

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.

11/9/2023, 2:53 PM

File Number: **51133**

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

Water Resources
Received

KS Dept Of Agriculture

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.

11/18/2023
KAnderson

FOR OFFICE USE ONLY													
FO	1	GMD	DUA	Use	irr	Source	s	County	wb	By	alb	Date	11/13/23
Code	RE2	Fee \$	300	TR #	PY00101778	Receipt Date	11/9/2023	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 (¼) 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: _____

6. The proposed project for diversion of water will consist of _____
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: _____
(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 _____
(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.

11/9/2023

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 ½ 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 ½ mile, please indicate that on the map.)

For Surface Water Use, the names and addresses of the landowner(s) ½ mile downstream and ½ 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)

11/9/2023

_____ (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:

APPLICANT

Water Resources
Received

(name, address, and phone)

KS Dept Of Agriculture

(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.

Darcy Nightingale

Digitally signed by Darcy Nightingale
Date: 2023.11.09 09:00:28 -06'00'

(Applicant Signature)

(Date)

Darcy Nightingale

(Applicant Name – please print)

Agent

(Applicant Title, if applicable – please print)

Assisted by **Darcy Nightingale**

MWI SALES

(office/title)

Date: **10/25/23**

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

1:18,000

NEW APPLICATION

11/9/2023

Water Resources
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11 South

20

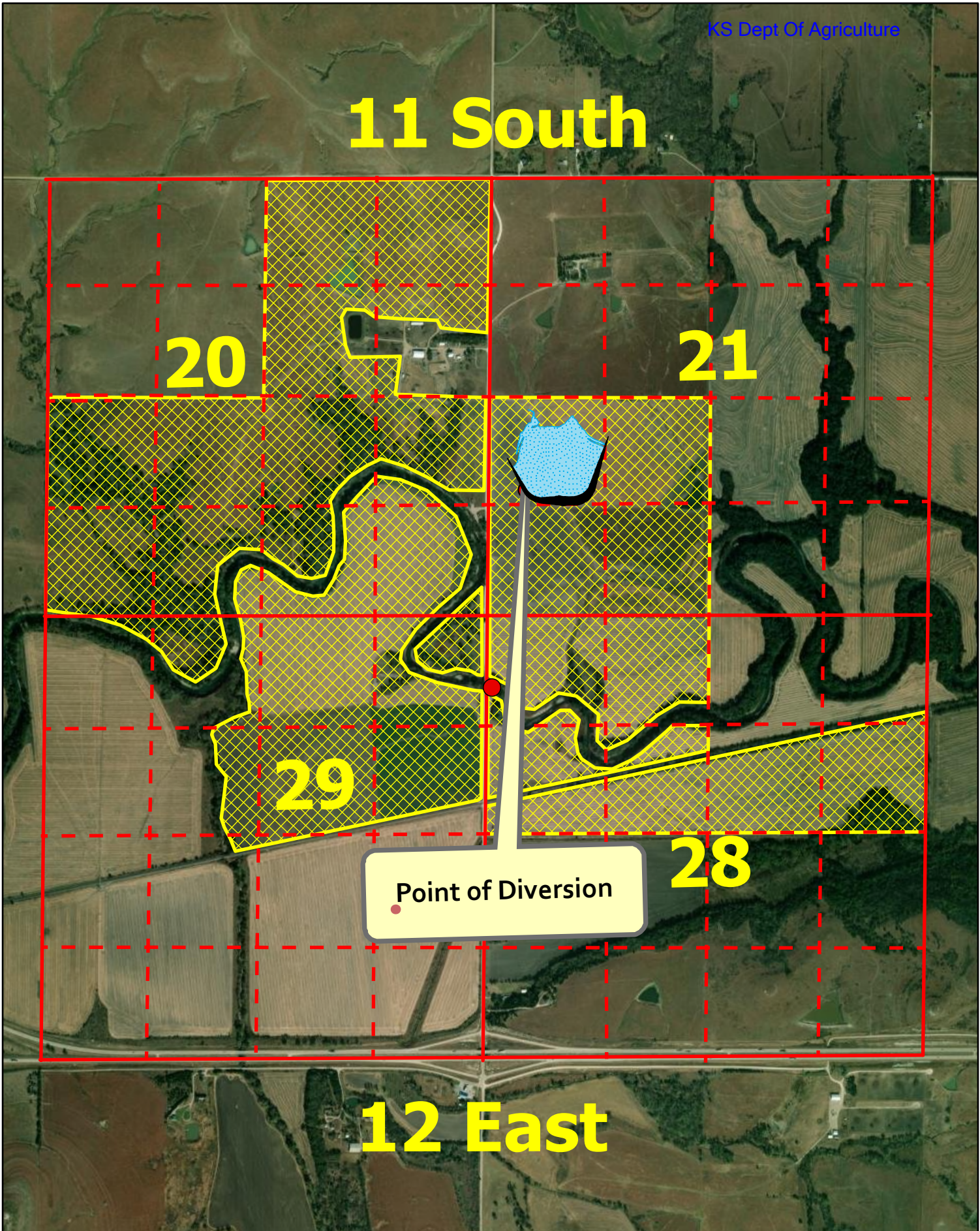
21

29

28

Point of Diversion

12 East



1:18,000

DRAINAGE AREA

11/9/2023

Water Resources
Received



KS Dept Of Agriculture

11 South

20

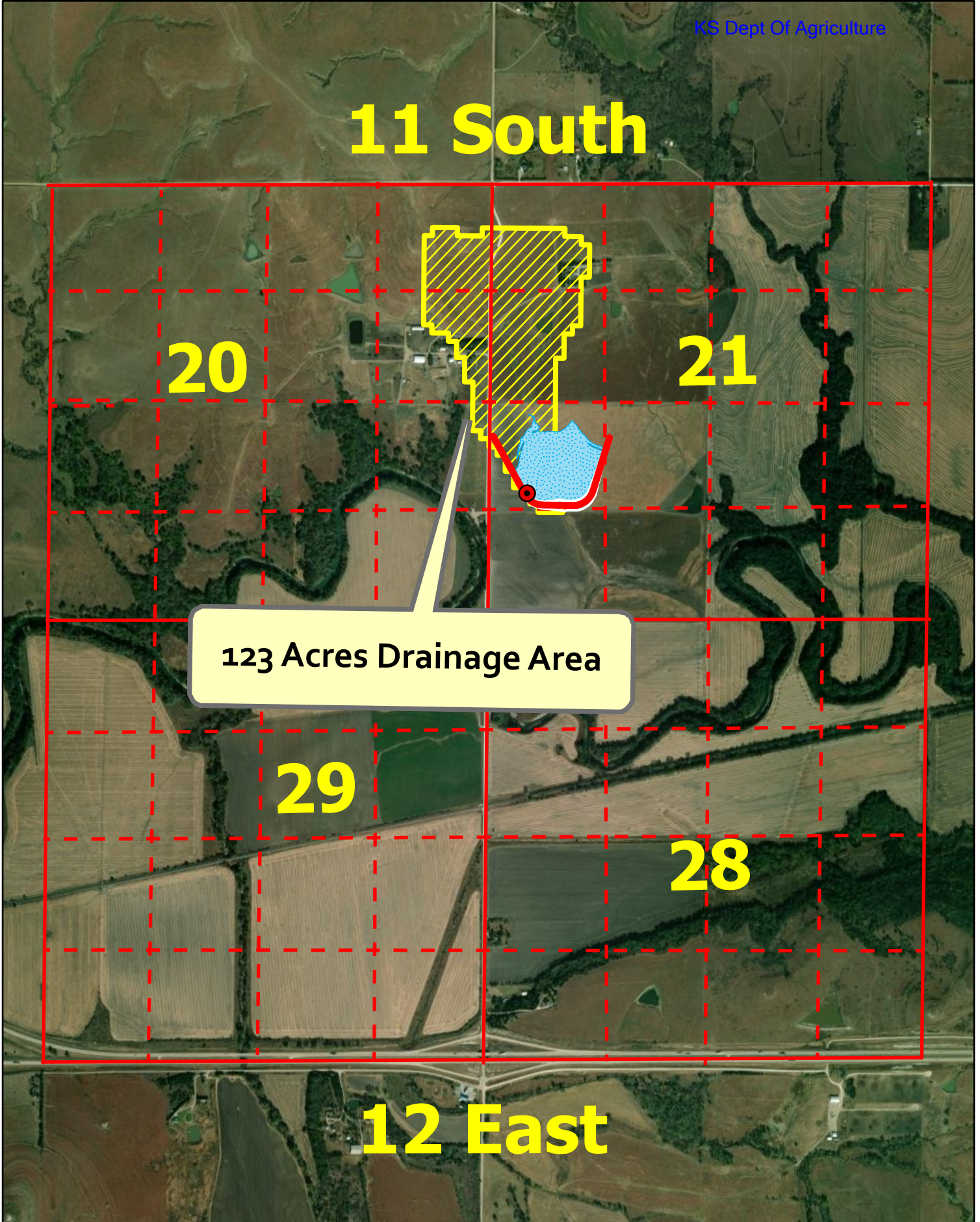
21

123 Acres Drainage Area

29

28

12 East



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PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	35
Soil Cover Complex No.	77
Drainage Area, acres	123
Runoff at 20% Chance, AF	141.82

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%	1.39
Std. Dev. 80%	1.35
Avg	1.37

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	4.36	4.36
80%	1.39	1.37
90%	0.74	0.75
20%		13.84

Mean annual runoff for CN = 75, inches	6.50
Mean annual runoff for CN = 80, inches	7.75
Interp. Mean annual runoff for CN = 77, inches	7.00

Do a Save as to your file
Change only shaded
and Text
Delete this text

11/9/2023

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STORAGE CALCULATIONS

TOTAL RESERVOIR CAPACITY =	123.3	AF		
DIRECT USE =	247	AF		
TOTAL RESERVOIR SURFACE AREA =	18.5	ACRES		
1 YEAR NET EVAPORATION =	18.5 ACRES X 10"/12" =		15.4167	AF
STORAGE =	247 AF+	123.3 +	15.4167 =	385.717 AF

