

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 49706
This item to be completed by the Division of Water Resources.

SEP 01 2016
11:50
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,
109 SW 9th Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Byron Stoller
Address: 2126 168th Rd
City: Sabetha State KS Zip Code 66434
Telephone Number: (785) 548-5950

2. The source of water is: surface water in Craig Creek → Delaware River Basin Gregg Trib 10
OR groundwater in Delaware River
(stream) (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 250 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 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) 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. <u>1</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 (YES / NO) <u>YES</u>	Use <u>IRR</u>	Source <u>G</u>	County <u>Nowa</u>	By <u>AW</u>	Date <u>9/1/16</u>
Code <u>REZ</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>9/1/16</u>	Check # <u>1022</u>			

9/1/2016 LHM

NEW STREAM WORKSHEET

ES AW

Date: 9/1/16

File No. 49700

Basin Name: Delaware River Basin No. 11

Stream Name: Gregg Creek Trib 10 (Delaware)

Stream location (confluence with parent stream):

Section 16, Township 2S South, Range 14 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 3 8 8 6 (computer assigned - entered by data entry staff)

Date Entered 9/7/2016 By LLM

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 NE quarter of the NW quarter of the SW quarter of Section 16, more particularly described as being near a point 2065 feet North and 4370 feet West of the Southeast corner of said section, in Township 2 South, Range 14 (East) West (circle one), Wemaha 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):

Darrel Stoller 2109 192nd Rd Sabetha KS 66534 785-284-3314
(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 8/30/16, 20____. [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 Dam & Pump
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Dec 1st 2017
(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 July 1st 18
(Mo/Day/Year)

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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 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. *Class A Hazard Under 125 AC FT to FS and Under 30 FT tall*

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No *See Attached Also sent to Structure.*

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

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. *Land is owned by Applicant or those the water is being applied to*

(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.

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13. *NS*

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	_____	_____	_____	_____
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/tenant
(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):

Darrell Stoller 2109 192nd Rd Salathia KS
(name, address and telephone number)

Ronald Menold 21041 SLE Morton IL 61550
(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 Hiawatha, Kansas, this 30 day of August, 2016.
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Keith Gorman MWI, LLC Date: 8/30/16
(office/title)

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FEE SCHEDULE

- 1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

- 2. 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.

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 a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,700

Name of Applicant (Please Print): Byron Stoller

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: Byron Stoller/Robert Goodman

ADDRESS: 2126 168th Rd Sabetha Ks 66534

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21	2s	14E					40	40	40	40									160

Landowner of Record NAME: Darrel Stoller

ADDRESS: 2109 192nd Rd Sabetha KS 66535

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	2s	14E									40	35	35	40					150

Landowner of Record NAME: Ronald Menold

ADDRESS: 1041s Lee Ave Morton IL 61550

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16	2s	14E					36	38	40	40									154

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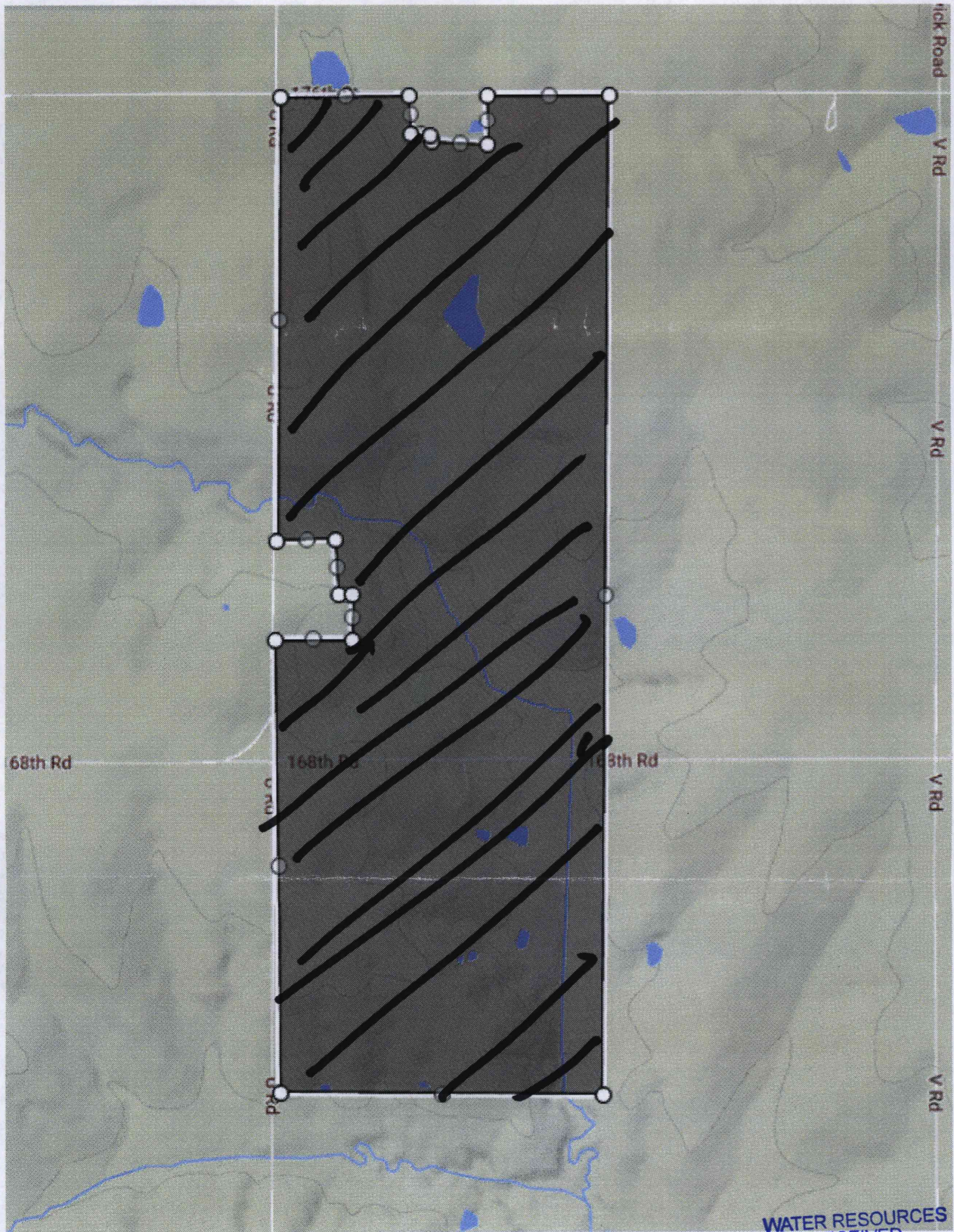
2065ft North

4370ft West Section 16 T2S R14E

© 2016 Google

49,700

49 700



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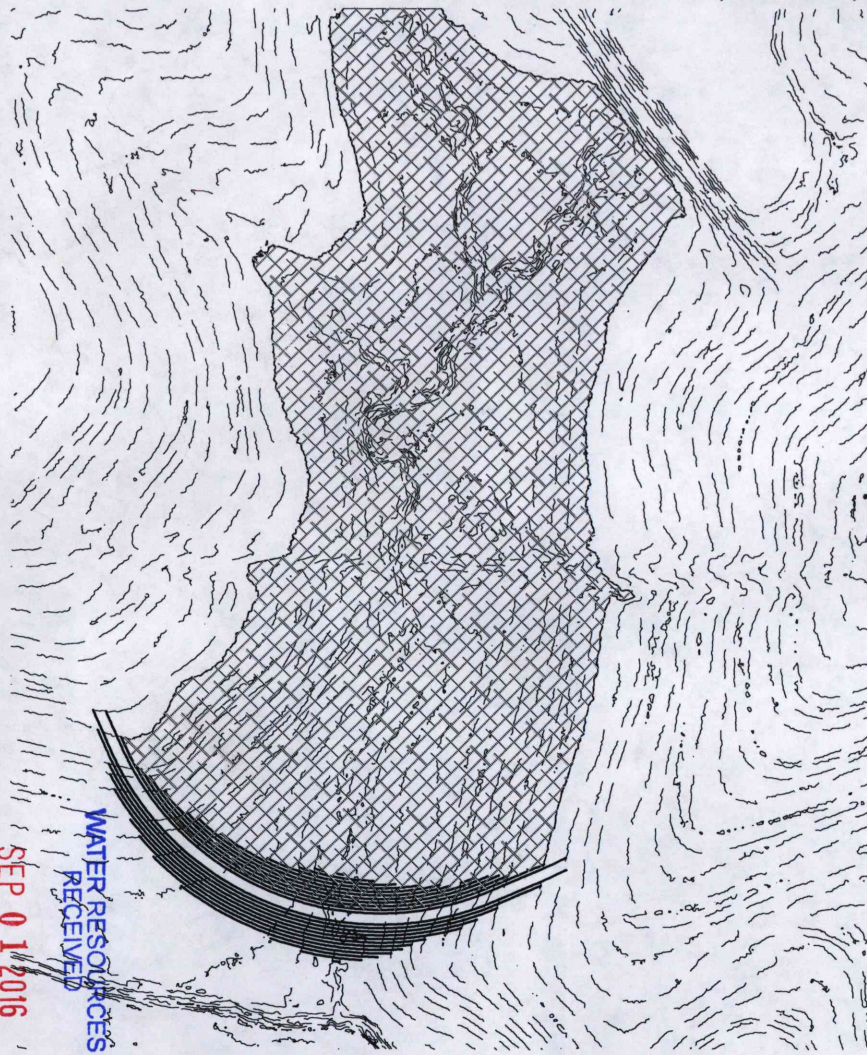
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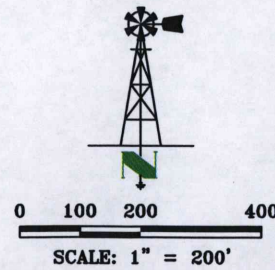
49,700

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter Section 16,
Township 2 South, Range 14 East of the
Sixth Principal Meridian, Nemaha County, Kansas



Contour	Area	1' Volume	Total Volume	Ac. Ft.	Embankment	Height
1279	-					
1280	74.30	37.15	37.150	0.00085		3.33
1281	3,294.73	1,684.52	1,721.665	0.03952		4.33
1282	18,126.45	10,710.59	12,432.255	0.28541		5.33
1283	38,015.75	28,071.10	40,503.355	0.92983		6.33
1284	66,796.60	52,406.18	92,909.530	2.13291		7.33
1285	94,704.12	80,750.36	173,659.890	3.98668		8.33
1286	125,112.71	109,908.42	283,568.305	6.50983		9.33
1287	155,679.08	140,395.90	423,964.200	9.73288		10.33
1288	194,187.70	174,933.39	598,897.590	13.74880		11.33
1289	233,006.14	213,596.92	812,494.510	18.65231		12.33
1290	288,127.59	260,566.87	1,073,061.375	24.63410		13.33
1291	334,360.18	311,243.89	1,384,305.260	31.77928		14.33
1292	393,999.65	364,179.92	1,748,485.175	40.13970		15.33
1293	458,480.38	426,240.02	2,174,725.190	49.92482		16.33
1294	527,222.37	492,851.38	2,667,576.565	61.23913		17.33
1295	588,361.54	557,791.96	3,225,368.520	74.04427		18.33
1296	664,729.58	626,545.56	3,851,914.080	88.42778	12,859	19.33
1297	747,663.63	706,196.61	4,558,110.685	104.63982	14,880	20.33
1298	824,776.83	786,220.23	5,344,330.915	122.68896	17,113	21.33
1299	901,952.06	863,364.45	6,207,695.360	142.50908	19,563	22.33
1300	989,658.31	945,805.19	7,153,500.545	164.22178	22,236	23.33
1301	1,083,568.83	1,036,613.57	8,190,114.115	188.01915	25,134	24.33



General Notes for Site:
 Field verification of LIDAR elevation data on 10/27/15
 Correlation on GPS points shot: -0.32 (GPS-LIDAR)
 Maximum: 1.59 Minimum: -0.39
 97% of Points (GPS-LIDAR) between +0.5 and -0.5
 Front toe of stream obstruction elevation: 1279.25'
 Rear toe of stream obstruction elevation: 1276.67'
 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 07/18/16.



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 16, T2S, R14E
 Nemaha County, Kansas
 PREPARED FOR
 MWI - Byron Stoller

