

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

50878

10/4/2022

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

**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.)

Water Resources
Received
10:05
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): **CHARLES E GERSTNER**
Address: **1737 HWY 99**
City: **FRANKFORT** State **KS** Zip Code **66427**
Telephone Number: **(785) 268-0123**

2. The source of water is: surface water in **UNNAMED TRIB** (stream)
OR groundwater in **BLACK VERMILLION RIVER** (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 = 127 AF

3. The maximum quantity of water desired is **STORAGE = 127 AF** acre-feet OR _____ gallons per calendar year,

RE-DIVERSION = 1200 GPM

to be diverted at a maximum rate of **STORAGE = ALL NAT FLOWS** gallons per minute.

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

10/17/2022
LMoody

For Office Use Only:
F.O. **1** GMD Meets K.A.R. 5-3-1 (YES/NO) Use **IRR** Source **G/S** County **MS** By **ALB** Date **10/10/22**
Code **RE2** Fee \$ **300** TR # **PY00045704** Receipt Date **10/4/2022** Check # **CC**

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 **NW** quarter of the **SW** quarter of the **SW** quarter of Section **21**, more particularly described as being near a point **955** feet North and **5155** feet West of the Southeast corner of said section, in Township **3** South, Range **9 EAST**, **MARSHALL** 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):

OWNER

(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 Aug 31, 2022 Charles Herstner
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) **JUNE 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 **JULY 2023** _____
(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 NEED PERMIT DETERMINATION

- 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

_____ 10/4/2022

_____ Water Resources
Received

_____ KS Dept Of Agriculture

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 _____, Kansas, this 31 day of August, 2022.
(month) (year)

Charles Gostner
(Applicant Signature)

10/4/2022

By _____
(Agent or Officer Signature)

Water Resources
Received

KS Dept Of Agriculture

(Agent or Officer - Please Print)

Assisted by **BRETT BUNGER** _____ **TFO/ASST WATER COMMISSIONER** Date: **8-23-22**
(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

10/4/2022

Water Resources
Received

KS Dept Of Agriculture

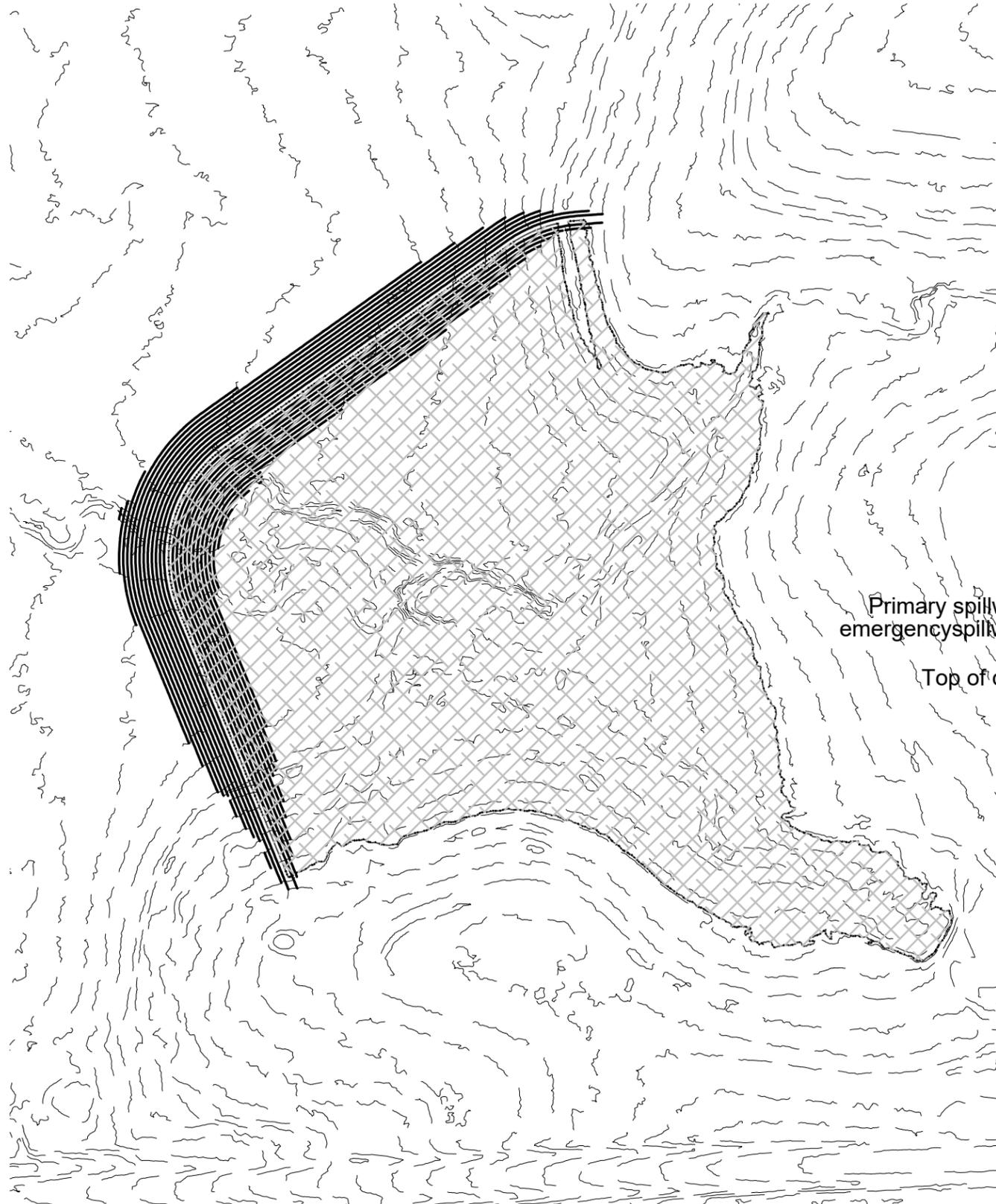
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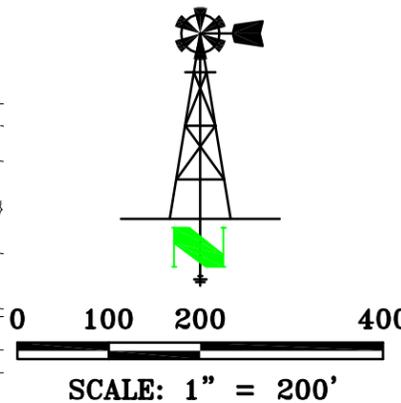
KS Dept Of Agriculture

