

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;">50,215</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">5/15/2019</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 <input type="checkbox"/> Person ID 66639 Add Seq# _____</p> <p>KROOKED KREEK RANCH LC % DAN SMITH 660 E HWY 47 FRANKLIN KS 66735</p>	<p>7c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____</p> <p>7a.</p>	<p>7e. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____</p>

<p>8. WUR Correspondent <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> 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><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: **4/22/19** By: **DWS**
Date Entered: **5/15/2019** By: **LLM**

File No. **50,215** 15. Formation Code: Drainage Basin: **MARMATON RIVER** County: **CR** Special Use: Stream: **WEST FORK DRY WOOD CREEK (MARMATON)**

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√				NW SW SW	33	27	24E	1	1260	5090
√				SE NW SW	33	27	24E	2	1360	4190
Structures File No. LCR-0076										

17. Rate and Quantity					
Authorized			Additional		
Rate gpm	Quantity af		Rate gpm	Quantity af	
			Overlap PD-Files		
3000	25		3000	25	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 **12/31/2020** Date Acceptable Meter Installed _____

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files					
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
√				33	27	24E	1	WILDLIFE HABITAT (NW SW)																					7a.	NO	NONE

Comments: **special condition: permission to pump**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 22, 2019

FROM: Doug Schemm

RE: Application, File No. 50,215

Dan Smith (Krooked Kreek Ranch LC) has filed the application referred to above proposing to appropriate 25 acre-feet of surface water at a diversion rate of 3,000 gallons per minute from two pump sites on West Fork Drywood Creek, within the Marmaton River basin, for recreational use in a waterfowl marsh. This application will allow water to be pumped directly from West Fork Drywood Creek (when flows are adequate and permission is granted). The water will be used to fill and maintain water levels in this marsh (i.e. offset evaporative and seepage losses). This is a proposed new marsh, and there are no overlapping files in point of diversion or place of use. The marsh is located in the Southwest Quarter of Section 33, Township 27 South, Range 24 East, Crawford County, on property owned by the applicant. 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 capacity of 8.3 acre-feet, and three fillings per year.

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) has confirmed that there are no NRCS easements on this property (See April 1, 2019 e-mail from Lynn Thurlow). This is a critical determination because any property that has an NRCS easement must complete a Compatible Use Agreement (CUA) application for water level management, and ultimately have it approved.

A list of nearby landowners was provided, and notification letters were sent out on April 1, 2019. A telephone call was received from Steve Kelly (Kelly Ranches LLC) who was concerned of impact to streamflow. Mr. Kelly has a senior, downstream IRR water right (File No. 26,714) located almost two miles away, that he has not pumped in many years because of inadequate streamflow. He did not want the application approved because he doesn't think any more water should be pumped from this stream. We discussed the strict permit conditioning to prevent impairment of senior water rights, and that pumping would be limited to the fall months. With proper conditioning, as discussed below, approval of this application will not impair senior water rights.

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 five existing water rights within the two-mile radius circle, however four of the five are related to Farlington Lake-Crawford State Fishing Lake fish hatchery, which is upstream of the proposed pump sites, and the fifth one is Mr. Kelly's water right discussed above. There is no established Minimum Desirable Streamflow for the Marmaton River.

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.

Dan Smith - Memorandum
File No. 50,215
Page 2

This project is already permitted under DWR Structures Program File No. LCR-0076.

In an April 15, 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 applicant has obtained the required structures permitting, 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

May 20, 2019

FILE COPY

KROOKED KREEK RANCH LC
% DAN SMITH
660 E HWY 47
FRANKLIN KS 66735

RE: Appropriation of Water, File No. 50,215

Dear Mr. Smith:

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.

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 at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

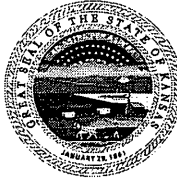
Sincerely,

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

KAB:dws
Enclosure(s)

pc: Topeka Field Office

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. 50,215 of the applicant

**KROOKED KREEK RANCH LC
% DAN SMITH
660 E HWY 47
FRANKLIN KS 66735**

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 **February 25, 2019**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, in Township 27 South, Range 24 East, Crawford County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from West Fork Dry Wood Creek (Marmaton), to be diverted at two (2) pump sites located as follows: one (1) in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 1,260 feet North and 5,090 feet West of the Southeast corner of said section, and one (1) in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 1,360 feet North and 4,190 feet West of the Southeast corner of said section, both in Township 27 South, Range 24 East, Crawford County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **3,000 gallons per minute (6.68 c.f.s.)** and to a quantity not to exceed **25 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.

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.



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FEB 25 2019

2:17

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

File Number 50215 This item to be completed by the Division of Water Resources.

