

12/05/2024

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
11:11 am
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: **51369**

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

1. Name of Applicant: Linn Willow Creek Dairy
Address: 1510 10th RD
City: Linn State: KS Zip Code: 66953
Phone: 785-747-7007 Email: cowrus@bluevalley.net

NEEDS STREAM NAME*

2. The source of water is: surface water in Unnamed Tributary (stream)
 groundwater in Peats Creek (drainage basin)

3. The maximum annual quantity of water desired is 454.98 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 307.2 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.

FOR OFFICE USE ONLY							
FO	<u>1</u>	GMD	<u>-</u>	DUA	<u>-</u>	Use	<u>IRR</u>
Code	<u>RE3</u>	Fee \$	<u>340</u>	TR #	<u>PY2412C68N4 - \$300</u>	Receipt Date	<u>12/5/2024</u>
						Check #	<u> </u>

PY2412L9F54 - \$40

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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 SE quarter of the SE quarter of Section 18, more particularly described as being near a point 385 feet North and 1660 feet West of the Southeast corner of said section, in Township 4 South, Range 3 E W, Washington 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 1 dam
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: April 2025
(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 April 2025
(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

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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: Not recieved yet

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:

Applicant

(name, address, and phone)

(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

(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:

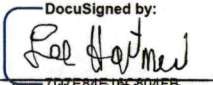
Applicant

(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.

DocuSigned by:

(Applicant Signature)

12/4/2024

(Date)

Lee Horn

(Applicant Name – please print)

(Applicant Title, if applicable – please print)

Assisted by Darcy Nightingale MWI LLC 12/3/24

(office/title) Date: _____

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>

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Linn Willow Creek

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: Linn Willow Creek Dairy
ADDRESS: 1510 10th RD Linn, KS 66953

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL									
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE										
19	4	3E																		37	22	32	39	37	21	31	37	256
																												0
																												0
																												0
																												0
																									Subtotal	256		

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										
																												0
																												0
																												0
																												0
																												0
																									Subtotal	0		

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										
																												0
																												0
																												0
																												0
																												0
																									Subtotal	0		

Landowner of Record NAME: _____
ADDRESS: _____

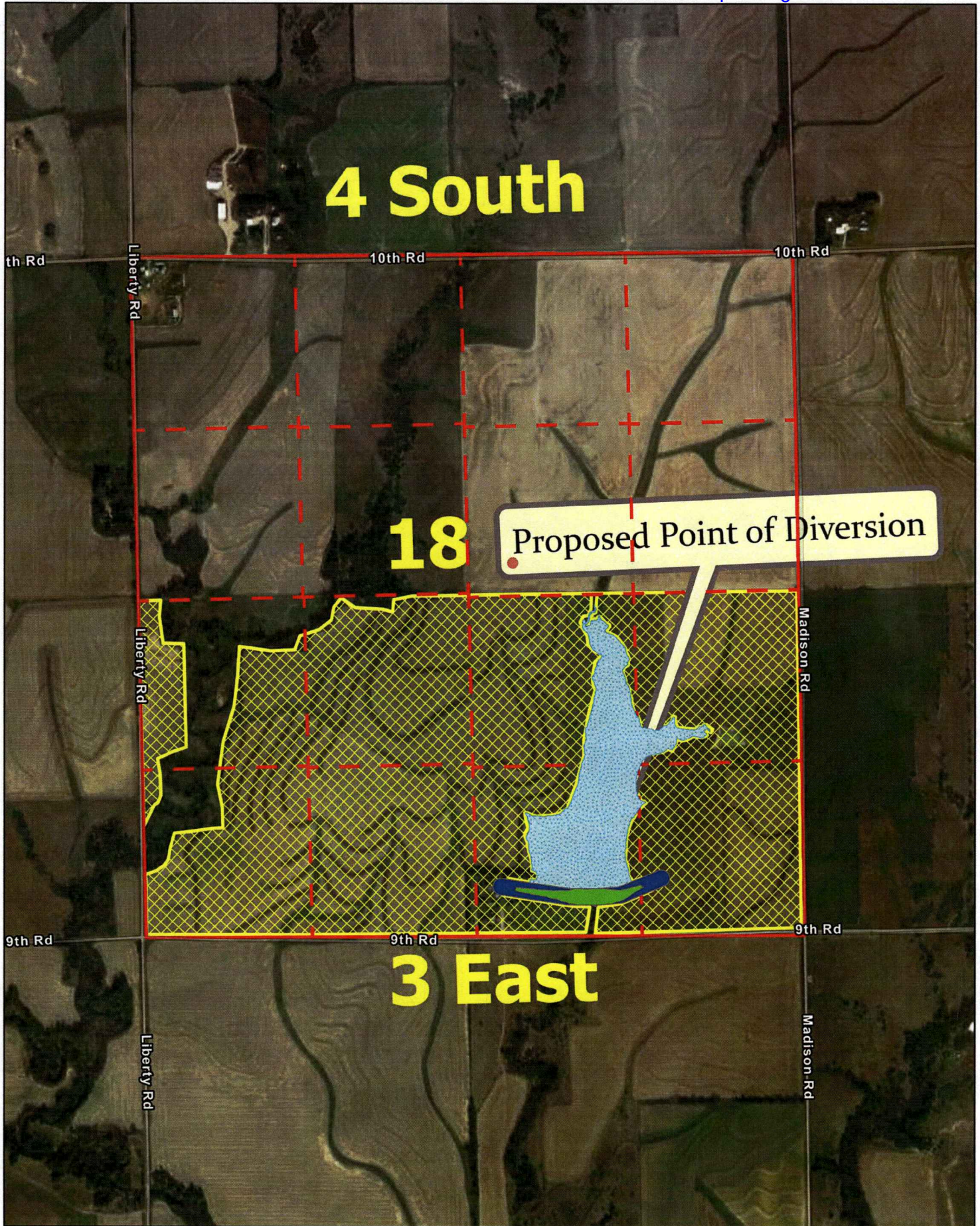
S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL									
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE										
																												0
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Total	256
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1:15,000

