

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.

51328

File Number: _____

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

1. Name of Applicant: Ducks Unlimited Inc./Chris Thornton
Address: 8890 East U.S. Highway 24
City: Manhattan State: KS Zip Code: 66502
Phone: 912-294-7182 Email: cthorton@ducks.org

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

3. The maximum annual quantity of water desired is 8.2 acre-feet gallons
to be diverted at a maximum rate of 300 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 8.2 acre-feet gallons, at a rate of 300 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	<u>2</u>	GMD	-	DUA	-	Use	<u>REC</u>
Code	<u>REG</u>	Fee \$	<u>200</u>	TR #	<u>PY2410FB832</u>	Source	<u>SW</u>
				Receipt Date	<u>10/03/2024</u>	County	<u>HV</u>
						By	<u>KJN</u>
						Date	<u>10/4/24</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 SE quarter of the NW quarter of Section 11, more particularly described as being near a point 3,590 feet North and 2,904 feet West of the Southeast corner of said section, in Township 22 South, Range 1 E W, Harvey 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 wetland with embankment and one pump location
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: 12/31/2024
(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 Upon approval with a target date of 10/01/2025
(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.

N/A	10/3/2024
-----	-----------

Water Resources
Received

File No. _____

KS Dept Of Agriculture

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: Floodplain Fill Permit Approved

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:

Jake Brubacher (Brubacher Family Farms LLC) 3905 W 90th Street Prairie Village KS 66207

(name, address, and phone)

(name, address, and phone)

Water Resources
Received

File No. _____

KS Dept Of Agriculture

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

Jake Brubacher (Brubacher Family Farms LLC) 3905 W 90th Street Prairie Village KS 66207
(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:

Jake Brubacher (Brubacher Family Farms LLC) 3905 W 90th Street Prairie Village KS 66207
(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.

Christopher J. Thornton
(Applicant Signature)

09/19/2024
(Date)

Christopher J. Thornton
(Applicant Name – please print)

Biologist II - Ducks Unlimited Inc.
(Applicant Title, if applicable – please print)

Assisted by _____ Date: _____
(office/title)

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

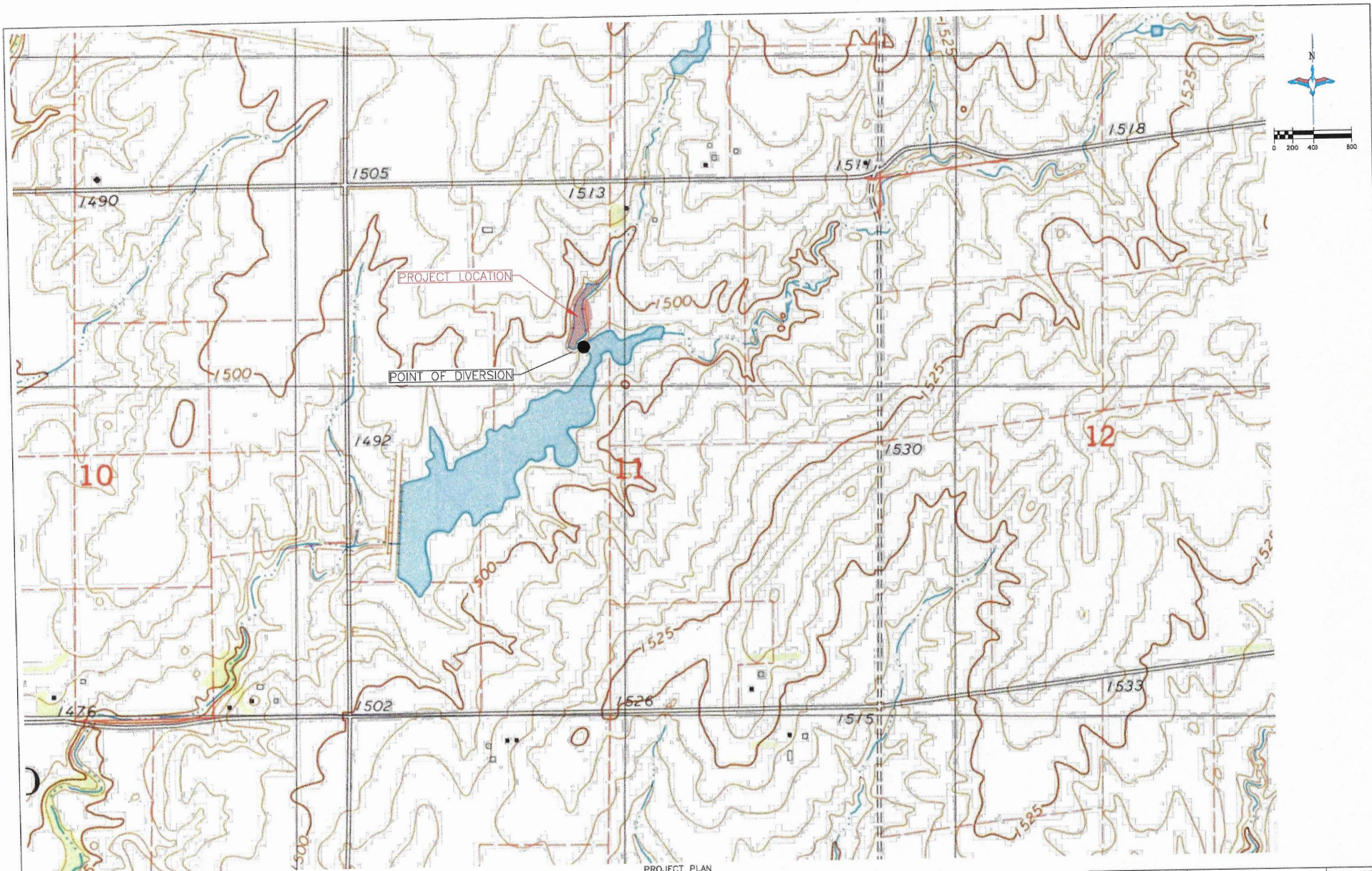
Stockton Field Office
820 S. Walnut
Stockton, KS 67669
785-425-6787

