

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

1. File Number: <p style="text-align: center;"><b>49,946</b></p>	2. Status Change Date: <p style="text-align: center;"><u>2/9/2018</u></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 type="checkbox"/></p> <p style="text-align: right;">Person ID <b>64590</b> Add Seq# _____</p> <p><b>ROLAND MOELLENBERNDT</b> 70324 HWY 15 FAIRBURY NE 68352</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>
<p>7b. Landowner(s) New to system <input checked="" type="checkbox"/></p> <p style="text-align: right;">Person ID <u>65950</u> Add Seq# _____</p> <p><b>MOELLENBERNDT FAMILY REVOCABLE TRUST</b> <b>% ROLAND &amp; JACKI MOELLENBERNDT- TRUSTEES</b> 70324 HWY 15 FAIRBURY NE 68352</p>	<p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>

<p>8. WUR Correspondent New to system <input type="checkbox"/> 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: 12/31/2019            11. Perfection Date: 12/31/2023            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: \_\_\_\_\_

Date Prepared: **1/23/2018** By: **DWS**  
Date Entered: 2/15/2018 By: LLM

File No. <b>49,946</b>	15. Formation Code:	Drainage Basin: MILL CREEK	County: WS	Special Use:	Stream: Riddle Creek TRib 2A (Mill Creek)																
16. Points of Diversion			17. Rate and 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	Overlap PD Files													
√	84520	SE SE SW	3	1	2E	1	300	3160	1200	144	49,430										
18. Storage: Rate <u>    NF    </u> Quantity <u>    177.6    </u> ac/ft Additional Rate <u>    NF    </u> Additional Quantity <u>    177.6    </u> 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 <u>    12/31/2019    </u> Date Acceptable Meter Installed _____																					
21. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? 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				
√	68640	3	1	2E	2					20	20	40	40					120	7b.	YES	NONE
Comments:																					

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** January 23, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 49,946

Roland Moellenberndt has filed the application referred to above for a permit to appropriate 177.6 acre-feet of surface water at the rate of natural flows to be stored in a proposed reservoir located in the Southwest Quarter of Section 3, in Township 1 South, Range 2 East, Washington County, Kansas. The dam is located on Riddle Creek Trib 2A within the Mill Creek basin. The point of diversion is located on property owned by the applicant, and he has signed the application form stating he has legal access to the point of diversion. The place of use is wholly owned by the applicant, and it comprises 120 acres. There are no other overlapping files in place of use. However, File No. 49,430 overlaps in point of diversion and is authorized 48 acre-feet (indirect) for recreational use within the reservoir. Please note that the application was originally filed requesting 220.7 acre-feet, but was reduced based on runoff potential.

Runoff computations have determined that the 285 acre drainage area will generate 225.6 acre-feet of runoff quantity (based on 9.5"/acre), in 1 out of every five (5) years (a 20% chance). The requested storage quantity under the new application of 220.7 acre-feet is just less than this runoff quantity. However, as noted the senior file is already authorized 48 acre-feet of storage, for a combined storage quantity of 268.7 acre-feet (220.7 AF + 48 AF). Therefore, per K.A.R. 5-6-5, the runoff quantity **IS** the limiting factor. The applicant was contacted by telephone on January 23, 2018, and he agreed to a reduction in storage quantity to 177.6 acre-feet, such that the requested quantity under the new application plus the senior file would equal the runoff quantity of 225.6 acre-feet. Therefore, no storage limitation with the senior file is required. The requested quantity of water for direct use (rediversion) of 144 acre-feet for irrigation use on 120 acres, provides 1.2 acre-feet per acre, which is the maximum allowable in Washington County, Kansas, per K.A.R. 5-3-24.

The requested storage quantity under the new application of 177.6 acre-feet was based on 1 year of direct use (144 AF) + a portion of the capacity (33.6 AF) = 177.6 acre-feet. As noted, the senior file already accounts for the indirect (evaporation) portion.

The applicant submitted a "Registration Form For Exempt Class A Dams" form during processing of the senior file. Based on the information provided by the applicant, the dam is exempt from the dam safety permit requirements, and has been registered with the DWR water structures program under File No. DWS-0126.

The applicant provided a list of upstream and downstream landowners adjacent to the stream, and notification letters were sent out on January 2, 2018. A telephone call was received from a representative of the Donald Gregory Family Trust (Margery Gregory), who was concerned that water not be allowed to back up onto their property. The nearest portion of this landowner's property is over 1,200 feet upstream from the upper edge of the reservoir at normal pool. There is no indication that approval of this application would impair any senior water right. No written responses of any kind were received. There is only one other permitted surface water point of diversion within the two-mile radius circle (File No. 48,032), which is located on an entirely different stream.

Roland Moellenberndt  
File No. 49,946  
Page 2

As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed. The initial fill quantity was already accounted for under the senior file approval.

In a January 16, 2018 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the dam is exempt from permitting under the DWR Water Structures Program (but it has been registered), and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 16, 2018

ROLAND MOELLENBERNDT  
70324 HWY 15  
FAIRBURY NE 68352

**FILE COPY**

Re: Appropriation of Water, File No. 49,946

Dear Mr. Moellenberndt:

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

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

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

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office  
Moellenberndt Family Revocable Trust



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. **49,946** of the applicant

**ROLAND MOELLENBERNDT  
70324 HWY 15  
FAIRBURY NE 68352**

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 **November 27, 2017**.
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	
3 1S 2E									20	20	40	40					120

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Riddle Creek, designated in the office of the Chief Engineer as Riddle Creek Trib 2A (Mill Creek), 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 **177.6 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼ SE¼ SW¼) of Section 3, more particularly described as being near a point 300 feet North and 3,160 feet West of the Southeast corner of said section, in Township 1 South, Range 2 East, Washington County, Kansas, to provide **144 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 **1,200 gallons per minute (2.67 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That installation of works for diversion of water shall be completed on or before **December 31, 2019** 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.

5. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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).

12. 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.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. 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.

15. 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.

### CERTIFICATE OF SERVICE

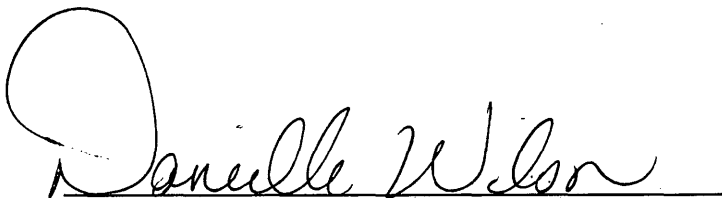
On this 10<sup>th</sup> day of February, 2018, I hereby certify that the foregoing Approval of Application, File No. 49,946, dated February 9<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

ROLAND MOELLENBERNDT  
70324 HWY 15  
FAIRBURY NE 68352

With photocopies to:

MOELLENBERNDT FAMILY REVOCABLE TRUST  
% ROLAND & JACKI MOELLENBERNDT TRUSTEES  
70324 HWY 15  
FAIRBURY NE 68352

Topeka Field Office



Division of Water Resources



**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.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 9<sup>th</sup> day of February, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.  
Program Manager  
Water Appropriation Program  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 499410  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

APPLICATION COMPLETE  
1/23/2018  
Reviewer DWS

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.)

NOV 27 2017  
2:49  
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): ROLAND MOELLENBERNDT  
Address: 70324 HWY 15  
City: FAIRBURY State: NE - Zip Code: 68352  
Telephone Number: (402) 239-1807

2. The source of water is:  surface water in RIDDLE CREEK TRIB 2A (MILL CREEK) Stream #3834  
(stream)  
OR  groundwater in MILL CREEK  
(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. **144 AF to be rediverted for IRR use @ 1,200 gpm**

3. The maximum quantity of water desired is 220.7 acre-feet OR      gallons per calendar year, to be diverted at a maximum rate of 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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G County WS By KAB Date 11/27/17  
Code REG Fee \$ 300 TR #      Receipt Date 11/27/17 Check # 788

SCANNED

12/6/2017 UM

See updated page

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 SE quarter of the SW quarter of Section 3, more particularly described as being near a point 300 feet North and 3,160 feet West of the Southeast corner of said section, in Township 1 South, Range 2 EAST, WASHINGTON 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):

Moellenberndt Family Revocable Trust  
(name, address and telephone number)

Roland and Jacki Moellenberndt, Trustees, 70324 Hwy 15  
(name, address and telephone number) Fairbury, NE 68352 402-729-6060

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 November 22, 2017. Roland Moellenberndt  
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM & RESERVOIR  
(number of wells, pumps or dams, etc.)  
and (was) completed (by) Summer 2018  
(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 Summer 2018  
(Mo/Day/Year)

APPLICATION COMPLETE

1/23/2018

Reviewer DWS



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 499410  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

NOV 27 2017

2:49

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, KS 66502:

1. Name of Applicant (Please Print): ROLAND MOELLENBERNDT  
Address: 70324 HWY 15  
City: FAIRBURY State: NE - Zip Code: 68352  
Telephone Number: (402) 239-1807

2. The source of water is:  surface water in RIDDLE CREEK TRIB 2A (MILL CREEK) Stream #3834  
(stream)  
OR  groundwater in MILL CREEK  
(drainage basin)

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3. The maximum quantity of water desired is \* 177.6 acre-feet OR 220.7 gallons per calendar year, to be diverted at a maximum rate of 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. 1 GMD 1 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G(S) County WS By KAB Date 11/27/17  
Code REG REG Fee \$ 300 TR #      Receipt Date 11/27/17 Check # 788

DWR 1-100 (Revised 02/16/2011) \* Applicant agreed to reduced storage quantity, (limited by basin runoff) during 1/23/18 telephone call.  
DWS/DWR 12/6/2017 UM

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.

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 DWS-0126

• 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.

FILE NO. 49,430 PD OVERLAP (REC USE).

\*SEE SENIOR FILE FOR NEARBY LANDOWNERS LIST & RESERVOIR INFORMATION

WATER RESOURCES  
RECEIVED

NOV 27 2017

KS DEPT OF AGRICULTURE  
SCANNED

13. 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):

Moellenberndt Family Revocable Trust  
(name, address and telephone number)

Roland and Jacki Moellenberndt, Trustees  
(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 Washington, Co., Kansas, this 22<sup>nd</sup> day of November, 2017.  
(month) (year)

Roland Moellenberndt  
(Applicant Signature)

508-76-5646  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

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

and/or  
APPLICANT(S) TAXPAYER I.D. NO.(S)

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

Assisted by DWS TOPEKA FO Date: 10/23/2017  
(office/title)

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

**WATER RESOURCES  
RECEIVED**

**NOV 27 2017**

File No. 49946

Name of Applicant (Please Print): ROLAND MOELLENBERNDT

KS DEPT OF AGRICULTURE

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: ROLAND MOELLENBERNDT

ADDRESS: 70324 HWY 15 FAIRBURY NE 68352

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
3	1	2E												20	20	40	40					120	

**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					

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_ %

Estimate the maximum land slope in the field(s): \_\_\_\_\_ %

c. Type of irrigation system you propose to use (check one):

- Center pivot                       Center pivot - LEPA                       "Big gun" sprinkler  
 Gravity system (furrows)                       Gravity system (borders)                       Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

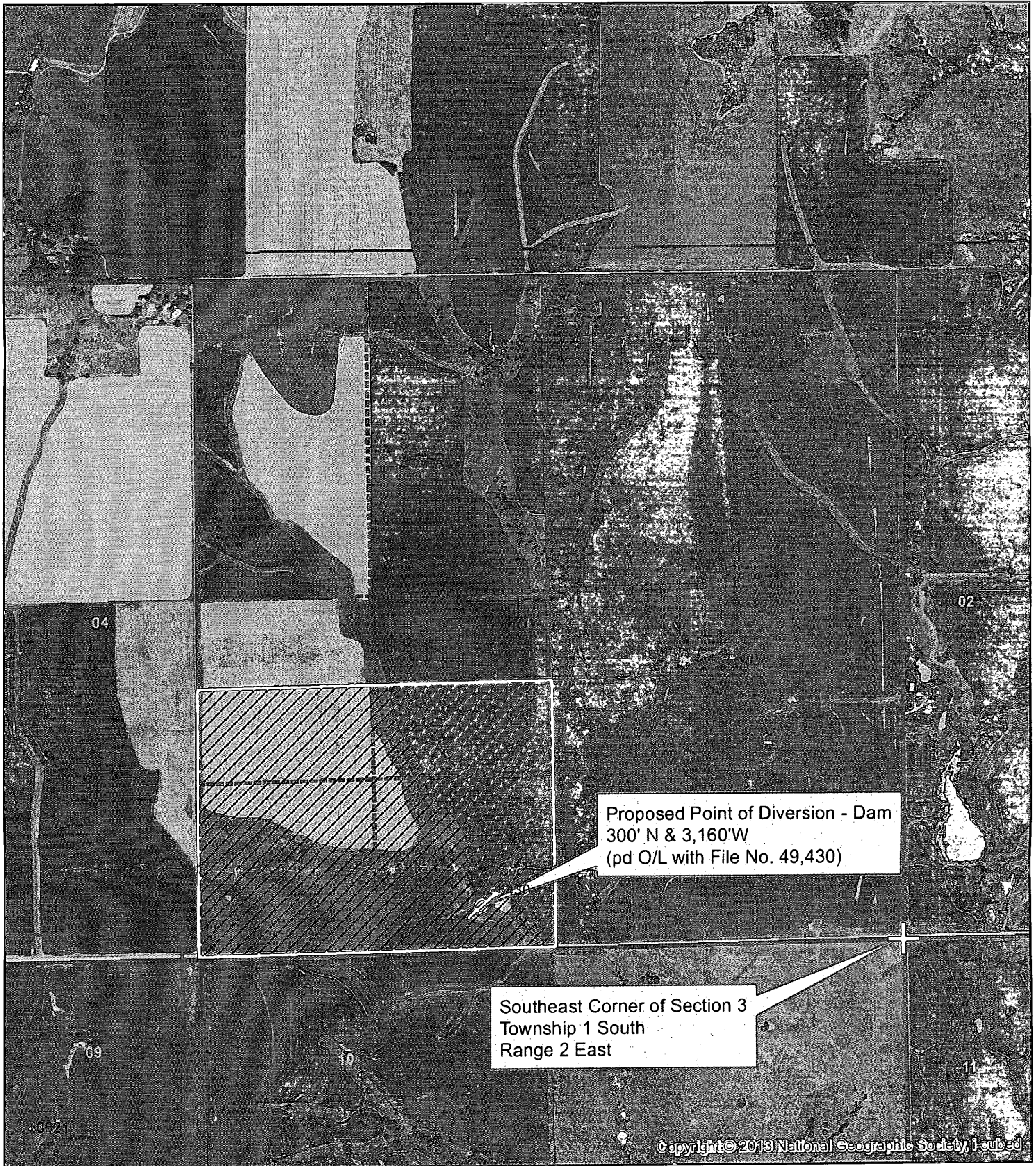
You may attach any additional information you believe will assist in informing the Division of the need for your request.



MOELLENBERNDT NEW APPLICATION SITE MAP  
SEC. 3, T1S, R2E  
WASHINGTON COUNTY

499410

1:12,000



WATER RESOURCES RECEIVED

○ Proposed Point of Diversion

NOV 27 2011



Proposed Place of Use

DEPT OF AGRICULTURE

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

*Jackie Moellenberndt*  
SCANNED





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

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

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

Sam Brownback, Governor

January 2, 2018

DONALD GREGORY FAMILY TRUST  
BOX 53  
REYNOLDS NE 68429

Re: Pending Application, File No. 49,946

Dear Sir or Madam:

This is to advise you that Roland Moellenberndt has filed the application referred to above for a permit to appropriate 220.7 acre-feet of surface water per calendar year to be stored in a proposed reservoir, and re-divert 144 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 3, Township 1 South, Range 2 East, Washington 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,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Roland Moellenberndt

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

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

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Sam Brownback, Governor

January 2, 2018

STEVEN KOSTAL  
PO BOX 64  
ODELL NE 68415

Re: Pending Application, File No. 49,946

Dear Sir or Madam:

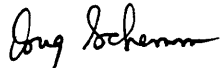
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Sincerely,



Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Roland Moellenberndt



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

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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

January 2, 2018

MAXINE B VESELY AND SHAWN & KENDRA DURST  
c/o MAXINE VESLEY  
PO BOX 277  
FAIRBURY NE 68352

Re: Pending Application, File No. 49,946

Dear Sir or Madam:

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Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Roland Moellenberndt



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

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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

January 2, 2018

ANDY PRELLWITZ  
261 S CLAY  
HOISINGTON KS 67544

Re: Pending Application, File No. 49,946

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Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Roland Moellenberndt



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Sam Brownback, Governor

January 2, 2018

GAYDUSEK FAMILY TRUST  
2911 FOX ROAD  
MAHASKA KS 66955

Re: Pending Application, File No. 49,946

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Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Roland Moellenberndt



Topeka Field Office  
6531 SE Forbes Ave., Suite B  
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[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

January 2, 2018

CRAIG SHUMARD  
56760 705 RD  
GLADSTONE NE 68352

Re: Pending Application, File No. 49,946

Dear Sir or Madam:

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Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Roland Moellenberndt

**Schemm, Doug**

---

**From:** Jacki Moellenberndt <moellenberndt@diodecom.net>  
**Sent:** Sunday, October 22, 2017 2:56 PM  
**To:** Schemm, Doug  
**Subject:** Moellenberndt pond  
**Attachments:** IMG\_20171022\_0001.pdf

Water permit #49,430 in Washington county E1\2 SW 1\4 Scction 3 Township 1 south, Range 2. Irrigation to water 110 acres.



FILE NO. 49,946

SOIL: "76" PRECIP.: 31"

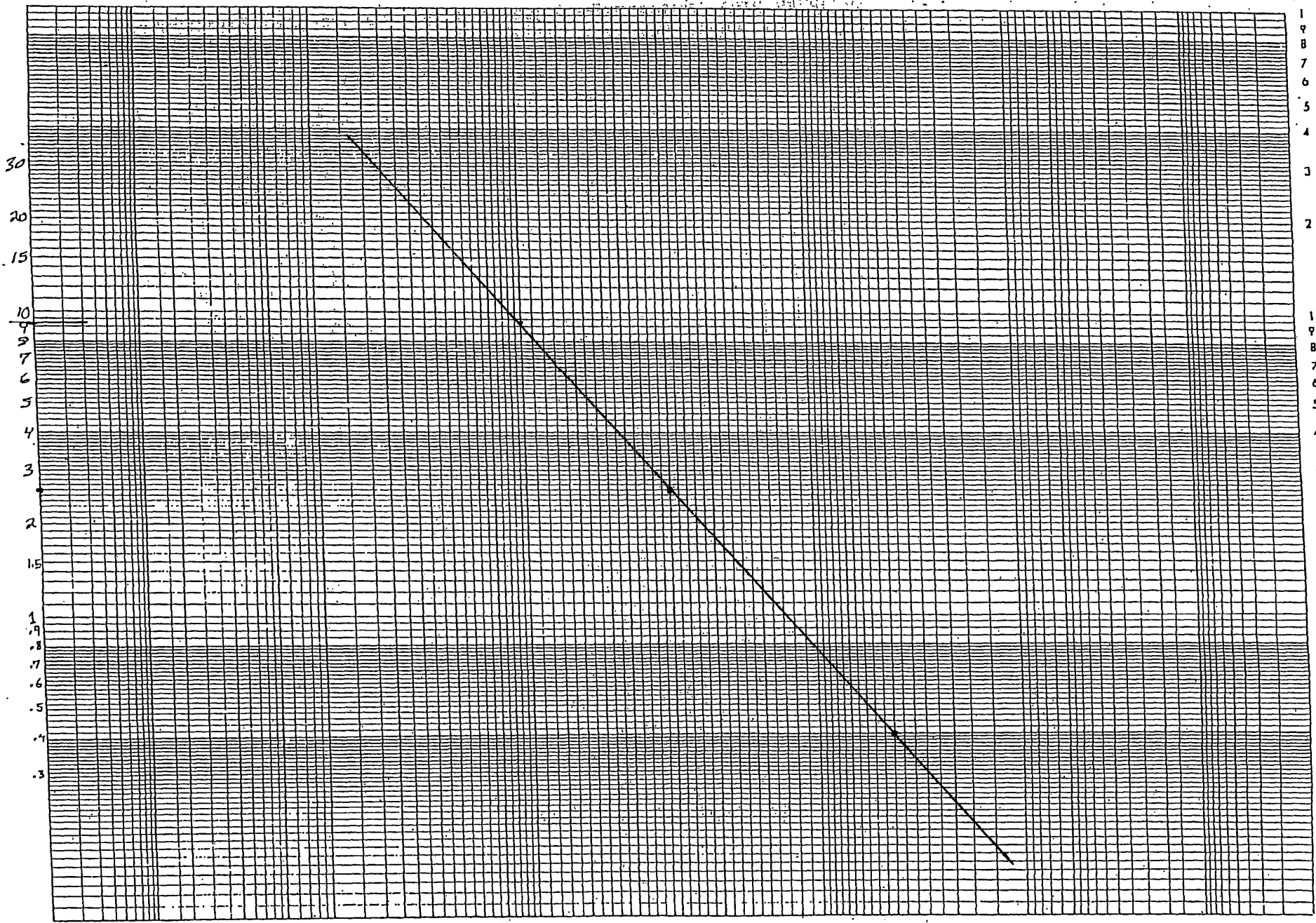
Washington Co.

285 ACRES IN DRAINAGE x 9.5" = 2707.5" / 12" = 225.6 AF

INCHES RUNOFF/ACRE: 9.5" OF RUNOFF (20% CHANCE ANNUALLY)

99.99 99.9 99.8 99 98 95 90 80 70 60 50 40 30 20 10 5 2 1 0.5 0.2 0.1 0.05 0.01

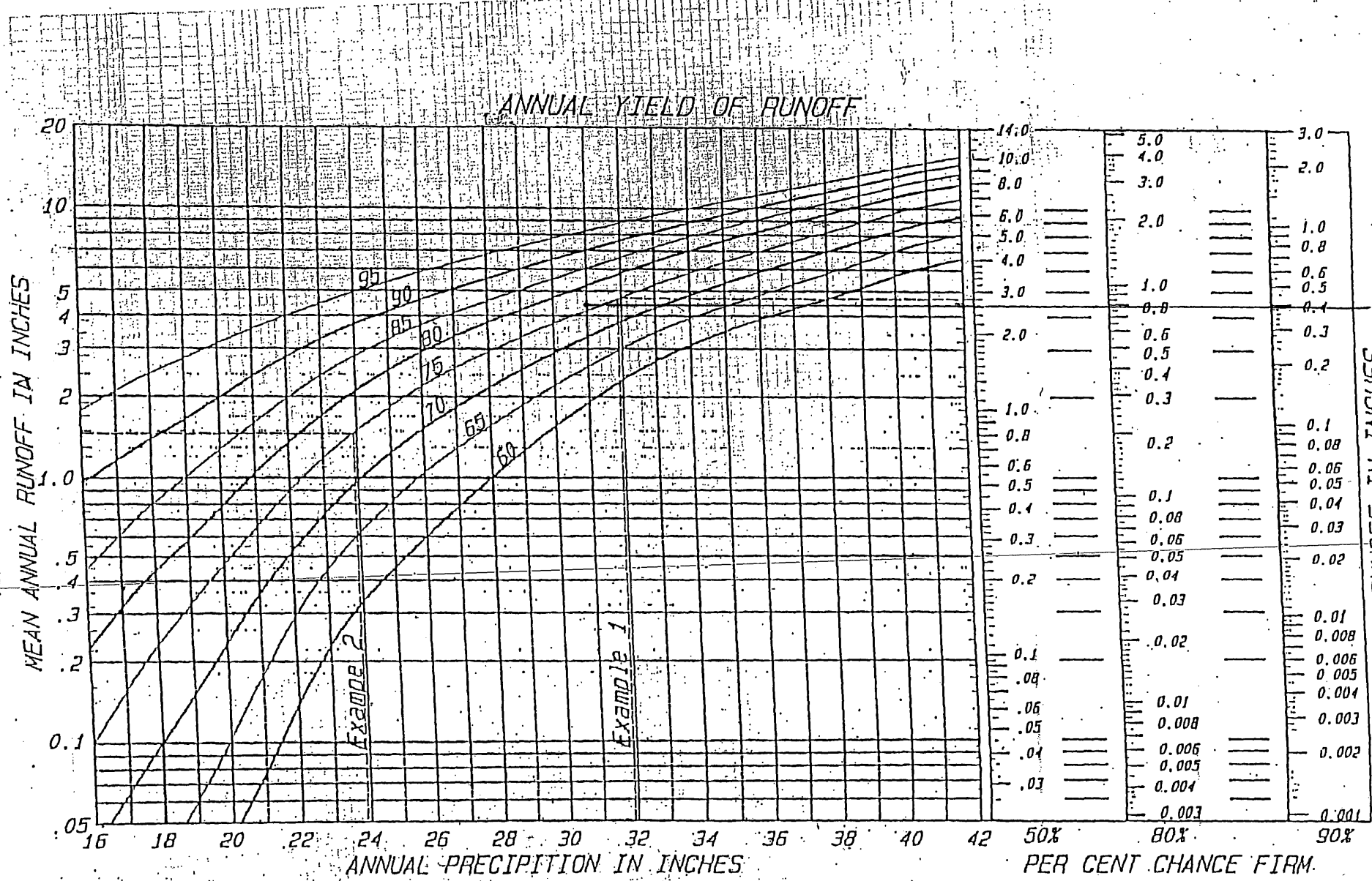
RUNOFF IN INCHES



Probability (Long-axis) by 3 Cycle Log

% CHANCE

PREPARED BY:



RUNOFF IN INCHES

KS-2-36

KAR 5-6-4(a)(1)

United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49946 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49946 00 IRR

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

300 Feet North and 3160 Feet West of the Southeast Corner of Section 3 T 1S R 2E

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__ 48032 00 IRR LO S      5227 -- SW SW NE 2700 2195 9 1 2E 9          71.30    71.30 AF
A__ 49430 00 REC KE S        0 -- SE SE SW 300 3160 3 1 2E 1          76.70    76.70 AF
A__ 49946 00 IRR AY S        0 -- SE SE SW 300 3160 3 1 2E 1          144.00   144.00 AF
=====

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=====
Total Net Quantities Authorized:   Direct      Storage
Total Requested Amount (AF) =      144.00      220.70
Total Permitted Amount (AF) =       76.70       48.00
Total Inspected Amount (AF) =       71.30       71.30
Total Pro_Cert Amount (AF) =         .00         .00
Total Certified Amount (AF) =         .00         .00
Total Vested Amount (AF) =          .00         .00
TOTAL AMOUNT (AF) =      292.00      340.00
=====

```

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:

300 Feet North and 3160 Feet West of the Southeast Corner of Section 3 T 1S R 2E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 48032 00 IRR LO S
> FRAGER FARMS
>
> 2782 KING RD
> MORROWVILLE KS 66958
>-----
A__ 49430 00 REC KE S
> ROLAND MOELLENBERNDT
>
> 70324 HWY 15
> FAIRBURY NE 68352
>-----
A__ 49946 00 IRR AY S
> ROLAND MOELLENBERNDT
>
> 70324 HWY 15
> FAIRBURY NE 68352
>-----
=====

```

#####

**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: Roland Moellenberndt

Mailing Address: 70324 Highway 15, Fairbury, NE 68352

Phone: 402-729-6060

E-mail Address: \_\_\_\_\_

WATER RESOURCES  
RECEIVED

JUL 20 2015

KS DEPT OF AGRICULTURE

**Legal description of location:** The location of the proposed dam is (use intersection of project centerline and stream centerline): SE quarter of the SE quarter of the SW quarter of Section 3, more particularly described as being near a point 300 feet North and 3160 feet West of the Southeast corner of said section, in Township 1 South, Range 2 E (East/West) Washington County, Kansas, across, along, or in (stream or watercourse name): Unnamed tributary to Riddle Creek.

**Drainage area (acres):** 285

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

**Dam height (feet):** 24

*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.

49,946  
File # 49430

Project: Moellenberndt Dam

**Stage Storage Table**

Elevation	Surface Area (Acres)	Volume (Ac-Ft)	Cumulative volume of Storage	Note
1526	0.00	0.0		Streambed at Centerline
1528	0.08	0.1	0.1	
1530	0.25	0.3	0.4	
1532	1.44	1.7	2.1	
1534	2.70	4.1	6.2	
1536	4.27	7.0	13.2	
1538	6.17	10.4	23.7	
1540	7.87	14.0	37.7	
1542	9.70	17.6	55.3	
1544	11.75	21.5	76.7	Primary Spillway
1546	12.85	24.6	101.3	
1547	13.98	13.4	114.7	Auxiliary Spillway
1548	16.60	15.3	130.0	
1550	19.54	36.1	166.2	Top of Dam
1552	23.01	42.6	208.7	

