Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

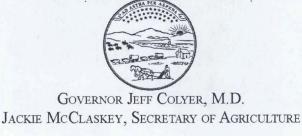
1. File Number: 42,703	2. Status Change Date: 8 -8-2018	3. Change Num: C2 (Correct WRIS)	4. Field Office: 01	5. GMD:		
6. Status: ⊠ Approved □	Denied by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 7/23/18		
8a. Applicant(s) New to system ROBERT J & DEBOR TRUSTS ROBERT WIETHARN 1925 KIOWA RD CLAY CENTER KS 6	TRUSTEE	ROBEI MEMB 1925 K	vstem □ IARN INVESTME RT WIETHARN -	MANAGING		
8b. Landowner(s) New to system GALEN F WIETHARN 211 WEBSTER ST CLAY CENTER KS 6		8d. WUC New to sy	ystem □	Person ID <u>28589</u> Add Seq# <u>1</u>		
9. Documents and Enclosure(s):	☑ DWR Meter(s) Date to Comp	ly: <u>12/31/18</u>	N & P Date to	o Comply:		
☐ Anti-Reverse Meter ☐ M☐ Conservation Plan Date R	leter Seal ☐ Check Valve	□ N & P Form		Oriller Copy		
10. Use Made of Water From: _	1012 to 19	To:				
	g 2 8		Date Prepared: 8/3/1 Date Entered:	8 By: LHH/TFO By:		

	42,703	3	11. 0	county:	CLAY	Ва	sin: R	epubli	can				S	tream:							Fo	rmation Code: 1	Special Use:
12. Point	s of Dive	rsion																	uantity			44:4:	
MOD DEL F ENT	PDIV	Qualifier		S	Т	R	ID		N	ʻW		Com	nment				Rate gpm/c		Quantit af/mgy		Rate gpm/d		Overlap PD Files
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*Note:	P/D is	not being	moved	, only	upda	ting fe	et di	stanc	es ba	sed	on G	PS da	ata.			14				1914			
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14. Limita	tion:																						
				af/yr a	t			9	gpm (_		-	<u> </u>	cfs) wh	nen co	mbine	d with	file n	umber	(s)	84			
Limita	tion:			af/yr a	t				gpm (_				cfs) wh	nen co	mbine	d with	file n	umber	(s)			12 2 9	
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Limita 15. 5YR A 16. Place The Mod Deller P DEL 407 DEL 107 ENT 268	tion:	S T 1 1 8S 2 6 8S 3	en Type	af/yr a	Sta	nt Year	Ξ1/4 SW 1/4	SE 1/4	5 YR	NW 1/4	nt	SE	Amo	sv NW 1/4	mbine nit	SE 1/4	Base	Acres	SE1/4 SW 1/4	_ Co	Total 6 114	Owner Chg 8c. Ye 42703; & 42	o? Overlap Files s 2790; 38534; 40064 2438 s 2790; 38534; 40064
15. 5YR A 16. Place T MOD DEL	tion:	S T 1 1 8 2 2 6 8 5 3 1 8 5 2	en Type R II E 1 E 1 E 1	af/yr a	Sta	nt Year	Ξ1/4 SW 1/4	SE 1/4	5 YR	NW 1/4	nt	SE	Amo	sv NW 1/4	mbine nit	SE 1/4	Base	Acres	SE1/4 SW 1/4	_ Co	Total 6 114 159.45	8c. Ye 42703; & 428c. Ye 42703; & 42	s 2790; 38534; 40064 2438 s 2790; 38534; 40064 2438 s 2790; 38534; 40064

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES TOPEKA FIELD OFFICE 6531 SE FORBES AVE., SUITE B TOPEKA, KS 66619

STATE OF KANSAS

PHONE: (785) 296-5733 Fax: (785) 296-8298 www.agriculture.ks.gov



August 8, 2018

WIETHARN INVESTMENTS LLC ROBERT WIETHARN - MANAGING MEMBER 1925 KIOWA RD CLAY CENTER KS 67432

Re:

Water Right, File Nos. 2,790; 5,943;

38,534; 40,064; 42,438; & 42,703

Dear Sir:

Enclosed are the orders executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change. A condition of these orders requires the installation of a water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

http://agriculture.ks.gov/meters

If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Because these orders modify the original certificates issued under your water right files, they should be recorded with the Register of Deeds as other instruments affecting real estate.

These documents are summary orders by this agency regarding this matter. These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of these orders.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Katherine A. Tietsort

Water Commissioner

KAT:lhh Enclosures

PC: Galen F Wietharn Trust No. 1

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

> Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater

than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use. RECEIVED File No. 42703 Application is hereby made for approval of the Chief Engineer to change the (check one or both): DIVISION OF WATER RESOURCES □ Place of Use ☐ Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below. ☐ Surface water The source of supply is: 2. Name and address of Applicant: ROBERT J & DEBORAH A WIETHARN TRUSTS - ROBERT WIETHARN TRUSTEE 1925 KIOWA RD CLAY CENTER, KS 67432 Email address: briverscreen@kansas.net Phone Number: (785) 630-0611 Name and address of Water Use Correspondent: Same as above Phone Number: () Email address: 3. The presently authorized place of use is: Owner of Land ---- NAME: ROBERT J & DEBORAH A WIETHARN TRUSTS ADDRESS: 1925 KIOWA RD CLAY CENTER, KS 67432 (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 NE1/4 SE1/4 TOTAL **ACRES** NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NE1/4 SE1/4 NE1/4 Twp. Range 2E 6 6 88

	NE¼ NW¼				V1/4		SW1/4				SE1/4				TOTAL				
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
1	88	2E	39.82	39.63	40	40													159.45

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: ROBERT J & DEBORAH A WIETHARN TRUSTS

For Office Use Only: Code	Fee \$	TR #	Receipt Date	Check #	

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 42703

MAKE ADDITIONAL COPIES AS NECESSARY

B. Co	ontinue wner o	ed: The f Land -	NA	AME:	ROBE	RTJ8	DEB	DRAH	A WIE	THAR ER, K	N TRU S 674	JSTS 32 /	/ G 211	ALEN WEBS	F & CI	LETA I	WIETH AY CE	IARN T	RUSTS , KS 67432
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				-													-		

	One in the Quarter of the S			
	of Section6, Township8	S	South, Range	3E ,
	in <u>CLAY</u> County, Kansas, <u>3500</u> fe	et North _	4500 feet West of S	outheast corner of section.
	Authorized Rate Authorized Quantity		Depth of well	(feet)
	(DWR use only: Computer ID No. 60352 GPS	3470	feet North <u>4457</u>	feet West)
	☐This point will not be changed ☐This point will be changed as	s follows:	No change, point better de	scribed with GPS as follows:
	Proposed point of diversion: (Complete only if change is			
	One in the NE Quarter of the S	SW	Quarter of the	NW Quarter
	of Section6, Township8	S	South, Range	3E,
	in <u>CLAY</u> County, Kansas, <u>3470</u> fe	et North _	4457 feet West of S	outheast corner of section.
	Proposed Rate Proposed Quantity		Proposed well depth (f	reet)
	This point is: Additional Well Geo Center List other			
ا ۽	Presently authorized point of diversion:			
٠.	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township			
	in County, Kansas, fe			
	Authorized Rate Authorized Quantity			
	(DWR use only: Computer ID No GPS _		feet North	feet West)
	This point will not be changed This point will be changed as	s follows:	No change point better de	scribed with GPS as follows:
	Proposed point of diversion: (Complete only if change is			
	One in the Quarter of the			
	of Section, Township			
	in County, Kansas, fe			
	Proposed Rate Proposed Quantity This point is: Additional Well Geo Center List other			
7.	The changes herein are desired for the following reasons?	one-h	alf mile downstream and	one-half mile upstream from
	(please be specific)	your p	property lines	
	Add acreage in the SW and SE corners of the NW1/4 of			
	Sec. 14to create a complete overlap in PU with multiple files.	300	200 100 North	100 200 300
		E	200 100 0	luuluuluuluuduu 3
		E		
3.	If a well, is the test hole log attached? Yes No	200	- + + =	+ + = 200
	The share (a) (see) (see) (see)	E	' ' ' <u> </u>	
9.	The change(s) (was)(will be) completed by?	E	THOUSE I	
	Summer 2018	100	-1 + 1 + 1 =	+ + = 100
10	If the point of diversion is a well:		=======================================	=
10.		Wost 0	atımlını tırılını tırı	
	(a) What are you going to do with the old well?	vvest o E	=	i cast
		E		=
	(b) When will this be done?	100	-1+1+1=	+ + = 100
	(b) When will this be done?	E		
	O District	- E	-1+1+1=	+ + = 200
11.	Groundwater Management District recommendation attached? Yes No	200	1 + 1 + 1 =	1 + 1 + 1 = 200
	attached?	E		F
12	Assisted by DWS/TFO	E	<u>ntuuluuluuluuluu</u> ‡uu	
12.	Additionally Devolution	300	200 100 0 South	100 200 300 Scale: 1 hashmark=10 ft
13a	.If the proposed point of diversion will be relocated more than	401 15 11		
	300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For	13b.lt the	proposed point of diversion	on will be relocated <u>within 30</u> sion, indicate its location on th
	groundwater sources, show all wells (including domestic) within	diagra	m shown above in rela	tion to the existing point of the "X" in center of diagram
	one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water	divers	ion. (PLEASE NOTE: T	he "X" in center of diagram
	sources, show the names and addresses of the landowner(s)	divers		ently authorized point of
	(9)			

5. Presently authorized point of diversion:

 If the proposed groundwater point of diversion is 300 or fewer feet fr 	om the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently auth ☐ Yes ☐ No (If no, all owners must sign this appl	
 (b) Will the ownership interest of any owner of the currently authoral affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this approved as requested?) 	
(c) If this application is not approved expeditiously, will there be sul ☐ Yes ☐ No (If no, all owners must sign this appli	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, s of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirn age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this ap contained in this application are true, correct and complete.	rized agent of the owner(s) to make this application on plication pertains. I further verify that the statements
Dated at Clay Center , Kansas, this	20th day of July , 2018.
Dated at, Kansas, this	day of
RIVIII	Oral A Whattage
Makey J. Martha	Weborah A. Wutharn (Spouse)
(Owner)	
Robert J Wietharn	Deborah A. Wietharn
(Please Print)	(Please Print)
Tale of Caliette about	Cletar 1.) in Anorm
(Owner)	(Spouse)
1-210 E \ 1" HO	Cleto Z Wietharn
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	and the second s
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kanaga	
State of Kansas SS	
County of	m+k
I hereby certify that the foregoing application was signed in of, 20 /8	my presence and sworn to before me this day
A KDIO KICOL	HOSE TRUSTINGS
KRIS KISSI	
My Commission Expires 8/12/2021 My Appt. Expires 8/1.	2/2021
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all	of the applicable portions of the application form must be completed with
accurate information; maps, if necessary, must be included; signatures of all the atthe appropriate fee must be paid.	
FEE SCHED	ULE
Each application to change the place of use or the point of diversion und	
forth in the schedule below: Make checks payable to: Kansas Departm	
(1) Application to change a point of diversion 300 feet or less	\$100
(2) Application to change a point of diversion more than 300 fee(3) Application to change the place of use	
(5) Application to change the place of use	,φ200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro	is Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable ovisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions of File No. 42,703
1.	A change application was received on
2.	On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographie map accompanying the application to change the place of use. A Applicable Not Applicable
3.	The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a foot radius of the authorized point(s) of diversion. Applicable
4.	The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5.	The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ Applicable ☒ Not Applicable
7.	The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20 1/5, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8.	Installation of the works for diversion of water shall be completed on or before December 31, 20, or within any authorized extension of time. By March 1, 20 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9.	The completed well log shall be submitted with the required notice.
10.	All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11.	Additional Conditions are attached.
12.	In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the <i>Kansas Water Appropriation Law</i> and the <i>Rules and Regulations</i> promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.
	Administrative Appeal and Effective Date of Order
If you English Agrifiled admired to the control of	FOR OFFICE USE ONLY are aggrieved by this order, pursuant to K.S.A. 82a-1901, a may request an evidentiary hearing before the Chief gineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be did within 15 days of service of this Order and a request for ministrative review by the Secretary must be filed within 30 respursuant to K.S.A. 77-531. Any request for administrative review by the Secretary must be filed within 30 repursuant to K.S.A. 77-531. Any request for administrative review pursuant to K.S.A. 77-527. The any request with Kansas Department of Agriculture, and Division, 1320 Research Park Drive, Manhattan, KS 102. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act. For Use by Register of Deeds FOR OFFICE USE ONLY APPLICATION APPROVED AND SUMMARY ORDER ISSUED By: Authorized Designee of the Chief Engineer Duly Authorized Designee of the Chief Engineer Print Name): Latter A. Tietsout Division of Water Resources - Kansas Department of Agriculture Date of Issuance: State of Kansas County of Acknowledged before me on Acknowledged before me on by Acknowledged before me on County of Acknowledged before me on County of Count
DW	Signature: Notary Public Notary Notary Notary Public Notary Notar

