

File No. **50,248** 15. Formation Code: Drainage Basin: Marais des Cygnes River County: OS Special Use: Stream: Marais des Cygnes River

16. Points of Diversion										
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
√			87474	SW NW SE	1	18S	13E	4	1,800	2,490

17. Rate and Quantity				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
12000	486	12000	486	

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? * **Yes** No To be installed by 12/31/2019 ~~2020~~ 2022 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						
√			69425	1	18S	13E	4	WILDLIFE MARSH (NW, SW, SE)																	7a.	No			

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 28, 2019

FROM: Kris Neuhauser

RE: Application, File No. 50,248

The Kansas Department of Wildlife Parks and Tourism has filed the above-referenced application requesting to appropriate 486 acre-feet of surface water for recreational use by direct diversion at a diversion rate of 12,000 gallons per minute, from one pumpsite on the Marais des Cygnes River. The pumpsite is located within the Southeast Quarter of Section 1, Township 18 South, Range 13 East, Osage County, Kansas. The application has been signed by a representative of the Kansas Department of Wildlife Parks and Tourism stating they have access to the point of diversion. This application was filed to obtain water for a wildlife marsh.

The requested quantity of water under this application (486 acre-feet) was determined by inundating the 162-acre marsh area with 1.5 feet of water; and the applicant planning to fill the marsh two times per year.

$$\begin{aligned} 162 \text{ acres} \times 1.5 \text{ feet} &= 243 \text{ acre-feet per fill} \\ 2 \text{ fills} &= 243 \text{ acre-feet} + 243 \text{ acre-feet} = 486 \text{ acre-feet per year} \end{aligned}$$

Typically, these types of marshes are filled in October prior to waterfowl migration. This wildlife marsh has already been properly permitted by the DWR Structures Program under File No. LOS-0044. There are no wetland easements on this project site (via email discussion with Lynn Thurlow).

As typical with these large wildlife refuges, the U.S. Army Corp of Engineers owns the property where the marsh is located and the adjacent property both upstream and downstream for multiple miles. Therefore, no notification letters are required.

The only other surface water rights within a two-mile radius of the proposed pump site are owned by the U.S. Army Corp of Engineers. The approval of this application will not impact any senior water users.

Per K.A.R 5-3-15, this application 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. This 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.

The applicant has submitted a signed Marais des Cygnes River Minimum Desirable Streamflow form, which has been properly notarized. By completing this statement, the applicant affirms his/her 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. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an email discussion, Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced application.

Based on the above discussion, the area is open to new applications and there is no indication that the proposed beneficial use of water will impair existing water rights. Therefore, it is recommended that the referenced application be approved.



Kris Neuhauser
Environmental Scientist

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

KANSAS DEPT OF WILDLIFE PARKS & TOURISM July 29, 2019
ACTIVE DIVERSIONS (TOP)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389

FILE COPY

RE: Appropriation of Water, File No. 50,248

Dear Sir or Madam:

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

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

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

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

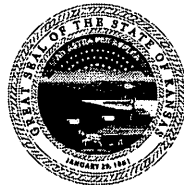
Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: kjn
Enclosures

pc: Topeka Field Office
U.S. Army Corps of Engineers (Melvern)

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. 50,248 of the applicant

**KANSAS DEPT OF WILDLIFE PARKS & TOURISM
ACTIVE DIVERSIONS (TOP)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389**

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 **April 30, 2019**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in Section 1, in Township 18 South, Range 13 East, Osage County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from the Marais des Cygnes River, to be diverted at a point located in the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, more particularly described as being near a point 1,800 feet North and 2,490 feet West of the Southeast corner of said section, in Township 18 South, Range 13 East, Osage 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 **12,000 gallons per minute (26.74 c.f.s.)** and to a quantity not to exceed **486 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, 2022** 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, 2026** 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 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 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.
17. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.
18. 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.

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.

