

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.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50120
This item to be completed by the Division of Water Resources.

Water Resources
Received

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.)

SEP 10 2018
12:52
KS Dept Of Agriculture

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Bodenhausen Farms, Inc
Address: 1951 286th Rd
City: Muscota State KS Zip Code 66058
Telephone Number: (913) 370-3766

2. The source of water is: surface water in unnamed tributary to Little Grasshopper creek #2465
(stream)
OR groundwater in Delaware River Basin
(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 780 acre-feet OR Storage 780 or what Drainage will provide gallons per calendar year, to be diverted at a maximum rate of 2500/NF gallons per minute OR Re-divert + 780 AF @ 2,500 gpm. 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. Code	<u>GMD</u>	Meets K.A.R. 5-3-1	<u>(YES)</u>	Use	<u>IRR</u>
	<u>LE3</u>	Fee \$	<u>400</u>	TR #	
		Source	<u>G</u>	County	<u>At</u>
		By	<u>AW</u>	Date	<u>9/10/18</u>
		Receipt Date	<u>9/10/18</u>	Check #	<u>1100</u>

9/13/18 DAW

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 SE quarter of the NE quarter of the SE quarter of Section 33, more particularly described as being near a point 1330 feet North and 500 feet West of the Southeast corner of said section, in Township S South, Range 17 (East) East/West (circle one), Atchison 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):

Same.

(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 9/5, 2018. Chris Boderhausen
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 1 Pond 3 pump
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) Dec 1st 2018
(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 June 1st 2019
(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. 260 Acrc Attached

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 L
- If no, explain here why a Water Structures permit is not required Exempt.

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.

None

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SEP 10 2018

10A

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):
Same
(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 Hiawatha, Kansas, this 5 day of Sept, 2018
(month) (year)

Chris Bodenhausen
(Applicant Signature)


APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By _____
(Agent or Officer Signature)

and/or
APPLICANT(S) TAXPAYER I.D. NO.(S)

(Agent or Officer - Please Print)

Assisted by Keith Corman

MAI, LLC
(office/title)

Date: 9/5/18

Water Resources
Received
SEP 10 2018
KS Dept Of Agriculture

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50126

Name of Applicant (Please Print): Bodenhausen Farms Inc

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: Bodenhausen Farms Inc
ADDRESS: 1951 286th Rd Muscotah KS 66058

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33	5s	17E													40	40	40	30	150
34	5s	17E									40	40	40	36					156
27	5s	17E									40	40	40	40					160

Landowner of Record NAME: Dale & Mary Bodenhausen Trust
ADDRESS: 8593 Bourbon Rd Muscotah KS 66058

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
33	5s	17E	40	40	40	40													160
34	5s	17E					40	40	40	40									160

*786 Acres
Total*

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		

9/5/18
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 50124

Minimum Desirable Streamflow

Dear Sir:

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.

Keith Grimm
Signature of Applicant

State of Kansas)
County of Shawnee) ss

Keith Grimm
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 5 day of Sept, 2018.

Ann M. Murphy
Notary Public

My Commission Expires:



Water Resources
Received

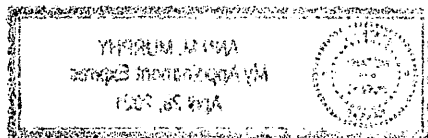
SEP 10 2018

**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



RECEIVED
SEP 10 1988

SEP 10 1988

SEP 10 1988

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

9/13/2018

BODENHAUSEN FARMS, INC
1951 286TH RD
MUSCOTAH, KS 66058

RE: Application, File No. **50126**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number 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 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 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,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources



S27 T5S R17E

S23 T5S R17E

S31 T5S R17E

500ft west
Codehouse / Horner land

1330ft north

294th Rd

286th Rd

Bourbon Rd

Chase Rd

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Google Earth
Earth Point

© 2018 Google

Imagery Date: 4/1/2016 lat 39.576411° lon -95.502441° elev 1044 ft eye alt 14325 ft

Selena



S27 T5S R17E

S33 T5S R17E

S34 T5S R17E

500ft west
Bodenhausen Homeplace

1330ft north

294th Rd

286th Rd

Chase Rd

9

Water Resources
Received
SEP 10 2018
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© 2018 Google

Google Earth
Earth Point

Imagery Date: 4/1/2016 lat 39.576411° lon -95.502441° elev 1044 ft eye alt 14325 ft

52190

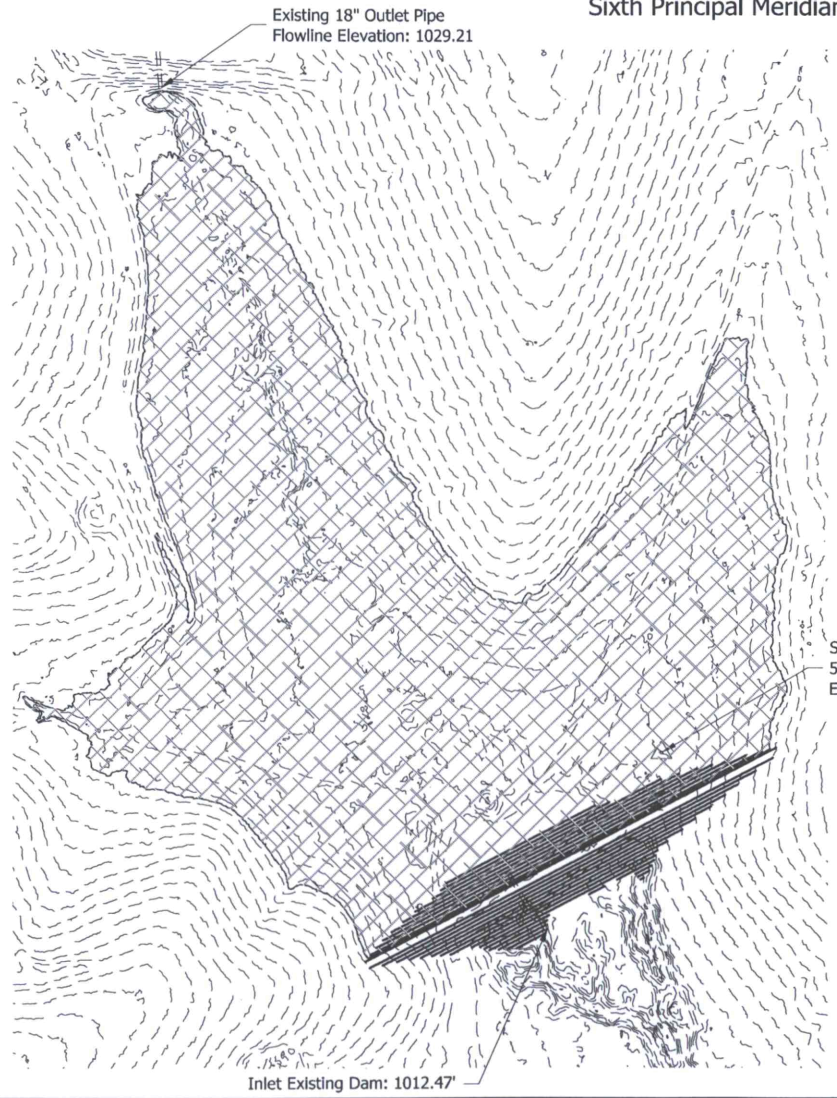
Water Resources
Received

SEP 10 2018

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TOPOGRAPHIC SURVEY

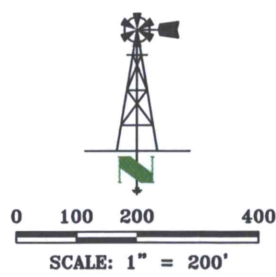
Compute Proposed Stream Obstruction Volume in the Southeast One-Quarter
of Section 33, Township 5 South, Range 17 East of the
Sixth Principal Meridian, Atchison County, Kansas



Contour	Area	1' Volume	Total Volume	Ac. Ft.	Embankment	Height
1013	-					
1014	15,409.61	7,704.81	7,704.805	0.17688		11.90
1015	19,328.29	17,368.95	25,073.755	0.57561		12.90
1016	30,498.32	24,913.31	49,987.060	1.14754		13.90
1017	46,868.92	38,683.62	88,670.680	2.03560		14.90
1018	65,239.97	56,054.45	144,725.125	3.32243		15.90
1019	104,703.21	84,971.59	229,696.715	5.27311		16.90
1020	150,171.15	127,437.18	357,133.895	8.19867		17.90
1021	198,542.54	174,356.85	531,490.740	12.20135		18.90
1022	250,010.18	224,276.36	755,767.100	17.35003		19.90
1023	307,680.74	278,845.46	1,034,612.560	23.75144		20.90
1024	358,974.27	333,327.51	1,367,940.065	31.40358		21.90
1025	411,055.53	385,014.90	1,752,954.965	40.24231		22.90
1026	463,272.72	437,164.13	2,190,119.090	50.27822		23.90
1027	522,503.54	492,888.13	2,683,007.220	61.59337		24.90
1028	588,163.80	555,333.67	3,238,340.890	74.34208	10,373	25.90
1029	660,769.06	624,466.43	3,862,807.320	88.67785	12,425	26.90
1030	733,437.95	697,103.51	4,559,910.825	104.68115	14,656	27.90
1031	801,396.09	767,417.02	5,327,327.845	122.29862	17,068	28.90
1032	862,180.32	831,788.21	6,159,116.050	141.39385	19,659	29.90

ES
TD

Site Benchmark:
5/8" rebar with Control Point cap
Elev: 1019.05'



General Notes for Site:
Field verification of LIDAR done on 09/12/17.
Front toe of obstruction: 1013.13'
Rear toe of obstruction: 1002.10'
Assumed top of obstruction width: 12'
Assumed front and back slope: 3:1

LAND SURVEYOR'S CERTIFICATE
THIS IS TO CERTIFY THAT THIS SURVEY
WAS DONE BY THE UNDERSIGNED, AND
THAT THE SURVEY WAS DONE ON THE
GROUND ON 09/12/17.



THIS DRAWING ORIGINALLY CREATED AT
SPECIFIED SCALE. IF LINE BELOW DOES NOT
MEASURE 1 INCH, DRAWING HAS BEEN
REDUCED.

ORIGINAL DRAWING
SIZE: 1 INCH

JORGENSEN SURVEYING
73051 617 Ave
Tecumseh, NE 68450
(402) 335-2033
jorgensensurveying@gmail.com

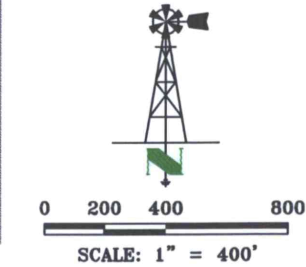
Stream Obstruction
SE 1/4 Sec 33, T5S, R17E
Atchison County, Kansas
PREPARED FOR
MWI - Bodenhausen Farms

SCALE	1"=200'
FIELD ON:	09/12/17
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	09/25/17
SHEET	1 OF 2
JOB NO.	5262.16

5262.16

TOPOGRAPHIC SURVEY
 Compute Proposed Stream Obstruction Volume in the Southeast One-Quarter
 of Section 33, Township 5 South, Range 17 East of the
 Sixth Principal Meridian, Atchison County, Kansas

Existing pond
 Inlet Pipe: 1037.60'
 Outlet Pipe: 1029.21'



Water Resources
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THIS DRAWING ORIGINALLY CREATED AT
 SPECIFIED SCALE. IF LINE BELOW DOES NOT
 MEASURE 1 INCH, DRAWING HAS BEEN
 REDUCED.

ORIGINAL DRAWING
 SIZE: 1 INCH

**JORGENSEN
 SURVEYING**

73051 617 Ave
 Tecumseh, NE 68450
 (402) 335-2033
 jorgensensurveying@gmail.com

Stream Obstruction

SE 1/4 Sec 33, T5S, R17E
 Atchison County, Kansas

PREPARED FOR

MWI - Bodenhausen Farms

SCALE	1"=400'
FIELD ON:	09/12/17
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	09/25/17

SHEET 2 OF 2

JOB NO.
 5262.16

5262.16

Bodenhausen Farms, Inc

Homplace Permit

260acres Drainage

780 acres on permit

Upstream Landowners

All on permit holder land

Downstream Landowners

Kunkle, John

1011 Laramie ST Atchison, KS 66002

Wilson, Thomas C

7913 Chase RD Muscotah, KS 66058

Water Resources
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09105