

Kansas Department of Agriculture
Division of Water Resources
CLOSURE OF NEW APPLICATION WORKSHEET

1. File Number: <p align="center">48,925</p>	2. Status Change Date: <p align="center">6/28/2019</p>	3. Field Office: <p align="center">1</p>	4. GMD: <p align="center">0</p>
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request/ Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID 55884 New to system <input type="checkbox"/> Add Seq# _____</p> <p>MARMATON WATERSHED JOINT DIST #102 AGRICULTURAL ENGINEERING PO BOX 4 UNIONTOWN KS 66779</p>	<p>7c. Landowner(s) Person ID _____ New to system <input checked="" type="checkbox"/> Add Seq# _____</p> <p>MARK & WENDY PRESTWOOD 14097 W 141ST ST OLATHE KS 66062</p>		
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</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>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: _____ 11. Perfection Date: _____ 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 5/16/2019 By: DWS Date Entered: 7/1/2019 By: LLJ</p>			

File No. **48,925** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion											
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
DEL				82606							
Structures File No. DBB-0154											

17. Rate and Quantity				
Authorized		Additional		
Rate	Quantity	Rate	Quantity	Overlap PD Files
gpm/cfs	af/mgy	gpm/cfs	af/mgy	
				NONE

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 _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
T	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
√				61894	30	26	22E	1		RESERVOIR (NW)																	7a	NO	*47,773

Comments: ***File No. 47,773 does not overlap in PU with this dismissed application. The reservoir under this application would have been in the SE Qtr. of Sec. 30. Structures File No. DBB-0154 to be dismissed in conjunction with this new application dismissal.**
Note that BLYTHE RANCH COMPANY is not the OWNER of this property.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: May 16, 2019

FROM: Doug Schemm

RE: Application, File No. 48,925
Site I-5

Marmaton Watershed Joint District #102 filed the above referenced application to appropriate 8.8 acre-feet of surface water per calendar year for sediment control use to be stored in a proposed reservoir to be located on Hinton Creek Trib 4 (Marmaton), created by a dam located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, Township 26 South, Range 22 East, Bourbon County, Kansas.

Information provided by the applicant noted that this project is located in a critical habitat area, and they have been unable to develop a mitigation plan that is acceptable to the U.S. Army Corps of Engineers. The applicant was requested to provide documentation that a mitigation plan has been approved by the Corps, to the Division of Water Resources before we can complete processing of the application.

The original application was returned to the applicant on April 11, 2019 providing 30 days to provide additional information about the application. The original application and requested information were not returned by the deadline, nor was there a request for an extension of time. Based on the available information, that the application was not returned within the time allowed, it is recommended that the file be dismissed for failure to return, as provided by K.S.A. 82a-710.

The pending structures file No. DBB-0154 must also be dismissed.

Douglas Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 1, 2019

MARMATON WATERSHED JOINT DIST #102
AGRICULTURAL ENGINEERING
PO BOX 4
UNIONTOWN KS 66779

FILE COPY

RE: Appropriations Application, File No. 48,925
Structures Application, File No. DBB-0154

Dear Sir or Madam:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Appropriations application, File No. 48,925 for failure to return the original application and provide the requested information, prior to the deadline of May 11, 2019. With the dismissal of your Appropriations application, your associated Structures application, File No. DBB-0154, is hereby dismissed as well.

This is a final agency action with respect to your Appropriations application. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the enclosed order. You may request to have your Structures application reinstated within 30 days of the date of this letter, however, please be aware that it won't be reinstated without an acceptable Appropriations application.

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,

David W. Barfield, P.E.

Chief Engineer
Division of Water Resources

DWB:kab
Enclosures

pc: Topeka Field Office
Mark & Wendy Prestwood
DWR Water Structures Program

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 48,925**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on January 10, 2014, the Chief Engineer received an application from Marmaton Watershed Joint District #102 for permit to appropriate surface water for beneficial use, assigned File No. 48,925, proposing the appropriation of 8.8 acre-feet of water of surface water per calendar year for sediment control use to be stored in a proposed reservoir to be located on Hinton Creek Trib 4 (Marmaton), created by a dam located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, more particularly described as being near a point 1,635 feet North and 575 feet West of the Southeast corner of said section, in Township 26 South, Range 22 East, Bourbon County, Kansas.
2. That on April 11, 2019, the original application was returned to the applicant, with a cover letter requesting that additional information be submitted in order to complete the application. This project is located in a critical habitat area, and the applicant has been unable to develop a mitigation plan that is acceptable to the U.S. Army Corps of Engineers. The applicant was informed that the Division of Water Resources would not process this application without documentation that a mitigation plan has been approved by the Corps for this project. The applicant was provided a deadline until May 11, 2019, the time in which to provide the requested information and return the original application. The applicant was informed that the application would be dismissed if it was not returned by the May 11, 2019 deadline, or within any authorized extension of time.
3. That the applicant was informed that related Water Structures Program File No. DBB-0154 would also be dismissed in conjunction with Application, File No. 48,925.
4. That the original application was not returned by the May 11, 2019 deadline, nor was there any request for an extension of time.
5. That the application should be dismissed and its priority forfeited as provided by K.S.A. 82a-710, for failure to return the application.


ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, Application, File No. 48,925, is herewith dismissed and the priority assigned to it is considered to be forfeited.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

The Chief Legal Counsel for the Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 28th day of June, 2019, in Manhattan, Riley County, Kansas.



 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 28th day of June, 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.


 KAREN HUNTER
 My Appointment Expires
 October 24, 2022

Notary Public

CERTIFICATE OF SERVICE

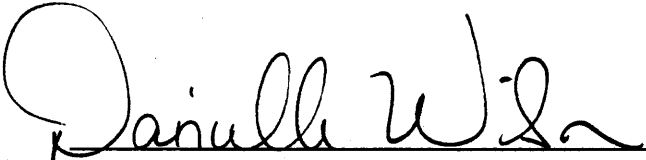
On this 1st day of July, 2019, I hereby certify that the foregoing Dismissal of Application, File No. 48,925, dated June 28th, 2019 was mailed postage prepaid, first class, US mail to the following:

MARMATON WATERSHED JOINT DIST #102
 AGRICULTURAL ENGINEERING
 PO BOX 4
 UNIONTOWN KS 66779

With photocopies to:

MARK & WENDY PRESTWOOD
 14097 W 141ST ST
 OLATHE KS 66062

Topeka Field Office



 Division of Water Resources

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 11, 2019

MARMATON WATERSHED JOINT DIST #102
AGRICULTURAL ENGINEERING
PO BOX 4
UNIONTOWN KS 66779

FILE COPY

Re: Pending Appropriation Application, File No. 48,925
Structures Application, File No. DBB-0154
Site I-5

Dear Sir or Madam:

The above referenced original application for a permit, File No. 48,925, is being returned to you for additional information. We have suspended processing of this application, which is requesting to appropriate 8.8 acre-feet of surface water per calendar year for sediment control use to be stored in a proposed reservoir to be located on Hinton Creek Trib 4 (Marmaton), created by a dam located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, Township 26 South, Range 22 East, Bourbon County, Kansas.

It is our understanding that this project is located in a critical habitat area, and you have been unable to develop a mitigation plan that is acceptable to the U.S. Army Corps of Engineers. You must provide documentation that a mitigation plan has been approved by the Corps to the Division of Water Resources before we can complete processing of your application.

In order for the application to retain its priority of filing, the original application and attachments must be returned, with the requested information, to this office on or before May 11, 2019, or within any authorized extension of time thereof. Pursuant to K.S.A. 82a-710, failure to timely refile the completed application and attachments as outlined above shall constitute forfeiture of your priority date and result in dismissal of the application, including the related structures file.

