

Submit To:  
CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502-5000  
<http://agriculture.ks.gov/dwr>

# APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

WATER RESOURCES  
RECEIVED  
APR 04 2025  
12:39  
KS Dept. of Agriculture  
State of Kansas



**STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION**  
**Please refer to the Fee Schedule attached to this application form.**

File Number: **51468**

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

1. Name of Applicant: CALEB BOULWARE **PID 70026**  
Address: 1015 S 7 HWY  
City: CHEROKEE State: KS Zip Code: 66724  
Phone: 620 249-0886 Email: BOULWAREC@USD413.ORG

2. The source of water is: ☒ surface water in FLAT ROCK CREEK (NEOSHO) **NEEDS STREAM NAME**  
(stream)  
☐ groundwater in \_\_\_\_\_  
(drainage basin)

3. The maximum annual quantity of water desired is 48.6 ☒ acre-feet ☐ gallons  
to be diverted at a maximum rate of 5,000 ☒ gpm ☐ c.f.s. ☐ natural flows ☐ natural evaporation  
☐ This project involves surface water storage and redirection. The maximum annual quantity of water desired to be  
rediverted is \_\_\_\_\_ ☐ acre-feet ☐ gallons, at a rate of \_\_\_\_\_ ☐ gpm ☐ c.f.s.

### Conversion Factors

1 acre-foot (AF) = 325,851 gallons

1 million gallons (mg) = 3.07 acre-feet (AF)

1 cubic foot per second (c.f.s.) = 448.8 gallons per minute (gpm)

**IMPORTANT:** Once your application has been assigned a priority date and file number, the requested maximum rate of diversion and maximum requested annual quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum annual quantity of water are appropriate and reasonable for your proposed project.

4. The water is intended to be appropriated for the following use(s):  
☐ Artificial Recharge\* ☐ Irrigation\* ☒ Recreational\* ☐ Water Power\*  
☐ Industrial\* ☐ Municipal\* ☐ Stockwatering\* ☐ Sediment Control  
☐ Domestic ☐ Dewatering ☐ Hydraulic Dredging ☐ Fire Protection  
☐ Thermal Exchange ☐ Contamination Remediation

**\*IMPORTANT:** You **must** submit a supplemental form providing information to substantiate your request for the quantity of water listed in Item No. 3 for the intended use(s) referenced above.

| FOR OFFICE USE ONLY |            |        |            |      |          |              |               |         |             |        |           |    |            |      |               |
|---------------------|------------|--------|------------|------|----------|--------------|---------------|---------|-------------|--------|-----------|----|------------|------|---------------|
| FO                  | <u>1</u>   | GMD    | <u>-</u>   | DUA  | <u>-</u> | Use          | <u>REC</u>    | Source  | <u>SW</u>   | County | <u>NO</u> | By | <u>KJN</u> | Date | <u>4/9/25</u> |
| Code                | <u>REC</u> | Fee \$ | <u>200</u> | TR # |          | Receipt Date | <u>4-4-25</u> | Check # | <u>3685</u> |        |           |    |            |      |               |

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5. The location(s) of the proposed diversion work(s) (well, pumpsite, etc.) are described below. Note that for the application to be accepted, the point of diversion location(s) **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. You can specify a nickname for the point of diversion via the A.K.A. line to help you identify it.

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 ( $\frac{1}{4}$ ) 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 800gpm and which supply water to a common distribution system.

91667

- (A) One in the SW quarter of the SE quarter of the SW quarter of Section 18, more particularly described as being near a point 325 feet North and 3404 feet West of the Southeast corner of said section, in Township 29 South, Range 21 ☒E ☐W, NEOSHO County, KS. A.K.A: NO
- (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 \_\_\_\_\_ ☐E ☐W, \_\_\_\_\_ County, KS. A.K.A: \_\_\_\_\_
- (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 \_\_\_\_\_ ☐E ☐W, \_\_\_\_\_ County, KS. A.K.A: \_\_\_\_\_
- (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 \_\_\_\_\_ ☐E ☐W, \_\_\_\_\_ County, KS. A.K.A: \_\_\_\_\_
- (E) 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 \_\_\_\_\_ ☐E ☐W, \_\_\_\_\_ County, KS. A.K.A: \_\_\_\_\_

6. The proposed project for diversion of water will consist of 1 PUMPSITE  
(number of wells, pumps, dams, etc.)  
and was/will be completed on or by the following date: UPON APPROVAL  
(date each was or will be completed)

7. The first actual application of water for the proposed beneficial use was or is estimated to be UPON APPROVAL  
(Date)

8. List any application, appropriation of water, water right, or vested right file number that covers the same point(s) of diversion 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.

