

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.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

50748

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

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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.)

MAR 21 2022

11:51
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): Anthony Hartness for Cherry Creek Crossing, LLC
Address: 3507 Crossgate Circle South
City: Colleyville State TX Zip Code 76034
Telephone Number: (316) 644-0301

2. The source of water is: surface water in Cherry Creek (Neosho River)
(stream)
OR groundwater in _____
(drainage basin)

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

3. The **maximum quantity** of water desired is 216 acre-feet OR _____ gallons per calendar year,
to be diverted at a **maximum rate** of 1500 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. <u>1</u>	GMD _____	Meets K.A.R. 5-3-1 (YES/NO) Use <u>REC</u>	Source G/S _____	County <u>WO</u>	By <u>BMM</u>	Date <u>3/21/22</u>	
Code <u>RE2</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>3-21-22</u>	Check # <u>1003</u>			

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 NE quarter of the SW quarter of the NW quarter of Section 13, more particularly described as being near a point 3580 feet North and 4051 feet West of the Southeast corner of said section, in Township 25 South, Range 16 East, Woodson 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, _____ 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

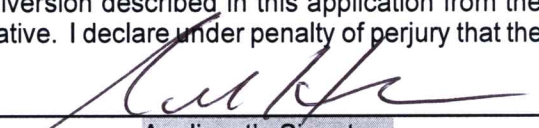
(name, address and telephone number)

(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 3/8, 2022.



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 pumpsite to fill wetland
(number of wells, pumps or dams, etc.)

and will be completed (by) following approval
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use is estimated to be Fall after approval
(Mo/Day/Year)

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

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

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

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

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____
No structure will be constructed at the pumpsite. Structures requirements pertaining to the wetland will be reviewed inconjunction with a separate application.

- 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.

A separate new application will be filed to propose the collection of natural runoff in two wetland pools.

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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
(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):

Applicant
(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 Augusta, Kansas, this 8 day of March, 2022.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Lloyd Hemphill _____ TFO/ES _____ Date: 2/23/2022
(office/title)

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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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**LANDOWNERS LOCATED WITHIN ½ MILE UPSTREAM AND DOWNSTREAM OF
PROJECT PROPERTY.**

UPSTREAM

- 1.) LYNN BARRY SCHORNICK,
6833 KEDZIE AVE #APT 813
CHICAGO, IL 60645-2880
- 2.) PHYLLIS ANN ROSENHAGEN TR
ATTN: CALVIN SHEPARD
1523 190TH RD
YATES CENTER, KS 66783
- 3.) GERALD WEBER
1915 100TH RD
YATES CENTER, KS 66783

DOWNSTREAM

- 4.) GERALD WEBER
1915 100TH RD
YATES CENTER, KS 66783
- 5.) SHELTON & KELLEY SYKES
186 CROOKED CREEK LN
ALEDO, TX 76008

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RECREATIONAL USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Cherry Creek Crossing, LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____

Wetland for waterfowl habitat/hunting

2. Please summarize how the water will be used and justify the quantity of water requested: _____

Pool 1 + Pool 2 capacity = 43 AF + 28 AF = 71 AF

Pool 1 + Pool 2 surface area = 16.6 ac. + 10.9 ac. = 27.6 ac

Potential evaporation = 6 in/year X 1/2 year X 1ft/12 in X 27.6 ac surface area = 6.9 AF

Potential seepage (1/2 year) = 120 in/yr X 1/2 yr X 1/12 X 27.6 = 138 acre-feet

Requested quantity = capacity (1 fill) + evaporation + seepage = 71 AF + 7 AF + [138] = [216] AF

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	216
Year 2	216
Year 3	216
Year 4	216
Year 5	216

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.

wetland in the NW 1/4 of Sec 13-T25S-R16E

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

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Search

Map Unit Legend

Woodson County, Kansas (KS207)
 Woodson County, Kansas (KS207)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8101	Hepler silt loam, 0 to 2 percent slopes, occasionally flooded	56.8	32.4%
8160	Leanna silt loam, 0 to 2 percent slopes, occasionally flooded	36.1	20.6%
8300	Verdigris silt loam, channeled, 0 to 2 percent slopes, frequently flooded	5.2	2.9%
8679	Dennis silt loam, 1 to 3 percent slopes	58.7	33.5%
8687	Dennis silty clay loam, 1 to 3 percent slopes, eroded	9.6	5.5%

Soil Map

Woodson County, Kansas

8101—Hepler silt loam, 0 to 2 percent slopes, occasionally flooded

Map Unit Setting

National map unit symbol: 2w21x
 Elevation: 820 to 1,070 feet
 Mean annual precipitation: 30 to 50 inches
 Mean annual air temperature: 54 to 61 degrees F
 Frost-free period: 185 to 237 days
 Farmland classification: Prime farmland if drained

Map Unit Composition

Hepler and similar soils: 90 percent
 Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hepler

Setting

Landform: Flood-plain steps
 Landform position (three-dimensional): Tread
 Down-slope shape: Linear
 Across-slope shape: Linear
 Parent material: Silty alluvium

