

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

1. File Number: <p style="text-align: center;"><b>50,492</b></p>	2. Status Change Date: <p style="text-align: center;"><b>2/7/2022</b></p>	3. Field Office: <p style="text-align: center;"><b>1</b></p>	4. GMD:
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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

7a. Applicant(s)                      Person ID 66041  
New to system                       Add Seq# \_\_\_\_\_

**SHANDI & KYLE MOREY**  
**146 SE 40TH LN**  
**LAMAR, MO 64759**

7b. Landowner(s)                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

**7a**

7c. Landowner(s)                      Person ID \_\_\_\_\_

7d.

8. WUR Correspondent                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_  
Overlap File (s) WUC                      Notarized WUC Form   
Agree  Yes  No

**7a**

9. Use of Water:    Changing?     Yes     No

Groundwater             Surface Water

IRR             REC             DEW             MUN

STK             SED             DOM             CON

HYD DRG     WTR PWR             ART RECHRG

IND SIC: \_\_\_\_\_     OTHER: \_\_\_\_\_

10. Completion Date: 12/31/2023            11. Perfection Date: 12/31/2027            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: **10/11/2021** By: **KJN**  
Date Entered: **2/8/2022** By: **LMoody**

**10/25/2021**  
**LIreland**

File No. **50,492**      15. Formation Code:      Drainage Basin: **NEOSHO RIVER**      County: **LB**      Special Use:      Stream: **NEOSHO**

16. Points of Diversion										17. Rate and Quantity						
T	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
												Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
<b>CHK</b>	<b>88531</b>				<b>NW NE SE</b>	<b>9</b>	<b>32S</b>	<b>21E</b>	<b>8</b>	<b>2620</b>	<b>975</b>	<b>NF</b>	<b>75</b>	<b>NF</b>	<b>75</b>	<b>none</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **75** af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **50491**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required? **x Yes**    No      To be installed by **12/31/2023**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use	T	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? <b>NO</b>	Overlap Files
										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				
<b>CHK 70218</b>	<b>9</b>								<b>7</b>					<b>28.6</b>										<b>7a</b>	<b>NO</b>	<b>50491</b>			
<b>CHK 70219</b>	<b>10</b>								<b>2</b>					<b>28.6</b>										<b>7a</b>	<b>NO</b>	<b>50491</b>			

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** September 2, 2021

**FROM:** Kris Neuhauser

**RE:** Application, File No. 50,491 & 50,492

Kyle and Shandi Morey have filed the above-referenced applications requesting to appropriate 75 acre-feet of surface water (combined) for recreational use in a marsh complex by both direct diversion at a maximum rate of 5,000 gallons per minute from one pumpsite on the Neosho River (File No. 50,491) and by storage of natural flows (File No. 50,492). The junior application will be limited to 75 acre-feet when combined with the senior file on the place of use. Approval of both direct diversion and natural flow collection will provide the applicant more flexibility, helping to ensure the marsh can be maintained at optimal levels. The pumpsite will be located in Lot 1 of Section 9, more particularly described as being near a point 4,181 feet North and 650 feet West of the Southeast corner of said section; while the water control structure will be located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter, more particularly described as being near a point 2,620 feet North and 975 feet West of the Southeast corner of Section 9, both in Township 32 South, Range 21 East, Labette County, Kansas.

Applications similar to this frequently construct wetlands that typically “store” overland flows (floodwaters) and are located adjacent to a major stream or river system. The control structures are generally stop logs and there can be multiple control structures in one marsh. Some of these wetland projects may also include direct diversion from pumpsites for initial filling and maintaining water levels in the marshes.

The application has been signed by Kyle Morey, stating they have access to both points of diversion. The applications were filed to obtain water for a duck marsh. The place of use will be said marsh (28.6 surface acres), located in Lot 1 of Section 9 and Lot 1 of Section 10, both in Township 32 South, Range 21 East, Labette County, Kansas. The applicants own the entire place of use.

The requested quantity of water under these applications (75 acre-feet) was determined by inundating the 28.6-acre marsh area with 1.5 feet of water (42.9 acre-feet); at 1.75 fills per calendar year, to offset indirect loss of water (32.1 acre-feet). Typically, these types of marshes are filled in October prior to waterfowl migration. The quantity calculation is listed below:

$$28.6 \text{ acres} \times 1.5 \text{ feet} = 42.9 \text{ AF fill}$$

$$\begin{aligned} \text{Additional water to offset indirect losses} &= 32.1 \text{ AF} \\ 1.75 \text{ fills per year to cover indirect losses} & \end{aligned}$$

$$42.9 \text{ AF} + 32.1 \text{ AF} = \mathbf{75 \text{ AF}}$$

The closest surface water rights are roughly 240 feet and 360 feet downstream of the pumpsite proposed by File No. 50,491, though a voluntary dismissal was submitted for both on November 5, 2020. (see non-use correspondence, dismissal request in Docuware under Water Right, File Nos. 19,498 and 30,155). The closest active surface water rights are over 1.5 miles away, authorized by Appropriation of Water, File Nos. 49,597 and 50,542. The approval of this application should not impact any senior water users. Thirteen landowners were identified as being within ½ mile upstream and downstream of the applicant’s land. Nearby notification letters outlining the proposed application were mailed on July 21, 2021. Three responses were received, though one was after the 15-day period had expired.

Maxine Callahan called in on July 28, 2021 and explained she owns land directly across the river to the West. She went on to say she is generally not a fan of duck marshes and had concern for other downstream water users (not herself). After the application process was explained, she seemed much

more at ease. Richard Langerot called in on August 2, 2021 and had similar concerns against duck marshes. He recently bought his land and was worried about the river drying up if the application was approved. He had no further complaints. Jeff Wilson sent an email on August 14, 2021, outlining his concerns for the small tributary (Litup Creek) to the Neosho River that him and his father live near. They, along with other property owners, have steel stairs installed that run down to the bank of the tributary, in order to access their boats. They are concerned that if pumping is authorized by approval of this application, it would run their tributary dry, leaving it unnavigable for boats (see correspondence email in Docuware). The creek is upstream of the proposed pumpsite and water control structure(s), it is doubtful the approval of this application would impact Litup Creek.

The marsh location has a Water Structures - floodplain fill permit in place already (LLB-0101). Chris Warren, Permit Team Engineer, confirmed that no further permitting was required from water structures, in an email conversation on September 24, 2021, In an email conversation with Brent Turney on August 17, 2021, it was confirmed that this location is not a part of any National Resources Conservation Service (NRCS) easement, therefore no Compatible Use Agreement between the applicant and NRCS will be required.

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 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 on September 30, 2021, Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced applications.

Based on the above discussion, the area is open to new appropriations, a water structures permit is already in place, no NRCS involvement is needed, approval will provide flexibility for the marsh complex, 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.

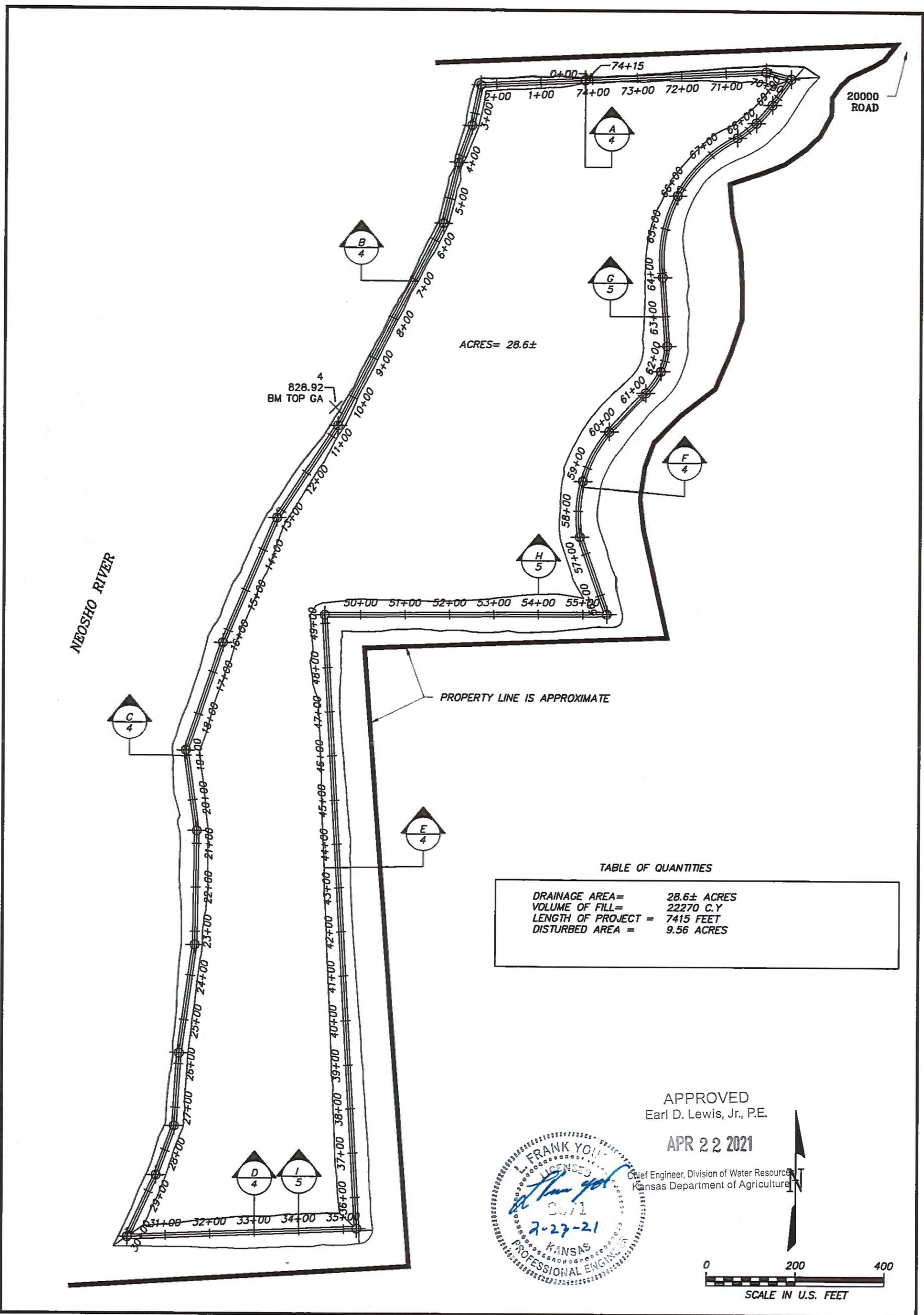


Kris Neuhauser  
New Applications Lead  
Water Appropriation Program



DIVISION OF WATER RESOURCES  
 This 27 APPROVED 20 21  
 EARL D. LEWIS, JR., P.E.  
 CHIEF ENGINEER  
 Earl D. Lewis, Jr., P.E.  
 Chief Engineer  
 Division of Water Resources  
 Kansas Department of Agriculture

PROJECT NO. <b>5551</b>		DRAWING NO. <b>1 OF 5</b>	
DATE		REV. #	
DESCRIPTION		DATE	
		PROJECT NO. 5551 DRAWING NO. 1 OF 5 DATE	
KYLE MOREY DUCK MARSH SEC 9, T32S, R21E LABETTE CO, KANSAS SITE MAP			
ENGINEER	LFY	DATE	2/3/21
DRAWN BY	BCM	CHECKED BY	LFY
Kyle Morey STREET STREET CITY			



