

***STREAM NAME**

Submit To:
CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000
<http://agriculture.ks.gov/dwr>

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR
BENEFICIAL USE**

Water Resources
Received

KS Dept Of Agriculture



State of Kansas

STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
Please refer to the Fee Schedule attached to this application form.

File Number: **51211**

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

1. Name of Applicant: Aurthur and Elizabeth Mellies
Address: 31800 R RD
City: Netawaka State: KS Zip Code: 66516
Phone: 785-817-1459 Email: melliesbrett@yahoo.com

2. The source of water is: surface water in UNAMED TRIBUTARY (stream)
 groundwater in DELAWARE RIVER (drainage basin)

3. The maximum annual quantity of water desired is 220.24 acre-feet gallons
to be diverted at a maximum rate of ALL NAT FLOWS gpm c.f.s. natural flows natural evaporation
 This project involves surface water storage and rediversion. The maximum annual quantity of water desired to be
rediverted is 220.24 acre-feet gallons, at a rate of 1000 gpm c.f.s.

Conversion Factors

1 acre-foot (AF) = 325,851 gallons
1 million gallons (mg) = 3.07 acre-feet (AF)
1 cubic foot per second (c.f.s.) = 448.8 gallons per minute (gpm)

IMPORTANT: Once your application has been assigned a priority date and file number, the requested maximum rate of diversion and maximum requested annual quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum annual quantity of water are appropriate and reasonable for your proposed project.

4. The water is intended to be appropriated for the following use(s):
 Artificial Recharge* Irrigation* Recreational* Water Power*
 Industrial* Municipal* Stockwatering* Sediment Control
 Domestic Dewatering Hydraulic Dredging Fire Protection
 Thermal Exchange Contamination Remediation

***IMPORTANT:** You **must** submit a supplemental form providing information to substantiate your request for the quantity of water listed in Item No. 3 for the intended use(s) referenced above.

4/4/2024
KAnderson

FOR OFFICE USE ONLY													
FO	<u>1</u>	GMD	DUA	Use	<u>IRR</u>	Source	<u>S</u>	County	<u>JA</u>	By	<u>ALB</u>	Date	<u>3/21/24</u>
Code	<u>RE2</u>	Fee \$	<u>300</u>	TR #	<u>PY00109888</u>	Receipt Date	<u>3/21/2024</u>	Check #					

File No. _____

5. The location(s) of the proposed diversion work(s) (well, pumpsite, etc.) are described below. Note that for the application to be accepted, the point of diversion location(s) **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. You can specify a nickname for the point of diversion via the A.K.A. line to help you identify it.

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 (¼) 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 800gpm and which supply water to a common distribution system.

(A) One in the SW quarter of the SE quarter of the NW quarter of Section 26, more particularly described as being near a point 2700 feet North and 3350 feet West of the Southeast corner of said section, in Township 6 South, Range 15 E W, Jackson County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(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 _____ E W, _____ County, KS. A.K.A: _____

(E) 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 _____ E W, _____ County, KS. A.K.A: _____

6. The proposed project for diversion of water will consist of 1 Dam
(number of wells, pumps, dams, etc.)
and was/will be completed on or by the following date: August 2024
(date each was or will be completed)

7. The first actual application of water for the proposed beneficial use was or is estimated to be August 2024
(Date)

8. List any application, appropriation of water, water right, or vested right file number that covers the same point(s) of diversion 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.

3/21/2024

File No. _____

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 DWR prior to submitting this application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.
 Have you made an application for a permit for construction of this dam and reservoir with DWR? Yes No
 If yes, write the Water Structures permit number here: _____

11. Furnish a detailed topographic or aerial map that depicts the following information:

The application **must** be supplemented by a topographic map, aerial photograph or a detailed plat showing the information described in A-D below.

