

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

1/11/2023, 11:42 AM

File Number **50941**
This item to be completed by the Division of Water Resources.

Water Resources
Received

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): HARLAN BAILEY
 Address: 190 300TH ST
 City: SABETHA State KS Zip Code 66534
 Telephone Number: (____) _____
2. The source of water is: surface water in UNNAMED TRIB TO PONY CREEK
(stream)
 OR groundwater in SOUTH FORK BIG NEHAHA
(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 = 320 AF

3. The maximum quantity of water desired is **STORAGE = 435.6** acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of **ALL NAT FLOWS** gallons per minute OR _____ cubic feet per second.

RE-DIVERSION = 1400 GPM

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.

1/12/2023
LMoody

For Office Use Only:										
F.O. Code	1	GMD	Meets K.A.R. 5-3-1	(YES/NO)	Use	IRR	Source	G/S	County	BR
Fee \$	300.00	TR #	RY0051621	Receipt Date	1/11/2023	By	ALB	Date	1/11/23	Check #

Water Resources
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File No. _____

KS Dept Of Agriculture

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 **NE** quarter of the **SW** quarter of Section **8**, more particularly described as being near a point **1400** feet North and **3875** feet West of the Southeast corner of said section, in Township **1** South, Range **15 EAST, BROWN** 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 1-11, 2023.


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) **OCTOBER 2023** _____
(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 2024** _____
(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 _____

ANY PERMITS THAT ARE NEEDED ARE BEING ADDRESSED

- 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

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 Hiawatha, Kansas, this 11 day of January, 2023.
(month) (year)



(Applicant Signature)

1/11/2023

By _____
(Agent or Officer Signature)

Water Resources
Received

KS Dept Of Agriculture

(Agent or Officer - Please Print)

**IRRIGATION USE
SUPPLEMENTAL SHEET**

Water Resources
Received

KS Dept Of Agriculture

File No. _____

Name of Applicant (Please Print): **HARLAN BAILEY**

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: **HARLAN L & VIRGINIA M BAILEY TRUST**

ADDRESS: **190 300TH ST SABETHA KS 66534**

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
5	1	15E										40	40	40	40					160
6	1	15E														40			36.5	76.5
7	1	15E	40			40										40			40	160
8	1	15E					40	40	40	40	40	31.5	40							271.5

TOTAL = 668 ACRES

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					

1/11/2023

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RESERVOIR CAPACITY = APPROX 105 AF
RESERVOIR SURFACE AREA = APPROX 16 ACRES
NET EVAP = 8"
ONE YEAR NET EVAP = $16 \times 8''/12'' = 10.6$ AF

STORAGE QUANTITY = 320 AF + 105 AF + 10.6 AF = 435.6 AF

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream –

- #1) LESLEY D WITTWER
263 330TH ST
SABETHA KS 66534
- #2) KENNETH LEHMAN
1615 ROOSEVELT ST APT 37
SABETHA KS 66534

Downstream –

- #1) SAYLOR FARM AND LAND HOLDINGS LLC
1617 SUNSET DR
SABETHA KS 66534
- #2) FERGUS FAMILY FARMS LLC
8419 TRACYTON BLVD
NW BREMERTON WA 98311

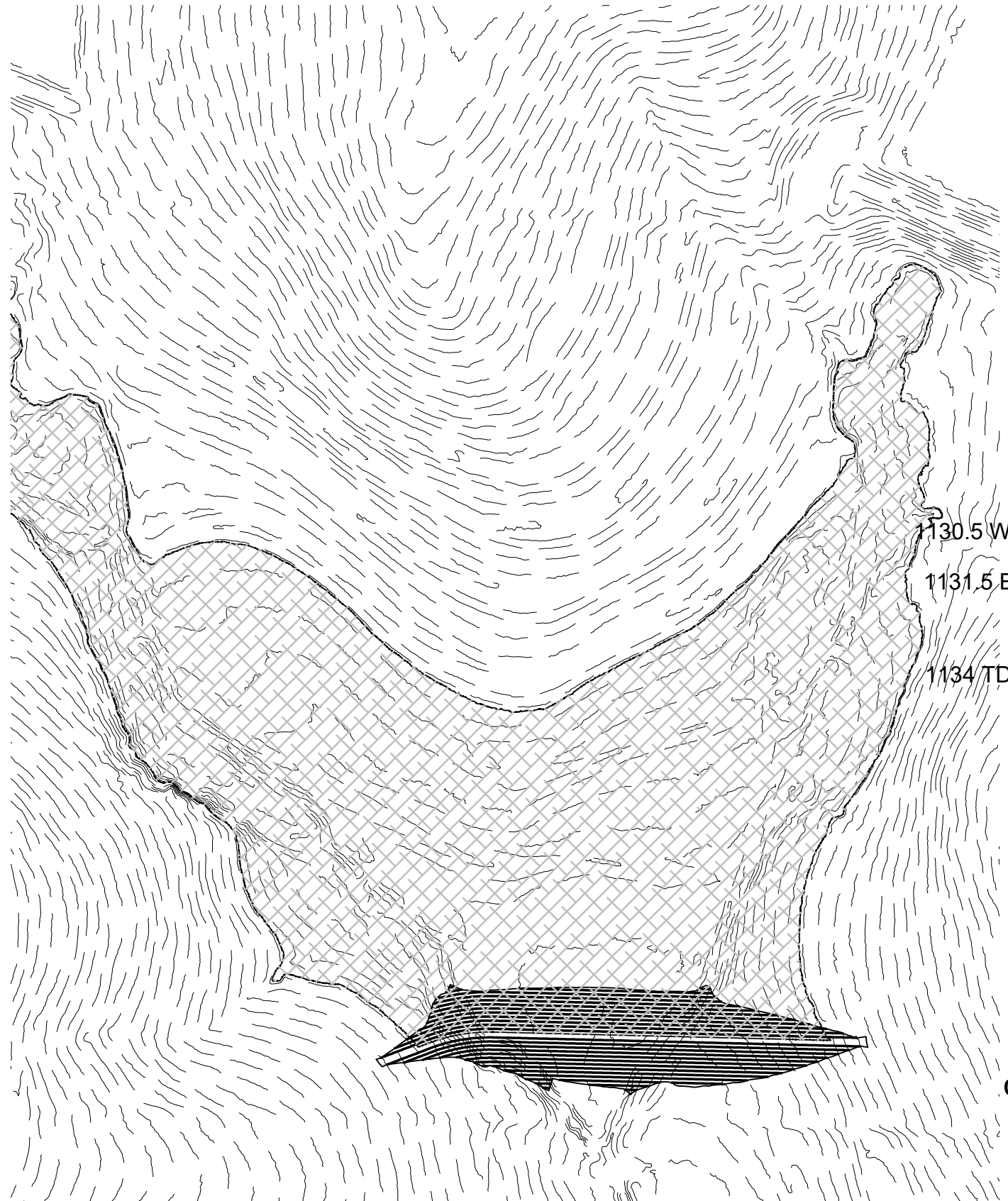
1/11/2023

Water Resources
Received

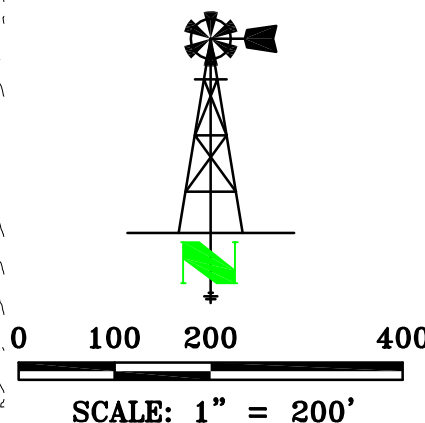
KS Dept Of Agriculture

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of
Section 8, Township 1 South, Range 15 East of the
Sixth Principal Meridian, Brown County, Kansas

