

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.

WATER RESOURCES
RECEIVED

51397

File Number: _____

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

JAN 14 2025

KS DEPT OF AGRICULTURE

10:30 AM

1. Name of Applicant: KM Ranch LLC
Address: 4206 S 359th St W
City: Liberty State: KS Zip Code: 67025
Phone: 316-249-3271 Email: HandKale3@gmail.com

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

1/14/2025
KJN

3. The maximum annual quantity of water desired is 186 acf Ft acre-feet gallons
to be diverted at a maximum rate of 800 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	<u>2</u>	GMD	-	DUA	-	Use	<u>REC</u>
Source	<u>GW</u>	County	<u>SG</u>	By	<u>KJN</u>	Date	<u>1/14/25</u>
Code	<u>PE2</u>	Fee \$	<u>300</u>	TR #	<u>PY2501M4V73</u>	Receipt Date	<u>1/14/2024</u>
						Check #	_____

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:

Kelch Howell 4208 S 359th St W Chaney KS 67025 316-249-3771
(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.

[Signature] _____ 1-10-25
(Applicant Signature) (Date)

Kelch Howell
(Applicant Name - please print)

Owner
(Applicant Title, if applicable - please print)

Assisted by _____ Date: _____
(office/title)

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Based on feet distances, won't meet the definition of a battery of wells. Will need to work with applicant*

1/14/2025
KJN

File No. _____

KS DEPT OF AGRICULTURE

- 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 33, more particularly described as being near a point 9118 feet North and 1206 feet West of the Southeast corner of said section, in Township 28 South, Range 4 E W, Sedgwick County, KS. A.K.A: _____
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section 33, more particularly described as being near a point 3496 feet North and 990 feet West of the Southeast corner of said section, in Township 28 South, Range 4 E W, Sedgwick County, KS. A.K.A: _____
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section 33, more particularly described as being near a point 1846 feet North and 525 feet West of the Southeast corner of said section, in Township 28 South, Range 4 E W, _____ County, KS. A.K.A: _____
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section 33, more particularly described as being near a point 270 feet North and 1200 feet West of the Southeast corner of said section, in Township 28 South, Range 4 E W, _____ County, KS. A.K.A: _____
- (E) One in the _____ quarter of the _____ quarter of the _____ quarter of Section 33, more particularly described as being near a point 2481 feet North and 979 feet West of the Southeast corner of said section, in Township 28 South, Range 4 E W, SG County, KS. A.K.A: _____

GEOCENTER:

- 6. The proposed project for diversion of water will consist of 4 wells
(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.

None

JAN 14 2025

KS DEPT OF AGRICULTURE

RECREATIONAL USE
SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): KM Ranch LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
Wetland Habitat

2. Please summarize how the water will be used and justify the quantity of water requested: _____
24 inches x 53 acres + 53 acres @ 18 inches per fill = 186 ac-ft

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	186 ac-ft
Year 2	186 ac-ft
Year 3	186 ac-ft
Year 4	186 ac-ft
Year 5	186 ac-ft

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.

~~NE 1/4 EXC N 466.96 FT E 466.9 FT SEC 33-28-4W
SE 1/4 EXC TA PT FOR ROW ON S 1/2 SEC 33-28-4W~~

NE 1/4 & SE 1/4 OF 33-28S-4W

1/14/2025
KJN

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

JAN 14 2025

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: _____

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	12-11-24	12-11-24	_____	_____	_____
Total depth of well	100 ft	100 ft	_____	_____	_____
Depth to static water level	_____	_____	_____	_____	_____

13. The owner(s) of the point of diversion, if other than the applicant is:

(name, address, and phone)

(name, address, and phone)

JAN 14 2025

FEE SCHEDULE

Make checks payable to the Kansas Department of Agriculture.

KS DEPT 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>

Corrected

WATER WELL RECORD (WWC-5)

Plugged

1806297

LOCATION OF WATER WELL

Latitude	37.474002	Longitude	-97.755583	Section	33	Township	28	Range	4	Direction	SW NE NW SE
Denote	WGSS4	Elevation	1341	County	Sedgwick						

WATER WELL OWNER

Name: Kaleb Howell
 Business:
 Address: 4208 S 395th St W
 Cheney KS 67025
 Well location: From W 63rd St S & S 375th St W go 723 ft South and 633 ft West
 at owner's address
 Cheney KS 67025

WELL WATER USE

Other Uncased Test Hole

WELL INFORMATION

Depth of well: 80 ft
 Dry well
 Static water level in well: 10 ft
 measured below land surface on (mm/dd/yy): 12/09/2024
 measured above land surface on (mm/dd/yy):

PERMIT & ID NUMBERS (AS REQUIRED)

DWR Application No.
 KDPH / EPA Permit Code
 Site Name
 KDPH / DNR Class V Permit Compliance No.
 County Permit Yes No Permit ID
 Lease Name & Well No.
 # of boreholes # of monitoring wells

CASING

Type of blank casing used: None
 Casing type details:
 Blank casing diameter: 0 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.