APPLICATION COMPLETE 4/19/19 Reviewer KAB

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.)

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

1. Name of Applicant (Please Print): Dan Smith Address: 660 E Hwy 47 City: Franklin State KS Zip Code 66735 Telephone Number: (620) 687-1163

2. The source of water is: [X] surface water in West Fork Drywood Creek (Marmaton) (stream) OR [] groundwater in (drainage basin)

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

3. The maximum quantity of water desired is 25 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of 3000 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended): (a) [] Artificial Recharge (b) [] Irrigation (c) [X] Recreational (d) [] Water Power (e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only: F.O. 1 GMD Meets K.A.R. 5-3-1 (YES / NO) Use REC Source G/S County CR By DAW Date 2/25/19 Code REG Fee \$ 200 TR # Receipt Date 2/25/19 Check # 2240

3/12/2019 ULM SCANNED

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 SW quarter of Section 33, more particularly described as being near a point 1260 feet North and 5090 feet West of the Southeast corner of said section, in Township 27 South, Range 24 East, Crawford County, Kansas.

(B) One in the SE quarter of the NW quarter of the SW quarter of Section 33, more particularly described as being near a point 1360 feet North and 4190 feet West of the Southeast corner of said section, in Township 27 South, Range 24 East, Crawford 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):

Krooked Kreek Ranch LC, 660 E Hwy 47, Franklin, KS 66735
(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 February 8, 2019. [Signature]
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 pump (2 pumpsites)
(number of wells, pumps or dams, etc.)

and will be completed (by) upon approval
(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 10/1/19
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here LCR-0076
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

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

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

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

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner/Agent
(owner, tenant, agent or otherwise)

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

Krooked Kreek Ranch LC, 660 E Hwy 47, Franklin, KS 66735
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Franklin, Kansas, this 8th day of February, 2019.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Caleb Fabrycky TFO - Parsons Date: 2/4/19
(office/title)

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KS DEPT OF AGRICULTURE
SCANNED

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50215

Name of Applicant (Please Print): Dan Smith

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): Wetlands for wildlife habitat, waterfowl hunting, and bird watching.

2. Please summarize how the water will be used and justify the quantity of water requested: Seasonally fill and maintain a marsh (see attached capacity table). Permanent pool of the marsh is 8.3 AF. This application requests three times the capacity to account for seepage, evaporation, and transpiration.

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	25 AF
Year 2	25 AF
Year 3	25 AF
Year 4	25 AF
Year 5	25 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.

Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 33, Township 27 South, Range 24 East, Crawford County, Kansas.

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

WATER RESOURCES
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FEB 25 2019

50,215

Schemm, Doug [KDA]

From: Thurlow, Lynn - NRCS, Salina, KS <Lynn.Thurlow@ks.usda.gov>
Sent: Monday, April 1, 2019 9:19 AM
To: Schemm, Doug [KDA]
Cc: Masenthin, Roger - NRCS, Salina, KS
Subject: RE: 2 new marsh projects

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, I checked those legals and there are no NRCS easements currently on these properties. Thanks for checking.

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

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Monday, April 1, 2019 8:24 AM
To: Masenthin, Roger - NRCS, Salina, KS <roger.masenthin@ks.usda.gov>; Thurlow, Lynn - NRCS, Salina, KS <Lynn.Thurlow@ks.usda.gov>
Subject: 2 new marsh projects

Good Morning,
I am checking to see if there are any NRCS easements or agreements for 2 new marsh projects. One is located in the SW¼ of Sec. 14 & the NW¼ of Sec. 23, all in T34S, R15E in Montgomery Co. under the name of Scott Linder (Twin Creek Bluff LLC).

The second one is located in the SW¼ of Sec. 33, T27S, R24E in Crawford Co. under the name of Dan Smith (Krooked Kreek Ranch LC).
Thank you, and have a great day,
Doug

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

50,215
LCR-76

WSI Q1 Query: WSI, ENG, WSI_TRANSACTIONS, WATER_RIGHTS, LOCATIONS, WAIVERS, ECA, ITRAIL, COMPLIANCE, IMAGES, WSI_ACTIONS

STRUCTURE NUMBER: L: CR: 0076 Ws Id: 39976 LAST#: 00 APPLICATION: App Recd Date: 09-15-2017 INDICATORS: Pending Complaint: N

REVIEWER: CURRENT STATUS: Project Activity: FLOODPLAIN FILL App Mod: N
 INT: Permt: PC Site Name: WETLAND HABITAT FOR WATERFC Pending Mod: N
 File Location: Compliance: Stream: WEST FORK DRY WOOD CREEK After the Fact: Y
 Permt: CCNS TRUCTEL KDOT Type: General Permits: N

