

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.

6/20/2023

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
1007
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: **51059**

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

1. Name of Applicant: CHARLES E GERSTNER
Address: 1737 HWY 99
City: FRANKFORT State: KS Zip Code: 66427
Phone: 785-268-0123 Email: _____

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

3. The maximum annual quantity of water desired is 200 acre-feet gallons
to be diverted at a maximum rate of 800 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	<u>1</u>	GMD	DUA	Use	<u>IRR</u>
Source	<u>G</u>	County	<u>MS</u>	By	<u>ALB</u>
Date	<u>6/21/23</u>	6/22/2023		LMoody	
Code	<u>RE2</u>	Fee \$	<u>300</u>	TR #	<u>PY00064269</u>
Receipt Date	<u>6/20/2023</u>	Check #			

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 NW quarter of the NW quarter of the SW quarter of Section 28, more particularly described as being near a point 2285 feet North and 5250 feet West of the Southeast corner of said section, in Township 3 South, Range 9 E W, MARSHALL County, KS. A.K.A: ONE WELL

(B) One in the SW quarter of the NW quarter of the SW quarter of Section 28, more particularly described as being near a point 1686 feet North and 5250 feet West of the Southeast corner of said section, in Township 3 South, Range 9 E W, MARSHALL County, KS. A.K.A: ONE WELL

(C) One in the NW quarter of the NW quarter of the SW quarter of Section 28, more particularly described as being near a point 1986 feet North and 5250 feet West of the Southeast corner of said section, in Township 3 South, Range 9 E W, MARSHALL County, KS. A.K.A: GEO CTR

(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: _____

6. The proposed project for diversion of water will consist of BATTERY OF 2 WELLS
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: JULY 2024
(date each was or will be completed)

7. The first actual application of water for the proposed beneficial use was or is estimated to be JULY 2024
(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.

P/U - 50878

6/20/2023

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If yes, a check valve shall be required. All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact 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	5-25-23	_____	_____	_____	_____
Total depth of well	115'	_____	_____	_____	_____
Depth to static water level	9'	_____	_____	_____	_____

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

(name, address, and phone)

6/20/2023

(name, address, and phone)

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

APPLICANT

KS Dept Of Agriculture

(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.

Keith Grimm

 Digitally signed by Keith Grimm
Date: 2023.06.19 10:15:13 -05'00'

(Applicant Signature)

(Date)

(Applicant Name – please print)

(Applicant Title, if applicable – please print)

Assisted by **BRETT BUNGER**

WATER COMMISSIONER

(office/title)

Date: **6-15-23**

FEE SCHEDULE*Make checks payable to the Kansas Department of Agriculture.*

KS Dept 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>

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): **CHARLES E 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: **CHARLES E GERSTNER TRUST**

ADDRESS: **1737 HWY 99 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				
20	3	9E																40	40		80	
21	3	9E												40	40	26	40	40	40	31	36	293
28	3	9E	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40					480
																				TOTAL = 853 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					

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						

WATER WELL RECORD - Form WWC-5

Division of Water Resources App. No. _____

Well ID _____

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: Fraction $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ $\frac{1}{4}$ Section Number _____ Township Number T _____ S _____ Range Number R _____ E _____ W _____

2 WELL OWNERS: Last Name: Gerstner First: Charlie Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here:
 Business Address: 1737 KS-99 1/2 mi. WEST of 99 Hwy & Pleasant Rd.
 Address: Frankfort State: KS ZIP: 66127 South of 3/4 mi.
 City: _____

3 LOCATE WELL WITH "X" IN SECTION BOX:

N

..NW..	..NE..	
W		E
	..SW..	..SE..

S

1 mile

4 DEPTH OF COMPLETED WELL: 115 ft.

Depth(s) Groundwater Encountered: 1) 42 ft. 2) _____ ft. 3) _____ ft. or 4) Dry Well

WELL'S STATIC WATER LEVEL: _____ ft.

below land surface, measured on (mo-day-yr) 5/25/23

above land surface, measured on (mo-day-yr) _____

Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm

Well water was _____ ft. after _____ hours pumping _____ gpm

Estimated Yield: 180 gpm

Bore Hole Diameter: 16 in. to 115 ft. and _____ in. to _____ ft.

