

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.



SEP 19 2019

1052

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KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50298
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): David Dwerlkotte
Address: 2855 Navaho
City: Frankfort, State KS Zip Code 66427
Telephone Number: (785) 799-5715

2. The source of water is: surface water in unnamed tributary to south fork Big Nemaha River
(stream)
OR groundwater in _____
(drainage basin)

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

** Natural Flow * Redfish 1000 gpm*

3. The maximum quantity of water desired is 130 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 - Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G/S County NM By BMM Date 9/14/19
Code REG Fee \$ 500.00 TR # _____ Receipt Date 9-19-19 Check # 1425

9/23/2019
L Moody

BMM
9/19/19

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

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NE quarter of the SW quarter of the SW quarter of Section 10, more particularly described as being near a point 925 feet North and 4505 feet West of the Southeast corner of said section, in Township 3, South, Range 12 East West (circle one), Nemaha 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 8-5-19, 20____. David Duralbata
 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 pond and pump

 (number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) Dec 1st 2019

 (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 1 2020

 (Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir. See attached form is under 30ft tall and under 125Ac/ft to es

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 Class A Exempt under 125 Ac and under 30ft Tall

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

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13A 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
(owner, tenant, agent or otherwise)

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

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Hiawatha, Kansas, this 5 day of August, 2019
(month) (year)

Daniel D. [Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Keith Grimm MWI Owner Date: 8-5-19
(office/title)

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): David Dwerlkotte

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: David Dwerlkotte
ADDRESS: 2855 Navaho Fracture KS 66427

S	T	R	NE¼				NW¼				SW¼ -				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
10	3	12											40	30	18	38		4	9		139	

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				

REGISTRATION FORM FOR EXEMPT CLASS A DAMS

K.S.A. 82a-301

"Dam" means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of six feet or greater and a storage volume at the top of the emergency spillway elevation of 50 or more acre-feet. The prior written consent or permit of the chief engineer shall not be required for construction or modification of a hazard class A dam that:

1. has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre feet, **and the dam location and dimensions have been registered with the division of water resources in a written form prescribed by the chief engineer; or**
2. is a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto.

Complete the following information to satisfy the registration for exempt low, hazard class A dams defined in K.S.A. 82a-301(d)(1).

Dam owner information

Name: David Dwerlkotte _____
 Mailing Address: 2855 Navaho Frankfort Ks 66427 _____
 Phone: 785-799-5715 _____
 E-mail Address: dwer@bluevalley.net _____

Legal description of location: The location of the proposed dam is (use intersection of project centerline and stream centerline): NE quarter of the SW quarter of the SW quarter of Section 10, more particularly described as being near a point 925 feet North and 4505 feet West of the Southeast corner of said section, in Township 3 South, Range 12 (East) Nemaha County, Kansas, across, along or in (stream or watercourse name): Unamed Tributary to the south fork Big Nemaha river

Drainage area (acres): 80 _____

Use intersection of dam centerline and stream centerline as drainage area point.

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Dam height (feet): 21FT _____

The height of a dam or barrier shall be measured from the lowest elevation of the streambed, downstream toe or outside limit of the dam to the elevation of the top of the dam.

Area capacity table: Please attach a reservoir area capacity table for the dam. The table identifies the number of acres enclosed by each contour within the reservoir area and the total storage capacity of the reservoir in acre-feet at the elevation of each contour. The data shall be compiled for all contours in the reservoir up to the elevation of the top of the dam. Computations of capacity shall be based on the natural topography of the reservoir basin but may include the volume of any excavation in the reservoir made during construction of the dam. **The storage in acre-feet must be shown in the table for the proposed emergency spillway elevation. This will be used to identify the jurisdiction of the dam.**

Location map: Submit a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the location and layout of the proposed dam, the location of the stream, and the property lines. The distance from the North-South distance and the East-West distance from a section line or southeast corner of section should be marked on the map along with a north arrow and map scale.

Hazard class determination: List any homes, businesses, highways, improved roads, railroads, camp grounds, recreational facilities, or public utilities located downstream from the dam that could be inundated if the dam fails.

