

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

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,206</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">4/24/2019</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">01</p>
4. GMD: <p style="text-align: center; font-size: 1.2em;">0</p>		

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) Person ID <u>39529</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>DARYL MELLARD 1540 SE 93RD STREET WAKARUSA KS 66546</p> <p style="text-align: center; font-weight: bold; font-size: 1.1em;">(ADDRESS CHANGE)</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>

<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input type="checkbox"/> IRR <input checked="" type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DGM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>
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10. Completion Date: **12/31/2020** 11. Perfection Date: **12/31/2024** 12. Exp Date: _____

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

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

<p><u>Surface Water</u></p>	<p>Date Prepared: 3/27/2019 By: DWS Date Entered: 4/24/2019 By: LLM</p>
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File No. 50,206	15. Formation Code:	Drainage Basin: WAKARUSA RIVER	County: SN	Special Use:	Stream: WAKARUSA RIVER TRIB 1																				
16. Points of Diversion T MOD DEL ENT			17. Rate and Quantity Authorized Rate gpm Quantity mgy			Additional Rate gpm Quantity mgy Overlap PD Files																			
PDIV Qualifier S T R ID 'N 'W																									
✓ 87326 SE SW SE 20 13 16E 2 668 1487								NONE																	
18. Storage: Rate _____ NF Quantity <u>44.3</u> ac/ft			Additional Rate _____ NF Additional Quantity <u>44.3</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No To be installed by _____ Date Acceptable Meter Installed _____																									
21. Place of Use T MOD DEL ENT		NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files				
PUSE	S	T	R	ID	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼									
✓	69306	20	13	16E	2	RESERVOIR (SE)																	7a.	NO	NONE
Comments:																									

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

TO: Files

DATE: March 27, 2019

FROM: Doug Schemm

RE: Application, File No. 50,206

Daryl Mellard has filed the above-referenced new application to appropriate 44.3 acre-feet of surface water storage at a rate not to exceed natural flows of Wakarusa River Trib 1 for recreational use in an existing reservoir. The application is designed to cover the indirect use of water (evaporation and seepage) from a reservoir located in the Southeast Quarter of Section 20, in Township 13 South, Range 16 East, Shawnee County, Kansas. The point of diversion represents the point at which the center of the dam intersects the stream, and the applicant has signed the form stating he has access to this point of diversion.

The reservoir was reviewed by DWR Water Structures Program under File No. DSN-0700, and was determined to be non-jurisdictional for structures permitting. According to ECA 2017252, the applicant is proposing to lower the inlet elevation in order to reduce the pond storage to less than 50 acre-feet. As part of the ECA process, DWR appropriation staff assiduously determined that this existing reservoir did not have the required appropriation permit, and assisted in bringing the applicant into compliance with regulations.

The requested quantity of 44.3 acre-feet appears to be reasonable for indirect use, based on the following information. The reservoir surface area at normal pool storage elevation is estimated at 6.5 acres. Potential net evaporation in inches, based on K.A.R. 5-6-3, is 10 inches; therefore the natural evaporation can be estimated as follows:

$6.5 \text{ acres} \times 10 \text{ inches of evaporation} / 12 \text{ inches} = 5.42 \text{ acre-feet (1 year of evaporation)}$

$5.42 \text{ acre-feet} \times 3 \text{ years} = 16.3 \text{ AF for evaporation}$

Additional 28 acre-feet for seepage, $(6.5 \text{ acres} \times 1"/\text{week} \times 52 \text{ weeks} / 12)$ for a total of 44.3 AF

A runoff calculation was not prepared because it is reasonable to assume that with a drainage area in excess of 260 acres, engendering the requested 44.3 acre-feet of runoff (15") in 1 out of every five (5) years (20% annually), will be readily accomplished. The capacity of the reservoir is the controlling factor. As noted above, the dam is non-jurisdictional for DWR Water Structures Program permitting. Since the reservoir is currently storing water, no Special Condition on the Permit is needed to provide an initial fill quantity.

Nearby notification letters were sent out on February 26, 2019. A downstream landowner called and said she has cattle that use the stream (20 head in the summer, and up to 80 head in the fall and winter). We discussed her senior domestic water right, and that there would be little if any change on streamflow since this is an existing structure already storing water. In addition, as noted above, the reservoir is being reduced in size. She seemed satisfied with our discussion, and aerial maps show that her livestock would have access directly to the Wakarusa River as a water source. Approval of this application will not impair any senior water rights. There is only one other permitted surface water right within a two-mile radius circle, which includes two sediment control reservoirs (File No. 46,382) on different streams, and they would not be impacted in any way. As noted above, this is an existing reservoir, and the appropriation permit is merely to authorize the on-going beneficial recreational use of water (evaporation and seepage) from the reservoir.