APPLICANT: LAST: KROOKED CREEK RANCH LLC FIRST: Levee Ind: Corps: App Proc Time: DWR: 31 Total: 31
 OWNER: LAST: KROOKED CREEK RANCH LLC FIRST: Location: Pub Date:
 DESIGNER: LAST: AG ENGINEERING ASSOCIATES FIRST: Const Comp Date: 01-31-2018 DDA: 7500 Remarks: ATF WETLAND BERMS Fo:

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

ACTIONS LOCATION ECA FEE ITRAIL LEGAL WAIVER YR IMAGE QRP MODIFICATION TAXED AFF ID

Date	Action	Deadline	Remarks
03-08-2018	PERMIT NOTICE OF COMPLETION		COMPLETE
10-16-2017	PERMIT ISSUED PENDING COMPLETION	07-01-2021	APPROVED
09-15-2017	APPLICATION RECEIVED		\$800 ATF F

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50215 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50215 00 REC

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

1260 Feet North and 5090 Feet West of the Southeast Corner of Section 33 T 27S 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__ 26714 00 IRR NK S 10234 -- SE SE NE 2850 300 34 27 24E 1 99.00 99.00 AF
A__ 40353 00 IND NK S 4416 -- -- -- -- 5000 3700 5 28 24E 1 792.28 792.28 AF
A__ 46054 00 IND NK S 4416 -- -- -- -- 5000 3700 5 28 24E 1 101.10 101.10 AF
A__ 50068 00 IND KE S 4416 -- -- -- -- 5000 3700 5 28 24E 1 860.60 860.60 AF
A__ 50215 00 REC AY S 0 -- NW SW SW 1260 5090 33 27 24E 1 25.00 25.00 AF
Same 906 -- SE NW SW 1360 4190 33 27 24E 2
VCR 13 00 REC AA S 4416 -- -- -- -- 5000 3700 5 28 24E 1 240.00 240.00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      25.00          .00
Total Permitted Amount (AF) =     860.60       2581.80
Total Inspected Amount (AF) =         .00          .00
Total Pro_Cert Amount (AF) =         .00          .00
Total Certified Amount (AF) =     992.38       2683.00
Total Vested Amount (AF) =        240.00          .00
TOTAL AMOUNT (AF) =      2117.98       5264.80
=====
    
```

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:

1260 Feet North and 5090 Feet West of the Southeast Corner of Section 33 T 27S R 24E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 26714 00 IRR NK S
> KELLY RANCHES LLC
>
> 1059 N 190TH ST
> ARCADIA KS 66711
>-----
A__ 40353 00 IND NK S
> KANSAS DEPT OF WILDLIFE PARKS & TOURISM
> PROJECT ENGINEER (TOP)
> 1020 S KANSAS AVE FL 2
> TOPEKA KS 66612
>-----
A__ 46054 00 IND NK S
> KANSAS DEPT OF WILDLIFE PARKS & TOURISM
> PROJECT ENGINEER (TOP)
> 1020 S KANSAS AVE FL 2
> TOPEKA KS 66612
    
```

>-----
A__ 50068 00 IND KE S
> KANSAS DEPT OF WILDLIFE PARKS & TOURISM
> STAGE LEVELS ONLY (TOP)
> 1020 S KANSAS AVE FL 2
> TOPEKA KS 66612
>-----

A__ 50215 00 REC AY S
> DAN SMITH
>
> 660 E HWY 47
> FRANKLIN KS 66735
>-----

VCR 13 00 REC AA S
> KANSAS DEPT OF WILDLIFE PARKS & TOURISM
> STAGE LEVELS ONLY (TOP)
> 1020 S KANSAS AVE FL 2
> TOPEKA KS 66612
>-----

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50215 00 REC

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

1360 Feet North and 4190 Feet West of the Southeast Corner of Section 33 T 27S 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__ 26714 00	IRR	NK	S	9329	--	SE	SE	NE	2850	300	34	27	24E	1		99.00	99.00	AF
A__ 40353 00	IND	NK	S	5289	--	--	--	--	5000	3700	5	28	24E	1		792.28	792.28	AF
A__ 46054 00	IND	NK	S	5289	--	--	--	--	5000	3700	5	28	24E	1		101.10	101.10	AF
A__ 50068 00	IND	KE	S	5289	--	--	--	--	5000	3700	5	28	24E	1		860.60	860.60	AF
A__ 50215 00	REC	AY	S	906	--	NW	SW	SW	1260	5090	33	27	24E	1		25.00	25.00	AF
Same				0	--	SE	NW	SW	1360	4190	33	27	24E	2				
VCR 13 00	REC	AA	S	5289	--	--	--	--	5000	3700	5	28	24E	1		240.00	240.00	AF

Total Net Quantities Authorized:		Direct	Storage
Total Requested Amount (AF) =		25.00	.00
Total Permitted Amount (AF) =		860.60	2581.80
Total Inspected Amount (AF) =		.00	.00
Total Pro_Cert Amount (AF) =		.00	.00
Total Certified Amount (AF) =		992.38	2683.00
Total Vested Amount (AF) =		240.00	.00
TOTAL AMOUNT (AF) =		2117.98	5264.80

An * after the source of supply indicates a pending application for change under the file number.
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Water Rights and Points of Diversion Within 2.00 miles of point defined as:

1360 Feet North and 4190 Feet West of the Southeast Corner of Section 33 T 27S R 24E

SURFACE WATER ONLY

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, Acting Secretary

Laura Kelly, Governor

April 1, 2019

KELLY RANCHES LLC
% STEVE KELLY
1059 N 190TH ST
ARCADIA KS 66711

Re: Pending Application, File No. 50,215

Dear Sir or Madam:

This is to advise you that Dan Smith has filed the application referred to above for a permit to appropriate 25 acre-feet of surface water per calendar year from West Fork Drywood Creek in the Marmaton River basin for recreational use, to be diverted at a maximum rate of 3,000 gallons per minute. Please note that the purpose of this application, if approved, would be to divert surface water to supplement recreational use at a wildlife marsh. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

Surface water will be diverted from one (1) pump site located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW¹/₄ SW¹/₄ SW¹/₄) of Section 33, in Township 27 South, Range 24 East, Crawford 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,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Dan Smith

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, Acting Secretary

Laura Kelly, Governor

April 1, 2019

JOANN RUTHERFORD
670 N HWY 69
ARMA KS 66712

Re: Pending Application, File No. 50,215

Dear Sir or Madam:

This is to advise you that Dan Smith has filed the application referred to above for a permit to appropriate 25 acre-feet of surface water per calendar year from West Fork Drywood Creek in the Marmaton River basin for recreational use, to be diverted at a maximum rate of 3,000 gallons per minute. Please note that the purpose of this application, if approved, would be to divert surface water to supplement recreational use at a wildlife marsh. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

Surface water will be diverted from one (1) pump site located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33, in Township 27 South, Range 24 East, Crawford 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.

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Sincerely,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Dan Smith

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, Acting Secretary

Laura Kelly, Governor

April 1, 2019

KANSAS FORESTRY FISH & GAME COMMISSION
% KANSAS WILDLIFE & PARKS
512 SE 25TH AVE
PRATT KS 67124

Re: Pending Application, File No. 50,215

Dear Sir or Madam:

This is to advise you that Dan Smith has filed the application referred to above for a permit to appropriate 25 acre-feet of surface water per calendar year from West Fork Drywood Creek in the Marmaton River basin for recreational use, to be diverted at a maximum rate of 3,000 gallons per minute. Please note that the purpose of this application, if approved, would be to divert surface water to supplement recreational use at a wildlife marsh. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion.

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<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,

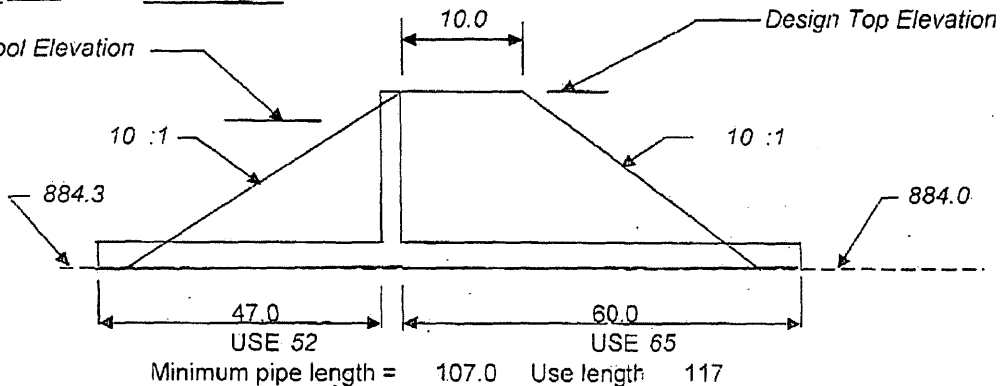
A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Dan Smith

Designed by Mark M. Sooter Date 4/11/17
 Checked by _____ Date _____

- 889.0 = Design Top Elevation
- 888.0 = Emergency Spillway Elevation
- 887.5 = Permanent Pool Elevation
- 10.0 = Top width
- 10 = Upstream Side Slope Ratio
- 10 = Downstream Side Slope Ratio