- (A) The center of the section, the section lines or the section corners, and labels showing the appropriate section, township and range numbers, as well as a north arrow and scale,
- (B) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) described in Item No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section,
- (C) The location of the proposed place of use identified by crosshatching,
- (D) **For Groundwater Use**, the location of any existing water wells of any kind within ½ mile of the proposed well or wells and indicate for each well its type of use and the name and mailing address of the property owner or owners, (If there are no wells within ½ mile, please indicate that on the map.)

For Surface Water Use, the names and addresses of the landowner(s) ½ mile downstream and ½ mile upstream from your property lines, and

- (E) The locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power houses, and any other structures for the purpose of storing, conveying, or using water.

12. For groundwater use, furnish copies of the driller's logs for all test holes or completed wells. Please ensure that the driller's logs provide depth to the static water level. If driller's logs cannot be obtained for an existing well, provide the following information:

Well location as shown in Item No. 5	(A)	(B)	(C)	(D)	(E)
Date drilled	_____	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____	_____

13. The owner(s) of the point of diversion, if other than the applicant is:
 Applicant

 (name, address, and phone)

3/21/2024

 (name, address, and phone)

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3/21/2024

File No. _____

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14. The owner(s) of the property where the water is used, if other than the applicant, is:
Applicant

KS Dept Of Agriculture

(name, address, and phone)

(name, address, and phone)

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

Owner Agent Tenant Other: _____

16. A water use correspondent (WUC) must be designated. The WUC will be mailed the annual water use report, which must be filed with the Division by March 1 of each year. Failure to timely file an accurate water use report will subject the owner(s) to a civil fine of up to \$1,000 and potential suspension of the water appropriation or right. By signing this application, I verify that the owner(s) of the water right or permit have confirmed that the following person or agent should be designated as the WUC:

Applicant

(name, address, and phone)

17. I understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. This could affect the economics of my decision to appropriate water. Situations where this might occur may include times when minimum desirable streamflow (MDS) requirements are not met, when Assurance District or Water Marketing releases are made from storage in federal reservoirs, when a Water Reservation Right upstream of a federal reservoir is administered, or when water rights administration becomes necessary to prevent impairment.

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

By signing below, I verify that the information set forth above is true to the best of my knowledge, I agree with all statements made above, and that this application is submitted in good faith.

DocuSigned by:

(Applicant Signature)

3/15/2024

(Date)

Brett Mellies

(Applicant Name – please print)

(Applicant Title, if applicable – please print)

Assisted by Darcy Nightingale

MWI LLC

(office/title)

2/26/2024

Date: _____

3/21/2024

FEE SCHEDULE*Make checks payable to the Kansas Department of Agriculture.*Water Resources
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1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic, waterpower, dewatering, or sediment control use, shall be (see No. 2 below if requesting storage):

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 32.585	≤ 100	\$200.00
32.586 - 104.272	100.1 – 320.0	\$300.00
> 104.272	> 320	\$300.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof

2. The fee for an application in which **storage** of water is requested, except for domestic use, shall be:

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 81.462	≤ 249.9	\$200.00
≥ 81.463	≥ 250	\$200.00 plus \$20 for each additional 100AF (32.586mg) 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 **waterpower** or **dewatering** use shall be \$100.00 plus \$200.00 for each 44,880 gallons per minute (100 c.f.s.), or part thereof, of the diversion rate requested.

IMPORTANT NOTICE

If this application is approved, the applicant shall notify the Chief Engineer when the diversion works (well, pump, reservoir, pit, etc.) has/have been completed via the *Notice of Completion of Diversion Works* form (DWR 1-203.11) and along with the statutorily required field inspection fee of:

- \$200.00 for sediment control use or groundwater pits for industrial use, or
- \$400.00 for all other uses made of water

Failure to complete the diversion works by the deadline specified in the *Approval of Application and Permit to Proceed* (or any subsequent extension of time of said deadline) and/or failure to submit the proper notice and field inspection fee will result in the dismissal of the appropriation and forfeiture of any priority associated with it.

For assistance with this application, please contact the Division of Water Resources (DWR).

Manhattan HQ

1320 Research Park Dr.
Manhattan, KS 66502
785-564-6638

Topeka Field Office

1131 SW Winding Rd, Ste 400
Topeka, KS 66615
785-296-5733

Stafford Field Office

300 S. Main St
Stafford, KS 67578
620-234-5311

Stockton Field Office

820 S. Walnut
Stockton, KS 67669
785-425-6787

Garden City Field Office

4532 W. Jones Ave, Ste B
Garden City, KS 67846
620-276-2901

Helpful Sources of Information

DWR Water Appropriation Program
DWR Water Appropriation Forms
KGS Water Well Completion Records
DWR Structures Program

<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation>
<https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-appropriation-forms>
<https://www.kgs.ku.edu/Magellan/WaterWell/index.html>
<https://agriculture.ks.gov/divisions-programs/dwr/dam-safety/permit-requirements>

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. _____

Name of Applicant (Please Print): Arthur Mellies

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: Arthur Mellies

ADDRESS: 31800 R RD Netawaka, KS 66516

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	6S	15E										40	40	31	34.6					145.6
26	6A	15E					37.2	40	38.7	23.9										139.8
																			Total 285.4	

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		

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		

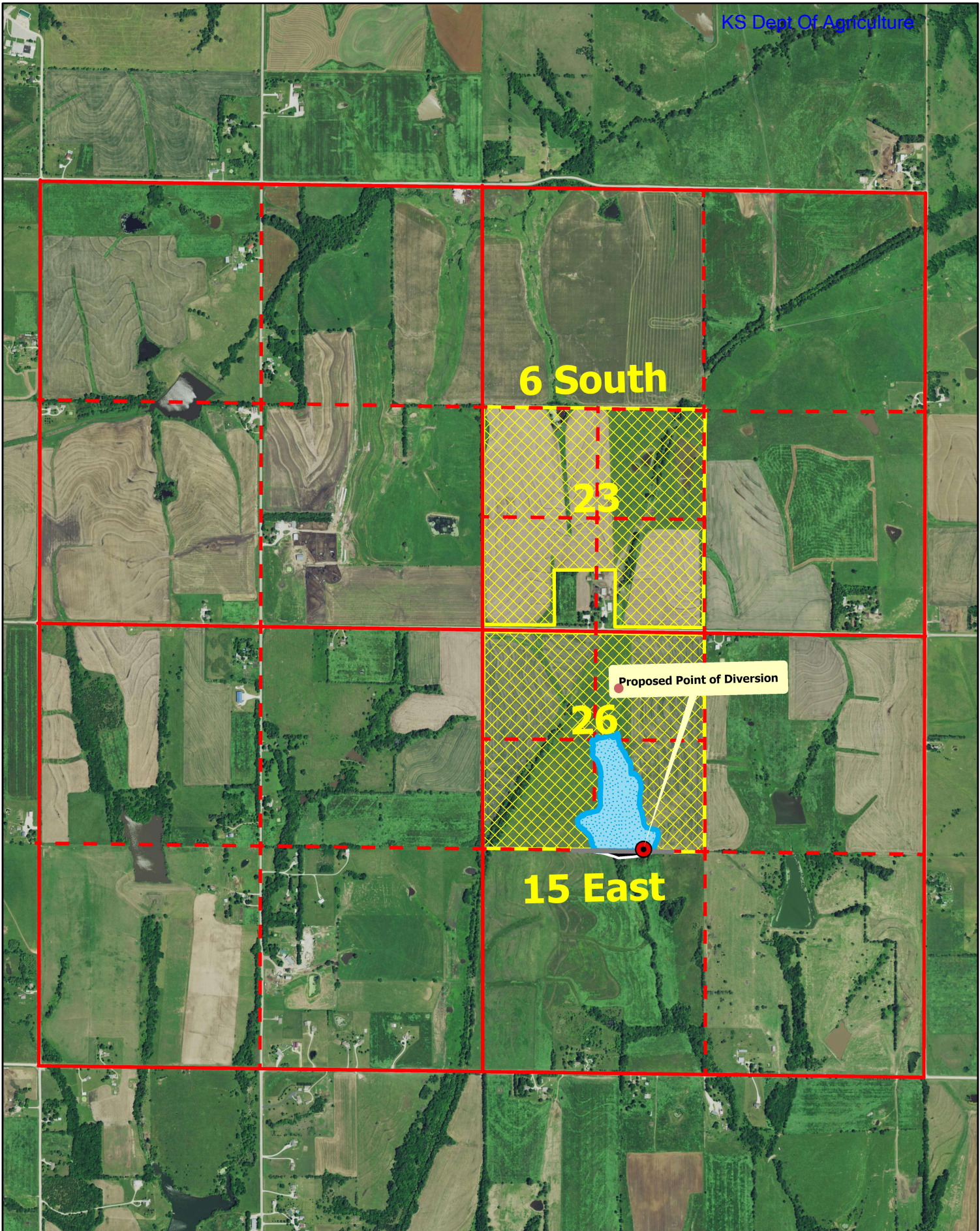
1:18,000

Proposed Place of Use

Water Resources
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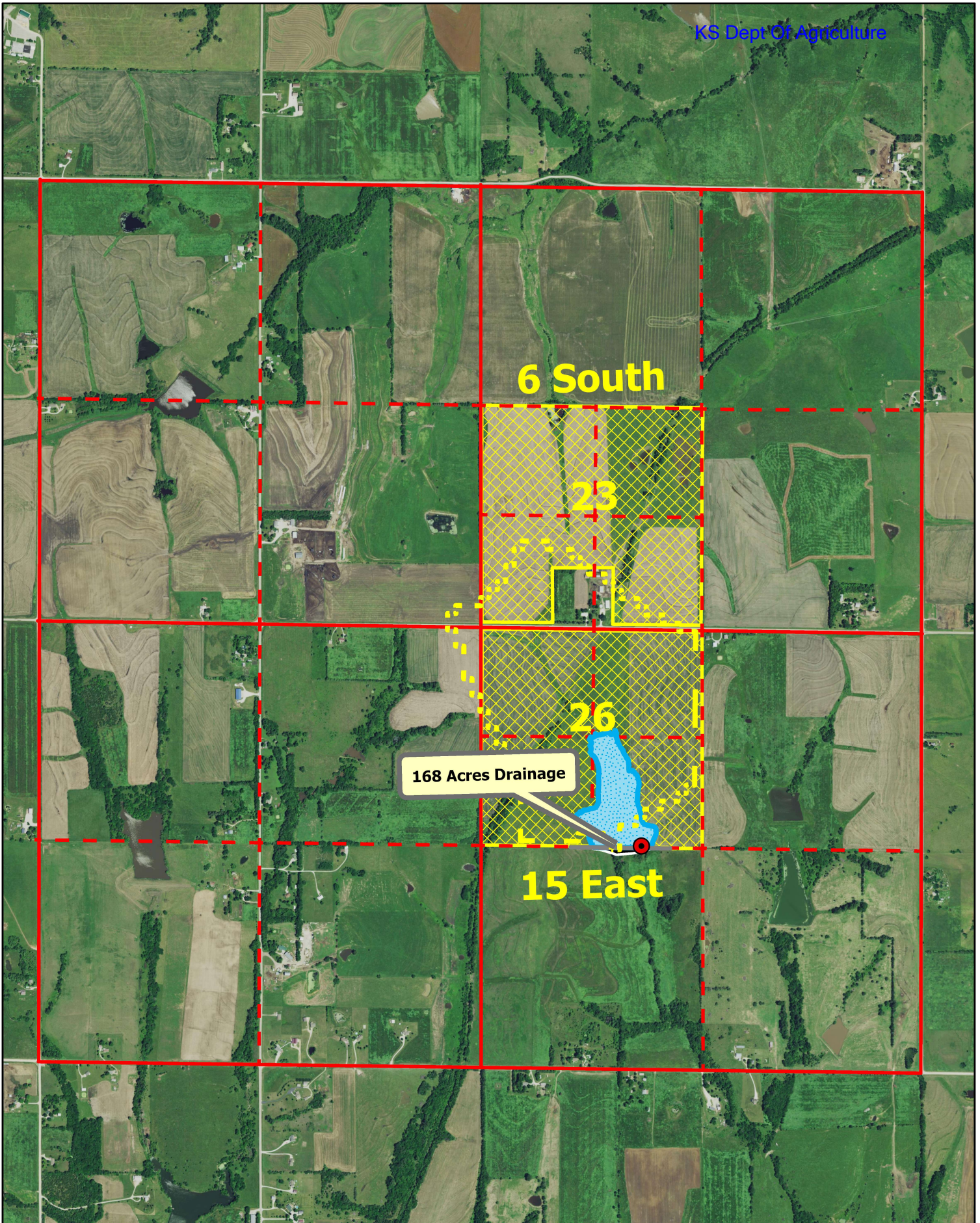
1:18,000

Drainage Map

Water Resources
Received



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6 South

23

26

168 Acres Drainage

15 East

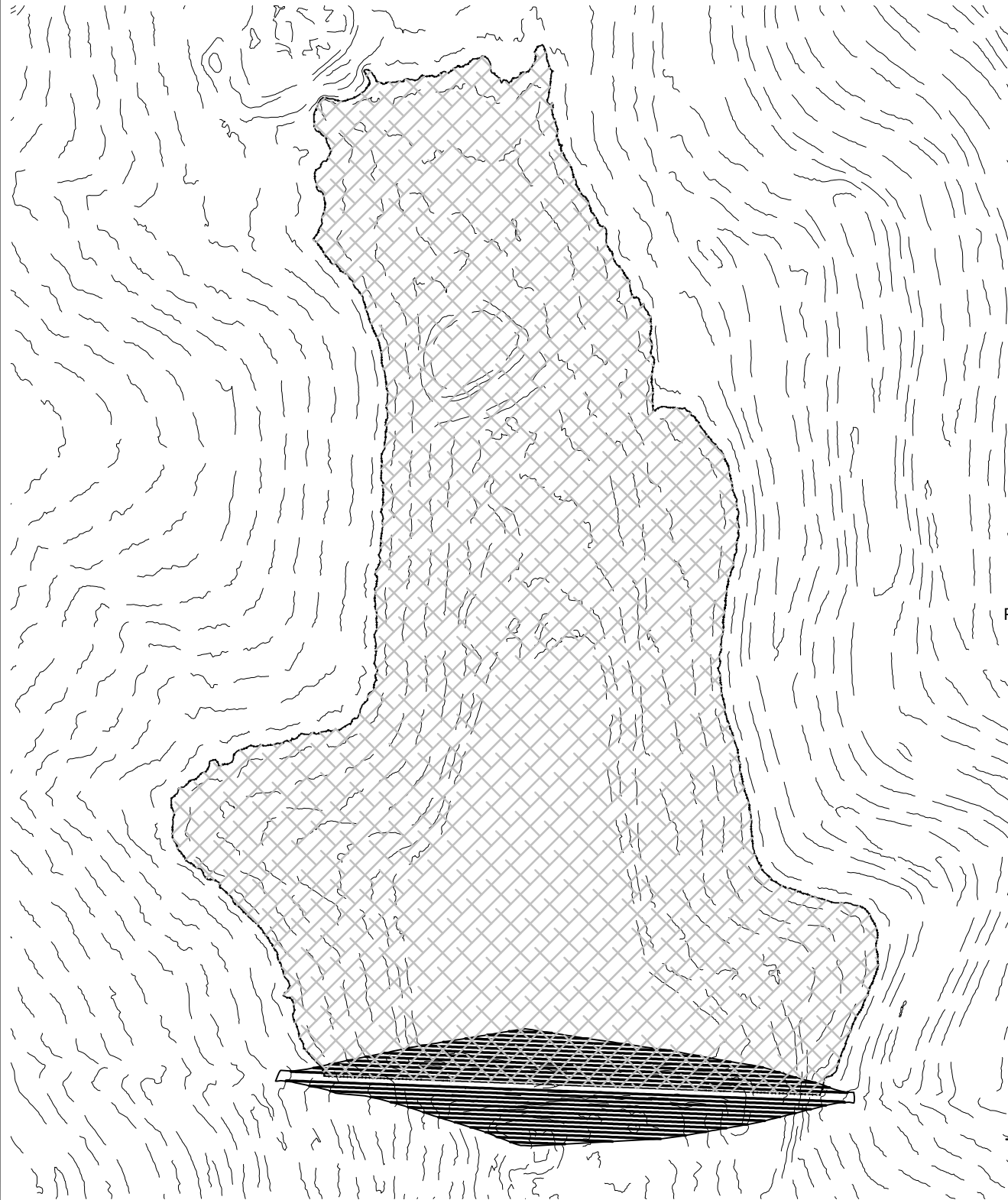
TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Northwest One-Quarter of Section 26, Township 6 South, Range 15 East of the Sixth Principal Meridian, Jackson County, Kansas

