

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

50757

File Number _____

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

WATER RESOURCES RECEIVED

MAR 31 2022

10:30

KS DEPT OF AGRICULTURE

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.)

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): U.S. Army Corps. Of Engineers
Address: 10419 Perry Park Dr.
City: Perry State KS Zip Code 66073
Telephone Number: (785) 597-5144

2. The source of water is: surface water in Delaware 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 110.25 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 4,000 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

4/13/2022
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.

For Office Use Only:									
F.O. <u>1</u>	GMD	Meets K.A.R. 5-3-1 (YES/NO)	Use REC	Source G/S	County JF	By BMM	Date 4/4/22		
Code <u>REG REL</u>	Fee \$ <u>300</u>	TR # <u>P00039122</u>	Receipt Date <u>3/31/22</u>	Check # <u>CC</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 SW quarter of the NW quarter of the SE quarter of Section 9, more particularly described as being near a point 1646 feet North and 2181 feet West of the Southeast corner of said section, in Township 11 South, Range 18 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.

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):

(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 _____, 20____ 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 pump _____
(number of wells, pumps or dams, etc.)
and was completed (by) Already completed on September 2009 _____
(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 Sep 15th 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 _____
- If no, explain here why a Water Structures permit is not required _____

Permits are not required as this is Federal Property

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 ½ 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 ½ mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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.

Overlap place of use with 47348

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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):

(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 Perry, Kansas, this 24th day of March, 2022.
(month) (year)


(Applicant Signature) Kyle Broocker
Natural Resources Manager

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

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

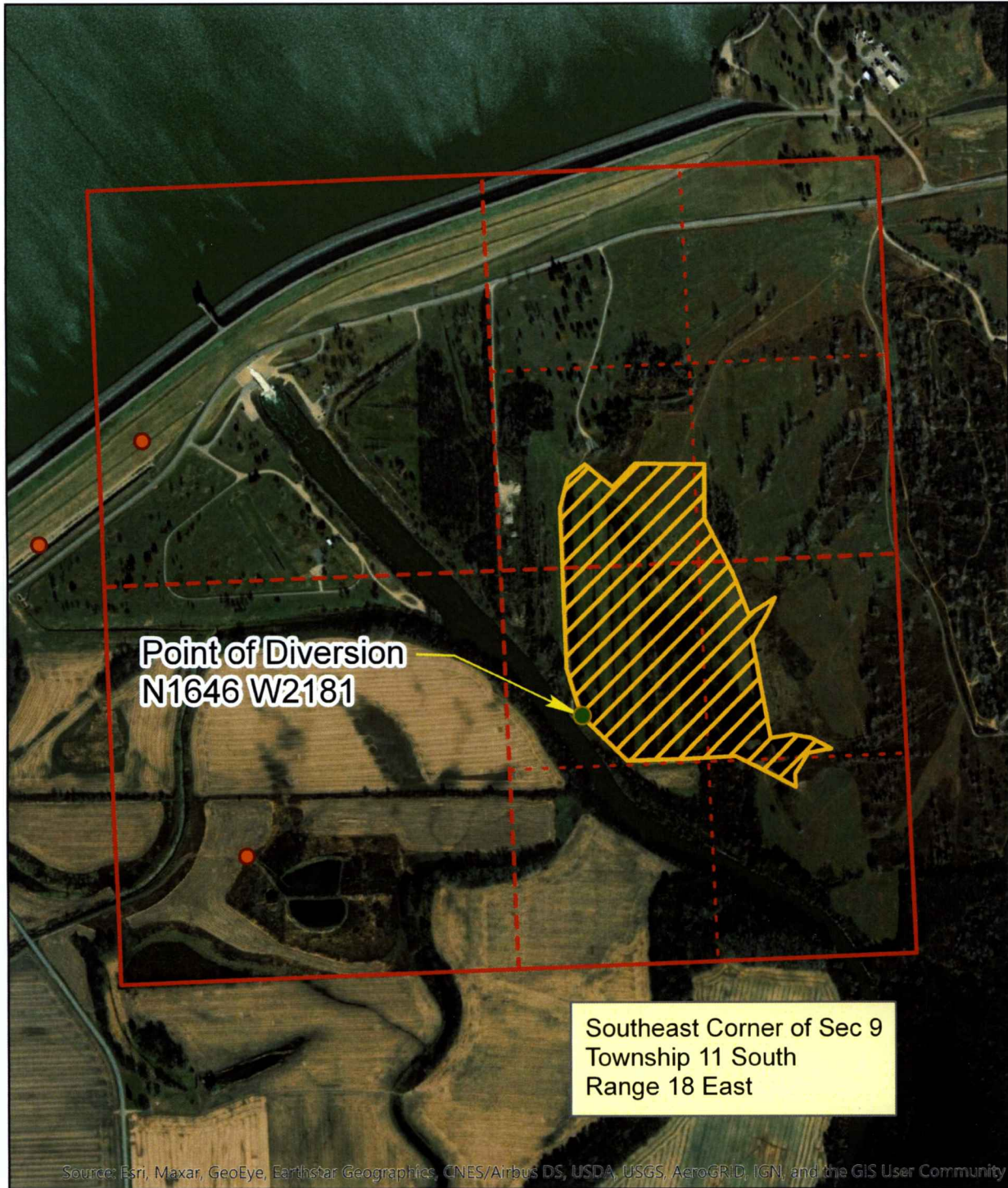
1 million gallons equal 3.07 acre-feet

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US Army Corps. of Engineers-Site Map



Scale: 1:12,000

Map prepared by: Tyler Smith



All water wells of any kind located within 1/2 mile of the proposed well have been located on this map.