If you have any questions, please contact Doug Schemm at our Topeka Field Office, 785-296-5733. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Division of Water Resources

Enclosure

pc: Structures Program

Baum, Kristen [KDA]

From: Schemm, Doug [KDA]
Sent: Wednesday, April 10, 2019 4:16 PM
To: Baum, Kristen [KDA]
Subject: FW: Pending application 48,925 for Marmaton WJD No. 102, WSN DBB-0154

Kristen,
Do you have this original app. laying around up there somewhere.....I hope?
I will draft up the return cover letter.
Thanks, Doug

From: Medley, Terry [KDA]
Sent: Wednesday, April 10, 2019 8:02 AM
To: Bristow, Leonard [KDA] <Leonard.Bristow@ks.gov>; Ketter, Ambrose [KDA] <Ambrose.Ketter@ks.gov>
Cc: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Subject: RE: Pending application for Marmaton WJD No. 102, WSN DBB-0154

I would prefer to go with option 1. If we issue an approval with a time frame to complete I think we will get stuck in a cycle of extension requests.

Terry Medley, P.E.
Water Structures Program Manager
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
Phone: 785-564-6657
Mobile: 785-370-5452
Email: Terry.Medley@ks.gov
<http://agriculture.ks.gov/dwr>

Deliberative Analytical Context Restorative Learner

From: Bristow, Leonard [KDA]
Sent: Monday, April 8, 2019 2:22 PM
To: Medley, Terry [KDA] <Terry.Medley@ks.gov>; Ketter, Ambrose [KDA] <Ambrose.Ketter@ks.gov>
Cc: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Letourneau, Lane [KDA] <Lane.Letourneau@ks.gov>
Subject: Pending application for Marmaton WJD No. 102, WSN DBB-0154

Terry and Ambrose,

I have a pending application for construction of a watershed dam that was initially received on January 6, 2014. This was submitted on the application for both appropriations and structures. The water appropriation number is 48,925. Doug Schemm is processing the water appropriation application and he said it is ready for approval. I have had the application review completed for the dam since I received revised plans on April 1, 2014. However, this project was suspended on April 3, 2014 as the project was located in critical habitat. Agricultural Engineering Associates and Wildlife and Parks have been trying to develop a mitigation plan but have been in a standstill with the COE.

Doug and I discussed two options: 1.) Send a letter giving 30 days to submit required information or applications will be dismissed. 2.) Issue approval with time frame to construct and see if they get completed.

Are either of these options acceptable, or do we just suspend the project until something happens?

Leonard

Please be advised that my e-mail address has changed to: leonard.bristow@ks.gov

Leonard B. Bristow, P.E.
Water Structures Engineer
Kansas Department of Agriculture
Division of Water Resources
Stockton Field Office
820 S. Walnut
Stockton KS 67669
785/425-6787
leonard.bristow@ks.gov
<http://agriculture.ks.gov/dwr>

Our applications have changed. Please visit our website to get current applications for new projects at:
<http://agriculture.ks.gov/divisions-programs/dwr/stream-and-floodplain-permits>

Rockel, Richard A.

From: Bristow, Leonard
Sent: Friday, September 12, 2014 11:39 AM
To: Rockel, Richard A.
Subject: FW: I-5

Richard,

I have been waiting on a mitigation plan that KDWP was supposed to assist Marmaton WJD No. 102 with for this project. No date has been given when this will be done. I will see if I can get some information about the timeframe. I will keep you informed.

Thanks,

Leonard

From: Luginbill, Jason [<mailto:jason.luginbill@ksoutdoors.com>]
Sent: Thursday, September 11, 2014 1:12 PM
To: Bristow, Leonard
Subject: Re: I-5

Hi Leonard,
Not ready as of yet.

On Mon, Sep 8, 2014 at 3:20 PM, Bristow, Leonard <Leonard.Bristow@kda.ks.gov> wrote:

Jason,

Can you give me an update on the mitigation plan for this project?

Thanks,

Leonard

Leonard B. Bristow, P.E.

Water Structure Engineer

Kansas Department of Agriculture

Division of Water Resources

Stockton Field Office

Telephone: 785/425-6787

Fax: 785/425-6842

leonard.bristow@kda.ks.gov

http://agriculture.ks.gov/dwr

From: Luginbill, Jason [mailto:jason.luginbill@ksoutdoors.com]

Sent: Thursday, May 22, 2014 11:54 AM

To: Bristow, Leonard

Cc: Hunninghake, Kimberly; Frank Young

Subject: Re: I-5

Leonard,

This is held up on my end. Busy months with moving and trying to get someone hired into my old position. I will finalize with Frank and get this finalized. My apologies for the delay.

On Thu, May 22, 2014 at 11:51 AM, Bristow, Leonard <Leonard.Bristow@kda.ks.gov> wrote:

Frank,

From an e-mail I received from Jason Luginbill of the Kansas Department of Wildlife and Parks, it was noted the project is located in critical habitat. Jason informed me that he would be working with you to finalize mitigation for this site. We have not received anything further and were waiting to complete the review of this project until we received further information from Jason.

Can you give me an update on the status of the mitigation plan?

Thanks,

Leonard

Leonard B. Bristow, P.E.

Water Structure Engineer

Kansas Department of Agriculture

Division of Water Resources

Stockton Field Office

Telephone: 785/425-6787

Fax: 785/425-6842

leonard.bristow@kda.ks.gov

http://agriculture.ks.gov/dwr

From: Hunninghake, Kimberly
Sent: Thursday, May 22, 2014 10:35 AM
To: Frank Young
Cc: Bristow, Leonard
Subject: RE: I-5

According to the database Leonard is still processing it and a permit has not been issued.

Kimberly A. Hunninghake, P.E.

Dam Safety Team Leader

Kansas Department of Agriculture

Division of Water Resources

(785) 296-4625

Kimberly.Hunninghake@kda.ks.gov

http://agriculture.ks.gov/dwr

From: Frank Young [<mailto:frank@agengineering.com>]
Sent: Thursday, May 22, 2014 10:03 AM

To: Hunninghake, Kimberly
Subject: I-5

Kim: Whatever happened to I-5? Did we get a permit and I didn't hear? Sometimes the info goes to the Board Prez and I don't get it here.

L. Frank Young P.E.

Senior Engineer

Agricultural Engineering Associates

--

Jason S. Luginbill, Chief

Ecological Services Section, KDWPT

1020 S Kansas Ave., Suite 200

Topeka, KS 66612-1327

Office: 785-296-6026

Cell: 620-450-8311

--

Jason S. Luginbill, Chief

Ecological Services Section, KDWPT

1020 S Kansas Ave., Suite 200

Schemm, Doug

From: Tietsort, Katie
Sent: Tuesday, September 02, 2014 3:07 PM
To: Schemm, Doug
Cc: Rockel, Richard A.; Letourneau, Lane
Subject: RE: 48925 Marmaton Watershed

Doug,

Yes, I agree with your recommendation for approval of the referenced application, as it does appear to meet all applicable rules and regulations of the KWAA. I appreciate your diligence in remembering to add the special condition required by David in this basin.

Katie

Katie Tietsort, Water Commissioner.

Kansas Department of Agriculture
Division of Water Resources, Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619
(785) 296-5733
FAX (785) 862-2460

Katie.Tietsort@kda.ks.gov
<http://agriculture.ks.gov/>

From: Schemm, Doug
Sent: Thursday, August 28, 2014 6:55 AM
To: Tietsort, Katie
Subject: 48925 Marmaton Watershed



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

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

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

August 14, 2014

JOHN F GIBSON III
400 S PECAN ST
DERMOTT AR 71638

Re: Pending Application, File No. 48,925
Marmaton Watershed Site I-5

Dear Sir or Madam:

This is to advise you that Marmaton Watershed Joint District #102 has filed the application referred to above for a permit to appropriate 8.8 acre-feet of surface water per calendar year for sediment control use to be stored in a proposed reservoir to be located on Hinton Creek Trib 4 (Marmaton), created by a dam located as follows:

in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, Township 26 South, Range 22 East, Bourbon County, Kansas.