N/A

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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 DWR prior to submitting this application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you made an application for a permit for construction of this dam and reservoir with DWR? ☒ Yes ☐ No

If yes, write the Water Structures permit number here: LNO-0182

11. Furnish a detailed topographic or aerial map that depicts the following information:

The application **must** be supplemented by a topographic map, aerial photograph or a detailed plat showing the information described in A-D below.

- (A) The center of the section, the section lines or the section corners, and labels showing the appropriate section, township and range numbers, as well as a north arrow and scale,
- (B) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) described in Item No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section,
- (C) The location of the proposed place of use identified by crosshatching,
- (D) **For Groundwater Use**, the location of any existing water wells of any kind within ½ mile of the proposed well or wells and indicate for each well its type of use and the name and mailing address of the property owner or owners, (If there are no wells within ½ mile, please indicate that on the map.)

**For Surface Water Use**, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines, and

- (E) The locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power houses, and any other structures for the purpose of storing, conveying, or using water.

12. For groundwater use, furnish copies of the driller's logs for all test holes or completed wells. Please ensure that the driller's logs provide depth to the static water level. If driller's logs cannot be obtained for an existing well, provide the following information:

| Well location as shown in Item No. 5 | (A)   | (B)   | (C)   | (D)   | (E)   |
|--------------------------------------|-------|-------|-------|-------|-------|
| Date drilled                         | _____ | _____ | _____ | _____ | _____ |
| Total depth of well                  | _____ | _____ | _____ | _____ | _____ |
| Depth to static water level          | _____ | _____ | _____ | _____ | _____ |

13. The owner(s) of the point of diversion, if other than the applicant is:

JOSHUA M SMITH, 808 N WESTERN AVE, GIRARD, KS 66743 620 820-1368

(name, address, and phone)

\_\_\_\_\_  
(name, address, and phone)

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14. The owner(s) of the property where the water is used, if other than the applicant, is:

70027

JOSHUA M SMITH, 808 N WESTERN AVE, GIRARD, KS 66743 620 820-1368

(name, address, and phone)

(name, address, and phone)

15. The relationship of the applicant to the proposed place where the water will be used is that of:

☐ Owner ☒ Agent ☐ Tenant ☐ Other: \_\_\_\_\_

16. A water use correspondent (WUC) must be designated. The WUC will be mailed the annual water use report, which must be filed with the Division by March 1 of each year. Failure to timely file an accurate water use report will subject the owner(s) to a civil fine of up to \$1,000 and potential suspension of the water appropriation or right. By signing this application, I verify that the owner(s) of the water right or permit have confirmed that the following person or agent should be designated as the WUC:

70026

CALEB BOULWARE, 1015 S 7 HWY, CHEROKEE, KS 66724 620 249-0886

(name, address, and phone)

17. I 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. This could affect the economics of my decision to appropriate water. Situations where this might occur may include times when minimum desirable streamflow (MDS) requirements are not met, when Assurance District or Water Marketing releases are made from storage in federal reservoirs, when a Water Reservation Right upstream of a federal reservoir is administered, or when water rights administration becomes necessary to prevent impairment.

I declare, under penalty of perjury, that I have legal access to or control of, the point(s) of diversion described in this application from the landowner or the landowner's authorized representative.

By signing below, I verify that the information set forth above is true to the best of my knowledge, I agree with all statements made above, and that this application is submitted in good faith.