David Dwerlkotte pond permit

Drainage 80acres

Upstream landowner

Miller Family TST

Attn: ELLIS, KATHY 126 CARDINAL LANE COMMERCE, OK 74339

Downstream

½ mile down steam is all on him

MWI, LLC
 1215 Oregon St.
 Hiawatha, KS 66434



PERFORMANCE
 PLUS DEALER

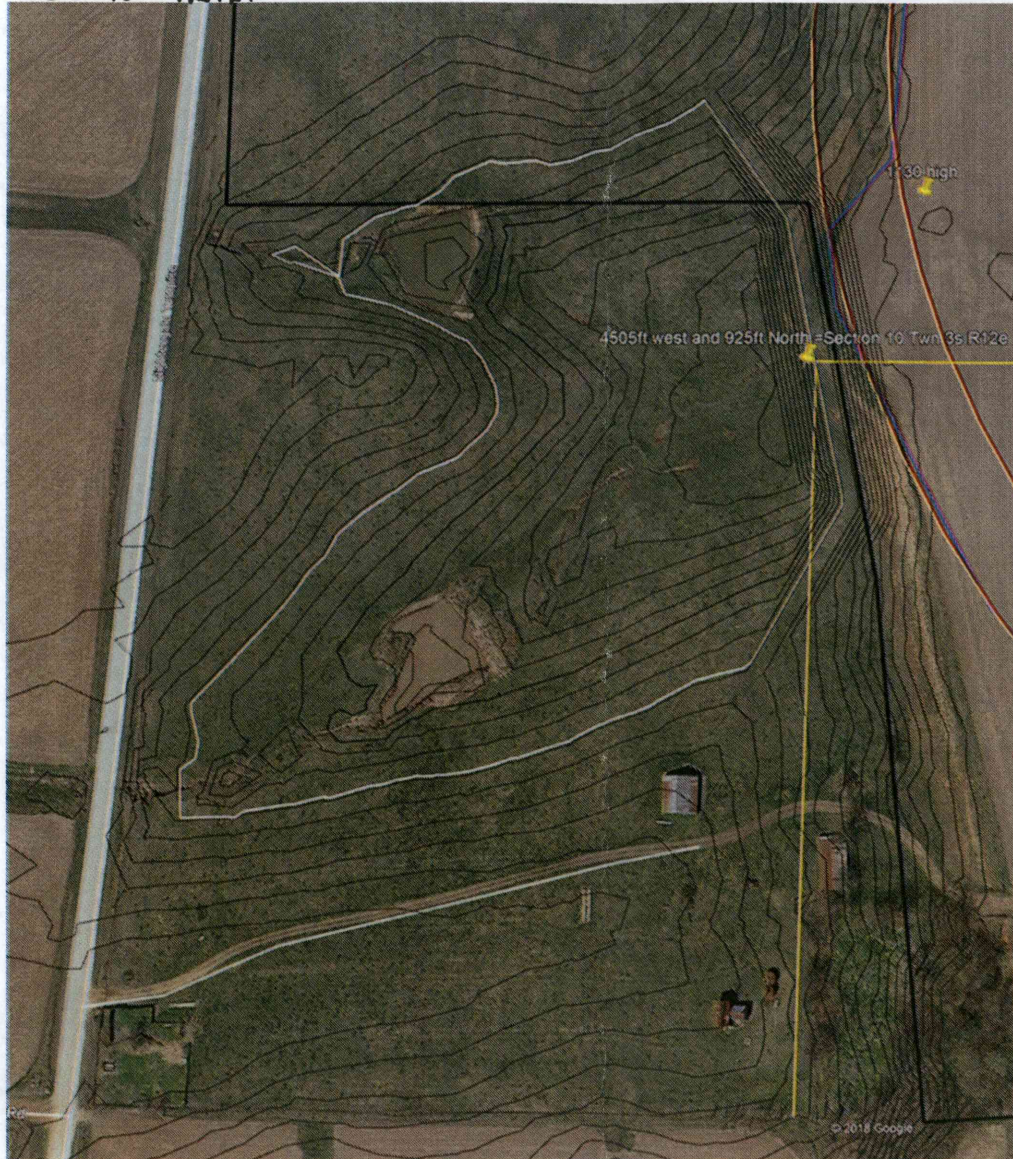
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3:1 Front and back Slopes 12ft Top
 Rear tow 1129 E1v