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
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>



THIS MATERIAL, DATA AND INFORMATION IS THE PROPERTY OF DUCKS UNLIMITED, INC. IT MAY NOT BE USED OR REPRODUCED FOR ANY PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF AN AUTHORIZED AGENT OF DUCKS UNLIMITED, INC. DUCKS UNLIMITED, INC. MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND REGARDING THE MATERIAL, DATA AND INFORMATION, INCLUDING, BUT NOT LIMITED TO, THE ACCURACY OF THE MATERIAL, DATA AND INFORMATION OR ITS SUITABILITY FOR ANY PURPOSE. ALL USE OF THE MATERIAL, DATA AND INFORMATION IS AT THE USER'S SOLE RISK. BY USING ANY OF THIS MATERIAL, DATA AND INFORMATION, USER AGREES THAT DUCKS UNLIMITED, INC. IS NOT RESPONSIBLE FOR THEIR USE OF THE MATERIAL, DATA AND INFORMATION OR THE RESULTS THEREOF.

PROJECT PLAN
SCALE 1"=400'

DUCKS UNLIMITED GREAT PLAINS REGIONAL OFFICE DATE: 5/4/2024	PROJECT NO. KS-295-1 BRUBACHER FAMILY WETLANDS	DESIGNED BY: CAR DRAWN BY: CAR SURVEYED BY: CAR
	USGS TOPOGRAPHIC MAP	APPROVED BY: _____ APPROVED BY: _____

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Ducks Unlimited Inc./Chris Thornton

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Recreational - Wetland restoration/development for migratory bird habitat and hunting.

2. Please summarize how the water will be used and justify the quantity of water requested: _____
Water will be pumped from a point of diversion to maintain a 2.7AF seasonal wetland on dry
years, as needed. Justifiable quantity below is for seasonal flooding and is estimated to occur
for approximately only 6 months each calendar year, if needed.
8.2 AF per year requested is to mitigate loss of water via evaporation and seepage.

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	8.2 AF
Year 2	8.2 AF
Year 3	8.2 AF
Year 4	8.2 AF
Year 5	8.2 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.

1 Wetland in the SW 1/4 of Section 11, Township 22S, Range 01E

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

**Landowners located within ½ mile upstream and downstream of the
project property lines**

10/3/2024

1.) Wilma Schmidt Trust
200 E 24th Street
North Newton, KS 67117

Water Resources
Received

2.) Bruce and Sondra Cowan
3011 SW 48th Street
Newton, KS 67114

KS Dept Of Agriculture

The landowner of the subject property owns >1/2 mile of the creek to the west of the point of diversion.