

# 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**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**50933**

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): RNJ Properties, LLC

Address: 9237 Ward Parkway, Suite 100

City: Kansas City State KS Zip Code 64114

Telephone Number: ( 816 ) 895-8800

2. The source of water is:  surface water in Tributary to Little Gus Creek

(stream)

OR

groundwater in \_\_\_\_\_

**SUGAR CREEK ???**

(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 19 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of all natural flows 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.

1/4/2023

LMoody

**For Office Use Only:**

F.O. 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use REC Source G/S County AN By ALB Date 12/30/22  
Code REG Fee \$ 200.00 TR # PY00050726 Receipt Date 12/29/2022 Check # \_\_\_\_\_

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 NE quarter of Section 17, more particularly described as being near a point 4,497 feet North and 418 feet West of the Southeast corner of said section, in Township 22 South, Range 21 East/West (circle one), Anderson 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):

\_\_\_\_\_

(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 December 22, 2022 \_\_\_\_\_ ANT Property Co  
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)(will be) completed (by) \_\_\_\_\_  
March 1, 2023  
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be March 1, 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. The total area of surface drainage above the reservoir is +/- 780 acres.

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 SN: LAN-0027
- 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.

The dam was permitted by DWR in 1936 (DAN-008). The lake is currently dry so the permit will need to include an initial fill appropriation equal to its capacity at full-service level (22.31 acre-feet). The lake will be drawn down annually in the spring/summer to low-service level (11.05 acre-feet) and staged up in the fall.

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

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

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

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

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

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

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

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

Dated at Kansas City, Missouri, Kansas, this 22 day of December, 2022.  
(month) (year)

[Signature]  
(Applicant Signature)

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

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

State of Missouri  
 County of Jackson  
 Subscribed to before me a Notary Public in the  
 county of Jackson, State of Missouri  
 this 22 day of December, 2022  
Deborah Wade Notary Public  
 DEBORAH WADE  
 NOTARY PUBLIC-NOTARY SEAL  
 STATE OF MISSOURI  
 JACKSON COUNTY  
 MY COMMISSION EXPIRES 5/13/2023  
 COMMISSION # 15388909

Assisted by Jim Pitman

DU Biologist  
(office/title)

Date: 12/22/22

## FEE SCHEDULE

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

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

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

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

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

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

#### **ATTENTION**

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

#### **CONVERSION FACTORS**

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

## RECREATIONAL USE SUPPLEMENTAL SHEET

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

Name of Applicant (Please Print):  RNJ Properties, LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.):  This impoundment will be used for boating, fishing, and swimming. The upper end will be managed to benefit migratory birds. The lake will be drawn down in spring to low service level and staged up to full-service every fall.
  
2. Please summarize how the water will be used and justify the quantity of water requested: \_\_\_\_\_  
 The requested water right would be appropriated to an existing reservoir that was permitted by DWR in 1936 (DAN-008). The annual amount of water requested is the difference between the full -service level (22.31 acre-feet) and the low -service level (11.05 acre-feet) plus 3 years of estimated indirect use (7.5 acre-feet) for a total annual appropriation of ~19 acre-feet.
  
3. Please complete the following table showing estimated future water requirements:

**ESTIMATED FUTURE WATER DIVERTED/STORED**

NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	22.31 acre feet (initial fill)
Year 2	19 acre feet
Year 3	19 acre feet
Year 4	19 acre feet
Year 5	19 acre feet