David Dwerlkotte



Elevation Level	Area	Surface Area	Volume	Acres	Notes
1132.2298	345.192	51.685	0.0127662	0.926	0.0007507
1132.7283	345.344	481.884	0.1190253	38.158	0.0309347
1133.2269	345.496	1055.766	0.2607742	153.543	0.1244775
1133.7254	345.648	1847.379	0.4563026	374.894	0.303927
1134.224	345.8	2736.754	0.6759782	726.881	0.5892833
1134.7226	345.952	3586.567	0.885882	1205.605	0.9773855
1135.2211	346.104	4555.245	1.1251455	1823.405	1.4782367
1135.7197	346.256	5477.682	1.3529875	2586.248	2.0966745
1136.2182	346.408	6455.111	1.5944124	3493.02	2.8317957
1136.7168	346.56	7373.132	1.8211636	4544.692	3.6843875
1137.2154	346.712	8221.573	2.0307285	5731.051	4.6461702
1137.7139	346.864	9039.972	2.2328731	7042.659	5.7094925
1138.2125	347.016	9926.384	2.4518168	8484.145	6.878107
1138.711	347.168	10842.823	2.6781773	10060.735	8.1562505
1139.2096	347.32	11851.383	2.9272916	11788.418	9.5568853
1139.7082	347.472	12875.613	3.1802764	13666.01	11.079051
1140.2067	347.624	13872.357	3.4264722	15699.505	12.727608
1140.7053	347.776	14822.84	3.6612415	17880.786	14.495976
1141.2038	347.928	15853.58	3.9158343	20210.214	16.384446
1141.7024	348.08	16946.236	4.1857203	22703.265	18.405565
1142.201	348.232	18013.021	4.4492162	25360.346	20.559664
1142.6995	348.384	19083.774	4.7136922	28179.224	22.844932
1143.1981	348.536	20196.701	4.9885851	31164.023	25.264713
1143.6966	348.688	21337.365	5.2703292	34320.517	27.823686
1144.1952	348.84	22582.268	5.5778202	37656.859	30.528463
1144.6938	348.992	23830.213	5.8860626	41183.376	33.387415
1145.1923	349.144	25123.867	6.2055951	44903.255	36.403125
1145.6909	349.296	26456.381	6.5347261	48823.023	39.580886
1146.1894	349.448	27779.733	6.8615941	52944.234	42.921957
1146.688	349.6	29105.555	7.1890721	57267.245	46.426627
1147.1866	349.752	30470.348	7.526176	61794.603	50.096962
1147.6851	349.904	31955.791	7.8930804	66537.627	53.942138
1148.1837	350.056	33357.877	8.2393956	71502.297	57.967002 Primary water
1148.6822	350.208	34732.573	8.5789455	76676.865	62.162031
1149.1808	350.36	36209.518	8.9437509	82070.337	66.534525 Emergency spillway
1149.6794	350.512	37685.884	9.3084133	87685.666	71.08688
1150.1779	350.664	39234.211	9.6908501	93530.568	75.825349 Top of dam

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50198
8/15/05



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Google Earth

Imagery Date: 9/1/2016 Lat: 39.02203 Lon: -96.0610759 elev: 1149 ft eye alt: 6190 ft

