

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: **51202**

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

1. Name of Applicant: GERALD GERSTNER  
Address: 300 E 10TH ST  
City: FRANKFORT State: KS Zip Code: 66427  
Phone: 785-562-7499 Email: \_\_\_\_\_

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

3. The maximum annual quantity of water desired is 381  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 250  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):  
 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.

3/29/2024  
KAnderson

<b>FOR OFFICE USE ONLY</b>										
Code	FO <b>1</b>	GMD	DUA	Use	Source <b>IRR</b>	County <b>S</b>	By <b>MS ALB</b>	Date <b>3/21/2024</b>		
<b>RE3</b>	Fee \$ <b>320</b>	TR #	<b>PY00109669</b>	Receipt Date	<b>3/13/2024</b>	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 SE quarter of the SW quarter of the NW quarter of Section 11, more particularly described as being near a point 2720 feet North and 4420 feet West of the Southeast corner of said section, in Township 4 South, Range 9 E W, MARSHALL 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: UPON APPROVAL  
(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 - 50812 & 50895

50812 TO BE DISMISSED

3/13/2024

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	_____	_____	_____	_____	_____

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

**APPLICANT**

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\_\_\_\_\_  
(name, address, and phone)

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\_\_\_\_\_  
(name, address, and phone)

3/13/2024

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

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

**SEE IRRIGATION USE SUPPLEMENTAL SHEET**

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\_\_\_\_\_  
(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:

**GERALD GERSTNER TRUST 300 E 10TH ST FRANKFORT KS 66427**

\_\_\_\_\_  
(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.

*Gerald Gerstner*  
\_\_\_\_\_  
(Applicant Signature)

3-11-2024  
\_\_\_\_\_  
(Date)

Gerald Gerstner  
\_\_\_\_\_  
(Applicant Name - please print)

\_\_\_\_\_  
(Applicant Title, if applicable - please print)

Assisted by **BRETT BUNGER**

**TFOWATER COMMISSIONER**

Date: **3-7-24**

\_\_\_\_\_  
(office/title)

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

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

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Name of Applicant (Please Print): GERALD 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: GERALD GERSTNER TRUST

ADDRESS: 300 E 10<sup>TH</sup> ST 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				
11	4	9E	40	40	40	40	27				40	39				12	40	40	37.5	39	434.5	

**Landowner of Record** NAME: SHERYL ANN GERSTNER TRUST

ADDRESS: 300 E 10<sup>TH</sup> ST 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				
12	4	9E									27	40	40	38	40		40	34			259	

**TOTAL = 693.5 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				

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**UPSTREAM AND DOWNSTREAM LANDOWNERS**

Upstream –

#1) IVAN A DRESSMAN  
1969 24<sup>TH</sup> RD  
FRANKFORT KS 66427

#2) VICTOR BEHRENS  
PO BOX 147  
FRANKFORT KS 66427

Downstream –

#1) LEON & JULIE FOX  
2215 HWY 99  
FRANKFORT KS 66427

**STORAGE CALCULATIONS**

DRAINAGE BASIN YIELD = 464 AF

**RESERVOIR CAPACITY = 110.2 AF**

RESERVOIR SURFACE AREA = 19.2 ACRES

NET EVAPORATION = 13"

**1 YEAR NET EVAP = 19.2 ACRES X 13"/12" = 20.8 AF**

**DIRECT USE = 250 AF**

STORAGE QUANTITY CALCULATION = 250 AF + 110 AF + 20.8 AF = 380.8 AF(381)

<b>PDFs</b>
<a href="#">Mean Annual Precipitation</a>
<a href="#">Soil Cover Complex</a>

Mean Annual Precip, in	<b>33</b>
Soil Cover Complex No.	<b>76</b>
Drainage Area, acres	<b>491</b>
<b>Runoff at 20% Chance, AF</b>	<b>464.04</b>

**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	<b>3.44</b>
80%	1.06	<b>1.04</b>
90%	0.55	<b>0.56</b>
20%		<b>11.34</b>