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream -

#1) Elmer Imthurn
33645 Vera RD
Maple Hill, KS 66507

Downstream -

#1) Thomas Martin
PO Box 725542
Atlanta, GA 31139

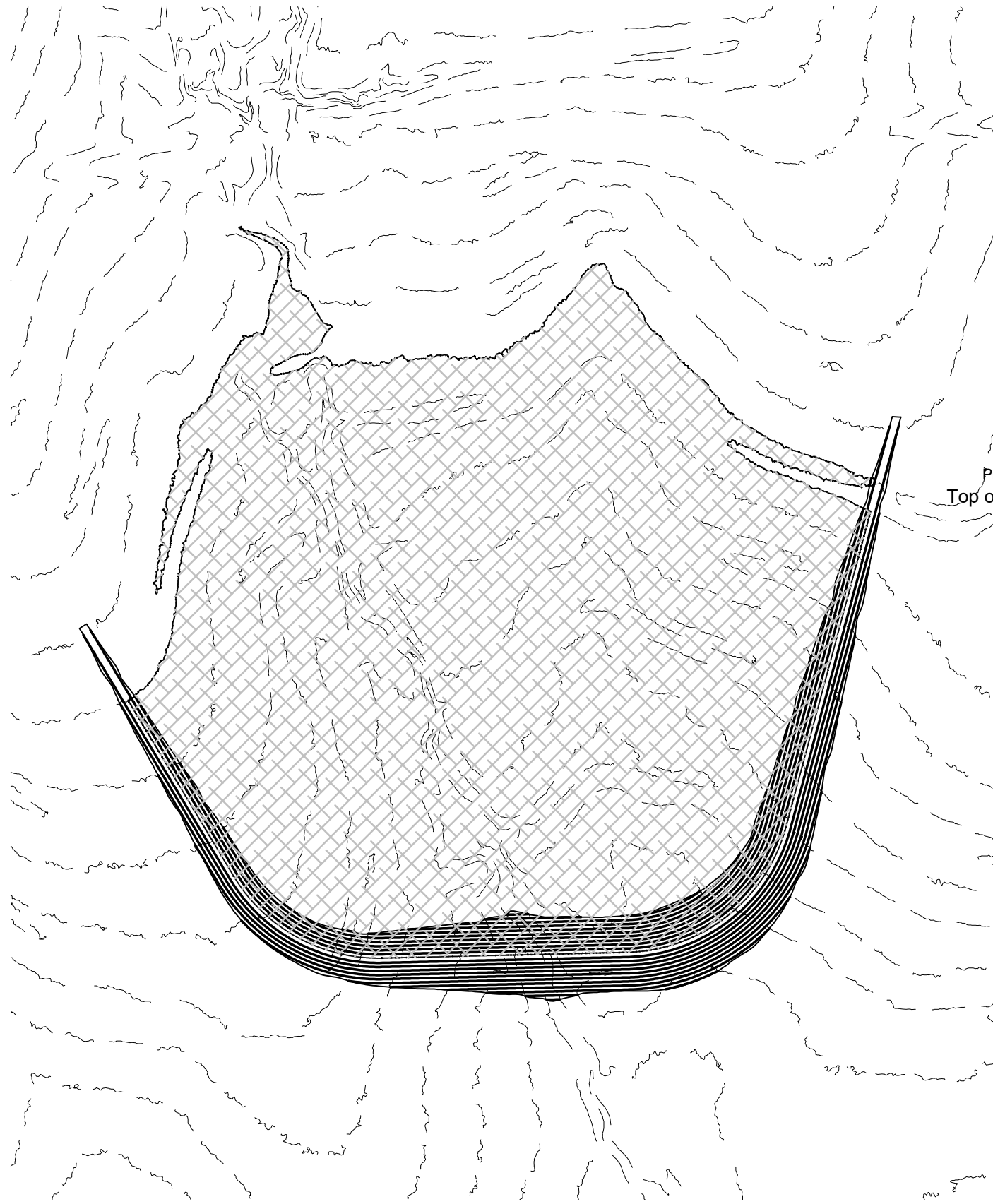
TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of Section 21, Township 11 South, Range 12 East of the Sixth Principal Meridian, Wabaunsee County, Kansas

11/9/2023

Water Resources
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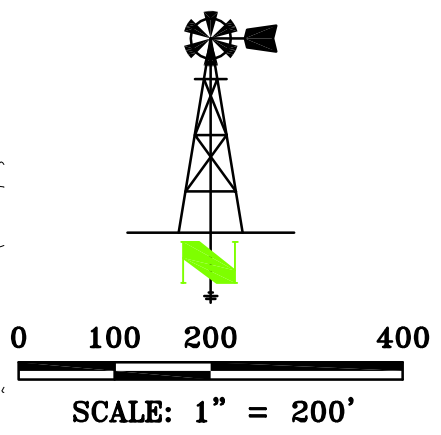
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Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
969	-					
970	476.49	238.25	238.245	0.0055		0.86
971	2,086.90	1,281.70	1,519.940	0.0349		1.86
972	4,289.62	3,188.26	4,708.200	0.1081		2.86
973	10,035.68	7,162.65	11,870.850	0.2725		3.86
974	41,249.53	25,642.61	37,513.455	0.8612		4.86
975	68,791.01	55,020.27	92,533.725	2.1243		5.86
976	99,239.90	84,015.46	176,549.180	4.0530		6.86
977	150,680.97	124,960.44	301,509.615	6.9217		7.86
978	195,113.54	172,897.26	474,406.870	10.8909		8.86
979	245,178.31	220,145.93	694,552.795	15.9447		9.86
980	308,623.20	276,900.76	971,453.550	22.3015		10.86
981	368,065.28	338,344.24	1,309,797.790	30.0688		11.86
982	422,921.69	395,493.49	1,705,291.275	39.1481		12.86
983	486,437.34	454,679.52	2,159,970.790	49.5861		13.86
984	548,961.50	517,699.42	2,677,670.210	61.4708		14.86
985	614,217.54	581,589.52	3,259,259.730	74.8223		15.86
986	668,417.26	641,317.40	3,900,577.130	89.5449		16.86
987	734,199.17	701,308.22	4,601,885.345	105.6448	21,254	17.86
988	807,070.21	770,634.69	5,372,520.035	123.3361	25,097	18.86
989	871,411.41	839,240.81	6,211,760.845	142.6024	29,380	19.86
990	941,082.93	906,247.17	7,118,008.015	163.4070	34,137	20.86

