

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

1. File Number: <p style="text-align: center;">49,401</p>	2. Status Change Date: <p style="text-align: center;"><i>5/26/2017</i></p>	3. Field Office: <p style="text-align: center;">02</p>	4. GMD: <p style="text-align: center;">02</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

7a. Applicant(s) Person ID **64525**
New to system Add Seq# _____

DAVID WENDLING
6713 S OLD SETTLERS
HALSTEAD KS 67056

19183

7b. Landowner(s) Person ID ~~64525~~
New to system Add Seq# _____

~~**DAVID WENDLING**~~
~~**6713 S OLD SETTLERS**~~
~~**HALSTEAD KS 67056**~~

Wendling Farm
David + Nina Wendling

7c. Landowner(s) Person ID **19186**
New to system Add Seq# _____

PHILLIP E WENDLING TRUST ET AL
1010 CHESTNUT ST
HALSTEAD KS 67056

7d. Landowner Person ID _____
New to system Add Seq# _____

8. WUR Correspondent Person ID _____
New to system Add Seq# _____
Overlap File (s) WUC Notarized WUC Form
Agree Yes No

~~*7a*~~

7b → Person ID 19183

9. Use of Water: Changing? Yes No

Groundwater Surface Water

IRR REC DEW MUN

STK SED DOM CON

HYD DRG WTR PWR ART RECHRG

IND SIC: _____ OTHER: _____

10. Completion Date: **12/31/2018** 11. Perfection Date: **12/31/2022** 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: **5/10/17** By: **MJM**
Date Entered: *5/30/2017* By: *LLM*

File No. **49,401** 15. Formation Code: Drainage Basin: **Little Arkansas River** County: **HV** Special Use: Stream: **Kisiwa Creek Trib 2**

16. Points of Diversion

MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W
✓			84420	NWSENE	16	24S	2W	16	3750	1318
MOD				NE					3800	630

17. Rate and Quantity

Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
800	40.3	800	40.3	None

18. Storage: Rate **NF** Quantity 81.3 ac/ft Additional Rate **NF** Additional Quantity 81.3 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? Yes No To be installed by 12/31/2018 Date Acceptable Meter Installed

21. Place of Use

MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? ^{yes} no	Overlap Files
								NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
✓			66953	16	24S	2W	7					25										25	7b.	✓	None		
		ENT	68387	16	24S	2W							6									6	7c.		None		
			TOTAL																			31	TOTAL				
			DEL	27760																							

Comments: **Application does not form PU overlap with any existing water rights after reviewing application map and existing water rights PU maps (32857 D1 & D2)**

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

TO: Files

DATE: May 9, 2017

FROM: Matt Meier

RE: Application File No. 49,401

David Wendling has filed the above referenced new application proposing to appropriate 81.3 acre-feet (AF) of surface water for irrigation use through the collection and storage of natural flows of Kisiwa Creek Trib 2 (Little Ark) in a pit pond. The requested ~~point of diversion is a pumphouse/control point~~ located in the Northwest Quarter of the Southeast Quarter of the Northeast Quarter (NW¼ SE¼ NE¼) of Section 16, more particularly described as being near a point 3,750 feet North and 1,318 feet West of the Southeast corner of said section, in Township 24 South, Range 2 West, Harvey County. The water will be stored for subsequent re-diversion for irrigation use from the reservoir. There are no overlapping water rights on the proposed point of diversion and place of use. The applicant has signed the application form stating that he has legal access to the point of diversion.

The place of use is described as a total of 31 acres located in the Northwest Quarter (NW¼) of Section 16, in Township 24 South, Range 2 West, Harvey County. The place of use is owned by the applicant and the Phillip Wendling Trust Et Al.

Based on information provided by the applicant, the surface area of the reservoir will be approximately 6 acres, the capacity of the pond is approximately 30 AF, and the quantity requested for direct irrigation use is 40.3 AF at a re-diversion rate of 800 gallons per minute (gpm).

Potential net evaporation in inches, per K.A.R. 5-6-3, is 22 inches; therefore the natural evaporation can be estimated as follows;

$$6 \text{ acres} \times 22 \text{ inches of evaporation} / 12 \text{ inches} = 11 \text{ AF}$$

As per K.A.R. 5-6-5, if the maximum annual quantity of water requested for re-diversion exceeds the reservoir capacity, the maximum annual quantity of water authorized to be diverted and stored in any one year shall not exceed the total of the following:

1. The annual quantity of water re-diverted for beneficial use (40.3 AF);
2. The reservoir capacity (30 AF);
3. One year of indirect use from the reservoir (11 AF Evap.)

Therefore, the maximum quantity that can be requested is 40.3 AF+30 AF+11 AF=81.3 AF. As such, the requested quantity of 81.3 AF appears to be reasonable.

Per K.A.R. 5-6-4 a runoff calculation was ran for the drainage area. Based on a drainage area of 305 acres, runoff computations have determined that the drainage area will result in 228.75 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, runoff quantity is not a limiting factor.

The applicant listed 4 adjacent landowners within one-half (½) mile upstream and downstream. Nearby notification letters were sent out on March 29, 2017. A phone call was received from Jenny Long to obtain more information on the application. No other contact was received. The WRIS database indicates that there is one other surface water right (File No. 48,484) within a two-mile radius circle of the proposed point of diversion (located 1.93 miles away upstream on a different drainage area). Therefore, approval of this application should not impair any senior water rights.

* overflow point located in NE SE NE 16-24S-2W
3800' north, 630' west is the authorized point
of diversion KAB/DWR 5-24-17

re-diversion see center authorized pond

It was determined that a DWR Water Structures permit was not required for the project after consulting with the structures branch.

The requested quantity of water for direct use, 40.3 acre-feet, is to irrigate the proposed 31 acres identified in the application. This is the maximum allowable of 1.3 acre-feet per acre for Harvey County, Kansas. The requested re-diversion rate of 800 gpm also appears reasonable based on the irrigation system design and the area of the place of use. There are multiple pending applications in this general area of the state, and they are being worked in priority order to ensure that senior applications are provided the available water.

The applicant has submitted a signed Minimum Desirable Streamflow form for each application, which have been properly notarized. By completing these statements, the applicant affirms his/her knowledge that there could be times when the diversion of water may not be allowed under these permits.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1-12. An approved water flow meter shall be installed on the secondary diversion works (pumpsite) for File No. 49,401. If any chemical or foreign substance is injected into the water pumped under these permits, check valves will also need to be installed.

Based on the above discussion, that this area is open to new appropriations, the proposed appropriations of water appear reasonable, no DWR Water Structures permit is required, and there is no evidence that senior rights will be impaired, it is recommended that the referenced applications be approved.

Matt Meier
Environmental Scientist
Stafford Field Office

5/9/17 Concur w/ Recommendation
Approve it
[Signature]

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

May 31, 2017

DAVID WENDLING
6713 S OLD SETTLERS
HALSTEAD KS 67056

FILE COPY

RE: Application, File No. 49,401

Dear Mr. Wendling:

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 this permit. A water meter is required on the 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

Enclosures

pc: Stafford Field Office
PHILLIP E WENDLING TRUST ET AL
GMD#2

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. 49,401** of the applicant

**DAVID WENDLING
6713 S OLD SETTLERS
HALSTEAD KS 67056**

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 **June 1, 2015**.
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	
16 24S 2W					25			6									31

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to Kisiwa Creek, designated in the office of the Chief Engineer as Kisiwa Creek Trib 2, 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 **81.3 acre-feet** per calendar year in a reservoir with the point of diversion designated as the point of overflow located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼ SE¼ NE¼) of Section 16, more particularly described as being near a point 3,800 feet North and 630 feet West of the Southeast corner of said section, in Township 24 South, Range 2 West, Harvey County, Kansas, to provide **40.3 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 **800 gallons per minute (1.78 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, 2018** 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, 2022** 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.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 26th day of May, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, L.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 26th day of May, 2017, by Lane P. Letourneau, L.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

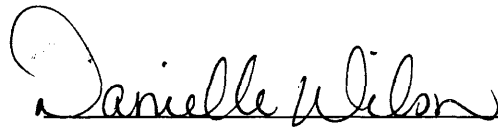
On this 31st day of May, 2017, I hereby certify that the foregoing Approval of Application, File No. 49,401, dated May 26, 2017 was mailed postage prepaid, first class, US mail to the following:

DAVID WENDLING
6713 S OLD SETTLERS
HALSTEAD KS 67056

With photocopies to:

PHILLIP E WENDLING TRUST ET AL
1010 CHESTNUT ST
HALSTEAD KS 67056

Stafford Field Office
Equus Beds Groundwater Management District #2



Division of Water Resources



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49401

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

WATER RESOURCES
RECEIVED

**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.)

JUN 01 2015

1:09
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): David Wendling
Address: 6713 South Old Settlers
City: Halstead State KS Zip Code 67056
Telephone Number: (316) 772-2598

2. The source of water is: surface water in Kisiwa Creek Trib 2 (Little Ark)
6 acre Pond
(stream)
OR groundwater in (Little Arkansas River)
(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. 40.3 AF irr. direct use, 30 AF Storage, 11 AF Evap.

3. The maximum quantity of water desired is 81.3 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of (800) Nat flows 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. 2 GMD 2 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G(S) County HV By KAB Date 6/1/15
Code REG Fee \$ 200 TR # 1561443 Receipt Date 5-29-15 Check # 7901

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.

re-diversion

(A) One in the NW quarter of the SE quarter of the NE quarter of Section 16, more particularly described as being near a point 3,750 feet North and 1,318 feet West of the Southeast corner of said section, in Township 24 South, Range 2 West, Harvey County, Kansas.

overflow point

(B) One in the NE quarter of the SE quarter of the NE quarter of Section 16, more particularly described as being near a point 3800 feet North and 630 feet West of the Southeast corner of said section, in Township 24 South, Range 2 East/West (circle one), Harvey County, Kansas.

KAB/DWR
5-24-17

(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 as 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 5-28, 2015. David E. Wendling
Applicant's Signature

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

7. The proposed project for diversion of water will consist of 1 pond & pump
(number of wells, pumps or dams, etc.)

and (will be) completed (by) ASAP
(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 ASAP
(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 _____
- 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.

None

WATER RESOURCES
RECEIVED

JUN 01 2015

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

Partial 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)

PHILLIP E WENDLING TRUST ET AL 1010 CHESTNUT ST HALSTEAD, KS 67056
(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 Stafford, Kansas, this 28 day of May, 2015.
(month) (year)

David E Wendling
(Applicant Signature)

By David E. Wendling
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by MJM ESII Date: 5/28/2015
(office/title)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): David Wendling

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

Landowner of Record NAME: David Wendling + Nina Wendling as per parcel
 ADDRESS: 6713 South Old Settlers Halstead, KS 67056

Search

*KAB/DNR
S-24-17*

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
16	24S	2W					25													25

Landowner of Record NAME: PHILLIP E WENDLING TRUST ET AL

ADDRESS: 1010 CHESTNUT ST HALSTEAD, KS 67056

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
16	24S	2W								6										6
Total Acres Irrigated																31				

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.

Requested Quantity Estimates

Evaporation for 24S R 2W: 22"

$$6 \text{ acres} * 22" = 132 / 12 = \underline{11AF}$$

Storage Capacity: 30 AF

Average depth: 5 feet

Total Pond Area: 6 acres (digging out 6 acre pond to catch surface runoff for the area)

$$6 \text{ acres} * 5 \text{ feet} = \underline{30 AF}$$

Place of Use: 31 Acres * 1.3 AF = 40.3AF

Total Requested: 11AF + 30AF + 40.3AF = 81.3AF

WATER RESOURCES
RECEIVED

JUN 01 2015

KS DEPT OF AGRICULTURE

SCANNED

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application
File No. _____

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.

David E. Wendling
Signature of Applicant

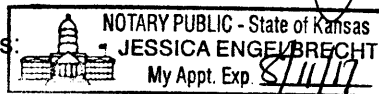
State of Kansas)
County of Stafford) ss

David E. Wendling
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 28th day of May, 20 15.

Jessica Engelbrecht
Notary Public

My Commission Expires:



WATER RESOURCES
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JUN 01 2015

KS DEPT OF AGRICULTURE

**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

NEW STREAM WORKSHEET

ES KAB

Date: 6/1/15

File No. 49,401

Basin Name: Little Arkansas River Basin No. 55

Stream Name: Kisiwa Creek Trib 2 (Little Ark)

Stream location (confluence with parent stream):

Section 22, Township 24 South, Range 2W (~~East~~)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

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

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

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

Stream No. 3826 (computer assigned - entered by data entry staff)

Date Entered 6/8/2015 By LCM

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

3750 ft N and 1318 ft W of the SE Corner of Section 16, T 24S, R 2W

Located at: 97.541513 West Longitude and 37.966185 North Latitude

SURFACE WATER ONLY

```

=====
File Number   Use ST SR Dist (mi) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 48484 00 IRR HK S      1.93 -- SW SW NW 3106 5114  8 24  2W 11      176.80  112.30 AF
A__ 49401 00 IRR AY S      .00 -- NW SE NE 3750 1313 16 24  2W 16      81.30   81.30 AF
=====
    
```

```

=====
Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      81.30             .00
Total Permitted Amount (AF) =     112.30            176.80
Total Inspected Amount (AF) =         .00             .00
Total Pro_Cert Amount (AF) =         .00             .00
Total Certified Amount (AF) =         .00             .00
Total Vested Amount (AF) =          .00             .00
TOTAL AMOUNT (AF) =      193.60            176.80
=====
    
```

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for 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:

97.541513 West Longitude and 37.966185 North Latitude

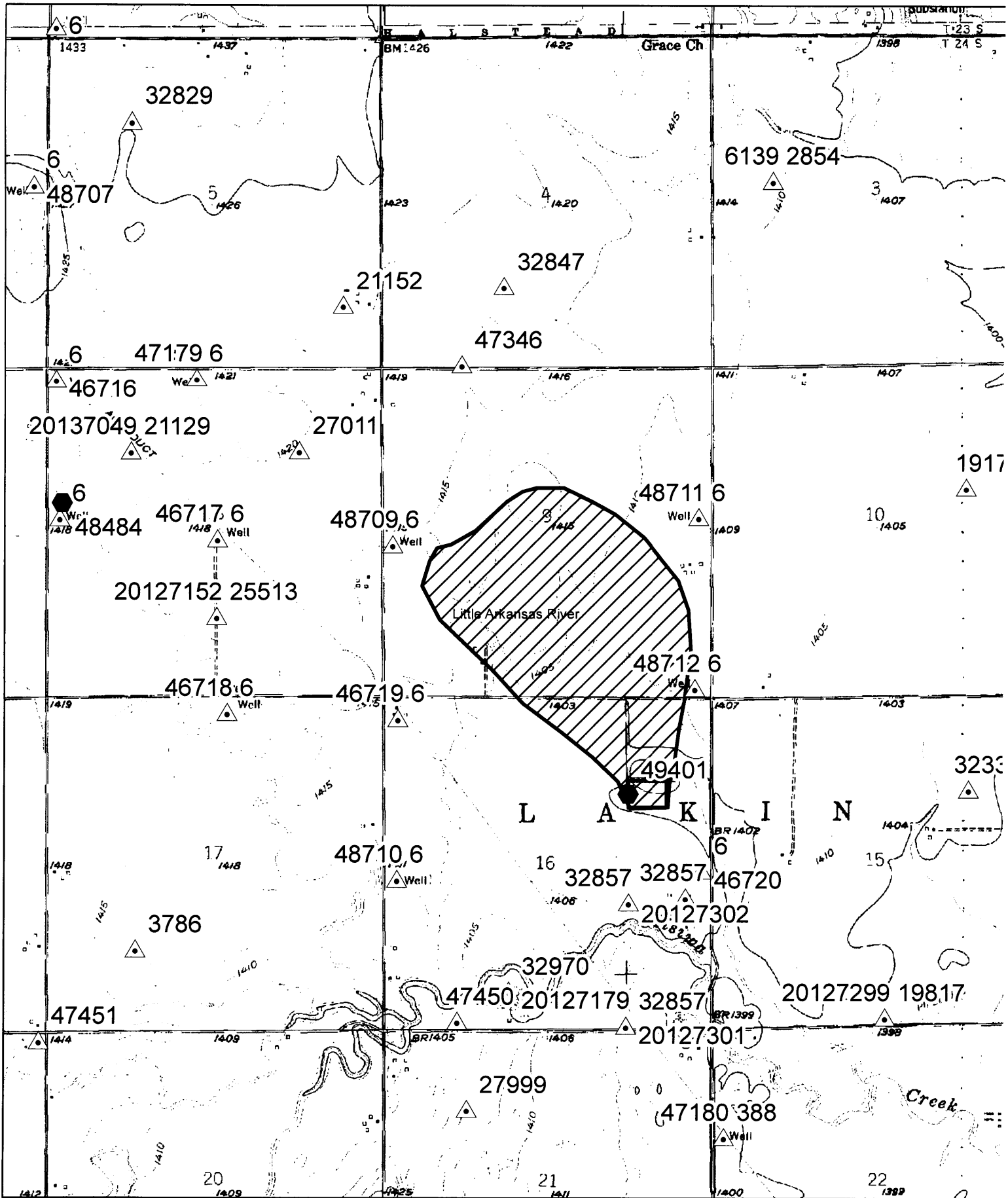
SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 48484 00 IRR HK S
> JOHN F & ILEEN L WEBER
>
> 247 MAIN ST
> HALSTEAD KS 67056
>-----
A__ 49401 00 IRR AY S
> DAVID WENDLING
>
> 6713 S OLD SETTLERS
> HALSTEAD KS 67056
>-----
=====
    