SITE # Krooked Kreek Ranch LLC

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
Fill	Cu. Yd.	3,600
5.0' Water Control Structure	Each	1
8" Pipe, SDR 26 or Sch. 40 PVC	Lin Ft.	117
Rodent Guard	Each	1
Bar Guard	Each	1

STAGE STORAGE

Scale 1"= 100

Elevation	Area Sq. In.	Acres	Acre Feet
884.3	0.00	0.00	0
885.9	0.05	0.01	0.01
886.0	8.10	1.86	0.10
886.4	12.50	2.87	1.05
886.5	29.50	6.77	1.53
887.0	29.5	6.77	4.92
887.5	29.5	6.77	8.30
888.0	29.5	6.77	11.69
889.0	29.5	6.77	18.46
		0.00	0.00
		0.00	0.00

SCANNED AGRICULTURE

FEB 25 2019

WATER RESOURCES RECEIVED

APPROVED
 This is the day of October, 2017
David W. Barfield
 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

WATER RESOURCES RECEIVED

SEP 15 2017

KS DEPT OF AGRICULTURE

50215

50215

Dan Smith

From: Fabrycky, Caleb [KDA] <Caleb.Fabrycky@ks.gov>
Sent: Monday, February 4, 2019 1:13 PM
To: Dan Smith
Subject: Water Right Application
Attachments: Dan Smith New App.pdf; Dan Smith Supplemental Rec Use Sheet.pdf; Dan Smith New App Map.pdf; LCR-0076 approved plans.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

This email originated from outside the company. Please use caution when opening attachments or clicking on links. Suspicious emails should be reported to emailthreats@watcocompanies.com

Hi Dan,

Attached is the drafted application for permit to appropriate water. You'll need to print these pages out and complete the following steps:

1. Look everything over for accuracy
2. Sign #6 of the application
3. Sign #16 of the application
4. Sign at the bottom of the aerial photo/map
5. Enclose the \$200 filing fee
6. Mail everything to DWR Headquarters:
Chief Engineer of The Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Feel free to call with any questions.

Thank you

Caleb Fabrycky, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Parsons Satellite Office
Phone: (620) 421-2697
Caleb.Fabrycky@ks.gov

DWR

WATER RESOURCES
RECEIVED

FEB 25 2019

KS DEPT OF AGRICULTURE

SCANNED

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, Interim Secretary

Laura Kelly, Governor

March 8, 2019

DAN SMITH
660 E HWY 47
FRANKLIN, KS 66735

RE: Application, File No. **50215**

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.

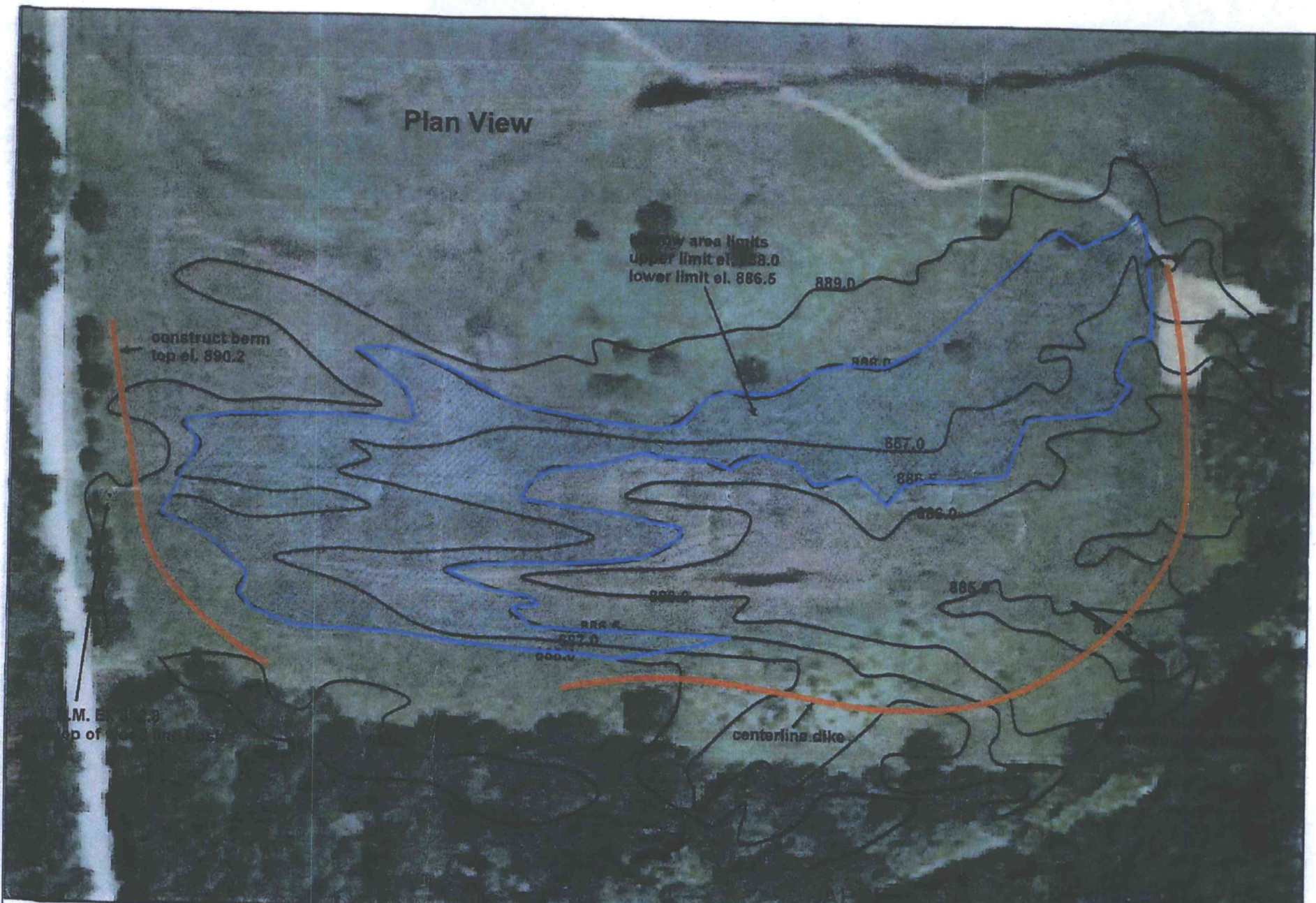
Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help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