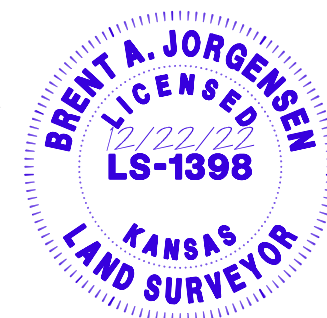


Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1112	-					
1113	61.62	30.81	30.810	0.0007		2.39
1114	5,895.60	2,978.61	3,009.420	0.0691		3.39
1115	18,574.49	12,235.05	15,244.465	0.3500		4.39
1116	41,032.54	29,803.52	45,047.980	1.0342		5.39
1117	72,172.00	56,602.27	101,650.250	2.3336		6.39
1118	100,325.27	86,248.64	187,898.885	4.3136		7.39
1119	124,469.91	112,397.59	300,296.475	6.8939		8.39
1120	164,197.16	144,333.54	444,630.010	10.2073		9.39
1121	198,908.91	181,553.04	626,183.045	14.3752		10.39
1122	233,287.62	216,098.27	842,281.310	19.3361		11.39
1123	275,966.66	254,627.14	1,096,908.450	25.1816		12.39
1124	324,225.05	300,095.86	1,397,004.305	32.0708		13.39
1125	381,657.82	352,941.44	1,749,945.740	40.1732		14.39
1126	436,526.54	409,092.18	2,159,037.920	49.5647		15.39
1127	495,973.88	466,250.21	2,625,288.130	60.2683		16.39
1128	551,157.57	523,565.73	3,148,853.855	72.2877		17.39
1129	599,902.11	575,529.84	3,724,383.695	85.5001		18.39
1130	646,258.24	623,080.18	4,347,463.870	99.8040		19.39
1131	696,602.80	671,430.52	5,018,894.390	115.2180		20.39
1131.25	708,610.87	175,651.71	5,194,546.099	119.2504		20.64
1131.50	719,657.59	178,533.56	5,373,079.656	123.3489		20.89
1131.75	730,847.67	181,313.16	5,554,392.814	127.5113		21.14
1132	741,768.97	184,077.08	5,738,469.894	131.7371	18,122	21.39
1133	798,828.23	770,298.60	6,508,768.494	149.4208	20,275	22.39
1134	861,880.21	830,354.22	7,339,122.714	168.4831	22,574	23.39
1135	932,921.14	897,400.68	8,236,523.389	189.0846	25,025	24.39
1136	990,871.70	961,896.42	9,198,419.809	211.1667	27,633	25.39



General Notes for Site:
 No Field verification of LIDAR elevations performed.
 Front toe of stream obstruction elevation: 1106.38'
 Rear toe of stream obstruction elevation: 1092.40'
 Assumed top of structure width: 12
 Assumed front and back slope: 3:1

LAND SURVEYOR'S CERTIFICATE
 THIS IS TO CERTIFY THAT THIS SURVEY
 WAS DONE BY THE UNDERSIGNED, AND
 THAT THE SURVEY WAS DONE ON THE
 GROUND ON _____.



THIS DRAWING ORIGINALLY CREATED AT
 SPECIFIED SCALE. IF LINE BELOW DOES NOT
 MEASURE 1 INCH, DRAWING HAS BEEN
 REDUCED. ORIGINAL DRAWING
 SIZE: 1 INCH

JORGENSEN SURVEYING
 73051 617 Ave
 Tecumseh, NE 68450
 (402) 335-2033
 jorgensensurveying@gmail.com

Stream Obstruction
 SW 1/4 Sec 8, T1S, R15E
 Brown County, Kansas
 PREPARED FOR
 MWI - Harlan Bailey

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	12/22/22
SHEET	1 OF 2
JOB NO.	5262.142

