

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

1. File Number: <p style="text-align: center;"><b>50,123</b></p>	2. Status Change Date: <p style="text-align: center;"><i>5/15/2019</i></p>	3. Field Office: <p style="text-align: center;"><b>01</b></p>	4. GMD: <p style="text-align: center;"><b>0</b></p>
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5. Status:  Approved  Denied by DWR/GMD  Dismiss by Request/Failure to Return

6. Enclosures:  Check Valve  N of C Form  Water Tube  Driller Copy  Meter

<p>7a. Applicant(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID <u>63163</u> Add Seq# _____</p> <p><b>DEAN &amp; VICTOR MENOLD</b> 2770 HORNED OWL RD HIAWATHA KS 66434</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID <b>63164</b> Add Seq# _____</p> <p><b>JOSEPH E NOLL</b> 3189 HORNED OWL RD HIAWATHA KS 66434</p>
<p>7b. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p><b>7a.</b></p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p><b>MIDWEST IRRIGATION</b> 1215 OREGON ST HIAWATHA KS 66434</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/></p> <p>Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> <p><b>7a.</b></p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: 12/31/2020      11. Perfection Date: 12/31/2024      12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No Date to Comply: \_\_\_\_\_ Date WLMD Installed: \_\_\_\_\_

**\*NOTE: THIS IS A SURFACE WATER STORAGE AND REDIVERSION APPLICATION.**

Date Prepared: **4/18/2019** By: **DWS**  
Date Entered: *5/16/2019* By: *UM*

File No. <b>50,123</b>	15. Formation Code:	Drainage Basin: SF BIG NEMAHA RIVER	County: BR	Special Use:	Stream: Walnut CREEK TRIB 9A (SF BIG NEMAHA)																	
16. Points of Diversion			17. Rate and Quantity <b>MOD</b> Quantity																			
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized	Additional	Overlap PD Files											
									Rate gpm	Quantity af	Rate gpm	Quantity af										
√	87051	SE NE NE	23	1	16E	2	4284	130	1000	255	1000	255	NONE									
18. Storage: Rate <b>NF</b> Quantity <b>255</b> ac/ft Additional Rate <b>NF</b> Additional Quantity <b>255</b> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <b>12/31/2020</b> Date Acceptable Meter Installed _____																						
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO/YES	Overlap Files	
T MOD DEL ENT	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					
√	64824	23	1	16E	1									34	40			74	7c.	No	50,124	
√	64825	23	1	16E	2	38	40	40	40								39	38	235	7a.	YES	50,124
MOD	64826	26	1	16E	1					40			40	40	40	40	38	238	7a.	YES	50,124	
√	64827	36	1	16E	1					37	40							77	7a.	YES	50,124	
Comments:																						

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

**TO:** Files

**DATE:** April 18, 2019

**FROM:** Doug Schemm

**RE:** Application, File Nos. 50,123 and 50,124

Dean and Victor Menold have filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,123 is requesting to appropriate 255 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 255 acre-feet of the stored water. The proposed point of diversion for File No. 50,123 (where the structure crosses the centerline of the stream) is located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 23, in Township 1 South, Range 16 East, Brown County, Kansas.

Application, File No. 50,124 is requesting to appropriate 544 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 544 acre-feet of the stored water. The proposed point of diversion for File No. 50,124 (where the structure crosses the centerline of the stream) is located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 26, in Township 1 South, Range 16 East, Brown County, Kansas. Both dams are located on tributary streams to Walnut Creek, within the South Fork Big Nemaha drainage basin.

As noted above, the reservoirs are located within the South Fork Big Nemaha basin, on tributaries to Walnut Creek, which drains toward the Sac and Fox Nation of Missouri in Kansas and Nebraska. Therefore, a notification letter was sent to the Sac and Fox Nation of Missouri in Kansas and Nebraska, and the Bureau of Indian Affairs on February 26, 2019, giving them 30 days to provide comments. A response letter was received from Sac and Fox Nation on March 25, 2019. The letter requested that the applications be denied because the Nation believed they would impair their senior water right. A response letter was sent to the Nation and the Bureau on April 4, 2019 to address their concerns. The response letter noted that if the Nation's senior water right is being impaired, owners of non-domestic Kansas Water Rights junior to the Nation's senior water reservation right would have to bypass all inflows. In addition, DWR proposed two specific conditions that would be included on these permits as follows:

"That this approval of application and permit to proceed will be subject to the as yet unquantified, water reservation right of the Sac and Fox Tribal Nation, which will likely have a significantly senior priority. As such, any water right developed under this permit may be administered should impairment occur to the Tribal water reservation right quantified in the future per the provisions of K.S.A. 82a-706. "

"That the owner shall ensure that the needs of the senior, downstream water right held by the Nation, will be satisfied by providing an adequate bypass of the dam either by tube, valve, syphon, pump or other acceptable method, over, through, or around the dam to the channel below, each time inflows occur when this senior water right is impaired."

In addition, the applicant identified multiple upstream and downstream landowners within one-half ( $\frac{1}{2}$ ) mile of the property lines for both applications. Nearby landowner letters were sent out on October 10, 2018. Telephone calls were received from several landowners related to File No. 50,124. The downstream landowners were concerned that the proposed reservoir would impact their streamflow. One of the downstream landowners (Dustin Ploeger) has a large reservoir on his property that is permitted under File No. 46,830, a blanket watershed permit for Walnut Creek Watershed Joint District #1. He waters about 25 calves spring through fall from this reservoir, and stated that this watershed reservoir does not stay full. Note that there is another tributary stream which also flows into this downstream reservoir.

Roger Ploeger, Adam Hinton, and Stephen Spare (Euchre Creek Farms) also telephoned our office with concerns related to stream flows. There was also concern that the reservoir was located within the flood easement of the downstream watershed reservoir. No written comments were received, from these nearby owners, and no specific evidence of impairment was provided. The permit will be conditioned to require a drawdown tube near the stream bed elevation to bypass water if necessary for the downstream domestic users. Also note that the Structures Program did not receive any negative comments from the USACE or any other government agencies during processing of their File No. LBR-032.

The points of diversion are located on property owned by the applicants, and Victor Menold has signed the application forms stating they have legal access to the points of diversion. The place of use is partly owned by the applicants and partly owned by Joseph and Joan Noll, and it comprises a total of 624 acres. The files will overlap in place of use.

For File No. 50,123 runoff computations determined that the 170 acres of drainage area in this area of the state, will generate a runoff quantity in 1 out of every five (5) years (a 20% chance), of 255 acre-feet (18"). Therefore, per K.A.R. 5-6-5, this quantity IS the limiting factor, and the application was reduced to 255 acre-feet. Keith Grimm agreed to the quantity reduction. For File No. 50,124 runoff computations were completed under a previous application (subsequently dismissed), and it was determined that the drainage area of 1,384 acres will provide 1,730 acre-feet of runoff, significantly more than the requested quantity of 544 acre-feet, in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this runoff quantity IS NOT the limiting factor, and the application was processed as requested.

The requested combined quantity of water for direct use (rediversion) of 799 acre-feet for irrigation use on 624 acres, provides more than the maximum allowable of 1 acre-feet per acre for Brown County, Kansas, per K.A.R. 5-3-24. Therefore, the junior file, 50,124 will be limited to 624 acre-feet for direct irrigation use, providing 369 acre-feet of additional water (624 AF – 255 AF).

File No. 50,123 has two other surface water rights within a two-mile radius according to the WRIS database. Both of these also authorize storage in reservoirs, and they are located on different streams. File No. 50,124 has four other surface water rights within a two-mile radius according to the WRIS database (including File No. 50,123). All of these also authorize storage in reservoirs (primarily sediment control use), and they are all located on different streams, except for the downstream reservoir in the Northeast Quarter of Section 35, T1S, R16E on Walnut Creek Trib 10. No senior water rights will be impaired with approval of these applications with proper conditioning.