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

SCANNED

Plan View



FEB 25 2019

KS DEPT OF AGRICULTURE



David W. Shields, P.E.

OCT 16 2017

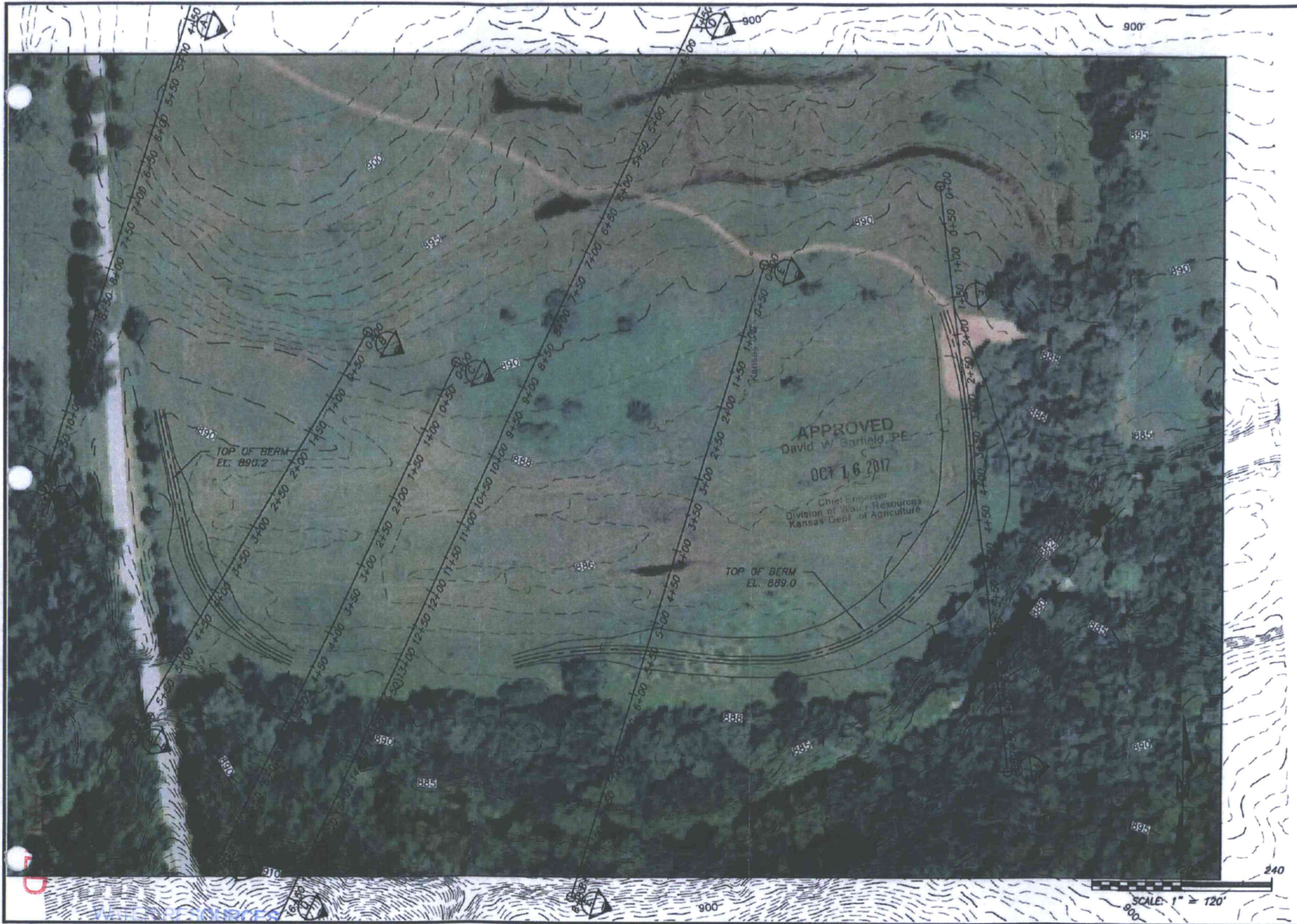
Chief Engineer
Division of Water Resources