NEW APP MAP

KS Dept Of Agriculture



12/05/2024

Water Resources
Received

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PDFs	
Mean Annual Precipitation	
Soil Cover Complex	

Mean Annual Precip, in	32
Soil Cover Complex No.	80
Drainage Area, acres	571
Runoff at 20% Chance, AF	563.94

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

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	3.63	3.63
80%	1.13	1.11
90%	0.58	0.60
20%		11.85

Std. Dev. 90%	1.43
Std. Dev. 80%	1.39
Avg	1.41

Mean annual runoff for CN = 80, inches	5.90
Mean annual runoff for CN = 85, inches	6.81
Interp. Mean annual runoff for CN = 80, inches	5.90

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STORAGE CALCULATIONS

TOTAL RESERVOIR CAPACITY = 119.5 AF
DIRECT USE = 318 AF
TOTAL RESERVOIR SURFACE AREA = 21 ACRES
1 YEAR NET EVAPORATION = 21 ACRES X 10"/12" = 17.5 AF
STORAGE = 318 AF+ 119.5 + 17.5 = 454.978 AF

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream -

#1) Jason & Nikki Uffman
711 S Pine St
Linn, KS 66953

#2) Eric & Geryl Carlson
1254 22nd RD
Clay Center, KS 67432

Downstream -

#1) Dale & Lillian Rev Trust
1434 9th RD
Linn, KS 66953

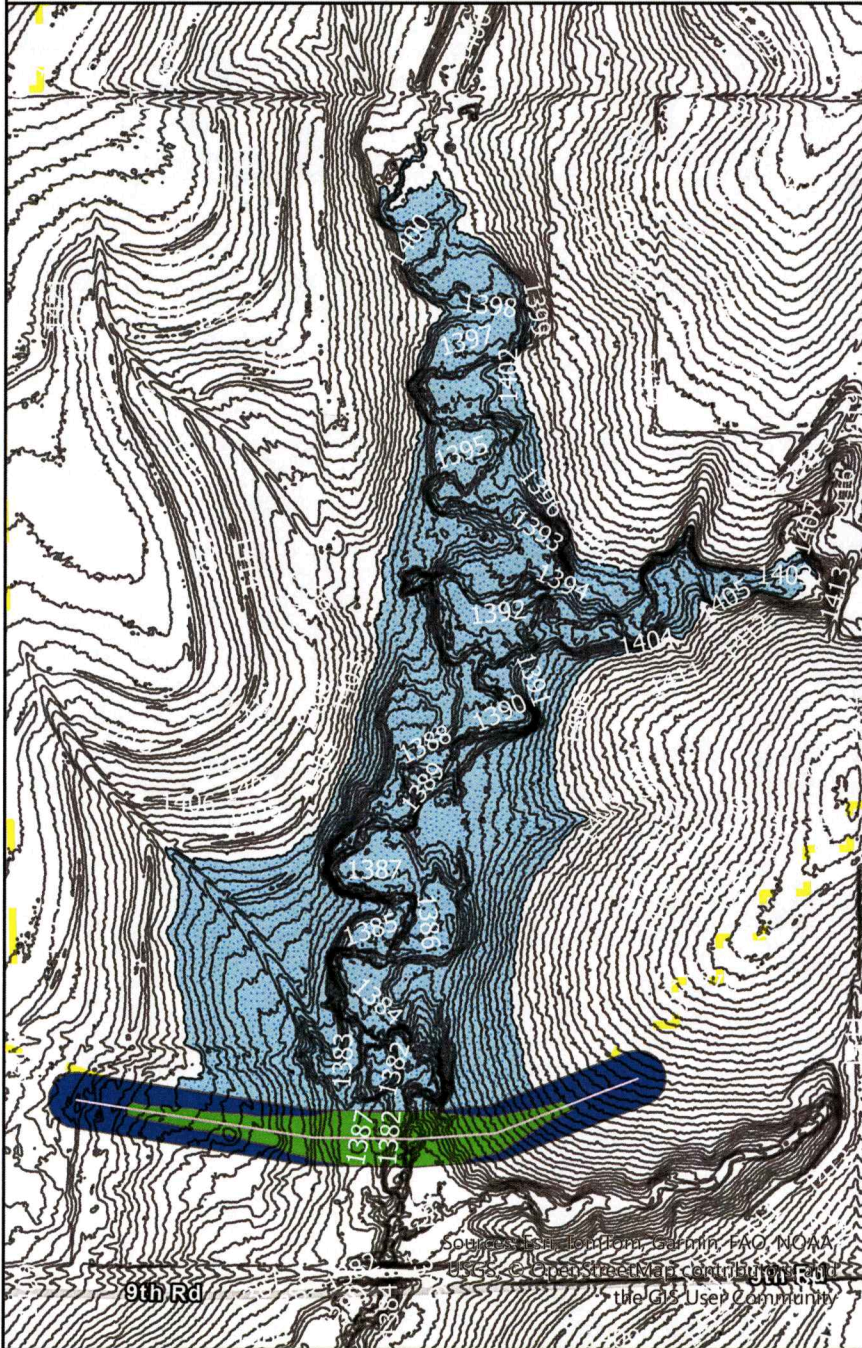
TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in
SE1/4 Section 18 Township 4 South, Range 3 East,
Washington County, Kansas

Water Resources
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KS Dept Of Agriculture

MWI LLC



Contour	Area	Acres	Volume	Cu/yrd	Ac/ft	Embankment
1387	106524.9	2.445475	208118	7708.076	4.77872	