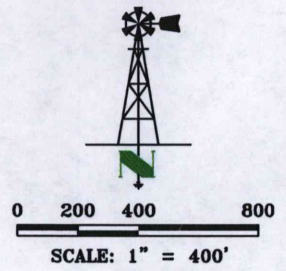
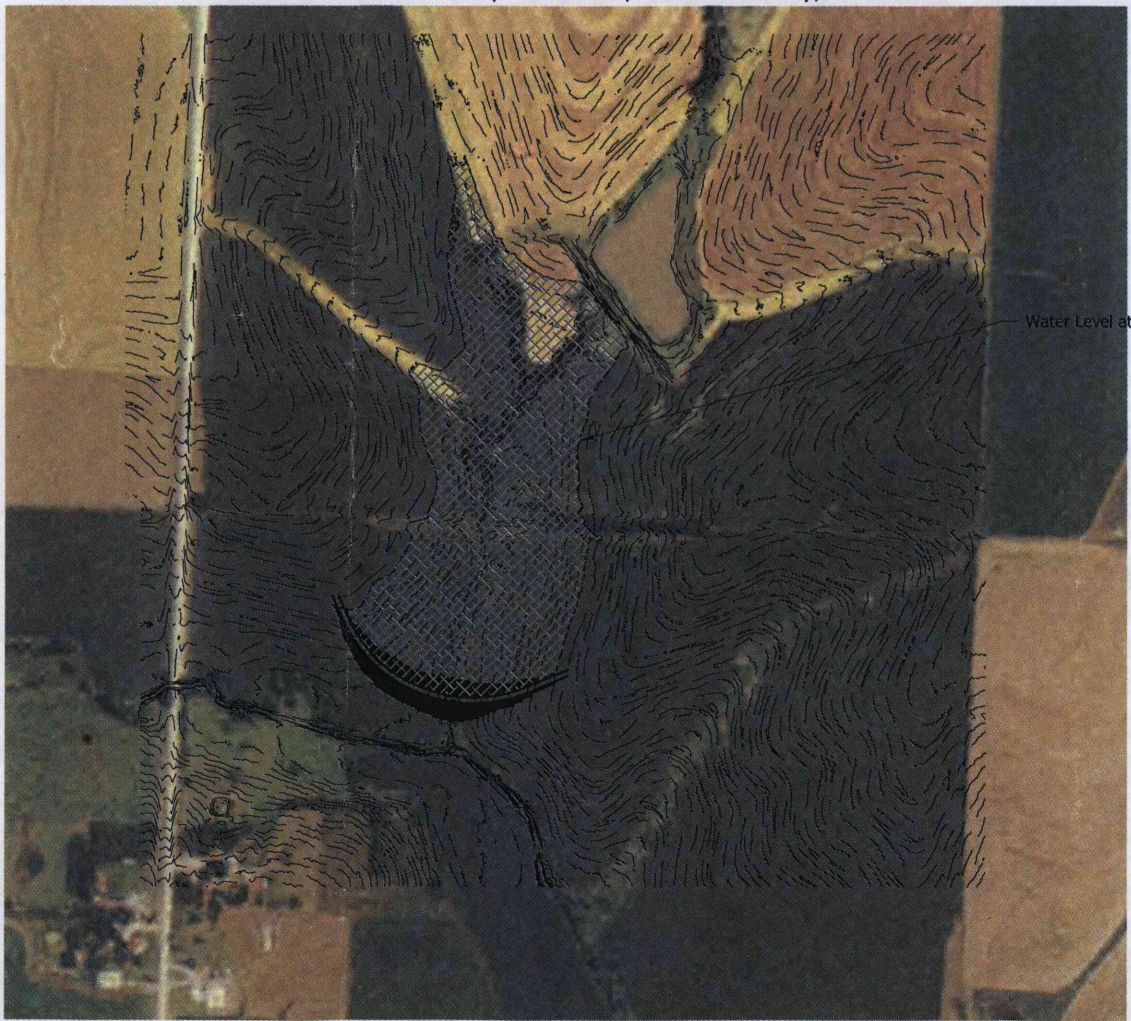
SCALE	1"=200'
FIELD ON:	07/18/16
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	07/23/16
SHEET 1 OF 2	
JOB NO. 5262.59	

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TOPOGRAPHIC SURVEY
 Compute Proposed Stream Obstruction Volume in the Southwest One-Quarter Section 16,
 Township 2 South, Range 14 East of the
 Sixth Principal Meridian, Nemaha County, Kansas



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 16, T2S, R14E
 Nemaha County, Kansas
 PREPARED FOR
 MWI - Byron Stoller

SCALE	1"=400'
FIELD ON:	07/18/16
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	07/23/16

SHEET 2 OF 2
 JOB NO.
 5262.59

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 SEP 01 2016

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

September 2, 2016

BYRON STOLLER
2126 168TH RD
SABETHA KS 66434

FILE COPY

RE: Application
File No. 49700

Dear Sir or Madam:

Your application for permit to appropriate water in 16-2S-14E in Nemaha County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD