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

File Number 50605
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED
JUL 12 2021
1:27
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): KEVIN HOLSCH (KEVIN HOLSCH FAMILY TRUST) 7/20/2021 KJN

   Address: 1344 RAINBOW RD

   City: WASHINGTON State KS Zip Code 66968

   Telephone Number: (785) 623-6881

2. The source of water is: ☒ surface water in unamed tributary to Ash Creek (Mill Creek) (stream) ASH CREEK TRIB 2A (MILL CREEK)

   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 347 AF (Storage); 347 AF (Direct Use) * _____ acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of all natural flows to be re-diverted at a maximum rate of 2400 gallons per minute. *QUANTITY IS LIMITED BY POTENTIAL RUNOFF

   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. 7/19/2021 LMoody

For Office Use Only:
F.O. 1 *GMD* ____ *Meets K.A.R. 5-3-1 (YES / NO)* *Use* IRR *Source* G / S *County* WS *By* BMM *Date* 7/13/21
Code RE3 *Fee $* 320 *TR #* PY00027707 *Receipt Date* 7/12/2021 *Check #* CC

 File No. _____

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 NW quarter of the NW quarter of the NW quarter of Section 2, more particularly described as being near a point 4697 feet North and 5152 feet West of the Southeast corner of said section, in Township 4 South, Range 3 East, WASHINGTON 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 (¼) 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):

KEVIN HOLSCH FAMILY TRUST 1344 RAINBOW RD WASHINGTON KS 66968
(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 1 dam and pond
(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 was or is estimated to be following approval
(Mo/Day/Year)

File No. _____

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 _____

This project will be reviewed by the Water Stuctures Program.

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.

NONE

File No. _____

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):

KEVIN HOLSCH FAMILY TRUST 1344 RAINBOW RD WASHINGTON KS 66968
(name, address and telephone number)

KEVIN R & REBECCA HOLSCH 1344 RAINBOW RD WASHINGTON KS 66968
(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 WASHINGTON, Kansas, this 7 day of JULY (month), 2021 (year).

_____
(Applicant Signature)

By _____
(Agent or Officer Signature)

_____
(Agent or Officer - Please Print)

Assisted by Lloyd Hemphill TFO/ES Date: 11/16/20
(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	
347	$300 + $20 = $320	
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

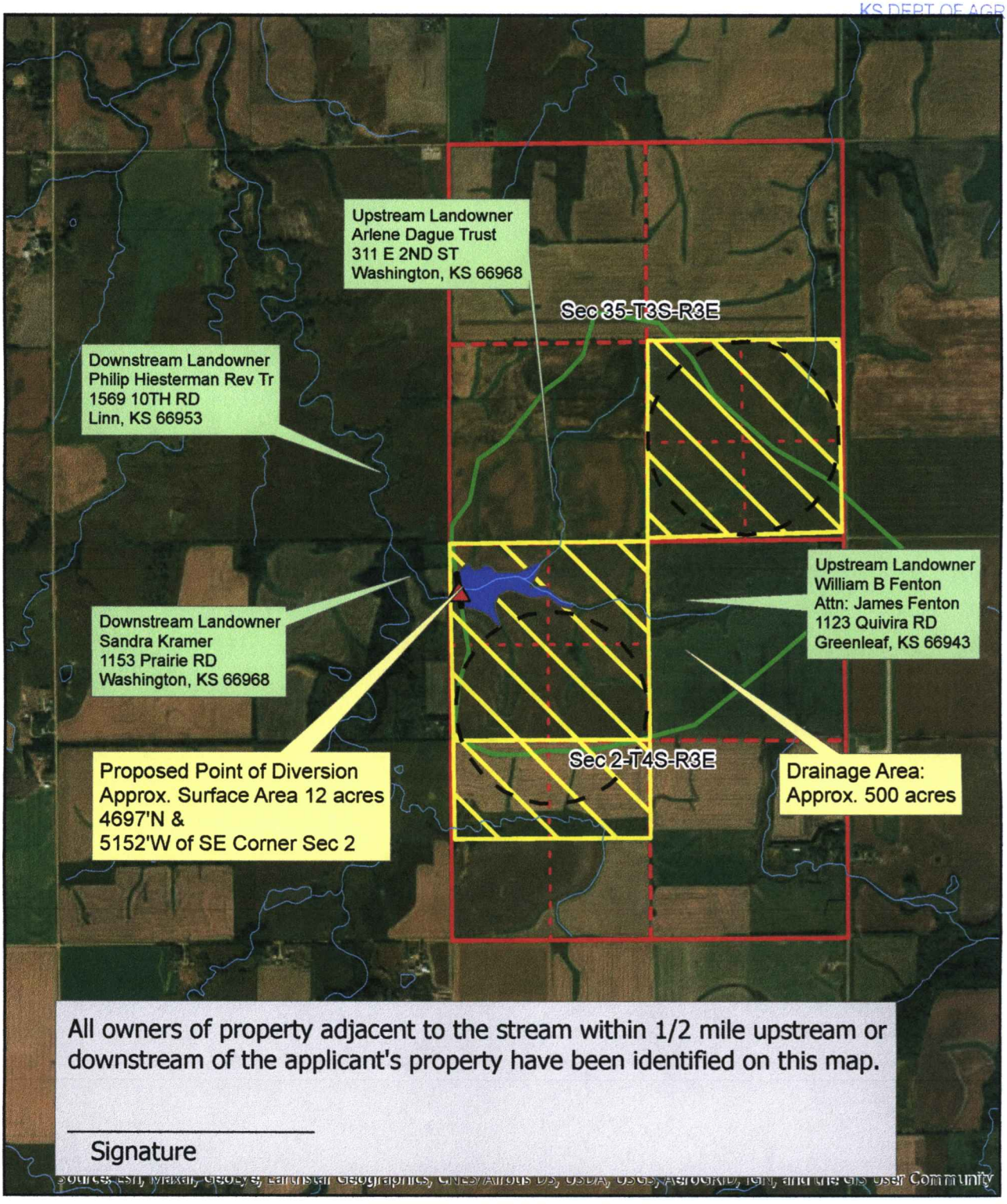
A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the 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

