

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: **51173**

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	By	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 (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 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

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)

1/17/2024

(Applicant Title, if applicable – please print)

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KS Dept Of Agriculture

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):

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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

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KS Dept Of Agriculture

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	

1/17/2024

N



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New Application

1:17,000

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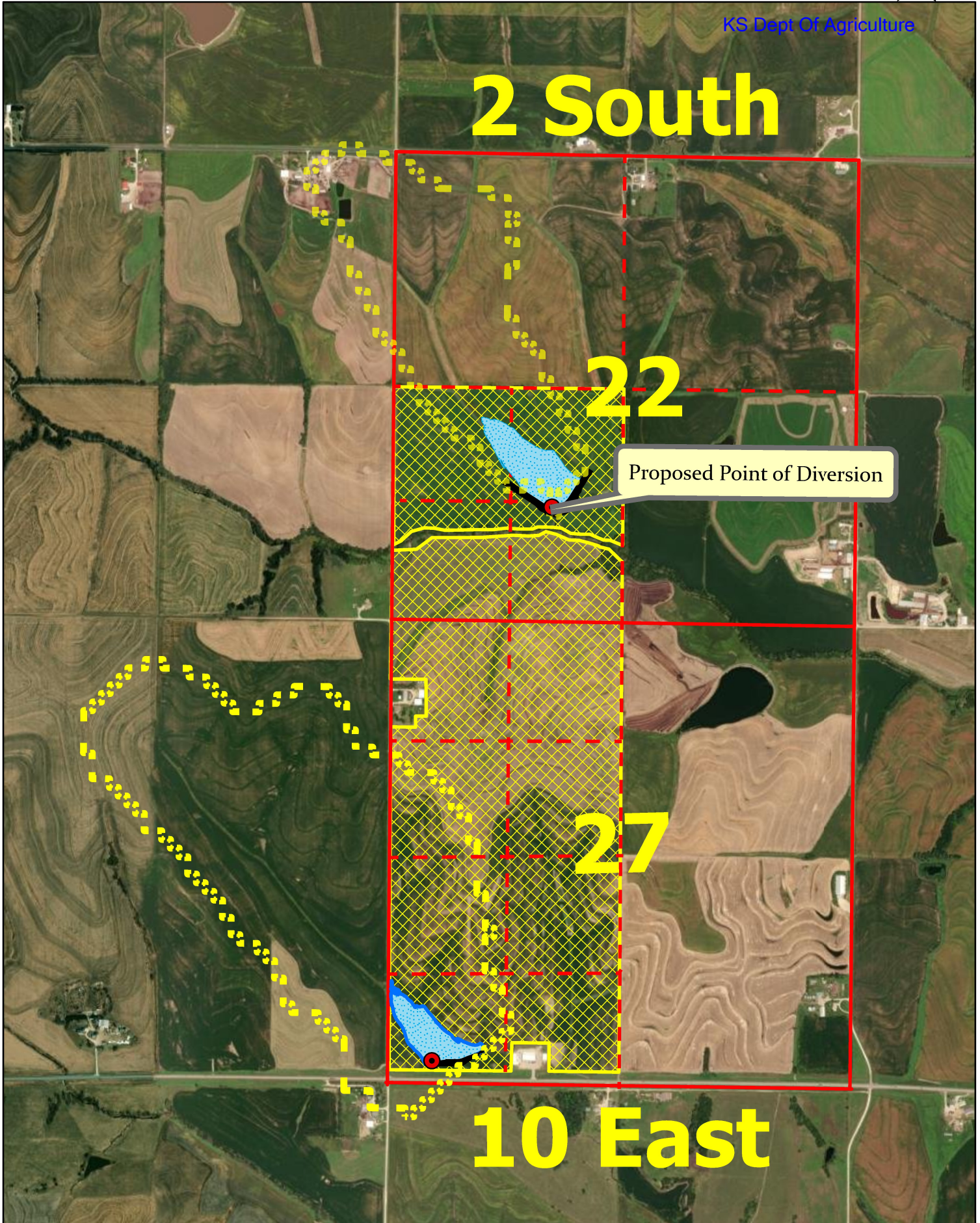
2 South

22

Proposed Point of Diversion

27

10 East



1:17,000

Drainage Area

1/17/2024

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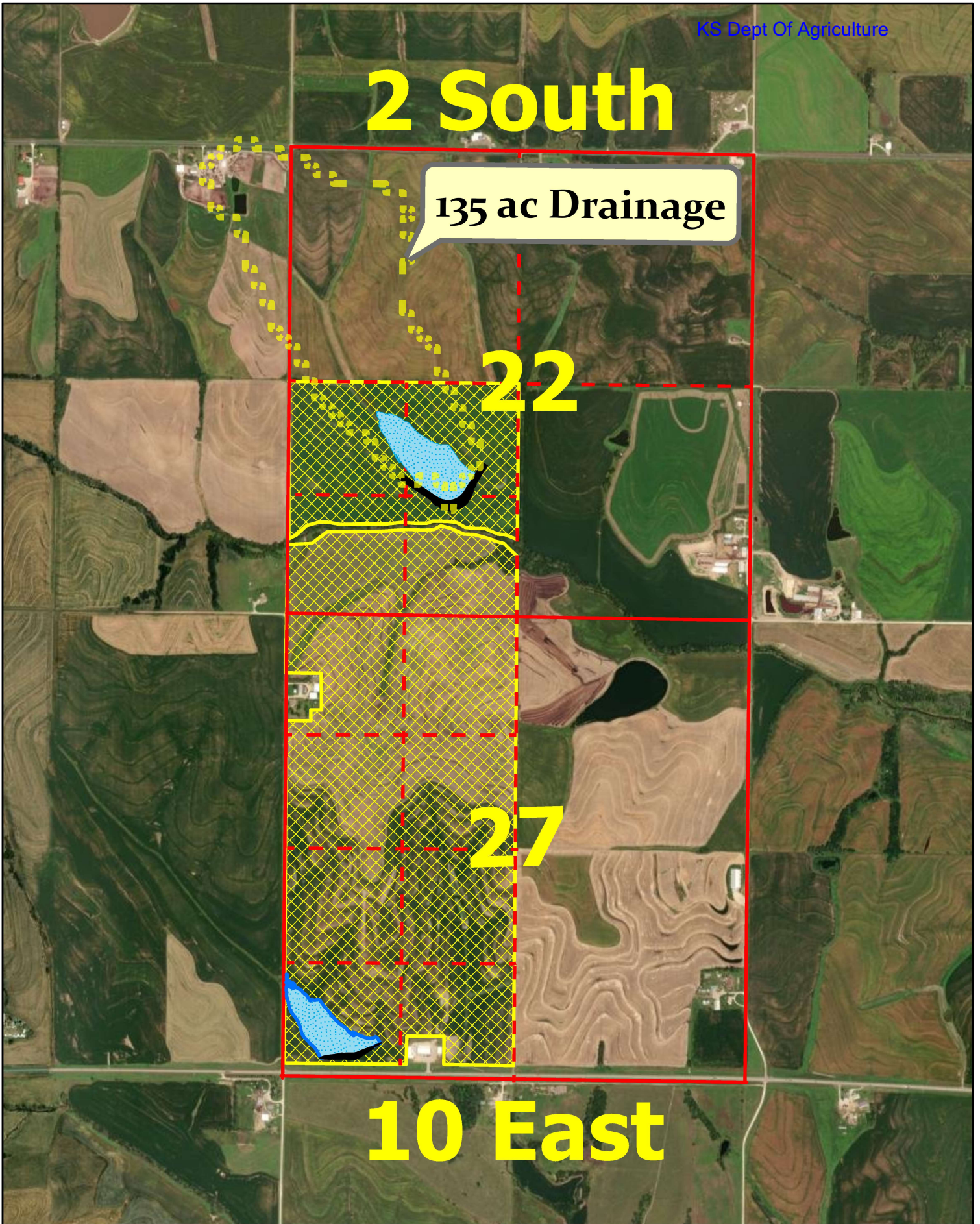
2 South

135 ac Drainage

22

27

10 East



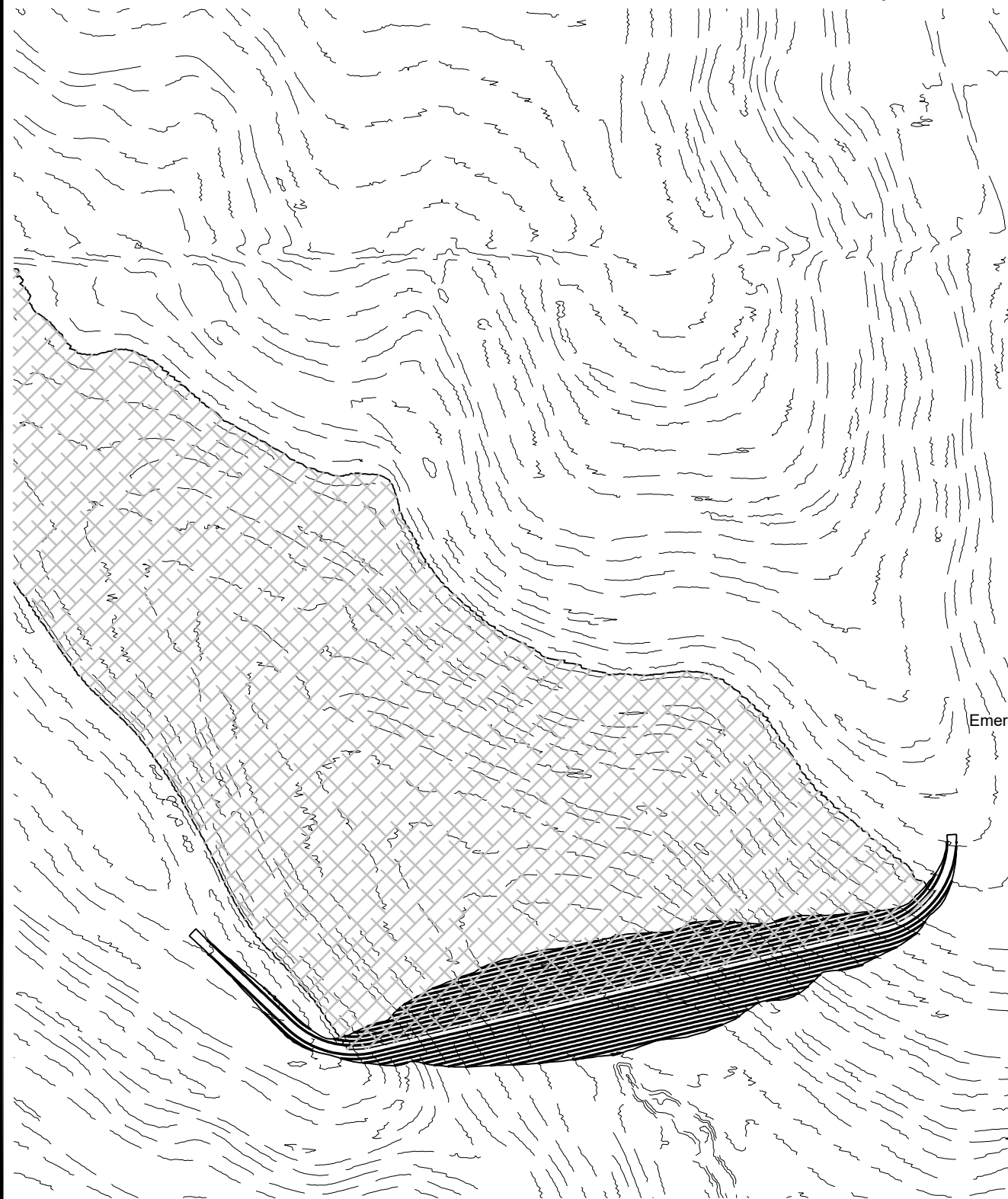
TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of
Section 22, Township 2 South, Range 10 East of the
Sixth Principal Meridian, Marshall County, Kansas

