

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



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

File Number: **51172**

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

1. Name of Applicant: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Email: _____

2. The source of water is: surface water in _____ (stream)
 groundwater in _____ (drainage basin)

3. The maximum annual quantity of water desired is _____ acre-feet gallons
to be diverted at a maximum rate of _____ 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	1	GMD	DUA	Use	IRR	Source	S	County	MS ALB	Date	1/17/24
Code	RE2	Fee \$	300	TR #	PY00106950	Receipt Date	1/17/2024	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 _____ 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: _____

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

1/17/2024

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:

(name, address, and phone)

1/17/2024

(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:

_____ (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:

_____ (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.

Darcy Nightingale
(Applicant Signature)

(Date)

(Applicant Name – please print)

(Applicant Title, if applicable – please print)

Assisted by _____ (office/title) Date: _____

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

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>

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Donna Rottinghaus

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: Donna Rottinghaus

ADDRESS: 1120 28th RD Axtell KS 66403

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
27	2	10E					40	35	40	40	40	40	27.2	38					300.2
22	2	10E										29	36.7	37.8	35.4				138.9
																			Total 439.1

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	

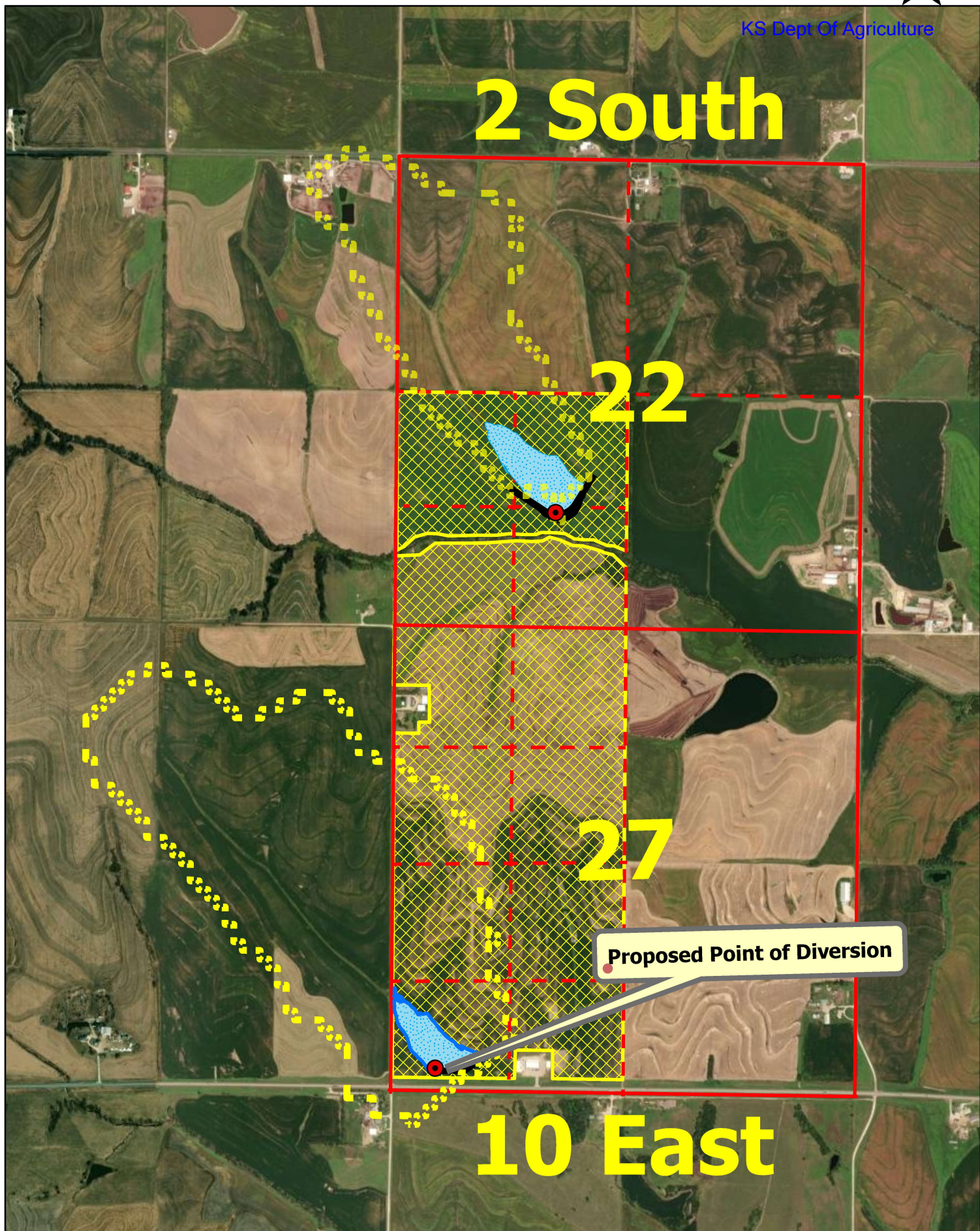
New Application

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1:17,000

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2 South

22

27

10 East

Proposed Point of Diversion



Drainage Area

1:17,000

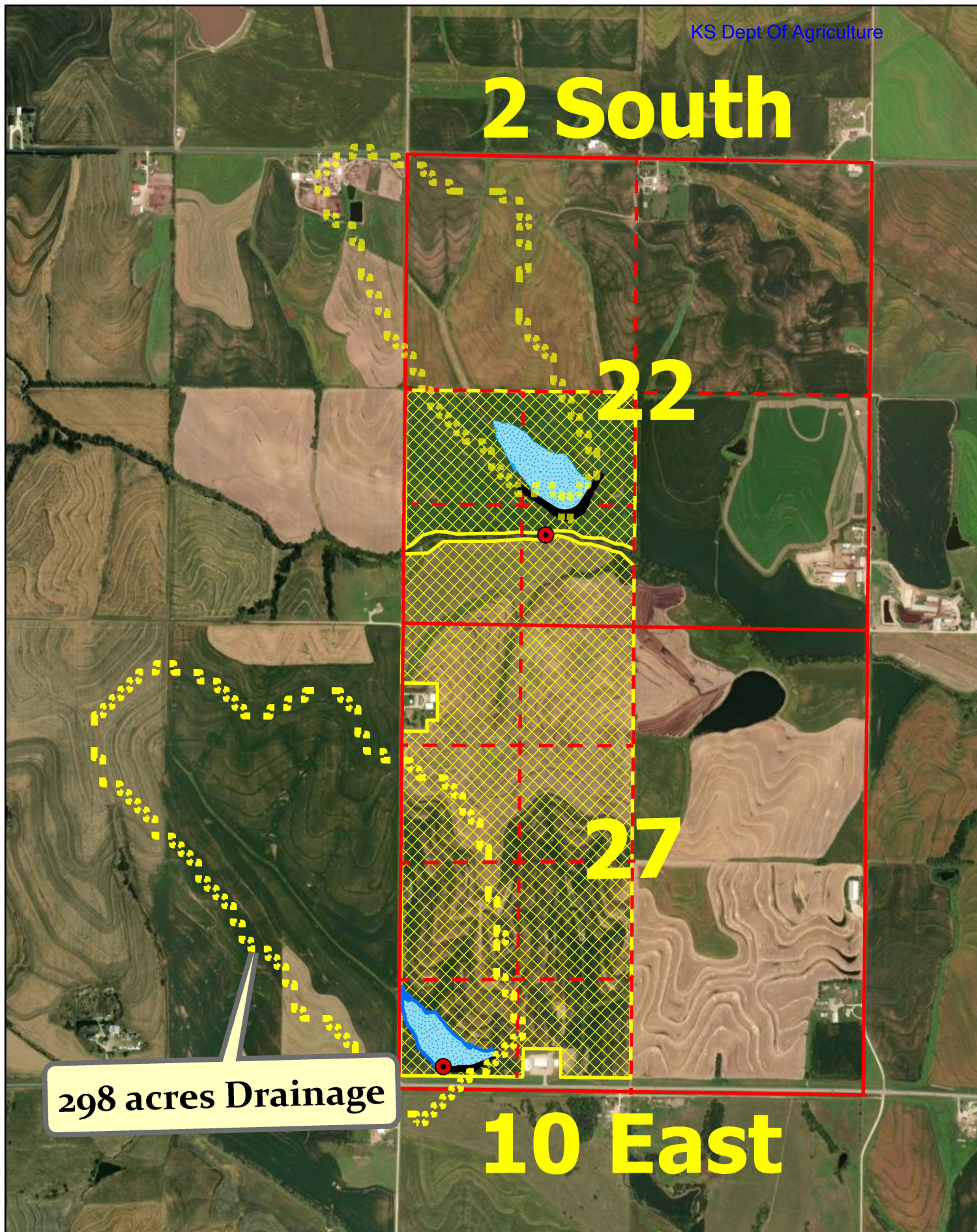
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2 South

