

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;">50,122</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">5/8/2019</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">0</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) <input type="checkbox"/> New to system</p> <p style="text-align: right;">Person ID 66290 Add Seq# _____</p> <p>JAMES R SHETLAR 12727 MOHAWK CIRCLE LEAWOOD KS 66209 (ADDRESS CHANGE)</p>	<p>7c. Landowner(s) <input checked="" type="checkbox"/> New to system</p> <p style="text-align: right;">Person ID _____ Add Seq# 06719</p> <p>STEPHEN SHETLAR 21145 SHILOH CIRCLE ELKHORN NE 68022</p>
<p>7b. Landowner(s) <input type="checkbox"/> New to system</p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7e. Miscellaneous <input type="checkbox"/> Person ID _____</p> <p>NATURAL RESOURCES CONSERVATION SERVICE % LYNN THURLOW SOIL CONSERVATIONIST 760 SOUTH BROADWAY SALINA, KANSAS 67401</p>

<p>8. WUR Correspondent <input type="checkbox"/> New to system</p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/></p> <p>Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><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: **12/31/2020** 11. Perfection Date: **12/31/2024** 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: **3/28/19** By: **DWS**
Date Entered: **5/9/2019** By: **UM**

File No. 50,122	15. Formation Code:		Drainage Basin: SUGAR CREEK				County: LN		Special Use:		Stream: BIG SUGAR CREEK															
16. Points of Diversion							17. Rate and Quantity																			
T MOD DEL ENT							PDIV Qualifier		S	T	R	ID	'N	'W	Authorized Rate gpm		Additional Rate gpm		Quantity af		Quantity af		Overlap PD Files			
✓ 87049							NW SW NW		3	21	24E	3	3430	5128	4000		120		4000		120		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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2020 Date Acceptable Meter Installed _____																										
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	YES	Overlap Files				
T		NE ¼				NW ¼				SW ¼				SE ¼												
MOD		NE ¼				NW ¼				SW ¼				SE ¼												
DEL		NE ¼				NW ¼				SW ¼				SE ¼												
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								
ENT		69439	3	21	24E		WATERFOWL MARSH (W2 NW)																	7a & 7c.	YES	NONE
MOD		69088	4	21	24E	1	WATERFOWL MARSH (SE NE)																	7a & 7c	YES	NONE
Comments:																										

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: March 28, 2019

FROM: Doug Schemm

RE: Application, File No. 50,122

James Shetlar has filed the application referred to above proposing to appropriate 120 acre-feet of surface water at a diversion rate of 4,000 gallons per minute from one pump site on Big Sugar Creek, within the Sugar Creek basin, for recreational use in a waterfowl marsh. This application will allow water to be pumped directly from Big Sugar 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 an existing marsh that has been in place for several years and was designed in part by USDA-NRCS staff. There are no overlapping files in point of diversion or place of use. The marsh is located in portions of Section 3 and 4, Township 21 South, Range 24 East, Linn County, on property owned by the applicant and his brother Stephen Shetlar. The applicant has signed the application form stating he has access to the point of diversion. The quantity requested on the new application was based on a total marsh area of 30 acres, filling it with two feet of water, and two fillings per year.

A list of nearby landowners was provided, and notification letters were sent out on October 2, 2018. No responses of any kind were received. Please note that this application has been held for several months due to additional information needed from the applicant. A letter was sent to the applicant on January 17, 2019, informing him that the proposed marsh is included in a Wetlands Reserve Program (WRP) easement with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS). In order for the applicant to pump water into a marsh, they must complete a Compatible Use Agreement (CUA) application for water level management, and ultimately have it approved. The NRCS will not approve a CUA for water level management where pumping is involved without demonstration of a Division of Water Resources (DWR) Appropriation permit, and DWR cannot issue our appropriation permit without this CUA documentation. We were informed in a March 14, 2019 e-mail from NRCS that the applicant had submitted the required application. Therefore this application can be approved, with a specific permit condition as follows: "That in order for you to pump water into your proposed marsh, you must complete a Compatible Use Agreement (CUA) application for water level management, and ultimately have it approved by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS)."

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, including recently approved File No. 50,084, which is located over 2,000 feet downstream and is also a direct diversion from Big Sugar Creek for a wildlife marsh. However, with proper conditioning, no senior water rights will be impaired with approval of this application. The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit.

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.

James Shetlar - Memorandum
File No. 50,122
Page 2

DWR Structures Program staff had previously reviewed this marsh project under File No. LLN-0108, and determined it to be non-jurisdictional for structures permitting.

In a March 28, 2019 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 is exempt from structures permitting, the applicant has submitted the required NRCS-CUA documentation, and there is no indication that existing water rights will be impaired, it is recommended that the referenced application be approved.

Doug 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

FILE COPY

May 13, 2019

JAMES SHETLAR
12727 MOHAWK CIRCLE
LEAWOOD KS 66209

RE: Appropriation of Water, File No. 50,122

Dear Mr. Shetlar:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit, with **specific reference to Paragraph Nos. 19 and 20 requiring you to obtain permission prior to diverting water.**

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Stephen Shetlar
Lynn Thurlow

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, 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. 50,122 of the applicant

JAMES SHETLAR
12727 MOHAWK CIRCLE
LEAWOOD KS 66209

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 **August 31, 2018**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in the West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$) of Section 3, and in the Southeast Quarter of the Northeast Quarter of Section 4, all in Township 21 South, Range 24 East, Linn County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from Big Sugar Creek, to be diverted at one (1) pump site located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter ($NW\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) of Section 3, more particularly described as being near a point 3,430 feet North and 5,128 feet West of the Southeast corner of said section, in Township 21 South, Range 24 East, Linn 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 **4,000 gallons per minute (8.9 c.f.s.)** and to a quantity not to exceed **120 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, 2020** 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, 2024** 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.

21. That in order for you to pump water into your proposed marsh, you must complete a Compatible Use Agreement (CUA) application for water level management, and ultimately have it approved by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS).

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

Ordered this 8th day of May, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 8th day of May, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 13th day of May, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,122, dated May 8th, 2019 was mailed postage prepaid, first class, US mail to the following:

JAMES SHETLAR
12727 MOHAWK CIRCLE
LEAWOOD KS 66209

With photocopies to:

STEPHEN SHETLAR
21145 SHILOH CIRCLE
ELKHORN NE 68022

NATURAL RESOURCES CONSERVATION SERVICE
% LYNN THURLOW SOIL CONSERVATIONIST
760 SOUTH BROADWAY
SALINA, KANSAS 67401

Topeka Field Office

Danielle Wilson

Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE
3/28/19
Reviewer KAB

File Number 50122
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

AUG 31 2018
12:26
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): JAMES SHETLAR
Address: 24145 SHILOH CIRCLE 12727 Mohawk Circle
City: ELKHORN Leawood State: NE KS Zip Code 68022 66209
Telephone Number: (913) 648-3220 emailto:james@shetlarlawfirm.com

2. The source of water is: surface water in BIG SUGAR CREEK (stream)
OR groundwater in SUGAR CREEK (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 120 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 4,000 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>GMD</u> Meets K.A.R. 5-3-1 (YES / NO) Use <u>REC</u> Source <u>G(S)</u> County <u>LN</u> By <u>AW</u> Date <u>8/31/18</u>	
Code	<u>REG R52</u>	Fee \$ <u>300</u>	TR # _____ Receipt Date <u>8/31/18</u> Check # <u>2071</u>

9/10/18 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 SW quarter of the NW quarter of Section 3, more particularly described as being near a point 3,430 feet North and 5,128 feet West of the Southeast corner of said section, in Township 21 South, Range 24 East, LINN 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):

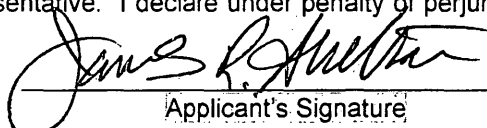
(name, address and telephone number)

(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 29 Aug, 2018.