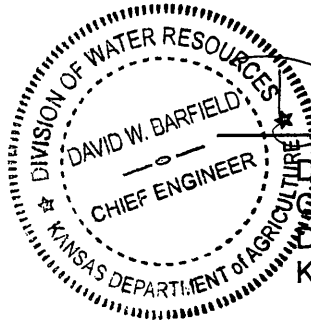
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 22nd day of July, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 22nd day of July, 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

CERTIFICATE OF SERVICE

On this 29th day of July, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,248, dated July 22nd, 2019 was mailed postage prepaid, first class, US mail to the following:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM
ACTIVE DIVERSIONS (TOP)
1020 S KANSAS AVE FL 2
TOPEKA KS 66612-1389

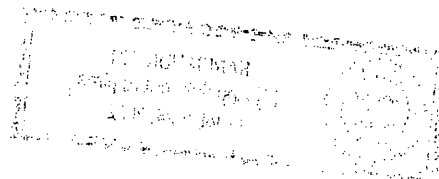
With photocopies to:

US ARMY CORPS OF ENGINEERS (MELVERN)
MELVERN PROJECT OFFICE
31051 MELVERN LAKE PKWY
MELVERN KS 66510-9179

Topeka Field Office



Division of Water Resources



APPLICATION COMPLETE

7/18/19
Reviewer KJN



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50248
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)
APR 30 2019
1:00
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): KANSAS DEPARTMENT OF WILDLIFE PARKS & TOURISM
Address: ACTIVE DIVERSIONS (TOP) 1020 S KANSAS AVE FL 2
City: TOPEKA State: KS Zip Code 66612-1389
Telephone Number: (620) 699-3372 cell: 785-596-3330 e-mail: brad.niemann@ks.gov

2. The source of water is: surface water in Marais des Cygnes River (stream)
OR groundwater in Marais des Cygnes River (drainage basin)

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

3. The maximum quantity of water desired is 486 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 12,000 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. 1 GMD D Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County OS By DAW Date 4/30/19
Code REG RES Fee \$340 TR # _____ Receipt Date 4/30/19 Check # Interfund

SCAD/4/2019 CCM

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 SW quarter of the NW quarter of the SE quarter of Section 1, more particularly described as being near a point 1,800 feet North and 2,490 feet West of the Southeast corner of said section, in Township 18 South, Range 13 East, OSAGE County, Kansas. **(WEST SITE)**
- (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):

U.S. CORP OF ENGINEERS (MELVERN), MELVERN PROJECT OFFICE, 31051 MELVERN LAKE PKWY, MELVERN, KS 66510-9179

(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 March 12th, 2019.

[Signature]
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 2019

(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was first received on FALL 2019.

Received

(Mo/Day/Year)

APR 30 2019

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 _____

Proposed Marsh will be reviewed for structures permitting.

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

See supplemental sheet for quantity request.

Water Resources
Received

APR 30 2019

KS Dept Of Agriculture

SCANNED

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

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

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

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

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

U.S. CORP OF ENGINEERS (MELVERN), MELVERN PROJECT OFFICE, 31051 MELVERN LAKE PKWY, MELVERN, KS 66510-9179
(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 Osage County, Kansas, this 12th day of March, 2019.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by DWS TOPEKA FO Date: 3/11/2019
(office/title)

Water Resources
Received

APR 30 2019

KS Dept Of Agriculture

SCANNED

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50248

Name of Applicant (Please Print): KDWP&T _____

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: _____

Surface Area of Marsh = 162 acres. Filled to an average depth of 1.5 feet
162 acres x 1.5 feet = 243 acre-feet initial fill.
2 fillings per year = 243 AF x 2 = 486 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	486 AF
Year 2	
Year 3	
Year 4	
Year 5	486 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 Section 1, in Township 18 South, Range 13 East, Osage 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

APR 30 2019

Neuhauser, Kris [KDA]

From: Neuhauser, Kris [KDA]
Sent: Wednesday, June 26, 2019 4:52 PM
Cc: Wilson, Dani [KDA]
Subject: FW: New Melvern West Marsh File No. 50248 Recommendation Request

From: Tietsort, Katie [KDA]
Sent: Wednesday, June 26, 2019 4:30 PM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: New Melvern West Marsh File No. 50248 Recommendation Request

Hi Kris,

So I checked with Doug Schemm, who prepared the application and he said that the applicant did plan to pump up to the 2X fill each and every year, and that he just forgot to write in the value for years 2, 3, and 4 or to put a solid line down that column indicating this. Sorry. Once you fix that in the memo, it will be all set.