```

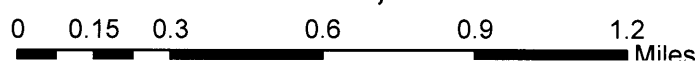
Drainage Area - 305 Acres



Wells

Surface

1 inch = 2,000 feet



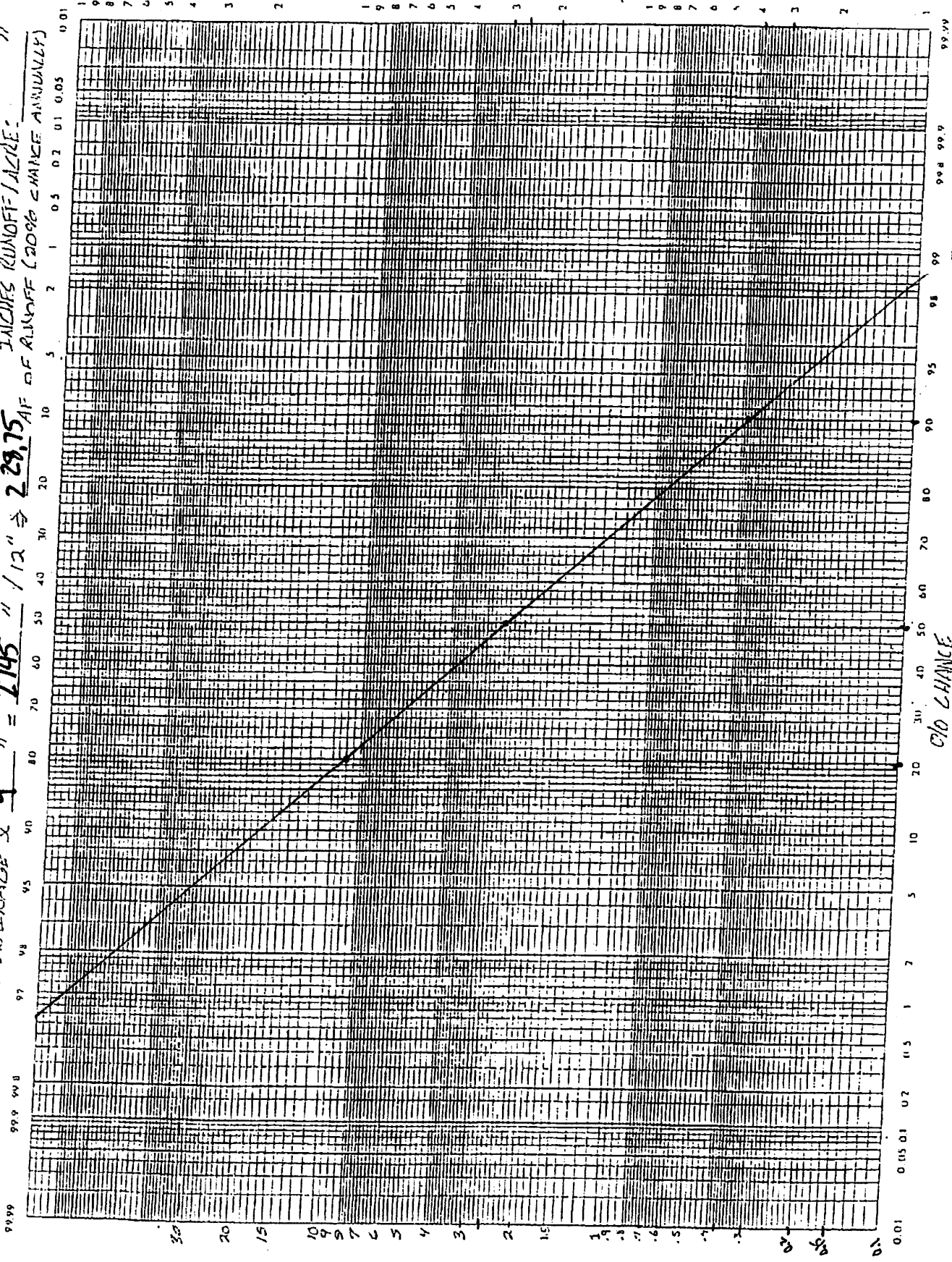
Probability (Long-axis) by 3 Cycle Log

FILE NO. 49401

SOIL: "77" PRECIP: 31"

INCHES RUNOFF/ACRE: "
OF RUNOFF (2000 CHANCE ANNUALLY)

" = 2745" / 12" ⇒ 228.75 AF



PREPARED BY:

C/O CHANCE

Kansas

Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov

Sam Brownback, Governor

March 29, 2017

Randy Marshall
14006 SW 60th
Halstead, KS 67056

Re: Pending Application, File No. 49,401

Dear Sir or Madam:

This is to advise you that David Wendling has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 81.3 acre-feet of surface water per calendar year, and re-divert 40.3 acre-feet of the stored water for irrigation use. The proposed point of diversion for 49,401 is a pond & pumpsite located as follows:

In the Northwest quarter of the Southeast quarter of the Northeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 16, Township 24 South, Range 2 West, Harvey County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. Records in this office indicate that you own property in this vicinity and you are 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.

If you have any questions or comments, you may also contact me at (620) 234-5311. If you call, please reference the file number so I can help you more efficiently. Mailed comments can be sent to the Stafford Field Office at 300 S. Main St. Stafford, KS 67578-1521.

Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

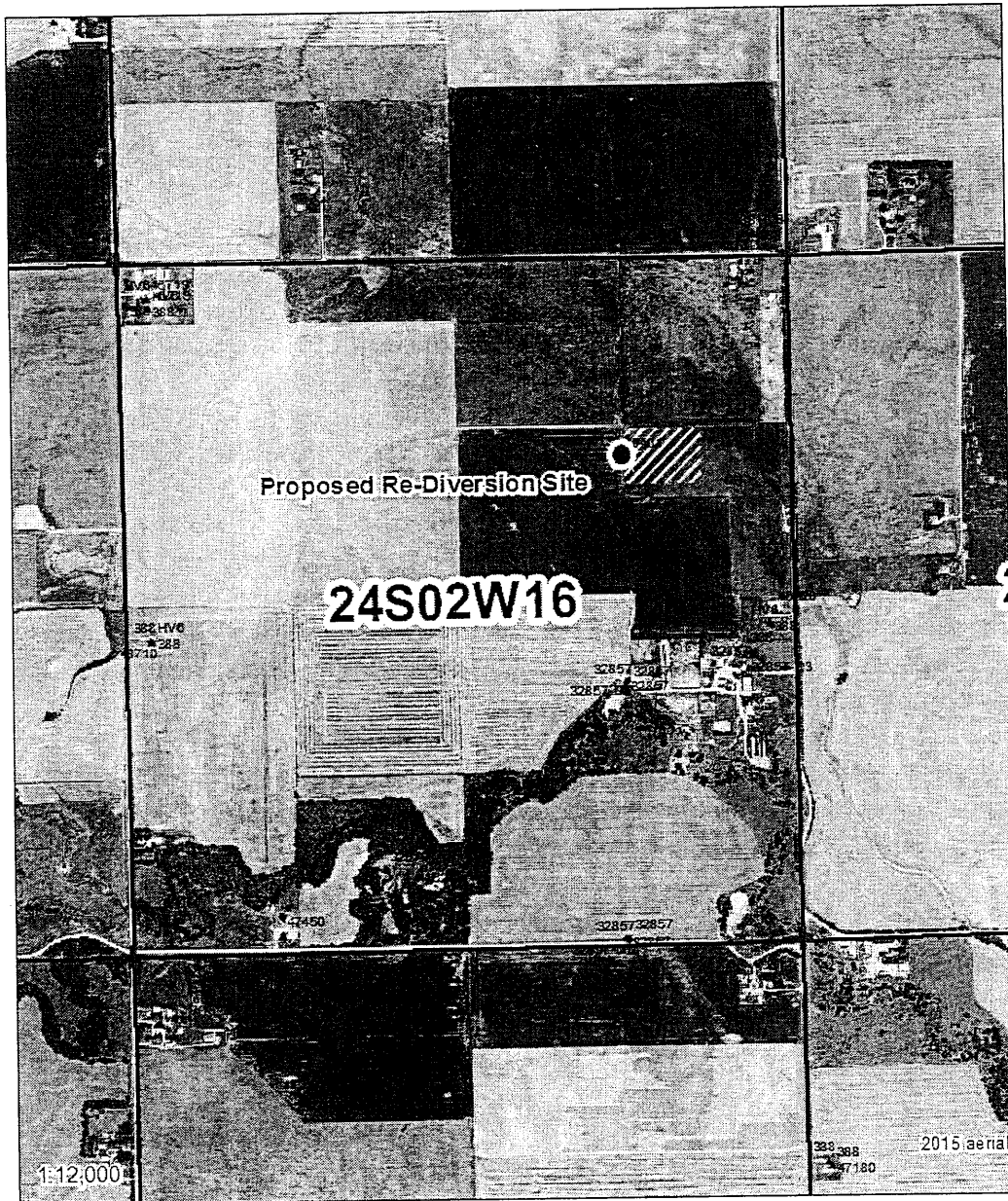
Kansas

Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor



Legend
+ Section Corners
- Section Lines
MUM-DWR 3/29/17

0 650 1,300 2,600 3,900 6,200 Feet