Katherine Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the application in a March 27, 2019 e-mail. Based upon the above discussion, the area is open to new applications, the structure is non-jurisdictional for DWR water structures permitting, approval will bring this beneficial use of water into compliance, and there is no indication that the proposed beneficial use of water will impair existing water rights, it is recommended that the referenced application be approved.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

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



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

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

DARYL MELLARD
1540 SE 93RD STREET
WAKARUSA KS 66546

FILE COPY

RE: Appropriation of Water, File No. 50,206

Dear Mr. Mellard:

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

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

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

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

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

Sincerely,

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

KAB:dws
Enclosure(s)

pc: Topeka Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. 50,206 of the applicant

DARYL MELLARD
1540 SE 93RD STREET
WAKARUSA KS 66546

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 **February 6, 2019**.
2. That the water sought to be appropriated shall be used for recreational use at a reservoir located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 20, in Township 13 South, Range 16 East, Shawnee County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to the Wakarusa River, designated in the office of the Chief Engineer as Wakarusa River Trib 1, not needed to satisfy all vested rights and prior appropriation rights to be stored to a maximum extent of **44.3 acre-feet** per calendar year, in a reservoir created by a dam located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 668 feet North and 1,487 feet West of the Southeast corner of said section, in Township 13 South, Range 16 East, Shawnee County, Kansas, located substantially as shown on the map accompanying the application.
4. That installation of works for diversion of water shall be completed on or before **December 31, 2020**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be 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, 2024**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

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 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.

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

12. 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.

13. 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.

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.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

Water Resources
Received

APPLICATION COMPLETE
3/27/19
Reviewer KAB

File Number 50204
This item to be completed by the Division of Water Resources.

FEB 06 2019
11:30
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): DARYL MELLARD
Address: 1540 SE 93RD STREET
City: WAKARUSA State: KS Zip Code 66546
Telephone Number: (785) 550-3395 dmellard@ku.edu

2. The source of water is: surface water in Tributary to Wakarusa River Wakarusa River Trib 1
(stream)
OR groundwater in Wakarusa River Basin
(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 44.3 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of Natural Flow 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 REC Source G/S County SN By DAW Date 2/4/19
Code _____ REG _____ Fee \$ 200 TR # _____ Receipt Date 2/4/19 Check # 1402

SCANNED
2/13/2019 CUM

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 SW quarter of the SE quarter of Section 20, more particularly described as being near a point 668 feet North and 1487 feet West of the Southeast corner of said section, in Township 13 South, Range 16 East, SHAWNEE 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):

Applicant

 (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 January 26, 2019. Darryl McDaniel

 Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) Existing dam _____
 (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 Spring 2019
 (Mo/Day/Year)

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 DSN-_____
- If no, explain here why a Water Structures permit is not required _____
The dam has been reviewed by DWR structures program, and is considered to be exempt from structures permitting.

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

See Supplemental Sheet for Quantity determination.

Water Resources
Received

FEB 06 2019

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):

Applicant
(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 Wichita, Kansas, this 26 day of January, 2019
(month) (year)

Darryl P. McElwain
(Applicant Signature)

513-48-2740
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)

**RECREATIONAL USE
SUPPLEMENTAL SHEET**

File No. 50204

Name of Applicant (Please Print): DARYL MELLARD

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): _____
BOATING, FISHING, SWIMMING

2. Please summarize how the water will be used and justify the quantity of water requested: _____

Surface Area of Reservoir = 6.5 acres. (6.5 acres x 10³) / 12 = 5.42 acre-feet of annual evaporation
5.42 acre-feet x 3 years = 16.3 acre-feet (3 years of evaporation).
Additional 28 acre-feet for seepage: 6.5 acres x 1"/week x 52 weeks /12.
TOTAL REQUESTED QUANTITY = 44.3 ACRE-FEET

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	44.3 AF
Year 2	
Year 3	
Year 4	
Year 5	44.3 AF

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

1 Reservoir Located in the Southeast Quarter of Section 20, in Township 13 South, Range 16 East, Shawnee Co.

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

Water Resources
Received

FEB 06 2019

KS Dept Of Agriculture

SCANNED

#50,206

Schemm, Doug [KDA]

