

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

50661

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

10/5/2021, 2:02 PM

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**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.)

KS Dept Of Agriculture

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): KEVIN LANE  
 Address: 14728 K-16 HWY  
 City: VALLEY FALLS State KS Zip Code 66088  
 Telephone Number: (785) 640-4908
2. The source of water is:  surface water in UNNAMED TRIB TO CROOKED CREEK  
(stream)  
 OR  groundwater in KANSAS 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.

**DIRECT USE = 500 AF**

3. The maximum quantity of water desired is **STORAGE = 626.65 AF** acre-feet OR \_\_\_\_\_ gallons per calendar year,  
**RE-DIVERSION = 2000 GPM**  
 to be diverted at a maximum rate of **ALL NAT FLOWS** 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) <input type="checkbox"/> Artificial Recharge | (b) <input checked="" type="checkbox"/> Irrigation     | (c) <input type="checkbox"/> Recreational       | (d) <input type="checkbox"/> Water Power      |
| (e) <input type="checkbox"/> Industrial          | (f) <input type="checkbox"/> Municipal                 | (g) <input type="checkbox"/> Stockwatering      | (h) <input type="checkbox"/> Sediment Control |
| (i) <input type="checkbox"/> Domestic            | (j) <input type="checkbox"/> Dewatering                | (k) <input type="checkbox"/> Hydraulic Dredging | (l) <input type="checkbox"/> Fire Protection  |
| (m) <input type="checkbox"/> Thermal Exchange    | (n) <input type="checkbox"/> Contamination Remediation |   |   |

10/7/2021  
LMoody

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.

<b>For Office Use Only:</b>															
F.O.	<u>1</u>	GMD	<u>NA</u>	Meets K.A.R. 5-3-1	( <u>YES</u> /NO)	Use	<u>IRR</u>	Source	G/ <u>S</u>	County	<u>JF</u>	By	<u>RRP</u>	Date	<u>10/5/2021</u>
Code	<u>RE3</u>	Fee \$	<u>340</u>	TR #	<u>PY00030447</u>	Receipt Date	<u>10/07/2021</u>	Check #							

5. The location of the proposed wells, pump sites or other works for diversion of water is: KS Dept Of Agriculture

**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 NE quarter of the SW quarter of Section 21, more particularly described as being near a point 2035 feet North and 3825 feet West of the Southeast corner of said section, in Township 8 South, Range 19 EAST, JEFFERSON County, Kansas.

(B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

(D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

**APPLICANT**

\_\_\_\_\_  
(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 10/1/ \_\_\_\_\_, 2021.



**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 ONE DAM  
(number of wells, pumps or dams, etc.)

and WILL BE completed (by) JUNE 2022  
(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 JUNE 2022.  
(Mo/Day/Year)

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 **INFO. PROVIDED FOR STREAM OBSTRUCTION** \_\_\_\_\_
- 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.

**NONE**  
\_\_\_\_\_  
\_\_\_\_\_

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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/TENANT**  
(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):

**SEE IRRIGATION USE SUPPLEMENTAL SHEET**  
\_\_\_\_\_ (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 Hiawatha, Kansas, this 1 day of october, 2021.  
(month) (year)



\_\_\_\_\_  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

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**FEE SCHEDULE**

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

**MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE****ATTENTION**

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

**CONVERSION FACTORS**

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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KS Dept Of Agriculture

**2021R3397**

DELIA HESTON, REGISTER OF DEEDS  
JEFFERSON COUNTY, KS

RECORDED ON:  
09/28/2021 09:10:53 AM  
REC FEE: 55.00  
INDEBT: 0.00  
PAGES: 3

[Above Space Reserved for County Officials]

**WATER IMPOUNDMENT EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that effective as of the 22 day of September, 2021 (the "Effective Date"), William R. Perry Jr. and Glynis J. Perry, husband and wife ("**Grantor**"), in consideration of one dollar (\$1.00) and other good and valuable consideration paid by Kevin M. Lane and Randi Nicole Rhea Lane, husband and wife ("**Grantee**"), the receipt and sufficiency of which is hereby acknowledged, do hereby grant, bargain, sell, transfer and convey to said Grantee an easement for the impoundment, storage, flowage and encroachment of water over, upon and about Grantor's land located in Jefferson County, Kansas (the "**Servient Estate**"), described as follows:

All of that portion of a parcel of land below the elevation of 1,074 feet above sea level, described as follows: The North Quarter of the Southeast Quarter of the Southwest Quarter of Section 21, Township 8, Range 19, Jefferson County, Kansas.