Proposed Water Appropriation, File No. 49,401
16-24S-2W
Harvey County



Kansas

Department of Agriculture
Division of Water Resources

Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary
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Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

March 29, 2017

Dave Long
13225 SW 60th
Halstead, KS 67056

Re: Pending Application, File No. 49,401

Dear Sir or Madam:

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

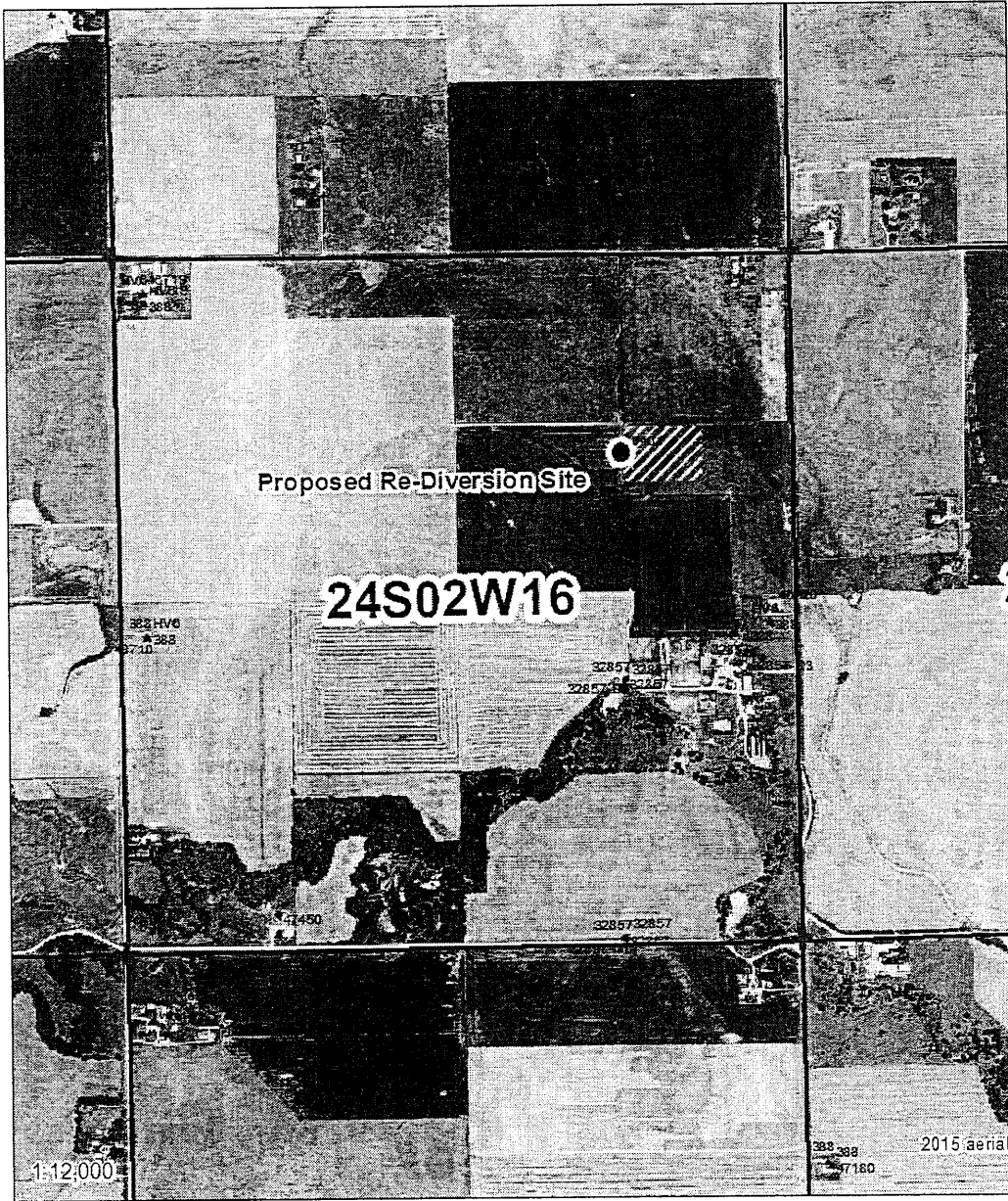
Kansas

Department of Agriculture
Division of Water Resources

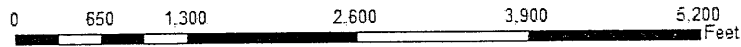
Stafford Field Office
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Stafford, Kansas 67578-1521

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David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

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www.agriculture.ks.gov
Sam Brownback, Governor



Legend
+ Section Corners
□ Section Lines



Proposed Water Appropriation, File No. 49,401
16-24S-2W
Harvey County



MJM-DWR 3/29/17

Kansas

Department of Agriculture
Division of Water Resources

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Phone: (620) 234-5311
Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

March 29, 2017

Joe Becker
12819 SW 60th
Halstead, KS 67056

Re: Pending Application, File No. 49,401

Dear Sir or Madam:

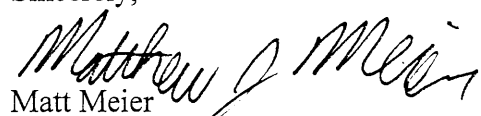
This is to advise you that David Wendling has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 81.3 acre-feet of surface water per calendar year, and re-divert 40.3 acre-feet of the stored water for irrigation use. The proposed point of diversion for 49,401 is a pond & pumpsite located as follows:

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Sincerely,



Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

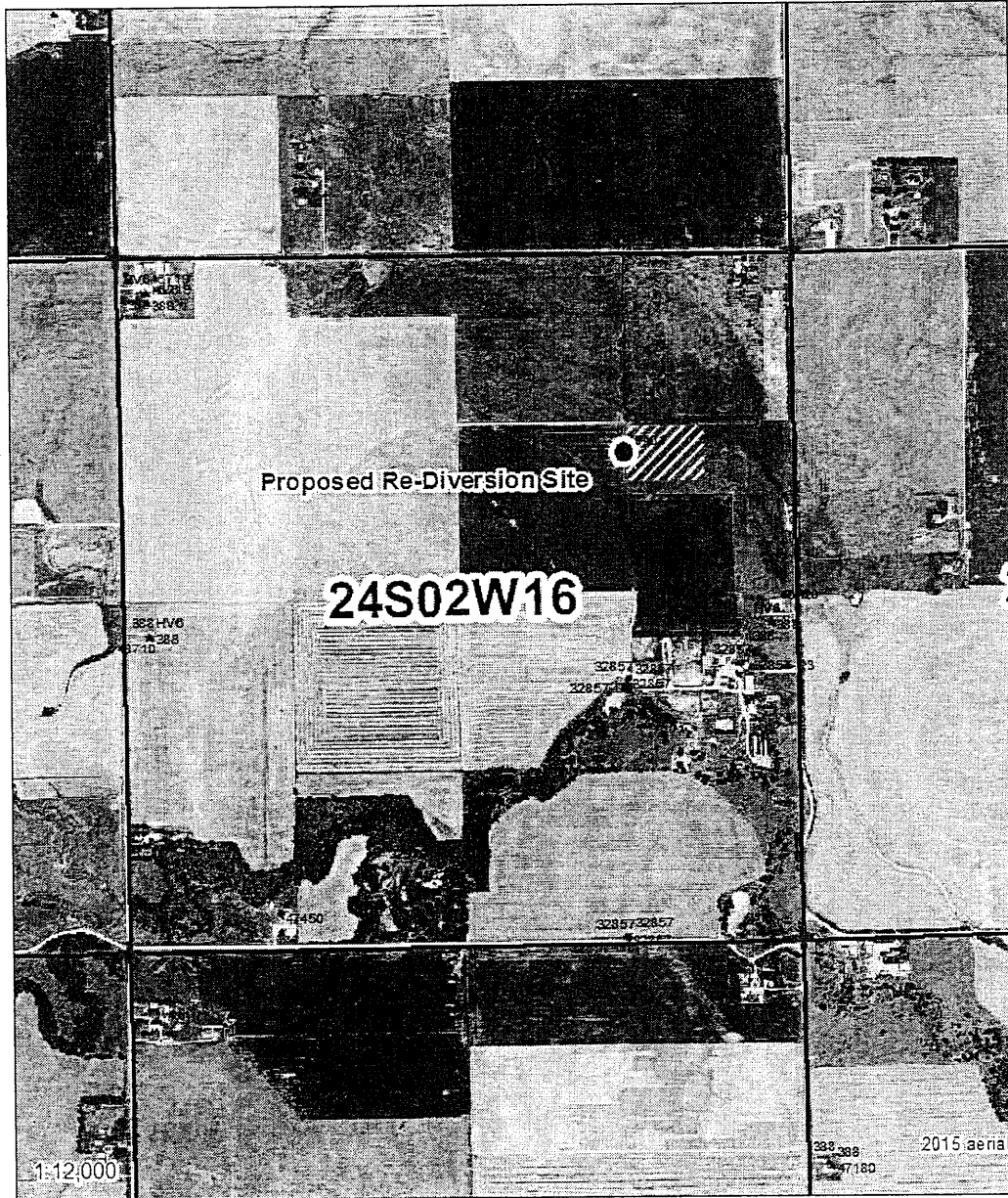
Kansas

Department of Agriculture
Division of Water Resources

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Stafford, Kansas 67578-1521

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Sam Brownback, Governor



Legend

- + Section Corners
- ▭ Section Lines

MJM-DWR 3/29/17

Proposed Water Appropriation, File No. 49,401
16-24S-2W
Harvey County



Kansas
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Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

March 29, 2017

Kim Sheffler
12833 SW 60th
Halstead, KS 67056

Re: Pending Application, File No. 49,401

Dear Sir or Madam:


This is to advise you that David Wendling has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in a proposed reservoir. The application is requesting to appropriate 81.3 acre-feet of surface water per calendar year, and re-divert 40.3 acre-feet of the stored water for irrigation use. The proposed point of diversion for 49,401 is a pond & pumpsite located as follows:

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Sincerely,


Matt Meier
Environmental Scientist
Water Appropriations Program

Enclosure

pc:

SCANNED

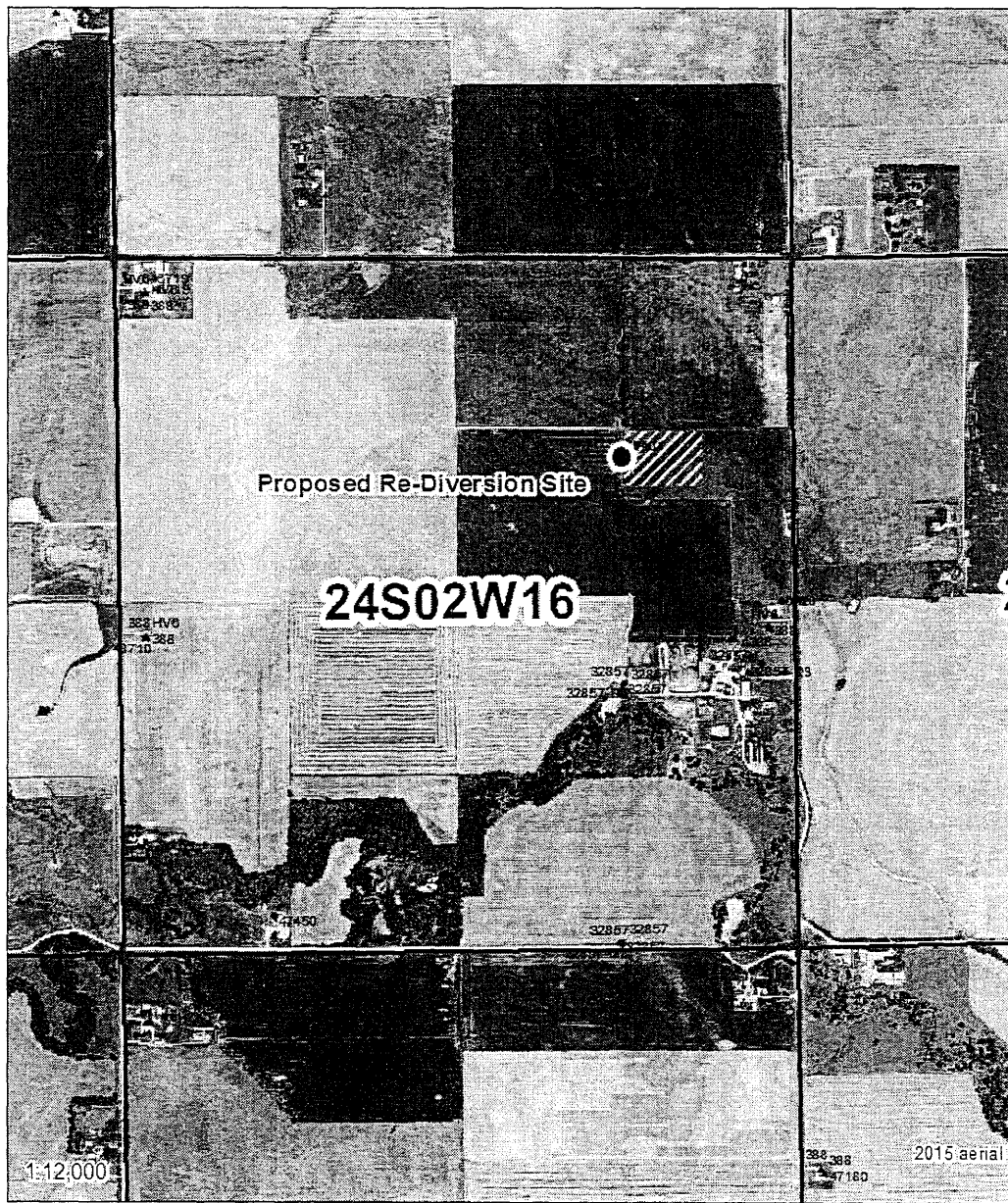
Kansas

Department of Agriculture
Division of Water Resources

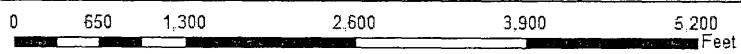
Stafford Field Office
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Fax: (620) 234-6900
www.agriculture.ks.gov
Sam Brownback, Governor

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner



Legend	
+	Section Corners
—	Section Lines



Proposed Water Appropriation, File No. 49,401
16-24S-2W
