

File No. **49,634** 15. Formation Code: Drainage Basin: **Black Vermillion River** County: **MS** Special Use: Stream: **NORTH FORK BLACK VERMILLION RIVER TRIB 17 (Bik Verm)**

| 16. Points of Diversion | | | | | | | | | | 17. Rate and Quantity | | | | MOD Addl qty | MOD Stream Name | |
|-------------------------|--------------|-----------|---|---|---|----|---|---|--|-----------------------|-------------|-------------|-------------|------------------|-----------------|--|
| MOD DEL ENT | PDIV | Qualifier | S | T | R | ID | N | W | | Rate gpm | Quantity af | Rate gpm | Quantity af | Overlap PD Files | | |
| √ | 85286 | | | | | | | | | 1000 | 160 | 1000 | 109 | NONE | | |
| | | | | | | | | | | | | | | | | |
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18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: **176** af/yr at _____ gpm (_____ cfs) when combined with file number(s): **49,633 (ON THE PLACE OF USE)**
 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 | | | | | | | | | | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner Files | Chg? NO | Overlap |
|------------------|--------------|---|---|---|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-----|--|------------|-----------|---------------|-------------|---------|---------|
| MOD DEL ENT | PUSE | S | T | R | ID | 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 | | | | | | | | |
| √ | 67766 | | | | | | | | | | | | | | | | | | | | | | | 7a. | NO | 49,633 | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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Comments: *special condition: off season diversion*

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

TO: Files

DATE: August 4, 2016

FROM: Doug Schemm

RE: Applications, File Nos. 49,633 and 49,634

Terry Rottinghaus has filed the above referenced new applications proposing to appropriate surface water by both the direct diversion of surface water at a pump site (File No. 49,634), and the collection and storage of natural flows in a proposed reservoir (File No. 49,633). Both applications are located on tributaries to the North Fork Black Vermillion River. The files will be used for the same irrigation project (i.e. overlap in place of use). Application, File No. 49,634 will allow water to be pumped directly from the stream (when flows are adequate and permission has been granted) either directly to the place of use or into the reservoir requested under Application, File No. 49,633, to be stored for subsequent re-diversion for irrigation use. The points of diversion are located in the Southeast Quarter of Section 10, Township 2 South, Range 10 East, Marshall County, Kansas. The applications' place of use comprises 160 acres, wholly owned by the applicant, and the applicant has signed the application forms stating that he has legal access to the points of diversion.

Application, File No. 49,633 is requesting 67 acre-feet of surface water storage, and the re-diversion of 67 acre-feet of the stored water for irrigation use at 1,000 gallons per minute. Runoff computations have determined that the 80 acre drainage area will result in only 67 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 the limiting factor, and the application quantity was reduced to reflect this allowable maximum. Keith Grimm agreed to the reduced quantity in a July 11, 2016 e-mail.

Application, File No. 49,634 is requesting 160 acre-feet of surface water at a diversion rate of 1,000 gallons per minute. Per K.A.R 5-3-15, Application, File No. 49,634 will be subject to specific conditions, which stipulate strict requirements for direct surface water diversion. These conditions include the stipulation that no diversion shall occur unless there is water available to satisfy all demands by senior water rights and permits, written or verbal permission from the Chief Engineer, or an authorized representative is required prior to diverting water, and streamflow cannot be stopped at the first riffle below the point of diversion while diversion is taking place. The application also complies with K.A.R 5-3-15 (c)(5) because the proposed off-stream reservoir will provide adequate water storage, and there is no need for direct diversion of water from July 1 through September 30.

A quantity of 176 acre-feet is the maximum allowable to irrigate the proposed 160 acres, since 1.1 acre-feet per acre is allowable in Marshall County, Kansas. Therefore a quantity limitation is required on the junior application (File No. 49,634) when combined with the senior file for direct IRR use on the proposed place of use.

Notification letters for both applications were sent to upstream and downstream landowners on July 12, 2016. No responses of any kind were received. The WRIS database indicates there is only one other surface water right within a two (2) mile radius of either file, which is a sediment control reservoir on a different tributary. Therefore approval of these applications will not impact any senior water rights. As noted above, the direct diversion of water under File No. 49,634 will generally be limited to off-season, and only when there is sufficient water to satisfy all senior water rights.

The proposed structure was reviewed by DWR Structures Program staff under File No. DMS-0174 and the dam has been properly registered. There is are no established Minimum Desirable Streamflows (MDS) for the Black Vermillion River Basin.