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of
Section 21, Township 3 South, Range 9 East of the
Sixth Principal Meridian, Marshall County, Kansas



Contour	Area	1' Volume	Total Volume	Ac. Ft.	Embankment	Height
1190	-					
1191	83.41	41.71	41.705	0.0010		0.82
1192	311.36	197.39	239.090	0.0055		1.82
1193	1,328.01	819.69	1,058.775	0.0243		2.82
1194	5,915.04	3,621.53	4,680.300	0.1074		3.82
1195	11,860.46	8,887.75	13,568.050	0.3115		4.82
1196	24,017.83	17,939.15	31,507.195	0.7233		5.82
1197	36,076.34	30,047.09	61,554.280	1.4131		6.82
1198	46,313.06	41,194.70	102,748.980	2.3588		7.82
1199	68,770.69	57,541.88	160,290.855	3.6798		8.82
1200	102,115.13	85,442.91	245,733.765	5.6413		9.82
1201	145,695.10	123,905.12	369,638.880	8.4857		10.82
1202	180,145.73	162,920.42	532,559.295	12.2259		11.82
1203	209,910.52	195,028.13	727,587.420	16.7031		12.82
1204	245,735.95	227,823.24	955,410.655	21.9332		13.82
1205	293,130.87	269,433.41	1,224,844.065	28.1186		14.82
1206	331,994.26	312,562.57	1,537,406.630	35.2940		15.82
1207	366,503.34	349,248.80	1,886,655.430	43.3116		16.82
1208	407,161.69	386,832.52	2,273,487.945	52.1921		17.82
1209	448,642.97	427,902.33	2,701,390.275	62.0154		18.82
1210	487,543.96	468,093.47	3,169,483.740	72.7613		19.82
1211	525,289.06	506,416.51	3,675,900.250	84.3871		20.82
1212	569,681.81	547,485.44	4,223,385.685	96.9556	29,169	21.82
1213	615,464.54	592,573.18	4,815,958.860	110.5592	33,175	22.82
1213.5	641,213.88	314,169.61	5,130,128.465	117.7715	35,295	23.32
1214	668,037.86	327,312.94	5,457,441.400	125.2856	37,495	23.82
1215	720,382.04	694,209.95	6,151,651.350	141.2225	42,140	24.82
1216	768,880.95	744,631.50	6,896,282.845	158.3169	47,109	25.82



General Notes for Site:
No Field verification of LiDAR elevations performed.
Front toe of stream obstruction elevation: 1192.36'
Rear toe of stream obstruction elevation: 1190.18'
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 _____.



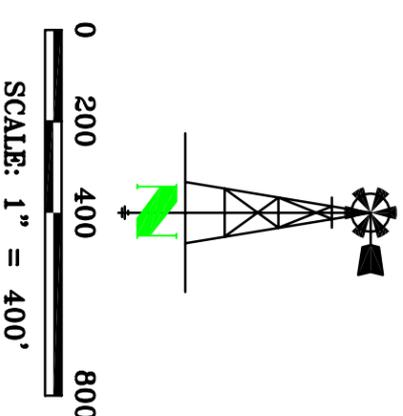
THIS DRAWING ORIGINALLY CREATED AT
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REDUCED.
ORIGINAL DRAWING
SIZE: 1 INCH

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

Stream Obstruction
SW 1/4 Sec 21, T3S, R9E
Marshall County, Kansas
PREPARED FOR
MWI - Charlie Gerstner

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	06/22/22
SHEET	1 OF 2
JOB NO.	5262.128

TOPOGRAPHIC SURVEY
 Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of
 Section 21, Township 3 South, Range 9 East of the
 Sixth Principal Meridian, Marshall County, Kansas



Stream Obstruction	JORGENSEN SURVEYING 73051 617 Ave Tecumseh, NE 68450 (402) 335-2033 jorgensensurveying@gmail.com	THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED. <u>ORIGINAL DRAWING</u> SIZE: 1 INCH
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PREPARED FOR MWI - Charlie Gerstner	SCALE: 1" = 400'	FIELD ON: -
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SHEET 2 OF 2		
JOB NO. 5262.128		