Harvey County



MJM-DWR 3/29/17

Meier, Matt

From: Phillips, Janelle
Sent: Tuesday, May 9, 2017 2:45 PM
To: Meier, Matt
Subject: RE: Structures Question for File No. 49401

Matt-

A pit pond would not require a permit from us. I did not speak to him. You can send me anything that you need me to look over. No problem

Janelle N. Phillips, P.E., C.F.M., LEED-AP
Stream Permit Team Lead
Water Structures Program
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502
785-564-6656
My email has changed: janelle.phillips@ks.gov

Analytical-Consistency-Learner-Discipline-Deliberative

From: Meier, Matt
Sent: Tuesday, May 09, 2017 2:26 PM
To: Phillips, Janelle
Subject: Structures Question for File No. 49401

Hello Janelle,

I'm finishing up my review of Application File No. 49401, which appears to meet all required regs on water appropriations end and can be approved, but noticed the applicant didn't list if he talked with structures over if he would need a permit or not. From the information he provided he is planning on digging out a roughly 6 acre pit pond 5 feet deep to collect water flowing through a low area. If you could look it over and let me know if he will also apply for a structures permit I would appreciate it. Also if there is someone else I should be directing these types of questions too, as I have several other new surface applications that may require checking, please let me know.

Thanks,

Matt Meier
Environmental Scientist
Stafford Field Office
Matt.meier@ks.gov
620-234-5311

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

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

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage 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 a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

