

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

**50721**

File Number \_\_\_\_\_  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
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**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

**FEB 11 2022**  
**11:24**  
KS DEPT OF AGRICULTURE

*To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, Kansas 66502:*

1. Name of Applicant (Please Print): K & K LAND LLC C/O BENSON KEIL  
Address: 1912 UNION RD  
City: CONCORDIA State KS Zip Code 66901  
Telephone Number: (785) 243-4510

2. The source of water is:  surface water in \_\_\_\_\_ (stream)  
OR  groundwater in REPUBLICAN (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 207 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 400 gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):  
(a)  Artificial Recharge (b)  Irrigation (c)  Recreational (d)  Water Power  
(e)  Industrial (f)  Municipal (g)  Stockwatering (h)  Sediment Control  
(i)  Domestic (j)  Dewatering (k)  Hydraulic Dredging (l)  Fire Protection  
(m)  Thermal Exchange (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:									
F.O. <u>3</u>	GMD	Meets K.A.R. 5-3-1 (YES/NO)	Use <u>IRR</u>	Source <u>G</u> /S	County <u>CD</u>	By <u>BMM</u>	Date <u>2/15/22</u>		
Code <u>RE2</u>		Fee \$ <u>300</u>	TR # _____	Receipt Date <u>2-11-22</u>	Check # <u>23602</u>				



5. The location of the proposed wells, pump sites or other works for diversion of water is:

**Note:** For the application to be accepted, the point of diversion location 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.

- (A) One in the SW quarter of the NE quarter of the NE quarter of Section 13, more particularly described as being near a point 4601 feet North and 1110 feet West of the Southeast corner of said section, in Township 05 South, Range 03 West, Cloud County, Kansas.
- (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 \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (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 \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (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 \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

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 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Kristine Guevara, Trustee of Kristine Kollath Rev Trust, 1865 Union Rd, Concordia, KS 66901 785-275-1755  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2-8, 2022 Hand by Ben Kollath  
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of A BATTERY OF 4 WELLS

and WILL BE completed (by) 2023  
(number of wells, pumps or dams, etc.)

(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2023  
(Mo/Day/Year)

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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 the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

• If yes, show the Water Structures permit number here N/A

• If no, explain here why a Water Structures permit is not required N/A

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points 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.

THIS APPLICATION IS FOR 159 ACRES AND ALSO PROPOSED TO BE OVERLAPPED IN PLACE OF USE WITH FILES 5788, 9889, 24336, 30287, 36570, 39384, 39813, 39932, 39952, 44297, 49916 & 49917

CHANGES IN PLACES OF USE FOR THE ABOVE FILES WILL BE SUBMITTED PENDING APPROVAL OF THIS APPLICATION TO CREATE A COMPLETE OVERLAP OF PLACE OF USE.

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from:  Test holes  Well as completed  Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	<u>1/12/2022</u>	_____	_____	_____
Total depth of well	<u>67</u>	_____	_____	_____
Depth to water bearing formation	<u>48</u>	_____	_____	_____
Depth to static water level	<u>13</u>	_____	_____	_____
Depth to bottom of pump intake pipe	<u>67</u>	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of owner  
(owner, tenant, agent or otherwise)

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

\_\_\_\_\_  
(name, address and telephone number)

\_\_\_\_\_  
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Concordia, Kansas, this 28th day of February, 2022.  
(month) (year)

K K Land LLC by Ben Neil member  
(Applicant Signature)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by M Billinger \_\_\_\_\_ Asst WC \_\_\_\_\_ Date: 1/28/22  
(office/title)

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## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage 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 a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### **MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE**

#### **ATTENTION**

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### **CONVERSION FACTORS**

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

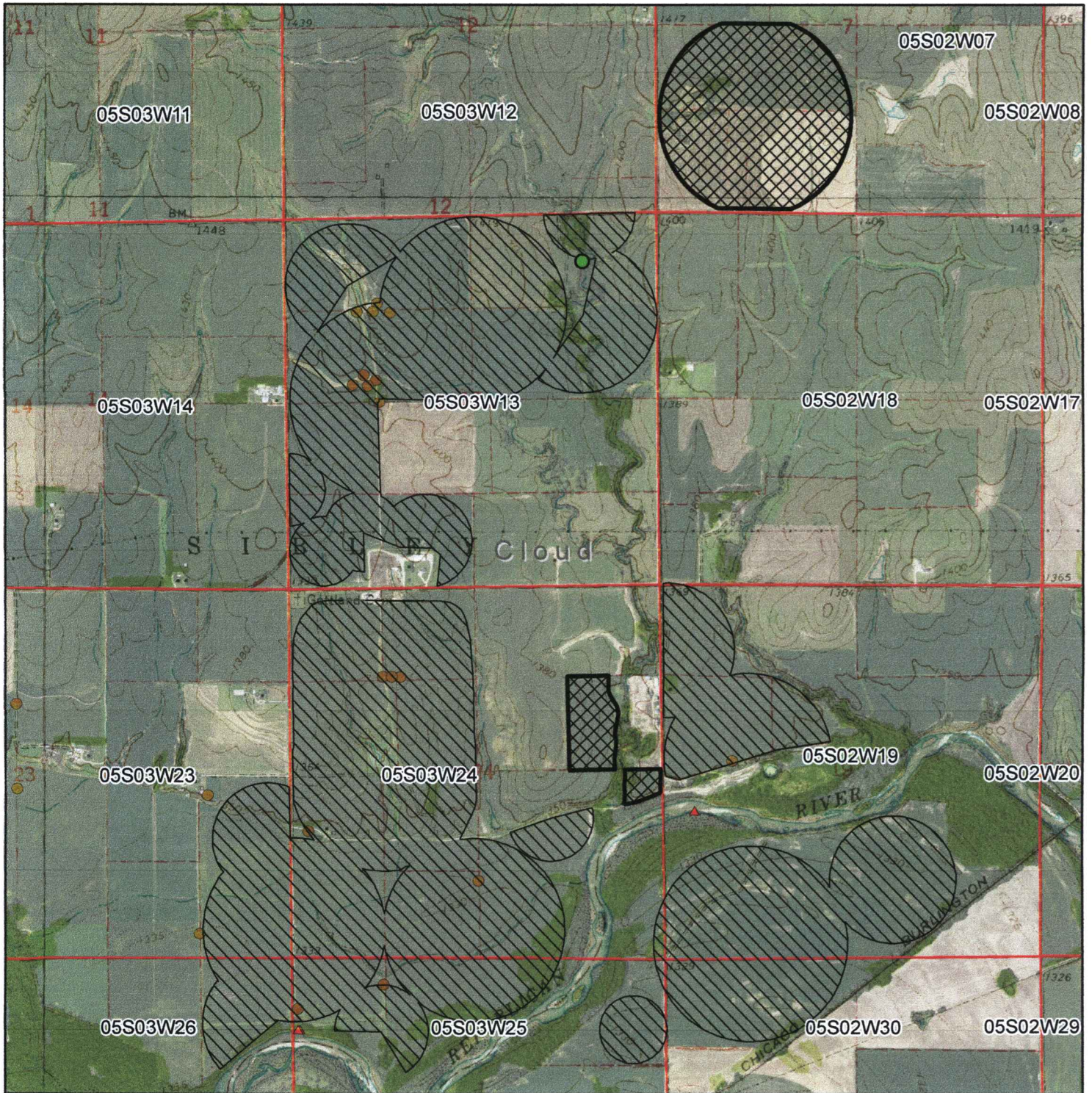
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New Application - Groundwater  
 Assisted by Division of Water Resources  
 Stockton Field Office



Proposed Place of Use



Surface Water Point of Diversion

1:24,000



Proposed Point of Diversion



Groundwater Point of Diversion



Proposed Acres Additional to 5788 etal.

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Signature Required

*KoK Land LLC by Ben Keil member*

By signing this I am stating that to the best of my knowledge that all wells within 1/2 mile of proposed well location are identified on this map.



2-8-2022

(Date)

Kansas Department of Agriculture  
Division of Water Resources  
Earl D. Lewis, Jr., Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

Re: Application  
File No. \_\_\_\_\_

Minimum Desirable Streamflow

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also 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. I realize that this could affect the economics of my decision to appropriate water.

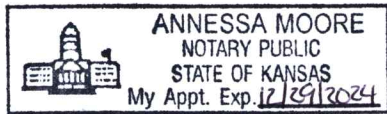
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

*K+K Land LLC by Ben Keit member*  
Signature of Applicant

State of Kansas )  
County of Cloud ) ss )

*K+K Land LLC by Ben Keit member*  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 8<sup>th</sup> day of February, 2022.



*Annessa Moore*  
Notary Public

My Commission Expires:

12/29/2024

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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

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## IRRIGATION USE SUPPLEMENTAL SHEET

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

Name of Applicant (Please Print): BENSON KEIL

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: HAZEL E KEIL TRUST #1 W BENSON KEIL TTEE  
 ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	5S	3W			36	30			34	40									140
24	5S	3W						32	38.5	38	38.5								186
25	5S	3W		17			30	3		2									52

**Landowner of Record** NAME: K&K LAND LLC  
 ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19	5S	2W						27	37	19	5.5	4.5	39	39	0.5	18.5	31	2	223
13	5S	3W					33	27				35							95
23	5S	3W												26				35	61
24	5S	3W				20	32					38	38	8	14	35	2		187
25	5S	3W	15					24											41
26	5S	3W	31			2													33
30	5S	3W					24	30											54
7	5S	2W									33.5	33.5							67

**Landowner of Record** NAME: BENSON W KEIL TRUST #1 BENSON W & JUDY A KEIL TTEES  
 ADDRESS: 1912 UNION RD CONCORDIA, KS 66901-9652

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	5S	3W											30	23					53

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Landowner of Record NAME: KRISTINE A KOLLATH REV TRUST

ADDRESS: 1865 UNION RD CONCORDIA, KS 66901

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	3S	5W	25	32															57

Landowner of Record NAME: **K2 LAND LLC**

ADDRESS: **1733 UNION RD CONCORDIA, KS 66901**

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<b>7</b>	<b>5S</b>	<b>2W</b>																	<b>67</b>

\*\*NOTE THAT ADDITIONAL ACRE MODIFICATIONS TO THE 5788 ETAL PLACE OF USE ARE HIGHLIGHTED IN YELLOW AND IN BOLD

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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: IRRIGATION SCHEDULING

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 35 \_\_\_\_\_ 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: CORN, SOYBEANS, WHEAT, ALFALFA, SORGHUM

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). SOIL MOISTURE

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



WATER WELL RECORD Form WWC-5

Division of Water Resources App. No.

Original Record Correction Change in Well Use

Well ID

1 LOCATION OF WATER WELL: County: Cloud

Fraction NW 1/4 NW 1/4 SE 1/4 NE 1/4

Section Number 13

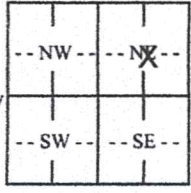
Township Number T 5 S

Range Number R 3 E W

2 WELL OWNER: Last Name: KEIL First: BENSON Business: Address: 1912 UNION RD City: CONCORDIA State: KS ZIP: 66901

Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: RIVER BOTTOM RD AND 180TH RD NE OF CONCORDIA KS

3 LOCATE WELL WITH 'X' IN SECTION BOX: N



4 DEPTH OF COMPLETED WELL: 67 ft. Depth(s) Groundwater Encountered: 1) 48 ft. 2) ft. 3) ft. or 4) Dry Well WELL'S STATIC WATER LEVEL: 13 ft. below land surface, measured on (mo-day-yr) 1/11/2022

5 Latitude: 39.620665 (decimal degrees) Longitude: -97.598386 (decimal degrees) Datum: WGS 84 NAD 83 NAD 27 Source for Latitude/Longitude: GPS (unit make/model) (WAAS enabled? Yes No) Land Survey Topographic Map Online Mapper

7 WELL WATER TO BE USED AS:

- 1. Domestic: Household, Lawn & Garden, Livestock, Irrigation, Feedlot, Industrial
2. Public Water Supply: well ID
3. Dewatering: how many wells?
4. Aquifer Recharge: well ID
5. Monitoring: well ID
6. Environmental Remediation: well ID
7. Air Sparge, Soil Vapor Extraction, Recovery, Injection
8. Oil Field Water Supply: lease
9. Test Hole: well ID
10. Cased, Uncased, Geotechnical
11. Geothermal: how many bores?
12. Closed Loop, Horizontal, Vertical, Open Loop, Surface Discharge, Inj. of Water
13. Other (specify): IRRIGATION TEST WELL

Was a chemical/bacteriological sample submitted to KDHE? Yes No If yes, date sample was submitted: Water well disinfected? Yes No

8 TYPE OF CASING USED: Steel PVC Other CASING JOINTS: Glued Clamped Welded Threaded Casing diameter 5 in. to 47 ft., Diameter in. to ft., Diameter in. to ft. Casing height above land surface 12 in. Weight lbs./ft. Wall thickness or gauge No. 214

TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel PVC Other (Specify) Brass Galvanized Steel None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: Continuous Slot Mill Slot Gauze Wrapped Torch Cut Drilled Holes Other (Specify) Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole)

SCREEN-PERFORATED INTERVALS: From 47 ft. to 67 ft., From ft. to ft., From ft. to ft. GRAVEL PACK INTERVALS: From 20 ft. to 67 ft., From ft. to ft., From ft. to ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other Grout Intervals: From 0 ft. to 20 ft., From ft. to ft. to ft.

Nearest source of possible contamination: No potential source of contamination within 200 ft. Septic Tank Lateral Lines Pit Privy Livestock Pens Insecticide Storage Sewer Lines Cess Pool Sewage Lagoon Fuel Storage Abandoned Water Well Watertight Sewer Lines Seepage Pit Feedyard Fertilizer Storage Oil Well/Gas Well Other (Specify)

Table with columns: 10 FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Rows: 0-48 CLAY, 48-61 DIRTY LARGE GRAVEL / CLAY, 61-70 SHALE. Includes 'WATER RESOURCES RECEIVED' and 'FEB 11 2022' stamps. Notes: KS DEPT OF AGRICULTURE

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) 1/11/2022 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 897 This Water Well Record was completed on (mo-day-year) 1/12/2022 under the business name of Peterson McNett Drilling, Inc.