

# 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.

shear  
#360



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 50124  
This item to be completed by the Division of Water Resources.

Water Resources  
Received  
**SEP 06 2018**  
11:52  
KS Dept Of Agriculture

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**  
Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

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

1. Name of Applicant (Please Print): Dean + Victor merold  
 Address: 2770 Horned owl Rd  
 City: Hiawatha State KS Zip Code 66434  
 Telephone Number: (785) 547-7952
2. The source of water is:  surface water in walnut creek Trib 10 # 2991  
(stream)  
 OR  groundwater in S F Big Nemaha  
(drainage basin)

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

3. The maximum quantity of water desired is 544 acre-feet OR \_\_\_\_\_ gallons per calendar year,  
 to be diverted at a maximum rate of 2000 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) <input type="checkbox"/> Artificial Recharge | (b) <input checked="" type="checkbox"/> Irrigation     | (c) <input type="checkbox"/> Recreational       | (d) <input type="checkbox"/> Water Power      |
| (e) <input type="checkbox"/> Industrial          | (f) <input type="checkbox"/> Municipal                 | (g) <input type="checkbox"/> Stockwatering      | (h) <input type="checkbox"/> Sediment Control |
| (i) <input type="checkbox"/> Domestic            | (j) <input type="checkbox"/> Dewatering                | (k) <input type="checkbox"/> Hydraulic Dredging | (l) <input type="checkbox"/> Fire Protection  |
| (m) <input type="checkbox"/> Thermal Exchange    | (n) <input type="checkbox"/> 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. <u>1</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 (YES/NO) Use <u>IRR</u>	Source <u>G</u> County <u>BTC</u>
Code <u>KE3</u>	Fee \$ <u>300</u>	TR # _____	By <u>AW</u> Date <u>9/7/18</u>
		Receipt Date <u>9/16/18</u>	Check # <u>1099</u>

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 SW quarter of the SW quarter of the SE quarter of Section 26, more particularly described as being near a point 160 feet North and 2084 feet West of the Southeast corner of said section, in Township 1 South, Range 16 East West (circle one), Brown County, Kansas.
- (B) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (C) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.
- (D) One in the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of the \_\_\_\_\_ quarter of Section \_\_\_\_\_, more particularly described as being near a point \_\_\_\_\_ feet North and \_\_\_\_\_ feet West of the Southeast corner of said section, in Township \_\_\_\_\_ South, Range \_\_\_\_\_ East/West (circle one), \_\_\_\_\_ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

same  
 \_\_\_\_\_  
 (name, address and telephone number)  
 \_\_\_\_\_  
 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.  
 Executed on 8-27, 2018. Clayton Marshall  
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 Dam & Pump  
 \_\_\_\_\_  
 (number of wells, pumps or dams, etc.)  
 and (was)(will be) completed (by) Dec 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 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. *Attached*

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

- If yes, show the Water Structures permit number here \_\_\_\_\_
- If no, explain here why a Water Structures permit is not required \_\_\_\_\_

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

*A* (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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*NA*

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/Agent  
(owner, tenant, agent or otherwise)

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

Joseph E & Joan M Noll 3189 Horned owl Rd Hiawatha, KS 66434  
(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 27 day of August, 2018.  
(month) (year)

*Victor Marshall*  
(Applicant Signature)

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

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

Assisted by Keith Grimm MWD, LLC Date: 8/27/18  
(office/title)

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**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 50124

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

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Dean & Victor Merold  
ADDRESS: 2770 Horned Owl Rd Hiawatha KS 66421

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23	1s	16E	38	40	40	40										39	38	235	
26	1s	16E													40	40	40	38	158
36	1s	16E						37	40										77
																			470

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

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

Total  
544 Acres

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

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

50124

## Shear Farm Permit

Under 50ac/ ft to ES 964.50

Top of dam 968 around 10000 Yards dirt

1310 acres Drainage

470 acres Dean and Victor Menold

74acre Joesph Noll

Total acres 544 will be Complete overlap with Shannon Farm permit

## Upstream Landowners

HILLYER FARMS, INC.

Attn: EUGENE HILLYER 1414 320TH ST HIAWATHA, KS 66434

MISER, TIM E. & CAROLE J.

1245 ROCK CREEK RD COTTONWOOD FALLS, KS 66845

PICTON, JOHN V. TRUST

1419 BARADA ST FALLS CITY, NE 68355

EUCHRE CREEK FARMS, INC.

Attn: STEPHEN SPARE 1290 275TH ST HIAWATHA, KS 66434

EVERGREEN HEIGHTS, INC.

1621 VALLEY AVE FALLS CITY, NE 68355

PLOEGER, ROGER A. AND ELIZABETH A. TRUST

Owner Mailing Address:

2970 FOXTAIL RD MORRILL, KS 66515

## Downstream Landowners

HINTON ADAM S. & GAYLA K 1167 290TH ST Hiawatha Ks 66434

PLOEGER DUSTIN 58459 KIDD RD Glenwood IA

PLOEGER ROGER A. AND ELIZABETH A. TRUST 2970 FOXTAIL RD MORRILL, KS 66515

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STATE OF KANSAS

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



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

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

9/10/2018

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

RE: Application, File No. **50124**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

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

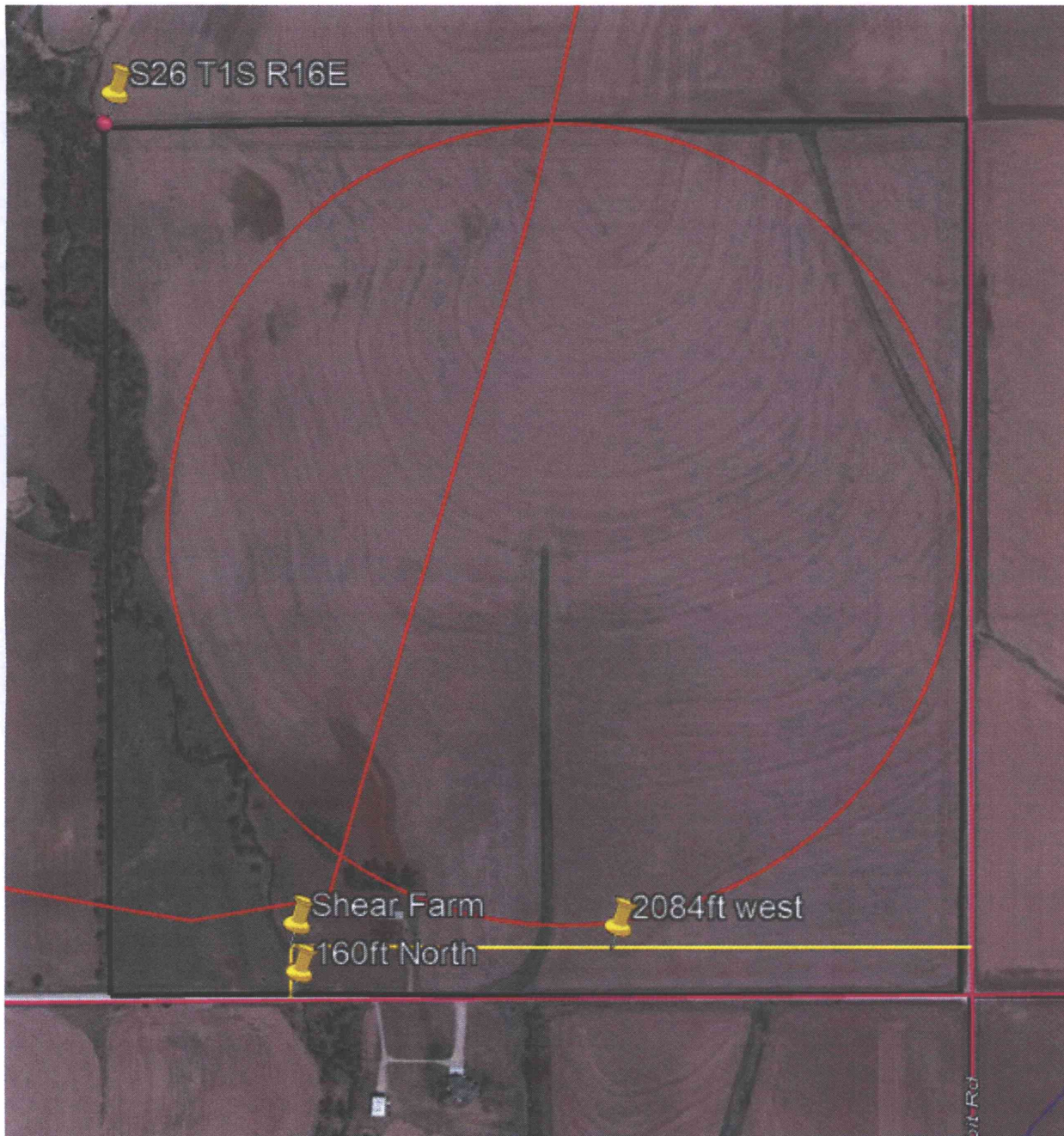
Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum".