3/21/2024

Water Resources
Received

KS Dept Of Agriculture

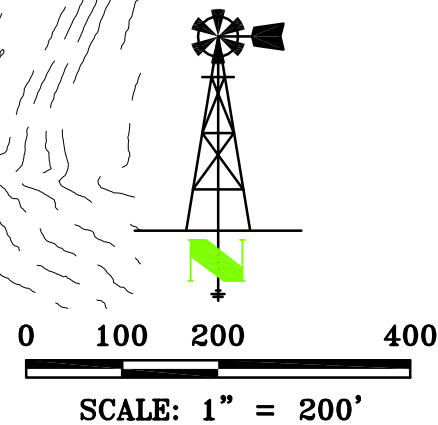


Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1075	-					
1076	168.09	84.05	84.045	0.0019		1.40
1077	2,776.07	1,472.08	1,556.125	0.0357		2.40
1078	8,784.83	5,780.45	7,336.575	0.1684		3.40
1079	18,326.59	13,555.71	20,892.285	0.4796		4.40
1080	31,434.42	24,880.51	45,772.790	1.0508		5.40
1081	47,934.86	39,684.64	85,457.430	1.9618		6.40
1082	67,033.86	57,484.36	142,941.790	3.2815		7.40
1083	89,947.95	78,490.91	221,432.695	5.0834		8.40
1084	116,429.62	103,188.79	324,621.480	7.4523		9.40
1085	145,916.52	131,173.07	455,794.550	10.4636		10.40
1086	177,502.48	161,709.50	617,504.050	14.1759		11.40
1087	212,950.85	195,226.67	812,730.715	18.6577		12.40
1088	252,589.93	232,770.39	1,045,501.105	24.0014		13.40
1089	290,448.28	271,519.11	1,317,020.210	30.2346		14.40
1090	328,502.68	309,475.48	1,626,495.690	37.3392		15.40
1091	365,761.23	347,131.96	1,973,627.645	45.3083		16.40
1092	433,491.01	399,626.12	2,373,253.765	54.4824		17.40
1093	496,889.26	465,190.14	2,838,443.900	65.1617		18.40
1094	556,702.35	526,795.81	3,365,239.705	77.2553		19.40
1095	618,515.83	587,609.09	3,952,848.795	90.7449		20.40
1096	680,863.42	649,689.63	4,602,538.420	105.6597	14,806	21.40
1097	740,118.95	710,491.19	5,313,029.605	121.9704	16,185	22.40
1098	801,320.59	770,719.77	6,083,749.375	139.6637	18,989	23.40
1099	860,986.28	831,153.44	6,914,902.810	158.7443	21,333	24.40
1100	960,101.21	910,543.75	7,825,446.555	179.6475	23,854	25.40

Primary and ES spillway

Top of structure

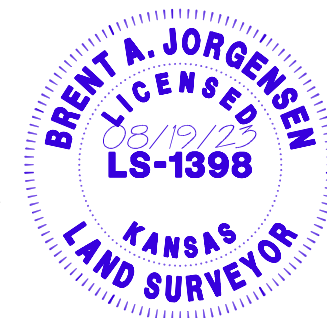
Primary and Emergency spillway 1097
Top of Structure 1100



General Notes for Site:
 No Field verification of LiDAR elevations performed.
 Front toe of stream obstruction elevation: 1076.54' (Estimated)
 Rear toe of stream obstruction elevation: 1074.60'
 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 _____.



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

NW 1/4 Sec 26, T6S, R15E
 Jackson County, Kansas

PREPARED FOR

MWI - Brett Mellies

SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	08/19/23
SHEET	1 OF 2
JOB NO.	5262.167

TOPOGRAPHIC SURVEY

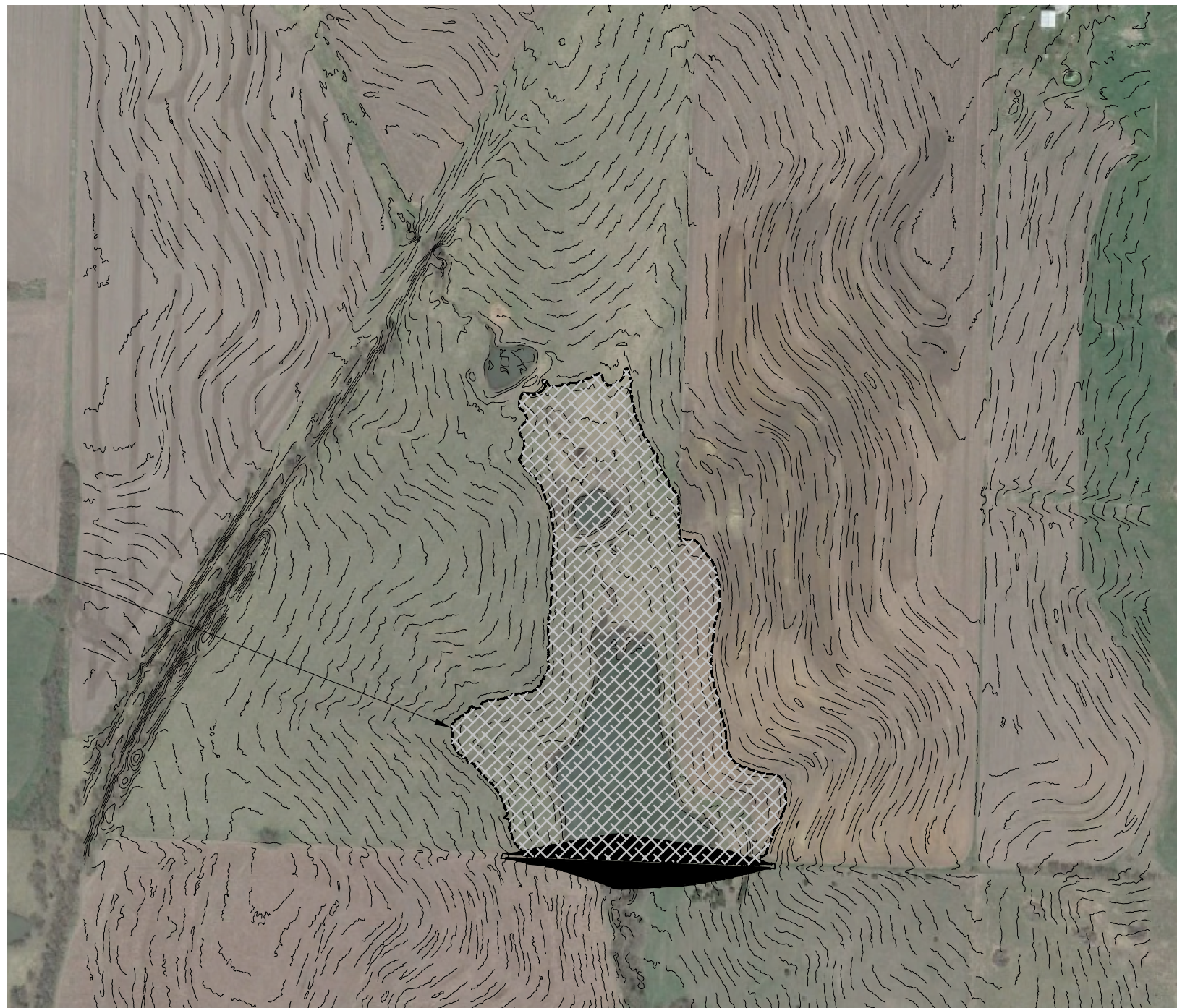
Compute Proposed Stream Obstruction Volume in the Northwest One-Quarter of Section 26, Township 6 South, Range 15 East of the Sixth Principal Meridian, Jackson County, Kansas