HOLSCH - NEW APPLICATION
WASHINGTON COUNTY, KS



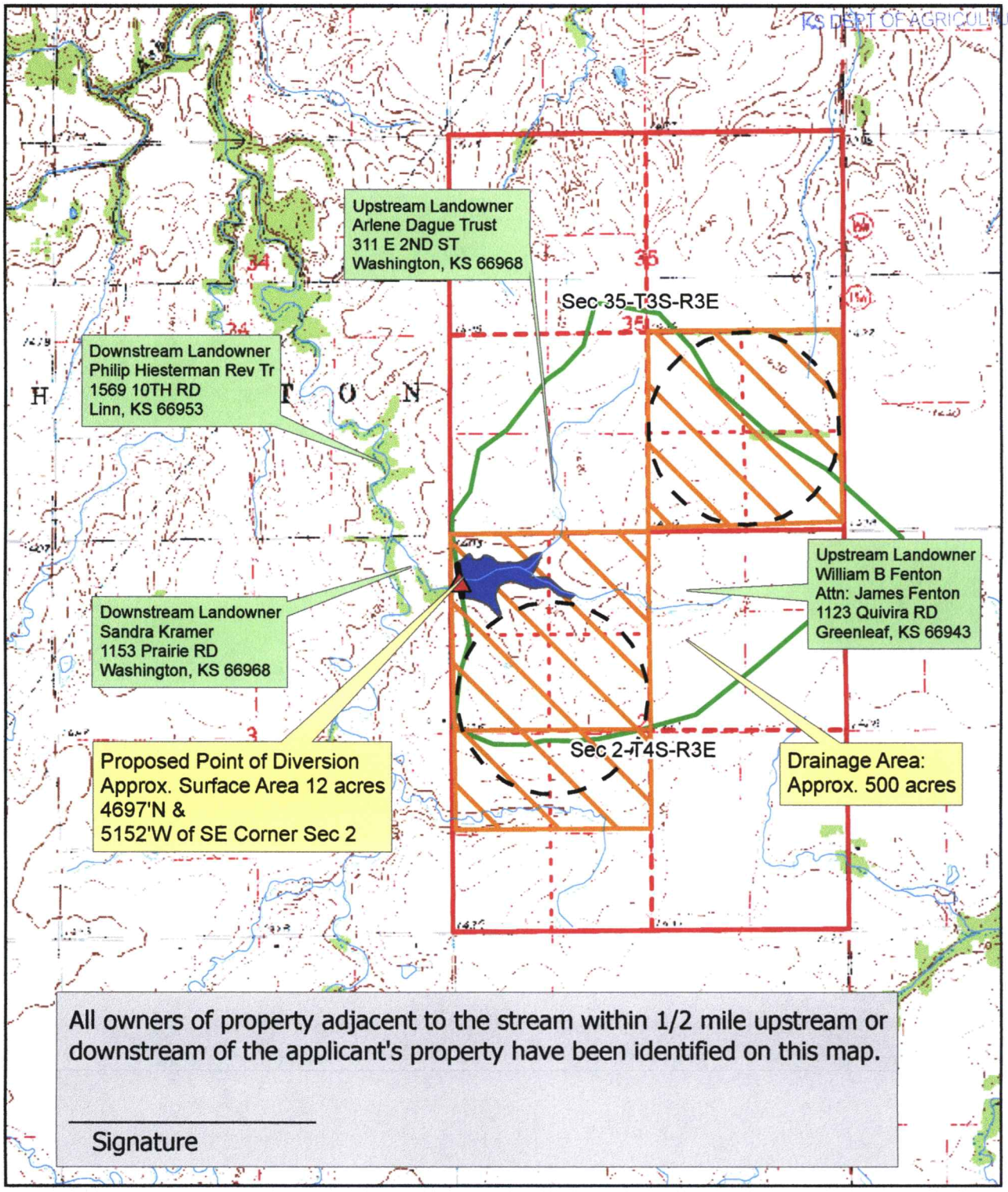
N

Scale: 1:24,000

0 0.25 0.5 1 Mile

Map prepared by: Lloyd Hemphill/TFO

HOLSCH - NEW APPLICATION
WASHINGTON COUNTY, KS



Scale: 1:24,000

N

0 0.25 0.5 1 Mile

Map prepared by: Lloyd Hemphill/TFO

IRRIGATION USE
SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Kevin Holsch

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: KEVIN HOLSCH FAMILY TRUST

ADDRESS: 1344 RAINBOW RD WASHINGTON KS 66968

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
35	3S	3E													39	38	38	39	154
2	4S	3E					39	39	39	40									157

Landowner of Record NAME: KEVIN R & REBECCA HOLSCH

ADDRESS: 1344 RAINBOW RD WASHINGTON KS 66968

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2	4S	3E									40	39							79

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	

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____%

Estimate the maximum land slope in the field(s): _____%

c. Type of irrigation system you propose to use (check one):

X Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler

_____ Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater: NONE ANTICIPATED

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations: STANDARD ROW CROPS

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation). SOIL MOISTURE AND PLANT STRESS

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

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

Maximum Reasonable Annual Quantity for Storage in Reservoirs

KAR 5-6-5

File Number: Kevin Holsch

The lesser of:

a) **Potential annual runoff, 20% chance (KAR 5-6-4)**

Normal Annual Precipitation:	30	inches
Soil Complex Number:	76	
Runoff/ Acre (from graph):	8.34	inches
Acres in Drainage Basin:	500	
Potential annual runoff, 20% chance (KAR 5-6-4)	347	acre-feet

or

b) One of the following:

1) A)	3 year supply for all authorized uses; and		acre-feet
B)	3 year supply for indirect use		
	3 Year Seepage:		
	Evaporation:		
	Potential Net Annual Evaporation:	17	inches
	Reservoir Surface Area:	12	acres
	Annual Quantity Lost by Evaporation:		acre-feet
	3 Year Total Indirect Use:		acre-feet
	Total (3-yr):		acre-feet

2) If the total quantity requested in b(1)(A) and (B) exceeds reservoir capacity, the maximum authorized annual quantity shall not exceed the total of:

A)	Annual quantity rediverted for beneficial use:	468	acre-feet
B)	Reservoir capacity:	40	acre-feet
C)	One year of indirect use from the reservoir:	17	acre-feet
	Total:	525	acre-feet

Quantity is limited by potential runoff.