22

27

10 East



298 acres Drainage

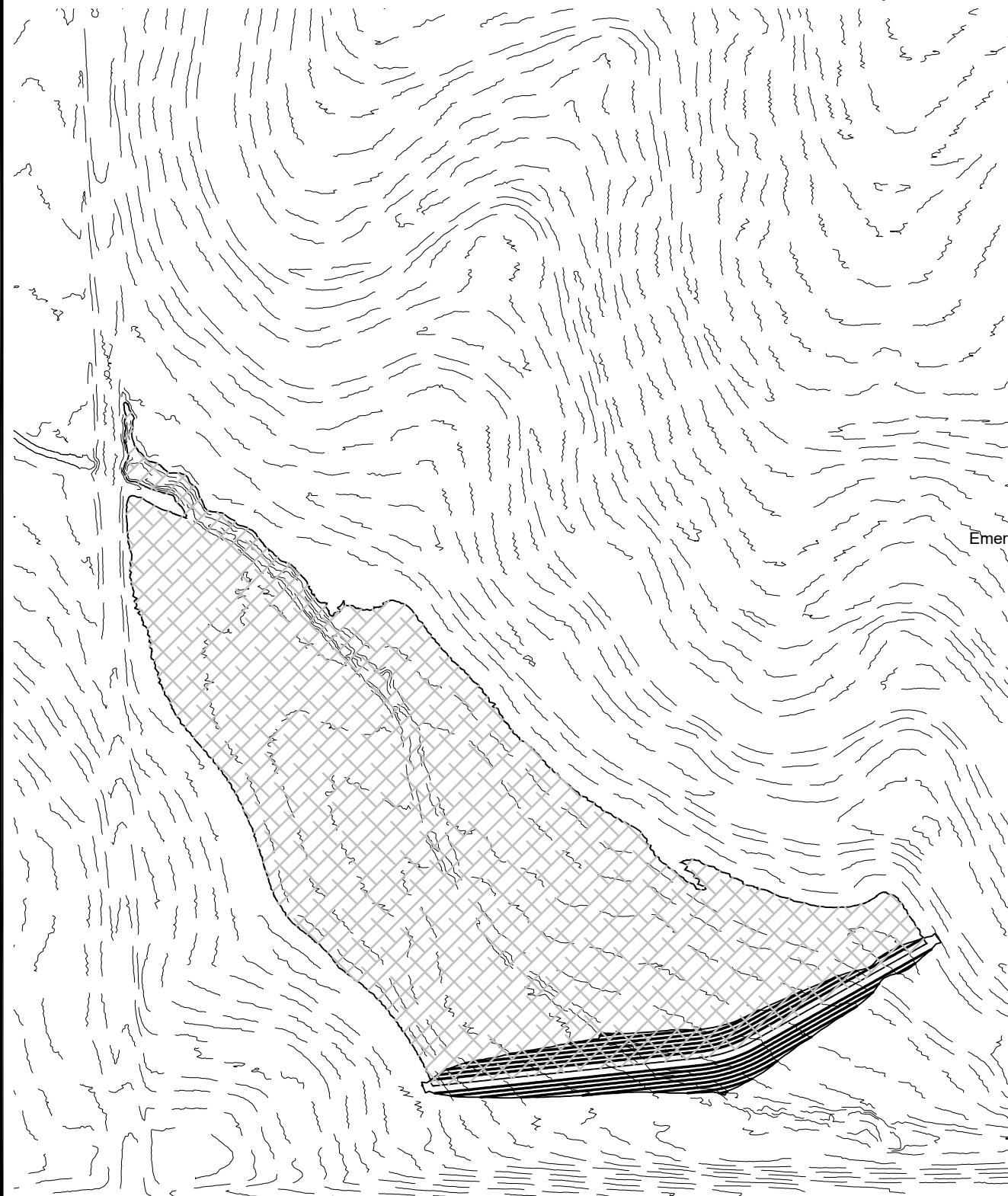
TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the West One-Half of Section 27, Township 2 South, Range 10 East of the Sixth Principal Meridian, Marshall County, Kansas

