

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 49873
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

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**

JUL 17 2017

1:24

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

1. Name of Applicant (Please Print): NORMA ROCKERS
Address: 29645 NW MARYLAND RD
City: GARNETT State KS Zip Code 66032
Telephone Number: (785) 448-8639

2. The source of water is: surface water in Pottawatomie Creek Trib 12B
(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 Storage: 234 AF / Direct Use: 164 AF acre-feet per calendar year,
to be diverted at a maximum rate of Storage: All Nat Flows / Re-diversion: 1500 gallons per minute.

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.	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use <u>IRR</u>	Source <u>G/S</u>	County <u>AW</u>
Code	<u>000</u>	<u>125</u>	Fee \$	<u>300</u>	TR #	Receipt Date	<u>7/17/17</u>
						Check #	<u>1620</u>
							Date <u>7/17/17</u>

7/19/2017 LLM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NW quarter of the NW quarter of the NW quarter of Section 10, more particularly described as being near a point 4911 feet North and 5075 feet West of the Southeast corner of said section, in Township 20 South, Range 19 East, Anderson 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):

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 July 12, 2017. Norma Lockers
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of one dam

 (number of wells, pumps or dams, etc.)

and was completed (by) February 9, 2014

 (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 Upon approval.

 (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 _____

• If no, explain here why a Water Structures permit is not required _____

This existing structure will be reviewed by the DWR Water Structures Program to determine whether additional permitting is 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.

File Number 47,225 overlaps the same place of use (with PU change).

File Number 48,516 which overlaps the same point of diversion and place of use will be dismissed upon approval of this application.

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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 & tenant
(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):

Merle F & Helen Rockers 29662 NW Iowa Rd Garnett, KS 66032
(name, address and telephone number)

Clara C Rockers Trust 22284 NW 2050 RD Garnett, KS 66032
(name, address and telephone number)

Carol Askins-Beller 104 S Maple Garnett, KS 66032
(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 Garnett, Kansas, this 12 day of July, 2017.
(month) (year)

Norma Rockers
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Lloyd Hemphill TFO/ESII Date: 4/17/17
(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

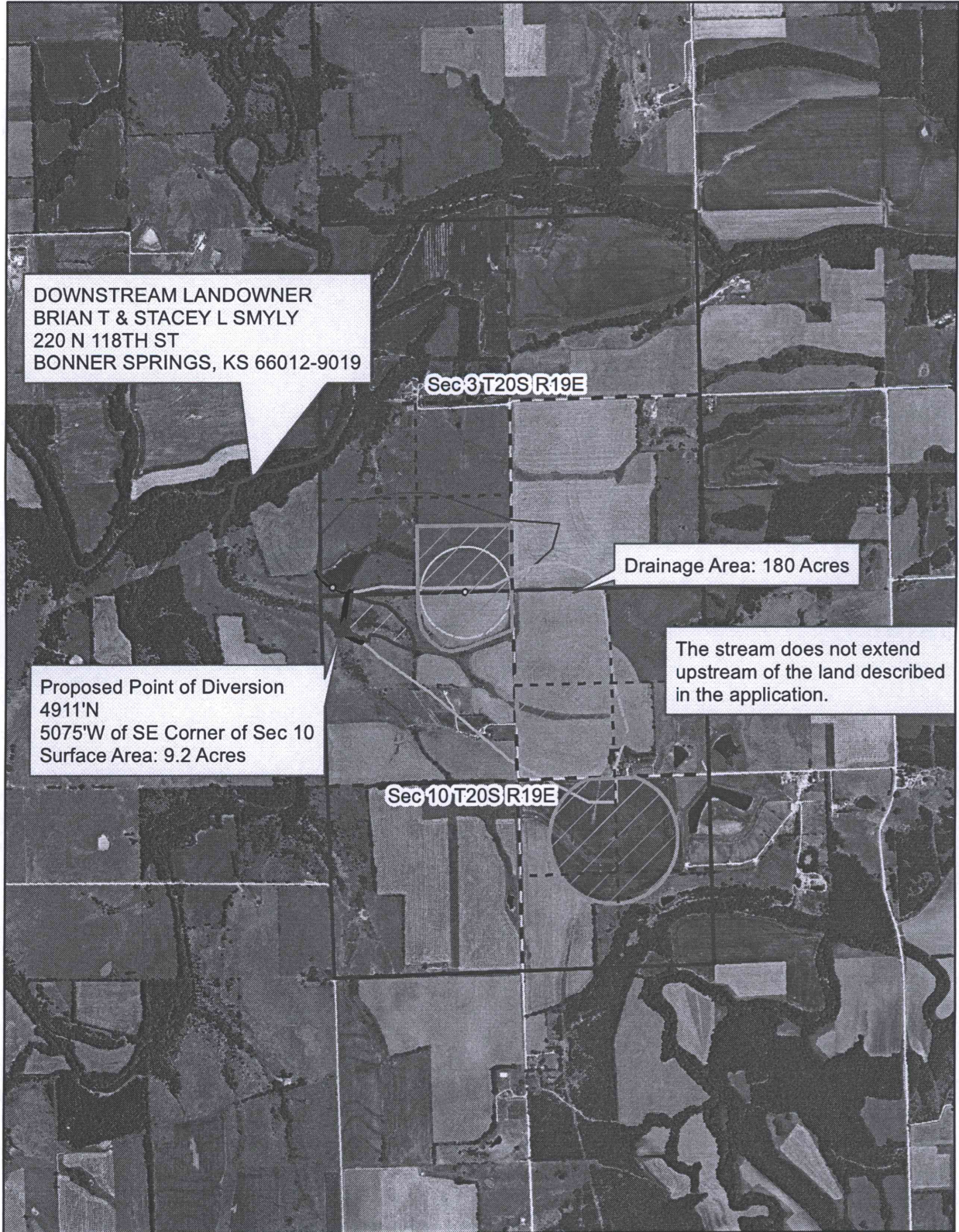
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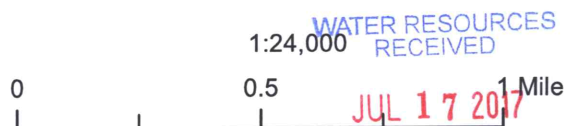
New Application Site Map- Rockers

