



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50183
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.)

DEC 13 2018
1:50
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): WIETHARN TRUSTS, ROBERT J & DEBORAH A _____
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 Tributary to 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. **Re-divert 235.5 acre-feet at 1,800 gpm.**

3. The maximum quantity of water desired is 235.5 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of NF 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 IRR Source G(S) County Ly By BAT Date 12-13-18
Code REG CE2 Fee \$ 300 TR # _____ Receipt Date _____ Check # _____

* Fee to be paid from overpayment for Change Applications on File #15 37,148 & 41,887. DWS/DWR
11/7/2019 UM

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 NW quarter of the NE quarter of the SW quarter of Section 33, more particularly described as being near a point 2,280 feet North and 3,320 feet West of the Southeast corner of said section, in Township 7 South, Range 2 East, CLAY County, Kansas. **EAST (LOWER) POND**

(B) One in the SW quarter of the NE quarter of the SW quarter of Section 33, more particularly described as being near a point 1,600 feet North and 3,650 feet West of the Southeast corner of said section, in Township 7 South, Range 2 East, CLAY County, Kansas. **WEST (UPPER) POND**

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____ 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), _____

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____ 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), _____

per BAT, make these PID's for now - don't have any better info + map is no help.

If the source of supply is groundwater, a separate application shall be filed for each well, except that a single application may include up to four wells within a circle 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):

(name, address and telephone number)
Robert J Wiethorn 1925 Kiowa Rd Clay Center 67432

(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 December 10, 2018 _____
Applicant's Signature

7. The proposed project for diversion of water will consist of Two dams and reservoirs
(number of wells, pumps or dams, etc.)
and (was)(will be) 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)

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 DCY-182 and DCY-183
- If no, explain here why a Water Structures permit is not required _____
Structures Program determined that both these dams are non-jurisdictional for structures permitting.

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.

NO pd Overlaps. Will Overlap File Nos. 49,508 and 49,509 in PU, and other new application for pumphouse.

Basin Runoff is limiting factor with 314 acres of drainage x 9"/12 = 235.5 acre-feet

Two Ponds on same tributary stream.

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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
(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 Topeka, Kansas, this 10 day of December, 2018.
(month) (year)

Robert J. [Signature]
(Applicant Signature)

510-72-5535
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)

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50183

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 -MANG 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 D MUGLER

ADDRESS: 1958 MEADOWLARK RD, CLAY CENTER, KS 67432-8198

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
Water Resources
Received

12-10-18

(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. 5083

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 Shawnee) 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 10 day of December, 2018.

Ann M. Murphy
Notary Public

My Commission Expires:



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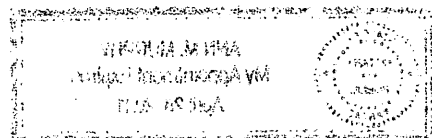
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**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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



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

January 4, 2019

WIETHARN TRUSTS, ROBERT J & DEBORAH A
1925 KIOWA RD
CLAY CENTER, KS 67432

RE: Application, File No: **50183**

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.

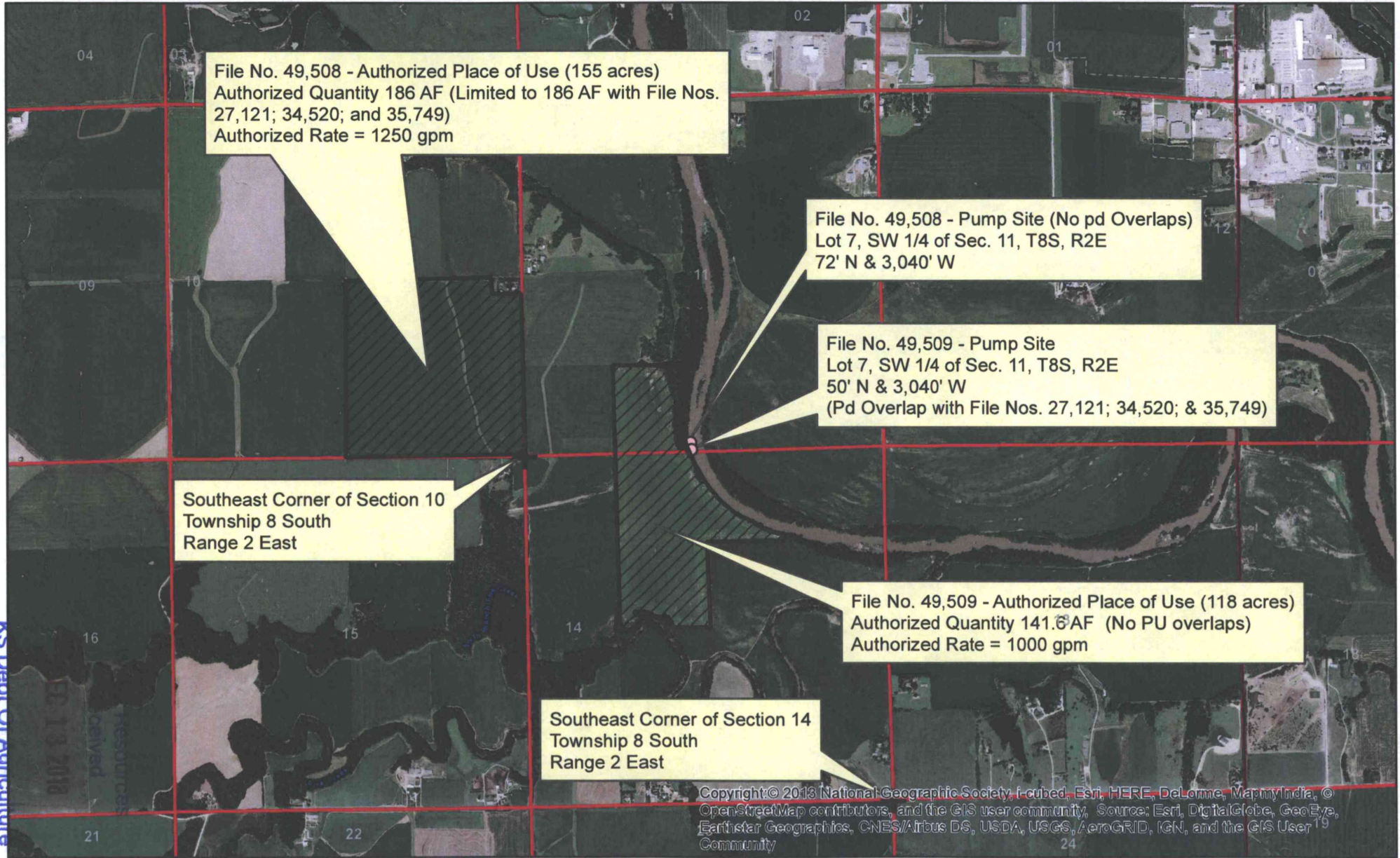
Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help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

Sincerely,

A handwritten signature in black ink that reads "Brent A. Tourney". The signature is written in a cursive style.

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

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

Robert J. [Signature]

KS Dept. of Agriculture

50183

50183

Crossview Properties LLC

1488 Elk Rd.

Clay Center Ks, 67432

R & R Cott,

1047 20th 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 20th Rd.

Clay Center KS, 67432

Jana L Trust Cott

1977 Indian Rd.

Clay Center KS, 67432

Gary Griffiths N & Sarah E Family Trust

1601 2nd St.

Clay Center KS, 67432

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