The proposed structures were reviewed by DWR Water Structures Program staff, under File Nos. DBR-0366/LBR-0032 (File No. 50,123) and DBR-0354 (File No. 50,124). It was determined that DBR-0366/LBR-0032 qualified for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1), and does not need a stream obstruction permit (see November 7, 2018 letter from BJ Edmonston). It was determined that DBR-0354 qualified for the hazard class A permit exemption specified in K.S.A. 82a-301(d)(1), but it required a stream obstruction permit (see January 2, 2019 letter from Laura Gray). The applicant has secured the required floodplain fill permit, and it has been approved.

As allowed by K.S.A. 82a-706(c) approved water flow meters shall be installed on the secondary diversion works (pump sites) for these files. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed. Since these are proposed, new reservoirs, a Special Condition on the Permits will be needed to provide an initial fill quantity for each reservoir.

In an April 11, 2019 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new applications should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the structures have been reviewed and properly permitted by the DWR Water Structures Program, and senior rights will not be impacted, it is recommended that the referenced new applications be approved, with the special conditioning discussed above.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

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



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

Mike Beam, Secretary

Laura Kelly, Governor

May 20, 2019

DEAN AND VICTOR MENOLD  
2770 HORNED OWL RD  
HIAWATHA KS 66434

**FILE COPY**

RE: Appropriation of Water, File Nos. 50,123 and 50,124

Dear Sirs:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in these permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits.

Notice must be filed on the enclosed forms once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of these permits. If you need an extension of time, you must request it before the deadline for completion set forth in these permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

Acceptable water flowmeters must be installed on the rediversion works authorized by these permits prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year for each file. If complete annual water use reports are not received by the deadline, then a fine may be assessed and all water use under such permits or rights may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your reports online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of your applications constitute permits to appropriate water. They do not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. They do not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation for each file, which will establish the extent of your perfected water rights. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

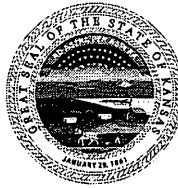
Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:dws  
Enclosure(s)

pc: Topeka Field Office  
Joseph E Noll  
MWI LLC

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Mike Beam, 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. 50,123** of the applicant

**DEAN & VICTOR MENOLD  
2770 HORNED OWL RD  
HIAWATHA KS 66434**

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 6, 2018**.
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		
23 1S 16E	38	40	40	40										34	40	39	38	309
26 1S 16E									40				40	40	40	40	38	238
36 1S 16E						37	40											77

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Walnut Creek, designated in the office of the Chief Engineer as Walnut Creek Trib 9A (SF Big Nemaha), 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 **255 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE¼ NE¼ NE¼) of Section 23, more particularly described as being near a point 4,284 feet North and 130 feet West of the Southeast corner of said section, in Township 1 South, Range 16 East, Brown County, Kansas, to provide **255 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 **92 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, 2020** 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, 2024** 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.

17. That this approval of application and permit to proceed will be subject to the as yet unquantified, water reservation right of the Sac and Fox Tribal Nation, which will likely have a significantly senior priority. As such, any water right developed under this permit may be administered should impairment occur to the Tribal water reservation right quantified in the future per the provisions of K.S.A. 82a-706.

18. That the owner shall ensure that the needs of the senior, downstream water right held by the Nation, will be satisfied by providing an adequate bypass of the dam either by tube, valve, syphon, pump or other acceptable method, over, through, or around the dam to the channel below, each time inflows occur when this senior water right is impaired.

#### RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.



Shannon 300

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 50123  
This item to be completed by the Division of Water Resources.

APPLICATION COMPLETE  
4/11/19  
Reviewer KAB

SEP 06 2018  
11:44  
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, Kansas 66502:

1. Name of Applicant (Please Print): Dean + Victor Menold  
Address: 2770 Horned Owl Rd.  
City: H. Worth State Ks Zip Code 66434  
Telephone Number: (785) 547-7952

2. The source of water is:  surface water in unamed tributary to Walnut creek (stream) 3946  
OR  groundwater in SF Big Nemaha 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 255 \* Re-divert 255 AF Storage: 255 or whatever drainage will provide 1,000 gpm acre-feet OR \_\_\_\_\_ 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 FR Source G County BR By AW Date 9/6/18  
Code RE2 Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 9/6/18 Check # 1098

DWR 1-100 (Revised 06/16/2014)  
\* Keith agreed to reduced quantity in 10/10/18 e-mail. PWS/DWR  
9/10/18 DAW

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 SE quarter of the NE quarter of the NE quarter of Section 23, more particularly described as being near a point 4284 feet North and 130 feet West of the Southeast corner of said section, in Township 1 South, Range 16 East West (circle one), Brown 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  
\_\_\_\_\_  
(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 8-27, 2018.

Clay J. Maxwell  
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 2020  
(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 21  
(Mo/Day/Year)

Water Resources  
Received  
SEP 06 2018  
KS Dept Of Agriculture

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 SE quarter of the NE quarter of the NE quarter of Section 23, more particularly described as being near a point 4284 feet North and 130 feet West of the Southeast corner of said section, in Township 1 South, Range 16 (East) West (circle one), Brown 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):

Sand  
 \_\_\_\_\_  
 (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 8-27, 2018. Clayton Marshall  
 \_\_\_\_\_  
 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 2020  
 \_\_\_\_\_  
 (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 21  
 \_\_\_\_\_  
 (Mo/Day/Year)

Water Resources  
 Received  
 SEP 06 2018  
 KS Dept Of Agriculture

SCANNED

- 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. *Attached*

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 \_\_\_\_\_

- 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.

*none known*

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Water Resources  
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SEP 06 2018

13. *NA* 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/Agent  
(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):  
Joseph E. & Joan M. Webb 3189 Horned Owl Rd Hiawatha, KS 66434  
(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 27 day of August, 2018  
(month) (year)

*Charles Marshall*  
(Applicant Signature)

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

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

Assisted by Keith Gumm MWT LLC Date: 8/27/18  
(office/title)

Water Resources  
Received  
SEP 06 2018  
KS Dept Of Agriculture **SCANNED**

\* Added acres per applicant Request - DWS/DWR  
4/18/19

IRRIGATION USE  
SUPPLEMENTAL SHEET

File No. 50123

Name of Applicant (Please Print): Dean & Victor Merold

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: Dean & Victor Merold  
ADDRESS: 2770 Horned Owl Rd Hiawatha KS 66421

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23	1s	16E	38	40	40	40										39	38	235	
* 26	1s	16E								40			40	40	40	40	38	238	
36	1s	16E						37	40									77	

Landowner of Record NAME: Joseph E & Joan M Holl  
ADDRESS: 3189 Horned Owl Rd Hiawatha KS 66424

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23	1s	16E												34	40			74	