1/17/2024

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Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1319	-					
1320	3,706.11	1,853.06	1,853.055	0.0425		2.05
1321	12,832.69	8,269.40	10,122.455	0.2324		3.05
1322	24,591.77	18,712.23	28,834.685	0.6620		4.05
1323	37,498.27	31,045.02	59,879.705	1.3746		5.05
1324	58,060.98	47,779.63	107,659.330	2.4715		6.05
1325	82,664.83	70,362.91	178,022.235	4.0868		7.05
1326	110,671.96	96,668.40	274,690.630	6.3060		8.05
1327	135,515.98	123,093.97	397,784.600	9.1319		9.05
1328	159,557.60	147,536.79	545,321.390	12.5189		10.05
1329	182,498.57	171,028.09	716,349.475	16.4451		11.05
1330	210,669.60	196,584.09	912,933.560	20.9581		12.05
1331	248,137.87	229,403.74	1,142,337.295	26.2245		13.05
1332	281,211.66	264,674.77	1,407,012.060	32.3006		14.05
1333	309,561.47	295,386.57	1,702,398.625	39.0817		15.05
1334	344,802.62	327,182.05	2,029,580.670	46.5928		16.05
1335	383,488.96	364,145.79	2,393,726.460	54.9524		17.05
1336	421,624.69	402,556.83	2,796,283.285	64.1938		18.05
1337	465,609.16	443,616.93	3,239,900.210	74.3779		19.05
1338	510,190.50	487,899.83	3,727,800.040	85.5785		20.05
1339	552,893.99	531,542.25	4,259,342.285	97.7810		21.05
1340	605,887.18	579,390.59	4,838,732.870	111.0820		22.05
1340.25	619,081.15	153,121.04	4,991,853.911	114.5972		22.30
1340.50	631,822.89	156,363.01	5,148,216.916	118.1868		22.55
1340.75	647,725.68	159,943.57	5,308,160.488	121.8586		22.80
1340.80	650,241.60	32,449.18	5,340,609.669	122.6035		22.85
1340.90	654,801.29	65,252.14	5,405,861.814	124.1015	24,701	22.95
1341	663,296.91	65,904.91	5,471,766.724	125.6145	25,259	23.05
1342	720,596.44	691,946.68	6,163,713.399	141.4994	28,173	24.05
1343	779,382.36	749,989.40	6,913,702.799	158.7168	31,354	25.05
1344	829,908.85	804,645.61	7,718,348.404	177.1889	34,820	26.05

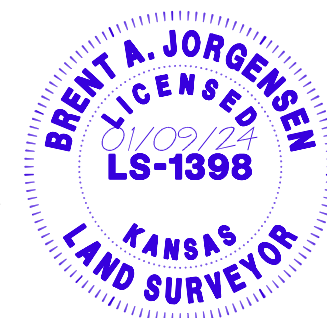
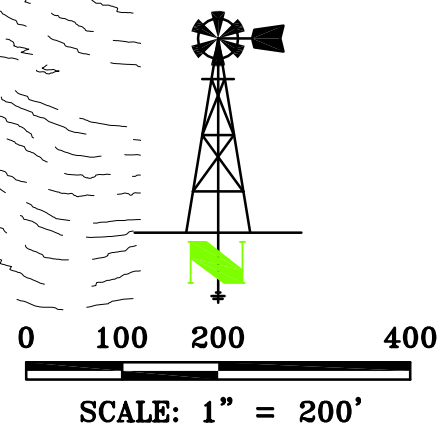
Primary water 1339
ES 1340.9
Top Dam 1342

General Notes for Site:

No Field verification of LiDAR elevations performed.
Front toe of stream obstruction elevation: 1320.46'
Rear toe of stream obstruction elevation: 1317.95'
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
SW 1/4 Sec 22, T2S, R10E
Marshall County, Kansas
PREPARED FOR
MWI - Rottinghaus

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	01/09/24
SHEET	1 OF 2
JOB NO.	5262.175