S:\P00\JC\15\morey duck marsh-5551\1-draw Design 2nd version.dwg, layout1

**Agricultural Engineering Associates**  
1000 Promontory Dr.  
Uniontown, MS 38779  
Phone: 620-758-1000  
Fax: 620-758-4800

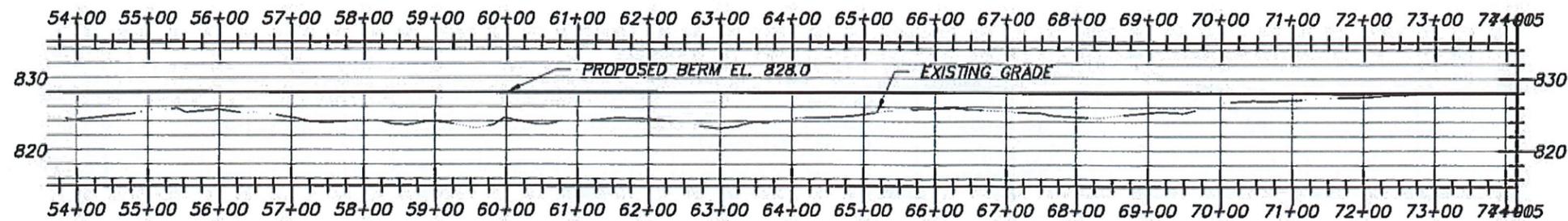
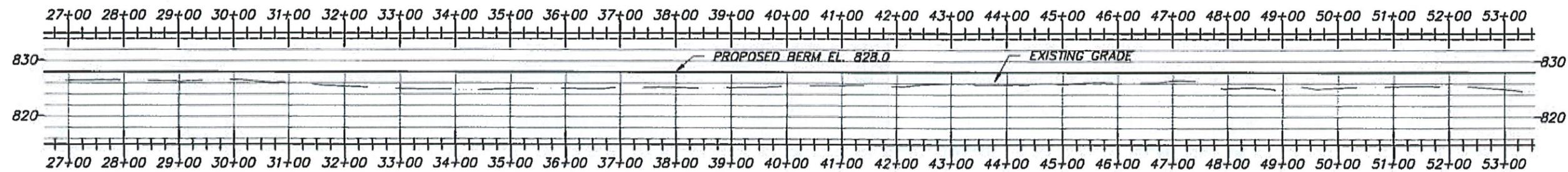
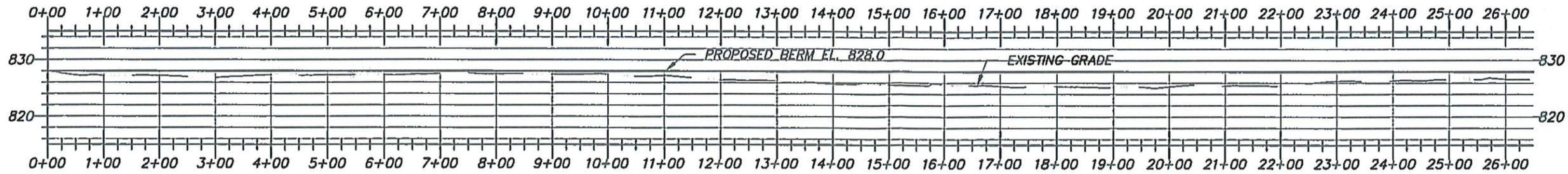
Kyle Morey  
STREET  
STREET  
CITY

ENGINEER LFY  
DATE 2/3/21  
DRAWN BY BCM  
CHKD BY LFY  
DATE

KYLE MOREY  
DUCK MARSH  
SEC 9, T32S, R21E  
LABETTE CO, KANSAS  
SITE MAP

REV#	DATE	DESCRIPTION

PROJECT NO.  
5551  
DRAWING NO.  
2 OF 5  
Rev. #      Date



PROFILE VIEW OF ALIGNMENT A

APPROVED  
Earl D. Lewis, Jr., P.E.

APR 22 2021

Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

REV	DATE	DESCRIPTION



KYLE MOREY

CITY

KYLE MOREY  
DUCK MARSH  
SEC 9, T32S, R21E  
LABETTE CO, KANSAS  
PROFILE A

ENGINEER LFY

DATE 2/3/21

DRWN BY BCM/TDL

CHKD BY LFY

DATE

PROJECT NO.

5551

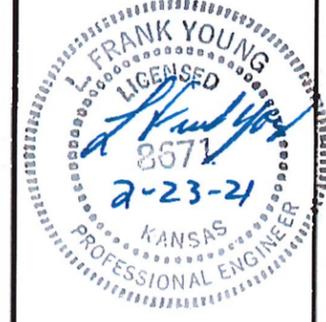
DRAWING NO.

3 OF 5

Rev. #      Date

S:\Projects\15\morey duck marsh-5551\morey Design 2nd version.dwg, PROFILE A

REV	DATE	DESCRIPTION



KYLE MOREY  
CITY

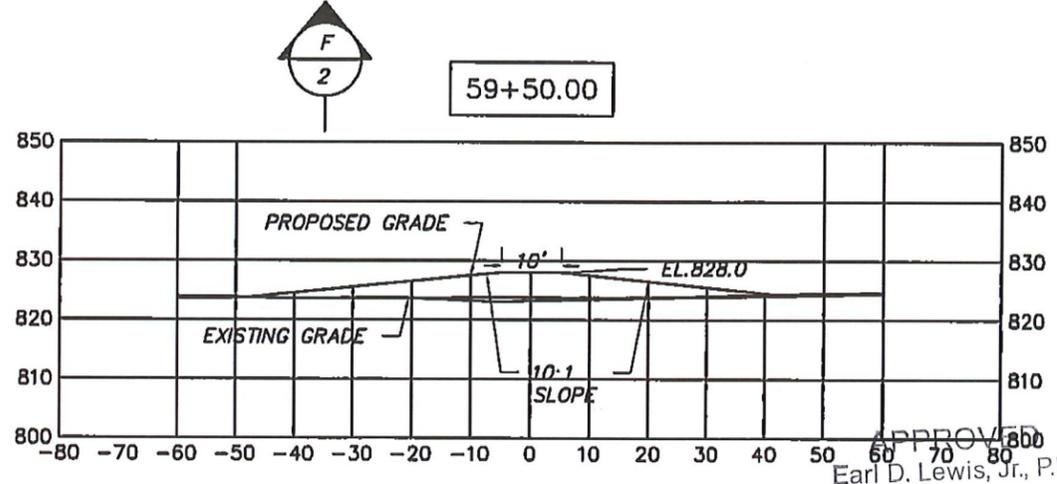
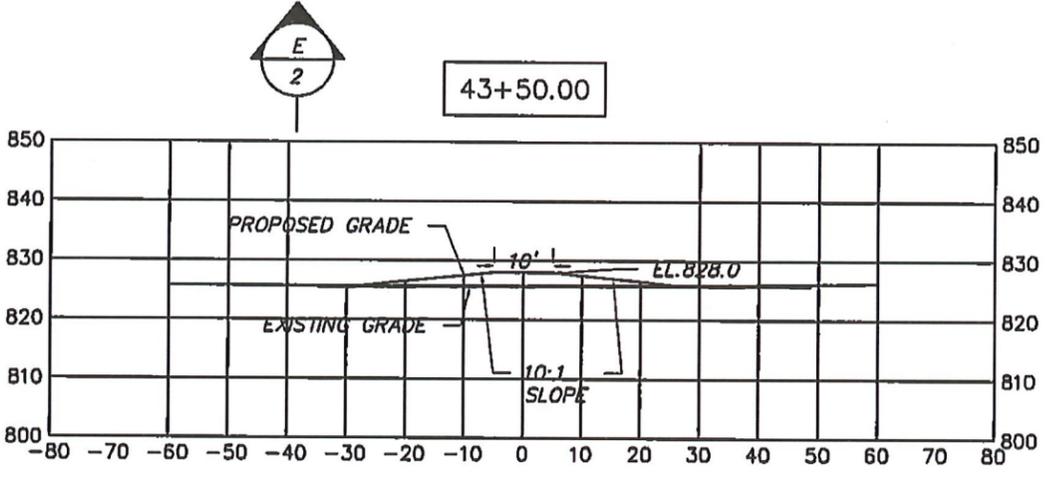
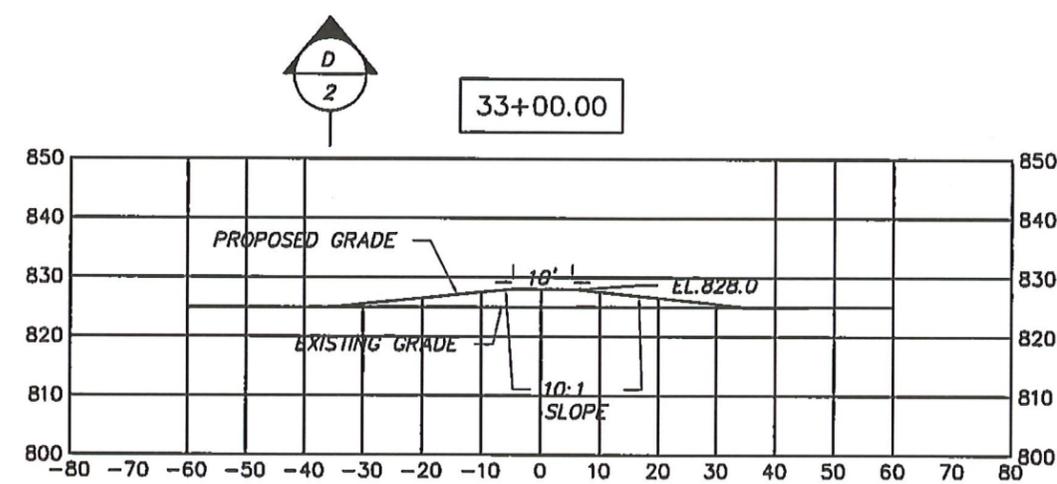
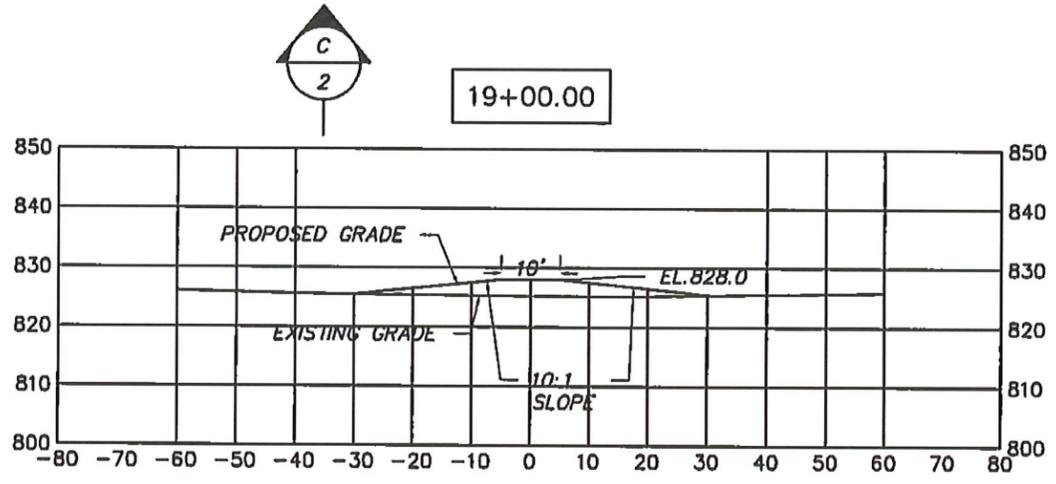
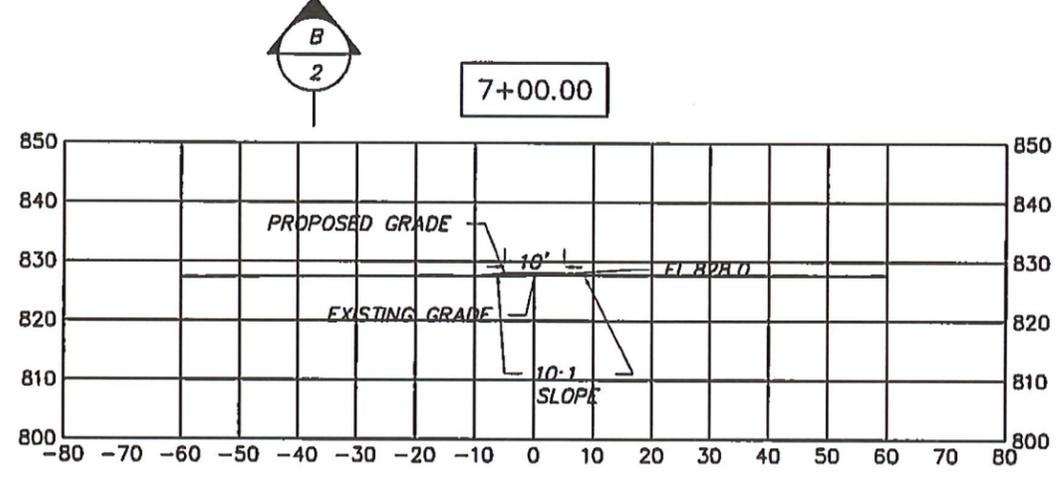
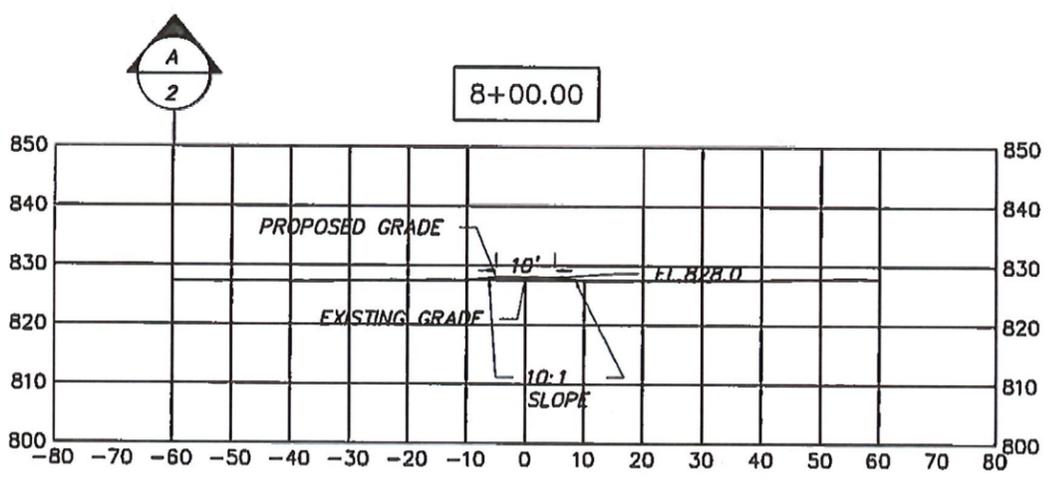
KYLE MOREY  
DUCK MARSH  
SEC 9, T32S, R21E  
LABETTE CO, KANSAS  
CROSSSECTION A-1

ENGINEER LFY  
DATE 2/3/21  
DRWN BY BCM/TDL  
CHKD BY LFY  
DATE

PROJECT NO.  
**5551**

DRAWING NO.  
**4 OF 5**

Rev. #	Date



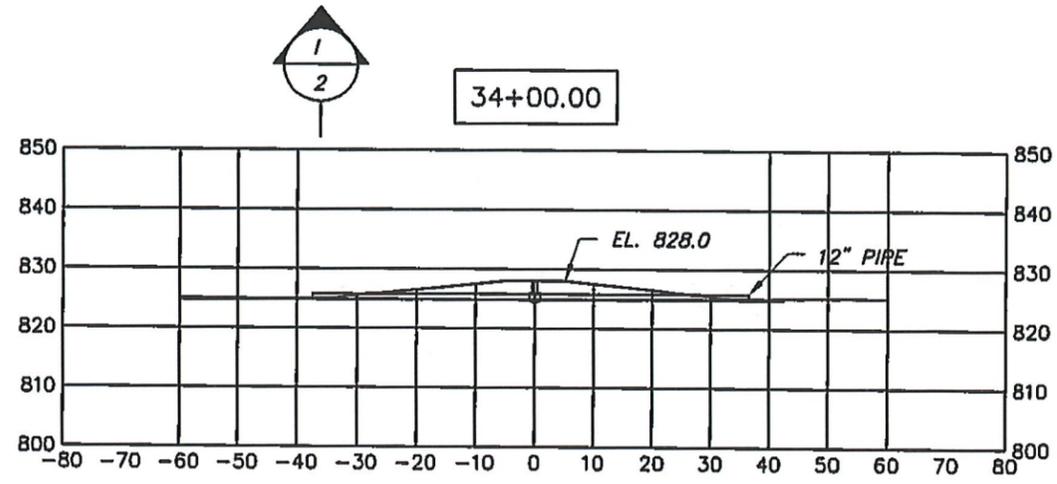
APPROVED  
Earl D. Lewis, Jr., P.E.

APR 22 2021

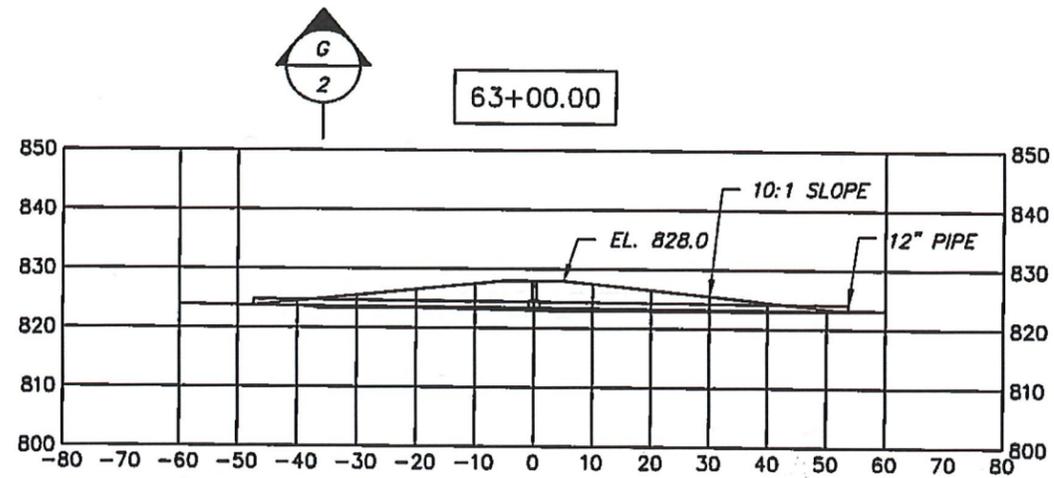
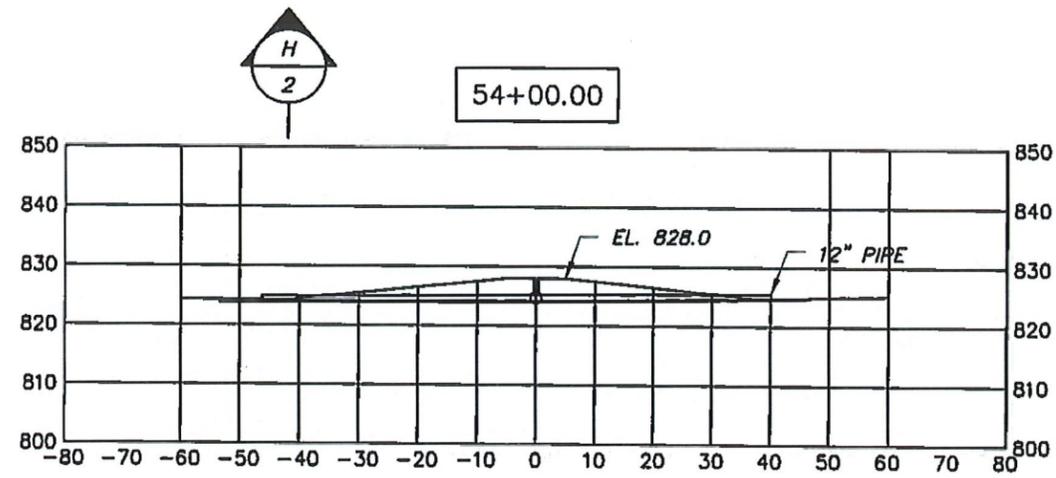
Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

S:\Projects\5551\Morey Design 2nd version.dwg, 2/03/21 10:11 A

S:\PROJECTS\morey duck marsh-5551\Morey Design 2nd version.dwg, DRAIN STRUCTURE



NOTE:  
DRAINAGE STRUCTURE TO BE MINIMUM 12"  
AGRIDRAIN IN-LINE OR INLET WATER CONTROL  
STRUCTURE LENGTH TO BE DETERMINED ON SITE.

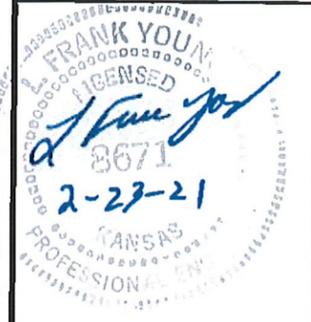


APPROVED  
Earl D. Lewis, Jr., P.E.

APR 22 2021

Chief Engineer, Division of Water Resources  
Kansas Department of Agriculture

REV	DATE	DESCRIPTION



KYLE MOREY

CITY

KYLE MOREY  
DUCK MARSH  
SEC 9, T32S, R21E  
LABETTE CO, KANSAS  
DRAIN STRUCTURE

ENGINEER LFY

DATE 2/3/21

DRWN BY BCM/TDL

CHKD BY LFY

DATE

PROJECT NO.

5551

DRAWING NO.

5 OF 5

Rev. # Date











**From:** Tietsort, Katie [KDA]  
**Sent:** Thu 9/30/2021 3:25 PM  
**To:** Neuhauser, Kris [KDA]  
**Cc:** Bungler, Brett [KDA]  
**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

Kris,

Thank you so much! This looks great! Please proceed!

Katie

## Katie Tietsort

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

Ph. 785-296-5733 Cell 785-213-9188

Kansas Department of Agriculture

Topeka Field Office

1131 SW Winding Rd, Suite 400

Topeka, KS 66615

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**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Wednesday, September 29, 2021 1:34 PM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Cc:** Bungler, Brett [KDA] <Brett.Bunger@ks.gov>  
**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

Katie,

Okay I think we're on the right track with these now. Talked to the applicant last week and he confirmed what the plans were, so we have a good map. Marsh covers 28.6 acres, I've attached the Structures map above. Checked with Chris Warren – the floodplain fill permit is good to go, so nothing more is needed from them. Also got a signed MDS form from Kyle.

The calculation Kristen and I came up with is as follows:

28.6 acres x 1.5 ft (fill depth) = 42.9 AF

1.75 fills per year to offset indirect losses = 75 AF (42.9 AF + 32.1 AF = 75 AF)

I've updated my memo and attached it above. Let me know if all this is sounding good on your end. The final question I have is if the PD for 50492 is acceptable, or should it be tweaked? Doug set that point when assisting with the app, so wondered if we needed to adjust according to structures maps.

Kris

---

**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Friday, September 24, 2021 11:18 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Cc:** Bungler, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>  
**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

You ARE On a rough streak! Yikes! And I thought we were DONE with the half processed stuff from Doug!

# Katie Tietsort

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

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Topeka, KS 66615

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

**Sent:** Friday, September 24, 2021 11:02 AM

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

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

**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

No big deal, seems like most surface/marsh apps end up like this. Lot of back and forth with the applicant. Learning experience with each one!

That being said, I'm on a rough streak with apps right now 😞 hopefully my luck improves!

Kris

---

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

**Sent:** Friday, September 24, 2021 10:51 AM

**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>

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

**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

Thanks Kris. Sorry these files are so messed up....

# Katie Tietsort

Water Commissioner

[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)

Ph. 785-296-5733 Cell 785-213-9188

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Topeka, KS 66615

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

**Sent:** Friday, September 24, 2021 10:36 AM

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

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

**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

Agreed, I already shot him the map and asked questions. Probably will talk on the phone to get things squared away. Might put Janelle in contact as well- wouldn't hurt.

Will be in touch!

Kris

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**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Friday, September 24, 2021 10:14 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Cc:** Bunger, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>  
**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

You might check with Kyle to make sure that was what he expected and the marsh really is going to be all that? It may require a change to the structures permit(s)??

## Katie Tietsort

Water Commissioner

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Ph. 785-296-5733 Cell 785-213-9188  
Kansas Department of Agriculture  
Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615

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**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Friday, September 24, 2021 10:09 AM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Cc:** Bunger, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>  
**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

Oh boy I now see the site map he emailed Doug after the fact... wow can't believe I didn't catch that. I was using Doug's original he made when assisting. I'll have to make a ton of adjustments. Will follow up with a new memo eventually. Also have Kyle's email so I can ask questions if need be.

Kris

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**From:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Sent:** Friday, September 24, 2021 10:03 AM  
**To:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Cc:** Bunger, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>  
**Subject:** RE: 50491 & 50492 rec requests (Duck Marsh)

Kris,

I am a little confused on this one. Help me out here. The maps under the two files aren't remotely similar....

The map in 50492 seems to show a "complex" With at least 90ish acres and a marsh PD identified for the marsh complex and it asks for 75 AF.

The map in 50491 seems to show a far more limited area with like half that size.... Also asking for 75 AF for pumping from a specified point. This map shows 3 specific control structures and one marsh.

Your memo seems to indicate the smaller marsh area but a complex and uses less acres? Which map is right and what acres is right? It seems like the original apps got drafted up for a much smaller single marsh than what he may now be proposing with the newer map showing a big area?

## Katie Tietsort

Water Commissioner

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Ph. 785-296-5733 Cell 785-213-9188

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Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615

---

**From:** Neuhauser, Kris [KDA] <[Kris.Neuhauser@ks.gov](mailto:Kris.Neuhauser@ks.gov)>  
**Sent:** Thursday, September 23, 2021 1:42 PM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Cc:** Bunger, Brett [KDA] <[Brett.Bunger@ks.gov](mailto:Brett.Bunger@ks.gov)>; Baum, Kristen [KDA] <[Kristen.Baum@ks.gov](mailto:Kristen.Baum@ks.gov)>  
**Subject:** 50491 & 50492 rec requests (Duck Marsh)

Katie,

Attached is a combined memo for new apps 50491 and 50492. They seem to be missing a MDS form, so I can email Kyle Morey one. Unless you have one floating around at the FO? Left my MDS reference in the memo in red, to follow up on.

These are to authorize a pumpsite and for natural flow collection of 75 AF (combined) to fill their marsh. Doug assisted. Had three calls on these, two were literally just people who “didn’t like” duck marshes. The third lives on a small trib just to the north upstream, was worried about water levels dipping if the app is approved. I outline it more in the memo.

Kristen found a good Doug example for a ‘marsh complex’ set of apps- 49164 and 49165. Copied a touch of info from his memo to mine, but could overhaul it even more if need be.

Thanks!

***Kris Neuhauser***  
New Applications Lead  
Kansas Department of Agriculture, Division of Water Resources  
Phone: 785-564-6643

**From:** Warren, Chris [KDA]  
**Sent:** Fri 9/24/2021 5:31 PM  
**To:** Neuhauser, Kris [KDA]  
**Subject:** RE: LLB-0101 - New Apps

Hi Kris,

We have already permitted LLB-0101 back on 4/22/20. At that time, a water right wasn't required so we moved on. Oops. The plan view looks the same as what we have so we should be good on our end. Thanks for checking.

- Chris

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**From:** Neuhauser, Kris [KDA]  
**Sent:** Friday, September 24, 2021 4:48 PM  
**To:** Warren, Chris [KDA] <Chris.Warren@ks.gov>  
**Subject:** LLB-0101 - New Apps

Hi Chris,

I usually hit up Janelle on this type of thing, but seeing as she's been out with family matters lately, wanted to check in with you as well! Brandon Milner mentioned he's been talking to you about some duck marsh app/apps as well. Here's what I shot Janelle earlier about two marsh apps of my own:

**'Doug assisted the applicant originally on these, will authorize for direct diversion (50491) and collection of natural flows (50492). Listed they have a structures permit: LLB-0101. Wanted to send you this map and check if they need any other permitting with you guys.**

**The applicant eventually emailed this updated map to Doug, so I'm reworking size and quantity calculations.. I've been talking with him today – Kyle Morey, good guy. His email is [moreeaseinc@gmail.com](mailto:moreeaseinc@gmail.com). Think I have his cell written down somewhere too. The map attached to 50492 is incorrect, the hand drawn map is the correct plan moving forward (on page two after pdf of email correspondence) I can most certainly ask more questions if need be.**

**Kristen and I discussed this all a bit ago – our biggest concern is getting the quantity calculation right for the marsh.'**

I also attached an email from you, that was saved in Docuware with the apps – another reason I wanted to tie you in and get your side of things.. Mainly want to confirm that the applicant doesn't need any more structures permitting.

Thanks!

***Kris Neuhauser***  
New Applications Lead  
Kansas Department of Agriculture, Division of Water Resources  
Phone: 785-564-6643

**From:** Turney, Brent - NRCS, Emporia, KS  
**Sent:** Tue 8/17/2021 9:22 AM  
**To:** Neuhauser, Kris [KDA]  
**Subject:** RE: New Apps 50491 & 50492

**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.

Kris,  
You guys are good to go! They had planned on getting an easement on this property but they never followed through with it.  
Thanks for the opportunity to check.  
Take care  
Brent

**Brent Turney**  
Easement Specialist  
3020 W. 18<sup>th</sup> Ave Suite B  
Emporia, KS 66801  
Office 620-487-3413  
Cell 620-682-3538  
[brent.turney@usda.gov](mailto:brent.turney@usda.gov)

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**From:** Neuhauser, Kris [KDA] <Kris.Neuhauser@ks.gov>  
**Sent:** Monday, August 16, 2021 3:57 PM  
**To:** Turney, Brent - NRCS, Emporia, KS <Brent.Turney@usda.gov>  
**Subject:** New Apps 50491 & 50492

Hi Brent,

Have another couple applications here – for a wildlife marsh in Labette County. Doug assisted with it a while back - I've attached scans above. Just checking if it's part of any NRCS easement before I send a review to Katie in Topeka.

Thanks!

**Kris Neuhauser**  
New Applications Lead  
Kansas Department of Agriculture, Division of Water Resources  
Phone: 785-564-6643

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**From:** Jeff Wilson  
**Sent:** Sat 8/14/2021 9:29 PM  
**To:** Neuhauser, Kris [KDA]  
**Subject:** File No. 50491 and 50492

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, I have been out of the country and have come home to find in the mail the notification letter to my father and me regarding file No. 50491 and 50492. I realize I have missed the 15 day response window, but sending this in hopes it will still be considered.

My father, James and I are concerned with the application from the Morey's and them removing water from the Neosho River. Reason being, along our property is a small tributary creek (Litup creek,) that four property owners have steel stairs installed down the bank to access their boats, tie up bait wells, fish wells and utilize this creek to to access the river. The main reason and the beauty of having the creek for access to the river is we are away from the main flow and current of the river. Our concern is, when the river is down at its normal level the Litup Creek is roughly 12 inches deep! 12 inches of water is barely enough to keep a boat from bottoming out. We don't know the calculations, nor the effects of pumping 5000 gal/min will have on our river access, but it seems it will have serious impacts on the 12 inch water level of our access creek! Especially since we are only talking an inch or two of making the creek unnavigable! The four property owners that utilize the Litup Creek have several thousands of dollars tied up in steel stairs, landings, equipment and labor that could potentially be useless when the river level is down.

With this said, our stance and comments are negative towards allowing the Morey's to pump water. That is unless, someone can assure us that the creek levels will not change, and will not make our stairs, landings, and equipment useless!

Again, I realize that my response is past the deadline and may be too late for considerations. If I am too late, would you or someone at least answer the question, how will this amount of water being removed from the Neosho River affect the water level of the Litup Creek? And, at the lowest level, how deep will the creek be?

Thank you for your time and consideration!  
Jeff Wilson.

Sent from my iPad

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., 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. 50,492** of the applicant

**SHANDI & KYLE MOREY**  
146 SE 40TH LN  
LAMAR, MO 64759

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 **December 21, 2020**.
2. That the water sought to be appropriated shall be used for recreational use in a waterfowl marsh located in Lot 1 of Section 9 and Lot 1 of Section 10, both in Township 32 South, Range 21 East, Labette County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of the Neosho River, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of 75 acre-feet per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 2,620 feet North and 975 feet West of the Southeast corner of said section, in Township 32 South, Range 21 East, Labette County, Kansas.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2023** 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, 2027** 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.

21. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File No. 50,491, will provide a total **not to exceed 75 acre-feet** of water per calendar year for recreational use on the land described herein.

Ordered this 7 day of February, 2022 in Manhattan, Riley County, Kansas.

Lane P. Letourneau

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 7 day of February, 2022 by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Ashlee Freeman  
Notary Public