This easement shall be granted for the benefit of the Grantee's land located in Jefferson County, Kansas (the "**Dominant Estate**"), described as follows:

The Southeast Quarter; and the Southwest Quarter of the Northeast Quarter; and the Northeast Quarter of the Southwest Quarter, all in Section 21, Township 8, Range 19, Jefferson County, Kansas.

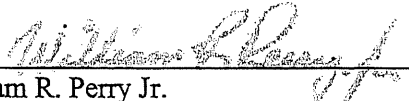
This easement shall be at all times construed as a covenant running with the land and shall be binding upon all of the present and future owners of the Servient Estate and all parties claiming under them, and shall be for the benefit of and limitations upon all of the present and future owners of the Dominant Estate. The use of this easement shall be permanent, non-exclusive, and held in common by the owners of the Dominant Estate, their heirs, legal representatives, successors and assigns, for the uses and purposes described herein.

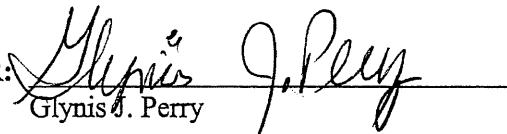
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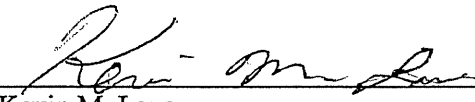
Water Resources  
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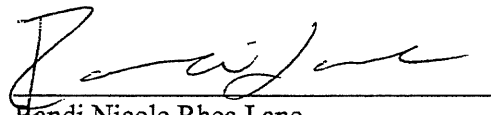
KS Dept Of Agriculture

IN WITNESS WHEREOF, Grantor and Grantee have duly authorized and executed this Easement as of the Effective Date.

GRANTOR:   
William R. Perry Jr.

GRANTOR:   
Glynis J. Perry

GRANTEE:   
Kevin M. Lane

GRANTEE:   
Randi Nicole Rhea Lane



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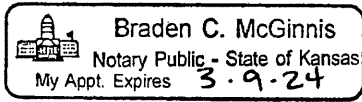
KS Dept Of Agriculture

STATE OF KANSAS )  
 )  
COUNTY OF JEFFERSON ) ss:

BE IT REMEMBERED, that this instrument was acknowledged on this 22 day of September, 2021, before the undersigned, a Notary Public, in and for the County and State aforesaid, by William R. Perry Jr. and Glynis J. Perry, husband and wife, who are personally known to me to be the same persons who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

My Commission Expires: 3-9-24



Braden C. McGinnis  
Jefferson County, Kansas  
Signature of Notary Public in and for said  
County and State

Print Name: Braden C. McGinnis

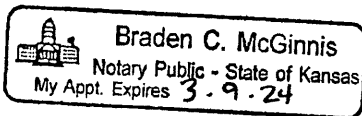
[SEAL]

STATE OF KANSAS )  
 )  
COUNTY OF JEFFERSON ) ss:

BE IT REMEMBERED, that this instrument was acknowledged on this 22 day of September, 2021, before the undersigned, a Notary Public, in and for the County and State aforesaid, by Kevin M. Lane and Randi Nicole Rhea Lane, husband and wife, who are personally known to me to be the same persons who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.

My Commission Expires: 3-9-24



Braden C. McGinnis  
Jefferson County, Kansas  
Signature of Notary Public in and for said  
County and State

Print Name: Braden C. McGinnis

[SEAL]