Applicant's Signature

7. The proposed project for diversion of water will consist of ONE PUMP SITE
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) FALL 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 FALL 2018
(Mo/Day/Year)

WATER RESOURCES
RECEIVED

AUG 31 2018

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 SW quarter of the NW quarter of Section 3, more particularly described as being near a point 3,430 feet North and 5,128 feet West of the Southeast corner of said section, in Township 21 South, Range 24 East, LINN 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):

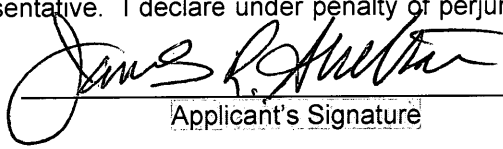
_____ (name, address and telephone number)

_____ (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 29 Aug, 2018.


Applicant's Signature

7. The proposed project for diversion of water will consist of ONE PUMP SITE (number of wells, pumps or dams, etc.) and (was)(will be) completed (by) FALL 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 FALL 2018 (Mo/Day/Year)

WATER RESOURCES RECEIVED

AUG 31 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 _____

Needs Structure Program Review

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.

NONE

WATER RESOURCES
RECEIVED

AUG 31 2018

SCANNED

KS DEPT OF AGRICULTURE

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of OWNER
(owner, tenant, agent or otherwise)

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

Brothers

STEPHEN SHETLAR, 21145 SHILOH CIR, ELKHORN, NE 68022
(name, address and telephone number)

JAMES R. SHETLAR, 12727 Mohawk Circle, Lennox, KS 66204
(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 Ovland Park, Kansas, this 29 day of Aug, 2018
(month) (year)

James R. Shetlar
(Applicant Signature)

~~XXXXXXXXXXXX~~ | Farm ID
480987489
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

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

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 8/29/2018
(office/title)

WATER RESOURCES RECEIVED

AUG 31 2018

KS DEPT OF AGRICULTURE
SCANNED

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50122

Name of Applicant (Please Print): JAMES SHETLAR _____

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Wildlife Habitat

2. Please summarize how the water will be used and justify the quantity of water requested: _____

Total Acres of Wetland = 30 acres. One filling at 2-foot depth = 60 Acre-Feet
Propose a second filling to maintain water level: 60 AF x 2 = 120 acre-feet.

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

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	120 AF
Year 2	
Year 3	
Year 4	
Year 5	120 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

Wildlife Marsh Located in the ^{W 1/2} Northwest Quarter of Section 3 and the ^{SE 1/4} Northeast Quarter of Section 4, in Township 21 South, Range 24 East, Linn County, Kansas.

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

WATER RESOURCES
RECEIVED

AUG 31 2018

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50122 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50122 00 REC

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

3430 Feet North and 5128 Feet West of the Southeast Corner of Section 3 T 21S R 24E

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 26866 00 REC NK S      9645 -- SW SE NE 3250 800 2 21 24E 1      .00      .00 AF
A__ 46187 00 REC NK S      6811 -- -- -- -- 5664 977 5 21 24E 1      .00      .00 AF
Same          7206 -- -- -- -- 5405 1476 5 21 24E 2
***** Authorized storage =      .00 AF Additional storage =      .00 AF
A__ 46550 00 REC NK S      6482 -- -- -- -- 5609 647 5 21 24E 3      .00      .00 AF
Same          6390 -- -- -- -- 5336 644 5 21 24E 4
***** Authorized storage =      .00 AF Additional storage =      .00 AF
A__ 50084 00 REC GY S      2117 -- NE SE NW 3939 3073 3 21 24E 1      8.00      8.00 AF
A__ 50122 00 REC AY S          0 -- NW SW NW 3430 5128 3 21 24E 3      120.00    120.00 AF
A__ 50213 00 REC AY S      6601 -- SE NW SW 1580 4103 2 21 24E 4      254.00    254.00 AF
Same          5904 -- SW NW SW 1342 4915 2 21 24E 5
Same          5320 -- NW NW SW 2191 5266 2 21 24E 6
Same          6284 -- SE NW SW 1780 4376 2 21 24E 7
=====

```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      374.00      .00
Total Permitted Amount (AF) =         8.00      .00
Total Inspected Amount (AF) =         .00      .00
Total Pro_Cert Amount (AF) =         .00      .00
Total Certified Amount (AF) =         .00      309.30
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =      382.00      309.30
=====

```

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:

3430 Feet North and 5128 Feet West of the Southeast Corner of Section 3 T 21S R 24E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

- ```

File Number Use ST SR
A__ 26866 00 REC NK S
> KANSAS DEPT OF WILDLIFE PARKS & TOURISM
> STAGE LEVELS ONLY (TOP)
> 1020 S KANSAS AVE FL 2
> TOPEKA KS 66612
>-----
A__ 46187 00 REC NK S
> LARRY D LARGENT
>
> 16813 E 1650 RD
> PLEASANTON KS 66075

```



>-----  
A\_\_ 46550 00 REC NK S  
> USDA NATURAL RESOURCES CONS SER  
>  
> 760 S BROADWAY  
> SALINA KS 67401

>-----  
A\_\_ 50084 00 REC GY S  
> KINGSTON PROPERTIES BB FARMS, LLC  
>  
> 13725 METCALF AVE #334  
> OVERLAND PARK KS 66223

>-----  
A\_\_ 50122 00 REC AY S  
> JAMES SHETLAR  
>  
> 21145 SHILOH CIRCLE  
> ELKHORN NE 68022

>-----  
A\_\_ 50213 00 REC AY S  
> JIM CLARY  
>  
> 5672 SOUTH ROBB ST  
> LITTLETON CO 80127

>-----  
=====

#####

#50,122

LLN-0108

(non-jurisdictional)

WSI Query: WSI, ENG, WSI\_TRANSACTIONS, WATER\_RIGHTS, LOCATIONS, WAIVERS, ECA, ITRAIL, COMPLIANCE, IMAGES, WSI\_ACTIONS

STRUCTURE NUMBER: LN 0108 Ws ID 36977 LAST# 124

APPLICATION: App Recd Date: [ ]

INDICATORS: Pending Complaint: [ ]

REVIEWER: [ ]

CURRENT STATUS: Project Authority: WETLAND RESTORATION

App Mod: [ ]

INT: [ ] Permit: [ ] Site Name: JAMES R SHETLAR WETLAND

Pending Mod: [ ]

File Location: [ ] Compliance: [ ] Stream: [ ]

After the Fact: [ ]

General Permits: [ ]

Permit: [ ] NCN JURIS: [ ] KDOT Type: [ ]

Levee Ind: [ ]

APPLICANT: LAST: NRCS-SALINA FIRST: [ ]

OWNER: LAST: NRCS-SALINA FIRST: [ ]

DESIGNER: LAST: NRCS-SALINA FIRST: [ ]

Const Comp Date: [ ] DDA: [ ] Remarks: [ ] For: [ ]

App Proc. Type: [ ]

DWR: [ ] Total: [ ]

Location: [ ]

