

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

BOTH PUMP SITES TO FILL PONDS

File Number 50156  
This item to be completed by the Division of Water Resources.

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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.)

NOV 05 2018  
3:33  
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): ROBERT WIETHARN  
Address: 1925 KIOWA RD  
City: CLAY CENTER State KS Zip Code: 67432  
Telephone Number: (785) 630-0611 OR 447-0671 email= bob@riverscreen.com

2. The source of water is:  surface water in REPUBLICAN RIVER (stream)  
OR  groundwater in REPUBLICAN RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 339.07 acre-feet OR \_\_\_\_\_ gallons per calendar year, to be diverted at a maximum rate of 5000 gallons per minute OR \_\_\_\_\_ cubic feet per second.

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

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

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

For Office Use Only:  
F.O. 1 GMD  Meets K.A.R. 5-3-1 (YES / NO) Use 122 Source G/S County CY By DAW Date 11/6/18  
Code REG RES Fee \$ 320 TR # \_\_\_\_\_ Receipt Date 11/6/18 Check # 5011

11/6/2018 LM

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 \_\_\_ of the \_\_\_ quarter of the LOT 4 of Section 33, more particularly described as being near a point 3,014 feet North and 3,420 feet West of the Southeast corner of said section, in Township 7 South, Range 2 EAST, CLAY County, Kansas.

(B) One in the \_\_\_ of the \_\_\_ quarter of the LOT 5 of Section 33, more particularly described as being near a point 2,731 feet North and 1,845 feet West of the Southeast corner of said section, in Township 7 South, Range 2 EAST, CLAY 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 25<sup>th</sup> October, 2018. Robert J. [Signature]  
Applicant's Signature

7. The proposed project for diversion of water will consist of TWO PUMP SITES (West and East)  
(number of wells, pumps or dams, etc.)

and (was) completed (by) 2019  
(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 Spring 2019  
(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.

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 ½ 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 ½ mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) ½ mile downstream and ½ 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. 49,508 & 49,509, AND NEW RESERVOIR STORAGE APPLICATIONS. PD OVERLAP 37,148, 41,887 AND OTHER NEW APP.

THIS APPLICATION WILL BE USED TO FILL 2 RESERVOIRS.

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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/tenant.  
(owner, tenant, agent or otherwise)

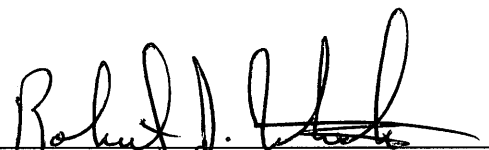
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):


GALEN F & CLETA WIETHARN TRUSTS, 211 WEBSTER ST, CLAY CENTER, KS 67432  
(name, address and telephone number)

ELSIE MUGLER LLC, 1925 Kiowa Rd, CLAY CENTER, KS 67432  
(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 Clay Center, Kansas, this 25 day of October, 2018.  
(month) (year)

  
(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 Date: 10/15/2018  
(office/title)

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## FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

### MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

#### ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

#### CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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**IRRIGATION USE  
SUPPLEMENTAL SHEET**

File No. 50156

Name of Applicant (Please Print): Robert Wietharn

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** GALEN F & CLETA WIETHARN TRUSTS

ADDRESS: 211 WEBSTER ST, CLAY CENTER, KS 67432

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	8S	2E																36				40	76

**Landowner of Record** NAME: WIETHARN INVESTMENTS LLC %ROBERT WIETHARN -MANAGING MEMBER

ADDRESS: 1925 KIOWA RD, CLAY CENTER, KS 67432

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	8S	2E																			39	40	79

**Landowner of Record** NAME: ELSIE MUGLER LLC

ADDRESS: 1925 KIOWA RD, CLAY CENTER, KS 67432

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
11	8S	2E																				30	30
14	8S	2E		11			39				38												88

TOTAL = 273 ACRES

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): \_\_\_\_\_ %

Estimate the maximum land slope in the field(s): \_\_\_\_\_ %

c. Type of irrigation system you propose to use (check one):

- Center pivot      \_\_\_\_\_ Center pivot - LEPA      \_\_\_\_\_ "Big gun" sprinkler  
 Gravity system (furrows)      \_\_\_\_\_ Gravity system (borders)      \_\_\_\_\_ Sideroll sprinkler

Other, please describe: \_\_\_\_\_

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: \_\_\_\_\_ psi

(2) What is the sprinkler package design rate? \_\_\_\_\_ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? \_\_\_\_\_ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

corn  
soybeans

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Kan sched

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

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(Date)

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

Re: Application  
File No. 50156

Minimum Desirable Streamflow  
Republican River Basin

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Robert J. Wiethorn  
Signature of Applicant

State of Kansas )  
County of Clay ) ss

Robert J Wiethorn  
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 25<sup>th</sup> day of October, 2018.