A map is enclosed for your reference. 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 may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

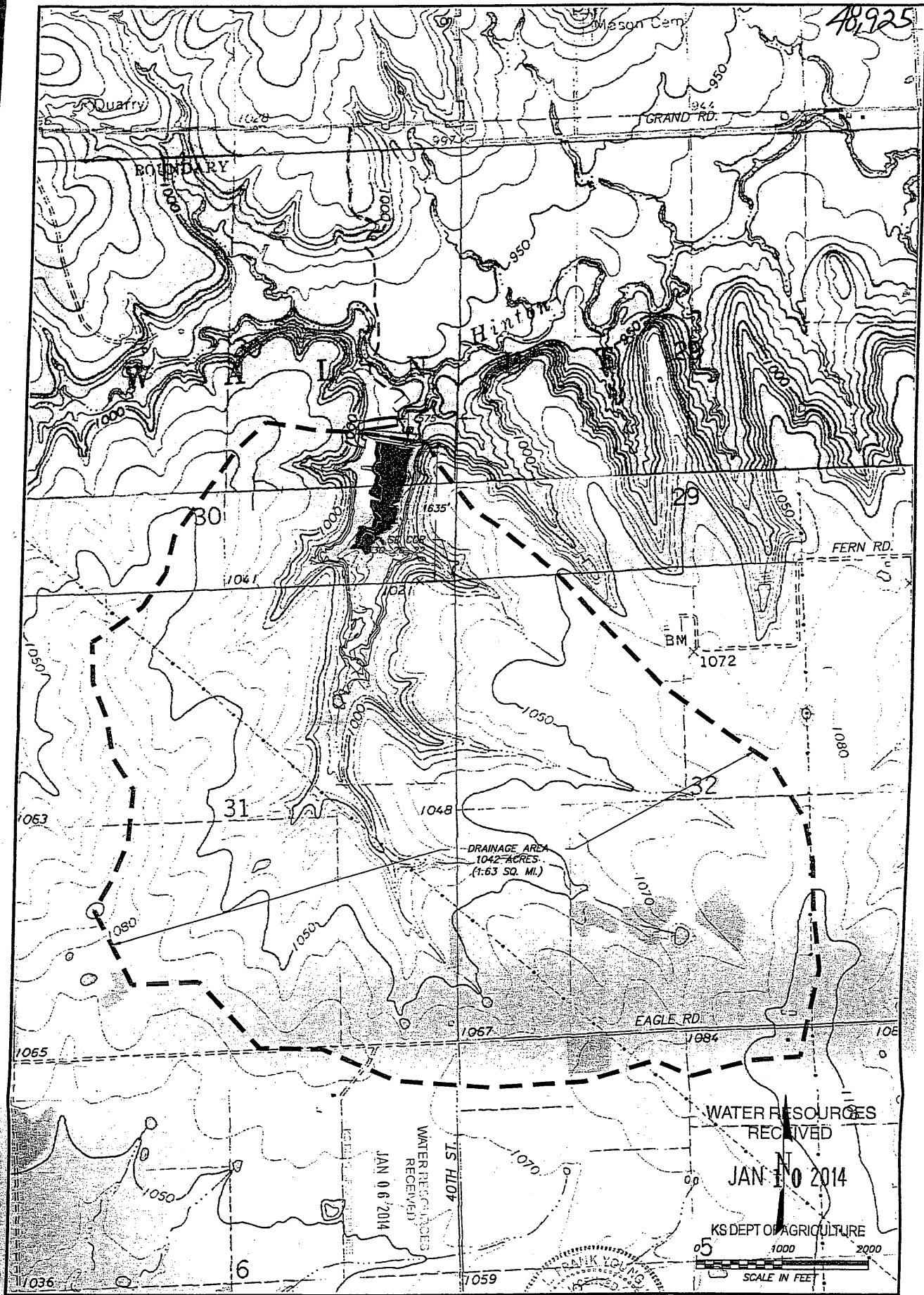
A handwritten signature in black ink that reads "Doug Schemm".


Doug Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Marmaton Watershed Joint District No. 102

SCANNED



 <p>Agricultural Engineering Associates 1022 Pennsylvania St Uniontown, KS 66779 Phone: 620-726-1000 Fax: 620-726-4400</p>	<p>Marmaton Watershed Joint District No. 102 Uniontown, KS 66779</p>	ENGINEER LFY	MARMATON WATERSHED	REV#	DATE	DESCRIPTION	PROJECT NO.
		DATE 12-23-13	SITE I-5				3692
		DRWN BY BCM	SEC 30, T26S, R22E				DRAWING NO.
		CHKD BY LFY	BOURBON CO., KANSAS				2 of 16
DATE 12-23-13	USGS SITE MAP				Rev. #	Date	

SCANNED



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

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

Phone: (785) 296-5733

Fax: (785) 862-2460

www.agriculture.ks.gov

Sam Brownback, Governor

August 14, 2014

JOE K & ANN E LUDLUM
649 GRAND RD
UNIONTOWN KS 66779

Re: Pending Application, File No. 48,925
Marmaton Watershed Site I-5

Dear Sir or Madam:

This is to advise you that Marmaton Watershed Joint District #102 has filed the application referred to above for a permit to appropriate 8.8 acre-feet of surface water per calendar year for sediment control use to be stored in a proposed reservoir to be located on Hinton Creek Trib 4 (Marmaton), created by a dam located as follows:

in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 30, Township 26 South, Range 22 East, Bourbon County, Kansas.

A map is enclosed for your reference. 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 may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

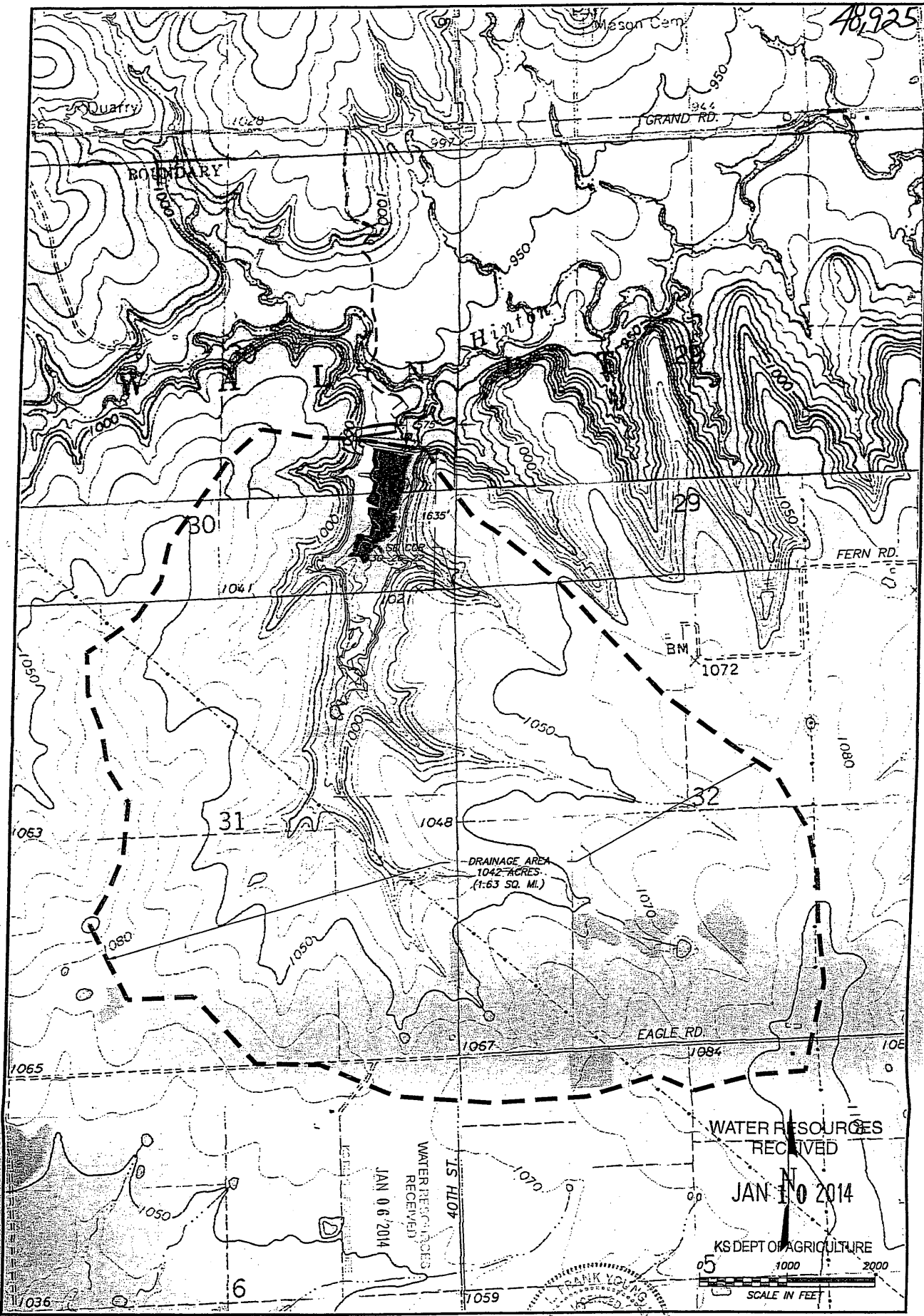
A handwritten signature in cursive script that reads "Doug Schemm".

