

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.

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

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE



State of Kansas

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

10/26/2023, 1:26 PM

File Number: **51122**

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

Water Resources
Received

KS Dept Of Agriculture

1. Name of Applicant: Myers Farms Inc
Address: 845 Dove Creek RD
City: Denton State: KS Zip Code: 66017
Phone: 913-370-3736 Email: kevin82.thompson@gmail.com

2. The source of water is: surface water in UNAMED TRUB **Missouri basin**
(stream)
 groundwater in North Branch Independence Creek
(drainage basin)

3. The maximum annual quantity of water desired is 365.2 acre-feet gallons
to be diverted at a maximum rate of ALL NAT FLOWS gpm c.f.s. natural flows natural evaporation
 This project involves surface water storage and rediversion. The maximum annual quantity of water desired to be
rediverted is 240 acre-feet gallons, at a rate of 1500 gpm c.f.s.

Conversion Factors

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

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

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

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

10/31/2023
LMoody

FOR OFFICE USE ONLY							
FO	<u>1</u>	GMD	<u> </u>	DUA	<u> </u>	Use	<u>IRR</u>
Code	<u>RE3</u>	Fee \$	<u>320</u>	TR #	<u>PY00081476</u>	Source	<u>S</u>
				County	<u>DP</u>	By	<u>ALB</u>
				Date	<u>10/26/23</u>	Receipt Date	<u>10/26/2023</u>
				Check #	<u> </u>		

File No. _____

5. The location(s) of the proposed diversion work(s) (well, pumpsite, etc.) are described below. Note that for the application to be accepted, the point of diversion location(s) **must** be described to at least a 10-acre tract, unless you specifically request a 60-day period of time in which to locate the site within a specifically described, minimal legal quarter section of land. You can specify a nickname for the point of diversion via the A.K.A. line to help you identify it.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (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 800gpm and which supply water to a common distribution system.

(A) One in the SW quarter of the SE quarter of the NE quarter of Section 2, more particularly described as being near a point 2750 feet North and 3800 feet West of the Southeast corner of said section, in Township 4 South, Range 19 E W, Doniphan County, KS. A.K.A: _____

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ E W, _____ County, KS. A.K.A: _____

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

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

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

8. List any application, appropriation of water, water right, or vested right file number that covers the same point(s) of diversion or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

_____ 10/26/2023

File No. _____

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If **yes**, a check valve shall be required. All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

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

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

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

- (A) The center of the section, the section lines or the section corners, and labels showing the appropriate section, township and range numbers, as well as a north arrow and scale,
- (B) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) described in Item No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section,
- (C) The location of the proposed place of use identified by crosshatching,
- (D) **For Groundwater Use**, the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells and indicate for each well its type of use and the name and mailing address of the property owner or owners, (If there are no wells within 1/2 mile, please indicate that on the map.)

For Surface Water Use, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines, and

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

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

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

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

APPLICANT

 (name, address, and phone)

10/26/2023

 (name, address, and phone)

Water Resources
 Received

File No. _____

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

APPLICANT

(name, address, and phone)

(name, address, and phone)

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

Owner Agent Tenant Other: _____

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

APPLICANT

(name, address, and phone)

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

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

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

DocuSigned by:


(Applicant Signature)

10/26/2023

(Date)

Kevin Thompson

(Applicant Name – please print)

President

(Applicant Title, if applicable – please print)

10/26/2023

Water Resources
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KS Dept Of Agriculture

Assisted by Darcy Nightingale

MWI Sales

(office/title)

Date: 10-25-23

10/26/2023

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

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

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

Million Gallons (mg)	Acre-Feet (AF)	Fee
≤ 81.462	≤ 249.9	\$200.00
≥ 81.463	≥ 250	\$200.00 plus \$20 for each additional 100AF (32.586mg) or any part thereof

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for **waterpower** or **dewatering** use shall be \$100.00 plus \$200.00 for each 44,880 gallons per minute (100 c.f.s.), or part thereof, of the diversion rate requested.