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Broockerd, Kyle J CIV USARMY CENWK (USA)

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: March 24, 2022 9:05 AM
To: Broockerd, Kyle J CIV USARMY CENWK (USA)
Subject: [Non-DoD Source] RE: Perry Lake U.S. Army Corps of Engineers Water Reporting
Attachments: Perry Project Site Map.pdf; Perry Project New Permit.docx; Perry Project Supplement sheet.docx

Hello Kyle,

Here are the application forms. We used some information from the old file that led us to the request which we estimated as 110 AF. You will need to carefully check the supplemental sheet to see if that quantity calculation for pumping makes sense or not. The cost to file depends on the Quantity you request (see back page). The other real important thing is to confirm you still pump from the point we depicted and that water will go only where we have the hashed lines on the map. If we need to make any changes before you file we can.

As it is now, with that 110 AF- the cost to file would be \$300 if you go below 100 AF, the cost drops to \$200. You could ask for more if you think you'll pump more than 110 AF.

After the filing fee, when you get approval, you have one last fee \$400 inspection fee that is required.

Checks can be sent to KDA Manhattan HQ with the original signed documents, or a credit card can be used by calling Ashlee Buss at KDA at 785-564-6637.

I am happy to answer your questions

Katie Tietsort

Water Commissioner

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

From: Broockerd, Kyle J CIV USARMY CENWK (USA) <Kyle.J.Broockerd@usace.army.mil>
Sent: Wednesday, March 23, 2022 8:50 AM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Perry Lake U.S. Army Corps of Engineers Water Reporting

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.

Hello. I am the new Natural Resources Manager for the U.S. Army Corps of Engineers at Perry Lake. I replaced Jason Hurley, who left Perry around August of 2021. I am trying to get our fees resolved and had a few questions.

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KS DEPT OF AGRICULTURE

1. What is the total amount of money that we owe for our water use/permit here at Perry for our wetland pumping in the Delaware Marsh? We did not pump any water during 2021 and only have the one pump site on the Delaware. All water in wetland was result of natural runoff. Water right file number is 47348-00.
2. How do I get documentation (receipts) that we have paid after submitting payment? We are required to keep these per our purchasing regulations. We will also need to use a card vs. check per our purchasing regulations.
3. Why does the water use report seem to show multiple entries under the same file number? See attached. I just want to make sure that the records are correct and it is not showing we have multiple pump sites.

I apologize if you have provided this information already. This is my second week in this position and I'm playing catch up trying to get things squared away. I looked at the information we had and couldn't find what I needed. Thanks for your patience.

Respectfully,

Kyle Broockerd
Natural Resources Manager
U.S. Army Corps of Engineers
Perry Lake Project
(816)389-2416
kyle.j.broockerd@usace.army.mil

Broockerd, Kyle J CIV USARMY CENWK (USA)

From: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Sent: March 24, 2022 1:33 PM
To: Broockerd, Kyle J CIV USARMY CENWK (USA)
Subject: [Non-DoD Source] RE: Perry Lake U.S. Army Corps of Engineers Water Reporting