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

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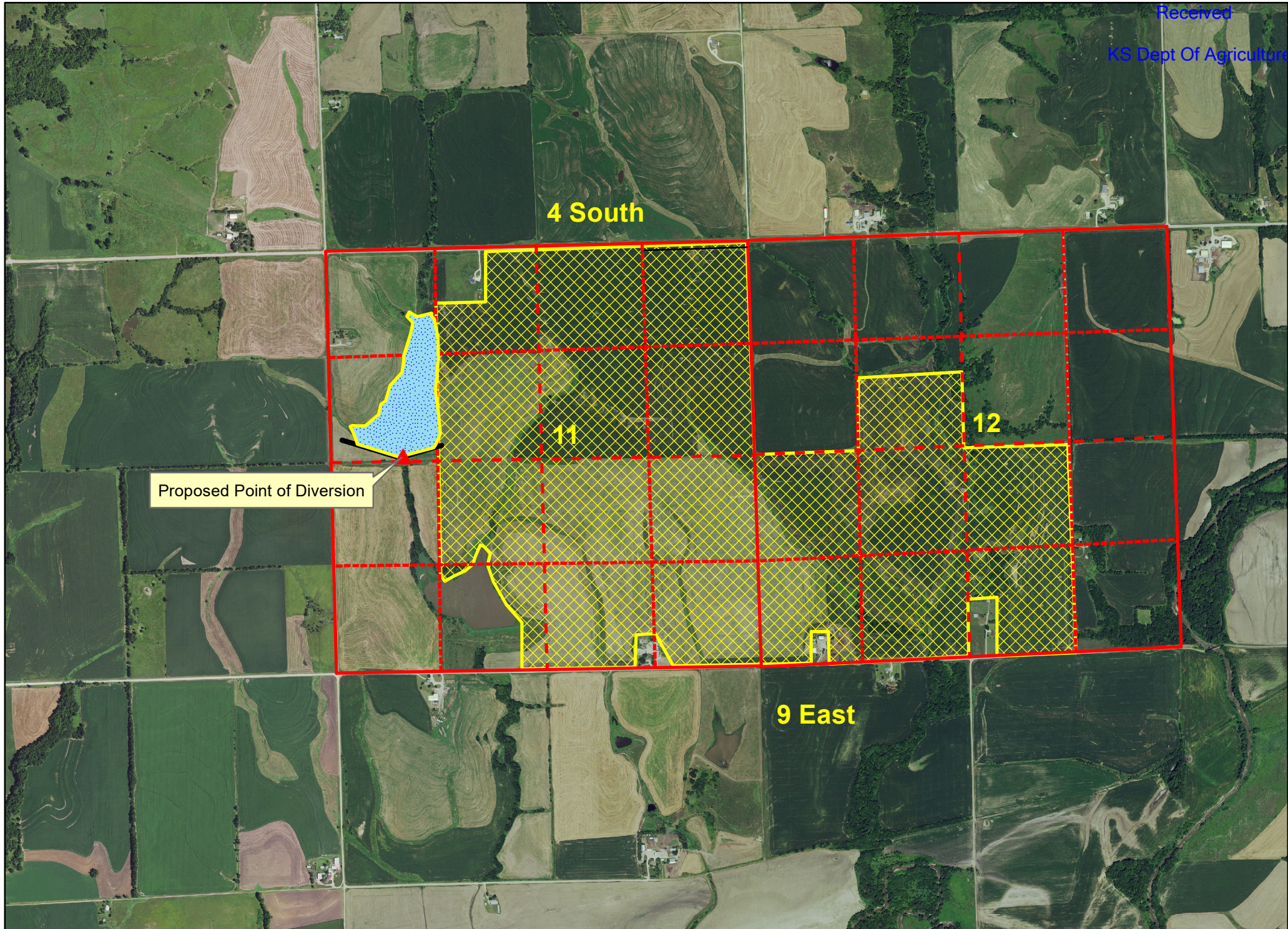


