

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.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

WATER RESOURCES RECEIVED

File Number 50239

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

APR 15 2019

1:25

KS DEPT OF AGRICULTURE

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application (Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): Markel Properties LLC (Ed Markel)

Address: P.O. Box 274

City: Pretty Prairie State KS Zip Code 67570

Telephone Number: 620 459 6506

2. The source of water is: [x] surface water in Peace Creek (Arkansas River Basin) (stream)

OR [] groundwater in (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 383.52 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of Nat Flows gallons per minute OR cubic feet per second.

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 rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):

- (a) [] Artificial Recharge (b) [] Irrigation (c) [x] Recreational (d) [] Water Power (e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control (i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection (m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-3-1 (YES / NO) Use REC Source G/S County RN By DAW Date 4/15/19 Code RES Fee \$320 TR # Receipt Date 4/15/19 Check # 6733

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location 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.

- (A) One in the NW quarter of the NE quarter of the NE quarter of Section 31, more particularly described as being near a point 4961 feet North and 1299 feet West of the Southeast corner of said section, in Township 22 South, Range 9 West, Reno County, Kansas.
- (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 _____ East/West (circle one), _____ County, Kansas.
- (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 _____ East/West (circle one), _____ County, Kansas.
- (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 _____ East/West (circle one), _____ County, Kansas.

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 800 gallons per minute and which supply water to a common distribution system.

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

Same as Applicant

 (name, address and telephone number)

(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 April 4, 2019. [Signature]
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 low head dam, 3 Marshes

 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) Existing illegal marshes. Likely planning re-work berms/marshes

 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP

 (Mo/Day/Year)

- 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 the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

Working with Structures to obtain permits

- 11. The application 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 point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

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.

P.D. is a low head dam which serves as control point for a series of 3 marshes. Water is moved between marshes via culverts with removable stops.

Requesting 3 year indirect use (Evap) per K.A.R. 5-6-5(b)(1)(B).

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

| Well location as shown in paragraph No. | (A) | (B) | (C) | (D) |
|---|------|-----|-----|-----|
| Date Drilled | N.A. | | | |
| Total depth of well | | | | |
| Depth to water bearing formation | | | | |
| Depth to static water level | | | | |
| Depth to bottom of pump intake pipe | | | | |

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner
(owner, tenant, agent or otherwise)

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

Same as Applicant
(name, address and telephone number)

(name, address and telephone number)

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 Pratt, Kansas, this 10th day of April, 2019.
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by _____ ESII _____ Date: 3/14/2019
(office/title)

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50239

Name of Applicant (Please Print): Markel Properties LLC

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____

Duck hunting

2. Please summarize how the water will be used and justify the quantity of water requested: _____

Potential Net Evap Reno Co T 22S R 9W: 29"

Combined Surface Area: 52.9 Acres (See attached Email from Janelle Phillips KDA Structures)

Potential Evap: 52.9 Acres x 29" /12"/1' = 127.84 AF : 3 x Indirect Use - 3 x 127.84 AF= 383.52 AF

Storage: 102.5 AF (See Email Calculations and Map). Requested Quantity 3 year Indirect Use (Evap)

3. Please complete the following table showing estimated future water requirements:

| ESTIMATED FUTURE WATER DIVERTED/STORED | |
|---|--|
| NEXT 5 YEARS | WATER TO BE DIVERTED (ACRE-FEET OR GALLONS) |
| Year 1 | 383.52 AF (3 Year Evap K.A.R. 5-6-5(b)(1)(B)) |
| Year 2 | 383.52 AF |
| Year 3 | 383.52 AF |
| Year 4 | 383.52 AF |
| Year 5 | 383.52 AF |

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

Series of three Marshes located in the Northeast Quarter of Section 31, Township 22 South

Range 9 West, Reno County.

Surface acres and Storage based on calculations done by Janelle Phillips of KDA Structures Branch.

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

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(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application 50239
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also 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. I realize that this could affect the economics of my decision to appropriate water.

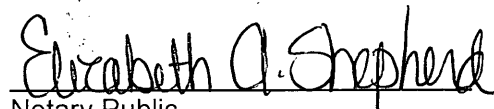
I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.


Signature of Applicant

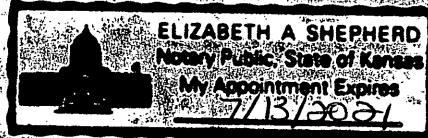
State of Kansas)
County of Reno) ss)

EDWARD A. MARKO
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 10 day of April, 2019.