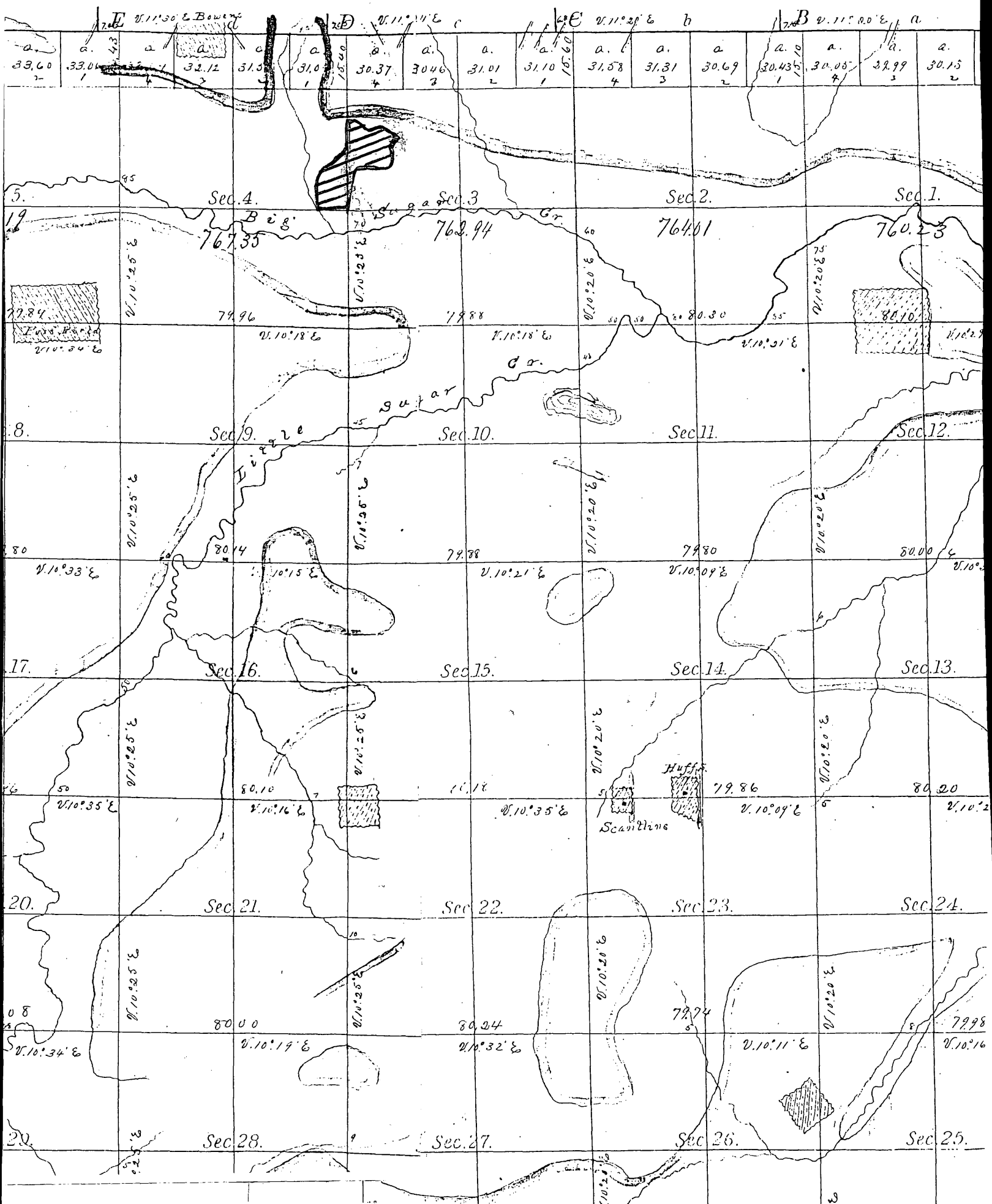
Put Date: [ ]

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

ACTIONS LOCATION ECA FEE ITRAIL LEGAL WAIVER VAR IMAGE CMP MODIFICATION TAXRED AFF ID

| Date       | Action                                     | Decode | Deadline | Remarks    |
|------------|--------------------------------------------|--------|----------|------------|
| 05-31-2013 | DETERM PERMIT NOT REQD, NON-JURISDICTIONAL |        |          | NRCS PERM  |
| 05-24-2013 | DETERMINATION RECEIVED                     |        |          | E-MAIL FRC |

UTH RANGE N° XXIV EAST OF 6<sup>TH</sup> PRINCIPAL MERIDIA



## Schemm, Doug [KDA]

---

**From:** Thurlow, Lynn - NRCS, Salina, KS <Lynn.Thurlow@ks.usda.gov>  
**Sent:** Friday, March 15, 2019 3:58 PM  
**To:** Tietsort, Katie [KDA]; Anderson, Brittany - NRCS, Burlington, KS  
**Cc:** Schemm, Doug [KDA]; Masenthin, Roger - NRCS, Salina, KS; Young, Earniece - NRCS, Burlington, KS; Lyon, Alexander - NRCS, Emporia, KS  
**Subject:** RE: Shetlar CUA letter File No. 50122

*EXTERNAL:* This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Should we pc you on the approval?  
Yes please Katie.

Lynn Thurlow  
Soil Conservationist  
Natural Resources Conservation Service  
760 South Broadway  
Salina, Kansas 67401  
785-823-4548

---

**From:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Sent:** Friday, March 15, 2019 3:52 PM  
**To:** Thurlow, Lynn - NRCS, Salina, KS <Lynn.Thurlow@ks.usda.gov>; Anderson, Brittany - NRCS, Burlington, KS <Brittany.Anderson2@ks.usda.gov>  
**Cc:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Masenthin, Roger - NRCS, Salina, KS <roger.masenthin@ks.usda.gov>; Young, Earniece - NRCS, Burlington, KS <Earniece.Young@ks.usda.gov>; Lyon, Alexander - NRCS, Emporia, KS <Alex.Lyon@ks.usda.gov>  
**Subject:** RE: Shetlar CUA letter File No. 50122

Good Afternoon,

Thanks for this update. We will proceed and include the requirement within our permit that the necessary CUA be finalized and put in place. Should we pc you on the approval?

Have a great weekend, Katie

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Thurlow, Lynn - NRCS, Salina, KS [<mailto:Lynn.Thurlow@ks.usda.gov>]  
**Sent:** Thursday, March 14, 2019 4:24 PM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Anderson, Brittany - NRCS, Burlington, KS <[Brittany.Anderson2@ks.usda.gov](mailto:Brittany.Anderson2@ks.usda.gov)>

**Cc:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>; Masenthin, Roger - NRCS, Salina, KS <[roger.masenthin@ks.usda.gov](mailto:roger.masenthin@ks.usda.gov)>; Young, Earniece - NRCS, Burlington, KS <[Earniece.Young@ks.usda.gov](mailto:Earniece.Young@ks.usda.gov)>; Lyon, Alexander - NRCS, Emporia, KS <[Alex.Lyon@ks.usda.gov](mailto:Alex.Lyon@ks.usda.gov)>  
**Subject:** RE: Shetlar CUA letter File No. 50122

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Katie; Got word from field office that the CUA is being processed for water management. Please don't suspend the landowners application. Approval should be taking place in the next week.

Lynn Thurlow  
Soil Conservationist  
Natural Resources Conservation Service  
760 South Broadway  
Salina, Kansas 67401  
785-823-4548

---

**From:** Thurlow, Lynn - NRCS, Salina, KS  
**Sent:** Thursday, March 14, 2019 8:39 AM  
**To:** 'Tietsort, Katie [KDA]' <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>; Anderson, Brittany - NRCS, Burlington, KS <[Brittany.Anderson2@ks.usda.gov](mailto:Brittany.Anderson2@ks.usda.gov)>  
**Cc:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>; Masenthin, Roger - NRCS, Salina, KS <[roger.masenthin@ks.usda.gov](mailto:roger.masenthin@ks.usda.gov)>; Young, Earniece - NRCS, Burlington, KS <[Earniece.Young@ks.usda.gov](mailto:Earniece.Young@ks.usda.gov)>; Alexander Lyon (Alex.Lyon@ks.usda.gov) <[Alex.Lyon@ks.usda.gov](mailto:Alex.Lyon@ks.usda.gov)>  
**Subject:** RE: Shetlar CUA letter File No. 50122

Katie; NRCS State Office has not received a CUA request from the landowners for water management that would include a temporary pumping site on the wetland easement. Please take appropriate action based on this notification.

Brittany; The Shetlar's will need a Compatible Use Authorization (CUA) for water management in order to get the water appropriation from the State of Kansas and for them to have a temporary pumping site on the WRP easement. Please assist them in development of the CUA. Alex Lyon at the Area Office can assist you in what will need to be included for the CUA request that will be submitted to the State Office for approval. Thanks.

