

# 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.

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

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: **51035**

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

1. Name of Applicant: HOWARD BAUMGARTNER  
Address: 1755 V RD  
City: SABETHA State: KS Zip Code: 66534  
Phone: 785-285-0317 Email: dhbaumgartner@gmail.com

**NEEDS STREAM NAME**

2. The source of water is:  surface water in UNNAMED TRIB (stream)  
 groundwater in DELAWARE RIVER (drainage basin)

3. The maximum annual quantity of water desired is 206  acre-feet  gallons  
to be diverted at a maximum rate of ALL NAT FLOWS  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 206  acre-feet  gallons, at a rate of 1000  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.

5/15/2023  
LMoody

FOR OFFICE USE ONLY					
FO	<u>1</u>	GMD	DUA	Use	<u>IRR</u>
Code	<u>RE2</u>	Fee \$	<u>300</u>	TR #	<u>PY00062380</u>
Source	<u>S</u>	County	<u>NM</u>	By	<u>ALB</u>
Date	<u>5/9/23</u>	Receipt Date	<u>5/8/2023</u>	Check #	

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 (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.

(A) One in the NE quarter of the SW quarter of the NW quarter of Section 9, more particularly described as being near a point 3840 feet North and 4050 feet West of the Southeast corner of said section, in Township 3 South, Range 14 E W, NEMAHA County, KS. A.K.A: \_\_\_\_\_

(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 ONE DAM  
(number of wells, pumps, dams, etc.)  
and was/will be completed on or by the following date: JULY 2024  
(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 JULY 2024  
(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.

NONE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

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 1/2 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 1/2 mile, please indicate that on the map.)

**For Surface Water Use**, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 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:  
**APPLICANT**  
 \_\_\_\_\_  
 (name, address, and phone)

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

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

**APPLICANT**

\_\_\_\_\_  
(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:

**APPLICANT**

\_\_\_\_\_  
(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.

**Keith Grimm**

\_\_\_\_\_  
(Applicant Signature)

 Digitally signed by Keith Grimm  
Date: 2023.05.08 11:41:05 -05'00'

**5/8/2023**

\_\_\_\_\_  
(Date)

**Keith Grimm**

\_\_\_\_\_  
(Applicant Name – please print)

\_\_\_\_\_  
(Applicant Title, if applicable – please print)

Assisted by **BRETT BUNGER**

\_\_\_\_\_  
TFO/ASST WATER COMMISSIONER  
(office/title)

Date: **5-4-23**

## FEE SCHEDULE

Make checks payable to the Kansas Department 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 plus \$20 for each additional 100AF (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 plus \$20 for each additional 100AF (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.

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## 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.

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**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>

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

Water Resources  
Received

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

KS Dept Of Agriculture

Name of Applicant (Please Print): HOWARD BAUMGARTNER

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: HOWARD BAUMGARTNER

ADDRESS: 1755 V RD 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	
9	3	14E							5.5	35.5	40	37	40	33.5					191.5

**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	

5/9/2023

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KS Dept Of Agriculture

<b>PDFs</b>
<a href="#">Mean Annual Precipitation</a>
<a href="#">Soil Cover Complex</a>

Mean Annual Precip, in	<b>36</b>
Soil Cover Complex No.	<b>76</b>
Drainage Area, acres	<b>170</b>
<b>Runoff at 20% Chance, AF</b>	<b>206.33</b>

**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

Std. Dev. 90%	1.38
Std. Dev. 80%	1.34
Avg	1.36

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	4.64	<b>4.64</b>
80%	1.50	<b>1.48</b>
90%	0.79	<b>0.81</b>
20%		<b>14.56</b>

Mean annual runoff for CN = 75, inches	7.16
Mean annual runoff for CN = 80, inches	8.40
Interp. Mean annual runoff for CN = 76, inches	7.41