GROUT & PLUGGING MATERIALS

Grout or Plugging Interval (ft.)		Material	Description
From	To		
0	3	other	Compacted Clays
3	10	bentonite	
10	80	other	Gravel

COMMENTS

Estimated Yield 20 gallons per minute.
 Estimated Yield 100 gpm

CONTRACTOR'S OR LANDOWNERS CERTIFICATION

This water well was plugged pursuant to the stated water well contractor's license and was completed on 12/09/2024. I certify that this record is true to the best of my knowledge and belief. This water well record was completed on 12/10/2024 under the business name of Weninger Drilling, LLC, Kansas Water Well Contractor's License No. 884 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 Travis Cutler

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

WATER RESOURCES RECEIVED

JAN 14 2025

KS DEPT OF AGRICULTURE

Form	WWC5 2-Water Well Record
Doc ID	1806293
Well Owner	Kaleb Howell
Contractor	Weninger Drilling, LLC

Lithology

From	To	Lithology Intervals
0	2	Top Soil
2	8	Red Clay
8	17	Weathered Red Shale
17	21	Weathered Green Shale
21	56	Weathered Red Shale
56	80	Slightly Weathered Red Shale w/Green Shale Layer

WATER RESOURCES
RECEIVED

JAN 14 2025

KS DEPT OF AGRICULTURE

Corrected

WATER WELL RECORD (WWC-5)

Plugged

WELLER NO. 1806293

LOCATION OF WATER WELL

Latitude	37.582856	Longitude	-97.758968	Section	33	Township	28	Range	4	Fraction	SW	SE	SW
Datum	WGS84	Elevation	1337	County	Sedgwick								

WATER WELL OWNER

Name: Keleb Howell

Business:

Address: 4208 S 359th St W
Cheney KS 67025

Well location: From W 71st St S & S 375th St
W go 316 ft North and 1095 ft
W
Cheney, KS 67025

at owner's address

WELL WATER USE

Other Uncased Test Hole

WELL INFORMATION

Depth of well: 80 ft.

Dry well

Static water level in well: 10 ft.

measured below land surface on (mm/dd/yy): 12/09/2024

measured above land surface on (mm/dd/yy):

PERMIT & ID NUMBERS (AS REQUIRED)

DWR Application No.:

KDHE/FDA Project No.:

Site Name:

KDHE UIC, Class V Permit Completed: Yes No

Ground Permit: Yes No Permit ID:

Lease Name & Well #:

of boreholes: 1 # of drawdown points:

CASING

Type of blank casing used: None

Casing type details:

Blank casing diameter: 0 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.

GROUT & PLUGGING MATERIALS

Grout or Plugging Interval (ft.)		Material	Description
From	To		
0	3	other	Compacted Clays
3	10	bentonite	
10	80	other	Gravel

COMMENTS

Estimated Yield 20 gallons per minute.

Estimated yield 100gpm

CONTRACTOR'S OR LANDOWNERS CERTIFICATION

This water well was plugged pursuant to the stated water well contractor's license and was completed on 12/09/2024. I certify that this record is true to the best of my knowledge and belief. This water well record was completed on 12/10/2024 under the business name of Weninger Drilling LLC, Kansas Water Well Contractor's License No. 881 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 Travis Cutler.

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

WATER RESOURCES RECEIVED

JAN 14 2025

KS DEPT OF AGRICULTURE

Form	WWCS 2-Water Well Record
Doc ID	1806297
Well Owner	Kaleb Howell
Contractor	Weninger Drilling, LLC

Lithology

From	To	Lithology Intervals
0	2	Top Soil
2	9	Red Clay
9	29	Weathered Red Shale
29	33	Weathered Green Shale
33	63	Weathered Red Shale
63	80	Slightly Weathered Red Shale w/Green Shale Layer