3/21/2024

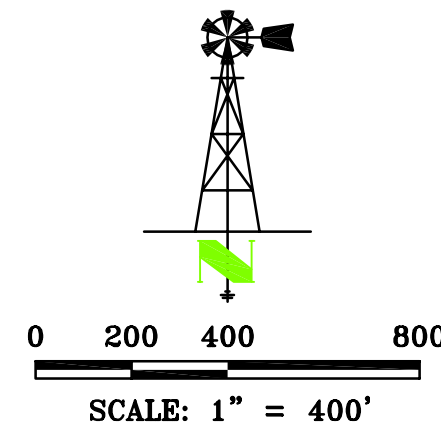
Water Resources
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THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED.
ORIGINAL DRAWING SIZE: 1 INCH



Water Level at
Elev: 1097'



JORGENSEN SURVEYING
73051 617 Ave
Tecumseh, NE 68450
(402) 335-2033
jorgensensurveying@gmail.com

Stream Obstruction

NW 1/4 Sec 26, T6S, R15E
Jackson County, Kansas

PREPARED FOR
MWI - Brett Mellies

SCALE	1"=400'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	08/19/23

SHEET 2 OF 2

JOB NO.
5262.167

STORAGE CALCULATIONS

TOTAL RESERVOIR CAPACITY =	121.9	AF		
DIRECT USE =	220.240	AF		
TOTAL RESERVOIR SURFACE AREA =		ACRES		
1 YEAR NET EVAPORATION =				0 AF
STORAGE =	AF+		+	0 = 220.24 AF

THE STORAGE QUANTITY IS BASED ON THE CALCULATED RUNOFF WHICH IS THE LIMITING FACTOR

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream -

- #1) THE APPLICANT OWNS ALL OF THE UPSTREAM DRAINAGE ASSOCIATED WITH THIS TRIBUTARY

Downstream -

- #1) MARY SHUPE FAMILY IRREVOCALBE GRANTORS TRUST
13683 246TH RD
HOLTKS 66436-8772

3/21/2024

Water Resources
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KS Dept Of Agriculture

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	37
Soil Cover Complex No.	76
Drainage Area, acres	168
Runoff at 20% Chance, AF	220.24

DO NOT EDIT BELOW THIS LINE

% Chance Firm Coefficients			
	50%	80%	90%
a	0.5317	0.1216	0.0527
b	1.0815	1.2538	1.3547

Std. Dev. 90%	1.36
Std. Dev. 80%	1.33
Avg	1.34

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	5.08	5.08
80%	1.67	1.64
90%	0.89	0.91
20%		15.73

Mean annual runoff for CN = 75, inches	7.82
Mean annual runoff for CN = 80, inches	9.05
Interp. Mean annual runoff for CN = 76, inches	8.07

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

March 22, 2024

ARTHUR AND ELIZABETH MELLIES
31800 R ROAD
NETAWAKA KS 66516

RE: Application, File No(s). **51211**

Dear Sir or Madam:

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

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

Sincerely,

Kris Neuhauser
New Applications Lead
Water Appropriation Program