

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

1. File Number: <p style="text-align: center; font-size: 1.2em;"><b>50,086</b></p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;"><i>10/2/2018</i></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;"><b>01</b></p>	4. GMD: <p style="text-align: center; font-size: 1.2em;"><b>0</b></p>
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5. Status:     Approved     Denied by DWR/GMD     Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve     N of C Form     Water Tube     Driller Copy     Meter

<p>7a. Applicant(s)    Person ID <b>55099</b> New to system <input type="checkbox"/>    Add Seq# _____</p> <p><b>T &amp; C WILDLIFE LLC TIM SPEHR - OPERATIONS MANAGER 2461 ARROWHEAD RD ARCADIA KS 66711-9101</b></p>	<p>7c. Landowner(s)    Person ID _____</p>
<p>7b. Landowner(s)    Person ID <b>65680</b> New to system <input type="checkbox"/>    Add Seq# _____</p> <p><b>NOTCH 8 LLC 315 WEST THIRD ST PITTSBURG KS 66762</b></p>	<p>7e. Landowner(s)    Person ID _____</p>

<p>8. WUR Correspondent    Person ID _____ New to system <input type="checkbox"/>    Add Seq# _____ Overlap File (s) WUC    Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>7a.</b></p>	<p>9. Use of Water:    Changing?    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater    <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR    <input checked="" type="checkbox"/> REC    <input type="checkbox"/> DEW    <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK    <input type="checkbox"/> SED    <input type="checkbox"/> DOM    <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG    <input type="checkbox"/> WTR PWR    <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____    <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2019    11. Perfection Date: 12/31/2023    12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

Date Prepared: **9/17/18**    By: **DWS**  
Date Entered: *10/2/2018*    By: *UM*

File No. **50,086**      15. Formation Code:      Drainage Basin: **MARMATON RIVER**    County: **BB**      Special Use:      Stream: **WEST FORK DRY WOOD CREEK (MARMATON)**

16. Points of Diversion											
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	
√				<b>86873</b>	<b>NW NW SW</b>	<b>15</b>	<b>27</b>	<b>25E</b>	<b>1</b>	<b>2030</b>	<b>4700</b>

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>3000</b>	<b>100</b>	<b>3000</b>	<b>100</b>	<b>NONE</b>

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 **12/31/2019**    Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? YES	Overlap Files					
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
√			<b>68977</b>	<b>15</b>	<b>27</b>	<b>25E</b>	<b>1</b>	<b>WATERFOWL MARSH (SE NW) &amp; (SW)</b>																					<b>7b</b>	<b>YES</b>	<b>NONE</b>

Comments: **special conditions**

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

**TO:** Files

**DATE:** September 17, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 50,086

T & C Wildlife LLC has filed the application referred to above proposing to appropriate 100 acre-feet of surface water at a diversion rate of 3,000 gallons per minute from one pump site located on West Fork Dry Wood Creek, in the Marmaton River Basin, for recreational use in a waterfowl marsh. This application will allow water to be pumped directly from the creek (when flows are adequate and permission is granted). The water will be used to fill and maintain water levels in this marsh (i.e. offset evaporative and seepage losses). This is a proposed new marsh and there are no overlapping files in point of diversion or place of use. The marsh is located in the west half of Section 15, Township 27 South, Range 25 East, Bourbon County. The marsh is located on property owned by Notch 8 LLC, the application was signed by Tim Spehr, acting as their agent, stating they have access to the point of diversion. The quantity requested on the new application was based on a total marsh area of 100 acres, filling it with 1 foot of water.

A list of nearby landowners was provided, and notification letters were sent out on August 22, 2018. A telephone call was received from downstream landowner (Larry Shead). He did not express any specific concerns, but noted that he might pump water from this creek for cattle in the future. However, Mr. Shead is not using the creek for domestic use at this time.

This approval will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R. 5-3-15 (c)(5) because the proposed use of water for recreational use is typically during the fall season, and there is no need for direct diversion of water from July 1 through September 30.

There are several existing recreational users within the two-mile radius circle, however there are no other direct diversions from West Fork Dry Wood Creek in this area. With proper conditioning, no senior water rights will be impaired. These recreational users have operated in this area for many years, and they are well aware of how these systems are managed.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. The applicant has applied for a permit from the DWR Structures Program for levee construction (floodplain fill). The structures permit number is LBB-0067, and these permits will be issued together.

In a September 13, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, gave a recommendation that the application be approved. Based on the above discussion, the area remains open to new appropriations, the approval is subject to specific conditions relative to direct surface water diversions, diversion is limited to fall "off-season" pumping, the project will be properly permitted by structures program, and there is no indication that existing water rights will be impaired, it is recommended that the referenced application be approved, in conjunction with required structures permitting.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

T & C WILDLIFE LLC  
TIM SPEHR - OPERATIONS MANAGER  
2461 ARROWHEAD RD  
ARCADIA KS 66711-9101

October 8, 2018

RE: Appropriation of Water, File No. 50,086

Dear Mr. Spehr:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents with **specific reference to Paragraph Nos. 19 and 20 requiring you to obtain permission prior to diverting water.** A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office  
Notch 8 LLC



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. 50,086** of the applicant

**T & C WILDLIFE LLC  
TIM SPEHR - OPERATIONS MANAGER  
2461 ARROWHEAD RD  
ARCADIA KS 66711-9101**

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 **July 5, 2018**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$ ), and the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 15, in Township 27 South, Range 25 East, Bourbon County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from West Fork Dry Wood Creek (Marmaton), to be diverted at one (1) pump site located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 15, more particularly described as being near a point 2,030 feet North and 4,700 feet West of the Southeast corner of said section, in Township 27 South, Range 25 East, Bourbon 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 **3,000 gallons per minute (6.68 c.f.s.)** and to a quantity not to exceed **100 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, 2019** 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, 2023** 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 with the 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 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.

17. That diversion of natural flow shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

18. 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.

19. That during the period October 1 through June 30, the verbal or written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, shall be obtained in order to divert water each time the applicant desires to divert water.

20. That during the period July 1 through September 30 each calendar year, no direct diversions of surface water shall be permitted unless written permission is obtained from the Chief Engineer, or the Chief Engineer's authorized representative.

#### **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.





THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 500810

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

Water Resources  
Received

APPLICATION COMPLETE  
9/13/18  
Reviewer KAB/DWS

**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.)

JUL 05 2018  
12:30  
KS Dept Of Agriculture

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): T & C Wildlife LLC  
Address: Tim Spehr - Operations Manager, 2461 Arrowhead Rd  
City: Arcadia State KS Zip Code 66711  
Telephone Number: (620) 638-4300

2. The source of water is:  surface water in West Fork Drywood Creek # 24  
(stream)  
OR  groundwater in Marmaton River  
(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 100 acre-feet OR \_\_\_\_\_ gallons per calendar year,  
to be diverted at a maximum rate of 3000 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.	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-3-1 (YES / NO)	Use	<u>REC</u>	Source	<u>G/S</u>	County	<u>BB</u>	By	<u>AWJ</u>	Date	<u>7/5/18</u>
Code	<u>REG</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>7/5/18</u>	Check #	<u>1337</u>					

SCANNED

7/9/18 DAW

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 SW quarter of Section 15, more particularly described as being near a point 2030 feet North and 4700 feet West of the Southeast corner of said section, in Township 27 South, Range 25 East, Bourbon 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.

