

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 39038

RECEIVED

FEB 24 2021

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

Topeka Field Office
 DIVISION OF WATER RESOURCES
 3:55

2. Name and address of Applicant: 1925 Kiowa Rd Clay Center Ks

(Bob) Wietharn Investments LLC

Phone Number: (785) 630 0611 Email address: bob@riverscreen.com

Name and address of Water Use Correspondent: Same

Phone Number: () Email address:

3. The presently authorized place of use is:

Owner of Land --- NAME: Wietharn Investments

ADDRESS: 1925 Kiowa Rd Clay Center Ks 67432

(If there is more than one landowner, attach supplemental sheets as necessary.)

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 11 | 7 | 2E | | | | | | | | | 40 | 40 | 40 | 40 | 20 | 20 | | | 200 |
| | | | | | | | | | | | | | | | | | | | |

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land --- NAME: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

| Sec. | Twp. | Range | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL ACRES |
|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

For Office Use Only: Code LTO Fee \$ 100 TR # _____ Receipt Date 2-24-21 Check # 2188

5. **Presently authorized point of diversion:**

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 7 South, Range 2 E (E/W), in Clay County, Kansas, 415 feet North 5230 feet West of Southeast corner of section. Authorized Rate 680 Authorized Quantity 165 Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 GPS 83 feet North 5154 feet West) *KAT 3/11/21*

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 7 South, Range 2 (E/W), in Clay County, Kansas, 8345 feet North 5200 feet West of Southeast corner of section. *KAT 3/11/21*

Proposed Rate 680 Proposed Quantity 165 Proposed well depth (feet) 50 to 60 feet

This point is: Additional Well Geo Center List other water rights that will use this point none

6. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____, South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____, South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____

This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) This well has been lined and still pumping gravel

8. If a well, is the test hole log attached? Yes No

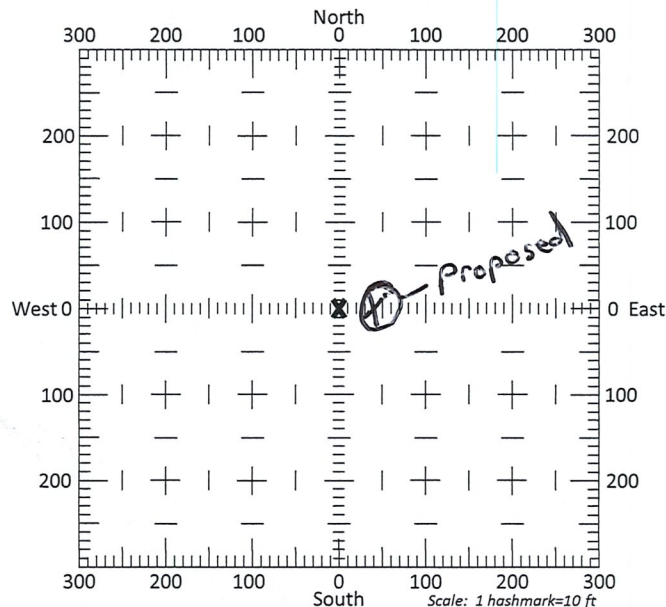
9. The change(s) (was)(will be) completed by?
Dec 31 2021

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plug
 (b) When will this be done? by Dec 31 2021

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by _____

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Clay Center, Kansas, this 23 day of February, 2021.

Wiethorn Investments LLC Robert J. Wiethorn member manager
(Owner) (Spouse)

Wiethorn Investments LLC Robert J Wiethorn
(Please Print) (Please Print)

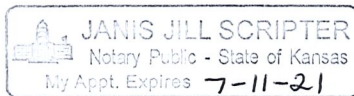
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }
County of Clay } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of February, 2021.

Janis Jill Scripter
Notary Public

My Commission Expires 07/21/2021.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 39,038.

1. A change application was received on February 24, 2021 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2021**, or within any authorized extension of time. By March 1, 2022 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Katherine A. Tietsoot
Duly Authorized Designee of the Chief Engineer

(Print Name): Katherine A. Tietsoot
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 11, 2021

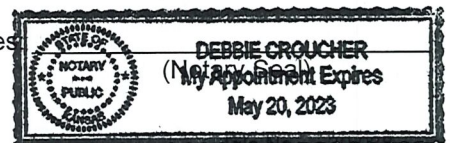
State of Kansas)

County of Shawnee) SS

Acknowledged before me on March 11, 2021
by Katherine Tietsoot

Signature: Debbie Croucher
Notary Public

My commission expires



Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502-5000
http://agriculture.ks.gov/dwr

KANSAS DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES

**NOTICE OF COMPLETION OF
DIVERSION WORKS**

For Office Use Only:
Code FIS
Fee \$ _____
TR # _____
Rcpt Date _____
Check # _____

Section 1 - Action requiring this form is:

- New Application Approval and Permit to Proceed
*Fee must be attached as required by K.S.A. 82a-714(d). Make check payable to the Kansas Department of Agriculture.
\$200 fee for sediment control use or groundwater pit for industrial use.
\$400 fee for all other uses made of water.*
- Change in Point of Diversion, Place of Use, or Use Made of Water (no fee)
- Term Permit (no fee)
- Other (e.g. special order of the Chief Engineer)

Section 2 - Location of the Point of Diversion

The location of the point of diversion should be described as actually installed. The description should include the Section, Township, and Range, the 10-acre tract description (¼ ¼ ¼) and the footage from the southeast corner of the section.

