

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

1. File Number: <p style="text-align: center;">50,183</p>	2. Status Change Date: <p style="text-align: center;"><i>5/31/2019</i></p>	3. Field Office: <p style="text-align: center;">01</p>	4. GMD: <p style="text-align: center;">0</p>
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 63613 New to system <input type="checkbox"/> Add Seq# _____</p> <p>WIETHARN INVESTMENTS LLC ROBERT WIETHARN - MANAGING MEMBER 1925 KIOWA RD CLAY CENTER KS 67432</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 60230 New to system <input type="checkbox"/> Add Seq# 28586</p> <p>ELSIE MUGLER LLC 1925 KIOWA RD CLAY CENTER KS 67432</p> <p>(Modify owner name and address)</p>		
<p>8. WUR Correspondent Person ID 28589 New to system <input type="checkbox"/> Add Seq# 1 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: <i>6/3/2019</i> By: <i>LLM</i></p>			

File No. **50,183** 15. Formation Code: Drainage Basin: REPUBLICAN RIVER County: CY Special Use: Stream: REPUBLICAN RIVER TRIB 12

16. Points of Diversion										17. Rate and Quantity MODIFY ADDL QTY					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
✓				NW NE SW	33	7	2E	12	2280	3320 ←	1800	235.5	1800	0	NONE
✓				SW NE SW	33	7	2E	13	1600	3650 ←					

East (lower) pond

West (upper) pond

18. Storage: Rate **NF** Quantity 235.5 ac/ft Additional Rate **NF** Additional Quantity 235.5 ac/ft

19. Limitation: 339.07 af/yr at _____ gpm (_____ cfs) when combined with file number(s) 27,121; 34,520; 35,749; 49,508; 49,509; & 50,156 (ON PU).
 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							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %								
✓			67518	10	8	2E	3														39	40		79	7c.	NO	* See Below
✓			67519	10	8	2E	4																40	76	7b.	NO	* See Below
MOD			67520	11	8	2E	5																	30	7d.	YES	* See Below
✓			67521	14	8	2E	8					39												88	7d.	YES	* See Below

Comments: *Water Right, File Nos. 27,121; 34,520; & 35,749 are an incomplete O/L in PLACE OF USE.
 File Nos. 49,508; 49,509; 50,156; and 50,183 will all form a complete overlap in PLACE OF USE.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

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 & Clea 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 & Cleta 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.

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

FILE COPY

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

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. 50,183 of the applicant

**ROBERT J & DEBORAH A WIETHARN TRUSTS
ROBERT WIETHARN TRUSTEE
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 **December 13, 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					
10	8S	2E																36	39	40	40	155	
11	8S	2E																			Lot 7 30		30
14	8S	2E		Lot 2 11				39					38										88

3. That the appropriation sought shall be limited to all natural flows of an unnamed tributary to the Republican River, designated in the office of the Chief Engineer as Republican River Trib 12, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **235.5 acre-feet** per calendar year in two (2) reservoirs created by dams located as follows: one (1) dam in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ NE¼ SW¼) 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, and one (1) dam in the Southwest Quarter of the Northeast Quarter of the Southwest Quarter (SW¼ NE¼ SW¼) 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, all in Township 7 South, Range 2 East, Clay County, Kansas, to provide **235.5 acre-feet** of water as needed for direct irrigation use to be withdrawn, released or otherwise diverted from the reservoir at a re-diversion rate of approximately **1,800 gallons per minute (4.01 c.f.s.)**. A reasonable maximum re-diversion rate will be established during the perfection period and assigned at certification.

4. That in accordance with K.A.R. 5-6-6, a maximum quantity not to exceed **48.5 acre-feet** of water may also be diverted to complete the initial filling of the reservoirs only, and shall not count toward perfection of a water right under the authority of this permit. Subsequent refilling of the reservoirs shall require authorization under a term permit.

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 re-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 re-diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That an acceptable water flow meter shall be installed and maintained on the re-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 end of the report year).

13. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

14. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

15. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

16. That the 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.

17. 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.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 27,121; 34,520; 35,749 and Appropriation of Water, File Nos. 49,508; 49,509; and 50,156, will provide a **total not to exceed 339.07 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:

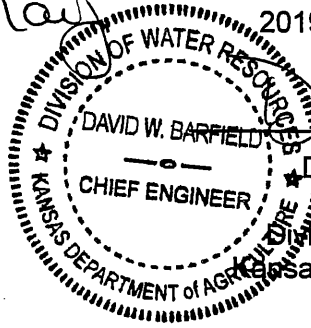
- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

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

State of Kansas)
County of Riley) SS

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
 My Appointment Expires
 October 24, 2022

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. 50,183, 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

WIETHARN INVESTMENTS LLC
ROBERT WIETHARN - MANAGING MEMBER
1925 KIOWA RD
CLAY CENTER KS 67432

ELSIE MUGLER LLC
1925 KIOWA RD
CLAY CENTER KS 67432

Topeka Field Office

Danielle W. [Signature]
Division of Water Resources



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPLICATION COMPLETE
4/19/19
Reviewer KAB

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 Trib 12
(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 Lf By BAT Date 12-13-18
Code REG Fee \$ 300 TR # _____ Receipt Date _____ Check # _____

DWR 1-100 (Revised 02/16/2011) * Fee to be paid from overpayment for Change Applications on File #15 37,148 & 41,887. 1/7/2019 UM **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 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 _____, 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):

(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 pumpsite.

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

Two Ponds on same tributary stream.

Water Resources
Received

DEC 13 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 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)

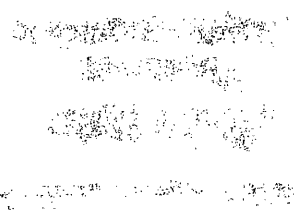
Robert J. White
(Applicant Signature)

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 LLC

ADDRESS: 1925 Kiowa Rd
1958 MEADOWLARK RD, CLAY CENTER, KS 67432

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

* per site map
DWS/pwr

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.

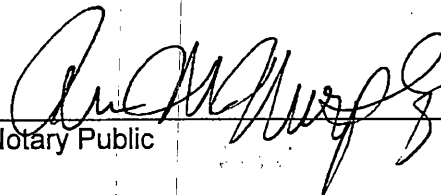


Signature of Applicant

Robert J. Wiethorn
(Print Applicant's Name)

State of Kansas)
County of Shawnee) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 10 day of December, 2018.



Notary Public

My Commission Expires:



Water Resources
Received

DEC 13 2018

KS Dept Of Agriculture

50,155, 50,156 + 50,123

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

NEW STREAM WORKSHEET

RECEIVED

APR 08 2019

Topeka Field Office
DIVISION OF WATER RESOURCES

ES CP

Date: 4/3/19

File No. 50183

Basin Name: Republican River Basin No. 27

Stream Name: Republican River Trib 12

Stream location (confluence with parent stream):

Section 33, Township 7 South, Range 2 (East)

Map Color Coding:

Basin Stream – Blue

Named Main Stream off Basin Stream – Yellow

Named Stream off Main Stream – Green

Unnamed Trib (1, 2, 3, 4, etc.) – Pink

Unnamed Trib to Unnamed Trib (A, B, C, etc.) – Orange

Unnamed Trib to Unnamed Trib to Unnamed Trib (1, 2, 3, etc.) – Purple

Stream No. 1 2 2 9 (computer assigned - entered by data entry staff)

↳ existing WRIS needs updated
Date Entered 4/3/2019 By UM

SCANNED

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50183 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50183 00 IRR

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

2280 Feet North and 3320 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*	7354	--	--	--	--	4227	4707	28	7	2E	3		30.00	30.00	AF
A__ 34520	00	IRR	NK	S*	7354	--	--	--	--	4227	4707	28	7	2E	3		47.00	47.00	AF
A__ 35749	00	IRR	NK	S*	7354	--	--	--	--	4227	4707	28	7	2E	3		90.00	90.00	AF
A__ 37148	00	IRR	NK	S*	1542	--	--	--	--	2731	1845	33	7	2E	7		98.00	98.00	AF
Same					3643	--	--	--	--	1117	5080	34	7	2E	19				
A__ 39355	00	IRR	NK	S	7348	--	NE	SW	NE	3668	1460	29	7	2E	2		76.00	76.00	AF
A__ 39858	00	IRR	NK	S	3199	--	--	--	--	5115	1025	4	8	2E	3		150.00	150.00	AF
Same					3179	--	--	--	--	5132	1036	4	8	2E	4				
Same					3159	--	--	--	--	5149	1047	4	8	2E	5				
Same					3149	--	--	--	--	5155	1055	4	8	2E	6				
A__ 39859	00	IRR	NK	S	1673	--	--	--	--	3950	3225	33	7	2E	2		101.00	101.00	AF
A__ 40842	00	IRR	NK	S	2965	--	--	--	--	5200	1350	4	8	2E	2		75.00	75.00	AF
A__ 41887	00	IRR	NK	S*	1542	--	--	--	--	2731	1845	33	7	2E	7		59.00	59.00	AF
Same					3647	--	--	--	--	1120	5075	34	7	2E	20				
A__ 41978	00	IRR	NK	S	4396	--	SW	SE	SE	480	1060	29	7	2E	4		75.00	75.00	AF
Same					4347	--	SE	SW	SE	145	1375	29	7	2E	5				
***** Authorized storage = .00 AF Additional storage = .00 AF																			
A__ 41979	00	IRR	NK	S	3986	--	NW	SW	SE	790	2070	28	7	2E	5		210.00	135.00	AF
A__ 42598	00	IRR	NK	S	3199	--	--	--	--	5115	1025	4	8	2E	3		133.00	133.00	AF
Same					3179	--	--	--	--	5132	1036	4	8	2E	4				
Same					3159	--	--	--	--	5149	1047	4	8	2E	5				
Same					3149	--	--	--	--	5155	1055	4	8	2E	6				
A__ 43824	00	IRR	NK	S	3199	--	--	--	--	5115	1025	4	8	2E	3		72.00	72.00	AF
Same					3179	--	--	--	--	5132	1036	4	8	2E	4				
Same					3159	--	--	--	--	5149	1047	4	8	2E	5				
Same					3149	--	--	--	--	5155	1055	4	8	2E	6				
A__ 44111	00	IRR	NK	S	3986	--	NW	SW	SE	790	2070	28	7	2E	5		26.00	26.00	AF
A__ 44723	00	IRR	NK	S	3643	--	--	--	--	1117	5080	34	7	2E	19		211.00	211.00	AF
A__ 45025	00	IRR	NK	S	3986	--	NW	SW	SE	790	2070	28	7	2E	5		158.00	.00	AF
A__ 46128	00	IRR	LR	S	9648	--	--	--	--	3575	4875	2	8	2E	16		309.60	309.60	AF
Same					7833	--	NW	NW	SE	2400	2500	3	8	2E	3				
A__ 47726	00	IRR	LO	S	8534	--	--	--	--	1979	1938	3	8	2E	5		1190.40	1055.40	AF
A__ 48096	00	IRR	KE	S	7715	--	--	--	--	4720	3230	28	7	2E	6		508.00	368.00	AF
Same					7486	--	--	--	--	4470	2750	28	7	2E	7				
A__ 48614	00	IRR	KE	S	2942	--	--	--	--	4500	1390	33	7	2E	10		639.60	69.60	AF
A__ 48904	00	IRR	LO	S	7348	--	NE	SW	NE	3668	1460	29	7	2E	2		78.00	40.00	AF
A__ 49166	00	IRR	KE	S	3199	--	--	--	--	5115	1025	4	8	2E	3		306.00	306.00	AF
Same					3179	--	--	--	--	5132	1036	4	8	2E	4				
Same					3159	--	--	--	--	5149	1047	4	8	2E	5				
Same					3149	--	--	--	--	5155	1055	4	8	2E	6				
A__ 50155	00	IRR	AY	S	1542	--	--	--	--	2731	1845	33	7	2E	7		169.20	.00	AF
Same					741	--	--	--	--	3014	3420	33	7	2E	11				
A__ 50156	00	IRR	AY	S	1542	--	--	--	--	2731	1845	33	7	2E	7		339.07	.00	AF
Same					741	--	--	--	--	3014	3420	33	7	2E	11				

A__ 50183 00 IRR AY S 0 -- NW NE SW 2280 3320 33 7 2E 12 235.50 235.30 AF

Same 756 -- 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) =   1378.00      150.00
Total Vested Amount (AF) =       .00          .00
TOTAL AMOUNT (AF) =           3761.90      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:

2280 Feet North and 3320 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

A__ 39355 00 IRR NK S

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

Schemm, Doug [KDA]

From: Bob Wietharn <bob@riverscreen.com>
Sent: Friday, March 16, 2018 8:08 AM
To: Tietsort, Katie [KDA]
Cc: Joe Wietharn; Schemm, Doug [KDA]
Subject: Re: DCY-0182 East (Lower) Pond & DCY-0183 West (Upper) Pond

Katie,

As near as I can tell there is about 300 acres that will drain into the basins. I am hoping to get close to 50 acre feet per basin. I would like to fill the basins at a rate of 4000 GPM when the river is running above MDS and then use that water when we need to irrigate in sections 10-T8-R2E, Section 14-T8-R2E and Section 11-T8-R2E Permits 49508 and 49509 when the river is below MDS. I would think you would want the water metered into the basins and then have a different meter when the water is allowed to drain back in the Republican River. We most certainly could give you snap shots of the meters on a weekly basis or when the flow of the River changes to allow directly out of the River when MDS is met. Please let me know if you need additional information on any part of this project.

Thanks for your help.

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

On Mon, Mar 12, 2018 at 10:35 AM, Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov> wrote:

Hi Bob,

OK, I got this topic on the list for the face-to-face Water Commissioners meeting on April 24 and 25. We will have David Barfield present to weigh in on how to set this up. We do not have any conveyance permits in main channels. I will be proposing that we use the same transit loss value as LRAD. If David agrees, we will begin drafting the permits in consideration of that quantity. We will see if he has any additional items we will need to consider. I am sure there will be additional metering requirements (the release point of the dam) and an accounting necessary, probably weekly, for the pick up.

So I see where the ponds will be located from the structures determinations. Can you send me the info on capacity,, surface acreage etc. please and also what land are you planning to irrigate?

Thanks, Katie

STATE OF KANSAS

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



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

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

March 6, 2018

BOB WIETHARN
1925 KIOWA RD
CLAY CENTER KS 67432

RE: Dam Determination
WSN: DCY-0182

Dear Mr. Wietharn:

This will acknowledge receipt of your request for a permit determination. You reported that your proposed dam is located in the NW 1/4 of the NE 1/4 of the SW 1/4 of Section 33, Township 7 South, Range 2 East in Clay County.

We have reviewed the submitted documentation to this office. We have concluded that this project is not in our jurisdiction by K.S.A. 82a-301 to 305a by observing that the drainage area above the dam is less than 640 acres, has a storage volume less than 50 acre-feet at the auxiliary spillway elevation, and is less than 25 feet in height.

This project does not in any way relieve the project sponsor from complying with any other local, state, or federal requirements which may be applicable.

Should you have any questions, please feel free to contact me at (785) 564-6678, or e-mail me at laura.gray@kda.ks.gov.

Sincerely,

Laura Gray, I.E.
Water Structures Engineer

P.C. Topeka Field Office

STATE OF KANSAS

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



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

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

March 6, 2018

BOB WIETHARN
1925 KIOWA RD
CLAY CENTER KS 67432

RE: Dam Determination
WSN: DCY-0183

Dear Mr. Wietharn:

This will acknowledge receipt of your request for a permit determination. You reported that your proposed dam is located in the SE 1/4 of the NW 1/4 of the SW 1/4 of Section 33, Township 7 South, Range 2 East in Clay County.

We have reviewed the submitted documentation to this office. We have concluded that this project is not in our jurisdiction by K.S.A. 82a-301 to 305a by observing that the drainage area above the dam is less than 640 acres, has a storage volume less than 50 acre-feet at the auxiliary spillway elevation, and is less than 25 feet in height.

This project does not in any way relieve the project sponsor from complying with any other local, state, or federal requirements which may be applicable.

Should you have any questions, please feel free to contact me at (785) 564-6678, or e-mail me at laura.gray@kda.ks.gov.

Sincerely,

Laura Gray, I.E.
Water Structures Engineer

P.C. Topeka Field Office

FILE NO. Wiethorn

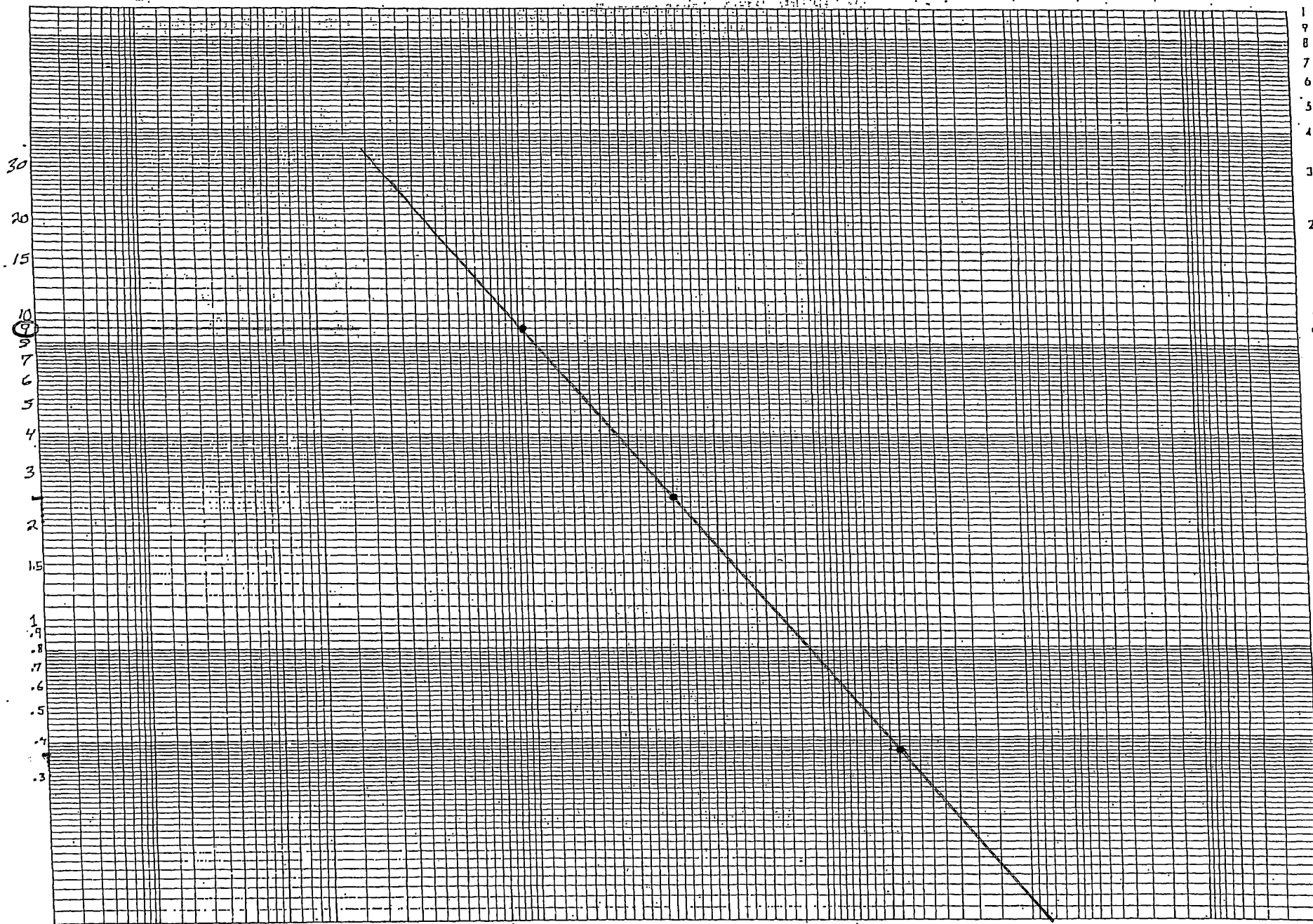
SOIL: "77" PRECIP.: 30"

INCHES RUNOFF/ACRE: 9"

314 ACRES IN DRAINAGE x 9" = 2826" / 12" = 235.5 AF OF RUNOFF (20% CHANCE ANNUALLY)

99.99 99.9 99.8 99 98 95 90 80 70 60 50 40 30 20 10 5 2 1 0.5 0.2 0.1 0.05 0.01

RUNOFF IN INCHES



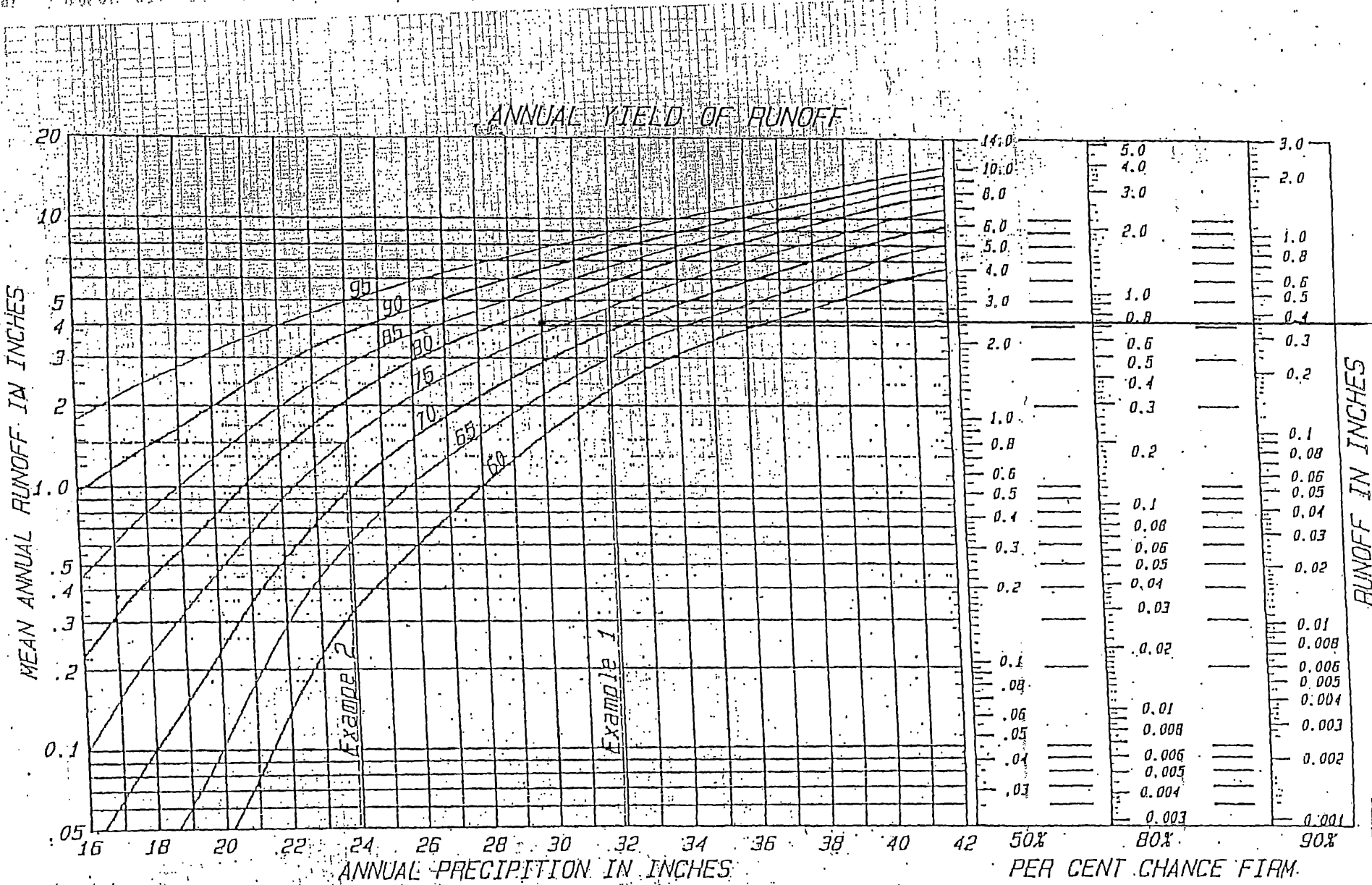
Probability (Long-axis) by 3 Cycle Log

0.01 0.05 0.1 0.2 0.5 1 2 5 10 20 30 40 50 60 70 80 90 95 98 99 99.8 99.9 99.99

314 Acres x 9" = 2826/12 = 235.5 AF @ 20% CHANCE

PREPARED BY:

EFM Notice KS-38, 12/12/91



United States department of agriculture, natural resources conservation service, nation engineering handbook series, part 650, engineering field handbook.

KS-2-36
KAR 5-6-4(2)(D)

50,183

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File DATE: 01-25-2017
FROM: Laura Gray, I.E. RE: Process used to create
reservoir capacity tables

Both dams meet low hazard exemption criteria:

- Submitted Complete Registration Form
- Non-Jurisdictional (<25 feet in height and <50 acre-feet at the auxiliary spillway)

Stream Obstruction and Floodplain fill is not required

- Less than 640 acres of Drainage (zone 1)
- Not in a designated floodplain

Lower Dam Drainage Area: 314 acres

Upper Dam Drainage Area: 174 acres

Bridget Paulk and I created reservoir capacity tables for the dams proposed by Bob Wietharn. Mr. Wietharn plans to build these dams in the Southeast quarter of the Northwest quarter of the Southwest quarter of section 33, township 7, range 2 east and make them both twenty to twenty-five feet tall. Ms. Paulk and I used 2012 Lidar data to create contours for the proposed reservoir. We evaluated areas for each contour and used to develop the reservoir capacity table. The area capacity table for the lower dam was created assuming it would be the only dam in the area (we did not take the water being held by the upper dam into account). The reservoir volume values for the lower dam will be reduced if the upper dam is built.

The lower dam will be built at a streambed elevation of 1207 feet. The principal spillway auxiliary spillway and top of dam will have elevations of; 1220, 1223, and 1228 feet, respectively. The dam will be 21 feet tall and have 83 acre-feet of volume at the top of dam and 39 acre-feet of volume at the auxiliary spillway.

The upper dam will be built at a streambed elevation of 1217. The principal spillway will be at 1232 feet, the auxiliary spillway at 1234 feet, and the top of dam at 1237 feet. The dam will be 20 feet tall and have 55 acre-feet of volume at the top of dam and 36 acre-feet of volume at the auxiliary spillway.

The proposed dams will not be 25 feet in height and less than 50 acre-feet of water would be stored between the stream bed elevations and the auxiliary spillway elevations, allowing both of the dams to be nonjurisdictional.

Proposed Dams in Clay County
Reservoir Capacity Tables
Laura Gray, I.E.
Date: 1-26-2017

Table 1

Lower Dam

RESERVOIR CAPACITY TABLE

	ELEV.	AREA (ACRES)	ACRE-FEET	TOTAL ACRE-FEET
	1206	0.001194576	0	0
SB	1207	0.01	0.0	0.0
	1208	0.02	0.0	0.0
	1209	0.04	0.0	0.0
	1210	0.20	0.1	0.2
	1211	0.49	0.3	0.5
	1212	0.78	0.6	1.1
	1213	1.31	1.0	2.2
	1214	1.65	1.5	3.7
	1215	1.96	1.8	5.5
	1216	2.31	2.1	7.6
	1217	2.80	2.6	10.2
	1218	3.56	3.2	13.3
	1219	4.14	3.8	17.2
PS	1220	4.76	4.4	21.6
	1221	5.36	5.1	26.7
	1222	6.02	5.7	32.4
AS	1223	6.719337608	6.4	38.8
	1224	7.419690375	7.1	45.8
	1225	8.264204464	7.8	53.7
	1226	9.230145716	8.7	62.4
	1227	10.26627109	9.7	72.2
TOD	1228	11.21790734	10.7	82.9
	1229	12.27259542	11.7	94.7
	1230	13.49227249	12.9	107.5
	1231	14.79763025	14.1	121.7

Reservoir Capacity Table for the lower dam

Table 2

Upper Dam

RESERVOIR CAPACITY TABLE

	ELEV.	AREA (ACRES)	ACRE-FEET	TOTAL ACRE-FEET
	1215	0	0	0
	1216	0.02	0.0	0.0
SB	1217	0.05	0.0	0.0
	1218	0.21	0.1	0.2
	1219	0.36	0.3	0.5
	1220	0.54	0.4	0.9
	1221	0.74	0.6	1.5
	1222	0.93	0.8	2.4
	1223	1.13	1.0	3.4
	1224	1.33	1.2	4.6
	1225	1.66	1.5	6.1
	1226	2.02	1.8	8.0
	1227	2.45	2.2	10.2
	1228	2.81	2.6	12.8
	1229	3.16	3.0	15.8
	1230	3.50	3.3	19.2
	1231	3.84	3.7	22.8
PS	1232	4.212902274	4.0	26.9
	1233	4.752682324	4.5	31.3
AS	1234	5.237738205	5.0	36.3
	1235	5.936184543	5.6	41.9
	1236	6.546538324	6.2	48.2
TOD	1237	7.181540405	6.9	55.0
	1238	7.809700067	7.5	62.5
	1239	8.58550534	8.2	70.7
	1240	9.457214627	9.0	79.7
	1241	10.25029806	9.9	89.6

Reservoir capacity table for the upper dam

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 black ink, 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.

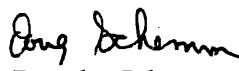
In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

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,


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,

A handwritten signature in black ink 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

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.

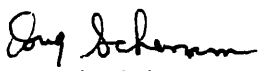
In conjunction with these new applications, Robert Wietharn has filed change applications proposing to modify both the points of diversion and place of use authorized under Water Right, File Nos. 27,121; 34,520; and 35,749; and modify the place of use under File Nos. 37,148; 41,887; 49,508 and 49,509.

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 black ink 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 black ink that reads "Doug Schemm".

Douglas Schemm
Environmental Scientist
Topeka Field Office

pc: Robert Wietharn

REFUND AND/OR ADJUSTMENT REQUEST

TR# of the Check Deposited: TR+ 19005738 Received by: DAW File/ Lic. No: See Comment Check No: 3138

*Applicant Name: Weitharn Trusts

*Paid by: Robert & Debra A Wietharn Trusts

Issue Refund to: Weitharn Farm In

Refund Address: 1925 Kiowa Rd

Clay Center, KS 67432

Telephone No.: (785) - 630-0611

Tax ID (SS# or FEIN#): Smart# 57254

MANDATORY TO GET REFUND CHECK

*This information must be entered exactly as it was entered at the time the check was receipted.

REFUND

ADJUSTMENT

Cat. for Ref. <u>C-2</u>	Ref. Amt. <u>\$100</u>	{	Cat. for Adj. <u>C-2</u>	Amt. to be Adj. <u>700</u>
Cat. for Ref. _____	Ref. Amt. \$ _____	{	Cat. for Adj. _____	Amt. to be Adj. _____
Cat. for Ref. _____	Ref. Amt. \$ _____	{	Cat. for Adj. _____	Amt. to be Adj. \$ _____
Cat. for Ref. _____	Ref. Amt. \$ _____	{	Cat. for Adj. _____	Amt. to be Adj. \$ _____
Cat. for Ref. _____	Ref. Amt. \$ _____	{	Cat. for Adj. _____	Amt. to be Adj. \$ _____

0463061110
2168-1600-61110-421290

Should be: CPU Amount: \$1400
 Should be: (Amount: 2000
 Should be: RE2 Amount: \$300
 Should be: _____ Amount: \$ _____
 Should be: _____ Amount: \$ _____

Comments: File No's 37148 & 41887 (C-2's to CPU's) & 50183 (\$300 from difference of Adjustment)

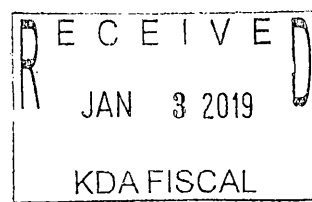
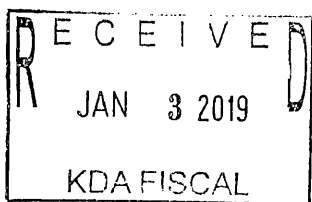
Supplier ID #0000057254

Requested By: Danielle Wilson
 Supervisor's Approval: [Signature]
 Processed By: Rm / rm
 Refund TR#: ADJ 19008510 / REJ 19008526

FISCAL SECTION USE

Date Ck. Rec'd: _____
 Check #: _____
 Amt. Rec'd: 800
 Prev. Refund: _____
 Amt. Retained: _____
 Amt of Refund: _____

Note: This information must be calculated by Receipting Staff at the time they are processing the refund.



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

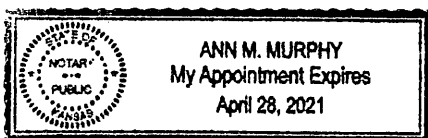
State of Kansas)
County of Shawnee) ss

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:



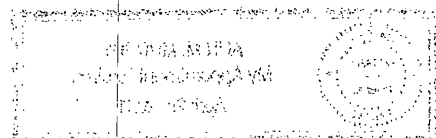
Water Resources
Received
DEC 13 2018

**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



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

Water Resources
Received

DEC 13 2018

KS Dept Of Agriculture

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

SCANNED

**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

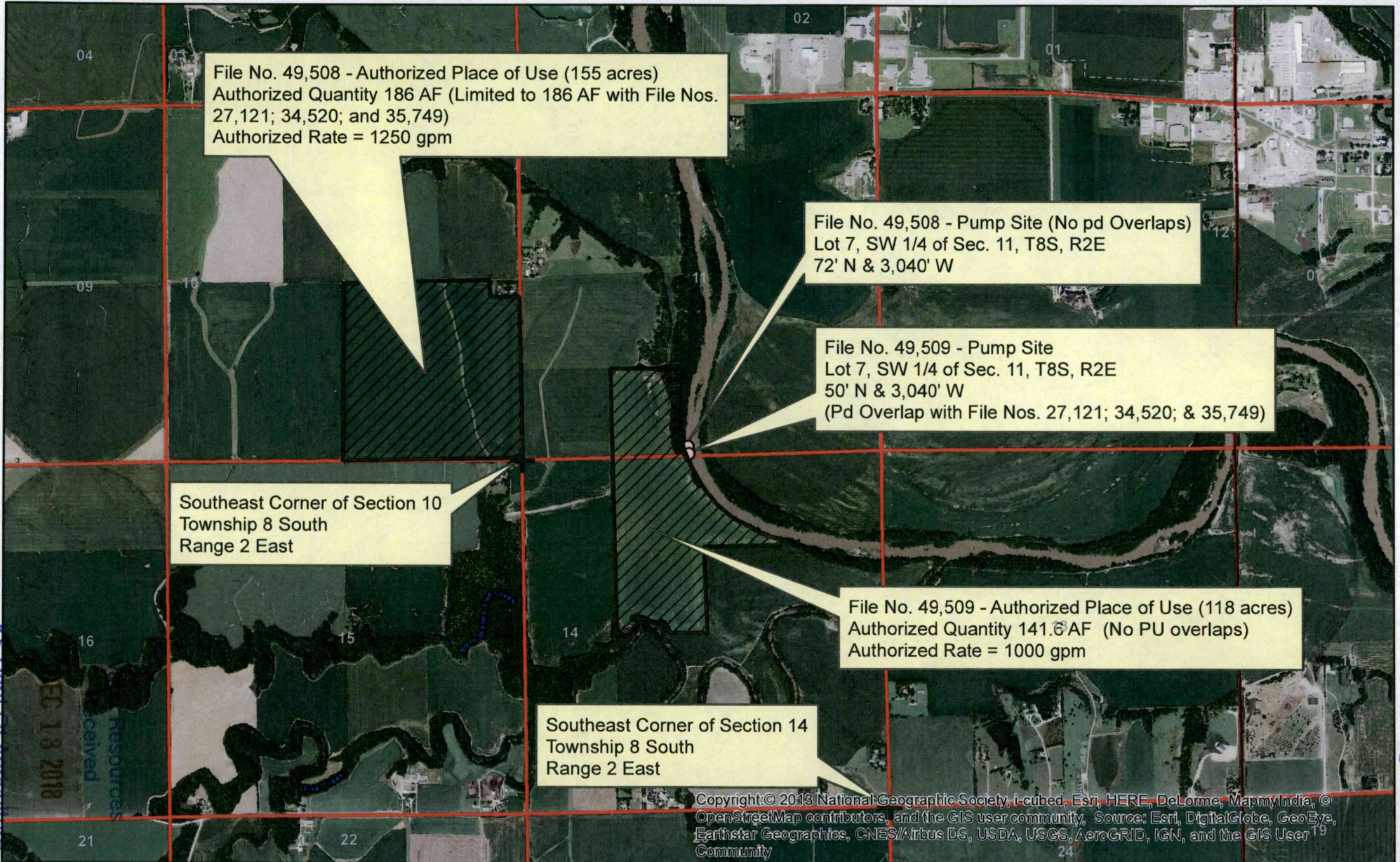
ADDRESS: 1958 MEADOWLARK RD, CLAY CENTER, KS 67432-8198

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

Water Resources
Received

TOTAL = 273 ACRES

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

Copyright © 2013 National Geographic Society, i-cubed, Esri, HERE, DeLorme, MapmyIndia, ©
 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]

SCANNED

50183