Notary Public

My Commission Expires: 7/13/2021



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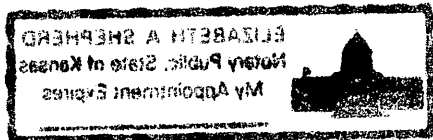
KS DEPT OF AGRICULTURE

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

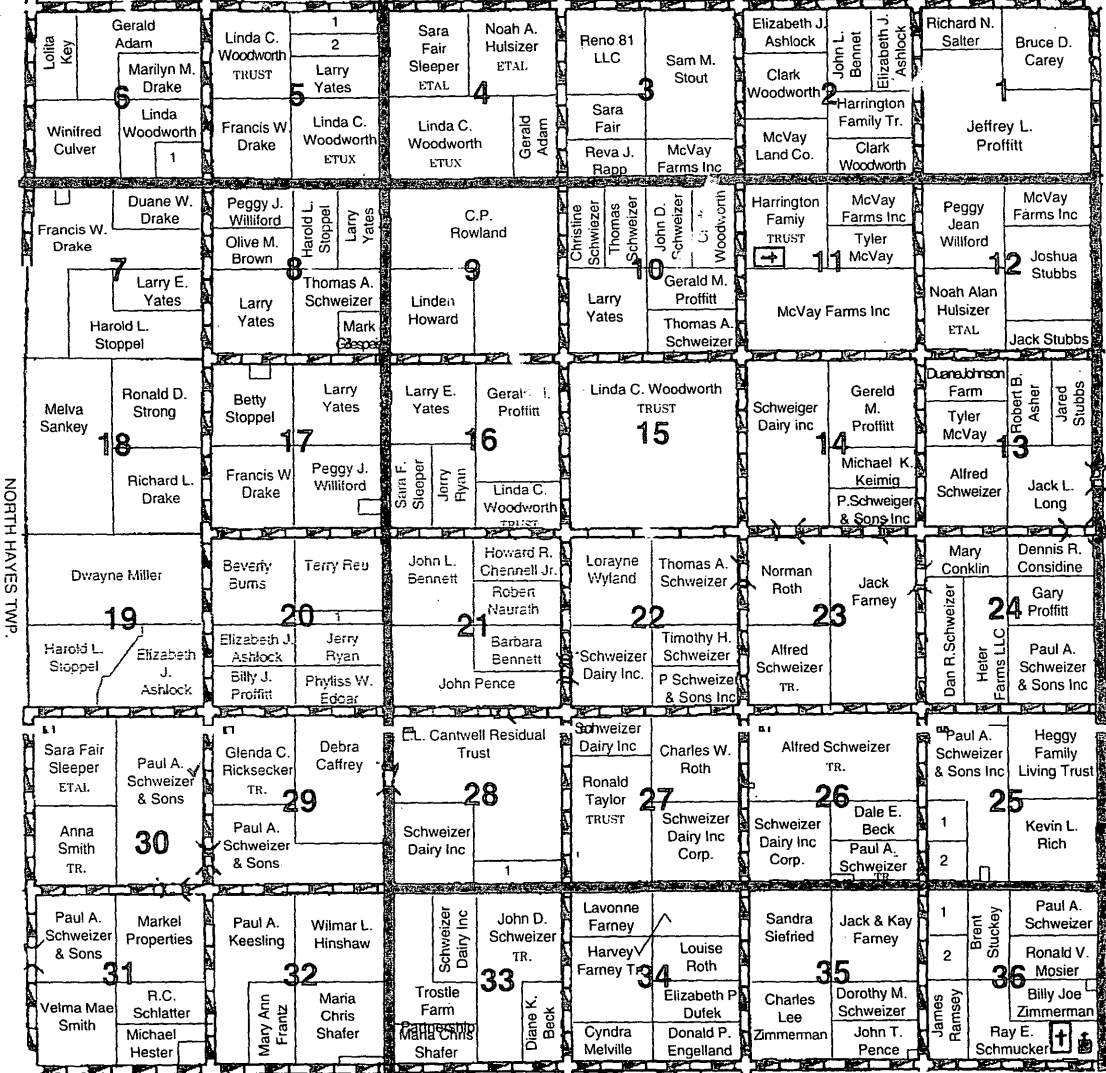
The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River



T-22-S RICE CO. WALNUT RICE CO. R-9-W



Section 5
1. Samuel Stout
2. Sam & Debbie Stout

Section 6
1. Larry Yates

Section 20
1. James A. Ewertz

Section 25
1. Paul A. Schweizer TR.
2. Ruth M. Schweizer

Section 28
1. Harvey Farney TR.