5/9/2023

**UPSTREAM AND DOWNSTREAM LANDOWNERS**

Water Resources  
Received

KS Dept Of Agriculture

Upstream –

- #1) JOHN BERGMAN  
9467 MAIN ST  
BENEDICT KS 66538
  
- #2) DWAIN BAUMGARTNER  
1769 U RD  
SABETHA KS 66534

Downstream –

- #1) KRUSE FAMILY TRUST  
10425 MILLBROOK LN  
OLATHE KS 66061
  
- #2) NICHOLAS MONTGOMERY LIVING TRUST  
1813 V RD  
SABETHA KS 66534

1:12,000

# New Application

5/9/2023

Water Resources  
Received

KS Dept Of Agriculture

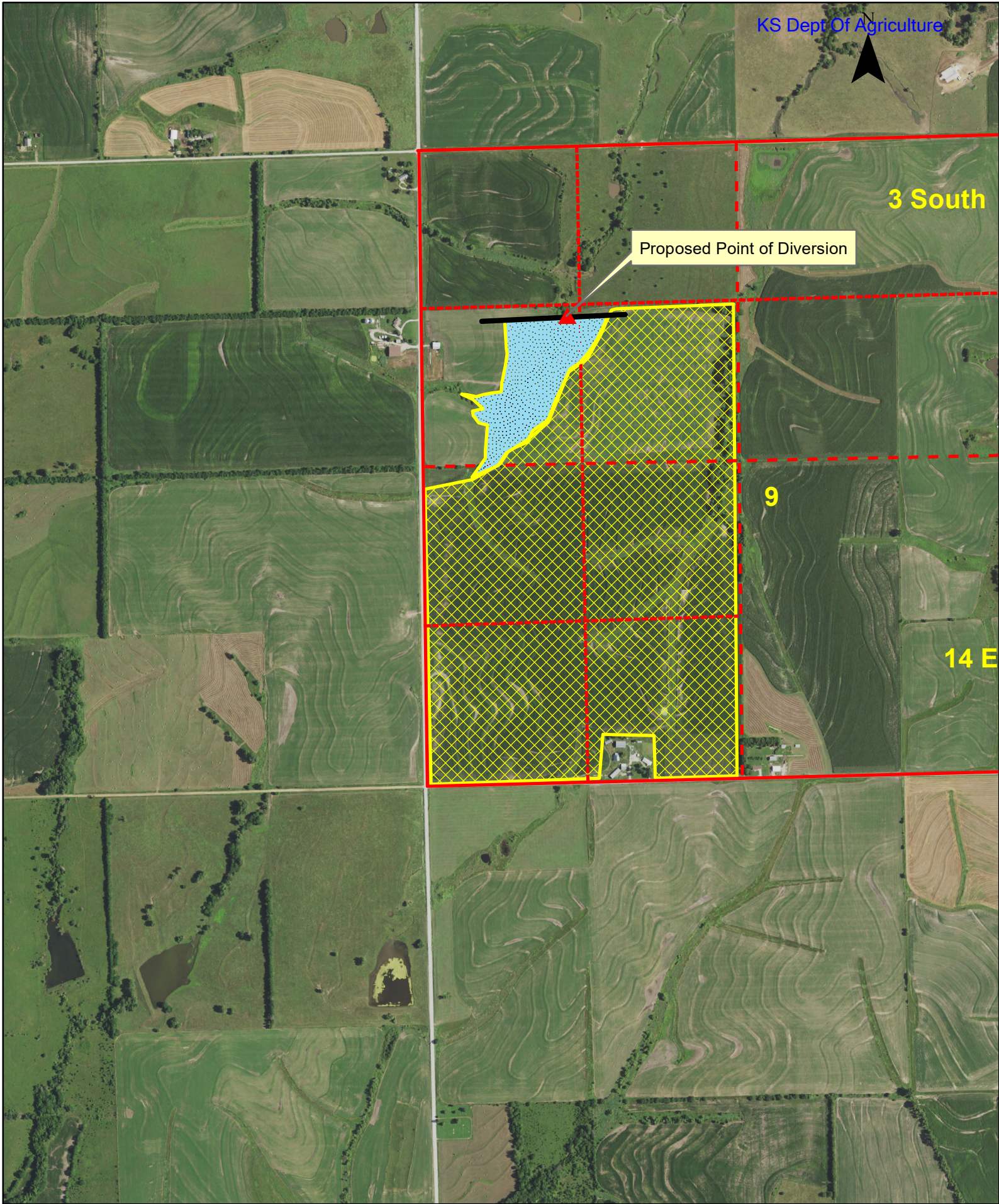


3 South

Proposed Point of Diversion

9

14 E



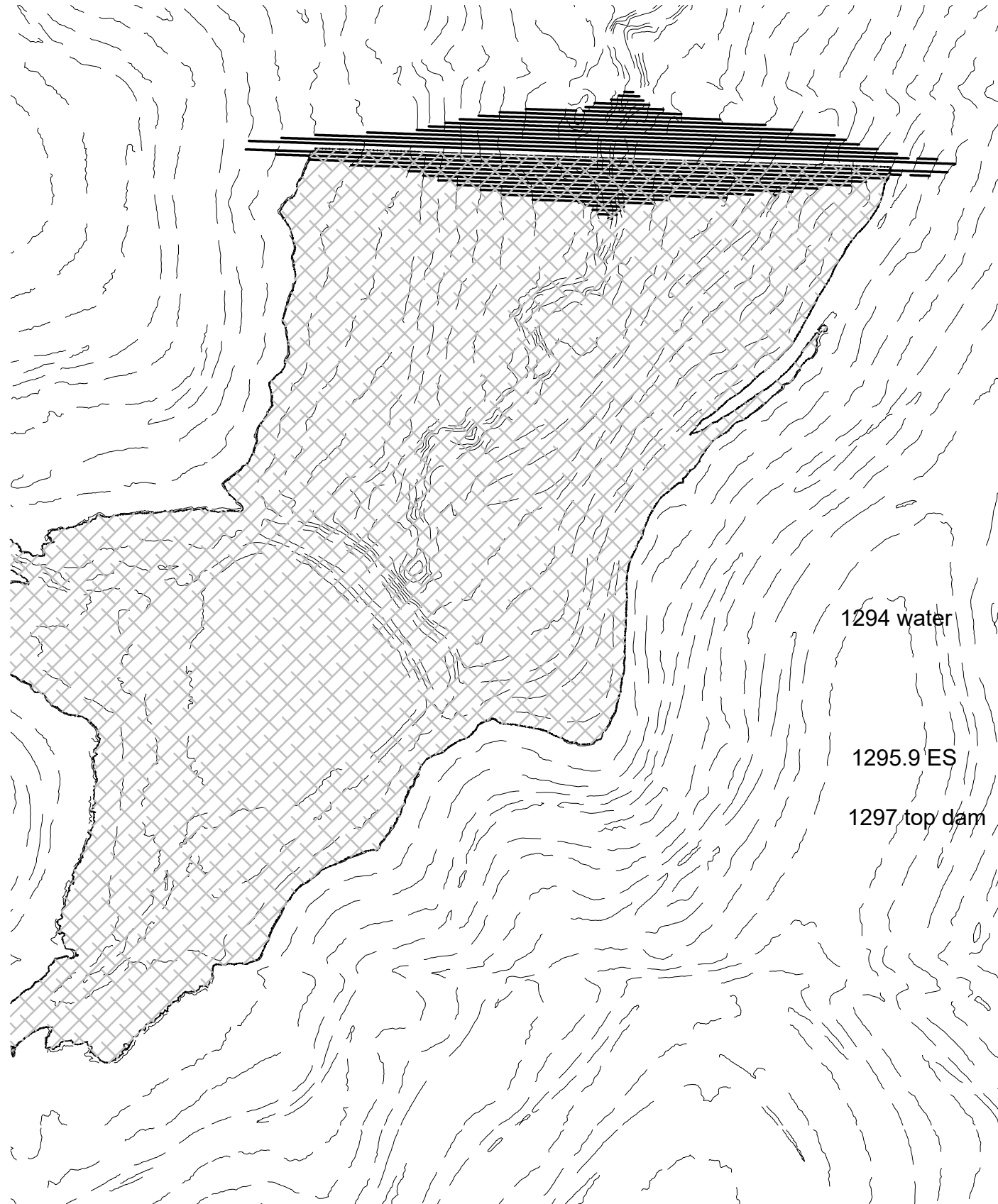
5/9/2023

# TOPOGRAPHIC SURVEY

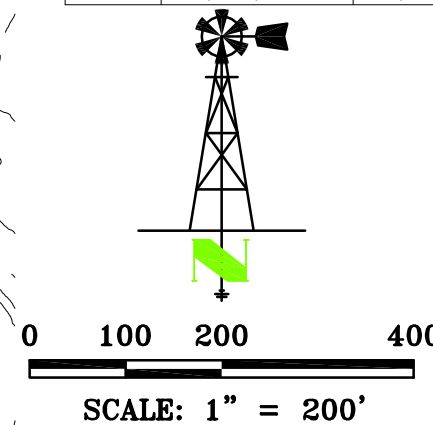
Compute Proposed Stream Obstruction Volume in the Northwest One-Quarter of Section 9, Township 3 South, Range 14 East of the Sixth Principal Meridian, Nemaha County, Kansas

Water Resources Received

KS Dept Of Agriculture

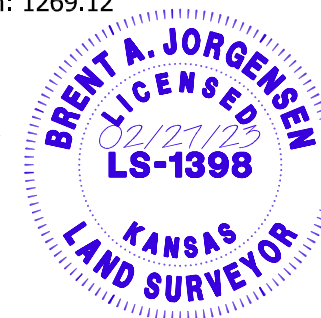


Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1270	-					
1271	223.31	111.66	111.655	0.0026		1.88
1272	1,295.97	759.64	871.295	0.0200		2.88
1273	2,815.52	2,055.75	2,927.040	0.0672		3.88
1274	2,815.52	2,815.52	5,742.560	0.1318		4.88
1275	7,923.71	5,369.62	11,112.175	0.2551		5.88
1276	11,326.12	9,624.92	20,737.090	0.4761		6.88
1277	16,819.87	14,073.00	34,810.085	0.7991		7.88
1278	23,957.55	20,388.71	55,198.795	1.2672		8.88
1279	36,001.80	29,979.68	85,178.470	1.9554		9.88
1280	53,979.76	44,990.78	130,169.250	2.9883		10.88
1281	75,787.32	64,883.54	195,052.790	4.4778		11.88
1282	96,585.22	86,186.27	281,239.060	6.4564		12.88
1283	117,079.33	106,832.28	388,071.335	8.9089		13.88
1284	141,381.92	129,230.63	517,301.960	11.8756		14.88
1285	141,381.92	141,381.92	658,683.880	15.1213		15.88
1286	208,396.87	174,889.40	833,573.275	19.1362		16.88
1287	233,649.42	221,023.15	1,054,596.420	24.2102		17.88
1288	255,575.71	244,612.57	1,299,208.985	29.8257		18.88
1289	324,157.04	289,866.38	1,589,075.360	36.4802		19.88
1290	402,111.21	363,134.13	1,952,209.485	44.8166		20.88
1291	451,950.71	427,030.96	2,379,240.445	54.6198		21.88
1292	481,235.84	466,593.28	2,845,833.720	65.3314		22.88
1293	564,091.65	522,663.75	3,368,497.465	77.3301		23.88
1294	659,638.61	611,865.13	3,980,362.595	91.3766	14,414	24.88
1295	753,042.20	706,340.41	4,686,703.000	107.5919	16,509	25.88
1295.50	800,185.03	388,306.81	5,075,009.808	116.5062		26.38
1295.60	810,908.62	80,554.68	5,155,564.490	118.3555		26.48
1295.70	833,177.21	82,204.29	5,237,768.782	120.2426		26.58
1295.80	843,412.64	83,829.49	5,321,598.274	122.1671		26.68
1295.90	853,868.80	84,864.07	5,406,462.346	124.1153		26.78
1296	864,446.92	85,915.79	5,492,378.132	126.0877	18,809	26.88
1297	968,355.93	916,401.43	6,408,779.557	147.1253	21,318	27.88
1298	1,064,262.92	1,016,309.43	7,425,088.982	170.4566	24,051	28.88
1299	1,172,151.60	1,118,207.26	8,543,296.242	196.1271	27,022	29.88
1300	1,275,503.85	1,223,827.73	9,767,123.967	224.2223	30,233	30.88



General Notes for Site:  
No Field verification of LIDAR elevations performed.  
Front toe of stream obstruction elevation: 1271.44'  
Rear toe of stream obstruction elevation: 1269.12'  
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