5 Latitude: 39.7612169 (decimal degrees)

Longitude: -96.427826 (decimal degrees)

Horizontal Datum: WGS 84 NAD 83 NAD 27

Source for Latitude/Longitude: GPS (unit make/model: _____) (WAAS enabled? Yes No)

Land Survey Topographic Map

Online Mapper: _____

6 Elevation: _____ ft. Ground Level TOC

Source: Land Survey GPS Topographic Map

Other: _____

7 WELL WATER TO BE USED AS:

1. Domestic: Household Lawn & Garden Livestock

2. Irrigation

3. Feedlot

4. Industrial

5. Public Water Supply: well ID _____

6. Dewatering: how many wells? _____

7. Aquifer Recharge: well ID _____

8. Monitoring: well ID _____

9. Environmental Remediation: well ID _____

Air Sparge Soil Vapor Extraction

Recovery Injection

10. Oil Field Water Supply: lease _____

11. Test Hole: well ID _____

Cased Uncased Geotechnical

12. Geothermal: how many bores? _____

a) Closed Loop Horizontal Vertical

b) Open Loop Surface Discharge Inj. of Water

13. Other (specify): _____

Was a chemical/bacteriological sample submitted to KDHE? Yes No If yes, date sample was submitted: _____

Water well disinfected? Yes No

8 TYPE OF CASING USED: Steel PVC Other _____ CASING JOINTS: Gland Clamped Welded Threaded

Casing diameter 1.0 in. to 1.2 ft. Diameter _____ in. to _____ ft. Diameter _____ in. to _____ ft.

Casing height above land surface 2 in. Weight _____ lbs./ft. Wall thickness or gauge No. sch 40

TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel Fiberglass PVC Other (Specify) _____

Brass Galvanized Steel Concrete tile None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: Continuous Slot Mill Slot Gauge Wrapped Torch Cut Drilled Hole Other (Specify) _____

Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole)

SCREEN-PERFORATED INTERVALS: From 115 ft. to _____ ft. From 75 ft. to 55 ft. From _____ ft. to _____ ft.

GRAVEL PACK INTERVALS: From 115 ft. to 20 ft. From _____ ft. to _____ ft. From _____ ft. to _____ ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other _____

Grout intervals: From _____ ft. to _____ ft. From _____ ft. to _____ ft. From _____ ft. to _____ ft.

Nearest source of possible contamination:

Septic Tank Lateral Lines Pit Privy Livestock Pens Insecticide Storage

Sewer Lines Cess Pool Sewage Lagoon Fuel Storage Abandoned Water Well

Watertight Sewer Lines Seepage Pit Feedyard Fertilizer Storage Oil Well/Gas Well

Other (Specify) N/A

Direction from well? _____ Distance from well? _____

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITRO. LOG (cont.) or PLUGGING INTERVALS
0	8	Silty clay	61	73	Coarse sand w/ Tan clay streaks
8	12	Sandy clay			
12	18	Silty clay	73	113	Very fine Clayey sand
18	23	Sandy Tan clay	113	115	Shale
23	34	Blue clay			
34	42	Silty Brown clay			
42	52	Very Coarse sand w/some Gravel			
52	61	Sandy Grey clay			

Notes: 16 bags chips

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) 5/25/23 and this record is true to the best of my knowledge and belief.

Kansas Water Well Contractor's License No. _____ This Water Well Record was completed on (mo-day-year) _____

under the business name of _____ Signature _____

Mail 1 extra copy along with a fee of \$5.00 for each constructed well to: Kansas Department of Health and Environment, Bureau of Water, OW-15 Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Mail one to Water Well Owner and retain one for your records. Telephone 785-396-5924. KSA 82a-1212 Revised 7/16/2016

JOB #

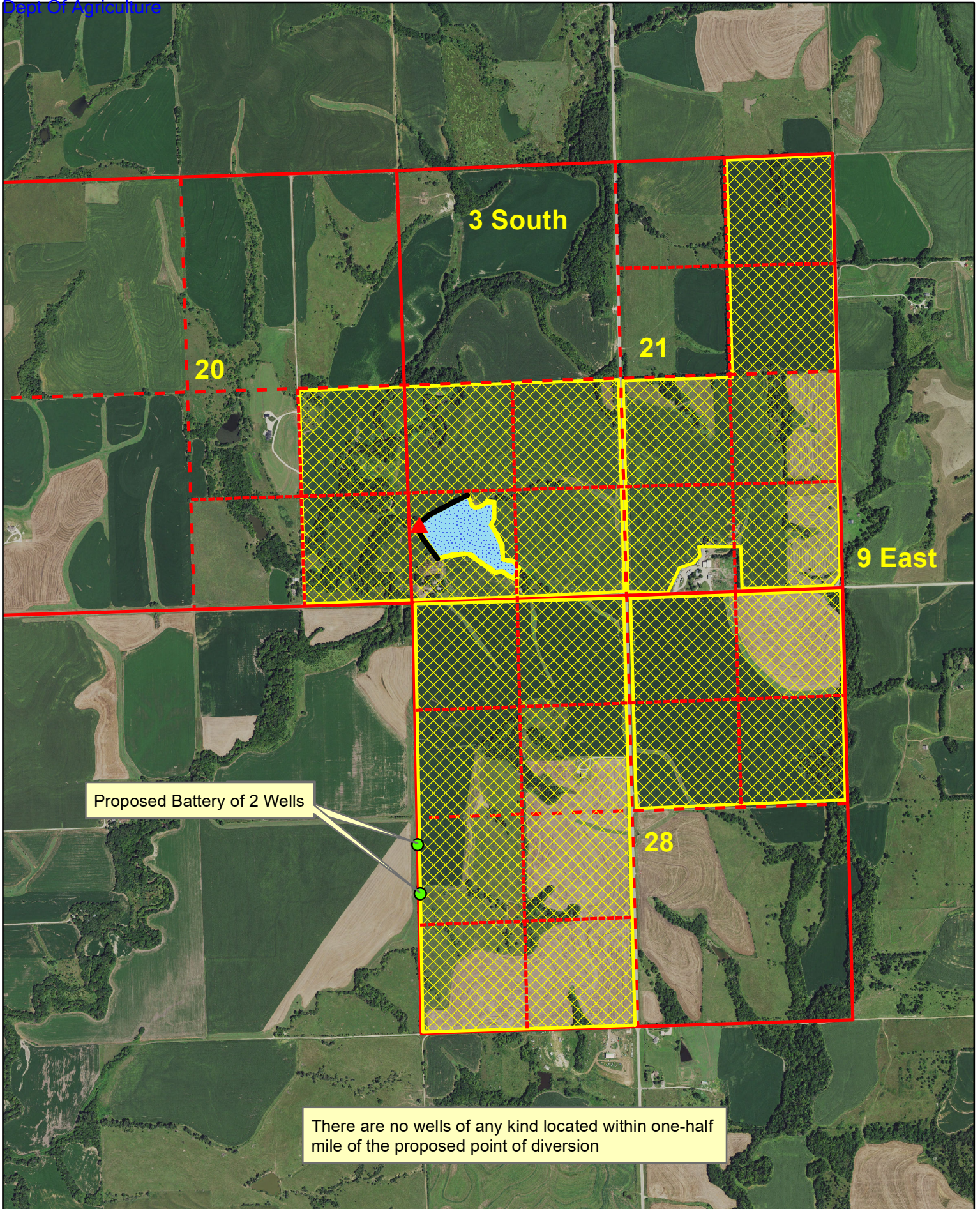
6/20/2023

PERMIT #

Water Resources Received

KS Dept Of Agriculture

New Application



Proposed Battery of 2 Wells

There are no wells of any kind located within one-half mile of the proposed point of diversion

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 51059

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>68647</u>	<u>90412 - GEO CTR</u>	<u>2358</u>
	<u>90413</u>	
	<u>90414</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>68647</u>	<u>71039</u>
	<u>71040</u>
	<u>71341</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>68647</u>