



File No. **50,013**      15. Formation Code:      Drainage Basin: VERMILLION CREEK      County: PT      Special Use:      Stream: PLEASANT RUN CREEK (VERM)

16. Points of Diversion										17. Rate and Quantity <b>MOD ADDL QTY</b>				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W		Authorized	Additional			
										Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
ENT	86721	SW SW NE	14	8	8E	6	3130	2530		300	71.175	300	25.945	None
DEL	81283													

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

19. Limitation: **71.175 MGY** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **46,470 and 48,177**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes  No      To be installed by **12/31/2019**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg? NO	Overlap Files
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								
√	63265	9	8	8E	1	FEEDLOT (S2 SW)																					7a.	No	46,470 & 48,177
√	63266	16	8	8E	1	FEEDLOT (NW)																					7a.	No	46,470 & 48,177
√	57843	21	8	8E	1	FEEDLOT (E2 NE)																					7a.	No	46,470 & 48,177
√	57844	22	8	8E	1	FEEDLOT (N2 NW)																					7a.	No	46,470 & 48,177

Comments: **THERE ARE NO POINT OF DIVERSION OVERLAPS. This is a separate pump site.**  
*special conditions: verbal/written permission to pump*

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

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

**TO:** Files

**DATE:** April 9, 2018

**FROM:** Doug Schemm

**RE:** Application, File No. 50,013

Wickstrum Farms, Inc. has filed the above referenced application proposing to appropriate 71.175 million gallons (218.43 acre-feet) of surface water for Stockwatering Use, by direct diversion at a rate of 300 gallons per minute from one pump site located on Pleasant Run Creek, in the Vermillion Creek Basin. This application is to provide water to fill an existing water storage tank at the feedlot, into which water is pumped and stored. Application, File No. 50,013 is designed to allow water to be pumped directly from Pleasant Run Creek (when flows are available and permission is granted) into this storage tank, for subsequent stockwatering use. The point of diversion is located in the Northeast Quarter of Section 14, Township 8 South, Range 8 East, Pottawatomie County, Kansas. The applicant has signed the application form stating that he has legal access to the point of diversion.

The point of diversion is a pump site adjacent to an existing pump site currently authorized under File No. 48,529, which is approved for irrigation use. There are no overlapping files in point of diversion. File Nos. 46,470 and 48,177 overlap in place of use. File No. 46,470 is authorized 19.162 million gallons of groundwater and File No. 48,177 is authorized 26.068 million gallons of groundwater, for a total of 45.23 million gallons. The pending application is requesting 71.175 million gallons, limited to these senior files. This application will provide 25.945 million gallons of additional water.

The requested quantity of water of 71.175 million gallons was based on providing an adequate supply of water for 13,000 head of cattle. The applicant provided an estimate for drinking water, as follows: 13,000 head of cattle x 15 gallons per head per day x 365 days = 71.175 million gallons. The requested quantity of water and rate of diversion appear to be reasonable for the intended use. As noted above, this new application will be limited to 71.175 million gallons when combined with the senior files.

Notification letters were sent to upstream and downstream landowners on March 26, 2018. A telephone call was received from the upstream landowner, Rick McGinness (son of Donna Hartman who is deceased). He asked general questions about the application, and was concerned that the stream could be dried up and that he would have no water for cattle in his pasture. We discussed the conditions that the permit would be subject to, and that he can call our office if he thinks pumping is occurring without permission. In addition, a telephone call was received from downstream landowner Mr. Krouse, who also asked general questions about the application. Neither caller provided any specific impairment concerns. The WRIS database indicates there are two sediment storage reservoirs and two other pump sites within a two (2) mile radius of the proposed pumpsite. The pump sites are all owned by the applicant, and the sediment reservoirs are on tributary streams. With proper conditioning, approval of this application will not impact any senior water rights.

Per K.A.R 5-3-15, this application 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 existing off-stream water storage tank, and the applicant's senior groundwater wells, will provide adequate water storage, and an alternative supply of water, respectively, so there is no need for direct diversion of water from July 1 through September 30.

Memorandum  
File No. 50,013  
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 this permit, a check valve will also need to be installed.

Katie Tietsort, Water Commissioner, Topeka Field Office, recommended the referenced application be approved in an email dated April 6, 2018. Based on the above discussion, Pleasant Run Creek is open to new appropriations with specific permit conditions, the proposed direct diversion is in conjunction with off-stream storage and an alternative water supply, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Doug Schemm  
Environmental Scientist  
Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

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

April 19, 2018

WICKSTRUM FARMS INC  
11870 HIGHWAY 13  
WESTMORELAND KS 66549-9660

RE: Appropriation of Water, File No. 50,013

FILE COPY

Dear Mr. Wickstrum:

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 this permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit, with specific reference to **Paragraph Nos. 20 and 21, which describe the need for you to obtain permission prior to diverting water.** A water meter is required on the 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 a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Water Appropriation Program

KAB:dws  
Enclosures

pc: Topeka Field Office



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
and  
PERMIT TO PROCEED**

(This is not a Certificate of Appropriation)

This is to certify that I have examined Application File No. **50,013** of the applicant

**WICKSTRUM FARMS INC  
11870 HIGHWAY 13  
WESTMORELAND KS 66549-9660**

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 **March 15, 2018**.
2. That the water sought to be appropriated shall be used for stockwatering use in the South Half of the Southwest Quarter (S $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section 9; the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 16; the East Half of the Northeast Quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section 21; and the North Half of the Northwest Quarter (N $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section 22; all in Township 8 South, Range 8 East, Pottawatomie County, Kansas.
3. That the authorized source from which the appropriation shall be made is surface water from Pleasant Run Creek (Vermillion), to be diverted at one (1) point located in the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 14, more particularly described as being near a point 3,130 feet North and 2,530 feet West of the Southeast corner of said section, in Township 8 South, Range 8 East, Pottawatomie 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 **300 gallons per minute (0.67 c.f.s.)** and to a quantity not to exceed **71.175 million gallons** (218.43 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, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$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 of \$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, 2023** 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 of \$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 and maintained on the diversion works authorized by this permit in accordance 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).

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.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Appropriation of Water, File Nos. 46,470 and 48,177, will provide a total **not to exceed 71.175 million gallons** of water per calendar year, for stockwatering use on the land described herein.





**CERTIFICATE OF SERVICE**

On this 19<sup>th</sup> day of April, 2018, I hereby certify that the foregoing Approval of Application, File No. 50,013, dated April 17<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

WICKSTRUM FARMS INC  
11870 HIGHWAY 13  
WESTMORELAND KS 66549-9660

With photocopies to:

Topeka Field Office



Division of Water Resources

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

File Number 50013  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

APPLICATION COMPLETE  
4/10/18  
Reviewer [Signature]  
KAB for DWS

**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.)

MAR 15 2018  
1:09  
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): WICKSTRUM FARMS, INC.  
Address: 11870 HIGHWAY 13  
City: WESTMORELAND State KS Zip Code: 66549-9660  
Telephone Number: (785) 457-3549

2. The source of water is:  surface water in PLEASANT RUN CREEK (VERM)  
(stream)  
OR  groundwater in VERMILLION CREEK  
(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 218.43 acre-feet OR 71.175 million gallons per calendar year, to be diverted at a maximum rate of 300 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. Code	<u>1</u> GMD	<u>0</u> Meets K.A.R. 5-3-1 (YES/NO)	Use <u>STK</u>	Source <u>G'S</u>	County <u>FT</u>	By <u>AW</u>	Date <u>3/15/18</u>
	REG <u>2E2</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>3/15/18</u>	Check # <u>7020</u>		

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 SW of the SW quarter of the NE quarter of Section 14, more particularly described as being near a point 3,130 feet North and 2,530 feet West of the Southeast corner of said section, in Township 8 South, Range 8 EAST, POTTAWATOMIE 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

\_\_\_\_\_  
(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 \_\_\_\_\_, 2018.

Larry Wickstun  
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE PUMP SITE  
(number of wells, pumps or dams, etc.)

and (was) completed (by) 2018 \_\_\_\_\_  
(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 Summer 2018  
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

Yes  No If "yes", a check valve shall be required.

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

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

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources?  Yes  No

• If yes, show the Water Structures permit number here \_\_\_\_\_

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

Not building impoundment

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.

OVERLAP IN PU WITH FILE NOS. 46,470 & 48,177. NO PD OVERLAPS.

QUANTITY LIMITED TO 71.175 MILLION GALS. WITH SENIOR FILES.

*Alternate source is wells and rural water District.*

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):

\_\_\_\_\_ (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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2018  
(month) (year)

Larry Wickstun  
(Applicant Signature)

APPLICANT(S) SOCIAL SECURITY IDENTIFICATION NUMBER(S)

By \_\_\_\_\_  
(Agent or Officer Signature)

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

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

Assisted by DWS

TOPEKA FO  
(office/title)

Date: 3/12/2018

WATER RESOURCES RECEIVED

MAR 15 2018

SCANNED  
KS DEPT OF AGRICULTURE

**STOCKWATER USE  
SUPPLEMENTAL SHEET**

File No. 50013

Name of Applicant (Please Print): Wickstrum Farms, Inc.

1. Please indicate type of livestock (cattle, hogs, etc.): Cattle

2. Please complete the following table showing past and present water requirements:

**PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year			

3. Please complete the following table showing estimated future water requirements:

**ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED**

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	13,000	71 .175 MILLION	15
Year 2			
Year 3			
Year 4			
Year 5	13,000	71 .175 MILLION	15

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			STOCKWATERING USE AT A FEEDLOT IN THE S1/2 SW1/4 OF SECTION 9; THE NW1/4 OF SECTION 16; THE E1/2 NE1/4 OF SECTION 21; AND THE N1/2 NW1/4 OF SECTION 22; ALL IN T8S, R8E, POTT CO.																

WATER RESOURCES  
RECEIVED

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

**DRINKING**

13,000 head of Cattle x 15 gallons/head (avg.) x 365 days = 71.175 M gallons

\_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

\_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**COOLING**

\_\_\_\_\_ g.p.m. x 60 min/hr x \_\_\_\_\_ hour/day x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**SANITATION**

\_\_\_\_\_ g.p.m. x 60 min/hr x \_\_\_\_\_ hr/wk x \_\_\_\_\_ wks/yr = \_\_\_\_\_ gallons

**OTHER USE** (Explain) \_\_\_\_\_ = \_\_\_\_\_ gallons

**TOTAL** ----- **71.175 MILLION** gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock \_\_\_\_\_ linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is \_\_\_\_\_ square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

# 50,013

**Schemm, Doug [KDA]**

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**Subject:** Wickstrum 50,013  
**Attachments:** 50013 Approval and Notice to Proceed.docx; 50013 Memo to File.docx; 50013 Transmittal.docx

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**From:** Tietsort, Katie [KDA]  
**Sent:** Friday, April 6, 2018 12:35 PM  
**To:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Cc:** Baum, Kristen <Kristen.Baum@ks.gov>; Bunger, Brett [KDA] <Brett.Bunger@ks.gov>  
**Subject:** RE: Wickstrum 50,013

Doug,

We agree this should move forward to authorize this pumping by Wickstrum within the Vermillion Creek Basin.

Katie

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

*Achiever~Responsibility~Input~Relator~Arranger*

---

**From:** Schemm, Doug [KDA]  
**Sent:** Thursday, April 5, 2018 1:01 PM  
**To:** Tietsort, Katie [KDA] <[Katie.Tietsort@ks.gov](mailto:Katie.Tietsort@ks.gov)>  
**Subject:** Wickstrum 50,013

I bolded the conditions in the approval and bolded and underlined in the Transmittal.



STATE OF KANSAS



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

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

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

March 26, 2018

DONNA HARTMAN  
2531 HIGHWAY 77  
WATERVILLE KS 66548

Re: Pending Application, File No. 50,013

Dear Sir or Madam:

This is to advise you that Wickstrum Farms, Inc. has filed the application referred to above for a permit to appropriate 71.175 million gallons of surface water per calendar year from Pleasant Run Creek in the Vermillion River basin, for stockwatering use, to be diverted at a maximum rate of 300 gallons per minute. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion. Surface water will be diverted from one (1) pump site located as follows:

In the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of Section 14, in Township 8 South, Range 8 East, Pottawatomie County, Kansas.

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 can find the application and site map posted by the file number referenced above at:  
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Wickstrum Farms, Inc.