Doug Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Marmaton Watershed Joint District No. 102


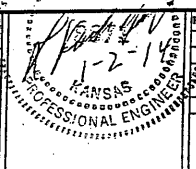
48,925



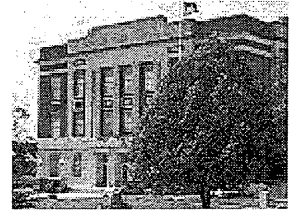
DRAINAGE AREA
1042 ACRES
(1.63 SQ. MI.)

WATER RESOURCES
RECEIVED
JAN 10 2014

KS DEPT OF AGRICULTURE
SCALE IN FEET
0 5 1000 2000

 <p>Agricultural Engineering Associates 1000 Perryway Dr. Uniontown, KS 66779 Phone: 620-732-1020 Fax: 620-732-4000</p>	<p>Marmaton Watershed Joint District No. 102 Uniontown, KS 66779</p>	<p>ENGINEER LFY</p>	<p>MARMATON WATERSHED</p>		<p>REV#</p>	<p>DATE</p>	<p>DESCRIPTION</p>	<p>PROJECT NO.</p>
		<p>DATE 12-23-13</p>	<p>SITE I-5</p>		<p>3692</p>			
		<p>DRWN BY BCM</p>	<p>SEC 30, T26S, R22E</p>	<p>SCANNED</p>		<p>DRAWING NO.</p>		<p>2 of 16</p>
		<p>CHKD BY LFY</p>	<p>BOURBON CO., KANSAS</p>			<p>Rev. #</p>	<p>Date</p>	
		<p>DATE 12-23-13</p>	<p>USGS SITE MAP</p>	<p>SCANNED</p>				

Real Estate Information



This database was last updated on 8/27/2014 at 10:38 PM

[Return to County Website](#) | [Log Out](#)

[New Search](#)

Parcel Search Results

To view the details of a parcel, click the Property # in the upper left corner of each record.

Select Item (s)	Owner Information	Legal Description		Appraised Entities	
	006-179-30-0-00-00-003.00-0 BLYTHE RANCH COMPANY Property Address: 352 Grand Rd Uniontown, KS 66779	S30, T26, R22, ACRES 297.8, W 1/2 OF SEC 30 LESS R/W	Farm Homesite - F	Land: Building: Total:	\$1,960 \$19,290 \$21,250
	006-179-30-0-00-00-003.00-0 BLYTHE RANCH COMPANY Property Address: 352 Grand Rd Uniontown, KS 66779	S30, T26, R22, ACRES 297.8, W 1/2 OF SEC 30 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$9,950 \$14,430 \$24,380
	006-179-30-0-00-00-001.00-0 Prestwood, Mark & Wendy Property Address: Uniontown, KS 66779	S30, T26, R22, ACRES 321.4, E 1/2 FRAC SEC LESS R/W	Agricultural Use - A	Land: Building: Total:	\$18,070 \$00 \$18,070

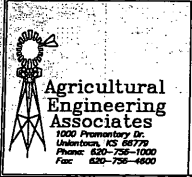
Page 1 of 1

[Show Details](#)

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Version: 2.0.0.36 : 08/27/2014

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8/28/2014



Marmaton Watershed
 Joint District No. 102
 Uniontown, KS 66779

ENGINEER LFY
 DATE 12-23-13
 DRWN BY BCM
 CKRD BY LFY
 DATE 12-23-13

MARMATON WATERSHED
 SITE I-5
 SEC 30, T26S, R22E
 BOURBON CO., KANSAS
 PHOTO SITE MAP

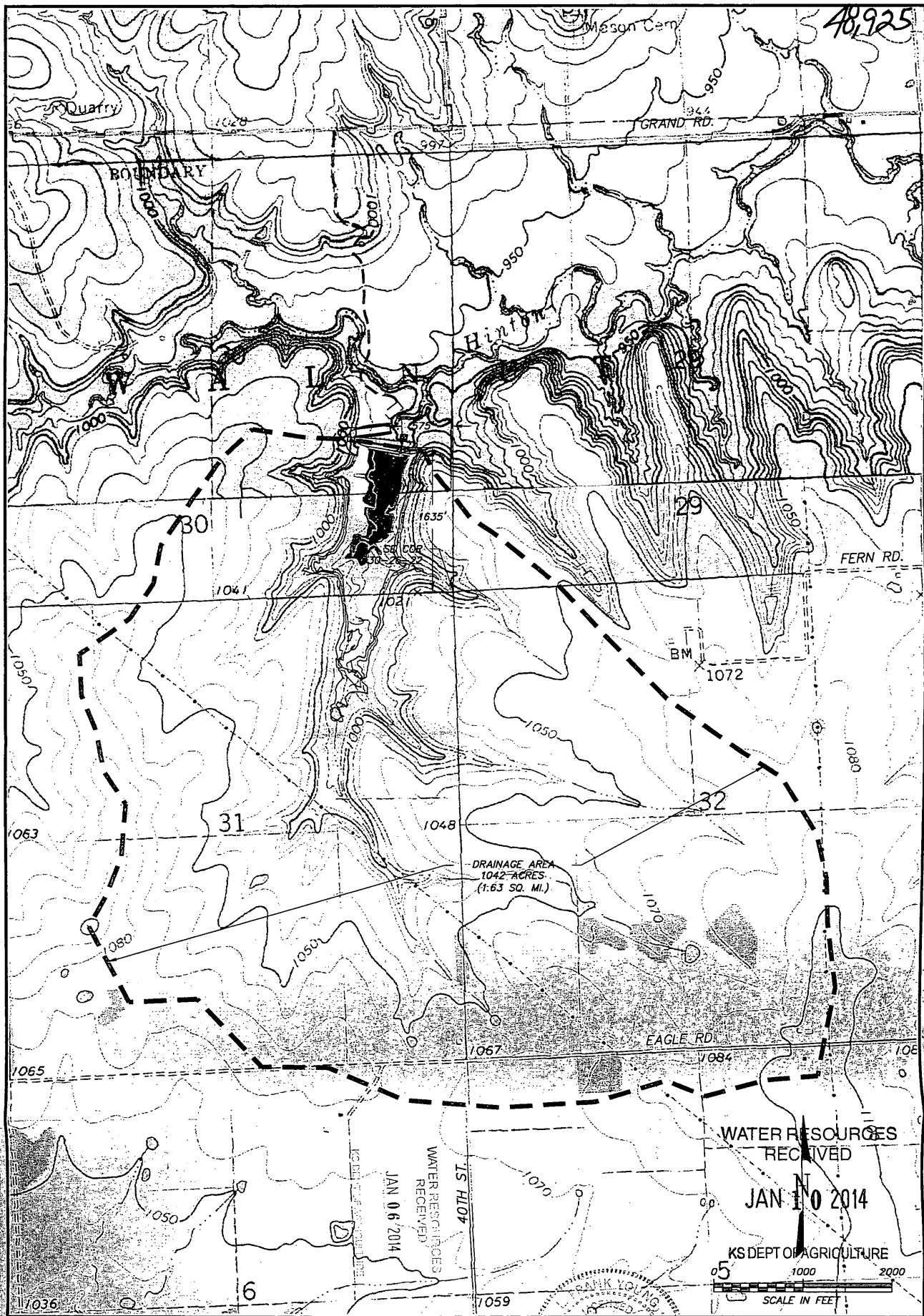


REV#	DATE	DESCRIPTION

PROJECT NO. 3692	
DRAWING NO. 3 of 16	
Rev. #	Date

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 JAN 06 2014

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Agricultural Engineering Associates
 1000 Promontory Dr.
 Uniontown, KS 66779
 Phone: 620-728-1000
 Fax: 620-728-4600