(Applicant Signature)

(Date)

CALEB BOULWARE

(Applicant Name – please print)

(Applicant Title, if applicable – please print)

Assisted by SMD TFO-PARSONS Date: 3/7/2025  
(office/title)

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**FEE SCHEDULE***Make checks payable to the Kansas Department of Agriculture.*

KS Dept. of Agriculture

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

| Million Gallons (mg) | Acre-Feet (AF) | Fee   |
|----------------------|----------------|---|
| ≤ 32.585             | ≤ 100          | \$200.00  |
| 32.586 - 104.272     | 100.1 – 320.0  | \$300.00  |
| > 104.272            | > 320          | \$300.00<br>plus \$20 for each additional 100AF<br>(32.586mg) or any part thereof |

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

| Million Gallons (mg) | Acre-Feet (AF) | Fee   |
|----------------------|----------------|---|
| ≤ 81.462             | ≤ 249.9        | \$200.00  |
| ≥ 81.463             | ≥ 250          | \$200.00<br>plus \$20 for each additional 100AF<br>(32.586mg) 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 **waterpower** or **dewatering** use shall be \$100.00 plus \$200.00 for each 44,880 gallons per minute (100 c.f.s.), or part thereof, of the diversion rate requested.

**IMPORTANT NOTICE**

If this application is approved, the applicant shall notify the Chief Engineer when the diversion works (well, pump, reservoir, pit, etc.) has/have been completed via the *Notice of Completion of Diversion Works* form (DWR 1-203.11) and along with the statutorily required field inspection fee of:

- \$200.00 for sediment control use or groundwater pits for industrial use, or
- \$400.00 for all other uses made of water

Failure to complete the diversion works by the deadline specified in the *Approval of Application and Permit to Proceed* (or any subsequent extension of time of said deadline) and/or failure to submit the proper notice and field inspection fee will result in the dismissal of the appropriation and forfeiture of any priority associated with it.

**For assistance with this application, please contact the Division of Water Resources (DWR).**

**Manhattan HQ**  
1320 Research Park Dr.  
Manhattan, KS 66502  
785-564-6638

**Topeka Field Office**  
1131 SW Winding Rd, Ste 400  
Topeka, KS 66615  
785-296-5733

**Stafford Field Office**  
300 S. Main St  
Stafford, KS 67578  
620-234-5311

**Stockton Field Office**  
820 S. Walnut  
Stockton, KS 67669  
785-425-6787

**Garden City Field Office**  
4532 W. Jones Ave, Ste B  
Garden City, KS 67846  
620-276-2901

**Helpful Sources of Information**

DWR Water Appropriation Program  
DWR Water Appropriation Forms  
KGS Water Well Completion Records  
DWR Structures Program

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>  
<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>  
<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>  
<https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>

**RECREATIONAL USE  
SUPPLEMENTAL SHEET**

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

Name of Applicant (Please Print): CALEB BOULWARE

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): \_\_\_\_\_  
WATERFOWL MARSH FOR HUNTING AND WILDLIFE HABITAT.

2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_  
FILL THE SURFACE AREA OF 10.8 ACRES TO A DEPTH OF 18" PLUS 32.4 AF  
TO OFFSET LOSSES DUE TO EVAPORATION AND SEEPAGE.

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                                 | 48.6 AF                                     |
| Year 2                                 | 48.6 AF                                     |
| Year 3                                 | 48.6 AF                                     |
| Year 4                                 | 48.6 AF                                     |
| Year 5                                 | 48.6 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.

RECREATIONAL USE IN A MARSH LOCATED IN THE SE QUARTER (SE1/4) OF THE SW QUARTER (SW1/4) OF  
SECTION 18, TOWNSHIP 29 SOUTH, RANGE 21 EAST, NEOSHO COUNTY KANSAS.