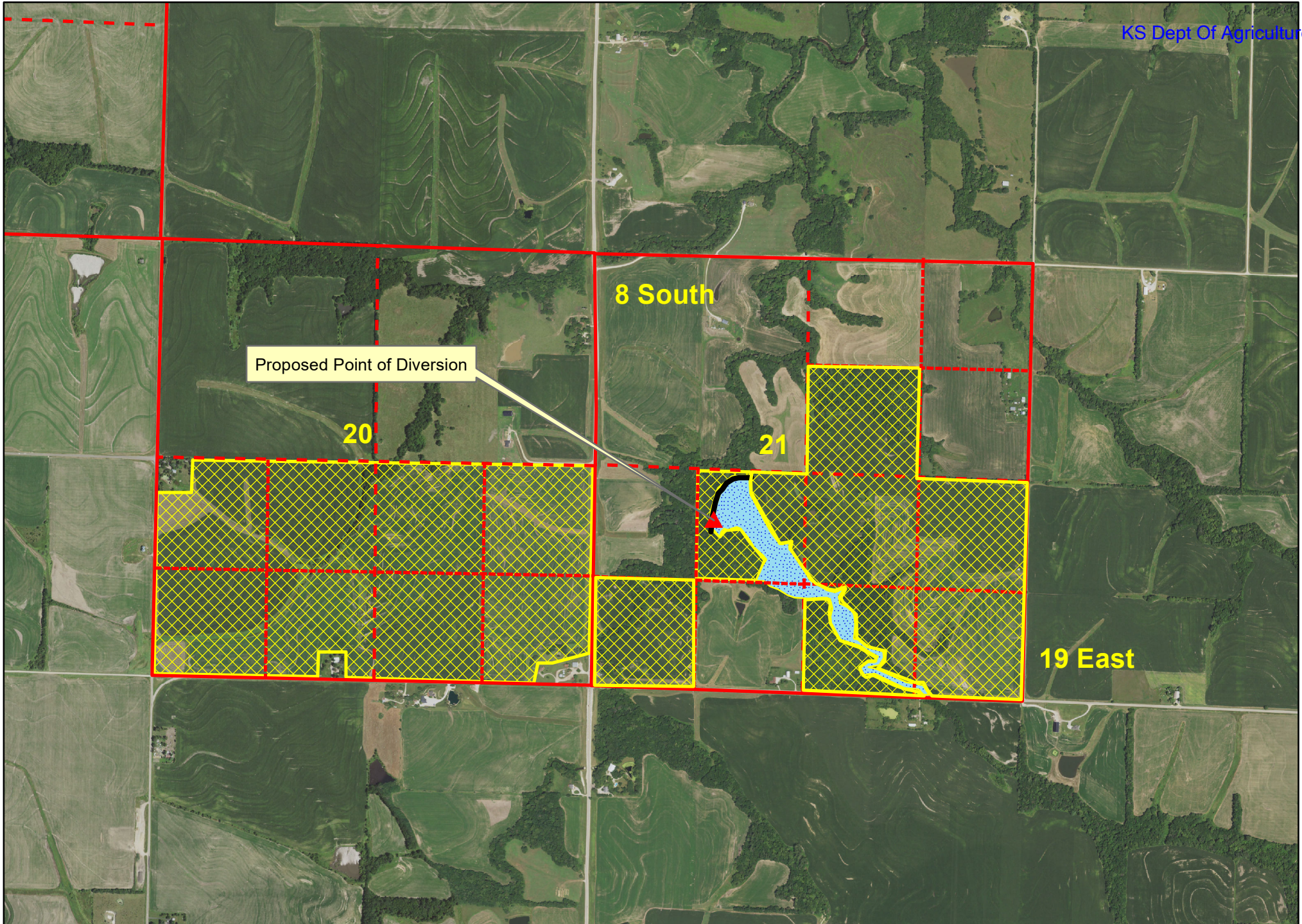
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# NEW APPLICATION MAP #1