Lynn Thurlow  
Soil Conservationist  
Natural Resources Conservation Service  
760 South Broadway  
Salina, Kansas 67401  
785-823-4548

---

**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Thursday, March 7, 2019 10:44 AM  
**To:** Masenthin, Roger - NRCS, Salina, KS <[roger.masenthin@ks.usda.gov](mailto:roger.masenthin@ks.usda.gov)>; Thurlow, Lynn - NRCS, Salina, KS <[Lynn.Thurlow@ks.usda.gov](mailto:Lynn.Thurlow@ks.usda.gov)>  
**Cc:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** RE: Shetlar CUA letter File No. 50122

Good Morning,

Have you been able to check if the CUA was requested regarding this project? It's been about 6 weeks now and we need to continue moving the process on this application. If you haven't had the CUA applied for, we are going to have to send the application back requiring them to get to you within 30 days and suspend their application at this time if they haven't started working with you on this.

We appreciate feedback, thanks.

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

---

**From:** Schemm, Doug [KDA]  
**Sent:** Thursday, February 21, 2019 10:15 AM  
**To:** Masenthin, Roger - NRCS, Salina, KS <[roger.masenthin@ks.usda.gov](mailto:roger.masenthin@ks.usda.gov)>; Thurlow, Lynn - NRCS, Salina, KS <[Lynn.Thurlow@ks.usda.gov](mailto:Lynn.Thurlow@ks.usda.gov)>  
**Cc:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** RE: Shetlar CUA letter File No. 50122

Good Morning Roger,  
I was just following up on Mr. Shetlar's project. Did you receive the CUA that was requested for pumping into this marsh?  
Thank you,  
Doug

---

**From:** Masenthin, Roger - NRCS, Salina, KS <[roger.masenthin@ks.usda.gov](mailto:roger.masenthin@ks.usda.gov)>  
**Sent:** Thursday, January 17, 2019 10:54 AM  
**To:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>; Thurlow, Lynn - NRCS, Salina, KS <[Lynn.Thurlow@ks.usda.gov](mailto:Lynn.Thurlow@ks.usda.gov)>  
**Cc:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** RE: Shetlar CUA letter

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Doug, NRCS received the letter and have placed in in correspondence with both of the Wetland Easements for Shetlar. Easements include 66-6215-95-008SJ & 66-6215-10-00QGR. CUA's are easement and Landowner specific. Likely to see CUA's for both easements.

Roger J. Masenthin  
Water Resources Planning Specialist  
Natural Resources Conservation Service  
United States Department of Agriculture  
785-823-4537- (Work)  
785-452-8186 – (Cell)

---

**From:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>

**Sent:** Thursday, January 17, 2019 9:55 AM

**To:** Masenthin, Roger - NRCS, Salina, KS <[roger.masenthin@ks.usda.gov](mailto:roger.masenthin@ks.usda.gov)>; Thurlow, Lynn - NRCS, Salina, KS <[Lynn.Thurlow@ks.usda.gov](mailto:Lynn.Thurlow@ks.usda.gov)>

**Cc:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>

**Subject:** RE: Shetlar CUA letter

Good Morning,

Here's a copy of the letter going to Mr. Shetlar requesting the CUA.

Doug

---

**From:** Tietsort, Katie [KDA]

**Sent:** Thursday, January 17, 2019 9:43 AM

**To:** Masenthin, Roger - NRCS, Salina, KS <[roger.masenthin@ks.usda.gov](mailto:roger.masenthin@ks.usda.gov)>; Thurlow, Lynn - NRCS, Salina, KS <[Lynn.Thurlow@ks.usda.gov](mailto:Lynn.Thurlow@ks.usda.gov)>

**Cc:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>

**Subject:** Swayback easement property update

Good Morning,

Doug and I had a call with Jim Pederson late yesterday about the items we discussed in the call earlier in the day. The bottom line is that Jim feels that he filed what we all required him to and is willing to agree to what we need him to to make this right, as long as he doesn't have to pay any more than he has already had to for all the permits.

Where we ended was, he does still have beans in the tract of land not covered by the easement he says, but he is not planning any irrigation at all at this point on the property. It sounds like a bigger problem than adding water is getting rid of water that sits in the fields and on the property. So irrigation is out.

Doug is working up the following package:

- 1) 46706- reduction of the one control point that doesn't exist by signature of Swayback. Doug will confirm it really doesn't exist.
- 2) 48840- voluntary dismissal request to be signed by Swayback. This file for irrigation use will be closed out.
- 3) 48841- We will extend the request for completion by one year as requested. Upon Swayback signature, we will reduce off the reservoir point of diversion and the non-existent control structure point of diversion. We will also reduce off all the irrigation portion. We will leave the rec use from the stream to be pumped up to 30 AF only to the marsh property under the easement. He mentioned something about having set a concrete pumping pad... you might need to look into that. I don't know if he really installed that as a semi-permanent pumping pad location at the stream bank or if he was claiming to have done it to meet our completion requirements...
- 4) 49774- We will reduce the reservoir point of diversion and the non-existent second control structure off as points of diversion and will reduce off the reservoir as place of use upon NRCS signature. We will leave the rec use to cover the 248 AF for natural flows to be impounded in the marsh area.

Later on, if more than 30AF is ever needed to be pumped from the stream into the marsh area, another file can be filed to add more.

Doug is preparing all the necessary paperwork and HQ is processing the request for an extension under 48841. We'll get these documents to you ASAP.

Doug also got the letter out to Shetlar and will be sending you a copy in an email.

Thanks, Katie

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

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



Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 17, 2019

JAMES SHETLAR  
21145 SHILOH CIRCLE  
ELKHORN NE 68022

RE: Application, File No. 50,122

Dear Mr. Shetlar:

After further review of your pending application referenced above, additional information is required in order to complete our processing. You have proposed pumping 120 acre-feet of surface water from Big Sugar Creek into a wildlife marsh located in the West Half of the Northwest Quarter of Section 3, and the Southeast Quarter of the Northeast Quarter of Section 4, all in Township 21 South, Range 24 East, Linn County, Kansas. We have been informed that your proposed marsh is included in a Wetlands Reserve Program (WRP) easement with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS). In order for you to pump water into this marsh, you must complete a Compatible Use Agreement (CUA) application for water level management, and ultimately have it approved. Documents provided by NRCS are attached, please contact the local NRCS office for assistance in completing these forms. The NRCS will not approve a CUA for water level management where pumping is involved without demonstration of a Division of Water Resources (DWR) Appropriation permit.

Because your project requires specific approval from the NRCS before any pumping is allowed, DWR cannot issue our appropriation permit without this documentation. Therefore, you must submit the CUA application to the NRCS prior to approval of Application, File No. 50,122. Please inform us when you have submitted the appropriate paperwork to the NRCS office. We are advising you of this requirement in order to allow you an opportunity to address this issue. We are providing you a period of thirty (30) days until **February 17, 2019** to submit the required information, or request additional time beyond the 30 days. If you wish to request additional time, you must do so **in writing**, before the 30 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information. 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,

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

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

pc: Roger Masenthin  
Lynn Thurlow

### COMPATIBLE USE AUTHORIZATION

1. To be completed by NRCS; check appropriate box:

This transaction is for CCC

This transaction is for NRCS EWP

2. County: (F.O. completes)

3. Contract NO.: (S.O. completes)

4. Agreement NO.: (F.O. completes)

5. Expiration Date: \_\_\_\_\_

A. Person Responsible for Agreement Activities (Name and Address): (Field office completes)

A 1. Person Responsible for Agreement  
(Telephone Number): \_\_\_\_\_

B. Purpose:

WATER LEVEL MANAGEMENT

C. Location Description (Attach a copy of map showing approximate area of compatible use.):

(Field office inserts legal description, number of acres affected by activity, and provides a map identifying the area.)

D. Beginning Condition of Site: (CHECK PREDOMINANT SITE CONDITION)

Herbaceous vegetation

Woody vegetation

E. Statement of Affect and Compatibility:

Pumping and water drawdowns will provide various levels of water in a timely manner. This practice will provide for wetland wildlife habitat at times when natural hydrology does not. A variety of drawdown dates and regimes will be used to create a diversity of vegetation. This practice will affect \_\_\_\_\_ acres. Practice may be requested for up to 5 years.

F. Special Conditions, Specifications and Other Details Including Information From Consultation with FWS, CD and State Wildlife Agency:

Pumping may occur between September 1 and December 31. DWR permit number for pumping is \_\_\_\_\_.  
Water may be released at a rate not to exceed 6 inches per two-week period. Refer to easement, management guidelines for specific pumping and drawdown requirements.

NRCS retains the right to modify or cancel this compatible use authorization at any time if the NRCS determines that such activities do not further the protection and enhancement objectives of the easement, or that the landowner has failed to comply with specified terms and conditions. The landowner engages in such activities at his or her own risk. This authorization does not vest any right of any kind in the Landowner. This authorization is null and void after the expiration date specified above. By signing this document, the landowner agrees to the terms described above and on referenced documents.

G. Recommended (NRCS Signature): \_\_\_\_\_ G 1. Date: \_\_\_\_\_

G 2. Title: \_\_\_\_\_

H. Landowner or Representative (Signature): \_\_\_\_\_ H 1. Date: \_\_\_\_\_

I. Approved (NRCS Signature): \_\_\_\_\_ I 1. Date: \_\_\_\_\_

I 2. Title: \_\_\_\_\_

The signature by the NRCS representative signifies a CCC-NRCS transaction as indicated above.

## COMPATIBLE USE AUTHORIZATION

### OMB DISCLOSURE STATEMENT

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0578-0013. The time required to complete this information collection is estimated to average 0.66 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

### NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information ( Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

### PRIVACY ACT STATEMENT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 522a). Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other State or Federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

# WRP/WRE EASEMENT MANAGEMENT GUIDELINES

Landowner: \_\_\_\_\_ Date Prepared: \_\_\_\_\_  
Agreement Number: \_\_\_\_\_

Management prescription developed by: \_\_\_\_\_ (Name/Title)  
\_\_\_\_\_ (Name/Title)

**Goal:** Manage site to provide a diversity of hydrologic and vegetative conditions that benefit migratory birds and woodland dependent species throughout all seasons of the year. Manage the native grassland site to preserve prairie community and provide habitat for grassland birds and wildlife.

**Hydrology Management:** Wetland hydrology was restored by construction of low level dikes and/or micro-depressions. All depressions will fill and dry naturally depending on weather conditions. Water control structures in dikes allow for water level management. Boards may be removed from water control structures after April 15<sup>th</sup> to allow for vegetation growth during the summer within the wetland cells. Water control structures will have all boards replaced by October 1st. **An approved Compatible Use Authorization (CUA) is required for water level management prior to undertaking this activity.**

If natural runoff does not fill the wetlands, pumping water into the sites may be used by the landowner. Impoundments will be filled slowly to allow soils to saturate. At least one half foot of freeboard will be left between the water level and the emergency spillway. **An approved CUA is required for pumping water prior to undertaking this activity AND the landowner must provide NRCS the water appropriations permit number before the CUA for pumping water will be considered for approval.**

**Vegetation Management:** Existing and/or restored woodland will be managed to produce a diversity of tree species and age. Fire may be used occasionally to promote openings in the woodland and enhance herbaceous understory. Timber Stand Improvement (TSI) may be utilized to improve the woodland areas for wildlife and enhance the health of the stand. Methods that will release mast trees for improved growth and nut production will be used. A TSI plan must be developed by a certified forester. **An approved CUA and TSI plan is required before any tree cutting and/or tree management activities can occur.**

Weeds, including noxious weeds, will be controlled by mowing or chemical treatment to reduce competition, prevent seed production, and encourage growth and establishment of desirable grass and forb species. Mowing will occur between July 15<sup>th</sup> and September 1<sup>st</sup> and mowing height shall be no less than 6 inches. Refer to the current year "Chemical Weed Control for Field Crops, Pastures, Rangeland, and Non-cropland Guide", published by Kansas State University (KSU) for all chemical treatment recommendations and methods. Always read and follow all label directions. **An approved CUA is required for mowing prior to undertaking this activity.**

Existing and/or restored native grass and forb areas will be managed to provide wildlife habitat and a buffer around wetland areas. These native grass areas may be burned as needed to minimize tree encroachment into the existing and/or restored grassland areas, enhance the grass for use as nesting and brood habitat, and maintain a healthy stand of grass to serve as the wetland buffer. Burns are not allowed during the nesting season from April 15 to July 15 each year. Firebreaks may be developed and maintained by mowing to enhance management of the area and increase safety during prescribed burns. Refer to NRCS practice code 338, Prescribed Burning, and 394, Firebreak for details. **Burning and firebreaks require an approved CUA and a prescribed burn plan (as applicable) prior to undertaking either of these activities.**

Haying and/or grazing may be used occasionally in grassland areas to manipulate the habitat and reduce woody and/or invasive plant encroachment. The prescribed grazing plan identifies the habitat needs necessary to maintain or improve food, cover and shelter for the identified targeted wildlife species and provides a detailed grazing schedule that outlines the grazing intensity, duration, degree of use and periods of rest or deferment necessary. Grazing is not allowed in the same year on the same acreage that is hayed or mowed. Haying will not occur during the nesting season (April 15- July 15). **Haying and grazing require an approved CUA and a prescribed grazing plan (as applicable) prior to undertaking these activities.**

Disking, or other approved soil disturbance activity, may be used in restored grassland areas to reduce grass dominance and encourage annual and perennial forbs. Disking shall occur between October 1<sup>st</sup> and April 15<sup>th</sup>.

Refer to guidance in Upland Wildlife Habitat Management (645) specification for details. **Disking or any other soil disturbance activity requires an approved CUA prior to undertaking the activity.**

Food plots may be planted on up to 5% of the total easement acres (as designated on the attached map) to provide winter food for wildlife. These areas may be prepared and planted to small grains, row crops, legumes or a variety of cover crops with no harvest allowed. Soybeans are not allowed due to toxicity concerns to quail and other wildlife. Refer to guidance in Upland Wildlife Habitat Management (645) specification for details. **Food plots require an approved CUA prior to preparing and planting the food plot(s).**

Wetland units will be managed by burning, mowing, chemical application or disking to develop and maintain natural moist soil plants that provide food and cover for a variety of wildlife species. Hydrology management will encourage the development of wetland vegetation. Undesirable woody species, i.e. cottonwood, elm and green ash, may be cut to enhance wetland conditions. Herbicides may also be used on the stumps of cut trees or as a foliar spray if applied according to label directions. Refer to NRCS practice code 314, Brush Management for details. Depression areas may also be disked occasionally if needed to manipulate plants in these wetlands. Refer to NRCS practice code 644, Wetland Habitat Management for details. **Burning, mowing, disking, chemical application, and cutting all require an approved CUA's prior to undertaking any of these activities.**

Trails may be developed to provide access by foot or vehicle for management activities, recreational access, and general quiet enjoyment of the easement. The general public will not have access to these trails. Trails can be mowed to a maximum width of 10 feet and mowing height shall be no less than 6 inches. Trails may be mowed one time during the nesting season (April 15- July 15) and additional mowing may be approved as specified in the CUA. Trail use during wet soil conditions is limited to foot traffic only. Gravel or other amendments are not allowed on trails. **Trails require an approved CUA prior to trails being developed.**

Wildlife viewing or hunting structures will be allowed if they blend in with the surrounding area. In area(s) where installation causes soil disturbance and vegetation removal for installation of structures the area will be smoothed and reseeded as necessary. The structure will not exceed 150 square feet of floor area, have no running water or electricity and will blend in with the surrounding landscape. **An approved CUA for structures is required prior to undertaking this activity.**

Structures that are rustic and customary to the locale **DO NOT require a CUA.** Hunting equipment, including tree stands and blinds, that is rustic and customary for the locale would include manufactured wildlife feeders, ladder stands, hanging tree stands, cloth ground blinds, tripod stands, and tower stands that are not constructed with any foundation footings, or poles placed in the ground. In addition, homemade portable ground blinds that are made of metal or wood, have no electricity or water, and are placed on the ground surface and can be easily moved would be considered rustic structures. Blinds and tree stands, to be considered rustic structures, are limited to no more than 75 square feet of floor area and should blend in with the landscape.

**Other:** NRCS technical assistance is available at any time. *Any manipulation of vegetation or hydrology requires an approved Compatible Use Agreement prior to implementation.*

**By signing this document the landowner acknowledges that the above management guidelines will be followed if CUA(s) are approved by NRCS. It should be understood that these are general guidelines and more specific requirements may be included in the CUA(s). NRCS retains the right to modify or cancel the CUA(s) at any time if NRCS determines that such activities do not further the protection and enhancement objectives of the easement, or that the landowner has failed to comply with specified terms and conditions of the CUA(s).**

---

Landowner

Date

---

NRCS Representative

Date

## Schemm, Doug [KDA]

---

**From:** Masenthin, Roger - NRCS, Salina, KS <roger.masenthin@ks.usda.gov>  
**Sent:** Thursday, October 25, 2018 9:55 AM  
**To:** Schemm, Doug [KDA]  
**Cc:** Wells, Bruce - NRCS, Salina, KS; Thurlow, Lynn - NRCS, Salina, KS; Young, Earniece - NRCS, Burlington, KS; Lyon, Alexander - NRCS, Emporia, KS; Lucas, Cynthia - NRCS, Salina, KS  
**Subject:** RE: James Shetlar Marsh Acreage - Linn County  
**Attachments:** AD-1160 Water Level Management.pdf; Management Guidelines.docx

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Doug,

Appreciate the inquiry regarding this easement activity. As we discussed on the phone there are actually 2 WRP easements involved here: 66-6215-95-008SJ & 66-6215-10-00QGR. They are adjacent to each other. In a review of the files there are several Compatible Use Agreements(CUA's) in place for these easements including the installation of a Water Control Structure to allow management of water levels.

What is missing is CUA's for Water Level Management which are required for the landowner to be able to manage the water levels himself (this includes pumping). NRCS is generally open to allowing LO's to conduct water level management activities with approved CUA's in place. The water level management CUA is where any approved Water Appropriation pumping permit # would be needed for NRCS to approve the CUA. Put another way NRCS will not approve a CUA for Water level management where pumping is involved without demonstration of a DWR Water Appropriation pumping permit.

As we discussed Mr. Shetlar will need to contact the local NRCS Field Office to get the CUA's developed.

I have included Field & Area level staff with this response so perhaps we can be ready to follow-up with Mr Shetlar when he contacts the office. I have included the Water Level Management CUA template for reference.

Roger J. Masenthin  
Water Resources Planning Specialist  
Natural Resources Conservation Service  
United States Department of Agriculture  
785-823-4537- (Work)  
785-452-8186 – (Cell)

---

**From:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Sent:** Wednesday, October 24, 2018 1:45 PM  
**To:** Masenthin, Roger - NRCS, Salina, KS <roger.masenthin@ks.usda.gov>  
**Subject:** FW: James Shetlar Marsh Acreage - Linn County

Hello Roger,

Mr. Shetlar has requested pumping surface water from Big Sugar Creek into this marsh. The marsh is located in Sections 3 and 4, T21S, R24E in Linn County.

I just wanted to check and see if he's ok with you pumping into the marsh.

Have a great day,

Doug

# 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

October 2, 2018

DRAGONFLY810 LLC  
9216 HIGH DRIVE  
LEAWOOD KS 66206

Re: Pending Application, File No. 50,122

Dear Sir or Madam:

This is to advise you that James Shetlar has filed the application referred to above for a permit to appropriate 120 acre-feet of surface water per calendar year from Big Sugar Creek for recreational use, to be diverted at a maximum rate of 4,000 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 Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 3, in Township 21 South, Range 24 East, Linn 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: James Shetlar

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

October 2, 2018

LAWRENCE LEHNERT  
10406 CRESTWOOD COVE CT  
CYPRESS TX 77433

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Environmental Scientist  
Topeka Field Office

pc: James Shetlar



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October 2, 2018

DOUGLAS PEUSER  
10991 W 247<sup>TH</sup> STREET  
BUCYRUS KS 66013

Re: Pending Application, File No. 50,122

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Topeka Field Office

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

October 2, 2018

KINGSTON PROPERTIES BB FARMS LLC  
13725 METCALF AVENUE #334  
OVERLAND PARK KS 66223

Re: Pending Application, File No. 50,122

Dear Sir or Madam:

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Environmental Scientist  
Topeka Field Office

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

October 2, 2018

GRAY FAMILY HOLDINGS LLC  
1310 VIEW STREET  
MORRILTON AR 72110-3700

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

October 2, 2018

BRETT DENNIS  
13816 HEMLOCK  
OVERLAND PARK KS 66223

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Topeka Field Office

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October 2, 2018

BRIAN DANIELSON  
1814 MANCHASTER AVE  
EDMOND OK 73034

Re: Pending Application, File No. 50,122

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Topeka Field Office

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

October 2, 2018

KAY WILKERSON TRUST  
16217 PETERSON LANE  
PLEASANTON KS 66075

Re: Pending Application, File No. 50,122

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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: James Shetlar

## Schemm, Doug [KDA]

---

**From:** James Shetlar <james@shetlarlawfirm.com>  
**Sent:** Tuesday, August 28, 2018 10:37 AM  
**To:** Schemm, Doug [KDA]  
**Cc:** sshetlar@aol.com; 'mike vanwyk'  
**Subject:** FW: Send data from MFP12100289 [Jim\_Shetlar]  
**Attachments:** DOC082818.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

I had called you this morning about your letter on Kingston Properties. I just realized after looking at some paperwork they are adjacent to our property and I had sold them 100 acres a few years ago. They are just East and downstream of our property. I have enclosed what I could find on maps. Mike Van Wyk knows all about the property. As I told you we would also like to pump water. You indicated you would go ahead and take it from your end. Please let me know if you need anything else. Thanks Jim

James R. Shetlar  
James R. Shetlar Law Office  
8000 Foster  
Overland Park KS 66204  
(913)648-3220  
Fax: (913)648-3357  
james@shetlarlawfirm.com

-----Original Message-----

**From:** Santa Fe Law Building <jimshetlar@kc.surewest.net>  
**Sent:** Tuesday, August 28, 2018 10:27 AM  
**To:** James Shetlar <james@shetlarlawfirm.com>  
**Subject:** Send data from MFP12100289 [Jim\_Shetlar]

Scanned from MFP12100289  
Scan 2 Email  
Jim\_Shetlar  
Date:08/28/2018 10:27  
Pages:9  
Resolution:200x200 DPI  
-----

**From:** Van Wyk, Michael - NRCS, Mound City, KS <[Michael.VanWyk@ks.usda.gov](mailto:Michael.VanWyk@ks.usda.gov)>  
**Sent:** Tuesday, August 28, 2018 4:13 PM  
**To:** Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>  
**Subject:** James Shetlar Marsh Acreage - Linn County

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Doug,

See the attached map outlining the approximate flooded area. I came up with 27.8 acres. If you need anything else, let me know.

Thanks,

Mike Van Wyk  
District Conservationist  
Mound City Field Office  
Natural Resources Conservation Service  
United States Department of Agriculture  
Phone: 913-795-2940  
431 Spruce St, PO Box G Mound City KS 66056

*Stay Connected with USDA:*



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# Conservation Plan Map

Date: 8/28/2018

Customer(s): JAMES R SHETLAR

District: LINN COUNTY CONSERVATION DISTRICT

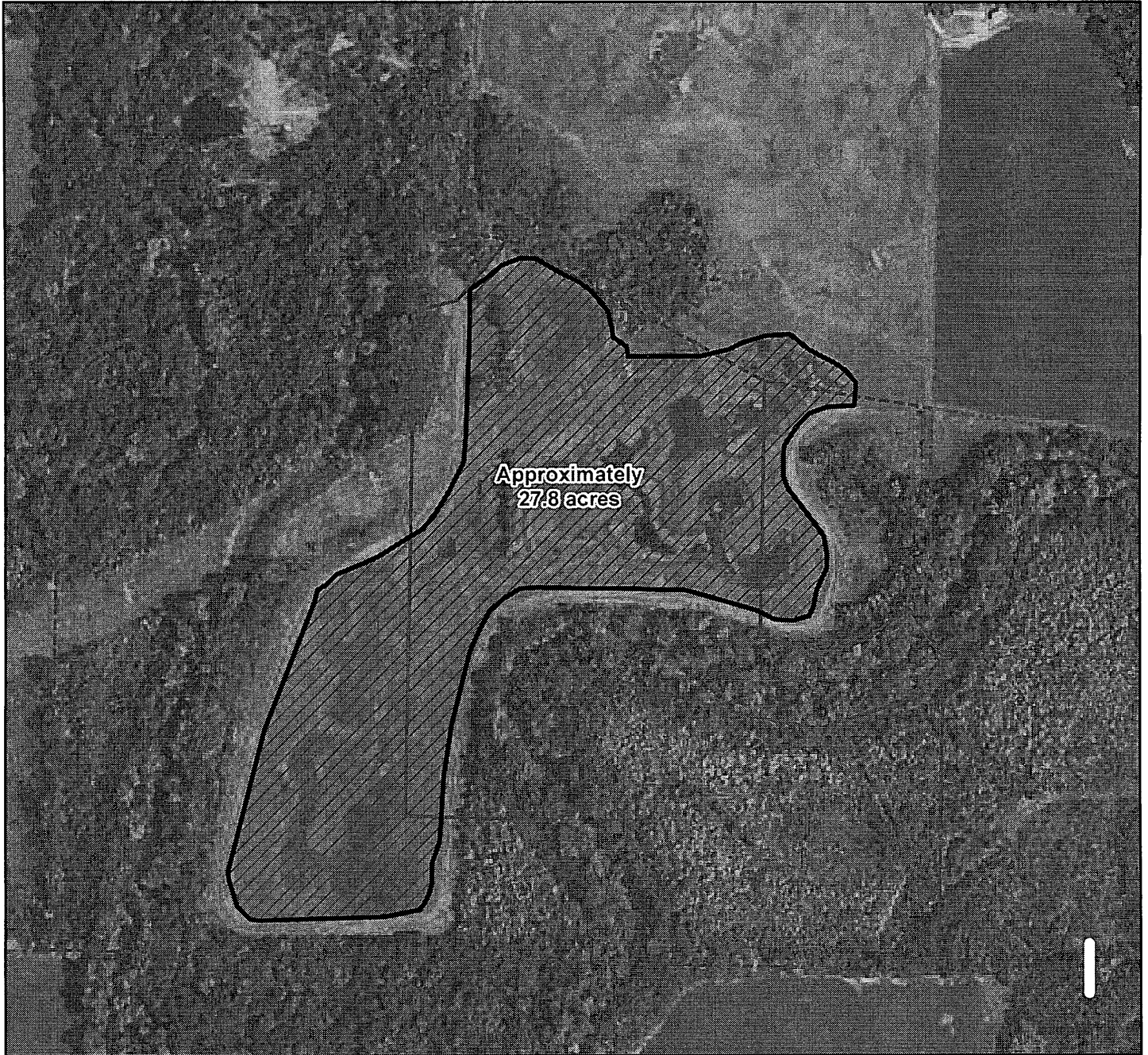
Legal Description: Section 3, 4-21-24

Field Office: MOUND CITY SERVICE CENTER

Agency: USDA-NRCS

Assisted By: MICHAEL VAN WYK


State and County: KS, Linn County, Kansas



## Legend

 Marsh Acreage

## Owner

 Shetlar

 Kingston Prop LLC



NEARBY LANDOWNERS

LAWRENCE LEHNERT  
10406 CRESTWOOD COVE CT  
CYPRESS TX 77433

DOUGLAS PEUSER  
10991 W 247<sup>TH</sup> STREET  
BUCYRUS KS 66013

KINGSTON PROPERTIES BB FARMS LLC  
13725 METCALF AVE #334  
OVERLAND PARK KS 66223

GRAY FAMILY HOLDINGS LLC  
1310 VIEW STREET  
MORRILTON AR 72110-3700

BRETT DENNIS  
13816 HEMLOCK  
OVERLAND PARK KS 66223

BRIAN DANIELSON  
1814 MANCHASTER AVE  
EDMOND OK 73034

KAY WILKERSON TRUST  
16217 PETERSON LANE  
PLEASANTON KS 66075

DRAGONFLY810 LLC  
9216 HIGH DRIVE  
LEAWOOD KS 66206

WATER RESOURCES  
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AUG 31 2018

KS DEPT OF **SCANNED**

Aug 29, 2018  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application  
File No. 50122

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

James R. Shetlar  
Signature of Applicant

James R. Shetlar  
(Print Applicant's Name)

State of Kansas )  
County of Johnson ) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 29 day of August, 2018.

Gustavo Martinez  
Notary Public

My Commission Expires: 11/30/20

GUSTAVO MARTINEZ-RAMOS  
Notary Public-State of Kansas  
My Commission Expires: 11-30-20

RECEIVED

AUG 31 2018 SCANNED

50122

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

WATER RESOURCES  
RECEIVED

AUG 31 2018

KS DEPT OF AGRICULTURE  
**SCANNED**

50122

**James Shetlar**

---

**From:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Sent:** Wednesday, August 29, 2018 7:58 AM  
**To:** James Shetlar  
**Subject:** New Application for Marsh  
**Attachments:** App SW REC Use Wetland.docx; MDS FORM.DOCX; Nearby Landowners.docx; REC SUPPLEMENTAL SHEET.DOCX; Shetlar Marsh 3 21 24E.PDF

Good Morning Jim,

Please review the attached information including the "Application For Permit To Appropriate Water For Beneficial Use" form, to ensure that it correctly represents your project. You **must sign the application form at both Paragraph Nos. 6 and 16, and also please sign the enclosed site map at the bottom.** For the requested quantity of 120 acre-feet, the filing fee would be **\$300**. In addition, the enclosed Minimum Desirable Streamflow form must also be **signed and notarized**. Also please review the Landowner Listing and make any additions you wish.

Once the application is signed, please mail it with the other documents and filing fee to Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502.