So I do agree with your recommendation for approval of the application as it does appear to meet all applicable rules and regulations of the KWAA and it should be packaged with the structures permitting.

Thanks so much for picking this right up and getting it worked!! I appreciate it.

Katie

Katie Tietsort

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

From: Neuhauser, Kris [KDA]
Sent: Wednesday, June 26, 2019 10:08 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>
Subject: RE: New Melvern West Marsh File No. 50248 Recommendation Request

Hi Katie,

Here is my draft memo for New App, File No. 50,248. Chatted with Structures a while back about this one, and have been waiting on information regarding their permitting. Sounds like they will issue permit (File No. LOS-0044) on July 8th.

Figured I would send you my recommendation request now, as we will approve both permits together! Let me know if I need to change anything or if you need further information from me.

Thank you!

From: Tietsort, Katie [KDA]
Sent: Thursday, May 23, 2019 8:09 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Subject: RE: New Melvern West Marsh File No. 50248

WOOHOO! Doug says he sent you an exact package that just needs the file numbers changes pretty much. This should be a good one for you to work on. Thanks Kris.

Katie Tietsort

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

From: Neuhauser, Kris [KDA]
Sent: Tuesday, May 21, 2019 4:42 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: RE: New Melvern West Marsh File No. 50248

Hey Katie,

Just got done chatting with Kristen about it, she just handed to me a couple minutes ago!

Kris Neuhauser

From: Tietsort, Katie [KDA]
Sent: Tuesday, May 21, 2019 10:58 AM
To: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>; Milner, Brandon [KDA] <Brandon.M.Milner@ks.gov>
Subject: FW: New Melvern West Marsh

Did one of you start working on the new KDWP&T file?

Katie Tietsort

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

From: Niemann, Brad [KDWP&T]
Sent: Tuesday, May 21, 2019 10:14 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: Re: New Melvern West Marsh

Katie,

I have gotten confirmation that the interfund transfer has been completed for our new marsh proposal, can you give me any update on where we are at in the process now?!

Thanks!

Brad Niemann

Wildlife and Fisheries Biologist Supervisor

Melvern Wildlife Area Manager Supervisor

Kansas Department of Wildlife, Parks and Tourism

2272 Road. 250

Reading, Kansas 66868

Office: (620) 699-3372

Cell: (785) 596-3330

Email: brad.niemann@ks.gov

From: Niemann, Brad [KDWPT]
Sent: Monday, March 11, 2019 1:23 PM
To: Tietsort, Katie [KDA]
Cc: Schemm, Doug [KDA]
Subject: New Melvern West Marsh

Katie,

Here is everything that I have for our new marsh this year, please let me know if you can't get anything open or you have any questions!!

Thanks!

Brad Niemann

Wildlife and Fisheries Biologist Supervisor

Melvern Wildlife Area Manager Supervisor

Kansas Department of Wildlife, Parks and Tourism

2272 Road. 250

Reading, Kansas 66868

Office: (620) 699-3372

Cell: (785) 596-3330

Email: brad.niemann@ks.gov

Neuhauser, Kris [KDA]

From: Thurlow, Lynn - NRCS, Salina, KS <lynn.thurlow@usda.gov>
Sent: Wednesday, June 19, 2019 9:37 AM
To: Neuhauser, Kris [KDA]
Cc: Masenthin, Roger - NRCS, Salina, KS; Hullinger, Allison - FPAC-NRCS, Salina, KS; Krehbiel, Dean - NRCS, Salina, KS
Subject: RE: New Marsh Project

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.

Hi Kris; there are no wetland easements on this project site. Thanks for checking.

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

From: Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>
Sent: Monday, June 10, 2019 11:23 AM
To: Masenthin, Roger - NRCS, Salina, KS <roger.masenthin@usda.gov>; Thurlow, Lynn - NRCS, Salina, KS <lynn.thurlow@usda.gov>
Subject: New Marsh Project

Good morning Roger and Lynn,

I received your contact information from Doug Schemm in our Topeka Field Office.

I was checking to see if there are any NRCS easements or agreements for a new marsh project from the KS Dept. of Wildlife Parks & Tourism.

It is located in Section 1, T 18 S, R 13 E, in Osage County, KS.

Source of water is the Marais des Cygnes River. Appears the US Corp of Engineers owns of the land.

Thank you very much!

Kris Neuhauser

Environmental Scientist
Kansas Department of Agriculture, Division of Water Resources
Address: 1320 Research Park Drive, Manhattan, KS 66502
Phone: (785)564-6643
Website: <http://agriculture.ks.gov/divisions-programs/dwr>

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03-12-2019

(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. 50248

Minimum Desirable Streamflow
Marais des Cygnes River Assurance District
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (**circle the appropriate item**) for the source of supply to which the above referenced application applies, namely the Marais des Cygnes River.

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, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

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.

Brad Niemann
Signature of Applicant

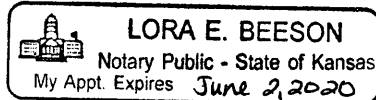
Brad Niemann
Print Applicant Name

State of Kansas)
County of Lyon) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 12th day of march, 2019.

Lora E. Beeson
Notary Public

My Commission Expires:



Water Resources
Received
APR 30 2019

**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

Assurance Districts have been formed on the following rivers:

Kansas River Marias des Cygnes River Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvorn
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek

Water Resources
Received

APR 30 2019

Interfund Details

Interfund Id AA00265285

Delete

Expand All

Collapse All

Notify

▼ Accounts Receivable Transactions

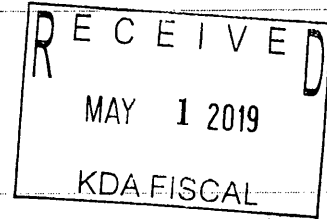
Add Deposit Find Deposit Remove Deposit Deposit BU Deposit ID

Details

Deposit Status
Posting Status
Entered By
Entered Dt
Total Amt

Contact Information

AR Interfund Approval:
 Not Approved Approved
 Approved By
 Approval Dt



Payment

Payment ID Budget Status Seq
Customer ID

Distribution Details

☰ Q

Details

||▶

Monetary Amount	Department	Fund	Budget Unit	Program	Account	Business Unit PC	Project	Activity

▼ Accounts Payable Transactions

Update Voucher Find Voucher Remove Voucher AP BU 71000 Voucher 00222226

Details

Supplier SetID SOKID
Supplier ID 04600
Invoice Permit Application
Invoice Date 04/30/2019
Total Amount 340.00
Entered By FG00TJD
Entered Dt 04/30/2019

Post Status Unposted
Contact Information

Budget Status Not Chk'd
 AP Interfund Approval:
 Not Approved Approved
 Approved By FG00JED
 Approval Dt 04/30/2019

Distribution Details

☰ Q

Details

||▶

Line	Dist	Monetary Amount	Department	Fund	Budget Unit	Program	Account	PC Business Unit	Project	Activity
1	1	340.00	7108300000	2670	3805	67000	544010	71000	AGATRAC985100	J04

▼ Comments

Teresa Dill Teresa.dill@ks.gov
 KS Dept of Ag - Division of Water Resources-
 Application Permit to Appropriate Water for Beneficial Use-Wildlife Marsh
 Melvern Wildlife Area; Brad Niemann- Wildlife Area Manager AC 544010 CMA NEW ASSET ID#17205

RE3.

TR# 19017404

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, Secretary

Laura Kelly, Governor

May 6, 2019

KANSAS DEPT OF WILDLIFE, PARKS & TOURISM
ACTIVE DIVERSIONS (TOP) OSAGE COUNTY
1020 S KANSAS AVE FL 2
TOPEKA, KS 66612

FILE COPY

RE: Application, File No. **50248**

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

KDWP & T - NEW APPLICATION
SEC 1, T18S, R13E
OSAGE COUNTY

50248



1:12,000



● Proposed Point of Diversion

▨ Proposed Place of Use

Water Resources
Received

The applicant owns all upstream and downstream land adjacent to the stream within 1/2 mile of the property boundaries.

APR 30 2019

KS Dept Of Agriculture

SCANNED