

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">50,126</p>	2. Status Change Date: <p style="text-align: center;"><u>2/11/2019</u></p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
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5. Status: Approved Denied by DWR/GMD Dismiss by Request/Failure to Return

6. Enclosures: Check Valve N of C Form Water Tube Driller Copy Meter

7a. Applicant(s) Person ID **63758**
New to system Add Seq# _____

BODENHAUSEN FARMS INC
8593 BOURBON RD
MUSCOTAH KS 66058

7b. Landowner(s) Person ID _____
New to system Add Seq# _____

7a.

7c. Landowner(s) Person ID **66615**
New to system Add Seq# _____

DALE & MARY BODENHAUSEN TRUSTS
8593 BOURBON RD
MUSCOTAH KS 66058

7d. Misc. Person ID _____
New to system Add Seq# _____

MIDWEST IRRIGATION
% KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

7a.

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2020** 11. Perfection Date: **12/31/2024** 12. Exp Date: _____

13. Conservation Plan Required? Yes No Date Required: _____ Date Approved: _____ Date to Comply: _____

14. Water Level Measuring Device? Yes No Date to Comply: _____ Date WLMD Installed: _____

Date Prepared: **1/15/2019** By: **DWS**
Date Entered: **2/12/2019** By: **UM**

File No. **50,126** 15. Formation Code: Drainage Basin: Delaware River County: AT Special Use: Stream: Little Grasshopper Creek Trib 10 (Delaware)

16. Points of Diversion										17. Rate and Quantity MOD QTY					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√				87057 SE NE SE	33	5	17E	6	1330	500	2500	325	2500	325	NONE

18. Storage: Rate **NF** Quantity **325** ac/ft Additional Rate **NF** Additional Quantity **325** ac/ft

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2020** Date Acceptable Meter Installed _____

21. Place of Use										NE%				NW%				SW%				SE%				Total	Owner	Chg? NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %						
MOD			69106	√	27	5S	17E	2								Lot 2 30.3	Lot 4 39.0	Lot 3 38.5	Lot 2 32.6					140.4	7a. 63752	No	✓	NONE	
ENT			69299	√	27	5S	17E									Lot 4 9.11			Lot 4 9.26					18.37	7a.	No		NONE	
√			69104	√	33	5S	17E	3												40	40	40	30	150	7a.	No	✓	NONE	
√			69107	√	33	5S	17E	4	40	40	40	40												160	7c. 66415	No Y	✓	NONE	
MOD			69105	√	34	5S	17E	1								Lot 2 29.3	Lot 4 39.5	Lot 3 40.0	Lot 2 26.8					135.6	7a.	No	✓	NONE	
ENT			69300	√	34	5S	17E	1								Lot 4 10.47			Lot 3 10.29					21.39	7a.	No		NONE	
MOD			69108	√	34	5S	17E	2				Lot 1 30.5	Lot 6 38.16	Lot 5 38.6	Lot 1 31.32				10.92					138.58	7c.	No Y	✓	NONE	
ENT			69301	√	34	5S	17E					Lot 6 9.9			Lot 5 10.41									20.31	7c.	No		NONE	

Comments

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 15, 2019

FROM: Doug Schemm

RE: Application, File No. 50,126

Bodenhausen Farms, Inc. has filed the application referred to above for a permit to appropriate 325 acre-feet of surface water storage at the rate of natural flows, and the rediversion of 325 acre-feet for irrigation use. The proposed reservoir is located in the Southeast Quarter of Section 33, in Township 5 South, Range 17 East, Atchison County, Kansas. The dam is located on a tributary to Little Grasshopper Creek, in the Delaware River basin. The point of diversion is located on property owned by the applicant, and the application has been signed stating they have legal access to the point of diversion. The place of use, a total of 784.65 acres, is partly owned by the applicant, and partly owned by Dale & Mary Bodenhausen Trusts. There are no overlapping files in point of diversion or place of use. The application quantity was reduced from 780 acre-feet to 325 acre-feet based on basin run-off potential.

Note that there is a Sediment Control Use reservoir located in a portion of the proposed place of use (Northwest Quarter of Section 34), which is authorized under File No. 45,995 and was constructed and is managed by Delaware Watershed Joint District No. 10. However, deed records show the property is owned by the Dale & Mary Bodenhausen Trusts.

Runoff computations have determined that the 260-acre drainage area will yield 325 acre-feet of runoff quantity (15") in 1 out of every five (5) years (a 20% chance), making this runoff the limiting factor. The application quantity was reduced to this runoff value and agreed to by Keith Grimm in November 1, 2018 e-mail. The requested quantity of water for direct use (rediversion) of 325 acre-feet under the pending application applied to 784.65 acres would be about 5 inches. This is less than the maximum allowable per acre in Atchison County, Kansas of 1.0 AF/acre, per K.A.R. 5-3-24. However, the applicant's consultant has significant experience using these lesser quantities of water in this area of the state. Therefore, the quantity is reasonable for the proposed irrigation project.

The total direct use quantity of 325 acre-feet, is equivalent to 4.4 times the capacity of the reservoir (74 AF), which is well within the normal "rule of thumb" of direct use quantity being no more than 5 times capacity for reasonable storage quantity.