1388	140245.5	3.219595	331527	12278.78	7.612385	
1389	178985.1	4.108934	491393.2	18199.75	11.28317	
1390	210261.5	4.826939	685594	25392.37	15.74233	
1391	251290.3	5.768831	916048.5	33927.72	21.03393	
1392	298777.4	6.858986	1190176	44080.6	27.32833	
1393	367652.2	8.440134	1522984	56406.8	34.97012	
1394	434940.8	9.984868	1924435	71275.36	44.18807	
1395	498035.3	11.43332	2390669	88543.31	54.89356	
1396	574493.4	13.18855	2925952	108368.6	67.18449	
1397	656596.5	15.07338	3541862	131180.1	81.32677	
1398	741648.7	17.02591	4241412	157089.3	97.38955	
1399	825697.1	18.9554	5025222	186119.3	115.3871	
1400	915902.8	21.02623	5895608	218355.8	135.3725	
1401	1006433	23.10453	6856588	253947.7	157.4381	
1402	1084504	24.89679	7907783	292880.8	181.5752	
1403						
1404						23,638

Stream Obstruction
SE 1/4 Sec 18, T4S, R3E
Washington County KS
Linn Willow Creek Dairy

MWI, LLC
1215 Oregon St
Hiawatha, KS 66434
785-740-1694
darcy@mwivalley.com

Dwn By: Darcy Nightingale
darcy@mwivalley.com
Cell: 785-285-8065

General Notes for Site: No Field verification of LiDAR elevations performed.
Front Toe of Stream Obstruction Elevation: 1387
Assumed Top Structure width 12
Assumed back slope 3:1
Built to NRCS Specifications

TOPOGRAPHIC SURVEY

12/05/2024

Compute Proposed Stream Obstruction Volume in
SE1/4 Section 18 Township 4 South, Range 3 East,
Washington County, Kansas

Water Resources
Received

KS Dept Of Agriculture

MWI LLC



Stream Obstruction
SE 1/4 Sec 18, T4S, R3E
Washington County KS
Linn Willow Creek Dairy