Section 36
1. Robert L. Flickinger
2. Ronald V. Mosier

RENO COUNTY, KANSAS 2011



PAUL A. SCHWEIZER
23215 W. 56th AVE.
STERLING, KS 67579

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KS DEPT OF AGRICULTURE

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, Interim Secretary

Laura Kelly, Governor

April 17, 2019

MARKEL PROPERTIES, LLC
ED MARKEL
PO BOX 274
PRETTY PRAIRIE, KS 67570

RE: Application, File No. **50239**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number 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.

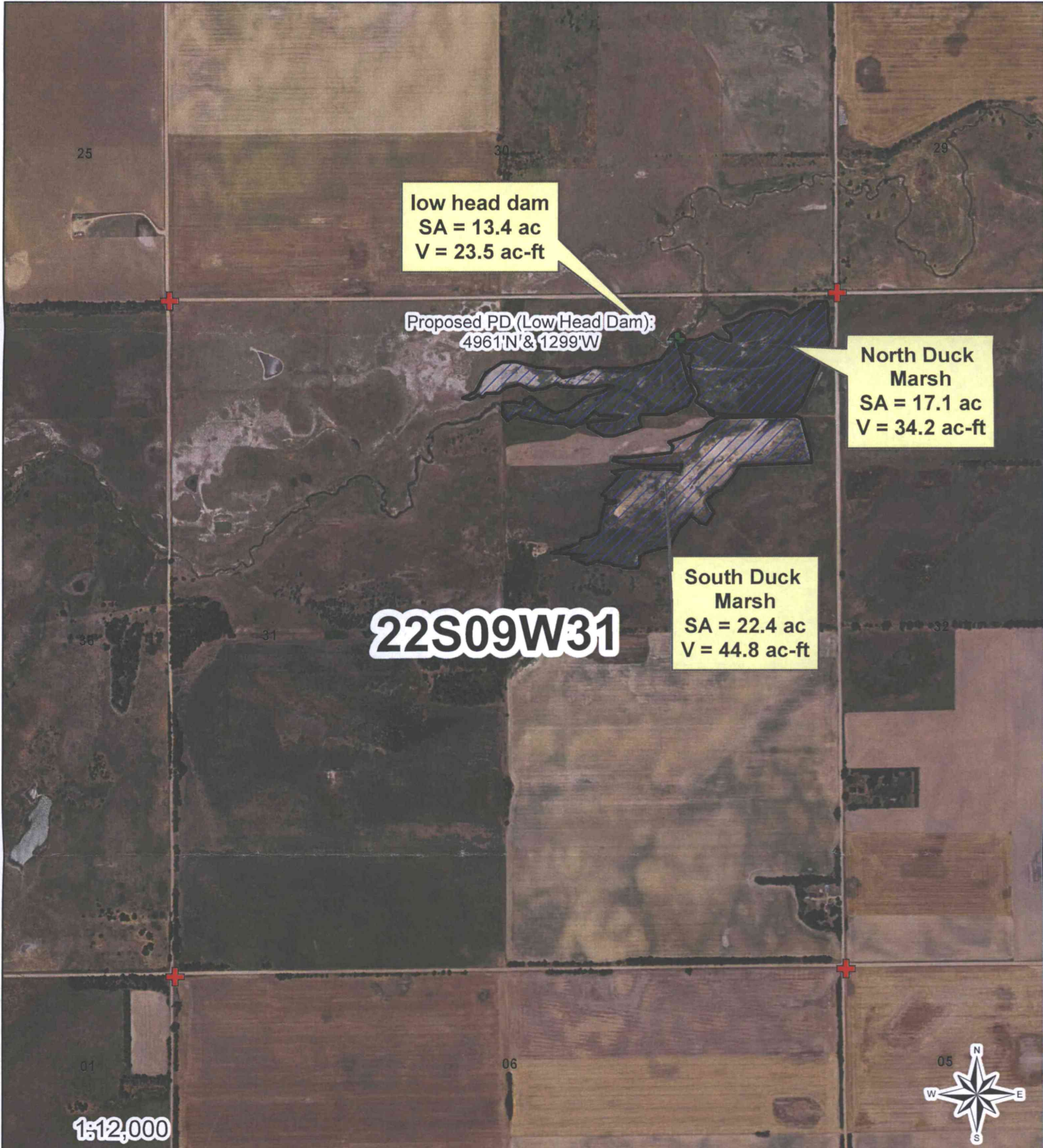
Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

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 Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