Marmaton Watershed
 Joint District No. 102
 Uniontown, KS 66779

ENGINEER LFY
 DATE 12-23-13
 DRWN BY BCM
 CHKD BY LFY
 DATE 12-23-13

MARMATON WATERSHED
 SITE I-5
 SEC 30, T28S, R22E
 BOURBON CO., KANSAS
 USGS SITE MAP

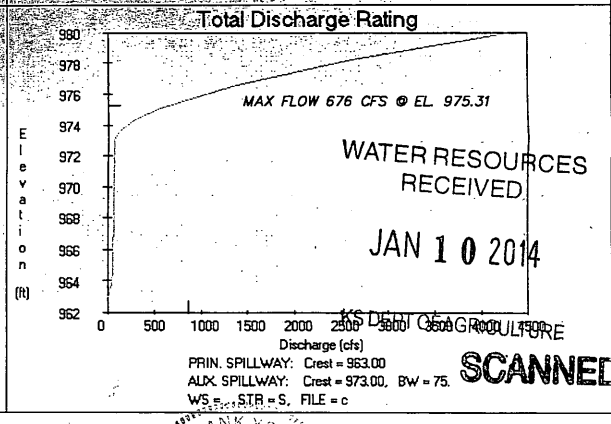
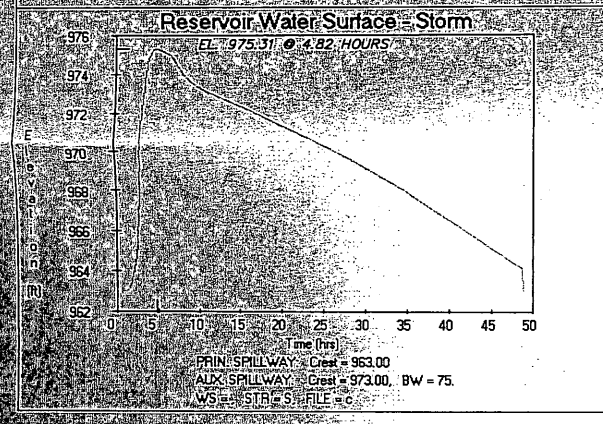
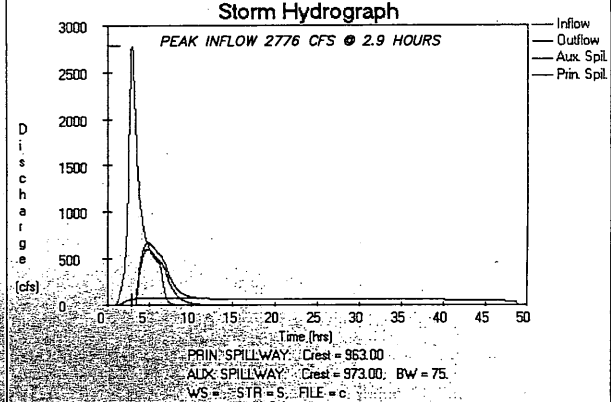
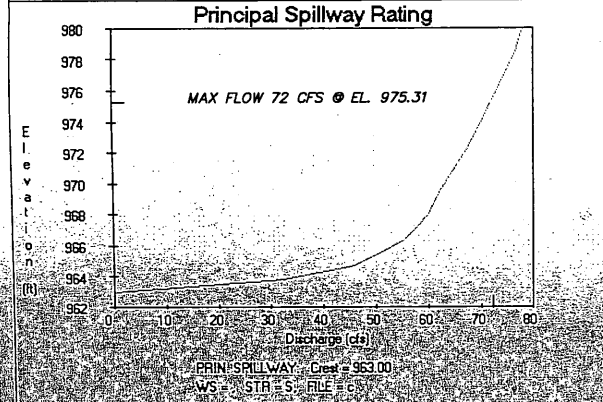
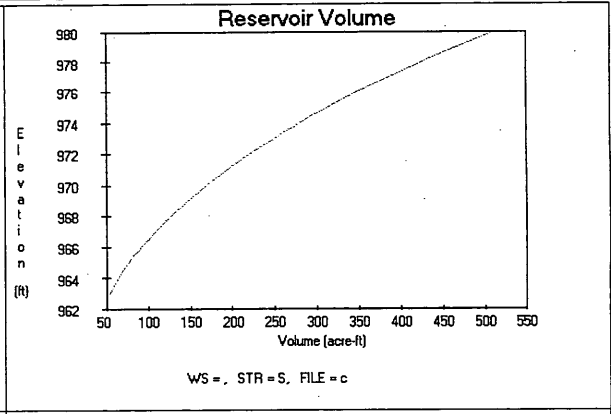
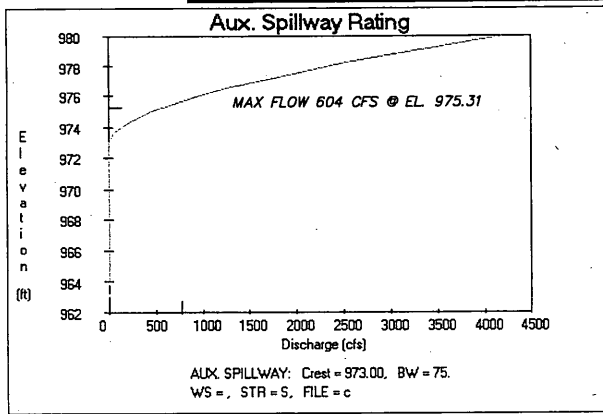
Frank Young
 1-2-14
 KANSAS PROFESSIONAL ENGINEER