TOPOGRAPHIC SURVEY

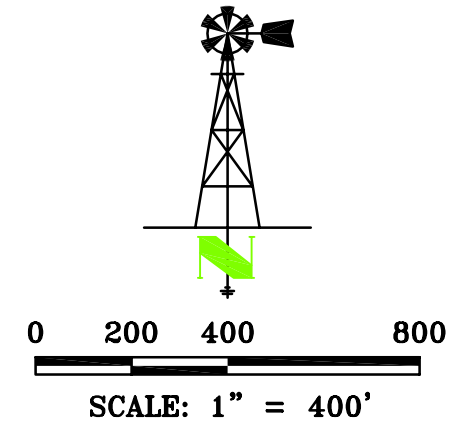
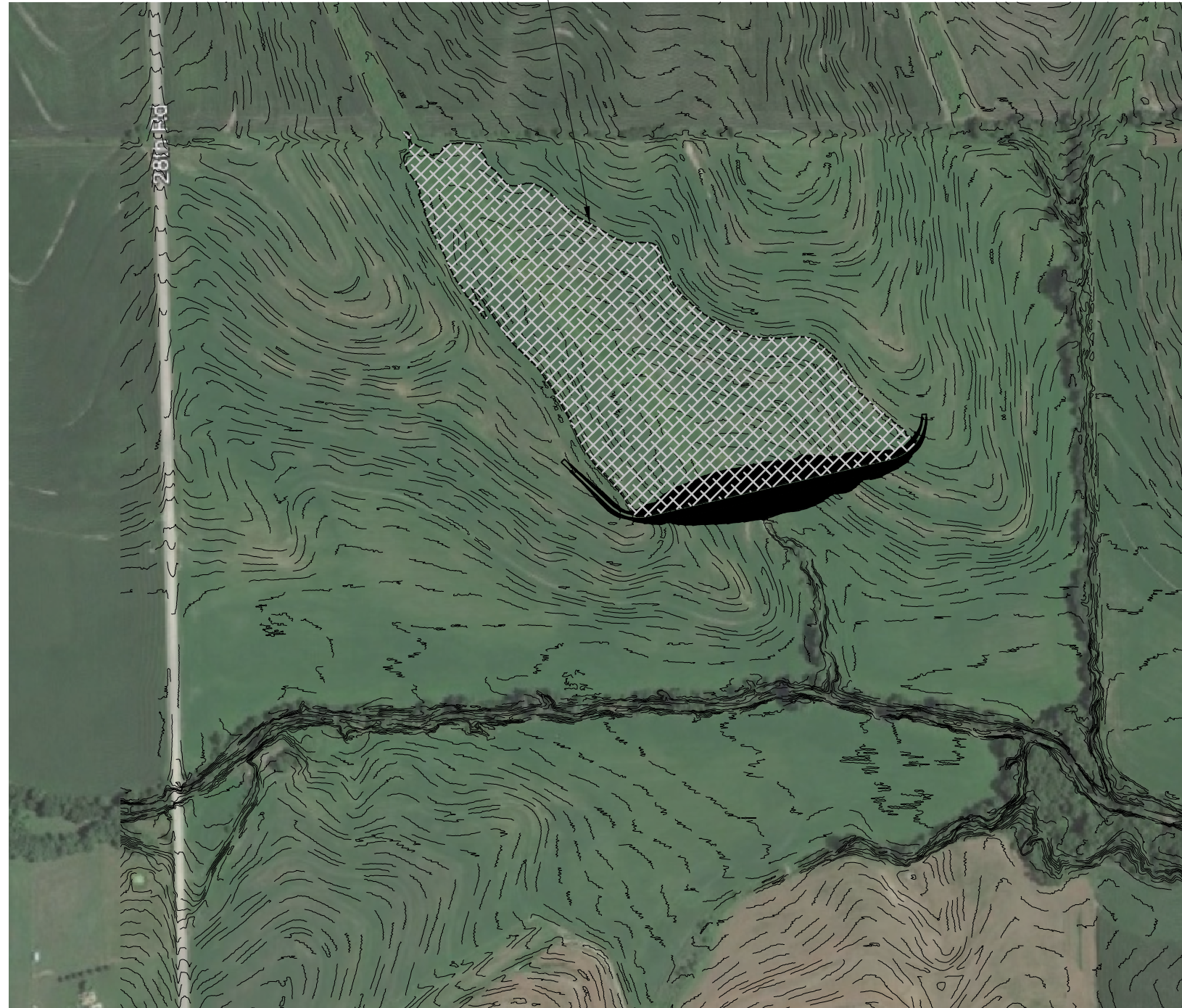
Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of Section 22, Township 2 South, Range 10 East of the Sixth Principal Meridian, Marshall County, Kansas

1/17/2024

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Water Level at
Elev: 1340.90'



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

SW 1/4 Sec 22, T2S, R10E
Marshall County, Kansas

PREPARED FOR
MWI - Rottinghaus

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	01/09/24

SHEET 2 OF 2

JOB NO.
5262.175

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	32
Soil Cover Complex No.	76
Drainage Area, acres	135
Runoff at 20% Chance, AF	116.29

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

STORAGE CALCULATIONS

The quantity requested is based on the drainage area runoff which is the limiting factor

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream -

- #1) Heinen Living Trust
C/O Darrell and Donna Heinen
2781 Indian RD
Axtell, KS 66403

Downstream -

- #1) Roy & Patricia Buessing
1083 29th RD
Axtell, KS66403

- #2) Frank & Marylin Kohake
1181 29th St
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). **51173**

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, sweeping underline.

Kris Neuhauser
New Applications Lead
Water Appropriation Program