Volume Map



- ProposedPD
- Proposed_Pond
- Water Rights
- SFFOsec_corners

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

[Signature] APR 10, 2016

APR 15 2016

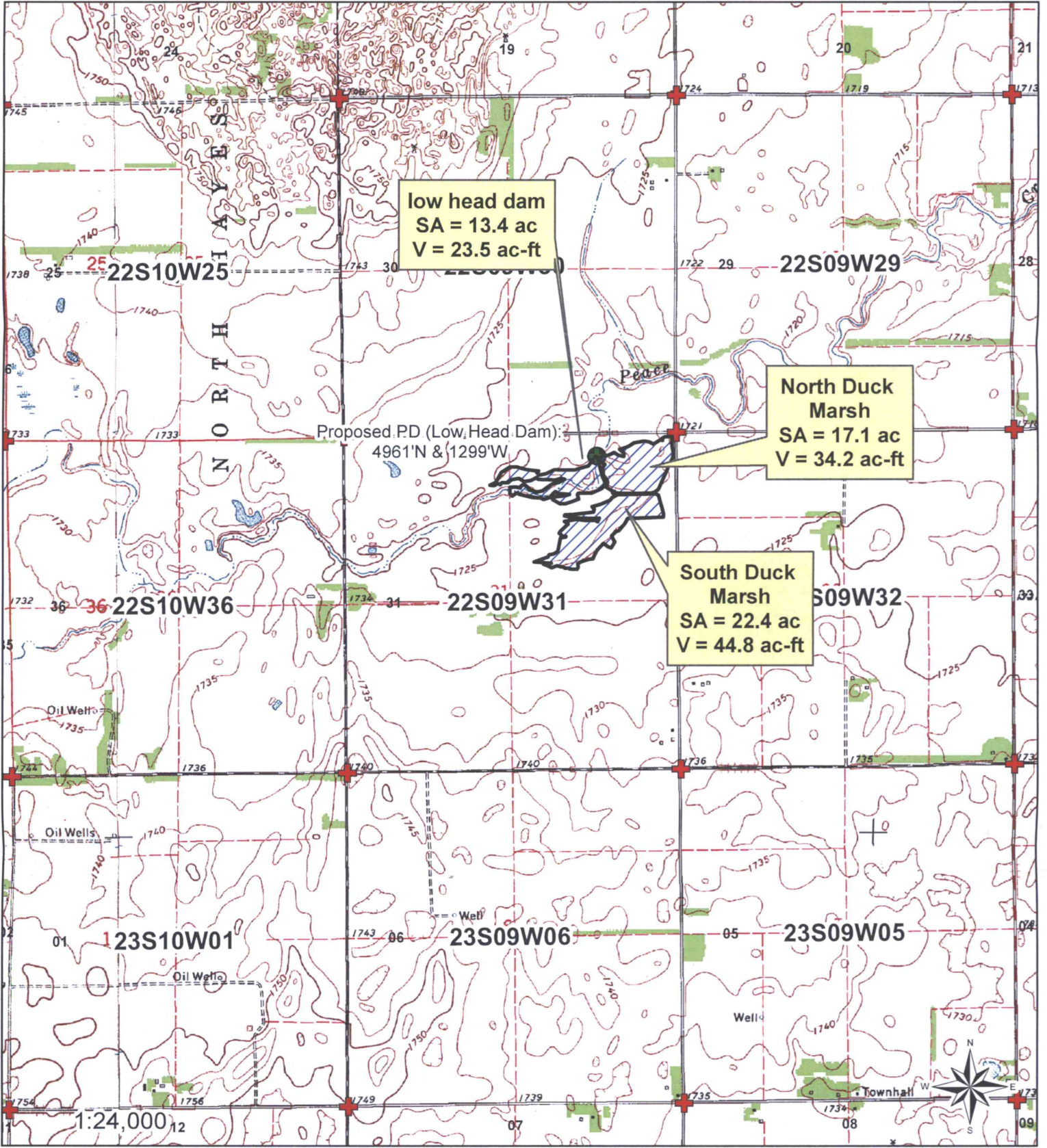
Date

Signature

KS DEPT OF AGRICULTURE



Volume Map



low head dam
SA = 13.4 ac
V = 23.5 ac-ft

North Duck Marsh
SA = 17.1 ac
V = 34.2 ac-ft

South Duck Marsh
SA = 22.4 ac
V = 44.8 ac-ft

Proposed PD (Low, Head Dam):
4961'N & 1299'W

- Proposed PD
- Proposed Pond