49873



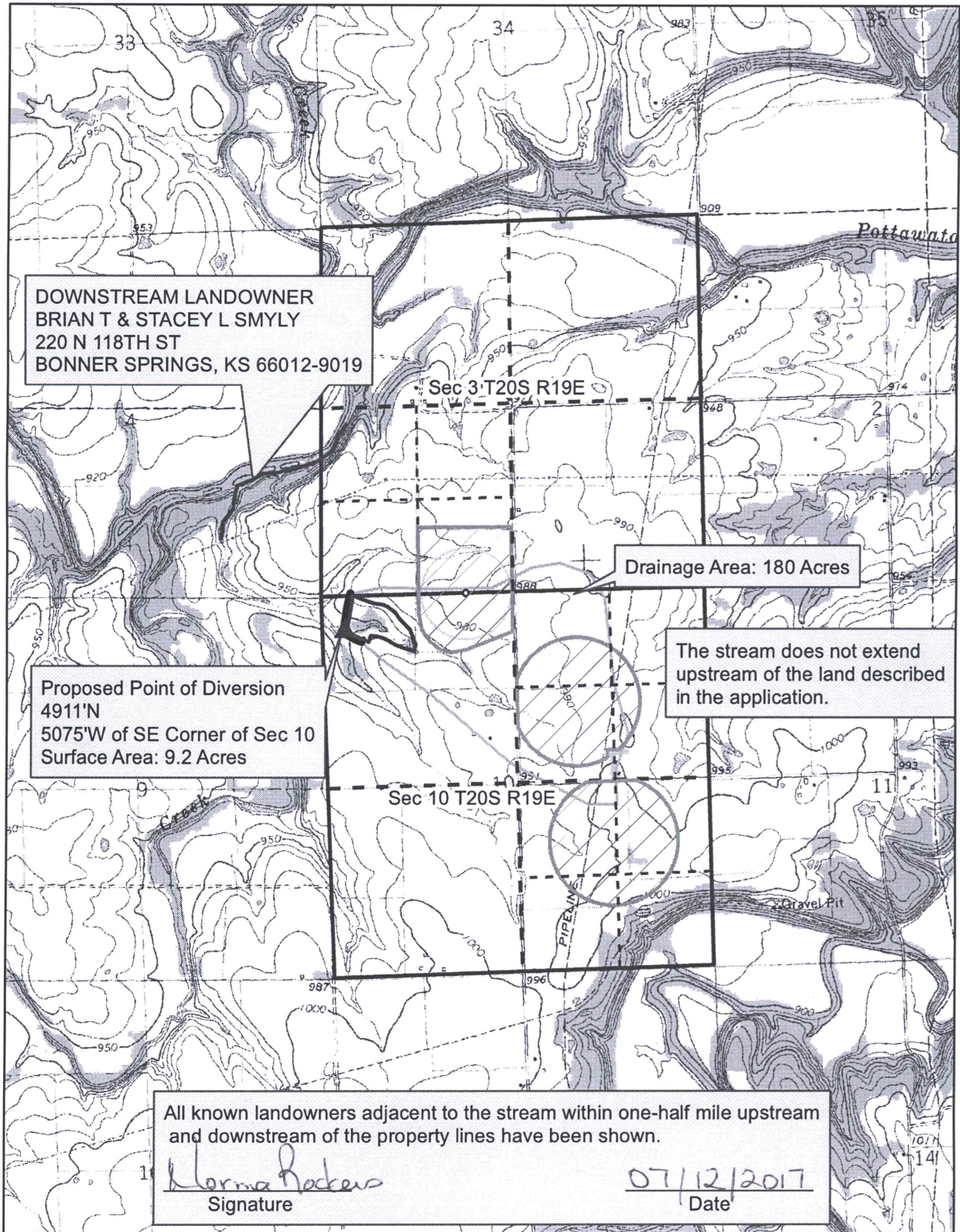
 Proposed Place of Use (164 ac.)


Map prepared by LHH/TFO 4-17-17

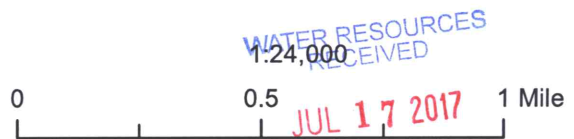


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New Application Site Map- Rockers



 Proposed Place of Use (164 ac.)
Map prepared by LHH/TFO 4-17-17



KS DEPT OF AGRICULTURE

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49873

Name of Applicant (Please Print): Norma Rockers

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: MERLE F & HELEN ROCKERS Living Trust

ADDRESS: 29662 NW IOWA RD GARNETT KS 66032

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
10	20S	19E	3	18	29	7											5	24	5	1.5	92.5

Landowner of Record NAME: CLARA C ROCKERS TRUST

ADDRESS: 22284 NW 2050 RD GARNETT KS 66032

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
10	20S	19E															18			3.5	21.5

Landowner of Record NAME: ROGER & NORMA ROCKERS LIVING TR

ADDRESS: 29645 NW MARYLAND RD GARNETT KS 66032

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
10	20S	19E					22														22

Landowner of Record NAME: CAROL ASKINS - BELLER

ADDRESS: 104 S MAPLE GARNETT 66032

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
3	20S	19E																			28

Total Acres: 164 ac.

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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:

Corn, Soybeans

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.

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Attachment A

Storage Quantity Justification

Estimated Capacity = 64 acre-feet

One Year Direct Use = 164 acre-feet

One Year Evaporation = 7 inches/year X 9.2 acres = 5.4 acre-feet

Total Storage Requested = 64 AF + 164 AF + 5.4 AF = **233.4 acre-feet**

Potential Annual Runoff, 20% Chance

Normal Annual Precipitation = 39 inches

Soil Complex Number = 78

Runoff/Acre = 19 inches

Acres in Drainage Basin: 180 acres

Potential Runoff = **285 AF**

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Area-Capacity Reservoir in NW 1/4 of Sec 10 T20S R19E			
Elevation	Area (Acres)	Incremental Volume (AF)	Cumulative Volume (AF)
941.7			
943	0.02	0.02	0.02
945	0.30	0.6	0.6
947	0.93	1.9	2.5
949	1.47	2.9	5.4
951	2.02	4.0	9.5
953	2.59	5.2	14.6
955	3.37	6.7	21.4
957	4.39	8.8	30.2
959	5.94	11.9	42.0
961	8.25	16.5	58.5
961.6	9.17	5.5	64.0
<p>*This area-capacity table was derived by LHH/DWR-TFO solely for the purpose of estimating reservoir storage volume to be requested on the Water Appropriation application. Further information may be requested by the DWR Water Structures Program to determine additional Structures permit requirements.</p>			
<p>*Elevation data was approximated with 2013 (pre-construction) lidar data.</p>			
<p>*The maximum pool elevation was based on the surface area seen on 2015 NAIP aerial imagery.</p>			
<p>*The pool side of the dam was assumed to have a 1:2 slope (for estimation only).</p>			
<p>*The dam height, normal pool elevation, and emergency spillway elevation were not known at the time this table was prepared.</p>			

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KS DEPT OF AGRICULTURE

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

****NOTE: This dismissal is contingent upon approval of a pending application covering the same point of diversion and related place of use that will replace this permit. -LHH/TFO****

To: Kansas Department of Agriculture
Division of Water Resources (DWR)
1320 Research Park Drive
Manhattan, Kansas 66502
<http://agriculture.ks.gov/dwr>

Re: Appropriation of Water
Water Right
Vested Right
Term Permit
(Check Appropriate Box Above)
File No. 48,516

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

The signature(s) below represent all present owners (or an authorized agent) for the file number shown above (attach duplicate copies of this document as necessary).

The signature(s) below also indicate(s) a waiver of any right to a hearing or an appeal that I/we may have had regarding the dismissal and termination of the above referenced file. I/we recognize that if this closure request is submitted to the Division of Water Resources, it will terminate this water right and forfeit any priority associated with it forever.

Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

Merle Rockers TRUSTEE
(Signature of Owner or Authorized Agent)

Helen Rockers
(Signature of Spouse or Title of Authorized Agent)

Merle Rockers
(Please print name here)

Helen Rockers
(Please print name here)

29662 NW Iowa Rd
(Mailing Address)

29662 NW Iowa Rd
(Mailing Address)

Garnett KS 66032
(City, State, Zip)

Garnett KS 66032
(City, State, Zip)

ACKNOWLEDGMENT

State of Kansas)
County of Anderson)

This instrument was acknowledged before me this 17th day of July, 2017 by
(owners:) Merle Rockers & Helen Rockers

(Seal) DONNA SUE SAYERS
Notary Public - State of Kansas
My Appt. Expires 9-5-18

Donna Sue Sayers
Notary Public

My appointment expires: 9.5.18

WATER RESOURCES
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DWR Initials

JUL 17 2017

VOLUNTARY WAIVER OF HEARING & DISMISSAL OF WATER RIGHT

****NOTE: This dismissal is contingent upon approval of a pending application covering the same point of diversion and related place of use that will replace this permit. -LHH/TFO****

To: Kansas Department of Agriculture
 Division of Water Resources (DWR)
 1320 Research Park Drive
 Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

WATER RESOURCES
 RECEIVED Re:

JUL 17 2017

KS DEPT OF AGRICULTURE

Appropriation of Water
 Water Right
 Vested Right
 Term Permit
(Check Appropriate Box Above)
 File No. 48,516

The undersigned owner(s) and/or authorized agent(s) of the above referenced water right, or permit, freely and voluntarily request that the file be dismissed and its priority forfeited. By signing this waiver, I am indicating my understanding and agreement that I am relinquishing all right, title and interest in said water right.

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Indicate here if you wish to retain the well(s) for domestic use (DWR water right not required):

Cara Rockers trustee
(Signature of Owner or Authorized Agent)

(Signature of Spouse or Title of Authorized Agent)

Cara Rockers trustee
(Please print name here)

(Please print name here)

22284 NW 7050rd
(Mailing Address)

(Mailing Address)

Garnett, KS 66032
(City, State, Zip)

(City, State, Zip)

ACKNOWLEDGMENT

State of Kansas)
 County of Andover)

This instrument was acknowledged before me this 13th day of July, 2017 by
 (owners:) Cara Rockers trustee
 (Seal)

Donna A. Bowman
 Notary Public

My appointment expires: 7-28-18

 **Donna A. Bowman**
 Notary Public - State of Kansas
 My appt. Expires 7-28-18

 DWR Initials

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

July 18, 2017

FILE COPY

NORMA ROCKERS
29645 NW MARYLAND RD
GARNETT KS 66032

RE: Application
File No. 49873

Dear Sir or Madam:

Your application for permit to appropriate water in 10-20S-19E in Anderson 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