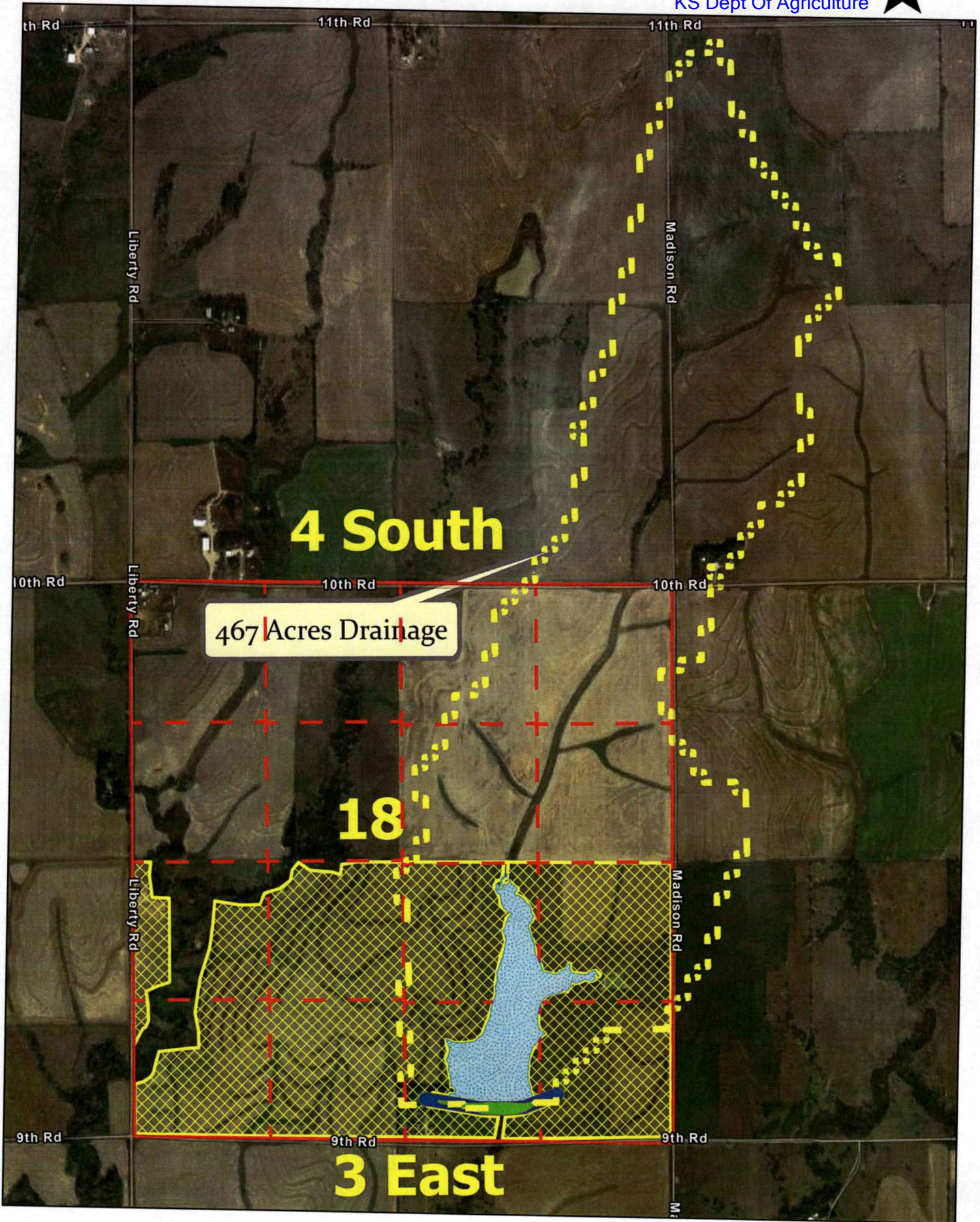
MWI, LLC
 1215 Oregon St
 Hiawatha, KS 66434
 785-740-1694
 darcy@mwivalley.com

Dwn By: Darcy Nightingale
 darcy@mwivalley.com
 Cell: 785-285-8065



1:18,000

Drainage MAP



MWI , LLC

12/05/2024

PREPARED BY:

Water Resources
Received

Darcy Nightingale

KS Dept Of Agriculture

Please copy any applicant correspondence to the email and address below:

1215 Oregon St.
Hiawatha, KS 66534
785-285-8065
Darcy@mwivalley.com



Linn Willow Creek Dairy



MWI, LLC

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

December 20, 2024

LINN WILLOW CREEK DAIRY
1510 10TH RD
LINN KS 66953

RE: Application, File No(s). **51369**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) for a permit to appropriate water for beneficial use. Your application(s) has been assigned the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kris Neuhauser
New Applications Lead
Water Appropriation Program