Total  
547 Acres  
624 acres

Landowner of Record NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

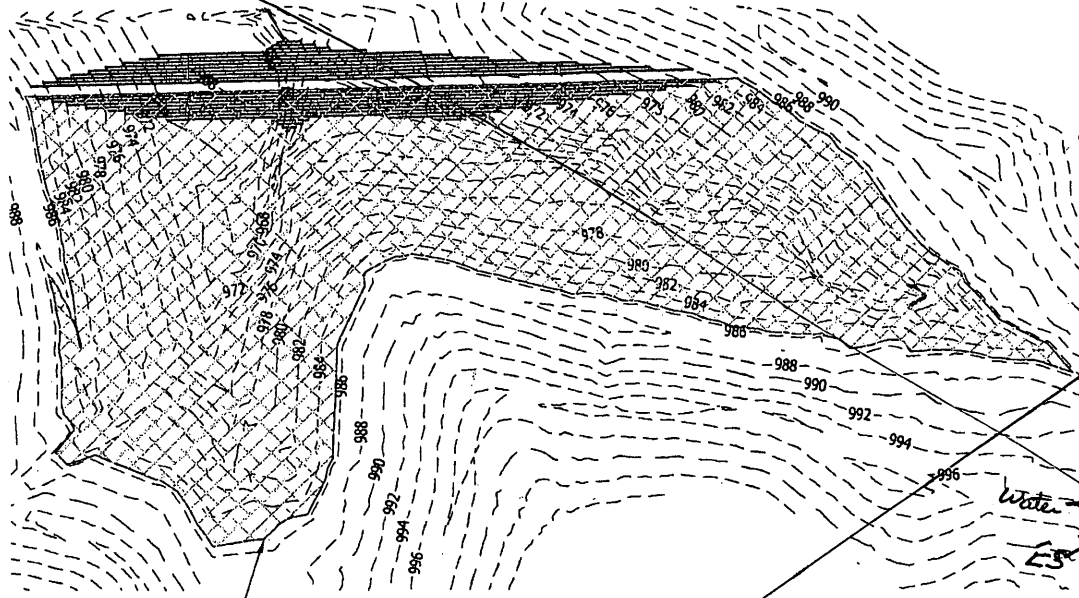


50123

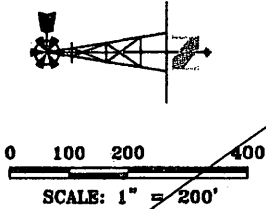
**TOPOGRAPHIC SURVEY**  
 Compute Proposed Stream Obstruction Volume in the Northeast One-Quarter  
 of Section 23, Township 1 South, Range 16 East of the  
 Sixth Principal Meridian, Brown County, Kansas

Water Resources  
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 SEP 06 2018

KS Dept of Agriculture



Proposed Top of Stream  
 Obstruction Elevation:  
 985.50'



Contour	Area	1' Volume	Total Volume	Ac. Ft.
961				
962	11.85	5.93	5.925	0.00014
963	419.67	215.76	221.685	0.00509
964	1,222.17	820.92	1,042.605	0.02393
965	2,763.91	1,993.04	3,035.645	0.06968
966	6,275.25	4,519.58	7,555.225	0.17344
967	12,044.02	9,155.64	16,714.860	0.38372
968	20,475.18	16,259.60	32,974.460	0.75699
969	36,049.28	28,262.23	61,236.690	1.40580
970	59,435.08	47,742.18	108,978.870	2.50181
971	86,922.26	73,178.67	182,157.540	4.18176
972	112,387.88	99,540.07	281,697.610	6.46689
973	139,213.39	125,685.64	407,383.245	9.35223
974	168,389.17	153,801.28	561,184.525	12.88302
975	200,747.52	184,568.35	745,752.870	17.12013
976	237,547.46	219,147.49	984,900.360	22.15106
977	276,724.54	257,136.00	1,222,036.360	28.05409
978	317,014.41	296,869.48	1,518,905.835	34.86928
979	359,891.83	338,453.12	1,857,358.955	42.63909
980	403,191.65	381,541.74	2,238,900.695	51.39809
981	450,867.18	427,029.42	2,665,930.110	61.20133
982	502,452.13	476,659.66	3,142,589.765	72.14393
983	556,988.00	529,720.07	3,672,309.830	84.30463
984	612,434.41	584,711.21	4,287,021.035	97.72776
985	671,450.92	641,942.67	4,898,963.700	112.46473
985.5	701,987.59	343,359.63	5,242,323.328	120.34718
986	733,936.12	702,693.52	5,601,657.220	128.59635

General Notes for Site:  
 Top of Stream Obstruction elevation: 985.50'  
 Rear toe of dam elevation: 959.54'  
 Front toe of dam elevation: 961.82'  
 Maximum height of dam: 25.96'  
 Assumed top of dam width: 12'  
 Assumed front and back slope: 3:1  
 Total Embankment: 33,149 cu yd.

989 - Top Dam  
 984 Top Width

x 2.5

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 04/17/13.



THIS DRAWING ORIGINALLY CREATED AT  
 SPECIFIED SCALE. IF LINE BELOW DOES NOT  
 MEASURE 1 INCH, DRAWING HAS BEEN  
 REDUCED.

**JORGENSEN SURVEYING**  
 72051 617 AVE  
 Tecumseh, NE 68450  
 (402) 335-2033  
 (402) 335-2043 FAX

Stream Obstruction  
 NE 1/4 Sec 23, T1S, R16E  
 Brown County, Kansas  
 PROVIDED FOR  
 Midwest Irrigation - Victor Mervold

SCALE	1" = 200'
FIELD ON:	04/16/13
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	04/17/13
SHEET	1 OF 2
JOB NO.	5262.30

ORIGINAL DRAWING  
 SIZE: 1 INCH

**Schemm, Doug [KDA]**

---

# 50,123+ 50,124

**From:** Keith Grimm <Keith@mwivalley.com>  
**Sent:** Monday, April 15, 2019 8:19 AM  
**To:** Schemm, Doug [KDA]  
**Subject:** RE: File 50123 and 50124

*EXTERNAL:* This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Doug

So it the 80 labled here as Euchre Creek Farms it would be the E1/2 of the SW Quarter of 26 T1S R16E  
They have just purchased this property from steve spare so they are the (or will be on closing) the oweners

Thanks Keith

*Added acres*



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

Phone: 785-296-5733  
Fax: 785-296-8298  
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

April 4, 2019

SAC AND FOX NATION OF MISSOURI IN  
KANSAS AND NEBRASKA  
TIAUNA CARNES CHAIRPERSON  
KEVIN BURNISON EXECUTIVE DIRECTOR  
305 N MAIN ST  
RESERVE KS 66434

Re: Pending Applications, File Nos. 50,123 and 50,124

Dear Sir or Madam:

This will acknowledge receipt of your letter received in this office on March 29, 2019, in which you expressed your concerns regarding the appropriation of surface water for irrigation use by Dean and Victor Menold under the above referenced applications. The Kansas Department of Agriculture, Division of Water Resources (DWR) appreciates your comments, and we are supportive of the Sac and Fox Nation of Missouri in Kansas and Nebraska's (the "Nation") ongoing study to quantify your senior water right.

DWR wishes to assure the Nation that any potential impairment of your senior water right, will be addressed through the Kansas Water Appropriation Act, K.S.A. 82a-701 *et seq.*, which requires the Chief Engineer to "control, conserve, regulate, allot and aid in the distribution of the water resources of the state for the benefits and beneficial uses of all its inhabitants in accordance with the rights of priority of appropriation." K.S.A. 82a-706. Pursuant to K.S.A. 82a-706b, "[i]t shall be unlawful for any person to prevent, by diversion or otherwise, any waters of this state from moving to a person having a prior right to use the same . . ." For instance, this would mean that if your senior water right is being impaired, owners of non-domestic Kansas Water Rights junior to the Nation's senior water reservation right would have to bypass all inflows. There is no evidence that approval of these applications would impair an existing water right.

Furthermore, DWR is proposing to condition these permits as follows:

"That this approval of application and permit to proceed will be subject to the as yet unquantified, reserved water right of the Sac and Fox Nation of Missouri in Kansas and Nebraska, which will likely have a significantly senior priority. As such, any water right developed under this permit may be administered should impairment occur to the Nations' reserved water right as it may be quantified in the future."

"That the owner shall ensure that the needs of the senior, downstream water right held by the Nation, will be satisfied by providing an adequate bypass of the dam either by tube, valve, syphon, pump or other acceptable method, over, through, or around the dam to the channel below, each time inflows occur when this senior water right is impaired."

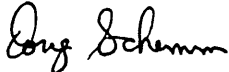
The Chief Engineer is required to approve applications for water appropriations unless the proposed appropriation will impair existing water rights or prejudicially and unreasonably affect the public interest per K.S.A. 82a-711. Your comments will be considered, and approval of the applications, if granted, will authorize diversion of water only when it does not impair existing rights. Additionally, rules and regulations (K.A.R. 5-4-1) require the Chief Engineer to investigate any complaint that a prior right to the use of water is being impaired. If such impairment is found, the Chief Engineer must secure water to satisfy prior water rights.

Therefore, if these permit applications are approved by the Chief Engineer and you believe the diversion of water is impairing your existing water right, you should notify Katie Tietsort, Water Commissioner, Topeka Field Office, as follows, so that an investigation can be made.

