

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
 Joshua Svaty, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
 David W. Barfield, Chief Engineer

**APPLICATION FOR PERMIT  
 OBSTRUCTIONS IN STREAMS  
 K.S.A. 82a-301 - 305a  
 and  
 APPROPRIATION OF WATER FOR BENEFICIAL USE  
 K.S.A. 82a-701 et seq**

**WATER STRUCTURE NUMBER \_\_\_\_\_ WATER APPROPRIATION NUMBER \_\_\_\_\_**  
 (For Agency Use Only)

*Filing fees must accompany this application. Refer to fee schedule on page 5.*

This application is to be used when applying for a permit to construct or modify a dam that has a height of 25 feet or more, or has a height of 6 feet or greater and also has the capacity to impound 50 or more acre feet, and for a permit to appropriate water for associated recreational use or sediment control in a reservoir use.

Application is hereby made for written consent or permit of the Chief Engineer, Division of Water Resources, 109 SW 9<sup>th</sup> Street, Second Floor, Topeka, Kansas 66612-1283, by: (PLEASE TYPE OR PRINT CLEARLY)

1. **Applicant:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_

Telephone No.: \_\_\_\_\_ FAX No.: \_\_\_\_\_

2. **Designer:** \_\_\_\_\_

Firm: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ FAX No.: \_\_\_\_\_

<b>For Office Use Only:</b>							
F.O. Code	GMD	Meets K.A.R. 5-3-1 (YES / NO)	Use	Source	G / S County	By	Date
Code	REG	Fee \$	TR #	Receipt Date	Check #		
Code		Fee \$	TR #	Receipt Date	Check #		

3. POINT OF DIVERSION

The location of the proposed dam is (use intersection of dam centerline and stream centerline where applicable): One dam 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 \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas, in, along and across (stream or watercourse name): \_\_\_\_\_.

The owner of the point of diversion, if other than the applicant is (please print):

\_\_\_\_\_  
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 20\_\_\_\_. \_\_\_\_\_  
Applicant's Signature

4. The project will (complete all that apply): be \_\_\_\_\_ feet long, \_\_\_\_\_ feet high, have a \_\_\_\_\_:1 upstream side slope, and \_\_\_\_\_:1 downstream side slope, \_\_\_\_\_ feet top width, and \_\_\_\_\_ cubic yards of fill. Site name \_\_\_\_\_ (was) or (will be) completed \_\_\_\_\_.  
(mo/day/year)

Further description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The maximum quantity of water desired is \_\_\_\_\_ acre-feet for initial filling of the reservoir to be diverted at the rate of all natural flows not needed to satisfy all vested rights and prior appropriation rights.

6. The quantity of water for indirect use (seepage loss and the average annual potential net evaporation loss from the surface of the water originally impounded in the reservoir for beneficial use) will be \_\_\_\_\_ acre feet per calendar year. (See calculation below for guidance.) See K.A.R. 5-6-3 for potential net evaporation for Kansas.

\_\_\_\_\_ X \_\_\_\_\_ / 12 " per year X 3 years = \_\_\_\_\_  
Total surface area acres Potential net evaporation(Inches/yr) Acre-feet

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum quantity of water is appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

7. PLACE OF USE

Please provide the legal description of the permanent pool of the proposed reservoir (the pool at elevation of the lowest uncontrolled opening). Please designate the legal description by providing the fractional part of the Section, Township, and Range.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You may attach any additional information you believe will assist the Division in processing your request.

8. Please list the proposed type(s) of recreational use (boating, fishing, swimming, fish and wildlife benefits, etc.) If not being used for recreational use, please list sediment control in a reservoir. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Please attach a reservoir area capacity table and inform us as to the total acres of surface drainage area above the reservoir.

10. Progress of construction (check the appropriate line and enter requested date):

Construction was started or was completed: \_\_\_\_/\_\_\_\_/20\_\_\_\_.

Construction has not begun. Planned date to begin construction: \_\_\_\_/\_\_\_\_/20\_\_\_\_.

11. The application, plans and specifications must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed dam should be plotted as described in Paragraph No. 3 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) The names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.
- (c) The location of the permanent pool described in Item 7 should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (d) The design, construction, operation, and maintenance of the dam must conform to the requirements of the rules and regulations adopted by the Chief Engineer. Applicable regulations are K.A.R. 5-40-1 through 5-43-5, including Engineering Guides 1 and 2. Please visit our web site, [www.ksda.gov/dwr](http://www.ksda.gov/dwr) or contact our office to obtain those rules and regulations.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points 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.

---



---



---

13. The relationship of the applicant to the proposed place where the water will be used is that of \_\_\_\_\_ (owner, tenant, agent or otherwise), and he/she is authorized to make this application on behalf of the interest(s) affected.

14. The owner(s) and spouse(s) of the property described in Item 7, if other than the applicant, is (please print):

---

(name, address and telephone number)

---

(name, address and telephone number)

15. Attach copies of Environmental Reviews, Assessments or Impact Statements, letters of comment and other pertinent information to the Water Projects Environmental Coordination Act, K.S.A. 82a-325 to 327, as amended. The following information should be provided in consultation with biologists, archaeologists, foresters or other professionals.

a. The project will (check all that apply):

- fill a channel
- fill or drain deep pools
- inundate a stream
- relocate a channel
- create deep pools
- disturb or endanger historic sites or structures
- affect threatened and endangered species
- remove streamside vegetation, including \_\_\_\_\_ acres of trees and \_\_\_\_\_ acres of vegetation

b. The applicant intends to minimize the project impact (check all that apply):

- with a vegetative strip, describe: \_\_\_\_\_
- with erosion control measures during construction, describe: \_\_\_\_\_
- \_\_\_\_\_
- with mitigation or replacement of environmental impacts or values, describe: \_\_\_\_\_
- by halting work and contacting the Kansas State Historical Society when historical sites or artifacts are encountered.
- other: \_\_\_\_\_
- \_\_\_\_\_

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Applicant Signature)

\_\_\_\_\_  
APPLICANT(S) SOCIAL SECURITY  
IDENTIFICATION NUMBER(S)

By \_\_\_\_\_  
(Agent or Officer Signature)

\_\_\_\_\_  
and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

\_\_\_\_\_  
(Agent or Officer - Please Print)

Assisted by \_\_\_\_\_ (office/title) Date: \_\_\_\_\_

## I N S T R U C T I O N S

1. Incomplete applications will be returned to applicant. Make sure you have filled in all blanks and checked all applicable squares. Plans and other materials as required by K.S.A.82a-301 to 305a and relevant Rules and Regulations must accompany application.
  
2. Questions regarding environmental impacts may be referred to the following environmental review agencies:  
Kansas Corporation Commission  
Kansas Dept of Health & Environment  
Kansas Forest Service  
Kansas Biological Survey  
State Conservation Commission  
  
Kansas State Historical Society  
Kansas Dept of Wildlife and Parks

## F E E S C H E D U L E

Use schedule No. 1 to determine the fee for storage of water as requested in Item No. 5 or Item No. 6, whichever quantity is greater. Use schedule No. 2 to determine the fee for the construction of a dam for which a permit is required under the Obstruction in Streams Act. The total fee due to the Kansas Department of Agriculture is the sum of both fees.

1. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

2. The fee for processing an application for a permit to construct a dam under the Obstructions in Streams Act is:

STAGE OF CONSTRUCTION	FEE
Pre-construction	\$200.00
Construction in progress (started prior to approval by the Chief Engineer)	\$500.00

**MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE**