

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.

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



State of Kansas

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

NEEDS STREAM NAME

8/30/2023, 3:35 PM

File Number: **51101**

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

Water Resources
Received

KS Dept Of Agriculture

1. Name of Applicant: THOMAS M FUNK
Address: 17305 MARION RD
City: NORTONVILLE State: KS Zip Code: 66066
Phone: 785-640-0536 Email: _____

2. The source of water is: surface water in UNNAMED TRIBUTARY TO BRUSH CREEK
(stream)
 groundwater in DELAWARE RIVER
(drainage basin)

3. The maximum annual quantity of water desired is 377.5 acre-feet gallons
to be diverted at a maximum rate of ALL NAT FLOWS 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 290 acre-feet gallons, at a rate of 1200 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):

<input type="checkbox"/> Artificial Recharge*	<input checked="" type="checkbox"/> Irrigation*	<input type="checkbox"/> Recreational*	<input type="checkbox"/> Water Power*
<input type="checkbox"/> Industrial*	<input type="checkbox"/> Municipal*	<input type="checkbox"/> Stockwatering*	<input type="checkbox"/> Sediment Control
<input type="checkbox"/> Domestic	<input type="checkbox"/> Dewatering	<input type="checkbox"/> Hydraulic Dredging	<input type="checkbox"/> Fire Protection
<input type="checkbox"/> Thermal Exchange	<input type="checkbox"/> 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.

9/5/2023
KAnderson

FOR OFFICE USE ONLY							
FO	<u>1</u>	GMD	Use	<u>IRR</u>	Source	County	<u>JF ALB</u>
Code	<u>RE3</u>	Fee \$	<u>320</u>	TR #	<u>PY00078937</u>	Receipt Date	<u>8/30/2023</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 NE quarter of the NW quarter of Section 14, more particularly described as being near a point 4625 feet North and 3920 feet West of the Southeast corner of said section, in Township 8 South, Range 18 E W, JEFFERSON 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: _____

6. The proposed project for diversion of water will consist of ONE DAM
(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.
NONE

8/30/2023

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	_____	_____	_____	_____	_____

8/30/2023

13. The owner(s) of the point of diversion, if other than the applicant is:
APPLICANT _____
 (name, address, and phone)

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 KS Dept Of Agriculture

_____ (name, address, and phone)

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.

Keith Grimm

(Applicant Signature)

Digitally signed by Keith Grimm
Date: 2023.08.30 10:41:44 -05'00'

8-30-23

(Date)

Keith Grimm

(Applicant Name – please print)

Agent

(Applicant Title, if applicable – please print)

8/30/2023

**Water Resources
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KS Dept Of Agriculture

Assisted by **BRETT BUNGER**

TFO/WATER COMMISSIONER

(office/title)

Date: **8-30-23**

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

8/30/2023

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STORAGE QUANTITY

Direct Use = 290 AF

Reservoir Capacity = 80.7 AF

One year net evap = 11.7 acres x 7"/12" = 6.8 AF

Storage Quantity = 290 AF + 80.7 AF + 6.8 AF = 377.5 AF

UPSTREAM AND DOWNSTREAM LANDOWNERS

UPSTREAM –

- #1) GARY W & BETTY V SMITH
12085 174TH ST
VALLEY FALLS KS 66088
- #2) MARY P & BENNIE L CRAIN DECLARATION OF TRUST
7601 VALLEY RD
PARKVILLE MO 64152

DOWNSTREAM –

- #1) SUSAN M AKERLEY
176 MIDDLESEX RD
TOPSHAM ME 04086
- #2) OCHS FARMS LLC
11708 HIGH DR
LEAWOOD KS 66211

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PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	38
Soil Cover Complex No.	76
Drainage Area, acres	323
Runoff at 20% Chance, AF	454.60

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%	1.34
Std. Dev. 80%	1.31
Avg	1.33

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	5.53	5.53
80%	1.84	1.81
90%	0.99	1.01
20%		16.89

Mean annual runoff for CN = 75, inches	8.48
Mean annual runoff for CN = 80, inches	9.70
Interp. Mean annual runoff for CN = 76, inches	8.72

**IRRIGATION USE
SUPPLEMENTAL SHEET**

Water Resources
Received

File No. _____

KS Dept Of Agriculture

Name of Applicant (Please Print): THOMAS M FUNK

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: THOMAS M & TRACEY L FUNK

ADDRESS: 17305 MARION RD NORTONVILLE KS 66066

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	8	18E										40				40		40	40		160
14	8	18E	29	21	20	20	9														99

Landowner of Record NAME: SUSAN MAKERLEY

ADDRESS: 176 MIDDLESEX RD TOPSHAM ME 04086

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	8	18E																			20

Landowner of Record NAME: GIGSTAD FAMILY TRUST

ADDRESS: 8413 NW 124TH CIR OKLAHOMA CITY OK 73142

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL		
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
14	8	18E			20	20															40

TOTAL = 319 ACRES

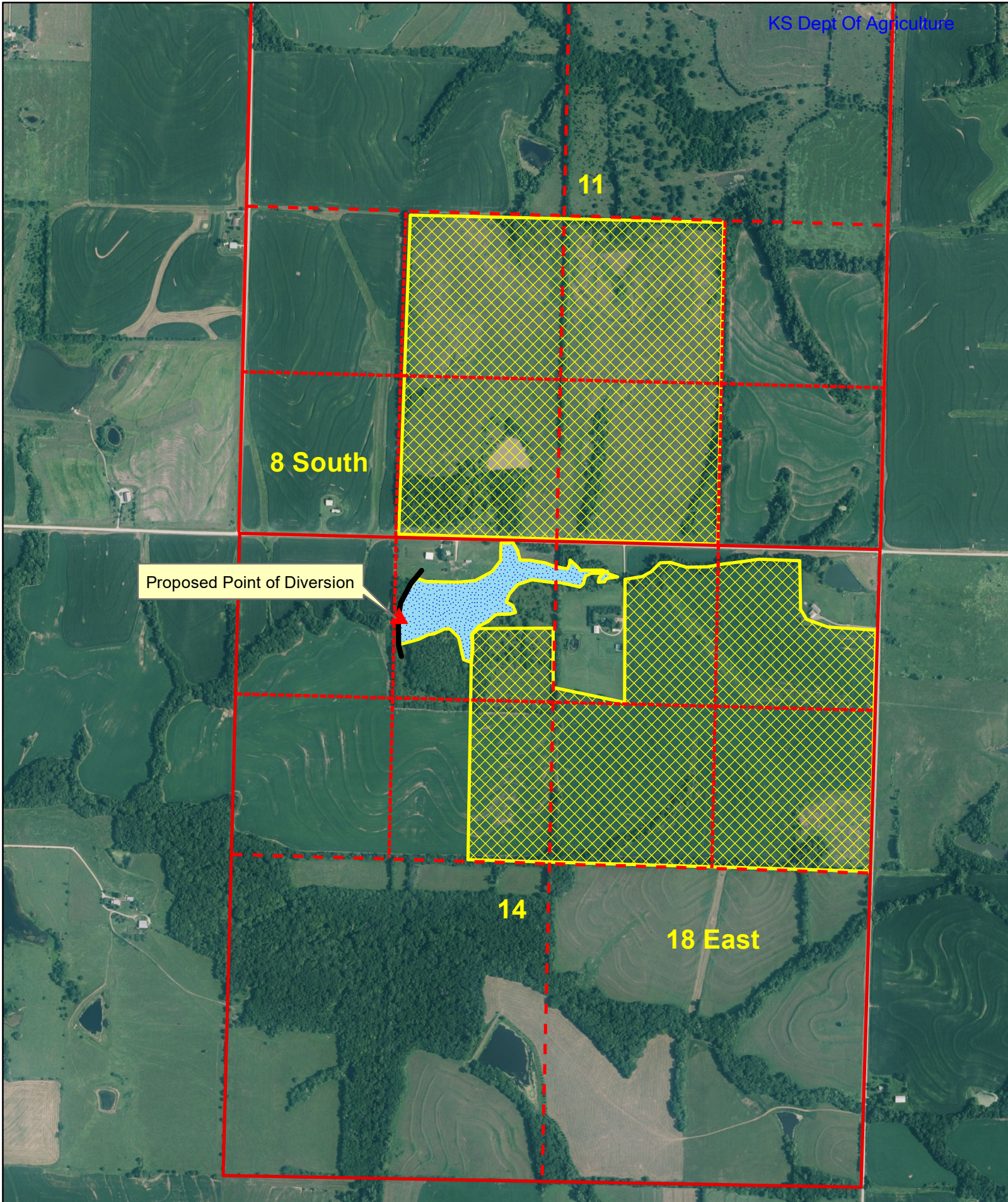
New Application

8/30/2023

1:12,000

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KS Dept Of Agriculture



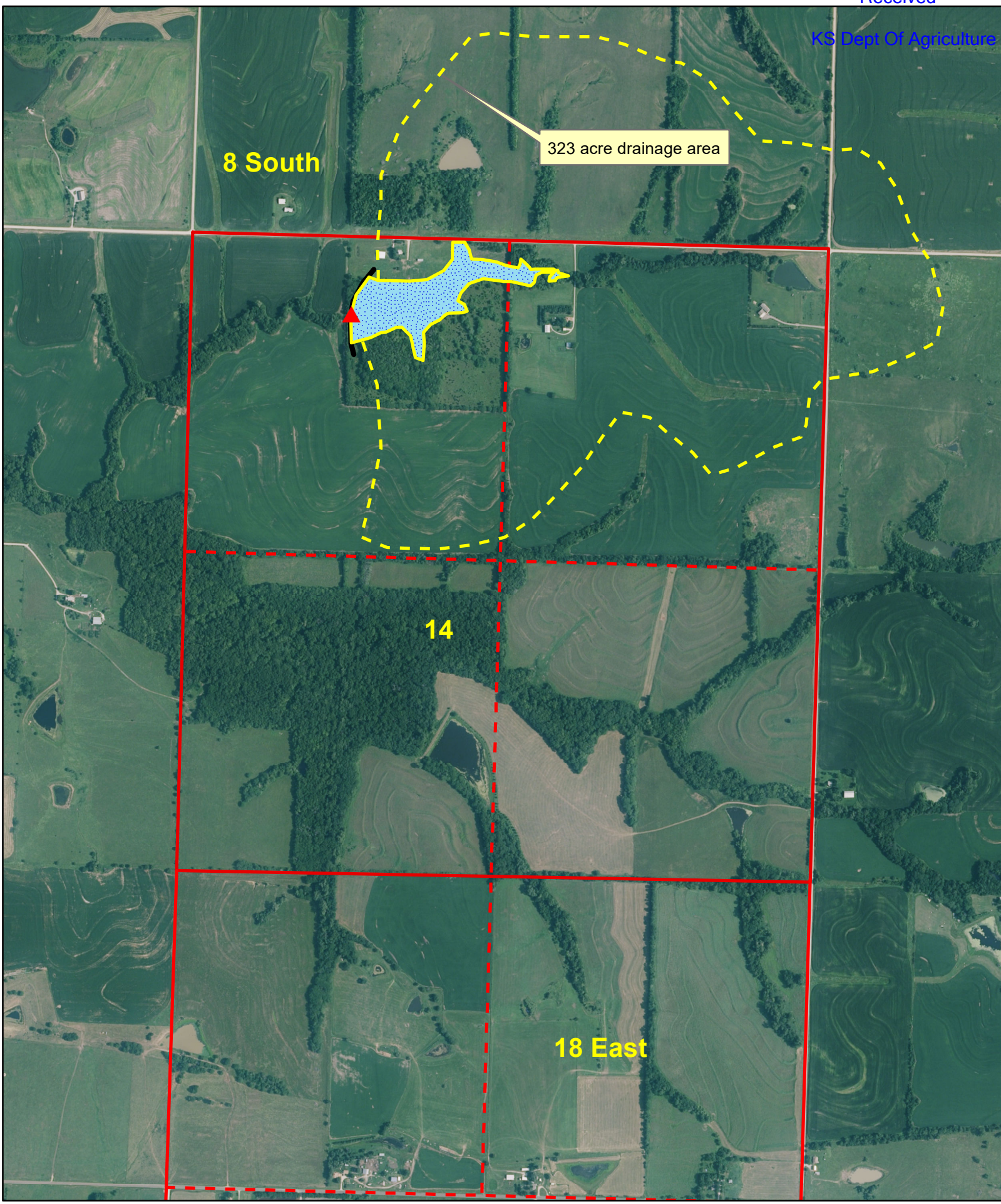
New Application

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1:12,000

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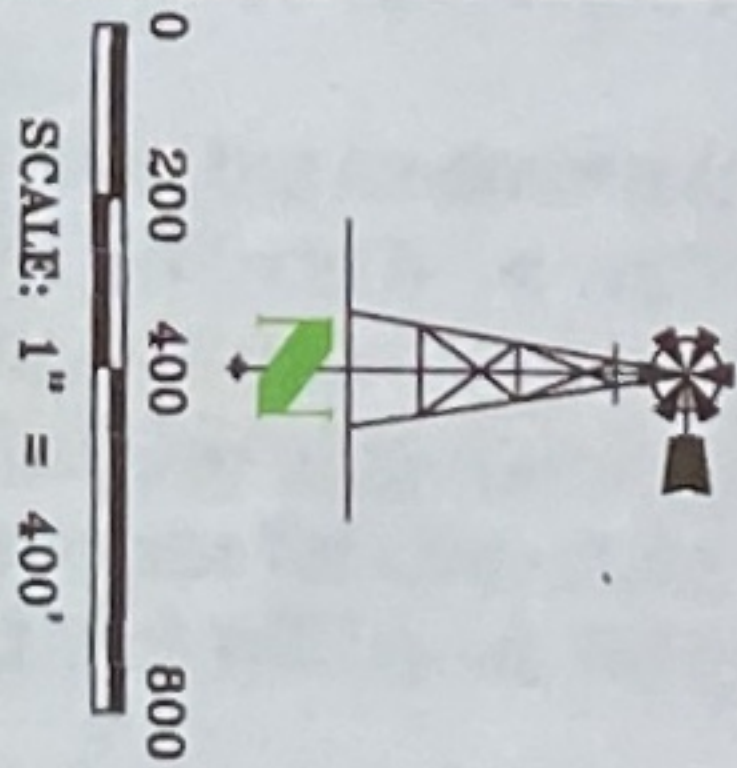


By signing this the upstream landowner agrees to allow water in ditch line up to 1048elv under normal water pool and 1051.1 to Emergency Spillway

8/30/2023
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Gary Smith 4-26-23

TOPOGRAPHIC SURVEY
Compute Proposed Stream Obstruction Volume in the Northwest One-Quarter of Section 14, Township 8 South, Range 18 East of the Sixth Principal Meridian, Jefferson County, Kansas



SCALE: 1" = 400' FIELD NO.: CHK. BY: MARCY DWN. BY: BRENT DATE: 02/23/23 SHEET 2 OF 2 JOB NO. 5262.150	Stream Obstruction NW 1/4 Sec 14, T8S, R18E Jefferson County, Kansas	JORGENSEN SURVEYING 73051 617 Ave Tecumseh, NE 68450 (402) 335-2033 jorgensensurveying@gmail.com	THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED. ORIGINAL DRAWING SIZE: 1 INCH
	PREPARED FOR MWI - Tom Funk		