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

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SMITH NEW APPLICATION

½ MILE UPSTREAM AND DOWNSTREAM LANDOWNERS

SCOTT M & JULIE A CUTHBERTSON REV TRST, 649 W 590<sup>TH</sup> ST, GIRARD, KS 66743

CUTHBERTSON REVOCABLE TRUST, 649 W 590<sup>TH</sup> ST, GIRARD, KS 66743

RIVERLANDS INVESTMENT PROPERTY LLC, 10900 S WOODLAND RD, OLATHE, KS 66061

ALICE M & EUGENE C BEACHNER TRUST, 909 WILLOWBROOK RD, PARSONS, KS 67357

FORESTRY FISH & GAME COMM, 512 SE 25<sup>TH</sup> AVE, PRATT, KS 67124

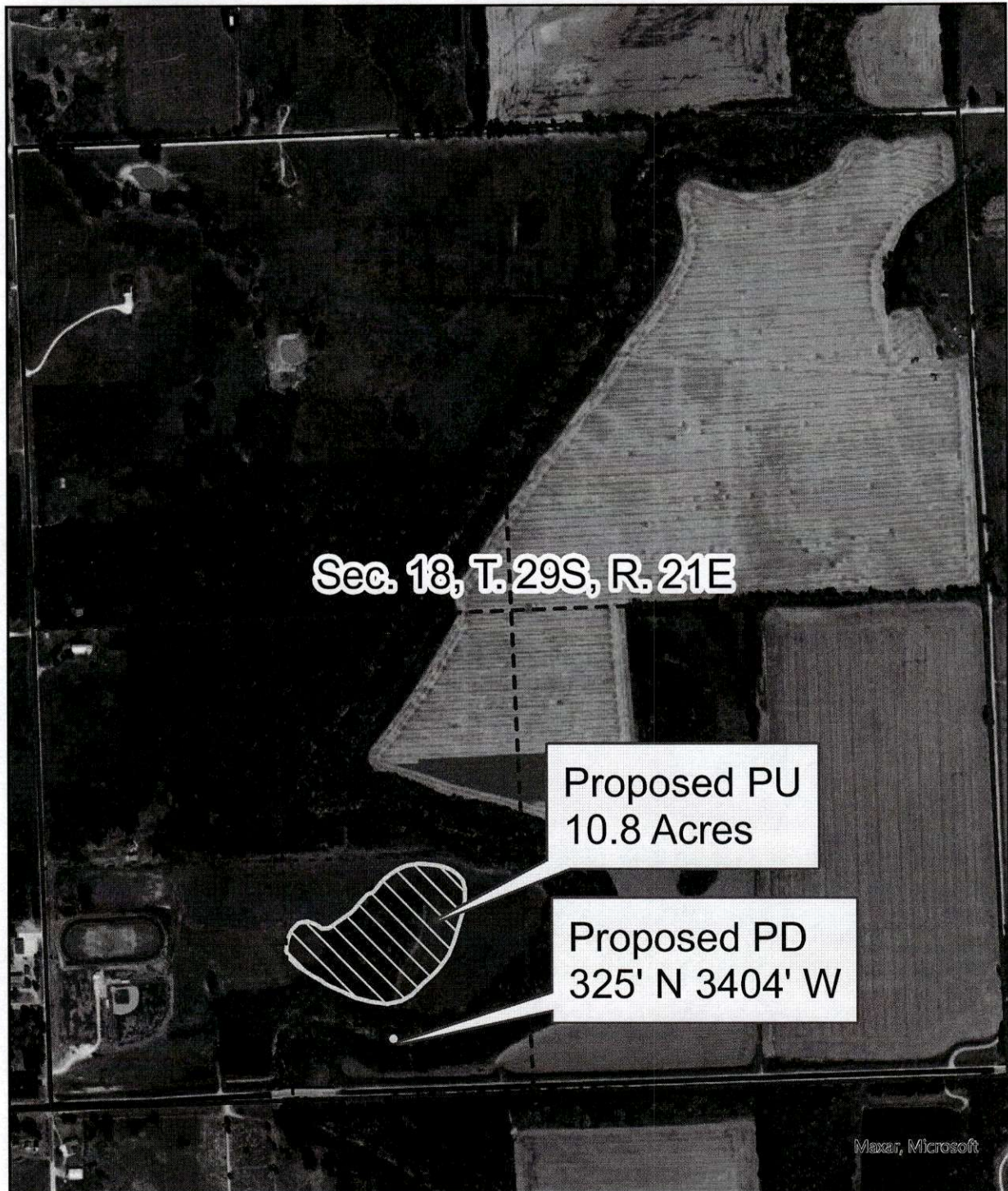
CATHOLIC DIOCESE WICHITA, 424 N BROADWAY, WICHITA, KS 67202

BEACHNER BROS INC, PO BOX 128, ST PAUL, KS 66771