Have a great day,  
Doug  
785-296-3495

WATER RESOURCES  
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AUG 31 2018

KS DEPT OF AGRICULTURE

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

9/7/2018

JAMES SHETLAR  
21145 SHILOH CIRCLE  
ELKHORN, KS 68022

RE: Application, File No. **50122**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

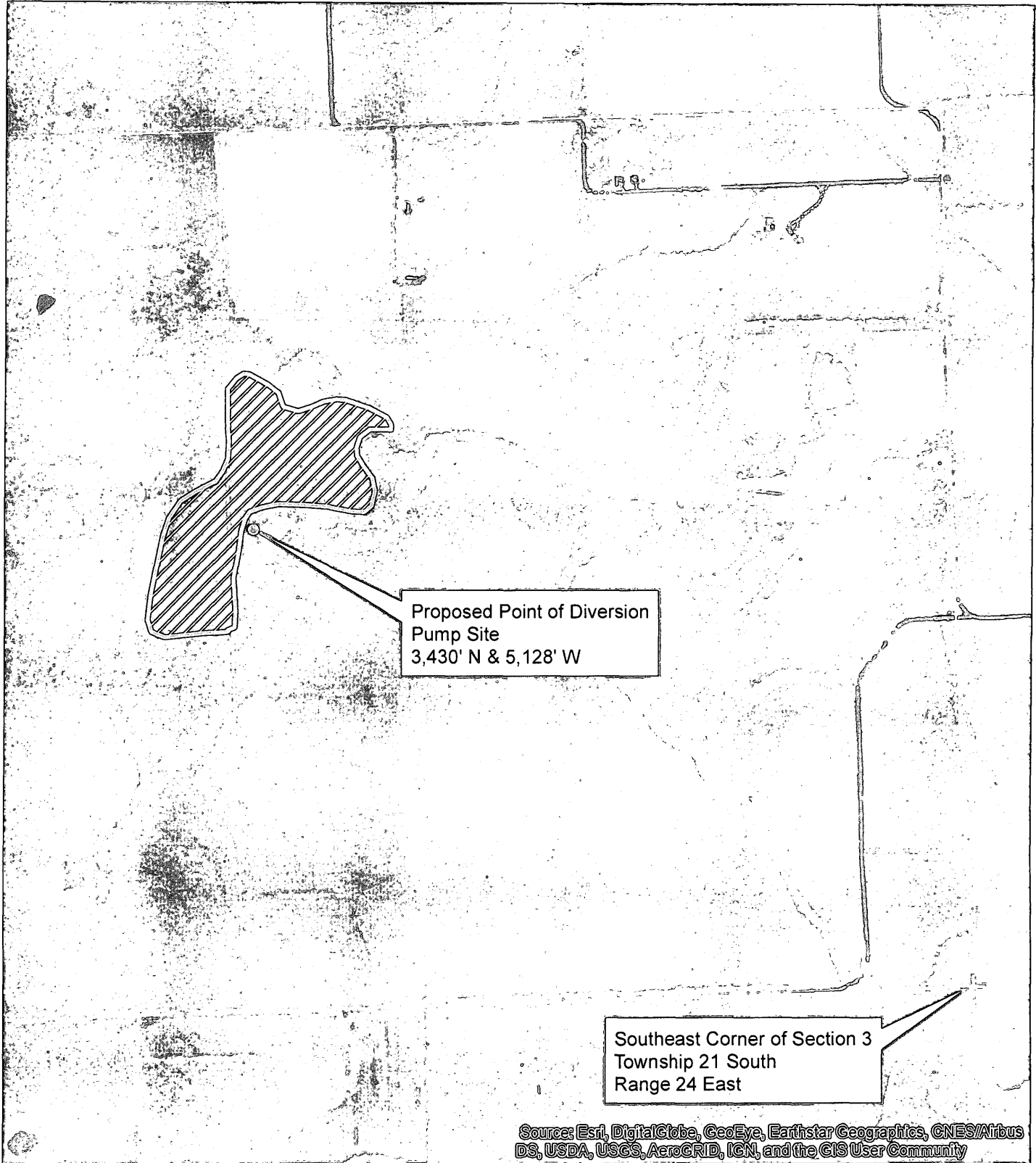
A handwritten signature in black ink that reads "Kristen A. Baum".

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

SCANNED

JAMES SHETLAR - NEW APPLICATION  
SITE MAP - SEC. 3, T21S, R24E

50122

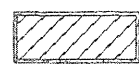


Proposed Point of Diversion  
Pump Site  
3,430' N & 5,128' W

Southeast Corner of Section 3  
Township 21 South  
Range 24 East

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:12,000



Proposed Place of Use



Proposed Point of Diversion

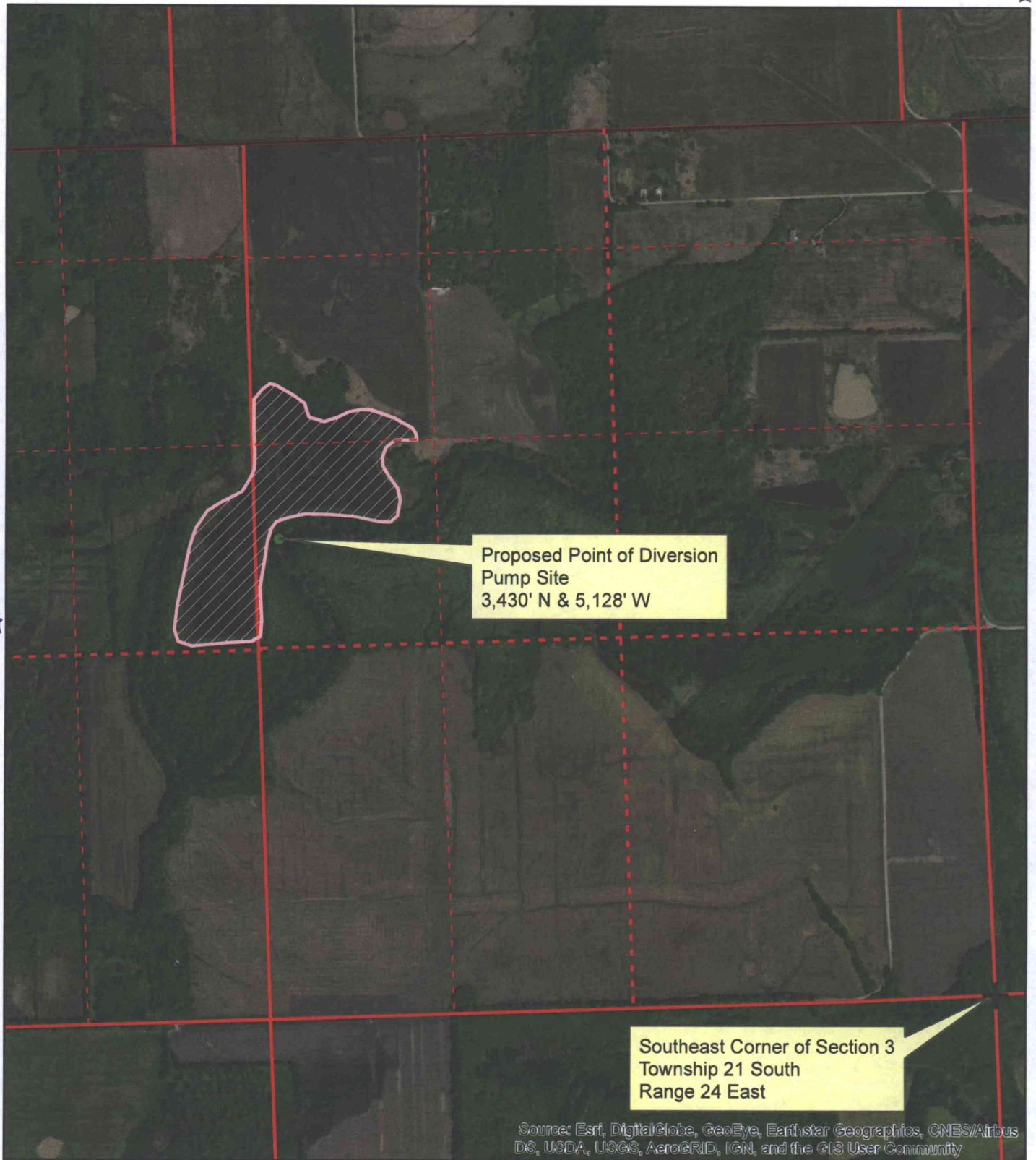
All landowners within 1/2 mile upstream and downstream from the property lines have been identified.

*James R. Shetlar*  
WATER RESOURCES  
RECEIVED

AUG 31 2018

SCANNED

# JAMES SHETLAR - NEW APPLICATION SITE MAP - SEC. 3, T21S, R24E



1:12,000



Proposed Place of Use



Proposed Point of Diversion

All landowners within 1/2 mile upstream and downstream from the property lines have been identified.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community