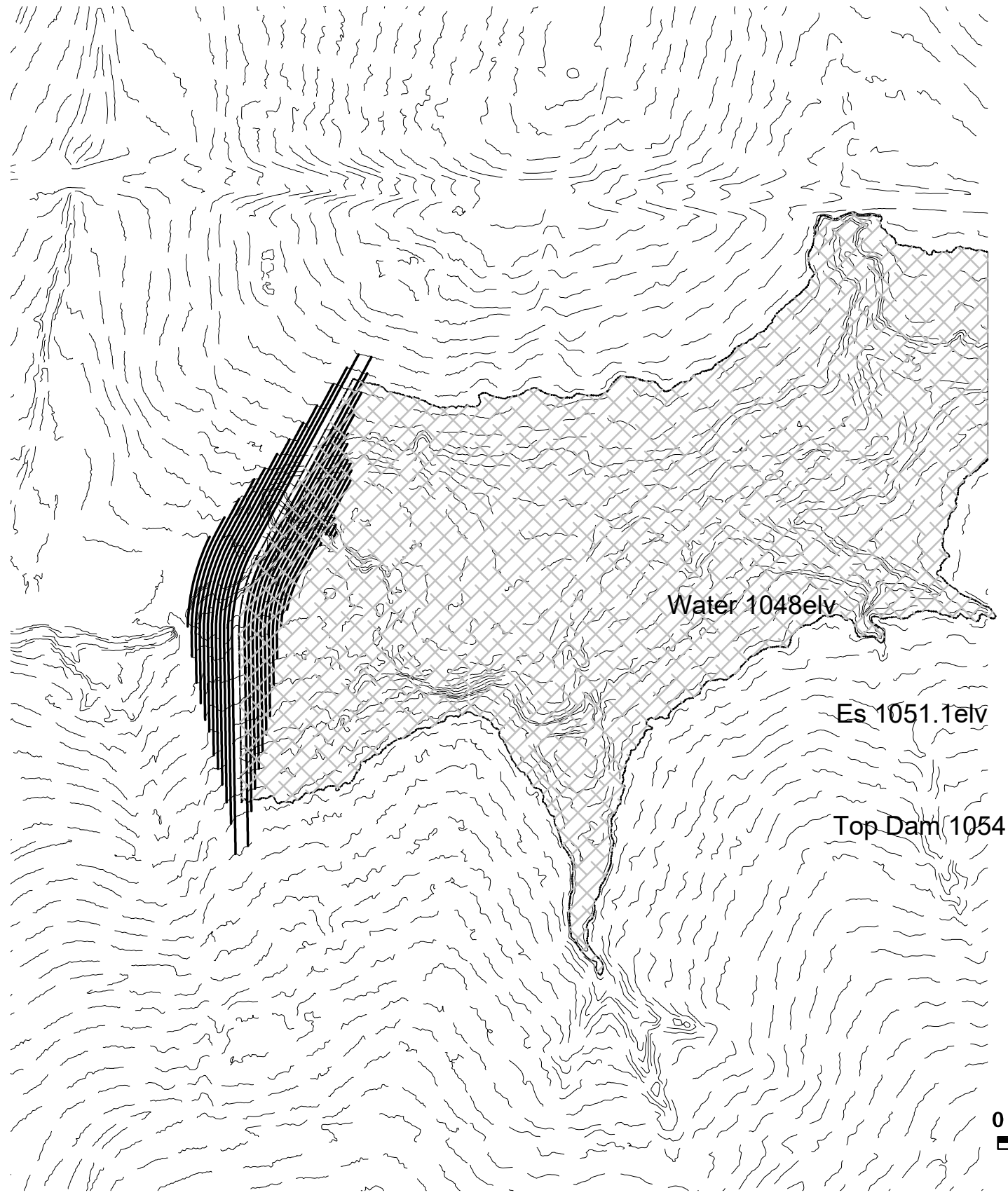
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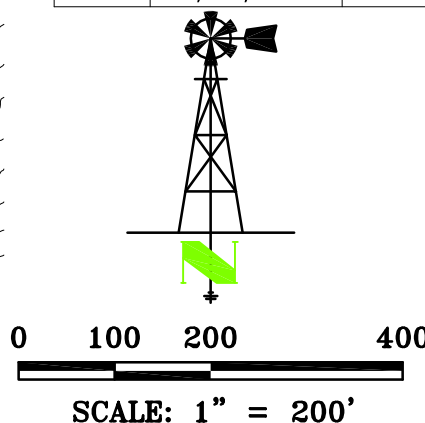
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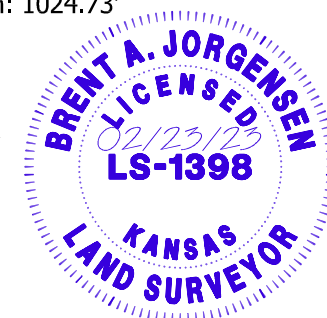


Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1024	-					
1025	16.00	8.00	8.000	0.0002		0.27
1026	782.38	399.19	407.190	0.0093		1.27
1027	1,066.82	924.60	1,331.790	0.0306		2.27
1028	1,308.66	1,187.74	2,519.530	0.0578		3.27
1029	1,576.79	1,442.73	3,962.255	0.0910		4.27
1030	5,334.96	3,455.88	7,418.130	0.1703		5.27
1031	7,181.04	6,258.00	13,676.130	0.3140		6.27
1032	13,704.67	10,442.86	24,118.985	0.5537		7.27
1033	30,798.08	22,251.38	46,370.360	1.0645		8.27
1034	50,690.33	40,744.21	87,114.565	1.9999		9.27
1035	72,138.63	61,414.48	148,529.045	3.4098		10.27
1036	98,310.50	85,224.57	233,753.610	5.3662		11.27
1037	127,331.26	112,820.88	346,574.490	7.9563		12.27
1038	151,734.74	139,533.00	486,107.490	11.1595		13.27
1039	175,782.70	163,758.72	649,866.210	14.9189		14.27
1040	197,175.96	186,479.33	836,345.540	19.1999		15.27
1041	197,175.96	197,175.96	1,033,521.500	23.7264		16.27
1042	250,058.89	223,617.43	1,257,138.925	28.8599		17.27
1043	286,452.57	268,255.73	1,525,394.655	35.0182		18.27
1044	329,930.29	308,191.43	1,833,586.085	42.0933		19.27
1045	377,995.90	353,963.10	2,187,549.180	50.2192		20.27
1046	421,731.93	399,863.92	2,587,413.095	59.3988		21.27
1047	464,589.37	443,160.65	3,030,573.745	69.5724		22.27
1048	512,595.86	488,592.62	3,519,166.360	80.7889		23.27
1049	568,437.62	540,516.74	4,059,683.100	93.1975	15,236	24.27
1050	624,713.69	596,575.66	4,656,258.755	106.8930	17,089	25.27
1051	682,876.21	653,794.95	5,310,053.705	121.9021	19,090	26.27
1051.10	688,710.10	68,579.32	5,378,633.020	123.4764		26.37
1051.20	694,671.97	69,169.10	5,447,802.124	125.0643		26.47
1051.30	700,363.39	69,751.77	5,517,553.892	126.6656		26.57
1052	742,110.62	504,865.90	6,022,419.796	138.2557	21,250	27.27
1053	805,272.58	773,691.60	6,796,111.396	156.0172	23,583	28.27
1054	865,909.01	835,590.80	7,631,702.191	175.1998	26,100	29.27
1055	936,102.94	901,005.98	8,532,708.166	195.8840	28,809	30.27
1056	1,016,056.17	976,079.56	9,508,787.721	218.2917	31,719	31.27



General Notes for Site:
 No Field verification of LIDAR elevations performed.
 Front toe of stream obstruction elevation: 1026.89'
 Rear toe of stream obstruction elevation: 1024.73'
 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
 NW 1/4 Sec 14, T8S, R18E
 Jefferson County, Kansas
 PREPARED FOR
 MWI - Tom Funk

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	02/23/23
SHEET	1 OF 2
JOB NO.	5262.150

By signing this the upstream landowner agrees to allow water in ditch line up to 1048elv under normal water pool and 1051.1 to Emergency Spillway

8/30/2023

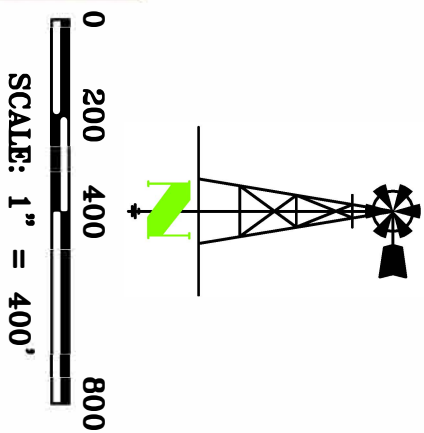
Water Resources
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KS Dept Of Agriculture

TOPOGRAPHIC SURVEY
 Compute Proposed Stream Obstruction Volume in the Northwest One-Quarter of
 Section 14, Township 8 South, Range 18 East of the
 Sixth Principal Meridian, Jefferson County, Kansas



Water Level at
Elev: 1051.10'



SCALE 1"=400' FIELD NO.: CHK. BY MARCY DWN. BY BRENT DATE: 02/23/23 SHEET 2 OF 2 JOB NO. 5262.150	Stream Obstruction NW 1/4 Sec 14, T8S, R18E Jefferson County, Kansas	JORGENSEN SURVEYING 73051 617 Ave Tecumseh, NE 68450 (402) 335-2033 jorgensensurveying@gmail.com	THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED. ORIGINAL DRAWING SIZE: 1 INCH
	PREPARED FOR MWI - Tom Funk		

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 51101

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>69160</u>	<u>90524</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>69160</u>	<u>71515</u>
<u>69161</u>	<u>71516</u>
<u>69162</u>	

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

69160