From: Schemm, Doug [KDA]
Sent: Wednesday, March 27, 2019 12:50 PM
To: Schemm, Doug [KDA]
Subject: FW: 50206 Daryl Mellard

From: Tietsort, Katie [KDA]
Sent: Wednesday, March 27, 2019 12:41 PM
To: Schemm, Doug [KDA] <Doug.Schemm@ks.gov>
Subject: Re: 50206 Daryl Mellard

Are you waiting on me to pair this up with the structures permit? You can send it forward

Sent from my iPhone

On Mar 26, 2019, at 12:41 PM, Schemm, Doug [KDA] <Doug.Schemm@ks.gov> wrote:

REC use in an existing reservoir. This one was identified through the ECA notice.
<50206 Memo to File.docx>



#50,206

Application for Permit

K.S.A. 82a-301-305a Dams, Stream Obstructions and Channel Changes
K.S.A. 24-126 Levees and Floodplain Fills

Use this form to apply for a Division of Water Resources permit to construct or modify a dam, stream obstruction, channel change, levee or floodplain fill. Refer to K.A.R. 5-40 through 5-46 for requirements and definitions.

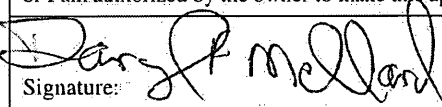
Send the completed application, worksheet (if applicable), required fees and plans and other materials listed in K.A.R. 5-40 through 5-43-5 or K.A.R. 5-45-1 through 5-45-18 to:

Kansas Department of Agriculture
Division of Water Resources – Water Structures
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES RECEIVED
AUG 20 2017
KS DEPT OF AGRICULTURE
Stamped in error by WA

Land Owner Information	
Owner Name: Daryl & Patti Mellard	
Mailing Address: 1540 SE 93rd Street	
City/State: Wakarusa, KS	Zip Code: 66546
Telephone: (785) 550-3395	Email: dmellard@ku.edu
Is the project or activity located entirely on property owned by the permit applicant? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach a document listing the names and mailing addresses for all landowners located within the project.	
Applicant Information (if different than owner)	
Applicant Name: (same)	Title:
Mailing Address:	
City/State:	Zip Code:
Telephone:	Email:
Designer Information	
Firm/Agency: Professional Engineering Consultants, P.A.	
Contact Name: Jason L. Fundis	Title: Project Engineer
Mailing Address: 1263 SW Topeka Blvd.	
City/State: Topeka, KS	Zip Code: 66612
Telephone: (785) 233-8300	Email: Jason.Fundis@pec1.com
Project Location and Description	
County: Shawnee	Stream Name:
Legal: NE/SE Qtr of the SW Qtr of the SE Qtr	Section: 20 Township(S): 13S Range(E/W): 16E
Project or site name: Mellard Dam Modifications	
Project description and purpose: Replace broken Principal Spillway pipe with a new vertical structure and a trash grate while lowering the inlet elevation of the Emergency Spillway Channel to <u>reduce the pond storage below 50 Acre-Feet</u> therefore removing DSN-0700 from jurisdictional status.	
Drainage area above the project: 262 acres	square miles
Area of disturbance (trees and/or vegetation) 0.25 acres	square miles

For office use only	WSN: <u>DSN-0700</u>	ECA: <u>2017252</u>
Code <u>DCI</u>	Fee \$ <u>200</u>	TR#
	Rspt Date <u>8-22-17</u>	Check # <u>1347</u>

