

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

1. File Number: <div style="text-align: right; font-size: 1.2em;">50,299</div>	2. Status Change Date: <div style="text-align: center; font-size: 1.2em; color: purple;">2/13/2020</div>	3. Field Office: <div style="text-align: center; font-size: 1.2em;">01</div>
4. GMD: <div style="text-align: right; font-size: 1.2em;">0</div>		

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

7a. Applicant(s)
New to system

Person ID **66969**
Add Seq# _____

OXFORD POINTE HOMES ASSOCIATION INC
529 SOUTHWEST BLVD
KANSAS CITY MO 64108

7b. Landowner(s)
New to system

Person ID _____
Add Seq# _____

7a.

7c. Landowner(s)
New to system

Person ID _____
Add Seq# _____

7d. Misc.
New to system

Person ID _____
Add Seq# _____

8. WUR Correspondent
New to system
Overlap File (s) WUC Agree Yes No

Person ID _____
Add Seq# _____
Notarized WUC Form

7a.

9. Use of Water: Changing? Yes No

Groundwater Surface Water

<input type="checkbox"/> IRR	<input checked="checked" type="checkbox"/> REC	<input type="checkbox"/> DEW	<input type="checkbox"/> MUN
<input type="checkbox"/> STK	<input type="checkbox"/> SED	<input type="checkbox"/> DOM	<input type="checkbox"/> CON
<input type="checkbox"/> HYD DRG	<input type="checkbox"/> WTR PWR	<input type="checkbox"/> ART RECHRG	
<input type="checkbox"/> IND SIC: _____		<input type="checkbox"/> OTHER: _____	

10. Completion Date: <u>2021</u> 12/31/2020	11. Perfection Date: <u>2025</u> 12/31/2024	12. Exp Date: _____
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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: **11/6/2019** By: **DWS**
Date Entered: 2/17/2020 By: **LMoody**

File No. 50,299	15. Formation Code:	Drainage Basin: MISSOURI RIVER	County: JO	Special Use:	Stream: TOMAHAWK CREEK TRIB 6 (MISSOURI)																
16. Points of Diversion T MOD DEL ENT			17. Rate and Quantity MOD STREAM NAME																		
PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized	Additional	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files							
MOD 87717	NW SE SE	2	14	24E	1	950	1005							NONE							
STRUCTURES PERMIT DJO-0168																					
18. Storage: Rate _____ NF Quantity 42.3 ac/ft Additional Rate _____ NF Additional Quantity 42.3 ac/ft																					
19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____ Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																					
20. Meter Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT		NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total	Owner	Chg? NO	Overlap Files
PUSE	S	T	R	ID	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$					
\sqrt	69633	2	14	24E	1	RESERVOIR (SE)												7a.	NO	NONE	
Comments:																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: November 6, 2019

FROM: Doug Schemm

RE: Application, File No. 50,299

Oxford Pointe Homes Association, Inc. has filed the above-referenced new application to appropriate 42.3 acre-feet of surface water storage at a rate not to exceed natural flows of Tomahawk Creek Trib 6 (Missouri) for recreational use in an existing reservoir. The application is designed to cover the indirect use of water (evaporation + seepage) from a reservoir located in the Southeast Quarter of Section 2, in Township 14 South, Range 24 East, Johnson County, Kansas. Based on information in the associated structures permit, the reservoir was built in 1992. The point of diversion represents the point at which the center of the dam intersects the stream, and a representative of the applicant has signed the form stating they have access to this point of diversion. The reservoir is already permitted by the DWR Water Structures Program under File No. DJO-0168. DWR appropriation staff assiduously determined that this existing reservoir did not have the required appropriation permit, and assisted in bringing the applicant into compliance with regulations.

The requested quantity of 42.3 acre-feet appears to be reasonable for indirect use, based on the following information. The reservoir surface area at normal pool storage elevation is 7.28 acres and the storage volume is 27 acre-feet. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 5 inches; therefore the natural evaporation can be estimated as follows:

7.28 acres x 5 inches of evaporation / 12 inches = 3.03 acre-feet (1 year of evaporation)
3.03 acre-feet x 3 years = 9.09 AF of evaporation
Seepage Estimate of 33.21 acre-feet, for a total storage quantity of 42.3 acre-feet.

A runoff calculation was not prepared because it is reasonable to assume that with a drainage area in excess of 580 acres, engendering the requested 42.3 acre-feet of runoff in 1 out of every five (5) years (20% annually), will be readily accomplished. The capacity of the reservoir is the controlling factor. As noted above, the dam is already permitted under DWR Water Structures Program, File No. DJO-0168. Since the reservoir is currently storing water, no Special Condition on the Permit is needed to provide an initial fill quantity.

There are three other permitted recreational surface water rights on reservoirs within a two-mile radius circle, including one reservoir upstream on the same stream (File No. 47,019). In addition, there are several pump sites located directly on Tomahawk Creek or a tributary stream, over 1½ miles to the north. Other than the upstream reservoir, all other files are located on different tributary streams. No senior water right would be impacted in any way. As noted above, this is an existing reservoir (in place since 1992), and the appropriation permit is merely to authorize the on-going beneficial recreational use of water (evaporation and seepage) from the reservoir. Typically for these types of applications, nearby landowners (Home Association Members) are not notified, since they would be cognizant of the current storage of water in this reservoir. In keeping with this consistent processing of new applications, no notification letters are required.

Katherine Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the application in an October 30, 2019 e-mail.

