

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.

4/27/2023, 1:53 PM

Submit To:
CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000
<http://agriculture.ks.gov/dwr>

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Water Resources
Received



KS Dept Of Agriculture State of Kansas

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
Please refer to the Fee Schedule attached to this application form.

File Number: **51028**

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

1. Name of Applicant: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ Email: _____

2. The source of water is: surface water in _____ (stream)
 groundwater in _____ (drainage basin)

3. The maximum annual quantity of water desired is _____ acre-feet gallons
to be diverted at a maximum rate of _____ gpm c.f.s. natural flows natural evaporation
 This project involves surface water storage and redirection. The maximum annual quantity of water desired to be
rediverted is _____ acre-feet gallons, at a rate of _____ gpm c.f.s.

Conversion Factors

1 acre-foot (AF) = 325,851 gallons
1 million gallons (mg) = 3.07 acre-feet (AF)
1 cubic foot per second (c.f.s.) = 448.8 gallons per minute (gpm)

IMPORTANT: Once your application has been assigned a priority date and file number, the requested maximum rate of diversion and maximum requested annual quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum annual quantity of water are appropriate and reasonable for your proposed project.

4. The water is intended to be appropriated for the following use(s):
 Artificial Recharge* Irrigation* Recreational* Water Power*
 Industrial* Municipal* Stockwatering* Sediment Control
 Domestic Dewatering Hydraulic Dredging Fire Protection
 Thermal Exchange Contamination Remediation

***IMPORTANT:** You **must** submit a supplemental form providing information to substantiate your request for the quantity of water listed in Item No. 3 for the intended use(s) referenced above.

FOR OFFICE USE ONLY															
FO	1	GMD	_____	DUA	_____	Use	IRR	Source	S	County	NM	By	ALB	Date	4/28/2023
Code	REG	Fee \$	200.00	TR #	PY00061776	Receipt Date	4/27/2023	Check #	_____						

5/1/2023
LMoody

5. The location(s) of the proposed diversion work(s) (well, pumpsite, etc.) are described below. Note that for the application to be accepted, the point of diversion location(s) **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. You can specify a nickname for the point of diversion via the A.K.A. line to help you identify it.

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 800gpm and which supply water to a common distribution system.

(A) 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 _____ E W, _____ County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(E) 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 _____ E W, _____ County, KS. A.K.A: _____

4/27/2023

6. The proposed project for diversion of water will consist of _____ (number of wells, pumps, dams, etc.) **Water Resources Received** and was/will be completed on or by the following date: _____ (date each was or will be completed) **KS Dept Of Agriculture**

7. The first actual application of water for the proposed beneficial use was or is estimated to be _____ (Date)

8. List any application, appropriation of water, water right, or vested right file number that covers the same point(s) of diversion 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.

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 DWR prior to submitting this application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.
Have you made an application for a permit for construction of this dam and reservoir with DWR? Yes No
If yes, write the Water Structures permit number here: _____

11. Furnish a detailed topographic or aerial map that depicts the following information:
The application **must** be supplemented by a topographic map, aerial photograph or a detailed plat showing the information described in A-D below.

- (A) The center of the section, the section lines or the section corners, and labels showing the appropriate section, township and range numbers, as well as a north arrow and scale,
- (B) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) described in Item No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section,
- (C) The location of the proposed place of use identified by crosshatching,
- (D) **For Groundwater Use**, the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells and indicate for each well its type of use and the name and mailing address of the property owner or owners, (If there are no wells within 1/2 mile, please indicate that on the map.)

For Surface Water Use, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines, and

- (E) The locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power houses, and any other structures for the purpose of storing, conveying, or using water.

12. For groundwater use, furnish copies of the driller's logs for all test holes or completed wells. Please ensure that the driller's logs provide depth to the static water level. If driller's logs cannot be obtained for an existing well, provide the following information:

Well location as shown in Item No. 5	(A)	(B)	(C)	(D)	(E)
Date drilled	_____	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____	_____

13. The owner(s) of the point of diversion, if other than the applicant is:

(name, address, and phone)

4/27/2023

(name, address, and phone) Water Resources
Received

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

SEE IRRIGATION USE SUPPLEMENTAL SHEET

(name, address, and phone)

(name, address, and phone)

15. The relationship of the applicant to the proposed place where the water will be used is that of:

Owner Agent Tenant Other: _____

16. A water use correspondent (WUC) must be designated. The WUC will be mailed the annual water use report, which must be filed with the Division by March 1 of each year. Failure to timely file an accurate water use report will subject the owner(s) to a civil fine of up to \$1,000 and potential suspension of the water appropriation or right. By signing this application, I verify that the owner(s) of the water right or permit have confirmed that the following person or agent should be designated as the WUC:

APPLICANT

(name, address, and phone)

17. I 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. This could affect the economics of my decision to appropriate water. Situations where this might occur may include times when minimum desirable streamflow (MDS) requirements are not met, when Assurance District or Water Marketing releases are made from storage in federal reservoirs, when a Water Reservation Right upstream of a federal reservoir is administered, or when water rights administration becomes necessary to prevent impairment.