The applicant identified two downstream landowners within one-half (½) mile of the property lines, and noted that all upstream property is on land that he owns. Nearby landowner letters were sent out on November 6, 2018. A telephone call was received from downstream landowner (Wilson) who was concerned that the proposed pond would impact run-off into his downstream reservoir, which he uses for cattle watering (also a SED reservoir under File No. 45,995). Mr. Wilson's reservoir is a large reservoir and has a significant drainage area of over 500 acres (twice this pending application runoff area). We discussed his senior domestic water right, and the requirement for the applicant to bypass inflows if required, and he was satisfied with the response. There are several other surface water rights within a two-mile radius circle according to the WRIS database, primarily SED use. They are all on different streams with the exception of the SED use reservoir on Mr. Wilson's property. No senior water rights will be impaired with approval of this application.

Bodenhausen Farms, Inc.
File No. 50,126
Page 2

The proposed dam was reviewed by DWR Water Structures Program under File No. DAT-0249, and was found to be non-jurisdictional for structures permitting. However the dam has been registered. As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. Since this is an existing reservoir holding water, no Special Condition on the Permit will be needed to provide an initial fill quantity.

In a December 17, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable and justified, the dam is non-jurisdictional for DWR Water Structures Permitting, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

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, Interim Secretary

Laura Kelly, Governor

BODENHAUSEN FARMS INC
8593 BOURBON RD
MUSCOTAH KS 66058

February 15, 2019

FILE COPY

Re: Appropriation of Water, File No. 50,126

Dear Sir or Madam:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed re-diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office
Dale & Mary Bodenhausen Trusts
Midwest Irrigation

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Interim Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION and PERMIT TO PROCEED (This is not a Certificate of Appropriation)

This is to certify that I have examined Application File No. 50,126 of the applicant

BODENHAUSEN FARMS INC
8593 BOURBON RD
MUSCOTAH KS 66058

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **September 10, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	5S	17E									Lot 2 30.3	Lot 4 39.0	Lot 3 38.5	Lot 2 32.6					140.4
27	5S	17E									Lot 4 9.11			Lot 4 9.26					18.37
33	5S	17E	40	40	40	40									40	40	40	30	310.0
34	5S	17E					Lot 1 30.5	Lot 6 38.16	Lot 5 38.6	Lot 1 31.32	Lot 2 29.3	Lot 4 39.5	Lot 3 40.0	Lot 2 26.8					274.18
34	5S	17E					Lot 6 9.9			Lot 5 10.41	Lot 4 10.47			Lot 3 10.92					41.7

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Little Grasshopper Creek, designated in the office of the Chief Engineer as Little Grasshopper Creek Trib 10 (Delaware), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **325 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE¼ NE¼ SE¼) of Section 33, more particularly described as being near a point 1,330 feet North and 500 feet West of the Southeast corner of said section, in Township 5 South, Range 17 East, Atchison County, Kansas, to provide **325 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **2,500 gallons per minute (5.57 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

7. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

8. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

9. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

10. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

11. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

12. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 14th day of February, 2019, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 14th day of February, 2019, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 15th day of February, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,126, dated February 11, 2019 was mailed postage prepaid, first class, US mail to the following:

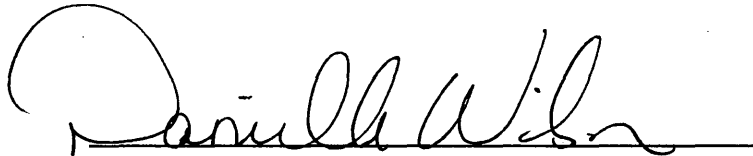
BODENHAUSEN FARMS INC
8593 BOURBON RD
MUSCOTAH KS 66058

With photocopies to:

DALE & MARY BODENHAUSEN TRUSTS
8593 BOURBON RD
MUSCOTAH KS 66058

MIDWEST IRRIGATION
% KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources

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 S0200
This item to be completed by the Division of Water Resources.

Water Resources
Received
SEP 10 2018
12:52
KS Dept Of Agriculture

APPLICATION COMPLETE
12/12/18
Reviewed: KAB

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,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Bodenhausen Farms, Inc
Address: ~~1951 286th Rd~~ 8593 BOURBON RD
City: Muscota State KS Zip Code 66058
Telephone Number: ~~(713) 370-3766~~ 785-872-3185

2. The source of water is: surface water in unamed tributary to Little Grayson creek (stream) Trib 10 # 2405
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 Storage 325 * 780 or what acre-feet OR Re-divert 780 AF @ 2,500 gpm. 325 gallons per calendar year, to be diverted at a maximum rate of 2500/NE 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. Code	<u>GMD</u>	Meets K.A.R. 5-3-1 (YES/NO)	Use <u>IRR</u> Source <u>G</u> County <u>At</u> By <u>AW</u> Date <u>9/10/18</u>
Code	<u>LE3</u>	Fee \$ <u>400</u> TR # _____	Receipt Date <u>9/10/18</u> Check # <u>1100</u>

DWR 1-100 (Revised 02/04/2013)
* Reduced to potential Basin Runoff of 325 AF.
Keith Grimm agreed in 11/1/18 e-mail. DWS/DWR 9/13/18 DAW
11/1/18

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 5 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 & 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)

Water Resources
Received

SEP 10 2018

KS Dept Of Agriculture

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

SEP 10 2018
12:52
KS Dept Of Agriculture

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,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Bodenhausen Farms, Inc
Address: 1951 286th Rd
City: Muscotah 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 Storage 780 or what Drainage provides Re-divert + 780 AF @ 2,500 gpm. acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 2500/NF 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. GMD Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G County At By AW Date 9/10/18
Code LES Fee \$ 400 TR # _____ Receipt Date 9/10/18 Check # 1100

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), Adair 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 & 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)

Water Resources
Received

SEP 10 2018

SCANNED

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 Acres 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 1
- 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

Water Resources
Received

SEP 10 2018

KS Dept Of Agriculture
SCANNED

101

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

MAJ, LLC
(office/title)

Date: 9/5/18

Water Resources
Received

SEP 10 2018

KS Dept Of Agriculture
SCANNED

IRRIGATION USE SUPPLEMENTAL SHEET

File No. **50,126** _____

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: 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	
27	5	17E									Lot 2 30.3	Lot 4 39.0	Lot 3 38.5	Lot 2 32.6					140.4
27	5	17E									Lot 4 9.11			Lot 4 9.26					18.37
33	5	17E													40	40	40	30	150
34	5	17E									Lot 2 29.3	Lot 4 39.5	Lot 3 40.0	Lot 2 26.8					135.6
34	5	17E									Lot 4 10.47			Lot 3 10.92					21.39

Landowner of Record NAME: DALE & MARY BODENHAUSEN TRUSTS

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	5	17E	40	40	40	40													160
34	5	17E					Lot 1 30.5	Lot 6 38.16	Lot 5 38.6	Lot 1 31.32									138.58
34	5	17E					Lot 6 9.9			Lot 5 10.41									20.31

Total = 784.65

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	

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50120

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. Muncatoh 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	S _s	17E													40	40	40	30	150
34	S _s	17E									40	40	40	36					156
27	S _s	17E									40	40	40	40					160

Landowner of Record NAME: Dale & Mary Bodenhausen Trust
ADDRESS: 8593 Bourbon Rd Muncatoh 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	S _s	17E	40	40	40	40													160
34	S _s	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

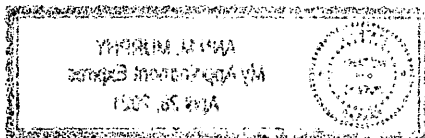
SEP 10 2018

**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
Division of Water Resources

FEB 10 2018

2870 N. Lincoln St., Topeka, KS 66604

Baum, Kristen [KDA]

From: Phillips, Janelle [KDA]
Sent: Tuesday, January 29, 2019 12:23 PM
To: Baum, Kristen [KDA]
Subject: RE: 50126 Bodenhausen Farms
Attachments: 2018-09-27 DAT-0249 Class A Exemption Ltr.pdf

No it does not. It isn't in a floodplain or a designated stream. Attached is the CLASS A exemption letter

Janelle N. Phillips, P.E., C.F.M., LEED-AP
Stream Permit Team Lead
Water Structures Program
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502
785-564-6656
janelle.phillips@ks.gov

From: Baum, Kristen [KDA]
Sent: Tuesday, January 29, 2019 11:46 AM
To: Phillips, Janelle [KDA]
Subject: FW: 50126 Bodenhausen Farms

Hi Janelle,
DAT-0249
Does this one need a stream or FP fill permit from you guys?
Thanks,
Kristen

From: Schemm, Doug [KDA]
Sent: Tuesday, January 15, 2019 10:34 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: 50126 Bodenhausen Farms

Kristen,
This one will need to be reviewed carefully on the acreage. A lot of Lots involved, but I went over it several times.
I prepared a new map and IRR supplemental sheet.
Meets all the regs, no overlaps.
Doug

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

September 27, 2018

BODENHAUSEN FARMS
1951 286TH RD
MUSCOTAH, KS 66058

RE: Low Hazard Dam Exemption
WSN: DAT-0249

Legal Location: SE ¼ of the NE ¼ of the SE ¼ of Section 33, Township 5S, Range 17E
Hazard Classification: "A" Low

Dear Dam Owner:

This letter is confirmation that the information submitted by you to the Division of Water Resources qualifies your proposed dam for exemption from the dam safety permit requirements specified in K.S.A. 82a-301(a).

You indicated that the proposed structure will have a height of 29.9 feet and an emergency spillway storage volume of less than 125 acre-feet. This, combined with your assertion that it will meet hazard class "A" standards, satisfies the requirements for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1).

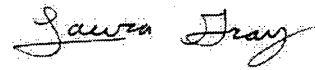
This exemption does **not** absolve the owner from compliance with other local, state, or federal requirements that **may** apply. This includes, but is not limited to, permit for stream obstruction, flood plain fill, and water appropriations.

Please note that your dam could be reclassified to a hazard class B or C in the future as a result of changes to downstream properties and/or other factors. **If this occurs, you will be required to obtain a permit in adherence to all aspects of K.S.A. 82a-301 through 82a-328.** This could also involve redesign and/or reconstruction to meet state statutes and regulations.

Page 2
DAT-0249
September 27, 2018

Should you have any questions, please feel free to contact me at (785) 564-6678, or e-mail me at laura.gray@ks.gov.

Sincerely,

A handwritten signature in cursive script that reads "Laura Gray".

Laura Gray, I.E.