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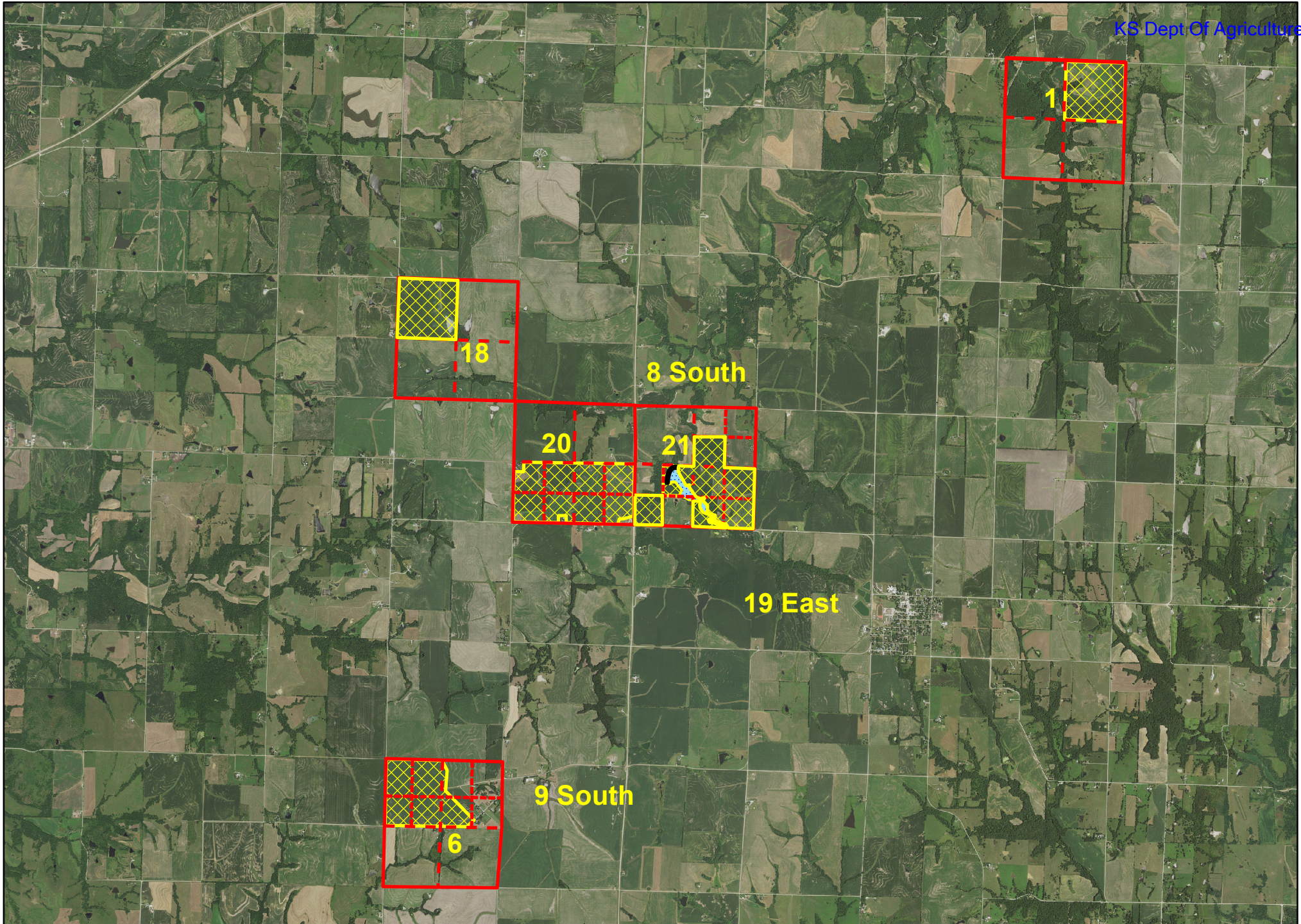
1:65,000

# NEW APPLICATION PLACE OF USE MAP

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**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. \_\_\_\_\_

Name of Applicant (Please Print): KEVIN LANE

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

**Landowner of Record** NAME: KEVIN LANE

ADDRESS: 14728 K-16 HWY VALLEY FALLS KS 66088

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
21	8	19E			40							27					40	40	34	39.5	220.5
1	8	19E	40	40	40	40															160

**Landowner of Record** NAME: LANE FAMILY FARMS LLC

ADDRESS: 14728 K-16 HWY VALLEY FALLS KS 66088

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
21	8	19E										40									40	
20	8	19E															40				36	76
18	8	19E					40	40	40	40												160

**Landowner of Record** NAME: MIMI-FARM LLC

ADDRESS: 10979 214<sup>TH</sup> ST NORTONVILLE KS 66060

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
20	8	19E										40	36.5	40	37.5		40	40			234

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

Water Resources  
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KS Dept Of Agriculture

File No. \_\_\_\_\_

Name of Applicant (Please Print): KEVIN LANE

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

**Landowner of Record** NAME: LTD3 FARMS LLC

ADDRESS 17305 MARION RD NORTONVILLE KS 66060

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6	9	19E		7	30		40	40	34.5	40									191.5

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

**Landowner of Record** NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

**DATA ENTRY SYSTEM ID NUMBER SHEET**

FILE NUMBER 50661

APPLICANT PERSON ID & SEQ #	89089	PDIV ID	BATTERY ID
68006			

LANDOWNER PERSON ID & SEQ #	70600	PUSE ID
68006		70605
68007	70601	70606
68008	70602	
68009	70603	
	70604	

WATER USE CORRESPONDENT PERSON ID & SEQ #
68006