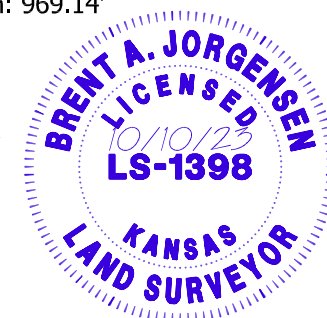
Primary water
Top of structure

Top of structure is emergency elevation 988



General Notes for Site:
 No Field verification of LIDAR elevations performed.
 Front toe of stream obstruction elevation: 970.23'
 Rear toe of stream obstruction elevation: 969.14'
 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 21, T11S, R12E
 Wabaunsee County, Kansas
 PREPARED FOR
 MWI - Imthurn Cattle Co.

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	10/10/23
SHEET	1 OF 2
JOB NO.	5262.170

TOPOGRAPHIC SURVEY

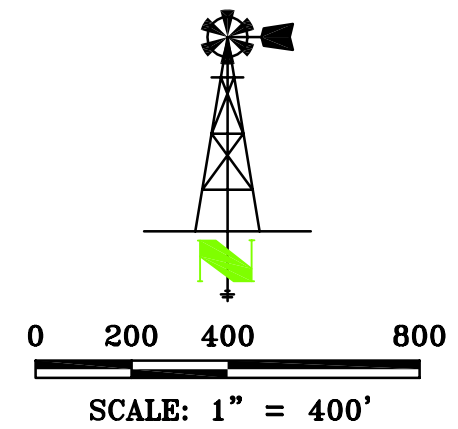
Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter of
Section 21, Township 11 South, Range 12 East of the
Sixth Principal Meridian, Wabaunsee County, Kansas

11/9/2023

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KS Dept Of Agriculture

Water Level at
Elev: 988'



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 21, T11S, R12E
Wabaunsee County, Kansas

PREPARED FOR

MWI - Imthurn Cattle Co.

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	10/10/23
SHEET	2 OF 2
JOB NO.	5262.170

11/13/2023

Water Resources
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IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Imthurn 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: Imthurn Cattle Company

ADDRESS: 33578 Vera RD Maple Hill, KS 6650717

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	11S	12E	33	40	39	38	19			13	2								184
20	11S	12E	40	40	35	18					40	40	39	33	29	37	34	32	417
21	11S	12E									40	40	40	40					160
28	11S	12E			32	36	34	35	36	28									201

Landowner of Record NAME: _____ TOTAL=962

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	

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

	Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
11/13/2023	_____	_____	_____	_____
Water Resources Received	_____	_____	_____	_____
KS Dept Of Agriculture	_____	_____	_____	_____
	Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

_____ Center pivot _____ Center pivot - LEPA _____ "Big gun" sprinkler

_____ Gravity system (furrows) _____ Gravity system (borders) _____ Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

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

DATA ENTRY SYSTEM ID NUMBER SHEET
51133

FILE NUMBER _____

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
69294	90642	

LANDOWNER PERSON ID & SEQ #	PUSE ID
69294	71578
	71579
	71580
	71581

WATER USE CORRESPONDENT PERSON ID & SEQ #	
69294	11/9/2023
	FO 1
	USE IRR
	SOURCE S
	CNTY WB
	UNNAMED TRIB MILL CREEK
	141.82 AF
	ALL NATURAL FLOW
	DEDIVERTED 141.82 AF