**WATER RESOURCES
RECEIVED**

JUN 01 2015

KS DEPT OF AGRICULTURE

SCANNED

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

June 4, 2015

DAVID WENDLING
6713 SOUTH OLD SETTLERS
HALSTEAD KS 67056

RE: Application
File No. 49401

Dear Sir or Madam:

Your application for permit to appropriate water in 16-24S-2W In Harvey 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) 564-6643. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

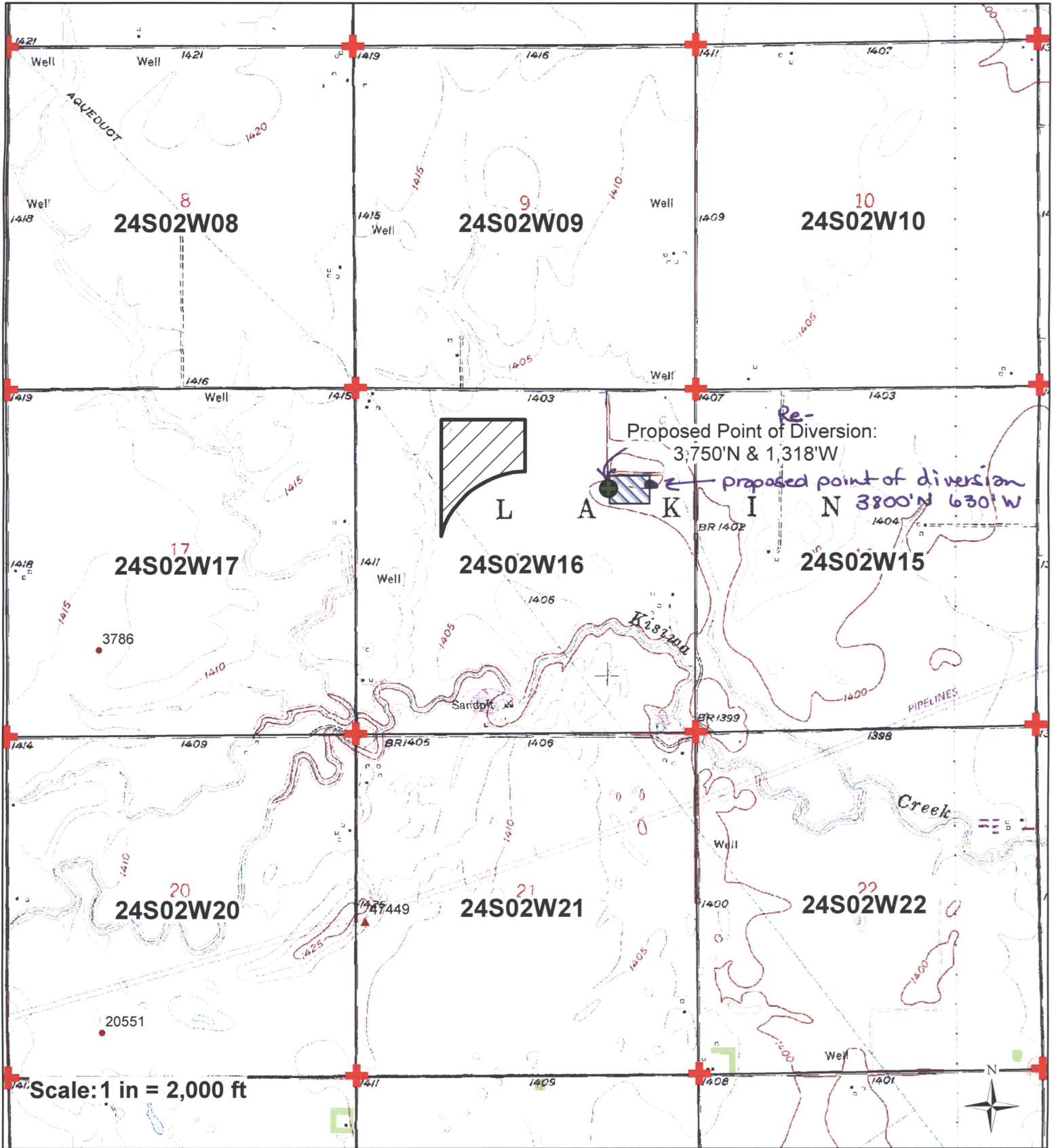
Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent Turney, L.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD 2

SCANNED

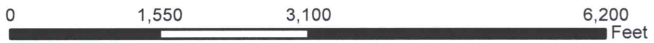


Scale: 1 in = 2,000 ft

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application.

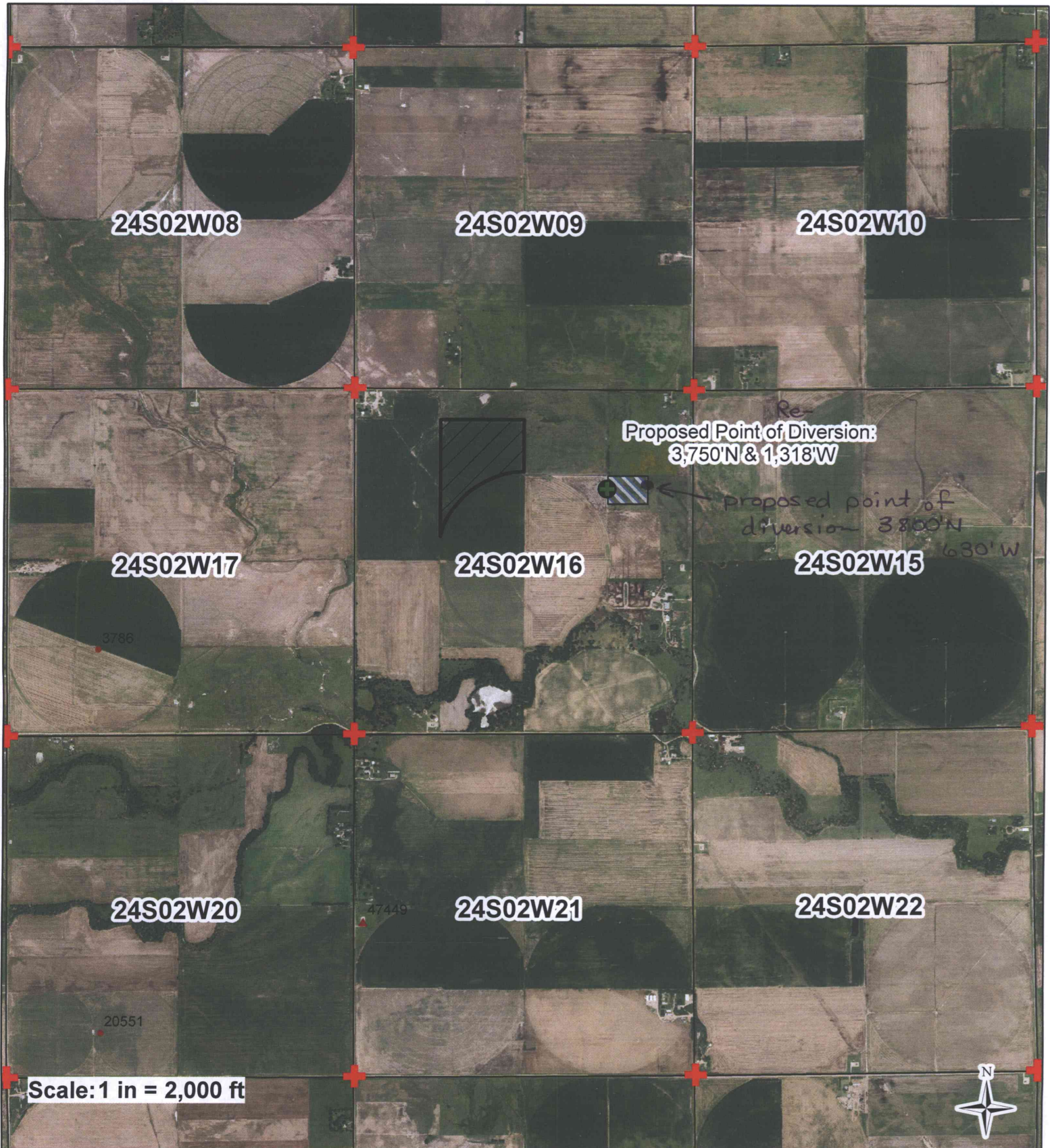
- Proposed Point of Diversion
- Proposed Pond
- Proposed Place of Use
- Water Rights
- Section Corner

Signature _____ Date _____








WATER RESOURCES RECEIVED

JUN 01 2015
 Created By: Matt Meier
 F.O. 2
 Date: 5/28/2015
 KS DEPT OF AGRICULTURE
 SCANNED



I declare that all water wells or diversion sites using the same source of supply and within 1/4 mile of the proposed point of diversion have been plotted on the application map.

-  Proposed Point of Diversion
-  Proposed Pond
-  Proposed Place of Use
-  Water Rights
-  Section Corner

Signature _____

Date _____



WATER RESOURCES RECEIVED

JUN 01 2015

Created By: Matt Meier

F.O. 2

Date: 5/28/2015

KS DEPT OF AGRICULTURE

SCANNED

Names of nearby Property owners

14006 SW 60th	Halsstead Ks 67056	Randy Marshall
13225 SW 60th	Halsstead Ks 67056	Dave Young
12819 SW 60th	Halsstead Ks 67056	Joe Becker
12833 SW 60th	Halsstead Ks 67056	Kim Sheffer