Water Structures Engineer

#50,126

Schemm, Doug [KDA]

From: Keith Grimm <Keith@mwivalley.com>
Sent: Thursday, November 1, 2018 9:40 AM
To: Schemm, Doug [KDA]
Subject: Re: 50126 Bodenhausen

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Sounds good.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Schemm, Doug [KDA]" <Doug.Schemm@ks.gov>
Date: 11/1/18 9:36 AM (GMT-06:00)
To: Keith Grimm <Keith@mwivalley.com>
Subject: 50126 Bodenhausen

Keith,
I get 325 acre-feet of runoff for this one. You had asked for 780 or what drainage can provide.
It is located in SE ¼ of Sec. 33, 5, 17E.
Doug

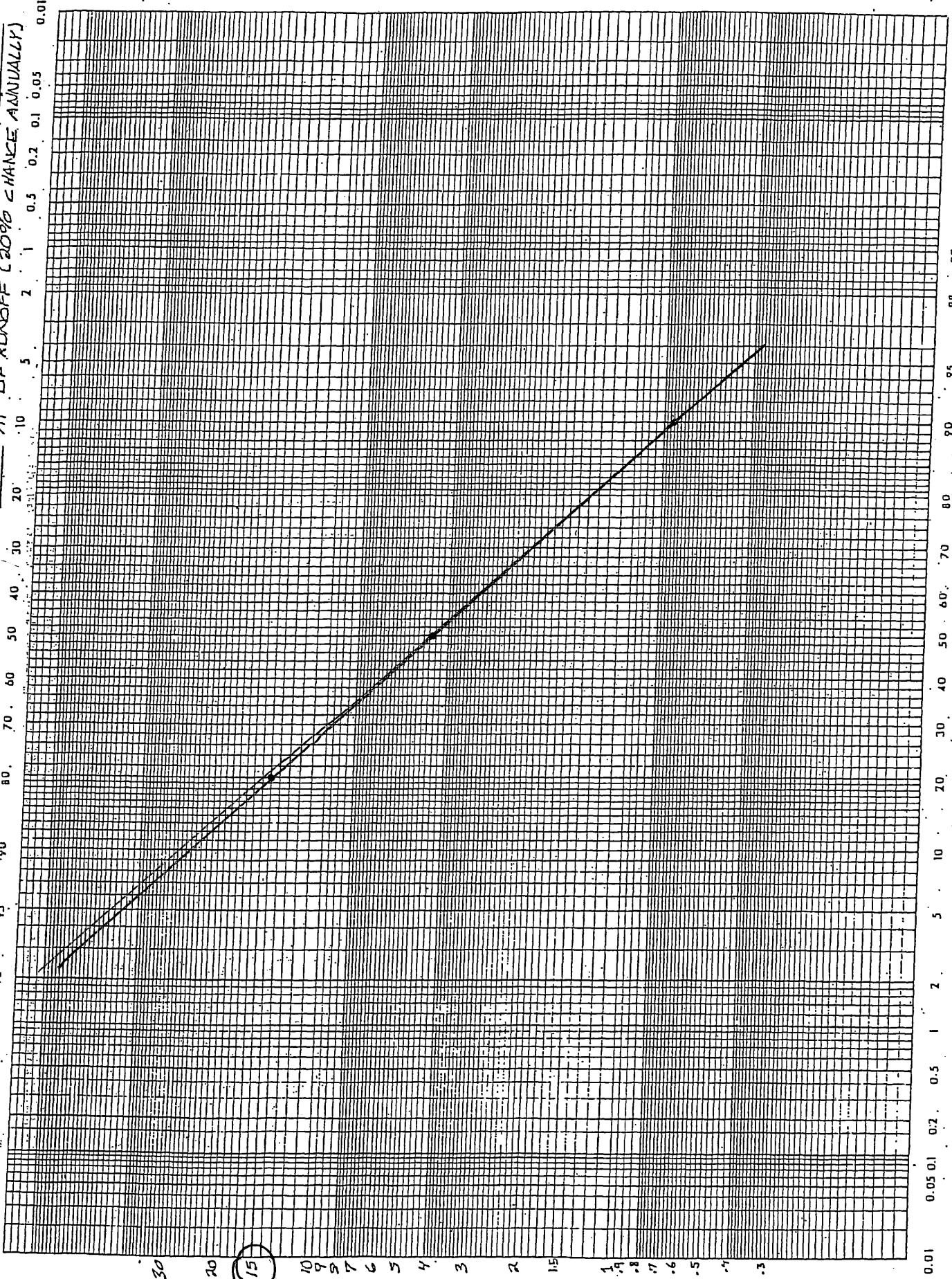
FILE NO. 50,126

SOIL: "876" PRECIP.: 36"

Atchison Co.