REV#	DATE	DESCRIPTION	PROJECT NO.
			3692
			DRAWING NO.
			2 of 16
			Rev. #
			Date

WATER RESOURCES RECEIVED
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 KS DEPT OF AGRICULTURE
 SCALE IN FEET

48,985

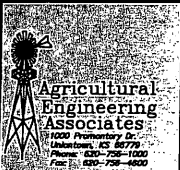
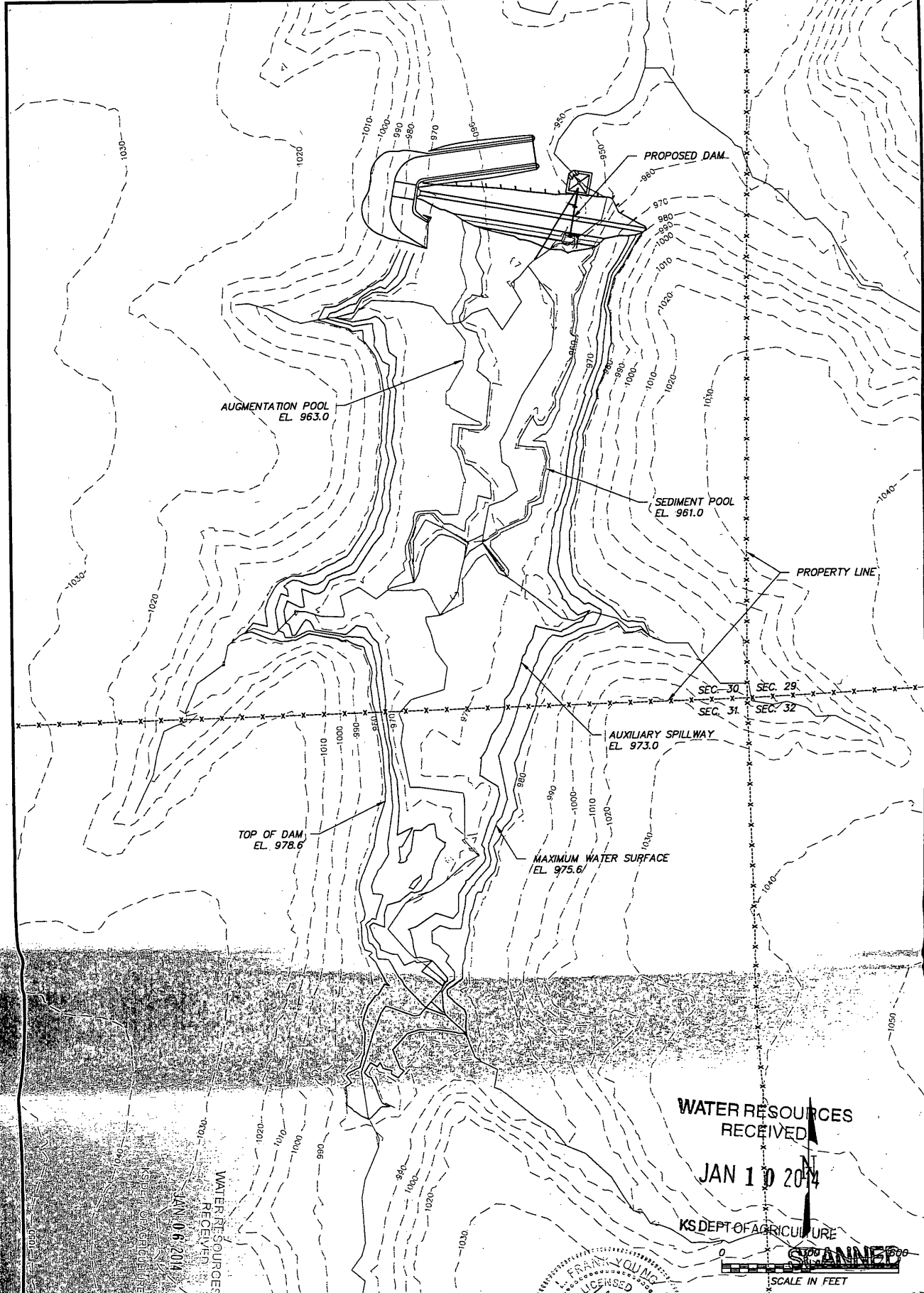
Marmaton Watershed Site I-5 Stage Storage Table 6-10-13							
Depth	Elevation	Area (sq. ft)	Area (ac)	Incremental Volume (cu. ft)	Incremental Volume (ac-ft)	Cumulative Volume (ac-ft)	Remarks
34	980	1,945,952	44.67	2,619,264	60.13	484.51	
32.6	978.6	1,795,853	41.23	1,068,646	24.53	448.92	Top of Dam
32	978	1,766,300	40.55	3,352,969	76.97	424.38	
30	976	1,586,669	36.42	624,008	14.33	347.41	
29.6	975.6	1,533,371	35.20	2,353,223	54.02	333.09	Maximum Flow Depth
28	974	1,408,158	32.33	1,360,819	31.24	279.06	
27	973	1,313,479	30.15	1,266,376	29.07	247.82	Emergency Spillway
26	972	1,219,273	27.99	2,219,783	50.96	218.75	
24	970	1,000,510	22.97	1,823,931	41.87	167.79	
22	968	823,421	18.90	1,511,214	34.69	125.92	
20	966	687,793	15.79	1,232,092	28.28	91.23	
18	964	544,299	12.50	505,709	11.61	62.94	
17	963	467,119	10.72	430,081	9.87	51.33	Augmentation Pool
16	962	393,042	9.02	362,279	8.32	41.46	
15	961	331,516	7.61	307,206	7.05	33.14	Sediment Pool
14	960	282,896	6.49	479,978	11.02	26.09	
12	958	197,082	4.52	324,730	7.45	15.07	
10	956	127,648	2.93	189,127	4.34	7.62	
8	954	61,479	1.41	93,236	2.14	3.28	
6	952	31,757	0.73	40,286	0.92	1.14	
4	950	8,529	0.20	8,845	0.20	0.21	
2	948	316	0.01	316	0.01	0.01	
0	946	0	0.00	0	0.00	0.00	



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JAN 10 2014

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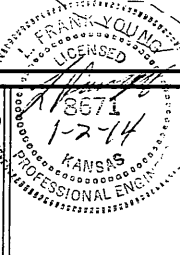
<p>Agricultural Engineering Associates 1000 Promontory Dr. Uniontown, KS 66779 Phone: 620-758-1000 Fax: 620-758-6600</p>	<p>Marmaton Watershed Joint District No. 102 Uniontown, KS 66779</p>	<p>ENGINEER LFY DATE 12-23-13</p>	<p>MARMATON WATERSHED SITE I-5 STAGE STORAGE TABLE and FLOW CHARTS</p>		<p>REV# DATE DESCRIPTION</p>	<p>PROJECT NO. 3692</p>
		<p>DRWN BY BCM CHKD BY LFY DATE 12-23-13</p>			<p>RESIDENT PRACTITIONER JAN 06 2014</p>	



Marmaton Watershed
 Joint District No. 102
 Uniontown, KS 66779

ENGINEER LFY
 DATE 12-23-13
 DRWN BY BCM
 CHKD BY LFY
 DATE 12-23-13

MARMATON WATERSHED
 SITE I-5
 SEC 30, T26S, R22E
 BOURBON CO., KANSAS
 LIDAR TOPO



REV#	DATE	DESCRIPTION

PROJECT NO. 3692	
DRAWING NO. 4 of 16	
Rev. #	Date

48,925

HYDROLOGIC DATA

DRAINAGE AREA: 1040 AC (1.62 SQ MI)
MAXIMUM FLOW LENGTH: 11418 FT (2.17 MILES)
MAXIMUM ELEVATION DIFFERENCE: 154 FT
TIME OF CONCENTRATION: 0.91 HRS
SOIL COVER COMPLEX: AMC II - 78, AMC III - 90
PEAK INFLOW: 2776 CFS AT 2.90 HRS (NRCS 6 HR, 100 YR STORM)

SEDIMENT STORAGE

ACCUMULATION TIME: 50 YR
40 AC CROPLAND AT 1.30 AC FT/SQ MI/YR: 4.2 AC FT
1000 AC GRASSLAND AT 0.35 AC FT/SQ MI/YR: 27 AC FT
TOTAL SEDIMENT POOL REQUIRED: 31.5 AC FT
TRAP EFFICIENCY: 97%
TOTAL STORAGE REQUIRED: 30.55 AC FT
SEDIMENT YIELD DEPTH: .35 IN (SEDIMENT VOLUME/DRAINAGE AREA)

FLOW AUGMENTATION STORAGE

STORAGE AT SEDIMENT POOL EL 961.0: 33.8 AC FT
STORAGE AT PRIMARY SPILLWAY EL 963.0: 52.3 AC FT
AUGMENTATION STORAGE: 18.5 AC FT
DISCHARGE RATE: 100 GPM
TIME TO DRAIN AUGMENTATION POOL: 42 DAYS

DETENTION STORAGE

PRECIPITATION: 4.8 IN (25 YR, 6 HR STORM)
TOTAL RUNOFF: 2.60 IN (AMC II)
STORAGE AT AUXILIARY SPILLWAY EL 973.0: 249.1 AC FT
FLOOD ROUTED DETENTION VOLUME: 196.8 AC FT; 2.27 IN