Typical profile

Ap - 0 to 9 inches: silt loam
 E - 9 to 25 inches: silt loam
 Btg1 - 25 to 29 inches: silty clay loam
 Btg2 - 29 to 40 inches: silty clay loam
 BC - 40 to 79 inches: silty clay loam

Properties and qualities

Slope: 0 to 2 percent
 Depth to restrictive feature: More than 80 inches
 Drainage class: Somewhat poorly drained
 Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr)
 Depth to water table: About 12 to 36 inches
 Frequency of flooding: Occasional
 Frequency of ponding: None
 Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
 Available water supply, 0 to 60 inches: High (about 11.2 inches)

Interpretive groups

Land capability classification (irrigated): None specified
 Land capability classification (nonirrigated): 2w
 Hydrologic Soil Group: C
 Ecological site: R112XY122OK - Wet Terrace
 Hydric soil rating: No

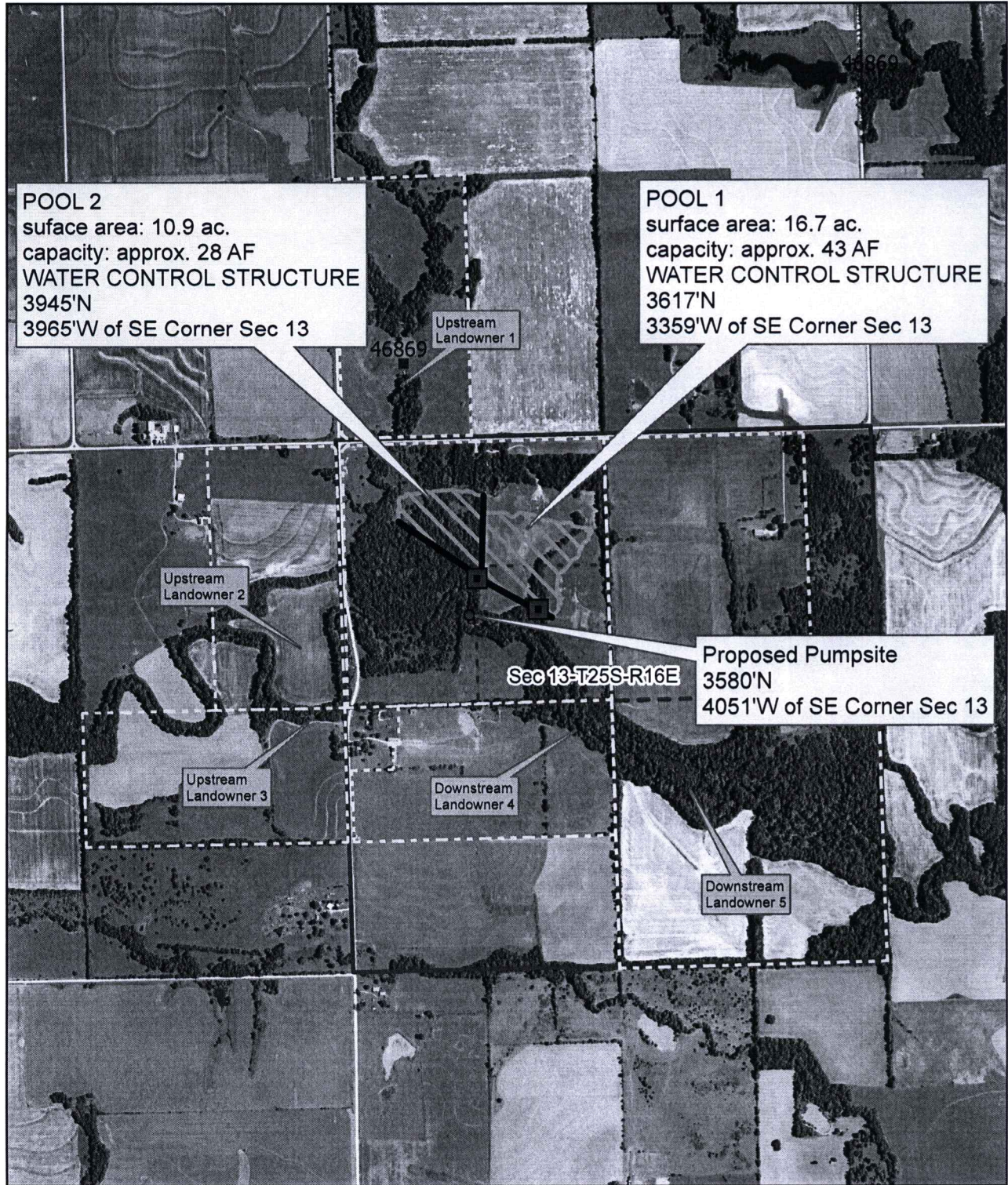
Minor Components

Verdigris

Percent of map unit: 5 percent
 Landform: Flood plains
 Landform position (three-dimensional): Tread
 Down-slope shape: Linear
 Across-slope shape: Linear



NEW APPLICATION - WETLAND CHERRY CREEK



Map prepared by: LHH 3.3.2022



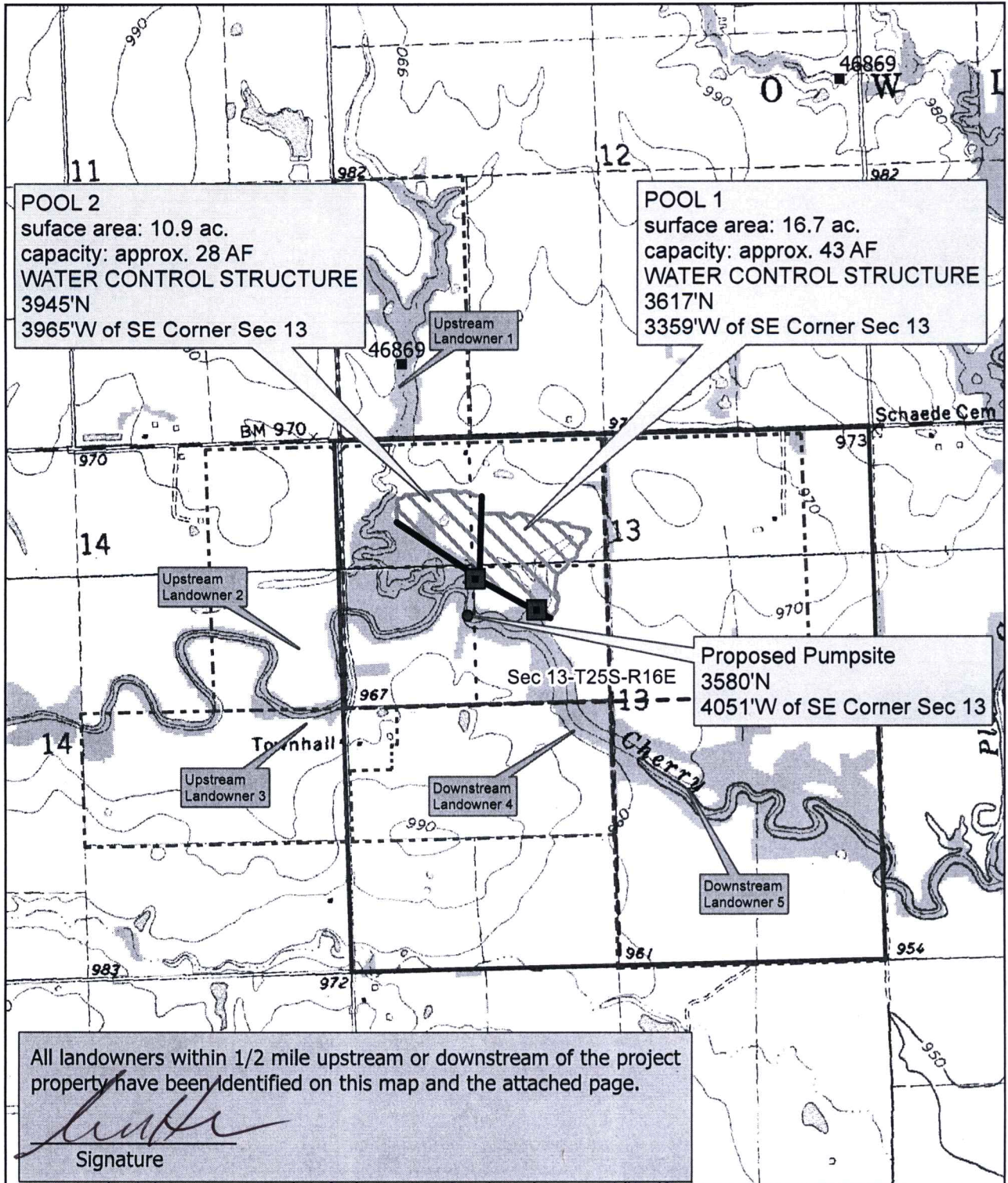
Scale: 1:18,000

0 0.13 0.25

0.5 Mile
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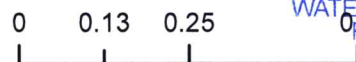
NEW APPLICATION - WETLAND CHERRY CREEK



Map prepared by: LHH 3.3.2022



Scale: 1:18,000



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3/8/2022

(Date)

Kansas Department of Agriculture
Division of Water Resources
Earl D. Lewis, Jr., Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. _____

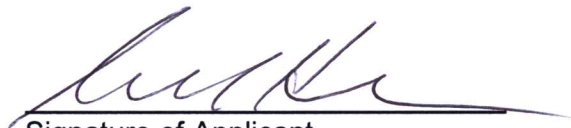
Minimum Desirable Streamflow -
Neosho River

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

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.

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.


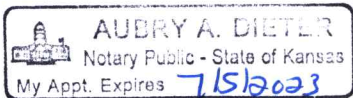


Signature of Applicant

Anthony Hartness
(Print Applicant's Name)

State of Kansas)
County of Kansas, Butler) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 8th day of March, 2022.


Notary Public

My Commission Expires: July 5, 2023

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**MINIMUM DESIRABLE STREAMFLOW 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

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