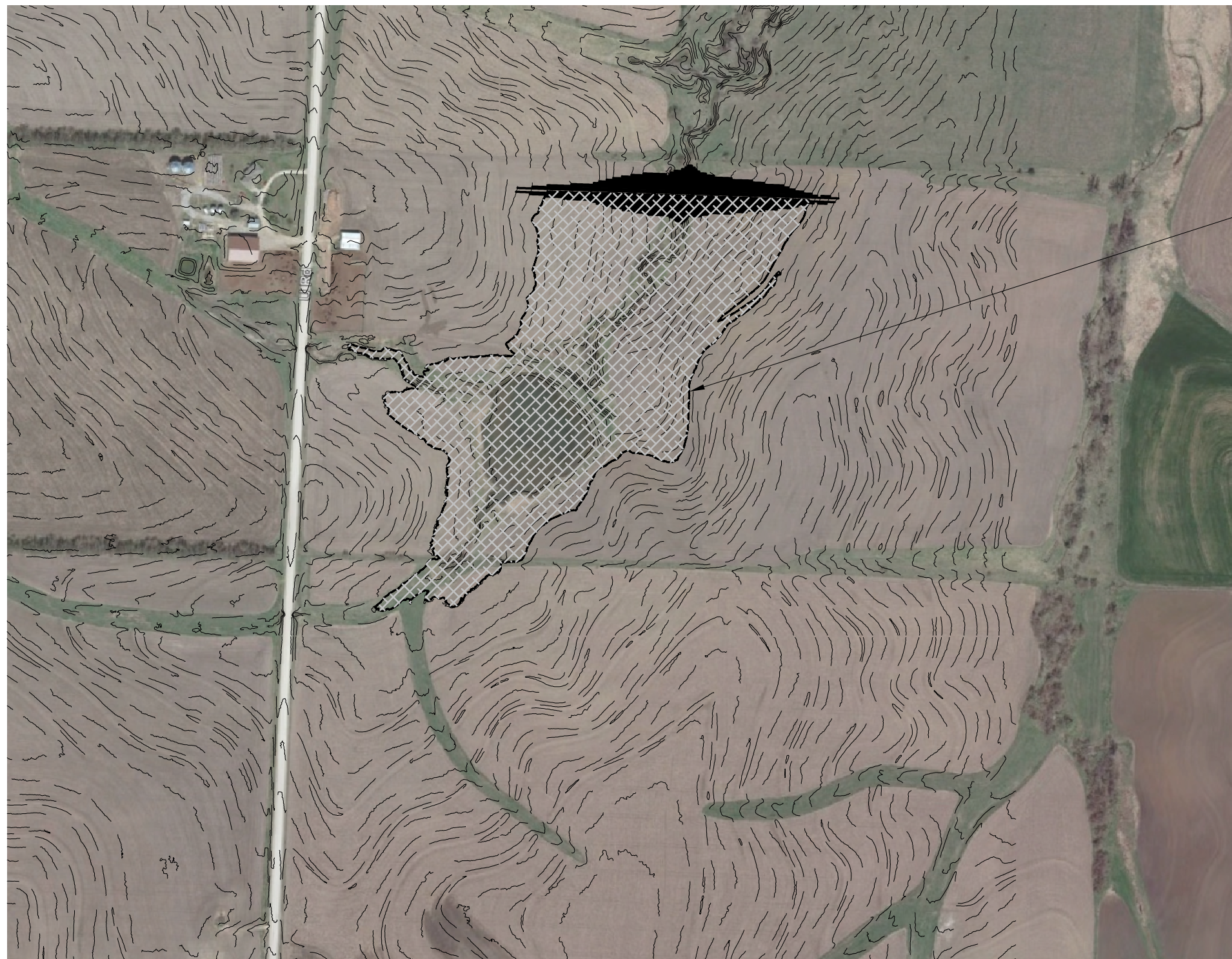
**JORGENSEN SURVEYING**  
73051 617 Ave  
Tecumseh, NE 68450  
(402) 335-2033  
jorgensensurveying@gmail.com

Stream Obstruction  
NW 1/4 Sec 14, T8S, R18E  
Jefferson County, Kansas  
PREPARED FOR  
MWI - Tom Funk

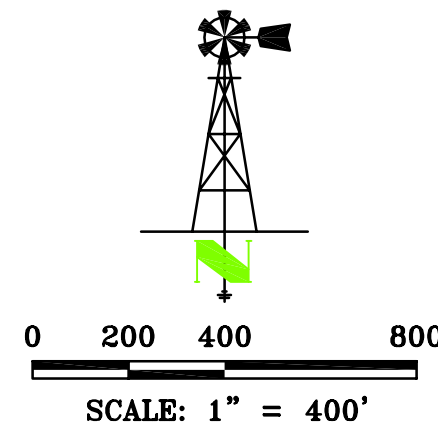
SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	02/27/23
SHEET	1 OF 2
JOB NO.	5262.151

# TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Northwest One-Quarter of Section 9, Township 3 South, Range 14 East of the Sixth Principal Meridian, Nemaha County, Kansas



Water Level at Elev: 1295.90'