1:18,000

# New Application

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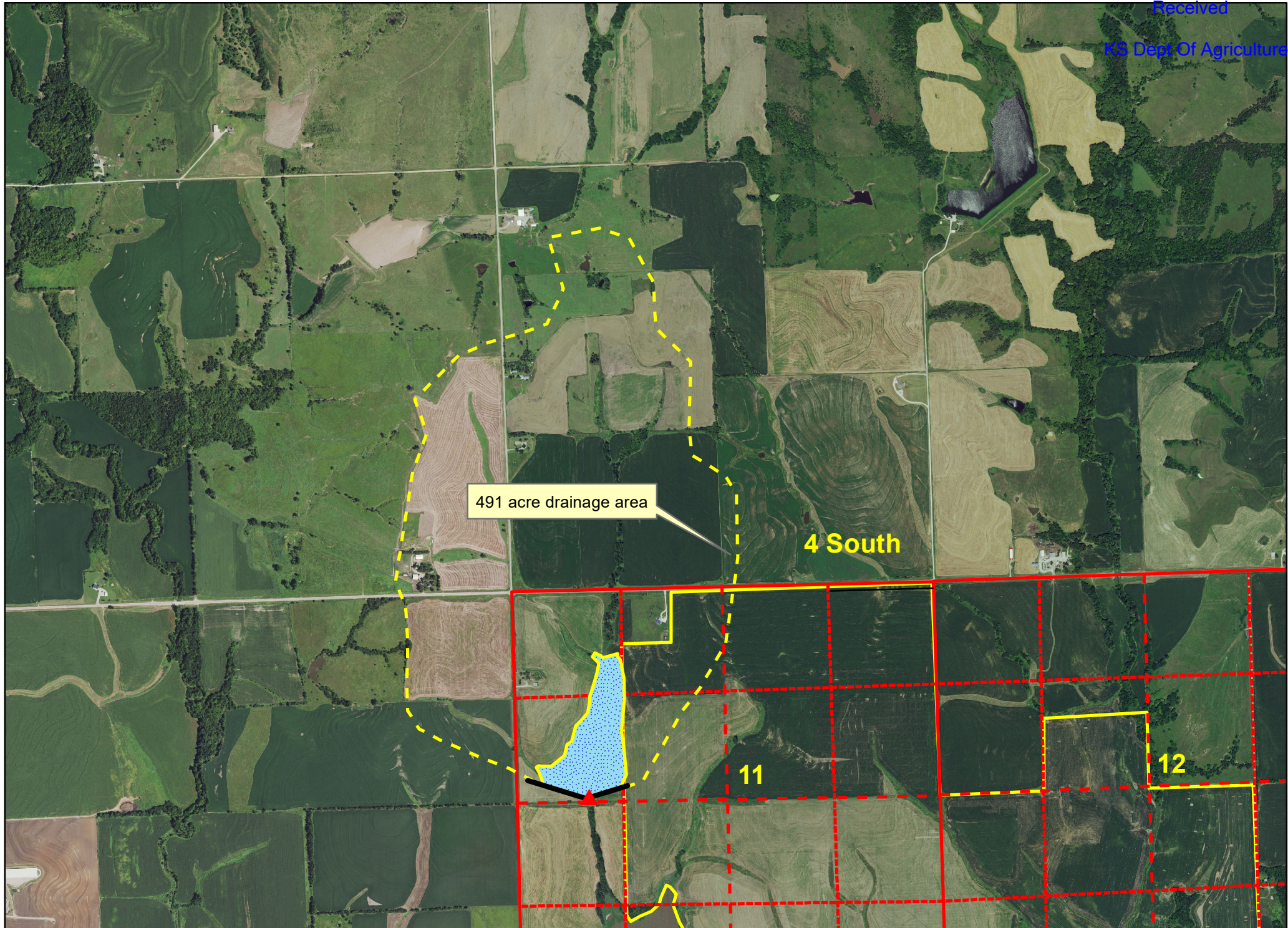
1:18,000

