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

Kansas
Department of Agriculture

Mike Beam, Secretary

WATER RESOURCES
RECEIVED
MAY 31 2022
12:18
KS DEPT OF AGRICULTURE

900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Laura Kelly, Governor

Please notify applicant before sending out nearby letters.

BMM 6/15/22

File Number **50803**
This item to be completed by the Division of 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.)

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): JOE HERZ

   Address: 970 W RD

   City: BURR OAK State KS Zip Code 66936

   Telephone Number: (785) 282-4717

   will need stream name

2. The source of water is: ☒ surface water in BURR OAK CREEK (TRIB OF WHITE ROCK CREEK) (stream)

   REPUBLICAN ??

   OR ☐ groundwater in _____ (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 ~~290~~ 563.51 AF natural flows, 290 AF rediverted acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of nat flow gallons per minute OR _____ cubic feet per second. 3000 gpm rediversion rate

   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. 3 GMD ____ Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G / S County JW By BMM Date 6/1/22
Code RE2 Fee $ 300 TR # _____ Receipt Date 5/31 Check # 1840

DWR 1-100 (Revised 05/17/2019)

2 of 2

$80
6/6/2022
LMoody

PY0041475 6/1/2022

Needs Section 6 Signd

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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 NW quarter of the SW quarter of the SW quarter of Section 9, more particularly described as being near a point 673 feet North and 4836 feet West of the Southeast corner of said section, in Township 02 South, Range 09 WEST, JEWELL County, Kansas.

(B) One in the SW quarter of the SE quarter of the SW quarter of Section 9, more particularly described as being near a point 498 feet North and 3301 feet West of the Southeast corner of said section, in Township 02 South, Range 09 WEST, JEWELL County, Kansas.

(C) One in the NW quarter of the NE quarter of the SW quarter of Section 9, more particularly described as being near a point 2028 feet North and 3559 feet West of the Southeast corner of said section, in Township 02 South, Range 09 WEST, JEWELL County, Kansas.

(D) One in the NW quarter of the NW quarter of the SE quarter of Section 16, more particularly described as being near a point 2156 feet North and 2216 feet West of the Southeast corner of said section, in Township 02 South, Range 09 WEST, JEWELL 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 (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 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):

_____
(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 _____, 20____. _____
> 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 4 DAMS
(number of wells, pumps or dams, etc.)
and WILL BE completed (by) 12/31/2023.
(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 PENDING
- If no, explain here why a Water Structures permit is not required _____

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 ½ 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 ½ mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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 app proposes 4 dams to collect natural flow and act as offsite storage for a surface water diversion in Burr Oak Creek (see other app). Combined will irrigate 222.5 acres (222.5 X 1.3 af/ac = 290 AF) Combined storage at permanent pool: 26.6+116.7+47.8=220.4 AF. Combined surface acres at permanent pool: 3.73+12.19+5.00+6.79= 27.71 acres. Net evap = 27.71 X 23"/ac= 637.33 AI or 53.11 AF. 220.4 capacity + 53.11 net evap = 273.51 AF. Since storage + evap < direct use (290 AF), 290 AF proposed

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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				
Total depth of well				
Depth to water bearing formation				
Depth to static water level				
Depth to bottom of pump intake pipe				

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 Burr Oak, Kansas, this 23rd day of May (month), 2022 (year).

_____
(Applicant Signature)

By _____
(Agent or Officer Signature)

_____
(Agent or Officer - Please Print)

Assisted by BILLINGER ASST WC (office/title) Date: 5/13/22

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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