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



50124

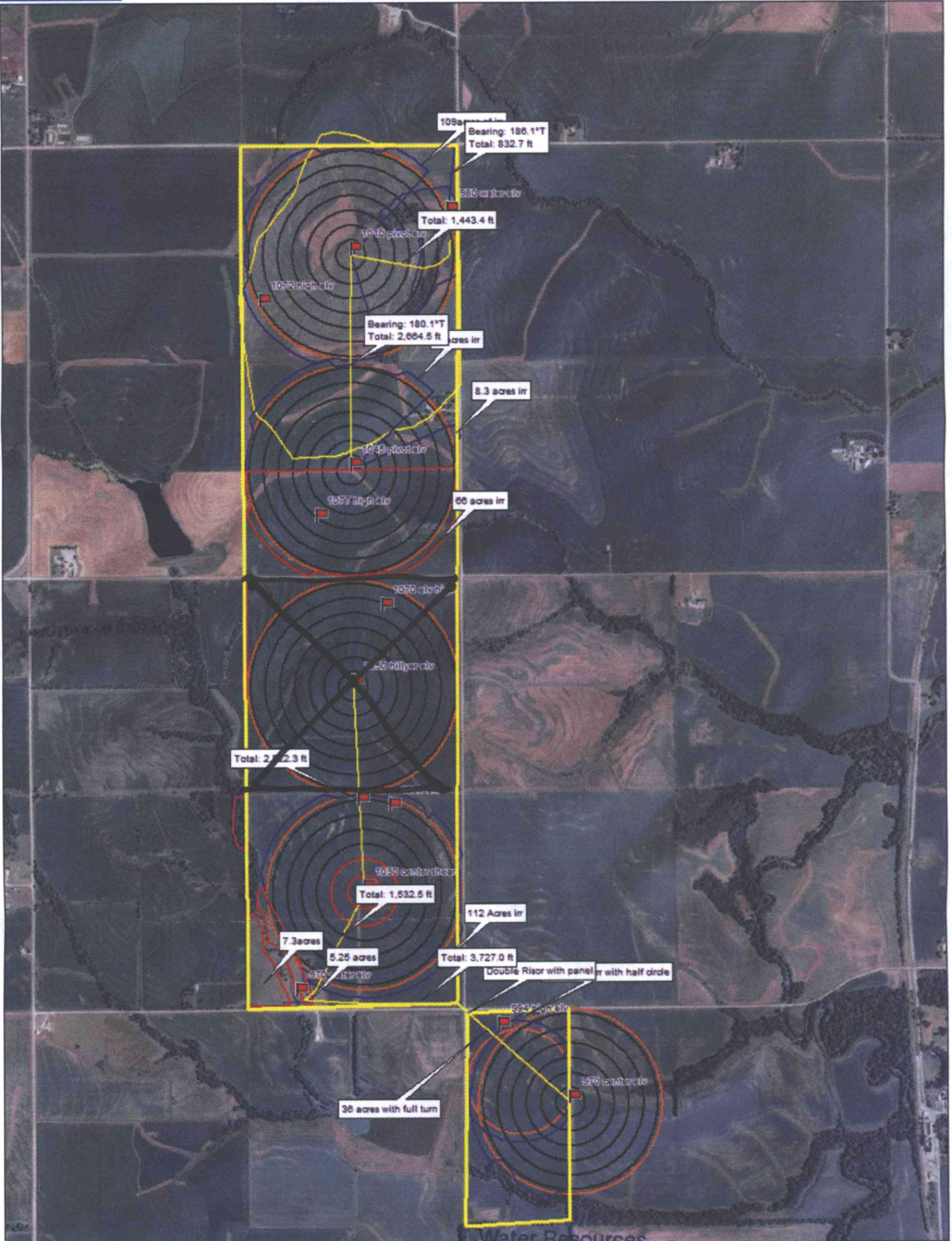


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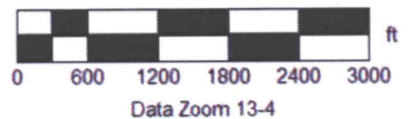
