

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

1. File Number: <b>49,630</b>	2. Status Change Date: <b>8/26/2016</b>	3. Field Office: <b>01</b>	4. GMD: <b>0</b>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>  JOHNNY LEE WAECHTER PO BOX 2123 EMPORIA KS 66801		7c. Landowner(s) New to system <input type="checkbox"/>	
Person ID <b>64958</b> Add Seq# _____		Person ID _____ Add Seq# _____	
7b. Landowner(s) New to system <input type="checkbox"/>  <b>7a.</b>		7d. Misc. New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
Person ID _____ Add Seq# _____		Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		9. Use of Water:    Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/>		<input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water	
<b>7a.</b>		<input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN	
		<input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON	
		<input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG	
		<input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: <b>12/31/2017</b> 11. Perfection Date: <b>12/31/2021</b> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: <b>8/3/2016</b> By: <b>DWS</b> Date Entered: <b>8/29/2016</b> By: <b>LLM</b>			

File No. **49,630**      15. Formation Code:      Drainage Basin: Cottonwood RIVER      County: LY      Special Use:      Stream: COAL CREEK TRIB 2 (COTTONWOOD)

16. Points of Diversion  
 T  
 MOD  
 DEL      PDIV  
 ENT      Qualifier      S      T      R      ID      'N      'W

17. Rate and Quantity  
 Authorized      Additional  
 Rate      Quantity      Rate      Quantity  
 gpm      af      gpm      af      Overlap PD Files

√      **85261**

**800**      **178**      **800**      **178**      **NONE**

18. Storage: Rate \_\_\_\_\_ NF      Quantity **266** ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity **266** 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 **12/31/2017**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use  
 T  
 MOD  
 DEL  
 ENT      PUSE      S      T      R      ID

NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? 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				
																	<b>7a.</b>	<b>No</b>	<b>NONE</b>

Comments:

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

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

**TO:** Files

**DATE:** August 3, 2016

**FROM:** Doug Schemm

**RE:** Application, File No. 49,630

Johnny Lee Waechter has filed the application referred to above for a permit to appropriate 266 acre-feet of surface water at the rate of natural flows to be stored in an existing reservoir located in the Southeast Quarter of Section 19, in Township 20 South, Range 12 East, Lyon County, Kansas. The dam is located on Coal Creek Trib 2 (Cottonwood). The point of diversion is located on property owned by the applicant, and Mr. Waechter has signed the application form stating he has legal access to the point of diversion. The applicant owns the entire place of use, comprising 258 acres. There are no overlapping files in point of diversion or place of use.

Runoff computations determined that the 236 acre drainage area will result in 334.4 acre-feet of runoff in 1 out of every five (5) years (a 20% chance). Therefore, per K.A.R. 5-6-5, this quantity **IS NOT** the limiting factor. Therefore, the maximum allowed storage quantity was based on one year of direct use (178 acre-feet) + the reservoir capacity (74.25 acre-feet) + one year of indirect use (evap of 13.75 acre-feet) for a total of 266 acre-feet of storage. The quantity of water for direct IRR use will provide for over 8 inches per acre, which is less than the maximum allowable for Lyon County, Kansas, per K.A.R. 5-3-24, but certainly reasonable for this area of the state.

The applicant verified the two downstream landowners within one-half (½) mile and letters were sent out on July 11, 2016. No responses of any kind were received. The upstream portion of the property is actually in a different drainage basin (Neosho River) and the applicant owns all of the upstream property next to the stream. As noted, this is an existing reservoir that has been in place for many years. There is only one other permitted surface water right within a two-mile radius according to the WRIS database, which is a sediment control reservoir in the Neosho River basin, and it would not be affected in any way.

The existing structure is already permitted by DWR Water Structures Program under file number DLY-0052, which was issued many years ago. In addition, per recent review by Structures Program staff (see 7/11/2016 e-mail from Kim Hunninghake) this structure is now non-jurisdictional for structures permitting. As allowed by K.S.A. 82a-706(c) an approved water flow meter shall be installed on the secondary diversion works (pump site) for this file. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

The applicant has submitted a signed and notarized Minimum Desirable Streamflow (MDS) statement for the Cottonwood River Basin. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit.

In a July 26, 2016 discussion, Katie Tietsort, Water Commissioner, Topeka Field Office, stated that the referenced new application should be approved. Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water is reasonable, the structure is already permitted by the DWR Water Structures Program (and is now non-jurisdictional), and senior rights will not be impacted, it is recommended that the referenced new application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 29, 2016

JOHNNY LEE WAECHTER  
PO BOX 2123  
EMPORIA KS 66801

**FILE COPY**

Re: Appropriation of Water, File No. 49,630

Dear Mr. Waechter:

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

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

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

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

Sincerely,

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

BAT:dws  
Enclosures

pc: Topeka Field Office

THE STATE OF KANSAS



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)

**FILE COPY**

This is to certify that I have examined Application, **File No. 49,630** of the applicant

**JOHNNY LEE WAECHTER  
PO BOX 2123  
EMPORIA KS 66801**

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 **April 28, 2016**.
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	
19	20S	12E																	258