CERTIFICATE OF SERVICE

On this 8th day of August, 2018, I hereby certify that the attached <u>APPROVAL OF</u> <u>APPLICATION FOR CHANGE IN PLACE OF USE</u>, Water Right, File No. 42,703, dated August 8, 2018 was mailed postage prepaid, first class, US mail to the following:

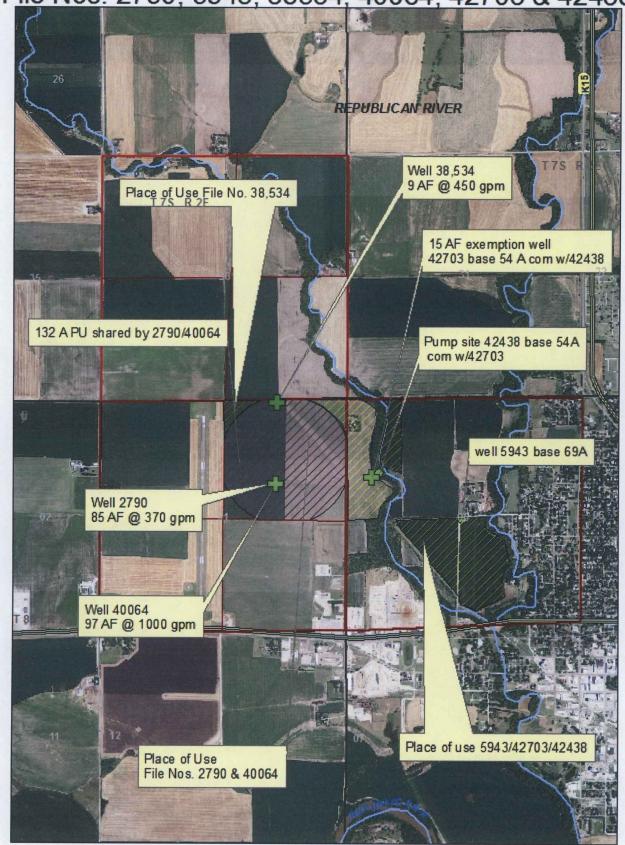
WIETHARN INVESTMENTS LLC ROBERT WIETHARN - MANAGING MEMBER 1925 KIOWA RD CLAY CENTER KS 67432

With a photocopy to:

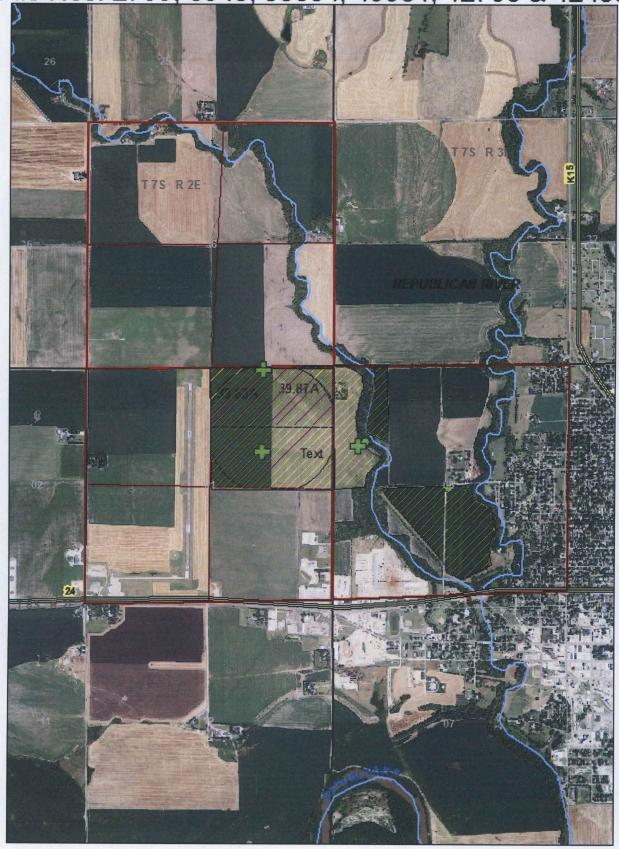
GALEN F WIETHARN TRUST NO 1 211 WEBSTER ST CLAY CENTER KS 67432

Staff

Wietharn Authorized Place of Use File Nos. 2790, 5943, 38534, 40064, 42703 & 42438



Wietharn Proposed Place of Use File Nos. 2790, 5943, 38534, 40064, 42703 & 42438



All wells within 1/2 mile have been plotted:

1:24,000