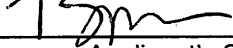
6. The owner of the point of diversion, if other than the applicant is (please print):

Notch 8 LLC, Attn: Dan Smith, 315 West Third St, Pittsburg, KS 66762  
(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 7.3, 2018   
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 pumpsite and marsh complex  
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Oct. 1, 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 Oct. 1, 2018  
(Mo/Day/Year)

Water Resources  
Received

JUL 05 2018

SCANNED

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 In process of attaining necessary permitting through DWR-Structures

9-13-18  
KAS/DWR

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Note: The applicant is also to be the Water Use Correspondent)

Water Resources  
Received

JUL 05 2018

KS Dept Of Agriculture

SCANNED

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

Agent  
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Notch 8 LLC, Attn: Dan Smith, 315 West Third St, Pittsburg, KS 66762  
(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 Arcadia, Kansas, this 3 day of July, 2018.  
(month) (year)

  
\_\_\_\_\_  
(Applicant Signature)

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

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

Assisted by Caleb Fabrycky TFO - Parsons Date: 7/2/18  
(office/title)

Water Resources  
Received  
JUL 05 2018

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

File No. 500810

Name of Applicant (Please Print): T & C Wildlife (Tim Spehr - Ops Mngr)

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): Marsh complex for waterfowl hunting, habitat, etc

2. Please summarize how the water will be used and justify the quantity of water requested: 100 acre marsh complex at 1 foot average depth = 100 AF

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

<b>ESTIMATED FUTURE WATER DIVERTED/STORED</b>	
<b>NEXT 5 YEARS</b>	<b>WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)</b>
Year 1	100 AF
Year 2	100 AF
Year 3	100 AF
Year 4	100 AF
Year 5	100 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.

Marsh complex in the Southeast Quarter of the Northwest Quarter (SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) and the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 15, Township 27 South, Range 25 East, Bourbon County, KS.

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

Water Resources  
Received

JUL 05 2018

#50,086

LBB-67

WSI Query: WSI, ENG, WSI, TRANSACTIONS, WATER RIGHTS, LOCATIONS, WAIVERS, ECA, ITRAIL, COMPLIANCE, IMAGES, WSI ACTIONS

STRUCTURE NUMBER: BB 0057 Ws Id: 40704 LAST# 67

APPLICATION: App Recd Date: 07-02-2018

INDICATORS: Pending Complete:

REVIEWER: INT: JAD

CURRENT STATUS: Permt: AD

Project Activity: AIF FLOODWAY FILL

App Mod:

File Location: JAD

Compliance:

Site Name: DUCK MARSH

Pending Mod:

Permt: PENDING APP

Stream: SOUTH FORK DRYWOOD CREEK-TR

After the Fact:

General Permits:

KDOT Type:

Lease Ind:

APPLICANT: LAST: T & C WILDLIFE FIRST:

OWNER: LAST: NOTCH 8 LLC FIRST:

DESIGNER: LAST: AG ENGINEERING ASSOCIATES FIRST:

Const Camp Date: ODA 45851

Remarks: PERMS FOR DUCK MARSH

App Proc Time: DWR 42 Total 70

Location:

Pub Date:

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

ACTIONS LOCATION ECA FEE ITRAIL LEGAL WAIVER WVR IMAGE CMP MODIFICATION TAXED AFF ND

Date	Action	Decode	Deadline	Remarks
08-07-2018	INFORMATION RECEIVED			DESIGN REC
09-07-2018	INFORMATION RECEIVED			HYDRAULIC
09-07-2018	APPLICATION PROCESSING RESUMED			MOOEL REC

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50086 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50086 00 REC

Water Right and Points of Diversion Within 2.00 miles of point defined as:

2030 Feet North and 4700 Feet West of the Southeast Corner of Section 15 T 27S R 25E

SURFACE WATER ONLY

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File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 44416 00 REC NK S      7719 -- SW SW SE   195 2530 21 27 25E 1      .00      .00 AF
A__ 46648 00 REC NK S      8439 -- NW NW NE  4846 2312 10 27 25E 1      .00      .00 AF
A__ 47018 00 REC NK S     10097 -- SW NE SW  1500 3570  3 27 25E 1      .00      .00 AF
A__ 47175 00 REC NK S     10435 -- SW SW SW   532 4910  2 27 25E 2      .00      .00 AF
A__ 47767 00 REC KK S     10432 -- NW NE SE  2074  973 11 27 25E 6      36.00    36.00 AF
A__ 50086 00 REC AY S         0 -- NW NW SW  2030 4700 15 27 25E 1     100.00   100.00 AF
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Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      100.00        .00
Total Permitted Amount (AF) =       36.00        .00
Total Inspected Amount (AF) =         .00        .00
Total Pro_Cert Amount (AF) =         .00        .00
Total Certified Amount (AF) =         .00       12.05
Total Vested Amount (AF) =          .00        .00
TOTAL AMOUNT (AF) =       136.00       12.05
=====

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An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2030 Feet North and 4700 Feet West of the Southeast Corner of Section 15 T 27S R 25E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number   Use ST SR
A__ 44416 00 REC NK S
> T & C WILDLIFE LLC
> TIM SPEHR - OPERATIONS MANAGER
> 2461 ARROWHEAD RD
> ARCADIA KS 66711
>-----
A__ 46648 00 REC NK S
> PHOENIX COAL CO
> 525 S WILSON
> PO BOX 498
> VINITA OK 74301
>-----
A__ 47018 00 REC NK S
> PHOENIX COAL CO
> 525 S WILSON
> PO BOX 498
> VINITA OK 74301
>-----

```

A\_\_ 47175 00 REC NK S

- > PHOENIX COAL CO
- > 525 S WILSON
- > PO BOX 498
- > VINITA OK 74301

>-----

A\_\_ 47767 00 REC KK S

- > T & C WILDLIFE LLC
- > TIM SPEHR - OPERATIONS MANAGER
- > 2461 ARROWHEAD RD
- > ARCADIA KS 66711

>-----

A\_\_ 50086 00 REC AY S

- > T & C WILDLIFE LLC
- > TIM SPEHR - OPERATIONS MANAGER
- > 2461 ARROWHEAD RD
- > ARCADIA KS 66711

>-----

=====

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STATE OF KANSAS



PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 22, 2018

FOUR SIGHT LP  
8193 COUNTY RD 300  
CARL JUNCTION MO 64834

Re: Pending Application, File No. 50,086

Dear Sir or Madam:

This is to advise you that T & C Wildlife LLC has filed the application referred to above for a permit to appropriate 100 acre-feet of surface water per calendar year from West Fork Dry Wood Creek in the Marmaton River basin for recreational use, to be diverted at a maximum rate of 3,000 gallons per minute. Please note that the purpose of this application, if approved, would be to divert surface water to supplement recreational use at a wildlife marsh. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