Kris Kissinger  
Notary Public

My Commission Expires: 8/12/2021



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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN  
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT  
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River  
Big Blue River  
Chapman Creek  
Chikaskia River  
Cottonwood River  
Delaware River  
Little Arkansas River  
Little Blue River  
Marais des Cygnes River  
Medicine Lodge River  
Mill Creek (Wabaunsee Co. area)  
Neosho River

Ninnescah River  
North Fork Ninnescah River  
Rattlesnake Creek  
Republican River  
Saline River  
Smoky Hill River  
Solomon River  
South Fork Ninnescah  
Spring River  
Walnut River  
Whitewater River

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50150

Crossview Properties LLC

1488 Elk Rd.

Clay Center Ks, 67432

R & R Cott,

1047 20<sup>th</sup> Rd.

Clay Center KS, 67432

Brett & Jenna Phizenmaier

1831 Hackberry Rd.

Clay Center KS, 67432

Virginia Coupal Smith

190 18 Rd.

Clay Center KS, 67432

Gisselbeck Stefanie L Trust

1933 Indian Rd.

Clay Center KS, 67432

Coralee Griffiths

1042 Lincoln Ave.

Clay Center KS, 67432

Richard H & Jody D Cott

1047 20<sup>th</sup> Rd.

Clay Center KS, 67432

Jana L Trust Cott

1977 Indian Rd.

Clay Center KS, 67432

Gary Griffiths N & Sarah E Family Trust

1601 2<sup>nd</sup> St.

Clay Center KS, 67432

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KS DEPT OF AGRICULTURE

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
November 6, 2018  
1000 EAST 10TH AVENUE  
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

November 6, 2018

ROBERT WIETHARN  
1925 KIOWA RD  
CLAY CENTER, KS 67432

RE: Application, File No. **50156**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

# WIETHARN - SITE MAP - PONDS AND PUMPSITES NEW APPLICATIONS



Proposed WEST PUMP SITE  
Sec. 33, T7S, R2E  
3,014' N & 3,420' W

Proposed EAST PUMP SITE  
Sec. 33, T7S, R2E  
2,731' N & 1,845' W  
Authorized Under File Nos. 37,148 and 41,887

Authorized Pivot Under File Nos. 21,525 & 44,723

Proposed Dam-East (Lower) Pond  
SW 1/4 of Sec. 33, T7S, R2E  
2,280' N & 3,320' W

Proposed Dam - West (Upper) Pond  
SW 1/4 of Sec. 33, T7S, R2E  
1,600' N & 3,650' W