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

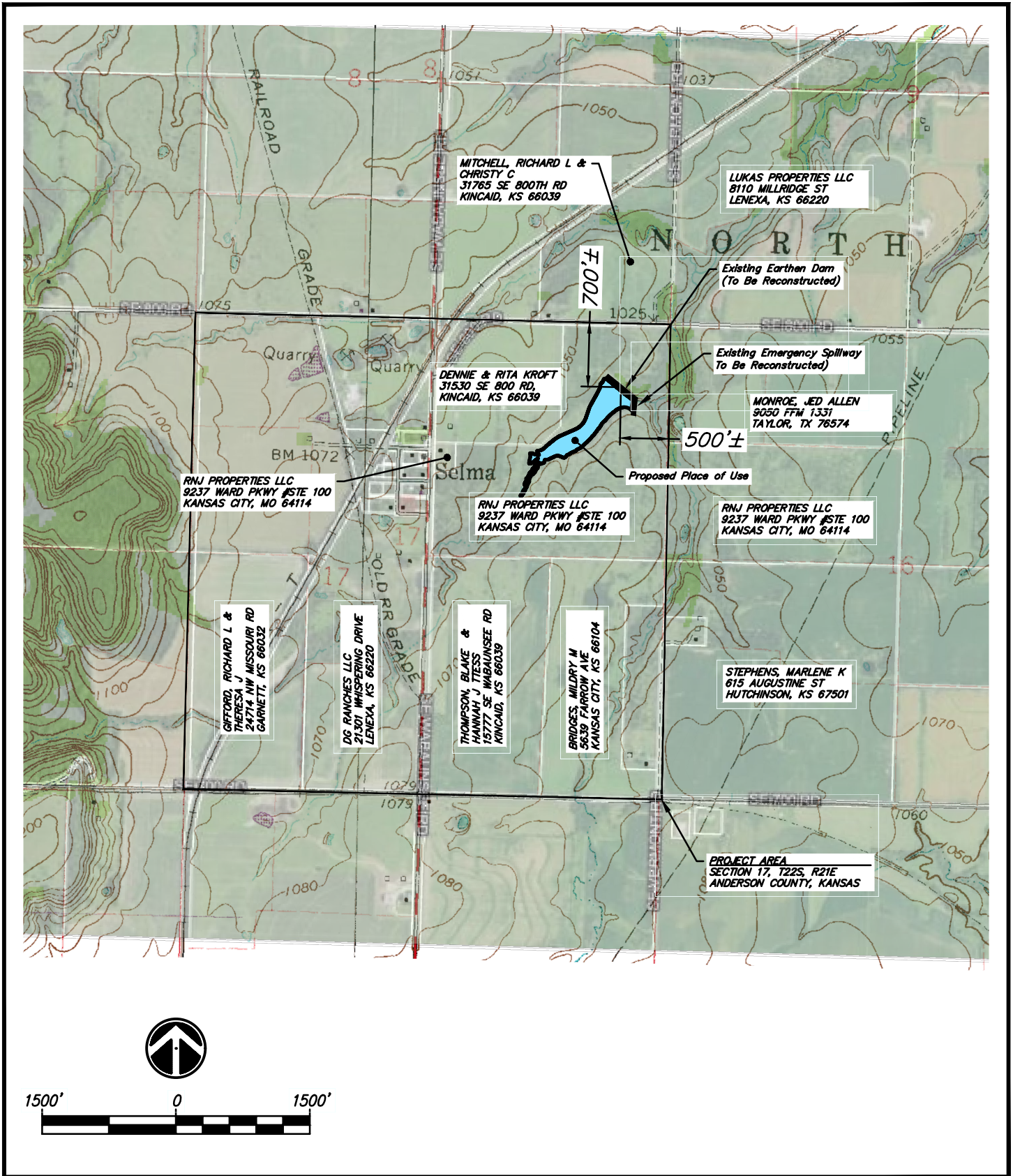
NE 1/4, Section 17, Township 22S, Range 21 East, Anderson County, KS