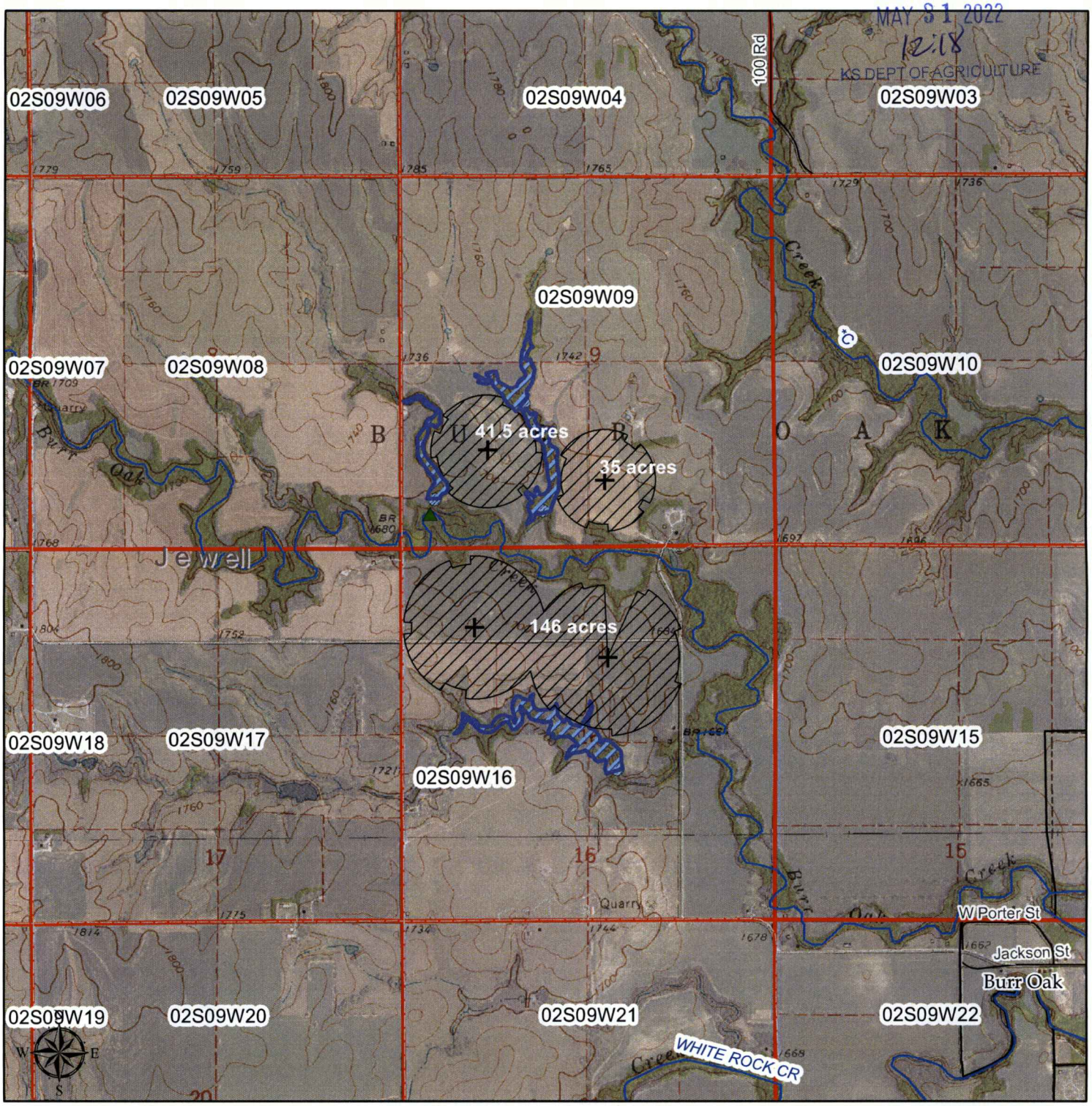
A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the 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

New Application - Surface Water



1:24,000

Signature Required

_____

By signing this I am stating that to the best of my knowledge that all landowners within 1/2 mile upstream and downstream of my property are identified on this map or listed on an attachment to this map.

- Surface Water Point of Diversion
- Groundwater Point of Diversion
- Proposed Point of Diversion
- Proposed Place of Use
- Proposed Off-Site Storage

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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.

Signature of Applicant

Joseph A. Herz
(Print Applicant's Name)

State of Kansas)
) ss
County of Jewell)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 23rd day of May, 2022.

NOTARY PUBLIC - State of Kansas
REBECCA A. McNICHOLS
My Appt Expires 7-26-23

Notary Public

My Commission Expires: 7-26-23

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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): JOE HERZ

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: JOSEPH A HERZ TRUSTEE

ADDRESS: 970 W RD BURR OAK, KS 66936

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	02S	09W		14	34		24.5	30	18	25.5									146
9	02S	09W									9.5	13.5	11.5	16.5		5	20.5		76.5

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):

X 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: ALFALFA, CORN, SORGHUM, WHEAT AND SOYBEANS

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

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

DOUGLAS TRUST

900 OLD ORANGE MILL RD

CANTON, GA 30115

ARYLENE WILSON-CLARK TR

3103 W 79TH ST

PRAIRIE VILLAGE, KS 66208

KEVIN REEVES

920 THOMPSON RD

WEATHERFORD, TX 76087

JOLEEN & RICKY HOWELL

PO BOX 107

ESBON, KS 66941

CURTIS W TERRILL TRUST

ATTN: COLLEN JEFFERY

2745 100 RD

BURR OAK, KS 66936

JAMES C WILLIAMS

2230 90 RD

BURR OAK, KS 66936

PATRICIA ANDERSON & FRISBIE LIV TRUST

2252 120 RD

BURR OAK, KS 66936

KELLY MCNICHOLS

2256 80 RD

BURR OAK, KS 66936

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Kansas
Department of Agriculture

900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 3, 2022

JOE HERZ
970 W RD
BURR OAK KS 66936

RE: Application, File No(s). **50803**

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 Stockton Field Office at 785-425-6787.*Stockton Field Office at 785-425-6787.* If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser
New Applications Lead
Water Appropriation Program

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 50803

APPLICANT PERSON ID & SEQ #		PDIV ID		BATTERY ID
68420		89580		
		89581		
		89582		
		89583		

LANDOWNER PERSON ID & SEQ #		PUSE ID	
68420		70878	
		70879	

WATER USE CORRESPONDENT PERSON ID & SEQ #

68420	