# New Application

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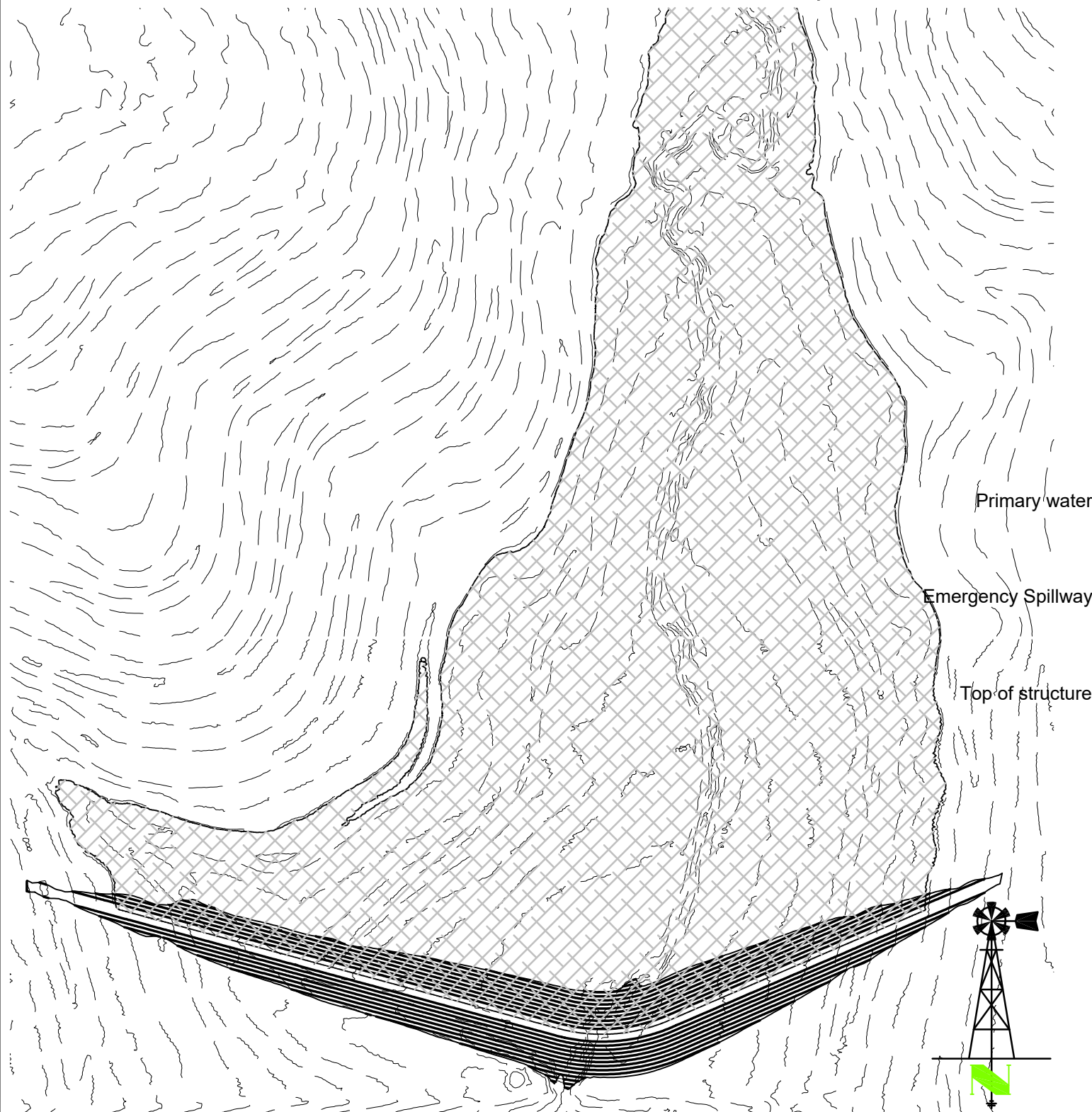
# TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Northwest One-Quarter of Section 11, Township 4 South, Range 9 East of the Sixth Principal Meridian, Marshall County, Kansas