MWI, LLC

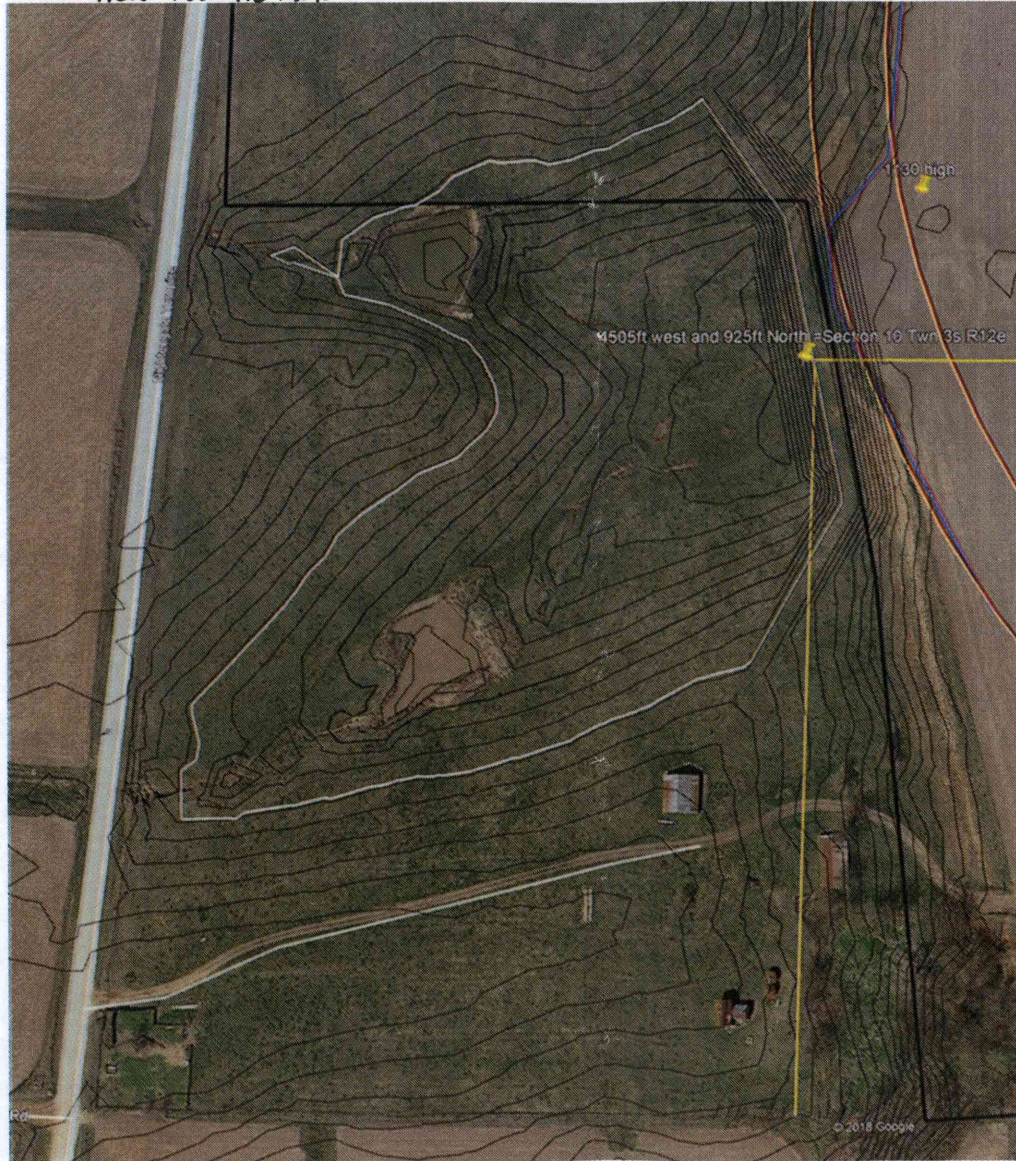
1215 Oregon St.
Hiawatha, KS 66434



PERFORMANCE PLUS DEALER

3:1 Front and back Slopes 12ft Top
Rear tow 1129 ft

David Dwerlkotte



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1138.2125	347.016	9926.384	2.4518168	8484.145	6.878107
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1143.1981	348.536	20196.701	4.9885851	31164.023	25.264713
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1147.1866	349.752	30470.348	7.526176	61794.603	50.096962
1147.6851	349.904	31955.791	7.8930804	66537.627	53.942138
1148.1837	350.056	33357.877	8.2393956	71502.297	57.967002
1148.6822	350.208	34732.573	8.5789455	76676.865	62.162031
1149.1808	350.36	36209.518	8.9437509	82070.337	66.534525
1149.6794	350.512	37685.884	9.3084133	87685.666	71.08688
1150.1779	350.664	39234.211	9.6908501	93530.568	75.825349

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Google Earth

Imagery Date: 4/1/2016 Lat: 39.802203° Lon: -96.061675° elev: 1149 ft eye alt: 6188 ft

8h'05

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER **50298**

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
66873	87687	

LANDOWNER PERSON ID & SEQ #	PUSE ID
66873	69603

WATER USE CORRESPONDENT PERSON ID & SEQ #
66873

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER _____

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

LANDOWNER PERSON ID & SEQ #	PUSE ID
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

WATER USE CORRESPONDENT PERSON ID & SEQ #

NEW STREAM WORKSHEET

ES ccp

Date: 9/23/2019

File No. 50298

Basin Name: S F Big Nemaha River Basin No. 2

Stream Name: South Fork Big Nemaha River Trib 6

Stream location (confluence with parent stream):

Section 10, Township 3 South, Range 12 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

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

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

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

Stream No. 3 9 6 9 (computer assigned - entered by data entry staff)

Date Entered _____ By _____

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER _____

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

LANDOWNER PERSON ID & SEQ #	PUSE ID
_____	_____
_____	_____
_____	_____
_____	_____

WATER USE CORRESPONDENT PERSON ID & SEQ #

