

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



State of Kansas

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

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File Number: **51276**  
This item to be completed by the Division of Water Resources staff.

JUL 26 2024  
1616  
KS DEPT OF AGRICULTURE

1. Name of Applicant: Andy Smarsh  
Address: 14387 NE 50th  
City: Cheney State: KS Zip Code: 67025  
Phone: 316-640-3248 Email: smarsha@helenaagri.com

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
 groundwater in S F NINNESCAH RIVER (drainage basin)

7/29/2024  
KJN

3. The maximum annual quantity of water desired is 224  acre-feet  gallons  
to be diverted at a maximum rate of 1200  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):

<input type="checkbox"/> Artificial Recharge*	<input checked="" type="checkbox"/> Irrigation*	<input type="checkbox"/> Recreational*	<input type="checkbox"/> Water Power*
<input type="checkbox"/> Industrial*	<input type="checkbox"/> Municipal*	<input type="checkbox"/> Stockwatering*	<input type="checkbox"/> Sediment Control
<input type="checkbox"/> Domestic	<input type="checkbox"/> Dewatering	<input type="checkbox"/> Hydraulic Dredging	<input type="checkbox"/> Fire Protection
<input type="checkbox"/> Thermal Exchange	<input type="checkbox"/> 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	<u>2</u>	GMD	-	DUA	-	Use	<u>IRR</u>	Source	<u>GW</u>	County	<u>KM</u>	By	<u>KJN</u>	Date	<u>7/29/24</u>
Code	<u>RE2</u>	Fee \$	<u>300</u>	TR #	<u>PY240708594</u>	Receipt Date	<u>7/26/24</u>	Check #	<u>1207</u>						

(\$100)

(\$200)

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.

PLACEHOLDERS:  
3960 FT N  
3960 FT W

(A) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the NW quarter of Section 05, more particularly described as being near a point 3737 feet North and 3925 feet West of the Southeast corner of said section, in Township 27 South, Range 06 E W, Kingman 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 1 well  
(number of wells, pumps, dams, etc.)  
and was/will be completed on or by the following date: ASAP  
(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 ASAP  
(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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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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 ½ 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 ½ mile, please indicate that on the map.)

**For Surface Water Use**, the names and addresses of the landowner(s) ½ mile downstream and ½ 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)

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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:

**Andy Smarsh, 14387 NE 50th Cheney KS 67025, 316-640-3248**

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

  
(Applicant Signature)

7/23/2024  
(Date)

  
(Applicant Name – please print)

  
(Applicant Title, if applicable – please print)

Assisted by **Daniel Bird**

**STFO/Environmental Scientist**  
(office/title)

Date: **07/23/2024**

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## 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

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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>

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**IRRIGATION USE  
SUPPLEMENTAL SHEET**

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

Name of Applicant (Please Print): Andy Smarsh

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: Andy Smarsh

ADDRESS: 14387 NE 50<sup>th</sup> Cheney KS, 67025

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05	27S	06W					40	40	40	40									60

**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	

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):

- 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:

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:

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).

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

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**Legend**

- Proposed Point of Diversion
- ⊕ Section Corner
- Section Line
- Place of Use

# Application for Water Appropriation

## Application Map 05-27S-06W // Kingman County



To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

Signature / Date

07/23/2024 DKB/SFFO 1:24,000 scale



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

August 9, 2024

ANDY SMARSH  
14387 NE 50TH  
CHENEY KS 67025

RE: Application, File No(s). **51276**

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](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser  
New Applications Lead  
Water Appropriation Program

**From:** Smarsh, Andy  
**Sent:** Thu 9/19/2024 12:41 PM  
**To:** Milner, Brandon [KDA]; Bird, Daniel [KDA]  
**Subject:** Smarsh Test Well - File # 51276  
**Attachments:** Andy Smarsh Test Hole Log.pdf

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Brandon/Daniel-

Attached is my test well that has GPS Coordinates that Weninger Drilling out of Maize, KS provided me for NW 5-27-6. The file # on my application was #51276. Please let me know if any questions and what I need to do for the next steps in the process. I hope I can help this flow smoothly and as fast as possible. Thx for the assistance.

Thanks,

9/19/2024

**Andy Smarsh**  
Helena Agri-Enterprises, LLC  
Division Manager  
West Central Division  
316-640-3248  
[smarsha@helenaagri.com](mailto:smarsha@helenaagri.com)

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**WATER WELL RECORD (WWC-5)**

**DRAFT**

KOLAR DOC ID \_\_\_\_\_

WELL ID \_\_\_\_\_

**LOCATION OF WATER WELL**

Latitude		Longitude		Section		Township		Range		E W	Fraction	¼	¼	¼
Datum		Elevation		County										

**WATER WELL OWNER**

Name	
Business	
Address	
Well location at owner's address	

**WELL WATER USE**

--

**WELL INFORMATION**

Depth of well: _____ ft.
Dry well
Static water level in well: _____ ft. measured below land surface on (mm/dd/yy): _____
measured above land surface on (mm/dd/yy): _____

**PERMIT & ID NUMBERS (AS REQUIRED)**

DWR Application No.: _____
KDHE / EPA Project Code: _____
Site Name: _____
KDHE UIC Class V Form Completed: Yes No
County Permit: Yes No Permit ID: _____
Lease Name & Well #: _____
# of boreholes: _____ # of dewatering wells: _____

**CASING**

Type of blank casing used: \_\_\_\_\_

Casing type details: \_\_\_\_\_

Blank casing diameter: \_\_\_\_\_ inches

Was casing removed? Yes No

Top of casing is currently \_\_\_\_\_ feet  
\_\_\_\_\_ ground

Reason required if top of casing is now less than 5 feet below ground surface for a hand dug well or less than 3 feet below ground surface for all other types of wells. **9/19/2024**

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**KS Dept Of Agriculture**

**GROUT & PLUGGING MATERIALS**

Grout or Plugging interval (ft.)		Material	Description
From	To		

**COMMENTS**

--

**CONTRACTOR'S OR LANDOWNERS CERTIFICATION**

This water well was plugged pursuant to the stated water well contractor's license and was completed on \_\_\_\_\_. I certify that this record is true to the best of my knowledge and belief. This water well record was completed on \_\_\_\_\_ under the business name of \_\_\_\_\_, Kansas Water Well Contractor's License No. \_\_\_\_\_ under the authority of the designated person as defined in K.A.R. 28-30-2(j) and signed and certified by the electronic signature of the designated person at its submittal \_\_\_\_\_.

Send one copy to WATER WELL OWNER and retain one for your records.



Form	WWC5.2- Water Well Record
Doc ID	1795370
Well Owner	Andy Smarsh
Contractor	Weninger Drilling, LLC

Lithology

From	To	Lithology Intervals
0	2	Top Soil
2	4	Fine/Medium Sand w/loose gravel
4	12	Medium/Coarse Sand
12	18	Fine/Medium Sand w/clay streaks
18	21	Medium/Large Gravel
21	24	Tan Clay
24	25	Silty Tan Clay
25	29	Coarse Sand
29	34	Sandstone
34	42	Coarse Gravel w/Medium Sand
42	58	Fine Sand w/Medium Gravel
58	71	Coarse/Medium Sand
71	99	Coarse/Medium Gravel
99	101	Broken Green Shale
101	105	Broken Brown Shale w/ Green Shale Layer
105	110	Broken Brown Shale