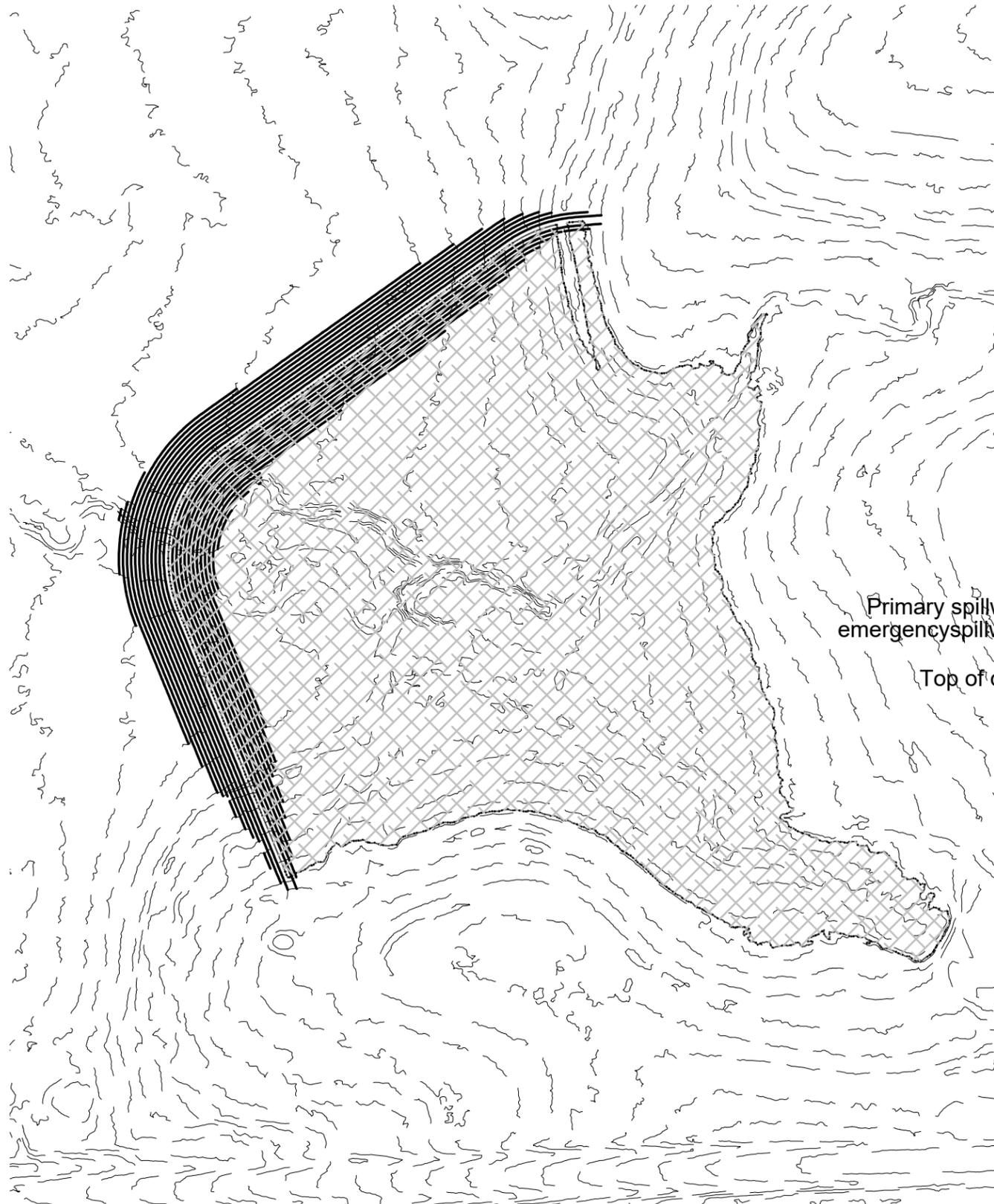
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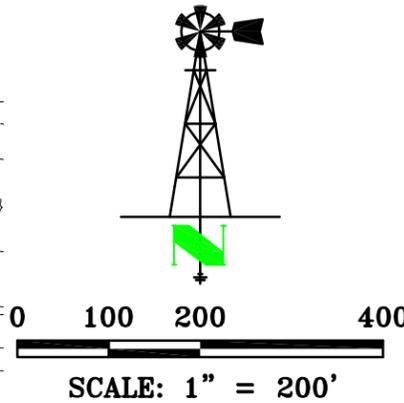
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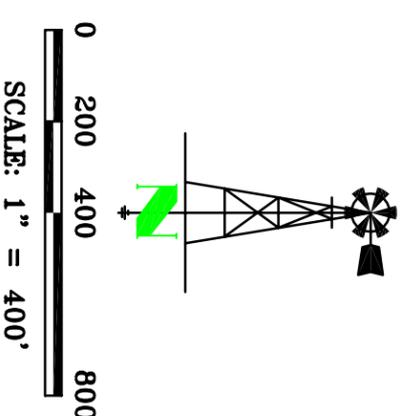
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 73051 617 Ave
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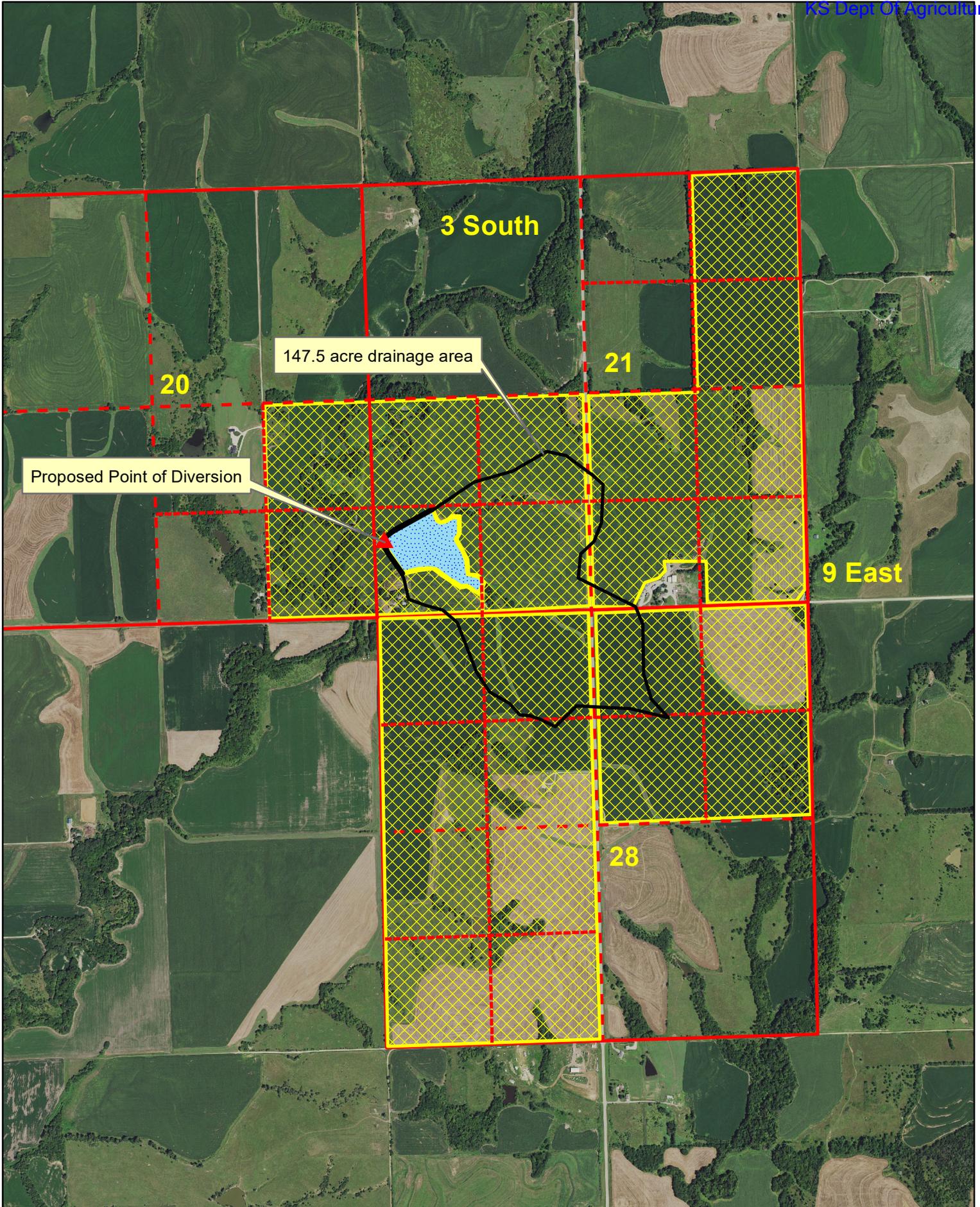
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PREPARED FOR MWI - Charlie Gerstner	SCALE: 1" = 400'	FIELD ON: -
CHK. BY: MARCY	DATE: 06/22/22	DWG. BY: BRENT
SHEET 2 OF 2		
JOB NO. 5262.128		