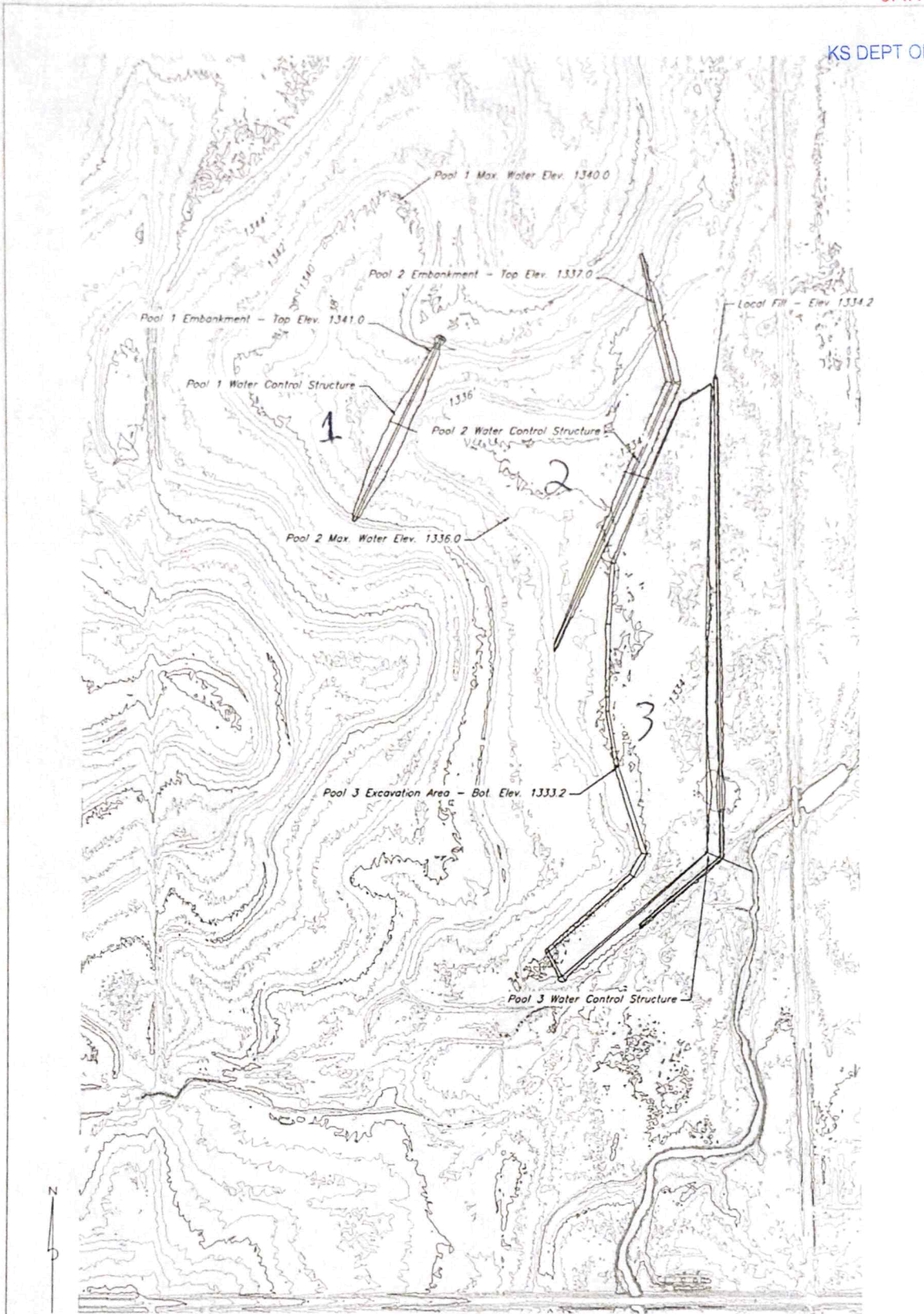
WATER RESOURCES
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JAN 14 2025