I declare, under penalty of perjury, that I have legal access to or control of, the point(s) of diversion described in this application from the landowner or the landowner's authorized representative.

By signing below, I verify that the information set forth above is true to the best of my knowledge, I agree with all statements made above, and that this application is submitted in good faith.

Frank J. Kohake

(Applicant Signature)

4-26-23

(Date)

Frank J. Kohake

(Applicant Name – please print)

Owner

(Applicant Title, if applicable – please print)

Assisted by **BRETT BUNGER**

TFO/ASST WATER COMMISSIONER

(office/title)

Date: **4-24-23**

FEE SCHEDULE

Make checks payable to the Kansas Department of Agriculture.

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

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 32.585	≤ 100	\$200.00
32.586 - 104.272	100.1 – 320.0	\$300.00
> 104.272	> 320	\$300.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof

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

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 81.462	≤ 249.9	\$200.00
≥ 81.463	≥ 250	\$200.00 plus \$20 for each additional 100AF (32.586mg) 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 **waterpower** or **dewatering** use shall be \$100.00 plus \$200.00 for each 44,880 gallons per minute (100 c.f.s.), or part thereof, of the diversion rate requested.

IMPORTANT NOTICE

If this application is approved, the applicant shall notify the Chief Engineer when the diversion works (well, pump, reservoir, pit, etc.) has/have been completed via the *Notice of Completion of Diversion Works* form (DWR 1-203.11) and along with the statutorily required field inspection fee of:

- \$200.00 for sediment control use or groundwater pits for industrial use, or
- \$400.00 for all other uses made of water

Failure to complete the diversion works by the deadline specified in the *Approval of Application and Permit to Proceed* (or any subsequent extension of time of said deadline) and/or failure to submit the proper notice and field inspection fee will result in the dismissal of the appropriation and forfeiture of any priority associated with it.

For assistance with this application, please contact the Division of Water Resources (DWR).

Manhattan HQ

1320 Research Park Dr.
Manhattan, KS 66502
785-564-6638

Topeka Field Office

1131 SW Winding Rd, Ste 400
Topeka, KS 66615
785-296-5733

Stafford Field Office

300 S. Main St
Stafford, KS 67578
620-234-5311

Stockton Field Office

820 S. Walnut
Stockton, KS 67669
785-425-6787

Garden City Field Office

4532 W. Jones Ave, Ste B
Garden City, KS 67846
620-276-2901

Helpful Sources of Information

DWR Water Appropriation Program
DWR Water Appropriation Forms
KGS Water Well Completion Records
DWR Structures Program

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>
<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>
<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>
<https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>

