

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET**

Document Signature \_\_\_\_\_

1. File Number: <b>42,703</b>	2. Status Change Date: <b>8-8-2018</b>	3. Change Num: <b>C2</b> (Correct WRIS)	4. Field Office: <b>01</b>	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>7/23/18</b>
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8a. Applicant(s) <input type="checkbox"/> New to system Person ID <b>28589</b> Add Seq# <b>1</b>  <b>ROBERT J &amp; DEBORAH A WIETHARN TRUSTS</b> <b>ROBERT WIETHARN TRUSTEE</b> <b>1925 KIOWA RD</b> <b>CLAY CENTER KS 67432</b>	8c. Landowner(s) <input type="checkbox"/> New to system Person ID <b>63613</b> Add Seq# <b>1</b>  <b>WIETHARN INVESTMENTS LLC</b> <b>ROBERT WIETHARN - MANAGING MEMBER</b> <b>1925 KIOWA RD</b> <b>CLAY CENTER KS 67432</b>
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8b. Landowner(s) <input checked="" type="checkbox"/> New to system Person ID _____ Add Seq# _____  <b>GALEN F WIETHARN TRUST #1</b> <b>211 WEBSTER ST</b> <b>CLAY CENTER KS 67432</b>	8d. WUC <input type="checkbox"/> New to system Person ID <b>28589</b> Add Seq# <b>1</b>  <b>8C.</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/18**  N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter  Meter Seal  Check Valve  N & P Form  Water Tube  Driller Copy  H & E Letter

Conservation Plan Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

10. Use Made of Water From: \_\_\_\_\_ To: \_\_\_\_\_

Date Prepared: **8/3/18** By: **LHH/TFO**  
 Date Entered: \_\_\_\_\_ By: \_\_\_\_\_

File No. **42,703**      11. County: **CLAY**    Basin: **Republican**      Stream:      Formation Code: **113**    Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
MOD	60352	NE SW NW	6	8S	3E	5	3470	4457		No change in R or Q				None

\*Note: P/D is not being moved, only updating feet distances based on GPS data.

13. Storage: Rate \_\_\_\_\_ NF    Quantity \_\_\_\_\_ ac/ft    Additional Rate \_\_\_\_\_ NF    Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD DEL ENT	PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE								
						DEL	40720	1	8S	2E	5	6																	6
DEL	10143	6	8S	3E	1					22	26		26	0.5		1		27	11.5				114						
ENT	26586	1	8S	2E	1	39.82	39.63	40	40														159.45	8c.	Yes	2790; 38534; 40064; 42703; & 42438			
ENT		6	8S	3E						22	26												48	8c.	Yes	2790; 38534; 40064; 42703; & 42438			
ENT		6	8S	3E									26	0.5		1		27	11.5				66	8b & 8c.	Yes	2790; 38534; 40064; 42703; & 42438			

Comments: **The parties in 8b. & 8c. both own an undivided interest in the property in the South Half of Section 6.**

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

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

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:lh  
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.

File No. 42703

RECEIVED  
 JUL 23 2018  
 3:06 PM  
 Topeka Field Office  
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: ROBERT J & DEBORAH A WIETHARN TRUSTS - ROBERT WIETHARN TRUSTEE  
1925 KIOWA RD CLAY CENTER, KS 67432

Phone Number: (785) 630-0611                      Email address: briverscreen@kansas.net

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.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1	8S	2E	6																6

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

ADDRESS: 1925 KIOWA RD CLAY CENTER, KS 67432

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1	8S	2E	39.82	39.63	40	40													159.45

**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

3. *Continued:* The presently authorized place of use is:  
 Owner of Land ---- NAME: ROBERT J & DEBORAH A WIETHARN TRUSTS / GALEN F & CLETA WIETHARN TRUSTS  
 ADDRESS: 1925 KIOWA RD CLAY CENTER, KS 67432 / 211 WEBSTER ST, CLAY CENTER, KS 67432

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6	8S	3E					22	26			26	0.5		1		27	11.5		114

Owner of Land ---- NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Owner of Land ---- NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

4. *Continued:* 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 / GALEN F & CLETA WIETHARN TRUSTS  
 ADDRESS: 1925 KIOWA RD CLAY CENTER, KS 67432 / 211 WEBSTER ST, CLAY CENTER, KS 67432

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6	8S	3E					22	26			26	0.5		1		27	11.5		114

Owner of Land ---- NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Owner of Land ---- NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

5. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SW Quarter of the NW Quarter  
 of Section 6, Township 8S South, Range 3E,  
 in CLAY County, Kansas, 3500 feet North 4500 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 60352 GPS 3470 feet North 4457 feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the NE Quarter of the SW Quarter of the NW Quarter  
 of Section 6, Township 8S South, Range 3E,  
 in CLAY County, Kansas, 3470 feet North 4457 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point NONE

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. The changes herein are desired for the following reasons?  
 (please be specific) NE  
Add acreage in the SW and SE corners of the NW 1/4 of  
Sec. 14 to create a complete overlap in PU with multiple files.

one-half mile downstream and one-half mile upstream from  
 your property lines

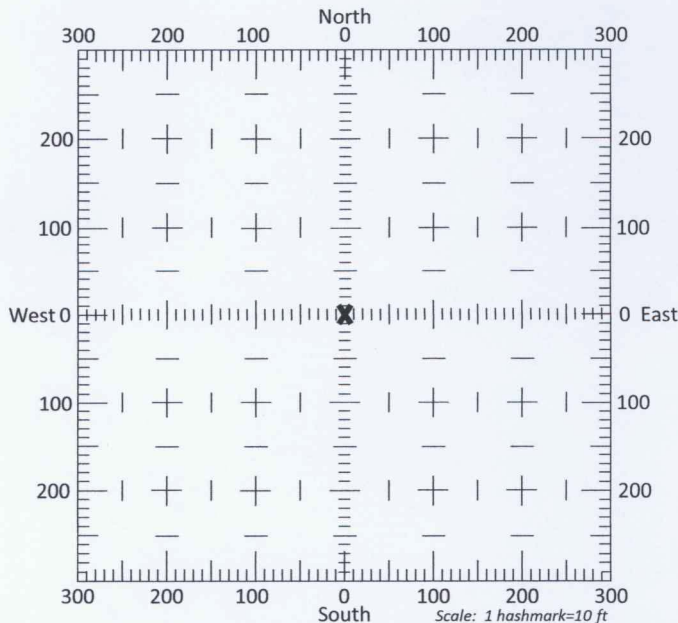
8. If a well, is the test hole log attached?  Yes  No  
 9. The change(s) (was)(will) be completed by?  
Summer 2018

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
 \_\_\_\_\_  
 (b) When will this be done? \_\_\_\_\_

11. Groundwater Management District recommendation  
 attached?  Yes  No

12. Assisted by DWS/TFO

13a. If the proposed point of diversion will be relocated more than  
 300 feet but within 2,640 feet of the existing point of diversion,  
 attach a topographic map or aerial photograph. For  
 groundwater sources, show all wells (including domestic) within  
 one-half mile of the proposed point of diversion and the names  
 and mailing addresses of the owners. For surface water  
 sources, show the names and addresses of the landowner(s)



13b. If the proposed point of diversion will be relocated within 300  
 feet of the existing point of diversion, indicate its location on the  
 diagram shown above in relation to the existing point of  
 diversion. (PLEASE NOTE: The "X" in center of diagram  
 above represents the presently authorized point of  
 diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Clay Center, Kansas, this 20<sup>th</sup> day of July, 2018.

Robert J. Wietharn  
(Owner)

Robert J. Wietharn  
(Please Print)

Galen F. Wietharn  
(Owner)

Galen F. Wietharn  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

Deborah A. Wietharn  
(Spouse)

Deborah A. Wietharn  
(Please Print)

Cletos Z. Wietharn  
(Spouse)

Cletos Z. Wietharn  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Clay } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20<sup>th</sup> day of July, 2018.

My Commission Expires 8/12/2021



Kris Kissinger  
Notary Public

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 appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less ..... \$100
- (2) Application to change a point of diversion more than 300 feet ..... \$200
- (3) Application to change the place of use ..... \$200





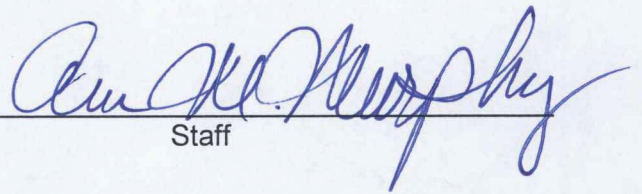
## CERTIFICATE OF SERVICE

On this 8<sup>th</sup> day of August, 2018, I hereby certify that the attached APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE, 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

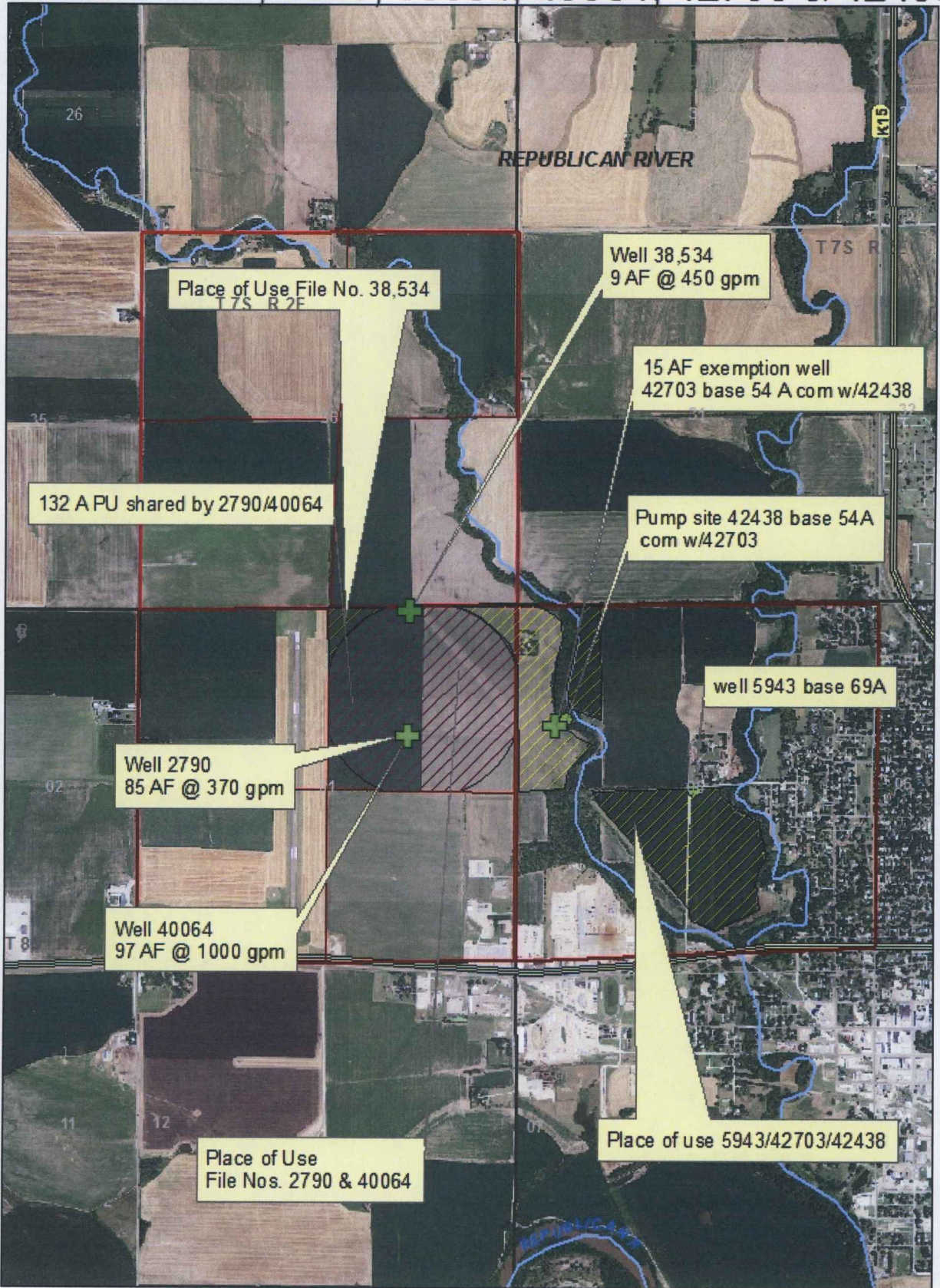
With a photocopy to:

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

  
Staff

# Wietharn Authorized Place of Use

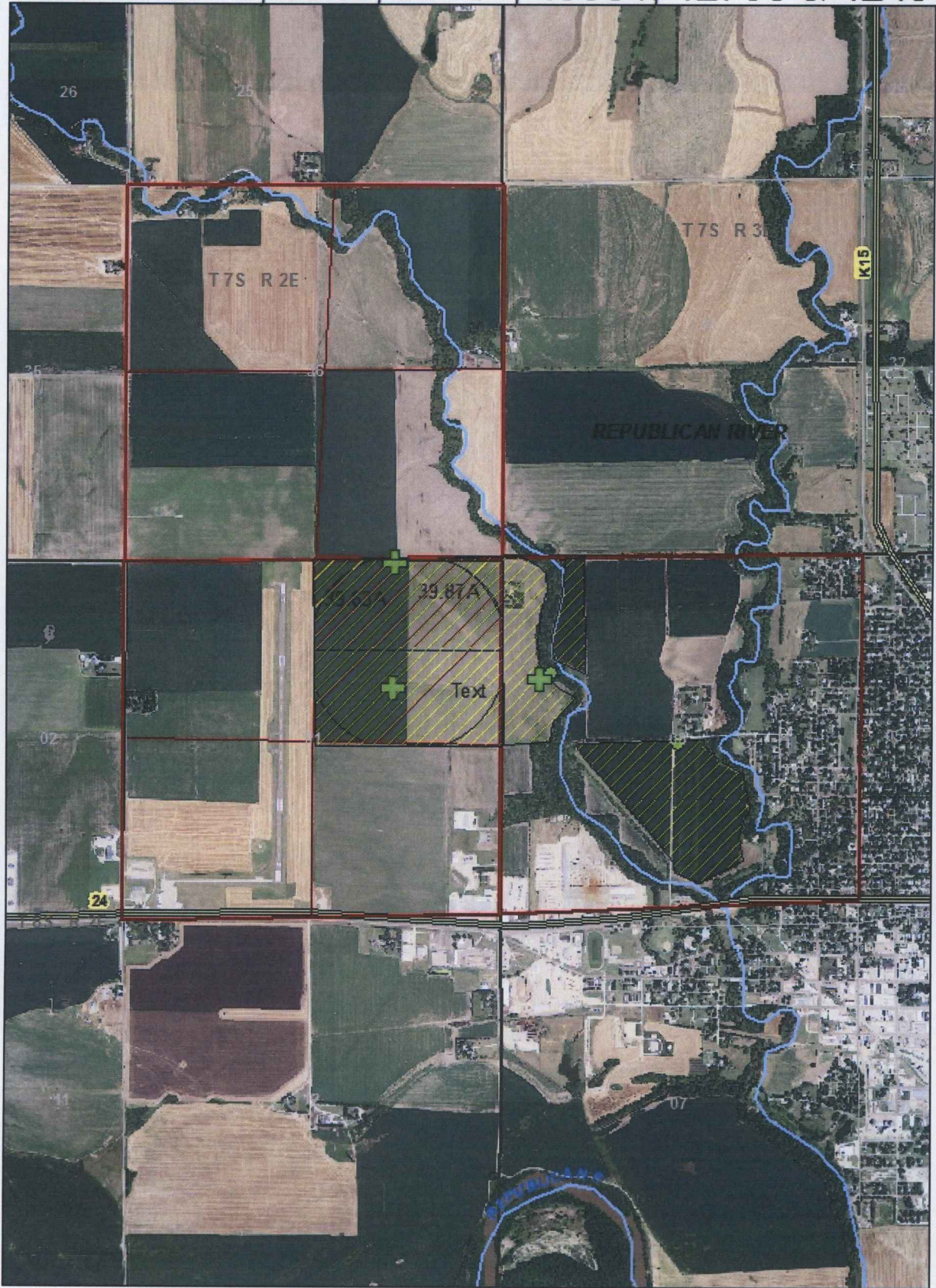
File Nos. 2790, 5943, 38534, 40064, 42703 & 42438



1:24,000



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

Signature

Date