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



**PROJECT LOCATION MAP**  
WETLAND IMPROVEMENTS  
RNJ PROPERTIES, LLC  
ATCHISON COUNTY, KANSAS

Date: December 22  
Drawn By: JWB  
Figure No.: 1

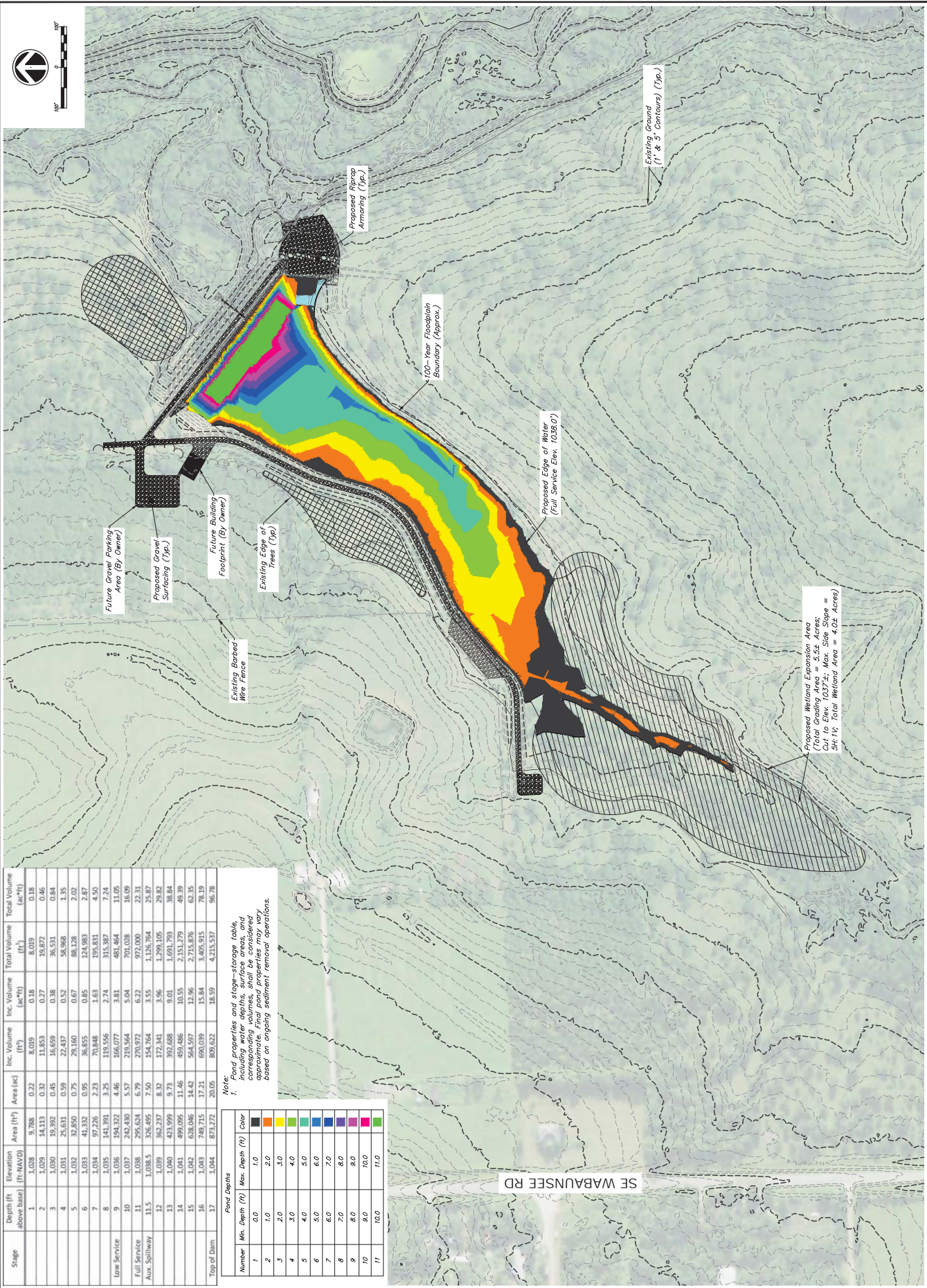




**WETLAND IMPROVEMENTS**  
 R/N PROPERTIES, LLC  
 ANDERSON COUNTY, KS

Revisions:  
 Date: October 22  
 Drawn By: JWB  
 Checked By: JWB  
 Project Number: 22-080

Sheet Name: Stage-Storage Summary  
 Sheet No.: **C3.1**

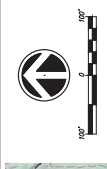


Proposed Wetland Expansion Area  
 (Total Grading Area = 5.54 Acres;  
 Cut to Elev. 1027'; Max. Side Slope =  
 5H:1V; Total Wetland Area = 4.0± Acres)

Stage	Depth (ft. above base)	Elevation (ft-NAVD)	Area (ft²)	Area (ac)	Inc. Volume (ft³)	Inc. Volume (ac-ft)	Total Volume (ft³)	Total Volume (ac-ft)
1	1.00	9.788	0.22	0.32	8.019	0.18	8.019	0.18
2	1.00	14.113	0.32	0.46	11.853	0.27	19.872	0.46
3	1.00	19.392	0.45	0.65	16.659	0.38	36.531	0.84
4	1.031	25.631	0.59	0.85	22.837	0.52	59.368	1.35
5	1.032	32.850	0.75	1.07	29.160	0.67	88.528	2.02
6	1.033	41.332	0.95	1.35	36.855	0.85	124.983	2.87
7	1.034	51.226	1.23	1.74	46.848	1.05	195.831	4.50
8	1.035	62.431	1.61	2.29	59.556	1.35	315.387	7.24
9	1.036	74.942	2.08	2.99	75.077	1.74	481.464	11.05
10	1.037	88.764	2.64	3.81	93.243	2.12	701.028	16.09
11	1.038	103.895	3.36	4.84	114.164	2.62	972.000	22.31
12	1.039	120.437	4.28	6.14	138.999	3.15	1,126,764	25.82
13	1.040	138.491	5.41	7.78	167.648	3.86	1,299,105	29.82
14	1.041	158.056	6.78	9.73	200.100	4.61	1,499,205	33.84
15	1.042	179.131	8.31	11.94	236.456	5.44	1,735,661	39.39
16	1.043	201.715	10.00	14.42	276.597	6.36	2,012,258	45.75
17	1.044	225.808	11.84	17.21	320.522	7.44	2,332,780	53.19
Top of Dam			20.05	28.05	809.622	18.59	4,215,537	96.78

Note:  
 Pond properties and stage-storage table are based on the corresponding volumes, shall be considered approximate. Final pond properties may vary based on ongoing sediment removal operations.

Number	Min. Depth (ft)	Max. Depth (ft)	Color
1	0.0	1.0	Black
2	1.0	2.0	Dark Gray
3	2.0	3.0	Medium Gray
4	3.0	4.0	Light Gray
5	4.0	5.0	White
6	5.0	6.0	Light Blue
7	6.0	7.0	Blue
8	7.0	8.0	Dark Blue
9	8.0	9.0	Very Dark Blue
10	9.0	10.0	Black
11	10.0	11.0	Black



**DATA ENTRY SYSTEM ID NUMBER SHEET**

FILE NUMBER 50933

APPLICANT PERSON ID & SEQ #	89965	PDIV ID LAN-0027 DAM	BATTERY ID
<u>68798</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

LANDOWNER PERSON ID & SEQ #	71167	PUSE ID
<u>68798</u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>68798</u>
<u>                    </u>
<u>                    </u>
<u>                    </u>