Based upon the above discussion, the area is open to new applications, the structure has been properly permitted under DWR water structures program, approval will bring this beneficial use of water into compliance, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, November 4, 2019 10:26 AM
To: Schemm, Doug [KDA]
Subject: RE: 50299 Oxford Point

I gave you the go ahead on the 30th.,

Katie Tietsort
Water Commissioner

Katie.Tietsort@ks.gov
785-296-5733

Kansas Department of Agriculture
Division of Water Resources
Topeka Field Office
6531 S.E. Forbes Ave, Suite B
Topeka, KS 66619

From: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Sent: Monday, November 4, 2019 9:05 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 50299 Oxford Point

Are you ok with this one?

#50,299
 DJO-168

QUAKE ENGINEERING DATA

PROJECT INFORMATION

Eng Date:	2007	Group:	City of Leavenworth	Type of Dam:		Fa Type:	Earth	Phase 1 Map:	
Natural H:	1183	Water Pkg:		Dam Length:	125	Po Material:		Blow:	
Net Class:	1	Size Class:	2	Dam Height:	25	Fa Size:	24	MW On File:	
Purpose:		Nearest City Town:	LEAVENWORTH	Volume of Fill:	11143	Ea Type:		File Updated:	
Purpose 2:		Distance to City Town:		Spillway Type:		Ea VADH:	100	Check Regulated:	<input checked="" type="checkbox"/>
Purpose 3:		Funding:		Assessment:	POOR	Imp Status:		Imp Approved:	

Elevation:	597.7	Area:		Storage (cu ft):		Discharge (cfs):		Area (sq ft):	
Strawberry:		FCI:		FCI:	63	FCI:		Drawn G12:	
FCI:	100	FCI:	11.43	FCI:	100/119	FCI:		Core:	
FCI:	100	FCI:	11.43	FCI:	100/119	FCI:		Foundation:	
FCI:	100	FCI:	11.43	FCI:	100/119	FCI:		Retention Schedule:	51

ON/D Name: COUCHMAN 1183 Dam Former Name: Design/SCS (FOR GRADE BY NAD): Hydro Height:

Remarks: For Dam: TOMAHAWK CREEK TR Structure Height: Outlet Gate:

ID	Part	County	Area	EXT	Appraisal	File	Location	Appoint
10091	01	KS	148		10/28/1992	CAD	BEAVER	

27 AF of storage at normal pool
 582 acres of drainage

NEW STREAM WORKSHEET

ES CCP

Date: 11/12/19

File No. 50299

Basin Name: MISSOURI RIVER Basin No. 1

Stream Name: TOMAHAWK CREEK TRIBUTARY 6 (MISSOURI)

Stream Location (confluence with parent stream):

Section 36, Township 13 South, Range 24 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

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

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

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

Stream No. 3206 (computer assigned - entered by data entry staff)

Date Entered _____ By _____

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

OXFORD POINTE HOMES ASSOCIATION INC
529 SOUTHWEST BLVD
KANSAS CITY MO 64108

February 18, 2020

FILE COPY

RE: Appropriation of Water, File No. 50,299

Dear Sir or Madam:

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 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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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. 50,299** of the applicant

**OXFORD POINTE HOMES ASSOCIATION INC
529 SOUTHWEST BLVD
KANSAS CITY MO 64108**

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 **September 25, 2019**.
2. That the water sought to be appropriated shall be used for recreational use at a reservoir located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 2, in Township 14 South, Range 24 East, Johnson County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Tomahawk Creek, designated in the office of the Chief Engineer as Tomahawk Creek Trib 6 (Missouri), not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **42.3 acre-feet** per calendar year, in a reservoir created by a dam located in the Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 950 feet North and 1,005 feet West of the Southeast corner of said section, in Township 14 South, Range 24 East, Johnson County, Kansas, located substantially as shown on the map accompanying the application.
4. That the structure creating the above referenced reservoir has been assigned Division of Water Resources Structures Permit No. DJO-0168.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2021**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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 accompanied by the required statutory fee, which is currently \$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, 2025**, 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, which is currently \$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 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.

12. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

13. 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.

14. 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.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary. To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

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

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

Ordered this 13th day of February, 2020, 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 13th day of February, 2020, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson

Notary Public



CERTIFICATE OF SERVICE

On this 13th day of February, 2020, I hereby certify that the foregoing Approval of Application, File No. 50,299, dated February 13 2020 was mailed postage prepaid, first class, US mail to the following:

OXFORD POINTE HOMES ASSOCIATION INC
529 SOUTHWEST BLVD
KANSAS CITY MO 64108

With photocopies to:

Topeka Field Office

Katie N. Anderson

Division of Water Resources

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Ordered this 13th day of February, 2020, 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 13th day of February, 2020, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Katie N. Anderson
Notary Public



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OXFORD POINTE HOMES ASSOCIATION INC
529 SOUTHWEST BLVD
KANSAS CITY MO 64108

*KNA
2/27/2020*

With photocopies to:
Topeka Field Office

Katie Anderson
Division of Water Resources

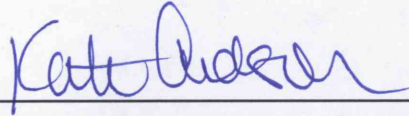
CERTIFICATE OF SERVICE

On this ^{27th} day of February, 2020, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,299, dated February 13, 2020 was mailed postage prepaid, first class, US mail to the following:

OXFORD POINTE HOMES ASSOCIATION INC
C/O BLUE VALLEY ASSOCIATION MGT
LAURA PFEIFER
PO BOX 23324
SHAWNEE MISSION KS 66283

With photocopies to:

Topeka Field Office



Division of Water Resources