3. That the appropriation sought shall be limited to all natural flows of Coal Creek Trib 2 (Cottonwood), 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 **266 acre-feet** per calendar year in one (1) reservoir created by a dam located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW¼ NW¼ SE¼) of Section 19, more particularly described as being near a point 2,478 feet North and 1,981 feet West of the Southeast corner of said section, in Township 20 South, Range 12 East, Lyon County, Kansas, to provide **178 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, 2017** 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, 2021** 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 26<sup>th</sup> day of August, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas            )  
  ) SS  
County of Riley            )

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of August, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

### CERTIFICATE OF SERVICE

On this *29* day of *August*, 2016, I hereby certify that the foregoing Approval of Application, File No. 49,630, dated *August 26, 2016* was mailed postage prepaid, first class, US mail to the following:

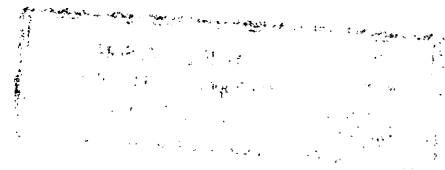
JOHNNY LEE WAECHTER  
PO BOX 2123  
EMPORIA KS 66801

With photocopies to:

Topeka Field Office



Division of Water Resources





APPLICATION COMPLETE

7/26/2016

Reviewer DWS



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Dale A. Rodman, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 49,630

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

WATER RESOURCES RECEIVED

RECEIVED

JUN 21 2016

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.)

APR 28 2016

10:24

KS DEPT OF AGRICULTURE

Topeka Field Office  
DIVISION OF WATER RESOURCES

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
109 SW 9<sup>th</sup> Street, Second Floor, Topeka, KS 66612-1283:

1. Name of Applicant (Please Print): Johnny Lee Waechter  
Address: PO Box 2123  
City: Emporia State KS Zip Code 66801  
Telephone Number: (620) 343-0298

2. The source of water is:  surface water in trib to Cottonwood River (stream)  
OR  groundwater in Cottonwood 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.

3. The maximum quantity of water desired is 266 acre-feet OR Storage 266 AF @ NF Redvision of 178 AF @ 800 gpm gallons per calendar year, to be diverted at a maximum rate of NF gallons per minute OR \_\_\_\_\_ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
- (a)  Artificial Recharge
  - (b)  Irrigation
  - (c)  Recreational
  - (d)  Water Power
  - (e)  Industrial
  - (f)  Municipal
  - (g)  Stockwatering
  - (h)  Sediment Control
  - (i)  Domestic
  - (j)  Dewatering
  - (k)  Hydraulic Dredging
  - (l)  Fire Protection
  - (m)  Thermal Exchange
  - (n)  Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:  
F.O. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source G(S) County LY By ASW Date 4/26/16  
Code REG Fee \$ 300 TR # 16044050 Receipt Date 4/26/16 Check # 5309

SCANNED

5/13/2016 LLM

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 NW quarter of the NW quarter of the SE quarter of Section 19, more particularly described as being near a point 2478 feet North and 1981 feet West of the Southeast corner of said section, in Township 20 South, Range 12 (East) West (circle one), Lyon 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 is owner.  
 \_\_\_\_\_  
 (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 10-2, 2015 [Signature]  
 Applicant's Signature

7. The proposed project for diversion of water will consist of 1 pump, 1 IRR system, 2 pivots  
 (number of wells, pumps or dams, etc.)  
 and (was)(will be) completed (by) upon approval  
 (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 upon approval  
 (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 DLY - 0052

• If no, explain here why a Water Structures permit is not required \_\_\_\_\_

Not jurisdictional. ✓

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.  
*no upstream (upstream is out of basin)*

✓ (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.*

<u>Capacity</u>	<u>74.25 AF</u>	<u>See</u>
<u>IRR 1 yr</u>	<u>178 AF</u>	<u>(178 AX 1 AF/A)</u>
<u>Evap</u>	<u>15 AX 11" / 12" = 13.75 AF</u>	<u>attachments</u>
	<u>266 AF</u>	

*Surface water*

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 is owner.  
(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 Oct-2, Kansas, this 2 day of Oct 2015  
(month) (year)

[Signature]  
(Applicant Signature)

[Signature]  
APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By [Signature]  
(Agent or Officer Signature)

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

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

Assisted by Katie Tieboet WCI TFO Date: 9/4/14  
(office/title)

WATER RESOURCES RECEIVED

APR 28 2016

**IRRIGATION USE  
SUPPLEMENTAL SHEET**

*Waechter*

File No. 49,630

Name of Applicant (Please Print): Johnny Lee Waechter

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: Johnny Lee Waechter  
ADDRESS: PO Box 2123 Emporia KS 66801

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19	205	12E																	258A

**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	

WATER RESOURCES  
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APR 28 2016

KS DEPT OF AGRICULTURE

★ Note: Roadwork has resulted in modification to drainage area from original topos. SCANNED

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:

*2 pivots.*

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.