Surface water will be diverted from one (1) pump site located in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 15, in Township 27 South, Range 25 East, Bourbon County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: T & C Wildlife LLC

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

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GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 22, 2018

RAYMOND H KALM SR TR  
2503 BIRCH ROAD  
GARLAND KS 66741

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: T & C Wildlife LLC

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
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FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 22, 2018

LARRY & VICKIE SHEAD  
2468 CAVALRY ROAD  
GARLAND KS 66741

Re: Pending Application, File No. 50,086

Dear Sir or Madam:

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: T & C Wildlife LLC

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

July 9, 2018

T & C WILDLIFE, LLC  
TIM SPEHR - OPERATIONS MANAGER  
2461 ARROWHEAD RD  
ARCADIA KS 66711

RE: Application  
File No. 50086

Dear Sir or Madam:

Your application for permit to appropriate water in 15-27S-25E in Bourbon 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) 564-6637. 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

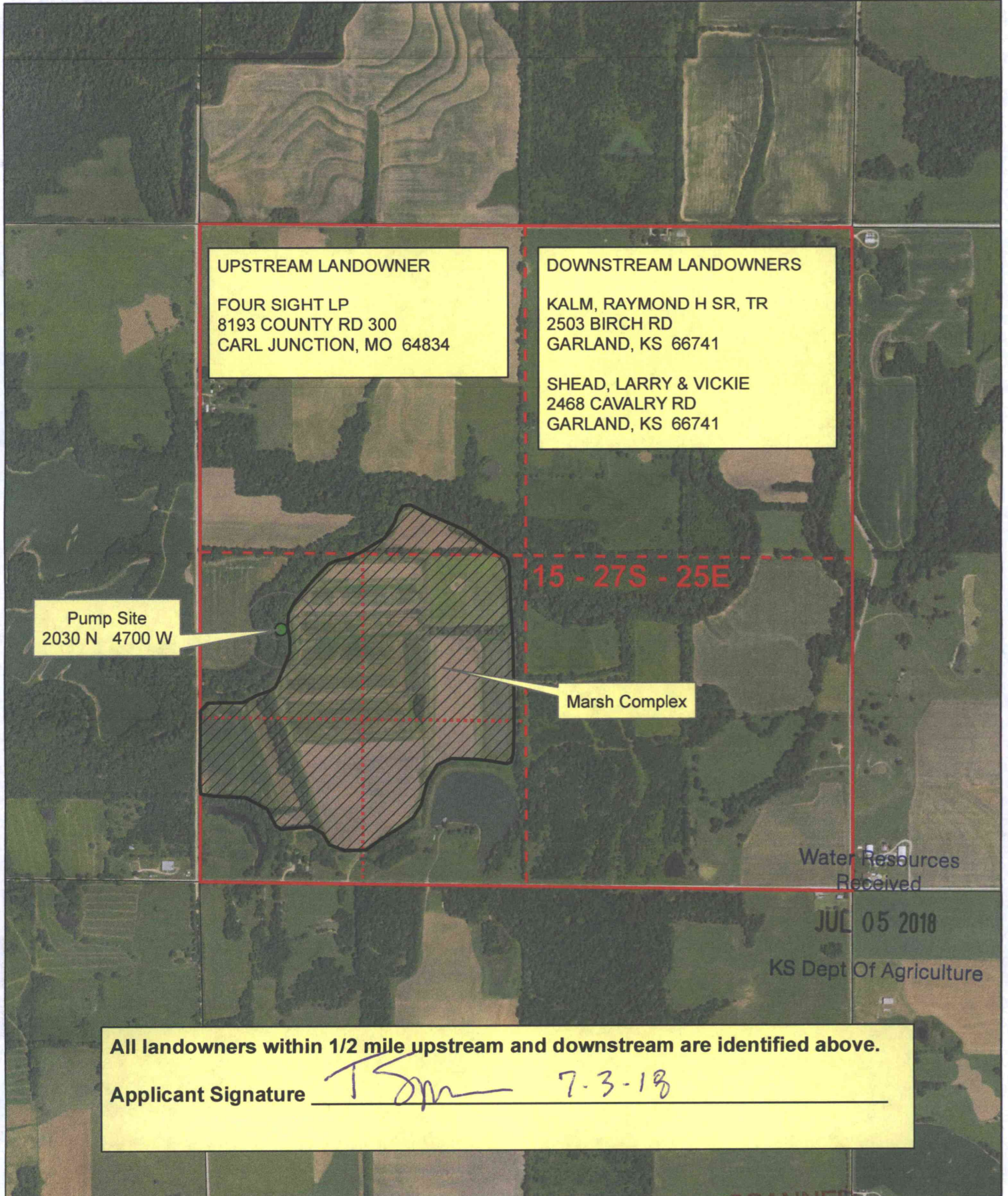
SCANNED



50086

# T & C Wildlife - New Application

1:12,000



**UPSTREAM LANDOWNER**  
FOUR SIGHT LP  
8193 COUNTY RD 300  
CARL JUNCTION, MO 64834

**DOWNSTREAM LANDOWNERS**  
KALM, RAYMOND H SR, TR  
2503 BIRCH RD  
GARLAND, KS 66741  
  
SHEAD, LARRY & VICKIE  
2468 CAVALRY RD  
GARLAND, KS 66741

**Pump Site**  
2030 N 4700 W

15 - 27S - 25E

**Marsh Complex**

Water Resources  
Received

JUL 05 2018

KS Dept Of Agriculture

All landowners within 1/2 mile upstream and downstream are identified above.  
Applicant Signature Tom 7-3-18

SCANNED