WATER RESOURCES  
RECEIVED

JUL 20 2015

KS DEPT OF AGRICULTURE

File # 49,946  
49430

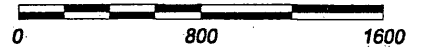
# Moellenberndt Dam

WATER RESOURCES  
RECEIVED

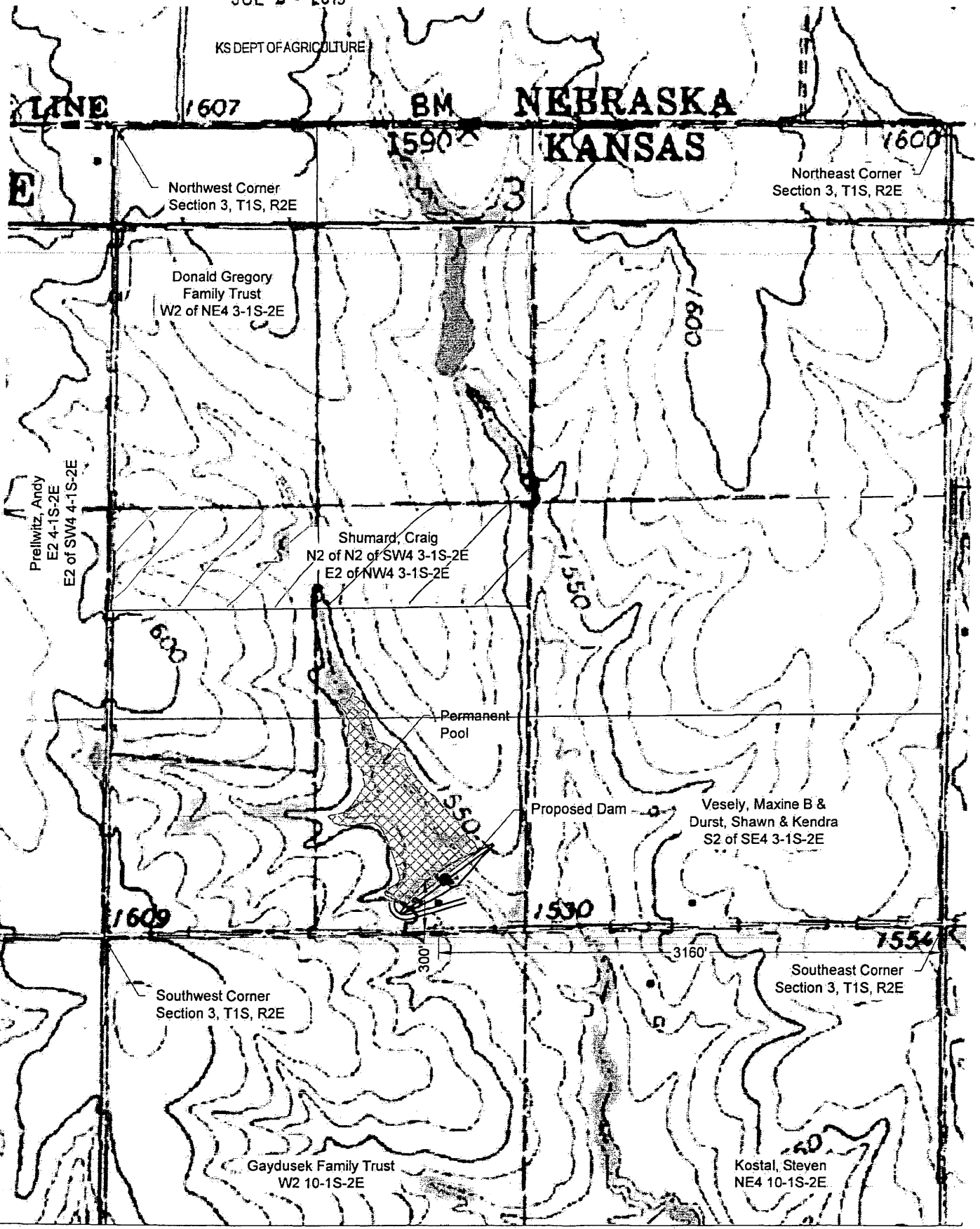
Washington County



JUL 20 2015



KS DEPT OF AGRICULTURE



# 49,946  
Flw # 49430

Moellenberndt Dam

DWR Application 1-100

List of Landowners 1/2 mile upstream and downstream.

1. Craig Shumard  
56760 705 Rd  
Gladstone, NE 68352
2. ~~Donald~~ <sup>Margee</sup> Gregory Family Trust  
Box 53  
Reynolds, NE 68429
3. Andy Prellwitz  
261 S Clay  
Hoisington, KS 67544
4. Gaydusek Family Trust  
2911 Fox Rd  
Mahaska, KS 66955
5. Steven Kostal  
PO Box 64  
Odell, NE 68415
6. Maxine B Vesely and Shawn & Kendra Durst  
c/o Maxine Vesely  
PO Box 277  
Fairbury, NE 68352

WATER RESOURCES  
RECEIVED

JUL 20 2015

KS DEPT OF AGRICULTURE

11-22-2017  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
1320 Research Park Drive  
Manhattan, Kansas 66502

WATER RESOURCES  
RECEIVED  
NOV 27 2017

Re: Application 49946  
File No. 49946  
KS DEPT OF AGRICULTURE

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also 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. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Roland Moellenberndt  
Signature of Applicant

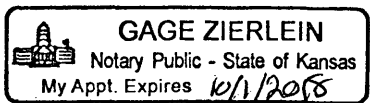
State of Kansas )  
County of Washington ) ss

Roland Moellenberndt  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 22<sup>nd</sup> day of November, 2017.

Gage Zierlein  
Notary Public

My Commission Expires:  
10/1/2018





**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

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



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

December 4, 2017

**FILE COPY**

ROLAND MOELLENBERNDT  
70324 HWY 15  
FAIRBURY NE 68352

RE: Application  
File No. 49946

Dear Sir or Madam:

Your application for permit to appropriate water in 3-1S-2E in Washington County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

**SCANNED**