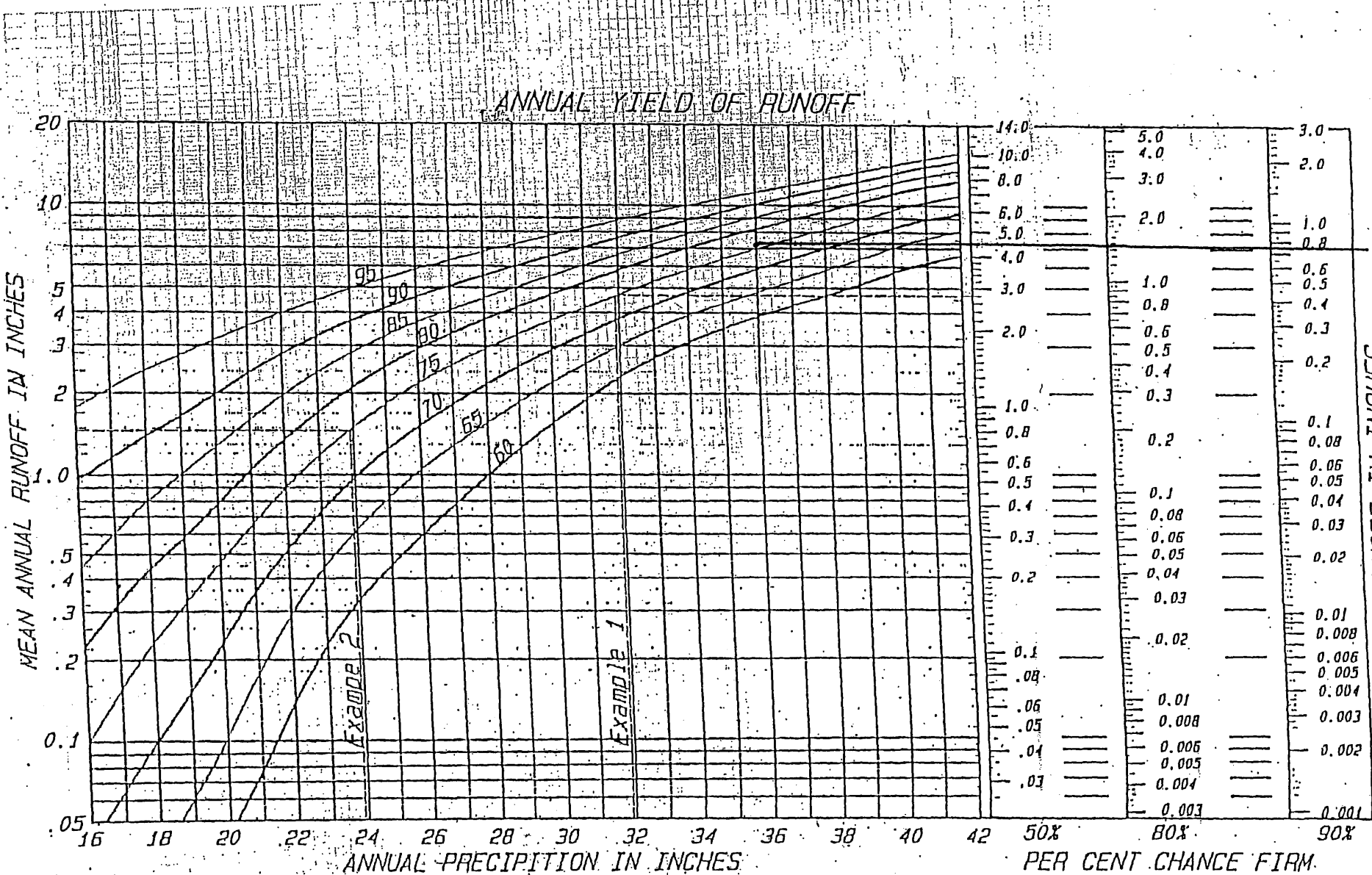
260 ACRES IN DRAINAGE x 15" = 3900" / 12" => 325 AF OF RUNOFF (20% CHANCE ANNUALLY)

INCHES RUNOFF / YEAR: 15"



C/O CHANCE

PREPARED BY:



RUNOFF IN INCHES

KS-2-36

KAR 5-6-4(a)(1)

United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50126 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50126 00 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

1330 Feet North and 500 Feet West of the Southeast Corner of Section 33 T 5S R 17E

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 45995 00 SED NK S      3280 -- -- -- -- 3286 3103 34 5 17E 1      .00      .00 AF
Same
***** Authorized storage =      .00 AF Additional storage =      .00 AF
Same
***** Authorized storage =      .00 AF Additional storage =      .00 AF
A__ 46845 00 SED NK S      8978 -- NW NE NW 4819 3747 27 5 17E 1      .00      .00 AF
***** Authorized storage =     10.00 AF Additional storage =     10.00 AF
Same
***** Authorized storage =     12.00 AF Additional storage =     12.00 AF
A__ 49086 00 IRR KE S      9185 -- SW NW NE 4618 2395 27 5 17E 2      206.30  206.30 AF
A__ 50126 00 IRR AY S        0 -- SE NE SE 1330  500 33 5 17E 6      780.00  780.00 AF
=====