**IRRIGATION USE
SUPPLEMENTAL SHEET**

Water Resources
Received

File No. _____

KS Dept Of Agriculture

Name of Applicant (Please Print): **CHARLES E GERSTNER**

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: **CHARLES E GERSTNER TRUST**

ADDRESS: **1737 HWY 99 FRANKFORT KS 66427**

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE														
20	3	9E															40	40		80
21	3	9E								40	40	26	40	40	40	31	36		293	
28	3	9E	40	40	40	40	40	40	40	40	40	40	40						480	
																			TOTAL = 853 ACRES	

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE														

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE														

UPSTREAM AND DOWNSTREAM LANDOWNERS

UPSTREAM –

APPLICANT OWNS ALL OF THE UPSTREAM DRAINAGE AREA

DOWNSTREAM –

#1) RONALD E VOTER
204 E 1ST ST
WASHINGTON KS 66968

10/4/2022

Water Resources
Received

#2) JOANN WALCOTT TRUST
700 N 12TH ST
MARYSVILLE KS 66508

KS Dept Of Agriculture

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	32
Soil Cover Complex No.	76
Drainage Area, acres	147.5
Runoff at 20% Chance, AF	127.06

DO NOT EDIT BELOW THIS LINE

% Chance Firm Coefficients			
	50%	80%	90%
a	0.5317	0.1216	0.0527
b	1.0815	1.2538	1.3547

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	3.08	3.08
80%	0.93	0.92
90%	0.48	0.49
20%		10.34

Std. Dev. 90%	1.46
Std. Dev. 80%	1.42
Avg	1.44

Mean annual runoff for CN = 75, inches	4.87
Mean annual runoff for CN = 80, inches	5.90
Interp. Mean annual runoff for CN = 76, inches	5.07

10/4/2022

Water Resources
Received

KS Dept Of Agriculture

DATA ENTRY SYSTEM ID NUMBER SHEET

50878

FILE NUMBER _____

APPLICANT PERSON ID & SEQ #	89831	PDIV ID	BATTERY ID
68647	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LANDOWNER PERSON ID & SEQ #	71039	PUSE ID
68647	71040	_____
_____	71041	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

WATER USE CORRESPONDENT PERSON ID & SEQ #
68647