# STATE OF KANSAS

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



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www.agriculture.ks.gov

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

March 26, 2018

JAMES W THOMAS  
12155 COYOTE ROAD  
WESTMORELAND KS 66549

Re: Pending Application, File No. 50,013

Dear Sir or Madam:

This is to advise you that Wickstrum Farms, Inc. has filed the application referred to above for a permit to appropriate 71.175 million gallons of surface water per calendar year from Pleasant Run Creek in the Vermillion River basin, for stockwatering use, to be diverted at a maximum rate of 300 gallons per minute. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion. Surface water will be diverted from one (1) pump site located as follows:

In the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 14, in Township 8 South, Range 8 East, Pottawatomie County, Kansas.

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If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Wickstrum Farms, Inc.

STATE OF KANSAS

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

March 26, 2018

KROUSE BROTHERS  
12200 REPP ROAD  
WESTMORELAND KS 66549

Re: Pending Application, File No. 50,013

Dear Sir or Madam:

This is to advise you that Wickstrum Farms, Inc. has filed the application referred to above for a permit to appropriate 71.175 million gallons of surface water per calendar year from Pleasant Run Creek in the Vermillion River basin, for stockwatering use, to be diverted at a maximum rate of 300 gallons per minute. This direct diversion of surface water would be subject to specific permit conditions including requesting permission prior to diverting and not stopping flow at the first riffle below the point of diversion. Surface water will be diverted from one (1) pump site located as follows:

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Sincerely,

Douglas W. Schemm  
Environmental Scientist  
Topeka Field Office

pc: Wickstrum Farms, Inc.

# 50,013

Report Date Monday, April 9 2018

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

3130 ft N and 2530 ft W of the SE Corner of Section 14, T 8S, R 8E

Located at: 96.491094 West Longitude and 39.357455 North Latitude

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__ 45850 00 SED NK S      7762 -- SE SE SW 274 3000 2 8 8E 1 .00 .00 AF
***** Authorized storage = 27.75 AF Additional storage = 27.75 AF
Same          3216 -- SE NE SE 1903 289 15 8 8E 1
***** Authorized storage = 58.54 AF Additional storage = 58.54 AF
A__ 48528 00 IRR KE S      6470 -- SE NE SW 1395 2684 10 8 8E 1 156.25 156.25 AF
A__ 48529 00 IRR KE S       70 -- SW SW NE 3200 2530 14 8 8E 6 400.00 361.35 AF
Same          208 -- SW SW NE 2925 2495 14 8 8E 7
A__ 50013 00 STK AY S       70 -- SW SW NE 3200 2530 14 8 8E 6 218.43 218.43 AF
=====

```

← Applicant's IRR pump site

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=====
Total Net Quantities Authorized: Direct Storage
Total Requested Amount (AF) = 218.43 .00
Total Permitted Amount (AF) = 517.60 156.25
Total Inspected Amount (AF) = .00 .00
Total Pro_Cert Amount (AF) = .00 .00
Total Certified Amount (AF) = .00 86.29
Total Vested Amount (AF) = .00 .00
TOTAL AMOUNT (AF) = 736.03 242.54
=====

```

An \* after the source of supply indicates a pending application for change for the file number.

An \* after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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

96.491094 West Longitude and 39.357455 North Latitude

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 45850 00 SED NK S
> ROCK CREEK WATERSHED DIST #45
> KING ENGINEERING AGENT
> 24400 M RD
> HOLTON KS 66436
> -----

```

```

A__ 48528 00 IRR KE S
> WICKSTRUM FARMS INC
>
> 11870 HIGHWAY 13
> WESTMORELAND KS 66549
> -----

```

```

A__ 48529 00 IRR KE S
> WICKSTRUM FARMS INC
>
> 11870 HIGHWAY 13
> WESTMORELAND KS 66549
> -----

```

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

File Number 50013  
This item to be completed by the Division of Water Resources.

WATER RESOURCES  
RECEIVED

**APPLICATION FOR PERMIT TO  
APPROPRIATE WATER FOR BENEFICIAL USE**

Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule attached to this application form.)

MAR 15 2018  
1:09  
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,  
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): WICKSTRUM FARMS, INC.

Address: 11870 HIGHWAY 13

City: WESTMORELAND State KS Zip Code: 66549-9660

Telephone Number: (785) 457-3549 556-4509 Swickstrum@gmail.com

2. The source of water is:  surface water in PLEASANT RUN CREEK (VERM)  
(stream)

OR  groundwater in VERMILLION CREEK  
(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 218.43 acre-feet OR 71.175 million gallons per calendar year, to be diverted at a maximum rate of 300 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. Code	GMD	Meets K.A.R. 5-3-1 (YES/NO)	Use	Source	County	By	Date
		<u>YES</u>	<u>STK</u>	<u>G</u>	<u>PT</u>	<u>AW</u>	<u>3/15/18</u>
		Fee \$	TR #	Receipt Date	Check #		
		<u>300</u>		<u>3/15/18</u>	<u>7020</u>		

3/19/2018 CCM

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 SW of the SW quarter of the NE quarter of Section 14, more particularly described as being near a point 3,130 feet North and 2,530 feet West of the Southeast corner of said section, in Township 8 South, Range 8 EAST, POTTAWATOMIE 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

(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 \_\_\_\_\_, 2018.

Larry Wickstuen  
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE PUMP SITE

(number of wells, pumps or dams, etc.)

and (was) completed (by) 2018

(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 Summer 2018

(Mo/Day/Year)

Upstream and Downstream Landowners

50013

Upstream -

~~Donna Hartman~~  
~~2531 Highway 77~~  
~~Waterville KS 66548~~

Deceased

Rick McGinness (son)  
8670 Bigelow Rd  
Westmoreland KS 66549

Downstream -

\*

James W.  
~~Alice A~~ Thomas  
12155 Coyote Rd  
Westmoreland KS 66549

Sandra Harding (daughter)

Krouse Brothers  
12200 Repp Rd  
Westmoreland KS 66549

\* Per Deed search. DWS/DWR  
3/26/18

SCANNED

RECEIVED

AUG 21 2013

TOPEKA FIELD OFFICE  
DIVISION OF WATER RESOURCES

WATER RESOURCES  
RECEIVED

MAR 08 2013

KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED

MAR 15 2018

KS DEPT OF AGRICULTURE

Upstream and Downstream Landowners

50013

Upstream –

Donna Hartman  
2531 Highway 77  
Waterville KS 66548

Downstream –

Alice A Thomas  
12155 Coyote Rd  
Westmoreland KS 66549

Krouse Brothers  
12200 Repp Rd  
Westmoreland KS 66549

SCANNED

RECEIVED

AUG 21 2013

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WATER RESOURCES  
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KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED

MAR 15 2018

KS DEPT OF AGRICULTURE

SCANNED



50013

STATE OF KANSAS

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

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



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

March 12, 2018

WICKSTRUM FARMS INC  
11870 HIGHWAY 13  
WESTMORELAND KS 66549-9660

RE: New Application for Surface Water for Stockwatering Use

Dear Mr. Wickstrum:

Enclosed are application forms related to completing a new application for permit to appropriate water for beneficial use. Please review the "Application For Permit To Appropriate Water For Beneficial Use" form, and make any modifications that may be necessary. The application must be accompanied by the required filing fee, based on the quantity of water requested (\$300 for this application). Note that you **must sign the application form at both Paragraph Nos. 6 and 16**. In addition please sign the site map where indicated.

Submit the signed application and the filing fee to the Manhattan address on the form. You may contact Brett Bunger at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,

Douglas Schemm  
Environmental Scientist  
Topeka Field Office

Enclosures

pc: Topeka Field Office

WATER RESOURCES  
RECEIVED

MAR 15 2018

KS DEPT OF AGRICULTURE

SCANNED

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

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

March 19, 2018

WICKSTRUM FARMS, INC  
11870 HWY 13  
WESTMORELAND KS 66549

RE: Application  
File No. 50013

Dear Sir or Madam:

Your application for permit to appropriate water in 14-8S-8E in Pottawatomie 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Applications Unit Supervisor  
Water Appropriation Program

BAT: dlw  
pc: TOPEKA Field Office  
GMD

SCANNED



1:24,000

# NEW APPLICATION - Stockwatering Use



● Proposed Point of Diversion



Proposed Place of Use

All upstream and downstream landowners within 1/2 mile have been identified (see list).

*Larry Wickstrom*

SCANNED

KS DEPT OF AGRICULTURE

MAR 15 2018

WATER RESOURCES RECEIVED

50013