Division of Water Resources  
Topeka Field Office  
6531 SE Forbes Ave., Suite B  
Topeka, KS 66619  
Telephone: (785) 296-5733

If an applicant without cause fails to comply with the provisions of the permit and its terms, conditions and limitations, it could result in the forfeiture of the priority date, revocation of the permit and dismissal of the application. If you have any further questions, please contact me at 785-296-3495. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Pc: US DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
% ANTOINETTE HOULE SUPERINTENDENT  
908 1<sup>ST</sup> AVE EAST PO BOX 31  
HORTON KS 66439-0031

DEAN & VICTOR MENOLD  
2770 HORNED OWL RD  
HIAWATHA KS 66434

JOSEPH E NOLL  
3189 HORNED OWL RD  
HIAWATHA KS 66434

KDA Legal Section



## Sac and Fox Nation of Missouri in Kansas and Nebraska

305 North Main Street • Reserve, Kansas 66434  
Phone (785) 742-0053 • Fax (785) 742-3785

RECEIVED

MAR 29 2019

Topeka Field Office  
DIVISION OF WATER RESOURCES

March 25, 2019

Mr. Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office  
Kansas Department of Agriculture  
Division of Water Resources  
6531 SE Forbes Ave., Suite B  
Topeka, Kansas 66619

**VIA FAX: 1-785-296-8298**

Re: Pending Applications  
Your file Nos.: 50,123 and 50,124  
Applicants: Dean and Victor Menold

Dear Mr. Schemm:

Thank you for your letter of February 26, 2019 notifying the Sac and Fox Nation of Missouri in Kansas and Nebraska of pending application files 50,123 and 50,124 for permits to appropriate surface water for irrigation use. In response and in furtherance of the government to government relationship between the State of Kansas and the Sac and Fox Nation of Missouri in Kansas and Nebraska (the "Nation"), the Nation offers the following comments and information.

For the reasons set forth below, the Nation opposes and objects to the Appropriations of Water contained in File Nos. 50,123 and 50,124 and requests that the State of Kansas reject the proposed applications at this time.

As a federally-recognized Indian tribe, the Nation retains its status as a sovereign government. It has occupied and governed the Sac and Fox Reservation prior to the existence of the State of Kansas. Consequently, the Nation's priority to water supersedes and is prior to any right which may possibly be acquired through the State of Kansas for both ground and surface water rights.

Applications Nos. 50,123 and 50,124 propose appropriations and diversions of water within the Walnut Creek watershed in the State of Kansas upstream from the Sac and Fox Reservation. The Nation believes that these proposed appropriations will impair the Nation's senior water rights within the Walnut Creek watershed.

Mr. Douglas W. Schemm  
March 25, 2019  
Page Two

As of the date of this letter, the Nation is not certain of precise impact of the proposed appropriations and diversions would be. That lack of currently available information is reason in itself for denying the application.

The Nation is in the process of determining the precise nature of its senior water rights. Its Environmental Department is currently conducting a federally-funded study of water resources, and hydrologic cycle of ground and surface waters of the Sac and Fox Reservation and nearby areas. Among the goals of the study is to quantify the Nation's water resources and surface water flows. While the study is pending, the Nation has enacted Moratorium on the issuance of all licenses and permits for water diversion that runs until January 1, 2020. Until such time only waivers for diversions for Domestic Use will be permitted. New tribal regulations regarding permits and licenses for the use of water resources will be developed based on the results of that study. Similarly, the State of Kansas should not authorize any appropriations or diversions within the Walnut Creek watershed until additional information is available.

Additionally, the Nation has enjoyed and looks forward to continuing the positive government to government relationship which it has with the State of Kansas, its Department of Agriculture and its Division of Water Resources. All parties involved benefit from continued cooperation and working together to manage and conserve water resources. However, as you are aware, currently there is no Compact or Agreement between the Nation and the State of Kansas regarding allocation of water. The approval of any applications within the Walnut Creek watershed without full knowledge of how the diversion impacts the Nation will prejudice future negotiations regarding the allocation of water between the Nation and the State of Kansas and increase the likelihood of litigation between them. Again, the Nation greatly enjoys its positive working relationship with the State of Kansas and believes that working together is most beneficial for all involved in matters related to water resources.

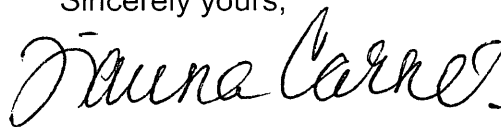
Finally, the internal laws, regulations and procedures of the State of Kansas and your agency require that these applications be denied at this time. Your regulations provide that when a substantive question has been raised concerning whether approval of the application could cause impairment of senior water rights or prejudicially and unreasonably affect the public interest, the applicant shall submit sufficient information to resolve that question. The applicant has not provided evidence that the proposed appropriations will not impact the senior water rights of the Nation and prejudice and unreasonably affect the public interest.

As a result of the foregoing, the Sac and Fox Nation of Missouri in Kansas and Nebraska respectfully requests that the State of Kansas reject the proposed applications at this time.

Mr. Douglas W. Schemm  
March 25, 2019  
Page Three

Thank you for the opportunity to provide information and comments regarding these applications.

Sincerely yours,



TIAUNA CARNES  
Sac and Fox Tribal Chairperson

cc Dean and Victor Menold, Applicant  
2770 Horned Owl Road  
Hiawatha, Kansas 66434

Joseph E. & Joan M. Noll, Landowner  
3189 Horned Owl Road  
Hiawatha, Kansas 66434

Antoinette Houle, Superintendent  
U.S. Department of Interior  
Bureau of Indian Affairs  
PO Box 31  
Horton, Kansas 66439



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

Phone: 785-296-5733  
Fax: 785-296-8298  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

SAC AND FOX NATION OF MISSOURI IN  
KANSAS AND NEBRASKA  
TIANA CARNES CHAIRPERSON  
KEVIN BURNISON EXECUTIVE DIRECTOR  
305 N MAIN ST  
RESERVE KS 66434

Re: Pending Applications, File Nos. 50,123 and 50,124

Dear Sir or Madam:

This is to advise you that Dean and Victor Menold have filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,123 is requesting to appropriate 255 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 255 acre-feet of the stored water. The proposed point of diversion for File No. 50,123 (where the structure crosses the centerline of the stream) is located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 23, in Township 1 South, Range 16 East, Brown County, Kansas.

Application, File No. 50,124 is requesting to appropriate 544 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 544 acre-feet of the stored water. The proposed point of diversion for File No. 50,124 (where the structure crosses the centerline of the stream) is located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 26, in Township 1 South, Range 16 East, Brown County, Kansas. Both dams are located on tributary streams to Walnut Creek.

You are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points 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 30 days** from the date of this letter. You can find the applications and site maps posted by the file numbers referenced under Topeka Field Office 2018, above at: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

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

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Pc: US DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
% ANTOINETTE HOULE SUPERINTENDENT  
908 1<sup>ST</sup> AVE EAST PO BOX 31  
HORTON KS 66439-0031

KDA Legal Section



# 50,123

**Schemm, Doug [KDA]**

---

**From:** Phillips, Janelle [KDA]  
**Sent:** Wednesday, February 27, 2019 10:01 AM  
**To:** Schemm, Doug [KDA]  
**Cc:** Ketter, Ambrose [KDA]; Medley, Terry [KDA]  
**Subject:** FW: DBR-0354 - Application, File No. 50,124  
**Attachments:** 2018-12-07 LBR-0032 KDWPT.pdf; Pages from 2018-12-07 LBR-0032 review.pdf

Doug –

LBR-0032 was approved on December 10, 2018. We received no negative comments from Corp or anyone else. Attached are the comments we received as part of our ECA.

Janelle N. Phillips, P.E., C.F.M., LEED-AP  
Stream Permit Team Lead  
Water Structures Program  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6656  
[janelle.phillips@ks.gov](mailto:janelle.phillips@ks.gov)

---

**From:** Schemm, Doug [KDA]  
**Sent:** Monday, February 25, 2019 12:38 PM  
**To:** Medley, Terry [KDA]; Ketter, Ambrose [KDA]  
**Cc:** Letourneau, Lane [KDA]  
**Subject:** RE: DBR-0354 - Application, File No. 50,124

Hello, I just wanted to follow up on these Menold applications. I have 2 pending applications for Menold, File No. 50,123 (DBR-0366/LBR-0032) and File No. 50,124 (DBR-0354). It looks like the Structures permitting is done. I just wanted to make sure we never got any negative response from the Corps or anybody else. The downstream neighbors had a lot of concerns and an earlier, similar project was not pursued by the owner.

Thanks, Doug

---

**From:** Medley, Terry [KDA]  
**Sent:** Monday, October 29, 2018 2:35 PM  
**To:** Ketter, Ambrose [KDA] <[Ambrose.Ketter@ks.gov](mailto:Ambrose.Ketter@ks.gov)>  
**Cc:** Letourneau, Lane <[Lane.Letourneau@ks.gov](mailto:Lane.Letourneau@ks.gov)>; Gray, Laura [KDA] <[Laura.Gray@ks.gov](mailto:Laura.Gray@ks.gov)>; Darrah, Jean [KDA] <[Jean.Darrah@ks.gov](mailto:Jean.Darrah@ks.gov)>; Hubka, Elene <[Elene.Hubka@ks.gov](mailto:Elene.Hubka@ks.gov)>; Schemm, Doug [KDA] <[Doug.Schemm@ks.gov](mailto:Doug.Schemm@ks.gov)>; Hunter, Karen [KDA] <[Karen.Hunter@ks.gov](mailto:Karen.Hunter@ks.gov)>  
**Subject:** DBR-0354

I returned Mr. Dustin Ploeger's (712-216-3058) call from last Friday regarding the Menold proposed structure. He stated his (and his neighbor's) concerns about the proposed structure. The concerns he raised were from both a dam safety and water appropriations stand point. The first concern was safety issue due to possible damage/overtopping of Mr. Ploeger's dam in the event of a breach of the proposed structure. He is also concerned that the proposed structure is

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50123 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50123 00 IRR

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

4284 Feet North and 130 Feet West of the Southeast Corner of Section 23 T 1S R 16E

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__  46830 00 SED NK S      3712 -- NW NW SE  2194  1996  14  1  16E  1          .00      .00  AF
***** Authorized storage =      8.80 AF  Additional storage =      8.80 AF
Same                5426 -- SW SE SW    89  3571  23  1  16E  1
***** Authorized storage =     14.00 AF  Additional storage =     14.00 AF
A__  48434 00 IRR LR S      5689 -- SE NE NW  4480  2809  25  1  16E  1          160.00  160.00  AF
A__  50123 00 IRR AY S         0 -- SE NE NE  4284   130  23  1  16E  2          300.00  300.00  AF
A__  50124 00 IRR AY S      9614 -- SW SW SE   160  2084  26  1  16E  1          544.00  544.00  AF
=====

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=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =      844.00          .00
Total Permitted Amount (AF) =         .00          .00
Total Inspected Amount (AF) =      160.00        207.60
Total Pro_Cert Amount (AF) =         .00          .00
Total Certified Amount (AF) =         .00         22.80
Total Vested Amount (AF) =         .00          .00
TOTAL AMOUNT (AF) =      1004.00        230.40
=====

```

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:

4284 Feet North and 130 Feet West of the Southeast Corner of Section 23.T 1S R 16E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number  Use ST SR
A__  46830 00 SED NK S
>  WALNUT CREEK WATERSHED JOINT DIST #1
>
>  532 S 7TH ST
>  HIAWATHA KS 66434
> -----
A__  48434 00 IRR LR S
>  KEITH GRIMM
>
>  1215 OREGON ST
>  HIAWATHA KS 66434
> -----
A__  50123 00 IRR AY S
>  VICTOR MENOLD
>
>  2770 HORNED OWL RD
>  HIAWATHA KS 66434
=====

```

>-----  
A\_\_ 50124 00 IRR AY S  
> VICTOR MENOLD  
>  
> 2770 HORNED OWL RD  
> HIAWATHA KS 66434  
>-----

=====

#####

# 50,123

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

STATE OF KANSAS



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

November 7, 2018

Victor Menold  
2770 HORNED OWL ROAD  
HIAWATHA, KS 66434

RE: Low Hazard Dam Exemption  
WSN: DBR-0366/LBR-0032  
Site: Shannon Irrigation Farm Pond  
Legal Location: SE ¼ of the NE ¼ of the NE ¼ of Section 23, Township 01S, Range 16E  
Hazard Classification: "A" Low

Dear Mr. Menold:

This letter is confirmation that the information submitted by you to the Division of Water Resources qualifies your proposed dam for exemption from the dam safety permit requirements specified in K.S.A. 82a-301(a). You indicated that the proposed structure will have a height of 29.5 feet and an emergency spillway storage volume of less than 125 acre-feet. This, combined with your assertion that it will meet Hazard Class "A" standards, satisfies the requirements for the Hazard Class A permit exemption specified in K.S.A. 82a-301(d)(1).

This exemption does **not** absolve the owner from compliance with other local, state, or federal requirements that **may** apply. This includes, but is not limited to, permit for stream obstruction, flood plain fill, and water appropriations.

Please note that your dam could be reclassified to a Hazard Class "B" or "C" in the future as a result of changes to downstream properties and/or other factors. **If this occurs, you will be required to obtain a permit in adherence to all aspects of K.S.A. 82a-301 through 82a-328.** This could also involve redesign and/or reconstruction to meet state statutes and regulations. Should you have any questions, please feel free to contact me by phone at (785) 564-6652 or by email at [bj.edmonston@ks.gov](mailto:bj.edmonston@ks.gov).

Sincerely,

BJ Edmonston, P.E.  
Water Structures Engineer

PC: Doug Schemm, Appropriations Field Office  
Janelle Phillips (LBR-0032)  
Keith Grimm

# 50,123  
LBR-0032

Wsi Acttrail Query all actions

WSN

Wsl Id: 41066    Type: L    County: BR    Num: 32    Ext:

ALL ACTION TRAILS

Action Date	Action CD	Action Decode	Deadline Date	Action Remarks
12-10-2018	PA	PERMIT ISSUED PENDING COMPLETION	07-01-2022	WAIVER
11-07-2018	AR	APPLICATION RECEIVED		CLASS A EXEMPT DAM
11-07-2018	EC	ECA NOTICE	12-07-2018	
11-07-2018	AG	APPLICATION ASSIGNED		JNP
10-23-2018	IQ	INFORMATION REQUESTED		REQUEST DAM SECTION FOR D
10-22-2018	AB	APPLICATION RECEIVED; INCOMPLETE		\$300 FEE RCD-DAM DETERMIN

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
TOPEKA FIELD OFFICE  
6531 SE FORBES AVE., SUITE B  
TOPEKA, KS 66619

PHONE: (785) 296-5733  
FAX: (785) 296-8298  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

October 10, 2018

NELLIE L LACOUNTE TRUST  
520 PAWNEE ST  
HIAWATHA KS 66434

Re: Pending Application, File No. 50,123

Dear Sir or Madam:

This is to advise you that Dean and Victor Menold have filed the application referred to above for a permit to appropriate 300 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 300 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 Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 23, in Township 1 South, Range 16 East, Brown County, Kansas.

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 points 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 can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Dean & Victor Menold  
Keith Grimm – MWI, LLC

50123

### **Shannon Farm Permit**

Under 125ac/ ft to ES Low hazard dam

230 acres Drainage

470 acres Dean and Victor Menold

74acre Joesph Noll

Total acres 544 will be Complete overlap with Shannon Farm permit

### **Upstream Landowners**

All on permit holder

### **Downstream Landowners**

LACOUNTE NELLIE L. TRUST 520 PAWNEE ST Hiawatha KS 66434

Water Resources  
Received

SEP 06 2018

KS Dept Of Agriculture  
SCANNED

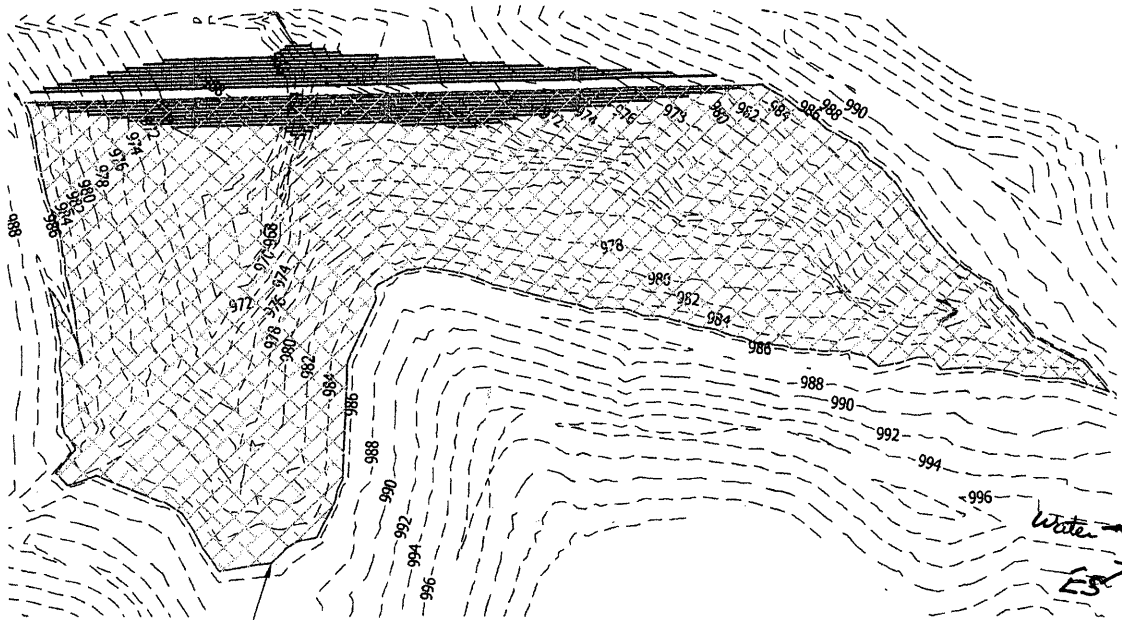
50123

# TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Northeast One-Quarter of Section 23, Township 1 South, Range 16 East of the Sixth Principal Meridian, Brown County, Kansas

Water Resources  
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 SEP 06 2018

KS Dept. of Agriculture



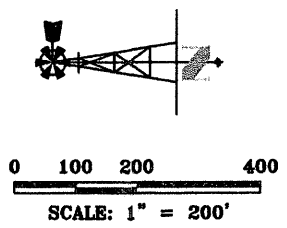
Proposed Top of Stream Obstruction Elevation: 985.50'

Contour	Area	1' Volume	Total Volume	Ac. Ft.
961				
962	11.85	5.93	5.925	0.00014
963	419.67	215.76	221.685	0.00509
964	1,222.17	820.92	1,042.605	0.02393
965	2,763.91	1,993.04	3,035.645	0.06969
966	6,275.25	4,519.58	7,555.225	0.17344
967	12,044.02	9,159.64	16,714.860	0.38372
968	20,475.18	16,259.60	32,974.460	0.75699
969	36,049.28	28,262.23	61,236.690	1.40580
970	59,435.08	47,742.18	108,978.870	2.50181
971	86,922.26	73,178.67	182,157.540	4.18176
972	112,157.88	99,540.07	281,697.610	6.46689
973	139,213.39	125,685.64	407,383.245	9.35223
974	168,389.17	153,801.28	561,184.525	12.88302
975	200,747.52	184,566.35	745,752.870	17.12013
976	237,547.46	219,147.49	964,900.360	22.15106
977	276,724.54	257,136.00	1,222,036.360	28.05409
978	317,014.41	296,869.48	1,518,905.835	34.86928
979	359,891.83	338,453.12	1,857,358.955	42.63909
980	403,191.65	381,541.74	2,238,900.695	51.39809
981	450,867.18	427,029.42	2,665,930.110	61.20133
982	502,452.13	476,659.66	3,142,589.765	72.14393
983	556,988.00	529,720.07	3,672,309.830	84.30463
984	612,434.41	584,711.21	4,257,021.035	97.72776
985	671,450.92	641,942.67	4,898,963.700	112.46473
985.5	701,987.59	343,359.63	5,242,323.328	120.34718
986	733,936.12	702,693.52	5,601,657.220	128.59635

General Notes for Site:  
 Top of Stream Obstruction elevation: 985.50'  
 Rear toe of dam elevation: 959.54'  
 Front toe of dam elevation: 961.82'  
 Maximum height of dam: 25.96'  
 Assumed top of dam width: 12'  
 Assumed front and back slope: 3:1  
 Total Embankment: 33,149 cu yd.

989 - Top Dam  
 984 top water

x 2.5



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 2/17/13.



**JORGENSEN SURVEYING**  
 73051 617 Ave  
 Tecumseh, NE 68450  
 (402) 335-2033  
 (402) 335-2043 FAX

Stream Obstruction  
 NE 1/4 Sec 23, T1S, R16E  
 Brown County, Kansas  
 PREPARED FOR  
 Midwest Irrigation - Victor Mervold

SCALE	1"=200'
FIELD ON:	04/16/13
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	04/17/13
SHEET	1 OF 2
JOB NO.	5262.30

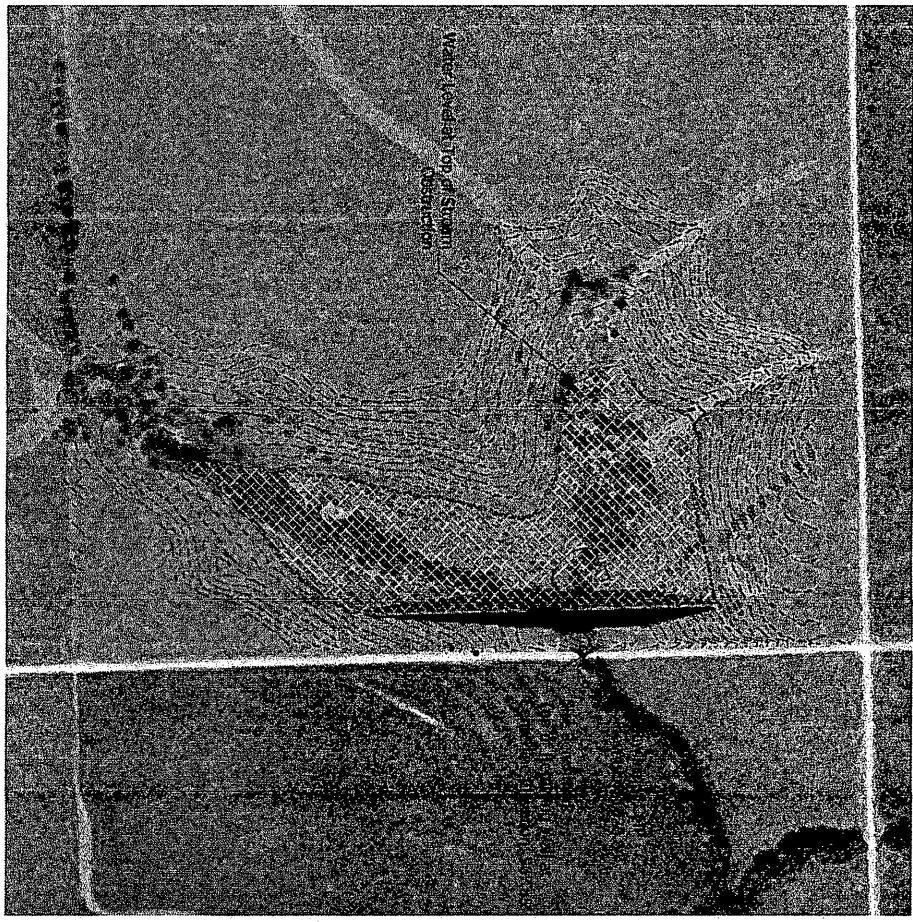
THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED.  
 ORIGINAL DRAWING SIZE: 1 INCH

**SCANNED**



50123

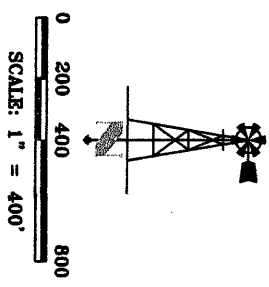
**TOPOGRAPHIC SURVEY**  
 Compute Proposed Stream Obstruction Volume in the Northeast One-Quarter  
 of Section 23, Township 1 South, Range 16 East of the  
 Sixth Principal Meridian, Brown County, Kansas



Water Resources  
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SEP 06 2018

KS Dept Of Agriculture



SCALE 1"=400' FIELD ON: 04/16/13 CHK BY: WANCY DWN BY: BRENT DATE: 04/17/13 SHEET 2 OF 2 JOB NO. 5062.20	<b>Stream Obstruction</b> NE 1/4 Sec 23, T1S, R16E Brown County, Kansas <small>PREPARED FOR</small> Midwest Irrigation - Victor Menold	<b>JORGENSEN SURVEYING</b> 73051 617 Ave Tecumseh, NE 68450 (402) 335-2033 (402) 335-2043 FAX	THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED. ORIGINAL DRAWING SIZE: 1 INCH
	SCANNED		

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 50123

Name of Applicant (Please Print): Dean & Victor Menold

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: Dean & Victor Menold  
ADDRESS: 2770 Horned Owl Rd Hiawatha KS 66421

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>23</u>	<u>1s</u>	<u>16E</u>	<u>38</u>	<u>40</u>	<u>40</u>	<u>40</u>										<u>39</u>	<u>38</u>	<u>235</u>	
<u>26</u>	<u>1s</u>	<u>16E</u>														<u>40</u>	<u>40</u>	<u>38</u>	
<u>36</u>	<u>1s</u>	<u>16E</u>					<u>37</u>	<u>40</u>										<u>77</u>	

470

**Landowner of Record** NAME: Joseph E & Joan M Holl  
ADDRESS: 3189 Horned Owl Rd Hiawatha KS 66424

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>23</u>	<u>1s</u>	<u>16E</u>														<u>34</u>	<u>40</u>	<u>74</u>	

*Total  
544 Acres*

**Landowner of Record** NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Shannon 300

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

SEP 06 2018

11:44

KS Dept Of Agriculture

File Number 50123  
This item to be completed by the Division of Water Resources.

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, Kansas 66502:

1. Name of Applicant (Please Print): Dean + Victor Menold  
Address: 2770 Horned Owl Rd.  
City: Haworth State Ks Zip Code 66434  
Telephone Number: (785) 547-7952

2. The source of water is:  surface water in unnamed tributary to Walnut creek (stream) trib 9A 3946  
OR  groundwater in SF Big Nemaha 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 300 or whatever drainage will provide. 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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use FRP Source GCS County BR By HW Date 9/6/18  
Code RES Fee \$ 300 TR # \_\_\_\_\_ Receipt Date 9/10/18 Check # 1095

SCANNED

9/10/18 DAW

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

9/10/2018

DEAN & VICTOR MENOLD  
2770 HORNED OWL RD  
HIAWATHA, KS 66434

RE: Application, File No. **50123**

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.

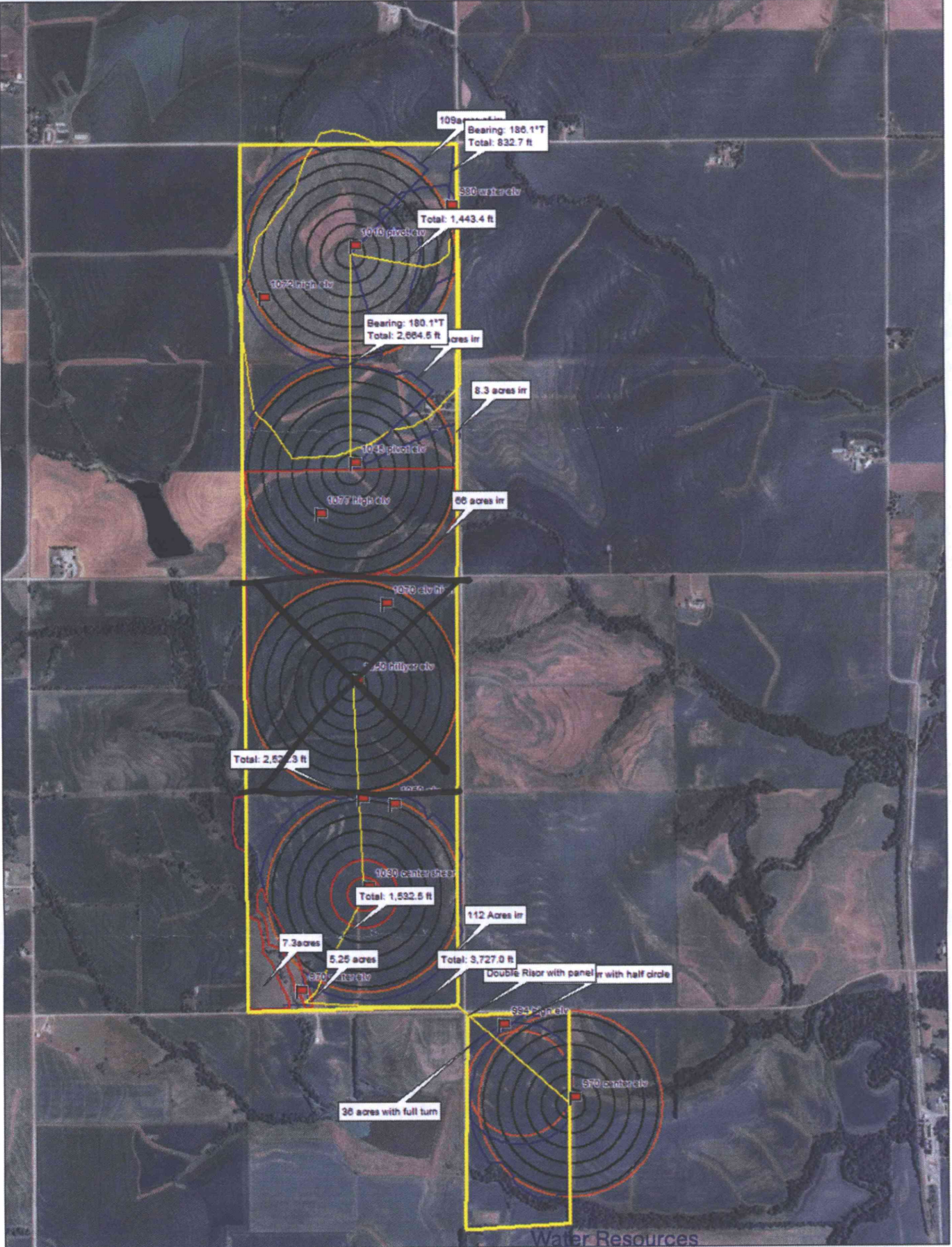
Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call,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

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

SCANNED

50123



Data use subject to license.  
 © DeLorme. XMap® 7.  
 www.delorme.com

★  
 MN (2.7° E)

