

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT OF NEW APPLICATION WORKSHEET**

1. File Number: <b>49,700</b>	2. Status Change Date: <b>3/23/2017</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>  <b>BYRON STOLLER</b> 2126 168TH RD SABETHA KS 66534		7c. Landowner(s) New to system <input type="checkbox"/>  <b>RONALD MENOLD</b> 1041 S LEE AVE MORTON IL 61550	
7b. Landowner(s) New to system <input type="checkbox"/>  <b>DARREL &amp; GLORIA STOLLER</b> 2109 192ND RD SABETHA KS 66534		7d. Landowner New to system <input type="checkbox"/>  <b>ROBERT GOODMAN</b> 2126 168TH RD SABETHA KS 66534	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		9. Use of Water:    Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
8. WUR Correspondent Notarized WUC Form <input type="checkbox"/>			
7a.			
10. Completion Date: <b>12/31/2018</b>		11. Perfection Date: <b>12/31/2022</b>	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: <b>2/2/2017</b> By: <b>DWS</b> Date Entered: <b>3/27/2017</b> By: <b>UM</b>			

File No. **49,700**      15. Formation Code:      Drainage Basin: DELAWARE RIVER      County: NM      Special Use:      Stream: GREGG CREEK TRIB 10 (DELAWARE)

16. Points of Diversion										17. Rate and Quantity				
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional			
DEL										Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
√	85603	NE NW SW	16	2	14E	1	2065	4370		1000	250	1000	250	NONE

18. Storage: Rate **NF**      Quantity **250** ac/ft      Additional Rate **NF**      Additional Quantity **250** ac/ft

19. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by **12/31/2018**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files		
MOD	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
√	68024	16	2	14E	1						40	35	35	40										150	7b.	No	NONE	
√	68025	16	2	14E	2					36	38	40	40											154	7c.	No	NONE	
√	68023	21	2	14E	1					40	40	40	40											160	7a & d.	No	NONE	

Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** February 2, 2017

**FROM:** Doug Schemm

**RE:** Application, File No. 49,700

Byron Stoller has filed the application referred to above for a permit to appropriate 250 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir located in the Southwest Quarter of Section 16, in Township 2 South, Range 14 East, Nemaha County, Kansas. The dam is located on Gregg Creek Trib 10 (Delaware). The point of diversion is located on property owned by Darrell Stoller (one of the landowners), and the applicant has signed the application form stating he has legal access to the point of diversion. The place of use is owned by the applicant, Darrel & Gloria Stoller, Ronald Menold, and Robert Goodman, and it comprises 464 acres. There are no other overlapping files in point of diversion or place of use.

Runoff computations are not necessary because 348 acres of drainage area in this area of the state, will indubitably generate a runoff quantity in 1 out of every five (5) years (a 20% chance), of greater than 250 acre-feet. Therefore, per K.A.R. 5-6-5, this quantity IS NOT the limiting factor, and the application can be processed with the requested storage quantity of 250 acre-feet. The requested quantity of water for direct use (rediversion) of 250 acre-feet for irrigation use on 464 acres, provides approximately 6 inches per acre, which is less than the maximum allowable of 1.1 acre-feet per acre in Nemaha County, Kansas, per K.A.R. 5-3-24. However, this is a common quantity per acre for this area of the state and has proven to be successful, since this is merely supplemental to normal precipitation.

The applicant stated that the landowners of the proposed place of use own the adjacent properties within one-half (½) mile upstream and downstream. A review of the topographic map shows that this tributary stream only just slightly extends off the upstream place of use. There are no other landowners adjacent to the tributary stream (prior to its confluence with Gregg Creek). The nearest downstream landowners are directly adjacent to Gregg Creek and over 4,500 feet from the proposed point of diversion. However, notification letters were sent to these two downstream landowners on January 19, 2017. No responses of any kind were received. There are only two other surface water rights within a two-mile radius according to the WRIS database. These senior files also authorize storage in reservoirs, one for SED use and one for IRR use, both located on different streams and over a mile away. No senior water rights will be impaired with approval of this application.

The proposed structure was reviewed by DWR Water Structures Program staff, under File No. DNM-0382, and they determined that it qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1) (see October 11, 2016 letter from Kimberly Hunninghake). However, the letter does state that a floodplain fill permit is required prior to the start of construction. The applicant is in the process of securing the required floodplain fill permit. As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. Since this is a proposed, new reservoir, a Special Condition on the Permit will be needed to provide an initial fill quantity.

In a February 2, 2017 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the applicant will be obtaining the necessary permit from the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 27, 2017

BYRON STOLLER  
2126 168TH RD  
SABETHA KS 66534

**FILE COPY**

Re: Appropriation of Water, File No. 49,700

Dear Mr. Stoller:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed re-diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this 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:dws  
Enclosures

pc: ----- Topeka Field Office  
Darrel & Gloria Stoller  
Ronald Menold  
Robert Goodman  
Keith Grimm – MWI LLC



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. 49,700 of the applicant

**BYRON STOLLER  
2126 168TH RD  
SABETHA KS 66534**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **September 1, 2016**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16 2S 14E					36	38	40	40	40	35	35	40					304
21 2S 14E					40	40	40	40									160

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Gregg Creek, designated in the office of the Chief Engineer as Gregg Creek Trib 10 (Delaware), not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **250 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE¼ NW¼ SW¼) of Section 16, more particularly described as being near a point 2,065 feet North and 4,370 feet West of the Southeast corner of said section, in Township 2 South, Range 14 East, Nemaha County, Kansas, to provide **250 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,000 gallons per minute (2.23 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **104.6 acre-feet** of water may also be diverted to complete the initial filling of the reservoir only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoir shall require authorization under a term permit.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all re-diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.
12. That an acceptable water flow meter shall be installed and maintained on the re-diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.
15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

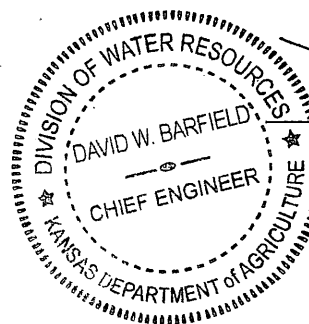
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 23<sup>rd</sup> day of March, 2017, in Topeka, Shawnee County, Kansas.



*David W. Barfield*

David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                                  ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of March, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



*Karen Hunter*

Notary Public

**CERTIFICATE OF SERVICE**

On this 27<sup>th</sup> day of March, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,700, dated March 23, 2017 was mailed postage prepaid, first class, US mail to the following:

BYRON STOLLER  
2126 168TH RD  
SABETHA KS 66534

With photocopies to:

DARREL & GLORIA STOLLER  
2109 192ND RD  
SABETHA KS 66534

RONALD MENOLD  
1041 S LEE AVE  
MORTON IL 61550

ROBERT GOODMAN  
2126 168TH RD  
SABETHA KS 66534

MIDWEST IRRIGATION  
% KEITH GRIMM  
2991 GOLDFINCH RD  
HIAWATHA KS 66434 8371

Topeka Field Office



Division of Water Resources



APPLICATION COMPLETE  
2/8/2017  
Reviewer DWS

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 49700  
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 9<sup>th</sup> Street, Second Floor, Topeka, KS 66612-1283:

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

2. The source of water is:  surface water in unamed tributary of Craig Creek → Delaware River Basin (stream) Gregg Trib 10  
OR  groundwater in Delaware River (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 (storage)\* acre-feet OR Re-divert 250 acre-feet @ 1,000 gpm \* gallons per calendar year, to be diverted at a maximum rate of 1000/NF 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.  GMD  Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G County Nowa By ADW Date 9/1/16  
Code REZ Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 9/1/16 Check # 1022

DWR 1-100 (Revised 02/12/2014) \* Application is for storage in proposed reservoir & rediversion for IRR use. SCANNED  
DWS/DWR 11/1/16 9/7/2016 LCM

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), Nebraska 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 192<sup>nd</sup> 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\_\_\_\_. Byn [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 17  
(Mo/Day/Year)

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SEP 01 2016

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 E's 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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WATER RESOURCES  
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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):

Danell 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 Correns mws, LLC Date: 8/30/16  
(office/title)

WATER RESOURCES  
RECEIVED

SEP 01 2016

KS DEPT OF AGRICULTURE

SCANNED

## 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 168<sup>th</sup> 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 192<sup>nd</sup> 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

WATER RESOURCES  
RECEIVED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49700 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49700 00 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

2065 Feet North and 4370 Feet West of the Southeast Corner of Section 16 T 2S R 14E

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 47033 00 SED NK S      7481 -- SE NE NW 4520 2650 15 2 14E 1          .00      .00 AF
***** Authorized storage =      11.90 AF Additional storage =      11.90 AF
A__ 47679 00 IRR KE S      10363 -- NE SE SE 870 100 4 2 14E 1          140.00 140.00 AF
A__ 49700 00 IRR AY S          0 -- NE NW SW 2065 4370 16 2 14E 1          250.00 250.00 AF
T__20159058 00 SED GY S      7481 -- SE NE NW 4520 2650 15 2 14E 1          50.00 50.00 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      250.00           .00
Total Permitted Amount (AF) =      190.00          178.30
Total Inspected Amount (AF) =           .00           .00
Total Pro_Cert Amount (AF) =           .00           .00
Total Certified Amount (AF) =           .00          11.90
Total Vested Amount (AF) =           .00           .00
TOTAL AMOUNT (AF) =      440.00          190.20
=====
    
```

An \* after the source of supply indicates a pending application for change under the file number.  
 An \* after the ID indicates a 15 AF exemption was granted under the file number.  
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.  
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

2065 Feet North and 4370 Feet West of the Southeast Corner of Section 16 T 2S R 14E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 47033 00 SED NK S
> NEMAHA-BROWN WATERSHED JOINT DIST #7
> SECRETARY
> PO BOX 177
> WETMORE KS 66550
>-----
A__ 47679 00 IRR KE S
> GALEN J ROKEY
>
> 2195 192ND RD
> SABETHA KS 66534
>-----
A__ 49700 00 IRR AY S
> BYRON STOLLER
>
> 2126 168TH RD
> SABETHA KS 66534
>-----
T__20159058 00 SED GY S
    
```

> NEMAHA-BROWN WATERSHED JOINT DIST #7

> SECRETARY

> PO BOX 177

> WETMORE KS 66550

>-----

=====

#####

#49,700

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 11, 2016

BYRON STOLLER  
2126 168 TH ROAD  
SABETHA, KS 66534

Re: Registration/Class A Exemption  
WSN: DNM-0382

Dear Owner,

Please accept this letter as confirmation that your proposed dam is exempt from the dam safety permit requirements specified in K.S.A. 82a-301(a), and its location has been registered in our records.

You reported that your proposed dam is located in the NE1/4 of the NW1/4 of the SW1/4 of Section 16, Township 2 South, Range 14 East in Nemaha County. You also stated it would have a height of 23.3 feet, and a storage volume of 122.7 acre-feet at the emergency spillway elevation. It has been verified that the dam qualifies for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1). **However, the dam is located in a FEMA mapped floodplain per K.S.A. 24-126. A floodplain fill permit is required prior to the start of construction.**

Please note that your dam may be reclassified to a hazard class B or C in the future as a result of improvements or changes on downstream properties. If that occurs, you will be required to obtain a dam safety permit for the existing dam. This may require redesign and partial reconstruction of the dam to meet applicable dam safety standards. In addition, any changes from the proposed design may warrant a dam permit.

Please contact me at 785-564-6652 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kim Hunninghake".

Kimberly A. Hunninghake  
Water Structures Engineer

PC: Topeka Field Office  
Janelle Phillips, DWR-Structures



STRUCTURE NUMBER		APPLICATION		INDICATORS	
D	NM	0362	Ws Id 93379 LAST# 962	App Recd Date	Pending Complaint N
REVIEWER		CURRENT STATUS		App Mod	
INIT	LAG	Permit	IN	Project Activity	DAM REGISTRATION
File Location		Compliance		Pending Mod	
		Permit		After the Fact	
		NON-JURIS		General Permits	
APPLICANT		KDOT Type		Lease Ind	
LAST STOLLER				N Corps	
FIRST BYRON				App Proc Time	
OWNER				DWR 40 Total 40	
LAST STOLLER				Location	
FIRST BYRON				Pull Date	
DESIGNER					
LAST JORGENSEN SURVEYING					
FIRST					
Const Comp Date		Remarks		FOTPECA	
DDA348		FLOODPLAIN FILL REQUIRED			

WSI ACT ALL ACT LOCATION ECA APPLICANT OWNER DESIGNER ENG COMPLAINT MOD ACT PROJECT

ACTIONS LOCATION ECA FEE ITRAIL LEGAL WAIVER WR IMAGE CMP MODIFICATION TAXED AFF INQ

Date	Action	Deadline	Remarks
Decode	Date		
10-11-2016	PERMITTED JURISDICTION REMOVED 2013		HE2363E4E
09-04-2016	DETERMINATION ASSIGNED		LAG
09-01-2016	DETERMINATION RECEIVED		REGISTRAT



  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

January 19, 2017

KENT OLBERDING  
LARRY F OLBERDING  
732 176<sup>TH</sup> RD  
SENECA KS 66538

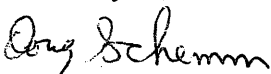
Re: Pending Application, File No. 49,700

Dear Sir or Madam:

This is to advise you that Byron Stoller has filed the application referred to above for a permit to appropriate 250 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 250 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 16, in Township 2 South, Range 14 East, Nemaha County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Byron Stoller  
Keith Grimm – MWI, LLC



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Katherine A. Tietsort, Water Commissioner

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov  
Sam Brownback, Governor

January 19, 2017

DELWIN L & RITA ANN MEYER  
2113 V ROAD  
SABETHA KS 66534

Re: Pending Application, File No. 49,700

Dear Sir or Madam:

This is to advise you that Byron Stoller has filed the application referred to above for a permit to appropriate 250 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 250 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the structure crosses the centerline of the stream) is located in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 16, in Township 2 South, Range 14 East, Nemaha County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter. You may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Byron Stoller  
Keith Grimm – MWI, LLC

<input type="checkbox"/>	<u>066-085-21-0-00-00-001.00-0</u> HARTTER, JESSE W Property Address: 2184 168th Rd Sabetha, KS 66534	S21, T02, R14, ACRES 78.45, N2-NE4 LESS R/W	Farm Homesite - F	Building: Total:	\$45,030 \$50,700
<input type="checkbox"/>	<u>066-085-21-0-00-00-001.00-0</u> HARTTER, JESSE W Property Address: 2184 168th Rd Sabetha, KS 66534	S21, T02, R14, ACRES 78.45, N2-NE4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$30,790 \$4,250 \$35,040
<input type="checkbox"/>	<u>066-085-21-0-00-00-003.00-0</u> MEYER, DELWIN L & RITA ANN Property Address: 0 V Rd Sabetha, KS 66534	S21, T02, R14, ACRES 78.71, S2-NE4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$34,160 \$00 \$34,160
<input type="checkbox"/>	<u>066-085-21-0-00-00-004.00-0</u> MEYER, DELWIN L & RITA ANN Property Address: 2113 V Rd Sabetha, KS 66534	S21, T02, R14, ACRES 158.45, SE4 LESS R/W	Farm Homesite - F	Land: Building: Total:	\$8,300 \$40,200 \$48,500
<input type="checkbox"/>	<u>066-085-21-0-00-00-004.00-0</u> MEYER, DELWIN L & RITA ANN Property Address: 2113 V Rd Sabetha, KS 66534	S21, T02, R14, ACRES 158.45, SE4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$52,180 \$18,020 \$70,200
<input type="checkbox"/>	<u>066-085-21-0-00-00-005.00-0</u> OLBERDING, KENT; OLBERDING, LARRY F Property Address: 0 U Rd Sabetha, KS 66534 <i>732 176th Rd Seneca, KS 66538</i>	S21, T02, R14, ACRES 117.25, N2-SW4 & SW4-SW4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$10,560 \$430 \$10,990

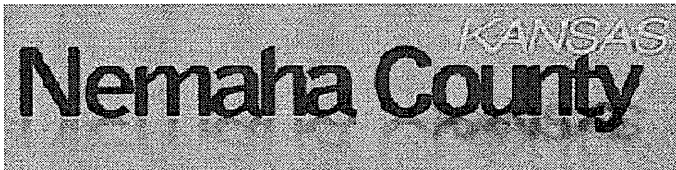
Page 1 of 1

Show Details

© 2014 Nemaha County, Kansas  
Version: 2.0.0.48 : 04/10/2015

*Down stream*

Real Estate Information



This database was last updated on 10/31/2016 at 6:09 PM

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[New Search](#)

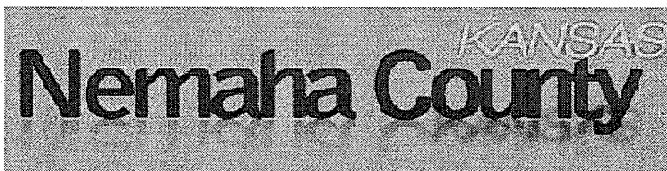
**Parcel Search Results**

To view the details of a parcel, click the Property # in the upper left corner of each record.

Select Item (s)	Owner Information	Legal Description	Property Class	Appraised Entities	Current Values
<input type="checkbox"/>	<a href="#">066-085-21-0-00-007.00-0</a> BAUMAN,GALEN M & KAREN L Property Address: 2147 160th Rd Sabetha, KS 66534	S21, T02, R14, ACRES 39.72, SE4-SW4 LESS R/W	Farm Homesite - F	Land: Building: Total:	\$10,360 \$87,840 \$98,200
<input type="checkbox"/>	<a href="#">066-085-21-0-00-007.00-0</a> BAUMAN,GALEN M & KAREN L Property Address: 2147 160th Rd Sabetha, KS 66534	S21, T02, R14, ACRES 39.72, SE4-SW4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$12,160 \$00 \$12,160
<input type="checkbox"/>	<a href="#">066-085-21-0-00-002.00-0</a> GOODMAN,ROBERT D;STOLLER,BYRON L & EMILY M Property Address: 2126 168th Rd Sabetha, KS 66534	S21, T02, R14, ACRES 156.52, NW4 LESS R/W	Farm Homesite - F	Land: Building: Total:	\$19,650 \$170,260 \$189,910
<input type="checkbox"/>	<a href="#">066-085-21-0-00-002.00-0</a> GOODMAN,ROBERT D;STOLLER,BYRON L & EMILY M Property Address: 2126 168th Rd Sabetha, KS 66534	S21, T02, R14, ACRES 156.52, NW4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$52,830 \$6,330 \$59,160
<input type="checkbox"/>	<a href="#">066-085-21-0-00-002.00-0</a> GOODMAN,ROBERT D;STOLLER,BYRON L & EMILY M Property Address: 2128 168th Rd Sabetha, KS 66534	S21, T02, R14, ACRES 156.52, NW4 LESS R/W	Farm Homesite - F	Land: Building: Total:	\$19,650 \$170,260 \$189,910
<input type="checkbox"/>	<a href="#">066-085-21-0-00-002.00-0</a> GOODMAN,ROBERT D;STOLLER,BYRON L & EMILY M Property Address: 2128 168th Rd Sabetha, KS 66534	S21, T02, R14, ACRES 156.52, NW4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$52,830 \$6,330 \$59,160
<input type="checkbox"/>				Land:	\$5,670

*Place of Use*

Real Estate Information



This database was last updated on 10/31/2016 at 6:09 PM

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[New Search](#)

**Parcel Search Results**

To view the details of a parcel, click the Property # in the upper left corner of each record.

Select Item (s)	Owner Information	Legal Description	Property Class	Appraised Entities	Current Values
<input type="checkbox"/>	<a href="#">066-085-16-0-00-003.01-0</a> DARREL L STOLLER & GLORIA J STOLLER TST Property Address: 0 U Rd Sabetha, KS 66534	S16, T02, R14, ACRES 148.5, SW4 LESS BEG 30' E & 890' S OF THE NW COR TH E 473' S 433' E 90' S 350' W 592' N 790' TO P OB LESS R/W	Agricultural Use - A	Land: Building: Total:	\$67,170 \$00 \$67,170
<input type="checkbox"/>	<a href="#">066-085-16-0-00-002.01-0</a> GIRTON, KELLY R & ELAINE R Property Address: 2124 176th Rd Sabetha, KS 66534	S16, T02, R14, ACRES 4.36, BEG 1075.61' E & 30' S NW COR NW4 TH E 599.74' S 348' W 395.62' N 61.82' W 114.79' N 43.05' W 100.96' N 230' TO POB	Agricultural Use - A	Land: Building: Total:	\$240 \$8,970 \$9,210
<input type="checkbox"/>	<a href="#">066-085-16-0-00-002.01-0</a> GIRTON, KELLY R & ELAINE R Property Address: 2124 176th Rd Sabetha, KS 66534	S16, T02, R14, ACRES 4.36, BEG 1075.61' E & 30' S NW COR NW4 TH E 599.74' S 348' W 395.62' N 61.82' W 114.79' N 43.05' W 100.96' N 230' TO POB	Farm Homesite - F	Land: Building: Total:	\$5,250 \$132,750 \$138,000
<input type="checkbox"/>	<a href="#">066-085-16-0-00-004.00-0</a> KANSAS FARM LP Property Address: 0 168th Rd Sabetha, KS 66534	S16, T02, R14, ACRES 157.84, SE4 LESS R/W	Agricultural Use - A	Land: Building: Total:	\$85,690 \$00 \$85,690
<input type="checkbox"/>	<a href="#">066-085-16-0-00-002.00-0</a> MENOLD, RONALD J TST MENOLD, LYNNETTE K TST Property Address: 0 176th Rd Sabetha, KS 66534	S16, T02, R14, ACRES 153.6, NW4 LESS BEG 1075.61' E & 30' S NW COR NW4 TH E 599.74' S 34 8' W 395.6' & N 61.82' W 114.7 9' N 43.05' W 100.96' N 230'	Agricultural Use - A	Land: Building: Total:	\$62,120 \$00 \$62,120
<input type="checkbox"/>	<a href="#">066-085-16-0-00-001.00-0</a> STRAHM FAMILY TST Property Address: 0 V Rd Sabetha, KS 66534	S16, T02, R14, ACRES 142.6, NE4 LESS BEG 30' S & 25' W OF THE NE COR NE4-NE4 TH S 517' W 1120' N 517' E 1120' TO POB L ESS R/W	Agricultural Use - A	Land: Building: Total:	\$76,300 \$00 \$76,300
<input type="checkbox"/>	<a href="#">066-085-16-0-00-001.01-0</a> SUHR, JOHN E & LISA J Property Address: 2184 176th Rd Sabetha, KS 66534	S16, T02, R14, ACRES 14.1, BEG 30' S & 25' W OF THE NE CO R NE4-NE4 TH S 517' W 1120' N 517' E 1120' TO POB LESS R/W	Agricultural Use - A	Land: Building: Total:	\$770 \$12,520 \$13,290

*Place of Use*

*Place of Use*

<input type="checkbox"/>	<u>066-085-16-0-00-001.01-0</u> SUHR,JOHN E & LISA J Property Address: 2184 176th Rd Sabetha, KS 66534	S16, T02, R14, ACRES 14.1, BEG 30' S & 25' W OF THE NE COR NE4-NE4 TH S 517' W 1120' N 517' E 1120' TO POB LESS R/W	Farm Homesite - F	Land: Building: Total:	\$10,500 \$131,070 \$141,570
<input type="checkbox"/>	<u>066-085-16-0-00-003.00-0</u> SUNNENBERG,MICHAEL J;SUNNENBERG,KATHRYN SUE Property Address: 2228 U Rd Sabetha, KS 66534	S16, T02, R14, ACRES 4.2, BEG 30' E & 890' S OF THE NW COR TH E 473' S 433' W 473' N 433' TO POB LESS R/W	Agricultural Use - A	Land: Building: Total:	\$230 \$1,710 \$1,940
<input type="checkbox"/>	<u>066-085-16-0-00-003.00-0</u> SUNNENBERG,MICHAEL J;SUNNENBERG,KATHRYN SUE Property Address: 2228 U Rd Sabetha, KS 66534	S16, T02, R14, ACRES 4.2, BEG 30' E & 890' S OF THE NW COR TH E 473' S 433' W 473' N 433' TO POB LESS R/W	Farm Homesite - F	Land: Building: Total:	\$8,650 \$38,870 \$47,520
<input type="checkbox"/>	<u>066-085-16-0-00-003.00-0</u> SUNNENBERG,MICHAEL J;SUNNENBERG,KATHRYN SUE Property Address: 2230 U Rd Sabetha, KS 66534	S16, T02, R14, ACRES 4.2, BEG 30' E & 890' S OF THE NW COR TH E 473' S 433' W 473' N 433' TO POB LESS R/W	Agricultural Use - A	Land: Building: Total:	\$230 \$1,710 \$1,940
<input type="checkbox"/>	<u>066-085-16-0-00-003.00-0</u> SUNNENBERG,MICHAEL J;SUNNENBERG,KATHRYN SUE Property Address: 2230 U Rd Sabetha, KS 66534	S16, T02, R14, ACRES 4.2, BEG 30' E & 890' S OF THE NW COR TH E 473' S 433' W 473' N 433' TO POB LESS R/W	Farm Homesite - F	Land: Building: Total:	\$8,650 \$38,870 \$47,520
<input type="checkbox"/>	<u>066-085-16-0-00-003.02-0</u> THOMPSON,DUANE M & TRACY L Property Address: 2222 U Rd Sabetha, KS 66534	S16, T02, R14, ACRES 4.7, BEG 30' E NW COR S2 SW4 TH E 5 92' S 350' W 592' N 350' POB LESS R/W	Agricultural Use - A	Land: Building: Total:	\$280 \$00 \$280
<input type="checkbox"/>	<u>066-085-16-0-00-003.02-0</u> THOMPSON,DUANE M & TRACY L Property Address: 2222 U Rd Sabetha, KS 66534	S16, T02, R14, ACRES 4.7, BEG 30' E NW COR S2 SW4 TH E 5 92' S 350' W 592' N 350' POB LESS R/W	Farm Homesite - F	Land: Building: Total:	\$6,450 \$94,650 \$101,100



## 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

WATER RESOURCES  
RECEIVED

SEP 01 2016

SCANNED

KS DEPT OF AGRICULTURE

NEW STREAM WORKSHEET

ES AW

Date: 9/1/16

File No. 49700

Basin Name: Delaware River Basin No. 11

Stream Name: Gregg Creek Trip 10 (Delaware)

Stream location (confluence with parent stream):

Section 16, Township 25 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~~4~~ (computer assigned - entered by data entry staff)

Date Entered 9/7/2016 By LLM

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,

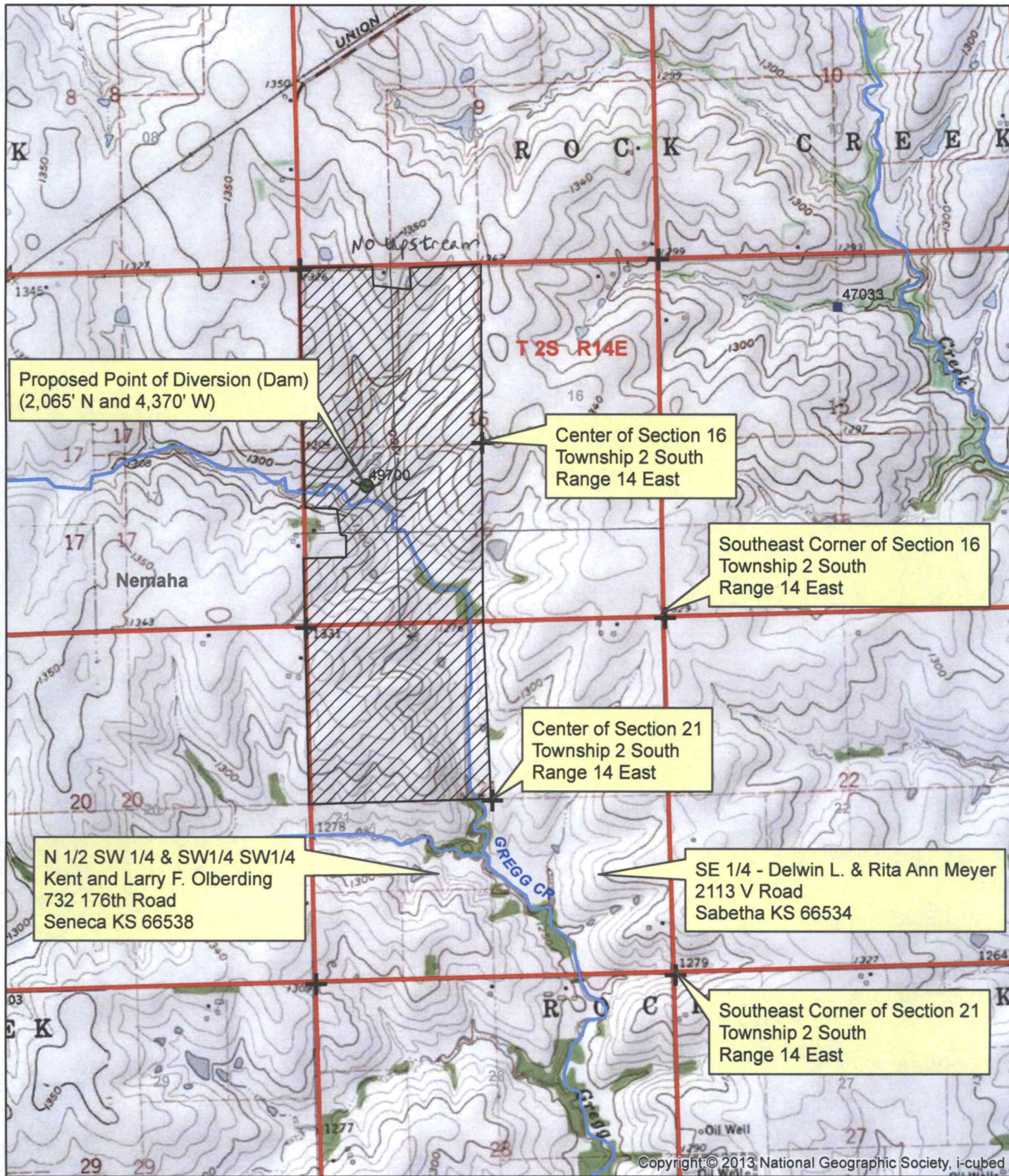
A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED

BYRON STOLLER - FILE NO. 49,700  
 Sections 16 & 21, Township 2 South, Range 14 East  
 Nemaha County



Proposed Point of Diversion (Dam)  
 (2,065' N and 4,370' W)

Center of Section 16  
 Township 2 South  
 Range 14 East



Southeast Corner of Section 16  
 Township 2 South  
 Range 14 East

Center of Section 21  
 Township 2 South  
 Range 14 East

N 1/2 SW 1/4 & SW1/4 SW1/4  
 Kent and Larry F. Olberding  
 732 176th Road  
 Seneca KS 66538

SE 1/4 - Delwin L. & Rita Ann Meyer  
 2113 V Road  
 Sabetha KS 66534

Southeast Corner of Section 21  
 Township 2 South  
 Range 14 East

 Proposed Place of Use  
 Proposed Point of Diversion

All known landowners adjacent to the stream  
 within one-half mile upstream and downstream  
 of the property lines have been shown.

1:24,000

\*See Application #11

DWS/DWR 1/19/17



49,700



4370ft West Section 16 T2S R14E

2065ft North

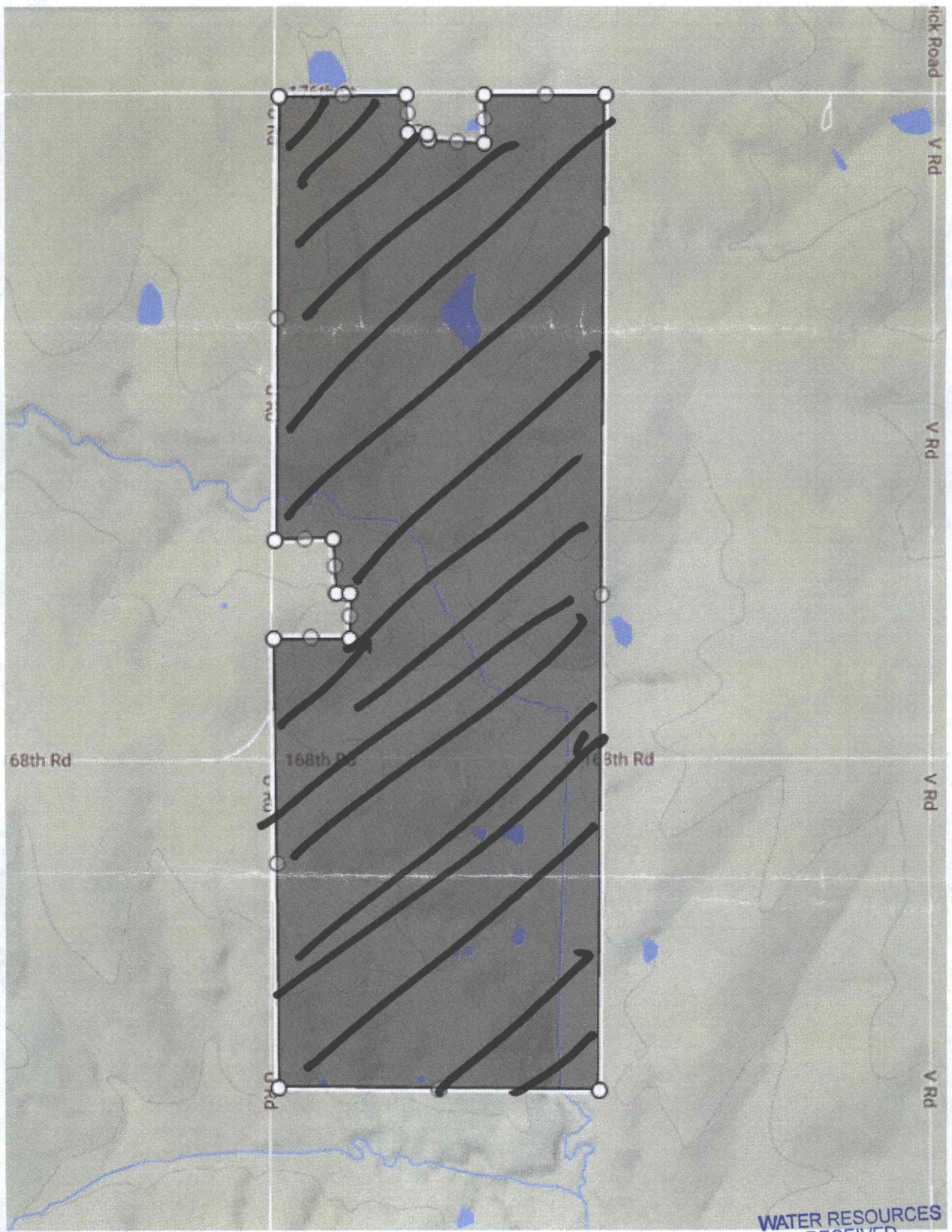
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WATER RESOURCES  
RECEIVED

SEP 01 2016

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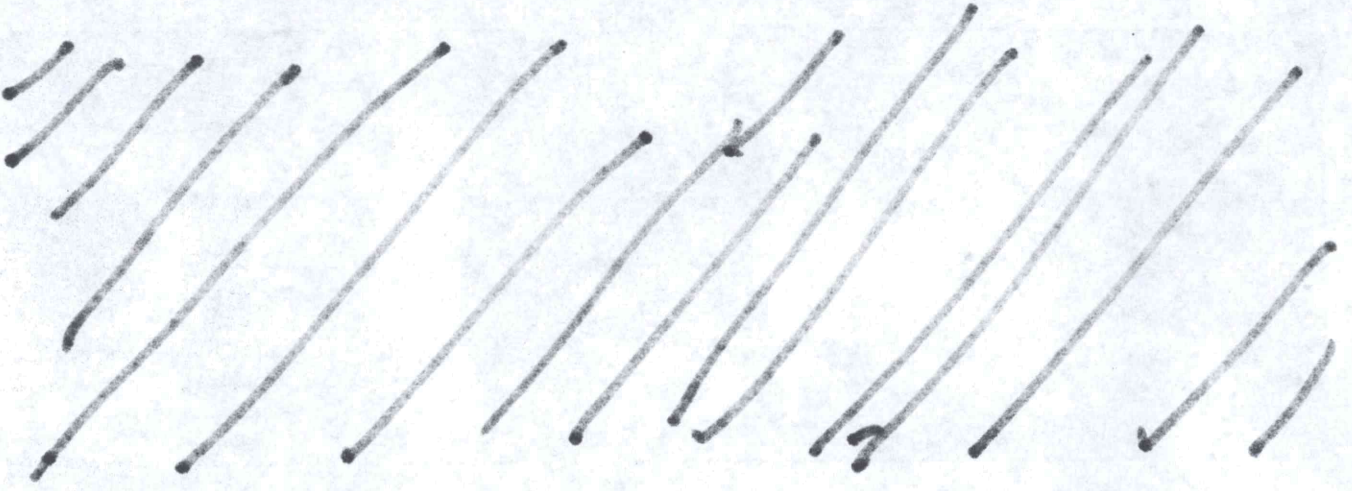
49 Feb



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SEP 01 2016

SCANNED KS DEPT OF AGRICULTURE



ROYAL FIELD, DEPT. OF AGRICULTURE

SEP 9 1916

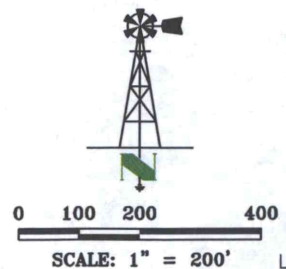
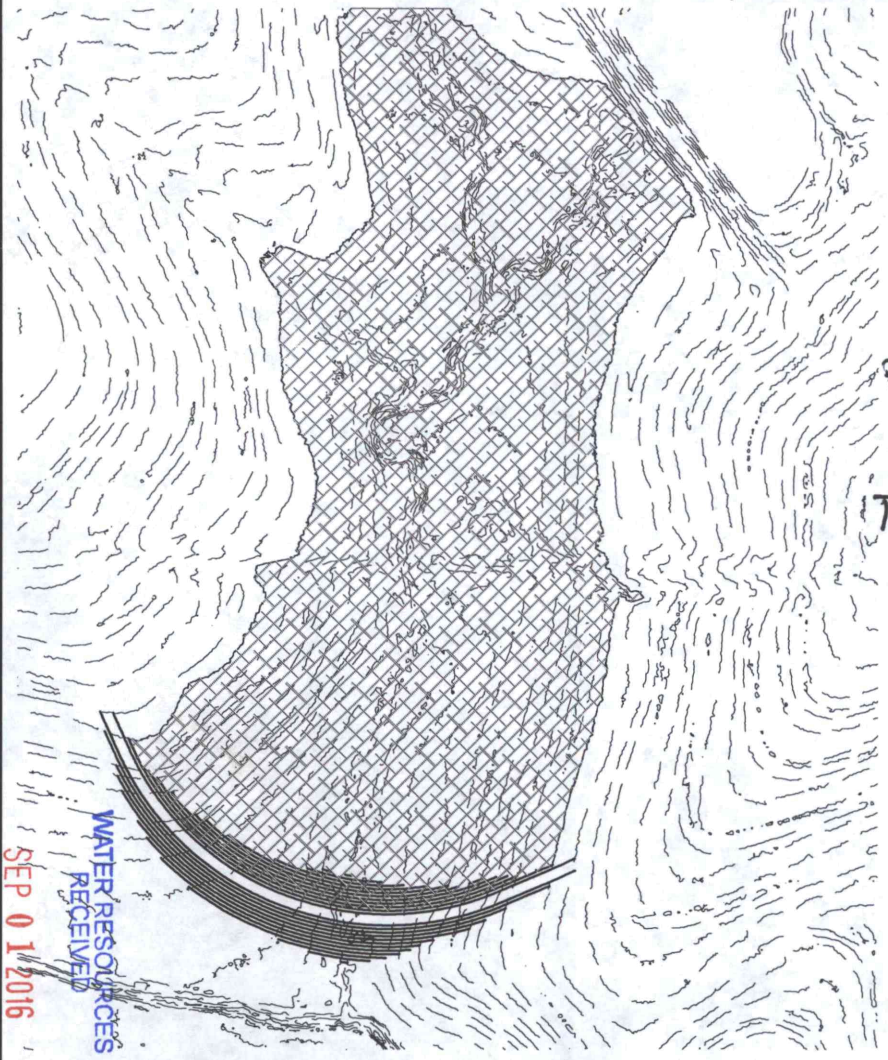
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MAILS RESOURCES

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

DESIGNED FOR  
 MWI - Byron Stoller

SCALE	1"=200'
FIELD ON:	07/18/16
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	07/23/16

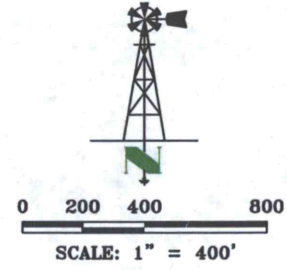
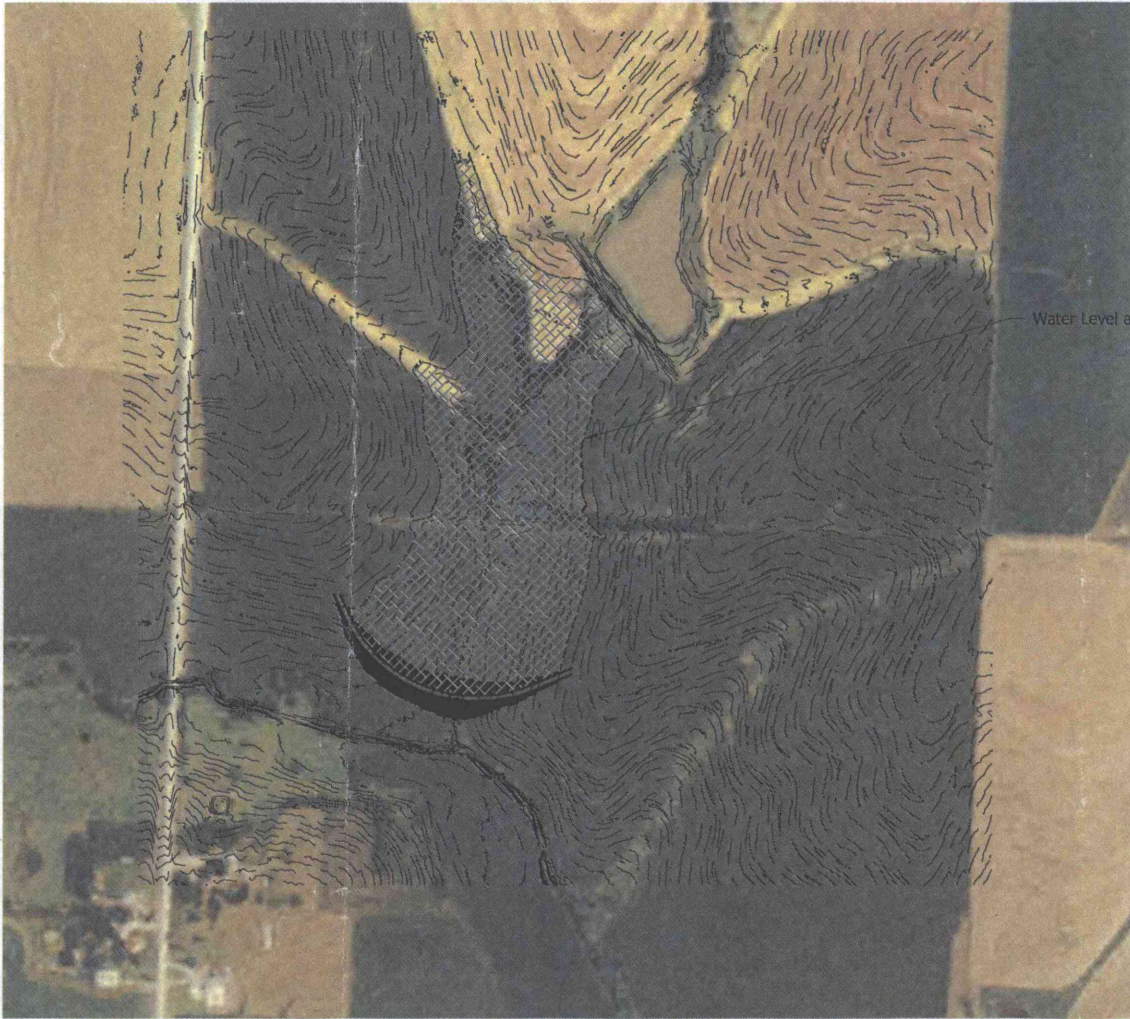
SHEET 1 OF 2  
 JOB NO.  
 5262.59

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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



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 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

KS DEPT OF AGRICULTURE

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