

# 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



WATER RESOURCES  
RECEIVED

JUN 15 2022  
11:05  
900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556  
KS DEPT OF AGRICULTURE

Mike Beam, Secretary

Laura Kelly, Governor

**50812**

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

**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): GERALD GERSTNER  
Address: 300 E 10<sup>TH</sup> ST  
City: FRANKFORT State KS Zip Code 66427  
Telephone Number: (785) 562-7499

2. The source of water is:  surface water in UNNAMED TRIB (stream)  
OR  groundwater in BLACK VERMILLION RIVER (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.

**DIRECT USE = 270 ACRE-FEET**

3. The maximum quantity of water desired is STORAGE = 361 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of STORAGE = ALL NAT FLOWS gallons per minute OR \_\_\_\_\_ cubic feet per second.  
**DIRECT = 1200 GPM**

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. 1 GMD \_\_\_\_\_ Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G/S County MS By \_\_\_\_\_ Date 6/15/22  
Code RE2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 6/15/22 Check # 3424

6/22/2022  
LMoody

File No. \_\_\_\_\_  
JUN 15 2022

5. The location of the proposed wells, pump sites or other works for diversion of water is: **KS DEPT OF AGRICULTURE**

**Note:** For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the **SW** quarter of the **SE** quarter of the **SW** quarter of Section **11**, more particularly described as being near a point **420** feet North and **3475** feet West of the Southeast corner of said section, in Township **4** South, Range **9 EAST, MARSHALL** 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):

**APPLICANT**

\_\_\_\_\_  
(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 JUNE 7, 2022 *Ronald Goetner*  
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 **ONE DAM** \_\_\_\_\_  
(number of wells, pumps or dams, etc.)

and was completed **PRIOR TO 1991** \_\_\_\_\_  
(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 **JULY 2023** \_\_\_\_\_  
(Mo/Day/Year)

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 DMS-0092
- 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 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.

P/D (PARTIAL) - 47078

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JUN 15 2022

KS DEPT OF AGRICULTURE

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):

**SEE IRRIGATION USE SUPPLEMENTAL SHEET**

\_\_\_\_\_  
(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 June 7, 2022, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(month) (year)



(Applicant Signature)

By \_\_\_\_\_

(Agent or Officer Signature)

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

Assisted by **BRETT BUNGER**

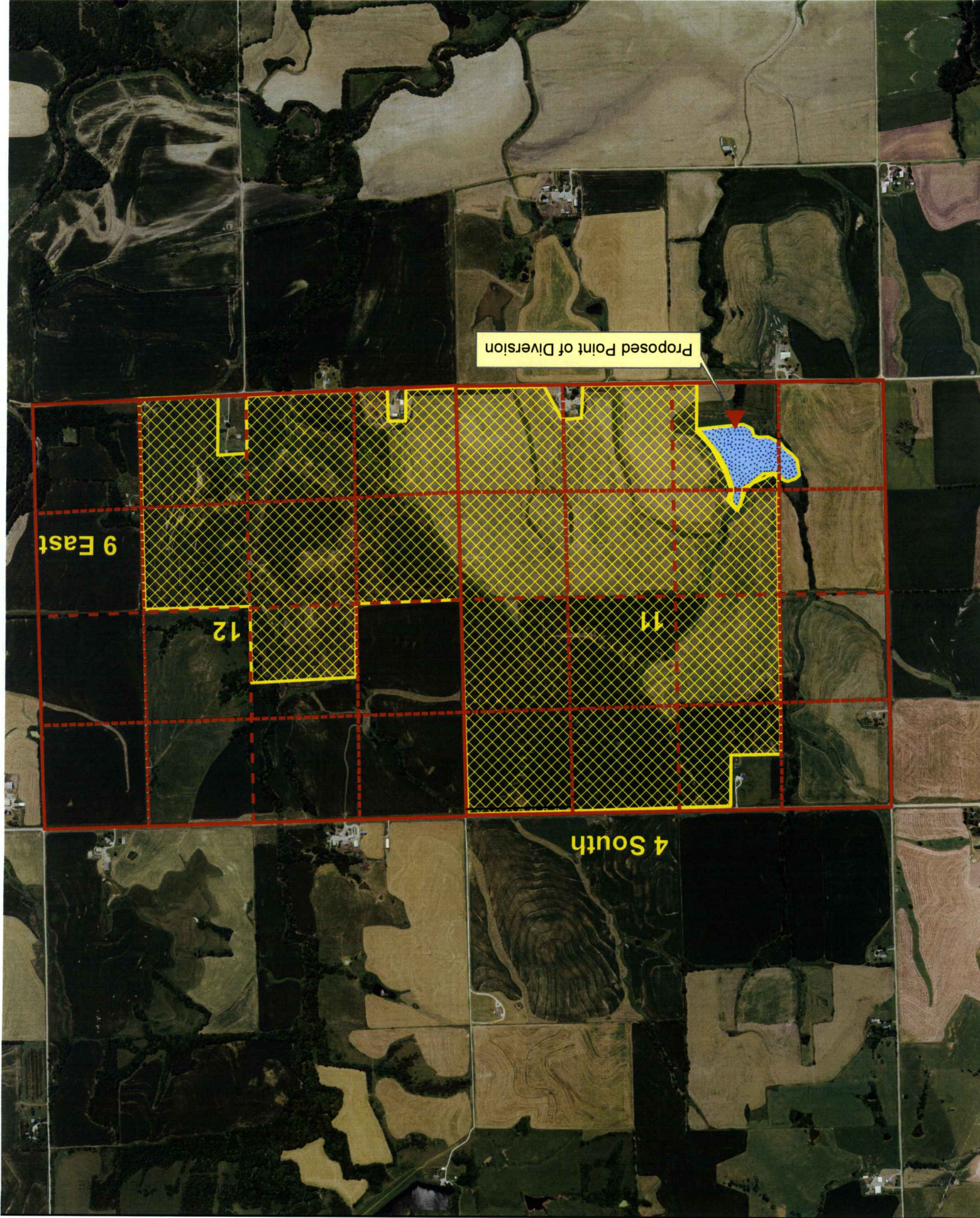
**TFO/ASST WATER COMM**  
(office/title)

Date: **5-25-22**

1:18,000

NEW APPLICATION

WATER RESOURCES  
RECEIVED  
JUN 15 2022



6/15/2022

Water Resources  
Received

KS Dept Of Agriculture

## RESERVOIR CAPACITY TABLE

	<i>Elev.</i>	<i>Acres</i>	<i>Acre Feet</i>	<i>Accum Acre Feet</i>
	1166.0	0.00	0.00	0.00
DRAWDOWN	1171.2	0.82	2.14	2.14
	1172.0	0.95	0.71	2.85
	1176.0	3.18	8.26	11.11
	1180.0	8.24	22.84	33.95
	1184.0	14.88	46.24	80.19
INLET	1184.7	16.40	10.95	91.14
	1188.0	23.55	65.91	157.05
	1192.0	37.29	121.68	278.73
EMERG. SPWY.	1192.5	39.14	19.11	297.84
	1196.0	52.07	159.61	457.45
TOP OF DAM	1197.5	60.18	84.19	541.64
	1200.0	73.70	167.35	708.99

6/15/2022

Water Resources  
Received

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

KS Dept Of Agriculture

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

Name of Applicant (Please Print): GERALD GERSTNER

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: GERALD GERSTNER TRUST

ADDRESS: 300 E 10<sup>TH</sup> ST FRANKFORT KS 66427

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11	4	9E	40	40	40	40	27			40	39			12	40	40	37.5	39	434.5

**Landowner of Record** NAME: SHERYL ANN GERSTNER TRUST

ADDRESS: 300 E 10<sup>TH</sup> ST FRANKFORT KS 66427

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12	4	9E							27	40	40	38	40		40	34			259

**TOTAL = 693.5 ACRES**

**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	



6/15/2022

Water Resources  
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**STORAGE QUANTITY**

KS Dept Of Agriculture

FILE NO. 47078 COVERS 53.3 AF WHICH IS EQUIVALENT TO 3 YEARS NET EVAPORATION.  
ADDITIONAL EVAP COVERAGE IS NOT NECESSARY.

DIRECT USE = 270 ACRE-FEET

RESERVOIR CAPACITY = 91.14 ACRE-FEET

STORAGE QUANTITY = 270 AF + 91.14 AF = 361 ACRE-FEET

**UPSTREAM AND DOWNSTREAM LANDOWNERS**

UPSTREAM –

#1) IVAN DRESSMAN  
1969 24<sup>TH</sup> RD  
FRANKFORT KS 66427

#2) VICTOR BEHRENS  
PO BOX 147  
FRANKFORT KS 66427

DOWNSTREAM –

#1) LEON & JULIE FOX  
2215 HWY 99  
FRANKFORT KS 66427

1:18,000

NEW APPLICATION

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KS Dept Of Agriculture

4 South

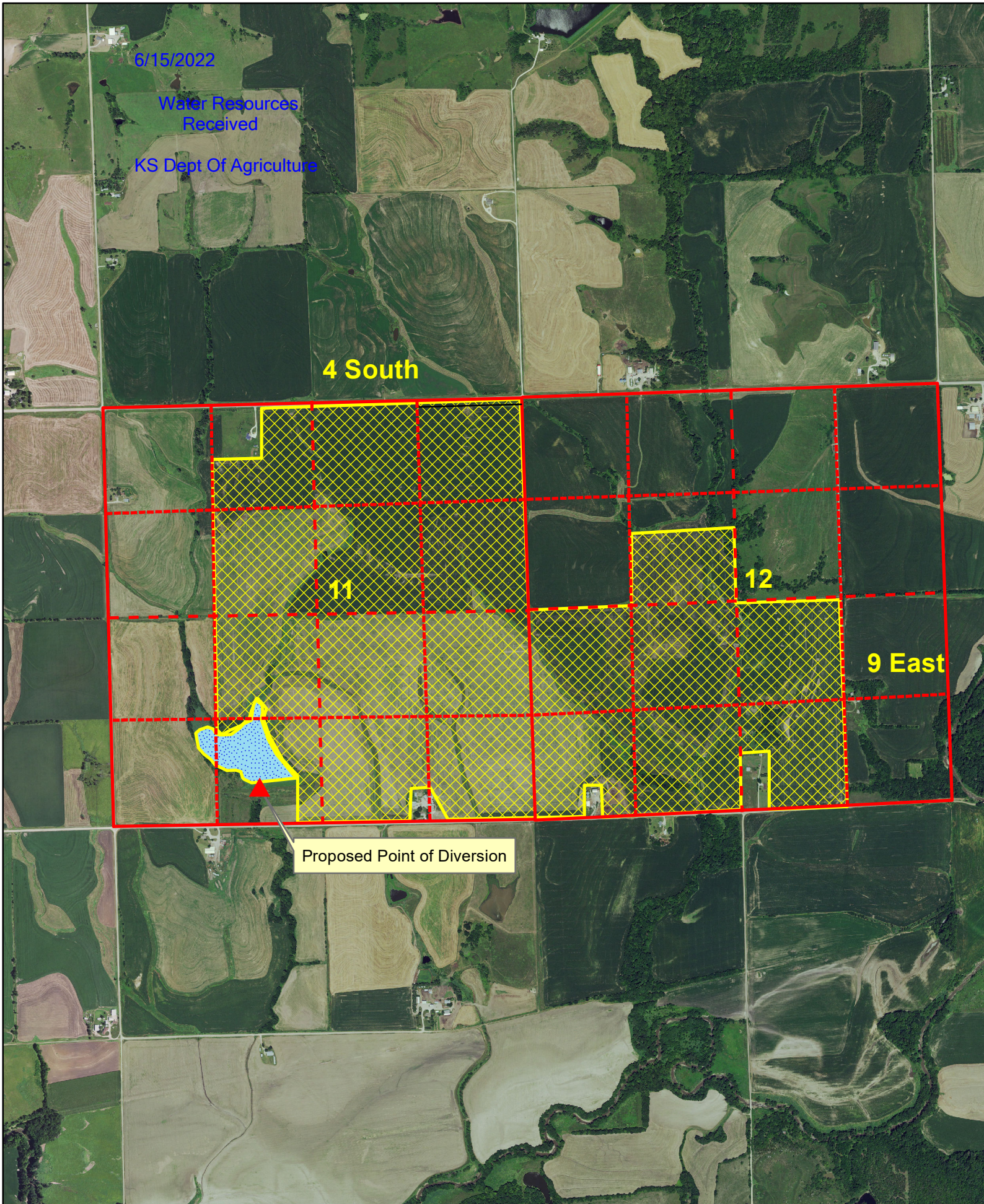
11

12

9 East



Proposed Point of Diversion



**DATA ENTRY SYSTEM ID NUMBER SHEET**

**FILE NUMBER** 50812

<b>APPLICANT PERSON ID &amp; SEQ #</b>	<b>PDIV ID</b>	<b>BATTERY ID</b>
<b>68433</b>	<b>75285</b>	

<b>LANDOWNER PERSON ID &amp; SEQ #</b>	<b>PUSE ID</b>
<b>68433</b>	<b>70894</b>
<b>68434</b>	<b>70895</b>

**WATER USE CORRESPONDENT  
PERSON ID & SEQ #**  
**68433**

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