Kyle,

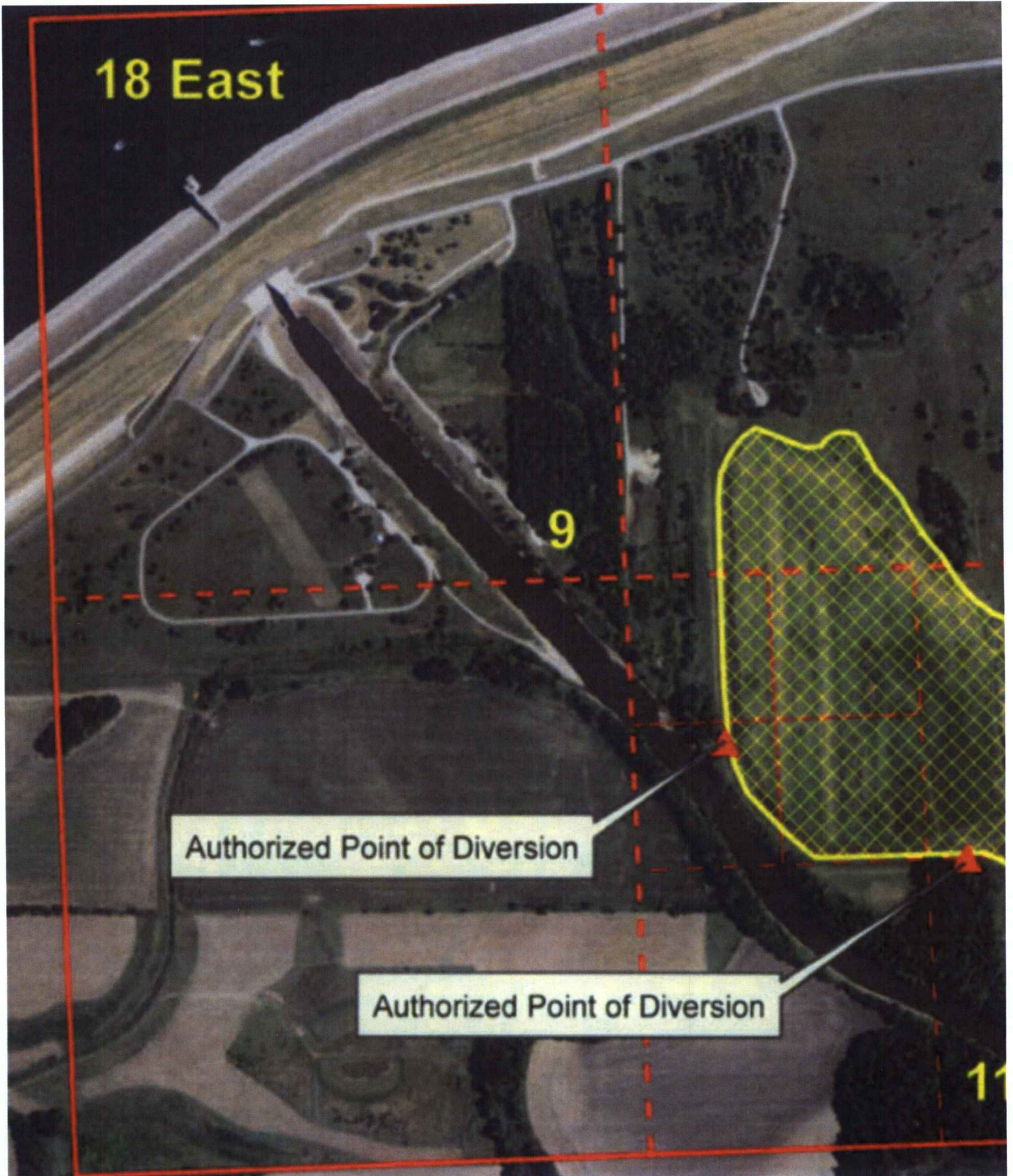
To answer your specific questions here:

- 1) The money needed is the filing fee, which is dependent on the quantity applied for and after approval, the \$400 field inspection fee. These fees are required by statute and they go to the water fund that ultimately pays the state to process, document and withhold the priority of water right during water administration.
- 2) Ashlee Buss takes the credit card information Ashlee.Buss@ks.gov or 1-785-564-6637. She can provide a proper receipt upon request.
- 3) The natural flow collecting permit 47348 has two points of diversion authorized. These are the locations of the 2 control structures. That is where water is taken under control from the point of natural flow. They are located per the diagram below.

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MAR 29 2022

KS DEPT OF AGRICULTURE



Katie Tietsort
Water Commissioner
Katie.Tietsort@ks.gov

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

Kyle Broockerd
Natural Resources Manager
U.S. Army Corps of Engineers
Perry Lake Project
(816)389-2416
kyle.j.broockerd@usace.army.mil

WATER RESOURCES
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MAR 29 2022

KS DEPT OF AGRICULTURE

4/4/2022

RECREATIONAL USE SUPPLEMENTAL SHEET

Water Resources
Received

File No. _____

KS Dept Of Agriculture

Name of Applicant (Please Print): US Army Corps of Engineers

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

Waterfowl Habitat

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

Marsh area= 49 acres

Avg Depth =2 Feet

6 months Evap = 49 ac x 1/2 x .50 = 12.25 Acre-feet

Quantity = 49 ac x 2ft = 98 AF + 12.25 AF = 110.25 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	110.25 AF
Year 2	110.25 AF
Year 3	110.25 AF
Year 4	110.25 AF
Year 5	110.25 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

Rec use for a marsh located in the E1/2 of the SE 1/4 of Sec 9 T11S R18E, Jefferson County, Kansas

4/4/2023
LHH

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

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

April 8, 2022

JUSTIN HAMILTON
KANSAS DEPT OF WILDLIFE PARKS & TOURISM
206 N 1600 ROAD
LECOMPTON KS 66050

RE: Application, File No(s). **50757**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. *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 black ink that reads "Kris Neuhauser". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kris Neuhauser
New Applications Lead
Water Appropriation Program

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50757

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>33317</u>	<u>89408</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>33317</u>	<u>60539</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>33317</u>