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=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =     780.00      780.00
Total Permitted Amount (AF) =     206.30      206.30
Total Inspected Amount (AF) =        .00          .00
Total Pro_Cert Amount (AF) =        .00          .00
Total Certified Amount (AF) =        .00      1909.03
Total Vested Amount (AF) =          .00          .00
TOTAL AMOUNT (AF) =          986.30      2895.33
=====

```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

1330 Feet North and 500 Feet West of the Southeast Corner of Section 33 T 5S R 17E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 45995 00 SED NK S
> DELAWARE WATERSHED JOINT DIST #10
>
> PO BOX 70
> HOLTON KS 66436
>-----
A__ 46845 00 SED NK S
> LITTLE DELAWARE MISSION CREEK WATERSHED DIST #5
>
> 1504 150TH ST
> HIAWATHA KS 66434
>-----
A__ 49086 00 IRR KE S

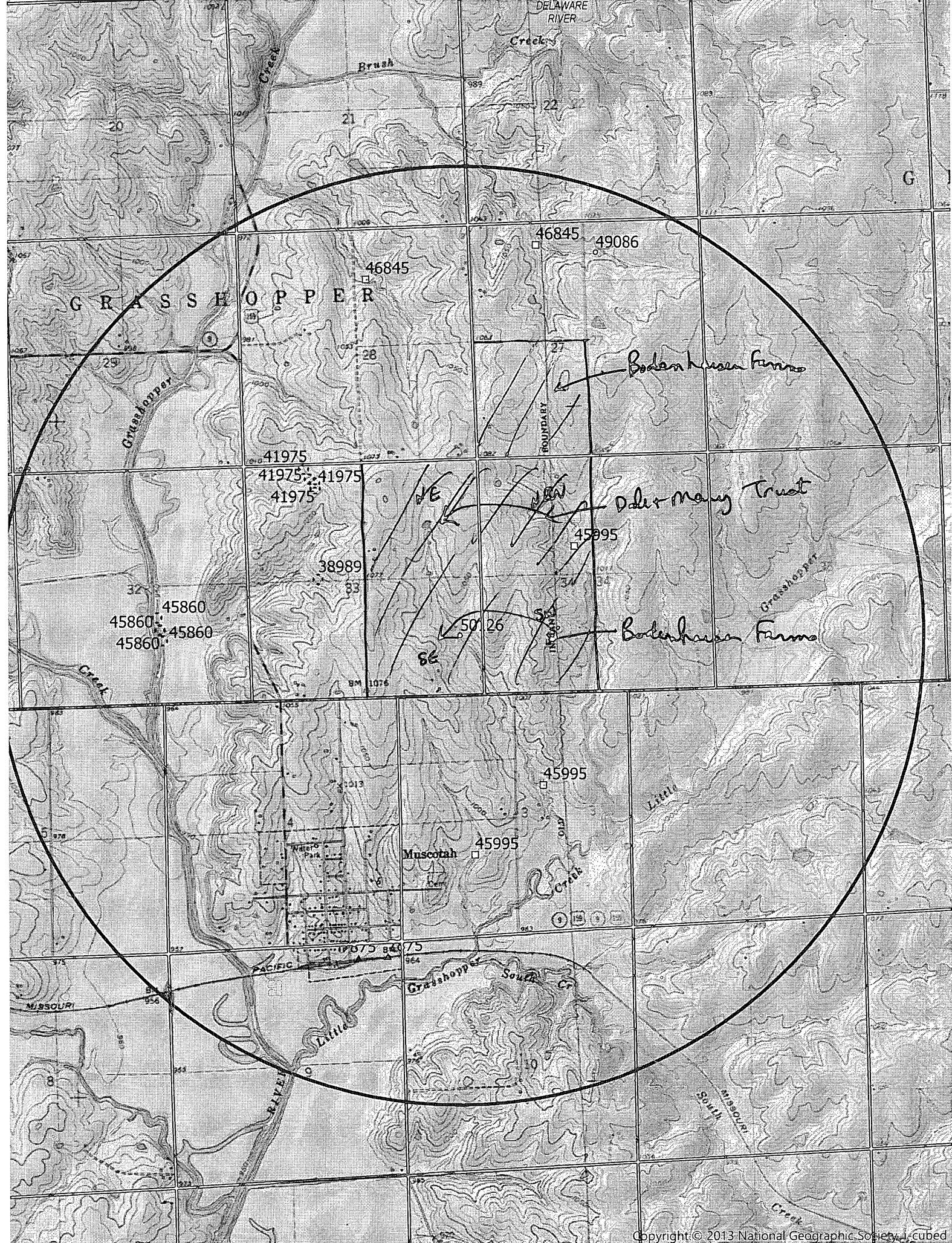
```

> BODENHAUSEN FARMS INC
>
> 8593 BOURBON RD
> MUSCOTAH KS 66058

A__ 50126 00 IRR AY S
> BODENHAUSEN FARMS INC
>
> 8593 BOURBON RD
> MUSCOTAH KS 66058

=====

#####



GRASSHOPPER

Bolenhausen Farms

Doris Mary Trust

Bolenhausen Farms

Muscotah

50 26

Property Details for PID: 0030582700000004000

QuickRef ID : R3759

Owner Name : Bodenhausem Farms Inc

Location: CHAUTAUQUA RD, Horton, KS 66439

Abbreviated
Boundary Description: S27, T05, R17E, 6th Principal Meridian,
ACRES 78.08, LT 4 & N1/2 LT 2 of SW1/4
LESS ROW

Owner Information:

Owner Bodenhausem Farms Inc

Mailing Address 8593 Bourbon RD Muscotah, KS 66058

Property Information:

Type Agricultural Use - A

Status Active

Taxing Unit 047

Neighborhood Code 613.G

No Secondary Address Details found

Market Land Details:

Actual Width: 0

Eff. Width 0

Property Details for PID: 0030582700000005000

QuickRef ID : R3760

Owner Name : Bodenhausem Farms Inc

Location: 294TH RD, Horton, KS 66439

Abbreviated Boundary Description: S27, T05, R17E, 6th Principal Meridian, ACRES 234.36, LT 3 & S1/2 LT 2 of SW1/4 & SE/14 LESS ROW

Owner Information:

Owner Bodenhausem Farms Inc

Mailing Address 8593 Bourbon RD Muscotah, KS 66058

Property Information:

Type Agricultural Use - A

Status Active

Taxing Unit 043

Neighborhood Code 613.G

No Secondary Address Details found

Market Land Details:

Actual Width: 0

Eff. Width 0

Property Details for PID: 0030583400000002000

QuickRef ID : R3778

Owner Name : Bodenhause, Dale R; Trust

Location: CHAUTAUQUA RD, Horton, KS 66439

Abbreviated Boundary Description: S34, T05, R17E, 6th Principal Meridian, ACRES 156.63, NW1/4 LESS ROW

Owner Information:

Owner Bodenhause, Dale R; Trust
Bodenhause, Mary H; Trust

Mailing Address 8593 Bourbon RD Muscotah, KS 66058

Property Information:

Type Agricultural Use - A

Status Active

Taxing Unit 043

Neighborhood Code 613.G

No Secondary Address Details found

Market Land Details:

Actual Width: 0

Eff. Width 0

#50,126
 DAT-0249

WSI Query: WSI, ENG, WSI_TRANSACTIONS, WATER_RIGHTS, LOCATIONS, WAIVERS, ECA, ITRAIL, COMPLIANCE, IMAGES, WSI_ACTIONS

STRUCTURE NUMBER: D: [] AT: 0249 Ws ID: 40916 LAST#: 249

APPLICATION: App Recd Date: [] Project Agency: **DAM REGISTRATION**

INDICATORS: Pending Complaint: [N] App Mod: [N] Pending Mod: [N] After the Fact: [N] General Permits: [N] Levee Ind: [N] Corps: []

REVIEWER: INT: [] AC: [] Perml: [] LN: [] Site Name: [] Stream: [] KDOT Type: []

APPLICANT: LAST: **BODENHAUSEN FARMS INC** FIRST: []

OWNER: LAST: **BODENHAUSEN FARMS INC** FIRST: []

DESIGNER: LAST: **JORGENSEN SURVEYING** FIRST: []

Const Comp Date: [] DDA: [] Remarks: [] Fo: []

Buttons: WSI ACT, ALL ACT, LOCATION, ECA, APPLICANT, OWNER, DESIGNER, ENG, COMPLAINT, MOD ACT, PROJECT

Navigation: ACTIONS | LOCATION | ECA | FEE | ITRAIL | LEGAL | WAIVER | YWR | IMAGE | CMP | MODIFICATION | TAXED | AFF ID

Date	Action	Deadline Date	Remarks
09-27-2018	PERMITTED, JURISDICTION REMOVED 2013		CLASS A E
09-20-2018	DETERMINATION ASSIGNED		LAG
09-10-2018	DETERMINATION RECEIVED		DAM REGIS

reservoir located on an unnamed tributary to Little Grasshopper Creek (identified in the office of the Chief Engineer as Little Grasshopper Creek Tributary 7, Delaware River), created by a dam (Dam No. GHC 8) located in the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,171 feet North and 1,450 feet West of the Southeast corner of said section, in Township 5 South, Range 17 East, Atchison County, Kansas, to be accumulated to a maximum quantity not to exceed **16.00 acre-feet** of water per calendar year for **sediment control** in a reservoir located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 25, Township 5 South, Range 17 East, Atchison County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DAT-0173 by the Division of Water Resources.

one (1) reservoir located on an unnamed tributary to Little Grasshopper Creek, (identified in the office of the Chief Engineer as Little Grasshopper Creek Tributary 4, Delaware River), created by a dam (Dam No. B-66) located in Lot 1 of Section 34, more particularly described as being near a point 3,286 feet North and 3,103 feet West of the Southeast corner of said section, in Township 5 South, Range 17 East, Atchison County, Kansas, to be accumulated to a maximum quantity not to exceed **9.60 acre-feet** of water per calendar year for **sediment control** in a reservoir located in Lot 1 of Section 34, Township 5 South, Range 17 East, Atchison County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DAT-0170 by the Division of Water Resources,

one (1) reservoir located on an unnamed tributary to Little Grasshopper Creek, (identified in the office of the Chief Engineer as Little Grasshopper Creek Tributary 6, Delaware River), created by a dam (Dam No. GHC 9) located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 1,819 feet North and 4,641 feet West of the Southeast corner of said section, in Township 5 South, Range 17 East, Atchison County, Kansas, to be accumulated to a maximum quantity not to exceed **18.00 acre-feet** of water per calendar year for **sediment control** in a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 36, Township 5 South, Range 17 East, Atchison County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DAT-0179 by the Division of Water Resources,

one (1) reservoir located on an unnamed tributary to Little Grasshopper Creek, (identified in the office of the Chief Engineer as Little Grasshopper Creek Tributary 8, Delaware River), created by a dam (Dam No. GHC 1A) located in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, more particularly described as being near a point 1,448 feet North and 3,412 feet West of the Southeast corner of said section, in Township 5 South, Range 18 East, Atchison County, Kansas, to be accumulated to a maximum quantity not to exceed **20.00 acre-feet** of water per calendar year for **sediment control** in a reservoir located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 2, Township 5 South, Range 18 East, Atchison County, Kansas. The structure creating the referenced reservoir has been identified as Water Structure No. DAT-0236 by the Division of Water Resources,

RECEIVED

(over)

JUL 11 2012

SCANNED

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

STATE OF KANSAS



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

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

November 6, 2018

THOMAS C WILSON
7913 CHASE ROAD
MUSCOTAH KS 66058

Re: Pending Application, File No. 50,126

Dear Sir or Madam:

This is to advise you that Bodenhausen Farms, Inc. have filed the application referred to above for a permit to appropriate 325 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 325 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, in Township 5 South, Range 17 East, Atchison County, Kansas. The dam would be located on a tributary to Little Grasshopper Creek. Note the application had requested 780 acre-feet, but this quantity was reduced based on basin runoff calculations.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the application and site map posted by the file number referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Bodenhausen Farms, Inc.
Keith Grimm

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619

STATE OF KANSAS



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

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

November 6, 2018

JOHN KUNKLE
1011 LARAMIE ST
ATCHISON KS 66002

Re: Pending Application, File No. 50,126

Dear Sir or Madam:

This is to advise you that Bodenhausen Farms, Inc. have filed the application referred to above for a permit to appropriate 325 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 325 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, in Township 5 South, Range 17 East, Atchison County, Kansas. The dam would be located on a tributary to Little Grasshopper Creek. Note the application had requested 780 acre-feet, but this quantity was reduced based on basin runoff calculations.