1. File No(s): 39038, _____, _____ [If assisted by DWR: P/D ID _____ By: _____]
2. The date the diversion works were completed: _____, 20____.
3. The diversion works are located in the _____ Quarter of the _____ Quarter of the _____ Quarter of
(also described as _____ feet North and _____ feet West of the southeast corner of ...),
Section 11, Township 7 South, Range 2 East, in CLAY County, Kansas.
4. If an additional point of diversion is involved:
The diversion works are located in the _____ Quarter of the _____ Quarter of the _____ Quarter of
(also described as _____ feet North and _____ feet West of the southeast corner of ...),
Section _____, Township _____ South, Range _____ East, in _____ County, Kansas.

If this is a change in point of diversion (PD), how was the PD being replaced identified? PDIV: 37894 & CIN: 4

Section 3 - PRINT CLEARLY

Printed Name: _____

Address: _____

City, State, Zip: _____ Telephone/Cell: _____

I, the holder of a permit issued by the Chief Engineer of the Division of Water Resources pursuant to the file(s) referenced in Section 2, hereby certify that the information on Sections 1-4 of this form is correct to the best of my knowledge.

Signature: _____ Date: _____

If you have further questions on how to fill out this form, please contact the field office in your area:

Topeka Field Office
1131 SW Winding Rd, Ste 400
Topeka, KS 66615
785-296-5733

Stafford Field Office
300 South Main St.
Stafford, KS 67578
620-234-5311

Stockton Field Office
820 South Walnut
Stockton, KS 67669
785-425-6787

Garden City Field Office
4532 W Jones Ave. Ste B
Garden City, KS 67846
620-276-2901

Section 4 - Flowmeter Information:

File No(s): 39038

- Manufacturer of Flowmeter: _____
- Date Flowmeter Installed: _____
- Model Number: _____
- Flowmeter Type: Propeller Turbine Multi-jet Positive Displacement Electromagnetic
 Vortex? Ultrasonic Other: _____
- Flowmeter Serial Number: _____
- Flowmeter Units: Gallons Acre-Feet Acre-Inches Other: _____
- Flowmeter Size: 2" 4" 6" 8" 10" 12" Other: _____
- Multiplier Factor: 1000 100 10 1 0.1 0.01 0.001 Other: _____
(Multiplier factor is normally indicated on flowmeter readout – possibly by printed zeroes)
- Flowmeter totalizer reading when installed: (include all digits and all zeroes): _____
- If the flowmeter is not easily viewed, or not within 100 feet of the point of diversion being metered, please briefly describe its location: _____
- Is flowmeter installed on a portable pump? Yes No
- Is the flowmeter installed in a manufacturer's measuring chamber? Yes No
- Are straightening vanes installed? Yes No
- Is a strainer installed? Yes No
- Does the meter installation have 5 straight pipe diameters of upstream spacing? Yes No
- Does the meter installation have 2 straight pipe diameters of downstream spacing? Yes No
- Does flowmeter serve more than one point of diversion? Yes No
- Is this a replacement flowmeter? Yes No (Information related to a replacement flowmeter not associated with the actions in Item #1 on the front page of this form should be submitted on Water Flowmeter Repair/Replacement Report (Form DWR 1-560.)
- Any additional information:

K.A.R. 5-1-1(y), defines diversion works as "all well(s), pump(s), power unit(s), power source(s), dam(s) and all other devices necessary to bring water under control for delivery to a distribution system by which the water will be distributed to the proposed use and any other equipment required . . . such as a check valve, water level measurement tube, meter or other measuring device."

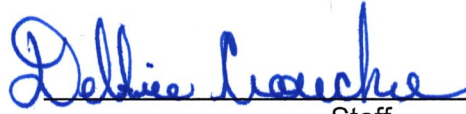
If you have completed your diversion works as described above and completed the requirements as set forth in your Approval of Application, please complete this form. ***If you are unable to meet the requirements stated on your approval, you must submit a request for extension of time (form DWR 1-203.15).*** K.S.A. 82a-714(e) puts a \$100 fee on an extension of time to complete the diversion works. **Failure to notify the Chief Engineer of the completion of the diversion works within the time allotted can result in dismissal of the referenced file(s) and loss of priority date.**

If the subject file(s) authorizes multiple new points of diversion (PDs), you may photocopy this form (both sides) and submit one form for each new PD authorized. **Form DWR 1-203.14 is an instruction sheet with sample entries.**

CERTIFICATE OF SERVICE

On this 12th day of March, 2021, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Water Right, File No. 39,038, dated March 11, 2021 was mailed postage prepaid, first class, US mail to the following:

WIETHARN INVESTMENTS LLC
ROBERT WIETHARN
1925 KIOWA RD
CLAY CENTER, KS 67432

A handwritten signature in blue ink, reading "Debbie Cranche", written over a horizontal line.

Staff