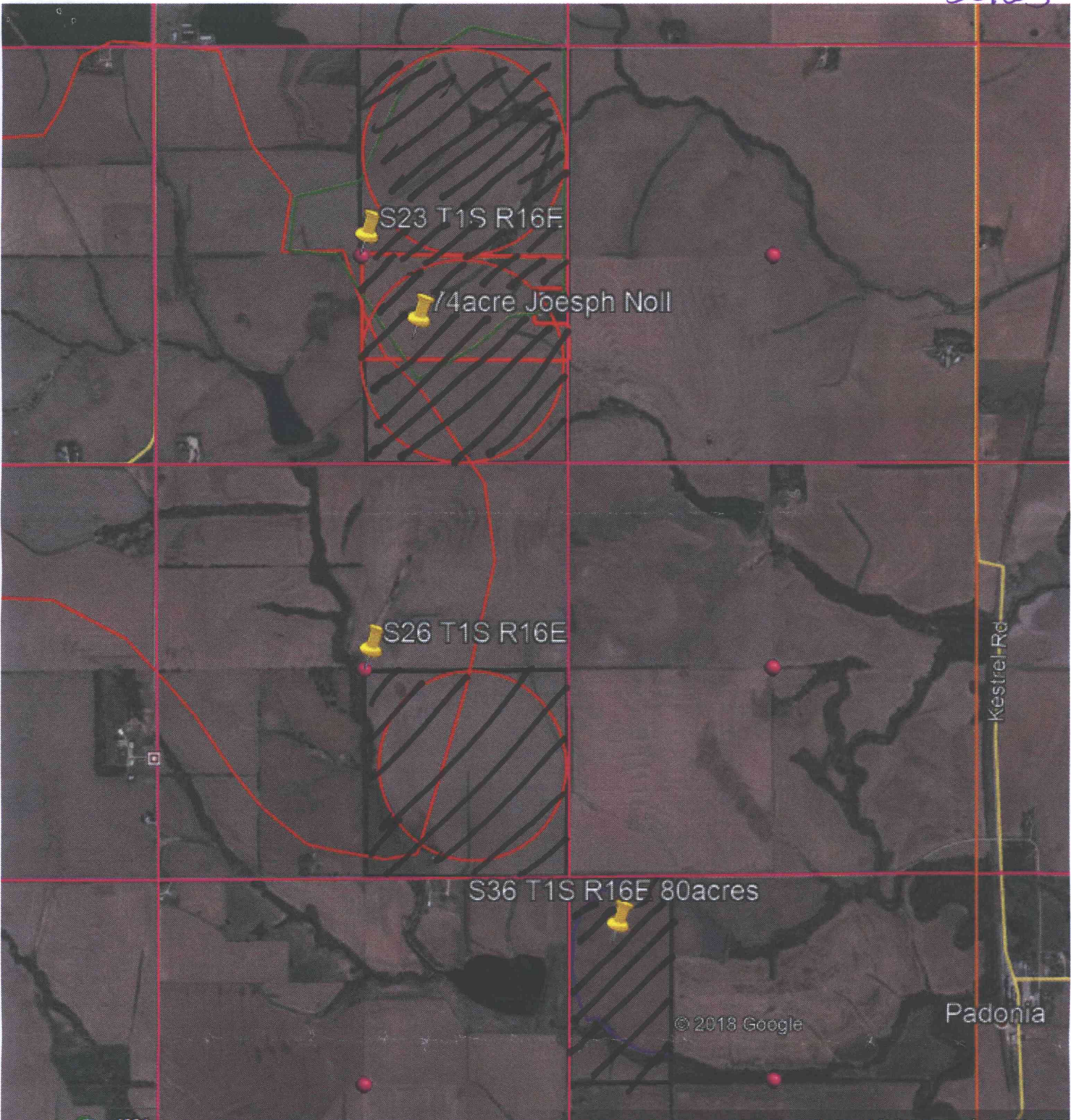
Received  
 SEP 06 2018

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KS Dept Of Agriculture

Data Zoom 13-4

SCANNED



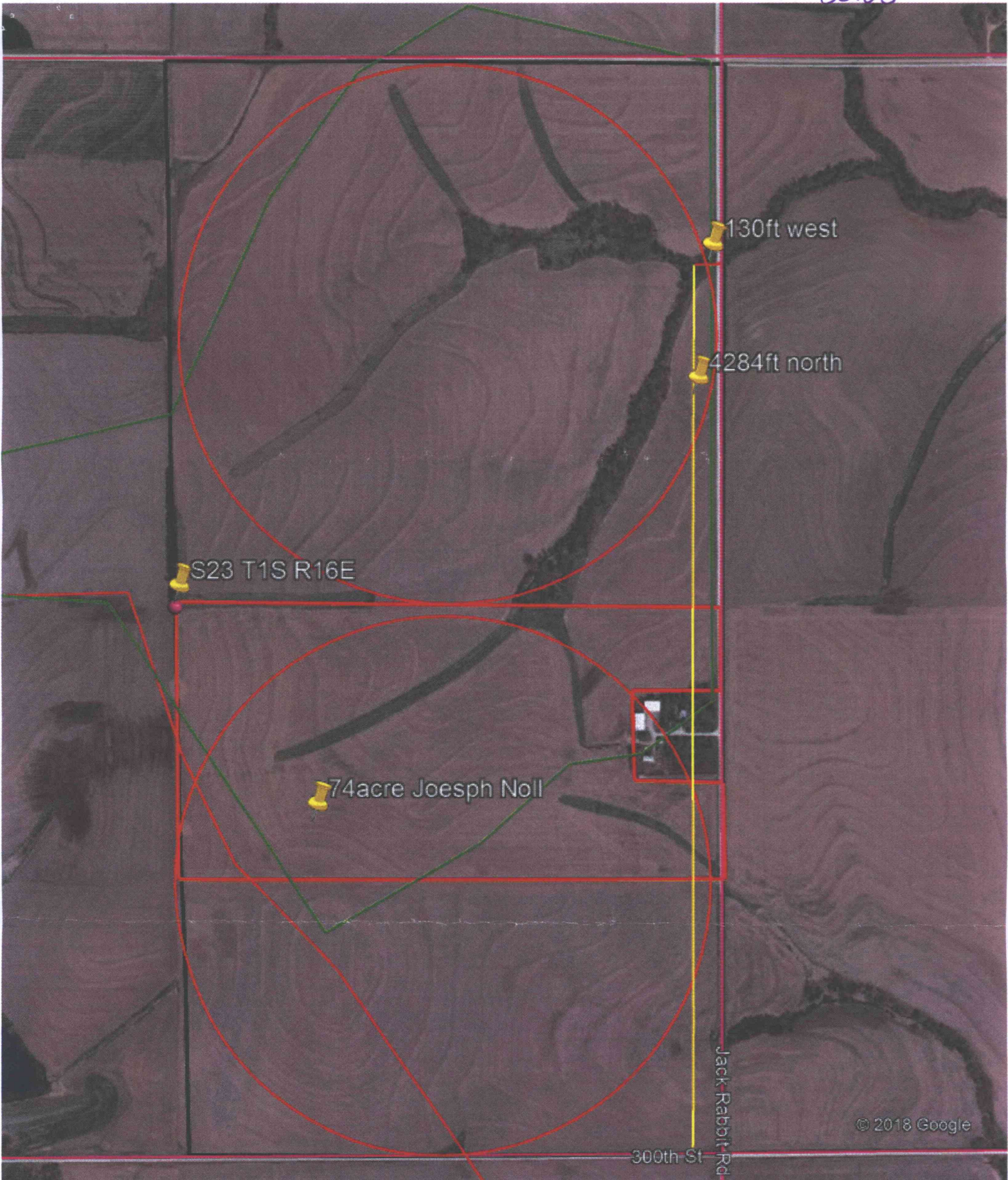
Water Resources  
Received

SEP 06 2018

SCANNED

KS Dept Of Agriculture

50123



Water Resources  
Received

SEP 06 2018

KS Dept Of Agriculture **SCANNED**

DEAN & VICTOR MENOLD  
FILE NOS. 50,123 & 50,124 SITE MAP



1:24,000

● Proposed Point of Diversion



Proposed Place of Use



# NEW STREAM WORKSHEET

ES ajw

Date: 9/7/2018

File No. 50123

Basin Name: S F Big Nemaha Basin No. 2

Stream Name: Walnut Creek Trib 9a (S F BIG NEMAHA)

Stream location (confluence with parent stream):

Section 24, Township 1 South, Range 16 (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. **3946** (computer assigned - entered by data entry staff)

Date Entered 9/10/18 By DAW