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Bodenhausen Farms, Inc.
Keith Grimm

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,

A handwritten signature in cursive script that reads "Kristen A. Baum".

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

SCANNED

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
Received

SEP 10 2018

KS Dept Of Agriculture

SCANNED

09105



S27 T5S R17E

294th Rd

S33 T5S R17E

S34 T5S R17E

500ft west
Codehouse / Homer Jacobs

1330ft north

Water Resources Received

SEP 10 2018

Water Resources Received Agriculture



9

286th Rd

Bourbon Rd

Chase Rd

© 2018 Google

Google Earth
Earth Point

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

Selena



S27 T5S R17E

294th Rd

S33 T5S R17E

S34 T5S R17E

500ft west
Bodenhausen Homeplace

1330ft north

9

286th Rd

Bourbon Rd

Chase Rd

© 2018 Google

Water Resources
Received
SEP 10 2018
KS Dept Of Agriculture



Google Earth
Earth Point

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

S2720

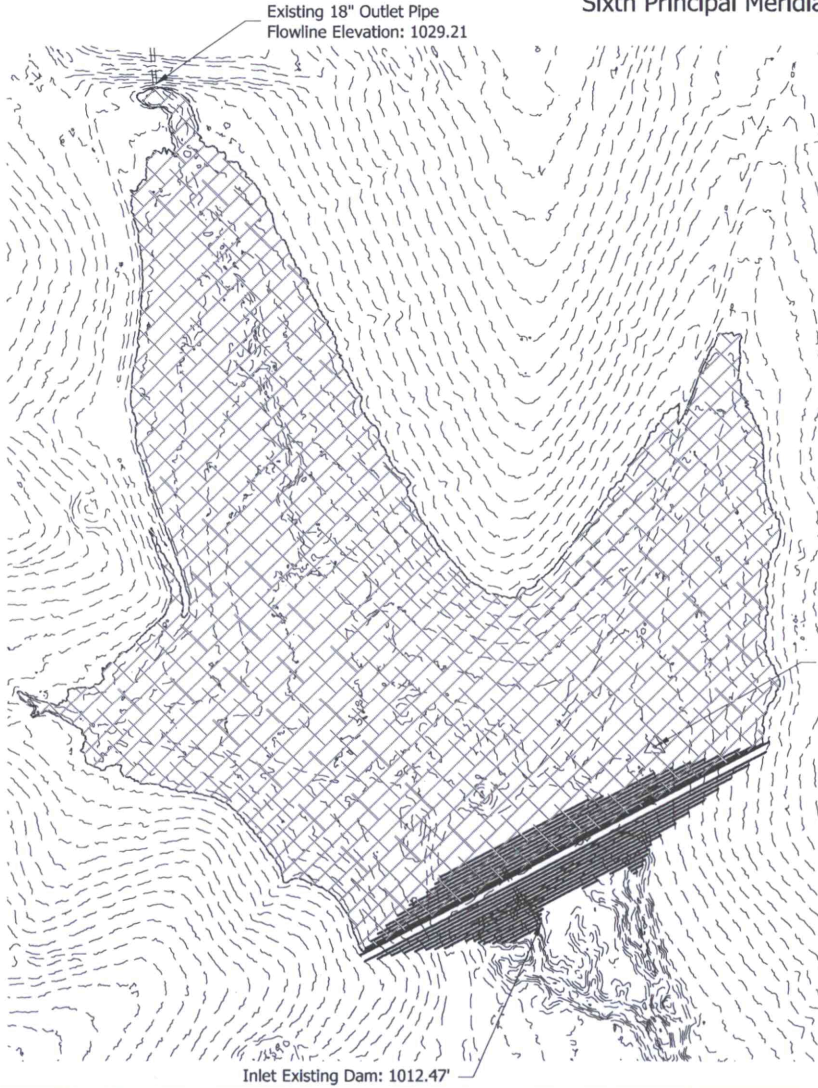
SCANNED

Water Resources
Received

SEP 10 2018

KS Dept Of Agriculture

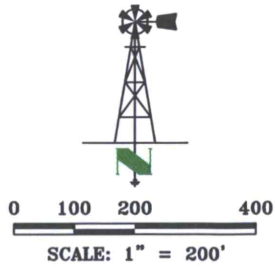
TOPOGRAPHIC SURVEY
 Compute Proposed Stream Obstruction Volume in the Southeast One-Quarter
 of Section 33, Township 5 South, Range 17 East of the
 Sixth Principal Meridian, Atchison County, Kansas



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

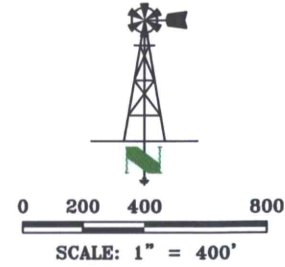
SHEET 1 OF 2

JOB NO.
5262.16

5262.16

SCANNED

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



Water Resources
Received

SEP 10 2018

KS Dept of Agriculture

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SPECIFIED SCALE. IF LINE BELOW DOES NOT
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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.
NEW APPLICATION, FILE NO. 50,126 SITE MAP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Proposed Place of Use

1:24,000

● Proposed Point of Diversion