Memorandum

File Nos. 49,633 and 49,634

Page 2

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. If any chemical or foreign substance is injected into the water pumped under either of these permits, check valves will also need to be installed.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended the referenced applications be approved in a discussion on July 27, 2016. Based on the above discussion, North Fork Black Vermillion River is open to new appropriations meeting specific criteria, and approval of the applications will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced applications be approved, with the conditions discussed above.

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

TERRY ROTTINGHAUS
2898 HARVEST ROAD
AXTELL KS 66403

FILE COPY

Re: Appropriation of Water, File Nos. 49,633 and 49,634

Dear Mr. Rottinghaus:

There are enclosed permits 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 sources and at the locations specified in these permits, and to use it for the purpose and at the location described in these permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits, with specific reference to Paragraph Nos. 19 and 20 for File No. 49,634 requiring you to obtain permission prior to diverting water at your pump site. Water meters are required and you must install them prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports. 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 these permits. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed for each file.

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 these permits 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 these permits. Failure to comply with this regulation will result in the dismissal of your permits or your water rights. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file number. There is also enclosed an information sheet setting forth the procedure to obtain Certificates of Appropriation which will establish the extent of your water rights.

If you have any questions, please contact our office. If you wish to discuss a 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
MWI LLC

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

FILE COPY

**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. 49,634** of the applicant

**TERRY ROTTINGHAUS
2898 HARVEST ROAD
AXTELL KS 66403**

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 **May 9, 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 | | | | |
| 10 | 2S | 10E | | | | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 160 |

3. That the authorized source from which the appropriation shall be made is surface water from North Fork Black Vermillion River Trib 17 (Blk Verm), to be withdrawn by means of one (1) pump site located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE¼ SW¼ SE¼) of Section 10, more particularly described as being near a point 59 feet North and 1,615 feet West of the Southeast corner of said section, in Township 2 South, Range 10 East, Marshall County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,000 gallons per minute (2.23 c.f.s.)** and to a quantity not to exceed **160 acre-feet** of water for any calendar year.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. That all 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 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.

12. That an acceptable water flow meter shall be installed on the 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 ending of the report year).

13. 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.

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

15. 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.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

18. 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.

CERTIFICATE OF SERVICE

On this *29* day of *August*, 2016, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,634, dated *August 25, 2016* was mailed postage prepaid, first class, US mail to the following:

TERRY ROTTINGHAUS
2898 HARVEST ROAD
AXTELL KS 66403

With photocopies to:

MIDWEST IRRIGATION
% KEITH GRIMM
1215 OREGON ST
HIAWATHA KS 66434

Topeka Field Office



Division of Water Resources

creek

APPLICATION COMPLETE
7/27/2016
Reviewer DWS

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

RECEIVED

File Number 49,634
This item to be completed by the Division of Water Resources.

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JUN 21 2016

Topeka Field Office
DIVISION OF WATER RESOURCES

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.)

MAY 09 2016
12:46
KS DEPT OF AGRICULTURE

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

1. Name of Applicant (Please Print): Terry Rottinghaus
Address: 2898 Harvest Rd
City: Axtell State KS Zip Code 66403
Telephone Number: (785) 736-2299

2. The source of water is: surface water in Unnamed Tributary to the North Fork Black Vermillion River Trib 17
(stream) (BLK Verm)
OR groundwater in _____
(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 160 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 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. GMD Meets K.A.R. 5-3-1 (YES) Use IRR Source G County MS By AW Date 5/9/16
Code 102 Fee \$ 30 TR # _____ Receipt Date 7/9/16 Check # 4228

SCANNED 5/11/2016 LUM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the SE quarter of the SW quarter of the SE quarter of Section 10, more particularly described as being near a point 59 feet North and 165 feet West of the Southeast corner of said section, in Township 2 South, Range 10 (E) East/West (circle one), Marshall County, Kansas.
- (B) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas.
- (C) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas.
- (D) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), _____ County, Kansas.

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

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

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

Same 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 April 5, 2016. Terry Pottinghaus
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 Pump in creek
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) July 1st 2017
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be July 1st 2017
(Mo/Day/Year)

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

NP

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 49,633 PL overlap

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MAY 09 2016

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):

Same as applicant
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Hiawatha, Kansas, this 5th day of April, 2016.
(month) (year)

Terry Pottinhaus
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by Keith Germon MWT, LLC Date: 5/5/16
(office/title)

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MAY 09 2016

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 49,634

Name of Applicant (Please Print): Terry Rottinghaus

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: Terry Rottinghaus

ADDRESS: 2898 harvest Rd Axtell Ks 66403

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL | | | | |
|----|---|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|----|----|----|-----|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | | | | |
| 10 | 2 | 10 | | | | | | | | | | | | | | | | | 40 | 40 | 40 | 40 | 160 |
| | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | |

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 | | | | | |
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SCANNED

49,634

upstream pumpsite


Print Page

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Parcel Search Results (Click on the Parcel ID Number for Detailed Results)

| Owner Information | Property Address | Property Description | Apr Amount | Prop Class |
|--|---|--|--|-------------------------|
| <p><u>058-102-10-0-00-00-001.00-0</u> Quick Ref ID = 4668 Tax Year = 2016 MEYER, JAMES H. TRUST Owner Mailing Address: 632 29TH RD AXTELL, KS 66403</p> | <p>00000 29TH RD, Axtell, KS 66403 ACRES=156.3 Neighborhood=175</p> | <p>S10, T02, R010, ACRES 156.3, NE4 LESS R/W</p> | <p>\$60,670</p> | <p>Agricultural Use</p> |
| <p><u>058-102-10-0-00-00-001.00-0</u> Quick Ref ID = 4668 Tax Year = 2016 MEYER, JULIE ANN TRUST Owner Mailing Address: 632 29TH RD AXTELL, KS 66403</p> | <p>00000 29TH RD, Axtell, KS 66403 ACRES=156.3 Neighborhood=175</p> | <p>S10, T02, R010, ACRES 156.3, NE4 LESS R/W</p> | <p>\$60,670</p> | <p>Agricultural Use</p> |
| <p><u>058-102-10-0-00-00-002.00-0</u> Quick Ref ID = 4669 Tax Year = 2016 RONNEBAUM, ROLAN & MARY JANE TRUST Owner Mailing Address: 2841 GRANITE RD AXTELL, KS 66403</p> | <p>2841 GRANITE RD, Axtell, KS 66403 ACRES=156.2 Neighborhood=175</p> | <p>S10, T02, R010, ACRES 156.2, NW4 LESS R/W</p> | <p>\$124,600 A \$59,720 F</p> | <p>Farm Homesite</p> |
| <p><u>058-102-10-0-00-00-002.01-0</u> Quick Ref ID = 4670 Tax Year = 2016 RONNEBAUM, VIRGIL & ROZELLA JOINT REVOCABLE LIVING TRUST Owner Mailing Address: 301 FELIX ST AXTELL, KS 66403</p> | <p>00000 HARVEST RD, Axtell, KS 66403 ACRES=156.1 Neighborhood=175</p> | <p>S10, T02, R010, ACRES 156.1, SW4 LESS R/W</p> | <p>\$62,000</p> | <p>Agricultural Use</p> |
| <p><u>058-102-10-0-00-00-003.00-0</u> Quick Ref ID = 4672 Tax Year = 2016 ROTTINGHAUS, TERRANCE R &</p> | <p>2898 HARVEST RD, Axtell, KS 66403 ACRES=158.3 Neighborhood=175</p> | <p>S10, T02, R010, ACRES 158.3, SE4 LESS R/W</p> | <p>\$105,530 A \$70,000 F</p> | <p>Farm Homesite</p> |

| | | | | |
|--|--|--|--|--|
| MARGARET M Owner Mailing Address: 2898 HARVEST RD AXTELL, KS 66403 | | | | |
| Back to Search Page --- Home | | | | |

Parcel Search powered by  THOMSON REUTERS



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

Phone: (785) 296-5733

Fax: (785) 862-2460

www.agriculture.ks.gov

Sam Brownback, Governor

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

July 12, 2016

DARRELL R & DONNA E HEINEN
2781 INDIAN RD
AXTELL KS 66403

Re: Pending Applications, File Nos. 49,633 and 49,634

Dear Sir or Madam:

This is to advise you that Terry Rottinghaus has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 49,633 is requesting to appropriate 67 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 67 acre-feet of the stored water for irrigation use. Application, File No. 49,634 is requesting to appropriate 160 acre-feet of surface water per calendar year from a tributary to the North Fork Black Vermillion River, to be diverted at a maximum rate of 1,000 gallons per minute. Please note that the direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting.

The proposed point of diversion for File No. 49,633 (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10; and the proposed point of diversion for File No. 49,634 is one pump site located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, both in Township 2 South, Range 10 East, Marshall County, Kansas.

A map is enclosed indicating the location of the proposed points 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 these applications in order that you may be fully informed of the proposed location of the applicant's points 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 that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Terry Rottinghaus
MWI, LLC



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

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

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

Sam Brownback, Governor

July 12, 2016

ANDREW J PESCHEL
2885 HARVEST RD
AXTELL KS 66403

Re: Pending Applications, File Nos. 49,633 and 49,634

Dear Sir or Madam:

This is to advise you that Terry Rottinghaus has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 49,633 is requesting to appropriate 67 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 67 acre-feet of the stored water for irrigation use. Application, File No. 49,634 is requesting to appropriate 160 acre-feet of surface water per calendar year from a tributary to the North Fork Black Vermillion River, to be diverted at a maximum rate of 1,000 gallons per minute. Please note that the direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting.

The proposed point of diversion for File No. 49,633 (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10; and the proposed point of diversion for File No. 49,634 is one pump site located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, both in Township 2 South, Range 10 East, Marshall County, Kansas.

A map is enclosed indicating the location of the proposed points 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 these applications in order that you may be fully informed of the proposed location of the applicant's points 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 that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Terry Rottinghaus
MWI, LLC



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Topeka, Kansas 66619

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www.agriculture.ks.gov

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

Sam Brownback, Governor

July 12, 2016

RAY & PATTIE BUESSING
1083 29TH RD
AXTELL KS 66403

Re: Pending Applications, File Nos. 49,633 and 49,634

Dear Sir or Madam:

This is to advise you that Terry Rottinghaus has filed the applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 49,633 is requesting to appropriate 67 acre-feet of surface water per calendar year at the rate of natural flows to be stored in a proposed reservoir, and re-divert 67 acre-feet of the stored water for irrigation use. Application, File No. 49,634 is requesting to appropriate 160 acre-feet of surface water per calendar year from a tributary to the North Fork Black Vermillion River, to be diverted at a maximum rate of 1,000 gallons per minute. Please note that the direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting.

The proposed point of diversion for File No. 49,633 (where the dam crosses the centerline of the stream) is located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW¹/₄ SE¹/₄ SE¹/₄) of Section 10; and the proposed point of diversion for File No. 49,634 is one pump site located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE¹/₄ SW¹/₄ SE¹/₄) of Section 10, both in Township 2 South, Range 10 East, Marshall County, Kansas.

A map is enclosed indicating the location of the proposed points 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 these applications in order that you may be fully informed of the proposed location of the applicant's points 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 that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Terry Rottinghaus
MWI, LLC



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Topeka, Kansas 66619

Phone: (785) 296-5733
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Sam Brownback, Governor

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

July 12, 2016

VIRGIL & ROZELLA JOINT REVOCABLE LIVING TRUST
301 FELIX ST
AXTELL KS 66403

Re: Pending Application, File No. 49,634

Dear Sir or Madam:

This is to advise you that Terry Rottinghaus has filed the application referred to above for a permit to appropriate 160 acre-feet of surface water per calendar year from a tributary to the North Fork Black Vermillion River for irrigation use, to be diverted at a maximum rate of 1,000 gallons per minute. In addition, a second application has been filed (pending application, File No. 49,633), which would authorize storage of water in an off-stream water storage facility (reservoir) for irrigation use. Please note that the direct diversion of surface water is subject to specific permit conditions including requesting permission prior to diverting. Surface water will be diverted from one (1) pump site, located as follows:

in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, in Township 2 South, Range 10 East, Marshall 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 that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

Enclosure

pc: Terry Rottinghaus
MWI, LLC

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 9, 2016

TERRY ROTTINGHAUS
2898 HARVEST RD
AXTELL KS 66403

RE: Application
File No. 49634

Dear Sir or Madam:

Your application for permit to appropriate water in 10-2S-10E in Marshall 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,

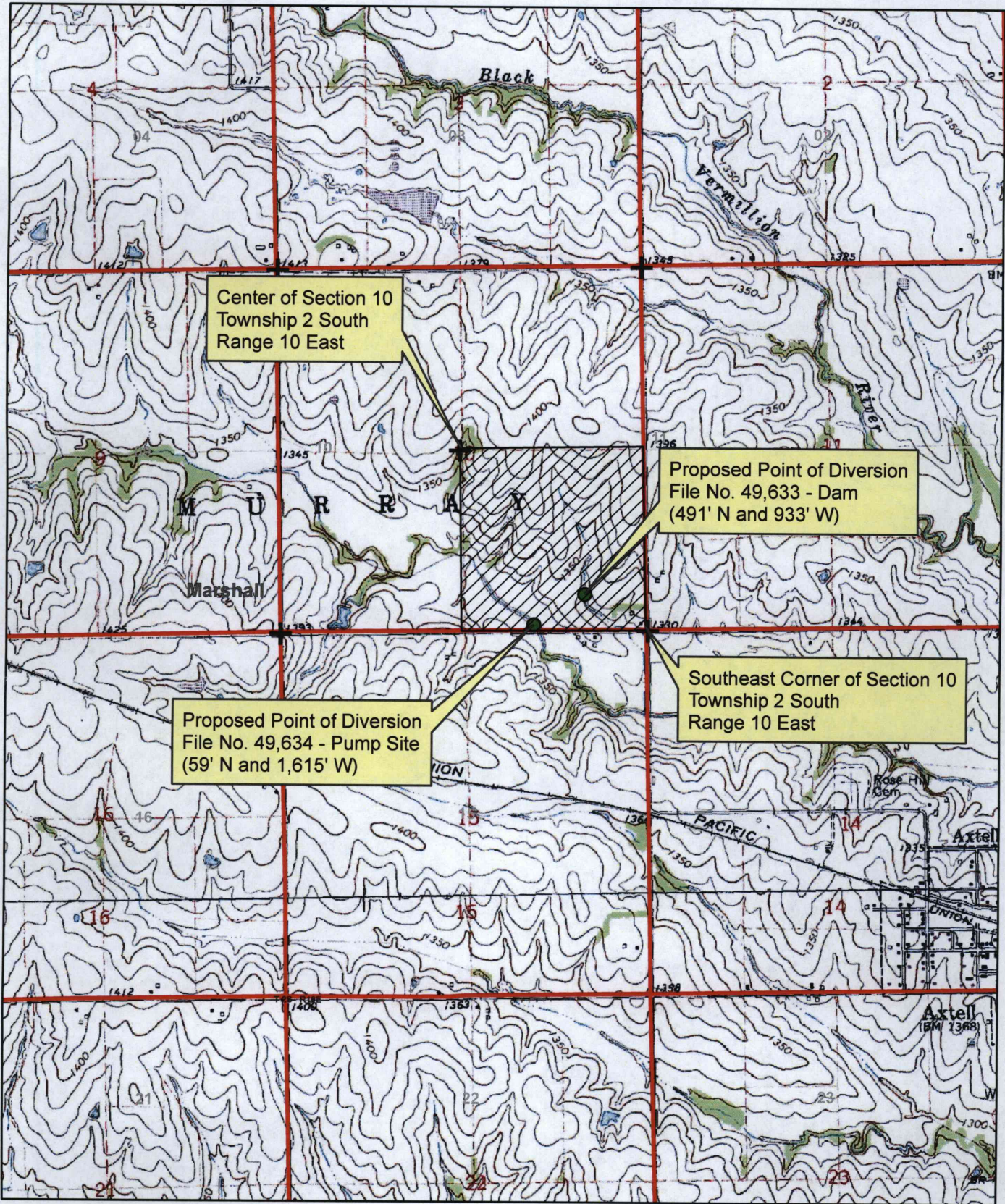
A handwritten signature in black ink that reads "Brent A. Turney". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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

KAK: DLW
pc: TOPEKAField Office
GMD

SCANNED

TERRY ROTTINGHAUS - FILE NOS. 49,633 AND 49,634
 Section 10, Township 2 South, Range 10 East
 Marshall County



