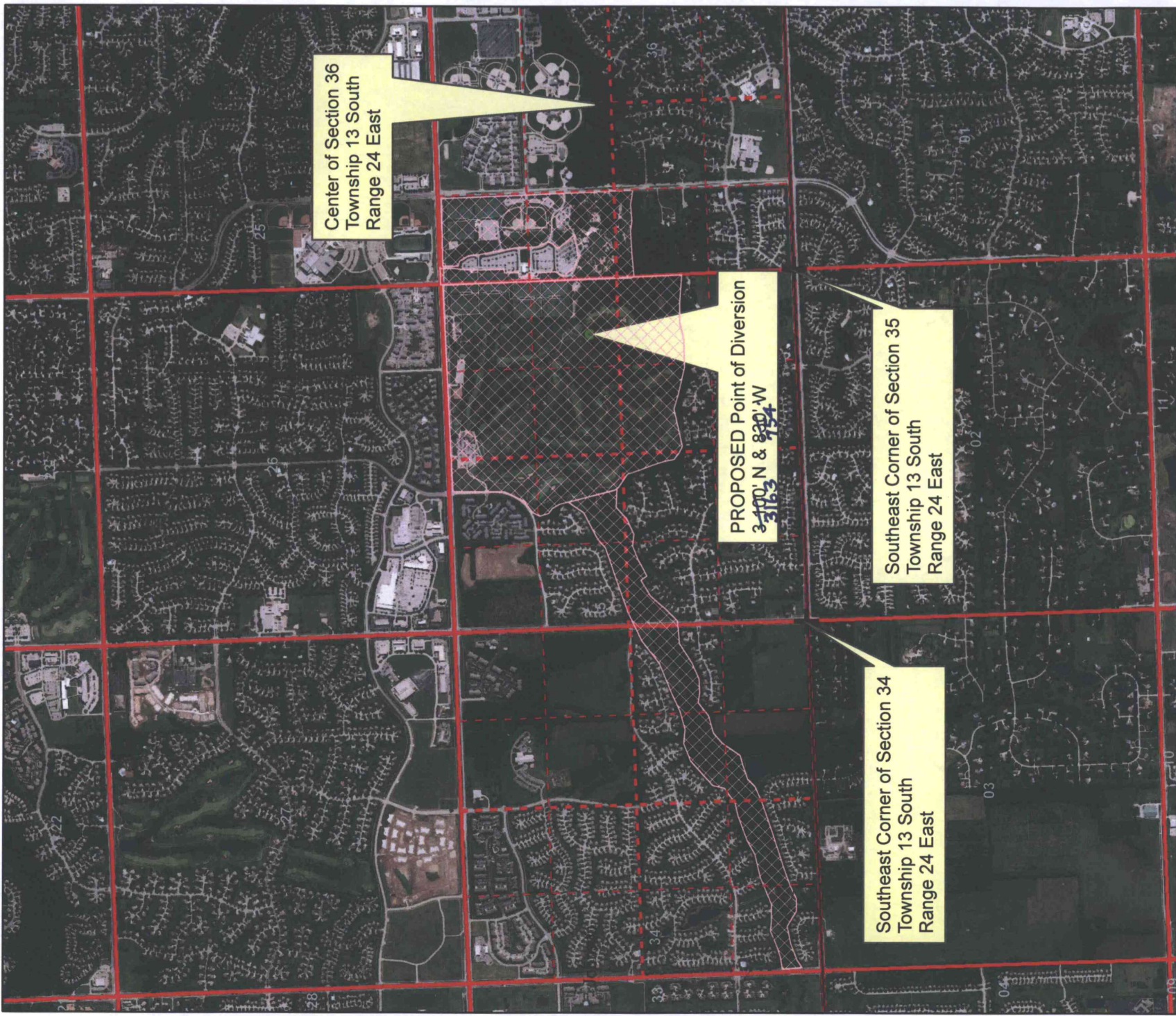
Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED

49846

NEW APPLICATION SITE MAP  
(EXISTING PUMP SITE)  
ST ANDREWS GOLF COURSE



- Proposed Point of Diversion
- ▨ Proposed Place of Use

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1:24,000  
MAY 24 2017

Requesting to do a Public Notice, due to large number of upstream and downstream landowners within 1/2 mile. **SCANNED**

KS DEPT OF AGRICULTURE

*City of Cleveland Park  
Tony Cook Dir. Recreation Services*