AUXILIARY SPILLWAY DESIGN

PRECIPITATION: 6.0 IN (100 YR, 6 HR STORM)
RUNOFF: 4.8 IN (AMC III)
CONTROL SECTION WIDTH: 75 FT
CONTROL SECTION LENGTH: 50 FT
CONTROL SECTION ELEVATION: 973.0
MAXIMUM WATER ELEVATION: 975.3
PEAK OUTFLOW: 604 CFS AT 4.82 HRS
PROBABILITY OF USE: 4%

STRUCTURAL DESIGN

STRUCTURAL CLASS: 3A
LENGTH: 941 FT, INCLUDES A.S. W/ 3:1 SIDE SLOPES
MAXIMUM HEIGHT: 32.4 FT
TOP WIDTH: 14 FT
FRONT SLOPE: 3:1
BEACH SLOPE: 10:1 EL 971.5 TO EL 974.5
BACK SLOPE: 2.5:1
TOP OF DAM EL: 978.6

ESTIMATED EARTHWORK QUANTITIES

AUXILIARY SPILLWAY EXCAVATION: 11562 CU YD CUT, 2396 CU YD FILL
AUXILIARY SPILLWAY ENTRANCE AND EXIT BERMS: 1050 CU YD
AUXILIARY SPILLWAY TOP SOIL: 1500 CU YD
EARTHFILL ABOVE CORE TRENCH: 41174 CU YD
CORE TRENCH BACKFILL: 10076 CU YD
PLUNGE POOL EXCAVATION: 530 CU YD
CHANNEL FILL: 46 CU YD

PRIMARY SPILLWAY PIPE

TOTAL IN-PLACE LENGTH: ±157 FT
DIAMETER: 24 IN
MAXIMUM FILL OVER PIPE: 21.6 FT
PIPE TYPE: SDR 26, 1120 PVC
INLET TYPE: MODIFIED CANOPY INLET
MAXIMUM OUTFLOW: 68.5 CFS AT ES ELEVATION
AVERAGE OUTFLOW: 48.0 CFS (70% OF MAXIMUM OUTFLOW)
DETENTION VOLUME DRAIN TIME: 2.1 DAYS AT AVERAGE OUTFLOW

DRAWDOWN PIPE

LENGTH: ±277 FT
DIAMETER: 10 IN
MAXIMUM FILL OVER PIPE: 32.3 FT
PIPE TYPE: DR 18 PVC
INLET TYPE: PERFORATED DUCTILE IRON
DRAWDOWN VALVE: 10 IN "KENNEDY ANWA", OR EQUIVALENT
IRON BODY BRONZE MOUNTED PARALLEL
SEAT TYPE VALVE WITH 2 IN SQUARE OPENING NUT
TIME TO DRAIN 33.8 AC FT SEDIMENT POOL: 4.2 DAYS

CHIMNEY DRAIN PIPE

DRAIN PIPE LENGTH: 14 FT PRIMARY, 6 FT DRAWDOWN
DIAMETER: 4 IN
PIPE TYPE: SCH 80 PVC PERFORATED PIPE OR PVC WELL CASING
OUTLET PIPE LENGTH: ±60 FT PRIMARY, 22 FT DRAWDOWN
OUTLET PIPE DIAMETER: 4 IN
OUTLET PIPE TYPE: SCH 80 PVC
MAXIMUM FILL OVER PIPE: 21 FT PRIMARY, 18 FT DRAWDOWN

CHIMNEY DRAIN FILTER MATERIAL

MIXED FINE AGGREGATE WITH PARTICLE SIZE LIMITS AS PER ASTM C-33 ±25 CU YD (±43 TONS) PRIMARY
(SEE GRADATION TABLE, PG 10) ±3 CU YD (±5.5 TONS) DRAWDOWN

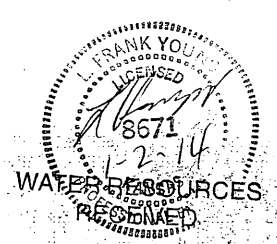
STREAM FLOW AUGMENTATION PIPE

LENGTH: ±6 FT
DIAMETER: 4 IN
PIPE TYPE: SCH 40 PVC PIPE
INLET PIPE LENGTH: 14.5 FT
INLET PIPE DIAMETER: 4 IN
DUCTILE IRON WITH 4 FT PERFORATED END

VALVES
SIZE & TYPE: 4 IN GATE VALVE BODY WITH MODIFIED 2 INCH ORIFICE ASSEMBLY & 4 IN BUTTERFLY VALVE


VALVE ACCESS MANHOLE: 48 IN 16 ga CMP MANHOLE, 4 FT HIGH WITH STEEL LID & ACCESS PANEL AND 4 IN THICK CONCRETE BASE

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 <p>Agricultural Engineering Associates 1000 Promontory Dr. Uniontown, KS 66779 Phone: 620-736-1000 Fax: 620-736-6800</p>	<p>Marmaton Watershed Joint District No. 102 Uniontown, KS 66779</p>	ENGINEER LFY	MARMATON WATERSHED	REV#	DATE	DESCRIPTION	PROJECT NO.
		DATE 12-23-13	SITE I-5				3692
		DRWN BY BCM	SEC 30, T26S, R22E				DRAWING NO.
		CHKD BY LFY	BOURBON CO., KANSAS				7 of 16
DATE 12-23-13	DESIGN DATA				Rev.#	Date	

48,925

X



State of Kansas, Bourbon County SS
Lona Holdridge Register of Deeds
Book: 403 Page: 176-178

Receipt #: 25332
Pages Recorded: 3

Recording Fee: \$16.00

Lona Holdridge

Date Recorded: 7/11/2013 11:31:41 AM

COVER SHEET

TITLE OF DOCUMENT: EASEMENT

DATE OF DOCUMENT: JUNE 29, 2013

GRANTOR/MORTGAGOR: MARK AND WENDY PRESTWOOD

GRANTEE/MORTGAGEE: MARMATON JOINT WATERSHED NO. 102

LEGAL DESCRIPTION:

SE ¼ SECTION 30, TOWNSHIP 26 SOUTH, RANGE 22 EAST

REFERENCE BOOK AND PAGE:

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UNASCERTAINABLE FOR PRIORITY

#48925

EASEMENT

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

Mark Prestwood and Wendy Prestwood, joint tenants with the right of survivorship

(Name)

of 14097 W. 141st Street, Olathe, KS 66062, Grantor,

(Address)

does hereby grant, bargain, sell, convey and release unto Marmaton Joint Watershed District No. 102

(Name)

of Bourbon County, Kansas, Grantee,

its successors and assigns, an easement in, over and upon the following land situated in the County of

Bourbon, State of Kansas, to wit:

Land in the Southeast Quarter of Section 30, Township 26 South, Range 22 East occupied by the dam and emergency spillway structure and the impoundment area upstream of the dam measuring to the constructed top of dam elevation, estimated at 978.6 feet above mean Sea Level or as shown on plans on file with the Division of Water Resources, Kansas Department of Agriculture.

for the purposes of:

Construction and maintenance of floodwater retarding structure Site I-5. Temporary and permanent impoundment of floodwaters associated with flood protection works of improvement designated as Site I-5. Also, the flowage of any water into, over, and upon and through said structure.

1. In the event construction on the above described works of improvement is not commenced within 10 years from the date hereof, the rights and privileges herein granted shall at once revert to and become the property of the Grantors, their heirs and assigns.
2. This easement includes the right of access for maintenance, as necessary, for the above described land of the Grantors.
3. There is reserved to the Grantors, their heirs and assigns, the right and privilege to use the above described land of the Grantors at any time, in any manner, and for any purposes not inconsistent with the full use and enjoyment by the Grantee, its successors and assigns, of the rights and privileges herein granted, included those listed below.
4. The Grantee is responsible for operating and maintaining the above described works of improvement.
5. Special provisions: No permanent structures shall be constructed in the area upstream of the dam below the elevation of the top of the dam without written permission of Marmaton Watershed Joint District #102. No structure, including human dwellings, shall be constructed on the Grantor's land located below the dam in the breach inundation zone without the written permission of the Board of Directors of the Marmaton Watershed Joint District #102.