IMPORTANT NOTICE

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

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

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

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

Manhattan HQ

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

Topeka Field Office

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

Stafford Field Office

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

Stockton Field Office

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

Garden City Field Office

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

Helpful Sources of Information

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

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

10/26/2023

**IRRIGATION USE
SUPPLEMENTAL SHEET**

Water Resources
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KS Dept Of Agriculture

File No. _____

Name of Applicant (Please Print): MYERS FARMS

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 MYERS FARMS INC

ADDRESS: 845 DOVE RD

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	4	19	40	40	40	40	2		22	34	40	40	40	40					378
1	4	19					36	40	40	40	35	40		40	40	40	40	40	431
																			TOTAL = 809

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	

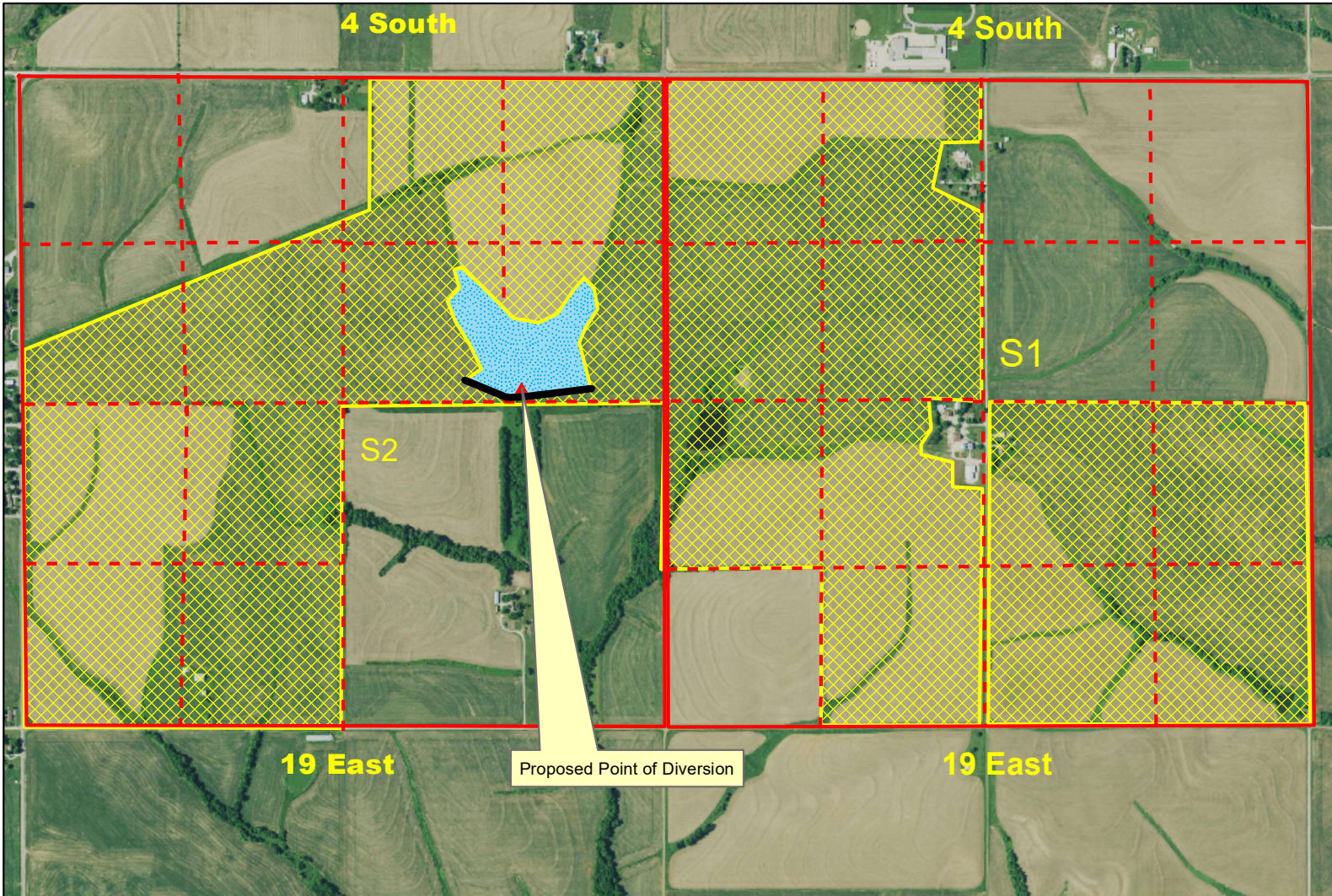
10/26/2023

Water Resources
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KS Dept Of Agriculture

1:18,000

New Application

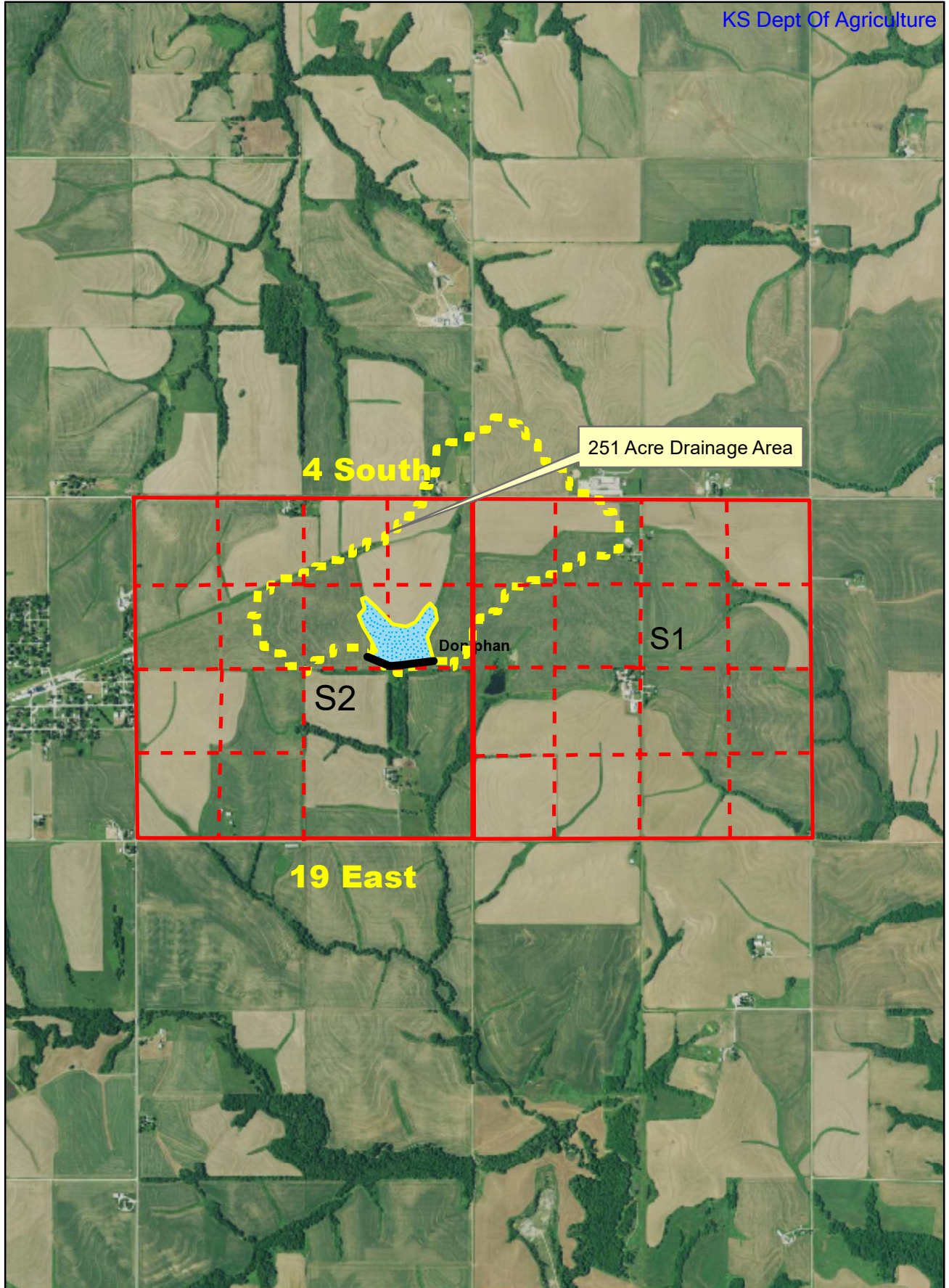


1:34,000

Drainage Area

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10/26/2023

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KS Dept Of Agriculture

PDFs
Mean Annual Precipitation
Soil Cover Complex

Mean Annual Precip, in	37
Soil Cover Complex No.	80
Drainage Area, acres	251
Runoff at 20% Chance, AF	365.20

DO NOT EDIT BELOW THIS LINE

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

Std. Dev. 90%	1.33
Std. Dev. 80%	1.30
Avg	1.32

%Chance Firm	Runoff, in	Comp. Runoff, in
50%	5.76	5.76
80%	1.92	1.90
90%	1.04	1.06
20%		17.46

Mean annual runoff for CN = 80, inches	9.05
Mean annual runoff for CN = 85, inches	10.04
Interp. Mean annual runoff for CN = 80, inches	9.05

10/26/2023

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KS Dept Of Agriculture

STORAGE CALCULATIONS

TOTAL RESERVOIR CAPACITY = 122.2 AF
DIRECT USE = 365.2 AF
TOTAL RESERVOIR SURFACE AREA = 19.4 ACRES
1 YEAR NET EVAPORATION = 19.4 ACRES X 10"/12" = 16.1667 AF
STORAGE = 365.2 AF+ 122.2 + 16.1667 = 503.567 AF

UPSTREAM AND DOWNSTREAM LANDOWNERS

Upstream -

#1) MARK, EDWIN, & KIMBERLY DENTON
584 HWY 20 E
DENTON, KS 66017

#2) PERDUE FARMS
1021 N THIRD ST
ATCHISON, KS 66002

Downstream -

#1) HOFFMAN TRUST
576 150th RD
Denton, KS 66017

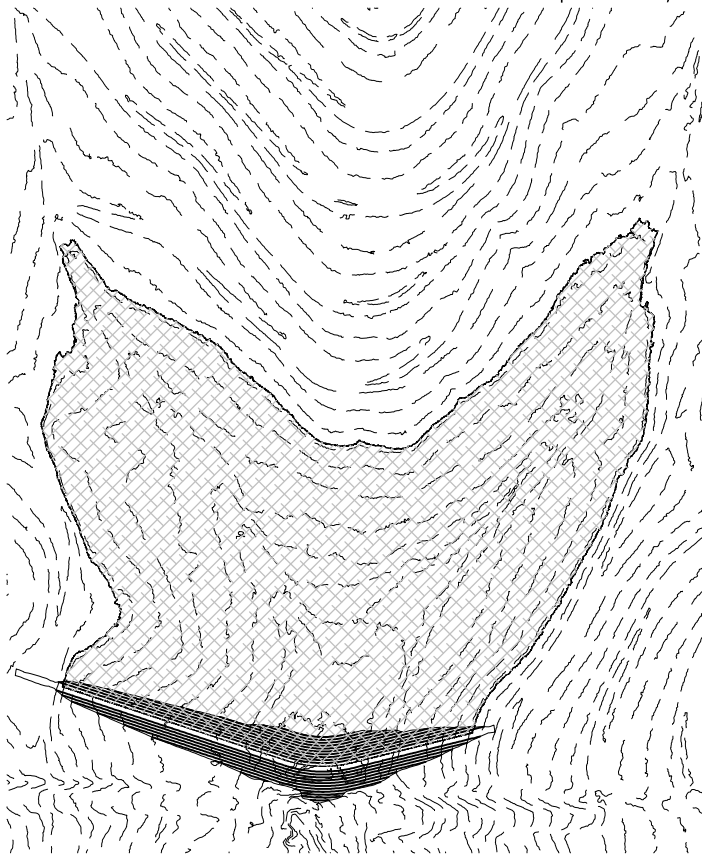
10/26/2023

Water Resources
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KS Dept Of Agriculture

TOPOGRAPHIC SURVEY

Compute Proposed Stream Obstruction Volume in the Northeast One-Quarter of
Section 2, Township 4 South, Range 19 East of the
Sixth Principal Meridian, Doniphan County, Kansas



Contour	Area	Inc Volume	Total Volume	Ac. Ft.	Embankment	Height
1003	-					
1004	20.69	10.35	10.345	0.0002		-0.13
1005	248.43	134.56	144.905	0.0033		0.87
1006	534.54	391.49	536.390	0.0123		1.87
1007	1,552.31	1,043.43	1,579.815	0.0363		2.87
1008	14,262.72	7,907.52	9,487.330	0.2178		3.87
1009	36,235.40	25,249.06	34,736.390	0.7974		4.87
1010	54,550.74	45,393.07	80,129.460	1.8395		5.87
1011	76,273.98	65,412.36	145,541.820	3.3412		6.87
1012	98,174.13	87,224.06	232,765.875	5.3436		7.87
1013	119,159.68	108,666.91	341,432.780	7.8382		8.87
1014	156,749.39	137,954.54	479,387.315	11.0052		9.87
1015	196,765.93	176,757.66	656,144.975	15.0630		10.87
1016	239,055.15	217,910.54	874,055.515	20.0656		11.87
1017	288,867.61	263,961.38	1,138,016.895	26.1253		12.87
1018	351,013.13	319,940.37	1,457,957.265	33.4701		13.87
1019	422,930.52	386,971.83	1,844,929.090	42.3537		14.87
1020	494,054.07	458,492.30	2,303,421.385	52.8793		15.87
1021	569,387.01	531,720.54	2,835,141.925	65.0859		16.87
1022	652,837.81	611,112.41	3,446,254.335	79.1151		17.87
1023	731,254.14	692,045.98	4,138,300.310	95.0023		18.87
1024	807,947.58	769,600.86	4,907,901.170	112.6699		19.87
1024.5	847,763.69	413,927.82	5,321,828.988	122.1724	14,702	20.37
1025	906,719.40	438,620.77	5,760,449.760	132.2417	16,962	20.87
1026	998,479.27	952,599.34	6,713,049.095	154.1104	19,444	21.87
1027	1,092,128.68	1,045,303.98	7,758,353.070	178.1073	22,171	22.87

Top of structure 1027
PR and EM spillway 1024.5



SCALE: 1" = 200'

General Notes for Site:
No Field verification of LIDAR elevations performed.
Front toe of stream obstruction elevation: 1007.60'
Rear toe of stream obstruction elevation: 1004.13'
Assumed top of structure width: 12
Assumed front and back slope: 3:1
LAND SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS SURVEY
WAS DONE BY THE UNDERSIGNED, AND
THAT THE SURVEY WAS DONE ON THE
GROUND ON _____.



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

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

Stream Obstruction
NE 1/4 Sec 2, T4S, R19E
Doniphan County, Kansas
REGISTERED FOR
MWT - Myers Farms, Inc.

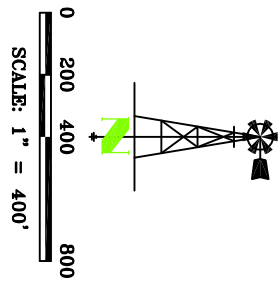
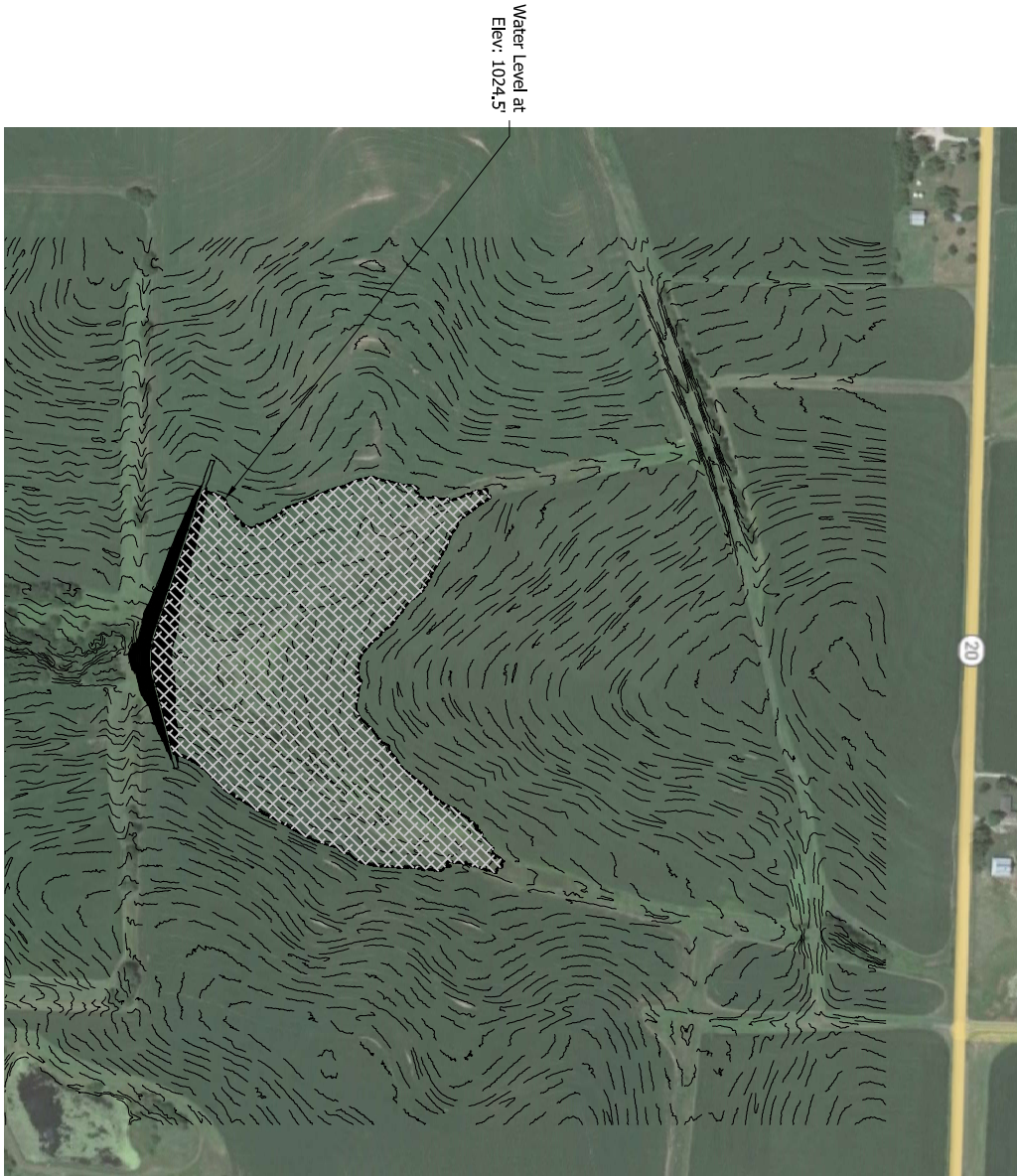
SCALE	1"=200'
FIELD ON:	-
CHK. BY	MARCY
DWN. BY	BRENT
DATE:	10/10/23
SHEET	1 OF 2
JOB NO.	5262.171

10/26/2023

Water Resources
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KS Dept Of Agriculture

TOPOGRAPHIC SURVEY
 Compute Proposed Stream Obstruction Volume in the Northeast One-Quarter of
 Section 2, Township 4 South, Range 19 East of the
 Sixth Principal Meridian, Doniphan County, Kansas



<p>Stream Obstruction</p> <p>NE 1/4 Sec 2, T4S, R19E Doniphan County, Kansas</p> <p>PREPARED FOR MWI - Myers Farms, Inc.</p>		<p>JORGENSEN SURVEYING</p> <p>73051 617 Ave Tecumseh, NE 68450 (402) 335-2033 jorgensensurveying@gmail.com</p>	<p>THIS DRAWING ORIGINALLY CREATED AT SPECIFIED SCALE. IF LINE BELOW DOES NOT MEASURE 1 INCH, DRAWING HAS BEEN REDUCED.</p> <p>ORIGINAL DRAWING SIZE: 1 INCH</p>
<p>SCALE: 1" = 400'</p> <p>FIELD NO.: -</p> <p>CHK. BY: MARCY</p> <p>DWN. BY: BRENT</p> <p>DATE: 10/10/23</p>	<p>SHEET 2 OF 2</p> <p>JOB NO. 5302.171</p>		

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 51122

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>69223</u>	<u>90612</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>69223</u>	<u>71557</u>
	<u>71558</u>

**WATER USE CORRESPONDENT
PERSON ID & SEQ #**

69223