- ▲ Water Rights
- + SFFOsec_corners

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

Edo Muel April 15, 2019
Signature Date





low head dam
SA = 13.4 ac
V = 23.5 ac-ft

North Duck Marsh
SA = 17.1 ac
V = 34.2 ac-ft

South Duck Marsh
SA = 22.4 ac
V = 44.8 ac-ft

1:5,000

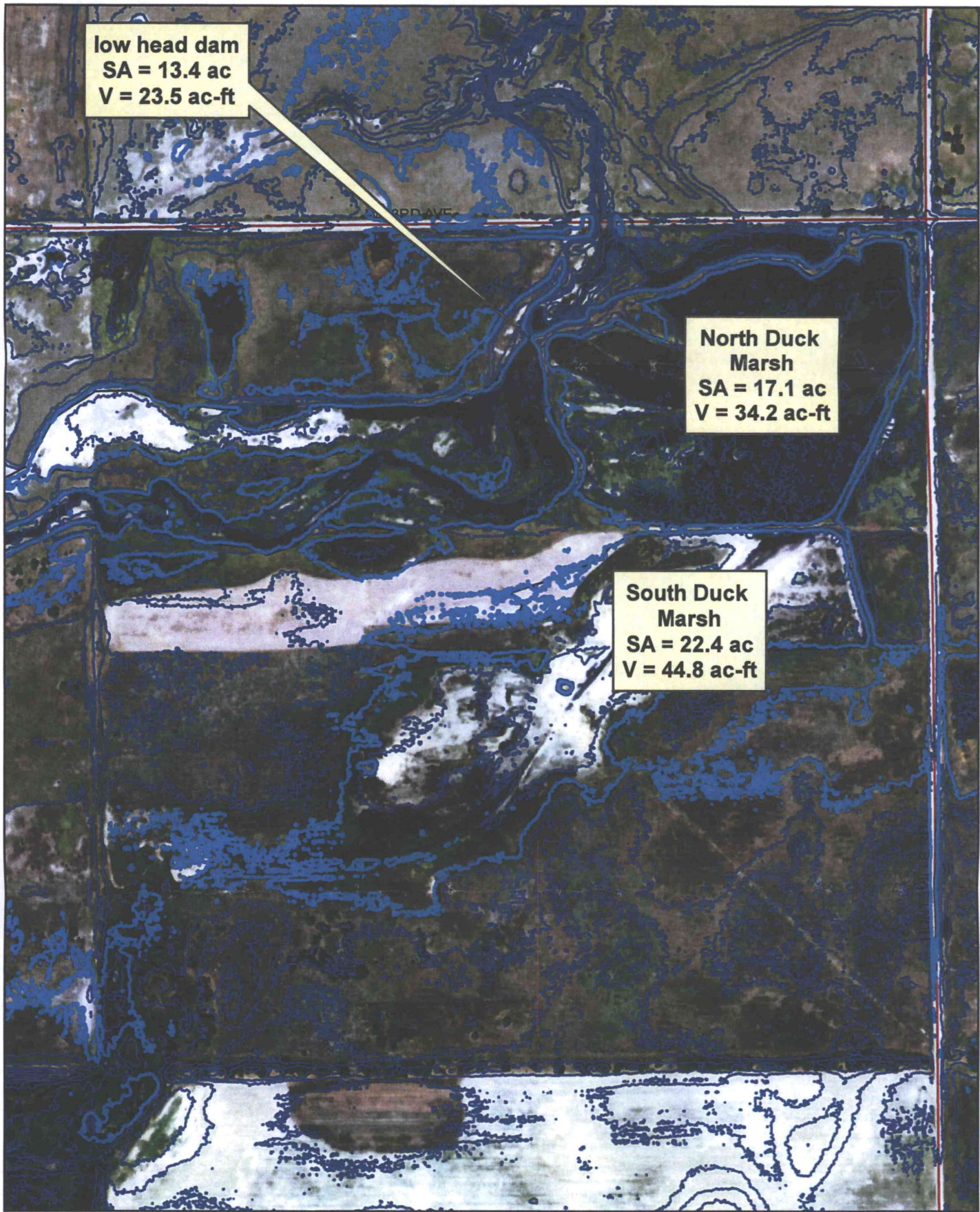


APR 15 2019

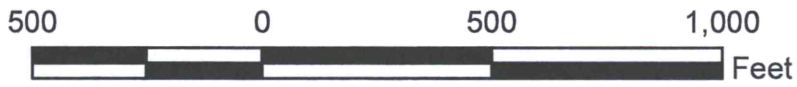
IS DEPT OF AGRICULTURE



Volume Map



1:5,000



APR 15 2019

WATER RESOURCES
RESEARCH

CO. DEPT. OF AGRICULTURE