Schedule		
Planned or actual start date (start of construction, clearing, excavation or fill)	August 2017	
Planned or actual completion date (end of construction, stabilization of site)	September 2017	
Construction, excavation and fill will be halted and the Kansas State Historical Society will be contacted when historical sites or artifacts are encountered.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Project Activities and Fee Determination		
Project Activity (check all that apply)	Permit Fee	
<input checked="" type="checkbox"/> Construct, modify or repair a dam	\$200	
<input type="checkbox"/> Construct, modify or repair a stream obstruction		
<input type="checkbox"/> Construct or repair a channel change		
<input type="checkbox"/> Excavate or dredge within the banklines of a stream.		
Drainage area \leq 5 square miles <input type="checkbox"/>	\$100	
Drainage area between 5 and 50 square miles <input type="checkbox"/>	\$200	
Drainage area \geq 50 square miles <input type="checkbox"/>	\$500	
	Pre-construction	Post-construction
<input type="checkbox"/> Construct, modify or repair a class A levee (see K.A.R. 5-45-8 for definition)	\$100	\$200
<input type="checkbox"/> Construct, modify or repair a class B levee	\$300	\$600
<input type="checkbox"/> Construct, modify or repair a class C levee	\$500	\$1,000
<input type="checkbox"/> Place fill in a mapped floodway fringe (Zone AE with defined floodway)	\$100	\$200
<input type="checkbox"/> Place fill in a mapped floodplain with no defined floodway (Zone A, AH, AO)	\$300	\$600
<input type="checkbox"/> Place fill in an unmapped floodplain (see K.A.R. 5-45-1)	\$300	\$600
<input type="checkbox"/> Place fill in a mapped floodway (Zone AE floodway)	\$500	\$1,000
<input type="checkbox"/> This project qualifies for a General Permit (attach worksheet DWR 2-190) (pipeline/cable crossing, or bridge/culvert replacement)	\$100	
The total permit fee required will be the general permit fee if applicable, OR the highest individual fee for the project activities checked above. Make checks payable to Kansas Department of Agriculture	Amount enclosed: \$200.00	
Signature		
Application is hereby made for written consent or permit of the Chief Engineer, Division of Water Resources, for the project described above. By signing below, I certify that the information contained in this application is true, correct and complete, and that I am the owner or I am authorized by the owner to make this application for permit.		
Signature: 	Name (print or type): Daryl McAllard	Date: 8/19/17

WATER RESOURCES
RECEIVED
AUG 22 2017
KS DEPT OF AGRICULTURE

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50206 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50206 00 REC

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

668 Feet North and 1487 Feet West of the Southeast Corner of Section 20 T 13S R 16E

SURFACE WATER ONLY

=====

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 46382	00	SED	NK	S	7451	--	SW	SE	SW	367	3721	19	13	16E	2		.00	.00	AF
Same					6748	--	SE	NW	NE	4499	1475	32	13	16E	1				

***** Authorized storage = .00 AF Additional storage = .00 AF

=====

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	2005.81
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	.00	2005.81

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:

668 Feet North and 1487 Feet West of the Southeast Corner of Section 20 T 13S R 16E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR
 A__ 46382 00 SED NK S
 > WAKARUSA WATERSHED JOINT DIST #35
 >
 > PO BOX 139
 > OVERBROOK KS 66524
 >-----

=====

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



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

TENBRINK LIVING TRUST
1731 SE 93RD STREET
WAKARUSA KS 66546

Re: Pending New Application, File No. 50,206

Dear Sir or Madam:

This is to advise you that Daryl Mellard has filed the new application referred to above for a permit to appropriate 44.3 acre-feet of surface water per calendar year to be stored in **an existing reservoir**, for recreational use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 20, in Township 13 South, Range 16 East, Shawnee County, Kansas. This permit is to authorize the indirect use of water (evaporation and seepage) from the reservoir.

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 point 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 new 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 cursive script that reads "Douglas W. Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Daryl Mellard

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



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

ALEX TENBRINK
1827 SE 93RD STREET
WAKARUSA KS 66546

Re: Pending New Application, File No. 50,206

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: Daryl Mellard

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



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

KEVIN MARKLEY
1824 SE 93RD STREET
WAKARUSA KS 66546

Re: Pending New Application, File No. 50,206

Dear Sir or Madam:

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Sincerely,

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

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Daryl Mellard

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



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

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

TIM MCCORMICK
1430 SE 93RD STREET
WAKARUSA KS 66546

Re: Pending New Application, File No. 50,206

Dear Sir or Madam:

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Sincerely,

A handwritten signature in cursive script that reads "Douglas W. Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Daryl Mellard

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



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

Mike Beam, Interim Secretary

Laura Kelly, Governor

February 11, 2019

DARYL MELLARD
1540 SE 93RD ST
WAKARUSA, KS 66546

RE: Application, File No. **50206**

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. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

SCANNED

SCANNED

MELLARD - NEW APPLICATION SITE MAP SEC. 20, T13S, R16E

1:12,000

50204



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Proposed Place of Use

All upstream and downstream landowners adjacent to the stream within 1/2 mile of property lines have been identified.

FEB 06 2019

Darryll Mellard

KS Dept Of Agriculture

(Landowners - Over/back of page)

SCANNED



1. Tim McCormick, 1430 SE 93rd
2. Kevin Markley, 1824 SE 93rd
3. Tenbrink Trust, 1731 SE 93rd
4. Alex Tenbrink, 1827 SE 93rd