SEP 15 2017

KS DEPT OF AGRICULTURE

50215

S:\PROJECTS\Dan Smith\p1n\TAR Contours.dwg, Plot View, 8/14/2017 8:52:12 AM



REV	DATE	DESCRIPTION



Dan Smith
 Krooked Creek Ranch, LLC
 680 E. Hwy 47
 Franklin, KS 66732

KROOKED CREEK RANCH

WSN LCR-0076

ENGINEER	LFY
DATE	9-14-17
DRWN BY	BCM
CHK'D BY	LFY
DATE	9-14-17

PROJECT NO.
4520

DRAWING NO.
1 of 2
 WATER RESOURCES RECEIVED

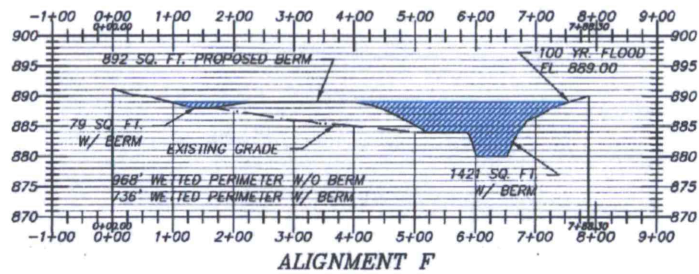
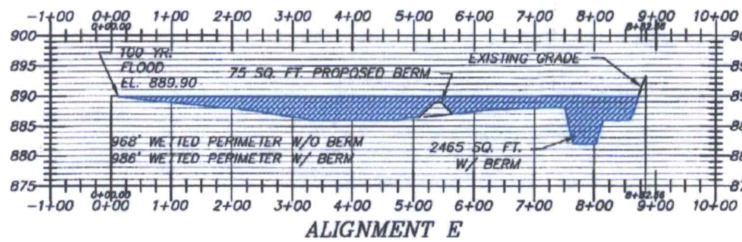
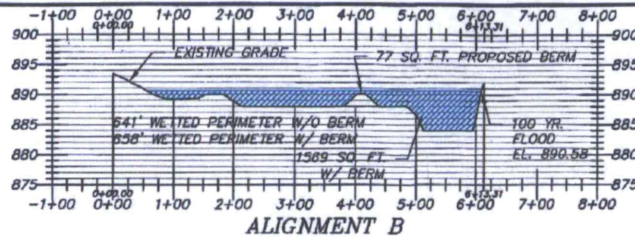
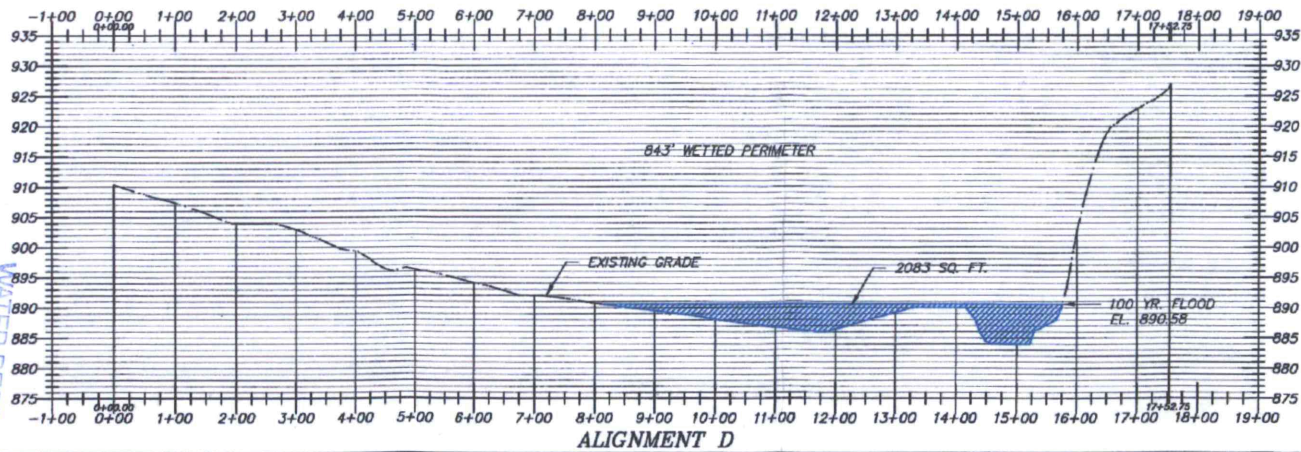
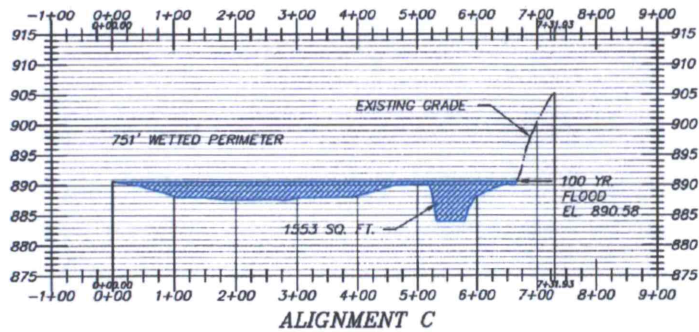
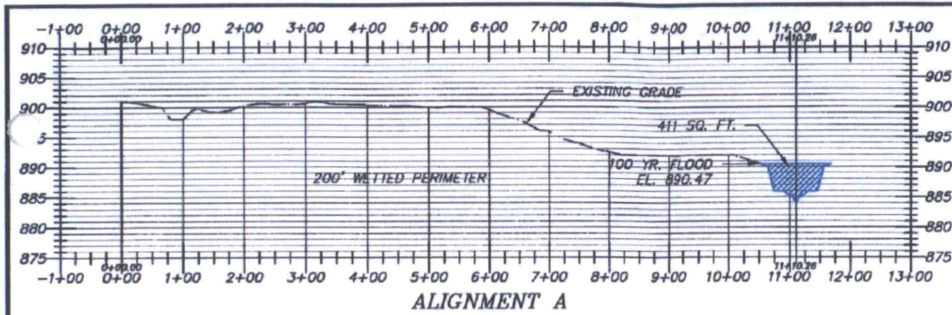
Rev. # | Date
 SEP 15 2017