9 Acre Overlap with File Nos. 37,148 & 41,887

● Proposed Point of Diversion

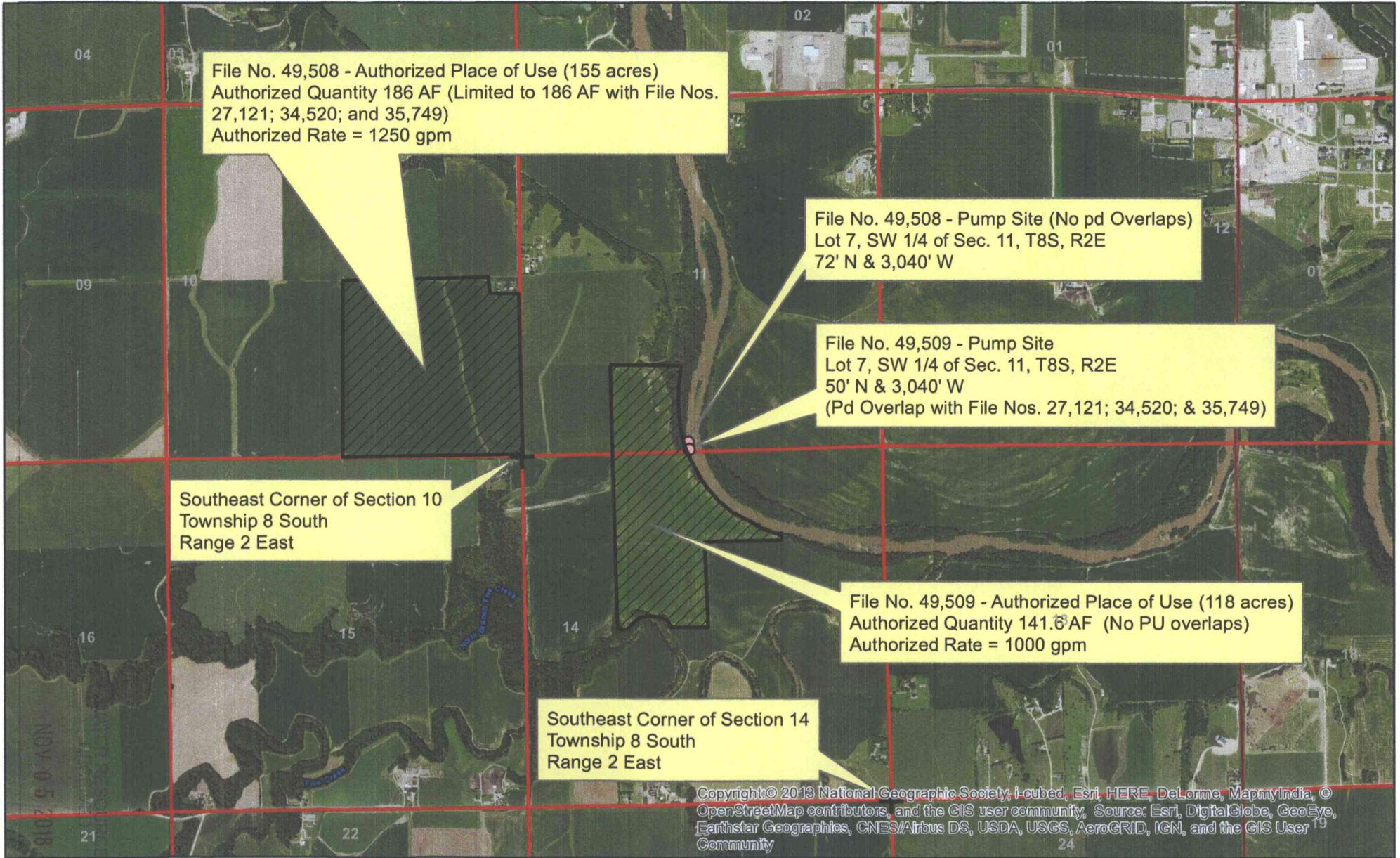
1:12,000

All upstream and downstream landowners within  
1/2 mile of property lines have been identified.

50154



PLACE OF USE FOR PONDS AND NEW PUMP SITE  
 SECS. 10, 11; AND 14  
 (Place of Use Overlap with File Nos. 49,508 & 49,509)



File No. 49,508 - Authorized Place of Use (155 acres)  
 Authorized Quantity 186 AF (Limited to 186 AF with File Nos.  
 27,121; 34,520; and 35,749)  
 Authorized Rate = 1250 gpm

File No. 49,508 - Pump Site (No pd Overlaps)  
 Lot 7, SW 1/4 of Sec. 11, T8S, R2E  
 72' N & 3,040' W

File No. 49,509 - Pump Site  
 Lot 7, SW 1/4 of Sec. 11, T8S, R2E  
 50' N & 3,040' W  
 (Pd Overlap with File Nos. 27,121; 34,520; & 35,749)

Southeast Corner of Section 10  
 Township 8 South  
 Range 2 East

File No. 49,509 - Authorized Place of Use (118 acres)  
 Authorized Quantity 141.6 AF (No PU overlaps)  
 Authorized Rate = 1000 gpm

Southeast Corner of Section 14  
 Township 8 South  
 Range 2 East

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 OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye,  
 Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User  
 Community



Proposed Place of Use

1:24,000

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58154