3/13/2024

Water Resources  
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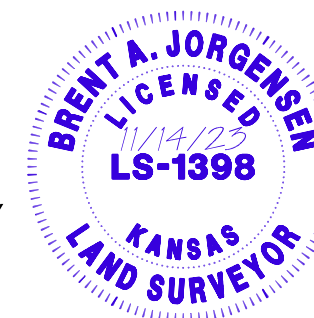
Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1190	-					
1191	168.28	84.14	84.140	0.0019		1.66
1192	1,035.11	601.70	685.835	0.0157		2.66
1193	2,843.40	1,939.26	2,625.090	0.0603		3.66
1194	5,090.29	3,966.85	6,591.935	0.1513		4.66
1195	8,763.04	6,926.67	13,518.600	0.3103		5.66
1196	15,699.26	12,231.15	25,749.750	0.5911		6.66
1197	50,546.08	33,122.67	58,872.420	1.3515		7.66
1198	96,315.47	73,430.78	132,303.195	3.0373		8.66
1199	140,262.12	118,288.80	250,591.990	5.7528		9.66
1200	193,852.68	167,057.40	417,649.390	9.5879		10.66
1201	253,238.07	223,545.38	641,194.765	14.7198		11.66
1202	313,617.82	283,427.95	924,622.710	21.2264		12.66
1203	361,100.01	337,358.92	1,261,981.625	28.9711		13.66
1204	418,125.46	389,612.74	1,651,594.360	37.9154		14.66
1205	510,950.64	464,538.05	2,116,132.410	48.5797		15.66
1206	590,709.91	550,830.28	2,666,962.685	61.2250		16.66
1207	669,791.82	630,250.87	3,297,213.550	75.6936		17.66
1208	750,334.29	710,063.06	4,007,276.605	91.9944		18.66
1209	838,251.63	794,292.96	4,801,569.565	110.2289		19.66
1209.25	860,075.89	212,290.94	5,013,860.505	115.1024		19.91
1209.50	884,057.41	218,016.66	5,231,877.168	120.1074		20.16
1209.60	894,972.57	88,951.50	5,320,828.666	122.1494		20.26
1209.70	903,754.53	89,936.36	5,410,765.022	124.2141		20.36
1209.75	908,666.11	45,310.52	5,456,075.538	125.2543		20.41
1210	932,551.23	230,152.17	5,686,227.705	130.5378	19,195	20.66
1211	1,057,550.34	995,050.79	6,681,278.490	153.3810	22,471	21.66
1212	1,180,173.20	1,118,861.77	7,800,140.260	179.0666	26,034	22.66
1213	1,292,174.94	1,236,174.07	9,036,314.330	207.4452	29,888	23.66
1214	1,400,562.10	1,346,368.52	10,382,682.850	238.3536	34,053	24.66
1215	1,509,119.60	1,454,840.85	11,837,523.700	271.7522	38,541	25.66

Primary water 1209  
Emergency Spillway 1209.7  
Top of Structure 1213

General Notes for Site:  
No Field verification of LiDAR elevations performed.  
Front toe of stream obstruction elevation: 1191.91'  
Rear toe of stream obstruction elevation: 1189.34'  
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 11, T4S, R9E  
Marshall County, Kansas

PREPARED FOR

MWI - Gerstner

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	11/14/23
SHEET	1 OF 2
JOB NO.	5262.178

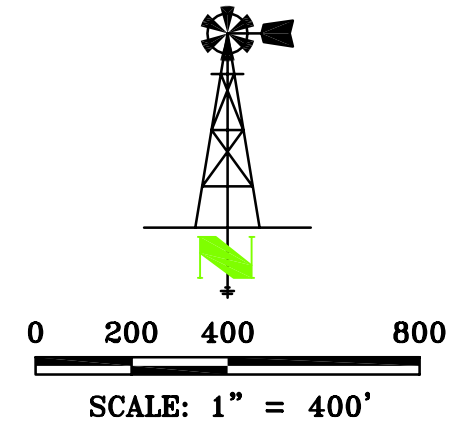
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Stream Obstruction  
NW 1/4 Sec 11, T4S, R9E  
Marshall County, Kansas  
PREPARED FOR  
MWI - Gerstner

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
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DATE:	11/14/23
SHEET 2 OF 2	
JOB NO. 5262.178	