KS DEPT OF AGRICULTURE

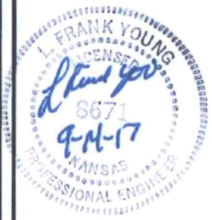
50215

FEB 25 2019

KS DEPT OF AGRICULTURE



REV	DATE	DESCRIPTION



Dan Smith
Krooked Creek Ranch, LLC
680 E. Hwy 47
Franklin, KS 66732

KROOKED CREEK RANCH
WSN LCR-0076

APPROVED
David W Barfield, PE

OCT 16 2017

Chief Engineer
Division of Water Resources
Kansas Dept. of Agriculture

ENGINEER	LFY
DATE	9-14-17
DRAWN BY	BCM
CHK'D BY	LFY
DATE	9-14-17

WATER RESOURCES RECEIVED
SEP 15 2017
KS DEPT OF AGRICULTURE

PROJECT NO.	4520
DRAWING NO.	2 of 2
Rev. #	Date

S:\P\M\K\G\IS\Smith, Dan\Krooked\A\1\DKR_Cross-sec.dwg, Sections, 9/14/2017 10:32:47 AM

KS DEPT OF AGRICULTURE
SCANNED

FEB 25 2019

WATER RESOURCES RECEIVED

50215

Dan Smith - New Application

FEB 25 2019



1:12,000

RECEIVED

SCANNED

50215

UPSTREAM AND DOWNSTREAM LANDOWNERS

KANSAS FORESTRY FISH & GAME COMMISSION
%KANSAS WILDLIFE & PARKS
512 SE 25TH AVE
PRATT, KS 67124

KELLY RANCHES LLC
C/O KELLY, STEVE
1059 N 190TH ST
ARCADIA, KS 66711

RUTHERFORD, JOANN
670 N HWY 69
ARMA, KS 66712

33 - 27S - 24E

Waterfowl Marsh

Pumpsite
1360' N 4190' W

Pumpsite
1260' N 5090' W

All landowners 1/2 mile downstream and upstream are listed above.

Signature: *Dan Smith*