4/27/16  
\_\_\_\_\_  
(Date)

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

Re: Application File No. 49,030  
Waecker

Minimum Desirable Streamflow  
\_\_\_\_\_ River Assurance District  
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an Assurance District has been formed and established or a Water Reservation Right is held by the Kansas Water Office (circle the appropriate item) for the source of supply to which the above referenced application applies, namely the Cottonwood River.

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, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

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.

Signature of Applicant  
Johar Waecker  
Print Applicant Name

State of Kansas                 )  
  ) SS  
County of Lyon             )

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me  
this 27 day of April, 2016.

\_\_\_\_\_  
Notary Public

My Commission Expires: 11/15/16

NOTARY PUBLIC - State of Kansas  
  
**LISA STORER**  
My Appt. Exp. 11/15 2016

WATER RESOURCES RECEIVED  
APR 28 2016

**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

Assurance Districts have been formed on the following rivers:

Kansas River                      Marias des Cygnes River                      Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

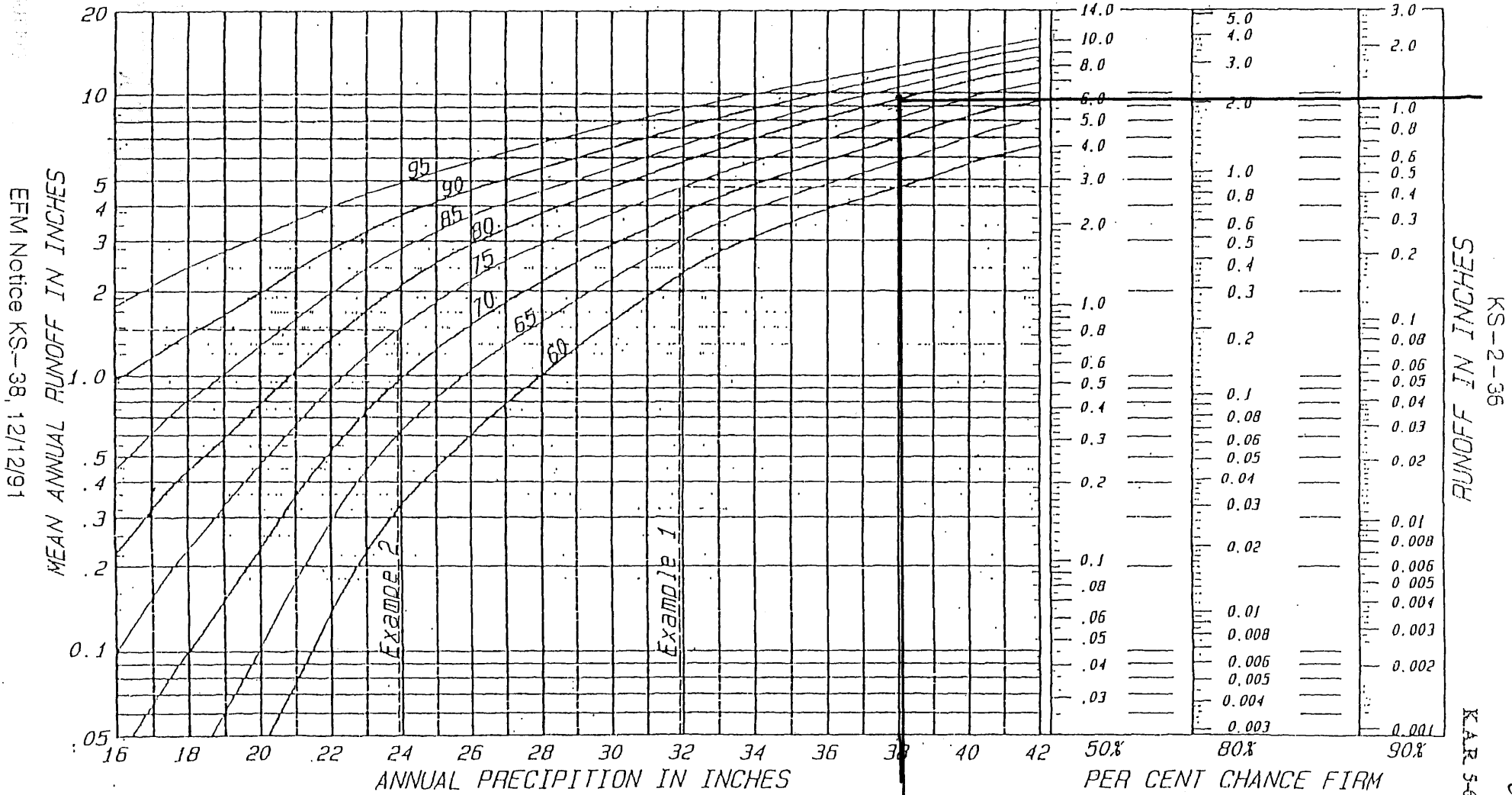
Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek



8.1  
80

Waechter

### ANNUAL YIELD OF RUNOFF



EFM Notice KS-38, 12/12/91

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

38"

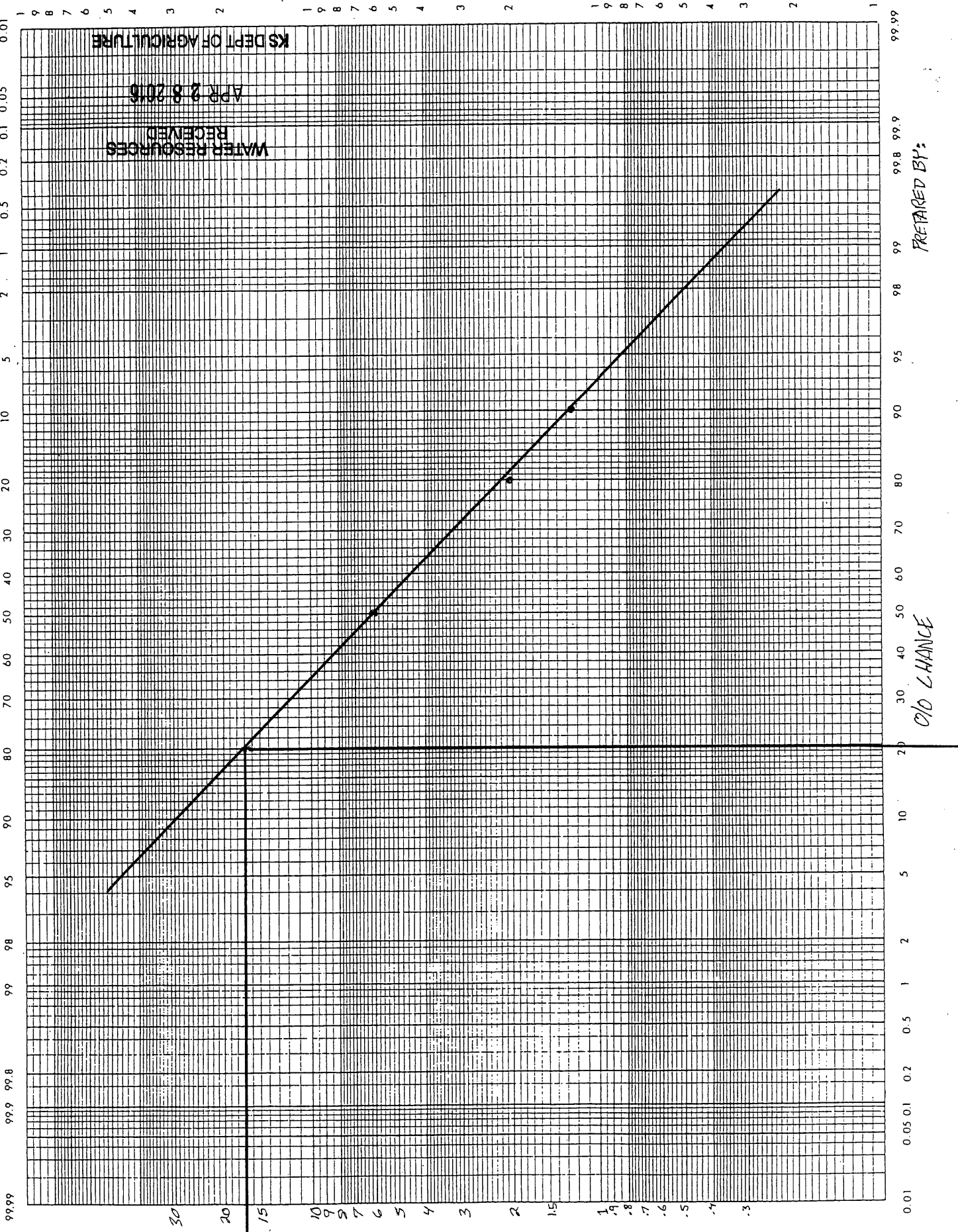
KS-2-36  
RUNOFF IN INCHES

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

49, 630

83  
SCANNED

FILE NO. Waechter SOIL: "80" PRECIP: 38"  
236.08 ACRES IN DRAINAGE x 17" = 4013.36" / 12" ⇒ 334.4 AF OF RUNOFF (20% CHANCE ANNUALLY)



PREPARED BY:

C/O CHANCE

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49630 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49630 00 IRR

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

2478 Feet North and 1981 Feet West of the Southeast Corner of Section 19 T 20S R 12E

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__ 46246 00	SED	NK	S	7748	--	SE	SW	SE	5	1880	30	20	12E	1		.00	.00	AF	
***** Authorized storage =					64.63 AF					Additional storage =					64.63 AF				
A__ 49630 00	IRR	AY	S	0	--	NW	NW	SE	2478	1981	19	20	12E	1		178.00	178.00	AF	

=====

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	178.00	266.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	.00	64.63
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	178.00	330.63

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:

2478 Feet North and 1981 Feet West of the Southeast Corner of Section 19 T 20S R 12E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

=====

File Number	Use	ST	SR
A__ 46246 00	SED	NK	S
>	EAGLE CREEK WATERSHED DIST #77		
>	GERALD HAAG		
>	PO BOX 207		
>	OLPE KS 66865		
-----			
A__ 49630 00	IRR	AY	S
>	JOHNNY LEE WAECHTER		
>			
>	PO BOX 2123		
>	EMPORIA KS 66801		
>	-----		

=====

#####



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

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

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

July 11, 2016

REDEKER TRUST  
PO BOX 14303  
TUCSON AZ 85732-4303

Re: Pending Application, File No. 49,630

Dear Sir or Madam:

This is to advise you that Johnny Lee Waechter has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in an existing reservoir. The application is requesting to appropriate 266 acre-feet of surface water per calendar year, and re-divert 178 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ )  
of Section 19, in Township 20 South, Range 12 East, Lyon County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. 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 may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Johnny Lee Waechter

SCANNED



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

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

Phone: (785) 296-5733  
Fax: (785) 862-2460  
www.agriculture.ks.gov  
Sam Brownback, Governor

July 11, 2016

ROBERT L & EMILY L DEIKER  
977 ROAD L  
EMPORIA KS 66801-7566

Re: Pending Application, File No. 49,630

Dear Sir or Madam:

This is to advise you that Johnny Lee Waechter has filed the application referred to above for a permit to appropriate surface water at the rate of natural flows to be stored in an existing reservoir. The application is requesting to appropriate 266 acre-feet of surface water per calendar year, and re-divert 178 acre-feet of the stored water for irrigation use. The proposed point of diversion (where the dam crosses the centerline of the stream) is located as follows:

in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>)  
of Section 19, in Township 20 South, Range 12 East, Lyon County, Kansas.

A map is enclosed indicating the location of the proposed point of diversion. 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 may also contact me at (785) 296-3495 with any questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Schemm".

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

Enclosure

pc: Johnny Lee Waechter

SCANNED



Results

6 Results

Show Property Photos

Parcel ID	Owner	Property Address	Legal Description
234190000001000	DIEKER, ROBERT L II & EMILY L (Prim)	1300 ROAD 100	S19, T20S, R12E, ACRES 116.7, E1980 NE1/4 LESS ROW
234190000002000	REDEKER TRUST (Prim)	1300 ROAD 100	S19, T20S, R12E, ACRES 155.2, W1/2 W1/2 NE1/4 & N1950 NW1/4 FR LESS ROW
234190000003000	WAECHTER, JOHNNY LEE (Prim)	1300 ROAD 90	S19, T20S, R12E, ACRES 238.2, S1/2 S1/2 NW1/4 FR & N1/2 SW1/4 FR & SE1/4 SW1/4 & W1/2 SE1/4 LESS ROW
234190000004000	WAECHTER, JOHNNY LEE (Prim)	1300 ROAD 90	S19, T20S, R12E, ACRES 39, SW1/4 SW1/4 LESS ROW
234190000005000	WAECHTER, JOHNNY LEE (Prim)	1300 ROAD 90	S19, T20S, R12E, ACRES 39.8, SE1/4 SE1/4 LESS ROW
234190000006000	WAECHTER, JOHNNY LEE (Prim)	900 ROAD P	S19, T20S, R12E, ACRES 38.4, NE1/4 SE1/4 LESS ROW

No warranty, express or implied, is provided for the data herein, or its use.

Developed by Schneider The Schneider Corporation



**Summary**

**Parcel ID** 234190000002000  
**Quick Ref ID** R16364  
**Property Address** 1300 ROAD 100  
**Brief Tax Description** S19, T20S, R12E, ACRES 155.2, W1/2 W1/2 NE1/4 & N1950 NW1/4 FR LESS ROW  
 (Note: Not to be used on legal documents)  
**Taxing Unit Group** 132  
**Lot Size (SF)** N/A  
**Acreage** 155.28  
**Property Class** Agricultural Use  
**Zoning** A  
**Lot Block Subdivision** --  
**S-T-R** 19-20S-12E  
**Deed Book & Page** 0452 - 0942;  
**Neighborhood** Rural Nbhd 830 - Olpe Hinterland

**Owner**

**Primary Owner**  
 Redeker Trust  
 PO Box 14303  
 Tucson, AZ 85732-4303

**Agricultural Land**


Details:			Summary:	
Ag Type	Ag Acres	Ag Soil	Dry Land Acres	
NG	18.58	3890	Irrigated Acres	
NG	13.00	4051	Native Grass Acres	155.28
NG	13.53	4590	Tame Grass Acres	
NG	4.84	4742	<b>Total Ag Acres</b>	<b>155.28</b>
NG	0.13	4744		
NG	10.01	7232		
NG	45.08	7302		
NG	4.02	8727		
NG	8.30	8731		
NG	37.79	8775		

**Valuation**

Class	2016 Appraised Value			2015 Appraised Value
	Land	Building	Total	
A	\$10,980	\$0	\$10,980	
<b>Total</b>	<b>\$10,980</b>	<b>\$0</b>	<b>\$10,980</b>	

**No data available for the following modules:** Lot, Residential Information, Commercial Information, Other Buildings, Building Permits, Photos, Sketches.

No warranty, express or implied, is provided for the data herein, or its use.

 **Developed by**  
Schneider The Schneider Corporation





### Summary

Parcel ID	234190000001000
Quick Ref ID	R16363
Property Address	1300 ROAD 100
Brief Tax Description	S19, T20S, R12E, ACRES 116.7, E1980 NE1/4 LESS ROW (Note: Not to be used on legal documents)
Taxing Unit Group	132
Lot Size (SF)	N/A
Acreage	116.74
Property Class	Agricultural Use
Zoning	A
Lot Block Subdivision	--
S-T-R	19-20S-12E
Deed Book & Page	
Neighborhood	Rural Nbhd 830 - Olpe Hinterland

### Owner

**Primary Owner**  
 Dieker, Robert L II & Emily L  
 977 Road L  
 Emporia, KS 66801-7566

### Agricultural Land

Details:			Summary:	
Ag Type	Ag Acres	Ag Soil	Dry Land Acres	
NG	0.74	4051	Irrigated Acres	
NG	16.33	4590	Native Grass Acres	116.74
NG	39.76	7302	Tame Grass Acres	
NG	2.33	8624	Total Ag Acres	116.74
NG	0.51	8727		
NG	35.44	8731		
NG	21.63	8775		

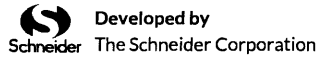
### Valuation

Class	2016 Appraised Value		
	Land	Building	Total
A	\$7,210	\$0	\$7,210
<b>Total</b>	<b>\$7,210</b>	<b>\$0</b>	<b>\$7,210</b>

2015 Appraised Value

No data available for the following modules: Lot, Residential Information, Commercial Information, Other Buildings, Building Permits, Photos, Sketches.

No warranty, express or implied, is provided for the data herein, or its use.



**Schemm, Doug**

---

**Subject:** File No. DLY-52

---

**From:** Hunninghake, Kimberly  
**Sent:** Monday, July 11, 2016 3:19 PM  
**To:** Schemm, Doug  
**Subject:** RE: File No. DLY-52

Doug,

This is the dam you have shown on your map. I pulled the plans from microfilm. I checked the plans and the aerial imagery. The areas and elevations seem to match. It technically based on the approved plans volume at emergency spillway would be non-jurisdictional as of 2013. It is less than 25 feet in height and less than 50 ac-ft at emergency spillway. If the volume were actually over 50 ac-ft it would qualify for an exemption since it is Class A.

You are good to go as long as they are not modifying the dam. Volumes are below.

Kim

Elevation (ft)	Area (acre)	Storage(ac-ft)
Streambed 84		
PS 99	PS 8.4	PS 39
ES 100	ES 9.9	ES 47.4
TOD 103	TOD 15.9	TOD 90

---

**From:** Schemm, Doug  
**Sent:** Monday, July 11, 2016 12:32 PM  
**To:** Hunninghake, Kimberly  
**Subject:** File No. DLY-52

Kim,

I have a guy who has filed to appropriate water (49,630) from an existing reservoir located in the SE quarter of 19, 20S, 12E. Do you think this structures permit could relate to this dam and reservoir? And if so, are we good to go or is this something you would want to re-examine?

File information indicates the drainage area is 236 acres, and surface area of reservoir is 15 acres. I don't know capacity.  
Thanks, Doug

#49,630  
 DLY-52

Query ENGINEERING DATA

**ENGINEERING INFORMATION**

Eng Data Id: 1051    Group:    Form:    Type Of Dam:    Ps Type:     Phase 1 Insp  
 National Id: 1333    Water Right#:    Dam Length: 730    Ps Material:     Plans  
 Haz Class:    Size Class:    Dam Height: 18    Ps Size:     Pre Op Fed  
 Purpose:    Nearest City Town:    Volume Of Fill: 5073    Es Type:     Rec Updated  
 Purpose 2:    Distance To City Town:    Spillway Type:    Es Width: 75     State Registered  
 Purpose 3:    Funding:    Assessment:    Exp Status:    TS:   

Elevation:    Area:    Storage(ac-ft):    Discharge (cfs):    Amc:      
 Streambed:    PS:    PS:    PS: 39    ES:    Drawd D:      
 ES:    ES:    ES:    TOD: 450    Core:      
 TOD:    TOD:    TOD: 70    Foundation:    Rotation Schedule:   

Oth D/ Names: KSNONAME 1333    Dam Former Name:    Designer: USDA SCS    Hydraulic Height: 17  
 Remarks:    Rv/Str: COAL CREEK-TR    Structural Height: 18    Outlet Gates:   

WSI     LEAF     SAZARD

ID	Type	County	Num	EXT	Application Recd Date	File Location	Applicant
11338	D	LY	52				PANHANDLE

SE  $\frac{1}{4}$  ~~339~~  
 38.292447  
 96.120662

491630

\$300.00

**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**

**APR 28 2016**

**KS DEPT OF AGRICULTURE**

**SCANNED**

NEW STREAM WORKSHEET

ES ADW

Date: 4/28/16

File No. 49,630

Basin Name: Cottonwood Basin No. 36

Stream Name: Coal Creek Trib 2 (Cottonwood)  
36

Stream location (confluence with parent stream):

Section 7, Township 20 South, Range 12 (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. 38 <sup>62</sup> ~~33~~ (computer assigned - entered by data entry staff)

Date Entered 5/3/2016 By UM

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 2, 2016

JOHNNY LE WAECHTER  
PO BOX 2123  
EMPORIA KS 66801

RE: Application  
File No. 49630

Dear Sir or Madam:

Your application for permit to appropriate water in 19-20S-12E in Lyon County, was received and has been assigned the file number noted above.

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Brent A. Turney". The signature is written in a cursive style with a large, prominent "B" and "T".

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

KAK: DLW  
pc: TOPEKAField Office  
GMD

SCANNED

JOHNNY LEE WAECHTER - FILE NO. 49,630  
Section 19, Township 20 South, Range 12 East  
Lyon County



Center of Section 19  
Township 20 South  
Range 12 East

Proposed Point of Diversion  
(2,478'N & 1,981'W)

Southeast Corner of Section 19  
Township 20 South  
Range 12 East



Proposed Place of Use



Proposed Point of Diversion

1:24,000

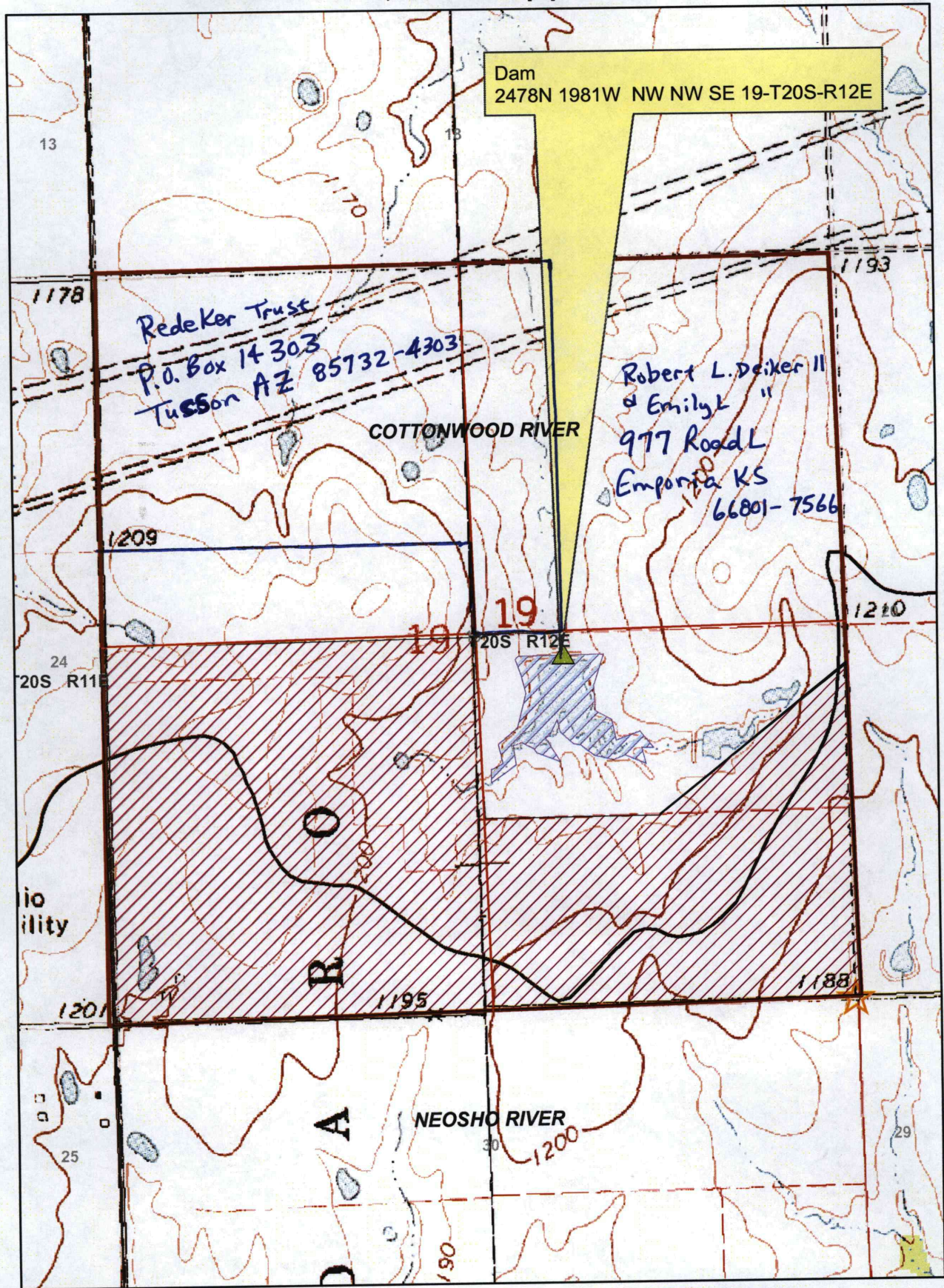
All known landowners adjacent to the stream  
within one-half mile upstream and downstream  
of the property lines have been shown.



*\* See enclosed map*



# Waechter, New Application



1:12,000

\*Nearby landowners from

SCANNED

LYON CO. Deed search. DWS/DWR

Verified with Applicant

7/11/16

WATER RESOURCES RECEIVED

APR 28 2016

KS DEPT OF AGRICULTURE

SCANNED



49,030



WATER RESOURCES RECEIVED

APR 28 2016

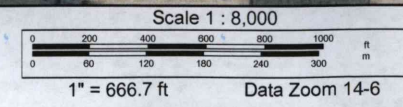
KS DEPT OF AGRICULTURE

SCANNED

Data use subject to license.

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15 ac.

Perimeter: 2.46 mi  
Area: 236.08 ac

WATER RESOURCES  
RECEIVED  
APR 28 2008

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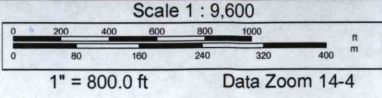
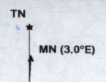
SCANNED

491,030

Data use subject to license.

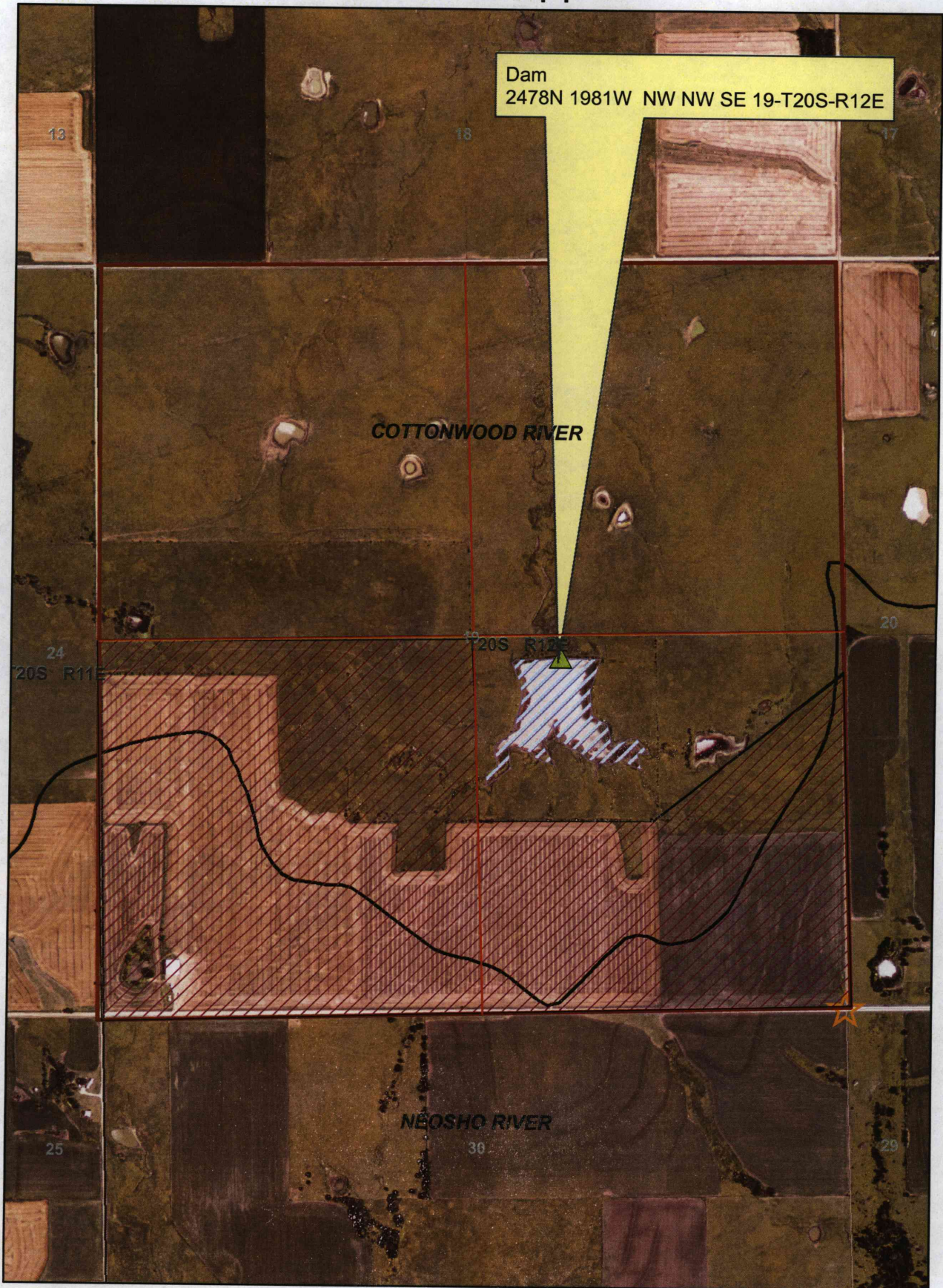
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49,630

# Waechter, New Application



Dam  
2478N 1981W NW NW SE 19-T20S-R12E

COTTONWOOD RIVER

NEOSHO RIVER

1:12,000

WATER RESOURCES  
RECEIVED

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