

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 50,155	2. Status Change Date: 5/31/2019	3. Field Office: 01	4. GMD: 0
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID 28589 New to system <input type="checkbox"/> Add Seq# _____</p> <p>ROBERT J & DEBORAH A WIETHARN TRUSTS ROBERT WIETHARN TRUSTEE 1925 KIOWA RD CLAY CENTER KS 67432</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID 28966 New to system <input type="checkbox"/> Add Seq# _____</p> <p>GALEN F. & CLETA WIETHARN TRUSTS 211 WEBSTER ST CLAY CENTER KS 67432</p>	<p>7d. Landowner Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2020</u> 11. Perfection Date: <u>12/31/2024</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 4/24/2019 By: DWS Date Entered: 5/13/2019 By: WM</p>			

File No. **50,155** 15. Formation Code: _____ Drainage Basin: **Republican River** County: **CLAY** Special Use: _____ Stream: **Republican River**

16. Points of Diversion										
T	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W
√				LOT 4	33	7	2E	11	3014	3420
DEL 66064										

17. Rate and Quantity MOD ADDL QTY				
Authorized		Additional		
Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
3000	169.2	3000	122	50,156

18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

19. Limitation: **169.2** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **37,148 and 41,887**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2020** Date Acceptable Meter Installed _____

21. Place of Use										Total	Owner	Chg? NO	Overlap Files																
T	MOD	DEL	PUSE	S	T	R	ID	NE¼						NW¼				SW¼				SE¼							
ENT								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						
MOD	34618			33	7	2E	1				Lot 5 1.5	Lot 6 2.0			Lot 4 1.0	16.0	16.0				Lot 8 12.0	Lot 7 4.0	Lot 8 38.5			96.0	7b.	NO	* See Below
DEL	28976			33	7	2E	5																	10.0	10.0	7b	NO		
MOD	5351			34	7	2E	7																		36.0	7b.	NO	* See Below	
√	65409			34	7	2E	9									Lot 5 1.5	Lot 10 4.0	Lot 10 2.0	Lot 9 1.5						9.0	7b.	NO	* See Below	

Comments: *Water Right, File Nos. 37,148; 41,887; & 50,155 overlap in PLACE OF USE. **SEE IMAGES FOR LOTS AND ACRES**
FILE NO. 50,155 DOES NOT OVERLAP IN PLACE OF USE WITH THESE FILES.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: April 24, 2019

FROM: Doug Schemm

RE: New Application, File Nos. 50,155; 50,156;
and 50,183

Bob Wietharn has filed the referenced new applications to appropriate surface water by both direct diversion from the Republican River (File Nos. 50,155; 50,156), and the storage and redirection of water from a tributary stream to the Republican River (File No. 50,183). The applicant has also filed multiple change applications to create complete overlaps in place of use, as well as changes in point of diversion for some senior files.

Application, File No. 50,155

Application, File No. 50,155 is requesting 169.2 acre-feet at a rate of 3,000 gallons per minute from one **new** pump site on the Republican River, located in the Northwest Quarter (Lot 4) of Section 33, Township 7 South, Range 2 East, Clay County, Kansas. The purpose of this new application is to allow for the expansion of acreage currently authorized under File Nos. 37,148 and 41,887. Place of use changes have been filed on both senior files. The new application will add an additional net 14 acres to the overall place of use (24 acres added but 10 acres deleted from the current authorized place of use). The new application and change applications will ensure a create a complete overlap in place of use only. Please note that pd changes were initially requested for File Nos. 37,148 and 41,887 to add this new pump site, but this was in error by DWR staff.

File No. 37,148 is authorized 98 acre-feet of water, and File No. 41,887 is authorized 59 acre-feet of water, for a total of 157 acre-feet. The requested quantity of 169.2 acre-feet for irrigation of 141 acres is equivalent to 1.2 acre-feet per acre, which is the maximum allowed for irrigation in Clay County, Kansas. This new application will be limited to 169.2 acre-feet when combined with the senior files, providing 12.2 acre-feet of additional water. The entire place of use is owned by the Galen & Cleta Wietharn Trusts, and the applicant has signed the application form stating he has legal access to the point of diversion.

Application, File No. 50,156

Application, File No. 50,156 is requesting 339.07 acre-feet at a rate of 5,000 gallons per minute from the **same new** pump site as File No. 50,155. In addition, the applicant is requesting to overlap one of the pump sites currently authorized under File Nos. 37,148 and 41,887 (in Lot 5). The place of use for this application will overlap with File Nos. 49,508 and 49,509, the new application for storage (File No. 50,183), and several senior water rights. The purpose of this new application is to pump water directly from the Republican River when allowable, into two, proposed reservoirs for storage. The stored water will then be released from these reservoirs when the Republican River is under MDS administration, and the water will be "picked up" at the pump sites authorized under File Nos. 49,508 and 49,509. These pump sites are located over 5 miles downstream.

Please note that the requested quantity of water was based on the maximum allowable of 1.2 acre-feet per acre x the proposed acreage of 273 acres = 327.6 acre-feet, plus transit loss. After further review of transit loss studies, and discussion with the applicant's consultant (Carl Nuzman), it was determined that a transit loss of 3.5% would be acceptable. Therefore, 3.5% was added onto the maximum allowable of 327.6 acre-feet to get the requested quantity of water of 339.07 acre-feet (327.6 acre-feet x 1.035).

Memorandum

File Nos. 50,155; 50,156; and 50,183

Page 2

Place of use changes have been filed on File Nos. 27,121; 34,520; 35,749; 49,508; and 49,509 to create an overlap in place of use. Note that the senior files, 27,121; 34,520; and 35,749 also authorize acreage (total of 691 acres) that cannot be served by this new application. File No. 27,121 is authorized 30 acre-feet of water, File No. 34,520 is authorized 47 acre-feet of water, and File No. 35,749 is authorized 90 acre-feet, for a total of 167 acre-feet. File No. 49, 508 is authorized 186 acre-feet (limited to 327.6 acre-feet with senior files after changes), and File No. 49, 509 is authorized 141.6 acre-feet, (limited to 327.6 acre-feet with senior files after changes). This new application will be limited to 339.07 acre-feet with these senior files on the place of use described in the application (273 acres), providing 11.47 additional acre-feet (to cover transit losses). The place of use is owned by the applicant, Galen & Clea Wietharn Trusts, and Elsie Mugler LLC. The applicant has signed the application form stating he has legal access to the point of diversion.

Application, File No. 50,183

Application, File No. 50,183 is requesting the storage of 235.5 acre-feet, and the redirection of 235.5 acre-feet of water, from **two proposed** reservoirs located on Republican River Trib 12. The place of use for this application will overlap with File Nos. 49,508 and 49,509, the new application for direct diversion (File No. 50,156), and several senior water rights, File Nos. 27,121; 34,520; 35,749. The purpose of this new application is to collect and store natural flows in these two ponds located on the same tributary stream. The stored water will then be released from these reservoirs when the Republican River is under MDS administration, and the water will be "picked up" at the pump sites authorized under File Nos. 49,508 and 49,509. These pump sites are located over 5 miles downstream.

Please note that the requested quantity of water was limited to the basin runoff of 235.5 acre-feet. The total direct use quantity of 235.5 acre-feet, is equivalent to 4.8 times the combined capacity of the two reservoirs (48.5 AF), which is just within the normal "rule of thumb" of direct use quantity being no more than 5 times the capacity for reasonable storage quantity.

Note that the senior files, 27,121; 34,520; and 35,749 also authorize acreage (total of 691 acres) that cannot be served by this new application. File No. 27,121 is authorized 30 acre-feet of water, File No. 34,520 is authorized 47 acre-feet of water, and File No. 35,749 is authorized 90 acre-feet, for a total of 167 acre-feet. File No. 49, 508 is authorized 186 acre-feet (limited to 327.6 acre-feet with senior files after changes), and File No. 49, 509 is authorized 141.6 acre-feet, (limited to 327.6 acre-feet with senior files after changes). New Application, File No. 50,156 will provide for additional 11.47 acre-feet for a total of 339.07 acre-feet (to cover transit losses). This application will be limited to 339.07 acre-feet with all senior water rights, providing no additional quantity of water. The applicant has signed the application form stating he has legal access to the point of diversion.

The proposed dams were reviewed by DWR Water Structures Program (see 1/25/2017 Memo from Laura Gray) and both were found to be non-jurisdictional for structures permitting. Since these are proposed reservoirs, a Special Condition on the Permit will be needed to provide an initial fill quantity.

Memorandum

File Nos. 50,155; 50,156; and 50,183

Page 3

The applicant identified multiple upstream and downstream landowners within one-half (½) mile of the property lines. Nearby landowner letters were sent out on February 21, 2019. Note that the notification letters listed each of the new applications and the related change applications for File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509. Two telephone calls were received, asking general questions about the applications, but they did not express any specific impairment concerns. No written responses of any kind were received. There are multiple water rights located both upstream and downstream of these files, according to the WRIS database. With proper conditioning, approval of these applications will not impair any senior waters.

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement for each of the applications, which have been notarized. By completing these statements, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under these permits.

The direct diversion permits are conditioned as follows: "That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water." The Lower Republican River is currently open to new appropriations meeting the criteria required by K.A.R. 5-3-11(d)(6), and the approval of these applications is consistent with similar applications requesting surface water from the Republican River.

In addition, Application, File No. 50,183 will be conditioned as follows: "That the proposed dams shall be equipped with controlled outlets with a minimum diameter of four inches. The controlled outlets shall be placed to allow water to pass through the dams at or near streambed elevation."

In an April 19, 2019 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced new and change applications.

Based on the above discussion, the area is open to new appropriations, approval of the applications will provide additional flexibility for the proposed irrigation project, and approval of the applications will not impair other water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new applications be approved in conjunction with the changes under the senior water rights.

Doug Schemm
Environmental Scientist
Topeka Field Office

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 7, 2019

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

FILE COPY

RE: Appropriation of Water, File Nos. 50,155; 50,156; & 50,183

Dear Mr. Wietharn:

Enclosed are permits authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in these permits. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in these permits.

Notice must be filed on the enclosed forms once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of these permits. If you need an extension of time, you must request it before the deadline for completion set forth in these permits. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00 per file number.

Acceptable water flowmeters must be installed on the diversion and /or redirection works authorized by these permits prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year, for each file. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your applications constitute permits to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.


Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of each of your perfected water rights. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, 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,

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

KAB:dws
Enclosure(s)

pc: Topeka Field Office
Galen F & Cleta Wietharn Trusts
Elsie Mugler LLC


THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, 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. 50,155 of the applicant

ROBERT WIETHARN
1925 KIOWA RD
CLAY CENTER KS 67432

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 **November 5, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
33	7S	2E			Lot 5 1.5	Lot 6 2.0				Lot 4 1.0	16.0	16.0			Lot 8 12	Lot 8 38.5			87
33	7S	2E				0.5									Lot 7 4.0				4.5
33	7S	2E												4.5					4.5
34	7S	2E									1.5	11.0							12.5
34	7S	2E								Lot 5 1.5	Lot 10 13.0	Lot 10 16.5	Lot 9 1.5						32.5

3. That the authorized source from which the appropriation shall be made is surface water from the Republican River, to be withdrawn by means of one (1) pump site located in 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, 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 **3,000 gallons per minute (6.68 c.f.s.)** and to a quantity not to exceed **169.2 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, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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, which is currently \$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, 2024** 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, which is currently \$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 on the diversion works authorized by this permit in accordance with the 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 ending 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 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.

18. That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 37,148 and 41,887, will provide a **total not to exceed 169.2 acre-feet** of water per calendar year for irrigation use on the land described herein.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

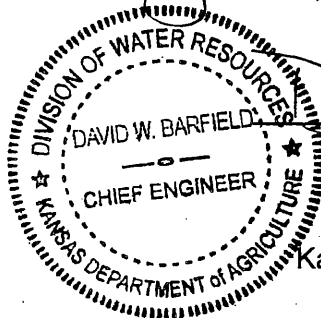
Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 31st day of May, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 31st day of May, 2019, by David W. Barfield, P.E, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

CERTIFICATE OF SERVICE

On this 7th day of June, 2019, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,155, dated May 31st 2019 was mailed postage prepaid, first class, US mail to the following:

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

With photocopies to:

GALEN F & CLETA WIETHARN TRUSTS
211 WEBSTER ST
CLAY CENTER KS 67432

Topeka Field Office

Danielle Wilh

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

BOTH PUMP SITES TO OVERLAP
PU WITH FILE NOS. 37,148 & 41,887

File Number 50155
This item to be completed by the Division of Water Resources.

APPLICATION COMPLETE
4/19/19
Reviewer KAB

**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.)

WATER RESOURCES
RECEIVED
NOV 05 2018
3:32
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:

- 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
- 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.

- The maximum quantity of water desired is 169.2 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 3000 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.

- 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. <u>1</u>	GMD <u>0</u>	Meets K.A.R. 5-3-1 (YES / NO) Use <u>RE</u>	Source <u>G/S</u>	County <u>CY</u>	By <u>DW</u>	Date <u>11/6/18</u>	
Code <u>REG</u>	<u>RE2</u>	Fee \$ <u>320.30</u>	TR # _____	Receipt Date <u>11/5/18</u>	Check # <u>3138</u>		

* Removed pump site per discussion with applicant on 12/10/18. DWS/bure

File No. 50155

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.

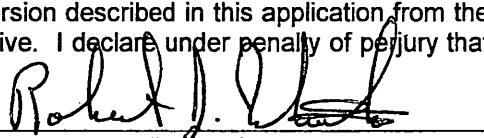
6. The owner of the point of diversion, if other than the applicant is (please print):

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 October 25, 2018


Applicant's Signature

7. The proposed project for diversion of water will consist of one ~~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)

WATER RESOURCES
RECEIVED

NOV 05 2018

37,148
+ 41887 Changes

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 OVERLAP
PU WITH FILE NOS. 37,148 & 41,887

File Number 50155
This item to be completed by the Division of Water Resources.

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.)

WATER RESOURCES
RECEIVED

NOV 05 2018
3:32
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 169.2 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 3000 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 10 Meets K.A.R. 5-3-1 (YES/NO) Use RR Source G County CY By DW Date 11/6/18
Code REG-RE2 Fee \$ 220.30 TR # _____ Receipt Date 11/5/18 Check # 3138

11/6/2018

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. 37,148 & 41,887. PD OVERLAP 37,148 & 41,887 AND OTHER NEW APPLICATIONS. QUANTITY BASED ON 141 ACRES X 1.2 AF/ACRE.

WATER RESOURCES
RECEIVED

NOV 05 2018

KS DEPT OF AGRICULTURE
SCANNED

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 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)

(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: 10/17/2018
(office/title)

WATER RESOURCES RECEIVED

NOV 05 2018

SCANNED
KS DEPT OF AGRICULTURE

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50155

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	
33	7S	2E			Lot 5 1.5	Lot 6 2.0				Lot 4 1.0	16.0	16.0			Lot 8 12	Lot 8 38.5			87
33	7S	2E				0.5									Lot 7 4.0				4.5
33	7S	2E													4.5				4.5
34	7S	2E										1.5	11.0						12.5
34	7S	2E								Lot 5 1.5	Lot 10 13.5	Lot 10 16.0	Lot 9 1.5						32.5

TOTAL = 141

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

WATER RESOURCES
RECEIVED

50,155, 50,156 + 50,183

Schemm, Doug [KDA]

From: Tietsort, Katie [KDA]
Sent: Friday, April 19, 2019 8:00 AM
To: Krueger, Richelle [KDA]
Cc: Bunger, Brett [KDA]; Schemm, Doug [KDA]; Turney, Brent [KDA]
Subject: RE: Request for Recommendation, Change in PD PU File Nos. 27121; 34520; 35,749 Change in PU File Nos. 37148; 41887; 49508; 49509 Wietharn

Good Morning,

If you are both confident that this final package represents what the intended project was and incorporates all of the modifications made along the way to address requirements of pumping these ponds and to incorporate the metering, I agree with both your recommendations for approval. The package does meet the regulations of the KWAA and is a new way to mitigate MDS on the Republican. Please include the overall map and the metering map with the package before it moves on. Doug- for the overall map, each PD should be labeled with the total quantity authorized on each PD and the sr vs jrs marked.

Have a great weekend, Katie

Katie Tietsort

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

From: Krueger, Richelle [KDA]
Sent: Thursday, April 18, 2019 12:48 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Cc: Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Request for Recommendation, Change in PD PU File Nos. 27121; 34520; 35,749 Change in PU File Nos. 37148; 41887; 49508; 49509 Wietharn

Hi Katie,
Attached is a draft memo for the referenced changes, I think Doug and I have this figured out. Do you recommend approval of the referenced changes?
Thanks,
Richelle

50,155+ 50,156

Schemm, Doug [KDA]

From: Bob Wietharn <bob@riverscreen.com>
Sent: Tuesday, April 16, 2019 6:52 AM
To: Schemm, Doug [KDA]
Cc: Krueger, Richelle [KDA]
Subject: Re: New Applications File Nos. 50,155 & 50,156

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Doug,

Yes, I thought we had that all clear that there would be 2 meters at this site. This would be the old 37148 pump site. When pumping on the bottom ground (original point of use for 37148) or new ground it would be using senior file 37148 water. When pumping into the pond the water would be going through a different meter that would be the new right.

How is all of these new permit and changes coming?

Bob Wietharn
bob@riverscreen.com
785-632-5452 Office
785-630-0611 Cell
785-632-6141 Fax

On Mon, Apr 15, 2019 at 2:02 PM Schemm, Doug [KDA] <Doug.Schemm@ks.gov> wrote:

Bob,

Richelle and I are working on your new apps and changes. Just a quick question on your pump sites.

File No. 50,155 and 50,156 are going to both overlap on the new (west) pump site in Lot 4. Application, File No. 50,155 will pump to the expanded acreage (same as File Nos. 37,148 & 41,887).

File No. 50,156 will be used to fill the ponds.

The question is, did you want a second pump site authorized under File No. 50,156 (it would be your current pump site in Lot 5 under you senior files), or just the new site only?

Thanks, Doug

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50155 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50155 00 IRR

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

2731 Feet North and 1845 Feet West of the Southeast Corner of Section 33 T 7S R 2E

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__ 27121	00	IRR	NK	S*	7351	--	--	--	4227	4707	28	7	2E	3		30.00	30.00	AF	
Same					10352	--	--	--	4118	2602	2	8	2E	18					
A__ 34520	00	IRR	NK	S*	7351	--	--	--	4227	4707	28	7	2E	3		47.00	47.00	AF	
Same					10352	--	--	--	4118	2602	2	8	2E	18					
A__ 35749	00	IRR	NK	S*	7351	--	--	--	4227	4707	28	7	2E	3		90.00	90.00	AF	
Same					10352	--	--	--	4118	2602	2	8	2E	18					
A__ 37148	00	IRR	NK	S*	0	--	--	--	2731	1845	33	7	2E	7		98.00	98.00	AF	
Same					2561	--	--	--	1117	5080	34	7	2E	19					
A__ 39355	00	IRR	NK	S	7711	--	NE	SW	NE	3668	1460	29	7	2E	2	76.00	76.00	AF	
A__ 39858	00	IRR	NK	S	2886	--	--	--	5115	1025	4	8	2E	3		150.00	150.00	AF	
Same					2867	--	--	--	5132	1036	4	8	2E	4					
Same					2848	--	--	--	5149	1047	4	8	2E	5					
Same					2840	--	--	--	5155	1055	4	8	2E	6					
A__ 39859	00	IRR	NK	S	1841	--	--	--	3950	3225	33	7	2E	2		101.00	101.00	AF	
A__ 40842	00	IRR	NK	S	2773	--	--	--	5200	1350	4	8	2E	2		75.00	75.00	AF	
A__ 41887	00	IRR	NK	S*	0	--	--	--	2731	1845	33	7	2E	7		59.00	59.00	AF	
Same					2563	--	--	--	1120	5075	34	7	2E	20					
A__ 41978	00	IRR	NK	S	5147	--	SW	SE	SE	480	1060	29	7	2E	4	75.00	75.00	AF	
Same					5224	--	SE	SW	SE	145	1375	29	7	2E	5				
***** Authorized storage =					.00 AF					Additional storage =					.00 AF				
A__ 41979	00	IRR	NK	S	3341	--	NW	SW	SE	790	2070	28	7	2E	5	210.00	135.00	AF	
A__ 42598	00	IRR	NK	S	2886	--	--	--	5115	1025	4	8	2E	3		133.00	133.00	AF	
Same					2867	--	--	--	5132	1036	4	8	2E	4					
Same					2848	--	--	--	5149	1047	4	8	2E	5					
Same					2840	--	--	--	5155	1055	4	8	2E	6					
A__ 43824	00	IRR	NK	S	2886	--	--	--	5115	1025	4	8	2E	3		72.00	72.00	AF	
Same					2867	--	--	--	5132	1036	4	8	2E	4					
Same					2848	--	--	--	5149	1047	4	8	2E	5					
Same					2840	--	--	--	5155	1055	4	8	2E	6					
A__ 44111	00	IRR	NK	S	3341	--	NW	SW	SE	790	2070	28	7	2E	5	26.00	26.00	AF	
A__ 44612	00	IRR	NK	S	10371	--	--	--	4118	2582	2	8	2E	12		194.00	95.00	AF	
A__ 44723	00	IRR	NK	S	2561	--	--	--	1117	5080	34	7	2E	19		211.00	211.00	AF	
A__ 45025	00	IRR	NK	S	3341	--	NW	SW	SE	790	2070	28	7	2E	5	158.00	.00	AF	
A__ 45979	00	IRR	NK	S	10371	--	--	--	4118	2582	2	8	2E	12		144.00	144.00	AF	
A__ 46128	00	IRR	LR	S	8529	--	--	--	3575	4875	2	8	2E	16		309.60	309.60	AF	
Same					7132	--	NW	NW	SE	2400	2500	3	8	2E	3				
A__ 47726	00	IRR	LO	S	7814	--	--	--	1979	1938	3	8	2E	5		1190.40	1055.40	AF	
A__ 48096	00	IRR	KE	S	7395	--	--	--	4720	3230	28	7	2E	6		508.00	368.00	AF	
Same					7072	--	--	--	4470	2750	28	7	2E	7					
A__ 48614	00	IRR	KE	S	1827	--	--	--	4500	1390	33	7	2E	10		639.60	69.60	AF	
A__ 48904	00	IRR	LO	S	7711	--	NE	SW	NE	3668	1460	29	7	2E	2	78.00	40.00	AF	
Same					10371	--	--	--	4118	2582	2	8	2E	12					
A__ 49166	00	IRR	KE	S	2886	--	--	--	5115	1025	4	8	2E	3		306.00	306.00	AF	
Same					2867	--	--	--	5132	1036	4	8	2E	4					

Same	2848	-- -- -- --	5149	1047	4	8	2E	5		
Same	2840	-- -- -- --	5155	1055	4	8	2E	6		
A__ 50155 00 IRR AY S	0	-- -- -- --	2731	1845	33	7	2E	7	169.20	.00 AF
Same	1600	-- -- -- --	3014	3420	33	7	2E	11		
A__ 50156 00 IRR AY S	0	-- -- -- --	2731	1845	33	7	2E	7	339.07	.00 AF
Same	1600	-- -- -- --	3014	3420	33	7	2E	11		
A__ 50183 00 IRR AY S	1542	-- NW NE SW	2280	3320	33	7	2E	12	235.50	235.30 AF
Same	2130	-- SW NE SW	1600	3650	33	7	2E	13		

***** Authorized storage = .00 AF Additional storage = .00 AF

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =    235.30      235.50
Total Permitted Amount (AF) =     743.60         .00
Total Inspected Amount (AF) =    1405.00         .00
Total Pro_Cert Amount (AF) =         .00         .00
Total Certified Amount (AF) =    1617.00      150.00
Total Vested Amount (AF) =         .00         .00
TOTAL AMOUNT (AF) =    4000.90      385.50

```

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under 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:
 2731 Feet North and 1845 Feet West of the Southeast Corner of Section 33 T 7S R 2E

SURFACE WATER ONLY
 WATER USE CORRESPONDENTS:

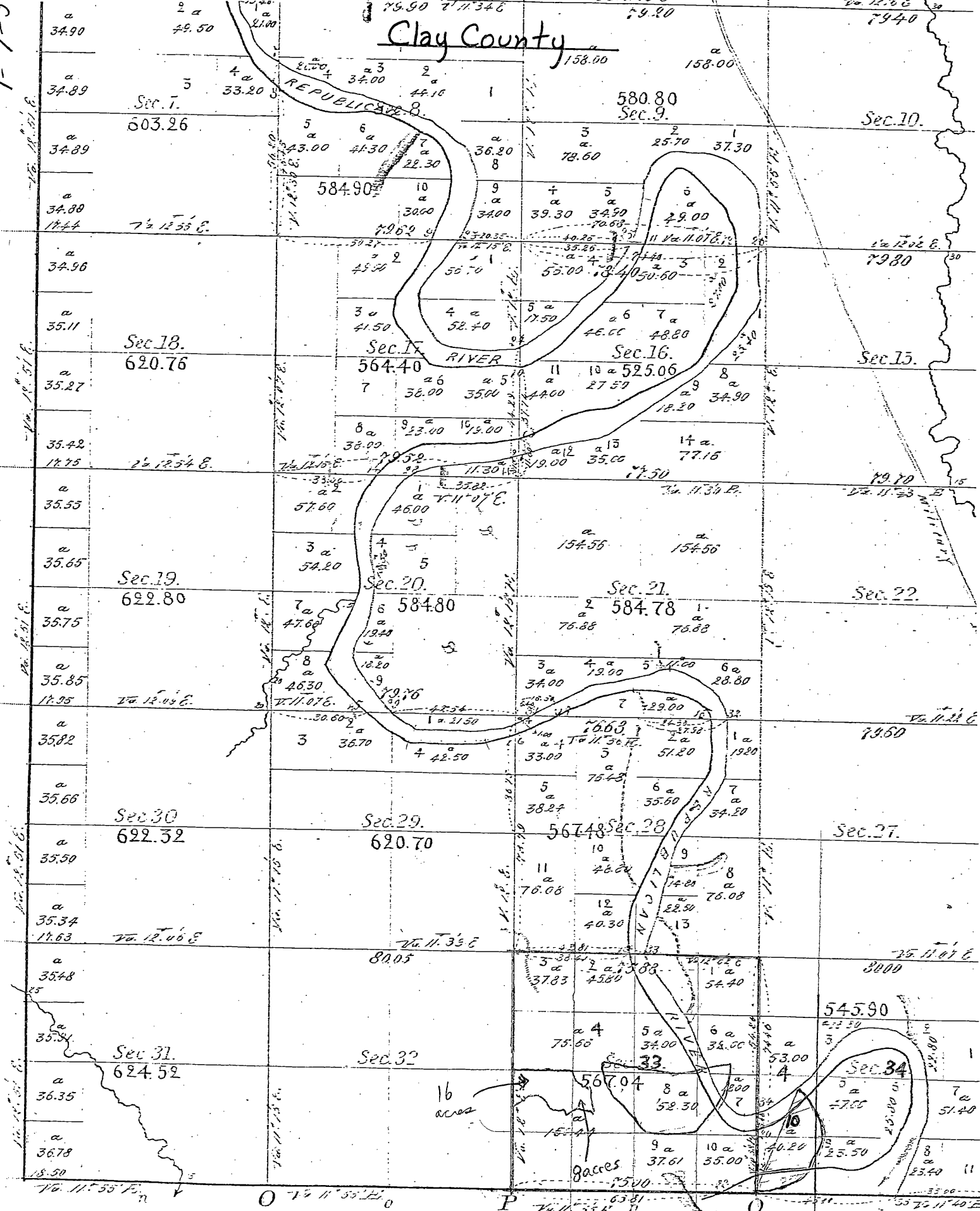
```

=====
File Number  Use ST SR
A__ 27121 00 IRR NK S
> ROBERT J & DEBORAH A WIETHARN TRUSTS
> ROBERT WIETHARN TRUSTEE
> 1925 KIOWA RD
> CLAY CENTER KS 67432
>-----
A__ 34520 00 IRR NK S
> ROBERT J & DEBORAH A WIETHARN TRUSTS
> ROBERT WIETHARN TRUSTEE
> 1925 KIOWA RD
> CLAY CENTER KS 67432
>-----
A__ 35749 00 IRR NK S
> ROBERT J & DEBORAH A WIETHARN TRUSTS
> ROBERT WIETHARN TRUSTEE
> 1925 KIOWA RD
> CLAY CENTER KS 67432
>-----
A__ 37148 00 IRR NK S
> ROBERT J & DEBORAH A WIETHARN TRUSTS
> ROBERT WIETHARN TRUSTEE
> 1925 KIOWA RD
> CLAY CENTER KS 67432

```

T-7-5

Clay County



T7S R2E Clay County

7S-2E

Total number of Acres: 22,122.31

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed

Area of River

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

GARY N & SARAH E GRIFFITHS FAMILY TRUST
1601 2ND STREET
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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,

A handwritten signature in cursive script, appearing to read "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

JANA L COTT TRUST
1977 INDIAN ROAD
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

RICHARD & JODY COTT
1047 20TH ROAD
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

CROSSVIEW PROPERTIES LLC
1488 ELK ROAD
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

BRETT & JENNA PFIZENMAIER
1831 HACKBERRY ROAD
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

STEFANIE L GISSELBECK TRUST
1933 INDIAN ROAD
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

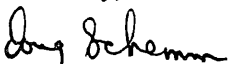
This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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 Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

CORALEE GRIFFITHS
1042 LINCOLN AVE
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

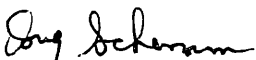
In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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 Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

R & R COTT
1047 20TH ROAD
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 21, 2019

VIRGINIA COUPAL SMITH
190 18 ROAD
CLAY CENTER KS 67432

Re: Pending New Applications, File Nos. 50,155; 50,156; and 50,183; and
Change Applications, Water Right, File Nos. 27,121; 34,520; 35,749; 37,148; 41,887; 49,508; and 49,509

Dear Sir or Madam:

This is to advise you that Robert Wietharn has filed the pending new applications referred to above for permits to appropriate surface water for irrigation use. Application, File No. 50,155 is requesting 169.2 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 3,000 gallons per minute from one pump site. Application, File No. 50,156 is requesting 339.07 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 5,000 gallons per minute from two pump sites. This water will be used to fill two off-stream storage reservoirs. Application, File No. 50,183 is requesting to appropriate 235.5 acre-feet of surface water per calendar year at the rate of natural flows to be stored in two proposed reservoirs, and re-divert 235.5 acre-feet of the stored water for irrigation use. All of these applications are located in Section 33, Township 7 South, Range 2 East, Clay County, Kansas.

In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed locations of the applicant's points 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 applications and site maps posted by the file numbers 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,

A handwritten signature in cursive script that reads "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
November 6, 2018
1000 W. BEECH, 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

November 6, 2018

ROBERT WIETHARN
1925 KIOWA RD
CLAY CENTER, KS 67432

RE: Application, File No. **50155**

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,

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

SCANNED

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	\$200.00
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

WATER RESOURCES
RECEIVED

NOV 05 2018

KS DEPT OF AGRICULTURE
SCANNED

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:

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).

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

WATER RESOURCES RECEIVED Page 2 of 2

NOV 05 2018 SCANNED

(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. 50155

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

Robert J Wiethorn
(Print Applicant's Name)

State of Kansas)
County of Clay) ss

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

Kris Kissinger
Notary Public

My Commission Expires: 8/12/2021



WATER RESOURCES
RECEIVED

NOV 05 2018

KS DEPT OF AGRICULTURE
SCANNED

50155

**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

WATER RESOURCES
RECEIVED

NOV 05 2018

KS DEPT OF AGRICULTURE **SCANNED**

50155

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

WATER RESOURCES
RECEIVED

NOV 05 2018

KS DEPT OF AGRICULTURE

SCANNED

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):

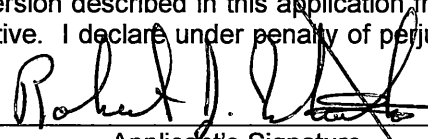
APPLICANT

(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 October 25, 2018.



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)

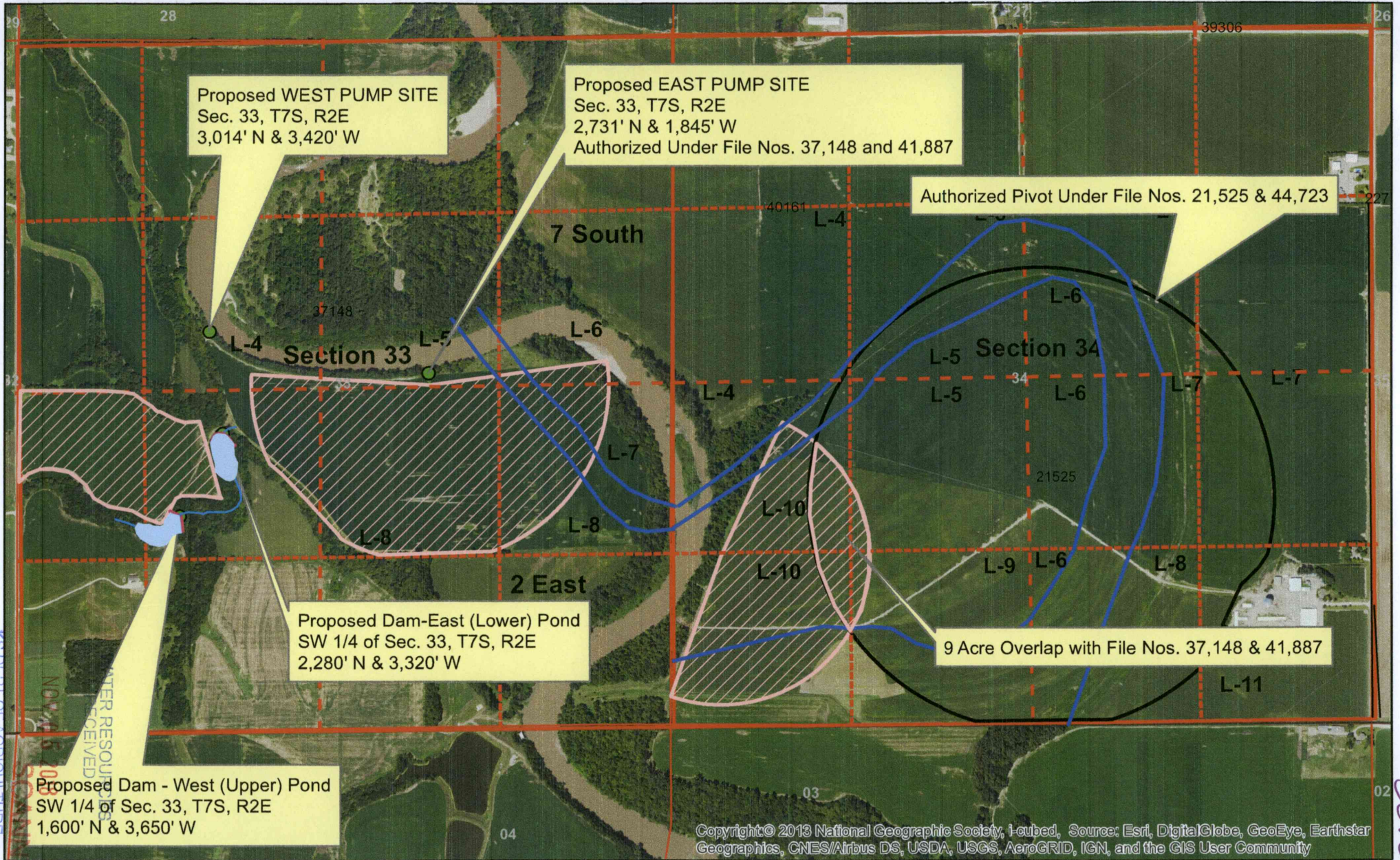
8. The first actual application of water for the proposed beneficial use was or is estimated to be Spring 2019

(Mo/Day/Year)

WATER RESOURCES RECEIVED

NOV 05 2018

WIETHARN - SITE MAP - PONDS AND PUMPSITES NEW APPLICATIONS



KSD DEPT. OF AGRICULTURE
RECEIVED
NOV 14 10 08 AM 2013

● Proposed Point of Diversion

1:12,000

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

Copyright © 2013 National Geographic Society, Inc. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

50155
50183
50154