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

NW 1/4 Sec 14, T8S, R18E  
Jefferson County, Kansas

PREPARED FOR

MWI - Tom Funk

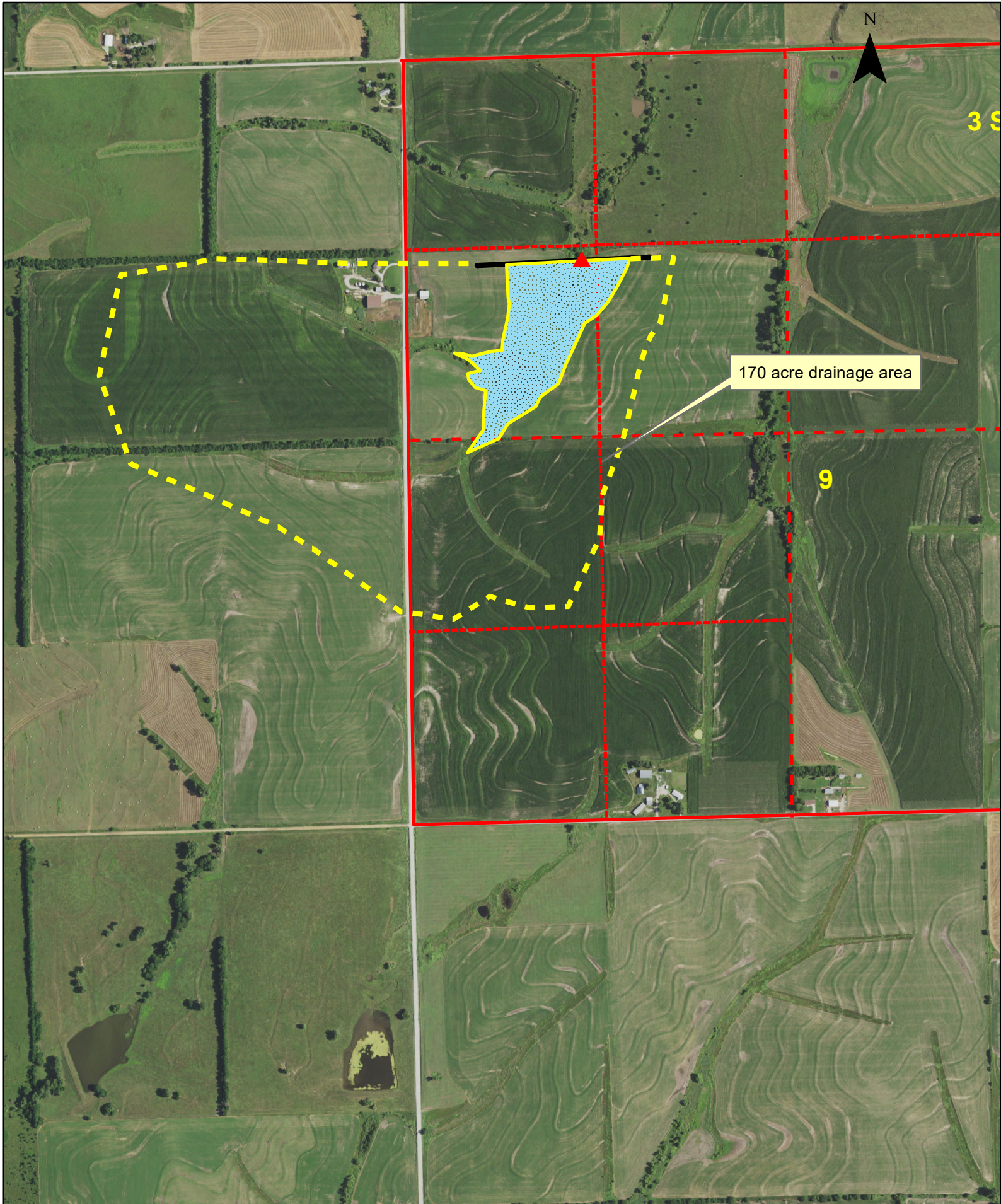
SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	02/27/23

SHEET 2 OF 2

JOB NO.  
5262.151

1:10,000

# New Application Drainage Area



**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 51035

<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>90330</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<b>69013</b>			

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>71387</b>	<b>PUSE ID</b>
<b>69013</b>		

<b>WATER USE CORRESPONDENT PERSON ID &amp; SEQ #</b>
<b>69013</b>