KS DEPT OF AGRICULTURE

JAN 14 2025

KS DEPT OF AGRICULTURE



Topographic Plan View

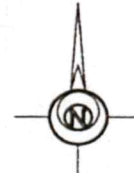
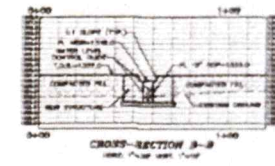
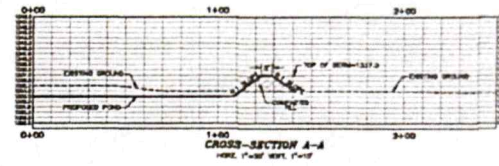
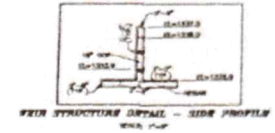
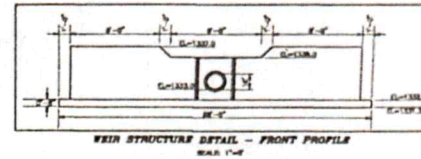
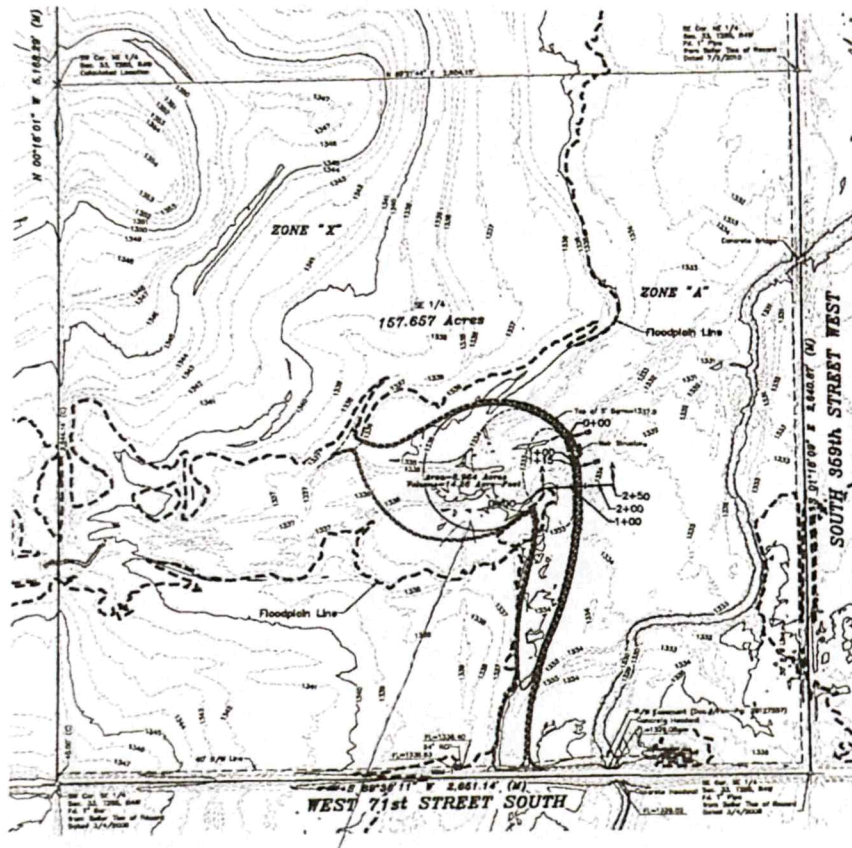
702129 837 741
Sheet 1197
Drawing Name
KM Ranch, ORA17
USDA United States Department of Agriculture
Natural Resources Conservation Service

KM Ranch
Wetland Creation
E2 Section 33-T28S-R4W
Sedgwick County

	Designated	Drawn	Checked	Approved	Date
	----	NMB	----	----	10/24

JAN 14 2025

KS DEPT OF AGRICULTURE



0 200 400 600
BASIS OF BEARING = NAD 83 KANSAS SOUTH ZONE

- LEGEND**
- 2 - Proposed Improvement
 - 2 - Proposed
 - 2 - Proposed
 - 2 - Proposed

REMARKS:
This is a plan view of the proposed weir structure. The structure is located at the intersection of the South 369th Street West and West 71st Street South. The structure is 100 feet long and 10 feet wide. The structure is located at station 14+00 on the South 369th Street West.

DESCRIPTION OF RECORD (Check/Proposed/UNKNOWN):
The East half of Section 33, Township 28 North, Range 4 West of the 9th Principal Meridian, Sedgewick County, Kansas, 13377' 10" 1/2' NORTH 13377' 10" 1/2' WEST of the East 1/2 of the East 1/2 of the North Quarter of Section 33, Township 28 North, Range 4 West of the 9th Principal Meridian, Sedgewick County, Kansas.

SURVEYOR'S CERTIFICATE:
I hereby certify that this is a true and correct copy of the original map as shown to me by the owner, and that the same is a true and correct copy of the original map as shown to me by the owner, and that the same is a true and correct copy of the original map as shown to me by the owner.



Prepared by: **KALEN HOWELL**

Project: **A PORTION OF THE R 1/2 SECTION 33, T28N, R39W, SEDGEWICK COUNTY, KANSAS**

Approved by: **Garber Surveying Service, P.A.**

GSS DUTCHMAN SURVEYING SERVICE, P.A. 1000 West 10th Street, Topeka, KS 66604-1000
 785-863-1000 785-863-1000 785-863-1000
 785-863-1000 785-863-1000 785-863-1000

Drawn by: [] Date: 11-11-2024 Sheet of 1 of 1
 Checked by: [] Date: 12-12-2024 Sheet 1 of 1

#H

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 24, 2025

KM RANCH LLC
4208 S 359TH ST W
CHENEY KS 67025

RE: Application, File No(s). **51397**

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 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