Prepared by: LHH/TFO
Date: 11/16/2020

WATER RESOURCES
RECEIVED
JUL 12 2021
KS DEPT OF AGRICULTURE

7/8/2021
(Date)

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

MDS criteria have not been established for this stream basin.

3/23/2022
LHH

Re: Application
File No. _____

Minimum Desirable Streamflow
~~Little Blue River~~ **Mill Creek**

Dear Sir:

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

State of Kansas)
) ss
County of Washington)

KEVIN HOLSCH
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 8th day of July, 2021.

_____
Notary Public

My Commission Expires: 3-1-23

KAREN L. STEWART
Notary Public - State of Kansas
My Appt. Expires 3-1-23

DWR 1-100.171 (Revised 06/16/2014)

REGISTRATION FORM FOR EXEMPT CLASS A DAMS

K.S.A. 82a-301

"Dam" means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of six feet or greater and a storage volume at the top of the emergency spillway elevation of 50 or more acre-feet. The prior written consent or permit of the chief engineer shall not be required for construction or modification of a hazard class A dam that:

1. has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre feet, ***and the dam location and dimensions have been registered with the Division of Water Resources in a written form prescribed by the chief engineer; or***
2. is a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto.

Complete the following information to satisfy the registration for exempt low, hazard class A dams defined in K.S.A. 82a-301(d)(1).

Dam owner information
Name: KEVIN HOLSCH
Mailing Address: 1344 RAINBOW RD WASHINGTON, KS 66968
Phone: (785) 623-6881
E-mail Address: kholsch@yahoo.com

Legal description of location: The location of the proposed dam is (use intersection of project centerline and stream centerline): NW quarter of the NW quarter of the NW quarter of Section 2, Township 4 South, Range 3 (East/West) WASHINGTON County, Kansas, across, along, or in (stream or watercourse name): unamed tributary to ASH CREEK.

Benchmarks: Submit location and elevation information on two permanent benchmarks that comply with K.A.R. 5-40-2a.

Location of each end of the dam at the centerline: GPS location of the left abutment is _____, _____ and the GPS location of the right abutment is _____, _____.

Drainage area (acres): 500 acres
Use intersection of dam centerline and stream centerline as drainage area point.

Dam height (feet): 25 ft
The height of a dam or barrier shall be measured from the lowest elevation of the streambed, downstream toe or outside limit of the dam to the elevation of the top of the dam.

Area capacity table: Please attach a reservoir area capacity table for the dam. The table identifies the number of acres enclosed by each contour within the reservoir area and the total storage capacity of the reservoir in acre-feet at the elevation of each contour. The data shall be compiled for all contours in the reservoir up to the elevation of the top of the dam. Computations of capacity shall be based on the natural topography of the reservoir basin but may include the volume of any excavation in the reservoir made during construction of the dam. **The storage in acre-feet must be shown in the table for the proposed emergency spillway elevation. This will be used to identify the jurisdiction of the dam.**

Location map: Submit a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the location and layout of the proposed dam, the location of the stream, and the property lines. The distance from the North-South distance and the East-West distance from a section line or southeast corner of section should be marked on the map along with a north arrow and map scale.

Hazard class determination: List any homes, businesses, highways, improved roads, railroads, camp grounds, recreational facilities, or public utilities located downstream from the dam that could be inundated if the dam fails.

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov

Kansas
Department of Agriculture

900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

July 14, 2021

KEVIN HOLSCH FAMILY TRUST
KEVIN HOLSCH
1344 RAINBOW RD.
WASHINGTON KS 66968

RE: Application, File No(s). **50605**

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,

Kris Neuhauser
New Applications Lead
Water Appropriation Program

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50605

APPLICANT PERSON ID & SEQ #		PDIV ID		BATTERY ID
67873		88949		

LANDOWNER PERSON ID & SEQ #		PUSE ID	
67873		70489	
67874		70490	
		70491	

WATER USE CORRESPONDENT

PERSON ID & SEQ #

67873	