Proposed Place of Use



Proposed Point of Diversion

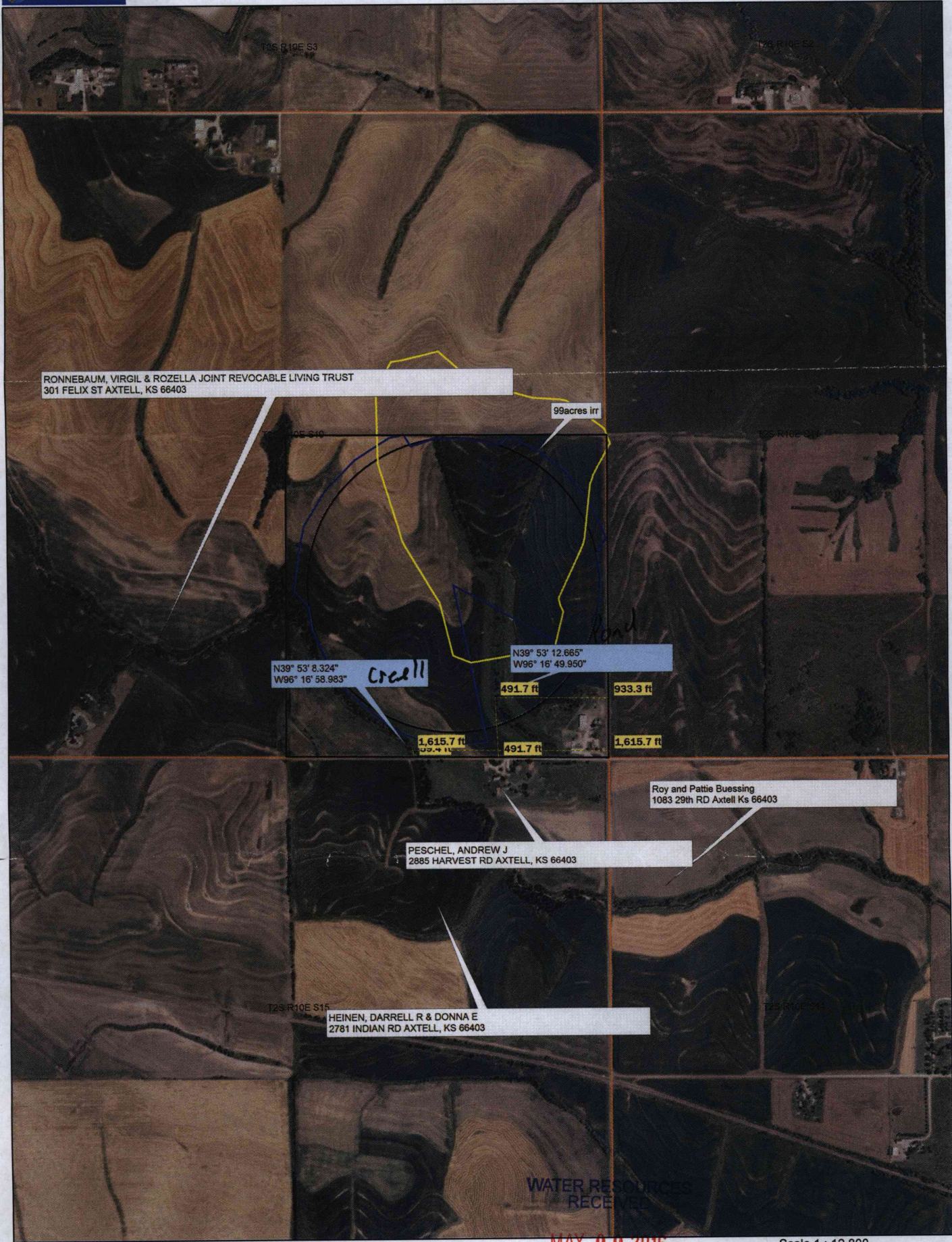
All known landowners adjacent to the stream within one-half mile upstream and downstream of the property lines have been shown. * See attached map

1:24,000

DWS LOWR
 7/25/16



49,634



RONNEBAUM, VIRGIL & ROZELLA JOINT REVOCABLE LIVING TRUST
301 FELIX ST AXTELL, KS 66403

99acres Irr

N39° 53' 8.324"
W96° 16' 58.983" *Creek*

N39° 53' 12.665"
W96° 16' 49.950"

491.7 ft
933.3 ft
1,615.7 ft
491.7 ft
1,615.7 ft

Roy and Pattie Buessing
1083 29th RD Axtell Ks 66403

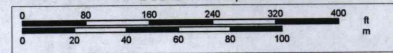
PESCHEL, ANDREW J
2885 HARVEST RD AXTELL, KS 66403

HEINEN, DARRELL R & DONNA E
2781 INDIAN RD AXTELL, KS 66403

WATER RESOURCES
RECEIVED

MAY 09 2016

Scale 1 : 12,800



1" = 242.2 ft

Data Zoom 14-0



49,034



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MAY 09 2016