1/17/2024

Water Resources Received

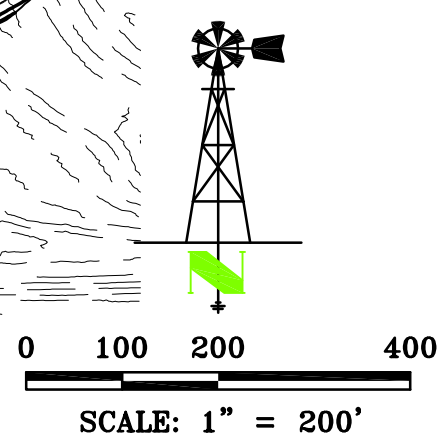
KS Dept Of Agriculture



Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1315	-					
1316	76.94	38.47	38.470	0.0009		1.28
1317	491.91	284.43	322.895	0.0074		2.28
1318	3,497.64	1,994.78	2,317.670	0.0532		3.28
1319	10,874.53	7,186.09	9,503.755	0.2182		4.28
1320	21,853.16	16,363.85	25,867.600	0.5938		5.28
1321	43,031.55	32,442.36	58,309.955	1.3386		6.28
1322	73,360.72	58,196.14	116,506.090	2.6746		7.28
1323	100,078.09	86,719.41	203,225.495	4.6654		8.28
1324	132,728.09	116,403.09	319,628.585	7.3377		9.28
1325	172,308.38	152,518.24	472,146.820	10.8390		10.28
1326	208,708.03	190,508.21	662,655.025	15.2125		11.28
1327	244,336.52	226,522.28	889,177.300	20.4127		12.28
1328	285,068.83	264,702.68	1,153,879.975	26.4894		13.28
1329	329,118.85	307,093.84	1,460,973.815	33.5393		14.28
1329.50	359,043.14	172,040.50	1,633,014.313	37.4889		14.78
1330	375,381.13	183,606.07	1,816,620.380	41.7039	7,862	15.28
1330.25	383,570.84	94,869.00	1,911,489.376	43.8818		15.53
1330.50	391,410.72	96,872.70	2,008,362.071	46.1056		15.78
1330.75	398,345.84	98,719.57	2,107,081.641	48.3719		16.03
1331	405,194.80	100,442.58	2,207,524.221	50.6778	9,442	16.28
1332	453,264.74	429,229.77	2,636,753.991	60.5315	11,194	17.28

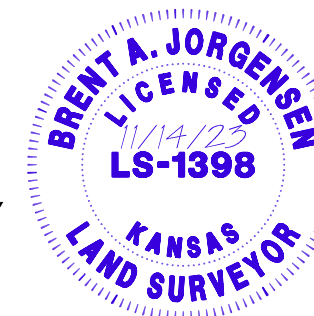
Top of structure 1334 19.28ft Tall

Primary water 1329.5
Emergency Spillway 1330.75
Top of Structure 1334



General Notes for Site:
No Field verification of LiDAR elevations performed.
Front toe of stream obstruction elevation: 1316.54'
Rear toe of stream obstruction elevation: 1314.72'
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

W 1/2 Sec 27, T2S, R10E
Marshall County, Kansas

PREPARED FOR

MWI - Rottinghaus

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	11/08/23
SHEET	1 OF 2
JOB NO.	5262.174

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the West One-Half of
Section 27, Township 2 South, Range 10 East of the
Sixth Principal Meridian, Marshall County, Kansas

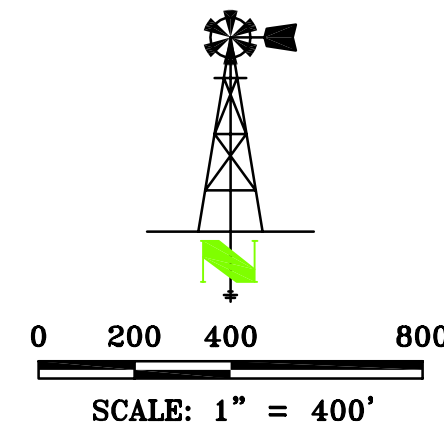
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THIS DRAWING ORIGINALLY CREATED AT
SPECIFIED SCALE. IF LINE BELOW DOES NOT
MEASURE 1 INCH, DRAWING HAS BEEN
REDUCED. ORIGINAL DRAWING
SIZE: 1 INCH

Water Level at
Elev: 1330'



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

Stream Obstruction

W 1/2 Sec 27, T2S, R10E
Marshall County, Kansas

PREPARED FOR

MWI - Rottinghaus

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	11/08/23
SHEET	2 OF 2
JOB NO.	5262.174

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	32
Soil Cover Complex No.	76
Drainage Area, acres	298
Runoff at 20% Chance, AF	256.71

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%	1.46
Std. Dev. 80%	1.42
Avg	1.44

%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

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

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STORAGE CALCULATIONS

TOTAL RESERVOIR CAPACITY =	37.4 AF
DIRECT USE =	120 AF
TOTAL RESERVOIR SURFACE AREA =	8.2 ACRES
1 YEAR NET EVAPORATION =	8.2 ACRES X 10"/12" = 6.83333 AF
STORAGE =	120 AF+ 37.4 + 6.8333 = 164.233 AF

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream -

#1) Roger Buessing
2920 Jayhaw RD
Axtell, KS 66403

Downstream -

#1) Edward Porting
2847 Express HWY
Axtell, KS66403

#2) Catherine & Leslie Mack
4121 Dondee LN
Topeka, KS 66618

#3) David & Robin Koch
2738 Pony Express HWY
Axtell, KS 66403

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

January 19, 2024

DONNA J ROTTINGHAUS
2926 INDIAN RD
AXTELL KS 66403

RE: Application, File No(s). **51172**

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. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kris Neuhauser". The signature is written in a cursive style with a long horizontal flourish at the end.

Kris Neuhauser
New Applications Lead
Water Appropriation Program