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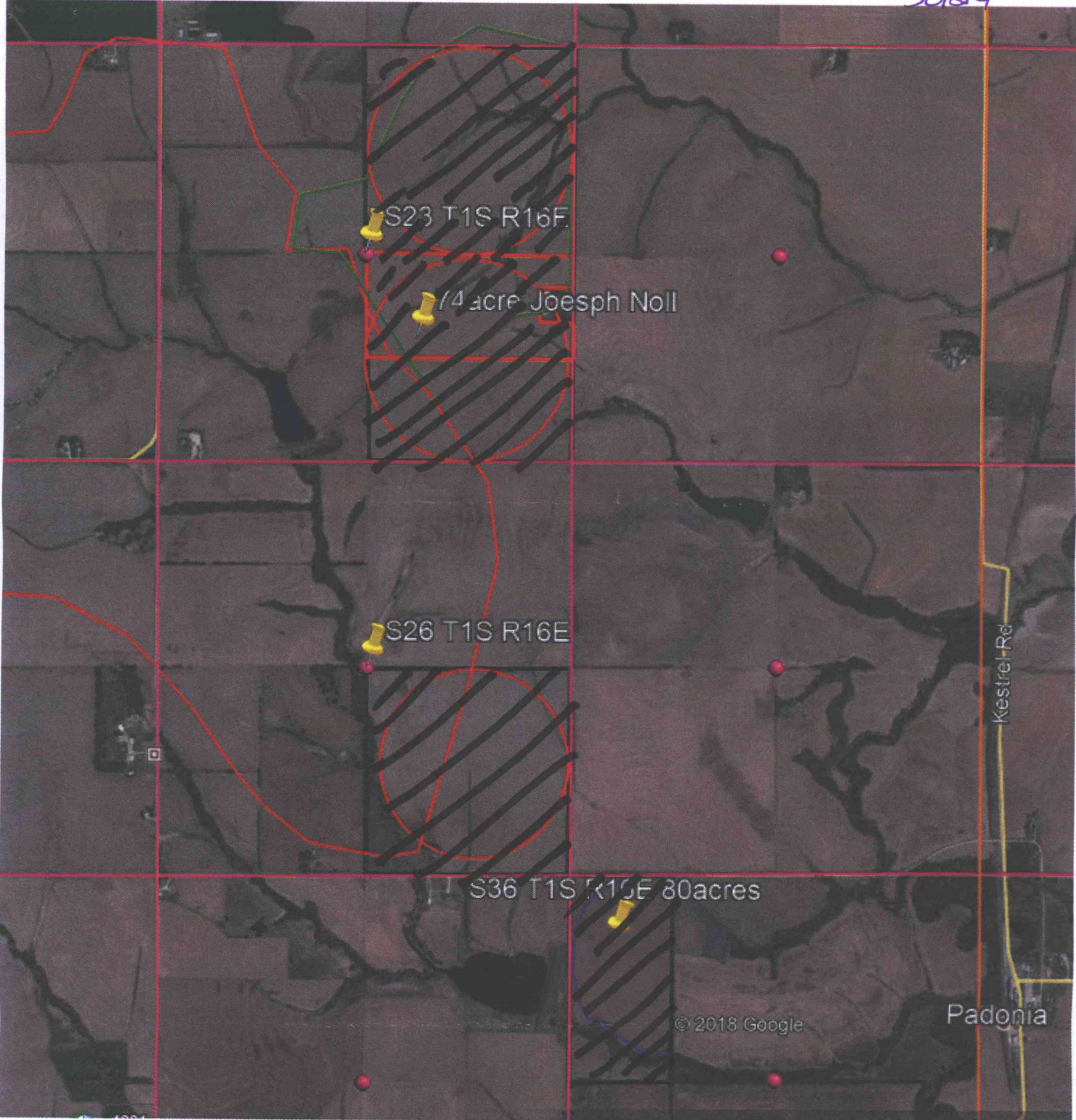
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Data Zoom 13-4

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Menold shear

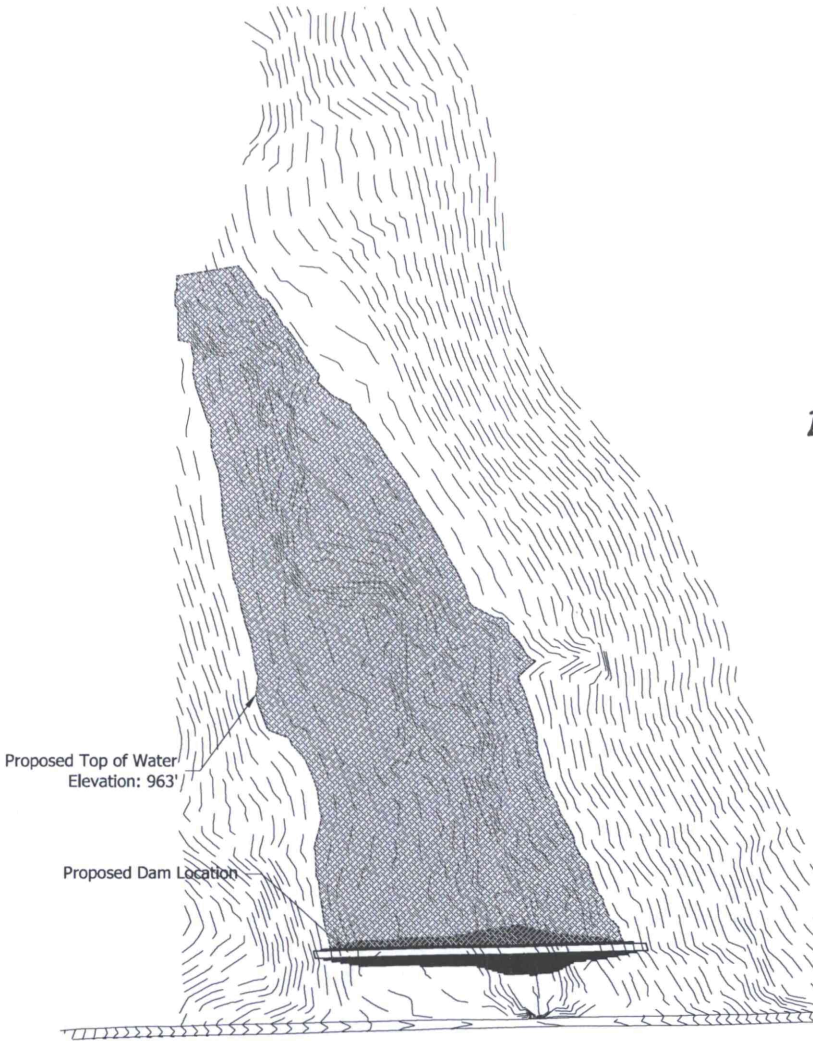
50124

**TOPOGRAPHIC SURVEY**  
 Compute Proposed Pond Volume in the Southeast One-Quarter  
 of Section 26, Township 1 South, Range 16 East of the  
 Sixth Principal Meridian, Brown County, Kansas

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SEP 06 2010

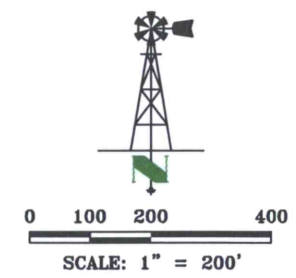
KS Dept Of Agriculture



Contour	Area	1' Volume	Total Volume	Ac. Ft.
952	0.00			
953	180.03	90.015	90.015	0.00207
954	4724.26	2452.145	2542.160	0.05836
955	27165.97	15945.115	18487.275	0.42441
956	49055.83	38110.900	56598.175	1.29932
957	77828.79	63442.310	120040.485	2.75575
958	109642.44	93735.615	213776.100	4.90762
959	155106.56	132374.500	346150.600	7.94652
960	216176.57	185641.565	531792.165	12.20827
961	277226.68	246701.625	778493.790	17.87176
962	334993.83	306110.255	1084604.045	24.89908
963	392592.27	363793.050	1448397.095	33.25062
964	446720.14	419656.205	1868053.300	42.88460
964.25	459696.82	113302.120	1981355.420	45.48566
964.50	473267.62	116620.555	2097975.975	48.16290

ES →  
 968 Top of Dam

General Notes:  
 Top of dam elevation: 964.50'  
 Top of water elevation: 963'  
 Rear toe of dam elevation: 952.87'  
 Front toe of dam elevation: 952.94'  
 Maximum height of dam: 11.63'  
 Assumed top of dam width: 12'  
 Assumed front and back slope: 3:1  
 Total Embankment: 4309 yd.  
 Total Freeboard: 1.5'



LAND SURVEYOR'S CERTIFICATE  
 THIS IS TO CERTIFY THAT THIS SURVEY  
 WAS DONE BY THE UNDERSIGNED, AND  
 THAT THE SURVEY WAS DONE ON THE  
 GROUND ON 10/20/10.



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**  
 64007 710 Trail  
 Dawson, NE 68337  
 (402) 855-3265  
 (402) 855-3235 FAX

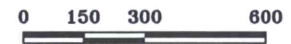
Pond Volume Calculations  
 SE 1/4 Sec 26  
 T1S, R16E, Brown County  
 PREPARED FOR  
 Keith Grimm - Victor Menold Property

SCALE	1"=200'
FIELD ON:	10/20/10
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	12/12/10
SHEET	1 OF 2
JOB NO.	5262.04

50124

### TOPOGRAPHIC SURVEY

Compute Proposed Pond Volume in the Southeast One-Quarter of Section 26, Township 1 South, Range 16 East of the Sixth Principal Meridian, Brown County, Kansas



SCALE: 1" = 300'

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ORIGINAL DRAWING  
SIZE: 1 INCH

**JORGENSEN  
SURVEYING**

64007 710 Trail  
Dawson, NE 68337  
(402) 855-3265  
(402) 855-3235 FAX

Pond Volume Calculations

SE 1/4 Sec 26

T1S, R16E, Brown County

PREPARED FOR  
Keith Grimm - Victor Menold Property

SCALE	1"=300'
FIELD ON:	10/20/10
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	12/12/10

SHEET 2 OF 2

JOB NO.  
5262.04