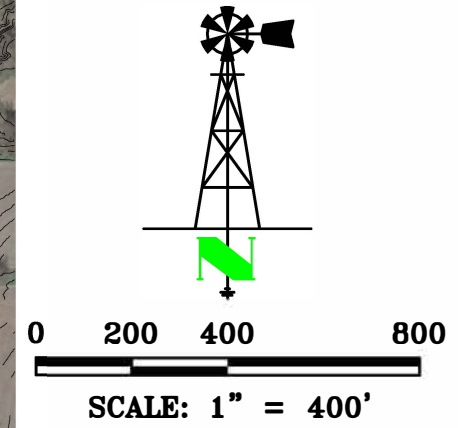
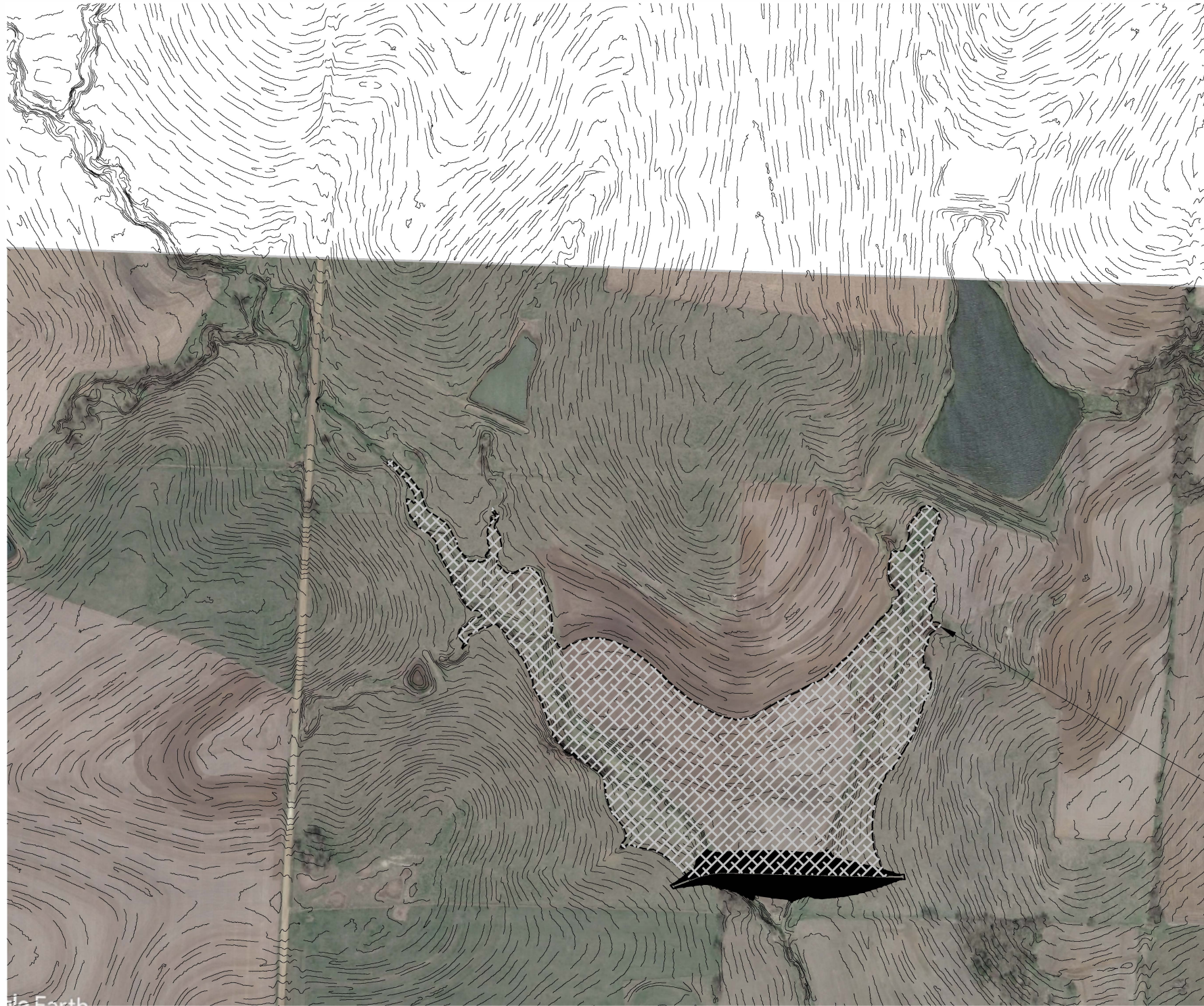
1/11/2023

Water Resources
Received

KS Dept Of Agriculture

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of
Section 8, Township 1 South, Range 15 East of the
Sixth Principal Meridian, Brown County, Kansas



ES at Elev: 1131.50'

THIS DRAWING ORIGINALLY CREATED AT
SPECIFIED SCALE. IF LINE BELOW DOES NOT
MEASURE 1 INCH, DRAWING HAS BEEN
REDUCED.

ORIGINAL DRAWING
SIZE: 1 INCH

JORGENSEN
SURVEYING
73051 617 Ave
Tecumseh, NE 68450
(402) 335-2033
jorgensensurveying@gmail.com

Stream Obstruction

SW 1/4 Sec 8, T1S, R15E
Brown County, Kansas

PREPARED FOR
MWI - Harlan Bailey

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	12/22/22

SHEET 2 OF 2

JOB NO.
5262.142

1:18,000

New Application

1/11/2023

Water Resources
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KS Dept Of Agriculture

1 South

6

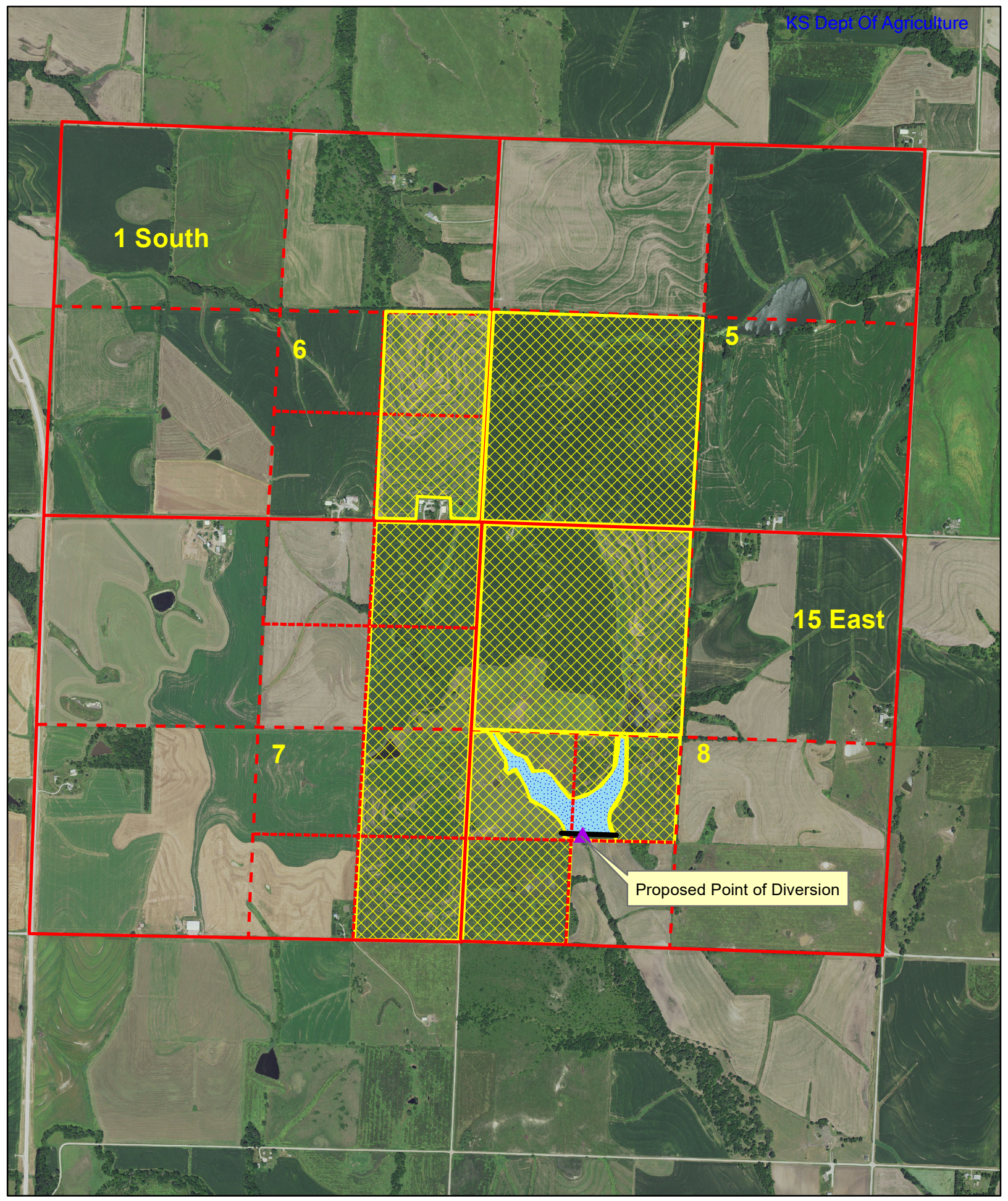
5

15 East

7

8

Proposed Point of Diversion



DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50941

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
68802	89985	

LANDOWNER PERSON ID & SEQ #	PUSE ID
68802	71173
	71174
	71175
	71176

WATER USE CORRESPONDENT PERSON ID & SEQ #
68802