

8/13/2024

15:31

8/8/2024, 11:31 AM

Water Resources Received

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KS Dept Of Agriculture

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State of Kansas

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

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

File Number: 51293

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

1. Name of Applicant: ANDREW KWAPNIOSKI Address: 906 OTOE City: MARYSVILLE State: KS Zip Code: 66508 Phone: Email:

2. The source of water is: [x] surface water in BIG BLUE RIVER (stream) [] groundwater in (drainage basin)

3. The maximum annual quantity of water desired is 13.25 [x] acre-feet [] gallons to be diverted at a maximum rate of 1200 [x] 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* [x] 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 Code REG Fee \$ 200 TR# PY2408Q9W32 Receipt Date 08/08/2024 Check # FO 1 GMD - DUA - Use REC Source SW County MS By KJN Date 8/13/24

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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 SW quarter of the SW quarter of the NW quarter of Section 4, more particularly described as being near a point 2724 feet North and 5020 feet West of the Southeast corner of said section, in Township 3 South, Range 7 E W, MARSHALL 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 pump _____ (number of wells, pumps, dams, etc.) and was/will be completed on or by the following date: following approval (Fall 2025) _____ (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 following approval _____ (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.

An accompanying new application for irrigation use will overlap the same point of diversion but will cover a separate place of use.

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:

ANDREW C & KANDY D KWAPNIOSKI

(name, address, and phone)

(name, address, and phone)

8/13/2024

8/8/2024

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File No. _____

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

ANDREW C & KANDY D KWAPNIOSKI

(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:

Andrew Kwapnioski

(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)

8/4/2024

(Date)

Andrew Kwapnioski

(Applicant Name – please print)

Owner

(Applicant Title, if applicable – please print)

Assisted by Lloyd Hemphill

TFO/ES

(office/title)

Date: 7/9/2024

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.

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

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>

DWR Water Appropriation Forms

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>

KGS Water Well Completion Records

<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>

DWR Structures Program

<https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>

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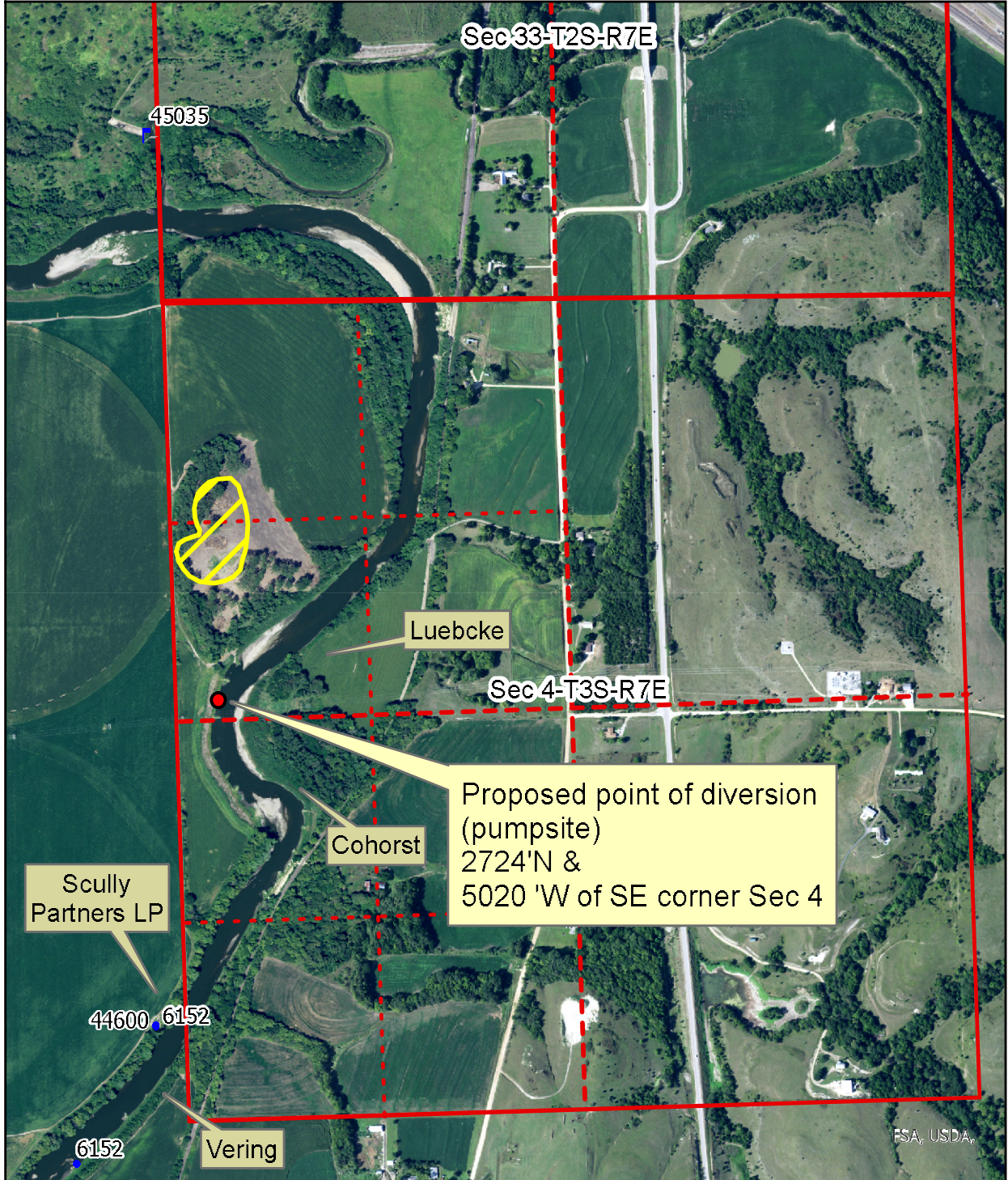
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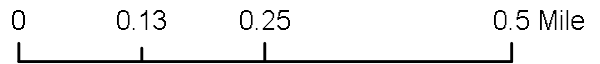
NEW APPLICATION Recreational Use



Map prepared by: LHH/TFO 7.9.2024



Scale: 1:12,000



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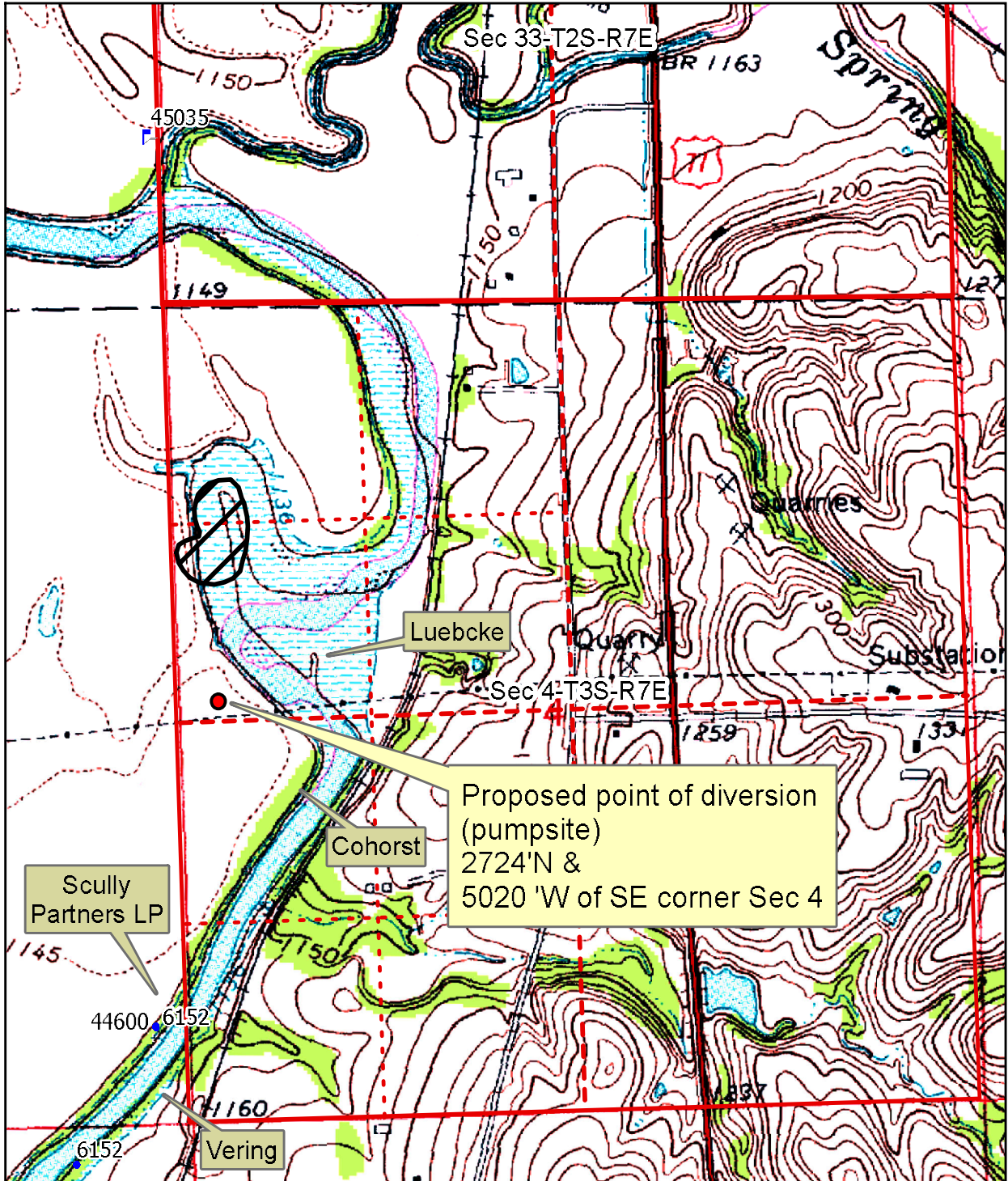
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NEW APPLICATION Recreational Use



Scale: 1:12,000



Map prepared by: LHH/TFO 7.9.2024

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**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Andrew Kwapnioski

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Recreational use in a natural marsh for wildlife/waterfowl habitat and hunting.

2. Please summarize how the water will be used and justify the quantity of water requested: _____
Direct diversion of surface water.
Marsh surface area is approximately 5.3 acres X 2.5 feet total accumulative depth (including water to offset losses to evaporation and seepage) = 13.25 acre-feet.

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	13.25 AF
Year 2	13.25 AF
Year 3	13.25 AF
Year 4	13.25 AF
Year 5	13.25 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

Marsh in West Half of the Northwest Quarter (W1/2 NW1/4) of Section 4-Township 3 South-Range 7
East, Marshall County, KS

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

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Upstream and downstream landowners within ½ mile of the project property.

Upstream

DAVID L & ALAYCIA LUEBCKE
1309 E RIVER RD
MARYSVILLE, KS 66508

Downstream

E MAY COHORST TRUST J
957 LINDEN RD
MARYSVILLE, KS 66508

FRANCIS A VERING TRUST
1409 EAST RIVER RD
MARYSVILLE, KS 66508

SCULLY PARTNERS LP
PO BOX 489
BEATRICE, NE 68310

Project property

ANDREW C. & KANDY D KWAPNIOSKI
906 OTOE
MARYSVILLE, KS 66508

File No. _____

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

ANDREW C & KANDY D KWAPNIOSKI

(name, address, and phone)

(name, address, and phone)

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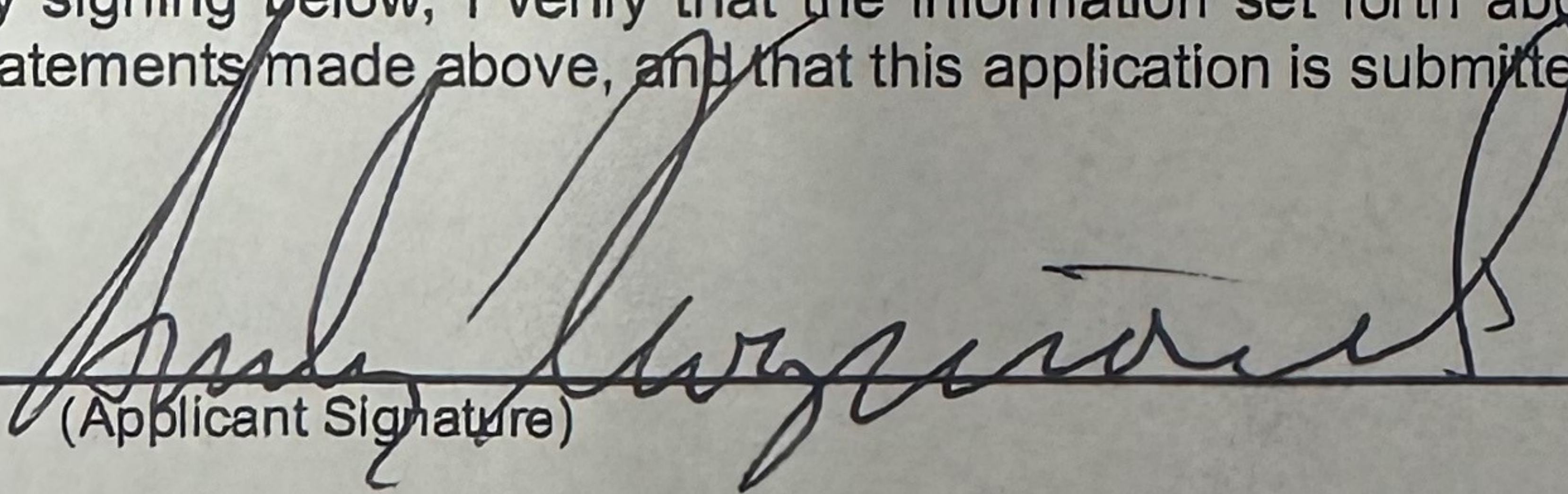
Andrew Kwapnioski

(name, address, and phone)

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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)

8/4/2024

(Date)

Andrew Kwapnioski

(Applicant Name – please print)

Owner

(Applicant Title, if applicable – please print)

Assisted by **Lloyd Hemphill**

TFO/ES

(office/title)

Date: **7/9/2024**

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 23, 2024

ANDREW KWAPNIOSKI
906 O TOE
MARYSVILLE KS 66508

RE: Application, File No(s). **51293**

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