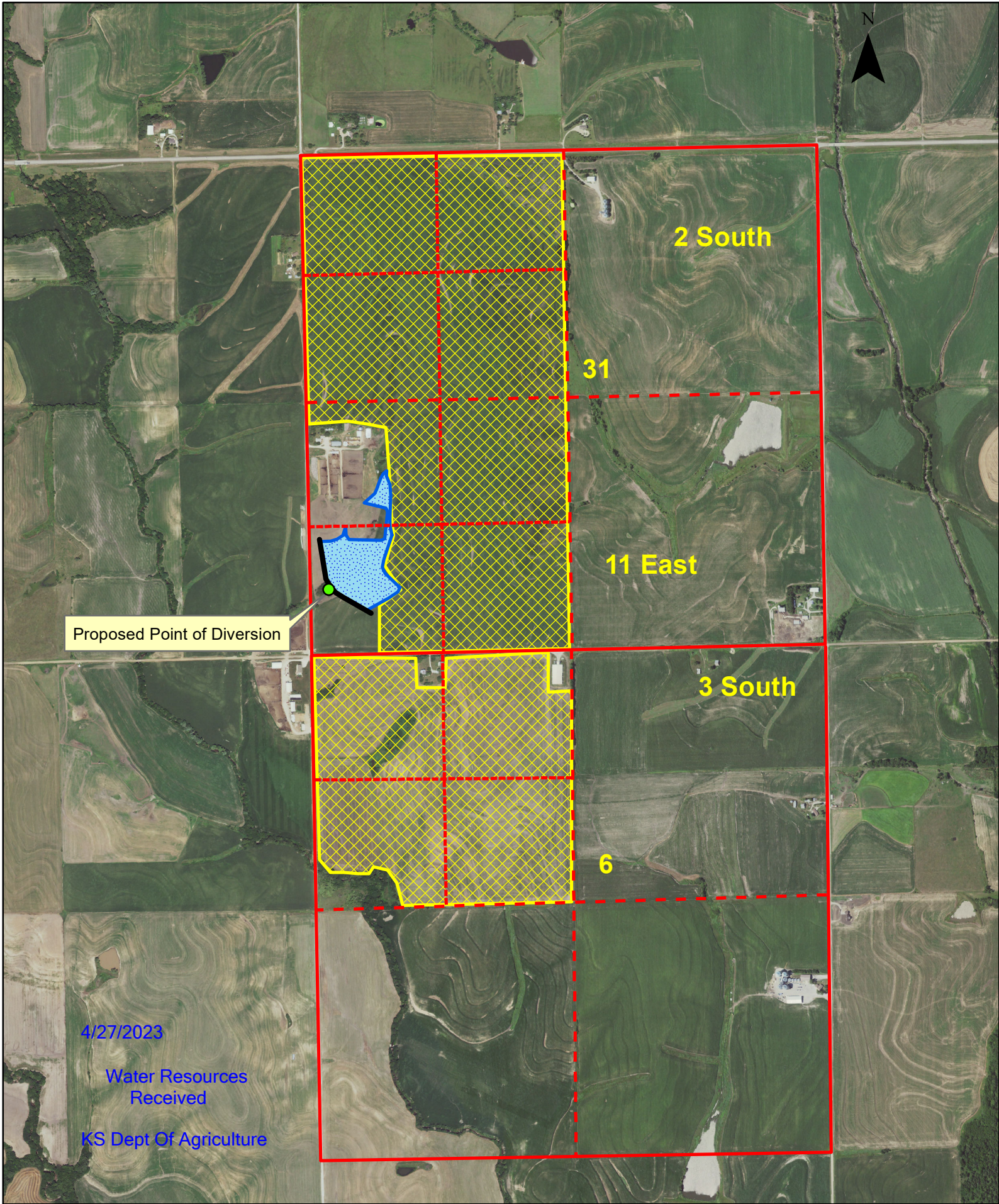
4/27/2023

Water Resources
Received

KS Dept Of Agriculture

1:15,000

New Application



2 South

31

11 East

3 South

6

Proposed Point of Diversion

4/27/2023

Water Resources
Received

KS Dept Of Agriculture

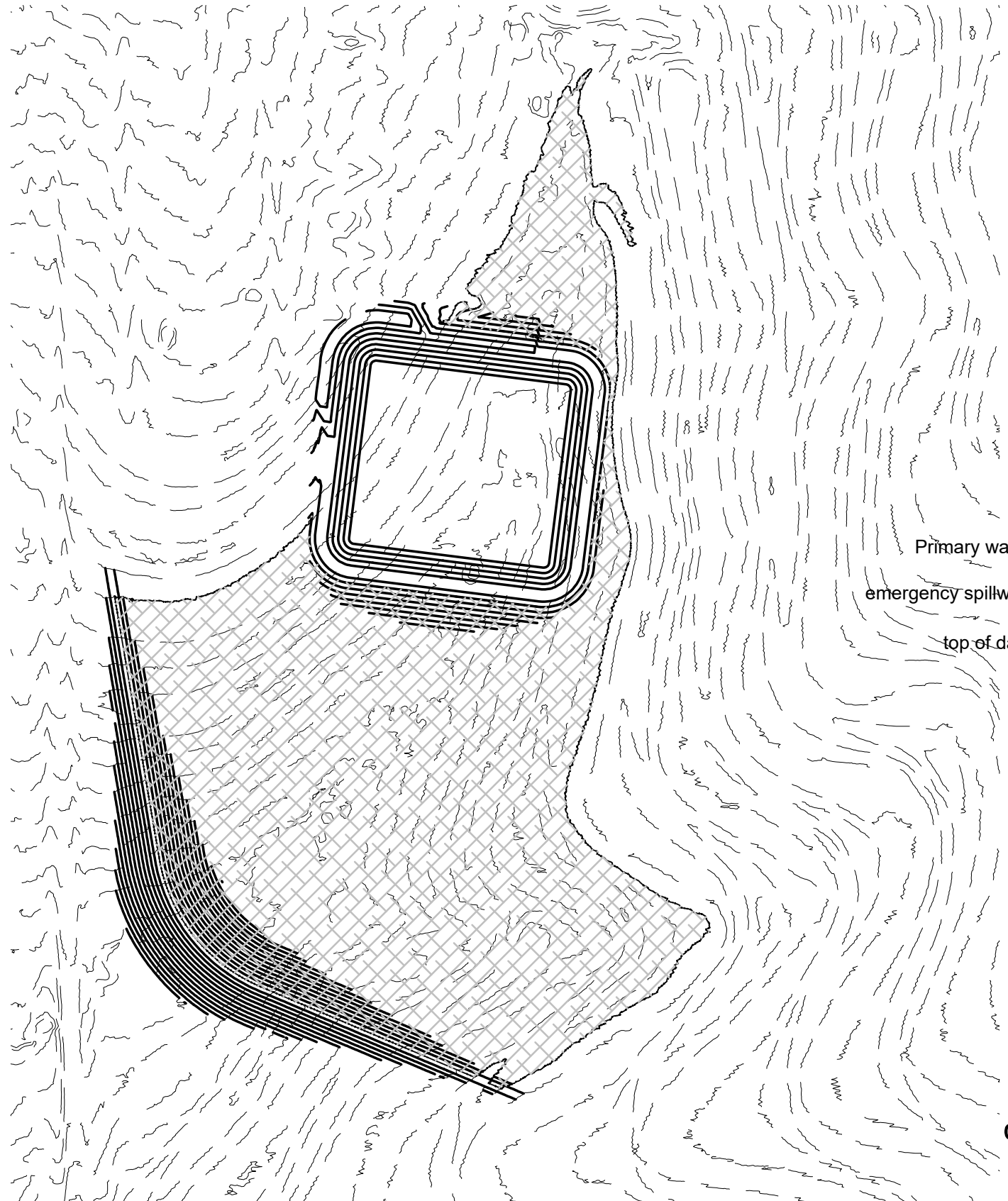
4/27/2023

Water Resources
Received

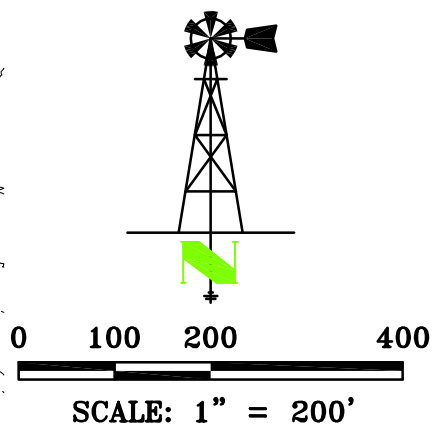
KS Dept Of Agriculture

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of
Section 31, Township 2 South, Range 11 East of the
Sixth Principal Meridian, Nemaha County, Kansas

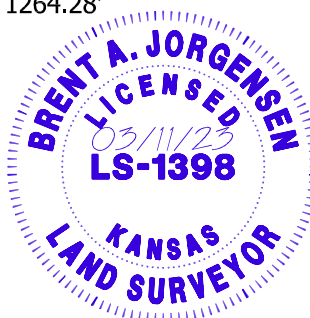


Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1265	-					
1266	69.56	34.78	34.780	0.0008		1.72
1267	3,114.99	1,592.28	1,627.055	0.0374		2.72
1268	17,636.74	10,375.87	12,002.920	0.2755		3.72
1269	31,734.71	24,685.73	36,688.645	0.8423		4.72
1270	47,404.89	39,569.80	76,258.445	1.7507		5.72
1271	65,767.14	56,586.02	132,844.460	3.0497		6.72
1272	82,877.07	74,322.11	207,166.565	4.7559		7.72
1273	99,957.96	91,417.52	298,584.080	6.8545		8.72
1274	120,215.51	110,086.74	408,670.815	9.3818		9.72
1275	140,435.20	130,325.36	538,996.170	12.3736		10.72
1276	159,116.45	149,775.83	688,771.995	15.8120		11.72
1277	178,284.35	168,700.40	857,472.395	19.6849		12.72
1278	196,570.99	187,427.67	1,044,900.065	23.9876		13.72
1279	212,354.63	204,462.81	1,249,362.875	28.6814		14.72
1280	230,247.79	221,301.21	1,470,664.085	33.7618		15.72
1281	248,381.51	239,314.65	1,709,978.735	39.2557		16.72
1282	282,202.83	265,292.17	1,975,270.905	45.3460		17.72
1283	301,154.05	291,678.44	2,266,949.345	52.0420		18.72
1284	319,501.18	310,327.62	2,577,276.960	59.1661		19.72
1285	337,990.46	328,745.82	2,906,022.780	66.7131	17,337	20.72
1286	368,329.03	353,159.75	3,259,182.525	74.8205	19,741	21.72
1287	394,444.80	381,386.92	3,640,569.440	83.5760	22,364	22.72
1288	501,420.09	447,932.45	4,088,501.885	93.8591	25,220	23.72
1289	548,592.08	525,006.09	4,613,507.970	105.9116	28,329	24.72
1290	600,029.09	574,310.59	5,187,818.555	119.0959	31,696	25.72
1291	Design Top of	Lagoon Levee				26.72



General Notes for Site:
 No Field verification of LIDAR elevations performed.
 Front toe of stream obstruction elevation: 1265.87'
 Rear toe of stream obstruction elevation: 1264.28'
 Assumed top of structure 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 _____.



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

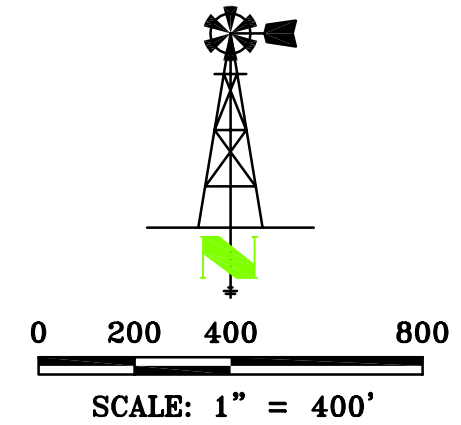
Stream Obstruction
 SW 1/4 Sec 31, T2S, R11E
 Nemaha County, Kansas
 PREPARED FOR
 MWI - Frank Kohake

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	03/11/23
SHEET	1 OF 2
JOB NO.	5262.154

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of Section 31, Township 2 South, Range 11 East of the Sixth Principal Meridian, Nemaha County, Kansas

Water Level at
Elev: 1288'



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

SW 1/4 Sec 31, T2S, R11E
Nemaha County, Kansas

PREPARED FOR

MWI - Frank Kohake

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	03/11/23

SHEET 2 OF 2

JOB NO.
5262.154

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	33
Soil Cover Complex No.	76
Drainage Area, acres	100
Runoff at 20% Chance, AF	94.51

DO NOT EDIT BELOW THIS LINE

% Chance Firm Coefficients			
	50%	80%	90%
a	0.5317	0.1216	0.0527
b	1.0815	1.2538	1.3547

Std. Dev. 90%	1.44
Std. Dev. 80%	1.40
Avg	1.42

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	3.44	3.44
80%	1.06	1.04
90%	0.55	0.56
20%		11.34

Mean annual runoff for CN = 75, inches	5.40
Mean annual runoff for CN = 80, inches	6.50
Interp. Mean annual runoff for CN = 76, inches	5.62

4/27/2023

Water Resources
Received

KS Dept Of Agriculture

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream –

#1) ROSELLA & GILES KOHAKE TRUST
33 N 7TH ST
SENECA KS 66538

Downstream –

#1) RICHARD & JANICE STRATHMAN
1301 31ST RD
BAILEYVILLE KS 66404

4/27/2023

Water Resources
Received

KS Dept Of Agriculture

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): CIRCLE K CATTLE CO

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: ROSELLA & GILES KOHAKE TRUST

ADDRESS: 33 N 7TH ST SENECA KS 66538

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31	2	11E					40	40	40	40	40			40					240

Landowner of Record NAME: FRANK J & MARILYN R KOHAKE

ADDRESS: 1181 29TH RD AXTELL KS 66403

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
31	2	11E													20	17			37
6	3	11E					36	35	31.5	40									142.5

TOTAL = 419.5 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	

4/27/2023

Water Resources
Received

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 51028

APPLICANT PERSON ID & SEQ #	90304	PDIV ID	BATTERY ID
<u>68997</u>			

LANDOWNER PERSON ID & SEQ #	71364	PUSE ID
<u>68998</u>	<u>71365</u>	
<u>68999</u>	<u>71366</u>	

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

68997