(Continued on Reverse)

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 SCANNED
 DEPT OF AGRICULTURE

TO HAVE AND TO HOLD the aforesaid easement in, over, and upon the above described land of the Grantors, with all the rights, privileges and appurtenances thereto belonging or in anywise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS HEREOF the grantors have executed this instrument on this 29 day of June, 2013

By *Mark Prestwood*
(Mark Prestwood)

By *Wendy Prestwood*
(Wendy Prestwood)

(SEAL)

ACKNOWLEDGEMENT

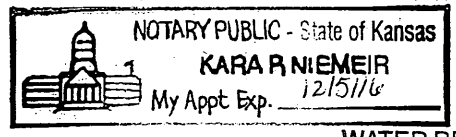
STATE OF KANSAS
ss.
COUNTY OF Bourbon

Before me, the undersigned, a Notary Public in and for said County and State, on this 29 Day of June, 2013, personally appeared Mark Prestwood and Wendy Prestwood, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as themselves, free and voluntary in act and deed, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereto set my hand and official seal, the date and year last herein above written.

Kara R Niemeir
Notary Public

My Commission Expires: 12/15/16



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State of Kansas, Bourbon County SS
Lora Holdridge Register of Deeds
Book: 403 Page: 666-667

Receipt #: 25449
Pages Recorded: 2

Recording Fee: \$12.00
Lora Holdridge

Date Recorded: 8/1/2013 9:44:04 AM

EASEMENT

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

Pioneer, LLC
(Name)
of 803 East 7th, Oakley, Kansas 67748, Grantor,
(Address)

does hereby grant, bargain, sell, convey and release unto Marmaton Watershed Joint District

No. 102, Bourbon County, Kansas, Grantee, its successors and assigns, an easement in,

over and upon the following described land situated in the County of Bourbon,

State of Kansas, to-wit:

The Northeast Quarter of Section 31, Township 26 South, Range 22 East, of the 6th P.M., Bourbon County, Kansas, EXCEPT the following described tract: Beginning at the Northeast corner of said NE 1/4, thence South 5.75 chains on section line, thence West 6.42 chains to break of hill, thence North 27 degrees West 6.45 chains to North line of section, thence ASSIGN to the place of beginning.

for the purposes of :

Temporary impoundment of floodwaters associated with flood protection works of improvement designated as Site I-5, to the top of dam elevation of approximately 978.6 above MSL, effecting 10.4 acres, more or less. Also flowage of any water into, over, upon, and through said structure.

1. In the event construction on the above described works of improvement is not commenced within 10 Years from the date hereof, the rights and privileges herein granted shall at once revert to and become the property of the Grantor, his heirs and assigns.
2. This easement includes the right of access for maintenance as necessary for above described land of the Grantor.
3. There is reserved to the Grantor, his heirs and assigns, the right and privilege to use the above described land of the Grantor at any time, in any manner and for any purposes not inconsistent with the full use and enjoyment by The Grantee, its successors and assigns, of the rights and privileges herein granted.
4. The Grantee is responsible for operating and maintaining the above described work of improvement.
5. Special provisions: No permanent structures shall be constructed in the area upstream of the dam below the elevation of the top of the dam without written permission of Marmaton Watershed Joint District #102.

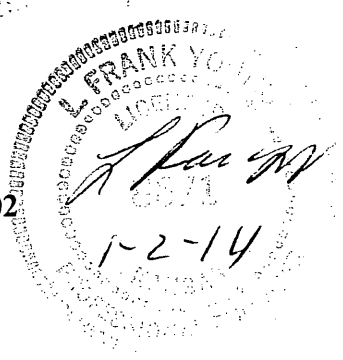
(Continued on Reverse)

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DESIGN REPORT
Marmaton Watershed Joint District No. 102
Site I-5
October 1, 2013



1.0 Summary and General Plan Inclusion

Site I-5 is located in the Southeast Quarter of Section 30, Township 26 South, Range 22 East, approximately 6 miles south and 4 miles west of Uniontown, Kansas. The site is listed in the Marmaton Watershed General Plan Amendment #5 dated March, 2011 and conforms to the location listed in that amendment. The overall size of the structure is similar to the size shown in the General Plan Amendment. However, due to more accurate survey data, landowner cooperation, and site geology, the detailed design aspects of the structure differ somewhat from that shown in the General Plan Amendment.

Additional storage has been added to the permanent pool in the form of "streamflow augmentation storage". The drainage area of this structure is 1.63 square miles (1042 ac., 1018 ac. in the General Plan Amendment #5). Proposed height is 34.2 feet compared to 36.8 feet shown in the General Plan Amendment #5. Sediment storage is 33.8 acre feet compared to 31.1 acre feet as shown in General Plan Amendment #5. Streamflow augmentation storage is 18.2 acre feet making total storage below the principal spillway 51.3 acre feet. Detention storage is 196.5 ac.ft. instead of the 271.5 ac.ft. as shown in the General Plan Amendment #5. Differences are due to more detailed analysis of soil types and land usage which directly affects runoff quantities. Additionally, calculated flood storage considers the routing of primary spillway flows using the SITES computer model which also affects the amount of flood storage needed.

2.0 Dam Size & Hazard Classification:

The hazard classification was determined to be low hazard, Class A, due to the remote nature of the site and no improvements located below the site, including no county roads or houses located between the dam site and the tributary's confluence with Hinton Creek, approximately 800 feet north of the site.

The size category was calculated using an effective height of 28.6 feet (973 - 944.4) and an effective storage of 247.8 acre feet for a size factor of 7087 making the structure a **Size Class 3. (KAR 5-40-21 (a))**

3.0 Geotechnical Investigation:

The geotechnical report, as shown in Section 8 of the Permit Application, shows a gray shale substrata in the lower portion of the valley with a weathered shale/ brown clay subsoil above it with some layers showing mixed limestone floaters. Topsoil, from 1 to 3 feet, exists over the brown clay and weathered shale subsoils. The projected depths for the core trench are shown on the plans but will be subject to conditions encountered

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JAN 10 2014

January 9, 2014

Brent Turney
KDWR, Water Structures Program
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Construction Permit Application
Marmaton Watershed Site I-5

Dear Brett:

Enclosed please the original signed application and a check for \$200 for Site I-5 (DBB-0154).
Please advise if anything else is needed to proceed with the review

If you have any questions, or need more information concerning this application please give me a call.

Sincerely,



Frank Young P.E.
Contracting Officer
Marmaton WSJD #102

Enclosures

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109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Jackie McClaskey, Acting Secretary
David W. Barfield, Chief Engineer

phone: (785) 296-3717
fax: (785) 296-1176
<http://agriculture.ks.gov/dwr>

Sam Brownback, Governor

January 10, 2014

MARMATON WATERSHED DISTRICT
PO BOX 4
UNIONTOWN KS 66779

RE: Application
File No. 48,925

Dear Sir or Madam:

Your application for permit to appropriate water in 30-26S-22E, 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 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,

Douglas W. Schemm
New Application Unit Supervisor
Water Appropriation Program

DWS: al
pc: Topeka Field Office

SCANNED

NEW STREAM WORKSHEET

ES AGL

Date: 1-10-14

File No. _____

Basin Name: Marmaton Basin No. 7

Stream Name: Henton creek trib 4 (Marmaton)

Stream location (confluence with parent stream):

Section 30, Township 26 South, Range 22 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

~~Unnamed Trib (1, 2, 3, 4, etc.) – Pink~~

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3752 (computer assigned - entered by data entry staff)

Date Entered 1/14/2014 By LLM

WATER RESOURCES
RECEIVED

JAN 10 2014

KS DEPT OF AGRICULTURE

SCANNED