APR 04 2025

# Smith New Application

KS Dept. of Agriculture



Scale: 1:10,000

Map prepared by: SMD 3/6/25

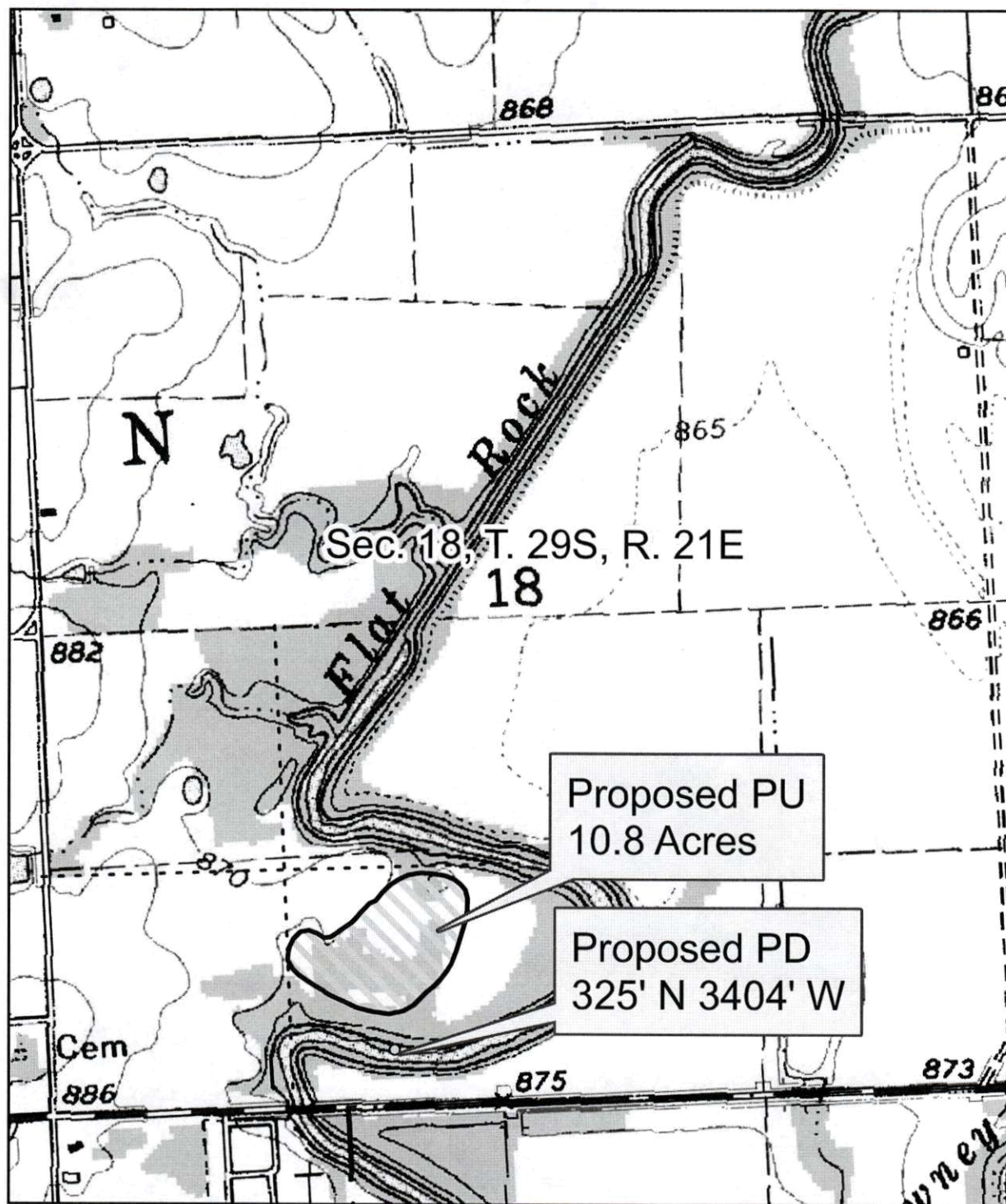


0 0.13 0.25 0.5 Mile

APR 04 2025

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# Smith New Application



Scale: 1:10,000

Map prepared by: SMD 3/6/25



0 0.13 0.25 0.5 Mile

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 11, 2025

CALEB BOULWARE  
1015 S 7 HWY  
CHEROKEE KS 66724

RE: Application, File No(s). **51468**

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](http://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. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program